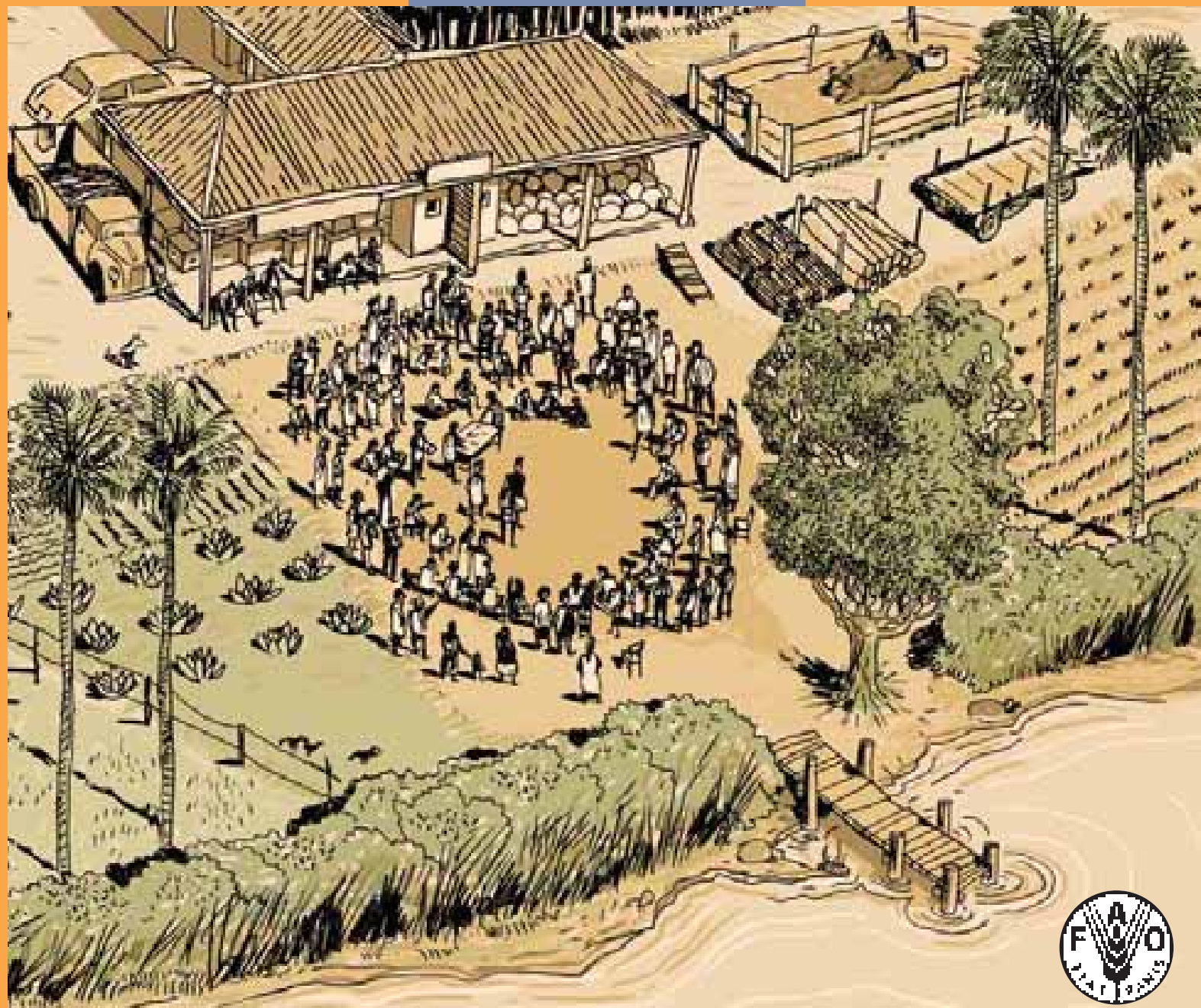


# Negotiation and mediation techniques for natural resource management

## TRAINER'S GUIDE



# Negotiation and mediation techniques for natural resource management

## TRAINER'S GUIDE

By  
**Antonia Engel**

Prepared in the framework of the  
**Livelihood Support Programme (LSP)**  
An interdepartmental programme for improving  
support for enhancing livelihoods of the rural poor

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# Foreword

This publication was written in the belief that, ideally, training participants remember what they have learned, and not what the trainer has told them.

The training activities it contains have been tested and developed in collaboration with many partners over a long period.

Peter Stephen deserves a special mention for the support he gave in his capacity as co-trainer on a number of joint FAO-RECOFTC training programmes on natural resources conflict management. His always constructive feedback and a case study from Thailand are his important contributions to the production of this publication.

Many thanks also to other colleagues from different parts of the world, who contributed to mutual learning and the refinement of materials during implementation of the Indonesian training programme: notably Christopher Moore from CDR, Associates, Wiwiek Awiati from the Indonesia Centre for Environmental Law (ICEL) and Bambang Uripno from the Center for Forestry Training of the Indonesian Ministry of Forestry.

Thanks also to the people here in Rome who did a great job in preparing the final draft for printing: Jane Shaw for the editing, Cecilia Valli and Enzo Criscione for the lay-out and Aldo Di Domenico for the illustrations.

For each activity in this guide, the authors have attempted to credit the original source and indicate whether it has been adapted. Some activities, however, have no reference because they are so frequently used that the original source has been lost – apologies to the original author, whoever you may be!

It is hoped that this publication will provide inspiration for trainers and lots of new useful insights and learning experiences for practitioners in support of sustainable natural resource management and livelihoods. Feedback from readers is very welcome.

# The Livelihood Support Programme

**The FAO Livelihood Support Programme (LSP)** 2001–2007, supported in part by the United Kingdom's Department for International Development (DFID), is helping to improve the impact of FAO interventions at the country level through the effective application of sustainable livelihood (SL) approaches.

LSP evolved from the conviction that FAO could have a greater impact on reducing poverty and food insecurity if its wealth of talent and experience was integrated into a more flexible and demand-responsive team approach. LSP aims to increase knowledge of and capacity to apply SL principles and approaches. LSP works through teams of FAO staff members, who are attracted to specific themes being worked on in a sustainable livelihoods context. These cross-departmental and cross-disciplinary teams, known as sub-programmes, act to integrate Sustainable Livelihoods principles in FAO's work at Headquarters and in the field. These approaches build on experiences within FAO and other development agencies.

For further information on LSP and the Sub-Programme on Natural Resources Conflict Management contact:

E-mail: [Dominique.Reeb@fao.org](mailto:Dominique.Reeb@fao.org)

internet: [www.fao.org/sd/dim\\_pe4/pe4\\_040501\\_en.htm](http://www.fao.org/sd/dim_pe4/pe4_040501_en.htm)

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## What the guide contains

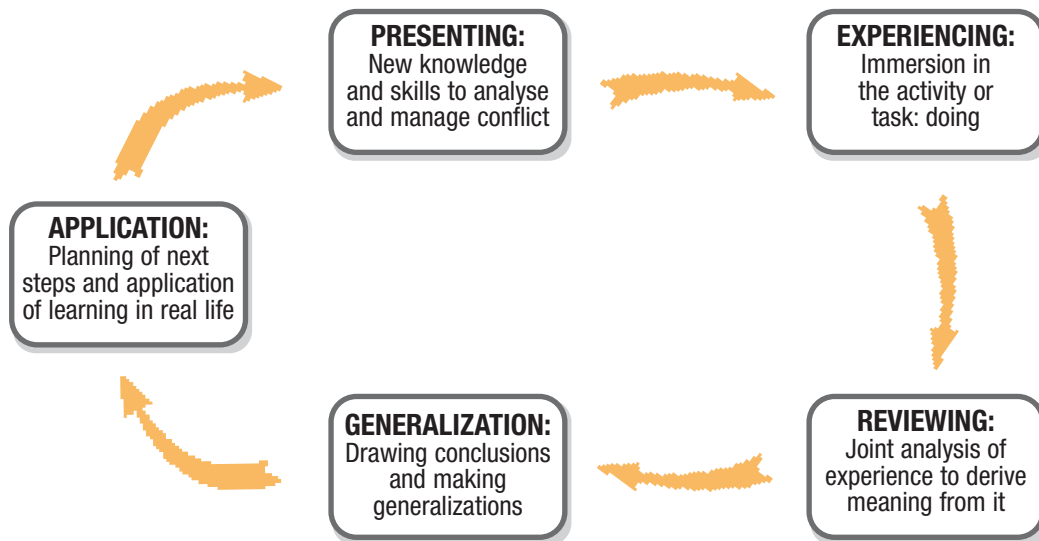
This trainer's guide contains learning activities for training in natural resources conflict management. As the second part of a series of training materials for natural resources conflict management, it complements the contents of the conceptual guide *Negotiation and mediation techniques for natural resources conflict management*. The series is completed by a third publication, *Case studies and lessons learned*, which provides illustrations and reflections from the piloting of informal conflict management procedures and the implementation of training programmes in Africa.

In order to enhance the knowledge and skills needed for effective conflict management, learning has to bring about changes in behaviour, understanding and attitudes. To facilitate such changes in adult learners, training activities are underpinned by participatory, learning-centred, adult education principles. These principles aim to establish a process that is conducive to learning and that encourages mutual respect, confidence, cooperation and shared decision-making among participants, both during training and in the field.

These considerations have resulted in the creation of an experiential learning process. The most effective learning is from shared experience; participants learn not only from the trainer but also from each other, and the trainer also often learns from the participants. The experiential learning process consists of five main stages, structured around participants' ability to: (1) learn new information, techniques and tools for analysing and managing conflicts; (2) acquire experience of applying the new information, techniques and tools; (3) review and analyse experiences jointly; (4) draw conclusions and make generalizations; and (5) apply these to real life. The experiential learning process often results in new answers to old questions, and enhances the understanding of how to address conflicts.

Three aspects of experiential learning are particularly noteworthy: use of concrete, "here-and now" experience to test new information and methods; use of feedback to change practices; and understanding of the learning cycle, which can start from any of the five points, and should be approached as a continuous spiral.



**FIGURE 1 THE EXPERIENTIAL LEARNING PROCESS**

Source: Adapted from Kolb, 1984

**New information, techniques and tools:** Trainers have to present new information, tools and techniques, while acknowledging that participants already have a lot of useful knowledge and experience to contribute. Participants must therefore have a say in deciding what they want to learn, because they know their own learning needs best. As adults they have been learning throughout their lives.

**Experience:** Trainers provide participants with opportunities to “experience” training situations that are similar to real-life situations. This experience is structured to involve participants, through a broad range of activities such as case studies, role plays or simulations, small group tasks, small exercises and skill practice. The participants’ experience will stimulate thoughts that start the learning circle.

**Joint review:** Once the experience stage is completed, trainers guide the participants through a process of review and discovery. Participants are encouraged to link their thoughts (cognitive) and feelings (affective) to derive meaning from their experience. This phase encourages learners to think and to analyse the activity they have just experienced from a variety of perspectives. Most activities conclude with a set of processing questions that help learners to gain the most out of an experience.

**Generalization:** During this stage, trainers help participants to draw conclusions and make generalizations. Participants may step back from the immediate experience to draw conclusions that can be applied to real life.

**Application:** In preparation for the application phase, trainers encourage participants to imagine themselves in their everyday work situations and to identify what they will do better or differently as a result of what they have learned. During application, participants draw on insights and conclusions reached throughout the learning circle.

The principles underpinning experiential learning approaches have been found to make learning more effective. The learning activities presented in this guide are structured accordingly.

Theory sessions introducing new knowledge, concepts and tools are combined – as much as possible – with activities such as case studies, role plays or simulations, small group tasks, exercises and skill practice. For some activities it is suggested that the theory be introduced first, but wherever possible theory sessions build on the experiential part.

Practical application sessions usually include a set of questions to help learners to compare, make generalizations and draw conclusions for application.

Many of these activities have been successful in teaching participants about conflict, but trainers are encouraged to adapt and develop the materials in all sections to fit the needs of the particular learning group.

The training activities are designed for generic use, so trainers may have to adapt an activity to a specific social, cultural or economic context.

The guide contains a number of case studies and simulations that can be used to analyse conflict situations and practise negotiation and mediation skills. Contextual understanding of natural resources conflicts is important, however, so trainers may find it more effective to have participants develop their own case studies and role plays based on their own experiences of working with communities in natural resources management.

## To whom the guide is addressed

The guide is designed for junior and senior trainers in negotiation and mediation techniques for natural resources conflict management.

Trainers need to be knowledgeable about the subject matter and to have some experience of participatory approaches to training. Although the first section of the guide proposes activities for setting the training scene, this is *not* a training of trainers guide.<sup>1</sup> Trainers need to have a basic understanding of how to plan, prepare and conduct training.

The activities presented require that participants have a certain level of awareness and understanding of working in conflict situations, and practical experience of facilitating participatory processes.

The guide aims at skill building, which is more effective when it follows a multiple and integrated phased programme that combines classroom training with adequate and appropriate mentor-supported field practice.<sup>2</sup>

1. For training of trainers material see the references.

2. For discussion of other factors determining the success of skill building training programmes for conflict management see Chapter four of *Negotiation and mediation techniques for natural resources management – case studies and lessons learned*.

## How the guide is organized

Chapter 1 aims to help trainers prepare better for training in natural resources conflict management. It contains general guidelines and hints for designing, organizing and facilitating conflict management training.

The rest of this guide is divided into five chapters, each focusing on a different area of learning:

- understanding conflict and collaboration;
- conflict analysis and strategy design;
- communication and facilitation skills;
- collaborative conflict solving procedures;
- multiparty forestry conflict simulations – case studies.

Each activity contains all the essential elements for running a session, including objectives, timing, materials and a description of simple steps to follow. Activities are also cross-referenced to the relevant subsection(s) from the conceptual guide, which trainers can consult for more detailed information on the overall concept.

In addition, for many activities, additional elements are provided, such as key learning points, trainer's notes, attachments and hints:

- Key learning points are the most essential points that a trainer should focus the learning on in the final discussion about the exercise.
- Trainer's notes contain background material for trainers.
- Attachments provide any material that is to be presented to participants, such as text to be copied on flip charts, answers to questions, etc.
- Hints provide tips for trainers to consider when preparing or conducting the session.





# Chapter 1 Setting the training scene: some key elements

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SESSION 1.1 PERSONAL INTRODUCTIONS: MEETING EACH OTHER

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SESSION 1.2 WORKSHOP TRAINING OBJECTIVES, CONTENTS AND METHODS

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SESSION 1.3 CLARIFICATION OF THE ROLES AND RESPONSIBILITIES OF TRAINERS AND PARTICIPANTS

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SESSION 1.4 RAPID DAILY FEEDBACK METHODS

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SESSION 1.5 DISCOVER YOUR OWN CONFLICT STYLE

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# Setting the training scene: some key elements

This chapter contains a set of activities to help the trainer and participants get to know each other and agree on workshop objectives and ways of working together. This is important because a workshop built on shared understanding between the trainer and participants is more likely to foster an environment conducive to learning. Opening a workshop with personal introductions sets a good example for the building of collaboration through consensual decision-making, and is therefore likely to be more effective.

The methods proposed are based on generic methods that have been adapted to the training topic – natural resources conflict management.

## Personal introductions: meeting each other

The first step is to introduce everybody. Introductions are important because the training does not deal with only theory, but also with personal issues. Cheerful, relaxed people learn more easily than those who are fearful, embarrassed or nervous.

First impressions are very influential in laying the foundations for sympathy or antipathy, esteem or rejection. The trainer can exert a positive influence by drawing participants' attention to aspects of each other that would otherwise remain unnoticed.

The first session combines introductions with a warming up activity that encourages participants to communicate their own backgrounds, attitudes, knowledge and experience regarding the topic, conflict management, that the workshop is dealing with.

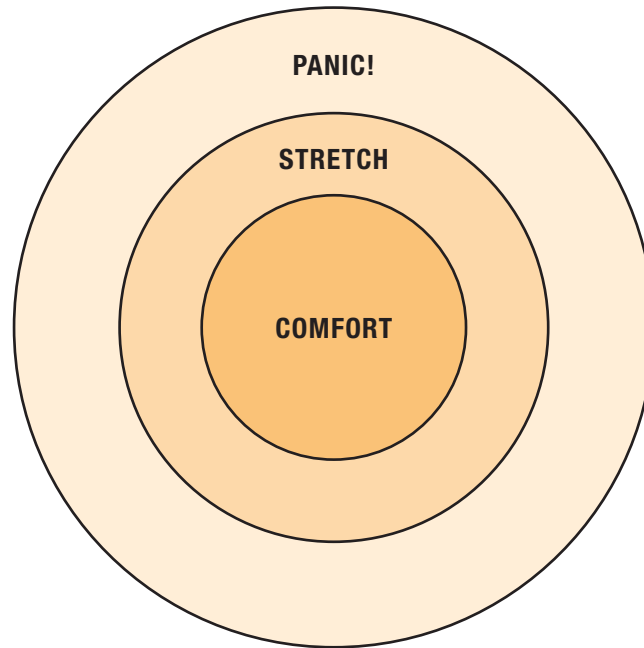
Participants' perceptions of each other are likely to change from day to day, as their impressions become wider and richer. The trainer must therefore keep an eye on group dynamics throughout the training.

## Workshop training objectives, contents and methods

In the second step, the trainer outlines the objectives, contents and methods of the training and gives participants an overview of the programme. This should be done before determining participants' expectations. Although participants' wishes and needs influence the final programme, participants need to know the training's objectives and contents before they can formulate specific expectations.

It should be emphasized that the training may differ from what the participants are used to, but that it will be fun because it involves participants actively. Participants will be challenged to do things they have not done before, which stretches and extends their minds. They need not worry, however, as this will be done gradually over time. Participants who are afraid of doing things in new ways will not learn much – they need to open themselves up to new ideas and methods if they want to learn a lot.



**PERSONAL LEARNING MODEL**

## Participants' expectations

At the beginning of the workshop, participants must be given the opportunity to state their expectations, no matter how much collaboration with the participants there has been during training design. Participants come to the workshop with varying aspirations, wishes, fears and apprehensions, which are unknown to each other and – sometimes – even to themselves. Hearing about others' expectations helps each participant, the training group and the trainer to orient themselves.

Establishing participants' expectations at the beginning of the workshop is also useful for determining the extent to which these have been met at the end of the workshop. Participants assessment of the workshop depends to some degree on the extent to which their expectations have been fulfilled.

Making expectations public also allows the trainer to clarify which expectations can be fulfilled by the workshop. This prevents participants from forming unrealistic or excessive hopes that are sure to be disappointed.

It is always possible to make minor revisions to the workshop agenda at the start of the workshop, but major changes might be difficult. If there is a huge gap between what the trainer proposes and what participants expect, the trainer can suggest a temporary solution that gives the participants time to revisit the expectation at a later stage. It is very important to be transparent about what can and what cannot be achieved.

## Clarification of the roles and responsibilities of trainers and participants – setting group norms

Training in conflict management provides a chance to clarify the roles of trainers and participants and link these to a conflict management process. The aim is to prevent false expectations and to make clear to the participants that they have shared responsibility for the workshop's success. A "contract" can be drawn up in which the participants give the trainers/facilitators a mandate to carry out such functions as the following:

- 1** *Preparation:* Materials, logistics, equipment and visuals are all carefully planned and prepared. Trainers have a plan for both the process and the contents of discussions.
- 2** *Establishing a supportive learning environment:* If participants are to participate fully in the learning process, sharing their own experiences and knowledge, expressing their doubts and asking questions, they need an environment of mutual respect and two-way communication.
- 3** *Providing clarity and guidance:* The trainers introduce and explain the tasks to be accomplished in each session. When participants understand the workshop's objectives, methods and issues, they learn more rapidly. They already have an overview of the problem and of methods and tools for analysis, which saves time and prevents confusion and frustration.
- 4** *Maintaining flexibility:* Trainers alter the workshop objectives, agenda, timing and questions to meet the participants' needs. Trainers incorporate the participants' needs, expectations and priorities into the core of the training process.
- 5** *Moderating the discussions:* Trainers keep the participants' exchange of information flowing and the discussions focused on the workshop objectives. They pass questions on to other participants for response.
- 6** *Not controlling outcomes:* Participants often learn best when they draw their own conclusions about case studies and other analytical exercises. When participants work independently, they gain a sense of accomplishment and experience in conflict management analysis.
- 7** *Motivation:* When the workshop is relevant to the participants' own work and responsibilities, participants can see the usefulness of their new skills and are motivated to learn. What will the participants get out of the training – new information, understanding, skills?
- 8** *Mobilizing existing knowledge:* Trainers centre the discussions on participants' work, knowledge and constraints. This helps participants to draw from their own experiences, skills and perspectives, which is useful in fostering conflict management processes.

It is also useful for trainers and participants to agree to the principles of working together. Discussion about principles provides an opportunity for all to reflect on what is needed to ensure that the group functions smoothly. Everyone is responsible for respecting the principles.

## Workshop introduction: daily feedback and evaluation

Although experienced trainers may obtain a general idea of how the training is progressing by observing participants, overhearing conversations and asking questions during breaks, this does not provide feedback from all participants or an opportunity for sharing.

Daily feedback sessions allow participants to raise questions, express concerns and make suggestions. Participants' sense of ownership is increased when they are being heard by trainers. Daily feedback provides information that trainers can use when adjusting present and future training courses.

This guide presents ideas for daily feedback, including a variety of approaches for determining daily progress and moods. Some of these monitoring processes rely less on the spoken word and more on creative means of expressing ideas and feelings. Creative expression provides information that is usually richer, deeper, more honest and complete.

A final written, anonymous evaluation of the entire workshop is recommended. The questionnaire in Attachment 1.4.B provides a means of carrying this out.



---

## SESSION 1.1 PERSONAL INTRODUCTIONS: MEETING EACH OTHER

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**PURPOSE:**

- to set the stage for free communication and interaction among participants;
- to reduce tensions among participants;
- to help participants and trainers to get to know one another better.



**TIME:** ten minutes for sharing of trainer's personal information, and two minutes for each participant.



**MATERIALS:** none.



**PREPARATION:** none.

---

**STEPS**

- 1 Open the session by explaining that before introducing the training programme it is important for the trainer and participants to introduce themselves and get to know each other.
- 2 Ask participants to pair up for introductions. They can each select a partner by identifying another person in the room wearing similar shoes.
- 3 Ask participants to provide the following information:
  - a. name;
  - b. where they live/work;
  - c. distinguishing characteristics – likes, dislikes, habits;
  - d. motto for life;
  - e. favourite saying in critical situations.
- 4 After ten minutes, ask participants to stand in a circle and have each introduce his/her partner.
- 5 Conclude by stressing that throughout the training there will be plenty of opportunities for getting to know each other better.

---

## SESSION 1.2 WORKSHOP TRAINING OBJECTIVES, CONTENTS AND METHODS

---

**PURPOSE:**

- to help participants understand the objectives, methods and processes of the workshop so that they can compare these with their own expectations;
- to demonstrate to participants how a transparent process enhances participation.

**TIME:** one hour.**MATERIALS:** flip charts, small coloured cards, different coloured markers.**PREPARATION:** prepare flip charts and handouts on:

- objectives of the training;
- the theory of adult learning and the flow of this training.

**STEPS**

- 1 Explain that this stage of the training looks at objectives, content and methods by discussing why, what, how, who and when. Explain that the overview starts with examining the specific purpose of this training.
- 2 Explain the “why” of the training by presenting a flip chart with the objectives, and read these slowly. Add any necessary comments and explanations. Ask participants if they have any questions about the objectives. Rather than going into lengthy discussions at this point, explain that participants will have an opportunity to state their expectations and discuss the final programme later.
- 3 Explain the “what” of the workshop by presenting flip charts showing the theory of adult learning and the flow of the training – the “training map”. To explain how the training will be conducted ask participants to guess how much adults can absorb and remember from what they hear (20 percent), see and hear (40 percent) and experience (90 percent). Explain that the training aims to enhance the knowledge and skills needed for effective conflict management. Learning therefore has to bring about changes in behaviour, knowledge, understanding, skills and attitudes. To facilitate such changes in adult learners, the training follows an experiential learning process – learning by doing. Each workshop day will therefore be a mixture of short presentations, interactive exercises, simulated negotiations, and plenary discussions during which participants can exchange experiences from their work, etc. The value of the training will depend largely on participants’ active involvement in the exercises, simulations and discussions.

- 4 Explain that it is important to determine the extent to which the proposed programme meets participants' expectations. Hand out four small cards of different colours (index cards or post-its) to each participant and ask them to take a few minutes to consider what their expectations and hopes are for the training course. What do they want to learn from this course in terms of knowledge, skills, feelings and changes? Each of these components should be assigned a different coloured card. Explain that the four components are relevant for effective learning. Clarify these terms if necessary (see Trainer's note 1.2.A for definitions).
- 5 After ten minutes, ask participants to form groups of six. Explain that they should share their expectations with each other and record all of them on a flip chart divided into four sections, one each for knowledge, skills, feelings and changes. They can indicate with a marker which expectations are shared.
- 6 After 15 minutes, reconvene the participants. Ask one person from each group to present its shared expectations to the other groups.
- 7 When all the groups have presented their expectations, review the outcomes to clarify which expectations can be met and which cannot. Point out that achieving the workshop objectives and fulfilling the expectations is a joint responsibility for both trainers and participants.

**HINTS** During and at the end of the training, trainers and participants can refer back to the flip charts of expectations to assess whether these are being met.



#### TRAINER'S NOTE 1.2.A DEFINITION OF TERMS

- Knowledge** refers to what participants want to learn about conflict and what they expect to know when they have completed the course.
- Skills** refer to the specific skills in working with conflict or building collaboration that participants hope to acquire.
- Changes** refer to the changes participants would like to make as a result of what they have learned from the workshop. These can be changes in the participants themselves or changes in their organization or work situation.
- Feelings** refer to how participants want to feel both during the course and later on when they are working with stakeholders in natural resources management, conflicts, negotiations, etc.

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## SESSION 1.3 CLARIFICATION OF THE ROLES AND RESPONSIBILITIES OF TRAINERS AND PARTICIPANTS

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**PURPOSE:**

- to reach agreement on the roles and responsibilities of participants and trainers and to clarify their expectations of one another;
- to emphasize that successful training is the joint responsibility of trainers and participants, and both have something to contribute;
- to agree guidelines for group functioning during the workshop.

**TIME:** one hour.**MATERIALS:** flip charts, index cards and markers.**PREPARATION:** prepare flip charts from:

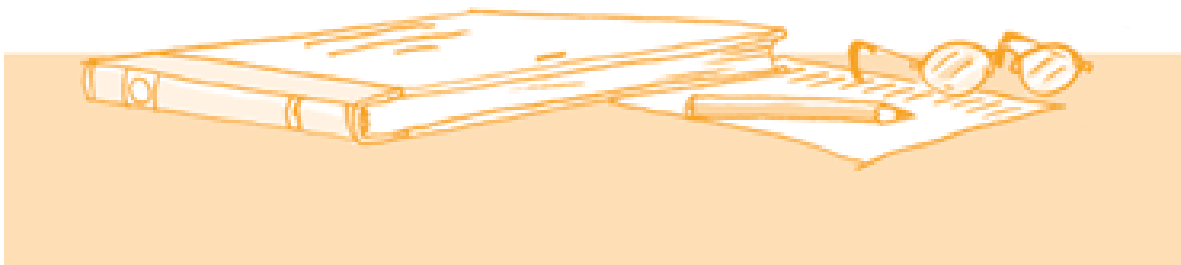
- Attachment 1.3.A “Roles and responsibilities of the trainer and the participants”;
- a list showing the distribution of tasks among participants;
- Attachment 1.3.B “Suggested principles for guiding interaction”.

**STEPS**

- 1 Explain how establishing a participatory process in training is similar to establishing a collaborative process in natural resources management. All collaborative efforts – including agreeing training objectives, group norms and a workshop programme – depend on defining common objectives, ways of interacting and a structured process that help all group members to focus on the same thing at the same time. The next step is to define the tasks and responsibilities of individuals.
- 2 Explain that training is the joint responsibility of trainers and participants, and that both have something to contribute. The trainer should explain her/his own role and responsibilities as a workshop trainer and ask participants to add their own expectations of what these should include. List these in the first column of the responsibilities flip chart (Attachment 1.3.A).
- 3 Ask participants how they see their own roles and responsibilities and how they can contribute to the training's success. List these in the second column of the table.
- 4 The trainer should add his/her own expectations regarding the participants, if these have not already been mentioned.

- 5 Review both lists and ask whether everybody agrees to the points.
- 6 Form three task groups to share the tasks and responsibilities between the trainer and the participants. List which participants have been assigned to each task group on a flip chart. Groups should be reorganized every day so that participants gain experience of each task:
  - *Law enforcement:* This group monitors compliance with the principles for guiding interaction (Attachment 1.3.B) and sets penalties for anyone who breaks these norms.
  - *Entertainment:* This group conducts an energizer activity after lunch and/or during the afternoon.
  - *Monitoring:* This group monitors the progress of the training to make sure that it is neither too fast nor too slow, that communication is clear, and that participants are enjoying themselves. This group is also responsible for carrying out the daily feedback at the end of the day and for reporting the feedback results to the overall group the following morning (see Session 1.4).
- 7 Ask what principles for guiding interaction are needed for everybody to perform her/his role. Refer to the flip chart prepared in steps 2 to 4.
- 8 List the principles on a flip chart in a prominent place. Explain that this list forms the basis of a mutual contract for how the group will work together. Ensure that the group is committed to keeping the contract.
- 9 Whenever there is a problem with group dynamics refer back to these norms and ask for ways of adapting, improving or adding to them.
- 10 Explain that a similar clarification of roles and responsibilities between a conflict manager and the conflict stakeholders is important at the beginning of a conflict management process.

**HINTS** Ownership of norms is important. When participants regard norms as rules that have been forced on them, the norms become counter-effective. Participants must formulate their own norms together as a group.





## Attachment 1.3.A Roles and responsibilities of the trainer and the participants

### RESPONSIBILITIES: WHAT CAN WE CONTRIBUTE TO THE SUCCESS OF THE WORKSHOP?

#### TRAINER

- ensure that training objectives are clear and relevant
- select training materials and activities for achieving these objectives
- establish a supportive learning environment (confidentiality)
- maintain flexibility
- moderate discussions and keep them focused on the purpose of the training

#### PARTICIPANTS

- share experiences, be open (including deciding how open they want to be)
- respect other viewpoints
- listen to one another and do not interrupt
- provide feedback to the trainer and address needs immediately

## Attachment 1.3.B Suggested principles for guiding interaction

- Everyone has the right to know – i.e., anybody can ask the facilitator, at any time, why something is being done or said, and how it relates to the overall workshop aims.
- Any question is a good question.
- Practise what is being learned.
- Start and finish on time and accept flexibility in the schedule.
- Share responsibility for community tasks.
- Share responsibility for learning.
- Allow all to participate.
- No smoking in the training room.
- Mobile phones switched off during sessions.

**Note:** Revise these principles to make them appropriate to the specific training setting.

---

## SESSION 1.4 RAPID DAILY FEEDBACK METHODS

---

**PURPOSE:**

- to help participants understand why daily feedback is important;
- to prepare participants to rotate in daily feedback teams.

**TIME:** 30 minutes.**MATERIALS:** depends on the method selected.**PREPARATION:** depends on the method selected.**STEPS**

- 1 Explain that there will be a short feedback exercise at the end of each day to assess how the training is progressing for everyone. Check that participants are familiar with the concept of feedback.
- 2 Explain that the purpose of feedback is to provide participants with opportunities to raise questions, express concerns and make suggestions, and to show the trainer where training needs to be adjusted.
- 3 There are many different ways of collecting feedback (see Trainer's notes 1.4.A and 1.4.B) and the choice depends on the purpose, the group, the time available and the level of detail required. If the group is familiar with feedback, the trainer may provide a choice of different methods and let participants run the daily review themselves. Other groups might need assistance at the beginning but gain experience of reflecting on their own learning and feelings as the training progresses.

**HINTS** Participants will find the evaluations useful only when they have consequences. If an evaluation shows dissatisfaction, reasons should be discussed and remedies identified. Suggestions and recommendations should be followed up, and appropriate agreements formulated.

Some wishes or requests regarding frame conditions – accommodation, daily allowances, field trips, etc. – or workshop content or methods cannot be fulfilled. When this is the case, it should be stated honestly and openly and explained.



### TRAINER'S NOTE 1.4.A CHOICE OF RAPID DAILY EVALUATION METHODS

#### Mood barometer

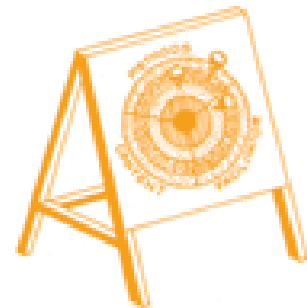
Prepare a mood meter sheet showing a happy, a neutral and a sad face. Explain that these symbols represent how satisfied participants are with the training. Post the meter at the exit of the room and ask participants to mark their mood with a sticker or marker. Attachment 1.4.B illustrates a mood meter in which each mood has been broken down into three categories measuring the degree of satisfaction, neutrality or dissatisfaction.

A variation is for participants to write comments on post-its to clarify the moods indicated. It can be useful to use different colours for participants from different regions or institutions. This will show up sharp differences in perceptions. Take care not to break anonymity by making the groups too small.

A continuous mood meter can be used for the whole training course, and moods measured at the end of each morning and afternoon. Attachment 1.4.B "Mood meter" illustrates this. The line drawn across the meter represents the "average mood" among the participants for that day. The average mood can be calculated by awarding each cross a score from 0 (for completely dissatisfied) to 8 (for completely satisfied). Add up the total score and divide by the number of participants, then mark the average at its appropriate point on the meter.

#### Are we on target?

1. Decide which elements of the day to monitor.
2. Draw concentric circles on a flip chart (similar to a dart board). Make several pie-like divisions for the training aspects to be evaluated – content, methods, facilitators, etc.
3. During feedback, ask the participants to place pins or stickers on the division that reflects their rating, the closer to the centre the more impressed or satisfied.
4. After all the participants have placed their pins or stickers, ask them to note the general placement and investigate any pins that fall outside this general choice.
5. Summarize the results of the group.
6. Ask participants to add notes to the pins or arrows to explain why they placed them at that point, and/or to make suggestions for improvements.



#### Using drawings

Ask the participants to draw their feelings about the day and to add explanations, or ask them why they drew this picture.

#### Complete the sentence

Display (or photocopy for each participant) open-ended sentences directed at the training aspects to be evaluated, for example:

- I find the training effective because...
- The training could be improved by...
- The facilitators could be more effective if...

Participants can either answer all the questions displayed or choose the ones they would like to react to.



### Human continuum

1. On one end of a long wall, post a sign saying “nothing learned”; on the other end, post a sign saying “fully competent”.
2. Explain this continuum and ask the participants to think where they were at the beginning of the training in terms of knowledge, comfort and skill level.
3. Then ask them to stand up and place themselves at that point of the continuum. When the participants have stopped moving, ask three or four volunteers to explain why they placed themselves at that point.
4. Ask the participants to think about where they are now at the end of – or during – the training, and to place themselves at the appropriate spot on the continuum.
5. Again ask a few volunteers to explain why they placed themselves where they did.
6. Ask the group to value the activity, making sure to comment on how graphic their self-assessment is.

### Faces

Distribute the Attachment 1.4.A and ask the participants to indicate how they feel at the end of the day and why.



## Attachment 1.4.A How do you feel today?

Please mark the feelings that apply:




					
AGGRESSIVE	ANXIOUS	APOLOGETIC	ARROGANT	BASHFUL	BLISSFUL
					
BORED	CAUTIOUS	COLD	CONFIDENT	CURIOUS	DETERMINED
					
DISAPPOINTED	DISBELIEVING	ENRAGED	ENVIOUS	EXHAUSTED	FRIGHTENED
					
FRUSTRATED	GUILTY	HAPPY	HORRIFIED	HOT	HUNGOVER
					
HURT	HYSTERICAL	INDIFFERENT	INTERESTED	JEALOUS	LONELY
					
LOVESTRUCK	NEGATIVE	REGRETFUL	RELIEVED	SAD	SATISFIED
					
SURPRISED	SUSPICIOUS	UNDECIDED	EXCITED	PLEASED	OTHER...

Why do you feel like that? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Attachment 1.4.B Mood meter

Mood		Monday	Tuesday	Wednesday	Thursday	Friday
	CS VS S	X XX	X XXX XXXX	XXX XXXX XX	XX X	XXXX XXX XXXX
	SS N SD	XX XX XXX	XXX XX X	XXXX	XX XXXX XX	XXX
	D VD CD	XX XX X		X	XX X X	

CS = completely satisfied 8 points  
 VS = very satisfied 7 points  
 S = satisfied 6 points  
 SS = slightly satisfied 5 points  
 N = neutral 4 points

SD = slightly dissatisfied 3 points  
 D = dissatisfied 2 points  
 VD = very dissatisfied 1 point  
 CD = completely dissatisfied 0 points



### TRAINER'S NOTE 1.4.B CHOICE OF FINAL EVALUATION METHODS

#### CHOICE 1: Personal accomplishments

Explain that the workshop will close on a positive note of accomplishments.

Explain the importance of focusing on positive accomplishments in oneself and in others, as well as focusing on areas where improvement is needed.

Ask participants to look back at the workshop and think about all that they have experienced and learned. Ask them to think of at least one accomplishment of which they are proud. This could be a new insight, a new feeling, a new attitude, etc.

Distribute post-its and ask the participants to write each of their accomplishments on a separate post-it. After they have all finished writing, ask them to read these out one by one.

When each participant has read her/his accomplishments, post them all on a white board. Try to cluster and draw general conclusions about the accomplishments for the week. Draw an inclusive circle around each cluster and give it a name.

Close by thanking participants for their active involvement in the workshop.

#### CHOICE 2: Questionnaire

Distribute the questionnaire in Attachment 1.4.C.

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## Attachment 1.4.C Final evaluation questionnaire

Name of participant (optional): \_\_\_\_\_

### A About relevance of training

1. How relevant was this training to the kinds of problems and issues that you face in your work situation?

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2. What did you think was the most useful part of the training? Why?

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3. What section(s) of the training should be strengthened or expanded to enhance your application in the future?

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## B About content of training

For each of the course objectives listed in the following table, rate how well you thought they were met. Give each a score from 1 (objective not met) to 5 (objective fully met).

Objective 1:	Objective met <b>5 4 3 2 1</b> Objective not met
Objective 2:	Objective met <b>5 4 3 2 1</b> Objective not met
Objective 3:	Objective met <b>5 4 3 2 1</b> Objective not met
Etc.	

## C About the trainers

Trainer XX

1. Made objectives of the session clear:	Very clear <b>5 4 3 2 1</b> Not clear
2. Explained materials clearly:	Very clear <b>5 4 3 2 1</b> Not clear
3. Provided opportunities for questions:	Many opportunities <b>5 4 3 2 1</b> Few opportunities
4. Had good knowledge of the subject matter:	Very good knowledge <b>5 4 3 2 1</b> Insufficient knowledge

Please circle the number that reflects how well the trainers worked together as a team. Please comment:

Worked very well together **5 4 3 2 1** Did not work well together

## D Overall assessment of the workshop

1. How would you rate the training overall?	Good course <b>5 4 3 2 1</b> Poor course
2. How confident do you feel about using what you have learned in your work tomorrow?	Very confident <b>5 4 3 2 1</b> Not at all confident
3. How likely are you to recommend this course to a colleague?	Very likely <b>5 4 3 2 1</b> Very unlikely
4. Was there sufficient time to practise the new skill?	Yes <b>5 4 3 2 1</b> No
5. How useful were the exercises?	Very useful <b>5 4 3 2 1</b> Not at all useful
6. Was the length of the course appropriate?	Too long <b>5 4 3 2 1</b> Too short



**E** About the length of the course

Please comment on the length of the course (too long, too short, etc.). What would be the best length and why?

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**F** After the workshop

Will you discuss what you have learned in this workshop with your supervisor, with a view to using the skills you have gained in your regular work?

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**G** Suggested improvements

What, if anything, would have helped you to make more progress?

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Many thanks for your feedback!

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## SESSION 1.5 DISCOVER YOUR OWN CONFLICT STYLE

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**PURPOSE:**

- to increase participants' awareness of their own approaches to conflict;
- to increase participants' understanding of how and why different individuals respond to conflict differently.

**CROSS REFERENCE:** Section 2.2.**TIME:** 45 minutes.**MATERIALS:** none.**PREPARATION:** for each participant, copy:

- Attachment 1.5.A "Discover your own conflict style";
- Attachment 1.5.B "Answer sheet".

**STEPS**

- 1 Explain that in this session participants will examine how and why different people respond to conflict in different ways.
- 2 Explain that the participants will each be given a questionnaire asking them how they respond to conflict. Explain that:
  - this is a chance for private reflection on an important issue;
  - this is not a test, but a chance to look at differences in how people respond to conflict;
  - participants will not be asked to share their answers publicly, unless they want to;
  - the trainer is available to answer questions privately if participants have concerns or wish to follow up on their answers later.
- 3 Distribute the questionnaire (Attachment 1.5.A). Review and clarify the instructions. Ask participants to spend 15 minutes answering the questions on the sheet.
- 4 After 15 minutes, hand out Attachment 1.5.B and ask the participants to copy their scores on to the grid. Explain how to derive their final scores.
- 5 When the participants have calculated their scores, let each participant anonymously indicate on a flip chart which of the styles A to E he/she scored the highest (in black) and which the lowest (in blue).

- 6 Present the completed flip chart and start a discussion with the following questions:
  - How well do the approaches described match your own ideas of how you handle conflict?
  - How different were your answers from one another? What accounts for these differences?
  - How much of your response is influenced by your culture, your family history, your individual preferences and the situation you are confronted with?
- 7 Wrap up the session by emphasizing the following key learning points.

### KEY LEARNING POINTS .....

- Point out that a conflict manager should be able and willing to respond appropriately in difficult situations. Self-awareness helps her/him to manage his/her own reactions and emotions in order to remain in control of a situation.
- There is no wrong or right way of dealing with conflict, but there are many different ways of reacting. Learning how to identify and work with personal and cultural differences (others' and one's own) is an important component of effective conflict management.
- Explain that the styles A to E are only one way of categorizing different reactions to conflict. Overlap among the categories is likely. The point is that there are differences in different people's responses.

**HINTS** Key learning points of Session 2.4 – *Identifying different individual responses to conflict* apply equally here. The questionnaire can be distributed at the end of day and the results discussed on the following day.

---

## Attachment 1.5.A Discover your own conflict style

### Objectives and method

This questionnaire helps you become more aware about your own personal approach to conflict. It presents 12 situations that you are likely to encounter in your personal or professional life; each situation has five possible responses. For each situation you have ten points, which you can allocate among the possible responses, with the highest number of points indicating your most likely response. You can allocate these ten points as you wish, as long as the total for each situation is ten; for example, you could allocate ten to one response and zero to each of the others, or five to one answer and five among the other four answers. You may find it useful to start by identifying any responses that you cannot imagine ever using – these should be awarded zero points. You can then share out the ten points among those that remain.

It might be helpful to select a single frame of reference – e.g., work-related, family or social relations – and keep this in mind when answering the questions. Situations 1 to 6 focus on individual reactions and feelings when faced with conflict, while situations 7 to 12 concentrate more on how you interact in a group setting.

This is not a test, and the survey will only be helpful to you if you present your responses accurately. At the end, you will be given a scoring guide to help you to interpret your scores.

#### **SITUATION 1: When experiencing strong feelings in a conflict situation you...**

---

- A** enjoy the emotional release and exhilaration;
  - B** enjoy the strategy and challenge of the conflict;
  - C** are concerned about how others are feeling and thinking;
  - D** are afraid, expecting that someone will get hurt;
  - E** are convinced that there is nothing you can do to resolve the issue.
- 

#### **SITUATION 2: You believe that...**

---

- A** life is conquered by those who believe in winning;
  - B** winning is rarely possible in conflict;
  - C** no-one has a final answer; everyone has something to contribute;
  - D** in the final analysis, it is wise to turn the other cheek;
  - E** it is useless to try changing a person who seems locked in an opposing view.
-

**SITUATION 3: For you, the best result you can expect from conflict is that...**

- 
- A** it helps people to accept that one answer is better than others;
- 
- B** it cancels out extreme ways of thinking so that a solid middle ground can be reached;
- 
- C** it clears the air and enhances commitment and results;
- 
- D** it demonstrates the absurdity of self-centredness and draws people together, enhancing their commitment to each other;
- 
- E** it reduces complacency and assigns blame where it belongs.
- 

**SITUATION 4: When you are the person with the greatest authority in a conflict you...**

- 
- A** express your views clearly to the other parties;
- 
- B** try to negotiate the best settlement you can;
- 
- C** listen to what others have to say and seek a position that all might be willing to accept;
- 
- D** go along with the others, providing support where you can;
- 
- E** keep encounters impersonal, citing rules when they apply.
- 

**SITUATION 5: When someone you care for takes an unreasonable position you...**

- 
- A** tell them directly that you do not like what they are doing;
- 
- B** let them know casually and subtly that you are not pleased, distract them with humour and avoid a direct clash;
- 
- C** call attention to the conflict and try to find a mutually acceptable solution;
- 
- D** try to keep your misgivings to yourself;
- 
- E** let your actions speak for themselves.
- 

**SITUATION 6: When you are angry with a friend or colleague you...**

- 
- A** explode, without giving it much thought;
- 
- B** try to smooth things over with a good story;
- 
- C** express your anger and invite him/her to respond;
- 
- D** compensate for your anger by acting the opposite of how you feel;
- 
- E** remove yourself from the situation.
-

**SITUATION 7: When you find yourself disagreeing with other members of a group on an important issue you...**

- 
- A** stand by your convictions and defend your position;
- 
- B** appeal to the logic of the group, hoping to convince at least the majority that you are right;
- 
- C** explore the agreements and disagreements within the group and seek alternatives that accommodate everybody's views;
- 
- D** go along with the rest of the group;
- 
- E** do not participate in discussion and do not feel bound by any agreement reached.
- 

**SITUATION 8: When a single group member takes a position in opposition to the rest of the group you....**

- 
- A** point out that the dissenting member is blocking the rest of the group and move on without her/him if necessary;
- 
- B** allow the dissenting member to communicate her/his views so that a compromise might be reached;
- 
- C** try to discover why the dissenting member views the issue differently, so that the other group members can re-evaluate their positions;
- 
- D** encourage the group to set the conflict aside and go on to more agreeable matters on the agenda;
- 
- E** remain silent, hoping not to become involved.
- 

**SITUATION 9: When you see conflict emerging in a group you...**

- 
- A** push for a quick decision and ensure the task is completed;
- 
- B** avoid outright confrontation by moving the discussion towards the middle ground;
- 
- C** share with the group your impression of what is going on so that the impending conflict can be discussed;
- 
- D** forestall or divert the conflict before it emerges, by relieving the tension with humour;
- 
- E** stay out of the conflict as long as it does not directly concern you.
-

**SITUATION 10: When handling conflict between your own group and another you...**

---

- A** anticipate areas of resistance and prepare responses to objectives prior to the emergence of open conflict;

---

- B** prepare your group by identifying areas of mutual interest in advance of the confrontation;

---

- B** recognize that the conflict is healthy and press for the identification of shared concerns and/or goals;

---

- B** promote harmony on the grounds that the main result of conflict is the destruction of friendly relations;

---

- B** have your group submit the issue to a reliable outsider for discussion.

---


**SITUATION 11: When selecting a member of your group to represent you in discussions with another group you choose a person who...**

---

- A** has a good knowledge of your position and will press vigorously for your point of view;

---

- B** will ensure that most of your views are incorporated into any final agreements, without alienating too many members of the other group;

---

- C** will best represent the ideas of your group, reflect on the other group's views and emphasize problem solving approaches to the conflict;

---

- D** is skilful in interpersonal relations and will take a very cooperative in approach with the other group;

---

- E** will represent your group's position accurately, and will not oblige it to change this position significantly.

---


**SITUATION 12: In your view, the most likely reason for one group not to cooperate with another is...**

---

- A** lack of a clearly stated position or failure to back up the group's position;

---

- B** the group's tendency to force its representatives to abide by its decision, rather than promoting flexibility that would allow compromise;

---

- C** the group's tendency to enter negotiations with the aim of winning its case;

---

- D** group members' lack of motivation to live peacefully/cooperatively with the other group;

---

- E** irresponsible behaviour among the group's leadership, who follow their own interests rather than addressing the issues involved.

---

## Attachment 1.5.B Answer sheet to discover your own conflict style questionnaire

SCORING GUIDE													
	1	2	3	4	5	6	7	8	9	10	11	12	Total
A													
B													
C													
D													
E													

**A** = controller/enforcer

**B** = compromiser

**C** = problem solver/collaborator

**D** = accommodator

**E** = avoider

The letter/conflict style to which you assigned the most points in total is the one that most closely reflects your own style of dealing with conflict.





# Chapter 2 Collaboration and conflict

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SESSION 2.1 MOVING CHAIRS

---

SESSION 2.2 IDENTIFYING DIFFERENT INDIVIDUAL RESPONSES TO CONFLICT

---

SESSION 2.3 USES OF A ROCK

---

SESSION 2.4 COLLABORATION: WHAT, WHY AND HOW?

---

SESSION 2.5 A PICTURE OF CONFLICT

---

SESSION 2.6 MAIN CONFLICT INGREDIENTS

---

SESSION 2.7 PARTISAN PERCEPTIONS

---





## Collaboration and conflict

This section contains training activities designed to facilitate a deeper understanding of conflicts and collaboration.

To manage a conflict effectively, participants have first to understand the thinking, attitudes and behaviour that drive the conflict. By engaging in the activities and exercises in this chapter, participants will gain firsthand experience of how they and others behave and react when confronted with competition and/or conflict. Participants will observe factors that undermine collaboration and that can lead to tension, friction and eventually conflict. This experience will serve as the starting point for discussions about the factors that enable collaboration and consensus decision-making.

The first training session “Moving chairs” is key in this, as it can be used to illustrate a number of important considerations for conflict management. It allows participants to experience for themselves how a person’s behaviour is driven by the assumptions that she/he makes about a situation and how changing people’s interpretations enables creative solutions.

Session 2.2 follows on from “Moving chairs” to make participants aware of the range of possible responses to conflict and the factors that influence how to choose the best one. This activity also emphasizes how conflict management is not an end in itself, but rather a means of achieving broader objectives and goals. Conflict management is a means of enabling joint decision-making by different actors in collaborative natural resources management.

Session 2.3 “Uses of a rock” clearly demonstrates one of the many advantages of collaboration and can be used as a warm-up for Session 2.4, which allows participants to review jointly the basic considerations and prerequisites of collaboration and consensus decision-making.

Session 2.5 “Picture of conflict” explores the types of conflicts that participants are confronted with in their work environments, and demonstrates how most conflicts have multiple causes and many dimensions. This central aspect of conflict management is followed-up on and deepened in Session 2.6.

In conflict management it is particularly useful to have an understanding of the different issues that lead to conflict and the different perceptions that different parties have of a situation. Partisan perceptions about substantive matters can make disagreements difficult to solve. Session 2.7 “Partisan perceptions” helps to raise awareness about this important point and illustrates the different possibilities for dealing skilfully with preconceived ideas and views.

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## SESSION 2.1 MOVING CHAIRS

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**PURPOSE:**

- to demonstrate the difference between actual and perceived incompatible interests;
- to demonstrate how conflict can be managed through cooperation.

**CROSS REFERENCE:** Section 2.3.1**TIME:** one hour.**MATERIALS:** about 20 chairs.**PREPARATION:**

- copy equal numbers of instructions A, B and C (see Attachment 2.1.A) on to separate pieces of paper, ensuring that there is one instruction for each participant;
- clear the room of all tables and all but about 20 chairs, which should be placed in the centre;
- choose two points – X and Y – at opposite corners of the room, and mark these prominently.

**STEPS**

- 1 Do not explain the purpose of the activity, but tell participants that this will become apparent by the end.
- 2 Give each participant an instruction A, B or C from Attachment 2.1.A. Distribute equal numbers of each instruction randomly among the group. Tell participants not to read the instructions until they have been told to. Tell them not to show their instructions to anyone else, but do not say anything about not talking to anyone else.
- 3 Explain that the participants will be asked to carry out the instructions given to them.
- 4 Once all the participants understand what they are to do, ask them to read their instructions and carry out the tasks described.
- 5 Watch the process in the different groups, and in the overall group, noting whether and how participants start to cooperate and reach a solution. If participants do not reach agreement, stop the activity.

- 6 Start a discussion with the following questions:
- What did you experience during this activity? Answers will probably range around conflicts, confusion, communication breakdown, etc.
  - How did you interpret the instructions? Did you follow them? Why or why not?
  - When did you start to cooperate? What made you start to cooperate? If the participants did not cooperate at all, ask them how they could have.
  - Were there any obvious mediators? What was their role?
  - How did different people relate with and/or confront one another?
  - How does this activity relate to a real situation in your work context? Bring out issues of conflict, collaboration, working in isolation, partnerships, etc.
  - People often interpret the instructions as “competing” rather than “collaborating” – relate this to resource management situations.
  - Individuals often focus on their own specific tasks without relating these to what others are doing or how they can work with others to complete a task.
  - What does this tell us about conflicts over limited resources?
  - What did you learn about collaboration?

Conclude the session by emphasizing the key learning points and introducing a definition of conflict.

### KEY LEARNING POINTS .....

- Incompatibilities can be real or only perceived, because people cannot see ways in which their different goals/views/interests can be brought together. This exercise shows that a goal that seemed impossible because of conflicting interests can be modified to accommodate different stakeholders so that everyone’s interests are met. Because conflicts are based on perceptions, there are opportunities for resolving a conflict through changing the ways in which people think and act. This might sometimes be the only way to move a conflict forward.

**HINTS** This activity is best followed by Session 2.2 “Identifying different individual responses to conflict”.

**TRAINER'S NOTE 2.1.A WHAT IS CONFLICT?**

**Conflict occurs when two or more people have or perceive themselves as having incompatible interests.** Two things that are incompatible are of different types, so cannot be used or mixed together. Incompatibilities can be of a physical nature, for example, new computer software is often incompatible with old computers, and sometimes two different blood groups cannot be mixed. Actions or ideas can also be incompatible, when they are not acceptable or possible together, for example, working hours are incompatible with family life.

---

## Attachment 2.1.A Instructions

- A.** Arrange all the chairs in a circle.
- B.** Put all the chairs near the point marked X.
- C.** Put all the chairs near the point marked Y.



---

## SESSION 2.2 IDENTIFYING DIFFERENT INDIVIDUAL RESPONSES TO CONFLICT

---

**PURPOSE:**

- to learn about the different ways in which people respond to conflict;
- to learn about the advantages and disadvantages of the different responses to conflict;
- to build understanding that the focus of the training is collaboration.

**CROSS REFERENCE:** Section 2.2 and 2.3.**TIME:** 45 minutes.**MATERIALS:** markers, flip charts, cards.**PREPARATION:** Copy:

- Attachment 2.2.A “Determinants of personal responses to conflict” on to a flip chart;
- a set of cards for five different responses to conflict (Attachment 2.2.B) for each small group of participants;
- Attachment 2.2.C “Conflict responses answer sheet” for each small group of participants.

**STEPS**

- 1 Explain that the purpose of this activity is to look at some of the behaviours that were displayed in Session 2.1 “Moving chairs” and the way in which individuals respond to conflict.
- 2 Introduce the determinants of personal responses to conflict graph (Attachment 2.2.A) and explain that two key considerations determine individual responses to conflict: relationships with the other parties; and the reaching of personal goals. Point out that there are five main responses to address conflict – avoidance, accommodation, compromise, force and collaboration – but do not explain them at this stage.
- 3 Divide the participants into small groups. Explain that each group will receive a set of cards describing different responses to conflict. Each set contains one card for each of the different responses to conflict and additional cards that describe actions. Each group is to sort the action cards and place them under the appropriate response card.  
After 15 minutes, provide each group with a copy of the conflict responses answer sheet (Attachment 2.2.C) and ask them to:
  - assess how their categories match those on the answer sheet;



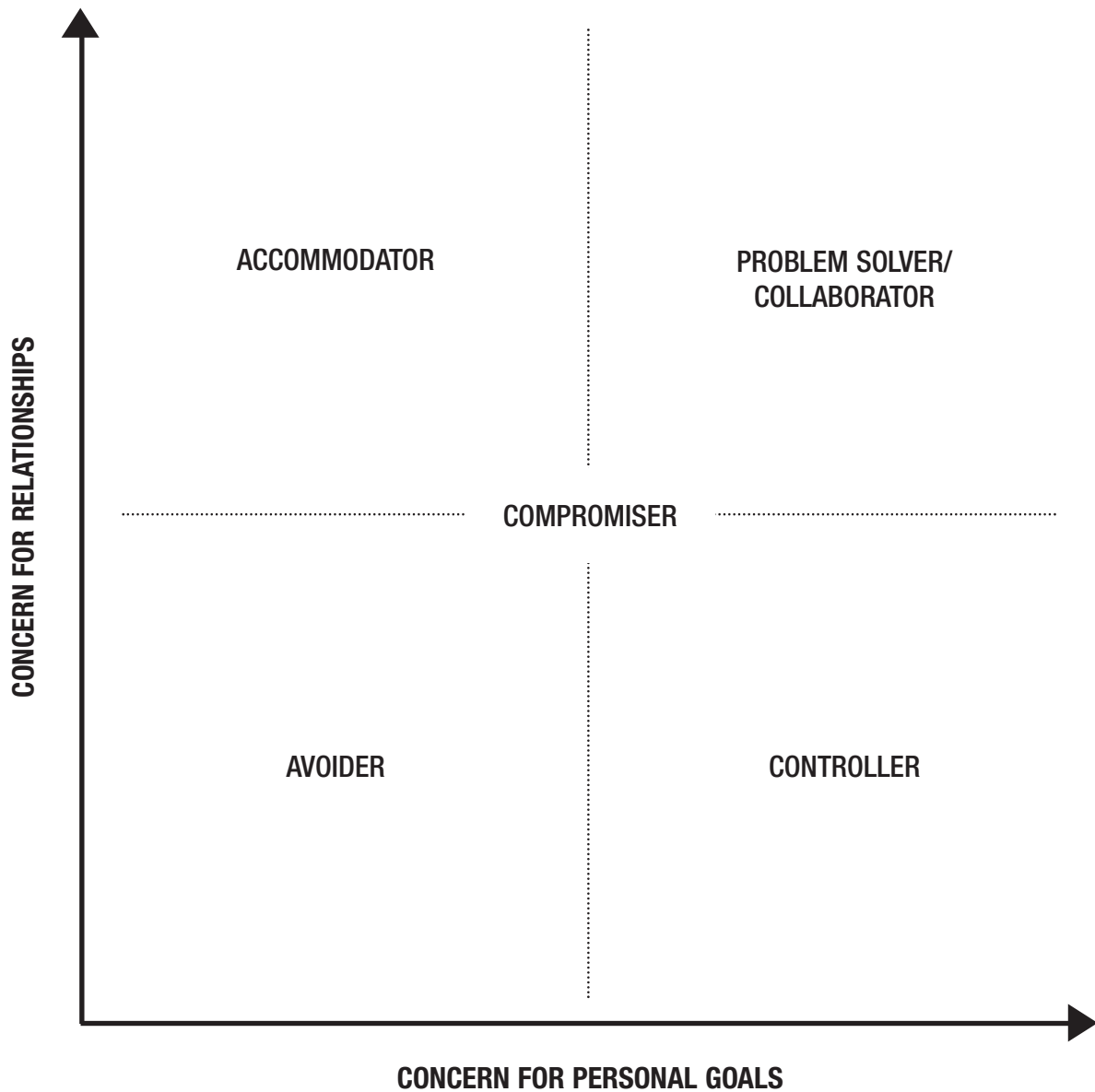
- discuss the terms as shown on the determinants of personal responses to conflict graph; Reconvene the overall group, and ask for suggestions of where the terms should be placed on the graph.
- 4 Initiate a discussion with the following questions:
    - What are the inherent advantages and disadvantages of each approach (see Attachment 2.2.D)?
    - Why is it important to know about the five main responses and their inherent advantages and disadvantages?
    - What do you think influences your personal response to conflict?
  - 5 Close by explaining that the focus of this training is on collaboration because of its many advantages for natural resources management, when the necessary frame conditions are in place. Mention that these advantages and frame conditions will be reviewed in later sessions.
  - 6 Wrap up the session by emphasizing the following key learning points.

### KEY LEARNING POINTS

- There is no right or wrong way of responding to conflict. Every response has its own advantages and disadvantages, and any might be the most appropriate for the specific circumstances. For example, it may be difficult to avoid conflict in the long term when a situation is escalating; in other situations avoiding conflict for the moment may be the most appropriate response. It is important to know why one response (or several) has been selected and not others.
- Everybody has personal preferences that influence their response to conflict. Factors that influence personal preferences include:
  - past experiences of conflict;
  - one's culture;
  - one's family history;
  - the specific conflict situation.
- Learning to identify and work with personal and cultural differences – others' and one's own – is an important component of effective conflict management.
- The response selected depends on many factors: personal preferences, the conflict situation, the time and other resources available for finding a resolution, the readiness and abilities of main stakeholders, etc.

**HINTS** Ideally, this activity should be combined with Session 1.5 “Discover your own conflict style”, provided that participants have filled out the questionnaire in advance. It can then also serve to stimulate participants' reflections about their own conflict styles.

## Attachment 2.2.A Determinants of personal responses to conflict



## Attachment 2.2.B Cards for five different responses to conflict

<b>Force</b>	Works to satisfy all interests and needs
<b>Avoidance</b>	May be used when participants are unwilling to spend much time
<b>Accommodation</b>	The attempt of one group to impose its interests over others
<b>Compromise</b>	Results in win-win situation
<b>Collaboration</b>	Parties have no interest in maintaining a relationship
Neglects interests of all parties by postponing decisions, retreating, using delaying tactics	Can involve threats, harassment, use of supernatural powers, peer pressure, etc.
May be used when one party has more power or is willing to preserve the relationship	Useful for quick solutions
Requires time to involve all parties actively and equally in the process	Satisfies the other parties' interests, while foregoing own needs
Results in lose-lose situation when used in isolation	Creates hostility and resentment
Parties sacrifice something to gain something else	Used when it is important that all parties are committed to the resolution
Results in lose-win situation	Outcome uncertain
Results in a sort of win-win/lose-lose situation	All parties sacrifice something in order to achieve a mutually workable solution
Results in only a temporary solution	Results in win-lose situation
May seem easier than getting involved	Focuses on goals and consensus agreements



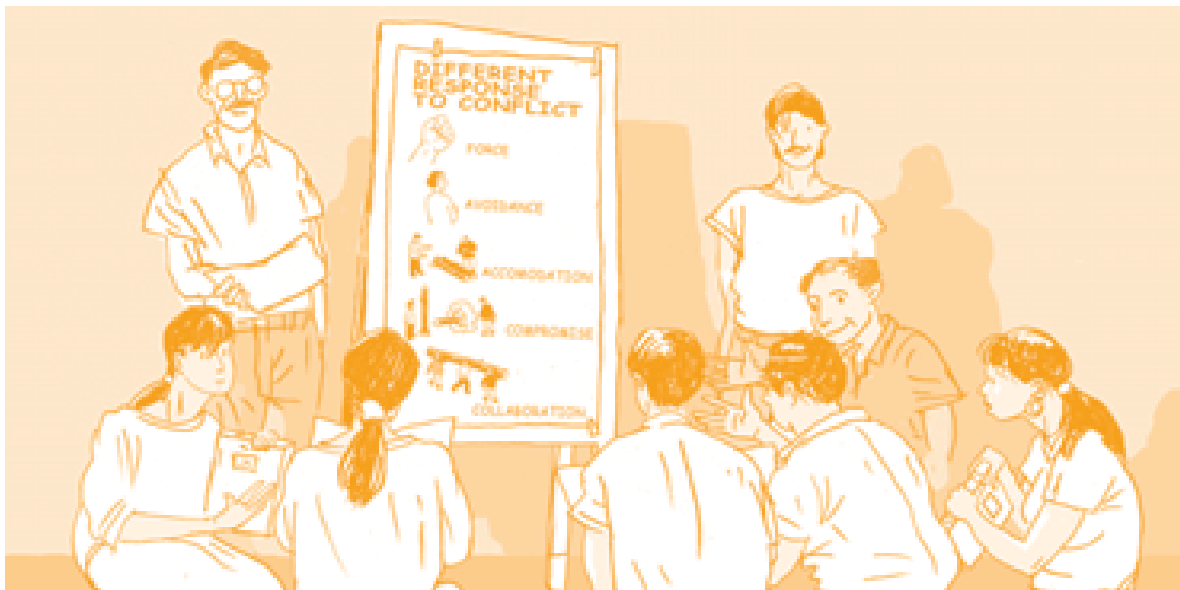
## Attachment 2.2.C Conflict responses answer sheet

RESPONSES TO CONFLICT	CHARACTERISTICS
<b>FORCE</b>	<ul style="list-style-type: none"> <li>● The attempt of one group to impose its interests over others</li> <li>● Can involve violence, threats, harassment, use of supernatural powers, peer pressure, etc.</li> <li>● Creates hostility and resentment</li> <li>● Outcome uncertain</li> <li>● Parties have no interest in maintaining a relationship</li> <li>● Results in win-lose situation</li> </ul>
<b>AVOIDANCE</b>	<ul style="list-style-type: none"> <li>● Neglects interests of all parties by postponing decisions, retreating, using delaying tactics</li> <li>● May seem easier than getting involved</li> <li>● Results in lose-lose situation when used in isolation</li> <li>● Results in only a temporary solution</li> </ul>
<b>ACCOMMODATION</b>	<ul style="list-style-type: none"> <li>● Satisfies the other parties' interests, while foregoing own needs</li> <li>● May be used when parties are unwilling to spend much time</li> <li>● May be used when one party has more power or is willing to preserve the relationship</li> <li>● Results in lose-win situation</li> </ul>
<b>COMPROMISE</b>	<ul style="list-style-type: none"> <li>● Useful for quick solutions</li> <li>● All parties sacrifice something in order to achieve a mutually workable solution</li> <li>● Parties sacrifice something to gain something else</li> <li>● Results in a sort of win-win/lose-lose situation</li> </ul>
<b>COLLABORATION</b>	<ul style="list-style-type: none"> <li>● Works to satisfy all interests and needs</li> <li>● Focuses on goals and consensus agreements</li> <li>● Requires time to involve all parties actively and equally in the process</li> <li>● Results in win-win situation</li> <li>● Used when it is important that all parties are committed to the resolution</li> </ul>

## Attachment 2.2.D Trainer's background to the five main responses to conflict

RESPONSE	CHARACTERISTICS	ADVANTAGES	DISADVANTAGES
<b>FORCE</b>	A person or group attempts to impose her/his/its interests over those of others	Can induce changes or lead to progress	Can result in violence, threats, harassment, use of supernatural powers, peer pressure, economic and policy sanctions, and pressure through mass media and intimidation  Creates hostility and resentment  Puts the relationship among parties at risk  Results in win-lose situations
<b>AVOIDANCE</b>	Delays a response temporarily	Buys time for exploring the situation or devising an appropriate response  Can save time and energy  Can save face in delicate situations	Neglects the interests of all parties  Results in lose-lose situations when used in isolation  Might result in only a temporary solution
<b>ACCOMMODATION</b>	Satisfies the other parties' interests while foregoing one's own needs	Useful when quick solutions are required  Useful when resources (time, money, etc) for searching solutions are limited  Useful as a temporary solution or where a partial solution is better than none  Useful when preserving the relationship is more important than finding a solution	Results in lose-win situations  Sometimes arises because one party has more power than the other(s)


<b>COMPROMISE</b>	All parties sacrifice something in order to achieve a mutually workable solution	<p>Useful when quick solutions are required</p> <p>Useful when resources (time, money, etc) for searching solutions are limited</p> <p>Useful as a temporary solution or when a partial solution is better than no solution</p> <p>Useful when preserving the relationship is more important than finding a solution</p>	<p>Results in a sort of win-win/lose-lose situation</p> <p>Parties have to sacrifice something to gain something else</p>
<b>COLLABORATION</b>	<p>Works to satisfy all interests and needs</p> <p>Focuses on goals and consensus agreements</p>	<p>Improves relationships</p> <p>Offers shared benefits to all parties</p> <p>Best possible outcome when many different people have different and sometimes divergent interests</p>	<p>Requires time to involve all parties actively and equally in the process</p> <p>Works only when all parties are committed to finding a resolution</p>



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## SESSION 2.3 USES OF A ROCK

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 **PURPOSE:** to introduce the value of working collectively and keeping an open mind, in order to identify new solutions.

 **CROSS REFERENCE:** Section 1.2.

 **TIME:** 15 to 20 minutes.

 **MATERIALS:** flip chart, coloured pens, a notepad and pencil for each participant.

 **PREPARATION:** none.

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### STEPS

- 1 Do not explain the purpose of the activity. Instead, ask all the participants to take a pencil and paper and explain that there is going to be a short competition.  
The participants will have five minutes to list all the uses of an object (which will be named) that they can think of. Encourage them to be creative and to list as many uses as possible. They may record the use in one or a few words.  
When everyone has understood the instructions, ask the participants to begin.
- 2 After five minutes, ask them to put down their pencils and ask who has the most items listed – start by asking who has five, ten, 15, more than 15, etc.
- 3 Ask the person with the most items to read them out. Record them on a flip chart. Then, ask the other participants to add any other uses that they had thought of. Continue until all the uses thought of by the group have been recorded. Count the total number and compare it with the highest number from one individual.
- 4 Start a discussion with the following questions:
  - What do you think the purpose of this activity was?
  - Why do you think that the group generated so many more ideas than any one individual did?  
If necessary, mention how people think of uses on the basis of their social and cultural experience and of what they are familiar with. Different ideas may reflect the diversity of experiences represented by the group.

- What does this activity demonstrate about collective problem solving?
  - In what ways do we block ourselves from thinking of new ideas? Participants commonly mention prejudging an idea, lack of confidence, cultural norms, and not being encouraged to think abstractly.
- 5 Close the session by mentioning that complex problems often require creative solutions. The exercise shows that no individual can produce as many ideas/solutions as a group of people; this is one of the key advantages of collaboration. More advantages of and preconditions for collaboration will be reviewed in later sessions.

Source: WWF, 1993.





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## SESSION 2.4 COLLABORATION: WHAT, WHY AND HOW?

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**PURPOSE:**

- to clarify what collaboration is and the main factors that support it;
- to relate collaboration to natural resources management.

**CROSS REFERENCE:** Sections 1.2 and 2.2.**TIME:** two and a half hours.**MATERIALS:** 25 to 30 coloured index cards and one roll of adhesive tape for each small group. Flip chart, coloured markers.**PREPARATION:**

- for each small group, copy Attachment 2.4.C “Instructions for group work” and Attachment 2.4.D “Observer’s guidelines”;
- prepare flip charts from Attachment 2.4.A “Collaborative management is...” and Attachment 2.4.B “Group characteristics for effective collaboration”.

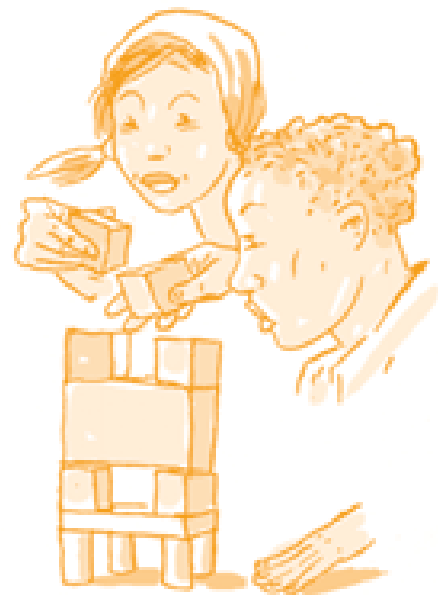
**STEPS**

- 1 Explain that the participants will work together on an activity related to planning. Explain that the purpose of the activity will be discussed after the exercise.
- 2 Divide the participants into groups of five or six. Select one volunteer from each group to be an observer.
- 3 Meet briefly with the observers and explain the questions that they will have to consider during the activity (Attachment 2.4.D). Emphasize that the observers must not talk, discuss with the group or interfere in any other way during the activity.
- 4 Distribute the index cards and tape to the groups. Explain that they have 15 minutes to build the most beautiful and tallest free-standing tower with their cards and tape.
- 5 Assign each group a working space in the plenary room, or in separate rooms if available, and instruct them to begin.
- 6 After 15 minutes, ask the groups to stop.
- 7 Bring the groups together and have them compare their towers. Ask the observers to share their observations with the plenary group.

- 8 Review the group processes with the following questions:
- How did each group start? Were the task and objective clarified before the construction work started? (Common goals.)
  - How were decisions made about making the tower the most beautiful and tallest? (Agreed interaction.)
  - Were roles “officially” assigned – for example the leadership role – or did they evolve informally? (Agreed roles.)
  - Were there tensions or conflicts about goals, procedures or norms? How did the group deal with these?
  - What was the level of participation and how did this change?

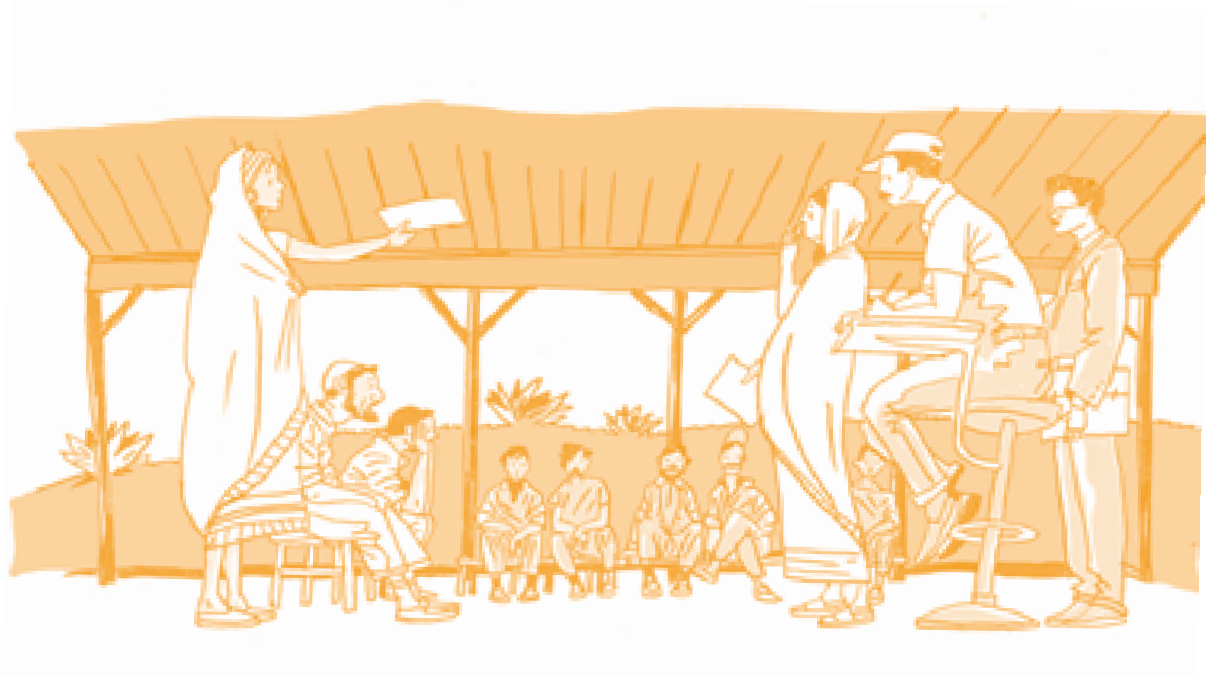
Relate this activity to the training by asking:

- How does this activity relate to other forms of collaboration in real life?
  - What can be learned from this activity regarding preventing or managing conflicts?
- 9 Explain the purpose of the activity. Explain that the worldwide trend for decentralization and increased community involvement in natural resources management is leading to rapid changes in resource tenure patterns and increasingly complex stakeholder relations. This shift from State monopolies to pluralistic structures can be challenging because different stakeholders have different and often diverging interests, and stakeholders often lack the necessary knowledge and skills for joint decision-making and collaborative arrangements. Conflict management is one of these skills.
- 10 Ask participants what they understand by the term “collaborative management”. Record their answers on a flip chart. Show the flip chart that defines collaborative management (Attachment 2.4.A). Explain that this is one view of collaboration. Have the participants compare this with their own views, and discuss.
- 11 Present and explain the group characteristics for effective collaboration (Attachment 2.4.B).
- 12 Divide the participants into groups of four or five. Distribute the instructions (Attachment 2.4.C) and explain that they have 30 minutes to discuss the questions and record their responses on a flip chart.
- 13 After 30 minutes, reconvene the participants. Ask one person from each small group present and explain its chart to the other groups.
- 14 Conclude the session by emphasizing the following key learning points.



## KEY LEARNING POINTS

- If one or more of these necessary group characteristics is not present, tensions, friction and eventually conflict will develop and the group will be in danger of breaking up.
- Collaboration is often not initiated until stakeholders have perceived its benefits and are certain that collaboration serves their interests better than other options, such as competition or fighting.
- A defining characteristic of collaboration is that decisions are made by consensus. Consensus does not mean unanimous consent, nor does it mean adopting anyone's preferred option. Consensus is reached when each stakeholder feels that an agreement meets at least some of his/her/its interests and can be supported by everybody.
- Collaborative management approaches have two main objectives: managing the use of natural resources and products through negotiating mutually agreeable principles and practices among stakeholders; and establishing ways of sharing among stakeholders the power to make decisions and exercise control over resource use.
- Collaborative management is effective when institutions and processes that regulate resource use can anticipate and respond to stakeholders' different interests regarding resource use, and can seek solutions of mutual gain. Resolving conflict is not a stand-alone activity – it is always a process for achieving broader goals, such as collaborative or participatory natural resources management, sustainable livelihoods and/or poverty alleviation.



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## Attachment 2.4.A Collaborative management is...

a situation in which two or more parties

- negotiate
- define and
- guarantee,

among themselves, the sharing of the management functions, entitlements and responsibilities for a given territory or set of natural resources.

Other ways of viewing collaborative management are:

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## Attachment 2.4.B Group characteristics for effective collaboration

Groups do not function effectively unless certain preconditions are in place. Collaboration can be effective only when the following conditions have been met:

1. The group has established common agreed goals and objectives.
2. There is coordinated action and interaction to achieve the goals.
3. There is an agreed group structure.
4. The group members have agreed roles and well-defined functions and responsibilities within the structure.
5. There are accepted common rules, norms and values.
6. The group is linked by a “we feeling” – a common sense of affinity and belonging together.

When one or more of these characteristics are not present, tensions, friction and conflict will develop and the group will be in danger of breaking up. Conflicts can be about goals, the best way of achieving goals, roles and status, prestige, responsibilities, etc. It is very important to recognize that some group characteristics are formal or official, and others are informal or private.

## Formal characteristics

Formal or official characteristics are features that have been formally agreed and recorded in official documents. They are usually made known to every group member.

### Examples:

- *Goals:* An organization, institution or committee has officially defined goals and a hierarchy of objectives. Each section of the organization has an additional set of goals and objectives.
- *Structure:* The official structure is usually illustrated by an organizational chart, which shows the position of each group member.
- *Roles:* Both the hierarchical and the professional roles and functions of group members are described in their job descriptions.
- *Norms:* Organizational rules, regulations and norms of conduct are defined and laid down officially. Their violation is punished by disciplinary action.
- *We feeling:* The official form of “we feeling” is an organization’s demand for loyalty.

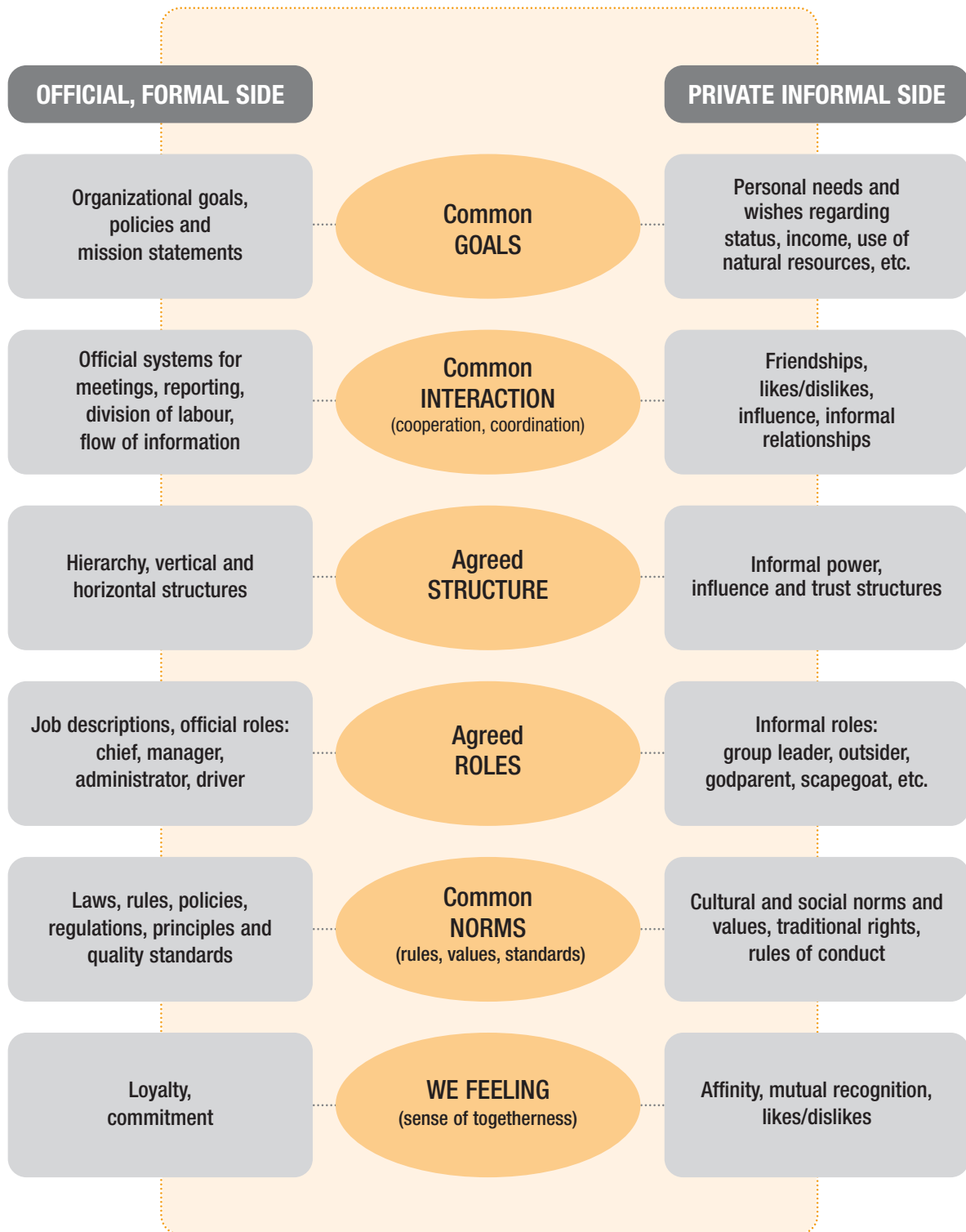
## Informal characteristics

Informal characteristics may already exist – for example, traditional rights and norms – or develop as groups work and live together. These aspects of group life are usually not laid down in “black and white” and group members are often not even fully aware of them. However, they exist in every group and have a very strong influence on working procedures, relationships, efficiency and the atmosphere.

### Examples:

- *Goals:* Group members have informal objectives and interests, such as career, status and/or making money, which guide their actions as much as official organizational or communal goals do.
- *Interaction:* Rather than following official routes, group members try to achieve things by using shortcuts and personal relations.
- *Structure:* The power structure in a department or community may be quite different from the power obtained from official roles and functions. Sometimes the most influential person is not the formal leader at the top of the official hierarchy – for example, the chief of the community administration may have less influence than a village elder or traditional healer has.
- *Norms:* In addition to the official national policy frameworks there are also customary tenure systems. Different authorities with different rules may make decisions that are contradictory – one based on customary law, another on statute law.
- *Roles:* In addition to their official roles, group members have informal roles, such as opinion leader, outsider, scapegoat, black sheep or group clown.

It is important to know both the official/formal and the private/informal aspects of collaborative group work. Conflicts and frictions within a group often have their roots in the incompatibility of the formal and the informal aspects. In analysing conflicts, both aspects have to be taken into account.



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## Attachment 2.4.C Instructions for group work

Your task as a group is to discuss collaborative natural resources management in your communities. Please discuss the following questions and record the major outcomes on a flip chart:

1. Which groups are either involved in or affected by natural resources management?
2. Why should these different groups collaborate in natural resources management?
3. For each group, what are the advantages (benefits) and disadvantages of collaboration?
4. Review the necessary preconditions for collaboration by looking at the group characteristics for effective collaboration:
  - Which of the characteristics are unproblematic, according to your experience – i.e., which are understood and followed?
  - Which of the characteristics are problematic – i.e., unclear, groups have different understandings?
  - Do problems arise from the differences between the official/formal side and the private/informal side?
5. Are there additional factors that make collaboration difficult or impossible?

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## Attachment 2.4.D Observer's guidelines

Carefully observe the members of your group to determine the following:

1. How does the group get started?
2. Does the group clarify the task prior to commencing?
3. How does the group develop a common *goal* or vision?
4. Do the group members plan their *interaction* for constructing the tower? How?
5. Are *roles* – leader and other – assigned formally, or do they develop informally?
6. To which common *norms and values* do group members refer when speaking to each other – for example, when there are differences of opinion?
7. What went particularly well? Why?
8. What was difficult and did not go well? Why?
9. How did the group deal with difficulties or problems?

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## SESSION 2.5 A PICTURE OF CONFLICT

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**PURPOSE:**

- to explore the kind of conflicts that participants encounter in their work;
- to develop a common understanding of conflict;
- to encourage participants to consider different scales and the positive, as well as the negative, outcomes of conflict.



**TIME:** two to three hours, depending on group size.



**MATERIALS:** flip charts, index cards and coloured pens.



**PREPARATION:** prepare a flip chart from Attachment 2.5.A “Conflict: some definitions”.

**STEPS**

- 1 Explain the purpose of the activity. Explain that before participants investigate approaches to managing conflict, it is important to know how they define the term “conflict”.
- 2 Ask each participant to think about the word “conflict” and his or her experiences of conflict (in personal life, at work, etc.). Ask the participants to list on their notepads the words that they use in their local language for conflict.  
Post the flip chart with Attachment 2.5.A and ask the participants how well it captures what they have identified as conflict. Record the ideas or other descriptions of conflict that the group presents. Pay particular attention to different cultural interpretations of the term “conflict”. What do these terms tell us about local definitions or reactions to conflict?
- 3 Hand out paper and pens to the participants. Ask them to spend five minutes drawing a picture of a natural resource conflict that they have encountered in their work. Explain that it can be a sketch, a cartoon or an abstract using symbols – whatever they like.
- 4 After five minutes, ask participants to post their pictures on the wall and to pair up and spend 15 minutes discussing possible positive and negative outcomes of this conflict.
- 5 After 15 minutes, reconvene the overall group. Record the positive and negative outcomes of conflict on a flip chart as they are presented.  
Initiate a discussion with the following questions:
  - Are there differences between conflicts within local communities and those that involve local communities and other outside organizations or stakeholder groups? What are these differences? (Point out some of the following differences, if the group does not mention them: need to continue relationships, past history, etc.)



- Given the possible positive and negative outcomes of conflict, what do participants feel is the aim of managing conflict? (At this point, it may be useful to explain the difference between conflict resolution and conflict management.)

6 Conclude the session by emphasizing the following key learning points.

### KEY LEARNING POINTS

- Conflict is a normal part of life and society, and is often necessary to the dynamics of change.
- Viewing any conflict as either positive or negative is not particularly helpful. It is not the conflict itself that is positive or negative, but its outcomes and the ways in which people respond to them.
- Conflict can have constructive and positive outcomes, depending on the way people handle it. For example: conflict can help to clarify and improve policies, institutions and processes that regulate access to resources; it can be an important force for social change, because it alerts people to:
  - competitive or contradictory laws or policies regulating access to or control over natural resources;
  - lack of or insufficient coordination in the implementation of natural resources management policies or laws;
  - neglect of people's need, rights, interests and priorities.
- Most conflicts have multiple causes because it usually takes more than one problem for a dispute to occur. Some causes may be related to the local level, while others are connected to wider social, economic and political processes. Breaking the big conflict picture down into smaller pieces makes it less overwhelming and more manageable.

**HINTS** If the group is small, each participant can be asked to explain his/her conflict, which encourages recognition of the different conflict scales and dimensions.

If the group is large, the presentation of every participant's picture may be too time-consuming. The trainer can suggest a "bazaar" approach in which participants walk around the room, looking at the pictures and asking and answering questions.

The conflict pictures form the basis for Session 2.6 "Main conflict ingredients", and should be kept safely so they can be revisited at later stages of the training.

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## Attachment 2.5.A Conflict: some definitions

### One definition:

*Conflict is...* a relationship involving two or more opposing parties, whether marked by violence or not, based on actual or perceived differences in needs, interests and goals. Conflicts are a normal part of human interaction, and many conflicts can be managed productively.

**Other ways of viewing conflict: ....**

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## SESSION 2.6 MAIN CONFLICT INGREDIENTS

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**PURPOSE:**

- to help participants recognize the different issues in a conflict;
- to help participants recognize that all issues must be addressed for effective conflict management.

**CROSS REFERENCE:** Sections 1.1 and 2.1.**TIME:** one hour.**MATERIALS:** three pin boards, cards, coloured markers.**PREPARATION:** prepare flip charts from:

- Attachment 2.6.A “Different conflict issues”;
- Attachment 2.6.B “Instructions for group work”.

**STEPS**

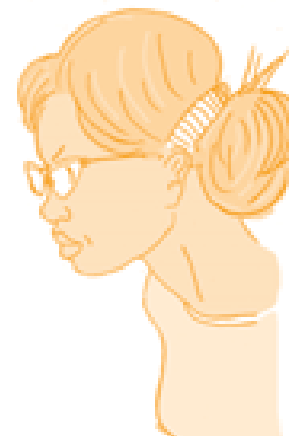
- 1 Briefly explain the theory of conflict issues using Attachment 2.6.A. Explain that most conflicts involve several issues. Usually, more than one problem has to arise before a dispute breaks out. It is important to differentiate these issues for an effective conflict management process.
- 2 Form groups of four to five people and explain the task of the group work (Attachment 2.6.B).
- 3 Give the groups 30 minutes to complete the task.
- 4 After 30 minutes, reconvene the participants. Ask one person from each small group to present and explain its findings to the other groups.
- 5 Conclude the session by asking the participants to identify commonalities and recurring patterns from looking at all the conflicts presented. What conclusions can be drawn from this comparison? Emphasize the following key learning points.

## KEY LEARNING POINTS

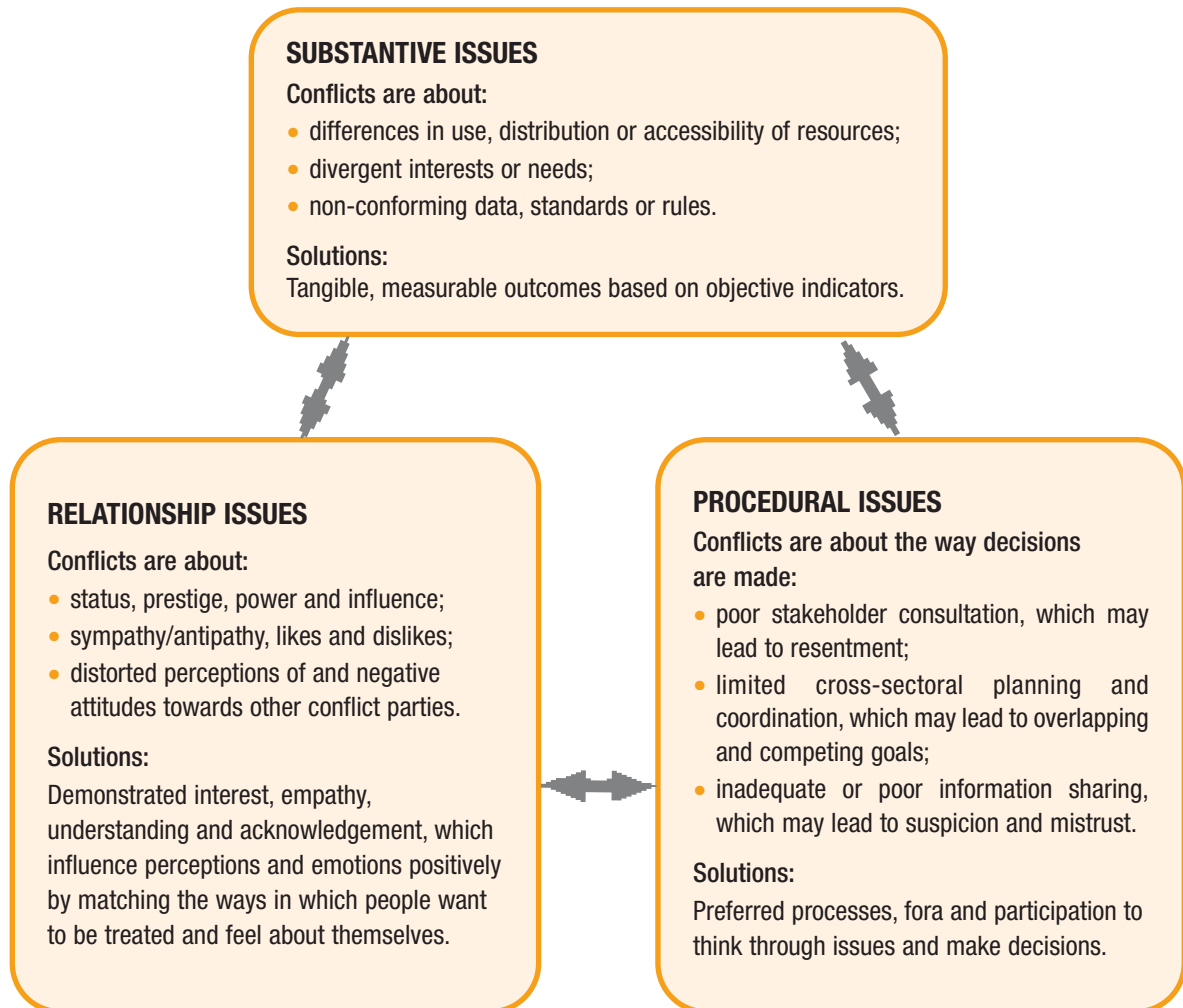
- Conflicts cannot be handled effectively if the different issues are not understood. Most conflicts consist of all three types of issue – substantive, relationship and procedural – because the issues are interdependent and often influence or reinforce each other. A conflict about factual issues can lead to strained or spoiled relationships, for example, when critical feedback regarding a decision is seen as a personal attack.
- Many substantive issues are difficult to solve, not because a fair compromise is difficult to find, but because relations among the conflict parties are strained – trust has broken down, feelings are hurt, etc. – or there are no acceptable decision-making processes in place.
- Just as conflicts involve all three types of issue, solutions need to address all three. The inability to find a substantive solution that is perceived as fair by all parties may imply that certain psychological or procedural needs have not yet been satisfied.
- The techniques and procedures for handling factual issues, such as divergent interests, are different from those required for handling relationship issues, such as hurt feelings and mistrust.

### *Example*

- A section head has to mediate in a conflict between two women staff members regarding the distribution of work and use of the computer. At a meeting they agree on a solution that both parties see as fair.
- The next day the two women fight about other issues.
- The section head has addressed only the factual issue. The relationship between the two staff members was not raised as an issue, but the root cause of the conflict might be jealousy, hurt feelings or prejudices about each other. Unless their relationship is improved and mutual respect established, the women will not be able to solve their factual differences themselves, and the intervention of third parties – the section head or others – will have no lasting effect.



## Attachment 2.6.A Different conflict issues



## Attachment 2.6.B Instructions for group work

In your group, identify examples of conflicts that you have experienced in your private or professional life. Discuss these examples and record your main findings on cards, bearing the following questions in mind:

- What are the factual, procedural and relationship issues?
- How did the conflict start, and how did it spread to include other issues?
- How did the issues influence each other?

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## SESSION 2.7 PARTISAN PERCEPTIONS

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**PURPOSE:**

- to allow participants to understand others' perceptions and shape their own;
- to improve participants' ways of dealing with different perceptions.

**CROSS REFERENCE:** Section 2.1.**TIME:** one hour.**MATERIALS:** flip charts. A notepad and pencil for each participant.**PREPARATION:** copy Attachment 2.7.A "Old or young woman?" on to a slide, or as a photocopy, with one copy per participant.**STEPS**

- 1 Do not explain the purpose of the activity. Say that you are inviting participants to an intellectual experience. Show the picture and ask participants to describe what they see. Do they see a woman? How old would they guess she is?
- 2 Then select two participants with widely differing guesses to describe to each other in more detail what they see. What does the woman look like? What is she wearing? Some people will describe the woman as about 25 years old, very lovely, and rather fashionable with a demure presence. Others will see a woman in her sixties or seventies, who looks sad, and has a huge nose.
- 3 Explain that this exercise demonstrates that two people can see the same thing, disagree about it and yet both be right. Their perceptions are not logical, they are psychological. This phenomenon is called a "partisan perception". Partisan perceptions about substantive matters can make it difficult to solve disagreements. Understanding each party's perception of a situation is one of the most useful skills in conflict management. It requires continuous calm, respectful and specific communication finally to be able to see the other point of view.
- 4 Ask participants to think of an interpersonal conflict that they are familiar with. Ask them to produce a "partisan perception chart". In two columns – one for each of the two parties involved in the conflict – they should record the relevant history, events, goals and intentions from the different points of view of the parties. The partisan perceptions should be recorded in a way that makes them plausible and illuminating to opposing parties. Give participants 20 minutes to do this.

- 5 Reconvene the participants and start a discussion around the following questions:
  - What was challenging about this exercise?
  - What do you think are the causes for partisan perceptions (see Attachment 2.7.B)?
- 6 Conclude the session by explaining that selectiveness cannot be overcome, but partisan perceptions can be dealt with. Explain that there are two main ways of improving the way people deal with these differences (see Attachment 2.7.C):
  - Focus on understanding the other person's perceptions. When we can view the situation through another person's eyes, two things are likely to happen: first, when that person knows that her/his view has been understood, he/she is more likely to listen to our view; and second, she/he is more likely to try to understand our different perception of the situation.
  - Look for data that contradict our own perception. This is particularly difficult when we feel strongly about a perception. In this case, we may need the help of a third party or people from the opposing side to explain aspects that we are currently unaware of.
- 7 Wrap up the session by emphasizing the following key learning points.



### KEY LEARNING POINTS

- Different people see things differently. Perceptions vary according to a person's interests, values and culture.
- People do not understand perceptions. When they interact with others with whom they disagree, they frequently cannot make sense of the others' actions or words. People tend to dismiss opposing perceptions as being incorrect or the result of misunderstanding.
- Perceptions differ. They always will. Dealing skilfully with differences in perceptions is a large part of what conflict management is about.
- There is no single true or objective account of a conflict. Different people interpret or frame the conflict in different ways, depending on their perspectives and interests. Because conflicts are about perceptions and the (different) meanings that people give to events, policies, institutions, etc., they can be managed by changing the way people feel and behave.
- Partisan perceptions about substantive matters can make disagreements difficult to solve. One of the most useful skills in conflict management is understanding the different perceptions that each party has of a situation and dealing with the filter in one's own mind.

**HINTS** For the partisan perception chart exercise, participants can choose two of the main stakeholders from their conflict pictures (from Session 2.5), as long as they know the perceptions of these stakeholders.

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**Attachment 2.7.A** Old or young woman?



What does the picture show?

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Do we agree on what we are seeing?

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## Attachment 2.7.B Causes of partisan perceptions

- We selectively filter incoming data.
- We revise our memories to fit our preferences.
- We experience and observe different data from each other.
- We are interested in different things from each other.
- We collect evidence to support our own views.
- We ignore or dismiss non-confirming data.

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## Attachment 2.7.C Ways of dealing with partisan perceptions

Be understanding and make understanding a collaborative effort:

- Assume that partisan perceptions exist, ours as well as theirs.
- Seek to understand and be understanding, before seeking to be understood.
- Consider discussing partisan perceptions early and explicitly.

Search actively for reasoning:

- Be explicit about the data you seek.
- Discuss how each of you interprets the data and reaches conclusions.

Create new perceptions, rather than battle over old ones:

- Seek data that contradict, or at least do not confirm, your own perceptions.
- Tell a new story.





# Chapter 3 Conflict analysis

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SESSION 3.1 A KNOTTY PROBLEM

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SESSION 3.2 INTRODUCTION TO RAPID CONFLICT ASSESSMENT

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SESSION 3.3 STAKEHOLDER IDENTIFICATION

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SESSION 3.4 ANALYSING STAKEHOLDER RELATIONSHIPS

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SESSION 3.5 ANALYSING THE 3RS: RIGHTS, RESPONSIBILITIES AND RETURNS

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SESSION 3.6 ROOT CAUSE ANALYSIS

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SESSION 3.7 EXAMINING POWER AND INFLUENCE

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## Conflict analysis

People tend to start thinking about solutions as soon as they are aware that a conflict exists. Tensions and differences are hard to bear, and most people want to get rid of them as quickly as possible. Usually, however, seemingly quick and easy solutions are not sustainable because they do not take all the aspects of the conflict into account.

On the one hand, the more conflict management practitioners know and understand about the situation in which they are working, the less likely they are to make mistakes, and the more likely to assist stakeholders effectively. On the other hand, it is essential to differentiate between very important and less important issues – most conflict analyses are constrained by limited time, resources or expertise.

The conflict analysis activities in this chapter have been designed to help participants gather all the information needed to decide what kind of conflict management procedure is the most appropriate to resolve a conflict – informal or formal, with or without the assistance of a third party – and to assess the possibility and viability of a negotiated settlement.

Systematic analysis of an issue, problem, dilemma or conflict helps identification of the main parties or stakeholders, their key interests and the critical conditions (opportunities or barriers) that affect resolution. It also helps the assessment of possible procedures for addressing and resolving issues, and decision-making about how to proceed, including what steps to take first.

This chapter starts with an energizer to introduce conflict analysis, which is followed by a rapid conflict assessment (Session 3.2). Depending on the complexity of the conflict case and the information needs, a conflict management practitioner may choose to do a more in-depth conflict analysis. Tools for doing so are introduced in Sessions 3.6 “Root cause analysis”, 3.3 “Stakeholder identification”, 3.4 “Analysing stakeholder relationships”, 3.5 “Analysing the 3Rs: rights, returns and responsibilities” and 3.7 “Examining power and influence”.

Trainers have two options for introducing the tools: they can be applied to participants’ own cases (following up on Session 2.5 “A picture of conflict”) or they can be applied to simulated conflict cases (see Chapter 6).

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## SESSION 3.1 A KNOTTY PROBLEM

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**PURPOSE:**

- to energize the group;
- to prepare the ground for conflict analysis;
- to underline the importance of not interfering more than is necessary in other people's affairs.

**TIME:** 15 minutes.**MATERIALS:** none.**PREPARATION:** none.**STEPS**

- 1 Explain that the group is now going to do a fun energizing exercise.
- 2 Ask two volunteers to act as “solvers” and ask them to leave the room.
- 3 Ask the other participants to stand up and form a circle, holding hands. They should then tie themselves – without letting go of each others' hands – into a firm knot.  
Ask them to remain like that and follow the instructions given by the solvers.
- 4 The solvers are asked back into the room to untangle the knot, giving only verbal instructions to the group. Instruct them to hold their hands behind their backs to prevent them from touching the group or using body language.
- 5 After a couple of minutes stop the exercise. Most likely the solvers will not have managed to solve the problem. Ask them to join the group and repeat the exercise, this time letting the group disentangle itself: this should take about 20 seconds.
- 6 As feedback, encourage participants to relate the game to their own lives. Emphasize the following key learning points.

**KEY LEARNING POINTS** .....

- This game demonstrates that everybody is better placed to solve their own problems than outsiders are.

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## SESSION 3.2 INTRODUCTION TO RAPID CONFLICT ASSESSMENT

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**PURPOSE:** to help participants identify what they need to know about a conflict in order to facilitate its resolution.



**CROSS REFERENCE:** Section 4.5 and Chapter 5.



**TIME:** 45 minutes.



**MATERIALS:** none.



**PREPARATION:**

- select a conflict case from the examples in Chapter 6 and photocopy the background information for participants;
- prepare photocopies or flip charts of Attachment 3.2.A “Conflict analysis and strategy design table”.



**STEPS**

- 1 Introduce the session by explaining that there is a natural tendency to think about solutions immediately after becoming aware that a conflict exists. Tensions and differences are hard to bear and most people want to get rid of them as quickly as possible. However quick solutions are not likely to be sustainable, because they often overlook important aspects of the problem. Thorough conflict analysis is essential because the more conflict management practitioners know and understand about the situation in which they are working, the less likely they are to make mistakes, and the more likely to assist stakeholders effectively. On the other hand, it is essential to differentiate between very important and less important issues – most conflict analyses are constrained by limited time, resources or expertise.
- 2 A conflict practitioner needs to understand enough about a conflict to:
  - decide what kind of conflict management procedure is the most appropriate to help parties to further their interests – informal or formal, with or without the assistance of a third party;
  - assess the possibility and viability of a negotiated settlement;
  - decide whether or not to pursue negotiations.
- 3 Explain to participants that the rapid conflict analysis tool provides an organized way of preventing information overload. Explain that you are going to lead a joint conflict analysis using the tool, to demonstrate how it works.

- 4 Distribute background information about the selected conflict case. Give participants sufficient time to read the case.
- 5 When they are all ready, turn to the conflict analysis and strategy design table (Attachment 3.2.A). Ask the participants to list the key conflict parties in the first column. Explain that conflict parties or stakeholders are those “*individuals or groups who are affected by the outcome of a conflict, or those who influence that outcome*”. Indicate that there is risk that some groups of people, such as a local community or women, may be viewed as sharing a common identity, even when the members of that group have diverse and contradictory interests and needs.
- 6 When all the stakeholders have been listed, identify the most important issues. Issues are topics or problems that parties would like to discuss in a conflict management process. Remind participants that issues need to be phrased in ways that make people with different views willing to talk about them, for example, by stating general tasks, such as “clarify the relationship” or “clarify the authority”, or questions, such as “what needs to be done to address issue x?”. It is also important to be as inclusive as possible, by listing the issues of all, and not just of some, of the parties.
- 7 Next, the issues need to be put into order of importance. Conflict management practitioners enter a conflict situation by starting with discussion of the easier issues, where agreement can be more rapidly achieved. Conflict managers also have to identify which issues are most important to the parties; if these concerns are not met, it is unlikely that an agreement can be reached and sustained.
- 8 Once the important issues have been selected, the parties need to discuss them, in order to understand each others’ interests. Interests are all the things a party wants to have satisfied. Interests are of three types: substantive, procedural or psychological (see Session 2.6). Interests should be probed – their history, what is important and why. Conflict managers must ask open-ended questions to find out why the interests are important to the stakeholders. Analysing interests enables the conflict management practitioner and the disputing parties to determine whether any common interests exist.
- 9 Explain to participants that a conflict management practitioner would now usually work with disputing parties separately to assess potential and, in some cases, probable conflict outcomes. Suggested options need to satisfy at least some of the interests, but not necessary all.
- 10 The next column on the table refers to the power that some parties may use to influence the conflict management process so that it furthers their own interests. Clarify that “*power is the capacity to get things done*”. Explain that all parties in the conflict resolution process require some power and means of influence. When there are very severe power differentials, it is necessary to decide whether or not these can be balanced by a third party.
- 11 Next, the stakeholders’ willingness to settle the conflict needs to be assessed. Is resolution of the dispute a high priority for all stakeholders? Or will some refuse to take part in the process because they do not understand their own best interests or suffer from emotional or other blocks?

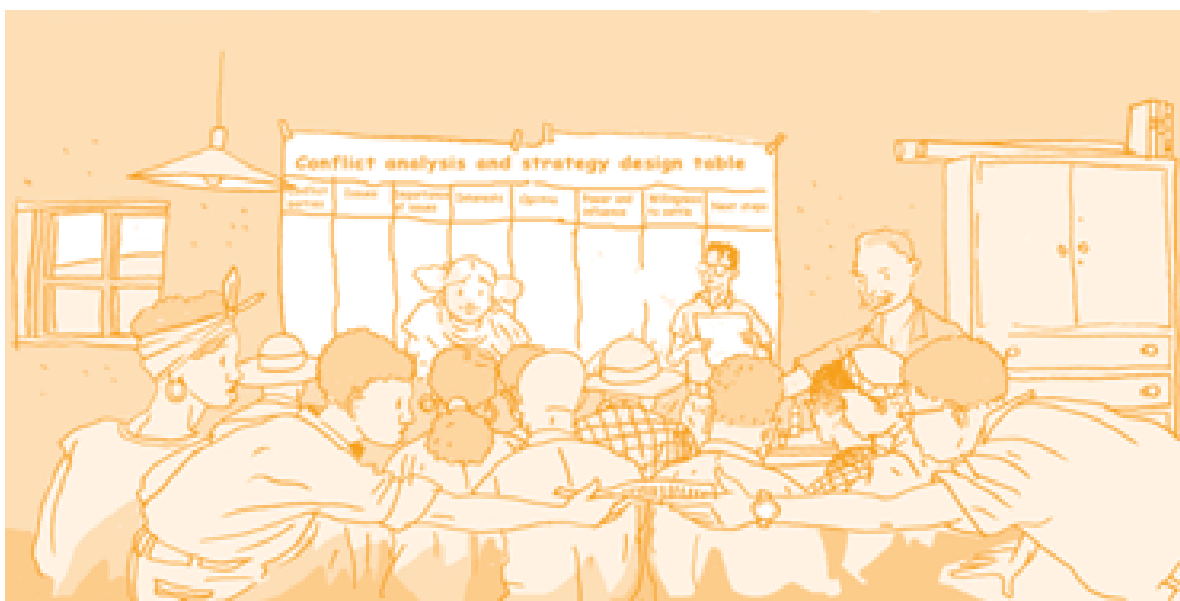
- 12 Explain that by reaching the final column in the table, participants have considered the main factors and conditions that determine the possibility and viability of a negotiated settlement. The information gathered should make it possible to assess the chances of collaborative approaches – negotiation or mediation – succeeding and producing a good outcome. In the final column, decisions are made about the most appropriate conflict management procedure and the next steps to be taken in preparation for it.
- 13 Wrap up the session by explaining that other conflict analysis tools can be used when any of these aspects need to be analysed in greater detail. Emphasize the following key learning points.

### KEY LEARNING POINTS

- Conflicts are often about different perceptions and the different meanings that people attribute to events, policies and institutions. Hence, conflict analysis must be organized in a way that involves all the conflict stakeholders. Ideally, conflict analysis brings together the main stakeholders in a joint multistakeholder event. In situations where tensions are high or direct communication among stakeholders is not possible, conflict analysis can also be organized as separate meetings with individual stakeholder groups. However it is done, it is important that a conflict analysis is based on a wide range of views.

**HINTS** This session should be followed by sessions introducing more detailed conflict analysis tools, such as 3.6 “Root cause analysis”, 3.3 “Stakeholder identification”, 3.4 “Analysing stakeholder relationships”, 3.5 “Analysing the 3Rs: rights, returns and responsibilities” and 3.6 “Examining power and influence”.

To illustrate the point about different perceptions, it should be combined with Session 2.7 “Partisan perceptions”.





### Attachment 3.2.A Conflict analysis and strategy design table

CONFLICT PARTIES	ISSUES (all the topics that need to be dealt with)	IMPORTANCE OF ISSUES (in order of priority)	INTERESTS (the substantive, procedural and psychological interests of each party)	OPTIONS (for meeting most of the parties' identified interests)	POWER AND INFLUENCE	WILLINGNESS TO SETTLE	NEXT STEPS (fora, procedures or strategies to address the issues)

Source: Adapted from Centre for Dispute Resolution (CDR Associates).

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## SESSION 3.3 STAKEHOLDER IDENTIFICATION

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**PURPOSE:** to help participants identify, characterize and analyse the various groups of stakeholders.



**CROSS REFERENCE:** Section 5.5.



**TIME:** one and a half hours.



**MATERIALS:** pin board or flip chart, cards, coloured marking pens, tape.



**PREPARATION:** copy Attachment 3.3.A “Stakeholder analysis questionnaire” for each participant.

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### STEPS

- 1 Explain that the purpose of this activity is to demonstrate a tool that is useful for facilitators and stakeholders in analysing conflict situations.
- 2 Together with the participants, select a conflict over the use of natural resources with which the participants are familiar. The conflict taken as an example can be a case that the group has worked on in a previous activity, a real case that participants are familiar with, or a case taken from the examples provided in Chapter 6.
- 3 Explain that identification of the key stakeholders in a conflict may be easy in many interpersonal and organizational disputes, but it can be a challenge in multiparty conflicts. Stakeholders are people or groups who/that are directly involved in the conflict, affected by the conflict or dependent on the resources concerned. Omitting somebody in a key position of authority at an institution involved in the dispute, or an individual who can mobilize a group of supporters, can critically jeopardize the process. Hence, a conflict management practitioner always needs to keep on asking “Who is it important for me to talk with?” Secondary parties to the conflict are often invaluable resources in conflicts, because they may have more objective views and may also be able to introduce the conflict manager to the central people and principle parties in the conflict. Names gathered during this process need to be cross-referenced. When the major groups of stakeholders are identified, they are to be listed.
- 4 Divide the participants into groups of three or four according to which stakeholder group they are familiar with and/or knowledgeable about.
- 5 Distribute the stakeholder analysis questionnaire and give the groups 45 minutes to fill it in.

- 6 After 45 minutes, reconvene the participants. Ask one person from each group to explain its analysis to the other groups. Allow members of other groups to ask questions and comment on the description.
- 7 Initiate a discussion around the following questions:
  - How useful was this activity for understanding the situations, behaviour and interests of the stakeholder groups?
  - Is it important to know the different groups?
  - Which areas and issues of potential or existing conflict can be derived from the analysis?
- 8 Wrap up the session by emphasizing the following key learning points.

### KEY LEARNING POINTS

- Problems are not “objective” but always refer to an individual or group. What one group sees as a problem or disadvantage may not be a problem, and may even be an advantage, for another group.
- Stakeholder groups differ in their awareness of problems and the ways in which they explain a problem. For example, child mortality can be attributed to lack of hygiene (the scientific viewpoint) or to the influence of bad spirits/demons. The design of effective conflict resolution strategies depends on knowing about these belief patterns.
- Stakeholder analysis helps to identify how different stakeholder groups can participate in the design and implementation of conflict management strategies. All parties in the conflict resolution process require some power and means of influence, which can come from various sources (see 3.7 “Examining power and influence”).



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## Attachment 3.3.A Stakeholder analysis questionnaire

Please describe and analyse the stakeholder group by answering the following questions.

### **Social characteristics**

Composition of the group – age, gender, ethnicity:

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Organizational structure: informal or formal (organization, institution)?

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Authority and leadership: which bodies, committees or individuals represent the group?

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Social, political and economic status:

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Negotiation position – strength in relation to other stakeholders:

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The group's potentials and strengths – specialist knowledge, control of resources:

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**Situation**

Sources of income:

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Natural resources on which the group depends for its survival:

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The group's biggest problem, from its point of view:

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The group's explanations or rationalizations of the problem:

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How are group members involved in or affected by the conflict?

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What is their role in the conflict?

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### **Attitudes**

The group's attitude to the issue and to other parties: are there preconceived ideas, prejudices, convictions?

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Group members' position regarding the conflict issues and other parties: what are their demands and conditions?

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The group's interests and needs arising from the conflict issue:

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The values and norms that guide the group's actions:

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Strategies and tactics adopted by the group to deal with the conflict:

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The group's expectations regarding a consensual negotiation process: their hopes and fears regarding the process or the outcome:

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**Implications for consensual negotiation and mediation**

Which of the positions taken by the group could endanger the process?

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Which are legitimate needs and interests?

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What benefits are the stakeholders likely to derive?

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How should the group be involved in the process?

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What kind of role could the group play?

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## SESSION 3.4 ANALYSING STAKEHOLDER RELATIONSHIPS

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**PURPOSE:** to introduce a tool for exploring the relationships among different stakeholder groups.



**CROSS REFERENCE:** Section 3.2.



**TIME:** one hour.



**MATERIALS:** pin board or flip chart, cards, coloured marking pens.



**PREPARATION:** photocopy or copy on to a flip chart Attachment 3.4.A “Sample relationship map”.



### STEPS

- 1 Explain that the purpose of this activity is to familiarize participants with a tool that is useful for facilitators and stakeholders in analysing conflict situations. Present the relationship map (Attachment 3.4.A) and explain the design and symbols it uses.
- 2 Together with the participants, select a conflict over the use of natural resources with which they are familiar. Preferably this should be a case on which the group has already worked in a previous session.
- 3 Ask participants to list all the stakeholders identified in the stakeholder analysis (Session 3.3).
- 4 Ask the participants to discuss the relations among the stakeholder groups, illustrating how these work by using representative lines and symbols. Ask participants to add specific information about relationships on cards.
- 5 Review the diagram and modify it if necessary.
- 6 Initiate a discussion around the following questions:
  - How useful was this activity for understanding the relations and attitudes of stakeholder groups?
  - Which relationships have to be worked on in order to improve the chances of reaching an agreement?
  - What are the implications of this analysis for the conflict management process?





## Analysis of relationships from the map

**Issue:** A logging company is to harvest a forest area that is a primary use area of villages A and B.

### **VILLAGE A:**

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Alliances with research institute, conservation NGO and village B. Major conflict with logging company over harvesting the forest area. Minor conflict with village C over supporting the company's proposal. Past relationships with forest agency have been good.

### **VILLAGE B:**

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Alliances with research institute, conservation NGO and village A. Strong kinship ties with village C. Very little interaction with forest agency or logging company.

### **VILLAGE C:**

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Company says it will purchase produce from village C in exchange for support of logging proposal.

### **RESEARCH INSTITUTE/CONSERVATION NGO:**

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Good relationship with forest agency through shared work on forest biodiversity strategy. Partners with all villages in forest inventory work. Some contact with logging company, but interaction so far has been poor.

### **POSSIBLE ACTIONS:**

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To strengthen the influence of villages A and B:

- they use their alliance to lobby the forest agency and external stakeholders;
- village B acts as an intermediary between villages A and C to renew and strengthen their ties;
- research institute presents the concerns of villages A and B to the forest agency;
- research institute explains concerns about logging impacts to village C.

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## SESSION 3.5 ANALYSING THE 3RS: RIGHTS, RESPONSIBILITIES AND RETURNS

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**PURPOSE:** to examine different stakeholders' rights, responsibilities and returns regarding the resource, as part of understanding stakeholders' present and potential roles in a conflict.



**CROSS REFERENCE:** Sections 5 and 6.



**TIME:** two hours.



**MATERIALS:** pin board or flip chart, cards, coloured marking pens.



**PREPARATION:**

- copy Attachment 3.5.C "Sample 3Rs matrix" on to a flip chart;
- photocopy Attachment 3.5.A "Instructions for group work", Attachment 3.5.B "Sample conflict background sheet" and Attachment 3.5.C "Sample 3Rs matrix" for each participant.



**STEPS**

- 1 Explain the purpose of the activity and the meaning of the 3Rs: rights, responsibilities and returns. Show the sample 3Rs matrix (Attachment 3.5.C) and explain the design and procedure. Answer participants' questions.
- 2 Explain that participants will learn how to identify the 3Rs by filling out a matrix. Divide the participants into two or three groups and distribute the conflict background sheet and the instructions for group work (Attachments 3.5.A and 3.5.B).
- 3 Explain that the participants will now apply this tool to a sample conflict (Attachment 3.5.B) and then to a real conflict case. Take a case that the participants have worked on before and ask them to list all the stakeholders identified in the stakeholder analysis (Session 3.3).
- 4 Divide the participants into groups. Each group is to identify and analyse the 3Rs of one or two of the stakeholder groups identified, following the instructions in Attachment 3.5.A. Assign one or two of the stakeholders to each group, and give them 45 minutes to complete the task.
- 5 After 45 minutes, reconvene the participants. Ask one person from each group to present and explain its analysis to the other groups. Allow members of other groups to ask questions and comment on the description. Compare the results and correct any misunderstandings regarding the 3Rs that participants may have.

- 6 Initiate a discussion around the following questions:
- What did you learn about the conflict from completing the 3Rs matrix?
  - How different are the stakeholders regarding their rights to, responsibilities for and returns from the resource?
  - How do differences in these factors affect stakeholders' levels of power or influence in the conflict?
  - How could these different factors be changed in order to reduce the conflict?

**HINTS** The 3Rs analysis is a very sensitive tool and needs careful application. It should be applied only as an internal mental model for the conflict manager or to help a particular stakeholder (group) to prepare for negotiations. It is a way of levelling the playing field among different stakeholders.

When applied in rural communities, this tool may need careful explanation and guidance from the conflict management practitioner, because it requires a sound understanding of specific conceptual categories. People may not find such categorization easy.



## Attachment 3.5.A Instructions for group work

### Step 1

1. Review the terms “rights”, “responsibilities” and “returns”: these describe stakeholders’ relationships to the resource base:
  - Rights regard access and control over a resource, as defined legally or informally.
  - Responsibilities are the roles and power that a stakeholder has in the management of a resource.
  - Returns are the benefits and costs that a stakeholder derives from a resource, based on rights and responsibilities.
2. Define and clarify what you mean by each term, and how the terms are used in relation to the stakeholders and forest resources in the conflict you are examining.
3. Read the conflict background sheet (Attachment 3.5.B). Identify and discuss which rights, responsibilities and returns the stakeholders in this case have.
4. On a pin board or flip chart draw the 3Rs matrix according to the following pattern.

Stakeholder	Rights	Rank	Responsibilities	Rank	Returns	Rank

5. Write the name of a stakeholder group in the first column and describe its rights, responsibilities and returns in the relevant columns.
6. For each stakeholder, score each of the 3Rs on a scale of 0 to 5, with 0 meaning none, and 5 meaning high/maximum. Note that with responsibilities there may be a difference between what the stakeholders are legally responsible for and the responsibility that they actually display. In such cases, the descriptions should reflect the policy/legal requirement, and the score for that column should reflect the reality.
7. Repeat this process for all the stakeholders described in the case study.
8. Prepare to present and explain your results in the plenary session.

### Step 2

1. Create and fill out a 3Rs matrix for the stakeholders assigned to your group, following the same steps and procedures.

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## Attachment 3.5.B Sample conflict background sheet

An overseas logging company has approached the national forest agency for a seven-year timber concession to harvest 50 000 ha of forest that had traditionally been occupied and used by local indigenous communities. The proposal has resulted in a conflict involving local communities, the government and commercial interests.

Under the country's legislation, all forested land belongs to the State, and the national forest agency is legally responsible for its administration and management. Prior to colonization, however, most forest areas within the country were held in some form of customary tenure by indigenous tribes. This customary tenure has never been recognized formally by the State, either during colonization or after independence. Forest use rights and management authority have been, and continue to be, a contentious issue.

The proposed concession area lies in a remote region of the country that is poorly serviced and lacks infrastructure. The government does not have adequate funds or staff to manage the forest in this area, which has been used increasingly by migrants – refugees who have crossed the border illegally from a neighbouring country. In order to improve its control of forest use, the government has initiated a collaborative forest management programme that engages the assistance of local communities. The indigenous people have strong cultural ties to the forest and depend on forest products for their livelihoods. They are concerned about the migrants' burning and clearing of the forest, and have offered to work as forest guards in order to prevent the forest from degrading into open access. They have also helped a national research institute and an overseas conservation NGO to conduct an inventory of forest plants and animals and to implement special measures to protect endangered species.

The government is interested in increasing its revenue through logging royalties, and the logging company has agreed to construct a major road through the area. The road would increase access for future development and assist the patrolling of the country's border and control of the influx of refugees.

The logging company has insisted that, for safety reasons, its lease should prevent local people from using the forest area. The company is also concerned about community opposition to the logging activity. The government has assured the company that, in the past, the existing collaborative management programme has gained the communities' assistance, without giving local residents legal authority to make forest land-use decisions, or providing them with greater access to forest areas.

Two of the three villages (A and B) have opposed the logging, claiming that it would limit access to the forest materials, food and medicines they need. Village A is additionally concerned that its river, and only source of drinking-water, would become polluted from the upstream logging activities. These villages have been supported by a development NGO, which is working on health issues in the area and is also active nationally in advocating greater recognition of forest rights for indigenous people.

Members of a third village (C) are more supportive of the logging operation. Unlike the other two villages, the sale of market produce is a key source of village C's income. Its villagers feel that the influx of loggers would reduce the need to travel to distant market areas. Increased sales and reduced costs are perceived as a boost to the local village economy.

For six months, the conflict has continued to escalate. Members of villages A and C have been increasingly involved in heated arguments, and violence against forest agency staff has been threatened. A national training institution with experience in managing forest conflict has been asked to intervene and assist with mediation. In preparation for meetings among the groups, the conflict management practitioner has worked with each group to develop a matrix showing each stakeholder's forest rights and management responsibilities. The conflict manager has also recorded the perceived returns of each group from the proposed logging operation. As several of the groups felt that they would be adversely affected, they chose to record returns both as positive (gains) and negative (costs). This was followed by an analysis of the relationships among stakeholders.



## Attachment 3.5.C Sample 3Rs matrix

Stakeholder	Rights	Rank	Responsibilities	Rank	Returns	Rank
National forest agency	Supervision Management	4	Administer timber concession Ensure annual national cut is achieved Implement biodiversity strategy to meet international commitments <sup>1</sup>	3	+ Royalties and logging income + New road into area - Weakened biodiversity protection in forest site	4
National department of international affairs <sup>2</sup>	None exclusive to forest area (but powerful government office)	1	National security Immigration control	3	+ Improved access to the border	4
Logging company	7-year exclusive lease on 50 000 ha of forest	5	Road construction <sup>3</sup>	3	+ Expected timber sales and profit	5
Village A	Unrecognized customary forest use rights	1	Continued role in day-to-day management (fire management, controlling forest entry by migrants) <sup>4</sup>	5	- No further access to needed forest products	1
Village B	Unrecognized customary forest use rights	1	Continued role in day-to-day management (fire management, controlling forest entry by migrants)	5	- No further access to needed forest products	1
Village C	Unrecognized customary forest use rights	1	None	0	+ Increased revenue from sale of produce	3
Migrants	None	0	None	0	- No further access to needed forest products	1



## Attachment 3.5.C continued

Stakeholder	Rights	Rank	Responsibilities	Rank	Returns	Rank
National research institute <sup>5</sup>	Research permit	3	Inform government of biodiversity inventory Assist forest agency with biodiversity management	3	- Inventory stopped, leaving gaps in national forest database - Weakened biodiversity protection	0
Conservation NGO <sup>5</sup>	Research permit	3	Inform government of biodiversity inventory Assist forest agency with biodiversity management	3	- Inventory stopped, leaving gaps in national forest database - Weakened biodiversity protection	0
Development NGO	None exclusive to forest site (but empowered under government health programme)	3	Improvement of local livelihoods	4	- Increased pressures on local livelihood support	1

**Notes:**

- 1 Despite the national forest agency having a number of formal (legal) responsibilities to manage the forest sustainably, it was given a lower ranking (for responsibility) because of its inability to carry out its duties. The effectiveness of the forest agency in all responsibilities hinged on the support of various partnerships (for example with communities, the research institute, the logging company).
- 2 Many of the villagers initially saw all the interests of the government as being represented by the national forest agency. In preparing the matrix they realized that they needed to engage the office of international affairs, as well as the national forest agency. These two government departments have quite distinct interests, authority and strategies.
- 3 In discussion of the matrix, it was pointed out that the company had a low level of responsibility in terms of ensuring that the harvest was sustainable or that it provided for future local needs. It was also feared that constructing the road would open the area up to more settlers from other areas, and would not control the migrants as intended.
- 4 The forest agency acknowledged that it would continue to need the assistance of local people in forest area management.
- 5 In discussion of the matrix, the local villages opposing the logging decided to enlist the support of the research institute and conservation NGO, as these two groups had some formal rights to the area and their interests were potentially threatened.

**Ranking of stakeholders according to respective 3Rs weight**

Rank	Greatest rights	Most responsibilities	Most benefits
1	Forest agency	Villages A and B	Logging company
2	Logging company	Forest agency	Forest agency
3	Research institute/conservation NGO	Research institute/conservation NGO	Village C

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## SESSION 3.6 ROOT CAUSE ANALYSIS

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**PURPOSE:** to help participants examine the origins and underlying causes of conflict.



**CROSS REFERENCE:** Section 3.2.



**TIME:** two hours.



**MATERIALS:** pin board, cards, coloured marking pens, tape.



**PREPARATION:**

- copy Attachment 3.6.B “Sample conflict tree” on to a flip chart;
- photocopy Attachment 3.6.A “Instructions for group work” and Attachment 3.6.B “Sample conflict tree” for each participant.



**STEPS**

- 1 Explain that the purpose of this activity is to increase understanding of how and why conflict originates and the sequence of contributing causes. Explain that when the root causes of a conflict are not properly understood, any steps to manage and solve the conflict may miss some important causes. The conflict may then not be properly managed, and may re-emerge later on. This is similar to felling a tree without eradicating its roots, which causes the tree to start growing again.
- 2 Post the sample conflict tree (Attachment 3.6.B) and describe the steps of the process. Explain that the starting point is the specific conflict. To discuss the root causes of the conflict, participants have to ask why the conflict has occurred, or what the immediate causes of the problem are. Each reason should be written on a separate card, and placed under the appropriate conflict heading. Participants need to keep asking the question “why?” for each of the immediate causes. These steps are repeated until the root causes of the conflict or issue are discovered. Finally, the cards are to be connected with lines to show the linkages between causes and effects.
- 3 Distribute the instructions (Attachment 3.6.A) and form small groups of four to five participants. Ask each group to select a conflict from within its own experience as a sample on which to practise the problem tree technique. Allow one hour for this activity. Spend time with each group to ensure that its members have understood the process.
- 4 After the groups have completed their trees, reconvene the participants. Ask one person from each group to present and explain its chart to the other groups.

- 5 At the end of the presentations, start a discussion with the following questions:
- What problems did participants face in completing the conflict trees?
  - Has this exercise improved participants' understanding of the causes of conflict or its origin?
  - Does the conflict tree demonstrate the importance of linking local causes to much broader social, political and economic issues?
  - Would the conflict tree help conflict parties and interested outsiders to understand the conflict? What constraints might be faced? How could these be overcome?
- 6 Close by pointing out that a conflict has multiple contributing causes and it is unlikely that all of these causes can be tackled or addressed simultaneously. Priorities have to be established. Emphasize that there are no set rules for establishing priorities. An important aspect of conflict analysis is to identify the most significant causes of conflict. One way of doing this is to rank the issues in terms of significance. In doing so, it is also useful to distinguish which issues are:
- *immediate* and require urgent action;
  - *underlying*, presenting significant obstacles for lasting peace and perhaps needing to be addressed over a longer time period.

The root cause analysis can be repeated at different times during the conflict analysis process, as more information becomes available and new issues arise. Initially, many of the linkages in the problem tree may be based on assumptions. Identifying areas where more information is needed and collecting this information from the field provides new insights, which help to verify or modify these initial assumptions.

**HINTS** The final product of the root cause analysis depends on the participants, their level of knowledge and the information they have. The analysis has a greater impact when the stakeholders have participated in it. There can be different interpretations of cause and effect, unwillingness to bring out key problems, and differing perceptions about the importance of issues. The process of comparing and discussing viewpoints and eventually agreeing on a diagram is in itself beneficial and can increase mutual understanding. Tactful and respectful guidance is essential, however.

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## Attachment 3.6.A Instructions for group work

1. Select and discuss a conflict that you are all familiar with from your sphere of work. You should choose a conflict about which most of your group's members have relevant and accurate information.
2. Write the conflict issue on a card and put it in the middle of the pin board. The conflict issue can be an action in the conflict process that marks a new development in the conflict, giving it a new quality.
3. Analyse the immediate causes of the conflict: Why did it occur? Which factors led to the latest development? Write the factors on cards and pin them underneath the issue.  
*Note:* The immediate causes are independent of each another, but accumulate to produce the effect described in the issue card ( $A + B + C = \text{Issue}$ ).
4. Analyse the causes of each of the immediate causes (A, B, C,...), and pin these "sub-causes" beneath the respective immediate causes on the board. Repeat these steps until you have reached some basic or root causes of the conflict or issue being addressed.
5. Identify the potential effects of the conflict issue described on the issue card. Post these above the issue card.
6. Review the cause-and-effect relationships and modify them as necessary. Check the logic of the tree diagram by asking "why?" through all the levels of causes. Then, connect the cards with lines to show the linkages between causes and effects.
7. Discuss and prepare the presentation of your diagram.

When doing the root analysis, please remember the following:

- Do not get bogged down in arguments about whether or not a "why?" is valid. This is an exploratory activity and the truth or relative significance of the "why?" can be determined later.
- Sometimes there is confusion between cause and effect. This is common, and the difference will become clearer through discussion and practice. Always ask the lead questions: Why did this happen? Which other factors contributed to this problem?

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## Attachment 3.6.B Sample conflict tree

The following conflict tree illustrates a simplified root cause analysis of a conflict over forest logging. The conflict involved traditional owners, a timber company and the government forest service. The traditional owners, who opposed timber harvesting on forest land that they claimed was part of their ancestral estate, prepared the conflict tree diagram. They wanted logging to be stopped, and argued that this conflict was brought on by:

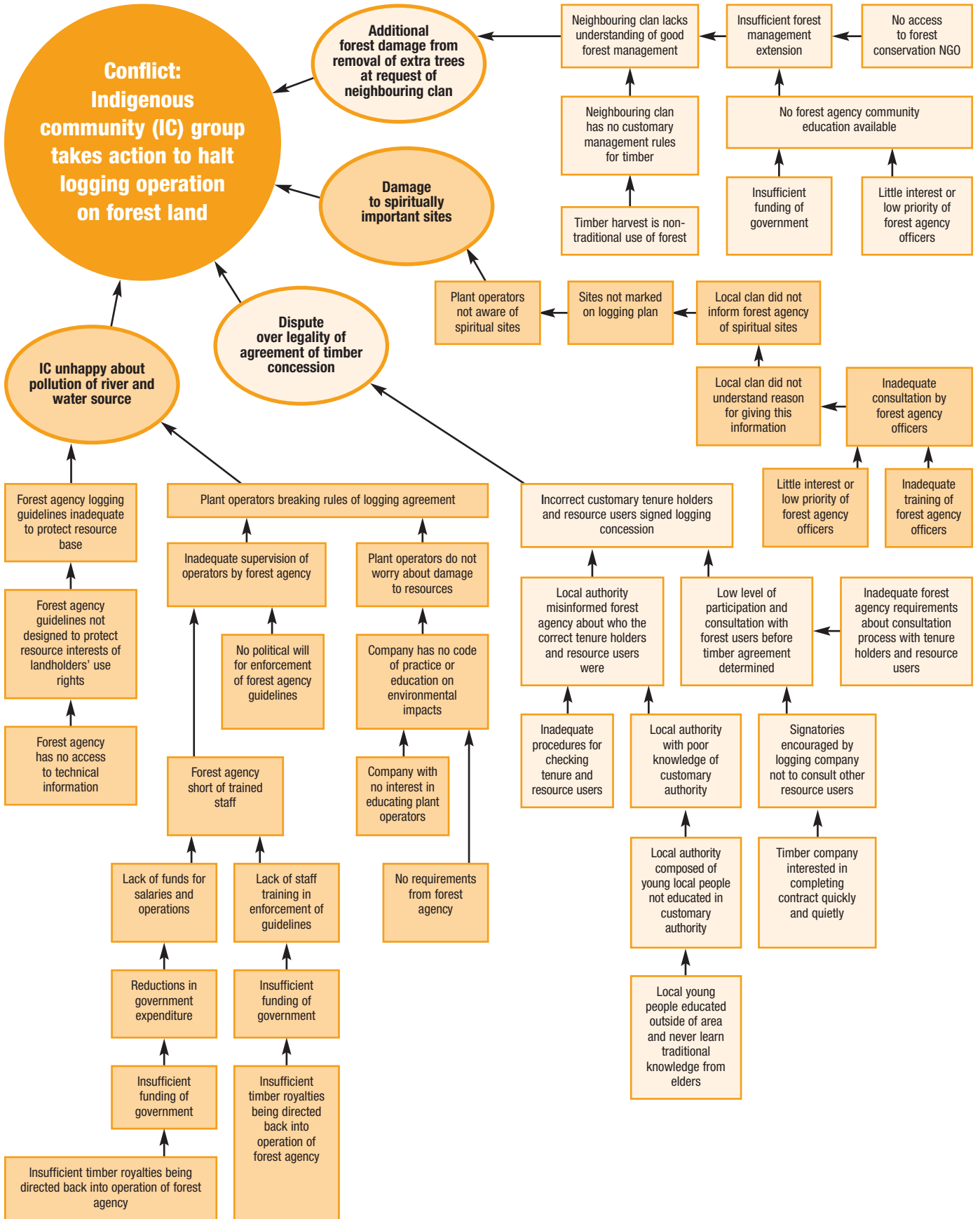
- river pollution and contamination of their water resources;
- damage to culturally important sites;
- the involvement of the wrong group of traditional owners, resulting in questionable legality of the logging contract;
- encouragement of further damage to the forest by neighbouring clans.

The traditional owners identified and recorded each of these issues, exploring the contributing events and causes. The causes of conflict listed on the conflict tree reflect the biased perspective of the traditional owners. In discussing the diagram, they conceded that not all of the causes listed might be real. The diagram does, however, provide a framework for:

- investigating the various causes in greater depth;
- collecting additional information;
- determining which of the statements describe true contributing factors to the current conflict and which do not.

The diagram drew attention to a number of other stakeholders and subgroups – other than the traditional owners, the logging company and the forest service – involved in the conflict. Gaining support from some of these groups was a key to managing the conflict.

The diagram helped the group to decide the scale at which they needed to manage the conflict in the short term. It identified a number of places for possible action to manage the conflict and improve collaborative management processes. For people in the local community, the diagram linked broader political and policy decisions to impacts in their area. It also showed which actions they could take to anticipate and address possible future conflicts.



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## SESSION 3.7 EXAMINING POWER AND INFLUENCE

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**PURPOSE:**

- to identify and explore various means of influence and power that conflict parties or conflict management practitioners can use to move towards agreement;
- to consider when influence or power are appropriate and/or will be effective;
- to demonstrate how to coordinate parties' and conflict managers' use of influence and power.

**TIME:** one hour.**MATERIALS:** flip chart.**PREPARATION:** copy Attachment 3.7.A "Definition of terms" on to a flip chart.**STEPS**

- 1 Explain that all the parties in a negotiation process need to have some power and influence. Clarify that "*power is the capacity to get things done*". As conflict management practitioners, participants will have to have some influence, as well as power.
- 2 Ask the participants to think about the forms of power and influence involved in human interrelationship conflicts. Divide the participants into pairs of one man and one woman for the exercise. Their task is to try and negotiate an agreement on the issue, problem or conflict provided by the trainer. They should identify and use as many means of influence as they can to persuade their counterparts to agree with them or give them what they want.
- 3 Ask the pairs of participants to consider the following problem:  
*You are one of two people who are committed to each other in a relationship. You really care about your partner, but three years ago you were in a relationship with someone else – a colleague – in a very romantic affair. You have been offered an assignment for a month to work on a project in another town. This other person lives in that town, and will be on the project team. You want to go and do this job, but your spouse does not want you to. Use every means of influence you can think of to try to persuade your partner.*
- 4 Give participants ten minutes to conduct the negotiation. Then reconvene the participants and start a discussion around the following questions:
  - Who convinced their partners about going? Who did not?
  - What forms of power and influence did you use to convince your partner? (Participants often

mention: appealing to feelings – “Honey, if you really trust me you would let me go”; appealing to trust – “Don’t you trust me?” or “You should trust me!”; risk minimization strategies – “You can accompany me to the town”; incentives for going – “Think how well the job is paid and what we could do with the extra income”; and threats – “If you don’t let me go ...”.)

- What other sources of power and influence do you know (compare with Attachment 3.7.A)?
  - In natural resources conflicts, how is power likely to affect collaboration and the willingness of all parties to negotiate outcomes?
- 4 Ask participants to discuss what actions can be taken to level the playing field, or how marginalized stakeholders can increase their influence. Record their suggestions on a separate flip chart and compare with ideas in Attachment 3.7.B.

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## Attachment 3.7.A Definition of terms

**Power** is “the capacity to achieve outcomes”.

**Power sharing** in collaboration implies an agreement among stakeholders that they accept one another’s legitimacy and power to define problems and propose solutions.

### Sources of power and influence

**Physical strength:** endurance, violence.

**Emotional strength:** courage, leadership, commitment, integrity.

**Control of resources:** access, tenure, rights, money, material goods, political institutions, human resources.

**Control of information:** technical, planning, economic, political.

**Ability:** capacity or skills.

**Knowledge:** access to traditional knowledge (insider and outsider).

**Ability to coerce:** threats, access to and use of media, family or political ties, mobilization of direct action.



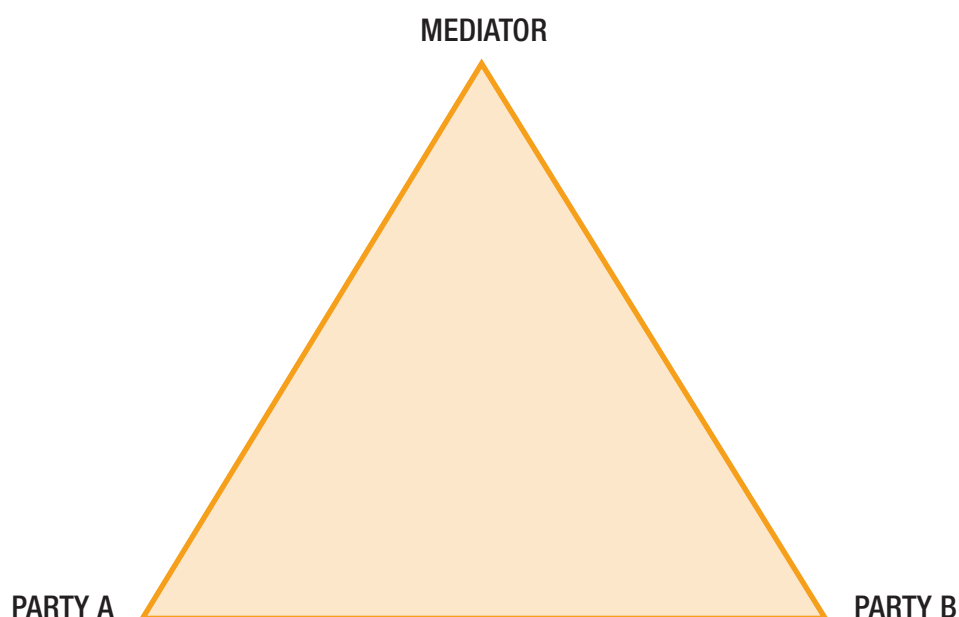
## Attachment 3.7.B Levelling the playing field

*Identify which of the forms of influence used by parties are effective and which ineffective:* Study the ways of persuasion that parties are using on each other. Consider what might influence their emotions/feelings and views about procedures or the issues under discussion.

*Select the right form of power for the issue and the person being persuaded, and select the right moment:* Decide what means of influence are likely to be most effective. When considering effectiveness, most people tend to think about what would influence themselves, rather than what would influence the other party. Instead, consider methods of persuasion that will appeal to the other side by considering *values*, such as cost-effectiveness, efficiency, fast and immediate results, versus relationships, trust, long-term connections.

*Encourage conflict parties to use effective means of influence or power:* Referent or association power is the most powerful of the various sources of power. It is the power that stems from being in coalition with others who have power. For example, when a local elder knows a small business that sometimes provides services to a mine, he/she is in a better position to influence the mine owners in negotiations. The elder has more power because of her/his connections. The more associations a person has with powerful people, the more power that person will have.

*Discourage or inhibit parties from using means of influence or power that are ineffective:* In general, assuming strong positions and coercing are the least effective sources of power. Negotiators should therefore hold off using coercive power for as long as possible, as it creates resistance. Coercion works only when a party actually holds power that it is willing to use, and the counterpart cannot withstand the pressure.



*Use the minimum of power and influence necessary to induce change:* Others should be influenced gradually, with no hard pushing. Overuse of any source of power may cause undue resistance from counterparts.

*Differentiate between actual means of influence or power and potential sources:* For example, a community group negotiating with a company threatens to block the road and stop the company's machinery. The company may not believe that this will happen because it knows that many people in the community are scared and will not speak out. In this case, the community has potential power but, unless it uses this potential power, it does not have actual power. The community must have the will to use its power.

The existence of negotiating power does not in itself determine the outcome of negotiation. For power to work, a negotiator must be able to:

- distinguish between actual power and potential power;
- coordinate or mobilize his/her/its power and convert it into influence so that it can be used effectively;
- determine the costs and benefits of exercising different types of power;
- determine how much power she/he/it will have to use;
- muster the will to use this power when necessary



# Chapter 4 Communication and facilitation

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SESSION 4.1 DO AS I SAY OR DO AS I DO?

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SESSION 4.2 DIFFERENCES IN UNDERSTANDING

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SESSION 4.3 PROBING

---

SESSION 4.4 CONTROLLED DIALOGUE

---

SESSION 4.5 REFRAMING: THE ART OF DIPLOMATIC REFORMULATION

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SESSION 4.6 HANDLING DIFFICULT GROUP DYNAMICS

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## Communication and facilitation

Good communication and facilitation skills are among the most important assets of a facilitator or mediator. When they have no formal authority or decision-making power, conflict managers' power stems from their people and communication skills: their ability to steer discussions, articulate issues and concerns clearly, and establish rapport, trust and understanding among the parties.

The activities in this chapter are designed to make participants aware of the key ingredients of good communication and facilitation, and provide opportunities for practising the relevant skills. To help participants to understand the usefulness of communication skills, the chapter introduces the role of a conflict management practitioner and processes for cooperative problem solving and interested-based negotiations. The activities should be practised, following a simple step-by-step approach, before they are applied to more complex negotiation and mediation situations.

The first session reviews the key ingredients of good communication: showing respect and paying attention, listening actively, asking open-ended questions, summarizing the main point(s) of a statement, rephrasing and reframing.

Session 4.2 aids listening skills; as a listener, the conflict management practitioner must be able to absorb and interpret information correctly (content).

Good communications requires demonstrating to all the parties in a conflict that their messages have been understood. Sessions 4.3 and 4.4 demonstrate how the facilitator can do this by accurately summarizing, interpreting and acknowledging. When a conflict party realizes that he/she has been understood, she/he is more likely to listen and accept others' views or opinions.

In a heated discussion, people's statements are not always sober and unbiased. Emotional attacks from one side often result in defensive behaviour and counter-attacks from the other. The art of rephrasing such statements to make them more acceptable without changing their content helps to cool down the discussion and encourages participants to understand each others' concerns. Session 4.5 on reframing helps participants to develop this skill

As a discussion leader, the facilitator/conflict manager should be able to absorb fully the participants' contributions, rephrase and summarize them correctly, and – if necessary – comment on them. With practice, the facilitator will become capable of summarizing entire sections of a discussion accurately. Session 4.6 "Handling difficult group dynamics" provides opportunities to apply the necessary skills.

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## SESSION 4.1 DO AS I SAY OR DO AS I DO?

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**PURPOSE:** to demonstrate the impact of both verbal and body language.



**CROSS REFERENCE:** Section 7.3.1.



**TIME:** 30 minutes.



**MATERIALS:** none.



**PREPARATION:** none.



### STEPS

- 1 Explain that this activity is a warm-up or energizer. Instruct participants to follow instructions carefully.
- 2 Provide the following instructions as you demonstrate the action:
  - Please stand up, stretch your hands above your heads, and wiggle them around.
  - Now make big circles with your arms on both sides of your body.
  - Put your fingers on your shoulders and move your elbows in circles.
  - Now put your arms directly out in front of you and make small circles in different directions, etc.
- 3 Ask everyone to put their hands on their ears, *but you put your hands on your knees*.
- 4 Stop and ask who did what you said and who did what you did. Why? Discuss how this activity demonstrates the importance of non-verbal and verbal communication and the role of leaders or facilitators. Do people normally believe more what they hear or what they observe?
- 5 Conclude by stressing the following key learning points.

### KEY LEARNING POINTS

- Non-verbal communication is a very important part of communication.
- What people perceive with their eyes often has a greater impact than what they hear. When non-verbal behaviour and tone of voice contradict the content of the message, observers are more influenced by what they see and perceive than by the words they hear.
- A large part of the success or failure of a facilitator or conflict manager depends on the impression she/he makes on the audience or target group. Good communication and facilitation skills are among the most important assets of a facilitator or conflict manager. When they have no formal authority or decision-making power, the power of facilitators/conflict managers stems from their people and communication skills – their ability to steer the discussion, articulate issues and concerns clearly, and establish rapport, trust and compassion among the parties.
- Self-presentation techniques such as boasting, facade techniques and self-belittlement have negative effects on communication because they:
  - reduce the information value of the message;
  - widen the psychological distance between sender and receiver, rather than minimizing it;
  - weaken the speaker's own mental stability.
- When seeking to create a lasting impression, the following rules should be observed:
  - Try to accept yourself and “be yourself”.
  - Do not be overconcerned about creating a “good impression” – apprehension and worry waste energy.
  - Be aware of what is going on inside you. Your attitude and communication should reflect your genuine feelings.
  - Practise selective authenticity: “I will not communicate everything that I am experiencing, but what I do communicate should be real and authentic.”





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## SESSION 4.2 DIFFERENCES IN UNDERSTANDING

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**PURPOSE:**

- to make participants aware of the factors that influence interpretations of verbal messages and can lead to misunderstandings;
- to show ways of dealing skilfully with differences in understanding.

**CROSS REFERENCE:** Section 7.3.**TIME:** 30 minutes.**MATERIALS:** flip chart.**PREPARATION:** photocopy Attachment 4.2.A “Participant’s questionnaire” for each participant.**STEPS**

- 1 Explain the activity using an example (Attachment 4.2.B step 2) and let the participants decide whether each of the statements is true, false or cannot be judged because of lacking information.
- 2 Read the exercise text (Attachment 4.2.B step 4) and distributes the participant’s questionnaire (Attachment 4.2.A).
- 3 Give participants time to fill in their answers.
- 4 Record the results on a flip chart by marking who answered true, false and cannot be judged for each of the ten statements. This is most effective when all participants give their answers to one question, before moving on to the next question.
- 5 Give the “correct” solutions (Attachment 4.2.B step 5). Discuss the results.
- 6 Start a discussion centred on the following points:
  - Individual interpretations about substantive matters can make it difficult to solve disagreements. Understanding the different interpretations that different parties have of a situation is one of the most useful skills in managing conflict.
  - What people understand differs. Understanding depends on many factors; see the factors influencing understanding in Attachment 4.2.C, and compare them with the case in the exercise. Misunderstandings are common and not necessarily the result of bad intentions.
  - The sender should communicate her/his message in a way that makes it easy to memorize and understand.

- The receiver should listen with an open mind and without preconceived ideas.
  - Misunderstandings can be minimized by repeating what one has understood in one's own words (paraphrasing).
  - Accept the fact that different interpretations exist. "The map is not the land." Everybody has their own perceptions, which are the basis of their own subjective reality. There is no such thing as an objective truth.
  - Adopt an understanding frame of mind. Seek to understand and show understanding. Explain yourself.
  - Show interest in the perceptions and experiences of other people. If you are willing to listen to them, they will be more willing to listen to you.
- 7 Ask participants to suggest factors that influence the different interpretations of the speaker and the listener. Participants are likely to express these factors as negative aspects. Encourage them to rephrase these views into recommendations for good communication.
- 8 End the session by summarizing the following key learning points.



#### KEY LEARNING POINTS

- Because most conflicts are based on differing interpretations of the facts, one of the most useful skills in conflict management is to explore the different understanding that each party has of a situation.
- People are more likely to be open if they assume that there are gaps in their own understanding ("blind spots"). Current understanding should not be discarded, but considered as a hypothesis to be validated.
- People who see or hear the same thing may still arrive at very different interpretations about what they see or hear. This happens virtually every time more than one person experiences a situation. As long as impressions are not compared and differences noticed, an individual takes what he/she experiences as reality, and will not suspect that others might have different realities.
- Because conflicts are about the different meanings that people give to events, policies, institutions, etc., they can be managed by changing the way people feel and behave.



#### TRAINER'S NOTE 4.2.A THE CONCEPT OF REALITY

This exercise demonstrates with words what Session 2.7 "Partisan perceptions" does with pictures.

When the correct solutions are announced (step 5), participants often seek to defend their own decisions. Rather than considering whether other solutions can be justified, the main point to make is that participants have come to widely differing interpretations of the same words. The exercise therefore serves as:

- a reminder of how important it is in communication to listen carefully and make sure that your interpretation is in line with what the speaker wants to say;
- a warning not to jump to conclusions;
- an opportunity for discussing the concept of reality.

The concept of reality is based on the following points:

- Each individual has a subjective reality, made up of what that person knows, perceives, believes, etc. and influenced by her/his culture, education and so on. What a person does not know and cannot perceive is not part of his/her reality; for example, a colour-blind person might know about colours but cannot perceive them. “The landscape (our subjective image) is not the land” (Korzybisky).
- When people agree about something they share a common or agreed reality. The fact that most or even all people agree about something does not mean that this view of reality is true. For example, for a long time, people believed that the earth was the centre of the universe.
- There may be an objective reality, but it cannot be known, perceived or experienced directly.

## Attachment 4.2.A Participant's questionnaire

Decide which of the following statements:

- **is true:** agrees with the information given in the story;
- **is false:** contradicts the information given in the story;
- **cannot be judged (?):** because the story does not provide enough information.

1	The executive denied the employee a raise in salary	True	False	?
2	The employee did not receive a raise in salary	True	False	?
3	The employee was angry because he did not get a raise in salary and therefore gave notice to leave the organization	True	False	?
4	The employee wished to leave the organization because of the refusal to pay him more money	True	False	?
5	His colleagues were sorry because the employee had left the organization	True	False	?
6	His colleagues discussed the issue with the employee	True	False	?
7	The executive did not take part in the discussion	True	False	?
8	The executive asked the employee to leave the organization	True	False	?
9	His colleagues were sorry that the employee did not get a raise in salary	True	False	?
10	The employee was generally well liked and there was a discussion about whether something should be done	True	False	?

## Attachment 4.2.B Trainer's background sheet

1. Explain the task, and the meaning of "true", "false" and "cannot be judged (?)".
2. Give the following example:  
*"A secretary did not appear in her office one day. Her colleague said that she had felt ill the day before. On her desk was the photograph of a young man called Charles, with a heart drawn around the name."*

3. Let participants assess the following statements:

The secretary is ill	True	False	?
The secretary's boyfriend is called Charles	True	False	?

In both cases "?" is the correct answer.

4. Read the following story and distribute the questionnaires:  
*An executive did not propose to raise the salary of one of his employees. The employee gave notice to leave the organization. His colleagues felt sorry because he was generally well liked. There was a discussion about whether something should be done about it.*

5. Answer sheet:

1	The executive denied the employee a raise in salary	True	False	?
2	The employee did not receive a raise in salary	True	False	?
3	The employee was angry because he did not get a raise in salary and therefore gave notice to leave the organization	True	False	?
4	The employee wished to leave the organization because of the refusal to pay him more money	True	False	?
5	His colleagues were sorry because the employee had left the organization	True	False	?
6	His colleagues discussed the issue with the employee	True	False	?
7	The executive did not take part in the discussion	True	False	?
8	The executive asked the employee to leave the organization	True	False	?
9	His colleagues were sorry that the employee did not get a raise in salary	True	False	?
10	The employee was generally well liked and there was a discussion about whether something should be done	True	False	?

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## Attachment 4.2.C Factors influencing understanding

### On the part of the sender:

- clarity of the message;
- amount of information provided;
- completeness of the information;
- channel of communication;
- language.

### On the part of the receiver:

- language;
- quality of listening;
- attentiveness/ability to concentrate, rather than:
  - judging: “That is a stupid idea, anyway, you don't really understand”;
  - defending: “But that was not my fault”;
  - advising/problem solving: “It is obvious that you need to do this”;
  - day-dreaming: “Wow, that girl/guy looks great”.
- interest;
- intelligence;
- memory/capacity to retain information;
- interpretations influenced by:
  - own past experience;
  - preconceived ideas/prejudices/stereotyping;
  - mood, temper;
  - attitude towards the issue or the sender.

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## SESSION 4.3 PROBING

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**PURPOSE:**

- to help participants understand the issues and concerns of conflict parties and conflict management practitioners;
- to build a foundation for problem solving and stimulate participants' thinking about possible directions;
- to focus participants on conflict parties' needs and interests.

**CROSS REFERENCE:** Section 6.2.2.**TIME:** 45 minutes.**MATERIALS:** none.**PREPARATION:**

- copy the riddle (Attachment 4.3.A) on to a flip chart or transparency;
- photocopy Attachment 4.3.B "Open-ended questions" for each participant.

**STEPS**

- 1 Briefly brainstorm what probing is. Explain that probing is developing open-ended questions with the objective of soliciting more information about interests (see Attachment 4.3.B).
- 2 Explain that the following activity is a fun way of probing. Ask the participants to form groups of four to six to find the answer to a riddle.
- 3 Explain that the solution to the riddle will be given to one person in each group. The other group members must find the solution by asking that person questions with "yes" or "no" answers.
- 4 Take the selected people aside and give them the riddle and answer. Explain that they do not have to remember the riddle because the whole group will be told it.
- 5 Display the riddle where everyone can see it throughout the activity. Ask anyone who has played this game before to act as an observer in her/his group.
- 6 When it has found the solution, each group should keep it to itself, and wave their arms. The game can be stopped as soon as one group reaches the solution, providing that all the groups have had sufficient time to try – about ten minutes.

- 7 Once the riddle has been solved reflect on what happened by asking :
- What helped you to probe – active listening, building on ideas, creative thinking, clarifying information, analysing the problem carefully?
  - What hindered your probing – not listening carefully, jumping from one question to another, lack of creative thinking, making assumptions?
  - How does this relate to training? Why is probing an important skill for trainers – it draws people out, solves problems, clarifies questions with participants' inputs and opinions, facilitates?

**HINTS** Normally open questions are used for probing, but in this exercise the use of closed questions forces participants to probe well in order to solve the problem.

*Source:* Adapted from Braakmann and Edwards, 2002.

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## Attachment 4.3.A Riddle

A man was found dead in the desert. Near him was a package. If he had opened the package he would not have died. What was in the package?

**Answer: a parachute!**

### **Alternative riddle:**

Walter spent three days in hospital. He was neither sick nor injured, but when it was time to leave he had to be carried out. Why?

**Answer: Walter was a newborn baby!**

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## Attachment 4.3.B Open-ended questions

Open-ended questions:

- are used to encourage people to share information about their views and interests;
- are essential in exploring and expanding perspectives, impacts and possible solutions;
- communicate to the answerer that the facilitator and group are interested in his/her/its perspectives and will take time to hear what she/he/it has to contribute.

Open-ended questions should:

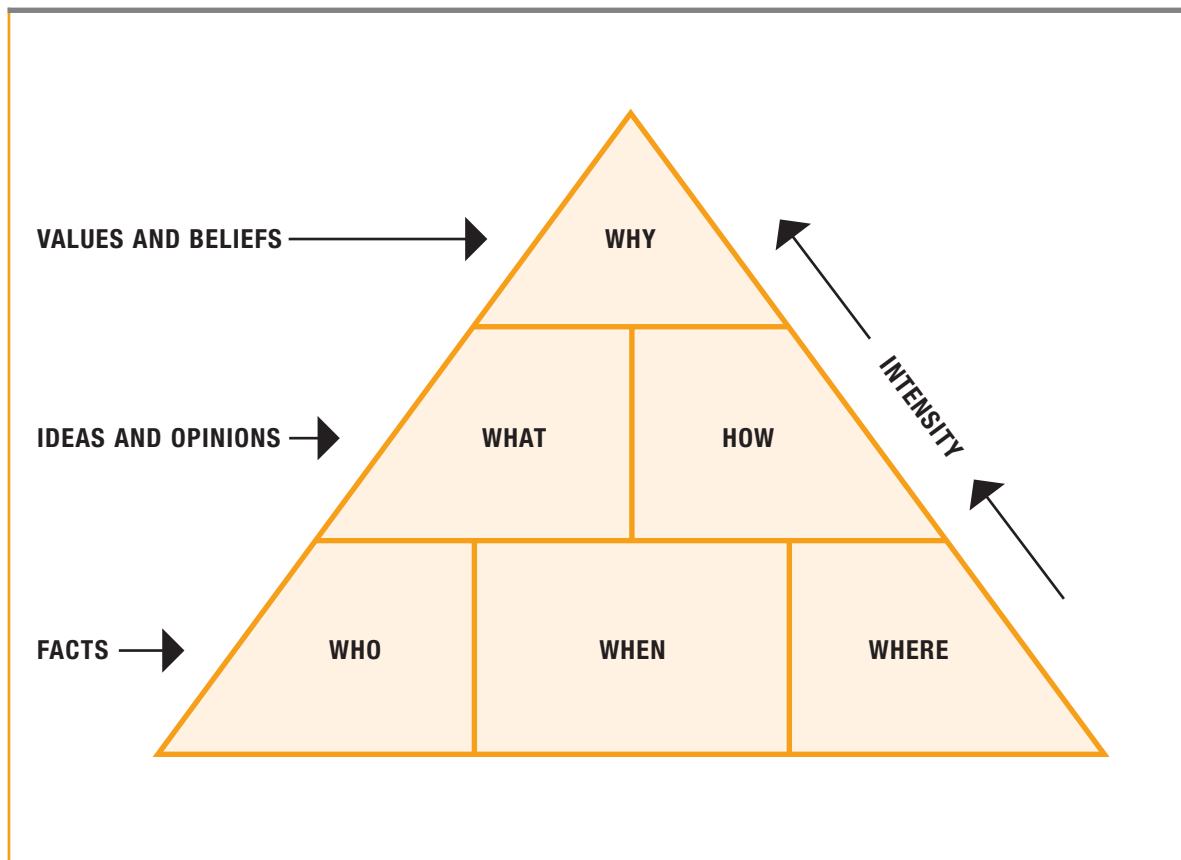
- start with: What? When? Where? Who? How? or Why?

Examples of open-ended questions:

- What do you believe has changed?
- When did this issue first emerge?
- Where do you think the problem first began?
- Who is responsible for the outcome?
- How does this issue relate to the other points we have discussed?
- Why is this issue more important than the other issues?

Guidelines for use:

Use a model for questioning:



Open-ended questions are very useful in helping the disputing parties to listen to one another's views, and for moving people away from discussions of their initial positions towards discussing their underlying needs or interests.

Open-ended questions should not be used just to make people speak more. Facilitation must remain focused on the substance of the conflict and on moving the group forward. Questions are determined accordingly.



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## SESSION 4.4 CONTROLLED DIALOGUE

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**PURPOSE:**

- to give participants practice in active listening and summarizing statements;
- to demonstrate how the style and atmosphere of a discussion is influenced when the listener acknowledges and demonstrates his/her understanding of the speaker's message, before giving her/his own arguments.

**CROSS REFERENCE:** Section 6.2.2.**TIME:** 20 to 30 minutes.**MATERIALS:** none.**PREPARATION:** copy Attachment 4.4.A "Controversial topics" on to a flip chart.**STEPS**

- 1 Explain the purpose and design of the exercise. Demonstrate with a volunteer how the activity should be done.
- 2 Divide participants into groups of four. Two members of each group will do the exercise while the other two observe.
- 3 The active pair of group members select a controversial topic to be discuss, and take sides – one for and one against.
- 4 The active participants discuss the issue for about five to ten minutes. Each has to summarize the arguments of the other to that person's satisfaction before commencing his/her own arguments.
- 5 After the discussion, the observers give their feedback to the active players, focusing on how well the players observed the rules, difficulties on the part of the sender or the receiver and suggestions on how to improve.
- 6 The participants change roles and repeat the exercise.

- 7 After the exercise, reconvene the participants and discuss the experience using the following questions:
  - Were the rules adhered to?
  - How easy or difficult was it to summarize statements to the satisfaction of the speaker?
  - What typical communication patterns and mistakes made it difficult for people to understand each other (see Attachment 4.4.B)?
- 8 Wrap up the session by explaining that good listening derives from a basic attitude. People with the right attitude usually do the right thing. An attitude that supports good listening makes the listener:
  - care about what the other person is saying;
  - avoid assuming that she/he knows what the other will say;
  - avoid assuming that he/she has understood, without paraphrasing or inquiring to test that understanding;
  - willing to take time to listen and acknowledge what the other is saying.
- 9 Conclude by emphasizing that the key to good listening is being genuine. Wrap up by discussing the following key learning points.



#### KEY LEARNING POINTS

- All parties need to be accepted and understood. To most participants, being understood is more important than being agreed with.
- To demonstrate an interest in understanding what the speaker is saying, use the key ingredients of good communication: show respect and pay attention, listen actively, ask open-ended questions, summarize the main point of a statement, rephrase and reframe.

**HINTS** Although no real-life conversation is ever likely to follow the pattern of this exercise, the exercise does provide practice of important communication skills – listening, acknowledging and summarizing. The trainer can ask participants to identify situations where it is necessary to summarize statements; these skills can be useful in emotional situations, where communication is difficult, when the meaning is unclear, when the conversation is going round in circles, when one is not listened to.

## Attachment 4.4.A Controversial topics

- One should only eat vegetarian food.
- Professional boxing should be forbidden.
- Authoritarian education is good for children.
- Women do not make good managers or leaders.
- Violent movies should be forbidden.
- Smokers should pay higher health insurance fees.
- One should always tell the truth.
- One should not use cell-phones inside restaurants.
- Horoscopes are a hoax.

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## Attachment 4.4.B Common communication mistakes

### **Frequent mistakes on the part of senders:**

- not organizing their thoughts before speaking;
- not formulating arguments clearly;
- trying to cover too many aspects in one line of argument;
- using too many arguments, one after the other, without giving receivers time to take them in and digest them;
- continuing to talk without taking into account the receivers' capacity to retain messages;
- not reacting to statements made by others – conversations do not progress logically according to a predetermined pattern.

### **Frequent mistakes on the part of receivers:**

- not giving their full attention to senders;
- thinking about their own arguments instead of listening: forgetting what has been said and their own arguments;
- focusing on details rather than the essence of the sender's argument;
- including in their summaries things that the senders have not actually said;
- mixing summaries with their own assumptions;
- adding their own opinions and conclusions to summaries.

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## SESSION 4.5 REFRAMING: THE ART OF DIPLOMATIC REFORMULATION

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**PURPOSE:** to give participants practice in translating toxic, threatening or positional statements into statements of concern or problems that can be responded to positively.



**CROSS REFERENCE:** Section 6.2.2.



**MATERIALS:** flip charts.



**TIME:** 30 to 45 minutes.



**PREPARATION:**

- copy Attachment 4.5.A “Examples of reframing” and Attachment 4.5.B “Reformulating statements” (leaving the suggested reformulation column blank) on to flip charts;
- Photocopy Attachment 4.5.C “Instructions for group work” for each group of four participants.



**STEPS**

- 1 Introduce the session by explaining that in a conflict situation, people tend to make toxic, threatening or positional statements. Attacks, criticism, blame – such as “You are uncooperative and egoistic” (see Attachment 4.5.A for other examples) – do not make it easy for others to respond productively, and therefore do not help resolve problems. Reframing – the art of diplomatic reformulation – is an important skill that requires three steps:
  1. listening to ensure that you understand the underlying interest, which can be substantive, procedural or relationship (see Session 2.6 “Main conflict ingredients”);
  2. removing anything that is unproductive, i.e., positions, threats or demands;
  3. restating the message, including the real issue or interest, in a neutral, positive and hence more acceptable way. “So, that is what is important to you...” or “It sounds as though what you are concerned about is...”.
- 2 Show participants the flip chart of Attachment 4.5.B (minus the reformulation column) and ask them to suggest diplomatic reformulations. Record their suggestions on the flip chart.
- 3 Explain that participants will now practise reframing. Ask them to form groups of four. Two participants in each group take the roles of conflict parties A and B. The other two act as mediators A1 and B1, who reframe the statements of A and B.

- 4 After the exercise has been repeated with the roles swapped, reconvene the participants and start a discussion based on the following questions:
  - What was easy and what was difficult about applying the technique?
  - How did reframing affect the discussion?
  - How and when can this technique be used by facilitators/mediators?
- 5 Wrap up the session by discussing the following key learning points.

### KEY LEARNING POINTS

- Every strong statement contains and is prompted by an underlying interest or concern.
- People communicate more productively when they believe that their needs are being addressed.
- Facilitators and conflict managers should learn to reframe messages diplomatically by being clear and distinct on the issue, but acceptable – respectful, appreciating, understanding – to the speaker. Be hard on the subject, and soft on the speaker.
- The conflict management practitioner is the model for good communication. If he/she communicates positively and constructively, the participants will do too.
- In a mediation meeting, the conflict parties should always be made to feel that at least one person understands them – the conflict manager.
- When negotiations appear to be getting nowhere, finding areas of agreement can be extremely important in encouraging the opposing parties to persevere.



#### TRAINER'S NOTE 4.5.A BUILDING REFRAMING SKILLS

This exercise should be done by gradually increasing the level of difficulty. In the first round, it may be difficult for those in the mediator role to reframe every toxic statement. Participants playing the conflict parties should therefore be asked to make their first statements relatively simple and short, and allow the mediators to reformulate only one or two of the elements of their statements.

Attachment 4.5.D describes a method for reframing statements and finding common ground when more than two parties are involved by finding a common action statement that all can agree with.

## Attachment 4.5.A Examples of reframing

Formulation that invites resistance and opposition	Acceptable diplomatic reframing
<p><b>Negative or insulting words:</b></p> <ul style="list-style-type: none"> <li>● conflict</li> <li>● quarrelling</li> </ul>	<p>Replace by more <b>neutral</b> terms:</p> <ul style="list-style-type: none"> <li>● misunderstanding, different viewpoints, open questions, issues to be clarified</li> <li>● dispute</li> </ul>
<p><b>Disparaging personal characterization</b></p>	<p>Replace by more respectful, positive formulations Replace overall criticism of the person by feedback regarding individual traits that could be changed/ improved</p>
<p><b>Attacks, criticism, blaming:</b></p> <ul style="list-style-type: none"> <li>● “You never pass on information!”</li> <li>● “You only value your own opinion”</li> </ul>	<p>Reframe into <b>wishes, expectations, requests:</b></p> <ul style="list-style-type: none"> <li>● “May I ask you to keep me informed”</li> <li>● “It would be good if you considered other people’s views”</li> </ul>
<p><b>“You messages”:</b></p> <ul style="list-style-type: none"> <li>● “You always insult me”</li> <li>● “You are uncooperative and egoistic”</li> </ul>	<p>Reformulate as <b>“I messages”:</b></p> <ul style="list-style-type: none"> <li>● “I feel hurt when I hear words like...”</li> <li>● “I would appreciate any kind of help from your side”</li> </ul>
<p><b>Generalizations, simplifications, exaggerations:</b></p> <ul style="list-style-type: none"> <li>● always, never</li> <li>● everybody, nobody</li> </ul>	<p>Replace by more <b>differentiated statements:</b></p> <ul style="list-style-type: none"> <li>● sometimes, often</li> <li>● some, a few</li> </ul>
<p>Restriction of freedom – <b>orders, commands, force:</b></p> <ul style="list-style-type: none"> <li>● “You <b>have to</b> understand...”</li> <li>● “You <b>have to follow</b> orders...”</li> </ul>	<p>Replace by <b>requests, wishes, etc.:</b></p> <ul style="list-style-type: none"> <li>● “Please try to understand...”</li> <li>● “Please respect the norms and rules”</li> </ul>
<p><b>Emotional outbursts:</b></p> <ul style="list-style-type: none"> <li>● “If you keep mingling with that scum you will end in the gutter!”</li> <li>● “You never appreciate anything that I do for you”</li> <li>● “You have ignored my orders for the hundredth time”</li> </ul>	<p>In summarizing the statement, name the <b>emotion shown:</b></p> <ul style="list-style-type: none"> <li>● “Your mother <b>worries about...</b>”</li> <li>● “Mr B is <b>frustrated</b> because...”</li> <li>● “Y is <b>angry</b> because...”</li> </ul>

## Attachment 4.5.B Reformulating statements

	Statement	Suggested reformulation
Colleague to colleague	"You are wrong"	"I see it differently"
Colleague to colleague	"You must realize that your suggestion is totally unrealistic."	"I still cannot see how this could be implemented. Could you explain it please?"
Colleague to colleague	"You have the bad habit of bringing me important files just before closing time"	"It would help me if you could bring important files in time"
Superior to staff member	"You are always so touchy when I point out your mistakes"	"Please accept my feedback as a constructive contribution to improving your performance"

## Attachment 4.5.C Instructions for group work

1. Select a conflict case in which group members A and B are the conflict parties; for example, a husband and wife in a family conflict. As well as different viewpoints regarding the issue – such as the discipline of their children – A and B also have relationship problems, which are manifested as criticism, complaints, attacks, etc.
2. A and B start a conversation in which they each defend their own viewpoints and attack one another's arguments. They also blame, criticize and attack each other. When A makes a statement, mediator A1 reframes that statement in a diplomatic, non-aggressive way, making sure that A is satisfied with the essence of the reframed message. Then B answers, and mediator B1 reframes her/his message, etc.
3. After ten minutes, stop the role play, and discuss your experiences with the rest of the group for about five minutes.
4. Swap roles and repeat the role play, with mediators A1 and A2 becoming conflict parties A and B, and vice versa.

## Attachment 4.5.D Reframing for multiparty situations

In situations involving many parties the equivalent to reframing is a common action statement. This summarizes the interests of all parties in one statement, as illustrated below.

<b>1. PHASE</b>	Statement party A		Statement party B	
<b>2. PHASE</b>	Interest 1	Interest 2	Interest 3	Interest 4
<b>3. PHASE</b>	<b>Joint interest statement: “How can we...?” or “What can we do that will...?”</b>			

### Examples of finding common ground

**Step 1:** “Let me take a minute to summarize what I am hearing each of you say. There seem to be a number of differences, but also some similarities.”

**Step 2:** “It sounds as though one group wants to measure the land boundary from the riverbank, and the other wants to measure it from the middle of the river.”

**Step 3:** “Even so, you all seem to agree that you want the boundary to be fair to both groups and to take into account the changing shape of the river.”

**Step 4:** “Have I understood you correctly?”

An alternative approach to reframing is to look for areas of agreement, for example, by asking: “In addition to these differences, I heard some agreement. Would anybody like to share with the rest of the group some areas where she or he saw agreement?”



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## SESSION 4.6 HANDLING DIFFICULT GROUP DYNAMICS

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**PURPOSE:**

- to give participants practice in the facilitation skills needed to handle difficult group dynamics through participation, observation, reflection and feedback;
- to give participants experience of possible ways of dealing with difficult group members.



**TIME:** two and a half hours.

**PREPARATION:**

- prepare two copies of the role play scripts, cut into slips for each role (Attachment 4.6.A);
- photocopy Attachment 4.6.B “Tips for managing difficult group members” for each participant.

**STEPS**

- 1 Introduce the session by explaining that it provides practice in dealing with various difficult behaviours from group members through a role play involving villagers in a natural resources conflict.
- 2 Divide the participants into two groups. Explain that both groups will role play the same situation simultaneously, with a trainer observing. Each person will receive a slip with her/his instructions for the role play, which he/she should not share with other group members. In each group, one person will play the facilitator's role, while the others play roles as various villagers.
- 3 Stress that the effectiveness of the role play depends on how effectively participants enter their roles. Explain that the room should be rearranged to make it look as much as possible like the village conflict setting.
- 4 After the room has been rearranged, select the two facilitators and distribute the role slips, making sure that dominant roles are taken by dominant people, etc. Give the groups five minutes to prepare for the role play. Extra participants can act as observers or take part by playing themselves.
- 5 Start the role play, and after 15 minutes ask the players to stop. Help the participants to reflect on the role play questions. Ask the facilitators:
  - How did it go? How do you feel? What did you do? How did you start? What did you do next? What happened? Try to examine the entire process, recalling critical moments.
  - What went well? What was difficult? Why? People often find it difficult to encourage everybody to participate and share their ideas.

- What did you do to overcome problems? What else could you have done?
- Did the group help you or themselves? If yes, how? Did you support the group's initiatives? If not, why not? If yes, how?
- What could you do differently next time?

Ask the village group members:

- Were you able to share your ideas with the group? Did you understand the ideas of all the others?
- Did the facilitator support the group members by helping them to understand all the ideas? How did he/she do that? What helped you?
- What could she/he have done to help you more?

Ask all the participants:

- How does this simulation relate to facilitating villagers' or stakeholders' generation of ideas in reality?
  - What would be similar?
  - What would be different?
- 6 Provide your own feedback and tips for dealing with difficult group members if necessary.
  - 7 Bring the two groups together and, based on their experiences, ask them to suggest tips for preventing and handling difficult group dynamics.
  - 8 Close the session by distributing and discussing Attachment 4.6.B.

**HINTS** This is a good task-oriented exercise that combines all the basic facilitation skills that have already been practised, while handling difficult group dynamics.

*Source:* Braakmann and Edwards, 2002.

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## Attachment 4.6.A Role play guidelines

### Facilitator

You are the facilitator of a group of villagers with whom you have already ranked the priority issues in the conflict. The issue to be worked on is the improvement of medicinal plant management in the villagers' community forest area. The aim of the meeting you are going to facilitate with the villagers is to design an experiment for achieving this end.

You want to carry out the following activities during the 30-minute meeting.

1. Share one or more case histories of experiments/observations regarding medicinal plants carried out by members of the group, discussing how they did the experiment and why they did it that way. The facilitator can identify these case histories by calling on specific group members – the medicine man, the midwife, etc. – to share their experiences.
2. Initiate a discussion to decide the following points:
  - *Design of the experiment:* Which medicinal plants will be used? What do we want to learn? What will we try out? Which variables do we want to test?
  - *Implementation:* Where do we carry out the experiment? What would be the best time? What inputs do we need?
  - *Monitoring and evaluation:* What information do we need to collect? How do we collect it? Who will do what, and when?

The following are some tips for facilitating the meeting:

- Try to get to know group members as much as possible.
- Agree on, and refer to, group norms.
- Encourage the group members to remind or challenge each other when the norms agreed on collectively are not followed.
- If the group gets stuck, diagnose the problem with the group and look for solutions collectively.
- Give constructive feedback to group members about their behaviour.
- Counsel individual group members outside the group setting, if necessary.

### Dominator

You have mobilized a group of villagers to improve the management of medicinal plants in your community forest area. As you are the medicine man of the village you know the most about medicinal plants. You have already thought through a number of experiments that you want the villagers to carry out. At the last meeting, you realized that the facilitator does not know anything about medicinal plants. Over the next 30 minutes, the facilitator will try to design an experiment for improving medicinal plant management with the group. As you are the expert, you will take over from her/him and manipulate the group to agree with your preferences.

### **Special interest pleader**

You are part of a village group that has decided to improve the management of medicinal plants in your community forest area. You joined the group because you are the village midwife and have a special interest in one particular medicinal plant called – think of a plant you are familiar with – that is becoming harder and harder to find. Over the next 30 minutes, the facilitator will try to design an experiment for improving medicinal plant management with the group. As you have a special interest in this plant, you will make sure that it is included in the experiment.

### **Initiator**

You are part of a village group that has decided to improve the management of medicinal plants in your community forest area. You joined the group because you are interested in selling medicinal plants on the market. Over the next 30 minutes the facilitator will try to design an experiment for improving medicinal plant management with the group. You know the market values of most medicinal plants in the forest, and want to share this information with the group so that it will accept your idea of experimenting only with plants that fetch good prices.

### **Aggressor**

You are the wife of the village chief. You joined the village group that wants to improve the management of medicinal plants in your community forest area because you heard that men in the group had dominated the last meeting. Over the next 30 minutes, the facilitator will try to design an experiment for improving medicinal plant management with the group. You will make sure that women's voices are heard. You will strongly oppose any men who think differently.

### **Topic jumper**

You are part of a village group that has decided to improve the management of your community forest area. You joined the group because you were interested in increasing mushroom production. However, you missed the last meeting, where more dominant people in the group led the decision to experiment with only medicinal plants. Over the next 30 minutes, the facilitator will try to design an experiment to improve medicinal plant management with the group. The only thing you want to do during this meeting is convince the facilitator that the majority of the group is not interested in medicinal plants. You will try continuously to change the subject to mushrooms. If that does not work, you will become bored of all the arguments and interrupt frequently.

### **Withdrawer**

You are part of a village group that has decided to improve the management of medicinal plants in your community forest area. You did not really want to join the group but your father, who is too busy himself, instructed you to do so. Over the next 30 minutes, the facilitator will try to design an experiment to improve medicinal plant management with the group. As you are not interested in what is going on, you will not participate in the discussion. You will show your disinterest by talking to your neighbours about other things, reading a magazine or newspaper, falling asleep or whatever else you can think of.

**Opinion giver**

You are part of a village group that has decided to improve the management of medicinal plants in your community forest area. You joined the group because you often collect medicinal plants to sell to the midwife and the medicine man. Over the next 30 minutes, the facilitator will try to design an experiment to improve medicinal plant management with the group. You know exactly where the plants grow, why and in which season, and which plants are becoming scarcer. You want to share this information with the group.

**Blocker**

You are part of a village group that has decided to improve the management of your community forest area. You joined the group because you were interested in increasing fuelwood production. However, you missed the last meeting, where more dominant people in the group led the decision to experiment with only medicinal plants. Over the next 30 minutes, the facilitator will try to design an experiment to improve medicinal plant management with the group. The only thing you want to do during this meeting is convince the facilitator that the majority of the group is not interested in medicinal plants.

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**Attachment 4.6.B Tips for managing difficult group members**

The facilitator should be able to identify both types of people: those who play destructive roles in a group and those who play constructive roles in a group. The latter can help to balance out difficult group members.

First, the types of group members whose behaviour can create difficulty in groups are listed, and options for managing them are described. Then, group members whose behaviour helps group processes are listed.

**Difficult types, and possible interventions for difficult behaviour****Silent or shy**

Reward any contributions they make. Encourage them outside the group. Place them in a supportive smaller group.

**The blocker**

Check out their reasons for blocking. Give feedback and/or confront destructive behaviour when it happens. Set and remind them about the group norms. Support and reinforce other behaviour.

**Aggressor**

Seek the causes of aggression, and remove them if possible. Model non-aggressive alternatives. Discuss the effect of aggression with the whole group. Set and remind them about the group norms. Support and reinforce other behaviour.

**Dominator**

Record contribution levels. Place them with other similar types. Invite them to become responsible for other tasks.

**Withdrawer**

Search for ways of involving them: reinforce, encourage and support their contributions. Offer optional work and give responsibility. Challenge if appropriate.

**Constructive types and possible interventions for constructive behaviour****Initiator**

Suggests new ideas for discussion, and different approaches to problems.

**Opinion giver**

States relevant beliefs about discussions, and suggests additional topics.

**Builder**

Builds on the suggestions of others.

**Clarifier**

Gives relevant examples, offers reasons, looks for meaning and understanding, and restates problems.

**Tester**

Raises questions to test whether the group is ready to reach a decision.

**Summarizer**

Reviews the discussion and pulls it together.

**Devil's advocate**

Challenges group members to think critically about their ideas.

**Tension reliever**

Uses humour or calls for breaks at appropriate times.

**Compromiser**

Gives in when necessary for progress.

**Harmonizer**

Helps keep the peace.

**Encourager**

Praises and supports others, and is friendly and encouraging.

**Gate keeper**

Keeps communication open, and encourages participation.



# Chapter 5 Collaborative conflict management procedures

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SESSION 5.1 DIFFERENT CONFLICT MANAGEMENT PROCEDURES

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SESSION 5.2 COMPETITION AMONG NGOs

---

SESSION 5.3 FROM POSITIONS TO INTERESTS IN NEGOTIATIONS

---

SESSION 5.4 FACTORS INFLUENCING THE NEGOTIABILITY OF A CASE

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SESSION 5.5 THE ROLE OF THE MEDIATOR

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SESSION 5.6 A MAP OF THE MEDIATION PROCESS

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SESSION 5.7 MEDIATION MEETING – INITIAL STAGES

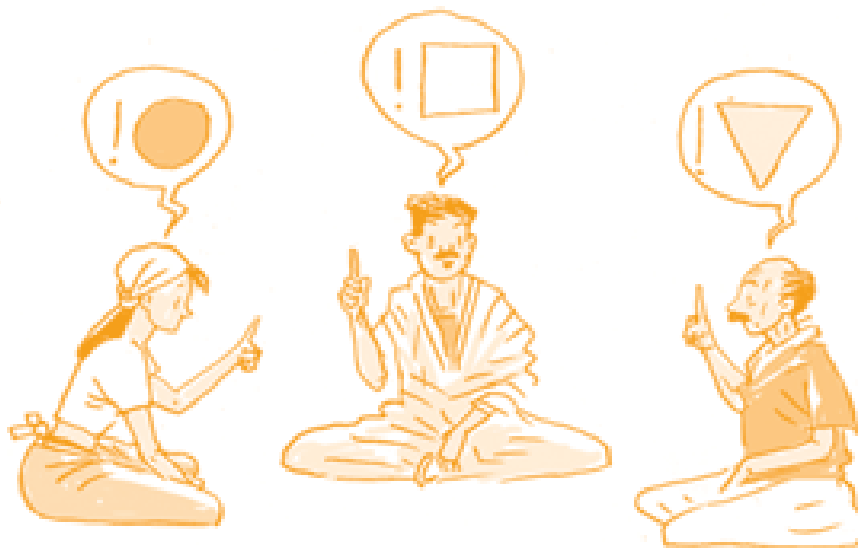
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SESSION 5.8 MEDIATION MEETING – MIDDLE STAGES

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SESSION 5.9 MEDIATION MEETING – FINAL STAGES

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## Collaborative conflict management procedures

The focus of this trainer's guide is on informal and collaborative conflict management procedures, particularly interest-based negotiations and mediation. Most of the activities and exercises in this chapter have therefore been designed to explore negotiations and to prepare for and engage in the various steps of the mediation process.

Informal procedures have considerable potential for addressing natural resource conflicts, but conflict managers should not assume that collaborative conflict management procedures are always possible or desirable. The first activity looks at a range of different procedures for managing conflicts. Its aim is to build participants' understanding of each procedure's strengths and limitations, so that they can make informed choices.

Sessions 5.3 and 5.4 introduce interest-based negotiations and explore the factors influencing the "negotiability" of a case.

Before carrying out the activities in this section, the trainer should make sure that participants are familiar with basic communication and facilitation techniques, such as active listening, open-ended questions, reframing and stacking, as presented in Chapter 4. The trainer should also check that participants are familiar and comfortable with the use of case studies and role plays.

The mediation process has been divided into three phases – initial, middle and final (Sessions 5.7 to 5.9). Chapter 6 contains three extended role plays, which together cover all these stages. To give as many participants as possible the chance to mediate, participants can take turns in the mediator role. Before starting the mediation exercises, participants should have a clear understanding of the mediation approach and the role, functions and responsibilities of the third party/mediator (Session 5.5).

As parties usually differ in the form or amount of power they possess in relation to each other, mediators need to know about these various forms of power and how they can be used to move negotiations towards agreement. Session 3.7 introduces forms of influence and power and strategies for exercising them.

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## SESSION 5.1 DIFFERENT CONFLICT MANAGEMENT PROCEDURES

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**PURPOSE:** to help participants recognize the strengths and weaknesses of different conflict management procedures.



**CROSS REFERENCE:** Section 2.2.



**TIME:** one hour.



**MATERIALS:** markers, flip charts, cards.



**PREPARATION:**

- prepare cards for each of the terms “negotiation”, “mediation”, “arbitration” and “adjudication” (Attachment 5.1.A “Definition of terms”);
- copy Attachment 5.1.B “Continuum of conflict management approaches” on to a flip chart.



### STEPS

- 1 Explain that the purpose of this session is to examine the various procedures available for managing conflict. Participants are likely to be familiar with these procedures, or will at least have heard of them. Display the cards with the terms, and explain that participants will have an opportunity to reflect on the experiences they have had with these different procedures.
- 2 Ask participants to form groups of four to discuss and define each of the procedures. They should note their definitions on a piece of paper. Give them 15 minutes to do so.
- 3 After 15 minutes, participants meet with representatives from other groups to compare their own definitions with the terms as they were defined for this training (Attachment 5.1.A). Groups should discuss the differences among, as well as the inherent strengths and weaknesses of, the selected approaches. After 30 minutes ask one person from each group to present its findings. Use Attachment 5.1.C “Inputs for discussion” to guide the discussion, clarifying the terms as necessary.
- 4 In conclusion emphasize the following key learning points.

**KEY LEARNING POINTS** .....

- The various conflict management approaches differ in terms of the amount of influence that the conflict parties have on the process and outcome. The further towards the right of the continuum (Attachment 5.1.B) the process is, the less influence the conflict parties will have.
- All approaches have their own inherent strengths and limitations; no conflict management approach works in all situations.
- When selecting the most appropriate procedure, each should be examined regarding the following factors:
  - the openness of each party to using it;
  - the effort required to implement it;
  - the amounts and kinds of resources required to implement it;
  - the risks and opportunities entailed;
  - its likely impacts on relationships;
  - its likely impacts on allowing satisfactory negotiations;
  - the likelihood of its attaining substantive goals or outcomes.
- The conflict parties' existing capacity to manage conflict should always be taken into account, and not be undermined by unnecessary interference.
- This training focuses on negotiation and mediation as informal and collaborative approaches to conflict management. Informal approaches are voluntary in that nobody can be forced into the negotiation process or into compliance with an agreement. Parties' willingness to enter negotiations depends on such factors as:
  - the perceived benefits from resolving differences rather than prolonging the conflict,
  - trust in the process; and
  - the availability of alternatives.

**HINTS**

This session should be followed by Session 5.4 "Factors influencing the negotiability of a case".

## Attachment 5.1.A Definition of terms

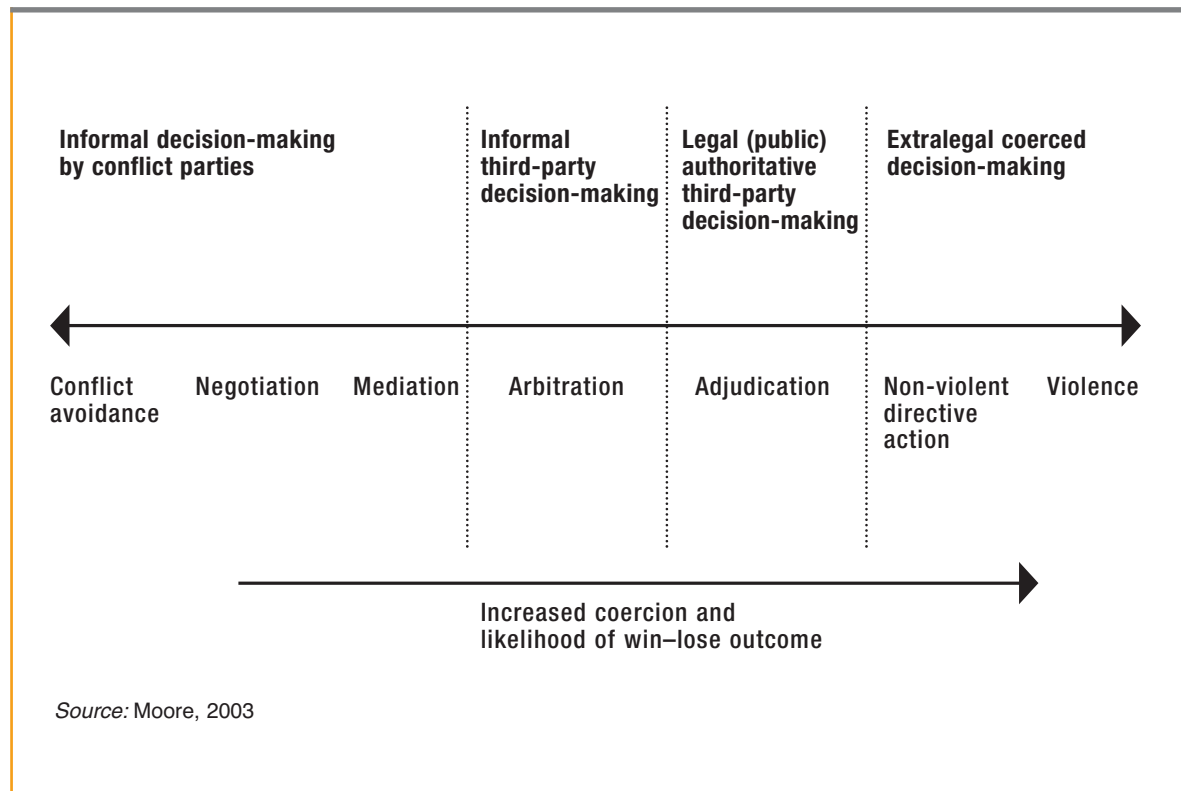
**Negotiation:** a discussion and decision-making process among opposing parties. It aims at finding an agreement to end the dispute.

**Mediation:** the process whereby an acceptable third party with limited or no authoritative decision-making power assists the main parties in a conflict to resolve their dispute.

**Arbitration:** an informal process whereby the parties submit the issues at stake to a mutually agreeable third party, who makes the decision for them.

**Adjudication:** a process whereby an authority (a judge or other official) makes a decision based on the norms and values of the society and in conformity with legal statutes.

## Attachment 5.1.B Continuum of conflict management approaches



## Attachment 5.1.C Inputs for discussion

### Negotiation and mediation<sup>1</sup>

Strengths	Limitations
<p>Can help overcome obstacles to participatory conflict management that are inherent to legislative, administrative, judicial and even customary approaches.</p> <p>Promotes joint decision-making and seeks voluntary agreement among disputants.</p> <p>Involves processes that resemble those already existing in most local conflict management systems, including flexible, low-cost access.</p> <p>Fosters a sense of ownership in the process of implementing solutions.</p> <p>Emphasizes capacity building within communities so that local people become more effective facilitators, communicators, planners and managers of conflict.</p>	<p>Often fails to address structural inequalities. May encounter difficulties in getting all stakeholders to the bargaining table.</p> <p>Cannot overcome severe power differentials among stakeholders, so vulnerable groups such as the poor, women and indigenous people remain marginalized.</p> <p>Usually results in decisions that are not legally binding, so enforcement depends solely on the willingness of all parties to comply with an agreement.</p> <p>May lead some practitioners to use methods developed in other contexts and cultures, without adapting them to local contexts.</p>

### Arbitration

Strengths	Limitations
<p>When the subject of the dispute is highly technical, arbitrators with the appropriate expertise can be appointed.</p> <p>Is often faster and cheaper than adjudication in court.</p> <p>Is more flexible than the courts, so parties can choose procedures that are convenient to them.</p> <p>Provides a private and confidential procedure.</p>	<p>In some legal systems, arbitral decisions are less fully enforced than judgments.</p> <p>Arbitrators are generally unable to order interlocutory measures against a party, making it easier for parties not to adhere to a decision.</p> <p>Rule of the applicable law is not binding, and arbitrators are not subject to overturning on appeal, making it more likely that they will make decisions based on their own ideals.</p> <p>Gives conflict parties only limited participation in decision-making.</p>

1. In general, it is useful to deal with the different procedures one by one. Discussion of negotiation and mediation have been combined, however, because their strengths and weaknesses are similar.

## Adjudication

Strengths	Limitations
<p>Uses official legal systems, thereby strengthening the rule of State law, empowering civil society and fostering environmental accountability.</p> <p>Is officially established, with well-defined procedures.</p> <p>Takes national and international concerns and issues into consideration.</p> <p>Involves judicial and technical specialists in decision-making.</p> <p>Where there are extreme power imbalances among the disputants, it may better protect the rights of less powerful parties because decisions are legally binding.</p> <p>Decisions are impartial, based on the merits of the case, and with all parties having equity before the law.</p>	<p>Is often inaccessible to the poor, women, marginalized groups and remote communities because of cost, distance, language barriers, political obstacles, illiteracy and discrimination.</p> <p>May not consider indigenous knowledge, local institutions and long-term community needs in decision-making.</p> <p>May involve judicial and technical specialists who lack the expertise, skills and orientation required for participatory natural resource management.</p> <p>Uses procedures that are generally adversarial and produce win–lose outcomes.</p> <p>Gives conflict parties only limited participation in decision-making.</p> <p>May be more difficult to reach impartial decisions when there is a lack of judicial independence, corruption among State agents, or an elite group that dominates legal processes.</p> <p>Uses the highly specialized language of educated elite groups, thereby favouring business and government disputants over ordinary people and communities.</p>

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## SESSION 5.2 COMPETITION AMONG NGOs

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**PURPOSE:**

- to demonstrate how assumptions influence and determine the outcome of negotiations;
- to demonstrate how positional bargaining tends to neglect what is in the parties' own best interests.

**TIME:** one and a half hours.**MATERIALS:** flip chart, cards and coloured pens.**PREPARATION:**

- photocopy Attachment 5.2.A “Instructions for group work” for each participant;
- copy the table in Attachment 5.2.A and all of Attachment 5.2.B “Scoring sheet” on to a flip chart.
- copy Attachment 5.2.C “How assumptions influence and determine the outcomes of negotiations”.

**STEPS**

- 1 Announce that this is a negotiation exercise. Do not explain the purpose of the activity.
- 2 Explain that two non-governmental organization (NGO) consultancy companies – Alpha and Best – are competing for a subcontract to implement projects. In a time of decreasing project funds and stiff competition, both NGOs seek contracts for as many projects as possible. The donor will give more projects to the NGO that demands fewer overheads. Show the prepared flip chart and explain how offering a “discount” influences the profits the NGOs can make, by reducing the profit per project. Both NGOs have to submit their tenders without knowing what the other will offer.
- 3 Divide participants into two groups – Alpha and Best – and provide them with the photocopied instruction sheet.
- 4 Start the first round. The groups have ten minutes to discuss their goal and define the strategy for reaching it. They then submit their tenders to the trainer by writing the discount they are offering – 10, 20 or 30 percent – on a card. The trainer announces the outcome of the first round and records the profits on the scoring sheet.
- 5 Repeat the exercise for eight rounds, following the same procedure.
- 6 For the third and sixth rounds announce that there are possibilities for direct negotiations. Two representatives of each group can meet for five minutes of secret discussions. The resultant agreement will be informal and unbinding, i.e., the groups can decide to ignore it.



- 7 After the eighth round compare the groups' accumulated profits and discuss the results using the following questions:
  - What goal did you set in the first round of tenders?
  - What did you intend to achieve in this exercise?
  - What was your strategy? Was it successful? Why or why not?
  - How did the ability to negotiate with the other group influence your strategy?
  - What effects did your strategies have on the outcome, in terms of profit?
  - How was the relationship and attitude towards the other group influenced by your strategy, especially when negotiated agreements were not respected?
- 8 Ask participants about their operating assumptions during the game and relate these to the behaviour displayed by the groups. Participants usually mention some questionable assumptions, such as “they will undercut us when they have the opportunity”, “our fears must be their intentions” or “more for you means less for me”. Explain that such assumptions result in “win–lose”, “either us, or them” attitudes and sub-optimal results. Mention – showing the scoring sheet – that the maximum profit each team could have achieved is US\$540 000 (usually both teams have “earned” considerably less than would have been possible in a situation of cooperation and trust). Emphasize that cooperation and trust would have helped each group to achieve its legitimate interest of maximizing profit.
- 9 To conclude the session show, Attachment 5.2.D and explain how assumptions and beliefs generally drive how the participants in negotiations think and act, and ultimately determine the results.
- 10 Wrap up the session by discussing the following key learning points.

### KEY LEARNING POINTS .....

- The wish to win over the opposing parties usually results in:
  - irrational behaviour – harming the opponent becomes more important than realizing mutual benefits, and own interests are neglected, resulting in material disadvantages and spoiled relationships;
  - failure to achieve the maximum profit that would have been possible in an atmosphere of trust and cooperation.
- It is important to pay attention to the process of negotiations. Participants do not need to trust each other, but acting trustworthily themselves helps to increase their “relationship power”.
- Exercise often triggers competitive behaviour, but “beat the other side” is a simplistic measure of success. By deciding to beat the other side, participants risk creating the problem they are trying to avoid.
- People’s actions are often guided by such questionable assumptions such as “more for them, means less for us” or “our fears must be their intentions”. Assumptions should not be confused with facts.
- Negotiators have to decide whether they want to destroy or create value. Maximizing value for both sides depends on participants’ behaviour in negotiations.
- Intentions do not always have the expected impacts.

**HINTS** This exercise is best followed by Session 5.3 “From positions to interests in negotiations”.

## Attachment 5.2.A Instructions for group work

### Competition between NGOs

Your team represents one of two competing NGOs:

- Alpha Consult
- BEST Ltd.

Both NGOs implement development projects as subcontractors for a big donor organization. Both try to maximize the number of projects for which they will be subcontracted. The donor organization will give more projects to the NGO that demands fewer overheads, but to avoid overdependence on one NGO, neither will be subcontracted for all the donor's available projects.

In a time of decreasing project funds and stiff competition, both NGOs try to win projects by reducing their overheads and offering discounts of 10, 20 or 30 percent on their previous prices.

If both NGOs offer the same discount, they will get equal numbers of projects and make the same profits. If one NGO is cheaper than the other, it will get more projects and make more profit.

The table below shows the profit the companies can make (in US dollars).

		Alpha Consult		
		10%	20%	30%
Best Ltd.	10%	600 600	300 500	100 700
	20%	500 300	400 400	200 500
	30%	700 100	500 200	300 300

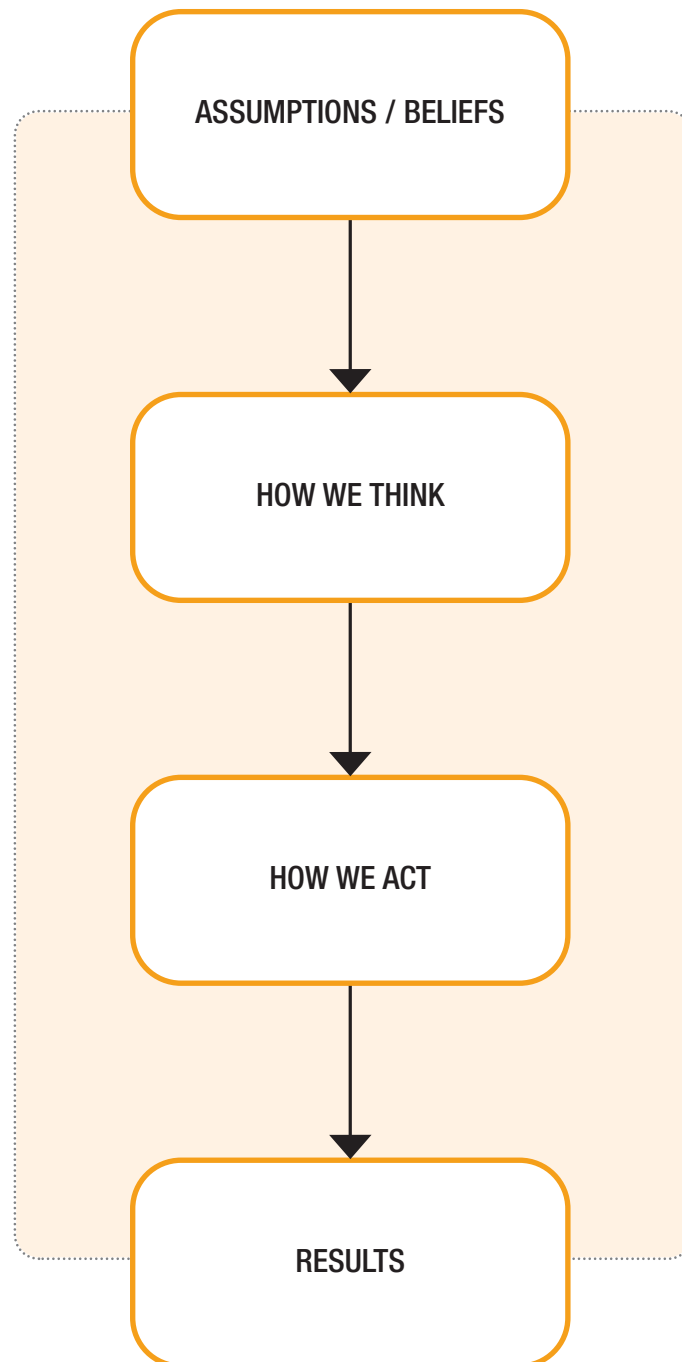
**Note:** the figures in black show the profit for Alpha Consult, the figures in orange show the profit for Best Ltd.

What percentage discount is your team prepared to offer?

## Attachment 5.2.B Scoring sheet

Year (round)	Alpha Consult			Best Ltd.		
	% offered	Profit for the year	Accumulated profits	% offered	Profit for the year	Accumulated profits
1						
2						
3						
4						
5						
6						
7						
8						

## Attachment 5.2.C How assumptions influence and determine the outcomes of negotiations



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## SESSION 5.3 FROM POSITIONS TO INTERESTS IN NEGOTIATIONS

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**PURPOSE:**

- to help participants distinguish between position-based and interest-based negotiations;
- to introduce and apply a tool that helps move on to negotiations in conflict situations.

**CROSS REFERENCE:** Section 2.3.**TIME:** one hour.**MATERIALS:** markers, flip charts, cards.**PREPARATION:** copy the following attachments on to flip charts:

- Attachment 5.3.A “What is a good outcome from negotiations?”;
- Attachment 5.3.B “Triangles diagram”;
- Attachment 5.3.C “Positions versus interests example”;
- Attachment 5.3.D “The four basic points of negotiations”.

**STEPS**

- 1 Start the session by asking participants how they would define negotiation. Record their suggestions and explain that a simple definition of negotiations is “*all those occasions when you try to persuade someone or someone else tries to persuade you*”. As this implies, people are negotiating all the time.
- 2 Explain that negotiations often take the form of positional bargaining, in which parties start from their own positions on an issue and bargain with each other until they can agree on one position. Provide an example of a typical bargaining situation and how it results in mutually unsatisfactory outcomes or spoiled relationships (use the example given in attachment 5.3.C or make up something based on “haggling over a price” as a typical example of positional bargaining).
- 3 Many people argue that positional bargaining does not produce good agreements. It is an inefficient means of reaching agreement, and any agreement reached through positional bargaining tends to neglect parties’ interests. It encourages stubbornness and so tends to harm the parties’ relationships.
- 4 Ask participants how they know that they have reached a good outcome when they see it. Ask them what their measures of success would be, and compare these with Attachment 5.3.A.

- 5 Explain that positional bargaining is not only likely to produce conflicts, it is also unlikely to serve in solving conflicts. This trainer's guide therefore focuses on principled or interest-based negotiations as a method for reaching satisfactory agreements. Fisher and Ury (1983) develop four principles of negotiation, which can be used effectively to resolve many types of dispute. Show the flip chart of Attachment 5.3.D and explain the principles.

**Separate the people from the problem:** Remember that negotiators are people first. There are three basic sorts of people problems:

- differences of perception among the parties – we need to understand different perceptions, others' and our own;
- the involvement of a wide range of emotions: people often react with fear or anger when they feel that their interests are threatened – we need to recognize and understand emotions, others' and our own;
- bad communication – we need to practise good communication, which includes active listening, using clear and simple language, speaking about ourselves and not about others, etc.

**Focus on interests rather than positions:** Good agreements focus on the parties' interests, rather than their positions. As Fisher and Ury explain, "Your position is something you have decided upon. Your interests are what caused you to so decide" (p. 42). Interests explain the underlying motivations behind a position, or what is driving a person to take a certain position. Use the example in Attachment 5.3.C to illustrate the difference between positions and interests.

Interests are what a person wants to have satisfied; they can be needs, desires, concerns or fears. Interests can be substantive, procedural or relationship interests (see Session 2.6). The triangles diagram (Attachment 5.3.B) shows that each party usually has a number of different interests underlying its positions. In any conflict, however, all the parties will share certain basic interests or needs, such as the need for security and economic well-being.

**Generate a variety of options before settling on an agreement:** Operate on the premise that it is possible to reach an agreement that benefits both parties. Do not accept the first satisfactory solution – probe for even better ones. Generate as many options as possible. Separate the process of inventing options from the process of assessing options and deciding.

**Insist that the agreement is based on objective criteria:** When decisions are based on reasonable standards, the parties are more likely to agree and preserve their good relationship. The parties must agree which criteria – such as scientific findings, professional standards or legal precedent – is best for their situation. One way to test for objectivity is to ask whether both sides would agree to be bound by those standards. Rather than agreeing on substantive criteria, the parties may create a fair procedure for resolving their dispute. For example, two children may fairly divide a piece of cake by having one child cut it, and the other choose which piece she/he wants.

- 6 Explain that interest-based negotiations work from the assumption that focusing on interests rather than positions increases the chances of achieving a good outcome.

- 7 Divide the participants into small groups and explain the following task:
  - Each group is to use a conflict example (from a previous training session, or based on a case study) to identify two major stakeholder groups with conflicting positions in relation to a resource.
  - The group members should then discuss and identify the positions and interests of these two major stakeholder groups.
- 8 After 30 minutes, reconvene the participants and ask:
  - How easy or difficult was the exercise?
  - What do you think helps in the identification of interests?
- 9 Close the session with the following key learning points.

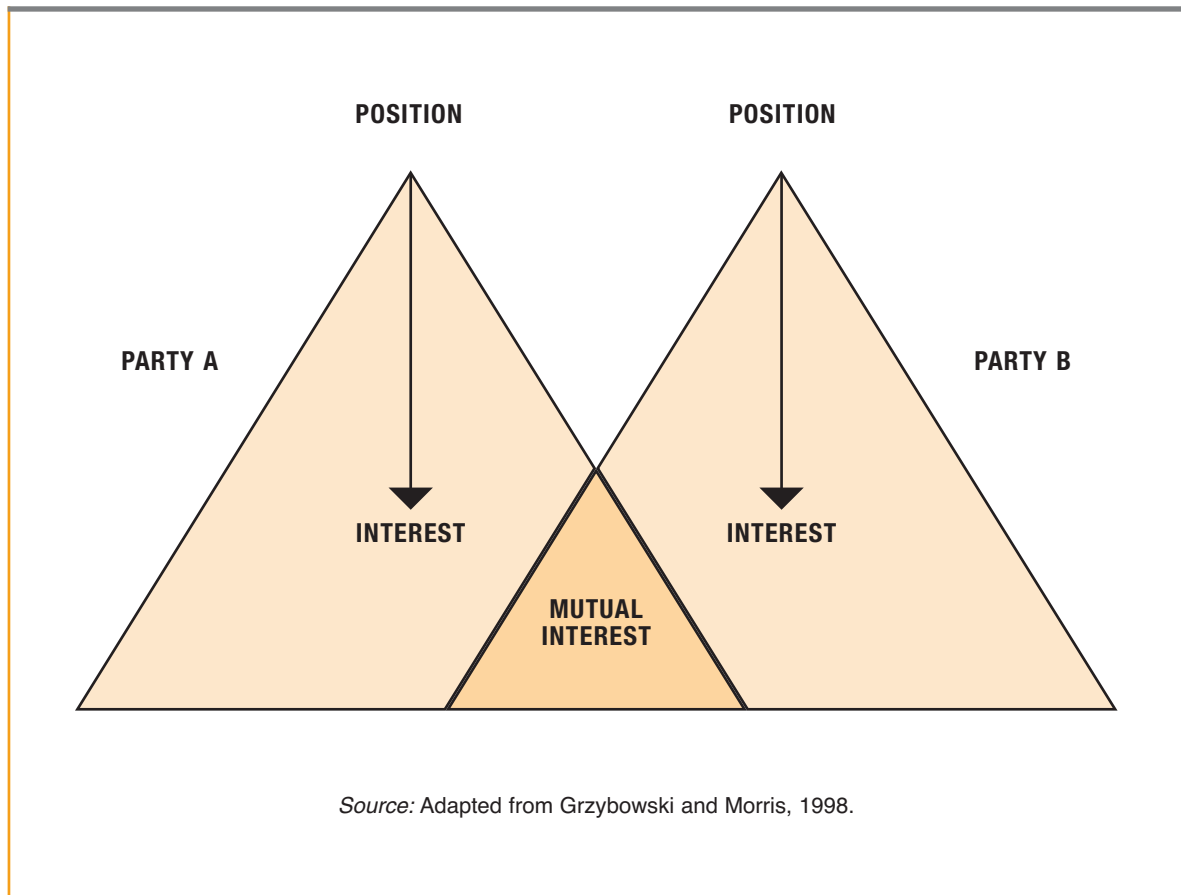
 **KEY LEARNING POINTS** .....

- **A party that wants the other side to take its interests into account must explain its interests clearly.**
- **The other side will be more motivated to take those interests into account if the first party shows that it is paying attention to the other side's interests.**
- **Discussions should look forward to the desired solution, rather than focusing on past events.**
- **Parties should keep a clear focus on their interests, but remain open to different proposals and positions.**
- **In identifying and separating their positions from their interests and needs, stakeholders should also consider the likely interests and needs of other groups. To go a step further, by moving from rivalry to collaboration, they need to understand:**
  - **how the different interests interrelate or are interdependent;**
  - **that there is more to gain from collaborating than from competing.**
- **The aim of interest-based negotiations is to find interests that are held in common and from which all can derive shared benefit.**

### Attachment 5.3.A What is a good outcome from negotiations?

Common measures of success	Proposed measures of success
“Get any deal” or “Get the other party to make more concessions”	Get a deal that satisfies both parties’ interests
Get the maximum possible (“last dollar”)	Create as much value as possible and then share it
Both parties are equally unhappy	Improved relationship between the parties
Avoid conflict	Solve conflict

### Attachment 5.3.B Triangles diagram: Improving opportunities for collaboration by moving from positions to interests



### Attachment 5.3.C Positions versus interests example

Two sisters quarrel over an orange. Each claims that she wants the orange – this is the position each sister is taking. When they finally agree to divide the orange in half, the first sister takes her half, squeezes it for orange juice and throws away the peel, while the other throws away the fruit and uses the peel from her half for baking a cake.

One was interested in the juice, while the other was interested in the peel – unfortunately they had not bothered to find out what their interests were.



Soft	Hard	Interest-based or principled
Participants are friends	Participants are adversaries	Participants are problem solvers
The goal is agreement	The goal is victory	The goal is a wise outcome reached efficiently and amicably
Make concessions to cultivate the relationship	Demand concessions as a condition of the relationship	<b>Separate the people from the problem</b>
Be soft on the people and on the problem	Be hard on the problem and on the people	Be soft on the people but hard on the problem
Trust others	Distrust others	Proceed, regardless of trust
Change your position easily	Stick firmly to your position	<b>Focus on interests, not positions</b>
Make offers	Make threats	Explore interests
Disclose your bottom line	Mislead about your bottom line	Avoid having a bottom line
Accept one-sided losses to reach agreement Outcome: Give "I give up in order to reach agreement"	Demand one-sided gains as the price of agreement Outcome: Take. "I want my way"	<b>Invent options for mutual gain</b> Outcome: Give and take
Search for the single answer: the one the other party will accept	Search for the single answer: the one you will accept	Develop multiple options to choose from: decide later
Insist on agreement	Insist on your position	<b>Insist on using objective criteria</b>
Try to avoid a contest of will	Try to win a contest of will	Try to reach a result based on standards, independent of will
Yield to pressure	Apply pressure	Reason and be open to reason; yield to principle, not pressure

## Attachment 5.3.D The four principles of negotiation

The four principles are:

- 1 people:** separate the people from the problem;
- 2 interests:** focus on interests, rather than positions;
- 3 options:** generate a variety of possibilities before deciding what to do;
- 4 criteria:** insist that the result is based on fair standards or criteria.

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## SESSION 5.4 FACTORS INFLUENCING THE NEGOTIABILITY OF A CASE

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**PURPOSE:**

- to help participants identify and assess the factors that are important in determining the effectiveness of negotiation;
- to help participants consider which conditions make third-party involvement necessary.

**CROSS REFERENCE:** Section 2.3.3.**TIME:** one hour.**MATERIALS:** three pin boards, cards, coloured markers.**PREPARATION:** copy Attachment 5.4.A “Factors influencing negotiability” on to a flip chart.**STEPS**

- 1 Explain that collaborative conflict management procedures, such as interest-based negotiations, have considerable potential in addressing natural resource conflicts. However, conflict managers must not assume that collaborative conflict management procedures are always possible or desired. Instead, it is only through a careful assessment process, which is part of the preliminary conflict assessment, that conflict managers and disputing parties can find out whether either negotiation or mediation has a chance of succeeding and producing a good outcome. Explain that the participants are going to review the circumstances that are favourable, challenging and limiting for interest-based negotiations.
- 2 Form groups of four to five people and give them 15 to 20 minutes to identify and discuss:
  - factors that support interest-based negotiations;
  - factors that challenge or limit negotiations.
- 3 After 15 to 20 minutes, reconvene the participants. Ask one member of each group to explain its findings to the other groups, and ask the other groups to add new points if they have not been mentioned yet. Compare the findings with Attachment 5.4.A to make sure that the main points have been considered.
- 4 Ask participants to identify the conditions under which conflict parties may need the assistance of a third party in their negotiation process. Mention the following conditions, if the participants do not do so themselves:

- Intense emotions are preventing people from reaching a settlement.
  - Communications are of poor quality or quantity.
  - Misperceptions or stereotypes are hindering productive exchange.
  - Parties are unable to reconcile their actual or perceived incompatible interests.
  - Parties lack a clear, common negotiation procedure, or fail to use the existing procedure to their best advantage.
  - Negotiations are hard to start or have reached an impasse.
  - Power differences between parties can only be bridged through somebody ensuring procedural fairness.
- 5 Wrap up the session by showing Attachment 5.4.A, emphasizing the following key learning points.

### KEY LEARNING POINTS .....

- Although it can be hard to decide whether interest-based negotiations have a chance of producing a good and fair outcome for all involved, mediators still have to make a “go or no go” decision.
- No single factor listed in Attachment 5.4.A guarantees success or failure. Mediators cannot personally ensure that agreements will be reached – they can only be responsible for ensuring a quality process and establishing mutual respect among parties.
- Nevertheless, conflict managers have a responsibility for assessing the chances of mediation producing an outcome that is fair to all parties – it is part of the mediator’s ethical obligation not to allow processes where poorer or less powerful people are taken advantage of. This includes weighing up potential benefits against the actual costs arising from participation in the process: time, money and other resources, as well as the resignation and passivity of weaker parties, which might result from failed attempts. The list of challenging and limiting circumstances may assist mediators in doing this weighing up.
- The “best alternative to a negotiated agreement” (BATNA) is an important consideration when deciding whether to negotiate or not. What would parties walk away to?
- A good and fair outcome does not necessarily require settlement of all the issues at stake. Even if full resolution is not possible, parties in conflict may still prefer a partial settlement or trial solution to having no solution at all.

**HINTS** This session can be combined with Session 5.1 “Different conflict management procedures”.

## Attachment 5.4.A Factors influencing the negotiability of a case

Relevant criteria	Factors that support interest-based negotiations	Factors that pose a real limitation to interest-based negotiations	Issues to be checked/questions to be raised
<b>Disputing parties and their relationship</b>	Parties are interested in negotiations because they believe that the outcome will offer more than they would have achieved without negotiations There is interdependence among the parties	Future relationships are not of concern Lack of ongoing relationship or future contact among parties	Is the conflict a single-encounter dispute, or is it occurring in the context of an ongoing relationship?
<b>Leadership/ authority</b>	Participants have the authority to represent the constituencies they claim to speak for	The person or group who/that can make binding decisions is not present, or key role players are influenced or pressured to continue the conflict	Do the individuals and organizations have the necessary leadership?
<b>Power and other means of influence:</b>	Equal means of influence exist, or the party with superior power is willing to curtail the exercise of power and work towards a cooperative solution Parties are ready and willing to talk in good faith (resolution of the dispute is a high priority for all stakeholders)	Participants have no power and capacity to negotiate, or individuals are denied their fundamental rights Parties refuse to take part in the process. This often occurs when there are major power imbalances among parties and/or weak legal systems (absence of sanctions) Parties are unable to accept their own best interests (because they suffer from emotional or other blocks)	What power or means of influence do disputants have to make the other side give them what they want? What might happen to limit the party's power? What possible allies and other sources of power might the party be able to tap into?
<b>Participation</b>	Participation in the process is voluntary	Parties are forced to participate in the process	How did stakeholders get involved in the process?
<b>Type of dispute</b>	The conflict is negotiable (subject to a compromise solution) There are multiple issues, which allows for trading and negotiation	The conflict is intractable (resources are undividable and cannot be shared) There is a single contested issue, or the conflict is centred on clashes of values or denial of fundamental rights (identity) or needs (security, food security)	What are the different issues (substantive, relationship and procedural) in this conflict?
<b>Costs</b>	There is adequate time for negotiations	There is a deadline by which time an agreement must be reached	How long will it take to settle the dispute? Are there any critical deadlines or time constraints to be considered?

Source: Adapted from Moore, 2003.

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## SESSION 5.5 THE ROLE OF THE MEDIATOR

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**PURPOSE:**

- to build participants' understanding of the role, skills and qualities of a mediator;
- to help participants consider whether they could be appropriate as mediators.

**TIME:** one and a half hours.**MATERIALS:** markers, flip charts.**PREPARATION:** copy on to flip charts:

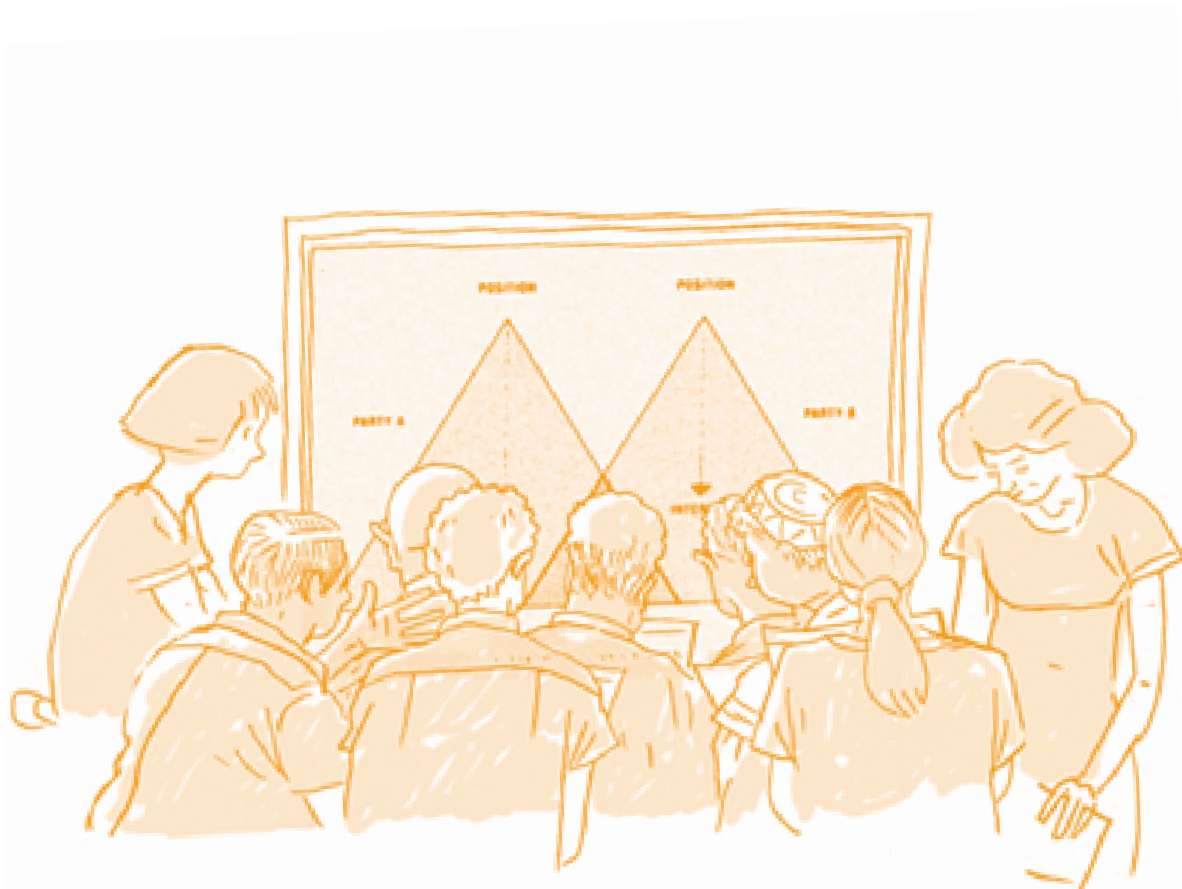
- Attachment 5.5.A “Definition of a mediator”;
- Attachment 5.5.B “Role of a mediator”, with each section (i, ii and iii) on a separate page or transparency;
- Attachment 5.3.C “Triangles diagram” (from Session 5.3).

**STEPS**

- 1 Explain that participants have already discussed what mediation is, and have reviewed the circumstances where consensus negotiations require a mediator. This session examines the role of a mediator more closely, and identifies the circumstances in which it may be appropriate for participants to act in this role.
- 2 Review the definition of a mediator and stress that mediators vary significantly in the ways in which they define their role and involvement in promoting successful negotiations. The main issue regards finding the appropriate focus – process, substance or relationships among the parties. This trainer's guide promotes a focus on the process and an impartial stance towards substance, for a variety of reasons. First, it is believed that it is the prime role of the mediator to guide people on the procedures, create the psychological conditions necessary for productive talks and move the process forward, from one step to the next. Second, parties should have the primary responsibility for self-determination because they are usually better informed than any third party could ever be, and when parties make their own decisions their commitment to implement and adhere to a settlement is enhanced.
- 3 Explain that a mediator is a facilitator specialized in conflict management. With the participants, review the two core features of a facilitator/mediator: content neutrality and process guidance. Content neutrality means not taking a position on the issues being discussed and not having a position or interest in the outcome. Process guidance means helping the conflict parties in their communication and decision-making processes by encouraging:

- full participation;
  - mutual understanding;
  - shared responsibilities;
  - inclusive solutions that incorporate everybody's views.
- 4 Ask participants for reasons why a facilitator/mediator needs to be content-neutral. Make sure that the following reasons are discussed:
- to support group ownership of the decision-making process, and hence the solution;
  - to encourage a creative thinking process;
  - to avoid being perceived as favouring one idea and taking sides;
  - to help find a solution that all can live with.
- 5 Refresh participants' memories about the six open-ended questions (why, what, how, who, when and where) introduced in Session 4.3 "Probing". Ask participants to think of a simple problem that has been bothering them: a difficult boss, giving up smoking, etc. Ask them to form pairs and to share their simple problems with their partners. They should take turns, one sharing a problem, and the other asking questions to help reach a solution. The questioners should use the triangle model (Attachment 5.3.C) to ask questions that help their partners to solve their problems for themselves. Under no circumstances is the questioner to give his/her own solutions.
- 6 After each person has had an opportunity to question and be questioned, reconvene the participants and ask:
- What happened? Was it easy or difficult?
  - Ask the questioner, what did you do to prevent your own ideas from filtering into your questions?
  - Ask the problem sharer, how did you feel as the person being questioned?
  - Did it help you to find a solution? If yes, how?
- 7 Introduce the concept of an independent mediator who is neutral and impartial. Check that the participants know what these terms mean and why they are important:
- *Neutrality* means that a party is not connected to, and has no prior relationship with, any of the disputants.
  - *Impartiality* refers to the absence of bias or preference for a party or a particular outcome.
- Explain that a mediator in a conflict needs first to assess how neutral or impartial she/he is. The role of mediator may be difficult or impossible for somebody who is involved in and affected by the conflict. Show the flip chart of Attachment 5.5.B (i) "Review what stake you hold" and ask participants to assess themselves against the questions.
- Point out that sometimes a person who has not passed the neutrality test may still be expected to act as a mediator. It is sometimes not feasible to find a truly neutral mediator. In such situations, the mediator needs to make a conscious effort to step out of the stakeholder role and to be as impartial as possible. Explain that in order to be successful as a mediator, participants need two major attributes: credibility, to be accepted in the role; and trust, to be seen as finding an unbiased solution.

- 8 Divide the participants into groups of four or five and ask half the groups to think about what provides credibility and the other half to think about what builds trust. Give them 15 minutes to do so.
- 9 After 15 minutes, reconvene the participants. Ask the groups working on credibility to call out their ideas, and note these on a flip chart.
- 10 Show the flip chart of Attachment 5.5.B (ii) “What confers credibility?”, and discuss any of the suggestions that did not emerge from the group’s discussions.
- 11 Repeat the process with the group working on trust, using the flip chart of Attachment 5.5.B (iii) “Ways of generating trust in the mediator”.



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## Attachment 5.5.A Definition of a mediator

A mediator is a third party who helps the parties in a dispute jointly to develop an acceptable, voluntary and non-coerced solution to their conflict.

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## Attachment 5.5.B Role of a mediator

### (i) Review what stake you hold

- Do you have a personal stake in how the conflict is resolved? For example, do you live in the affected area, or does your employment or security depend on a particular outcome?
- Does your organization have a history of working in the area, which requires you to work for a particular outcome? For example, have you worked with particular groups that you must continue to support, or have you put projects in place whose existence may be threatened by the conflict?
- Are you under pressure from partners, funders, government authorities or other agencies to work in a particular way or towards a particular outcome? What price might you pay for your neutral involvement?
- Positive answers to any of these questions suggest that you may not be able to provide a genuinely neutral intervention in the conflict.

### (ii) What confers credibility?

- Your skills and actions.
- You have been recommended by a respected person.
- You are part of an organization that has experience of providing effective neutral interventions.
- You have access to influential people.
- Your age and demeanour.

### (iii) Ways of generating trust in the mediator

- Exercising good listening skills, and demonstrating that you can hear contradictory points of view without taking sides.
- Making explicit statements about the actions you intend to take during your intervention, and not acting contrary to those statements.
- Keeping your word and building a pattern of consistent behaviour.
- Not abusing or betraying confidential information.
- Demonstrating commitment to work with the parties for as long as it takes, or managing your withdrawal in a way that does not leave the parties worse off than before.



## SESSION 5.6 A MAP OF THE MEDIATION PROCESS



**PURPOSE:** to provide participants with an overview of the complex mediation process.



**CROSS REFERENCE:** Section 3.2.



**TIME:** one and a half hours.



**MATERIALS:** flip charts, coloured pens, envelopes.



### PREPARATION:

make an enlarged copy of Attachment 5.6.A “The steps of the mediation process” for each group of three participants, large enough to be seen clearly when posted after the group discussion. Cut each copy into strips – one for each step – and place each set of strips in an envelope. In each envelope, include a few blank strips, for participants to suggest additional steps.



### STEPS

- 1 Start by explaining that now they know what interest-based negotiations are, and are familiar with the roles and responsibilities of a mediator in assisting parties in interest-based negotiations, the participants are going to look at the entire mediation process by drawing a conflict management process map that outlines the key steps and considerations. Such a map can be used to keep on track and move the process forward towards successful outcomes.
- 2 Divide the participants into groups. Explain that each group will be given an envelope that contains slips of paper with key steps and important principles to be considered in the process of mediation. The groups should read through and discuss these steps and considerations to ensure that they understand the meaning of each. As a group, they have to:
  - differentiate between key steps and principles;
  - define sub-steps for each of the steps, based on their own experiences of working to resolve disputes among parties.
- 3 On a flip chart, each group is to draw a circle and arrange the ten steps in a logical order. The considerations should be placed in the centre, in order of importance. Stress that there are no right or wrong answers in this activity, but groups will have to justify the choices they make. Explain that if participants feel that an essential step or condition is not included in the envelope, they can write it on one of the blank slips of paper provided and add it to their map. When the group members are satisfied with the order of the steps, they should stick them in place with the glue stick. They have 45 minutes to complete the task.






- 4 After 45 minutes, reconvene the participants and ask each group to post its flip chart. Allow a few minutes for all the participants to look at each others' results. After they have had a chance to do this, initiate a discussion around the following questions:
  - What differences or similarities were there among the groups' maps, and why?
  - Did any group add its own conditions or steps? What were these? Why did the group consider these important?
  - How useful was this process in helping to share experiences and understand other people's perspectives? Point out that many of the considerations are very important for successful negotiations; one of the purposes of ranking is to generate discussion.
- 5 Wrap up the session by emphasizing the following key learning points.

### KEY LEARNING POINTS .....

- In reality, a mediation process is not as straightforward as the map suggests. What matters most is to find an appropriate process that responds to the specific issues to be addressed. In some cases, detailed data collection may be required to understand causes and dynamics, while in other cases, a joint interview with parties at a joint meeting is sufficient.
- It is important to consider the complexity of the dispute to determine the initiative and level of intervention required. Sometimes parties need minimal help, at others they need help on all sorts of issues. At the end of the day, the map should be understood as a process of joint education and development of mutual understanding.
- Clear procedural descriptions are necessary (in training and in real life) to demonstrate how the procedure might work and for parties to make informed judgements about the viability of the process.

**HINTS** This session will be easier for participants who have previously been exposed to Session 3.2 "Introduction to rapid conflict assessment".

## Attachment 5.6.A The steps of the mediation process

Preparing for entry
Entering the conflict scene
Conflict analysis
Broadening stakeholder engagement
Assessing options
Preparing for negotiations
Facilitating negotiations
Designing the agreement
Monitoring the agreement
Preparing for exit
Fostering collaboration
“Do no harm”
Restoring relations
Managing information
Capacity building of weaker parties








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## SESSION 5.7 MEDIATION MEETING – INITIAL STAGES

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**PURPOSE:** to give participants practice in conducting the opening phases of a mediation meeting.



**CROSS REFERENCE:** Section 7.3.1.



**TIME:** three hours.



**MATERIALS:** pin boards, cards, coloured marking pens, tape.



**PREPARATION:**

- photocopy Attachment 5.7.A “Instructions for the facilitator/mediator – initial stages”, Attachment 5.7.B “Instructions for conflict parties” and Attachment 5.7.C “Instructions for observers” for each participant;
- make appropriate numbers of copies of the background information and role instructions for one of the case studies in Chapter 6.



**STEPS**

- 1 Introduce the session by explaining that the activity is the first in a series of three step-by-step mediation exercises. Participants will have a chance to practise the mediator’s role and facilitate the opening phase of a mediation meeting. Explain that this will be done through the use of role play.
- 2 Explain that participants will be divided into groups. All the groups will role play the same situation simultaneously, with some people observing. Each person will receive a slip of paper with her/his instructions for the role play. Participants should not share these instructions with the other members of their group. In each group, one person will play the mediator’s role, with the others playing the various conflict parties. Explain the role and tasks for the mediator (Attachment 5.7.A).
- 3 Give participants an example of how to identify the parties’ interests (Attachment 5.7.A step 6). Explain that the mediator has to select one party to begin with, before going round all the other parties, giving each of them a turn.

The mediator then has to summarize each party’s issues to confirm that they have been properly understood. If issues are not yet clear, the mediator has to probe by asking questions to elicit more information about issues and interests. The mediator should ask whether the party would like to add anything else. If not, the process should be repeated with the next stakeholder.

Once all of the parties have provided some background on the issues and elaborated on their interests, the mediator summarizes the issues and determines the sequence in which they should be addressed.

Before closing the first meeting, the mediator should seek agreement about where and when the parties will meet again.

- 4 Assign the participants' roles for the role play. Along with the role instructions for the case study selected (which should each be distributed to all the people playing that role), distribute the case study background material and copies of Attachments 5.7.A, 5.7.B and 5.7.C to each participant. If there are more participants than roles, the remaining participants can serve as observers.
- 5 Stress that the effectiveness of the role play depends on how effectively participants enter into their roles. Role play instructions describe only what to talk about; participants have to add personality and feelings. They should play their roles realistically, but not so hard that a mediator – no matter how good – will never be able to reach agreement (“Don't eat the mediator!”).
- 6 Divide the participants into groups according to the roles they are to play (facilitators in one group, community representatives in another, etc.) and give them 30 minutes to discuss and prepare for the role play.
- 7 Reform the groups so that each consists of one mediator and one representative from each stakeholder group.
- 8 Have the mediators begin the opening phase of the groups' discussions, according to their instructions.
- 9 When the groups have completed their mediation sessions, reconvene the participants.
- 10 Initiate a discussion with the following questions:
  - *Ask the mediator:* How he/she felt about her/his opening statement – strengths, weaknesses and anything missing?
  - *Ask conflict parties:*
    - What was the impact of the mediator's opening statement on them, its strengths and any suggestions for modification or improvement?
    - Were procedural guidelines or ground rules developed? How? Was this helpful?
    - Did the mediator succeed in creating a favourable atmosphere for the meeting? How did he/she achieve or fail to achieve this?
    - Were the roles, functions and responsibilities of the mediator and participants made sufficiently clear?
    - Did the mediator identify issues clearly? How helpful were her/his questions?
  - *Ask observers:*
    - How was the agenda developed?
    - What was the logic for the placement/sequencing of issues?
    - Did the sequencing succeed in moving parties forward?
- 11 Wrap up the session by emphasizing the following key learning points.

## KEY LEARNING POINTS

- When **framing the issues**, it is very important that the mediator restate each issue in a way that makes people with different views willing to talk about it. It is also important to be as inclusive as possible and list the issues of all, and not just of some, of the parties.
- When developing a negotiation/mediation agenda, the mediator should:
  - summarize the collective issues and interests expressed by each party;

- frame the issues in neutral and positive terms;
- frame the issues as a list for future discussion;
- avoid attributing topics to specific parties;
- ask the parties whether they would like to address anything else at the meeting;
- obtain the parties' general agreement on the final list of issues to be discussed;
- think about how to sequence the issues in a way that is likely to result in early agreement among the parties.

**HINTS** Ideally, participants should receive their role play scripts the evening before the session, and all those who are to play the same role should meet in advance to identify the main issues and interests. Mediators meet to talk about the mediation strategy.



#### TRAINER'S NOTE 5.7.A ROLE PLAY CHALLENGES

Check that participants are familiar with role plays/simulations. If some are not, explain that the purpose of role play is to practise in a safe environment that is based on a real-life setting to provide the opportunity for learning from trial and error. The following challenges/mistakes are quite common and should be noticed and corrected by the trainer:

- The mediator is too controlling or passive.
- Parties become emotional or disruptive.
- The mediator's questions provoke unproductive or unhelpful positions.
- The second party becomes anxious or stops listening when the first party comments.
- The second party rebuts what the first party has said.
- The parties start to jump to solutions and debate them.
- The mediator is working harder than the parties.
- The mediator forgets to make an opening statement and starts without laying the groundwork for mediation.
- The mediator "monologues" or uses jargon, instead of conversing.
- The mediator or the parties talk for too long.
- An important factor is left out.
- The mediator tests the parties.
- The mediator is perceived as taking sides.

## Attachment 5.7.A Instructions for the facilitator/mediator – initial stages

You will facilitate the opening phase of a mediation meeting.

The *purpose of the first meeting* is to:

- enable parties to feel that they are being listened to;
- help parties to express and acknowledge their feelings productively;
- identify the issues to be addressed;
- bring to the surface any issues that have not yet been identified.

The following are the tasks for facilitating the first meeting:

1. Introduce the purpose of the first meeting.
2. Introduce yourself and your role as a facilitator/mediator.
3. Explain the mediation process.
4. Identify and agree on behavioural guidelines for the group.
5. Obtain all parties' commitment to beginning the process, and check on how much time everybody has for the meeting.
6. Define the issues and interests of each party clearly.
7. Draw up a joint list of all the problems or issues that the parties wish to talk about.
8. Set and prioritize the agenda.
9. At the end of the meeting, seek the parties' agreement about where and when to meet again.

**1 Introduce the purpose of the first meeting.** Welcome everybody. Explain the purpose of the meeting. Without going into details, state the main issues in a neutral and unbiased way. This statement should be more:

issue-oriented	than	person-oriented
positive	than	negative
optimistic	than	pessimistic
future-oriented	than	past-oriented
goal-/solution-oriented	than	cause-oriented

For example:

*“Welcome, we are meeting today to reach a consensus agreement on the management of the protected area [or on whatever the issue/conflict to be discussed concerns]. There are disputed issues and open questions to discuss. If we discuss the issues and open questions in an open and constructive atmosphere, I am sure that we will come up with solutions that meet the interests of all stakeholders.”*

**2 Introduce yourself and your role as a facilitator/mediator.** Give a short explanation, ensuring that you:

- introduce yourself briefly (name, background);
- thank participants for accepting you as a mediator/facilitator;
- explain that as a facilitator/mediator you are neutral, i.e., you are not biased, do not have your own agenda and are not on the side of one of the groups of stakeholders;
- assure participants that you will observe strict confidentiality regarding statements and behaviour;
- explain that your role is to steer the discussion process and not to find a solution;
- explain that you will assist participants in meeting their objectives by:
  - keeping the group to the time schedule;
  - recording its interests and decisions on a flip chart;
  - ensuring that everyone has equal time to speak;
  - assisting the stakeholders in categorizing their issues;
  - ensuring that they have considered how to implement their agreements.

**3 Explain the mediation process.** Describe the procedures to be followed. For example:

*“I suggest that we begin the discussion today with each of you giving a brief description of the situation and the issues that have brought you to mediation. This will inform all of us about the issues you want to discuss. Each of you will have a chance to present your views for about ... minutes.*

*“During your presentations, I may ask some clarifying questions and I may make notes to record the main points/issues/concerns for the agenda.”*

**4 Identify and agree on behavioural guidelines for the group.** Have the participants list what ground rules they think are needed. Provide the following as examples:

- Each person should contribute equally to the discussions.
- Listen carefully and attentively.
- Delay questions or comments until the speaker has finished. When making comments, do not use insulting or abusive language.
- Try to understand and respect each others' viewpoints and concerns.
- Make your own interests, feelings and concerns clear.
- Present your concerns from your own subjective point of view – do not claim to possess objective knowledge.
- No final decisions will be made until there is full agreement.

Record these ground rules and add the additional ones introduced by participants. Refer to the rules as necessary throughout the meeting.

**5 Obtain all parties' commitment to beginning the process, and check on how much time everybody has for the meeting.** Answer any questions that the parties have about the procedure to be followed. Gaining a commitment to start mediation is the mediator's last move before turning the session over to the participants.



**6 Define the issues and interests of each party clearly.** Start to identify and clarify the parties' interests. Select one party to begin with. For example:

*"We would now like to hear from each of you the history of the current situation and some of the issues that you would like to discuss in future talks. When you present your views, please refrain from putting forward positions or possible solutions until such time as we all understand the issues that need to be discussed and the problems or conflicts to be addressed and resolved. Would you [turn to a conflict party] be willing to begin? Can you explain why you are here, and the history of the situation that you want to address? Please tell us about the issues or topics that you would like to discuss. What is important to you about that issue? What does it help you achieve or gain, and what interests or needs are important?"*

Document the participants' points on cards on a pin board, or write them on a flip chart. Then summarize each party's issues to confirm that they have been properly understood. If issues are not yet clear, probe by asking questions to elicit more information about issues and interests. Ask whether the party would like to add anything else. If not, the process should be repeated with each of the other stakeholders in turn.

**Note:** The critical task facing mediators at this stage is to gain an understanding of each party's interests. Parties in dispute rarely identify their interests clearly and directly. This lack of clarity occurs because parties:

- often do not know what their genuine interests are (because interests are equated with positions);
- intentionally hide their interests (because they fear they may receive less if their needs are known);
- lack awareness of the procedural approaches for uncovering interests.

Facilitators may therefore need to assure parties that understanding interests can lead to more productive and satisfying outcomes. The first step towards achieving this is to create awareness that:

- all parties have interests and needs that are important and valid to them;
- every problem has more than one solution;
- a solution can be found that meets the maximum number of interests of each party.

**7 Draw up a joint list of all the problems or issues that the parties wish to talk about.** After all the participants have spoken, give an overview of what they have said and ask whether all the issues raised are included in the listed agenda points. Have participants add points if necessary. It is important to be as inclusive as possible and to list the issues of all, and not just some, of the parties.

**Note:** If agenda items are formulated in a biased and aggressive way (blaming or attacking other participants), reformulate them in a diplomatic way: the original content of the message is kept, but the form is neutral and acceptable to the other stakeholder groups (see Session 4.9 Reframing).

**8 Set and prioritize the agenda.** The sequence of issues for discussion can be set by the mediator or the parties. Mediators usually suggest the agenda when:

- parties are likely to argue about which issue to discuss first;
- parties want to discuss the most difficult issue(s) first;

- parties demand preconditions or claim that an issue is non-negotiable;
- one party refuses to discuss another's issue;
- mediators believe that parties are so embroiled in the conflict that they may not be able to sequence the issues productively, or they may not have considered the possible logic or rationale for ordering discussion topics.

In more relaxed circumstances, mediators can turn agenda sequencing over to the parties, to give them control of the order of topics, or when order is not important:

- Explain that to come up with a tentative agenda it is important to classify the agenda points.
- Make four headings on the flip chart: high priority; medium priority; low priority; and undecided.
- Ask the participants to establish criteria by which they will determine high-, medium- and low-priority issues. For example, in terms of short- or long-term impacts, the people affected, or the resources required.
- Ask them to categorize their agenda items under one of the three headings of high, medium and low priority. They should use their criteria as guidelines. Ask clarifying questions as needed, such as: *"What are your central reasons for ranking this as a high priority?"*
- If there is disagreement on where to place an issue, suggest one of the following:
  - *"Given the lack of agreement on where to place this issue, can we put it under undecided for the time being? Later, we can come back to it for further discussion".*
  - *"Having discussed this point, are you all in complete agreement that this item is a low priority?"*
- When all of the issues have been placed into their respective categories, address the undecided issues and ask the participants how they want to work with these. Suggest options such as changing the wording, addressing the issue in a different forum, or agreeing not to discuss it at all.
- Then ask them to rank the issues within each category, from the highest to the lowest priority.

### **Hints for sequencing agenda issues**

*Put easier topics early in the agenda.* Defining the entry point for talks is an important decision: the starting point can have an impact on all the other issues in the conflict. (A useful analogy is with acupuncture, in which practitioners have to identify the point to treat in order to induce a change somewhere else.) The following points should be considered when selecting the entry point for talks:

- It should be an issue that is important to everybody, but not so complicated that it takes a long time to resolve.
- Starting with a procedural or psychological agreement is a good strategy. For example, an apology when another party is willing to forgive sets the scene very well.
- It is also helpful to prioritize the issues that need to be resolved immediately, and then move on to those that can be resolved later.

*Try and get a few easy agreements first before tackling the more difficult issues.* This helps to build a "habit of agreement", and also encourages parties to reach agreement on harder issues so as not to jeopardize these earlier "easier" agreements.

Good entry points are:

- easy issues that are important to all parties and on which agreement can be achieved rapidly;
- agreements on general principles, which can shape or direct agreements on later issues;
- foundation issues, which form the basis for discussion of future issues;
- key issues, the resolution of which will make agreement on later issues easier to achieve;
- linked issues, which may need to be discussed together or concurrently.

Bad entry points are:

- issues that stakeholders are unwilling to discuss in public;
- issues that are important to some stakeholders, but not others;
- issues that are important for all stakeholders, which might make good starting points for tasks rather than talks.

**9 At the end of the meeting, seek the parties' agreement about where and when to meet again.** So far, the parties have clarified issues and identified common and conflicting interests. In the next meeting the central task of the negotiating parties and the mediator is to develop mutually acceptable options for agreement and settlement.

Before closing the first meeting, seek agreement about where and when the parties will meet again.

***Mediators should remember...***

How you speak matters as much as what you say; this is the beginning of building trust and credibility in you as a facilitator and in the process. You need to set a positive and optimistic tone.

Preparation for the first mediation meeting involves the following tasks:

- Prepare your opening statement. Consider how to open negotiations in a way that sets a positive tone and promotes interest-based problem solving.
- Develop your initial strategy for eliciting parties' issues (the topics they want to resolve) and interests (their needs, wants, fears and concerns).
- Think about strategies for dealing with the strong emotions that may emerge during the first joint working session.
- Consider how to move parties from a proposal/counter-proposal or debate process to a deeper discussion and understanding of issues and interests.
- Consider how to divide your role and responsibilities with a co-mediator.
- Identify your interests as the mediator.

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## Attachment 5.7.B Instructions for conflict parties

- Work in negotiation teams to discuss and define the issues you wish to raise, and the options that you and the other parties can consider.
- Consider the interests (needs, wants, fears and concerns) connected to the issues (topics) you wish to discuss in negotiations.
- Decide whether you should negotiate or not. What would you walk away to (what is your best alternative to a negotiated agreement)?
- Develop an opening statement. This is an opportunity to practise interest-based negotiation skills. Your aim is to get your critical interests addressed/satisfied. What kind of opening statement should you prepare to make satisfaction of your needs and concerns likely?

Think about how you wish to sequence the topics, and which issue to start with.

## Attachment 5.7.C Instructions for observers

Your task is to observe the meeting and provide feedback to the mediator about her/his performance. Please consider which of the mediator's actions and behaviours help the parties to discuss their problems or issues. What changes would you suggest?

Please note your observations during the mediation meeting by considering what the mediator does to:

- direct communication from the stakeholders/parties to him/herself;
- listen attentively, providing a model of respectful behaviour;
- provide assurance to the non-speaking parties, for example through periodic eye contact;
- enforce the agreed ground rules when necessary;
- ensure that everyone has enough information by asking probing or clarifying questions to draw speakers out;
- name and acknowledge feelings;
- make the issues and interests identified easier to talk about by restating or paraphrasing them;
- reframe positional or adversarial comments into statements about the parties' interests;
- summarize the critical parts of long, complicated or convoluted descriptions and explanations.


**Note:** When sharing your observations, remember that feedback is a way of helping another person understand the impact her/his behaviour has on others. Feedback is most effective when it is constructive. The following table provides some hints for constructive feedback.

Criteria	Bad example	Good example
Focus on the positive	You don't smile enough	You have such a warm smile. You could use it more often, it makes people feel good
Focus on behaviour, not the person	You are arrogant	I saw that you often turned your attention to the next speaker before the current speaker had finished speaking
Be specific, not general	You are always so talkative	When we were deciding about issues, you talked so much that I stopped listening
Be descriptive, not judgemental	You want to appear important	Having your mobile phone ringing disrupts the flow of discussion

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## SESSION 5.8 MEDIATION MEETING – MIDDLE STAGES


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 **PURPOSE:** to give participants practice in conducting the middle phases of a mediation meeting, when options for settling the dispute are identified and assessed.

 **CROSS REFERENCE:** Sections 7.3.2 and 7.3.3.

 **TIME:** three hours.

 **MATERIALS:** pin boards, cards, coloured marking pens, tape.

 **PREPARATION:**

- photocopy Attachment 5.8.A “Instructions for the facilitator/mediator – middle stages”, Attachment 5.8.B “Example of an agreement in principle” and Attachment 5.8.C “BATNA guidelines” for each participant;
- ensure you have sufficient extra copies of the role instructions from the selected case study for participants who will be changing roles.

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### STEPS

- 1 Explain that this session builds on the previous, first mediation meeting. Participants will return to their small groups and continue the role play, but each group should appoint a new facilitator to give as many participants as possible the chance of practising mediation. The remaining group members will each take on the role of one of the conflict parties. The role plays continue according to the agreed agenda for discussing the issues. This time, the task is to generate and evaluate possible solutions.
- 2 Explain that the mediator is not responsible for finding a solution. This is the responsibility of the parties. The role of the mediator is to ensure that the parties think creatively about solutions rather than reverting back to their positions. One step in this direction is to remind parties about their best alternatives to a negotiated agreement (BATNAs, Attachment 5.8.C). If negotiations cannot come up with a solution that all are happy with, what are the next best options?
- 3 Developing a safe and creative environment for option generation involves the following steps:
  - With the parties, review the issues that they want to find solutions for. Explain that options will be generated for one issue at a time.
  - Explain why it is important to generate multiple options. It is quite common for party x to suggest an option that party rejects. Several options need to be listed to broaden the discussion.

- Initiate a brainstorming of ideas to generate options. Make it explicit that parties do not have to agree to any option that is suggested at this point. The generation of options is separate from the evaluation of options.
  - Restate a joint problem solving statement that includes all the different parties' interests.
- 4 Explain the different ways of coming up with solutions for agreement:
- *Standards and criteria*: for example, ask for standards that would be reasonable to all parties. These should be reformulated to form the criteria on which to base future decisions.
  - *The status quo*: consider what aspects of the parties' relationship are currently working, and include these in the agreement. Seek mutually acceptable and fair standards and criteria for framing the agreement
  - *Agreements in principle*: Start with general principles that all parties can agree to. Then work on clarifying how these principles can be put in place to lead to an agreement (see Attachments 5.8.A and 5.8.B for examples).
  - *The building block approach*: break down the overall problem into several smaller problems, and put these together to get an agreement.
  - *Links and trades*: to solve one problem, link it to another. If a local community wants compensation and jobs, a company can offer a set number of jobs as part of a compensation package.
  - *Procedural solutions to substantive problems*: for example, a company has cut a lot of trees in the water course, and water quality has declined. To reduce runoff, the community wants large numbers of certain types of tree to be planted in specific places. The company thinks that this would involve a lot of unnecessary effort, and disagrees with this solution. Instead of finding one solution, the company and the community therefore need to find a process for tackling the restoration issue. Start by implementing the company's suggested solutions, but have both the company and the community monitor the water quality. After a season of implementing the company's solution, if the water quality has not improved, the company should increase its re-vegetation efforts. This procedural process is useful when the parties cannot find an answer to their problems.
  - *Vision building*: this means getting the parties to imagine the future and working back from that vision. For example, a future vision sees that in five years time, a joint forest management plan will have established good working relations, improved forest health and better economic outcomes for the community. If all the parties want this, they can work backwards from the vision, defining the steps required to get there.
  - *Model agreement*: past successes from other areas can be used to build/revise a suitable agreement for the current case.
  - *Single-text document*: this is effective when some parties cannot read. The mediator listens to all the possible options and writes a draft. One by one, the parties add to or change the draft so that it works for them, until the document works for everybody.

- 5 Explain that the mediator should help parties to move from option generation to agreements by asking them to identify:
  - options that are acceptable, but not necessarily perfect, which will be discussed further;
  - options that are totally unacceptable, which should be laid aside for possible consideration later if the more viable ones do not work out.

The mediator should then ask what the parties like about the preferred options – strengths, satisfaction of interests, etc. – and whether there are any problems with them. If there are no problems, ask whether the parties can accept and agree to them as proposed. If they can, affirm and restate their agreement. If there are problems with the option(s):

  - ask the parties to identify what they are, and what interests, concerns or needs are not being met;
  - conduct problem solving on these;
  - help parties to see what they can gain from finding a workable option;
  - if necessary, present two possible options for their consideration.
- 6 Clarify participants' questions. Then divide the participants into groups according to their roles: all the facilitators meet in one group, the community representatives in another, etc.
- 7 Hand out the new instruction sheet for facilitators (Attachment 5.8.A) and new copies of the conflict parties' role instructions as required. Allow 30 minutes for the groups to read through the material and discuss their approach to the negotiations as interest parties or facilitators.
- 8 After half an hour, have the participants move back into their mixed-role groups to continue the role play from the previous session. Give them two hours for this.
- 9 After two hours, reconvene the participants. Ask one person from each mixed-role group to summarize what happened within that group.
- 10 Initiate a discussion around the following questions:
  - What options were generated?
  - How did the groups' solutions differ?
  - Which approaches were used for moving from options to assessment of solutions?
  - Were there any difficulties? If yes, explain.
  - Which decision-making method was most commonly used to assess options?
  - What kind of results would you expect if you used consensus in your selection of solutions?
  - What kind of results would you expect if you agreed to vote or bargain?
  - Do you think that there would be a difference in the sustainability of the solutions if you chose one method over another?
  - Did any group use a combination of methods? What were the advantages or disadvantages of doing so?





### TRAINER'S NOTE 5.8.A BATNAs

The purpose of negotiating is to produce a better result than would have been obtained without negotiation. The best alternative to a negotiated agreement (BATNA) is the consideration of alternatives in case negotiations fail: What are the possible alternatives that could be pursued if no agreement is reached? What are the practical implications of these alternatives? What results might be achievable through other arenas?

Disputing parties derive some of their negotiation power through their BATNAs. The BATNA is the standard against which every result should be measured. If parties have strong BATNAs, they can easily reject an agreement that does not satisfy their interests well. If they have weak BATNAs, they might accept the same agreement knowing that this is the best possible outcome given the alternatives. If parties in conflict do not know what their BATNA is, they might be either too optimistic, and reject agreements that it would be in their interest to accept, or too pessimistic, and accept agreements that are unfavourable and worse than what could have been achieved without agreement.

It is also a good idea for each party to consider other parties' BATNAs in order to learn as much as possible about their power in the negotiation, relative to its own.

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## Attachment 5.8.A Instructions for the facilitator/mediator – middle stages

You will facilitate the search-for-solutions phase of a mediation meeting.

In this phase, the central task of the mediator and the negotiating parties is to develop mutually acceptable options for agreement and settlement.

To fulfil this task the following steps are required:

1. Ensure that parties understand the need to develop multiple options for settling the dispute.
2. Select a specific issue to discuss.
3. Generate settlement options for this specific issue.

**1 Ensure that parties understand the need to develop multiple options for settling the dispute.** Explain why it is important to generate multiple options (see the section on Brainstorming). It is quite common for party x to suggest an option that party y rejects. Several options need to be listed to broaden the discussion.

**2 Select a specific issue to discuss.** Explain to the participants that they are to decide which of the issues discussed in the previous session to discuss. In this session, they will work on identifying and assessing solutions to this issue.

Post the results from the previous activity (opening meeting) with the list of issues and their rankings (high, medium or low priority).

Have the participants agree the first issue they want to address.

**3 Generate settlement options for this issue.** Explain that the interest parties need to generate options/solutions. There are several methods a mediator can use for coming up with solutions for agreement. Four of these are described in the following.

### ***Standards and criteria***

**Step 1.** Ask for standards that would be reasonable to all parties. These should be reformulated to form the criteria on which to base future decisions. Ask the participants to define criteria for a good solution: “What would a good solution include, and what should it exclude?” Work with parties to come to an agreement on the criteria. Record these on a flip chart.

Developing and using criteria may help the process of deciding which options are most likely to be satisfactory to all groups. It also ensures that there are fair standards for decision-making. Have the group suggest suitable criteria. These may vary and can include:

- general achievability;
- cost and inputs;
- time scale;
- advantages (pros) and disadvantages (cons);
- opportunities and risks.

**Step 2.** Next, options are assessed against these criteria. A decision grid (see below) can help the analysis and comparison of alternative solutions through the help of indicators.

Criterion/option	Option 1	Option 2	Option 3
General achievability			
Cost and inputs			
Advantages (pros)			
Disadvantages (cons)			
Opportunities			
Risks			

**Step 3.** As each solution is checked against the criteria, the group members should decide whether they agree to:

- keep it (it looks acceptable);
- throw it away (it is not at all acceptable); or
- hold on to it for further discussion.

**Step 4.** Record the participants' decisions on a chart under the headings: "Keep", "Throw away" and "For further discussion"

### ***Agreements in principle or the formula approach***

Another possibility is to start with general principles that all parties agree to. Here the mediator needs to reframe the central issue in broader terms and encourage the disputing parties to generate general principles of agreement (see example below). Through reaching a series of agreements in principle on several levels, the parties can clarify how these principles can be put in place to lead to an agreement. For example:

- *General problem:* How can we make sure that local people have equal chances of finding employment with the companies, compared with workers from outside the area?
- *First agreement in principle:* The companies and the community agree in principle that the companies should employ more local people.
- *Second agreement in principle:* The companies and the community agree in principle that those hired should have certain qualifications or skills.
- *Third agreement in principle:* The companies and the community agree in principle to develop a list of specific qualifications and skills that those employed must have. These are listed in the resultant agreement.

Attachment 5.8.B Gives another example of an agreement in principle

**Note:** The mediator is not responsible for finding a solution. This is the responsibility of the parties. The role of the mediator is to ensure that the parties think creatively about solutions rather than reverting back to their positions.

### ***Building block approach***

The building block approach requires dividing an issue into sub-issues or components. These smaller components are usually more manageable tasks for problem solving. Options are then generated to address each sub-issue.

Issues are divided into sub-issues because:

- disputants may see and understand smaller issues more easily than those that are complex and multi-faceted;
- dividing issues may depoliticize or isolate specific issues that prevent settlement.

### ***Brainstorming***

Brainstorming is a powerful tool through which people can generate a variety of options for consideration. The mediator begins the process by framing the issue as a “problem”. Problems are often stated as “how” questions, such as how can an important cultural site be maintained while still allowing companies to explore for minerals?

The mediator should make it clear that parties do not have to agree to any option that is suggested at this point. The generation of options is separate from the evaluation of options.

The key rule in brainstorming is that any idea generated by anybody is worthwhile and should be listed. In brainstorming, generating ideas is strictly separated from evaluating them. The objective is to be creative, to move beyond usual patterns of thinking, and to widen the options, even if some of them seem strange at first. Options can be prioritized and reduced through other tools later.

### ***Brainstorming guidelines***

Brainstorming is a tool to generate multiple ideas, usually in a short time. It allows a number of possible choices to emerge. Unexpected solutions can be proposed that might not have been considered, and yet may have a key part to play in building a solution. Brainstorming works with the following rules:

- Any idea is better than none.
- Be creative and imaginative.
- Be forward thinking.
- Do not make critical comments or evaluate ideas.

Remember:

- As the mediator, your goal is not to define a solution but to practise good interest-based problem solving for mediators and negotiators.
- Options will be assessed at the next meeting.

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## Attachment 5.8.B Example of an agreement in principle

Taken from in Case study 6.1

*General problem:* How can we address, lower and – ultimately – eliminate actual and potential violence involving people shooting at each other in the forest?

*First agreement in principle:* “We all agree that it is important to both the companies and the community to stop the shooting incidents and violence.”

*Second agreement in principle:* “We agree that stopping the shooting incidents will demonstrate each party’s willingness to address an important issue of concern to both of them, and will lay the groundwork for discussing other issues of mutual importance.”

*Third agreement in principle:* “We agree that each group – the companies and the community – needs to educate and control its respective employees/members to prevent the incidents.”

*Fourth agreement in principle:* “The companies and the community will each agree to conduct periodic educational/briefing sessions for employees and community members at which leaders from each group will publicly announce these agreements and their intention to stop the shooting incidents. These meetings will be attended by leaders from all concerned groups.”

*Fifth agreement in principle:* “The companies and the community agree to develop a joint monitoring, investigation and complaint resolution process – the procedure for which will be determined in the near future – to address any problems in implementing the agreements and to promote joint compliance.”

*Source:* Moore, personal communication.

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## Attachment 5.8.C BATNA guidelines

*Review the conflict:*

- What kind of outcome do I hope to achieve?
- Which actions would best help me reach that objective?
- What are the potential outcomes with that method:
  - the best outcome?
  - the minimal outcome?
  - the worst outcome?

*Assess the alternatives:*

- Are there any issues that I am unwilling to negotiate?
- What alternatives do I have for satisfying my interests if we do not reach an agreement?
- What would be the best alternative?

*Strengthen the BATNA:*

- What can I do to improve my chances of getting my interests satisfied?
- Are there additional resources that may be required?
- Will I need extra time or financial support?

*Consider the other parties' BATNAs:*

- What do I think their key interests might be?
- What might they do if we do not reach an agreement?

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## SESSION 5.9 – MEDIATION MEETING – FINAL STAGES


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 **PURPOSE:** to give participants practice in conducting the final phases of a mediation meeting.

 **CROSS REFERENCE:** Sections 7.4 and 8.2.

 **TIME:** two hours.

 **MATERIALS:** pin boards, cards, coloured marking pens, tape.

 **PREPARATION:**

- photocopy Attachment 5.9.A “Instructions for the facilitator/mediator – final stages” and Attachment 5.9.B “Settlement agreement checklist” for each participant;
- ensure you have sufficient extra copies of the role instructions from the selected case study for participants who will be changing roles.

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### STEPS

- 1 Explain that this session will build on the previous session by providing an opportunity to practise finalizing an agreement among the conflict parties. Explain that there are two major steps in this session:
  - packaging solutions and developing the implementation, monitoring and review procedures;
  - deciding how the agreement will be presented and acknowledged in its final form.
- 2 Explain that the role of the mediator in this is to:
  - help parties reach psychological closure;
  - help parties to develop viable and effective implementation and monitoring procedures;
  - encourage compliance with and ensure enforcement of agreements.
- 3 Explain that negotiated settlements are more prone to violations than are conflict resolution procedures with strictly defined implementation procedures. In part, this is owing to misunderstandings that result from poorly defined compliance criteria and steps. Mediators therefore need to encourage disputants to design criteria and steps carefully for use in implementing their decisions.

The criteria for evaluating implementation steps are similar to those used for evaluating the effectiveness of a substantive settlement. Implementation steps should be:

- cost-efficient;
- simple enough to be easily understood, yet detailed enough to prevent loopholes that cause new procedural disputes;
- realistic in their demands or expectations of parties;
- able to withstand public scrutiny of standards of fairness.

- 4 Explain that a negotiated settlement endures not only because implementation plans are effectively structured, but also because parties are psychologically and structurally committed to the agreement. Mediators therefore need to be particularly concerned in this last phase of mediations, to build in structural and psychological factors that will bind the parties to complying with the terms of the negotiated settlement. Such “commitment-inducing procedures” can be voluntarily, such as exchange of promises in the presence of authority figures, symbolic exchange of gifts, or informal or formal written agreements. Other commitment procedures are externally induced, such as legal contracts. What is required for a negotiated agreement to become enforceable under law depends on the laws and rules of the legal jurisdiction in which the agreement is promulgated, and the forms that a contract can take. Verbal agreements are sometimes included, especially when made in the presence of a witness. In addition to the contents of the agreement, the way the settlement is written can make a difference in its acceptability and later compliance. There are four factors to consider when drafting agreements (Moore, 2003):
  - clarity of the clauses: to preclude the possibility of diverse interpretations and misinterpretations;
  - degree of detail in the clauses: the more precise the terms of settlement, the less likely that interpretation conflicts will arise;
  - the balance of concessions: refers to the equity (not necessarily to equality of number) of the exchanges made by the parties;
  - the positive attitude and perspective represented: a final settlement has to reflect that it is an affirmation of the willingness and ability of the parties to cooperate.
- 5 Explain that participants will return to their small groups to continue the role play. Each group is to have a new facilitator. The remaining group members will each take on the role of one of the different interest parties.
- 6 Hand out the new instruction sheets for facilitators (Attachments 5.9.A and 5.9.B). Ask the participants to return to their mixed-role groups for the role play. Explain that they have one and a half hours for this.
- 7 After an hour and a half, reconvene the participants. Ask one person from each mixed-role group to summarize what happened in that group.
- 8 Initiate a discussion around the following questions:
  - How does the agreement look?
  - What difficulties were encountered in finalizing the agreement?
  - What criteria and steps were defined for implementing the agreement?
  - What commitment procedures were used?
  - How useful has this series of activities been, particularly for practising facilitation skills?
  - What are the lessons learned for collaboration and negotiation among multiple stakeholders with varied interests?
- 9 Wrap up the session by emphasizing the following key learning points.



## KEY LEARNING POINTS

- Mediation cannot be conducted on an ad hoc basis: it requires careful analysis and strategy design.
- Failure to define when a dispute has ended or when a negotiated settlement has been reached can result in unnecessary extended conflict.
- The forms that symbolic conflict termination activities take depend on the (cultural) context in which the conflict occurs.

## Attachment 5.9.A Instructions for the facilitator/mediator – final stages

You will facilitate the final phase of a mediation meeting.

Explain that the role of the mediator in this is to:

- help parties reach psychological closure;
- help parties to develop viable and effective implementation and monitoring procedures;
- encourage compliance with and ensure enforcement of agreements.

At this final stage, the mediator's tasks are:

1. Assessment of options.
2. Select the option that best meets parties' individual and joint interests; if necessary, refining that option to make it more acceptable.
3. Develop an implementation and monitoring plan for the agreement.
4. Decide how the agreement will be presented and acknowledged in its final form.
5. Reach psychological closure.

Present the results – the settlement options – from the previous mediation meeting. Explain that people negotiate because of the underlying interests they want to have addressed and satisfied. An option must therefore satisfy the parties' interests if it is to be considered an acceptable solution to the conflict.

The next step is for the parties to assess how well their interests will be satisfied by any one option or combination of options.

**1 Assessment of options.** Have the participants review the interests of each party and note any shared interests (you may want to use the conflict analysis and strategy design table, Attachment 3.2.A).

Have each party assess her/his/its own BATNA. The best alternative to a negotiated agreement (BATNA) helps each party to consider whether it would be in its own interest to accept or reject a solution. The purpose of negotiating is to produce a better result than would have been obtained without negotiation. This result is to be compared with the best outcome that can be achieved without negotiation.

If parties in conflict do not know what their BATNAs are, they might be either too optimistic and reject agreements that would have been in their interest to accept, or too pessimistic and accept agreements that are unfavourable and worse than what they could have achieved without agreement.

Developing a BATNA involves the following steps:

- Assessing one's own best alternatives:
  - listing all the possible alternatives that could be pursued if no agreement is reached;
  - considering the practical implications of the more promising alternatives.
- Considering the other parties' best alternatives:
  - what do I think their key interests might be?
  - what might they do if an agreement cannot be reached through negotiations?

**2 Select the option that best meets parties' individual and joint interests.** If necessary, refine that option to make it more acceptable.

**3 Develop an implementation, monitoring and review (IMR) plan for agreements.** Post the IMR chart (below) and review the instructions with the group.

Stage	What	Who	When	How	Adjustments
Implementation					
Monitoring					
Review					

**What:** What actions should be carried out?

**Who:** Who has been delegated to take responsibility for these actions?

**When:** The time schedule for when actions will be carried out.

**How:** Communications and other support for the actions.

**Adjustments:** Any changes that the group wishes to make.

Help the group to work through the IMR chart. Go back to group decisions occasionally and check the group's criteria for good decision-making, ensuring that actions for implementation do not undermine these (for example, by assigning all the work to one or a few of the parties).

**Note:** The criteria for evaluating implementation steps are similar to those used for evaluating the effectiveness of a substantive settlement option. Implementation steps should be:

- cost-efficient;
- simple enough to be easily understood, yet detailed enough to prevent loopholes that cause new procedural disputes;
- realistic in their demands or expectations of parties;
- able to withstand public scrutiny of standards of fairness.

**4 Decide how the agreement will be presented and acknowledged in its final form.** Introduce the following acknowledgement examples. The participants should decide whether they want a formal or an informal acknowledgement of their agreement.

- Formal acknowledgements:
  - registration in court;
  - publication in newspaper;
  - tree planting ceremony;
  - public meeting.
- Informal acknowledgements:
  - signed copies kept for the record;
  - jointly hosted banquet.

Assist the group in drafting the agreement. When the group has completed this task, introduce the following final agreement guidelines. The participants should draft their final agreement jointly, following the key points and adding any additional points that their agreement includes.

The final agreement should include the following elements:

- introduction to the interest parties;
- the issues in dispute;
- overview of the final resolution agreement;
- details about how each issue was addressed;
- details about future roles and responsibilities;
- IMR schedules;
- how to address future dispute issues.

**5 Reach psychological closure.** Explain that that this last step is to help bring closure to the agreement. It summarizes the conflict management process and mandates the future goals and responsibilities of all the interest parties. Ask if there are any activities that could be organized together to commemorate or celebrate the decision(s).

**Note:** A negotiated settlement endures not only because implementation plans are effectively structured, but also because parties are psychologically and structurally committed to the agreement. In this last phase, mediators therefore need to focus particularly on involving structural

and psychological factors that will bind the parties to complying with the terms of the negotiated settlement. Commitment-inducing procedures can be voluntarily, such as exchange of promises in the presence of authority figures, symbolic exchange of gifts, or informal or formal written agreements. Other commitment procedures are externally induced, such as legal contracts.

Finally mention that by working together to resolve their dispute, the participants have learned new ways of resolving their differences, communicating their interests and finding options that are satisfactory to all parties. Congratulate each party for his/her participation in resolving the dispute and thank them all for giving you the opportunity to help them achieve their objectives.

**Note:** Negotiated settlements are more prone to violation than are conflict resolution procedures with strictly defined implementation procedures. In part, this is owing to misunderstandings that result from poorly defined compliance criteria and steps. Mediators should therefore encourage disputants to design the criteria and steps for implementing their decisions carefully.

What is required for a negotiated agreement to become enforceable under law depends on the laws and rules of the legal jurisdiction in which the agreement is promulgated, and the forms that a contract can take. Verbal agreements are sometimes included, especially when made in the presence of a witness. In addition to the contents of the agreement, the way the settlement is written can make a difference in its acceptability and later compliance. There are four factors to consider when drafting agreements (Moore, 2003):

- clarity of the clauses: to preclude the possibility of diverse interpretations and misinterpretations;
- degree of detail in the clauses: the more precise the terms of settlement, the less likely that interpretation conflicts will arise;
- the balance of concessions: refers to the equity (not necessarily to equality of number) of the exchanges made by the parties;
- the positive attitude and perspective reflected: a final settlement has to reflect that it is an affirmation of the willingness and ability of the parties to cooperate.

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## Attachment 5.9.B Settlement agreement checklist

- Date of agreement
- Names and addresses of the parties
- Primary parties
- Secondary parties

Recitals (these are statements that are verified as accurate representations of the parties' relationship[s], assets and liabilities):

- Background about the parties' relationship(s)
- Reasons for the agreement
- Issues to be settled by the agreement
- Previous agreements that influence the current settlement
- Data about assets and liabilities (if applicable)

General introductory clauses:

- Statement that the recitals are correct
- Statement of governing laws, rules, standards, etc.
- Statement that each party has had an opportunity to consult a lawyer about his/her rights (if applicable)
- Definition of terms used in the agreement
- Statement that the agreement constitutes the full and final settlement of all issues
- Release by the parties of all claims arising out of their previous relationship, except those described in the agreement

Personal relations:

- Statement about future relationship
- Non-harassment statement (if applicable)
- Statement that the agreement does not bar future action on the part of the parties should any one of them violate the agreement

Clauses outlining specific promises or exchanges:

- Detailed description of performances and exchanges – amount, time, place, form
- Provision of a method for resolving future disputes
- Mediation or arbitration clause

Description of implementation and/or monitoring procedures (if applicable):

- Who, when, standards or criteria, steps in case of violation
- Summary or concluding paragraph
- Statement of the parties' intent to follow through on terms of settlement
- Signatures of parties
- Full legal names
- Signatures of witnesses (if applicable)
- Dates of signing, under signatures
- Appendices/attachments/documentation

*Source:* CDR Associates, 2006.



# Chapter 6 Multiparty conflict cases

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CASE STUDY 6.1 FOREST CONFLICT IN AN INDONESIAN PROVINCE

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CASE STUDY 6.2 FACILITATING PARK MANAGEMENT IN BALANGA

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CASE STUDY 6.3 SETTING A NEW AGENDA FOR PICORDA

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## Multiparty conflict cases

This chapter presents three case studies for use in simulations and role plays. The case studies are designed to demonstrate the dynamics of forest-related conflicts and various conflict management strategies and procedures.

Role play exercises form the basis for examining the stages and steps of a conflict management process. First, they can be used to explore “convening” activities, which are conducted after a conflict analysis to help parties and intermediaries understand the dynamics of a conflict, the feasibility of implementing a collaborative approach to resolving it and, when appropriate, procedures for engaging parties in a negotiation process. Second, role play can be used as practice in preparing for and engaging in various steps and stages of mediated negotiations. The case studies in this chapter are for use as extended role plays conducted over several days.

To prepare for the exercise, participants should read all of the relevant overview and background material for each case, as well as the instructions for the specific roles that they have each been assigned.

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## CASE STUDY 6.1 FOREST CONFLICT IN AN INDONESIAN PROVINCE

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The following case study is fictional, but many of its features are based on real events, issues, problems and conflicts that have occurred in the forest sector in Indonesia.

### Overview and background to the conflict

#### Background history

The island of Kalimantan has many ongoing conflicts over and resulting from forest land, timber harvesting, social and economic development, impacts on local indigenous communities, and transmigration. Historically, this region has been occupied by Dayaks, the indigenous people of the island. Originally, Dayaks from the seven main tribes lived in villages and longhouses along rivers. They cultivated rice, fruit trees and rattan gardens, hunted and gathered fauna and flora from nearby forests and harvested small amounts of timber for their own use or to sell to visitors to the region. As pressures on the coast were increased by the influx of outsiders, many Dayaks moved inland.

Some Dayak social and agricultural practices were, and still are, nomadic. Tribes and clans moved from area to area in search of new agricultural land to replace that which was exhausted from multiple years of planting. This nomadic lifestyle led to claims and counterclaims over landownership among Dayak groups; more recently, there have also been conflicting claims from the Government of Indonesia.

Under the Netherlands colonial rule, almost all land in Indonesia not explicitly designated as private property was considered to be owned by the State, with the government empowered to dispose of it as it wished. In Kalimantan, the vast majority of territory claimed by Dayaks was designated as State land. These lands and landownership arrangements were inherited by the new Indonesian government in 1949, after the war of independence from the Netherlands.

During the years of President Suharto's rule (1965 to 1998), forest concessions on Dayak lands were liberally distributed to the regime's political and business allies. Some of these timber concessions were harvested. Others were held in reserve by companies that planned to harvest them in the future.

When timber companies began to operate in Kalimantan, there were frequent conflicts with local Dayak communities. In some cases, indigenous people were forced off their lands by armed groups hired by the companies. In other situations, timber operations and the destruction of the local environment made Dayak lifestyles unsustainable, and communities moved on their own volition.

Many local chiefs of Dayak communities protested to the central government about perceived illegal land concessions or grabbing by outside companies and parties. They demanded that their local

communities should be able to keep their territories or receive adequate compensation for loss – the destruction of lifestyles, fruit trees, rattan gardens and access to trees for community use. In most cases, the chiefs were ignored or silenced. People who voiced complaints against a company that was supported by the government risked being beaten up by company agents, put in jail by the police or army, or worse. A number of local leaders were killed or disappeared.

## Recent history

With the fall of Suharto in 1998 and the resulting devolution of government powers to provinces and local districts (kabupaten) through Laws 22/99 and 25/99, decision-making authority over the granting of forest concessions was given to district governments. These governments began to issue natural resource exploitation permits as a means of increasing local taxes and gaining the support of local political elite groups. However, local government officials' limited long-term vision and lack of forest planning training and experience often led to arrangements that did not favour the interests of local populations.

Another problem is that Decentralization Law 22/99 and Forest Law 41/1999 contradict each other. The first gives authority over government land and the management of forest resources to districts, while the second leaves such authority with the central government's Ministry of Forestry. Confusion between the two laws has resulted in competition between the central and district governments, and many conflicts over the legal rights to concessions on the ground.

The increased political transparency and resultant reform following collapse of the Suharto regime also led to a resurgence of local indigenous communities reclaiming the traditional lands that they had lost in previous years, or seeking to secure adequate compensation for what had been destroyed by timber and plantation companies. Many companies view these claims as a result of "reformation euphoria", and believe that they are unreasonable. Companies often resent what they perceive as a rebellious mood on the part of local communities towards outside companies and forest resource exploitation.

## Landownership, forest concessions and conflict

In one district, there has been a particularly challenging resurgence and escalation of conflict between a local Dayak community and two companies. The issues involve the ownership and right to use lands that the local Dayak community considers their own historic territory.

During the Suharto administration, the ABC Company was granted a major forestry concession in Kalimantan by the Ministry of Forestry. Subsequently, the company harvested a portion of this land. Sustained cutting was not easy, however, as the local Dayak community resisted with hit-and-run raids on loggers and the burning of lumber camps. While Suharto was in power, the military and police were able to keep the situation under relative control, and harvesting could continue. With the devolution of powers to local governments, however, the security situation has deteriorated. It has been hard for ABC to move into and cut a new area that is much closer to the local Dayak community.

A second problem for ABC is that this new area is also claimed by another company, XYZ. This company was formed by four brothers, who consolidated the concessions they had each been granted by the local district government. They had just begun cutting on this land when they were blocked by a court order from ABC and by increased conflicts with the local Dayak community.

Each of the three parties – the Dayaks and the two companies – believes that it has valid title to ownership or concessions, through either traditional and historic use, or valid awards granted by a government agency. The companies have been arguing between themselves over the border separating their respective properties, and both of them have gone to court to clarify their claims. The final judicial decision is unpredictable, however; it could result in a considerable loss to one or both parties, and may not be forthcoming for a long time, especially if either of the parties decides to appeal.

At the same time, the Dayak community has petitioned the government for recognition and return of its historic lands, which occupy some of the territory in the companies' concessions. The community has also tried, without success, to talk with both companies and persuade them to give back this territory, which it owns, or provide adequate compensation for losses and damage. So far, neither a decision by the central government nor cooperation from either of the companies has been forthcoming.

In addition, the Dayaks have claimed that ABC failed to implement an effective forest village development programme as part of a compensation package for the earlier cutting of some Dayak lands. This is in fact the case. Although such plans were required for some of the concessions granted under the Suharto government, little effort was made by companies to implement them or by the government to enforce them. (Forest development plans are not required for concessions issued by the district. XYZ has been extremely reluctant to discuss this issue with local villagers.)

## Workers from outside the area

ABC, the larger of the two companies, has brought in workers from the island of Madura to harvest timber, and has hired relatively few local citizens, especially Dayaks.

Historically, many managers in companies such as ABC came from outside Kalimantan, and often viewed the citizens of Kalimantan and other outlying islands as having low levels of expertise, skills and training. Many managers also seem to perceive the Dayaks as lazy. When they have been hired by these companies, local citizens have been given only the most menial and temporary day-labour jobs, and very rarely obtain administrative positions. They have been assigned difficult tasks or sent into the jungle to perform exhausting work for long periods.

Workers from outside Kalimantan are of two minds regarding the employment situation. While they recognize that the failure to hire locals has probably been discriminatory and has undoubtedly caused significant social envy and friction between them and the villagers, they also view the latter as relatively unskilled, unpredictable and lazy. They believe that management should be free to hire whomever they want, and they do not want to lose their own jobs to local workers.

## Tensions between local citizens and outsiders

In the past, there have been a number of violent conflicts in Kalimantan between local people and outside workers. These clashes have resulted in significant losses of life. Both those involved and independent observers have attributed the conflicts to transmigration and immigration of outsiders, competition over economic resources and jobs, discrimination and culture differences.

## Views of different levels of government

Government agencies at the national, provincial and district levels have different views on the conflicts, the parties involved and who is responsible. Central government agencies believe that they had the right in the past to issue forest concessions on State lands, and that any arrangements that they had authorized are still valid and should be recognized by the district government and local people.

The district government believes that central government reforms and the devolution of powers have given it the right to grant local concessions, and that any previous concessions not yet harvested are eligible to be re-granted to other parties. Many local government leaders also believe that the central government has always been allied to the big companies, which have totally ignored the needs and interests of local communities. The district government believes itself to be the only entity that can and will protect local interests.

## The security situation

Security issues are also complicated. During the Suharto years, BAFINSA, an extension of the army based in villages, provided the area's main security forces. BAFINSA had excellent intelligence sources and could often act to prevent conflicts from emerging or escalating into mass action, damage to property (primarily that owned by the company, but sometimes also the homes of workers or local people seen as collaborators) or violence. New government policies since reform have made it difficult for BAFINSA to continue in this role.

Local police no longer have intelligence gathering capabilities, and thus can act only after a conflict has escalated. They have not been able to control the escalation of conflicts.

There are also unconfirmed rumours that some police agents are on the payroll of the ABC Company. Some local people claim that the police have either escalated the conflict for their own benefit or failed to intervene and protect Dayaks in clashes with outside workers. A number of local villagers have been arrested and charged with disturbing the peace or destroying company property; these people remain in jail with no judicial decision having been made about their guilt or innocence.

## Involvement of local and national NGOs

Several local and national non-governmental organizations (NGOs) and research institutions have also become involved in the conflict. These groups have primarily served as investigators and analysts of conflict issues, advocates for human rights, trainers for local institutional capacity building, and informal intermediaries with companies. Many have made efforts to resolve the conflicts. LBH, an Indonesian legal aid NGO, has a local office in the area.

## Trigger events and escalation

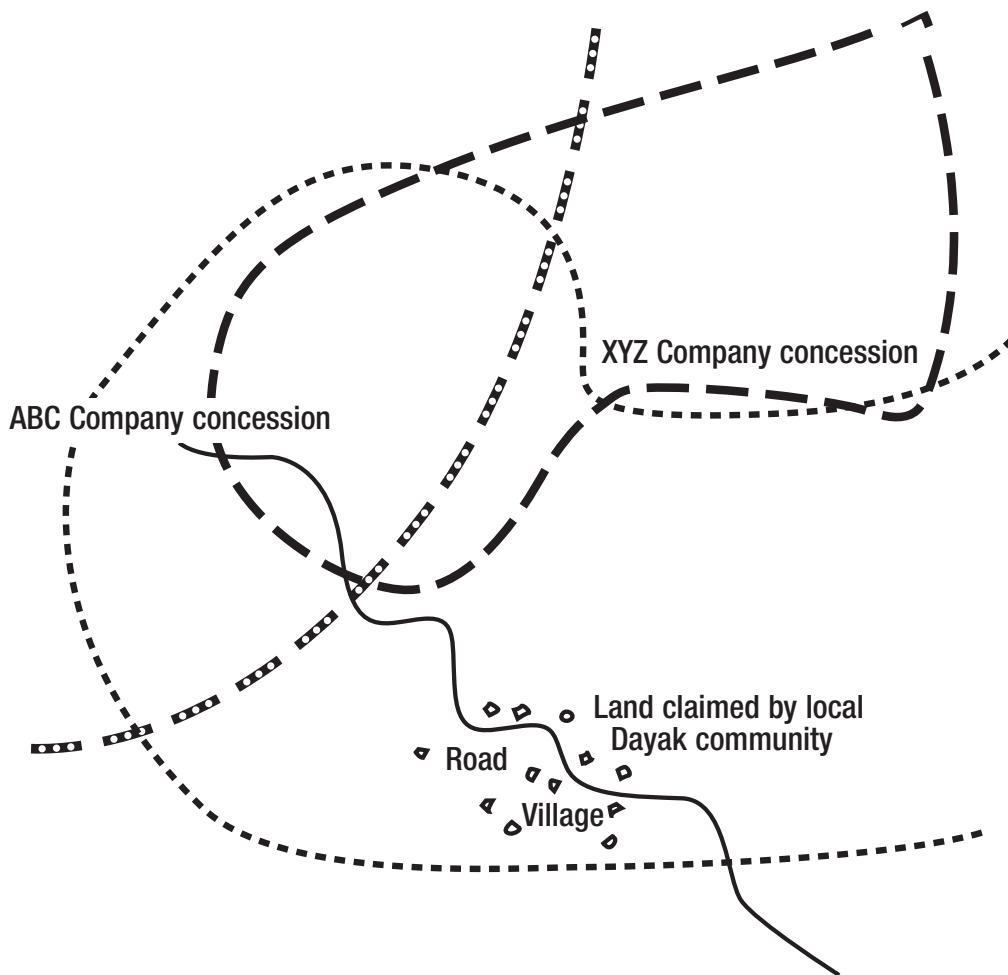
Although past conflicts over forest concessions in the region were relatively low-key and involved only sporadic violence, recent events have led to a significant escalation of tension and actions. A series of incidents over the last two months has pushed all parties to consider how to deal with contested land claims and concessions, destruction of property and violence. These events include:

- ABC's announcement of and subsequent actions to expand its logging activities on land contested by both XYZ and the local Dayak community;
- the construction of a road through land claimed by the local Dayak community, which has been a safety hazard; a construction truck struck and injured a child, and there have been increased truck traffic, noise and dust during construction – conditions that are likely to continue as harvesting expands and more logging trucks are put on the road;
- beatings or attacks on outside workers by Dayaks, and counterattacks by workers on members of the local community in towns near the forest concessions, leading to five deaths – three workers and two Dayaks;
- the burning of four company base camps – two belonging to each of the companies – by unknown parties;
- damage or total destruction of valuable heavy logging equipment owned by the two companies, through sugar in their fuel tanks, burning, etc.;
- seizure of six bulldozers, four trucks and three pieces of timber moving machinery by locals, and their detainment at an unknown location;
- a number of shooting incidents in the forest, involving outside workers as victims; many workers now fear for their lives, and have refused to return to work in the forests until their safety can be guaranteed;
- a large demonstration at which 300 local people voiced their opposition to the operations of ABC and XYZ, resulting in rock throwing and the burning of a car. Ultimately, the demonstration was broken up by the police. Fifteen people ended up in hospital, and 30 were arrested. Protesters' demands included:
  - the return of their traditional lands;
  - adequate compensation for past losses of life style, land and property;
  - comprehensive implementation of the forest village development programme by ABC;
  - access to the forests for local community members' traditional uses – hunting, agriculture and subsistence logging;
  - infrastructure development in indigenous villages;
  - a share in all logging profits.

This situation has resulted in a work stoppage by workers at both companies, who are refusing to return to the forest.

The companies have not yet responded to the community's demands. All parties seem to be trying to figure out how to manage the conflict, minimize future violence and address some of the issues raised, but some may be thinking of using more violence or repression to achieve their own ends.

**FOREST CONFLICT IN AN INDONESIAN PROVINCE**



- Border for ABC Company concession
- Border for XYZ Company concession
- Historic border for Dayak community lands
- Total ABC Company concession       ha
- Total YXZ Company concession       ha
- Total land claimed by Dayak community       ha



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## Attachment 6.1.A Parties in the conflict

**ABC Company:** One representative in the simulation; five to eight in real life.

**XYZ Company:** One representative of three families in the simulation; three in real life.

**Dayak villagers:** Two to three representatives in the simulation; five to ten in real life.

**Company workers** (from outside the area): One or two representatives in the simulation; five to ten in real life.

**Central government/Ministry of Forestry:** One representative in the simulation; four to six in real life.

**District government:** One representative in the simulation; five to ten in real life.

**Local and national advocacy NGOs (optional):** One representative in the simulation; three in real life.

**Security forces (optional):** One representative in the simulation; three in real life.

**Mediator(s):** Two mediators in the simulation; one to twelve in real life.

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## Attachment 6.1.B Issues/topics for discussion

1. Competing ownership claims or concessions, resulting from contradictions among traditional law regarding community forest lands and legal arrangements between companies and the central government's Ministry of Forestry or district government agencies.
2. Unclear boundaries between timber companies' concessions and the Dayak community.
3. Companies' willingness to discuss community land issues and operations in areas near the local Dayak community.
4. The Dayak community's loss of access to traditional economic resources and natural resource management rights, including timber.
5. Compensation to the Dayak community for lost land and/or lost access to traditional economic resources.
6. Allotment of production fees.
7. Construction of a road through the Dayak community, and resultant impacts.
8. Safety and security of company personnel and members of the Dayak community.
9. Damage to or loss of company property (heavy equipment and base camps).
10. Design, implementation and monitoring of the forest village development programme.
11. Other demands for social funding for local community needs.
12. Improvement of village facilities and infrastructure.
13. Use of outside workers by the companies.
14. Availability and types of jobs for Dayak community members, and education/skills development programmes.

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## Attachment 6.1.C Why talk/negotiate?

### For all parties

- Actual and potential loss of life on the part of local villagers and outside workers.
- Difficulty for public security forces to keep the peace.

### For companies

- Bad publicity and loss of image due to conflict, poor local reputation, etc.
- Damage to, loss of or replacement costs for heavy equipment and burned base camps.
- Cost of paying for protection of heavy equipment.
- Payments to retrieve heavy equipment held hostage.
- Stalled production because of costs.
- Compensation to employees injured in conflicts.
- Payments to workers who cannot attend work.
- Expenses of participation in negotiation.

### For the Dayak community

- Finding funding to continue the conflict, from community members, village development funds and other supporting parties, such as well connected community members who belong to the district parliament. One village spent US\$20 000 on a year of conflict.
- Cost of holding heavy equipment seized from companies and base camps invaded during the conflict.
- Expenses of sending people to the district capital to have claims settled.
- Expenses for food and lodging while claims are being processed.
- Expenses during meetings.

### For the district government

- Preserving peace.
- Clarification of authority over land issues among central and district governments and the Dayak community.
- Resolution of land issues between companies and the Dayak community.
- Generation of taxes and revenues from district concessions.

### For the central government

- Preserving peace.
- Clarification of authority over land issues among central and district governments and the Dayak community.
- Resolution of land issues between companies and the Dayak community.
- Generation of taxes and revenues from central government concessions.

### For security forces

- Need to keep the peace.
- Need for some officers to maintain income from “after hours” work for private companies.

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## Attachment 6.1.D Role of the ABC Company, private information

Since receiving its timber concession, ABC has conducted logging operations in the contested area for a number of years. It avoided cutting some of the area closest to the Dayak community, however, because of tensions between the company and the community over landownership and forestry concession issues. When it decided to cut this area and sent in surveying teams, Dayaks attacked workers and destroyed company property.

ABC believes that the situation has got out of control. The contested land issues, violence between the different ethnic groups, the costs of damaged or lost equipment and base camps, and bad press from the demonstration are becoming too expensive. Payments that the company has made to private guards to protect company property and make up for the local police's inability to keep the peace have not resulted in the stable environment necessary for expanded harvesting in contested areas.

While hostility in the company's concession area will not force it out of business, company management wants greater stability. Ideally, this should be developed through talks among all concerned parties, but if the situation does not improve, ABC will consider increasing its security expenditure, paying the police and making life difficult for local people until they let the company proceed with its work. This strategy would be both expensive and risky, and is definitely not the company's first choice of action.

As a Vice President of ABC, you believe that a negotiated solution is probably the only way to resolve some of the problems that have plagued your company and the local community. You would like to work out an arrangement with XYZ and the Dayak community that recognizes your right to harvest the forest land in your concession, but you want to make it clear that the company has no formal claims of landownership. You would be willing to encourage the government to give the land back to the community after you have harvested the timber. Perhaps local people could use the cleared land for agricultural purposes.

You recognize that ABC will probably have to make favourable offers or concessions to both XYZ and the community in order to achieve its goals. However, an agreement with either of them alone would probably not solve ABC's problems.

Concerning the community, you are willing to discuss implementing a community development plan, but you do not want to be forced into a very expensive scheme if you do not get commensurate recognition of your right to harvest the forest. You will need to hear what the community wants and to find out how much it will cost before making any final agreements.

ABC would prefer to put money into projects that benefit the local community, rather than making financial payments. Financial settlements could create a precedent, resulting in demands for the same treatment from the communities near other ABC concession operations. In addition, local communities may squander cash settlements, and request even more money in the future. Tangible construction projects guarantee that something is built for the community, and will remain after cutting is completed.

You are also willing to consider different harvesting practices, at least for some areas in the forest nearest the Dayak community. These might protect the community's access to the land for traditional uses, and might include not clear-cutting all of the land in the concession.

ABC wants a predictable and skilled workforce. Ideally, the company wants to keep the workers it has, and gradually add new ones. You are open to discussing how to increase the number of Dayak people employed in your operations, as long as they have the expertise to do the necessary jobs.

## ABC Company issues and interests

Issues	Interests
Competing claims of landownership	<p>Protect legal rights to the concession granted by central government</p> <p>Resolve concession rights issues at the least possible cost</p> <p>Willing to consider alternatives that meet other parties' interests, if these do not require giving up legal rights to harvest timber</p>
Unclear boundaries between timber companies' land and the Dayak community	Clarify boundaries in a way that is favourable to you, but also prevents ongoing conflict
Company's willingness to discuss community land issues and operations in areas near the Dayak community	Willing to discuss a range of issues with the community, if it stops the conflict, seizure/damage to company property and violence
Dayak community's loss of access to traditional economic resources and natural resource management rights, including timber	Willing to explore ensuring the Dayak community has some access to land in your concession for traditional uses – agriculture, hunting, etc. – and giving it access to timber or lumber for village use, possibly with small amounts for sale
Compensation to local Dayak community for lost land and/or access to traditional economic resources	<p>As above, plus:</p> <p>Addressing some of the village development, social, infrastructure and job issues below</p> <p>Prefer to provide projects rather than cash settlements so that community obtains tangible results and funds are not squandered</p>
Allotment of production fees	<p>Willing to discuss this, but need to know what the community wants</p> <p>Keep costs low for the company, while being reasonable to the community</p>
Construction of a road through Dayak community, and resultant impacts	<p>Willing to discuss how the road is operated, timing and speed of truck traffic, etc.</p> <p>Willing to re-route the road and traffic if necessary</p>
Safety and security of company personnel, especially outsiders, and the Dayak community	Must have assurance that workers will be safe
Damage to or loss of company property (heavy equipment and base camps)	<p>Immediate return of equipment that is held hostage so that it can be used in forest harvesting</p> <p>Some sanctions for the burning of base camps; willing to discuss what these should be</p>
Design, implementation and monitoring of forest village development programmes	Willing to discuss and implement a mutually agreeable programme that is reasonable and does not cost the company too much money
Other demands for social funding for local community needs	Open to hearing the community's proposals; will then decide on feasibility
Improvement of village facilities and infrastructure	Open to hearing the community's proposals; will then decide on feasibility
Use of outside workers by the company	Want to continue using outside workers, but will consider using more Dayaks
Availability and types of jobs for Dayak community members	<p>Will consider using more Dayak people; open to discussing how they can gain qualifications for a wider range of job opportunities</p> <p>Do not want to hire locals just because they are Dayaks. They must have qualifications in order to secure jobs</p>

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## Attachment 6.1.E Role of the XYZ Company, private information

XYZ is a company formed by you and your three brothers. You are all from Kalimantan, but are not recognized as Dayaks. Your grandmother was a Dayak, so you have some blood relationship to the local community.

Your company is composed of four concessions, all of which were awarded by the local district government. You have a valid concession agreement, which you will show to anyone who wants to see it.

You and your brothers believe that the situation near your concessions has got out of control. The contested land issues, violence between the different ethnic groups and the costs of damaged or lost equipment/base camps are becoming too expensive. You cannot afford payments for private guards or to the local police to protect company property. Some of your workers are refusing to go into the forests, fearing for their personal safety.

You need to begin harvesting soon if you are to stay in business. You have invested in machinery and hired workers, but they are reluctant to go into the forest. It is imperative that some solution to the current conflict be found.

You and one other brother think that a negotiated solution is probably the only way to resolve some of the problems that have plagued your company, ABC and the local community. You would like to work out an arrangement with ABC and the Dayak community that recognizes your right to harvest the forest in your concession.

Your other two brothers think that strong-arm tactics may be necessary to change the situation, but they are willing to let you try negotiations before resorting to more serious action.

You and your supportive brother believe that XYZ must form a coalition with either ABC or the Dayak community, to meet your company goals. You do not want to be coopted or taken over by either of them, however, and recognize that a deal with only one of them would probably not resolve all the problems that the parties are facing.

XYZ was not required to provide a community development plan to exercise its rights to the concession, but the company is willing to hire Dayak people as long as they can do the job. If necessary, XYZ might also carry out minimal community development work, as long as it is not too expensive. You and your brothers are willing to work with the local government to achieve this goal. You hope that these measures will be enough to gain the Dayak community's support for your concession and to allow you to harvest timber.

You are also willing to consider different harvesting practices that would protect the Dayak community's access to the land for traditional uses. These could include not clear-cutting all of the land in the concession.

## XYZ Company issues and interests

Issues	Interests
Competing claims of landownership	Protect legal rights to the concession granted by district government Resolve concession rights issues at the lowest possible cost Willing to consider alternatives that meet other parties' interests, if these do not require giving up legal rights to harvest timber
Unclear boundaries between timber companies' land and the Dayak community	Clarify boundaries in a way that is favourable to you, but also prevents ongoing conflict
Company's willingness to discuss community land issues and operations in areas near the Dayak community	Willing to discuss a range of issues with the community, if it stops the conflict, seizure/damage to company property and violence
Dayak community's loss of access to traditional economic resources and natural resource management rights, including timber	Willing to explore ensuring the Dayak community has some access to land in your concession for traditional uses – agriculture, hunting, etc. – and giving it access to timber or lumber for village use, possibly with small amounts for sale
Compensation to local Dayak community for lost land and/or access to traditional economic resources	As above, plus: Addressing some of the village development, social, infrastructure and job issues below
Allotment of production fees	Willing to discuss this, but need to know what the community wants Keep costs low for the company, while being reasonable to the community
Construction of a road through Dayak community, and resultant impacts	Willing to discuss how the road is operated, timing and speed of truck traffic, etc.
Safety and security of company personnel, especially outsiders, and the Dayak community	Must have assurance that workers will be safe Want an end to shooting in the forest Want an end to ethnic fights in local towns
Damage to or loss of company property (heavy equipment and base camps)	Immediate return of equipment that is held hostage so that it can be used in forest harvesting Some sanctions for the burning of base camps; willing to discuss what these should be
Design, implementation and monitoring of forest village development programmes	No interest; not required for your concession Willing to explore ways of addressing some of the other community interests identified below, as long as they do not cost too much and are commensurate with the size of concession
Other demands for social funding for local community needs	Open to hearing the community's proposal's; will then decide on feasibility
Improvement of village facilities and infrastructure	Open to hearing the community's proposal's; will then decide on feasibility
Use of outside workers by the company	Want to continue to use outside workers, but will consider using more Dayaks
Availability and types of jobs for Dayak community members	Will consider using more Dayak people; open to discussing how they can gain qualifications for a wider range of job opportunities Do not want to hire locals just because they are Dayaks. They must have qualifications in order to secure jobs.

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## Attachment 6.1.F Role of the Dayak community, private information

You are the grandson of a village chief who has protested the seizure of your clan's traditional lands since the 1950s. You do not want to let down your ancestors, clan members or extended family by not settling this conflict favourably.

Your community feels the greatest animosity towards ABC Company, which in the past forced you off your lands, clear-cutting a large part of its concession and leaving your community with nothing.

Some of the other community members believe that the only way to resolve this dispute is to fight and make business for the companies so difficult that they will leave, as has happened in other areas of Indonesia. Other members are concerned about the escalating violence, the arrests of community members and the strength of the opposition, especially ABC Company. They believe that ABC's management may be ruthless enough to kill people to get its way.

You and some other community members want to pursue a middle strategy by keeping up the pressure for change, while remaining open to negotiations. Your community wants to gain recognition of its ownership of traditional lands, but understands that this may take a long time. In the meantime, you want to win some tangible benefits for the community. If you can achieve these, you believe that you will be able to control some of the dissident community members who want to escalate the conflict, and encourage them to comply with any agreements you make with the companies, such as returning some of their heavy equipment.

Your community wants reparations for past losses and an effective forest village development programme while landownership issues are being resolved. After consultations with the community, you will tell the company exactly what it wants.

Ideally, you think the Dayak community should get a cash settlement for past losses and to cover the costs of future socio-economic development. This will ensure that community members obtain something besides empty promises. You are sceptical about ABC's following through on the community building projects it has promised. You want to make sure that any development plan includes both a government and a participatory community monitoring and enforcement component. You do not want a plan that is never implemented or is unenforceable.

Two additional concerns of your community are the timber harvesting process used by the companies, and access to forest lands for traditional uses. You do not want the land clear-cut, as this would eliminate the possibility of hunting, gathering plants, subsistence timbering or harvesting trees for sale. It would also force animals out of the forests into your fields, with resultant crop damage. If possible, you want an agreement on limited or selected cutting, so that the forest can be sustained and the community will be able to use it in the future.

Your community members want both companies to hire more Dayak people and develop a training programme that helps them to obtain better jobs than the few menial ones that ABC has provided in the past. Ideally, you want an agreement that ABC will send some of the outside workers home.

The outside workers are often disrespectful of and disdainful to Dayak people. You suspect that this attitude is based on both cultural and religious differences. (Dayaks are generally Christian or animist, while the outside workers are Muslim.) If outsiders stay, they will need to change their attitude and behaviour towards the local community.

Your community has been supported by both local and national NGOs in its efforts to reclaim its land. You want to build an effective coalition with these NGOs to help your people in negotiations.

## Dayak community issues and interests

Issues	Interests
Competing claims of landownership	Want government recognition and return of traditional lands If not, want either compensation or other benefits from companies
Unclear boundaries between timber companies' land and the Dayak community	Want clear boundaries between Dayak lands and those used by the companies Do not want more incursions on Dayak land, such as occurred with construction of the road
Companies' willingness to discuss community land issues and operations in areas near the Dayak community	Want respect from the companies, and concern for the well-being of the community and its traditional life styles and practices (farming, hunting, subsistence timbering, etc.) Want companies to be open to discussing issues of concern to community
Dayak community's loss of access to traditional economic resources and natural resource management rights, including timber	Want to have some forest land left standing for traditional uses, with access for the community Want rights to cleared land for agriculture Want access to timber for community use, and also to sell on the market Want a sustainable forest management plan so that not all trees are cut and the community is left with this resource
Compensation to local Dayak community for lost land and/or access to traditional economic resources	Want compensation for loss of land and traditional uses on land that has already been cleared Open to discussing what such compensation should be
Allotment of production fees	Want a percentage of production fees for use in village development
Construction of a road through Dayak community, and resultant impacts	Ideally, do not want road near community; if this is not possible, want agreement on numbers of trucks, speed, etc.
Safety and security of company personnel, especially outsiders, and the Dayak community	Willing to discourage community members from taking direct action, if acceptable accords on other issues are reached
Damage to or loss of company property (heavy equipment and base camps)	Willing to talk with parties who have seized company equipment to seek its return in the best condition possible, if agreements are reached on other issues Want to limit the sanctions, especially financial or legal, for illegal seizure of equipment or burning of company base camps
Design, implementation and monitoring of forest village development programmes	Want companies to develop and implement forest village development programmes Will propose what the community wants from these
Other demands for social funding for local community needs	Very concerned about community health and education; want companies to help address these issues
Improvement of village facilities and infrastructure	Interested in the development of a community health centre Want educational training programmes to help Dayaks obtain jobs and to develop sustainable employment after timbering is completed
Use of outside workers by the companies	Want outsiders to go home, or their numbers reduced so that there is less competition for jobs and fewer tensions between cultures
Availability and types of jobs for Dayak community members	Want companies' commitment to hiring a significant percentage of Dayak workers and to opening up a broader range of positions for their employment



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## Attachment 6.1.G Role of the company workers, private information

You represent workers from outside Kalimantan, who work for ABC and XYZ companies. A significant number of the workforce of the ABC Company are outsiders, who account for a far smaller proportion of workers at XYZ. The latter is just starting operations.

The people you represent are concerned about their personal safety, and about keeping their jobs. They want to be free of fear from attack when they are in the forest or in local towns. They also do not want to be laid off and have to return home, where job opportunities are limited.

You recognize that some of the workers from islands other than Kalimantan neither like nor respect the Dayaks. These workers are Muslims, and the Dayaks are either Christians or animists. You believe that the attitudes between workers and the local community must change, or the conflict will continue. You are willing to explore ways of making this happen, if the Dayak community agrees to cooperate.



## Company workers issues and interests

Issues	Interests
Competing claims of landownership	No specific interest, as long as any solution does not affect your employment
Unclear boundaries between timber companies' land and the Dayak community	Would like clear boundaries if it would prevent future conflict
Companies' willingness to discuss community land issues and operations in areas near the Dayak community	Want a solution soon so that workers can go back to work and be free from fear for their safety
Dayak community's loss of access to traditional economic resources and natural resource management rights, including timber	No specific views on this issue
Compensation to local Dayak community for lost land and/or access to traditional economic resources	No specific views on this issue
Allotment of production fees	No specific views on this issue
Construction of a road through Dayak community, and resultant impacts	Understand why the community does not want the road going through or near the village. Truck traffic is a nuisance Willing to support the community in any changes it wants to the operation or route of the road
Safety and security of company personnel, especially outsiders, and Dayak community	Protection and safety of workers is a paramount concern If securing the safety of workers requires a corresponding agreement not to harm Dayak people, you will take measures to assure that this happens
Damage to or loss of company property (heavy equipment and base camps)	Need equipment to work, so damage of equipment must stop and all machines held hostage should be returned in good condition
Design, implementation and monitoring of forest village development programmes	No view on this issue, but want companies to use funds to improve the workers' communities
Other demands for social funding for local community needs	No specific views on this issue
Improvement of village facilities and infrastructure	No specific views on this issue
Use of outside workers by the companies	Want to keep jobs and types of employment Want to avoid unfair competition from Dayak workers
Availability and types of jobs for Dayak community members	Same as above

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## Attachment 6.1.H Role of the central government/Ministry of Forestry, private information

The two issues that the Ministry of Forestry is most concerned about are recognition of its authority over concessions granted by the central government, and stopping conflicts between concessions issued by the district government and the local Dayak community.

As a Deputy Minister, you do not have a particular view about indigenous landownership issues, but you do have the authority to make recommendations to the Minister on this issue. If you discover relevant information during talks, you are willing to convey it and your views to the Minister.

The Ministry of Forestry wants the district government to recognize the central government's authority over concessions that were granted in the past. It also wants the district government to refrain from making decisions about central government concessions, and not to re-grant them to other parties if the central government grantee has not exercised its concession or is still within the time frame of the grant.

Ideally, you would also like to help other parties to work out their differences so that ABC Company can continue its business, revenues for the central government are generated and conflicts related to the concession are resolved.



## Central government issues and interests

Issues	Interests
Competing claims of landownership	Resolve issues over who has authority to issue forestry concessions Resolve indigenous land conflict issues
Unclear boundaries between timber companies' land and the Dayak community	Resolve contested boundary issues amicably and fairly, to solve and prevent future conflict
Companies' willingness to discuss community land issues and operations in areas near the Dayak community	Want ABC Company to talk with community and resolve issues
Dayak community's loss of access to traditional economic resources and natural resource management rights, including timber	No specific views on this issue, but would like companies to accommodate some community concerns
Compensation to local Dayak community for lost land and/or access to traditional economic resources	No specific views on this issue, but would like companies to accommodate some community concerns
Allotment of production fees	No specific views on this issue; was not relevant when the concession was granted, but recognize it is more important now
Construction of a road through Dayak community, and resultant impacts	No specific views on this issue, but think the company was insensitive in its dealings with the local community
Safety and security of company personnel, especially outsiders, and the Dayak community	Of high importance, but you have no authority over this issue
Damage to or loss of company property (heavy equipment and base camps)	Of high importance, but you have no authority over this issue
Design, implementation and monitoring of forest village development programmes	Companies should develop a plan with the community Agency will provide oversight Agency would like to enforce the terms of the plan, but has limited ability to do so other than publicizing non-compliance
Other demands for social funding for local community needs	Interested in having this as part of the forest village development programme
Improvement of village facilities and infrastructure	Interested in having this as part of the forest village development programme
Use of outside workers by the companies	No specific views on this issue
Availability and types of jobs for Dayak community members	No specific views on this issue

## Attachment 6.1.I Role of the district government, private information

The two issues that the district government is most concerned about are recognition of its authority to grant forest concessions, and stopping conflict in the district.

You and other elected district government officials recognize that historic indigenous land rights were not respected by the central government. Now that authority to grant land concessions has been devolved to district governments, however, the district government does not want to give land back to the Dayak community because this would mean a loss of local tax and other revenues. If a solution to this problem can be found, district officials might consider supporting a return of at least some land to the community.

The district granted the brothers who own XYZ Company a valid lease to harvest timber in the district. The concession was granted on land that ABC Company had previously been allocated by the central government, but ABC had not exercised its right to cut timber in the disputed area for a number of years. Because of ABC's lack of action, the district granted a new concession to XYZ. The district government wants the concession that it granted to be recognized and respected by the central government, the Ministry of Forestry and ABC.

District officials would like the property damage, financial loss to companies and violence between Dayak people and outside workers to stop. The conflict has become expensive in terms of loss of life and property, and law enforcement costs. Ongoing disputes also hinder the companies' operations, which produce – directly and indirectly – local taxes and revenues.

The district officials you represent want you to do whatever is required to help settle the issues and concerns related to conflicts in the area. They would like you to encourage the companies to hire Dayak people and create village development plans and initiatives that would increase economic prosperity for the district and its citizens. They would also like you to work with the companies and the local community to find ways of improving interethnic relations.



## District government issues and interests

Issues	Interests
Competing claims of landownership	Resolve issues over who has authority to issue forestry concessions Resolve indigenous land conflict issues
Unclear boundaries between timber companies' land and the Dayak community	Resolve contested boundary issues amicably and fairly to solve and prevent future conflict
Companies' willingness to discuss community land issues and operations in areas near the Dayak community	Want XYZ Company to talk with community and resolve issues
Dayak community's loss of access to traditional economic resources and natural resource management rights, including timber	Would like companies to accommodate some community concerns
Compensation to local Dayak community for lost land and/or access to traditional economic resources	Would like companies to accommodate some community concerns
Allotment of production fees	Would like companies to do this, but do not have authority to require it
Construction of a road through Dayak community, and resultant impacts	No specific views on this issue, but you think ABC Company was insensitive in its dealings with the community
Safety and security of company personnel, especially outsiders, and the Dayak community	Of high importance, but you have no authority over this issue
Damage to or loss of company property (heavy equipment and base camps)	Of high importance, but you have no authority over this issue
Design, implementation and monitoring of forest village development programmes	Not required under district concession, but would support it for ABC Company
Other demands for social funding for local community needs	Not required under district concession, but would consider encouraging XYZ to make contributions
Improvement of village facilities and infrastructure	Not required under district concession, but would consider encouraging XYZ to make contributions
Use of outside workers by the companies	Would be highly desirable to hire both outsiders with more skills and Dayak people
Availability and types of jobs for Dayak community members	Want more community people hired for diverse positions Think companies should help train Dayak people

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## Attachment 6.1.J Role of the local and national advocacy NGOs, private information

Members of your organizations believe that the rights of local people, especially the Dayaks, have been trampled on in the past by the central government, and are now being ignored by district authorities. After careful analysis of the situation and conflict in the district, your organizations believe that the Dayak community should obtain either clear title to lost lands or significant compensation for past and potential future losses due to timber harvesting. You will work with the Dayaks to help them get what is due to them.

If the companies propose development plans, you want to make sure that promises are carried out. Your groups have seen too many promised projects remain uncompleted or even uninitiated. Work that is done often fails to meet communities' expectations or interests.

Your groups want any development plans that are created to empower – and not disempower – the community. This means involving community members throughout the process.

You want the government and local people to oversee the completion and enforcement of village development plans and projects.



## NGOs issues and interests

Issues	Interests
Competing claims of landownership	Want government recognition and return of traditional lands so that local community can control its natural resources and maintain traditional ways of life Otherwise, want compensation or other benefits from companies
Unclear boundaries between timber companies' land and the Dayak community	Want clear boundaries between village lands and those used by the companies Want to prevent future incursions on village land, such as occurred with construction of the road
Companies' willingness to discuss community land issues and operations in areas near the Dayak community	Want companies to respect the community and demonstrate concern for its well-being, traditional life style and practices (farming, hunting, subsistence timbering, etc.) Want companies to be open to discussing issues of community concern
Dayak community's loss of access to traditional economic resources and natural resource management rights, including timber	Want some forest land left standing for traditional uses, with access for the community Want a sustainable forest management plan so that not all trees are cut, leaving the community without this resource
Compensation to local Dayak community for lost land and/or access to traditional economic resources	Want compensation for loss of property and traditional uses of land that has already been cleared Open to discussing what compensation will be
Allotment of production fees	Want a percentage of production fees for use in village development
Construction of a road through Dayak community, and resultant impacts	Want to support the community to obtain what it wants on this issue
Safety and security of company personnel, especially outsiders, and the Dayak community	Want all parties to be safe and secure
Damage to or loss of company property (heavy equipment and base camps)	Will talk with parties who have seized company equipment to ensure its return in the best possible condition, as long as agreements are reached on other issues Recognize that there may have to be sanctions for those who have seized equipment or burned company base camps; would like to limit the punitive nature of these, perhaps opting for some form of community service
Design, implementation and monitoring of forest village development programmes	Want companies to develop and implement forest village development programmes Will decide what you want from these programmes
Other demands for social funding for community needs	No specific views on this issue; will follow the community's lead
Improvement of village facilities and infrastructure	No specific views on this issue; will follow the community's lead
Use of outside workers by the companies	Want rights for all workers, and want to find a way of reducing competition for jobs and tensions between cultures
Availability and types of jobs for Dayak community members	Want companies' commitment to hiring a significant percentage of Dayak workers and to opening up a broader range of positions for them



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## Attachment 6.1.K Role of the security forces, private information

The local security forces would like the most violent conflicts related to landownership and concessions in the district to come to an end. The current situation has got out of hand, and is almost beyond the control of the security forces.

The police have not been able to lower the number of shooting incidents in the forest or to apprehend perpetrators, prevent the destruction of company equipment and base camps or recover stolen property. The demonstration by local people was almost out of police control.

As a representative of the police, you would like to help involved parties to reach acceptable agreements on their differences. You will do whatever you can to achieve this goal, but you recognize that some members of your force have benefited from the conflict. They have taken money from at least the ABC Company for protecting company property and retaliating against villagers who they believe to be agitators or perpetrators of crimes. These officers may not want the conflict to stop if it means a loss in earnings for them.



## Security forces issues and interests

Issues	Interests
Competing claims of landownership	No specific views on this issue; for the courts or central government to decide
Unclear boundaries between timber companies' land and the Dayak community	Want boundaries clarified to make law enforcement easier
Companies' willingness to discuss community land issues and operations in areas near the Dayak community	Want parties to try and resolve their differences
Dayak community's loss of access to traditional economic resources and natural resource management rights, including timber	No specific views on this issue
Compensation to local Dayak community for lost land and/or access to traditional economic resources	No specific views on this issue
Allotment of production fees	No specific views on this issue
Construction of a road through Dayak community, and resultant impacts	No specific views on this issue
Safety and security of company personnel, especially outsiders, and the Dayak community	Safety and security should be assured for all
Damage to or loss of company property (heavy equipment and base camps)	Perpetrators should be apprehended and punished Property should be returned
Design, implementation and monitoring of forest village development programmes	No specific views on this issue
Other demands for social funding for local community needs	No specific views on this issue
Improvement of village facilities and infrastructure	No specific views on this issue
Use of outside workers by the companies	No specific views on this issue
Availability and types of jobs for the Dayak community members	No specific views on this issue

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## CASE STUDY 6.2 FACILITATING PARK MANAGEMENT IN BALANGA

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### Background

In Balanga, the national Wildlife Department recently established a new protected area. It selected the site for protection because of its extensive diversity of native plants and animals, including numerous rare and endangered species. The government is very proud of the protected area, and the region has been targeted as a future ecotourism destination.

Several tribal communities have lived in the region for generations. Before the park boundaries were formally established, a community team worked with local communities to identify their traditional and contemporary land-use needs and practices. The final park boundary lines were drawn following a collaborative planning process, which allowed selective harvesting and continued access for the communities in the vicinity.

This region also has an extensive wild goat population. Wild goats were introduced to the area more than 250 years ago, and over the centuries they have become well-established as part of the wildlife. The local communities who live around the park have been hunting the goats for generations and rely on their meat as a principal part of the family diet. There is also a strong cultural tradition attached to goat hunting, a method that is passed from father to son as part of a male rite of passage to adulthood. The tooth of the goat is used in wedding ceremonies, and on the birth of a child the family must offer a community feast of at least 25 goats. Another important part of local culture is the use of forest plants for medicinal and cultural purposes. Several times a year, people gather the roots, berries and leaves of various plants to cure illnesses or for spiritual offerings.

Environmentalists have recently raised serious concerns about the wild goats with the Wildlife Department, however. The environmentalists have determined that the goats are a great threat to the region, as they forage on native plants, causing serious damage to forest habitat. The environmentalists' report has been circulated in government offices, and warns that if the goats are not controlled, the region will lose its value as an ecotourism destination within five years.

The Wildlife Department has decided to fence off the park and eradicate all the wild goats in the region to ensure that the remaining native plants can survive. Local communities held a public protest when the first line of fence was established, claiming that it would restrict their access to the park and their pursuit of hunting and cultural practices. They demanded that the Wildlife Department meet them to ensure that their needs and interests are considered. The Wildlife Department has requested the assistance of a neutral facilitator to lead the discussion. The stakeholder representatives who have agreed to participate in the negotiations include a wildlife official, a goat hunter, a community member and an environmentalist.

These four stakeholders will participate in a facilitated meeting to try to reach agreement on proposed changes to the management plan for the protected area.

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## Attachment 6.2.A Role of the community representative

You have been selected to represent the four major communities that are situated along the periphery of the protected area.

You have many years of experience in dealing with government officials, and you do not have a great deal of trust in their promises to support community interests. You have come to the meeting to ensure that the communities' interests are met. You have promised to repeat each of their points during the course of the meeting, over and over if necessary, to ensure that they will be met.

The communities have agreed that you may negotiate with the other stakeholders, using the following four central points to ensure that the four communities' interests are considered:

- The communities all agree that plants, goats and people are interdependent.
- They do not want fences around the whole park.
- They agree that some plants are increasingly endangered.
- Most important, the communities insist on their right to gather plants for their medicinal and cultural needs.

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## Attachment 6.2.B Role of the wildlife manager

You have been selected to represent the interests of the Wildlife Department in discussing a preferred management plan.

You have a great love of the wildlife environment, but you are also concerned about the pressures on local communities whose traditions you see being rapidly eroded. As a government official, you are constrained by policy issues, but have learned over the years that policies can be changed when the need is clear. Now that a facilitated meeting has been called, you and the other stakeholders hope that a solution will emerge that addresses the problem of protecting the wildlife ecology while assuring community access needs.

The Wildlife Department has agreed that you should negotiate with the other stakeholders, using the following four central points to ensure that its interests are met:

- The Wildlife Department is required to protect the wildlife and ensure that local communities' interests are respected.
- Biologists have determined that goats have an ecologically negative impact on native wild plants.
- The department would like to fence the protected area and remove the goats to protect the most pristine parts of the wildlife environment.
- The department is aware that the number of goats in the forest has already declined significantly, but is not sure why.

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## Attachment 6.2.C Role of the environmentalist

You come from a city in central Balanga and have a biology degree from the university. Although you live and work in the city, you have a great love of the wildlife regions of the country. Over the years, you have grown concerned about the growing quantities of scientific data proving the long-term damage to native vegetation growth caused by goats. You are convinced that if people understood the scientific methods for measuring environment change, they would agree and support the need to eradicate the goats.

You have been selected to represent a consortium of environmental interests in discussing a management plan for the nature park. The consortium has agreed that you can negotiate with the other stakeholders, provided you uphold the following four points to ensure that its needs and interests are met:

- Goats should not be in the protected areas of the forest because they destroy the rapidly diminishing native plants.
- Invasive, non-native plants will become established in areas where native plants were. This will cause further degradation to the ecosystem.
- Environmentalists are concerned about the local communities, and respect their cultural traditions.
- The environmental community is very willing to consider alternative management ideas that enhance protection.

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## Attachment 6.2.D Role of the goat hunter

You have been selected to represent the interests of goat hunters from the four communities along the periphery of the nature park. You are the leader of the largest goat hunting group, which supplies goats for families and for special community events, such as harvest festivals and religious ceremonies. Over the years, all the hunters have noticed a continual decline in the numbers of goats in the forest. There have been many discussions among the hunting groups about the need to coordinate and regulate the number of goats taken annually.

The goat hunters have all agreed that you may negotiate with the other stakeholders, provided you uphold the following four points to ensure that their interests and needs are considered:

- The hunters all want to ensure that there will always be goats in the forest to hunt.
- The hunting community does not believe that goats commit any long-term damage to the environment. Instead, hunters believe that goats benefit the land by uprooting the soil, thereby encouraging new plants to grow.
- Goats need enough space to move around. If fences are put up, goats will become concentrated in even smaller areas and then they may damage the native environment.
- There are fewer goats in the forest these days, as more people are hunting. The hunters want assurance from the Wildlife Department that it will not eradicate all the wild goats.

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## CASE STUDY 6.3 SETTING A NEW AGENDA FOR PICORDA

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### Background

Picorda, a country renowned for the exquisite natural beauty of its upland forests, currently faces an environmental crisis. Commercial exploitation of Picorda's forests has been occurring for centuries, but there was a rapid increase in these activities that peaked in the mid-1970s. By that time, the President had awarded more than 400 timber licence agreements and special permits to his relatives and business and military partners. By the late 1970s, only 20 percent of the forest cover remained, and less than 5 percent of the primary old-growth forests. This rapid decline in the natural resources of Picorda was caused by a sharp rise in exploitation, coupled with political disregard for social welfare on the part of a small group of privileged people. The cumulative impact led to a popular movement to remove the President. The new government was charged with the task of stimulating economic recovery and environmental revitalization.

A new community-based forest management programme (CBFMP) was established within the Department of Environment and Natural Resources (DENR), the State agency responsible for managing and protecting the country's natural resources. The CBFMP was primarily conceived as an upland (land on a slope of at least 18 percent) development initiative, and significantly shifted the government's primary focus from supporting privately owned forest production to supporting community stewardship and livelihood enhancement projects. The CBFMP is now integrated into Picorda's development process, along with its multiple land-use management objectives of income generation, forest protection and food production. The CBFMP implementation process is democratizing access to forest resources through NGOs' collaboration in addressing the prevailing issue of upland rural poverty, while protecting residual forest.

Developed countries have been willing to use multi- and bilateral funding institutions to support programmes that deal with deforestation and sustainable forest management, such as the Picorda CBFMP. However, despite the huge sums of money put into the programme, and its wide political and legal support, disturbing contradictions have recently emerged that bring into question both the quantitative results and the qualitative impact of the CBFMP. Enormous financial support from international funding agencies enabled DENR to implement the programme fully, but created a pattern for faulty assessment of the existing environmental crisis.

Local communities have been protesting that government officials support ecologically damaging side-businesses to generate foreign revenue support for ecological revitalization. This is leading to a growing cycle of institutional corruption. In addition, there have been increasing accusations that, even though the legal framework for the stewardship programme is in place, there is a structural conflict between government agencies and local communities about programme "territoriality". There is now a clear need to assess the policy and programme contradictions of community forest management in Picorda.

## Current situation

A Picorda working group has been formed, with representatives from the local community, the CBFMP, DENR and the international funding agency. The group's first meeting aims to determine the agenda of discussion issues. The meeting participants have compiled lists of critical issues for discussion, including: establishing rational environmental measurements; identifying corrective needs within agencies; increasing support for communities to help them comply with programme objectives; and determining territorial boundaries.

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### Attachment 6.3.A Role of the community representative

You have been selected to represent the four major communities situated within the CBFMP jurisdiction. People have high expectations of the programme, but it has been difficult to accommodate all of the new responsibilities that have arisen: there are so many meetings and so many conflict issues to address. It gets a little easier every day, however, and on the whole everyone is still working well together. The major issue is that last month the government cut 50 ha of timber in your region, without warning and without involving any local people. Outsiders were brought in to do the harvesting, and all the logs were taken away. Everyone is furious, and people have demanded that you present the following four agenda items:

- Recent timber harvests in the region must be addressed. Who is responsible? Where did the timber and profits go? Why were outsiders brought in?
- Territorial rights must continue to be addressed.
- More government technical support is needed for income-generating programmes.
- Funding support should be requested from a local NGO to assist the building of organizational capacity, such as finance management, leadership and conflict management skills.

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### Attachment 6.3.B Role of the community-based forest management field officer

The Director of the CBFMP has told you to put forward only two items, but you feel that there is an additional issue that must be addressed, so you have added the last one yourself. You are taking a professional risk by proposing the last item, but you believe in the CBFMP mission to support local community interests first, and you feel that the programme is at risk because a few government people are abusing the system:

- The top priority is to address environmental indicators.
- Forest protection must have tighter enforcement mechanisms.
- Institutional abuse must be addressed.

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### Attachment 6.3.C Role of the DENR programme coordinator

You are very angry about having to attend this meeting. You feel that the only reason it has been called is because the CBFMP has been poorly run, and you are embarrassed that the international funding programme officer will be attending as he/she might decide to withdraw the programme's support. You are aware that there has been a contending mission within DENR to expand timber sales, and recently there has been a large cut in the near vicinity of the CBFMP region. You do not want this on the agenda, however, as it does not officially pertain to the CBFMP, and is none of its business. Your agenda items focus on forcing greater accountability on the CBFMP officers and the local community and include the following:

- Tighter systems for monitoring CBFMP operations need to be established.
- Local communities must be more accountable for following programme objectives.
- Weekly and monthly reports should be required.

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### Attachment 6.3.D Role of the international funding programme officer

You oversee programmes in six countries. You have just flown in a few hours ago, and can only stay for two days. This particular country programme has been a real challenge for you because you love the people and the country, but are very frustrated by the government bureaucracy. The individuals with whom you work are decent people, but they are caught in a system that breeds inefficiency and corruption. You realize that you are limited in how much you can contribute to the meeting, other than providing encouragement to participants in their problem solving efforts. You have an extra sum of money available, which could be used for corrective activities, if necessary, but you are also keenly aware that misuse of funds is one of the core conflict issues that has led to this meeting. You have decided to introduce the following three agenda items:

- Democratic norms should be the basis for determining programme priorities.
- A transparent financial system should be established so that all parties are aware of what money is available for all activities, as well as how and when the money is to be dispersed.
- Accountability across all levels must be addressed. The responsibility of each stakeholder should be clearly defined.



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This publication contains learning activities designed to support training in natural resource conflict management, being the third in a series of training materials on natural resource conflict management developed by FAO's Livelihood Support Programme. It supplements the discussions presented in the *Conceptual guide* and is complemented by a case studies and lessons learned publication based on recent real-life experience of applying the processes and principles of consensual negotiation to address natural resource conflicts in Africa.

