

9.3 EXPLORING STRATEGIES AND ACTIONS FOR MANAGING CONFLICT

25 ACCOMMODATING CHANGE

-  **PURPOSE:**
To provide participants with personal experience of the difficulties encountered when change is demanded.
-  **MATERIALS:** None.
-  **PREPARATION:** None.
-  **TIME:** Ten minutes.
-  **CROSS REFERENCE:** Section 4.3.

STEPS:

- 1 Ask everyone in the room to link their hands and cross legs.
- 2 Then ask everyone to link their hands in the opposite direction, and to cross their legs on opposite sides.
- 3 Initiate a group discussion with the following questions:
 - ◆ Do you feel any difference between the first position and the second position?
 - ◆ What if you were told you could never use the first position again?
 - ◆ How long would it take you to adapt, a few minutes or a few days?
 - ◆ Under what conditions would you agree to the change?
- 4 Highlight the following points in closing:
 - ◆ Any kind of change requires special attention to and adaptation of the way we normally do things.
 - ◆ People need to have motivating reasons for wanting to change; otherwise, they will always be more comfortable slipping back into their normal routine.
 - ◆ People need time to adapt to change.

26 SORTING MANAGEMENT RESPONSES



PURPOSE:

To learn about the different ways in which people respond to conflict.



MATERIALS:

Flip chart.

Coloured pens.

For each group:

- one set of *Cards for five conflict management responses* (Attachment 26A);
- one copy of *Conflict management responses answer sheet* (Attachment 26B).



PREPARATION:

Prepare a flip chart naming the five conflict management responses.

Cut the *Cards for five conflict management responses* into individual cards.



TIME: 40 minutes.



CROSS REFERENCE: Sections 3.3 and 4.3.



STEPS:

- ① Explain the purpose of the activity.
- ② Post a list of five responses to conflict:
 - ◆ Avoidance
 - ◆ Force
 - ◆ Compromise
 - ◆ Accommodation
 - ◆ Collaboration

Provide each conflict response with a one- or two-word explanation. Do not provide any further information, but explain that participants will be examining the meaning of each in small groups.
- ③ Divide the participants into small groups of three to five. Explain the following process:
 - ◆ Each group will receive a set of *Cards for conflict management responses*.

- ◆ The set contains five header cards which correspond to the five responses to conflict discussed. The remaining cards are descriptions of actions.
 - ◆ Each group is to sort through the cards and place the action descriptions under the appropriate responses.
 - ◆ They will have 15 minutes to sort the cards.
- ④ Hand out a set of *Cards* to each group.
 - ⑤ After 15 minutes, provide each group with a copy of the *Conflict management responses answer sheet*. Have the groups assess how their categories matched those on the answer list.
 - ⑥ Reconvene the overall group. Initiate a discussion with the following questions:
 - ◆ How many groups had exactly the same answers as the answer sheet?
 - ◆ What were some of the differences?
 - ◆ Are there certain situations in which one response may be better than another, and why?
 - ◆ Can anyone describe a conflict in which one group of stakeholders used a mix of responses?
 - ⑦ Point out that the different responses discussed form the basis for most of the responses used to address conflict. There are always trade-offs in selecting a response. The important point is to know why you have decided to use one response (or several) and not others.

26**SORTING MANAGEMENT RESPONSES****ATTACHMENT 26A****CARDS FOR FIVE CONFLICT MANAGEMENT RESPONSES**

Force	Works to satisfy all interests and needs
Avoidance	May be used when participants are unwilling to take time
Accommodation	The attempt of one group to impose its interests over others
Compromise	Results in win-win situation
Collaboration	Parties have no interest in maintaining a relationship
Neglects interests of both parties by postponing decisions, retreating, using delaying tactics	Can involve threats, harassment, use of supernatural powers, peer pressure
May be used when one party has more power or is willing to preserve the relationship	Useful for quick solutions



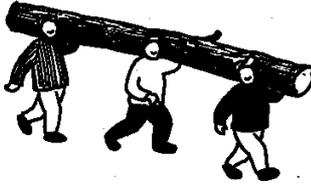
Takes time so that all parties are actively and equally involved in the process	Satisfies the other party's interests, while neglecting your own needs
Results in lose-lose situation if used in isolation	Creates hostility and resentment
Parties must give something up in order to gain something else	Used when it is important that both parties be committed to the resolution
Results in lose-win situation	Outcome uncertain
Results in a sort of win-win-yet-lose-lose situation	Both parties make a sacrifice 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



26**SORTING MANAGEMENT RESPONSES****ATTACHMENT 26B****CONFLICT MANAGEMENT RESPONSES ANSWER SHEET**

Responses to conflict	Characteristics
<p>Force</p> 	<ul style="list-style-type: none"> ◆ The attempt of one group to impose its interests over others ◆ Can involve violence, threats, harassment, use of supernatural powers, peer pressure, economic and policy sanctions, and pressure through mass media and intimidation ◆ Creates hostility and resentment ◆ Outcome uncertain ◆ Parties have no interest in maintaining a relationship ◆ Results in win-lose situation
<p>Avoidance</p> 	<ul style="list-style-type: none"> ◆ Neglects interests of both parties by postponing decisions, retreating, using delaying tactics ◆ May seem easier than getting involved ◆ Results in lose-lose situation if used in isolation. ◆ Results in only a temporary solution
<p>Accommodation</p> 	<ul style="list-style-type: none"> ◆ Satisfies the other party's interests, while neglecting your own needs ◆ May be used when parties are unwilling to take time ◆ May be used when one party has more power or is willing to preserve the relationship ◆ Results in lose-win situation

Conflict management responses answer sheet (continued)

<p>Compromise</p> 	<ul style="list-style-type: none">◆ Useful for quick solutions◆ Both parties make a sacrifice in order to achieve a mutually workable solution◆ Parties must give something up in order to gain something else◆ Results in a sort of win-win-yet-lose-lose situation
<p>Collaboration</p> 	<ul style="list-style-type: none">◆ Works to satisfy all interests and needs◆ Focuses on goals and consensus agreements◆ Takes time so that all parties are actively and equally involved in the process◆ Results in win-win situation◆ Used when it is important that both parties be committed to the resolution

27 CONFLICT MANAGEMENT TIME LINE

Note: This activity is best used with a group that has shared experience of a particular conflict situation.



PURPOSE:

To help stakeholders to identify and consider in more detail the range of strategies used to manage conflicts, and how these conflict management practices may have changed or been adapted over time.



MATERIALS:

Flip charts.
Coloured marking pens.
Tape.



PREPARATION:

Tape sheets of flip chart paper together for the time line.



TIME: One and a half hours.



CROSS REFERENCE: Sections 3.3, 4.3 and 4.5.



STEPS:

- 1 Introduce the purpose of the activity.
- 2 Ask participants to think about conflicts that the community (or area, region, institution, etc. – whatever is relevant to the context) has experienced. Ask them to list these conflicts in order of sequence along the time line, adding the year(s) during which they occurred.
- 3 For each conflict on the time line, ask the participants to identify:
 - ◆ the conflict management methods used;
 - ◆ whether there was a third party, and who that was; and
 - ◆ the forum used.

Record this information in columns running parallel to the time line.

- ④ When the participants feel that the time line is complete, request that they take a few minutes to review it and the compiled information. Initiate a discussion with the following questions:
- ◆ What observations can be made about the nature and frequency of conflicts?
 - ◆ What are the common strategies or approaches for managing conflict?
 - ◆ What changes have occurred in addressing or managing conflict?
 - ◆ What do you think accounts for these changes?
 - ◆ Are there any specific kinds of conflict that are more difficult to manage, and why?

28 PICTURE OF TRADITIONAL RESOURCE MANAGEMENT**PURPOSE:**

To depict visually what participants already know about local/traditional practices linked to forest resource use and management.

**MATERIALS:**

Flip chart.
Coloured pens.

**PREPARATION:**

Draw an example of a customary/indigenous practice on a flip chart.



TIME: One hour.



CROSS REFERENCE: Sections 4.2 and 4.5.

**STEPS:**

- 1 Explain the purpose of the activity, mentioning that most of us are aware of traditional practices related to forest use and management in our own countries/situations. Participants will examine the collective knowledge that they have about these practices.
- 2 Use the prepared flip chart to illustrate an example of a traditional practice related to forest resource use. Tell participants that they should start to think about similar practices that they are aware of.
- 3 Explain that, in the small group activity, each group is to illustrate as many traditional practices related to forest resource use and management as it can within 30 minutes.
- 4 Form participants into groups of four or five and ask them to begin the group task.

- 5 At the end of 30 minutes, ask the groups to come together and, one by one, to post and describe their activities.
- 6 Initiate a plenary discussion with the following questions:
 - ◆ What are the similarities among the activities selected by the different groups? What could be the reasons for these similarities?
 - ◆ What do the examples illustrate about the nature of traditional knowledge? Explain. (If not mentioned, highlight that traditional conflict management processes often adapt and evolve in response to changing contexts and social structures.)
 - ◆ What do the different examples tell us about the groups' knowledge of and attitudes towards traditional practices?
- 7 Close by pointing out how quickly this introductory activity brought out a range of traditional practices related to forest resource use and management. Add that the group will explore this topic in further detail in subsequent sessions. Remind the participants that there are often many local conflict management mechanisms, which you will discuss in greater detail later.

Adapted by Erik Nielsen from: Worah, S., Svendsen, S. & Ongleo, C. 1999. Integrated conservation and development: a trainer's manual. Godalming, UK, WWF UK.

29 WORKING WITH CUSTOMARY CONFLICT MANAGEMENT PRACTICES



PURPOSE:

To introduce the role and importance of customary conflict management practices related to forest resource use and management. To discuss how to understand and incorporate these practices better when considering strategies for managing conflict.



MATERIALS:

Flip chart.
Coloured pens.
Materials as needed for lecture.



PREPARATION:

- Prepare a short lecture on customary conflict management, or invite a resource person to guest lecture on the topic.
- Prepare a flip chart from the *Customary conflict management practices chart* (Attachment 29A).



TIME: Two hours.



CROSS REFERENCE: Sections 4.2 and 4.5.



STEPS:

- ① Explain the purpose of the activity and introduce the resource person (if you are using one).
- ② The resource person/trainer should introduce the topic briefly, covering the following:
 - the meaning/definition/clarification of customary conflict management;
 - mechanisms used for managing conflict;
 - the importance of respecting, understanding and building on customary practices;
 - one or two examples of the strengths and limitations of using customary practices for managing conflict;

- factors affecting customary resource management systems; examples of reasons for the breakdown of some customary systems or mechanisms for managing conflict.
- 3 After the introduction, allow a few minutes for clarifying questions and explain the following group process:
 - ◆ In their small groups, participants should list specific customary practices used to manage conflict with which they are familiar.
 - ◆ Next, they should discuss the potential strengths and limitations of these practices.
 - ◆ They should also discuss the reasons why these practices are changing, thinking of both the internal and the external factors that drive the change.
 - ◆ Finally, they should discuss how these practices can be revived or strengthened.
 - ◆ Post the flip chart with the *Customary conflict management practices chart*. Once they have finished their discussions, the small groups should prepare to present their results to the overall group in this format, including the following information. (Each group can draw the practices that it has selected on a flip chart, if it helps illustrate them better to the other participants.):
 - a brief description of each practice;
 - its important strengths and limitations;
 - how it is changing;
 - why it is changing;
 - how it can be strengthened or revived.
 - 4 Divide participants into groups and ask them to begin the group tasks.
 - 5 At the end of 40 minutes, ask each of the groups to post its results and to explain them briefly to the rest of the participants.
 - 6 Initiate a discussion with the following questions:
 - ◆ How are the groups' results similar? How are they different? (Include the discussion of issues related to the nature of the practices, as well as to the changes in and impacts of those practices.)
 - ◆ What are some of the shared factors that are leading to changes in these practices? (This is an important discussion point. Make sure that the root causes of changes to practices, such as population

pressures, increased use of courts and legal systems, changes in access or authority, specific external influences and policy changes, are highlighted.)

- ◆ How can you best combine traditional and “modern” conflict management practices for forest resource management? (Build on the ideas developed by the groups for reviving traditional practices and give some examples related to these.)
- ◆ Are all customary practices “good”? What are some of problems with these systems?
- ◆ Raise the point that existing conflict management mechanisms, if they work, should always be the preferred approach.



Adapted from: Worah, S., Svendsen, S. & Ongleo, C. 1999. Integrated conservation and development: a trainer's manual. Godalming, UK, WWF UK.

29**WORKING WITH CUSTOMARY
CONFLICT MANAGEMENT PRACTICES****ATTACHMENT 29A****CUSTOMARY CONFLICT MANAGEMENT PRACTICES CHART**

Customary conflict management practice	Strengths	Limitations	How it is changing	Why it is changing	How it can be strengthened or revived

30 FORCES FOR AND AGAINST

Note: This activity provides two alternatives for analysing the forces that constrain or help progress towards a conflict management goal. The *Carts and rocks alternative activity* (Attachment 30A) is perhaps less abstract than the force field analysis described in Step 2. Choose whichever option is appropriate to the participants' experience and skill level.



PURPOSE:

To enable participants to identify the forces that constrain or contribute to the management of a conflict.



MATERIALS:

Flip chart.

Coloured pens.

If the *Carts and rocks alternative activity* (Attachment 30A) is used:

- one copy of the attachment per group;
- the materials described in Attachment 30A.



PREPARATION: None.



TIME: One and a half hours.



CROSS REFERENCE: Section 4.3.



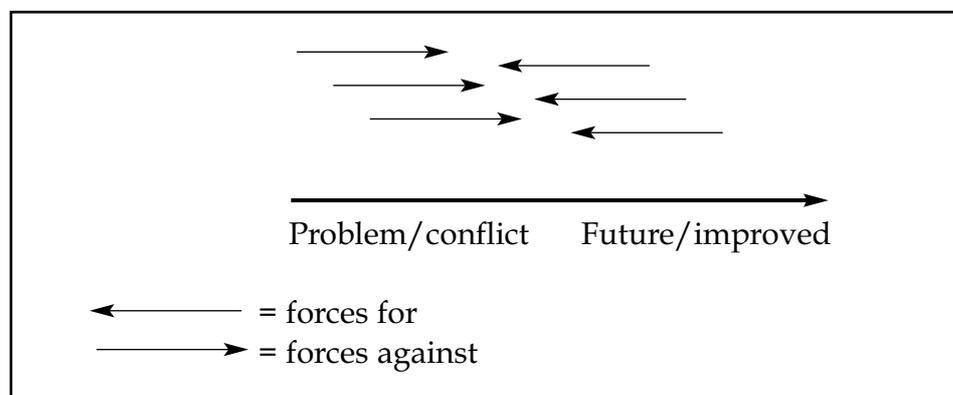
STEPS:

- ① Explain the purpose of the activity.
- ② Using a local forestry example, begin to construct a force field analysis (FFA) on the flip chart, moving from the present problem/conflict to a desired future/improved situation.


Present/problem Future/improved

Explain that, in pursuing a future goal, participants will encounter both positive, helping forces (forces for) and constraining forces (forces against). By analysing these forces, they can determine the resources that they can use or the challenges that they must overcome to reach their goals.

On the FFA flip chart, show with arrows the forces for and the forces against from your forestry example. For example:



Alternative activity #30A: Instead of demonstrating the FFA chart to the group, use the *Carts and rocks alternative activity*. First, provide an example to the overall group, and then divide the participants into small groups to analyse a new conflict situation.

- 3 Ask each group to choose a familiar conflict situation and develop its own FFA on a flip chart. Allow 20 minutes.

Alternative activity #30A: If you used the *Carts and rocks alternative activity*, hand out a copy of Attachment 30A to each group. Ask each group to choose a familiar conflict situation and repeat the *Carts and rocks* exercise, analysing the forces for and the forces against in that conflict. The small groups should be prepared to present their “carts” and “rocks” to the overall group.

- 4 After all the groups have finished, ask them to report back to the overall group and open a discussion with the following questions:
 - ◆ Was this activity useful for analysing a conflict and its helping and constraining forces? Explain.
 - ◆ Were there any similarities or differences among the different groups’ forces for and forces against? If so, explain.
- 5 Ask the participants to return to their small groups to examine the forces for and the forces against and to discuss how they can strengthen the helping forces. Too often groups focus on the constraining forces, failing to take full advantage of the positive forces that could help them move forward. Allow 15 minutes.

- ⑥ Ask a representative from each group to report back to the overall group and begin a discussion with the following questions:
- ◆ Are there similarities among the groups in how they envisage strengthening their helping forces (forces for) to overcome the obstacles (forces against)? (If not, why not?)
 - ◆ Are there any other ways to overcome the groups' obstacles which have not been identified?
 - ◆ What can be learned from such a process?
 - ◆ When should it be done?
 - ◆ Who should be involved?
 - ◆ What should be done next?

Adapted from: Kurt Lewin's FFA.

30 FORCES FOR AND AGAINST**ATTACHMENT 30A****CARTS AND ROCKS ALTERNATIVE ACTIVITY****PURPOSE:**

To involve village participants in the analysis of *resources* (forces for) and *constraints* (forces against) related to the achievement of a set goal.

**MATERIALS:**

Any locally available cheap materials or found objects that can be used to represent:

- a goal (for example, a bundle of sticks can represent the goal of sustainable fuelwood harvesting, a glass of water can represent the goal of water resources protection);
- a cart (for example, an empty box or a large piece of wood);
- rocks to put in the cart; and
- beasts to pull the cart (for example, small pieces of wood).



TIME: 30 to 45 minutes.

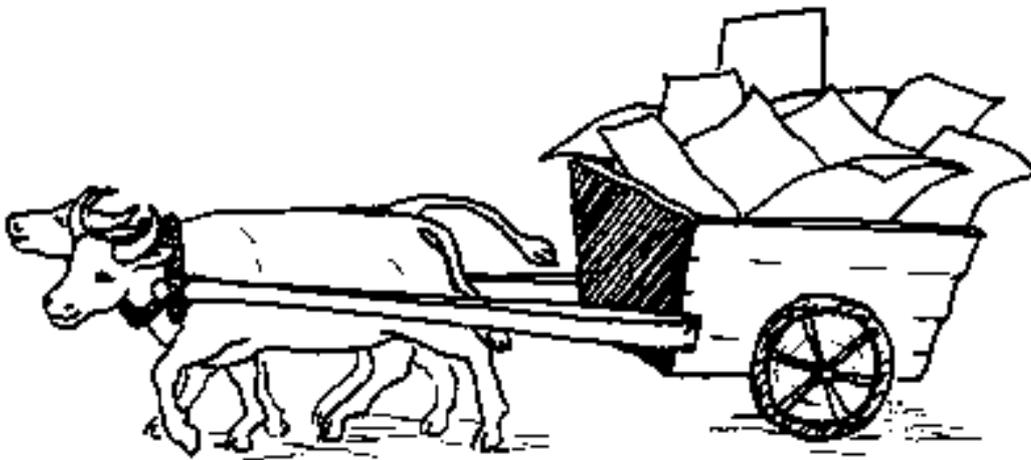


CROSS REFERENCE: Section 4.3.

**STEPS:**

- 1** Discuss a local problem that the group would like to resolve or a situation it would like to improve, thus setting a goal to be achieved. Use an appropriate object to symbolize this goal (be creative!).
- 2** Place the large object representing a cart some distance from the goal, but facing in the direction of the goal. The cart represents the community aspiring to move towards the goal.
- 3** Next, ask the group what resources are available to help the community succeed in this effort (forces for). For each resource identified, place an object in front of the cart to represent an animal harnessed to pull the cart towards the goal.

- ④ Similarly, ask the group to identify the constraints to goal achievement (forces against). For each constraint, the group should place an object (for example, a rock) in the cart. The rock selected should correspond to the complexity or weight of the constraint it represents. Ask the group to assess the likelihood that the cart will reach its destination (by overcoming the current problem).
- ⑤ Encourage the group to make realistic judgements so that the model can reflect accurately the real situation. The positive and negative forces should be analysed one by one, and in relation to one another, for example, by considering which resource could be most helpful in overcoming any given constraint.
- ⑥ Groups should prepare to present their results to the overall group (either using the objects or writing on a flip chart).



Based on an activity introduced by Charles Harns, Consultant.

31 CONDITIONS FOR NEGOTIATIONS

 **PURPOSE:**
To consider and assess important conditions for effective negotiations.

 **MATERIALS:**
Flip chart.
Coloured pens.
Envelopes.

 **PREPARATION:**
Make a copy of the *Conditions cards* (Attachment 31A) for each group of three participants. Enlarge each condition so that it can be seen clearly when posted after the group discussion.
Cut each copy into individual cards and place in an envelope.

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

 **CROSS REFERENCE:** Section 4.3.

 **STEPS:**

- 1 Start by explaining that negotiations are an important tool for managing conflicts. However, a number of factors and conditions can change the effectiveness and outcomes of negotiations. In this activity, participants will consider and assess the importance of these conditions.
- 2 Explain the following activity, which will be undertaken in groups of three participants:
 - ◆ Each group will be given an envelope that contains slips of paper with certain conditions or attributes of the interest parties in a conflict. Many of these attributes (but not all) are important enabling factors that can help negotiations. Some can be essential for effective negotiations.
 - ◆ Each group should read through and discuss these conditions and ensure that they understand the meaning of each.

- ◆ On a flip chart, each group is to draw a table with three columns: Very important (essential); Important (useful); and Not important.
 - ◆ The group is to discuss each of the conditions and place it on the chart under the heading that it feels best describes the condition's significance in making negotiations successful.
 - ◆ Stress that in this activity there are no right or wrong answers but groups will have to justify the choices they make. In so doing, they should draw from their own experiences of working to resolve disputes among parties.
 - ◆ Explain that if group members feel that an essential or important condition is not there, they can write it on one of the blank slips of paper provided and add it to their list.
 - ◆ When the group is satisfied with the locations of its conditions, it should stick them in place with the glue stick.
 - ◆ Groups have 30 minutes to complete the task.
- ③ Divide the participants into groups of three, distribute flip charts, envelopes and glue sticks to each group and ask them to begin the activity.
- ④ After 30 minutes, ask each group to post its flip chart and allow a few minutes for all the participants to look at the other groups' 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 ranking of the groups, and why?
 - ◆ What processes were used in ranking the conditions?
 - ◆ Did any group add conditions that were not provided on slips of paper? What were these? Why were these considered important?
 - ◆ How useful was this process in helping to share experiences and understand other people's perspectives? (Point out that many of the attributes are important for successful negotiations and that one of the purposes of ranking was to generate active discussion.)

31 CONDITIONS FOR NEGOTIATIONS

ATTACHMENT 31A

CONDITIONS CARDS

The issues are negotiable.

The interest parties trust one another.

The interest parties are well prepared for negotiations.

All the groups directly involved in the conflict can participate in negotiations.

The interest parties are dependent on one another to some degree.

An external conflict manager is available to facilitate.

The parties feel that there is some urgency or pressure to reach a decision.

The parties are willing to stick to their positions throughout the negotiations.

Any agreement reached is realistic and achievable.

Agreements can be made in a short amount of time.

All parties have some authority to actually make decisions.

All parties are willing to resolve their conflict.



SECTION 9

<p>The interest party with the most resources is willing to help pay for transport and venue costs.</p>
<p>No party is trying to use its power to gain unfair advantage over other parties in the negotiations.</p>
<p>The parties are willing to compromise to some degree.</p>
<p>The interest parties all feel that they have more to gain by negotiation than by other actions.</p>
<p>It is possible to reach agreements that all parties see as fair.</p>
<p>Interest parties have the capacity to participate in negotiations.</p>
<p>The parties have some common issues and interests on which they are able to agree.</p>

**32 THE BOUNTIFUL MANGO TREE:
INTRODUCTION TO BATNAs****PURPOSE:**

To introduce BATNAs as a tool for determining a conflict management strategy.

To practise developing and assessing a BATNA.

**MATERIALS:**

Flip chart.

Coloured pens.

Handouts for each participant:

- *The bountiful mango tree case study* (Attachment 32B);
- *The BATNA question guideline* (Attachment 32C).

**PREPARATION:**

Prepare a flip chart or overhead slide of *Conflict management options* (Attachment 32A).



TIME: Two hours.



CROSS REFERENCE: Section 4.4.

**STEPS:****1**

Introduce best alternative to a negotiated agreement (BATNA), and the purpose of the activity. Explain that a BATNA assessment provides a realistic road map of the different routes that you could take to reach your objectives. Preparing a BATNA and considering the other parties' likely BATNAs is one of the most important first steps in planning a conflict management strategy.

2

Post the *Conflict management options* and discuss. Explain that the BATNA is a guideline to help a group to analyse each of these options.

A BATNA clarifies the key components of the conflict and asks what alternatives could be used if the interests of one of the parties are not met in the forum that they initially choose. These questions assist disputing parties to consider what would make a less than

favourable agreement and to identify where they can strengthen their power to achieve their interests.

Highlight that the group will have an opportunity to apply and assess these options in a hypothetical conflict situation.

- ③ Describe the following small group task:
 - ◆ Each participant will be given a case study, *The bountiful mango tree*, and a *BATNA questions guideline* for consideration.
 - ◆ Each person is to spend 30 minutes alone reading through the case study and answering each question.
 - ◆ At the end of 30 minutes, each person will share his or her answers with a small group. The small group is to try to come to an agreement on the responses. The group's answers are to be recorded on a flip chart for presentation to the overall group.
- ④ Divide participants into groups of four or five. Hand out the case study and the BATNA questions. Explain that the groups have 45 minutes to complete the task.
- ⑤ At the end of 45 minutes, ask the groups to post their flip charts on the wall and to spend a few minutes looking at one another's results.
- ⑥ Initiate a group discussion based on the following questions:
 - ◆ Did any group have any difficulty coming to agreement on any of the answers, and why?
 - ◆ What are the benefits of taking time to assess your BATNA, before making a decision?
 - ◆ How did this strengthen your options?
 - ◆ Did you consider your neighbours' BATNAs?
 - ◆ How many of the people you know commonly use these strategies?
 - ◆ Would it help if most people were to review their options and decide on their strategies before they took action? Why or why not?
- ⑦ In closing, highlight the following points if they have not yet been raised:
 - ◆ BATNA provides you with the power to choose an alternative strategy to negotiation if the other party is not working fairly.
 - ◆ Be realistic in developing your BATNA – remember to consider strengths and weaknesses that may affect your ability to achieve your interests.
 - ◆ Although BATNAs are an important first planning step in conflict management, they may be revisited and reconsidered at various points in the process as the dynamics of the conflict change.

32**THE BOUNTIFUL MANGO TREE:
INTRODUCTION TO BATNAS****ATTACHMENT 32A****CONFLICT MANAGEMENT OPTIONS**

Collaboration: Engage in a negotiation, mediation or facilitation with the intention of developing an integrative solution that links all parties' interests.

Compromise: Engage in bargaining and trading of interests to reach a final agreement.

Legal system: Appeal to a higher authority to determine a resolution.

Withdrawal or avoidance: Give up all interests and desist from any further involvement with the conflicting parties.

Use of force: Build up enough power to force the other parties to agree to your interests. Power building can include building constituency support, political lobbying, media and financial support or resorting to violent means.

32**THE BOUNTIFUL MANGO TREE:
INTRODUCTION TO BATNAS****ATTACHMENT 32B****THE BOUNTIFUL MANGO TREE CASE STUDY**

Sixty years ago, your grandmother planted a mango tree on the edge of your family farm. The tree grew to be very large and now produces many kilograms of mango fruit every year. One of the largest branches of the tree hangs over a neighbour's property, and each year approximately 30 to 50 kg of fruit falls on to that neighbour's land. When you were growing up, your family always had good relations with the neighbours. Every summer your family would join the neighbouring family and spend a weekend together collecting the fallen fruit and making mango chutney and mango ice cream. Your family would then take all the rest of the fruit and sell it to the fruit seller in the market place.

In recent years, however, things have changed. The neighbour's eldest daughter married a man from another town, and he took over managing the neighbour's land. The first year that he joined both families to gather the mangoes, he commented out loud to everyone that it seemed unfair that his wife's family only got the mangoes that fell on their property. He pointed out that, by now, the roots of the tree were extending deeply on to the neighbour's land, and thus, the neighbour should have equal access to all the mangoes.

Although his wife's family did not say anything to support him that first year, over time, they began to feel that he was correct. The father remembered how hard he had worked to dig the irrigation canal that fed the crops along the edge of their property, which also provided the water for the tree to grow as large and produce as many mangoes as it did. The mother recalled, somewhat bitterly, one year when their youngest son was getting married and she had wanted to make additional mango chutney for the wedding banquet. Your mother had said that they would have to buy the mangoes at the market, as the extra fruit had already been sold, even though there was still plenty growing on the tree. So, over the years, the relations between your two families grew increasingly tense, particularly when the mango tree was ripening.

Last week, your family received a letter in the mail from the neighbours. The letter stated that they were demanding the right to have 50 percent of all the mangoes this year. They wanted your family to sign an agreement that they had drafted to this effect, by next week. They threatened that, if your family does not agree, they will cut off all the branches that are hanging on their side of the property, and possibly dig up all the roots on their side, as well. You know that if they did this, they would probably end up killing the tree. You must now decide how to respond to their letter. You decide first to outline your BATNA in order to assist you in determining what would be the appropriate course of action.



32**THE BOUNTIFUL MANGO TREE:
INTRODUCTION TO BATNAS****ATTACHMENT 32C****BATNA QUESTION GUIDELINE****Review the conflict:**

- ◆ What are the central issues to this conflict?
- ◆ Who is involved and what kind of relationship do you have with each of them now?
- ◆ What kind of relationship do you want with them in the future?
- ◆ What kind of outcome do you hope to achieve?
- ◆ Which conflict management process would best help you to achieve your interests, and why?
- ◆ What are the potential outcomes with that method (the best outcome, the minimal outcome and the worst outcome)?

Assess the alternatives:

- ◆ Are there any issues that you are unwilling to negotiate?
- ◆ What alternatives do you have for satisfying your interests if you do not reach an agreement?
- ◆ What would be the best alternative?

Strengthen the BATNA:

- ◆ What steps should you take to strengthen your chance of success if you have to use an alternative management strategy? (Are there additional resources that may be required? Will you need extra time or financial support?)

Consider the other party's BATNA:

- ◆ What do you think your neighbours' key interests might be?
- ◆ What commitments do you think the neighbours would be willing and unwilling to make?
- ◆ What management process do you think your neighbours would choose, and why?
- ◆ What might they do if you do not reach an agreement?

33 IDENTIFYING A THIRD PARTY

 **PURPOSE:**
To help participants gain insights into the appropriate qualities of effective intermediaries.

 **MATERIALS:**
Flip chart.
Coloured pens.
For each participant:

- a copy of *Process options in joint decision-making* (Attachment 33A);
- a set of case studies (Attachment 33B).

 **PREPARATION:**
Prepare a flip chart or overhead slide from:

- *Process options in joint decision-making* (list only the option names and the bulleted points, the rest will be included on the handout);
- *Benefits and constraints of a third party* (Attachment 33C).

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

 **CROSS REFERENCE:** Section 4.5.

 **STEPS:**

- ① Explain that negotiation and building a collaborative process through joint decision-making often involve the use of an intermediary or third party to help conflicting parties find agreement. Point out that the decision to use an intermediary and the selection of the most suitable person depend on:
 - ◆ the process selected for building consensus;
 - ◆ the advantages and disadvantages of involving a third party;
 - ◆ the specific role of the third party.
- ② Post *Process options in joint decision-making* and review the meaning of each type of process and the role of a third party for each.

- 3 Mention that, in alternative conflict management approaches, the involvement of third parties is often encouraged when there are significant power differences among the stakeholders.

In some cases, a professional, neutral conflict manager may be brought in to facilitate or mediate. Emphasize that the role of a third party, however, is not limited to alternative or necessarily formal conflict management processes. Local and traditional practices for resolving disputes commonly rely on local persons to play valuable mediating roles. Local mediators can be drawn from the immediate social network of the contesting parties (for example, a village head or elder) or can be independent, such as a religious or political person who is asked to help mediate rights between two communities.

Point out that the role of a third party does not need to be taken on by a single individual. Groups of elders, working groups, an advisory team, a local committee, etc. can take on the role of facilitating or mediating negotiations among stakeholders.

- 4 Explain that in this activity participants will examine the different types of third parties that they can use and the factors to consider in selecting the most appropriate person.
- 5 Divide the participants into groups of four or five and have each group member read through the case study handouts. Explain that the groups have 30 minutes to discuss each case and respond to the questions. Explain that the groups should write each of their answers on a separate piece of flip chart paper for each case.
- 6 After one and a half hours, reconvene the overall group. Ask the small groups to post their flip charts on the wall, clustering them together by case study. Ask the participants to take a few minutes to read the other groups' responses.
- 7 Initiate a discussion with the following questions:
 - ◆ Were there any major differences in the groups' answers to the discussion questions?
 - ◆ What are the key factors to consider when deciding who should be the mediator or facilitator?
 - ◆ Did any group consider the importance of whether the third party was familiar with the working environment and the interest groups? If so, ask that group to elaborate.

- ◆ How important is it for the third party to understand the details of the issues?
 - ◆ Which third party would people accept to lead them in their collaborative problem solving process?
 - ◆ Would being an insider or an outsider affect the decision-making process?
- 8 In conclusion, post *Benefits and constraints of a third party*. Explain that before implementing any conflict management process interest groups should consider who might serve as the neutral by assessing the benefits and constraints of a third party. Ask the participants whether they agree with these points and if they can list any additional points based on what they have learned from this activity.

33 IDENTIFYING A THIRD PARTY**ATTACHMENT 33A****PROCESS OPTIONS IN JOINT DECISION-MAKING**

There are several different options for bringing parties together in joint decision-making:

Conciliation: a third party communicates separately with the disputing parties in order to reduce tensions and create an acceptable process for resolving the dispute.

Unassisted negotiation: a voluntary process in which parties meet face to face, without a mediator or facilitator, to reach a mutually acceptable resolution of the process. Unassisted negotiation is preferred when:

- ◆ each party is willing to discuss its interests and agrees to work towards a solution of mutual gain;
- ◆ all parties are confident of their negotiation skills.

Facilitation: a facilitator supports a process of voluntary negotiation among parties in a non-partisan manner. A facilitator:

- ◆ is particularly useful when there are multiple stakeholder groups;
- ◆ focuses on the process and logistics of bringing stakeholders to negotiations;
- ◆ ensures that stakeholders agree to and abide by the process;
- ◆ as a meeting moderator, focuses on enhancing communication among the groups and supporting an equitable exchange of views;
- ◆ rarely volunteers his or her own ideas on solutions or becomes involved in the substantive content of discussion beyond synthesizing and summarizing viewpoints.

Facilitation is preferred when:

- ◆ the majority of the interest parties are willing to participate in resolving the conflict;
- ◆ not all parties feel confident of their negotiation skills;
- ◆ all parties agree that a third party's skills would ensure a fair process.

Mediation: a process of assisted negotiation by a third party who is neutral to the issues. Mediators:

- ◆ have no power to render a decision;
- ◆ ensure that the different stakeholders agree on the process and logistics, and put forward possible solutions to help the disputing groups consent to negotiations;
- ◆ may put forward their own views on the likely acceptability of solutions to help stakeholders identify mutually acceptable solutions;
- ◆ support the confidential exchange of views and information among the stakeholders.

Mediation is preferred when:

- ◆ each party is willing to discuss its interests and agrees to work towards a solution of mutual gain;
- ◆ not all parties feel confident of their negotiation skills (for example, when there are different levels of authority and power);
- ◆ all parties agree that a mediator's skills would ensure a fair process.

33 IDENTIFYING A THIRD PARTY

ATTACHMENT 33B CASE STUDY 1

CONFLICT WITHIN A COMMUNITY

Forest officer Rajinder Puri came to Chanda village early one morning to meet with the local forest user management group. Suddenly, he heard loud voices coming from the meeting hall. As he entered the room, he saw the committee head, Bhagush, yelling at everyone: "You do not know what you are talking about! I know what happened. Manshir has been taking extra wood thinking that we would never notice. He must be reprimanded now!"

Two of the village elders who were not on the committee were sitting in the room alongside the other ten members of the forest user management group, listening to what was being said. Manshir defended himself, saying: "You have no right to accuse me in this way. Come to my house, search for the wood you think I have taken. I have none!" Bhagush retorted: "You have already sold it, burned it to make your morning tea or used it to build your daughter's new home. We will find nothing because you are such a clever man. But I know that it was you; who else would do such a thing?" Everyone looked up and saw Rajinder Puri standing at the door, and Bhagush said to him: "You must decide what Manshir's punishment shall be!"



Discussion questions:

- ◆ Who are the interest parties?
- ◆ What are the central issues that are currently known, and what additional information is needed in order to be able to solve this conflict?
- ◆ Should Rajinder decide the punishment? Why or why not?
- ◆ Could Rajinder serve as a mediator? How should he decide whether he is the right person to take that role?
- ◆ What would be the benefits or limitations if he served as a mediator?

A local NGO had been helping the communities to rebuild and re-establish their agricultural lands, and assisting them in formulating the collaborative protection plan for regenerating the forest. The NGO's project funding was scheduled to end within a month, and the staff would be moving to a new state to begin assisting another group of communities in establishing their watershed management plan. The NGO staff had, however, been hearing an increasing number of complaints and suspicions from many individuals about the many conflicting interests with the other community. They were concerned that, if they left, the whole agreement would fall apart. What should be done?

Discussion questions:

- ◆ Who are the interest parties?
 - ◆ What are the central issues?
 - ◆ Should the NGO staff encourage the parties to hold a mediation or facilitation?
 - ◆ Who should serve as facilitator or mediator and why?
 - ◆ Can anything be done to ensure that the communities can resolve their conflicts without assistance from an outside neutral, such as the NGO?
-

33 IDENTIFYING A THIRD PARTY**ATTACHMENT 33B**
CASE STUDY 3**CONFLICTS AMONG MULTIPLE PARTIES**

Urban environmentalists put political pressure on the Forest Department to protect an important watershed area immediately. The government decided that the quickest solution would be to move the five major villages out of the watershed region and relocate them in a lowland area with enough agricultural land to meet their needs. The resettlement programme was just about to begin when human rights activists countered, on the basis that the indigenous rights of the villagers must be protected.

Several NGOs in the region were already working on a series of agricultural intensification programmes to reduce deforestation from swidden practices. These NGOs were also registering complaints with the government regarding the intended resettlement programme. They argued that the villagers were already making significant adaptations in their farming practices, and natural forest regeneration and water conservation were already improving. If the communities were moved, they would not only face significant social disruption, but would also have to adapt to the new physical environment. One NGO calculated that the government would incur far greater financial costs if it chose the resettlement option rather than supporting intensive watershed protection education programmes and land tenure rights for the agricultural areas currently under cultivation.



Everyone was frustrated. The new forest officer for the district was trying his best to understand all the different issues, but it just seemed to be getting more and more complicated. His superior had told him that this would not be an easy post. It was one of the most important areas for community-based forest management because the watershed region also served the largest city in the country. If reforestation and protection agreements were not implemented right away, the watershed would be ruined within the next ten years, thereby devastating the national economy.

When the new forest officer went to visit the five villages, he heard more opinions and suggestions, as well as anger and frustration, from everyone he met. Each village leader seemed to have a different idea of what would be best for his or her community. The one thing that was certain, however, was that the forester had to come up with a solution by the following week for his superior, who had to report to the Chief of the Forest Service on what progress was being made. The forester quickly decided that the best option would be to propose a facilitated meeting among all the interest groups.

Discussion questions:

- ◆ There are so many interest groups, how can the forester decide who should be at the meeting?
 - ◆ What central topics should the groups discuss?
 - ◆ Who should serve as the facilitator, and why?
-

33**IDENTIFYING A THIRD PARTY****ATTACHMENT 33C****BENEFITS AND CONSTRAINTS OF A THIRD PARTY**

Benefits	Constraints
<ul style="list-style-type: none"> ◆ Is power balancing ◆ Plays an important catalytic role in keeping the process moving ◆ Helps disputants to define the conflict issues, focus on interests over positions, find an appropriate forum ◆ Guides communication ◆ Helps disputants reach their goals 	<ul style="list-style-type: none"> ◆ Can dramatically change dynamics, resulting in greater formality and posturing ◆ Dispute becomes more public, drawing attention to the conflict so that more people are aware of it ◆ Threatens some parties because they feel it may undermine their power base ◆ May increase disputants' fears (if the third party is unknown, or is known and seen to be biased)