

Conflict Analysis, Management and Resolution

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Objectives

- To understand what is a water conflict and what is its nature
- To introduce methods of conflict analysis
- To highlight different methods for conflict resolution to emphasize the utility of ADR

OUTCOMES

- Knowledge of ADR as a necessary component of successful IWRM

Conflict Successfully Resolved

In a team:

- Increased understanding
- Increased group cohesion
- Improved self-knowledge

Conflict Not-Resolved

In a team:

- Personal dislike
- Teamwork breaks down
- Talent wasted
- People disengage from work
- Vicious downward spiral of negativity

What is conflict?

Conflict is defined as “clash of interests of two or more parties when at least one of the parties seeks to assert its interests at the expense of another party’s interests”

The conflict can be due to

- Difference of belief, interest
- Incompatibility of ideas, objectives

Conflicts are not new phenomena, they are part of humanity – and in fact other living organisms experience conflict. Its part of excitement in life ... “and they lived happily thereafter”

A 'dispute'

- Divergent interests that are incompatible and non-reconcilable
- May escalate into various forms of conflict
- But conflict can be positive even necessary
- From normal to pathological
- Dispute resolution is the management of conflict
- Alternative Dispute Resolution emphasizes collective, win-win, participatory approaches to dispute settlement

Nature of conflict

Implications of the definition:

- The Parties
 - Level
 - Hierarchy(Vertical or horizontal)
 - Multidimensionality
 - Power Dimension
- Interests at Stake
- Negative Perception
- Time Dimension

Nature of conflict

- Hierarchy(Vertical or horizontal)

When parties are at the same or different level

- Example: two national level government dep't fighting with each other over functional jurisdiction
- Do the parties belong to different levels and are positioned vertically (conflict b/n government dep't and local community)

Nature of conflict?

Power Dimension

- Do the parties to the conflict possess more or less equal power or not?

Nature of conflict

- Conflicts can be classified as Real or Potential
- Conflict in water can be geographic/location defined
 - Upstream-Downstream
 - Within a country or Between countries
 - Developmental (Sectoral defined): Water supply, Irrigation, Industry, Tourism

Nature of conflict

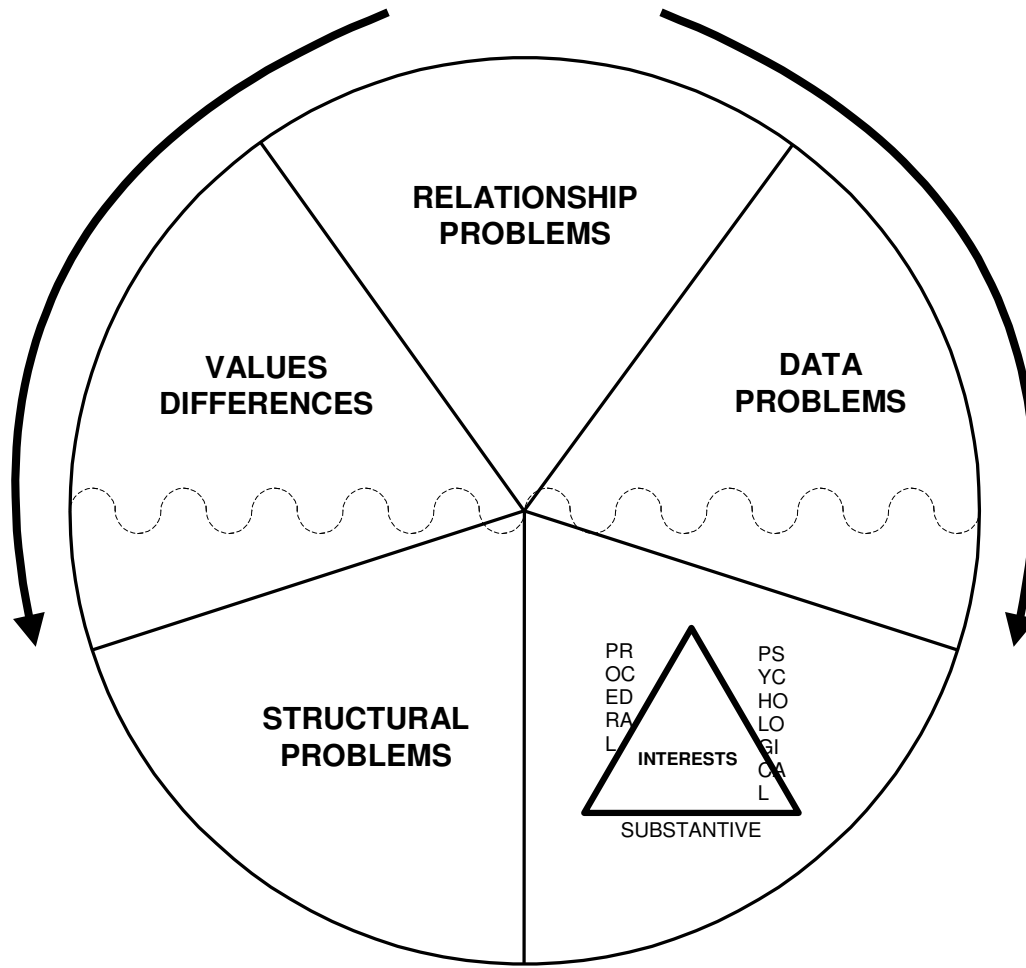
Conflicts can also be positive, i.e. conflict may help in:

- Identifying real problems needing solutions,
- Bringing about needed change
- Permitting adjustment to be made without threatening the basis of a relationship
- Helping to build new relationship
- Changing the way we look at issues, clarifying what is most important

Conditions for Successful Negotiation (in an ideal world...)

- **Will** to settle
- Unpredictability of **consequences** of non-negotiation
- Sense of **urgency**
- No major **psychological barriers**
- The issues must be **negotiable**
- People involved must have **authority** to decide

Conflict Circle



Conflict Analysis

What does conflict analysis cover?

- Identification of issues
- Identification of actors
- History/distribution
- Level and intensity
- Political, economic, social and institutional structures
- Impacts

Conflict Analysis: Identifying conflict issues

- Access to natural resources:
 - Access (open access / regulated access /closed access)?
 - temporary and spatially depending on the actors involved, the purpose of access, the impact of access to other groups
- Ownership of natural resources: traditional rights, common property, public property, private property

Conflict Analysis: Identifying conflict issues

- Use of natural resources: conflict over
 - the ways, quantities and frequencies in which water and other resources are used
 - the impact of human activities on the use of natural resources:
 - discharge of effluents into water resources
 - use of chemical fertilizers and pesticides
 - dumping of waste on land and in water

Conflict Analysis: Identifying conflict issues

- Management /Implementation of policies, programs and decisions:
 - the availability of standards, monitoring and the enforcement of laws and regulations

Conflict Analysis: Identifying actors involved

- Description of main stakeholder groups, size of the group and internal sub-groups (gender!)
- Underlying values, interests, needs and fears of key stakeholders
- Their presence in, access to, and control over, geographic areas
- Relationships within and between groups

Conflict Analysis

- History and distribution of the conflict or disputes
- Level and intensity of conflict
- Underlying social, political, economic and institutional structures
- Impacts of conflict on human security

Conflict Management and Resolution

Conflict resolution:

- using techniques after the occurrence of a conflict

Conflict management:

- More pro-active method in preventing conflicts by fostering productive communication.
- Refers to a broad array of tools used to anticipate, prevent and react to conflicts

The tools are used to induce the parties to open up, identify the real issues behind their positions and find out “win-win” solutions

Negotiation Styles

- **Positional (power-based or rights-based)**
 - Present your interests/solutions to other parties
 - Frame desirable solutions as falling within an acceptable settlement range

Negotiation Styles

- **Interest-based**
 - Collaborative
 - Jointly meet each other's needs and satisfy mutual interests
 - Identify interests before propose solutions
 - Search for a variety of solutions to satisfy all interests
 - Collectively select desired options
 - Mutually generate agreement

Benefits of Interest-Based Approaches

- Focus on interests may help change negative strategic climate
- Participation of all relevant stakeholders helps find sufficient ground on which to build enough will to act
- Satisfaction of all interests is recipe for long term success
- Positional bargaining promotes extreme positions

Benefits of Interest-Based Approaches

- Negotiate your interests NOT your position!!

Theory “Interest-Based Relational Approach”

- Make sure that good relationships are first priority
- Keep people and problems separate
- Pay attention to the interests presented
- Listen first; talk second
- Set out the “facts”
- Explore options together

Tool: Conflict Resolution Process

1. Set the Scene
2. Gather Information
3. Agree the Problem
4. Brainstorm possible Solutions
5. Negotiate a Solution

Tool: Conflict Resolution Process

1. Set the Scene

1. Apply IBR Approach (?)
2. Conflict mutual problem?
3. Best resolved through discussion and negotiation rather than through raw aggression

Tool: Conflict Resolution Process

2. Gather Information

- Underlying interests, needs, concerns
- Ask for person's viewpoint
- Respect his/her opinion
- Express need for his/her cooperation to solve problem
- Listen with empathy
- Identify issues clearly
- Use "I" statements
- Remain flexible
- Clarify feelings

Tool: Conflict Resolution Process

3. Agree the Problem

1. Need to agree on problem that you are trying to solve, before you will find a mutually acceptable solution

Tool: Conflict Resolution Process

4. Brainstorm possible Solutions
 1. Every one fair input in generating solutions
 2. Brainstorm possible solutions
 3. Open to all ideas
 4. Include ideas you never considered before

Tool: Conflict Resolution Process

5. Negotiate a Solution

1. Both sides may better understand others interest and position
2. Win-win negotiation

Conflict Management and Resolution

- Alternative dispute resolution mechanisms rather than legal systems/litigation are more relevant
- Tools for conflict management:
 - A. Conflict resolution tools
 - B. Decision support/modeling tools
 - C. Consensus building tools

Conflicts between stakeholders

Types of conflicts:

- Between different resource users
 - resource competition (water, fish, land/space)
- Upstream-downstream users
 - reduced flows or water quality downstream because of upstream use or pollution
- Between resource users and polluters
- Between resource users and conservationists
- Between developers/investors and others
- Between current and potential users

Conflict Resolution Tools

1. Litigation

The formal and ultimate mechanism for conflict resolution is taking it to the legal system -
Usually not used for WR related conflicts

2. Alternative Dispute Resolution (ADR)

2.1 Negotiation

is a process where the parties to the dispute meet to reach a mutually acceptable solution

Conflict Resolution Tools

2.2. Facilitation

- Is a process in which an impartial individual participates in the design and conduct of problem-solving meetings to help the parties jointly diagnose, create and implement jointly owned solutions

2.3. Mediation

- A process of settling conflict in which an outside party oversees the negotiation between the two disputing parties

Conflict Resolution Tools

2.4 Arbitration

- Is usually used as a less formal alternative to litigation.
- It is a process in which a neutral outside party or a panel meets with the parties in a dispute, hears presentations from each side and makes an award
- Has defined rules and procedure acceptable to the parties before process starts

Conflict Resolution Tools

2.5 Fact-finding

- Most often used in the earlier stages of a conflict. Most appropriate in technical or scientific disputes where specialized knowledge is involved
- Use of experts to clarify and make recommendations regarding differences over data or substantive disagreements, e.g. groundwater movement, clean up of waste

Shared vision planning tools

Decision support/modeling tools

- river basin, rivers and groundwater modeling- to produce a simulation tool owned by the parties and to do scenario analyses
- Optimization modeling-to produces ideas on the best investment or best options given certain assumptions.
- Valuation-to facilitate the process of sharing benefits (rather than simply sharing water)

Consensus building tools

- Consensus Building /Stakeholder Approach
 - Developing trust that leads to a commonly agreed position that is “binding”
 - Involves all parties in seeking common decision/ outcome
 - Involves facilitation (single or multiple) based on agreed basic/ ground rules

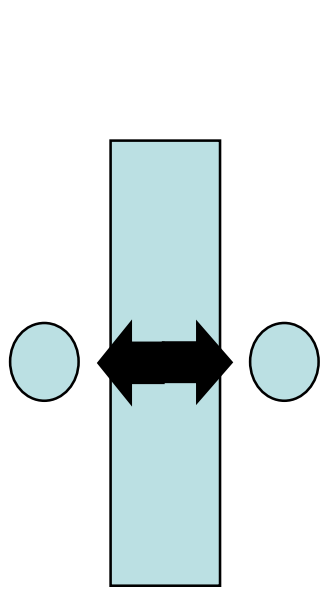
Conflict resolution

Possible ways to solve the conflict are:

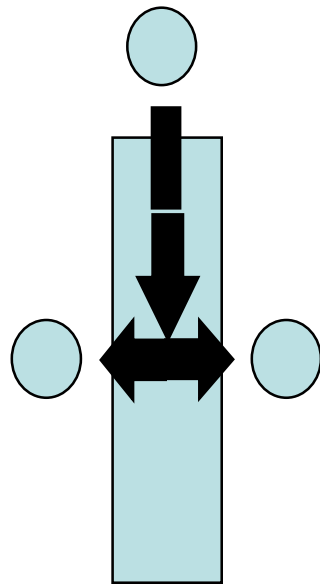
- Negotiation
- Mediation
- Arbitration
- Litigation



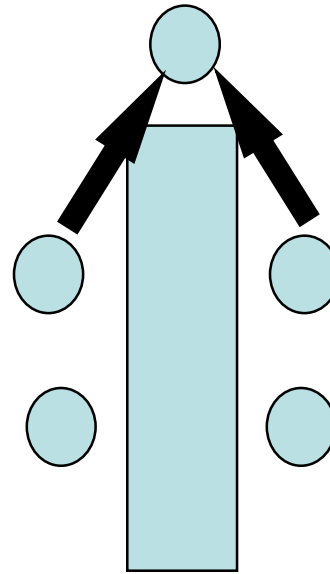
Methods for conflict resolution



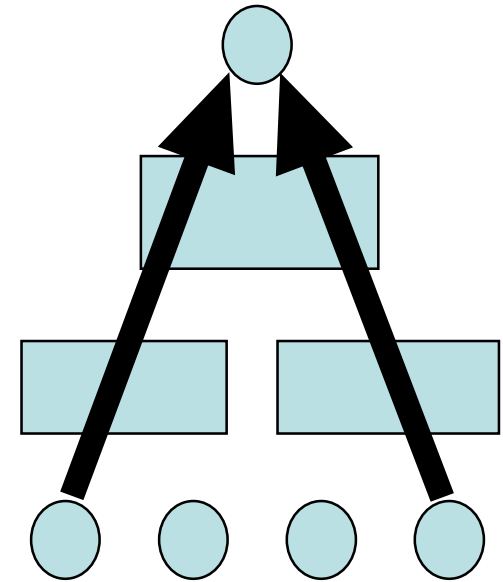
Negotiation



Mediation



Arbitration



Litigation

Mediation

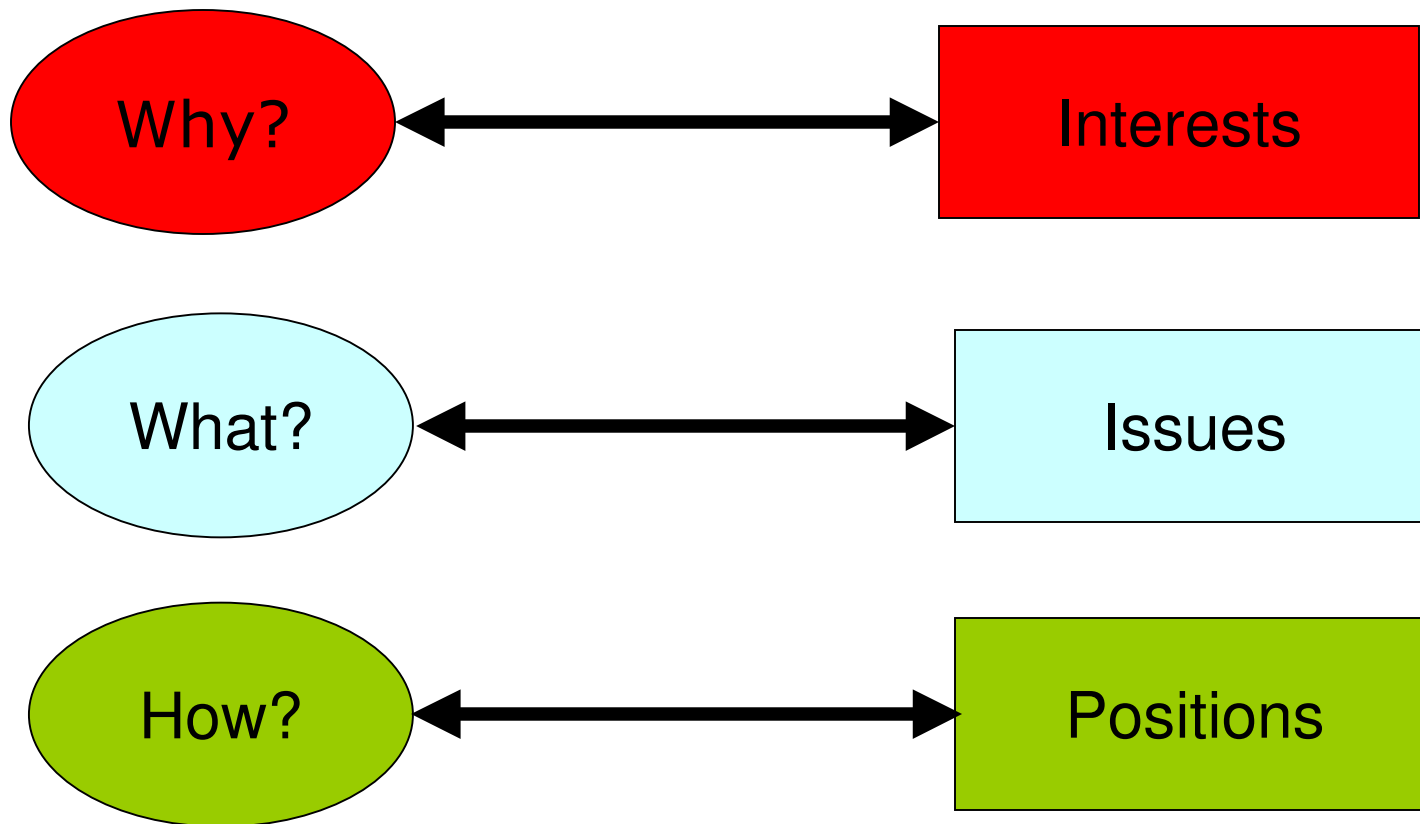
Prerequisites:

- Be aware of the existence of a conflict
- Desire to resolve conflict
- Other way of resolution than traditional
- Use of a mediator
- Neutrality of the mediator

Requirements for Successful Conflict Resolution

- Willingness to participate
- Opportunity for mutual gain
- Opportunity for participation
- Identification of interests
- Developing options
- Carrying out an agreement

Language of Negotiations



What type of Negotiator are you?

5 Negotiation styles*

- Competitive
- Collaborative
- Compromising
- Accommodating
- Avoiding

*According to Thomas and Kilmann

5 Negotiation styles

- Competitive
 - Firm stand
 - Know what you want
 - Position of power
- Useful
 - Emergency
 - Fast decisions
 - Unpopular decisions
 - Defending against someone who tries to exploit situation selfishly

5 Negotiation styles

- Collaborative
 - Try to meet needs of all involved
 - Assertive but..
 - Cooperate effectively
 - Acknowledge everyone's importance
- Useful
 - Bring together a variety of viewpoints
 - When there were previous conflicts
 - No simple trade-off

5 Negotiation styles

- Compromising
 - Find solution that will at least partially satisfy everyone
 - Everyone is expected to give up something
- Useful
 - Cost of conflict is higher than cost of losing ground
 - Equal strength opponents are at standstill
 - Deadline looming

5 Negotiation styles

- Accommodating
 - Willingness to meet needs of others at own expenses
 - Knows when to give in to others
 - Not assertive, highly cooperative
- Useful
 - The issue matters more to other party
 - Peace is more valuable than winning
 - Collect “favor” you gave

5 Negotiation styles

- Avoiding
 - Seek to evade conflict entirely
 - Delegate controversial decisions
 - Accept default decisions
 - Not want to hurt anyone's feelings
- Useful
 - Victory is impossible
 - Controversy is trivial
 - Someone else in better position to solve problem

5 Negotiation styles

- Ideally you can adopt an approach that meets the situation
- But?????
- Negotiation style Self Assessment

Conflict Resolution and Negotiation Skills for IWRM