

Methodologies for Conflict Resolution

Training Programme on
**Understanding and Resolving Water Conflicts in
the North East India**

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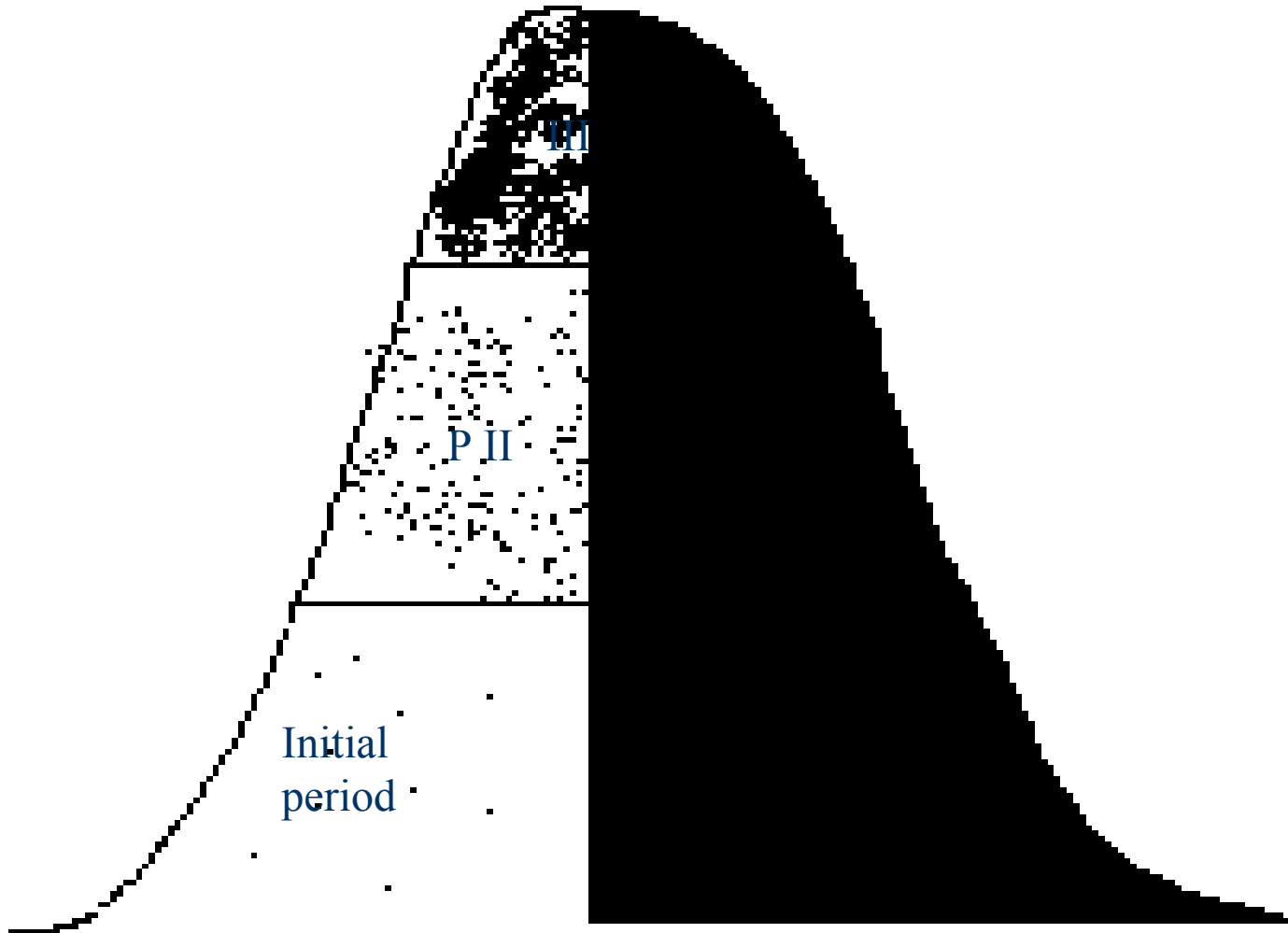
What is a conflict?

- Conflict is present when two or more parties perceive that their interests are incompatible
 - These parties may be individuals, small or large groups, castes or communities, states or countries
 - Express hostile attitudes
 - Pursue their interests through actions that damage the other party/ies' interests
 - The issue of intensity (passive conflicts and aggressive or violent conflicts)
- Common denominator: "Contestation"

Conflicts: A source of change

- Conflicts need not be negative; it is a potential source for a change
- Interaction between conflicting parties may lead to changes, for better or worse
- Regardless of the direction, conflicts are almost always dynamic and have a time trajectory

TIMELINE OF CONFLICT ANALYSIS



Conflict resolution

Increasing sensitivity about the need to integrate competitive demands and stakeholders' interests, in addition to the evolving need for political accommodation and the proactive stance in avoiding conflict, have all contributed to a shift from confrontation to cooperation, from monologue to dialogue and from dissent to consensus

(The 2006 UN World Water Development Report)

Conflict resolution

- Judicial processes are the main conflict resolution mechanism
 - In the case of water there are limits to it
- Alternative dispute resolution through dialogue or Track-2 diplomacy
 - a technique without entering into the formal judicial process in a given set of democratic governance
- Track-2 diplomacy is supposed to be pluralistic, inclusive, more democratic, cost effective and sustainable
- Conflict resolution needs interdisciplinary approach

The core of conflict resolution

- An atmosphere where more than one stakeholder define their degree of stakes, entitlements, roles and responsibilities through negotiation or mediation and dialogue process

Do remember that...

- Consensus building
- Reconciliation
- Conflict resolution

Cannot be isolated or divorced from the economic, social and political milieu in which one is operating

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Theories of conflict resolution

1. Theory of impossibility & its application to conflict resolution in NRM

- There are often gains to be had by an organization or society by making a collective choice from a set of alternatives available to them, rather than having each individual act independently
 - The Collective choice could indeed reinforce the impossibility of co-existence

Theory of impossibility & its application to conflict resolution in NRM

- Impossibility of co-existence
 - Examples
 - Husband and wife - if they cannot live together, its possible to seek divorce - the outcome at worst may affect individuals but not the society; but in the case of conflicts in NRM, such a possibility cannot exist as such drastic decisions may affect the society or even the future generation
 - Lion and a lamb in a cage or in a confined territory - outcome - succumb to the pressure - impossible to coexist or challenge

2. Game theory

- Game theory is a branch of applied mathematics that is often used in the context of economics
 - It studies strategic interactions between agents
 - In strategic games, agents choose strategies which will maximize their return, given the strategies the other agents choose
 - Its relevance to social situations: Modeling games in social contexts supposed to help decision makers to interact with other agents

The example of “Prisoner’s Dilemma”

- The Prisoner’s Dilemma was one of the earliest “games” developed in game theory. By simulating the Prisoner’s Dilemma we are given an excellent method of studying the issues of conflict vs. cooperation between individuals.
- Since the Prisoner’s Dilemma is so basic, it can be used as a model for various schools of thought / disciplines / or even in military situations

The example of “Prisoner’s Dilemma”

- The Game:
 - Two people have been arrested separately for the same crime that they have supposedly committed, and are held in separate cells. They are not allowed to communicate with each other at all.
- Each prisoner is told the following:
 - We have arrested you and another person for committing this crime together

Options given to the prisoners

- If you both confess, we will reward your assistance to us, by sentencing you both lightly: 2 years in prison
- If you confess, and the other person does not, we will show our appreciation to you by letting you go. We will then use your testimony to put the other person in prison for 10 years
- If you both don't confess, we will not be able to convict you, but we will be able to hold you here and make you as uncomfortable as we can for 30 days

Options given to the prisoners

- If you don't confess, and the other person does, that person's testimony will be used to put you in prison for 10 years; your accomplice will go free in exchange for the testimony
- Lack of communication puts them in a dilemma
 - If you restore communication between the two, the cooperation is possible

3. Theory of rationality & CPR literature

- The tragedy of the commons - Hardin
 - Drive for individual profit maximisation
 - If everybody wants to add one extra well in the case of ground water or an extra cow in the case of common pasture then this would end up in the tragedy of the commons
- CPR and collective action literature
 - The work of Elinor Ostrom and others
 - Importance of institutions

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Methods of conflict resolution

1. Negotiation

- It involves two or more parties engaging in direct discussions with each other in a concerted effort of reaching an agreement
 - Direct talk among the affected individuals or the members of a community

2. Mediation

- It involves the use of a neutral third-party who assists the negotiation process among the affected parties in reaching an agreement
 - Typically, mediation takes place when direct negotiations fail
 - Example: In the context of Indus water treaty, the World Bank expert acting as the “neutral” third party

3. Arbitration

- This is a form of resolving conflict that is handled outside of court where both parties come before a neutral third-party
 - The neutral third-party is usually a lawyer who passes judgment on a winner and a loser in much the same way as that of a judge in a Court

4. Conciliation

- It means settling of disputes without litigation
 - Conciliation is the process by which discussion between parties is kept going through the participation of the conciliator
 - The main difference between arbitration and conciliation is that in arbitration proceedings the award is the decision of arbitral tribunal while in the case of conciliation the decision is that of the parties arrived at with the assistance of the conciliator

5. Collective bargaining

- Negotiation is something that you can do on one's own, while collective bargaining is something you can only do as a group
 - Pressure groups, organisations of the project affected persons, trade unions, social movements, etc.

6. Multi stakeholder processes

- Stakeholder involvement/interaction being as very critical - stakeholder dialogue
- Some limited experience in the Indian context