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Module 3. Conflict Management

Developed by the

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Module 3. Conflict Management

Introduction

Overview

Conflicts

OSCE Missions have been established in countries where violent conflict has occurred or there is a strong likelihood of it breaking out. Such conflicts can be between states, or between groups in a state. Conflict can be over tangible objectives such as control over territory or of a government, or flow from intangible animosities and fears. Conflicts in the OSCE region often involve a mix of these elements and can take place on various levels.

Conflict management

Conflict management

Conflict management includes the prevention, limitation, resolution or transformation of conflicts through the use of non-violent techniques. This can involve:

- preventing conflicts from breaking out or escalating
- stopping or reducing the amount of violence by parties engaged in conflict

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Conflict resolution

Conflict resolution involves assisting in the termination of conflicts by finding solutions to them.

Conflict settlement

Conflict settlement may involve changing the behavior of parties in conflict without resolution of their differences.

Conflict transformation

Conflict transformation goes beyond seeking the termination of a specific conflict in order to resolve the underlying issues in a deep-rooted conflict.

Skills needed

The following skills are necessary for conflict management:

- conflict analysis
- problem solving

- negotiation
- playing third party roles

Conflict analysis

Overview

Early warning

Missions gather information, monitor developments and provide early warning of situations that can erupt into crises, violent conflict, or war. Early warning, useful as it is, also requires an evaluation of when a conflict is likely to explode. Multilateral organizations and their state components have limited political will and resources, and have to pick and choose when intervention is necessary.

Necessity of good analysis

Accurate information is not often available in areas of tension and conflict. There may be a significant amount of distorted, irrelevant or false information. Making sense of the information that exists is a challenging task. That is why good analysis is essential. A good understanding of the reality of a conflict is necessary in order to develop strategies for dealing with it.

Root cause

One essential element in analyzing conflict is to identify the sources or root causes. By understanding what is behind the behavior of parties, what is motivating them to put forward their demands, what structures or relationships that might cause conflict, you may be able to more clearly understand why the conflict is occurring and what is keeping it going. In many cases the parties themselves may not be certain of or willing to express the true sources of the conflict, which makes an intervener's analysis important.

Sources of conflict

The sources of conflict can be:

- political
- economic
- environmental
- historical
- cultural
- psychological

These sources are not mutually exclusive and are often interrelated.

Framework for analysis

Overview

Analytical tools are useful for organizing information and assist in explaining complex situations and relationships. The following questions that should be asked and ed in order to better analyze a situation.

The following framework is derived from *Democracy and Deep-Rooted Conflict: Options for Negotiators* [copyright © International Institute for Democracy and Electoral Assistance (International IDEA) , 1998, http://www.idea.int/].

Actors

Who are the primary and secondary actors in the conflict, including spoilers, peacemakers and others?

What other outside groups have influence on the parties?

Root causes

What is driving or motivating the parties to the conflict?

What are their aspirations?

What are their underlying fears?

What are their interests

Issues, scope, and stage of the conflict

What phase is the conflict in right now?

- rising tension
- confrontation
- violence
- ceasefire
- settlement
- rapprochement
- reconciliation

Who is suffering or most affected among the population?

What is at stake, politically, economically or militarily?

Power, resources, and relationships

What resources and capacity does each side possess?

What relationships exist among the leaders?

What communication channels exist?

History of the relationship and peacemaking efforts

Was there a time when the parties coexisted peacefully?

What changed?

What were previous attempts at settlement including those by non-state actors, and why did they fail? Was there a pattern to the failures?

Identify parties

Parties are the states, groups or individuals that are involved in or affected by a conflict. The following sections describe the three types of parties.

Primary parties

Primary parties are those who have a direct interest in the conflict and who are most dramatically affected by it.

Secondary parties

Secondary parties may have a stake in the conflict, but are not directly involved. Identifying secondary parties can be crucial since they can play the following roles.

Party	Role
Spoiler	seeks to fan a conflict and prevent a negotiating process from developing
Enforcer	acts to make parties adhere to an agreement or agreed behavior
Facilitator	takes limited to extensive actions to help two parties engage in a dialogue

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Third parties

Third parties can be outsiders with no stake in the outcome, or partisan but viewed as legitimate and essential by all involved.

Example analysis

Overview

The following is an example analysis of the situation in Tajikistan. Read the following information, then the questions.

Tajikistan

Tajikistan is the poorest of the Central Asian republics of the former Soviet Union. The country had been formed and held together only under Soviet rule. There was little sense of national identity. A civil war broke out in May 1992. The main Tajik actors were the northerners from the Khojand region (the major industrial and agricultural area) and southerners from the Kulob region. Ideology was not a factor; the conflict was a power struggle among different clan-based regional parties for access to the country's political and economic spoils.

There were, however, democratic, Islamic and nationalist movements also opposed to the communist-style government allied to the Kulobis. There was also an Uzbek ethnic minority in the country. Outside forces were also involved: Pakistan, Iran and Saudi Arabia provided support to the Islamic movement. Russia became militarily involved to protect the southern border of the Commonwealth of Independent States. Uzbekistan and other Central Asian states were concerned at the possibility that a fundamentalist Islamic movement might take power.

Efforts to resolve the civil war began in 1993 as influential citizens from different regions and factions started an unofficial dialogue under the auspices of an American-Russian academic team. The UN launched an official mediation process in 1994 involving the major combatants, the government and the United Tajik Opposition. Meanwhile, Tajik non-governmental organizations working on citizenship education and civil society sought to work across the regional divides. A comprehensive peace agreement was reached in 1997. The OSCE has been acting as a guarantor of the agreement, and working on human dimension issues and national reconciliation. Rapprochement describes the current situation.

Analysis

the following questions concerning Tajikistan. Enter "Unknown" if you do not know the . Compare your s to the supplied s.

Actors

Who are the primary actors?

Secondary actors?

Who else has been involved?

Root causes

What was the driving or motivating the primary parties to the conflict?

What were their underlying fears?

Issues, scope, and stage of the conflict

What phase is the conflict in right now?

Who is suffering or most affected among the population?

What is at stake in the conflict?

Power, resources, and relationships

What resources and capacity does each side possess?

What relationships exist among the leaders?

What communication channels exist?

History of the relationship and peacemaking efforts

Was there a time when the parties coexisted peacefully?

What changed?

What were previous attempts at settlement, including those by non-state actors, and why did they fail?

Was there a pattern to the failures?

Answers

Actors

Who are the primary actors? **Khojandis/Northerners, Kulobis/Southerners**

Secondary actors? **Democratic, Islamic and Nationalist movements; Uzbeks**

Who else has been involved? **Pakistan, Iran, Saudi Arabia, Russia, Uzbekistan, American-Russian academic team**

Root causes

What was the driving or motivating the primary parties to the conflict? **Power**

What were their underlying fears? **Losing access to the country's political and economic spoils**

Issues, scope, and stage of the conflict

What phase is the conflict in right now? **Rapprochement**

Who is suffering or most affected among the population? **Unknown**

What is at stake in the conflict? **Political control of the country**

Power, resources, and relationships

What resources and capacity does each side possess? **Unknown**

What relationships exist among the leaders? **Unknown**

What communication channels exist? **Unknown**

History of the relationship and peacemaking efforts

Was there a time when the parties coexisted peacefully? **During Soviet rule**

What changed? **Collapse of the Soviet Union**

What were previous attempts at settlement, including those by non-state actors, and why did they fail?
Unofficial dialogue conducted by U.S. -Russian academic team.

Was there a pattern to the failures? **Unknown**

Cycles of Conflict

Introduction

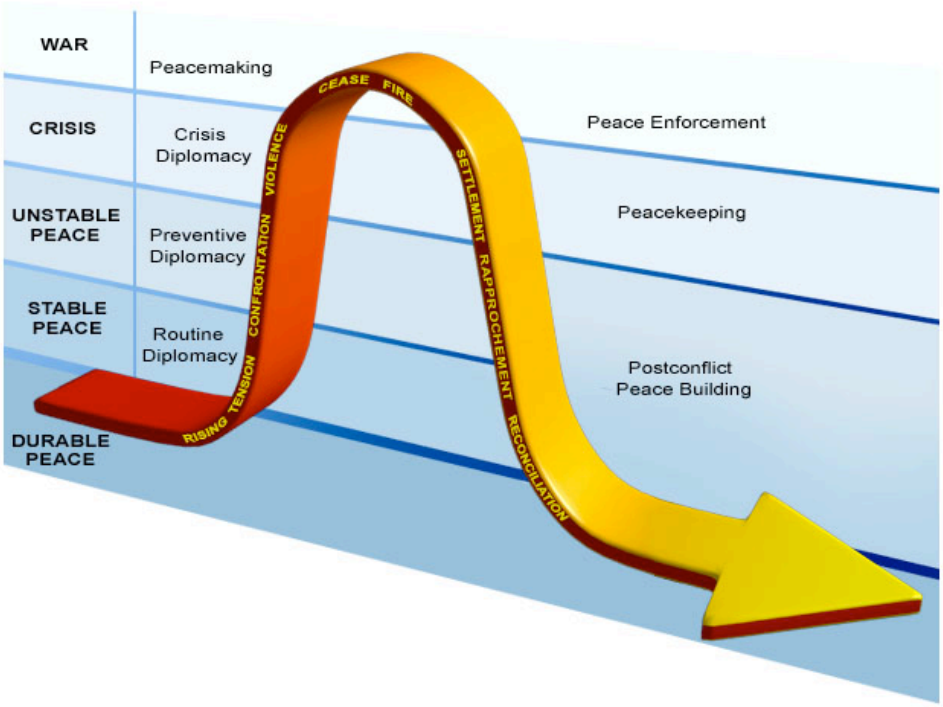
Conflicts

Conflicts are dynamic and change over time, going through many different phases as parties act and react to changing external and internal situations, as well as each other.

Conflict life cycle

The following graphic illustrates the increasing and decreasing intensity of conflict over time. The shape of the bell curve reflects an "ideal type" life history-- a real life history can move in different directions. This graphic is a useful way of demonstrating the escalation and de-escalation of a conflict, and the current state of play. Along the curve are various possibilities for intervention. This graph can help the analyst in predicting patterns and developing appropriate strategies for conflicts at particular stage of escalation.

Life History of a Conflict



Conflict phases

Overview

Conflicts may move back and forth, escalating and de-escalating, through some or all of the following phases.

Durable peace

Peace at this level involves a high level of trust, reciprocity and cooperation within or between nations. Communication channels are open, cooperation across a wide range of issue areas is the norm, and non-violent ways for preventing, managing, or working toward the resolution of disputes and conflict are institutionalized. The potential for violent conflict to break out is minimal to non-existent.

e.g.: United States and Canada

Stable peace

Communication and cooperation takes place. Conflicts are still resolved in a nonviolent manner, though the conflicts at this stage are less predictable than at durable peace. Conflicts may exist,

but they are latent (below the surface).

e.g.: Czech Republic and Slovakia

Unstable peace

There is a rising level of suspicion between parties. There may be low level or no violence. Conflicts that were formerly latent begin to emerge.

One example is the situation that developed in Latvia and Estonia after the breakup of the Soviet Union. Both states adopted laws restricting the rights to citizenship of ethnic Russians, which could have led to both internal problems and tensions with Russia.

Crisis

Hostility and violence escalate. At this level, the situation is very volatile and quick moving. Communication is strained or breaks down. Enlargement of the conflict may occur as other parties become involved. The conflict may appear to be over one issue, but parties may raise the stakes by adding or superimposing other issues onto the struggle. Polarization of the parties occurs, and those who may have been opposed to escalation of the conflict or neutral may move or be forced to take sides. The escalating conflict tends to be defined by one or both sides in black and white terms.

e.g.: Kosovo during 1998-99

War

Polarization continues, and parties enter a state of armed conflict. Militaries or armed groups take center stage, violence continues to escalate. Parties become locked into their struggles with no apparent way to back out of the conflict.

The situation in Bosnia during 1992-95 is an example.

One important factor that exacerbates many, if not all types of violent conflict is the proliferation of gray (legal weapons sales) and black (illegal weapons sales) arms trafficking. In many cases, the easy availability of arms has encouraged nations, insurgents and non-state actors to use violence to resolve ethnic, political, economic or social differences.

Parties in conflict usually find it difficult to begin the process of de-escalation on their own. They often need to be forced by outside parties to accept a political settlement, or accept the assistance of one or more third parties to justify shifting from the positions they have taken to justify the cost in human and material terms of warfare.

Peace enforcement

Peace enforcement involves the deployment of military forces under appropriate international auspices to establish or maintain a ceasefire or other negotiated agreement, by force if necessary.

e.g.:

- Stabilization Force (SFOR) in Bosnia
- Kosovo Force (KFOR) in Kosovo

Peacekeeping

Peacekeeping involves the use of military forces to separate combatants and control violence. It is used to create an environment conducive to peacemaking efforts.

The UN established the UNPREDEP peacekeeping mission in the Former Yugoslav Republic of Macedonia in 1992 to deter threats against Macedonia (particularly from Milosevic's Serbia), monitor the borders with Serbia and Albania, and report on developments along the borders that could affect the country's stability.

In the OSCE area, Russia has undertaken peacekeeping missions on behalf of the Commonwealth of Independent States in Abkhazia and the South Ossetia region of Georgia, the Transdnestria region of Moldava, and on the Tajikistan border with Afghanistan.

Post-conflict peace building

Post-conflict peace building usually occurs after a settlement has been reached but can begin at any point along the conflict cycle. It includes both physical reconstruction and the restructuring of political and social relations that can contribute to a stable peace.

The most extensive OSCE efforts in institution building and democratization have taken place in Kosovo and Bosnia.

Variables

It is important to remember that conflicts may deviate from the cycle by repeating phases, depending on the specific situation and dynamics among the parties. Duration also varies, as some conflicts may stay at a particular phase or phases for an extended period of time. Although this model suggests that conflicts move from settlement to post-conflict peace-building, conflicts may stabilize with a truce or a low-level of violence. The process of seeking a resolution of the conflict may continue, but without results. There may also be several conflicts going on at the same time, each of which may be at a different stage of the cycle of conflict.

Time horizons for intervention

Short term

Immediate and short-term crisis interventions are the ones we most often hear about. These interventions involve preventing escalating conflicts from erupting into armed conflict or capping armed conflicts which have already broken out.

Short-term interventions have a logic and thrust of their own, but they should be seen to the degree possible as part of a broader process of de-escalation and negotiation leading to resolution of the conflict.

An example of a short-term crisis intervention was the deployment of the OSCE Kosovo Verification Mission (KVM) from October 1998 to March 1999 to verify Federal Republic of Yugoslavia compliance with United Nations Security Council resolutions. This involved verification of the ceasefire, monitoring of the movement of forces and the promotion of human rights. Deterioration of the security situation led to the withdrawal of the KVM.

Middle range

The middle range horizon involves thinking about what has to be done to link the short-term intervention with a sustainable long-term goal of peace. This middle range could include post-conflict security and peace building by institutionalizing politico-security measures between states or facilitating democratization within states.

The OSCE Mission to Croatia, for example, assists with and monitors the implementation of Croatian legislation and agreements and commitments on the return of refugees and displaced persons, the protection of their rights and of minorities.

Long term

The long-term perspective is driven by visions of what the future could look like ten or twenty years out. This might involve the transformation of the relationships between states or groups and resolution of the underlying factors that caused the conflicts between them.

The best example is the transformation of the relationship between France and Germany over the last fifty years.

Problem solving

Framework for problem solving

Overview

A problem solving framework is one of many useful tools that can assist you in analyzing the key questions that need to be asked and answered in order for negotiators and mediators to develop an effective strategy to deal with conflict.

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1. Define problem

Define the problem in very specific terms.

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2. Determine goal or objective

What is your preferred solution to the problem? Do you want to eliminate the problem or reduce the frequency with which it occurs? Do you want to minimize the impact or the harm? Do you want to redefine responsibility for the problem?

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3. Brainstorm possible

Think of as many causes of the problem or sources of the conflict as possible. What is the history behind the problem?

possible causes

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4. Actors

Who are the important "actors?" What actors are directly involved in the problem? How do they perceive the issues/problems? What actors need to be involved in order to reach your objective? What are the relationships between the actors?

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5. Action plan

Develop an action plan – in relation to your objective. Brainstorm as many ideas as possible for overcoming the causes of the problem. When determining the feasibility of the individual ideas, consider:

- What resources do you control?
- What resources do you need?
- What time constraints are you operating under?
- What options can be undertaken immediately?
- What options may be done over a longer period?

For any options you wish to pursue, determine what specifically needs to be done, i.e., who will do what, where, when and how? You should also develop an evaluation component for your action plan, and consider the likely impact as well as potential consequences of your action.

Negotiation

Introduction

Definition

Negotiation is a process to achieve your goals through communication with at least one other party, with the presumed outcome an agreement. The two parties have a conflict, or have differences that may result in conflict. In any case, the other party has the ability to prevent you from achieving your goal.

Description

In negotiation, communication may be:

- direct and face-to-face
- at a distance
- through a third party

The negotiating table can be anywhere. It can be in a conference room, a military headquarters, a restaurant or bar, in an automobile or by the side of a road. Negotiation is often described as

a journey of discovery, because parties can open up new options or develop understandings completely different from what they might have imagined or considered acceptable at the start of the process.

Rarely is a negotiation a one-time event. There is usually a history. Equally important, there may be a future context. You may be involved in future negotiations with the same party, and your negotiating behavior may affect the way other negotiators deal with you in the future. Thus, the relationship you build with the other party may influence that negotiation, as well as other negotiations.

Pre-negotiation

Negotiations go through various stages. Pre-negotiation can be a critical stage of the process. This is not only a preparatory phase, but also a vital opportunity to clarify the issues (specifying what can be dealt with now and what must be left for later) and exploring a general formula for achieving an agreement.

Why parties enter negotiations

Negotiations begin at a general stage of discussion and develop into more detailed discussion. Parties also enter into negotiation when circumstances are "ripe." For many reasons, a party may see the time as right for entering into negotiations as a way out of a situation of increasing difficulties and decreasing prospects of achieving its initial goals. This can be the result of a deadlock, a hurting stalemate for both parties or changes in the international or domestic contexts.

Negotiation contexts within the OSCE

There are many contexts in which negotiation takes place in the OSCE. OSCE Missions negotiate with host governments and domestic groups. They negotiate with other international or regional organizations. They negotiate with non-governmental organizations, representatives of civil society, political parties, academic and other educational institutions. Such groups may be non-violent and operating in accordance with the law of the land, or violent and in opposition to the host government.

Positions and interests

Overview

If there is any key to understanding how to negotiate successfully, it is distinguishing between a party's negotiating **position** and its **interests**.

Consider the following story to help distinguish between positions and interests.

The orange

There is one orange left at a market. You have been thinking about eating an orange all morning and want to buy it. Unfortunately, someone else has picked it up and is taking it to the cashier. You say you want the orange and ask the other customer if you can to buy it for double the cost. The other person says he also wants the orange and says no. You explain that you have been thinking all day about eating that orange. The other person stops and says he only needs the orange peel for baking; he does not need the orange itself. You and he agree to split the cost of the orange, with him taking the peel and you taking the orange.

Positions

Positions are concrete things that are desired and are often presented as demands--"I want"

The following list describes positions:

- They can contain incomplete information and posturing
- Negotiating over them rarely leads to win/win solutions
- They are often phrased as statements and demands, but framed as solutions
- They are often narrow and tactical
- They are often concrete

Interests

Interests are the intangible motivations that lead you to take positions. Interests flow from the most basic human needs, both material (food, shelter, safety, etc.) and non-material (identity, family, faith). Interests are broader than positions and reflect needs, hopes and concerns-- "I need…." Interests often reflect strategic factors and deeply rooted beliefs.

The story

From the story, your **position** is to want the orange. The other party's position is to want the orange. You both cannot have the same orange. Someone will be disappointed. Your **interest** is in the meat of the orange, while the other party's interest is in the skin of the orange.

Once you understand the difference between positions and interests, you have a better chance to achieve your objective by working out a win-win outcome.

Negotiating positions

If you do not know what your interests are, you will find it very difficult to articulate negotiating positions to support those interests. Once you have clearly defined your broader interests, you are in a position to identify the negotiating positions that can best support those interests. Negotiating positions are the servants of your interests, and you should never confuse one with the other.

The other's shoes

The single most important skill in negotiation is the ability to put yourself in the other side's shoes. If you are trying to change their thinking, you need to begin by understanding what their thinking is. Try to imagine from their point of view – what do they most care about? The more that you know about the other side, the better your chance of influencing them successfully.

Understanding your own interests can help you develop additional options. Understanding the other party's interests can help you develop mutually acceptable and beneficial solutions.

Negotiating styles

Overview

Everyone has a tendency to adopt a preferred personal style, or way of reacting to negotiating situations. Not only is it important to recognize your own style, but it is useful to understand the preferred or natural styles of those with whom you have to negotiate. Everyone is capable of adopting various styles, even though we often feel more comfortable in relying upon one style. Most importantly, however, is to adjust your conflict style to match your goals and the style of the other party.

Five basic styles

Consider the following five basic styles for negotiating conflict situations: avoiding, accommodating, competing, compromising and problem solving. Different styles are useful for different purposes.

Avoiders

Avoiders dislike interpersonal conflict. It is sometimes difficult to get avoiders to focus on an issue. On the other hand, this style may be useful if you believe an issue is not worth the cost of arguing over it.

Accommodators

Accommodators prefer to deal with problems by solving the other party's problem. This style may be appropriate when the relationship and your future dealings are more important to you than the issue. This style is also useful when an outcome is more important to the other party than it is to you.

Competers

Competers want to win. This style may be the right approach when the outcome is more important to you than the cost of achieving it.

Compromisers

Compromisers prefer good relations with others. This style is useful when achieving part of your goals is better than achieving none of them.

Problem solvers

Problem solvers have high concern for their own needs as well as those of the other party. This may be the appropriate approach when the issue and the relationship is important, and working together with the other party can produce an outcome that satisfies both of your needs.

Assessing styles

By adopting a style will interact well with that of the other party, you can increase your chance to influence or persuade them. Culture can also have an impact on styles, and you should be aware of your own and the other party's possible cultural predisposition.

Listening

Overview

Listening to what another party is saying is an obvious way to learn more about their positions, interests, concerns, and fears.

Passive

Passive listening gives no sense that you are taking in what is being said or even paying attention.

Active

Active listening is a conscious way of showing the other party that you are listening and paying close attention to what they are saying. Techniques such as positive body language, summarizing and paraphrasing serve to show the other party respect and that you have understood their message. This does not mean you agree with it. Rather, these techniques can set the stage for a good working relationship with the other party.

Paraphrasing

The following are examples of paraphrasing in active listening:

- "It sounds like..."
- "Do you mean...?"
- "I guess..."
- "In other words..."
- "So, you're saying..."

Tools for negotiators

Overview

Life is one long negotiation. We are all negotiators. We are constantly negotiating at work with our colleagues, with our counterparts and our adversaries. No matter how grand or mundane, negotiations share certain attributes and demand certain skills. Some people may be born negotiators, but you do not have to be. We can all learn to be effective at it.

Focus

Negotiations should focus on issues, but each individual negotiation depends upon the actions and attitudes of the people involved. The sides are by nature interdependent since they are in conflict over an issue that involves both of them. If the position of one side on an issue were irrelevant to the other side, there would be no need for negotiation. Therefore, decision making in negotiations must be joint to a certain extent.

Agreements

The objective of any negotiation is achieving an agreement that satisfies your interests, not just an agreement. The best outcome to a negotiation may sometimes be no agreement. For example, a negotiation without an agreement might be preferable to one that would require you to accept violation of OSCE basic principles (such as respect for human rights).

Agreements are not necessarily beneficial to each party in the same degree. Being mutually beneficial does not mean equally beneficial. One party might agree to a ceasefire if another party agrees to maintain the flow of water and electricity.

Mutual discovery

Mutual discovery is very often an important part of negotiations, but that does not mean that the best negotiators reveal all of their cards. In fact, maintaining confidentiality is often just as important as mutual discovery. You may want to discuss your interests with another party to advance joint problem solving, but you will probably not want to share with it your final point of flexibility.

Implications

Negotiation is serious business aimed at securing or protecting an advantage, limiting damage, or otherwise advancing an interest. It is not just a process, for participating in the process may also contain substantive implications.

Differences

Negotiations are always about something, and they are usually about differences. Differences can be perfectly rational, or they can sometimes seem mutually irrational to each of the parties. Whether seemingly rational or irrational, differences can still be resolved.

True purpose

Another party's true purpose for engaging in a negotiation is not necessarily clear, explicit or obvious. There is always the possibility that a party may agree to participate in negotiations in order to avoid criticism without any intention of seeking an agreement. If this is the case, obviously the negotiation will fail. Equally, you may believe that the prospects for a successful negotiation may be dim because of the other party's positions or attitudes. Nonetheless, using negotiations to press your issues and keep attention on them may be your best short-term objective.

Developing a negotiation strategy

Overview

Options

Options are alternatives; try to maximize them. Look at interests, not positions, to expand options. Invent first; evaluate later.

Inventing options

The purpose of identifying each side's interests is to see if you can devise options to satisfy them. Inventing options for mutual gain is the negotiator's greatest single opportunity. Effective negotiators do not just work on the basis of givens or a fixed pie. It makes sense to explore whether it will be possible to expand the pie. While it may not be possible for each side to obtain its positions, it may be possible to satisfy its interests. It is often a mistake to stick to just one position. Considering a range of options helps generate new possibilities. Invent options first-- evaluate later. Don't lose the value of creative thinking.

Standards

The challenge for the negotiator is to find an outcome that both sides will consider fair. Seeking standards can help. Human rights norms contained in internationally accepted agreements and practice are one example of standards.

Successful negotiators try to head-off a contest of wills by turning discussions into a joint search for a fair and mutually acceptable outcome. One technique is to seek fair standards independent of either side's will and accepted by both as objective. An **independent standard** is a measuring stick that allows you to decide what is a fair standard. **Common standards** can be law, equal treatment, or precedent. Common standards can allow parties to accept agreements as fair.

Leverage

Purpose of negotiation

Skilled negotiators pay attention to each other's needs and interests. But they are not negotiating to solve each other's problems. They are negotiating to achieve their own objectives. Agreement is only a means to an end. The purpose of negotiation is to seek to satisfy your interests either through an agreement, or outside one, whichever yields the most favorable outcome.

Alternatives

One reliable way to achieve your goals is to acquire and use leverage. To a large extent, your leverage depends upon having alternatives, and one way to improve your leverage in negotiations is by improving your alternatives away from the negotiating table. Even if the situation does not appear favorable, you may have alternatives to a bad (from your perspective) agreement.

Know your own walk away alternatives -- and that of the other party.

Proposals

Three sorts of proposals

A negotiator should always think in terms of three sorts of proposals. The following sections describe these proposals.

What do you want?

Low expectations tend to be self-fulfilling. What you don't seek and don't ask for, the other side is unlikely to give. Those who begin with realistically high aspirations often end up with more favorable agreements. The definition of "realistic" is set by the other side's best walk-away alternative.

What would you be content with?

What agreement, although far from perfect, would satisfy your basic interests that you would be reasonably content?

What could you live with?

This is based directly on your assessment of your walk-away alternative. What agreement would satisfy your interests better, if only marginally, than your best alternative? Are there any factors that would make an otherwise minimally acceptable proposal unacceptable?

Negotiating in an international environment

Overview

OSCE Missions consist of members from different states, with different cultures and backgrounds. Individuals also come with different organizational attitudes, expectations and norms. The majority of OSCE personnel are from European countries. U.S. personnel are thus part of a much broader multinational team. Work styles, relationships and attitudes will likely be more European than American. Americans are often less hierarchical, more informal, and individualistic.

Partners

Working alongside other international or regional organizations with a parallel or complementary mandate is increasingly common. You should recognize that different organizational partners have different mandates, organizational practices, and resources. OSCE shares a third party role in Kosovo with the United Nations Mission in Kosovo (UNMIK), the UN High Commissioner for Refugees, the UN High Commissioner for Human Rights, the Kosovo Force (KFOR), the Council of Europe, the European Union and many non-governmental organizations. Indeed, the OSCE Head of Mission wears a second hat as the Deputy Special Representative of the UN Secretary General for Institution-Building.

Culture

Culture consists of the values, beliefs and behaviors of a people resulting from their historical experience and passed down over time. Culture consists of things we can observe, such as language and behavior, or food and literature. It also consists of intangible things such as the ways people think and do things. Different states, nations and groups have different cultures that shape theirs views on how they negotiate. Cultural misunderstandings can damage communication, distort meanings, highlight differences and create conflict.

Cultural differences

Working in an OSCE Mission for an American means working in a local culture different from our own. Be ready for cultural differences and prepared to overcome culture shock. Communication will at times be problematic, both in terms of language and non-verbal behavior. The modes of inter-personal relations may be different. The ways in which others relate to ethnic, religious, gender and age issues may be alien to you. Even when using an interpreter, you may find that what you are saying is not always being understood by another person in terms of what you meant.

Relationships

Americans, as a general rule, are strong believers in individualism, pragmatism and problem solving. We want to "do business," "get right to it," and "get it done." Other cultures place more emphasis on the role of the group (family, clan or nation) than on the individual. They may consider who you are as more important than the role you play.

Relationships are often seen as the necessary building blocks for getting things done. Meetings may be more an opportunity to establish a relationship than to do actual business. Communication regarding issues may be more indirect than direct. The American tendency to want to "work the issue" is seen as hasty, as is our focus on the facts rather than on history. Our surface emotional attitude may be low, while a highly emotional attitude may be the norm in other cultures.

Points to remember

The following is a list of some good points for a negotiator to remember:

- Know the culture and history of the host country and that of the groups within it; not just the issue at hand.
- Develop a relationship with those with whom you must deal.
- Make sure that your message is clearly understood by the other party. You have to take into consideration that there may be some cultural filtering of what you say and what the other party understands. Make sure your non-verbal behavior is consistent with your message. Effective communication is even more of a challenge when working through an interpreter.

- Try to understand the other party's culturally accepted approach to negotiation. Be sensitive to issues of status and face.
- Don't waste your flexibility and creativity on a party that will not reciprocate. Sometimes you have to stick to your position and your principles until the other party is prepared to be responsive.
- Be patient. The other parties will probably be looking at things with a longer time span. They may act as if they have all the time in the world. Recognize that their sense of urgency may be different from yours.
- Negotiation is a continuing process. Don't be surprised if you have to continue negotiating implementation or further details after you think that an agreement has been concluded.

Dealing with difficult people

Overview

OSCE Mission staff will often find themselves having to negotiate opposite or working as mediators with parties who seem neither reasonable nor cooperative in problem solving. You must be ready for hard bargaining tactics. You may be dealing with parties involved in a bloody conflict with long-standing roots. It should not surprise you that they do not trust each other (or you). The following are some of the many tactics you may have to deal with without escalating the conflict or working against your own objectives. Recognizing these tactics will make it easier for you to overcome them.

Bluffers

Bluffers misrepresent facts to convince you that they have a better bargaining position, options or alternatives than is the case. They assume that their misrepresentation is undetectable. One way to evaluate bluffs is through any mismatch between what they say and what you know to be a fact. The better their track record for speaking what you know is true, the less likely that they are bluffing.

No authority

No authority tactics are claims by negotiators that they have no authority to change their position or discuss other alternatives. Their goal is to convince you that you have no alternative to accepting their position if you want an agreement. This is a variety of bluffing. One way to deal with this tactic is to persevere. If the other party holds to its position, you might seek to meet with the party that does have the authority to deal with the issue.

Aggressive

Aggressive negotiators try to put you off balance with outrageous statements, insults or threats. They will interrupt you constantly. They want to get you to forget your agenda, change the focus of discussion and get you to respond to their statements. Their goal is to get you angry and emotional. Your response to this tactic is to hold back from your natural response and reaction. Keep focused on your objective, rather than fall into the trap the other party has set for you. Stand up for yourself, the organization you are working for and its principles. You can be self-assertive as well as avoid a confrontation.

Silent

Silent negotiators say little in order to get you to do all the talking. Their goal may be to get you to reveal all of your cards without them revealing any of theirs. You may also be dealing with a culture that places emphasis on avoiding conflict. They may be silent because they do not agree with you, but do not want to say so openly. Never assume silence is agreement. Your response can be to patiently ask open-ended questions and wait patiently. If this does not work, you may have to just state what you plan to do.

Interrogating

Interrogating negotiators respond to every statement or proposal with critical rather than clarifying questions. Their intent is to challenge everything you say to knock you off your position. A response may be to reframe their questions and use your replies to make your points.

Hot potato

Hot potato negotiators try to shift focus from themselves to you or other parties. They will ask what responsibilities you (or others) are prepared to take on or resources you will commit in order to resolve the problem. You can either confront this tactic directly by stating what you are prepared to do to be of assistance. Alternately, you can state that you want to be of assistance but need to know what the primary parties are prepared to do first to resolve the problem.

Tactics

The most useful guidance for dealing with difficult people is to keep your focus on what you need to do to achieve your goals, rather than let them pull you into interactions or arguments that will gain you nothing. Focus on your interests, not their positions. Don't do what the other party may be trying to get you to do; don't fall into their trap. If a party pushes you, don't feel you have to repay it in kind. Rather, use whatever they have said to put you in the direction you want to go.

If someone is unreasonable or makes inappropriate comments, you don't have to debate them. You don't have to like someone in order to do business with them. ((Separate people from the problem.)) You can use questions to refocus discussion, and speak to issues on your agenda instead of letting someone else trap you in a meaningless exchange. A final point to remember is that no one succeeds all the time.

Third party roles in conflict situations

Why a third party is needed

A third party might be needed because the parties to a conflict cannot find a solution without external assistance. They may need help with issues, process and substance.

Issues may be so complex, numerous and associated with principle that the parties are unable to shift positions to any possible zone of agreement.

Process is difficult because one or more of the parties finds it hard to do the necessary preparatory work, communication and issues of procedure are problems, and emotions are highly charged.

Substantive differences seem insurmountable and the parties need help in differentiating positions and interests; finding relevant facts and information; establishing objective criteria;

identifying realistic constraints; inventing options; exploring ideas without commitment; and in arranging a possible package deal.

Third party roles

The following table describes the roles that a third party can play.

Role	Description
Catalyst	To act to bring two parties to consider negotiations to resolve their conflict.
Facilitator	To provide a site and administrative arrangements for a discussion by two parties.
Educator	To explain to a party, for example, the domestic politics of another party as it affects the negotiating process.
Sounding board	To provide a party with reactions as to the acceptability of its proposals.
Summarizer	To provide an objective record of discussions between two parties.
Translator/ Interpreter	To explain what one party actually means in a proposal that can otherwise appear negative or unclear.
Bridge-builder	To provide a basis for two parties to achieve contact when neither is able or prepared to go the necessary distance.
Resource-expander	To provide assistance (economic, military, or other), verification or monitoring as part of a negotiated settlement.
Face-Saver	To have a party make or appear to make concessions to a third party, rather than to the other party in the conflict.
Reality Agent	To tell a party truths or perceptions regarding its approach or proposals that it is unlikely to hear from another source.
Bearer of Bad News	To tell a party things it will not like to hear, but that it should know as part of a negotiating process.
Scapegoat	To take responsibility for a negative event in negotiations rather than give or have blame fall on another party.
Inventor	To assist parties by creating additional options and expanding alternatives.
Change Agent	To assist parties in changing their attitudes, perceptions or behavior.
Repository of Trust and Commitments	To accept and hold commitments that one or two parties are not prepared to give to each other until specific actions have been taken or all parts of an agreement are complete.

OSCE endeavor

The OSCE field presence strives to be an honest broker, faithful to its principles and mandate, seeking to retain the trust of each party in the conflict. This can sometimes be difficult. It can be hard to maintain a working relationship with a host government (which approved your mandate), and separatists opposed to that government.

Forms of third party intervention

Multiple third parties

There may be several third parties working a problem. For example, in Kosovo you may find the United Nations, OSCE, KFOR, United Nations High Commissioner for Refugees, United Nations High Commissioner for Human Rights, Council of Europe, European Union and other governmental and non-governmental organizations dealing with aspects of the same problem.

Different approaches

Third parties may have different approaches based on their organizational purpose and mandate. For example, OSCE and European Union monitors have been tasked with overseeing the implementation of the peace accord between the government of Macedonia and ethnic Albanians, while NATO's Task Force Fox has the mission of providing protection for the monitors.

Agendas and mandates

Third parties have their own agendas and mandates, and will stand by them. For example, OSCE central tasks include human rights, democracy and building the rule of law. OSCE cannot be neutral or impartial when these issues are involved.

Conciliation

Conciliation is sometimes called providing "Good Offices." The third party may bring the sides together and carry messages back and forth.

Facilitation

Facilitation may involve acting as a moderator in a meeting, and making sure that each side is able to speak and be heard. Facilitators are not expected to offer their own ideas or actively move the parties toward agreement.

Mediation

Mediation has a third party actively helping parties find a solution they cannot find by themselves.

Pure mediation involves helping parties to find their solutions, and the possible injection of ideas.

Power mediation adds to this process:

- leverage to persuade the parties
- positive and negative incentives to achieve an agreement
- outside resources to monitor or implement an agreement
- authority to advise, suggest or influence

Arbitration

Arbitration involves a third party with the authority to decide on an outcome to the conflict between the parties.

Negotiation in a routine OSCE situation

Overview

OSCE staff at the larger Missions in the Balkans typically work in the field at the local level and apply their negotiating skills to resolve problems that affect the lives of individuals. A complaint addressed by OSCE may be a genuine human rights abuse, involve discrimination or simply reflect bureaucratic ineptitude or misunderstanding. OSCE human rights officers may negotiate bilaterally with national authorities to resolve structural barriers on issues such as property returns. OSCE democratization officers may play a third party role between groups and national authorities..

The following sections describe a common scenario facing a democratization officer and the stages in negotiating a resolution.

Manage expectation

Managing expectation by managing process

You have received a complaint from a citizen or are aware of a problem and determined that it appears valid and within your mandate for action.

- Find out whether there is a pattern of such problems and whether there is an OSCE institutional procedure for handling them.
- Discuss complaint with citizen and what you can do to be of help.
- Describe your third party role – mediator or facilitator.

Discuss situation

Discuss / explore the situation

You may want to privately discuss the issue with the relevant governmental authority. Alternatively, you may want to accompany the citizen to meet with the relevant governmental official. The official should be informed that you will accompany the citizen to the meeting.

- Describe your third party role.
- Each party will want to have its say and tell its side of the story. You will want to engage in active listening. Accept different stories, perspectives, and interpretations as natural and inevitable.
- You may want to ask open-ended questions to gain fuller understanding and clarification.
- Try not to use questions that can be answered with a simple yes or no.
- "Why?" is often the most effective question.

Identify problems

Identify major problems and clarify issues

- Keep track of major problems; ask additional questions
- Clarify specific issues; ask questions.
- Explore what is behind each side's position on the issues; ask additional questions.
- Look for a solution.

Develop strategy

Develop a strategy while remaining focused on your objectives

- Try to get the parties from focusing on the past. Get them to envision the future solution and how to get there.
- Determine an order for dealing with the issues involved in the complaint; there may be additional aspects of the problem that need to be addressed in finding a solution.
- Have no hard and fast rule for deciding the order in which to tackle issues.
- Think about options for dealing with people, procedural or substantive problems.
- Evaluate and prioritize options – time, need; resource availability; practicality; feasibility.

Structure agreement

Structure an agreement

- Ensure that valid concerns have been addressed.
- Ensure your objectives have been met.
- Try to get agreement on an action plan; may require phases.
- Agree on implementation, as required.
- Be clear about the consequences of non-compliance and the advantages of compliance. Will there be a guarantor of the agreement? Will non-compliance involve sanctions?
- Write up specific terms of agreement and have parties sign (if possible).
- Need follow-up? Can the parties handle this themselves or do they need/want continuing third party involvement?

Congratulations!

You have completed:

Module 3: Conflict Management

If you would like to take the test for this module, please go to the interactive test on the REACT website.

Please note, you must be a U.S. candidate with a user name and password to take the test.