

CONFLICT RESOLUTION
NEGOTIATION
AND
MEDIATION

AirTAP
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THE EVOLUTION OF COOPERATION

The Prisoners' Dilemma

You are part of a group. You will communicate with the members of your group using only a single letter to define your message. You have two choices in each round of communication. You can 'speak' with an 'X' or a 'Y'. Your score in each round depends on the whole group's message and on your own message.

Here's how your score is calculated, presuming that there are four members in your group:

- If all members of the group send an 'X', all members, including you, lose 10 points.
- If all members of the group send a 'Y', all members gain 10 points.
- If the group message is a combination of 'X' and 'Y', those individuals who sent the 'X' gain 10 points, and those who sent 'Y' lose 10 points.

Group Message	Score
XXXX	- 10 for each X
XXX XXY XYX YYY	+ 10 for each X - 10 for each Y
YYYY	+ 10 for each Y

Your goal is to get as many points for yourself as you can – regardless of the outcome for other members of your group and regardless of the outcome in other groups.

You may not communicate with one another in any way other than the 'X' and 'Y' messages, except as explicitly instructed.

PRISONERS' DILEMMA SCORE SHEET

Round	My Score in This Round	My Cumulative Score
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

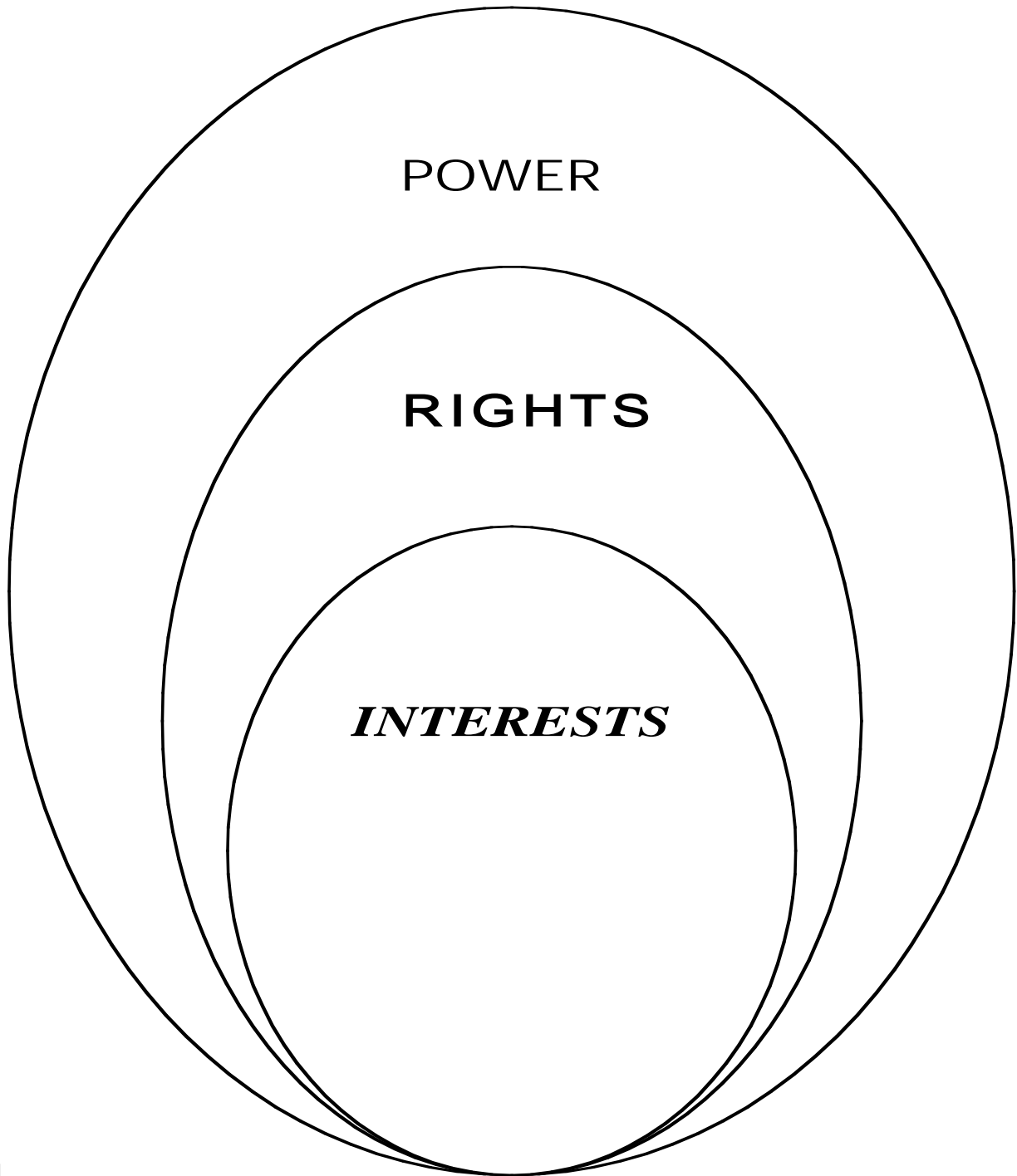
The Prisoners' Dilemma

	Cooperate	Compete
Cooperate	+ 10 + 10	- 10 + 10
Compete	+ 10 - 10	- 10 - 10

THE EVOLUTION OF COOPERATION

- Start cooperatively
- Be provokable
- Be forgiving
- Keep your strategy simple
- Send conciliatory signals
- Eliminate envy

DECISION-MAKING MINDSET



I

BOTTOM-LINE THINKING

Begin with the end in mind; propose solutions; focus on the answer you want to achieve without consideration of the needs of others; make offers and counter offers until you get as much as you can

Attitudes

- My goal is to get the most for me
- If you win, I lose
- My solution is the only right one
- I battle for what I want
- Conceding is weak

INTEREST-BASED THINKING

Develop a mutual understanding of one another's needs, concerns, goals and hopes and work together to build solutions that satisfy as many of those needs as possible; the best solution is advantageous to all

Attitudes

- My goal is to get the most for everyone, including me
- If you win, I can win as well
- There's not one right solution but a wealth of possibilities from which to choose
- I cooperate to get what I want
- Creating makes conceding unnecessary

THE NEEDS BENEATH THE SOLUTIONS

- The End Itself – Needs related to outcome or substance
- The Means to the End – Needs for sound process
- The Way we Treat Each Other Along the Way – Needs for respect, acknowledgement, relationship...

INTEREST-BASED CONSENSUS-BUILDING PROCESS

- Consider your own interests and those of others
- Begin to imagine solutions with joint gain
- Agree on process and on ground rules
- At the start, clarify the purpose of your effort
- Educate and get educated about interests
- Generate ideas that may meet needs/serve interests
- Build around those that meet all of the needs most effectively

FRAMING for Consensus Building

- Moving from fixed positions to flexible interests
- Moving from mutually exclusive views to integrated images
- Moving from pessimistic views to optimistic visions
- Moving from can't do to can-do
- Moving from impossible to possible
- Moving from 'theirs' and 'mine' to 'ours'
- Moving from 'them' and 'us' to 'we'
- Moving from what was and what is to what might be
- Moving from what I want to what we need

PROBLEM-SOLVING COMMUNICATION

- Listen to the Demand

‘If you don’t... then I’m going to...’

- Search for the Interest through Questions, Dialogue and your own Assessment

‘Why do you think that’s the best solution?’

- Join in Mutual Education

‘I have information about...’

‘What have you discovered about...?’

- Reflect Back the Interests

‘So, what’s essential to you is...’

‘What’s most important to me is...’

- Invite Participation in Solving the Problem

‘Can you think of solutions that would accomplish... while also taking care of...?’

SUMMARY

- It's not always about cooperation
- When it IS about cooperation, remember the Prisoners' Dilemma
- When it IS about cooperation, focus on underlying interests
- Think substance, process and relationship
- Create a process that gets to joint-gain outcomes
- Communicate to de-escalate the conflict and engage maximum cooperation

Facilitation and Mediation

Role Play

Groups of Three:
One Mediator, Two Parties

What's for Lunch?

Multi-Party Mediation Model

Convening	<ul style="list-style-type: none">- Framing the Problem- Identifying Stakeholders- Framing of the Kind of Solution We Expect- Scoping the Relevant Interests- Building Consensus on Purpose, Process and Participation
Opening	<ul style="list-style-type: none">- Stating the Purpose- Clarifying Roles – Mediator and Others- Agreeing to Ground Rules and Protocols- Educating One Another – First Statement of Interests
Reframing	<ul style="list-style-type: none">- Restating the Purpose and Process in Context of Interests- Stating the Criteria for Success
Exploring	<ul style="list-style-type: none">- Collecting, Disseminating and Discussing the Data- Delving into Interests and Giving Meaning to the Data- Educating One Another – Shared Learning
Generating	<ul style="list-style-type: none">- Developing Options for Mutual Gain- Considering Possible Outcomes
Evaluating	<ul style="list-style-type: none">- Considering Whether Potential Solutions are Viable- Integrating Interests, Data, Criteria- Searching for Common Ground
Refining	<ul style="list-style-type: none">- Focusing on the More Viable Option(s) and Making it(them) Better- Building Consensus- Framing the Solution- Ensuring Buy-in and Implementation
Closing	<ul style="list-style-type: none">- Ratifying- Concluding the Process and Ending the Dispute

TAKING CARE OF A GROUP'S PROCEDURAL INTERESTS

- Purpose
- Type of Outcome – Agreement, Recommendation...
- Process
 - Roles—convener, facilitator, participants, recorder
 - Operating norms and ground rules
 - Overview of the process and review of the agenda
 - Agreement on (or Modification to) the Long-Term Agenda
 - Commitment to Begin

SETTING EXPECTATIONS AND HELPING THE REST OF THE GROUP TO SET EXPECTATIONS

- What kind of behavior is conducive to an effective partnership?
- What kind of behavior is counter-productive?
- What do the participants need from each other?
- How are these expectations rooted in culture and history?
- How do we manage the tension between conformity and diversity?

MANAGING INDIVIDUAL MEETINGS

- Building detailed agendas
- Moving relevant data into the discussion
- Following a problem-solving sequence
- Moving the discussion – staying on track and following necessary lines of inquiry
- Detailing next steps
- Clarifying areas of agreement and issues that remain
- Creating a process to address unresolved issues
- Orchestrating the conversation
- Focusing effort and energy on solving the problem
- Interrupting and letting discussion move as needed
- Derailing unproductive lines of inquiry
- Fostering productive lines of inquiry
- Summarizing
- Floating tentative agreements when they present themselves
- Drafting straw-man proposals

PROVIDING LEADERSHIP FOR THE GROUP WHEN YOU HAVE EXPERTISE

- Focus on process as well as content
- Contribute ideas pushing the group to your point of view
- State constraints/assumptions up front so the group knows the negotiating parameters
- Believe that the group can help make a better decision

CONDUCTING A SUCCESSFUL MEETING

- Set a positive, optimistic tone
- Establish ground rules to protect the process and the relationship
- State the purpose of the problem-solving meeting
- Ask others about their needs and concerns (get them to disclose and listen)
- Summarize what you hear—list key issues to be resolved; acknowledge feelings, concerns, interests
- Frame the problem as a joint task to meet all parties' needs
- Ask others for ideas that will solve the problem (generate options)
- Ask others to evaluate the options (how well do they meet needs?)
- Restate agreements as they occur
- Help others plan to implement the agreement: Who? What? Where? When? How?
- Express appreciation for their efforts and accomplishment

AGENDA SETTING

- Priorities
 - Spend time on what's important

- Logical Sequences
 - Collect data
 - Analyze what you collected
 - Interpret what you analyzed
 - Apply what you interpreted
 - Scope interests
 - Develop options
 - Analyze options
 - Select what's promising

- Mediation Process
 - Divide Phases Into Meetings
 - Divide Meetings Into Work Times
 - Divide Work Times into Tasks
 - Divide Tasks to Convey Reasonable Detail
 - Make Progression Clear

BUILDING MACRO AGENDA

- Set meeting frequency
- Set major milestones
- Set deadlines
- Sequence big issues

BUILDING SINGLE AGENDA

- Take each milestone
- Divide into logical steps
- Give each presentation, each discussion, each negotiation its time

SETTING PRIORITIES

- Interests
- Values
- Objective Criteria
- Standards

BUILDING AGREEMENT

Approaches to Solving the Problem

- The Utilitarian Approach: Which one option satisfies the greatest number of needs for the greatest number of stakeholders to the greatest extent?
- The Negotiation Approach: What do you most want and what are you willing to give up to get it?
- The BATNA Approach: What can you get in the next venue; is that better or worse than the likely outcome in this venue?
- The Package Approach: What set of burdens and benefits can be assembled such that the whole is acceptable to all?
- The Consensus is Self-Evident Approach: What can you put on the table that everyone will agree to?

WHEN YOU'RE STUCK

- Go back to first principles – interests, interests, interests
- Look for the hidden agenda – the unspoken and unspeakable interest
- Look for procedural and psychological barriers
- Listen
- Slow down, reduce blame, make room
- Mediate issues two-party
- Link and unlink
- Look for short-term and long-term tradeoffs
- Try an interim or pilot solution with evaluation
- Look for partial solution
- Imagine the future with and without the agreement
- Deal with majority and minority views as allowed by protocol

CREATING THE WORKABLE DOCUMENT

- Mediator's single text
- Examples from other circumstances/states/agencies
- Drafting group – trusted, balanced, creative
- Sub-groups to work segments of the problem and generate proposals
- Agency's draft
- Outside expert's proposal

EVALUATING THE DRAFT AGREEMENT

- Matrix – interests on one side, options on the other
- Caucus and constituency consultations
- Adding implementation concerns and other criteria
- Testing the 'What-if'

CONCLUDING THE TRAINING SESSION

QUESTIONS AND ANSWERS

DISCUSSION

EVALUATION