

Workshop on Applicability of ADR techniques to Reduce Pendency in Courts

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National Judicial Academy, Bhopal

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SESSION 3

UNDERSTANDING CONFLICT,
THEIR BASES AND
FOUNDINGS: STRATEGIES
AND TECHNIQUES

CONFLICT

- Meaning
- Conflict –Vs- Disputes
- Escalation



Understanding Conflict

- Why Should we Understand the Core Conflict ?
....The Utensil Matrimonial Case
- Two Approaches to the Same Problem
 - Allopathy & Indian Medicine(Siddha etc)

Sources of Conflict

Data

- Lack of Information

- Misinformation

- Different Interpretations of Information

- Agree on process to collect data

- Agree on what data are important

Relationships

- Poor Communication
- Repetitive Negative Behavior
- Misperceptions, stereotypes
- Distrust
- History of Conflict

- Establish ground rules
- Clarify perceptions
- improve communications
- Agree on processes & procedures
- Keep your word
- Think futures / learn from past

Structural Conflicts

- Resources
- Power
- Time constraints

- Reallocate ownership & control
- Establish fair, mutually acceptable decision-making process
- Clearly define, change roles

Values

- Different criteria for evaluating ideas

- Different ways of life, ideology and religion

- Search for super-ordinate goals

- Allow parties to agree & to disagree

- Build common loyalty

CONFLICT STYLES

Avoidance

“*Conflict? What Conflict?*”

- *Strategies*: flee, deny, ignore, withdraw, wish and hope
- Often *Appropriate* when: the issue is trivial, time is short & a decision is not necessary
- Often *Inappropriate* when: negative feelings may linger, you care about the issues, used habitually

Accommodation

“Whatever you want is OK with me”

- *Strategies*: agree, appease, flatter
- Often *Appropriate* when: issue is not important to you, you realize you are wrong, taking “turns”
- Often *Inappropriate* when: you are likely to resent it, used habitually to gain acceptance

Competition

“My way or the highway”

- *Strategies*: compete, control, outwit, coerce, fight
- Often *Appropriate* when: an emergency looms, others don't really care what happens
- Often *Inappropriate* when: cooperation from others is important, others self-respect is diminished needlessly

Compromise

“Let’s split the difference”

- *Strategies*: bargain, reduce expectations, a little something for everyone
- Often *Appropriate* when: finding some solution is better than a stalemate, cooperation is important but time & resources are limited
- Often *Inappropriate* when: you can’t live with the consequences , finding the most creative solution is essential

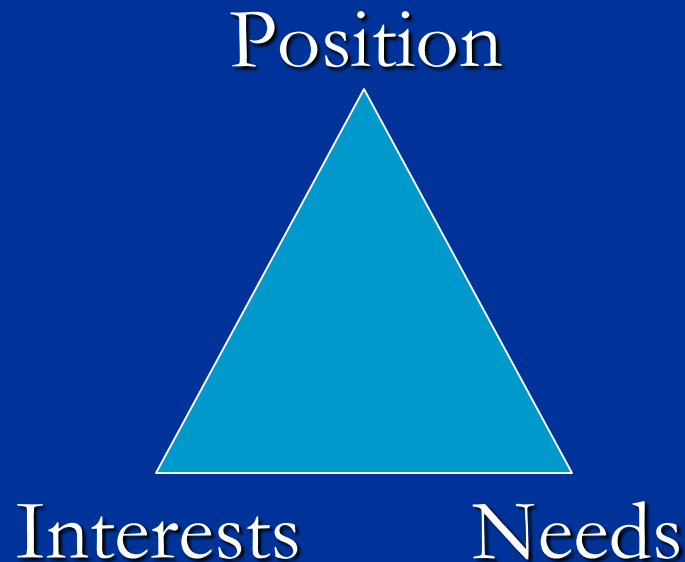
Collaboration

“How can we solve this problem?”

- *Strategies*: gather information, look for alternatives, dialogue, welcome disagreement
- Often *Appropriate* when: the issues and relationship are both significant, cooperation is important, reasonable hope to address all concerns
- Often *Inappropriate* when: time is short, the issues are unimportant

CORE VALUES & PRINCIPLES

- Conflict is Natural
- Conflicts are Born with Solutions
- Understand & Analyze the Conflicts:

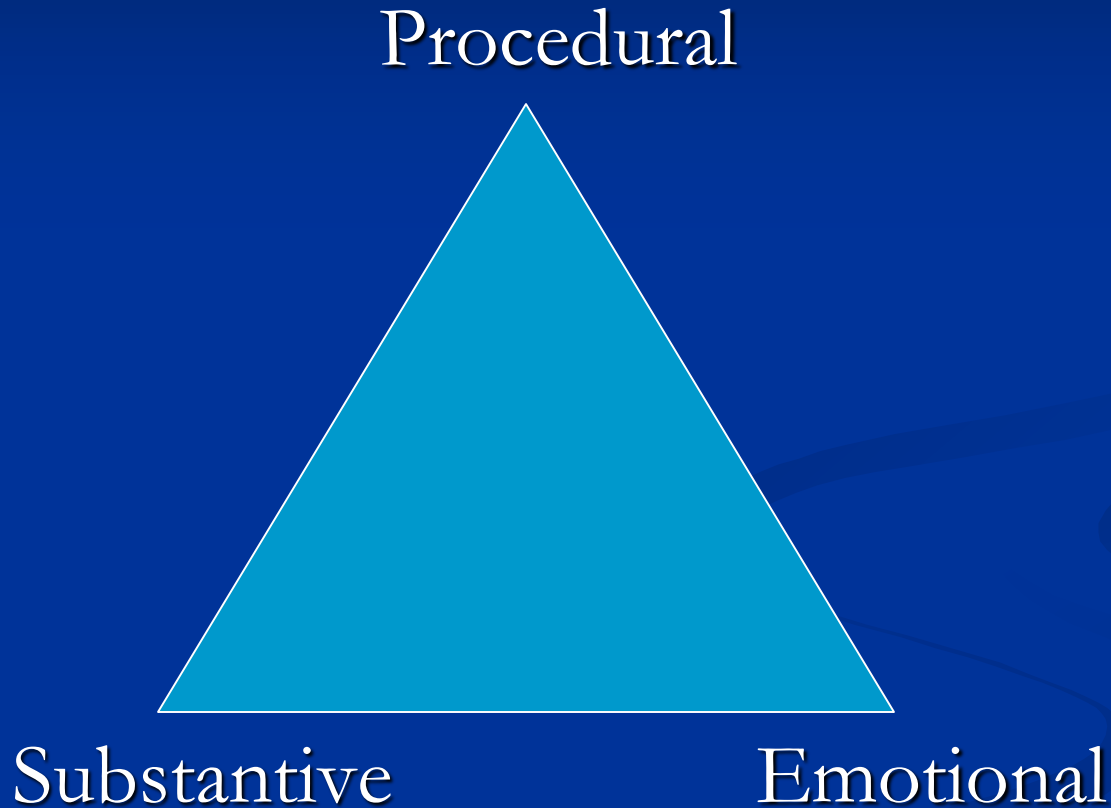


Core Values & Principles ...

Contd

- Separate People from the Problem
 - Be Soft on People , Hard on the issues
- Shift from the Past to Future
- Shift from Position to Interests & Needs
 - By Asking OPEN ENDED Questions
- Allow Venting of Emotions

THE SATISFACTION TRIANGLE



Session – 3 ... Understanding conflict

- Parties Collaborate
- Win – Win Emerges

.....Questions ?