CMD

Centre for Multiparty Democracy

CONFLICT MANAGEMENT
AND
RESOLUTION MANUAL

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Preface

The Centre for Multiparty Democracy has several objectives that include: to mediate in conflicts between Member Political Parties; and to foster national unity, inter and intra party unity, peace and reconciliation.

In pursuance of these objectives, CMD - M decided to make conflict management and resolution as one of its core and on going activities. Training is the same has been identifies as one way of developing and sharpening the skills of leaders of political parties at different levels.

This manual has therefore been prepared to serve as both a guide and reference material for politicians especially those that hold leadership positions in political parties in Malawi. Being a manual for politicians its actual application whether as a guide or a reference material benefits from the enormous practical experiences of the practitioners themselves who in one way or the other are involved in conflicts and/or conflict management and resolution.

Acknowledgements

The Centre for Multiparty Democracy would like to extend its profound gratitude to Mr. Chris Mabwela for developing the module outline and content of this manual. Without his dedication and understanding of the target group, this manual could not have become a reality. The Centre is also indebted to Dr. Gerard Chigona who worked with Mr. Mabwela during the initial training sessions. These training sessions underlined the need of the manual and provided an inspiration to the centre to consider developing a comprehensive training manual. The manual has also benefited extensively from the work of Dr. Augustine Magolowondo who has previously worked with the Centre in facilitating training sessions in conflict resolution and management and for developing the "model Conflict Resolution Strategy."

Last but not least, CMD would like to sincerely thank the UNDP Malawi for the financial assistance for the development of this manual. CMD believes that this manual will be an important resource for political parties as they continue exploring and putting together democratic mechanisms of running their political parties.

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How to use the manual

This manual contains basic information about conflict management and resolution. The information is intended to assist the trainer or facilitator with valid reference when giving input for the benefit of workshop participants.

The information is presented in simple language and in brief sections, including bullet points and diagrams. This is to enable easy access to a cross section of target groups most of whom comprise middle range political party leadership.

The form of presentation further assumes a participatory process of learning, hence the use of activities and discussion questions in various sections of the manual. This approach to learning encourages participants to talk about their own experiences and perspectives thereby ensuring contextualisation of knowledge. The facilitator is encouraged to come up with additional activities that would further assist in clarifying the different concepts explored in this manual.

In terms of structure, the manual is divided into modules and each module is broken down into units. At the beginning of each module, there are objectives that are expected to be achieved upon completion of that particular module. The objectives are stated in such a way as to make evaluation of results easy for the trainer or facilitator.

The manual is ideal for a training workshop with a sizeable group that will allow for maximum participation of every participant.

POLITICS AND POLITICAL PARTIES

Learning Objectives:

At the end of this module, participants should be able to;
* Explain the origins of CMD and state the organisation's objectives
* Explain what politics is.
* Explain the importance of politics in the life of the individual and society
* Discuss the main issues that concern politics.
* Define a political party
* Explain the importance of political parties and their roles in democracy

Unit 1.1 Centre for Multiparty Democracy

CMD – Malawi (CMD – M) is a membership organization that is open to political parties that have representation in the National Assembly of the Republic of Malawi through General Elections or by-elections. Its overall objective is to enhance inter-party programs of common interest for the promotion of political dialogue, stable multi-party democracy and socio-economic development of Malawi. Its specific objectives include the following:
* To improve participation in parliamentary business;
* To improve dialogue and interaction between Member Political Parties and institutions that support democracy;
* To mediate in conflicts between Member Political Parties;
* To foster national unity by mapping out common goals for national interest and democratic development;
* To foster national unity, inter and intra party unity, peace and reconciliation;

CMD – M's Mandate in relation to Conflict Management

The CMD - M constitution regards issues of conflict management as one of the most fundamental objectives of the Centre. The Centre's mandate to involve itself in issues of conflict management is derived from the constitution.

Unit 1.2 Understanding Politics

Introduction

Politics is among the most ancient and persistent source of conflict, as it determines how power will be distributed among people which in turns determine how resources will be allocated and how rules governing society will be made. Conflicts arise as people compete to outwit each other in order to gain control of the power to allocate resources and the power to be at the driving force of setting the rules of the game. Thus conflicts determine the very existence of politics.

If truth be told, conflict is the principal means by which significant social and political changes have taken place throughout history. Wars and revolutions can be understood as efforts to resolve deep-seated political, economic, and social conflicts for which no other means of resolution was understood or acceptable to either or both sides.

We therefore require improved understanding, not only of the conflict but also politics in order to be able to manage or transform the conflict.

Brief overview of what politics entails
Politics may be said to be what government is all about for it is concerned with 'who gets what, when and how'. A few observations are in order here. First, it is clear that politics is a social process that exists in any social setting. This is because the question "who gets what, when, and how" is the kind of question that cuts across all societal levels— family, community, district, region and nation. Second, at the centre of politics is the issue of making choices. These choices are largely to do with distribution and/or redistribution of resources. Such resources exist in different forms and at different levels of society. Material resources like development projects and money are only some of the many resources we can think of. Others may include power and authority. Furthermore, the question of who gets what when and how also presupposes diversity of interests and values, a phenomenon that is a norm in all human societies.

Given this reality, politics is, therefore, not concerned with elimination of differences and conflicts. Rather, it is to reconcile them by creating compromises. That is by finding the 'right' answer to the question: who gets what, when and how. Thus, politics involves negotiation, bargaining, persuasion and compromise.

In every society people have always organized themselves, regulated the distribution of power, `resources, and resolved conflicts for purposes of peaceful co-existence. That is politics. Thus broadly defined, politics refers to activities of cooperation and conflict within societies, communities and the nation, and even between states and nations. Through politics people go about obtaining, using, producing and distributing resources. These activities are influenced by, and in turn do also influence the distribution of power in state and society. Further, politics can also be understood as the making and enforcing of agreed rules. In this case all human relations are political in the sense that they follow some kind of agreed rules. Wherever there is organized human life, there is politics. Therefore, politics is not just what governments, political parties and politicians do. There is also politics in institutions and places like the family, the village, the Church, the Mosque, NGOs, schools and colleges, as well as workplaces.

It has been stated already that wherever people are, there is politics. In this regard what this means is that politics and political life is rooted in the nature of people themselves. In principle, we cannot think or imagine human beings as none political. Human beings are social by nature. Where this feature finds clear expression is in language and interdependence. Human beings communicate and because none is totally self-reliant, they cooperate to achieve common goals. It is here that we find the foundations of not only politics, but also that of the state and other social organizations. Generally, human beings do not live in isolation. This particular understanding that the social nature of people, individually and collectively, is the foundation of politics is very important especially in democracy. What it means is that political power comes from, and belongs to the people, and that leaders are only there on behalf of the people.

Activity 1
Ask participants to consider the three arms of government—the Executive, Legislature and Judiciary. Ask them to discuss;
What they think the role of each one is in deciding who gets what, when and how
What are the agreed rules by which each of the branches operate?

Activity 2
Ask participants to make a role play on the following story (up to 10 participants)
You are vendors at an unorganised wayside market. Suddenly a well-wisher appears and

offers to give all vendors K10 million for business improvement.
The hardware vendors claim they will be responsible for distributing the money because their businesses are large and they handle big money. Their capital share of the whole market is 60%
The agriculture produce vendors claim they will be responsible because they are in the majority. Their capital share of the whole market is 30%
The cooked food vendors claim they will handle the money because they are the ones most in need. Their capital share of the whole market is 10%
Immediately a fight erupts.
The wellwisher donor leaves and promises to return after seven days when the vendors get organised.

As a member of this vendor group, how do you contribute to the process of (a) helping the group obtain the K10 million and (b) sharing the money in fairness and justice among the different categories of vendors?

NOTE: *This exercise aims to highlight the importance of politics in life, the making and enforcing of rules, and also the broader question of determining who gets what, when and how?*

Let participants freely discuss the merits and demerits of the various choices and strategies proposed in the role play.

Feedback
Very often whenever a person expresses interest to join politics, the initial reaction from family members and friends is that of discouragement. It is as if no sane person is expected to join politics. The common picture is that politics is about lies, violence, disagreements, cheating, greed, insults, and even promiscuity. There could be valid reasons based on experience that justify viewing politics in this way. However, politics on its own is not dirty. Instead, it is an activity through which people make, or defend and amend the general rules and regulations under which they live as a community or nation. Indeed this activity entails conflict at certain times, but also cooperation. Human life is almost impossible without politics. People need commonly agreed ways, means and standards of allocating resources and achieving common interests. Without this society could disintegrate into chaos.

Four key configurations of politics and their relationship with conflict

We are going to examine some four configuration of politics and discuss how they relate to the question of conflict

Politics as Government.
In this case, it refers to the affairs of the state. Politics is restricted to what happens in government by politicians and civil servants. In this understanding politicians are mainly concerned with providing the policy direction while the civil servants are the technical people who operationalize and

implement such broad policy decisions. It is not unheard of that sometimes politicians tend to cross the line and behave as if they are the technical people i.e. trying to dictate what the civil servants should do and how they should do it. On the other hand, technocrats can decide to deliberately frustrate the agenda of politicians which may lead to policy failure. Thus considering politics as government involving politicians and civil servants has a potential of brooding conflict.

Politics as public affairs.

This understanding is broader. It is concerned with the attainment of good life in a community or country through the institutions of the state like courts and police. The very concept of good life in a society can be controversial. In a society there are different interests and so politics has to aggregate the different interests and there may not be consensus in this process of interest aggregation, hence a potential for conflicts.

Politics as compromise and consensus

In this case politics is a means of resolving conflict by compromise, conciliation and negotiation, rather than through force or naked power. This implies peaceful debate and arbitration.

Politics as power.

This concerns the production, distribution and use of resources in the day to day life of the people. In this regard politics is seen as a struggle for power to control the means for the distribution of scarce resources. The expression "those in power" or in Chichewa "olamula boma" literally means those people who have power to determine "who gets what, when and how" or indeed the constitutive dimension of power to mean who makes which rules / laws. The struggle to get hold of this political power oftentimes leads to conflicts and it basically in this context where it is said that politics is the major source of conflicts in the world.

Unit 1.3 Political Parties in a Democracy

Political parties form a crucial component of modern democracies. Generally, a political party is defined as a group of officials, or would be officials, who are linked with a sizable group of citizens into an organization, whose chief objective is to ensure that the officials attain power or are maintained in power. Much as political parties are a recent development in history of politics dating back only to around 1793/94, they have progressively been refined and become have become a standard practice of doing politics in democracy.

The aim of this module is to assist participants to acquire relevant knowledge and skills so that they can manage their political parties successfully in democracy.

Activity: Group work

Ask participants to get into groups of 5-6 people and list down the roles of political parties in each of the following categories

(a) The president's political party, or 'ruling' party
(b) The opposition political party
(c) Political party outside parliament

Participants should report in plenary and discuss. Plenary discussions should focus on the similarities and differences of roles and the reasons behind them.

Role of political parties in democracy

Alongside Parliament, political parties are the most enduring instruments for people's participation in the process of attaining their political aims and ambitions. The role of political parties may be defined largely by their common aim, i.e. to seek power either singly, or in alliance with other political parties. The goal of attaining political power differentiates political parties from other groups.

Political parties perform many roles in a democracy. However, for our purposes in this unit, we shall focus on the major roles only. These roles can be classified into two: **the ordinary roles** and **the in between elections roles**.

Ordinary Roles

*   Selection of political leaders at every level in the machinery of government
*   Organize support for government policies and programmes.
*   Stimulate popular interest and facilitate public participation in political affairs.
*   Promote national harmony.
*   Provision of a common denominator across races and ethnic groups;
*   Provision of a sense of identity and belonging
*   Uniting, simplifying and stabilizing political processes.
*   bringing together sectional interests, and overcoming geographical distances
*   Educating, instructing and activating the electorate.
*   protecting the leadership, as well as recruit members and potential leadership.
*   Setting values, ideologies or goals for society.
*   shaping public policies as well as legislative reviews and proposals.
*   Linking government and the people.

Roles of Political Parties in between elections

*   Consolidating the gains for those that have won the election by way of continued recruitment of memberships and establishment or strengthening of the grass-roots structures.
*   Rebuilding the party by recruiting new members, potential leaders, designing new messages and strategies.
*   Monitor the implementation of government policies and budgets, as well as public projects and debts.
*   Initiate policy or legal review and propose amendments to the existing legislation or initiate new policies and pieces of legislation.
*   Refine their ideologies, sensitize the party membership.
*   Fundraising campaigns for the smooth functioning of the party and for the next elections.

Conducting civic education/political literacy to the general public and party membership on such aspects as the national constitution, environment, development, national and local budgets, roles and responsibilities of the elected, rights and duties of the citizens.

By the very nature of its set up, a political party is bound to face conflicts. Although it is comprised of people who share some common interests, it is not always the case that the party members will act as if they were one entity. Differences will naturally exist and this is a recipe for conflicts. Considering also the functions that political parties play, it becomes a fact that conflicts are inevitable. Political leaders, therefore, need to accept that in any democratic party, there should be room to accommodate and manage differences.

UNDERSTANDING CONFLICT

Learning Objectives:

At the end of this module, participants should be able to;
- Explain what conflict is
- Understand and recognise the characterics of conflict
- Explain different types of conflicts
- Explain the different causes of conflict
- Distinguish between substantive and emotional conflict
- Explain the sources of conflict
- Understand or recognise the relationship between conflict and violence
- Explain the effects and forms of violence
- State the benefits of handling conflict in a non-violent and constructive way

Unit 2.1. What is conflict?

Conflict is a reality of social life and exists at all levels of society. Actually conflicts are as old as the world itself. We learn from history about individuals being in conflict with each other because of various reasons. The trend has not changed even today. Individuals, villages, tribes, political parties, nations and other types of groupings engage in conflicts. Practically each of us has in one way or the other been involved in conflicts either at family level, workplace, and many other places.

Generally, a conflict exists when there is an interaction between two or more individuals, groups or organizations where at least one side sees their thinking, ideas, perceptions, feelings or will contradicting with that of the other side and feels that they cannot get what they want because of the other side.

The existence of a conflict shows that something in a relationship–or the whole relationship – between involved parties cannot continue as it was. It is an opportunity for adjustment and for constructive change. A relationship without conflict stagnates, a society without conflict does not make progress.

In everyday life, however, we tend to experience conflict as something painful which we would rather avoid, neglect or forget about. Sometimes, for these reasons, we accuse others of "disturbing the peace" when they try to protect their interests and needs. A good example is the conflict between the civil society and the government which led to demonstrations on 20th July 201. In other cases we use conflicts to confront others with our ideas, our own interests or use our power to impose these ideas on them.

Rarely are conflicts perceived or used as an opportunity to reach a higher degree of satisfaction in relationships. The conflict referred above was an opportunity for the two parties to enhance their relationship. We certainly learn the mechanism of dealing with conflicts more or less constructively in our life time. Conflict transformation is a more systematic approach, one that makes use of our experience and wisdom. Knowledge about the nature of conflict is used to develop systems, instruments and skills that can help us gain a better understanding of conflicts and deal with them more satisfactorily.

Usually conflicts are centred on an issue, a problem, a question or a theme (e.g. shortage of fuel, quota system, academic freedom etc)

Being social groupings, political parties need to look at conflicts as:

i. Natural
The assumption here is that conflicts are dynamic and are not inherently negative or positive. Conflicts are an inevitable part of life-they are a part of our daily EXPERIENCES. There is potential for conflicts within and around us. Therefore life and conflicts are inseparable.

ii. Being about differences
Simply put, conflicts have to do with differences whether at individual, interpersonal, intra-group, inter-group or at broader levels. These differences can be in terms of values, interests, goals, wishes etc. However, it should be noted that conflicts arise when the concerned parties, either both of them or at least one of them, feel that their interests, goals, values, wishes, wants or feelings cannot be met because of the other side that has opposing views on the same. Having differences is something that is 'given'; it is how we express such differences and what we do that can lead to positive or negative experiences for us and those around us.

iii. Danger and opportunity
As the energy in a fire can build or destroy, the energy in conflicts can either be constructive or destructive. Conflicts can both be dangerous and beneficial depending on how the people involved choose to deal with them. If we look at conflicts from a positive point of view, they can be a source of positive change which would have otherwise not come. However, conflicts can be and have been a source of misery and suffering, in other instances. In Malawi we have witnessed cases where political parties or their factions have engaged in violence due to failure to handle conflicts constructively

iv. Moving up and down an escalator
Conflicts can also be likened to moving up and down an escalator in multi-storey building. The escalating or 'going up' factors are what contribute towards turning a conflict into something negative or destructive like a fire which is made to clear some unwanted bush but runs out of control and ends up destroying things. The de-escalating or going down factors are the factors that help us to channel the conflict energy into something positive and constructive.

v. Something we all know about
We come from different political parties bearing different political interests and values. It is a given fact that we have experienced and dealt with conflicts in our parties in different ways. We may have negative, positive or neutral associations with the term 'conflict' but what is clear is that we have all in one way or the other encountered and resolved conflicts in our political parties and we will continue to do so. Therefore, it would be helpful if each one of us would start to have a positive look at conflicts. The way we view conflicts determines how we deal with them, either from a negative point of view which often lead to destruction, or from a positive point of view which enables us to get something good and beneficial from a conflict.

vi. Something that is culturally bound
Conflicts and conflict resolution are culturally bound. There isn't one right way to handle conflict and we cannot assume that all people and societies think and deal with conflicts in the same way. There are, however, a number of fundamental approaches and responses which are universally useful and we will deal with some of them later.

vii. A challenge
From the points above it is apparent that conflict and conflict resolution are a challenge that we all need to deal with in our daily lives be it in our families, church and indeed political parties. Let us always remain prepared to face this challenge whenever we encounter it.

Unit 2.2.Types of Conflicts

Conflicts are classified as follows:
- **Intra-personal conflicts:** Conflicts within a person, psychological conflict, decision making conflict in one person. Though these conflicts may play a part in social conflicts, they are not the subject matter of conflict transformation work but more of a concern of therapy or counselling

- **Inter-personal conflict:** Conflicts between two or a small number of people without groups building up around one side.

- **Intra-group conflicts:** Conflicts within smaller (team, organization, family) or larger groups (religious community, within elites in a country). Here group dynamics add to the normal dynamics of inter-personal conflicts.

- **Inter-group conflicts:** Conflicts between groups, like organizations, ethnic groups, political parties

- **Inter-national, inter-state conflicts:** Conflicts between two or more countries, states.

Unit 2.3.Causes and manifestation of Conflict

2.3.1. Causes of Conflicts

The discourse about the problem of conflict is very often limited to one or very few causes. This is part of the dynamics of conflicts and it tends to limit the perspectives of those involved. It is important however to go deeper and understand the root causes of each conflict.

There can be so many causes of a conflict but what we normally see is just very little. Some of the causes include.

- **Data/Information Conflict**
  This type of conflict results from strong emotions, stereotypes, miscommunication and repetitive negative behaviour. It is this type of conflict which often provides fuel for disputes and can promote destructive conflict even when the conditions to resolve the other sources of conflict can be met.

- **Value Conflict**
  This conflict arises from ideological differences or differing standards for evaluation of ideas or behaviour. The actual or perceived differences in values do not create conflict. It is when values are imposed on groups or groups are prevented from upholding their value system that conflict arises.

- **Structural Conflict**
  This is caused by unequal or unfair distribution of power or resources perpetrated or justified by established institutions or structures e.g. the informal and formal structures in an organization, party etc.

- **Interest Conflict**
  This involves perceived or actual competition over interests, such as resources, perceptions of trust and fairness.
  An analysis of the different types of conflicts the parties are dealing with helps the intervener to determine strategies for effective handling of the disputes.

2.3.2. Manifestations of Conflict

It is important to know that conflict is always a pointer to something deeper or hidden. There are two things that conflict points to. First, conflict can point to a **fundamental disagreement** concerning the means or objectives an organization or a group intends to pursue. Conflicts of this kind are said to be **substantive**. Second, conflicts can also point to **interpersonal difficulties** that arise over feelings of anger, mistrust, dislike, fear, resentment, etc. Conflicts of this nature are said to be emotional, they are to do with "clash of personalities".

> ***Note:*** *Whenever there is conflict, it is important to find out whether the conflict is substantive or emotional. However, substantive conflicts can eventually give rise to emotional conflicts. For example, in situations of glaring economic disparities, some people might be hated not because of their personal wrong doing, but because of belonging to a class that is seen to be exploiting others. Again, emotional conflict can take wider dimension if people involved are leaders.*

2.3.3. Sources of Conflict

There are a number of sources out of which conflicts arise. The following are common:
- Political sources:-power struggles, differences in ideologies, etc.
- Religious sources: - power struggle, differences in doctrine, etc.
- Cultural conflict:- when two cultural traditions compete for dominance
- Economic privileges:-where some people feel marginalized
- Natural resources e.g. land, etc.

> ***Note:*** *These sources can be interlinked in many cases, e.g., political power easily makes people have control over resources and economy.*

Unit 2.4 Conflict versus Violence

Conflict and Violence are not identical.
Violence is very often an expression of conflict, a way of carrying out conflicts.
Violence in conflicts exists:
- As an instrument of repression by a more powerful conflict party, wishing to force their interests upon others
- As instrument for the articulation of interests by the weaker conflict parties, especially if they do not know other ways
- When conflict parties fail to find other means of carrying out conflicts
- In connection with an escalation of conflict dynamics
- As a reproach towards the other party in order to legitimize one's position

The Norwegian political scientist and peace researcher Johan Galtung in the Journal of Peace Research offered the following definition of violence:
"I see violence as avoidable insults to basic human needs, and more generally to life, lowering the real level of needs satisfaction below what is potentially possible"
(Journal of Peace Research, Volume. 27, No. 3, 1990, p. 292)

This has the following implications:
- Violence affects human beings and occurs between human beings
- People affected by violence are limited in the satisfaction of their basic human needs (survival needs, well- beings needs, identity and meaning needs, freedom needs)

- Under the influence of violence, human beings experience a distance between their current and future possibilities or they are stopped from satisfying any further needs
- Violence may touch body or soul

Violence is connected to avoidable (man- made) influences

Examples:

If people die of treatable diseases because political, economic, social circumstances prevent or make existing drugs unavailable, then this is a form of violence. If the treatment and the relevant drugs are scientifically not known, then lowering the level of needs satisfaction cannot be avoided and we cannot call this violence.

Use of arms against human beings, killing, maiming through land mines, as well as psychological pressure and torture- all count as violence. Radiation and disease caused by industrial pollution are risks that are known to decrease the possibilities for self-realization among parts of the population. The lack of concern for food distribution in times of crisis is similarly a form of violence. Violence is allowing norms, rules, laws (or the absence of such regulations) to prevent parts of society, such as women, from gaining access to education, jobs, opportunities, or more generally speaking – the means of self-development, freedom needs.

Galtung describes five dimensions of violence:

| V | Intended-Not intended |
I	
O	Manifest-Latent
L	Personal-Structure
E	
N	Physical – Psychological
C	
E	Related to an object- Without Object

"By cultural violence we mean those aspects of culture that can be used to justify or legitimize direct or structural violence".

It is important to stress that there are no" violent cultures". Galtung talks of aspects, flags, anthems, military parades, and inflammatory speeches, posters that incite people to war and are used to build the ground for other forms of violence. Language, Science, social discourse and paradigms of thought may also contribute. The distinction between personal and structural violence is of special interest. Personal or direct violence is the form of violence where the perpetrator and victims can be clearly identified, at least in principle e.g. beating, killing in war, threats, etc.

Structural or indirect violence is the form of violence where perpetrators are not so easily identifiable because a whole network of structures and responsibility is involved. Sometimes there may even be no one intending to exert this violence. This happens in the case of industrial pollution, laws that marginalize sections of the population, etc.

Galtung adds a third form of violence, cultural violence:

The three categories are inter-related:
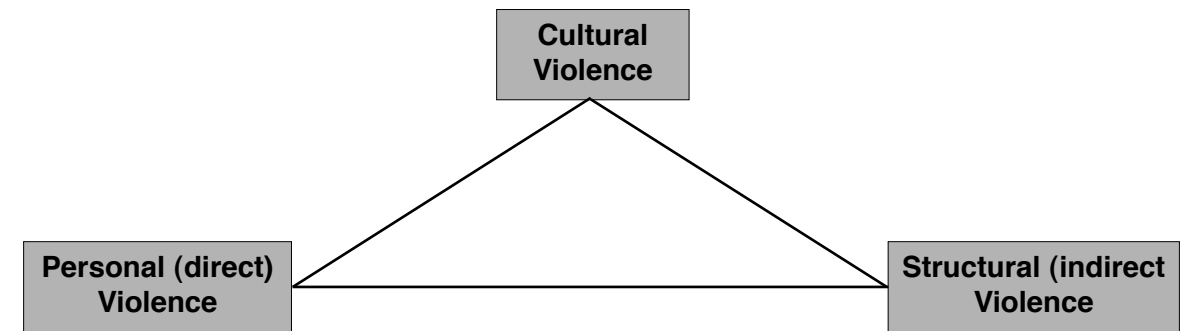
Unit 2.5.What Conflict can do

As already alluded to, if handled constructively, conflicts can be beneficial in many ways. The following are some of the benefits:

i. In the early stages of life conflicts can assist one to assert his/her personal identity as different from the aspirations, beliefs and behaviour of others.

ii. Intensity of conflicts demonstrates the closeness and importance of relationships. Intimate relationships require us to express opposing feelings. While sometimes the intensity of emotions can threaten relationships, if they are dealt with constructively, they can help to measure the depth and importance of a relationship.

iii. Sometimes conflicts create new relationships. During the process of conflict and resolutions, conflicting parties may find out that they have common interests and they may agree to start an on-going relationship. There are a lot of examples of politicians who are friends now but were rivals sometime before.

iv. Conflicts can create coalitions. Similar to building relationships, sometimes 'enemies' come together to build coalitions to pursue common interests. During the conflict, previous antagonism is suppressed to work towards these greater goals.

v. Conflicts act as a safety valve which helps to sustain relationships. Groups which suppress or do not give room for opposing views become rigid with time and eventually become weak. Resolution of conflicts especially through the use of a third party sometimes makes parties vent out their emotions and reduce tensions in a group.

vi. Conflict helps group members to assess each other's powers and to redistribute it fairly in cases where there are power imbalances. In most political parties there are no clear-cut ways of truly measuring the power of members. Conflicts provide one such way.

vii. Conflict establishes and maintains group identities. Groups including political parties tend to create boundaries which help them to determine who is part of the in-group and who is not when there is a conflict. In this way, party members become aware of who is a true member and those who are 'aganyu' (members who join a party not for love of it but simply to benefit personally). When such realization is made those who belong to the in-group mobilize themselves to defend the interests of their party.

viii. Conflicts establish and maintain group identities by clarifying issues, values, norms and beliefs that may have been sources of conflicts because of lack of clarity.

ix. When a group is threatened as a result of conflict with another group, normally its members come together in solidarity hence making the group to become even stronger than before.

x. Conflict helps to modify rules, laws, norms and institutions. It is through the raising of issues that gaps regarding rules, laws or beliefs can be identified and corrected. Problems or frustrations left unexpressed result in maintaining undesired status quo. A case in point is the Constitutional Review process which Malawi embarked on in 2005. Through this process the country sought to modify, subtract or add some constitutional provisions whose ambiguity, presence or absence have caused conflicts. It is apparent that the process came as a result of conflicts that arose regarding some constitutional provisions.

The points above underscore the fact that conflicts can be beneficial if they are resolved amicably using non-violent means. However, what has been usually the case with political parties in Malawi is that most of them have often decided to resolve their differences by suing competitive ways such as litigation or violence. It is not a secret that conflicts resolved in such a manner have led to destruction of property, injuries and in some cases loss of life. Malawians still recall the unfortunate development that took place in Mulanje Bale where a constituency governor for one political party died as a result of political violence between the defunct National Democratic Alliance and the United Democratic Front. It is apparent that using violent ways to resolve conflicts produces no winner. All parties involved in a conflict lose something. On the other hand, it is possible to have a win/win situation from a conflict if that conflict is resolved non-violently and constructively. The way we respond to conflicts, therefore, plays a very significant role in determining how that conflict will unfold. But before we discuss in detail how different people respond to conflicts and how conflicts can be resolved in the following modules we will first discuss how conflicts escalate and how they can be analysed.

MODULE THREE:
CONFLICT ANALYSIS

Learning Objectives:

At the end of this module, participants should be able to;
- Critically analyse political conflicts and the forces at work behind the issues
- Use skills and tools of analysis to find the root causes of conflict
- Take action in resolving the issues.
- State and explain the nine levels of conflict escalation
- Distinguish between structural analysis and problem tree analysis and recognise the characteristics of each

Unit 3.1. Introduction to Conflict analysis

Conflict Analysis: What is it?
- Getting critical awareness about the conflict issue or understanding the issue more deeply.
- A tool to examine deeply an issue in a given situation to understand its root causes, connections and consequences
- TOOL - Approach, way
- EXAMINE - Explore, open, put apart
- DEEPLY - Critically, thoroughly, going or digging to the roots.
- SITUATION - Conflict problem, policy, issues
- ROOT CAUSE - Major influences
- UNDERSTANDING - Discover, recognize
- CONNECTION - Link inter relationships
- CONSEQUENCES - What comes as a result of the conflict

The whole dynamic conflict analysis is to be able to move from an attitude of "*I don't know what the real cause of the conflict is!*" to "*Now I know why we have this conflict!*"

After a conflict analysis, the main issues or generative themes should become clear. When it comes to conflict resolution or management, it is such issues or themes that will be targeted.

Key areas to determine when analysing the conflict

Positions, Values, Issues, Interests and Needs
Entering into conflict situations is often an unpredictable task. It is therefore important for the person or group analysing a situation to gather data about the above areas and the parties involved should understand and determine the positions, values, issues, interests and needs of each of them.

Positions are formal, official and very often public. They are what the person says and demands. They contain an understanding of the situation, the outcome of the conflict and the role that the conflicting party plays in it. Very often they contain a value as a justification or legitimization.

Values are basic qualities which are held to be very important and may be used to justify positions. They can be cultural norms, laws, ethics or principles.

Issues are what the parties claim the conflict is about. They are specific and concrete. Very often factual problems are less important than relationship problems, though conflicts are usually framed in factual terms.

Conflicting parties are motivated by their own **interests.** They may be expressed but often they are concealed. Frequently, an actor may have several interests in a conflict. As interests are not essential human needs, they are negotiable and their relative importance may change with time.

Needs are the fundamental, essential requirements for human survival. They relate to security, identity, community and vitality of human life. They are not negotiable, but they may be satisfied in different ways. They are usually unstated or disguised.

When analysing the actors we need to consider all the above factors. In this case you look at the **ISSUE** and place it at the centre with all the actors around it. Then identify each actor's *position, interests, needs and fears on the issue*.

Looking at interests, needs and fears, suggestions can be developed for inclusive solutions that could be options for settlement of conflict. Inclusive solutions are those that have the potential to address the needs and interests of all parties in the conflict. This analysis helps to develop empathy among conflicting parties and a common understanding around the motivations underlying the conflict.

Unit 3.2.Levels of Conflict Escalation

The nine levels of escalation

1. Hardening
   - Positions sometimes harden and clash e.g. Civil society position to march and government says no marching.
   - Conviction that tensions can be resolved through talking
   - Parties and factions not yet entrenched
   - Co-operation still stronger than competitiveness

2. Debate and polemics
   - Polarization of thinking, feeling will
   - "Either/or thinking
   - Tactics: pretending to argue rationally; verbal violence
   - Speeches to an "audience":
   - Attempts to score points via third parties
   - Temporary groupings form around certain stances
   - Discrepancy between Overtone and undertone
   - Fighting for dominance
   - Oscillation between Co-operation and competitiveness

3. Actions, not words
   Strategy of:
   - Talking no longer helps- so actions are called for!
   - Discrepancy between Verbal non-verbal behaviour- and the latter dominates
   - Danger of misinterpreting actions
   - Pessimistic expectations rooted in suspicion
   - Pressure for group conformity
   - Loss of empathy
   - Competitiveness stronger than co-operation

4. Images and coalitions
   - Stereotypical images, rumours
   - Manoeuvring each other into negative roles and fighting these roles
   - Wooing of supporters
   - Self-fulfilling prophecy through fixation on images
   - Hidden provocation that is difficult to prove
   - "Double bind" through paradoxical orders

5. Loss of face
   - Public and direct personal attacks- moral integrity is lost
   - Staging of unmasking activities as a ritual
   - Image: angel-devil
   - Loss of external perceptiveness
   - Ideology, values, principles!
   - Striving for rehabilitation

6. Strategies of threat
   - Spiral of threats and counter-threats
   - Locking oneself in as well as each other
   - Manoeuvring oneself into compulsion to act; loss of initiative stress increased through ultimatum and counter-ultimatum Acceleration

7. Limited destructive blows
   - Thinking revolves only around "inanimate objects"
   - Human qualities no longer valid limited destruction as "appropriate response"; avoidance of counter-blows
   - Damage considered a benefit

8. Fragmentation of the enemy
   - Bringing about total breakdown of the enemy system destroying vital system factors in order to make system unmanageable complete destruction (body, soul, spirit)

9. Together into the abyss
   - No way back, total confrontation destruction of the enemy even at the price of self-destruction. Remember burning of shops and vehicles on 20th and 21stJuly 2011 that included employment of self-destruction)

Unit 3.3. Tools for Analysing Political Conflicts

There are different tools which are used to analyse conflict situation. In this manual we will only use two tools namely structural and problem tree analysis. Users of this manual are free to use other tools to complement the tools below.

1. Structural Analysis

This is a process of examining the structures of the social political community to identify the causes, consequences, connections and different actors in the social, cultural, economic, political and religious set up. This approach helps to give a broader picture of what is happening instead of focusing on isolated events and experience. It is only after structural analysis that major problems or issues affecting political party can be identified. Structural analysis is a rather complex process, which requires a lot of intellectual effort.

i. Conflict history

The starting point of structure is historical analysis whereby an attempt is made to understand how a given conflict situation came about and projects its consequences in the future in case no measures are taken to redress the situation. Some questions can guide the historical analysis:

- What is the background to the conflict? What are the historical factors which give rise to the present situation? What are the major events in the lives of the parties?
- Were there previous conflicts in this environment? How did they start? How did these conflicts end? Did one party 'win'; did they reach an 'agreement' was there a stalemate? Does the end of the previous conflict have any impact on the current conflict?
- How have parties learned to manage conflicts? Do they avoid, compete, accommodate, compromise or cooperate? What social institutions have been created to resolve conflicts? Are they being used? If not, why not?

ii. Conflict context

At this level you consider the current situation of the conflict, how the conflict is manifested and people involved in the conflict both primary and secondary actors. The following questions may guide the analysis.

- What are the issues to the conflict? Are they data, relationship, value, structural or interest issues?
- Are there hidden issues?
- How do parties prioritise these issues? Are some more important than others?
- Where does the conflict take place? What is the physical environment of the conflict? How does it contribute to or hinder resolutions efforts?
- What is the status of relationship between the parties? Are there moral, legal or institutional factors which inform this relationship?
- What are the current events which impact on the conflict? Are there recent changes in the relationship between parties, within their constituencies or with the conflict's stakeholders?
- Who are the parties directly involved in starting the conflict?
- Front their perspective, what are the issues in the conflict? What positions do they take on these issues? What are the substantive, procedural and psychological interests? Do their interests have higher priorities than those of others?
- What are their perceptions of other primary actors, stakeholders and interveners?
- Are these internal divisions within the party? How are these being managed?
- What is the relationship between party leaders and their constituents? Are the leaders seen as legitimate? Do they have the authority to negotiate on behalf of the party? Can they competently and legitimately represent their people?
- Who are the informal leaders within the party who can influence acceptance or rejection of negotiations/agreements?
- Are there hidden leaders who can make or break agreements but will not engage in negotiations?
- What are the values of the party? How do these values influence the way they engage in the conflict?
- Who are stakeholders, patrons or third party intermediaries who play a role in this conflict? How did they get involved in the conflict?
- Do additional parties have a stake in either resolving or continuing the conflict? What is their understanding of the conflict? What are their interests in the conflict?
- Are the additional parties aligned to one of the primary actors? If so, what effect does this have on the conflict?
- Are there parties which can influence the primary parties to resolve the conflict?
- Are there intermediaries who are facilitating or mediating talks between these parties?
- What is the primary parties' perception of the intermediaries? How does this affect the conflict resolution?
- What impact do the media have on the conflict?
- What is likely to happen in the next ten years from now if the conflict is not resolved?

iii. Structural Context of the conflict

Then we proceed with structural analysis whereby we try to examine the various dimensions, which have an impact on most political problems.

The first dimension is politics or the way the party is managed and the way decisions are taken. Politics is about who has the power to decide on issues that matter. Key questions here are:

- Who decides what from whom?
- Who are the key participants in influencing the party and political policies?
- Who are excluded in decision-making?
- Who owns the political party?
- How do political or social events external to the system of the conflict impact on the parties and the way they engage in the conflict?
- How are parties engaging in the conflict? Are parties using power-based, rights-based or interest-based approaches to resolve or manage the conflict? Are these methods reducing or escalating the conflict?
- Does one party have power over the other? What is its source? (Economic, social, political, physical, legal, psychological etc.)
- Are parties using their power? If so, what is the result?
- What power bases are not being tapped by the parties
- How do parties communicate and make decisions internally and with one another? Do parties have the competence to make themselves understood?
- What structures are in place in the party and are the majority pleased about the political system in place at local and national level? (This may include the country political structures)

The second dimension is the economy or the way resources are controlled. For this dimension it is useful to consider the following questions:
- Who own the means of production and sources the money to run the party?
- Who are marginalized or the losers? Who are the beneficiaries?
- What ideology governs the party's economic policies?
- What resources are at each party's disposal?

The third dimension deals with social systems or institutions. Due to many identities in society, this leads to tensions among several groups (ethnic, racial, religious, age, gender, class, etc.) in society.
- What tensions can you identify? Who are the perpetrators of the tensions if there are any?
- Can you identify the dominant groups or the most powerful individuals?
- Which groups are excluded or marginalized?

The final dimension is the cultural/religious dimension (the realm of values and beliefs) or what is termed the superstructure. The major concern here is to uncover the basic cultural and religious values and beliefs that underlie the political problem or issues being addressed. The guiding questions are the following:
- Can you identify the fundamental values and beliefs involved in the conflict?
- What sustains *status quo*? Where do the major religions stand with regard to the problems or issues the *status quo of the conflicts*? Are there dissenting voices that are critical of the *status* being considered? Which religions are siding with the dominant group?

When all is said and done, we have to consider the most influential factor behind the conflict. This is how to identify the main cause of the conflict. At this stage it should be clear what the symptoms are and what the real cause is.

After the input the participants are asked to go into groups according to their political parties and identify a conflicting situation to analyse using the structural analysis tool.

2. Problem Tree

Problem Tree Analysis
- It is a step in determining the possible solutions or strategies for a conflict.
- It helps to distinguish the inter-related root causes and effects of a conflict, rather than just superficial symptoms of a conflict.
- It reveals the relationships and interconnectedness between multiple factors influencing any conflict.

Why a problem tree analysis?
- To analyse the situation surrounding a given conflict condition.
- To identify the major problem and establish a hierarchy
- Visualise the **cause effect** relationship of conflicts in the form of a tree with roots, stem and fruits.

Procedure for establishing a problem tree

*Step 1: **Identify the major problems.*** We list the major problems being experienced in a party.

*Step 2: **Identify the core problem** -* the core problem describes the central issue of the overall problematic situation. It is the most basic negative state on which all the others hinge. Each team member writes down a core problem which requires an intervention. The team reaches a consensus on what the core problem should be.

*Step 3: **Construct the problem tree** -* the problem is presented in a diagram form showing the effects of the problem on top and its causes underneath.

After the input, the participants should be able to analyse one of the problems using the problem tree tool.
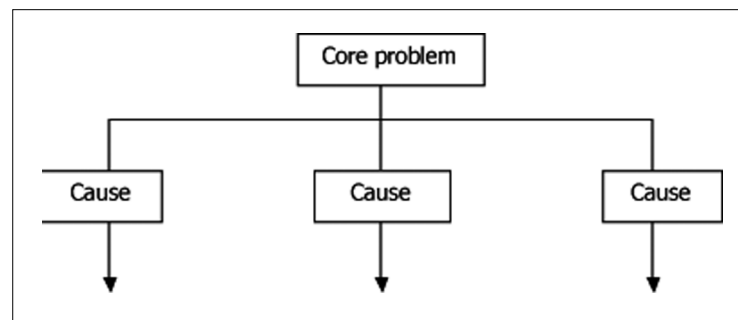
After the input participant are asked to pick one problematic situation and analyse it using a problem tree tool until they identify the root cause of the conflict.
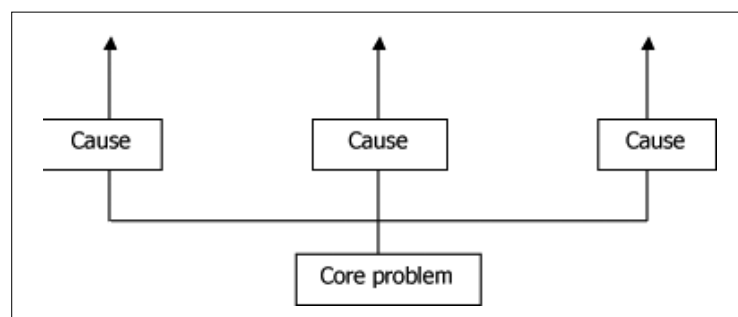
INTERVENTION IN CONFLICT

Learning objectives:

At the end of this module, participants should be able to:
- State the intervention steps in transforming conflict
- Understand and recognise the criteria for (third party) intervention in conflict
- State and explain the ten framework principles for intervention in conflict and related guidelines

Unit 4.1 Criteria for intervention

a. Intervention: Yes or no?
The people involved in a conflict are the core players in dealing with the situation. In case of the conflict between the government of Malawi and the civil society, the two conflicting parties are crucial in identifying ways of dealing with the situation. Each conflict belongs to those who are directly involved. Outside intervention is not automatically welcome. But it is important that sometimes interveners from outside have to meddle in other people's affairs. There are good reasons for getting involved in conflicts if you are not part of the conflict. Some of the reasons include:
- The conflicting parties are unable to transform the conflict so as to avoid violence.
- The conflicting parties are unable to keep violence under control
- The conflicting parties are unable to handle post-violence reconstruction.

It is not always important to always intervene because:
- The conflict and any solution are the joint property of the conflicting parties
- Outside parties will never understand the uniqueness of the conflict.
- Outside parties enter with their own agendas.

b. Criteria For Choosing Intervention
There are any ways we can intervene in a conflict. The US peace researcher Paul Wehr proposed the following set of criteria for conflict intervention:
- *Accessibility:* Does one have sufficient credibility to gain entry into the conflict?
- *Tractability*: Does the conflict offer some hope of success given the intervener's time, energy, skills and funds?
- *Divisibility:* Should one intervene in only one issue or segment that might be more manageable than others?
- *Timing:* Is it too early or too late? Are the parties "suffering enough" to welcome intervention? Or, has it gone too far already?
- *Alternatives:* Is non-intervention riskier than intervention in terms of the well-being of the conflict parties and others?

c. Mandate
Interveners need to be clear and transparent about their own mandate. The mandate may contain information about:
- What constructive role do they adopt?
- How long will they be involved?
- Where did they get the idea to intervene (request from one party or all parties, appointed by

law, generally accepted standards like human rights, etc.)?
- Which issue or segment of the conflict will they focus on?
- Other information relating to role, methods, relationship.

Unit 4.2 Intervention Steps in Transforming Conflicts

(drawn from the experience of a Ugandan Chief)
1. An individual/group develops a Concern
2. Analysis of the conflict.
3. Decision on sides of the conflict and how to contact them
4. Identification of other intermediaries and potential team members
5. Development of attitude of confidentiality
6. Establishment of own credibility
7. Building of relationships with actors and listening carefully to each side
8. Carrying perceptions between the sides
9. Bringing suffering of the people to their attention
10. Carrying messages between sides
11. Arranging direct meetings.
12. Helping to negotiate a settlement
13. Working to monitor the settlement
14. Ensuring that the agreement is known and respected
15. Claiming no credit for the settlement

Source: Williams, Sue and Steve. "Being In The Middle By Being At The Edge: Quaker Experience Of Non-official Political Mediation".Quaker Peace & Service 1994, p. 112f.

Points of discussion:
- *Credibility (in general and for the conflict worker specifically) derives from which source?*
- *Is credibility to be established before the intervention?*
- *How to maintain credibility during the intervention.*

Unit 4.3 Guidelines for Intervention

a. Ten Framework Principles for Intervention in Conflict
The following principles have been developed for international intervention. They can be applied to regional or local conflict with a little adjustment.

1. The Principle of Minimum Humanitarian Standards (just causes):
"Where there is unacceptable denial or violation of human rights, actual or threatened, the international community has a duty to attempt to intervene, subject to the condition laid down in Principle Nine."

2. The Principle of Human Development:
"The aim of such intervention should be the impartial promotion of sustained human development throughout the affected region."

3. The Principle of Appropriate Means:
"The means employed should be appropriate – that is, they should be (a) necessary, (b) Sufficient, (c) Proportional and (d) Legitimate."

4. The Principle of Local Enablement:
"The intervention should be conducted in terms understood and accepted within the region and in such a way as to strengthen and support those working locally to resolve conflict and build peace."

5. The Principle of Consistency:
"Intervention should be consistent across different conflict situations and relevant experience should be cumulatively transferred."

6. The Principle of Reflexivity :
"Interveners' motives and previous behavior should be compatible with the professed purpose of their intervention."

7. The Principle of Complementarity:
"Interveners' actions should be mutually complementary."

8. The Principle of Accountability:
"Interveners should hold themselves accountable to the international community for their intervention, since it is from the international community that they derive the authority to intervene."

9. The Principle of Contingency and Graduated Response:
"Where possible, intervention should be preventative, non-violent and with the consent of all parties. Where this is not possible, additional criteria should be met as appropriate at the relevant decision-points, without prejudice as to the outcome."

10.The Principle of Universality:
"The principle which govern humanitarian intervention should be endorsed by the international community."

(From Nick Lewer, Oliver Ramsbotham. "Something Must Be Done, Towards an Ethical Framework for Humanitarian Intervention in International Social Conflict" Bradford University 1993 (Peace Research Report No. 23)

b. Guidelines

J. Galtung and other (TRANSCEND) suggest a different catalogue of principle or guidelines. Though there is some overlap with the proposals by Lewer and Ramsbotham, here is full list:

1. Reversibility	6.Analytical consistency
2. Reciprocity	7. Encouragement of intervention
3. Universality, but with care	8. Seek participation
4. Empathy with others	9. Seek acceptability
5. Empathy with self	10. Seek sustainability

CONFLICT RESOLUTION AND MANAGEMENT

Learning objectives:

At the end of this module, participants should be able to;
- State and explain the three leadership levels in conflict resolution and the strategic implication of each one
- Distinguish the direct and indirect approaches of conflict management and the models associated with each one
- Distinguish between negotiation and mediation as conflict resolution methods and the required conditions for the application of each one
- State and explain the main stages in negotiation
- State and explain the main stages in mediation
- Outline a mediation meeting process

Unit 5.1 Leadership levels in Conflict Resolution

The practitioner and peace researcher John Paul Lederach describes efforts to transform social and political conflict as a multitude of activities that have to happen at three different levels of society namely:
- Top leadership of a few decision makers (head of government, generals etc.)
- The middle range leadership of very visible people in society (usually at national level)
- The grassroots leadership of people with mainly local prominence

Experience with conflict transformation in many countries has shown that progress must be achieved at all three levels if an international or internal conflict is to be resolved in long term. On the other hand, it is also true that at every level there are key individual and organizations which can provide particular impetus because of their special relationships with others at higher or lower levels.

- ***Top Leadership***
  At this level we find national leaders belonging to government, military or the opposition. They are characterized by their significant, sometimes exclusive power position. This is of advantage for peace negotiations; they are wary of losing face and consequently their following.

- ***Middle range leaders***
  Here we find leaders of national importance and high visibility who have access to both the powerful at the top as well as the grassroots. Their power does not derive from the public but from relationship. These are people like the regional governors, district governor etc. Often these relationships extend beyond the range of the followers of each conflict party. Lederach attributes the greatest significance to this middle level, because of its links with both the top leadership level and the grassroots level.

- ***Grassroots leadership***
  At the grassroots level we find local leaders of local importance. These actors are very close to the everyday reality of the conflict. These include leadership at constituency, branch and area levels. They are often immediately touched by the consequences of the conflict, for example in respect to security, resources to cover the basic needs etc. Local communities are often separated by hostility and hatred. Here conflict is experienced in a direct way.

Local grassroots leaders live and work in direct contact with the population and, therefore understand the situation and perspective well. On the other hand their general perspective and their decision making capacity are limited.

All the three levels of leadership in a society are important for conflict transformation and need to be included in transformation strategies. For each leadership level different sets of instruments and methods have to be used. Three different strategic approaches can be seen as a result of this analysis.

Top-down
This approach assumes that decisions, laws and the laws and the results of negotiation originating at the top leadership level will influence the other levels automatically. The population will follow these decisions.

Bottom-up
This approach assumes that changes can only come from the grassroots.

Middle-out
This approach assumes that the middle range leaders have contacts (and trust) upwards as well as downwards, also beyond the lines of confrontation and separation in a given conflict. Thus they understand the perspectives of all sides in society and can get access to them. This is an important point for leverage in a social or political conflict.

Unit 5.2. Approach to Conflict Resolution

As alluded to in module one, conflicts at an individual, interpersonal, group and inter-group level are inevitable. However, the process of dealing with conflict to achieve **constructive** rather than **destructive** results is essential. This process can be pursued in a variety of ways. An important goal, nevertheless, should always be to achieve or set the stage for **true conflict resolution**, i.e. a situation in which the underlying reasons for a given conflict are eliminated. Two broad approaches to conflict resolution are often used:

5.2.1   Indirect Conflict Management Approaches.
Under this approach, common techniques include:

a) **Appeal to common goal:-**focusing on mutually desirable goal or conclusion
b) **Hierarchical referral:-**problems are referred to higher levels of the organization or group for solution
c) **Organizational redesign**:-ensuring relation isolation between conflicting parties. This can be done through: **decoupling, buffering, linking pins, liaison groups**.

Use of myths and script: - scripts are behavioural routines that become part of the organization's culture, while myths are proclamations or beliefs about a situation that deny the necessity to make trade-offs in conflict resolution.

5.2.2. Direct Conflict Management Approaches

Under this, we find a number of models that can be used.

a. Lose-Lose Model

The Lose-Lose Model is that kind of approach where nobody really gets what he or she wants. The underlying reasons for the conflict remain unaffected. As a result, future conflicts of same or similar nature are likely to occur. This model often results from the following circumstances:

- **Avoidance:** People pretend the conflict does not really exist and hope that it will gradually disappear.

- **Accommodation/Smoothing:** People play down the differences among the conflicting parties, on one hand, and highlight similarities, on the other. e.g.

- **Compromise:** Each party involved in the conflict gives up something of value to the other. In this case neither party gains in full what it desires, and seeds for future conflicts are sown. Although a conflict may appear to be settled for a while through compromise, it may still occur at a later point in future. e.g.

b. Win-Lose Model

This is when one party archives its desires at the expense and to the exclusion of other party's desires. This is a result of the following:

- **Competition:** Victory is achieved through force, superior skills or domination.

- **Authoritative command:** a formal authority dictates a solution and specifies what is gained and what is lost and by whom. Win-Lose fail to address the root causes of the conflict. It tends to suppress the desires, views, opinions of one of the conflicting parties. As a result, future conflicts over similar issues are likely to happen.

c. Win-Win Model

This is a result of Collaboration between the interested parties to address real issues. It uses techniques of Problem –Solving to reconcile differences.

- **Collaboration:** This is a direct and positive approach to conflict management. It involves recognition by all conflicting parties that something is wrong and needs attention.

- **Problem-Solving:** This involves gathering and evaluating information in solving problems and making decisions.

Note: When success is achieved through problem-solving, true conflict resolution has occurred. Win-Win Model eliminates reasons for the continuation of the conflict since nothing has been avoided or suppressed. All relevant issues are raised and openly discussed. The idea of "openness" is very critical. Real issues are not always on the surface. They might be either under the "table" or beneath the "carpet". It is also essential to know the actors in the conflict. Sometimes real actors are behind the scene.

Cooperative   Unassertive
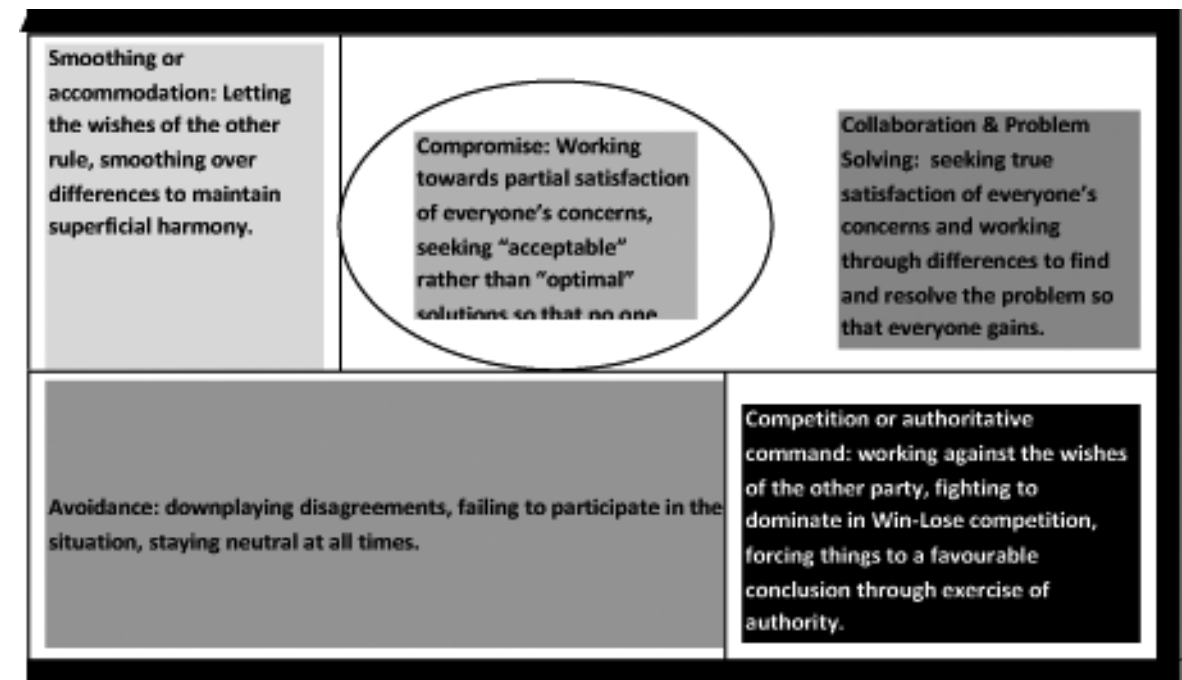
Uncooperative   Assertive

NOTE:
- **Collaboration and Problem-Solving** should always be used to gain true conflict resolution, time and resources permitting.
- **Avoidance:** This may be used when an issue is not important, or when there are other important and pressing issues, or to let conflicting parties cool down and regain perspective.
- **Authoritative command:** This may be used when quick and decisive action is vital, or when unpopular action must be taken.
- **Accommodation:** This may be used when conflict issues are more important to others than to oneself, or, when a person wants to build "credit" for use later.
- **Compromising:** This may be used for temporary settlements to complex issues or to arrive at expedient solutions when time is limited.

Unit 5.3 Negotiation and Mediation

A. NEGOTIATION

Role Play: Negotiating with the Electoral Commission on the Date of Local Government Elections

Participants will be put in two groups. One group will represent the Malawi Electoral Commission while the other will represent political parties that are not in favour of the date for local government elections. Each of the groups will be given the corresponding case study. In their groups, participants will identify three people who will eventually represent their group in the negotiation process. A member of the CMD-Secretariat will act as a convenor of the meeting. He/she will basically call the meeting to order and outline the agenda of the day. He will then invite each group to present their case. The role of the

CMD-Secretariat will be to ensure that the discussions flow and that each side has a chance of presenting itself. The meeting ends after a maximum of 15 minutes. It is not important that there is a settlement to the issue at hand as the purpose of this role play is to help participants to understand the basics of negotiation.

Facts of the Case:

The Malawi Electoral Commission (MEC) has just announced that local government elections will be held on 22nd November 2010. Some political parties find this date not very suitable and they would like to "convince" MEC to change the date suit their preference. On the other hand, MEC does not want to change the date as it is convinced that the proposed date is ideal and see no problems with it. CMD-M has organised a meeting of political parties and MEC to discuss this issue.

Group 1: The aggrieved political parties

You have been asked to represent your political party at this meeting. Prepare yourself for this important meeting with MEC and eventually negotiate with them to change the date.

Group 2: MEC

You are the MEC. You are aware that the proposed date for Local Government Elections is being contested by some of the political parties. You do not fully share their concerns and you would like to press on with the proposed date. CMD-M has organised a meeting of political parties and MEC to discuss this issue. You have been asked to represent MEC at this meeting. Prepare yourself for this important meeting with political parties and eventually negotiate with them to accept your proposed date

Participants will then reflect on the role play by addressing the following questions in plenary:

First to those that took part in the actual role play
How did you feel when you acted your part in this role play?
If you were to go through this process again, what things would you do differently?

To the rest of the participants
What can we learn from this role play about negotiation?

As we have already noted, under negotiation, conflicting parties meet, with or without the help of a neutral third party to resolve their differences and that in negotiation each party works hard to achieve the best of what it wants through peaceful discussions. In such kind of discussions it is the wish of each party that a good compromise that satisfies each side is arrived at.

In negotiation, it is important to realise that conflict parties may (consciously or otherwise) chose either positional or principled/ interest based negotiation.

Positional bargaining

Positional bargaining is a type of negotiation, in which the parties lock themselves in positions, which they then have to defend and argue about.

Positional bargaining is like a fight over one's territory. Points of views and positions are defended like a piece of land once they are taken. Like people who try to safeguard their land through walls and barbed wire fences and an arsenal of weapons, positions in a negotiation are defended with sharp arguments, stubbornly holding on to points of view, threats, unfair demands and emotional outbursts. Once the parties have identified with their position, the arguments and offers of the other side will no longer be evaluated in a rational way but experienced as attacks. To give in seems equal to losing your face. Negotiating becomes a contest of wills in which every side tries to win.

Disadvantages and dangers of positional bargaining

- One tends to become the prisoner of ones own position, which cannot be changed without losing face
- The more attention is paid to positions, less attention is devoted to the underlying interests and concerns of the parties involved
- Bargaining over positions is time consuming and postpones agreement
- Defending one's own and attacking another's position becomes a contest of will
- Relationships become strained or are destroyed
- Satisfactory agreements become less likely

Principled negotiation

Principled negotiation is based on four basic points:

1. **Separate the people from the problem**: The participants in a principled negotiation are human beings with different perceptions, beliefs and viewpoints, strong emotions, likes and dislikes. Taking positions makes things worse because people tend to identify with their position and feel that their ego is attacked when the position is threatened. In principled negotiation the "people side" is treated separately from the factual issues and substantive problems. Ideally, participants should see themselves working side by side attacking the problem, not each other.
2. **Focus on interests, not positions:** The object of principled negotiation is to satisfy underlying needs and interests. To take and hold on to a negotiation position will obscure what people are really trying to achieve. Even compromising between positions will not lead to agreements that take care of human needs. Thus the focus should be on interests.
3. **Invent options for mutual gain:** Trying to decide on an agreement under time pressure and in the presence of an adversary will not lead to good results. In principled negotiation partners, take time to look for a wide range of possible solutions before trying to come to an agreement. If there are many options, there is a better chance of finding solutions which advance shared interests and reconcile creative differences.
4. **Insist on using objective criteria:** Unlike in positional negotiation, here the agreement tends to reflect some fair standard. Fair standards are not subjective criteria of one or the other participant, rather they should be shared and to some degree objectively verifiable, for example, market value, expert opinion, custom or law.
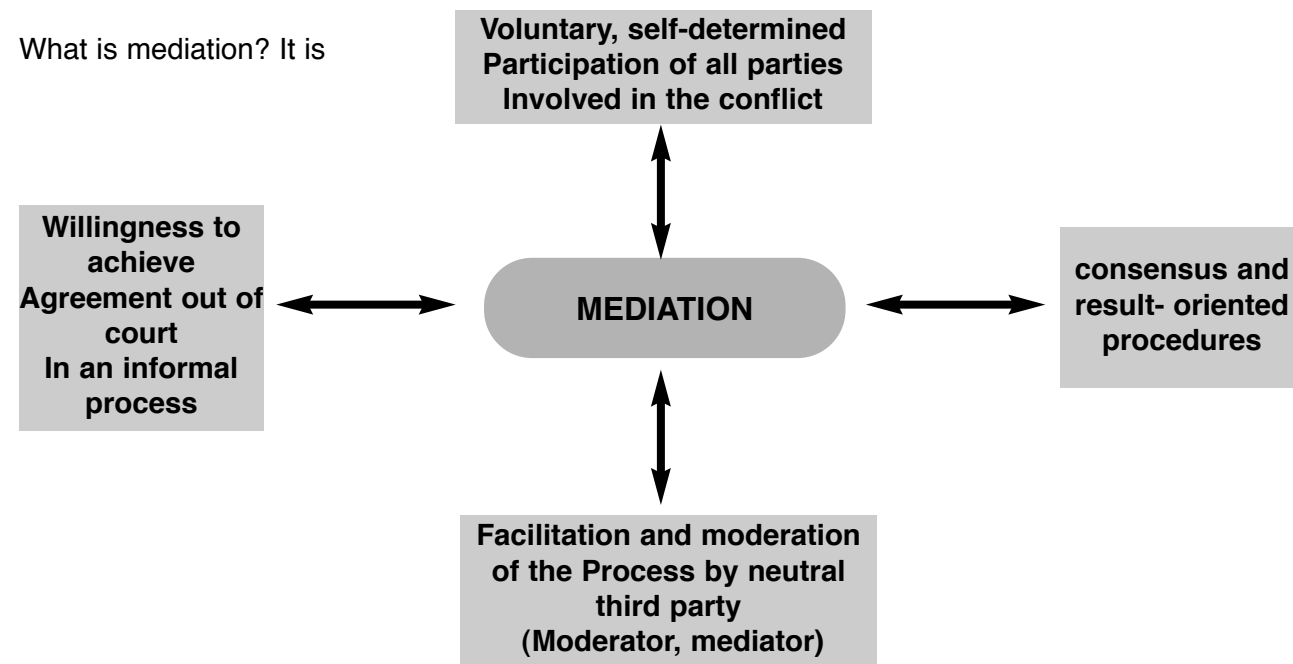
As a tool in conflict management, stages in negotiation involve moving from position to interest based or principled negotiation.

B. MEDIATION

MEDIATION: This method of conflict resolution involves neutral third party, a mediator who is responsible for facilitating dialogue and discussion between the two conflicting parties. The media-

tor helps them with a process of identifying the root causes of the conflict. The parties are also assisted to appreciate the views of each other and accept their situation before common searching for solution to their problems.

What is mediation? It is

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                    ┌──────────────────────────┐
                    │  Voluntary, self-determined │
                    │  Participation of all parties│
                    │  Involved in the conflict   │
                    └──────────────────────────┘
                                 ↕
┌────────────────┐                              ┌────────────────┐
│ Willingness to │                              │  consensus and │
│    achieve     │        ┌──────────────┐      │ result- oriented│
│ Agreement out of│ ←────→ │  MEDIATION   │ ←──→ │   procedures   │
│     court      │        └──────────────┘      └────────────────┘
│  In an informal │                  ↕
│    process     │     ┌──────────────────────────┐
└────────────────┘     │ Facilitation and moderation│
                       │ of the Process by neutral  │
                       │       third party          │
                       │   (Moderator, mediator)    │
                       └──────────────────────────┘
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Mediation is a special form of social conflict-solving and decision making process
- Mediation is a structured approach to conflict-handling in which all parties try to find solution in a mutual agreement
- All groups involved in or affected by the conflict can participate in the process
- Participation is strictly on voluntary basis and can be cancelled by the party at anytime

Mediator
- Necessary when the conflict parties are not (or no longer) able to meet and deal directly with one another
- Enables the parties to deal with conflict issues in a constructive manner
- It is not the function of the mediator to pass a judgement

Aim of the mediation process
- To make active participants out of the affected groups or persons
- The involved groups should actively look for a consensus that satisfies their justified interests and needs
- Once they have consented to participate in the mediation process, they will stop looking for other conflict reaction avenues.

Results
- Results of successful mediation are agreements signed by all involved parties.
- Areas of application for mediation
- Marriage counselling or divorce mediation
- Private conflicts between neighbours, colleagues etc.
- Conflicts of social groups and institutions
- Economic, ecological and political conflicts

Mediation makes sense when......
- It is difficult or impossible to solve the problem in direct discussion or negotiation between the parties involved
- Efforts to solve the problem or conflict have resulted in an impasse
- All parties that are interested in the problem or issue participate

- Participation is on voluntary basis and can be ended at any time
- The parties involved in the conflict are interested in keeping up their relationship
- All parties are interested in a solution reached by mutual consensus
- The participants are convinced that a solution reached through mediation and negotiation will be better than one reached without negotiation
- The issues are not based on value orientation, basic rights or a yes/no decision
- All participants have equal access to information
- There are no major differences in power status
- There is enough time to develop a joint solution
- The parties involved are able to express themselves

Mediation and other methods of conflict handling
Other ways of handling conflict are:
- Fighting
- Negotiation
- Legal proceedings
- Arbitration
- Therapy
- Counselling or
- Supervision

An appropriate approach to mediation depends on
- Type of conflict
- Personality of the involved parties
- Intentions and interests of the involved parties
- Escalation stage the conflict has reached

MAIN STAGES IN MEDIATION PROCESS

1. PREPARATION AND PRELIMINARY AGREEMENTS
2. MEDIATION MEETINGS
3. IMPLEMENTATION

1. Preparation of mediation meetings
- Select a mediator
- Mediator to study the issues through a research
- Meet parties differently to get their views
- Motivate all parties involved to participate in the process
- Identify a neutral place for the meeting
- Mediator and participants plan the procedures

2. MEDIATION MEETING
Meeting process
Opening
- Welcome the participants
- Create a conducive atmosphere
- Introduce the mediator and participants
- Present the state of affairs
- Explain the mediation process
- State the expectations of the mediation meeting
- Agree on agenda and procedure
- Explain the cause and purpose of the meetin, objectives and expected results
- Agree on rules and norms for the meeting
- List the topics for discussion
- Communicate logistical arrangement.

The Task of the Mediator
- State the issue and put it into perspective
- Give the state of affairs at this point in time
- Relate the issue to participants' situation, their interests
- Structure the issue into sub-topics

Viewpoints of the participating parties
- In a conflict situation two people or groups have different objectives, opinions, motives, perception etc concerning an important issue
- Each side tends to see only their side of the issue
- Both sides tend to see the other side as enemies – short sighted or stupid. They tend to make negative assumption of the other side
- Each participating party presents their views
- Establish the different views points
- Bring out the pre-conceived ideas, prejudices and negative assumptions of the other side.
- Bring both sides to understand the other side's point of view, arguments and motives
- Help both sides to see all of the problem
- They should mention how they experienced the situation, what they would wish to happen and how
- They ask clarifying questions and give mutual feedback on the presentations
- They identify areas of consensus, differences

Analysis of the Conflict Issues
- Select problem areas for analysis
- Analyse with instruments and methods in plenary or in small groups

Identification of an agreement on solutions
- Premature judgement
- Searching for the single answer
- Assumption of a fixed pie
- Thinking that solving their problem is their problem.

Coming up with solutions
- Ensure that the environment is safe and stress free, friendly, no tensions nor frictions
- Find out the level at which both groups are in agreement (e.g. improving the quality and effectiveness of the organisation's performance)
- Ask group A how they can integrate the concerns of group B in their strategy and vice versa
- Let both groups negotiate under which conditions they could agree with the other.

Solutions…
- Let both elaborate a strategy that integrates their concerns, objectives and conditions.
- Together, they come up with suggestions and resolutions (with the assistance of the facilitator) collection of ideas and options (use creative methods to stimulate ideas such as 635/brain-writing, analogy)
- Analyse options and select the "best"
- Formulate agreements
- Let each side sign on the agreement document. Each party gets a paper.

3. IMPLENTATION

- Decide on the procedures
- Plan follow up meetings
- Monitor and report on the steps

A MODEL CONFLICT MANAGEMENT STRATEGY

Intra- And Inter-Party Conflicts In Malawi

CMD – M has observed that inter and intra party conflicts that exist in Malawi manifest in different ways as follows:

Intra Political Party Conflicts

CMD – M observed that these are conflicts occur within a political party and they include the following:

a. Dismissal or threat of dismissal from the party due to member's reluctance, denial or failure to take a stand as the one taken by party's president, or group of influential leaders in the party.
b. Dismissal or threat of dismissal from the party due to member's signs or actual taking of stand which contradicts the stand of the party president or influential leaders in the party.
c. Character assassination to get rid of a rival within a party who has or seem to have the potential to or is likely to get a position, influence or favour from the leader
d. Friction as a result of serving or perceived to be serving the interests or agendas of another party other than your own.
e. Friction due to competition that come as a result of a need to get favours from the party leaders.
f. Regional, religious or tribal bias (actual or perceived) by leaders within the party.
g. Opposition to the clinging to power by the leader and their consequent reactions

Inter-party Conflicts

CMD – M observed that these are conflicts that involve two or more political parties. Issues involved include the following:

a. Calling and/or mobilizing support for the removal of a leader (whether MP or president) from another party for some reasons
b. Gaining political mileage by frustrating other political parties activities so that they should be seen as failures.
c. Acting or perceived to be acting to manipulate the elections
d. Leaving one's political party to form or join another party.
e. Perceived or seen to be actively enticing parliamentarians of other political party to abandon their party
f. Appointing members of only the ruling party into public offices.
g. Perceived bias on the part of judicial institutions against members of a party.
g. Changing or seen to be tampering with the legislation to strategically do away with the other political party or give advantage to one's party.

Intra and Inter Party Conflicts in Malawi

CMD – M noted that the following are some of the causes of intra and inter party conflicts in Malawi:

Interplay between poverty, weak governance and the legacy of the past.
This manifests itself in:
- Lack of 'constitutionalism', meaning the ease with which constitutional guidelines are subverted for narrow personal or group interests;
- Patrimonialism, meaning excessive dependency on   patronage for political leverage;
- Public apathy;
- Autocratic leadership styles;
- Corruption;
- Lack of intra-party democracy.

Psycho-political problems *exhibited by:*
- High level of mistrust and suspicion,
- Lack of tolerance,
- Insecurity of those in office
- Superior-inferior attitudes that characterize vertical relationships in government and party politics.

The lack of deep-rooted National Values that underpin the emerging multi-party political culture. *This is generally exhibited in the following:*
- Personalized politics,
- Lack of policy-driven party politics or ideology,
- The ease with which the 'floor is crossed', and politicians' seeming inability to temper their personal interests with those of their constituents.

Weak Electoral System and Procedure *manifested by*
- Winning with a minority vote e.g. winning with less than 30% of total votes. Legitimacy of such a leader is continuously challenged.
- High levels of distrust about the independence of electoral body and the management of elections.

Weak legislative framework governing political parties in Malawi
- Lack of institutionalised membership structure
- (De)Registration of political parties with ease
- No mechanisms to ensure transparency in private party funding

Scope of the CMD - M Conflict Management Strategy

Given the diversity of the conflicts that concern political parties in Malawi CMD – M resolved that the strategy should cover conflicts of the nature as defined below:

a. Conflicts between and among political parties that are members of CMD – M.
b. Conflicts between CMD - M as an institution and any of its member (s).
c. Conflicts between CMD - M as an institution and any non-member (party or any other organisation).
d. Conflicts between CMD - M member(s) and non-CMD - M member(s) (party or any other organisation)

CMD – M Conflict Management Strategy: Two Pronged Approach

The Forum approach

CMD - M acknowledges the unique nature of its business and operations. Being a membership organization that is open to all political parties that are represented in Parliament, **CMD - M is a "Forum"** where different political parties develop a culture of tolerance.

CMD – M recognises that the fact that parties are able to sit around the same table and discuss issues of common concern is a big potential for peaceful settlement of conflicts.

Using the "Forum" approach CMD – M resolved that the following process should be followed:
- Whenever there is a conflict, it should be brought to CMD - M for discussion.
- CMD - M would facilitate a possibility for the conflicting parties to meet and sort out their problems without the assistance of a third party.

The Mediation approach

Under this strategy, CMD-M as a body will have to play the role of a mediator. In certain instances, depending on the nature of the conflict, a completely independent third party may have to be brought to act as a mediator. In that regard, CMD-M as an institution, will facilitate in the identification of such a third party and provide any possible technical and/or financial support to ensure that the mediation process is carried out.

Implications of the Two Pronged Strategy

i. CMD - M has decided that it will be both proactive and reactive in the conflict management initiative.
ii. Through this strategy CMD - M will be receiving complaints from members and/or non-members.
iii. Either CMD - M Board on its own, will facilitate conflicting parties to meet at a negotiating table or CMD - M will act as a mediator.
iv. CMD - M may also ask, with mutual acceptance of the conflicting parties, the involvement of an expert third party (for mediation purposes or further conflict analysis).
v. Throughout the process, CMD – M commits itself to strict observance of rules of natural justice.

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