



Managing conflict and negotiating a better outcome for all parties

Conflict is an inevitable part of the human condition because each individual has their own unique perspective on life and its events. There are ways of communicating that can be constructive in resolving conflict. It is also worth knowing and avoiding the methods that are destructive when attempting to resolve conflict. The following are some crucial tips to consider when negotiating and attempting resolution of conflict.

1. Bring mindfulness to your discussions – focus on content and process

Every negotiation or discussion has two aspects to it. The content of what is being negotiated is just as important as the process you go through to achieve the outcome of the negotiation. Content is the issue that we discuss, in essence **what** is being discussed. Process is the way we discuss the content, in essence **how** we discuss things. It is beneficial to be mindful of both content and process in negotiations / discussions. Skilled negotiators are able to identify and manage both of these dimensions with a purpose. Manage the conflict by commenting on the process being followed and identify each step. Gain consent from the other party about the process being followed as you proceed through each step.

2. Decide to raise your tolerance to conflict in order to resolve it

We all have a different tolerance to conflict and this will vary depending on the person you are in conflict with, or the situation. A zero tolerance of conflict can result in very little being resolved because the moment conflict emerges it escalates. This can put relationships at risk. Make a decision to raise your level of tolerance of being in conflict. Let the other party know of your commitment to being more tolerant and ask them to be more tolerant too. Work on the principle that you can work together to resolve conflict.

3. Acknowledge the other persons perceptions rather than only debate the facts

It is difficult to resolve an issue that underlies a conflict by attempting to focus purely on the facts. Each party has their own view and the conflict exists because the facts as stated by each party are in dispute. Even if a third party validates a fact this does not always improve things. The different account of the facts is not the problem. The solution comes when each party actively listens to what is being said and validates the perceptions of the other party. Agreeing to disagree can diffuse conflict. This practise does not erode in any way the strength of either side.

4. Until evidence proves otherwise assume that people have your best interests in mind

If a negative assumption is made about a person's intention without clarifying the intention, then we can make poor decisions based on those assumptions. Unnecessary negative assumptions can be prevented by checking them out. Simply clarify your assumption to see if the other party has the intention you think they have. A good question to clarify your assumption starts with e.g., "Would I be right in assuming?" Whether your assumption is right or wrong you will get an answer that informs you. Many conflicts have been continued by well meaning people engaging in ineffective communication and inflammatory statements fed by erroneous underlying assumptions.

5. Value your symptoms and enquire about the other persons intentions

When you become involved in a conflict it evokes symptoms which are uncomfortable. It is common to withdraw from the conflict and not share the effect that the other person's behaviour is having on you. This leads to a lack of feedback and a risk of the offending behaviour continuing. It is beneficial to share your symptoms and the cause of them e.g., "your behaviour is leaving me feel uncomfortable (anxious, intimidated, harassed, threatened)". The next step is to directly inquire about the other party's intentions e.g., "your behaviour is leaving me feel uncomfortable ... is that your intention?" As it is a closed question it requires a yes or no answer and will encourage the other party to reveal their intentions and reveal their interests. In most cases people will have good intentions but poor communication practice. If they answer "No" to your question, invite them to change or cease the offending behaviour. An invitation in this form is less inflammatory and avoids escalation. If they answer "Yes" it probably confirms your fears and the person is going on record as having a malignant intention. It also probably confirms what you have intuitively known all along. It is best to avoid this person and withdraw and regroup.

6. Separate the people from the problem

It is important to remember that negotiators are people first and that every negotiator has two kinds of interests; one in the substance of the negotiation and the other in the relationship with the people concerned. There is a tendency for the relationship to become entangled with the problem. This is further complicated by arguing over one position when negotiating which puts the relationship and the substance in conflict. The solution comes in separating the relationship from the substance and dealing directly with the people problem.

7. Focus on interests not positions

The principled negotiation model being followed at Mediating Works requires the parties to find a solution by reconciling interests rather than trying to reconcile the positions held. Interests can be understood as a party's needs, concerns, hopes and fears: in essence, what's important to them. The underlying problem can be identified and defined by understanding each party's interests. Behind the opposed positions lie shared and compatible interests, as well as conflicting ones. This raises the question "How do you identify interests? This is done by gaining a view of the issue from the other person's perspective and then asking questions that help explain why or why not they have acted in a certain way. Think about the choices of the other side. It is necessary to realise that each side has multiple interests and that the most powerful interest are basic human needs e.g., respect, dignity, safety. As interests are identified it is important to make a list. When talking about interests, be specific which gives credibility to them. So that each side acknowledges and appreciates the interests it is effective to appreciate and acknowledge the interests as they are discovered. Lead by example rather than only following if the desired example is set. For example if you value respect then offer it and it is more likely to be reciprocated. Then each side will be more receptive to the proposals of the other side if they deal with identifying the problem before they focus on the answer. Be focused on identifying the problem and respectful of the people.

8. Generate a variety of possibilities before deciding what to do

This principle requires the parties to invent options that offer a mutual gain. To achieve this each party needs to orient their thinking to address any obstacles that prevent the development of options. These obstacles include judging options prematurely, searching only for a single answer, holding the assumption of a fixed pie (there is only so much to go around) and thinking that "solving their problem is their problem". To invent creative options one needs to separate the act of inventing options from the act of judging them. Creative options arise from broadening the options on the table rather than look for a single answer. Positive outcomes are more likely when each party searches for mutual gains and invents ways of making the decisions easy for the other side.

9. Insist that the result is based on some objective criteria or standard

This principle places some objective neutral ground between the two parties and the results that each party is trying to achieve. If an objective external standard can be agreed on, it provides a reference point in future, if the solution breaks down. When developing an objective criterion use fair standards and fair procedures. When negotiating about which standards are objective it is better to work together on each issue and jointly search for an objective standard. This allows the parties to work together on the solution and take ownership of the outcome. It is important to use reason and be open to which standards are most appropriate and how they should be applied.

10. Use active listening skills

Paraphrase what has been said and demonstrate active listening. Ask questions to clarify understanding and the intent of you the other person. Listen to the message behind the words and check that the body language matches. Allow all parties time and opportunity to talk and voice their interests. Speak in a way that promotes listening. Be aware of your tone, language and non verbal communication.

11. Take it in turns of talking and listening

Summarise what the other person has said first, before providing your perspective. This leads to better listening and develops goodwill between the two parties. You are not necessarily agreeing with what has been said, you are acknowledging what has been said. In fact you can agree to disagree and develop goodwill in the process. Interrupting is an example of poor listening skills and can escalate conflict. Avoid interrupting at all costs.

12. Does the intention of your communication equal the impact of your communication?

In your attempts to resolve a conflict, are you in the practice of checking out if the communication is being interpreted as you intent? Essentially ask if **intention = impact**. If, **intention ≠ impact**, then clarify intention and change the way you make your message. See also tip No 5.

13. Preparation, rehearsal and discussing issues at the right time and place

Make the effort to plan ahead and prepare yourself emotionally and intellectually before you sit down to resolve the issue. Make notes. The best outcomes are found when there is a comprehensive and systematic approach to the preparation. Research the issue you are attempting to resolve. Rehearse what you want to say. Give yourself time and choose the right environment to discuss difficult issues.

14. Lead by example – set a positive standard of conflict resolution

Be uncompromisingly optimistic about what is possible and lead by example. Set the standard of conflict resolution rather than regress into unhelpful patterns of negative communication. Be a positive role model. If someone else regresses into a poor communication style, focus on the process errors that may be occurring (see tip 1).

15. If you request accountability be prepared to provide accountability

Conflict can emerge when you attempt to hold someone else accountable for their actions. Remember in fair play “if you open the door of accountability, it needs to swing both ways”. Be prepared to be accountable yourself for your own actions. This requires active listening to the feedback you will receive in the process.

16. Share information and your interests

Uncover what the other party wants from the negotiation. Share your primary interests and enquire what their interests are. If they keep their interests hidden, then share your assumptions about what you think their interests are. This is likely to evoke an answer and inform you of their interests and intentions. Be upfront with appropriate information. Answer questions honestly.

17. Managing conflict through prevention

Identify events that cause you conflict. Prepare systematically to address and improve the conflict situations that stress you. E.g., have you been passive and neglected your own needs and interests? Weigh up the benefits of being passive against the loss of free choice. At times, no is a good answer.

18. Name what is absent – or ... what is the behaviour that is not being demonstrated?

Setting a good example in conflict resolution is difficult at times and it can help if you are able to identify the behaviour that is not being demonstrated. This seems counter-intuitive however it can be explained by the following example. If a person is behaving in a way that is in contrast to one of your values i.e. behaving with disrespect, disloyalty, untrustworthiness, dishonesty, injustice. It can be more enabling and raise the standard of conflict resolution if you indicate what you do value, e.g. respect, loyalty, trust, honesty, justice, and invite them to practice these values or standards with you. Make a clear statement of what you value. For example, "I value respect so I am attempting offer respect to you in the way I speak to you."

Further reading:

If you would like to know more about negotiation and managing conflict refer to these books;

- Fisher, R., Kopelman, E. & Schneider, A. (1994) **Beyond Machiavelli** Cambridge, MA: Harvard University Press
- Fisher, R. & Ury, W. (1991) **Getting to Yes** London: Random House Business Books
- Stone, D., Patton, B., Heen, S., and Fisher, R. (2000) **Difficult Conversations – How to discuss what matters most.**

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