

A Practical Guide

From Confrontation to Cooperation: Preparing for Problem-Solving and Negotiation

By **Dr. Jay Rothman**¹

INTRODUCTION

Protracted conflicts, characterized by longstanding and fluctuating tensions, appear insolvable. As confrontation becomes the status quo, despair is the common result. How can parties who have been in deep and deadly conflict for many years move from confrontation to cooperation? More specifically, how can different ethnic, religious, or national groups currently engaged in protracted conflicts be brought together to build concrete foundations for peaceful relations?

This guide describes a model which offers practical tools for resolving protracted conflicts. This approach focuses on the preparatory work which is required before conflicting parties can successfully initiate formal problem-solving efforts and negotiations. The model is applicable in localized conflicts involving small groups as well as in conflicts occurring in broader arenas.

1. Extensive editorial assistance by Dr. Aaron Back is gratefully acknowledged. For further elaboration of this material see Jay Rothman, *From Confrontation to Cooperation: Resolving Ethnic and Regional Conflict*, Sage Publications, 1992; and "Negotiation as Consolidation: Prenegotiation in the Israeli-Palestinian Conflict," *Jerusalem Journal of International Relations*, vol. 13, no. 1, 1991.

WHY PREPARATION IS NEEDED TO RESOLVE CONFLICTS

A fundamental precondition for resolving conflicts lies in getting disputants to see the value of engaging in constructive dialogue with each other and exploring cooperative solutions. However, when conflict is deeply entrenched, conditions that would lead parties to explore these avenues are often absent, or appear to be so.

Parties are commonly hampered by the belief that the sole basis for resolving intense conflict is through conquest, or through mutual concession where parties give up a little in order to gain a little. The dispute is "settled" when one side gains the resources it seeks at another's expense, or the conflicting sides find a way to compromise and divide the resources at stake.

The compromise approach may be satisfactory when conflicts are over easily divisible resources which have little symbolic significance. However, parties who have been engaged in protracted conflict, as is the case in many ethnic or national disputes, often perceive their fundamental sense of self and collective identity to be at stake. When control over resources is linked to these concerns, the "giving up" aspect of compromise often looms larger than the "gaining" component.

With such deeply held values at stake, the very act of recognizing the legitimacy of one's opponents is often viewed as invalidating one's own concerns and claims. Thus, before parties can imagine that mutual solutions are possible it is first necessary to shift their perception of conflict management from that of zero-sum ("the more the other side gains, the more I lose") to one which is potentially positive-sum ("the more the other side gains, the more I may gain as well").

PREPARING FOR PROBLEM-SOLVING AND NEGOTIATION

A great deal of preparatory work is necessary to facilitate recognition by the parties that they potentially have more to gain than lose by working with

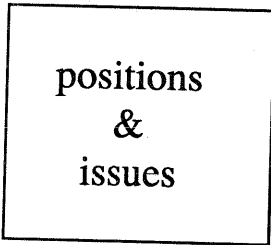
their adversaries to resolve their conflicts. The model of systematic preparation presented here is based on the premise that frustrated or threatened social needs are a central aspect of protracted conflict. Unlike tangible resources, these needs (i.e., identity, control, communal continuity, security, and survival) cannot be reduced or divided. Moreover, these needs are shaped by a host of underlying factors such as the values, history, and culture of parties in conflict.

Using this model, the emphasis is shifted away from exclusive focus on power and control of tangible resources to the underlying threats, fears, traumas, values, and aspirations of the parties engaged in conflict. Adversaries are helped to prepare for subsequent problem-solving and negotiation by engaging in a process involving three sequential phases:

1. **Framing** — the process by which parties derive shared definitions about the parameters of their conflict, thus building a *will-to-cooperate*.
2. **Inventing** — the creation of cooperative options for addressing central aspects of the conflict, thus fostering a *confidence-to-cooperate*.
3. **Structuring** — based on insights from framing and inventing, parties jointly decide on the content and procedure of subsequent formal problem-solving and negotiations, thus encouraging a *momentum-to-cooperate*.

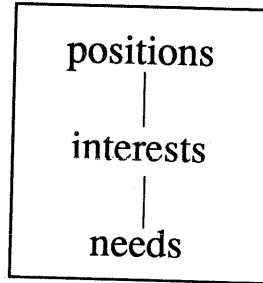
Beginning with entry into the dialogue process, the flow chart on the next page summarizes the phases in the model. They are further explained in some detail in the pages that follow.

(I) ENTRY



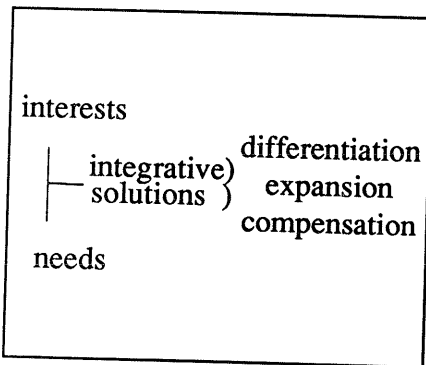
focused on
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(II) FRAMING



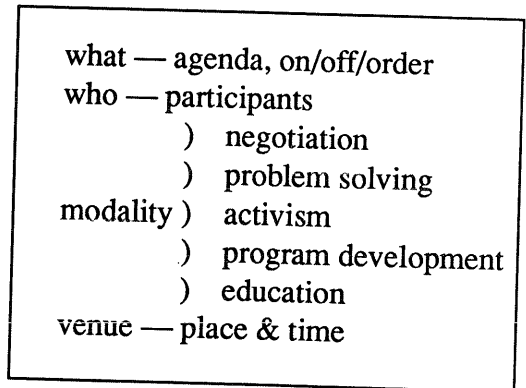
focused on
the "why"
of the
conflict

(III) INVENTING



focused on
the "how"
of resolving
the conflict

(IV) STRUCTURING



focused on
"implementation"
steps and concrete
actions for resolving
the conflict

FRAMING

Misperception is an important cause of conflict. Conflicting parties not only have misperceptions about each other but also maintain a self-perpetuating and often mistaken conception about the nature of conflict itself. Conflict is regularly viewed in terms of right and wrong, us and them, win and lose.

Such common conceptions — called frames — are unproductive. Participants tend to blame the conflict on the other side and therefore are more focused on winning than on resolving the conflict. In a typical conflict frame, participants attribute their own behavior to situational factors (i.e., “we have to build weapons because we are being threatened by our neighbors”) whereas the behavior of the enemy or outgroup is attributed to dispositional factors (i.e., “they build weapons because they are an aggressive, evil nation bent on destroying us”).

The prevalence of negative frames about conflict is derived in large measure from past experiences and common assumptions that parties hold about conflict and each other. Those who framed US-Soviet relations during the Cold War as a battle between the forces of good and evil were bound to develop different ideas about appropriate ways to manage the conflict than those who framed the conflict as motivated by mutual insecurity and domestic considerations.

As parties analytically explore their frames, they may discover more positive ways of viewing the conflict. A carefully guided framing process in which disputants engage in analytical discussion with the support of a panel of professional third parties contributes to this phenomenon. Such discussions are designed to help conflicting parties find ways to stop viewing every interaction with their adversaries as a competitive bargaining session. Instead, creative analysis and discussion are facilitated by the creation of a confidential, noncommittal, and informal environment for mutual exploration of various conflict frames.

In this model, systematic conflict framing encourages parties to articulate their own needs and values. By making their deep concerns known to each other, in a private and “off-the-record” context, parties learn about the more profound motivations of their opponents, which may overlap with their own.

Positions, Interests, and Needs

Perhaps the most important function of the framing process is to provide parties with the conceptual tools with which to explore the underlying elements of their conflict. Thus, an essential aspect of the framing process involves helping participants draw distinctions between: **positions, interests, and needs.**

We define positions as the opposing political outcomes sought by parties in conflict. In other words: what’s at stake and who gets what, when, and how.

Examples of opposing positions:

- statehood or autonomy
- unified city or divided city
- equal rights or equal duties
- denunciation of violence or end of political suppression/violence

While positions are the “headlines” of a conflict, defining its most obvious parameters and representing desired outcomes on both sides, they do not express the deeper concerns and motivations underlying the conflict. Thus, it is necessary to explore the interests of the parties: the specific goals which the parties believe will be fulfilled by their positions.

Examples of interests:

- security arrangements
- economic development
- quality educational programs
 - cultural programs
- political representation

Interests are commonly viewed by parties as the specific, functional and practical results of their positions (e.g., “if we can gain a state we will be able to foster necessary security arrangements”). Nonetheless, interests are, themselves, motivated by a range of more fundamental, “rock bottom” social and psychological requirements (e.g., “if we can foster security arrangements, we will be safe”). These are called needs.

Examples of needs:

- safety
- identity
- emotional & physical well-being
 - dignity
- control over destiny
 - meaning
 - justice

The process of exploring and articulating positions, interests, and needs provides the means through which parties can begin to reframe their conflict from zero-sum and exclusive to positive-sum and inclusive. Usually,

parties in conflict derive their interests from their stated positions and view them not only as derived from positions, but also strategically as vehicles for helping to achieve these positions. In our approach, however, interests are generated in a way that is rooted in parties' respective underlying needs, which often overlap. This method helps parties generate overlapping and mutually compatible interests which can help them set an agenda for cooperative problem-solving.

The three components of conflict framing can be illustrated through examples drawn from conflict resolution seminars we have conducted on the Israeli-Palestinian dispute, employing our method.

In these seminars, Palestinians commonly define their central **position** as independence/statehood for the Palestinian people. Underlying this position, they state that one central instrumental **interest** is to gain political control over their lives. In turn, this interest is shaped by their fundamental **needs** for ensuring a sense of belonging and identity, safety, control over personal and collective destiny, and self-expression.

On the other side, the **positions** of Israeli participants range from the requirement for territorial adjustments to the necessity for maintaining control of the disputed territories. Regardless of position, the Israelis share an instrumental **interest** in maintaining strong security arrangements. This interest is based on a range of **needs** for safety, predictability, control over own destiny, recognition, and acceptance.

The Palestinian demand for an independent state and the dominant Israeli demand that no independent state be established are mutually exclusive positions, which regularly lead to "deaf dialogue" between disputants. In such discussions, a more positive approach has been generated by guiding parties to "reframe" their conflict by examining the overlapping and potential compatibility between their interests, motivated by common needs. For example, interests for economic development on the part of both parties are motivated by the mutual need for control over their respective destinies. It

thus may begin to appear more attractive to pursue these needs and interests cooperatively, instead of continuing to unilaterally and competitively assert their exclusive positions, which merely serves to escalate the rhetorical shouting match.

Summary: Framing

Description: exploration and articulation by parties of their exclusive conflict definitions and solutions, and their overlapping interests and needs.

Why important: because shared conceptions of the conflict are necessary to promote cooperative problem-solving and negotiation.

Advantage: enables parties to reframe their conflict focus from exclusive, adversarial positions to at least partially inclusive mutual needs and overlapping interests.

How used: through process of defining and exploring positions, interests, and needs.

Goal: to foster common definitions of conflict among adversaries.

INVENTING

Once a will to cooperate is generated it must be concretized through confidence that problem-solving and negotiation will ultimately lead to greater benefit than sacrifice. One way for parties to build this confidence is by reconsidering the nature of winning in a way that does not necessarily leave losers in its wake. Such positive-sum results are popularly called win-win solutions.

Conceptualizing win-win solutions, which is often a prerequisite for getting parties to be willing to pursue negotiation and problem-solving in deep conflicts where essential needs are at stake, requires something other

than compromise (e.g., lose-lose, or win-lose). When neither side will make concessions over requirements considered by them to be essential (i.e., human needs), it becomes necessary to apply "integrative approaches." These approaches enable parties to work together to fulfill their own needs without undermining those of the other side. Most important, integrative techniques generate a climate where both sides may "win," thus building a confidence that problem-solving and negotiation, even if eventually requiring some degree of mutual concessions, could lead to valuable outcomes.

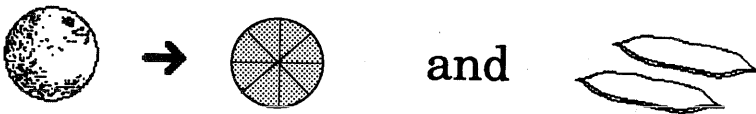
To facilitate problem-solving, participants may find three varieties of integrative solutions useful: **differentiation**, **expansion**, and **compensation**. Each of these techniques is focused on integrating instrumental interests in order to fulfill fundamental needs (note: positions are, at least temporarily, set aside).

i. Differentiation

When interests appear to be valued differently, parties can try to build integrative solutions through **differentiation** techniques.

Example

When only one orange is available for two people, they may discover that one person wants it for juice and the other person for baking. They decide to divide it; one gets the fruit and one the peel.¹



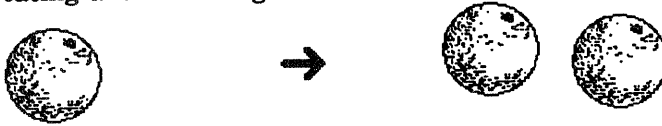
1. Adapted from Mary Parker Follett (1940) "Constructive Conflict." In *Dynamic Administration: The Collected Papers of Mary Parker Follett*, eds. H. C. Metcalf and L. Urwick, New York: Harper.

ii. Expansion

Using **expansion** techniques, parties attempt to expand the amount, type, and/or use of available resources. Parties can develop more of an existing resource (e.g., developing additional sources of water); they can add different types of resources (e.g., economic aid); and they can foster a new kind of use of existing resources (e.g., expanded concept/design of statehood).

Example

When only one orange is available for two people, they might explore avenues for locating another orange.



iii. Compensation

Using **compensation** techniques, parties must first determine the extent to which they prioritize their interests differently from one another. They can then attempt to offer exchanges or compensation for differently valued issues and interests. Exchanges might include, for example, the yielding of territory in return for enhanced security arrangements. Compensation might include, for example, payments to refugees for lost property, or recognition for territorial concessions.

Example

When only one orange is available for two people, they may discover that they prioritize the value of the orange differently. They decide that one person will get the orange and pay compensation to the other.



In attempting to promote integrative alternatives, it is important to generate as many options as possible. One of the benefits of a preparatory phase prior to formal problem-solving and negotiation is that options are generated in an exploratory and nonbinding way. By generating a wide range of creative and cooperative possibilities for subsequent use, a confidence in the value of further cooperation is fostered.

Following the development of a wide range of options, the parties would then evaluate the options in light of the list of underlying needs they have developed during framing. They would then be able to assess the extent to which the options, if implemented, would be acceptable to constituencies on both sides.

Summary: Inventing

Description: design of win-win solutions through integrative techniques.

Why important: because it shows disputants that their self-interest can be fulfilled through cooperation with their opponents.

Advantage: helps parties gain confidence that their respective needs and interests can be fulfilled through cooperation with the other side, instead of through domination or compromise.

How used: through utilization of integrative problem-solving processes such as expansion, differentiation, and/or compensation.

Goal: to determine overlapping interests which meet essential needs and can be utilized in designing concrete solutions.

STRUCTURING

One of the problems with conventional methods of resolving conflict is that procedure is often placed before content. If parties can only be brought to the table, by promises and threats if need be, the momentum of the mere contact is expected to work wonders. Joint decisions about the substance and sequence of the agenda are regularly left until the actual start of formal talks, thus often causing them to fail before they really begin. Structuring, the third phase of the model, ensures that the order is set right and content is placed before procedure.

Understandings and agreements reached during the preparatory phase of framing and inventing should significantly improve the likelihood of successful problem-solving and negotiations. Instead of jockeying for advantage over each other at the starting line, parties could devote their energies to coordinating an agenda for substantive discussions. Thus, for instance, parties could spend precious time figuring out what integrative options generated during prior stages are indeed politically feasible and how they could be implemented; what solutions should be packaged together to add to such feasibility; and what painful concessions must be made to ensure that these other integrative gains are sustained.

Agreements about the content of the agenda and its order are potential minefields at formal negotiations that may fruitfully be discussed at this exploratory stage. For example, whether in the end parties decide to put "easy," "hard," or "confidence-building" issues first may be less important than the sheer fact of arriving at decisions about this order together. Such agreements, if reached, can provide significant momentum for moving into more substantial problem-solving and negotiations.

The structuring stage is also used to make decisions about the mode of subsequent joint activities by the parties. Examples of joint activities might include not only problem-solving and negotiation as discussed up to

this point, but also additional, or more specific, means of cooperation such as developing joint programs in respective communities, joint lobbying or activist measures, or mutual educational ventures.

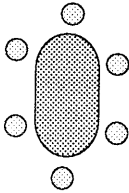
Following decisions on these variables, parties then try to reach agreements about various procedural issues. These include time and venue for ongoing meetings; the need for third parties and, if so, what type; and the selection of participants who must be present to substantively address the various issues on the agenda and who could later implement agreements.

Examples of structuring issues



Agenda:

- deciding what is on and off
- ordering topics to be discussed



Modalities:

- negotiation
- problem-solving
- activism
- program development
- education

Procedures:



- choosing participants for various phases and for specific topics
- deciding on need for third-party facilitation, and if so, of what type and by whom



- deciding on mutually agreeable location and time

Summary: Structuring

Description: prioritizing and packaging the options developed in the inventing phase for use in implementing proposed solutions.

Why important: because a momentum for problem-solving and negotiation is built by forging mutual prior agreement on procedural variables between parties.

Advantage: based on consensus and agreement instead of unilateral decisions.

How used: options developed during inventing are strategically utilized to build a framework for designing and implementing solutions.

Goal: to mutually structure short-term, intermediate, and long-term steps in the cooperative process.

CONCLUSION

This model was not developed to sit, unused, on a shelf in some library. Rather, it was designed for actual use by people concerned, practically, with the peaceful resolution of deep and protracted conflicts. This model provides one systematic framework for beginning such work. Ultimately, the benefits of this approach depend on the sensitive application and further development of the model by those who use it.



