
Conflict Resolution, Part 1

Module 6: Joint Problem Solving

PURPOSE OF THE MODULE

To introduce joint problem solving as an effective approach to resolving conflict within collaborative efforts.

LEARNING OBJECTIVES

By the end of this module, you will be able to:

- 1. Identify a variety of approaches to conflict resolution**
- 2. Describe the process of joint problem solving and its advantages**
- 3. Identify ways to be more inclusive and to involve stakeholders in joint problem solving**
- 4. Practice applying the joint problem-solving approach**
- 5. Identify potential obstacles to using the joint problem-solving approach and ways to address them.**

CONTINUUM OF CONFLICT RESOLUTION PROCESSES

9	M	Conflict Avoidance: Parties decide to avoid the conflict, none are interested in solving it.
9	O	Informal Discussion and Problem Solving: Parties are interested in solving the conflict and they approach it jointly to find alternative solutions.
9	E	Negotiation: Parties negotiate a settlement of the conflict.
9	C	Mediation: Parties invite a third party to assist them in reaching a settlement or alternative.
9	O	Violence: Parties decide to use violence to end/win the conflict.
9	E	
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JOINT PROBLEM SOLVING

A process in which participants work side-by-side to define, analyse, and resolve their conflict.

JOINT PROBLEM-SOLVING FRAMEWORK¹

Getting Started	Joint Analysis	Decisionmaking	Doing It
See an Issue	Mutual Education	Create Criteria	Present for Ratification/ or Adoption
Identify the Parties	Create "We Knowledge"	Apply Criteria Test	
Think it Through	Jointly Define the Issues	Make Preliminary Choices	Prepare Renegotiation
Propose a Process	Re-Define the Process	Package	Monitor and Evaluate
- Ground rules - Logistics - Timing	Generate Visions and Options	Develop Implementation Plan	Enjoy the Rewards
Agree on process	Agree on Issues and Process	Agree on Plan	DONE!

This model presents the stages and the information to be included in the joint problem-solving framework. The specifics of each framework will be determined by the characteristics of the specific conflict situation and the needs of the parties involved.

¹Adapted from resource materials from Applied Theory and Practice Program, The Institute for Conflict Analysis and Resolution, George Mason University, Fairfax, Virginia.

JOINT PROBLEM SOLVING*

DEFINITION

Joint (or interactive) problem solving is a process in which the participants work side-by-side to define, analyze, and resolve their conflict.

In this process, trust and communication are the main elements in reaching an agreement. When you change an adversarial face-to-face confrontation with an opponent to a side-by-side problem-solving discussion, you change the negotiation relationship from a strained, stressful, and angry one to a calm, productive, and potentially satisfying one.

Joint problem solving may also involve a third party that functions as conciliator, convener, facilitator, observer/recorder, expert, fact-finder, arbitrator, or enforcer.

STAGES OF THE PROBLEM-SOLVING PROCESS

1. Conflict Assessment and Analysis (Getting Started)

Analyze Parties

- Who are the parties?
- How is each party organized?
- What is the power base of each of the parties?
- How has power been used in the situation?
- What does each of the parties want?
- What are the past relationships among the parties?
- What is the current status of the relationships?
- What is the desire for future relationships?
- Who are the primary stakeholders?

Issues

- What are the issues?
- How does each party see the available options for each issue?
- What data and information are required to understand the issues?
- Are the issues framed in an integrative, distributive, or redistributive way?

Integrative issues are issues that can be settled by fulfilling all the parties' needs and that promote cooperation.

* Adapted from resource materials from Applied Theory and Practice Program, The Institute for Conflict Analysis and Resolution, George Mason University, Fairfax, Virginia.

Distributive issues are issues that deal with allocation of new resources to the parties involved. These issues produce competition.

Redistributive issues are issues that deal with redistributing a partial percentage of the existing resources. These issues produce adversarial approaches.

Perceptions of and Development of the Conflict

- How did the conflict start (first responses)?
- What are the suspicions and assumptions that each group/individual carries about the other side?
- How did the conflict escalate or develop?
- Why did it happen this way?
- What was each party's contribution to this outcome?
- What could each party have done differently?
- What are the values that underlie such involvement and outcomes? How are they influenced?
- Do the parties have a current framework for resolving the issues?
- What are the alternatives of each party?

Background and Context

- What is the history of the situation?
- Are there parameters set externally that must be followed?
- Is there a formal process typically used for resolving these types of issues?

Identification of Stakeholders

- List final decisionmakers.
- List individuals or groups who will be affected by the outcome of the conflict.
- List people who have the power to assist or block a decision.
- For each stakeholder, identify what success might be (what the "win" might be).
- Determine ways to include stakeholders in the process.

Based on the analysis and assessment of the conflict:

- **Make** initial contacts to explore possible methods for discussion and to consider the possible conveners (if needed).
- **Design** the process by reaching a preliminary agreement on ground rules and preconditions for discussion, issues to be addressed, methods of representation, and any links to formal offices to resolve the problem.

2. Joint Conflict Analysis

Any face-to-face interaction has a level of tension. This tension in a negotiation or conflict setting has a destructive potential. Therefore, it is essential to plan carefully a process that will

assist the parties in creating a cooperative, side-by-side interaction. The following steps and techniques are highly effective in doing this, especially if they are repeated several times in order to solve a complex problem.

Mutual Education

Focus on the problem rather than the solution and work to develop a joint and shared understanding of the situation. Techniques include:

- Field trips—when the issue involves a physical space, visiting the site can increase understanding
- Storytelling—parties explain their perspectives on the situation
- Briefing/interviews—gaining information from knowledgeable persons in a structured manner
- Collecting data/soliciting reports—gathering pertinent statistics, facts

Defining the Problem

Where does the problem lie? **Reach** an agreed-upon statement of the problem that is clear and specific, incorporates the concerns of the entire group, and is manageable given the constraints of the group. Techniques include:

- Is/Is Not—determine which elements of the issues raised are part of the problem (is) and which are not (is not)
- Diagram—represent the problem visually through flowcharts, diagrams, pictures, maps, etc.
- Force Field Analysis—analyze forces blocking change or resolution and those promoting change or resolution
- Ask an Expert—gain additional information or insight from someone with experience and knowledge of the problem
- Fractionation—break the problem into smaller, manageable pieces

Vision Development

Develop a shared vision of what could be rather than working only with the problem. Techniques include:

- Vision Process—develop individual visions and share them; then develop a shared vision from common elements
- Ask an Expert—ask someone who has been in a similar situation to describe the situation before and after resolution

Option Generation

Create a broad list of potential solutions to the problem. Techniques include:

- Brainstorming—all ideas are welcome and recorded, without any evaluation
- Checkerboard—categorize the information from a brainstorming process

- What Others Have Done—examine the elements of other successful efforts
- Empty Maps—for problems dealing with physical planning, sketch ideas on empty maps or paper
- Cut and Paste—each idea is put on a separate sheet of paper and moved around or categorized to create the whole picture

3. Making A Decision

Developing Criteria

Determine how to evaluate each option to make the best selection. There are at least three types of decision making criteria that could be used:

- Technical Criteria—What is the best technical answer to the given problem?
- Political Criteria—What is the answer that will satisfy the most people?
- Value-Based Criteria—What is right according to my values?

Option Evaluation

Assess each option according to the proposed criteria. Techniques include:

- Categorize/Set priorities—group similar options into the same category; set priorities within each category
- Advantages/Disadvantages—identify for each option and compare
- What I Like/Dislike—each party identifies the likes and dislikes about each option for comparison
- Use Test or Pilot Project—set up a time-limited test of the option and evaluate at the end of the test period
- What Others Have Done—examine other tests or pilots that have been evaluated
- Ask an Expert—secure technical expertise as needed
- Build a Joint Map—see how proposed options fit together

Preliminary Decision

Devise a solution that is acceptable to all parties. Consensus is the goal; decision by formal vote should be used only as a last resort and only when all parties agree that other methods have failed. Techniques include:

- Win-Win—identify options that meet everyone's needs
- Straw Vote—gain a quick sense of how far apart the parties are
- Negative Voting—members vote out options seen as completely unacceptable
- Building Packages—members choose options from different categories that complement each other

4. Making It Work

Building A Package

Integrate the proposed options into one package of decisions (particularly used in multiple problem situations). Techniques include:

- Agreement of Principles—agreement is reached on broad principles, then options are selected for each smaller issue
- Building Blocks—each smaller part of a larger problem is solved, then combined into a larger solution

Packaging for Implementation

Include and ratify all of the preliminary decisions in a predesigned plan for implementation. Techniques include:

- Action Planning—identifying who, what, when, and how for implementing the decision
- Verify Resources—making sure that the resources are available and accessible
- Create a Written Package—putting all the decisions together in a written form

Doing It

Implement the ratified decisions. But this is not the end of the process. Effective implementation requires continuous involvement of the negotiators. Skipping this step will almost always result in a re-emergence of the conflict. Techniques include:

- Monitoring Mechanisms—ensuring that the agreement is being carried out and, if not, determining why.
- Renegotiation Mechanisms—needed when the context of the original agreement changes or other problems occur.

Joint problem-solving processes are often resource- and time-consuming. But they do produce creative, durable, implementable decisions and working relationships to support the decisions.

Outcomes of Joint Problem Solving

1. Full or partial agreement

- Resolution**
- Consensus**
- Settlement**
- Procedural agreement**

2. Non-agreement

- Joint analysis/education**
- Relationships**
- Agree to disagree**
- Move on**

3. Tolerated Management

- Conflict management**

OUTCOMES OF THE JOINT PROBLEM SOLVING PROCESS

The joint problem-solving process does not always result in the resolution of the problem or conflict. This does not necessarily indicate that the joint effort at negotiation or problem solving is a failure, because there are other beneficial outcomes that could result. These include:

1. Full or partial agreement

Resolution: Parties come to complete agreement on issues raised.

Consensus: Parties consent to one set of solutions for all issues raised, although this was not the first priority of all parties.

Settlement: Parties reach a partial agreement in which they agree or consent to some issues and temporarily agree to suppress, redirect, or set aside others.

Procedural agreement: Parties may not agree on a single solution, but they agree on the path to solution.

2. Nonagreement

Joint analysis/education: Parties jointly analyze the issues, improve mutual understandings, and then separate to act unilaterally or be influenced by those new perspectives.

Relationships: New channels are developed and recognitions are discovered about the other party.

Agree to disagree: Parties recognize that the efforts to reach an agreement are more costly than avoidance.

Move on: Parties recognize that a nonjoint process serves their interests better, and they move toward it.

3. Tolerated Management

Conflict management: One party or a few parties control which issues or options will be discussed or considered. If the weaker parties agree and participate, a limited form of useful partial agreement may occur.

Stakeholder

A person or group that has an investment in the way a conflict is resolved and in the distribution of gains/losses.

Stakeholders Analysis

- To understand their influence**
- To establish a foundation for dealing with their concerns**
- To determine how to involve them**

Conducting A Stakeholders Analysis

- 1. List final decisionmakers (if different from the parties involved in the conflict)**
- 2. List people or groups who will be affected by the outcome of the conflict**
- 3. List people who have power to assist or block a decision**
- 4. For each stakeholder identified, determine what would be considered a successful resolution of the conflict (what the "win" would be).**

Involve The Stakeholders In The Problem-Solving Process

- 1. Include the interests of the stakeholders when analyzing the conflict**
- 2. Make sure that stakeholders are aware of the process**
- 3. Involve stakeholders from the beginning of the problem-solving process.**

POTENTIAL OBSTACLES TO JOINT PROBLEM SOLVING**

You may not find all the following points applicable to your particular situation, and you may want to add additional obstacles to the list that might prevent the application of the problem-solving process:

1. The first, and sometimes the most difficult, step in problem solving is recognizing that a problem exists.
2. It is often harder to figure out exactly what the problem is, than to figure out how to solve it.
3. Problems tend to be ill-structured.
4. It is not usually clear just what information will be needed to solve a given problem, nor is it always clear where the requisite information can be found.
5. Problems generally have no one "right" solution, and even the criteria for what constitutes a "best" solution are often not clear.
6. Solutions to problems depend on and interact with the contexts in which the problems are presented.
7. Solutions to problems depend at least as much on informal knowledge as formal knowledge.
8. Solutions to important problems have consequences that matter.
9. Problem solving often occurs in groups, in which reaching agreement is difficult.
10. Problems can be complicated, messy, and stubbornly persistent.
11. Problem solving requires time.
12. Problem solving requires certain skills or levels of analysis.

**Based on Robert Sternberg, "Teaching Critical Thinking: Are We Making Critical Mistakes?" Phi Delta Kappa, Vol. 67, No. 3, pp. 194-198.

POTENTIAL OBSTACLES TO JOINT PROBLEM SOLVING
(continued)

Other potential obstacles:

If conflicts recur and people are not satisfied with the outcome or the process, then the following conditions should be examined:

1. Hierarchical context
2. Whether the problem solving is a real or perceived threat to the existing power relations.
3. Whether existing approaches to resolving conflict are incompatible with joint problem solving.

Identify the existing approaches by asking:

- a. Who is responsible in case of conflict?
- b. Who are the intervenors in case of conflict?
- c. To whom does the community feel responsible?
- d. To whom do people go?
- e. Who feels responsible within a cultural community?
- f. Where does the conflict end up?
- g. Does it work? If it does work, don't fix it!!

Glossary¹

Accommodation: a negotiation strategy in which one negotiator chooses to sacrifice some of his/her interests and allows the other to make desirable gains.

Active listening: a communication procedure in which a listener determines the emotional content and intensity of a spoken message and feeds it back to the speakers for verification.

Arbitration: the intervention into a dispute of an independent, private, and impartial third party who is given the authority by the parties to make a decision on how the conflict will be settled.

Avoidance: a negotiation strategy in which a negotiator pursues a strategy of nonengagement in conflict or competition in order to achieve a desirable end, or to avoid reaching an unfavorable or untimely settlement.

Bargaining: the process of making substantive, procedural, or psychological tradeoffs to reach an acceptable settlement. Bargaining occurs in the context of broader negotiation.

BATNA: Best Alternative to Negotiated Agreement. Negotiators usually compare alternative settlement options and/or available dispute resolution procedures as a means of determining whether a negotiated settlement is the preferred solution and/or process.

Bottom line: a settlement option that represents the minimal substantive, procedural, or psychological benefit that a party is willing to accept and still reach an agreement.

Building-block procedures: a process for reaching a negotiated agreement in which a problem is broken into subissues and an agreement is reached on each of these smaller "parts." The final settlement is reached by assembling the "parts" into a comprehensive agreement.

Coercion: an act that limits the range of options available to parties by threatening or inflicting a cost on another party for noncompliance.

Competition: an act in which one negotiator pursues the satisfaction on his/her own interests at the expense of the other parties.

Compromise: a negotiation strategy in which the parties agree to share jointly gains and losses.

Concession: a substantive, procedural, or psychological offer made by one party to another, which decreases the benefits requested by the offeror and rewards the other party.

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Conciliation: the psychological preparation of parties by a negotiator or mediator to discuss substantive issues. Conciliation involves improving communications, building positive perceptions, and promoting trust.

Conflict: an expressed competition between at least two interdependent parties who have perceived or actual incompatible goals or interests.

Deadlock: inability of parties to a negotiation to move forward to a settlement.

Dispute: a conflict in which the parties are unable to resolve their problems or disagreement in the context of their private relationship, and have moved the problem into the public domain. Disputes often involve the presence of third parties—either observers, procedural facilitators, or independent decisionmakers.

Exclusive interest: a situation in which a party's needs are totally incompatible with the needs of another party.

Facilitation: the use of an impartial third party to provide procedural assistance to group participants to enhance information exchange or promote effective decisionmaking. The facilitator may or may not be a member of the group involved in the discussion.

Framing: the manner in which a conflict situation, issues, or interests are conceptualized or defined.

Impasse: deadlock.

Incremental concessions: sequential offers made by a negotiator that grant gradually increasing benefits or rewards to another negotiator in return for agreement.

Integrative decisions/bargaining: a negotiation outcome or process that attempts to satisfy as many interests or needs as possible for all negotiators.

Interest: a substantive, procedural, or psychological need of a party to a conflict.

Interest-based bargaining: a negotiation process that attempts to satisfy as many interests or needs as possible for all negotiators.

Issues: topic or statement of a problem that results from perceived or actual incompatible interests.

Joint problem solving: cooperative and face-to-face interaction by parties to a dispute to develop a mutually acceptable solution.

Mediation: the intervention into a dispute or negotiation of an acceptable and impartial third party who has no decision-making authority but who will assist contending parties to negotiate voluntarily an acceptable settlement of issues in dispute.

Med-Arb: the intervention of an acceptable, mental third-party into a dispute, to assist contending parties in voluntarily negotiating an acceptable settlement of issues. If, however, the contending parties cannot reach an agreement, the neutral, third party is granted the authority to make the decision.

MLATNA: Most Likely Alternative To Negotiated Agreement.

Negative bargaining range: a spectrum of proposed settlement options that are mutually exclusive in that no one option will adequately satisfy all parties.

Negotiation: a bargaining relationship between two or more parties who have a perceived or actual conflict of interest.

Opening position: a solution that represents the maximal demand of a party, which is usually presented early in negotiation.

Opening statement: a presentation made by a negotiator early in the dispute that presents how he/she sees the conflict. An opening statement may include description of issues, sources of dispute, interests, and even proposed solutions.

Option: a substantive, procedural, or psychological solution that may satisfy the interests of a party to a dispute.

Package proposal: an offer for agreement that combines into one total proposal possible settlement options to multiple issues in dispute. Although it may contain unacceptable components, the proposal is offered as a "take it or leave it" totality.

Parties: those directly involved in a conflict.

Position: specific solution that a party adopts or proposes that meets its interest.

Positive bargaining: a negotiation process in which a series of positions are presented as the solution to the issue in question.

Positive bargaining range: a spectrum of settlement options, any one of which is more acceptable or preferable to all parties than a stalemate or impasse.

Procedure: action steps, taken in a sequence, to achieve a desirable end.

Process: aggregate of procedural steps to achieve a desirable end. Process refers to the way something is done, as opposed to what was done.

Proposal: a suggestion, either substantive or procedural, on how to proceed or what should be done.

Purity of the conflict: the degree to which the interests of the parties to a dispute are mutually exclusive. The more exclusive the interests, the more "pure" the conflict.

Reframing: the process of changing how a person or a party to a conflict conceptualizes his/her or another's attitudes, behaviors, issues, or interests—or how a situation is defined.

Settlement: an agreement.

Stakeholder: a person or interest group that has an investment in the way a conflict is resolved, and in the possible distribution of gains and/or losses that may result from the resolution process.

Stalemate: Impasse.

Strategy: a conceptual plan that outlines the general approach or steps to be taken to attain a desirable outcome.

Tactic: a behavior initiated by a negotiator designed to implement or operationalize a strategy.

Tit-for-tat: a pattern of negotiation moves that rewards or coerces an opponent in reciprocal fashion. The negotiator offers back the same behavior that was initially given.

WATNA: Worst Alternative To Negotiated Agreement.

"Yesable" proposal: a proposal developed by a negotiator that is easy for an opponent to agree to its terms. The proposal addresses the other's interests and concerns, is presented in a way that enables the other to save face, and is easy to implement.

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