

Introduction

A framework of law, authentic communication and effective negotiation

In conflict analysis, it is important to make a clear distinction between three deadlock situations in order to solve each of them appropriately.

3 causes:	Inadequate structures	Undervalued experiences	Conflict of interests
3 skills:	Framework of law	Authentic communication	Effective negotiation
3 effects:	Conflict management	Conflict transformation	Conflict resolution

The three sources of conflict are:

- 1) An institutional dysfunction, lack of organisation, legislative loopholes, missing, inaccurate or unsuitable rules of the game, difference in their perception, infringement with impunity.
- 2) Judgment, blame, expectation: these are the bitter fruits of frustration and resentment. Loss of motivation and complicated relationships find their roots in the lack of respect for people, for their dignity or identity, in the depreciation of their values, the denial of their needs, the failure to meet their concerns.
- 3) bringing conflicting interests together, rivalry, competition, static and trench warfare, the greed for more and the desire of having the upper hand at all times make it impossible to see eye to eye and find a win-win situation together.

Below are the three skills to master jointly for a better conflict management.

A framework of law, an authentic communication and an effective negotiation

When there is a lack of structure, the framework of law -pre-set and upheld by a **strong leadership**- puts the light on the unacceptable violence and tactics of some to get the upper hand on others. It brings the group closer together, enabling them to defend themselves against attempts to be dominated or being taken advantage of through legislative loopholes.

In case of difference in experiences, authentic communication calls upon **emotional intelligence**, capable of untangling burdensome feelings. Its strength lies in empathy and kindness that wipe out poisonous words by being aware of the underlying unfulfilled feelings and needs above being judgmental and being blameful. Its outcome is an improved relationship.

In case of conflicting interests, effective negotiation calls on **rational thinking** capable of consistently repositioning the exchange towards a better concern in the interests of all involved. Its effectiveness rests on the ability to create and bring up new solutions. It leads to free and responsible commitments, to a fair agreement -a wise agreement- which best meets all parties' requirements.

The outlines and interconnection of these three ‘know-hows’ will take shape throughout the course. They become effective when used for the right purpose, within their area of competence, as if they were tools like hammers, pliers and screwdrivers. Whoever uses a hammer to loosen a bolt shouldn't be surprised that it leads nowhere. Hereunder are further features of these three fields to keep in mind throughout the statement of the C-R-I-T-E-R-E methodology:

<p>The binding law, the ability to improve the framework and rules of the game each time the dialogue is disrupted by a tactic, a dispute about how to play, or by cheating.</p>	<p>Empathy and kind-hearted generosity, the ability to understand each other when it comes to needs, values, behaviours, cultures, religious beliefs, ways of thinking, perceiving the world, worries.</p>	<p>Achieving results, the ability to turn ‘interest against interest’ confrontations (I either win or lose) into finding the best appropriate solutions (better outcome for each party).</p>
<p>How we talk to each other? The exchange process</p>	<p>Who talks? The parties involved</p>	<p>What do we talk about? The root of the problem</p>
<p>Respect and ensure respect of the framework and rules of the game. Threaten a penalty so that cheating proves to be costly and less rewarding.</p>	<p>Respect the individuals and make the relationship grow. Pay special attention to past experiences by listening in an appropriate manner, without passing judgement or putting the blame on each other.</p>	<p>Respect all interests at stake. Consider the fact that the other party may exhibit or have other interests, and those should be taken into account.</p>

Some people talk about managing a conflict, others about transforming it and still others about solving it. Some authors mention these three standard notions without referring to one of them as being the most relevant. In my approach, each of these three notions fully and rightfully plays its part. There is no need to choose among them since each one is specific.

<p>The management of a conflict underlines the role of the framework of law that keeps the conflict within the field and rules of the game.</p>	<p>The transformation of a conflict refers to the characteristic feature of an authentic communication: decode the aggressiveness that stems from frustration and understand the legitimate concerns behind poisonous words. The most crucial changes take place in one’s heart and a deep transformation always works from the inside out.</p>	<p>Solving a conflict depends on the negotiating skill capable of turning disagreements into agreements. Its success consists of solving the relevant issue in the best possible way.</p>
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The thesis assumes that effectiveness depends on a clear **distinction** between these three levels of deadlock and their solution. The antithesis assumes that making use of only one of these skills leads to a stalemate. The synthesis requires a deep **interconnection** between them, after having been familiarised with their own area of efficiency. The goal of the programme is: neither confusion nor separation while interacting. I shall use various symbols to picture this interaction by which each skill may fully bear its fruits. During the transformation of these three strengths, the challenge is much like making a mayonnaise like a good cook would; putting together egg, oil and mustard while mastering the various conditions up to the critical moment when the mayonnaise actually sets. C-R-I-T-E-R-E is a method which places at your disposal the elements and factors that will help us endeavour facing our differences of opinion as well as preventing the development of power mechanisms which lead to violence.

No one learns to juggle with three balls on the go. They start with two in simple repetitive sequences: from right to left and then from left to right. This book is based upon the same principle and teaches how to proceed so that these three skills interact with each other. One learns their coordination by breaking down the movement and by practising two by two: framework of law and authentic communication, framework of law and effective negotiation, authentic communication and effective negotiation.

The C-R-I-T-E-R-E method. How can disagreements turn into agreements

Even if these three skills are in continuous action, they play, in their turn, a driving role at each C-R-I-T-E-R-E stage:

How to move from a disagreement to agreements, in 7 steps

- C** Context & Conditions of dialogue are to be agreed on
- R** Refine the Rules of the game
- I** Clarify thoroughly the problem by using both emotional and rational Intelligences
- T** Think of as many ideas as possible
- E** Evaluate the alternatives
- R** Realistically make plans while bearing in mind the best idea
- E** Evaluate subsequently the outcomes

The acrostic C-R-I-T-E-R-E suggests seven chronological¹ steps: we cannot move on to the next one unless having reached an agreement at the previous step. The first step consists in setting the most favourable conditions for a dialogue. Management, transformation and resolution of a conflict require time, calm, composure and energy. Managing a conflict properly is like untangling a knot. The subtlety lies in withstanding the temptation to pull harder on the knot, but rather to patiently try to untie the tangled parts of the rope.

The framework C (Context and Conditions) and R (Refine the Rules of the game) are the initial steps prior to discussion and can be compared to the prerequisites of a successful football match : 1) mark off the field (the side lines across the length and the goal lines across the width), divide it into different areas (the goalkeeper’s area, the penalty area, the midfield line), 2) share the same rules of game and a referee, or at least pre-set procedures in case a problem arises. Conflict or even fighting will inevitably occur if the football players do not abide by the same rules. A difference of opinion about the framework and the rules is a source of conflict. A grey-area is often enough.

In the *Two lessons about fraternal dialogue*, the Belgian Father Dominique Pire, Nobel Peace Prize winner in 1958, declares that « positive peace means the creation of an atmosphere of mutual understanding». The fraternal Dialogue (...) involves each individual setting aside how he is and what he thinks in order to try and understand

¹ These steps are in a logical order endorsed by many schools and already arranged by John Dewey in the early century in his book *How do we think?* (1910), translated from American in 1925, published by Alcan. He mentioned six steps: 1) clearly define the problem 2) Express solutions freely 3) compare the solutions 4) choose the best solution 5) carry out, implement 6) assess.

favourably the other’s point of view, even if not necessarily shared»². This unbiased listening ability is the perfect scenario. However, individuals involved in a conflict have a long way to go, a way C-R-I-T-E-R-E tries to outline. Parties in conflict with one another cannot put a lot of effort into trustworthy dialogue, unless they got involved in the Framework and Rules of the games, which may last sometimes over multiple months:

1) Start out by giving yourself a secure framework for dialogue, place and time, outside the crisis peak, where the main players truly listen to each other.

2) Crush bad behaviour by introducing another power other than having the upper hand.

These are key steps also found in lawless zones such as playgrounds, town suburbs, areas secretly ruled by the Mafia or under the control of armed gangs. Establishing and strengthening the framework of law is a priority where the law of the wild prevails. C and R figure all required actions to reach a dialogue of quality. The framework of law clears space for communication, knowing that, to bear its fruits, empathy needs to evolve at a safe distance from the power-plays and power strategies.

« The day of departure is not the day to get ready. » a Nigerian saying

Authentic communication combines with effective negotiation in step I (emotional intelligence and rational thinking consider the interests involved), being the core of C-R-I-T-E-R-E. A properly defined problem is half solved while ill-defined, unsuitable solutions ensue. To agree upon the definition of a disagreement is a prerequisite to finding a solution. At this stage, the emotional intelligence plays a crucial role: it clarifies painful experiences by listening to the anxieties and motivations of everyone. An emotional experience –passionate or seemingly irrational- cannot be ignored: it will disappear when the source of frustration is identified. We stop thinking for a while, allowing the heart and guts to express the meaningful reasons. This process of authentic communication suppresses resentment and bitterness that would otherwise ruin further discussions. Individuals are prepared to soundly consider the conflicting interests at stake as long as they feel true respect for their principles. These interests should be listed since they are what really matters when the time has come to find a solution: « how to proceed so that.....and ..., and ...and ...? ». We can agree on the problem at hand when we together successfully identify the various interests at stake: « and.... and... =? ».

Only then may we proceed to the following step - T: **T**hink of as many ideas as possible, without trying to find **the** solution right away, but rather a maximum of solutions to the problem. A creative atmosphere is important so that imagination can prevail through brainstorming, that which makes us more flexible and adjustable. The challenge is to achieve a different and renewed look at the problem. The T step has to be clearly distinguished from the steps meant for observation, decision and commitment: **E**valuate the various possible solutions, then **R**ealistically make plans while bearing in mind the best idea (E and R of C-R-I-T-**E-R-E**). The resultant solution must be recorded and clarified with its various practical applications to avoid agreement in a rush. Finally, **E**xperience it for real. However, before leaving, immediately schedule another meeting to subsequently together **E**valuate the results (the last E of C-R-I-T-E-R-E).

C-R-I-T-E-R-E is all about the art of taking the small steps which Gandhi and Henry Kissinger often mentioned. One cannot ‘move a mountain’ of problems without cutting it

² PIRE Dominique and VAN DER ELST Raymond, *Live or die together*, Presses académiques européennes, Bruxelles, 1969. The « two lessons on the Fraternal Dialogue » are in p. 41 to 84.

into small pieces beforehand. That’s the second Descartes’ principle in its *Discourse on the method*: « to divide each of the difficulties that I will be examining into as many parts as possible and necessary for its adequate solution».

The training programme offered by CommunicActions

This book is mainly the teaching material of training sessions organised by the International School of CommunicActions (see our site <http://www.communicactions.org>). The standard training programme is split into **ten weekly sessions**. The story of CommunicActions started in Mauritius in 1999. I was then asked to develop the programme « Learn how to manage conflicts » in relation to multi-religious and multi-racial groups, based on our human story shared by all, Hindus, Christians, Muslims, Buddhists and atheists as also white, yellow, dark and black people. The main concern was to train facilitators who could in turn lead this workshop among extremely diverse audiences.

The movement is legally incorporated as a non-profitmaking organisation, and has since spread over three continents. In 2009, it was operating with 60 facilitators. Our aim is to spread these amazing tools among a maximum of civil society players and thus have a part in the better running of social structures: families, schools, associative and professional life teams to mention a few. In Africa we are happy to circulate the best knowledge regarding communication and negotiation, to people who have never heard anything before about assertiveness, Carl Rogers, Thomas Gordon, NVC, etc. Our educational work brings to the widest audience possible a cutting-edge research, in simple words and ready to use in everyday life.

The method reconciles principle and experience

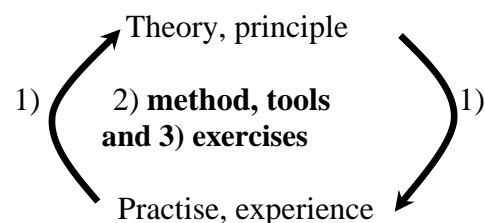
Three educational options give its structure to the entire book: its strength lies 1) in the method (the analysis cannot be restricted to good ideas) and 2) in the exercises, 3) by progressing from the most simple to more complex. Each chapter is built on the same three-step plan:

- 1) Why this strategy and not that one? What to do? This step deals with issues, founding principles and clarification of notions.
- 2) How to proceed? How to get rid of habits and adopt a more appropriate strategy?
- 3) How to practise and train during the coming days?

1) It is by going back and forth between experiences and principles that clarifies the “what for” at stake and the issues of “why”. A scenario based on personal experience confronts the various possible strategies. Facing these, individuals become more aware of their own logic as far as their spontaneous approach is concerned.

The choices question the habits that are finally ineffective.

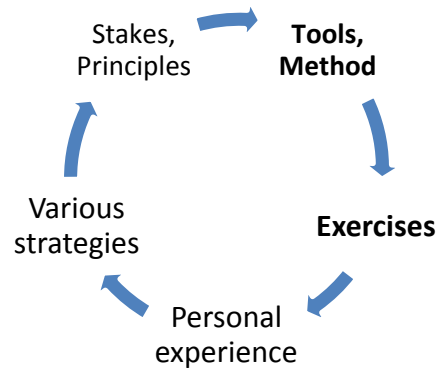
2) To know what to do is not enough, one must assimilate a method (*odos* in Greek = way) which will offer the right tools to operate a strategy change. The whole chapter is about getting the operational tool leading to the most



suitable strategy³. Our deficiency with regards to conflict is not idealistic but practical. To be translated into action, a theory needs a method, a procedure that marks out the steps needed for its implementation.

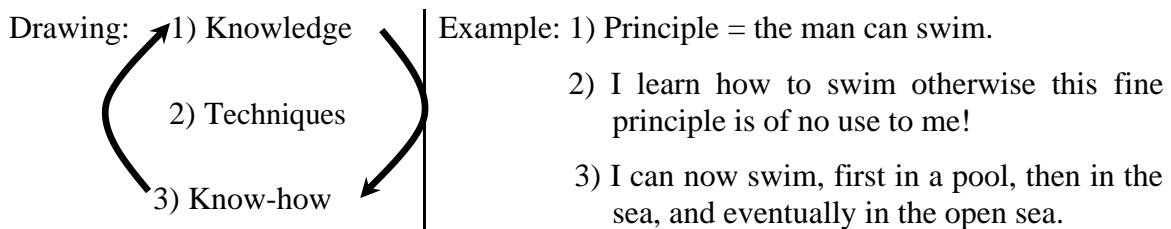
The method itself is based on techniques and tools. It is the method and its tools that give its effectiveness to knowledge.

3) At the end of the chapter, some exercises will help assimilate the tools. No-one but ourselves can link theory to our own reality. And this strictly personal move entails tremendous changes in daily life!



« We are not provided with wisdom. We must discover it for ourselves after a journey that no one can take for us, or spare us». Marcel Proust

The assertion of principles is not enough. For instance, it is correct to say that a man can remain on the surface of the water. However, how relevant is this principle for a man who doesn't know how to swim? He cannot appreciate that this principle is true and applies to him as long as he is not familiar with swimming techniques. **It is the method that links principle and experience.** If a man falls off a boat and drowns, his death does not invalidate the principle, but highlights his lack of swimming skills. The conclusion will be that he was “inexperienced”. On the other hand, had he been a better swimmer, he would have been able to challenge even more dangerous waters. An efficient educational method teaches a beginner how to swim in a pool first, not in open sea. It's all about learning to use the tool in a “down-to-earth” manner, before being able to tackle even more complicated situations. The same applies to conflict resolution. There is no point learning straight away how to use the method to solve our most inextricable conflicts. Let us first experience it in the lab of our daily stress.



In any art, what seems difficult to the beginner becomes easy with practise. Take, for instance, how to drive: at first a lot of concentration is required from the new driver. After a few months of practice, what he can achieve is a hundred times more fluid than on the first attempt. And yet, his brain is less active, as proved by neuroscientists who compared brain imagery on both occasions.

³ This book which puts emphasis on the practical experiences, the method, the tools and the exercises, has skimmed as much as possible the notes and variations in texts and exchanges between schools that are mentioned in my PhD Thesis at the Catholic University of Louvain.

This book is limited to interpersonal conflicts. The ability to address an injustice at a socio-political level is a second step which comes after having learnt how to clean up one’s own backyard and developing the basic skills for communication and negotiation. I address the socio-political part in another session that completes the basic course by using the D-I-A-P-O-S⁴ method.

Family, school and business are the three social fields covered in this book. In order to tackle the mountain on its most accessible side, I always start from the domestic cell which is the smallest social group and that can best be controlled as a parent. Usually, the one who does not master the tools we offer here in the family has little chance to succeed doing so in school or at work. It is, however, also true that some individuals prefer to first “challenge” their professional environment. The best thinkable approach remains progressing from simplest to more complex. That is why in this presentation, I shall refer back and forth between the realities of family life and that of working life, each world having lessons to teach to the other.

Reconciliation between knowledge and know-how results from continuous practice through exercises

We are not born good communicators or mediators, we grow to become one. This book mentions many examples, testimonials and practical tasks that relates to this personal growth. Some are to be put into practice for everyday life, some others are to be performed at work (we suggest the use of a blank personal notebook which will be of valuable help with keeping records of these examples and tasks). Taking a quick glance at the exercises will only result in a semblance of efficiency. Reading this book and/or attending our sessions is not the issue; the main focus is to personally get involved, listen to what you say and do in your everyday communication fields. This book aims at making each moment spent reading feel like the bounce of a spring that strengthens your own communication dynamics. It also aims at conveying an effective method rather than teaching content, more in an attempt to teach how to fish rather than giving a fish.

A successful training means trans-formation of our habits thanks to the implementation of the method.

⁴ I briefly introduce this method in the third part of this book, in chapter 1, when dealing with anger fighting against injustice.

⁵ Various sayings illustrate the text: « proverbs are the children of experience » after a Burundian saying.