

Conflict Resolution in Action

by Sophia Tutorial



WHAT'S COVERED

In this lesson, we'll learn what conflict resolution looks like in action by discussing ways of resolving a conflict such as:

1. Types of Conflict Resolution
 - a. Arbitration
 - b. Facilitation
 - c. Conciliation
 - d. Mediation
2. Successful Mediation in Action

1. Types of Conflict Resolution

In the previous lesson, we mentioned that ADR is a type of conflict resolution that avoids the formal legal system, or litigation. **Litigation** is a process of resolving a dispute through civil court. Litigation can often be costly and time-consuming. This is one of the reasons why people in conflict often prefer to choose ADR forms of conflict resolution.

Here are some common types of ADR:

1a. Arbitration

An alternative to litigation, **arbitration** is a process of resolving a dispute by seeking a decision from a neutral third party outside of the court system.

A lot of legal documents have arbitration guidelines written into them. If there's a dispute about something in the document, it can be settled by a third party who makes a binding decision outside of court.

1b. Facilitation

Facilitation, as opposed to arbitration and litigation where the third party has sole decision-making power, is a process in which decision-making, communication, or negotiation is aided by the actions of a neutral or outside party.

A facilitator is typically a neutral party working with a larger group. Perhaps this group has to make a decision, but there's dissent within the group, and it's difficult to reach a consensus.

The third party facilitator is brought in to help the group have this conversation, and come to some resolution.

1c. Conciliation

There's also **conciliation**, in which the conflict resolver meets privately with the parties involved in the dispute, seeking to gain concessions from each party.

This often happens when you have quite a bit of hostility, and the parties don't want to be present in the same room together; the parties prefer to meet separately while still having their needs communicated.

The conflict resolver will go back and forth, bringing concessions from one side to the other, hoping to come to some middle ground.

While there might be a point when maybe the parties both agree to meet face to face, the goal is to reach resolution through the conciliation process.

1d. Mediation

Similar to facilitation and conciliation, **mediation** empowers the disputing parties to make their own decision. In this form of conflict resolution, a neutral third party helps disputing parties to communicate effectively in order to alter their relationship, reach an agreement, or both.

The word neutral is key here because the mediator is not involved in the decision and doesn't have any particular interest in which way it goes. The role of the mediator is simply:

- To provide a safe, confidential environment for parties to speak and be heard
- To come to a decision that will best meet both parties' needs



TERMS TO KNOW

Conciliation

A conflict resolution process in which the conflict resolver meets privately with each party to the dispute, seeking to gain concessions from each party.

Arbitration

A process of dispute resolution by seeking a decision from a neutral third party outside of the court system.

Litigation

A process of resolving a dispute through civil court.

Facilitation

A process in which decision-making, communication, or negotiation is aided by the actions of a neutral or outside party.

Mediation

A form of conflict resolution in which a neutral third party helps disputing parties to communicate effectively in order to alter their relationship, reach an agreement, or both.

2. Successful Mediation in Action

Let's now look at some ways in which mediation has been very successful at various levels:

➡ **EXAMPLE** Police may refer cases to community mediation groups in order to focus on the crimes that need their attention. These can be cases such as disputes between neighbors, or other people within the community.

Essentially, anything that the police think could be solved by a community mediator falls under this category.

➡ **EXAMPLE** Truth and regulatory stakeholder negotiations are governed by the Federal Mediation Conciliation Service, which will bring together the government agency and those affected by upcoming rules or regulations.

The goal is to jointly right the regulation, so the process brings two potential antagonists together and creates partners out of them in order to solve the dilemma.

➡ **EXAMPLE** Another successful federal program is the Victim Offender Reconciliation Program (VORP), which brings an offender face to face with the victim so that the offender can hear the impact of his/her actions, take responsibility for what he/she has done, and make amends.

The goal here is to try to make it right. Particularly among juveniles, this has turned out to be effective. If a juvenile or first-time offender has committed a crime such as shoplifting or property damage, a mediation program can bring the juvenile face to face with the victims that have been hurt. The offender is able to really hear the impact of the crime, and then do some form of restitution.

➡ **EXAMPLE** Divorce proceedings are another example from within courts. Instead of going through litigation in a courtroom, more and more couples are seeking mediation as a means of divorce with a shorter timeframe and lower costs.



SUMMARY

In this lesson, you learned the ways of solving conflict: **litigation, arbitration, facilitation, conciliation, or mediation**. You also learned some ways that **mediation is successful** in handling a variety of conflicts, such as those between a victim and an offender. You now understand that even though these resolution processes differ in their execution, they all have the same intent of reaching the best solution possible for both parties. Good luck!

Source: Adapted from Sophia tutorial by Marlene Johnson.



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A process of dispute resolution by seeking a decision from a neutral third party outside of the court system.

Conciliation

A conflict resolution process in which the conflict resolver meets privately with each party to the dispute, seeking to gain concessions from each party.

Facilitation

A process in which decision-making, communication, or negotiation is aided by the actions of a neutral or outside party.

Litigation

A process of resolving a dispute through civil court.

Mediation

A form of conflict resolution in which a neutral third party helps disputing parties to communicate effectively in order to alter their relationship, reach an agreement, or both.