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Conflict Case Studies

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Introduction to Conflict Case Studies

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Readers are encouraged to send comments and critiques directly to the author. Because of this text's deliberate "one -of-a-kind" format, detailed page -by-page comments and questions are welcome.

This paper presents the introduction to a series of case studies for a future conflict resolution textbook. It has been successfully piloted with several international classes. Those, who benefit most, stress the importance of carefully studying this introduction. Because the case study format is intentionally unique, written in an interactive and non -linear workbook style, unlike many introductions, the information provided here is required for understanding the case studies. In fact, the introduction is so critical to effective use, the most important paragraphs are repeated at the beginning of each case study. Confused readers are encouraged to re-read this introduction in its entirety.

Readers report rich reward when they approach the case studies in the interactive workbook style recommended, and, for example, take time to reflect on questions; add their own opinions and interpretations. They also do the activities, applying the conflict research, theories and approaches presented to case study and personal experience. Their main challenge is accepting that thorough analysis and practice can take a lifetime.

The author is particularly interested in comments that will help instructors and individual students around the world effectively and fully understand and use the text's curriculum. For example, would you suggest an instructor's guide? Please also let the author know what you appreciated most and would like to see "more of" in future texts.

These case studies are part of a larger vision for evaluating and sharing effectiveness with leading non -violent peace and conflict resolution efforts. The author would appreciate hearing your "success stories" and the most troubling challenges (including ethical and cultural) that you face. Thank you and best wishes.

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Introduction to Conflict Case Studies
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APPLIED ETHICS ANALYSIS AND DIALOGUE

When I was first tasked to teach applied ethics for alternative dispute resolution several years ago, I discovered not texts; only several codes of ethics and articles exploring concepts. When I was asked to write text, the dependence of applied ethics on advanced skill development shaped case commentary and exercises. Beginning practitioners of conflict resolution often lack the awareness of practice options needed to explore ethical possibilities. In fact, at their most innocent and optimistic, beginners acknowledge they are not even prepared to identify ethical issues. Consequently, these case studies combine relevant skill development, with ethical questions. They also prove popular for traditional class discussion exploring ethical options and consequences.

Tough questions sparked these cases. Two recent conversations exemplify. In the first, I was asked if I, as a conflict resolution practitioner, would go to jail if a court insisted that I violate ethical principles regarding client confidentiality. In the second, a vice chancellor emeritus, at a highly respected research university, discussed how bureaucracies, even his own, are not structured to include “independents,” such as ombuds, mediators and other conflict professionals, or consider their ethical obligations. Instead, traditional organizational “boxes and lines” assume authoritarian control and conformity. Such tensions are likely in a lot of our most important conflicts involving societal authority. Third parties to conflict face questions concerning authority and ethical independence on a regular basis. Since the focus of this text is exploring the ethical dilemmas commonly faced by conflict leaders and intervenors, while empowering effective response, the case studies present conflict circumstances involving grassroots community and intergroup conflict, and raise challenges often faced by middle level and professional leadership, such as organizational and bureaucratic dilemmas.

These case studies are offered in the hope that they will stimulate ethical reflection, awareness, dialogue and practice, while empowering effective and needed social change. Seasoned leadership, professional and grassroots, well-acquainted with the ethical dilemmas, appreciate the case study approach. All describe true circumstances, with “real world” complexity, ambiguity and uncertainty. The facts have been changed, combined and blended so they no longer reflect any particular people, organizations or communities.

Reflecting on my work with multicultural communities and violence and crisis, critical themes include consciousness and power. Anticipating the sensitivity (“wounds and defensiveness”) involved in some discussions, I propose and recommend that all participants agree to working guidelines (or “ground rules”) ensuring that all who speak feel deeply considered and respected.

I believe a balance between mind, heart and spirit, or perhaps intuition, best guides ethical reflection and dialogue. Pure emotional appeal historically leads to ethical horrors. But who can demonstrate that our sense of ethics is primarily rational? Can we say, in practice, the best of who we are is intellectual or abstract?

The ethical core appears to be the ability to identify and wrestle with dilemmas; in short, ambiguity, and even contradiction, with consciousness and concern. My students want assistance with their wrestling, in proportion to value ambiguity. Self-determination and fairness are tough to define and measure than efficiency and economic gain.

Toughness, however, does not deter. Most students, of "all ages" and diverse interests, seem hungry for ethical exploration, while simultaneously pessimistic and cynical about actualizing values other than economic interest. Their search and hope has often inspired study of mediation and democratic process, having become jaded and alienated with their professional and personal experience of win-lose competition and corruption. Here are some of their questions.

- How do I enrich my soul?
- Should we ever give up on wanting to improve someone we care about?
- How do we deal with our own inner conflicts?
- How do ethics and culture interrelate?
- Do recognition and empowerment through mediation have value even if parties do not agree?
- How does a mediator balance transformation with reaching agreement?
- Do we have a duty to change others' opinions and perspectives regarding our strongest concerns?
- To what degree is it possible to understand someone else's cultural and moral perspectives?
- Does mediation rely primarily on intuition, empathy, respect and a sense of justice?
- If so, how are these taught?

TEACHING AND LEARNING WITH CASES

A teaching case is a story, describing or based on actual events and circumstances, that is told with a definite teaching purpose in mind and that rewards careful study and analysis...

In the real world, the solution to complex problems cannot be found in textbooks, nor will everyone agree on the "right answers" to difficult questions. The case method prepares learners for a world that demands critical thinking skills and the ability to create convincing arguments, often with little time and incomplete information.

Laurence E. Lynn Jr. *Teaching & Learning With Cases* (1999).

(I)ntermediaries can learn from experiences in dealing with past conflicts, but there is no model that can be applied to all cases. The unique features of each must be examined carefully and adjustments in strategy made throughout the process, which is invariably complex and sensitive.

Olara A. Otunnu & Michael W. Doyle, *Peacemaking and Peacekeeping for the New Century* (1998).

Readers may feel somewhat disoriented, confused, and, even a little anxious, when they first read case studies, especially if they are accustomed to texts that present information in a linear logic. By describing points step-by-step and connecting points with explanations, the reader of a traditional text is able to follow another's thinking.

With case studies, however, the reader is expected to develop her or his own thinking by, for example, actively asking: What is the possible connection or relevance of this information? What do I think? What are my reasons? What options exist here? What criteria do I propose for evaluating alternatives?

Today the emphasis is on the need to build a just peace in more direct and tangible ways. The large issues and threats are still with us, but our response is led by stories of communities mobilizing to solve problems through immediate and direct participation... This is a time characterized by many choices and options as well as individualized, decentralized authority. *Id.*

The challenge and value of case study learning is dramatized by Bloom's taxonomy of educational objectives. Case studies encompass all: 1) introducing key concepts, or ideas, and processes, 2) understanding technique, 3) applying technique and developing skill, 4) acquiring skill in problem analysis, requiring synthesis and application of concepts, 5) acquiring skill in synthesis of action plans, 6) developing values and world views, and 7) developing mature judgment and wisdom. William Naumes and Margaret Naumes, *The Art & Craft of Case Writing* (1999) (citing Reynolds, There's Method In Cases, *Academy of Management Review*, Vol. 3, No. 1, 1978.)

Furthermore, these objectives are often attempted simultaneously and quickly with the case study approach. In traditional lecture courses, students sometimes have the entire semester to prepare for synthesizing and applying concepts in graded analysis. With a case study course, however, students may be asked to synthesize and apply concepts soon after learning them.

On the other hand, those willing to face initial fears, and invest themselves in the case study learning process, report rich rewards.

“Captivating”

“Powerfully dynamic”

“You are forced to look within yourself, which can be difficult... yet this... leads to immense personal growth.”

“Life altering, life challenging, life improving”

“What fun!”

Simultaneously, students learn and develop skills of collaborative, or consensus-oriented, conflict resolution. Through critically developing their own analysis and persuasive rationale, they prepare for quality democratic dialogue. The most successful learn democratic leadership; ideally inspired through experiencing their own capacity to make an actual, tangible difference.

“I learned skills in communicating with others, and was able to see talents in myself.”

As a teacher of conflict resolution, I love watching my students grow in confidence and enthusiasm as they engage in their own learning and discover that contributing their skills and perspectives enhance the classroom experience.

These cases and curriculum have been successfully piloted with several international classes. Students begin preparing just like they do for traditional classes, by reading relevant text before class. Since the material requires active engagement, and in-depth understanding for application, rather than speed reading for highlights, fewer pages are typically assigned.

WHAT TO DO WITH MISSING OR VAGUE INFORMATION

Case studies are often open-ended, or incomplete, to emulate real life ambiguity and complexity, and help users develop critical thinking and confidence required in the face of challenge and uncertainty---particularly these cases. These are concept, principle and process application cases, rather than decision-forcing, policy making or illustrative cases. For readers new to case studies, decision-forcing cases require actual decision, with simulated pressure. Lynn, *supra*. Policy making cases direct the creation of framework or processes for policy making. Illustrative cases record historical success and failure. Application cases focus on increasing student skill, without necessarily requiring decision or directing policy making (thought types overlap.) Decision forcing, policy making and illustrative cases necessarily contain more descriptive and substantive detail than application cases. *Id.*

These cases are deliberately even more open-ended than many application cases, with sparse facts, for several reasons. First, they intend to teach and guide advanced conflict resolution skills, including the ability to identify important information gaps and "fill them" through, for example, framing excellent questions and acute observation. In real circumstances, particularly complex ones, conflict intervenors, like detectives, face many unknowns. They must be willing and have the courage to "navigate uncharted waters." Oftentimes only seasoned judgment (their own and that of respected colleagues) is available for determining whether understanding is sufficient.

I wanted more specifics about the original conflict to begin with, but I also understand that some of that ambiguity is simply how one has to enter conflict scenarios. We will probably never hold all the pieces of information when we start. Discovery is part of the process... This is definitely a powerful process.

Second, responses to complex ethical and cultural dilemmas are dynamic and evolving; not solutions to be described or finalized, with simple logic or reference to expert authority. As one student commented, these are the questions with "no answers." They require extended, perhaps life-long, reflection and dialogue, and, most importantly, consciousness of real world consequences, after attempted practice. Readers should feel no pressure to reach conclusions or provide answers. Questioning, reflection, discussion and awareness are the desired results.

(P)eacemaking is marked by experimentation. There is no right way to go about creating peaceful communities and a peaceful world. Working for peace will differ according to context.

Herr & Herr, *Transforming Violence: Linking Local and Global Peacemaking* (1998).

With cultural issues, majority and minority are used to avoid the stereotyping that unfortunately still too often accompanies specific labels. The open-ended cases allow readers to introduce, discuss and show their own cultural experiences and preferences with each other. With my students, this has been a much appreciated opportunity to create multicultural community and interdisciplinary dialogue, in relatively low-risk environments (at least in contrast to discussions in the heat of conflict.)

In my last multicultural conflict resolution class at the University of California, Berkeley, more than eighty percent of my students identified with one or more minority groups with and outside the United States. Several have dual citizenship. They include citizens of Argentina, Australia, Belize, Bulgaria, China, Finland, French Polynesia, Germany, India, Iran, Mexico, Nigeria, Thailand, Ukraine and more than forty additional countries.

Everyone attempts to identify, describe and explain their own cultural experience, assumptions, values and preferences as they participate in conflict resolution process. Ideally, the result is truly inclusive. At least, participants are empowered.

The ideal response is like this one elicited with a Hmong student. One of the case studies “struck a chord” with her experience in the United States as a first generation immigrant, and the first member of her family to feel comfortable speaking English. As a result, she spoke in great detail about her family’s many cultural challenges and conflicts.

Readers are invited to reference and consider their own life experience with conflict whenever analyzing and discussing case studies. This engagement raises readers to the level of “peer partners” or “experts” with cases, and prepares them for whole-hearted participation in future role-play simulations.

The text is written so that no particular background or training is required or has an advantage. This is important with multicultural dialogue, where members of various cultural groups may be sensitive to others “speaking for them.” Others may simply stay quiet in the presence of authority. Still others might react with offense, angry accusation, and heated debate. Neither promote the open, reflective and inclusive dialogue and learning desired here.

Once again, the purposes of this collaborative partnering are to fully engage readers in true life dynamics and maximize development of advanced skill and awareness. Unlike simpler negotiation exercises, where participants can be given a factual, even mathematical, formula, with the goal of figuring out the optimal result, complex intergroup simulations require participant creativity, prolonged discussion, initiative and persistence. Developing necessary skills and attitudes may be the most realistic and important outcomes with complex, tough simulations.

These cases have been field-tested with many different groups, ages eight to sixty, representing diverse groups within and outside the United States, and a wide range of interests, disciplines and professions, with varied experiences and perspectives. *The issues raised in these cases are relevant and meaningful to most, partially because the detail provided is only what is essential to introduce issues for discussion and exploration. More technical detail risks excluding less knowledgeable participants and narrowing the audience, while “cluttering” the ethical and cultural issues shared across the conflict resolution continuum.

*Including peace and conflict studies, social welfare, various sciences, public health and policy, psychology, pre-medicine, nursing, law, environmental and development studies, engineering, ethnic and area studies, education, communications, business and political science.

“(The case) was very real – life that anyone could relate to whether or not they’ve been in such a... situation.”

“(It) was common enough for most people to have experienced something similar.”

Readers are free to adapt the cases to their own interests through integrating their knowledge and experience, or researching topics of interest. Some students have done interviews regarding culture, conflict and values. Others incorporate library and internet research.

“I appreciated... the simplicity of each role’s freedom to pursue personal goals.”

“Initially I was skeptic(al) about the vagueness of the case study and my role (e.g., not knowing exactly what my stance was.) Then I came to accept my role is what I made of it. After that, the role-play was extremely educational.”

“The complexity of the case study allowed a lot of interpretations and the knowledge of the participants in my group held allowed us to dig deep into the subject.”

One student described the cases as organic and compared them to amoebas and molecules – necessarily flexible and fluid to permit adaptation to the experience and background of the “parties” – students simulation participants. In her words, they “flow and grow.”

INTERNATIONAL RELEVANCE

Many readers are familiar with the political study of international conflict and formal diplomacy between states – perhaps involving the United Nations. Conflict resolution increasingly also includes what is called Track Two, or citizen, diplomacy, and the intervention and influence of professional, academic and non-governmental organizational (“NGO”) leadership. More and more conflicts are intrastate and interethnic. They require the empowerment, recognition and inclusion of many levels of society – grassroots, and what John Paul Lederach calls middle level leadership.

For example, last summer I moderated a panel at the University of Oslo including a human rights ombudsman from Peru, academics discussing decentralized authority and development in Uganda, and capacity building, or empowerment through non-violence, with the Tibetan community, a member of political negotiations in Ethiopia, and future staff for NGOs facilitating interethnic dialogue and human rights education throughout the Balkans. All discussed their experience with conflict resolution.

I think it was appropriate that my role was simply to introduce the panelists actually doing conflict resolution, and moderated discussion. Traditionally we have looked to those, often academics and politicians, with the most authority, status or expertise, to lead us. Now, with more education and emerging democracies, growing numbers of middle level professionals and grassroots community are empowering themselves, and leading non-traditional movements for essential social change that respects and considers all; not just those “at the top.” Note: Readers interested in more traditional international case studies are encouraged to investigate some of the excellent series available elsewhere, e.g., Harvard Negotiation Project.

CASE COMMENTS

Conflict resolution considers several layers of dynamics, that may not be expressly stated, but are still present and part of every international and domestic process. These layers inform and guide the content and structure of the curriculum presented here. They include:

- 1) intradynamics, or what occurs within the individuals present and concerned, that is relevant to the conflict and its resolution, such as bias,
- 2) interpersonal dynamics, or what occurs between the individuals present and concerned, such as interpretation of conversational messages,
- 3) intergroup dynamics, or what occurs between the groups present and concerned, such as historical and present scapegoating, myth telling and power imbalance,
- 4) system dynamics, or what occurs within and between the systems present and concerned, such as societal denial and distortion of wrongdoing.

These layers mirror conflict resolution theory, research and method, particularly when culture is acknowledged and embraced. The new and emerging interdisciplinary field of conflict resolution is influenced and shaped by anthropology, communications, law, psychology, social welfare, labor relations, philosophy, systems theory, and more. Similarly, collaborative, or democratic conflict process, is practiced within arenas as varied as government bureaucracies and private business; judicial forums and community gatherings around the world.

The need for more action research is widely recognized. At the same time, it is worth acknowledging and exploring research and theory from the web of disciplines that inform and support existing practices.

Commentary is provided throughout the cases to help readers consider, apply and integrate relevant interdisciplinary approaches to and diverse perspectives regarding conflict resolution. An attempt is made to highlight and introduce some of the richest resources for advanced practice from a practitioner perspective. Commentary, questions and exercises are interwoven throughout the cases, rather than at the end, to further engage readers, simulate real world reflection and analysis, and guide readers in regular application of conflict theory, research and material ---also practice and habit of advanced intervenors, popularly called reflective practice.

Like the cases, commentary is provided without explicit guidance or explanation. Readers are encouraged to continue proactively developing their own questions and thinking as they would in real circumstances, imagining ways of connecting the commentary to the case material. At the very least, articulating one or more questions, regarding how the material relates to the case study, will engage the reader in necessary critical thinking, initiative and information gathering. The more complex the case, the more important these skills become.

In some ways, conflict resolution cases are analogous to business administration cases. Unlike law or medical cases, business and conflict cases lack a well-defined professional knowledge base and formal logical processes for its application.

Business case analysis may draw on virtually the entire body of knowledge of behavior and social science and may make use of it in virtually limitless variety of ways. Originally, cases were just about anything... faculty could find to provide a basis for provocative discussion... (T) here reasoning process is more experiential and associative, involving pattern recognition and intuition, than it is logical reasoning, as in the teaching of law, or scientific reasoning.

Lynn, *supra* at 10-11, (citing Christensen with Hansen 1987, 25). ("In less institutionalized domains, such as administration, social work, planning and education, the question of what constitutes "essential knowledge" is far less clear; indeed, it may be difficult to rule out any but the most esoteric or specialized knowledge as relevant to practice. In such domains, "structuring" a well-defined body of knowledge is a less essential skill than identifying knowledge potentially relevant to resolving the problem at hand." *Id. Emphasis added.*)

CASE EXERCISES

ROLE-PLAY SIMULATIONS

All cases have been successfully used for simulated negotiation, facilitated dialogue and mediation. Simulated role-plays require factual elaboration. Most importantly, "role players" need to prepare their individual roles. Basic facts are provided. Past users recommend developing specific negotiation strategy or plans of action. Simulations are excellent times for students who are comfortable with incorporating their personal experiences — cultural and other — to do so.

Special Note: Mediators will need to decide whether to address ethical issues with the parties to conflict or assume that ethical issues have been satisfactorily resolved and proceed accordingly.

Student Recommendation

Thank to Lisa White for the following guidance.

While reading through the case studies it is important to be aware of every party's background, interests, and what they have at stake in this conflict. It is only by suspending the reader's judgment that the case can be effectively analyzed. It is vital to consider each individual's culture background, past experiences, and position in order to understand his or her perspective, and possible cognitive biases within particular parties.

When reading through each case, try to identify why every person is involved along with his reason for entering the conflict resolution described. This will help in understanding the stakes, possible group influences and defensive positions.

When taking the case study into a role-play, the role-play will be ineffective if everyone involves compromises in ways that are untrue to the actual actors in the case study. Every party has interests, real interests, which when threatened brought them "to the table." Note every conflict resolution process leads to a clear win-win settlement. Role-plays force students to confront different perspectives (either in a specific role, or in the role-play process).

"People participated really intensively; it was easier to get into roles than I had anticipated, created some really real like situations."

ORGANIZATION

The curriculum is organized sequentially (“step -by-step”) so that, by the end of the last case study, users will be introduced to the basics needed to mediate intergroup and less complex conflict. Contained within mediation are the concepts, skills and process of other types of conflict resolution, like neutral investigation, or fact -finding, and interest -based, or “win win” negotiation, and related process, such as facilitating multicultural dialogue and creative problem solving/planning. (Note: All technical terms will be defined and explained later, in the case studies.) Ombuds are conflict professionals who perform many, if not all, of the above processes; consequently, ombuds are mentioned throughout the case studies.

Mediation and ombuds work distinguish themselves, from the other conflict processes mentioned above, with several different codes of ethics, representing their inter disciplinary nature and presence in many different arenas, e.g. social work and business. Consequently, both are frequently referenced in case studies, when ethical dilemmas are raised.

Conflict resolution training and skills (all those mentioned above) are increasingly seen throughout the wider range of professions mentioned earlier. Each profession, e.g. nursing, medicine, social work, communications and law, has its own set of ethical principles. The benefit is resulting professional independence and integrity, or the power, professional community, and moral motivation to act as critically needed leadership/agents for social change and integrity. I personally have found my professional codes of ethics (legal, mediation and ombuds) pushing and encouraging me to “do the right thing” in moments of doubt and feared retaliation. My professional communities support and guide my soul searching and risk taking.

All—including non -professionals, students and young people --- who adhere to constitutional bill of rights, religious principles or personal codes, can discuss ethics, independence, accountability and integrity from these perspectives. No one is excluded, but we may have different reference points.

Interesting tensions and questions arise when a professional or person has more than one of code of ethics to consider. For example, a nurse considering mediation within his health care system must consider the nursing code of ethics, while also assessing the appropriateness of mediation with mediation codes. Questions like these, questions of ethics, along with questions of effectiveness, are explored throughout the case studies. Various ethical principles are cited from the field of conflict resolution. Readers are encouraged to add principles, from their professions, and research professions that interest them, to enhance real world complexity.

Some of the standards cited for conflict resolution are organized with practices, in a set of proposed competencies for third parties working with intergroup conflict, at the end of each case study. Their authority reflects the variety of disciplines and professions shaping conflict resolution today.