At collective-bargaining time the expectations fed by these perceptions determine the negotiating posture of the Unions and the barely disguised hostility of Management.

Since Union leaders are elected by an electorate that expects them to display an ability to confront Management, the selection of leadership is also influenced by those who display aggressive attitudes and even promise not to be "cosy" with the institution's leaders. This often plays out in terms of uncooperative attitudes by those who wish to display the necessary distance from Management in order to please their constituency and guarantee re-election.

RECIPROCAL BARGAINING ("TIT FOR TAT" BARGAINING)

This method involves reciprocating every move made by the other side - a positive move is responded to with a positive gesture and a negative move with a negative one. Thus, this functions as a punishment for punishment and reward for reward formula. When used properly, it reinforces co-operative behaviour and negatively reinforces uncooperative moves. (Johnson: 83). It, however, has major disadvantages since it is largely reactive. The "wait and see" attitude which it adopts makes it unable to produce mutually acceptable results. Consequently, the negotiator does not keep control over the solution as the resulting agreement may only have been produced as a result of "tit for tat".

PRINCIPLED BARGAINING (THE HARVARD NEGOTIATION MODEL)

In negotiating with an attitude described as "hard", one party adopts a position of "winner-takes all" and bargains without P6ith thosuge os oo awat the st

seriousness- especially if they are negative and unfounded. If one party does not appreciate the other's position, it may be because the party perceives the issues differently. Since the dispute may be the result of this wrong perception in the first place, conscious effort must be made to address the issues as perceived. One ought not to be so persuaded by the justness and reasonableness of one's own cause as to be unwilling to consider that there are other aspects of the problem, that other people see differently and with good reason. Treating other people's perceptions as the product of an unsound mind is a sure recipe to failure in negotiation. In respect of perceptions, it is importanTw-0.171 Tc(mad-0.169 Tc(t

A leader must never dismiss perceptions (especially negative ones) held by sections of that constituency as unreasonable, and unworthy of attention. Since a perception gets formed by people as a result of their personal experiences and interpretation of events and facts, they represent reality for the persons who hold them and will determine their subsequent attitudes and actions. Conscious effort must be made to address them and lay any negative perceptions to rest.

FAMILY FEUD

INFORMATION FOR ALL PARTIES

Joe decided to go into business to produce pots for indoor! gardening. He had no money and so he approached his cousin! Tom for assistance. Tom, believing the plans to be sound, decided to invest in the business.

He advanced ¢14 million to Joe for the initial costs of setting up the business. Subsequently, he added ¢6 million to enable[1] the business to take off. There was no documentation on the transactions nor any discussion of payment terms. In the course of the business Joe frequently made gifts of beautiful pots to Tom's wife.

Now Joe thinks he is in a position to refund Tom's money but Tom believes he is part owner of the business since he gave the money on trust to Joe. Joe insists that his cousin lent him the money and that he is the sole owner of the business.

Joe's mother and sisters have taken to making Tom's mother miserable in the family house. In consequence, Tom has removed his mother from the family house and has indicated his intention to rent the room in the family house to a stranger. The family is upset about this, arguing that if Tom's mother does not need the room any more, it should go to one of Joe's sisters who has just been evicted by her landlord.

Every time the parties meet to discuss the matter, the meeting ends after nasty comments are made by Joe on Tom's disabled father and ugly wife.

Discuss what is wrong with the arrangements they made How may the dispute have been avoided?

2. INTERESTS

These are the real reasons that motivate people to adopt certain positions. Interests manifest themselves as issues that are of concern to the parties. The nature of the issues in turn dictates the positions that parties adopt. Therefore, to really resolve conflict, one must identify the underlying interest that is motivating the parties to adopt their positions. Focussing on interests would ensure that whatever agreement is arrived at would be satisfactory in terms of addressing the underlying interest which motivated the conflict in the first place.

Interests are essentially derived from the hierarchy of human needs. They are the hopes, fears and desires that motivate human actions. According to Abraham Maslow (Maslow: 1954) the hierarchy of human needs is as follows:

1. Physiological needs - food, shelter, etc.
2. Safety/security, protection, dependency
3. Belongingness - the need to love and be loved. Love of family and friends
4. Self-esteem - value of self
5. Self-actualization - fulfillment of abilities and realisation of career goals.
6. Need to know (curiosity) education, understanding, etc.
7. Aesthetic needs - beauty, etc.

These needs can be re-ordered depending upon the situation but they are never negotiated away. The interest is hardly ever put on the table, but it is what would determine people's positions. Therefore, a negotiator must evaluate the interests and get them acknowledged and addressed. If one hits a brick wall or reaches an impasse during a negotiation it first means that a major interest is threatened. When this happens, the offer must be withdrawn and re-crafted to meet the major interest or the negotiation would fail.

There are a few occasions, however, when it would b| necessary to focus on the issues. These are when there are underlying conflicts of values or ideology. These underlying conflicts would make agreement difficult since neither part would agree to abandon the position. Therefore, the resolution must focus on the issues causing the immediate difficulties.

EXERCISE:
INTERESTS/NEEDS IDENTIFICATION EXERCISE

TIME TO CHOOSE

You are a 42 year old citizen of Brownland and a middle-level officer in Public Trust Ltd. Your hometown is in East District and have lived there virtually all your life. You attended both primary and secondary school at the East District Educational Complex, but further education took you away to South District for a few years. After schooling in South District, you returned to East District and found a job in the Public Trusts Ltd.

Your spouse, who is also from East District has family living close by, and also has a good job. Your children have, therefore, grown up with lots of aunts and uncles who dote on them. They also attend school at your alma mater - East District Educational Complex - where they are doing you proud.

East District is located in the forest belt of Brownland and therefore enjoys nice cool weather and good lush vegetation. Your main hobby is gardening and so the climate in the forest belt is excellent for your hobby. Your house is full of lovely roses, and life could not be better.

At Public Trust Ltd., you are the official responsible for designing the structures that keep **Public Trust Ltd.** in constant communication with the local community. You get on well with your colleagues, and your boss trusts your judgement absolutely. Your position at **Public Trusts Ltd.** has made you powerful in East District, with the result that you have already served two terms at the East District Assembly as the Presiding Member. Approaches have been made to you by the All Brownland Party (A.B.P.) - the ruling party to contest the next general elections as its Parliamentary Candidate for East District.

You have been approached by Private Investments Ltd., a Multi-National Company, to become the Director of its Community Relations Unit. You are thrilled that the Multi-national giant has recognised your merit and has offered you a job forru

OPTIONS

Negotiators are urged to generate various scenarios in advance. These scenarios would have to be carefully thought through so as to ensure that they meet the party's interests. It is difficult to generate such possibilities when the negotiation is in session - particularly when it is a multi-sided dispute and every scenario must be worked through in order to ensure that the interests of all coalition members are met.

This effort at consensus-building must not stop when negotiations actually begin. Before reaching agreement, consider possibilities that are mutually advantageous. Shared interest produces good agreements. If concessions are to be made parties are to look for items that are of low cost to their side and of high benefit to the other side. This would enable the process to flow smoothly. Where it is a multi-sided dispute, this process of protecting everyone's interest becomes a very complex exercise, but it must be done or else the coalition would fall apart.

CRITERIA

Various external criteria impinge upon a negotiation, and may be used to facilitate the crafting of an agreement or to design its terms. For instance, if there is a statute that forbids a particular kind of agreement, then the parties risk entering into a contract which is unenforceable at law. Other external criteria may frustrate the efforts of the parties unless they research them and design agreements that do not violate those criteria. These external criteria can also be used to design agreements that receive instinctive support and approval because they appear objectively reasonable. Some of such external criteria or standards are: market value, expert opinion, government-prescribed standard, custom, etc. Indeed , a useful method of wearing down intransigence is

to appeal to some external standard such as the minimum daily wage. The resort to such a standard has the dual effect of making the person resisting the proposal look unreasonable, and also, presents the eventual solution as a fair and just one.

However, there are also some disadvantages with reliance on externa] standards. The standard must be reliable. If unreliable, more harm than good would have been done. There are also occasions when the standards are considered obsolete or offensive to a party's sense of equity or when the standard is even not available for use. Existing standards may favour one party more than the other, and therefore, reliance on them can be a disadvantage since it has a tendency to limit options and reduce the favoured party's desire for innovation and fresh thinking on an issue. For all the above reasons, it is good policy to ensure that both parties accept the standard and agree that it is still relevant for their purpose before using it as a basis of agreement.

MAKING DURABLE AGREEMENTS

The essence of any method of collaborative dispute resolution is that a durable solution be found. It is thus of absolute importance that the agreement that is reached must be durable. However, it can be so only if the parties accept that they have had a good deal. Consequently, the need to satisfy the parties is critical in assuring their compliance with the terms of the agreement.

In order to obtain a durable agreement, there is a threefold level of satisfaction that must be achieved by every party: procedural, substantive and psychological satisfaction. The achievement of these levels of satisfaction is ascertained by the following tests:

(1) **Procedural satisfaction** (a) Did every one feel a part of the process? (b) Did it measure up to people's sense of propriety, fairness, etc. (c) "Would the parties use the process again regardless of the outcome?"

(2) **Substantive Satisfaction** (b) Were all the issues addressed? (b) Did all receive satisfaction of their interest? (c) Is there enough interest-satisfaction to guarantee that they would implement the agreement?

(3) **Psychological Satisfaction** (a) In the context of all things considered, do we feel better that we have achieved this agreement since "a good deal is a state of mind?"

To achieve the respective level of satisfaction, one has to pay attention to certain aspects of the process.

PROCEDURAL SATISFACTION

The achievement of procedural satisfaction depends upon the following: (l)advance negotiation of the mode of proceeding so that the parties agree to the procedure;(2) Developing clear "rules of combat" to achieve several things: (a) giving a sense of order and the progress of the negotiation; (b) helping to reduce conflict over modes of proceeding at various times, e.g. agreements on time of meeting, those to be invited to the meeting, location of meeting, who will provide a draft, who gets to make choices first, who gets to decide first, etc.; and (3) Ensuring that the parties feel an ownership of the process.

Successful negotiation of these issues of procedure and reaching agreement between the feuding parties would build a history of success and also provide a sense of equity for all parties. The process can also help to reveal what is on the minds of some of the parties - particularly if there are any hidden agenda - as an unwillingness to help fashion out appropriate procedures for the process may be indicative of difficult times ahead.

2. SUBSTANTIVE SATISFACTION

When agreement has been reached, it must be written out such that even persons not involved in the negotiation would understand it. The agreement must be clear, precise, specific and unambiguous; vague expressions such as "with all deliberate speed" should be avoided since they can be the source of future conflict. Dates and times must be set out clearly. Quality should have specifications and should not be described with expressions such as "satisfactory" "acceptable", etc.

3. PSYCHOLOGICAL SATISFACTION

This describes the general state of good feeling that one experiences after an interaction that one finds satisfactory and even enjoyable. Psychological satisfaction is achieved by ensuring that there is procedural satisfaction and substantive satisfaction. If one feels that all things considered, one has had a good deal then that positive feeling would mean that the agreement had been psychologically satisfying.: The achievement of this satisfaction is important in maintaining commitment to the agreement thereby ensuring voluntary compliance during the life of the agreement.

CONCLUSION

In this manual, every effort has been made to set out the important issues in conflict management and dispute resolution. The nature of conflict itself, the stages through which it travels, as well as the processes for resolution have all been given attention. Information-flow on campus must be improved and efforts must be made to reintroduce popular participation into student-governance. This would limit opportunities for persons with hidden political agenda to exploit the information vacuum to feed lies and half-truths to major constituencies . Perceptions must be addressed

without delay, and accurate and complete information on every issue in the public domain must be given out promptly before the rumour-mill fills the vacuum.

It must constantly be borne in mind that though a conflict can be produced by one source, it can get complex as it grows and sets fed by existing streams and malicious people with their own political agenda. Therefore, the best policy is to develop and adopt mechanisms and early-warning systems that would decrease the incidence of conflict and alert the authorities to possible problems on the campus. Adequate grievance procedures should be put in place so that problems between individuals do not grow to engulf the entire campus. It is the hope that every institutional manager would invest sometime and effort in creating and keeping open channels of communication with each constituency as well as maintaining an open-door policy.

Twenty-five tips to keep in mind as one seeks to do effective conflict prevention, management and resolution have been set down below to make it easy for institutional managers to remember and apply on a regular basis. This should help promote an atmosphere of peace on the various campuses so that effective academic work can proceed and thereby ease the stress that managers of tertiary education institutions experience on the job.

TWENTY-FIVE USEFUL TIPS

1. Be on the lookout for behaviour such as rudeness, incessant complaining, sabotage, back-stabbing, etc, as they are definitive signs of conflict that has "gone underground".
2. No one will accept an agreement that threatens a major interest. Therefore when a negotiation hits a brick-

wall, it would, be indicative of a major interest thai has been threatened.

3. The world runs largely on self-interest. Therefore parties must be made to see issues in terms of their own enlightened self-interest.
4. A proper diagnosis of the source of any conflict hold the key to its eventual resolution.
5. No attempt to resolve a conflict must be made without first making a proper analysis of the motivation of the parties.
6. "Separate the people from the problem" is a useful method of dealing with issues on campus.
7. Every institutional head must ensure that the constituent groups on campus create and maintain democratic structures to enable their leaders to represent the group interests appropriately.
8. Pick your battles carefully. There is no need to take a stand on an insignificant issue and needlessly expend the goodwill that will be needed in situations of crisis
9. An institution should not be administered as if it were the private property of the head. Such a style is bound to alienate everyone and expose the leader to unnecessary attacks and "whispering campaigns".
10. Avoid the temptation of taking decisions only because of a felt need to prove one's self or to show the extent of one's power
11. Bargaining in bad faith is never good policy for parties in an on-going relationship.
12. Perceptions are real to people who form them and must never be left unaddressed, however unreasonable they may appear to be.
13. "Nature abhors a vacuum" and so inadequate information from official sources will be "made complete" by the rumour mill.

Good communication is essential to effective negotiation

Develop good grievance-procedures and mechanisms to provide an outlet for redressing grievances.

Put in place early-warning systems to alert the administration to initiate preventive action.

Constantly assess your position and the stage of the conflict and modify your strategy accordingly.

Student-leaders play the dual role of proteges for academic purposes and equal partners for governance purposes. Therefore every effort must be made to respect the dual roles as any attempt to undermine their authority would be fiercely resisted as being disrespectful of the group they represent.

Develop clear and equitable rules of procedure when meeting with constituents in order to give a sense of order to the meeting and save time.

Ensure that all parties feel an ownership of the processes that are adopted to resolve any disputes.

An effective negotiation must proceed on issues independently of trust or whatever relationship of trust that exists between the parties. It is said that "A man who says 'trust me' is a man who cannot be trusted".

Avoid granting concessions only because you could not say 'No' to a particular person

Parties at a negotiation should focus on the problems before them, not on the personalities at the table. They are urged to be hard on the issues and soft on the people.

Ensure that agreements that are reached are set down in clear and concise language in order to avoid future conflict on the real meaning of the terms. Dates, times, etc must be set out clearly without ambiguity.

Parties to an agreement must be able to tell themselves that, "All things considered , we got a good deal" as this would ensure their adherence to, and compliance with the terms.

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