Comparing conflict theories for scoping problems and means for their resolution

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Abstract

Does Australian mediation training present a range conflict theories in order to critically evaluate the scale and context of issues needing resolution?

All conflict theories promote intermediary processes, identifying impediments to agreement, and assisting participants search for solutions. Differences often relate to scale - theories vary for scoping inter-personal, local, regional, national, international and global conflicts. Appreciating different theories offers greater flexibility for taking into account the scale of the problems and the scale at which it is possible to seek resolution.

ADR as it is directed and supported through national programs may be inadequate for addressing problems unresolvable through existing laws and legislation. Theory is critical to determine whether majority/minority issues are being adequately scoped as disputes, resolvable through compromise, or as conflicts that entail deeper concerns about legitimacy and recognition and require cross-cultural engagement between western and non-western traditions. If outcomes cannot be accommodated within predominant national structures, broader theoretical frameworks may be needed so that mediators can explicitly stipulate what kind of process could address intra-state disparities between the interests of dominant/subordinate peoples; otherwise predominant national interests simply dictate a prescribed, and potentially unjust process.

Notes

Definition of conflict: ***A conflict arises when parties disagree about the distribution of material or symbolic resources and act on the basis of those perceived incompatibilities.***

Conflict has elements that are:

- **Perceptual and behavioural** - there are a range of ways people can express it and engage in it.
- **Subjective** - it is not straightforward to assess the foundation of incompatibilities. It is to do with the way people think and act, and therefore it is not possible to presuppose how it should be identified and resolved.
- **Generic, or non-specific** - it can be meaningful at different levels of social interaction from the interpersonal through to international or global levels. Insights drawn from one level of social interaction may have relevance for another.
- **Interactive, dynamic process, not a static condition or event**. Conflicts move through different stages, and there is potential for envisaging capacities to influence or change its direction at different stages. (International Alert: 1998)

Conflict Analysis and Conflict Management are terms which tend cover the study of all social processes through which individuals and groups *understand* and attempt to *deal with* conflict. It is taken to be an underlying value-neutral feature common in a wide range of social activites in which there can be incompatibility in values, interests and goals. For instance, conflict can operate and be expressed in terms of :

- socially motivated actions expressed within cultural groups and social systems to maintain

identity, well-being and social cohesion, and

- socially motivated actions when unsettling dilemmas create a need for change, and individuals and groups have to deal with and make significant adjustments.

Means to deal with conflict can include:

- **avoidance**
- **acceptance**
- **gradual reform**
- **confrontation.** My area of interest is in negotiations, which can occur at different stages in either of two signficant forms of confrontation:
    - in situations where support is mustered to bring about change **through non-violent means**.
    - in situations where groups actively organize to revolutionize or overturn a social system **through forceful or violent means**. (Schellenberg: 1996)

INTERVENTIONIST THEORIES APPLICABLE FOR NEGOTIATING TO RESOLVE INCOMPATABILITIES

Dispute Resolution, Conflict Resolution and **Conflict Transformation** all focus on **interventionist** and **intermediary** practices, how facilitative support may be offered to contending groups, and what assistance might lead toward a willingness and an increased capacity to negotiate. The fous of study is on how facilitation by intermediaries might help reveal to the parties involved the hidden behavioural realities in the complexity of their situation and their interactions. (Burton: 1996)

Purpose of Theory: Practices where parties are open to consider optional strategies, and therefore optional directions of change, provide an opportunity for derived knowledge drawn from experience in conflict interactions to be abstracted. Thus principles can be transferred or replicated in order that in future similar occurrences might be approached by taking advantage of the knowledge generated and consider the possibility of less destructive ways to deal with conflict in future. (Burton: 1996)

Theories about the **resolution of incompatabilities** have a focus on human propensities and attributes that contribute to group dynamics in conflicts. They can signify two important *capacities* relevant for dealing with group conflict:

- **capacity to identify causes and issues associated with conflicts**
- **capacity to resolve or otherwise deal with conflicts.**

Negotiating Disputes:

When there are tolerable degrees of compatibility and synchrony between these capacities, this signifies an overall capacity to maintain social cohesion. Confrontations can be settled through compromise *by traditional means*, such as adjudication, arbitration, mediation or negotiation, without the need to alter usual mechanisms and institutions appropriate within a social system. Traditionally Western legal processes determine the *rights* and *wrongs* of issues according to past facts and existing laws. They are not geared toward predicting whether or how outcomes might lead in an integrated way toward sustainable change. (Susskind & Cruikshank: 1987) Increasingly **Alternative Dispute Resolution** has been applied as an adjunct to formal adjucatory legal systems, with an assumption that consensual settlements can be made meaningful in terms of the ongoing taken-for-granted institutions legitimated within the social system. However, if ADR is the only consensual process available for settling incompatabilities, it can presuppose that it is possible to achieve compromise and have decisions ratified or incorporated within pre-existing legal frameworks in every case. ADR practitioners in Australia for instance, are often lawyers, and use ADR as an extension of or adjunct to taken-for-granted institutionalised processes.

Negotiating Conflicts

When there is not a tolerable degree of compatibility between these two fundamental capacities, they tend to signify an incapacity to deal with issues because they cannot be settled through compromise. One or more parties wants change, but not through taken-for-granted settlement mechanisms. The dynamics involve confrontations **outside of** ordinary ideas, choices, preferences and interests which can be argued and negotiated as part of normal social living. Conflicts tend to require a broader analytical view than a simple assessment of immediately apparent factors.

CONFLICTS WHERE DECISION-MAKING PROCESSES MAY NEED REVIEW

Scale

Issues of the scale of a conflict, and how this relates to the scale at which it is possible to settle incompatabilities, are becoming an integral problematic feature of many settlement processes. It is becoming difficult to separate one type of issue from another as human societies become involved in greater levels of complexity through globalising systems that bring to light similarities and differences between lifestyles and aspirations, and the potential for outcomes to be perceived to be unsustainable. It follows that there is likely to be uncertainty and disagreement about the roles and relationships between institutions and individuals operating at different scales of social interaction from the local to the global. Dilemmas are increasingly arising as to what institutions should control knowledge and authority, that is, how it is to be decided which institutions deem certain contentious issues to be:

- **negotiable (resolutionary)** -capable of being worked out consensually through compromise, or
- **non-negotiable (revolutionary)** - calling for the imposition of forced settlements by predominating institutions in order to reach outcomes deemed by them to be most workable. (Lederach: 1996)

Alternative Dispute Resolution - is now promoted and applied through formal Western institutions, such as the Courts. It holds the promise of a more integrated consensual process to allow for new possibilities to deal with social and environmental disagreement and change, when groups look for compromise. However, there is still potential for conflict to persist if the process is **biased** toward the goal of incorporating settlements within the framework of existing laws, rules or policies. If the underlying incompatibility is about values or needs through which groups maintain identity and a sense of security and belonging, rather than particular interests, they may not believe that the existing state of affairs should be maintained. Formal processes, (such as legal processes) may not necessarily be capable of re-shaping present and ongoing relationships and future possibilities. Legal determinations or political regulations may not translate into efficient, integrated and stable outcomes in practice. (Susskind: 1987)

Conflict Resolution - is the study of processes promoting adjustments and shifts in perceptual patterns than can better accommodate and deal with incompatabilities. Curle suggests that outcomes of decision-making to resolve a conflict need to bring about 'psychological' settlements as well as 'material' settlements. This can be compared to settlements that are forced or imposed by one party over others in order to address incompatible interests. When settlements are imposed, it is more likely that some parties will feel that what is occurring is a conflict rather than a dispute. The imposition can bring into question taken-for granted understandings operating within existing institutional and social norms of some of the groups involved. In other words, there is not only a need for the resolution of substantive problems, that is, interests, but there is the **further issue that groups disagree about what should be the appropriate mechanism** through which mutual agreed settlements might be legitimated. (Burton: 1996)

When one group attempts to settle incompatibilities by imposing a pre-determined institutional decision-making process which already assumes it is the *right* means according to past precedents, the conflict is about the legitimacy of the mechanisms through which issues can be addressed. Conflict Resolution relates to the study of interventions, primarily in negotiations, whereby parties themselves are assisted to analyse the sources of the incompatabilities which have created the need to review problems and how they might be settled. If incompatabilities signify a conflict, facilitators can

assist the parties to develop their analytical capacities and consider what type of process could be instituted to re-frame it so that its meaning can be expressed systematically and its elements analysed, as part of the process.

Conflict Resolution focuses on building capacity for consensual decision-making in situations where protagonists have at least some ***clear sense of the actual incompatibilities in their interests and their goals***. Conflict Resolution works best when the parties have some relatively straightforward **vision** of what they hope to achieve and at least believe they understand each other's ways of framing the issues at stake. Their primary need may be to re-formulate the decision-making process, and build up new communication skills through which to concertedly work through their incompatibilities. Thus Conflict Resolution supports parties to formulate a **resolutionary** process, but one that takes account of more than immediately apparent factors.

Conflict Transformation - is the study of scenarios where conflicts are profoundly difficult to articulate. Conflict Transformation recognises that in circumstances where conflicts are complex, protracted and deep-seated groups can face significant difficulty just finding the means to define the differences in their interests or their values, and thus why they may have different goals, even though there is a call for change. The presence of a conflict is felt, but

- the conflict has not been wholly or completely articulated and is not *commonly* understood by all concerned.
- the parties involved perceive they do not have common values or interests and may even hold that they are diametrically opposed.
- their general goals may appear so remote from each other that there is profound uncertainty as to which ones might ever be achieved and how that might happen.

A fundamental issue, therefore, is that where conflicts are deep-seated and protracted there is ***no clear vision by the parties themselves of what they can actually hope, or believe is possible, to achieve.*** There is difficulty assessing the actual scope of all the relevant issues at stake. They can only be expressed in terms of how some parts of it are felt or envisaged. Deep-seated conflicts are often unclear, uncertain, unstable, destructive or unjust, and even if there is no overt violence taking place, there could be structural violence operating within the system overall. Irrespective of whether such conflicts are overt or covert, they have the potential to irreversibly change or undermine an existing state of affairs.

Seriously polarized conflicts give rise to new questionings about self identity and community identity, and are often accompanied by the formulation of stereotypical images, all of which tend to dominate party's perceptions of other parties. These ideas surface when a social entity, such as a nation-state, or an indigenous group, is experiencing profound social change or is experiencing a crisis of legitimacy, such as a confrontational challenge, a civil war, or an eco-catastrophe. (Lederach: 1996) In more developed states, this type of conflict can also be felt as an overall realisation that the present state of affairs is unsustainable but that no one institutional process can provide mutually-acceptable solutions. There are a range of competing values, interests and goals amongst different sectoral groups, and the ongoing impasse reflects an incapacity for the different sectoral groups to work concertedly toward creating outcomes which would be commonly satisfactory and sustainable. (Susskind & Cruikshank: 1987)

The possibility of transformation of conflict centres around the development of better understandings of the core elements that have led to present circumstances. The **prescriptive direction** for developing this understanding has two fundamental goals.

- The parties' development of a more precise definition of the situation, scoped broadly enough so that it can have meaning for the protagonists themselves, prompting a more precise general overall understanding of the conflict.
- The second is to promote, through intervention, opportunities to consider putting in place new patterns of behaviour, channelled toward more constructive expressions of values, interests

and goals.

Generally, Conflict Transformation suggests that in these complex conflicts, there are three key functional stages:

- education applied in its broadest sense, the development of conscious awareness of ideas about social change at personal and social levels.
- an advocacy role to heighten awareness of what the conflict is about, and ultimately
- mediation or negotiation. (Curle: 1971, Lederach: 1996)

When conflicts entail characteristics which suggest the need for processes of Conflict Transformation, it is unlikely that groups will see the solutions emerging only through interventionist **resolutionary** processes in order to deal with particular aspects of their incompatabilities. In fact they could feel anxious that a resolutionary process would only tinker at the edges, and not address the core underlying causes of the conflict. Efforts to resolve only certain parts without giving a clear articulation to other deep-seated issues that are relevant within the overall context could be perceived to be an exercise of co-optation. The primary objective might not be to moderate the conflict, but to maintain the confrontation and 'sharpen' the conflict through the accumulation of support for more **revolutionary** strategies. A **resolutionary** process could fall short of being able to wholly describe or address the ongoing nature of protracted, deep-seated problems which threaten to erode independence, security, freedom or well-being, such as

- the erosion or destruction of a physical environment, or
- the erosion or destruction of a social and cultural system.

SUSTAINABLE PROCESSES AND SUSTAINABLE OUTCOMES

My PhD thesis is making a comparative analysis of the way different interventionist theories promote capacity to assist in dealing with incompatabilities that can be simultaneously occurring at different scales of social interaction, and their general applicability for:

- **assisting parties with problem identification**
- **assisting parties with problem solving.**

The comparative analysis identifies the common features and the distinctive features of interventionist practices, and how facilitation can be most meaningful and effective for different types of incompatabilities occurring at varying scales.

TRAINING FOR INTERMEDIARIES TO FOSTER SUSTAINABILITY

I argue that training for intermediaries, whether in Australia or elsewhere in the world, needs to be developed holistically, taking account of knowledge derived from the broader theoretical field of enquiry about conflict. This type of training would enhance practitioners' capacity to recognise and give a clear articulation of what is occurring in given contexts where disputes or conflicts can arise, and in turn be able to articulate how intervenors can fulfil meaningful roles. For this to happen, there needs to be both **academic capacity** and **practical capacity** which inform each other, in order to review the relevance and usefulness of the way parties are framing their issues in a given set of circumstances. In circumstances where it is recognised that traditional third party adjudicatory processes would not completely fulfil an appropriate purpose because there is a need to consider how the actual decision-making process might change present circumstances, interventionist practices need to develop capacity to be both:

- **descriptive** of the dynamics of a conflict, giving explicit recognition to the characteristics as they operate systematically within conflicts generally and within the context of a specific conflict.
- **prescriptive** of an overall purpose of building up means to promote cooperation over conflict,

or co-existence over dominance relationships, and lessen the need for force or violence which have become inherent in certain relationships. This aspect is to encourage consideration of optional responses in order to work through hindrances to the maintenance of common well-being and community. (Lederach: 1996)

To some extent, an analogy can be drawn between academic studies that contribute toward legitimating the role of medical intervention to overcome poor health, and studies that contribute to a more commonly agreed general understanding of the unhealthy functioning of social systems and interventionist roles to avert, contain or resolve violent conflict. The descriptive component of both medical science and conflict analysis promotes a more universally recognisable terminology, which enhances the likelihood that derived knowledge drawn from practical experience being abstracted and made replicable. Thus academic capacity provides a basis for consolidating knowledge and evaluating the effectiveness of prescribed treatments through further ongoing analysis. Both analytical and practical components are recognised as contributing to a potential common benefit of the research, and the likelihood that it will ultimately improve the means by which people maintain or regain the benefits of good health. Peace researchers, such as Johan Galtung, tend to consider that violent conflict can be treated as a symptom of the 'poor health' of a social system. This is reflected in his definition of violence: "Violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations". (Galtung: 1995) Analysis of the causes of violent conflict and analysis of practical interventions offered to assist groups to work through their incompatabilities, can from this perspective be appreciated as applying the same basic principles as those applied in medical science, even though they are meaningful at a different scale of analysis. Research about the role of intervention in conflicts is legitimated by suggesting that its analytical and practical components have the potential to fulfil a role that is commonly beneficial, because knowledge generated from particular episodes where conflict has or could precipitate violence can be abstracted and made replicable to improve the means by which people can maintain or regain healthy and sustainable communities.

I am considering what creates the constraints on the concerted development of a more holistic appraisal of interventionist approaches, in order that practitioners have a sounder basis for both academically and practically identifying types of intervention that could be attempted to best effect in different contexts. I frame this issue as problematic because there is significant indication that precedents from the past will become increasingly inadequate for instituting sustainable processes or for judging whether process settlements are likely to lead toward the realisation of sustainable futures.

My analysis suggests that prospective practitioners have limited opportunity to develop training and skills which would allow them to take account of different theoretical approaches. Without this development of academic capacity, there are serious limitations on the

- capacity of intermediaries to offer the most appropriate facilitative support to contending groups for a range of purposes,
- capacity of intermediaries to clearly articulate the role and function they can serve or have served in different contexts and at different scales,
- capacity to articulate the extent to which an instituted process can fulfil particular purposes, and whether a different process might be warranted to deal with some or all of the entailed issues,
- capacity to increase the synchrony between theory and practice and thereby enhance the generation of replicable knowledge for describing and discerning the difference between alternative intermediary functions,
- potential capacity to increase the applicability and legitimacy of intermediary roles in a wider range of contexts.

One of the most important distinctions will inevitably be whether what is occurring is a dispute or a conflict. **Conflict Resolution and Conflict Transformation theories** recognise that there will be virtually *no precedent* for capturing a sense of underlying issues if a conflict relates to a fundamental incompatibility about what should be the **appropriate mechanism** through which mutually agreed settlements might be legitimated. If what is occurring is a conflict, the parties themselves may need to

become involved in a more complex preliminary analytical evaluation and contribute toward:

- defining the scope of the conflict needing resolution,
- formulating the process, or at least evaluating its capacity to represent their values and interests to others,
- develop a common identification of conflicts of interest
- develop a common understanding of the scope of interests that can be settled
- develop a common understanding of what cannot be resolved, and give this clear and constructive articulation in order that it is apparent that certain issues are unresolved and need further consideration.

Therefore, my thesis considers what type of training is missing and how it could be developed, both for:

- practitioners who might engage in interventionist mediation or negotiation, or
- self-help programs for groups who will be engaging in a negotiated or mediated process.

Examining what training is presently available serves as my starting point for evaluating whether practitioners or groups themselves have opportunity for developing and enhancing their capacities. My thesis examines where practitioners are presently deriving their skills, and what other academic developments could be made available to provide resources, in order to take advantage of a broader range of theoretical constructs.

DISCIPLINES THROUGH WHICH INTERVENTIONIST CONFLICT THEORY IS OFFERED

My line of enquiry examines the issue that many practitioners derive their training in intermediary skills primarily as an adjunct to other professional developments in disciplines such as social psychology, social work or law. I examine how training offered to practitioners is different if it is:

- an adjunct area of study within normative social sciences
- training offered by institutions dedicated wholly to the study of means to facilitate with the resolution of conflict.

I consider the extent to which different bases of training achieve an appropriate breadth of understanding so that practitioners have a capacity to fulfil effective intermediary roles under different circumstances. Most particularly, it examines whether training supports them to fulfil an intermediary function in circumstances where there is contention about what constitutes an appropriate decision-making mechanism. I consider, with regard to the Australian experience, whether national training programs have a bias which pre-supposes that most circumstances will call for a dispute resolution process and not a conflict resolution process.

This question is significant for considering the extent to which those who control knowledge and authority in existing institutions are realistically preparing for the inevitable changes that will arise as communities increasingly will have to contend with sustainability issues, where there will be a need to address both short term and long term sustainable futures.

I argue that a more holistic approach to interventionist training is required to consider how and when new mechanisms can be developed in preparation for future complex decision-making. I assert that ADR training on its own is unlikely to support the necessary ongoing **academic capacity** and **practical capacity** to assist communities to maintain or regain sustainable social interactions in circumstances which suggest that certain processes are unsustainable and drastic changes are called for. There does not appear to be a strong focus on developing new institutional capacities anticipating the likelihood that sustainable outcomes may not be actualised simply through top-down management strategies. Unprecedented situations are likely to arise which can represent a threat or challenge to the capacities of existing institutions, thus indicating a need to treat certain issues as potential

conflicts, rather than disputes.

WHY MORE HOLISTIC STUDIES OF INTERVENTIONIST CONFLICT THEORIES WILL BECOME INCREASINGLY IMPORTANT

If confrontations signify a trend toward challenging existing institutional processes, the issue is whether sought outcomes will be decided through **resolutionary** or **revolutionary** means. It is my assertion that the better, healthier choice is to be pro-active in an effort to promote resolutionary means over revolutionary means, given the spiralling costs in human suffering and environmental damage that have the potential to develop when civil confrontations become violent or unstable.

Practitioners being offered training covering the principles appropriate for Alternative Dispute Resolution may not be being provided with training which sufficiently prepares them for facilitating with both current and future conflicts that confront and challenge existing practices or decision-making mechanisms, and thus the effectiveness of their role may be undermined. I argue that a broader theoretical approach to training for intervention is important in order that practitioners:

- do not attempt to facilitate decision-making processes that are self-defeating because they are inappropriate for the circumstances,
- can clearly articulate the scope of interests that are being considered in the process,
- can clearly articulate the range of issues that can be resolved in the process, and
- can also clearly articulate whether certain issues are not resolvable in a process, and where that leaves the parties in terms of short-term and long-term resolutionary stages, and the scale of interaction that may need to be taken into consideration for further stages to be actualised.

A more complete and concerted understanding of different interventionist theories could provide practitioners with skills to authoritatively suggest why a dispute resolution process may not be entirely appropriate or effective in a particular context, or at least allow practitioners to clearly articulate whether a certain process will leave unaddressed certain elements of a more protracted and deep-seated conflict. I suggest that a broader theoretical understanding would provide prospective practitioners with a greater capacity to legitimately assert what might be required to promote a further significant reduction of negative outcomes of conflict, such as injustice or violence directed against people or the environments which support them.

BACKGROUND TO MY INTEREST IN THE RELATIONSHIP BETWEEN NEGOTIATED SETTLEMENTS AND SUSTAINABLE FUTURES

The dissertation for my M.Litt. (Peace Studies) traced how destructive social and environmental outcomes emerged from mining projects in Papua New Guinea, particularly Bougainville and Ok Tedi. I drew comparisons between the development of the initial agreements to mine, and the subsequent conflicts and outcomes when it was evident that the initial agreements were unsustainable. I could not identify research being undertaken which considered applying Conflict Resolution theory to identify how the **flaws** in the initial agreements had cumulatively allowed severe and destructive impacts to develop.

In my current research, a goal is to give further consideration to the application of conflict theory to assess the effectiveness of the processes through which initial agreements were devised for dealing with anticipated change to physical and/or social environments. My current research explores how theory relating to interventionist and intermediary practices could, from derived knowledge, identify a more holistic approach to negotiation processes, and be better placed to suggest what resources could ultimately assist those planning for significant change in the use of land and resources, or rectification of negative social and environmental outcomes that were not anticipated or factored into the initial agreements.

While one primary line of my enquiry in my research is to consider how a broader theoretical approach to the development of intervention supporting consensual, resolutionary decision-making is

necessary as a basis for training and skills development for **practitioners fulfilling intermediary roles**, it also explores how a more consolidated approach can similarly be the basis for developing **awareness-building programs** which can be offered directly to **prospective parties who are preparing to engage in negotiation**. By drawing from theory concerned with the characteristics of consensual decision-making processes, I offer reasons as to why, when and how community self-help programs could assist parties to reflect about their own interactive skills and capacities once there is engagement in negotiations, reflect about how they might contribute to formulating and participating in a decision-making process, and consider how relevant issues and ideas can be most constructively presented and worked through. This type of pre-negotiation awareness-building would not only assist groups with their own preparation, but could also assist them to discern the capability of intermediaries assigned to formulate and facilitate an appropriate decision-making mechanism. As far as possible, the programs would be seeking to assist parties to reflect on how to avert the development or escalation of violent and destructive conflict.

LINKING A BROADER APPROACH TO FACILITATED CONSENSUAL DECISION-MAKING WITH THE CONCEPT OF SUSTAINABILITY

One overall goal of my academic project is to explicitly demonstrate that Conflict Studies warrant a closer association with the research agenda of **Sustainability.** I suggest that there are two broad outcomes of decision-making that need to be appraised in relation to one another because they both have a direct bearing on, and can signify whether, settlements are sustainable or unsustainable. A conflict can signify a fundamental incapacity to deal with:

- **unmet human needs**, which can be articulated as injustices and misfortunes that severely limit people's life chances as a result of decisions for people to act, or not to act, in a particular way toward others, and
- **environmental change which is perceived to be negative**, often expressed as relating to practices that are deemed to be environmentally or in some other way unsustainable.

If these are features of a conflict, there is a likelihood that the facilitator's or the intermediary's role needs to be recognised as legitimate by all the parties concerned. One way of achieving this legitimacy is to verify that practitioners have the necessary broad understanding of theory about intervention, capable of understanding and dealing with both disputes and conflicts. This would be necessary to:

- identify and constructively acknowledge the realities of disparities of power that have the capacity to maintain **violent or unsustainable practices.**
- practically contribute by assisting parties to respond constructively when circumstances hold promise of problem-solving through consensus.
- assist parties to verify, through a commonly understood analytical appraisal of a prospective process, whether it will allow parties equal bargaining power.

THE RELEVANCE OF COMPARING INTERVENTIONIST THEORIES TO THE CASE STUDY IN MY THESIS

Last year, as part of my research project, I participated in, and reported on, a four-month consultative process whereby representatives from all native title claimant groups throughout South Australia were asked to consider negotiating with the SA Government, the SA Chamber of Mines and Energy, and the SA Farmers Federation to devise a statewide Indigenous Land Use Agreement as a basis for integrated working relationships. Claimants have expressed their willingness to proceed with the negotiations which will have to deal with a wide range of potentially conflicting interests in land and natural resources. I suggest that part of the preparation should be a broad exploration of theory relevant for consensual decision-making in order to critically examine and fully understand the scale and the context of issues needing resolution. One of the recommendations in my report was that a survey be conducted amongst stakeholder groups to determine what resources they might draw from in order to adequately structure and participate in this significant consensual cross-cultural and cross-

sectoral negotiation process.

In my thesis I consider the **academic capacity** and the **practical capacity** developing in Australia which supports a wider appraisal of a range of alternative consensual processes that might be appropriate to assist through

- the provision of appropriate facilitation by intermediaries, and
- the actualising of parties' own capacity to negotiate.

With respect to the case study, I consider how this potential assistance could be relevant in terms of the prospective statewide Indigenous Land Use Agreement negotiations, that will be seeking to develop constructive working relationships while taking account of potentially conflicting values, interests and goals. The focus will be on how 'process' issues are being considered and given support to be developed for this relatively unprecedented process, so that they are as relevant as substantive issues in the decision-making, a significant consideration in order to achieve '**psychological' settlements** as well as **'material' settlements** about incompatible values, interests and goals.

The relevance of my comparative analysis of different interventionist theories in my research project will be given explanation in my case study, the prospective South Australian Statewide Indigenous Land Use Agreement negotiations in which Aboriginal native title claimants have agreed to participate. I give this expression in terms of some problematic issues of scale that will be significant in the negotiations. Issues relating to the co-existence of native title rights with other rights held by the settler population of Australia are extremely complex. There is argument as to whether the issues are local, regional, national, or international in scope, insofar as the issue of Aboriginal sovereignty was not addressed by the Mabo decision of the High Court of Australia in 1992. It did, however, give recognition within the Australian legal system that the concept of *terra nullius* (land of no-one) was a legal fiction that needed to be rectified as far as possible within all formal processes operating within the Commonwealth of Australia. The landmark Mabo decision precipitated the instituting of the Native Title Act in 1993 by the Federal Parliament. In a subsequent amendment to the Act in 1998 there is allowance for both a court-based and a consensual process through which recognition can be given to the rights of native title claimants. As well as precipitating changes at the national level, the governing bodies of each state and territory within Australia have a role to play in determining how native title can be made meaningful in practice.

In my thesis I frame these complex developments as **stages in a process of Conflict Transformation**, legitimating the need for review of a deep-seated conflict that was a reality but not formerly given formal recognition. The case study represents an unprecedented approach to negotiating about native title at a statewide level. It will necessarily have to be a process which is both **cross-cultural** and **cross-sectoral**, and will require the development of new terminologies to reflect new aspirations toward social justice, co-existence and reconciliation, and Aboriginal inclusion in decision-making about natural resource management. South Australia is contending with many serious land management issues, one example being the need for South Australia to have involvement with the concerted management of the Murray-Darling water and salinity issues.

I suggest that there is potential for any such complex negotiation process to be self-defeating if it pushes for the premature reduction of confrontation about certain incompatabilities that are beyond the scope of that particular process to address at state level, even though it has the potential to achieve constructive decision-making which 'interfaces' between the level of the state and the local level which is meaningful for native title claimants.

LIMITATIONS OF NORMATIVE SOCIAL SCIENCES FOR DEVELOPING SUSTAINABLE CONSENSUAL DECISION-MAKING PROCESSES

I suggest that research about Sustainability is constrained if it focuses solely on normative social science approaches. It is my assertion that they can limit consideration about the means for dealing with ideas about future cooperation and conflict. This can be illustrated by drawing a distinction

between:

- ***Realist*** approaches to competition and cooperation, which attempt to comprehend **the way things actually appear to be**. Theory is structured primarily to comprehend political realities that bring influence to bear at local, national and international levels. Conflict and cooperation in this approach are closely linked with the concept of self-interest, tending toward the assumption that conflict can be explained primarily in terms of ***objective*** considerations, that is, it is capable of being analysed in terms of knowable facts, the ***interests*** of the actors involved.

   Power is taken to be a signficant arbiter through which to deal with divergent or incompatible interests, and the primary form of response to deal with conflict is for parties to apply coercive power and seek restoration of the status quo through containment and control. The role of intervention is to minimise the worst excesses of conflict through *settlement* strategies, which bring the prospect of new agreements about the distribution of resources. Excessive forms of competition (which at worst can be signified by war or violent oppression) are, according to a Hobbesian view of International Relations, attributed to an inherent aggressiveness in human nature. The most effective means to modify excesses within the structure, and bring a situation back toward some generally-accepted equilibrium or status quo, is taken to be some form of intervention which focuses strongly on reviewing the divergent *interests* of those involved in the conflict. Realist perspectives focus on dynamics that can be explained primarily in terms of entities **similar to each other**, such as nation-states within the world system.

- ***Idealist*** approaches, such as peace and conflict research tend to also speculate about **what things should or could become**. The focus is on what might otherwise be possible besides recurrence and repetition. It is open to consider possibilities for change in present and future relationships and interactions between different entities and collectivities of people through means other than coercive force. It attempts to take account of how collectivities of people comprehend and work through the dynamics of cooperation and conflict, and what may happen when groups are not able to function in synchrony with each other. Its approach tends to be open to the prospect of envisaging change in how systems might work and function together. It suggests that this can be qualitative evaluated and measured in terms of the degree to which there is **harmony of interest** in social interactions, and **disharmony of interest** is reflected in the degree to which there is actual or latent violence inherent in relationships within the system overall. Violence is defined in terms of immediately apparent physical violence, but also in terms of structural violence operating within the system. It can encompass violence as it applies to people, but as well needs to take account of violations which threaten the sustainability of ecosystems that support all life.

   Idealist approaches challenge the notion that the global issues can be fully or accurately represented simply in terms of the present international system, which focuses predominantly on ***relationships within and between nation-states***. Its approaches attempt to deal theoretically with ideas about both conflict and cooperation as they occur at different scales and in different situations. It is therefore not limited to considering relationships and channels of communication between entities that are **similar to each other.** It is equally concerned to consider relationships between entities that are **dissimilar to one another**, in both structure and scale. This moves the enquiry beyond identifying whether coercive power is the only arbiter in relationships. Its theoretical constructs conceive of social activity at varying scales as a unity of interacting parts within a global social system. It maintains a commitment to diversity and seeks to reflect an underlying principle that existing moral, intellectual and communal boundaries are inevitably candidates for review, modification, and possibly dissolution, in the search for a world better able to promote well-being, sustainability and the fulfillment of basic human needs. In this respect, its primary focus is on how conflict can be developed as an agent for social learning, through constructive confrontation rather than violent confrontation. Idealist approaches also differ from a Marxist structural approach, on the assumption that seeking to address injustice or domination through violent revolution maintains a focus on coercive power as the arbiter for dealing with divergent or incompatible

interests, thus there is still the potential to simply substitute one form of structural violence for another rather than bringing about social transformation. Idealist approaches consider alternatives to unjust situations by promoting a greater clarity about the way people interpret problematic interactions, and means for developing a mutually-acceptable analytical processes through which to explore the needs and interest of divergent groups, and how it might be possible to approach them as a common concern.

In my thesis I examine which disciplines in Australia have attempted to promote facilitation and intervention within decision-making processes that are dealing with change, both to rectify past mistakes or misunderstandings, or to undertake new ventures in a more sustainable way, equally applicable in the areas of **social justice** and **natural resource management**. I suggest that these issues can both be broadly accommodated within the research agenda of Sustainability, insofar as it focuses on aspirations toward an integrated, sustainable future for the community-at-large of the world.

There is little to suggest that there is interest in Australia toward the development of a specific discipline whose studies are dedicated to appraising different theoretical approaches to intervention in disputes or conflicts. Resolutionary theories can, however, be seen to be sub-categories within 'conventional' disciplines such as law, politics, social policy, psychology, social work, human geography and others. My project in one respect sets out to ask why the study of conflict has not received specific recognition in Australian teaching institutions, or why the study of conflict tends to fall outside of what is considered to be a 'normal' component of human interaction. I attempt to articulate why the study of conflict and cooperation can be constrained from developing its own meaningful 'criteria of success' if investment within this area of research is undertaken only within conventional normative social science disciplines. I suggest that it could only be fostered meaningfully if it is part of the research agenda of Sustainability, given that it is a field of study which, by its very definition, asserts it has a continuing project to make qualitative evaluations about the possibilities of change and consider how a **state of affairs appears to be**, but also **what it might become in the future.** All studies undertaken to consider issues of Sustainability will be dealing with this fundamental conflict, and thus they represent a potential source of replicable knowledge derived from a range of different contexts where circumstances have or might involve signficant change. In these cases conflict studies can maintain a continuing relevance and be both descriptive and prescriptive of how Sustainability is being promoted.

From my research, I am drawing the conclusion that Conflict Studies are limited in Australia, and treated peripherally within formal institutions, compared to the way they are developing in some other Western societies. Academic institutions derive support on the broad assumption that they serve the status quo. Considering and promoting new directions of change is generally geared toward gradual reform. However, this leaves aside the more radical considerations about what might in the future threaten the existing status quo if the attempts at gradual reform reach an impasse and circumstances are not reformed but move further along an unsustainable path or direction. I conclude that in Australia, study about Conflict is disparate and piecemeal, distanced as 'unconventional' on the assumption that it represents 'abnormality' as defined within taken-for-granted predominant paradigms. It reflects that historically conflict has not been an overt issue in Australia, but something that has generally been satisfactorily 'managed' or 'contained' by the settler population.

However, given the complexity of the modern globalised system, and the speed at which changes can occur which place new demands on existing formal structures, I consider that there is an urgent need to put in place within academic institutions capacity-building to contend with change. Conflict precipitates change, and change can precipitate conflict which is often unprecedented, and therefore carries the risk of unpredictable social instability and spiralling violence. In this respect, I assert that there is a need to recognise conflict as a 'normal' and ever-present social phenomenon which can arise whenever individuals or groups experience dissatisfaction with a situation and see the need for change but disagree about how that should come about.

My thesis suggests that there are strong reasons for the more concerted development of Conflict Studies, so that as a subject of research, it can be treated as both a catalyst for learning and a catalyst for change in a wide range of social interactions. Limiting the academic study of conflict to

seek strategies that deal with conflict by suppressing potential processes of change also suppress opportunities for new learning.

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