



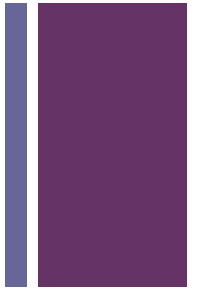
11.255
Negotiation and
Dispute Resolution in the
Public Sector

Spring 2021

Class #20



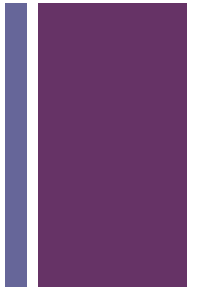
Call to Prayer



- **Call to Prayer Case** (from the Harvard Pluralism Project)
- Formulate Ideas and Suggestions that Might be Helpful to the Community
- Come up with the best advice you can to the community right at the point before the referendum. *Is there any way you can suggest to help to resolve the dispute and possibly generate some level of reconciliation?*
- Discuss in Full Group (possible Lessons About Value-based Negotiations)



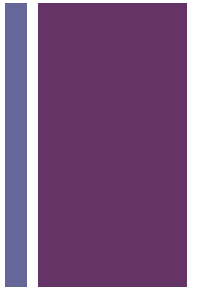
Value Differences



- Value and identity-based disputes are not the same as interest-based disputes.
- Value disputes are often irreconcilable (i.e., because trades are not possible).
- Often, value disputes take the form of disagreements about individual or group rights (or which rights trump others).
- Value disputes create high anxiety because “identity” is at stake.



Strategies for Coping With Values-based Disputes



Which of the below strategies would you find most challenging? Mark with a star

- Appeal to overarching values that the parties have in common.
- Identify joint activities or “confidence building measures” that can help to build trust.
- Aim for understanding or reconciliation rather than resolution.

+ Three approaches to resolving disputes

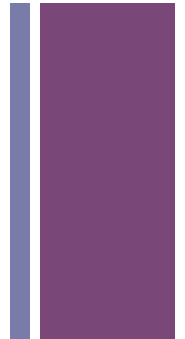
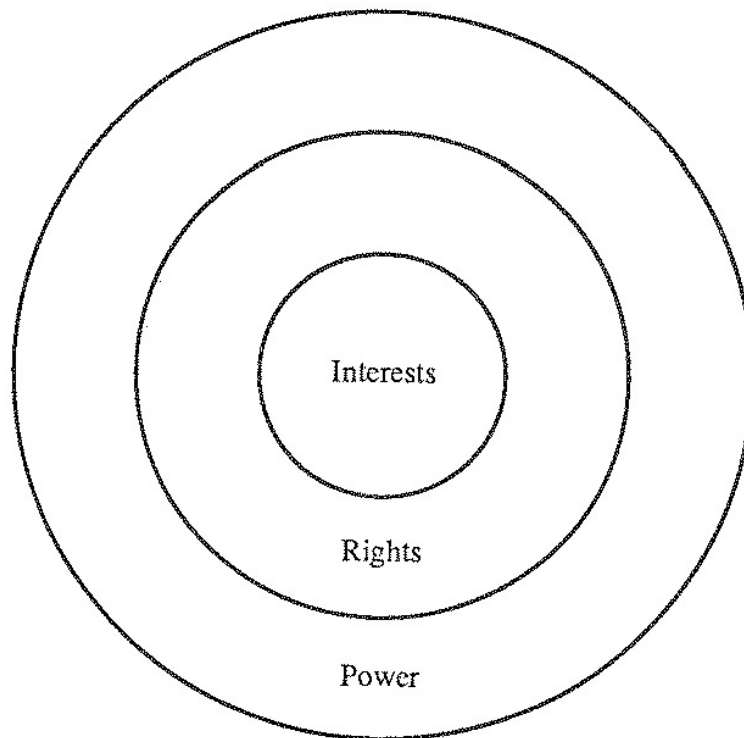


Figure 1. Interrelationships Among Interests, Rights, and Power.



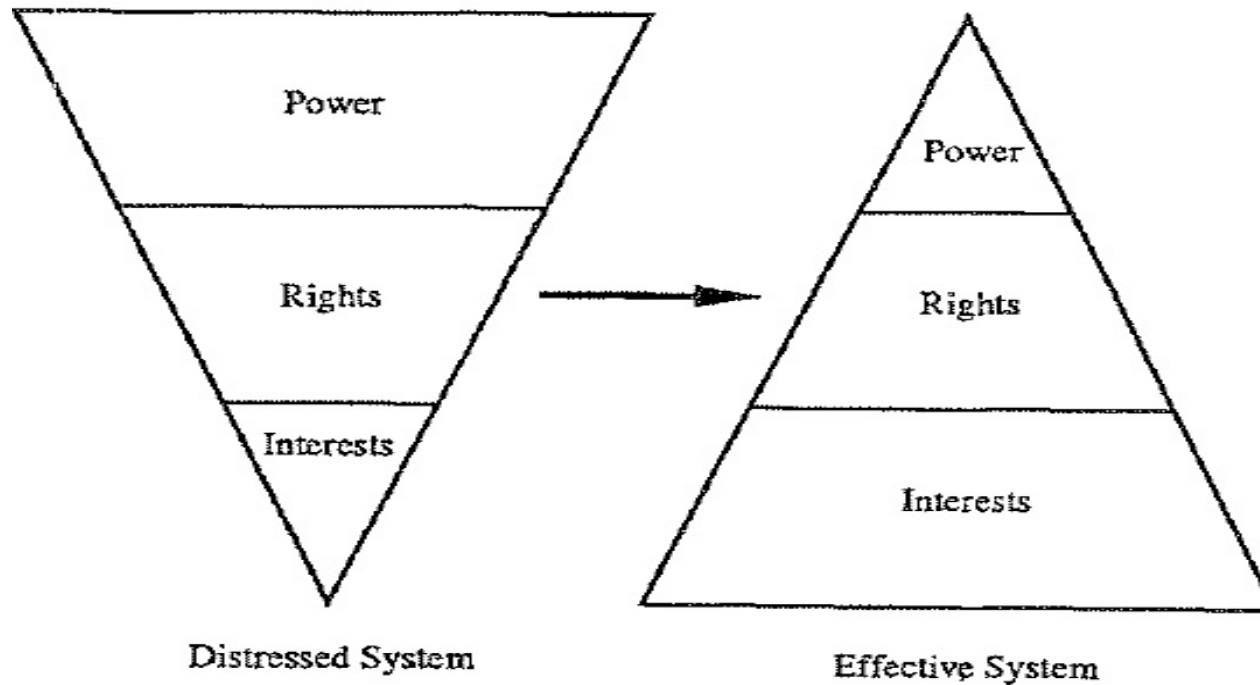
Focus on Interests...

- Lower transaction costs
- Generates higher level of mutual satisfaction
- Less recurrence
- Better working relationships

Source: Ury, Brett and Goldberg
(1988: 9)

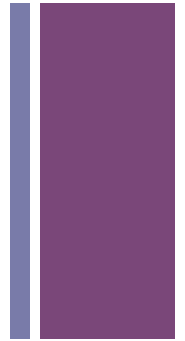
+ The GOAL: An Interests-Oriented DRS

Figure 2. Moving from a Distressed to an Effective Dispute Resolution System.



Source: Ury, Brett and Goldberg (1988: 19)

+ Dispute system diagnosis



- *What* are the current and recent issues in dispute? Who are the parties? How many disputes occur?
- *How* are disputes being handled? What types of dispute resolution procedures are being used and with what frequency? What are the overall costs and benefits of these procedures?
- *Why* are particular procedures being used and not others? What functions are being served by court, power contests, and other high-cost procedures? What obstacles hinder the use of interest-based negotiation?

Source: Ury, Brett and Goldberg
(1988: 21)

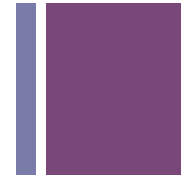
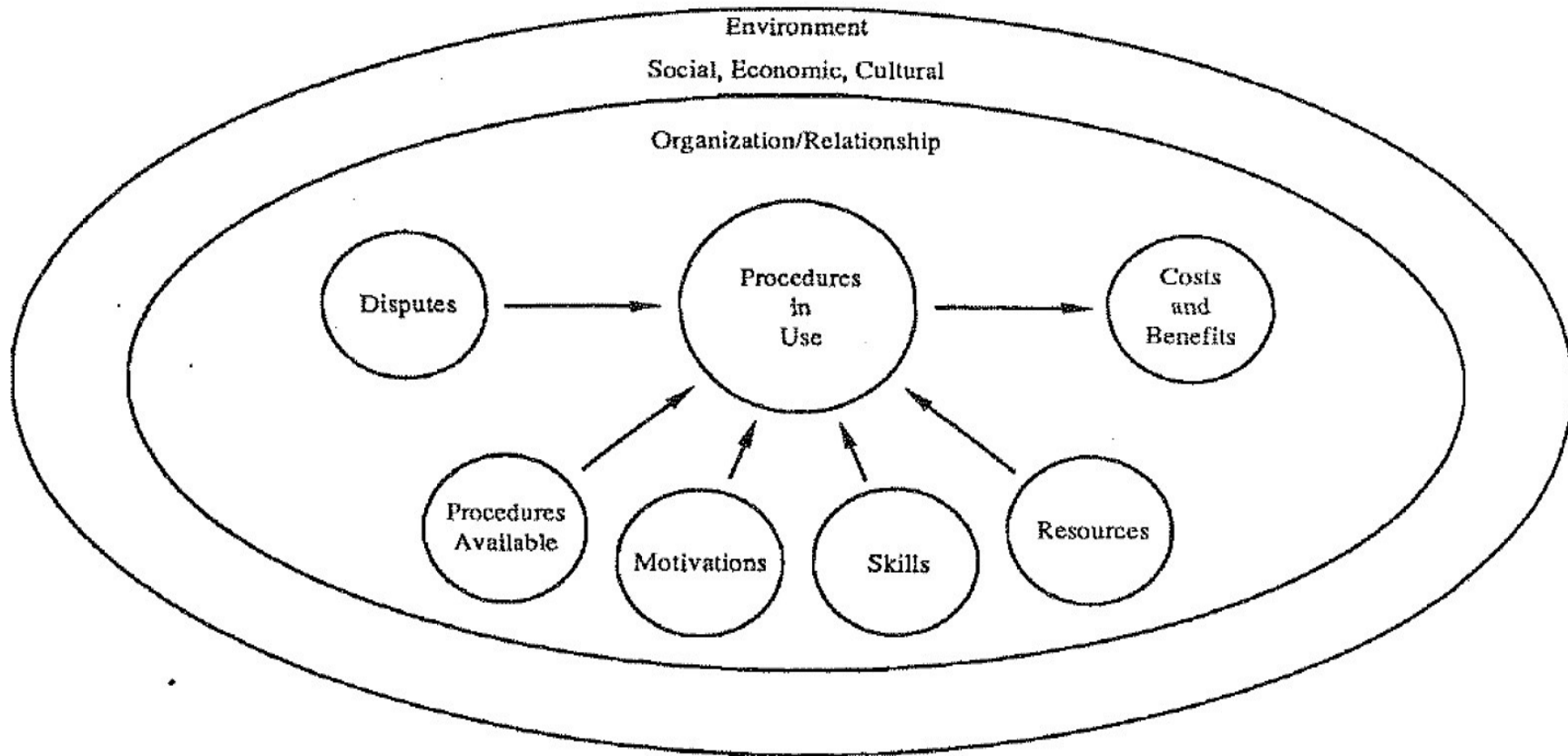
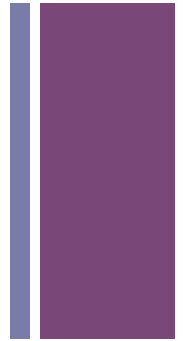


Figure 3. Model of a Dispute Resolution System.



Source: Ury, Brett and Goldberg (1988: 22)

+ Six principles of dispute systems design

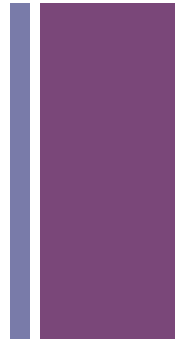


1. Put the focus on interests
2. Build in 'loop-backs' to negotiation
3. Provide low-cost rights and power backups
4. Build in consultation before, feedback after
5. Arrange procedures in low-to-high cost sequence
6. Provide the necessary motivation, skills and resources

Mark with a question mark those that remain unclear

Source: Ury, Brett and Goldberg
(1988: 42)

+ Four stages of dispute systems design



1. Diagnosis
2. Design
3. Implementation
4. Exit, evaluation and diffusion

Source: Ury, Brett and Goldberg
(1988)

+ Conflict in the organization...

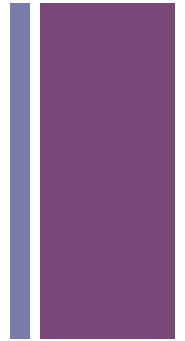
*Disputes... Competition... Sabotage... Inefficiency/lack of productivity...
Low morale... Withholding knowledge*

- Fight responses:
 - Arrogance
 - Engagement
- Flight responses
 - Denial
 - Avoidance
 - Accommodation

Flight or Fight responses, feel free to type some of the examples that Constantino gives right next to each type (Arrogance, engagement...)

Source: Costantino and Merchant (1995)

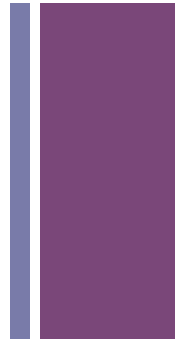
+ Conflict management as a system



- Practice and principles from *Organizational Development*, taking *organizational dynamics* into account. How organizations...
 - Function
 - Learn
 - Know whether or not they are performing well
 - Adjust to new information and the need for any change
 - Go about the business of changing
- A *democratic* approach to managing change and learning processes in organizations
- Designing *with* stakeholders and not *for* them

Source: Costantino and Merchant (1995: 20)

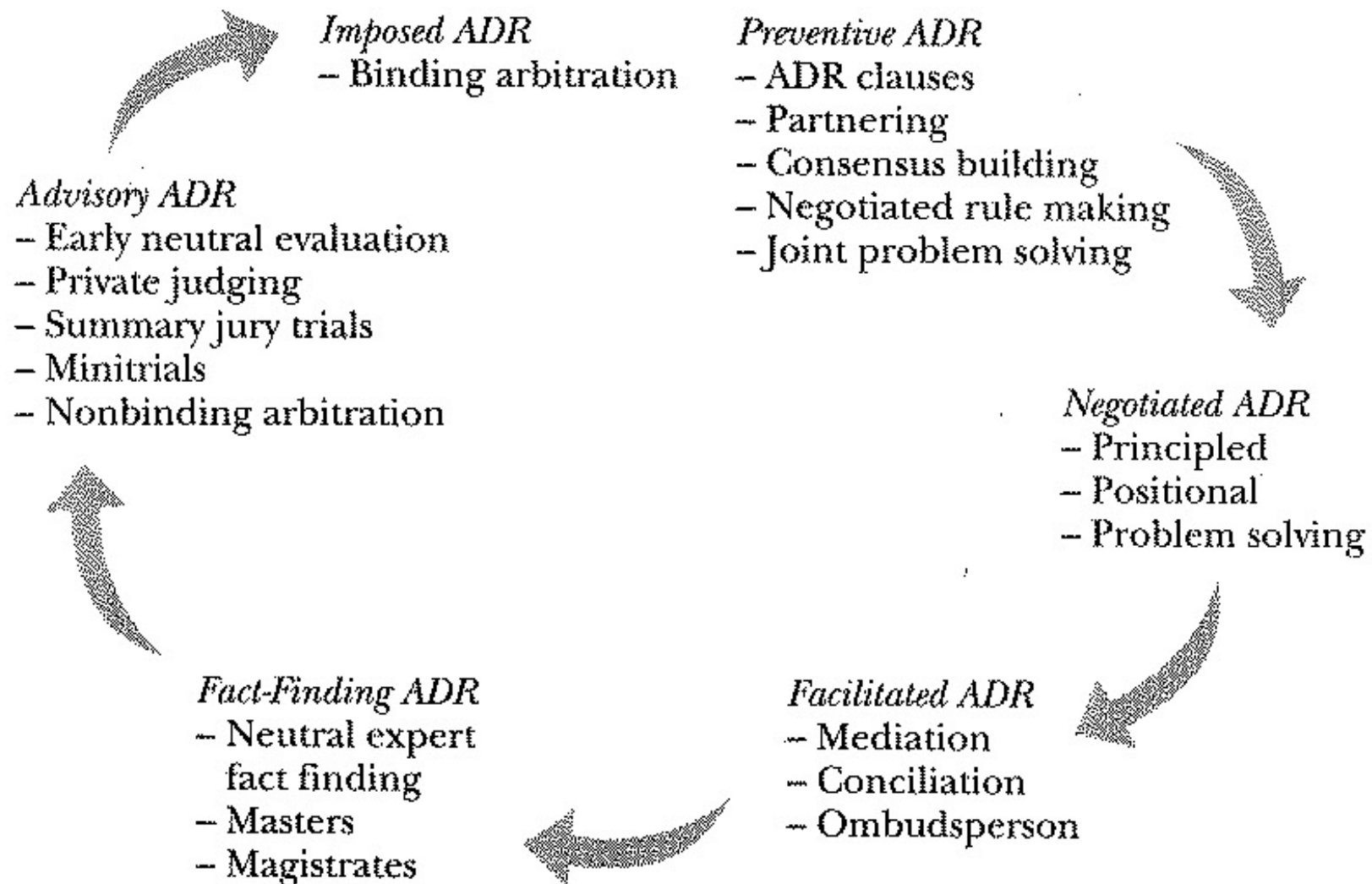
+ Conflict management as a system



- Characteristics of conflict management systems:
 - Boundaries
 - Purpose
 - Inputs
 - Transformation
 - Outputs
 - Feedback

Source: Costantino
and Merchant (1995)

Figure 3.1. Dynamics of ADR Techniques.



Source: Costantino and Merchant

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