



# AFRICA CENTRE FOR DISPUTE SETTLEMENT

At the University of Stellenbosch Business School

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Author(s)	Surname(s)	First name(s)
	Botha	Lindie
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## **CULTURE OF CONFLICT RESOLUTION**

### **An Interview with Ashok Panikkar**

Linda Botha with Pablo Lumerman

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*Ashok Panikkar is a is Meta-Culture's principle consultant and a passionate conflict resolution professional. He has worked as a conflict management consultant, mediator, facilitator and trainer all over the United States, India and in Europe. Prior to starting Meta-Culture, now India's first full service conflict and dialogue facilitation center, he directed an organizational conflict resolution program in Cambridge, Massachusetts, successfully mediating hundreds of disputes in the corporate and civil society sectors. He did his undergraduate studies in Visual Communication and has a Master's degree in Critical and Creative Thinking from the University of Massachusetts, Boston.*

**Question: What is one of the more significant challenges or dilemmas you face when you are facilitating company-community dialogue?**

**Answer: The culture of conflict resolution that exists in South-East Asia, and India in particular.**

Our ability to work as facilitators, and to enable transformational dialogues, depends on how our profession is perceived by those around us. This is where I have a daily struggle. An appreciation for the intrinsic value of facilitation and mediation simply isn't present in India, at least not yet.

There are primary cultural and political reasons why this work has not taken off, and why it will probably struggle to do so for some time to come. India has a very adversarial culture. If you are one of the people captivated by “Indian spirituality,” this may come as news to you! Our society can be materialistic, results-oriented, and impatient with processes like mediation. We want instant gratification. It is all about who gets what size piece of the pie, instead of being creative about the size of the pie. A lot of cross-cultural research on negotiation over and over again finds that South-Asian and Indian cultures are driven by distributive principles – that is, the sense that if you’re gaining something, I must be losing. This is the cultural context of my work.

We are also a relational culture, not contractual. People’s loyalties are to a very small group, defined mostly by family and cultural ties. You can imagine how hard it is then for a third party, or professional “outsider,” to be allowed into such a guarded space. We don’t only see this in business; NGOs and civil society also operate similarly. We as facilitators are often characterised here as “sell-outs.” There is a common belief that once you start having conversations with your oppressor, you are “giving in” and abandoning your quest for fair retribution.

**Question: *What is an example of this challenge?***

**Answer: A chemical company in Southern India was accused of polluting the nearby river, affecting the livelihoods and health of the surrounding communities, which eventually erupted in protest.**

As facilitators, we got in touch with the community and the company to offer our services, but after a few conversations the parties preferred to go to court instead of trying out a mediation process. The perception here in India, a very hierarchical and traditional society, is that as a conflict resolution mechanism, the judiciary with all its notoriety for inefficiency, corruption and inordinate delays, is preferable because they can force compliance on parties. In a society with extremely low trust levels, people tend to be skeptical about processes like mediation that, while they might empower parties by giving them agency to solve their own problems, cannot ensure enforceable agreements.

Then there are the turf issues. We also tried engaging with stakeholders in the water sector. But NGOs who have been working in that area see themselves as the water specialists and resist the idea of even a neutral mediator coming into their space. We also see this in business. For example, one of India’s largest companies had a major conflict between the two brothers who were the main shareholders. Their prolonged conflict was very bad for the company and shareholders – but did they request the services of a third party facilitator? No. Instead, their mother had to step in to resolve the matter using emotional appeals to protect the father’s legacy.

This is a typical occurrence in India, where a trusted friend, relative, local leader, elder or politician will be brought in to “adjudicate” a conflict. There is no understanding of mediation as a process. The issue is mechanically resolved around distribution of benefits and the relationships never improve. There is a tremendous amount of pressure on the people involved to settle for the sake of social

harmony and stability. In the end, both parties are arm-twisted into some sort of agreement, but the conflict never disappears. Their interests remain unfulfilled and simply simmer beneath the surface.

**Question: *How did this impact the parties' ability to achieve rights-compatible, interest-based outcomes?***

**Answer: Escalating conflict results in a "lose-lose" outcome for all parties involved.**

In the example of the chemical company mentioned before, the case went to court, the workers went on strike and as a result the business had to shut down six months later. The pollution was not addressed and all the jobs were lost. All in all the cost was high: socially, economically and environmentally. It was a classic "lose-lose" outcome. This happens every day in South Asia, whether it be about land acquisition, pollution, mining, or farming. The same problem emerges everywhere.

I sometimes think there is no middle way in India. For example, companies have either been completely ruthless in their exploitation of communities, or very paternalistic and top-down about social responsibility initiatives. Companies unilaterally decide what the community needs, open up the purse and gave money accordingly. This is never based on dialogue or a real understanding of the interests of the local communities. But in the last few decades civil society has done a great job at educating people about their rights, so much so that communities are no longer happy with hand-outs. Where companies once told communities what they would get, communities now tell companies what they want. They have a list of demands. The entire process has been inverted – and still – no dialogue or conversation! It remains a fundamentally distributive process.

My experience in the USA and Europe was different: Well-designed, creative and sometimes maverick facilitation processes had enormous power to transform outcomes for parties. It was much easier to get people to the negotiation table and to design a win-win process. In India, you can't even get to first base! Will these values and beliefs change now that India is rapidly becoming a global economic power? It certainly won't happen overnight. It might well be easier to maintain an economic growth rate of 10% than to change a very old and enduring culture.

**Question: *The answer to what question would have helped you be able to more effectively intervene as a third party?***

**Answer: *What are the political, economic, and social levers that we need to adjust in order to get opportunities to function as third party facilitators? How do we get adversarial parties to the table?***

Perhaps an even more important question is - *why does this work even matter?* I came to India in 2005, not so much out of patriotism, but more motivated by a serious concern for a part of the world

where I feel emotionally invested in. I believe that India needs better processes for dealing with dissent, for developing a common understanding of where we should go as a society. With India being so big and diverse, having a sixth of the world population, can you imagine the global consequences of a civil war or violent outbreak of conflict? It would create a tsunami the world has never seen.

For real transformation to happen this type of cultural shift is indeed needed. However, I'm sure India will eventually be pressurized to adapt to international values and practices, like mediation and facilitation. But our customs are deeply rooted. We are talking of hundreds of years of a feudalistic and tribal history that underpins the way we respond to conflict.

Many practitioners in the West find this hard to understand, since they work for dedicated consensus-building institutions that are well resourced with lots of funding and where societies in general have a high regard for this work. Sometimes other facilitators say "*Oh, this is just like our country*" when I talk about my challenges. But is it really? It seems to me that India really stands out as a place where people have not bought into these processes and where work for third parties is, as a result, extremely scarce.