TRADITIONS OF CONFLICT RESOLUTION IN BURMA

'RESPECTED INSIDERS',
RESOURCE-BASED CONFLICT AND
AUTHORITARIAN RULE

EarthRights International

EarthRights International (ERI) is a non-government, non-profit organization combining the power of law and the power of people to protect earth rights. Earth rights are those rights that demonstrate the connection between human well-being and a sound environment, and include the right to a healthy environment, the right to speak out and act to protect the environment, and the right to participate in development decisions. ERI is at the forefront of efforts to link the human rights and environmental movements.

Acknowledgements

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Summary

Burma is known for its conflicts: conflicts between the National League for Democracy (NLD) and the ruling military junta, the State Peace and Development Council (SPDC); conflicts between the SPDC and various ethnic nationality armies; conflicts between ethnic nationalities themselves, and the list could continue. In a war-torn country decimated by decades of civil war, human rights abuses and increasing environmental degradation, it is conflict that reaches the world's attention. Much less is known, however, about the fuel of many of the conflicts: natural resources such as forests and minerals. The concept of "conflict resources" has gained less publicity than the violence and repression itself, but is no less important for understanding the ongoing problems Burma faces. Furthermore, little public discussion addresses the country's traditions for resolving conflict and building peace. ERI began researching this arena five years ago. The trends that emerged in our interviews and their relevance for resource-based conflicts are the subject of this paper.

This paper is meant for two main audiences: first, people from Burma interested in conflict work, who we hope will use this as a starting point for discussions; second, conflict resolution and transformation practitioners who we hope will find it useful for developing additional initiatives in Burma. This piece is meant to provoke conversations and stimulate creative initiatives rather than prescribe definitive solutions or recommendations on one approach or theory to deal with conflict in Burma.[1]

Through our research on these issues,[a] we have observed one consistent trend: *respected insiders* using *informal* methods are the prevalent parties who resolve conflict between individuals and communities. The approaches to conflict resolution that interviewees described to us set it distinctly apart from Western methods and the techniques taught in academic and conflict studies settings.[2] Instead, we have found that *respected insiders who are normally elders or those in higher positions* are the primary third parties for resolving serious conflict in Burma. By contrast, *impartial outsiders*—the traditional Western conflict "resolver"—are much less likely to play central roles.

Whether the conflict is identity-based, politically or systemically-based or resource-based, a respected insider approach influences solutions. We posit in this thought paper that the prospects for peace and earth rights protection[3] hinge partly on understanding this

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1   There may be aspects of conflict theories that readers will find useful for understanding or dealing with conflict. Appendix I discusses the theories of "conflict management," "conflict resolution," and "conflict transformation. However, the offering of such theories is one of the practices critiqued in this paper in discussions of academic or Western-modeled trainings for dealing with conflict. The theories are included here for basic reference, and not intended as a recommended framework.

2   Burma is a country often seen intractably locked in conflict and stalemated. Some stereotype the people of Burma as preferring to avoid direct confrontation, which may reflect broader perceptions of Asian methods of responding to conflict. Another common generalization is that people in Burma see conflict as negative and destructive. These are true to the same extent that they are true in every society in which people have experienced conflict as violent and catastrophic. Partly in response to these perceptions of conflict culture in Burma, conflict resolution training has become popular and is seen by some as key to breaking through the current "end game" in Rangoon.

3   "Earth rights" is a legal and moral framework that has its basis in human rights law and environmental law. Earth rights point to the importance of linking human well-being with the protection of the environment; an important earth right is the right to access to courts and other forums for individuals and communities to voice their concerns and challenge the decisions of governments and corporations. Earth rights violations in Burma include:

respected insider model and how it manifests itself in the militarily ruled Burma. For example, in an authoritarian system like Burma that overlays a traditional respected insiders model, elders and those in higher positions may do little to include the voices of grassroots communities—groups normally critical to upholding earth rights protection. New authority figures have also supplanted traditional ones; for example, local military officers have commonly replaced village heads as key brokers in the system. Such replacement insiders may not have the legitimate respect that a traditional leader might, but they nonetheless fill the voids in the current climate.

At the same time, the respected insider model offers opportunities. It provides one more indication that the social fabric in Burma is torn but not unmendable. In the space created by the end of authoritarian rule, traditional respected insider models could rejuvenate themselves. One form such rejuvenation might take is the greater inclusion of local voices in decision-making processes. Indeed, we have found that at least in some instances, elders and other community leaders do conduct inclusive decision-making process; such practices may serve as models for community-based natural resource management over the long term to ensure earth rights protection.

At present, such opportunities are rare, which heightens the threat of earth rights violations, but also potentially makes the respected insider model important to short and long-term policy. Conflict resolution practitioners and communities could for example preserve and enhance existing successful traditions and integrate local knowledge into trainings and research. International policy makers could use the model as an analytical tool to enhance planning and implementation. In a variety of settings, the model has important ramifications. In the political arena, the model partially explains the limited success of outsider international players; no respected insider has been found to bridge the divide between the regime and political and ethnic minority opposition. Long-term ethnic and religious tensions raise similar dilemmas: finding third parties, for example, that have the respect of Muslim Rohingya and non-Muslims in Burma will be difficult even in the long term. In the earth rights arena, the glaring lack of community involvement makes many logging and mining practices unsustainable and planned development projects like the Salween dams and the Shwe India-Burma gas pipeline controversial. In such circumstances, the elite capture the decision-making space, leading to deal cutting. Conflicts between the SPDC authorities and the rightful managers of those natural resources are "resolved" through fear and force, to the detriment of communities and the environment. Without respect for and inclusion of communities, the pillaging of Burma is likely to continue unabated at the hands of a regime and corporate investors, who take advantage of the customary deference to respected leaders, whether or not the leaders actually have earned people's respect.

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environmental destruction, forced labor and violence, and abuses against indigenous peoples.

Respected Insider vs. Professional Outsider

The "professional outsider" model that is often associated with Western theories differs from the "respected insider" model in several ways (see Table I).[4] Professional outsiders are often "strangers," formally trained in conflict theory and techniques, and are perceived to be legitimate because of their relative impartiality to either side. In contrast, despite a higher risk of bias, respected insiders are sought out specifically *because* they have relationships with the parties. Respected insiders also often use more informal processes, professionals more formalized procedures and methods. In reality, these two models are poles, or archetypes, reflective of two ends of a spectrum of actual practice. Either approach described here, or another approach found in between these two models, can be effective depending on the setting.

With the neutral model, mediation aims to assist the parties in reaching an agreement or compromise, whereas the respected insider model often gives the third party more decision-making power. Just as common or more common than facilitating a spontaneous agreement between the parties, the respected insider often comes to a decision independently and instructs the parties what should be done in order to end the conflict. The parties may follow the decision out of deference, social pressure, or fear.

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4   The concept of "insider partial" comes from the work of Paul Wehr, John Paul Lederach, and Christopher Moore whose ideas infuse a great deal of this paper and the research upon which it was based. *See, e.g.,* Charles W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, 3rd ed. (San Francisco, CA: Jossey-Bass 2003); *see also* Michelle Maiese, "Insider-Partial Mediation" *at* http://www.beyondintractability.org/m/insider_partial.jsp (last visited November 15, 2005)(quoting Paul Wehr and John Paul Lederach, "Mediating Conflict in Central America," in *Resolving International Conflicts: The Theory and Practice of Mediation,* ed. Jacob Bercovitch, (Boulder, CO: Lynne Rienner Publishers, 1996), at 56).

Table I: Two Mediator Models[b]

The Professional Outsider Model	The Respected Insider Model
Autonomous/Individual: The parties find a mediator not known to either of them. This is to insure neutrality since s/he is not connected in any way to the disputants. Relationships are impersonal and based on what they do, not who they know. . . .	*Familial/Group Dependent*: A mediator is chosen who knows the parties well. This insures fair mediation since all relationships will be properly considered by the mediator. Decisions are made on the basis of how they affect all relationships, not just of the parties present, but include their families, groups or tribes; even the mediator.
Impersonal/Professional: In some societies, a mediator has to find his/her place as a professional to have credibility (like lawyers or therapists). They often have specific training and certificates or degrees in conflict resolution.	*Personal/Relational*: Mediators are chosen on the basis of whom they know. They often have an understanding of the whole life of disputants. They do not hold a formal position, but are the acknowledged peace-makers. They are non-trained, non-technical third parties who smooth relations, arrange negotiations, or resolve conflicts.
Rational/Formal/Technical: The mediator sets down the rules and guidelines for the process. . . . The process is clear from the beginning. The mediator only facilitates a process.	*Informal/Holistic*: Legitimacy is derived from the order of the past, the extension of family relationships, and intimate knowledge, not technical expertise. Opening conversations are around personal and family matters to clarify and re-establish relationships. Politeness, indirectness, and agreement with those in authority are highly valued in the process. What the disputants want is discussed much later in the process. This will take more time, but that is not problematic.
Resolution of Conflict is Central to Outcome: Success is in what is accomplished in the process of dealing with the conflict. Reaching a correct agreement is the goal of mediation.	*Relationships Often Central to Outcome*: Whether the solution corrects a wrong is not as important as a solution that keeps all the interconnected relationships in good running order. On-going relationship with the mediator is needed to assure stability and continuity. A document or agreement is not the primary goal.
Parties Decide: It is the parties who find the solutions. The assumption is that the disputants can work on their own destiny. The disputants, therefore, can resolve, control, and direct the solutions.	*Mediator Decides*: The third party will often be expected to initiate change, give advice, or educate the disputants as to the solutions. The belief is strong that most things are out of the disputants' control. They see the solutions to conflict as out of their control, so they look to the mediator. The word is more binding than paper work.

Part of the respected insider tradition includes informality and the common use of trusted family members, community leaders or elders, or other respected acquaintances to help with interpersonal conflicts. A formal, bureaucratic, administrative approach

would use an outside party, unknown to the parties in the conflict, to play the role of a neutral, impartial professional in dealing with conflict. Their lack of familiarity with the parties in conflict or the conflict situation itself would be seen as an asset, enabling the third party to mediate fairly and ensuring an outcome that would be considered credible by both sides. In this way of seeing mediation, a mediator with a prior connection with one or both sides in conflict cannot have legitimacy and therefore any agreement will eventually fail. From the perspective of a culture of informality, however, the only qualified mediator is one who knows at least some of the participants in the conflict or is a leader of the community to which at least some of the participants belong. Despite making it more likely that s/he will have a bias, the mediator will not be respected and trusted—and the decision not upheld—if s/he is not from the same social circle or of the appropriate social status.

RESPECTED INSIDERS AND CONFLICTS IN BURMA

While numerous approaches to dealing with conflict are used in Burma, our interviews revealed a reliance on respected insiders, who are often leaders or elders. Whether it is a large or small issue or between individuals or groups, many people from Burma depend on the respected insider model to address their conflicts. Even in today's highly militarized society that threatens many traditional aspects of culture and bonds in Burma, the model still resonates and begins taking root at a very early age.

Leaders' jobs necessarily include dealing with disputes. One community elder explained: "If we could solve our problems directly, we would not need leaders."[c] The comment implies that ordinary people (those without a leadership position) avoid directly negotiating in a dispute, instead leaving the responsibility to someone with higher status. Leaders are, by definition, the problem solvers, and thus, a very close link exists between leadership, mediation, and how conflicts are resolved.

WHO ARE RESPECTED INSIDERS?

Respected insiders in Burma range from religious leaders to village heads to teachers to organizational leaders to elders. All of these categories of people are regarded with respect, and respect is shown out of a sense of duty, as well as often being sincerely felt.

Elders are a particularly important type of respected insider. One person recounted how he would first approach an elder, and if that did not work, then to go to a monastery or a pastor to seek help.[d] In other areas, pastors may be asked to help solve conflicts.[e] The concept of looking up to elders is instilled early in life, as children are taught to defer to elders, often without question.

> My problem was very ordinary. I was careless [and lost something.] My mother was angry. . . . I spoke loudly to my mother, "It's not my fault!" My grandfather mediated. He said, "Please don't do this. It's not good. . . ." It was resolved after that. It got resolved because both my mother and I respect my grandparents.[f]

People learn to look up to and rely on elders, frequently turning to them to solve their problems. But family elders are not the only ones that can be insiders. A reputation for respectability and connections with both sides in the conflict can be just as essential: "Age does not always matter. [What matters is that the person] be someone who is respected by both sides, experienced at solving conflict."[g] This concept of respect plays a central role in the perceived ability to mediate conflict:

> I was the head monk of [an armed group's] area. The [armed group] had tried to resolve a conflict between [two smaller armed factions] but was unable to control them. All of the leader's efforts had failed, so they called me. I used my three rules for peaceful resolution of conflict: 1) openly tell feelings, 2) believe each other, and 3) forgive. I told them, "You are working for the same thing—against the military government." The conflict never arose again [because] I was very influential and respected at that time.[h]

Another leader also equated her ability to resolve conflict with being respected: "I was successful [in dealing with the conflict] because both sides respected me."[i]

The Value of Informal Processes

Respected insiders and elders regularly rely on informal settings and relationships: tea shops help maintain friendships through casual conversation and deep discussions;[j] monastery yards are homes to meals and festivals; political leaders hold meetings at home rather than in an office. Indeed, the numerous and complex institutions and bureaucracies introduced by the British during colonial rule formalized Burma's administrative practices to a degree that still makes many people uncomfortable, even fearful. Many people prefer to handle problems or needs without the use of administrative procedures such as courts or formal setting.

At an adult training center, for example, students and teachers spent time relaxing together—watching soccer matches, playing guitar, eating together, playing sports or games, or just talking—anything social outside of the formal classroom setting was seen as a necessary connecting ligament in the relationship, without which it was all too easy for challenging interactions in the classroom to turn into personal conflicts.

Getting to know each other and maintaining and nurturing relationships not only help manage but also serve to prevent future conflict by reducing the potential for misunderstanding. An insider to a situation between two parties has a special advantage in devising a solution to the problem—intimate knowledge of the situation and the people involved. Finally, the informal approach allows issues in dispute to be aired and discussed slowly and naturally, without pressure of time or threat of persecution for gathering.
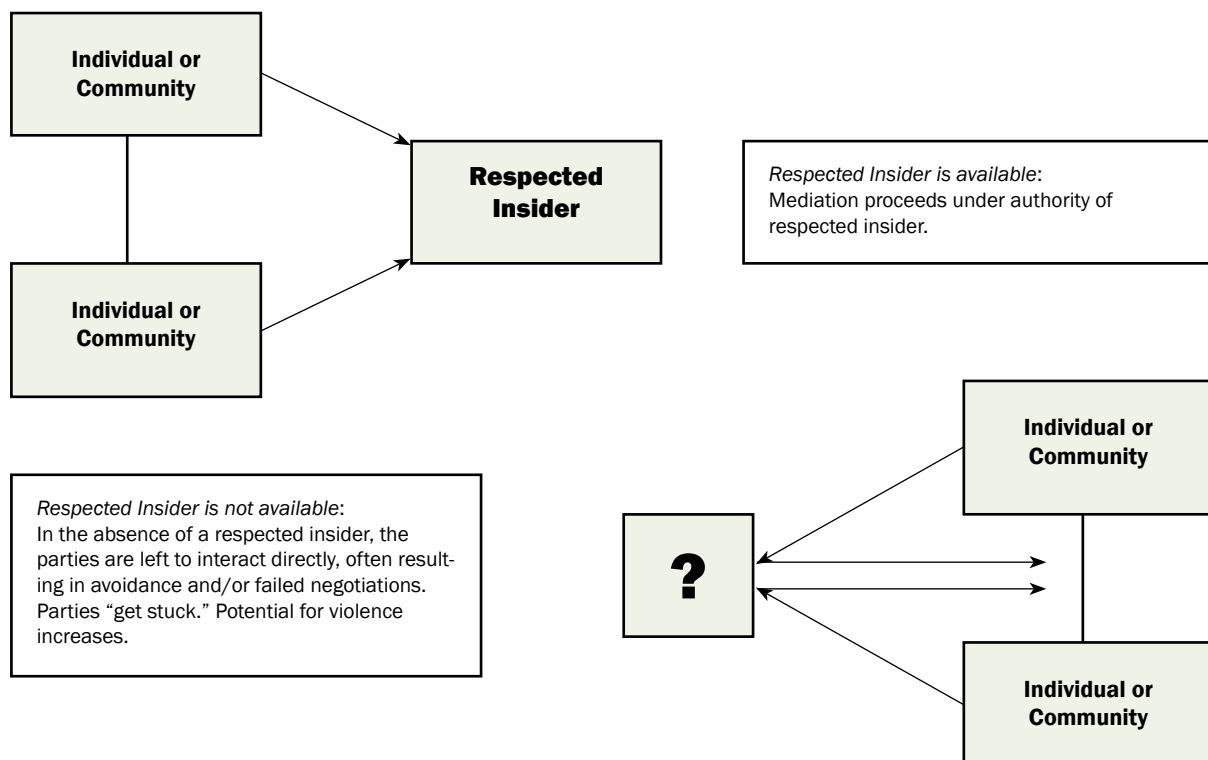
Deferring to the Respected Insider

While respected insiders sometimes take on the role of facilitators in disputes, much

more often in their roles as mediators, they make decisions or hand down judgments. One person captured a familiar refrain: "When the village head decides—it's final."[k] Another person put it this way: "The best way to resolve conflict is to call both sides together, ask them how the conflict came about, and make a judgment."[l] By deferring to an elder to solve the problem, many people feel that they are preventing the problem from getting bigger.[m] Whether such deference is positive or negative, it is part of the equation in Burma. Similarly, two other situations commonly arise: one where there is no insider at all, and one where authoritarian rule perverts the respected insider model.

THE MISSING RESPECTED INSIDER: WHEN THINGS GET STUCK

In the current atmosphere of military rule, some traditional societal structures such as the village head leadership are under threat.[n] With village leaders often in low supply, no respected insider may exist to mediate. We found that in such "missing mediator" situations, avoidance was common, and when attempted, direct negotiations often failed. People and communities get stuck (see Diagram #1).

Diagram #1

Respected Insider is available: Mediation proceeds under authority of respected insider.

Respected Insider is not available: In the absence of a respected insider, the parties are left to interact directly, often resulting in avoidance and/or failed negotiations. Parties "get stuck." Potential for violence increases.

When two monks in a village had a conflict, the villagers did not have the appropriate status to help them resolve it. One villager captured the essence of the dilemma, "People cannot decide for monks because they are higher than [ordinary] people."[o] Another account presents the high-staked nature of what happens when there is no one to turn to on the battlefield; the choices are often violence or avoidance:

There was a battle with a SLORC ship, and the SLORC won. Nine on our side

died included two villagers. . . . [The commander] was very angry at the deputy commander for losing the battle . . . so the regiment split into two. . . . The deputy commander's side, including me, considered how to deal with this commander problem. My comrades and I tried to organize or persuade the commander's members . . . to reconcile or reunite with our side. We made contact with letters, walkie-talkies, and messengers, trying to hold a meeting with both sides. But each side was concerned about the other side bringing weapons and having a small battle. . . . Eventually, the deputy commander's side decided to move away to avoid conflict with the commander's side, whose anger was growing.[p]

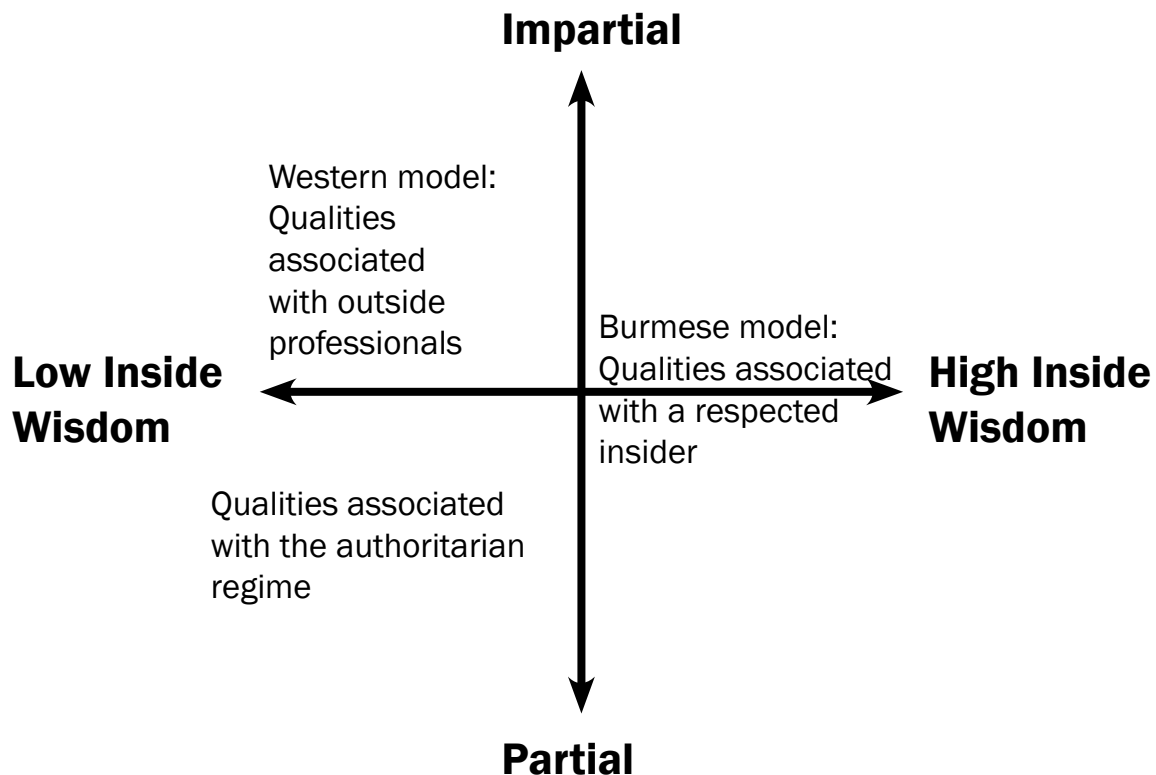## Systemic Problems when Respected Insiders are not Available

After decades of human rights abuses and ongoing strains on village life, many traditional leaders have been relocated, fled the country or simply died. Systemically, rebuilding a system and finding "new" elders presents special challenges in today's militarily ruled Burma. Respected insiders do not get a chance to operate in the current system to build up their respect and practice informal conflict resolution methods as they perhaps once commonly did.

Similarly, international outsiders and trained conflict practitioners face uphill struggles in a system based on the respected insider model. For example, the idea of interest-based negotiation is challenging for people who have learned to settle a conflict with the fewest possible questions and most direct route to ending the outward manifestation of the conflict. Between the lack of traditional leaders and the inability of outsiders to easily fill the void, this provides evidence of major gaps in the conflict resolution system in the country.

Looking at the political struggles, the intractability of the military junta's struggle with the National League for Democracy (NLD) potentially falls squarely within the scope of a conflict where no respected insider exists. UN Special Representative Razali Ismail has sought to broker a deal without success. The respected insider remains elusive, and the conflict persists. Power remains the central indicator—and process has taken a back seat.

Identity-based conflicts also present special problems. Burma is rife with such conflicts between different ethnicities. For Muslim citizens in conflict with non-Muslims, finding a trusted third party for both sides can prove elusive. For ethnic nationalities struggling against the military regime, which many equate with the Burman majority, identifying respected mediators presents similar dilemmas. As with the struggle in the political realm, such conflicts and their resolution depend largely on brute power.

Diagram #2

Impartial

Western model:
Qualities
associated
with outside
professionals

Burmese model:
Qualities associated
with a respected
insider

Low Inside Wisdom ←————————————→ **High Inside Wisdom**

Qualities associated
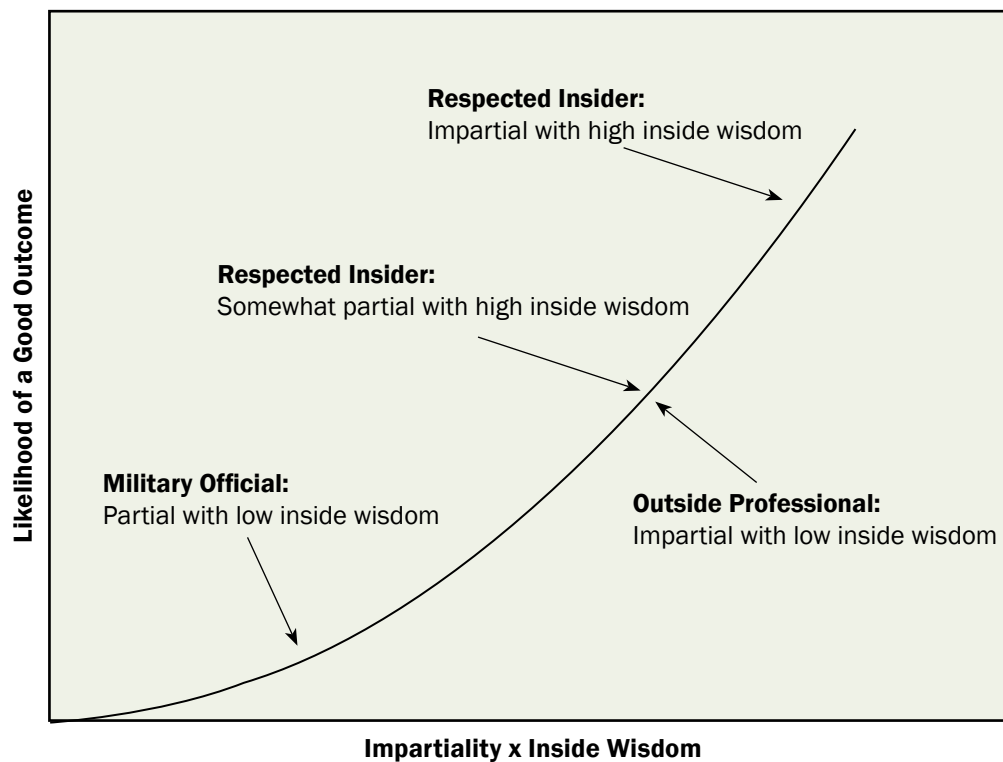with the authoritarian
regime

Partial

PERVERSION OF THE RESPECTED INSIDER MODEL: AUTHORITARIAN RULE'S IMPACT

The respected elder model plays out in several ways in Burma. Where two parties actually respect the elder, traditional deference can help solve conflicts and the system works. In other situations, there may not be a respected leader at all—the "missing" insider—and the parties can get stuck. Finally, there is the situation where false "respect" may be imposed from above: in the militarized society, the junta and elite have often manipulated the cultural tradition and attempted to assume roles as "respected" leaders to impress their decisions on some segments of society. In this latter situation, those in power use the deference to elders or those in positions of authorities to their advantage.

When a mediator chosen for his or her place in the social hierarchy is prioritized over inclusion of voices, the insider model can be dangerous socially and politically. Indeed, not all respected elders practices include local people. Exclusion of local perspectives, bias, corruption, and personal motivations can also just as easily occur in a respected elder regime. The current authoritarian military rule reinforces this approach, and distorts it to the extreme.

Diagram #3

Possible Third-Party Effectiveness Scenarios in the Burmese Context

Y-axis: Likelihood of a Good Outcome

Respected Insider:
Impartial with high inside wisdom

Respected Insider:
Somewhat partial with high inside wisdom

Military Official:
Partial with low inside wisdom

Outside Professional:
Impartial with low inside wisdom

X-axis: **Impartiality x Inside Wisdom**

As with missing respected insiders, a system of respected elders that has been replaced by one based on fear and authoritarianism also does little to solve deep-seated conflicts. They instead fester. The false insiders—such as Burman military officers in ethnic nationality rural areas—may drive a process without the appropriate level of respect to sustain long-term solutions. In this way, a perverted "respected" insider model under authoritarian rule may in fact be more akin to the *outsider* model in some ways and prone to failure in a society that traditionally relies on true insiders to resolve disputes. Just as professional outsiders without relationships to the parties may be destined to fail in resolution efforts in Burma, imposed "insiders" may also perpetuate conflict or leave it largely unresolved (See Diagram #3). Whether it is a distorted insider model or the lack of respected insiders, the situation in Burma presents special concerns for earth rights protection and communities seeking to preserve their traditional ways of life.

Earth Rights: Rekindling Lost Traditions

Earth rights include civil and political rights, which, in the language of international human rights law, represent "procedural rights" and form critical underpinnings for other environmental and human rights protections ("substantive rights").

Access to information and meaningful participation, for example, help offset systems that are based solely on power dynamics or force. When such procedural safeguards are institutionalized, they help form the foundations for the rule of law. In Burma, traditionally such processes (information sharing and community participation) have been more informal than institutionalized, but they are nonetheless important to resolving conflicts

in a way that supports earth rights. A Kachin woman recounted the importance of process and inclusion when resolving conflict in her hometown as a young person:

In our town in southern Shan State, there were Pa-O, Chinese, Shan, and a few Kachin. If people from two different ethnic groups were involved in a conflict, their traditional leaders met first to negotiate and try to compromise. The traditional leaders are very old men who know the customs. When one dies, a relative take his place. They solve conflicts by asking questions, checking faces—are people satisfied or not? If not, they ask again, talk in separate groups or one by one. In between talking with the people in the conflict, the leaders meet each other, and then talk as a big group again. It can take two weeks.[q]

The existence of such traditions provides hope for the future. In addition, some religious or cultural philosophies in Burma, especially in indigenous communities, include concern for the sustainability of ecosystems. Some communities, such as the Karen, are known for their indigenous knowledge and for living harmoniously with nature in times of peace. Thus, to the extent that indigenous groups' leaders are placed in decision-making positions as mediators, their decisions may be infused with such an environmental perspective. Traditional methods such as the Kachin woman's example above also combine local voices with wisdom from elders and raise the specter that earth rights protection can build upon local traditions if space for civil society is created. Indeed, such space needs to be created, so the people of Burma do not have to bring their cases to far away places like U.S. courts in Los Angeles or hearings at the International Labour Organization in Geneva. Such international arenas are critically important now, but community-based natural resource management inside Burma is essential in the long term.

Secretive jockeying over natural resources, disruptions of traditional social structures and ongoing human rights abuses threaten good models that rely on respected insiders to deal with conflict. EarthRights recognizes the deep importance of the connection between conflict and natural resources: with mega-deals like the Shwe India-Burma natural gas pipeline and the Salween dams in the works as well as ongoing logging and mining, it is urgent to put environmental issues squarely on the international agenda and tie them to issues of conflict and human rights in Burma. As the international community allows deals to move ahead for large-scale extractive industries in Burma, it ignores the short and the long-term consequences. In the short term, Burma's leaders maneuver to sell resources internationally and buy more arms to protect their interests and make local deals at the expense of communities. The deals often perpetuate or exacerbate existing conflicts, and the environment suffers while villagers are largely silenced. In the long term, the next generations' wealth is being sold off at an unsustainable pace. As the international community pushes for democratization in Burma, it must also examine the role conflict resources play in undermining this goal. As such, the international community should do much more to stem the growth of such trade as it seeks to enhance chances for long-term sustainable peace in Burma.

Appendix I: Conflict Theories

Many conflict theories exist among the practitioners and academics studying, analyzing, and dealing with conflict, and the distinctions between them help frame discussions for the research in this paper. The major orientations on ways of dealing with conflict are "management," "resolution," and "transformation."[r] They differ in the extent to which they allow for the productive potential of conflict, and whether responses aim to address the overt signs of a given dispute or the less-visible driving forces of the dispute.[s] One additional term—dispute settlement—is also commonly used and distinct from these prevailing theories.[t] We note that these theories and terms were developed primarily by westerner theorists or are based in Judeo-Christian values and individual-centric and as such are open to critique as narrowly constrained to particular cultural frameworks.

Dispute Settlement

The term *dispute settlement* first focuses on short-term disagreements. Second, this approach believes that mutually satisfactory solutions are possible between parties. Third, dispute settlement does *not* necessarily address the underlying or fundamental causes of the dispute, but instead focuses on ending the dispute. If the causes are left unhandled, a new dispute may arise again later on. Various methods—negotiation, mediation, arbitration, adjudication—can be used to address the disputes.[u]

Conflict Management

The first major theoretical conflict framework is *conflict management*. First, conflict management stresses that some conflicts are intractable. Thus, the conflict can only be controlled or managed. The intractability can come from a variety of deep-seeded sources such as history, distribution of power, or differences in values and interests. Second, through managing conflict, the theory purports that conflict can be prevented from escalating or becoming more volatile and violent. Finally, this theory sees management as the best option for handling difference—thus management is constructive and helpful for making the situation less destruction. According to Bloomfield and Reilly:

> Conflict management is the positive and constructive handling of difference and divergence. Rather than advocating methods for removing conflict, [it] addresses the more realistic question of managing conflict: how to deal with it in a constructive way, how to bring opposing sides together in a cooperative process, how design a practical, achievable, cooperative system for the constructive system for the constructive management of difference.[v]

Conflict Resolution

The second mainstream theory is *conflict resolution*, which commonly explores resolution of long-standing and severe conflicts. First, conflict resolution looks at the root causes of a problem—distinguishing it from dispute settlement. Second, conflict resolution usually sees conflict as "destructive" and something that "needs to be ended."[w] Third, conflict

resolution seeks to meet all parties' basic needs, while also respecting parties' values and identities. Finally, conflict resolution often seeks to have parties' move beyond zero-sum entrenched positions to win-win outcomes, believing that if parties can explore each other's positions and reframe them, positive outcomes can be reached. Conflict resolution commonly relies on neutral third parties who are skilled in intervention.[x]

Conflict Transformation

The third and final mainstream theory is *conflict transformation.* First, conflict transformation is commonly said to be the most flexible and comprehensive approach for dealing with contemporary conflicts.[y] In particular, conflict transformation emphasizes "support for groups within the society in conflict rather than for the mediation of outsiders":

> Conflict transformation must actively envision, include, respect, and promote the human and cultural resources from within a given setting. This involves a new set of lenses through which we do not primarily "see" the setting and the people in it as the "problem" and the outsider as the "answer". Rather, we understand the long-term goal of transformation as validating and building on people and resources within the setting.

Second, conflict transformation is process-driven rather than outcome-driven as conflict resolution is. Third, conflict transformation views conflict as a natural part of life. Fourth, the theory believes that conflict changes people and relationships and that there is an evolving and dynamic interplay between conflict and people. Fifth, while conflict can be destructive, it does not have to be, and instead can be transformative. Sixth, one central objective of conflict transformation is improved mutual understanding: "even when people's interests, values, and needs are different, even non-reconcilable, progress has been made if each group gains a relatively accurate understanding of the other."[z] Lederach summaries the key assumptions, components and approaches of conflict transformation:

> . . . [C]onflict is normal in human relationships and conflict is a motor of change. And [conflict] transformation [involves] the building of healthy relationships and communities, both locally and globally. . . .
>
> Engaging with Conflict: A transformational approach begins with two pro-active foundations: 1) a *positive-orientation* toward conflict and 2) a *willingness to engage* in the conflict in an effort to produce constructive change. . . .
>
> Conflict as an Opportunity for Change: . . . [R]ather than viewing conflict as a threat, the transformative view sees conflict as a valuable opportunity to grow and increases our understanding of ourselves and others. . . .
>
> Constructive Change Processes: . . . The primary task of conflict transformation is not to find quick solutions to immediate problems, but rather to generate creative platforms that can simultaneously address surface issues and change underlying social structures and relationship patterns. . . .

Reduce Violence and Increase Justice: . . . *To reduce violence* we must address both the obvious issues and content of any given dispute and also their underlying patterns and causes. *To increase justice* we must ensure that people have access to political procedures and voice in the decisions that affect their lives. Conflict transformation views peace as centered and rooted in the quality of relationships. . . . a phenomenon that is simultaneously dynamic, adaptive, and changing. . . .

Human Relationships: Relationships are at the heart of conflict transformation. Rather than concentrating exclusively on the content and substance of the dispute, the transformational approach suggests that the key to understanding conflict and developing creative change processes lies in seeing the less visible aspects of *relationship*.[aa]

Conflict transformation theory views conflict from various dimensions: personal, relational, structural, and cultural.[ab] Furthermore, many in Burma speak of the goal of national *reconciliation*, and according to Lederach, the concept of reconciliation is also a key component of conflict transformation. Through reconciliation, communities and individuals are helped by "restoring and healing the web of relationship that [has] been torn."[ac] According to this approach, reconciliation involves:

the identification and acknowledgement of what happened (i.e. truth), an effort to right the wrongs that occurred (i.e. justice) and forgiveness for the perpetrators (i.e. mercy). The end result is not only reconciliation, but peace.[ad]

Finally, the Table 2 that follows compares conflict resolution and conflict transformation, drawing several distinctions to how the disciplines approach conflict.

Table 1: Comparing Conflict Resolution and Conflict Transformation[ae]

	Conflict Resolution Perspective	Conflict Transformation Perspective
The key question	How do we end something not desired?	How to end something destructive and build something desired?
The focus	*Content*-centered.	*Relationship*-centered.
The purpose	*Outcome*: To achieve an agreement and solution to the problem creating the crisis.	*Process*: To promote constructive change processes, inclusive of—but not limited to—immediate solutions.
The development of process	It is built around the relationship(s) where the problems appear.	It is concerned with responding to symptoms *and* engaging the systems within which relationships are embedded.
Time frame	Short-term	Mid- to long-term

APPENDIX II: RESEARCH METHODOLOGY

In this research, we used an elicitive approach that sought to draw out the interviewees' perspectives and experiences on these issues—specifically, how they saw their own traditions, attitudes, upbringings, and approaches toward conflict. ERI interviewed 80 people in 2003 and 2004 specifically about conflict traditions. ERI also produced the report *Capitalizing on Conflict: How Logging and Mining Contribute to Environmental Destruction in Burma*, in collaboration with Karen Environmental and Social Action Network (KESAN), which drew on interviews with numerous others about the interplay between conflict and natural resource depletion.

In the research conducted specifically for this thought paper, five individuals made up the interview team: three from Burma and two from the United States with specialized knowledge or specific training in conflict resolution. The methodology focused on eliciting indigenous knowledge and exploring its potential for application now, for example, facilitating discussions on the use or maintenance of indigenous practices to deal with various conflicts in the country. We spoke with people with many different perspectives on conflict: grassroots and the general public as well as political players and leaders; perpetuators (leaders, military groups, etc.); victims (villagers, women, etc.); problem-solvers (elders, teachers, health workers, negotiators of well-known conflicts, etc.); observers (members of NGOs, other leaders, civil society leaders, etc.); and economic migrants. Interviews covered a wide range of topics and kinds of conflicts and methods for resolving them. We talked with minorities-within-minorities; for example, smaller ethnic nationalities like the Pa-O living in Shan State. We also conducted a set of interviews with the Muslim community. Most interviewees lived along the Thai-Burmese border. Interviews were conducted with people one-on-one as much as possible, although this was not the case in all of the interviews, and as much discussion as possible was held in Burmese or an interviewee's preferred language; this goal was assisted by translators with knowledge of and experience in conflict resolution theory and training.

Interviewers used a conversational format, influenced by the idea of the elicitive methodology for research learned from trainings with and written work by John Paul Lederach and Andrea Strimling. We asked open-ended questions that aimed to understand the interviewees' experiences with conflict, views on conflict, and preferred ways of handling conflict. We did not take people's historical stories as fact but with an understanding that each person's experience in any given event is different and it was not the actual historical events that were important but how the incidents of conflict were viewed and handled and how that impacted the person telling the story.

In some interviews, the questions followed the four steps of experiential training: 1) describe an experience; 2) reflect on it (e.g. how did you feel about what happened, what worked well, what were the challenges, which skills helped you and where did you learn those?); 3) generalize the lessons for other experiences (does this happen often, are there other cases like this?); and 4) apply lessons to future experiences (if you have a conflict in the future what do you think will be the best way to handle it; what do you see as the root causes of these conflicts, and what can be done about those problems?).

The purpose of asking questions like this in an educational setting is to facilitate a person's process of learning from actual experiences and ability to apply that learning in the future. Our purpose in following this question pattern in interviews, on the other hand, was to create a logical flow for a story and a foundation for the interviewee to use in talking about his or her beliefs, attitudes, and preferences about conflict, which were rooted in his or her actual experiences and not just "the right answer" or something s/he had heard about but never experienced or practiced. This storytelling methodology also had the unintentional effect of leading people to talk at length about a wide range of experiences and the scope of their feelings and thoughts about the experiences. Interviewers sometimes found themselves in the role of listening to a person who simply felt like talking, at which point we allowed ourselves to switch into a mode of open listening, rather than a strictly fact-finding or documentation mode of listening.

A typical sequence of questions: What are the most common types of conflict faced in your community? Please provide one example that you were involved in or know about well; day-to-day level, not political; social, personal, organizational, work; something that was resolved peacefully/verbally. How was it resolved? Who helped? What did that person (people) do/say/ask/decide? Was the resolution successful? Were the parties satisfied? Did the problem ever arise again later? Did the method to deal with the conflict address the root cause of the problem? What do you see as the root cause? How is your approach to resolving conflicts different from other people's approaches? Or, how is your community's approach different from other communities' approaches? What are the main blocks to resolving conflicts in your community? What do you think is the best way to handle conflict? What are the steps/techniques/approaches that work well, or make conflict easier to resolve? Where did you learn how to deal with conflict (books, teachers, parents, religion, experiences, etc.)? Interview questions included the following areas: decision-making structures in communities, e.g. how leaders are chosen; major problems facing people and communities/kinds of conflict most commonly faced; underlying causes people identified for conflicts; profile of mediator; reasons or triggers for avoiding confrontation; recurrence of problem between same parties; philosophy about conflict and resolution; influences on people's beliefs and methods ("how did you learn to do it?").

ENDNOTES

a   Starting in 2003, ERI started examining the import of political, military, community-level, and interpersonal conflict in Burma, with the overarching question of whether there exists a pattern that could help explain the history and root causes of earth rights abuses in the country. Using our fact-finding and research capacities, we sought to evaluate and understand conflict resolution methods and traditions and see how they interacted with and influenced earth rights protection. We were also interested in the use of newer, academic conflict resolution models that have begun to gain popularity among political and civil society groups of Burma. *See* Appendix II: Research Methodology.

b   This table is adapted from John Paul Lederach, *Mediation in North America: An Examination of the Profession's Cultural Premises* (Akron, PA: Mennonite Central Committee, 1986). The table is an oversimplification and neither model is normally practiced completely, but instead there is overlap in most circumstances. Nonetheless, the contrast helps illustrate the importance of cultural differences and how conflict and mediation styles can be impacted.

c   ERI Conflict Research Interview #A10 (2003)

d   ERI Conflict Research Interviews #A39 (2003) and #A26 (2003).

e   ERI Conflict Research Interview #A26(2003).

f   ERI Conflict Research Interview #C2 (2004)

g   ERI Conflict Research Interview #B1 (2004).

h   ERI Conflict Research Interview #C6 (2004).

i   ERI Conflict Research Interview #B13 (2004).

j   ERI Conflict Research Interview #A7 (2003).

k   *Op. cit.,* note 5.

l   ERI Conflict Research Interview #B10 (2004).

m   ERI Conflict Research Interview #A18 (2003).

n   *See, e.g.,* EarthRights International, Tyler Giannini and Allison Friedman, eds., *"If we don't have time to take care of our fields, the rice will die.": A Report on Forced Labor in Burma* (March 2005) at 38.

o   ERI Conflict Research Interview #A18 (2003).

p   ERI Conflict Research Interview #B10 (2004).

q   ERI Conflict Research Interview #A38 (2003).

r   Hugh Miall, "Conflict Transformation: A Multi-Dimensional Task," *Berghof Handbook for Conflict Transformation* (April 2001) at 2, *available at* http://www.berghof-handbook.net/miall/final.pdf (accessed May 31, 2004).

s   *Id.*

t   Brad Spangler, "Settlement, Resolution, Management, and Transformation: An Explanation of Terms" *at* http://www.beyondintractability.org/m/meaning_resolution.jsp (last visited May 31, 2004).

u   *Id.*

v   *Op. cit.,* Miall, note 18, at 3 (citing Bloomfield and Reilly (1998) at 18).

w   John Paul Lederach, "Director's Circle," *Conciliation Quarterly*, 8:3 (Summer 1989), at 12-14 (summary by Mariya Yevsyukova), *available at* http://www.colorado.edu/conflict/transform/lederach.htm (last visited May 31, 2004).

x   *Op. cit.,* Miall, note 18, at 3, and Spangler, note 20.

y   *Op. cit.,* Miall, note 18, at 3-4.

z   "Conflict Transformation" *at* http://www.colorado.edu/conflict/transform/jplall.htm (last visited May 31, 2004).

aa   John Paul Lederach and Michelle Maiese, "Transformation," (2003)(condensed excerpt from John Paul Lederach, *The Little Book of Conflict Transformation* (2003) *at* http://www.intractableconflict.org/m/transformation.jsp (last visited May 31, 2004).

ab   *Id.* "Transformation understands social conflict as evolving from, and producing changes in, the personal, relational, structural, and cultural dimensions of human experience. Its seeks to promote constructive processes within each of these dimensions:
   •   <u>Personal</u>: Minimize destructive effects of social conflict and maximize the potential for personal growth at physical, emotional and spiritual levels.
   •   <u>Relational</u>: Minimize poorly functioning communication and maximize understanding.
   •   <u>Structural</u>: Understand and address root causes of violent conflict; promote nonviolent mechanisms; minimize violence; foster structures that meet basic human needs and maximize public participation.
   •   <u>Cultural</u>: Identify and understand the cultural patterns that contribute to the rise of violent expressions of conflict; identify cultural resources for constructively handling conflict. *Id.*

ac   John Paul Lederach, "The Meeting Place", draft in progress, Chapter 8, *Journey Towards Reconciliation*, forthcoming from Harald Press (Spring 1998) *at* http://www.colorado.edu/conflict/transform/jplchpt.htm (accessed May 31, 2004).

ad   *See op. cit.,* "Conflict Transformation", note 26; *see also op. cit.,* "The Meeting Place", note 29 (for in-depth discussion of interplay between truth, justice, mercy, and peace).

ae   *Op. cit.,* Lederach and Maiese, note 27.