UNCOMMON GROUNDS: DIALOGIC PROCESSES FOR DISPUTE RESOLUTION IN SOCIAL SPHERE

A Presentation By

VikasAnvesh Foundation (VAF)
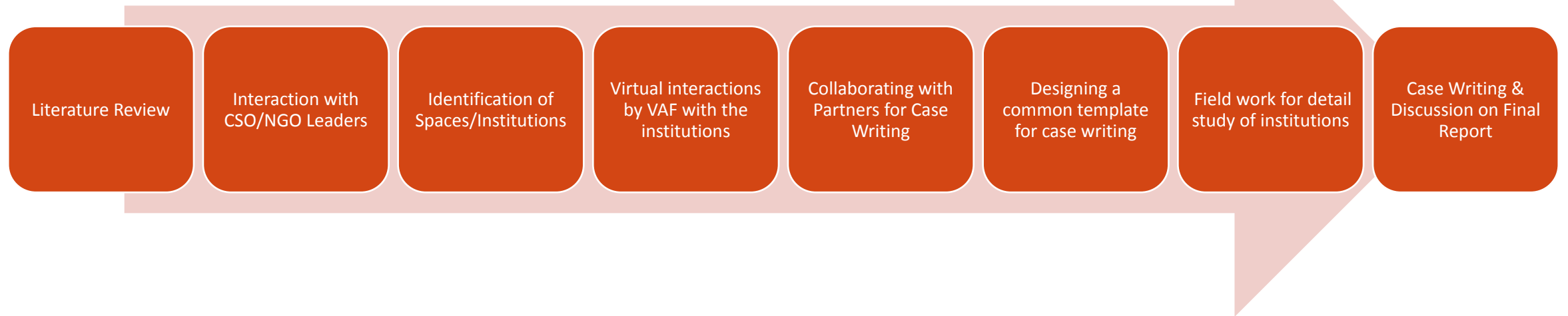
Objective of the Research Study

- Identifying and understanding the existence of spaces/institutions promoting dialogic approached for resolution of conflicts at the community/ level

- Coverage of spaces in rural as well as urban environment

- Drawing lessons from the processes followed by these spaces and comparing their approaches

Approach for the Study

| Literature Review | Interaction with CSO/NGO Leaders | Identification of Spaces/Institutions | Virtual interactions by VAF with the institutions | Collaborating with Partners for Case Writing | Designing a common template for case writing | Field work for detail study of institutions | Case Writing & Discussion on Final Report |

- Covid-19 Pandemic (Second Wave) inhibited the movement for field work. Collaborated with researchers/scholars based close to these institutions to study them in detail

- Designed a common template for study based on our first level discussions with the CSO/NGO leaders and first round of interactions (virtual) with the identified institutions along with the support of Krishna and Natasha

- Diversity in geographical context, type of community and nature of institutions was ensured while selecting the institutions

Institutions/spaces covered in the study

Traditional	Non-traditional
Gram Buras in Assam	SHG Federation in Jharkhand
Tribal Councils in Odisha	Working Group for Women and Land Ownership (WGWLO) in Gujarat
Khaap Panchayats in Haryana	Legal Services to Migrants by Aajeevika Bureau
Fishermen Panchayats in Kerala	Flood affected communities in Bihar
Tribal Assembly in Maharashtra	
Trader Communities	

Understanding conflict

- Gillin and Gillin has defined, "Conflict is the social process in which individuals or groups seek their ends by directly challenging the antagonist by violence or threat of violence".

- Darwin has suggested that principles of struggle for existence and survival of the fittest are the main causes of conflict, whereas Malthus says that reduced supply of the means of subsistence is the cause of conflict

- Are often based in prejudice, social identity, emotions, ideology, values, communication styles, or resources, human beings tend to be attached to their beliefs, categorize and stereotype others into "outgroups," and dominate others in a way that often leads to violence (Collier & Sambanis, 2002)

- Hamburg (1993) suggests that while aggression and interethnic conflict are assumed to be natural inclinations of human nature, the desire for harmony and peace balances these tendencies

- Literature categorizes conflicts into various types as task, interpersonal, intergroup along with highlighting the nature of conflicts as latent and overt

- Context of conflicts becomes equally critical when environmental, social, political and economic factor interplay with the diverse nature of communities where these conflicts are based in

- Resolution or management of conflicts is often driven and guided by these factors

Dialogic processes

- Resolution a multi-stage process. Literature highlights several strategies for resolution that range from informal methods to legal discourses

- Communities, especially in rural areas of the country, have been managing their disputes using spaces that promote dialogues and communication between the affected parties

- Dialogue as a method has gained ground; differs from debate and group therapy processes

- Dialogue is often portrayed as complementary to deliberation, which is a process that uses purposeful decision making. (Dessel & Rogge, 1996)

- Dialogic approaches emphasis on involvement of people to come together to seek a positive change through conversations and agreement

- They promote participation of people which influences the perception of fairness, efficiency and effectiveness in the collaborative decision-making processes

- Constructive shared search of knowledge of the conflict in question through conversation. This approach banks on the collective wisdom of the community to deliver justice to the aggrieved parties.
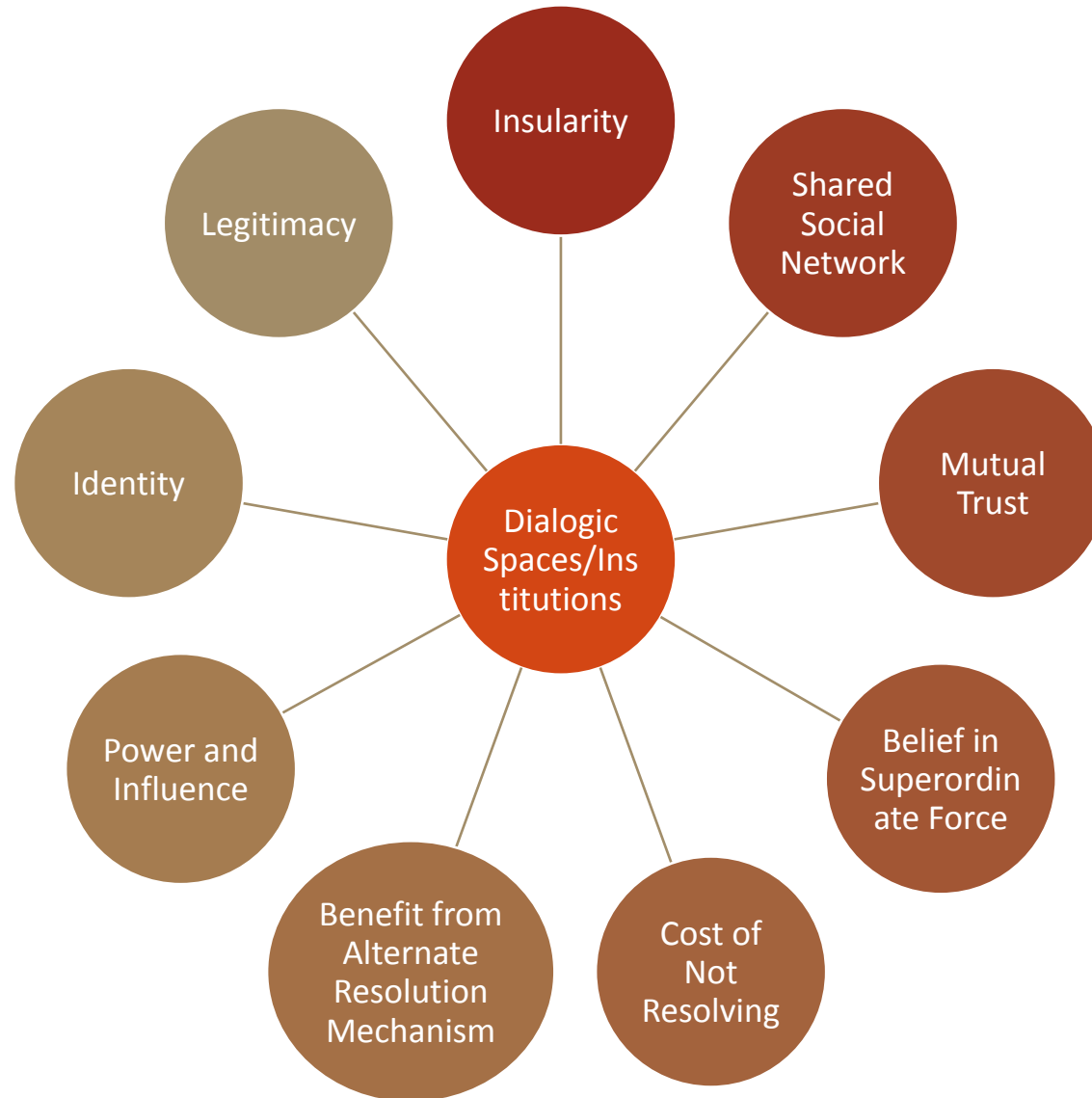
Parameters to study the institutions

- Structure of institution (members, age, gender, education etc)

- Surfacing and recognising the issues (nature of issues)

- Goals of community and parties involved

- Resolution process

- Rules and regulations

- Binding of decisions and their enforcement

- Closure process (rituals, documentation, form of punishment)

- Legitimacy of these institutions

Conceptual Framework

Factors in the Framework

Insularity: Characteristic of close-knit community. Aim to preserve their social structures and do not adopt "modern" ways

Shared social network: common network of norms, beliefs, practices and people around which the community functions

Mutual trust: Cconfidence that each party will fulfil its obligations and behave as expected (Ring & Van De Ven, 1992).

Belief in superordinate force: Very close-knit Communities tend to have faith in a common deity. Sanctify collective processes

Cost of not resolving: Social/political/economic implications of not seeking a resolution

Benefit/cost from alternate resolution mechanism: Parties choosing other available options for resolution of conflicts

Power and influence: Exerted by these institutions in the lives of the community members . Relative power dynamics

Identity: Group identify, common set of norms and beliefs, institutions are woven around this identity and derives its functionality, influence from it

Legitimacy: Institutions drawing authority to make decisions on behalf of people, what given them the right to give binding decisions
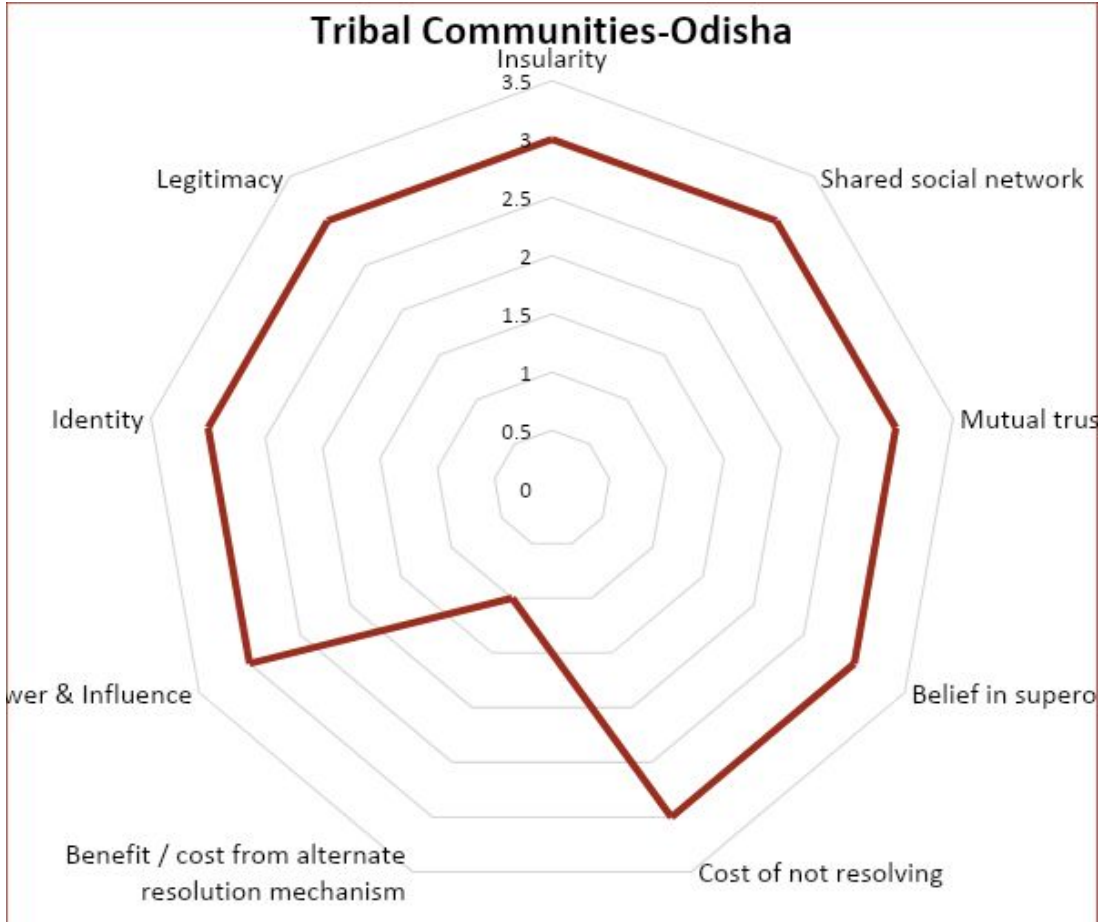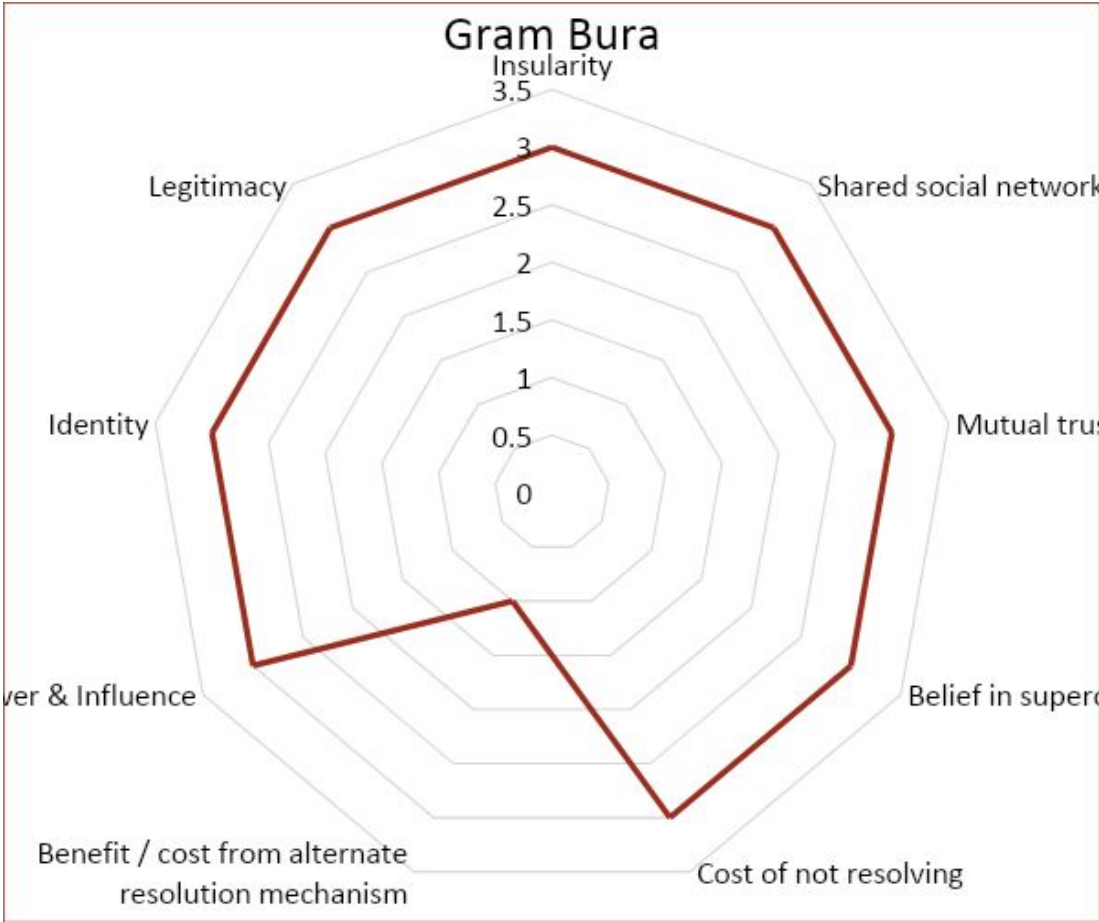
Framework applied to the cases

Factor	Gram Bura	Tribal-OD	Flood affected communities	Traders' Community	Khap Panchayat	WGWLO	Tribal community-MH	SHG Federation	AB	Fishermen Community
Insularity	High	High	Low	Low	Low	Low	High	Low	Low	High
Shared social network	High	High	High	High	High	High	High	High	High	High
Mutual trust	High	High	Medium	High	High	Medium	High	High	Medium	High
Belief in superordinate force	High	High	Low	Medium	Low	Low	High	Low	Low	Medium
Cost of not resolving	High	High	High	High	High	Low	High	Low	High	High
Benefit from alternate resolution mechanism	Low	Low	Low	High	Low	High	Low	Low	Low	Low
Power & Influence	High	High	Medium	High	High	Medium	High	High	High	High
Identity	High	High	Low	Low	High	Low	High	Medium	Low	High
Legitimacy	High	High	Medium	Medium	High	High	High	High	High	High

Mapping of factors-I

Gram Bura

Tribal Communities-Odisha

Code: 1-Low, 2-Medium, 3- High
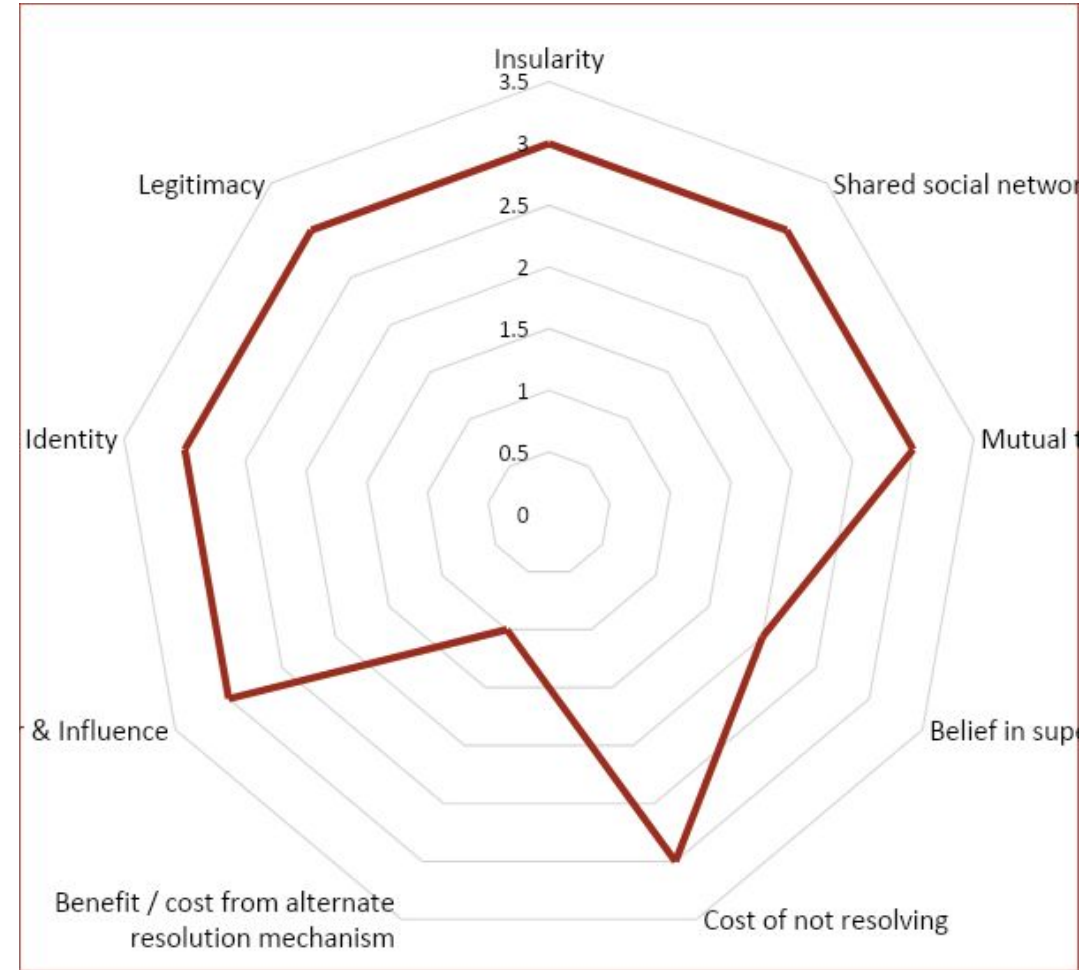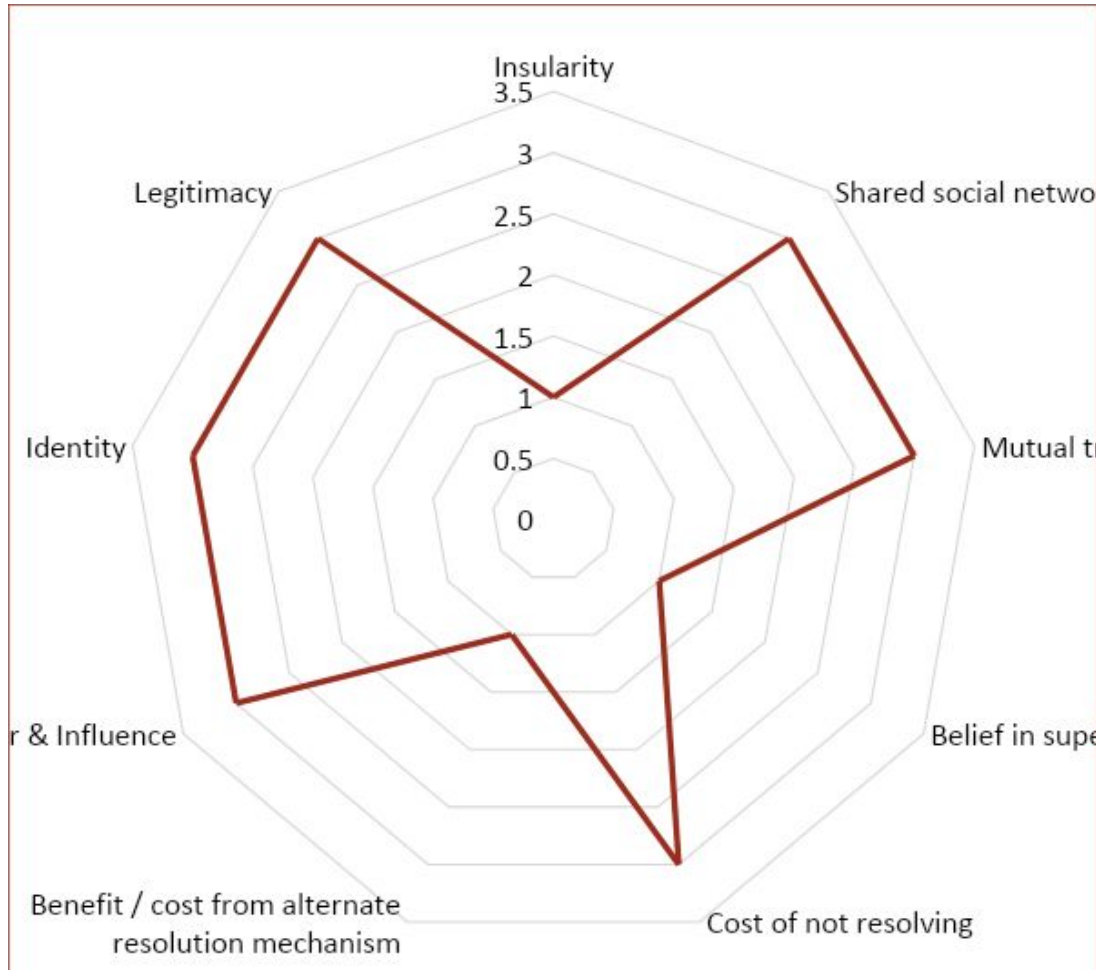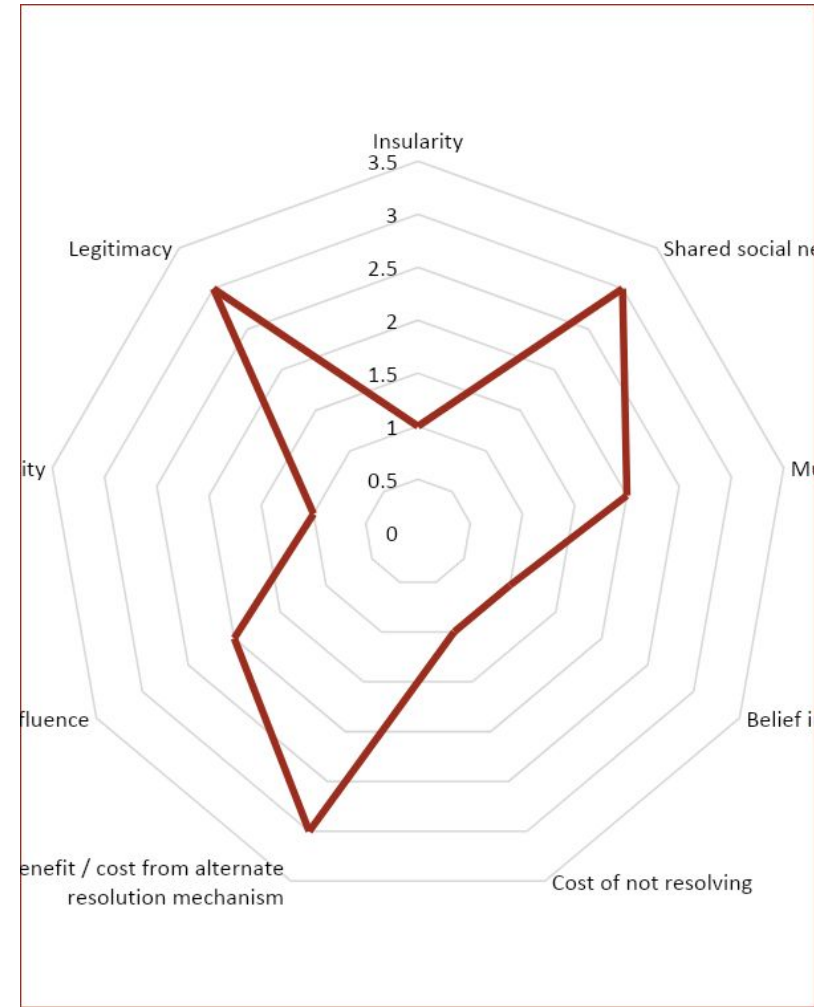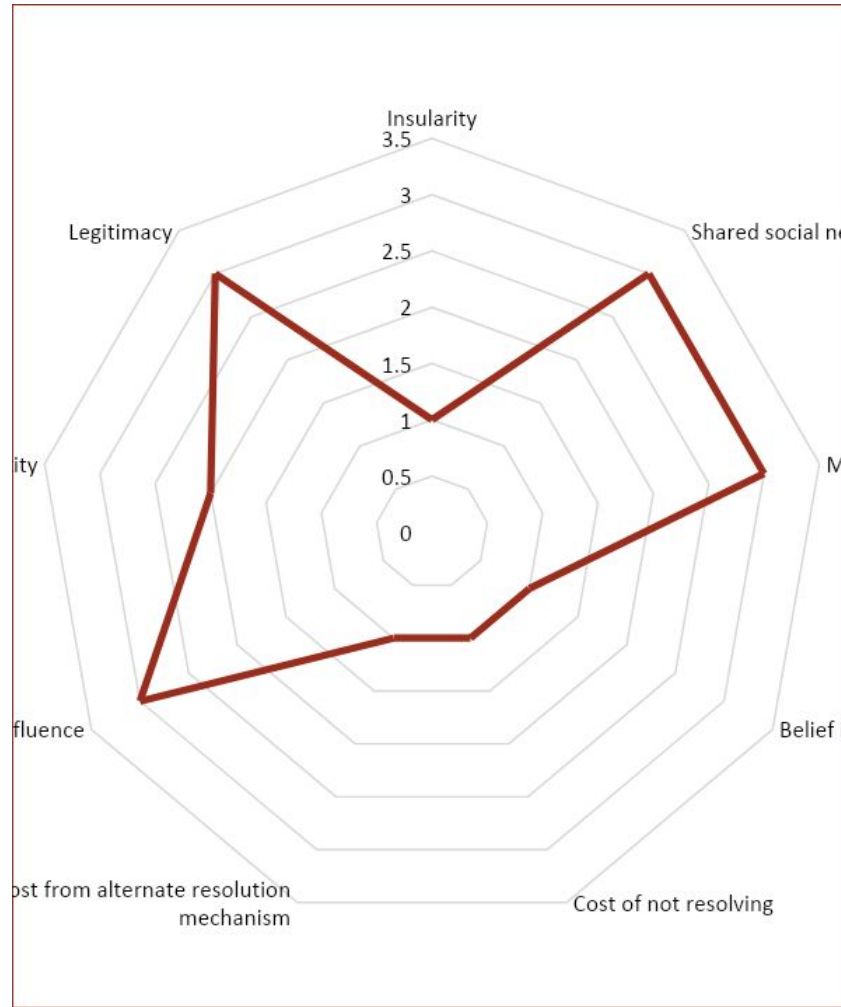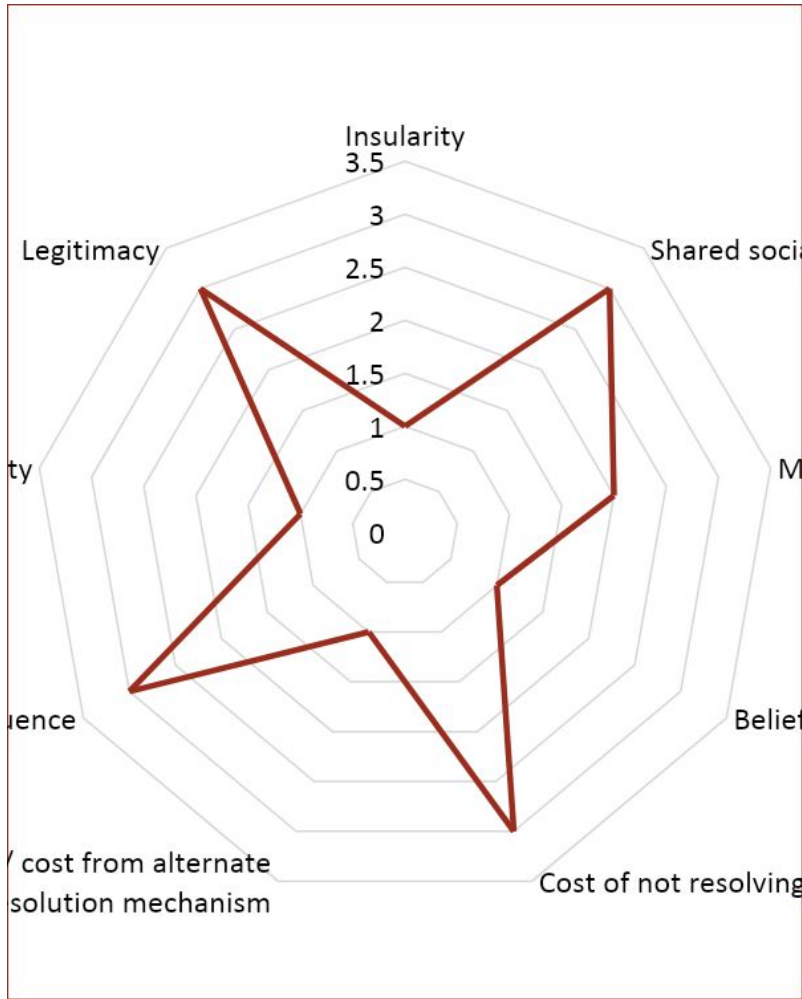
Mapping of factors-II

Code: 1-Low, 2-Medium, 3- High

Mapping of factors-III

Code: 1-Low, 2-Medium, 3- High

Inferences

- The practice of using dialogic approach for resolution of conflicts by these institutions is grounded in principles of relationship building, civic participation and social change

- Collective wisdom of people involved hold high importance

- Domain specific spaces with their engagement with people over the years have given them a strong social network and power to influence the lives of the people involved

- People and communities have been engaging with these institutions for resolution of conflicts as they seen high gain as compared to alternative mechanisms

- Traditional and non-traditional institutions, though have different evolution process are working with the community/parties to resolve the disputes and have gained legitimacy over the years

- Social cohesion is strong in the traditional institutions hence we saw that high insularity, mutual trust drives high legitimacy making them central to the identity of these communities

- For communities, ease of access, belief in common social norms and practices has given them power and influence to govern the social-cultural lives of people

- Insular communities are in flux, eg Ur panchayats of Fishermen community where people are leaving moving out from the fishing profession which is leading to the reduction in revenue for these panchayats

Inferences

- The conceptual framework helped in understanding the set of parameters playing a role in making these institutions a viable space to adopt dialogic approaches

- For example, in case of Gram Buras and Aajeevika Bureau's work, high social network and legitimacy is enabling dialogues between parties to happen and progress towards resolution.

- Whereas in case of flood affected communities, the issue-based formation of informal groups remains active only till the disaster is resolved and the focus is on immediate solutions

- Changing environment and integration with modern/formal governance systems in influencing the role the traditional institutions play

- Communities in transition, outward migration and disinterest of youth in traditional practices are few of the reasons for traditional institutions to feel the threat of becoming obsolete

- Integration with PRIs, like in the case of MH and Gram Buras of Assam, is increasing the work with respect to governance and implementation of schemes and programs and reducing the engagement with conflict resolution cases

Inferences

- The non-traditional externally promoted institutions have come in existence for a common objective and derive legitimacy from the cause they support along with the support from legal mechanisms

- Non-traditional institutions do not face threat to existence as long as they are by the NGOs and are accepted as a means to access rights and justice by the community

Way Forward

- Scope for a more detailed study on the selected parameters with field work (given Covid restrictions are no longer active)

- Strengthening of institutions that are engaging in dialogic processes; training and capacity building approaches

- Supporting the institutions to strengthen the social cohesion and social network which in turns drive the community based/led decision making systems. This is critical when the environment is changing and communities are in transition

THANK YOU