
RESOLUTION OF INTERPERSONAL CONFLICTS IN THE CONTEXT OF METHODS
AND STRATEGIES APPLIED IN DISPUTE RESOLUTION

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Abstract. Conflict is an inherent aspect of social life, presenting itself in various forms, which can be categorized into five types: relationships, data, interests, structural, and values. Relationship conflicts involve communication issues, intense emotions, stereotypes, and retaliation. Resolving relationship conflicts requires displaying respect for the other person. Data conflicts arise from lack of information or incorrect interpretation. Conflicts of interest occur when needs or goals cannot be satisfied. Structural conflicts result from limited access to necessary resources or efficient work tools. Values conflicts involve differences in values and rules. Conflicts within organizations arise due to resource allocation, differing positions, goals, or values. Negotiations are widely considered the most effective means of resolving conflicts. Negotiations involve interpersonal communication aimed at achieving mutually satisfying agreements. Negotiation strategies can be classified into win-lose, lose-win, lose-lose, and win-win approaches. Win-win strategies prioritize mutual benefits, while win-lose and lose-win strategies focus on individual gains. Avoidance and rivalry strategies are examples of lose-lose approaches. Mediation is a conflict resolution method involving a neutral third party. It is useful when legislative or normative acts prevent resolution, or when confrontation is costly or dangerous. Mediation relies on cooperative negotiation and is effective when parties desire to maintain a future relationship, value confidentiality, or wish to avoid court proceedings. However, mediation is not suitable for criminal conflicts or cases involving incapacitated parties. In mediation, the parties make the final decision under the guidance of the mediator. The mediator facilitates understanding, agreement, and reconciliation between the parties. They help identify potential solutions and conditions for resolving the dispute. Mediators do not assess evidence or make binding decisions but aim to promote mutual understanding and acceptable resolutions.

Keywords: conflict resolution; conflict types; effective communication; mediation process; negotiation strategies

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1. Introduction

A conflict is a natural and immanent feature of social life. It is an extremely varied and complex phenomenon. American mediator Christopher Moore distinguished five types of conflicts: relationships, data, interests, structural and values (Moore, 1996). All of them combined comprise the circle of conflict. The relationship conflicts entail incorrect communication, intense emotions, the triggering of stereotypes and retaliatory behavior. Mitigating conflict in a relationship means first and foremost showing respect to the interlocutor. Data conflict causes the lack of information or incorrect data interpretation. It occurs, for example, when you are waiting a long time for key information while the other party is delaying providing it. The conflict of interests is the lack of possibility to satisfy one's needs or to attain defined goals. The fourth type is the structural conflict, resulting from lack of access to specific office objects that facilitate and streamline one's work. The last type is the conflict of values. It involves the disparity of values and rules. For example, two cooperating persons may remain

in conflict because one of them accepts the possibility of manipulating the information provided to customers, while the other disagrees with this approach.

The conflict of organizations is a dispute between two or more members of groups, resulting from the need to share limited resources or work, or from taking different positions, having different goals or values. In the course of a dispute, members or sections of an organization seek to have their case or point of view prevail over that of others. Most important characteristics of a conflict that determine its essence can be described, as follows: there are at least two parties to a conflict, who are entirely or partially dependent on each other; at least one of the parties can see a contradiction between its own and the other party's systems of values, aims, motives, needs, interests, etc., the other party blocks the attainment of the goals, interests and is opposed to them; the conflict results from a perceived rather than an objectively existing incompatibility only, the party (parties) who can see a contradiction of interests undertake specific verbal and non-verbal behaviors, usually accompanied by strong emotions, stress, frustration, aggression. Conflict can be both constructive and destructive. Both parties can gain something and benefit from its resolution; the successful unravelling of the situation can give rise to a new quality by conquering the conflict. A situation where one party seeks to destroy the other results in an escalation of demands and frustration with its negative consequences. Conflict is not the source of misunderstandings and fights between people – the method of its resolution is.

Let us have a look at potential examples of various conflict situations and their potential resolutions in line with the modern rule of resolution of disputable situations: While performing his official duties, an employee in an organization participates in the making of decisions that may result in a pecuniary or non-pecuniary benefit to persons who are his relatives, acquaintances or other persons with whom he has a personal interest. Example: a bank employee making decisions on granting bank loans makes such a decision with regard to his acquaintance or relative. Potential resolution: removing a member of staff from a decision involving a conflict of interest. An employee of organization A participates in the making of personal decisions regarding people who are his family, acquaintances or other persons with whom that employee has a personal interest. Example: a manager decides to increase the salary (pay a bonus) to a subordinate who is related to him. Possible solutions: removing the employee from a decision involving a conflict of interest; transferring the subordinated employee to a different position or a change of the scope of duties. An employee of Entity A or another person with whom the employee has a personal interest performs, or intends to perform gainful work for Entity B, which has a business relationship with Entity A, which intends to establish such a relationship or is a competitor of Entity B. Example: an employee of the organization, responsible for purchases of tangible capital goods chooses from among a limited number of suppliers. The manager in charge of the sales department of one of the potential suppliers is related to the employee of the organization. Example: an employee of the organization who is in possession of confidential information on the organization's operations receives a job offer from an organization that is a competitor of his direct employer. Potential resolutions: removing a member of staff from a decision which is subject to a conflict of interest; recommending that the employee should refuse other gainful employment. An employee of Entity A or another person with whom the employee has a personal interest performs, or intends to perform gainful work for Entity B, which is a parent entity, a subsidiary or has a different relationship with Entity A. Example: an employee of organization A performs another part-time job in organization B, which is a subsidiary of organization A. Additionally, the employee's duties in organization A involve exercising powers of control over organization B. Possible resolutions: a change of official duties of the employee; removing the employee from the performance of duties to a parent company, subsidiary or otherwise affiliated organization; recommending that the employee should refuse other paid work. An employee of organization A decides that organization A should buy goods resulting from intellectual activity in which the employee or any other person with a personal interest in the employee has exclusive rights.

Example: an employee of the organization providing public transport services makes the decision to purchase automatic means of passenger control based on technological developments, the patents for which belong to the employee.

Potential resolution: removing a member of staff from a decision which is subject to a conflict of interest.

2. Negotiations as an optimal method of conflict resolution

Many authors believe that negotiations are the best way of overcoming conflicts thanks to their effectiveness (Doherty, Guylar, 2012; (Grega, Nečas, 2022; Rak et al., 2022). Negotiations are a common phenomenon that has been occurring at different levels of socioeconomic life since the beginning of time. They may refer to family, commercial, employee, political or international matters. They are often believed to be the best method of resolving conflict situations. What is more, examples of negotiations can be found both in the Old Testament and in the Quran. Negotiations are usually less costly than fighting, the negative consequences of which, both material and moral, may be experienced not only by the parties to the conflict. Other features of negotiations include mutual exchange of benefits, social usefulness of negotiations, deepening of smooth relations between parties, relative sustainability of the outcome of negotiations and compliance with existing social, legal and moral norms.

In principle, negotiations are a two-way interpersonal communication process whose goal is to attain the arrangement which is best and most satisfying to both parties involved at the given moment and under the existing conditions, on the basis of mutual argumentation, presentation of expectations of both parties and desired objectives. However, many managers see negotiations as fighting or a competition with each of the parties striving to obtain the best possible result for itself. Therefore, they sometimes strive towards their goals using even the strategies of opponent intimidation, blackmail or lies. The outcome of such negotiations will never be a permanent solution, making new negotiations necessary, which can lead to development of crisis situations in the enterprise and potential financial losses. The specificity of negotiations testifies to their interdisciplinary character, which is why research on the negotiation process is carried out in disciplines such as economics, management, sociology, psychology, history, legal studies, game theory, decision-making theory and political science. Each of the areas mentioned above usually focuses on a different aspect of negotiations, has its own unique way of describing and measuring negotiations and only the combination of various theoretical traditions provides a comprehensive and more complete understanding of the nature and process of negotiations.

Negotiation techniques are used in the negotiation process. They are tools for reaching agreement on the basis of mutual argumentation, presentation of expectations of both parties and desirable objectives. In crisis situations, knowledge of negotiation techniques makes it possible to speed them up thanks to balanced and factual dialogue, separating people from the problems and conflicts often responsible for the development of crisis situations, as well as makes participants in the negotiations aware that, eventually, common interests exist and a common goal can be reached. However, this requires a conviction that it is right to enter into negotiations and that it is necessary to change one's position on an issue at least in part. The word 'strategy' originated in ancient Greece and means 'the art of a leader'. In our times, the meaning of strategy is much wider but its main meaning can be described as the main plan or an operating model.

When talking about a negotiation strategy, we mean everything we will do to get the best possible outcome of the negotiations. The choice of a strategy directly impacts the quality of an outcome or the lack of it. According to Mastenbroek, a negotiation strategy is a consciously chosen conduct of negotiations, adequate in a specific situation. According to the competition strategy, parties to the crisis/conflict take certain positions towards each other related to what they would like to achieve and then induce each other to make concessions (i.e. for the partner to accept a specific proposal), using rather aggressive and manipulative behaviors. In one case, a negotiation strategy can focus on getting the best result at any price while, in another case, one can be interested in maintaining the relationship irrespectively of the outcome of negotiations.

3. Classification of most popular negotiation strategies in resolving conflict situations

Win-win is the most common classification of negotiation strategies. It was presented by specialists from the Harvard Negotiation Project: Roger Fisher, William Ury and Bruce Patton (Fisher et al., 2000) in their book entitled "Coming to this. Negotiating without giving up". The Path to Agreement, or Negotiations Without Defeat. According to the win-win classification, there are four main strategies: win-lose (win-lose), lose-win (lose-win), lose-lose (lose-lose) and win-win (win-win).

The definition of a strategy is based on two parameters: the importance of relationship and the importance of an outcome. A lot in common with the win-win classification has the Thomas-Kilman (Thomas, Kilmann, 1974) instrument based on the concept of behavior in the course of a conflict, which defines 5 main behavior styles in conflict: cooperation, rivalry, compromise, adaptation and avoidance.

Rivalry negotiation strategy

Win-lose. This strategy is aimed exclusively at defeating the opponent who is perceived as an adversary. It is applied when the outcome is most important and potential damage to the relationship with the other party is immaterial. A competitive negotiator is often ready to use all the means available in order to get the desirable agreement, including manipulation techniques. Situations in which the rivalry strategy is used most often include one-time sales transactions such as selling a car: its price is important, not the relationship with the buyer, which will not be continued.

Negotiation strategy (L-W)

lose-win (lose-win). Using the accommodation strategy in negotiations leads to the tactical 'loss' of your side and the 'lose-win' for the opponent. This strategy is used when the relationship is most important and the outcome of the negotiations can be traded at this stage. For example, you would like to conclude a contract with a large company to become one of its contracting parties. You know that if you enter the grid, even if you sign a small and unprofitable contract, you will be able to gradually increase the volume of orders in the future and profit from the cooperation.

Negotiation strategy (L-L)

lose-lose (lose-lose). The simplest example of this strategy is avoiding negotiations when in a weak position. However, circumstances in which one of the negotiators intentionally provokes a lose-lose situation in the negotiation process are possible. In this case, the initiator of the negotiation failure plays their game and disrupt the negotiation process is important for them in order to pursue their own interests.

Such a player takes part in the negotiations but avoids reaching an agreement. In the House of Cards (season 2, episode 5) Frank Underwood (Kevin Spacey) intentionally disrupts negotiations with representatives of China to frame the president's friend, billionaire Raymond Tusk, who was extremely interested in an agreement but could not openly participate in the negotiations. The negotiation fiasco undermined the president's relationship with Raymond, which Frank Underwood strived for, considering the possible loss of image after the failure of negotiations as an acceptable price for the deterioration of the president's relationship with the billionaire.

The avoidance strategy is also applied in those situations, which are not planned in advance, when two Donkey type negotiators sit at the negotiation table, both are focused exclusively on their victory and the opponent's failure (Rivalry strategy) and unprepared for concessions irrespectively of the result of the negotiations. 'If I don't win you will see no victory too' is what negotiators think, basically avoiding the possibility of reaching an agreement. The opponents' emotions transform the negotiations into a competition of perseverance and persistence in which there are no winners.

Cooperation negotiation strategy

Win-win (win-win). While using the strategies described above, negotiators share the cake, i.e. the maximum they discuss in the course of negotiations. This cooperation strategy aims for mutual benefit in the negotiation process by widening the cake, based on an understanding of the parties' interests.

The selection of a specific strategy in a specific case depends on the context of the situation. If the outcome is important and the relationship is not you can use the strategy of rivalry at any price but better be careful when negotiating so as not to start the avoidance strategy because it may not lead to dispute resolution. If the relationship is important for your future cooperation and you are willing to stand down in these negotiations, the use of the adaptation strategy is justified. If both the outcome and the development of the situation in the future are important, think how to apply the cooperation strategy, find a win-win solution and increase the size of the negotiation cake. This is seen as the most desirable approach in the literature and in practice.

4. Mediation as an example of conflict resolution involving a third party

Mediation is a negotiation involving a neutral third party interested that the parties resolve their dispute (conflict) in the manner most beneficial to the parties in dispute.

The participation of a third party in conflict resolution is necessary in those cases when conflict resolution is impossible pursuant to legislative or other normative acts and confrontation does not produce results, becomes uneconomic or dangerous for one of the parties.

Mediation methods mostly involve negotiating in a cooperative way. Mediation is particularly effective when the parties may retain close business or personal relationship in the future, when the parties are not interested in a public hearing because confidentiality is very important to them,

It is possible to appeal against the ruling in the case,
The dispute is very complex in terms of facts or laws,
The dispute refers to sensitive business matters,

For some reason, the parties do not want the dispute to be examined in court (the time limit for hearing the case is too long, the costs of the proceedings may negate winning the case, the outcome of the proceedings is unpredictable), the hearing in the present case is pointless for the parties.

However, mediation has certain limitations too. It cannot be used in criminal conflicts or in those cases where any of the parties suffers from a mental disease or cannot be held responsible for their actions, i.e. is legally incapacitated. Mediation is only effective when both parties want to resolve their conflict.

In mediation, the decision to end the dispute under certain conditions is always taken by the parties themselves, as the mediator does not have the authority to make any decision binding on the parties to the dispute. The mediator's role is to help the parties understand each other better, reach an agreement, reconcile their positions and, in certain cases, to help find options referring to conditions on which the dispute can be settled.

The mediator does not examine evidence or assess the grounds for the parties' claims; the mediator's main task is to ensure mutual understanding between the parties, identify and help them to become aware of the possibilities for solving the problem on terms acceptable to all participants.

When communicating with each other, the parties often show maximum restraint for fear that the other party may use the information received to gain an edge in negotiations. This is why a mediator who does not participate in the conflict is necessary. The mediator has more information than each of the parties individually, so he/she can see the full picture of the dispute, allowing him/her to act as a navigator guiding the parties through the decision-making process and ultimately reaching a common agreement.

Mediation is a negotiation process with the mediator-agent as the organizer who directs the negotiations in such a manner that the parties can reach the most beneficial, realistic agreement in the interest of both parties, as a result of which the parties can resolve their conflict.

5. Principles of mediation in dispute resolution (involving a mediator)

Voluntariness: contrary to litigation, the entry of all parties to a dispute into a mediation process is voluntary and the mediator is freely chosen. Nobody can force the parties to mediate if they do not want to do it for some reason. This principle manifests itself in the fact that all decisions are taken only by mutual consent of the parties and in the fact that either party can refuse mediation and stop negotiations at any time (Nordhelle, 2010). Before starting the mediation process, the mediator discusses the issue of voluntariness and seeks to achieve it from each party (Bieliński, 2008).

Equality of weapons: none of the parties has a procedural advantage. They have the same rights to express their opinions, determine the agenda, evaluate the admissibility of suggestions and terms of the agreement, etc.

Neutrality/impartiality of the mediator: the mediator remains independent and not partial to any of the parties, ensuring their equal rights to participate in the negotiations. If the mediator feels that remaining neutral becomes difficult and cannot shake off the emotional evaluations that are building up, he/she refuses to carry out the process.

Confidentiality: everything said or discussed in the course of the mediation process remains within the process. The mediator cannot be a witness if the case is eventually litigated and does not communicate information received in an individual conversation to the other parties unless explicitly permitted or asked to do it by the provider of the information. The main principles of mediation, which are also its strengths: Acceptability – this principle applied both to parties to the conflict who have to agree upon the mediator and to the principles of mediation, which should be agreed upon at the initial stage of the conversation between the mediator and the parties and approved. Impartiality – which means that parties to the mediation have equal rights, should be treated equally and the mediator cannot prefer any of them. The mediator should refuse to lead the mediation process if any of the parties is related to him/her or if there are other relations between them. The mediator should refuse to lead the mediation process if any of the parties is related to him/her or if there are other relations between them. Linked to the principle of impartiality is the principle of disinterestedness, i.e. the mediator's inability to derive any material or personal benefit from what is being mediated.

Voluntariness – parties to the dispute cannot be forced to mediate and can interrupt the mediation process at any moment while being able to withdraw at any stage of the mediation. No forms of pressure must be applied to either party. It is also not obligatory to reach an agreement.

Neutrality – the mediator is neutral towards the subject of the dispute and cannot impose his/her own solutions even if he/she believes that they would be more beneficial to the parties or would facilitate conflict resolution. Additionally, the mediator cannot reject suggestions adopted by the parties if they do not violate or circumvent the law. According to this rule, the parties themselves have to find an appropriate resolution that satisfies them (*European code of conduct for mediators*, 2018).

Discretion – only a small group of people know that mediation is taking place. This is particularly important in commercial relations because information on pending litigations often negatively impact the image of an enterprise.

Effectiveness – a settlement before a mediator (approved in court) has the effect equal to the settlement in court that, in turn, constitutes an enforceable title authorizing enforcement and interrupts the progress of limitation periods.

Confidentiality – the mediator is obliged to keep in secret all the facts disclosed in connection with the mediation process, both from third parties and from each of the mediating parties unless the parties release the mediator from this obligation.

There is no component of corruption. The participation of both parties to the dispute in the mediation process is voluntary and the mediator is voluntary (in this respect, mediation resembles arbitration in the form of an arbitration tribunal). In the course of mediation, parties to the dispute develop and make a decision. The mediator makes no decisions regarding the parties to the dispute and the nature of the conflict.

In the case of litigation, the parties to a dispute are obliged to comply with the court's decision, even if (as is often the case) one or even both parties are dissatisfied with it. In the mediation process, all and any decisions are made exclusively with mutual consent of the parties and both parties voluntarily undertake to implement their joint decisions. It is understood that the parties do this if they are satisfied with the decision.

The court's task is to decide which of the disputants is right and who is wrong (or to apportion blame between them). Mediation is primarily aimed at reaching an agreement. In the course of mediation, the disputing parties stop looking for right and wrong and, with the help of the mediator, discuss the various options for resolving the conflict and jointly choose from among them the one that both parties consider best. Mediation focuses on what each of the parties understands as justice rather than directly on legal regulations, precedents or rules.

Thanks to mediation, people are learning to talk to each other again (Bobrowicz, 2008). Mediation allows one to tell the whole truth to the other party, to explain everything to each other in an informal conversation and even, if necessary, to have a private catharsis. Unlike in court, the parties do not engage in a sham dialogue via the judge, the recording clerk and the legal representatives – they actually talk to each other. The mediator's role in mediation proceedings is not easy. This is because the mediator is responsible for the organization and atmosphere of the mediation meeting. The mediator is required not only to know the mediation techniques but also particular aptitudes. As well as helping to work out an agreement and draw up a settlement between the disputing parties, the mediator primarily facilitates a conversation between them, during which he/she asks questions, identifies the sources of the conflict, eases tensions, and assesses the feasibility of settlement proposals made by the parties. It is also the mediator's task to formalize the mediation procedure by drafting its minutes and including the contents of the agreement in them. Mediation is a tool for effective and constructive conflict management.

6. Summary and conclusions

Conflict is an inherent aspect of social life, encompassing various types such as relationship, data, interests, structural, and values conflicts. Understanding and mitigating conflicts is crucial for maintaining healthy relationships and achieving productive outcomes.

Negotiations have been widely recognized as an effective method for conflict resolution, offering a less costly and more sustainable alternative to fighting. Negotiations involve a mutual exchange of benefits, emphasizing the importance of relationship and outcome.

Different negotiation strategies, such as win-lose, lose-win, lose-lose, and win-win, offer varying approaches to resolving conflicts. The win-win strategy, promoting mutual benefit and cooperation, is often regarded as the most desirable. Additionally, mediation provides a valuable model for conflict resolution, involving a neutral third party to facilitate dialogue and help parties reach a mutually acceptable agreement. While mediation has its limitations, it offers a confidential and cooperative approach to resolving disputes.

Overall, understanding conflict dynamics and employing effective conflict resolution methods can lead to improved relationships, outcomes, and overall societal harmony.

References

- Bargiel-Matusiewicz K. (2007). *Negocjacje i mediacje [Negotiations and mediations]*. Polskie Wydawnictwo Ekonomiczne, Warszawa.
- Bieliński A. (2008). *Uwagi wstępne na temat mediacji [Preliminary remarks on mediation]*. In: *Sądy polubowne i mediacja [Arbitration courts and mediation]*, J. Olszewski (Ed.). C.H. Beck, Warszawa.
- Bobrowicz M. (2008). *Mediacja – jestem za [Mediation - I'm for it]*. Wolters Kluwer, Warszawa.
- Doherty N., Guylar M. (2012). *Mediacja i rozwiązywanie konfliktów w pracy [Mediation and conflict resolution at work]*. Wolters Kluwer, Warszawa.
- Grega, M., Nečas, P. (2022). Implementation of effective solutions to the crisis' tasks and its regional management. *Insigh into Regional Development Issues*, 4(2), 21-35. [http://doi.org/10.9770/IRD.2022.4.4\(2\)](http://doi.org/10.9770/IRD.2022.4.4(2))
- European Justice. (2018). *Europejski kodeks postępowania dla mediatorów [European code of conduct for mediators]*, http://www.euromed-justice-iii.eu/system/files/20090128130552_adr_ec_code_conduct_en.pdf (accessed 11 March 2023).

Fisher R., Ury W. (2000). *Dochodząc do tak. Negocjowanie bez poddawania się [Coming to this. Negotiating without giving up]*. Polskie Wydawnictwo Ekonomiczne, Warszawa.

Gmurzyńska, E., Morek, R. (Ed.). (2009). *Mediacje. Teoria i praktyka [Mediation. Theory and practice]*. Wolters Kluwer, Warszawa.

Gójska A., Huryn V. (2007) *Mediacja w rozwiązywaniu konfliktów rodzinnych [Mediation in resolving family conflicts]*. C.H. Beck, Warszawa.

Moore, C. W. (1996). *The Mediation Process: Practical Strategies for Resolving Conflict*. Jossey-Bass, Hoboken.

Nordhelle G. (2010). *Mediacja. Sztuka rozwiązywania konfliktów [Mediation. The art of conflict resolution]*. FISO, Gdańsk.

Polskie Centrum Mediacji. (2018). *O mediacji. Zasady [About mediation. Rules]*. <https://mediator.org.pl/baza-wiedzy/zasady-mediacji/> (accessed 11 March 2023).

Rak, R., Kopencova, D., Sulc, F., Vlach, F., Hudecova, V. 2022. Crisis Development and its management. *Entrepreneurship and Sustainability Issues*, 9(3), 414-428. [http://doi.org/10.9770/jesi.2022.9.3\(25\)](http://doi.org/10.9770/jesi.2022.9.3(25))

Thomas, K. W., Kilmann, R. H. (1974). Thomas-Kilmann Conflict Mode Instrument (TKI). APA PsycTests.

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