HANDLING HIGH CONFLICT SITUATIONS

IMAW 2026
International Mediation Awareness Week

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Founder : Rectitude Adr



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Sonal Kharbanda
Rectitude ADR

Sonal Kharbanda ,an Advocate and Mediator, based in New Delhi , India and founder of Rectitude Adr (A Dispute Resolution and Mediation initiative) .
She is an Alumna of Campus Law Centre, Faculty of Law ,University of Delhi (Bachelor in Law LL.b) and Nalsar Academy of Legal Studies & Research (NALSAR) University , Hyderabad.
(Post Graduate Diploma in Alternative Dispute Resolution)

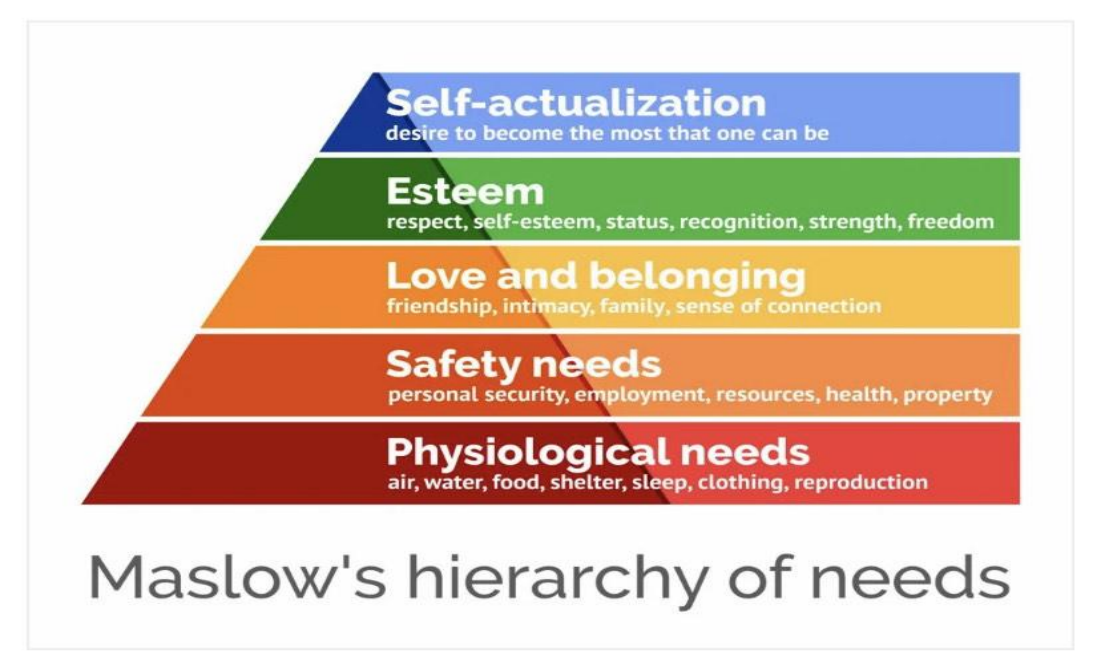
A trained Mediator from The Indian Law Institute , New Delhi , India.Having completed Apprenticeship with The Delhi High Court Mediation Centre.

Had been Empanelled as a Mediator, on the Panel of Mediation & Conciliation of the Court annexed ADR Centre, Sangrur, Punjab.Had been Appointed as a Government Standing Council, in District Court Kozhikode, The State of Kerala. Currently a mediator with RALSA in state of Rajasthan, India

Having vast experience in Administration, Advocacy, Mediation & Facilitation .

Basic Human needs -The Maslow's Theory

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The ultimate goal of every individual would be to achieve the state of Self Actualisation and for some people the conflict could just be a process to achieving , the same !

Respect their Positions, it could be reflective of their process and journey!

CAUSES OF CONFLICT

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There are three primary known causes of conflict :

ECONOMIC : According to Karl Marx all conflict are because **paucity of resources** and people trying to get a fair share of the available resources thus resulting in a tussle between them .

VALUE : This is the direct outcome of the tussle between , the **different perceptions and ideologies** that people carry as their principles. Separate sets of beliefs that people assert aggressively

POWER : This is the direct result of the intention to **wield maximum influence in social settings** .such a situation could bring about conflict between individuals , groups or even nations.

(can we think of other causes !)

Going prepared-Understanding the conflict and our clients (the Psychological Aspect)

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- Knowledge of **the background** of the dispute
- The **power dynamics** being faced by the clients
- The **emotional state** that they might be in
- **The help that could be required , in the mediation room (security of our clients & ourself)**
- Whether the dispute requires legal knowledge / expertise (*running a check on the profile of lawyers would be a good idea)*

Planning the mediation room well in advance

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- The venue
- The confidentiality versus safety
- The need for caucus sessions and the client security
- Safety of everyone in the room including the mediator
- Maintaining a balance of confidentiality & neutrality (if you feel the venue is confidential, however unsafe from the aspect of a particular case)
- Maintaining the decorum (understanding the NO before getting to the YES)
- Engagement with the dispute, disengagement with the outcome

UNDERSTANDING HOW CONFLICTS ESCALATE

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PERSONAL RESPONSE:

- Stress of the conflict provokes strong feelings of anger desperation , hostility and even vengeance .
- Individual looks towards their community* for validation of their feelings and to understand their emotions .(this could be the grey area and red flag, in MEDIATION ,the moment a person feels validated or supported they could get triggered also to be more assertive in their issues & could turn violent too ! (empathy could backfire in the process ,validate the emotion not the position
- Thus even a silent approach could be taken as acceptance of aggressive behaviour !!
- Empath with Professional Boundaries

For a larger group

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COMMUNITY RESPONSE : In a society quite often a **community acts as an extended family** and **personal responses soon escalate** to become **community issues or even organisational or larger group issues (the issue could trigger a community response)**

However, a solution to one dispute **maynot be similar in all cultural societies .** the response could differ in different cultures , liberal or conservative beliefs play a larger role so as the urban or village setup. **if a lot of parties involved it would be a good idea to segregate issues and isolate the group**

BROAD CLASSIFICATION OF CONFLICTS

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- INTERPERSONAL : Between Two Individuals
- INTRAGROUP : Between individuals within a group or team
  .
- INTERGROUP : Conflict among Different groups or teams within an organisation .
- **INTRAPERSONAL :** Arises within an individual, the most influencing conflicts faced by all of us **the challenge of bias , perceptions & prejudices** , which need to be guarded against and be wary of always .(Mediation as an ADR facet quite often handles this!)

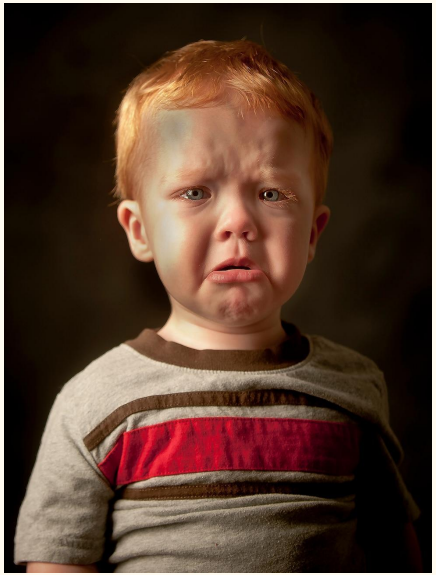
Let's Understand the Effect & Impact of Unaddressed and undervalued Conflict

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VIOLENCE

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UNDERSTANDING CONFLICT DIMENSIONS

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THE BASIS OR CORE OF CONFLICT : The **sense of threat** that drives conflict

THE SPIRAL EFFECT: How **conflict escalates**

THE CONFLICT CYCLE : How **Beliefs and Attitudes** about Conflict can transform the Results

THE PSYCHOLOGICAL ASPECT OF CONFLICT THE MEDIATOR MINDSET

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Fear of the consequences of the outcome often precedes and affects the response to conflict so also the **Intrapersonal Conflict the Biases & Prejudices/ secondary thought processes for any issues**

Positive outlook towards the conflict helps in addressing the same in a much mature manner

Such **a non judgemental approach** enables a person to take an informed decision as regards to all aspects of the conflict

Handling Bias in High conflict situation

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Challenges

- The preconceived notions
- The challenges of Bias
- Multiple issues of prejudice
- Rigid positions
- Getting influenced *(address the ghost in the room)*
- Triggers!

The cognitive ability to act proactively!

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- Being the shield in case of argumentative behaviour
- The Umbrella effect of caucus (**Reframing , use of soft words and vocab)**
- **Mediator's Skill - Cold facial expression and warm demeanor stren and soft at the same time (*Can a mediator show their Anger in Mediation?)***



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Handling Power Imbalance

An effective use of Caucus Session Helping Determine the dispute Reality checking

Reading the room before it's too late !

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- Actions , non verbal cues , body language , posture speak more clearly and effectively than words
- Words could be the last and final resort in maintaining decorum. **If we have to raise our voice to maintain decorum in the room, consider things are already at the verge of serious indiscipline in the room and could potentially turn violent !**

POWER & FORMAL DRESSING

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- Definitely an important **aspect of preparation**
- **No casual outfit** even in a casual and comfortable setting
- Making our clients comfortable in a setting is a part of the job but at the end of the day **IT'S SERIOUS BUSINESS & PROFESSIONAL COMMITMENT FOR Us !**

Support with Caution

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Hands that save the flame have to be unshaken and protective of Self too ...





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Thank You , It's been a pleasure

THANK YOU

IT'S BEEN A PLEASURE

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