

# Knowledge and Intellect in Dispute Prevention



**A knowledge society, in its truest sense, generates, shares and makes available to all members of the society knowledge that may be used to improve the human condition. With this in mind, the National Conciliation and Arbitration Board held its first Dispute Prevention Conference at the Ismaili Centre on 22<sup>nd</sup> May 2016.**

The objective of the Conference was to examine and share the root causes of disputes within the Jamat and work in collaboration with the National Council, Ismaili Tariqah and Religious Education Board and sister institutions in dispute prevention.

The Conference also touched upon knowledge of how the brain functions during ‘fight’ or ‘flight’ situations.

A revolution is currently taking place in neuroscience. With recent access to new technologies, leading neuroscientists are putting the most sophisticated tools available to the task of understanding how the brain processes experience in ways that shape tendencies toward co-operation or confrontation. Cognitive neuroscience and psychology are at the heart of managing conflict and problem solving.

As a result, there is an emerging understanding of the neurobiological processes and experiences, such as fear, trauma, bias, memory, empathy, prejudice and exclusion, many of which are driven by unconscious cognitive processes.

Cognition and emotion are important elements in the prevention and resolution of disputes through the ‘Power of Apology’. Studies have shown that it can be more effective than making practical amends – even in business, let-down customers are twice as likely to remain customers if they receive an apology rather than a payout.

Our ethics and values guide us in this respect. One of the messages from the conference was to create

- similarity where there is difference
- comfort where there is discomfort
- empathy where there is dislike
- knowledge where there is assumption
- understanding where there is misconception
- clarity where there is miscommunication

When two or more parties are involved in any kind of relationship, differences of opinion are inevitable. When these differences of opinion lead to a dispute, they need to be resolved through dialogue, understanding and compromise.

Therefore, knowledge and understanding of the root causes for these differences of opinion that lead to disputes is extremely important. Having this knowledge will ensure that interventions in such disputes and approaches to dealing with them are based on evidence acquired over many years and developed within an intellectual framework.

The National Conciliation and Arbitration Boards were established almost 30 years ago. Since then, NCABs around the world have collated data of root causes of disputes relating to commercial, matrimonial and family matters. This data collection has become increasingly sophisticated over the years.

Knowledge of the root causes that may lead to disputes enables us all to inculcate the notion of dispute prevention in our thinking.



**COMMERCIAL**

Poor Documentation

Verbal agreements on trust and a handshake

Incompatibility of partners

Mismanagement and incompetency

Unethical Practices

Financial distress

Unclear exit strategy

Non financial distress



**MATRIMONIAL**

Incompatibility

Lack of Communication

Extended family

Financial issues

Misrepresentation / concealment

Health issues

Cultural differences

Domestic abuse

Infidelity



**FAMILY**

Inheritance and estate issues

Care of elderly family member

Health or care decisions of vulnerable family members

Burial decisions – Religious differences, geographical attachments, financial constraints

**Dispute prevention will inevitably lead to a better quality of life and enhance unity and harmony within the Jamat.**