Antiracism in Peace-Building and Conflict Resolution

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Columbia Law School Mediation Clinic

Welcome and Introductions

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Goals for this Workshop

- Identify the ways in which race and racial bias manifest in conflict resolution

- Examine the role of a leader in navigating issues of race and racial bias to provide access to justice for all

- Discuss best practices for situations in which identity-based bias may emerge
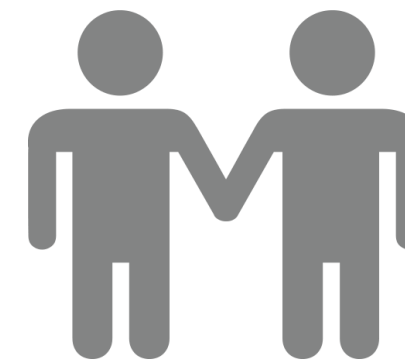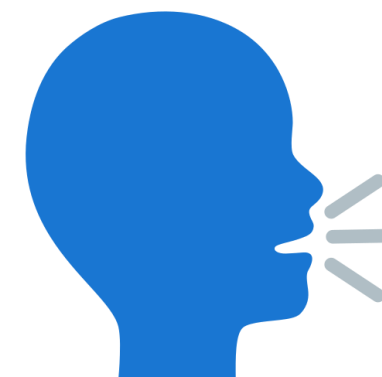
Icebreaker

Icebreaker

Have you ever observed a conflict where you believed a racial, religious, or cultural identity-based bias played an underlying and unspoken role in driving someone's decision or behavior? What were the circumstances, and what if anything did you say or do?

THINK: For 2 minutes, think quietly to yourself about how to answer this question.

PAIR: For 3 minutes, pair with the person (or small group) next to you and discuss.

SHARE: For 5-10 minutes, we will discuss as a full group!

What is racism?

What is racism?

prejudice, discrimination, or antagonism by an individual, community, or institution against a person or people on the basis of their membership in a particular racial or ethnic group, typically one that is a minority or marginalized.

Intro

Three levels of cultural/racial awareness and training that aim to bring about positive change:

1. **Diversity Awareness**
2. **Cultural Competence**
3. **Antiracism**

How does each address...

Individual racism?
 Interpersonal racism?
Institutional racism?
Systemic racism?

Diversity Awareness

Pros	Cons
Acknowledges and respects differences	Only focuses on racism on an **individual** or **interpersonal** level
Celebrates learning about a variety of cultures	Presents diversity/cultural awareness as a corporate or organizational asset
Develops sensitivity and understanding toward different groups	**Does not** address institutional racism, systemic racism, or social dynamics

Cultural Competence

Pros	Cons
Goes beyond mere awareness and pushes the ongoing practice of cross-cultural learning	Does not address issues of power, privilege, or access through a critical lens - **does not** address systemic racism
Encourages personal introspection about how to engage with other cultures	Maintains predetermined assumptions about cultural beliefs and characteristics and creates a sense of "otherness"

What is antiracism?

Antiracism

- Antiracism is "*the **active** process of identifying and eliminating racism by changing systems, organizational structures, policies and practices and attitudes, so that power is redistributed and shared equitably.*"

- The opposite of 'racist' is not 'non-racist' but 'antiracist'

Role of an Antiracist

- Understands that inequality exists not just on the individual, but also the systemic and structural level

- Evaluates issues of unequal power and access from a broader societal perspective

- Addresses how existing practices, policies, and procedures under-serve People of Color and over-serve White People

Antiracism in Peace-Building and Conflict Resolution

What is antiracism in peace-building and conflict resolution, and why should we care?
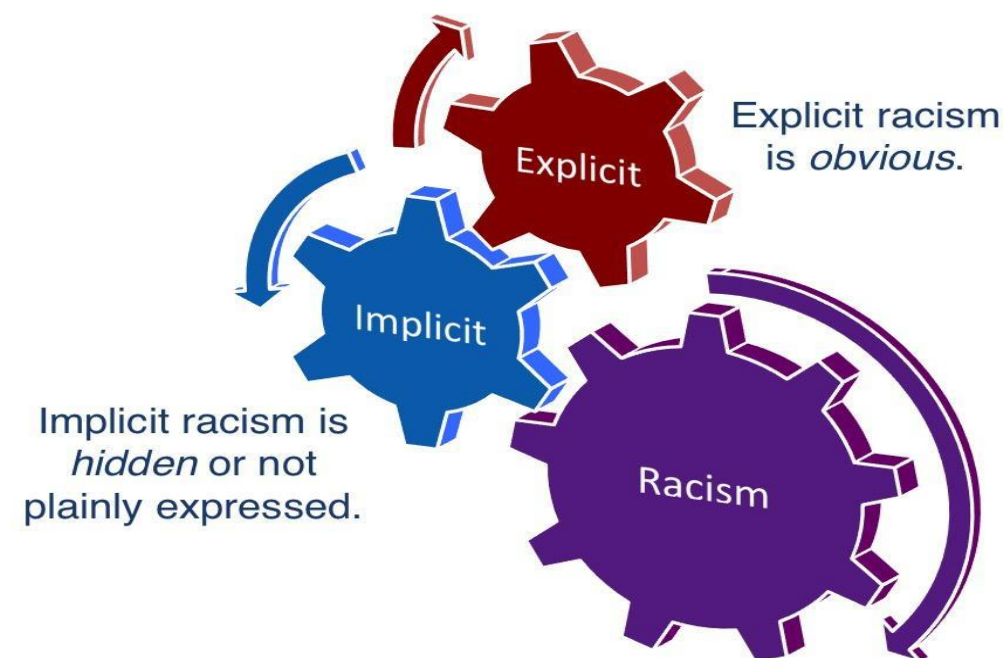
- **Embracing a work environment** with diverse backgrounds, cultures and viewpoints
- **Actively identifying and confronting issues** such as bias to promote inclusive negotiation and resolutions
- **Promoting access to justice** by supporting peace-building and diversity, especially in the context of deep polarization

How does racism show up in Conflict Resolution?

Overt Assertions of Racial Bias

Intentional or obvious harmful attitudes or behaviors towards a party because of their identity (e.g., race, religion, sexual orientation).

- Overt bias can manifest in direct prejudice, hostility, or clear negative feelings.

Explicit racism is *obvious.*

Implicit racism is *hidden* or not plainly expressed.

Examples

- Speeches or behaviors that demonstrate negative racial attitudes (e.g., racial slurs)
- Use of generalized negative attitudes/stereotypes directed toward groups

Institutional Skepticism

Racial, ethnic or religious minorities may have a lack of confidence in certain institutions.
- In the US, general lack of confidence in the legal system because of historical mistreatment
  - Over-sentencing, disrespect in the courtroom, overrepresentation + underrepresentation

Globally, peace building and conflict resolution efforts may be hindered by structural inequality and doubts rooted in past mistreatment

It's important to honor very real possible skepticism by being inclusive + perceptive.

* Report from the Special Advisor on Equal Justice in the New York State Courts

Barriers to Communications

Racism, racial bias and racial dynamics can hinder communication between parties.

- Stereotypes and racist narratives may foster the use of language that contributes to a sense of isolation amongst POCs

- Labeling rather than describing issues leads to oversimplification

- Marginalized voices are often silenced or sidelined

The Issue of Implicit Bias

"Unconsciously held attitudes and stereotypes can affect our interaction with others and may predict behavior."*

- Often people do not have conscious and intentional control over social perceptions and judgments that motivate their actions

- After tens of thousand Race IAT tests were taken, "88% of white people had a pro-white or anti-black implicit bias."**

*Carol Izumi, Implicit Bias and the Illusion of Mediator Neutrality, 34 Wash. U. J. L.& POL'y 71 (2010).

***Shankar Vedantam, See No Bias, Wash. Po. (2005)

Discussion Question

Describe the ways that racism shows up in your community, country, culture.

Color Blindness v. Color Consciousness: A New Approach

Colorblind Approach:

- The belief that racial group membership and race-based differences should not be taken into account when decisions are made, impressions are formed, and behaviors are enacted.

Color-Conscious Approach:

- An approach that takes into account race-based differences when decisions are made, impressions are formed, and behaviors are enacted as a means of more directly addressing issues relating to racial inequities, biases, and discrimination.

*Evan P. Apfelbaum, et al., "Racial Color Blindness: Emergence, Practice, and Implications," (2012).
*Destiny Peery, "The Colorblind Ideal in a Race-Conscious Reality: The Case for a New Legal Ideal for Race Relations," (2011).

Color Blindness v. Color Consciousness: A New Approach

Where Color Blindness Fails to Foster Anti-racist Inclusive Environments

- As mechanisms that perpetuate racism become more covert, refusing to take note publically of race allows people to ignore manifestations of discrimination.

Color Consciousness and Cross Sector Spaces

- In cross-sector organizations, those that centered conversations and actions on race and racism were more successful. This centering of color conscious actions and conversations led to building sustained commitment, undertaking action, and ensuring sustainability of their collective action

*Adia Harvey Wingfield, Color Blindness is Counterproductive, The Atlantic (2015).
Tabitha Bently, The Challenge of Negotiating Race in Cross-Sector Spaces,,, Stanford Social Innovation Review (2019).

BREAK

Tools

Guaranteeing the Quality of the Process

<u>A Leader's Anti-Racist Role in Conflict Resolution</u>

- Ensure **procedural fairness**:
  - Be **aware** of potential problems
  - Promote **party participation**
    - Mindfulness of racial stereotypes or social overtones that may inhibit communication
    - Make sure every has their say
  - Promote **mutual respect**
    - E.g., Acknowledgement & Stroking
  - Do not be afraid take **active steps** to combat racially-charged behavior
    - Anywhere from "Naming the Issue" to Terminating the Process may be justified

Guaranteeing the Quality of the Process

- Regulating **Your Own Biases**:
  - A leader in conflict resolution must take appropriate steps to avoid allowing their own biases to impact the process
  - Awareness is the first step!
    - Implicit bias test, contemplating and questioning your own beliefs, and cultivating cultural humility
- Regulating **Party Biases**:
  - Once again, do not be afraid to be **active**!
  - **Bottom Line**: When a leader disrupts racism in conflict resolution, they may be interceding on behalf of one of the parties, <u>but they are also intervening on behalf of the process itself</u>.

Acknowledgment & Stroking

Acknowledgment	Stroking
When the facilitator **points out progress or a productive move** by one party to make sure the other party **notices and processes** it. Examples of behavior to acknowledge: • acknowledging feelings • taking ownership of past mistakes • expressing apology, remorse, regret	When the facilitator **praises** a party for any **positive behavior.** Examples of behavior to stroke: • civility or relationship-building • self-advocacy • bearing with the process • being more open-minded

The benefits of acknowledging and stroking during conflict resolution:

- Demonstrates facilitator **impartiality**, building trust and legitimacy in the process

- Minimizes **reactive devaluation**, which is when parties feel like an "out-group" and become more dismissive, threatened, and polarized

- Highlights **constructive behavior**, drawing parties into the process and engaging them in productive behavior

- Models **empathy** for participants

Reframing, Summary, and Clarification

Using Coded Language: Intent v. Impact

- Example: Giving someone a thumbs-up gesture. What does this mean?
  - In some countries, it is a widely recognized sign of approval or agreement.
  - In others, however, it is highly offensive.

Effective Communication requires mutual understanding.

- Do I understand that statement or action?
- Can I communicate that understanding?
- Did they confirm that understanding?

Name the Issue

Sometimes you will have to directly address the issue.

For example, if one person references another person's race, gender, or ethnic origin in a negative manner repeatedly in a conversation, then you might say, "When you say *insert microaggression*, you believe *bias*."

- **Relieves** parties from the burden of naming the issue
- **Models** appropriate framing and rhetoric
- Confronts the issue so it can be addressed as part of the **process**

One-on-One Conversations

One-on-one conversations can enable parties in conflict "to explore more fully the needs and interests underlying their stated positions."

- **Evaluate:** Am I in the position to pull someone aside and have a conversation that can move our overall conflict resolution process forward?

- **Consider:** Benefits of more individualized conversations include:
    - Venting and deescalation
    - Information gathering
    - Coaching and reality testing
    - Caution (consider impartiality, neutrality, bias, power)

When all is said and done, at what point do you walk away or break?

- **Ask yourself, "At what point do racism and racial dynamics eclipse progress otherwise being made toward peace-building?"**
  - a. Consider that having difficult conversation may increase the possibility of reaching a resolution.
  - b. Note: Race and racism may be central to the conflict at hand, which may raise the threshold of when you step away.

- **Strategies for exiting:**
  - a. "I don't think I can help you any further."
  - b. "I recognize that race/racism is impacting this conflict. Without addressing it directly, we may be unable to move forward effectively."

Hypo #1

Direct Assertions of Racial Bias/Discrimination

A junior member of your team approaches you about feelings of racial discrimination relating to promotion opportunities and general treatment by her direct workplace supervisor. The junior team member is the only person on the team who identifies as a member of the ethnic minority of the country. Her supervisor states that she has been treated fairly, and that her lack of promotional opportunities are the result of poor work product and poor teamwork. The supervisor only wants to talk about datapoints and refuses to directly engage in conversation about the race claim.

Hypo #1

Direct Assertions of Racial Bias/Discrimination

- Are there any biases that you would have to acknowledge going into these conversations?
- How would you proceed? Think about how you can put the tools we've just discussed in action.
- What are the pros and cons of one-on-one versus joint discussion?

Hypo #2

Representation Scenario

The country of Arendelle has been experiencing military unrest on its northern border with the country of Maldonia. The two have negotiated a peace-talk. In deciding who to send as an envoy to Maldonia, the Arendelle government proposes a representative who is a member of the country's southern and lighter-skinned ethnic group as opposed to one from the northern darker-skinned ethnic group who actually lives on the border. Citizens from the north have approached you with objections to this decision.

Hypo #2

Representation Scenario

- Are there any biases that you would have to acknowledge going into these conversations?
- How would you proceed? Think about how you can put the tools we've just discussed in action.
- How does your solution for this hypo differ from Hypo #1 and why?

QUESTIONS?