



# **EFFECT OF ALTERNATIVE DISPUTE RESOLUTION PRACTICES ON RURAL DEVELOPMENT IN KENYA: A CASE STUDY OF NYAMACHE SUBCOUNTY**

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## **Abstract**

*Dispute is common phenomena in a number of regions of the world especially in areas that are endowed with high populations and scarce natural resources such as Africa. The negative consequences of disputes have continued receiving increased attention both in practice and in theory with two main dispute resolution processes gaining prominence: adjudicative processes which involve judges, and through consensual or alternative dispute resolution practices. While empirical studies have been conducted on the effect of dispute resolution through adjudicative processes, the effect of alternative dispute resolution practices on rural development has not been established especially in Nyamache Sub-county which has many disputes especially those relating to land. The specific objectives were to; evaluate the effect of dispute arbitration on rural development in Nyamache Sub-county; determine the effect of dispute conciliation on rural development in Nyamache Sub-county; establish the effect of dispute mediation on rural development in Nyamache Sub-county, and; evaluate the effect of dispute negotiation on rural development in Nyamache Sub-county. The traditional development theory and the stakeholder theory guided the study. The correlational research design was employed in the study. The population of the study was the Deputy County Commissioner, the four Assistant County Commissioners, the nine Chiefs, the 28 Assistant Chiefs, and the 567 village elders.*



*Proportionate random sampling design was used to select the 242 respondents for the study. The study found out that; dispute arbitration has a positive significant effect on rural development, dispute conciliation affect rural development positively and significantly, dispute mediation has a positive significant effect on rural development, and dispute negotiation has a positive significant effect on rural development. It is concluded that dispute arbitration, dispute conciliation, dispute mediation, and dispute negotiation are important factor in enhancing rural development in Nyamache Sub-county.*

*Keywords: Conciliation, Alternative dispute resolution, Development, Kenya*

## **INTRODUCTION**

According to Boege (2011), disagreements as well as misunderstandings are integral element in human relationships whether the relationships are at the domestic, national or international levels. Consequently, disputes have been as old as humankind has. For instance, in the book of first Kings in the Bible, one case of the earliest dispute is recorded between two women where each one of them laid claim to the living little child while disowning the other dead one and King Solomon resolved the dispute. As it can be noted, anywhere one goes in the world, disputes are common (Cheboror, 2013). Since disputes form a critical part of human relationships, many communities and countries have therefore developed different mechanisms that seek to resolve them in a manner that alternatively seeks to maintain the cohesion, harmony, economic and political stability of the communities or the state.

Cheboror (2013) observes that the need for dispute resolution arose due to the negative effects that arise out of conflicts. Therefore, dispute resolution has also evolved over time. As noted by Cheboror (2013), dispute resolution practices such as the adjudicatory system of dispute resolution or the civil court system have sequentially evolved over time to help resolve disputes and acrimonious relationships among citizens. In each of these communities, the local court system of dispute resolution has a history of some developments behind it. However, many scholars note that the modern court systems that are in existence all over the world have their main source in the common law system that originated in England. This, as noted by Osei-Hwedie and Rankopo (2012) was because England was at one time the dominant world power both in terms of ideas and opinions which enabled it to export its culture, ideas and system of governance to the rest of the world through the activities of its famous explorers. It is for this reason that this adjudicatory or common law system has been exported and is in use in many developing countries such as those in Africa, which were former colonies of Britain. In particular,

many sub Saharan African countries that were colonies of Great Britain have retained the system of dispute resolution inherited from the former colonial governments. These conflict resolution mechanisms has also been borrowed and accepted by other communities and countries world over.

Osei-Hwedie and Rankopo (2012) observe that the numerous shortcomings that are inherent in the adjudicatory system of resolving disputes has led to the emergence of other methods of dispute resolution. These alternative methods are commonly referred to as Alternative Dispute Resolution (ADR) methods. Alternative Dispute Resolution (ADR) is therefore a term used to describe a range of dispute resolution mechanisms other than the official litigation method. As observed by Brainch (2003), ADR methods embrace reconciliation by seeking to settle disputes with solutions that are realistic, effective, acceptable and lasting. Spangler (2003) on the other hand describes ADR as an informal dispute resolution processes in which parties meet with a professional third party or on their own and resolve their dispute in a way that is less formal and often more consensual than is done in Courts. The main advantage of ADR over and above the common adjudicatory system, as observed by Katharina (2005), is that any of the techniques can be implemented very early in the dispute thereby giving the parties an opportunity to air their views and to involve decision makers long before the subject of dispute eats deep into the fabric of the relationship which may likely cause irreparable damage.

There are many Alternative Dispute Resolution methods. However, as asserted by Katharina (2005), the methods vary and their processes may sometimes overlap. Notably, all the methods are designed as alternatives to litigation and complement arbitration, which is the most popular form of ADR. The other popular methods include negotiation, conciliation, and mediation. The key factor is that all these methods are designed to assist the parties resolve their differences in a manner that is creative and most suited to the particular dispute. Some people see ADR methods as supplanting the adjudicatory system but if considered from the angle that the courts in many jurisdictions are unable to resolve all disputes in a manner appealing to litigants, then ADR methods will be accepted as complementary to the litigation system.

According to Katharina (2005), alternative dispute resolution is conceptualized as the methods and processes involved in facilitating the peaceful ending a dispute. Committed group members attempt to resolve group disputes by actively communicating information about their disputing motives or ideologies to the rest of the group such as intentions; reasons for holding certain beliefs and by engaging in collective negotiation. Various dimensions of resolution typically refer to the way the dispute is processed. Cognitive resolution is the way disputants

understand and view the dispute, with beliefs, perspectives, understandings and attitudes. Emotional resolution is in the way disputants feel about a dispute, the emotional energy. Behavioral resolution is reflective of how the disputants act. Ultimately a wide range of methods and procedures for addressing dispute exist, including negotiation, mediation, mediation-arbitration, diplomacy, and creative peace building.

As asserted by Murithi (2006) alternative dispute resolution has its own advantages. As opposed to litigation that takes place in the open courtrooms, alternative dispute resolution proceedings take place in private and therefore ensure confidentiality. Further, for initiation of alternative dispute resolution methods, an agreement between the parties is an essential requirement. While litigation is an adversarial, formal and inflexible process, alternative dispute resolution methods may be less adversarial, less formal and more flexible process. Moreover, in litigation, rules of evidence and procedure have to be strictly followed unlike in alternative dispute resolution methods where a simple procedure is followed and the formal rules of evidence and procedure do not apply. Similarly, in litigation, the parties have no voice in the process of selection of judges. Generally, the arbitrators and other persons helping in the resolution of disputes through alternative means are selected and paid by the parties. The parties have a choice to prescribe their technical and other qualifications and experience or they can insist that the person having expertise in any particular discipline may alone be appointed. Okrah (2003) notes that except in rare or specified circumstances, the settlements arrived at through alternative dispute resolution methods are not subject to challenge in court of law. In addition, the alternative dispute resolution methods offer the conventional advantages like less expensive and dispensation of quick justice, including choice of venue for the resolution of disputes. The alternative dispute resolution methods have been found satisfactory and are popular not only in the settlement of disputes between two parties belonging to two different countries but they are equally popular and common in the resolution of disputes between two parties belonging to the same country.

### **Statement of the Problem**

Alternative Dispute Resolution (ADR) refers to a range of dispute resolution mechanisms other than litigation and embraces reconciliation by seeking to settle disputes with solutions that are realistic, effective, acceptable and lasting. A dispute is a process in which one party perceives that its interests are being opposed or negatively affected by another party. Disputes have their own disadvantages including lost productivity, potential theft and violence, wasted time and risk of mitigation.

A number of studies have been conducted on the effects of dispute resolution practices. Paffenholtz (2010) presented a model from the United States of America with seven functions of the civil society in dispute management as: protection of citizens against violence; monitoring of human rights violations focusing on the implementation of peace agreements; advocacy for peace and human rights; socialization to values of peace and democracy as well as to develop the in-group identity of marginalized groups; inter-group social cohesion by bringing people together from adversarial groups; facilitation of dialogue on the local and national level between all sorts of actors; service delivery to create entry points for peace building. Paolucci (2012) in a study in Sudan found that since the mid-1990s, civil society has been increasingly recognized as a legitimate actor in dispute resolution, able to contribute to high-level negotiations, as well as dealing with grassroots reconciliation initiatives. Kidombo (2013) conducted a study on the role of dispute resolution by the civil society in Kenya and observed that civil society has the ability to contribute to dispute management, and facilitate the conditions necessary for building a sustainable peace. However, the relevance of civil society functions and hence the civil society's dispute management potential vary according to the phases of dispute. In a study in Uganda, Katharina (2005) investigated the effect of conflict resolution and found out that contrary to the expectation, devolution and the increased participation have increased and created dispute rather than managing it. This has been attributed to the design of devolution policy.

## **Research Objectives**

### ***General Objective***

The general objective of the study was to establish the effect of alternative dispute resolution practices on rural development in Nyamache Sub-county, Kenya.

### ***Specific Objectives***

The specific objectives were to:

- i. Evaluate the effect of dispute arbitration on rural development in Nyamache Sub-county;
- ii. Determine the effect of dispute conciliation on rural development in Nyamache Sub-county;
- iii. Establish the effect of dispute mediation on rural development in Nyamache Sub-county;
- iv. Evaluate the role of dispute negotiation on rural development in Nyamache Sub-county.

## **THEORETICAL REVIEW**

### **The Traditional Development Theory**

This research was based on the traditional development theory which was proposed by Cohen and Uphoff (1980). The theory holds that development is primarily a function of capital investment and that the only way of overcoming rural poverty is not simply a matter of more investment, more aid or more technology, but involving the masses in development. Poverty will persist until development reaches and benefits the world's underprivileged, undernourished and under-educated rural people. The theory posits that the rural poor must be given the opportunity to participate in development (Cohen and Uphoff 1980) by participating in activities such as conflict management and solution. The theory was based on the fact that more and more economists challenged the prevailing view that capital was the prime mover in development. Accordingly, in this theoretical and practical context, people's participation becomes important to the same extent as it was peripheral when capital formation was considered as the primary factor. According to the World Bank (2000), which also based its research on the theory, economic growth is essential to poverty reduction. However, development requires more than just a focus on macroeconomic and financial issues. Experience shows that looking at both sides-macroeconomic and financial aspects on the one side and structural, social and human considerations on the other is essential to adequately support a community's future development. Thus, to provide the opportunity to local and poor people to participate in development by engaging them in finding solutions to their own problems is the only solution for overcoming rural poverty and securing sustainable development.

### ***Stakeholder Theory***

Freeman (1984) proposed this theory and it provides an appropriate lens for considering a more complex perspective of the value those stakeholders seek as well as new ways to measure it. The stakeholder perspective draws attention to those factors that are most closely associated with building more value for stakeholders, and in so doing, allows academics to better measure it and enhances managerial ability to create it. Freeman, (1984) referred to stakeholders in an organization as any group or persons who can influence or are influenced by the accomplishment of the organization's goals. Stakeholders, in business terms, mostly allude to stockholders and those people or groups whose interests are fixed to the successful economic performance of any specific organization. The general perspective of the Stakeholder approach is a redefinition of the organization. The stakeholder concept explains what the organization ought to be and how it ought to be conceptualized.

Zweers and Planque (2011) state that the organization itself ought to be considered as grouping of shareholders and the reason for the organization should be to safeguard their interests, needs and perspectives. This management perspective is thought to be achieved by the supervisors of a firm. The management ought to from one perspective steer the organization in the right direction keeping in mind the end goal to guarantee the rights and interests of shareholders in management decisions. In order to achieve the desired goals and objectives the management must act as agents for the stockholders to guarantee the survival of the firm through protecting the stakes of every set of individuals.

Stakeholders hypothesis gives the advantage of figuring out who is key in setting legitimate or institutional structures, and if and how they can be overseen. Rowley (2013) made an observation that the stakeholder examination includes the utilization of categorization that is truly subjective as it matters who conducts the investigation and makes the difference between essential and/or persuasive or essential or secondary stakeholders. March and Olsen (2012) however established that stakeholder theory was beneficial to understanding the relationship between dispute resolution and community development. The theory therefore anchored the objectives of the study.

### Conceptual Framework

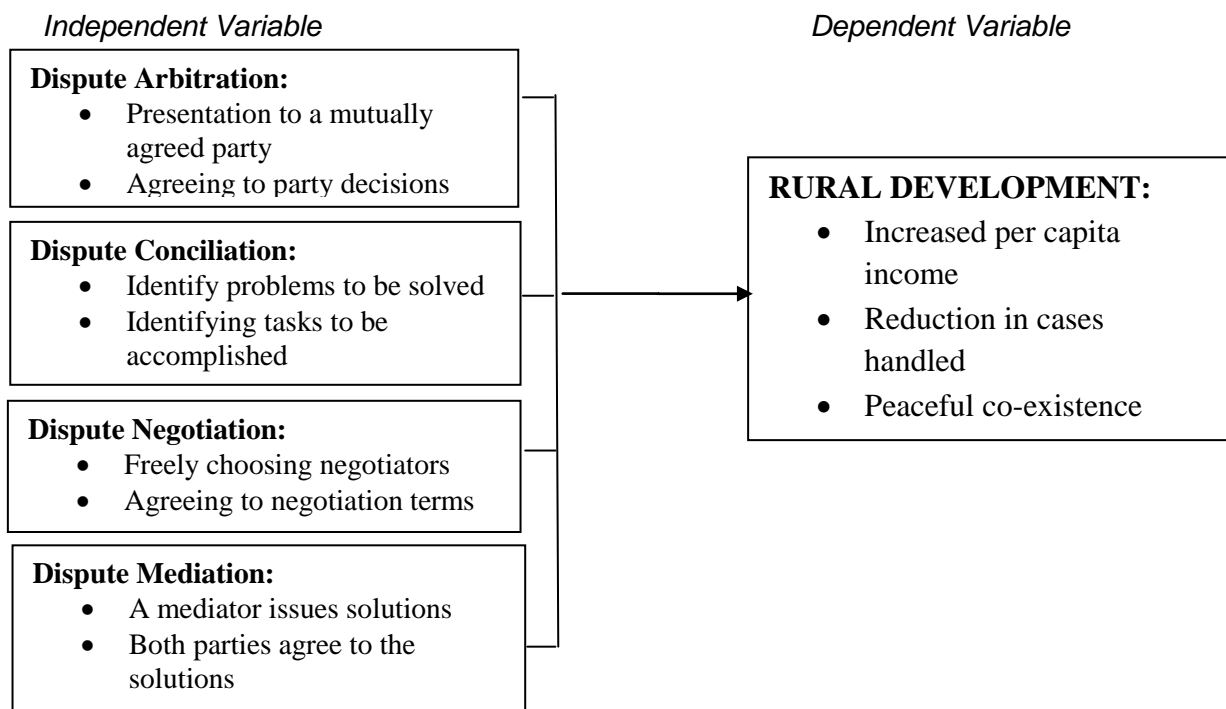


Figure 1 Conceptual Framework



According to the Figure 1, the study's independent variables were the alternative dispute resolution practices. Researchers have identified dispute arbitration, dispute conciliation, dispute negotiation and dispute mediation to be the most common dispute resolution practices. This study therefore used these practices to evaluate the effect of dispute resolution practices on rural development in Nyamache Sub-county. The dependent variable of the study was rural development that was measured by reduction in cases handled by public administrators and increased peaceful co-existence among the residents and increased per capita output.

### **Critique of Empirical Literature**

The reviewed empirical literature indicates that there is no specific study that has investigated the effect of alternative dispute resolution practices on rural development in Nyamache Sub-county. Most of the reviewed empirical studies have their focus on communities in the arid and semi-arid areas. Moreover, some of the studies focus on firms in the developed economies such as the USA. No study has been conducted in Nyamache Sub-County.

### **Research Gaps**

The empirical research has shown that there are minimal research studies that have been conducted on the effect of alternative dispute resolution practices on rural development. The review shows that most of the studies have been general and not specific. Moreover, some of the studies have been conducted in developed countries which are at a different level of development unlike Kenya.

Generally, on the effect of Kidombo (2013) who in a study on dispute resolution through arbitration observed that civil society has the ability to contribute to dispute management and that dispute resolution has a positive effect on building sustainable peace. Paffenholtz (2010) in a study in the USA found that dispute management has a big role to play in peace building. Similarly, in Uganda, Katharina (2005) found out that contrary to the expectation, devolution and the increased participation have increased and created dispute rather than managing it. Its contributions to these areas lead to the expectation that it would also contribute to management of dispute related to lack of economic development, participation, good governance or democratization. Yet it has only recently received attention as a tool of dispute management. However, Paolucci (2012) who in a study in Sudan that was conducted to evaluate the effect of conflict resolution on rural communities found out that in some cases, alternative dispute resolution practices don't work to the benefit of societies. No study has been conducted to establish the effect of alternative dispute resolution practices especially dispute arbitration on rural development.



Studies on the effect of dispute conciliation also show contradicting results. Solimano (2000) in a study on the effect of dispute conciliation on rural community participation found out that peace is a desirable goal for everyone even though violence and conflicts. In another study, Meier *et al* (2007) found out that the communities in northern parts of Kenya look at cattle raiding as a cultural tradition and they do not look at it as a crime but as a way of life. Elsewhere, McCarthy (2001) found out that there is a lack of systematic knowledge of how they affect household livelihoods and in particular capacities and ways of coping with drought and other climate stresses. There is no particular study that has been conducted to establish the effect of conflict

## **METHODOLOGY**

### **Research Design**

Kombo and Tromp (2006) referred to research design as the structure of research. Thus, it is the structure and outline of the research which is used to generate the answers to a research problem. Research is usually categorized based on the data collection methods, analysis and purpose. The research designs of most quantitative studies are highly structured, while research designs in qualitative studies are more fluid. This study adopted a correlational research design. This is because the main purpose of the study was to establish the effect of alternative dispute resolution practices on rural development.

### **Target Population**

The target population in this study was the Deputy County Commissioner, the four Assistant County Commissioners, nine Chiefs, the 28 Assistant Chiefs, and the 567 village elders. This is because this is the population that has the information on the type of dispute resolution practices applied in their villages. Moreover, the village elders were easily available which made data collection easier. The Deputy County Commissioner (DCC), the Assistant county Commissioners ACCs), Chiefs and Assistant Chiefs were also interviewed to give clarification on dispute resolution practices applied in the Sub-county.

### **Sample Design and Size**

According to Gay (1992), a sampling design is a procedure of selecting a sample from a listing of all elements in the population from which the sample is to be drawn. For the present study therefore, stratified sampling method was used. The sampling frame was constructed from the Deputy County Commissioner, the four Assistant County Commissioners, nine Chiefs, the 28

Assistant Chiefs, and the 567 village elders and who helped to give clarification on dispute resolution practices applied in the Sub-county. The sampling frame is shown in Table below.

Table 1 Sampling Frame

<b>Cadre</b>	<b>Population</b>
Deputy County Commissioner	1
Assistant County Commissioner	4
Chiefs	9
Sub-Chiefs	28
Village Elders	567
<b>Total</b>	<b>609</b>

The study applied the formula suggested by Yamane (1967) as quoted by Cooper and Schindler (2006) to determine the sample size. The formula is:

$$n = \frac{N}{1 + N(e)^2}$$

Where:

n = the desired sample size

N = is the population, 609 for the present study.

e = is the level of precision set at 0.05

Applying the above formula gave the sample population of 242 respondents. Proportionate random sampling used to select the respondents as shown in Table 2 below.

Table 2 Sample Distribution

<b>Cadre</b>	<b>Population</b>	<b>Sample</b>
Deputy County Commissioner	1	1
Assistant County Commissioner	4	2
Chiefs	9	4
Sub-Chiefs	28	11
Village Elders	567	224
<b>Total</b>	<b>609</b>	<b>242</b>

## Data Analysis and Presentation

After data collection, the data was cleaned and coded. The data was analysed descriptively using the mean, mode and standard deviation followed by correlation analysis. Multiple regression analysis was used to establish the effect of alternative dispute resolution practices on rural development. This study was based on the regression model below to establish the effect of alternative dispute resolution practices on rural development:

$$DEVT = \beta_0 + \beta_1 ARB + \beta_2 CONC + \beta_3 MED + \beta_4 NEG + \varepsilon \dots \quad (1)$$

Where: *DEVT* is rural development,

*ARB* represents dispute arbitration;

*CONC* represents dispute conciliation,

*MED* represents dispute mediation, and;

*NEG* represents dispute negotiation;

$\beta_0$  is the constant term  $\beta_1, \beta_2, \beta_3$  and  $\beta_4$  are the parameters to be estimated.

$\varepsilon$  is the error term which were assumed to be normally distributed.

## RESEARCH FINDINGS

### Descriptive Statistics on Dispute Mediation

The third objective sought to establish how dispute mediation affects rural development in Nyamache Sub-county. The descriptive statistics on the status of dispute mediation are shown in Table 3.

Table 3 Descriptive Statistics on Dispute Mediation

Statements	5	4	3	2	1	Mean	Std. Dev.	Std. Error
An experienced mediator is used every time to solve conflicts	23	14	56	78	4	2.85	1.67	0.71
A neutral party is used to help the parties to reach a solution	14	62	56	34	9	3.22	1.34	1.39
The parties find a common ground and settle for it.	10	12	19	60	74	1.99	1.67	2.01
Mediation has always been the preferred method of solving disputes	9	6	18	78	64	1.53	2.02	2.61
Participants always agree to mediate on conflicts	5	13	34	114	9	2.38	2.21	2.10
<b>Grand Mean</b>						<b>2.39</b>	<b>2.38</b>	<b>1.76</b>

Results in Table above indicate that the respondents generally disagree that dispute mediation as a method of conflict resolution is available in Nyamache Sub-county. This is shown by the weighted mean of 2.39, which is closer to two. In the Likert scale, two represents “disagree”. The relatively large standard deviation value of 2.38 shows that the responses were widely distributed from each other. This finding can generally be interpreted to mean that the use of dispute mediation in the Sub-county is low.

### Descriptive Statistics on Dispute Negotiation

The fourth factor that was used in the study to measure dispute arbitration was dispute negotiation. The descriptive statistics on this factor is shown in Table 4 below.

Table 4 Descriptive Statistics on Dispute Negotiation

Statements	5	4	3	2	1	Mean	Std. Dev.	Std. Error
The antagonists freely choose to find a lasting solution to their problem	2	17	34	56	66	2.05	1.90	0.91
There is taking positions on a dispute out of the haggling process and reaching an agreement	19	23	19	97	17	2.60	2.10	1.93
There is haggling and swapping concessions arising out of the haggling process and reaching an agreement.	11	17	10	67	70	1.77	1.39	1.09
There is no commitment to resolve a dispute and the negotiator has no power to impose a given solution	9	15	17	38	96	1.87	1.33	0.99
Negotiation gives an opportunity to the disputing parties to work together constructively towards a settlement.	23	20	46	66	20	2.77	2.14	1.02
<b>Grand Mean</b>						<b>2.21</b>	<b>1.77</b>	<b>1.88</b>

## Inferential Statistics

### Correlation Analysis

To establish whether there was a relationship between the variables, a correlation analysis was conducted. The correlation analysis shows the direction, strength, and significance of the relationships among the variables of the study (Sekaran and Bougie, 2010). A positive correlation indicates that as one variable increases, the other variables will also increase. On the other hand, a negative correlation indicates that as one variable increases the other variable decreases (Sekaran, 2003).

Table 5 Correlation between Study Variables

	DEVT	ARB	IC	MED	NEG
DEVT	1				
ARB	.346 <sup>***</sup>	1			
CONC	.394 <sup>***</sup>	.136	1		
MED	.272 <sup>***</sup>	.124	.056	1	
NEG	.212 <sup>***</sup>	.032	.001	.065	1

Note: \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

All correlation coefficients are less than 0.80 in general and therefore there is no issue of multicollinearity between the independent variables (Table 5). According to Gujarati and Porter (2009), multicollinearity exists in a set of data if the correlation coefficient is above 0.80 beyond which the variables will yield spurious results. Second, it has been indicated that dispute arbitration is significantly and positively correlated with rural development in Nyamache Sub-county. This is indicated by the correlation coefficient of 0.346 that is significant ( $p < 0.01$ ). The inference here is that if dispute arbitration increases by one unit, there is likely to be a significant increase in the rural development in the Sub-county by 0.346 units.

Furthermore, dispute conciliation is positively and significantly related to rural development as shown by the correlation coefficient of 0.394. The implication is that if dispute conciliation is enhanced by a unit in the Sub-county, rural development increases by 0.394 units. Moreover, mediation is also shown to be significantly and positively correlated with rural development with a significant correlation coefficient of 0.272 that implies a unit increase in dispute mediation results to an increase of 0.272 in rural development in the Sub-county.

### **Regression Analysis**

The research model that was used in the study was:

$$DEVT = \beta_0 + \beta_1 ARB + \beta_2 CONC + \beta_3 MED + \beta_4 NEG + \varepsilon \dots$$

Where:

**DEVT** is community development,

**ARB** represents dispute arbitration;

**CONC** represents dispute conciliation,

**MED** represents dispute mediation, and;

**NEG** represents dispute negotiation;

$\beta_0$  is the constant term  $\beta_1, \beta_2, \beta_3$  and  $\beta_4$  are the parameters to be estimated.

$\varepsilon$  is the error term which were assumed to be normally distributed.

#### *Effect of dispute conciliation on rural development in Nyamache Sub-county, Kenya*

The second objective was to examine the effect of dispute conciliation on rural development in Nyamache Sub-county. Regression results show that dispute conciliation affect rural development positively and significantly. This implies that a unit increase in dispute conciliation results in a significant increase in rural development when all factors are held constant.

#### *Effect of dispute mediation on rural development in Nyamache Sub-county, Kenya*

The third objective to determine the effect of dispute mediation on rural development in Nyamache Sub-county. Regression results show that dispute mediation has a positive significant effect on rural development. This implies that when all factors are held constant, a unit increase in dispute mediation leads to a significant increase in rural development in the Sub-county.

### **CONCLUSION**

Arbitration has a positive significant effect on rural development hence implying that holding all factors constant, a unit increase in dispute arbitration leads to a significant increase in rural development, it is concluded that dispute arbitration is an important factor in enhancing rural development in the Sub-county. conciliation affect rural development positively and significantly, it is concluded that dispute conciliation is a significant contributor to rural development. Regression results based on the third objective show that dispute mediation has a positive significant effect on rural development implying that when all factors are held constant, an increase in dispute mediation leads to a significant increase in rural development in the Sub-

county. It is therefore concluded that dispute mediation is significantly important in enhancing rural development in the organization.

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## APPENDIX

### Questionnaire

#### Extent of Dispute Arbitration

Please tick the option which best describes the extent to which you agree that dispute arbitration in your area helps to solve disputes using the scale below 1: Strongly Disagree 2 Disagree, 3 Neutral, 4 Agree, and 5 Strongly Agree

Factor	(1)	(2)	(3)	(4)	(5)
There is a system where people with conflicts seek a neutral person to solve their conflicts					
The is a non-binding dispute resolution process where the parties commit to solving disputes					
Parties are always willing to use arbitration to solve their disputes					
The mediator follows a strict procedure in solving the disputes					
The disputing parties are always given time to listen and discuss with the opposite parties					
The mediator doesn't always propose solutions					

#### Extent of Dispute Conciliation

Please tick the option which best describes the extent to which you agree that dispute conciliation in your area helps to solve disputes using the scale below 1: Strongly Disagree 2 Disagree, 3 Neutral, 4 Agree, and 5 strongly agree

Factor	(1)	(2)	(3)	(4)	(5)
There is a use of expert conciliators in solution of disputes					
The participants are encouraged to develop options, consider alternatives and endeavor to reach an agreement					
The parties are given time to identify issues to be negotiated					
The facilitator has no advisory or determinative role on the content of the matters discussed or the outcome of the process					