

Course Name	: Peace and Conflict Resolution/ Mediation Skills
Course Code	: BIRD 2105
Course Level	: Level 3
Credit Units	: 4 CU
Contact Hours	: 60 Hrs

Course Description

The Course details the styles involved in the mediation process, how ideas are generated to suit the situation, the decision making process, meaning of arbitration, arbitration tribunal, alternative dispute resolution (ADR), and the complexity of mediation processes.

Course Objectives

- To strengthen the student's capacity in negotiation and mediation skills in their everyday activities in order to resolve conflicts that may arise in the communities.
- To help them appreciate the role of mediation and negotiation in dispute resolution for peace and stability.
- To help them learn more about legal issues involved in dispute resolution and their applicability in social work and social administration.
- To assist student grasp the complexities involved in negotiation processes.

Course content/ outline

Introduction

- Definition of Negotiation
- Approaches to Negotiation
- Ten ways to generate ideas
- Negotiation styles
- Positive and Negative effects in Negotiation
- The effect of the partner's emotions
- The pervasive impact of culture on International negotiations
- Differences in Managerial values as pertinent negotiation

Decision Making

- Definition of Decision Making
- Overview of decision Making
- Decision Making processes
- Cognitive and personal biases
- Styles and Methods of decision making

Arbitration

- Meaning of Arbitration
- History of Arbitration
- Its Nature
- Advantages and disadvantages of arbitration
- Arbitration agreement

- Application laws
- Severability and law governing the arbitration agreement

Arbitral Tribunal

- Definition of a Arbitral tribunal
- Duties of the tribunal
- Arbitral Awards
- Enforcement of arbitration awards
- Arbitration with sovereign government
- Challenges of arbitration

Alternative Dispute Resolution (ADR)

- Meaning of Alternative Resolution
- Types and features of alternative dispute resolution
- Country-specific examples of alternative dispute resolution

Mediation

- Meaning of Mediation
- History of Mediation
- Why choose Mediation
- Mediation in the Franchising Sector
- Mediator education and training
- Mediator codes of conduct
- Philosophy of Mediation
- Responsibilities regarding confidentiality in Mediation
- Legal Implications of Mediated agreements
- Common aspects of Mediation
- When to use mediation
- Mediation as a method of dispute resolution
- Values of Mediation

Other related topics: Mediation with Arbitration, mediator liability, Mediation in politics and in diplomacy, Mediation and Industrial relations, Conflict- Management

Mode of delivery Face to face lectures

Assessment

Course work 40%

Exams 60%

Total Mark 100%

Introduction

Graduates of this course might serve as architects of justice, peace either as political ‘watchdog’ (human rights workers, journalists, peace agents) or as conscious, critical, creative, compassionate Politicians and as mediators in the process of peace making. This course is more useful for individuals who are Human resource professionals, Attorneys and paralegals, Mental health professionals, Managers and supervisors, Educators and law enforcement professionals, Realtors

and property managers, and dispute resolution professionals. In this hands-on course, participants will learn the causes for conflict, preventive measures to keep it from occurring, steps to resolve it once it has materialized, and resources to use when all else fails

If you want peace, work for justice.

- *Pope Paul VI.*

The certificate course got its inspiration from the peace and Development Educators Program of Rwanda genocide, Somalia, Kenya post election violation and Darfur (Sudan) and Northern Uganda regions and after having seen fellow beings butchered, captured as war slaves or displaced from their original homes, specifically from the course on political ideologies.

Participants of this module who have been trained from various communities expressed their disappointment on political decision-makers concerning human rights violations, misuse of power, corruption, and injustice against the poor. On the other hand participants perceived their own role in politics as meaningless and shown fear to take responsibility.

The imbalance between people's awareness of structural violence and their feeling of inability in facing these problems constructively led either into the paralysis of personal involvement or armed struggle.

This motivated API to design a training course on political awareness and participation. The course introduces participants to the mechanisms and dynamics of legislative, executive and judicative processes. The students get to know the roles and responsibilities of decision makers and the powers behind them.

This political empowerment leads to active citizenship and to people's participation in democratic governance; political people assert their right and duty to make government more responsive, and eventually more representative

Course Contents

This certificate course consists of the following:

- Conflict Resolution Skills (definition of a term conflict)
- Styles in Conflict management
- Continuum of Conflict Management and Resolution Approaches
- Interest-Based Relational Approach
- A Conflict Resolution Process (Understanding the dynamics in conflict avoidance: Behavioral Styles, assertive communication, listening skills)
- Mediation Skills and Victim offender mediation
- The Historical Practice of Mediation
- Peace Making Process (peace making, peace keeping, peace building)
- Peace Making Circles
- Peace building and reconciliation
- Protection and Promotion of Human Rights

Course objectives

At the workshop's conclusion, participants should be able to:

- To differentiate the following concepts; a conflict, peace making, peace keeping and peace building
- Identify factors that create of conflict
- To state the styles in conflict management
- To understand Continuum of conflict Management and Resolution Approaches
- Explain the Interest-Based Relational Approach
- Explain the process of conflict mediation skills
- Understand the Historical practice of mediation
- Describe the peace making process and the circle
- Describe the process of peace building and reconciliation process
- State the process of victim offender mediation (VOM)
- To understand the importance of protection and promotion of Human rights and the process of democratization in conflict management.
- Understand ways of avoiding conflicts

MODULE I: CONFLICT RESOLUTION SKILLS

How do you define a conflict?

One simple way to define conflict might be this: Conflict is the opposing positions of two individuals on the same subject. This addresses the crux of conflict -- two sides with different positions. The disagreement may be about the: **who, what, when, where, why and how** of an issue. Two men may differ on whether to use a 2-iron or a 4-wood when faced with a 200 yard shot to the green in golf. Two parties at a restaurant may disagree about who gets the table by the window. Many husbands and wives have contradictory views on who started their last fight. The differences may be substantive or simply incorrect perceptions. The differences may be mutually exclusive or mutually inclusive. The conflict lies in the incompatibility of the two sides.

Dr. Wise defines conflict this way:

Conflict is two pieces of matter trying to occupy the same space at the same time. Two pieces of matter cannot occupy the same space at the same time, hence the conflict. One piece could concede the spot to the other and the conflict would be resolved. The two pieces could agree to alternate occupying the space. Identifying the conflict is one thing -- Bringing the two differing parties to resolution is another. So, unlike the first definition, Dr. Wise's definition raises the point that nothing is simple at all about conflict. Seemingly inconsequential matters can cause enormous strife because of their seemingly impossible resolution.

Leslie B. Flynn states that:

Conflict is simply a clash of differing points of view, of opinions, of values. This sounds like a simple, concise statement defining conflict. I believe it represents quite a relativistic point of view. This definition would have us believe that conflict is always rooted in preferences rather

than actual facts, substantive issues, or even truth. Many times conflict is substantive. Throughout history conflict has emerged when evil battles good. This is the battle in which the church of Jesus Christ is constantly engaged. Conflict can occur when two different real needs, as opposed to perceived needs, are mutually exclusive. For instance, a farmer needs the river that flows through his land to water his crops. But the county may need to dam up the river to create an adequate supply of fresh drinking water. Each position is based on genuine needs. The conflict is unavoidable since the two positions are irreconcilable. So while conflict may be a result of differing points of view or opinion, it may also be caused by legitimate differences in the needs of two or more parties.

The definition by Ross Stagner presents another important aspect to our understanding of conflict:

A conflict is a situation in which two or more human beings desire goals which they perceive as being attainable by one or the other but not by both. Conflict, in fact very real and heart-wrenching conflict, can occur when one party perceives the goal of the other party as incompatible with his own. A church member, for instance, may get irate when a new pastor changes the worship style to make it more contemporary. They may both desire the church to grow. The pastor may simply be implementing what he believes will help the church grow. The offended member may perceive he is trying to dominate the congregation spiritually. Because of the perceived differences, a conflict may ensue. Even when the perception is not reality, conflict may eventually emerge and must be worked through to resolution.

So, is conflict inevitable? Pheuman and Bruehl's definition seems to present this conclusion. They state that conflict is:

That condition which always exists when two or more interdependent parties interact. This is a broad-brush type of statement which may actually have been stated with a bit of irony. Individuals are different in their desires, goals, values, emotions, reasoning abilities, experiences, and preferences. Being different does not automatically create conflict. It certainly can be a trigger for conflict.

Nevertheless, it is entirely possible for two individuals to agree to disagree about an issue. In one church, a man was interested in joining the fellowship. During a meeting with the pastor, he revealed a strong conviction he held that praying with uplifted hands is the normative practice presented in the Bible. The pastor disagreed with him on this point. After discussing the matter, he and the pastor agreed to disagree on this one point. The pastor also gained a concession by the prospect that he would not lift his hands while praying in the worship services so as not to offend the congregation (as is taught in Bible,

"Do not cause anyone to stumble, whether Jews, Greeks or the church of God--" (1 Corinthians 10:32, NIV).

Conflict is not always present where two people interact. The Bible stresses unity in the body of Christ.

Make every effort to keep the unity of the Spirit through the bond of peace. There is one body and one Spirit-- just as you were called to one hope when you were called-- one Lord, one faith, one baptism; one God and Father of all, who is over all and through all and in all. (Ephesians 4:3-6, NIV)

God's word describes unity as opposed to conflict as the goal of the church. If God commanded it, and He does so in many passages, then it must be possible for people to agree and get along with one another in the church. It seems that conflict is frequently experienced because each of us is created by God as a unique individual. Therefore, we each have certain peculiarities, preferences, priorities, and passions. Rather than engage in conflict, we can choose to agree on many issues and agree to disagree on others. In this way, the individuals in the body of Christ can each express their unique gifts and personality while remaining united as one body.

It must be noted that the issues over which we disagree must not be the essential doctrines of Christianity. Unity is important to God. Unity, though, must be anchored in the essential truths revealed by God in the Bible. These essential truths are the teachings on the nature of our Triune God, the deity of the LORD Jesus Christ, His virgin birth, His sinless life, His substitutionary death on the cross for the sins of mankind, His physical bodily resurrection, and His ascension into heaven. Discussion and debate of these teachings is essential in order to edify the church body.

On the other hand, contradiction and compromise of these essentials can never be tolerated within the church. These are truths that millions of Christians throughout history have died defending. Compromising truth only creates and perpetuates conflict in the church for there is only one faith and one God (Ephesians 4:3-6). Secondary issues, such as modes of baptism or the perpetuity of the spiritual gifts, should be debated while remaining friends and collaborators in Christ. As one dear Christian observed, "Pound the table in your debate, but pat each other on the back when you leave!"

Unity is not the absence of conflict but rather a result of believers following the example of Christ in working through conflict. Believers acting in love with liberal doses of grace, mercy, and forgiveness can deal with conflict successfully.

Styles in Conflict management

In the 1970s Kenneth Thomas and Ralph Kilmann identified five main styles of dealing with conflict that vary in their degrees of cooperativeness and assertiveness. They argued that people typically have a preferred conflict resolution style. However they also noted that different styles were most useful in different situations. The Thomas-Kilmann Conflict Mode Instrument (TKI) helps you to identify which style you tend towards when conflict arises.

Thomas and Kilmann's styles are:

Competitive: People who tend towards a competitive style take a firm stand, and know what they want. They usually operate from a position of power, drawn from things like position, rank, expertise, or persuasive ability. This style can be useful when there is an emergency and a decision needs to be made fast; when the decision is unpopular; or when defending against someone who is trying to exploit the situation selfishly. However it can leave people feeling bruised, unsatisfied and resentful when used in less urgent situations.

Collaborative: People tending towards a collaborative style try to meet the needs of all people involved. These people can be highly assertive but unlike the competitor, they cooperate effectively and acknowledge that everyone is important. This style is useful when you need to bring together a variety of viewpoints to get the best solution; when there have been previous conflicts in the group; or when the situation is too important for a simple trade-off.

Compromising: People who prefer a compromising style try to find a solution that will at least partially satisfy everyone. Everyone is expected to give up something, and the compromiser him- or herself also expects to relinquish something. Compromise is useful when the cost of conflict is higher than the cost of losing ground, when equal strength opponents are at a standstill and when there is a deadline looming.

Accommodating: This style indicates a willingness to meet the needs of others at the expense of the person's own needs. The accommodator often knows when to give in to others, but can be persuaded to surrender a position even when it is not warranted. This person is not assertive but is highly cooperative. Accommodation is appropriate when the issues matter more to the other party, when peace is more valuable than winning, or when you want to be in a position to collect on this "favor" you gave. However people may not return favors, and overall this approach is unlikely to give the best outcomes.

Avoiding: People tending towards this style seek to evade the conflict entirely. This style is typified by delegating controversial decisions, accepting default decisions, and not wanting to hurt anyone's feelings. It can be appropriate when victory is impossible, when the controversy is trivial, or when someone else is in a better position to solve the problem. However in many situations this is a weak and ineffective approach to take.

Once you understand the different styles, you can use them to think about the most appropriate approach (or mixture of approaches) for the situation you're in. You can also think about your own instinctive approach, and learn how you need to change this if necessary.

Ideally you can adopt an approach that meets the situation, resolves the problem, respects people's legitimate interests, and mends damaged working relationships.

The "Interest-Based Relational Approach"

This second theory is commonly referred to as the "Interest-Based Relational (IBR) Approach". This conflict resolution strategy respects individual differences while helping people avoid becoming too entrenched in a fixed position.

In resolving conflict using this approach, you follow these rules:

- **Make sure that good relationships are the first priority:** As far as possible, make sure that you treat the other calmly and that you try to build mutual respect. Do your best to be courteous to one-another and remain constructive under pressure;
- **Keep people and problems separate:** Recognize that in many cases the other person is not just "being difficult" – real and valid differences can lie behind conflictive positions. By separating the problem from the person, real issues can be debated without damaging working relationships;
- **Pay attention to the interests that are being presented:** By listening carefully you'll most-likely understand why the person is adopting his or her position;
- **Listen first; talk second:** To solve a problem effectively you have to understand where the other person is coming from before defending your own position;
- **Set out the "Facts":** Agree and establish the objective, observable elements that will have an impact on the decision; and

- **Explore options together:** Be open to the idea that a third position may exist, and that you can get to this idea jointly.

By following these rules, you can often keep contentious discussions positive and constructive. This helps to prevent the antagonism and dislike which so-often causes conflict to spin out of control.

Using the Tool: A Conflict Resolution Process

Based on these approaches, a starting point for dealing with conflict is to identify the overriding conflict style employed by yourself, your team or your organization. Over time, people's conflict management styles tend to mesh, and a “right” way to solve conflict emerges. It's good to recognize when this style can be used effectively, however make sure that people understand that different styles may suit different situations.

Look at the circumstances, and think about the style that may be appropriate. Then use the process below to resolve the conflict:

Step One: Set the Scene

If appropriate to the situation, agree the rules of the IBR Approach (or at least consider using the approach yourself.) Make sure that people understand that the conflict may be a mutual problem, which may be best resolved through discussion and negotiation rather than through raw aggression.

If you are involved in the conflict, emphasize the fact that you are presenting your perception of the problem. Use active listening skills to ensure you hear and understand other's positions and perceptions.

- Restate
- Paraphrase
- Summarize

And make sure that when you talk, you're using an adult, assertive approach rather than a submissive or aggressive style.

Step Two: Gather Information

Here you are trying to get to the underlying interests, needs, and concerns. Ask for the other person's viewpoint and confirm that you respect his or her opinion and need his or her cooperation to solve the problem.

Try to understand his or her motivations and goals, and see how your actions may be affecting these. Also, try to understand the conflict in objective terms: Is it affecting work performance? Damaging the delivery to the client? Disrupting team work? Hampering decision-making? or so on. Be sure to focus on work issues and leave personalities out of the discussion.

- Listen with empathy and see the conflict from the other person's point of view
- Identify issues clearly and concisely
- Use "I" statements
- Remain flexible
- Clarify feelings

Step Three: Agree the Problem

This sounds like an obvious step, but often different underlying needs, interests and goals can cause people to perceive problems very differently. You'll need to agree the problems that you are trying to solve before you'll find a mutually acceptable solution.

Sometimes different people will see different but interlocking problems - if you can't reach a common perception of the problem, then at the very least, you need to understand what the other person sees as the problem.

Step Four: Brainstorm Possible Solutions

If everyone is going to feel satisfied with the resolution, it will help if everyone has had fair input in generating solutions. Brainstorm possible solutions, and be open to all ideas, including ones you never considered before.

Step Five: Negotiate a Solution

By this stage, the conflict may be resolved: Both sides may better understand the position of the other, and a mutually satisfactory solution may be clear to all.

However you may also have uncovered real differences between your positions. This is where a technique like [win-win negotiation](#) can be useful to find a solution that, at least to some extent, satisfies everyone. There are three guiding principles here: Be Calm, Be Patient, Have Respect...

Key Points to Note

Conflict in the workplace can be incredibly destructive to good teamwork. Managed in the wrong way, real and legitimate differences between people can quickly spiral out of control, resulting in situations where co-operation breaks down and the team's mission is threatened. This is particularly the case where the wrong approaches to conflict resolution are used.

To calm these situations down, it helps to take a positive approach to conflict resolution, where discussion is courteous and non-confrontational, and the focus is on issues rather than on individuals. If this is done, then, as long as people listen carefully and explore facts, issues and possible solutions properly, conflict can often be resolved effectively

Understanding the dynamics in conflict avoidance

Understanding Behavioral Styles

The Communication Jungle used you can learn to identify certain own behavioral styles, those of coworkers, and how to adjust for better communication. Knowing the differences is beneficial to all who hope to prevent, pre-empt, or conquer workplace conflict.

Different Folks, Different Strokes: Understanding Cultural Variety

In addition to behavioral styles, people vary in how they perceive situations based on their backgrounds, cultures, and experiences. In this portion of the training, participants will discuss situations in which conflicts might arise as a result of cultural expectations and differences. They will also learn ways in which to anticipate problems stemming from such differences to keep conflicts from occurring.

Effective Listening Strategies /skills for Better Understanding

Listening is a powerful means of preventing conflicts. Through the use of hands-on exercises, being silent while others speak is often the most crucial step in pinpointing the causes for workplace difficulties. By engaging in listening activities, you see how body language as much as verbal language can be used to put others at ease, convey empathy, and pave the way for honest communication

We were given two ears but only one mouth. This is because God knew that listening was twice as hard as talking.

People need to practice and acquire skills to be good listeners, because a speaker cannot throw you information in the same manner that a dart player tosses a dart at a passive dartboard. Information is an intangible substance that must be sent by the speaker and received by an active listener.

Good listeners listen with their faces

The first skill that you can practice to be a good listener is *to act like a good listener*. We have spent a lot of our modern lives working at tuning out all of the information that is thrust at us. It therefore becomes important to change our physical body language from that of a deflector to that of a receiver, much like a satellite dish. Our faces contain most of the receptive equipment in our bodies, so it is only natural that we should tilt our faces towards the channel of information.

A second skill is to use the other bodily receptors besides your ears. You can be a better listener when you *look at the other person*. Your eyes pick up the non-verbal signals that all people send out when they are speaking. By looking at the speaker, your eyes will also complete the eye contact that speakers are trying to make. A speaker will work harder at sending out the information when they see a receptive audience in attendance. Your eyes help complete the communication circuit that must be established between speaker and listener.

When you have established eye and face contact with your speaker, you must then *react to the speaker* by sending out non-verbal signals. Your face must move and give the range of emotions that indicate whether you are following what the speaker has to say. By moving your face to the information, you can better concentrate on what the person is saying. Your face must become an active and contoured catcher of information.

It is extremely difficult to receive information when your mouth is moving information out at the same time. A good listener will *stop talking and use receptive language* instead. Use the *I see . . . un huh . . . oh really* words and phrases that follow and encourage your speaker's train of thought. This forces you to react to the ideas presented, rather than the person. You can then move to asking questions, instead of giving your opinion on the information being presented. It is a true listening skill to use your mouth as a moving receptor of information rather than a broadcaster.

A final skill is to move your mind to *concentrate on what the speaker is saying*. You cannot fully hear their point of view or process information when you argue mentally or judge what they are saying before they have completed. An open mind is a mind that is receiving and listening to information.

If you really want to listen, you will act like a good listener. Good listeners are good catchers because they give their speakers a target and then move that target to capture the information that is being sent. When good listeners aren't understanding their speakers, they will send signals to the speaker about what they expect next, or how the speaker can change the speed of information delivery to suit the listener. Above all, a good listener involves all of their face to be an active moving listener.

THINGS TO REMEMBER

1. If you are really listening intently, you should feel tired after your speaker has finished. Effective listening is an active rather than a passive activity.
2. When you find yourself drifting away during a listening session, change your body position and concentrate on using one of the above skills. Once one of the skills is being used, the other active skills will come into place as well.
3. Your body position defines whether you will have the chance of being a good listener or a good deflector. Good listeners are like poor boxers: they lead with their faces.
4. Meaning cannot just be transmitted as a tangible substance by the speaker. It must also be stimulated or aroused in the receiver. The receiver must therefore be an **active** participant for the cycle of communication to be complete.

Assertive communication Skills in problem Solving: This can strengthen your relationships, reducing stress from conflict and providing you with social support when facing difficult times. A polite but assertive 'no' to excessive requests from others will enable you to avoid overloading your schedule and promote balance in your life. Assertive communication can also help you handle difficult family, friends and co-workers more easily, reducing drama and stress.

Here's How:

1. When approaching someone about behavior you'd like to see changed, stick to factual descriptions of what they've done that's upset you, rather than labels or judgments. Here's an example:

Situation:

Your friend, who habitually arrives late for your plans, has shown up twenty minutes late for a lunch date.

Inappropriate: "You're so rude! You're always late."

Assertive Communication: "We were supposed to meet at 11:30, but now it's 11:50."

2. The same should be done if describing the effects of their behavior. Don't exaggerate, label or judge; just describe:

Inappropriate: "Now lunch is ruined."

Assertive Communication: "Now I have less time to spend lunching because I still need to be back to work by 1pm."

3. Use "I Messages". Simply put, if you start a sentence off with "You", it comes off as more of a judgment or attack, and puts people on the defensive. If you start with "I", the focus is more on how you are feeling and how you are affected by their behavior. Also, it shows more ownership of your reactions, and less blame.

For example:

'You Message': "You need to stop that!"

'I Message': "I'd like it if you'd stop that."

4. Here's a great formula that puts it all together:

"When you [their behavior], I feel [your feelings]."

When used with factual statements, rather than judgments or labels, this formula provides a direct, non-attacking, more responsible way of letting people know how their behavior affects you. For example:

"When you yell, I feel attacked."

5. A more advanced variation of this formula includes the results of their behavior (again, put into factual terms), and looks like this:

"When you [their behavior], then [results of their behavior], and I feel [how you feel]."

Here are some examples:

"When you arrive late, I have to wait, and I feel frustrated."

“When you tell the kids they can do something that I’ve already forbidden, some of my authority as a parent is taken away, and I feel undermined.”

Tips to consider:

1. Make sure your body reflects confidence: stand up straight, look people in the eye, and relax.
2. Use a firm, but pleasant, tone.
3. Don’t assume you know what the other person’s motives are, especially if you think they’re negative.
4. When in a discussion, don’t forget to listen and ask questions! It’s important to understand the other person’s point of view as well.
5. Try to think win-win: see if you can find a compromise or a way for you both get your needs met.

MODULE II: VICTIM OFFENDER MEDIATION

This book addresses the need for a systematic and practical general approach to mediation. It has three major goals: (1) to illustrate the effects and dynamics of mediation on the practice of negotiation; (2) to develop a theoretical explanation for the current practice of mediation as it has been applied in a variety of issues, arenas, and cultures; (3) to provide practitioners concrete and effective strategies and techniques to assist parties in dispute resolution. Let us first attempt to define mediation.

Definition of Mediation

Consider these scenarios: a mediator from the United Nations enters an international conflict; a labor mediator engages in negotiations prior to a threatened strike; a commercial mediator settles a business dispute; a lawyer acting as a mediator settles a contentious legal suit; a family mediator assists a couple in reaching a divorce settlement. Who are these individuals, and what relationship do they have with the respective parties? What activities are they performing? What are their goals and objectives and those of the mediation process?

As stated earlier, *mediation* is generally defined as the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power, who assists the involved parties to voluntarily reach a mutually acceptable settlement of the issues in dispute. In addition to addressing substantive issues, mediation may also establish or strengthen relationships of trust and respect between the parties or terminate relationships in a manner that minimizes emotional costs and psychological harm.

A mediator is a third party, generally a person who is not directly involved in the dispute or the substantive issues in question. This is a critical factor in conflict management and resolution, for it is the participation of an outsider that frequently provides parties with new perspectives on the issues dividing them and more effective processes to build problem-solving relationships. More will be said about the variety of possible relationships between the parties and “outsiders” in the next section.

Elements to consider in the Mediation

Acceptability: the disputants must be willing to allow a third party to enter the dispute and assist them in reaching a resolution. Acceptability does not necessarily mean that disputants eagerly welcome the involvement of the mediator and are willing to do exactly as he or she says. It does mean that the parties approve of the mediator’s presence and are willing to listen to and seriously consider his or her suggestions on how to manage and resolve their differences.

Intervention means “to enter into an ongoing system of relationships, to come between or among persons, groups, or objects for the purpose of helping them. There is an important implicit assumption in the definition that should be made explicit: the system exists independently of the intervenor” (Argyris, 1970, p. 15).

The assumption behind an outsider’s intervention is that a third party will be able to alter the power and social dynamics of an existing conflict relationship by influencing the beliefs or behaviors of individual parties, by providing knowledge or information, or by introducing a more effective negotiation process and thereby helping the participants to settle contested issues. Rubin and

Brown (1975) argued that the mere presence of a party who is independent of the disputants may be a highly significant factor in the resolution of a dispute.

For mediation to occur, the parties must begin talking or negotiating. Labor and management must be willing to hold a bargaining session, business associates must agree to conduct discussions, governments and public interest groups must create forums for dialogue, and families must be willing to come together to talk. *Mediation is essentially dialogue or negotiation with the involvement of a third party.* Mediation is an extension of the negotiation process in that it involves extending the bargaining into a new format and using a mediator who contributes new variables and dynamics to the interaction of the disputants. Without negotiation, there can be no mediation.

Conflicts involve struggles between two or more people over values, or competition for status, power, or scarce resources (Coser, 1967). Mediators enter conflicts that have reached various levels of development and intensity—(latent, emerging, or manifest). These levels differ according to their degree of organization, the activities of the parties, and the intensity of expression of concerns and emotions.

Latent conflicts:

Are characterized by underlying tensions that have not fully developed and have not escalated into a highly polarized conflict, often, one or more parties, usually the stronger one, may not even be aware that a conflict or the potential for one exists (Curle, 1971). Examples of latent conflicts are changes in personal relationships in which one party is not aware of the seriousness of the breach that has occurred; projected but unannounced staff cutbacks within an organization; developed but

unimplemented plans for the siting of a predictably controversial facility such as a mine or waste disposal site; or potentially unpopular changes in public policy.

Mediators (or facilitators, another type of third party) working on latent disputes help participants identify the people who will be affected by a change or who may be concerned about a problem arising in the future. They assist in developing a mutual education process around the issues and interests involved, and they work with participants on designing, and sometimes implementing, a problem-solving process.

Emerging conflicts:

Are disputes in which the parties are identified, the dispute is acknowledged, and many issues are clear. However, a workable cooperative negotiation or problem-solving process has not developed. Emerging conflicts have a potential for escalation if a resolution procedure is not implemented. Many disputes between coworkers, businesses, and governments illustrate this type of conflict. Both parties recognize that there is a dispute, and there may have been a harsh verbal exchange, but neither knows how to handle the problem. In this case, the mediator helps establish the negotiation process and assists the parties begin to communicate and bargain.

Manifest conflict: are those in which parties are engaged in an active and ongoing dispute. They may have participated in violent or nonviolent activities or may have started to negotiate and have reached an impasse. Mediator involvement in manifest conflicts often involves changing the conflict resolution or negotiation procedures or intervening to break a specific deadlock. International mediators intervene in wars. Labor mediators who intervene in negotiations before a strike deadline are working to resolve manifest conflicts, as are commercial mediators who handle a specific insurance claim over a personal injury. Child custody and divorcemediators also usually intervene in fully manifest disputes—a couple's initiation of separation proceedings.

A mediator generally has limited or no authoritative decision making power; he or she cannot unilaterally mandate or force parties to resolve their differences and enforce the decision. This characteristic distinguishes the mediator from the judge or arbitrator, who is generally empowered to make a decision for the parties on the basis of a prior agreement by the disputants or societal norms, rules, regulations, laws, or contracts. The goal of a judicial or quasi-judicial process is not reconciliation or agreement between the parties, but a unilateral decision by the third party concerning which of the parties is right.

The judge examines the past and evaluates “agreements that the parties have entered into, violations which one has inflicted on the other,” and “the norms concerning acquisition of rights, responsibilities, etc. which are connected with these events. When he has taken his standpoint on this basis, his task is finished” (Eck-hoff, 1966–67, p. 161)

The mediator, on the other hand, works to reconcile the competing interests of the two parties. The mediator's tasks are to assist the parties in examining their interests and needs, to help them negotiate an exchange of promises, and to redefine their relationship in a way that will be mutually satisfactory and will meet their standards of fairness.

The mediator does not have decision-making authority, and this fact makes mediation attractive to many parties in dispute because they can retain the ultimate control of the outcome. However, mediators are not without influence. The mediator's authority, such as it is, resides in his or her

personal credibility and trustworthiness, expertise in enhancing the negotiation process, experience in handling similar issues, ability to bring the parties together on the basis of their own interests, past performance or reputation as a resource person, and (in some cultures) his or her relationship with the parties. Authority, or recognition of the right to influence the outcome of a dispute, is granted by the parties themselves rather than by an external law, contract, or agency. So far, we have examined some of the characteristics of a mediator. We will now explore some of the functions a mediator performs. Our definition states that a mediator *assists* disputing

The roles of a mediator

The mediator may assume a variety of roles to assist parties in Resolving disputes (American Arbitration Association,):

- The *opener of communication channels*, who initiates communication or facilitates better communication if the parties are already talking
- The *legitimizer*, who helps all parties recognize the right of others to be involved in negotiations
- The *process facilitator*, who provides a procedure and often formally chairs the negotiation session
- The *trainer*, who educates novice, unskilled, or unprepared negotiators in the bargaining process
- The *resource expander*, who offers procedural assistance to the parties and links them to outside experts and resources (for example, lawyers, technical experts, decision makers or additional goods for exchange) that may enable them to enlarge acceptable settlement options
- The *problem explorer*, who enables people in dispute to examine a problem from a variety of viewpoints, assists in defining basic issues and interests, and looks for mutually satisfactory options
- The *agent of reality*, who helps build a reasonable and implementable settlement and questions and challenges parties who have extreme and unrealistic goals
- The *scapegoat*, who may take some of the responsibility or blame for an unpopular decision that the parties are nevertheless willing to accept. This enables them to maintain their integrity and, when appropriate, gain the support of their constituents
- The *leader* who takes the initiative to move the negotiations forward by procedural—or on occasion, substantive—suggestions

The last component of the definition describes mediation as a voluntary process to reach a mutually acceptable settlement of issues in dispute.

Voluntary generally refers to both freely chosen participation and freely made agreements. Parties are not forced to mediate and settle by either an internal or external party to a dispute. Stulberg (1981b, pp. 88–89) notes that “there is no legal liability to any party refusing to participate in a mediation process. Since a mediator has no authority unilaterally to impose a decision on the parties, he cannot threaten the recalcitrant party with a judgement.”

Voluntary participation does not, however, mean that there may not be pressure to try mediation. Other disputants or external figures, such as friends, colleagues at work, constituents, authoritative leaders, or judges, may put significant pressure on a party to make an attempt at negotiation with the assistance of a mediator. Some courts in family and civil cases in the United States have even

gone so far as to rule that parties must make a good faith effort at mediation before the court will be willing to hear the case.

Attempting mediation does not, however, mean that the participants are forced to reach agreements.

The mediation process

JOINT SESSION:

STEP 1: Introduction (try to keep it around 2-3 minutes).

Introduce yourself, have parties introduce themselves.

Explain and sign Mediation Agreement.

Describe process (no interruptions; note-taking; Complainant speaks first, then Respondent.

Describe joint & private sessions, confidentiality.

Discuss no lawyer "representation."

Reinforce objective of mediation (resolution, not fact finding or investigation).

STEP 2: Complainant gives account of the circumstances which lead to the filing of the complaint.

Ask Complainant to describe the circumstances leading to the filing of the complaint.

Listen.

Ask questions only if necessary, try to reserve questions until the end.

Keep things flowing

DO NOT ASK WHAT COMPLAINANT WANTS.

STEP 3: Respondent gives its account of the circumstances and discusses the reason for its action(s).

Listen.

Ask questions only if necessary.

STEP 4: Ask Complainant and Respondent questions to define the issues.

At your discretion, you may allow Complainant and Respondent to ask each other question, assess attitudes towards each other.

Do not ask meaningless questions.

DO NOT ASK WHAT COMPLAINANT WANTS.

Inform parties of subsequent steps: caucus, private confidential sessions beginning with Complainant & final joint session.

Direct all parties to the waiting area.

STEP 5: Caucus with your co-mediator.

Examine your findings.
Consider options for settlement. Map-out your strategy for Step 6.

PRIVATE SESSIONS:

STEP 6: Hold private, confidential session with Complainant. This is the most important step in the mediation process. Have some sort of idea so to what approach you plan to take.

Build Trust.
Ask Complainant if they have any thing else to add.
Do not rehash the same material discussed in the joint session.
Summarize your understanding of what has been said so far.
Assess case; review what it takes to make a prima facie case.
Do reality check

ASK WHAT COMPLAINANT WANTS.

STEP 7: Hold private, confidential session with Respondent.

Summarize your understanding of what has been said so far.
Assess case.
Inform Respondent of what Complainant wants.
NEGOTIATION BEGINS.

STEP 8: During the negotiation process, a series of private confidential sessions may be necessary.

Throughout the negotiation process, your objective is to explore options for settlement.
Encourage the parties as problems are resolved.
Assess the productivity of the process; continue or end negotiations.

AGREEMENT & CONCLUSION:

STEP 9: Go over the terms of the negotiated settlement agreement with the parties.

Clarify the exact wording of the agreement.
Prepare the agreement; contact Dispute Resolution Specialist for sample agreements.
Have parties review and sign the agreement.
Co-mediators sign as witnesses.
Make a copy for each party, provide original to the Mediation Program Director (06B)
Thank the parties for participating and conclude the mediation.
Remember a favorite quote:

"There is no set way to mediate, everything depends."

The historical practice of mediation

Mediation has a long and varied history in almost all cultures of the world. Jewish, Christian, Islamic, Hindu, Buddhist, Confucian, and many indigenous cultures all have extensive and effective traditions of mediation practice. Here are a number of examples indicating the extensiveness and development of mediation as a means of dispute resolution.

Jewish communities in biblical times used mediation—which was practiced by both religious and political leaders—to resolve civil and religious differences. Later, in Spain, North Africa, Italy, Central and Eastern Europe, the Turkish Empire, and the Middle East, rabbis and rabbinical courts played vital roles in mediating or adjudicating disputes between members of their faith. These courts were often crucial to the protection of cultural identity and ensured that Jews had a formalized means of dispute resolution.

In many locales, Jews were barred by exclusionary laws of larger societies from other means of dispute settlement. Jewish traditions of dispute resolution were ultimately carried over to emerging Christian communities, who saw Christ as the supreme mediator. The Bible refers to Jesus as a mediator between God and man: “For there is one God, and one mediator between God and man, the man Christ Jesus; who gave himself as ransom for all, to be testified in due time” (I Timothy 2:5–6). This concept of the intermediary was eventually adopted to define the role of clergy as mediators between the congregation and God and between believers. Until the Renaissance, the Catholic Church in Western Europe and the Orthodox Church in the Eastern Mediterranean world were probably the central mediation and conflict management organizations in Western society. Clergy mediated family disputes, criminal cases, and diplomatic disputes among the nobility. Bianchi (1978), in describing one mediated case in the Middle Ages, details how the church and the clergy made available the sanctuary where the offender stayed during dispute resolution and how they served as intermediaries between two families in a case involving rape. In the resulting settlement, the family of the rapist agreed to provide monetary restitution to the woman’s family and promised to help her find a husband.

Islamic cultures also have long traditions of mediation. In many traditional pastoral societies in the Middle East, problems were often resolved through a community meeting of elders in which participants discussed, debated, deliberated, and mediated to resolve critical or conflictual tribal or intertribal issues. In urban areas, local custom (*urf*) became codified into *shari’a* law, which was interpreted and applied by a specialized intermediary, or *quadi*.

These officials performed not only judicial but also mediating functions. Hourani (1991, p. 114) notes that a *quadi* “might interpret his role as that of a conciliator, attempting to preserve social harmony by reaching an agreed upon solution to a dispute, rather than applying the strict letter of the law.”

In Indonesia, one of the largest geographic areas influenced by Islam and Arab culture, traditional means of decision making and dispute resolution were blended with Islamic practices. The result was the *musyawarah* process, a consensually based conflict management procedure (Moore and Santosa, 1995). Variations of this process were used, and are still practiced today, throughout the island archipelago to make decisions and resolve disputes on both local and national issues (Von Benda-Beckmann, 1984; Slatts and Porter, 1992; Schwarz, 1994).

Hinduism and Buddhism, and the regions that they influenced, have a long history of mediation. The Hindu villages of India have traditionally employed the *panchayat* justice system, in which a panel of five members both mediates and arbitrates disputes; the panel also exercises administrative functions in addressing welfare issues and grievances within the community.

Mediation has been widely practiced in China, Japan, and a number of other Asian societies, where religion and philosophy place a strong emphasis on social consensus, moral persuasion, and seeking balance and harmony in human relations (Brown, 1982). Buddhist sacred texts describe at least three cases in which the Buddha acted as a mediator (*Dhammapada Commentary*, cited in McConnell, 1995; *Kosambi Jataka*, n.d.), and the sangha, or religious community of priests and nuns, has long played a mediation role in Buddhist communities and societies, first in India and China and later in Sri Lanka, Thailand, Nepal, Tibet, and Japan (McConnell, 1995).

With the rise of secular society in the West, mediation and the range of people acting as mediators expanded. In the business world, guilds and their members practiced mediation, as did burghers in disputes arising in the emerging cities. Though the clergy continued to play a role as intermediaries in local, inter-communal, and interstate relations, the rise of the rule of law and nation-states led to the growth of secular intermediaries. Secular judges both mediated and issued judicial rulings. Ambassadors and envoys acted to “raise and clarify social issues and problems, to modify conflicting interests, and to transmit information of mutual concern to parties” (Werner, 1974, p. 95).

Mediation also grew in the American and other colonies, and ultimately in the United States and Canada, where religious sects such as the Puritans and Quakers, and Chinese and Jewish ethnic groups, developed alternative procedures for dispute resolution that were of an informal and voluntary nature (Auerbach, 1983). These procedures functioned in parallel with preexisting dispute resolution mechanisms of Native Americans and First Nations peoples, who often used consensus-based council meetings, led by an elder or elders, to resolve disputes (LeResche, 1993).

Resolving conflict rationally and effectively

In many cases, conflict in the workplace just seems to be a fact of life. We've all seen situations where different people with different goals and needs have come into conflict. And we've all seen the often-intense personal animosity that can result.

The fact that conflict exists, however, is not necessarily a bad thing: As long as it is resolved effectively, it can lead to personal and professional growth.

In many cases, effective conflict resolution skills can make the difference between positive and negative outcomes.

The good news is that by resolving conflict successfully, you can solve many of the problems that it has brought to the surface, as well as getting benefits that you might not at first expect:

- Increased understanding: The discussion needed to resolve conflict expands people's awareness of the situation, giving them an insight into how they can achieve their own goals without undermining those of other people;
- Increased group cohesion: When conflict is resolved effectively, team members can develop stronger mutual respect, and a renewed faith in their ability to work together; and

- Improved self-knowledge: Conflict pushes individuals to examine their goals in close detail, helping them understand the things that are most important to them, sharpening their focus, and enhancing their effectiveness.

However, if conflict is not handled effectively, the results can be damaging. Conflicting goals can quickly turn into personal dislike. Teamwork breaks down. Talent is wasted as people disengage from their work. And it's easy to end up in a vicious downward spiral of negativity and recrimination.

If you're to keep your team or organization working effectively, you need to stop this downward spiral as soon as you can. To do this, it helps to understand two of the theories that lie behind effective conflict resolution techniques:

Facilitation in conflict management

According to the Webster Dictionary, facilitate means "to make easier". A facilitator is a person who can make your meetings flow more smoothly and be more productive. The facilitator paces the group, offers a variety of possible ways to approach problems, and waits until an agreement on a particular process is made. In other words, "the facilitator oils the tracks for groups to work effectively in meetings" (Doyle and Straus p. 37)

Why Use Facilitation?

- To keep meetings focused on the subject of discussion
- To have a neutral person present who will manage the process
- To accomplish goals in a more timely manner
- To give the group a sense of accomplishment

The roles of a facilitator are those of a mediator discussed earlier **Keep Diversity in Mind**

A facilitator should acknowledge diversity in the community. In most communities, there are ethnic, cultural, and social differences that may interfere in the meeting process. Therefore, the facilitator is responsible for meeting everyone's needs. For example, if a community is bilingual, it is better to have a bilingual facilitator or to obtain a translator so that the full participation of all meeting participants is ensured.

Victim-offender mediation and reconciliation

Victim-Offender Mediation Programs (VOMP), also known as Victim-Offender Reconciliation Programs (VORP) is a restorative justice approach that bring offenders face-to-face with the victims of their crimes with the assistance of a trained mediator, usually a community volunteer. Crime is personalized as offenders learn the human consequences of their actions, and victims (who may be ignored by the criminal justice system) have the opportunity to speak their minds and their feelings to the one who most ought to hear them, contributing to the healing process of the victim.

Offenders take meaningful responsibility for their actions by mediating a restitution agreement with the victim, to restore the victims' losses, in whatever ways that may be possible. Restitution

may be monetary or symbolic; it may consist of work for the victim, community service or anything else that creates a sense of justice between the victim and the offender.

When the restitution obligation is reached voluntarily and face-to-face, offenders experience it in a very different way. Perhaps most important, after facing the victims of their crimes, offenders commit fewer and less serious offenses than similar offenders who are processed by the traditional juvenile or criminal justice system.

MODULE III: MEDIATION SKILLS

Conflict or disputes seem to be present in all human relationships and in all societies. From the beginning of recorded history, we have evidence of disputes between spouses, children, parents and children, neighbors, ethnic and racial groups, fellow workers, superiors and subordinates, organizations, communities, citizens and their governments, and nations. Because of the pervasive presence of conflict and because of the physical, emotional, and resource costs that often result from disputes, people have always sought ways of peacefully resolving their differences. In seeking to manage and resolve conflicts, they have tried to develop procedures that are efficient; that satisfy their interests; that build or maintain relationships, where appropriate; that minimize suffering; and that control unnecessary expenditures of resources. In most conflicts, the parties involved have a variety of means at their disposal to respond to or resolve their differences. The procedures available to them vary considerably in the *way* the conflict is addressed and settled and often result in different outcomes, both tangible and intangible. This chapter begins with an analysis of a specific interpersonal and organizational conflict and explores some of the procedural options available to the parties involved for managing and resolving it. Mediation, one of those options, is examined in depth, and a detailed description is given of its historical and present-day applications and variations.

- Even people "**born mediators**" need training. **Mediation skills** enhance your effectiveness in dealing with a wide array of professional and personal challenges. This training gives you essential conflict resolution skills.

Given is a scenario of a director of a given rural clinic Dr Richard Singson and his employee Dr Andrew Whittamore on the approach of conflict resolution continuum

The singson-whittamore dispute

Singson and Whittamore are in conflict. It all started three years ago when Dr. Richard Singson, director of the Fairview Medical Clinic, one of the few medical service providers in a small rural town, was seeking two physicians to fill open positions on his staff. After several months of extensive and difficult recruiting, he hired two doctors, Andrew Whittamore and Janelle, to fill the positions of pediatrician and gynecologist, respectively. The fact that the doctors were married did not seem to be a problem at the time they were hired.

Fairview liked to keep its doctors and generally paid them well for their work with patients. The clinic was also concerned about maintaining its patient load and income and required every doctor who joined the practice to sign a five-year contract detailing what he or she was to be paid and

what conditions would apply should the contract be broken by either party. One of these conditions was a covenant not to compete, or a no-competition clause, stating that should a doctor choose to leave the clinic prior to the expiration of the agreement, he or she would not be allowed to practice medicine in that town or county during the time remaining on the contract; violation of this clause carried an undefined financial penalty. The clause was designed to prevent a staff doctor from building up a practice at the clinic and then leaving with his or her patients to start a private competitive practice in the community before the term of the contract had expired.

When Janelle and Andrew joined the Fairview staff, they each signed a contract and initialed all the clauses. Both doctors performed well in their jobs and were respected by their colleagues and patients. Unfortunately, their personal life did not fare so well. The Whittamores' marriage went into a steady decline almost as soon as they began working at Fairview. Their arguments increased, and the tension between them mounted to the point where they decided to get a divorce. Because they both wanted to be near their two young children, they agreed to continue living in the same town.

Every physician at the clinic had a specialty, and all relied on consultations with colleagues, so some interaction between the estranged couple was inevitable. Over time, their mutual hostility grew to such an extent that they decided one of them should leave the clinic for their own good and that of other clinic staff. Because they believed that Andrew, as a pediatrician, would have an easier time finding patients outside the clinic, they agreed that he was the one who should go. Andrew explained his situation to Singson and noted that because he would be leaving for the benefit of the clinic, he expected that no penalty would be assessed for breaking the contract two years early and that the no-competition clause would not be invoked. Richard Singson the director was surprised and upset that his finely tuned staff was going to lose one of its most respected members. Furthermore, he was shocked by Whittamore's announcement that he planned to stay in town and open a medical practice. Singson visualized the long-range impact of Whittamore's decision: the pediatrician would leave and set up a competing practice, taking many of his patients with him. The clinic would lose revenues from the doctor's fees, incur the cost of recruiting a new doctor, and (if the no-competition clause was not enforced) establish a bad precedent for managing its doctors. Singson responded that the no-competition clause would be enforced if Whittamore wanted to practice within the county, and that the clinic would impose a penalty for breaching the contract. He estimated that the penalty could be as much as 100 percent of the revenues that Whittamore might earn in the two years remaining on his contract.

Whittamore was irate at Singson's response, considering it unreasonable and irresponsible. If that was the way the game was to be played, he threatened, he would leave and set up a practice, and Singson could take him to court to try to get his money. Singson responded that he would get an injunction against the practice if necessary and would demand the full amount if pushed into a corner. Whittamore stormed out of Singson's office mumbling that he was going to "get that son of a gun."

This conflict has multiple components: *the Whittamores' relationship with each other(family),their relationship to other staff members at the clinic, the potential conflict between Andrew Whittamore's patients and the clinic, and the relationship between Andrew Whittamore and Richard Singson.* For ease of analysis, we can examine only one of these components: the conflict between Richard Singson and Andrew Whittamore and the various means of resolution available to them.

Conflict management and resolution approaches

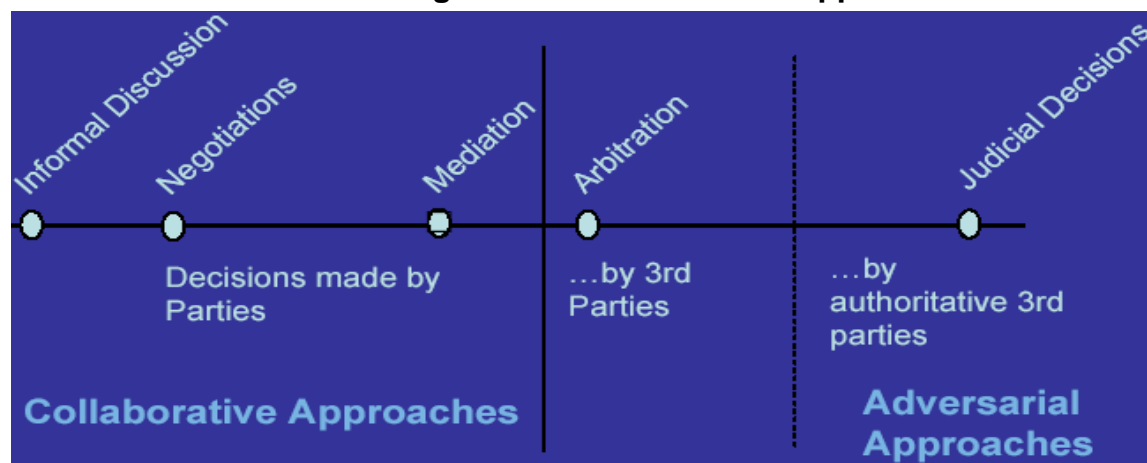
People in conflict have a number of procedural options to choose from to resolve their differences. **The privacy of the approach, the people involved, the authority of the third party (if there is one), the type of decision that will result, and the amount of coercion that is exercised by or on the disputing parties.** At the left end of the continuum in the figure are informal, private procedures that involve only the disputants or a process assistant (a mediator). At the other end, one party relies on coercion and often on public action to force the opposing party into submission. In between are a variety of approaches that we will examine in more detail. Disagreements and problems can arise in almost any relationship. The majority of disagreements are usually handled informally.

Initially, people may *avoid* each other because they dislike the discomfort that accompanies conflict, they do not consider the issue to be that important, they lack the power to force a change, they do not believe the situation can be improved, or they are not yet ready to negotiate.

When avoidance is no longer possible or tensions become so strong that the parties cannot let the disagreement continue, they usually resort to *informal problem-solving discussions* to resolve their differences. This is probably where the majority of disagreements end in daily life. Either they are resolved, more or less to the satisfaction of the people involved, or the issues are dropped for lack of interest or inability to push through to a conclusion.

In the Singson-Whittamore case, the Whittamores (couple) avoided dealing with their potential conflict with the medical clinic until it was clear that Andrew was going to leave. At that point, Andrew initiated informal discussions, but they failed to reach an acceptable conclusion. Clearly, their problem had escalated into a dispute. Gulliver (1979, p. 75) notes that a disagreement becomes a dispute “only when the two parties are unable and/or unwilling to resolve their disagreement; that is, when one or both are not prepared to accept the status quo (should that any longer be a possibility) or?”

Continuum of conflict Management and Resolution Approaches



Some of the methods outlined in the conflict management continuum in the fig. above

Conflict avoidance, Informal discussion and problem solving, Negotiation, Mediation, Administrative decision, Arbitration, Judicial decision, Legislative decision, Nonviolent direct action, Violence, Private decision making by parties, Private third-party decision making, Legal (public), authoritative third party decision making, Extralegal coerced decision making

Increased coercion and likelihood of win-lose outcome

Accede to the demand or denial of demand by the other. A dispute is precipitated by a crisis in the relationship.” People involved in a conflict that has reached this level have a variety of ways to resolve their differences. They can pursue more formal and structured means of voluntarily reaching an agreement, resort to third-party decision makers, or try to leverage or coerce each other to reach a settlement. Other than informal conversations, the most common way to reach a mutually acceptable agreement is through *negotiation* (Fisher and Ury, 1981; Shell, 1999; Thompson, 2001)

Negotiation is a bargaining relationship between parties who have a perceived or actual conflict of interest. The participants voluntarily join in a temporary relationship designed to educate each other about their needs and interests, to exchange specific resources, or to resolve less tangible issues such as the form their relationship will take in the future or the procedure by which problems are to be solved. Negotiation is clearly an option for Whittamore and Singson, although the degree of emotional and substantive polarization will make the process difficult. If negotiations are hard to initiate or have started and reached an impasse, the parties may need some assistance from a party who is outside of the dispute. *Mediation* is an extension or elaboration of the negotiation process that involves the intervention of an acceptable third party who has limited (or no) authoritative decision making power. This person assists the principal parties to voluntarily reach a mutually acceptable settlement of the issues in dispute. As with negotiation, mediation leaves the decision-making power primarily in the hands of the people in conflict. Mediation is a voluntary process in that the participants must be willing to accept the assistance of the intervenor if he or she is to help them manage or resolve their differences. Mediation is usually initiated when parties can no longer handle the conflict on their own and when the only means of resolution appears to involve impartial third-party assistance.

Whittamore and Singson might consider mediation if they can not negotiate a settlement on their own. Beyond negotiation and mediation, there are a number of approaches that decrease the personal control the people involved have over the dispute outcome, increase the involvement of external decision makers, and rely increasingly on win-lose and either or decision-making techniques. These approaches can be divided into public and private, and legal and extralegal. If the dispute is within an organization or, occasionally, between an organization and members of the public, there is often an

Administrative or executive dispute resolution approach

In this process, a third party who has some distance from the dispute but is not necessarily impartial may make a decision for the parties in dispute. The process can be private, if the context within which the dispute occurs is a private company, division, or work team; or public, if the difference is a public dispute and is conducted by a governmental agency, a mayor, a county commissioner, a planner, or another administrator. An administrative dispute resolution process

generally attempts to balance the needs of the entire system and the interests of individuals or concerned groups.

In the Singson-Whittamore dispute, both parties might choose to appeal to the board of directors of the Fairview Medical Clinic for a third-party decision. If both parties trust the integrity and judgment of these decision makers, the dispute might end there. However, Whittamore is not sure that he would get a fair hearing from this board.

Arbitration approach

This is a generic term for a voluntary process in which people in conflict request the assistance of an impartial and neutral third party to make a decision for them regarding contested issues. The outcome of the decision may be either advisory or binding. One person or a panel of third parties may conduct arbitration. The critical factor is that they are outside of the conflict relationship.

Arbitration is a private process in that the proceedings, and often the outcome, are not open to public scrutiny. People often select arbitration because of its private nature, and also because it is more informal, less expensive, and faster than a judicial proceeding. In arbitration, the parties frequently are able to select **their** own arbiter or panel, which gives them more control over the decision than if the third party were appointed by an outside authority or agency.

Whittamore and Singson have both heard of arbitration but are reluctant to turn their problem over to a third party before they are sure that they cannot resolve it themselves. Neither wants to risk an unfavorable decision. In addition, Singson fears an external decision that might erode the clinic's prerogative to control the contract process.

A judicial approach

This involves the intervention of an institutionalized and socially recognized authority in a dispute. This approach shifts the resolution process from the private domain to the public. In the judicial approach, the disputants usually hire lawyers to act as their advocates and the case is argued before an impartial and neutral third party—a judge, and perhaps a jury as well. These decision makers take into consideration not only the disputants' concerns, interests, and arguments but also the broader society's standards and values. The judge or jury is usually required to make a decision based on and in conformity with case law and legal statutes. The outcome is usually win-lose and is premised on a decision regarding who is right and who is wrong. Because the third party is socially sanctioned to make a decision, the results of the process are binding and enforceable. The disputants lose control of the outcome but may gain from forceful advocacy of their point of view and by a decision that reflects socially sanctioned laws or norms that are in their favor.

Whittamore and Singson have both considered using a judicial approach to resolve their dispute. Singson is willing, if necessary, to seek a court injunction that would enforce the no-competition clause in the contract by prohibiting Whittamore from establishing a private practice. Whittamore is willing to go to court to test the constitutionality of the clause. But both see a risk in this procedure, as the outcome may be highly detrimental to their underlying interests.

The legislative approach

To dispute resolution is another public means of solving a conflict by recourse to law. It is usually employed for larger disputes affecting broad populations, but it may have significant utility for individuals. In this approach, the decision regarding the outcome is made by another win-lose process voting. The individual has only as much influence on the final outcome as he or she, and those who share his or her beliefs, can bring to bear on legislators. Furthermore, the win-lose aspect of the outcome is only partly softened by the compromises that go into a bill.

Whittamore has considered using this approach to resolve his dispute. He believes there should be a law against no-competition clauses, and some of his patients agree with him. One patient has even suggested a campaign to pass a bill prohibiting this type of contract. But Whittamore also realizes that a legislative approach to this problem might take a long time—time he does not have at his disposal. Also a change in the law might not cover contracts entered into before the new law was passed.

The extralegal approach

The approaches examined so far are either private procedures the parties use alone or with the assistance of a third party to negotiate a settlement or third-party decision making that is either privately or publicly sanctioned. The last category is extralegal in that it does not rely on socially mandated—or on occasion, socially acceptable—processes and generally uses stronger means of coercion to persuade or force an opponent into compliance or submission.

There are two types

Of extralegal approaches: nonviolent action and violence. *Nonviolent action* involves a person or group committing acts or abstaining from acts so that an opponent is forced to behave in a desired manner (Sharp, 1973). These acts, however, do not involve physical coercion or violence and are often designed to minimize psychological harm as well. Nonviolent action works best when the parties must rely on each other for their well-being. When this is the case, one of the parties may force the other to make concessions by refusing to cooperate or by committing undesirable acts.

Nonviolent action often involves civil disobedience—violation of widely accepted social norms or laws—to raise an opponent's consciousness or bring into public view practices that the nonviolent activist considers unjust or unfair. Nonviolent action can be conducted by an individual or by a group and may be either public or private.

Whittamore has contemplated nonviolent action on both the personal and group levels to resolve his dispute. On the individual level, he has considered fasting or occupying Singson's office until the director agrees to bargain in good faith and give him a fair settlement. He has also considered opening a private practice, challenging the terms of the contract, and forcing the clinic to either take him to court or drop the case. If he goes to court, he could exploit the publicity and place the clinic in a dilemma: dismiss a widely esteemed doctor and earn the wrath of the community and bad publicity, or reach a negotiated settlement favorable to Whittamore and avoid the bad press.

One of his patients has suggested organizing a picket or vigil outside the clinic to embarrass Singson and the clinic into a settlement. If that is unsuccessful, the patient has suggested a group sit-in. Whittamore is unsure of the likely effects of these approaches, as well as of the costs.

The last approach to dispute resolution is *violence or physical coercion*. This approach assumes that if the costs to the person or property of an opponent and the costs of maintaining his position are high enough, the adversary will be forced to make concessions. For physical coercion to work, the initiating party must possess enough power to actually damage the other party, must be able to convince the other side that it has the power, and must be willing to use it.

Although Whittamore and Singson are very angry with each other, they have not come to blows. Both are physically fit and could conceivably harm each other, but neither feels he could force the issue with a private fight. Whittamore, in the heat of anger, mumbled that he ought to sabotage some of the clinic's valuable equipment, but such an action would go against some of his deeply held values and would also hurt patients. Singson, in a moment of rage and fantasy, also considered violence and wondered what Whittamore's reaction would be if he were to be assaulted by agents Singson could hire for that purpose. He, too, has decided against physical violence as too risky, costly, unpredictable, and unreasonable. The question remains: Which of the approaches represented in Figure 1.1 will Whittamore and Singson choose to resolve their dispute?

Whittamore wants to stay in town so that he can be near his children. He also wants to practice medicine. Establishing a new practice will be expensive, so he wants to minimize his dispute resolution costs. He hopes for a quick decision so that he may leave the clinic soon to avoid more adverse contact with Janelle and to minimize any harm to his personal relationships with other staff members. A positive ongoing relationship with the clinic and its staff is important because the clinic has the only laboratory and high-tech medical equipment in the town. Whittamore also needs to establish a private practice quickly so that he can generate income. Physical violence was a fleeting fantasy. Nonviolent action is still a possibility if the clinic does not yield. Judicial and legislative approaches seem unreasonable at this point because of the cost and the length of time they will take to effect a change. Singson is also trying to decide what action he will take. He wants to keep management control over the contract process; seeks to solve the problem himself and not rely on outside agents; and wants to minimize such costs as legal fees, patient attrition, and bad publicity. He wants to find an amicable solution but feels that his interactions with Whittamore have reached an impasse.

Whittamore and Singson's conflict is ripe for negotiation

The two parties are:

- Interdependent and must rely on the cooperation of one another in order to meet their goals or satisfy their interests
- Able to influence one another and to undertake or prevent actions that can either harm or reward
- Pressured by deadlines and time constraints and share a motivation for early settlement
- Aware that alternatives to a negotiated settlement do not appear as viable or desirable as a bargain that they might reach themselves
- Able to identify the critical primary parties and involve them in the problem-solving process
- Able to identify and agree on the issues in dispute
- In a situation in which their interests are not entirely incompatible

- Influenced by external constraints—such as the unpredictability of a judicial decision, potentially angry patients or staff, costs of establishing a new practice, and expenses of recruiting a new physician—that encourage them to reach a negotiated settlement

These conditions are critical to successful negotiation. However, Singson and Whittamore's relationship also contains elements that will make unassisted negotiations extremely difficult.

To overcome these problems, they will need third-party help, and in this case, mediation seems to be the most appropriate dispute resolution procedure to pursue. A mediator may be called into negotiations when:

- The emotions of the parties are intense and are preventing a settlement
- Communication between the parties is poor in either quantity or quality and they cannot change the situation on their own
- Misperceptions or stereotypes are hindering productive exchanges
- Repetitive negative behaviors are creating barriers
- There are serious disagreements over data—what information is important, how it is collected, and how it will be evaluated
- There are multiple issues in dispute, and the parties disagree about the order and combination in which they should be addressed
- There are perceived or actual incompatible interests that the parties are having difficulty reconciling
- Perceived or actual value differences divide the parties
- The parties do not have a negotiating procedure, are using the wrong procedure, or are not using a procedure to its best advantage
- There is not an acceptable structure or forum for negotiations
- The parties are having difficulties starting negotiations or have reached an impasse in their bargaining

Because Whittamore and Singson's relationship has some of the characteristics listed here, they will decide to use mediated negotiations as a means of conflict their differences. For the moment, let us leave this case and take a look at the process that they have selected to resolve their conflict.

MODULE IV: RECONCILIATION AND PEACE BUILDING

Reconciliation is the ultimate goal of peace building. It occurs when disputants develop a new relationship based on apology, forgiveness, and newly established trust. Mennonite peace builder John Paul Lederach describes reconciliation as "a meeting ground where trust and mercy have met, and where justice and peace have kissed." Thus, reconciliation involves all four processes. It brings people together, enabling them to grow beyond the past to re-establish a normalized, peaceful, and trusting relationship in the present.

Obviously, reconciliation is a very difficult and slow process. Lederach points out that it usually takes just as long to get out of a conflict as it takes to get into one. So for conflicts that have been going on for decades or centuries, reconciliation cannot take place in weeks or months--perhaps not even in a few years. It will take many years, perhaps decades or centuries, to fully recover. Yet progress can be made, and even incremental steps can have tremendously beneficial effects.

Reconciliation programs can take many forms. Analytical problem solving workshops or dialogue processes can help build trust and a sense of forgiveness and mercy. If they lead to wider structural or behavioral changes they can also contribute to the re-establishment of justice and peace. So can processes such as the South African Truth and Reconciliation Commissions which have formalized the process of apology and forgiveness. Most efforts at citizen diplomacy and grassroots peace building--which brings "ordinary" citizens into a process of trust-building and cooperation with former enemies--contribute to reconciliation over the long term.

Definition of Reconciliation:

This is the *process* of addressing conflictual and fractured relationships and this includes a range of different activities and is a component of peace building. We see reconciliation as a voluntary act that cannot be imposed (IDEA, 2003). *It involves*

Empowerment, Mechanisms to address the past, Building effective governance

The term “**peace building**” became increasingly prevalent since it was used by Boutros Boutros-Ghali—then United Nations Secretary- General—in announcing his *Agenda for Peace* in 1992. Definitions, however, seem to be context bound and vary between voluntary groups, communities at large, policy-makers, politicians and funders

Peacemaking is understood to mean the attempt to tackle some concrete problem in a process that generally begins with a difference of interests, proceeds in the form of negotiations, and in the end—if successfully dealt with—leads to an agreement concerning the conduct of both sides

Peace building, covers a wider area and, in most cases, a longer time-scale. Its aim is a change in the social structures underlying the conflict, and a change in the attitudes of the parties to the conflict (p.37).

Peace building according to Morris (undated) “involves a full range of approaches, processes, and stages needed for transformation toward more sustainable, peaceful relationships and governance modes and structures. Peace building includes building legal and human rights institutions as well as fair and effective governance and dispute resolution processes and systems. To be effective, peace building activities require careful and participatory planning, coordination among various efforts, and sustained commitments by both local and donor partners”. The idea of peace building as a long-term process is shared by many international practitioners, with most including reconciliation and the re-establishing or mending of damaged interpersonal and social relations as a vital component. It involves Building institutions, Community development, Socio-economic development, Social reconstruction

It can be seen that peace building as a process or series of processes that seek to establish peace and prevent violence from continuing or re-emerging by addressing the root causes and the consequences of conflict. This can involve a number of processes including, amongst others, building institutions, community development, socio-economic development, social reconstruction, reconciliation, empowerment, mechanisms to address the past, and building effective governance. In doing this one would have to consider different peace building strategies at the individual, community and political levels. We understand reconciliation to be a component of peace building

Reconciliation process

This generally involves five interwoven and related strands. These are:

1. *Developing a shared vision of an interdependent and fair society:* The development of a vision of a shared future requiring the involvement of the whole society, at all levels.

Although individuals may have different opinions or political beliefs, the articulation of a common vision of an interdependent, just, equitable, open and diverse society is a critical part of any reconciliation process.

2. *Acknowledging and dealing with the past:* Acknowledging the hurt, losses, truths and suffering of the past. Providing the mechanisms for justice, healing, restitution or reparation, and restoration (including apologies if necessary and steps aimed at redress)

To build reconciliation, individuals and institutions need to acknowledge their own role in the conflicts of the past, accepting and learning from it in a constructive way so as to guarantee non-repetition.

3. *Building positive relationships:* Relationship building or renewal following violent conflict addressing issues of trust, prejudice, intolerance in this process, resulting in accepting commonalities and differences, and embracing and engaging with those who are different to us.

4. *Significant cultural and attitudinal change:* Changes in how people relate to, and their attitudes towards, one another. The culture of suspicion, fear, mistrust and violence is broken down and opportunities and space opened up in which people can hear and be heard. A culture of respect for human rights and human difference is developed creating a context where each citizen becomes an active participant in society and feels a sense of belonging.

5. *Substantial social, economic and political change:* The social, economic and political structures which gave rise to the conflict and estrangement are identified, reconstructed or addressed, and transformed.

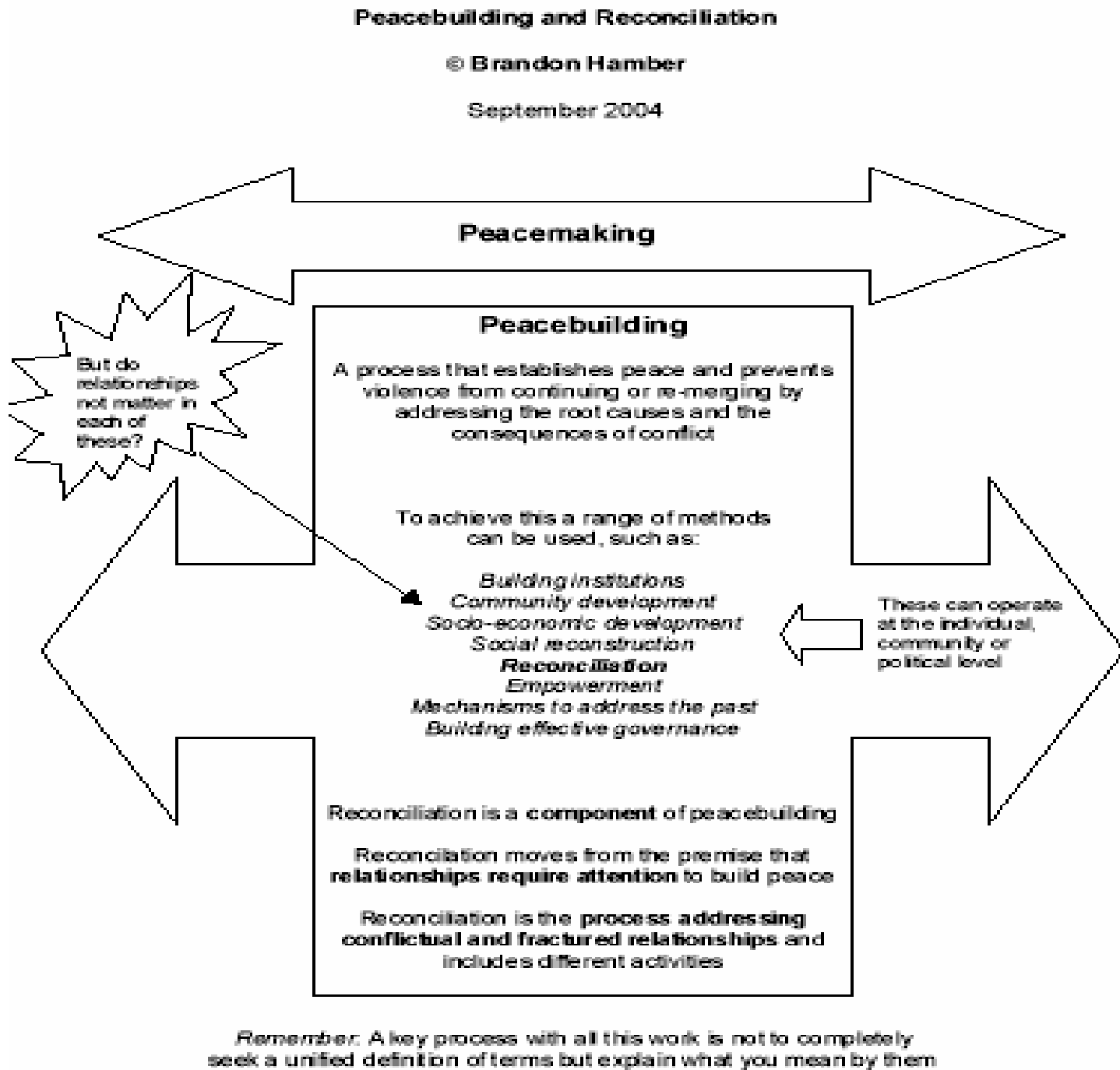
It is also important to note two additional points in relation to any process of reconciliation.

The first of these is that a reconciliation process always contains paradoxes and even contradictions. It is not a neat or easy process, and can in itself seem incongruous. Lederach (1997) writes most eloquently about this, noting that:

... reconciliation can be seen as dealing with three specific paradoxes. First, in an overall sense, reconciliation promotes an encounter between the open expression of the painful past, on the one hand, and the search for the articulation of a long-term, interdependent future, on the other hand.

Second, reconciliation provides a place for truth and mercy to meet, where concerns for exposing what has happened *and* for letting go in favour of renewed relationship are validated and embraced. Third, reconciliation recognises the need to give time and place to both justice and peace, where redressing the wrong is held together with the envisioning of a common, connected future. Thus we can see that reconciliation entails engaging in the process of trying to address these complex paradoxes.

Second, we cannot escape the fact that reconciliation is a morally-loaded concept and different people will bring their own ideological bias to the subject. An individual's definition or understanding of reconciliation is generally informed by their basic beliefs about the world.



Our working hypothesis is that reconciliation is a necessary process following conflict. However we believe it is a voluntary act and cannot be imposed (IDEA, 2003). It involves five interwoven and related strands.

Developing a shared vision of an interdependent and fair society

The articulation of a common vision of an interdependent, just, equitable, open and diverse society. The development of a vision of a shared future requiring the involvement of the whole society at all levels.

Acknowledging and dealing with the past

Acknowledging the hurt, losses, truths and suffering of the past. Providing the mechanisms justice, healing, restitution or reparation and restoration (including apologies if necessary and steps aimed at redress). Individuals and institutions acknowledge their own role in the conflicts of the past, accepting and learning from it in the constructive way so as to guarantee non-repetition

Building positive relationships

Relationship building or renewal following violent conflict addressing issues of trust, prejudice and intolerance in this process resulting in accepting commonalities and differences and embracing and engaging with those who are different to us.

Significant cultural and attitudinal change

Changes in how people relate to and their attitudes towards one another. The culture of suspicion, fear, mistrust and violence is broken down and opportunities and space opened up which people can hear and be heard. A culture of respect for human rights and human difference is developed creating a context where each citizen becomes an active participant in society and feels a sense of belonging.

Substantial social, economic and political change

The society economic and political structures which gave rise to the conflict and management are identified, reconstructed or addressed and transformed



Two other factors are critically important, namely

Reconciliation involves a PARADOX e.g. reconciliation promotes an encounter between the open expression of painful past but at the same time seeks a long term interdependent future (Loderach 1997). Reconciliation as a concept is always influenced by an individual's underlying assumptions. There are different IDEOLOGIES of reconciliation e.g, a religious ideology often emphasizes the rediscovering of a new conscience of individuals and society through moral reflection, repentance, confession and rebirth, birth a human rights approach might see as a process only achieved by regulation social interaction through the rule of law and preventing certain forms of violence from happening again (Vander 1999, Hamber 2002,)

Peace Making Process

Conflict theorists often use three terms--peacekeeping, peacemaking, and peace building-- that are easily confused.

Peacekeeping ; It means keeping people from attacking each other by putting some kind of barrier between them, Often this barrier is made up of neutral soldiers--peacekeepers--from the UN or a group of neutral nations. The soldiers do nothing to settle the disputant's differences or help negotiate a peace agreement--they simply keep the two sides apart.

Peacemaking; It is the process of forging a settlement between the disputing parties. While this can be done in direct negotiations with just the two disputants, it is often also done with a third-party mediator, who assists with process and communication problems, and helps the parties work effectively together to draft a workable peace accord. Usually the negotiators are official diplomats, although citizens are getting involved in the peacemaking process more and more. While they do not negotiate final accords, citizen diplomacy is becoming an increasingly common way to start the peacemaking process, which is then finalized with official diplomatic efforts.

However, peacemaking is not the final step in the peace process. As both the situations in the Middle East and Bosnia so well demonstrate, it takes more than a peace accord to bring peace to a region. The peace accord is just a beginning, which must be followed by long-term *peace building*

Techniques of peacemaking vary greatly and are beyond the scope of the material we can present here. However, the fundamental techniques used include negotiation, mediation, official and unofficial, or "track two" diplomacy all of which are described in more detail in other sections.

Peacemaking is a form of conflict resolution which focuses on establishing equal power relationships that will be robust enough to forestall future conflict, and establishing some means of agreeing on ethical decisions within a community that has previously had conflict. When applied in criminal justice matters it is usually called transformative justice. When applied to matters that do not disrupt the community as a whole, it may be called mindful mediation.

The term **peacemaking** however is reserved for large, systemic, often factional conflicts in which no member of the community can avoid involvement, and in which no faction or segment can claim to be completely innocent of the problems. For instance, a post genocide situation, or extreme oppression such as apartheid.

The process of **peacemaking** is distinct from the rationale of pacifism or the use of non-violent protest or civil disobedience techniques, though they are often practiced by the same people. Indeed, those who master the nonviolent techniques under extreme violent pressure, and who lead others in such resistance, have demonstrated the rare capacity not to react to violent provocation in kind, and the difficult skill of keeping a group of people suffering from violent oppression, coordinated and in good order through such experience.

Given that, and a track record of not advocating violent responses, it is these leaders who are usually most qualified for **peacemaking** when future conflict breaks out between the previously warring sides.

[Mohandas Gandhi](#) is widely recognized as an important theorist of the peacemaking strategy. He noted in particular that leaders who had been successful at violent strategies were counter-productive in peace time, simply because these strategies now had to be abandoned. But if a movement had adulated and emulated these people, it was unlikely ever to be able to make permanent peace even with those factions it had conquered or dominated, simply because the leaders lacked the skills and had become leaders in part for their suppression of the other side. Accordingly, even if a movement benefited from violent action, and even if such action was extremely effective in ending some other oppression, no movement that sought long-term peace could safely hold up these acts or persons as a moral example or advise emulating either. Gandhi's views have influenced modern ethicists in forming a critique of terrorism, in which even those who support the goals must decry the methods and avoid making, for instance, a suicide bomber into a hero.

Peace making circles

A process for solving problems and building communities; The peace making circle is a process that brings together individuals who wish to engage in conflict resolution, healing, support, decision making or other activities in which honest communications, relationship development, and community building are core desired outcomes. "Circles" offer an alternative to contemporary meeting processes that often rely on hierarchy, win-lose positioning, and victim/rescuer approaches to relationships and problem solving.

Derived from aboriginal and native traditions, circles bring people together in a way that creates trust, respect, intimacy, good will, belonging, generosity, mutuality and reciprocity. The process never about "changing others", but rather is an invitation to change oneself and one's relationship with the community. Circles intentionally create a sacred space that lifts barriers between people, opening fresh possibilities for connection, collaboration and mutual understanding. The process works because it brings people together in a way that allows them to see one another as human beings and to talk about what matters. Circles can be understood in terms of the values and principles upon which they operate, and the structures they use to support these values and principles.

Values and Principles of peace making

- Though each circle develops its own values and principles, all Peace making circles generally:

- Those who use them are guided by a shared vision
- Call participants to act on their personal values include all interests, and are accessible to all

- Offer everyone an equal, and voluntary, opportunity to participate
And take a holistic approach, including the emotional, mental, physical and spiritual
- Respect for all
- Encourage exploring instead of conquering differences

- Invite accountability to others and to the process

Structure of the peace making process

- Circles provide effective support to groups seeking to stay on course with the values and principles they have established for their circle.

The circle process is "simple but not easy," and must be experienced to be fully grasped and replicated. There is an intangible quality to circles that must be experienced to be understood. However, there are some key structures that help to define the circle.

The ● *meeting space* is the most visible structure. Participants are seated in a circle focusing on the center where symbolic objects may be placed to remind participants of values shared among those in the circle.

A ● *talking piece* is used as a way to ensure respect between speakers and listeners. The talking piece is passed from person to person within the circle and only the person holding the piece may speak.

Some organizations use circles to give teenagers, homeless youth, and gang members a healthy way of dealing with conflict.

Two ● *"keepers"* of the circle have been identified. The keepers guide the participants and keep the circle as a safe space. While it is possible to have only one keeper, generally a team of two is preferable.

- *Ceremony and ritual* are used to create safety and form.
- *Consensus decision making* honors the values and principles of peace making circles and helps participants to stay grounded in them.

Benefits of the peace making circles

- Circles strengthen relationships and build community. They do so through the process they use to deal with specific issues around which a peace making circle might be called. As they experience circles, participants begin to develop the physical, mental, emotional and spiritual habits of peace making. The circle process helps to shift old patterns in how individuals and communities interact, a shift that over time becomes reflected in interactions outside the circle. Circles:

- build relationships and foster dialogue
- encourage values-based action
- provide a space to acknowledge responsibility
- facilitate innovative problem-solving
- address the deeper causes of conflict
- empower participants and communities
- break through isolation to bring healing and transformation

When to Use Peace Making Circles

- There are different reasons for bringing people together, and so circles are used for different purposes. Circles may be called for conflict, talking, healing, brainstorming and management, court-related issues, art, support, and family issues. Circles are appropriate in business, family, judicial, social service, artistic and other settings.

Circles are effective in any group settings in which there is a desire for:

- Healing rather than coercion

- Individual and collective accountability rather than only individual accountability
- Democratic, egalitarian and spiritual values
- Focusing on the commonalities, instead of the differences, between people
- Building community
- Individual and collective change and transformation

"I felt finally like we were a part of something, that we were finally 'together' on something that was so powerful. . . and it felt like community."

(Sources: Carolyn Boyes-Watson, Suffolk College; Jon Prichard, University of Maine; Pranis, K., Barry)

Circles are appropriate in business, family, judicial, social service, artistic and other settings

The Bible not only instructs us to be witnesses (Acts 1:8) but also to be peacemakers as part of our witness (Rom. 12:18).

MODULE V: PROTECTION AND PROMOTION OF HUMAN RIGHTS (DEMOCRATIZATION)

The full and equal participation of every one with out discrimination be (women or girl child) in political, civil, economic, social and cultural life at the regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community which is a way of conflict management. Most conflicts in Africa and other developing countries have been caused by such acts of imbalances in the national cakes. there was a significant growth of mediation services and programs in the public and private sectors to mediate charges related to racial, ethnic, gender, and sexual-orientation discrimination in the workplace; sexual harassment (Rowe, 1994; Cloke and Goldsmith, 2000, 2001); and accommodation of people with disabilities (Roberts and Lundy, 1995), as well as to process complaints or grievances in nonunion and unionized settings (Skratek, 1990; Feuille, 1992; Goldberg, 1989; Valtin, 1993; Feuille and Kolb, 1994).

Gender discrimination is so firmly embedded in the history of humanity that it is often not perceived discrimination. Because women have been burdened with unpaid house hold work and absent from public life, this is deemed a natural state. They suffer more violations of human rights in the world, both in times of war and through traditional practices excused by culture.

Discrimination is the act or practice of giving different treatment to individuals or groups on the basis of assumptions, stereotypes or prejudice. As underwood notes no one is immune to the experience of discrimination. We have all experienced some form or other (Action Aid 2001). Perhaps because our: sex, race or religion or some times because we come from a particular social group, country or continent. Perhaps we are too young or too old. Often it is our physical ability what condemns us to discrimination. Addressing the issue of discrimination will be a key role in conflict management in the world. The protection of vulnerable persons is also an important issue as regards to conflict management. Finally, political empowerment as a means for long-term violence prevention will be discussed and emphasized

The illiterate of the 21st century will not be those who cannot read and write, but those who cannot learn, unlearn, and relearn.

– Alvin Toffler

As a reaction to the ongoing unstable situation in the world, there is a need for individuals to have the skills in crisis prevention, conflict Intervention and transformation

Justice is truth in action.

– Benjamin Disraeli

People need the practical tools on how civil society in crisis areas can be supported. Two main fields can be focused.

Empowerment for Political Participation

When you give food to the poor, they call you a saint. When you ask WHY the poor have no food, they call you a communist.

– Archbishop Helder Camara

The goal here is to support the consolidation of pluralistic, democratic communities. Things like local governance, development of political parties, elections and human rights as the basis of participatory democracy are crucial as far as peace and conflict management is concerned.

Concepts of political ideologies need to be understood as well as different approaches to democratization, the countries constitutions and relevant laws and regulations. The question how international politics affects civil society, as well as the legitimacy of third party conflict intervention will be elaborated on.

Knowledge of “Protection and Promotion of Human Rights” aims at enhancing the skills needed for dealing with human rights in the field. And also ensures an efficient, relevant, sustainable, participatory and accountable work. Individuals need to raise self-awareness in terms of behavior, attitudes and values when undertaking human rights fieldwork.

Empowerment for Nonviolent conflict Intervention

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. – Bishop Desmond Tutu

Democracy is political participation but also resistance. Individuals need to understand the various strategies, methods and tools of active nonviolence. To achieve true changes towards a popular democracy, special emphasis is put on empowering minorities and women for joining the political arena away towards peace management.

The sad truth is that most evil is done by people who never make up their minds to be good or evil.
– Hannah Arendt

Women are underrepresented, often discriminated and sometimes even excluded in democratic political structures. Thus the need to nurture and support women political activities in any society

Questions to reflect on:

1. If you are called to handle a mediation role between an Individual A, in the process of divorcing his wife B on the accusations of infidelity, explain the steps you would undertake in solving such a conflict.
2. If you are involved in a scandal, where you are accused by a boy that you Sodomised on him and you happen to be a high profile being in a given state...explain the steps to resolve such a conflict.
3. Explain how you will avoid conflicts at the work place where you happen to be Human resource manager or a manager of a given organization.
4. Discuss the possible approaches to use to settle two sides already in a conflict (two nations intending for a war)
5. If you are a project manager of northern Uganda peace building, explain the various steps you would take or choose the steps in the reconciliation

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