

## INTRODUCTION

This training focuses on empowering participants to mediate conflicts within their groups and their communities. The training is interactive, and participants should be encouraged to take an active part in the discussion and group activities.

**Time:** One three-hour session

**Format:** Lecture and discussion

**Goal:** Participants will learn how to mediate conflicts, inside and outside their group.

### I. CONFLICT (30 MINUTES)

- Conflict is the opposition of persons or forces that gives rise to some tension. Usually, conflict is behavior intended to keep another person or group from its goal.
- Conflict is a natural consequence of human interaction, and is not always bad.

#### Five Main Disputes

- Data disputes, which are created by a lack of information or by incomplete or false information.
- Value disputes, which come from a clash of ideas, beliefs, and belief systems.
- Behavioral disputes, caused by clashes in habits or personalities.
- Structural disputes, usually between or with institutions and bureaucracies.
- Relationship disputes, in special relationships, e.g. parent and child or husband and wife.

**Group Discussion.** Have the group think of disputes in each of these categories. Which are the most common disputes in this area?

#### Five Responses to Conflict

- **Avoiding.** Pretending the conflict doesn't exist, including being unassertive and uncooperative.
- **Accommodating.** Giving the other side everything they want.
- **Controlling.** Trying to win the conflict, and giving no cooperation to the other side.
- **Compromising.** Seeking a middle ground.
- **Collaborating.** This is both assertive and cooperative, and involves maintaining interpersonal relationships and ensuring that both parties to the conflict achieve their personal goals. The parties work together to realize the maximization of their interests to the greatest extent possible.

- Note that all of these responses can make sense, depending on the conflict. There is not necessarily one correct response.

## II. CONFLICT ANALYSIS AND MANAGEMENT (1 HOUR)

Explain that when they are in a conflict or are asked to resolve one they should examine the conflict according to the **five categories**. Ask:

- Which category does it fall into?
- Is the conflict real or perceived?
- If perceived, how can the perception be corrected?
- If real, how can it be resolved?
- What style is the best approach?

**Group Activity.** Ask for a volunteer to describe a recent conflict, preferably over land or minerals. Have him or her describe the conflict in detail. As a group, go through the steps of analyzing the conflict, and decide on the best approach for resolution.

**Negotiation.** To negotiate is to communicate or confer with another so as to arrive at a settlement of some sort. People are always negotiating, whether they are aware of it or not. There are three main styles of negotiating:

- **Cooperative**, where participants are friends, trust each other, and aim to agree.
- **Adversarial**, where participants are opponents, are trying to win, and distrust each other.
- **Problem solving**, where participants are trying to come to an efficient, wise, amicable outcome. This approach separates the people from the problem, and so can proceed independent of trust.

**Group Activity.** Ask for a volunteer to describe a time he or she was involved in a negotiation. What style was used? What was the outcome?

**Interest-based negotiation (problem solving).**

This is the best way to negotiate. It involves four principles:

- Separate the people from the problem.
- Focus on interest, not positions.
  - This means looking at what each party really wants and needs c) Invent options for mutual gain.
  - Look for inventive answers, that may involve more than one resolution.
  - Look for different experts, and think of arguments based on different strengths.
  - Look for mutual gain.
- Insist that the resolution be based on some objective criteria.
  - This can be something like fair standards, like precedent, market value, or scientific judgment.
  - It also involves fair procedures. For example, dividing cake by having one person cut and the other person choose the first piece.

**Tips for Negotiating**

- Put yourself in the other side's shoes.
- Don't blame the other side for your problem.
- Look for an opportunity to act inconsistently with the other side's negative perceptions of you.
- Acknowledge emotions when they arise, but don't react to outbursts.

**III. THE MEDIATION PROCESS (1.5 HOURS)**

**Mediation principles.** If you are asked to mediate a dispute, you should adhere to some best practices:

- **Timeliness:** The dispute should have reached a point where the participants can make no further progress by themselves, but want to reach resolution.
- **Representation:** All parties involved must be present or have someone present who is empowered to make decisions or reach agreement on their behalf.
- **Lawful.** Solutions can only be reached that are within the law.

- **Sincerity.** Parties must enter into the process in good faith. Since this is just mediation, no one can be compelled to listen to the decision, so everyone must really want to come to an agreement.
- **Voluntariness.** Parties must come of their own free will.
- **Neutral territory.** The mediator must be neutral, and it is best if the mediation happens in a neutral location.
- **Confidentiality,** privacy, and discretion of mediator.

### The Process

- **Introductions.** Everyone should know who everyone else is that is in attendance.
- **Ensure all parties are present.**
- **Open meeting.** Give each party the opportunity to tell their story, uninterrupted and as they see it. During this process, of course, it is probable that other parties will want to butt in and take issue with specific facts, perceptions or statements that are being made. They must wait until this part is over. It is essential during this process that the mediator keeps firm control over the participants and is prepared to enforce basic courtesies.
- **Private caucusing.** The mediator has private, confidential, closed meetings with each party to find out their assessment of the dispute and their hopes for a solution.
- **Repeat the two steps above:** Open meeting, caucusing, etc., as long as progress is being made.
- **Exploration of possible outcomes.** As the discussion goes on, parties should begin to explore outcomes. The mediator should referee and not intervene unless an impasse is reached, in which case the mediator should assist in the actual identification of possible solutions.
- **Negotiation to agreement.** Parties should incrementally work towards an agreement.
- **Finality.** Agreement is reached, and parties abide by it.

**Group Activity.** Have a volunteer describe, in detail, a dispute. Divide into groups of three and practice a mediation, with one person as mediator and the other two as the disputants. Switch roles if time allows.

Alternatively, have three people act out the dispute and its resolution, while the group watches. Then discuss what went well and what could be improved.