

Peace Building

A Green Scenery Training Manual



Schools Peacebuilding Project for Sierra Leone

“PEOPLE WITH PLENTY OF PERSONAL POWER ARE THOSE WHO DO NOT WAISTE IT IN SUBMISSION OR REBELLION. THEY ARE HOLE AND CENTERED IN THE HERE AND NOW. TO OTHERS THEY APPEAR ALIVE AND READY FOR ACTION” - Cornellius and Saire

Revised edition 2008

About Green Scenery

Green Scenery is a humanitarian, development, rights-based organization, without religious, political or governmental affiliation. Community-based programming is the basis of our operations.

Green Scenery was founded in 1989 as a voluntary organization by a small group of teachers at the Government Model Secondary School in Freetown. Its origin was rooted in the growing concern of the teachers over the state of deforestation of the capital and especially the Forest Reserves. This concern transformed into a concrete action when the teachers organized themselves and started targeting school children in secondary schools within their school's proximity on issues of environmental degradation and impact of forest depletion. It was from this humble beginning that Green scenery has been able to carve itself a niche for its current development approach. An approach based on Environmental Education and peacebuilding.

The organization is now a fully registered National Non-governmental Organization.

Our Vision: *An empowered and nationalistic Sierra Leonean people, working towards peace and development, with equitable access to the country's resources, equal access to facilities and opportunities, and upholding respect for human dignity.*

Our Mission: *Green Scenery strives to build capacities for positive attitude and behavior change towards human rights, peace and development in and across communities in Sierra Leone through a process that empowers people and adds value to their lives by:*

- 1. Working in collaborative partnership with the relevant stakeholders;*
- 2. Advocating for policy change;*
- 3. Training and community empowerment initiatives;*
- 5. Promoting the rights and interests of disadvantaged people.*

Overall Goal

Empowering communities for sustainable development in Sierra Leone.

Organizational Objectives

To promote education and awareness on the country's environment in general and in particular the conservation of the country's biodiversity.

To promote the practice of human rights as it affects the socio-economic, political and developmental life of Sierra Leoneans as a means to access resources, facilities and opportunities.

Green Scenery will ensure that the voice of people are heard in policy discussions, and will itself influence policy in the interests of people at community and national levels on issues that fall within its strategic and program directions, as well as in issues on which Green Scenery and its partners have knowledge and experience.

To facilitate the build-up of the resource capacity of depressed communities and poor people by building and enhancing their knowledge base while equipping them with livelihood skills.

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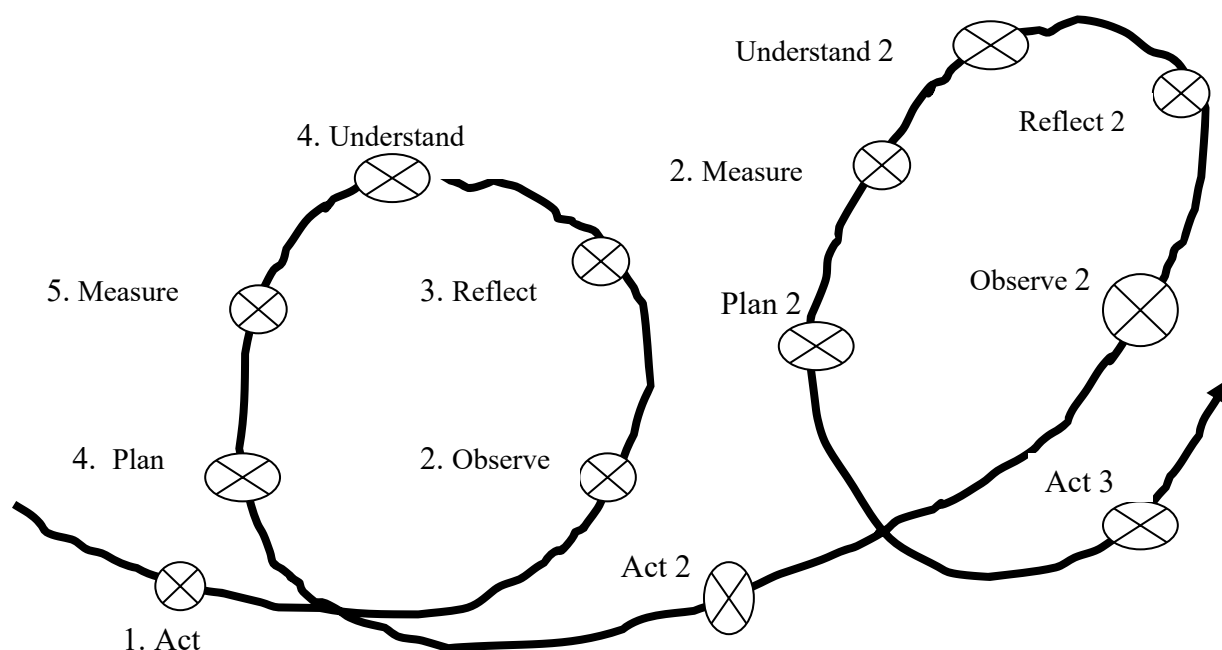
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Reflection and Action model of Learning



The approach that we use is called learning from experience. A learning process which begins with a structured experience that aims at developing skills and awareness. Participants then have an opportunity to reflect on this experience, which helps them to identify their reactions, concerns and questions. A discussion usually follows, consolidating understanding - what could have been done differently, why certain things worked or didn't work what the implications are for the future. This is a session involving asking questions by participants and reflecting on their situation described as critical consciousness, and taking appropriate action in order to improve upon their condition. It is a reflection on past experiences to change situations. Based on participants' understanding of their situation, a plan is developed by all and then translated into a plan of action that is followed through. The model used here is based on a combination of models. Learning within the group means that people have the opportunity to share knowledge, experiences and problems with others. Through this, they are able to find solutions to community problems on a sustainable basis.

“Using pressure, change and the unknown, the artist can sculpt a masterpiece. Seeing conflict as an opportunity to create art from our very being is a challenge for the artist in us all.”

Thomas Crum

Understanding Conflict



Assumptions about conflict

- Conflict is about differences
- Conflict is neutral and inevitable
- As striking together
- As friction and energy
- Conflict as danger and opportunity
- As moving up and down an escalator
- As something that we all know about
- As something that is culturally bound
- As a challenge for facilitators and training participants
- Conflict has no value until we add value to it. It can be either negative or positive.
- We function most effectively in conflict when we view it as normal and a sign of health.
- Conflict can be managed in creative, confident and Constructive ways
- Encouraging the expression of conflict is risky, but discouraging the expression of it is even riskier!

“Conflict can be seen as a gift of energy, in which neither side loses nor a new dance is created”

Thomas Crum

“If you feel that your contribution is like a drop in the ocean, be sure that your drop has started waves of change and hope.”

Celina del Felice

Things to note about this workshop

- Most people know more about conflict than they realize.
- Conflict and its resolution are culturally bound so take, try on and see what fits.
- Similarly the goal of the workshop is not to “teach” but to enable learning through experiential and eliciting methods.
- The goal of learning is awareness, not mastery of techniques or information.
- Though both are important, we will first do then analyze.
- We take risks and make mistake
- Feedback from participants is essential to the success of the workshop.

Conceptual Framework to Understanding Conflict

The under-mentioned conceptual framework can be used to understand conflict and our responses to it:

1. Our beliefs, attitudes and perceptions about conflict influences or responses when we are confronted by conflict situations. The responses that we show have consequences and tend to reinforce our beliefs, attitudes and perceptions about conflict. Therefore, one’s response to conflict can either have a positive or negative effect. Part of the challenge is to see if it is a negative or a positive cycle and to discover the method to develop and change the cycle.

One way is to reverse the cycle and look at the response. The focus of most cases of conflict is on the consequence. However, if you go back to examine the response this then leads you back to beliefs, attitudes and perceptions that contribute to the type of response.

The following examples are given.

If someone disagrees with you, you feel attacked

The most likely response is self defense

The other person then counter attacks and the spiral continues until you are afraid to stop because you might be perceived as a loser.

Assumptions of the Causes of Conflict Theories

1. Human Needs Theory

The deprivation of individuals and communities access to the means of satisfying their basic human needs is behind all violent conflicts.

2. Relational Theory

Conflict is a result of an interaction of different individual and/or groups with differing cultural orientations, values and interests. Conflict is at the heart of human relationships.

3. Political Theory

The state is the sole context where various groups or individuals are competing to take advantage of others. They often believe that they will only gain access to the state when others are eliminated or disabled. Power is at the centre of all conflicts.

4. Transformative Theory

Conflict is caused by systemic and structural injustice and inequality expressed by competing social, cultural, economic, religious and political frameworks. Transformative conflict is exacerbated by the tension between the demand for change and the resistance of the structures and institutions to the demand for change.

“It is not whether you have conflict in your life. It is what you do with it that makes a difference.”

Thomas Crum

Some of the responses that people adopt in conflict

- Attack/threaten
- Withdraw
- Silent treatment
- Change the subject
- Dialogue
- Humour
- Creating a deterrent power
- Reporting to a third party

The Consequences of these responses

- Counter attack
- Victory
- Hurt
- Distress
- Frustration
- Resolution
- Better relationships
- Stalemate

The example given above illustrates how a negative response can reinforce a negative attitude. However if a deterrent approach is taken such as dialogue leading to resolution, the consequence is likely to lead you to develop new beliefs, attitudes and perceptions.

Stakeholder Analysis

Stakeholders or people in conflict are perhaps the most important elements of all the elements in conflict. They are important because they are the ones who carry the conflict. They give the conflict meaning and importance and on the basis of the meaning they give, the fight. Stakeholders also determine the dynamics of the conflict. As their number increases the issues in the conflict also increases. As they see new opportunities in the conflict, the conflict intensifies. Knowing the people in the conflict, what they want out of it, how they intend to wage the conflict helps a lot in analysis.

Interestingly, stakeholder analysis is done in any conflict situation to know the stake of each party involved in the conflict. In stakeholder analysis we look at the process, the category of stakeholders and their functions in the conflict. The primary stakeholders are those who directly wage the conflict and also have the power to end it. There are also representative stakeholders who politically represent the large group directly affected by the conflict. There are also stakeholders often referred to as interested parties who have moral authority such as religious leaders and civil society organizations etc. These stakeholders have interest in the outcome of conflict.

There are four key things we need to know about stakeholders: They are:

- Position/Interest/Needs
- Relationship/Alliance
- Power
- Actions/Behaviour

Me and conflict...



Reflection:

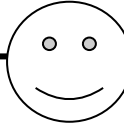
- What do I feel about conflict in general? (Indicate with a cross)

Negative

“It’s destructive;
I avoid it”.

Positive

“It’s an opportunity;
I use it”.



- What are your experiences in dealing with conflict since your last training?
- What is your ability to handle conflict now?

Low

High



- What factors helped you to handle conflict?
- What factors hindered your ability to handle conflict?
- How do I improve myself?
- How would you help improve others?

My inner world (what others don’t see)

♪. A picture symbol and/or key words that illustrate my inner world as it relates to conflict.

Exercise:

- Why are you interested in Peace building and conflict resolution?
- Which of my own unresolved issues would impact on peace building and conflict resolution work?
- Give one example on how it impacts on peace building and conflict resolution work.



Action:

- What do I need to do to deal with these issues?

“It’s not enough to study them like beetles under a microscope; you need to know what it feels like to be a beetle.”

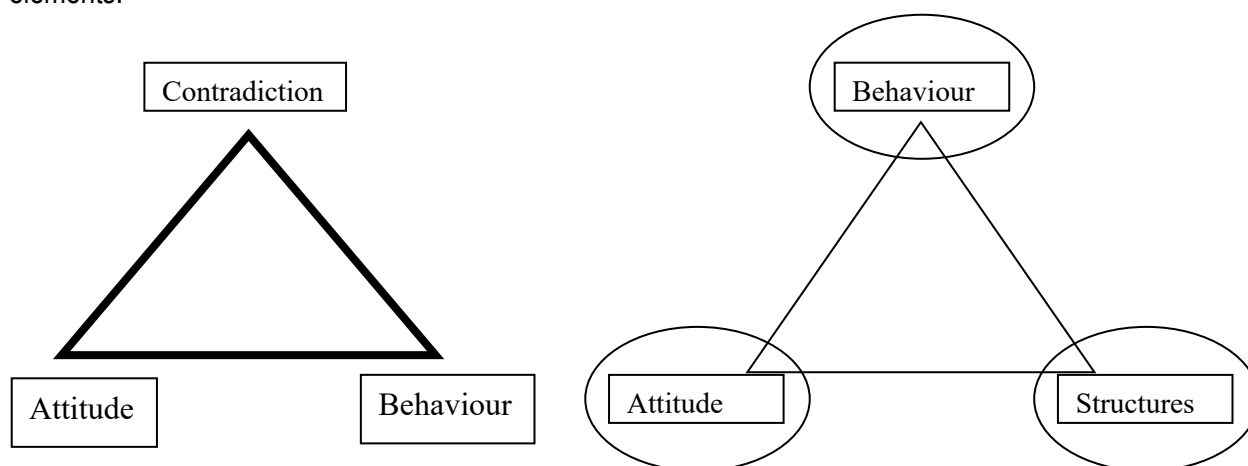
Roger Fisher and William Ury

Positive and Negative Conflict

Conflict can be positive when it...	Conflicts can be negative when it...
<ul style="list-style-type: none"> • Helps open up discussion of an issue • Results in problem being solved • Improve communication between people • Leads to creativity and innovation • Improves human relationship • Helps people develop problem solving 	<ul style="list-style-type: none"> • Diverts people from dealing with the real issues • Creates feelings of dissatisfaction • Creates pains • Leads to violence • Strains human relationship • Leads to non co-operation

The conflict triangle

Conflict can be explained as a triangulation, with contradiction (C), attitude (A) and behaviour (B) at its vertices. Here, the contradiction refers to the underlying conflict situation, which includes the actual or perceived 'incompatibility of goals' between the conflict parties generated by stereotypes, perceptions and blockages. In a symmetric conflict, the contradiction is defined by the parties, their relationship and the conflict of interests inherent in the relationship. Attitude includes the parties' hatred and distrust for each other. In violent conflicts, parties tend to develop demeaning stereotypes of each other, and attitudes are often influenced by emotions such as fear, anger, bitterness and hatred. Attitudes include emotive (feelings); cognitive (belief) and conative (will) elements.



Diagrams showing the conflict triangle developed by Johan Galtung.

Behaviour which is the third component includes cooperation or coercion, gestures signifying conciliation or hostility. Violent conflict behaviour can be characterized by threats, coercion and destructive attacks.

It is argued that all three components have to be present together in a full conflict. A conflict structure without conflictual attitudes or behaviour is a latent (or structural) conflict.

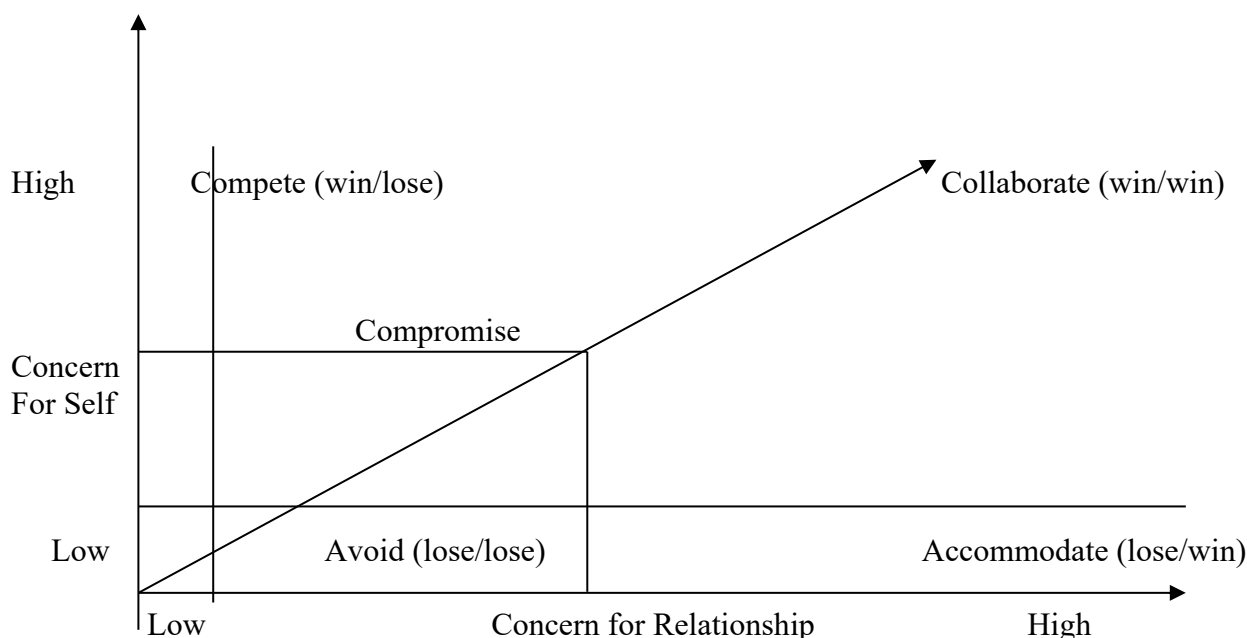
In the conflict triangle analyses, contradictions are replaced by structures, where structures refer to economic, political, societal mechanisms, institutions and processes, even history, which influences the satisfaction of basic needs and interest of parties. Conflict is seen as a dynamic process in which structures, attitudes and behaviour are constantly changing and influencing one another. As a conflict emerges, it becomes a conflict formation as parties interests come into conflict or the relationship they are in becomes oppressive. Conflict parties then organize around this structure to pursue their interests. They develop hostile attitudes and conflictual behaviour. As it does so, it may widen, in other parties, deepen and spread, generating secondary conflicts within the main

parties or among outsiders who get sucked in. This often complicates the task of addressing the original, core conflict. Eventually, however, resolving the conflict must involve a set of dynamic change that involve a de-escalation of conflict behaviour, a change in attitudes, and transforming the relationships or clashing interests that are at the core of the conflict structure.

A related idea is the distinction between direct violence (children are murdered), structural violence (children die through poverty) and cultural violence (whatever blinds us to this or seeks to justify it). We end direct violence by changing conflict behaviours, structural violence by removing structural contradictions and injustices, and cultural violence by changing attitudes.

Conflict Handling Styles and outcomes

Many tools are available to help individuals be aware of the way they act in conflict. For peacebuilding, knowing how you react to conflict and communicate with people is very important. The diagram below includes conflict handling styles which you can use with participants.



(This diagram was first developed by Wilmot and Hoecker in *interpersonal conflict*)

COMPETITION

Here party A places a very high value on his own options and desires and very little on those of party B. This is a win/lose style.

AVOIDANCE

Here party A does not value highly either his own or party B's interests and options. This is a lose/lose styles.

ACCOMMODATION

Here party A does not value his own ideas and interests very highly, but places a high value on those of party B. This is a lose/win style.

COMPROMISE

Here party A values his own interests and opinions as much as those of party B. The basic premise however, is that their differences cannot be reconciled and must therefore be traded off against each other.

COLLABORATION

Here full value is placed on both parties' interests, views and desires. Both parties strive for consensus in agreement on the chosen course of action. In this way both parties feel satisfied, and their relationship is strengthened. This is a win/win style.

Three Faces of Power

The term power is ambiguous. On the one hand, it means the power to command, order, enforce-coercive or 'hard-power' - threat power. On the other, it means the power to induce cooperation, to legitimize, to inspire, or 'soft-power' power - persuasive power. Hard power has always been important in violent conflict, but soft power may be more important in conflicts managed by peaceful means.

Threat power would mean 'do what I want or I will do what you don't want'. Two forms of soft power are hereby distinguished. One is 'exchange power' associated with bargaining and the compromising approach, 'do what I want and I will do what you want' and 'integrative power' associated with persuasion and transformative long-term problem solving, 'together we can do something what is better for both of us'. Conflict resolvers try to shift emphasis away from the use of threat power and towards the use of exchange and integrative power.

Third parties such as politicians and governments may use all these forms of power. In terms of third party intervention, it is helpful to distinguish between powerful mediators, or 'mediators with muscle', who bring their power resources to bear, and powerless mediators, whose role is confined to communication and facilitation (otherwise who use the exchange or integrative power).

Track I diplomacy involves official governmental representatives, who may use good offices, mediation, and sticks and carrots to seek or force an outcome, typically along the win-lose or 'bargaining' line. Track II diplomacy, in contrast involves unofficial mediators who do not have carrots or sticks. They work with parties or their constituencies to facilitate agreements, encouraging the parties to see their predicament as lying along the lose-lose to win-win line and to find mutually satisfactory outcomes.

"Ultimate power is the ability to produce the results you desire most and create value for others in the process."

Harold Robbins

Conflict Monitoring and Early Warning

Early Warning depends on monitoring. What should we monitor in the community if we want to prevent violent conflicts? And where can they get information on community based conflict?

First give a general concept of monitoring. "Monitoring refers to the standardized collection and organization of information based on regular or continuous observation, recording and reporting. Emphasize the key words standardized, continuous, observation, recording and reporting. Say that without these being put into action one is not monitoring effectively. Ask group about what each of the words mean and ensure that you are all clear before proceeding.

Standardize suggest pre-defined way of doing things which everyone who is part of the process is following. We need to agree on what we should observe, how we should record it, and how and to whom we should report it. Once this is known to every body before the process begins it can be referred to as a standardized process.

Continuous suggests that we are doing it all the time and we are connecting all the things we are doing. It is not disjointed or fragmented.

Observation means we are watching for changes taking place in a particular situation rooting the dynamics in every way.

Recording is important. It is about writing observable data as soon as you observe them. Careful and organized recording helps a lot in monitoring.

The sources of monitoring are religious leaders, teachers, peer mediators, women etc. They can all tell us something when it is about to happen. Listen to as many persons as possible. Try not to use just one source.

What do we monitor?

There are three main factors we monitor in a community based situation, in fact they are important in all conflict monitoring processes. They are:

- Changes or manifestations of specific indicators
- Behaviours and actions of the mobilized groups and the government
- Incidents that are taking place (their frequency, trends and patterns)

Indicators and Signs

Indicators are changes we observe in institutions and structures which when they continue over time may increase the risk of violent conflict. For example, the number of young boys out of schools in a community or the number of ex-combatants in the community who are not demobilized and reintegrated. The number of returning persons without homes.

There are three types of indicators:

- Structural indicators-these are root causes or the conditions in the society that could give rise to conflict. They are also called incentives for conflict.
- Proximate indicators: these are what we call issues in conflict analysis. They are the factors around which violent conflict is being mobilized.
- Accelerators: these are the manifestations of the proximate factors. Accelerators are the indicators that are close to the escalation of conflict.

Precursors (symptoms) to the eruption of violence:

- Rumours
- War of words or threat or bragging
- Lots of meetings of especially men/boys
- Disappearances of young men/boys from school
- Generalized panic

In sum indicators are to conflict while signs are to violence. This simple understanding will help guide a community process. The sophisticated distinction is left to the big early warning system. Community monitoring is to watch for the signs and changes taking place in the community's proximate and dynamic (or accelerating) indicators.

IMPORTANT

Incident and Situation Reporting

Conflict monitors are expected to produce two main reports. They are Situation Report and Incident Report. Situation report provides periodic overview of the general situation within the conflict zone. It describes changes that have taken place in the specific indicators, actions of the mobilized groups and governments, and implications as regard movement toward or away from the use of violence. One can use a situation report to report the changes in the community perception, improvement in the relationship between groups especially the categories discussed earlier. Skills we use in monitoring situation includes observation (semi structured interview) It is basically the description of the incentives for peace or violence in a context vis-à-vis the capacity of government to control conflict emergence. Incident, on the other hand is an account of a specific action that has taken place in a conflict prone zone. Incident is sudden and therefore reported in retrospect. We can use incident reports to record patterns, trends, and frequency of violence. We can use interview or semi structured interview and observation as well in monitoring incidents. Key questions we ask when trying to understand incidents include:

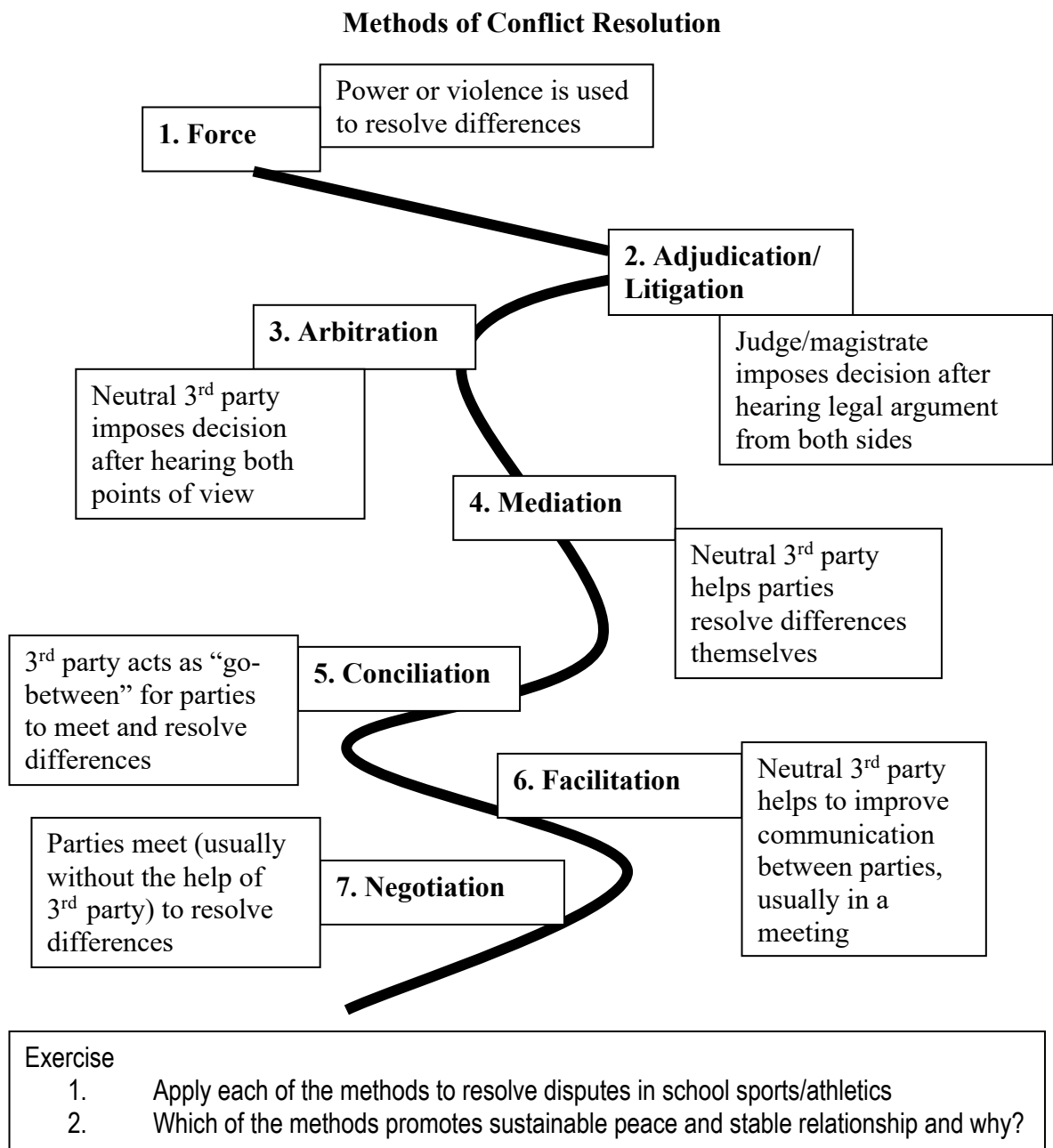
- What happened?
- How did it happen?
- Where did it happen?
- When did it happen?
- Who perpetrated the incident?
- Who were the target victims?
- Why was this incident perpetrated?
- What are the consequences on peace and stability in the short, medium and long term?
- If resolved, how was it resolved

A critical step in early warning is the issuing of the warning. Who issues the warning and to whom it is issued, will make all the difference if the warning will be heeded or not. In the monitoring process your role is to send the report to Green Scenery office. Upon analysis there will be quick feedback as to the proposed actions to be taken. Always there must be feed back.

Warning is heeded if it is done by someone or group that the community or government respects and will listen to. Timing is critical in early warning communication. If a warning is issued too soon it could undermine the prevention goal. If it is issued too late it becomes irrelevant. Care must be taken to determine the **timeliness** of a warning. Finally, monitors must ensure that the reports they send are true. Accuracy, confidentiality, credibility, impartiality, respect are among the most important principles monitors must follow.

Activity:

1. What is communication and why is it important to community based conflict monitoring?
2. Divide participants into five groups and ask each group to design a communication plan that the community based conflict monitoring programme should follow
3. Discuss the plan and agree on what to do with sensitive information. How should they be reported? Should there be codes?



Communication Skills

Communication skills

One of the deepest needs of all human beings is to feel understood by others.

We need not agree with others; we need only make it clear through our eyes, body posture, and tone of voice: "I accept you as a credible person; I want to see the world as you see it" Our interactions with them must come from a point of deep, non-judgment interest: "I want to grasp the Why behind what you are doing, to gain insight into the deeper interests and needs lying beneath the surface of what you are saying."

From the moment that people feel another person truly seeks to understand, they begin dealing with problems and other people more constructively.

Good listening skills are the most important tools for the mediator to communicate understanding. These skills are particularly important in the Story-telling Stage, a time after the mediators has made their opening statement when the parties are invited to describe the conflict as they see it. But meeting each party's need to feel understood and accepted is an important skill throughout the mediation process.

Exercise:



How do you feel about your communication style?



Negative

Positive

What are the strengths of your communication style?

"In order to truly listen we have to truly empty ourselves, even of our distaste for expressions of pain and suffering."

Scott Peck

Communication skills

- L Look interested
 - Be aware of body language
- I Involve parties through eye contact, gestures and encouraging feedback
- S Seek to understand
- T Test your understanding (facts, feelings and intentions)
- E Evaluate the message
 - What lies below the surface?
 - What can't the person yet say?
- N Neutralize your own feelings
 - As a mediator be aware that often, unexpectedly, your buttons will be pushed.

Listening Skills for Mediators

Goals:

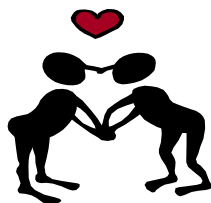
- To create a supportive environment that help relax parties and focus on the issues.
- To develop rapport and trust with both parties.
- To convey empathy and respect for each person.
- To be able to summarize concisely the essence of each party's view.
- To be able to reflect facts, feelings, needs and intention (paraphrase).

How to achieve these:

- Be attentive
- Be alert and non-distracted
- Be interested in the needs of the other person, and let them know you care about what is said.
- Be a non-judgmental, non-criticizing "sounding board".

Don't:

- Use stock phrases such as "It's not so bad", "Don't be upset", and "You're making a mountain out of a molehill", "just calm down."
- Get emotionally hooked – angry, upset, and argumentative. Don't let your values/biases interfere with what you understand is being said.
- Rehearse in your own head.
- Jump to conclusions or judgments.
- Interrogate or give advice.



"Listening is a form of accepting."

Stella Terrill Mann

How to Listen Effectively

- ❑ Use affirming non-verbal behaviour i.e:
 - appropriate eye contact
 - nodding the head appropriately
 - use encouraging facial expressions, gestures
 - body oriented toward the speaker (head, arms, legs)
 - positive tone of voice

Some researchers say that 80% of communication is body language, i.e. what we do with our bodies, faces, eyes, and tone of voice as we are speaking. Therefore mediators must think critically about how to use body language in such a way that the message comes through: *"I am eager to hear and understand you"*.

- ❑ Give acknowledgement: *"yeah", "ugh hunh", "I see"*.
- ❑ Give encouragement: *"Tell me more" or "I'd like to hear about it"*
- ❑ Make brief notes on your pad to keep track, but don't bury yourself in them!
- ❑ Summarize the basic viewpoints of the speaker. A summary is a concise restatement of the key points and can be used to focus each party's statement in terms of issues and solvable problems, rather than personalities.
- ❑ Paraphrase or restate in your own words...(See note on paraphrasing)

Paraphrasing

What is paraphrasing?

Restating what the speaker has said in your own words.

How to paraphrase:

1. Focus on the speaker
 - "You felt...", "you're saying...", "you believe..."
 - Not – "I know exactly how you feel. I've been in situations like that myself."
2. A paraphrase has three components
 - Restate facts: "Your wife locked you out of the house."
 - Reflect feelings: body language and tone of voice will cue you to feelings: "And you feel discouraged about things getting any better."
 - Reflect intentions: "But you would really like to sort things out with her."
3. A paraphrase contains no judgment or evaluation but describes empathetically
 - "so you believe very strongly that..."
 - 'you were very unhappy when he..."
 - "You felt quiet angry with your neighbour in that situation..."
 - "The way you see it then..."
 - "If I'm understand you correctly, you..."

Why paraphrase?

- To communicate our understanding to others
- To move the conversation to deeper levels
- To slow down the conversation between the parties
- To "launder" vicious or insulting

4. Act like a mirror not a parrot. Paraphrase mirrors the meaning of the speaker's words but does not merely Parrot the speaker, e.g.: Speaker: "I resented it deeply when I found out they had gone behind my back to the boss." Why can't they come and talk with me, and give me a chance to sort things out with them?" Paraphrase: "you were quite hurt that they didn't come directly to you to resolve things". Not: "you resented it deeply that they went behind your back to the boss. You wish they had given you a chance to sort things out with them."

5. A paraphrase should always be shorter than the speaker's own statement

Reflections on the use of "I" message

The mediator needs to encourage the parties to use "I" message in order to:

- Lower defences
- Enhance understanding

What is an "I" message?

- ❑ "I" MESSAGES are special ways of stating how we respond to situations
- ❑ "I" MESSAGES help us to communicate assertively
- ❑ "I" MESSAGES enable us to express our wants, needs and feelings in a non-threatening way.
- ❑ "I" MESSAGES are about flow – not fight or flight. They help us to hold our ground without treating the other person as an opponent.

"I" MESSAGES are structured in a special way:

- ❑ The Action: **when...**
- ❑ The Response: **I feel...**
- ❑ The Reasons/Effects: **Because...**
- ❑ The Preferred Outcome: **And what I would Like....**

I messages are improved with practice, practice and more practice!

**"Words are a form of action
capable of influencing
change."**

Ingrid Bengis

The Action

When calls for an objective description of the action or situation causing the problem. It must be free of emotive words or subjective interpretation.

E.g. "when I hear someone shouting at me" rather than
"When you rant and rave at me"

E.g. "When there are papers left on my desk" rather than
"When you leave your junk all over my desk"

Describing the specific behaviour objectively can be difficult. Saying something like "*When you accuse me....*" Or "*When you use underhand tactics....*" reveals our interpretations of the experience. The transformation is to describe the specific behaviour that seems accusatory objectively while stating the response, effects and preferred outcome in non threatening maner.

The Response

People don't always know how we feel unless we tell them. Our responses can prompt others to reconsider their behaviour in positive ways, as long as we haven't attacked them in the process. They are less likely to get defensive when we say:

E.g. "I feel frustrated" instead of
"you drive me up the wall" or "you drive me crazy..."

The Reasons

Giving reasons informs the other person further about the effect a problem is having on us. Explanation often encourages understanding and co-operation.

The Preferred Outcome

The perfect “I” message updates people about us. It is free of expectations and delivers a clean, clear statement of our side of things and how we would like them to be. We should try to keep options open.

This is easier if we are totally dependent on the other person doing something to make us feel better.

LANGUAGE AND MISPERCEPTION

Language often reflects the perceptions that people have about the situation or about one another. Careful attention to what people say often provides mediators with clues about crucial misperceptions. Such misperceptions can include:

1. Generalizing:

Statement

Mediator’s Response

<i>“He always comes in late...”</i> <i>“No-one cares how I feel”</i>	<i>“when does he come in late?”</i> <i>“What is he late for?”</i> <i>“Who doesn’t care?”</i> <i>“In what way don’t they care?”</i>
---	---

2. Unspecified noun/verb:

Statement

Mediator’s Response

<i>“I just don’t like that sort of thing”</i> <i>“He just bugs me”</i> <i>“He never co-operates with me”</i>	<i>“Tell us what you dislike”</i> <i>“In what way does he bug you?”</i> <i>“When does he bug you?”</i> <i>“Co-operate in what?”</i> <i>“When doesn’t he co-operate he co-operate with you?”</i>
--	---

3. Speaking for others:

Statement

Mediator’s Response

<i>“I happen to know that no-one around here can on with him either</i>	<i>“speaking from your own get experience with Mr. Brown tell us more about what you’re</i>
---	---

The Fight and Flight of Language

“Unless we empty ourselves of preconceived cultural or intellectual images and expectations, we not only cannot understand the other, we cannot even listen. Indeed, we cannot even feel empathy.”

Scott Peck

Language can create both fight and flight responses because:

- . Language is emotive
- . The listener has perceptual filters

The Cold Within

Six humans trapped by happenstance
In black and bitter cold
Each one possessed a stick of wood
Or so the story's told

Their dying fire in need of logs
The first woman held hers back
For on the faces around the fire
She noticed one was black

The next man looking across the way
He gave his coat a hitch
Why his log should be put to use
To warm the idle rich

The rich man just sat back and thought
Of the wealth he had in store
And how to keep what he had earned
From the lazy shiftless poor

The black man's face bespoke revenge
As the fire passed from his sight
For all he saw in his stick of wood
Was a chance to spite the white?

And the last man of this forlorn group
Did naught except for again
Giving only to those who gave
Was how he played the game?

The logs held tight in death's still hour
Was proof of human sin?
They didn't die from the cold without
They died from the cold within

Anonymous



Exercise:

Give examples of perceptual filters.

What is PERCEPTION?

The way we notice events/things especially with the senses.

It is the ability to understand the true nature of something.

It is an idea, a belief or an image one has as a result of how one sees or understands something.

Perceptions can be misleading depending on interpretation of phenomena e.g. seeing the tree for the ghost

Conflict begins within.

As we undo the burden of belief systems and heighten our perceptions, we love more fully and freely.

Mediation – The Process

“Peacemaking ultimately must begin at a grass-roots level. It begins with you.”

Scott Peck

MEDIATION

What is mediation?

Mediation is a practical way of dispute resolution, during which a third party helps the disputing parties to improve their communication, understanding and their analyses of the conflict situation so as to foster a mutually agreeable settlement that meets the interest/needs of the disputants. Mediation aims to reach a solution to a dispute by enabling the parties to see and understand the other person's point of view: how they define the problem and why they seek the particular solutions that they propose.

Mediation requires that the process relies upon the ability of the parties to reach a voluntary agreement. Any party may withdraw from the mediation at any time.

Substantive issues are the responsibility of the parties while mediator offers procedural assistance.

Where do mediation meetings take place?

- The venue where mediation takes place should always be neutral. This will give the parties confidence to talk, to open up and give information and to trust that the means they have chosen will help them come up with solutions to their dispute.
- There should be separate and private rooms available-for long hours if necessary. The room should be conducive and comfortable.
- There should be appropriate sitting plans (the actors sit in a triangle).

When a mediation is successful.

If mediation is successful, the mediation officer prepares minutes of the settlement and other documents that may be required such as letters of assurances for signatures at meetings. Both parties sign the settlement (release and MOU) which is immediately confirmed by a letter. In some cases the terms of the settlement may not be finished within a stated time but can be finished at a future date. However, notice of this to the mediator before hand and the other party informed would keep the process on form.

Qualities of a good mediator/facilitator

The main goal of a mediator should be to achieve the 7 Ps.

1. POWER

It is often thought that intervenors should be “high-powered” people, who could use their power towards a settlement of conflict between parties. It is true that there are certain types of power which may be used by intervenors. Some intervenors speak with authority, because of the wisdom which they are seen to display. Other intervenors may bring resources to a conflict that make up for the losses which parties expect to incur should they make compromises to reach a settlement. The least useful form of power is the threat of physical, or other punishment, should parties not come to an agreement. Such power is likely only to be effective in the extremely short term.

2. PATIENCE

Conflicts and the attempts to settle or resolve them may be extremely drawn out affairs. The same is true of the negotiation process. The intervenors should not expect to get quick results. A settlement is not normally achieved in a first meeting, for instance. A good-looking settlement should never be rushed into. No one should go into mediation if they know they are not patient and are easily exasperated.

3. PROCESS

Intervenor generally makes use of tried and trusted processes. Good intervention process is far more important than any personal skills which the mediator may have. It is vital therefore that the intervenors familiarize himself or herself with intervention processes, and stick with these in practice.

4. PUNCTUALITY

Part of the effectiveness of conflict resolution lies in the timing of the attempt. Many intervenors believe that too early an attempt at resolving or settling a conflict is likely to fail. The reasoning behind the position is that parties are most likely to want to settle when they are both hurting. It is therefore felt that a good mediator will have a feel for the moment when the conflict is "ripe for solution". This position seems cynical, and has to be set against the costs to the parties of battling it out the point of "ripeness", as well as the impact on the conflict of relationships which suffers as a result of on going conflictual behaviour. Damaged relationships are likely to give rise to on going cycles of conflict beyond a settlement arrived at due to the pain of the parties at a given moment.

5. PARTY RATIONALITY

It is important for the mediator to believe that conflicting parties are serious and rational regarding their positions and stated interests. The mediators should also never attempt to debate the merits of their arguments with the parties.

6. PERCEPTIVENESS

Perceptiveness or the ability to listen well is a most important attribute in the intervenor. It is important for the mediator or facilitator to pick up a great amount of information from the parties around the table. Typically, this information would not simply be in the form of facts being verbalized, but would also be in the form of non-verbal signals, such as silence, gestures and body language.

7. PRIDE, OR THE LACK OF IT

Related to the belief in the rationality of parties mentioned above, is the issue of humility of the intervenor. The intervenor should not be acting to boost his or her own reputation, and should probably not seek credit for successful conflict interventions. It is important for the durability of agreements, that parties be given credit for their own solutions. They will therefore also tend to take responsibility for these. Humility will also facilitate the ability of the mediator to listen well, and not to engage the parties in debate.

Advantages of Mediation

1. It is not expensive
2. It is time saving
3. It is voluntary
4. It is speedy. It helps in processing of complaints
5. It is structured, controlled and less stressful
6. It helps both sides understand each other differently
7. It is informal
8. Confidentiality is maintained

When does mediation work best?

- When both parties are willing to participate in the mediation.
- When both parties want a measure of control over the outcome
- When neither side wants either investigation nor litigation.
- When both sides need the opportunity to be heard in a non threatening environment with a neutral third party present.
- When the parties have the authority to sign a settlement agreement at mediation.
- When the relationship of the parties are important to both of them.

Give examples of mediation familiar to you. Narrate your experiences with the group identifying strengths and weakness in the mediation process.

An Overview of Mediation Stages

1. Introduction Stage

- Greeting/seating/ introductions. This an opportunity top break the ice
- The mediator addresses both parties and i) reminds them of the aim of the mediation so as to achieve a voluntary negotiated settlement. ii) Outlines his/her role as a neutral facilitator not adjudicator to build confidence in the parties that both their interests are a priority to him/her. iii) Outline the possible procedures: such as joint sessions and private sessions iv) Outlines the ground rules: voluntary process, confidentiality will be maintained, no prejudice, respect for each other's position and speaking times. v) check if the parties have authority to settle the matter. The mediator is in full control of this stage.

2. Story-telling Stage

- A's perspective and mediator summary
- B's perspective and mediator summary
- Clarify and list issues.

3. Problem-solving Stage

- Work through one issue at a time:
- Ask each party to describe this issue
- Summaries each party's comments in terms of interest (i.e. their underlying concerns or needs, as opposed to their position or demand)
- Invite each party to brainstorm solutions
- If necessary, get ideas going with" what if..."
- Caucus (meet separately with each) as a last resort

Look for opportunities to:

- Suggest that they speak directly to each other (coach direct dialogue)
- Highlight commonalities
- Acknowledge hurt, anger, frustration
- Highlight progress made

4. Agreement Stage

Mediators summarize agreement to the parties:

- Make sure specifics are addressed – who, what and when?
- Agree on how to handle any further problems that arise
- Ask each party to state their intent to support agreement
- Have agreement written out and signed

Ideas for Using Writing in Mediation

Before mediation session – to set the scene

- Stories/notes from both parties to mediator
- Summary list of key issues from both parties to mediator-this will ensure appropriate use of time, approach and resources (e.g. a flip chart)

During mediation session

- each party writes its perceptions of the problem (e.g. on flip chart)
- each party reads the other party's perceptions
- each party prepares questions and comments

After mediation session

Before the next session parties could be asked to do one or more of the following:

- write a letter to the other party
- summarize issues discussed during the mediation session
- list ideas to resolve situation
- journal feelings and thoughts between sessions for sharing at the next session
- write a note of gratitude or affirmation to the other party
- picture the outcome of the situation in positive terms

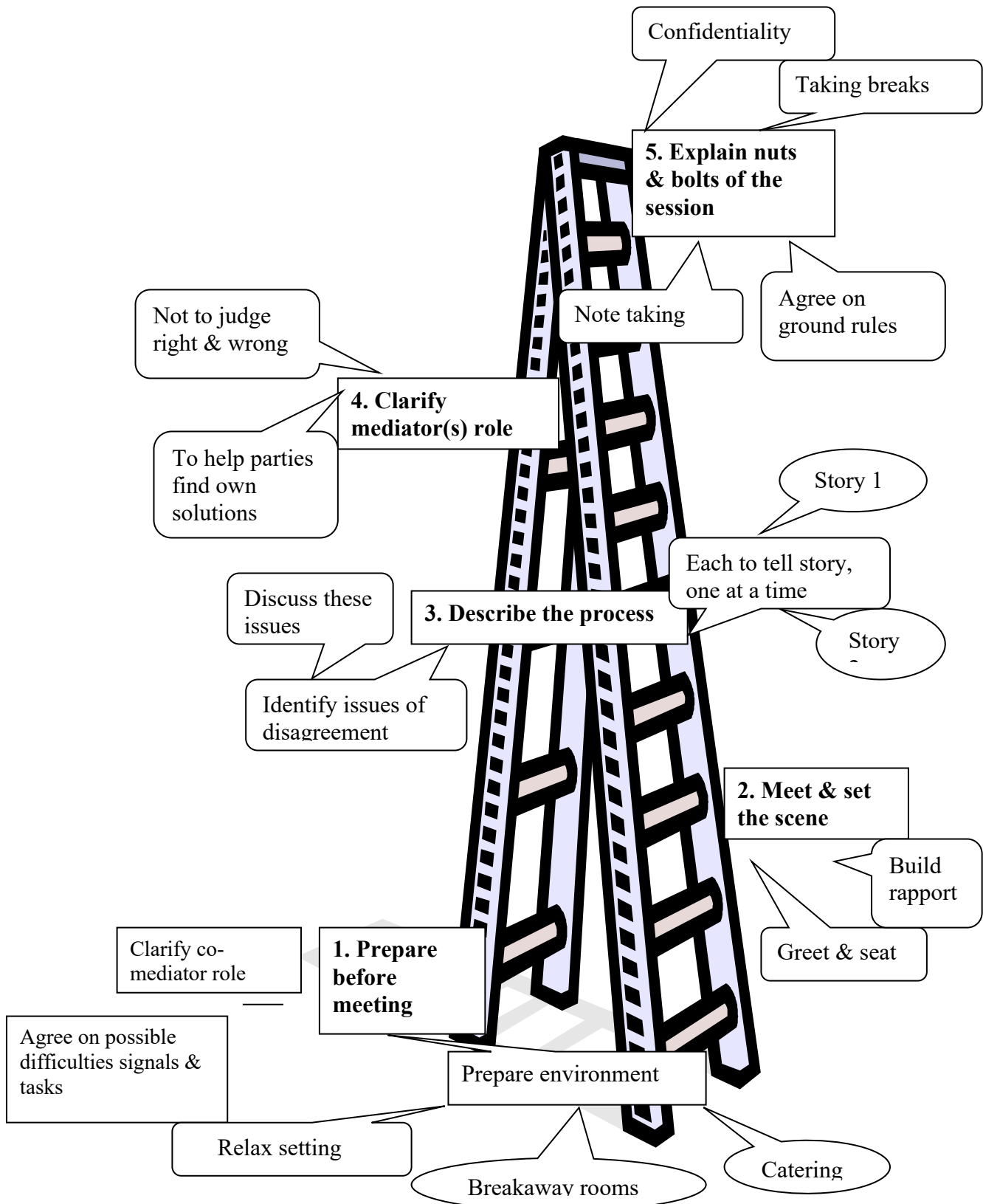
The Introduction Stage



"Hatred is never stopped through more hatred, only through peace."

Gautama Buddha

The Introduction Stage



The Introduction Stage

Remember that when parties arrive they are often:

- . *anxious and tense*
- . *suspicious of the other party and their motivations*
- . *fearful of being manipulated or taken advantage of*
- . *unclear about what happens in a mediation session*
- . *afraid that things will escalate out of control*

The purpose of the Introduction Stage is to deal with and allay these fears, in order that people feel comfortable to participate and to trust the process. The beginning of the mediation session affects the tone of the whole discussion. People usually agree to mediation because they hope that talking might improve things. Getting things off on the right foot in an atmosphere of negative emotions are a critical first step in mediating. Getting people to agree to meet and talk is itself a major challenge which we will look at later in the course. But for now we will assume that the “getting to the table” discussions have already taken place and the parties have agreed to meet.

Remember !!

The Introduction stage is your time – the rest of the mediation process belongs to the parties. It is up to you to set the tone, be firm, direct the confidence of the parties that their concerns will be taken care of.



Reflection:

- . My experience of the Introduction Stage in the workshop...



Insight:

- . What tips/hints did I gain?



Action:

- . What can I do to improve my skills (development areas)?

Introductory Comments

Many mediators find it useful to develop a standard outline of things that need to be said in the opening minutes of a mediation session. But what and how will depend on the circumstances. It is important that whatever the mediators say suits the situation. Here are some of the things often included in the mediators' opening comments:

1. Welcome and introductions

It may be helpful to clarify how people wish to be addressed. By first name, title? If there is uncertainty, one way to deal with the issue is by indicating how you would like to be addressed and asking parties to say how they would like to be addressed.

2. How we will proceed

To give a simple outline of the mediation process may help to put parties, who may have little idea what happens in a mediation sessions, at ease.

- a. Each party will be asked to describe the situation uninterrupted as they understand it
- b. We will together create a list of the issues of disagreement
- c. We will then discuss these issues one at a time
- d. We will try to work out a solution that is acceptable to both/all parties

3. Mediators' role

Parties often arrive expecting the mediator to be an arbitrator or judge, determining who is right and making decisions for the parties. It helps for the mediators to clarify their role:

- a. To help the parties find their own solution
- b. Not to decide right and wrong

4. Confidentiality and note taking

It may be important to indicate to parties that any notes that you (as the mediator) are taking are to assist you to keep track, and that you will destroy them afterwards.

5. Means to conduct the mediation

- frame the issues
- explore the issues
- use open ended questions
- paraphrase, summarize and reflect
- be alert to recurring themes, hidden agendas, signals and clues
- probe, challenge, and reality test appropriately
- depending on the problem start discussing less contentious issues first.

6. How you deal with emotions

- Show empathy
- Defuse tensions
- Encourage and do not demoralize
- Be sensitive in the issue of intervention
- Control the breaking of the ground rules e.g. domination

7. Taking a break

It may be wise to explain that

- a. parties can ask to take a break at any time
- b. mediators sometimes take a break and meet separately with each party (caucus) so that this is not a surprise later in the process

8. Ground rules

When tension is high, mediators often propose ground rules and ask the parties to commit themselves to them; e.g. if you use ground rules, it is most effective if you turn to each party and ask them to commit themselves to the ground rules, in order that they "buy in" to the process.

It is also effective to ask the parties if they have any ground rules that they would like to add. This may be opening a can of worms in a particularly tense situation however. If you need to keep control, propose the ground rules yourself and then ask if there are any objections.

A Note about Co-mediation

Before the session begins plan with the co-mediator (if appropriate):

- It is important that you know how your co-mediator operates, and that you can mediate with him/her
- Check cues with each other

- Never get into conflict or show that you are uncomfortable with each other – parties will pick it up immediately
- Sit close together
- There is value in a diverse team (race/gender/age etc.)

Advantages of co-mediation can include:

- A balance in terms of diversity can assist parties in feeling more comfortable/having someone to identify with.
- Two heads are better than one in deciding on process or other aspect in difficult cases.
- Different styles and experiences can stand mediators in good stead by providing for combined knowledge, skills and insights.
- One mediator may focus on the issues (factual content) while the other focuses on feelings (emotional content). One can lead and direct the process while the other monitors the process and ensures that important elements are not overlooked. Roles can change at different stages. This should be orchestrated beforehand.

Challenges of co-mediation can include:

- Requires team effort in terms of co-ordination, training and cohesiveness
- Requires understanding of each other's strengths, weaknesses, approaches and techniques.
- Requires ability to strategize and cue each other in order to stay on track.

Parties in the Wings (Invisible Hands/Players)

In conflict resolution, parties sometimes have individuals or groups that are interested in the outcome of the conflict. They can influence the course of the conflict. Some of them may be very powerful.

Mediators must attempt to identify these and devise ways to get their cooperation, during the mediation process.

Before the Parties Arrive

Check the environment:

- Arrive at the agreed meeting place well in advance of the parties. This gives you time to think through and check the arrangements.
- Wherever possible choose a space that is comfortable and supports good interaction. Remember that a room that is too big makes people just as uncomfortable as one that is too small.
- Decide where people will sit in relation to each other and the mediator/s. The arrangement of seating is also crucial. In order to create an atmosphere of openness, use a circular or triangular seating plan.
- Ensure where possible that there is a room for private meetings (see notes on Caucus).
- Plan arrangements in advance for toilets, smoking, and tea or coffee are desired.
- Greet people as they arrive.

Be "in charge" from the moment the parties arrive so there is no question that the mediator is in control. Later in the mediation process, if things are going well the mediators can reduce their level of control, but in the beginning it is reassuring for the parties to see that the mediator is clearly in charge.

"Everybody can be great...because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You only need a heart full of grace. A soul generated by love."

Martin Luther King Jnr.

Role Play One

THE INTRODUCTION STAGE

The mediators meet the parties at the door, show them where to sit, and exchange appropriate greetings. Then the first mediator begins:

CHIEF MEDIATOR:

The purpose of our meeting today is to discuss the problems that have arisen between the two of you and to try to work out a solution. I want both of you to know that we have a lot of respect for your willingness to sit down and talk things out face to face like this. As you all know, I am Brima Sesay and with me is Mr. Albert Kai. Upon your request and approval, we both have consented to mediate in this conflict. Both of us do not mind being addressed by the first names. If any of you would like to be addressed in a special manner, please let us know now.

He turns to both parties.

FANTA:

I will prefer just Fanta.

MUSU:

I prefer being called Mrs. Turay.

First, we would like to explain how we will proceed so you know what will be happening. We will begin by asking each of you to describe the situation as you understand it. There will be a special time for each of you to explain, without interruption, to us as mediators exactly how you view things. We will do our best to understand how it looks from your shoes. After that, we will try to make a list of the issues of disagreement. Then we will work together with you in examining exactly what each of you needs to solve this situation and what your ideas for resolution are. The goal is to find a solution that both of you can accept.

By pre-arrangement, the second mediator picks up from here

CO-MEDIATOR:

We would like you to understand our role. We think it is important for you to sort out your own solutions to your problems. You are the ones who are involved, so we want you to be the ones who decide what the solution will be. We won't be judges saying who is right or wrong or telling you what you must do.

At some point it might be necessary to confer with any of you separately. If we deem this necessary, we would like you to understand that it is in the interest of a peaceful settlement of this problem and not to sideline any party. In that case, both parties will be asked to take a break during this caucus. At the same time, any of you can call for a break when you deem appropriate. This will be granted for as long as it will help to move the process forward.

As you will see, as mediators we will be taking notes as the process moves on. We want to assure you that this is purely to enable us keep track of the key issues that should be addressed later. These notes are for use only during this meeting. We will destroy them immediately after here. In short we are assuring you of the utmost confidentiality in this matter. We hope you both will help to keep it this way too.

Last of all there is one ground rule that we would like to ask each of you to agree to, and that is not to interrupt when another person is speaking. This is especially important in the next part of our discussion. Fanta, can you agree to observe this ground rule?"

Waits for a response

FANTA:
No problem.

CO-MEDIATOR:
Mrs. Turay, can you agree to observe this rule?

Waits for a response

MUSU TURAY:
Of course yes.

The Chief mediator continues, moving to "The Story-telling stage"

CHIEF MEDIATOR:
We'd like to begin now by inviting each of you to explain your perspective on this situation uninterrupted. Fanta, will you begin? Mrs. Turay, we will ask you to listen along with us now as Fanta speaks. In a few minutes it will be your turn. Fanta, you can go ahead and begin now.

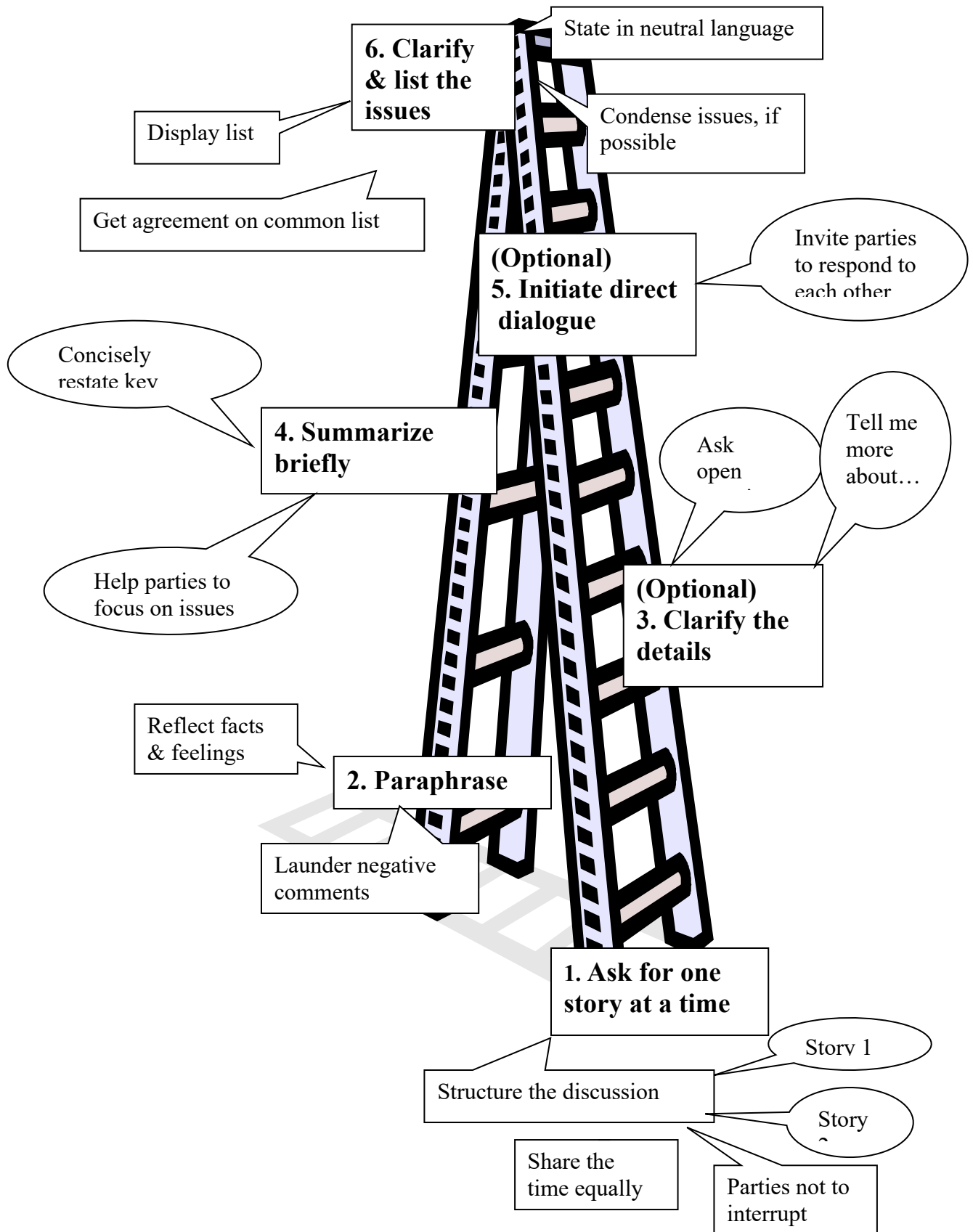
The Story-telling Stage



"If we could read the secret history of our enemies, we should find in each man's life sorrow and suffering enough to disarm all hostility."

Longfellow

The Story-telling Stage



The Story-telling Stage

The Story-telling stage gives an opportunity for the mediator to begin to understand the perspective of each party, and to start formulating in his/her mind the crucial issues that need to be addressed, and a way to proceed. Even more importantly, through communication skills such as active listening, the mediator allows parties to feel that they have been heard, and assists parties to hear each other – sometimes for the first time!

This represents a turning point in many Conflicts for parties who have not understood the effect of their actions on others, and have not been able to express what they in turn have been feeling.

**Resolving conflict is rarely about who is right.
It is about acknowledgement and
appreciation of differences.**



Reflection:

. My experience of the Story-telling Stage in the workshop



Insight:

. What tips/hints did I gain?

Action:

. What can I do to improve my skills (development areas)?

The Story-telling Stage: Guidelines

1. Building rapport with both parties is the primary goal here. Grasping facts and chronology is useful but secondary.
2. Paraphrasing is a powerful tool for building rapport with many, but not all people.
3. Be careful with questions, since they can impose your agenda on the speaker, rather than allowing the speaker's experience to structure interaction. Wait if you can. If you must ask questions, phrase them as open questions, not closed questions

Open questions:

"Say more about Mrs. Jones"

"Tell me about your memories of that event"

"Describe, clarify, expand, etc."

Close questions:

"Who is Mrs. Jones?"

"What did you do then?"

"Who, why, what, when, etc?"

**"You need to claim
the events of your life
to make yourself
yours."**

Anne-Wilson Schaeff

4. Be firm about "no interruptions". Respond to the first few and ignore later ones, not the reverse. Give them paper and pencil to make notes if helpful.
4. Respond to barbed comments:
 - Be prepared to say to someone listening to an angry account from an opponent:
"John, I know you have a different perspective and I want to hear your views as well in a few minutes."
Offered as an occasional aside to listening parties, such a comment can help them to keep growing anger under control.
 - Launder Language with neutral paraphrasing: e.g. "she's lying" into "you see things differently."
 - Ask for specific examples: e.g. if party A says "he's inconsiderate and totally irresponsible," mediator says "please give us a specific example of what you have in mind."
5. Writing up the issues:
 - it is preferable to have one common list
 - condense issues if possible
 - wait until both parties have had their inputting up on a visual chart
 - state issues using neutral language

Role Play Two

THE STORY-TELLING STAGE

The mediators have completed their opening comments and the parties have agreed to the ground rules of not interrupting each other. One of the mediators now moves to the story-telling stage.

CHIEF MEDIATOR:

Let's begin our discussion by giving each of you a chance to explain what has happened that brings you here today. Fanta, as you were the one who first requested this meeting, perhaps we will begin with you. Mrs. Turay, I'd like to remind you that this is a time to listen without interrupting. I'm sure your views will be different from Fanta's and when we come to you, you can explain how you see things."

MUSU TURAY:

She nods

CHIEF MEDIATOR:

Fanta, begin wherever you wish in helping us to understand your view of what is happening

FANTA:

Fanta immediately turns to Mrs. Turay and says:

Mrs. Turay, you know as well as I do that you are the one who started all this.

CHIEF MEDIATOR:

The Chief Mediator is alert and recognizes that allowing the parties to address each other directly at this early and volatile stage of discussion will bring trouble. He quickly stops Fanta:

Excuse me, Fanta, for now I'd like to ask that you address your comments to us as mediators. Later there will be an opportunity for you to speak directly to each other.

FANTA:

Fanta sighs, and begins speaking to the mediators instead.

Fanta goes into a long account of the troubles Mrs. Turay has been causing her family as the mediators listen attentively.

Well, like I was saying, Mrs. Turay is the one who started all this. On the day that our family moved in to the community Mrs. Turay started calling us strangers and giving us all sorts of ill treatments and bad words. On many occasions she had influenced her children to act aggressively towards mine, beating them mercilessly, and sometimes causing me to rush them to the hospital for treatment.

MUSU TURAY:

At one point Mrs. Turay reacts angrily to Fanta's words and tries to break in.

That's not true

CHIEF MEDIATOR:

The mediator holds up his hand and stops her:

Excuse me, Mrs. Turay. I know that you have a different understanding of this, and we'll be coming to you soon to hear your side of it. However, I want to remind you of the ground rule about not interrupting. Fanta please continue.

FANTA:

Two weeks ago her children deliberately broke one of my windows, which I have asked her to pay for and she has refused. And I have vowed to take her to court if she does not pay to repair the window. What is most troubling is that she carries my name all around the neighborhoods, telling them things about me that are not right.

CO-MEDIATOR:

After Fanta has been speaking for 15 minutes Albert, the co-mediator, breaks in gently:

CO-MEDIATOR:

Fanta, we need to give Mrs. Turay a chance to speak before long. Could you try to wrap things up soon, and give us just the key events that we need to know.

FANTA:

Fanta continues for several more minutes and finally ends.

A lot more things. I can recount endlessly if I wished. For instance, he took my name to a friend of mine the other day saying that I was responsible for her husband's dismissal at work. To start with, I don't even know that her husband has recently been dismissed until that of my friend told me. That to my view is what is causing the conflict between her and me.

CHIEF MEDIATOR:

The Chief-mediator now addresses Fanta, summarizing in a few sentences the events Fanta has been recounting for the past 20 minutes.

Fanta, before we hear from Mrs. Turay, I'd like to make sure that we understand the key events as you have described them. You're saying this began ten years ago on the day you moved into the community. You were angry and hurt by things Mrs. Turay said to you about being strangers. After that there were several incidents between the children when you feel that Mrs. Turay influenced her children to act aggressively towards your children. Two weeks ago a window was broken when the children were playing, and you want Mrs. Turay to pay the costs. A frustration for you throughout all of this has been that you feel Mrs. Turay talks to many others in the community, and you believe she has said things about you that are not true. Fanta, do you feel that I accurately understand your side of things?"

FANTA:

Fanta nods.

Yes. You are right.

CHIEF MEDIATOR:

The Chief mediator now turns to Mrs. Turay:

Mrs. Turay, let's hear from you now. I just want to remind you, Fanta, that now it is your turn to listen without interrupting.

FANTA:

Fanta nods.

Ok sir.

MUSU TURAY:

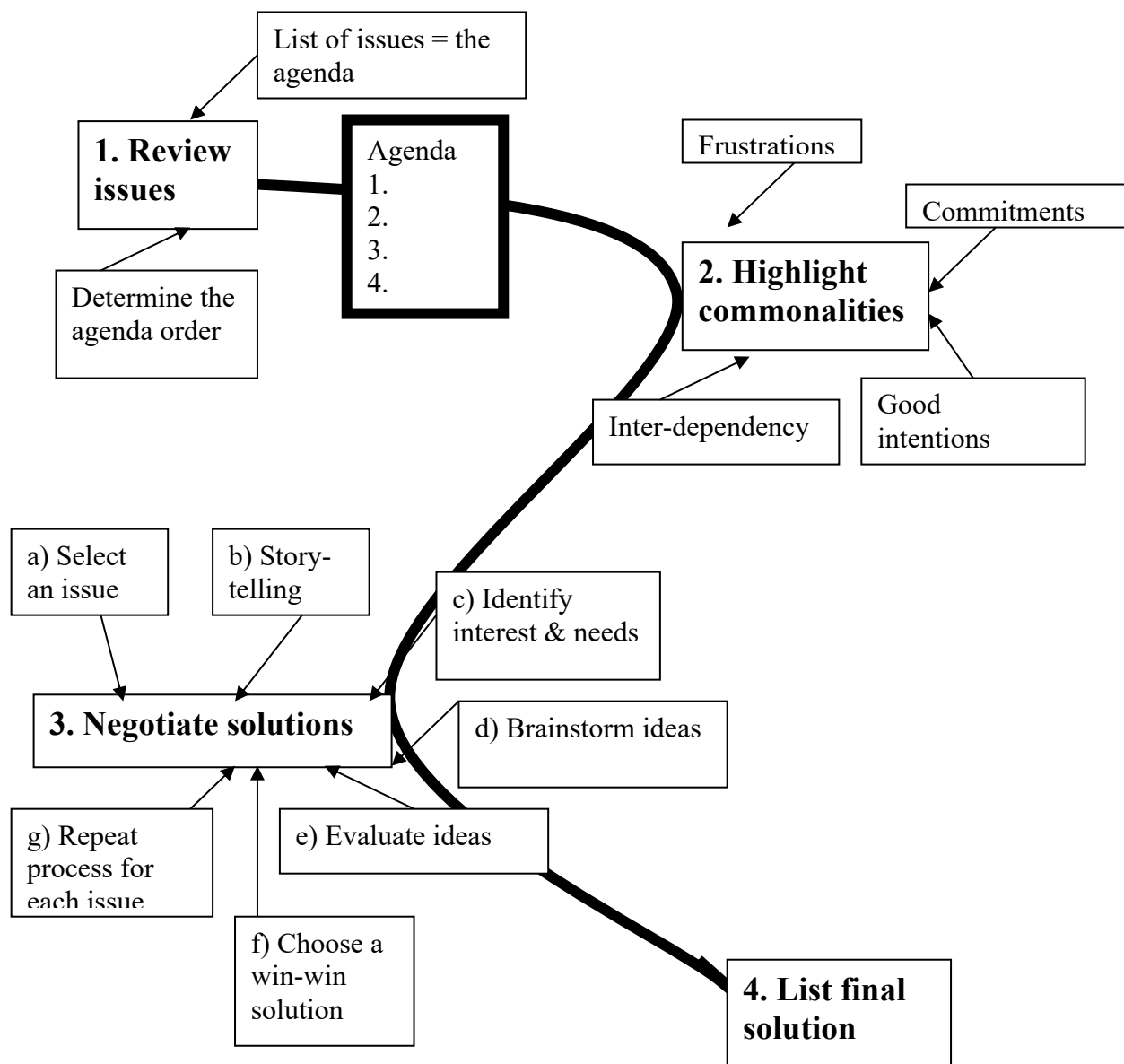
Mrs. Turay offers her account, a story so different from Fanta's that to the mediators it sounds like a different situation.

CHIEF MEDIATOR:

When she is finished, the chief mediator summaries her account and asks if she feels he has understood her.

The Problem-solving

The Problem-solving Stage



“It always comes back to the same necessity: go deep enough and there is a bed rock of truth, however hard.”

May Sarton

The Problem-Solving stage

The Problem-solving stage is the most challenging part of mediation, for it is now that the first serious efforts at resolution are made. Although we propose a sequence of activities that will give you some idea of things that might take place, there are no rules about how to go about this stage. The Keys to managing the Problem-solving Stage are:

Relationship-building skills:

Tools that enable the parties to establish a Human bond between them, i.e.

Communication skills

Process-management skills:

Maintaining control, breaking impasses, and managing the flow of communication

Problem-solving skills: tools for enabling the parties to discuss the problems that separate them in a way that is efficient and constructive

“Man can learn nothing except by going from the known to the unknown.”

Claude Bernard



Reflection:

- . My experience of the Problem-solving Stage in the workshop...



Insight:

- . What tips/hints did I gain?



Action:

- . What can I do to improve my skills (development areas)?

Problem-solving Process

1. Review the Issues Why review the issues?

- Often parties are themselves are confused about what the conflict is actually about. One party may think one problem is the cause, and the other party may think a different problem is the cause.
- Frequently parties think that their differences are greater/more numerous than they actually are. Reviewing the issues may make the conflict seem more manageable.
- Having a written “agenda” of issues is the mediator’s most powerful tool in establishing an atmosphere of impartiality and maintaining control! Not having a written agenda increases the risk of parties simply bouncing from one issue to another, trading accusations but never penetrating deeper to the underlying needs.

2. Determine Agenda Order and Possible Strategies

- Rank by importance. Parties pick the two most important issues and begin discussion on these. When completed, continue with the next two. Effective when atmosphere is good, but difficult when tension is high.
- Easiest first. (In terms of time, emotional intensity, “risk” to parties etc.) Beginning with the easiest issue is probably the most commonly-used strategy. Can be useful when things are tense. Often success with small issues creates momentum for discussing larger ones.
- Most difficult first. If an issue seems the crux of the conflict, it is important to deal with it first: if you get resolution on this issue, it creates a clear sense of progress. Other issues might fall away, having been mentioned to add weight to the main problem.
- Separate long-term from short-term problems. Then begin with which ever list seems most resolvable, usually the short term.
- Alternating choice. Parties take turns to pick issues for discussion
- Principles first. Parties begin by agreeing on a set of criteria for any potential agreement, e.g. “we agree that the ideal solution would:
 - a) enable both parties to continue as partners in the firm
 - b) keep budgets at current levels of expenditure
 - c) be consistent with current company policy regarding lateral moves.”This strategy is particularly effective in complex disputes.
- Building blocks. Issues are dealt within a logical sequence by determining which issues create building blocker for later issues, e.g.: “we’ll begin with the issue of salary level depends on the job description.”

3. Highlight Commonalities

A particularly effective time to point out commonalities is after the parties have agreed to the agenda for problem-solving. It is possible in almost any conflict situation to find points that the parties have in common. Possibly both parties:

- State a desire to be reasonable or to get the conflict resolved.
- Benefit a great deal from a resolution of this conflict
- Have been willing to attend this mediation session which indicates a desire to resolve things.
- Said that this conflict has been painful, frustrating, costly, etc.
- Talk about how committed they are to the community, institution, church, party, etc, so they have common commitments.
- Talk about steps they took in the past to resolve things. Even if these failed, they indicate good intentions to work things out.
- Are victims of the larger forces, such as unemployment, racial discrimination, violence, low wages, etc.

- Indicated that they have made mistake or over-reached in the past.

Be cautious! Remember that pointing out commonalities is not:

- Making up nice things that aren't true.
- Telling the parties that they don't have any real disagreements or that the disagreements aren't significant.
- Suggesting that resolution is going to be easy

4. Negotiate Solutions

- Work through the issues on the agenda, one by one
- Ask each party to describe the issue
- Summarize each party's comments in terms of interests or needs.
- Brainstorm ideas to resolve the issue
- Evaluate the ideas and choose a win-win solution wherever possible.
- Repeat this process for each issue.
- Write out all the solutions and display the list.

Examples of the Problem-solving Process

1. Agreement on Process

Goal: To agree on the basic ground rules for the conversation.

Strategy: "Let's first agree on how to go about this. Could we agree that each of you will get a chance to describe what's been happening here without interruption from anyone else?"

1. Commonalities

Goal: To create an emotional climate conducive to problem-solving.

Strategy: point out the usually-ignored things parties share in common.

- common frustrations – "sounds like both of you have really been frustrated by this situation."
- Common commitments – "sounds like both of you really care a lot about keeping this office running well"
- Inter-dependency – "seems like you both need certain things from each other and life will be much easier if you can work things out satisfactorily."
- Common good intentions, even if outcome has been bad – "sounds like both of you have been trying to do what you think is fair, but communication problems going in the way." Find something from this list to highlight, but be sure it is believable.

2. Structured Story-telling

Goal: To create a sense of "being heard" and to build trust between parties and the mediator.

Strategy: Each party gets a chance to describe the situation uninterrupted, and the mediator summarizes in his/her own words after each party has spoken, e.g.:

"Let's hear from both of you about what you see happening in this issue. I'd like both of you to get a chance to describe this without being interrupted. May be we could start with you, Robert, and James, we'll ask you to sit back and listen until Robert is finished, then we'll hear from you."

3. Identifying interests/ needs or positions

Goal: To identify the real interest or need behind positions or "pet" solutions, e.g.: dad and son are arguing about the keys to the car.

Dad: "I don't want to hear another word about it. You can't have the car."

Son: "But Dad, I've got to have the car."

The positions are: you can't have the car/I must have the car.

The interests are: dad needs the car between 6 and 8, and dad needs re-assurance that son is not going drinking with friends. Son promised to provide transportation for two friends to go to a movie at 9.

Strategy: Ignore positions and try to get information regarding the underlying interests or needs, e.g. to father: "Help me understand why you don't want to turn over the keys to the car." To son: "Tell us why you need the car."

Exercise:

- Divide participants into three groups. One group is to define position in a conflict situation. The group may choose to role-play what they mean by position. The second group should describe interest using an example from a conflict situation. The third group should do that for need. Note these may not necessarily be accurate but you would have an appreciation of the participants understanding of the concept.
- Each group reports to the larger group and open a discussion around the concept. Ask the larger group to assess each presentation: what is missing, what new thing has been learned about the
- Divide participants into three groups. One group is to define position in a conflict situation. The group may choose to role-play what they mean by position. The second group should describe interest using an example from a conflict situation. The third group should do that for need. Note these may not necessarily be accurate but you would have an appreciation of the participants understanding of the concept.
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Position, interest and needs can also be further analyzed using the onion model. The inside of the onion is the need; the layer after the inside is the interest. The outer layer is position. In conflict you often hear the position. It is when you go closer to peel of that layer that you are exposed to the interest and when you go even closer to the need.

Note that analyzing position, interest, and need are always difficult to do in conflict monitoring workshops. Positions are the stance a party takes in a conflict situation. Position is always a show of power or the expression of inner feeling. It is not necessarily what the person wants but he or she believes that by having the position satisfied the interest and need would be met. In most cases positions may be met but interest and needs may still be lacking. Position is the limited means by which we believe our interest could be served.

Examples of Position:

"We do not want Foday Sankoh in Sierra Leone.

"You will not marry into that ethnic group as long as I am your father"

"I rather die than join wonde"

"Joe Nyanga must leave our village"

"Gobi will dance at any time the youths decide"

Interest: Is that urge or satisfaction we hope to get through the position we take. Interest is however more close to the need. It is the satisfier of our need. There may be more satisfiers to a need. Our interest for taking the position on Sankoh is certainly for revenge, to have more control over the resources of our community, to allay fear that they could attack us again, etc.

Need on the other hand is that which we cannot do without. We cannot live without our needs being met. There are several interests that could satisfy a need just as there were several positions that could satisfy an interest. Needs are common to all of us. For example, the need for food, for security, for sense of belonging, for love, for identity, for freedom, etc. We all have these needs. If we consider our needs we would see that all parties to a conflict situation have the same needs. We can then explore how each thing the needs could be satisfied (interest).

What we need to do is to get parties to move out of their positions and to be able to determine their needs in order to bring a solution to the problem.

4. Generate options

Goal: To avoid polarized arguments by developing a range of ideas for solution before beginning debate on them.

Strategy: "Let's first of all try to think about ways to solve this problem. We'll discuss them in a few minutes, but for now I just want to hear a range of possibilities." Often it takes persistence to get parties to come up with ideas other than their own pet solutions. Stress that listing ideas does not mean that all are acceptable. List on flipchart/board.

5. Evaluate options

Goal: To engage the parties jointly in critiquing the possibilities for solution. They are doing this together, jointly critiquing each solution rather than arguing with each other

Strategy: "Let's take a look at each of these possibilities now. What would be the strengths and weakness of this first possibility?" or, "how would this first possibility affect each of you

6. Choose solution

Goal: To negotiate a solution acceptable to both parties.

Strategy: "Let's hear from each of you now. Given the ideas we've looked at how do you propose we resolve this problem?" meeting separately with the two parties can be effective. Sometimes it is necessary for the mediator to propose solutions: "what if..."

Focusing on Interests

Understanding Position Vs Interests

1. Positions: If people are in conflict they naturally think and talk in positions. positions are statements or demands framed as solutions, e.g.: *I am not moving! You cannot tell me what to do!*
2. Interests: Beneath all position lie the interests of the parties. Interests extend beyond positions and encompass such things as needs, concerns, expectations and hopes.
3. The role of the mediator is to direct the focus of parties away from positions and explore interests. Focusing on interests can help parties to move away from competition to co-operation.

a. Strategies for Exploring Interests

Reframe locked-in positions as interests, e.g. *"I am not moving! Becomes "you don't perceive your presence to be a disturbance and therefore don't want to move."*

Ask why a particular demand is being



Action:

. In the following conflict situations:

- a) What are the possible interests Underlying the position being taken?
- b) What are possible solutions to the conflict?

Situation 1: A group of parishioners in a Church is calling for the resignation of their pastor who was recently discovered having an affair.

Situation 2: A company has announced it intends to shut down a plant owing to major financial losses over the past years.

made, to draw out underlying interests,
e.g. “Help me understand why you view this as so important.”

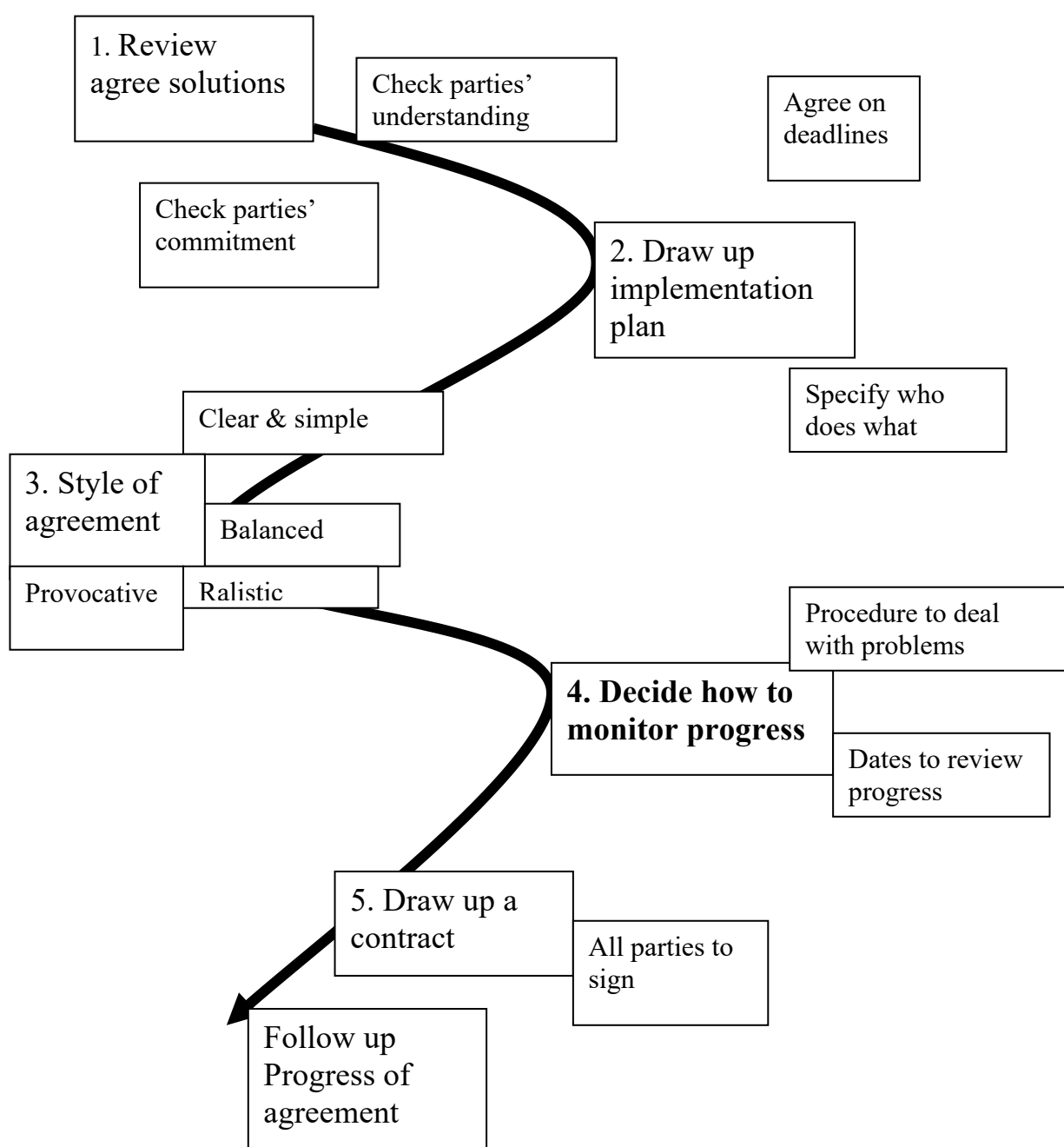
Point out similar interests, e.g. “As community leaders you are both concerned with...”

General options, e.g. “what do you think can be done to solve this problem?”

“Real learning comes about when the competitive spirit has ceased.”

J. Krishnamurti

The Agreement Stage



The Agreement Stage

The purpose of the Agreement Stage is to concretize the outcome of the Problem-solving stage, and to ensure that any agreements reached are clear, specific, realistic and proactive.

This stage is one of the most critical phases of the mediation process. Strong temptations often exist to relax a few minutes too soon, but this can be very

costly. One common cause of failure in mediation is that mediators and parties neglect to work out the details and procedures for implementation of agreements.

The result: days or weeks after an apparently successful settlement, renewed conflict breaks out over the meaning of the original agreement. Sometimes this conflict can be resolved with another round of mediation, but all too often the agreement breaks down entirely, with the parties bitterly blaming each other for failure to keep promises. Peace may now be harder to achieve than ever. By staying on guard to the very end, mediators can greatly reduce the chance of such a scenario occurring.

“The overall purpose of human communication is or - should be - reconciliation.”

Scott Peck



Reflection:

- . My experience of the Agreement Stage in the workshop...



Insight:

- . What tips/hints did I gain?



Action:

- . What can I do to improve my skills (development areas)?

The Agreement Stage: Guidelines

The agreement should state clearly WHO is agreeing to WHAT and WHEN. An effective mediation agreement is:

1. **Specific**
Avoid ambiguous words (e.g. “soon”, “reasonable”, “co-operative”, “neighbourly”, “frequent”, “quiet”) as they can mean different things to different people. Use specific words and dates that will have the same meaning to both parties, e.g. “A and B agree to build a 2m high board fence along the property line between their houses. A agrees to buy the building materials, and B agrees to construct the fence.”
2. **Clear about deadlines**
Clearly state all times and deadlines e.g. “A will purchase the timber for the fence no later than 8 May, and B will finish the fence by 30 May. Both parties agree to have their own side of the fence painted by 30 June.”
3. **Balanced**
Everyone should “win” something, and agree to do/not do something, e.g. “Ms. Jones agree that she... Mr. Smith agrees that he...”
4. **Realistic**
Can the disputants live up to their agreement? Ideally the agreement speaks only for the disputant themselves i.e. actions that they personally have control over.
5. **Clear and simple**
Avoid legalese. Where possible, use the disputants’ language.
6. **Proactive**
Include provision for later review, or set up a monitoring mechanism, or agree on a procedure for dealing with problems than may arise.
7. **Signed by everyone present**
Upon completion read the agreement to the parties and get their responses. Does it cover all issues? Do they pledge to live up to it? Then sign and date the agreement and give copies to both parties.

Example of the Agreement Stage

The conflict has been between two staff members in an organization and over a three –hour mediation session the parties have reached an agreement. After working out the details of the agreement jointly with the parties, writing it out as they go, the mediator says:

“Early in our discussion you both agreed that the conflict that has been going on for the last year has been destructive for you as well as the organization, and that you’d like to resolve it. We identified a number of issues that needs to be addressed, and now we’ve worked through all of them. I’ve written out your agreement and I’d like to go over it with you to make sure that what I’ve put down on paper accurately reflects what we’ve talked about. If you are satisfied with it, both of you can sign this agreement as a way of indicating your commitment to it. If I may read the agreement aloud...

Job description: Kadie and Sam each agree to write a draft of their own job description and to meet to discuss these drafts one week from today at 10:00h. They agree to take final drafts of these job descriptions to a staff meeting, for discussion and approval, in two weeks’ time. If there is any problem in resolving issues around job descriptions, they agree to notify Tiangay, who will schedule a mediation session to resolve the differences,

Phone messages: Kadie and Sam agree to take phone messages for each other when either person is out of the office. They will make a “Phone Messages” box and place all messages in the box so that messages do not get lost.

Future problems: Both recognize that communication has been poor in the past and that special effort needs to be made in future to resolve things promptly. They agree that if any problems arise in regard to any of the above issues of any other issues, they will immediately notify the other person-in person, or if the other person is out of the office, they cannot resolve the problems in this joint discussion, they agree to ask Tiangay to assist as mediator.

Review of agree: We agree that we will all meet in one month to review this agreement and the way it is working out, and to address any further issues that may have arisen. Etc, etc, etc...”

“Sam and Kadie, I’d like to hear from each of you whether this reflects the things you agreed upon during our discussion,” both say they are happy with it. “Ok, let’s have each of you sign this document, and I’ll see that each of you gets a copy this afternoon.” Sam and Kadie both sign. Barmie adds a line for “Mediator” and signs it as well.

Caucus

Caucus is a private meeting between the mediator and only one party. To keep things balanced, mediators caucus with both parties separately. Caucus is a useful tool, since dealing with one party at a time is simpler than with two or more in the same room. When things get tense or difficult, caucus is one easy way to maintain a sense of control.

Some mediators do most of their work in caucus, conducting “shuttle diplomacy” between the parties. This can, however, cause suspicion. Caucus also does little to empower the parties to solve their own conflicts, for they depend entirely on the mediator to work out their differences. Direct dialogue between parties is always preferable, but caucus is sometimes needed to break a deadlock or deal with emotional or confidential issues.

CAUCUS

Call a Caucus When:

1. You reach a deadlock.
2. High stress is getting in the way of communication (repeated breaking of ground rules, disruptive behaviour, indications of distrust for you or the other party, repeated expressions of emotion, breaking of appointments, making of unrealistic concessions).
3. You feel like you are losing it (emotionally, grasp of facts, control of the process).
4. All else fails!

Steps to follow when caucusing

1. Indicate that you want to meet separately with each party.
2. Establish rapport with each party.
 - ask: “How do you feel about how it’s going so far?”
 - note positive accomplishment e.g. areas of agreement, helpful behaviours/contributions
 - allow venting of strong feelings and sensitive information
3. Take the role of “concerned outsider” regarding the areas of deadlock, e.g.:
 - “could you clarify again your stand on this...”
 - “help me understand your major concerns...”
 - “what ideas do you have to resolve this?”
 - “can we come up with something acceptable to both of you?”
4. Get the parties to come up with ideas themselves, but if they come up with nothing, toss out ideas in “if-then” or “what if...” format, e.g.:
 - “If he were to do X, then might you consider Y?”
 - “What if he were to agree that...?”
5. If necessary, take the role of “reality tester”, e.g.:
 - “How do you think the situation will get resolved if both of you continue to take this position?”
 - “What are the costs of not resolving this likely to be?”
6. Suggest expanding the party’s informational resources if necessary-attorneys’ accountants etc.
7. Get permission to convey important information or proposal to the other party, e.g.: “Is it all right for me to discuss your offer with the other party.”
But, when you discuss an offer one party to another, don’t convey it as unilateral Rather link it to something wanted by party A from party B, e.g.: “party B, if we could get A to agree to give you X, would you be willing to consider offering Y in exchange?”
8. If you secure agreement from both parties to a proposal in caucus, then bring them back together and repeat the agreement in the presence of both, e.g.:
“Well, we’ve made some real progress regarding issue z. Party A, you’ve agree... Party B, you’ve agreed... I’d like to ask you both to confirm in the presence of the other that you support this... let’s now talk more specifically about how we will implement this agreement...”

Exercise A: Mediation Case Study

Goal: To gain and understanding through practice of the dynamics of mediation

Objective: To practice a third party role (mediator) in a conflict situation; and to get a feel for being in a conflict and being mediated.

Roles: Mediators (2)

Amadu

Alimamy

Instruction to mediators:

You are members of your school peer mediation team. You have been informed of a conflict between two students (Amadu and Alimamy) in the school's SSS 3, who have been yelling at each other over the last few days. They have agreed to bring their problem for mediation. Amadu is an extrovert and likes to tease people, whilst Alimamy is a quieter and shyer person.

Instruction to Amadu:

You like Alimamy and enjoy his attention. It is very flattering. Because he stole your CDs, taking his bag seemed like a fun way of keeping the game going. Anyway, you rather like teasing him, and before this incident Amadu didn't seem to mind this sort of interaction. So you were rather surprised when this time he became upset with you. Because he called you names and accused you of things, you felt you had to stand up for yourself. And it made you look a bit stupid as well. You are willing to stop annoying Alimamy if he will give you back the CD's.

Instructions to Alimamy:

You feel very upset and angry because Amadu teases you whenever he sees you. You are quite a quiet and shy person and don't like to argue, so you have complained about his action before. But today was the final straw because he has, on several occasions, taken your bag and hidden it. Whenever you manage to get it back, he just comes up and grabs it again and hides it, or gives it to his friends. Amadu accused you of taking some of his favourite CDs, but you didn't. You think that Munda, a friend of yours who fancies him a bit, took them as a way of getting his attention. You want Amadu to quit teasing you, but quite like him as a friend and don't want to lose his friendship.

Exercise B: Case Study: Witch Hunting*

* (The names of all persons and places in this case have been disguised to protect the privacy of the actual individuals involved in this situation.)

Mrs. Dauda accused her widowed neighbour, Mrs Buba, of witchcraft. Mrs. Buba had left a gourd containing some black substance by the gate of her neighbour's house in a rush to get to a neighbouring house. In her hurry, she ran into Mrs. Dauda's child who fell down and sustained a very deep cut on her ankle. Mrs. Dauda came back a few minutes after the episode. She was angry when Mrs. Buba came back to pick her gourd. A neighbour prevented the women from fighting. Mrs. Dauda took the case to the village head who summoned Mrs. Buba. Mrs. Dauda said that Mrs. Buba had tried to kill her daughter.

For some time, the villagers had suspected that a witch initiated some of their children into a secret cult. Thus, Mrs. Dauda, because of her anger at her daughter's injuries, insisted that Mrs. Buba was a witch, and a member of the secret cult. When the village head asked Mrs. Dauda to give proof of her allegations, she went berserk and rushed out shouting, "witch, witch! I will not stay near that witch!"

When the villagers heard the shouts, they rushed out to find the witch themselves. Mrs. Dauda directed them to the house of the village head. They ran there, picking up stones, sticks and whatever they could lay their hands on. They stoned and beat Mrs. Buba mercilessly. They would have killed her but for the timely intervention of members of her family. The village head was beaten for harbouring a witch. The entire village armed themselves. Mrs. Buba's relatives forcefully rescued their daughter. Even the primary school children got involved.

The conflict kept escalating until the District Commissioner (DC) heard about it and attempted to arbitrate between the warring factions. The DC summoned the elders separately and later together. Later, he called the principal parties and discussed the matter with them. The members of their immediately families were also called and treated to a sumptuous meal and counseled on good neighbourliness. Next were the pastors, parishioners and congregation. Lastly, the whole village was summoned to a general meeting where all superstitions were laid bare. They were enjoined to mend fences and live as good neighbours.

Exercise C: Rapid Response in Sinkunia

The Koinadugu Peace and Development Committee (KPDC) in Northern Sierra Leone received a report that there was a conflict between two ethnic groups; the nomadic Fula and the Yalunka who are agriculturist. The Yalunka had refused the Fula access to a grazing ground. On receiving this information, the KPDC's Rapid Response Team of three elders, two women, and a government representative left to visit the area and investigate the problem. There had been previous conflict between these two groups so any small dispute was taken seriously by KPDC because it could escalate into bigger conflict and lead to violence. The team traveled about 25 miles to the village of Sinkunia, where they met with the section chief and councilor.

After an opening prayer, Chief Ali Mansaray of KPDC explained the purpose of the visit and asked if the village leaders were aware of the problem. The area Chief explained that the problem was not an ethnic problem. Instead, a Fula family had sick cattle. The farmers association demanded that the cattle be moved to the area designated for sick animals. However, the family did not accept the decision. The other leaders agreed with the chief. Soriba Conteh of KPDC said that this information was quite different from that learned in Kabala. He said, "Let us investigate further and meet with the family and their herders." He emphasized the importance of honesty and truth in resolving this problem. He concluded his remarks with these words of wisdom:

Three things will end, but let them end in a good way.

Life will end but let it end with piety;

Food will end, but let it end with alms;

Words are many and they will end; but let them end with truth.

Mrs. Olay Deen of KPDC agreed that all needed to work together to solve the problem. She asked the Rapid Response Team to add the chieftom elders to work with them to solve the problem. The chairman agreed. The chairman sent a message to the nomadic family asking them to meet the group at the herding site. The next morning, the group visited the family and the cattle. They all checked the animals for disease. The cattle owners stated their belief that the animals were healthy. The representatives disagreed with the findings, saying they believed the animals were sick. They wanted a qualified veterinarian to give them a second opinion. They were shocked when the KPDC team leader told them that Mrs. Rugiatu Bangura of KPDC is a veterinarian. Mrs. Bangura stated her opinion that the cattle were healthy.

The representatives were not satisfied, even with that professional opinion. The KPDC chairman asked each group to sit down and discuss strategies and solutions: the family; the representatives of the Yalunka; and the Rapid Response Team. Each group discussed the situation and then came back with the results.

The family with the cattle decided that, in the interest of peace, they would move, since there was no scarcity of water and pasture. They would remain in the area for four days, until they were ready to move. All their livestock would be allowed to graze while in transit. Chiefdom elders would be responsible to ensure the family's safety as they leave the area. The Rapid Response members agreed with the suggestion of the family.

They suggested that, for the sake of the future peace, a member of the Fula group be added to the Farmers association, so that they would feel part of the community. The representatives agreed with the decision.

The chairman of the Rapid Response Team requested a public meeting, so the resolution could be made public to everyone in Sinkunia. The area chief convened the meeting, and the people were informed about the agreement. Chief Ali thanked everyone for agreeing to solve the matter in a non-violent way. The session ended with a public prayer.

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“Changing the Conflict Landscape is what you as teachers owe to future generations. Posterity will judge you by your deeds.”

Edward Sam, Human Rights Commission of Sierra Leone (July, 2007)



Auswärtiges Amt

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