

Trainer's Manual in Mediation

A Practical Guide for Community-Level Skill-Building Trainings in Afghanistan



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Mazar-e Sharif and Kabul, Afghanistan: CCA and DED, 2008

إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّى يُغَيِّرُوا مَا بِأَنْفُسِهِمْ ط

(سوره الرعد پارہ ۱۳ آیہ مبارک ۱۱)

Verily never will Allah change the condition of a people until they change what is in themselves.

(Sura Rad (10), Vers 11)

Source: Richter, Katja and UN HABITAT. *Conflict Resolution and Mediation: Training Manual (for District Trainers and Social Organizers)*. Kabul: UN HABITAT and DED, 2006, Introduction.

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INTRODUCTION

Background

This manual is the result of a collaboration between the German Development Service (DED) and the Afghan NGO Cooperation Center for Afghanistan (CCA) and meant to be a contribution to community-based peacebuilding efforts in Afghanistan.

Recent studies on peacebuilding in Afghanistan have revealed a great lack of conflict resolution skills at the local level. This is insofar worrisome, as local conflicts such as family and resource conflicts have shown a great tendency to rapidly turn violent and/or spread to the regional or even national level. As a result, local conflicts have developed the potential to jeopardize the great efforts towards peace and reconciliation undertaken on the national level.¹ Against this background, CCA in collaboration with the DED has set itself the aim to strengthen Afghan conflict resolution skills through training activities on the local level. The conflict resolution method promoted in these trainings is mediation.

Objectives

This manual is a practical and hands-on guide on planning, implementing and evaluating trainings in mediation. In accordance with the aim set by CCA and DED, it is specially designed for skill-building trainings. That is, the training material presented here goes far beyond what is needed for mere awareness-raising or knowledge transfer about conflict, conflict resolution and mediation. Rather, this manual emphasizes basic to intermediate practical skills and tools that need to be taught in order to qualify the training participants to resolve local conflicts as a third party.

Target group

This is a trainer's manual. It was designed for those CCA staff members who have previously attended a 60-hour DED training on conflict and conflict resolution through mediation and now wish to run their own training workshops in mediation on the community level. All of these staff members already have at least some experience in running training workshops.

Training methods

Skill-Building in mediation involves that the trainees not only understand key theoretical concepts such as conflict, communication and conflict resolution but also that they develop practical skills in effective

¹ See: Waldman, Matt. *Community Peacebuilding in Afghanistan: The Case for a National Strategy*. Oxfam International Research Report, 2008, p. 10.

communication and mediation. This is best achieved practically and experientially, which is one of the reasons why this manual promotes a participatory approach to training. That is, it not only presents the theoretical background on the various training topics but also makes concrete suggestions how theoretical material can be experienced and how techniques can be practiced. Through these practical activities the trainees participate actively in the training, are encouraged to share their experiences and enabled to relate the new training material to the skills and the knowledge they already have.

Structure and content

The manual is divided into two sections. Section A THEORETICAL AND METHODOLOGICAL BACKGROUND elaborates in some depths on the theoretical concepts that are merely touched upon in this introduction, in particular on (community-based) peacebuilding, conflict resolution and mediation. It positions the activity of skill-building trainings in mediation within the fields of (community-based) peacebuilding and conflict resolution and goes into some detail on why this manual promotes mediation, what approach to mediation it pursues and who should be trained to become a mediator. In terms of methodology, section A discusses the requirements for skill-building trainings, explains the method and the basic techniques of participatory training and provides a detailed checklist for planning, implementation and evaluation of participatory skill-building trainings.

This theoretical and methodological update is intended as a preparation for the practically oriented section B of this manual. The information provided in section A is strictly reserved for the trainers and is not supposed to become itself part of the trainings they are going to design.

Section B RESOURCE PACKAGE provides the training material from which basic to intermediate skill-building trainings in mediation can be created. The section is organized like a training course or a workshop. Each chapter treats a different training topic. For each of these topics the learning goals, the theoretical background, further reading and a toolbox with practical ideas for teaching and practicing are presented.

Bias

This manual was designed for Afghans training Afghans. Nevertheless, it retains a Western bias, not only because the author is Swiss but also because most of the theoretical concepts, methods and practical activities presented here were developed in Europe or Northern America. Whenever possible, these contents were adapted to local culture and local circumstances. However, trainers will be well-advised to read this manual with a critical eye and to make further adjustments as deemed necessary.

ACKNOWLEDGMENTS

The author would like to thank the following persons and institutions for their contributions to this manual:

- ❖ CCA MAZAR and DED AFGHANISTAN for infrastructure and financial support.
- ❖ NABILA SAMADI, DED local peacebuilding expert with CCA Mazar, for the translation of the English version of this manual into Dari.
- ❖ KATJA RICHTER, former DED peacebuilding expert with UN HABITAT Afghanistan, and her colleagues HABIBI RAHMAN and BAHAR KAZIMI, for some of the graphic designs, practical tools and cartoons presented in this manual.
- ❖ RUQIA ALAVI, ZOHRA ANWARI, FAWZIA FARHAT, HUMAIRA HUMADI, SABERA JAFARI, GHOTI KHAIRI, DR. KHATERA NASIME, FARIDA NIEZIA, SAYED ABDUL HAMID SAFWAT and NABILA SAMADI, CCA staff members in Mazar, for valuable theoretical and methodological insights gained through their participation in a DED training in mediation.
- ❖ CORINNA VIGIER, DED peacebuilding expert with ECW Afghanistan, for some of the material presented in this manual and valuable critical comments on the first draft of this manual.
- ❖ KERSTIN LEPPER, former DED peacebuilding expert with ACSF Afghanistan, for some of the practical tools presented in this manual.

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A

THEORETICAL AND METHODOLOGICAL BACKGROUND

To be able to work with this manual, trainers have to understand its background and rationale, its scope and limitations and the methodological approach it pursues. In short, this manual is a practical and hands-on guide designed for experienced facilitators who wish to plan, implement and evaluate participatory skill-building trainings in mediation for grassroots-level actors in Afghanistan. These skill-building trainings shall qualify the participants to resolve community-level conflicts and thus enable them to complement top-down peacebuilding efforts in Afghanistan with a bottom-up approach.

What does this mean? Trainers who are not familiar with the terminology used in the introductory paragraph, can refer to section A of this manual for an update on the theoretical and methodological background necessary to put the training material introduced in section B to good use. The information provided in section A is strictly reserved for the trainers and is not supposed to become itself part of the trainings they are going to design.

The section is divided into three parts. Chapter 1 reiterates key concepts such as peacebuilding and conflict resolution and clarifies what is meant with grassroots-level actors and community-level conflicts. Chapter 2 explains the concept of skill-building and introduces the methodology of participatory training. Chapter 3 provides the basic guidelines for planning, implementing and evaluating participatory skill-building trainings in conflict resolution.

1

BACKGROUND, OBJECTIVES, SCOPE AND LIMITATIONS OF THIS TRAINER'S MANUAL

1 Background: Peacebuilding in Afghanistan

This trainer's manual is the result of a collaboration between the German Development Service (DED) and the Afghan NGO Cooperation Center for Afghanistan (CCA) and meant to be a contribution to the peacebuilding efforts of the two partners in Afghanistan. What is peacebuilding?

The term "peacebuilding" came into widespread use after 1992 when Boutros Boutros-Ghali, then United Nations Secretary-General, announced his Agenda for Peace. In this key document Boutros-Ghali introduced peacebuilding as an overarching term for all activities that prevent, reduce or transform violent conflict or war and establish durable peace by addressing the underlying causes of conflict such as economic, political and social inequality, injustice, unacknowledged grievances from the past, prejudice, mistrust or fear.²

Initially, the UN understood peacebuilding as the phase of a peace process that is initiated when a conflict has slowed down or stopped altogether. As such it was the last link in a chain of measures consisting of preventive diplomacy, peacemaking and peacekeeping. But in recent years, peacebuilding has come to be understood as an umbrella concept that applies to all stages of a conflict – pre-conflict, during conflict and post-conflict – and encompasses the measures of preventive diplomacy, peacemaking and peacekeeping.³

Accordingly, peacebuilding has come to include activities as broad and diverse as early warning; conflict prevention; military intervention; ceasefire agreements; the establishment of peace zones; civilian and military peacekeeping; environmental security; physical security including demobilization, disarmament, demining and police and security force reform; personal security including gender-based violence; economic reconstruction; observation of human rights; institutional and civil capacity building; good governance and democratization including electoral assistance and judicial reform; humanitarian relief

² Boutros-Ghali, Boutros. *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping*. Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992. Download: <http://www.un.org/docs/SG/agpeace.html>.

³ See: <http://www.beyondintractability.org>.

and emergency assistance; social reconstruction including trauma work, reconciliation, peace education and reintegration of refugees and ex-combatants; and last but not least conflict resolution.⁴

The peacebuilding efforts of the DED in Afghanistan do not span all of these activities but concentrate on three main areas: reconciliation, peace education and the promotion of local resources in non-violent conflict resolution. In these subfields, the DED collaborates with a number of local partners, including CCA. The latter has originally made a name for itself as a human rights organization, but has recently decided to venture into the field of peacebuilding. To this end, CCA has enlisted the assistance of the DED in building up its own peacebuilding department specializing in the promotion of local resources in non-violent conflict resolution.

2 Aim: A Contribution to Community-Based Peacebuilding

Peacebuilding can take place at all levels of society. CCA as well as DED primarily promote community-based activities and thus a bottom-up approach to peacebuilding. What does this mean?

So far, national and international peacebuilding efforts in Afghanistan are primarily concerned with peace and reconciliation at the national level. With initiatives such as strengthening the rule of law, building professional security forces, raising employment levels or improving governance, national government and international community seek to eradicate potential sources of conflict and violence such as criminality, warlordism, poverty or corruption. In doing so, they follow the assumption that progress towards peace on the national level will trickle down to the lower levels of society and also generate peace and stability there.

However, this top-down approach to peacebuilding is not succeeding, mostly because it does nothing to assist local communities in dealing with the local conflicts in a peaceful and constructive way. Local conflicts are widespread and, according to a recent survey conducted by the international non-governmental organization Oxfam International, primarily resource (land and water), family or ethnic, tribal or inter-community disputes. They are often aggravated by factors such as natural disasters, refugee flows, badly delivered aid, corruption, abuse of power or the opium trade.⁵

⁴ See: <http://www.peacebuild.ca/about-what-is-pb-e.php>.

⁵ Waldman, *Community Peacebuilding in Afghanistan*, p. 10.

Local communities are often unable to resolve local conflicts. This is insofar disastrous, as in the context of severe and persistent poverty, local disputes have the potential to turn violent and escalate rapidly from the interpersonal level to a to conflict between families, extended families, communities or even tribes. The resulting insecurity not only destroys the quality of life and impedes development work in Afghanistan, but is also exploited by criminal or anti-government groups to strengthen their positions in the wider conflict and thus has major repercussions on peace efforts on the national level.⁶

For this reason, it is essential to complement peacebuilding on the national level (top-down approach) with peacebuilding on the local, or grassroots level (bottom-up approach) and to enable local actors to resolve local conflicts before they spread or turn violent. CCA has recognized this necessity and has made community-based peacebuilding a priority among its activities.

3 Nature of the Contribution: Skill-Building in Mediation

Community-based activities aimed at peace and reconciliation can take on many forms, ranging from awareness-raising, over dialogue facilitation to peace education and skill-building in non-violent conflict resolution. For the moment, CCA's activities are concentrating mainly upon the area of skill-building in non-violent conflict resolution. This manual supports these training efforts and serves as a guide for CCA staff involved in this activity.

Conflict resolution is itself an umbrella term for a number of methods that are employed to bring conflict to an end. These methods range from coercive measures such as use of force, economic sanctions and litigation to non-coercive, formal procedures such as negotiation, arbitration and mediation to non-coercive, informal attempts such as appeals, consultations, confidence building and dialogue facilitation.⁷

⁶ Waldman, *Community Peacebuilding in Afghanistan*, p. 10.

⁷ For the sake of clarity, it should be noted that some schools of thought such as the Berghof Research Center for Constructive Conflict Management understand conflict resolution not as an umbrella term but as part of the triad conflict settlement, conflict resolution and conflict transformation. Conflict settlement is a strictly result-oriented procedure. It leads to solutions that do not address the root causes of the conflict and the relationship between the conflict parties. Consequently, settlements leave the conflict parties unsatisfied and therefore often hold up only for a short time. Conflict resolution, in contrast, is process-oriented and aims to resolve conflicts in a way that re-establishes relations and communication between the conflict parties. This leads to more satisfactory and sustainable solutions. But conflict resolution does not necessarily deal with the root causes of a conflict. Therefore conflicts might break out again in the future. Conflict transformation is more ambitious in that regard. It not only deals with the root causes of conflict but tries to overcome them so that opportunities for constructive change are created. The aim of conflict transformation is fundamental and long term, to help foster sustainable peace. This makes the concept of conflict transformation almost interchangeable with the concept of peacebuilding.

Among these, CCA and thus this manual promote the method of mediation, where a neutral and specially trained third party (the mediator) assists the conflict parties in resolving their conflict. As this trainer's manual is designed primarily for CCA staff who have undergone an intensive DED training in mediation, it is assumed that the reader is already familiar with the concept of mediation. Those who need an update can refer to section B of this manual, where the basic principles and techniques of mediation, the stages of the mediation process and the difference between mediation and other common methods of non-violent conflict resolution are described in depth.

4 Why Mediation?

Afghanistan has a longstanding tradition in arbitration. It would therefore have been obvious for CCA to promote skill-building in arbitration. However, after careful evaluation, CCA Mazar has chosen to offer trainings in mediation – or, as will be explained below, a cross between mediation and arbitration – rather than in arbitration. This decision is due to a number of factors that make mediation stand out from other forms of conflict resolution, including arbitration.

Firstly, mediation produces results that are usually sustainable. The goal of mediation is to find a solution to the conflict all conflict parties can agree to. The purpose of this consensus-orientation is to avoid dissatisfied conflict parties whose grievances will lead them to renew the conflict at the first best opportunity. Instead, mediation seeks solutions that reconcile the interests of the conflict parties and satisfy their needs in an equal manner. The result are amiable solutions that are likely to be implemented fully and to last indefinitely.

Secondly, mediation often not only resolves a conflict but also serves as a first step towards true reconciliation between the conflict parties. In mediation, the conflict parties are required to address the root causes of the conflict and to try to understand and accommodate each other's interests and needs. This process, in turn, enables them to leave their differences behind and put their personal relationship on a new, potentially prosperous foundation. This is particularly advantageous when ongoing relationships are important, as, for example, in the case of a conflict among family members or inhabitants of a small rural community. Mediation makes it possible to resolve these conflicts in a non-adversarial way so that the relationship between the parties involved is repaired and preserved.

Thirdly, mediation strengthens the conflict resolution skills of the conflict parties and has the potential to change their conflict mentality and conflict behavior. In mediation, the mediator presents the conflict

parties with a clearly-defined and well-structured process of how to approach and resolve a conflict, ranging from identifying one's own interests and needs over developing an understanding for the interests and needs of the adversary to working out creative solutions. After a successful mediation, many conflict parties are able to make use of this experience and apply the same process independently to other conflict situations they or their family members find themselves in. This learning and multiplier effect makes mediation the method of choice in Afghanistan, where the main challenge of community-based peacebuilding, as has been explained above, is to enable as many people as possible to keep local conflicts under control.

The learning effect of mediation is exacerbated by the fact that mediation gives conflict parties a great deal of control over the outcome of the conflict resolution process. In mediation, the conflict parties alone determine what issues they would like to discuss and what the solution to their conflict should be. The mediators only offer procedural rather than substantive assistance. Consequently, the conflict parties are required to assume responsibility, which often leads them to moderate aggressive and destructive conflict behavior. Many conflict parties undergo an actual change of mentality with effects on their conflict behavior that reach way beyond their current conflict situation. In a country, where conflict behavior is often erratic, destructive and violent, this educational effect of mediation should not be underrated.

Fourthly, mediation opens the field conflict resolution to new groups of third parties and customers. As has been pointed out above, mediators do not decide over the outcome of the conflict resolution process. Consequently, they do not need as much authority as judges or arbitrators whose judgment is sought and accepted because of their social status. This provides opportunities for local actors who lack prominent status in the community, in particular women and young people, to offer third party services in conflict resolution. Their involvement, in turn, makes conflict resolution potentially more attractive for conflict parties finding it difficult to identify with traditional third parties, who, in Afghanistan, are usually male, elderly and equipped with relative wealth, influence and power.

5 What Mediation?

There are different schools of mediation which may vary in their notion of the key principles of mediation and the practical design of the mediation process. This manual is heavily inspired by an approach to mediation that was shaped and promoted by Western mediators like Johann Galtung, Friedrich Glasl

and above all Ljubjana Wüstehube, Dirk Splinter and Wilfried Kerntke from the institute inmedio in Berlin, Germany where the author received her own training in mediation.

However, where deemed necessary, this Western approach to mediation has been adapted to Afghan realities. Evaluations made by DED peacebuilding experts revealed that some of the key principles of mediation are foreign to Afghan culture or impractical under local circumstances and need to be treated with some flexibility. This concerns first and foremost the principle of self-determination of the conflict parties. Afghanistan has a long-standing tradition in arbitration, a method where the third party is generally a reputable person of high social standing who acts more or less like a judge in court. Consequently, when people turn to a mediator their first impulse is to expect him or her to give them substantive advice and to come up with a solution to their conflict just like an arbitrator would. The difference between mediation and arbitration might not be readily apparent to them and they might find it difficult to accept the responsibilities mediation gives them. They might even be somewhat overwhelmed by the high demands mediation makes on them in terms of introspection skills, openness and the ability to eloquently express complex issues such as interests, needs and feelings.

However, it is not only Afghan conflict parties but also Afghan mediators who might find the principle of self-determination foreign to them. Mediators who have become involved in conflict resolution because they are elders, shura members, religious or political leaders might find it difficult to arrange themselves with a role where they have very little substantial decision-making power. They might feel that their status as social leaders and watchmen of the harmony within their community is undermined if they give up too much control.

For these reasons, it must be possible that Afghan mediators actively contribute to the substantive issues of the mediation process and take the lead in suggesting solutions. This moves their function closer to that of a traditional arbitrator. However, when making their own contributions to the conflict resolution process, Afghan mediators must keep the principle of consensus-orientation in mind and avoid attributing blame and suggesting solutions that favor one conflict party to the detriment of the other. The mediators must be cautious with their comments and be sure not to impose their ideas. It must be left to the conflict party's own discretion to reject the suggestions of the mediators. Consequently, the mediators must not be annoyed if their ideas are rejected. Also, suggestions and ideas of the mediators shouldn't be presented as an advice or as the only possible solution. Only if the solution to the conflict leaves both conflict parties equally satisfied will they be durable and contribute to the reconciliation of the conflict parties.

Another reservation concerns the principle of the neutrality of the mediator. In Afghanistan, it might be necessary to handle the principle of strict neutrality in the Western sense with some flexibility. Mediators who have become involved in conflict resolution because they are elders, shura members, religious or political leaders might find it difficult to arrange themselves with a role that does not allow them to scold the conflict parties for conflict behavior that is deemed unacceptable in Afghanistan, in particular if the conflict parties belong to the young generation. However, in fulfilling their role as a figure of authority, mediators must keep the overall principle of neutrality in mind and avoid attributing blame and discouraging or disadvantaging a conflict party to the degree that a good, consensus-based solution is no longer possible.

As a consequence of these reservations, this manual promotes an approach to mediation that is, albeit to a very limited degree, a cross-breed between mediation and some elements of arbitration. This approach takes Afghan culture into account without jeopardizing the advantages of mediation outlined above.

6 Who Will Mediate?

Practically anyone with good analytical, introspection and communication skills can become a mediator. As has been explained above, the aim of CCA is to strengthen *local* capacities in conflict resolution. Accordingly, the indirect target group of this manual are individuals, institutions or organizations at the grassroots level who are frequently confronted with conflictive situations. These include:

a) traditional third parties such as:

- community leaders (malik, mirab, mullah, khan, elders)
- members of community institutions (jirgas, shuras, ulamas, community development councils)

b) groups and individuals relatively new to the field of conflict resolution, such as:

- members of community organizations (youth and women's groups, local NGOs, market associations (sawdagars), trade unions)
- local figures in exposed positions (teachers, intellectuals, police officers, refugee camp leaders, community developers, social workers)
- other interested groups or individuals

With the support of this manual, CCA facilitators will train these individuals and groups in mediation. In the end, chosen local actors will be qualified to resolve community-level conflicts as a third party and thus make a contribution to the efforts to contain local conflicts. In the following chapter, the aims of the planned trainings and the training method used are explained in detail.

2

TRAINING AIMS AND TRAINING METHOD

1 Training Aims

The aim of CCA's involvement in peacebuilding is to increase local capacities in conflict resolution. Accordingly, this manual is a guide for skill-building trainings, that is trainings that convey practical skills in how to mediate a conflict. What exactly does this mean?

Trainings in conflict resolution can pursue different aims, the most important of which are:

- **awareness-raising**, e.g. about the causes and consequences of conflict in Afghanistan or the importance of resolving conflicts peacefully
- **knowledge transfer**, e.g. about theories of conflict and peace or the key concepts underlying mediation
- **skill-building**, e.g. how to use various communication techniques or how to create solutions to a conflict
- **changing behavior and attitudes**, e.g. changes in how people behave in conflict situations or feel about the peaceful resolution of conflicts

Most conflict resolution trainings currently offered in Afghanistan content themselves with awareness-raising and knowledge transfer. These trainings may motivate and stimulate participants to get involved in conflict resolution, but they do not qualify them to actually serve as third parties – there is a big difference between acknowledging the importance of conflict issues and knowing in theory how they can be resolved and being able to put this into practice. To enable people to resolve conflicts and thus make a real contribution towards peace in Afghanistan, trainees must be introduced to practical tools and instruments and be given the opportunity to test and practice them.

Against this background, this training manual puts a lot of emphasis on practical skill-building in mediation and communication. It explains in detail how to mediate a conflict, what communication techniques to use and what the mediator has to do to reach the goals set for each stage of the mediation process. The manual also gives a number of practical tips on how to master difficult situations

during a mediation. In addition, it provides numerous examples of exercises and role plays that can be used to practice and perfect these practical skills and techniques.

However, just as awareness-raising and knowledge transfer don't make a mediator, skill-building alone is not sufficient. Any skill-building training must contain a strong element of theory and reflection on experiences that enables the trainee to understand the nature, the causes and dynamics of conflict and the basic theoretical assumptions underlying conflict resolution and practical conflict resolution tools. Similarly, skill-building should also contain a strong element of awareness raising. Otherwise, there is a danger that techniques will be learnt, but prejudicial attitudes will still remain.

Against this background, this manual also provides theoretical background material on conflict, conflict resolution, communication and mediation that can be used to raise the participants' understanding and awareness. Once again, this theoretical material is accompanied by practical activities that can be used to teach these issues and let participants experience them.

The exact balance of the three elements awareness-raising, knowledge transfer and skill-building in trainings depends on the particular training needs and characteristics of the group of participants, such as job requirements and previous experience. But all three are needed to meet the fourth aim listed above – that of changing behavior and attitudes towards conflict and peace in Afghanistan. Only if people

- a) are aware that seemingly small-scale conflicts can have dire consequences not only for their own lives but also for peace and reconciliation in Afghanistan, if they are not handled in a peaceful and constructive way
 - b) understand the dynamics that lead to conflict escalation and violence and
 - c) believe in their capacity or that of trained mediators to preserve their interests and needs without having to resort to destructive and violent conflict behavior
- will they be willing and able to change their mentality and their behavior in conflict situations.

Awareness-raising, promoting real understanding and in particular skill-building require that trainees get the opportunity to reflect on the training material, experience it and practice the skills and techniques introduced in the training. The only way to achieve this is participatory training.

2 The Participatory Training Method

What is participatory training?

This manual promotes a participatory approach to training. In contrast to teaching, where passive pupils are fed with information delivered through lectures and presentations, participatory training engages the participants. It uses interactive learning methods such as small group discussions, exercises and role plays and builds upon the participants' existing wisdom and experiences in order to relate the new training material to the skills and the knowledge they already have. The trainees participate actively in the training and have the opportunity to share experiences and problems with others and work together to find solutions and practice new skills. Participatory training is about exchange and dialogue, reflection and action.

In participatory training, the role of the trainer is to facilitate the process of learning, rather than to teach. To this end, you as a trainer have to create a learning environment where the trainees can get involved as much as possible, can experience and practice learning points themselves and bring in their existing wisdom and experiences.

Why participatory training?

Participatory training has three advantages that make it the method of choice for skill-building trainings in mediation:

Firstly, studies have shown that people learn more effectively when they are active participants in the process. They remember learning points best when they have to actively access learning contents rather than just being told by the trainer and when they are given the chance to see and observe, do exercises and practice what they have learnt. Involving people in the training process gives them confidence to learn, to make mistakes, ask questions and build on what they already know.

Secondly, adults learn best when the training makes sense to them and can be understood within the context of their life and work experience. Adults already have gained a lot of personal and professional experiences and find it easier to relate to the content of the training when their capacities and knowledge is valued and when they are able to share and analyze their experiences. Adults also need to feel that they are taking an active and responsible part in the learning process. If this is ensured, participants are more eager to learn and to put into practice what they have learnt once they leave the course

Thirdly, participatory training is the method that is best adapted to building practical skills in mediation. Learning theory about how to play the flute will not turn you into a flute player. To master the instrument, you have to practice. Similarly, future mediators have to be given the opportunity to practice. Through exercises and role plays, the participants experience and feel the training contents and methods. They can discover and test methods, experiment with them and learn as well as analyze, reflect, discuss and study the training contents.

Fourthly, participatory training promotes values and processes such as mutual respect, openness, discussion, introspection, analysis and seeking mutual agreement in a group. The same values and approaches underlay mediation. In other words, in many ways participatory learning is a model of conflict resolution through mediation. This means that participatory training in mediation not only talks about mediation but lets participants live and experience some of the processes involved in mediation.

The overall aim is to present theory and practice in a way that allows people to effectively process the new information, connect it in a useful way to what they already know and to lead them towards independent planning and implementation of activities which are based on what they have learned.

Participatory training techniques

There are numerous ways to involve people in analysis and reflection about the content of the training and their own experience with the topic and to give them an opportunity to experience and practice the new things they learn in the training. In the following, the most common techniques are introduced. The descriptions have been taken from *The Oxfam Gender Manual*⁸ and adapted to the needs of this manual.

Brainstorming: The aim of brainstorming is to collect from the workshop participants as many ideas as possible on a specific topic within a given time, in an uninhibited way. Once you have presented the topic to the group, invite them to call out ideas, comments, phrases or words connected to it. Write all contributions on a newsprint or flipchart as they come up, without comment or question. Participants should not comment on each other's suggestions either. People should feel that what they say is not evaluated or judged. The list of ideas is then used as the basis for further work, which may involve discussing and categorizing them, rejecting some, prioritizing others and so on. A brainstorm can be a good way of starting off an activity on a new topic.

⁸ Williams, Suzanne with Janet Seed and Adelina Mwau. *The Oxfam Gender Manual*. London, Oxfam UK and Ireland, 1994, pp. 39-42.

Variations on brainstorming include "webs" or "balloons". Here the trigger word is written in a "balloon" in the centre of the page. As the individual or group comes up with connected ideas, these are written on the page, showing the connections. A related activity for individuals is 'free writing'. Here individuals write non-stop for a very short period (three to five minutes) and not longer. As in all these methods, the aim is to encourage free-flow of ideas and feeling without censorship.

Buzz groups: Participants form pairs or threes to quickly discuss ("buzz") some aspect of what the speaker has been saying. It helps to break up the monotony of input and is a good way to get discussion going in a large group. Buzz groups can report back to the large group, or 'snowball' by each buzz group talking to another pair, and then the four talking to another four, until the group is back together.

For an example of how to work with buzz groups see activity 4.9 in section B of this manual.

Case studies: Case studies may be based on real cases or be designed as hypothetical situations but based on real issues. They provide the material on which participants practice using the analytical tools they have learned. They also stimulate participants' critical faculties by presenting successes and failures in development and relief work. Case studies should always be carefully designed with specific objectives in mind and tailored to fit the concepts or problems they are intended to address. Case studies need careful preparation and testing out.

Creative work: This includes collage, drawing, painting, modeling, composing songs, poems, stories, or plays. These can be done individually or as a group effort to enable expression of issues in a different way. It is important to stress that these activities are a vehicle for ideas, not a test of people's talent or drawing ability.

For an example of how to use creative work see activity 10.1 in section B of this manual.

Debates: Debates can help to clarify thinking on controversial issues and allow different perspectives to be seen.

Games and energizers: These are useful for breaking up monotony, raising energy levels and letting people enjoy themselves. They can also raise sensitive topics in a lighthearted way.

For a number of examples of games and energizers see activities 4.4-4.8 in section B of this manual.

Group discussion: This is a very common method which can be combined with other methods in one activity. Discussion in a large group is useful for learning from the experiences of all the members of the group and allowing participants to draw conclusions from activities. Trainers may need to encourage equal participation, and discussion between participants.

Most of the activities in this manual require the participants to be divided into smaller groups of three to six people for discussion or to complete a task. Often a spokesperson from the smaller group will report back to the full group, for further discussion. People can find it easier to share experiences in pairs or small groups, and to relate the subject under discussion to their own lives. In conflict resolution training, strong emotions are often aroused and sharing experiences in small groups is a less threatening under these circumstances. Speaking in a smaller group also enables less confident people to participate more fully in the workshop, and to build up confidence for speaking in the plenary sessions.

There are a number of ways of working with small groups, depending on the training. You may, for example, wish to establish "homegroups", that is, groups whose members do not change throughout the training. Home groups enable participants to build up trust and solidarity with one another. Or you may wish to make sure that people mix thoroughly by being in different groups in every activity. Certain activities may also require splitting the participants into single-sex groups. When you do this, it is important to follow up such an activity with one that brings the group together again.

It is best if you, the trainer, divide the participants into groups, e.g. through using one of the following methods:

- Proverbs have to be put together: Each member of the future group gets a part of a proverb and has to look for the other parts to complete it.
- Sweets in different colors are distributed: The persons with the same color form a group.
- Different sorts of tea in plastic cups: The persons with the same sort of tea form a group.
- Cards with key words from the last session are distributed: Group members have to find the ones with the same key word. You can combine this with a repetition of what has been learnt in the last session: each group has to present a short definition of their key word.
- Cards with different numbers of dots are distributed: The persons with the same amount of dots form a group.

- Counting: if there are to be 4 groups you go around and count from 1 to 4 until everybody got a number. The persons with the same number form a group.

For an example of how to work with group discussion see activity 4.11 in section B of this manual.

Guided fantasy: In guided fantasy the trainer reads out a prepared fantasy or one can be developed by the group. It can be used for private reflection or shared with the group. It is useful to start with general relaxation to enable individuals to let go and free their imaginations.

Icebreakers: These are short activities designed for the beginning of a one-day training or each day in a long workshop, to help people relax, get to know each other and gain the confidence to speak in front of the group. Icebreakers encourage participation and mutual support among the women and men at the workshop and thus shouldn't demand deep personal disclosures or actions which could make people feel ill at ease. Most trainers have a number of these that they have tried and tested. You will probably have your favorites. It is important to select the icebreakers most suited to your group. This is likely to vary according to how well the participants know each other, their cultural backgrounds, their gender and so on.

For a number of examples of icebreakers see activities 4.4-4.8 in section B of this manual.

Questionnaires: These are usually used to test knowledge, but can examine opinions and attitudes too.

Role plays: Role plays imitate reality by assigning roles to participants and giving them a situation to act out, e.g. a mediation session. Each person in a role play needs to have a clear idea of the role they have been assigned, and the objectives of the role play should be well-defined. The aim of a role play is to make attitudes, situations and experiences come to life in a dramatic and enjoyable way: they aim to help people learn through experiencing and feeling. They can also be used to practice skills, e.g. the communication techniques used in mediation. They can be based on real-life cases or carefully designed to bring out certain roles and attitudes. In some cases, the participants may bring their own situations to be acted out.

Role plays often cause anxiety amongst participants. If there is anxiety, it can be lessened by not using the words "role play" but "drama" or "acting out a situation". They should be used after a group's trust has built.

It is very important to allow sufficient time after role plays for a thorough de-brief (for each player to say how they felt in their role), de-role (for each player to come out of their role and realize that they are themselves) and for summarizing the lessons learned. Otherwise there is a danger that participants may be carrying on inappropriate feelings and thoughts.

For an example of how to work with role plays see activity 5.7 in section B of this manual.

Rounds: A round is an exercise in which each participant has the opportunity to say something quickly in answer to a question or to report an opinion or feeling. Rounds are a useful quick monitoring exercise to give a sense of individual and group mood and learning. It is particularly useful if you have very uneven participation in the group. However, some people may not want to reveal their true thoughts on certain topics to the group. In this case you can use index cards or slips of paper, and ask each person to write a question or opinion on a card. The cards are then collected, shuffled, and each person takes one card, known as the "Ballot Box".

Starters: These are objects, photographs, cartoons, drawings or newspaper articles which may be provided by the facilitator or by each participant. The aim is to provide a focus for discussion. The facilitator should make sure the starter or the questions about it are related to the content of the workshop (e.g. ask participants to choose an object which represents conflict for them).

For an example of how to work with starters see activity 9.4 in section B of this manual.

Statement ranking: In statement ranking, participants are asked to rank statements on a given list of statements according to how much they agree or disagree with them. The statements are designed to be controversial and to stimulate thought and discussion. The statements should be carefully chosen in accordance with the objectives of the training unit.

Sentence completion: In sentence completion, participants are asked to complete given sentences, e.g. "Conflict is...". This allows people to work on their own to express ideas and later discuss these with

others. It is a more open activity than statement ranking, because each person has to come up with her or his own statements rather than choosing existing ones.

3

PLANNING, IMPLEMENTING AND EVALUATING A PARTICIPATORY SKILL-BUILDING TRAINING IN MEDIATION

1 Planning Your Training

Introduction

Every training must be planned in detail. A structured way of doing this is following the 7 steps of planning developed by Dr. Jane Vella⁹. These 7 steps include:

- 1) Why?
- 2) Who?
- 3) When
- 4) Where?
- 5) What for?
- 6) What?
- 7) How?

The steps are best done in this order, but some steps will also need to be considered together.

Step 1: Why?

Ideally, every planning process starts with an identification of the aims of the training. Aims are over-riding, general and long-term statements of intent. As has been explained above, the predetermined aim of CCA trainings is to develop local skills in mediation and to change people's conflict behavior. As skill-building is not useful without some awareness-raising and knowledge-building, the aims of CCA trainings in mediation can be summarized as follows:

- to raise awareness about conflict, conflict resolution, mediation and communication
- to build knowledge about conflict, conflict resolution, mediation and communication
- to build skills in mediation and communication
- to change people's behavior

⁹ Vella, Jane. *Learning to Teach: Training of Trainers for Community Development*. Washington, DC: Save the Children Fund and OEF International, 1989. See also: Williams et al., *The Oxfam Gender Manual*, pp. 18-30.

The exact balance of these four elements will depend on the particular training needs and the characteristics of the participant group, such as job requirements and educational background (see also step 5 „What for?“ below).

Step 2: Who?

In a next step, you have to determine the target group of your training and chose the trainers.

The **selection of participants** is crucial to a successful training. In choosing the participants for your training, you should consider the following:

- Who are the individuals and institutions that are most often confronted with conflictive situations on the local level and would thus benefit the most from a training in mediation? (see also paragraph on "Who mediates?" in Chapter 1).
- Do we attach importance to diversity in terms of gender, age, ethnicity, political affiliation, social background, religion, educational level etc.? If yes, who should participate to assure this diversity?

Once you have identified potential participants, establish whether your choice of participants is a good mix:

- What is their educational background and their level of experience? Is it feasible to train these people in one and the same workshop? Or will some people feel either overwhelmed or not challenged enough?
- Are they from conflicting groups? Is it feasible to train these people in one and the same workshop? Or will this lead to difficult situations?

If you feel that training all potential participants in one large group will create problems, you have to ask yourself whether you want to limit participation or offer multiple training courses of which each targets a specific group of participants.

Once you have determined your participants of choice, think about how best to reach them:

- How can these people be encouraged to attend?
- What challenges are they facing, e.g. in terms of time-constraints, travel distances, handicaps, personal, religious and professional obligations etc.?

These considerations will have to flow into the next steps of your planning.

As a rule, the training must be managed and supported by qualified professionals whose experience will be respected by the participants. If there are several trainers who match this criteria, your **choice of trainers** will depend on the following:

- availability: Do they have the time to conduct the training?
- nature of their expertise: Do they have the knowledge and the skills that are required to assist the participants in reaching the aims you have set for this particular training?
- their appropriateness in terms of gender, age, ethnicity, political affiliation, social background, religion to the workshop's location and the participants: Are they suitable or would there be any problems?
- styles and methods of working: Are their training style and their preferred training methods suitable for this particular training?
- compatibility with co-trainers: Are they a good match in terms of gender, age, experience, style, character etc. with the other trainers you have in mind for this training? Are there any conflicts between them?

Step 3: When?

Good timing is everything. This pertains to choosing the dates of the training as well as to structuring the individual training days.

In setting the dates for the workshop or training course, you should consider:

- religious or cultural events or anniversaries: Make sure these do not coincide with the training.
- the plans and obligations of the participants: Check their work schedules, seasonal routines (e.g. harvest times) and religious, political or personal responsibilities.

In deciding times for the individual sessions, you should consider:

- the plans and obligations of the participants: Check their work schedules, daily routines and religious, political or personal responsibilities. Remember that these might be different for women (family responsibilities, social constraints on women going out at night).
- the needs of the participants: Plan enough time for rest, prayer, exercise and socializing.

Step 4: Where?

When choosing the location for the training you should consider:

- availability: Is the venue free during your dates of choice?

- convenience: Does the location provide all the amenities you and the participants need, such as training equipment, additional rooms for group work etc.? Are there facilities for women with young children?
- costs: Are the costs within your budget for this particular training?
- accessibility: Is the place accessible to all those who wish to attend? This is particularly important if you have participants with a handicap.
- safety: Is the place safe, also for women?

Step 5: What for?

Once you have identified your participants, you need to assess their learning needs so that you can set specific objectives for the training.

Learning needs are identified by looking at the gap between what participants already know and what they need to know to be able to reach the aims of the training defined in step 1 of the planning process. This can be done by:

- sending a pre-course questionnaire to all the participants
- making interviews with the participants
- observing the participant's activities, skills, confidence and competences, e.g. at their workplace
- studying the results of surveys on your training topic

It is important that you gather information about learning needs well in advance, particularly if you are planning a training outside your home area.

Once you have determined the learning needs of the participants, you can use them as a basis to formulate the objectives of the training. Objectives are more concrete statements of intent than the training aims defined in step 1. Training objectives specify the training aims under consideration of the learning needs of the participants.

An example: An objective that derives from concrete learning needs and specifies the aim: "to build skills in mediation and communication" could be: "By the end of the training all participants will be able to engage as third parties in conflict resolution using the technique of mediation."

It is essential that objectives are SMART, that is **S**pecific, **M**easurable, **A**chievable, **R**elevant, and **T**ime-Bound. In concrete terms that means that you will have to check the following:

- **Specific:** Are the objectives clear in terms of who has to achieve what, when and how? Or are there any ambiguous words in your statement of objectives, such as "soon" or "adequate" or "successful" that can mean different things to different people?
- **Measurable:** Can be verified whether the objective has been met? It is wise to begin to think about how the training will be evaluated at this stage, because the achievements of a training should always be measured against its aims and objectives.
- **Achievable:** Are the objectives within reach of trainers and participants? Or are the objectives set too high?
- **Relevant:** Are the objectives relevant with regard to the overall aims and the needs of the participants?
- **Time-bound:** Is there a clear deadline by which the objectives have to be reached?

Step 6: What?

On the basis of the aims and objectives of the training you now determine the training contents, calculate the time needed for each session and put the training program together. In doing so, make sure that your program

- matches the training's aims and objectives and the training needs these are based upon: Check once again whether you cover everything that is important to allow the participants to reach the training aims and objectives.
- is guided by what is most relevant to the participants: Schedule the most important topics first and peripheral topics last.
- progresses in a logical, cumulative way: Make sure that the individual sessions build upon each other.
- considers both theory and practice, the general and the specific
- is as dense as suits the participants, the subject-matter and the time available: Choose a pace that neither overwhelms nor fails to challenge and engage the participants.
- follows a certain pattern: Set up a daily structure that will allow participants to easily find their way around the training, that is, schedule sessions and breaks always for the same time.
- is varied: To keep participants engaged, it is important to vary the type and length of the activity, the size of group and the skills and involvement each activity requires, so that this workshop pattern or rhythm is stimulating. Do not use the same training technique twice in a row (see also Step 7: How).
- is flexible: Plan some buffer zones that will allow you to adapt the program in response to needs and ideas which come up in the course of the training.
- observes a balance of work and rest

Step 7: How

When you determine the content of the training, you also need to consider how you want to convey its specific content, that is, you need to choose the training method you want to use. As has been discussed above, this training manual promotes a participatory approach to training and provides a number of examples for practical activities such as role plays and group work. When choosing a training technique for an individual training sessions, you need to consider:

- the objectives and the content of the training session in question: Theory and factual information can best be conveyed through presentations or films, skills are best learnt through practice while games and songs are most useful for awareness-raising.
- the individual learning styles of your participants: Some people learn better through listening, others through practicing or reading. To satisfy everyone, you need to vary your methods.
- cultural aspects: Many Afghans might not be used to participatory training and might feel somewhat uncomfortable at the beginning of a workshop. Take this into consideration and plan some activities at the beginning of the training that loosen the group up and build trust among the participants.
- educational abilities of the group and the level of knowledge about conflict and conflict resolution: Role plays, drawings and games need to be handled with caution for some highly-educated groups, who may sometimes feel that they are not being treated with sufficient dignity in these activities. However, as trust and respect builds up in the group, you may find that you are able to introduce these activities. Accordingly, it is best not to schedule role plays, drawings and games for the first two days of a training but for the third or fourth day.
- gender aspects: In mixed groups it is important to choose training activities which are seen as culturally acceptable interactions for men and women. In Afghanistan, this is particularly relevant. You also need to consider that men and women have different learning styles. Many women find it easier to talk in pairs or smaller groups and in single-sex group, so you should include some group work in single-sex groups. Men, on the other hand, often find it difficult to discuss personal feelings in groups. Take this into account and create an atmosphere where men feel more comfortable about sharing the feelings and personal experiences.
- practical relevance: Make sure that an activity draws on the personal and professional experiences of the participants.
- motivation and energy level of the participants: You need to arrange the training contents and set the pace in a way that suits your participants and stimulates and sustains motivation and interest. This is best achieved by varying the type and length of the activity, the size of the group and the skills and involvement each activity requires. Where an activity demands intense concentration, plan to start it off with a brief energizer or a game. Keep the length of sessions to no more than two hours and

- include enough refreshment and exercise breaks. Also consider the time of the day and try not to schedule theoretical inputs immediately after a heavy lunch as you may find people falling asleep.
- language issues: In case participants do not share one language, make sure to choose training activities that are feasible with translation.

2 Running Your Training

The role of the trainer

Once the training starts, your tasks as a trainer are not limited to running the sessions and implementing the activities you have planned. You are also responsible for ensuring that the participants actually accomplish the aims and objectives of the training. To this end, you have to create a learning environment where the trainees can get involved as much as possible, can experience and practice learning points themselves and bring in their wisdom and experiences. The role of the trainer is to help participants to get as much as possible out of the activities and to make sure that the key concepts and ideas are communicated clearly and understood. In accordance with the philosophy of participatory training, you should respect the participants and be ready to adapt the program in response to needs and ideas which come up in the course of the training.

If you feel resentment towards your training techniques, accept people's comments with respect and without defensiveness. Take some time to explain why you are using a certain training technique and to build confidence and trust in your group of participants. Always remember the principles of respect and voluntarism: If participants continue to resent your training techniques, you will have to adapt.

In addition, you have to make sure that the group of participants maintains itself as a group. Participatory training requires that participants get actively involved, take a stand in discussions, share personal and professional experiences and participate actively in games and role plays. Most participants will find this difficult at the beginning, all the more so as in Afghanistan and elsewhere issues such as conflict and conflict behavior are personal and sensitive, to some degree even tabooed. It is therefore essential that the trainer creates a safe training environment marked by mutual respect and trust and takes care that the group of participants maintains itself as a group. To this end, it is important that you:

- observe and listen
- are aware of the way individuals are reacting in the group

- are aware of group dynamics
- enable each person to feel accepted as part of the group and capable of participating equally
- enable participants to listen and learn from each other
- draw common threads and point out differences of opinion
- are aware of possible difficulties, such as scape-goating of individuals or individual members dominating the group
- are able to support participants who are experiencing powerful emotions associated with conflict, particularly grief, fear and anger
- help the group to handle conflicts arising during the workshop or brought into by the group's composition in accordance with the principles of mediation.

Remember that mediation is not just a conflict resolution method but also a lifestyle and an attitude. The principles of consensus-orientation, self-determination, neutrality, voluntarism and confidentiality and values such as respect and non-violence not only apply to the mediation process but should also characterize your trainings.

Preparation for individual sessions

To make a good impression, it is essential that you are well-prepared and well-rested when you go into the training sessions. Also make sure to have your material ready. For the activities proposed in section B of this manual, you will regularly need:

- a flip chart and/or a white board
- flip chart papers
- felt tip (marker) pens
- adhesive tape
- handouts
- small sheets of paper or index cards for individual or group work

Sometimes you might also need:

- overhead projector, TV, video or DVD player, slide projector, beamer. If you plan to use any of them, do make certain you know how to operate them and that they are in proper working order. Have a trial run to check. In Afghanistan you must also consider that electricity is not always available.
- other materials specific to the activity, e.g. role descriptions for role plays, pictures etc.

Tips for presentations

Even if your objective is to make the training as participatory as possible, you will not be able to avoid giving theoretical inputs and making presentations. These should be clear and brief and adhere to the following principles:

- Try to make your presentation interactive, e.g. by asking questions such as: "Does anyone know what this word (e.g. mediation) means?" – "Does what I just explained correspond with your experiences?" – "Why do you think people react this way (e.g. to active listening)?" Also allow the participants to ask questions during your presentation.
- Limit any segment of speaking to a maximum of 20 minutes – after that people will not be able to concentrate anymore.
- Condense what you want to say to the bare essentials that people absolutely have to know (for example "the five key points", the "four guiding principles").
- Use visual aids to back up what you are saying (acetate, flipchart, handouts).

Tips for training illiterates

As mediation requires the ability to analyze, synthesize and to introspect, it is assumed that your training participants will have some formal education and will thus be literate. However, as the literacy rate in Afghanistan is rather low – especially among women – exceptions are possible. In this case, you will have to adapt some of the activities proposed in section B of this manual to the needs of illiterates.

The basic principles of adult learning and participatory training apply whether training literate or illiterate people. However, when you have illiterates among your participants you should:

- Avoid making the trainees feel ashamed of not being able to read and write: Consider how you will deal with this already in the planning phase of the training.
- Adapt your training techniques to the needs of the illiterates, even if they are a minority: Treat the whole group as if everyone is illiterate and refrain from writing on flipcharts or using visual aids that are combined with writing altogether. Otherwise, illiterate trainees may feel confused about what is being taught, embarrassed and alienated from the training. Instead use even more training techniques that do not require writing such as role plays, pictures, discussions, stories and poems.
- Dare rely on people's memory: Afghanistan is an oral society. Afghans have an excellent memory for spoken word and do not need as many written visual aids as elsewhere.

3 Evaluating Your Training

In order to control whether your training achieves your aims and objectives, it is essential that you set up a good evaluation scheme. Most monitoring and evaluation activities will involve the participants. In section B of this manual, you will find a number of practical tips on how to evaluate the effectiveness of your training together with them.

In addition to getting feedback from the participants, you should hold regular evaluation rounds within your team of trainers. These should take place prior, during and after the training.

In the **planning phase**, check training contents and training methods against the aims and objectives you have set for the training. You could, for instance, ask yourselves:

- Will the selected training contents and methods really result in the participant's learning the knowledge and the skills needed to perform as a mediator?
- Do the contents correspond with the participants' learning needs?
- Do the methods conform to the participants' learning styles?
- How will we evaluate the effectiveness of our training during and after the training?

During the training, regularly discuss your impression of the training and the participants with your team. You could, for instance, ask yourselves:

- Are we still on schedule? If not, what training contents could be skipped?
- Are the participants enthusiastically taking part in the activities? Do they seem motivated? If not, what changes do we have to make?
- What is the dynamic in the group? Do we have to add additional team building activities or initiate a discussion to put an end to negative developments in the group?
- Are any participants overwhelmed or not challenged enough? What can we do to integrate them into the group?
- What feedback are we getting from the participants? What can we do to improve?
- How is our individual and collective performance as trainers?

After completion of the training, make another evaluation in the team along the lines of the questions listed above. In addition, discuss the final feedback of the participants, identify the strong points and weaknesses of the training, work out recommendations for future trainings and draw up a schedule for a follow-up (see Chapter 14 "Course Monitoring and Evaluation").

The results of this team evaluation should flow into a comprehensive training report. This report serves a number of purposes. It:

- summarizes the lessons-learnt of your training
- informs your boss, your donor or the bosses of your participants as to what extent the aims and objectives of the training were met
- identifies future training requirements
- serves as planning aid for colleagues or other organizations who would like to run similar trainings

The training report often concludes training and evaluation activities. However, if you schedule follow-up activities – which is strongly recommended – you will need to evaluate these yet again.

B | RESSOURCE PACKAGE

Section B of this manual provides the actual training material from which skill-building trainings in mediation can be created. It is organized like a training course or a workshop. Each chapter treats an individual training topic. These training topics are presented roughly in the order they should be used in a training. However, a chapter does not equal a training session. Rather, each chapter presents a variety of material from which several inputs and activities can be created. The amount and the length of these inputs and activities will depend on the details of your training objectives and on the background and the needs of the participants.

Each chapter/training topic is divided into four parts – objectives, theoretical background, further reading and practical tools – which cover the following:

Objectives: position the training topic in question within the overall undertaking of teaching mediation and explain the learning goals that should be achieved regarding this topic.

Theoretical Background: provides an in-depth revision of the basic concepts and instruments of a given topic. The information provided here can be used as a basis for inputs and presentations.

Further Reading: recommends books and articles for those interested in more theoretical background.

Practical Tools: presents activities such as exercises, games and role plays that can be used to teach and practice the concepts and instruments presented under "theoretical background".

When you consider the various training activities proposed in section B, do not choose an activity because of the method it uses. Choose it because it will meet your specific objectives for that session and because it is suitable for the group. Modify activities when necessary. You also need to read the activities carefully and plan accordingly. Some of the activities require a lot of preparation. Some depend on having done other activities previously. Some are alternatives and you will need to choose the most appropriate. Remember that training is a process and that the activities should have a coherent order, that is, they should build on each other in a logical way.

4

COURSE INTRODUCTION

1 Objectives

It is very important that at the beginning of a workshop sufficient time is planned for participants to introduce themselves to each other and to be introduced to the objectives and the program of the workshop. This introductory phase allows participants to develop a sense of common identity and purpose and to establish a sense of belonging. In addition, it serves to create a working atmosphere marked by mutual respect, mutual trust and a feeling of safety. This is essential, as participatory training in conflict resolution requires the participants to be able to exchange personal views and experiences and to reflect on their own attitudes and behavior.

2 Theoretical Background



10

Introduction

The introductory phase normally encompasses the following activities:

- greetings
- getting to know each other and team building
- clarifying expectations and fears held by the participants
- presenting workshop agenda (objectives and program) and workshop assumptions (method, working ethos)
- sounding out the experiences held by the group (group resources)
- establishing ground rules

Greetings

The formality of these procedures depends on the participants and on form and length of the workshop. In Afghanistan, initial greetings are normally accompanied by a Koran recital and longer workshops start with a formal address by a member of the authorities, the head of your organization or a representative of your donor organization.

Getting to know each other and team building

Even when participants work together or are from the same village and supposedly know each other already, you should set aside time for an activity that introduces participants and trainers to each other. It is seldom the case, that all participants know each other equally well and if you make the activity interesting, even close friends can learn new things about each other.

Getting to know each other also serves the purpose of establishing a group feeling among participants, building trust among them and creating a safe and positive environment for the duration of the workshop. This process should be supported by a number of team building activities. As team building is a time-consuming and ongoing process, team building activities should not be limited to the introductory phase but be a recurring theme of the training.

¹⁰ This and the other graphic designs in the titles have been taken from: Richter and UN HABITAT, *Conflict Resolution and Mediation*.

Clarifying expectations (hopes and expectations)

The training ethos underlying participatory training requires that you involve the participants as much as possible in the design of the training. Consequently, it is important that you give participants a space to talk about their hopes for the training and their expectations regarding the training program.

You will also have to address the fears harbored by the participants with regard to the training. Often, participants fear that they will not be able to follow the theoretical presentations of the trainers or are afraid of having to make presentations in front of the whole group. Others might feel uncomfortable about the prospect of doing role plays and discussing sensitive issues and personal experiences. In Afghanistan, participants might also be worried about tensions and conflicts in the group, in particular if your group of participants is very diverse in terms of gender, ethnicity and political or religious affiliation. It is important that you discuss these fears and find a way to allay them early on. However, this should not be limited to the introductory phase of the training. Often participants are willing to talk about their fears and concerns only after they have gained trust in the trainers and reached a certain level of comfort with the other participants.

Presenting workshop agenda and workshop assumptions

Once you have evaluated the expectations of the training participants, discuss the objectives and the program of the training as well as training ethos and training style with them. Share your considerations with the participants and let them make comments and suggestions on the objectives, the program and the timetable that you have worked out for them. Make clear, that the program is a work of progress and will be adapted to the needs and expectations of the participants. Your openness and flexibility in these matters demonstrates respect for the participants and has the effects of empowering them, of making the workshop a mutually-agreed interaction and of encouraging a sense of shared responsibility. However, you need to be clear about which hopes and expectations can or cannot be met and how much flexibility you can have in the program. This will depend on the kind of group, the objectives of the workshop and the time you have available.

Sounding out experiences

Participatory training builds on the knowledge and the experiences of the participants. Consequently, it is important that you get an overview of their resources early on. One way of achieving this is to complement your introduction to the training with an activity that starts off the discussion about conflict and conflict in relation to the concrete professional and personal experiences of the participants. This will allow you to discern the different notions your trainees have of conflict and conflict resolution and

what role these topics play in their life. At the same time, this activity helps participants to keep their own experience in the forefront as they learn new tools of analysis and deepen their understanding of conflict and conflict resolution.

For you as a trainer it is important to keep a good written record of the issues that come up during this activity, as you should refer back to these in the course of the training. If you find that the group is more knowledgeable and experienced than you expected, you will also have to adapt the contents and the pace of the training. However, if your pre-training needs assessment was thorough, this should not be necessary.

Establishing ground rules

Every training has to be guided by a set of basic rules of conduct. They regulate cooperation within the group of participants and determine what sanctions will come into effect if the rules are broken. These rules are negotiable and can be revised if necessary. They are usually written on a flipchart which is left hanging in the training room for the remainder of the training.

Some examples of common ground rules:

- allowing each person to participate fully
- listening to each person without interruption or disrespect
- freedom to suggest ideas and express feelings without ridicule
- confidentiality
- punctuality

There are several ways to establish ground rules. You can list your favorite ground rules and invite discussion and acceptance of them. Or you can ask the participants to collectively create their own rules. The latter is usually more effective, as participants have to work out something together, take responsibility for their own behavior and start to engage using some of the basic methods of conflict resolution. The trainers can participate in this collective process and thus make sure that none of the really essential rules are forgotten. This applies in particular for the rule of confidentiality, which is a prerequisite for participants to share their thoughts and experiences with regard to conflict, conflict behavior and conflict resolution. The rule of confidentiality should be effective both during and after the training and include not reporting to the whole group sensitive issues that happened in pairs and small groups, unless there is agreement to do this.

3 Further Reading



forthcoming

4 Practical Tools



Overview

Training Content and General Objectives	Activities
Greetings ↪ The training is formally opened.	No practical activity available
Getting to know each other and team building ↪ The participants are introduced to each other and the trainers. ↪ Trust and respect has been built. ↪ The foundations for a safe and positive training environment have been laid.	Getting to know each other: 4.1, 4.2, 4.3 Team building: 4.4, 4.5, 4.6, 4.7, 4.8
Clarifying expectations (hopes and fears) ↪ Participants and trainers are aware of the group's expectations. ↪ The trainers know whether they need to adapt the program. ↪ The participants know which hopes cannot be met and why. ↪ The fears of the participants have been voiced, discussed and allayed so that nothing should stand in the way of their full participation. ↪ A feeling of participation and solidarity is encouraged and potential hostility or fear reduced.	4.9, 4.10
Presenting workshop agenda and workshop assumptions ↪ Trainers and participants have agreed on training objectives, program and timetable. ↪ The participants know the facilitators' training methods and training ethos.	No practical activity available – program should be presented in context with activities 4.9 and 4.10.
Sounding out experiences ↪ Trainers and participants know the resources of the group and their perspectives on conflict and conflict resolution. ↪ The participants have identified personal points of reference with which they can link the training contents. ↪ The trainers know whether they need to adapt content or pace of the training.	4.10, 4.11, 4.12
Establishing ground rules ↪ Ground rules and consequences for not keeping to them are clear.	No practical activity available

Activity 4.1	The Meaning of Names
Objectives	<ul style="list-style-type: none"> - Participants and trainers are introduced to each other. - Trust and respect is built. - People's different personal and cultural backgrounds are brought out.
Special requirements on the target group	Literacy, but activity can easily be adapted to illiterates
Material	Flipchart, 1-2 flipchart papers, markers
Time needed	1 minute per participant and trainer
<p>Preparation</p> <p>Prepare a flipchart with an empty sheet of flipchart paper and markers.</p> <p>Activity</p> <p>Ask each participant and trainer to write their first and last names on the flipchart and explain the meanings and associations of their names. They should include a brief statement about how they feel about their names.</p> <p>Evaluation</p> <p>You can sum up with a short discussion about particular cultural and gender issues brought out by the origins of the names. But this is optional.</p> <p>Trainer's Notes</p> <p>In case you have illiterate persons among the participants, do this whole activity orally.</p>	

Adapted from: Williams, *The Oxfam Gender Manual*, pp. 51-52.

Activity 4.2	Introduction in Pairs
Objectives	<ul style="list-style-type: none"> - Participants and trainers are introduced to each other. - A personal relationship between participants who don't know each other well is established.
Special requirements on the target group	None
Material	None
Time needed	5 minutes per participant and trainer
<p>Preparation none</p> <p>Activity Ask each participant and trainer to pair up with someone they do not know well. Each participant takes it in turn to tell his/her partner about himself/herself for about three minutes.</p> <p>Evaluation Each participant introduces their partner to the whole group.</p>	
<p>Trainer's Notes The participants can either choose what they would like to reveal to each other or they can interview each other about specific topics that you announce in advance, such as:</p> <ul style="list-style-type: none"> origin family profession hobbies interests reason for attending this workshop expectations regarding this workshop 	

Source: Judith Niederberger von Wyl

Activity 4.3	Portrait
Objectives	The participants get to know each other.
Special requirements on the target group	Literacy
Material	Large room, papers, pens, CD or cassette player
Time needed	30 minutes
Preparation	
none	
Activity	
<p>All participants receive a piece of paper and a colored pen. They write their name on the bottom of the paper. Then all papers are spread out over the floor. Music is played and stopped randomly. Whenever the music is on, the participants move around in the room. Each time the music stops, you give an instruction:</p> <p>Stop 1: Each participants draws the contours of the face of the person whose paper is nearest to him/her on the paper (attention: they should not draw a profile but the front of the face).</p> <p>Stop 2: Each participants draws the eyes of the person whose paper is nearest to him/her on the paper.</p> <p>Stop 3: the ears are drawn</p> <p>Stop 4: the mouth is drawn</p> <p>Stop 5: glasses, moustaches and other distinguishing features that complete the portrait are drawn</p> <p>Ask the participants to hang the portraits on the wall. Each participant can complete his portrait by writing his origin, profession, education, hobbies etc. on the margins of the paper.</p>	
Evaluation	
None	
Trainer's Notes	
None	

Adapted from: Swiss Red Cross. *Chili Trainer's Manual*. Unpublished Manuscript. Bern, 2003.

Activity 4.4	The Gordian Knot
Objectives	- team building
Special requirements on the target group	Formation of single-sex groups recommended
Material	None, but enough room
Time needed	10-15 minutes
<p>Preparation none</p> <p>Activity Form two single-sex groups and establish enough space between them.</p> <p>The members of each group stand in a circle, stretch their arms towards the center of the circle and close their eyes. Then everyone moves forward towards the center and grabs with each hand the first hand they can reach. Now may open their eyes and have a look at the knot they have created. It is now the task of each group to untie this knot and form a circle without any hands being released. In order to accomplish this, a lot of caution, overview, acrobatics and communication is needed.</p> <p>Evaluation None</p> <p>Trainer's Notes In Afghanistan this activity should only be implemented in single-sex groups. This activity does not necessarily have to take place in the introductory phase of the training. You can use it whenever you feel the group of participants needs a team building input or an energizer.</p>	

Source: an often cited classic

Activity 4.5	Clapping
Objectives	- teambuilding
Special requirements on the target group	None
Material	enough room
Time Needed	5-10 minutes
<p>Preparation</p> <p>none</p> <p>Activity</p> <p>Ask the participants to form a circle and start sending a clap around. You start the game by clapping your hands. One clap means that the person on your right side has to take up this signal and clap. Two claps mean that the person on your right side has to take up this signal and clap. The participants can change the direction of the signal as they like. When a person does not take up the signal immediately or claps when its not his/her turn, this person drops out of the game. The game continues until only two participants are left.</p> <p>Adaptation: to make the task more difficult, you can send two signals around.</p> <p>Evaluation</p> <p>None</p> <p>Trainer's Notes</p> <p>This activity does not necessarily have to take place in the introductory phase of the training. You can use it whenever you feel the group of participants needs a team building input or an energizer.</p>	

Source: an often cited classic

Activity 4.6	Car
Objectives	- teambuilding
Special requirements on the target group	None
Material	enough room
Time Needed	5-10 minutes
<p>Preparation none</p> <p>Activity The group is divided in pairs. The pairs build a circle with one standing behind the other. The first one is the "car" and has to close the eyes. The second person is the "driver". The task is for the "car" to walk through the room without bumping into another car. The driver guides his car with commands like left, right and straight on. It gets more difficult when the driver stays in the circle and has to give commands from a distance. The car has to show confidence in his driver.</p> <p>Evaluation None</p> <p>Trainer's Notes This activity does not necessarily have to take place in the introductory phase of the training. You can use it whenever you feel the group of participants needs a team building input or an energizer.</p>	

Source: an often cited classic

Activity 4.7	Shield
Objectives	- teambuilding
Special requirements on the target group	None
Material	enough room
Time Needed	5-10 minutes
<p>Preparation none</p> <p>Activity Ask the participants to position themselves randomly in the room. Each person has the task to imagine 1 other person to be his enemy, the "fire" and another person to be his savior or the "shield". Nobody is allowed to make the roles public. When the trainer gives a signal, all people have to move so that the shield is always between the person and the fire. This exercise can show that if you move one factor, other factors change as well. And everything is a process.</p> <p>Evaluation None</p> <p>Trainer's Notes This activity does not necessarily have to take place in the introductory phase of the training. You can use it whenever you feel the group of participants needs a team building input or an energizer.</p>	

Source: an often cited classic

Activity 4.8	Fruit Salad
Objectives	- teambuilding
Special requirements on the target group	None
Material	enough room
Time Needed	5-10 minutes
<p>Preparation none</p> <p>Activity Ask the group to sit with their chairs in a circle. Now each participants can choose whether they want to be a melon, a pomegranate, an apple or a tangerine. You are the fruit merchant and stand in the middle. You start the game by shouting the name of one of the four fruits. All the people who have chosen this fruit have to get up and change seats before you can sit on one of the vacated chairs. The person who ends up without a chair is the next fruit merchant and continues the game. When the fruit merchant shouts "fruit salad", everyone has to change their seats.</p> <p>Evaluation None</p> <p>Trainer's Notes This activity does not necessarily have to take place in the introductory phase of the training. You can use it whenever you feel the group of participants needs a team building input or an energizer.</p>	

Source: an often cited classic

Activity 4.9	Voicing Expectations
Objectives	<ul style="list-style-type: none"> - Participants and trainers are aware of the group's expectations (hopes and fears). - The trainers know whether they need to adapt the program. - The participants know which hopes cannot be met and why. - The fears of the participants have been discussed and allayed.
Special requirements on the target group	None
Material	Flipchart, marker
Time Needed	20 minutes
<p>Preparation none</p> <p>Activity Ask the participants to meet in groups of threes for about ten minutes. They take turns to share their hopes and fears for the workshop.</p> <p>Evaluation When the participants return to the whole group, you collect these hopes and fears on a big sheet of paper and respond as appropriate. That is, you explain which hopes cannot be met and why. Discuss the fears of the participants, take them seriously and try to dispel them.</p> <p>Trainer's Notes It is important that you do not give out the program before this activity, otherwise people's expectations will be influenced by your program. This activity should be followed by the presentation and discussion of the program. Negotiate timing of sessions and breaks.</p>	

Source: Judith Niederberger von Wyl

Activity 4.10	Collecting Expectations (and Resources)
Objectives	<ul style="list-style-type: none"> - Participants and trainers are aware of the group's expectations (hopes and fears) and resources. - The trainers know whether they need to adapt the program. - The participants know which hopes cannot be met and why. - The fears of the participants have been discussed and allayed.
Special requirements on the target group	Literacy
Material	Flipcharts, markers
Time needed	20 minutes
<p>Preparation none</p> <p>Activity Ask participants to form groups of three or four and discuss their expectations for the workshop, listing them on paper. Explain that participants do not have to agree. Expectations should be listed under the following headings:</p> <p>a. Hopes: what they hope to get out of the workshop.</p> <p>b. Fears: what they hope will not happen, or they fear may happen. Encourage participants to share their fears openly.</p> <p>Adaptation:</p> <p>c. Resources: Each person brings some special experience (e.g. of being in a conflict or having resolved a conflict), certain skills (e.g. listening skills) and aptitudes (e.g. a willingness to learn and change). Give these examples to the group and encourage everyone to identify their own contribution to the process of learning.</p>	

Evaluation

Each group presents their results to the plenum.

Go through the hopes and explain which cannot be met and why.

Discuss the fears of the participants, take them seriously and try to dispel them.

Go through resources and present ideas how they will be used.

Trainer's Notes

It is important that you do not give out the program before this activity, otherwise people's expectations will be influenced by your program. This activity should be followed by the presentation and discussion of the program. Negotiate timing of sessions and breaks.

Adapted from: Williams, *The Oxfam Gender Manual*, pp. 61-62

Activity 4.11	Sharing Experiences Regarding Conflict and Conflict Resolution
Objectives	<ul style="list-style-type: none"> - The participants are aware of conflict and conflict resolution issues in their own personal and professional lives. - The trainers know where the participants stand and whether they need to adapt content and pace of the training.
Special requirements on the target group	None
Material	None
Time Needed	30 minutes
<p>Preparation none</p> <p>Activity Divide the group into four groups of three to six people. Ask each group to discuss these questions:</p> <ul style="list-style-type: none"> - How does conflict affect my life and work? - Do I engage in conflict resolution and how? <p>Evaluation Ask each group to share the results of their group with the plenum and present ideas how the experiences of the group will be used in the training.</p>	
<p>Trainer's Notes Take written notes of the presentations so that you know which resources are available in the group and can refer to them whenever appropriate during the course of the training. If you find that the group is more knowledgeable and experienced than you expected, you will also have to adapt the contents and the pace of the training.</p>	

Source: Judith Niederberger von Wyl

Activity 4.12	Life Story
Objectives	<ul style="list-style-type: none"> - The participants are aware of conflict and conflict resolution issues in their own personal and professional lives. - The trainers know where the participants stand and whether they need to adapt content and pace of the training. - Mutual understanding is created (see also "Trainer's Notes").
Special requirements on the target group	Single-sex groups for group work recommended
Material	None (or one flipchart and several colored pens per participant if doing adaptation)
Time Needed	60-90 minutes
<p>Preparation none</p> <p>Activity Ask participants to form groups of three or four with people they don't know well. Join a small group yourself – if there is more than one facilitator, they should join different groups. Ask the people in each group to share the story of their lives, particularly focusing on when they first became aware of conflict and conflict resolution.</p> <p>Evaluation In the plenum, ask each person to share one point that they found important in the discussion of the smaller group. Start a discussion on the groups resources (knowledge and experience) with regard to conflict and conflict resolution. Or, if working with illiterate people, make your own personal notes. Collect these on colored card and put those up on a wall. Present ideas how the experiences of the group will be used in the training.</p>	

Trainer's Notes

This can be a very deep sharing exercise or a more superficial one. It can increase self-awareness and build up trust. It can provide the opportunity for people to have some hurts in their lives respectfully listened to. Listening to others' stories can make participants more aware and sensitive to their needs and hurts. In this way we can build up trust, understanding and respect in the group. However, because in sharing personal stories people make themselves vulnerable, it may be wise not to use this exercise where there are deep tensions or extreme lack of trust in the group. The facilitators should also be ready for the possibility of participants revealing very tragic events.

Adaptation: People can represent their life story graphically using colored pens and flipchart. Allow about 15 minutes for each drawing, before sharing in small groups. The life story can be represented as a river, going back to the source (early years with the families), and going through the different times in their life, representing calm and troubled waters and major influences (tributaries).

Take written notes of the presentations so that you know which resources are available in the group and can refer to them whenever appropriate during the course of the training. If you find that the group is more knowledgeable and experienced than you expected, you will also have to adapt the contents and the pace of the training.

Adapted from: Williams, *The Oxfam Gender Manual*, pp. 59-60.

5

UNDERSTANDING CONFLICT

1 Objectives

Every training in conflict resolution must contain some reflection on the meaning of the term "conflict". Participants should get the opportunity to explore their ideas about conflict, to share and discuss them. The aim is to help the individual participant to come to an understanding of what is meant by "conflict" in the context of the training and to form some group consensus on the issue.

This input on the nature of conflict should also contain some reflection on the fact that conflicts are not only negative but are an essential motor for change. Future mediators must be aware that, accordingly, the aim of conflict resolution is not to eliminate conflicts. Rather, conflict resolution seeks to transform actual or potential violent conflict into peaceful (non-violent) processes of personal, social and political change.

In addition, you should give participants the opportunity to reflect on the role of conflict in their personal and professional life. This will help them to keep their own experience in the forefront as they learn new tools of analysis and deepen their understanding of conflict and conflict resolution. You might already have touched upon this in the introduction to the training (see paragraph on sounding out experiences in the previous chapter). If that's the case you could either skip this or chose a practical activity that builds on any previous activities that dealt with the participant's personal experiences with conflict.

The topics addressed in this chapter lay a foundation for the training. It is therefore important that you cover these issues in the first part of the training, before conflict resolution and in particular mediation is discussed and practiced.

2 Theoretical Background



A word on translation

In the English language, the word "conflict" is an umbrella term that can be used to refer to situations as diverse as a debate in parliament, an argument at the workplace, a disagreement between husband and wife, the inner psychological dilemma of an individual or war. The Dari word for "conflict" (*bar-xord*), however, means first and foremost *violent* conflict. If Afghans want to refer to a debate in parliament, an argument at the workplace, a disagreement between husband and wife or the inner psychological dilemma of an individual they use a different word or circumscription for each of these situations. Against this background it might be confusing to participants if the trainers translate the word "conflict" as it is used and understood in this manual with "bar-xord" only. Future mediators need to be aware that the discipline of conflict resolution not only deals with the resolution of violent conflicts but with all forms of social conflicts, ranging in level from interpersonal to international and in intensity from minor disagreements to major armed and violent wars. One solution to this problem might be not to translate the word "conflict" at all and use it as a technical term for which no concise Dari equivalent exists.

Individual perception of conflict

Linguistic differences aside, "conflict" remains a very ambiguous word, even among native English-speakers. Everyday understanding of the term "conflict" varies widely, which contributes to the fact that often one and the same situation is called a conflict by some people but not by others. A test among the participants of your training might demonstrate this (see activity "Conflict Barometer" under Practical Tools).

For the sake of clarity it is desirable that the participants of your training in mediation form some group consensus on what will be meant by "conflict" in the context of the training. In the practical part of this chapter you will find some suggestions as to how to achieve this. Alternatively – or in addition – you can introduce a scientific definition of the term "conflict" along the lines suggested below. However, for most audiences this might be too ambitious and there is a real danger that you will overwhelm your participants.

A scientific approach

In peace studies, opinions about the meaning of the term "conflict" vary almost as much as in everyday life. The relevant literature proposes hundreds of different definitions and up to now, few attempts at a

synthesis have been made. The author of this manual proposes to work with the following definition developed by the Austrian peace studies pioneer Friedrich Glasl:

"Conflict is an interaction between agents -individuals, groups or organizations - where at least one agent perceives incompatibilities between his/her thinking/ideas/perceptions/and/or feelings and/or will and that of the other agent (or agents) and feels restricted by the other's action."

According to this definition, the following elements are essential to qualify a situation as a social conflict:

- 1) There need to be at least two conflict parties. The inner psychological conflicts of an individual do not qualify as a *social* conflict. Dealing with inner conflicts is the domain of philosophy or therapy, not of conflict resolution.
- 2) There need to be actual or perceived incompatibilities of the goals and actions of the conflict parties. Conflict arises when individuals or groups identify a goal they want to secure in order to satisfy interests and needs. When these perceptions lead to actions that come up against the interests and needs of others and thus leads to an experience of restriction or even damage, a conflict dynamic occurs.

"Perceived" incompatibilities means that the incompatibilities of goals and actions are subjective and do not necessarily have any real foundation. This, in turn, suggests that changes in the way people perceive a situation may lead to the dissolution of the conflict. As will be explained in chapters 9, 11 and 12v of this manual, this is one of the entry points of mediation. That is, mediation attempts to dissolve the perceived incompatibilities between the thinking/ideas/perceptions/and/or feelings and/or will of the conflict parties and to find ways how both can get what they want and need.

The positive and negative force of conflict

Many people and cultures tend to think of conflict as the opposite of cooperation, harmony, accord or even peace and associate negative feelings such as pain, hurt or stress with it. It is not surprising then that most people think of conflict as destructive and undesirable, as a social aberration to be avoided, contained or eliminated.

However, conflict does not have to be a negative and destructive force. Among the many beneficiary effects of conflicts are the following:

- *Conflict helps establish personal identity and independence.* Conflicts, especially at earlier stages of your life, help you assert your personal identity as separate from the aspirations, beliefs and

behaviors of those around you. Through conflicts you learn to protect legitimate interests and needs but also to question your standpoints.

- *Conflict is a motor for change.* It is through the raising of issues that rules, norms, laws and institutions are changed or created. Problems or frustrations left unexpressed result in the maintaining of the status quo.
- *Conflict can build new relationships.* At times, conflict brings together people who did not have a previous relationship. During the process of conflict and its resolution, these parties may find out that they have common interests and then work to maintain an ongoing relationship.
- *Conflict serves as a safety-valve mechanism which helps to sustain relationships.* Relationships which repress disagreement or conflict grow rigid over time, making them brittle. Exchanges of conflict, at times through the assistance of a third-party, allows people to vent pent-up hostility and reduce tension in a relationship.

These examples show that conflict can act as a catalyst for personal, social and political change and transformation. Seen in this way, conflict is something which is a common, everyday occurrence. It is natural and unavoidable, indeed a desirable and necessary social process. For this reason, the aim of conflict resolution is not to eliminate conflicts. Rather, conflict resolution seeks to transform actual or potential violent conflict into peaceful (non-violent) processes of personal, social and political change.

3 Further Reading

forthcoming



4 Practical Tools



Overview

Training Content and General Objectives	Activities
<p>Reflecting on one's personal understanding of conflict</p> <ul style="list-style-type: none"> ↪ The participants reflect on the meaning of the term "conflict" ↪ The participants are aware that there is a great variety of opinions regarding the question whether a given situation represents a conflict or not. ↪ The participants understand that this great variety is a result of the fact that different people a) define conflict differently and b) interpret situations differently. 	5.1, 5.2, 5.6
<p>Defining Conflict</p> <ul style="list-style-type: none"> ↪ The participants have reached a group consensus on what the term "conflict" means. 	5.3, 5.6
<p>Reflecting on the negative and positive effects of conflict</p> <ul style="list-style-type: none"> ↪ The participants understand that different people associate different things with conflict. ↪ The participants reflect on positive, negative (and neutral) connotations made with conflict. ↪ The participants understand that conflict is an essential process in life, with both desirable and undesirable consequences - the crucial factor is the way a conflict is handled. ↪ The participants understand that the aim of training in conflict resolution is to teach the skills necessary to deal with conflicts in a constructive, non-violent way, not to eliminate them altogether. 	5.4, 5.5, 5.6
<p>Reflecting on the role of conflict in one's personal and professional life</p> <ul style="list-style-type: none"> ↪ The participants are aware of conflicts that they are experiencing and how they are experiencing them. ↪ The participants have identified personal points of reference with which they can link the training contents. ↪ The trainers are aware of the personal situation of the participants and have concrete and relevant examples of conflict they can refer to during the rest of the training. 	4.11, 4.12, 5.7

Activity 5.1	Conflict Barometer
Objectives	<ul style="list-style-type: none"> - The participants are aware that there is a great variety of opinions regarding the question whether a given situation represents a conflict or not. - The participants understand that this great variety is a result of the fact that different people a) define conflict differently and b) interpret situations differently.
Special requirements on the target group	None
Material	enough space, adhesive tape, questions
Time needed	45 minutes
<p>Preparation</p> <p>With adhesive tape make a long line on the floor of the training room. Designate which end of the line represents the "yes" pole and which one the "no" pole. Prepare questions, according to the examples below.</p> <p>Activity</p> <p>Instruct the participants that you are going to describe situations to them, which they have to assess one after the other. If they think a situation clearly represents a conflict, they should position themselves near the "yes" pole. If they think a situation represents no conflict at all, they should position themselves near the "no" pole. If they cannot quite make up their mind, they can stand somewhere in-between the two poles. After each question you ask two or three participants (preferably those who positioned themselves at opposite poles plus someone who took a middle position) to explain their position.</p>	

Examples of situations

- Sharifa cannot see well. She has to wear thick glasses. Obaid always makes fun of her.
- Kazim, Tamim and Hassib run a 100m race. Kazim wants to win.
- A more efficient irrigation system is implemented by the regional authorities, without prior consultation of the affected farmers.
- Wadood is at the bazaar. A women in high heels steps on his new shoes.
- At a boxing match both opponents are bleeding. But they keep on fighting.
- The employees of two departments of the ministry of education no longer speak to each other, and avoid going to the joint canteen at the same time.
- Jameel's father loves traditional Afghan music and does not like Indian music. But they only have one CD player.
- A president declares another country as a "terrorist state" and promises to liberate its people using military force.
- Adela and Suleiman are playing in the courtyard. They don't let Ahmed and Mahmud play with them which makes Ahmed and Mahmut angry.

Evaluation

In the plenum, discuss the following:

- Why is there such a variety in opinions regarding the question whether a given situation represents a conflict or not?
- Were there situations where opinions were particularly divided? Why was this the case?
- Were there situations that were unequivocally perceived as a conflict? Why was this the case?

Trainer's Notes

This activity should be followed by an attempt to reach a group consensus on how the word "conflict" is to be understood in the context of this training or by the presentation of a scientific definition.

Adapted from: Faller, Kurt, Wilfried Kerntke and Maria Wackmann. *Konflikte selber lösen: Ein Trainingshandbuch für Mediation und Konfliktmanagement in Schule und Jugendarbeit*. Mülheim: Verlag an der Ruhr, 1996, p. 41.

Activity 5.2	Understanding Conflict
Objectives	- The participants reflect on the meaning of the term "conflict".
Special requirements on the target group	Literacy
Material	Flipcharts, colored pens or markers
Time Needed	30 minutes
<p>Preparation none</p> <p>Activity Form groups of three. Each group has the task to explain to a visitor from another galaxy what the term "conflict" means. The groups are completely free in the method they want to use. They can convey the meaning of the word "conflict" in a definition, in a picture, in a short play or as a statue.</p> <p>Evaluation The groups present their result to the plenum.</p> <p>Afterwards, discuss the following: What was difficult about this task? How did the groups reach their result? What are the elements that lead us to perceive a situation as conflict?</p> <p>Trainer's Notes This activity is an alternative or an addition to activity 1. It should be followed by an attempt to reach a group consensus on how the word "conflict" is to be understood in the context of this training or by the presentation of a scientific definition.</p>	

Adapted from: Faller, *Konflikte selber lösen*, p. 41

Activity 5.3	Defining Conflict
Objectives	- The participants reach a group consensus on how to understand the word "conflict".
Special requirements on the target group	None
Material	Flashcards, markers
Time Needed	45 minutes
<p>Preparation none</p> <p>Activity Form pairs. Ask the pairs to work together on a definition of the word "conflict". Depending on your audience, this can be done orally or in writing. After 10 minutes ask the pairs to get together with another pair, compare their definitions and agree on a new, common one. After another 10 minutes, each group of four get together with another group of four, compare their definitions and agree on a new, common one.</p> <p>Evaluation The results of each group of eight are presented to the plenum. On this basis the plenum works out one single definition of conflict that will be valid for the remainder of the training. If your audience is literate, write the final result on a flipchart which will be hanging in the room during the remainder of the training.</p> <p>Trainer's Notes This activity should be preceded by activity 1 or 2.</p>	

Adapted from: Lepper, Kerstin and Wagma Yameen. *Training Manual: Awareness-Raising for Peace Building and Conveying of Conflict Transformation Skills*. Kabul: ACSF and DED, 2007, p. 31.

Activity 5.4	The Positive and Negative Force of Conflict
Objectives	<ul style="list-style-type: none"> - The participants understand that different people associate different things with conflict. - The participants are aware of positive, negative (and neutral) connotations made with conflict. - The participants understand that conflict is an essential process in life, with both desirable and undesirable consequences - the crucial factor is the way a conflict is handled. - The participants understand that the aim of training in conflict resolution is to teach the skills necessary to deal with conflicts in a constructive, non-violent way, not to eliminate them.
Special requirements on the target group	Literacy
Material	papers, pens
Time needed	45 minutes
<p>Preparation</p> <p>None</p> <p>Activity 1</p> <p>Instruct the participants to write down every word that comes to mind when they think of conflict. They should do so quickly, uncritically, without attempting to put the words into any sort of order and without changing any of them. The words written down may be ideas, images, feelings, events, people etc.</p> <p>Evaluation</p> <p>After 10 minutes ask the participants to compare the similarities and differences of their lists. Evidently, different people associate different things to different people.</p>	

Activity 2

In a next step, ask the participants to consider to which of the following categories each word on their list belongs (some words may belong to more than one category):

1. Words with a *positive* connotation (e.g., excitement, creativity, opportunity, richness).
2. Words with a *negative* connotation (e.g., death, aggression, destruction, hatred).
3. Words that are relatively *neutral* (e.g., tension, balance, inevitable).

Evaluation

Discuss the following in the plenum:

Did you list words from all three categories?

Did you list more words in any particular category? If so, why?

What are the negative consequences of conflict?

What are the positive consequences of conflict? What would we lose in our lives if we did not have conflict?

How can the negative consequences be avoided and the positive ones be strengthened? What can training in conflict resolution contribute to this?

Trainer's Notes

This activity should be followed by an input on the fact that conflict is an essential process in life, with both desirable and undesirable consequences. The crucial factor is the way a conflict is handled.

Training in conflict resolution provides the skills necessary to deal with conflicts in a constructive, non-violent way.

Source. An often-cited classic

Activity 5.5	Butterfly and Cocoon
Objectives	<ul style="list-style-type: none"> - The participants understand that different people associate different things with conflict. - The participants are aware of positive, negative (and neutral) connotations made with conflict. - The participants understand that conflict is an essential process in life, with both desirable and undesirable consequences – the crucial factor is the way a conflict is handled. - The participants understand that the aim of training in conflict resolution is to teach the skills necessary to deal with conflicts in a constructive, non-violent way, not to eliminate them.
Special requirements on the target group	Literacy
Material	handout „Butterfly and Cocoon“
Time needed	30 minutes
<p>Preparation</p> <p>Prepare enough copies of the handout</p> <p>Activity</p> <p>Let the participants read the handout.</p> <p>Evaluation</p> <p>In the plenum, discuss the following:</p> <p>What do they think is this story telling us about the role of conflicts in life?</p> <p>What are the positive consequences of conflict? Can they think of situations where they witnessed a positive change brought about by conflict? What would we lose in our lives if we did not have conflict?</p> <p>What are the negative consequences of conflict? What are their personal experiences with that?</p> <p>How can the negative consequences be avoided and the positive ones be strengthened? What can training in conflict resolution contribute to this?</p>	

Trainer's Notes

This activity is an alternative to activity 5.4.

It should be followed by an input on the fact that conflict is an essential process in life, with both desirable and undesirable consequences. The crucial factor is the way a conflict is handled. Training in conflict resolution provides the skills necessary to deal with conflicts in a constructive, non-violent way.

Adapted from: Richter and UN HABITAT, *Conflict Resolution and Mediation*, p. 20.

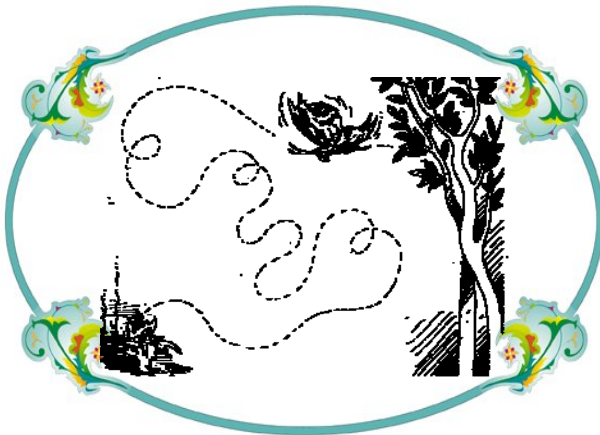
Butterfly and Cocoon



A small boy watches how a butterfly is laboriously trying to liberate himself from his cocoon. He feels pity for the butterfly and wants to help him.



He opens very carefully the cocoon with a knife, so that the butterfly can come out easily.



But after some beats of its wings the butterfly is falling on the ground – dead.



Very sad the boy is going to his father and tells him what happened. The father says: “The butterfly needs the fight with the cocoon to be strong enough for his life.”

Problems and obstacles can be tiresome and harming. At the same time they are very important. Through problems we learn about our skills. We shouldn't avoid problems; we should learn from them and as we learn we are growing stronger!

Source: Richter, Katja and UN HABITAT. *Conflict Resolution and Mediation: Training Manual (for District Trainers and Social Organizers)*. Kabul: UN HABITAT and DED, 2006, p. 20.

Activity 5.6	Defining Conflict: Summary
Objectives	The participants reflect on what they have learnt so far
Special requirements on the target group	None
Material	list of sentences
Time needed	5-10 minutes
<p>Preparation none</p> <p>Activity Read out the following sentences. Make a little pause after each sentence to give your audience time to grasp its meaning. Conflict is difference in opinion, resolve it. Conflict is two different perceptions, study it. Conflict is part of life, accept it. Conflict is an opportunity, use it. Conflict can become a danger, be careful about it. Conflict exists anywhere, try to understand it. Conflict is positive, welcome it. Conflict is negative, try to transform it. Conflict is a skirmish, try to analyze and facilitate it. Conflict can become violent, try to control it. Conflict is a lack of agreement, come together and discuss. Conflict is like fire, try to properly use it. Conflict creates ups and downs in life, be careful when you go on.</p> <p>Evaluation No further discussion or evaluation needed.</p> <p>Trainer's Notes This activity is an addition to activities 1-5 and should be done at the end of the unit on defining conflict.</p>	

Adapted from: Lepper and Yameen. *Training Manual*, p. 34.

Activity 5.7	Conflicts Around Us
Objectives	<ul style="list-style-type: none"> - The participants are aware of conflicts that they are experiencing and how they are experiencing them. - The participants have identified personal points of reference with which they can link the training contents - The trainers are aware of the personal situation of the participants and have concrete and relevant examples of conflict they can refer to during the rest of the training
Special requirements on the target group	None
Material	None
Time needed	120 minutes
<p>Preparation</p> <p>none</p> <p>Activity</p> <p>Ask the participants to think about social conflicts that meet the following criteria:</p> <ul style="list-style-type: none"> - the conflict has been experienced by the participant as conflict party or an observer - the participant knows its details - the participant would like to have this conflict discussed in the group <p>It would also be good if the conflict is still on-going or has not been resolved to the satisfaction of the participant. If that's the case, role play and analysis may provide new insight and understanding.</p> <p>Then divide the participants into groups of 4 or 5 people. These groups sit together and share their own conflict examples. The story the group finds the most interesting is prepared as a role play which demonstrates the conflict but without playing (potential) solutions. This phase takes 20-40 minutes.</p>	

Evaluation

Ask each group to perform their role play in the plenum. After each role play, the other groups express what they have seen, initially without correction by the actors. A discussion follows on which aspects of the conflict were relevant to understand it.

In the discussion, the trainer takes care to support participants in distinguishing between their observations on the one hand and interpretation, assumptions and judgments on the other hand. Different, even contradictory observations, may contribute to a full understanding of what a conflict is about.

In the end, the actors are asked about their intentions and feelings. Depending on the degree of emotional involvement, do not forget to make a thorough de-briefing of the actors (see Chapter 2 "Training Aims and Training Methods"). Also ask the group not to speak of the actors by using the names of the persons, but refer to the role: not "Person X did this or that ...", but better "The person played by person X ..." or "The shop-keeper..."

Trainer's Notes

The conflicts played out by the groups can later be used for further analysis and for practicing mediation.

As an alternative to this activity, you can do activities 1.11 or 1.12 from Chapter 1 in this (if you have not already done so). Alternatively to this activity

Adapted from: Mischnick, Ruth. *Non-Violent Conflict Transformation: Training Manual for a Training of Trainer's Course*. Berlin: Centre for Training and Networking in Nonviolent Action – KURVE Wustrow (and others), 2007, p. 22-23. Download: http://www.trainingoftrainers.org/img/manual_en.pdf

6

CONFLICT ANALYSIS

forthcoming

7

INTRODUCTION TO MEDIATION

1 Objectives

The main objective of your training is to convey practical skills in mediation. Mediation is a conflict resolution method which is not well-known in Afghanistan. Therefore, it is essential that you clearly define what mediation means and what its key principles are. This basic knowledge will then, in a next step, permit your participants to differentiate between mediation and other common forms of conflict resolution and to form an opinion about the advantages and disadvantages of each form.

2 Theoretical Background



What is mediation?

Mediation is a conflict resolution method involving a neutral and specially trained third party (the mediator) who assists the conflict parties in clarifying their interests and needs and in their search for a mutually acceptable solution. Ideally, mediation does not result in a compromise between the conflict parties but in a win-win solution which allows to put the relationship between the conflict parties on a new basis.

Mediation is usually done in pairs of mediators. The advantage of co-mediation is that the team of mediators can be tailored to the needs of the conflict parties. That is, the personal characteristics, skills and experiences of the first mediator are complemented by a second mediator with different personal characteristics, skills and experiences so that the team is more balanced in relation to the conflict parties. That way, the conflict parties will be able to identify with at least one of the mediators in terms of age, ethnicity, gender, social and professional background etc.

Mediation is best suited for soft issues that are not regulated by law (e.g. most family, neighborhood or work-related conflicts) or that belong to the realm of the civil code (e.g. property, water and some family conflicts). It is not suitable for conflicts in the course of which a crime has been committed, in particular capital crimes such as severe physical abuse, rape or murder. In Afghanistan, as elsewhere, capital crimes falls under the realm of the penal code and thus under the sole authority of the justice system. Afghan law decrees that the adequate punishment for a capital crime cannot be subject to discussion between victim and perpetrator or the consideration of an arbitrator but must be determined by society at large, represented by the justice system. It is a reality, however, that many victims of rape or physical violence in Afghanistan seek restitution through an out-of-court-settlement and have compelling reasons to do so. In such cases it is left to the discretion of the mediator to determine whether mediation is really in the best interests of the victim (see also Chapter 12 "The Eight Stages of the Mediation Process").

Key principles

Mediation distinguishes itself from other forms of conflict resolution through adherence to the following 5 principles:

- consensus-orientation
- self-determination of the conflict parties
- neutrality of the mediator (also termed "impartiality" or "allpartisanship")

- voluntary nature of the mediation process
- confidentiality

Consensus-orientation: The goal of mediation is to find a solution to the conflict all conflict parties can agree to. Consequently, mediation does not attribute blame or determine who is right or wrong. Instead, it seeks solutions to the conflict that reconcile the interests of the conflict parties and satisfy their needs equally. This is best achieved through win-win solutions (on win-win solutions see Chapter 7)

The purpose of consensus-orientation is to avoid dissatisfied conflict parties whose grievances will lead them to renew the conflict at the first best opportunity. Instead, mediation aims at amiable solutions that are likely to be implemented fully and to last for a long time. At the same time, consensus-orientation requires each party to try to understand and accommodate the positions and needs of the other party and thus to address the root causes of the conflict. This, in turn, enables the conflict parties to leave their differences behind and put their personal relationship on a new, potentially prosperous foundation. Thus, mediation goes beyond mere conflict resolution towards true reconciliation between the conflict parties.

Self-determination of the conflict parties: In pure mediation, the conflict parties alone determine what issues they would like discuss and what the solution to their conflict should be. They know their conflict best, so they decide. The mediators only offer *procedural* rather than *substantive* assistance. That is, the mediators control the process of resolving the conflict while the content is the domain of the parties. Consequently, the mediators must resist the impulse to give their opinions about the conflict and to tell the parties how to fix their problems.

The purpose of this principle is to assure the sustainability of the conflict resolution. It is assumed that solutions are more durable if the conflict parties came up with them on their own and can thus fully identify with them. By leaving them control over the substantive aspects of the process, mediation also teaches the conflict parties to take on some responsibility and prepares them to handle their conflicts better in the future.

In Afghanistan, local culture and circumstances require to show some flexibility towards the principle of self-determination of the conflict parties. Afghanistan has a long-standing tradition in arbitration, a method where the third party is generally a reputable person of high social standing who acts more or less like a judge in court. Consequently, when people turn to a third party their first impulse is to expect

him or her to give them substantive advice and to come up with a solution to their conflict. The difference between mediation and arbitration might not be readily apparent to them and they might find it difficult to accept the responsibilities mediation gives them. They might even be somewhat overwhelmed by the high demands mediation makes on them in terms of introspection, openness and refined expression of complex issues such as interests, needs and feelings.

But it is not only the conflict parties but also the mediators who might view the principle of self-determination as foreign to them. Mediators who have become involved in conflict resolution because they are elders, shura members, religious or political leaders might find it difficult to arrange themselves with a role where they have very little substantial decision-making power. They might feel that their status as social leaders and watchmen of the harmony within their community is undermined if they give up too much control.

For these reasons it must be possible that Afghan mediators actively contribute to substantive issues of the mediation process and take the lead in suggesting solutions. However, when making their own contributions to the conflict resolution process, Afghan mediators must keep the principle of consensus-orientation in mind and avoid attributing blame and suggesting solutions that favor one conflict party to the detriment of the other. The mediators must be cautious with their comments and be sure not to impose their ideas. It must be left to the conflict party's own discretion to reject the suggestions of the mediators. Consequently, the mediators must not be annoyed if their ideas are rejected. Also, suggestions and ideas of the mediators shouldn't be presented as an advice or as the only possible solution. Only if the solution to the conflict leaves both conflict parties equally satisfied will they be durable and contribute to the reconciliation of the conflict parties.

Neutrality of the mediator (also termed "impartiality" or "allpartisanship"): The mediators must not side with any of the conflict parties but support all of them equally. To that end, the mediators should avoid everything that might be interpreted as them favoring one particular party. In particular, they should keep their own opinions and preferences out of the process, give no indication of prejudgment, lack of interest, irritation or impatience, make no favorable or unfavorable comments regarding the statements of any party, be conscious of their body language and avoid private discussions with the parties.

The purpose of this principle is to safeguard the principles of consensus-orientation and self-determination. If the mediator sides with one conflict party, the other party might feel disadvantaged and

pressured. This, in turn might compel them to either terminate the mediation or to make concessions and, in the end, accept a solution that does not truly serve their interests and is therefore unlikely to be durable.

In Afghanistan, it might be necessary to handle the principle of strict neutrality in the Western sense with some flexibility. Mediators who have become involved in conflict resolution because they are elders, shura members, religious or political leaders might find it difficult to arrange themselves with a role that does not allow them to scold the conflict parties for conflict behavior that is deemed unacceptable in Afghanistan, in particular if the conflict parties belong to the young generation. However, in fulfilling their role as figure of authority, mediators must keep the overall principle of neutrality in mind and avoid attributing blame and discouraging or disadvantaging a conflict party to the degree that a good, consensus-based solution is no longer possible.

Voluntary nature of the mediation process: Conflict parties cannot not be forced to participate in a mediation and they have the right to discontinue a mediation, once commenced, whenever they wish. Similarly, the mediators have the right not to accept a case or end the mediation whenever they feel that it is no longer possible to work with the conflict parties. Conflict parties can also not be forced to adhere to an agreement reached through mediation.

The purpose of this principle is to ensure that the mediation process is truly consensus-oriented and that win-win solutions are possible. If a weak conflict party is forced to participate in a mediation even though the other party has all the leverage or is simply the better speaker, they might be lured into accepting a solution that does not truly serve their interests. Similarly, it has to be possible for the conflict parties not to adhere to an agreement achieved in mediation if they come to feel later on that this agreement disadvantages them.

Confidentiality: Mediation is confidential. Nothing that is said during mediation sessions may be revealed to outsiders. In particular, information gained in mediation may not be used if the conflict parties should decide later on to settle their conflict in court. The principle of confidentiality applies to the conflict parties as well as to the mediators. Its purpose is to ensure that the conflict parties feel absolutely free to reveal everything that may contribute to a resolution of the conflict, even their own mistakes and inner-most feelings.

Advantages and Disadvantages of Mediation

Mediation has a number of advantages over other common forms of conflict resolution, in particular negotiations, arbitration and litigation (for an introduction to these three methods see next chapter). One of the greatest advantages of mediation is the fact that it – as has been explained above – usually produces durable solutions and often serves as a first step towards true reconciliation between the conflict parties. When ongoing relationships are important, as, for example, in the case of a dispute among family members or inhabitants of a small rural community, mediation provides an opportunity to resolve a dispute in a non-adversarial way so that important relationships are repaired and preserved.

Moreover, mediation strengthens the conflict resolution skills of the conflict parties and has the potential to change their conflict mentality and conflict behavior. In mediation, the mediator presents the conflict parties with a clearly-defined and well-structured process of how to approach and resolve a conflict, ranging from identifying one's own interests and needs over developing an understanding for the interests and needs of the adversary to working out creative solutions. After a successful mediation, many conflict parties are able to make use of this experience and apply the same process independently to other conflict situations they or their family members find themselves in. This learning and multiplier effect makes mediation the method of choice in Afghanistan, where the main challenge of community-based peacebuilding, as has been explained above, is to enable as many people as possible to keep local conflicts under control.

The learning effect of mediation is exacerbated by the fact that mediation gives conflict parties a great deal of control over the outcome of the conflict resolution process. In mediation, the conflict parties alone determine what issues they would like discuss and what the solution to their conflict should be. The mediators only offer procedural rather than substantive assistance. Consequently, the conflict parties are required to assume responsibility, which often leads them to moderate aggressive and destructive conflict behavior. Many conflict parties undergo an actual change of mentality with effects on their conflict behavior that reach way beyond their current conflict situation. In a country, where conflict behavior is often erratic, destructive and violent, this educational effect of mediation should not be underrated.

Last but not least, mediation opens the field conflict resolution to new groups of third parties and customers. As has been pointed out above, mediators do not decide over the outcome of the conflict resolution process. Consequently, they do not need as much authority as judges or arbitrators whose judgment is sought and accepted because of their social status. This provides opportunities for local

actors who lack prominent status in the community, in particular women and young people, to offer third party services in conflict resolution. Their involvement, in turn, makes conflict resolution potentially more attractive for conflict parties finding it difficult to identify with traditional third parties, who, in Afghanistan, are usually male, elderly and equipped with relative wealth, influence and power.

Naturally, mediation also has a number of disadvantages, e.g. the fact that the method that is not so well-known in Afghanistan and is often confused with arbitration. This requires mediators to put a lot of effort into sensitivity work. There are also very few trained mediators which makes mediation not as easily accessible as the better-established third-party methods of arbitration and litigation. Another major disadvantage of mediation is that it is rather time-consuming – albeit not as time-consuming as litigation – and is rather demanding on the conflict parties in terms of their introspection and communication skills. The fact that mediation lays considerable emphasis on communication between the conflict parties and their ability to pay attention to both the needs of the self and the other also makes it impossible to apply the method of mediation in conflicts which have escalated beyond stage 4 or 5 (for more on the stages of conflict escalation see Chapter 6 of this manual). Once the parties have resorted to conflict behaviors such as purposeful acts of defamation and threats, the soft tools of a mediator will not be sufficient to break down the wall between the conflict parties and to get communication between them back on track.

Moreover, due to its strictly voluntary nature, mediation cannot guarantee results. As soon as a party decides to leave the process, the mediation has failed. This often leads to further escalation of the conflict and deterioration of the relationship between the conflict party. Last but not least, agreements reached through mediation have the disadvantage that they are not binding and that no sanctions can be imposed to ensure their implementation. However, this disadvantage is offset by the fact that mediated agreements are usually consensus-based and mutually satisfactory and therefore enjoy a very high level of acceptance with both conflict parties. This guarantees their implementation on a voluntary basis.

3 Further Reading

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4 Practical Tools

forthcoming



8

OTHER COMMON FORMS OF NON-VIOLENT CONFLICT RESOLUTION

1 Objectives

In Afghanistan, as elsewhere, different forms of non-violent conflict resolution are pursued. The most common among these are negotiations, arbitration, litigation and mediation. Future mediators need to know what distinguishes their discipline from others and need to be aware of its advantages and disadvantages in comparison to others. To this end, it is important to supplement skill-building in mediation with an introduction to negotiations, arbitration and litigation. However, as your main focus is mediation, this introduction should be kept to the essentials and not take up too much of your training time.

2 Theoretical Background



Negotiations

Negotiations are a conflict resolution method which involves no third party. The conflict parties communicate directly with each other in an effort to achieve a settlement. If negotiators are representing a larger group, they must come to the negotiating table with a clear mandate from their respective constituencies and adhere to a straightforward process of reporting back and maintaining accountability. Like mediation, negotiations are voluntary, consensus-oriented and self-determined by the conflict parties. They can be rather formal – e.g. peace or labor negotiations – or refer to the informal process of reaching everyday decisions such as where to go on family vacation. Formal negotiations are usually confidential. Often the final agreement is drawn up as a legal document that makes it binding. Informal negotiations, in contrast, are usually not confidential and their results are not binding.

The results of negotiations vary in quality and sustainability. The parties can go into great depth exploring the roots of their conflict and craft an agreement that is mutually satisfactory, durable and constitute a first step towards real reconciliation between them. But their talks can also stay on the surface and aim at a quick compromise solution which makes neither side really happy. This is particularly the case when the parties are under time-constraints, be it because the conflict costs them money or because they are under pressure from their constituencies. Under these circumstances, the final agreement is often accompanied by a legalistic, sometimes coercive, framework in order to ensure that the parties comply with the concessions offered and the promises made.

Negotiations are best suited for soft issues that are not regulated by law (e.g. most family, neighborhood or work-related conflicts) or that belong to the realm of the civil code (e.g. property, water and some family conflicts). For reasons outlined in the previous chapter it is not a legitimate choice for dealing with penal code issues.

One of the advantages of negotiations is that they do not involve a third party and are thus comparably easy to set up. However, due to their strictly voluntary nature, negotiations cannot guarantee results. As soon as a party decides to leave the process, the talks have failed. This often leads to further escalation of the conflict and deterioration of the relationship between the conflict party. Another disadvantage of negotiations is that they are rather time-consuming and require direct lines of communication between the conflict parties which usually only exist in the early stages of a conflict or in the last stages, when the conflict has reached a deadlock and the parties feel compelled to resume direct communication again.

Moreover, negotiations about complex and highly disputed issues are very demanding, as negotiators are not only responsible for the substantive but also for the procedural aspects of the negotiation process. This requires that negotiators are well-prepared and possess excellent communication and negotiating skills. As a result, negotiations involve the danger to give the advantage to the party who is better prepared or more experienced. However, this is somewhat alleviated by the fact that conflict parties can withdraw from negotiations whenever they feel that they do not serve their interests.

Arbitration

Arbitration is a conflict resolution method involving a third party (the arbitrator) who is usually a neutral, reputable person of high social standing who may or may not have received special training in conflict resolution. In contrast to mediation and negotiations, arbitration is neither self-determined by the conflict parties nor consensus-oriented. The arbitrator acts more or less like a judge in court. He determines the procedural as well as the substantive aspects of the conflict resolution process and decides what the solution should be. To that end, the arbitrator considers the merits of the arguments presented to him by the conflict parties, usually on the basis of customary or Islamic law. The arbitrator then imposes a settlement which is deemed to be just but must not necessarily be mutually satisfactory.

Arbitration is only voluntary to the degree that the conflict parties have a say on whether they would like to present their case to an arbitrator or not. Once they have agreed to do so, they are expected to follow through. Moreover, the solution presented by the arbitrator is normally considered to be binding. However, as there are no sanctions possible – other than moral pressure exerted by the arbitrator in his capacity as a figure of authority – the actual implementation of the settlement is not guaranteed.

Like mediation, arbitration is best suited for soft issues that are not regulated by law (e.g. most family, neighborhood or work-related conflicts) or that belong to the realm of the civil code (e.g. property, water and some family conflicts). For reasons outlined in the previous chapter it is not a legitimate choice for dealing with penal code issues, even though it is a reality that, in Afghanistan, even rape and murder are often settled by arbitrators (see also Chapter 12).

As a conflict resolution method, arbitration enjoys a rather high reputation in Afghanistan. It has the advantage that it is widespread and thus easily accessible. Moreover, it usually does not involve any expenses and is less time-consuming than mediation or negotiations. Another plus is that there is no direct communication between the conflict parties required, which means that arbitration can be employed at all stages of a conflict. In contrast to mediation and negotiations, arbitration is also

guaranteed to produce a result, which is due to the fact that the conflict parties are expected to follow through with the process once they have agreed to it. Last but not least, as the conflict parties' role is limited to presenting their arguments, arbitration makes no demands on their introspection and negotiating skills and comparably low demands on their communication skills. To many people this makes arbitration more attractive than mediation or negotiations.

However, arbitration also has a number of disadvantages, the most important of which is that it often produces solutions that are not durable. An arbitrator's first impulse is to present a settlement that concedes that one party is right and the other wrong. In some cases, the arbitrator might decree a compromise solution. Either way, this leads to at least one dissatisfied conflict party whose grievances will tempt it to renew the conflict at the first best opportunity. Also, as the underlying causes of the conflict are not addressed, arbitration does little to re-establish a good relationship between the conflict parties.

Another problematic aspect of arbitration is that Afghan arbitrators are almost exclusively male, which makes it difficult for women to identify with the method and often discourages them to seek the assistance of an arbitrator, all the more so when they are in a conflict with a man. Moreover, the fact that the control over the outcome of the process lies solely in the hands of the third party makes arbitrators susceptible to attempts of the conflict parties to influence his decision through bribery or blackmail. In contrast to negotiation and mediation, arbitration also does little to build people's competences in dealing with conflict and to change their mentality. The lack of responsibility and control attributed to the conflict parties excuses them from questioning themselves and training their conflict resolution skills. As a result, the often erratic and destructive conflict behavior displayed by many conflict parties prevails, which, in Afghanistan, is one of the reasons why even minor conflicts carry a high risk of escalation.

Litigation

Litigation is a formal conflict resolution method involving a state-appointed third party (the judge) who is usually a neutral, reputable person with extensive legal training. Like arbitration, litigation is neither self-determined by the conflict parties nor consensus-oriented. The judge determines the procedural as well as the substantive aspects of the conflict resolution process and decides what the solution should be. To that end, the arbitrator considers the merits of the arguments presented to him by the legal representatives of the conflict parties on the basis of secular or Islamic law. The judge then imposes a verdict which is deemed to be just but must not necessarily be mutually satisfactory.

Litigation can only be employed for issues that are regulated by law (e.g. civil code issues such as property and water conflicts) and is therefore not suitable for many family, neighborhood or work-related conflicts. Litigation is, however, the only legitimate way to deal with penal code issues, that is conflicts in the course of which a crime has been committed, in particular capital crimes such as severe physical abuse, rape or murder. Afghan law decrees that the adequate punishment for a capital crime is not subject to discussion between victim and perpetrator or the consideration of an arbitrator but can only be determined by society at large, represented by the justice system.

Litigation is not voluntary. Once a conflict party has decided to go to court, the other conflict party has to appear before the judge, unless the complaint is withdrawn again. The judge's verdict is binding and its implementation safeguarded by a number of legal means of sanction.

One of the advantages of litigation is that it requires no direct communication between the conflict parties and can thus be employed at all stages of a conflict. Moreover it produces results that are deemed just and fair according to current legal standards set by society. These results are durable as the losing party has no means to prevent its implementation, other than appealing to the next higher court. Last but not least, as the conflict parties' role is limited to presenting their arguments before the arbitrator, litigation makes no demands on their introspection and negotiation skills and comparably low demands on their communication skills.

However, litigation has a number of disadvantages that are similar to those of arbitration. Like arbitration, litigation does not address the underlying causes of the conflict to the effect that no progress towards a reconciliation between the conflict parties is made. On the contrary, a conflict party's decision to go to court is often considered a very aggressive act by the opposing party which is bound to harm their relationship even more. Like arbitration, litigation also does little to build people's competences in dealing with conflict resolution and suffers from the flaw that most judges are male and susceptible to bribery or blackmail. In contrast to negotiations, arbitration and mediation, litigation involves high expenses and can drag on for years. Moreover, courts are limited to populations centers and thus not easily accessible to the rural population. The same is true for people with a low level of education who often find it difficult to find their way around the many steps necessary to file a complaint. Other conflict parties are discouraged from going to court because the usually public court hearings do not allow them

to keep the contents of their conflict confidential or because they want to find an amiable solution that allows them to save face and continue their relationship with the other conflict party.

Overview of conflict resolution methods in Afghanistan

	Negotiation	Arbitration	Mediation	Litigation
Nature of the third party	–	<p>A neutral, well-respected figure of authority</p> <p>Often not specially trained</p> <p>Can be chosen by the conflict parties</p>	<p>A neutral person</p> <p>Usually specially trained</p> <p>Is chosen by the conflict parties</p>	<p>A neutral judge</p> <p>Specially trained</p> <p>Can not be chosen by the conflict parties</p>
Role of the third party	–	<p>Determines the procedural as well as the substantive aspects of the arbitration process.</p> <p>Assists the parties in discussing their conflict with each other.</p> <p>Decides what the solution to the conflict should be.</p>	<p>Determines the procedural aspects of the mediation process and can make suggestions regarding substantive issues if necessary.</p> <p>Listens to the arguments of the conflict parties but does not assist them in discussing their conflict with each other.</p> <p>Does not decide what the solution to the conflict should be but can make suggestions if necessary.</p>	<p>Determines the procedural as well as the substantive aspects of the arbitration process.</p> <p>Listens to the arguments of the conflict parties but does not assist them in discussing their conflict with each other.</p> <p>Decides what the solution to the conflict should be.</p>

Role of the conflict parties	Determine the procedural as well as the substantive aspects of the negotiation process Determine what issues they would like to discuss and what the solution to their conflict should be.	Limited to presenting their arguments Have only some control over the issues that are discussed and no say in what the solution to their conflict should be.	Determine the substantive aspects of the mediation process Determine what issues they would like to discuss and what the solution to their conflict should be.	Limited to presenting their arguments. Often this role is taken over by their legal representative. Have little control over the issues that are discussed and no say in what the solution to their conflict should be.
Obligation to enter the process and to stay in it	None – strictly voluntary	No obligation to enter the process, but to stay in it once it is initiated	None – strictly voluntary	Once a conflict party has filed a complaint, the other party is obligated to appear before court.
Possible entry points into the process	Only possible as long as direct lines of communication exist	At all stages of a conflict	Only possible as long as a conflict is not highly escalated.	At all stages of a conflict
Decision-Making Process	Can be process-/relationship-oriented or solution-oriented Consensus-oriented Focus on compromise or win-win solutions	Solution-oriented Not consensus-oriented Focus often on loose-win solutions or compromise	Process-/relationship-oriented Consensus-oriented Focus on win-win solutions	Solution-oriented Not consensus-oriented Focus usually on loose-win solutions
Basis of decision-making	Interests (and needs) of the conflict parties The parties are free to fashion solutions that a court would not be able to order	Usually customary and sharia law The arbitrator is free to fashion solutions that a court would not be able to order	Interests and needs of the conflict parties The parties are free to fashion solutions that a court would not be able to order	Sharia law or other legal frameworks only Solutions have to follow the law

Boundaries	For non-legal and civil-law issues only	For non-legal and civil-law issues only	For non-legal and civil-law issues only	For legal issues only
Binding force of the agreement/solution	Formal negotiations: often legally binding Informal negotiations: not binding	Can be morally binding	Not binding	Legally binding
Sustainability of the agreement/solution	Dependent on whether agreement is mutually satisfactory or an uneasy compromise	Low, as arbitration does usually not address the underlying causes of a conflict and no real sanctions exists Is dependent on the ability of the arbitrator to bring his authority into play and exert moral pressure on the conflict parties.	High, even though there are no sanctions possible Is ensured by the fact that agreements reached are usually mutually satisfactory and thus enjoy a high level of acceptance.	High, although litigation does not address the underlying causes of a conflict and does not produce mutually satisfactory solutions. Is ensured through sanctions.
Effects on conflict-resolution skills of the conflict parties	Good negotiation skills are a prerequisite for entering negotiations. These skills will be further trained in the process.	None	The necessity to assume responsibility, to voice their interests and needs, to reflect on their conflict behavior and to work constructively towards a win-win solution teaches the conflict parties valuable lessons for dealing with future conflicts.	None
Possible sanctions if agreements are not kept	Usually none	Moral pressure of the arbitrator in his capacity as figure of authority.	None	Court fines and other legal sanctions
Costs	None	None	None	Involves high fees for court and legal representatives

Duration	Usually more time-consuming than arbitration but less time-consuming than litigation	Usually very efficient	Usually more time-consuming than arbitration but less time-consuming than litigation	Can go on for years
Effects on relationship of the conflict parties	Can be a first step towards reconciliation between the conflict parties. Can have a negative impact if the negotiations fail.	Does usually not address the underlying causes of a conflict Can be damaging, in particular if one party loses.	Usually a first step towards reconciliation between the conflict parties. Can have a negative impact if the mediation fails.	Does not address the underlying causes of a conflict Usually very damaging, as one party is likely to lose before court.
Risk that no solution will be reached	Medium – high	None	Medium – high	None
Accessibility	Easily accessible Method well-known to all Fear that the other conflict party will be more skilled, be better prepared or exert pressure might discourage some conflict parties.	Easily accessible Method well-known to all Fear that arbitrators might be corrupt might discourage some conflict parties Fear that a male arbitrator might disadvantage them might discourage female conflict parties	Not easily accessible due to lack of skilled mediators Method not well known The high demands mediation makes on the communication and self-reflection skills of the conflict parties might discourage some of them.	Not easily accessible for rural population and poor and/or illiterate members of society Process necessary to bring an issue before court often not known Fear that judges might be corrupt might discourage some conflict parties. Fear that a male judge might disadvantage them might discourage female conflict parties

3 Further Reading

forthcoming



4 Practical Tools

forthcoming



9

KEY CONCEPTS IN MEDIATION

1 Objectives

Mediation is based on the assumption that there are two prerequisites for successful conflict resolution. Firstly, the conflict parties have to explore their own perspective of the conflict and reveal the interests and needs behind the positions they take in the conflict. Secondly, the conflict parties have to change their perspective and put themselves in the place of the other conflict party in order to understand the interests and needs behind the other party's positions. Once the parties have made these two steps – so another key assumption of mediation – they will be capable of exploring solutions to the conflict that satisfies their interests and needs as well as those of their adversary. In other words they become capable of exploring so-called win-win-solutions.

Against this background it is crucial that future mediators understand three key concepts of mediation:

- what are positions, interests and needs?
- what is a perspective /change of perspective?
- what are win-win solutions?

These key concepts are explored in this chapter.

2 Theoretical Background



2.1 What are positions, interests and needs?

Understanding the difference between positions, interests and needs is one of the most important prerequisites for a successful mediator.

Positions: In a conflict, positions are opinions and demands the conflict parties express openly. Positions can be very specific and are often in stark contrast to the positions of the opposite side. In an escalated conflict, communication is limited almost exclusively to the exchange of rigid positions and counter-positions.

Interests: Behind every position is an interest. Interests describe what we really want to achieve in a conflict, they are the reason “why” we take a certain position. Often conflict parties are not fully aware what the interests behind their openly stated positions are.

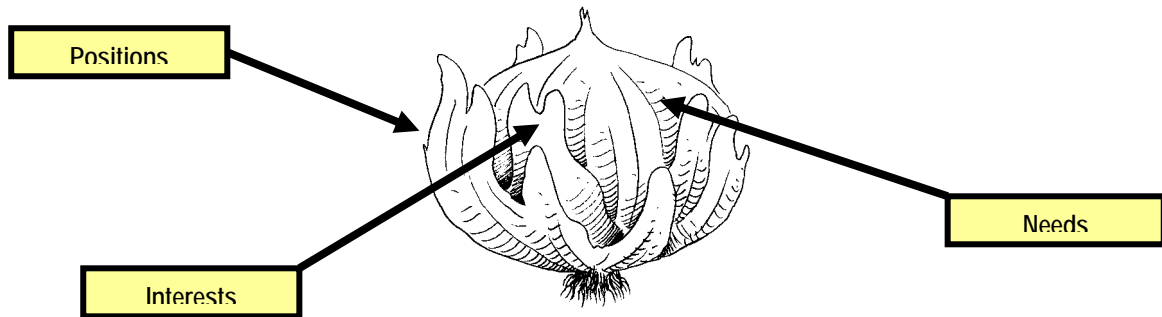
Needs: Behind every interest is a need. Generally, all major conflicts are about basic human needs, things that are necessary for their physical and emotional survival. Consequently, basic human needs are non-negotiable. They have to be satisfied under all circumstances.

Basic human needs are the same all over the world. Generally, we differentiate between material, social and cultural needs:

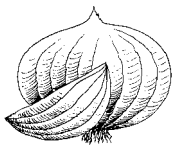
- material needs: food, shelter, health care
- social needs: sense of respect, belonging, security, human relationships, sense of participation and self-determination in decisions which affect own life
- cultural needs: sense of identity, religion, a culture that gives shape to values and beliefs

Needs are rarely communicated openly and often conflict parties are not fully aware of what their needs are. However, recognizing what the needs of the conflict parties are is essential, as any conflict resolution that does not meet these needs will not be sustainable.

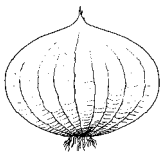
Positions, interests and needs relate to each other like the different layers of an onion.



There is an outer layer of the onion that is on the surface and visible to all just like the positions taken in a conflict.



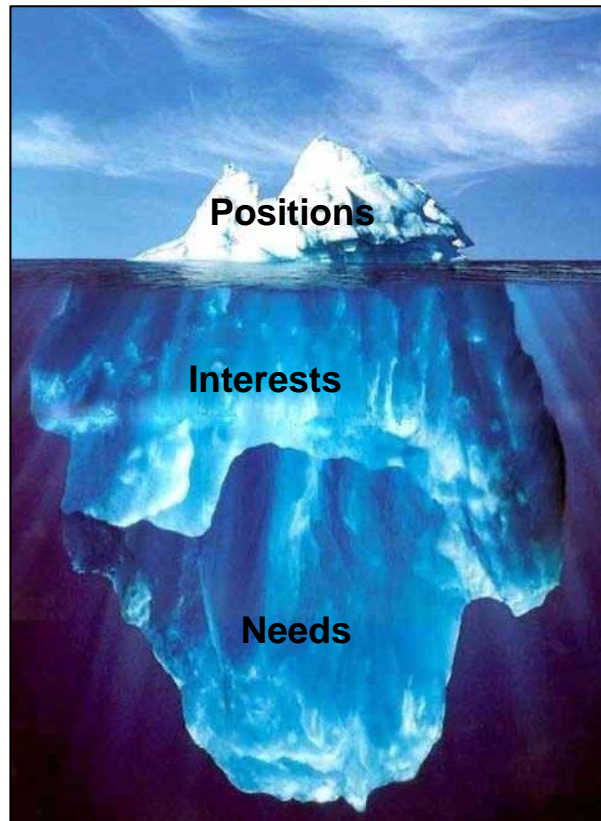
When you peel the outer layer of the onion away, you get to another layer that lays hidden behind the outer layer and supports it, just like in a conflict interests are hidden behind positions and support them.



When you peel this middle layer away you get to the core of the onion. This core is not so easy to reach but it is the true essence of the onion, just like needs are the true essence of a conflict.

Graphic designs adapted from: Richter and UN HABITAT, *Conflict Resolution and Mediation*, p. 80.

Another popular model for the relationship between positions, interests and needs is the iceberg model.



Source of graphic design: Boelscher, Viola. *Conflict Resolution and Mediation: Powerpoint Presentation*. Iber-Consult and DED, 2006, p. 18.

An iceberg is a large piece of ice floating in open sea water. What characterizes icebergs is that only one-tenth of their volume is above water. The shape of the remainder under the water is difficult to surmise from looking at what is visible above the surface. Similarly, in a conflict positions are only that part of the problem that is visible on the surface. They are only a small manifestation of the larger problem. The essence of the conflict remains hidden under the surface in the form of unexpressed interests and needs but also hopes, fears and feelings.

Often, conflict parties are not aware of their own interests and needs. It is the task of the mediator to assist the conflict parties in exploring their interests and needs and the wishes, hopes, fears and feelings that accompany them. The mediator is like the captain of a submarine that takes a conflict party below sea level and lets them have a look at the part of the iceberg that is hidden there.

The importance of exploring interests and needs

In order to resolve a conflict in a satisfactory way, it is vital that the conflict parties reveal their interests and their needs. The following example illustrates why:

Mahmud and Kazim are neighboring farmers and friends who, during one harsh winter, both let their herds graze on a piece of land owned by the community. In summer, it turns out that the herds have grown by 14 heads. A nasty fight ensues over this offspring, as both farmers take the **position** that the entire offspring should belong to them. The conflict between the two friends quickly escalates with each of them insisting on their exclusive ownership. Finally, they turn to the malik of their village who finds himself unable to determine who the true owner is and therefore determines that each farmer should get 7 of the calves. However, neither Mahmud nor Kazim are satisfied with this ruling and only a few days later their conflict breaks out again.

At this point, a wise old man steps in. In a lengthy talk with both farmers he explores their **interests**. He finds out that Mahmud has received a very good offer from a friendly butcher and wants to sell him the meat of the 14 calves. Kazim, for his part, wants to give their hide to his wife who is quite a good craftswoman and wants to produce leather purses to sell on the local market.

As he digs deeper, the wise man finds out that both men are guided by strong **needs**. They were both in financial problems and saw in selling the meat, respectively in processing the hides of the 15 calves the only way to get their families through the next winter. However, in order to raise enough money they both needed to get all of the 14 calves which is why they saw themselves unable to accept the compromise proposed by the malik.

One cannot fight about positions just as well as there is no accounting for tastes. It is not possible to resolve a conflict satisfactorily if the parties insist on their points of view without explaining them, i.e. without revealing their interests and needs. If Mahmud and Kazim would not reveal why they are interested in the calves, their fight would be an endless tug-of-war between "I should get the calves" and "No, I should get the calves." There is no good way of resolving an issue like this. On the basis of their positions only, the malik decides that a compromise is the solution and rules that each farmer should get 7 calves. However, 7 calves are not enough to satisfy the material needs of Mahmud's and Kazim's family. As a result, this compromise is not durable and the conflict over the calves breaks out again soon thereafter.

But once both conflict parties reveal their interests and needs and learn about the other party's interests and needs it becomes simple to resolve this issue in an equally satisfactory way: Mahmut get the meat and Kazim gets the hide, a deal which allows them both to get their families through the winter. Moreover, as both conflict parties are equally happy with the solution found, there is a good chance that the relationship between the two neighbors will prosper again and that they will once again become friends.

Exploring the hidden interests and needs behind openly-stated positions is part of a more comprehensive process that mediators call change of perspective (also termed as "sharing perspectives").

2.2 Perspective and Change of Perspective

What is a perspective?

Put simply, the word "perspective" describes the way or the angle from which you look at something. Depending on their perspective, people see things differently or, transferred to a conflict situation, people interpret or experience a conflict situation differently. The crux about perspectives is that there are many different ones but that people nevertheless have a tendency to think that their perspective is the only one possible and must therefore be correct. An example might illustrate this:

When you look at Figure A, what do you see?



Figure A – Source of graphic design: Swiss Red Cross. *Chili Trainer's Manual*.

Some people are absolutely certain that Figure A shows a mouse. Their brain blends out any other possible ways of looking Figure A to the effect that to them Figure A looks more like this:

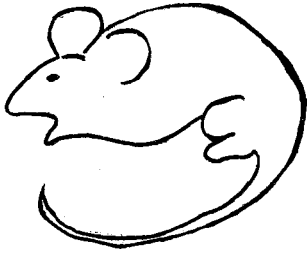


Figure B

Other people are absolutely certain that Figure A shows a man's face. Their brain blends out any other possible ways of looking Figure A to the effect that to them Figure A looks more like this:



What people see when they look at figure A – whether they see a mouse or a man's face or something completely different – depends on their perspective. Their perspective, in turn, is influenced by their individual background, that is by experiences they have made in the past or by information they have stored. Maybe they have just seen a mouse in their kitchen. So when they are presented with Figure A their brain automatically brings this picture in connection with their experience in the kitchen and zooms in on those aspects of the picture that support the interpretation that it shows a mouse. Other people, however, maybe have a grandfather who resembles Figure A somewhat. So when they are presented with Figure A their brain automatically brings this picture in connection with their grandfather and zooms in on those aspects of the picture that support the interpretation that it shows a man's face.

Both perspectives are valid. Figure A has features of both a mouse and a man's face and thus leaves room for interpretation. Problematic about perspectives is, however, that people have a tendency to believe that only their perspective is the only one possible and must therefore be correct. They have difficulty to accept that there are other possible perspectives which are just as valid. The main reason for this is that people hardly reflect on the fact that their perspective is influenced by their personal experiences or by information others might not have.

Similarly, when in a conflict the conflict parties take on certain positions, show certain behaviors and interpret the behavior of the other conflict party in a certain way, they are convinced that their perspective on the conflict is correct and the only one possible. They hardly reflect on the fact that their perspective is influenced by their interests and needs, their hopes, fears, wishes and feelings, their personal experiences and by the information they have received about the conflict. Yet, all these things are highly individual and subjective and are usually not shared by the other conflict party. In fact, the other conflict party has their own interests and needs, their own hopes, fears, wishes and feelings, their own personal experiences and their own information about the conflict and thus their own perspective. In a conflict, the different perspectives of the conflict parties clash and are often defended with vigor and conviction. Mediation attempts to dissolve this front by inducing a change of perspective.

What is a change of perspective?

A change of perspective has taken place when a conflict party can cognitively and emotionally understand how the other party views and experiences the conflict and what the other's interests, needs and feelings are:

Cognitive understanding is reached when the hitherto seemingly stupid or irrational behavior of the other conflict party makes sense given their perspective on the conflict. That is, the conflict parties now know which interests, needs, personal experiences and information on the conflict guide the other party when they make certain statements or actions and can intellectually grasp why they say what they say or do what they do. This also involves that the conflict parties understand what effects their own statements and actions have on the other party and what their own part in the conflict is.

Emotional understanding is reached when the feelings of the other conflict party appear natural given their perspective on the conflict. That is, the conflict parties can empathize with the other party's emotional life and can emotionally grasp their feelings of fear, anger, distress etc. This also involves that the conflict parties understand how their own statements and actions have contributed to the fact that the other feels the way they do.

A change of perspective is an illuminating experience that has a number of effects on the conflict parties. Not only do they learn a new perspective and change their perception of their "enemy", they also reflect upon their own role and behavior in the conflict and acknowledge and accept responsibility for the part they have played. There is recognition that the interests and needs of the other party are just as valid as one's own, that the difficulties and grievances faced by them are just as real as one's own

and that their feelings run just as deep as one's own. As this sense of empathy develops, conflict parties often find themselves prepared to let go of their anger, express sincere regret and remorse, apologize for their part in the conflict and to make a commitment to refrain from repeating negative behavior. They also develop a sincere readiness to redress past grievances, to compensate for the damage done and to search for a mutually-acceptable solution. Usually, mutually-acceptable solutions are win-win-solutions.

2.3 What are win-win solutions?

Conflict parties frequently view their interests in a conflict as diametrically opposed. As a result, they approach their conflict as a so-called zero-sum situation in which it is impossible for both parties to win. In zero-sum scenarios, a conflict party's gains or losses are exactly balanced by the losses or gains of the other conflict parties. In other words, what one side wins, the other side loses.¹¹ Accordingly, in zero-sum scenarios, the following outcomes are possible:

- win – lose: party A wins all – party B loses all
- lose – win: party B loses all – party B wins all
- compromise: party B wins half and loses half – party B wins half and loses half.

Under these circumstances, each conflict party's first impulse is to seek an outcome to the conflict that maximizes their own gains and minimizes those of the other party. However, once they have gone through a real change of perspective, they no longer find themselves in the position to satisfy their interests and needs to the detriment of the other party. After all they have come to understand that the interests and needs of the other are just as valid and legitimate as their own. Consequently, they are now willing to work out a compromise.

Compromises are deemed to be fair but they have one significant drawback: they are not as satisfactory as getting it all. While each party wins a little, it also loses a little. As a result, compromises are often viewed as stale or hollow and therefore carry a significant risk that at least one of the conflict parties might soon feel tempted to renew the conflict in order to enforce an outcome that satisfies them better. This is particularly the case, if the conflict parties are guided by pressing needs that a compromise can not really satisfy, as it was the case for our two farmers for whom half the calves were not enough to get their families over the winter. Compromise also has the disadvantage that it is simply not always

¹¹ The name "zero-sum" derives from the fact that if total gains of the two conflict parties are added up and the total losses are subtracted they will sum to zero.

possible. Consider, for example the case of two neighbors who were fighting over a tree on the border of their respective properties. The tree cannot just be sawn in half or it would become useless for both of them.

For these reasons, mediation seeks to create solutions that are better than a compromise, so called win-win solutions. In contrast to compromises, win-win solution resolve the conflict by satisfying the interests of both disputants without leaving them with the feeling that they have lost anything. They can be achieved by a) challenging the assumption that the interests of the conflict parties are diametrically opposed or by b) creating solutions that satisfy more than the primary interests at stake.

a) By exploring the interests and needs of the conflict parties, mediation often establishes that they in fact pursue different interests and needs. Consequently, it becomes possible to find a resource that meets the following requirements:

- It is available and unimportant for one disputant
- It is unavailable for and highly desired by another disputant

Transfer of this resource from one side to another is not considered a loss by the giving side, but is considered a gain by the taking side. If such a set of resources is found for all sides, the win-win solution is achieved.

Consider, once again, the example of our two farmers who are fighting over 14 calves. On the surface, they pursue the same goal – they both want to get all the 14 calves for them selves. However, by exploring their interests, the mediator finds out that Mahmud would like to have the calves because he wants to sell their meat. His neighbor Kazim, however, wants to use their hide. The two farmers have in fact different interests. From the perspective of Kazim, the meat is unimportant but it is highly desired by Mahmud. Giving this resource to Mahmud is not considered a loss by Kazim but receiving it is considered a gain by Mahmud. Similarly, the hides are unimportant to Mahmud, but highly desired by Kazim. Giving this resource to Kazim is not considered a loss by Mahmud, but receiving it is considered a gain by Kazim. Through this exchange of resources, both farmers get what they want. A win-win solution is achieved which makes them a lot more happy than a compromise such as splitting the herd in two halves.

b) However, sometimes the interests of the conflict parties are indeed diametrically opposed – that is, they both want the same thing but only one party can have it. If that's the case, mediation looks beyond the the primary interests and needs at stake and seeks to enrich a compromise solution in ways that

make it more appealing. Metaphorically speaking, if the conflict parties are fighting over one and the same cake, mediation seeks to make the cake bigger so that one half of the new cake becomes at least as big as all of the original cake.

An example: Two farmers are fighting over one and the same plot of land. They both have the same interest. They want to get the land to sow wheat on it. Their interests are irreconcilable, as only one farmer can have the land. By exploring other interests, the mediator finds out that farmer A has big machinery, but has a water shortage. Farmer B, however, has a well and water in abundance but he has no machinery. When assessing their options, the farmers realize that there is no way around dividing the disputed piece of land up. They both want it. So they make a compromise which isn't as good as getting all the land but also not as bad as ending up with no land at all. But in addition, the two farmers decide, that in the future, farmer B will give farmer A access to his well, while farmer A gives farmer B access to his machinery. Through this addition, the compromise becomes more than just that. Both farmers have now found a solution to a long-standing problem which turns the extended compromise into a real win-win solution for them.

4 Practical Tools



Overview

Training Content and General Objectives	Activities
<p>Positions, interests and needs</p> <ul style="list-style-type: none">↳ The participants can differentiate between positions, interests and needs.↳ The participants can infer what interests and needs might lie behind a certain position.	9.1, 9.2, 9.3
<p>Perspective and change of perspective</p> <ul style="list-style-type: none">↳ The participants are aware that there are different perspectives.↳ The participants are aware of the reasons for different perspectives.	9.4
<p>Win-win solutions</p> <ul style="list-style-type: none">↳ The participants are aware that there are different outcomes to conflicts.	9.5

Activity 9.1	Positions, Interests and Needs
Objectives	- The participants can differentiate between positions, interests and needs.
Special requirements on the target group	None
Material	None
Time needed	20 minutes
<p>Preparation none</p> <p>Activity Read the following story to the participants and ask them to identify the positions, interests and needs of both Wahid and Wadud.</p> <p>Wahid and Wadud are neighbors in a small, hidden village. Wahid owns a piece of land, and Wadud a small herd of goats. Some time ago, a sort of quarrel started between Wahid and Wadud. Wadud's goats have to pass Wahid's land to reach the well and Wahid thinks that the goats of Wadud destroy his carefully constructed water channels.</p> <p>One evening, Wahid decides to wait for the arrival of Wadud and his goats at the well.</p> <p>Wadud arrives, and Wahid shouts at Wadud: "Your goats destroy every day my water channels! You have to lead your herd to another well!"</p> <p>Wadud replies angrily: "My goats don't destroy your channels, and for sure I won't go to another well! This well belongs to everybody!"</p> <p>In this manner Wahid and Wadud shout at each other for a while. Neither Wahid nor Wadud listen to each other, or try to understand what the anger of the other is really about.</p>	

Then an old man comes out of his house, close to that well. He is wondering what is going on here. The old man asks Wahid to explain his anger and Wahid answers: "Every morning when I go to work on my fields I see that the water channels are destroyed. So I fix the channels, which takes a lot of time. Actually, I don't have so much time to waste, especially right now. I have a lot of work to do. It is springtime and if I don't finish with sowing I and my family will have a reduced harvest."

The old man and Wadud are listening. Now the old man asks Wadud about his point of view, and Wadud answers: "I know that I have to cross Wahid's land to reach the well, but the well belongs to everybody in the village and even if I would agree to go to another well, I couldn't since the next well is too far away. But my goats need water. And sometimes in the evening the goats take the shortcut to the well and they jump above the channels, but they don't destroy them. It may well be that sometimes stones or lumps of earth are falling into the channels, but my goats for sure don't destroy anything. The goats are all I have. Only by caring for my goats I can care for my family."

Evaluation

In case you get the impression that some aspects of your previous theoretical input on positions, interests and needs are not clear yet, once again review this material with the participants.

You might also add a discussion on the participant's own experiences with positions, interests and needs. Do they think that this differentiation is helpful? If yes, how?

Trainer's Notes

This activity has to be preceded by an input on positions, interests and needs.

Adapted from: Richter and UN HABITAT, *Conflict Resolution and Mediation*, pp. 81-82.

Activity 9.2	From Positions to Interests and Needs
Objectives	- The participants can differentiate between positions, interests and needs.
Special requirements on the target group	None
Material	None
Time needed	15 minutes
Preparation	
<p>Prepare a list of sentences that express either positions, interests or needs, e.g.:</p> <p>"I don't eat chocolate because I don't want to become fat." (interest)</p> <p>"I don't like you." (position)</p> <p>"I don't like your cows because they trample over my fields." (interest)</p> <p>"I need a good harvest to have enough food for my family." (need)</p> <p>"Mediation is better than arbitration." (position)</p> <p>"I wear a headscarf to express my belonging to the Muslim community." (need)</p> <p>"We should establish good relations with other countries to boost our economy." (interest)</p> <p>"I would like to build a huge wall around my house to be protected from burglars." (need)</p> <p>"Russia is a very nice country." (position)</p> <p>"You are a liar." (position)</p> <p>"If you don't greet me I feel disrespected." (need)</p>	
Activity	
<p>Read these sentences to the participants and have them determine whether they express positions, interests or needs.</p>	
Evaluation	
<p>In case you get the impression that some aspects of your previous theoretical input on positions, interests and needs are not clear yet, once again review this material with the participants. Add that the ability to differentiate between positions, interests and needs is vital for a mediator. If parties argue with positions and counter positions, the mediator has to explore the interests and needs behind these positions, usually by asking questions such as why?</p>	
Trainer's Notes	
<p>This activity should be preceded by an input on positions, interests and needs.</p>	

Source: an often cited classic

Activity 9.3	From Positions to Interests and Needs
Objectives	- The participants can infer what interests and needs might lie behind a certain position.
Special requirements on the target group	None
Material	None
Time needed	15 minutes
Preparation	
<p>Prepare a list of sentences that express positions, e.g.</p> <p>"I don't want to wear glasses."</p> <p>"Women should be allowed to vote."</p> <p>"Violence is bad."</p>	
Activity	
<p>Read these sentences to the participants and have them speculate what interests and needs could be hidden behind these statements.</p> <p>Example:</p> <p>Position: I don't want to wear glasses.</p> <p>Interest: I fear that glasses make me look ugly and that my friends will turn away from me.</p> <p>Need: I want to be well-liked and belong to a social circle.</p>	
Evaluation	
<p>In case you get the impression that some aspects of your previous theoretical input on positions, interests and needs are not clear yet, once again review this material with the participants.</p>	
Trainer's Notes	
<p>This activity should be preceded by an input on positions, interests and needs.</p>	

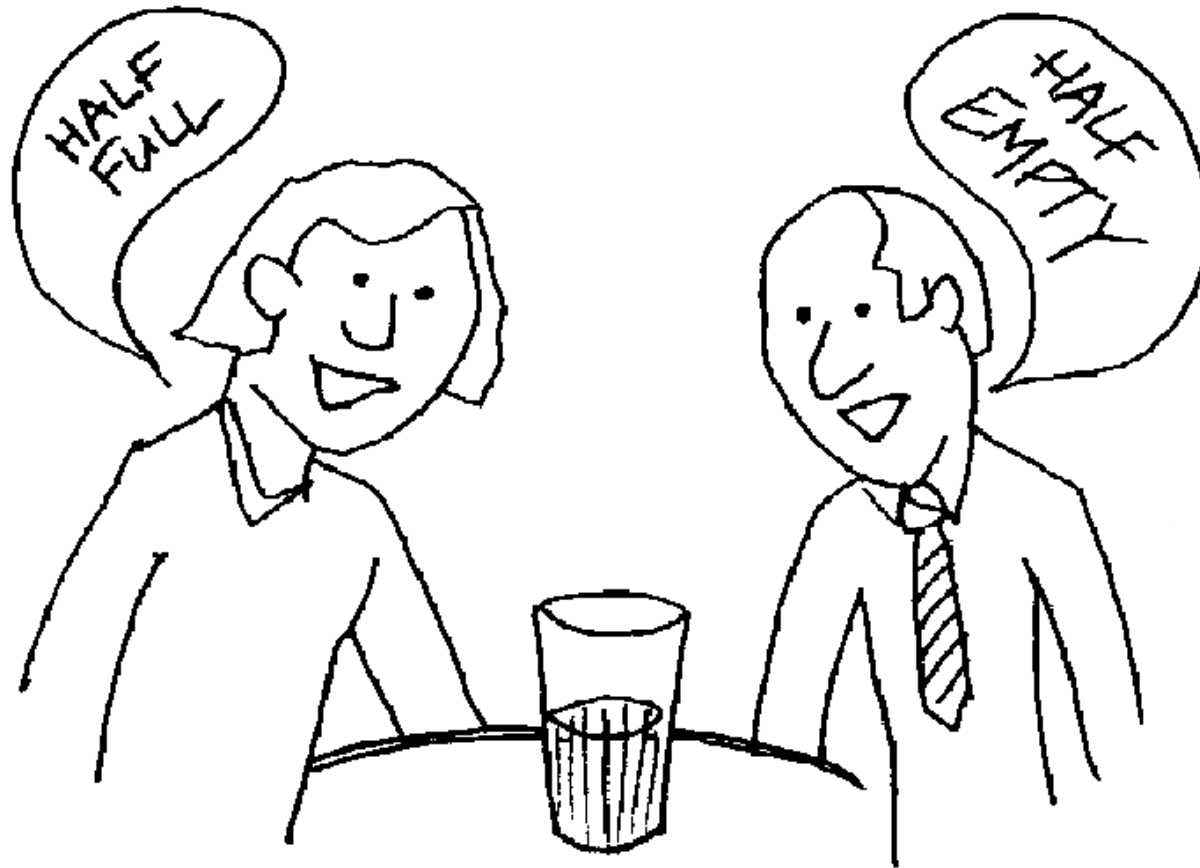
Source: Judith Niederberger von Wyl

Activity 9.4	The Roots of Different Perspectives
Objectives	<ul style="list-style-type: none"> - The participants are aware that there are different perspectives. - The participants are aware of the reasons for different perspectives.
Special requirements on the target group	None
Material	Picture (see next page)
Time needed	15 minutes
<p>Preparation</p> <p>Print out the picture on the next page.</p> <p>Activity</p> <p>Show the participants the picture on the next page and discuss the following with them:</p> <ul style="list-style-type: none"> - What do they think this picture is about? - Why do they think the man and the woman take a different perspective on the content of the glass? - Do they see a connection between different perspectives and conflict? <p>Evaluation</p> <p>None</p> <p>Trainer's Notes</p> <p>This activity is a starter to an input on the topic of perspectives and change of perspective.</p>	

Source: Judith Niederberger von Wyl

Source of graphic design: Windle, Rod and Suzanne Warren. Collaborative Problem Solving and Dispute Resolution in Special Education: Training Manual. Eugene, OR: National Center on Dispute Resolution in Special Education (CADRE), 1999. Download:

<http://www.directionservice.org/cadre/section5.cfm> - SHARE%20PERSPECTIVES



Activity 9.5	Handshake Game
Objectives	- The participants are aware that there are different outcomes to conflicts.
Special requirements on the target group	None
Material	none
Time needed	15 minutes
Preparation	
None	
Activity	
Form pairs. Instruct the pairs to stand opposite each other and join hands in a handshake fashion. Their task is now to play a game for which there are only two rules:	
1. Win as many points as you can.	
2. Each person wins a point when the joined hands touch their hip.	
The pairs play the game for 2-3 minutes. Each player keeps track of his or her score.	
Evaluation	
In the plenum, discuss the following with the participants:	
- How many points did they score?	
- What strategy did you adopt to win points? Why did you choose that strategy?	
- If you adopted a competitive approach, why did you do so?	
- Did you discover a win-win approach in which both people scored lots of points through co-operation?	
- What insights into real-life conflict can you infer from this exercise? Can you think of any examples of conflicts you have been involved in that have had win-win outcomes?	
Trainer's Notes	
This activity should be preceded or followed by an input on win-win solutions.	
The pairs should be single-sex.	

Source: an often-cited classic

10

INTRODUCTION TO COMMUNICATION

1 Objectives

The most important skill for acting constructively in conflict situations is effective communication. Good communication is the route to understanding and reaching an agreement. It is both an expression of respect and a means of creating it. Good communication can also prevent unnecessary conflict or prevent an existing conflict from escalating. Once communication is improved both the objective and subjective dimensions of a conflict are easier to deal with. The attitudes and skills of good communication are therefore vital for all who wish to act constructively in relation to conflict, whether as parties or as mediators.¹²

A prerequisite to good communication is to understand how communication functions. Therefore any skill-building training in mediation should include a basic introduction to communication.

¹² Windle and Warren, *Collaborative Problem Solving*, no page numbers indicated.

2 Theoretical Background



The three components of communication

Communication is the exchange of information between two or more persons. Oral communication involves three components:

- verbal messages
- paraverbal messages
- non-verbal messages

The term "verbal messages" refers to the content of the message, the choice and arrangement of the words. Studies have shown that verbal messages account for only 7% of what is picked up and understood when we send a message to someone. Nonetheless, the choice of language has tremendous power in the type of atmosphere that is created in communication. Effective messages are brief, succinct, and organized, free of jargon and do not create resistance in the listener. However, by the time conflict parties come to mediation, they have often adapted a style of communication that uses words that are critical, blaming, judgmental or accusatory and tend to create a resistant and defensive mindset in the other party. This pattern is not conducive to productive problem solving. Therefore, mediators have to re-establish a style of communication that uses words that normalize the issues and problems and reduce resistance. One way of achieving this is frequent paraphrasing (see Communication Techniques).

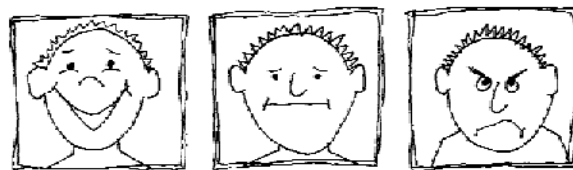
The term "paraverbal messages" refers to the messages that we transmit through the tone, pitch, and pacing of our voices. It is *how* we say something, not *what* we say. Paraverbal messages account for approximately 38% of what is communicated to someone. A sentence can convey entirely different meanings depending on the emphasis on words and the tone of voice. For example, the statement, "I didn't say you were stupid" has six different meanings, depending on which word is emphasized.

"I didn't **SAY** you were stupid."
"I didn't say **YOU** were stupid."
"I didn't say you were **STUPID**."

Source of graphic design: Windle and Warren, *Collaborative Problem Solving*, no page numbers indicated.

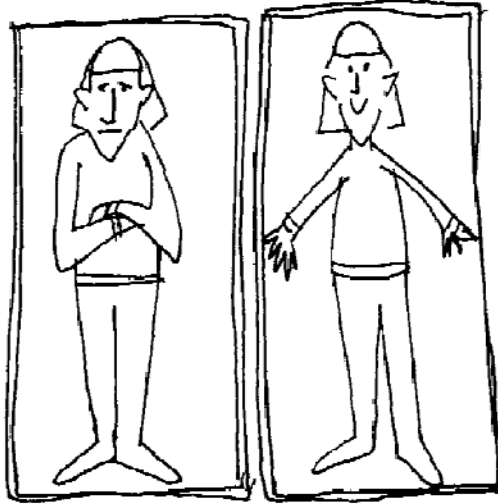
The term "nonverbal messages" refers to our body language. The power of nonverbal communication cannot be underestimated. Messages we send through our posture, gestures, facial expression, and spatial distance account for 55% of what is perceived and understood by others. In fact, through our body language we are always communicating, whether we want to or not.

Mediators have to be aware of the messages they send out through their own body language and be able to read the body language of their clients (regarding the latter see under "Mirroring" below). In particular, mediators should pay attention to facial expression, as the face is perhaps the most important conveyor of emotional information. A face can light up with enthusiasm, energy, and approval, express confusion or boredom, and scowl with displeasure. The eyes are particularly expressive in telegraphing joy, sadness, anger, or confusion.



Source of graphic design: Windle and Warren, *Collaborative Problem Solving*, no page numbers indicated.

Postures and gestures are another way of communication. Our body postures can create a feeling of warm openness or cold rejection. For example, when someone faces us, sitting quietly with hands loosely folded in the lap, a feeling of anticipation and interest is created. A posture of arms crossed on the chest portrays a feeling of inflexibility. The action of gathering up one's materials and reaching for a purse signals a desire to end the conversation. Reference to active listening!



Source of graphic design: Windle and Warren, *Collaborative Problem Solving*, no page numbers indicated.

Basic Communication Pattern

In order to communicate effectively, we must use all three components of communication to do two things:

1. Send clear, concise messages.
2. Receive, correctly understand and acknowledge messages someone is sending to us.

In a basic communication process, the person who wants to communicate something is the sender. The person addressed by the message is the receiver. Sending and receiving an oral message involves the following steps:

- 1) The sender has a message he or she wants to communicate.
- 2) The sender codes this message. That means,
 - the sender puts the message into sounds or spoken words (verbal message).
 - the sender chooses the appropriate tone, pacing and volume of his or her voice (paraverbal message)
 - the sender translates the message into body language (non-verbal message)

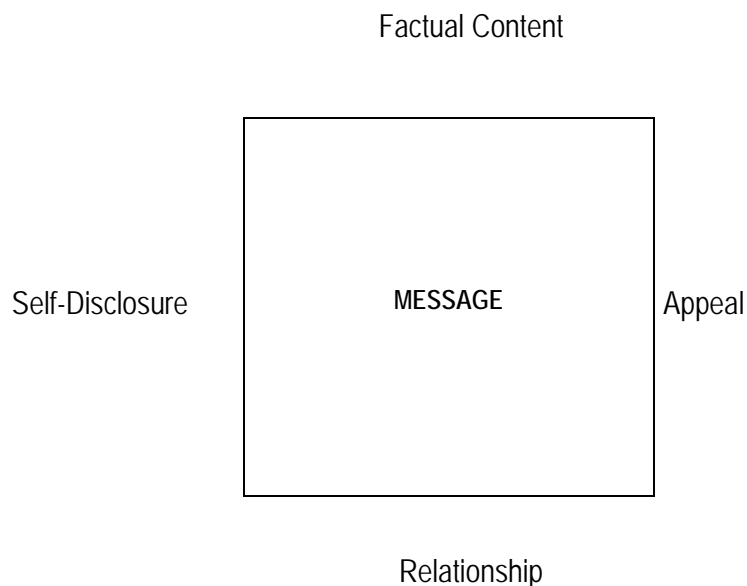
- 3) The receiver receives the message over one or more of his reception channels, this is the ears and/or the eyes.
- 4) The receiver decodes and interprets the message. In doing so, the receiver gathers 7% of his or her information from the content (verbal message), 38% from the tone of the sender's voice (paraverbal message) and 55% from the sender's body language (non-verbal message).
- 5) The receiver acknowledges the reception of the message and gives a feedback.

Graphic design forthcoming

The Square of Communication

Every oral message not only contains a verbal, paraverbal and non-verbal component but also four sides or meanings. In other words, every sender speaks with four tongues, whether he/she wants to or not.

The four sides of a message can be depicted as a so-called square of communication, a model developed by the German psychologist and communication expert Friedemann Schulz von Thun.



Improved graphic design forthcoming

Factual content (or: the information you give out)

Every message contains some form of information, a portrayal of facts from the point of view of the sender.

Self-disclosure (or: what you give away about yourself)

In addition, every message contains information about the sender. It is possible to infer from a message how the sender views himself/herself and how he/she would like to be viewed by others. It is also possible to infer characteristics from a message of which the sender himself/herself is not even aware. Self-disclosure therefore encompasses intentional self-portrayal as well as unintentional self-disclosure.

Relationship (or: what you think of the receiver and how you see your relationship with him/her)

The message further reveals the sender's sentiments towards the receiver. A message therefore contains information on the relationship between sender and receiver. This side of a message is often manifested in the tone of voice, gestures and other non-verbal signals, as well as in the way the message is worded.

Appeal (or: what you want the receiver to do)

Last but not least, every message is sent out with an intention, with an attempt to influence the receiver. The sender does not only want his/her message to be understood, he/she also wants to achieve a specific effect.

Example

Consider the message sent out by this husband coming home from shopping:¹³



"My bags are heavy."

Source of graphic design: Brinkmann, Cornelia, ed. *Steps For Peace: Working Manual For Peace Building and Conflict Management*. Kabul: DED, Oxfam Great Britain, Afghanistan, 2006, p. 13.

¹³ Brinkmann, Cornelia, ed. *Steps For Peace: Working Manual For Peace Building and Conflict Management*. Kabul: DED, Oxfam Great Britain, Afghanistan, 2006, p. 13.

According to the square of communication, the husband's message has four different meanings: Firstly, the sentence "My bags are heavy" contains factual information: the bags are heavy. Secondly, the message reveals something about the husband. It is as if he were saying: "I am tired." Thirdly, the message reveals something about the relationship between the husband and his family. It is as if he were saying: "I bought a lot for you. I care for you". Fourthly, the sentence "my bags are heavy" contains an appeal. It is as if the husband were saying: "Please come and store away the food!"



Improved graphic design forthcoming

Even though a sender sends out four different meanings, the sender usually means to accentuate only one. It is left to the discretion of the receiver to discern the intention of the sender.

Just as every sender speaks with four tongues, every receiver hears with four ears. The receiver has an ear for the factual content of the message, for the self-disclosure, for the relationship and for the appeal. In other words, every sender is equipped to receive all four sides or meanings of a message. However, he or she tends to focus on only one. If the focus is on the objective content of the message, he or she asks himself or herself: "What is the information in this message? What are the facts?" If the focus is on the self-disclosure–aspect, the receiver acts in a diagnostic manner: "What type of person is this transmitter?" or

“What is going on with the transmitter?”. If the focus is in the relationship dimension of the message, the receiver asks himself or herself: “What does the sender think of me?” “How does the sender see our relationship?” Finally, if the receiver focuses on the appeal contained in the message he or she asks himself or herself: “What does the sender want from me?”

Graphic design forthcoming

Depending on which of his four ears the receiver has currently switched on for reception, the conversation takes a very different course. Oftentimes, the receiver is completely unaware of the fact that he has switched off some of his ears, thereby changing the course of the interpersonal interactions.

Example

Consider once again the example of the husband coming home from shopping:



“My bags are heavy.”

How his wife reacts to his statement depends on which ear she has switched on:

Ear	Message received	Possible answer
Factual content	"The bags are heavy"	"I'm sorry about that. Did you have to carry the bags far?"
Self-Disclosure	"I'm tired."	"Come on in and take a rest."
Relationship	"I bought a lot for you. I care for you."	"Thank you so much for going shopping. You take really good care of us."
appeal	"Please come and store away the food!"	"Hang on. I will take the bags from you right away."

The danger of miscommunication

Even though a sender sends out four different sides, he or she usually means to accentuate only one. However, the receiver can freely decide which side of a message he wants to focus on and react to. This can create miscommunication and disturbances – for instance, if the receiver refers to an aspect that the transmitter didn't mean to accentuate. In the case of the husband coming home from shopping, this could mean:

- Husband: "My bags are heavy." Meaning intended: Appeal: "Please come and store away the food!"
- Wife: "I'm sorry about that. Did you have to carry the bags far?" Meaning interpreted: Factual content: "The bags are heavy."

In tense situations, miscommunication is particularly common which often leads to a further escalation of the situation. Consider, for example, that husband and wife on our example have been arguing about responsibilities in their household. The wife is of the opinion that her husband does not support her enough. To please her, he goes out and does the shopping. However, under the influence of their previous fight, his wife does not understand his good intentions, which leads to the following dialogue when he comes home:

- Husband: "My bags are heavy." Meaning intended: Relationship: "I bought a lot for you. I care for you".

- Wife: "Can't you see that I already have two children in my arms?!" Meaning interpreted: Appeal: "Please come and store away the food!"

Communication in Conflict

Chances are, that the husband in our example will become quite upset about the aggressive reaction of his wife and that he will respond with a confrontational remark of his own. After all, from the husband's perspective, he meant well, but instead of being thankful his wife is reacting with aggression. From the wife's perspective, however, her husband's appeal that she should come and store away the food when she was already busy with two children, is just another example of her husband's lack of support for her. As a result, their previous fight will not only resume but possibly be carried to a higher step of escalation.

The behavior of husband and wife is typical of conflict parties. Under the influence of the hostility felt towards the other, conflict parties develop a tendency to assume the worst of the other and misunderstand the words and actions of the other. When interpreting a message, their focus is on that side of the message that confirms their negative assumptions of the other which is usually either the relationship or the appeal side.

In other words, conflict parties hardly ever hear the factual content of a message or what the other party is revealing about himself or herself. As a result, communication in conflict is no longer about facts, arguments and reasons or about the interests, feelings and needs of a conflict parties. Instead, exchanges between the conflict parties are reduced to personal attacks, insults, positions and demands.

Accordingly, typical features of communication in conflict are:

- not listening to the other person
- concentrating on expressing one's own views and trying to prevent the other person from fully expressing his/her own views
- expressing assumptions about the other person and his/her views, values etc. rather than asking what these are
- expressing fixed opinions and absolute views
- blaming the other person while idealizing oneself

- simplifying complexities by ignoring subtle differences in a range of opinions, and focusing on the most extreme positions so that people and positions are polarized into good or bad
- concealing one's own doubts, ambivalence, confusion, fears, needs¹⁴

Combative communication is characteristically loud and unpleasant. It is often unproductive of any outcome, that is what it usually achieves is the rehearsing of known oppositions and differences. This often leaves both sides frustrated and with the feeling that they can't get through to the other party.

Role of the mediator

In mediation, the mediator has to dissolve the negative pattern of communication between the conflict parties and to reestablish their trust in communication. The goal is to assist parties in moving beyond rhetoric, threats or other types of communication which impede progress towards a consensual resolution of their conflict. This involves clearing up misunderstandings, getting the parties to listen to the statements of the other with all four ears and to e-establish a communication style that allows to tackle the factual, substantive issues of a conflict. The communication skills presented in the next chapter help to achieve this.

¹⁴ Windle and Warren, *Collaborative Problem Solving*, no page numbers indicated.

3 Further Reading

forthcoming



4 Practical Tools



Overview

Training Content and General Objectives	Activities
<p>The three components of communication and the basic communication pattern</p> <ul style="list-style-type: none">↳ The participants reflect on and understand the three components of communication and the basic communication pattern↳ The participants understand the difference between the information contained in a message and the interpretation of this information↳ The participants are sensitized to the subtleties of body movement and expression and have practiced reading them.	10.1-10.6
<p>The Square of Communication</p> <ul style="list-style-type: none">↳ The participants have practiced discerning the four sides/meanings of a message.↳ The participants have experienced the implications of the square of communication.	10.7, 10.8
<p>The Danger of Miscommunication and Communication in Conflict</p> <ul style="list-style-type: none">↳ The participants have reflected on their personal experience with the phenomenon of miscommunication/misunderstandings.	10.9

Activity 10.1	Visually Representing Communication
Objectives	- The participants reflect on the three components of communication and the basic communication pattern.
Special requirements on the target group	None
Material	Colored paper, crayons, glue, scissors, sheets (anything that can be used to make a collage, paint a picture, build a statue...)
Time Needed	30 minutes
<p>Preparation none</p> <p>Activity 1 Form groups of three and ask them to express one aspect that they found particularly interesting in your theoretical input about communication, e.g. the basic communication pattern, coding and decoding, the importance of body language. They can do a collage, paint a picture, write a poem, create a song, build a statue, prepare a role play...</p> <p>Evaluation Each group presents their result in the plenum. The other participants are invited to comments and suggest changes to the end results.</p> <p>In case you get the impression that some aspects of your previous theoretical input on the three components of communication and the basic communication pattern are not clear yet, once again review this material with the participants.</p>	

Trainer's Notes

This activity has to be preceded by input on the three components of communication and the basic communication pattern (but not yet on the square of communication and on miscommunication)

Alternatively, you could do this activity before your theoretical input, to get the participants to think about what communication means to them.

Adapted from: Saskatchewan Education. *Communication Studies 20: A Curriculum Guide for the Secondary Level*. Regina, SK: Saskatchewan Education, 1998. Download:

<http://www.sasked.gov.sk.ca/docs/comm20/mod1.html>

Activity 10.2	Interpreting a Message
Objectives	- The participants reflect on the difference between the information contained in a message and the interpretation of this information.
Special requirements on the target group	Literacy
Material	Handout
Time Needed	20 minutes
<p>Preparation none</p> <p>Activity Explain that this exercise is about interpreting a message correctly and give the following example: A shura member does not attend a celebration. A neighbor says that he had felt ill already the day before. Another guest at the celebration interprets: "The shura member is ill." Is this interpretation: correct or wrong or is there no way we can know? "We do not know" is the correct answer.</p> <p>Distribute the handout (see next page). The participants have to decide whether the interpretations are correct, wrong or could be both and circle the right answer.</p> <p>Evaluation Discuss the answers in the plenum: 1 and 8) correct; 6) wrong; 2-5 and 7) ? Then discuss the following in the plenum? - What conclusions about communication can be drawn from this exercise?</p> <p>If necessary, add an input along the following lines: People often misinterpret factual information, even when they receive this information in writing. Misinterpretation is even more common when the information is received verbally or nonverbally. It is very important to distinguish between the information that was actually sent and the interpretation of this information.</p>	

Trainer's Notes

This activity has to be preceded by an input on the three components of communication and the basic communication pattern.

Adapted from: Lepper and Yameen, *Training Manual*, pp. 75-76.

Handout "Interpreting a Message"

The managing director of an NGO did not propose a raise in salary for one of his employees, a woman called Sheela. Soon afterwards, Sheela gives notice to leave the organization. Her colleagues feel sorry, because Sheela was generally well liked. They discuss whether something should be done about Sheela's notice to leave.

Decide whether the following interpretations of this story are:

Correct the interpretation is in agreement with the information given in the story

Wrong the interpretation is contradicting the information given in the story

? the interpretation could be correct or wrong

and circle the right answer.

- | | | | |
|---|---------|-------|---|
| 1) The managing director did not propose a raise in salary for Sheela | Correct | Wrong | ? |
| 2) The employee did not receive a raise in salary | Correct | Wrong | ? |
| 3) Sheela was angry because she did not get a raise in salary and therefore gave notice to leave the organization. | Correct | Wrong | ? |
| 4) The reason for the employee's wish to leave the organization was the refusal to pay her more money. | Correct | Wrong | ? |
| 5) The colleagues talked to Sheela. | Correct | Wrong | ? |
| 6) Sheela left before the managing director's decision not to propose a raise in salary for her. | Correct | Wrong | ? |
| 7) The managing director asked Sheela to leave the organization. | Correct | Wrong | ? |
| 8) Sheela was generally well liked and there was a discussion whether one should do something about her notice to leave | Correct | Wrong | ? |

Activity 10.3	Mirroring Body Language
Objectives	- The participants are sensitized to the subtleties of body movement and expression.
Special requirements on the target group	None
Material	None
Time Needed	15 minutes
<p>Preparation none</p> <p>Activity Have the participants pair off. Either sitting or standing, one person in each pair takes the lead and begins to move in any way he/she wishes. The task of the partner is to follow or mimic everything that the leader does. Encourage people to use both obvious and subtle behaviors and ask them not to talk. They should do this for a minute or two, then switch roles of who is leading and who is following. Finally, tell the pairs to do the exercise one last time except that NO ONE is the leader or the follower. Both people in the pair should try to move in unison, as if they are mirroring each other simultaneously in a body language "dance." This is somewhat hard to do and takes a bit of practice before a pair gets the hang of it, if they can do it at all. If the pair IS successful, what usually happens is that there are rapid, minute shifts between leading and following.</p> <p>This mirroring can be done with body language alone, facial expressions alone, or body language WITH facial expressions. This last one is considerably more difficult to do than the first two.</p> <p>Evaluation None</p> <p>Trainer's Notes This activity has to be preceded by an input on the three components of communication and the basic communication pattern.</p>	

Source: Suler, John. "In-Class Exercises: Body Language." In: *Teaching Clinical Psychology*.
Lawrenceville and Princeton: Rider University, 2008. Download: [http://www-
usr.rider.edu/~suler/bodylang.html](http://www-usr.rider.edu/~suler/bodylang.html)

Activity 10.4	Hand Gestures
Objectives	- The participants are sensitized to the subtleties of body movement and expression.
Special requirements on the target group	None
Material	None
Time Needed	15 minutes
<p>Preparation none</p> <p>Activity Ask the participants to demonstrate and describe the meaning of hand gestures they know.</p> <p>Evaluation In the plenum, discuss the following: Do facial expressions and other body movements influence the meaning of a hand gesture? Do verbal and paraverbal communication influence the meaning of a hand gesture? Do they know any hand gestures from other cultures? What do they mean?</p>	
<p>Trainer's Notes This activity has to be preceded by an input on the three components of a message.</p>	

Source: Suler, In-Class Exercises.

Activity 10.5	Body Language Role Play
Objectives	- The participants are sensitized to the subtleties of body movement and expression and have practiced reading them.
Special requirements on the target group	None
Material	Scene cards
Time Needed	15 minutes
<p>Preparation</p> <p>Prepare 10-15 cards with emotions (one card per emotions). For example: pleasure, confidence, arrogance, nerves, distress, fear, happiness, pride, depression, sadness...</p> <p>Activity</p> <p>Split into groups of three or four. Give each group member a number of cards. They should not reveal what is on their cards to the other group members. Then ask the participants to take it in turns to walk up to their group colleagues in a way which shows the emotion on one of their cards. They should not speak. Ask the others to identify which emotion is being demonstrated.</p> <p>Evaluation</p> <p>Discuss the following in the plenum?</p> <p>How well could the group members spot the emotion?</p> <p>What clues did they use?</p> <p>Would verbal and paraverbal clues make it easier to identify the body language?</p> <p>Trainer's Notes</p> <p>This activity has to be preceded by input on the basic communication pattern.</p> <p>Emphasize that if anyone is uncomfortable with role playing or acting they can just be an observer in their group and do not have to act out a role. Make sure there is only one observer in each group.</p>	

Source: Suler, In-Class Exercises.

Activity 10.6	Body Language Role Play
Objectives	- The participants are sensitized to the subtleties of body movement and expression and have practiced reading them.
Special requirements on the target group	None
Material	Scene cards
Time Needed	60 minutes
<p>Preparation</p> <p>If you want to use the alternative, prepare scene cards.</p> <p>Activity</p> <p>Divide the participants into small groups. Ask the groups to create a role play that involves only body language and no talking. The group can pick any scene and characters it wants. Encourage the group not to over-plan the role play. Instead, suggest that they pick a scene, define the characters in the scene, and think of a few possibilities for events that might occur in the scene. Then they should improvise within that general structure. This makes for a much more spontaneous and interesting role play than the more rigid alternative of carefully scripting all the action.</p> <p>Alternative</p> <p>Rather than having the participants come up with the ideas for the improvisations, you can provide them. Give each group a card with a scene on it that they will role play, for example:</p> <ul style="list-style-type: none"> - You are trainers on your way to a workshop. The bus that is supposed to take you to the training facility is late. - It's the end of a wedding party. You are the last people left. - You are all friends at a funeral. - You are family members on the way back from a visit in Kabul. A few minutes ago you had a big fight. 	

Evaluation

Each group takes its turn at improvising its scene in front of the whole class. A group may "set up" the role play by telling the class where the scene is taking place and who is in the scene. Another interesting and fun alternative is for the group to provide NO introduction to the role play. The class can then guess what is happening in the scene.

After each role play, the other participants discuss what they believe was happening in the scene based on what they saw in the body language. What are the personalities of the people, their relationships with each other, the issues affecting the group, etc.?

Trainer's Notes

This activity has to be preceded by input on the basic communication pattern.

Source: Suler, In-Class Exercises.

Activity 10.7	The Four Sides of a Message
Objectives	- The participants have practiced discerning the four sides/meanings of a message.
Special requirements on the target group	None
Material	Examples of messages
Time Needed	15 minutes
<p>Preparation</p> <p>Prepare examples of messages and 4 large signs with the words factual content, self-disclosure, relationship and appeal.</p> <p>Activity</p> <p>Ask four volunteers to represent the four sides of a message. Give them each one of the signs you have prepared and ask them to position themselves in front of the audience so that their signs can easily be read.</p> <p>You are now going to give the volunteers examples of messages that each of them has to rephrase in accordance with his/her role as one side of the square of communication:</p> <p>Example:</p> <p>Your input: A teacher says to his student: "Your grades are really bad."</p> <p>The volunteer representing the factual side of a message could say: "Your grades are really bad"</p> <p>The volunteer representing the self-disclosure aspect could say: "I am concerned about you."</p> <p>The volunteer representing the relationship aspect of the message could say: ": "I am honest with you."</p> <p>The volunteer representing the appeal aspect of the message could say: "You have to work harder".</p> <p>Evaluation</p> <p>Ask the participants whether they have now fully understood the four sides of a message. If not, review your theoretical input on the topic with them.</p> <p>Trainer's Notes</p> <p>This activity has to be preceded by an input on the square of communication (four tongues and four ears) and should be complemented with activity 10.</p>	

Source: Judith Niederberger von Wyl

Activity 10.8	Reacting to the Four Sides of a Message
Objectives	- The participants have experienced the implications of the square of communication.
Special requirements on the target group	None
Material	None
Time Needed	45 minutes
<p>Preparation none</p> <p>Activity Divide the participants into groups of fours. Two of the group members conduct the exercise while the other two observe. The active pair agrees on a topic for a casual conversation, for example: family or village affairs, office matters, etc.</p> <p>Partner A (sender) begins to tell a story related to the subject, partner B (receiver) listens only with one of his four ears and accordingly reacts by giving comments:</p> <ul style="list-style-type: none"> - on the factual level (3 minutes) - on the self-revelation level (3 minutes) - on the relationship level (3 Minutes) - on the appeals level (3 minutes) <p>Evaluation in the group After the end of the conversation, the observers give their feedback to the active players focusing on how well the players have observed the rules, difficulties on the part of the receiver and hints on how to improve. The participants swap their roles. The observers now carry out the exercise while the former players observe.</p> <p>Evaluation in the plenum Ask the participants to share their experiences. In particular, discuss the following:</p> <ul style="list-style-type: none"> - Which reactions were easy to play (came naturally) - Which were more difficult? - How did reacting on a specific level influenced the topic and the atmosphere of the conversation? 	

Trainer's Notes

This activity has to be preceded by an input on the square of communication (four tongues and four ears). If necessary the trainer demonstrates how the exercise should be carried out with a volunteer.

Source: Mischnick, *Non-Violent Conflict Transformation*, pp. 101-102.

Activity 10.9	Experiences with miscommunication
Objectives	- The participants have reflected on their personal experience with the phenomenon of miscommunication/misunderstandings.
Special requirements on the target group	None
Material	None
Time Needed	15-20 minutes
<p>Preparation none</p> <p>Activity Form groups of three and ask the groups to share their experiences with miscommunication/misunderstandings. Can they give examples from their personal or professional life? Does the square of communication contribute to their understanding of why these misunderstandings occurred? Or do they have alternative explanations? Does their experience support the theory that misunderstandings are more common when the relationship between sender and receiver is tense? Can they give personal examples for this?</p> <p>Evaluation Ask the groups whether they have examples or insights they would like to share with the plenum.</p> <p>Trainer's Notes This activity has to be preceded by an input on the danger of miscommunication and communication in conflict.</p>	

Source: Judith Niederberger von Wyl

1 Objectives

As has been pointed out before, the most important skill for acting constructively in conflict situations is effective communication. Good communication is the route to mutual understanding and reaching a mutually acceptable agreement.

However, by the time conflict parties decide to resort to mediation, there often exists no good communication between them. Normally, they have already made numerous attempts at resolving their conflict, but in vain. Instead, communication between the conflict parties has broken off or turned into a nasty exchange of insults and accusations. Often, the conflict parties have come to feel that no-one listens to them and their view of the conflict. They feel that words won't do them any good.

At this point, one of the most important tasks of the mediator is to re-establish the conflict parties' trust in communication, give them the feeling that they are heard, understood, accepted and respected, clear up misunderstandings and transform the way they communicate. This can be achieved with communication skills such as active listening, paraphrasing, summarizing, mirroring and asking good questions.

Principally, communication skills can be introduced before the topic of mediation is introduced or parallel to it, that is you could treat the communication skills in connection with the stages of the mediation process. However, for the technique of "asking good questions" it is strongly recommended that you introduce it after the stages of the mediation process have been covered. That way it will be easier for the participants to understand purpose and application of each specific set of questions. Moreover, how to ask good questions is best practiced in mediation role plays for which, in turn, knowing the stages of the mediation process is a prerequisite.

2 Theoretical Background¹⁵



2.1 Active Listening

By the time conflict parties turn to a mediator, they often find themselves in a desperate situation. They have come to feel that no-one listens to them and their view of the conflict and takes them seriously. As a result, they have cut themselves off and are not willing and capable anymore to give more than superficial access to their views and their feelings.

To counteract this development and make conflict resolution possible, the mediators have to empower the conflict parties. That is, they have to strengthen their sense of self, increase their confidence that they and their feelings and needs are taken seriously by others and treat them in ways that honor and support their own resources for making decisions and pursuing solutions to their problems.¹⁶

In order to empower the conflict parties in this way, the mediators need not agree with the parties or approve of their actions. They only need to make it clear that they are eager to understand the situation as the conflict parties understand it, that they will not reject the parties for their actions and that they recognize in the conflict parties significant resources for responding to the conflict at hand.

This can be achieved through active listening. Active listening is probably the single most important of all communication skills. It means that the mediator devotes his whole body and mind to listening to the messages sent by the conflict parties. The ability and willingness to listen with empathy is often what sets the mediator apart from others involved in the conflict.

Purpose

Active listening

- creates a positive and safe environment: the conflict parties receive the time, space and attention necessary to express their thoughts, feelings and experiences. This may be an unusual and very satisfying experience for them, which often has a liberating and empowering effect.
- creates openness: from the moment the conflict parties feel that the mediators are truly seeking to understand, they begin dealing with problems and other people more constructively and develop a readiness to listen to others.

¹⁵ This chapter draws heavily from: *Skills Development for Conflict Transformation: A Training Manual on Understanding Conflict, Negotiation and Mediation*. New York: UNDESA/UNDP and The Centre for Conflict Resolution, no year indicated. Download: <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan001363.pdf>

¹⁶ Mischnick, *Non-Violent Conflict Transformation*, p. 103

- makes the speaker feel heard, understood, accepted, validated and respected
- creates goodwill towards the mediator and builds trust
- diffuses tension and anger: the conflict parties can release their emotions and vent their anger.
- stimulates self-reflection and creates clarity: in order to make themselves understood, the conflict parties have to explore their understanding of the conflict situation and their feelings in greater detail and structure their thoughts and their narration.

Process

The key to active listening is that the mediators express both verbally and non-verbally that they are listening to the messages of the conflict parties.

Verbal reactions to the messages of the conflict parties:

To allow the speaker to know that you are really listening to him or her:

- make supportive and encouraging statements like: "Go on." – "Then what happened?" – "Yes, I understand." – "Tell us more." – "Could you explain what happened?"
- express acknowledgment: "I understand." – "I see." – "o.k."
- copy the reception of the message: "hmm" – "aha" – "oh"
- check meaning: "Is it correct that you said..." – "You seem to be angry about..."
- ask for clarification: "I am not sure I understand..." – "Did you say..." – "Can you give me an example?"

But do NOT:

- offer your thoughts or any interpretations, interrogate or give advice: active listening is about listening only
- use stock phrases like: "It's not so bad." – "Don't be upset" – "You're making a mountain out of a molehill." – "Just calm down.": phrases like this convey judgment instead of understanding
- get emotionally hooked, angry, upset or argumentative
- let your values and biases interfere with what you understand is being said: keep an open mind and try to truly understand the speaker

Non-verbal reactions to the messages of the conflict parties:

Express that the speaker has your full attention through:

- directing your body towards the speaker and leaning gently towards him or her
- an open body posture: no crossed arms or legs or bowed heads

- concentrating on the speaker: do not fiddle with objects like pens and paper
- appropriate facial expression: a smile, for example
- appropriate gestures: a nod, for example
- the appropriate amount of eye contact
- a positive tone of voice

Generally, active listening requires a desire to understand another human being, an attitude of respect and acceptance, and genuine empathy for the speaker. It demands that the mediators set aside their own thoughts and agendas, suspend evaluation and judgment and try to understand the speaker's points, emotions and attitudes. This is a difficult task and has to be practiced.

2.2 Paraphrasing

When conflict parties talk about their view of the conflict, they often get lost in the details. Or they insult, accuse and attack the other party. The mediators can prevent this by paraphrasing the narrations of the conflict parties, that is by restating, in their own words, the content of what has been said and launder the wording from insults and accusations.

Purpose

Paraphrasing

- highlights the key points of a narration
- structures a narration: the mediators identify different elements of what has been said and place them in relation to each other, e.g. by reflecting the degree of importance attached to them
- communicates empathy and understanding: the mediators demonstrate that they have grasped the speaker's meaning.
- gives the conflict party a means to check whether the mediators have understood their message correctly
- creates clarity: the mediator's paraphrase gives the speaker an opportunity to look at the conflict with a certain distance and to gain better understanding of his own perspective
- de-escalates: the mediators "launder" the narration from vicious or insulting statements so as to be less inflammatory while retaining the basic points that were made. Thus the mediators assist the conflict parties in moving beyond rhetoric and threats.
- slows communication down: when the conflict parties have embarked on a rapid exchange of insults and accusations, paraphrasing slows down the pace of a narration and changes its tone

- moves the conversation to deeper levels: a good paraphrase often brings out further, more reflective statements from the speaker

Process

When you paraphrase, you:

- restate in your own words the basic facts of the speaker's message, e.g. "Your crops have again been destroyed by your neighbor's cattle."
- draw attention to interests, needs and feelings: when you detect interests and feelings in the speaker's message, it is important that you bring these to light, e.g. "You said that you feel betrayed by the other party."

In doing so,

- use your own words and do not act like a parrot, e.g.:
 - Conflict party: "I resented it deeply when I found out that they had gone behind my back. 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. You wish they had given you a chance to sort things out with them."
- be brief and succinct: A paraphrase should always be shorter than the speaker's own statement, so keep to the key elements of what has been said and leave out unnecessary details and explanations.
- launder the language of the speaker, i.e. rephrase the statement so that insulting words or accusations are omitted, e.g.
 - Conflict party: "He is a liar."
 - Paraphrase: "You find it difficult to believe him."
- highlight the positive, e.g. "You think it is a good sign that your neighbor has agreed to this mediation."
- do not give your own personal opinion and make suggestions only to the degree that it does not violate the principle of self-determination (see Chapter 7 "Introduction to Mediation").
- do not say anything that might sound as if you agree with the speaker: showing agreement or even support will lead the other party to protest or even withdraw from the mediation.
- focus on the speaker, e.g. "YOU felt..." – "YOU are saying..." – "YOU believe..." and not: "I know exactly how you feel." – "I've been in situations like that myself."
- always verify whether your paraphrase is correct, e.g. "Is this impression correct?" – "Does this adequately reflect your viewpoints?"

2.3 Summarizing

Summarizing is a technique that is very similar to paraphrasing. While paraphrasing is a moment-by-moment skill that restates what a conflict party has just said, a summary condenses the content of several comments that may have been made over the course of many minutes.

Purpose

Summarizing

- highlights the key points of a narration
- structures a narration and keeps the mediation focused: the mediators identify different elements of what has been said and place them in relation to each other, e.g. by reflecting the degree and the order of importance attached to them

Process

- find and present the core of what was said, e.g. "You said that a) the land has been in your family for generations b) the claims of the other party to the land have no validity and c) you cannot afford to give part of it up."
- reinforce the progress the conflict parties have made, e.g. "You've cleared a few important issues to far..."
- identify the concerns of the parties: "Let's see where we are. Kazim is talking about the amount of work and Mohammad is bringing up budget issues. Each of you is concerned about very different aspects of the situation."
- point out mutual interests or areas of agreement: "Clearly you both want what is best for your community. And you both care about the environment."
- Review areas of disagreement or work left to do: "Okay, so there is still the issue of the cattle." – "We also need to look into some questions regarding..." – "We have heard about how this conflict is affecting your relationship. But we haven't yet heard how the situation is affecting your families."

2.4 Mirroring

Conflict is often associated with strong feelings such as anger, fear, frustration or disappointment. However, conflict parties have a tendency to try and ignore the emotional aspect of their conflict and move directly to the substance of the issues. This can lead to an escalation of intense emotions and block the way to rational discussions. Therefore, feelings have to be identified and dealt with before

proceeding to substantive matters. This can be achieved by mirroring, that is by reflecting the feelings of the conflict parties.

Purpose

Mirroring

- shows empathy, recognition and respect
- raises the self-awareness of the conflict parties: through mirroring the mediators bring unacknowledged emotions into the open
- raises awareness for the other party's feelings: hearing the other party speak about his or her feelings draws attention to the feelings of the other
- encourages the understanding that expression of emotion is acceptable
- encourages the understanding that acknowledging the depth of feelings is an important prerequisite to addressing the substantive matters of a conflict

Process

Sometimes the conflict parties describe their feelings directly. Then all the mediator has to do is paraphrase their statements.

Often, however, feelings are less readily articulated, even disguised. In this case, the mediators have to:

- pay attention to the speaker's body language and to paraverbal messages
- on the basis of this information, try to determine how he or she is feeling as well as how intense these feelings are
- express, in their own words, their impression of what is being communicated, e.g.: "I have the impression that you are upset." – "I think this situation has been very difficult for you." – "I think you feel angry, bitter and worried about what your family will eat."
- check the accuracy of this interpretation: "Is my impression correct?"

In Afghanistan, for reasons of personal and cultural sensitivity, it may sometimes be necessary to respond to the speaker's feelings without referring to them directly.

2.5 Asking good question

The ability to ask good questions is vital for a mediator and will come in handy during all stages of the mediation process.

Purpose

Generally, questions can serve endless purposes. In mediation, the most important intentions behind questions are:

- to demonstrate the mediators' will to understand: questions signal that the mediators are really interested in what the conflict parties have to say and want to understand what they mean
- to encourage communication and get people to talk
- to clarify and specify the statements of the conflict parties
- to bring out the views and in particular the interests and needs of the conflict parties
- to help the parties to notice improvements
- to help the conflict parties develop a vision for the future
- to get the parties to think about the consequences of a failure of the mediation
- to get the parties to think creatively about possible solutions
- to encourage the parties to change their perspective

Process

Asking the right question at the right moment is often a matter of intuition and experience and will come naturally to most mediators. However, there are some general rules that should be followed:

- do not ask too many questions: while questions can be very useful to keep the mediation process going, the conflict parties can also come to view your questions as very tiresome, as an attempt to challenge them or as an indication that you don't believe them.
- ask open questions, that is questions that can't be answered with a "yes" or a "no" to get information and clarification
- generally, do not ask questions starting with "why": "Why" questions are likely to provoke accounts of blame, personal deficits and frustration. Better are questions that start with "who", "when", "how", "what", "whose", "in which way", "which" and "on what".
- make sure that wording and tone of your questions are sensitive: certain questions can make the conflict parties feel very uneasy. In Afghanistan this particularly applies to questions that aim at revealing innermost feelings or confront the parties with their own misbehavior or mistakes
- do not ask suggestive questions, e.g. "Don't you think that this behavior was wrong?": questions like this are a manipulation of the conflict parties and thus a gross violation of the principles of mediation

While asking good questions cannot be practiced per se, it might be helpful to know certain types of questions and memorize some good, generally applicable questions for the different stages of the

mediation process. In Chapter 12 of this manual you will see how these questions are applied in the different stages of the mediation process.

Linear questions

These are asked to find out how each party views the conflict. Linear questions are factual and based on "Who did what?", "Where?", "When?" They are mostly used in stage 4 of the mediation process (Describing the conflict and identifying the conflict issues) to get initial information, e.g.

- "How do you view the situation?"
- "Can you tell us more about..."

Clarifying questions

These are questions that serve to bring out more detail and specify meaning. They are mostly used in stages 4 and 5 (Clarifying the issues and discovering the hidden interests and needs of each party) of the mediation process. Examples:

- "What exactly did he or she do?" (e.g.: conflict party: "He always comes in late." Mediator: "When does he come in late?" or "What is he late for?")
- "What exactly happened?"
- "How was it for you when..."
- "Could you explain..."
- „How did you behave? What exactly did you do in this situation?"

Exploring or probing questions

They serve to out the conflict parties' interests and needs and are predominantly used in stage 5 of the mediation process. Examples:

- "What is important to you?"
- "What concerns you about... (e.g. "... the conflict?" or "...the actions of the other party?")
- "What do you think the other party needs to understand about your situation?"
- "How does ... affect you?"
- "It sound to me as if ... matters a lot to you – is this impression correct?"

Questions to initiate a change of perspective

Initiating a change of perspective is part of stage 5 of the mediation process. A change of perspective requires the parties to go through three steps (see chapter 12). First, the mediators encourage the parties to summarize the standpoints of the other party. Examples of questions to be asked to party B in response to A's statements (and vice versa):

- "What have you understood of what A has just said, what has reached your ear?"
- "What were the most important points for you in A's statements?"
- "What aspects in A's statements have surprised you, angered you, made you happy?"
- "Which of A's statements can you understand?"

Second, the mediators lead the parties to a recognition of the other party's subjective truth (his/her truth). Examples of questions to be asked to party B in response to A's statements (and vice versa):

- "Do you believe that A is convinced of the things she/he says?"
- "Do you think that A believes what he/she says?"
- "Can you imagine that from A's perspective things present themselves this way? (that things were like that for A?"
- "Which percentage of what A says can you understand?"
- "What else would you have to know to be able to understand some percentage points more?"

Third, the mediators create cognitive and emotional understanding between the conflict parties by means of circular questioning (see below). Examples of questions to be asked:

- "How do you think party A felt when you did this?"
- "How do you think would party A describe what happened between the two of you?"
- "How do you think party A feels about your statements?"
- "What do you think led party A to act the way they did?"

Circular Questions

Circular questions help the conflict parties to empathize with the other party's situation, to put themselves in the other party's position and to understand what effect their statements or actions had on the other party.

Instead of asking party A about their actions, feelings, interests and needs, party B is encouraged to speculate about party A's actions, feelings, interests and needs. Naturally, party A has to be asked whether B's speculations are accurate. Afterwards B is asked to speculate about A's actions, feelings, interests and needs and again, A is invited to comment these speculations. Examples:

- "How do you think party A felt when you did this?"
- "How do you think would party A describe what happened between the two of you?"
- "How do you think party A feels about your statements?"
- "What do you think led party A to act the way it did?"

Reflective questions

With reflective questions the mediators introduce a hypothetical future scenario to bring out the conflict parties desires and to stimulate their ability to develop a vision. This in turn serves to mobilize the conflict parties' own problem-solving resources to make this vision become a reality. Reflective questions are very useful in stage 6 of the mediation (Searching for Options). Alternatively, they can be used at the very beginning of the mediation process to draw the conflict parties' focus away from a problem-based approach to their conflict to a forward-looking, solution-oriented approach. Examples:

- "How do you imagine your life to be in a year?"
- "How do you imagine your relationship with the other party to be in five years?"
- "Let's assume, this mediation is successful:
How will you notice? What will be different for you? How will you notice that you have found a good solution?"

The miracle question

The so-called miracle question is a special case of a reflective question. It works like this:

- "Let's assume tonight, while you are sleeping, a miracle happens and when you wake up tomorrow morning all your problems are solved:
What will be different? How will you notice this?
What will you do differently? How will others (your wife, your husband, your children, your neighbor) notice that something has changed for you?
How will they react? How will you react to their reaction?"

Strategic questions

These questions aim at creating change. To this end, the conflict parties have to embark on new ways of thinking about their own and the other party's behavior and about possible solutions to their conflict. They are particularly useful in stages 5, 6 (Searching for Options) or 7 (Assessing Options) of the mediation process. Examples:

- "What would you have to do that... (e.g. ...the other party believes you?" or "...the situation between the two of you improves?")
- "What would B have to do so that... (e.g. ...you could trust the other party?" or ...a solution to the conflict can be found?")
- How could you notice that the other party... (e.g. ...accepts you as the head of the household?")
- How could B notice that you... (e.g. ...are honest?" or ...take him/her serious?"
- "How could you react differently in the future?"
- "What can you do to help resolve the conflict? What other things might you try?"
- "Assuming your favorite solution wouldn't be possible, what would be the second or third best solution for you?"
- "What other options do you have if you don't reach an agreement in this mediation?"

Paradox Questions:

Paradox questions have the same aim as strategic questions, that is to stimulate change in behavior. To that end they emphasize problematic present behavior in order to get the conflict parties to think about more positive behavior. They are predominantly used in stage 5 of the mediation process. Examples:

- "What would you have to do to make the conflict even worse?"
- "What behavior would make the other party really upset?"

Scaling questions

A scaling question is a way to find out what someone's subjective experience is by giving it a number. They also serve to bring out minor improvements in the situation between the conflict parties. Scaling questions can be applied at all stages of the mediation process. Examples:

- "On a scale from 1 to 10, how bad is the conflict for you at the moment?" – "How bad was it when you decided to go to a mediator?" – "When was the last time, the conflict wasn't as bad?" – "What would you or the other party have to do to move one step up on the scale? (make the conflict worse) –

"What would you or the other party have to do to move one step down on the scale? (make the conflict better)

- "On a scale from 1 to 10, how much do you trust the statements of the other party?" – "What would the other party have to do so that you trust his/her statements more?"
- "On a scale from 1 to 10, how good would this possible solution be for you?" – "How could it be improved so that it would score better on your scale?"

3 Further Reading



4 Practical Tools



Overview

Training Content and General Objectives	Activities
<p>Listening and active listening</p> <ul style="list-style-type: none">↳ The participants understand the importance of listening↳ The participants know what it is like not to be listened to.↳ The Participants know the benefits of active listening from personal experience.↳ The participants have some experience and skill in active listening.	11.1, 11.2
<p>Paraphrasing</p> <ul style="list-style-type: none">↳ The participants have some experience and skill in paraphrasing	11.3
<p>Summarizing</p> <ul style="list-style-type: none">↳ The participants have some experience and skill in summarizing.	11.4; 12.6
<p>Mirroring</p> <ul style="list-style-type: none">↳ The participants are aware how feelings are expressed through verbal hints, paraverbal communication and body language.↳ The participants have developed some skill in identifying unexpressed feelings	11.5
<p>Asking good questions</p>	12.3-12.10

Activity 11.1	Listening
Objectives	The participants understand the importance of listening
Special requirements on the target group	None
Material	Empty sheets of paper, pens, drawing
Time needed	20-30 minutes
<p>Preparation</p> <p>Prepare a number of very simple drawings.</p> <p>Activity</p> <p>Form pairs and have them sit back to back on the floor. One is the receiver and gets an empty piece of paper and a pen. The other one is the sender and is shown a simple drawing, e.g. of a house. The sender has to describe this drawing to the receiver. According to this description, the partner has to draw a copy of the drawing that, in size and form, comes as close to the original as possible. The receiver may not communicate with the sender in any way, that is, not nod or utter any sounds.</p> <p>Evaluation</p> <p>Discuss the following in the plenum:</p> <p>What was difficult for the sender?</p> <p>What was difficult for the receiver?</p> <p>Add an input along the following lines: Listening to a message is more difficult if you cannot see the sender. We have a natural urge to copy messages and let the sender know that we have received and understood the message. For his part, the sender feels at loss without a reaction to his message. Without a reaction, the sender asks himself: Have I made my message clear? Has the receiver understood me acoustically and content-wise? Do I still have the receiver's attention?</p> <p>The urge of the receiver to copy messages and, more importantly, the senders need for a reaction from the receiver is met and fulfilled through the technique of active listening.</p> <p>Trainer's Notes</p> <p>Combine this exercise with an input and an exercise on active listening.</p>	

Adapted from: Training course with inmedio, Berlin. See www.inmedio.de

Activity 11.2	Not Listening, Listening, Active Listening
Objectives	<ul style="list-style-type: none"> - The participants experience what it is like not to be listened to. - The participants practice active listening. - The Participants experience the benefits of active listening.
Special requirements on the target group	None
Material	none
Time needed	30 minutes
<p>Preparation</p> <p>None</p> <p>Activity</p> <p>Form groups of three. One is the sender, one the receiver and one an observer. These roles stay the same throughout the exercise.</p> <p>There are going to be three rounds of 3-5 minutes each during which the sender tells the receiver a story. The topic of the story is announced by you, that is the trainer, before each round. The sender will display different behavior during each round. Again, what this behavior is will be announced by you before each round.</p> <p>In each round, it is very important that the sender tells the whole story from beginning to end, no matter how he/she feels about that. Meanwhile the observer makes notes about the behavior and the reactions of both the sender and the receiver. The observer should pay particular attention to the changes he/she can see between the different rounds.</p>	

Round 1)

Topic for the sender: Speak about something that has made you really angry recently.

Behavior of the receiver: The receiver must do all that he/she can to demonstrate that he or she is not listening, using both verbal and non-verbal cues. The only thing the receiver cannot do is walk away.

Round 2)

Topic for the sender: Speak about something that has made you really proud recently.

Behavior of the receiver: He/she listens to the story and has eye contact with the sender but otherwise sits like a statue. That is, he/she does not move, makes no sounds, uses no facial expressions etc.

Round 3)

Topic for the sender: Speak about something that has made you really sad recently.

Behavior of the receiver: The receiver listens actively, that is he/she uses all the verbal and non-verbal instruments of active listening that were previously introduced by the trainers.

Evaluation

Discuss the following in the plenum:

Which round was the best/worst for the sender? Why?

Which round was the best/worst for the receiver? Why?

How did it feel not to be listened to? What did it feel like not to listen to somebody?

What verbal and non-verbal means were used not to listen?

How did it feel to be listened to but not receive any indication verbal and non-verbal signals?

How did it feel to listen but not being able to send any verbal and non-verbal signals?

How did it feel (as a speaker) to be really listened to?

How did it feel to actively listen to someone?

What verbal and non-verbal means were used to show active listening?

Trainer's Notes

This exercise must be preceded by an input on the technique of active listening. In case you notice that the participants were uncertain about how to use this technique in the exercise, you will have to review the theory once again after the exercise.

Adapted from: Training course with inmedio, Berlin. See www.inmedio.de

Activity 11.3	Paraphrasing
Objectives	- The participants have some experience and skill in paraphrasing.
Special requirements on the target group	None
Material	None
Time needed	30 minutes
<p>Preparation none</p> <p>Activity <p>Make groups of three. Each group has to designate an observers. The other two chose a controversial topic to talk about. One of them has to assume the pro-position towards this topic (= person A), the other one the contra-position (= person B).</p> <p>Examples of topics that could be discussed:</p> <ul style="list-style-type: none"> - Should women be allowed to travel alone? - Should ISAF stay in the country? <p>The groups now receive 10-15 minutes to debate their topic in the following way:.</p> <ol style="list-style-type: none"> 1) A presents his/her pro-arguments. 2) B paraphrases the arguments of A and checks back whether the paraphrase was correct. If yes, 3) B presents his/her contra-arguments. 4) A paraphrases the arguments of B and checks back whether the paraphrase was correct. If yes, 5) A presents new pro-arguments. 6) B paraphrases the arguments of A and checks back whether the paraphrase was correct. If yes, 7) B presents new contra-arguments. <p>and so on.</p> <p>Meanwhile, the third member of the group has the task to check whether the rules of the technique of paraphrasing are observed.</p> </p>	

Evaluation

Discuss the following in the plenum:

Did the two opponents feel comfortable using the technique? How did paraphrasing affect the debate?

Did they notice any differences between this debate and any other debates they have had in the past about controversial topics?

What observations did the observers make? Was the technique of paraphrasing applied correctly?

Where do they see need for improvement?

Trainer's Notes

This exercise must be preceded by an input on the technique of paraphrasing. In case you notice that the participants were uncertain about how to use this technique in the exercise, you will have to review the theory once again after the exercise.

Adapted from: Training course with inmedio, Berlin. See www.inmedio.de

Activity 11.5	EGON
Objectives	<ul style="list-style-type: none"> - The participants are aware how feelings are expressed through verbal hints, paraverbal communication and body language. - The participants have developed some skill in identifying unexpressed feelings.
Special requirements on the target group	None
Material	None
Time needed	30 minutes
<p>Preparation</p> <p>Tell the participants a brief story from your everyday life, e.g. how you went to work today</p> <p>Activity</p> <p>Form groups of 6 and give each group member a card with one of the following instructions (Attention: they may not reveal this instruction to the other members of the group!):</p> <p>You are in love with EGON</p> <p>You are angry at EGON</p> <p>You admire EGON</p> <p>You are afraid of EGON</p> <p>You are jealous of EGON</p> <p>You hate EGON</p> <p>Each member of the group has to retell your story to the group, but this time the story is not about you but about EGON. When they tell the story they have to express between the lines – that is through verbal hints, the tone of their voice and through body language – how they feel about EGON. The others have to guess what these feelings are.</p> <p>After each story, the other group members discuss which feelings the story teller has towards EGON. What clues were given? How did they interpret these clues?</p> <p>Before the group moves on, the present story teller reveals whether the observations and interpretations of the group have been correct.</p>	

Evaluation

Discuss the following in the plenum:

How do people express love? anger? admiration? fear? jealousy? hatred?

Are there feelings that can easily be misinterpreted as something else? What does this tell us?

How can we find out in a mediation session, how people feel? What questions do we ask them?

Trainer's Notes

This exercise must be preceded by an input on the technique of mirroring.

In case you work with illiterates, you can give each person his/her instruction orally.

Adapted from: Training course with inmedio, Berlin. See www.inmedio.de

1 Objectives

One of the most important tasks of a mediator is to provide structure to the discussion between the conflict parties. To this end, the mediation process is divided into a number of clearly identifiable stages, each of which serves certain purposes and involves certain structuring elements.

This manual proposes an eight-stage model which involves the following steps:

Pre-Mediation

Stage 1: First contact with the conflict parties, trust building and orientation

Stage 2: Conflict analysis and preparation

Actual Mediation

Stage 3: Introduction to the mediation

Stage 4: Storytelling and identification of conflict issues

Stage 5: Clarification of issues, interests and needs and sharing of perspectives

Stage 6: Search for options

Stage 7: Assessment of options

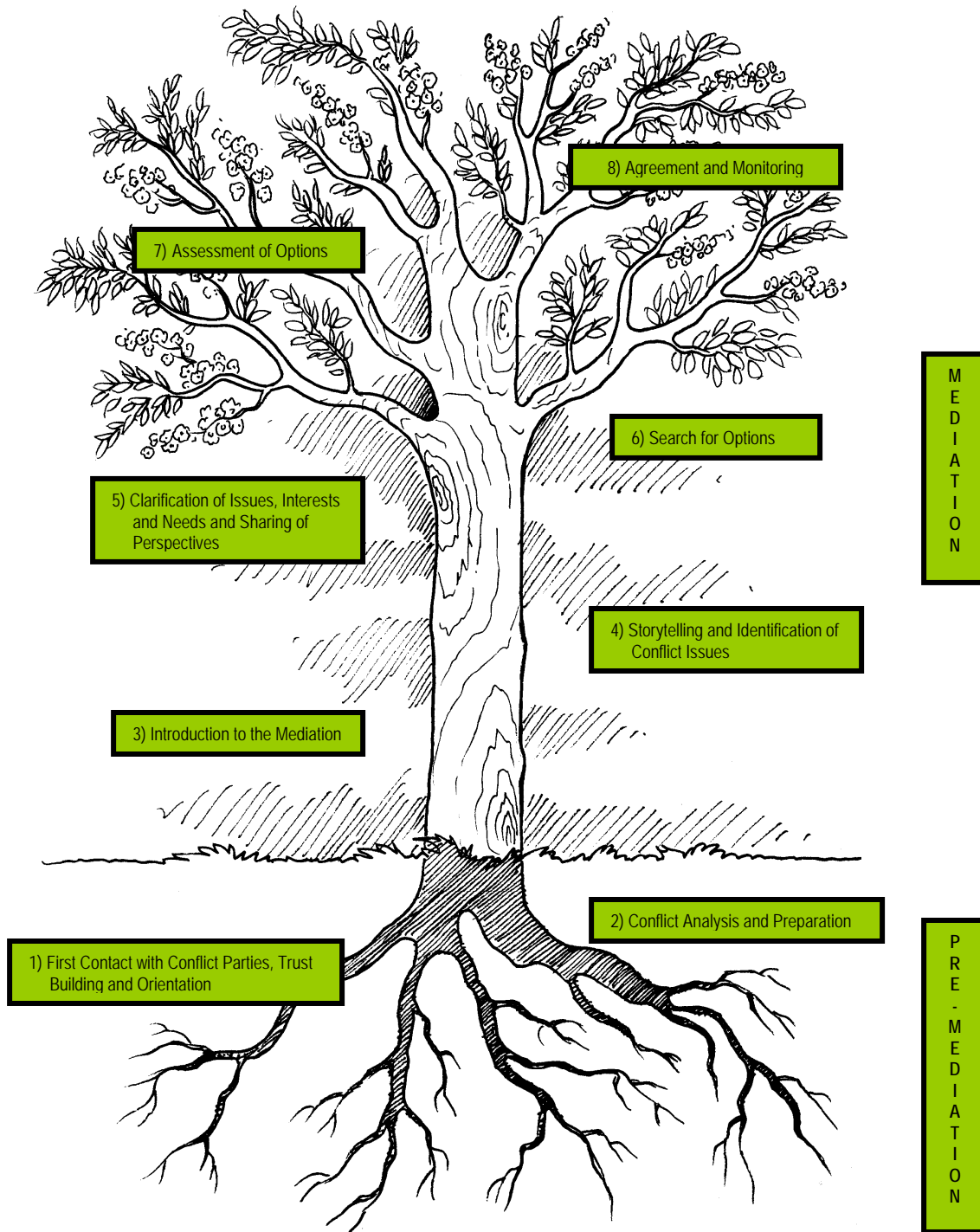
Stage 8: Agreement and monitoring

In mediation training, these stages are best introduced by first giving a concise overview over all stages. Then the mediator's responsibilities and activities in each stage are presented and practiced individually.

2 Theoretical Background



Overview: The Eight Stages of the Mediation Process



Graphic design adapted from: Richter and UN HABITAT, *Conflict Resolution and Mediation*, p. 109.

2.1 Stage 1: First contact with conflict parties, trust building and orientation

Purpose

In this stage, the mediator establishes the first contacts with the conflict parties and assesses their willingness to commit to a mediation process. It also serves as a first opportunity for the mediator to build trust and to win the parties' acceptance as a third party.

Process

- 1) **Contacting both parties:** Ordinarily, a mediation process is initiated when a conflict party contacts a mediator and expresses interest in a mediation. Subsequently, the mediator gets in contact with the other conflict party and clarifies whether and under which conditions this party would also be willing to participate.
- 2) **Explaining mediation:** During these first telephone or personal contacts with the conflict parties, the mediator also explains the nature and the format of the mediation process to them and introduces them to the concept of co-mediation.
- 3) **Interviewing the parties:** If the conflict parties show interest in a mediation, the mediator interviews them about the characteristics of their conflict. In particular, he or she tries to learn more about:
 - a. the conflict parties and the relationship between them
 - b. the causes of the conflict
 - c. the involvement of other people in the conflict
 - d. the actions taken and the statements made in the course of the conflict
 - e. the legal aspects of the case and
 - f. the reasons that lead the conflict parties to seek a resolution through mediation.
- 4) **Building trust:** The preliminary talks with the conflict parties provide an excellent first opportunity for the mediator to win the conflict parties' trust and to build his or her credentials as a trustworthy third party. The best way to achieve this is by displaying empathy, credibility, integrity and, above all, neutrality. Accordingly, the mediator must give no indication of prejudice or lack of interest and must not comment favorably or unfavorably regarding the statements of any party.

2.2 Stage 2: Conflict analysis and preparation

Purpose

Each conflict is different. Accordingly, each mediation has to be designed differently. In this stage, the mediator reflects on the specific nature of the conflict that has to be resolved, the characteristics of the conflict parties and the best way to set up the mediation and to design the mediation process.

Process

On the basis of the information gained from the conflict parties, the mediator makes a careful analysis of the conflict that has to be resolved. This phase consists of two steps: 1) Checking the suitability of the case and the mediator and 2) Choosing a co-mediator.

- 1) **Checking the suitability of the case and the mediator:** In a first step, the mediator has to check whether the conflict in question is suitable for mediation. The following questions help with this decision:
 - a. **Nature of the conflict:** What were the actions taken and the statements made in the course of the conflict? What does this suggest about the temperature and the escalation level of the conflict? Is it feasible to resolve this conflict through mediation? As a rule, conflicts that are escalated beyond escalation level 4 are very not suitable for mediation (see Chapter 6 "Conflict Analysis").
 - b. **Nature of the conflict parties:** Who are the main conflict parties and what is their relationship? Is there a power asymmetry between them? If yes, is mediation the right instrument to resolve this conflict or is there a danger that one party will dominate the mediation process and dictate the outcome to the disadvantage of the less powerful party?
 - c. **Motivation of the conflict parties:** What are the reasons that lead the conflict parties to seek a resolution through mediation? Are there strong reasons on both sides so that a successful mediation is likely? If it is mainly one party that wants to resolve the conflict: Is this party so desperate that they will sell out their interests in the mediation?
 - d. **Legal aspects of the case:** What are the legal aspects of the case? As has been pointed out before, mediation is best suited for soft issues that are not regulated by law (e.g. most family, neighborhood or work-related conflicts) or that belong to the realm of the civil code (e.g.

property, water and some family conflicts). If presented with such a case, the mediator has no reason not to accept it. However, in the case of civil code matters the parties should be aware of what they could achieve if they went to court instead. Therefore, the mediator should advise the conflict parties at this point to have their legal options evaluated. Only if the conflict parties are fully aware of their legal situation, are they able to make an educated decision about whether mediation is indeed the right choice for them.

However, mediators must not offer legal advice themselves. On the contrary, mediators with a legal background must clearly distinguish between their role as a mediator and their role as a lawyer. They cannot wear both hats at the same time. In case the conflict parties have open questions about their legal situation, they should refer to a lawyer of their choice instead.

When presented with a penal code matter, things become a bit more complicated for the mediator. As has been pointed out before, mediation is not suitable for conflicts in the course of which a crime has been committed, in particular capital crimes such as severe physical abuse, rape or murder. In Afghanistan, as elsewhere, capital crimes falls under the realm of the penal code and thus under the authority of the justice system. Afghan law decrees that the adequate punishment for a capital crime cannot be subject to discussion between victim and perpetrator or the consideration of an arbitrator but must be determined by society at large, represented by the justice system.

It is a reality, however, that many victims of rape or physical violence in Afghanistan seek restitution through an out-of court settlement – be it because they do not trust the court system, cannot afford to file a law suit or because they or their family feel shame about what has happened to them and don't want to publicize the issue. Other victims are so closely connected to the perpetrator and his family that they cannot afford to alienate them. If the perpetrator is the victim's husband or the head of the victim's household, sending him to prison might also deprive the victim of his or her source of income.

When presented with in inquiry to resolve a conflict involving a capital crime, the mediator has to ask himself whether mediation is truly in the best interest of the victim. At the very least, the mediator should advice the victim to get information about his or her legal options and the penalty the perpetrator would be likely to receive in court. In addition, the mediator should take another close look at the conflict parties' reasons to seek a resolution through mediation and at

the power relationship between them. Is there a danger that the victim will sell out his or her interests or does he or she also have some leverage over the perpetrator? If there is any indication that the victim has been pressured to participate in the mediation or that the perpetrator is likely to overpower him or her in the mediation process, an outcome that satisfies the interests of both parties is not likely. In such a case it is preferable to refer the case to an arbitrator who, in contrast to a mediator, has the authority and the mandate to influence the outcome of the conflict resolution process and can thus ensure that the victim gets an adequate restitution.

e. **Suitability of the mediator:** Last but not least the mediator has to ask himself or herself: Am I the right person to mediate this conflict in terms of skills, age, ethnicity, gender...? Will the parties be able to identify with me? Am I truly neutral towards these conflict parties?

2) **Choosing a co-mediator:** If the mediator decides that a mediation should take place, he or she now has to choose a co-mediator. The best choice is someone who brings in useful characteristics in terms of skills, age, ethnicity or gender that the first mediator does not have.

Together, the two mediators then proceed to prepare the mediation. The preparation extends to three steps: 1) Designing the mediation process, 2) Dividing the labor between the mediators and 3) Choosing the setting.

1) **Designing the mediation process:** On the basis of the information gained from the conflict parties, the mediators prepare the mediation and in particular the questions that will have to be addressed in the session(s) with the conflict parties. The following framework of analysis can help with this:

a. What are the causes of the conflict? What are the main conflict issues?

Finding preliminary answers to these questions will make it easier for the mediators to guide the parties through the process of identifying conflict issues in stage 4 of the mediation process. But they have to be careful to retain openness and flexibility in case additional conflict issues come up during the actual mediation.

b. What are the positions, interests and needs of each conflict party? What do the parties need to understand about each other? What are the misunderstandings and hurt feelings?

Speculating about these questions helps the mediators to anticipate difficulties in the mediation process and to prepare good questions. In particular, the mediators should ask themselves,

how they could bring out the interests, needs and feelings of the conflict parties and guide them through a change of perspective. To this end it might help to review the sample questions presented in Chapter 11 "Communication Techniques" as a guidance.

- 2) **Dividing the labor between the two mediators:** Co-mediation requires that the two mediators function well as a team. To this end, they will have to clarify the following questions:
 - a. Are we both equally responsible during for all phases of the mediation process? Or will one of us take the lead during certain stages of the process and the other will lead through the rest?
 - b. What signal do we use in case one of us gets stuck during the mediation and wants the other to take over the lead?

- 3) **Choosing the setting:** The setting can decide over success or failure of a mediation. Therefore it has to be chosen very carefully. The following questions might help the mediators with this:
 - a. Are there any other persons beyond the two main conflict parties that should be involved in the mediation process? At what point should they be invited to participate?
 - b. Are the conflict parties able to meet face to face or is it better to opt for a shuttle mediation? (on Shuttle Mediation see Chapter 13 "Advanced Mediation Practice")
 - c. Where should the mediation take place? The best choice is a venue that is comfortable and supports good interaction. A room that is too big makes people just as uncomfortable as one that is too small. There should also be a room for private meetings in case the mediators will have to separate the two conflict parties at some point during the mediation process (see Chapter 13 "Advanced Mediation Practice").
 - d. When should the mediation take place? It is important to set a date and a time that is equally suitable for both conflict parties. Otherwise one of them will already feel disadvantaged before the mediation has even started.
 - e. What should the seating arrangement be? Ordinarily, mediators and conflict parties form an isosceles triangle, that is the distance between conflict party A and the two mediators should equal the distance between conflict party B and the two mediators.

- f. What is needed to create a comfortable atmosphere? Arrangements for toilets, tea and meals (if desired) should be made well in advance.
- g. What materials are needed? To ease one's mind it is helpful to have all the necessary material such as markers, flipcharts and personal notes ready.

2.3 Stage 3: Introduction to the mediation

Purpose

The mediation opens with a general introduction to the mediation process. When the parties arrive for the first session, they are often anxious and tense, suspicious of the other party and its motivations, fearful of being manipulated or taken advantage of, uncertain about what to expect from mediation and the mediators and afraid that things will escalate out of control. The purpose of the introduction stage is to deal with and allay these fears so that the conflict parties feel comfortable enough to participate and trust in the mediation process. Accordingly, getting things off on the right foot is a critical first step in mediating. The beginning of the mediation affects the tone of the whole discussion and has therefore to be carefully orchestrated.

Process

It is absolutely essential that the mediators are in charge from the moment the parties arrive so that there is no question that they are in control of the situation. One aspect of this is that the mediators decide in advance who will sit where, and when the parties arrive they show them where to sit. 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 to the parties to see that the mediators take the lead. From their perspective, mediators clearly in control of the situation are their only protection from chaos.

To convey confidence and control, the mediators should also have carefully thought through every step of the introductory stage. Generally, this introduction should cover the following 7 topics:

- 1) **Greetings:** In some cultural settings the greetings can be handled in five minutes. In Afghanistan, socializing is an important part of getting started so that the greetings might take much longer.

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

- 2) **What is mediation?:** Describe mediation in your own words and explain the principles of consensus-orientation, self-determination of the conflict parties, neutrality of the mediator, voluntary nature of the mediation process and confidentiality.

- 3) **What is the role of the mediators?:** To ensure a smooth course of events and to preempt misunderstandings, it is essential to make sure that the conflict parties understand what they can expect from the mediators. The points that have to be emphasized here include:
 - a. The mediators are responsible for the mediation process and structure the discussion between the two parties.
 - b. They help them to listen to each other, explore the underlying causes of their conflict and to find their way towards a mutually-acceptable solution to the conflict.
 - c. Mediators do not decide who is right and who is wrong and they do not determine what the solution to the conflict should be.

- 4) **Definition of ground rules:** To ensure an orderly discussion in an already tense atmosphere between the conflict parties, it is essential to set some ground rules. These can be worked out in cooperation with the conflict parties and should include that they may not interrupt each other and that they will follow the lead of the mediators.

- 5) **Legal aspects:** Mediation is an out-of-court instrument of conflict resolution. The conflict parties have their reasons why they would like to choose this path, e.g. because it is less expensive or because they prefer to find an amiable solution. However, at this point the mediator should once again check whether they are aware of their legal options, that is what they could achieve if they went to court instead of pursuing a mediation. Ordinarily, the mediators have already dealt with this matter in the pre-mediation (see stage 2) and now only need to verify whether the parties have been able to resolve all questions they might have had in this regard.

The mediators should also make it clear at this point, that all legal actions relating to this case have to be suspended for the duration of the mediation. That is, if the conflict parties have hired a lawyer or filed a court complaint in this matter, they will have to halt these actions. There are two reasons

for this rule: First, in order to give mediation a fair chance it is essential that the conflict parties commit fully to this method and do not pursue alternative ways of conflict resolution at the same time. Second, suspension of all legal activities ensures that neither conflict party can use mediation as a means to lull the other party into a false sense of security while they instigate a court case against them behind their back.

- 6) **Mediation contract:** In Western countries, the conflict parties at this point usually sign a mediation contract in which they confirm that they have understood all of the above. In particular, they declare that they are aware of their legal rights. This serves to protect the mediators from any liability claims. In Afghanistan, however, a mediation contract will hardly ever be necessary.
- 7) **Planning of the mediation:** Goals for the first session Once the conflict parties have received a proper introduction to mediation and are aware of the ground rules and their legal rights, the foundation for the actual mediation process has been laid. Now the goals for the remainder of the first mediation session can be defined and, if necessary, the date(s) for the next session(s) be set.

2.4 Stage 4: Storytelling and identification of conflict Issues

Purpose

This stage gives each party the opportunity to present their view of the conflict. At the same time, it serves to empower the conflict parties. Through communication techniques such as active listening, paraphrasing and mirroring the mediators make it clear that they are eager to understand the situation as the conflict parties understand it, that they will not reject them for their actions and that they recognize in them significant resources of their own for responding to the conflict at hand. The mediators strengthen the conflict parties sense of self and increase their confidence that they and their feelings and needs are taken seriously. The mediators also assist the conflict parties in structuring their thoughts, sorting out their feelings and in identifying the main conflict issues. The latter are written on a flipchart.

Identifying conflict issues and listing them on a flipchart serves several purposes. Often parties are themselves confused about what the conflict is actually about. Frequently, they also think that the divisions between them and the other party are greater and more numerous than they actually are. Identifying the conflict issues therefore often helps to make the conflict seem more manageable. At the

same time, the list of conflict issues serves as visual agenda that will make it easier to keep the discussion focused during the subsequent stages of the mediation process. 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 causes of the conflict.

Process

- 1) **Story-telling:** Each party explains the situation from their perspective while the other party listens. It may be difficult for a conflict party to listen, in particular if their understanding of the situation is very different from their own. Both parties should be aware of this probable difficulty in advance and commit themselves once again to the ground rules agreed upon in stage 3. If necessary, the mediators will have to remind them of this commitment from time to time.
- 2) **Applying communication techniques:** While the conflict parties tell their stories, the mediators listen actively, paraphrases facts, interests and needs and mirrors feelings. To encourage the conflict parties, it might also be helpful to ask some questions, in particular linear questions, clarifying questions and exploring questions (see Chapter 11 "Communication Techniques").
- 3) **Identifying conflict issues:** When the conflict parties have finished their narration, the mediators assist them in identifying the conflict issues: What are the main issues that the conflict parties disagree about? What issues will have to be addressed in order to solve this conflict? Summarizing is usually a very useful technique to support this process (see Chapter 11 "Communication Techniques").
- 4) **Listing the conflict issues:** In agreement with the conflict parties, these issues are listed on a flipchart. In doing so, the mediators should observe the following rules:
 - a. Use a list format: To get a better overview, the issues should be listed and not be spread over the flipchart at random.
 - b. Use keywords only: There is no need to make full sentences. Rather think in terms of headlines that they would assign to each aspect of the conflict if they were a journalist.
 - c. Phrase conflict issues in a neutral, value-free way: The mediators should not write down any positions, insults or accusations, e.g. "B is a thief". Similarly, the conflict issues must not implicitly concede that one party is right, e.g. do not write: "the lies of party A". Rather, conflict

issues have to be phrased in a neutral way. That is, write “yesterday’s incident” instead of “yesterday’s attacks of party A against party B”.

- d. Be as specific as possible: Conflict issues need to be as concrete as possible, e.g. write “access to well in the village center” instead of “access to water”.
- e. Always get the consent of the relevant conflict party: The mediators should remember that they have no say regarding the substantive issues of the mediation process. That is, they cannot put an issue on the flipchart without having the conflict parties’ agreement. Therefore they should always ask something like: “May I write this down as a conflict issue that will be discussed further?”

The conflict parties are not necessarily preoccupied by the same issues. The mediator can make a list for each conflict party or write everything on one integrated list. Usually, it is more practical to have only one list.

- 5) **Summarizing achievements:** Before moving on to the next stage, it is often very effective if the mediators quickly summarize what has been achieved so far. This is particularly the case if the storytelling stage has revealed that the parties have certain commonalities or points they agree upon. Conflict parties often get so caught up in the heat of disagreement that they often ignore the things they actually have in common. Mediators can be a moderating force by repeatedly making these commonalities clear to them, e.g.
- a. that they both have stated a desire to be reasonable or to get the conflict resolved
 - b. that they are both likely to benefit a great deal from a resolution of this conflict.
 - c. that they both have said that this conflict has been painful, frustrating, costly, etc.
 - d. that they both have talked about how committed they are to the other party or the mediation process
 - e. that they both have indicated that they have made mistakes or over-reacted in the past.¹⁷

However, the mediators will have to be cautious about this. Pointing out commonalities is not about making up nice things that the conflict parties haven’t actually said. Neither should it in any way be implied that there is no real disagreement between the parties or that finding a solution is going to be easy.

¹⁷ *Skills Development for Conflict Transformation*, no page numbers indicated.

Stage 5: Clarification of issues, interests and needs and sharing of perspectives

Purpose

This stage is the most challenging part of the mediation process. While stage 4 was all about enabling the conflict parties to express their perspective of the conflict and strengthening their sense of self, this stage is about slowly directing their focus towards the other party and their perspective. The ultimate goal is for the parties to undergo a change of perspective. That is, the conflict parties cognitively and emotionally understand how the other party views and experiences the conflict and what the other's interests, needs and feelings are (see Chapter 9 "Key Concepts in Mediation").

Ordinarily, the path to a change of perspective involves the following consecutive steps:

- 1) The parties develop the ability to listen to the other party
- 2) The parties develop the ability to repeat what the other parties is saying
- 3) The parties develop the ability to believe that the situation presents itself for the other party as they say it does and that they don't lie. That is, they recognize the subjective truth in the perspective of the other party.
- 4) The parties develop cognitive and emotional understanding for the other party. That is, they can intellectually grasp the reasons for the other party's statements and actions and can empathize with their emotional life.

The purpose of stage 5 of the mediation process is for the mediators to slowly guide the conflict parties through these steps.

Process

- 1) **Choosing a conflict issue:** The mediators review the list of conflict issues worked out in stage 5 of the mediation process and make a suggestion about which issue should be discussed first. It is advisable to start with a small, relatively easy issue. Often success on small items creates momentum for larger ones and makes discussing other items easier.
- 2) **Exploring the issue in depth:** Taking turns, the parties now discuss the first issue in detail. Through adequate and empathic questions, the mediators try to work out the following:
 - a. How does each conflict party see this issue?

- b. What has been said or done about this issue in the course of the conflict?
- c. What are the interests, needs and feelings hidden behind their attitude, their words and their actions?
- d. What are the parties hopes, fears and wishes with regard to this issue?

To work out the subjective experiences of each conflict parties, it can also help to ask scaling questions such as,

- "On a scale from 1 to 10, how bad is the conflict for you at the moment?"
- "What would you or the other party have to do to move one step up on the scale?"

(see also Chapter 11 "Communication Techniques")

- 3) **Sharing perspectives, step 1:** The mediators encourage the parties to hear the other's perspective: They make sure that the ground rules are respected, in particular that the parties do not interrupt each other. In addition, they paraphrase and mirror the parties' statements and explanations and get feedback about what is being said from the other party. Examples of questions to be asked to party B in response to A's statements (and vice versa):

- "Did you know this?"
- "How do you feel when you hear this?"

- 4) **Sharing perspectives, step 2:** The mediators encourage the parties to summarize the standpoints of the other party. Examples of questions to be asked to party B in response to A's statements (and vice versa):

- "What have you understood of what A has just said, what has reached your ear?"
- "What were the most important points for you in A's statements?"
- "What aspects in A's statements have surprised you, angered you, made you happy?"
- "Which of A's statements can you understand?"

- 5) **Sharing perspectives, step 3:** The mediators lead the parties to a recognition of the other party's subjective truth (his/her truth). Examples of questions to be asked to party B in response to A's statements (and vice versa):

- "Do you believe that A is convinced of the things she/he says?"
- "Do you think that A believes what he/she says?"
- "Can you imagine that from A's perspective things present themselves this way? (that things were like this for A?)"

- "Which percentage of what A says can you understand?"
- "What else would you have to know to be able to understand some percentage points more?"

- 6) **Sharing perspectives, step 4:** The mediators create cognitive and emotional understanding between the conflict parties. An effective means to achieve this is asking circular questions, e.g.:
- "How do you think party A felt when you did this?"
 - "How do you think would party A describe what happened between the two of you?"
 - "How do you think party A feels about your statements?"
 - "What do you think led party A to act the way they did?"
- 7) In case the mediators face difficulties, it might be useful to remember some of the questions presented in Chapter 9 "Communication Techniques". In this stage of the mediation process, strategic questions are particularly helpful to get the conflict parties back on track.
- 8) **Moving on to the next conflict issue:** When the mediators are convinced that the first issue on the list of conflict issues worked out in stage 5 has been explored in depth and that the conflict parties have understood each other's perspective on this issue, the mediators ask the conflict parties to move on to the next issue on the list. The process described above is repeated with this new issue.

2.6 Stage 6: Search for Options

Purpose

After the successful completion of stage 6 – when the mediator is certain that both parties have developed a cognitive and emotional understanding of the other party's actions, feelings, interests and needs and have gone through a real change of perspective – stage 7 can be initiated. Now the parties – guided by the mediator – search for options. Options are possible solutions to the conflict. The goal is to work out as many options as possible from which, in a next stage, win-win-solution can be created.

Process

- 1) **Summarizing:** Before the actual search for options is initiated, it can be very useful if the mediators once again summarize what has been achieved so far. They should in particular work out what the conflict parties have understood about each other and what they have said about their own role and behavior in the conflict. If there have been statements of regret and remorse, apologies and

commitments to refrain from repeating negative behavior in the future, these should also be highlighted. The same applies to any commitments to redress past grievances and to search for a mutually-acceptable solution.

However, the mediators should be cautious to deliver a balanced summary. In no way should they give the impression that one party has made more concessions than the other or is more prepared to work out an amiable solution.

2) **Asking reflective or strategic questions:** In order to get the conflict parties into the right mood for the search for options, it is also quite effective to ask a number of reflective questions at this point, e.g.

- "Let's assume, this mediation is successful: How will you notice?"
- "What will be different for you?"
- "How will you notice that you have found a good solution?"

Alternatively, the mediators could ask a number of strategic questions, such as

- "What would *you* have to do that the situation between the two of you improves?"
- "What would the *other party* have to do so that a solution to the conflict can be found?"

3) **Brainstorming for options:** The actual search for options is then best approached using the brainstorming method. That is, for each item on the list of conflict issues developed in stage 4 of the mediation process, the parties brainstorm for options. For this brainstorming to be effective, it is important that the following rules are observed:

- a. All, even the most unusual ideas can be mentioned. The aim is to collect as many options as possible. Their feasibility will be assessed later.
- b. No Comments: The parties only throw in options. They are not allowed to give any comments or explanations.
- c. Creativity: Ideas that are already on the flipchart can be combined and improved.
- d. Tempo: the parties should not reflect too much. It is important that they voice their ideas spontaneously.

The mediators explain these rules to the conflict parties and make sure that the parties follow them.

4) **Dealing with illiterate parties:** The mediators write the ideas of the conflict parties on a flipchart. When dealing with illiterate parties, the mediators can proceed in the same way and read the ideas

to the conflict parties once the search for options is completed. Or they can resort to pictograms, that is graphic symbols that stand for the ideas of the conflict parties. Making personal notes and reading those to the conflict parties in the end is not recommended, as writing visibly on a flipchart gives the conflict parties the security that their ideas have in fact been recorded. If one party is illiterate and the other is not, pictograms are the better choice, as using script would give the literate party an advantage and potentially embarrass the other.

- 5) **Creating a visual aid:** When writing or drawing on the flipchart, the mediators should observe the following rules:
- a. Use only one flipchart paper: The idea of both parties should be on one single flipchart sheet. This way the party will be less tempted to think in terms of "my own ideas versus those of the other conflict party".
 - b. Do not make a list: The ideas of the parties should be spread out all over the flipchart. A list suggests that the ideas on top are more important than those further down. This impression has to be avoided.
 - c. Do not indicate which party had which ideas: If it is clearly visible that an option came from party A this will make it difficult for party B to identify with this option.
 - d. Let both parties participate equally in the brainstorming: If one party does not contribute, the mediators should encourage them to share their ideas.
 - e. Make sure that the options on the flipchart are as specific as possible: If the parties give vague ideas, the mediators should ask for clarification., e.g. if party A suggests that trust between the conflict parties should be re-established, the mediators should ask them to think about through which concrete measures this could be achieved.
 - f. Make sure that the flipchart contains only options (= possible solutions to the conflict): If the conflict parties throw in positions or accusations, these must not be written down.
- 6) **Assisting the conflict parties:** As has been pointed out before, Afghan conflict parties and mediators might not feel entirely comfortable with the idea that the conflict parties come up with their own solutions to the conflict (see chapter 7 "Introduction to Mediation"). Therefore Afghan mediators may actively contribute to the search for options. However, in doing so, they must keep the principle of consensus-orientation in mind and avoid attributing blame and suggesting solutions that favor one conflict party to the detriment of the other. The mediators must be cautious with their comments and be sure not to impose their ideas. It must be left to the conflict party's own discretion to reject the suggestions of the mediators. Consequently, the mediators must not be annoyed if their ideas

are rejected. Also, suggestions and ideas of the mediators shouldn't be presented as an advice or as the only possible solution. Only if the solution to the conflict leaves both conflict parties equally satisfied will they be durable and contribute to the reconciliation of the conflict parties.

If possible, the mediators should give the conflict parties as much control and responsibility as possible. To that end, it can help to apply instruments that stimulate vision and creativity of the conflict party, e.g. asking the miracle question or a number of paradox questions (see chapter 11 "Communication Techniques").

- 7) **Dealing with setbacks:** If the parties fall back on positions or use insults, it is often possible to resolve these with so-called mini mediations. That is, if party A says that party B is a liar, the mediators ask them to explain this statement. They could also remind party A of the insights that they have gained about party B in the previous mediation phase: Do they really think B is a liar after all they know now about B?

If mini mediations do not help, the parties are not ready for the search for options. In this case, the mediators have to go back to stage 5 of the mediation process, explore hidden interests, needs and feelings again and make a new attempt at the change of perspective.

Alternatively, the mediators could confront the parties with what might happen if no solution to their conflict can be found. Often this helps to make the parties realize that a continuation of the conflict is the worst possible outcome for them and mobilizes their willingness to overcome their inner resistance and work towards a cooperative solution.

2.7 Stage 7: Assessment of Options

Purpose

Once the conflict parties have determined that they have found enough possible solutions, these options have to be assessed. This process serves the purpose of finding out which options are equally satisfactory to both conflict parties.

Process

- 1) **Getting an overview:** Together with the conflict parties, the mediators take a closer look at the flipchart with the parties' suggestions for solutions (results of Stage 7 "Searching for Options"). In case they work with illiterate parties, the mediators will have to read the options on the flipchart to them. Together, mediators and conflict parties categorize these options, that is they bundle all options that fall under the same theme. To this end the mediators can either continue on the flipchart paper that they have used for the brainstorming and simply mark or circle all solutions that fall under the same category with a marker of the same color. Alternatively, the mediators can write/draw the categories on a new flipchart paper.

Graphic design forthcoming

- 2) **Testing the options:** In a next step, the mediators discuss the available options in each category with the conflict parties. Together they go through scenarios to get a better idea of the feasibility of each option. That is, the mediators ask the parties questions like: "If you chose this option, how would you implement it?". Through this process, some options may turn out to be unrealistic. These will have to be crossed out.

Graphic design forthcoming

- 3) **Grading the remaining options:** Now the parties are asked to individually assign points to each of the remaining option. That is, each party can state their preferences and give each possible solutions a grade between 0-10. Zero points should be given to solutions that are totally unacceptable for a conflict party and 10 points for the solutions they like best.

With illiterate conflict parties, the mediators note the scores and read them to the conflict parties whenever necessary.

Graphic design forthcoming

- 4) **Crossing out no-go options:** The points assigned to each options are evaluated: Are there any options that are not popular with *any* of the conflict parties, that is either party A *or* party B has given those options less than 5 points? If that's the case, these options have to be crossed out because

they do not satisfy the interests and needs of one of the parties and would thus create a strong feeling of loss in that party.

- 5a) **Identifying win-win solutions:** Similarly, the mediators and the conflict parties check whether there are any options that are popular with both conflict parties, that is, they have received 9 or more points from *both* conflict parties? These are win-win solutions (see chapter ? "Key Concepts in Mediation"). That is, these solutions take a maximum of interests and needs on both sides into consideration and debilitate a maximum of the fears held by the parties. Win-win solutions are the most feasible and sustainable solutions of all.

Graphic design forthcoming

- 5b) **Creating win-win-packages:** If there are no options that have received high points from *both* parties, mediators and conflict parties have to make packages to create win-win-solutions. To that end, they concentrate on those options that have received high points from one party and enough points (above 5) from the other party. For the packages, the parties should ask themselves: If we choose an option that serves party A maximally, what other option can we tie to this first option so that party B' interests and needs are also maximally satisfied?

Initially, conflict parties often have the tendency to regard options as mutually exclusive and contradictory (either option A or option B). When making packages they have to link options and think in terms of "and" rather than "either ... or". The mediators will have to assist them in approaching the solution finding process in this way. At times it may also be necessary to resume the brainstorming to come up with better options or ways to improve options that are already on the flipchart. To initiate this process, the mediators could ask questions like,

- "What alternative options can you think of?"
- "What would you have to add to make this particular option more acceptable to you?"

Graphic design forthcoming

- 6) **Choosing the best solution(s):** Once the conflict parties have identified solution(s) that are satisfactory for both of them, they can proceed to the agreement stage.

Stage 8: Agreement and Monitoring

Purpose

Once the best solutions have been identified, they need to be carefully crafted into an agreement. The purpose of this is to concretize the outcome of the assessing options stage and to ensure that any agreements reached are clear, specific, realistic and viable. This process is very critical. Mediators often have the tendency to relax too soon and neglect to work out the details of a settlement and the procedures for its implementation. As a result, days or weeks after an apparently successful settlement, renewed conflict over the meaning of the original agreement breaks out. 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 between them may then 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.

Process

- 1) **Agreeing on the exact wording of the settlement:** The solutions chosen in stage 7 have to be crafted into a detailed agreement. In Western societies, this is usually done in writing. In Afghanistan, however, working out the exact wording of the agreement is often an oral process.
- 2) **Testing the agreement:** To prevent misunderstandings and ensure that the agreement will be viable, each part of the agreement has to be tested according to the SMART rule. SMART stands for **S**pecific, **M**easurable, **A**chievable, **R**elevant and **T**ime-Bound. The questions that have to be asked under each of these headlines are:
 - a. **Specific:** is it clear who is agreeing to what, where, when and how? Or are there any ambiguous words, such as "soon", "reasonable", "cooperative", or "frequent" that can mean different things to different people?
 - b. **Measurable:** can be verified whether the agreement is being implemented or not?
 - c. **Achievable:** are the goals set in the agreement within reach of the conflict parties? Can they live up to the promises they make, e.g. is it realistic for farmer A to lend farmer B his tractor or does he need it too often for himself? Ideally the agreement speaks only for the parties themselves, i.e. actions over which they personally have control. The parties should not promise anything that depends on the cooperation of others, e.g., Is farmer B the sole owner of his well or does it partly belong to his brother who might not want to give farmer A access?

- d. Relevant: Does the agreement address the causes of the conflict, e.g. does it solve the problems between farmer A and farmer B?
 - e. Time-bound: what is the deadline for the implementation of the terms of the agreement? E.g. When will farmer A first get access to farmer B's well? When will farmer B get A's tractor and for how long?
- 3) **Revising the agreement:** The SMART reality-checking may prompt the conflict parties to drop some options, to reconsider previously excluded ones and to once again brainstorm for more options. The intention is that eventually conflict-parties find the optimum set of options which is both viable and fully acceptable to them.
- 4) **Adding a monitoring plan:** Any agreement is only as good as its implementation. For this reason it is essential that the mediators and the conflict parties devise a monitoring plan which sets out in detail, how the agreement will be implemented and what to do in the event that one party does not keep the promises it made. In addition, the monitoring plan can contain arrangements for a review meeting with the mediators to be held after a month or two in order to adjust the agreement in light of the experiences made with it.
- 5) **Giving time to reflect:** It is important to ensure that any agreement reached is truly viewed as balanced and mutually satisfactory by both conflict parties and that they willingly and freely agree to it. For this reason, it is important that the mediators give the conflict parties some time to reflect on the end result.
- 6) **Closing the deal:** Once every detail is clear, the deal between the conflict parties can be formally closed with a ritual, like a formal handshake or a tea ceremony. This can help to initiate real reconciliation between the conflict parties.
- 7) **Formalizing the agreement:** As has been pointed out above, in Afghanistan agreements are traditionally made orally. However, if under the terms of the agreement property (land, a house) is passed from one party to the other, it is advisable to put the final terms of the agreement in writing. In addition, the mediators should advise the parties to have the property exchange notarized by a lawyer, thus making the agreement legally binding.

3 Further Reading

forthcoming



4 Practical Tools



Overview

Training Content and General Objectives	Activities
Overview over the 8 stages ↳ The participants know the 8 stages of the mediation process. ↳ The participants can assign activities to the 8 stages.	12.1, 12.2
Stage 1: First contact with the conflict parties, trust building and orientation ↳ The participants know how to establish contact and conduct the first interview with the conflict parties.	12.3
Stage 2: Conflict analysis and preparation ↳ The participants know how to analyze a conflict and how to prepare a mediation.	12.4
Stages 3-8: From the introduction to the agreement ↳ The participants know how to guide the conflict parties through stages 3-8 of the mediation process. ↳ The participants are aware of possible stumbling blocks and know how to adequately deal with them.	12.5-12.10

Activity 12.1	Bibi Shereen Mediation Comic
Objectives	- The participants are introduced to the stages of the mediation process.
Special requirements on the target group	Literacy
Material	Bibi Shereen Comic Story
Time needed	30-45 minutes
<p>Preparation</p> <p>Make enough copies of the Bibi Shereen Comic Story (see appendix to this manual).</p> <p>Activity</p> <p>Introduce the Cartoon Magazine: Mediation: Bibi Shereen in Karabagh:</p> <p>The Cartoon Magazine tells the story of Bibi Shereen who tries to mediate between conflict parties in a village. Bibi Shereen wants to show which steps she undertakes to facilitate mediation and, in general, what kind of possible stages you can find during mediation process. All similarities in terms of names, places or characters to a specific Afghan village are accidentally. Although the conflict issues can be found in a lot of Afghan villages.</p> <p>Distribute the Cartoon Magazine and ask the participants to work through it.</p>	
<p>Evaluation</p> <p>In the plenum, discuss the following:</p> <p>Can you describe the steps Bibi Shereen takes in Karabagh?</p> <p>Can you identify general stages of the mediation process with the help of this cartoon story?</p>	
<p>Trainer's Notes</p> <p>This activity has to be followed by an overview over the 8 stages of the mediation process.</p>	

Adapted from: Richter and UN HABITAT, *Conflict Resolution and Mediation*, p. 98-99.

Activity 12.2	Getting an Overview over the 8 Stages
Objectives	- The participants can assign activities to the stages of the mediation process.
Special requirements on the target group	Literacy
Material	2 pin boards, two sets of flashcards, pins
Time needed	30 minutes
<p>Preparation</p> <p>Prepare two pin boards on which you draw the stages of the mediation process and two sets of flashcards with characteristics that can be assigned to these stages, e.g.</p> <ul style="list-style-type: none"> - Each party describes their side of the story. - The mediators explore the interests, needs and feelings of the conflict parties. - The parties shake hands and formally conclude the mediation. - The mediators are collecting information about the case. - The mediators explain what mediation is. <p>Etc.</p> <p>Activity</p> <p>Make two groups. Each gets a set of flashcards with characteristics of the stages of the mediation process. They have to decide to which stage each flashcard belongs and pin them on the pin board.</p> <p>Evaluation</p> <p>The groups present their results and possible differences are discussed.</p> <p>Trainer's Notes</p> <p>This activity has to be preceded by a general introduction to the 8 stages of the mediation process.</p>	

Source: Judith Niederberger von Wyl

Activity 12.3	Role Play Stage 1
Objectives	- The participants know how to establish contact and conduct the first interview with the conflict parties.
Special requirements on the target group	None
Material	Role descriptions for role play, flipchart, markers Handouts on stage 1 of the mediation process Enough room for group work
Time needed	30-45 minutes
<p>Preparation</p> <p>Choose a case for a role play and work out the role descriptions. Also prepare detailed instructions for those two persons playing the mediators. Make enough copies of these handouts.</p> <p>It would be best if you ask your participants if you could use one of the cases they have worked out in the introduction to the training as a basis for the role play (see activities 4.12 and 5.7). But you will have to make sure in advance that this case is in fact suitable for a mediation.</p> <p>Alternatively, you can ask the participants to act out the Bibi Shereen story. Or you can use one of the cases presented in the appendix to this manual. These already come with more or less detailed role descriptions.</p> <p>Activity</p> <p>Make groups of 4. In each group there's 1 conflict party A, 1 conflict party B and 2 mediators. Distribute them their role descriptions.</p> <p>Give the participants enough time to read their role descriptions.</p>	

Each group will practice the first stage of the mediation process. That is, one of the mediators calls party

A and

- asks them about their interest in a mediation
- explains the nature and the format of the mediation process to them
- introduces them to the concept of co-mediation
- answers open questions
- and interviews them about:
 - a. the conflict parties and the relationship between them
 - b. the causes of the conflict
 - c. the involvement of other people in the conflict
 - d. the actions taken and the statements made in the course of the conflict
 - e. the legal aspects of the case and
 - f. the reasons that lead the conflict parties to seek a resolution through mediation.

The other mediator does the same with party B.

Evaluation

In the plenum, discuss the following:

- Could the conflict parties follow the mediators explanations on mediation and the mediation process.
- Did they feel that the mediator was empathic? Credible? Integer? Neutral?
- Did they gain trust in the mediator and in the method of mediation?
- What improvements could be made?

- Did the mediators feel comfortable in their role?
- What went well, what did not?

- Do the participants have any questions about how to initiate contact with the conflict parties and how to conduct the first interview with them?

Write the lessons-learnt from this exercise on a flipchart which will be left hanging as a reminder for the remainder of the training. You could also make a summary of the most important lessons-learnt and tips and distribute this to the participants.

Trainer's Notes

This activity has to be preceded by a detailed introduction to stage 1 of the mediation process. It would be helpful if you summarize the most important points about this stage on a handout that you can distribute to the participants. This will help them with the role play.

Make sure that the groups have enough room to work undisturbed. If that's not possible indoors and the weather is nice, some groups could work outdoors if possible.

Be sure to observe the recommendations made in Chapter 2 "Training Aims and Training Method" about how to implement a role play.

If your participants are illiterate, give the instructions for each role orally.

Source: Judith Niederberger von Wyl

Activity 12.4	Exercise Stage 2
Objectives	- The participants know how to analyze a conflict and how to prepare a mediation.
Special requirements on the target group	None
Material	Role descriptions for role play, material for group presentations Handouts on stage 2 of the mediation process Enough room for group work
Time needed	60 minutes
<p>Preparation none</p> <p>Activity Ask the participants to go into the same groups as in activity 12.3. Each group now analyzes the conflict you have chosen (e.g. using the instruments they have learnt in your session(s) on conflict analysis) and prepare the mediation together. The two conflict parties can participate in this activity although they would normally not be involved.</p> <p>In particular, the group has to work out the following:</p> <ul style="list-style-type: none"> - Is the case suitable for mediation? (what is the escalation level, what is the power relationship between the conflict parties, what motivates them for a mediation, what are the legal aspects of the case...) - Are we the right mediators for this case? - How should we design the mediation process? What are the conflict issues and questions that will have to be addressed? - How do we divide the labor between the two mediators? - What setting do we choose? (venue, time, seating arrangement) <p>Ask the groups to prepare a presentation of their results, e.g. on flipchart. If you have illiterate participants, these presentations will have to be adapted to their needs.</p>	

Evaluation

In the plenum, each group presents their findings and discuss the differences in their results.

Afterwards, discuss the following:

- Did the groups face any major difficulties with this task?
- Do the participants have any questions about this stage of the mediation process?

Write the lessons-learnt from this exercise on a flipchart which will be left hanging as a reminder for the remainder of the training. You could also make a summary of the most important lessons-learnt and tips and distribute this to the participants.

Trainer's Notes

This activity has to be preceded by a detailed introduction to stage 2 of the mediation process. It would be helpful if you summarize the most important points about this stage on a handout that you can distribute to the participants. This will help them doing the exercise.

Make sure that the groups have enough room to work undisturbed. If that's not possible indoors and the weather is nice, some groups could work outdoors if possible.

Source: Judith Niederberger von Wyl

Activity 12.5	Role Play Stage 3
Objectives	<ul style="list-style-type: none"> - The participants know how to guide the conflict parties through stage 3 of the mediation process. - The participants are aware of possible stumbling blocks and know how to adequately deal with them.
Special requirements on the target group	None
Material	Role descriptions for role play, including instruction for the observers Handouts on stage 3 of the mediation process Enough room for group work
Time needed	30-45 minutes
<p>Preparation none</p> <p>Activity Continue working with the same case, but this time form groups of 5-6 (in each group there is 1 conflict party A, 1 conflict party B, 2 mediators and 1-3 observers). Ask the participants to mix well, so that the compositions of the groups do not resemble those in activities 12.3 and 12.4. Also ask participants who have played mediators in activity 12.3 to be conflict parties this time and vice versa. Distribute the handouts and give everyone enough time to read their role description. The mediators will need some more time to prepare for their role, to make seating arrangements and the like and to divide responsibilities between them.</p> <p>Ask the groups to practice the beginning of the first mediation session. In particular, they should do the greetings and cover the topics what is mediation? what is the role of the mediators? definition of ground rules; legal aspects; (mediation contract); and planning of the mediation.</p>	

The observers should accompany the role play and note down any observations they make regarding the following questions:

- Are the mediators in charge?
- Is the atmosphere created by the mediators hospitable and constructive?
- Do the mediators adequately cover all the points that should be addressed in the introductory stage?
- Are the mediators empathic? credible? neutral?
- What is the body language of the mediators like? Do they express attention, sympathy and openness?
- - What improvements could be made on the side of the mediators?

Evaluation

In the plenum, discuss the following:

- How did the **conflict parties** feel? Was the seating arrangement adequate and the atmosphere inviting?
- Were the explanations and instructions of the mediators clear?
- Did they feel that the mediator was empathic? Credible? neutral?
- Did they gain trust in the mediator and in the method of mediation?
- What improvements could be made?

- Did the **mediators** feel comfortable in their role?
- What went well, what did not?

- Do the observations of the **observers** corroborate the findings of the conflict parties and the mediators?
- Were the mediators in charge?
- Was the seating arrangements adequate?
- Was the atmosphere created by the mediators hospitable and constructive?
- Did the mediators adequately cover all the points that should be addressed in the introductory stage?
- Were the mediators empathic? credible? neutral?
- What was the body language of the mediators like? Did they express attention, sympathy and openness?
- What improvements could be made on the side of the mediators?

- Did the groups face any major difficulties with this task?
- Do the participants have any questions about this stage of the mediation process?

If you have enough time, you can also ask the groups to compare the ground rules they have agreed on.

Write the lessons-learnt from this exercise on a flipchart which will be left hanging as a reminder for the remainder of the training. You could also make a summary of the most important lessons-learnt and tips and distribute this to the participants.

Trainer's Notes

This activity has to be preceded by a detailed introduction to stage 3 of the mediation process. It would be helpful if you summarize the most important points about this stage on a handout that you can distribute to the participants. This will help them doing the role play.

Make sure that the groups have enough room to work undisturbed. If that's not possible indoors and the weather is nice, some groups could work outdoors if possible.

Be sure to observe the recommendations made in Chapter 2 "Training Aims and Training Method" about how to implement a role play.

If your participants are illiterate, give the instructions for each role orally.

Source: Judith Niederberger von Wyl

Activity 12.6	Role Play Stage 4
Objectives	<ul style="list-style-type: none"> - The participants know how to guide the conflict parties through stage 4 of the mediation process. - The participants are aware of possible stumbling blocks and know how to adequately deal with them.
Special requirements on the target group	None
Material	Role descriptions for role play, including instruction for the observers Handouts on stage 3 of the mediation process Enough room for group work
Time needed	30-45 minutes
<p>Preparation none</p> <p>Activity Continue working with the same case and once again form groups of 6 (in each group there is 1 conflict party A, 1 conflict party B, 2 mediators and 1-3 observers). Ask the participants to mix well, so that the compositions of the groups do not resemble those in activity 12.5. Also ask participants who have played mediators in activity 12.5 to be conflict parties or observers this time and vice versa. Distribute the handouts and give everyone enough time to read their role description. The mediators will need some more time to prepare, to make seating arrangements and the like and to divide responsibilities between them. They might also want to review handouts and notes about communication techniques.</p> <p>Ask the groups to practice stage 4 of the mediation process "Storytelling and Identification of Conflict Issues. That is, the conflict parties present their view of the conflict while the mediators listen actively, paraphrase, mirror and ask questions. Then the mediators assist the conflict parties in identifying the conflict issues, write these on a flipchart (or two) and summarize the most important findings of this stage.</p>	

The observers should accompany the role play and note down any observations they make regarding the following questions:

- Are the mediators in charge?
- Do the mediators make use of the communication techniques?
- Do they use them correctly and adequately?
- Do the mediators observe the rules that apply to identifying and writing down conflict issues, in particular
 - Using a list format
 - Using keywords only
 - Phrasing conflict issues in a neutral, value-free way
 - Being as specific as possible
 - Always getting the consent of the relevant conflict party before writing anything down
- Do they finish off with a summary of what has been achieved so far?
- What improvements could be made on the side of the mediators?

Evaluation

In the plenum, discuss the following:

- How did the **conflict parties** feel?
- Did they feel understood and respected by the mediators?
- Did they feel that the mediator was empathic? neutral?
- Did they feel encouraged to tell their story?
- Did they gain some clarity about the conflict issues?
- What improvements could be made?

- Did the **mediators** feel comfortable in their role?
- How did they feel about using communication techniques such as active listening and paraphrasing?
- What went well, what did not?

- Do the observations of the **observers** corroborate the findings of the conflict parties and the mediators?
- Were the mediators in charge?
- Did the mediators make use of the communication techniques?
- Did they use them correctly and adequately?
- Were there any techniques they did not use at all?
- Did they observe the rules that apply to identifying and writing down conflict issues, in particular
 - Using a list format
 - Using keywords only
 - Phrasing conflict issues in a neutral, value-free way
 - Being as specific as possible
 - Always getting the consent of the relevant conflict party before writing anything down
- Did the mediators finish off with a summary of what has been achieved so far?
- Did the observers make any other important observations?
- What improvements could be made on the side of the mediators?

Ask the groups to hang their lists of conflict issues next to each other on a wall. Compare the lists and add your own observations about the quality of the lists.

Close the session with the following questions:

- Did the groups face any major difficulties with this task?
- Do the participants have any questions about this stage of the mediation process?

Write the lessons-learnt from this exercise on a flipchart which will be left hanging as a reminder for the remainder of the training. You could also make a summary of the most important lessons-learnt and tips and distribute this to the participants.

Trainer's Notes

This activity has to be preceded by a detailed introduction to stage 4 of the mediation process. It would be helpful if you summarize the most important points about this stage on a handout that you can distribute to the participants. This will help them doing the role play.

To make the role play more effective, it is also essential to briefly review the communication techniques. Make sure that the groups have enough room to work undisturbed. If that's not possible indoors and the weather is nice, some groups could work outdoors if possible.

Be sure to observe the recommendations made in Chapter 1 "Training Aims and Training Method" about how to implement a role play.

If your participants are illiterate, give the instructions for each role orally.

Source: Judith Niederberger von Wyl

Activity 12.7	Role Play Stage 5
Objectives	<ul style="list-style-type: none"> - The participants know how to guide the conflict parties through stage 5 of the mediation process. - The participants are aware of possible stumbling blocks and know how to adequately deal with them.
Special requirements on the target group	None
Material	<p>Role descriptions for role play, including instruction for the observers</p> <p>Handouts on stage 3 of the mediation process</p> <p>Enough room for group work</p>
Time needed	30-45 minutes
<p>Preparation</p> <p>none</p> <p>Activity</p> <p>Continue working with the same case and with the same groups as in activity 12.6. However, the group members should exchange role, that is participants who have played mediators in activity 12.6 should be conflict parties or observers this time and vice versa. Distribute the handouts and give everyone enough time to read their role description. The mediators will need some more time to prepare good questions, to make seating arrangements and the like and to divide responsibilities between them. They might also want to review handouts and notes about communication techniques.</p> <p>Ask the groups to practice stage 5 of the mediation process "Clarification of issues, interests and needs and sharing of perspectives". That is, the mediators chose a topic on the list of conflict issues and</p> <ol style="list-style-type: none"> 1) explore this issue with the conflict parties using adequate communication techniques 2) they encourage the parties to hear the other's perspective using adequate communication techniques 3) they encourage the parties to summarize the standpoints of the other party using adequate communication techniques 4) they lead the parties to a recognition of the other party's subjective truth (his/her truth) using adequate communication techniques 5) they finally try to create cognitive and emotional understanding between the conflict parties. 	

The observers should accompany the role play and note down any observations they make regarding the following questions:

- Are the mediators in charge?
- Do they chose a good conflict issue to discuss first?
- Do they try to structure the discussion?
- Do they try to achieve the following:
 - explore the conflict issue chosen with the conflict parties using adequate communication techniques
 - encourage the parties to hear the other's perspective using adequate communication techniques
 - encourage the parties to summarize the standpoints of the other party using adequate communication techniques
 - lead the parties to a recognition of the other party's subjective truth (his/her truth) using adequate communication techniques
 - create cognitive and emotional understanding between the conflict parties?
- Do the mediators make use of the communication techniques?
- Do they use them correctly and adequately?
- Do they finish off with a summary of what has been achieved so far?
- What improvements could be made on the side of the mediators?

Evaluation

In the plenum, discuss the following:

- How did the **conflict parties** feel?
- Did they feel understood and respected by the mediators?
- Did they feel that the mediator was empathic? neutral?
- Did they feel that a change of perspective has been achieved? That is, did they develop understand for the other party and in turn feel understood by them?
- What improvements could be made by the mediators?

- Did the **mediators** feel comfortable in their role?
- How did they feel about using communication techniques?
- Do they think that they have achieved their goals? If yes, how? If not, what went wrong?
- Generally, what went well in this stage, what did not?

- Do the observations of the **observers** corroborate the findings of the conflict parties and the mediators?
- Were the mediators in charge?
- Did they chose a good conflict issue to discuss first?
- Did they try to structure the discussion?
- Did they try to achieve the following:
 - explore the conflict issue chosen with the conflict parties using adequate communication techniques
 - encourage the parties to hear the other's perspective using adequate communication techniques
 - encourage the parties to summarize the standpoints of the other party using adequate communication techniques
 - lead the parties to a recognition of the other party's subjective truth (his/her truth) using adequate communication techniques
 - create cognitive and emotional understanding between the conflict parties?
- Did the observers make any other important observations?
- What improvements could be made on the side of the mediators?

- Do the participants have any questions about this stage of the mediation process?

Write the lessons-learnt from this exercise on a flipchart which will be left hanging as a reminder for the remainder of the training. You could also make a summary of the most important lessons-learnt and tips and distribute this to the participants.

If this exercise did not go well, it would be good to repeat it with different mediators who work on a different issue from the list of conflict issues worked out in activity 12.6.

Trainer's Notes

This activity has to be preceded by a detailed introduction to stage 5 of the mediation process. It would be helpful if you summarize the most important points about this stage on a handout that you can distribute to the participants. This will help them doing the role play.

To make the role play more effective, it is also essential to briefly review the communication techniques. Make sure that the groups have enough room to work undisturbed. If that's not possible indoors and the weather is nice, some groups could work outdoors if possible.

Be sure to observe the recommendations made in Chapter 1 "Training Aims and Training Method" about how to implement a role play.

If your participants are illiterate, give the instructions for each role orally.

Source: Judith Niederberger von Wyl

Activity 12.8	Role Play Stage 6
Objectives	<ul style="list-style-type: none"> - The participants know how to guide the conflict parties through stage 6 of the mediation process. - The participants are aware of possible stumbling blocks and know how to adequately deal with them.
Special requirements on the target group	None
Material	Role descriptions for role play, including instruction for the observers Handouts on stage 6 of the mediation process Enough room for group work
Time needed	30-45 minutes
<p>Preparation none</p> <p>Activity Continue working with the same case and with the same groups as in activity 12.7. This time it is better if the participants who were playing the conflict parties in activity 12.7 continue playing this role. However, observers and mediators should exchange roles. Distribute the handouts and give everyone enough time to read their role description. The mediators will need some more time to prepare good questions, to make seating arrangements and the like and to divide responsibilities between them. Ask the groups to practice stage 6 of the mediation process "Search for Options". That is, the mediators</p> <ol style="list-style-type: none"> 1) summarize what has been achieved so far (as former observers they should know) 2) get the conflict parties into the right mood for the search for options by asking strategic or reflective questions 3) ask the conflict parties to brainstorm for options 4) create a visual aid, that is, write the suggestions of the conflict parties down 5) assist the conflict parties through using adequate communication techniques in case they face difficulties 6) deal creatively with setbacks. 	

The observers should accompany the role play and note down any observations they make regarding the following questions:

- Are the mediators in charge?
- Is the summary of achievements by the mediators balanced?
- What do the mediators do to get the conflict parties into the right mood for the search for options?
- Are the brainstorming rules correctly explained and applied?
- When the mediators create a visual aid, do they observe the following rules:
 - Use only one flipchart paper
 - Do not make a list
 - Do not indicate which party had which ideas
 - Let both parties participate equally in the brainstorming
 - Make sure that the options on the flipchart are as specific as possible
 - Make sure that the flipchart contains only options (= possible solutions to the conflict)
- Do the mediators assist the conflict parties through using adequate communication techniques?
- Do the mediators deal creatively with setbacks?
- What improvements could be made on the side of the mediators?

Evaluation

In the plenum, discuss the following:

- How did the **conflict parties** feel?
- Did they feel understood and respected by the mediators?
- Did they feel that the mediator was empathic? neutral?
- Did they understand the instructions the mediators gave them for the brainstorming?
- Did they feel assisted in their search for options?
- Did the mediators deal creatively with setbacks?
- What improvements could be made by the mediators?

- Did the **mediators** feel comfortable in their role?
- How did they feel about using communication techniques?
- Do they think that they have achieved their goals? If yes, how? If not, what went wrong?
- Generally, what went well in this stage, what did not?

- Do the observations of the **observers** corroborate the findings of the conflict parties and the mediators?
- Were the mediators in charge?
- Was the summary of achievements by the mediators balanced?
- What did the mediators do to get the conflict parties into the right mood for the search for options?
- Were the brainstorming rules correctly explained and applied?
- Did the mediators observe the rules when writing the ideas of the conflict parties down?
- Did the mediators assist the conflict parties through using adequate communication techniques?
- Did the mediators deal creatively with setbacks?
- Did the observers make any other important observations?
- What improvements could be made on the side of the mediators?

- Do the participants have any questions about this stage of the mediation process?

Write the lessons-learnt from this exercise on a flipchart which will be left hanging as a reminder for the remainder of the training. You could also make a summary of the most important lessons-learnt and tips and distribute this to the participants.

Trainer's Notes

This activity has to be preceded by a detailed introduction to stage 6 of the mediation process. It would be helpful if you summarize the most important points about this stage on a handout that you can distribute to the participants. This will help them doing the role play.

To make the role play more effective, it is also essential to briefly review the communication techniques. Make sure that the groups have enough room to work undisturbed. If that's not possible indoors and the weather is nice, some groups could work outdoors if possible.

Be sure to observe the recommendations made in Chapter 1 "Training Aims and Training Method" about how to implement a role play.

If your participants are illiterate, give the instructions for each role orally.

Source: Judith Niederberger von Wyl

Activity 12.9	Role Play Stage 7
Objectives	<ul style="list-style-type: none"> - The participants know how to guide the conflict parties through stage 7 of the mediation process. - The participants are aware of possible stumbling blocks and know how to adequately deal with them.
Special requirements on the target group	None
Material	Role descriptions for role play, including instruction for the observers Handouts on stage 7 of the mediation process Enough room for group work
Time needed	30-45 minutes
<p>Preparation none</p> <p>Activity Continue working with the same case and with the same groups as in activity 12.8. The group members best play exactly the same role as in activity 12.8. Distribute the handouts and give everyone enough time to read their role description. The mediators will need some more time to prepare good questions, to make seating arrangements and the like and to divide responsibilities between them.</p> <p>Ask the groups to practice stage 7 of the mediation process "Assessment of Options". That is, the mediators, together with the conflict parties</p> <ol style="list-style-type: none"> 1) categorize the options 2) test the options 3) grade the remaining options 4) cross out no-go options 5) identify win-win solutions or create win-win-packages 6) choose the best solution(s) 	

The observers should accompany the role play and note down any observations they make regarding the following questions:

- Are the mediators in charge?
- Do the mediators competently guide the conflict parties through the assessment of options?
- What improvements could be made on the side of the mediators?

Evaluation

In the plenum, discuss the following:

- How did the **conflict parties** feel?
- Did they feel understood and respected by the mediators?
- Did they feel that the mediator was empathic? neutral?
- Did they understand the instructions the mediators gave them for the assessment?
- Did they feel assisted in their search for solutions?
- Did the mediators deal creatively with setbacks?
- What improvements could be made by the mediators?

- Did the **mediators** feel comfortable in their role?
- How did they feel about using communication techniques?
- Do they think that they have achieved their goals? If yes, how? If not, what went wrong?
- Generally, what went well in this stage, what did not?

- Do the observations of the **observers** corroborate the findings of the conflict parties and the mediators?
- Were the mediators in charge?
- Did the mediators competently guide the conflict parties through the assessment of options?
- Did the observers make any other important observations?
- What improvements could be made on the side of the mediators?

- Do the participants have any questions about this stage of the mediation process?

Write the lessons-learnt from this exercise on a flipchart which will be left hanging as a reminder for the remainder of the training. You could also make a summary of the most important lessons-learnt and tips and distribute this to the participants.

Trainer's Notes

This activity has to be preceded by a detailed introduction to stage 7 of the mediation process. It would be helpful if you summarize the most important points about this stage on a handout that you can distribute to the participants. This will help them doing the role play.

To make the role play more effective, it is also essential to briefly review the communication techniques. Make sure that the groups have enough room to work undisturbed. If that's not possible indoors and the weather is nice, some groups could work outdoors if possible.

Be sure to observe the recommendations made in Chapter 1 "Training Aims and Training Method" about how to implement a role play.

If your participants are illiterate, give the instructions for each role orally.

Source: Judith Niederberger von Wyl

Activity 12.9	Role Play Stage 8
Objectives	<ul style="list-style-type: none"> - The participants know how to guide the conflict parties through stage 8 of the mediation process. - The participants are aware of possible stumbling blocks and know how to adequately deal with them.
Special requirements on the target group	None
Material	Role descriptions for role play, including instruction for the observers Handouts on stage 8 of the mediation process Enough room for group work
Time needed	30-45 minutes
<p>Preparation none</p> <p>Activity Continue working with the same case and with the same groups as in activities 12.8 and 12.9. The group members best play exactly the same role as in activities 12.8 and 12.9. Distribute the handouts and give everyone enough time to read their role description. The mediators will need some more time to prepare good questions, to make seating arrangements and the like and to divide responsibilities between them.</p> <p>Ask the groups to practice stage 8 of the mediation process "Agreement and Monitoring". That is, the mediators, together with the conflict parties</p> <ol style="list-style-type: none"> 1) agree on the exact wording of the settlement 2) test the agreement according to the SMART rule 3) revise the agreement, if necessary 4) add a monitoring plan <p>Then the mediators,</p> <ol style="list-style-type: none"> 5) give the conflict parties time to reflect 6) if they are happy with the agreement, the propose a ritual to close the deal 7) if adequate, the mediators refer to ways of formalizing the agreement 	

The observers should accompany the role play and note down any observations they make regarding the following questions:

- Are the mediators in charge?
- Is the agreement tested according to the SMART rule? Do the mediators ask appropriate questions to this end?
- Do the mediators competently guide the conflict parties through the agreement and monitoring stage?
- What improvements could be made on the side of the mediators?

Evaluation

In the plenum, discuss the following:

- How did the **conflict parties** feel?
- Did they feel understood and respected by the mediators?
- Did they feel that the mediator was empathic? neutral?
- Did the mediators competently guide the conflict parties through the agreement and monitoring stage?
- What improvements could be made by the mediators?

- Did the **mediators** feel comfortable in their role?
- How did they feel about using communication techniques?
- Do they think that they have achieved their goals? If yes, how? If not, what went wrong?
- Generally, what went well in this stage, what did not?

- Do the observations of the **observers** corroborate the findings of the conflict parties and the mediators?
- Were the mediators in charge?
- Was the agreement tested according to the SMART rule? Did the mediators ask appropriate questions to this end?
- Did the mediators competently guide the conflict parties through the agreement and monitoring stage?
- Did the observers make any other important observations?
- What improvements could be made on the side of the mediators?

- Do the participants have any questions about this stage of the mediation process?

Write the lessons-learnt from this exercise on a flipchart which will be left hanging as a reminder for the remainder of the training. You could also make a summary of the most important lessons-learnt and tips and distribute this to the participants.

Trainer's Notes

This activity has to be preceded by a detailed introduction to stage 7 of the mediation process. It would be helpful if you summarize the most important points about this stage on a handout that you can distribute to the participants. This will help them doing the role play.

To make the role play more effective, it is also essential to briefly review the communication techniques. Make sure that the groups have enough room to work undisturbed. If that's not possible indoors and the weather is nice, some groups could work outdoors if possible.

Be sure to observe the recommendations made in Chapter 1 "Training Aims and Training Method" about how to implement a role play.

If your participants are illiterate, give the instructions for each role orally.

Source: Judith Niederberger von Wyl

13 |

ADVANCED MEDIATION PRACTICE

forthcoming

14 |

COURSE MONITORING AND EVALUATION

forthcoming

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ANNEX

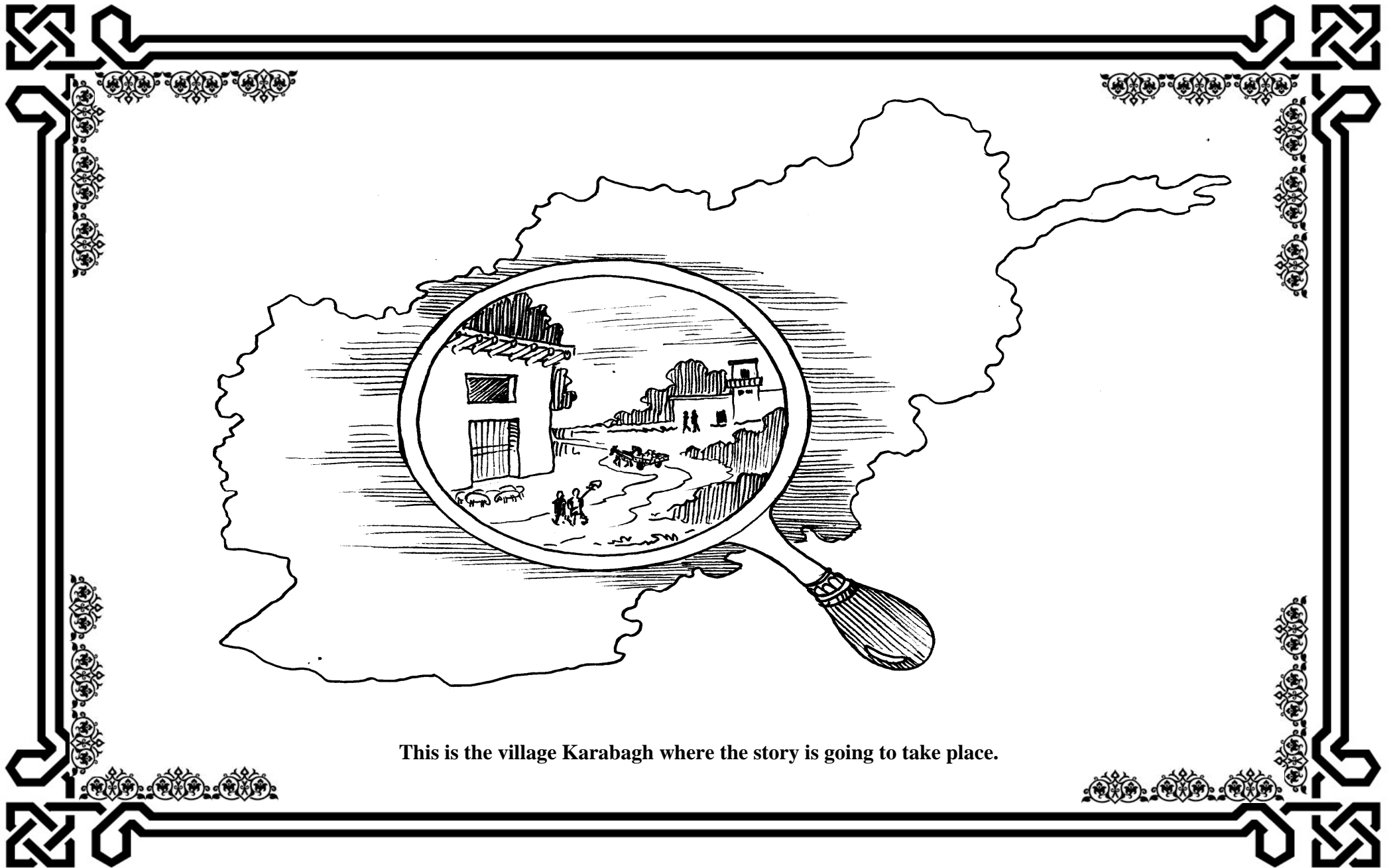
Cartoon Magazine

Mediation. Bibi Shereen in

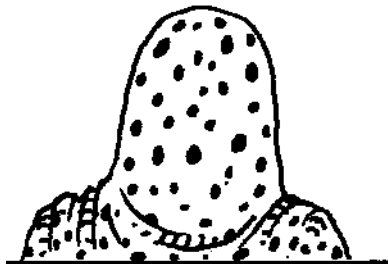
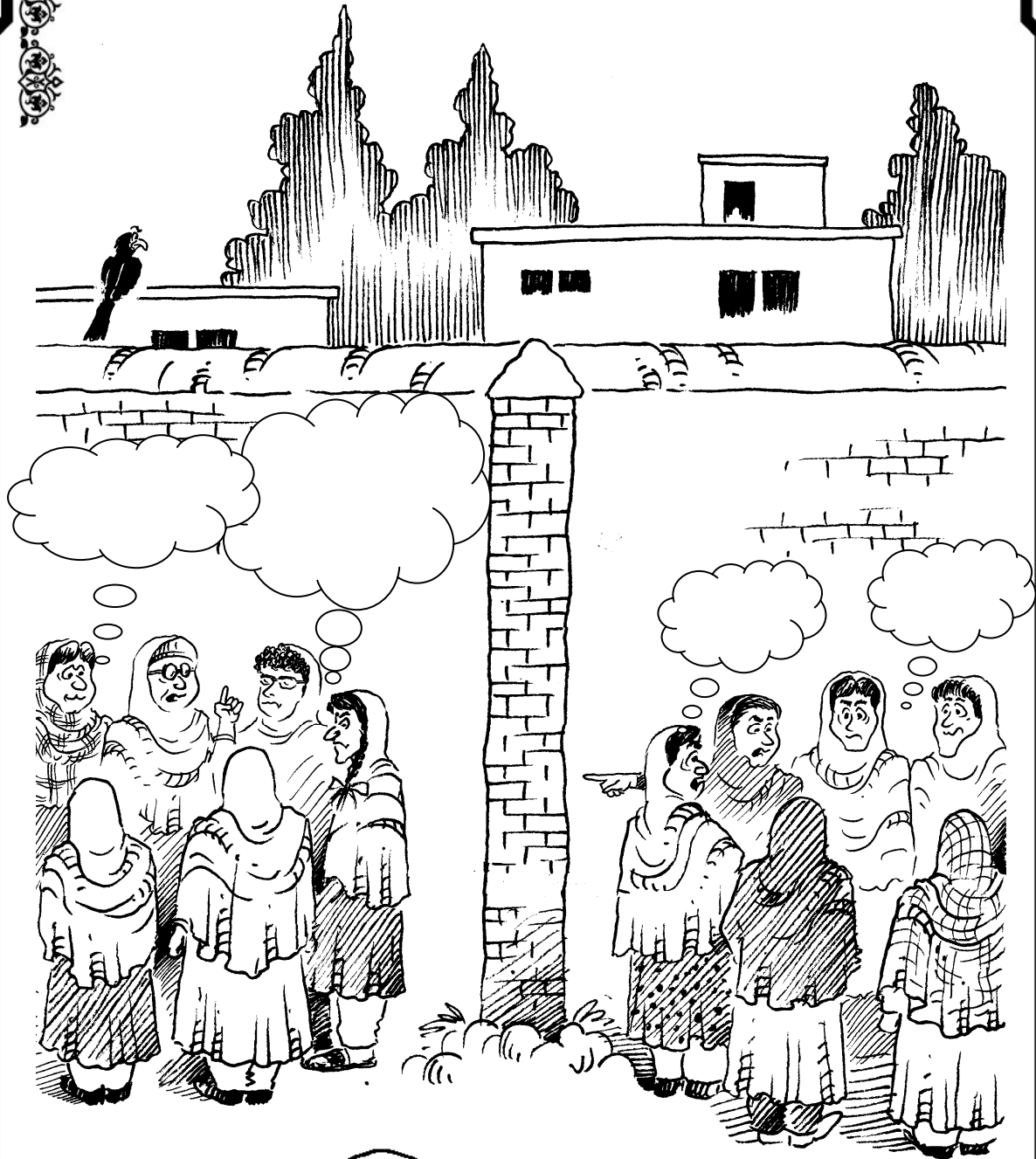
Karabagh.

Part I

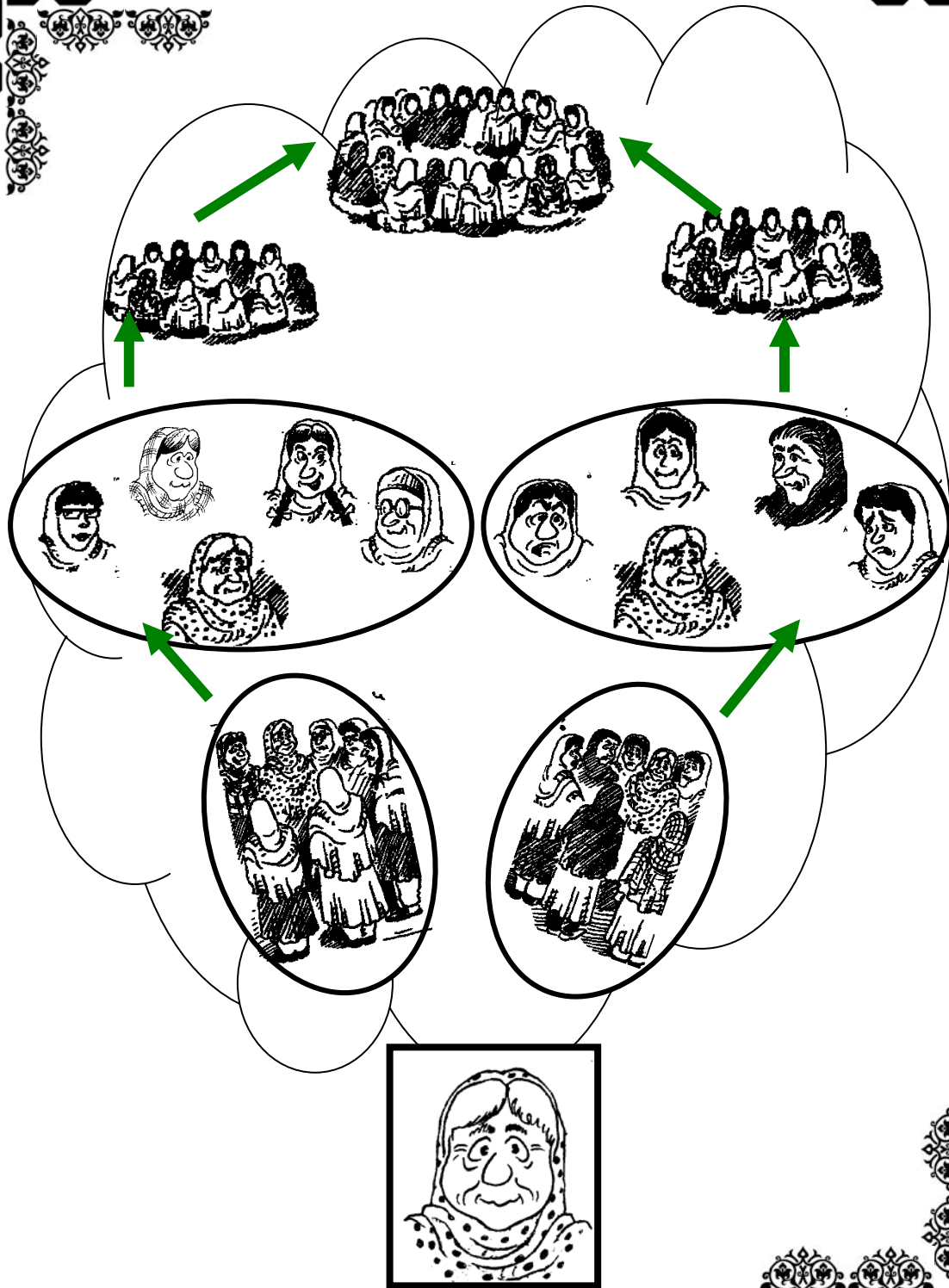




This is the village Karabagh where the story is going to take place.

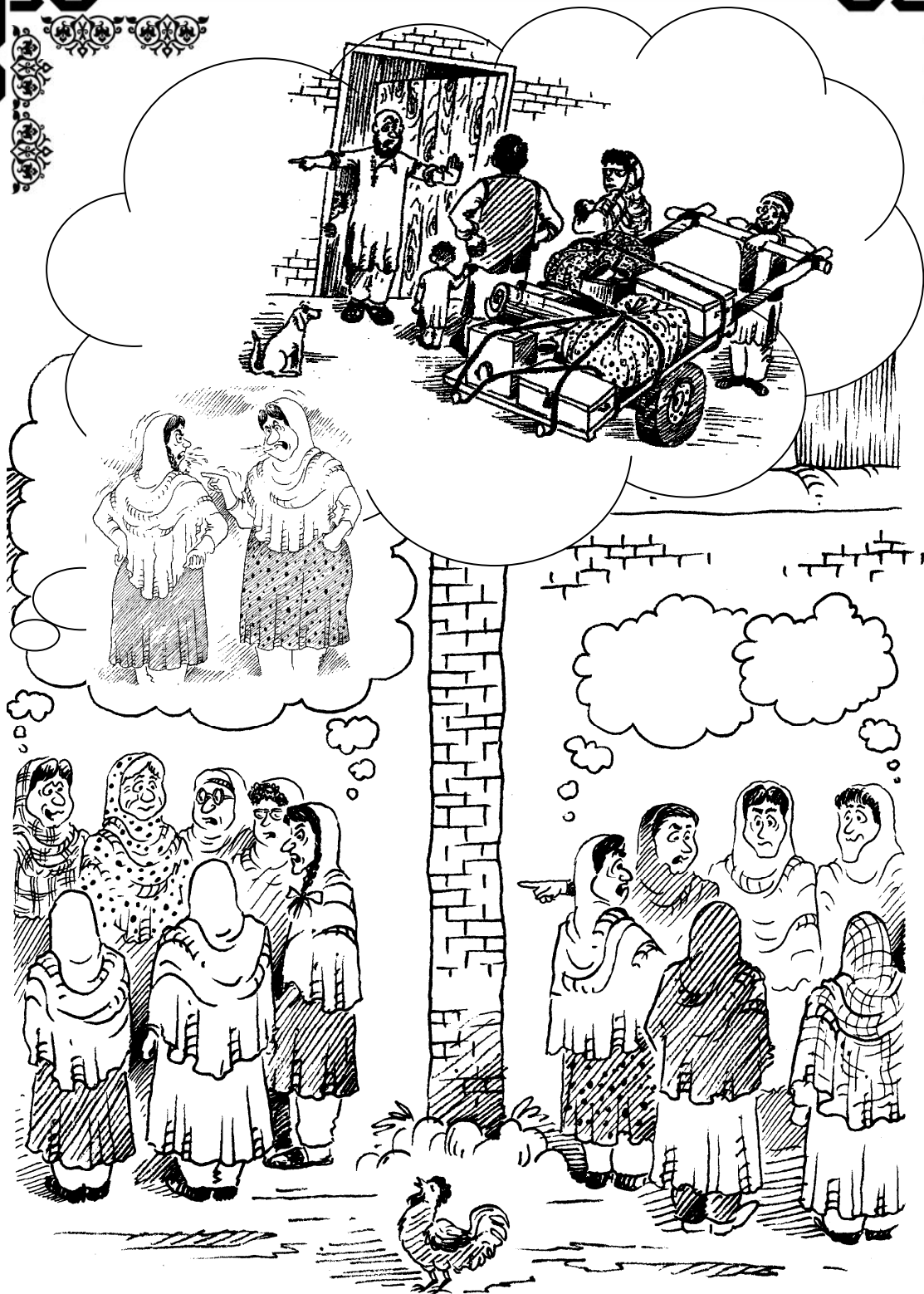


**Here you can see Bibi Shereen arriving in Karabagh.
Ghotai was right! Left and Right Karabaghis have again angry discussions.**



Here we see the plan Bibi Shereen wants to follow:

- First speak with every group separately
- Secondly collect more information
- Third speak again with every group separately
- Finally arrange a meeting for the women of Left and Right Karabaghs



Here we see Bibi Shereen speaking first to the women of Left Karabagh. She is listening carefully and she tries to understand their problems, anger and points of view. Bibi Shereen is asking the Left Karabaghis whether they would accept her offer to mediate-that is: to facilitate a communication between the women of Left and Right Karabagh.

The speaker
of the women
of Left
Karabagh,
Bibi Haji, tells
Bibi Shereen
their side of
the story:



This house was inhabited by Wadud and Koko Gul is actually the house of Hamid and his wife Lila. Everybody in Karabagh knows that. And if Hamid and Lila would return after 20 years it is their right to come back to their house to live in there.



Bibi Haji, the speaker
of the Left Karabaghi
women continues:



The issue with the home of Hamid and Laila is not the only problem we have with the Right Karabaghis. There is also a conflict between Shah Koko and Nazobo. According to Nazobo, Shah Koko, the Right Karabaghi woman, started the fight, not Nazobo. Nazobos husband Salim ordered bricks to build on a new room to his house. But the day the bricks were delivered they also disappeared. Fida, the husband of Shah Koko, was the thief.





Later we see Bibi Shereen speaking to the women of Right Karabagh as well. Again she is listening carefully, and tries to understand their problems, anger and points of view. Bibi Shereen is then asking the Right Karabaghi women whether they would accept her offer to mediate—that is: to facilitate a communication between women of Left and Right Karabagh.

Najiba, the speaker of the Right Karabaghi women, tells Bibi Shereen about the Right Karabaghis point of view:



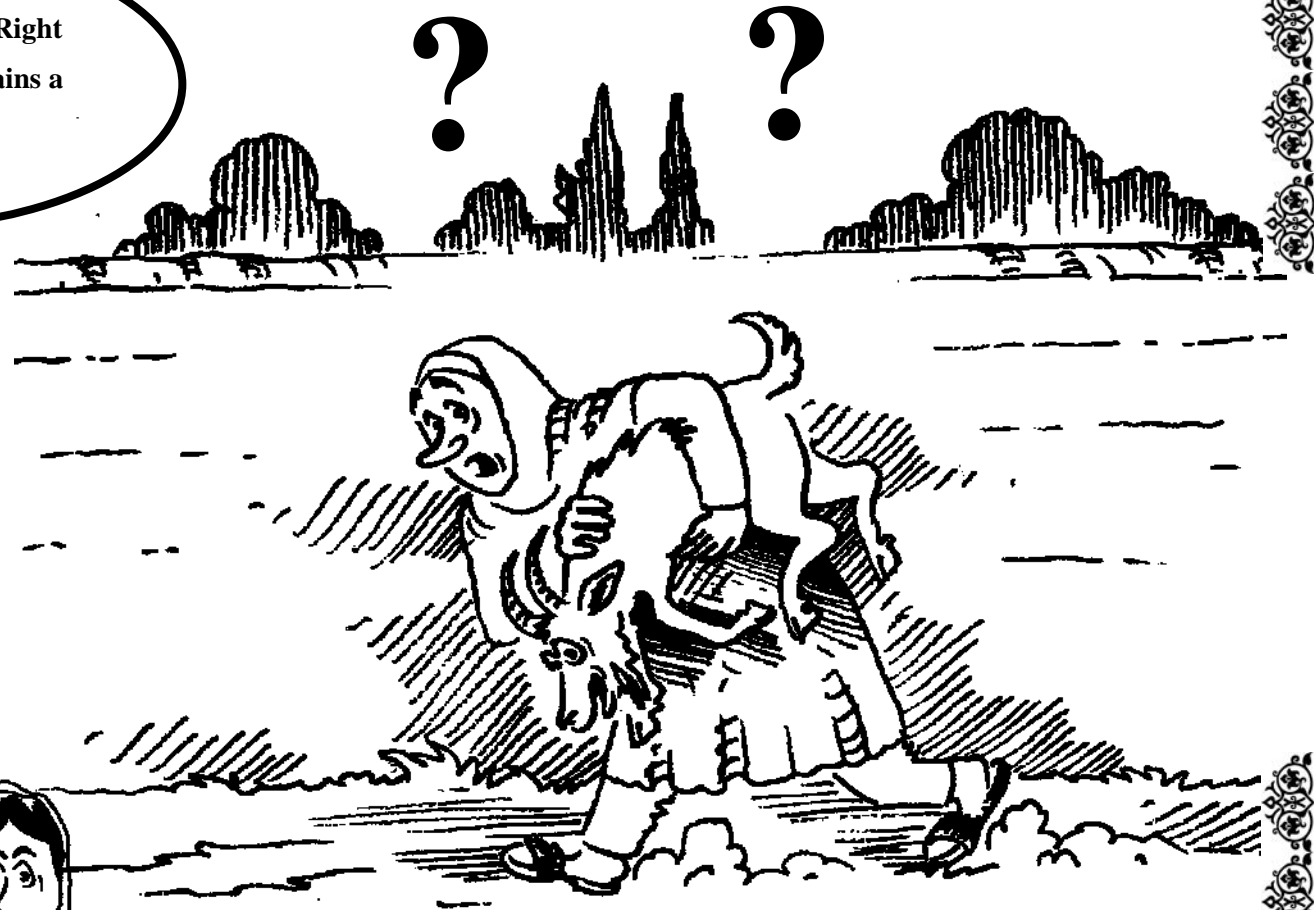
It is our understanding, that Nazobo, the Left Karabaghi women started the quarrel, not Shah Koko. Shah Kokos husband Fida ordered bricks to build on a new room to his house. But the day the bricks were delivered they also disappeared. Nazobos husband Salim was the thief!

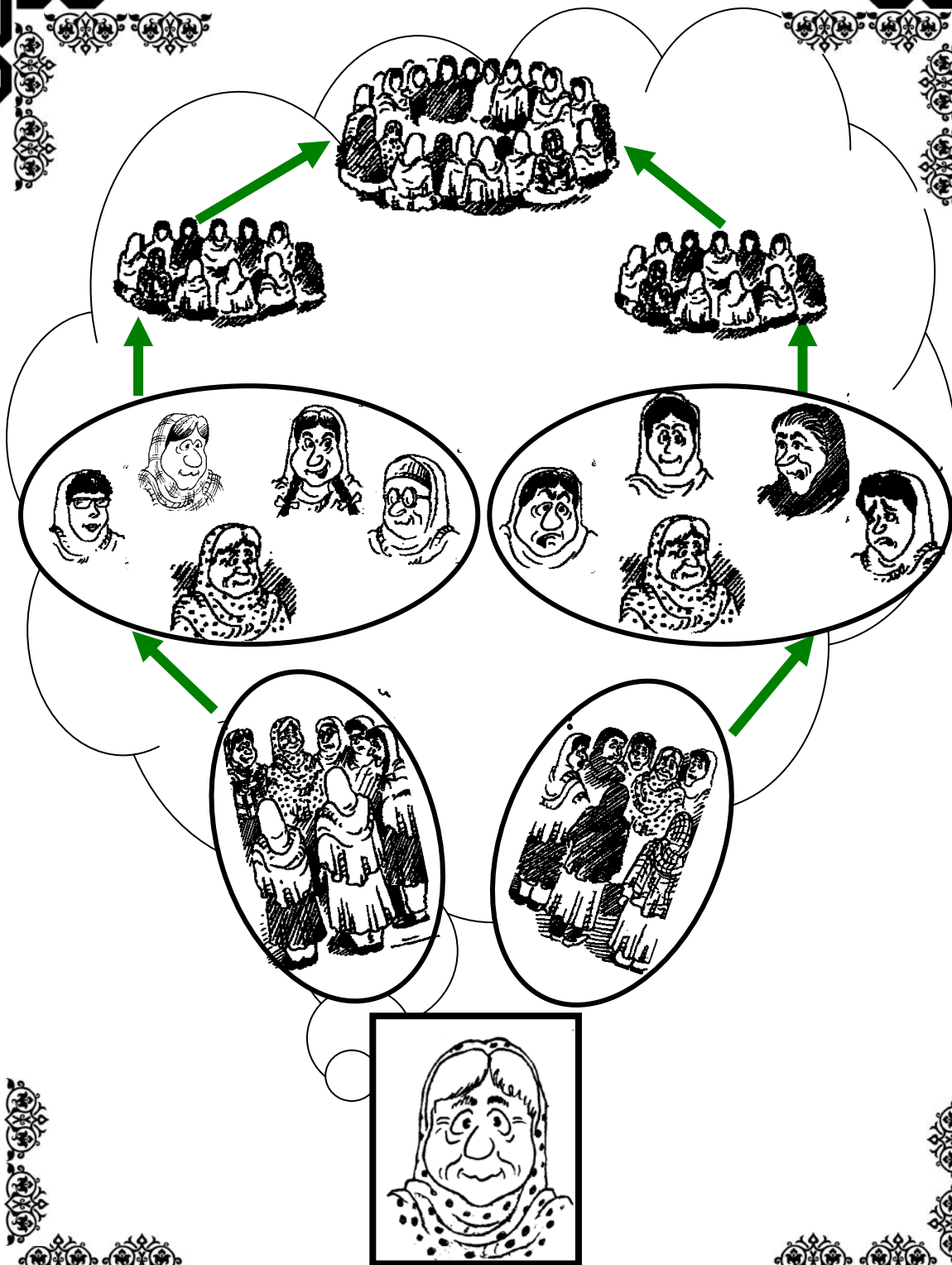
The issue with Nazobos and Shah Kokos quarrel is not the only issue: Zarghona, Sulaimans wife, the Left Karabaghi, started the quarrel at the well. All the time the Left Karabaghis jump the queue by fetching water and never help to fix the well. Rahila, Nisars wife told Zarghona that she can't stand such behavior, but Zarghona started the trouble.



And finally, Najiba, the Right Karabaghi woman, explains a third issue:

Last week one of Mariams goats was stolen. I'm sure it was one of these Left Karabaghi women! Since Hamid and Laila came back to Karabagh the Left Karabaghis have been only creating problems!





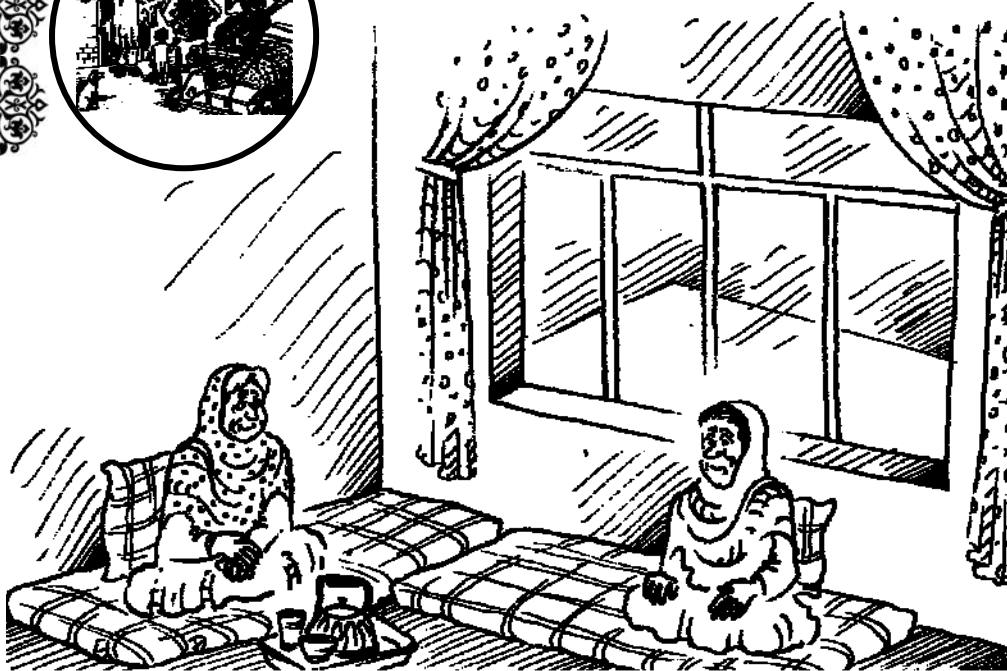
Here we see once again the plan Bibi Shereen wants to follow:

- Just finished speaking with every group separately
 - Now she has to collect more information
 - Later speak again with every group separately
- Finally arrange a meeting for the women of Left and Right Karabaghs

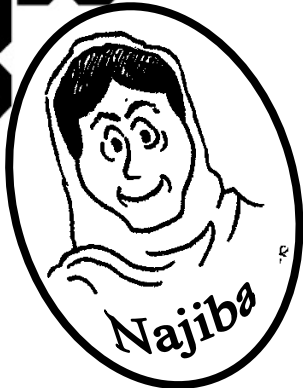
Here we see Bibi Shereen collecting more information from different people about the problems in Karabagh:



First Bibi Shereen is speaking with Laila, Hamids wife, the Left Karabaghi who is living now with her family in a tent up in the mountains.



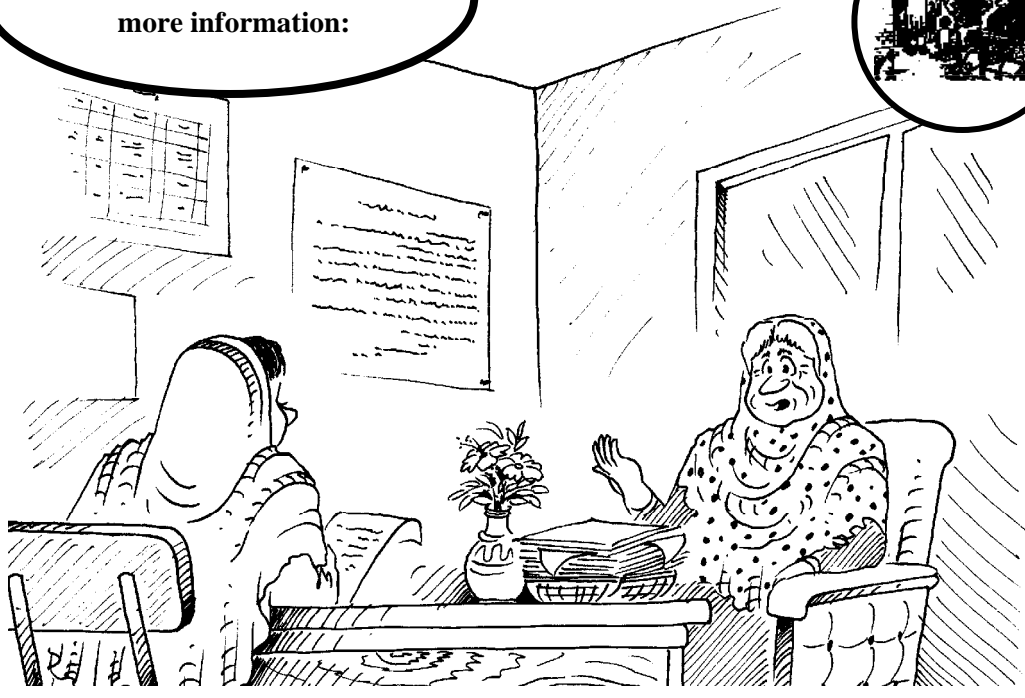
Here we see Bibi Shereen talking with Koko Gul, Waduds wife, the Right Karabaghi.



Here you can see some of the characters who play a role in our story.

Ghotai

Bibi Shereen is collecting
more information:

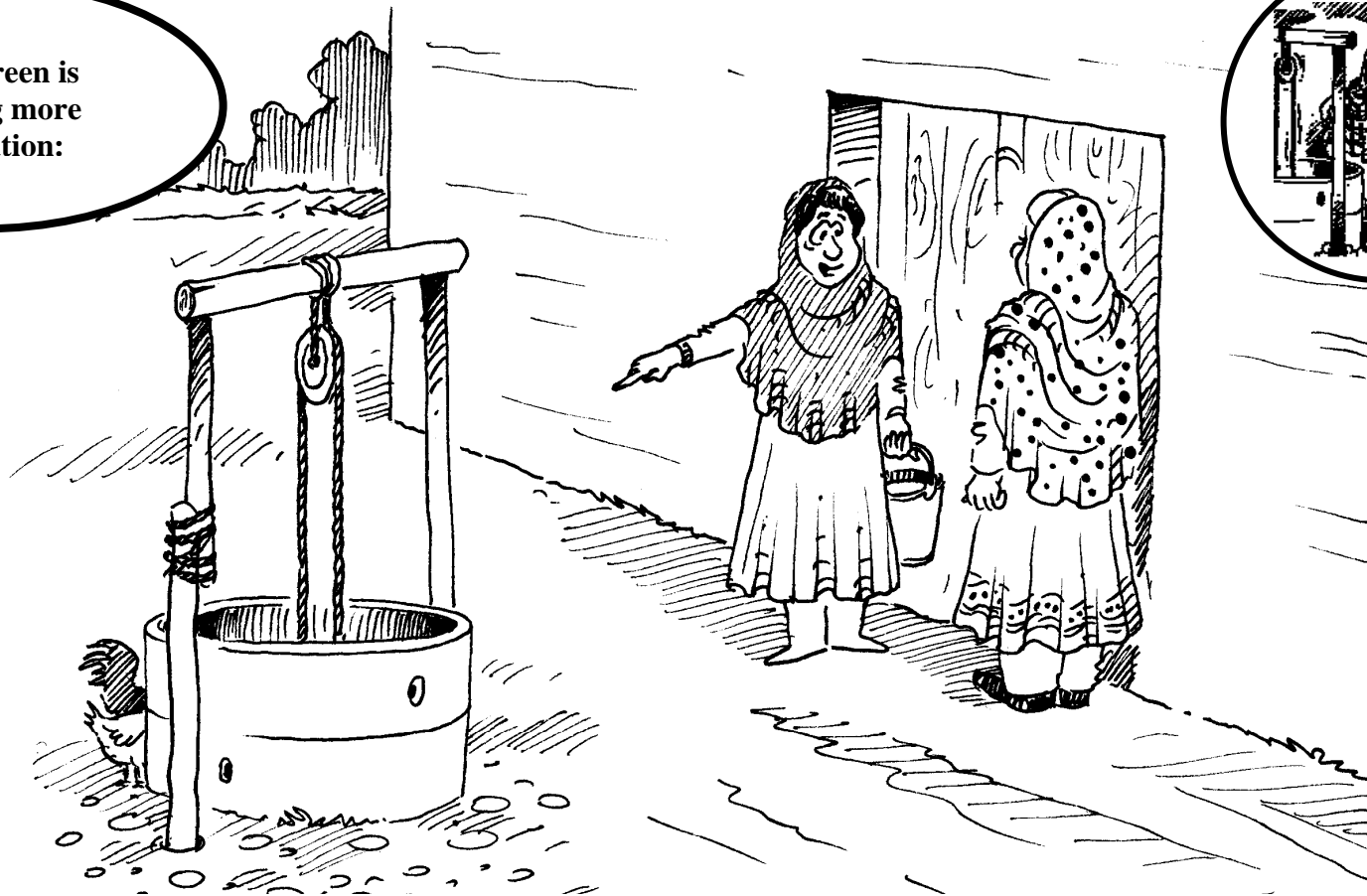


Bibi Shereen is meeting a civil servant who can give her information about
official papers regarding the land ownership of Hamids house.

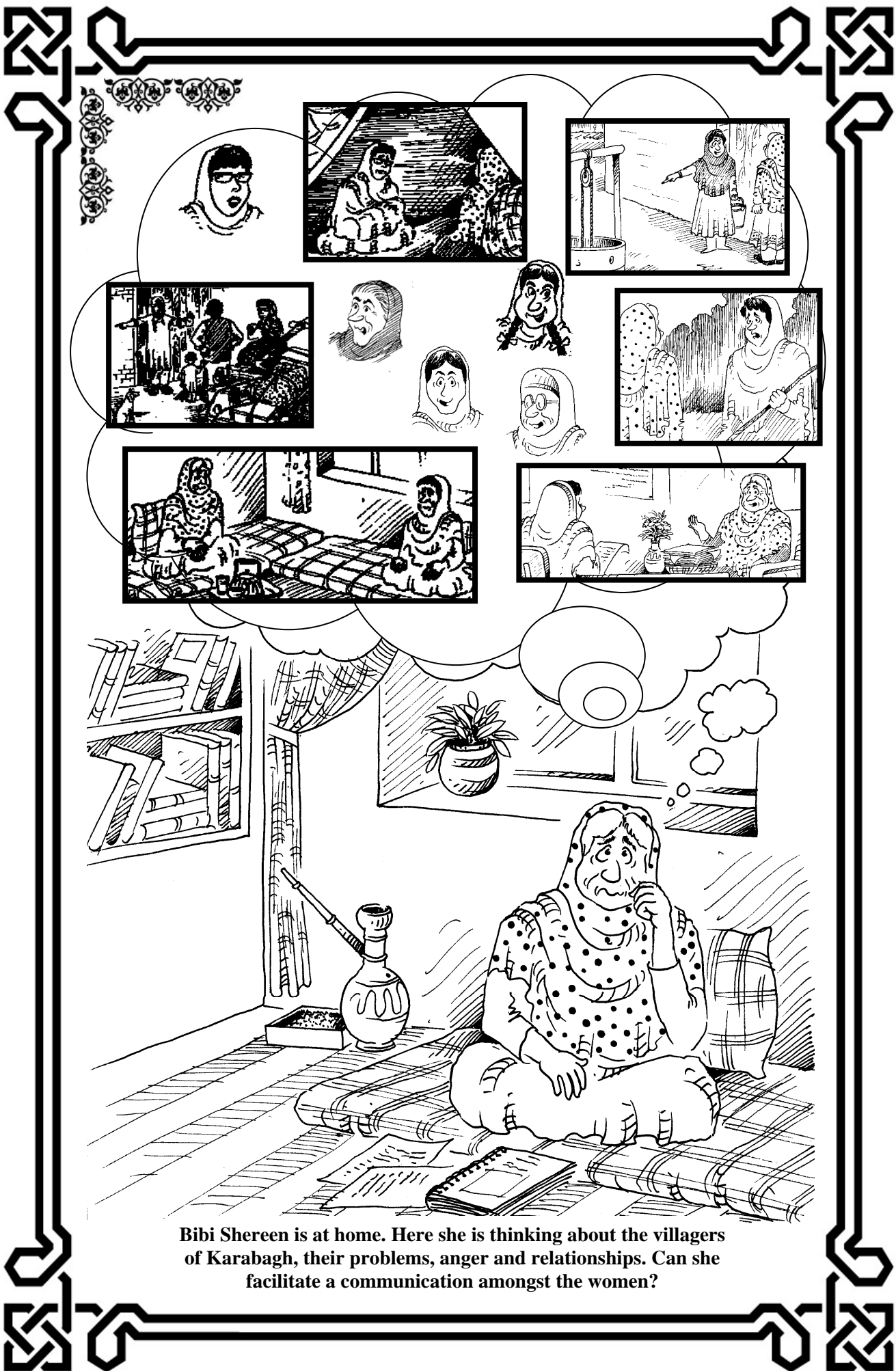


Here you can see Bibi Shereen talking with Mariam, the owner of the
disappeared goat.

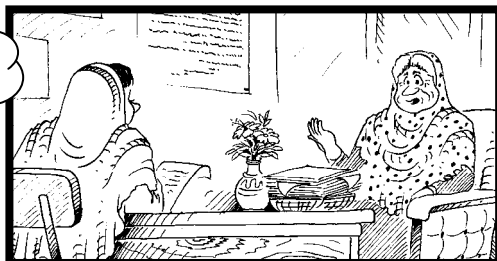
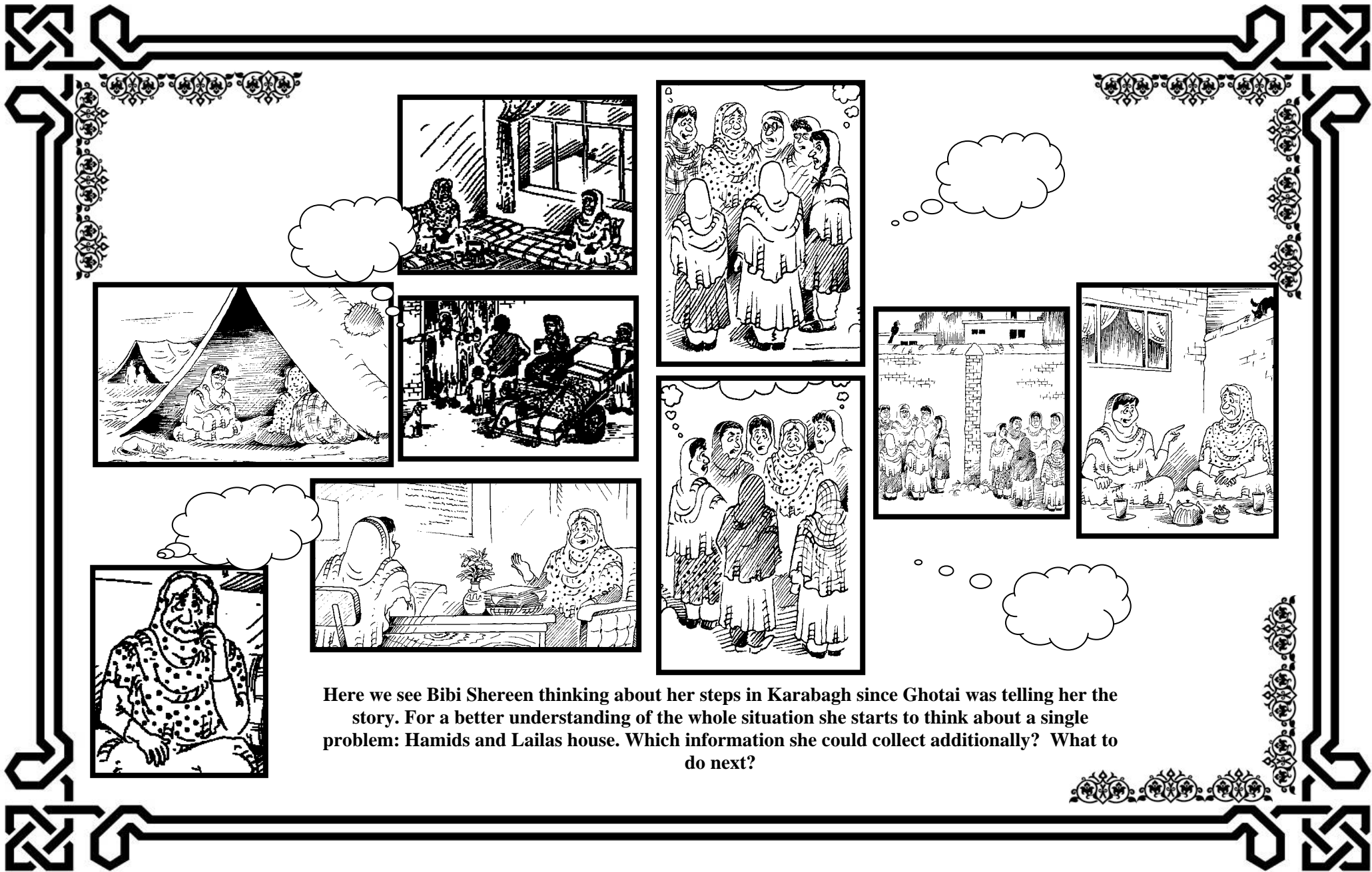
Bibi Shereen is collecting more information:



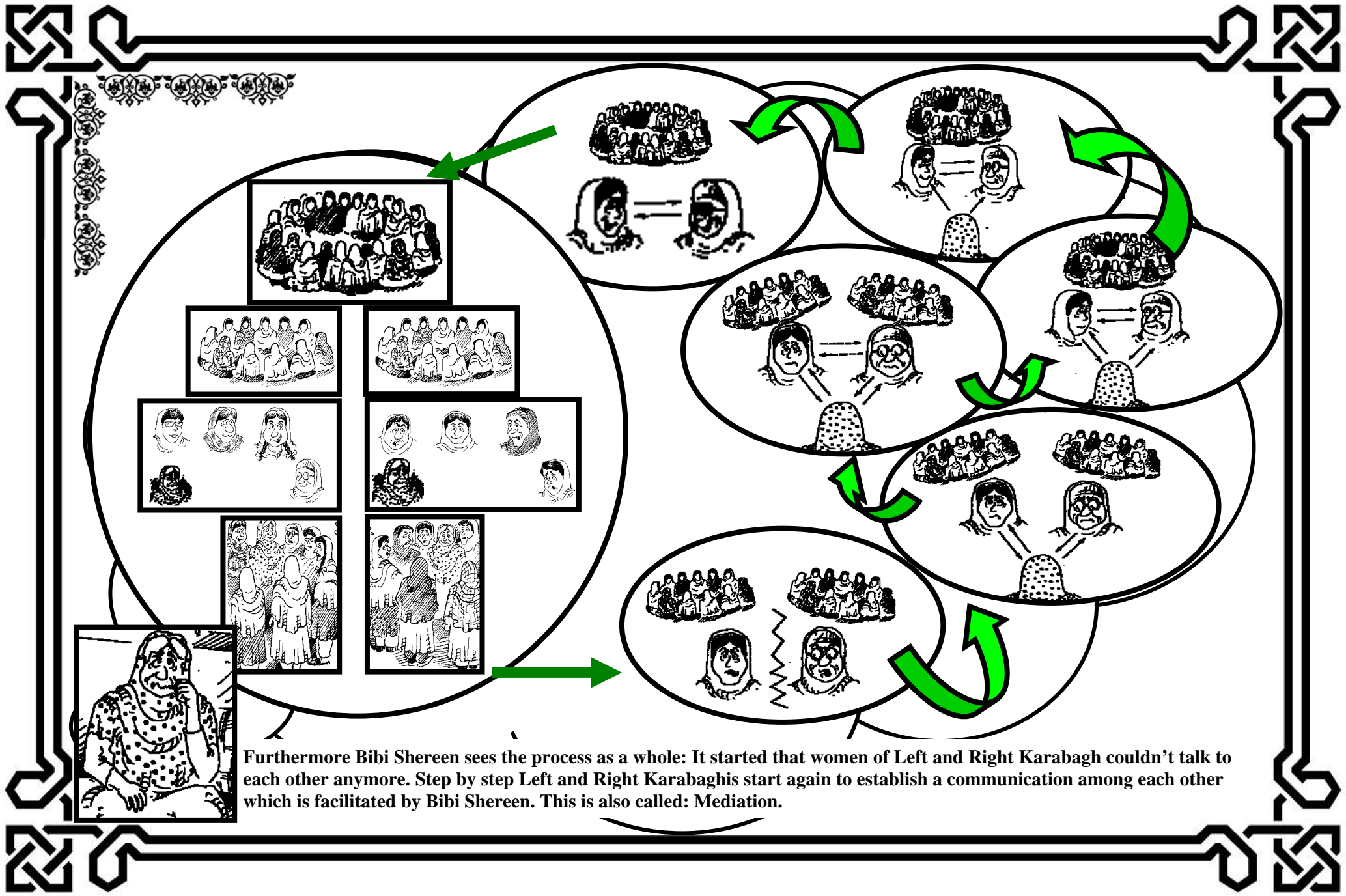
Bibi Shereen is talking to Wahida. Wahida is living close to the well and knows what is going on there every day.



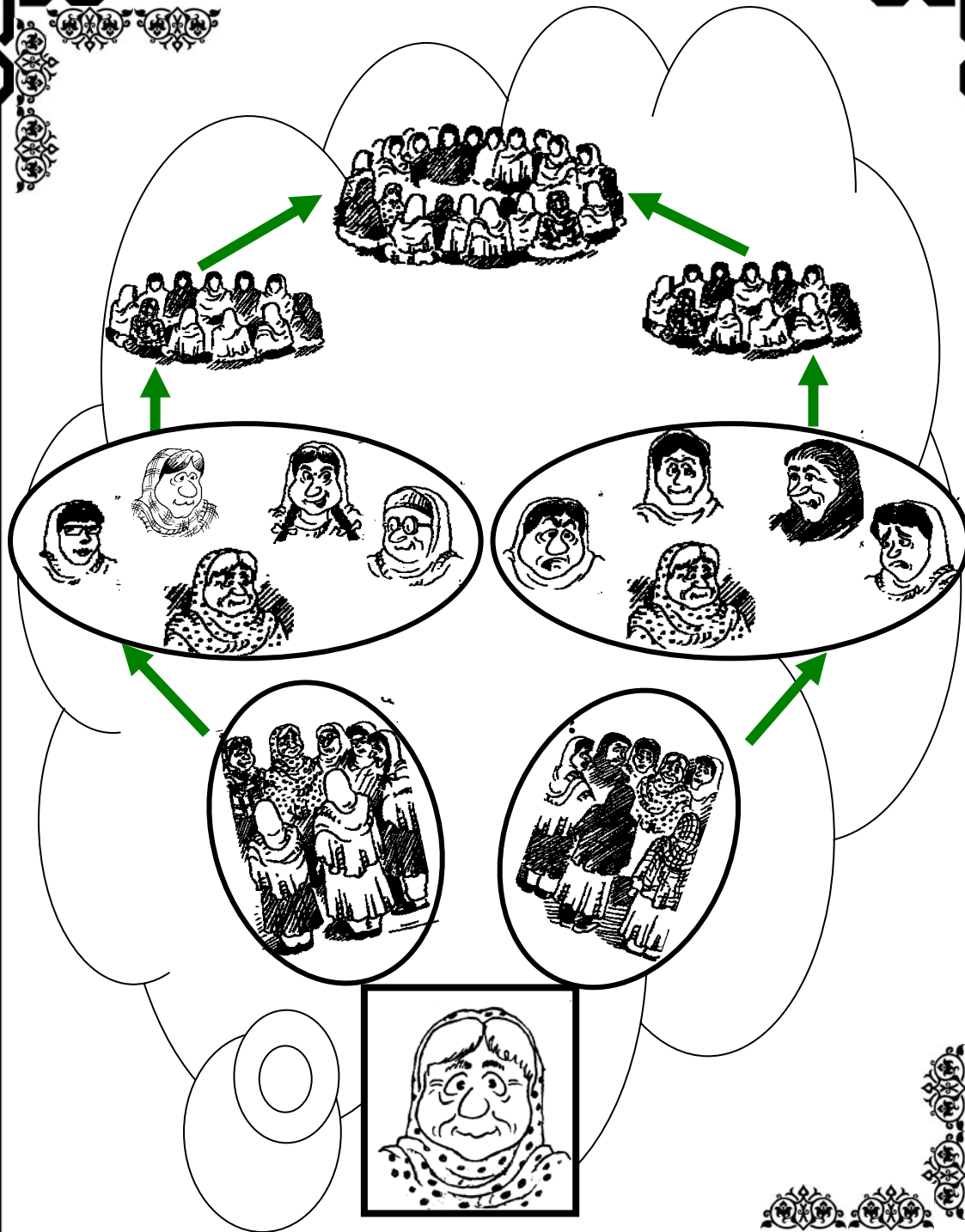
Bibi Shereen is at home. Here she is thinking about the villagers of Karabagh, their problems, anger and relationships. Can she facilitate a communication amongst the women?



Here we see Bibi Shereen thinking about her steps in Karabagh since Ghotai was telling her the story. For a better understanding of the whole situation she starts to think about a single problem: Hamids and Lailas house. Which information she could collect additionally? What to do next?



Furthermore Bibi Shereen sees the process as a whole: It started that women of Left and Right Karabagh couldn't talk to each other anymore. Step by step Left and Right Karabaghis start again to establish a communication among each other which is facilitated by Bibi Shereen. This is also called: Mediation.

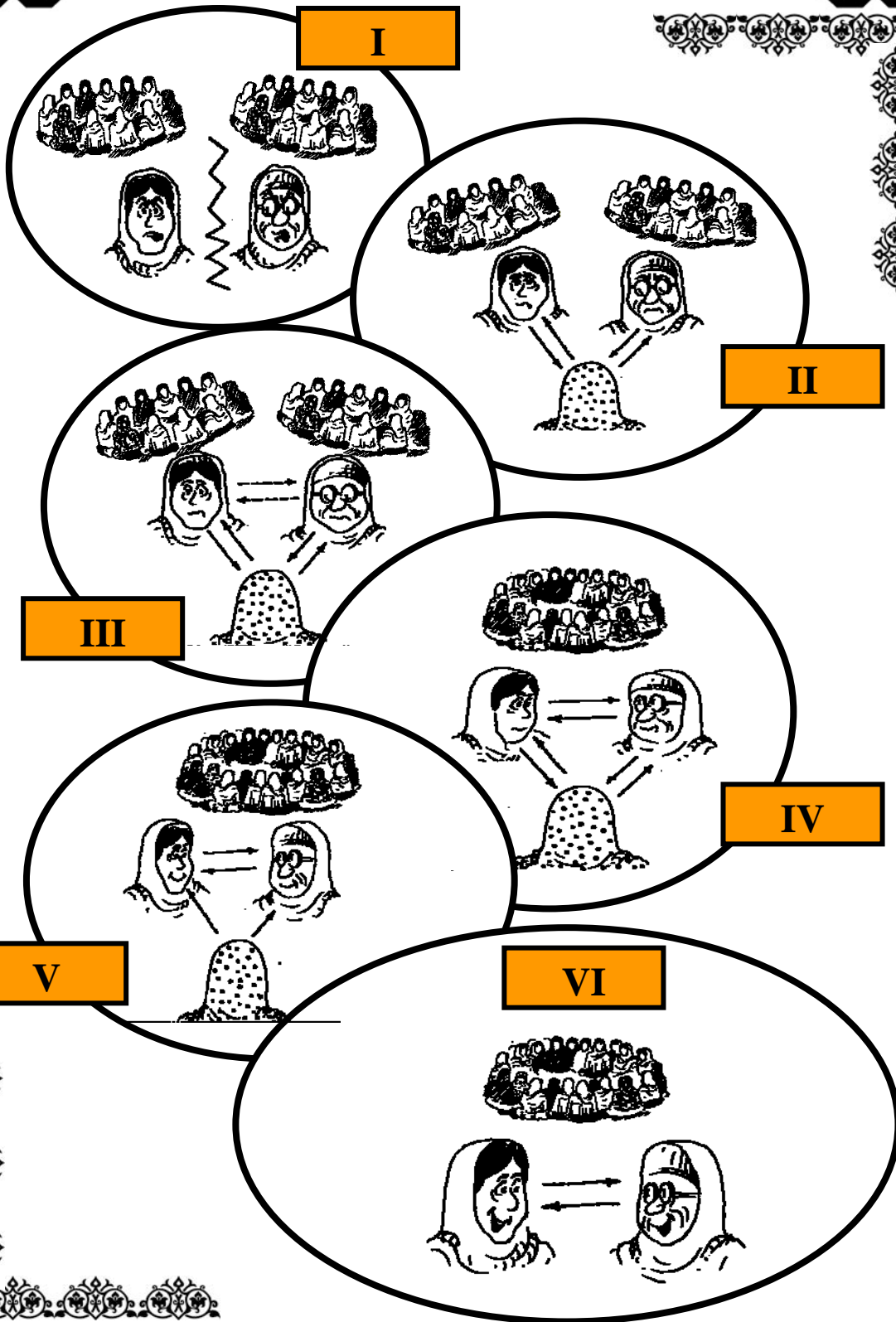


Here we see once again the plan Bibi Shereen follows:

- She spoke already with every group separately.
- She just collected more information from different persons.
- Now she has to meet with each group separately once again.
- Later she will arrange a meeting between the women of Left and Right Karabagh.



Here we see Bibi Shereen back in Karabagh. She meets with women from Left Karabagh. They consult about possibilities to engage in the process of mediation between the women of Left and Right Karabagh in order to find a solution for the problems in Karabagh. They also consult about the process of mediation and about the different issues. Bibi Shereen explains a possible way:

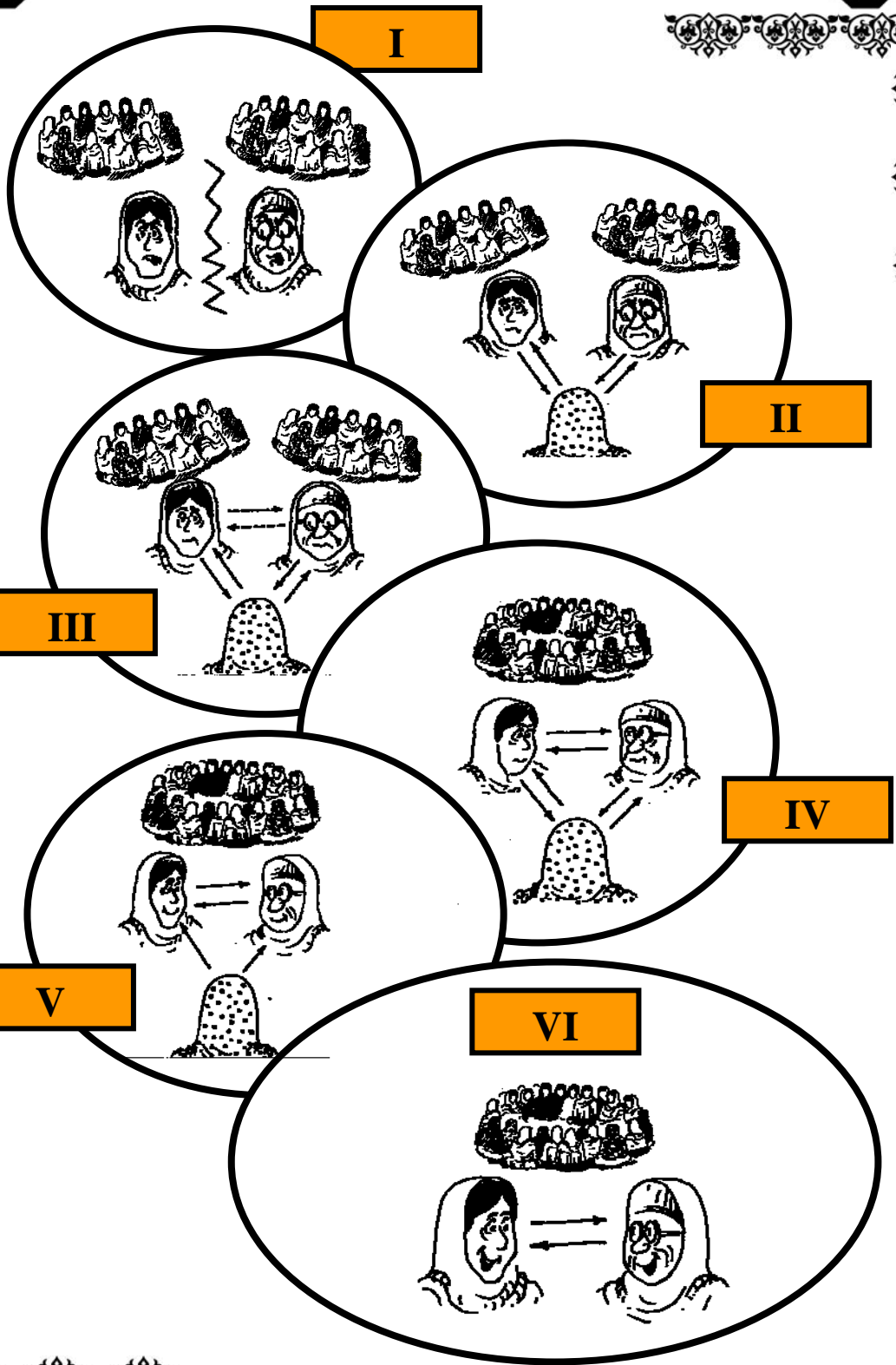


“...that with the support of a mediator differences and conflicts can be settled. But the mediator only facilitates the communications. The ideas and suggestions for resolving the conflict are made by the Karabaghis...”





The next day she also meets the women from Right Karabagh in order to discuss the same matter. They consult about possibilities to engage in the process of mediation between the women of Left and Right Karabagh in order to find a solution for the problems in Karabagh. They also consult about the process of mediation and about the different issues. Bibi Shereen explains once again a possible way:

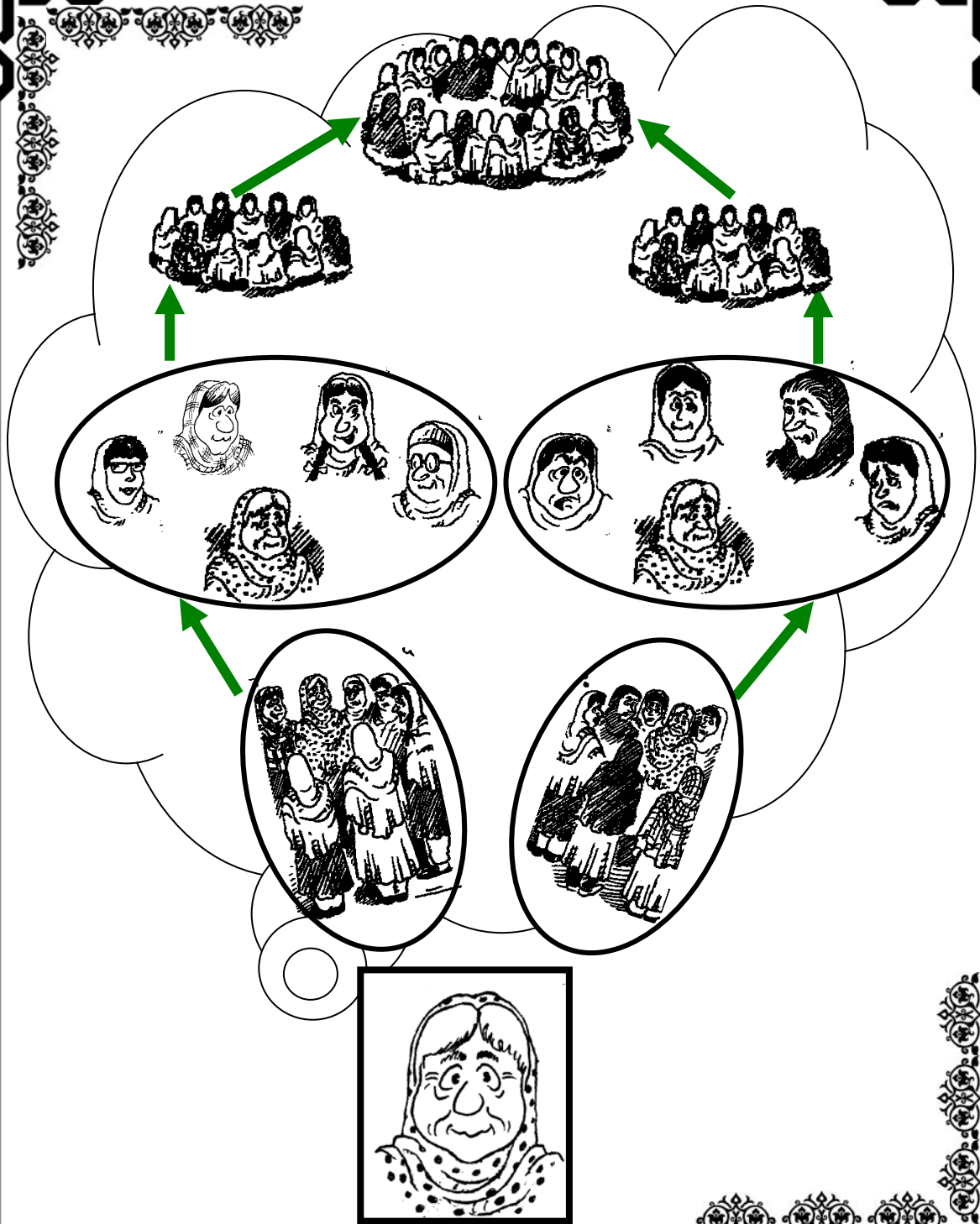


“...that with the support of a mediator differences and conflicts can be settled. But the mediator only facilitates the communications. The ideas and suggestions for resolving the conflict are made by the Karabaghis...”



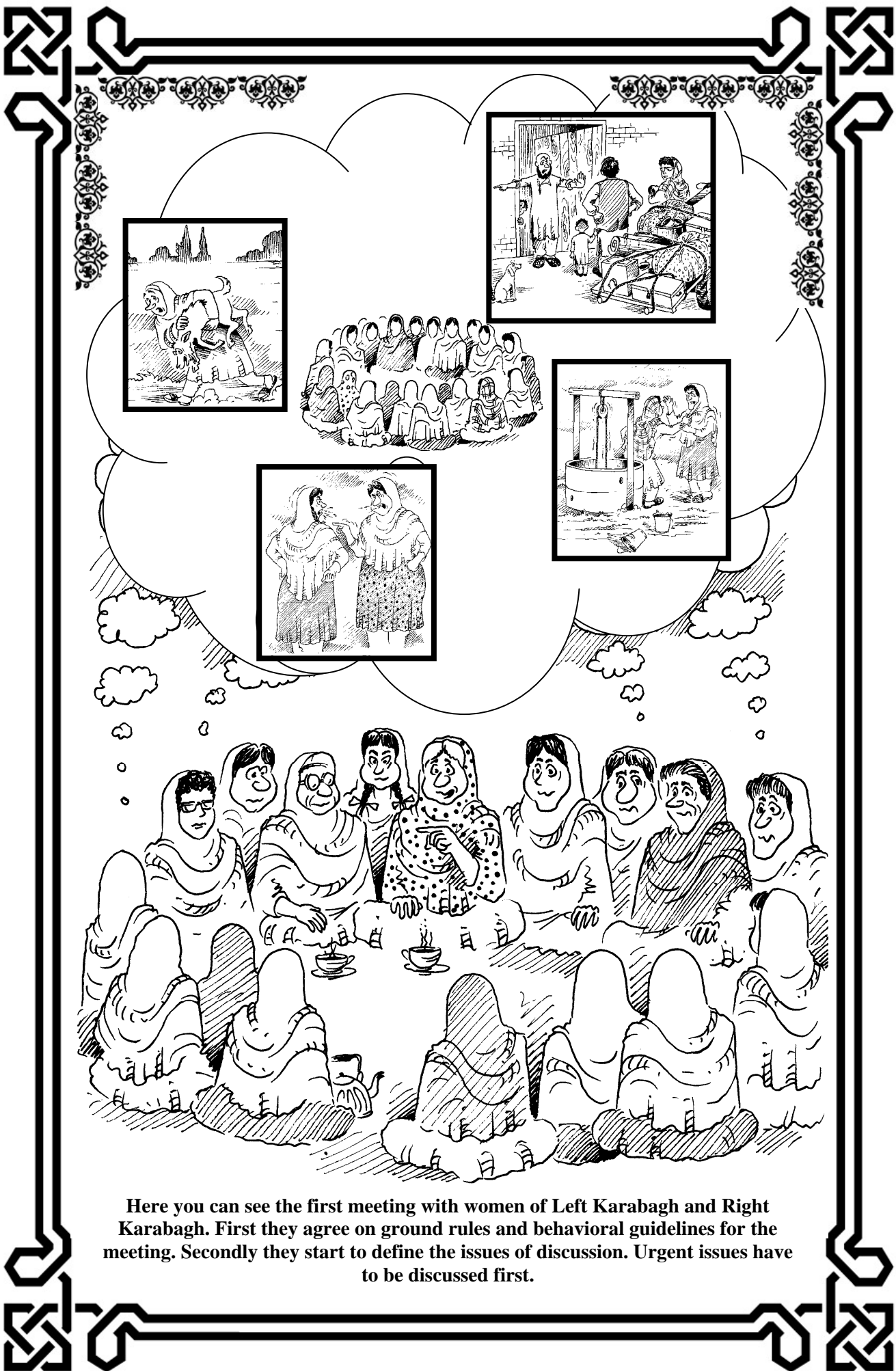


Bibi Shereen, a respected and honorable woman, is visiting her sister Ghotai. Ghotai and Bibi Shereen are sitting in the courtyard and talking about this and that. Suddenly Ghotai said: "I have to tell you a story about Karabagh, our neighbor village. Listen what is happening between the people from Right Karabagh and Left Karabagh:

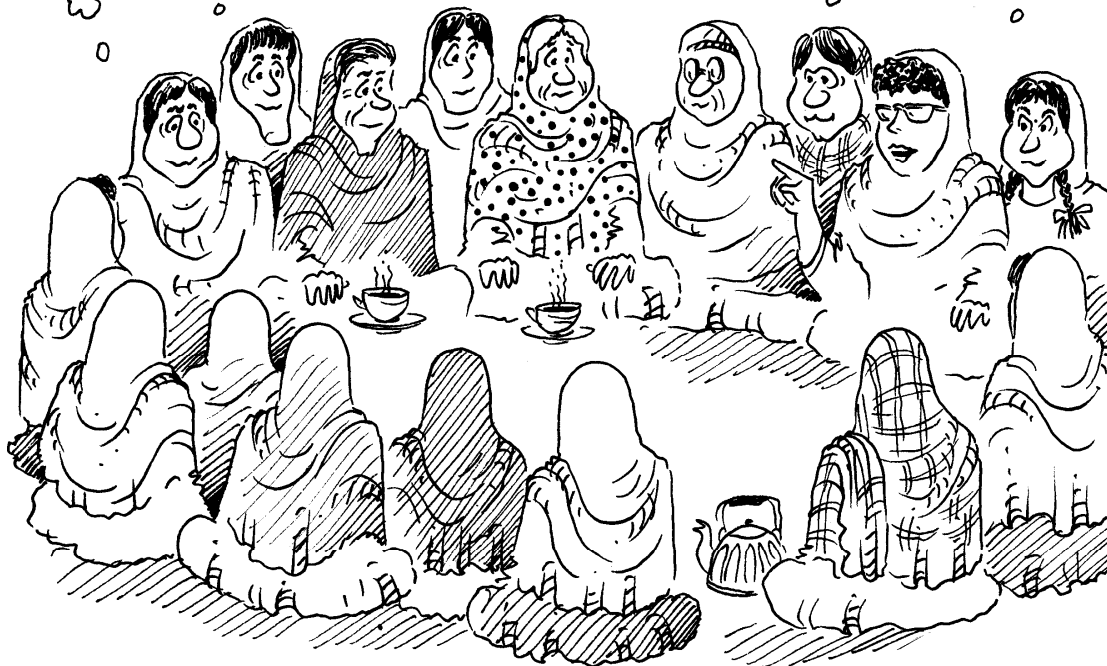
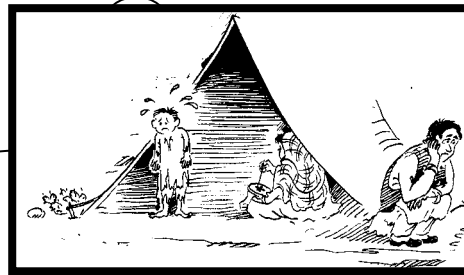
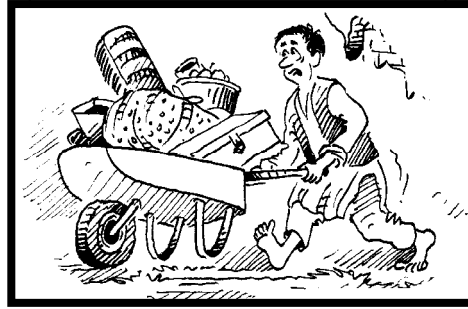
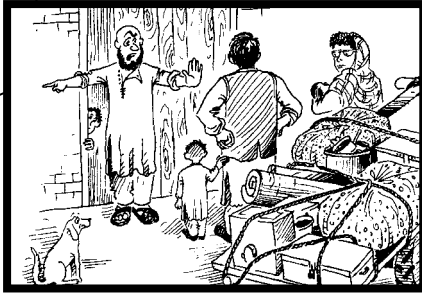


Here we see once again the plan Bibi Shereen has followed:

- She spoke already with each group separately.
- She collected more information from different persons.
- She spoke for a second time with every group separately.
- Now the first joint meeting with women of Left and Right Karabagh can take place.

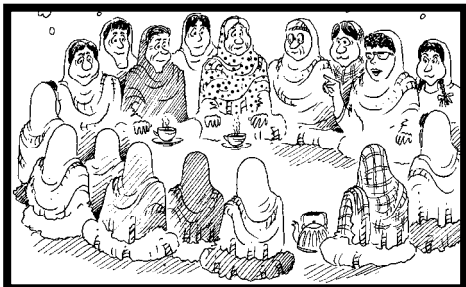


Here you can see the first meeting with women of Left Karabagh and Right Karabagh. First they agree on ground rules and behavioral guidelines for the meeting. Secondly they start to define the issues of discussion. Urgent issues have to be discussed first.



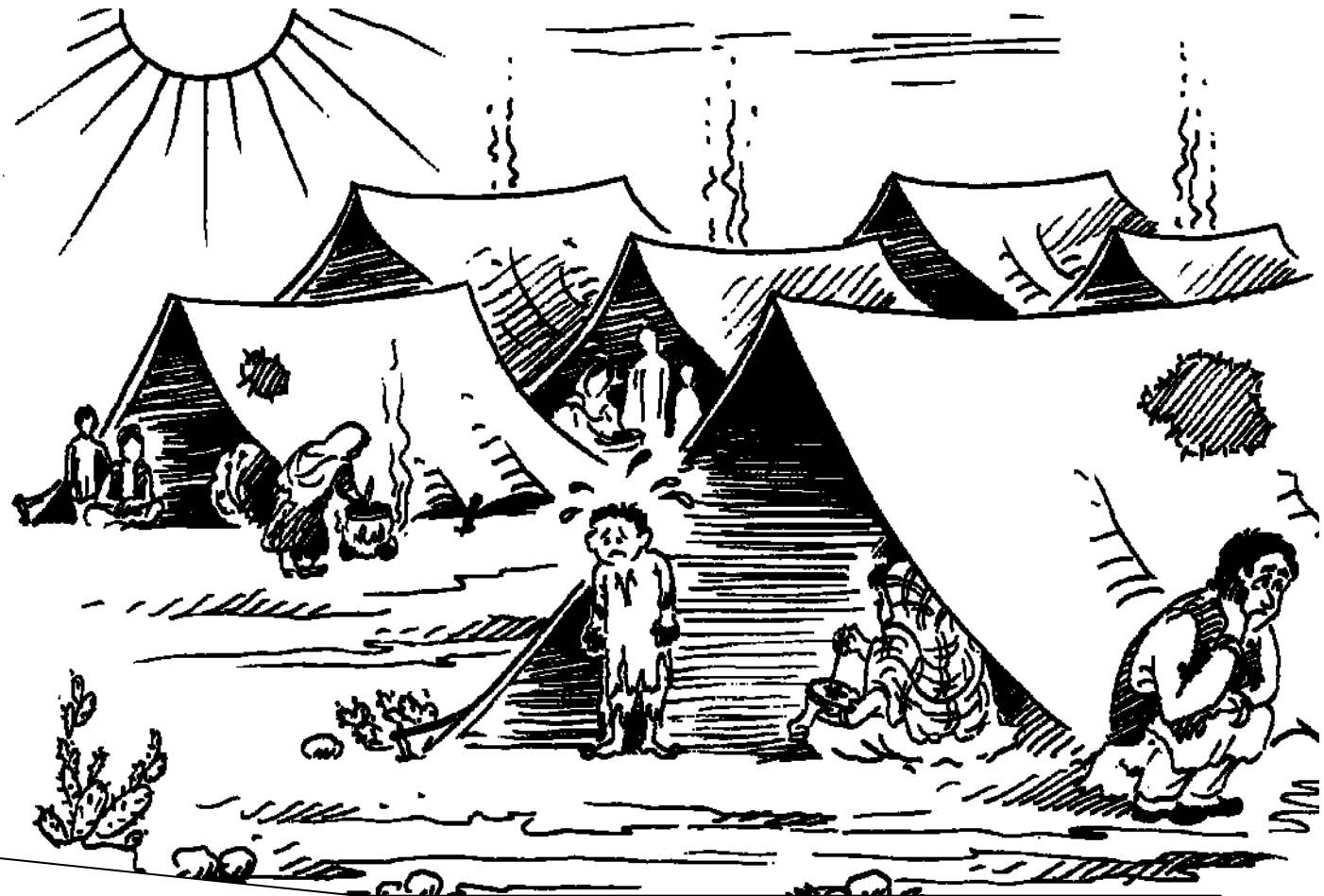
Here you see the next mediation meeting that deals with Hamids and Lailas return to Karabagh. The Karabaghi women agreed on a major issue: Koko Gul, Laila and their families. They listen carefully to Lailas point of views. Koko Gul has to try to understand the interests and feelings of Laila. In her speech Laila only speaks about her selves; she does not value the behavior of Koko Gul.

Laila tells her story as follows:



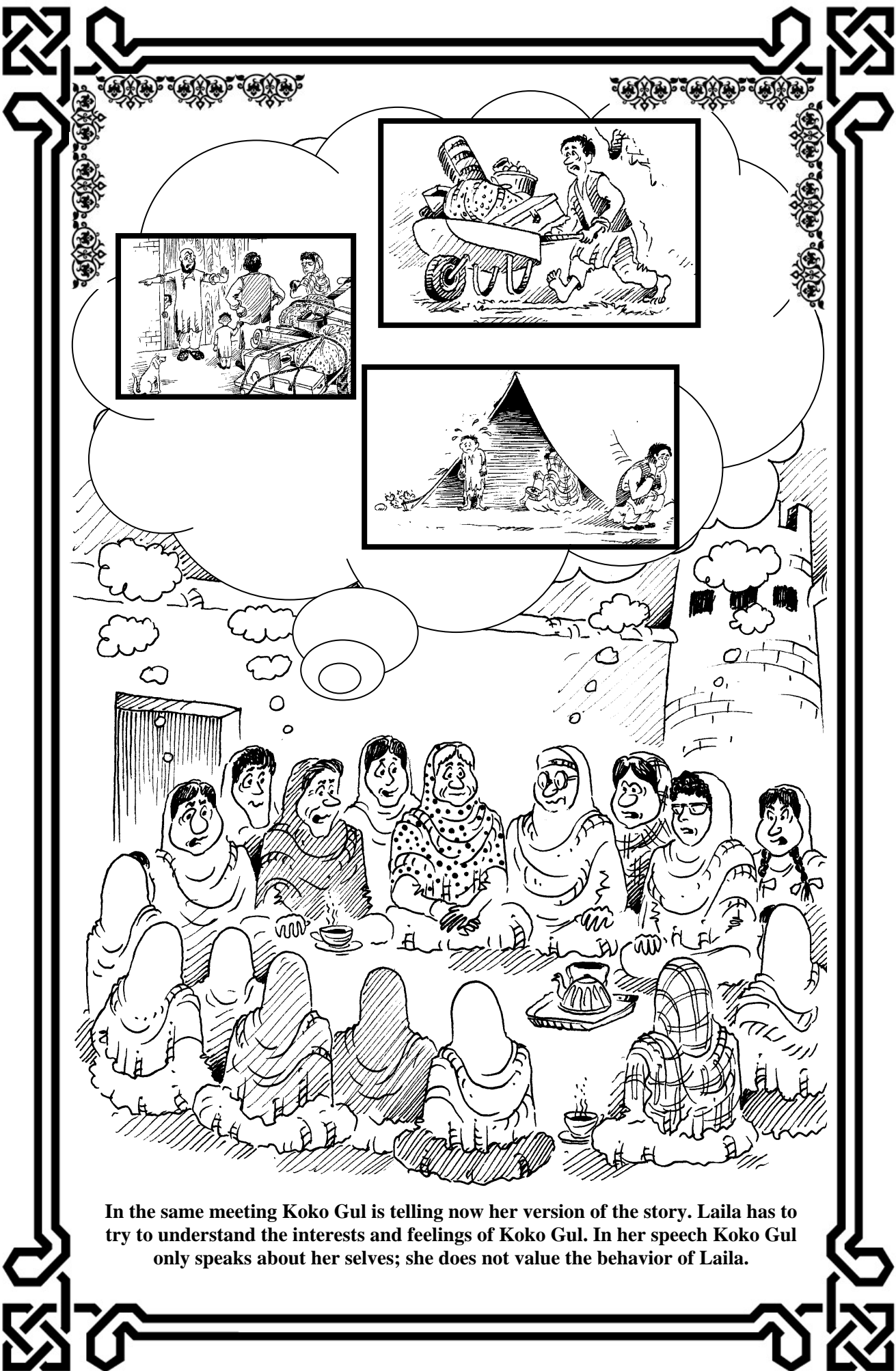
We fled the village in order to protect our family. We weren't the first, who left our village, but then we lost our livestock and the house was badly damaged. And the winter was coming...

Laila continues:



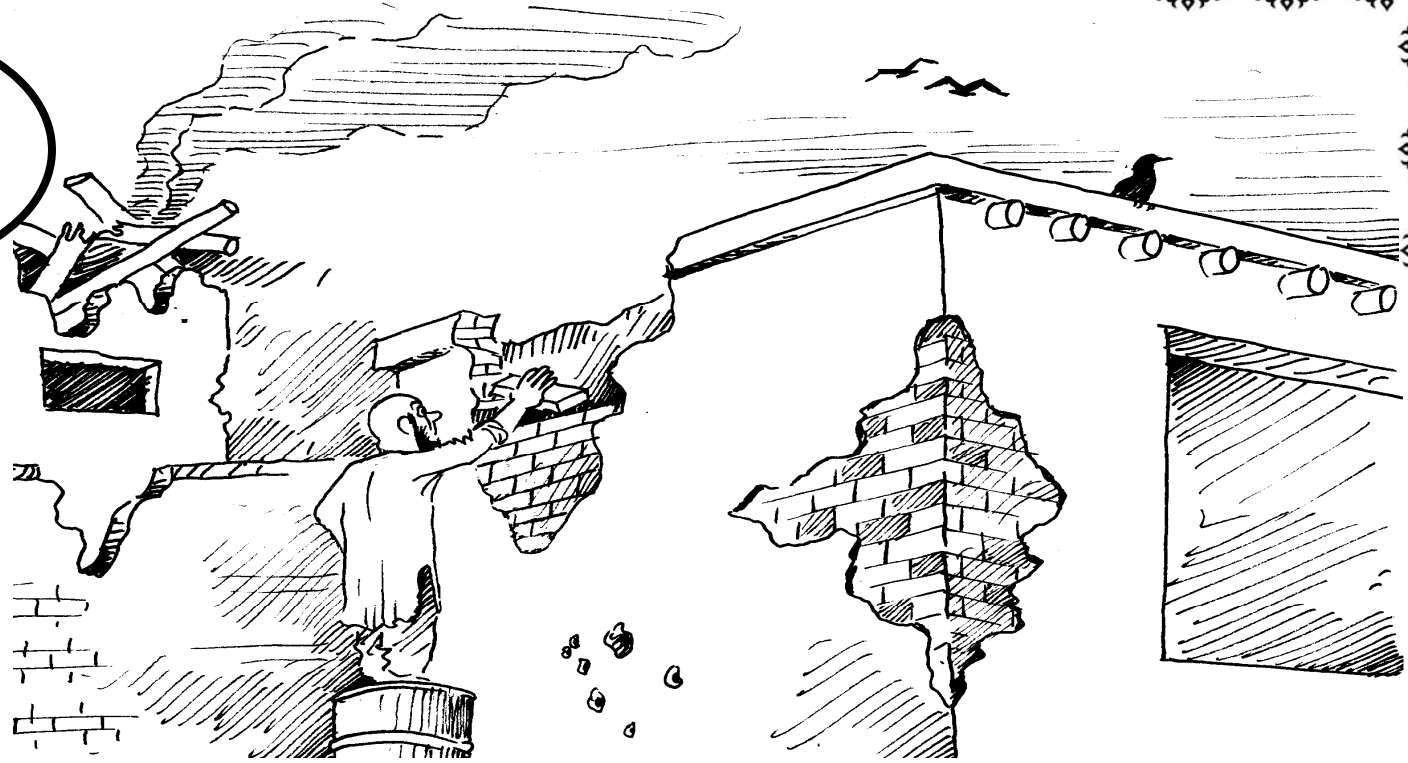
We were living for years in camps, during summer, and winter times... We had food and there was no fighting but it wasn't our home. There was no education and people were very depressed.

It wasn't our home and so we decided to come back.

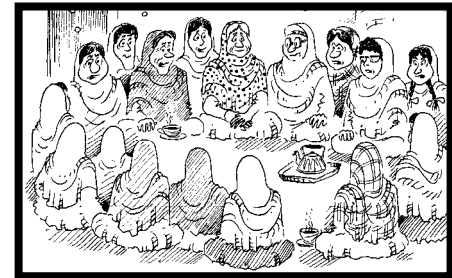


In the same meeting Koko Gul is telling now her version of the story. Laila has to try to understand the interests and feelings of Koko Gul. In her speech Koko Gul only speaks about her selves; she does not value the behavior of Laila.

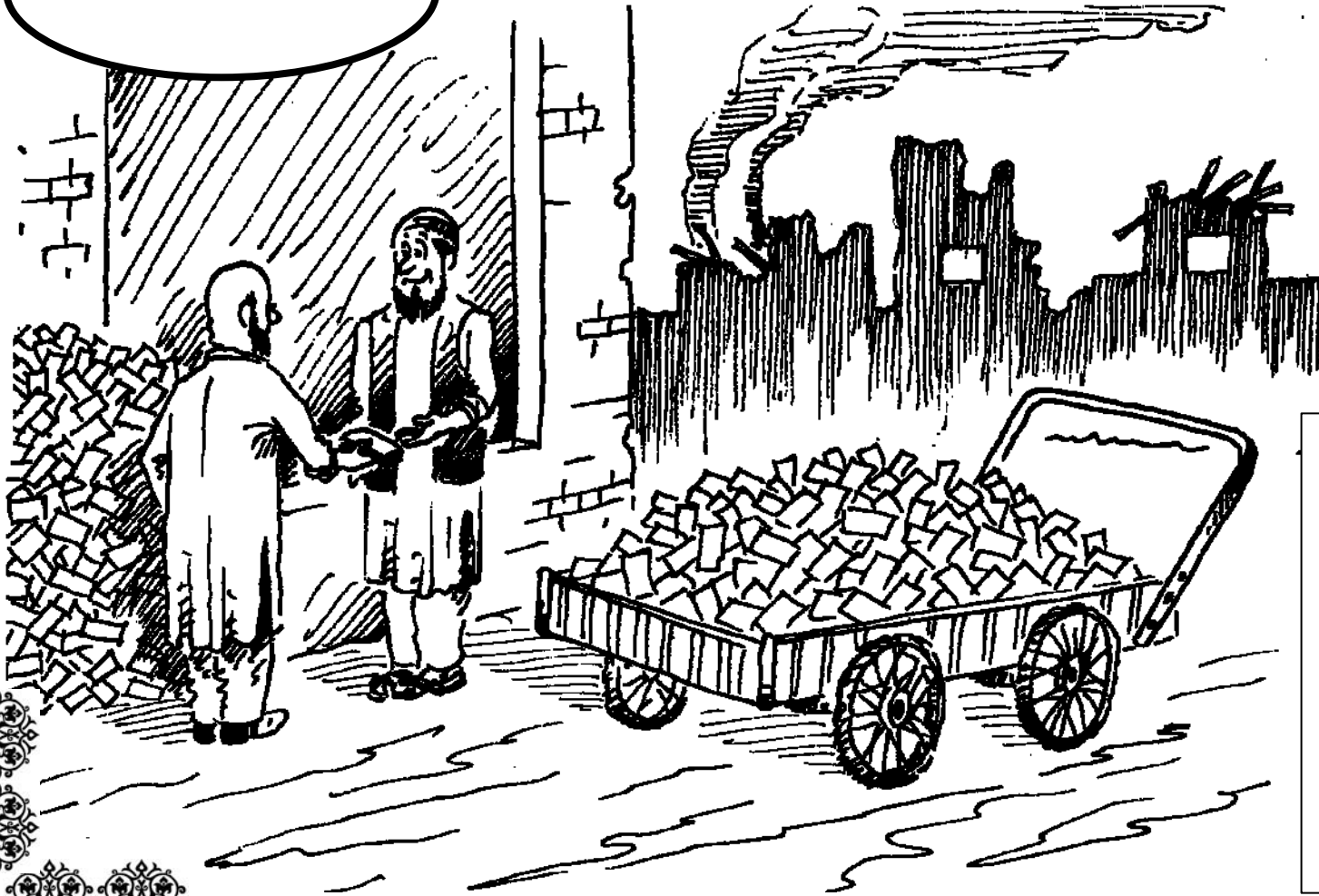
Now it is Koko Guls
turn to tell her story:



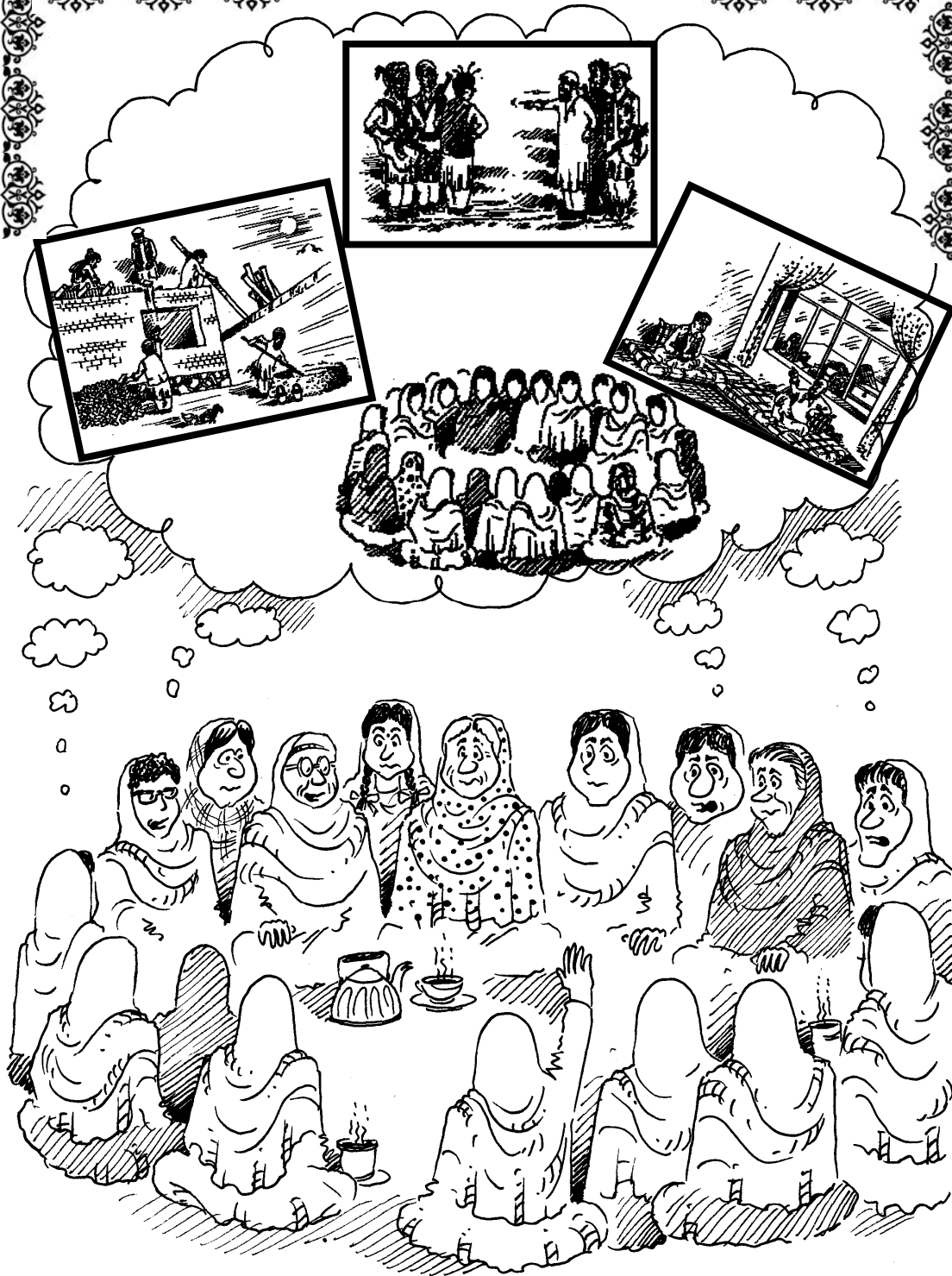
Short after Hamid and Laila fled the village our house was completely destroyed. Only some few families remained in Karabagh. We urgently needed a house to live in and my husband thought Hamid and Laila would never come back. So my husband started to repair that empty house. It was quite difficult, without help and support and proper material. But he managed and we survived somehow. Time was passing by, Hamid and his family did not return and in the last few years my husband spent a lot of money and work for the house.



...and Koko Gul continues:



In the last years my husband spent a lot of money to rebuild the house which was badly damaged. We thought Hamid and Laila would never come back. And it was quite difficult and expensive to get material. Time was passing by, Hamid and Laila did not return. Finally they came back and want now to move in the house we rebuild completely new!

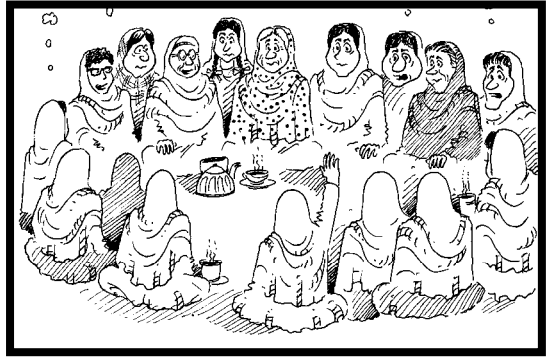


Here is another meeting of the Karabagh women. Now they have listened to everyone. Women of Left and Right Karabagh try to find now together possible solutions for Waduds and Hamids family. Also here Bibi Shereen is facilitating the communication. First the women of Karabagh collect all possible ideas without valuating, assessing or discussing them. There are different ideas:



Here you see some of the ideas the women of Karabagh collect in their meeting in order to resolve the conflict. Koko Gul thinks of what her husband Wadud told her:

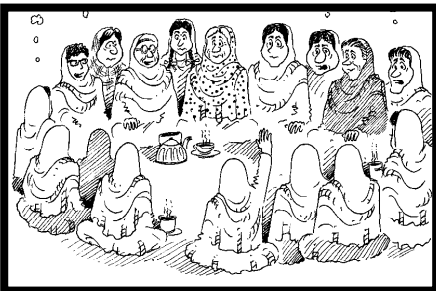
I belong to a powerful family. They will stand behind my husband and me. They will support me come hell or come high water!





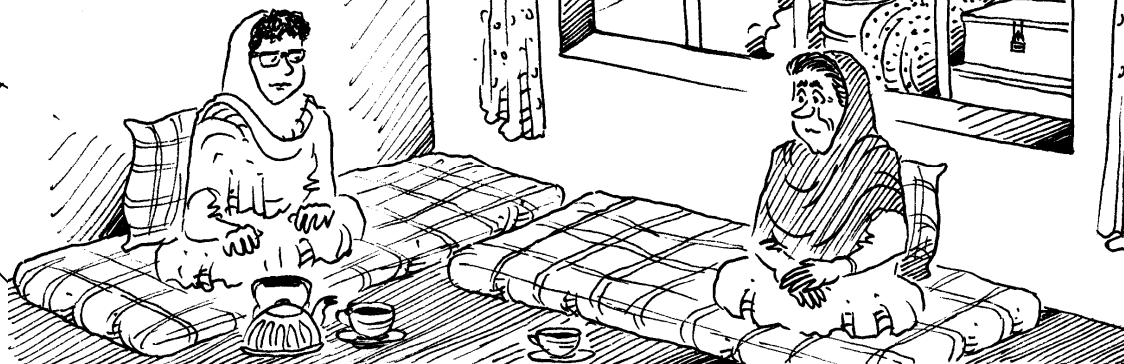
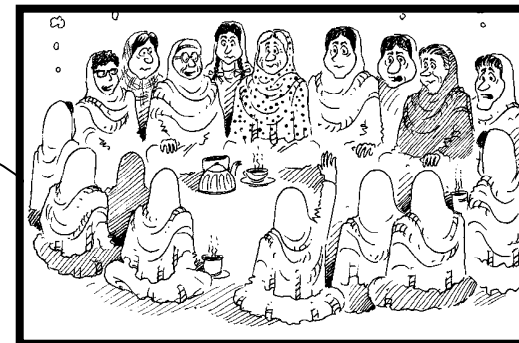
“Can you imagine, Bibi Shereen, Left Karabagh and Right Karabagh live again in discord! Last time when I was in Karabagh to visit our mother, I even observed a very harsh argument carried out in public. Nobody really knows how it started, but it’s been said that...”

Here are some more ideas the women of Karabagh collect in their meeting. Wahida thinks for instance:



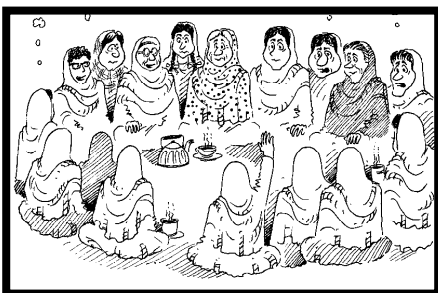
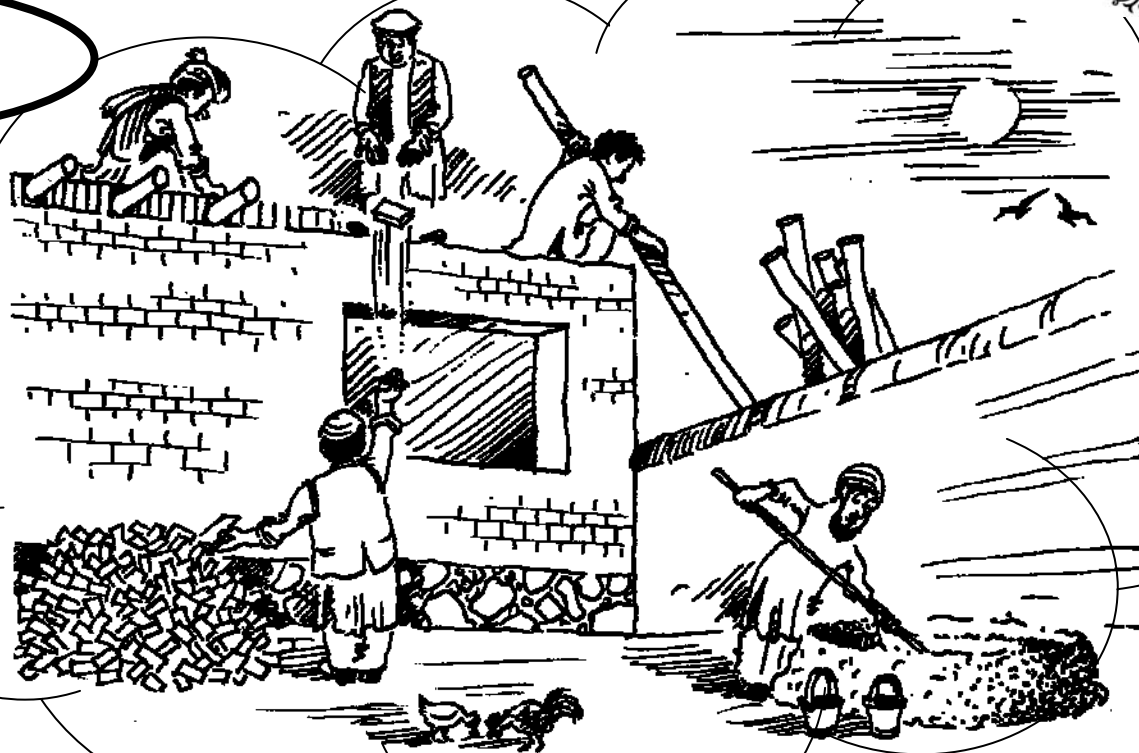
I got to know that Wadud and Koko Gul were thinking about moving to Waduds brother house. Waduds brother house is huge and has a beautiful garden. It may be a solution that Wadud and Koko Gul move out of the house?

Bibi Haji makes the following suggestion:



Wadud and Hamid as well as Koko Gul and Laila have to sit together; they will find a reasonable solution for their selves. It's good to have consultation with each other.

Najiba has the following idea:



My husband told me that there is still this strongly damaged house in the upper part of Karabagh. It's been said that since ages nobody has been living in there. And the owner of the ground died some years ago. The men of Left and Right Karabagh could offer their manpower to rebuild this house.

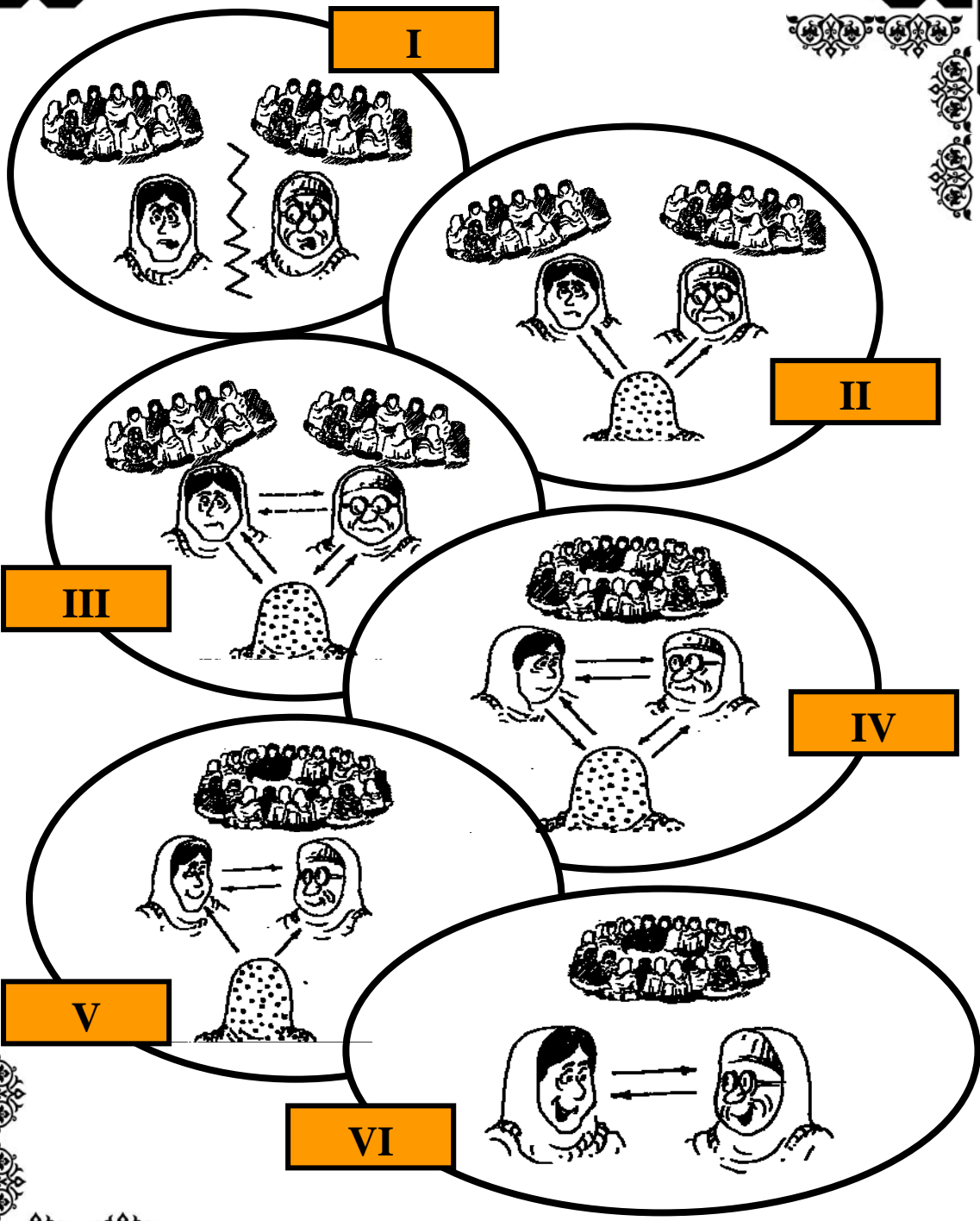


Here you can see another mediation meeting of the Karabagh women. After assessing all ideas and suggestions, the women choose finally the strategy of the new building. This option is meeting the interests and needs of Wadud and Koko Gul as well as of Hamid and Laila. Now the women of Karabagh will speak with their husbands and families. May be they can be convinced as well in order to finish the quarrels in Karabagh? To build together a new house requires a regularly consultation between the villagers of Karabagh, between the Left and Right Karabaghis, between the men as well as between the women and for sure between Wadud and Hamid and between Koko Gul and Laila.



Women of Left and Right Karabagh found a solution.

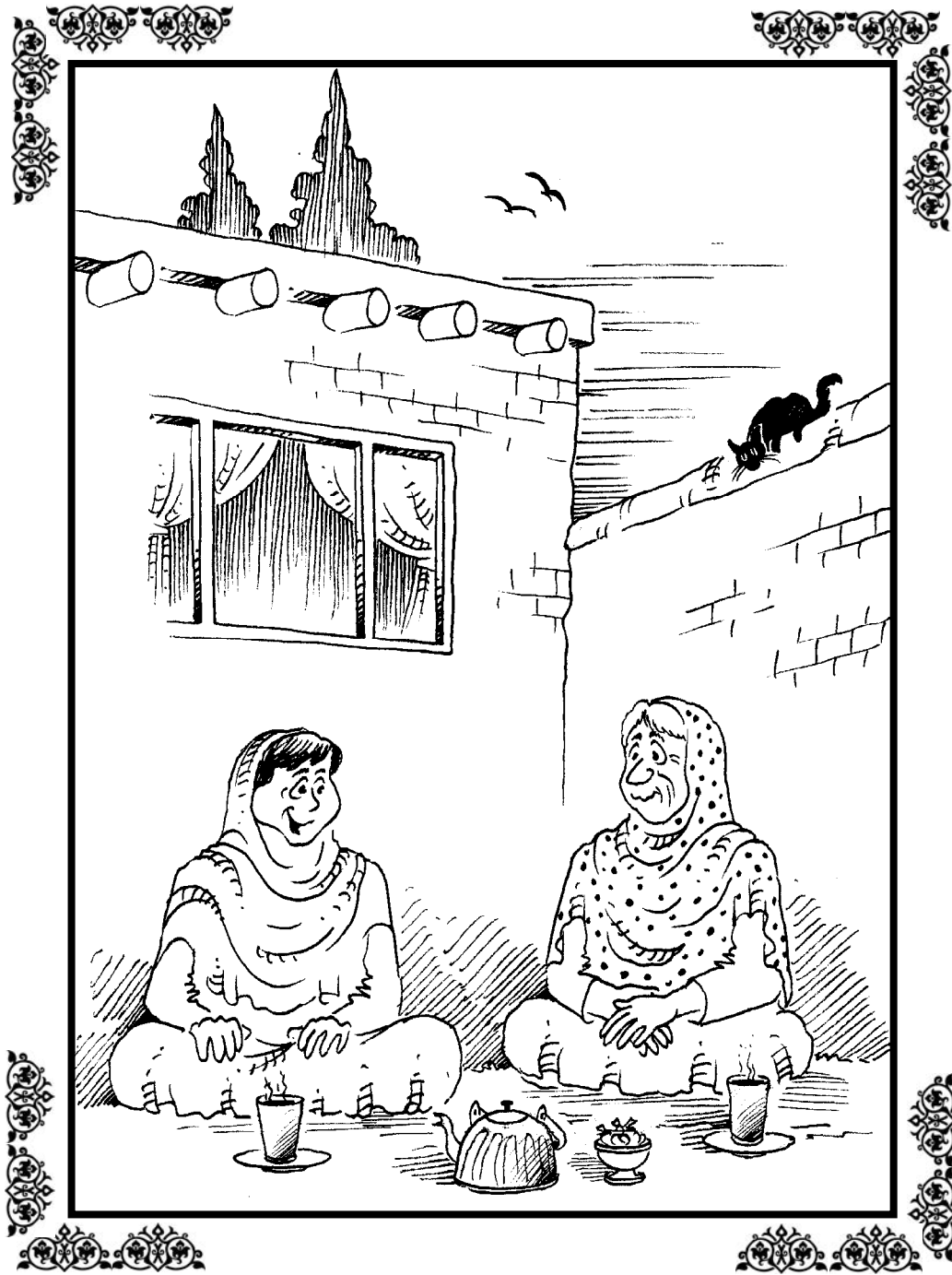
Here you see how the reached agreement is fixed. The women know, that only one problem is now going to be resolved. And the Karabaghis know as well that they have to keep the conditions in terms of who gives whom, what kind of support and when. After fixing the agreement some of the Karabagh women reflect once more the process they went through; knowing that the reached agreement is their very own effort:



- I** No direct communication between women of Left and Right Karabagh
- II** Bibi Shereen, the mediator is listening to both sides and Left and Right Karabaghis are telling her their stories.
- III** First direct and cautious contacts
- IV** Cumulative direct communication, background of the conflict is getting more and more revealed
- V** Jointly search for solution for a common problem
- VI** Communication without the support of the mediator

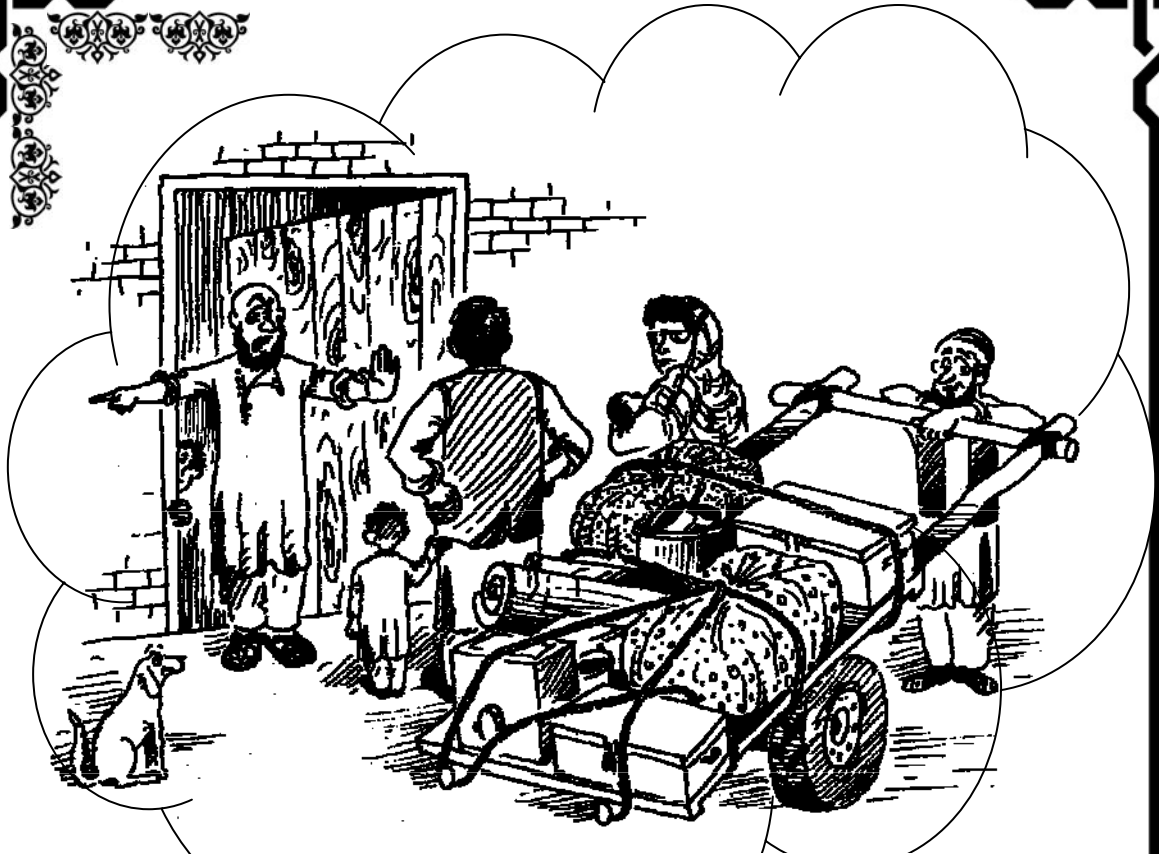


After some months, Bibi Shereen is coming back to Karabagh. She wants to see how the women of Karabagh follow their agreement on building a new house. And do you remember the issues with Shah Koko and Nazobo and Rahila and Zarghona and the stolen donkey?



**Do you want to know how the story will
continue?**

**Than you have to study Cartoon Magazine
Part II!**



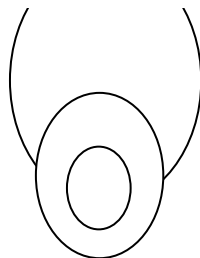
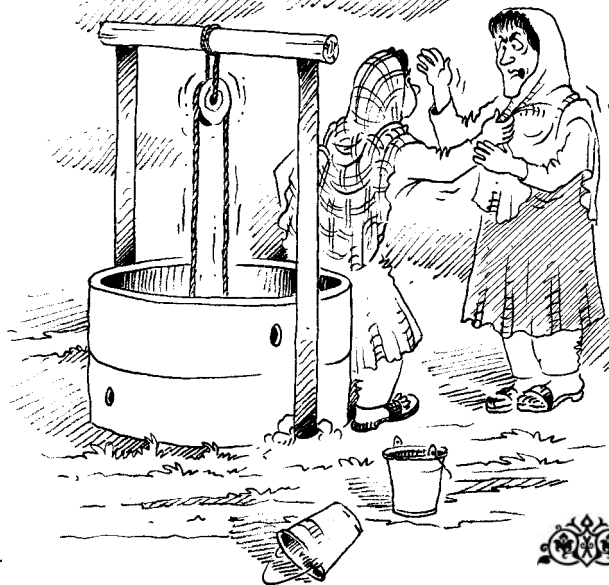
Everything started with the return of Hamid's family. He and his wife Lila had lived abroad for almost 10 years. He came back with the family to his house and found that Wadud and his family from Right Karabagh were living in his house. Wadud and his wife Koko Gul refused to move out – their family has been living here since almost 10 years!

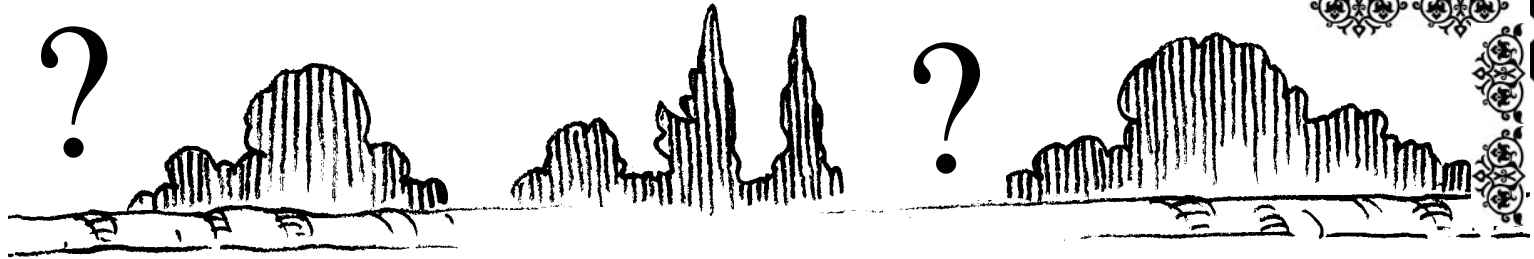
Well, now the Right Karabaghis think that Wadud and Koko Gul are right; and the Left Karabaghis think Hamid and Lila should return to their old house...



...and a bit later, other different things happened between Left Karabaghis and Right Karabaghis... Shah Koko and Nazobo were squabbling; one was accusing the other of being the wife of a thief...

And then there were Rahila from Right Karabagh and Zarghona from Left Karabagh. They had a serious quarrel at the well. Allegedly, the Left Karabaghis never keep the order by fetching water and never help to fix the well... Who knows whether this rumor is right or not...!





...and than there is the strange rumor that one Left Karabaghi has stolen a goat...
Of course that's what the Right Karabaghis say. It's really confusing to know who is right and who is wrong. One thing is for sure, however: the hassle started with the conflict between Waduds family and Hamids family.



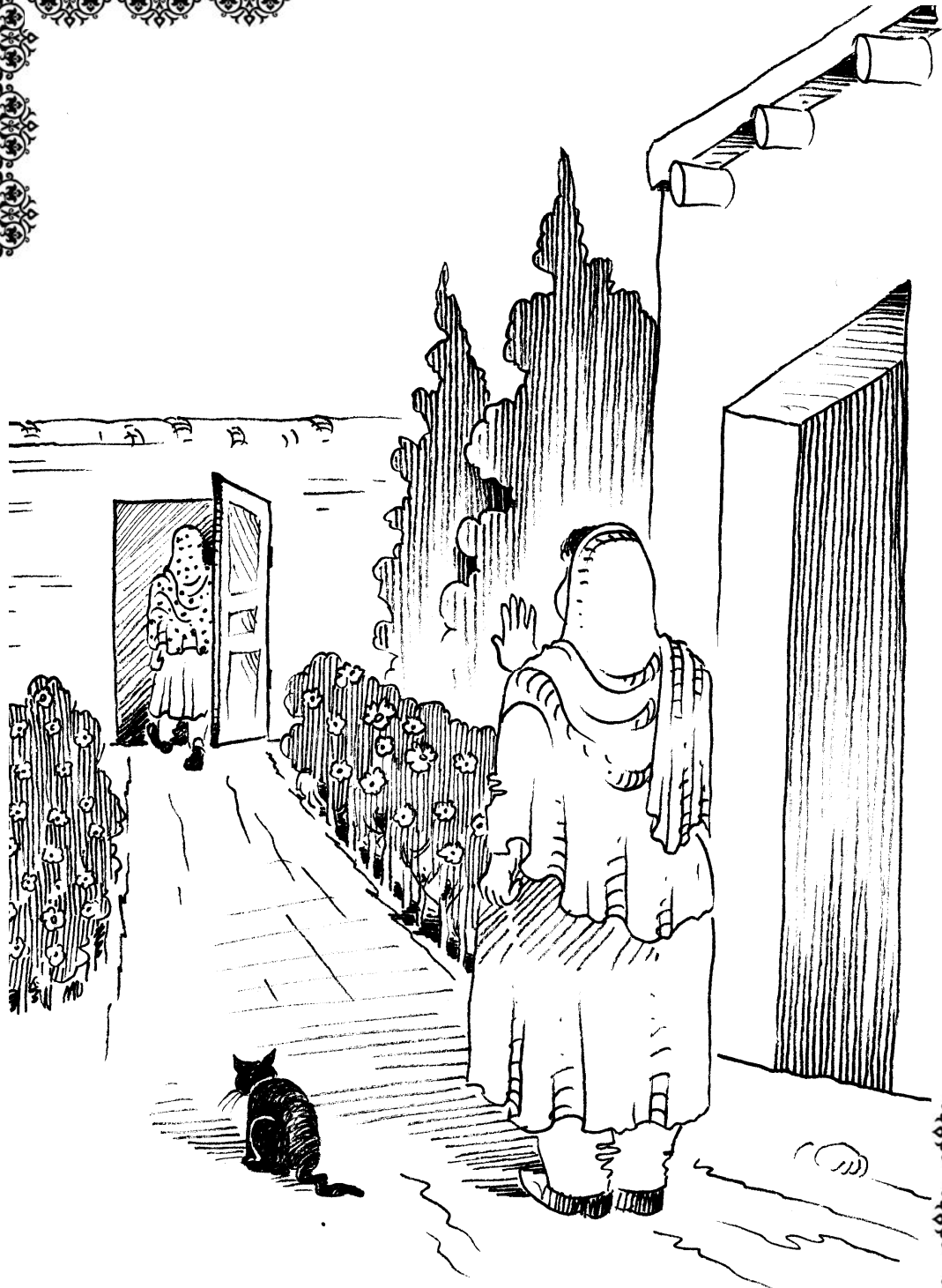


Ghotai finished her story and both sisters remain in pondering silence. After a while Ghotai said: “Couldn’t you go to Karabagh and help to facilitate communication between the women of the two parties? As good Muslims, Left and Right Karabaghis should settle their difference.”

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ
 أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ ﴿١٠﴾

(پاره ۲۶ سورة الحجرات آیه ۱۰)

The believers are but A single
 brotherhood: so make peace and
 reconciliation between your two
 (contending) brothers; and fear Allah
 that ye May receive Mercy



Bibi Shereen is leaving the village of her sister Ghotai. She is thinking about the story of Karabagh Ghotai told her. Bibi Shereen thinks: ‘Ghotai is right, as a good Muslima I should go to Karabagh and try to facilitate a communication between the women of Left and Right Karabagh, if they want me to do this.’

Acknowledgements

The members of the team responsible for producing the first edition of Cartoon Story *Bibi Shereen in Karabagh, Part I* are:

- **Concepts, Ideas and Graphic Design:** Katja Richter, MA
(UN-HABITAT Afghanistan and DED Peace Building Advisor)
- **Marvellous Cartoons:** Habibi Rahman, Habibi
(UN-HABITAT Afghanistan, Cartoonist)
- **Translation Dari :** Bahar Kazimi
(UN-HABITAT Afghanistan and DED Trainer and Translator)
- **Translation Pashto :** Aslam Ferozy
(UN-HABITAT Afghanistan Trainer and Translator)

Special thanks to the following persons (listed below in alphabetical order) for their kind support:
Friedrich Affolter, Ed.D.; Mustafa Azizi; Assad Daudzai; Mohammad Towfiqh Massoud; Dr. Niamatullah Rahimi; Dr. Shala

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