

Lesson 2.10

Advanced Mediation Practice



Rationale

The skills necessary to mediate interpersonal conflicts are very similar to those necessary to mediate conflicts between groups and between/among countries. In this lesson, students participate in a large role-play involving a conflict between nations, allowing them to apply the skills they have learned throughout the toolkit.

Objective

1. To understand the applicability of the same skills in different levels of conflict.
2. To apply the conflict management skills taught throughout the toolkit in a mediation setting.

Standards

- ◆ Individual Development and Identity
- ◆ Power, Authority, and Governance

Time: 90 minutes

Materials

- The Future of the Giraffes—Scenario* Handout
- The Future of the Giraffes—Roles* Handout
- Role Preparation for Disputants* Handout
- Analyzing a Conflict* Worksheet
- The Mediation Process* Handout (optional for review)
- Mediator's Instructions* Handout



90 minutes

Extension Activity 1

Have students research current international mediation processes, e.g. the Arab-Israeli conflict or the conflict in Mindanao, Philippines. Have them complete a conflict analysis worksheet and identify how long the process has been going on, what obstacles the mediators have faced, and where the mediation process is today. Have them share their findings.

Procedures

1. Explain to students that now they will engage in a complex role-play that involves the entire class. Distribute *The Future of the Giraffes—Scenario* and *Roles* Handouts. There are eleven roles, including the mediator, so several people will have the same role (the people in each role will form their own working group). (5 minutes)
2. Have students gather in like role groups and distribute the *Conflict Analysis* Worksheet. Assign a different element of the analysis worksheet to each group (more than one group will have the same element, as there are eleven role groups and only eight elements of conflict analysis). To save time you can distribute the scenario and have students complete the *Conflict Analysis* Worksheet for homework the night before. (15 minutes)
3. Have each group share their responses. (10 minutes)
4. Distribute a *Role Preparation* Worksheet to each role group and have them complete it based on their role. While in their role groups, have each working group select a spokesperson who will participate in the mediation plenary meeting. Give the mediators the *Mediator's Instructions* Handout to help them prepare for the mediation. You may need to give the mediators guidance on how to prepare. (15 minutes)
5. Announce the beginning of the mediation process. You can have each spokesperson come to the table with the lead mediator (or two lead mediators). Have the mediator facilitate a discussion in which each group states who they are and makes a statement of position/interest. At this point the sides of the conflict should become clear. The mediator can then decide which issue to discuss first to lead the group to creative alternatives that meet the parties' interests. (30 minutes)
6. Lead a discussion using some or all of the following questions: (15 minutes)
 - ◆ What were the difficulties you faced in trying to find a solution?
 - ◆ What strategies did different roles use?
 - ◆ What objectives guided the discussions and the outcome? Was it an overall focus on a peaceful resolution or were the discussions guided by individual interests?
 - ◆ Do you think that every member of the group played their role? Were some members quick to find a solution while others created obstacles? Why?
 - ◆ What did this exercise teach you about mediation?

Assessment:

Completed worksheets, role-play, and whole class discussions

Lesson 2.10 HANDOUT: THE FUTURE OF THE GIRAFFES—SCENARIO

During the past twenty-five years, the direction of the Vernis River has changed and created West Gulden, a small inhabited island. Originally, the people living on the island were citizens of Burstan, however since the border (the river) between Amali and Burstan has been changed by the flow of water, the island inhabitants are now technically citizens of Amali.

In Amali, the giraffe has historically been a sacred symbol that embodies power, beauty, and tranquility. The citizens of Burstan, however, do not share the same beliefs. They view the giraffe as a repulsive and dirty nuisance. In the past, the two countries have clashed over their differing beliefs.

Until recently, the giraffes in Amali have been able to live off the water provided by a small stream flowing from the Vernis River. Unfortunately, that stream is drying up and the giraffes are not getting enough water. This situation has caused the giraffes to migrate into West Gulden. As the giraffes travel toward the water, they damage property, crops, and invade the childrens' play and swim areas. Most appalling is the giraffes' eating of West Gulden's holy Blenko Tree. The people living in West Gulden, outraged by the destruction of the Blenko Tree and the lack of interest in resolving the situation by the Amali government, are petitioning to reunite with Burstan.

Currently, the peaceful relationship between Amali and Burstan is in jeopardy. West Gulden and Burstan have petitioned an international court to provide an impartial mediator to facilitate discussions between the conflicting parties. The task at hand is to discuss the situation and find an agreeable solution. Representatives at the meeting include: ambassadors from Amali and Burstan, the mayor of West Gulden, West Gulden Citizens Action Group, health officials from Amali and West Gulden, People for the Ethical Treatment of Giraffes (PET Giraffe), Save Our Blenko, Holy Leaders from West Gulden and Amali, and a mediator.

The mediator has called a meeting for the parties to discuss the issues and find an agreeable solution to the situation.

Lesson 2.10 HANDOUT: THE FUTURE OF THE GIRAFFES—ROLES (cut along dotted line)

Amali Ambassadors—You are present to work out an agreement that is pleasing to your own government and to the people of West Gulden. Keep in mind that you strongly support the rights of the giraffe and are most interested in finding a way to provide water for the giraffes. Part of your negotiation with the people of West Gulden will be providing what **you** feel is fair compensation to them for the damages caused by the giraffes. Also, you view this problem as an internal dispute that should be handled within Amali borders. The opinions and suggestions of the other countries are seen as interfering.

Burstan Ambassadors—You are present to help work out an agreement between the people of West Gulden and the Amali government. The people of West Gulden asked for your support and assistance. You strongly support the people of West Gulden, even if they decide to take further steps to reunite with your country. You also feel that the citizens are entitled to full compensation for all damages.

Mayor of West Gulden—You are present to represent the citizens of West Gulden and seek to work out an agreement with the officials in Amali. The current situation with giraffes is unacceptable and you would like immediate removal of the giraffes. In addition, it is crucial that the Amali government pays for the damages caused by the giraffes. The damages include destruction of property, crops, childrens' play areas, and most importantly, the Blenko Tree. You do not feel that Amali officials have given adequate attention to the current situation. Due to this lack of concern, you see that the only remedy to the situation is to seek help from Burstan and possibly even seek reunification.

West Gulden Citizens Action Group—You are fed up with the lack of attention and concern given to your current living conditions. You do not feel that the situation should be tolerated any longer. At the very least, you want the giraffes out of West Gulden and compensation for all damages including destruction of property, crops, childrens' play areas, and, most important, the Blenko Tree. You want the West Gulden citizens' property returned to the clean and healthy environment it was in before the invasion of the giraffes. Currently, you are petitioning the citizens of West Gulden and Burstan to reunify with Burstan.

Health Officials from Amali—You feel that the current conditions in West Gulden can be controlled and are being blown out of proportion. Even though you agree that the giraffes have damaged property and crops, you do not see the situation as being as desperate as the people living in West Gulden and Burstan do. You believe that the conditions, which are perceived as unclean and unhealthy, are temporary and can easily be cleaned up.

Health Officials from West Gulden and Burstan—You are very concerned about the unhealthy conditions created by the migrating giraffes. You do not feel that the people living in West Gulden should tolerate the unclean living environment. The appalling destruction caused by the giraffes has gone beyond damaged trees, yards, and gardens. The giraffes are leaving waste and invading childrens' play and swimming areas, making them unsafe and unusable. You would like full compensation for the damages, plus money to clean up the infected areas.

Save Our Blenko—You are present to protect the Blenko Tree from the harmful giraffes. You want the damage to the Blenko Tree to stop immediately and are outraged that the destruction is continuing. Furthermore, you want money to restore and replace the damaged trees. Your concern for the Blenko Tree includes the land surrounding the trees and the future. For instance, the entire Blenko Tree—from the air around the trees to the soil protecting the root systems—must be protected. It is crucial that you have assurances from the Amali Government that the current situation with the giraffes will not happen again.

People for the Ethical Treatment of Giraffes (PET Giraffe)—You are present to protect the rights of the giraffe. You want to ensure that the giraffes have adequate access to water and a place to roam freely. You are concerned that the enraged people in West Gulden may harm the giraffes. While you want to be sympathetic to the people of West Gulden, you are more affected by the plight of the giraffe. After all, the giraffe is sacred in Amali, and West Gulden is now included in the Amali borders. Whatever agreement is decided, it is your position to protect and provide for the giraffe at all costs.

Amali Holy Leaders—Your main concern is for the rights of the sacred giraffe. The highest respect must be shown toward the giraffe and it must be protected for the holy symbol that it is. The giraffe should never suffer from a shortage of water or food, and should never be threatened. It is crucial that you have assurances from West Gulden and Burstan that the giraffe will be provided for and protected in the future. You are sympathetic to the situation in West Gulden and want to find a solution, however you feel that the rights of the giraffe should be held above all others.

West Gulden and Burstan Holy Leaders—Your main concern is for the overall protection and preservation of the holy Blenko Tree. You want the damage to the Blenko Tree to stop immediately. The Blenko Tree’s environment should also be protected. For instance, the air should be clean and the soil should be free of any contaminants that might harm the ancient root system of the holy tree. You very much want to find a solution to the current situation but not at the expense of the Blenko Trees. It is crucial that you have assurances from the Amali Government that the current conditions will not happen again.

Mediator—You have been invited to help the parties in the conflict find a peaceful solution agreeable to all involved. Your task is to identify participants’ interests which will help you determine the issues/topics that need to be addressed. Once you have identified the issues, you want to help parties see the areas of common ground and work together to come up with creative solutions that makes everyone happy. Be sure to use active listening and make sure the parties speak respectfully to one another.

Lesson 2.10 WORKSHEET: ROLE PREPARATION FOR DISPUTANTS—THE FUTURE OF THE GIRAFFES

Directions: To prepare for the mediation, answer the questions below.

What is your objective in the process?

What are the key issues for you?

What is your position? What are your interests?

What are you willing to compromise on? What are you definitely not willing to compromise on?

What strategy or conflict style will you use as you approach the negotiation? How might the other side react if you approach the mediation in this way, and how will you respond?

Lesson 2.10 WORKSHEET: ANALYZING A CONFLICT

1. Describe the conflict in one sentence.
2. What type of conflict is it? (internal, interpersonal. . .)
3. **ISSUES:** What are the sources of conflict? (e.g., resources, values, needs)
4. **PARTIES:** How many parties (different individuals or groups) are involved in the conflict? List them.
5. **RELATIONSHIP:** Describe the relationship among the different parties.
6. **HISTORY:** What is the history of the conflict? How long has the conflict been going on? Is it recurring? How serious is the conflict?
7. **STYLES:** How are the parties currently dealing with the conflict?
8. **MANAGEMENT:** What can the parties do to move toward ending the conflict?

Lesson 2.10 HANDOUT: THE MEDIATION PROCESS

Below is the basic five-step process for a formal mediation process, though elements of these steps could be used to informally mediate disputes.

Orientation

The mediator explains the mediation process and establishes trust and mutual understanding with the parties.

- ◆ Explain the 5 steps of the mediation process to the parties.
- ◆ Establish ground rules (for example, no yelling, cursing, or physical contact, one person talks at a time).
- ◆ Begin the dialogue session.

“I’m going to take a moment to explain the mediation process and my role in it to make sure everyone understands the process.”

1. *I am impartial in this process. My job is to listen, ask questions, and clarify what is important. In this case, I won’t give advice, decide who’s right or wrong, or take sides. As a mediator in this process, I maintain confidentiality, except in cases of abuse or threats of violence. This mediation is voluntary. We are all here of our free will and can end the process at any time.*
2. *I will explain the process (what I’m doing now).*
3. *You will both tell me about the conflict and I will ask questions for clarification.*
4. *We will define success by developing some criteria against which we can evaluate possible solutions.*
5. *You will all look for creative solutions.*
6. *You will evaluate the various solutions to see which meet the criteria we have defined.*
7. *When you find areas of agreement, we can write them down and everyone can sign it if you like and get a copy.*

1. Exploring interests (storytelling):

The mediator invites each party to take turns talking about the conflict in their own words (telling their story), asks questions for clarification, and paraphrases the feelings and issues the parties express to ensure understanding. The purpose here is to identify interests so parties feel heard.

“At this point, I will ask you both to speak about issues that brought you to mediation. Then I will check to make sure I understand what everyone has said. I will then ask questions to get a better understanding of what you want to discuss in mediation. Who would like to begin?”

2. Defining Success (moving from negative statements to positive statements of interests)

The mediator should recognize the positions, acknowledge the emotions/grievances, and then reframe the interest. He/she reframes the parties’ statements, going from accusations or concerns to statements of interests. These interests can be used as criteria to evaluate different options. In this process, the role of the mediator is to find criteria that will lead to a compromise.

Example 1

Party: Would you want to play next to this garbage dump?

Mediator: It sounds like you are worried about your safety.

Criteria: Any solution to this problem must provide for safety.

Example 2

Party 1 to Party 2: This is a waste of my time. You decided what you were going to do before you even got here.

Mediator: It sounds like you want to make sure that when we ask for your input and you give it, you can actually influence the outcome.

Criteria: The process to negotiate a solution must include all voices. The agreement must reflect input from all parties.

3. Developing Options (brainstorming)

Once issues have been identified and criteria for success have been established (in Example 1, any solution to this problem must provide for your safety), the mediator can help the parties brainstorm as many options as possible, encouraging creativity.

“Now we are moving into the problem solving phase. While earlier you may have been focusing on the past, during the rest of the mediation we will focus on finding solutions for the future. Starting with the _____ issue, what are some things you could do to resolve this conflict? Be creative, and think about things that you personally can do. I will write them all down. Please don’t critique or eliminate others’ ideas as you hear them. You will have a chance to evaluate them to search for agreement later.”

- ◆ Brainstorm and list possible solutions. Write them as an action possibility, using verbs and names. For example: Personal conflict: Samuel will start a part time job. Intrastate conflict: The North and South will share power in the government.
- ◆ Encourage parties to reflect on solutions that will improve and define their future relationship. *“You’ve both mentioned needing _____. What can you do together to achieve that?”* Once all the possible solutions are written down, one topic at a time, ask parties to identify which of the solutions they can both agree to and circle it on the list.

4. Evaluating and Selecting Options

The mediator then seeks areas of common interest and helps parties negotiate which solutions they would be willing to accept. For example, for the topic of curfew: *Josh will return home by 10 pm on weekdays. Mom will lend Josh the car on weekends to drive home in the evenings.*

5. Agreement Testing and Writing

Once parties have identified areas of agreement, in this next phase, before writing a formal agreement for them to sign, the mediator makes sure the agreement areas are specific and realistic, and satisfy some of the interests of all parties. It is important to remember, however, that most sustainable agreements will require compromise on all sides.

“At this point, we’ll take the items you’ve agreed to and put them in writing for you to sign if you want.”

Lesson 2.10 HANDOUT: MEDIATOR'S INSTRUCTIONS

Mediator:

Conflict: You will be mediating a conflict between several parties over a conflict that involves a number of issues including resources and values. Your role is to help them find a mutually agreeable solution.

Directions: Start off the mediation with the following introduction. Then, listen to each party's perspective using active listening skills to identify their feelings, values, and topics to be resolved in the mediation, and make sure each party feels heard and understood.

"I'm going to take a moment to explain the mediation process and my role in it to make sure everyone understands the process."

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"At this point, I will ask you both to speak about issues that brought you to mediation. Then I will check to make sure I understand what everyone has said. I will then ask questions to get a better understanding of what you want to discuss in mediation. Who would like to begin?"

Allow each party to share their perspective without interruption. Then, using the reflective listening chart, seek understanding of their views by paraphrasing what they each said, and asking questions to clarify their feelings and determine the interests which will help you identify the issues to be resolved.