

Shimgelina



Merging Ethiopian Wise Counsel Mediation and Facilitative Mediation
A Training Manual





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First Edition

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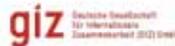
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Implemented by:



Shimgelina* *under the shade*

Merging Ethiopian Wise-Counsel Mediation and Facilitative Mediation
A Training Manual
With a foreword by Stella Mystica Sabiti

* The direct translation of the Amharic word *shimgelina* is “under the shade”, which means “wise-counsel mediation”. Although “under the shade” is not correct English, it is a figure of speech that is broadly used in Ethiopia and has become an established term in the Ethio-English language.

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Part I INTRODUCTION

1.1 Foreword

This excellent piece of work by GIZ and partners is a welcome contribution to both national and local-level efforts to not only seek to resolve, but also to transform and transcend conflicts at these levels.

To be able to effectively deal with conflict, one needs to acknowledge its existence. That is the starting point. Conflicts on the African continent are often not dealt with in time because the belligerents refuse to acknowledge their existence. Denial of the existence of a conflict leads it to rapidly grow and mutate into a violent conflict, which is extremely hard to deal with successfully.

This manual shows how conflict is part and parcel of life—how it is a normal, indeed healthy, phenomenon indicative of a vibrant society, community, family, or any other relationship that is striving to find a balance where all parties find satisfactory solutions to their problems.

In traditional African cultures, rarely was a conflict seen as individually owned. Rather, any crime or violence committed by a member of a family, village or community signified failure on the part of that particular societal entity to prevent its individual component from committing the crime or violent act. In this sense, a wrong committed by one individual member of an entity was collectively owned, thus the urgency and necessity to co-own the solution.

The African way of life as it was experienced by our forefathers and foremothers is but a distant memory for many in today's modern Africa, both in the cities and in the countryside. The result is an imperative for us to seek new and creative ways of responding to various challenges. Conflict is no exception. As traditional ways of dealing with conflict have rapidly met with the challenges of modernisation, communities are left with no option but to adapt and change.

That is why this manual is a gem at this particular time. It shows how to successfully create a smooth blend of the old, tried-and-tested mechanisms with the new and yet-to-be-proven ways of finding solutions to problems, including their prevention and the eventual stabilisation of relations following reconciliation. GIZ CPS partner inmedio Berlin should be congratulated for their successful contributions in this regard. The user of the manual will discover similarities in both techniques, but there are glaring differences as well. The modern style asks for mediators to be outsiders and for parties to have the opportunity to select a mediator. The old, on the other hand, insists that mediators are part of the society, know the parties and their families intimately, are already part of an age-old mediation system and—since they are part of the fabric of that community—that decisions following the mediation process have an impact on them as well.

The user will also discover that several of the alternative dispute resolution components and reasoning are characteristic of the old African mediation process. In some cases, what is alternative to the modern mediation process is common practice in the old African mediation process! This is a journey of discovery and enrichment for the Ethiopian audience, for the African, and any interested party.

~Stella Mystica Sabiiti

Stella Mystica Sabiiti is a renowned international peace-building practitioner and activist from Uganda. She has an outstanding record of conducting successful high-level mediation and participating in important peace-building interventions, including those for the African Union.

I.2 General Background

The Civil Peace Service (CPS) programme of GIZ has been actively working in Ethiopia since the beginning of 2008. The programme aims to capacitate federal, regional and local actors to transform existing and arising conflicts in Ethiopia in a timely, systematic and sustainable manner. The programme is embedded in the national, regional and local level through partnership with different Ethiopian state and non-state actors engaged in peace building. These partner organisations have different mandates regarding their engagement in peace-building and conflict-transformation activities, however mediation competencies are beneficial for each to fulfil their mandates. Moreover, Ethiopian indigenous mediation approaches are still in high demand and are practiced by the greater Ethiopian public (mainly through its customary institutions) and complement or have the potential to complement formal judicial and other conflict-resolution approaches.

Upon the requests of these partners and other community representatives, GIZ CPS conducted an intensive Mediation Qualification Programme in cooperation with the House of Federation (HoF) as political partner; and with Ljubjana Wüstehube and Dirk Splinter from inmedio Berlin, who conceptualised and facilitated the programme.¹

A common objective for GIZ CPS, its partners and the participants of the Mediation Qualification Programme was not only to strengthen existing and build new capacity in facilitative mediation, but to also foster mediation institutionalisation and mainstreaming as an essential component within an Ethiopian conflict-resolution mechanism, thereby bringing together the existing indigenous mediation approaches and the facilitative mediation method into a complementary approach.

In the course of the Mediation Qualification Programme, the participants replaced the terms “traditional” and “Western modern approach” because of the judgmental and sometimes even negative connotation of the terms. Instead the participants drew to the terms “wise-counsel mediation” and “facilitative mediation.” “Wise-council mediation” is a scientific term introduced by Nadja Alexander in her “Mediation Meta-Model”² and is used in this manual to describe the Ethiopian traditional (indigenous) mediation approaches and mechanisms,³ while the term “facilitative mediation” is used to describe the mediation approach that is predominantly used in the Western world.

¹ For an overview of experiences during the Mediation Qualification Programme, see Roos, C.; Splinter, D. & Wüstehube, L. (2011).

² Alexander, N. (2011).

³ Nevertheless, the term “wise counsel” does not fully represent Ethiopian mediation mechanisms, since in the latter it is expected that the mediator will pass the final solution, while in wise-counsel mediation the final solution remains with the parties. However, it is a scientifically-established term that best reflects the characteristics of the Ethiopian model.

1.3 About this Training Manual

This manual is developed by a group of Ethiopian mediators, all of whom received their mediation qualification (in total 177 hours)⁴ through the Mediation Qualification Programme. It is developed as a practitioner's tool with the objective to facilitate an enhanced practical understanding about facilitative and Ethiopian wise-counsel mediation, and to help develop practical mediation skills in order to contribute to the institutionalisation and mainstreaming process of mediation in Ethiopia. As such, it provides theoretical input on facilitative and wise-counsel mediation and their merger, as well as practical instructions for exercises and activities related to mediation.

The manual addresses mediation practitioners at different levels, which means state and non-state actors, elders at the local community level, scholars, and institutions working on peace building and conflict resolution. While it focuses on the Ethiopian context, it can be used for other countries/cultures as an example of how to integrate "imported" conflict resolution methods into local wisdom.

"...the idea was born to envisage a project that brings the different mediation approaches together. I myself had undergone a very inspiring and intensive mediation qualification in Europe and was therefore keen to research the possibility of merging the mediation style practiced in rural communities in Ethiopia with the facilitative mediation style that is popular in Europe. It was an experiment worth testing and applying."

-Claudia Roos, GIZ Ethiopia Manager for Instruments and Cross Cutting Issues, formerly CPS coordinator.



⁴ According to the German "Act for the Promotion of Mediation and other Procedures of Extrajudicial Conflict Settlement" (Gesetz zur Förderung der Mediation und anderer Verfahren der außergerichtlichen Konfliktbeilegung), which entered into force on July 26, 2012, the requirement for mediation certification is successful completion of a minimum of 120 hours of training. <http://kluwermediationblog.com/2012/01/09/new-german-mediation-law-passed-in-the-bundestag/>. According to the German Association of Mediators (Bundesmediationsverband) 200 hours are needed for a certificate (www.bmev.de).

1.4 How to use this Training Manual

This training manual is prepared for anyone who wants to facilitate a participatory training process in conflict mediation. The use of the manual, however, is not limited to mediation trainers only. The manual can be used as a basic reference and working guide to any institution or association of people who want to institutionalise mediation capacities.

As a training guide, the manual is best applied in the Ethiopian context with or without translation into local languages as situations may warrant. Since the entire organisation of its contents is by design practice-oriented, participants are expected to learn by doing and lead the process of learning. Whatever language and other backgrounds the participants may have, the training approach guided by this manual facilitates learning by relating concepts to practical life situations, cases and personal experiences.

Participatory learning exercises and games are a key component of the manual. Most people like games, but there are individual differences in appreciating and participating in learning processes that involve games. Hence the trainer has to make careful assessments of how to introduce and facilitate participatory learning games and exercises depending on cultural appropriateness (including gender, age, social status and social codes of proper conduct); the level of the participants' exposure, understanding and choice and other context-specific factors. In general, all games and exercises in this manual are tested to have worked and to have been appreciated in the Ethiopian context.

Trainers can prepare additional handouts from the manual by extracting content that does not relate to the trainers' instructions, guides and tips. The trainer may use additional resources such as videos on mock-mediation sessions and materials for case analysis. However, in using such materials, trainers should consider session relevance, participants' level of understanding and the time factor.

Overall the material is designed to be user friendly. Academic discussions and in-depth analyses of concepts are deliberately

avoided in this manual since the objective is to equip users with mediation skills in a simple, practical and objective manner. To be effective, it is important that the manual is trained by a skilled and experienced mediator.

The manual is designed to train skills in mediation and it will take approximately two weeks to complete all exercises. However, it is produced as a "model kit" out of which the trainer might select the sequences and exercises that best suit the trainer's environment and target group. The rationale behind this is that each training should be tailored to the interests and needs of the target group. Therefore, the sequence of the training sessions and exercises follows the logic of how we suggest conducting the training but it should be modified according to the target group and context.

The manual is composed of seven parts. Part I includes a foreword and a general background. A brief Part II then focuses on the history and background of the merger of facilitative mediation with wise-counsel mediation and presents their methodical commonalities, differences and synergies. Part III is the core of the manual. Here, crucial elements for mediation sessions, such as understanding conflict; the principle of win-win; change of perspective; the importance of grounding questions; and positions, interests and needs (PIN) are introduced. The mediation process and its ethical norms are also highlighted here.

As this book is also prepared as a trainer's manual, Part IV explores general training skills useful in delivering mediation training. References (Part V) and authors' biographies (Part VI) and appendices (Part VII) follow.

The manual's users are encouraged to contact the authors, GIZ CPS, and inmedio Berlin for any backstopping support. It is our hope that you will find this material to be a valuable and user-friendly resource and enjoy working with it. We wish you a productive use of the manual!

Part II MERGING ETHIOPIAN WISE-COUNSEL MEDIATION + FACILITATIVE MEDIATION

Objective

At the end of the session, participants will have a deeper understanding of the merger of wise-counsel and facilitative mediation approaches, which provides the framework for this training manual.

Time

90 minutes.

Background

None.

Materials

Flipcharts, markers, cards of different colours and sizes, pin-board, pins, adhesive tape.

Procedure

Step 1: Present topic *II.1: An Overview of Mediation in the Ethiopian Context: What is Mediation?*

Step 2: Ask participants to assess the role of indigenous conflict mechanisms, specifically the wise-counsel mediation approach. What are their strengths? What are their limitations? What are shortcomings of the facilitative mediation approach in the Ethiopian context?

Step 3: Present topic *II.2: Commonalities and Differences between Wise-Counsel Mediation and Facilitative Mediation*, then facilitate questions and discussion.

Step 4: Present topic *II.3: The Marriage of Wise-Counsel and Facilitative Mediation*. Facilitate questions and discussion.

II.1 An Overview of Mediation in the Ethiopian Context: What is Mediation?

Conflicts exist in all human settings—in the family, between communities, nations, within institutions or in labour relations—and they are part of our daily life. Although a universal definition for conflict does not exist, it can be defined as “A relationship between two or more parties who have, or think that they have, incompatible goals”.⁵

Conflict may also be a very useful and productive process because it bears new opportunities for change. Nevertheless, there are times and occasions when conflicting parties are stuck in a deadlock and a constructive solution is not in sight. In such cases, the option of inviting support from outside, called “third party intervention”, can be considered in order to identify a solution which serves the interests of the conflicting parties and other stakeholders.

Dispute-resolution systems, be it formal (judicial) or alternative dispute resolution (ADR) methods, have been significant components of the development and evolution of all cultures and societies. In contrast to the formal judicial approach, where the resolution process is shifted from the private and voluntary to the public domain and where a third party makes a binding decision including sanction mechanisms, the ADR mechanisms—especially mediation—promote more voluntary conflict-resolution processes. The term “mediation” comes from the Latin word *mediare*, meaning “to be in-between”. Hence, the role of the mediator is to serve as a bridge of communication and understanding between conflicting parties.

With the evolution of the nation state, formal dispute-resolution systems such as courts have become dominant. Governments, for a variety of reasons, have made efforts to replace previous, more informal and community or religious-based dispute-resolution mechanisms. On the African and Asian continents, the so-called “indigenous” conflict-resolution mechanisms and systems have upheld, while in Western societies traditional conflict resolution systems are almost forgotten. It is only in recent years that ADR mechanisms have been rediscovered, especially mediation. Today, mediators are involved in a wide range of conflicts involving families, businesses and international communities. Since the aim and

role of mediation and mediators can be culture and context-specific, mediation can be defined in different ways.

Facilitative and Transformative Mediation

Modern or, as some people prefer to refer to it, Western-type mediation is a conflict-resolution mechanism where an impartial person intervenes and facilitates the discussion between the parties. The outcome is based on the parties’ consensus on the solution. The aim is that both parties benefit from the way of solution-making and the solution itself.⁶ This process is called facilitative mediation since the role of the third-party mediator is limited to facilitating the process so that the conflicting parties are the owners of the outcome. It is a conflict-resolution concept that came from peoples’ dissatisfaction about how the formal court system was dealing with their conflicts. In most Western countries, mediation also contains transformative elements, where transformative mediation focuses on enabling understanding and empathy among the conflicting parties and on transforming their relationship rather than on the solution.⁷

Wise-Counsel Mediation

In most African traditions, community elders are key decision makers in all matters of society as well as conflict mediators. They are recognised as solution makers who have the desired attributes of a good listener, a just decision maker and an experienced situation analyst. Wise-counsel mediators are more like traditional judges or arbitrators since they have the power to make binding decisions and impose solutions on behalf of the parties. They can sanction social measures in case one of the parties fails to comply with the ruling or agreement.

Wise-counsel mediators are not professional service providers. They are stakeholders within their community since they are closely tied with the parties in kinship, direct blood relation or as members of an interdependent community. Hence they often follow up agreements and strive to improve relationships in post-mediation sessions.

⁵ Mitchell. C. (1989).

⁶ Compare the classical definition from Chris Moore (2003) “...mediation is generally defined as the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power, who assists the involved parties to voluntarily reach a mutually-acceptable settlement of the issues in dispute”.

⁷ Bush. B. R. A. & Folger. J. P. (1994).

Wise-counsel mediators fundamentally aspire to maintain social order and through that restore intra-community peace. As a result, they have limitations in being fair to new needs and aspirations of younger community members and women. Apart from this, wise-counsel mediation has played vital roles in resolving inter and intra-community peace.⁸

Ethiopia has been using traditional conflict-resolution methods on grassroots as well as higher political levels for centuries. These systems are still relevant today. The diversity of nations and nationalities and consequently the variety of cultures in the country has brought up a wide range of traditional conflict-resolution methods.

A common feature of indigenous conflict-resolution mechanisms is the effort to create consensus and reconciliation within the society. Elements of mediation can be found within these systems. In comparison to the facilitative mediation approach, which focuses on individuals, the traditional conflict resolution methods used in Ethiopia focus on reconciling groups so that peace and prosperity is re-established in the community.

Indigenous conflict-resolution mechanisms in Africa are generally closely bound with the socio-political and economic realities of the communities' lifestyles. "These mechanisms are rooted in the culture and history of the African people, and are in one way or another unique to each community [and] rely on goodwill of the society to adhere to their rulings."⁹

Local dispute settlement involving negotiation leads to win-win situations as it takes into account the interests of every party. The disputants acknowledge that they have something to gain and something to lose in the end. Especially in inter-clan conflict cases, local mediation involving elders is regarded as auxiliary to governmental legal institutions. In Ethiopia, but also in many other African societies, potential and actual conflicts are understood in their social context so that norms, values and beliefs, fears and suspicions, interests and needs, attitudes and actions, relationships and networks are always taken into account.¹⁰

Known traditional conflict resolution methods in Ethiopia are the *kitcha* of the Gurage, the *occudho* system of the Anywaa of Gambella, the *gadaa* among the Oromo, the *medaa*¹¹ in the Afar region, and the *shimgelina* system of the Amhara people.

Indigenous systems and state institutions often work on a complementary and symbiotic basis. The indigenous systems support the state by handling minor cases. They also avail effective mechanisms for the peaceful resolution of serious inter-clan conflicts. However, sometimes the solutions do not comply with human rights standards. The state supports indigenous systems in addressing serious conflicts by creating conditions favourable to local mediation, while at the same time it monitors their observation of human rights.

In the modern formal system, Ethiopia has developed the legal institute of "compromise", which means that there is no final decision by the judge but a decision made by the conflicting parties during court proceedings. The compromise alternative was included in the Ethiopian Civil Code of 1960. Lawyers working in the field of business and family law make use of these provisions. Mediators and mediation as a legal tool for conflict resolution can be found among lawyers and those working on conflicts in the urban context.

Iddirs apply mediation mechanisms on the *kebele* (grassroots) level. *Iddirs* are traditional self-help associations common among numerous communities in Ethiopia. The original purpose of these associations was to comfort and cover the expenses of mourning families when loved ones were lost. Nowadays their role is extended to wider areas of social support.

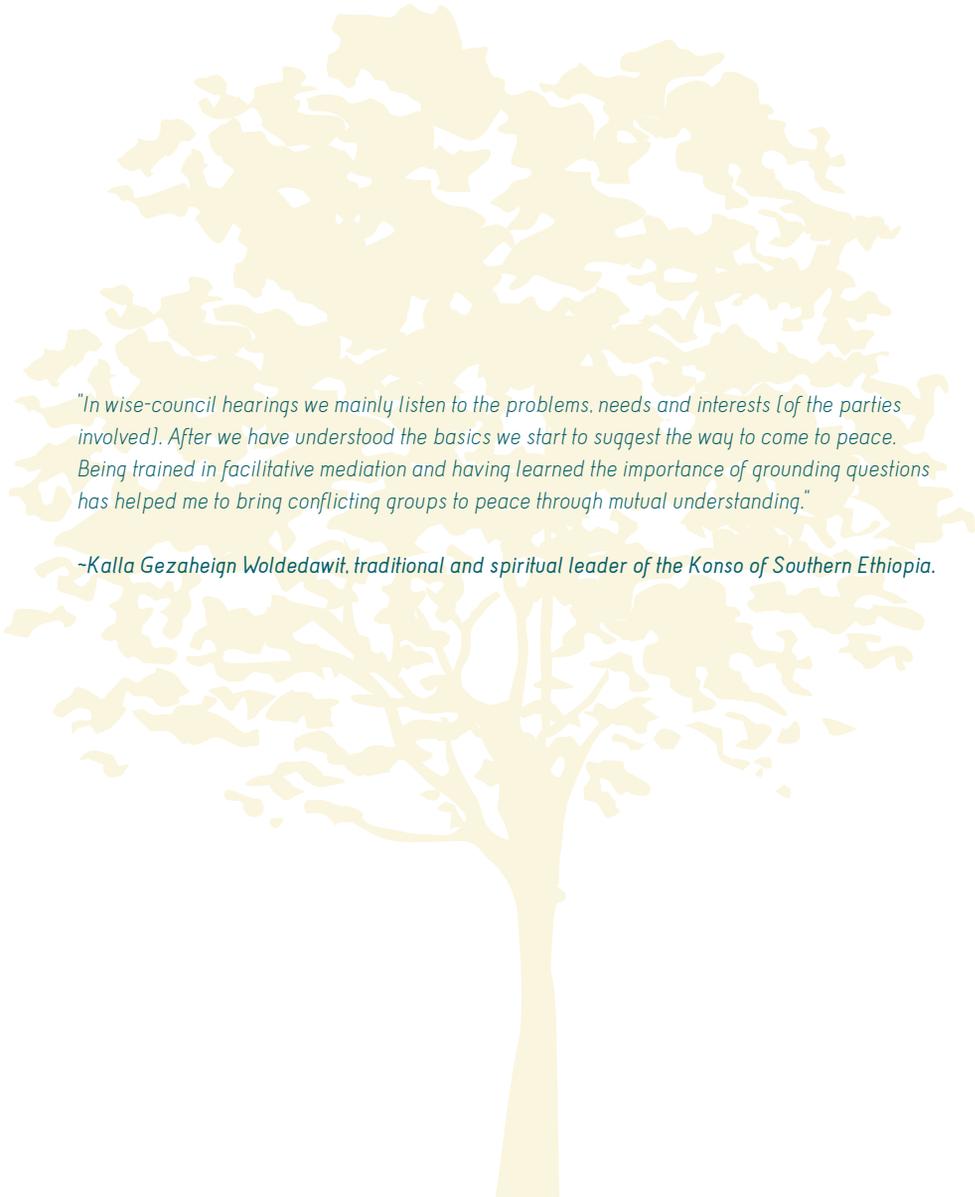
As we have seen, wise-counsel mediation is a significant component of indigenous conflict-resolution mechanisms in Ethiopia. Before we discuss its merger with the facilitative mediation approach, we look in more detail at the commonalities and differences between the two approaches.

⁸ Alexander, Nadja. (2011).

⁹ Rabar, B. & Karimi, M. (Eds.) (2004).

¹⁰ Malan, J. (1997).

¹¹ For more information about traditional conflict resolution systems in Ethiopia, please see Appendix A, on page 107.



"In wise-council hearings we mainly listen to the problems, needs and interests [of the parties involved]. After we have understood the basics we start to suggest the way to come to peace. Being trained in facilitative mediation and having learned the importance of grounding questions has helped me to bring conflicting groups to peace through mutual understanding."

-Kalla Gezaheign Woldedawit, traditional and spiritual leader of the Konso of Southern Ethiopia.

commonalities

- ▶ Both involve a third party to mediate conflicts.
- ▶ The final solution is intended to benefit all the parties (win-win).
- ▶ Both aim to restore peace among the conflicting parties.

Wise-Counsel Mediation

- ▶ Mediators are respected persons/elders from within the society.
- ▶ Mediators take initiatives, make suggestions or decisions.
- ▶ Shuttle sessions are considered as a key to breakthrough.¹²
- ▶ The process often focuses on fact-finding or "searching the truth".
- ▶ Ceremonies such as handshaking, sharing food or hugging each other; or symbolic acts, such as slaughtering a calf are vital components of the process in order to formalise and sustain agreements.

differences

Facilitative Mediation

- ▶ Mediators are external and trained professionals.
- ▶ Mediators only facilitate the process and support the parties in generating their own solutions.
- ▶ Shuttle sessions are used to prepare, but joint sessions are preferred since the aim for each party is to communicate its needs and interests to the other party. The breakthrough is the ability of the parties to change their perspective.
- ▶ The process puts emphasis on the exploration of needs, interests and fears and subjective perceptions rather than on "objective truth".
- ▶ The process follows systematically-different stages of mediation and a written document is often the key instrument used to formalise agreements.

¹² In a shuttle session the mediator talks to the conflicting parties in separate turns. He or she "shuttles" between them. It is used when the parties are not yet ready to face each other. See Chapter III.8 The use of Shuttle Mediation in Early Mediation Stages and in Escalated Conflicts, on page 76.



in addition

- ▶ In wise-counsel mediation, mediators use body language to emphasise traditional rules, to show respect or to simply gain the attention of the conflicting parties. They use nonverbal communication to demonstrate impartiality, attention, empathy. In facilitative mediation, the mediator uses body language to support his words and to hold contact with the parties.¹³
- ▶ Active listening¹⁴ is important and powerful for both facilitative and wise-counsel mediation. However, in facilitative mediation, active listening is more a systematised skill that includes nonverbal communication, mirroring and proper debriefing of emotions and feelings.
- ▶ In wise-counsel mediation, elders ask both sides what each of them need to have. This is usually done in shuttle mediation before the parties come face-to-face as well as in joint sessions. After receiving optional solutions, the wise-counsels deliberate together. When they see differences in the options forwarded by the parties, they work further to find a middle ground. Then the parties may agree on the proposed solution by the elders. If not, the matter falls into the hands of wise-counsel mediators who will make the final decision on behalf of the parties.
- ▶ A facilitative mediator supports the resolution process but does not impose solutions on the parties. Non-partisanship and the attitude of supporting both parties is the foundation on which a facilitative mediator executes his/her role.



¹³ See Chapter III.6.3 The Importance of Body Language in the Mediation Process, on page 62.

¹⁴ See Chapter III.6.4 Listening in Mediation, on page 67.

II.3 The Marriage of Wise-Counsel and Facilitative Mediation

Incorporating facilitative skills into Ethiopia's existing wise-counsel mediation structures is an important step because it further enhances the country's national mediation capacity. One could ask why it is necessary to adjust the wise-counsel mediation system as it is applied in Ethiopia at this time. Although wise-counsel mediation has a long-lasting tradition and a general acceptance in Ethiopia, it is also facing challenges and shortcomings. For example, wise-counsel mediation does not always observe human rights, especially the rights of women. Furthermore, since the sustainability of its solution is largely rooted in the authority of the mediators (the wise-counsels) the derogation of their powers and the general break-up of traditional structures (as part of a clash of generations taking place in large parts of Ethiopia, mainly in urban settings) also negatively influences the sustainability of the solutions and the process. Here, the incorporation of facilitative elements like change of perspective can assist the development of a sustainable solution and at the same time indirectly strengthens the authority of the wise-counsel mediator.

The essence of this merger is thus a synthesis in which both the facilitative and wise-counsel mediation approaches will enrich and enhance each other by incorporating essential steps, skills and knowledge. Through merging together, each shall perfect itself, thus exchanging practices and lessons learned is crucial for the success of this undertaking. Since this manual focuses on Ethiopian practitioners who come from or practice in the Ethiopian context, we will concentrate on the facilitative elements and skills that might be usefully incorporated in wise-counsel mediation. This manual therefore is not the right place for a discussion as to what extent elements of wise-counsel mediation can be used in the facilitative mediation practice.¹⁵ Finally, all the cases and activities are carefully selected to reflect the Ethiopian situation where wise-counsel mediation can be applied.

¹⁵ Further information on the merger can be found in Chapter III.5.3 Stages of Mediation, on page 54.

Part III MEDIATION TRAINING TOOLBOX

This part of the manual contains the core elements. The toolbox and the sequences of exercises follow a structure that inmedio Berlin uses to conceptualise their trainings, however this sequence is by no means mandatory. Moreover, it is not necessary to practise all the exercises during a training. Sequence and choice of exercises should be revised ahead of trainings to guarantee that the training is suitable for the participants.

III.1

UNDERSTANDING CONFLICT

“ግራ እና ቀኝ እግርም ይጋጫሉ”

“Even the legs of one person get the friction of a quarrel.”

(Amharic proverb)

III.1.1 Definition of Conflict

What is conflict? Is there a universal definition of conflict? Do we all have the same perception about which situation would qualify as a conflict? What is our perception of conflict as non-party observers or when we are party to a conflict? These and similar questions are fundamental to our understanding of conflict and our intervention as stakeholders or mediators in resolving it. Before entering into a detailed discussion, let us journey together through the following exercise on our perception of conflict.

III.1.2 Exercise: Conflict Perception

Objective

To develop a deeper understanding about the complexity of conflict. It shows that participants' perceptions about conflict are often different and therefore subjective depending on the insight and involvement of a person in a conflict.

Time

30 minutes.

Materials

Cards of two colours with YES and NO written on them, two tables at opposite corners of the room, marker.

Procedure

Step 1: Explain to the participants that you will describe different situations which they will have to determine as either:

a) conflict, b) no conflict, or c) cannot decide whether or not it is a conflict.

To make the distinction visible to the participants, ask them to position themselves in the three corners of the room according to their decision (e.g. corner a=conflict, corner b=no conflict, corner c=cannot decide)

Step 2: Present the following scenarios:

- 1) Two friends have a competition every day. One of them always wins.
- 2) A family decides that her daughter has to marry someone she does not love.
- 3) A stretch of land alongside a river belongs to one group that is not using it. A drought forces another group to migrate to the area and to use the land.

Step 3: Ask the participants for the reasons for their respective positions and the other participants to attentively listen to the reasons given. As the trainer you act as a model mediator. This means that apart from asking clarification questions (like a moderator) you will face the challenge of not judging the participants and their decisions (even though you might fully disagree) but to acknowledge them and to paraphrase their statements.

Step 4: Evaluate the exercise through inquiring about the participants' thoughts and observations. Elements that should be identified during the evaluation are:

- ▶ There is no universal truth about the interpretation of a situation.
- ▶ People perceive situations differently.
- ▶ All the different perceptions of the situation are valid.
- ▶ Therefore, the existence or nonexistence of conflict is subjective.

Remarks

Use this exercise at the very beginning of unit III.1 Understanding Conflict. Avoid making your participants feel that after having asked them for their opinion you now present the "real" definition of conflict. This would not only be paternalistic, it doesn't fit the mediation idea that different perspectives are legitimate. Make it clear that different definitions can exist. You can even ask participants to collect different terms for conflict in their respective languages, which might further sensitise them to the cultural dimension in the understanding of what a conflict is.

III.1.3 Glasl's Definition of Conflict

Although it is very difficult to have a universal definition of which situation qualifies as a conflict and which doesn't, the academic world has identified a need to define conflict. Over time a variety of definitions have thus appeared. For the purpose of this manual and following our understanding of conflict and mediation, we chose a very broad definition of conflict—that of Friedrich Glasl from his book, *Konfliktmanagement* (Conflict Management).¹⁶ According to Glasl, there is conflict when:

- 👉 At least one party sees differences or there are incompatibilities of interests/needs/feelings/aspirations between the parties.
- 👉 These differences/incompatibilities cause a sensation of interference (be it subjective or objective).
- 👉 These interferences have an impact on the party's feelings, thinking and perception.

Glasl's definition is an early-warning definition and it is based on subjective perceptions. It can help to identify a conflict at an early stage in order to act upon it (if considered necessary); in a mediation context it may enable the parties to backtrack their “fully-grown” conflict to its origin in order to change their perspective.

However, as there is no universal definition¹⁷ of conflict, you may also introduce your own understanding of it. In conclusion, we can see that conflict is strongly interwoven with the perceptions and feelings of individuals. To open a door for mutual understanding and win-win solutions, these perceptions and feelings need to be made known to others, and for doing so communication plays a vital role in the mediation process.

¹⁶ Glasl, F. (1997).

¹⁷ See as an example of the variety of definitions: <http://www.campus-adr.org/cmher/ReportResources/Definitions.html>.

“Akka Haroon hin gonne akka raachi hin duune.”

“For the lake not to dry, for the frogs not to die.” (Afaan Oromo proverb)

Objective

At the end of the session participants shall understand the need for cooperation and win-win solutions instead of unconstructive competition resulting in win-lose and lose-lose situations, which lead to more conflict.

Time

165 minutes.

Background

II. 1. Understanding Conflict.

Materials

Flipchart, markers, moderation cards of different colours.

Procedure

Step 1: Introduce this section by referring to Garrett Hardin’s “*Tragedy of the Unmanaged Commons*” theory (see below).

Step 2: Facilitate the *Fishery Game exercise (III. 2.1)*.

Step 3: Explain the relevance of the exercise and relate it to other real-life dilemmas.

Step 4: Summarise the topic by consolidating understanding on win-win and its benefits.

Many scholars argue that human beings are by nature self-interest motivated. Among these is Garrett Hardin, who is famous for his theory known as “The Tragedy of the Unmanaged Commons”.¹⁸ Hardin’s analysis is a natural-resource-utilisation perspective whereby he views the inherent tendency of individuals and families to maximise their gains at the expense of others who collectively utilise a natural resource. Hardin says that when efficient and well-negotiated systems of utilising common natural resources are absent, people tend to compete and then enter into conflict, and in most cases the situation is a lose-lose situation. It is not our purpose to make a conclusion about human nature in this chapter, rather to learn the implications of the win-lose, lose-lose and win-win situation as it relates to understanding the need for mediation. To make our discussion more practical, we commence the chapter by doing an important learning exercise.

¹⁸ Hardin, G. (1994).

III.2.1 Exercise: Fishery Game¹⁹

Objective

To make participants aware of conflict dynamics and that there are different possible solutions to a given conflict, as well as equip them with the skills to create win-win solutions which satisfy the conflicting parties.

Time

80 minutes (35 minutes exercise plus 45 minutes evaluation).

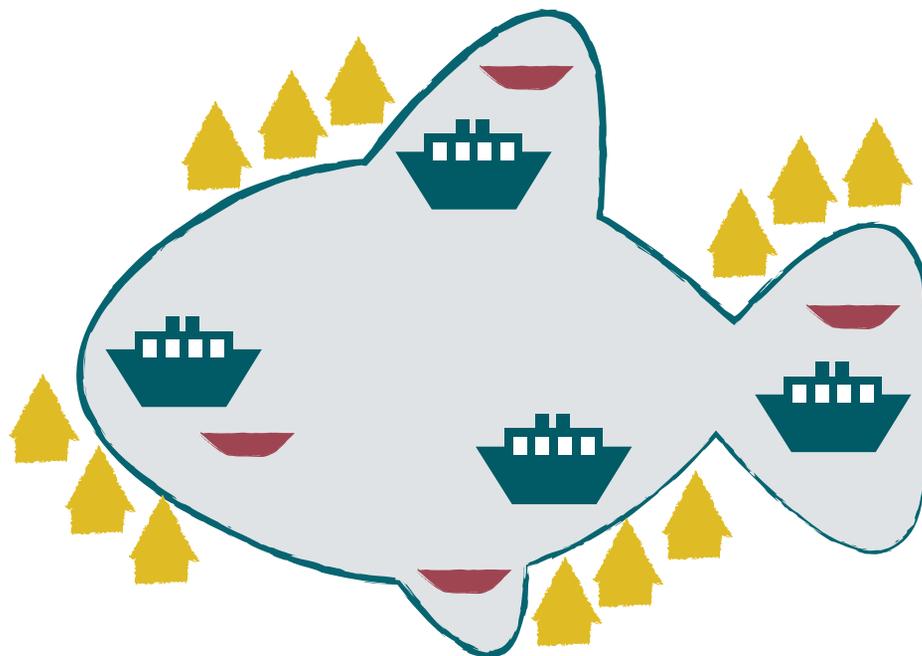
Materials

Flipchart with a prepared drawing on it, red and blue cards (or other small symbolic objects), marker.

Procedure

Step 1: Explain the scenario and present a picture illustrating the geographical setting of the story:

Four communities live at a big lake; fishing is their main livelihood. They use the majority of the fish themselves and sell the remaining fish at the market in order to buy camels, which are their second means of income. In the past they used to fish with small red wooden boats that could feed the community but not enhance development. Now the government (or foreign investor / any other actor) has introduced new modern fishing boats. These boats have a much bigger fishing capacity than the traditional boats. They enable the communities to fish enough to secure their livelihood and enhance development through the purchase of camels.



¹⁹ Modified from different original sources by Splinter, D. & Wüsthube, L. (2006).

Step 2: Ask the participants to divide into four groups and to choose one representative. Each group represents one of the communities living at the lake. Give each group a red card and a blue card (cut small enough to be hidden in one hand). The red card represents the small old boat and the blue card represents the modern boats. Make clear that the participants of each group represent the governing body of the community, be it the local government or a group of elders (decide according to the context). Make it clear that in the past the people were content with their lifestyle and also with their ruling body, but that recently opposition has come up. The people now claim that they need development: new schools, new health posts, etc., and they are making their governing body responsible. The opposition has begun campaigning that it is time for change.

Step 3: Explain the rules of the game: The goal of each community is to increase their number of camels in order to enhance their community's development. Each community starts with 15 camels. If the communities have not fished enough seafood, they have to sell camels for their survival. That means their economy will go down, no new schools or health posts can be constructed. The elders or communities' governing bodies are asked to decide which boat should be used for fishing: the small traditional boat (red) or the bigger modern type (blue). Every season they are to renew their choice. The game is played for several rounds, each round represents one season.

Step 4: Explain how points will be allocated on a flipchart (see example to the right):

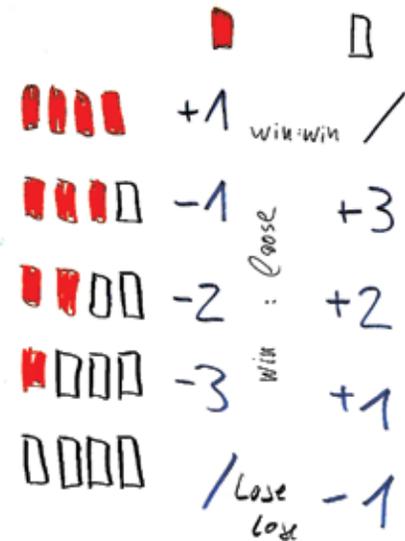
If all four communities use small traditional boats: all four communities can catch enough fish to each buy one additional camel. That means that each group earns one point (+1) = win-win scenario. (Note: do not use the terms "win-win", "win-lose" and "lose-lose" at the beginning of the game.)

If one community uses the big boat and the other three use small boats: one community can purchase three more camels and earns three points, but three communities have to sell one camel each (+3/-1/-1/-1) = win-lose scenario, because the modern boat can catch more fish than the old ones.

If two communities use the big boat and two use the small boat: two communities can purchase two more camels and earn two points each, while the other two communities have to sell two camels each and they each lose two points (+2/+2/-2/-2) = win-lose scenario, because two big boats can catch even more fish, but they have to share with each other and that means an even bigger loss for the other two communities.

If three of the communities use big boats and one uses the small boat: three communities can buy one more camel each, but the community using the small boat cannot catch enough fish and has to sell three camels (+1/+1/+1/-3) = win-lose scenario.

If all four communities use the big modern boat: because they all have to share the available fish in the lake, they won't be able to catch enough fish. This means that all have to sell one camel and lose one point each (-1/-1/-1/-1) =lose-lose scenario. (Note: Explain that each camel lost will be given to the winning community/communities.)



Step 5: Start the game. (Note: make sure that there is enough distance between the groups so they have enough space to discuss in privacy.) Each group gets three minutes to decide which boat to use. The moderator serves as the timekeeper and a judge at the end of each round. The moderator also acts as the "whip" who puts pressure on the participants when they start becoming too friendly towards the other teams. He or she ensures a "real life" experience. One person can be both the judge and the whip. After three minutes have passed, the moderator calls the group representatives to the middle of the room where they will put their closed fists together and upon a count to three reveal their decisions (they open their fists and reveal the card for either the small or the big boat). Camels (points) are then added or deducted from the groups' accounts according to the scoring scheme.



Remarks

Observe that in the course of the game most of the situations will occur as described in the rules. Tension will increase among the groups from round to round. If, however, the groups play win-win (every group uses traditional boats) you can increase the pressure by saying, for example, "Your people are getting really dissatisfied and are complaining that you have those modern boats but still development is very slow. The opposition is right. It's time for change. They're disappointed in you and they don't believe in what you say anymore. You promised them development and now you're not even using those great boats. You are stuck in the past."

If the moderator puts enough pressure on, usually at least one group will start to use the big boats (and therefore start to play win-lose or even lose-lose). This is when the game starts to get dynamic. After at least one group has used the modern boats, usually others start to do so, too. After a few more rounds, they end up in a lose-lose scenario because if all use the modern boats, all will lose.

After two or three lose-lose rounds it is best to interrupt and say something like, "Now your people are really upset and some are planning a revolt. Please take your time to make sure that you as elders/government/administration will deliver!"

Depending on how the group is playing the game, after a few rounds you can interrupt again to assess the account status and to reflect on what will happen next. You can give hints that they can negotiate with the other groups, but it is better if they come up with this idea themselves, so give them some time first. Most of the time, the groups will start to negotiate and form alliances. There will be agreements and also breaches of these agreements. At least one party will play blue instead of the agreed upon red to gain more points. This will further increase the tension and dynamics.

Let the participants feel the disappointment of a broken agreement and then bring them back to the table by discussing win-win for the first time. Some groups will then manage to agree with the others to use the traditional boats (win-win). They will usually make an agreement that calms down the participants. As all then play red again, all actions beforehand and breaches of agreements will be forgotten. After one or two rounds where agreements still hold, it is a good moment to end the exercise, leaving a feeling of success and joy in the room.

Usually participants will play lose-lose or win-lose in the beginning. Thus, at least one party will make a substantial loss after a while, while the loss for the other parties will not be that evident at first. To increase the pressure and speed up the process towards lose-lose situations, trainers can interfere in the game.



Step 6: Explain the terms "win-win", "win-lose" (zero-sum-game) and "lose-lose". Ask the participants to discuss and give feedback to the following guiding points:

- ▶ How many points would you have gained if you had played win-win all the time? (Answer: each group would have won more points in total.)
- ▶ The participants will understand that the win-win-approach is more beneficial, because win-lose strategies end up in lose-lose scenarios.
- ▶ Why it was difficult to stick to the win-win-approach?
- ▶ Discuss aspects of competition and trust. Ask the participants who have lost the most points how they feel, especially how they felt when they were asked to restart the game without any compensation.

Step 7: Ask the participants to share their lessons learned and note them on a flipchart. To enhance the participants' understanding, it is important that the following issues be mentioned:

- ▶ Competition and self-interest is natural human behaviour and is based on instincts; acting selfish can even be positive in cases where participants play for win-win solutions in a conflict.
- ▶ Cooperation makes sense even if participants act selfishly at first.
- ▶ The original conflict topics begin to disappear in the process and trust issues become more important. It is therefore important to include trust-building activities in the process.
- ▶ Sometimes a third-party intervention or a safe space is necessary to create room for communication and discussing solutions.
- ▶ If situations are unbalanced, the negotiation will first be about compensation and only afterward will it be about a win-win solution.

Next, address:

- ▶ Conflict dynamics: ask participants how they felt during the game when the pressure was increasing.
- ▶ Win-win and win-lose concepts.
- ▶ The importance of leadership.
- ▶ The importance of communication in conflict.

Debriefing of fishing-exercise

- beginning: lack of communication
- lack of trust
- selfishness doesn't work
- imbalance → conflict
→ "no" to solution
- "I don't want to lose alone"
- failure, distrust, regret
→ conflict, revenge
- failed negotiation → mistrust

Ways to peace:
addressing imbalance
rehabilitation, first peace
"forget about past" →

- ▶ The importance of trust-building, reconciliation and compensation in the practice of conflict transformation. (It is not enough to play win-win if one group faces excessive losses. It is necessary to bring the groups up to a level playing-field through compensation.)

Step 8: Apply these lessons learned to other real-life experiences to deepen the understanding of win-win solutions. Discuss participants' experiences with similar conflict situations. The trainer should have some examples at hand in case the participants do not come up with their own stories. Below you will find some sample cases that you might use:

Cease-fire dilemma: After a cease-fire agreement, if both parties trusted each other's willingness to stick to the agreement, they would implement trust-building measures like prisoner exchange, removal of checkpoints, step-by-step disarmament (=play red) so they would move towards peace (win-win). But both sides are afraid that the other is just trying to buy time. They secretly acquire weapons and attempt to restart fighting from a stronger position (=play blue: win-lose). So they both end up undermining the cease-fire and the risk of war increases (lose-lose).

Overuse of grazing land: Some families use the same pasture. It is very good and easy to access, but there's a danger of overgrazing. The families agree to graze only a limited number of their respective cattle there in order to preserve the land so that they can all benefit from it in the long run (win-win). But they are all tempted to secretly send more cattle (=play blue), because they understand it would be more beneficial for themselves if the others stick to the agreement while they themselves don't (win-lose). If one family cannot resist the temptation, others will follow and the land will be overgrazed (lose-lose).

Security dilemma: Two pastoralist communities feel threatened by each other because of previous attacks and cattle raids. Rather than trying to overcome the tension (win-win) one side starts to buy arms (=play blue) and feels safer due to this (win-lose). But the others start to buy weapons too. The two communities end up in an arms race, with both groups spending lots of money on guns but still not feeling safe (=lose-lose).

Lack of openness: Two companies, A and B, are building a shopping mall. They enter negotiations about some problems they have. A faces a technical problem due to a mistake it made. B faces a financial problem due to a miscalculation it made. Both are aware that they could easily help each other to solve these problems (win-win) if they spoke about them (=play red) but they will not be open towards the other (=play blue) because they are afraid the other side would try to use the information as a reason to kick them out of the whole project (win-lose). Neither company is able to solve its problem and both end up in a stalemate (lose-lose).

Investment in tourism: Two communities live in an area which has a high potential for tourism but no infrastructure. If neither of them invests in order to attract tourists (=both play blue), no one will benefit (lose-lose). If both invest (red-red) they would both benefit (win-win). But if one side attempts to let the other make the major investments and share the benefits (win-lose) mistrust will arise from the other community and both become reluctant to make investments (lose-lose).

Price-dumping: Three countries mine a very rare metal and sell it on the world market. The market price is high so it is beneficial for all of them (win-win). In order to sell more at the expense of the others, one country lowers the price a bit (win-lose). The others feel forced to lower their prices even more and they end up with a decreasing world market price. This is beneficial for the buyers, but from the perspective of the three selling countries, it is lose-lose.

Remarks It is normal and useful to follow our interests in order to make the best out of every situation and in order to survive. This is especially applicable to conflict situations. But if only we win, this means that someone else will automatically lose (win-lose). Thus when we strive for a solution to a conflict, we usually focus on solutions where one party fulfils its interests while the other party loses its interests ("the winner takes all", "either...or"). But if all parties in a conflict go for win-lose it often ends up in a lose-lose situation, a stalemate where nobody gets what he or she wants or where the disputed resources are even destroyed. What we forget most of the time is that often solutions that benefit all parties actually do exist.

III.2.2 Exercise: How to Create Win-Win Solutions

Objective

To deepen the participants' understanding and for the trainer to cross-check whether they understand the concept of win-win. Thus the focus is on the participants' observations during this exercise.

Time

60 minutes.

Materials

Cards and markers of different colours, prepared drawing on flipchart, flipchart and stand.

Procedure

Step 1: Tell "The Tale of the Two Donkeys"²⁰ by describing the picture:

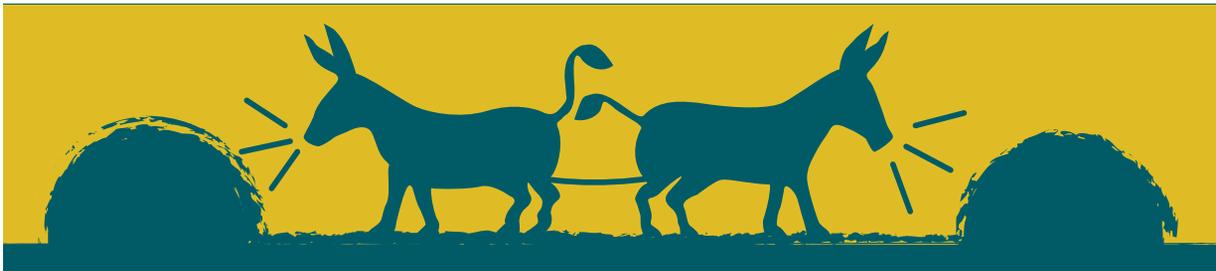
Two donkeys are tied together and each tries to reach the heap of hay in front him...

(Do not mention that it this is another example for a win-win solution.)

Step 2: Ask the participants to describe what they see and to share their impressions:

E.g. The donkeys are tied together and have a fight since both want to eat their heap of hay. In the end they settle their fight and eat together.

It is important that the participants not only describe what they see but understand the concept behind the story, namely that the solution (first eating one heap of hay together and then eating the other) is a win-win solution. In case the participants cannot see the win-win solution in the picture, present win-lose and lose-lose alternatives for the donkey case and ask again why the solution found in the picture is preferable.



²⁰ Picture is available for download on: <http://www.quaker.org.uk/files/makeamarkforpeace-13activity-sharingourresources-thetwomules.pdf>.

Step 3: Present a second story, "The Grazing Land":

A violent conflict broke out between pastoralists and agriculturalists over a piece of land belonging to a group of pastoralists (see map). This land was not eligible for grazing and was thus not used by the pastoralists. Nevertheless, they had a very strong sentiment regarding this piece of land since it was the land of their ancestors. When the conflict arose, the pastoralists were in need of grazing land for their cattle.

The agriculturalists on the other hand were in need of this piece of land to sustain their livelihood through farming. They were also in possession of another piece of land that they could not use since it was only suitable for grazing but not for farming. The agriculturalists started to settle on the pastoralists' land without their permission. This is when the conflict became violent. Both parties claimed that the piece of land belonged to their group.

Step 4: Let the participants discuss possible solutions and come up with a win-win solution. If they should not come up with a win-win solution, present the following one:

In this case, the conflict arose about identity (pastoralists: "It is the land of our forefathers") and resource issues (agriculturalists: "We need the land to survive as farmers"). Both parties also own pieces of land which are of no use for themselves, but valuable for the other party. If the pastoralists agree to rent their piece of farmland to the agriculturalists, their identity would not be endangered since they are still the official owners. At the same time, the agriculturalists could sustain their livelihood. The agriculturalists, on the other hand, could let the pastoralists graze their cattle on their unused land as rent for the farmland. Like this, all interests could be fulfilled (win-win solution).

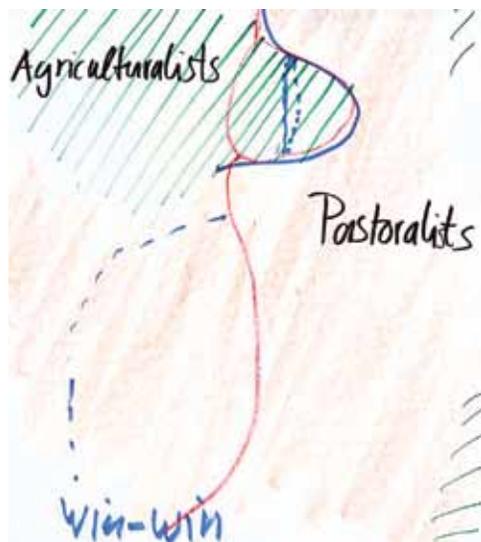
Step 5: Evaluate the exercise with the participants. The trainer can refer to the win-win solution and ask again where there is a difference between this solution and the win-lose and lose-lose solutions. The participants will discuss and compare. The trainer should write down the different ideas and should refer again to the fishery game and the lessons learned there.

Step 6: Connect this to real-life conflicts by asking the participants if they have some personal examples for win-win solutions. In case the participants don't come up with any examples, have your "exit strategy" ready (present your own case).

Close the session with the following points:

- ▶ Cooperation is the most desired alternative course of action to settle disputes in a win-win manner.
- ▶ Competition mostly leads to lose-lose conclusions.

The mediator has to make a difficult journey towards a successful settlement because parties may tend at the beginning to stick to rigid demands, declaring what others need to do rather than what they actually want. We examine this further in the next chapter.



Remarks

“ነገርን ከሰሩ ውሃን ከጥሩ”

“Fetch water from the source, verify the matter from deep within.” (Amharic proverb)

| | |
|-------------------|---|
| <i>Objective</i> | At the end of the session, participants shall be able to identify and understand the difference between positions, needs and interests. |
| <i>Time</i> | 180 minutes. |
| <i>Background</i> | <i>II.1. What is Mediation?, III.1. Understanding Conflict, III.2. Why Win-Win is Desired.</i> |
| <i>Materials</i> | Pin-board, flipcharts, markers, moderation cards of different colours. |
| <i>Procedure</i> | <p>Step 1: To illustrate how to identify interests and how to satisfy them with a win-win solution, present the <i>1978 Camp David Accord</i> case study (<i>III.3.1</i>).</p> <p>Step 2: Present <i>The Orange</i> story as a second example (<i>III.3.2</i>).</p> <p>Step 3: Analyse positions, needs and interests in <i>The Mango Tree Conflict</i> using the <i>Onion Model</i> (<i>III.3.3</i>).</p> <p>Step 4: Present <i>The Mediation Tree House: Input on Grounding Questions</i> (<i>III.3.4</i>).</p> <p>Step 5: Using the interactive movie exercise, train topic <i>III.3.5 How to Facilitate the Shift from Positions to Interests and Needs with Grounding Questions</i>.</p> <p>Step 6: Conduct <i>The Ladder</i> exercise (<i>III.3.6</i>).</p> |

In the mediation process, parties generally describe their view on the given conflict situation in a very emotional manner, and through this they present their position in the conflict. The challenge for mediators is to pick out their underlying interests and needs, as conflict often arises when these are not being met. Mediators need to help the parties go beyond their positions. Focusing on needs, interests and fears can help to free those in conflict from fixed positions and concentrate instead on the parties’ interests, which will need to be addressed in any lasting future agreement. Only when these interests and needs can surface is it possible to settle the conflict in a sustainable way. In addition, listing needs and interests (which are often steered by fears) reveals the multiplicity of these interests and the need for several or many ingredients to be included in any agreement. The following sections present practical examples and exercises that facilitate the analysis and discussion on positions, interests and needs.

III.3.1 Case Study: The 1978 Camp David Accord (Simplified Version)²¹

Objective

To illustrate how to identify and satisfy positions, needs and interests with a win-win solution.

Time

10 minutes.

Materials

Flipcharts, markers.

Procedure

Step 1: Introduce the case to the participants as follows:

A, a direct neighbour of B, invaded a deserted area of B (see stripes on the map). Both countries got involved in a war. While B demanded, "Give it back!" A refused, "No, I don't want to give it back!"

Don't mention the parties (A is Israel and B is Egypt) directly, since participants tend to be biased and the discussion will eventually shift towards the general political situation of the two countries. But if you first use the map with any kind of names like Country A and Country B, the following discussion can focus on questions related to the countries' interests and needs. To identify these interests and needs, use "grounding questions"²² and explain to the participants that these will be part of a separate exercise that will be explained later.

(Note: If participants say, "They want power," you can ask, "Aha, they want to be very powerful, why would this be important for them?" You can expect that the major interests that the participants will likely identify will be related to resources and to identity. As soon as any potential interests of the other country are identified you can say, "In this story, the land is a piece of desert where no oil or resources are found and hardly anybody lives there".

Step 2: Ask the participants to identify possible win-win-solutions and collect them on a flipchart. Reveal that the two countries are Israel and Egypt only after the win-win solution is identified. The win-win solution in this case was to install a demilitarised buffer zone so that B=Egypt could keep its interest (which was to uphold its sovereignty) while A=Israel was able to satisfy its need for security.



²¹ The agreement became known as the Camp David Accord and is one of the best cases to use as an example for surfacing interests in a mediation process. The Israeli-Egyptian conflict was mediated by Jimmy Carter, former US president, in 1978.

²² See Chapter III.3.4 The Mediation Tree House: Input on Grounding Questions, on page 37.

III.3.2 Case Study: The Orange²³

Objective

To illustrate how to identify positions, needs and interests and satisfy all conflict parties with a win-win solution.

Time

20 minutes.

Materials

Flipcharts, markers.

Procedure

Step 1: Present the story of "The Orange" to the participants:

On a nice day, a father gives one beautiful orange to his two children, Blen and Abdi (whom we can simply present as B and A). Both children grab the orange and shout, "Give me the orange it's mine!" A quarrel arises and the father wonders how this conflict could be resolved. He comes up with different ideas.

Step 2: Ask the participants to brainstorm how to resolve the conflict. What would be a win-win solution? Collect their ideas on a flipchart. Their suggestions might be:

Just cut the orange into half.

Each of the children will get one half of the orange.

The older child will have the orange.

The one who said first that the orange belongs to him/her will get the orange.

Neither of them will get the orange.

Step 3: Analyse which kind of solutions the group found: Are these lose-lose, win-lose, or maybe already win-win solutions? The participants will not likely come up with win-win solutions in the first place.

Let's examine the first example: *Just cut the orange into half. Each of the children will get one half of the orange.* This is the classic situation of a compromise. A compromise can be understood as a win-win or a lose-lose situation. It is lose-lose, because although each child gets half of the orange, he/she also loses half of the orange. Hence compromises are based on win-lose thinking because the bigger the part one party gets, the smaller the part the other party gets.

The older child will have the orange. (win-lose)

The one who said first that the orange belongs to him/her will get the orange. (win-lose)

Neither of them will get the orange. (lose-lose)



²³ The example of "The Orange" refers to Fisher, R. & Ury, W. (1981) and is often used as an example in peace-building trainings.

Step 4: Referring to the Fishery Game exercise (III.2.1), ask the participants about interests and needs. Wait until a participant suggests or you can suggest yourself: "What if we ask them what interest or need Blen and Abdi have (why each wants to have the orange)?" Collect the different ideas on a flipchart, then present the answer: Blen wants to use the peel of the orange for a cake (interest), while Abdi wants to use the orange to make juice (interest). Ask the participants for the win-win solution for this case.

Step 5: To summarise, you can present the following definitions on a flipchart:

- 📌 *Positions are demands forwarded by parties in conflict and are often mutually exclusive.*
- 📌 *Interests are what parties in conflict want and are actual motivations beneath their positions.*
- 📌 *Needs are essential requirements for parties in conflict. They relate to security, identity, community and vitality in human life; they are not subject to negotiations, a good resolution rather addresses these fundamental needs of the parties.*

Remarks

In case one of the participants mentions something like, "Blen just wants to dominate Abdi!" or, "Abdi wants it just because he doesn't want Blen to have it!" you can refer to the relationship level of the two children, explaining, "If this is the case, the conflict is not really about the orange but about their relationship. As mediator, you would need to address that in the mediation process". Also refer to Schulz von Thun's Four Sides of a Message Model.²⁴

You can exchange this story or present another one to the participants called "Coffee Beans". The win-win solution of this story, which is situated very well in the Ethiopian context, is that one party wants/needs the coffee beans, while the other party wants/needs the coffee shells to produce tea. After you have presented these sample cases, the participants should then analyse the PIN themselves in the following exercise.



²⁴ See Chapter III.6.1 Introduction to Communication and Schulz von Thun's Four Sides of a Message Model, on page 57.

III.3.3 Exercise: Analysing the PIN in The Mango Tree Case using the Onion Model

Objective

Participants can identify and analyse conflict parties' positions, interests and needs using the Onion Model.²⁵

Time

60 minutes.

Materials

Flipcharts, markers.

Procedure

Step 1: Tell the story of two men in conflict over a mango tree (to illustrate the story draw a picture like the one below). An example of how to tell the story:

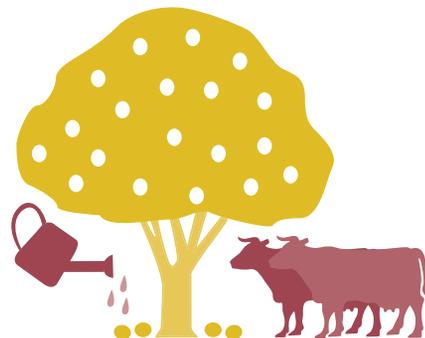
I am going to tell you a story of two people fighting over a mango tree. These people are very close friends of mine. Their issue means a great deal to me and I want you to help me solve their problem.

One of the parties, Moses, is a herder by occupation. The other one is Adam, a farmer who also harvests mango for trade. The tree in question was planted by Moses, who had to flee when a border war broke out in the area. When he came back, he was very unhappy that the mango tree was being harvested by the farmer. The farmer had been watering and nurturing the mango tree that was planted and left by the herder eight years earlier. Both believe that the tree is their exclusive property. The conflict escalated when the pastoralist threatened to cut the tree if the farmer continued to harvest it. The farmer replied that the situation would deteriorate into fighting if he was to be prevented from using the mango tree. He further claimed that the pastoralist could not claim a right over the tree after staying away from the area for so long.

Remarks

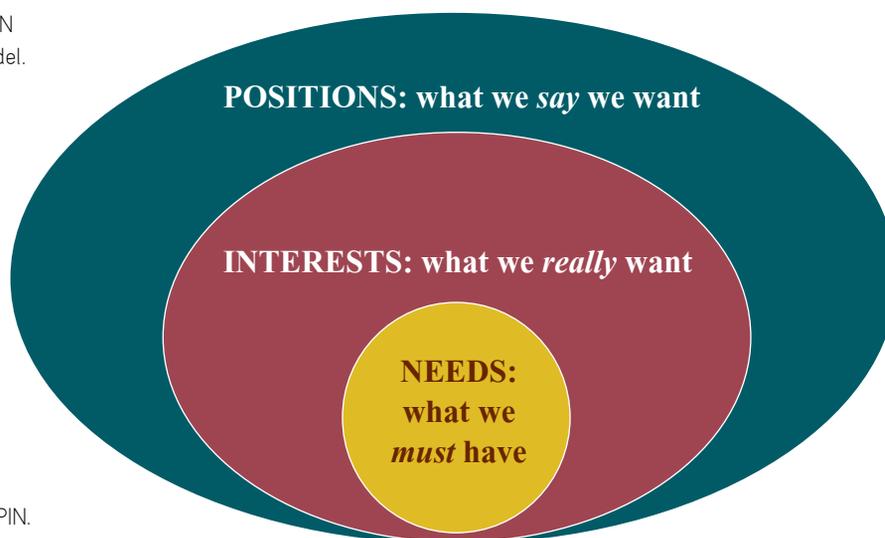
While telling the story, use:

- ▶ Appropriate body language
- ▶ Facial expressions
- ▶ Voice projection that is not loud but effective and carrying
- ▶ Make the story personal, using quotations and use "I" instead of the third person
- ▶ Clear language and short sentences
- ▶ Express confidence
- ▶ Key sentences related to personal mission



²⁵ For a detailed description of the Onion Model, which is also known as the Conflict Layer Model, see Leonhard, M. (2001), p. 66.

Step 2: Draw the Onion Model on a flipchart showing PIN like the one to the right and explain how to use the model.



Step 3: Let the participants identify Adam's and Moses' PIN.

Positions:

Adam: "The mango tree is mine. It is me who nurtured and watered it, and Moses cannot claim it after being away for eight years!"

Moses: "The mango tree is mine. It is me who planted it and it has grown over my ancestral land. Adam should stop harvesting the mango and stay away from the tree and the land!"

Interests:

Adam: He wants the mango for income.

Moses: He wants recognition of his right over the land on which the mango tree has grown.

Needs:

Adam: His livelihood depends on the income from the mango fruits. He cannot survive otherwise.

Moses: He wants the land for grazing as his livelihood depends on cattle herding.

Fears:

Adam: He fears that Moses will deprive him of the access to the mango tree.

Moses: He fears that he will lose his land and the right to graze his cattle.

Step 4: Summarise and collect lessons learned on a flipchart.

- ▶ Ask participants if they understood the example and the model.
- ▶ Ask them for their feedback.
- ▶ Show appreciation for participants' suggestions and summarise all your activities.
- ▶ Ask for win-win solutions to meet both interests and needs. Collect different options.

III.3.4 The Mediation Tree House: Input on Grounding Questions

This section will familiarise participants with the way people react in conflict situations. Using “The Mediation Tree House” as an illustration, it will introduce the use of grounding questions as a tool for mediators to bring the conflict parties “down the ladder” and facilitate the shift from positions to interests and needs.

Exercise: Why and how to use Grounding Questions

Objective

Participants learn how to use grounding questions to facilitate the shift from positions to needs.

Time

30 minutes.

Materials

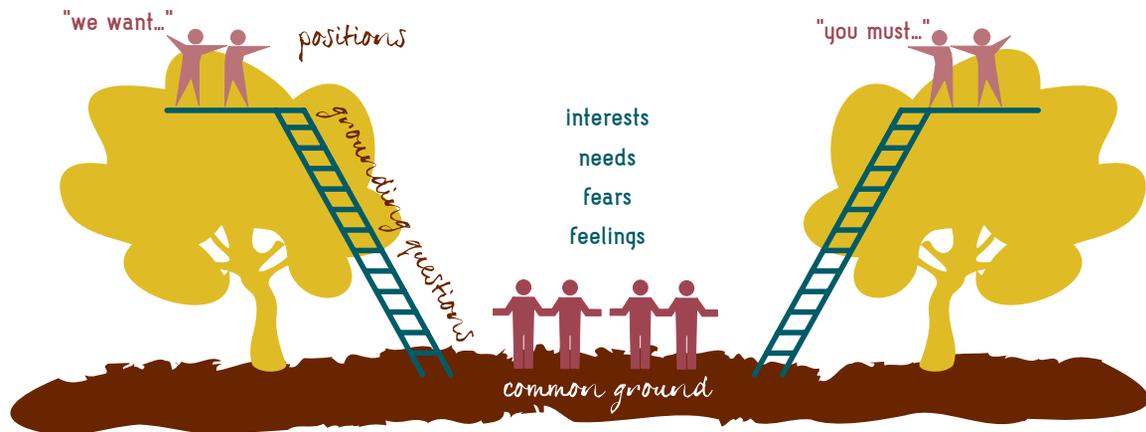
Flipcharts, markers.

Procedure

Step 1: Draw a picture of a tree house and describe the situation in the picture:

When there is no conflict people usually interact on a common ground. They have good communication and address fears, feelings and wishes. When conflict occurs or escalates, this good communication decreases. It seems as though the conflicting parties are climbing a ladder up to a tree house, where they expose their positions by only uttering demands and accusations: “The mango is mine. I want it!” or, “You are a thief!”

When a conflict has escalated up to this point, it seems like the parties’ positions are no longer negotiable. Their common ground is lost and they are totally isolated. They are no longer able to identify their own interests and needs. You can imagine the picture: everyone is shouting from one tree house to the other tree house. They have even removed the ladder. It seems there is no way for the parties to ever meet again. Mediators are often called to intervene at this level of escalation. Since the parties are not able to “climb down the ladder” themselves, the mediator tries to bring them back down to common ground.



Step 2: Introduce a set of grounding questions.²⁶

Mediators use a special set of questions that guide the parties "down the ladder" towards the "common ground". Grounding questions help the parties to shift their perspective from their positions towards their underlying interests and needs whereby a common ground can be re-established.

Sample grounding questions to ask to get at INTERESTS, NEEDS, FEELINGS and FEARS:

- 👉 What is (most/so) important for you?
- 👉 What would be better for you (if this happened)?
- 👉 What would be worse for you (if that happened)?
- 👉 Why is that so (good/bad) for you?

The Characteristics of Grounding Questions:

- 👉 Grounding questions are very powerful.
- 👉 While the mediator is asking the first party, the other party is already thinking about the question.
- 👉 Grounding questions help the parties to learn to understand each other's point of view.
- 👉 Parties become more open in the process.
- 👉 Commonalities can be found and used as a common ground for future solutions.
- 👉 Grounding questions help understand the hidden interests of the parties.
They make it possible to focus on positive alternatives.
- 👉 With the help of grounding questions, the parties do not feel offended when the mediator feels the need to interrupt them.
- 👉 Rigid positions can be softened through summarisation and grounding questions.

²⁶ The term "grounding questions" was introduced by Immediation in order to emphasise that these questions attempt to reach the source of the conflict, that is, the (often hidden) interests, needs and fears.

III.3.5 How to Facilitate the Shift from Positions to Interests and Needs with Grounding Questions

Reading the set of grounding questions, it seems to be an easy task to use and apply them, but in reality it is often more complicated and it needs a very skilled mediator to properly formulate and pose these questions. Therefore conduct the following exercise with the participants.

Objective

To increase participants' understanding of grounding questions and to apply them in practice.

Time

30 minutes (including evaluation).

Materials and persons needed

Two trainers, two trainees, three chairs, an item that can serve as a "remote control", two pin-boards, one flipchart with an Onion Model and a Mediation Tree-House drawing, a second flipchart, markers.

Procedure

Step 1: Arrange the participants in a circle. Use two pin-boards or the wall of the room for the picture of the Mediation Tree House and the Onion Model. Role-play a participatory mediation session using the "interactive movie technique"²⁷ as follows: One of the trainers will be the mediator and the other trainer will facilitate or act as a movie director showing the mediation session as part of a movie to the audience (the participants). During the "screening" of the mediation session, the facilitator/director will reflect with the participants about the changes in the conflicting parties' behaviour and on the techniques the mediator is using. The director will invite the participants to use the "remote control" to intervene in the "movie" and steer the mediator's actions.

Use the Mango Tree Conflict as case to mediate or any other case the participants are well familiar with. Start the sequence when the conflict is already at an escalated point and the parties are on the top of the Mediation Tree House, that is, the conflicting parties are only talking about their positions when the mediator arrives at the scene.

Step 2: As director, arrange the seats in mediation position (triangle) and invite the mediator and two of the participants to play the conflicting parties. All are sitting down. Give a short introduction to the case and announce that the mediator will now bring the parties from the top of the mediation tree house down to common ground by using grounding questions.

Step 3: The mediator asks the conflicting parties to talk about the conflict. They express their positions. Using grounding questions, the mediator tries to identify the parties' interests and needs.

Step 4: After a while, intervene as the director and stop the scene. Ask the audience for their observations with regard to the possible changing behaviour of the conflicting parties and especially how the mediator achieved this change in behaviour.

²⁷ This exercise is based on general role-play setups and was adopted in this way by Maike van Ueuem (2012).

Step 5: After participants reflect on the grounding questions and start mentioning them, the director introduces the concept of grounding questions in more detail and puts a poster of the most commonly-used grounding questions on one of the pin-boards.

Step 6: The director invites participants to ask grounding questions themselves through the mediator. The mediator repeats their questions and the demonstration continues. This can be done for a while.

Step 7: The group winds up the demonstration and solves the problem.

Step 8: The director records the participants' lessons learned on a flipchart.

Remarks

This technique is highly interactive and usable with groups of 10 to 15 participants.



Here is an example of how the roleplay could look: the grounding questions are underlined:

Adam: *The mango tree is mine. I took care of it and used it for a long time.*

Moses: *No, it's mine. I planted it, so it belongs to me.*

Adam: *No. It's mine. As I said before, I watered it and I took care of it.*

Mediator to Adam: Why is it important for you to use the mango tree?

Adam: *I've made a business using the mangos. I collect them and sell them on the market.*

Mediator to Adam: What would be worse for you if you could not use this mango tree anymore?

Adam: *My family and I would not be able to manage our life in the future!*

Mediator to Moses: *If I understood you right, you said this mango tree belongs to you. Why is it so important for you to use this mango tree?*

Moses: *It is obvious: I planted it so it is mine!*

Mediator to Moses: *Ok, I understood that it belongs to you because you were the person who planted it. Why is it important for you to say "I planted it"?*

Moses: *I'm the owner of the mango tree. I planted it to use it!*

Mediator to Moses: What would be worse for you if you could not use this mango tree?

Moses: *I planted the tree and then I was forced to leave my land behind and move away. Now I have come back with my family this is all that we have left. What about my rights?*

Mediator to Moses: What will be better for you, if you can use this mango tree?

Moses: *I can continue to exercise my ownership rights.*

(Note: Moses reiterates his position. The mediator constantly paraphrases and keeps asking the grounding question.)

Mediator to Moses: What is your fear about losing the ownership?

Moses: *Losing ownership of the mango tree would mostly be symbolic. Maybe tomorrow we will lose our land again and all the resources with it. And then maybe the day after tomorrow we will be forced to leave again and be lost!*

Mediator to Moses: *You said that you fear that you are going to be dispossessed of the land and all your property with it. What does that mean for you?*

Moses: *It means many things. We would be homeless and helpless. I would*

lose my status and so would my family and even my whole tribe! They would also be dishonoured!

Mediator to Moses: *Thank you, if I understood correctly you are afraid for your whole tribe to lose status. I will stop with you here for the moment and come back to Adam now.*

Mediator to Adam: Adam, how do you benefit by using this mango tree? What is your fear if you cannot use the mango tree?

Adam: *I have been using that mango for my business for a long time. I fear if I cannot use it, I will not have any income and I might lose the ownership of the mango tree too.*

Mediator to Adam: Adam, what does the ownership mean to you, and what does it mean if you lose it?

Adam: *Using the mango tree for our income is only one thing! We want the mango tree because he was away for a very long time. It would never have grown if I hadn't watered it and taken care of it? He cannot even say "thank you" to me for watering the mango tree during all this time.*

Moses: *Yes, BUT what is a mango tree without planting it?*

Mediator (now summarises both sides): *Thank you, Adam. If I understood you right, you said that you fear losing your land and the resources with it and that it will also challenge your existence.*

Mediator (moves towards Moses and addresses Moses): *Moses, I heard you say that the mango tree is a symbol that you are living here and that the resources belong to you as well as to others. And Adam, I heard you say that your existence is also connected with that mango tree. You need that mango tree to feed your family. So I have another question. How do you feel about Adam watering the mango for such a long time?*

Moses: *I feel he contributed to the growth of the mango.*

Adam: *I think I would like to use the mango tree and share it and I want to say from my side thank you for planting the mango tree.*

Moses: *You're welcome. Thank you for watering it. I think now you accepted what I did for the mango tree. You accepted my ownership right and you gave me recognition. Now I will rethink and consider what are your reasons. For me it was really the most important to see that you appreciate what I did.*

III.3.6 Exercise: The Ladder²⁸

Objective

To enhance participants' skills in formulating and asking grounding questions, and to deepen their understanding of the importance of grounding questions.

Time

30 minutes.

Materials

Moderation cards of different colours and sizes, markers.

Procedure

Step 1: Prepare a "ladder" using cards on the floor (see picture). At one end of the ladder, place a picture/card of the Mediation Tree House. At the other end, place a picture/card of the "common ground".

Step 2: Allow the participants five minutes to "come up the Mediation Tree House", meaning to remember situations of escalated conflict that they know of or were involved in, when the parties were trapped on the top.

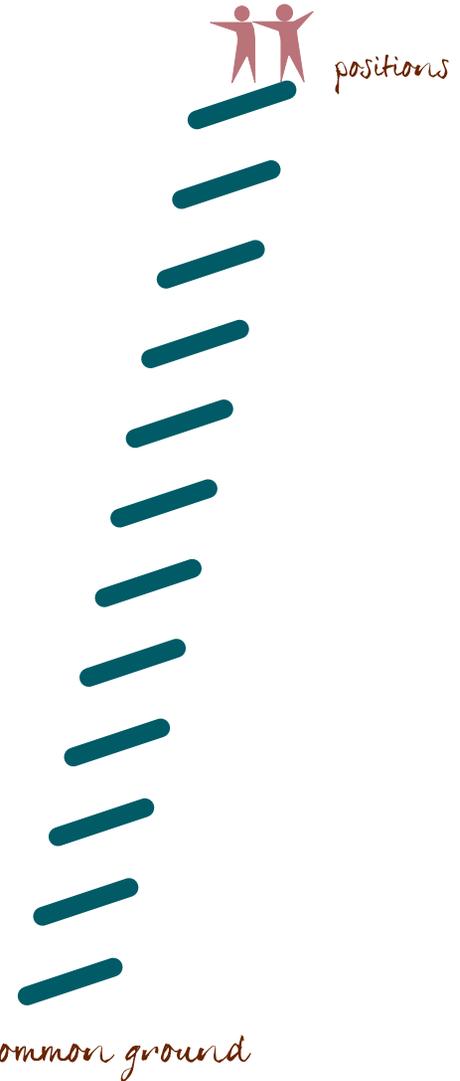
Step 3: Ask participants to share their stories. The volunteer presents the conflict and the conflict parties' positions while standing at the top of the tree house on one end of the ladder in the room.

Step 4: Ask participants to act as mediators and ask grounding questions to the case-giver.

Step 5: Whenever the case-giver feels that the question leads to the identification of real interests (towards the ground) and away from his position (the top of the tree house), he/she will take one step down the ladder. If a question makes him/her fall back to a position (top of the tree house) he/she has to climb up. Continue until the case-giver reaches the "ground".

Step 6: Evaluate the exercise by asking the participants about their experiences during the exercise, note their answers on a flipchart.

Step 7: Refer back to the flipchart with the grounding questions and let the participants repeat what is characteristic about these types of questions (they are open questions, they address feelings and emotions, etc.) Ask participants if they have ever used these kind of questions in conflict situations before and what their experiences are.



²⁸ This exercise was developed by Atkillt Daniel (Date?).

III.3.7 The Kollo Pantomime²⁹

The Kollo Pantomime is a metaphor that helps us understand the phases of a mediation process.

It shows the differentiation between positions and interests, illustrating that often a variety of needs and fears are hidden behind a harsh statement (position).

The metaphor for the conflicting parties' harsh positions is the closed fist. It looks quite aggressive. But if you open the fist, all the different pieces of *kollo*³⁰ appear, each unique. These symbolise the variety of interests, emotions and fears, hidden "inside" a position.

In a mediation process, the parties first clarify their own interests. The mediator is supposed to help them by asking grounding questions. Secondly, the parties collect their thoughts and reflect on them. Thirdly, the parties show each other their (formerly hidden) interests. The parties then try to understand—or at least respect—the other party's needs while the mediator helps create mutual understanding between them. Finally, the parties start to combine some of their interests or even satisfy some of the other party's interests in order to find a solution based on mutual understanding.



Figure 1

Parties A and B oppose each other. Their facial expressions are serious and they show their fists to each other.

What does it mean?

The parties have a conflict. When they meet they trade harsh positions and insults. Their closed fists are symbols for their positions—they cannot even see their own emotions, fears and hopes, let alone those of the other party.

²⁹ Wüstehube, L. (2009).

³⁰ Kollo is a traditional Ethiopian snack food made from a mix of roasted grains.



Figures 2 and 3

In pictures 2 and 3, the mediator talks with the conflicting parties. Both parties now open their fists and you can see kollo pieces in their hands. This step of the mediation can be done in individual sessions.

What does it mean?

Using grounding questions and other communication skills, the mediator intervenes to help each party open up (open the fist). The mediator helps the party focus on interests, needs and fears (kollo pieces) rather than on demands or positions. Now the party can better see and understand his own interests, which is the first step towards understanding the other party. This self-clarification is the precondition for the next step: the change of perspective.



Figures 4 and 5

The three persons sit together in a triangle arrangement, with the mediator sitting between the two parties. Now both parties look at each other. Their facial expressions are relaxed and they even look into each other's eyes and smile faintly. With the kollo on their palms, they hold their open hands towards each other and explain something about their kollo pieces to each other. In picture 5 they even exchange pieces of kollo.

What does it mean?

The parties are now ready to talk to each other and explain their formerly-hidden interests, emotions, needs and fears (their different kollo pieces). They are also ready to listen attentively, to understand and to acknowledge the other party. A change of perspective can take place now.



Figure 6

The parties hug each other.

What does it mean?

After the parties are able to understand each other and to change their perspectives, they are ready to find a solution that benefits both sides (win-win-solution). However, we must keep in mind that to understand doesn't necessarily mean to agree. To understand only means to respect that things look different from the other party's point of view. In other words, "There are always a 100 good reasons for even 'bad' behaviour." At the end of the mediation process, the parties agree on a sustainable solution and improve or even restore their relationship. The conflict is solved.



As we have seen so far, it is imperative to understand the parties' positions, interests and needs (PIN) in order to understand their inner drives in the conflict, to reflect these back to them and to help them find creative solutions to their problems. However, for mediators it is not enough to explore parties' issues, and for the parties it is not enough to reflect on how they are feeling. Mediators also need to facilitate a process whereby parties exchange these perspectives and work through their problems in a cooperative, empathic manner. We examine techniques for such exchange in the next section.



“Yoo waligalaan alaa galaan.”

“People can agree with each other when they understand one another well.”

(Afaan Oromo proverb)



- Objective** At the end of the session, participants shall have the skills to facilitate the exchange of perspectives between conflicting parties.
- Time** 170 minutes.
- Background** III.3 Positions, Interests and Needs.
- Materials** Pin-board, flipcharts, markers, moderation cards of different colours.
- Procedure**
- Step 1:** Facilitate the *Man and Mouse* exercise (III.4.2).
 - Step 2:** Introduce the method *Conflict Perspective Analysis* (III.7).
 - Step 3:** Explain the relevance of the exercise and relate it to other real-life dilemmas.
 - Step 4:** Facilitate the practical exercise using the conflict case *The Farm Investment* (III.7).

As we have seen in the Conflict Perception exercise (III.1.2.) people have various reasons for perceiving conflict issues differently. In mediation, it is important to help parties reflect on each other’s perspective. The following exercises and the ensuing discussions focus on how to help parties exchange perspectives.

III.4.1 Exercise: Three Times Listening

Objective

To sensitise participants to the importance of listening in mediation and to develop their skills in active listening; to understand the impact of body language, gesture and facial expression in communication.

Time

20 minutes.

Materials

Flipchart, cards of different colours, markers.

Procedure

Step 1: Let the participants split into groups of three. One person is the observer and sits a little bit aside. The other two group members sit facing each other. One is the storyteller, the other is the listener. Three rounds will be played. Each round should last approximately three minutes.

Step 2: The storyteller chooses a personal story ("Something I am proud of") to tell the listener. In the first round, the listener must appear very bored. He/she is not allowed to say anything, but will demonstrate this through body language, gestures and mimicking. The observer notes down his/her observations.



Step 3: In the second round, the storyteller tells another story ("Something that made me angry"). Now it is the task of the listener to listen in a very concentrated but neutral manner in the sense that he/she does not show any reaction. Again he/she is not allowed to use words and should not show any emotion at all. The observer again notes his/her observations.



Step 4: In the last round, while the storyteller retells the first or second story, the listener should show interest and listen actively. He/she again has to use body language such as gestures and nodding to actively support the storyteller in a nonverbal way. Again the observer notes down his/her observations.

Step 5: Evaluate the groups' experiences. First, let the observers present their observations and note them down on a flipchart. Second, note the storytellers' feelings on the flipchart; do the same with the listeners' feelings during the process.

Step 6: Discuss the lessons learned for a mediator and note them down. Finally, summarise the lessons learned from this exercise.

Remarks

When the listener does not show any emotion or clearly appears to be bored, the communication will likely stop very quickly, or the storyteller will look around for another person who might listen and reward him/her with the expected approval.

Communication consists of verbal and nonverbal elements and listening. All are important in a mediation process and therefore the right way of communicating and listening are important basic skills for mediators. As they have an impact on the success of mediation, the following chapter focuses on the core skills of mediators and where they will be needed.

III.4.2 Exercise: Man and Mouse³¹

Objective

To illustrate that in human interaction and especially in conflict there is no objective truth. Every situation is perspective-dependent and our perspective depends on our history and experiences. Furthermore, the participants will experience the "Aha!" effect: the moment when they suddenly understand what the other party sees/feels. This change of perspective is the turning point in every facilitative, transformative mediation process.

Time

30 minutes.

Materials

Flipcharts, pin-boards, pins, cards and markers of different colours, pre-drawn man and mouse pictures (see Appendix C).

Procedure

Step 1: The participants form two rows with their chairs and sit down in pairs with their backs to each other.



Step 2: Silently present each row a first picture and say, "I'm showing you this picture just as a preparatory exercise." To row one, show the picture of a mouse. When you walk around and turn from row one to row two, change the picture so that the participants do not notice. (Hold the picture rather low so that in case a participant turns around, it is not visible.) To row two, show the picture of a man's face.

Step 3: Show the same picture to both rows the combination of a mouse and a man's face.

Step 4: With both partners holding one pen, the participants have five minutes to jointly draw the picture they saw. Make sure that the participants do not talk to each other while they draw.

Step 5: Ask the participants to present their pictures and to describe their experiences and feelings during the drawing process.



³¹ Source unknown, modified by Splinter, D. & Wüsthube, L.

Remarks

The participants will probably have faced difficulties in drawing the picture and they will not understand why their partner was trying to draw something totally different. Each partner will have had the assumption that they were attempting to draw the same picture. Thus they might feel impatient, misunderstood or even angry. Ask them what was difficult for them. Somebody might mention that it seemed like they wanted to draw different things. Then present the pictures to them and ask, "What is this picture of?" The participants will give different answers in the beginning, but after a while everybody should realise that the picture can be seen as either a mouse or a face. This moment of recognition is the so-called "Aha!" effect.



Suddenly they will understand that their partner saw something totally different based on their experience, and that it was logical for each of them to draw different pictures. At this moment, they understand the other's position and are able to change perspective, to "step into the other's shoes".

Shift the discussion now to the subjectivity of "truth" in conflict. You can ask, "The question remaining is, 'What is the truth? Man or mouse or both?'" or, "How is it possible that some participants perceived the picture as a mouse while others saw it as a face?"

The answer about the subjectivity of truth in conflict might come when you show the first and the second pictures you used. At this point, initiate a discussion about how previous experience and information shapes our perceptions. Emphasise that it is important for mediators to be aware of this and to help the parties to understand each other's backgrounds.

Explain afterwards that the "Aha!" moment they just experienced is the crucial turning point in a facilitative, transformative mediation process. From this point on, solutions are possible.

Step 6: If the participants have understood the concept, bridge the exercise to real-life experiences. Ask the participants for situations where they have observed, mediated, or been in a conflict. Let them reflect on the "Aha!" moment of changing perspectives in their experiences.

Step 7: Using the heading: "What can we learn from this exercise?" collect participants' statements on a flipchart. In the evaluation process, emphasise that the major role of mediators is to know the perspectives of the parties involved and to be all-partisan. Thus it is important for mediators to ask questions about the parties' histories and experiences before and during mediation sessions.



“Jaarsii waan sadii: Jaarsii aduu, Jaarsii kara Jaarsii bishaan.”

“A mediator (shimagle) represents three things: sun, the way out, and water.” (Afaan Oromo proverb)

III.5.1 The Principles of Mediation

Mediation is a very sensitive form of intervention which, if implemented wrongly, may cause tremendous damage to the lives of the parties and other involved stakeholders. Sensitive mediation applies a range of ethical principles. The following are ten essential principles of mediation according to David A. Hoffman and the European Code of Conduct for Mediators.³²

1. Conflict of Interest

Mediators must avoid serving in cases where they have a direct personal, professional or financial interest in the outcome of the dispute.

2. Competence/Professional Role Boundaries

Mediators have the obligation to know the limits of their abilities. They have to avoid taking on assignments that they are not equipped to handle. They have to inform the conflict parties about their background and experience.

3. Impartiality/Multi-partiality/Omni-partiality/All-partisanship

Mediation requires engagement and it is difficult to engage with the parties without developing your own feelings for them. The duty to remain impartial throughout the mediation does not require mediators to withdraw from the case if they become aware of such feelings, but instead to act in such a way that those feelings are kept to themselves. Feelings of resentment vis-à-vis one party can also be an indicator that the mediator needs to work harder to really understand what motivates that party to act the way they do.

Mediators are not simply impartial in the sense that they do not support a particular party (like a referee). They support all parties in expressing their concerns and finding an agreement which is beneficial for all. Thus, some use the terms “multi-partiality”, “omni-partiality” or “all-partisanship”.

4. Voluntariness

Although some parties come to mediation because they are required to do so (e.g. when they are ordered to mediate by a judge or through a dispute-resolution clause in a contract) they must have the right at a certain point to walk away from the table. As such participation in a mediation process is described as voluntary.

5. Confidentiality

There are two aspects to the principle of confidentiality: First, when meeting separately with one of the parties, the mediator must keep confidential everything said in private as well as what the party does not want the other party or parties to know. Second, the mediator must also safeguard the confidentiality of the mediation process vis-a-vis third parties (those outside the mediation process).

6. Do No Harm

The principle of do-no-harm requires mediators to avoid conducting the process in a manner that harms the participants or worsens the dispute. If people suffer from emotional disturbances or trauma, the mediation process can potentially add to it. Mediators have to be aware that sometimes conflict parties are not able to participate in or continue a mediation process.

³² See: Hoffman, D.A. (2003).

7. Empowering Parties

The autonomy of the conflict parties is a guiding principle of mediation. Supporting and encouraging the parties to make their own decisions (both individually and collectively) regarding the resolution of their dispute—rather than imposing the ideas of the mediator or others—is fundamental to the process.

8. Informed Consent

A voluntary, self-determined dispute resolution will serve the parties' interests only if it is an informed choice. Although mediators need not be (and usually should not be) the source of the parties' information, mediators should make sure that the parties have enough information with which to assess their settlement options. If the parties lack information, mediators should talk to them about how they might obtain it.

9. Responsibility

As mediators should not do harm to the parties, they should also consider whether a proposed settlement might harm others who are not participating in the mediation. This is particularly important in cases where third parties who might be affected by a mediated settlement are involved, e.g. children or other vulnerable people.

10. Honesty

The mediator's duty to be honest includes openly disclosing:

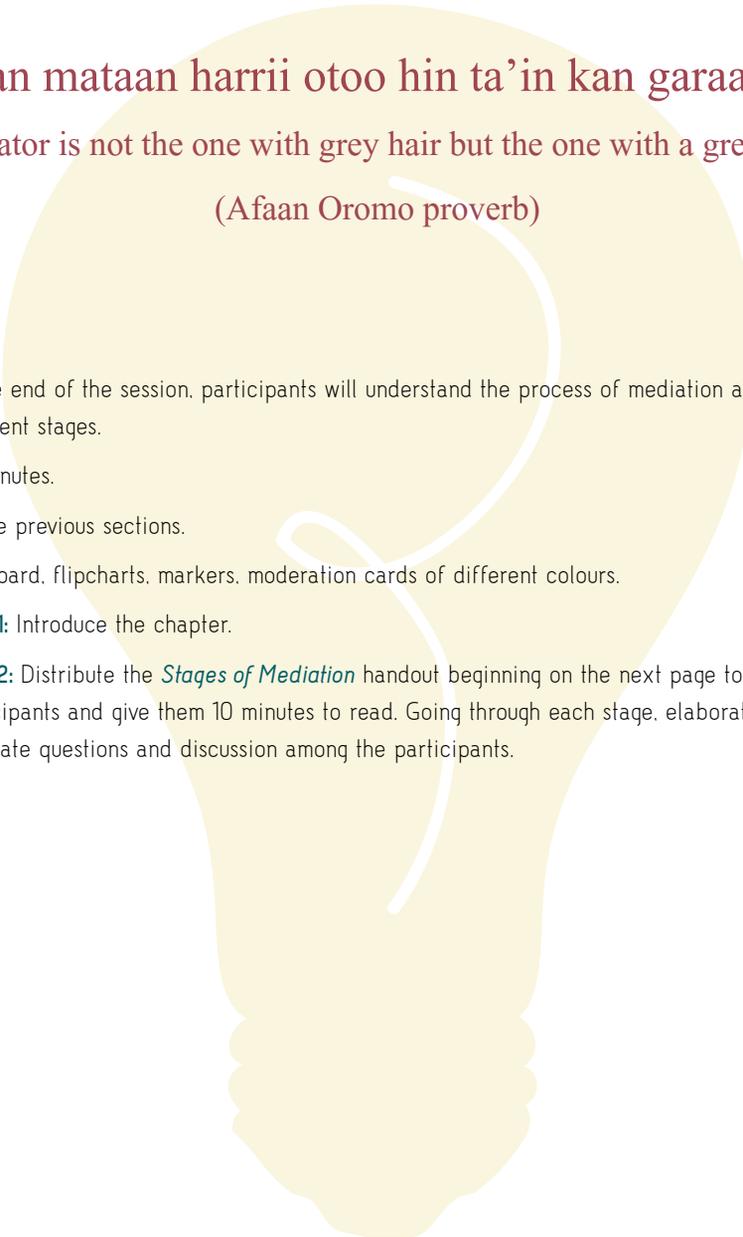
- ▶ Their qualification and prior experience.
- ▶ any fees that the parties will be charged for the service of mediation, and
- ▶ any other aspect of the mediation which might affect their participation.

Honesty also includes being truthful when meeting separately with the parties. For example, in the case of Party A confidentially disclosing their “bottom line” for any agreement and Party B asking for Party A's bottom line, the mediator should not simply say “No”, but should explain that indeed a discussion had taken place but its details are confidential—just as any information given by Party B would be confidential.

“Jaarsii kan mataan harrii otoo hin ta’in kan garaan harriiti.”

“A wise mediator is not the one with grey hair but the one with a grey (wise) idea.”

(Afaan Oromo proverb)



| | |
|-------------------|--|
| <i>Objective</i> | At the end of the session, participants will understand the process of mediation and its different stages. |
| <i>Time</i> | 45 minutes. |
| <i>Background</i> | All the previous sections. |
| <i>Materials</i> | Pin-board, flipcharts, markers, moderation cards of different colours. |
| <i>Procedure</i> | Step 1: Introduce the chapter. Step 2: Distribute the <i>Stages of Mediation</i> handout beginning on the next page to participants and give them 10 minutes to read. Going through each stage, elaborate and facilitate questions and discussion among the participants. |

III.5.3 Stages of Mediation

Successful wise-counsel and facilitative mediation passes through different stages; each of these is instrumental for the sustainability and success of the mediation.³³

1. Identifying relevant partners, getting their consent for mediation, and building trust

This is often undertaken in shuttle sessions. While mediators would only act on a party's request in facilitative mediation, wise-counsel mediators also initialise mediation. Trust-building is usually more important for facilitative mediators because they are dependent on the voluntary consent of the parties to mediate, while in wise-counsel mediation the parties can rarely refuse an elder's proposal to mediate.

2. The opening stage

This is the stage at which conflicting parties come to the table or under the shade by way of the mediator. Before the parties begin any interaction with the mediator or with each other, the facilitative mediator needs to clarify procedures, roles, rules and the overall principles of the mediation. Here the mediator is expected to take the lead in creating a safe and accommodative atmosphere in order to initiate smooth communication. In this regard, parties are invited to include their interest in developing the principle of the mediation and/or reflect their impressions in the process. In facilitative mediation, the mediator would emphasise that mediation is voluntary and that the mediators' role is not to evaluate and judge, but help the parties to find their own agreement. This does not apply to wise-counsel mediation, where the mediator is expected to pass the final decision. Furthermore, in facilitative mediation the mediator would assure that he/she will keep everything confidential and let the parties agree on how they would relate to the question of confidentiality. In wise-counsel mediation, blessing and evoking a good atmosphere are crucial to the process. There are various ways of combining the two mediation styles at this stage. While the blessing part seems to be requisite in most Ethiopian contexts, clarification on the process and asking for parties' consent is also possible to a certain extent.

3. Storytelling or identifying the issues

In the Ethiopian context, the mediator will invite one party to commence. The mediator makes this decision based on cultural appropriateness regarding age and social status. In facilitative mediation, the mediator might invite one party to begin or leave it to the parties to decide who is to start so that they don't feel the mediator is biased.

Whatever method is chosen, it is that the parties perceive the mediator as all-partisan. At the end of each party's storytelling, the mediator is expected to sum up the all the ideas of the speaker in a clear manner and try to get all the parties' confirmation about it. If it is a long story (and if it would not be seen as rude) the mediator might even summarise from time to time during the presentation what had been said so far in order to demonstrate understanding. Mediators are supposed to listen attentively in an appreciative, encouraging manner. How this is expressed verbally and nonverbally might vary between different cultures.³⁴

³³ Different authors differentiate between four to twelve stages of mediation and use different labels as well. However, the logic of the process is the same for all of them. We have pursued a synopsis of different models here.

³⁴ See Chapter III.6.3 The Importance of Body Language in the Mediation Process, on page 62.

4. Deepening understanding and sharing perspectives

During this stage, the mediator is expected to enable the conflicting parties to address the underlying root causes, interests and needs that caused the conflict. Using tools such as grounding questions,³⁵ the mediator's objective is to understand the parties' deeper interests, needs and fears. Secondly, the mediator encourages the parties to understand each others' motives by "stepping into each other's shoes" (sharing perspectives³⁶). This eventually creates renewed mutual understanding and trust. In wise-counsel mediation, mediators typically ask questions to find out the truth rather than underlying needs. However, there is lot of space here to ask questions directed more at discovering interests and emotions to create mutual understanding.

While in facilitative mediation the will of the parties is the only deciding factor, in wise-counsel mediation the (re)establishment of norms is also important. In some cases, this is even more important than the parties' satisfaction with the solution. However, parties' dissatisfaction with the solution can be avoided if the mediator takes enough time to find out about the feelings, fears and interests of the parties via grounding questions.

5. Generating options

This stage illustrates the most obvious difference between wise-counsel mediation and facilitative mediation. While in facilitative mediation the conflicting parties have to come up with their own settlement options and the mediator only takes care that the solution would be a win-win solution, in wise-counsel mediation it is much more common that the elder presents a set of possible solutions to which the parties can then agree.

The facilitative way of directly asking the parties to brainstorm options does not seem to be feasible in most Ethiopian contexts. However, one of the findings of the Mediation Qualification Programme was that asking parties for their interests and needs also indirectly encourages them to come up with suggestions. Furthermore, by asking many hypothetical questions ("If the other party would..., would you then be willing to...?") mediators can explore space for solutions and ask for parties' indirect confirmation to a particular solution. The mediator would then still be the one to present a solution.

6. Reaching agreement

The method by which the agreement is finalised depends on the cultural context. Putting the agreement into written form and/or carrying out appropriate rituals are common ways. Facilitative and wise-counsel mediation can complement each other very well in this regard. Facilitative mediation emphasises that the agreement should be as specific as possible in order to avoid future misunderstandings which would lead to further conflict.

³⁵ See Chapter III.3.4 The Mediation Tree House: Input on Grounding Questions, on page 37.

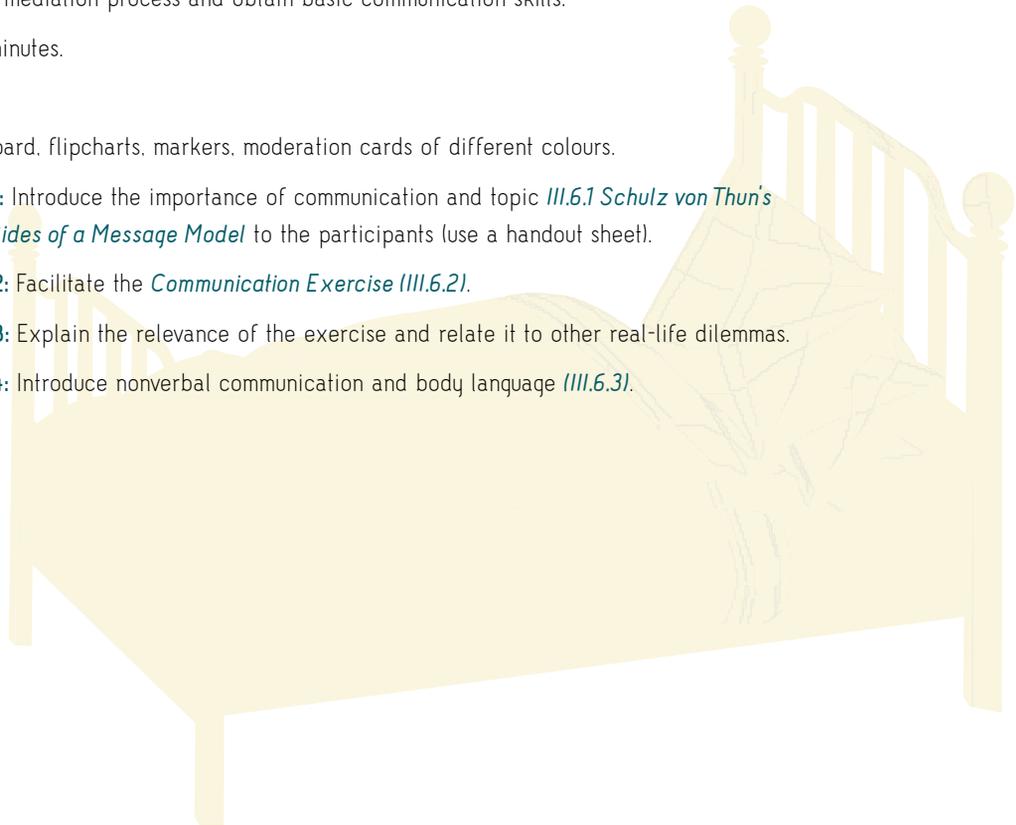
³⁶ See Chapter III.4 Changing Perspectives, on page 46.

“Afaan Gaariin Hafaa Gaarii Caala.”

“Good words are better than good bedrooms.”

(Afaan Oromo proverb—emphasises the imperative for nonviolent communication)

| | |
|-------------------|--|
| <i>Objective</i> | At the end of the session, participants will understand the importance of communication in the mediation process and obtain basic communication skills. |
| <i>Time</i> | 240 minutes. |
| <i>Background</i> | None. |
| <i>Materials</i> | Pin-board, flipcharts, markers, moderation cards of different colours. |
| <i>Procedure</i> | <p>Step 1: Introduce the importance of communication and topic <i>III.6.1 Schulz von Thun's Four Sides of a Message Model</i> to the participants (use a handout sheet).</p> <p>Step 2: Facilitate the <i>Communication Exercise (III.6.2)</i>.</p> <p>Step 3: Explain the relevance of the exercise and relate it to other real-life dilemmas.</p> <p>Step 4: Introduce nonverbal communication and body language <i>(III.6.3)</i>.</p> |



III.6.1 Introduction to Communication and Schulz von Thun's Four Sides Model³⁷

Communication is complex. There is much more to it than only the spoken word and its perceived connotation or meaning, so there is plenty of room for misunderstanding. If this is already true for our everyday life situations and relationships, communication becomes even more challenging in times of conflict and within mediation. The outcomes of mediation depend very much on the reestablishment of communication between the parties and the crucial communication skills of mediators. A mediator has to:

- 👂 Listen attentively.
- 👂 Uncover the needs and feelings of the conflicting parties.
- 👂 Balance power or communication disparities among the conflicting parties.
- 👂 Steer the story and the process as a whole through active listening.

Communication can be defined as *a transfer (sending and receiving) of messages to result in action and facilitate understanding*. This complex undertaking should be handled with skills and sensibility. Effective communication is thus the result of an understanding of how every communication is interpreted and dealt with.

One well-known communication model is that of Schulz von Thun.³⁸ In the Four Sides of a Message Model (also known as Communication Square or Four-Ear Model) von Thun analyses the anatomy of a message, identifying four levels in every message exchanged between the communicators. These are:

Factual Level

Every message contains factual information that the sender wants to convey to the receiver.

Self-revelation

A sender's message contains some self-revelation: 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-revelation therefore encompasses intentional self-portrayal as well as unintentional self-disclosure.

Relationship

A message also reveals the sender's and receiver's relationship to each other. This side of a message is often manifested in the tone of voice, gestures, and other nonverbal signals, as well as in the way the message is worded.

Appeal

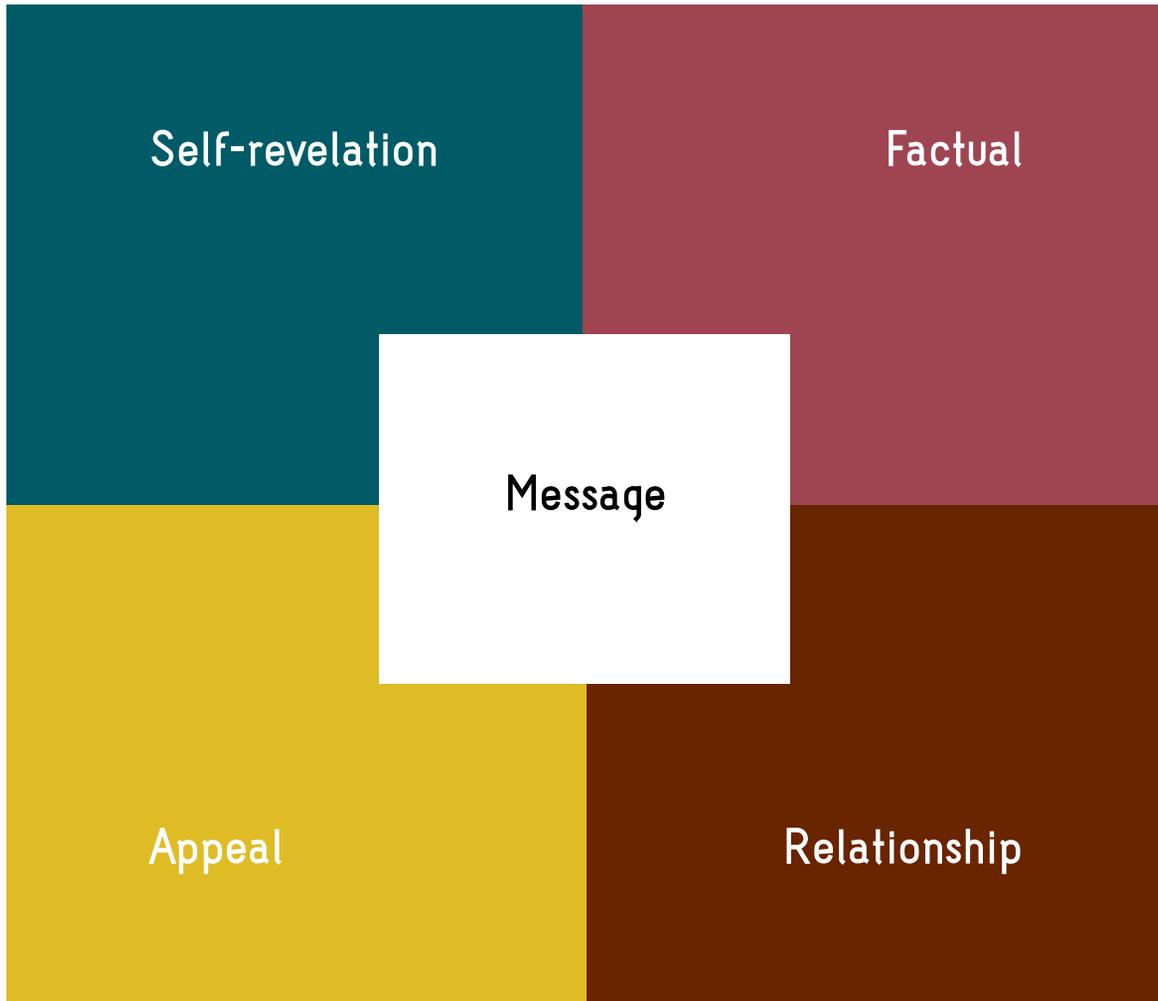
A message can contain an appeal from the sender to the receiver.

We tend to express all the four aspects in everyday communication, although not explicitly. This leaves a broad space for interpretation by the listener, which eventually leads to frequent misunderstandings and even conflicts.

³⁷ Schulz von Thun, F. (2012).

³⁸ First published in Schulz von Thun, F. (1981).

The Four Sides of a Message





You can use the following example:

Addis and Ethiopia are sitting in a car; Addis is driving. While they wait at an intersection, the traffic light changes from red to green.

Ethiopia: "The traffic light is green."

Addis: "Don't be so impatient!"

...and they start arguing. What went wrong?

When you apply the anatomy-of-a-message frame, you can identify four sides of the statement, "The traffic light is green."

The *factual* content of the message is that the traffic light is now green. Ethiopia sends a *appeal* to Addis to start driving. Ethiopia tells something about her inner state (*self-revelation*): she is impatient and in a hurry. Her message gives a clue to the *relationship* between Ethiopia and Addis: she is the boss and he is the driver. She can tell him what to do and what not to do.

Maybe Ethiopia did not mean to be insulting. Disagreement can happen to anybody, because different people are sensitive to the different pieces of information encoded in a message. This can be a cause for misunderstandings and conflict. The following exercise will help the participants apply the Four Sides model while giving them a feeling for the complexity of communication.

III.6.2 Communication Exercise

Objective

To demonstrate how complex levels of communication can occur in real life and to deepen participants' understanding of Schulz von Thun's Four Sides of a Message model.

Time

30 minutes.

Materials

Two pin-boards, flipchart with the Four Sides diagram and a message, cards of different colours, markers.

Procedure

Step 1: Draw two pictures on separate pin boards. Mask the content with brown paper or flipchart paper. One of the pictures is the four sides of a message diagram with a square in the middle for the message itself. The other picture shows people sitting in a bus. A girl is standing on the stairs of the bus door, calling out to a boy standing in a hotel lobby across the street.

Step 2: Explain that this is an example showing a communication process between school friends returning from a vacation trip. All the students in the bus are ready to go. But Solomon, one of the trip organisers, is still in the hotel lobby bar talking to someone. Senait, the girl standing on the stairs of the bus, calls out to him. "Solomon, we are waiting for you!"

Step 3: Now write Senait's message, "We are waiting for you," in the square of von Thun's model. Invite the participants to reflect about the four different sides of that message by asking, "What could Senait have possibly meant? What would Solomon have understood?"

Step 4: Write down as many participants' suggestions as possible, even if they contradict each other. These might be:

Factual content: Everybody is already sitting in the bus and ready to go.

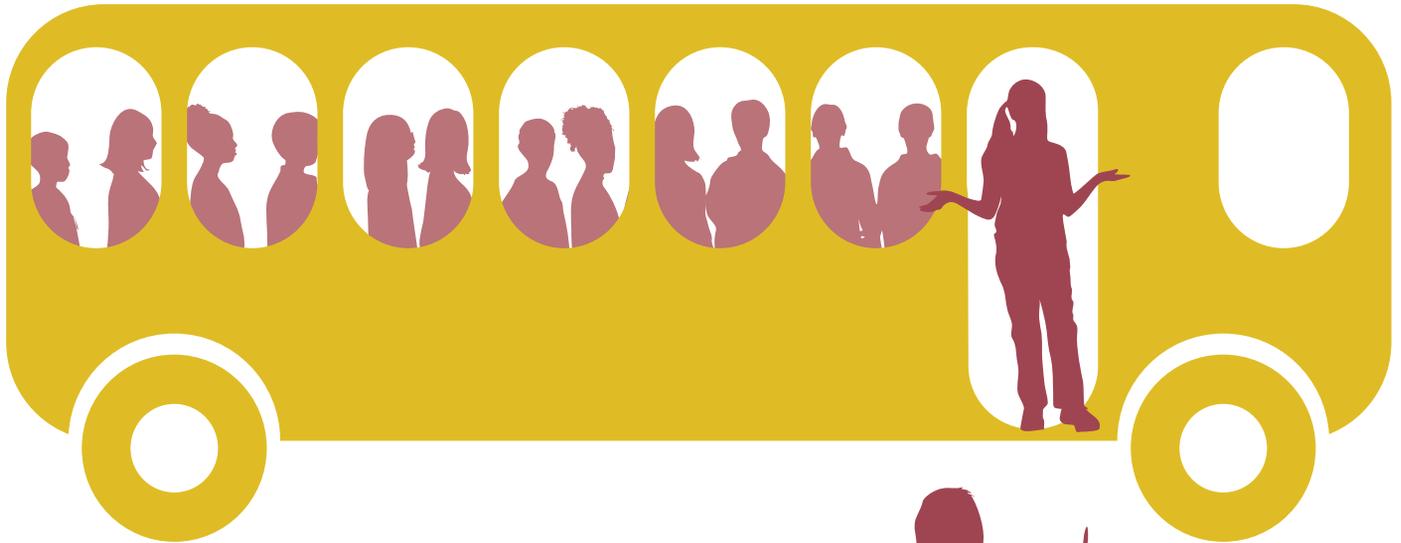
Self-revelation: "We are worried about you." "We feel responsible for you." "We are impatient and angry." "We are afraid of being late."

Relationship: "We can't rely on you." "You are important for us."

Appeal: "Don't worry, take your time." "We are ready to leave you." "Hurry up!" "Don't make us wait."

Add your own suggestions if participants don't come up with them.

Step 5: Collect feedback from the participants on how the exercise elaborated the model. Emphasise how the variety of interpretations can lead to misunderstanding if the sender of the message wants to express something different than what the receiver understands. Explain the consequences for mediators: if a party doesn't express itself clearly, mediators must ask questions in order to find out the real meaning in relation to the four aspects of a message. You can also work with further examples from the participants or repeat the exercise in small groups with participants' examples.



Self-revelation

"We are worried about you."
 "We feel responsible for you."
 "We are impatient and angry."
 "We are afraid of being late."

Factual

Everybody is sitting in the bus except Solomon.

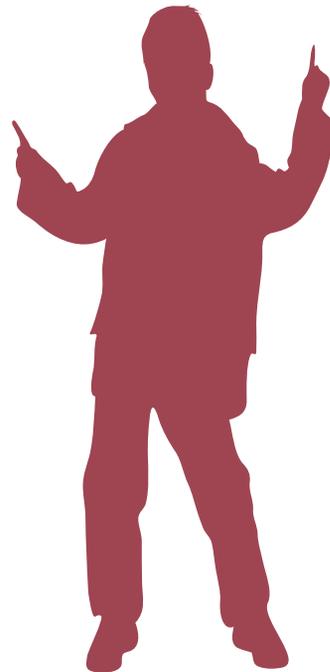
"We are waiting for you."

Appeal

"Don't worry, take your time."
 "We are ready to leave you."
 "Hurry up!"
 "Don't make us wait."

Relationship

"We can't rely on you."
 "You are important for us."



III.6.3 The Importance of Body Language in the Mediation Process³⁹

| | |
|-------------------|---|
| <i>Objective</i> | At the end of the session, participants will have new knowledge about the importance of body language in mediation and will have three practical tools at hand to effectively use body language in mediation. |
| <i>Time</i> | 120 minutes. |
| <i>Background</i> | None. |
| <i>Materials</i> | Pin-board, flipcharts, markers, moderation cards of different colours, three chairs. |
| <i>Procedure</i> | Step 1: Introduce <i>The Importance of Body Language in the Mediation Process</i> below. Step 2: Facilitate <i>The Use of Body Language</i> exercise. |

Why does body language play a crucial role in the mediation process?

Body language is the first language in which we converse fluently before we are able to utter a single word. It is “spoken” in every interaction between two people, even if not a word is voiced or heard. In a face-to-face conversation, we continuously send and receive the nonverbal signals. They complement and give sense to the content that we voice. Studies have shown that body language plays a significant role in our decision whether we find someone trustworthy, credible and likeable.⁴⁰

While we can carefully select our words, we can only control our body language to a certain degree. Therefore, although we can hide our inner attitude or feelings in our wording, our body language will always give away some of our thoughts and emotions.

Nonverbal communication is neither objective nor can it be standardised. Only very few facial expressions like anger, fear, disgust, happiness, grief and surprise are universal.⁴¹ However, situations in which they occur and the intensity of their expression differ among cultures. Our cultural background, norms and codes influence the way we use our body to express ourselves. For example, there are cross-cultural differences with regard to eye contact, the comfortable spatial distance between us and others or the average volume of the voice. In addition, everyone has his or her own individual repertoire of facial and bodily expressions. Everyone therefore perceives signals he or she receives from others in a different way, making the likelihood of misunderstanding high. Mediators should observe the body language of the mediation parties for hints regarding their inner experiences, their thinking and their aspirations, and carefully use these for empathic interventions. However, they must refrain from interpreting too quickly and remain open for possible alternative meanings for nonverbal expressions. Thus, nothing is self-evident regarding the purport of body language in a conversation (and even less so in a cross-cultural conversation).

Mediators must not only be aware of and careful about judging the nonverbal signals of others, they must be conscious of their own as well. In addition to mediators’ oral communication skills, paying attention to their own body language can be a powerful tool to reinforce their demeanour/composure/attitude, and build contact and trust between them and the mediation parties.

³⁹ This article is based on: Wüsthube, L. (2005); Wüsthube, L. & Specht, H. Knapp, P. (Ed.) (2013).

⁴⁰ Mehrabian, A. (1981); Burgoon, J. K. & Birk, T. & Pfau, M. (1990).

⁴¹ Ekman, P., Friesen, W. V. & Ellsworth, P. (1972).

Triad Tool: Observe-Interpret-Intervene

Mediators want to support parties in their return to creativity and constructiveness by being empathic and understanding. This tool helps to avoid hasty judgements and enables the mediator to intervene accurately and skilfully. It is also helpful in preventing deadlocks and the loss of all-partisanship due to misinterpretations. A misjudged intervention threatens the relationship between the mediator and the conflict parties. Therefore, it is useful to sharpen your ability to observe before you intervene in order to avoid misled statements or actions. These three steps are recommended in dealing with non-verbal signals:

1. Closely observe the parties.
2. Develop several theses.
3. Intervene.

By following these, the mediator becomes aware of the danger of mixing up observation with interpretation and becomes open for alternative interpretations.

E.g. X—a party to the mediation process—shifts his eyes to the side, takes a deep breath, purses his lips and caresses the left thumb with the right thumb of his folded hands. A possible reaction could be, “Aha, X is impatient and irritated.” At this point, the different levels of observation and interpretation have unconsciously been mixed and become one. The mediator might even unknowingly already give a nonverbal response, and the perceived impatience of X becomes a fact, even though he might have had other reasons for his behaviour.

Alternatively, following the triad-tool steps, the mediator might first simply observe and describe what has changed: “X turned his eyes away, his hands are folded...” The mediator is not interpreting or judging at this point. By doing so, he/she dissociates herself from the scene and creates time and space for alternative interpretations.

With an open view she can then, in step two, develop of a variety of theses: “X is focusing on himself; he is impatient; he is nervous; he is aggressive; he wants to hang on to something; he does not want to reply; he is calming himself down; he just had an idea”; etc. This open perspective influences her own attitude since he/she is now able to verify her theses in a relaxed mood.

When he/she intervenes in step three, she tests the possible interpretations. She might combine several theses by asking, “I wonder whether you just had a new idea or whether you wish to proceed in a faster way?” Sometimes it is also helpful to only verbalise observations in a question: “I can see that you have a little smile on your lips...?” The mediator must be very careful with this approach as speaking about unconscious behaviour is a sensitive issue and can lead to giving someone the feeling of being caught. It might help not to give a full description in order not to embarrass the person. The question should serve as an invitation for X to reflect on himself or to explain his feelings. The mediator may also realise that certain theses are coined by her own feelings rather than by X.

The Triad Tool



Self-management

Self-management supports mediators to effectively use their resources. In a best-case scenario, this tool can accentuate the positive progress of the mediation process like a self-fulfilling prophecy.

There is a close interdependency between our state of mind and our body language; posture or behaviour can serve as an expression of inner attitude. Conversely, our posture can influence our inner attitude and thereby influence our relationship to ourselves. Mediators can consciously use this knowledge during their mediation sessions. Especially during difficult moments where mediators are reaching their limits, a change in their body posture might lead to a little “miracle”. In most cases, a relaxed, open and confident posture will positively affect their inner attitude. To be able to recall our own “power posture”, which is full of resources and energy, it is necessary to learn this body posture by heart. To find this power posture, the mediator should practice the following:

1. Put yourself in a situation where the following statements are true:
"I'm feeling full of energy!"
"I'm feeling safe."
"I'm feeling connected with my environment."
"I'm in control."
2. Now feel and observe:
"How am I sitting?"
"How did I pose my feet? In what way am I connected to the ground?"
"Has my body moved forward or backward? Do I touch the back of the chair?"
"What is the position of my hands? Of my head?"
"In what way do I breathe?"
"How is my body tension?"
Memorise this posture so that it is easy to recall in a stressful situation
3. Take a position that reminds you of an "all is lost" situation. Next, come up with a sequence of steps that will lead you from the "loser" posture to the "winner" posture. Practice this sequence until this change seems natural for you as the mediator and would appear natural to the parties. It is best if you repeat this exercise several times and after several days. This change of body posture helps mediators call upon their reserves in a stressful mediation session. It can help them become more optimistic, and in many cases this will also transfer to the parties.

Mediating with my Feet

This technique helps to enhance trust between the mediator and the parties while supporting the feeling of empathy in the mediator. The feet help mediators to create, keep, and interrupt contact with the parties by pointing them into the direction of or withdrawing them from each other. Moreover, they can be used to facilitate a first conversation between two parties or to support all-partisanship.

Elements of body language, like mimicking, gestures and body posture can be controlled to different degrees, such as faking a smile during a painful situation. Controlling our gestures is more difficult and often seems contrived. Controlling the gesture and position of our feet is the most difficult. Even if we consciously put our feet into a certain position, they will soon return to their old position if our attention is directed to something else. Interestingly, as they are the least controllable, they are the parts of the body that have the biggest impact on our credibility towards our counterpart. This means that observing incongruence between the spoken word and thoughts is best identifiable in our feet, and humans instinctively seem to know this.

During a mediation session, the positions of the parties' feet might give hints about their willingness to enter into contact with the other side.

Mediators should intentionally make use of their feet and adjust their own position according to the message they want to transmit. In so doing, they must continuously reflect on their body posture using the self-management tool.

▶ To enter into contact with the parties (see picture):

1. Turn the tips of your toes towards the party.
2. Use both of your feet (each foot pointing towards one party) to enter into contact with both parties at the same time and to hold contact with both. While you are using eye contact to speak to one party, direct one foot and one hand towards the other party.

▶ How to initiate contact between the parties to enter into a dialogue:

3. Create foot-contact with both parties.
4. Slowly move your foot away first from Party A and then from Party B. Simultaneously, you should verbally summon them. You can tell this directly to B. While uttering these words, describe a connecting motion with your hands.
5. If the parties still talk to you as the mediator instead of each other, face the party that is listening and not the party that is speaking and repeat your footwork starting from Party A.

▶ How to (re)establish contact with the co-mediator:

6. Point the tips of the toes in the direction of the co-mediator.
7. Simultaneously give him/her a look and wait a little.



Exercise: The Use of Body Language

Objective

To provide participants the opportunity to exercise and reflect on the impact of body language in communication processes.

Time

30 minutes.

Procedure

Step 1: Ask participants to apply the self-management and mediating-with-the-feet tools while communicating with each other in groups of three.

Step 2: Facilitate a feedback session regarding the body-language elements that the participants used and observed.



| | |
|-------------------|--|
| <i>Objective</i> | At the end of the session, participants will understand the importance of and gain skills in active listening. |
| <i>Time</i> | 30 minutes. |
| <i>Background</i> | <i>II.3 The Marriage of Wise-Counsel and Facilitative Mediation.</i> |
| <i>Materials</i> | Pin-board, flipcharts, markers, moderation cards of different colours. |
| <i>Procedure</i> | <p>Step 1: Introduce the topic and highlight the importance and characteristics of active listening skills.</p> <p>Step 2: Facilitate the <i>Listening Exercise (III.4.1)</i>.</p> |

Before mediators can effectively support conflict parties to resolve their disputes, they must first uncover the causal issues that determine the parties' positions—their fears, needs and interests. In order to do this, mediators must actively listen to the parties.

Active listening means listening to messages with our whole body and mind (see the previous chapter on body language) without reacting to them. The ability and willingness to listen with empathy and to demonstrate eagerness to understand a situation without judging it is a skill mediators must apply continuously throughout the mediation process.

The Benefits of 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 mediator truly seeks to understand, they begin dealing with problems and other people more constructively, and they develop a readiness to listen to others.
- ▶ **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 must explore their understanding of the conflict situation and their feelings in greater detail, and they must structure their thoughts and narratives.

The Process of Active Listening:

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

Verbal reactions that show that you are paying full attention to the speaker's words are:

- 👉 Making supportive and encouraging statements like: "Go on." "Then what happened?" "Yes, I understand." "Tell us more." "Could you explain what happened?" etc.
- 👉 Expressing acknowledgment: "I understand." "I see." "O.K."
- 👉 Acknowledging having received the message: "Hmm." "Aha." "Oh."
- 👉 Verifying the content: "Is it correct that you said "; "You seem to be angry about "
- 👉 Asking 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 these 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.

Nonverbal reactions that show the speaker that you are fully paying attention to his/her words are:⁴²

- 👉 Showing an open body posture.
- 👉 Making appropriate gestures such as nodding.
- 👉 Using an appropriate amount of eye contact.
- 👉 Using 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 mediators set aside their own thoughts and agendas, suspend judgment and try to understand the speaker's points, emotions and attitudes. This is a difficult task and has to be practiced.⁴³

⁴² See also Chapter III.6.3 The Importance of Body Language in the Mediation Process, on page 62.

⁴³ This chapter is based on a hand-out used in the GIZ CPS inmedio series of mediation trainings in Ethiopia 2010-2011, which were compiled by inmedio and partly based on Niederberger von Wyl, J. (2009). Compare also Burgess, G. & Burgess, H. (Eds.) (2003).

III.6.5 Bringing Difficult Messages Across: Summarising and Paraphrasing Dialogue

In highly-escalated conflicts or if the conflicting parties appear very emotional during the mediation session, the mediator should pick up on these emotions and focus more on feelings than on facts. The verbal technique a mediator uses to mirror a conflict party is called summarising or paraphrasing. The following discussion and activities highlight these important mediation techniques.

Exercise: Summarising and Paraphrasing

Objective

To elaborate on the notion of summarising and paraphrasing.

Time

30 minutes.

Materials

Flipcharts, markers.

Procedure

Step 1: Note down examples of summarising dos and don'ts.⁴⁴

Verbal Dos

"If I understood you correctly, you said..."

"I think I understood that you felt..."

"I have the impression/feeling that..."

Verbal Don'ts

"You said, 'Think like this and this...'"

"It is true that"

"You were right/wrong when you said that..."

"You misunderstood the other party and you thought..."

Step 2: Ask the participants to form groups of two and to discuss a controversial topic while facing each other. Participant 1 makes a statement; Participant 2 has to summarise and/or paraphrase what he/she understood. Only when Participant 1 gives the signal that the summary was accurate is Participant 2 allowed to make a new statement.

Allow the participants 5 to 10 minutes for the exercise before discussing their impressions and feelings.

Make your own observations during the exercise and share these with the participants. Evaluate by asking how the frequent summarising affected the course of the conversation. Participants will describe the positive effects of these techniques. Discuss afterwards the impact of these techniques on conflicting parties.



⁴⁴ See Chapter III.6.4 Listening in Mediation, on page 67.

CPA was developed by inmedio Berlin⁴⁶ to be able to explore and understand deeper issues in a conflict by looking at it from the perspectives of the different actors. It also aims to let the parties understand how the other party thinks and feels. CPA helps mediators prepare the mediation session to better understand the roots of the conflict as well as the parties' deeper motivations to act like they do and have.

Before mediation starts, mediators develop a "conflict map" reflecting the feelings, fears and wishes from the perspective of each party involved.

At the heart of the map is the so-called "empathy hypothesis". This is best undertaken in a team of mediators or at least with the support of other colleagues. Empathy hypotheses are built by stepping into each party's shoes. This technique helps mediators orient themselves in the complexity of the conflict case.

Mediators also use CPA mapping during mediation to support the parties' mutual understanding, by creating empathy lists for the other parties' feelings, fears and wishes.

Exercise: How to do a Conflict Perspective Analysis: The Case of the Farm Investment

Objective

To help participants develop practical CPA skills by analysing a case study.

Time

120 minutes.

Materials

Flipcharts, markers, pin-boards, pins.

Procedure

Step 1: Introduce the four steps of the CPA:

1. Identifying parties and stakeholders.
2. Collecting facts and statements from each party about their positions.
3. Identifying interests, needs and fears of each party involved in the conflict.
4. Identifying common interests, differences and bridges of understanding in order to elaborate options for potential win-win solutions.

Step 2: Distribute a handout of the case study. Allow 15 minutes for reading and clarifying questions.

Step 3: Analyse the case following the four steps of the CPA method. Establish two equal groups. Each of the groups represents one conflict party with its own position in the conflict.

1. Identifying parties and stakeholders.
Party A is the investor.
Party B are the local communities.

⁴⁶ Wüstehube, L. (2004).

2. List facts and statements (positions) made by the parties.

Facts about the investor (Party A) and statements he made.

- 👉 The investor has followed legal procedures to secure the land:
- 👉 The investor has mobilised human and material resources for the area:
- 👉 The investor was attacked by the local communities:
- 👉 The investor asked the government and the local communities for compensation:
- 👉 The investor has an ambition to contribute to the development of the region:
- 👉 He has a plan to absorb the local labour in the production process and create employment opportunities.

Facts about the community (Party B) and statements they made.

- 👉 They seemed to agree to the project at the beginning:
- 👉 They are afraid of losing their identity:
- 👉 They want to retain the land for their future generations:
- 👉 They have lost trust in the government:
- 👉 They have damaged production materials and attacked people:
- 👉 They have put themselves in a violent and turbulent environment.

3. Identify each party's fears, feelings and wishes.

Do not reflect about the parties, but formulate sentences from the respective party's perspective, starting with "I/we feel..." "I/we wish..." "I/we fear..."

PARTY A: I, THE INVESTOR

I fear

- 👉 I fear being attacked by the local community.
- 👉 I fear being threatened by the community.
- 👉 I fear losing my reputation and the value attached to the business.
- 👉 I fear losing my property.
- 👉 I fear that my contribution to the development plan of the region will be disrupted.
- 👉 I fear getting abused by the local community and other interest groups.

I feel

- 👉 I feel betrayed by the government and the community.
- 👉 I feel misunderstood because I really worked hard to bring development and peace.
- 👉 I feel disappointed by the reluctance of the government.
- 👉 I feel hopeless.
- 👉 I feel that other interested groups are interfering.
- 👉 I feel the people are backed by other investors.

I wish

- 👉 I wish that the government would resolve the problem.
- 👉 I wish for the young generation to benefit from the investment.
- 👉 I wish that the living standard of the people will be improved.
- 👉 I wish that peace and prosperity will come to this area.

PARTY B. I. THE COMMUNITY REPRESENTATIVE

I fear

- 👉 I fear that I am being sold by the government to fulfil the interest of the investor.
- 👉 I fear that we cannot feed our children.
- 👉 I fear that our future generation will suffer.
- 👉 As a community representative, I fear that we may lose our reputation.
- 👉 I am afraid that we may lose our identity.

I feel

- 👉 I feel that this is another form of colonialism.
- 👉 I feel that we are being sold.
- 👉 I feel that the government authorities are being bribed.
- 👉 I feel that the coming generation might be abused by the cultural diffusion.
- 👉 I feel that we should protect our land.
- 👉 I feel that we are being invaded.

I wish

- 👉 I wish that the investor would leave our land.
- 👉 I wish that the government would intervene in the case and give an appropriate solution that will benefit us.
- 👉 I wish to protect our land and people from cultural diffusion.

4. Identify the conflicting parties' common interests, differences and bridges of understanding using grounding questions.

Which of the parties' interests are the same, which contradict each other? Bridges of understanding are feelings, needs (desires) and fears that are similar but have different roots or addressees. For example, none of the conflict parties wishes to be ridiculed but fears the other party will do exactly that. This fear is something that both parties can relate to, a point where they understand each other even though the source of their fear is different.

Step 4: Facilitate a discussion with the participants and note their responses on a flipchart using the following table:

| GROUNDING QUESTIONS | INVESTOR'S RESPONSES | COMMUNITY REPRESENTATIVE'S RESPONSES |
|---|----------------------|--------------------------------------|
| Why is it important for you to take part in this conflict? | | |
| What will be worse for you if you withdraw from the conflict? | | |
| What will be better for you if there is peace? | | |

In this example, a possible result could be:

| GROUNDING QUESTIONS | INVESTOR'S RESPONSES | COMMUNITY REPRESENTATIVE'S RESPONSES |
|--|---|---|
| <p>Why is it important for you to take part in this conflict?</p> | <p>I lost my property. I am denied my right to invest. I have mobilised huge resources and find myself helpless at the end. I am acting legally. International laws have been broken. I have lost trust in the government. I found the investment promising and profitable. I have deep interest in changing the lives of poor people.</p> | <p>Our culture and identity will be abused. Our land should be protected. It is not a genuine business. It exposes our children to exploitation. We have lost trust in the government. We need to defend our land. We need to preserve the culture and the land for the coming generations. The investor is a foreign investor and will take all the resources to his own country.</p> |
| <p>What will be worse for you if you withdraw from the conflict?</p> | <p>I may lose confidence in my capacity to do business. I may lose my reputation. I may not get compensated for the loss and damage of my property. I may end up in moral and psychological crisis.</p> | <p>The younger generation may lose trust and confidence in the elders. The land and all the cultural values may get ruined. Individual conflicts may take place. The government may commit other mistakes that have harmful effects on our community.</p> |
| <p>What will be better for you if there is peace?</p> | <p>I will work hard to have the local people the benefit from the investment. I will promote peaceful coexistence to sustain the business.</p> | <p>There will be a common understanding created among both parties and the government. The local people would get a meaningful reward from the investment.</p> |

Step 5: Identify options for win-win solutions. These common interests, differences and bridges of understanding are the pillars on which mediators reflect on possible win-win solutions so that sustainable peace will be established between the conflict parties. Discuss potential win-win solutions or most feasible options with the participants.

| QUESTIONS | INVESTOR | COMMUNITY REPRESENTATIVE |
|---|----------|--------------------------|
| Which steps have to be taken to implement the options deemed most feasible? | | |
| What can you contribute to these steps? | | |
| What new insights have you gained about the conflict? | | |
| What has changed for you? | | |
| What conclusions do you draw from the process? | | |

In this and in the preceding sessions we have seen various useful mediation skills and tools. We have also seen that communication is not only very complex and at times challenging, but good communication is vital for the success of the mediation process. To enable conflicting parties to change perspective and finally come to a jointly-accepted solution, both parties must understand each other and, more importantly, both parties must *feel* understood. It is the task of the mediator to help them understand and especially to make them feel understood. The next chapter explains how to achieve this.

Generally, the method of shuttle mediation means that mediators act like a “shuttle” moving from one party to the other, sometimes while carrying information between them.

The Pre-mediation Period

Mediators can use the shuttle method in the very beginning of a mediation process to explore the ground for mediation and the willingness of the parties to participate. As mediators are invited by at least one party, it is necessary to approach the other party and ensure their acceptance. Using shuttle mediation allows the parties to openly address their perspectives on the conflict in a safe space. Mediators also have the chance to explore the conflict as deeply as needed to identify the positions and understand the background, details, and underlying issues causing the conflict. This allows them to create a proper design of the process.

Shuttle mediation is a characteristic step in traditional Ethiopian mediation, especially in family and community conflicts. *Shimagles* (wise-counsel mediators) usually take the initiative themselves or get invited to mediate emerging conflicts in different parts of the country. Before arranging the mediation sessions, shimagles serve as connectors who visit conflicting parties to try to get their acceptance to mediation. At the same time, they get acquainted with the context of the conflict and arrange meeting sessions. This is a good entry point for mediators to understand the level, context and positions of parties to the conflict apart from arranging plenary sessions.

Shuttle Mediation with Caucus Group Discussions

Shuttle mediation is often used when conflicts have escalated to a point where parties can no longer talk to or even face each other. It can also be used when parties enter into a deadlock, making it very difficult to proceed. In such a situation, mediators can interrupt the plenary sessions and form caucus group discussions with each party. This gives the parties time to discuss—and with the mediators’ support—gain new perspectives and reconsider their positions before coming back to the plenary. At the same time, mediators can uncover more details or re-design the upcoming process if it is needed. These bilateral discussions can also further the trust between mediators and parties.

Secret information revealed during shuttle sessions can pose a challenge for mediators as it cannot be used in the mediation process without permission. And often these secret facts are crucial for the settlement of a conflict. Mediators can only encourage the parties to openly discuss these facts when they return to a plenary session. Sometimes conflict parties try to influence mediators to reveal confidential information. A true professional mediator will still follow the principle of all-partisanship.

IN SHUTTLE MEDIATION
SOMEBODY TELLS MEDIATOR
A SECRET. HOW TO REACT?

→ Why do you tell me?
What do you expect me to do?
What are you afraid of?
How could we talk about
that in the mediation
How do you want to influence
the mediation with this fact

→ party was forced to
think about solution herself.

① HIDDEN AGENDA?

② FIND AGREEMENT
HOW TO FORWARD INFORMATION

“ሳይቃጠል በቅጠል”

“Put out the fire before it destroys.” (Amharic proverb)

| | |
|-------------------|---|
| <i>Objective</i> | At the end of the session, participants shall understand the Nine Stages of Conflict Escalation according to Friedrich Glasl. |
| <i>Time</i> | 150 minutes. |
| <i>Background</i> | <i>III.1 Understanding Conflict.</i> |
| <i>Materials</i> | Markers, moderation cards of different colours. |
| <i>Procedure</i> | <p>Step 1: Introduce Friedrich Glasl's Nine Stages of Conflict Escalation model. Distribute a hand-out of the next page to participants.</p> <p>Step 2: Apply the model to a sample case.</p> <p>Step 3: Facilitate a discussion among participants.</p> |

As we have seen in the Mediation Tree House exercise,⁴⁷ mediators are often asked to intervene when a conflict has already reached a stage of escalation where a third party is needed to deal with the situation. Usually the term “escalation” is associated with an increase of physical violence. In his book *Confronting Conflict*,⁴⁸ Friedrich Glasl classifies the dynamics of conflict into nine stages of escalation. It is important for mediators to understand these dynamics in order to draw entry points and use the right strategy when taking on the mediator role.

⁴⁷ See the Mediation Tree House exercise, Chapter III.3.4 on page 37.

⁴⁸ Glasl, F. (1999).

III.9.1 Introduction to Friedrich Glasl's Nine Stages of Conflict Escalation⁴⁹



1. Hardening

Conflicts begin with the occasional collision of opinions not being noticed as conflict. Over time, opinions become more and more extreme, signifying deeper causes. At this stage, there is still a chance to find solutions by talking to each other.

2. Debate and Polemics

The diverse opinions lead to controversy. One party wants to pressure the other. In order to convince each other away from each other's arguments, the parties debate and look for support.

3. Actions not Words

The conflict parties increase the pressure onto each other to try to have their own argument accepted. Discussions are broken off. No more communication takes place, the conflict is intensified and there is a danger of misinterpretation.

4. Images, Coalitions

Stereotype images appear which no longer concern the issue of the debate. Parties look for sympathisers, put up obstructions and start rumours in order to win the conflict.

5. Moral Loss of Face

The opponent's identity is to be destroyed. Loss of face in this sense means loss of moral reliability.

6. Strategies of Threat

The conflict parties try to control the situation using threats. One party demands something which the other party will reject almost immediately, intensifying the conflict to an explosive state.

7. Limited Destruction

The opponent is no longer regarded as human. He/she will be cheated and harmed by all means; even limited personal damage will be accepted as long as the other party is harmed to a greater extent. A total reversion of values ensues.

8. Fragmentation

The aim is to disband and devastate the opponent. Destroying vital organs of the system leads to ungovernable situations aimed at the total physical, psychic and/or social demolition.

9. Together into the Abyss

Total confrontation with no way back. In order to defeat the opponent, even self-destruction is being calculated and accepted. The deletion of the other gives a certain pleasure, even if it leads to an unbearable situation.

⁴⁹ Glasl, F. (1998).

III.9.2 Exercise: Applying the Nine Stages to a Sample Case

The model can be applied to any kind of conflict situation on the family, community, national or international level. In order to deepen participants' understanding, we next apply the model to a sample case.

Objective

To deepen the participants' understanding of conflict escalation dynamics.

Time

60 minutes.

Materials

Flipcharts, markers.

Procedure

Step 1: Introduce the case: you may tell the story in the following way:

At the banks of a river connected by many bridges, two communities live in a good, neighbourly relationship. Inter-marriage is common, trade is flourishing and minorities are well respected. The leaders of both communities jointly develop a new school project. They agree on everything, except the future location of the school building. Both leaders wish to have the building on their side of the river.

Step 2: This is an example how to analyse the situation according to the nine stages:

Stage 1: Hardening

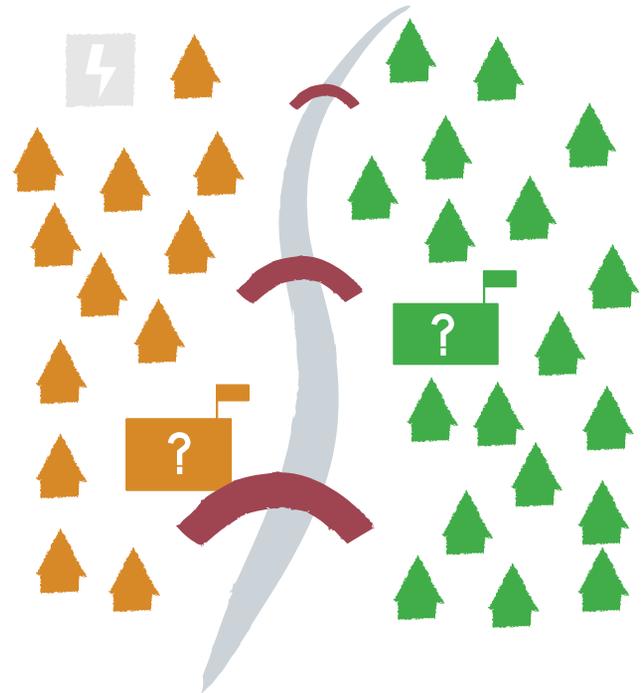
Conflicts start with the occasional collision of opinions not being noticed as a conflict. Unlike in an open discussion, where people exchange their different views constructively, they now get distressed. At least one party feels it in her stomach. The mood gets tense and the community members sometimes talk aggressively, but they still hope that they will manage to convince the other side.

Sample case:

Orange Community (OC, left side): "This venue is really good. It is near the bridge so everybody can reach it comfortably."

Green Community (GC, right side): "But honestly, there are more people living on our side of the river, so the school building should be with us."

OC: "It doesn't matter how many people live on your side. This is not important. I will talk with my elders and I will come back to you to settle this thing."



Stage 2: Debate and Polemics

The parties lose confidence that they will be able to convince the other side. They still talk to each other, but the aim is rather to gain support from their own peers/the audience than to convince the opponent. They try to prove verbally that they are better. The debate is thus dominated by rhetoric tricks. The conversation undertones convey insulting messages about the other party.

Sample case: In a live discussion broadcasted from the local radio station:

OC: "It's so sad that I cannot discuss this with your predecessor who's unfortunately out of office now. He was always open for good arguments."

GC: "This is typical. I keep hearing even from members of your town council that you'd rather ridicule people than listen."

OC: "Come on, you are just too proud to admit that you just didn't think it through. It would be more beneficial even for your people to build the school on our side. You don't act in the interest of your own people!"

GC: "What a show you make! You already accepted our proposal, don't you remember? Is your memory that weak in other areas of life as well?"

Stage 3: Actions not Words

Having discussed without result for a time, the parties lose hope that they will manage to find an agreement. In desperate desire to move things forward, the only thing they can do (in their view) is to take action unilaterally. One of the parties makes an important move without consulting the other party. Usually the party that became active had a good reason to do so, but the other party feels overcome, sold out, and very upset. Once this border is crossed, it is difficult to come back to discussion without the help of a third party because deep mistrust has arisen. After one party takes action, the other party will do the same as they have lost faith in discussing the problem. They still talk but they would rather interpret each other's actions than believe each other's words. The risk of misinterpretation increases dramatically.

Sample case: Some time has passed and the leaders of the two communities meet again.

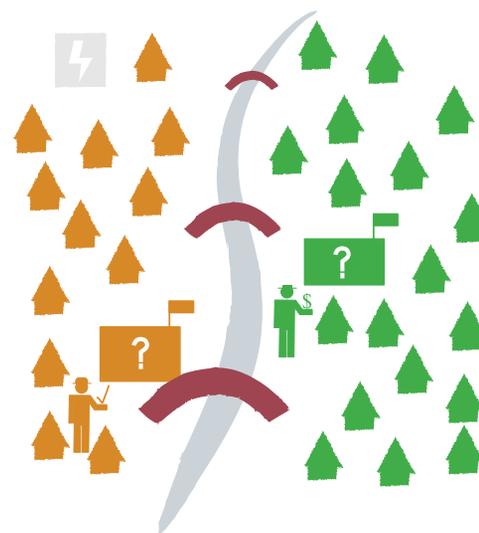
OC: "You know, I have spoken to an official and submitted the plan of the school. Here is the plan for the building. He was very happy about my ideas and agreed immediately."

GC: "How can you do this? I thought we agreed to first have our community discussion. You tricked me!"

OC: "Ah, don't be silly. You know we cannot go on discussing forever. When the representative came, I took the chance."

Again sometime passes. Now GC takes action as a reprisal:

GC: "I know you will be really glad about this. I talked to the community and I found a donor who will pay for the school building exactly at the place that I proposed. Is this not great news? And since it was you who said that we have to hurry, I'm sure you will be really satisfied by now."



Stage 4: Images, Coalitions

What do the parties do next if the conflict goes on? They try to gain strength by seeking supporters: more and more people will begin to get involved. They involve the media, write open letters, post on the Web, etc. They think in categories of friend or foe ("The friend of my enemy is my enemy, too. The enemy of my enemy is my friend"). The parties are eager to create strong coalitions, which turn out to be very rigid and have strong group-cohesion: no critics are allowed in their own group. Critics are quickly perceived as enemies and traitors ("Either you are with us, or you are against us!"). There is little room for constructive discussion even within the group.

Fixed images and stereotypes form. The problem is no longer perceived as a disagreement about specific issues, but the other party in general is seen as the problem: they are old-fashioned, egoistic, incapable, etc.

Covert provocations take place which do not only follow the motto "I take what I need" (like in stage three, actions, not words) they are aimed at obstructing the other side even if the acting party doesn't directly benefit from it. That is, lose-lose-thinking prevails. Still, the parties deny that these provocations are deliberate actions. At this point, it doesn't matter whether such a provocation is in fact deliberate or not. If the other party *perceived* it as deliberate, escalation will continue.

Sample case:

OC to members of his own group: "I have heard rumours that on Wednesday a representative of the donor will come and have a celebration at the place they want for the school. They will have to come our way and use our bridge. We can organise a traffic jam to prevent them from celebrating, and the next day we can file a report saying the meeting didn't take place because they were not well organised. And if they ask, we would pretend it was simply by accident."

GC after this happens, to his people: "Of course this was not by accident but a pure provocation! We know that we are really experienced in planning and building houses. They are not so experienced. They are old-fashioned and unskilled. So all we have to do is go to the government and other people we know and show them proof that, yes, they might be simple people, but they don't even know how to build a house."

OC: "What I will do is, I will inform my community that the donor of the GC is from abroad and we don't want to have foreign governments meddling in our affairs. We'll issue a press release with the headline: 'GC wants to sell our children's future to foreign investors!' We will organise a demonstration and perhaps some of our heroic, wild, youngsters will go to the GC's chosen school place and destroy something. Not that I would order them to do this, but it might just happen because of the tense atmosphere and the vicious people from the GC."



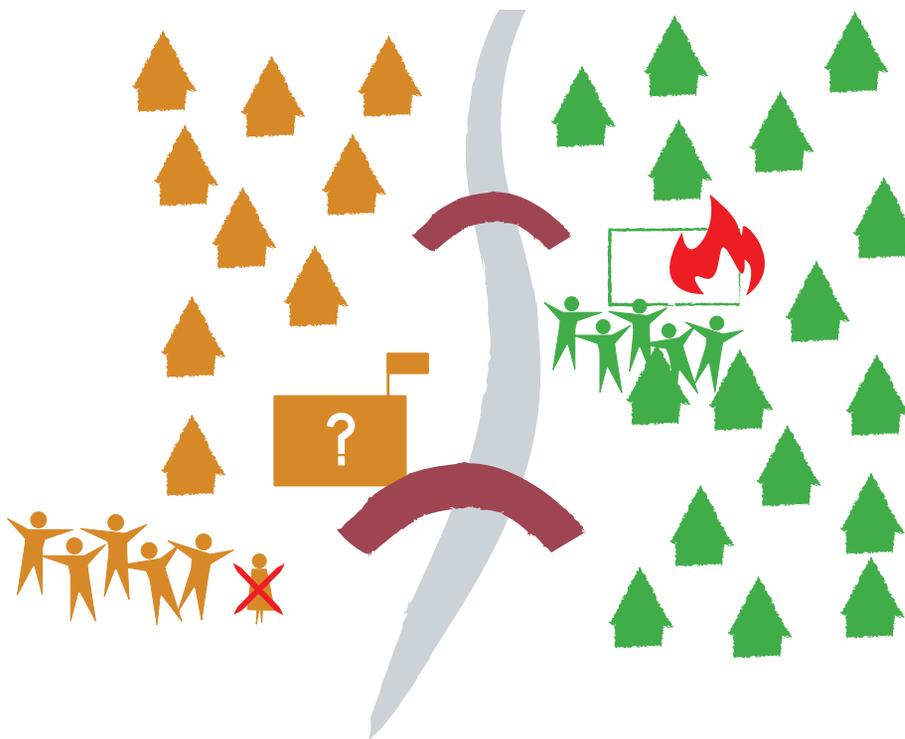
Stage 5: Loss of Face

So far, the attacks were aimed at the competences of the other side (unskilled, old-fashioned, simple-minded, etc.). Next, the parties start to question each other's moral integrity. They start to think that the other side is not just stupid and incompetent, they are criminal, ill-minded, liars, traitors or evil. That is, they lose their human face. The party who thinks so will search for evidence and once they find it, they'll present it publically. Usually the reaction of the attacked party is very strong. In retaliation, they will try to prove that it is those who accuse them who are the criminal liars, so they'll undertake reciprocal action to "even the score". The original conflict issues are completely forgotten. It's all about values now: "We cannot cooperate with murderers! We have to cast them out!"

Sample case: The GC has also started to build a school. One night, there happens to be a fire and all the timber gets burned. They are outraged: "OC lit the fire! They are arsonists! Criminals! People could have been killed and they wouldn't have minded! This shows how evil they really are!"

OC' reaction: "No, *they* are liars! They lit the fire themselves just to accuse us! One month ago, a girl was raped by one of them. They are a real threat! How blind and naive have we been not to recognise earlier how dangerous they are! We must not cooperate any longer!"

Earlier on, GC and OC would have made a joint effort to find the rapist and the arsonist and punish the culprits no matter which community they were from. But at this stage of escalation, such incidents are perceived as a revelation of the "true nature" of the other side and are used to mobilise the population for revenge.



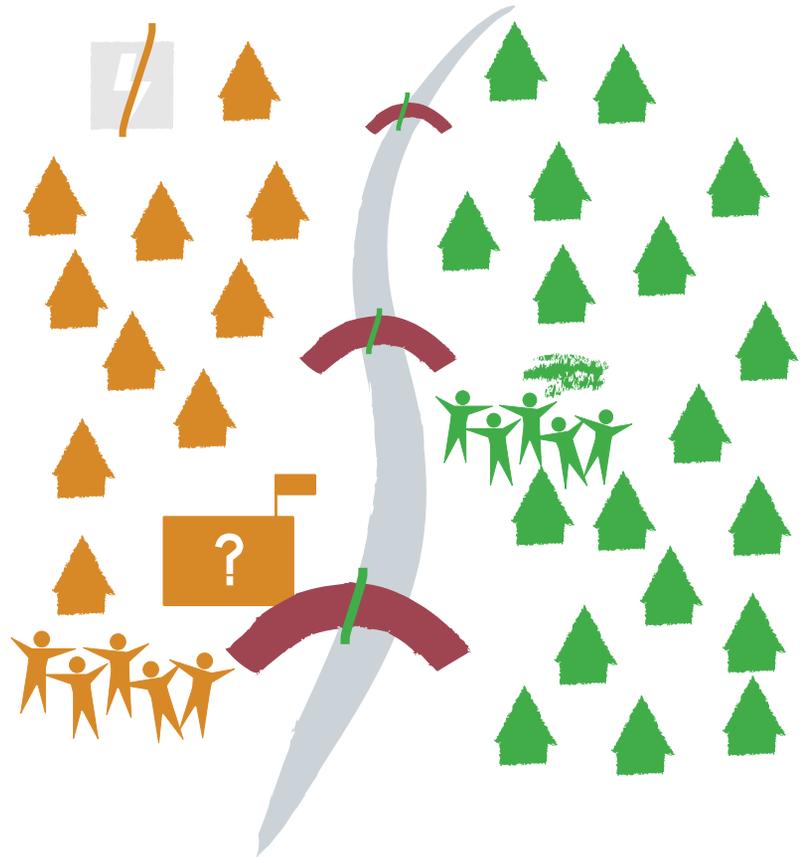
Stage 6: Strategies of Threat

Very often things move forward extremely quickly from this point. The conflict becomes dominated by threats and counter-threats. Not rhetorical tricks as in stage two, but serious threats: usually a massive demand combined with a potential sanction and often an ultimatum. These threats are meant to be very powerful, but parties can no longer see the great unlikelihood that the other side will fulfil the demands. For them, this would mean completely giving in. The party who made the threat in order to feel powerful in a sense now puts their fate into the other's hands because what the threatening party does next now fully depends on how the threatened party responds.

Sample case:

GC: "We want you to hand over the culprits and the head of police as well because we know that he was informed! Your major needs to officially apologise. This has to happen within 48 hours, otherwise we will block the bridges to protect our property."

OC: "We cannot hand anybody over because none of us did it. Stop accusing us! Your major lied about this and needs to resign or we'll cut off the electricity we've been selling you from our power plant. Sorry, but we cannot make business with people who lie to us this way."

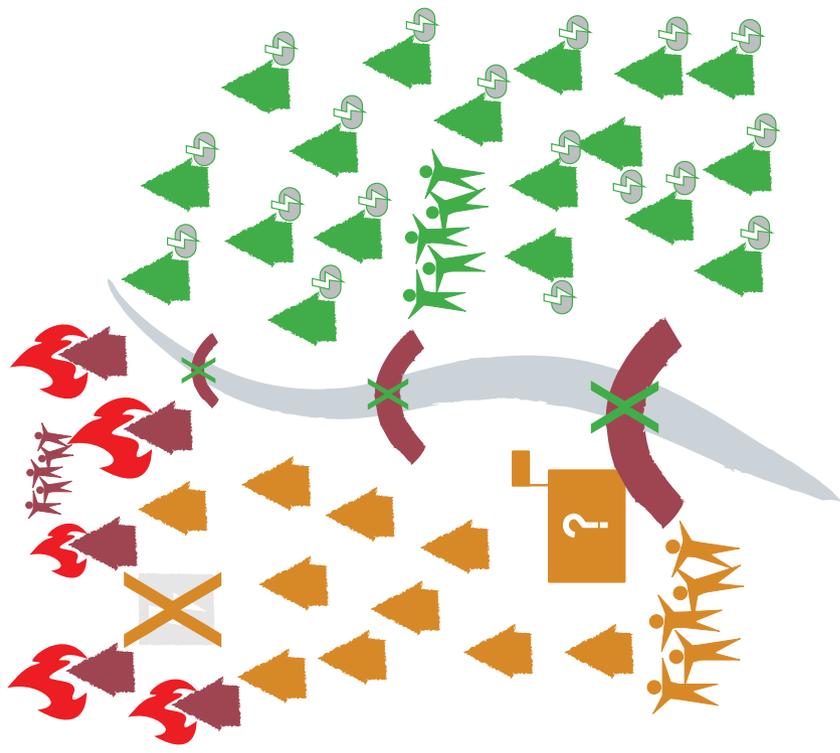


Stage 7: Limited Destruction

As it is unlikely that either party would fulfil the demands, the threats have to be carried out and the parties start to inflict limited destructive blows on each other. They are "limited" because they are not meant to completely destroy the other system physically, economically or socially. They are rather supposed to be painful warnings to make the other one give up. Sometimes, parties act desperate about this: "We really hate to do this! We just don't have another option unless you give in!" Both parties suffer from serious losses and damages now (lose-lose), but in their lopsided way of thinking they feel like winners only if the others have *bigger* losses. The other side is dehumanised in the public debate: they are labelled as the enemy, rats, parasites and so on. The reprisals are seen as appropriate in the cultural context. Some examples might be: an eye for an eye; one man=30 cows; one man=one family; one killing=one helicopter attack, etc.

Sample case:

The bridges are blocked. Trade has come to a complete halt. Power is cut off. GC has to spend a great deal of their savings for generator fuel. People from another community living on the other side flee, are beaten up, expelled or arrested as alleged collaborators. Their money is confiscated, their houses are burned.



Stage 8: Fragmentation of the Enemy

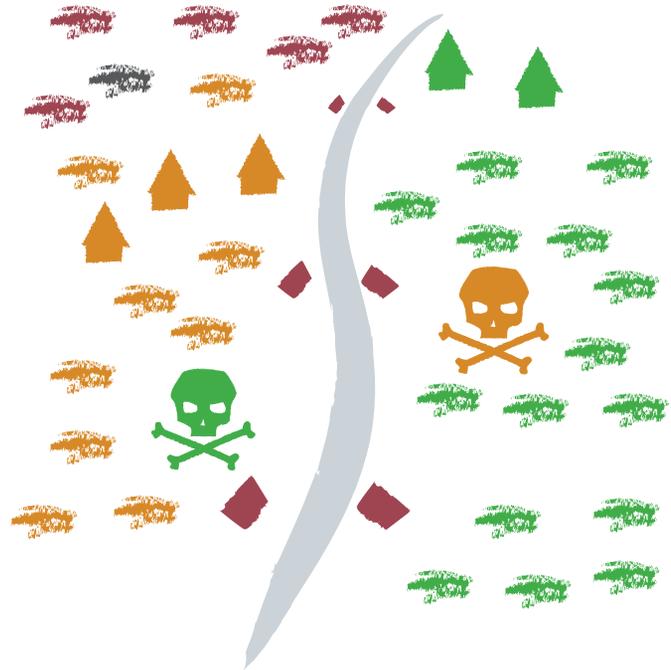
Since the limited destructive blows did not actually make the other side give in, the parties are convinced now that the only way forward is to destroy the opposing system. Depending on the conflict, "system" could mean a person, a family, a community, a company, a state, etc. "Destroy" in this respect doesn't necessarily mean kill. A family can be outcast and thus be destroyed socially; a company can be destroyed economically. In militaristic terms this could mean no longer just throwing bombs on infrastructure (which would be level 7). It would mean occupying the enemy's power-centre.

Sample case: OC's water supply facilities are sabotaged. Roads are blocked in order to stop food transports going to GC. "We cannot accept the community adjacent to us. They are too much of a threat. Even the river itself is not enough of a security belt. We have to bring them under our control!" Key political figures from both sides are assassinated. Alleged collaborators and their families are killed in riots. Both parties try to make the other's administration collapse so they can overtake them. It is only due to the fact that they don't have troops that they cannot attempt to militarily occupy the other's territory.

Stage 9: Together into the Abyss

After one party (or both) becomes aware that they will not be able to defeat the other and they themselves are going to lose everything, they might figure there is still a way of destroying the other side by destroying themselves (e.g. suicide bombing).

Step 3: Summarise participants' impressions.



III.9.3 Optional Activities to Deepen Understanding of the Nine Stages of Conflict Escalation

Exercise One: Real-Life Experiences

Objective

To deepen participants' understanding of the nine conflict escalation stages.

Time

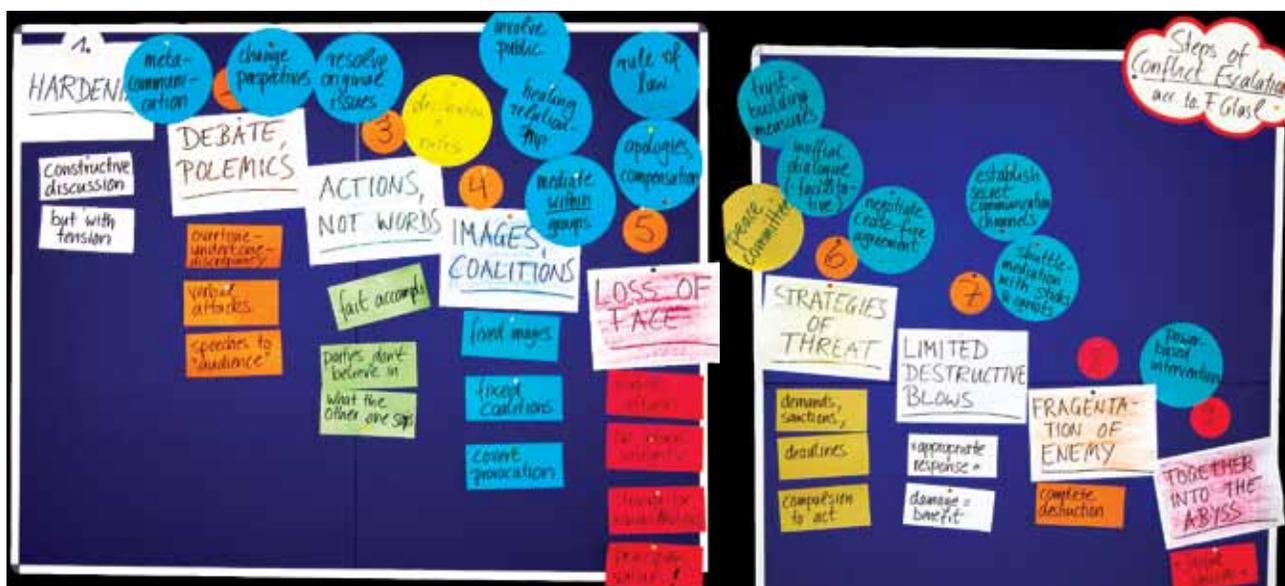
60 minutes.

Materials

Flipchart, markers, pin-boards, cards of different colours.

Procedure

Step 1: Visualise three to five characteristics of each stage, write these on cards and put them on the wall or pin-board (see pictures below).



Step 2: Use a sample case which refers to the kind of conflicts your participants have to deal with. To make it livelier, address one half of your group as one party and the other half as the second party in the conflict. Roleplay being their leader and ask them, "What shall we do next?" Relate the suggestions that the group comes up with to the next step of Glasl's model. If the group doesn't come up with suggestions, make some up according to the model.

Step 3: After you have gone through the nine different stages, ask for understanding, comments and whether the group thinks that this model applies to their contexts and cultures.

Objective

Time

Materials

Procedure

Exercise Two: Conflict Escalation Role-Play Option

To deepen participants' understanding of the nine conflict escalation stages.

15 minutes (short version); 60 minutes (long version, including group work).

Flipchart, markers, pin-boards, cards of different colours.

Step 1: Recall role plays or conflicts you have previously used as case studies in the training, or some conflicts the participants are familiar with.

Step 2: Ask the group which escalation step had been reached in these conflicts and collect different opinions. Ask why they think X-level was reached and correct misunderstandings of the model if they occur. You can also split the participants into working groups where each group deals with one case study. It is best to use a real case with which one group member is very familiar. Let this person introduce the case to the group and then let the group assess the level of escalation.

Step 3: Let each group present to the others which facts led them to assess the escalation the way they did.

Usually conflicts go through each of the escalation stages and don't jump from stage one to six, for example.

In mediation, helping the parties understand step-by-step how this happens in their conflict might create some de-escalation because they can see how they contributed to the escalation. In highly-escalated conflicts, do this with both parties separately. The model provides hints for questions which help to identify the earlier stages, for example:

- ▶ When did you feel tension the first time? (step one)
- ▶ When was the first time your opponent acted without consulting you which you thought he should have done? (step three)
- ▶ What was the worst incident so far? (current level of escalation)

Parties might tell you privately what they plan to do next. You can relate this to the model and predict how the other side will presumably react following the steps of escalation. This sometimes convinces parties to stop the escalation. If escalation is a step-by-step-process, de-escalation has to be like this, too. Therefore, any intervention by mediators or other third-party actors (e.g. NGOs or the government) has to be designed according to the current level of escalation.

In the next unit we will look at entry points and intervention options for mediators for each of the stages.

Stage 9: Together into the Abyss

No outside intervention possible besides stopping the violence by power-means (police, army).

Stage 8: Fragmentation of the Enemy

Parties will most likely respond only to a power-based intervention from outside (army, police). Or they get tired of war by themselves.

Sample case:

Option 1: The national government steps in with massive police forces to stop the violence.

Option 2: Despite all their efforts, parties cannot defeat the other side. There is a (military) stalemate. Victory seems unrealistic. The parties suffer from and get tired of war. They stop major blows because they simply can't afford them any longer. Instead, they focus on minor attacks and defensive measures. That is, they return to level 7.

Stage 7: Limited Destruction

To go back from level 7 to 6 means to negotiate a cease-fire agreement, because a cease-fire is nothing else but a situation where both sides live under the permanent threat that the other side will only try to buy time, regain strength and resume hostilities any moment (level 6). In many conflicts, civil society organisations (CSOs) and unofficial dialogue-groups are essential for establishing communication channels for initial indirect contact between the parties. If official cease-fire negotiations are mediated by a third party, the mediators usually need some leverage using sanctions and incentives ("sticks and carrots"). There is no pure facilitative mediation at this stage, but too much pressure should not be used.

Sample case:

Option 1: The envoy from the national government talks to leaders from the two communities separately; later they sit together. The envoy needs to apply some pressure, but still manages to be impartial. An interim-agreement about how to normalise the situation is crafted by the two parties with the envoys help.

Option 2: Clandestinely, the parties send out envoys to talk to outsiders (e.g. well-respected religious leaders, former politicians, foreign NGOs) and ask them to secretly explore the other party's willingness for talks about an agreement to stop the attacks. Using shuttle mediation, a highly-respected religious leader and his team of conflict experts facilitate agreement by the parties on a number of measures to cease the hostilities.

⁵⁰ inmedio Berlin, see Appendix B on page 109.

Stage 6: Strategies of Threat

Unofficial dialogue and trust-building measures take place (with the help of a CSO). The people conducting the dialogue don't have to be leaders of the conflicting parties. They think about trust-building measures (like taking down checkpoints, exchanging prisoners) that will be communicated to their leaders. The dialogue moderators use the facilitative style. As the aim is to build trust, in most cases the conflict in question might not even be addressed directly, but other comparable conflicts serve as examples. In these cases, people from other countries who have experiences in conflict resolution might be invited to share experiences. Besides regaining trust, the objectives are to mitigate fear and to decrease the likelihood that the other side might restart hostilities.

Sample case:

Governmental bodies and CSOs work hand-in-hand; their strengths complement each other in conducting and organising workshops and dialogues on all different levels of society where trust-building measures are needed. They facilitate changes of perspective in order to have the parties understand that the other side has fears as well (even if on the surface they try to show only strength and power). Finally, some of the measures are implemented: former property is handed back to the original owners or they are compensated, limited cross-border traffic is allowed, dead bodies are handed over. The atmosphere shifts in a way that people feel the other side is serious about the desire to stop hostilities in the long term.

Stage 5: Loss of Face

Parties are quite sure that an outbreak of violence is not to be expected in the near future. Still, they believe that the others are criminals and murderers. The government's perspective is that rule of law has to be exercised; fact-finding missions attempt to investigate crimes committed during the "hot" phase of the conflict. Very often, transitional justice mechanisms are put in place, guaranteeing amnesty to a certain extent and under certain circumstances in order to reintegrate former combatants. In Rwanda, traditional courts are used for this, while South Africa has Truth and Reconciliation Commissions.

CSOs can have an important role in working towards official apologies. In dialogue groups which need good facilitation, people start to face the past and take (at least symbolically) responsibility for the atrocities committed from their own side. Even if officials are reluctant to do so, individuals and media can start with apologies and create certain pressure. Finally, a major step for reconciliation is an official apology, which will only help if it is seen as a real expression of remorse and not only as a tactical move. A good example is the when former German Chancellor Willy Brand fell down on his knees at a war memorial in Poland. This was not part of the official protocol and was seen by many as a spontaneous act where he was suddenly overwhelmed by his feelings. In many cases, some sort of compensation needs to be granted, and traditional healing ceremonies can be held as well. At this point, some parts of society will likely be unhappy with the reconciliation process. They should be engaged with or it will backfire.

Sample case:

CSOs facilitate cross-river dialogue groups as well as dialogue within their respective communities. In some of these projects, artwork is created in which people do not only deal with their own suffering but their own responsibility and the others' pain as well. Exhibitions are held, documentaries and radio features are broadcasted. The national government agrees with the leaders of both sides to conduct an investigation of crimes committed. Victims can speak out publically, the results of the investigation are made public, modalities of amnesty are agreed on and both sides commit to punish the culprits. Compensation is paid to the

victims. Years later, a memorial place is inaugurated with a sculpture made by artists from both sides. The successors of the former community leaders express their remorse in their opening speeches. Elders conduct a public healing ritual. This event leads to an immediate increase in inter-community trade and collaboration. Stage 4: Images, Coalitions

After apologising to each other, the parties start to view each other as human beings again. But still there's a lot of mistrust and anger because they have inflicted a lot of pain on each other. Whenever there's a problem or conflict, these feelings surface quickly. If a child is killed in a traffic accident caused by somebody from the other community, for example, the media will quickly scandalise it and demonstrations take place. When conflicts over minor technical issues occur in joint ventures, the thinking quickly returns to "us against them" and people refer to the old stereotypes and prejudices.

A mediator at this stage must focus on the important issues of the conflict at hand, and especially with the underlying relationship problem. Intra-party work might be even more important than inter-party because there is a high level of peer pressure which makes people stick to the rigid position of their group. If the wider public is involved (which is typical for this level of escalation), mediators need not only work with the direct conflict parties, they must engage with the public as well (media, important stakeholders, etc.).

Sample case:

The government and CSOs conduct many trainings and workshops which encourage people to reflect on their emotions, concerns and stereotypes. Reconciliation cannot be enforced top-down; the mediator has to listen, especially to critical persons. If incidents that could easily contribute to a re-escalation take place, the administrations and CSOs immediately step in with symbolic public acts which make clear that the leaders are not willing to politicise such events. In the example of the child killed in the traffic accident, the communities hold an inter-faith funeral service where religious and political leaders are present. This event calms the public's outrage.

Stage 3: Actions not Words

At this stage, when conflicts occur between members of the two communities, they are still seen as conflicts over specific problems and not between the communities. Still, relationship problems play a role and the parties are likely to expect that the other will act unilaterally for their own benefit instead of finding joint agreements. Therefore, mediators need to address the question of how to create a safe environment for mediation, where parties can feel confident that the status quo will not be undermined during the process. If a major unilateral act has just happened, it might be necessary to go back to a status quo situation (at least symbolically) before the mediation starts. The facilitative style of mediation applies very well at this stage. The mediator should therefore focus on underlying interests/needs/fears and the relationship as well as facilitate change of perspective.

Sample case:

Trade and joint-business projects are common, intermarriage is still rare but increasing. Conflicts are seen as quite normal no matter between whom they occur. They are mediated from time to time but don't threaten the communities as such.

Stage 2: Debate and Polemics

Debates and controversial discussions are not seen as a major problem by many. Still, rhetorical tricks occur regularly in discussions. Meta-communications (talking about how we talk to each other) is a good way to improve the situation, with or without the assistance of a mediator. Models like Marshal B. Rosenberg's Nonviolent Communication⁵¹ or the Four Sides of a Message⁵² model are helpful tools in this respect. It is useful to analyse how things become misinterpreted and how to express oneself clearly without hurting the other unnecessarily.

Sample case:

Years later, a new school is being built on the Green side, while a joint hospital is planned on the Orange side. End of that story.

Stage 1: Hardening

If at all, one will be asked to assist parties as a moderator, not a mediator. It's easy to discuss about the substantial issues at this stage, because relationships are positive and stable in general.

Exercise: Designing De-escalation Strategies

Objective

To equip participants with the basic know-how to develop appropriate strategies for de-escalating a conflict situation and transforming relationships.

Time

180 minutes.

Materials

Flipchart, markers, pin-boards, cards of different colours.

Procedure

Step 1: Assign working groups and have each analyse the escalation level of one conflict case of their experience.

Step 2: After they have identified the level of escalation, ask the groups to tailor an appropriate intervention strategy (45 minutes).

Step 3: Let all the groups present their strategies in a plenary session (45 minutes).

Step 4 (optional): Each group role-plays a meeting between a third party and one or more of the conflicting parties which is essential for their respective strategy (90 minutes).

We have observed that conflicts can escalate in an almost predictable pattern in the absence of sustainable intervention. We also have seen that when we intervene to halt the course of conflict, we need to apply the right intervention strategy at the right moment. Mediation is one key strategy that works starting from the early-warning stage. In the next section we explore team mediation, how to establish it and how to apply it.

⁵¹ <http://www.cnvc.org/>

⁵² See Chapter III.6.1 Introduction to Communication and Schulz von Thun's Four Sides of a Message Model, on page 57.

“Fara abbatu fale olaan gumaata naqaa.”

“Neighbours cooperate when one is ready to solve his problems.” (Afaan Oromo proverb)

| | |
|-------------------|--|
| <i>Objective</i> | At the end of the session, participants will know how to establish a mediation team and work through stakeholder-mediators to transform conflicts. |
| <i>Time</i> | 60 minutes. |
| <i>Background</i> | All preceding sections. |
| <i>Materials</i> | Flipcharts, moderation cards of different colours and sizes, markers of different colours, pin-board, pins. |
| <i>Procedure</i> | <p>Step 1: Introduce the topic.</p> <p>Step 2: Discuss the sample case originating it from an imaginary village.</p> <p>Step 3: Wrap up the discussion, highlighting advantages and challenges of team mediation including conflict stakeholders.</p> |

Step 1: Introduce the topic of team mediation. You may wish to use the following to support your discussion:

Mediation, as defined in this manual, refers to the *support of a third party which is acceptable to all conflict actors*. Here the main question regarding the actual mediation is: who mediates and how do they mediate? In facilitative mediation, the mediators normally represent or work for an organisation. They also have their own reputation, however, which is sometimes more important than an organisational affiliation. In wise-counsel mediation, the mediators are renowned members of the society.

Conflict cases vary and may need a single mediator or multiple mediators depending on the characteristics of the conflict. The example case we will analyse entitled, “A Conflict between Two Religious Groups”, requires a mediator team. Moreover, some of the selected mediation-team members are so-called “stakeholders” as they are involved in the conflict or represent different parties to the conflict. Some are affiliated with the conflicting parties of the religious group and one works as a peace expert in the area, which means that all of them are familiar with the conflict. They are selected based on their personalities by their respective religious groups to act as their representatives. Although it is true that team mediation is an important local (often ad-hoc) initiative used to resolve conflict, it has advantages and disadvantages. Some of these are outlined on the next page.

Advantages of Team Mediation

- ▶ As a team they are considered all-partisan by the parties.
- ▶ Team members can complement one another's strengths and weaknesses.
- ▶ Having different personalities they have different perceptions of the situation, which enriches the process.
- ▶ Team members can follow up one another's ideas.
- ▶ Mediators can give each other feedback.
- ▶ Team members can learn from one another.

Disadvantages of Team Mediation

- ▶ The process can take a long time: this might create discomfort for the parties and the mediators.
- ▶ Mediators might not all equally take part in the process, which might undermine the process.
- ▶ The participants might feel like they are in front of a tribunal due to the amount of mediators facing them.
- ▶ Some of the members might be perceived as biased by the conflicting parties and therefore the process will be spoiled.

Step 2: Introduce the sample case "A Conflict between Two Religious Groups":

This case shows the solution to a dispute between two religious groups living in one village who share a lot of things and have a lot in common. The conflict starts over the use of a piece of land by different religious groups. The land is owned by the government, who has given permission to the groups to use it. Usually these groups organise the usage based on mutual understanding, but then the two groups request the place for the same day. As the place is in a specific area and both groups want to conduct a religious traditional affair, neither of the groups can use other places. The conflict starts and the village governor approaches the elders, the religious leaders, NGO peace-workers and government officials to settle the conflict. Representatives of the elders, the peace workers and government officials build a mediation team. It turns out to be difficult to find representatives of the religious groups to join the team, since there are many conflicting issues within each religious group. But after some time, representatives of each group are identified and sent into the mediation team.

Before they start the mediation process, the team must win the trust of the conflicting parties. The best way to achieve this is by displaying empathy, credibility, integrity and above all, all-partisanship as a group. To validate their all-partisanship, the team members should ask themselves questions like:

- ▶ Are we really impartial from our hearts to be mediators for the conflicting parties?
- ▶ Do the conflicting parties really consider us as impartial mediators?
- ▶ If we are not impartial because one of us is considered biased and is not trusted due to an involvement in the case or due to his/her position or relationship, do we then find a new team member?
- ▶ Is the situation suitable for us to mediate?

These questions also have to be asked during the process as perceptions might change over time. The mediation team must also think about the previously-mentioned advantages and disadvantages of mediating in a team prior to the start of the mediation.

Elders and the representatives from each religious group as well as the peace worker will be instrumental in the start of conflict settlement. The organiser (the governor) will not be a member of the mediation team, but will support the team in the background. This is because although peace in the area is in the interest of the government, the governor should not have a say in religions matters based on the principle of separation of church and state. Furthermore, the mediation team could not play their role freely if a governor with state power is a member of the team. He could try to influence the mediation team in various ways and the team could not create confidence in their activities to settle the conflict. Therefore, to achieve the government's aim for peace in the area from the sidelines, the governor must refrain from interfering in the mediation process and instead support the team by, for example, financing facilitation meeting places.



The governor is not a member of the mediation team but supports the process from the background.



Mediation under the shade.



Mediators listen to the conflicting parties.

MEDIATION TEAM UNDER THE SHADE OF A TREE

After the mediation team (which is led by the peace worker) is established, the mediation process starts with:

1. Identifying or mapping key actors and stakeholders, including those who fuel the conflict and those who mitigate it and promote peace.
2. Conflict perspective analysis (CPA).⁵³
3. Developing scenarios of possible situations, from the worst to the best cases; and
4. Planning effective responses by identifying steps that can be taken to alleviate tensions and promote the non-violent resolution of the conflict.

Next, the mediation team:

5. Takes the identified issues and solutions to each religious group's key actors and conducts stakeholder discussions.
6. Uses the identified solutions and options from each religion group as input for possible solutions to the conflict.
7. Records identified positions, interests, and fears and uses them for further discussion.
8. Holds continuous discussions to lose the positions, to explore win-win solutions and to mitigate the parties' fears.
9. Conducts continuous consultations with each party to bring them into a common forum.

The mediation team then takes these final measures:

10. Brings the two religious groups together into a forum where they will articulate their common issues to be prioritised and resolved.
11. Spreads information to all disputing group members or communities to show them how peace serves for both religious groups.
12. Sets forth effective conflict-resolution mechanisms that can promote the peaceful resolution of future conflicts.
13. Establishes a "good" peace agreement, one that is based on a minimum of necessary requirements to facilitate its implementation.

Step 3: Wrap up the discussion, highlighting advantages and challenges of team mediation including conflict stakeholders.

⁵³ See Chapter III.7 Conflict Perspective Analysis (CPA), on page 71.

Part IV TRAINING SKILLS

“Kan qabutu keena kaan beekutuu hima.”

"As who have can give, who knows can tell." (Afaan Oromo proverb)

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| <i>Objective</i> | At the end of the session, participants will have enhanced their mediation-training delivery skills. |
| <i>Time</i> | 90 minutes. |
| <i>Background</i> | None. |
| <i>Materials</i> | Flipcharts, moderation cards of different colours and sizes, markers of different colours, pin-board, pins. |
| <i>Procedure</i> | <p>Step 1: Present topic <i>IV.1 General Tips for Trainers</i>.</p> <p>Step 2: Discuss topic <i>IV.2 The Function of Role Play in Trainings</i>.</p> <p>Step 3: Explain topic <i>IV.3 Why and how to Give Feedback</i>.</p> <p>Step 4: Wrap up the session.</p> |

As a trainer you should consider the following points before and during your training:

1. **Be clear about your own objectives as a trainer and the participants' expectations. Answer the following questions before making your final training design:**

- ▶ What is your aim? What do you want the participants to change?
- ▶ Why would the participants be interested in mediation skills?
- ▶ How would they benefit from them?
- ▶ How would they apply the skills?
- ▶ What are their needs?
- ▶ What do they expect?
- ▶ What are their fears regarding the training?

2. **How to enable understanding and retention. As the trainer you should:**

- ▶ First give an overview and then proceed from the structure to the details.
- ▶ Assure that participants really capture the information by first presenting questions to allow brain storming, and in a last step summarise the results.
- ▶ Support trainees in role-play.
- ▶ Be involved. If you only observe, you will not be effective in training your participants.

The next step is to evaluate in small groups and in plenary sessions. Trainers should:

- ▶ If only one language is feasible, apologise for this shortcome and explain why the session has to take place in a certain language and not in the other language. It may also be necessary to use a translator to be sure to de-politicise a language.

- ▶ Introduce instructions on how to evaluate a role play. For example, one can say, "Please discuss how body language worked in your mediation." Focus it to make it useful to your mediation skill application.
- ▶ Focus the participants' discussion and evaluation on issues of technique and skill use. Sharing general feelings and observations about side issues will not clarify feedback and learning processes. How did the conflicting parties feel? Use questionnaires if necessary.
- ▶ Be careful to empower participants. It is a difficult task to role play and to be observed. Make it encouraging and useful.
- ▶ Observe but do not make the participants feel controlled. Give the participants space and only intervene once the smaller groups have formulated their ideas. Once a trainer intervenes, it is also good to give the groups a chance to adopt the suggestion or discuss it. Sometimes it is even good to leave the physical space (the training room). This allows time for participants to absorb the ideas.
- ▶ Smile and nod to encourage the role players.
- ▶ Be the coach. The trainer is on the participant-mediator's side always!
- ▶ Stick to the time frame.
- ▶ Have a clear intention and use clear terminology.
- ▶ Openly discuss the subject with the participants.
- ▶ Use graphics and large letters.
- ▶ Write down headings on every flipchart to orient participants.
- ▶ Extract core points (don't attempt to write whole sentences).
- ▶ Change colours only when there is a good reason to do so.
- ▶ Phrase feedback in a positive way.

3. How to create and keep attention and motivation:

- 👉 Make clear in the opening speech of the training that participants' particular needs are addressed.
- 👉 Make eye contact with the participants during the training.
- 👉 Address listeners directly.
- 👉 Use changes (in voice, gestures, position, visualisation, etc.).
- 👉 Be positive emphasise solutions, not problems.
- 👉 Relate the topics to participants' backgrounds/realities.
- 👉 If you are aware that the trainees may be there involuntarily, make clear that you understand their reluctance but show that their presence is appreciated. This usually clears the air and brings about collaboration.
- 👉 To keep participants motivated, consider using energising techniques and games before starting the session in the morning, after breaks and whenever you feel they need a break. Only use energisers that are suitable for your group in terms of culture, gender, age, social status, etc.



Whether the roles participants act out in a role play are based on real life cases or are designed, role play imitates reality. Through role play, attitudes, situations and experiences come to life in a dramatic and enjoyable way. They help participants to apply learned skills and deepen learning through experiencing and feeling.

Role play can be used in training sessions at any appropriate time to deepen the learning process, however, it is often best used at the end of a learning session. It is very important to take enough time to explain to the participants the setup of a role play in order to enable them to “enrol,” that is, to really engage in playing their assigned roles. Trainers can use different role plays to help trainees better understand the essentials of mediation. The following are examples of role plays used in this manual.

The communication exercises

For effective mediation, communication—especially by mediators—matters most to help parties understand each other’s positions. Here, communication emphasises the conflicting parties’ feelings, fears, wishes, etc. so that appropriate solutions can be reached.

The Mediation Tree House. The Mango Tree. The Ladder role-play exercises

These role plays unveil parties’ change of perceptions and the shift from their positions to interests and needs. Initially, the parties present solutions that they each want to reach but that are unacceptable to the other party. These role plays practice mediators’ skills in using grounding questions and enabling the parties to bring forward their needs and interests.

The Fishery Game. The Donkey Story

Indispensable role plays that help to facilitate conflicting parties’ change of perspective analysis. Like the aforementioned role plays, these games begin with the participants initially reflecting on the positions of the conflicting parties. In the process of intensive interactions, however, the parties begin to feel the possibility of losing and start to reconsider their positions. As such, they start to see the interests of the other party and begin to work out win-win solutions by generating different options.

Mediation Scenario

Objective

The role play will demonstrate how to use grounding questions and how to summarise and rephrase in a mediation session.

Procedure

Step 1: Preparation

- 📌 Prepare a contextualised and understandable story, tell it to the role players and through it identify the issues.
- 📌 The participants adopt roles as conflict parties in the role play.
- 📌 One or two participants take the mediator role.
- 📌 Give the participants time to discuss how to play their roles.

Step 2: Enrol players

Arrange seating in a triangular shape so that the parties face the mediator, not each other. Explain that the mediators will give a warm greeting to both parties, followed by asking how both parties feel at the moment. Next they will organise the procedure and establish ground rules for mutual communication.

Step 3: Participants act out their respective roles.

Step 4: The facilitator closes the role play. The role players then share what they felt during the role play, followed by their observations and lessons learned.

Remarks

Role-play rules should be simple: objectives and instructions must be clear and understandable. When sharing and drawing lessons learned, feedback should be specific, relevant and realistic. Having the opportunity to go back and have another go or several goes at bits of the role play or the whole role play is crucial to learning and developing behavioural options, that is, knowing what works, what doesn't work and the range of behaviour available to an individual.

Beware that sometimes role play can cause anxiety among participants. They should therefore be used after the training group has already built up trust. It is also very important to allow sufficient time after role play 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 realise that they are themselves) and for summarising the lessons learned. Otherwise, there is a danger that participants may carry inappropriate feelings and thoughts after the exercise is over.



Feedback is a vital part of training. It can be given in a formal or informal way. Feedback helps learners to maximise their potential at different stages of training. It raises their awareness about strengths and areas for improvement, and identifies actions to take to improve performance. Learners value feedback, especially when it is given by someone credible whom they respect as a role model or for their knowledge, attitude and skills.

Some important outcomes of giving feedback are:

- ▶ It improves the facilitator's future mode of delivery.
- ▶ It develops understanding and trust between the training participants and the trainer.
- ▶ It enhances learning.
- ▶ It allows the development of new ideas.
- ▶ It provides new experiences and improvements.

Below are some suggestions on how you can give feedback in such a way that it motivates your participants and supports them in developing knowledge, skills and behaviour appropriate to conflict transformation and mediation.

- ▶ Be aware that feedback can sometimes create misunderstandings due to participants' diverse backgrounds. It can even create conflicts, especially when it is formulated poorly, expressed too negatively, not well explained, off-topic, or offensive. Failing to give feedback, however, sends a nonverbal message in itself and can lead to a false assessment by the learner or lack of trust in the group.
- ▶ It is difficult to hear feedback all the time. It is important that you give feedback quickly after a role play, discussion, presentation, etc. To avoid interrupting a process, note down what you observe and give feedback later.
- ▶ How you give feedback depends on the context, but generally you should only give feedback when you are asked to, or upon acceptance of your offer. Feedback can be collected on a flipchart, a sheet of paper, or can be given verbally.

Basic rules for giving feedback are:

- ▶ Give feedback as soon after the event as possible and by focusing on the positive.
- ▶ While giving feedback, be sensitive to the impact of your message. Consider the content of the message, the process of giving feedback and the congruence between your verbal and nonverbal messages. Thus as a trainer you should use: "I like this AND I think this can be improved", instead of "I like this BUT this can be improved" because the "but" tends to wipe out the positive part in a person's perception.
- ▶ Use open questions and techniques such as mirroring.
- ▶ Develop respect and trust with the learner.
- ▶ Be clear about what you are giving feedback on and link this to the learner's overall professional development and/or intended programme outcomes.
- ▶ Don't overload the participants. Identify two or three key messages that you summarise at the end.
- ▶ Focus on behaviours that can be changed, not personality traits.
- ▶ Feedback needs to be given privately wherever possible, especially negative feedback.
- ▶ When giving negative feedback, suggest alternative behaviours.
- ▶ Describe specific behaviours, give examples where possible and do not evaluate or assume motives.

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Part VI ABOUT THE AUTHORS

This Manual is prepared through the indefatigable efforts of the following authors, who are former trainees and trainers of the Mediation Qualification Programme by GIZ CPS and inmedio Berlin (Institut fuer Mediation, Beratung, Entwicklung GbR/ Institute for Mediation, Consulting, Development). Most of them are now certified facilitative mediators.

Atkilt Daniel is a conflict prevention and peace-building programme officer for the United Nations Development Programme (UNDP) assigned to the Ethiopian Ministry of Federal Affairs. Atkilt has nearly 18 years experience in the peace and security sector, working for government, civil society, international NGOs and the UN as security analyst, trainer and capacity-building officer, peace-project manager, national peace advisor and UNDP project officer in the Peace-Building Programme. Holding a summa cum laude M.A. degree in development studies, coupled with several trainings he has taken in and outside of Ethiopia, Atkilt is one of the most highly-accredited senior practitioners assisting the development of sustainable systems for the prevention of violent conflicts in Ethiopia.

Bizuneh Emamu Assefa is working as a GIZ CPS national peace expert in the House of Federation (HoF) in Addis Ababa. Bizuneh worked in different capacities ranging from professional services to leadership in Oromia Regional State (ORS) from 1996–2010. He also served as ORS's zonal project coordinator for reinsertion and reintegration of demobilised veterans. He has produced various development projects and action researches for policy formulation and strategy building, particularly in the areas of social-conflict prevention and peace building. In his current position he engages in capacity-building and other conflict-prevention, resolution and peace-building activities. He is also a counterpart consultant for the joint National Conflict Mapping and Analysis project of the HoF and the IPSS, which is implemented from 2011–2013.

Claudia Roos A sociologist (M.A.) and certified mediator, Claudia has been engaged in peace-building work in Israel, Zimbabwe and Ethiopia. Since the year 2000, she has worked in various positions at CPS. Establishing CPS Ethiopia in 2007, she steered the programme as programme coordinator until 2012. Claudia is responsible for the conceptualisation and facilitation of the Mediation Qualification Programme and has worked intensively with inmedio to bring together wise-counsel and facilitative mediation.

Dagmar Blickrede studied practical journalism and politics in Berlin, Germany, and worked for different media companies for ten years. After attending the four-month qualification programme at the Academy for Conflict Transformation of the Forum Civil Peace Service in Bonn, Germany, and becoming a certified peace and conflict consultant in 2002, she worked for conflict prevention and peace building in different countries. In 2012, Dagmar joined the GIZ CPS Ethiopia team in the role of coordinator after she served in Northern Ireland (Mediation Northern Ireland), Kosovo (UNDP/UNV) and the Philippines (GIZ CPS).

Dirk Splinter is certified by the German Federal Association of Mediation (BM) as a mediator and mediation trainer, and has been co-directing inmedio for over ten years. Dirk mediates in various contexts (community, business, international NGOs and relief agencies) but also designs and implements conflict-management systems for bigger organisations: among them hospitals, large enterprises and public administrations. He also provides mediation training to post-graduate programmes in German and Swiss universities. As a short-term consultant he is involved in development cooperation and peace-building projects in civil-war stricken countries, as well as countries or regions with strong internal ethno-political conflicts. Dirk has conducted team-building, mediation, conflict-resolution and dialogue workshops in Palestine, Turkey, Kosovo, Egypt, Sri Lanka, Nepal, Ethiopia and Kenya, and is a member of the Reflecting-on-Peace-Practices Learning Community of the Collaborative for Development Action in Boston, Massachusetts.

Gemechu Birhanu is a GIZ CPS national peace expert in the function of programme manager to the Oromia Pastoralist Association (OPA). He joined CPS in 2010 and was first assigned to the HoF where he initiated the HoF's strategic engagement into conflict prevention and resolution. Before joining CPS, Gemechu worked in the civil society sector with various local NGOs, most notably with the Research Centre for Human Rights and Civic Education (ReCHRCE).

Ljubjana Wuestehube is a mediation trainer certified by the German and Austrian federal mediation associations, and has over 15 years experience in mediation practice and training. She co-directed 200-hour mediation courses in cooperation with the Swiss Development Cooperation and the University of Applied Sciences of Northwestern Switzerland for many years. In 1998, Ljubjana co-founded inmedio. She has worked with diverse clients, target groups and cultures ranging from violent youths, teachers and social workers to business people, diplomats and armed rebel group proxies. Among others, she developed so-called "bridge-building" trainings for multi-ethnic war refugee groups from the Western Balkans and was instrumental in developing the BM's standards for professional mediation as well as its certification procedure.

Maike van Geem has a professional background as a lawyer with a focus on public international and European law. Maike also successfully completed the nine-week qualification course at the Academy for Conflict Transformation of the Forum Civil Peace Service in Bonn, Germany, and is a certificated peace and conflict consultant. She has been with GIZ CPS Ethiopia for over three years; for half of this time as peace expert for networking, project planning, monitoring and evaluation and knowledge management. She was also heavily involved in the conceptualisation and facilitation of the Mediation Qualification Programme.

Mekonnen Mengia Meche is currently a senior expert for enhancing the Nationalities Common Values and Conflict Resolution core process at the Council of Nationalities in Hawassa, in the Southern Nations, Nationalities and Peoples' Region (SNNPR) in Ethiopia. Mekonnen applied his background in law to various spheres: teaching high school social studies for over ten years, as a legal expert at the Justice and Administration Office and on the Regional Council of the Gamo Gofa Zone in Ethiopia. At the SNNPR Council of Nationalities, Mekonnen also served many years as department head of the Gamo Gofa Zone Justice and Administration Office and Nationalities Rights and Constitutional Affairs Department.

Doqla Kalla Gezaheign Woldedawit is a traditional and ritual leader of the Konso people of the SNNPR. A structural engineer by profession, he held a reputable tenure with the Ethiopian army. Following a call from his community, he took over his father's traditional leader position upon his death. Besides his engineering expertise, Kalla Gezaheign has completed several qualification trainings in conflict transformation and mediation, and engages in mediation with his people on a daily basis.

Reverend Tseganesh Ayele Born and brought up in a Christian family in Durame town, Reverend Tseganesh holds a Master of Theology. After her graduation, Reverend Tseganesh taught at the theological seminary where she was well reputed as an excellent lecturer. Since achieving the title of reverend, she has served as a women's ministry coordinator in different places and positions. Currently, she is a women and family coordinator at the Evangelical Churches Fellowship of Ethiopia and at the Voluntarily Ordained Ministry in one of the Mekane Yesus congregations. As part of her current job and volunteerism, she participates in many social issue-related committees and women's empowerment activities.

Seleshi Melisie Getahun After working as a primary school teacher for nine years, Seleshi earned a diploma in educational administration and then a degree in educational planning and management at Addis Ababa University. He then served as a secondary school director and the head of an education programme in a wereda education office before becoming a field coordinator for the wereda's capacity-building project supported by UK-based NGO, Farm Africa. He was the general manager of Derashe Peoples' Development Association before earning his M.A. in Rural Development. Seleshi then worked as the regional education programme coordinator and head of the Programme Development and Coordination Department at the South Ethiopia Peoples' Development Association for five years. Since June 2010, he is a senior regional programme officer for Pact Ethiopia, a US-based NGO.

Tariku Woldedawit Following the footsteps of his mentor and big brother Kalla Gezaheign Woldedawit, Tariku Woldedawit is currently studying engineering at a college in Arbaminch. Due to his keen interest in peace building, Tariku participated in the Mediation Qualification training series and the Mediation Training of Trainers courses conducted by GIZ CPS with inmedio Berlin. He is a certified mediator in facilitative mediation

Part VII APPENDICES

Known traditional conflict-resolution methods in Ethiopia are the *kitcha* of the Gurage, the *occudho* system of the Anywaa of Gambella, the *mad'aa* in the Afar region, and the *shimgelina* system of the Amhara people.

Another form of governance and indigenous conflict-resolution is the *gadaa* among the Oromo. *Gadaa* is defined as a system of classes (*luba*) that succeed each other every eight years in assuming military, economic and ritual responsibilities. Each *gadaa* class remains in power for a specific term, which begins and ends with a formal power-transfer ceremony. The *gadaa* system has mechanisms to prevent conflicts from becoming violent and to solve them at grass-roots level if they do turn violent.⁵⁴

In the Afar region, economic, social and political conflicts are resolved outside the court. They are handled at the local level through the traditional *medaa* administrative system. Local mediators' resolutions are generally reached through arbitration and with reference to Afar norms and values. The most commonly recognised resolution mechanisms are reconciliation by elders and arbitration by community leaders and religious leaders. While elders settle minor issues, the more serious issues are brought to the attention of the community leaders. This traditional institution acquires its authority from communal laws; it varies from community to community and has complex rules.⁵⁵

In his research study, Kelemework Tafere Reda describes various aspects of Afar wise-counsel mediation mechanisms in detail. According to Reda, "The Afar believe that all disputes within their ethnic groups should be resolved...peacefully and according to the long-standing customary laws (*mad'aa*). *Mad'aa* consists of specified guidelines and rules on how to handle dispute cases."⁵⁶

According to Reda, the Afar people have a strong respect for the traditional rules and guidelines that descend to them from their predecessors. When misconduct is detected, reference is quickly made to such unwritten customary laws, which provide the normative framework and value system in their culture. One such fundamental norm is the fear of and respect for the village elders, who are believed to have long-accumulated wisdom. They are considered instrumental for the transfer of traditional knowledge and customs to successive generations. According

to Tirsit Girshaw, elders and tribe leaders are knowledgeable, respected persons that are traditionally accepted as mediators.⁵⁷ This means that the role of the mediator is both acquired and hereditary.

The mediators choose the venue of mediation. It is common practice for the venue to be in good tree shade, which must be near water, should be easily accessible and central to the parties and the mediators. Mediators also nominate a person who is well experienced in oral reiteration. The role of this duplicator is not only to repeat what the parties say in a culturally-appropriate way, but also to make the parties feel that they are being listened to. Duplicators thus play a key communication role in the process and assist mediators to identify issues and clarify points.

Once a conflict case is in the elders' hands, there is very little room for an individual to further his interests by force. This is one of the major contrasts to facilitative mediation. In fact, this *mad'aa* form of wise-counsel mediation can be characterised as arbitration rather than mediation. It seems to be the norm to wait—no matter how long it takes—for the elders to process the dispute and reach a settlement.

On several occasions, conflict processing takes a long time before mutually-acceptable outcomes are proposed and a settlement is finally reached. If a dispute is settled through compensation, the amount of compensation depends on the type of the offence and its context. In the case of a minor wound, for example, there are special steps to follow before reconciliation can be achieved through the involvement of clan leaders. A wound is considered minor by a traditional healer if the bones are not exposed. In such a case, the person who caused the injury has to give the wounded a goat in order to "wash his blood." Then after a day or two he again offers another to "heal the wound". This payment is called *maldino*. Finally, there will be a compensation payment (*morrusso*) ranging from 12 Birr to a camel depending on the seriousness of the injury.

The fine and compensation payment related to bodily injury depends on which part of the body was harmed. For example, the Afar consider damage caused to the little finger, pointing finger, and ring finger as serious. This is because the first is considered the most peaceful, the second viewed as important for indicating locations, and the third regarded essential for marriage. The front and back parts of the body are

⁵⁴ Institute for Peace and Security Studies in collaboration with Friedrich Ebert Stiftung. (2010).

⁵⁵ *Ibid.*

⁵⁶ Reda, K.T. (2011).

⁵⁷ Girshaw, T. (2004).

also given different values. For example, damage caused to the forehead is considered grave because it is easily exposed to onlookers whereby the victim may be liable to constant humiliation. The laws entailing compensation payment are elaborate and detailed. Virtually every offence has a corresponding payment. Even nail injury has its specified compensation. In principle, the Afar claim that all compensation payments are fixed by customary law. In practice, however, payments are negotiable. For example, according to the law, the payment for murder is 100 heads of camel, but this may be bargained down to less than half.

Afar customary laws are said to be dynamic. They not only undergo some changes over time, but also vary from place to place. The Afar claim that payments have shown significant decline over time and cash is gradually replacing compensation in kind (mainly livestock). In addition, in areas where nomadic life is still preserved, payments are believed to be much higher.

For example, a clan leader will receive one camel (*loinalah*) for the death of a family member. The final procedure of reconciliation involves then the slaughtering of a sheep in the presence of the judges who are composed mainly of elders from the Damohita and Seka clans. The Damohita elders recite verses from the Quran (*fatihah*) to signify the conclusion of reconciliation, whereas the Seka elders give their blessings (*doa*). This final sacrifice (*sola*) usually takes place along trodden roads so that passers-by may draw lessons in forgiveness and thereby contribute to the persistence of the tradition. The sheep is roasted on fire lit on a collection of black stones, which are not supposed to be removed from the area for years after the ritual. In one incident, the *sola* was deliberately arranged near a government elementary school which, according to informants, was chosen in order to enable school children to internalise the Afar tradition of forgiveness (*afu*) in addition to their formal education. It is vital that all livestock given to compensate is healthy and in good physical shape. Dissatisfactions over the condition of animals is believed to further complicate the conflict, as offering unhealthy animals may be considered a gesture of contempt.

Nearly all cases of inter-clan homicide end up in reconciliation. In some cases however, relatives of victims may decline to offer forgiveness at the inception of procedures, refuse mediation and threaten to take revenge. Upon such intransigence, some members of the murderer's

clan may assemble at the house of the leader of the victim's clan (*loina*, which literally means "shepherd") to exercise further begging (*dubarti*). The clan leader would then normally seek to pressure the person(s) threatening to take revenge. A person who resorts to retaliation in spite of all these cultural procedures is doomed to denial of clan membership and recognition. This ostracism is reflected in many social and economic activities.

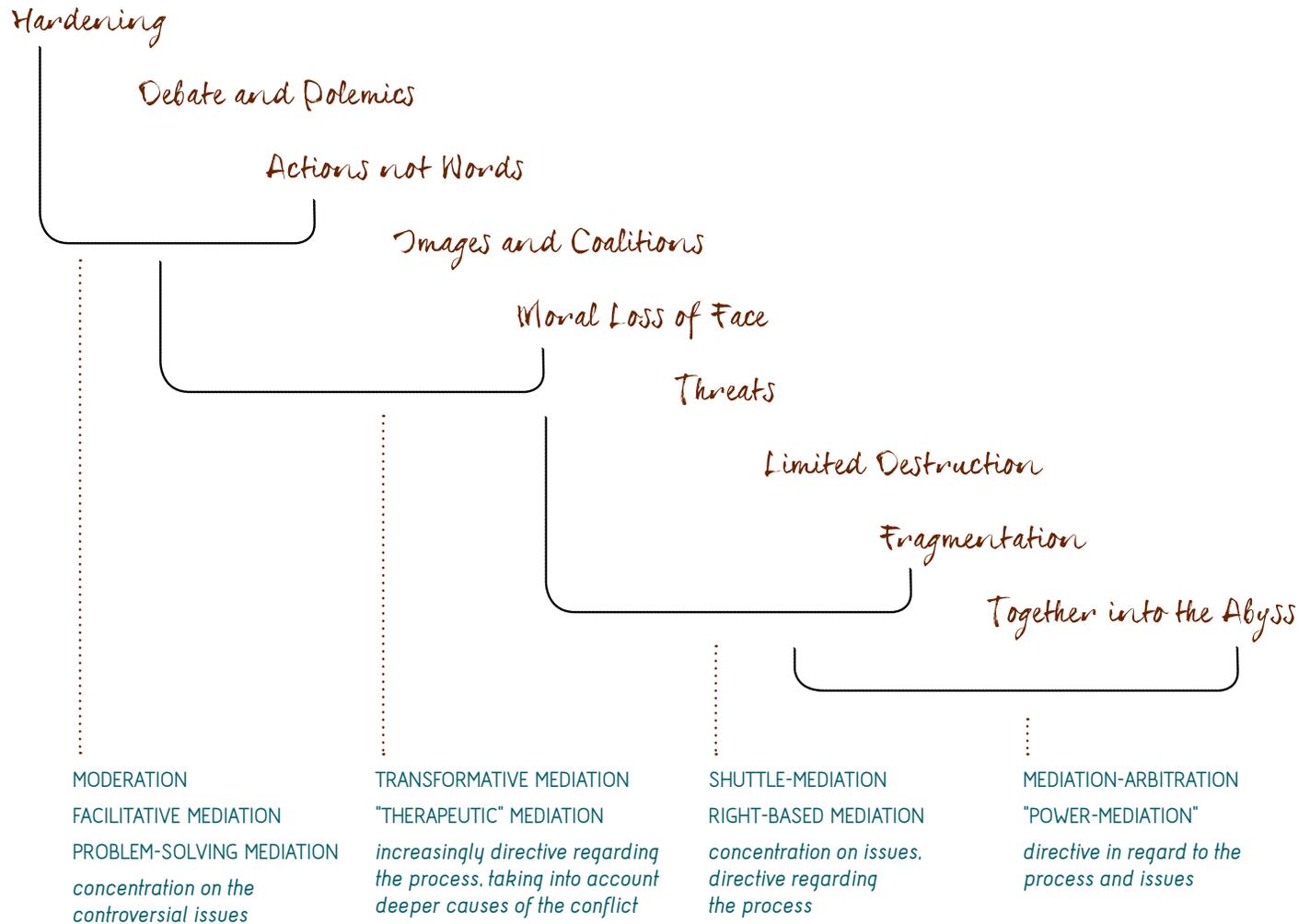
Reda also analysed the differences in style and significance of the "indigenous vs. modern mechanisms of conflict resolution," in Afar society. In any dispute regarding violent conflict, an Afar has two main options for resolution: the modern system of state courts or the indigenous Afar institutions of conflict resolution that work on the basis of customary laws. Most Afar seem to opt for the latter option.

Accordingly, he states that outside the indigenous system, both the procedures and the standards of the modern (*wereda*) court systems are not readily comprehensible to the Afar. The laws and regulations are promulgated by a higher central body that may not be sensitive to Afar customary law and values (or to the multinational composition of Ethiopia itself). The modern court is thus far from transparent to ordinary Afar, and this may entice lack of confidence in its resolutions. Additionally, court verdicts do not normally take into account the extrajudicial context where concern over stable and amicable social relations is often paramount. Lastly, as the court personnel itself are largely composed of outsiders, it is often the case that Afar decline to disclose to "strangers" sensitive matters pertaining to their families or property. For the settlement of intra-Afar conflict, Afar indigenous institutions seem to persist.

This persistence is not in a context of competition with state courts, however. Indigenous systems and state institutions often work on a complementary and symbiotic basis, not only among the Afar. The indigenous systems support the state by handling minor cases. They also avail effective mechanisms for the peaceful resolution of serious inter-clan conflicts, although these resolutions do not always comply with human rights standards. The state, for its part, supports indigenous systems in addressing serious conflicts by creating conditions favourable to local mediation.

CONFLICT ESCALATION AND ITS CORRESPONDING MEDIATION STYLES

modified according to F. Glasl, 2003.



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