A regional approach to conflict transformation through Integrative Mediation processes at the local level in multi-community municipalities in the Western Balkans
Integrative Mediation Handbook

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Foreword

CSSP - Berlin Center for Integrative Mediation is a registered NGO in Germany. The organisation was founded in 2005 through a parliamentary resolution in the German Bundestag as a “Lessons Learned” project, which drew lessons from Prof. Dr. Christian Schwarz-Schilling’s work as the International Mediator in Bosnia and Herzegovina (1995 – 2004).

The organisation is headquartered in Berlin, with local offices in Kosovo and Bosnia and Herzegovina. From 2005 until 2010, CSSP worked primarily in the post-war Balkans (Kosovo, Bosnia and Herzegovina, Macedonia (FYROM) and Serbia). During the last three years, CSSP’s outreach expanded to transitional societies in the Middle East & North Africa (MENA) and to South Asia (Nepal).

Integrative Mediation originated as a methodology in Dr. Schwarz-Schilling’s work and was developed further by his advisory team. The approach evolved over the years and is being further developed by members of the CSSP Team in cooperation with our partners and local stakeholders. We rely on local capacities and skills in problem-solving and conflict resolution. Within this framework, CSSP supports stakeholders and conflict parties in their efforts to discuss issues of concern, build trusting relationships, and develop sustainable solutions.
The Integrative Mediation handbook attempts to give an overview of the thinking and practice of Integrative Mediation. It is primarily based on insights from the practice of intercommunity mediation. However, different theoretical concepts of mediation in international relations have influenced the development of Integrative Mediation. The handbook does not represent a comprehensive overview of the field, but rather aims to encourage thinking about the role and applicability of mediation in post-conflict and transitional societies. It is meant to help people involved in peacebuilding at the local level or who directly work with mediation.

The handbook is developed based on the work of CSSP in previous years, especially on experiences from the project “A regional approach to conflict transformation through Integrative Mediation processes at the local level in multi-community municipalities in the Western Balkans”. That project was implemented in Macedonia, Kosovo and Serbia between September 2009 and December 2013 with support from the Austrian Development Agency (ADA) and the German Federal Foreign Office. The contents have been created through joint efforts of CSSP staff members, guest researches and interns, both in Berlin and in our local offices in the Balkans, as well as local mediators from Kosovo, Macedonia and Serbia, who have been part of two regional Mediators Exchanges organised within the frames of the above mentioned project. We are very grateful for their inputs, the insights of their work and their feedback on our methodology, and we hope to extend this mutual learning experience in future.

We constantly discuss the concept of Integrative Mediation and seek to develop more specific theories of change for each country where we apply Integrative Mediation. We hope that the selected contents prompt further discussion about challenges and opportunities to applying mediation in intercommunity conflict, and welcome your feedback.

Yours sincerely,

CSSP Team
Introduction
The Concept of Integrative Mediation

The field of mediation has developed over many years, and more and more scholarly literature has been written on the subject. While definitions for mediation vary, several common features are at its core, such as the need for a voluntary process, an outcome-orientation, a focus on trust building, developing open communication and generating sustainable win-win solutions. Mediation is used in various fields, such as family and neighbourhood conflicts, business disputes and international crises. Although mediation and other third-party interventions have been used in all of these areas, mediation processes for peace in inter-state and intra-state conflicts have only gained popularity in the last decades.

Integrative Mediation is a methodology that we apply in the field of peacebuilding\(^1\) at the local level. While former UN Secretary-General Boutros Boutros-Ghali introduced the concept of peacebuilding as a way to rebuild state institutions and establish their legitimacy, local level peacebuilding refers to bottom-up approaches that address the local level\(^2\). This bottom-up approach recognises that national political elites cannot determine societal peace alone; it needs to be built by society at all levels itself. Because conflict has a high emotional

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\(^1\) The concept of “peacebuilding” was introduced by the former UN Secretary-General Boutros Boutros-Ghali in his 1992 report entitled “An Agenda for Peace” (UN, 1992). Because relapse into conflict after official peace agreements had been concluded, Boutros-Ghali sought to emphasize the need for (paragraph 21)"  

\(^2\) The notion of bottom-up approaches in peacebuilding has been central ever since (see Cubitt, 2013; Daniel et al., 2008).
impact on personal life, in combination with weak state institutions that do not guarantee security at the local level, conflicts often persist at the local level even after peace agreements are signed (Odendaal, 2013). Therefore, it is essential that top-down peace processes be complemented with bottom-up peacebuilding. In order to restore communities’ confidence in the state and to restore social cohesion, peace agreement provisions must be integrated into legislation that affects the divided communities. For this purpose, elected leaders, appointed representatives and representatives of the minority groups must be brought together to discuss the impact and consequences of implementing the peace agreement, or the systemic changes in transitional processes on the local level.

Integrative Mediation has been heavily influenced by the multi-track approach to diplomacy. Literature on the multi-track approach has identified various tracks for mediation activities to take place, including government, religious communities, academia, business actors, etc. (Diamond & McDonald, 1996). Integrative Mediation starts on Track 2 (local government representatives, academia, religious leaders and other civil society actors), but seeks to include all tracks in the process, in order to reach sustainable solutions.

Integrative Mediation focuses on what can be achieved in a particular moment at the local level through identification of the responsibilities. Identifying “responsibility” in conflict areas is difficult because the systems of justice and “rule of law” are dysfunctional, and because there are many opportunities for corruption and “blame shifting”. Responsibility is often passed onto other levels of governance and institutions, as parties avoid and resign from resolving the problem at hand. This affects mediation processes and makes the development of options more challenging.

Integrative Mediation is similar to domestic mediation, which functions within or complementarily to the legal system, but the context for mediation differs. In domestic mediation, parties directly or indirectly accept de facto the rule of law and the overarching governing institutions. In the field of peacebuilding, however, the complexity of decision-making structures and unclear mandates make it harder to establish who should be involved in the mediation process. Sometimes parties reject the established governing structures and question the legitimacy of the other parties. Integrative mediation is adequate for addressing conflict in such environment, as it creates a neutral platform and balances out power among actors, which initially decreases tension and on the long run creates space for joint problem solving.
Over the last twenty-five years, three major mediation paradigms have developed in peacebuilding: Power Mediation, Problem-Solving and Humanist/Transformative Mediation (Kleiboer, 1997). Power Mediation focuses on containment, use of power by mediators to coerce conflict parties to make concessions, and conflict settlement. Problem-solving Mediation builds on the premise that behaviour, perceptions and assumptions can be changed to create positive peace. Humanist/Transformative Mediation is based on human needs theories and questions the basic assumptions of the conflict, seeking to address its root causes by reconciling human relations. Humanist and Transformative Mediation were developed separately on overlapping theoretical assumptions. Transformer Mediation, coined by Bush and Folger in 1994, does not address international issues of peace and war. However, its concepts of empowerment and recognition complement the humanist approach (Bush & Folger, 1994).

Integrative Mediation is the integration of Power, Problem-Solving and Humanist/Transformative mediation. While conflict transformation guides its process, Integrative Mediation departs from the transformative theories in some ways. Integrative Mediation uses the term transformative mediation to refer to any mediation requiring conflict transformation, even if it does not adhere to the Bush and Folger model. Instead, the mediation emphasises active engagement by a mediator and application of power through advocacy activities. This creates opportunities for inclusive problem solving and settlements. The proactive approach develops as a result to the following dynamics.

Firstly, often due to the gravity of the conflicts in the post-war context, parties want help in finding a durable solution, protection from attacks by the other side, and feedback on their perceptions of the conflict. Pure Transformer mediation would exclude this assistance. But Integrative Mediation does not. If a process is truly voluntary and the responsibility for the process remains with the parties, mediators are bound to provide requested assistance and actively support the development of a solution.

Secondly, ignoring power in violent conflicts puts mediation at risk, as well as the parties and people it would serve. Power exists, and it is exercised both overtly and covertly. Power flows through official and unofficial decision-making structures. Power levers and those who

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3 Kleiboer (1997) also speaks of Mediation as Domination.
4 Positive peace is the absence of negative peace including justice in all spheres (economic, social and political) and sharing power democratically without the need to resort to violence (structural cultural or physical). It associated with Johan Galtung. See for example, Galtung, J. (1996). Peace by peaceful means: Peace and conflict, development and civilization. London: SAGE Publications Ltd
control them influence social and economic dynamics of a conflict. The use of power or lack thereof can be considered as follows: a) parties are often drawn toward projects and programs with more resources and power and b) power is often helpful in stopping aggression against parties or the mediation process by spoilers. To address this, in Integrative Mediation we reach out to governmental institutions, international organisations, foreign embassies and foundations that can use their mandate or leverage to influence processes.

Utilizing power is often more problematic for Civil Society actors like Non-Governmental Organisations (NGOs) and academics than for state-based actors (e.g. states, regional or international organisations). State-based actors tend to focus their efforts on the use of power, while NGOs will work more on problem solving. Academic conflict resolution experts generally advocate for transformative approaches. This is easily explainable. States can marshal military and other forces to support their efforts, such as in Iraq, Libya and Afghanistan, while NGOs and academics have no physical power over the conflict parties. The relationship between donors and NGOs, and the project management cycles of donors often create pressure and time constraints for producing results. This makes problem solving a central focus in these relationships.

Academics working from a secure institutional basis are often more selective in their projects, allowing them more freedom to take transformative approaches. Most people working in the field of mediation would like to somehow transform conflict dynamics. They often need to showcase results and see value in reducing potentially negative inputs or threats to the mediation process. The feasibility and acceptability of mediation, both philosophically and practically, may be debated and disputed by theorists and practitioners alike. However, Integrative Mediation assumes that different needs exist at different moments in a conflict. Integrative Mediation establishes short-term problem solving objectives and long-term transformative goals. It also shows parties how to channel their power democratically and legitimately, to achieve their interests.
The concept of Integrative Mediation consists of five elements (1) Conflict Analysis, (2) Stakeholder Consultation, (3) Interactive Professional Training, (4) Intercommunidiy Mediation and (5) Advocacy. The concept has been developed based on the work of Prof. Christian Schwarz-Schilling and his team, during his mandate as an International Mediator in Bosnia and Herzegovina (1995-2004) in support of the implementation of the Dayton Peace agreement at the local level. We have found that a comprehensive approach of mediation is most effective for dealing with intercommunity problems, whereby needs determine which elements of a process will be applied.

Integrative Mediation practitioners do not assume that conflict resolution is necessarily achieved by forming income-generating projects\(^5\). We assume that parties need to see an improvement in political and professional relationships, solutions to their immediate problems, and no further losses of power. By increasing capacity to negotiate professionally and by developing joint projects, parties remain in control of their peace processes. The elements of Integrative Mediation provide a variety of conflict resolution services, forming a “one-stop-shop” for the local communities. In the diagram below, Integrative Mediation is represented as the nucleus of all action, whose elements can be both standalone activities and part of a more dynamic process. Individually, each element addresses different needs of the stakeholders and aspects of the conflicts. More will be revealed about these elements in each chapter.

INTRODUCTION - The Concept of Integrative Mediation

- Advocacy
- Conflict Analysis
- Integrative Mediation
- Stakeholder Consultation
- Interactive Professional Training
- Inter-community mediation
Elements
of Integrative Mediation
Conflict Analysis
Conflict analysis is a comprehensive and systemic approach to identifying the sources of conflict and issues at hand, understanding the stakeholders and their relationships. In Integrative Mediation, the analysis also focuses on assessing the wider political context in which conflict resolution takes place.

The purpose of conflict analysis in Integrative Mediation is twofold: a) to understand the complexity of the conflict and the potential ways in which it can be managed and b) to understand one’s role in supporting conflict resolution and develop an adequate mediation approach.

In this chapter we aim to describe our approach to conflict analysis and present the main tools used. In order to do that, we first need to identify the types of conflicts addressed in our work. In categorising conflicts, level of coordination is crucial (Tilly, 2003). On one end of the conflict spectrum are conflicts that involve actors with a high level of organisation (e.g. states). On the other end lie conflicts that involve unstructured actors (e.g. civil movements). Most research in the field of peace and conflict studies has focused on conflicts (especially violent conflicts) at the higher level of organisation, dealing with conflicts among states and/or conflicts between one state actor and one or more rebel groups. In a post-conflict or transformation phase, numerous intercommunity conflicts appear (usage of language and symbols, names of public objects, return of refugees/Internally Displace Persons (IDPs), the lack of participation of the minority groups in local governance structures, organisation of an integrated education system, etc.). Those are structural in nature. Therefore, we often work with state actors...
(e.g. governmental institutions at the local level) to find structural solutions and reduce discriminatory decision-making. However, we also work with non-state groups, such as civil society organisations and groups. Often, these groups are formed along a shared communal identity. They are not always organised. Noteworthy is that they perceive an incompatibility of goals due to their communal belonging. Such groups can be geographically determined (coming from rural areas, for example), or be an organisation of smaller communities that are not politically represented (e.g. the Roma population in the Balkans).

Thus, in Integrative Mediation, conflict analysis has a multilevel focus: it involves the analysis of local, national and international dynamics. This begins at the local level, with the issues directly generating conflicts on the ground or dividing local communities. At this level, the key stakeholders and their mutual relationships are explored. This is key to identifying all parties that should be represented in the mediation process. It is crucial too, that persons at the negotiation table have certain legitimacy to speak in the name of whom they claim to represent. This ensures the necessary power for implementing an agreement. Besides the various groups’ representatives, state institutions are common key stakeholders at the local level. Intercommunity conflicts most often emerge because one community feels (structurally) discriminated against. They demand that they be included in decision-making processes and want to have equal opportunities in the society. This structural discrimination can also have a cultural dimension when groups are not respected in their religious or ethnic identities. In these cases, local and national
governance actors must also be included in the conflict resolution process.

Due to their interlinkages, a central question remains: what happens at the other levels that might be preventing resolution? As in other forms of conflict analysis, the mediator must be familiar with the historical context of the region(s), the characteristics of the transitional period, existing peace agreements, the constitutional framework, legislations relevant to the peacebuilding process, financial and structural barriers, and problems in the horizontal and vertical channels of communication between the different levels of governance. In Integrative Mediation, conflict analysis is done jointly with the conflict parties and is repeated during the entire mediation process. The mediator independently identifies the central issues and characteristics of the dispute by doing stakeholder consultations, data analysis, thereby developing his/her own understanding of the conflict. In the mediation process however, one can only work with parties’ perceptions of the conflict, even when their perceptions do not match the objective situation as perceived by the mediator. The resolution of a conflict depends on the development of a joint understanding among all parties and an agreement on the nature of the problem.

Thus, conflict analysis is a continuous and permanent element of the integrative mediation process. The continuous reassessment of a conflict also helps track changes in conflict dynamics, which develop due to external or internal factors, and allow mediators to adjust processes accordingly.
Conflict can be described as an interaction of interdependent actors (individuals, groups, organizations, states, etc.) who perceive incompatible goals and interference from each other in achieving those goals.

Based on Folger, Poole and Stutman (1997)

1.1 Defining Conflict

Conflict can be described as an interaction of interdependent actors (individuals, groups, organizations, states, etc.) who perceive incompatible goals and interference from each other in achieving those goals.

Intercommunity Conflict
When group identity demarks a conflict’s line of primary importance, it can be labelled “intercommunity” or “communal conflict”. In these conflicts, “communal identity” and “ethnic” or “religious identity” are commonly used interchangeably. Intercommunity conflict emerges however when identity groups perceive differences in economic, political or social power in comparison to other groups and they fail to find a systemic way to achieve their goals.

Yet, in order to reflect the reality of social conflict, a broader approach to capture subjective group identifications is needed. This is based on a wide range of sources, including cultural bonds, a common history or common value systems (Gurr, 2000). Since group identities are socially constructed, not pre-determined, static phenomena, the basis for a communal identity is subject to change.
1.1.1 The Dimensions of Conflict

According to this understanding of conflict, conflict is a phenomenon that can present itself in any social interaction. However, conflict can be regarded as functional to a certain point, depending on the context of the conflict and the ways in which the conflict is handled. For a whole society, conflicts enable the potential for a reconciliation of interests, social change and progress. But conflicts can also become dysfunctional, sometimes escalating to violence. Thus, an important feature is the way a conflict manifests; the manner in which the interdependent actors interact.

Conflict appears in various forms and can lead to different outcomes. Following the model of Galtung (see Galtung, 1996), conflict is considered to entail three different dimensions:

A – Attitudes are the perceptions or misperceptions that the conflict parties have of one another. In intercommunity conflict, stereotypes of different groups often develop (e.g. uneducated, violent or dirty), which are often linked to anger, fear or hatred.

B – Behaviours are the actual form in which conflict manifests (e.g. threats, coercion, violence, etc.).

C – Contradictions refer to the actual or perceived “incompatibility of goals” that underpins the concrete conflict situation. They are often related to social structures and the ability of one party to influence those structures (power imbalance).

While behaviour manifests visibly, attitudes and contradictions are often latent and unconscious. The goal of conflict analysis is to delve into those invisible segments so that they can become visible and be addressed.

Therefore, conflict resolution is not merely changing immediate behaviour (for instance, stopping violence). Conflict resolution involves removing structural barriers and injustice in society, as well as transforming thinking and values.
Contradictions

Discriminatory legislation, unbalanced power relations…

Attitudes

Different values, religious differences, stereotypes towards other groups…

Behaviour

Exclusion, coercion, threat, violent protest, sit-in…

Visible

Non visible
Most individuals approach conflict with a list of problems and a list of solutions. A course of action is predetermined by these folks and communicated in a fixed “side”. That is, a POSITION describing what one wants to happen.

Example:
A landlord says to his tenant: “I want you to get rid of the dog by tomorrow morning.”

In the above example, a landlord makes an explicit request to his tenant. When the tenant refuses, conflict emerges.

When discussing issues on the level of positions, an outcome in which both requirements (positions) are met seems impossible. The dog will either stay in the building or not.

To search whether there is potential for solving this conflict one must go beyond the level of positions into the level of interests. For this, one questions the motivation and reasoning behind the positions. Why is it important that the dog leaves? Stays?

Underlying interests might include: saving face, fair play, concern about the relationship, or personal safety and comfort. Positions and interests can be presented in an iceberg model, where distinctions between the conscious (i.e. above the water’s surface, visible, said) and subconscious (i.e. under the water’s surface, non-visible, quiet) are made.
Often, conflict parties assume that their positions are also their interests. Separating the two is difficult and requires long communication processes. When parties talk on the level of interests, more commonalities can be discovered, and the range of solutions becomes broader and better overall.

Consider again, the conflict of the tenant having a dog. It might be that the landlord generally hates dogs. But it could also be that the landlord is concerned about other issues, such as security of other tenants or small children, the barking, cleanliness, etc. Should the latter be the case, reconciling interests and finding common grounds would present possibilities for solving the conflict (e.g. The dog could wear a protective mask). In this way a common ground that unifies the two different interests can be found.
While conflicts may be productive forces for change, encouraging parties to develop new ways of relating to each other, some heavy conflicts produce destruction and suffering. The concept of escalation is crucial for understanding the destructive side of conflict. Escalation of conflict may happen between two opposing parties on the international or group and community levels. While the conflict dynamics are similar, we will focus mostly on the escalation of conflict between groups and communities. Escalation can be defined as the use of heavier conflict tactics by one party, which increases the intensity of the conflict as a whole. There are two basic models of conflict escalation – the “Contender-Defender” and the “Conflict Spiral” models (See Pruitt & Kim, 1998).

The **Contender-Defender** model assumes one party to be the driving force behind escalation; one party seeks to satisfy an interest through all means. If mild contentious tactics do not work to create the desired change, the contender is ready to move on to heavier tactics until the other party gives in.

The **Conflict Spiral** assumes a more bilateral dynamic of action and reaction. On both sides, reactions are partly influenced by the desire for revenge. Each retaliation effort becomes a new issue or grievance, so the conflict becomes increasingly complex. As the conflict spirals, each conflict party’s list of grievances grows longer. Issues become vague and there is a growing sense that a crisis is developing.

While acknowledging that the Contender–Defender model captures some cases of escalation, Integrative Mediation seeks to view the overall picture, taking perceptions and behaviour of all sides into account. However, this first model is perhaps the one that prevails in ordinary perceptions; because it satisfies the need to allocate blame and to allocate this blame outside oneself or one’s in-group. Yet, it is precisely this perception that causes people to overlook the Conflict Spiral. Our experience shows that people often believe they are only reacting to an opposing side. But external mediators can facilitate the adoption of a meta-perspective, which allows conflict parties to realize their roles in perpetuating conflict and further escalation.
1.3.1 Stages of Conflict Escalation

During escalation, a combination of processes can be observed. One widely accepted model of conflict escalation in peacebuilding is “Nine stages of Conflict Escalation” by Friedrich Glasl (See Glasl, 2009). It identifies some of the processes that trigger the escalation of conflicts:

**Stage 1. Hardening**
Parties have opposing opinions and disagree over specific issues.

**Stage 2. Debate and Polemics**
The disagreement intensifies, and parties try to convince each other, pushing their claims emphatically.

**Stage 3. Actions not Words**
Parties begin to use power, putting pressure on the other to further their claims. Communication often is interrupted, and the parties misconstrue each other’s actions, rather than talking with each other.

**Stage 4. Images and Coalitions**
Specific issues formerly at stake give way to more general issues. For instance, a conflict about bridge access could be supplanted by an all-encompassing opposition to the other side, as well as all opposition to members of that identity group. Coalitions are formed within an identity group, and stereotypes and prejudices determine the group’s views of the other.

**Stage 5. Moral Loss of Face**
Conflict parties often fear losing face. This fear triggers parties to question the other party’s moral integrity. The turn from issues to relationships culminates in the dehumanisation of opponents. After conflicting parties deny the other a possession of moral or human values, violence may take very intense forms.

**Stage 6. Strategies of Threats**
Conflict parties become increasingly absorbed by the struggle, committing a great deal of resources to prevail. At the same time, parties start threatening each other. Since a threat in this stage of conflict escalation provokes a counter-threat, the conflict spiral gains speed.

**Stage 7. Limited Destruction**
Achieving original goals is increasingly substituted by the desire “to win”. The desire to win can become a desire to harm the other party.

**Stage 8. Fragmentation**
One factor that is especially dangerous for escalation is the urge for revenge, since this urge is usually very intense. People motivated by vengeance are much more likely to resort to extreme forms of aggression, often returning much greater
harm than the one that was received. Desires for revenge tend to be excessive and long-standing. It can become a desire to destroy the other party and render it inoperable.

**Stage 9. Together into the Abyss**

Parties want to defeat each other totally and risk their own destruction.

Some of these stages are particularly important for intercommunity mediation and will be discussed in more detail.

**Community Polarisation and Escalation**

When two groups come in heavy conflict with one another, it is often hard for community members to remain neutral. The tendency to join a side is called “community polarisation”. This phenomenon occurs when members of conflict parties demand that those outside of the conflict choose sides. A famous example of this on the international level is George W. Bush’s proclamation after 9/11, “either you are with us, or you are against us”. Additionally, the use of heavy tactics by one or more sides affects the broader community. There is also a tendency of attributing blame to one side. Community polarisation also contributes to further escalation of the conflict, since new supporters of each side add additional resources. Furthermore, crosscutting group memberships are destroyed. The latter dynamic forces formerly neutral observers to take a side. Neutral third parties with crosscutting group memberships are potential mediators to the controversy. Yet, at a certain point of escalation, all community members have to take a side. In order to fill the resulting gap, external mediators may be needed to moderate the communication and to reverse the escalatory dynamic.

**Image Threats**

“Image threats” are particularly dangerous catalysts for conflict. All people and groups are interested in maintaining a positive self-image, and threats to this image epitomize escalation processes. Such image threats may come in the
form of questioning the other party’s status, strength, autonomy or integrity (Coleman, 1997). Emotionally, image threats produce fear and anger, which subsequently create tendencies among parties to punish the other. More generally, negative attitudes and perceptions of the other side are typical in conflicts, but they pose major obstacles to the conflict’s resolution. While attitudes refer to positive or negative feelings of a person or group, perceptions describe beliefs, often in the form of prejudices. Both are strongly interlinked and lead to reduced empathy for the other side, avoidance of the other and a greater likelihood for aggression. Positions become more rigid and the usual creativity in problem solving disappears.

In a group, hostile attitudes against another party serve multiple purposes. The increased cohesiveness that comes from a common enemy allows a group to establish strong common norms. One feels that his or her views are validated and will hear additional arguments supporting their views in the group. At times, a competition among group members takes place, whereby group members seek to “one up” each other by voicing group norms, and thus rejection of the other groups, in more extreme ways. As a consequence, interaction with members from the other groups is not desired and can be seen as an act of betrayal.

Insight from the Field:

In one Western Balkan municipality, tensions were very high. It escalated to attacks against individuals and institutions. In that context, it was difficult for CSSP to meet with stakeholders for bilateral meetings, and even more difficult to arrange meetings among groups with differing interests (inter- or intra-community). With no governing rule of law, the primary precondition for securing the safety of stakeholders was to ensure that their images were not harmed in the mediation process. CSSP asked each actor where she/he/they would prefer to have meetings, in order to meet stakeholders’ needs and interests in maintaining their images. Since image is difficult to control, “delicate” meetings were organized in more distant or secure areas. These meetings took place in other cities, in safe office spaces and remote locations, sometimes in a neighbouring country.
1.3.2 De-escalation

In every stage of conflict escalation, various forms of conflict resolution can be applied to support parties de-escalating conflict and in finding acceptable solutions. In the beginning of conflict escalation, parties may still be capable of solving their dispute alone. However, parties often find themselves unable to influence their situation after their conflict has spiralled. In these cases, conflict de-escalation usually becomes an option. Parties will realise that they have reached a stalemate, feel that the costs of conflict are too high and/or do not foresee a solution. Usually, a third party is needed to help everyone identify ways out.

De-escalation and the role of mediation

When considering the potential for de-escalation, it is useful to distinguish dynamics at play: a) features of the situation, b) features of the conflict parties and c) features of the relationship between these parties. While some of the following is more general, these remarks are taken from direct mediation experience and intended to aid other mediators.

a) Features of the Situation

The importance of situational features cannot be belaboured. When preparing for a mediation situation, take psychological research into account. General states of arousal can be caused by time pressure, heavy noise, atmospheric pollution and hunger, which spur reactionary tendencies. Mediators should arrange each meeting in settings that cause pleasurable experiences. Humour, a quiet and comfortable environment are important blockers of aggression (Rotton & Frey, 1985). Nonetheless, alcohol consumption threatens the mediation process and should not be present at meetings, especially where tensions are high. During focused and intense meetings, a minor provocation will be perceived much harsher and can escalate the situation. Considerations regarding the wider conflict context and future implications of one’s current actions remain thereby neglected (Steele & Josephs, 1990).

b) Features of the Parties

Research on aggression shows that some personalities are more irritable and impulsive than others. These types tend involve themselves in conflicts more heavily and are drivers of escalation. However, those who feel guilty about their own aggressive tendencies might seek de-escalation at all times. Personality traits may be traced back to childhood experiences, biographic events and/or genes. Personality types are beyond a mediator’s realm of control. However it is important for mediators to be aware of personality types, so to be prepared and able to work with different kinds of people.

Cultural backgrounds also influence parties. Some cultures are more prone to contentious tactics and revenge after attacks to their public image or status. So-called “cultures of honour” are historically tied to herding societies, where law enforcement was weak and where individuals needed to credibly establish a reputation for heavy retaliation, in order to deter potential thieves (Nisbett & Cohen, 1996).
c) Features of the Relationship

Generally, social bonds discourage conflict escalation and encourage problem solving. This is because social bonds tend to foster positive attitudes, respect, common group membership, trust and empathy. For instance, Ransford found in a study in 1986 that African Americans who had been socialized with white Americans were less likely to engage in violence against whites in the Civil Rights Movement. Even stronger than social bonds are dependencies, whereby two conflicting parties must work together for a common aim. However, dependency can lead to escalation if one party fails to cooperate. The more parties are dependent on one another (e.g. family members), the stronger their desire to teach each other a lesson (Pruitt & Kim, 2004).

Insight from the Field:

In one municipality of the Western Balkans were three mayors, each with its own administration and each party being seen as a legitimate representative from different groups. There was no formal exchange among the representatives and separate municipal structures. Therefore, there was no conflict-limiting institution or communication among the groups of inhabitants of the municipality. At that time, minor events regularly fuelled escalating tensions, such as the presence of flags or symbols. With a new municipal government and coalition of previously conflicting communities, the conflict dynamics and potential for escalation continuously decreased. CSSP supported the assembly and administration of the municipality in addressing and solving inter- and intra-community conflicts within the new and joint political structures. While CSSP built up mediation and capacity development services in the municipality, municipal actors increasingly drove conflict management efforts. Three years later, the municipality functions as conflict-limiting institution.

In intercommunity conflicts, it is particularly important to analyse the relative presence and absence of conflict-limiting norms and institutions. For instance, groups pushing for escalation might be regulated by their own community through norms that inhibit aggression. These norms are especially effective if the group perceives that the community has their interest at heart.

For conflict-limiting institutions within the community to be effective, they must be perceived as just, fair and powerful. In a way, external mediators often fill the gap of lacking community institutions, which is why an inclusive process is so important. Inclusion is the main source of perceived fairness, thus a great barrier to escalation. Where communities are severely divided, as in some areas of the former Yugoslavia, the perceived fairness of their institutions often rests on whether various groups within the community are represented in running them. Yet, while power-sharing arrangements may provide initial stability (See Zartman, 1995), building crosscutting bonds among community members is a necessary next step. “Crosscutting bonds” are different from “overlapping” bonds. In divided societies, members belonging to several groups will exercise restraint on polarisation, seek to exercise control over members of several groups and even become mediators themselves, as in a 2002 study by Varshney, who researched the severity of Hindu-Muslim riots in India.
1.4 Tools for conflict analysis

1.4.1 Relationship Map

The “relationship map” is a tool that can help us visualise the conflict, depicting all direct and indirect conflict parties in relation to one another. Relationship maps advance conflict analysis in two main ways: 1) understanding parties’ relationships to the conflict as well as their needs in a conflict resolution process and 2) deepening understanding of the relative power and influence of these parties.

A mediator can do the relationship map independently, as part of a desk study. However, it can also be done jointly with the conflict parties. To use the tool most effectively, note the following:

- Begin by recording conflict parties on the map, and then start depicting relationships.
- Use different sizes for symbols to help visualise relative power of the parties and stakeholders and their significance in the problem.
- Use distance between parties to depict centrality or significance of each stakeholder in relation to the problem, as well as in relation to one another.
- Include external actors that should or could play a role in the problem or its resolution.
- Sometimes it is useful for the mediator to be represented on the map, to reflect his/her relations to the parties.
1.4.2 Position and interests tool

<table>
<thead>
<tr>
<th>Party A</th>
<th>Party B</th>
<th>Party C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Positions</strong></td>
<td>Positions are the starting point in negotiations. They are stated as requests and often require compromising. Positions are usually expressed as a fixed sum.</td>
<td></td>
</tr>
<tr>
<td><strong>Individual Interests</strong></td>
<td>Interests are concerns and needs that motivate a position. They motivate people to act and make demands. Interests are part of both the problem and the solution. They are constantly changing or adapting. They can be multiple and prioritised and are de-personalised.</td>
<td></td>
</tr>
<tr>
<td><strong>Group Interests</strong></td>
<td></td>
<td>Group interests represent a general reflection of the need for welfare, safety, and development of a group. There is often a conflict between the interests of people and the interests of groups. People in dispute have multiple levels of interest competing for fulfilment.</td>
</tr>
<tr>
<td><strong>Common Interests</strong></td>
<td>Despite having individual and group interests, a natural interdependence binds all persons at a basic needs level. In mediation, it is important to understand which interests separate stakeholders and which interests unite the stakeholders, and to build from common interests. Resolving common interests lays groundwork for addressing more challenging interests.</td>
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</tbody>
</table>
1.4.3 Force Field Analysis

Awareness of the driving factors for or against peace/change is critical for successful development and implementation of an Integrative Mediation process. One tool that helps with analysis of the major factors and actors involved in a conflict system is Force Field Analysis. Originally introduced to the social sciences as a decision-making tool by Kurt Lewin, it is widely used in the peacebuilding field as “three box analysis” (CDA 2012). The Force Field Analysis is helpful for assessing the wider context of an Integrative Mediation.

The tool was initially designed to identify driving forces for and against change. Driving forces enable change to happen, while restraining forces prevent change from happening and maintain the status quo. The tool acknowledges that change and conflicts are not static events, but rather constantly affected by various interdependent factors and actors. The Force Field Analysis can be used to identify the factors for and against peace, in general. However, using the tool, one can also define specific conflict situations or changes that require special attention. Factors for or against change/peace can be material, such as access to water, or intangible such as various prejudices. Additionally, it is important to investigate which actors could have influence on the listed factors. Actors and factors should be listed separately.

Step 1. Define the change/peace

Firstly, define the change you would like to see; for example, “Return of IDPs in municipalities A and B”.

Step 2. Identify the key driving factors for change/peace

Ask yourself questions that will help identify the forces for change:

- What are existing positive/negative factors that can be built upon?
- Who has power to influence the change/conflict? Who can influence decisions?
- Who profits/suffers from the status quo?
- What connects/divides people across fault lines?
- What are the costs required for a particular change, and are resources available?
- What are the issues or factors that cause the conflict?
- What are the risks involved in initiating the change?
Step 3. Reframe the factors to make them specific

Specify the items that have been identified as factors for/against change/peace. For instance, if you identified cultural practices as an important factor, specify what it is about cultural practices that influences the change/peace.

Step 4. Prioritise among factors

In a conflict situation, numerous factors influence change/peace. Avoid collecting ALL relevant factors. Only choose five to seven driving factors, the ones that most significantly influence change/peace. To represent differences of influence, adjust the size of each arrow pushing towards the change.

Step 5. Develop a strategy

Think how you can approach the process in order to allow for more change. This can be done by strengthening the driving forces (e.g. supporting the coalitions for peace).
Elements of Integrative Mediation
Stakeholder Consultation
Consultation is a one-on-one service to all stakeholders (Fisher 1972). For parties, consultation is support on a personal level, helping individuals approach conflict in more constructive ways by providing individual advice and an exchange of ideas. Through stakeholder consultation, the mediator assists each party to develop and review positions and work through internal problems. Consultations can take the form of a bilateral confidential meeting, a coaching session in preparation for a meeting with the other parties or a follow-up regarding progress with implementation of agreements.

The mediation process normally begins with a request for mediation by a local stakeholder, NGO, central government institution or international actor. The request is processed by mediators, who will gather information via stakeholder consultations about why mediation is sought. Once all information has been analysed, consultation meetings with parties are held to test the viability of mediation support or a mediative intervention. If it is established that mediation is needed and wished for by the main elected stakeholders, the request for mediation is accepted, and a form of mandate is developed with the parties. Several aspects are thereby important.

Firstly, stakeholder consultation serves to undertake (and revise) profound conflict analysis, and determines the appropriate level and form of intervention (See: Pre-Conditions for Mediation, p. 36). For the mediator, consultation is an opportunity to develop an overview of the conflict; identify the key issues and all relevant actors involved in the conflict. The mediator tests his/her assumptions in exchange with the stakeholders and tries to develop an “accurate

“"To solve any problem, here are three questions to ask yourself: First, what could I do? Second, what could I read? And third, who could I ask?"”

Jim Rohn
picture” of the situation. It can happen that spoilers try to mislead or misrepresent the situation early in the process, before the mediator could accurately draw conclusions. Also, few people are open and transparent at the first consultation meeting. Thus mediators should meet stakeholders several times and ask the same questions to different stakeholders in order to cross-check information.

Secondly, stakeholder consultations serve to build trust with the conflict parties and to get a mandate for mediation. Mediation, by nature, is not a legal procedure, and it is based on the will of the parties. At any time, one or more parties may withdraw their support from the mediator, which equates an automatic loss of mandate. Therefore sufficient time should be dedicated for getting commitment to the process.

Thirdly, using the information compiled via stakeholder consultations, the proposed mediation team develops a strategy based on theories and practices of mediation. The strategy includes conflict analysis, theoretical approaches to supporting conflict transformation and practical steps or an action plan. The strategy is then presented to the stakeholders for consultation and final approval of the process. Also, the scope, role and timeframe must be decided upon together with parties in some form of joint meeting.

Stakeholder consultation is based on three principles:
1. Conflict parties have a right to trust that the mediation team will keep information confidential. Mediators must provide a safe environment so that honest opinions and ideas can be exchanged.
2. Consultation is non-judgmental and focuses on the specific party’s needs.
3. There is a balance between transparency and confidentiality. Mediators inform all sides of scheduled meetings and general topics discussed. With the permission of the parties, relevant information can be shared with other parties or stakeholders. In line with the integrative nature of the process, stakeholder consultation is provided at all levels of governance and open to all sides. Meeting with stakeholders other than those immediately involved in the mediation process brings a broader range of perspectives, allowing for a more nuanced analysis of positions and issues that drive a conflict. Furthermore, drawing a wider range of actors into the process seeks to facilitate communication between different levels, create synergies between different actors and generates support for problem solving at the local level.

In order to facilitate communication with international actors, donors, and other NGOs, and to get support for the mediation, it is best to document the conclusions of joint sessions, which confirm the will of parties to engage in the mediation process. A letter from a primary leader or stakeholder asking for support can also be an entry point mandate or serve as a basis for consultation with a wider range of stakeholders who may be impacted by an agreement or who have influence over any agreed outcome.

Two of the most difficult questions mediators face is when and how to intervene in disputes. Interested parties will often ask for assistance in finding solutions. Sometimes mediators approach parties to offer mediation, especially when mediators see potential willingness among parties to engage in a peaceful process. Mediators must determine whether their intervention would support conflict resolution.

a) Conflict Parties’ Motives

When reflecting on the motivation of parties, it is generally said that parties will be ready to engage at moments of “ripeness,” which open a window of opportunity (See Zartman 2000). Certain elements distinguish when conflict is “ripe” for resolution:

- Mutually Hurting Stalemate (MHS)

Conflict parties feel that they are trapped in an inescapable painful situation. They have been in conflict for an extended period of time and feel that neither side can “win”. MHS depends on perception and could contradict objective conditions (See Zartman and de Soto 2010) so mediators should work with parties to assess the situation when analysing ripeness.

- Sense of a way out

A moment of ripeness will appear when parties develop the
idea that there is a way out of their conflict, and both sides see the potential for gains through cooperation on specific issues. While a solution must not be specifically formulated, senses of one's own and the adversaries' willingness to resolve conflict are necessary for initiating mediation efforts.

• Alternative Motivations of Conflict Parties

While perceptions are highly subjective, the idea of a Mutually Hurting Stalemate relies on a rationalist approach, assuming that actors are calculating costs and benefits self-serving interests and that actors will come to the conclusion that mediation is the most rational option available. Beardsley adds an additional layer of complexity, highlighting the possibility that parties may accept mediation for objectives other than peace. Conflict parties and mediators may utilize mediation in attempts to gain recognition. Moreover, it may lie in the interests of parties to accept mediation so to gain time; time that can be valuable for the recruitment and training of troops, or time for deviation and the securing of power. Given the highly normative nature of mediation, it is important to be aware of objectives that are different from peace when analysing conflict (Beardsley, 2011).

Adopting a more psychological approach, Kelman argues that rationalist calculations may fail due to lack of trust. While it would be rational to expect that conflict parties could tolerate a degree of uncertainty in the conflict resolution process, long-standing hostilities between enemies can trump rational calculations. Kelman points to a vicious cycle of avoidance stemming from the lack of trust, which inhibits conflict parties from engaging in mediation. This very trust is needed for mediation to take place and can evolves through facilitated encounters. Mediators can resolve situations where
trust lacks, since mediators allow conflict parties to establish contact at very low levels of commitment, reducing fear that the mediation process would be exploited (Kelman, 2005).

b) Motivations of the Mediator

Why do mediators become involved in mediation? This question is often trivialized. In fact, mediators could become involved for a number of reasons, all of which may influence the mediation outcome.

Especially in international or peace mediation, offers to mediate are correlated with immediate gains for the mediator (Maundi et al. 2006). Similar to rebel groups who seek recognition by asking to take part in mediation talks, mediators may also use the process to polish their international reputation. Recent mediation efforts by Russia in the Syrian civil war which increased President Putin’s standing on the international arena epitomize this (Maundi et al., 2006). Other common examples of ulterior motives in the mediation process include minimization of spillover effects from conflicts, which directly impact a third party. Typically, these include risk of direct military involvement, a regionalization of the conflict, an influx of refugees, trade disruptions or other economic costs that would de-stabilize the government (Beardsley, 2011). Mediation motivated by these would likely be summoned on the elite-level. However, humanitarian motives can also be at the heart of mediator’s engagement at the mid- and local levels. According to Beardsley, it is Intergovernmental Organizations (IGOs) and Non-governmental Organizations (NGOs) who are most likely to value peace as an end per se. Quite often, these NGO initiatives are heavily supported by states; states with genuine interests in collective gains from the mediation process, such as a more stable international system (Beardsley, 2011).

Conditions of ripeness and timing of intervention are also important for a mediator to consider. Intervention at any time carries risks. However, the longer a conflict escalates, the more difficult issues become, and the more entrenched parties become in these issues. Experience shows that early intervention is preferred. A mediator should also define goals for an intervention: “Ripeness for what?” What intervention would be most appropriate at which time?

While stakeholder consultation is applied particularly during the preparatory phase of a mediation process, it can become
Trying at the wrong time:

<table>
<thead>
<tr>
<th>Trying at the wrong time:</th>
<th>Not trying when the time is not ripe:</th>
</tr>
</thead>
<tbody>
<tr>
<td>High risk of failure, which might discourage conflict parties from using the assistance of third parties.</td>
<td>Conflict continues to escalate, as cost and risks of the conflict increase, which make settlement more difficult.</td>
</tr>
</tbody>
</table>

Not trying when it is ripe:

<table>
<thead>
<tr>
<th>Not trying when it is ripe:</th>
<th>Trying when it is ripe:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The moment passes and it might escalate, or the window of opportunity may close. Parties may lose trust or interest in the process.</td>
<td>Still carries risks. Ripeness only indicates the moment when intervention might be most fruitful to achieve goals and outcomes. It does not guarantee success of intervention.</td>
</tr>
</tbody>
</table>

an important tool throughout the process, especially at critical moments and for advocacy purposes. The stakeholder consultation process is especially convenient for private diplomacy actors/mediators, as they enjoy greater freedom compared to governmental agencies or international organisations, which might be restrained by political agendas.
Elements of Integrative Mediation
Elements of Integrative Mediation

Intercommunity Mediation
Intercommunity Mediation transforms the ways groups deal with conflict at the local level, focusing groups on the resolution of concrete problems and on supporting inclusive decision-making processes. Issues such as return of former residents, integration of internally displaced people, freedom of movement, integrated education policies, use of cultural heritage sites, urban planning, garbage collecting, economic development, the creation of community-specific symbols like monuments and street names, employment in local governmental structures and cooperative businesses can be topics that arise at the community level. Some of the above issues are specific to post-conflict and transformational societies, while others are simply areas in which mediation can have positive impact.

One aspect that mediators must consider when looking into intercommunity mediation is the complexity of parties involved in the conflict. As intercommunity conflicts are collection of conflicts, the people in a mediation process represent a community or a specific group within a community. While negotiating at the mediation table, representatives should also consult and negotiate with their respective groups. This is somewhat related to game theory in international conflict resolution (Putnam, 1988). In this sense, one must remember that people sitting at the table might have personal interests separate from the interests of their community (e.g. maintaining a political position). These factors, as well as their implications, ought be considered in a mediation process.

A mediator must also be identified. Mediators can be external parties, separate from the communities in conflict, or “insiders” related to one of the parties. The appropriateness for a non-local mediator has to...
do with levels of trust, potential financial resources and the wish of the communities to interact with international actors, who are expected to remain neutral. However, insider mediators may have a better understanding of the conflict, the local circumstances, as well as the cultural characteristics of the parties or conflict. Thus, insiders can sometimes strengthen a mediation process. At the same time, the involvement of local mediators can make the process more complex. It risks a mediator being perceived as biased from some parties or even as a “traitor” of their own group. Regardless if mediators are international or local, they must gain their mandate from all stakeholders and must make their engagement transparent to state structures.

This chapter reveals Intercommunity Mediation practices and the challenges mediators may face when working on the ground. The first part focuses on the process of Intercommunity Mediation, and the second part on the mediator’s role and necessary communication skills for conducting a mediation process.
3.1 Defining Mediation

Mediation is the involvement of a third party in a conflict, whose aim is to empower conflict parties in reaching a mutually accepted solution. As an omnipartial actor accepted by all conflict parties, the mediator facilitates exchanges among parties about conflicting positions and interests, with the help of established methods and rules of procedure. S/he thereby has no authoritative decision-making power; the parties engage voluntarily in the process and have full control over the substance of the settlement (See Moore, 1986).

Although certain principles define mediation, there are differences in opinion as to the kinds of roles a mediator may play in the process:

**Facilitative mediation** suggests that the mediator should only create conditions and support communication in which the parties come up with their own solutions. The parties influence dynamics in which the process develops.

**Formulative mediation (problem-solving)** allows for a mediator’s more active involvement. It suggests that there is need for a mediator to actively support the development of options, even express preferences regarding solutions, at times. Additionally, the mediator should be able to influence the pace parties move toward an agreement.

**Manipulative mediation (power mediation)** recognises an interventionist role for the mediator. Leveraging political authority or economic power could influence a mediation process by moving parties toward solutions.

3.1.1 Different Formats for Conflict Resolution

Mediation is one form of third party intervention, and it is often confused with dialogue, facilitation and arbitration. However, mediation and other third-party interventions can be distinguished from one another. Mainly, third-party interventions are aligned on a continuum of self-determination. On one end of the spectrum lie interventions that leave conflict parties with little or no self-determination regarding the solution, e.g. legal rulings through adjudication. On the other end of the spectrum lie those interventions that leave self-determination with the conflict parties only facilitating
their dialogue or sometimes even simply providing a space where they can meet to have dialogue, e.g. good offices, facilitation, etc.

**Dialogue.** Stakeholders entering into an exchange process with the goals of achieving a deeper understanding of the other party, clarifying perceptions and identifying common issues, problems or ideas.

**Negotiation.** A direct process of exchange among stakeholders with the goal of achieving an agreement about exchange of resources, setting procedures or solving disputes.

**Fact-Finding Mission.** Generally seen as a neutral third party that is called upon to investigate a dispute and to write a report establishing the facts. The stakeholders may choose to accept the findings beforehand or afterward, or may ignore them and move on to other types of third party intervention.

**Good Offices.** Third party initiative to encourage stakeholders to meet and negotiate their dispute. Although messages and words of encouragement are expressed, and space and support for meeting are sometimes offered, third parties do not interfere in the negotiation.

**Consultation.** A skilled third party helps facilitate a way to conflict resolution. The goals of consultation are to diagnose the causes of a specific conflict and to structure dialogues in a constructive way.
**Conciliation.** A third party intervenes in a conflict with the aim of improving the relationship between the conflict parties. The third party helps improve mutual understanding and communication. It does not necessarily result in a conflict settlement.

**Facilitation.** Collaborative processes to help stakeholders with divergent views resolve their problem. Facilitators resist making substantive proposals, but ensure fair procedures, keep the processes on track, provide appropriate information and ask for clarifications. The facilitator usually abides by rules of impartiality.

**Mediation.** A facilitated process in which a third party assists the conflict parties in solving a conflict. The distinguishing feature of a mediation process is that mediation is outcome-oriented (aimed at reaching mutual agreements). Although parties maintain power over the outcome, the process is structured and somewhat influenced by a mediator.

**Arbitration.** A process in which stakeholders submit their claims and arguments to an impartial third party, who then reviews and renders a binding judgment.

**Force.** A third party seeks to use power and coercion to force the conflict parties to a ceasefire and stop hostilities (sanctions, military intervention, peacekeeping mission, etc.).

### 3.1.2 Principles of Mediation

Mediation can be distinguished from other third party interventions further. Among usual principles and ethics of classic mediation are: neutrality of the mediator, confidentiality and voluntariness of the process, etc. However, Integrative Mediation approaches are embedded in political transformation processes. Consequently, certain derivations should be noted from classic principles of mediation.
Confidentiality. The basis of mediation is the ability to create a safe space for all parties. Confidentiality is central to trust building and respect. Some stakeholders face tremendous risks when deciding to initiate talks with the other side. Therefore, all meetings and mediation sessions are held under the principle of confidentiality. This means, no evidence of anything said, any writing, or any admission made for the purpose of, in the course of, or pursuant to mediation is admissible or subject to discovery unless permission to share is granted by all parties. Since conflict parties in intercommunity mediation represent both themselves and a group of people, parties usually have to share the content and result of the mediation process with their “in-group.” Therefore, the parties themselves decide what information shall be confidential and what is to be shared with the in-group or the public.

Do no harm. Although mediation, like other peace initiatives, is performed with the intention of resolving conflicts, mediation can have adverse effects on a conflict. For instance, a mediator could underestimate the level of division among parties, lack skills for managing tension-filled situations or diverge from his/her neutral, omnipartial role. On the other hand, conflict parties may use mediation to gain time, rather than to work on joint solutions or strengthen their position to become recognized as legitimate actors in a negotiation process. Thus, mediators should constantly evaluate the process and consequences of her/his engagement and act accordingly (withdraw, ask for assistance, meet the parties bilaterally to clarify issues, contact other parties that influence the process, etc.).

Gender sensitivity. Women are not only victims of conflicts but also facilitators and key promoters of transition processes towards peace. Therefore, and in line with UN Resolution 1325 “Women, Peace and Security”, the mediation process should seek to integrate women at all levels. In order to ensure gender sensitivity, women should be included in the process and women-specific issues put on the agenda. The mediators team should be also gender-balanced.

Inclusiveness. Groups with different identities, social positions and collective histories have been affected by their shared conflict in different ways. They will also be affected in different ways by the outcomes of mediation. To ensure the best outcomes, ensure that as many voices as possible are equally heard and included in the mediation process. More practically, groups less present in the political space (youth, women, smaller minorities, etc.) should be included in the process, as well as parties that might be seen as spoilers or hardliners.

Neutrality. In classic mediations, neutrality of the mediator is an essential principle. The mediator should be free of preferences for sides and should not have any personal interest in the outcome of the mediation. However, in Intercommunity Mediation, the mediator is biased about recognition of human
rights, peaceful means and non-discrimination. Therefore, the mediator is not entirely neutral. When an outcome of mediation is not in accordance with non-violent and democratic principles, the mediator may stop his/her intervention.

**Omnipartiality.** While it is a core principle of mediation to not take sides or show preference, it is equally important to understand stakeholders' realities. Omnipartiality is the ability to empathise with all sides of a conflict and work with each side's truth and perceptions. This is different from impartiality. While it is important to truly comprehend the feelings and interests of each stakeholder, the mediator is responsible for maintaining one's own role. Understanding does not mean taking a side, but rather empowering each side to equally participate in the mediation process.

**Local ownership.** Local capacities are of key importance to problem solving and conflict resolution, which is why mediation approaches should be developed with local stakeholders. Local responsibility for the process also comes with responsibility for outcomes, which ensures implementation of decisions. Through the process of conflict resolution, local actors should be empowered to continue their initiatives independently. Respecting autonomy as part of local ownership has a strong normative dimension. At the same time, it is part of an exit strategy, ultimately ensuring the sustainability of a process after third parties have withdrawn from a conflict.

**Voluntariness.** All stakeholders enter the mediation process voluntarily. This includes the freedom to leave a process at any time. Voluntariness comes after knowing that parties themselves make the decisions, not an external actor.

**Cultural sensitivity.** Cultural sensitivity is especially critical in intercommunity conflicts. This begins with awareness and respect of commonalities and differences. As mediator, one must acknowledge the cultures, languages and political realities in local environments, and support stakeholders and partners in doing the same.

**Sustainability.** In Intercommunity Mediation, engagement should extend over longer periods of time, in order to build a solid basis for sustainable problem solving. The solutions should always come from the parties and not be reached as a result of political or economic pressure. Through the process, parties should improve their relationships, and also develop basic capacities for dealing with conflict. Finally, different levels of governance and stakeholders should be connected to one another in a multi-track process. This ensures that relevant stakeholders address structural causes of conflict and that local peace efforts are integrated into the broader context of peacebuilding and social transformation, nationally and internationally.
3.2 Phases of Mediation

Phase 1: Opening and Discussion

Stakeholders enter into a structured dialogue with the goal of setting an agenda and defining the framework for a process. It is important that a positive atmosphere be created and that basic trust among the parties and between the parties and the mediator between the parties and the mediator is built in this process.

The mediator introduces herself/himself, explains the purpose of mediation and informs the parties about its basic principles (See: Principles of Mediation, p.46). The mediator defines his/her role as a “manager” of the process (See: Role of the Mediator, p.60) and that s/he sees parties as responsible actors for the outcome of the process.

Parties introduce themselves. They may ask questions about the process and about the mediator. They express initial issues that they would like to see addressed in the discussion. The procedure, including time frames, is clarified and basic rules are set and agreed upon.

At the end of this phase, each party should agree to the process and explicitly accept the involvement of the mediator. The mediator actively asks for this statement of acceptance.

Phase 2: Storytelling

Each side is allowed to present the background of a conflict from its own perspective (Opening Statement) and to identify central issues or concerns that it wants to resolve. Principally, this should be uninterrupted time given by the mediator. S/he should make sure that each party gets equal speaking time, so that no side dominates the session.

The mediator helps parties clarify their stories and identify the underlying interests that cause conflict. S/he asks questions in a neutral way, reflecting and acknowledging the feelings of all parties. In a next step, the mediator summarises the essences of the stories, also to test whether s/he understood the concerns of all parties correctly (See: Active Listening, p.52). The mediator must always double-check with parties, as to whether s/he has correctly understood their statements.

It is important that the mediator helps parties identify the interests behind their positions and formulate these into positive statements expressing needs to be fulfilled (See: Positions and Interests, p.20; Paraphrasing/Rephrasing, p. 55 and Questioning, p.59).

Phase 3: Collecting Issues and Problem-Statement

After the opening statements, a list of neutrally-worded issues should be collected and made visible on a whiteboard or a flipchart. Having identified the main issues, the mediator works with all parties to further explore, organise and prioritise the issues, in order to define the agenda of the negotiation. Thereby, it is important to distinguish areas of agreement and areas of disagreement. Those are to be listed on a whiteboard.
or flipchart too in order to work with them further in the process. After issues are selected, they should be formulated into a joint problem-statement, integrating the concerns of all parties. The statement is formulated like a question, asking what should be done to achieve a pre-determined goal (See: Problem Statement Tool, p.62).

Should issues be identified that cannot be addressed in the mediation process, perhaps due to lack of data or expertise, this should be acknowledged. Depending on the number of issues, a timeframe for the overall process should be reviewed. If there are several issues that can be clustered under different headings, sessions to address each cluster individually should be scheduled.

Further exploration of interests and engagement with parties are the main focus of this phase.

Phase 4: Generating and Assessing Options

The goal is to consider and develop various options for addressing the identified problems. Options should be presented in an open, non-judging atmosphere. All parties are encouraged to think out of the box and to come up with creative solutions together. Once options have been developed, each option is assessed separately, and the best options are compared (See: Options Tool, p.64). The mediator should summarise the options several times and restate the areas of agreement. S/he poses questions to parties regarding the main options, in order to solidify priorities. Feasibility of options is also tested with the questions: Who should do what, how, when and where it should be done? If more complex issues appear, for which no joint options can be found in the session, additional formulas and procedures must be developed for addressing them (e.g. working groups).

In this phase, parties may also be given an opportunity to reflect on alternatives for solving the conflict. For this purpose, the BATNA framework is used. BATNA stands for Best Alternative To Negotiated Agreement (See: Alternatives Tool, p.66). However, as more alternatives are presented, it becomes less likely that an agreement will be reached. On the other hand, a lack of alternatives can make parties more ready to compromise on issues. Since alternatives will likely influence an agreement or its implementation, it is better that they be included in the process.

Phase 5: Final Negotiating and Formal Settlement

In this stage, parties agree to binding commitments that will end the dispute, and hopefully also transform relationships. It is the most intense phase of mediation, since it involves taking both personal and political responsibility for decisions that affect the larger communities.

In the final phase, intense work on details and testing feasibility
of options is necessary. Final concessions must be made in exact wording, to be agreed upon. Responsibilities need to be clear, deadlines defined and a monitoring mechanism established. An important part of the final agreement consists of addressing the mediator’s role in addressing the implementation phase.
Communication is essential for mediation processes. Not only does conflict develop from lack of communication and miscommunication, but constructive communication can contribute to conflict de-escalation and the willingness and ability of parties to engage in problem-solving.

The mediators themselves must maintain a mediative posture throughout the entire process of mediation, and reflect principles of non-violent communication in their work, giving and receiving messages with empathy. Empathy can be understood as an act of recognition and validation of the behaviour, feelings and needs of the other person. Mediators must also facilitate and moderate the communication among parties in order to help parties reveal their genuine needs and desires. Sometimes this involves a “translation” of the statements parties make in more neutral language, and also encouragement that parties reflect on their statements, that they speak for themselves and about what they personally need or feel. Such approach helps parties communicate more effectively, by also making the messages more acceptable for other parties.

Several communication techniques are helpful for a successful mediation process. The selection of different techniques should be done carefully, based on circumstances and behaviour of the actors in the mediation process. Cultural aspects must also be taken into consideration. In some cultures, repetition (See: “Mirroring”, p.54), interruption or closer questions about feelings can be considered offensive. In these situations, mediators must consider emotions in his/her approach, without explicitly discussing emotions.

Active Listening

Active listening is attentive hearing and recognising information from the speaker on both the verbal and non-verbal levels. Carl R. Rogers (1902-1987) developed this technique first. According to Rogers, active listening means to “listen for total meaning”, and showing the other person that you have taken his or her point of view for a moment. It means not only to recognise the verbal meaning of a sentence, but also the emotions that are expressed with it. “The speaker’s words alone do not tell us everything he is communicating. Hence, truly sensitive listening requires that we become aware of several kinds of communication besides verbal” (Rogers & Farson, 1897). As revealed in table below, active listening can be done in several ways, corresponding to various communication techniques
### Why is active listening important?

- It makes the speaker feel understood and seen/recognised.
- It creates trust and a “safe space”.
- It can slow down a communication, and it can minimise tension.
- It encourages people to talk openly about what they think and feel.
- It validates the efforts of parties engaging in the process.

### Techniques

- Show interest in the speaker’s point of view.
- Pay attention to your body language: maintain eye contact, nod, and adopt an open posture.
- Repeat the words the speaker has said.
- Clarify what the speaker says by asking questions about content (“What happened? How did it happen...? Where...? Who...?”).
- Check the meaning of a sentence through questions about what the speaker wants to express (“What do you mean when you say...??”).
- Rephrase/paraphrase in your own words (“Do I understand you correctly that...?”).
- Encourage the speaker to proceed ("Go on."); “I hear what you are saying”; "Tell us more"; “Then… what happened after?”).
Mirroring

Mirroring is a way to reflect and repeat what is heard or seen, as exactly as possible. It can be done in a simple way, by only repeating the speakers’ words and describing only what is seen. It can also be done in your own words, but the mediator must have approval of the speaker (literally collecting a “yes”) for mirroring/understanding correctly.

<table>
<thead>
<tr>
<th>Why is mirroring important?</th>
<th>Techniques</th>
</tr>
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<tbody>
<tr>
<td>• It shows that the mediator is truly listening and observing carefully.</td>
<td>• Mirroring of verbal communication:</td>
</tr>
<tr>
<td>• It can slow conversation down and structure it. Therefore, parties avoid verbal escalation.</td>
<td>Repeat the words of the speaker as exactly and as simple as possible. Repetition can be after each sentence or after a longer statement, summarizing the main points mentioned. It can also be done with the mediator’s own words. It’s important that the mediator waits for approval of his/her mirrored sentence by the conflict party to ensure that s/he observed/heard what was expressed correctly.</td>
</tr>
<tr>
<td>• It can help build trust.</td>
<td>• Mirroring of nonverbal communication:</td>
</tr>
<tr>
<td>• Hearing his or her own words repeated helps the speaker reflect on how s/he could be perceived.</td>
<td>Describe what is seen with the eyes without any addition of what it could mean or express. For example, the mediator says: “I see that you do not look at each other.” “I see that there is one chair left free between you two.” “I see that you didn’t greet each other.”</td>
</tr>
<tr>
<td>• Hearing a repetition of what was said can help other conflict parties listen and understand the other side better.</td>
<td>Note that this technique must be used very carefully, as most people do not like to be “observed” and described. Its applicability in different cultural contexts is also questionable.</td>
</tr>
<tr>
<td>• It helps the mediator keep the lead in a conversation.</td>
<td></td>
</tr>
</tbody>
</table>
**Paraphrasing/Rephrasing**

Paraphrasing is restating the content of what has been said in one's own words by emphasising the positive meaning of it and thereby helping deescalate.

<table>
<thead>
<tr>
<th>Why is paraphrasing important?</th>
<th>Techniques</th>
</tr>
</thead>
<tbody>
<tr>
<td>• It clarifies the real meaning of what was said, and it tests if parties have shared understanding about what was said.</td>
<td>• Repeat what has been said in your own words by neutralising offensive and aggressive tones.</td>
</tr>
<tr>
<td>• It shows parties that the mediator is not only listening, but also trying to understand speakers’ perspectives.</td>
<td>Conflict Party: “Because of you, I did not participate in the meeting. You didn’t want me there.”</td>
</tr>
</tbody>
</table>
| • It helps identify and define issues that will be worked on throughout the mediation process. | Mediator:  
  a) “If I understood you correctly, the meeting was important for you and it would have been important for you to be invited.” (Paraphrasing)  
  b) “If I understood correctly, the meeting was important to you because…(if mediator knows more, mention details about party’s reasoning here)... and you felt unwelcome/excluded/unappreciated, as you did not get an invitation.” (Emphasise interests, needs and feelings)  
  • Crystallise the positive meaning.  
  Conflict party: “You are always late!”  
  Mediator: “You value your work together. It is important for you to agree on when to start working.” |
| • It can slow communication down. | |
| • It offers parties the possibility of listening without feeling attacked or judged, making statements more acceptable to the other parties, which prevents escalation. | |
| • It helps build trust and create a safe space. | |
**Summarising**

Summarising is a way to catalyse the contents of a longer narration, by highlighting the key points that are relevant for the process. Compared to Re-/Paraphrasing, summarising is not necessarily done with one's own words; it can stay close to the words of the conflict parties, especially when parties still need to gain trust or when a conflict escalates. It is mainly used to structure the conversation and to shift focus onto the main issues.

<table>
<thead>
<tr>
<th>Why is summarising important?</th>
<th>Techniques</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The parties can concentrate on the key issues that have been mentioned.</td>
<td>• Present key messages of what was said, using key words used by parties and/or one's own words.</td>
</tr>
<tr>
<td>• Issues are separate from one another and can be dealt with individually. This helps structure the mediation process.</td>
<td>• Summarize what happened thus far in communication or the whole mediation process. This will help conflict parties maintain an overview.</td>
</tr>
<tr>
<td>• The mediator can identify different thematic clusters and relate statements made to these clusters.</td>
<td>• Identify the concerns of the parties: „Party A said…Party B said…”</td>
</tr>
<tr>
<td>• Common interests can be pointed out.</td>
<td>• Point out areas of agreement and review areas of disagreement: &quot;Obviously, the accessibility and the safety of roads, in the long run, are important to all of you. You disagree, however, on how to achieve this goal and whether to close the road during winter.”</td>
</tr>
</tbody>
</table>
Why is summarising important? Techniques

• The parties can concentrate on the key issues that have been mentioned.
• Issues are separate from one another and can be dealt with individually. This helps structure the mediation process.
• The mediator can identify different thematic clusters and relate statements made to these clusters.
• Common interests can be pointed out.
• It can slow communication down and focus it.
• It helps the mediator keep the lead in a conversation.
• Present key messages of what was said, using key words used by parties and/or one’s own words.
• Summarize what happened thus far in communication or the whole mediation process. This will help conflict parties maintain an overview.
• Identify the concerns of the parties: “Party A said…Party B said….”
• Point out areas of agreement and review areas of disagreement: “Obviously, the accessibility and the safety of roads, in the long run, are important to all of you. You disagree, however, on how to achieve this goal and whether to close the road during winter.”

Underlying Interests and Feelings of all Parties

In mediation, it is very important to bring conflict parties to an understanding about what exists behind their words and that positions should be made explicit. Behind most positions and behind most of what we say, especially in conflicts, is a deeper interest or a feeling that needs to be satisfied. A good explanation is given by Marshall Rosenberg in „Nonviolent Communication: A Language of Life” (2003).

As mediators, we near the underlying interests or feelings by asking different questions and by gaining more trust. There is no single perfect communication technique for revealing hidden interests or feelings. If someone is very angry or sad, it can help to repeat his/her words with the same tone/voice, and give space to the reaction of the conflict party. It might be that s/he explains more. It can also sometimes help to describe what the mediator sees and hears. For example, the mediator can ask: “Could it be that you are very angry?” or “I have the impression, you are sad about what you heard. Is that right?” It is then very important to wait for the answer and the reaction, and to give time to parties to express the feelings, if desired. In most mediation, this is the crucial moment, when the other party begins to feel empathy and show understanding. If a mediator gets to this point, it is also important to ask the other party what s/he thinks and feels about what was expressed. Only when both parties have expressed their interests and feelings is the situation ripe for searching for solutions. The application of the above described communication techniques may support the mediation process. However, applied in an inappropriate or excessive manner, these techniques can have counterproductive effects. In the following, we seek to highlight a list of potential pitfalls that a mediator should avoid:
| Being too assertive | As a mediator, it is enough to communicate the message: “I am following what you are saying”.

Exaggerated statements of support could have negative effects for both the speaker and the other conflict party:. “I totally understand you” or “I agree with you” might elicit these reactions: “You have never experienced war; you can never understand!” or “What? You support what s/he is saying!” |

| Evaluating statements | Your own interpretation of the facts, what you think about what was said, is irrelevant and can lead to irritation.

Examples

- “You were right/wrong when you said that...”;
- "If you think about the issue from another perspective”;
- “There was a misunderstanding between the two of you regarding…”
- “Isn’t that slightly offensive?”;
- "It's not so bad.", "Just calm down.", “If I were you...."

| Skipping to check accuracy of paraphrases/summary | Don’t forget to ask if you correctly understood what parties wished to communicate, at least the most important points of it.

Examples

“Is the impression that I got correct?”; "Does this adequately reflect your viewpoints?"; “Did I understand you correctly?” |
3.3.1 Questioning

Well-formulated questions can contribute to more effective communication and a de-escalation of conflict, enabling parties to work on mutually acceptable solutions. Moreover, the interests that underlie stated positions of the parties could be revealed, which is an important step towards finding a common ground. Finally, questions can also support the phase where options for conflict resolution are developed, by encouraging freethinking and creativity.

Different questions serve different purposes. We will explore differences between closed questions and open questions.

In mediation, open questions are used more widely than closed ones. Closed questions can be intimidating and make people withdraw from discussion. However, they can be helpful for getting precise answers and/or to dealing with participants who dominate conversations without making concrete statements.

<table>
<thead>
<tr>
<th>Closed questions</th>
<th>Open questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closed questions are questions used to get specific information. They entail a certain presumption, requiring a confirmation/negation (YES or NO), or a very short answer providing the information.</td>
<td>Open questions are used to open up discussion, expand issues, broaden perspectives and encourage creative thinking.</td>
</tr>
<tr>
<td>Examples</td>
<td>They normally begin with: how, what, how so, which, etc.?</td>
</tr>
<tr>
<td>M: “Did you feel threatened by his behaviour?” M: Were you aware that he might feel attacked by your statement?</td>
<td>Be careful not to use “why?” often. Why-Questions induce a need for justification and may undermine trust.</td>
</tr>
<tr>
<td>Conflict party: “Yes/No.”</td>
<td>Examples</td>
</tr>
<tr>
<td></td>
<td>M: “How did his behaviour made you feel?” M: “Can you let me know how you perceived his behaviour?” M: “What was it exactly that made you feel…?”</td>
</tr>
<tr>
<td></td>
<td>Conflict Party: [explores and clarifies].</td>
</tr>
</tbody>
</table>
3.4 The Role of the Mediator

The basic role of the mediator is to assist parties in finding a mutually accepted agreement. The mediator does not develop a solution him/herself. S/he merely facilitates the process of communication among parties and aims to maximize the potential of the process, expanding the space of mutual understanding, cooperation and the willingness to find a common solution. In order to fulfil these tasks, a mediator takes on various roles within the mediation process. At different points in the mediation process, different roles are needed. In the beginning, during the information visit and other consultations, and at the beginning of the mediation session, it is important to clarify expectations with parties concerning the mediation session and what the mediator needs from the parties to do his/her job professionally. In these early stages, local parties typically expect mediators to play a more active role, helping to shape the agenda, establish common principles and getting parties to the table. For example, mediators work to ensure transparency, a gender balance (when possible), support for democratic principles and structures, and a respect for human rights. As the process moves forward, conflict parties will be trained in mediation, which gradually enables parties to use their problem-solving skills proactively themselves. Local leaders have substantial input on how much intervention is desired/needed and how often mediation follow-up takes place. Intercommunity Mediation differs from alternative approaches to mediation, in that the mediator takes on multiple roles. In Intercommunity Mediation, the mediator is all of the following.

**Facilitator.** The mediator organises the process and ensures that each party will be equally and fully heard.

**Clarifier.** The mediator probes the statements of the parties, trying to get a more accurate description of their perceptions of the conflict, interest, needs, emotions and expectations. Also s/he makes sure that parties share a mutual understanding of the issues discussed.

**Interpreter.** The mediator often needs to re-verbalise statements made by parties in more neutral terms, distinguishing important information/issues from emotional accusations and from insults.

**Educator.** The mediator informs the parties of the process and how to apply nonviolent communication. Moreover, s/he may refer to legislative documents, information resources, experts, etc., which are relevant for the issues discussed.

**Provider of Feedback.** The mediator checks the workability of options identified by parties. S/he helps parties assess whether their options are realistic, precise and measurable, and whether they fulfil all parties’ interests and expectations.

**Dealmaker.** The mediator keeps track of relevant information, pays attention to detail and drafts an agreement based on the options developed by the parties.
Monitor/Mentor. The mediator must follow-up on the process. S/he will monitor the parties and provide further support to ensure continuation of the conflict resolution process.

Convener. As in traditional mediation approaches, the mediator may act upon request for assistance. However, in Intercommunity Mediation, a mediator often calls for the initial meeting, making the offer for mediation him/herself.

Advocate. In Intercommunity Mediation, issues might be relevant for stakeholders beyond those participating directly. Therefore, the mediator must often transfer messages and organize support for the process within local communities, at the state level and/or within the international community. This needs to be done with the parties' consent.

3.4.1 Co-mediation

As intercommunity conflicts are complex and include multiple stakeholders, multiple issues and heated emotions, co-mediation is a standard requirement. Co-mediation is a process in which two or more mediators jointly facilitate a particular conflict case within a conflict resolution process.

There are several advantages of having a team instead of one mediator:

- There are two personalities, two pairs of eyes and ears overseeing conflict parties, two sets of mediation styles, and two different forms of expertise, which can be used for the facilitation of mediation sessions.

- Roles and responsibilities can be divided. Mediators can focus on different aspects during the mediation process and can use various skills and techniques.

- A co-mediator can be invited to increase diversity (e.g. in terms of gender, ethnicity, nationality, religion or age).

- A team of mediators can act as role model for good communication and mutual understanding.

- Especially in the case of Intercommunity Mediation, a co-mediation arrangement offers the opportunity to include
insider mediators who ensure local ownership and local responsibility.

- Co-mediation generates learning during the process, as mediators can observe each other and provide the other with feedback after sessions.

While there are multiple advantages to co-mediation, it poses certain challenges. Before initiating the process, costs should be weighed against benefits carefully:

- Mediators may need more time for preparation, since they have to become familiar with each other and must coordinate.

- Mediators need to adapt to different ways of mediating. Especially in challenging situations or when handling difficult people, balancing mediation styles is difficult.

- Mediators need to agree on the roles and models of co-mediation.

- Mediators need to understand each other well and function as a team. Otherwise, they might turn into negative role models.

3.5 Tools for Mediation

3.5.1 Problem Statement Tool

It is most critical for any mediation process that all parties involved agree on the problem. This is required before parties move into the development of options phase. Since parties come to the table with different demands and ideas about what the problem is, it is challenging to jointly define the problem. It is important to engage parties in a reflection of their individual and joint problems in a step-by-step process.

Applying the tool:

The Joint Problem Statement must be formulated in a future-oriented question regarding the achievement a certain joint goal.

Examples of questions: “How can we create a community centre in which all local communities participate?”; “How can we create a sustainable return process for a certain community?”; “How can we find a name for a school, with which students from different communities can identify?”

In this way, a snapshot of the relationship and the need for joint solutions is created. This makes the options development process easier.
STEP 1

Main Issue(s):
__________________________________________________________________________

Interests (Party A):
__________________________________________________________________________

Interests (Party B):
__________________________________________________________________________

Interests (Other):
__________________________________________________________________________

STEP 2

Problem Statement (Party A):
__________________________________________________________________________
__________________________________________________________________________

Problem Statement (Party B):
__________________________________________________________________________
__________________________________________________________________________

STEP 3

Joint Problem Statement:
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
3.5.2 Options Tool

It is useful for each party to consider several options for every issue identified during the problem exploration phase. Parties can then clearly define their priorities and have more space for negotiation. The mediator can support this process by giving the parties guidelines on options development and by asking questions for reflection on the developed options.

Applying the tool:

The options can be developed in a joint brainstorming session. However, it is also useful for each party to independently define several options for each issue at stake. Sufficient time should be allocated for brainstorming and reflection. To bring parties further in the process, the mediator should support creative thinking and critical assessment of the different options.
<table>
<thead>
<tr>
<th>ISSUE</th>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Identify and prioritise issues for a possible agenda.</td>
<td>Develop an option(s) for each issue.</td>
<td>Always try to develop at least two options per issue.</td>
<td></td>
<td>High</td>
</tr>
<tr>
<td></td>
<td>Listen to the options of the other party.</td>
<td>Ask if they have another option.</td>
<td></td>
<td>Medium</td>
</tr>
<tr>
<td>2. Make sure that options are worded neutrally.</td>
<td>Make sure options express your interest.</td>
<td>State clearly what you want and then options for how to get it.</td>
<td></td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>Make sure you understand the interest of the other party.</td>
<td>Find what is common in all options.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Prioritise the issues.</td>
<td></td>
<td>See if you can come up with options that satisfy interests on both sides.</td>
<td>See which issues are crucial to the other side and where there is the potential for compromise.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Having more than seven issues complicates the negotiation.</td>
<td></td>
<td>The standard is the “Best among All Options”.</td>
<td></td>
</tr>
</tbody>
</table>


3.5.3 Alternatives Tool

One or both parties might have different alternatives for achieving the desired goals, to satisfy party interests. In order to reach a successful negotiation, joint options must be better than these alternatives, and the final option must be the best among all other options.

Applying the tool:

All negotiators are aware of the political consequences that come with each concession, and the mediator should be aware of them as well. Exploration of alternatives is usually done after suggested options have been explored, but before final negotiations. Depending on the situation, it might be good to consider doing alternatives exploration with the parties in separate, private sessions. Each party must be aware of their own alternatives, as well of the alternatives of the other parties before final bargaining begins. This helps parties reach informed decisions about how to behave in the final stages of their mediation process. When a BATNA is strong, it should be used transparently with the other side, to ensure agreements will measure up against.

<table>
<thead>
<tr>
<th>BATNA</th>
<th>What is it?</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is it?</td>
<td>Each party must know what s/he will do if negotiations collapse. This scenario is known as the “Best Alternative to a Negotiated Agreement”.</td>
<td>BATNAs are the sources of strength/power in negotiations. If a BATNA is weak, it may lead parties to seek a quick agreement and to make more concessions. If a BATNA is strong, it will lead parties to hold out for more substantial concessions from the other side. Constituencies on each side tend to measure success against their perceived BATNAs. If a BATNA is very strong, reaching an agreement is less likely.</td>
</tr>
</tbody>
</table>


** BATNA **

What is it? Each party must know what s/he will do if negotiations collapse. This scenario is known as the "Best Alternative to a Negotiated Agreement".

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<thead>
<tr>
<th></th>
<th>Alternatives</th>
<th>Positives</th>
<th>Negatives</th>
<th>Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What will you do if the negotiations collapse?</td>
<td>What do you get if you implement the alternative? How good is the alternative?</td>
<td>What consequences can be expected if you decide for the alternative? Are they significant in comparison to the benefits?</td>
<td>How probable is this alternative's implementation?</td>
</tr>
<tr>
<td>2</td>
<td>Is there a second alternative to the first one? The more realistic alternatives you have, the better your position in the negotiation.</td>
<td></td>
<td></td>
<td>High/medium/low/not probable at all?</td>
</tr>
</tbody>
</table>

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<table>
<thead>
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<th>Positives</th>
<th>Negatives</th>
<th>Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What can the other side do if negotiations collapse?</td>
<td>What do they get if they implement their alternative? Is their alternative better than the options on the table?</td>
<td>What consequences will they likely face if they go for the alternative? Are these significant enough to make the party decide against the alternative?</td>
<td>How probable is their alternative's implementation?</td>
</tr>
<tr>
<td>2</td>
<td>Is there a second alternative? Should they have more realistic alternatives, you should consider your strategy and think of options that match their alternatives.</td>
<td></td>
<td></td>
<td>High/medium/low/not probable at all?</td>
</tr>
</tbody>
</table>
Elements of Integrative Mediation
Interactive Professional Training
Leaders of community groups often find it difficult to request or agree to mediation. This is especially the case when institutions or political leaders are involved in the process. Often, they want to solve pressing issues, but taking part in the formal process can be difficult. Firstly, sometimes feelings among community leaders can be so strong, that it prevents them from engaging in real dialogue with opponents. Secondly, other community members might see their participation as willingness to compromise, which could discourage community members and leaders. Finally, acceptance of agreements is required beyond political leadership, and a wider group of stakeholders can be crucial for implementing agreements.

As a response to all these challenges, we have introduced Interactive Professional Trainings as an extension of the mediation process. The general methodology underpinning the trainings is based on interactive problem-solving workshops, as developed by Herbert Kelman (See Kelman 1990). Problem-solving workshops are part of an interest-based approach, in which conflict parties hold informal discussions in a workshop setting, to work on problems facing their communities. Thus, these workshops can be used as platforms for joint conflict analysis and exchange of perceptions, as well as for trust and
relationship building. Sometimes workshops are organised in continuation of the mediation sessions themselves, when goodwill has been achieved and an interest in developing options or action plans. In Integrative Mediation, workshops are combined with capacity building in non-violent communication, mediation and negotiations, and other specific areas relevant for the issues in question (leadership and management, building of networks and coalitions, legal reform etc.). The interactive trainings are organised in workshop formats for experiential learning.

One plus of interactive trainings is that they are less formal than the mediation process. In workshops, one can engage and empower vulnerable parties without negotiating leverage so that they can be included in the formal mediation process later. This is important for achieving and sustaining peaceful solutions. Additionally, trainings are based on experiential learning using collective and individual experiences, relationships and practical applications of knowledge as a starting point.

While no formal agreement is reached in workshops, trainers/mediators seek to bring parties closer to identifying potential options, next steps and follow-up measures. During the workshop, the mediator takes more of a facilitator and trainer role, unless circumstances within the workshop would require mediation. Often, expertise in particular fields is essential for the process, e.g. human rights, property rights, return policies, strategic planning and management, education, monitoring and evaluation, etc. At all times, general principles of mediation should be respected.

Insights from the field:

In an integrative mediation process on the Balkans two state-level institutions (dominated by different communities) had an overlapping legal mandates regarding several policy issues, whose implementation was foreseen within an existing peace agreement. This undermined efforts of both institutions to achieve their goals due to competing for resources and duplication of activities instead of creating synergies. The institutions, although both founded by legal provisions and funded by the state budget, didn’t recognize each other as legitimate in the practice and had no formal contact to one another.

As there was no willingness for working on the concrete problems, CSSP joined officials of both institutions in mutual workshops for professional development. Thereby, public servants were supported to strategically plan their own work and develop negotiation skills. It was only after several workshops, when trust was built and participants identified potential for benefits from cooperation that they started openly sharing concrete problems and expressed initial willingness to constructively discuss them.

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4.1 Experiential Learning

Interactive Professional Training is based on experiential learning. Experiential learning is a concept of learning based on the understanding that the act of gaining knowledge is a cyclical process consisting of four different stages: concrete experience, observation and reflection, the formation of abstract concepts and testing them in new situations (See Kolb, 1984). It states that efficient learning can only take place when these four different stages are experienced. Learning can start at any stage, and it develops into a spiral with the repetition of each element. The theory also presupposes that people belong to different learning types (Converger, Diverger, Assimilator, and Accommodator).

Workshops are designed as safe spaces for participants to have positive experiences. Trainings include work on individual conflicts, as well as sessions with practical exercises and role-playing aimed at generating knowledge about different experiences of dealing with conflict. During these interactive parts, participants can experiment with different behaviour and conflict resolution scenarios in a given conflict case study. The non-binding character of the simulation allows participants to go beyond arguing positions and competitive bargaining toward defining issues, listening, brainstorming, questioning, developing arguments and finally finding solutions. Each exercise and role-play is followed by a debriefing session, during which observed experiences can be reflected and discussed. It is essential that participants get positive feedback and are kept engaged throughout the process. In addition, it is essential to integrate fun exercises and motivational or inspirational films, games, and activities, which demonstrate that people can work and have fun at the same time. Everyone should leave trainings with the feeling of being heard, the feeling of being treated fairly/justly and the feeling of being empowered to take responsibility.

4.1.1 Debriefing Role-plays

Role-plays are very often used during professional training. Role-plays are games in which players are introduced to fictional settings and given specific characters that they need to act out. Rules about characters' behaviour might be built into the role-play.

Simulations are imitations of systems and processes from the real world. They are normally defined by structures and procedures. Participants in simulations adapt their behaviour to function in the designated system. Roles may or may not be allocated; however, characters and patterns of behaviour are not strictly pre-determined.

Role-plays and simulations encourage learning in an experiential and entertaining way. If facilitated properly, they can be very powerful and rewarding for participants. In the context of conflict resolution, it is even more so the case. That is, introducing the opportunity to analyse conflict situations and behaviours in a safe zone, without the need to reflect
real-life experience, enables participants to identify problem-solving patterns, bolsters their creativity and even restores relationships among them.

Debriefing ensures a successful learning process, especially when games, role-plays and simulations are applied in training. During a debrief, participants bring their experiences to close by:

a) Describing what had happened and analyzing the system in which the action took place; and b) reflecting on personal experiences and identifying patterns of behaviour and c) exploring the broader applications of that experience (See Markulis & Strang, 2003).

Participants acquire skills in inter-personal behaviour and decision-making, and also become more aware of their own values, assumptions, and limitations. These should be explored in a debriefing. Moreover, participants can relate conclusions to theoretical frameworks and think about how their acquired knowledge can be applied in future.

As a facilitator, structure and lead the process in a way that makes the experience meaningful for participants. In workshops, participants are sometimes resistant to games and role-playing. They question the usefulness of role-plays: “What does this have to do with our problem? Why don’t we solve our issue?” The advantages of using role-plays and interactive exercises should be outlined for participants before they engage in the process (e.g. skill development, reflection of personal behaviour, learning about patterns of negotiation and decision-making, etc.).

Debriefing is not about telling participants what they are supposed to have learned. Sometimes the exercise will develop differently from what a facilitator foresaw or expected, and sometimes an exercise might not even meet the learning objectives. The facilitator must guide the debriefing on the basis of what actually happened in the exercise, and draw from what participants actually experienced and perceived. Be careful when dealing with feelings. The introduction to roles, as well as “de-rolling” should be done carefully. Sometimes when conflict situations are played, it could negatively impact relations among participants. If high-risk exercises are used, facilitators should end the experiences positively by inviting participants to “shake off” their roles and come back to their real personalities (e.g. through symbolic hand-shake), etc.
Elements of Integrative Mediation
Advocacy
Through systemic advocacy, we strive to integrate and promote all mediation efforts into the wider political, social and economic environments, which increase the likelihood for sustainable conflict resolution. The goal of systemic advocacy is to connect the local results of the mediation process to different horizontal and vertical tracks. This generates awareness about local issues. This also means requesting the involvement of specific stakeholders or external actors who could support the resolution of certain conflicts and contribute to a sustainable peace or transformation process. As such, advocacy is the tool that brings all five elements of Integrative Mediation together, interlinking them to form a systemic and holistic approach.

However, this requires a more activist approach to mediation and significant advocacy efforts of the mediator.

We agree with Mayer (2004), who calls for an advocate role of the mediator, suggesting that support to conflict resolution means active engagement of the mediator in the conflict. This includes support in conflict prevention and/or escalating conflict to a level that demands a solution, engaging in the process of resolution and recovering from the conflict. Moreover, Mayer suggests that mediators should be more engaged in advocating for peace and addressing the structural barriers, rather than focusing on the micro-level and solving separate cases. This leads to the mediator being a process designer and influencing developments on the basis of needs s/he identifies. It is debatable whether such behaviour fits with the general understanding of mediation. It is important to consider the conditions in community conflicts that shape a

“I learned a long time ago the wisest thing I can do is be on my own side, be an advocate for myself and others like me.”

Maya Angelou
mediation process, however, and how these affects the role of the mediator.

Proactive engagement is sometimes needed to initiate a conflict resolution process in the first place. Parties might associate mediation with compromising or “giving in”, and might lack understanding of the process. Active work is needed in order to gather all stakeholders and get their commitment for a process. This is done during consultations, workshops, etc. Moreover, some parties, such as smaller minorities, women or youth, who are often less powerful in their situation or less organised, remain excluded from processes that affect them. But their engagement is essential to the establishment of permanent peace. In order to ensure engagement of marginalized groups in conflict resolution processes, the mediator must convince influential and more powerful parties that participation of marginalized groups is important.

At the same time, the mediator must empower marginalized groups and seek their participation in negotiations and in dialogue.

Forester and Stitzel (1989) also suggest a model of the activist mediator, in the context of public sector conflicts: s/he who brings in weaker parties and facilitates a balance of power within the process. This activist approach to mediation in intercommunity conflicts is controversial, but especially needed, due to the strong power imbalances among groups.

Another area where proactive engagement is needed is direct support to conflict parties in working for peace. In intercommunity conflicts, disputes are often of structural nature. Therefore, simply facilitating dialogue between the conflict parties does not suffice to solve problems sustainably.
Structural changes are required, as well as commitment from the parties. In order to get the commitment, experience shows that mediators often need to provide advice, expertise, and sometimes use their leverage to convince parties. Here, the roles of the advocate, coach, trainer, adviser, and negotiator are required of the mediator (Mayer 2004). According to an in-depth study of conflicts in Africa, Maundi et al. found that high confidence in the mediator’s capabilities to influence the outcome generally makes it more likely that the conflict parties request mediation (Maundi et al., 2006).

When considering the needs of the parties, one should recognise that parties often do not classify conflict resolution as their goal. Often, people want their voice to be heard and their causes spread. A good example of this is mediation in discrimination cases. The resolving of the conflict might solve the immediate issue; however, it does not address general causes of non-discrimination and or public education about it, which are central to peace. Sometimes it is important that justice be served; not merely that a face-saving deal is achieved. This is often the case when rule of law is disrespected for personal gains. In addition to addressing the needs of conflict parties, mediators working in political fields also have personal values that s/he upholds. Parties’ needs and personal needs can come into conflict. “Should I, and in what way, engage?” a mediator might ask him/herself.

Insight from the Field:

In one mediation process, a side issue appeared, and it was reinforcing conflict. Namely, lack of medical services in a remote village, where a minority community lived, caused tremendous frustration for them. The issue was out of the local level governance mandate. At the same time, an international organisation had an official mandate and proper funds to work on the case. Mediators took initiative, connecting locals with the international organisation in order to solve the problem. Although this was done explicitly to help one of the parties affected by the conflict, doing the initiative transparently caused no revolt, and the process was not interrupted.
Finally, the engagement of the mediator in intercommunity conflicts is usually long-term, rather than a one-time intervention. This allows building up on progress gradually, and changing the conflict environment. There are, however, limitations to what the mediator can do as an external party in addressing the issues identified above. If the mediator decided for a more advocacy-oriented role, it is crucial that transparency to all affected actors is maintained. Advocacy often takes place in the form of roundtables, where space is created for the presentation of different ideas. Sometimes, one municipality/region can support peace processes in other areas. In other situations, legislative changes are necessary for strengthening peace processes. In this sense, systemic advocacy efforts serve to give local community groups greater access to policy makers at the central level and in the public. At the same time, accountability among domestic institutions is established, which is crucial to success in the long run.

**Insight from the Field:**

A major aspect of mediation work is strengthening structures for peace. As part of this, we work with local intercommunity or peace committees who have a certain mandate to work on conflict resolution. We generally build their capacities in mediation and support their internal dialogue processes. But we also help them strengthen their role as part of the overall system. Therefore, we support horizontal networking among committees through joint workshops and roundtables, and try to link them with central level institutions. This allows the committees to voice concerns about problems whose solutions go beyond their mandate and capacities.
Advocacy efforts are often directed to promote mediation as a means of conflict resolution. Mediation can serve a concrete process of conflict resolution in which an external actor supports local peace processes. However, its full potential can be maximised only if it is integrated at the local level and accepted as a mechanism for conflict resolution. Therefore, part of the mediation work requires its promotion and integration at the community level, but also as part of the legal system. Thus, systemic advocacy work is related to institutionalising of mediation, gaining support for local mediators, as well as support of the establishment of mediation within local structures for peace, such as intercommunity committees.

5.1 Follow-up on Mediation Agreements (Post-mediation)

During the agreement-making phase of a mediation session, the mediation team offers to support the implementation of the agreement with concrete measures. This includes conducting a follow-up mediation session. The team may also suggest smaller measures, such as monitoring, serving as a liaison or coordinator on some issues, and even supporting the search for resources for implementing a specific agreement. In the aftermath of mediation, a mediator may also work with parties on unmet issues or newly emerging issues. Thereby, the mediator does not take responsibility for the implementation of an agreement, but instead provides a platform for conflict parties to discuss the progress of an agreement’s implementation. Conflict does not end with the signing of an agreement. It is essential to see how conflict parties’ agreements fit within general peace agreements or existing legal structures. Often, different levels of government or representatives of the international community need to be included in the process. The mediator may inform appropriate institutions and stakeholders about the outcome of a mediation process, and ensures broad awareness and acceptance of the negotiated agreement, or secures additional support, when needed.

5.2 Promotion of Mediation

Advocacy efforts are often directed to promote mediation as a means of conflict resolution. Mediation can serve a concrete process of conflict resolution in which an external actor supports local peace processes. However, its full potential can be maximised only if it is integrated at the local level and accepted as a mechanism for conflict resolution. Therefore, part of the mediation work requires its promotion and integration at the community level, but also as part of the legal system. Thus, systemic advocacy work is related to institutionalising of mediation, gaining support for local mediators, as well as support of the establishment of mediation within local structures for peace, such as intercommunity committees.
Insight from the Field:

A major part of institutionalizing mediation is ensuring that mediation services are available at the local level. In one of the municipalities where we work, CSSP has opened mediation centres. Through this effort, we have trained local mediators, who practice their skills and are given spaces to organize and jointly work on developing and promoting mediation. Representation of different communities in the team of mediators is crucial for ensuring that all people have access to the services and for ensuring that people can trust the centre as an institution serving all citizens. Outreach activities were essential in establishing the centres, not only in the community, but also among institutions that were crucial for supporting the work of the centres or would be using the centre’s services (municipal authorities, courts, universities, business community, etc.).
community has lived in that municipality for centuries and built its infrastructure and companies long ago. They live mainly from industrial production and in service sectors. They also established all political parties. The Bibango community comes from the areas north of the city, but many people have migrated from the villages to the urban centre. They speak their own local language, and in the past have been semi-nomads raising the cattle. Although some of them are illiterate, nowadays, most of them learned the national language and received basic education. The young generation of Bibangos especially wants to integrate. They want to stay in Kasaara and enter into business that seems less of a struggle for survival. Another new community residing in Kasaara is the Gehrudan community. These people have migrated from the southern planes. They come from different religious groups and follow different traditions. The Gehrudans have mainly been occupied in agriculture. Nowadays, cheap products are sold on the markets, which were imported from outside of Orchidia. In the past years, since too little rain fell, many peasants could not cultivate their fields and the stocks remained empty. Therefore, the agricultural business has become unprofitable. For the young generation of the Gehrudan community, agriculture is no longer the business of choice. They seek jobs in the towns and cities in the valley. Lately, many small businesses appeared that generate income for the inhabitants.

Annex: Sample Case of Integrative Mediation (Role-play)

This role-play example is shared for the purpose of presenting different aspects of intercommunity conflict. It is based on different conflicts happening in different counties. While aspects of the scenario are taken from real situations, the role-play is not real. Several tools presented in the conflict analysis and mediation chapters are applied to this scenario, as further examples. However, the tools can only be properly applied in a real process of mediation, simulation or training when roles are further developed by the dynamics of the process. In any case, we hope this illustrates the basic thinking behind the tools.

Kasaara Road Dispute

Kasaara is a municipality in a country named Orchida. It shares its municipal boundary with the municipality Gorabi, which is also the capital of the country. The municipality has an estimated population of roughly 85,923 people and a municipal budget of €2.8 million. The urban centre has about 31,772 inhabitants, while the rest of the population is spread over 17 surrounding villages.

Many different communities inhabit Kasaara. Some have migrated to the municipality and others became part of it after the new administrative division of the country merged the surrounding villages to the urban centre. The Kasaaraki community has lived in that municipality for centuries and built its infrastructure and companies long ago. They live mainly from industrial production and in service sectors. They also established all political parties. The Bibango community comes from the areas north of the city, but many people have migrated from the villages to the urban centre. They speak their own local language, and in the past have been semi-nomads raising the cattle. Although some of them are illiterate, nowadays, most of them learned the national language and received basic education. The young generation of Bibangos especially wants to integrate. They want to stay in Kasaara and enter into business that seems less of a struggle for survival. Another new community residing in Kasaara is the Gehrudan community. These people have migrated from the southern planes. They come from different religious groups and follow different traditions. The Gehrudans have mainly been occupied in agriculture. Nowadays, cheap products are sold on the markets, which were imported from outside of Orchidia. In the past years, since too little rain fell, many peasants could not cultivate their fields and the stocks remained empty. Therefore, the agricultural business has become unprofitable. For the young generation of the Gehrudan community, agriculture is no longer the business of choice. They seek jobs in the towns and cities in the valley. Lately, many small businesses appeared that generate income for the inhabitants.

No major conflict among the communities has happened in this area. But in other parts of the country, there have been
outbreaks of violence. However, communities live relatively isolated from one another. Intergroup marriages were rare, and if they occurred, they led to conflicts between the communities. Usually, the communities’ elders sat together and resolved the conflict so that no severe damages occurred. A certain level of goodwill exists among groups as they work together, yet relations remain strained. This includes problems with language assistance in public institutions, translations of documents, representation of smaller communities in the public and private sectors, etc. Therefore, the three communities mainly do their business separate from each other. The Kasaaraki dominate big companies, governmental services and political decision-making. The Gehrudan community found their niche in small innovative businesses, some of them selling their products across the entire municipality, as well as to neighbouring municipalities. The Bibango community is mainly engaged in crafts and mechanical arts. Some of them are hired throughout the municipality.

The main East-West highway of the country crosses Kasaara to enter Gorabi. Thus, trade is important to the inhabitants of Kasaara for generating income. All goods that are not produced inside Kasaara must enter through that highway. Additionally, all goods that are produced in Kasaara for trade must leave through that highway. There are several smaller roads that connect the towns and villages of Kasaara with the highway. However, during the winter season, it snows heavily and vehicles cannot travel on many of the roads in Kasaara.

Among these impassable roads is Salyantar road. The road connects two towns – one of them has direct access to the East-West highway. A lot of snow and big traffic during snowy weather will damage it more. Recent efforts to reconstruct the road by a road construction company called “Find Your Way” were announced, but they were quickly interrupted. No official statement came from the municipal authorities.

In October, the Kasaara Municipal Council decided not to run any vehicles on the Salyantar road for 3 months of the snowy season, in order to prevent further damage. The decision made by the council created huge disputes among businessmen from the Kasaaraki and Gehrudan communities, as well as among the craftsmen of Bibango community. Average citizens, on the other hand, are in trouble, as they are compelled to walk and pay high prices for transporting goods. The inhabitants are losing patience and sporadically threaten to organise mass protests and strikes. Similarly, small vehicle entrepreneurs want to open the road, so that the common people benefit. But the big bus entrepreneur Citytours is also worried that his company may not earn even after winter, if snow and traffic damage the road.

The Civil Society wants sustainable solutions for these kinds of problems. They feel that open dialogue between the communities is needed, which requires help from a third-party. In order to provide this support and to build on the willingness of municipal officials to engage in dialogue, the
Community has found its niche and is happy with their current position. At least, there have not been any serious disputes lately.

Your main concern is economic prosperity in your municipality. The disputed Salyantar Road is very important to you, as it connects your municipality to the capital. The roads connecting towns with the East-West highway are sometimes in rough terrain, and many roads are inaccessible during winter. This interrupts economic development during the cold season. However, you believe that it is better to close the roads during that time, to prevent any further serious damage. Moreover, big company is out of business anyways during the winter and the smaller ones pay no taxes. Closing the road will have no major financial consequences for the municipality as an institution.

You are also concerned for the security of the people travelling. Should the road be further destroyed or should people get hurt, there might be inquiries as to how you manage funds in the municipality. The road should have been repaired long ago. Your municipal budget does not foresee much money for road constructions; thus, you do not have enough to maintain them regularly and efficiently.

Other stakeholders convinced you that the PSP should facilitate the dispute resolution process. You are a bit sceptical about that, but agreed to support them. In the end, the PSP is to blame if the conflict resolution process fails. Maybe PSP also has additional funds or better connections to the international.

Civil Society invited an international NGO that created the Problem-Solving Project to deal with the conflict. The goal of Problem-Solving Project is to assist all leaders of the three communities in Kasaara to find solutions to their local conflicts through mediated agreements, and to implement their agreements jointly. The Mayor, the Municipal Council and Head of the Development Department agreed to cooperate with the Problem-Solving Project. However, if they cannot solve the problem through dialogue with all stakeholders in Kasaara, they can involve the national level Conflict Management Committee in Gorabi. The Committee has been established as an emergency team in the aftermath of separate violent outbreaks between different communities in other municipalities of Orchidia.

This road dispute might lead to serious conflict. It is not the first time that governmental institutions made decisions without consulting the different business sectors and civil society.

Mayor of Kasaari

You are a Kasaaraki serving the second term in office. Although, you lost support after the majority-minority ratio in your municipality changed. The demographic shift caused problems in the past, but you do not feel any need to work on intercommunity relations any longer. You think each community has found its niche and is happy with their current position. At least, there have not been any serious disputes lately.

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community, to help you get more funds for road construction.

Head of Department of Development

You are Gehrudan and the only public servant in the Kasaari district coming from a minority community. A representation of the minority communities in local governance is an issue that has been agreed upon at the national level. Your colleagues were sceptical about working with you at the beginning, and you also expected cooperation to be difficult. However, you slowly got used to each other and cooperation goes well. You also have a good relationship to the mayor and want to keep it that way. Your community is proud of you, in general, but they often accuse you for not doing enough to improve their position in the municipality. You personally have no decision-making power and have to implement the decisions from the mayor and from the Municipal Council, where Kasaari political parties prevail. As your popularity within the community is very important to you, you always try to support the interest of citizens.

Regarding road issues, you want to implement the decision of the Municipal Council, and you share the fear that the price for reconstruction will be too high. Now that so many groups, also from your community, have spoken against the case, you feel it is also your responsibility to solve the problem. But your official stance remains unchanged. This could be difficult for you, since you are between the two sides. Therefore, you were very happy when the PSP approached you. You welcome the work of PSP and provide limited logistical support in the form of helping to set up meetings with local counterparts, when requested, and informational meetings for members of staff.

Representative of the Rural Transport Entrepreneurs

You are a representative of a union of small transport entrepreneurs. The entrepreneurs on your side have four-wheel vehicles, which can be driven on snowy days. Your vehicles can go to many towns and villages. This is a main means of transportation for people and their goods. Your income highly depends on your transportation entrepreneurship. As you and most of your colleagues in the union are a member of the Gehrudan community, not all of your family members have jobs. It is difficult for Gehrudans to find decent jobs, since most sectors are dominated by Kasaarakis. Therefore, you cannot afford not to run your transport business for three months. Additionally, most towns and villages are inhabited by Gehrudans. You do not want to betray them by not providing transport during the most difficult months of the year. Therefore, you want to open the road at any cost. You are also generally dissatisfied with the local government’s integration of efforts. Policies have often not considered the needs of your community, and this is a good opportunity to clarify the overall problem, since representatives of the international community are also here.
Craftsmen Representatives

You are a representative of the craftsmen. You and most of your colleagues are from the Bibango community. Although you work in the municipal headquarters and have access to the East-West highway, the closure of the road will also affect your work. Firstly, some goods that you need for your business come from within the municipality. If the road is closed, you will not be able receive these goods, and your work will be stopped. Secondly, sometimes you have to travel to other towns and villages for handcraft works. You desperately need these small orders, as they ensure quick cash. Thirdly, your relatives and friends also live in the towns and villages around, and you know what impact the closure of the road will have on them. Therefore, you support the small transport entrepreneurs in advocating for the opening of the road.

Civil Society Representative

You see that the road dispute in the Kasaari municipality has become serious. You are also frustrated. Roads are being constructed inefficiently, and the government does not let the vehicles move. There is always dispute over these issues. Decisions are made without consulting stakeholders affected by the decision, which directly leads to conflict. When the decision was made not to repair the road during the summer, nobody was informed. Thus, you are against the decision made by the Municipal Council. You understand that people are
suffering, and you also believe that people should not suffer by the conflict between entrepreneurs. In addition, you believe that the roads could be maintained and repaired if the money available was used efficiently. However, you suspect that most funds invested in road constructions disappear without traces. You think that the governmental structures should be held accountable for what they do. You also believe that participatory and inclusive decision-making structures must be implemented to ensure peaceful coexistence and equal opportunity.

**Representative of Municipal Council**

It was a tough decision in the Council to agree on closing the road. Parties are divided on the issue; nobody expected the issue to escalate. Now, you are in trouble. People are pressuring the Municipal Council to open the road, and the small vehicle entrepreneurs are demanding to run their vehicles. You are not in a position to decide what is right and what is wrong. You belong to the Kasaari community, as do most of your colleagues in other political parties. Your election, however, depends on the support of all communities, especially the smaller ones, as they are not politically organised. You cannot allow this issue to influence voter support. If you are strictly against the road, many town and village people will blame it on discriminatory practices of your party. Although you think this is just their way of gaining power, you cannot afford this public blaming.

**Representative of Problem-Solving Project**

You are a mediator with the Problem-Solving Project and Civil Society stakeholders have approached you to monitor the dispute. You are very familiar with Kasaari, and you have assisted local leaders in many municipalities to find local solutions through mediation processes that have assisted the integration process and created breakthroughs in the conflict patterns. You have no funds or money to offer; you simply offer good offices and mediation. The Municipal Council and the Head of the Department for Development welcome and appreciate your work, although it sometimes takes a little bit of convincing. You want to bring all parties together in one place, and work out a jointly acceptable solution. However, you have focused your mediation process on intercommunity cooperation.

**Representative of Conflict Management Committee**

You are the representative of the national Conflict Management Committee. Your body is an emergency conflict resolution body that was established for advancing professional work on prevention of violence in intercommunity conflicts. You have been part of a mediation team in several conflicts in the municipalities of Orchidia. Usually, you become active once a conflict escalates into violence. After the resolution, you further monitor and also work as an early warning mechanism. You
have been approached by the PSP mediator to participate in the mediation of a road conflict in the Kasaari municipality. You have not heard anything about PSP before, and are uncertain about what they do and what their interests are. Kasaari is an important municipality, since it is the entrance to the capital. You have noticed that in the recent years, minorities migrated into that municipality. Until now, no conflicts arose. According to your information, the leadership is still unquestioned and in the hands of the majority Kasaaraki people. You do not want to appear uninformed in front of the international expert. You will be supportive, in case there really is a conflict that could escalate into communal violence. In case of severe risk, the CMC has the right to recommend small-scale project proposals (10.000€-15.000€) from the Municipal Council to the State Council. These projects have to be approved by the Project Approval Committee, which requires a letter of recommendation by the CMC, a feasibility assessment, and proof that the project will also improve intercommunity relations. Projects can be submitted once a year in November.
Relationship Map - Kasaara Road Dispute

- Civil Society Representative
- Mayor of Kasaara
- Representative of Municipal Council
- Owner of Citytours Transportation Company
- Conflict Management Committee
- Head of Department of Development
- Craftsman representative
- Representative of the Rural Transport Entrepreneurs
- Representative of PSP

Relationships indicated by lines connecting the circles.
## Positions and Interests Tool - Kasaara Road Dispute

<table>
<thead>
<tr>
<th></th>
<th>You (Party 1) Mayor of Kasaari</th>
<th>Them (Party 2) Representative of Rural Transport Entrepreneurs</th>
<th>Other (Party 3) Owner of the Citytours Transportation Company</th>
<th>Other (Party 4) Head of Department of Development (HDD)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Positions</strong></td>
<td>Close the road to prevent further damage and high costs for reconstruction</td>
<td>Open the road to prevent isolation of town and village inhabitants</td>
<td>Close the road to prevent further damage and ensure travel safety</td>
<td>Gather all stakeholders to discuss how to solve the problem</td>
</tr>
<tr>
<td><strong>Individual Interests</strong></td>
<td>Not to lose any votes due to this conflict; maintain popularity</td>
<td>Secure your income</td>
<td>Secure your income</td>
<td>Solve the conflict</td>
</tr>
<tr>
<td></td>
<td>Not to be blamed for or inspected for mismanagement of funds</td>
<td>Maintain recognition among your community members</td>
<td>Regulate competition</td>
<td>Maintain job security</td>
</tr>
<tr>
<td></td>
<td>Ensure economic prosperity</td>
<td>Ensure continuous supply of goods for small towns and villages at the road, and prevent their isolation</td>
<td>Develop adherence to regulation</td>
<td>Maintain respect within own community</td>
</tr>
<tr>
<td><strong>Group Interests</strong></td>
<td>Get more funds to maintain the road</td>
<td>Secure income of members</td>
<td>Secure income of employees</td>
<td>Improve the position of minorities within the municipality</td>
</tr>
<tr>
<td></td>
<td>Ensure economic prosperity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Common Interests</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Elections are approaching; authorities can’t afford the conflict to escalate in opposition to their policies.

All parties have agreed to talk with support of the Problem-Solving Project.

Attention of national and international level is high due to closeness to capital.

Municipal budget is very limited. Doesn’t allow for flexibility or alternatives.

Patience of inhabitants is limited, and probability of escalation is high.

Time pressure is high. Even if a solution is found on the long run, it is very difficult to implement something before the winter.

Resolution of Kasaari road dispute

Attention of national and international level is high due to closeness to capital.
### STEP 1

<table>
<thead>
<tr>
<th>Party</th>
<th>Interests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor of Kasaari</td>
<td>Make sure that no further damages are caused and that the road can be repaired next year</td>
</tr>
<tr>
<td>Rural Transport Entrepreneurs</td>
<td>Not to suffer financial losses during winter</td>
</tr>
<tr>
<td>Citytours Transportation Company</td>
<td>Not to suffer financial losses after winter</td>
</tr>
<tr>
<td>Civil Society</td>
<td>Minorities should be included in decision-making processes</td>
</tr>
</tbody>
</table>

### STEP 2

<table>
<thead>
<tr>
<th>Party</th>
<th>Problem Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor of Kasaari</td>
<td>Secure sufficient funds to repair the road next year</td>
</tr>
<tr>
<td>Rural Transport Entrepreneurs</td>
<td>Ensure that there are conditions for work and the participation of you and your community</td>
</tr>
<tr>
<td>Citytours Transportation Company</td>
<td>Ensure a fair competition in which all obey the same rules and have the same chances for income generation</td>
</tr>
<tr>
<td>Civil Society</td>
<td>Ensure that municipality works transparently and inclusively</td>
</tr>
</tbody>
</table>

### STEP 3

**Joint Problem Statement:**

How to ensure that the road can be made functional on the long run, while at the same time preventing financial losses for business and citizens during winter? In addition, how to make sure that decisions are made in a transparent way with the inclusion of all communities?
<table>
<thead>
<tr>
<th>ISSUE</th>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
<th>Option 3</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ensuring that the road can be repaired</td>
<td>Municipality commits to repair the road after winter, with the prospect of getting financial support from the CMC</td>
<td>The road is not fully closed, but mobility is limited to basic needs</td>
<td></td>
<td></td>
<td>High</td>
</tr>
<tr>
<td>2. Avoiding financial loss for entrepreneurs and citizens</td>
<td>Small entrepreneurs are allowed to drive during winter, but they adopt general conditions to work, like price and taxes</td>
<td>Opening the road, but only allow a limited number of vehicles through</td>
<td>Members of smaller communities will be hired, as well after the reparation process begins</td>
<td>It will be made sure that smaller communities are included in the hiring procedure for reparations</td>
<td>Low</td>
</tr>
<tr>
<td>3. Transparency and inclusion in decision making</td>
<td>The budget for the reparation of the road will be discussed with the inclusion of Civil Society</td>
<td>A committee is formed with representation from communities and Civil Society, whereby issues affecting all communities are discussed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Alternatives Tool - Kasaara Road Dispute

From the perspective of the Owner of the Citytours Transportation Company, in relation to the Rural Transport Entrepreneurs

<table>
<thead>
<tr>
<th>YOU</th>
<th>Alternatives</th>
<th>Positives</th>
<th>Negatives</th>
<th>Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Use your influence with the police in order to increase controls of smaller transporters</td>
<td>Smaller transporters are likely to lose licences. In that case, you will gain clients and could increase profits after winter</td>
<td>If it comes to light that you bribed the police, your image might be hurt, and dissatisfied people might boycott your business. Also, it does not provide a permanent solution for the road question</td>
<td>Low</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>THEM</th>
<th>Alternatives</th>
<th>Positives</th>
<th>Negatives</th>
<th>Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>They can mobilise the dissatisfied population and cause protests</td>
<td>They are likely to then get support from the municipal government, since authorities fear conflict escalation</td>
<td>Big efforts are required to mobilise people Business will suffer during protests too</td>
<td>Medium</td>
</tr>
</tbody>
</table>

2
Probability | Negatives | Positives | Alternatives

Use your influence with the police in order to increase controls of smaller transporters. Smaller transporters are likely to lose licences. In that case, you will gain clients and could increase profits after winter.

If it comes to light that you bribed the police, your image might be hurt, and dissatisfied people might boycott your business. Also, it does not provide a permanent solution for the road question.

They can mobilise the dissatisfied population and cause protests. They are likely to then get support from the municipal government, since authorities fear conflict escalation.

Big efforts are required to mobilise people. Business will suffer during protests too.

From the perspective of the Owner of the Citytours Transportation Company, in relation to the Rural Transport Entrepreneurs.
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Elements of Integrative Mediation: Intercommunity Mediation


Interactive Professional Training


Advocacy

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