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Dear Reader,

Endings and beginnings. In a year end filled with global unrest, environmental challenges, civil wars, threats and uncertainty, I read an ad that stated there are 193 countries in the world. One hundred ninety three!? That's all? And we have not been able to live side by side, yet?

With a vow to find endings that may bring us lessons, if we know how to extract them, and beginnings that fill us with hope, if we dare to take action, this issue is dedicated to conflicts and the healing power of mediation.

Enjoy the food for thought (and the Quiz at the end, to stay playful).

Isabel Rimanoczy  
Editor

Quote of the Month

*"Genuine tragedies in the world are not conflicts between right and wrong. They are conflicts between two rights."*

*Georg Wilhelm Friedrich Hegel  
(German Philosopher, 1770-1831)*

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# LIM NEWS



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## CONFLICTS AND MEDIATION

## By Isabel Rimanoczy

### **The wisdom of 'Primitive' people**

In a research visit to the Bushmen in the Kalahari Desert, the negotiation author and expert William Ury<sup>[1]</sup> wanted to explore how they manage and solve conflict within the group. They live in small groups of about twenty five and have no formal leaders. "Of course we have a leader, they replied when asked. We all are leaders. Each one of us is a leader over himself".

Each man has hunting arrows coated with a poison deadly to humans. But when tempers rise and violence threatens, the community responds quickly. People collect the arrows and hide them far away in the bush. Others try to separate the antagonists, and they begin a session of talks. Indeed, talking is the process the Bushmen have in place to solve conflicts. "When a serious problem comes up, all the men and women sit down and they talk and talk - and talk". Everyone has an opportunity to express their thoughts, and it make take days until the problem is exhausted. "All the friends and relatives are asked to have a calming word with the disputants", as they sit around a campfire where the whole group gets involved.

They try to explore what social rules have been violated and how to restore harmony. Decisions are not made by voting, but by consensus. Only when it is clear for everyone that no antagonism or bad feelings remain, the decision will be voiced.

They will not allow anyone to go away until the problem is solved to everyone's satisfaction. If someone wants to leave, others will bring him back. In this way they ensure that everyone feels respected, appreciated and involved, accountable for finding a resolution.

When asked how they handle conflict with someone outside their group, the Bushmen indicated that they will invite the other person to come to talk, and if they don't want to do it, the group will go and have the talk in the other's place.

Another group, considered among ethnologists as perhaps the world's most peaceful culture, is the Semai in Malaysia. Their golden rule is to avoid taking sides. When conflict emerges they urge the relatives to resolve the dispute, by having a community talk. They sit down in a circle and discuss what happened, how to resolve the issue and repair the damaged relationship. Everyone benefits from listening and learning how to solve differences in a peaceful way.

### **What is Mediation?**

Mediation may be defined as an agreed intervention of a third party to facilitate in solving a dispute by reaching an acceptable resolution. Mediators help the parties in the challenging process of communicating with each other, and ensure that the solutions are agreeable to both parties, restraining the tendencies of either party to seek advantage for themselves, which is traditionally called a win-lose situation.

Mediators aim to developing win-win solutions. The participation of the parties is voluntary and they can leave at any time they so desire.

### **Roles of Mediators**

Mediators have a key role in establishing a setting that facilitates communication. This means that they will set some ground rules and get the acceptance of the parties to them. The ground rules normally include listening without interruptions, keeping respectful language, striving to reach agreement and being honest as much as possible. The overall objective for setting rules is to create a safe environment, conducive to mutual listening and to a satisfactory resolution of the dispute. For that reason, mediators also ensure that the participants have appropriate time to express their thoughts and feelings.

They also pay attention to any expressions of anger, and insist that emotions be managed constructively. They ensure confidentiality, educate the parties about the benefits and characteristics of the negotiation process, and establish accepted ways to discuss facts. Sometimes they offer separate meetings with either party. This is at times a useful resource to getting each side to speak openly, and to vent emotions, but it can also generate feelings of secretiveness and distrust between the parties.

Some mediators see themselves as responsible for the problem solving process. In such cases, they provide tools and guidelines to analyze the problem, evaluate alternatives and make commitments. They use meeting management techniques, setting the agenda, monitoring time, helping in the shaping of the proposal and in decision making. Others see their role mainly within the scope of building relationships, where they aim at increasing mutual understanding between parties.

### **Who are the mediators?**

There seems to be a trend towards using a third party to resolve a dispute in international negotiations. Ury describes one such instance:

*It started as a conversation involving professors and peace activists. Norwegian sociologist Terje Rod Larsen and diplomat Mona Juul, a husband-and-wife team, set up a series of direct unofficial secret peace talks between Israelis and Palestinians in Norway. The first Israeli representatives were two scholarly peaceniks, Yair Hirschfeld and Ron Pundik, with links to the Israeli leadership. Representing the Palestine Liberation Organization were economists Abu Alaa and two aides, Hassan Asfour and Maher el Kurd. The talks eventually ended up becoming official and produced the 1993 Oslo Accord, captured for the world in a televised handshake on the White House lawn between PLO leader Yasser Arafat and Israeli President Yitzhak Rabin. Although only one step along the tortuous path toward Middle East peace, it was the biggest breakthrough in decades of violent conflict.*

But we all can be mediators. We all participate, willingly or not, in multiple conflict situations, whether we are the disputing party or an outsider observing the problem. Ury observes how the sole presence of an observer modifies the behaviors of those involved in the argument. He suggests we try it out by simply standing by at a discussion, but being careful not to take sides, just staying neutral. Even if the third person does not say a word, the disputing individuals will change their tone and moderate their expressions.

Aware of the value of mediators for human relationships, in more than five thousand schools across the U.S. children are being trained as peer mediators. The trained children don't wait to be called: they pay attention to where there may be disputes in the playground or corridors of their schools. They are encouraged to work in pairs and ask the children in the fight if they are interested in solving the problem. Then they use a few ground rules: not to interrupt each other, to talk about feelings, to

refrain from calling each other names, and to seek a solution. And the success rate is very high. Ury indicates that at Melrose Elementary School in Oakland, for example, the program was credited with significantly reducing violence and cutting suspensions.

### **Positions and Needs**

Disputes are based on conflicting positions. I want a raise, my boss doesn't want to give it to me. He wants a divorce, she doesn't. Mediators know that conflicting positions often lead to a dead end, and that there is no chance to get a resolution as long as the parties focus on merely defending their respective positions.

What mediators try to do is to lead the parties into expressing the underlying reasons for their position, and to articulate what needs they are seeking to satisfy. When we take that step, the desire for a raise reveals the need to pay for a surgical intervention or a tuition expense. The reason for not giving a raise may be an alteration in the salary structure of the whole department. But a loan, could be the solution that could answer both needs.

Children trained in mediation learn to begin asking a simple question: *Are you interested in solving the problem?* This question challenges the person to reconsider the position in which he is stuck, and opens the way to expressing the needs that are seeking satisfaction, the expectations and conditions for a solution.

### **Talking, the Alternative to Violence**

On December 30, 1994 a man walked into two Planned Parenthood clinics in Brookline Massachusetts, killed two people and injured several others, as a protest against abortion practices. The news shocked the nation. Pro-choice advocates were angry and terrified. Pro-life proponents were appalled and also worried that their cause would be connected to this horrifying act. Governor William F. Weld and Cardinal Bernard Law, among others, called for talks between pro-choice and pro-life leaders. As a consequence, six leaders from both sides came together with the support of a mediating organization (Public Conversations Project <sup>[21]</sup>). Over five and half years, these six leaders met in secret with the purpose not to solve the differences, but simply to understand each other. After almost six years they decided to make their experience public.

*"These conversations revealed a deep divide. We saw that our differences on abortion reflect two world views that are irreconcilable. If this is true, then why do we continue to meet? Because when we face our opponent, we see her dignity and goodness."* <sup>[31]</sup>

As the protagonists describe it, the meetings were not easy. With the guidance of the facilitators they were able to abide by some ground rules, such as avoiding the "hot buttons", certain words that were perceived as very offensive by the other party and that closed the communication. They also avoided advocating their position, or trying to convince the others about their rightfulness.

This story illustrates the power of getting to know the opponents, of viewing them with respect, and how tolerance and acceptance of differences develops when we get to know the person behind the opinion. Both parties had the opportunity to hear where their perspectives originated, as well as their personal values and experiences that made them who they are.

Interestingly, they - as with the Israeli-Palestinian case mentioned by Ury - needed to keep their

meetings in secret for a long time. It makes one wonder why talking with the opponent is perceived as more dangerous than physical violence.

"When agreeing to talk, individuals have an initial acceptance to listen, and that means the possibility of changing their opinion. When someone uses a gun, there is no risk to having to change the opinion... The only risk is to pay with one's own life of course. That may be a tall price for keeping an opinion", observes Anne Starks Acosta, a professional facilitator and Learning Coach from LIM Mexico.

May be it's time to question how civilized we are when we focus on developing better weapons and technology to solve our differences. I can see a Bushman watching us and asking:

- Talking..., anyone?



### MEDIATION QUIZ

**A condition for mediation success is that the mediator be objective. True or false?**

False: Objectivity is an unrealistic expectation, as every person has a perspective that is subjective, shaped by personality, background, experiences, ethnicity, education and many other factors. What can be expected from a mediator is that s/he be impartial, that is, that s/he does not have a particular empathy or inclination, nor a preference towards one of the sides involved.

**Neutrality is a requirement for mediators. True or false?**

False: Impartiality and neutrality towards the parties is not always required or even desired. Kressel<sup>[4]</sup>, a researcher on mediation, cites the example of Egypt's eagerness to have its 1974 dispute with Israel mediated by the United States 'because of its known affinities with and strong economic influence over Israel'. Beyond the domain of international disputes, mediators working in industrial interventions report that the management sometimes prefers a mediator who has a good relationship with the union if they perceive that the union is being inflexible. Therefore, neutrality may not be as effective as having mediator acceptability by both parties.

**Research indicates that disputing parties who tried mediation were pleased with the process in:**

- A. 40-50% of the cases
- B. 70-90% of the cases
- C. 100% of the cases

Answer: B. According to Kressel's research, 70-90% of the disputing parties would recommend it to a friend and think it should be available to others in similar

circumstances.

**Research indicates that those who fail to reach an agreement in mediation have a satisfaction rate of:**

- A. **under 30%**
- B. **under 50%**
- C. **under 75%**
- D. **above 75%**

Answer: D. Satisfaction above 75%. The same study indicated that even when there was no agreement reached, the parties left feeling more heard, understood, and with a new understanding of the other party's perspective, having established a more humane connection.

**Satisfaction levels with the results after a court intervention were:**

- A. **above 75%**
- B. **between 50-75%**
- C. **between 40-50%**
- D. **under 40%**

Answer: C. Between 40-50%. The use of mediation in the study conducted compared favorably to court interventions and also with kindred services such as the use of attorneys (66%).

**According to Kressel, mediation has less likelihood of producing agreement when...**

- A. **Prior conflict is severe, the other is perceived as untrustworthy, unreasonable, angry, impossible to communicate with**
- B. **There are ideological differences**
- C. **There are cultural differences**
- D. **There is no motivation to reach an agreement**
- E. **There is no trust in the mediator**
- F. **There is shortage of resources**
- G. **Parties have unequal power**
- H. **All of the above**

Answer: H. All of the above. However, competent mediators have been able to facilitate reaching satisfactory agreements and substantial progress in circumstances that presented the above obstacles. This means that they don't present insurmountable difficulties, but require a high level of professionalism.

**In the midst of a firefight in the rice paddies between American soldiers and the Viet Cong early in the Vietnam War, six monks walked toward the line of fire. "They didn't look right or left, they walked straight through", remembers one of the American soldiers. What happened was that...**

- A. **They tragically died in the cross fire that both sides were engaged in,**

- making themselves an important symbol of the tragedy of war**
- B. They were intentionally avoided by both sides, which continued firing but respecting the six individuals until they passed, indicating the boundaries of a fight**
- C. The firing stopped and didn't resume again that day. Both sides just stopped fighting**

Answer: C. They stopped fighting. David Busch, the American soldier reported by Ury, observed it was "really strange [...], suddenly all the fight was out of me. It just didn't feel like I wanted to do this anymore, at least not that day. It must have been that way for everybody, because everybody quit. We just stopped fighting".

[1] William Ury (1999). *The Third Side*, New York: Viking.

[2] Public Conversations Project is a not for profit organization that helps people with fundamental disagreements over divisive issues develop the mutual understanding and trust essential for strong communities and positive action.

[3] Source: Talking with the Enemy, by A. Fowler, N. Nichols Gamble, F. Hogan, M.Kogut, M. McCommish, and B.Thorp .Published in *The Boston Globe*, Sunday, 28 January 2001, Focus section. Read the full story at [http://www.publicconversations.org/pcp/resources/resource\\_detail.asp?ref\\_id=102](http://www.publicconversations.org/pcp/resources/resource_detail.asp?ref_id=102)

[4] Kenneth Kressel. Mediation in *The Handbook of Conflict Resolution: Theory and Practice*. (Deutsch, M. & Coleman, P.T., Editors). Chapter 25, pp. 522-545. San Francisco, CA: Jossey Bass.

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