

Lesson 2.4E

Responding to Conflict: Mediation



Rationale

Mediation has been used as an effective method of alternative dispute resolution in many contexts, ranging from neighbor disputes to conflicts between nations. Mediation training provides students with the skills and processes for them to help others take responsibility for resolving their conflicts, and to find peaceful solutions to conflicts in their own lives. In this lesson, students will learn about the mediator's role as a third party and begin practicing skills to assist parties to negotiate solutions to their conflict.

Objectives

1. To understand the role of a mediator in resolving disputes.
2. To identify the basic skills and processes used by effective mediators.
3. To develop basic mediation skills and implement processes.

Standards

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

Time: Two class periods (Part 1–45 minutes; Part 2–45 minutes)

Materials

- Mediation Process Handout*
- Mediator's Instructions Handout*
- Mediation Preparation for Disputants Worksheet*
- Mediating Conflict Roles Handout*



45 minutes

Part 1

Procedures

I. Essential Question

What are the differences between negotiation and mediation and when is it appropriate to use the latter?

II. Motivation (5 minutes)

Ask students to think about a situation in their lives when two people or groups were having a disagreement, and though they were not part of the conflict, they tried to help the parties solve it. What skills did they use in order to help solve the problem? (For example, active listening skills, problem solving, etc.) Invite students to share their answers.

III. Teacher Directed (25 minutes)

1. Ask students if they have heard of mediation as a conflict resolution process and if they can define it. Write their responses on the board. Then, write the following USIP definition of mediation (from Peace Terms):
Mediation is a mode of negotiation in which a mutually acceptable third party helps the parties to a conflict find a solution that they cannot find by themselves.
Invite a student to read the definition out loud. Ask students what they think third party and mutually acceptable mean. Explain that third party refers to someone who is not a party to the conflict, or is outside of the conflict.
2. Note that mediators try to be impartial but being impartial doesn't mean you don't have an opinion. Everyone has an opinion. The mediator, however, is not supposed to share his/her opinion on the situation, so that parties come to an agreement on their own. Most mediations are voluntary, meaning everyone, including the mediator, can leave the process at any time. In interpersonal settings, mediation is confidential but in international settings this is not always the case. A mediator may choose to use the media to put pressure on the parties in conflict.
3. Lead students in a dialogue with the following question:
 - ◆ Why is it sometimes helpful for someone outside a conflict to help parties find a solution? Responses can include the following: the parties are very emotional about the issue, they are uncomfortable dealing with the issue without someone else present, the parties are no longer communicating, or they can't get past their demands/positions.
4. Explain to students that for many different conflicts, trained mediators are asked to help others resolve their own conflicts in a peaceful and constructive way. For example, many schools as well as community centers offer mediation services to resolve conflicts between families, neighbors, students, or community members. Mediators can be of any age, including students, as long as they've been trained in basic mediation skills and processes. On an international stage, warring countries may turn to notable peacebuilders, such as diplomats or retired heads of state, to mediate an international conflict, or conflict between political groups within a country.

- ◆ What other people, organizations, or countries can you think of that have served as mediators in conflict?
5. Explain that regardless of whether the conflict is between individuals, groups, or countries, peacebuilders can follow a basic process to mediate conflict between parties. Distribute the *Mediation Process Handout* and review each step.

IV. Guided Practice (15 minutes)

1. Share that students will now have a chance to practice a basic mediation. Inform them that this will be an opportunity for them to practice skills from their previous lessons: active listening, identifying wants and needs, and problem solving. Remind them that as a mediator, they must be conscious of verbal and nonverbal communication to maintain the role of an impartial third party.
2. Divide the class into groups of three or four. Instruct each group to identify a mediator (or two co-mediators if it is a group of four), and two parties to the conflict. If moveable seating is available, instruct them to set up three chairs in front of the room in the shape of a triangle—the two parties in conflict sitting side by side facing the mediator. Distribute roles to each group from the *Mediating Conflict Roles Handout*. There is no separate scenario background for students to read, as each role establishes the conflict.
3. Have students meet in like role groups (all mediators together, all Parties 1 together, and all Parties 2 together) and spend ten minutes preparing for the mediation. Distribute the *Mediator's Instructions Worksheet* to the mediators. They should use this during the mediation. They can use the *Mediation Process Handout* as well. Distribute the *Mediation Preparation Worksheet* to Parties 1 and 2 to complete in their role groups.

Extension Activity 1

Show the USIP witness video of George Mitchell (www.buildingpeace.org). From Mitchell's comments, have students identify the elements of the mediation process and the skills that he used.

Extension Activity 2

Watch USIP's Seeds of Peace: Summer Camp witness video (www.buildingpeace.org) of an Israeli and a Palestinian engaging in conversations facilitated by a third party. Talk about how organizations, like individuals, can serve as a third party. Have students research Seeds of Peace and share what other conflicts they work on and how.

Part 2

I. Independent Practice (25 minutes)

Have students return to their mediation triads/quads and give them twenty-five minutes for the mediation.

II. Discussion (20 minutes)

After the role-plays, lead a group discussion:

- ◆ What was the final result of your mediation? Did you have a chance to come up with any solutions? If not, what do you think possible solutions could have been?
- ◆ What was either easy or challenging about being a mediator?
- ◆ For the parties in conflict, what was it like having someone mediate your dispute?
- ◆ What skills do you think you already have that are useful as a mediator? What skills do you feel you need to work on?
- ◆ How can developing mediation skills help you in being everyday peacebuilders?
- ◆ How might the mediation be more challenging if the conflict were international and involved warring parties? What obstacles might the mediator have to overcome?



45 minutes

Lesson 2.4E HANDOUT: THE MEDIATION PROCESS

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

Orientation

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

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

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

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

1. Exploring Interests (storytelling):

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

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

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

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

Example 1

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

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

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

Example 2

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

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

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

3. Developing Options (brainstorming)

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

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

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

4. Evaluating and Selecting Options

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

5. Agreement Testing and Writing

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

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

Lesson 2.4E HANDOUT: MEDIATOR'S INSTRUCTIONS

Mediator:

Conflict: You will be mediating a conflict between two bunkmates at summer camp. Party A, Rachel/Richard, and Party B, Natalie/Nathan are bunkmates who are not getting along. Both want to find a new cabin or a new bunkmate but this is not possible, as there is no other space available in the camp.

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

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

1. *I am impartial in this process. My job is to listen, ask questions, and clarify what is important. In this case, I won't give advice, decide who's right or wrong, or take sides. As a mediator in this process, I maintain confidentiality, except in cases of abuse or threats of violence. This mediation is voluntary. We are all here of our free will and can end the process at any time.*
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"At this point, I will ask you both to speak about issues that brought you to mediation. Then I will check to make sure I understand what everyone has said. I will then ask questions to get a better understanding of what you want to discuss in mediation. Who would like to begin?"

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

Lesson 2.4E WORKSHEET: MEDIATION PREPARATION FOR DISPUTANTS

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

What is your objective in the mediation? What do you hope will happen?

What are the key issues for you?

What do you want? What are your needs?

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

What strategy or conflict style will you use as you approach the mediation?

Lesson 2.4E HANDOUT: MEDIATING CONFLICT ROLES

Party 1: Rachel/Richard

You are at overnight summer camp and you are having a terrible time. You can't sleep because your bunkmate reads late at night and keeps the light on. He/she also throws his/her things everywhere and you are constantly walking over his/her things. You have asked him/her to stop reading and be neater, but he/she doesn't seem to listen to your requests. You want to find a new bunkmate in a new cabin, but the camp leader has said there is nowhere to put you since no one else wants to change. The leader has suggested you speak with your camp counselor and ask him/her to help mediate the situation. You hesitantly agree.

Party 2: Natalie/Nathan

You are at overnight summer camp and you are having a terrible time. Your bunkmate is always on the phone at night and this makes it very hard for you to read, which you like to do when you're going to sleep. Also, whenever you are in the room, he/she has loud music playing that you don't like. You've asked him/her to turn it down or wear headphones, but he/she doesn't always do this. You want to find a new bunkmate in a new cabin, but the camp leader has said there is nowhere to put you since no one else wants to change. The leader has suggested you speak with your camp counselor and ask him/her to help mediate the situation. You hesitantly agree.

Party 3: Belinda/Boris the mediator

This is your third year as a camp counselor at this summer camp. You really enjoy how open and friendly everyone is. You also really like helping the campers work through their problems. You like helping them look for creative solutions when they seem blocked. You've seen a lot of conflicts at the camp over the years and you believe every conflict can have a happy ending. The camp leader has asked you to mediate a conflict between two bunkmates, both of whom want to switch to a different cabin.