Towards using mediation approach in resolving conflicts

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Abstract: As there are many conflicts in the world, efforts should be made to resolve these conflicts and promote peaceful coexistence among people. One of such efforts is mediation. This paper explores the mediation approach to resolving conflicts among two or more people. It presents some issues that are to be taken into consideration in mediating and resolving conflicts. It concludes that mediators should be more professional in handling the mediation process when they are resolving conflicts meditatively.

1. Introduction

There are many conflicts in the world that have to be resolved. As much as possible, peace has to be built in the person that is having conflicts within or people involved in the interpersonal conflicts. Peacebuilding is mainly about the procedure of achieving peace. Nonetheless, peacebuilding varies considerably in terms of methods, range of events, and period due to how people understand peace (Paffenholz, 2009: 3). Consequently, to resolve and transform conflict, one has to have the understanding and address the feelings, matters, and connections as well as the conduct of people involved in the conflict (Baker, n.d: 1).

2. Mediation approach

There are major active actors and minor passive actors in any conflict. One has to identify the matters and dynamics of a conflict that the mediation approach that will be employed to resolve the conflict. Mediation is a means to resolving conflicts by using a 'third party' as an intermediary to assist the conflicting parties to resolve their conflict. Mediation differs from arbitration in which the intermediary will decide about how the conflict should be settled. In mediation approach, a mediator will only help the conflicting parties in their efforts to frame their own way out. The mediator may bring the conflicting parties to the same place or sometimes see them separately to assist them explain the issue in expressions of negotiable ways and desires instead of unchanging positions, and cultivate a set of ideas for how the wishes and desires of both conflicting sides can be met at the same time. Contrary to arbitrators or adjudicators that have the power to order an ending of a resolution, mediators have no power to foist any decision on the parties (Avruch, 1998: 82).

Doherty (2015: 1) elucidated three models of mediation as facilitative mediation, evaluative mediation, and shuttle mediation. He later defined facilitative mediation (that will be used in this paper) "as a structured process that assists parties in reaching their own agreements (Doherty, 2015: 1). In comparing mediation with nonviolent activism, Lederach (1995: 15) pointed these points out: in its stance, mediation is connected to all sides; in its method, mediation increases mutual understanding and reduces adversariness; it emphasizes hearing the truth; awareness to dialogue to mutual solutions is its process, and its goal is social change and increased justice through peaceful means. In helping the conflicting parties to resolve any conflict, some factors should be taken into consideration. These are:

2.1. Effective communication

In spite of the fact that making communications better and building connections amongst people that have conflict do not automatically result in agreeing to put an end to the conflict, yet, effective communication is very crucial in mediative dialogue (Senehi, Ryan & Byrne, 2010: 15; Werner, 2010). Effective communication in resolving conflict has to do with the arts of listening (by using appropriate body language, asking appropriate questions, not interrupting, and being able to show understanding), asking questions that are

mostly open-ended and depended on the context and position of the person asking, and paraphrasing (repeating back what the speaker has said by changing the words, but not the meaning) and summarising (at major transitions and at the end of the whole process) (Dialogue for Peaceful Change, 2011: 50-53).

2.2. Suspending judgement
As a mediator, all judgments will have to be put on hold. No matter the predetermined ideas the mediator may have, they should not reflect in his mediation. Although Avruch (1998: 83-84) questioned this presupposition, he still noted "that the best mediator is completely impartial and unbiased…unconnected…to the parties or their concerns." This will make the mediator neutral and enable the mediatees build more trust in him.

2.3. Cultural relevance
Culture plays a crucial role in any conflict. In fact, "people from different cultural settings have developed many ways of creating and expressing as well as interpreting and handling conflict" (Lederach, 1995: 10). For that reason, one should always take the cultural background of people involved in a conflict into consideration whenever one wants to resolve such conflict.

2.4. Ways to deal with the conflict
In as much as parties involved in any conflict may not resolve their conflict through informal talking, mediation is needed to resolve the conflict where a third party will assist the conflicting parties to discover a way out of the conflict.

2.5. Forms of mediation
There are some forms of mediation. These forms are identified as models. So, four identified models of mediation that can be used in different influences and subject areas are facilitative mediation, settlement mediation, transformative mediation, and evaluative mediation (Drews, 2008: 44).

2.6. The rules of mediation
Some regulatory guidelines for the mediator in this mediation process are: listen actively, be observant, treat parties with respect, be neutral, analyse the situation, ask non-threatening questions, be a resource person, and create doubts where necessary. On the part of the parties, there should be no disturbance when the other party is telling his/her story, respect for each other, no foul language, readiness to come to an agreement that might move the conflict forward, talk with, not against, each other, and sign a "Consent to Mediate Form" if necessary (Doherty, 2015: 3). However, these lists are not exhaustive.

2.7. The process of mediation
There are variations in the process of mediation as proposed by scholars and as practiced by mediators. However, the process briefly explained here is an adaptation of the note taken by this writer during training on "Dialogue for Peaceful Change Training of Facilitators" at the Corrymeela Centre, Ballycastle, Northern Ireland, between February 15 and 19, 2016. The process of this mediative dialogue may consist of six stages. In Stage One, the mediator tries to build trust and confidence with each of the parties and in the whole process. The mediator promotes effective communication and be involved in active listening as each party tells his/her story in Stage Two. In Stage Three, the mediator frames the issues by enhancing new understanding and motivation for a positive outcome. In Stage Four, the parties are empowered to look for creative solutions and set a timetable for putting the solutions in action. The mediator closes the process and set up a review system where necessary in Stage Five. In Stage Six, which is the last stage, the mediator assists the mediatees to neutralise the impact of the conflict on indirect actors (here, the other co-tenants), and also help the parties to "retell" the story of their conflict and the steps they have agree to take to resolve it.

3. Conclusion
Conflict is inevitable in life. Mediative dialogue has become a veritable means of resolving many conflicts. Mediators should be more professional in handling mediation process. This will likely improve the resolution of many conflicts.

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