



**Access Initiative & Development for Afrika
(AID-AFRIKA)**

TRAINING MANUAL FOR COMMUNITY MEDIATORS

DECEMBER 2020

TABLE OF CONTENTS

1.	ACKNOWLEDGEMENT	iii
2.	INTRODUCTION	1
3.	ABOUT THE TRAINING MANUAL.....	1
3.	THE TRAINING OBJECTIVES	2
4.	TRAINING METHODOLOGY	3
5.	OPERATIONAL DEFINITIONS	4
6.	WORKSHOP METHODS.....	6
7.	CONFLICT ANALYSIS.....	8
8.	CONFLICT PREVENTION AND EARLY WARNING.....	17
9.	CONFLICT RESOLUTION	20
10.	NEGOTIATION IN CONFLICT RESOLUTION.....	21
11.	MEDIATION IN CONFLICT RESOLUTION	25
11.1	ROLE AND CHARACTERISTICS OF A MEDIATOR.....	25
11.2	THIRD-PARTY INVOLVEMENT IS MOST EFFECTIVE WHEN	26
11.3	ADVANTAGES OF MEDIATION AS A MEANS OF TRANSFORMING CONFLICTS INCLUDE	27
11.4	PREPARATION FOR MEDIATION	27
11.5	MEDIATION PROCESS.....	28
11.6	STAGES IN THE MEDIATION PROCESS	28
11.6.1	PREPARATION/ INITIAL ASSESSMENT STAGE - THIS INVOLVES.....	28
11.6.2	MEDIATOR'S ROLE.....	31
11.6.3	CLOSE/AGREEMENT	31
11.6.4	IMPLEMENTING THE AGREEMENT	32
11.6.5	RELATING TO OTHERS.....	32
12.	PROGRAM AGENDA	34

1. ACKNOWLEDGEMENT

The development of the Training Manual for Community Mediators was done through a highly consultative process with Access Initiative & Development for Afrika (AID-AFRIKA) in Partnership with REINVENT Program.

First and foremost we would like to thank the Almighty Allah who ease and made possible to complete and compile this training manual. In addition we would like to thank Aden A. Awle, Thomas Peter Odera and Otieno Ombok for their valuable work towards coming up with this training manual.

Special thanks goes to Mr. Ibrahim Mohamed Hussein the Executive Director-AID-AFRIKA for the overall leadership and guidance through out the process of producing and compiling the training manual.

I also wish to thank the AID-AFRIKA Team for the immense support, partnership and collaboration demonstrated throughout making sure that there is a context relevance training manual for training locals in mediation and conflict early waning and early response mechanisms. Indeed, you were a source of inspiration through the numerous peer reviews that were conducted.

Lastly, to all those individuals and Institutions who we are not able to mention here we are highly indebted to you.

2. INTRODUCTION

This training manual is intended to impart skills and knowledge to local communities and empower them with the capacity to take part and own the peacebuilding and conflict transformation processes at the grassroots level, therefore promoting peacebuilding through a strengthened, coordinated, and integrated approach. This training manual has been developed while identifying the fact that mediation and negotiation as part of peacebuilding and conflict management is an avenue that provides communities with a platform to engage in community dialogues, negotiations, and mediation.

3. ABOUT THE TRAINING MANUAL

1. The Training Manual will cover the following two Parts/Sections:

- Support community-based conflict early warning and response structures
- Training of insider mediators who will play a critical role in both single and mixed identity dialogues

Community-based early warning and response mechanisms will enable the local peace and conflict stakeholders including peace committees (county, Sub-county & Location Peace committees), national and county government peace structures at the local level to pre-empt and de-escalate inter-ethnic violence. Leveraging on local early warning indicators such as movements of pastoralists, declining of pasture and water, the decline in economic activities among others, local peace actors will be able to identify changing conflict dynamics and develop appropriate responses.

Training of inside mediators will enable local communities to respond to their conflicts using trusted and legitimate insiders as opposed to exogenous actors who run the risk of misdiagnosing the conflict and proffering wrong solutions. The mediators will be **trained on negotiation and mediation skills**. Specifically, the training will cover the following areas: *Conflict analysis particularly actors and mobilizers, causes, interests, values, and institutions; negotiation and mediation skills, collaborative problem-solving approaches to conflict resolution; leveraging of community resources for peace and peace communication strategies.*

2. Training will target the following actors:

- National Government-Administrators- e.g. DCC, ACCs, Chiefs
- The County Governments-Sub-County/Ward Admins or under peace and security dockets if any
- Herdsmen
- *Nyumba Kumi* Community Policing Initiative
- Community Elders
- Religious Leaders
- Peace Committees
- CSOs

Demographically, the training will be conducted for neighboring communities of Kenyan Somali and Pokomo communities in Garissa and Tana River counties.

3. THE TRAINING OBJECTIVES

Training Objective 1: Supporting community-based conflict early warning and response structures

This training manual focuses on the effort to set up effective and efficient early warning and early response systems that will be vital in preventing violent conflicts to save the lives of both pastoralists and agriculturalists that live side by side across the neighboring counties of Tana River and Garissa. This is in line with the thinking of the theory of change whereby it is envisaged that inclusive approaches to prevention of violent conflicts are a shared responsibility of local community actors who are supposed to take part in the prevention of escalation of violent conflicts at the community level.

This training is important for the local actors in peace and conflict dynamics because it aims at enhancing the skills and knowledge of the target audience to understand that:

- Conflict early warning alerts are supposed to help decision-makers to understand the danger of potential outbreak of violent conflicts, its escalation or resurgence of the same according to the traditional the already known migration patterns of pastoralists in the affected area
- Training on the understanding of the early warning indicators will promote an understanding among decision-makers and local peace actors of the nature and impacts of violent conflicts.
- Understanding of conflict indicators will also assist local peace actors in regular collection and analysis of data on local conflict dynamics and systematically monitoring and reporting conflict indicators in the target areas locally.
- Proper interpretation of early warning and early response conflict indicators data will be important in the formulation of scenarios that should be able to inform response options that are communicated to decision-makers and duty bearers at the community level.
- Formulation of scenarios is aimed at assisting in designing the most relevant response option to the conflict situation on the ground which will also assist in targeted resource allocation promptly to ensure there are effectiveness and efficacy in response options available for the community members. This is done to avert the potential of having a violent conflict using preventive instruments and mechanisms that fit into the local peace and conflict dynamics of the targeted area
- Some of the proposed response that could fit in context is alternative dispute resolution mechanisms such as mediation, peace dialogues, and negotiations which may include the implementation of local community peace pacts/agreements that are relevant.

Training Objective 2: Linking the early warning mechanism to response

To ensure an effective conflict early warning and early response system, this process proposes training on the thematic area that aims at:

- Promoting a stronger interaction between those who collect information on conflict early warning and their indicators and enhancing a good working relationship between them and the ones who are to initiate a response based on the actionable and verifiable indicators as observed locally.
- Training on a timely and rapid response: done through ensuring that indicators that are being observed in the area of operation are true and not just rumors. This is important because it will ensure quick verification of indicators as observed by the ones picking the early warning indicators in a way that can quickly be verifiable for a rapid and targeted response to avert any potential violent conflict.
- Training session on monitoring the impact of response to enhance the decision-making process and strategies.
- Creating a better understanding of value-added early warning and response system amongst stakeholders at the community level to ensure timely and targeted response mechanism that interacts with the early warning indicators as observed in the field, therefore adequately responding to the actionable indicators.

Training Objective 3: Thematic Areas of Focus for the training of Insider Mediators

The insider mediators are going to be trained in the following areas to ensure that they are well versed in the task of forming an effective mediation team at the local level

- Conflict Mapping and Analysis: Understanding conflict actors, root causes of conflict
- Mediation skills and Negotiation Skills: leading to the formulation and adoption of community peace agreements/pacts like the Modogashe Declaration that was ratified in April 2011 (and any other recent peace agreement formulated) as an example of collaborative problem-solving approaches to conflict resolution.

4. TRAINING METHODOLOGY

Methodology

The manual proposes participatory and inter'active approaches to training which draws on participants' experiences and reflection. A participatory methodology where active involvement of the participants is considered a significant input is applied throughout the process.

The benefit of the participatory process is the adopted skills and ownership of the materials developed. There is continuous specific technical skills transfer and adoption by the participants throughout the Training. Use of Focus Group Discussions, participatory Knowledge Attitude and Behaviors (KAB) assessments, action research and documentation, adapting IEC – multimedia, counseling and performing arts - to conflict transformation and peacebuilding, among others are some of the skills which will be developed and applied. To understand the information needs of communities in Kenya there will be a particular emphasis on the following:

- Participation and experiential learning will be encouraged by the use of the following methods where it applies: case studies, group work, exercises, role-play, and drama, simulations, media, video, and oral narratives, field trips, and interviews
- Participants will be encouraged to act as resource people and to share their knowledge, experience, and skills with the larger group during the training, and to suggest resources, which could profitably be added to the training as it progresses
- To build a learning community, it will be necessary to discover cultural and political differences that may exist in the group and to agree on ways to use these differences creatively, and challenging one another to come out of “us-vs-them” mentality and willingness to take the risk to change and be changed
- Throughout the training, there will be an emphasis on awareness, on listening, and on the way, human perceptions are distorted by anger, fear, and other emotions roused in conflict.

5. OPERATIONAL DEFINITIONS

The following definitions will apply to this manual.

Peace: This is a state of harmonious relationship, order, and justice in a society.

Civil Society: A range of institutions, groups, and organizations, separate from the state, which freely group together according to their diverse interests. These include Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), Faith-Based Organizations (FBOs), Media Organizations, Professional Associations, Trade Unions, Student Groups, Cultural Societies, Groups, and Institutions.

Community Policing: This is an accountable and proactive partnership between communities and Law enforcement agents in crime prevention.

Conflict: This is the existence of unharmonious relationships resulting from incompatible interests or behavior. Conflict may be latent or violent.

Conflict analysis: the systematic study of the profile, causes, actors, and dynamics of a conflict

Conflict Resolution: This is the informal or formal process that two or more parties use to find a peaceful solution to their dispute or a disagreement among them.

Conflict Cycle: This refers to the distinct phases a conflict goes through from its onset to termination. These include pre-conflict, confrontation, crisis, crisis outcome, and the post-conflict stage.

Pre-Conflict: This is the period when there is an incompatibility of goals between two or more parties, which could lead to open conflict. The conflict is hidden from the general view, although one or more of the parties are likely to be aware of the potential for confrontation. There may be tension in relationships between the parties and/or a desire to avoid contact with each other at this stage.

Confrontation: This is a stage in the conflict in which conflict has become more open, actors are aware of it and begin to react to it. Relationships between the conflict divide are very strained, leading to a polarization between the supporters of each side. It is the preparation stage for engagement.

Crisis: This is the peak of the conflict when the tension and/or violence is intense. In a large-scale conflict, this is the period of war, when people on all sides are experiencing the impact of violence. Normal communication between the sides has ceased. Public statements tend to be in the form of accusations made against the other side(s).

Outcome: One way or another crisis will lead to an outcome: Defeat of one side, impasse, mutual destruction, call for a ceasefire, surrender, call for negotiations, or external impositions to end of hostilities. At this stage, the levels of tensions, confrontation, and violence may decrease somewhat with the possibility of settlement.

Conflict Early Warning: Early warning is the act of alerting a competent authority about the threat of new (or renewed) conflict sufficiently in advance for preventive action to be attempted.

Conflict Early Warning Mechanisms: Processes and structures that collect and analyze data on conflict indicators and provide warning information on conflict risks and vulnerabilities.

Conflict Prevention: Measures taken to avert the escalation of conflict into violence.

Cross-Border Conflict: Conflicts between groups traversing or separated by international borders, in which there is no state-support of any of the groups.

Negotiation: A method by which people settle differences. It is a process by which compromise or agreement is reached while avoiding argument and dispute.

Mediation: A procedure in which the parties discuss their disputes with the assistance of a trained impartial third person(s) who assists them in reaching a settlement.

Communication Strategy: a plan to achieve communication objectives

Problem-solving: the act of defining a problem; determining the cause of the problem; identifying, prioritizing, and selecting alternatives for a solution; and implementing a solution.

Community resources: assets in a community that help meet certain needs for those around them. These assets can be people, places or structures, and community services.

Gender: Socially constructed characteristics of women and men, such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed. In simple term, Gender is the role differences between men and women that are socially accepted.

Human Security: The UN definition of security includes:

- a) Freedom from Fear – e.g. crime
- b) Freedom from Want – e.g. economic, basic needs, etc

There are threats to human security in every community from a variety of sources including political, military, governance, as well as socio-cultural and economic situations/factors.

Mitigation: These are measures undertaken to limit adverse effects that may result from a conflict.

National Policy: A broad set of principles, guidelines, and objectives that inform the authoritative allocation of resources, values, practices, norms, and strategies to the society. It is a broad purposeful course of action to be followed by a concrete operational/implementation planned action.

6. WORKSHOP METHODS

Participatory workshop methods are more effective because participants can interact with the facilitator, with other participants, and with the subject matter, thus facilitating an exciting learning process. They reduce boredom and monotony in presentation, which can take the life out of the workshop.

The choice of the method should:

- Suit the facilitator's abilities, knowledge of content, and interests. The facilitator should draw on their strengths and be comfortable in what he/she does.
- Suit the participants' abilities: verbal and psychomotor.
- Suit the purpose of the learning: skill-oriented, knowledge-oriented, or value-oriented
- Suit the time and place the context of the learning situation. For instance, an afternoon lesson should include more activity and participation as energy levels tend to be low following a heavy lunch.
- Suit the number of participants in the workshop: large groups, for example, do not lend themselves to effective discussion methods. It may become necessary to break the group into smaller discussion groups and then reconvene for a plenary reflection session.
- Suit the interests and experience of the participants. The more experienced the participants are, the more they would prefer interactive methods so that they can share their experience.
- The facilitator's relationship with the participants. For example, if the facilitator has not yet established mutual trust, the method selected should lead to such trust.

It is suggested that facilitators use as many different methods as applicable during training, some of which are explained below:

Lecture: A lecture is a structured and orderly presentation of information delivered by an individual (facilitator), which can be used to impart knowledge or introduce skills. A lecture that allows.

Discussions: Discussions are a verbal exchange led by the facilitator or learners about a specified topic. Through this process, learners have a chance to share facts and ideas and can listen to and consider different points of view. Discussions in smaller groups may offer shy or less verbal learners more of an opportunity to speak, whereas discussions in a larger group give the facilitator the ability to control the flow of conversation.

Role-plays: These are processes based on invented scenarios and roles for testing out different behaviors and their effects, both internal and external. Learners can experience how someone might feel in a situation, try out new skills, and learn from each other.

Role-plays are of two kinds:

- One is to be oneself (playing a role that you would normally play) within the given scenario, doing one's best to act constructively in an imagined role, e.g. mediator, parent, doctor, etc.
- The other is playing someone other than yourself (one that you would hardly play) – different, possibly hostile; behaving realistically from within an imagined personality as well as an imagined role e.g. militia, terrorist, security officer, etc.

Ask for volunteers, as many people are embarrassed or uncomfortable acting in front of a large group, and also encourage shy people to participate. After the exercise, it is important to discuss the role-play so that the learning is not lost. It is also necessary to de-role afterward i.e. to leave their role behind and to reflect on what they noticed in the course of the role-play. This is necessary so that negative feelings arising from the role-play are not carried over into the rest of the workshop.

Case Studies/Scenario building: Case studies are stories that may be true or imaginary which participants or facilitators relate about an experience or conflict situation. The case study besides providing useful information is a useful learning tool, as it elicits questions, lessons, and applications to be gleaned from it. If the case study is about an ongoing conflict situation, participants can then project scenarios of likely progression and outcomes of the conflict: worst-case scenario, best-case scenario, and realistic scenarios.

Brainstorming: Brainstorming is a free-flowing exchange of ideas (rain of ideas) on a given topic. Participants give ideas, opinions, and answers about an issue or problem posed by the facilitator, which are written down on newsprint/board without commenting on them. When the listing is finished, the group evaluates the ideas together, perhaps grouping them into some categories and taking the process forward.

Discussion Points: It is important to end the activity with discussion points to process the activity just concluded. Processing entails:

- Talking with participants about what they experienced during the activity
- Allowing participants to raise questions or concerns
- Repeating and summarizing some of what was said and drawing the group's attention to key points and issues
- Assessing and reinforcing learning, and tying up loose ends/clarifying/providing additional information as necessary
- Linking current lesson to past and subsequent ones.

The following questions might also be useful by way of concluding an activity:

- How did you feel about the activity?
- What lessons/conclusions can we draw from the activity?
- Any pending questions or concerns?
- What can we do to improve the activity?

7. CONFLICT ANALYSIS

When people are engaged in violent conflict, they tend to have an oversimplified view of it perhaps only focusing on the impact it has in their life situations, and who their perceived opponents/enemies are. And depending on how long the conflict has lasted, the conflict issues tend to be crowded out by the emotions of anger, mistrust and desire for revenge, and parties may have little desire or inclination to explore and understand what is really going on. Under such conditions, the parties to the conflict encounter difficulties in finding entry points to resolving their conflict constructively. Hence, there is need for outside actors (Facilitators for dialogue/mediators) to help parties sort out their issues and engage dialogue with their opponents.

By the end of the chapter, the trainees should be able to:

- ✓ Gain skills in understanding of conflict in general and related concepts
- ✓ Acquire skills in conflict analysis by using a number of simple, practical and adaptable tools, which have been tried out elsewhere

Materials needed

- ✓ Prepared and blank flip charts
- ✓ Marker pens
- ✓ Note books
- ✓ Pens
- ✓ Pencils



30 minutes

Activity one: Presentation

Aim

To help trainees understanding conflict analysis and conflict tools for mapping

Instructions

- At the plenary give a short lecture on conflict analysis and why it is necessary?
- Using a combination of several analytical tools, participants analyze conflicts in their own situation. The aim is for participants to gain experience in the use of these tools, as well as facilitating a better understanding of their conflicts
- Plenary presentations of Group reports
- Summarize their list by mentioning any that was left out
- Facilitator makes general conclusions relating to conflict analysis and how it links with intervention strategies

Facilitators input

Using the information in the facilitator's notes below, allow the trainees to contribute and ask questions. Evaluate the session by asking the participants questions related to the topic.

Facilitators Notes

For there to be positive intervention, there is need to understand the nature, history, and dynamics of conflict, as well as fears and needs of the parties to the conflict. Conflict analysis is the practical process of objectively examining and understanding the reality of the conflict from a variety of perspectives. This understanding then forms the basis on which strategies can be developed and actions planned.

Analysis in itself is also a form of intervention, when it involves the parties in reflecting and understanding their own situation, and together looking for ways out of the conflict.

Why Conflict Analysis?

- Identify parties in the conflict
- Direct parties (internal)
- Indirect Parties (external)
- Identify the issues of the conflict/dispute
- Substantive issues/interests
- Procedural issues/interests
- Psychological interests
- Causes of the dispute
- Root causes?
- Accelerators?
- Triggers?
- Understand nature of relationship between parties
- Were they friends/enemies before the dispute
- History of the relationship
- History of the conflict/dispute
- Where, when, how, current situation?
- Previous interventions? By whom? With what result?
- Consider dynamics
- Is it starting? Escalating? Crisis? De-escalating? Violent?
- Outcomes? Resolutions?

Forms the basis to inform others about the conflict to promote dialogue or other forms of intervention

To provide information for early warning and early action by providing strategic advice to decision makers.

Conflict Mapping

Conflict Square Model

GOALS

		COMPATIBLE GOALS	INCOMPATIBLE GOALS
B E H A	COMPATIBLE BEHAVIOUR	HARMONY: NO CONFLICT	LATENT CONFLICT
V I O U R	INCOMPATIBLE BEHAVIOUR	SURFACE CONFLICT	OPEN CONFLICT

No Conflict: A common perception is that the no conflict box is preferable. However, for any group or society to endure and develop, it must be lively and dynamic, incorporating conflicts of behaviour and goals and addressing them creatively.

Latent Conflict: The conflict is below the surface meaning the people are not aware of it i.e. in a state of denial. It may need to be brought to the open before it can be effectively addressed.

Surface Conflict: This is shallow conflict with no roots. It may only be a misunderstanding that can be addressed through improved communication.

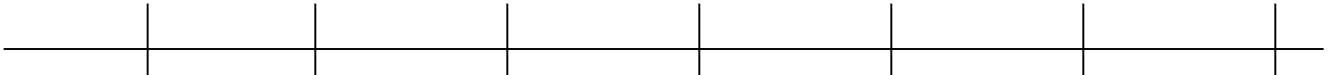
Open Conflict: The conflict is deep rooted and visible. It impacts the community adversely. To be resolved, it requires actions that address the root causes as well as visible effects.

Time line

This is a graphic that shows events plotted against time as viewed by different parties in the conflict. It lists dates – years, months, or days – depending on how long the conflict has lasted, thus showing the history of the conflict as perceived by different parties.

Events as viewed by party A

Dates: Years/Months/Days



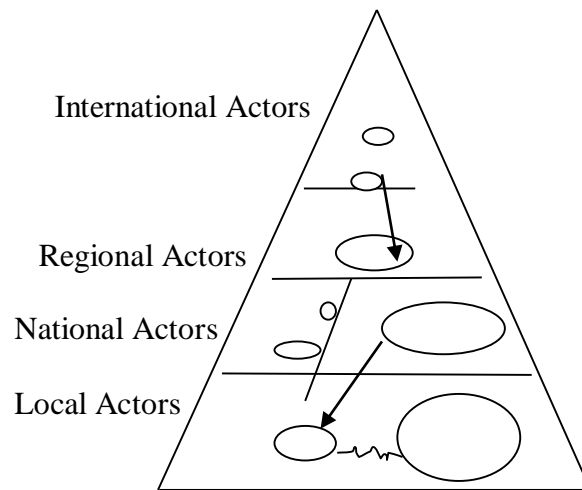
Dates: Years/Months/Days

Events as viewed by party B

The aim of the time line is to understand the perceptions of the parties involved. The different events mentioned by different groups can be an important element in understanding the conflict. It is a way also for people to learn each other's perception of conflict history, noting particularly how opposite sides may note or emphasize different events, and attach contrasting emotions to them. It is a way to promote discussion and learning, aiming at a point where the parties can agree and accept that others may have valid perceptions even when they are opposed to their own. This tool is used along with other analytical tools, but primarily when people disagree about events, or do not know each other's history.

The Multi Level Triangle

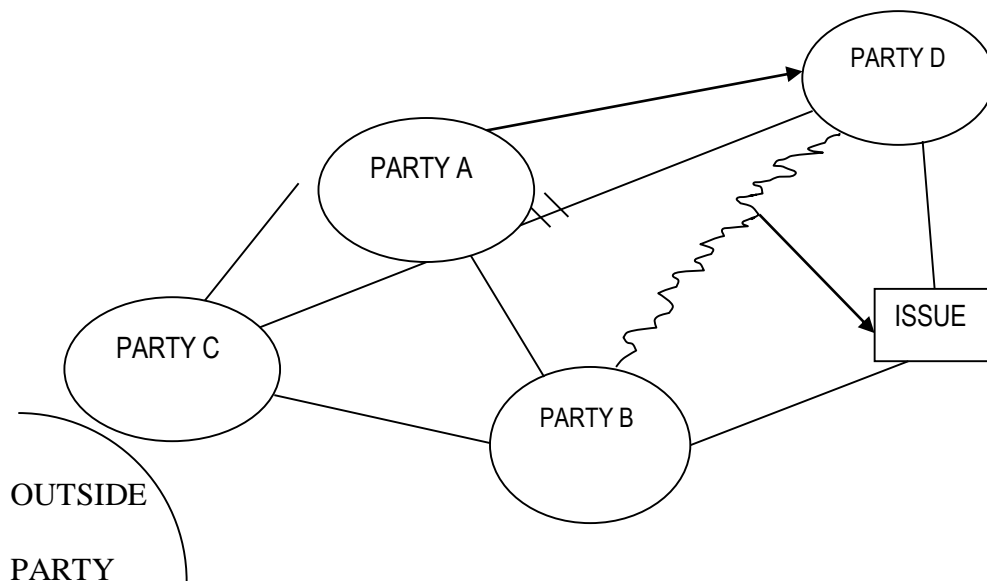
This tool is used when you want to analyze conflicts with more than one level. You identify the key parties or actors at each level. Many conflicts have actors located at different levels and so working to find resolution primarily at one level may not bring the durable solution you are looking for. It is important to locate critical resource people who are strategically placed and can link actors vertically and horizontally within the conflict setting; people who have the ability to work with counterparts across lines of division.



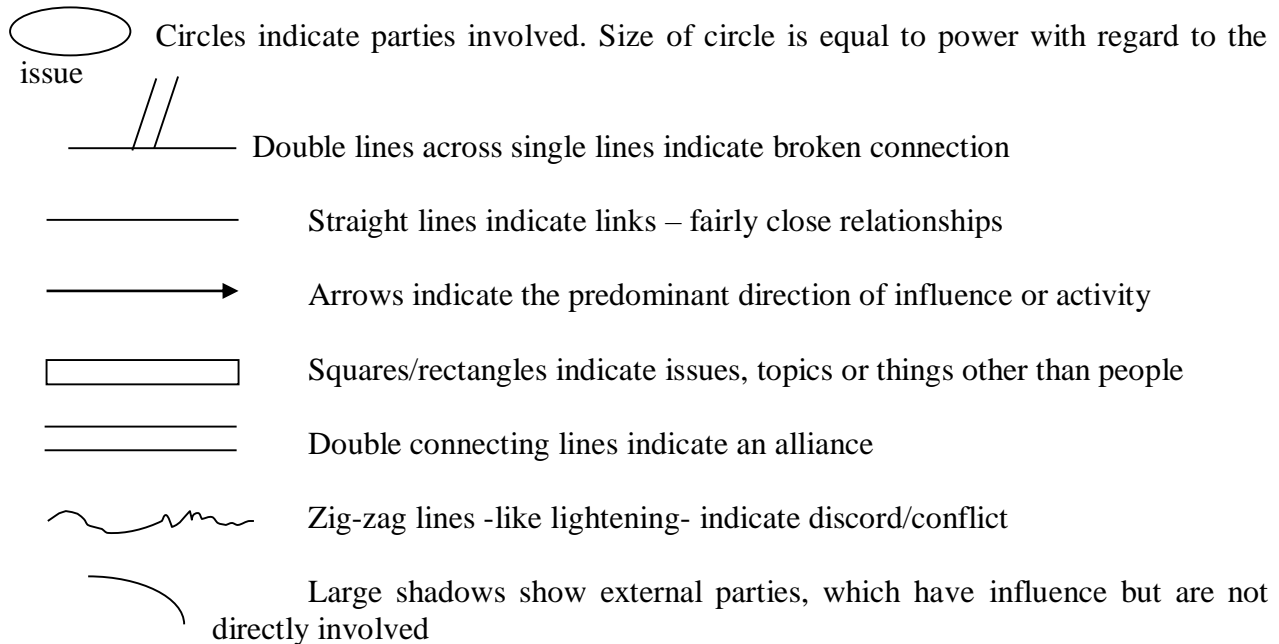
Conflict Mapping

This is a technique used to represent the conflict graphically, placing the parties in relation to the problem and in relation to each other's action. The aim of conflict mapping is:

- Understand the situation better
- To see more clearly the relationships between parties
- To clarify where the power lies
- To see where allies or potential allies are



Symbols (Key) used in conflict mapping:



Questions to ask in conflict mapping:

- Who are the main parties in this conflict?
- What other parties are involved or connected in another way?
- What are the relationships between all the parties?
- Are there any key issues between the parties that should be mentioned in the map?
- Where are you and your organization in relation to these parties?

The Conflict Tree

(Branches)

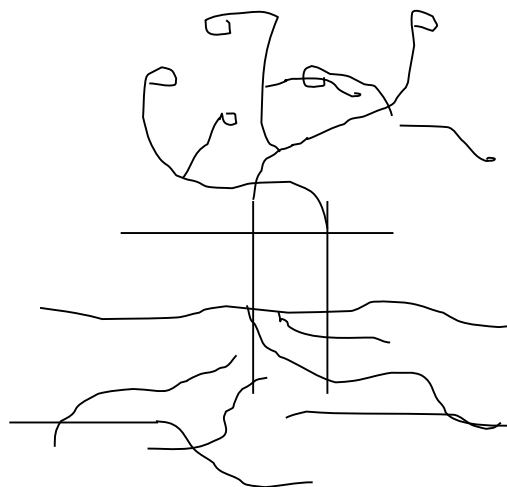
EFFECTS

(Trunk)

ISSUE

(Roots)

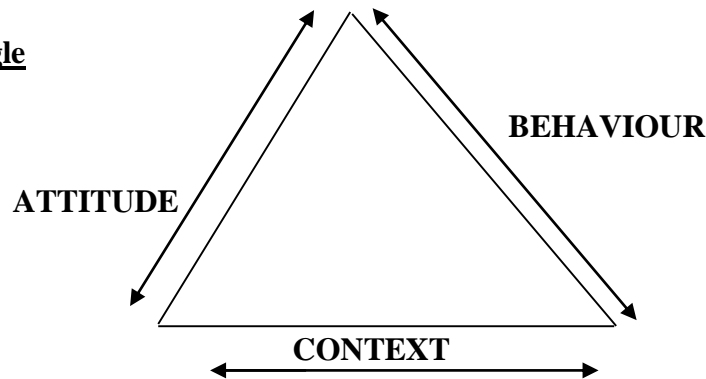
CAUSES



The conflict tree is a tool used to stimulate discussion about the causes and effects of a conflict issue. It helps us to see the complexity and ramifications of the problem, and to assist the group to make decisions about the best way and priorities in addressing the issue:

- What is the core problem?
- What are the root causes?
- What are the effects that have resulted from the problem?
- What is the most important issue for our group to address?

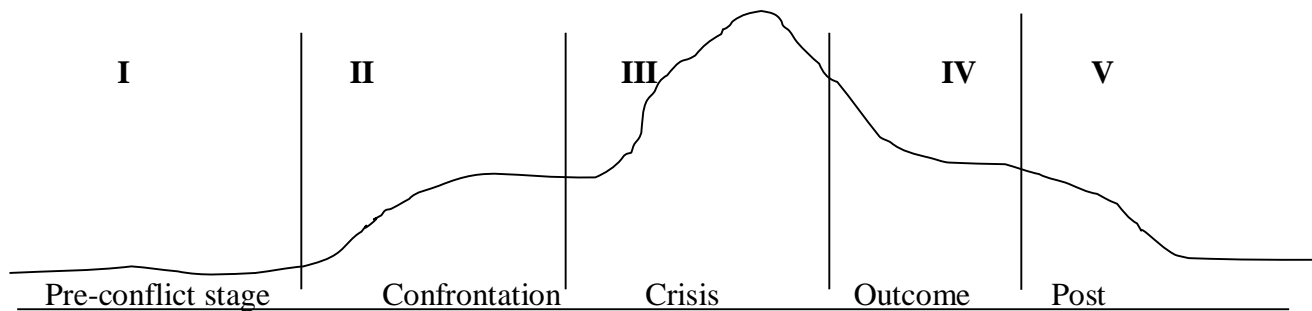
The ABC Triangle



The ABC Triangle is a tool to analyze the factors relating to Attitude, Behaviour and Context of the parties in conflict. The three components are always present in conflict, and the tool helps us to see how the components impact each other, thus tending to aggravate the problem and further raising the tensions in conflict. For example, a context of discrimination is likely to lead to attitudes of frustration, which in turn may lead to aggressive behaviour on the part of those being discriminated. The negative behaviour might lead to a context of further discrimination. To redress the problem, actions must be taken to correct the negative factors relating to the three components.

The Stages of Conflict

Conflicts are dynamic as we saw earlier, and change over time, going through different stages of activity, tension and ultimate violence. Understanding the stages helps us to predict likely scenarios in conflict development and to develop appropriate strategies for intervention. The basic analysis comprises five different stages, which generally occur in a given order as illustrated below.



- It is marked by a clash of goals between groups/people
- Conflict is usually hidden from outsiders (latent stage)
- Some parties to the conflict may also not be aware of its existence
- It may be marked by avoidance, the aggrieved party avoiding the offender

Confrontational Stage

Conflict is now visible to outsiders (Manifest stage)

- It is manifested through visible behaviour by the aggrieved party for instance through passive resistance, demonstrations etc.
- Communication between parties is still possible, though lukewarm
- The conflict is now ready to blow up

The Crisis Stage

- Conflict is at the apex
- Fighting breaks out
- Property is destroyed
- People get killed, tortured or raped
- There may be massive displacement of people
- Communication breakdown between parties

Outcome Stage: there may be several outcomes:-

One party is defeated, pulls out, agrees to negotiate, calls for a ceasefire, surrenders or gives into the demands of the other.

- A stalemate in which no party can win the conflict outright
- The level of tension, confrontation and violence decreases with the possibility of a resolution.

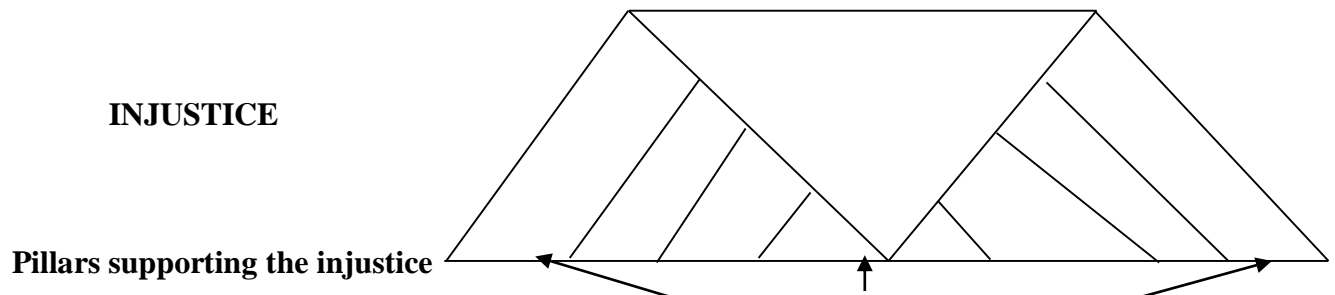
The Post-conflict stage

At this stage, the conflict is resolved and may involve a peace committee being formed to monitor and to ensure violence does not erupt again

- Penalizing offenders
- Building of normal relations through rehabilitation, reconstruction and reconciliation
- If not satisfactorily addressed, conflict may go back to the pre-conflict stage.

Pillars

This is a tool that is used to analyze the pillars, which support an injustice. An injustice is seen as an unstable situation which is held up by a range of factors or forces.



Injustice is seen as an inverted pyramid, which is able to remain in place only because it is supported by pillars, which are a range of factors or forces which hold up the injustice. If the pillars can be identified, we can then find ways to remove them or minimize their effect on the situation. The negative situation can be toppled and replaced with a more positive one, one supported by appropriate pillars of justice.

Activity 2:

Procedure

1. Using the Pillar as a tool to uncover the forces holding up an unjust situation.

In small groups, participants using the model, reflect on an unjust situation in their community/society.

- What forces or factors seem to maintain the injustice? Show them as supporting pillars on both sides of the triangle.
- How can each pillar be weakened or removed from the situation? List your strategies for each pillar.
- What stable situation could replace this unstable one?

2. Discussion points

- Why do those who function in those pillars behave as they do?
- Why is the adversary as they are? What may be their needs/fears?
- What are their positive points?

How can we reach out to them? – Remember there is humanity in all of us including our oppressors. Confronting them appropriately may unlock this humanity within them to see the injustice of their actions.

The Onion: Analytical tool for constructive negotiation

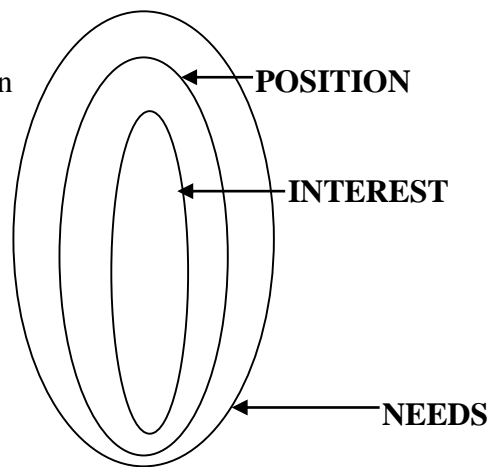
(What people say they

want & expect the other party to agree to)

(What people really want

– the reason they take a certain position)

(What people must have and is not negotiable)



The onion is an important tool in developing strategies for negotiation. Understanding the tool helps us not to stick to non-negotiable positions, which make resolution of an issue extremely difficult.

It reminds us that positions are underpinned by interests that are negotiable, and can be traded off so that parties to the dispute can each go away with what they want most, and ensure that a positive relationship between the parties is maintained.

8. CONFLICT PREVENTION AND EARLY WARNING

Conflict Prevention

Primary Prevention – minimizing the chances of violent conflict occurring including proactive measures to prevent the emergence of conflict formation between parties or measures to prevent the likely outbreak of a conflict between parties.

Secondary Prevention – refers to active measures to prevent the vertical escalation of existing conflicts/prevents spreading of conflict to other areas/measures to mitigate the consequences of an outbreak of violence.

Tertiary prevention – preventing the recurrence of armed conflict instituting measures aimed at preventing the renewal of the conflict cycle in the post-conflict phase.

Types of Prevention

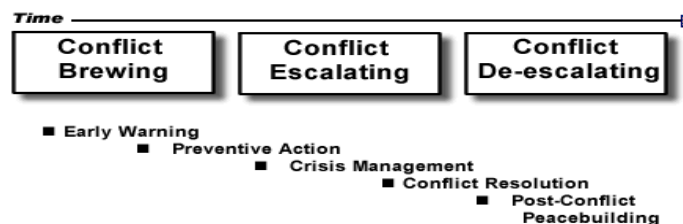
Warning-based Prevention is an action that is motivated by reports of impending violent conflict. It seeks to remove the threat of this conflict. For this to succeed it is important to ensure that as many people as possible receive early warning of future tragedies as Rwanda, Sierra Leone, and post-electoral violence in Kenya.

Proactive Peacebuilding: Its focus is to change structural conditions that may tilt the balance in society in favor of instability. These include civic education, community-based development initiatives, democracy building, good governance, building a culture of peace. Also strengthen social institutions, procedures, systems, and actors who create equilibrium in society. In short, proactive peacebuilding strengthens ‘connectors’ and reduces the influence of ‘dividers’ in society.

Early Warning

The collection and analysis of information about potential and/or actual conflict situations and the provision of policy options to influential actors at the national, regional, and international levels that may promote sustainable peace.

Figure 1: The early warning function in the conflict-response timeline.



Goals of Early Warning

- Identify and assess the most important conflict indicators
- Assess and predict likely trends or scenarios
- Identify strategies and opportunities for peace
- Contribute to a balanced situational analysis based on the interaction of different conflict and peace indicators
- Translating these conclusions into response options and action strategies for local, regional and international actors
- Mobilize resources and build the capacity of local actors in awareness raising of the impending/likely conflicts
- To lobby community and state actors to develop constructive responses
- To lobby community/state to develop long term commitment to building sustainable peace.

What do we warn about?

Examples include Epidemic diseases, drug trafficking, ethnic clashes, refugee movements, movement of pastoralists and their animals, abduction of children.

Why do we warn?

- To prevent or alleviate the destructive expression of conflict
- To protect potential victims
- Maintain stability in society to encourage economic development

Who can be warned?

1. Potential victims
2. Likely perpetrators
3. Warn the regional actors/international community

Guide to Early Warning Development

1. Conflict/situational analysis
 - a. Why is there conflict?
 - b. What is it about?
 - c. What factors contribute to conflict and peace?
 - d. Social, economic, political
 - e. Where is the conflict located
 - f. Where did the conflict/peace process begin? (history)
 - g. Who are the main protagonists?
 - h. Social, political, economic
 - i. What are their agendas and interests
 - j. What are the perceptions of others?
2. **Identify Conflict Indicators**
 - a. Political, human rights violations, political killings, refugees, detention camps, internally displaced people
 - b. Political divisions
 - c. Economic indicators - High unemployment rates, high inflation rates, social insecurity, food insecurity, poverty, income inequalities, unequal land distribution, environmental degradation
 - d. socio/cultural
 - i. prejudice, stereotypes, discrimination, witchcraft, domestic violence, FGM,
 - ii. lack of rule of law, judiciary and police who are not independent of the executive and other weaknesses in the state
3. **Identifying and assessing the impact of existing peace initiatives**
 - a. What local, regional, or international peace initiatives already exist?
 - b. What are the reasons for any failure of peace initiatives?
 - c. What are the public and political attitudes toward conflict and peace?

4. Writing the report

- a. How far ahead do I want to look?
- b. What problem or crisis am I warning about?
- c. Where am I getting the information from?
- d. What are the root causes of the problem I am warning about?
- e. What will happen if these trends continue?
- f. What can be done about the problem?
- g. Write the report
- h. Inform somebody
- i. Follow up on proposed responses or actions (early action)

An early warning report must be of high quality, accurate, credible, authentic, reliable, unbiased, and objective.

The role of Local Peace Committees in Conflict Early Warning

1. Documentation of conflict incidences
2. Documentation of agreements between committees
3. Forming an all-inclusive stand-by team for rapid responses
4. Receiving conflict reports and disseminating the info to whoever needs to know
5. Collecting conflict analysis on conflicts incidents or situations
6. Mobilizing resources for intervention including rapid response
7. Establish a mechanism to bring people, organizations, and information together at critical points
8. Recognize the mandate of the government/appreciate the role of government actors
9. Information sharing about specific threats
10. To spell out the consequences of not heeding warnings
11. The messages should be clear and conform to the situation analysis
12. Channels of communication should be well established and organized
13. Information needs to be used carefully, respecting its confidentiality and sources
14. It is important to be clear with the Local Peace Committee on why the early warning is collected and used
15. Those collecting conflict early warning should whenever possible give feedback of the final product to the community

9. CONFLICT RESOLUTION

Conflict Resolution in this module is understood as a way for two or more parties to find a peaceful solution to a disagreement among them. The Somali and Pokomo communities have their own conflict resolution systems that are similar to each other, both have traditional elders that resolve disputes. The Somali community bring together elders are known as “Othay” that discuss communal issues and mediate the two individuals or groups while The Pokomo council of elders are known as “Gasa”. They deal with solving disputes like marriage disputes, land disputes, family conflicts among others.

10. NEGOTIATION IN CONFLICT RESOLUTION

-The best way I know how to defeat an enemy is to make him a friend – Abraham Lincoln

Negotiation is a basic means of getting what you want from others. It involves a back and forth communication between parties which is designed to reach an agreement when parties have some interests that are shared and others that are opposed. Negotiation is part of everyday experience. People want to participate in decisions that affect them, and most people will tend to resist decisions dictated by someone else.

A conflict of interest exists when the actions of one person attempting to maximize his or her wants and benefits prevent, block, or interfere with another person maximizing his or her wants and benefits (Johnson & Johnson 1991). Two common procedures for resolving a conflict of interest are **negotiation** and **mediation**, which are engaged in when parties have shared and opposing interests, and want to agree.

By the end of the chapter, the trainees should be able to:

- Engage a successful negotiation
- Through the **Arm Wrestling Exercise**- to realize that it is a more common tendency to compete rather than collaborate in conflict resolution.

Materials needed

- ✓ Prepared and blank flip charts
- ✓ Marker pens
- ✓ Notebooks
- ✓ Pens
- ✓ Pencils

Activity 1: Arm Wrestling Exercise



20 minutes

Aim: Both activities are intended to help participants sharpen their negotiation skills

Instructions

Procedure:

- ✓ Participants get into pair finding a comfortable position to do arm wrestling (facilitator may need to demonstrate this) on a table or floor, with instructions that the pair that manages to knock their opponent's arm down most times will receive a prize.
- ✓ Let each pair tells how successful they were and the pair that manages to do it most times is asked to explain how they managed to do it and appropriate recognition is given.
- ✓ **Discussion point:** what does this exercise teach us about approaches to conflict resolution?

Activity 2: Negotiation Exercise



40 Minutes

Procedure

Divide the group into pairs with each partner gets a different case scenario to prepare them for negotiation in pairs.

Partner A scenario: You are a medical health worker with an NGO in Northern Kenya. Recently there has been an outbreak of a serious eye disease causing blindness to children below five years. The incubation period for the disease is two weeks, and all children below five years of age must receive treatment otherwise they will go blind. Fortunately, medics at a local research hospital have discovered a cure for the disease obtained from the juice of a certain orange variety called Topi imported from Canada though out of season just now. Only one shop in town stocks this kind of fruit. The shop-keeper has 500 fruits left which are just enough to make the ingredients for the drug. Your NGO is ready to pay US\$ 500 for the fruit. While you are at the shop you meet an agricultural field worker wanting to buy the same fruit. Negotiate with him so that you can have the fruits.

Partner B Scenario: You are a field worker with local Agricultural NGO in Northern Kenya. Recently a mysterious fungal disease has broken out and it threatens to wipe out the entire staple food crop in your community. This is the only crop variety able to thrive in your area, which is very dry. The conflict situation makes it impossible to get food from outside. The entire community will possibly starve to death unless the crop is sprayed with a fungicide in the next one week. Fortunately, the researchers have discovered a cure for this fungal disease which is obtained from the peels of a certain orange variety called Topi imported from Canada though out of season just now. Only one shop in town stocks this kind of fruit. The shop-keeper has 500 fruits left which are just enough to make the ingredients for the fungicide. Your NGO is ready to pay US\$ 500 for the fruit. While you are at the shop you meet a health worker wanting to buy the same fruit. Negotiate with her so that you can have the fruits.

Discussion Point: After the exercise participants share the outcome of their negotiation

- How did the participants feel about the exercise
- What was the outcome?
- What hindered your progress?

Facilitators Notes

Adversarial and Collaborative Perspectives in Conflict Resolution

Parties engaged in conflict resolution bring with them certain attitudes that may facilitate or hinder negotiations. Two primary attitudes are adversarial and collaborative perspectives.

The arm-wrestling exercise reveals that a competing/Adversarial attitude is often the most common attitude in conflict resolution.

Characteristics of Adversarial Perspective

- There must be a winner and a loser (Win/Lose outcome). The thought process is one of “you against me” not “us against the problem”.
- Self-centered only my views are truth, only my needs are important.
- Inability to separate the people from the problem: the dispute is personalized “you must be a bad person to be in dispute with me”.
- Winning is all-important without any consideration for the future impact of the win.
- The assumption that once a party has won, the problem will be solved, and everyone will accept and comply with the outcome.
- Attempts to persuade an opponent to make concessions without reciprocating.
- Uses emotional pressure
- Encourages ‘positional bargaining’

Characteristics of Collaborative perspective

- Believes one can never actually win if the other party believes they have lost
- Believes every dispute can be resolved constructively, therefore the solution reached will be accepted by all parties
- Has “we are all in this together” attitude
- Recognizes all parties have certain interests in common
- Seeks to meet the underlying needs and interests of all parties in dispute
- Separates the people from the problem
- Values and builds good working relationships
- Invents options for mutual gain
- Seeks outcome as win/win
- Focuses on interests not positions

Positional vis-a-vis Interest-Based Negotiation

Positional-based negotiation: This is the practice of selecting a series of positions – selecting a particular settlement option that meets one party’s interests and needs and presenting it to the opponent as the only way of resolving the conflict and expecting the other party to agree with it, whether or not it meets their interests and needs.

Negotiating on positions tends to commit parties early to particular resolutions (“I see this as the only way out”) thus denying the parties the opportunity to examine other options.

It thus tends to:

- Promote win/lose attitudes
- Damage relationships
- Promotes adherence to positions and limits options
- Forces compromises
- Emphasizes competition rather than cooperation

Parties often adopt positional bargaining when:

- The stakes for winning are high
- A win for one side appears to require a loss for another
- Interests do not appear to be interdependent
- Future relationships have a lower priority than immediate substantive gains

Interest-based negotiations – this approach focuses instead on what both parties need in a solution, and the object of negotiation is to find a way to accommodate the greatest possible number of interests for all parties i.e. solution that is mutually satisfactory and results in a win-win outcome. The attitude of the interest-based negotiator is that of a problem solver. Underpinning the perspective are two important considerations:

- Interests define the problem: the basic problem in a negotiation lies not in conflicting positions, but the conflict between each side's needs, concerns, and fears. These are called interests and they motivate people in conflict and cause them to take the positions they do. There are three kinds of interests that parties have in negotiations:
 - Substantive interests: refer to needs relating to particular issues in conflict
 - Procedural interests: refer to the preferences that a negotiator has for the way that the parties discuss their differences and how the negotiation outcome is implemented.
 - Psychological interests: refer to emotional and relationship interests /needs of a negotiator, both during and as a result of negotiations. Negotiators want to have high self-esteem and want to be treated with respect by their opponent, and do not want to be degraded in negotiations.
- Positions mask both shared and conflicting interests: parties in conflict tend to assume that because the other side's positions are opposed to theirs, their interests must also be opposed. Getting behind the positions will reveal their interests. The challenge then becomes one of recognizing them and attempting to include as many of them in the final agreement.

Thus, interest-based negotiations:

- focus on satisfying the interests of all parties
- builds relationships
- promotes creative solutions
- promotes trust
- reduces the level of danger
- implies communication that is open, honest, and persuasive

11. MEDIATION IN CONFLICT RESOLUTION

Mediation as we have seen is generally understood as an intervention in the negotiation of an acceptable third party who has no authoritative decision-making power, but who facilitates a process where the parties communicate between themselves and arrive at a mutually agreed settlement. It is a way of empowering the parties to resolve the dispute themselves. The mediator should apply problem-oriented, people-centered, and process-oriented tools whose goals are to resolve the problem, restore relationships, and establish a foundation for sustainability.

Mediation is therefore the most effective strategy that can restore relationships ruptured by conflict and ensure restorative justice. It demands truthfulness on the part of conflicting parties, patience, and commitment of all the stakeholders involved. It enables the parties to maintain control over issues, relationships, and outcomes. The process is empowering because the parties participate in decision-making and are accountable for decisions. This section will

- Enable participants to explore and understand mediation as a tool of empowering others
- Provide an opportunity for participants to role-play as negotiators and mediators
- Enable participants to internalize the skills and attributes of mediation.

11.1 ROLE AND CHARACTERISTICS OF A MEDIATOR

- A third – party intervenor not directly involved in the dispute and therefore able to provide parties with new perspectives on the contentious issues and a more effective process towards a mutually acceptable resolution
- Acceptable to all the parties in conflict – He cannot impose himself on them.
- Impartiality: which refers to the absence of bias or preference in favor of one or more negotiators, their interests, or the specific solutions that they are advocating.
- Neutrality: refers to the relationship between the mediator and the parties. The mediator either has not had a privileged relationship with the parties or has not had a relationship such that it would influence the benefits to one party to the detriment of another.
- A facilitator who assists parties to reconcile their competing interests, and negotiating an agreement that will be mutually satisfactory and meet the parties' standards of fairness. An advocate for a just process in reaching a settlement
- Good listening/communicating/paraphrasing/summarizing skills to improve communication of parties
- Knowledgeable about the mediation/negotiation process
- Respectful of the parties and process
- Trustworthy and committed to the task
- Not an arbitrator who makes decisions for the parties
- Helps to reframe the conflict as a shared problem
- Sensitivity to strongly felt values of the disputants, including gender, ethnic and cultural differences
- Help to clarify issues and options, encouraging the parties to be clear both about what they need and what they can offer, and help them focus on the present and the future.

11.2 THIRD-PARTY INVOLVEMENT IS MOST EFFECTIVE WHEN

- The parties and issues are identifiable
- The number of parties is limited and the dispute has not widened
- A limited number of issues
- The parties do not have a long history of adversarial relations
- Hostile emotions and anger are low
- Parties require an ongoing relationship
- The desire for settling the dispute is high

Lessons learned from The Pokot/Samburu Naivasha Peace Process on what makes a Good/Bad Peace Meeting

A Good/Successful peace meeting:

- Involves all players/actors
- Finds lasting solution
- Is interactive where participants freely eat, sit and discuss together
- People talk/ discuss and agree wholeheartedly
- All have the opportunity to contribute
- Honesty, truthfulness, and trustworthiness
- Trying to resolve an issue that you understand
- Being open, forgiving, and not repeating the wrong
- Agreeing to be corrected where the wrong is committed
- A meeting without emotion
- Use of good responsible language
- Has clarity of issues
- Entails communal cleansing with a ritual/oath to cement relationships

A Bad/Unsuccessful Peace Meeting:

- Only men are involved
- No solution is found
- Rhetoric with no heartfelt talk/discussion
- Only a few talk
- Imposing on others opinion/agenda
- Incitements
- The emotional meeting, talking with bitterness and boastfulness
- Use of bad language

11.3 ADVANTAGES OF MEDIATION AS A MEANS OF TRANSFORMING CONFLICTS INCLUDE

- It empowers people to make decisions about their problems
- It encourages more responsible behavior in a conflict situation
- Parties contribute to the outcome/solution to the conflict
- Contributes to the development of individuals and communities by reducing dependency
- Fosters a greater sense of control over the parties' lives.

11.4 PREPARATION FOR MEDIATION

The biggest challenge is not mediation itself, but getting people to participate in the process. It takes time and effort to bring parties to a point of willingness to meet and talk, for communication is the first thing that is killed in the conflict. Restoring it is a big challenge for the mediator.

People in conflict may be reluctant to ask for mediation for various reasons including:

- Fear that their request for intervention will weaken their negotiation position and damage the possibility of a satisfactory outcome
- Habitual attachment to judicial means of dispute settlement or litigation
- Unfamiliarity with the process
- Intense emotions that block communication
- Rigid adherence to a win-lose approach to dispute solution

Activity 2: Mediation role-play



45

Aim: the purpose of the role-play is to highlight best practices in mediation
minutes

Procedure:

Participants are given role-play scenarios to study and prepare

Two participants volunteer to play the role of the parties in the dispute

One participant volunteers to act as a mediator

The rest of the group act as observers

PARTY A

You work for an NGO and have recently been promoted. You are now the manager of people who used to be your peers. You feel the need to establish yourself in your new position, but one particular person seems to be constantly trying to challenge your authority and is influencing the other employees to make your life difficult. You have **had** several rows with this person, and feel it is time to sort things out. Your manager has asked you to set up a meeting.

You just want a quiet life and for your new authority to be accepted. Reluctantly, you feel you have to arrange a mediation session with this person to try and sort things out. The manager is willing to set up a mediation session. You want an outcome that meets your needs and takes account of the other person's feelings.

PARTY B

You work for an NGO. You were expecting to be promoted, but instead, one of your colleagues got the job. You are very disappointed, and to make matters worse, you feel that he/she is being very insensitive and ordering you around, when there is no need to do so. He also accuses you of influencing the other workers to challenge his authority. The two of you have had many rows and he has suggested that the two of you meet to sort things out, and your manager is willing to set up a mediation session. You agree to the meeting. You just want a quiet life, but you do want him to stop behaving so badly towards you. You want an outcome that meets your needs and takes account of the other person's feelings.

2. Discussion Points

What are the challenges of carrying out a mediation intervention?

What are the essential stages in the mediation process?

11.5 MEDIATION PROCESS

The process of mediation normally goes through several stages or phases which constitute major steps that parties in dispute must go through to reach an agreement. However, the parties in conflict may not perceive them as distinct stages and may tend to move back and forth over the different stages in the course of negotiations. The task of the mediator is to facilitate a procedure that guides, controls the process, and creates orderliness towards effective collaborative problem-solving.

Normally parties in conflict seek mediation at a heightened point of escalation and the parties may be physically, emotionally, or psychologically eroded by conflict. Communication may have broken down, almost irreparably at this point, and there is, therefore, a need to enter the process in a carefully considered manner.

There are two forces at work in a conflict situation:

- Resistance forces – which create antagonistic feelings within parties making them defensive and tend to emphasize their differences
- Collaborative forces create the need within parties to resolve the conflict and therefore act cooperatively.

The mediator must help the parties make the transition from antagonistic forces to collaborative forces, to find common goals and mutually desired outcomes.

11.6 STAGES IN THE MEDIATION PROCESS

11.6.1 PREPARATION/ INITIAL ASSESSMENT STAGE - THIS INVOLVES

Building credibility with parties: This involves building parties' expectations that the mediator and the mediation process will help them successfully address the issues in dispute. It is also critical for the success of mediation that the mediator be acceptable to all sides.

Establishing rapport with parties: A very important factor in the acceptability of the intervener is the rapport they establish with the parties to the conflict. Rapport refers to the degree of freedom experienced in the communication, the level of comfort of the parties, the degree of precision in what is communicated, and the quality of human contact.

Educating the participants about the mediation process: There is a need for the mediator to explain enough about the mediation process to build confidence with the process and create a willingness in parties to try it particularly concerning:

- the role of the mediator about neutrality and impartiality
- the procedure that will be used to deal with each issue
- Information about all possible options available to them to resolve the conflict including mediation and why mediation is preferable.

Analyzing the conflict: As discussed elsewhere, conflict analysis involves collecting and interpreting necessary information relating to the conflict. It enables the mediator and the disputants to identify the key parties to the conflict, determine the issues and interests that are important to them, and explore the relationships and dynamics-historical and Current- that exists between them. The easiest way to do this is to interview the parties involved.

Essential information to be gathered through dispute analysis:

- Background to the conflict
- Main issues or problems which concern the parties
- What each party thinks about the problem
- Decisions which need to be made
- Who else needs to be involved to reach a wise and implementable decision (individuals, groups, agencies, etc.?)
- Common interests and concerns parties in conflict have
- What parties think should be done to avoid or resolve the conflict
- Under what conditions would the party be willing to work with the other people on the problem?

The mediator should as much as possible use open-ended questions that begin with what and how rather than why during information gathering and mediation sessions. Open-ended questions as mentioned earlier allow the parties to share as much information and their perception of reality as they wish without feeling pressured. Asking why questions may make a person feel that their beliefs have to be justified and may put them on the defensive.

Ground rules/Guidelines for mediation: Ground rules are necessary to facilitate an open and fair process for conducting negotiations.

The following are important ground rules to be observed by the parties in negotiations:

- parties agree to listen when the other person speaks
- agreement on the time frame for negotiation session or sessions
- agreement on observers and witnesses
- rules preventing attribution of motives or slanderous statements
- procedure for breaks or interruptions

Confidentiality: matters discussed during mediation will not be disclosed to outsiders. Notes taken during mediation should only be retained with parties' consent for records only. However, confidentiality may not be kept in cases where information regarding serious crimes come up. Such issues are generally not suitable for mediation in the first place.

Storytelling and Issue Identification: It is during storytelling that issues of concern to parties begin to emerge. It is generally helpful if all of the key issues or topics to be addressed are identified early in the negotiations as parties tell their stories so that the parties and the mediator can develop an effective process for discussing them. Parties must shift from adversarial to cooperative action.

The following procedure is proposed at this stage:

- Each party describes their perception of the conflict
- ask each party to describe what they need for the situation to improve
- Encourage “I” statements to clarify how each party sees the situation avoiding personal attacks.
- Move to specific examples of a party’s needs, concerns, and causes of irritation
- Acknowledge feelings and thank people for openly expressing them

Creation of a positive emotional climate: In addition to facilitating communication, the mediator often must create an emotional climate conducive to clear communication and joint problem-solving. This is accomplished through:

- Preventing interruptions or verbal attacks
- Encouraging parties to focus on the problem and not on each other
- Affirming clear descriptions of statements, procedural suggestions, or gestures of good faith while not taking sides on substantive issues
- Accepting the expression of feelings and being empathetic, though not taking sides
- Reminding parties about behavioral guidelines that they have established
- Intervening to prevent conflict escalation

Issue identification - some considerations:

- Identify the issues early in the process if possible
- Mediator lists the issues creating a common and comprehensive list
- State issues in a simple and general way
- List only negotiable issues
- Frame issues to make them acceptable to both
- Verbally checklist with both participants

Problem Solving: – Identifying areas of agreement and negotiate

Once all the issues in the dispute have been identified and agreed upon, the mediator then leads the discussion into collaborative problem-solving. This is mainly the point of deviation between mediation and arbitration. In arbitration, the intervener usually takes over from this point, and on his own determines and prescribes the solution for the dispute. His decision may or may not be binding on the parties. A mediator, on the other hand, does not prescribe a solution to the dispute. His task is to provide a process through which the parties can arrive at a mutually satisfying resolution to the dispute.

Define and list issues – create one problem list framing issues neutrally (not attributing blame to either party), noting common goals and concerns.

Focus on interests of disputing parties: as already discussed above, parties in conflict naturally think and talk in positions that are statements or demands framed as solutions. Positions often contain incomplete information, hidden agendas, and “bottom-line” posturing. Positional bargaining leads to impasse or compromise but rarely to creative, win/win solutions. Underlying the positions are interests that encompass needs, concerns, and hopes. Interests can arise from substantive, procedural, and psychological factors.

11.6.2 MEDIATOR’S ROLE

- Work with parties to jointly identify interests
- Make a list of each side’s interests including basic needs
- Ask why a particular demand is being made, to draw out underlying interests
- Identify compatible or complementary interests to enable parties to change their assumptions about the conflict’s purity, build a habit of agreement, and promote cooperation
- Ask why a particular proposal is not satisfactory to understand their concerns better
- Point out similar interests

Generate options for mutual gain: Once issues and interests have been identified, the central task of negotiations and mediators is to develop mutually acceptable settlement solutions. Disputants often enter negotiations with a preconceived belief that they have already discovered the best solution for all concerned, and all that remains is to persuade, and even coerce, the other party into agreement or submission. Only after they fail to make headway do they consider other options.

The skill to invent options is one of the most useful a negotiator can have, and it is easier if based on interests rather than positions. It is important to emphasize that generating options does not amount to committing themselves to them prematurely. It can be done in open discussions or through brainstorming in which parties generate a variety of options for consideration.

Identify shared interests: Shared interests help produce agreements and often lie latent in every negotiation. It is useful for parties to consider for instance:

- Do they have a shared interest in preserving their relationship?
- What opportunities lie ahead for cooperation and mutual benefit?
- What costs would they bear if negotiations fail?
- Are there common principles that they both can respect?

Stressing shared interests can make the negotiation smoother and more amicable. It helps make a shared interest explicit and to formulate a shared goal.

11.6.3 CLOSE/AGREEMENT

The final stage of mediation requires the parties to formalize the agreement and sign an implementation and monitoring procedure. Success in this final stage ensures both an immediate settlement and an agreement that will hold over time. Give parties time to reflect on the agreement. Discuss the agreement to make sure that it is understood in the same way by all parties and people are willing to live with the chosen options. And if appropriate, and according to culture, there may be some social exchange, symbolic act, or settlement to seal the agreement.

An effective agreement should:

- State clearly who is agreeing to what, where, when, and how
- Be specific – avoid ambiguous language, which is prone to misinterpretation. Use specific words that are more likely to have the same meaning to both parties.
- Be clear about deadlines of what will be done when.
- Be realistic – can the parties live up to their agreement? Wording should reflect a commitment to do what parties agree to do.
- Be clear and simple: be sensitive to the needs of parties who do not read very well or don't have a good command of the language used in the agreement
- Be signed by everyone present –the agreement should be signed and give copies to all parties.

11.6.4 IMPLEMENTING THE AGREEMENT

Implementation refers to procedural steps that parties or mediators (if given the mandate) take to put the agreement into operation and to bring the dispute to an end. The role of the mediator at this stage is to assist parties in devising reasonable, efficient, and effective implementation procedures.

Factors to be considered for successful implementation of settlement:

- A consensual agreement about criteria used to measure successful compliance
- The general and specific steps required to implement the decision
- Identification of the people who have the power to influence the necessary changes
- Procedures to manage unintended or unexpected problems, or violation of the settlement that may arise during implementation
- Methods to monitor compliance and by whom
- Determination of the monitor's role.

11.6.5 RELATING TO OTHERS

The goal of conflict management is to achieve positive/peaceful co-existence in society by constructively engaging conflict before it escalates into possible violence. Positive coexistence is determined by the nature of relationships existing among the people, which include:

- Intra-personal (with self)
- Inter-personal (with others)
- Intra-community (within the community)
- Inter-community (between communities)
- Intra-state (within state)
- Inter-state (between states)

Good relations promote positive coexistence while poor social relationships undermine positive coexistence.

Conflict unattended tends to ruin relationships between people, communities, and nations. Human beings have varied needs but also have many needs in common. To the extent that a relationship fulfills felt needs, it will be developed and maintained.

However, if the relationship thwarts the fulfillment of the needs, the interpersonal encounter will not be pursued or will be terminated if is already developed. Unmet needs always produce frustration and resentment, often the root cause of many conflicts.

Relationship breakdown – hence conflict - occurs when we insist that our needs and rights override other people's needs and rights, or if we demand that people meet and respect our rights while we ignore theirs.

12. PROGRAM AGENDA

Time	Session	Trainer
Day One:		
8.30 am – 9.15 am	Welcoming and Introduction <ul style="list-style-type: none"> Prayer and opening National Anthem Introduction of Participants 	Participants/Trainer
9.15 am – 9.30 am	The objective of the Forum <ul style="list-style-type: none"> -AID-AFRIKA Staff - The National -Government Rep. - County Government Rep. - Partner Organizations 	Aid-Afrika Executive Director/Trainer
10.30 am – 11.00 am	Health and Tea Break	
11.00 am – 1.00 am	<ul style="list-style-type: none"> Conflict Analysis Conflict Prevention -Conflict Early Warning and Early Response Mechanism Conflict Resolution 	Trainer
1.00pm – 2.00pm	Lunch	
2.00pm – 3.00pm	Plenary–updates on trends and emerging issues	Trainer/Participants
3.00pm – 4.00pm	<ul style="list-style-type: none"> Negotiation in Conflict Resolution Mediation in Conflict Resolution 	Trainer
Day Two		
8.30 am – 9.30 am	Recap and Summary of the Program <ul style="list-style-type: none"> Introduction and updates on context 	Trainer/Participants
9.30 am – 10.30 am	<ul style="list-style-type: none"> Role and Characteristics of a Mediator Advantages of Mediation as a Means of Transforming Conflicts Include 	Trainer
10.30am – 11.00am	Health Break	
11.00am – 1.00pm	<ul style="list-style-type: none"> Preparation for Mediation Stages in The Mediation Process Preparation/Initial Assessment Stage 	Trainer
1.00pm-2.00pm	Lunch	
2.00pm-3.30pm	<ul style="list-style-type: none"> Mediator’s Role Close/Agreement Implementing the Agreement Relating to Others 	Trainer
3.30pm – 4.00pm	Cluster cohorts <ul style="list-style-type: none"> Peace Communication Strategies Concluding Remarks <ul style="list-style-type: none"> Closure and final prayers 	Trainer/Participants
Health Break		