



**MULTILATERAL TRANSFER OF INNOVATION PROJECTS
LEONARDO DA VINCI LIFELONG LEARNING PROGRAMME**

EUTOPIA PROJECT

**EUropean Training Organisations Programme for
Innovative and Alternative Mediation Tools**

NEEDS ANALYSIS REPORT

May 2008

SUMMARY NEEDS ANALYSIS

The **EU**ropean **T**raining **O**rganization **P**rogramme for Innovative and **A**lternative **M**ediation **T**ool (EUTOPIA-MT) is a two year project / programme funded by the EU Programme Leonardo Da Vinci.

The EUTOPIA-MT programme aim is to make mediation and negotiation training more accessible by adopting the following two approaches:

- (i) Role-playing in a classroom setting;
- (ii) A computer/web-based simulation tool, which allows teachers to provide use the same techniques with online learners.

The EUTOPIA-MT programme is developed by the Department of Psychology at the **Federico II University of Naples**, Cooperativa Passaggi, an NGO, also based in Naples; Index, based in Nicosia, Cyprus; the Institute for Conflict Research, based in Belfast Northern Ireland.

As part of this programme a needs analysis was carried out in each of the three project areas to explore a variety of issues in relation to the use and training of mediation in the three partnership countries. The main issues considered were:

- The nature and number of organisations involved in mediation practice and training;
- The types of training available;
- The focus of the training: eg family, community, or workplace issues;
- The nature and number of recipients of mediation training; and
- Overall interest in mediation training and specifically on-line mediation training.

Existing Mediation Training

The research identified that there was a diverse range of mediation training available in the different countries, with the main area of interest being:

- Community conflict and violence prevention;
- Family mediation;
- Workplace mediation and intervention;
- Peer education, confidence building;
- Restorative processes; and
- Education in development, sustainable development and community planning, and ecological communication.

A total of 28 organisations were contacted in Italy, which revealed that mediation training is mainly done by the state sector through public funding or within an academic environment, but some was also provided by the private and the voluntary sector, by 'social private associations' and 'social co-operatives'.

In Northern Ireland the provision of mediation training was well developed within the community and voluntary sector (with a focus on family and community disputes and peer mediation), but also within section of the state-sector, particularly related to the criminal justice and workplace sectors. It is however worth noting that representatives from the state sector attend training provided by organisations in the community and voluntary sector and there are well established networks and partnerships between both sectors.

Training in both Italy and in Northern Ireland was mostly in a lecture/lesson format, but all interviewees however stressed the importance of an interactive element of the training, through the use of role-plays and scenarios. Training was also generally designed to accommodate the needs of the trainees and was therefore the location and timing of training delivery was expected to be flexible. Much of the training was accredited in one form or another, but cost was also a factor in attracting participants and where possible training was offered free of charge or for a small fee.

Mediation training attracts mainly adults, but some forms, particularly peer mediation, was focused more on young people. It can be of interest to people working within the state and the community sector, and training can be delivered to representatives of both sectors at the same time, which can help develop understandings of the different problems each sector faces, and also help to establish informal contacts and networks.

There was a limited amount of participation in wider or international networks but there were however some established contacts with international partners and organisations in other countries. This was often established and maintained through exchange visits and study trips.

Interest in Mediation

There was perception that there was a great deal of interest and demand in participating in further forms of mediation training. This was in part due to the fact that training providers were working with a wide variety of different groups, in a range of social settings and in relation to a diversity of social issues.

Few interviewees had any experience of online training but there was a general expression of interest in exploring the possibilities of the proposed methodology and of participating in the trial programme. There was also a feeling that young people and individuals wanting to 'refresh' their skills might be an appropriate target group for such training.

However, interviewees also identified some potential limitations with the on-line approach, in particular they emphasised:

- The lack of direct contact between people and thus an inability in registering people's reactions or body language, which was regarded by many as a crucial element in practical mediation training and skill development;
- The possibility of misunderstandings arising through the on-line process and the need for interaction outside of the computer animated environment; and
- Technical issues such as shortage of equipment and a belief that a need for some level of computer literacy and access to computers might limit participation.

CYPRUS NEEDS ANALYSIS

Throughout much of the 20th Century Cyprus has experienced periodic political crises arising primarily out of the conflicted relationship between its two major ethnic populations. Approximately 80% of the island's inhabitants are Greek Cypriot and 18% Turkish Cypriot but there are also small minorities who have special status afforded by the constitution named as Maronites, Latins and Armenians. Those who live in Cyprus include a substantial number of EU citizens (40,000 plus), foreign workers who are third country nationals (50,000 plus) and an unspecifiable number of migrants from Turkey to north Cyprus (estimates vary from 50,000 to 125,000).

Part 1: History and Context

Cyprus secured independence from Britain in 1960 after a protracted struggle mounted by large sections of the Greek Cypriot population. The power-sharing arrangements were put under considerable strain in late 1963 at which point the Turkish Cypriot community withdrew from state institutions and formed enclaves. Varying degrees of polarization punctuated by UN mediated talks characterized the next decade, a period which culminated in the Turkish intervention/invasion of 1974. From that point on the major communities have lived apart following the forced dispersal of the populations into ethnically homogeneous hinterlands. The UN brokered talks which have proceeded on and off throughout the late 1970's, 80s and 90s with general agreements reached about the broader nature of any peace agreement, but little consensus about the content of the agreements so reach. In 1983 a 'Turkish Republic of Northern Cyprus' was declared, recognized only by Turkey, whilst the Republic of Cyprus remained recognized by the international community. By the late 1990s a new impetus to negotiate was set in motion given the path of the Republic of Cyprus towards accession to the EU. By the turn of the century, and with accession scheduled for 2004, there was appreciable movement amongst the principle interlocutors. In 2003 the authorities in the north relaxed rules governing the crossing of the Green Line allowing the two major communities to come into direct contact for the first time in nearly 30 years. The following year, and after a long and protracted period of intense negotiation, a comprehensive solution to the 'Cyprus Problem' known locally as the Annan Plan was submitted to two simultaneous referendums, north and south. Accepted by the Turkish Cypriot community (66%) it was rejected by the Greek Cypriot community (76%). A week later the Republic of Cyprus became a member of the EU, yet the island remained divided.

The subsequent period has been one marked by stasis with very little obvious sign of political movement, let alone rapprochement or the resolution of deep-seated differences. In this harsh climate the appetite to be involved in organised forms of inter-communal contact was limited and the hostility, expressed at leadership level, between the two communities was heightened.

Contemporary Situation

By 2008 there was appreciable movement by both the international community and respective Cypriot actors towards, once again, re-engaging in high-level negotiations. This movement was largely predicated upon a change of leadership in the south, representing the Greek Cypriot population with the election of a new president Demitris Christofias. He led his party, AKEL (the local communist party) to victory, a party which had previously advocated a 'soft' No to the Annan Plan, rather than the simple rejectionist position taken by other political party's in the referendum. This 'No' position was one that wanted certain provisions of the Annan plan modified or removed rather than a rejection of the general form in which a solution had been presented. AKEL had always been committed, at least at the level of rhetoric, to a solution which is generally amenable to key sections of the Turkish Cypriot community, an apparent convergence of interests which was taken by international actors – the UN, EU, UK and US – as providing a potentially fruitful context within which to re-stimulate the ailing peace process.

In the north, the pro-solution CTP continues to hold sway, led by the 'President of the TRNC' Mehmet Ali Talat, which also shares a similar rhetorical commitment to a solution based on generally agreed principles of political equality between the two major communities, bi-zonality and federation. Technical committees, made up of members of both communities are now working on a variety of issues in order to clear the ground for more substantial talks later in the year.

There is no doubt that since the creation of the state in 1960 that the most high profile form of negotiation and mediation practice has been conducted by the political elites aimed at moderating or resolving the 'Cyprus Problem'. These practices have varied in intensity and quality for almost half a century and have produced little tangible outcome. The significance of this go beyond the immediate process itself since both the form and nature of such practices represent a prominent means through which both major communities have become socialised into thinking of their interests and how these might be reconciled with others. As such, the style, methods and rationalisations embedded within this high level process percolate through society affecting a wide range of social spheres.

Prominent characteristics associated with this can be briefly outlined as follows:

- That dialogue, negotiations and mediation tended to be vested in the hands of elite groups who act on behalf of others rather than being an embedded practice more widely shared.
- There is little evident trust extended towards other negotiating parties which frequently overspill into accusations of bad faith.

- Frequent questions raised about whom the real interlocutor is (Turkish Cypriots, the Turkish state or the Turkish military) or what other interests might be at stake, pursued by the US or the UK for example.
- The appearance of consensus in relation to key issues and related terminology which frequently amounts to a formal consensus as to the categories employed but with a markedly divergent interpretation as to the imply content.
- Little attempt to postulate the importance of a 'win/win' outcome but a near exclusive, ethnocentric calculation of loss and gain.

In sum, the practice of negotiation and mediations have tended to dominate the Cypriot public sphere for many decades but with little positive outcome when measured against the objective of securing a comprehensive solution.

Beyond this dominant issue there is one other prominent arena within which these practices have consistently surface, gathered together under the broad heading of social dialogue. This much vaunted system is said to bind together leading social partners – primarily the Trade Unions and Employers Organisations in a process of consensus building leading to agreements that are also convergent with the interests of the state. A feature of the Republic since its foundation, major areas in which it is applied include achieving periodic collective agreements across many different productive sectors. The three major union federations as well as the principal employers organisations are equal and active participants with government ministries ultimately acting as a mediator should the need arise. This is an entrenched and well established practice and extends to a consultative process encompassing the state and these peak organisations within civil society in relation to policy and related legislative processes. This includes a range of tripartite committees involving the key social partners convened by government ministries amongst others.

Otherwise, it would appear, the wider practices of negotiation and mediation are not a prominent aspect within society. In comparison with elsewhere, the justice system, social services, the CSO sector etc, make very little recourse to either specific techniques or general practices of this order.

Part 2: Mediation Theory and Practice

In 1974 the nature of the conflict in and over Cyprus was transformed. The previously mixed population was dispersed into ethnically homogeneous zones which involved the movement of anything up to 220,000 people being transferred north and south as displaced persons. The separation of the communities was sealed by a militarily policed 'Green Line' which has only recently become permeable.

The Cyprus Problem was always an international dispute involving many players. Negotiations have been mediated by the UN since 1964 and have tended to be elite driven with very little direct engagement by citizens, CSOs or other organisations. Further, because of the almost complete separation of the major communities local, non-state mediation or negotiations practice have proved extremely limited. On the other hand, these practices have been apparent within the labour relations field and in the context of more general social dialogue, yet this tends to be confined to peak organisations rather than being more inclusive of other interests.

The following offers an initial profile of organisations and networks through which the practice and/or provision of training in mediation and negotiation skills is delivered:

1. **The Cyprus Academy of Public Administration (CAPA)**

Founded in 1991, it functions as a department of the Ministry of Finance and has as its primary mission the building of capacity within the local civil service. Since 1996 its focus has shifted towards preparing the civil service for accession to the EU. A significant aspect of the training delivered is dedicated to the provision of negotiations training provided to senior staff in the civil service. It has linked with the Civil Service College in the UK and the Public Administration Institute in Athens, Greece.

2. **The Cyprus International Institute of Management (CIIM)**

This not-for-profit independent educational institution incorporates training on negotiating skills within its programmes aimed at managers within a number of its programmes. Founded in 1990, under the auspices of the Cyprus Development Bank its primary target audience are private individuals and the private sector more generally. However, it does have a track record of incorporating people from other fields on its courses and has delivered specific training package on negotiations and mediations to a variety of interests including trade unions.

3. **Private Consultancy Firms**

There are a small number of consultancy firms in the private sector who offer mediation/negotiation courses directed towards firms and enterprises. These tend either to be one-off or sporadic events rather

than part of a consistent or concerted provision and tend to replicate similar content to that provided by CIIM.

4. Cyprus Mediation Association

Established in 2000, this CSO provides a platform for individual trainers and facilitators in the field to offer their services in four main fields:

- i. Schools
- ii. Community
- iii. Family
- iv. Commercial sphere

This CSO appears both small and relatively inactive with a very limited track record in delivering training.

2. The Trade Unions

The two major TU federations do offer training and negotiation skills trainings to their members but these tend to be 'bought-in' rather than delivered by TU trainers themselves.

- i. SEK

This large federation, on the right of the political spectrum appears to prioritise training of this sort and either makes recourse to CIIM, or through international contact with Ruskin College in Oxford and the British TUC. This has been an established practice since the 1970s. SEK has developed a small bank of TU employees who are in a position to deliver training to others within the union, specifically, elected officials.

- ii. PEO

This federation leans towards the left and has a record of delivering training to its employees primarily. Again this tends to draw on outside trainers, for example, derived from Trade Unions in Israel.

- iii. PASYDY

This union is separate from the other federation and represents the interests of public employees. It offers training to its own employees as well as elected union officials. This is undertaken in coordination with CAPA, the Cyprus Productivity Centre and sometimes with the Ministry of Finance. The nature of the training provided includes negotiation skills, facilitation skills and informational sessions on the Industrial Code, for example.

3. Civil Society Organisations

There are a small number of civil society groups which have engaged with conflict resolution initiatives, incorporating negotiations and mediation training. The NGO Resource Centre, founded in 2006,

provides an informal mediation service and actively seeks to introduce training of this nature to the sector it serves.

4. Bi-communal Initiatives

Conflict resolution training, offered in Cyprus between 1993 and 1997, was primarily developed and offered by the 'Cyprus Consortium' which benefited from the involvement of Louise Diamond of the Institute for Multi-Track Diplomacy (IMTD) and Diana Chigas of the Conflict Management Group (CMG). Whilst generally concerned with providing training in conflict resolution this did include negotiations skills and represents the only concerted attempt to introduce these practices into a bi-communal setting.

Between 1996 and 1997, Benjamin Broome, a Fulbright Scholar resident in Cyprus, worked closely with local trainers to identify a vision and priority activities and offered trainings in Interactive Management. He and several other Fulbright Scholars worked with Cypriot trainers to form and facilitate a bi-communal dialogue groups. During late 1997, 1998, and part of 1999, Marco Turk offered workshops in conflict mediation skills. In December of 1997 bi-communal trainings and meetings on the island were suspended, as a result most of the mediation trainings were offered on a mono-communal basis. Sporadic training has been offered since but not at the same level or intensity. Indeed, it is ironic that given the movement north and south which is now possible no significant initiative to reactive this sort of training has materialized.

Models and Frameworks

As is apparent there are only two major organisations which offer consistent training in relation to the development of negotiations and mediation skills. Consequently, this report will dwell on the materials provided by The Cyprus Academy of Public Administration (CAPA) and The Cyprus International Institute of Management (CIIM) as well as the interview data generated in order to explore the sorts of models and frameworks employed. It should be noted that CIIM's course devoted to Advanced Negotiation Skills is provided by a non-Cypriot academic based in France who was not available for interview so reliance has been placed on other interview data generated from within CIIM as well as course documentation.

The Cyprus Academy of Public Administration (CAPA) employs what are described as participatory techniques combined with work based follow-ups to the original training sessions. There are two main courses provided:

1. General Negotiation Skills

In this context the principle concepts of negotiation are described; an evaluation of the role and importance of negotiations; an exploration of

the principle elements of effective negotiations. All these elements are combined in practice based workshops. Each course is of 5 days duration and totals 25 hours of contact time.

2. Training for Trainers

This course is aimed at civil servants who deliver training and incorporates the above course along with learning theory; the role of experiential learning and training roles/styles. The course also incorporates case-studies, role play and team work.

According to a principle trainer, the underlying approach employed in CAPA's work in this area is primarily modelled on the work of Roger Fisher at the Harvard Law School - the co-author (with Bill Ury) of *Getting to Yes*, the classic book on "interest-based" negotiation. As was stressed, at the heart of this approach is the concept of principled negotiation which provides a better way of reaching good agreements. Fisher and Ury develop four principles of negotiation. Their process of principled negotiation can be used effectively on almost any type of dispute. Their four principles are:

- Separate the people from the problem;
- Focus on interests rather than positions;
- Generate a variety of options before settling on an agreement; and
- Insist that the agreement be based on objective criteria.

Further, these principles, it is argued, should be observed at each stage of the negotiation process. The process begins with the analysis of the situation or problem, of the other parties' interests and perceptions, and of the existing options. The next stage is to plan ways of responding to the situation and the other parties. Finally, the parties discuss the problem trying to find a solution on which they can agree.

Also employed by CAPA is work of the management theorists Thomas and Kilmann who have developed and suggested a range of options for handling organizational conflict. Thomas and Kilmann identified a conflict-handling grid comprised of five conflict management styles based on two dimensions: assertiveness and cooperativeness. Assertiveness is the motivation of an individual to achieve his/her own goals, objectives, and outcomes, while cooperativeness assesses the willingness to allow or help the other party to achieve its goals or outcomes. Any of the five conflict resolution styles might be appropriate based on the circumstances of the situation and the personalities of the individuals involved.

1. Avoiding Conflict Resolution Style. The avoiding style is low on both assertiveness and cooperativeness
2. Competing Conflict Resolution Style. The competing style of resolving conflict is also known as the win-lose approach.

3. Accommodating Conflict Resolution Style. This style reflects a high degree of cooperativeness. It has also been labelled as obliging.
4. Compromising Conflict Resolution Style. This style is characterized by moderate levels of both assertiveness and cooperativeness. Compromise can also be referred to as bargaining or trading. It generally produces suboptimal results
5. Collaborating Conflict Resolution Style. This approach, high on both assertiveness and cooperativeness, is often described as the win-win scenario. Both sides creatively work towards achieving the goals and desired outcomes of all parties involved.

Of the five modes described, only the strategy employing collaboration as a mode of conflict management breaks free of the win-lose paradigm. While all of these modes have their place among the strategies, the collaborating approach to conflict management is said to represent the most beneficial mode for most types of conflict management. In the collaborating mode, conflict itself acts as a managerial tool. It is in this key respect that the collaborative mode of conflict management differs from the other four conflict-handling modes. Accommodating, avoiding, competing, and compromising—as permutations of the win-lose scenario—are simply forms of conflict interventions.

However, any of the five conflict resolution styles may be appropriate and effective depending on the specific situation, the parties' personality styles, the desired outcomes, and the time available. The key to becoming more prepared is to understand the advantages and disadvantages of each method.

The Cyprus International Institute of Management (CIIM) incorporates training on negotiating skills within its programmes aimed at managers including its MSc's in 'Educational Leadership and Management' and in 'Human Resource Management'. In both cases this amounts to one unit amongst 22 offered and constitutes 14 hours of contact time. At another level the CIIM offers an advanced Negotiations Skills course by a French based academic who is also a visiting Professor at the Harvard Law School. The four day course which is provided once or twice a year is the most comprehensive currently offered in Cyprus on a regular basis. For this reason it is work exploring in a little detail.

- The first day long session is intended for all participants and aims to refine analytic techniques by combining current academic knowledge with local experience. The principle themes raised include the Zone of Possible Agreement (ZOPA); Best Alternative to a Negotiated Agreement (BATNA).
- The second day is focused on crisis management and conflict resolution and is said to be of particular benefit to members of the legal profession. In this context, specified themes include group preparation,

negotiation process and sequence as well as the process and substance of relationships.

- The third day is focused on complex negotiations which also incorporates an emphasis on communication and incorporates an extensive simulation.
- The final day is devoted to the general theme of effective mediation which addresses styles of mediation, mediation steps and the mediation process as a whole.

The compositions of the groups tend towards about 15 participants of which 3 or four are drawn from the public sector and the rest from the private sector. The specific positions that the bulk of the group come from tend to be middle and senior managers and fall into the 30-50 year age band. It was stressed that the most effective pedagogic method was one which incorporated plenty of practical experience including role play and the employment of case-studies and game-play. The CIIM, because it is an academic institution provides courses which are accredited and there is a progression route from general to advanced levels. The CIIM also provides bespoke training when required and has delivered such services to the trade union SEK, for example.

Part 3: Training and Training Needs

It is apparent that Cyprus is significantly under resourced in terms of the provision of either training opportunities in relation to mediation/negotiation skills or specialized bodies within society as a whole which are engaged in such practices. This is not to suggest that mediation/negotiation does not proceed since it is a major feature of the commercial sphere and the labour relations field generally. However, there is a conspicuous absence of such practices apparent within other fields or a feature of either state or various civil society sectors.

The following provides an outline of some of the principle findings, derived from interviews conducted, which indicates aspects of need apparent in the current context:

- **Lack of Training Provision:** Looking at the Cypriot context as a whole it is apparent that the provision of training as a whole is of a limited nature with two key organizations, CAPA and CIIM, being the main providers who consistently intervene in the field. Further, in the case of the latter, training is delivered by a visiting educator rather than by Cypriots themselves. It should also be noted that that the available provision tends to be orientated towards very specific sections within the population – principally middle and senior managers, trade union officials and civil servants.
- **Absence of Training Provision for Key Sections of Cypriot Society:** It was apparent from a number of respondents who were

consulted that there is an awareness of the benefits of mediation/negotiations training but no provision tailored to large swathes of the population. The NGO Resource Centre, for example, has identified a need for work of this sort to be conducted within the CSO sector but resources are not currently available to deliver this. Some training was delivered to bi-communal groups in the mid to late 1990s but no follow-up initiatives have materialized since then.

- **Lack of State Provision as this Relates to Mediation/Negotiation:** Specialized state bodies, the social services or the justice system have not identified the potential role for negotiation/mediation practices and, as a consequence, do not provide in-house training or make recourse to CAPA for example.
- **Lack of a Plurality in Training Approaches:** The training provision available appears necessarily skewed towards the particular needs of the sectors in which trainees are located. Consequently, much of the available training is orientated towards securing agreements between capital and labour or closing a business deal. As an outcome, there tends to be a limited range of paradigms, frameworks and practical methods which may not be suitable in pursuing other outcomes relating to community, family or inter-ethnic conflicts. It is notable that the concept of 'conflict transformation' associated with the work of John Paul Lederach has not been promoted in Cyprus and little attention has therefore been paid to the mediation process as such with the focus being exclusively directed towards the outcome.
- **Costs:** The Republic of Cyprus has a mechanism through which training provision, offered by CAPA or CIIM for example, can be accessed by private companies, subsidized from the state budget. Civil servants are provided with day release schemes to access CAPA training. Otherwise, the commercial rates charged by CIIM, for example, amount to 500 euros per day. This rate quite obviously tends to restrict access to those who can afford such rates.

Online Mediation Training

Respondents generally welcomed the possibility of engaging in an online training programme, particularly from within those sectors where training opportunities do not currently exist.

However, issues were raised in relation to the practice involved:

- It was noted that computer use in Cyprus is limited, particularly amongst the older generation, which may adversely affect access to online methodologies.
- Language issues were raised – the two principle communities speak Turkish and Greek. And, to paraphrase a report on bi-communal

training, despite the fact that young people in both communities study English, they vary in proficiency. Many older people in each community have limited knowledge of the language. English proficiency served to both limit the people who could become involved in training and to screen out people who did not receive higher education qualifications. Interviewees reported that they knew of many people who felt either inhibited or unwelcome at trainings because of their lack proficiency in the English language. (Marion Peters Angelica – 1999)

- However, online training was seen to have a potential benefit in drawing people together who might not be prepared to meet in the same room. Further, the possibility of trans-national training and communication was seen as a significant benefit.

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INDEX: Research and Dialogue
Nicosia, Cyprus
May 2008

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ITALY NEEDS ANALYSIS

Part 1: National Situation and Theoretical Background

The need analysis, conducted in the field of conflict mediation training by the Naples-based “Passaggi”, a non-profit social cooperative, highlights that although the present Italian situation does have its advanced aspects and areas of excellence in relation to mediation and negotiation skills, the overall picture actually displays a lack of negotiation culture, or rather, of mediation/negotiation training. In Italy, mediation/negotiation skills are not very widespread (cf. Arielli and Scotto 2003), nor does the experience gained through training in these skills provide a clearly defined picture at present.

Without a shadow of a doubt, training in this field is in the very early stages in Italy (Arielli and Scotto 2003). The reference point is Harvard, which began diffusing and furthering the “integrative negotiation” model in the early 1990s. The philosophy and science behind this model oppose the so-called “distributive” model. In fact, while “distributive” mediation ends with a winner and a loser, the “integrative” model progresses to the idea of an alternative resolution strategy to conflict (Alternative Dispute Resolution). In fact, by focusing attention on the emotional aspects, the “integrative” approach puts the interests of all the parties first in order to develop various options of mutual benefit.

The general approach in Italy falls within the framework of integrative approaches to mediation in two main ways:

- By referring to the tradition of non-violence and constructive conflict transformation; and
- By using it in a social context.

In the first case, there have been a number of interesting training experiments in the non-profit sector since the late 1990s, primarily targeted at conflict mediation and characterised by marked values linked to the Western Gandhian tradition.

Meanwhile, the second case has seen the development of a trend in training social workers in cultural, followed by social, mediation. Furthermore, this trend has led to the emergence of interesting advancements in penal mediation training today, such as the professional module for “Social and Penal Mediation Experts” at the University of Florence.

In the English-speaking world, the integrative conflict mediation model has been applied to the business sector for some time, with excellent results. In Italy, on the other hand, the corporate negotiation sector is still in the early phases because of the country’s backward corporate and commercial

situation. This sector could therefore be an important market for the immediate future.

The analysis of the Italian situation revealed that further education in the field of conflict mediation is still an academic preserve and this kind of training leaves little room for practical professional training, despite the innovation and interactive methods introduced to this kind of curriculum some time ago. In fact, training methods and curricula borrowed from psychotherapeutic techniques were introduced to this sector a few decades ago. The first of these was psychodrama, which in its educational form is most commonly known as “role play”. However, to date there has been almost no use made of online methods and tools.

Experiences of Excellence and Best Practice

In Italy, **experiences of excellence** in mediation training are mostly entrusted to the academic environment.

The University of Florence provides postgraduate training courses in “Social and Intercultural Conflict Mediation”, “Psychological Conflict Mediation in the School Environment” and the aforementioned course for “Social and Penal Mediation Experts”. Likewise, the Universities of Venice, Bologna and the Autonomous Province of Trento also provide courses in this field. The above courses, of varying duration, are comprised of lessons, exercises, classroom simulations and internships.

In 2005, Campania saw the commencement of six courses for “Peacekeepers: experts in human aid and emergency management” as part of the Campania Regional Operational Programme 2000/2006 – Measure 3.2 Regional Council Resolution No. 3448 of 28/11/03, funded by the Region of Campania with Management Decree No. 155 of 04/11/04.

The operation, promoted on an interregional basis and led by the Autonomous Province of Bolzano, was developed in order to encourage an alternative form of professional training to the established academic approach. This was organised in a different way, with the course based on innovative modules, teaching and methods (such as distance learning). In partnership with the Associazione Quartieri Spagnoli, the Cooperativa Passaggi has developed one of the six regional courses, entitled SAVE AS, which experiments with innovative teaching methods and approaches to training.

Experiences of **best practices** can be considered as those of organisations operating in the social and welfare sector, such as the Gruppo Abele in Turin, and the Associazione Me.Dia.Re in Milan.

The Gruppo Abele has created the Casa dei Conflitti (House of Conflicts) in Turin. It coordinates a series of operations on the theme of citizen insecurity

and fear, as well as providing a place for conflict management and a centre for the promotion of the conflict management culture. In addition to working in Turin and the surrounding province, the Casa dei Conflitti is also involved in project development and research in the field of conflict mediation and management on a national and European level.

The non-profit Associazione Me.Dia.Re deals with transformative conflict mediation and empathic listening. In fact, it operates four free Citizen Listening and Conflict Mediation services in Milan and Turin; one in Milan, with the contribution of the Province, and three in Turin, with the contribution of the Compagnia di San Paolo and a number of districts. It also organises training courses in “Conflict Mediation for the Prevention/Reduction of Disputes in Health Organisations” for the Region of Emilia Romagna.

Part 2: Data Analysis

The research and analysis was conducted by the Cooperativa Passaggi in the period from January to April 2008. The data collected during this period was processed in May 2008.

Target Identification Criteria

The Cooperativa Passaggi chose to carry out qualitative research, identifying a number of carefully selected parties to be interviewed about their training experiences and requirements. During the target selection process, we were guided by the criterion of identifying carefully selected parties from within the national and local scenario, recording the most significant experiences in terms of conflict mediation training.

The organisations we interviewed worked in the following sectors:

- Institutional;
- Private and Social Private (Associations, Cooperatives, etc.).

We interviewed 28 organisations representing a number of areas, divided into:

- 10 social private associations
- 6 social cooperatives
- 3 social cooperative consortia
- 4 institutional organisations
- 1 cultural organisation
- 2 private training organisations
- 1 NGO
- 1 informal organisation

Data Gathering Method

We subdivided the questionnaire, presented to the 28 organisations, into two parts: an initial part dedicated to gathering the organisation's details and a second part (subdivided into two sections) for gathering information on its training experiences and requirements. The interviews were conducted using three different methods:

- Email (for sending out the questionnaire and receiving the completed questionnaire);
- Telephone interviews; and
- Face-to-face interviews.

Results

An analysis of the items shows that training is mainly done by the:

- state sector through public funding;
- private sector; and
- voluntary sector.

Most organisations do training every 6 to 10 years on average. The people who do training are mainly paid through public funding, even if there is a strong voluntary presence in the sector.

The training areas of reference are:

- non-violence;
- family mediation;
- education in development, sustainable development and community planning, and ecological communication; and
- peer education, confidence building.

There is very little participation in European and international networks, inasmuch as only 9 organisations out of the 28 are involved in networks of this kind.

Training is primarily developed around four focus areas:

- Needs arising from specific contexts;
- Resolution of conflict situations;
- Peer mediation; and
- Family mediation.

The trainees are mainly young people working in the aid field, who therefore gravitate into the welfare field.

The training is mainly provided in morning and/or evening courses and residential courses, predominantly in school/institute classrooms, workplaces, training centres and community centres.

The following training methods are adopted:

- interactive lessons;
- role play;
- internships/apprenticeships; and
- frontal lessons.

Only 4% of the organisations use information technology as a training resource.

42% of the training provided is accredited and 80% is funded by public subsidies (local organisations, state organisations, European Social Fund), which unfortunately, as shown by the data analysis, do not guarantee training continuity, thus creating quantitative and qualitative gaps.

Part 3: Online Mediation Training

Section C of our questionnaire, divided into two macro questions, was designed to gather data on the existence and limitations of online training.

A good 75% of the organisations interviewed had no experience of online training, although 64% of them held it to be of interest.

All were asked about the limitations and problems that this kind of training could entail. The answers were:

- lack of direct contact between people;
- less opportunity for feedback between pupils and teachers;
- shortage of multimedia equipment and insufficient skills to use the same;
- high risk of distraction and misunderstandings;
- possibility of lying; and
- risk of restricting training to mere online interaction.

According to our carefully selected parties, the potential users of this type of training could include university students, community workers, peer mediators, immigrants, mediation trainers and new leaders.

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May 2008

NORTHERN IRELAND NEEDS ANALYSIS

Northern Ireland was the location for an extended armed conflict, known locally as ‘the Troubles’, which lasted from 1969 until 1994. This initiated a protracted multi-party ‘peace process’, which resulted in a peace agreement, signed on Good Friday 1998, the creation of a range of new political and human rights institutions and eventually in 2007 the formation of a stable devolved government.

The transition from a society enmeshed in a long-running violent conflict to a largely peaceful society has ensured that the Northern Ireland peace process is widely regarded as one of the major successes of recent peacebuilding activity and provides some lessons and learning for other conflict transformation work. But the political transition has not been without problems however and numerous problems and tensions remain at various levels of society, as a result a diverse array of groups and organisations have utilised forms of mediation skills and training in peacebuilding and conflict transformation work.

This overview begins by providing a brief introduction to the conflict and peace process in Northern Ireland, the second part focuses on the various approaches to mediation that are currently being utilised by groups and organisations, and the third part provides a needs analysis in relation to training provision.

Part 1: History and Context

Northern Ireland is a small area of 13,500 square kilometres with a population of just over 1.7 million people; this includes a majority Protestant community of 895,000 people (53 per cent of the population) and a minority Catholic community of 737,000 people (44 per cent of the population). There is also a diverse mixture of minority ethnic, faith and national communities, which has been growing rapidly since the end of the conflict and now accounts for some 5 per cent of the population.

Northern Ireland is part of the United Kingdom of Great Britain and Northern Ireland, but it is also geographically a part of the island of Ireland, and has a land border with the larger Republic of Ireland. The conflict in Northern Ireland has essentially been over the political status of the region and the competing claims and aspirations of the two main communities. Protestants generally favour the political union with Great Britain, they regard themselves as British citizens and define themselves politically as Unionists. Hardline unionists are known as Loyalists since they proclaim loyalty to the British monarchy.

Catholics generally favours the creation of a single united Irish state. They regard themselves as Irish people and define themselves politically as

Nationalists. Hardline Nationalists are known as Republicans since they strive for a United Irish Republic. These competing political identities derive from the close geographical proximity of Britain and Ireland, their entwined histories and the political influence and dominance that Britain has exercised over Ireland for much of the last millennium.

A sustained but peaceful campaign for independence or 'Home Rule', beginning in the 1870s, climaxed in an armed uprising against British rule in 1916. This event provided the impetus for division of Ireland into two political entities, the Irish Free State and Northern Ireland, in 1921. Partition led to a Protestant and Unionist government being established in Northern Ireland, in which the Ulster Unionist Party was to rule without interruption from 1921 to 1972. Catholics remained politically marginalised and discriminated against under the new regime, while the overwhelmingly Protestant Royal Ulster Constabulary were able to draw upon extensive emergency powers to maintain law and order.

Tensions over the discrimination of Catholics reached a peak in the 1960s when the Northern Ireland Civil Rights Movement began to demand equality for Catholics. In 1969 increasing tensions between supporters of the civil rights campaign and the Unionist establishment led to widespread rioting and the British Labour government sent troops to restore order. Within a few months the violence escalated and was transformed into an armed conflict, while the focus shifted from civil rights to a resurgence of republican demands for a united Ireland. The Troubles lasted for some twenty-five years before the Irish Republican Army (IRA) declared a ceasefire in August 1994. The conflict resulted in the deaths of over 3,600 people, while many thousands of people were injured and thousands of people were imprisoned.

The Peace Process

The ceasefires paved the way for discussions involving the local political parties, the British and Irish governments, as well as the American government. An extended period of negotiations led to the signing of the Agreement on Good Friday 1998, which was overwhelmingly endorsed in referendums in both Northern Ireland and the Republic, although Protestants were more tentative in their support than Catholics. The Agreement included provision for a Northern Ireland Assembly, a devolved administration with legislative powers, within the United Kingdom.

As part of the peacebuilding activities the British and Irish Governments agreed to the early release of paramilitary prisoners, while the political parties were to use their influence in the decommissioning of paramilitary weapons. The British government agreed to reduce the numbers of the armed forces in Northern Ireland and to remove emergency powers. The Agreement also provided for a wholesale reform of policing and a review of the wider criminal justice system, the creation of a Human Rights Commission and an Equality

Commission with responsibility for issues related to employment, gender, disability and race. These institutions had responsibility to facilitate the transition from conflict and to scrutinise government and hold it publicly to account.

Embedding the Peace

There was widespread support for the ending of the conflict and the creation of institutions and structures that would provide a framework for future peacebuilding and reconciliation, but there were also residual fears, suspicions and mistrust between the two main communities. In part these were due to a lack of any common agreement over the causes and the outcomes of a generation of conflict. For Protestants the Troubles were primarily about attempting to force them into a United Ireland, while for Catholics the struggle was for human rights and equality.

Similarly there was no agreement about the outcome of the conflict, which ended in a political and security stalemate, in which the main issue of the constitutional status of Northern Ireland remains on the long finger. In theory, if or when a majority of the Northern Irish electorate decides it wants to unite with the Republic of Ireland, this will happen. This means that there remains a fundamental insecurity at the heart of Northern Ireland, and equally no agreement about building for a shared future or uniting around shared symbols. This insecurity has ensured that the period of transition has been marked by inter-communal tensions and hostilities that have frequently broke out into rioting and disorder.

After 25 years of violent conflict and more than a decade of transition Northern Ireland remains a deeply divided society. There is widespread segregation of residential areas, education, social and political life. But there is also a growing economy, low unemployment, an ever more diverse population and a strong and vibrant civil society. Problems of criminal and inter-communal violence remain but the paramilitary organisations are less important and there is no longer any likelihood of a return to an armed conflict.

Part 2: Mediation Theory and Practice

The transition from armed conflict to peace involved the participation of a wide range of individuals, groups and organisations in a diverse array of conflict transformation and peacebuilding activities.

A number of different groups and organisations, including government bodies, voluntary organisations and community-based groups have focused on the development and utilisation of mediation skills, this includes responding to disputes, developing practice and delivering training.

The main providers of practice and training for mediation and negotiation skills are from the community and voluntary sector and include Mediation Northern Ireland, Peace and Reconciliation Group, Workers Educational Association and Family Mediation. Within the state-sector, the Youth Justice Agency is involved in the implementation of youth conferencing training and services, while bodies such as the Police Service of Northern Ireland and the Office of the Police Ombudsman also use mediation within restorative processes. It is however worth noting that representatives from the state sector attend training events provided by organisations in the community and voluntary sector and there are well established networks and partnerships between both sectors. The following provides a brief profile of the main organisations that provided detailed background information for this piece of research.

Family Mediation Northern Ireland was established in the late 1980s, received charitable status in 2004 and was registered as a company in 2007. It has only one member of staff, and draws upon a pool of associate trainers. The organisation works with families resolving disputes for families who are separating or divorcing but also other types of family problems such as a dispute between a parent and a child.

Labour Relations Agency was established in 1976 as a Non-Departmental Public Body with responsibility for promoting the improvement of employment relations in Northern Ireland. LRA is independent of Government and is funded mainly in the form of a grant from the Department for Employment and Learning.

Mediation Northern Ireland was originally founded in 1987 as the 'Northern Ireland Conflict Mediation Association', and evolved in the 1990s as an agency to promote the practice of mediation and train mediators across Northern Ireland. In recognition of advances in the Peace Process and the growing diversity of mediation practice, it was re-organised itself as 'Mediation Northern Ireland' in the Autumn of 2002. MNI has 12 members of staff, plus 20 associates and around trained 40 mediators.

Northern Belfast Alternatives is part of Northern Ireland Alternatives, which was established in 1998 and was originally set up to provide young people who had engaged in anti social behaviour with an alternative to sanctions carried out by paramilitary organisations. North Belfast Alternatives has 4 employees. The organisation works along the lines of community restorative justice alongside the Police Service of Northern Ireland (PSNI) and the Youth Justice Agency. The organization also works with community groups.

Parades Commission was set up in 1997 to have responsibility for the management of disputes over parades and parade routes. One of the key responsibilities has been the local resolution of disputes through processes of mediation or negotiation. To that end the Commission established a team of Authorised Officers, field workers who help to mediate at contested parades

and who also inform the Commission's adjudication process. There are currently six authorised officers.

Peace and Reconciliation Group was set up in the early 1980s to address practical ways to work towards understanding and reconciliation in the context of the conflict in Northern Ireland. PRG uses a variety of diverse programmes to allow people to build bridges between communities that have been polarised by the historical and political events. PRG is based in Derry/Londonderry and has a staff of 4 mediation trainers plus administrative support.

Workers Educational Association was set up in Belfast in 1910 as part of a wider network, which started in England in 1903. Today it operates across Northern Ireland and in the Border Counties in the Republic, the WEA employs about 30 people who organise its courses and uses over 200 part-time tutors to deliver the actual teaching to some 6,500 learners in any given year.

Youth Justice Agency was launched as an Executive Agency on 1 April 2003, with the principle aim 'to protect the public by preventing offending'. The Agency works with children aged 10-17 years who have offended or are at serious risk of offending and utilises restorative models and the Youth Conference Service as its framework to engage with young offenders and their victims.

Networks

Many of the groups and organisations are part of a wider UK or Irish network through an affiliation or accreditation. References were made to the Mediation UK, through which many groups met up and shared experiences, Mediation UK has closed down due to lack of funding, but some links are maintained across the UK through the work of the Scottish Mediation Network.

References were also made to involvement in the European Mediation Network Initiative, which was set up in 2004 by representatives of mediation associations and organisations from many regions across Europe. The organisation aims to share the information between groups and mediators working in the field of alternative dispute resolution.

Some groups and organisations also acknowledged working with diverse international groups and organisations in a more 'informal context' through exchange visits and fieldtrips. One example of this was a recent conference in Belfast (in April 2008) organised by Mediation Northern Ireland and the Scottish Mediation Network to raise the profile of mediation activities in Northern Ireland and which attracted participants from a wide range of European countries.

Models and Frameworks

All of the organisations stressed the ongoing need to adapt the various theoretical approaches to mediation to the specific context and changing situation in Northern Ireland and also the direct engagement with key practitioners and theorists. One prominent event that was mentioned by a number of interviewees was a training programme provided by Fordham University, in the USA, in the early 1990s, which was attended by a large number of practitioners who are still working in the field. Another key influence was the work of John Paul Lederach, who has developed his theory and practice in part through his sustained contact and visits to Northern Ireland over the period of transition.

The interviews included extensive discussion on the theories and concepts of mediation and various terms were used in relation to the different types of mediation and to describe how meditative approaches had evolved, including facilitative, evaluative and transformative mediation. However interviewees were also aware of some confusion and a lack of understanding of the term mediation and noted that mediation sometimes was wrongly referred to as 'negotiation'.

Facilitative mediation was described as a process where the mediator assists the parties in finding, analysing and exploring possible options for resolution and in reaching a mutually agreeable resolution. The mediator does however not make recommendations to the parties, give his or her own advice or opinion as to the outcome of the case, or predict what a court would do in the case. The mediator is in charge of the process, while the parties are in charge of the outcome.

An **evaluative mediation** process on the other hand is focused on the settlement and where a mediator assists the parties in reaching resolution by pointing out the weaknesses of their cases. Evaluative mediators are concerned with the legal rights of the parties rather than needs and interests, and evaluate based on legal concepts of fairness. The mediator helps the parties to evaluate their legal position and to consider the costs of pursuing a legal resolution compared to the benefits of settling a dispute through mediation. The format is legalistic in that the mediator attempts to predict what a judge or jury would be likely to do and an evaluative mediator might make formal or informal recommendations to the parties as to the outcome of the issues. Meetings are often held separately, with mediators practicing 'shuttle diplomacy'. The evaluative mediator structures the process, and will directly influence the outcome of the mediation (Zumeta 2000).

Transformative mediation (originally defined by Bush and Folger in 1984) seeks to transform the disputing parties by empowering them to understand their own situation and needs, as well as encouraging them to recognize the situation and needs of their opponent(s). While such empowerment and

recognition may often lay the groundwork for a mutually-acceptable settlement, such an outcome is not the primary goal. Rather, the empowerment and recognition of the parties involved are the main objectives of the transformative approach.

In some ways, the values of transformative mediation mirror those of facilitative mediation, particularly in aiming to empower the various parties to a dispute to work to reach their own solution, although transformative approaches lay more emphasis on process rather than outcome, while facilitative approaches give more emphasis to achieving an outcome.

This transformative approach to mediation has often been contrasted with problem-solving mediation (also known as settlement-oriented mediation), which focuses on finding a mutually agreeable settlement of an immediate dispute. When mediators using a problem-solving orientation are introduced to a conflict, they immediately identify a problem that must be solved. Usually the problem is quickly **framed** in terms of seemingly incompatible **needs or interests** between the parties. The focus is then finding ways to reframe the conflict so that the needs and/or interests of both sides can be met (or come close to being met) simultaneously. Thus, an acceptable, win-win solution is sought (Spangler 2003).

Another term that was referred to was **peer mediation**, which can best be described as **a way of involving young people in managing conflict using non-threatening and co-operative methods**. Peer mediators tend to be chosen by co-students or others of their peers and receive appropriate training, act as a neutral go between to enable all parties in a conflict or dispute to come to a non-aggressive solution.

The practitioners that we spoke to made frequent reference to the work of John Paul Lederach (1995, 1997) as a key influence on their approaches to mediation. In particular Lederach advocated an approach based on a theory of 'conflict transformation', which he highlighted as distinct from more established models of 'conflict management' or 'conflict resolution'.

Conflict Management emphasises that conflicts are long-term processes based on differences in values, interests and power that cannot be quickly resolved, rather the best that can be done is to 'manage' the conflict. This approach aims to effect a political settlement among the most powerful actors that will stop or reduce the violence, rather than deal with the real sources of the initial problem.

Conflict Resolution sees conflicts more rooted in identity politics rather than power politics and argue for the intervention of third-party actors to foster new thinking and relationships and thereby to transcend hostilities through creative solutions to difference and the development of win-win situations.

Conflict Transformation, according to Lederach, reflects a better understanding of the nature of conflict itself in which conflict (as opposed to violence) is seen as a natural element of society and as a potential catalyst for change that can be utilised as part of a process of transforming relationships, interests and the structures of society. It also acknowledges that the process of change is long and slow one, undertaken by small steps and such change must be initiated by the key groups within society, rather than generated by outside actors.

Lederach's definition of conflict transformation and Bush and Folger's approach to transformative mediation were developed independently of each other, and for use in different contexts, but there are many similarities between them. Transformative mediation was developed, at least initially, for interpersonal problems such as family or community conflicts. Most of Lederach's work has been focused at the inter-group and international level such as highly intractable conflicts between warring ethnic groups, rather than at tensions between individuals. However, the similarities between the two approaches is striking as they both calls for the acknowledgment of harm by the disputants and for the empowerment of the disputants to address the conflicts and to transform the situation and the various relationships between the parties. Lederach in particular emphasises the importance of developing and sustaining an effective working process, whereas mainstream approaches to mediation often focuses on the need for a solution and an agreeable outcome and may not pay heed to the creation of an adequate, clear and mutually satisfactory process for achieving an acceptable result. His view however is very much in line with the approach of transformative mediation and which criticises problem-solving mediation as too focused on an outcome or a settlement, and argues for an approach that focuses on the process of dialogue itself.

From Theory to Practice

The different approaches to mediation or interventions in forms of conflict that may be adopted in practice may in part be associated with one of the different theoretical frameworks, but it may also be more prosaically linked to the nature of the dispute in question, the urgency of a need for resolution, or the wider social context of the dispute.

The Parades Commission draws upon its network of Authorised Officers to build relationships with disputant parties in relation to parades. The use of mediation is based on five key principles, which in part reflect the particular difficulties in addressing a dispute that (a) is facing a fixed, unmoveable deadline; and (b) recurs on an annual basis. These are:

- 1) A willingness of parties to communicate directly with each other;
- 2) A willingness to start the process at the earliest opportunity in order to help build trust;

- 3) A willingness to devote sufficient time to the process in order to increase understanding;
- 4) A willingness to reach a mutually agreed outcome; and
- 5) The ability of participants in the process to speak with authority on behalf of their community.

The Parades Commission has had some success in mediating between disputant communities, but also has to rely on the police to ensure that many events proceed peacefully.

Family Mediation Northern Ireland referred to **family mediation as a voluntary process by which couples in dispute, particularly those going through separation or divorce, are helped to deal with arrangements for their future.** Reference was made to developing an approach, which not only facilitates the resolution of a dispute but also allows for the recommendation by the mediator(s) to assist or to identify potential elements of any settlement. Family mediation drew on approaches developed by John Haynes (1994) and in most cases it was assumed that the mediator would be expected to express an opinion on the merits of the case and define the scope of the settlement. The process was important but the emphasis was on reaching a resolution to the dispute rather than mending or transforming relationships.

The work of the Labour Relations Agency largely focuses on conciliation between disputants or on arbitrating in a dispute. Conciliation is a process that can include decision-making by a judge in a court or by an administrative tribunal or quasi-judicial tribunal, a specially appointed commission, or by an arbitrator. Arbitration differs from settlements in courts and tribunals in that the process is a voluntary one as both parties agree to submit the dispute to an arbitrator, and the parties will often also agree on the selection of the arbitrator and on the procedural rules to be followed. However, there has been a trend in Northern Ireland towards use of mediation for employment disputes, for example in cases where there might be dispute between an employee and an employer or between employees and the Labour Relations Agency has recently started to look at the use of mediation in labour disputes and develop its range of training in this area.

Howard Zehr (1990), who has written extensively on restorative justice including victim offender conferencing and victim-offender reconciliation programs in the USA, was identified as key point of reference in the youth conferencing context. Zehr suggests that the more cooperative, problem-solving approach used by victim-offender reconciliation programs demonstrate a radically different kind of justice from that seen in courts, one that he called restorative justice. Restorative approaches to justice, disputes and conflicts have become increasingly widely used in Northern Ireland by a range of statutory organisations including the Office of the Police Ombudsman and the Youth Justice Agency, and community based groups such as Community Restorative Justice Ireland and Northern Ireland Alternatives.

The Youth Justice Agency placed most emphasis on the restorative element of youth conferencing¹. Restorative justice conferences between young offenders aged between 10 and 18 and their victims can be arranged either at the request of the Public Prosecutor (Diversionary Youth Conferences), or the Court (Court-ordered Youth Conferences). They involve a series of meetings to consider how a child should be dealt with for an offence. Normally, a conference will result in a plan of action for dealing with the offence and the young person, in accordance with the principles already described. The family and entitled others are encouraged, with the young person, to create solutions to prevent re-offending, which will become part of the action plan. Conferences are intended to achieve a specific outcome and are not run to a set pattern or follow a predetermined script, rather the aim is to provide a forum for discussion involving everyone affected by the crime, to allow for expressions of the harm caused, and for the young person to make amend and be held accountable to the Youth Conference Service, the Court or the Public Prosecution Service.

The restorative justice element was also used at a community level by North Belfast Alternatives, who work with the perpetrators of crime as well as victims of crime. The organisation also stressed the importance of preventative work with groups of young people who were perceived to be at risk to become involved in various forms of anti-social behaviour and crime.

Outside of training in mediation, organisations like the Peace and Reconciliation Group, Mediation Northern Ireland and Workers Educational Association also offered courses looking at negotiation skills, many of which draw on the theoretical framework of Fisher and Ury (1983). This stresses the need to move away from positional bargaining as an inefficient way of reaching agreements and which neglects the parties' interests, and instead move towards a process of principled negotiation. Fisher and Ury suggest four principles of negotiation:

- 1) separate the people from the problem;
- 2) focus on interests rather than positions;
- 3) generate a variety of options before settling on an agreement; and
- 4) insist that the agreement be based on objective criteria.

These principles should be observed at each stage of the negotiation process. The process begins with the analysis of the situation or problem, of the other parties' interests and perceptions, and of the existing options. The next stage is to plan ways of responding to the situation and the other parties followed by a discussion on to find a solution on which they can agree. The most referred to phrase or term in this context is the Best Alternative to a Negotiated Agreement (BATNA) - the course of action that will be taken by a party if the current negotiations fail and an agreement cannot be reached. A party should generally never accept a worse resolution than its BATNA. Care should be taken, however, to ensure that deals are accurately valued, taking into

¹ http://www.youthjusticeagency.ni.gov.uk/youth_conference_service

account all considerations, such as relationship value, time value of money and the likelihood that the other party will live up to their side of the bargain.

The Parades Commission has also explored the scope for training in human rights issues as a means of increasing the skills and capacities of its Authorised Officers. This training was based on work that had been developed in South Africa with the aim of building greater understanding of the interconnections of human rights and conflict transformation, which are at times considered to be competing, rather than complementary approaches to a conflict (Parlevliet 2002). This training sought to build on the existing skills of the mediators, while adding a deeper understanding of human rights issues as part of the wider repertoire of managing disputes and resolving tensions by peaceful means. The training has subsequently been further developed by the Institute for Conflict Research and the Northern Ireland Human Rights Commission to provide basic training in human rights to a range of activists working on local, community level conflicts. While the community level actors would rarely claim to be mediators in any formal sense, many have undertaken forms of training in conflict intervention and alternative dispute resolution, and thus form part of a wider informal pool of people who have skills and experience in responding to conflict.

Part 3: Training and Training Needs

The review of the providers of mediation services and training revealed that the different organisations active in the field has ensured that mediation was available to address a wide range of disputes and problems at numerous levels of society. This included work that focused of inter-communal problems, family disputes, employment related issues and responses to criminal activities.

Over recent years there has been some considerable emphasis on the role of mediation to address community-based issues, in which the participants have focused on dealing with ongoing political tensions and issues related to the history of conflict, such as tensions in interface areas (the boundaries between segregated Catholic and Protestant residential areas) and problems associated with cultural events and displays such as the many parades organised by the Orange Order and similar bodies and the flying of flags and other partisan emblems of identity.

Inter-communal tensions have been a persistent problem over the duration of the political transition and numerous and ongoing attempts have been made by groups and individuals to mediate in various disputes². As a result of these disputes there has been considerable training, by organisations such as

² For a longer discussion on parades and mediation during the years 1996 and 1997, see Kelly, Grainne (ed.) (1998) *Mediation in Practice*. A report of the Art of Mediation project (Derry/Londonderry: Incore). See also Powell, Jonathan (2007) for an inside into the attempts to mediate in the Drumcree parades dispute.

Mediation Northern Ireland and the Peace and Reconciliation Group, of workers and activists within the community sector to build capacity and skills of groups and individuals to engage in conflict resolution.

In contrast, the work of Family Mediation Northern Ireland has focused almost solely on providing mediation for family disputes and problems in the domestic environment, while the Labour Relations Agency is primarily orientated to focus on issues related to employment and to mediation, arbitration and conciliation in the workplace. Finally the Youth Justice Agency and in particular the work of the youth conferencing service has developed forms of peer mediation but with a specific emphasis on the restorative justice element.

Training Provision

All of the main organisations provide training in mediation skills. Some, such as the Youth Justice Agencies, provide training primarily for staff, while Mediation Northern Ireland provide training as a pathway both to working as an associate of the organisation, but also as a more general skill. North Belfast Alternatives offer training to community groups interested in restorative justice, and have developed ways to utilise this training through the work of 'Restorative Assistance Panels'.

The type of courses on offer varied between the organisations. The Peace and Reconciliation Group offer a variety of courses:

- Introduction to Conflict Resolution and Mediation Skills – 3 day course
- Intermediate Conflict Resolution and Mediation Skills – 3 day course
- Advanced Conflict Resolution and Mediation Skills – 3 day course

The Peace and Reconciliation Group also offered courses in reconciliation and conflict management. Courses of these types tended to be designed of the request of the client and the duration therefore varied – mainly introduction courses lasting for one day. Other courses offered such as cultural diversity, anti-social behaviour and citizenship training last from a few hours a day in length.

Mediation Northern Ireland offered the following courses:

- Negotiation skills – 3 day course;
- Foundation training in mediation – 6 day course; and
- Advanced: mediation and civic diplomacy – 2 day course.

Mediation Northern Ireland is also involved in work outside of the mediation training, such as working with city councils and also statutory agencies working in areas such as community development and community cohesion.

There is a range of elements to the Family Mediation course including; thirteen taught days; a self-study component; preparation of a trainee manual;

pre, mid and post course tripartite contact between trainee, trainer and practice consultant; and 10 hours practice in service and practice consultancy.

The Workers Educational Association offer a 3 day course in Principled Negotiation Skills.

The majority of recipients are adults, and the most come from the community and voluntary sector, but staff employed by statutory agencies may also participate in training. The Peace and Reconciliation Group had for example been delivering mediation training to the Police Service of Northern Ireland and to the city council. Similarly, Mediation Northern Ireland had worked with city councils on issues relating to mediation training and practice.

Organisations such as Northern Ireland Alternatives, Peace and Reconciliation Group and the Youth Justice Agency also provide training for working with young people in the field of peer mediation and, in the case of the Youth Justice Agency, on youth conferencing as did the Peace Reconciliation Group.

Training included both formally accredited courses and less formal processes of developing skills. Accredited courses through Workers Educational Association, Peace and Reconciliation Group and Mediation Northern Ireland were mainly offered through the Open College Network³. Family Mediation Northern Ireland offers a course in family mediation skills, which is accredited by the Law Society, the Bar Council and the UK College of Family Mediators. All accredited courses include a more formal section in which the participants were expected to submit written assignments to be included in their portfolios for assessment in order to get the accreditation from the course.

The Youth Justice Agency offer a nine-day training course on the facilitation of conferencing, but this was not accredited as it was a necessary component of staff training. However, the Agency does offer a part-time Postgraduate Diploma in Restorative Practices in conjunction with the University of Ulster, and a number of staff have graduated from this programme. There was also a possibility for staff to continue to study towards an MA in youth studies which featured some issues in relation to peer mediation but this was done on a voluntary and individual basis.

It noted that in the past there has also been an opportunity to pursue an MA in Mediation at University College Dublin, but this course has not been running for past two years. This provided an route for developing higher level skills for individuals who had achieved a certain level of mediation training.

³ The Open College Network Northern Ireland is licensed by the National Open College Network and is based in Belfast. They offer nationally recognised, flexible, credit-based qualifications which conform to the criteria set out by the Regulatory Authorities (see www.ocnni.org.uk).

Training Style

Most training takes the form of lectures and classes but all training providers stressed the importance of role-plays and interactions, such as the use of scenarios, to provide some practical experience. The emphasis is thus on a more informal style of learning, what some of the interviewees referred to as 'participatory learning' in small groups and with a 'facilitative' style of delivery by the trainer.

There was little evidence of the use of computers or IT in the actual content of the training, beyond the use of PowerPoint in the delivery of lectures or seminars or the occasional of DVDs and videos in the training, often in order to provide an introduction to the training element or the organisation/group.

Training was offered in a variety of formats to accommodate the different needs of individuals or groups, this might involve training during the daytime (for work-based training) or at evening or over a weekend for community based training.

In some cases training was provided at the training organisations own premises and organisations such as Mediation Northern Ireland and the Peace and Reconciliation Group have dedicated training spaces in their offices. There was also a belief among trainers that training at a participant's workplace should be avoided as people could too easily be interrupted by work related issues. However, the Youth Justice Agency did deliver some training their work premises, while other courses were delivered at the University of Ulster campus outside of Belfast.

In some cases training was offered in a location that suited the participants, to ensure that it was accessible and the participants felt. This was particularly important when working with community-based groups given the polarisation of Northern Irish society and the high levels of segregation. This was also to enable training to be delivered to groups and individuals who were based away from the main centres of population and who otherwise would not have availed of training.

Costs of Training

The Labour Relations Agency and the Youth Justice Agency both provide training free of charge as it was provided 'in house' and to members of staff. In both cases all other training – if for example a member of staff wanted to attend a course in negotiation skills – however relevant for the organisation – it was paid for by the individual staff member.

The Peace and Reconciliation Group, Mediation Northern Ireland and Family Mediation all charge for attendance at their courses and participants were expected to 'pay their own way', although in many cases organisations paid

for members of their staff to attend. The Workers Educational Association offered training for free, due to funding from government departments and other external bodies.

Numbers Trained

A considerable number of people have received various types of training in mediation and associated skills over recent years.

In the case of Mediation Northern Ireland around 100 people attended the mediation courses in 2007, with around 16 doing the more advanced level course in mediation. The Workers Education Association stated that around 100 individuals had attended the Principled Negotiation Skills Course in 2007, while 116 people had attended Family Mediation courses over the same period. Finally North Belfast Alternatives had involved 72 individuals in the Restorative Assistance Panels since the project began three years ago.

Despite the relatively large number of people who had undertaken some form of mediation training there was belief among training providers that there was still a great interest and demand in participating in further forms of training. This was in part due to the fact that training providers were working with a wide variety of different groups, in a range of social settings and in relation to a diversity of social issues.

However, one issue that might impact upon future demand was the possibility of a lack of continued funding, particularly as a result of changing priorities within the European Union Peace Programme.

Online Mediation Training

None of the interviewees referred to having experienced anything like the proposed Eutopia-MT on-line mediation training programme, but there was a general expression of interest in exploring the possibilities of the proposed methodology and of participating in the trial programme.

There were however some concerns expressed about the programme:

- Some people noted the possible limitations to online role-playing as participants would not be able to register people's reactions or body language, and this was regarded by many interviewees as a crucial element in practical mediation training and skill development.
- There was also a feeling that computer skills, key-board skills and access to computers might be an issue regarding the possible recruitment of participants. Particularly for some young people but also for people in non-professional positions.

- Although none of the interviewees had tried a web-based simulation tool in relation to mediation training, the WEA referenced to the use of a programme entitled “A State Apart” in which there was an element of role playing in the setting up of a chat room for groups who would not meet in the same space. This required a staff member to be present to monitor the dialogue as it had the potential to be very destructive.

However on a positive note some interviewees referred to the potential use of the Eutopia-MT programme as a way for people to utilise skills being developed in other training contexts.

Others thought Eutopia-MT would be a useful additional tool for already established courses as a means of ‘refreshing’ previously gained skills as well as developing further abilities in a positive way.

Some of the organisations working directly with young people, particularly North Belfast Alternatives thought that young people might be interested in this type of approach as a way of learning more about mediation.

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May 2008

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Mediation Contacts

European Mediation Network Initiative:
<http://www.europemediation.eu/en/European-Mediation-Network-Initiative>

Family Mediation Northern Ireland: www.familymediationni.org.uk/

Labour Relations Agency: www.lra.org.uk

Mediation Northern Ireland: www.mediationnorthernireland.org/

Parades Commission: www.paradescommission.org/

Peace and Reconciliation Group: www.peaceprg.co.uk

Workers Educational Association: www.wea-ni.com

Youth Justice Agency: www.youthjusticeagencyni.gov.uk/.