MEDIATION: EMPOWERING PEOPLE FOR BETTER UNDERSTANDING

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Summary

Conflicts seem to increase in number, intensity and violence, and Mediation is proposed as a pacific alternative to solve disputes. As a participatory process conducted by a third neutral party, the mediator, the participants have self decision through a constructive dialogue, and they look for ground based areas of agreements so as to generate a shared vision of the future. This encourages solidarity and collaboration, lightning the importance of the conflict as something to be solved among the parties.

Mediation seeks to join common interests and criteria, creating bonds and structures that can strengthen search for joint solutions that can persist beyond the crucial problem and improve the way that people deal with their problems. Community Mediation not only looks for common areas of agreement, it also focuses on reestablishing and strengthening the social net, the participation, the decision making and the consensus building, multiplying effects that stimulate the dissemination and education of a culture of peace, with respect for human rights and responsibility for the assumed commitments.

The role of the mediator is to catalyze the emotions of the parties, to be an agent of reality to exorbitant demands, a generator of areas with respect to the participants and to maintain fluid channels of communication while stimulating a special environment where everybody can listen and be listened to, exploring the interests that underlie under

the claims. Community Mediation Centers offer new places where people are encouraged to explain their problems, in confidentiality and self determination.

1. From conflict to a Impartial Third Party

It is commonly thought that all the persons in the world should live in peace and harmony, without problems and with happiness. And this sounds great, but life has a dynamic that seems to contradict this ideal.

Conflicts emerge at all levels, within the family, the community, the region, etc; from small disputes to big military conflicts. Those involved may be persons, organizations, societies, countries, cultures, etc., within them and between them. Conflicts may arise when looking for the satisfaction of basic needs, for resources, for ideals, for values—from the simplest ones to the most complex. Some conflicts involve a lot of people, others just a few. Conflicts of power, economic and/or social conflicts, conflicts about proposed change and conflicts arising from changes, are the most frequent ones. As population grows so do conflicts. It seems that our ideal of the world has become a nightmare.

Conflict is seen as something bad, harmful, negative, that can only hurt us. Sometimes it makes us feel fear. But we can find in history many conflicts that led to transformations that benefited the whole of humanity, in other words, conflict may also be useful. It can be said the conflict has two faces. The dilemma is how can we appreciate the "goodness" of the conflict, or how can we recognize if it is positive or negative.

Some key considerations must now be recognised, as for example that conflict is inherent to life itself. We are always going to have conflicts but they do not need to be necessarily negative. It is important to widen our view in order to be able to think that conflicts may have an energy that functions as an engine of change in the world. Conflict is part of human relations in all parts of the world and there is a variety of ways to approach it and achieve a settlement.

When speaking about settling conflicts we must have in mind the need to maintain stability and human coexistence in such a way that conflicts do not escalate, that they stay within certain limits and do not become violent or insoluble.

And this is what we have to focus on: conflict is part of our life. It is not good or bad in itself. What really matters is the answer given to the conflict. That is the heart of the matter, as the origins of conflicts can cover a wide range of matters, including frustrations or past sufferings, and it can also be dealt with in different ways considering that the conflict includes aspects that include the personal, emotional, legal and economic, or a combination of these.

Conflict may be defined as the perception of the parties that their interests cannot be satisfied simultaneously and/or jointly, and that perception is the one that has to be widened in order to consider other factors.

We can see that in a conflict situation different ways of dealing with it may appear in order to resolve it, or even to ignore or elude it. Many conflicts have an administrative

or legal solution; in other words, the resolution is based on norms, criteria or laws previously established. The solution by means of which the conflict is settled, is defined from "the outside" (the norm) that gives legitimacy to it, by its own pre-existence to the conflict.

But the conflict can lead to violence in an attempt to solve the problem, even though violence is not a solution in itself but a "postponement of the solution", that in fact worsens the conflict. Maybe it "freezes" it for some time, but the tension produced remains for years. It is paradoxical that the conflict may be positive and negative at the same time. In reality it is usual that what worsens the conflict is "the escalation of violence", in other words the increase of confrontative responses that makes the resolution more difficult. In latent conflicts or those that lie hidden under various situations, the worsening of the conflict may make it notorious, visible, identifiable, and eventually solvable.

Many times, the parties try to settle the conflict by talking, which is positive, as it recognizes the existence of the dispute and also recognizes the necessity to settle it peacefully. But due to various causes, it may happen that this communication is not achieved or it fails, and it is then necessary to invoke the intervention of a third impartial person, a mediator, who can collaborate with both parties to find areas of agreement, and thus, facilitate the joint search for solutions to the problem. In this search it is important to clarify the range of points of view that the parties have on the problem itself, and that often determines their conduct. It is necessary, therefore, to get the participants to widen their perspectives so that they can see or imagine other possibilities of resolution—options that are peaceful and that optimize mutual satisfaction.

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Biographical Sketch

Diana María de la Rúa Eugenio
CURRENT and PREVIOUS POSITIONS
- President of Asociación Respuesta para la Paz (non-profit NGO)
- Head of MULTI-PARTY COMMUNITY MEDIATION of the Program "Community Mediaton" of the Goverment of the City of Buenos Aires, 2001-2005.
- Mediator and Coordinator of "Community Mediation" at Asociación Respuesta para la Paz, since 1998.
- Mediator (1996 to 2001) and Coordinator of the Program "Organization and Trainings" (2000 to 2001) for the Ombudsman´s Mediation Center of the City of Buenos Aires.

TEACHING ACTIVITIES
- "Community Mediation" Postgraduate Department of the Psychology School -University of Buenos Aires- (since 2001)
- Teacher assistance of "Transformación Pacífica de conflictos" (Peacefull transformation of conflicts) Transcend Peace University (TPU) since 2005
- Tutor of mediators
- Lecturer about conflict resolution
- Trainer in negotiation, facilitation and mediation in public and private organizations

FORMER TEACHING ACTIVITIES
- "Educational Mediation": Postgraduate Department of the Psychology School -University of Buenos Aires- (1998 to 2001) and Asociación Respuesta (1997 to 2000).
- Coordinator and Trainier of "Community Mediator in Neighborhoods", held by the Ombudsman´s Office of the City of Buenos Aires, taken place in the many cities of Argentina. (2000).
- "Negotiation", Posgraduate Department of the Psychology School -University of Buenos Aires (1996, 1997) and Asociación Respuesta (1996)
- Trainer of Educational Mediation in public and private High Schools (1998 to 2000).