



# Conflictology

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# Conflictology

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# Conflictology: the Peace Science



## Eduard Vinyamata

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The Campus for Peace,<sup>1</sup> the Humanitarian Cooperation Area, Peace and Sustainability from the Post-Graduate International Institute,<sup>2</sup> at the Universitat Oberta de Catalunya (UOC), promote the publishing of the magazine *Conflictology*. This English written publishing comes out every six months and gathers experienced university professors from Europe, North America, South America, Africa and Asia that work on conflictology programs, centres or institutes at prestigious universities. The magazine *Conflictology* will publish qualified articles as well as information about other publications, congresses, academic and research programs about what we understand as conflictology. It will also facilitate exchanges and practices for professors, professionals, and students, and cooperation among institutions devoted to promote the peace culture.

Conflictology is the synonym for Conflicts' Resolution, Conflicts' Transformation, Conflicts' Mediation or Management, Peace Studies, Irenologia, Peace Culture and other similar denominations. In fact, *Conflictology* is the compilation of knowledge of those abilities that the Human Kind has gathered in its persistent attempt to understand and solve violence, war, crisis and the relationship and coexistence conflicts by using scientific knowledge and technological abilities and excluding any violent way or method, in its widest sense.

While half Mankind has been or is devoted to manufacture goods in order to grant survival, comfort, and material progress, the other half has devoted, and still does, its efforts to allow us enjoy those goods. For better or worse, social scientifics, philosophers, lawyers, policemen, militaries, religious people, psychologists, politicians, teachers and other professionals are trying that peace and security allow us to live free, to grow up as human beings, to interact between us, to coexist and to build communities where to live to the full.

*Conflictology* studies the conflict, the war, and the violence with the aim to find a solution. The techniques, methods, and procedures used in that solution must not represent any contradiction with its unmistakable purpose: to make it up and to live peacefully. It must not be an armed peace, which in itself would be violent, unfair, and non-existing, but a free peace with social justice. *Conflictology* is not limited to the social sciences sphere, but it takes in all the human knowledge, scientific and rational knowledge, and intuitive and emotional knowledge. All that knowledge and abilities also studied by biology, medicine, neurology, mystics, logics and all those methods that contribute to our inner peace: mental, psychological, emotional peace.

*Conflictology* is also engaged with Peace. It is not an analysing method far away from action and from the commitment to work, to fight without violence, for the peace among nations, among social and political groups, among families, among workmates, fellow citizens and compatriots... From a rational and emotional position engaged with non-violence. In fact, it is a para-discipline, a transversal discipline common to many professions, pluri-disciplinary. ■

Books' reviews, research notes, cases and experiences from working in the field, spreading, essays... All these things can appear in *Conflictology*, the purpose of which is just to understand the human being and the communities and societies that he forms in difficult and violent situations, trying to make them understandable from any angle of knowledge and trying to share them.

1 The Campus for Peace is the non-profit UOC's unit that works in order to bring about solutions to humanitarian problems, in its widest sense, through virtual education on all the spheres and in a specific and pragmatic way. [www.campusforpeace.org](http://www.campusforpeace.org)

2 The UOC imparts two masters, four post-graduate courses, and four specializations in Conflictology. It is also about to offer another international master, imparted in English, counting on the best professors of these subjects from the most prestigious universities in the world. [www.uoc.edu](http://www.uoc.edu).

# Constructive conflict transformation

Louis Kriesberg

## Resumen

El terreno de la resolución de conflictos contemporáneos, o conflictología, se ha desarrollado como una síntesis de teoría e investigación que, combinada con diversas aplicaciones y prácticas, facilita la participación en conflictos de carácter constructivo (Galtung 2009; Kriesberg 2008; Vinyamata 2001). En este trabajo examino de qué forma dicha síntesis ayuda a explicar la transformación constructiva de grandes conflictos violentos en los últimos años y propone estrategias para impulsar dichas transformaciones. En suma, los conflictos de carácter constructivo se gestionan y concluyen con una violencia mínima y con beneficios que pueden compartir ampliamente los miembros de las distintas facciones enfrentadas.

## Abstract

The field of contemporary conflict resolution, or conflictology, has developed as a synthesis of theory and research combined with applications and practices that contribute to waging constructive conflicts (Galtung 2009; Kriesberg 2008; Vinyamata 2001). In this essay, I examine how that synthesis helps explain the constructive transformation of large-scale violent conflicts in recent years and suggests policies that foster such transformations. Briefly stated, constructive conflicts are conducted and concluded with minimal violence and with broadly shared benefits for members of the opposing sides.



LOUIS KRIESBERG

Louis Kriesberg (Ph.D. 1953, University of Chicago) is Professor Emeritus of Sociology, Maxwell Professor Emeritus of Social Conflict Studies, and founding director of the Program on the Analysis and Resolution of Conflicts (1986-1994), all at Syracuse University.

(Most recently, he co-edited with Bruce Dayton *Conflict Transformation and Peacebuilding: From Violence to Sustainable Peace*, 2009.)

In addition to over 150 book chapters and articles, his published books include: *Constructive Conflicts* (1998, 2003, 2007), *International Conflict Resolution: The U.S.-USSR and Middle East Cases* (1992), *Timing the De-Escalation of International Conflicts* (co-ed., 1991), and *Intractable Conflicts and Their Transformation* (co-ed., 1989).

## FOUNDATIONS OF THE CONFLICT RESOLUTION APPROACH

A basic concept in this approach is that social conflicts are not only inevitable in social life, but they are often useful, particularly if they are conducted or ended constructively (Kriesberg 2007a). Furthermore, destructive social conflicts generally emerge gradually and escalate as a result of the convergence of many conditions and actions, including: developments within each side, interactions between them, and external conditions and events. Many different people and groups act in ways that wittingly or unwittingly drive this destructive escalation forward and obstruct conflict de-escalation and transformation. Therefore, other kinds of conduct can limit and transform destructive conflicts.

I focus here on the ways the contemporary conflict resolution approach may be applied so as to limit destructive escalation and to hasten and maximize constructive conflict transformations (Crocker 2005). Particular attention is given here to the efforts of people who identify themselves as contributors to and applicers of this approach. They may regard themselves as conflict resolvers, peace builders, peace workers, or use other related terms. They try to convert conflicts into problems that can be solved by the adversaries, sometimes with the assistance of mediators. They may do so by re-framing or restructuring the conflict through expanding the parameters of the fight and discovering trade-offs that allow many elements within the opposing sides to gain some benefits.

The number of people studying and implementing this approach has greatly increased in recent years; but it still remains small (Fischer 2006). Some of the people are academicians doing research and building pieces of conflict theory. Some of them, whether based within or outside institutions of higher

learning, engage in teaching and training. Many others consult, mediate, engage in unofficial diplomacy (Track II) or otherwise perform conflict resolution tasks, and are based in non-governmental organizations. They are emphasized in this essay, but it should be noted that, with the growing recognition of the field, people holding governmental positions may think of themselves as practitioners of conflict resolution and indeed perform tasks that are derived from and congruent with the contemporary conflict resolution approach.

When we recognize that conflict resolution ideas and practices constitute a kind of approach toward analyzing conflicts and conducting them more constructively, then we can also recognize that the approach may be supported and implemented by people who are not members of organizations perceived to be conflict resolution organizations. They may be part of the wider conflict resolution movement and be sympathetic with its ideas and practices or even have adopted many of its ideas and practices, but without making them a central part of their identity or work. In addition, many people in government or corporate offices are familiar with and have had training in the conflict resolution approach; and they selectively apply ideas and practices from it in conducting and managing conflicts.

On the other hand, there are people whose official responsibilities include the waging of conflicts and ending them, but exercise those responsibilities in conventional ways that are inconsistent with the contemporary conflict analysis and resolution approach. They greatly rely on coercion and even violence and seek to impose their will with little or no regard to the interests or concerns of their adversaries. There are also non-governmental actors who, as partisans or as interveners in conflicts, conduct themselves in ways that are not in accordance with the approach discussed here.

It is my contention that the conflict resolution approach has grown and has contributed to reductions in violent conflicts because it is consistent with several global developments and trends (Kriesberg 2007b). I briefly cite the recent declines in various measures of mass violence and note how global changes and the related applications of the conflict resolution approach contribute to those declines.

## CHANGING CONDITIONS

Data from the Uppsala Conflict Data Program indicate that intrastate armed conflicts decreased from over fifty to under thirty, between the early 1990s and 2006, armed conflicts being defined as having at least 25 battle-related deaths per calendar year in one conflict (Human Security 2008). This decrease parallels an overall decline in other types of violent conflict, including interstate armed conflicts and conflicts between non-state entities. Similarly, a study conducted by the Center for international Development and Conflict Management, which used over 1,000 battle-deaths to define violent conflicts, also shows a decline in interstate wars since the end of the 1980s and a marked decline in societal wars after a spike in incidence at the beginning of the 1990s (Marshall 2005). The low levels of violence found in 2006 may be impressive by 1990 standards, but they are not below those found in the mid 1950s (Harbom 2006). The significance of the low levels in recent years, however, are more striking if we take into account the large increase in the number of independent countries that occurred since the 1950s, which raises the number of countries within which and among which violent conflicts can occur (Gleditsch 2008).

The incidence of armed conflicts is reduced when they are prevented from arising, when they are ended promptly, or when they do not quickly recur after they have been settled. Since around 1990, many large-scale conflicts were prevented from escalating destructively, for example, when Lithuania, Estonia, and Latvia became non-violently independent of the former Soviet Union (Möller 2006). Many protracted violent conflicts were transformed and settlements negotiated since the end of 1980s, for example, in South Africa, Northern Ireland, Mozambique, El Salvador, Guatemala and Nicaragua (Wallenstein 2002). Furthermore, many of these peaceful accommodations have been effectively sustained, without renewed mass violence (Paris 2004).

Of course, the end of the Cold War contributed to ending the several wars that had been sustained in varying degrees by the Cold War rivals. In addition, after the Cold War, the UN and other international governmental organizations were able to act more effectively to prevent the destructive deterioration of major conflicts and to stop large-scale violence. For example, UN's peacekeeping operations dramatically increased following the Cold War's ending.

Many global trends contributed to the ending of the Cold War and also directly contributed to the declines in large-scale violence and to the development and diffusion of the constructive conflict approach. These include the growing integration of the world in economic activities, communications, and movement of peoples. This raises the attention to and effects of violent conflicts beyond the borders of each country. Consequently, the readiness of people in many parts of the world to intervene to stop mass violence and recover it has risen. These effects are also strengthened by related changes in widely shared norms around the world, including those associated with the protection of human rights, respect for human diversity, and support for democratic institution and practices.

Another related development, fueled by those globalizing trends and contributing to them, is the expansion of transnational non-governmental organizations as well as the increasing numbers and functions of international governmental organizations. These organizations are the vehicles for applying contemporary conflict resolution ideas and practices to prevent, limit, and recover from violent conflicts.

There are increasing manifestations of the application of the constructive conflict approach, and they may be seen at each of the major stages of conflict transformation. First, as conflicts emerge and begin to escalate, some methods may be adopted that make constructive escalation feasible and likely. These include efforts by leaders and members of the opposing sides to understand each others' concerns, to avoid dehumanizing the members of the opposing sides, and to recognize the differences among people in the antagonistic camp. They include using non-coercive inducements, such as persuasive efforts, promised benefits and other aspects of "soft power" (Nye 2004). They also include the use of non-violent forms of protest and non-compliance (Sharp 2005), which have become increasingly attempted. They are often effective components in

changing governments and government policies; but those changes may be short-lived if not sustained by organizations that have a history of actions and significant internal democracy (Pace 2008). Finally, opponents may call upon various kinds of mediators to explore the possibilities of avoiding destructive escalation and constructing a mutually acceptable agreement, which helps transform the conflict.

As a conflict escalates and becomes increasingly destructive, various groups and people within one of the opposing sides, or external to the contending parties, may undertake conflict resolution practices that help limit, contain, or stop the escalation and help move towards a mutually acceptable accommodation. Such actions include efforts by intermediaries and by some members of one or more of the adversaries to explore possible de-escalating initiatives and possible acceptable accommodations. They include leaders of one of the adversaries undertaking conciliatory gestures (Mitchell 2000). Diaspora groups, which are becoming more important globally, sometimes contribute to moving antagonists in their former or ancestral homeland to a peaceful accommodation, as did the Irish-Americans regarding Northern Ireland (Guelke 1996). The transnational campaigns of activists can also help affect the course of a conflict, as happened in the struggle to end apartheid in South Africa without a massively violent escalation.

Many actions by many different parties are usually needed to forge an agreement to settle a large-scale conflict and then to sustain it (Dayton 2009). This often includes mediating efforts, ranging from largely facilitative work to relatively coercive deal-making (Ramsbotham 2005). It may also include armed peacekeeping operations, usually under UN's authority (Rubinstein 2008). Increasingly, international non-governmental and governmental organizations provide a variety of services to help recover from a destructive conflict and sustain the peace; these include assistance for economic development, fostering reconciliation, and assuring security (Pouligny 2007).

## COUNTER DEVELOPMENTS

Despite all these positive developments, several highly destructive conflicts have erupted in recent years. Interestingly, these eruptions of terror attacks and wars in Afghanistan and Iraq involve actions by

groups that draw upon a few elements of the global developments discussed here, but are contrary to many of them. Osama bin Laden and his associates fashioned a transnational social movement organization, making skilled use of the newest communications technology (National Commission on Terrorist Attacks upon the United States, 2004). However, their reliance on violence to impose a program of narrow religious orthodoxy exercising political power is greatly inconsistent with major global developments. Consequently, the endeavor has failed in many regards and is not likely to triumph or even endure in the long run (Wright 2008).

U.S. President George W. Bush and his Administration, influenced by the neo-conservatives regarding foreign policy, also drew from a few of the developments discussed earlier in this essay (Mann 2004). They stressed the primacy of democracy and the global free market, as they perceived them, reaffirming relevant global norms in their own way. However, in very many regards, their conduct was at variance with the global developments noted in this essay. Seizing upon the dissolution of the Soviet Union, they believed that the United States, as the only superpower, could and should be free to act unilaterally. International organizations could not and should not constrain them. They held unrealistic ideas about the capabilities of military force to impose ways of thinking and acting upon other peoples. As soon became evident, however, acting in such variance from the realities of the changing world did not yield the results that they desired. By the end of the second term of the Bush administration, they began to make some changes in relating to North Korea and elsewhere, acting more in accordance with the real world.

## CONCLUSIONS

A useful way to think about the field of contemporary conflict resolution is to view it as a transnational social movement, which incorporates a wide variety of conflict resolution organizations and many supporters and sympathizers. The character of that social movement varies in different regions and countries of the world, but there is growth in most parts of the world and increasing influence that goes in all directions.

One implication of this perspective is that it makes evident that no single kind of conflict reso-

lution organization or set of practices encompasses the entire field. Important kinds of organizations include academic institutions and programs that pursue research and theorizing and that offer training in conflict resolution. Many other organizations are free-standing entities that offer conflict resolution training and services as mediators, facilitators, and consultants. Many of these are not-for-profit organizations, funded by foundation grants, individual contributions, and government contracts. Some are for-profit organizations funded by payments for the services they provide.

In addition, many organizations engage in actions to advance the protection of human rights, to oppose wars, to reduce poverty, to improve the status of women, and to improve the conditions of cultural minorities. The activists in such organizations help attain and sustain higher levels of positive peace. They also contribute to enduring constructive conflicts transformations

Many government agencies also draw on the ideas and practices of the conflict resolution perspective; this is particularly the case in the realms of labor management relations and environmental issues. It also has become the basis for the quasi judicial process of Alternative Dispute Resolution

(ADR), which uses mediation to settle interpersonal disputes; this has become mandatory for certain matters in some countries such as Peru.

In addition to this vast variety of organizations engaging in conflict resolution activities, there are many other organizations and individuals who support, sympathize, and selectively apply conflict resolution ideas from time to time in their daily activities. Such people and organizations also may provide financial assistance to more purely conflict resolution organizations, by individual contributions or by foundation grants.

Finally, an implication of this perspective is that people working in any specific conflict resolution or peace building organization can counter feelings of inadequacy and insufficient accomplishments by recognizing that they are one member in a very broad range of other people and groups who are moving in the same general direction, although in different ways. The transformation of destructive conflicts requires the convergence of many conditions; and no one actor can make that happen. Understanding how various groups in the conflict resolution movement complement and reinforce each other is critical in accounting for such transformations and crucial in working effectively to achieve them. ■

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# “System in conflict”: Analysis of the conflict theory within a system

**Nilda Susana Gorvein**

## **Resumen**

Las/os profesionales que trabajan como operadores de conflictos, entre ellos las personas mediadoras, deberían tener una formación sistémica que les permitiera tener una visión ampliada del sistema sobre el cual deben actuar no excluyéndose del mismo. Como facilitadores de la comunicación entre las partes debemos tener presente el contexto donde el conflicto se produjo y contrastarlo con el contexto donde el conflicto probablemente se resolverá en el cual, necesariamente, estará nuestra intervención como terceros en ese conflicto. El siguiente artículo nos aporta nuevas perspectivas desde donde realizar un análisis del conflicto buscando mejores herramientas de trabajo para intervenir en el campo de la resolución pacífica de conflictos.

## **Abstract**

Professionals operating in conflicts, including mediators, require systemic training that provides them with a broad perspective of the system in which they have to act, including themselves. As communication facilitators between the parties, we have to be aware of the context in which the conflict takes place and contrast that with the context in which the conflict would probably be resolved, which obviously includes our intervention as third parties to the conflict. The article offers new perspectives on how to analyse conflict and searches for better tools to work with in the field of peaceful conflict resolution.



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## OBJECTIVES

This work's purpose is to connect the big issues of the Conflict Theory to other disciplines that offer a range of different alternatives and strategies for a better administration and management of conflicts.

We will mainly focus on the multi-object conflicts, i.e. those genetically implying more than one cause for their origin.

## INTRODUCTION

1) We will take as a basis that every conflict develops, always, *within a system* and that the conflict we are going to analyze occurs in an interpersonal system, basically in human interactions.

Therefore, the first question that arises is: what is a system? We say that a "system" is any unit including a feedbacking structure and, therefore, being able to process information. Those of us agreeing with Systemics know that our task means working with a new social unit that can be represented by a family, a company or any other kind of social organization.

Following Gregory Bateson, this line of thought necessarily takes us to a new Epistemology, i.e. a new way of thinking what a mind is and a new Ontology, in other words, it is a new place for man in the world.

Starting from this new way of visualizing the world, we could make a difference between those who think:

- a) in terms of "systems", and other who think
- b) in terms of CAUSE and EFFECT linear sequences.

2) The next issue to analyze is that all conflicts occur in a specific context. To give a wider definition, we could talk about different scenes where the conflict takes place.

This is useful to analyze the reality phenomena, but not isolated from the context where they emerge. In line with this Watzlawick says: "A phenomenon will seem to be inexplicable unless the observation margin is not wide enough so as to include the context in which such conflict takes place."<sup>1</sup>

The basic rule of the System Theory is that if we intend to understand a phenomenon, expression or conflict, we must look at it within the context of the whole circuits being relevant to that phenomenon.

3) On the other hand, conflict occurs in the *interpersonal relationships*, which stand for an interaction between all the system's members.

What we understand here as "interaction" is a series of messages exchanged between people. In this sense, the conflict issue is interweaving with communication, the different languages, and the behaviours generated by those interactions.

4) Besides, every conflict has a *purpose*, which may appear explicitly or implicitly to the observer.<sup>2</sup> This issue is linked to the Perceptions Theory.

5) Moreover, the conflict has a *history*, and so does the system in which it was generated and that goes on evolving in parallel. Both grow and develop at the same time and in the same space. But, as observers of these phenomena, we know that very often the conflict had been generated at the beginning of history

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1 Watzlawick, Beavin, and Jackson: "Teoría de la Comunicación Humana", Editorial Herder, Barcelona, 1986.

2 Watzlawick and Krieg: "El ojo del observador", Editorial Gedisa, Barcelona, 1994.

and its actors ignore it or, at least, are not aware about that. This history must be studied by the intervening operator, no matter if he is Negotiator or Mediator, in order to better understand and approach the case.

History can be detected at an early stage, when people experience their unease but they still do not know what and who causes it.

Later on, the cause may appear more clearly and, at that moment, it will be possible to make someone responsible for the existing conflict. From this last stage we can quickly go to the complaint stage, since we are aware of who is causing it. Usually, the complaint does not have a satisfactory answer from the one receiving it and it is here where the conflict really forms for the parties.

6) The conflict takes place in a *scene* that we can call context. In this context the parties are the actors.

7) The judiciary system includes the use of force and of threatens to have the rules respected. The judiciary system does not solve the conflicts, a large amount of them remains outside the system, meaning with this that the system does not answer to all the conflicts. Very often, the answer suggested by the judiciary system is or generates the problem. Thinking in these terms means saying that "the solution is the problem".<sup>3</sup> In line with Harvard's thought model, we would say that thinking about a conflict must not be, at least for the intervening operator, a troublesome thought.

In the interpersonal relationships of the different systems where a conflict generally appears we can also find power, threaten, and force, which have a strong influence on the conflict's evolution.

8) When we think about the conflict as a process and we analyse it as if we were in a laboratory, we are in a *meta-communicational* position, we talk about the conflict but we do not take part in it.

9) When we think and talk about the conflict and we put ourselves *within the scene* where it occurs, or just where we are intervening, our objectivity is compromised due to our being included in the new system we have formed. Mediation is an example of this.

## CONFLICT AND SYSTEM OR SYSTEM IN CONFLICT?

We mentioned at the beginning that all conflicts occur within a system made up of actors that play within a specific scene. The system we talk about is characterized by its circularity.

A system is circular when one of its elements is affected and it has consequences on the rest of elements comprising it and on the running or dynamics typical from that system.

To give a practical example, when we talk about a family system, we could ask ourselves whether the communication in a given family is pathological because one of its members is psychotic or, rather, one of the members is psychotic because the communication is pathological.<sup>4</sup>

If we enlarge this concept, it could be perfectly applied to organizations.

The circularity, Von Foerster says, is a characteristic of the systems with feedback circuits.

The conflict relationships are feedback systems and, therefore, they are circular. Conflicts occur in the social and human relationships where circularity prevails and where language intervenes.

As a practical example, we could say that we must leave the notion that A determines B or that B is the cause of A, which puts us in a totally linear reading. The rule system constantly offers examples of this because it works with the cause-effect model. We could conclude that a linear reading is, in principle, incomplete and deficient.

It would be advisable then to turn to the notion that when A determines B is because B previously influenced on A; and this influence occurs on the other through one's reaction.

Another characteristic of systems is their SELF-ORGANIZATION, in other words, the system's ability to adapt to different contexts and situations. This is what Humberto Maturana calls AUTOPOYESIS (from the Greek "autos" –self– and "poiesis" –action).<sup>5</sup> The systems' organization is so important that their only product is themselves and there is no distance between product and product. The existence and the action of an autopoietic unit are inseparable and they form its specific kind of organization.

3 Watzlawick, Weakland, and Fisch: "Cambio", Editorial Herder, Barcelona, 1986.

4 Watzlawick *et alii*: "Teoría de la Comunicación Humana".

5 Maturana, Humberto: "El árbol del conocimiento", Editorial Universitaria, Chile, 1993.

These characteristics of systems, circularity and self-organization, make an organization reconstruct itself in each operation. The AUTOPOIETIC systems are organizationally closed and energetically open. Therefore, this last concept makes us think about the amount of impacts that systems receive from outside, both from the macro and the micro contexts within which they might be.

An example of the above mentioned is that lawyer that makes a linear reading of the legal system when stating that a conflict can only be solved through the laws and within a legal system. And all this believing that, as Remo Entelman mentions in his books and articles, law is a closed system that foresees all the solutions to all the conflicts where incompatible desires may occur.<sup>6</sup> When law cannot be used as a tool and when the rules are not enough to solve the conflict, then the solution becomes the problem and, sometimes, the judge's sentence is the beginning of the problem.

The HOMEOSTASIS is another characteristic of systems that makes them keep the dynamic balance typical from them. From this model, an analogy can be made with the cybernetic machine, which always comes back to a stable state. It is because of this model that several disciplines used to think that "all the Universe's entities tended to ENTROPY (no change / no movement)".

Even though systems are characterized by all these concepts, there has been a change in the appreciation of systems from the 1950s to the present. A position in which the systems' balance and homeostasis were the model for changing has led to a new paradigm in the 1970s, especially in Systemic Family Therapy, that challenged the idea of the balance model. This model can be applied not only to the family system, but also to other systems and organizations.

Ilya Prigogine is the first one to talk about this change when stating that some laws did not comply with the balance rule and that many living forms enjoy getting around it. They were moving in a NEGENTROPIC direction, towards bigger complexities and new states. Prigogine refers then to the "EVOLUTIVE FEEDBACK" and explains it as a fluctuant movement that may suddenly become a

system and then turn to another state. This is the paradigm of CHAOS-ORDER prevailing in systems.

In line with this, Mony Elkaim says that the family therapist's task consists of taking the system away from balance by forcing it to look for a different solution, so that the structure will transform itself according to its own rules and will be able to make a change, not foreseeable by the therapist, since those rules make up the "singularity" of the family system.

## CONFLICT AND CONTEXT: CONFLICTS' OPERATORS, REALITY OBSERVERS

We have said that all conflicts occur in a system of interpersonal relationships, in a specific scene, and with certain actors, some of which may be main actors and others supporting ones, but not less important for the conflict's resolution and continuation.

Einstein defined once TRUTH as an AGREEMENT achieved, taking into consideration:

- Observations,
- Their relationships, and
- The observers' relationships.

When studying the conflict's genesis and focusing on its Administration, management and leading, what we essentially look for is what the legal system cannot achieve, that is the PROTECTION and PRESERVATION of the links within the system in which conflict has occurred.<sup>7</sup> This is precisely one of the main objectives of Mediation.

Going on with Einstein's thought, as conflict operators, we are:

- Observers of people's behaviour,
- Observers of the conflict that people bring to us,
- Observers of the actors' interactions,
- Observers and listeners of the communication settled among them and between them and us.

For all the above mentioned, as operators we are responsible for developing abilities in:

- Focusing and isolating the conflict
- Determining who the actors are
- Describing the scene or context

6 Entelman, Remo F.: course imparted at the "Maestría Interdisciplinaria en Prevención, Administración y Resolución de Conflictos para la formación de Negociadores y Mediadores" (*"Interdisciplinary Master on Conflicts' Prevention, Management, and Resolution for Negotiators and Mediators' Training"*), Faculty of Economic Science, Universidad Nacional del Nordeste Argentino. The author was a teacher and Professorship coordinator at this university.

7 Entelman, Remo F.: previously quoted and "Teoría de Conflictos", Gedisa, 2002.

- Interpreting language
- Observing interactions

The conclusion from all this is very clear: we state that, in order to do such interventions, operators must receive a training focused on the study of the Conflict Theory, so as to detect it, administer it, and prevent it whenever possible; on the Communication Theory with a view to identify the codes used by the actors; on Strategy in order to know how to lead it; on Perception's development to become good reality Observers; and on Intelligence to direct them toward the right decision.

## REACTION TO CONFLICT

As mentioned, conflict appears in interpersonal relationships. Therefore, there can be as many reactions to conflict on the actors' side as relationships we may establish with our peers. But in fact, when we talk about conflicts in general, we refer to problems, dead ends, situations that seem insoluble, crises that have been created and kept because the difficulties have not been looked at appropriately.

No matter the variety that may exist, there are at least three ways of not looking at difficulties appropriately:

- To attempt a solution by DENYING a real problem: IT IS NECESSARY TO ACT, BUT NO ACTION IS UNDERTAKEN.
- A CHANGE is attempted in order to eliminate a difficulty which, in practice, is not modifiable or inexistent: AN ACTION IS UNDERTAKEN WHEN IT SHOULD NOT.
- There is a MISTAKE OF LOGIC TYPIFICATION and a "game without end" is established, i.e. ACTION IS UNDERTAKEN AT A WRONG LEVEL. The action should have been undertaken at the immediately above level. This means that we must change the frequency or the pattern of communication and look for a communicative level different from the one given by the system; we must go up to the next level, create another history.

Back to the Conflict Theory, it is focused on the interactions and, especially, in the Conflict Interaction, and all this by virtue of its interest being the links' preservation.

Being in our role of reality observers, we observe people's behaviour in a conflict, among other things. If we take as a basis that all the communication is behaviour, the behaviour of each actor is expressed as one of the elements of a series of behaviours alternatively done by one and the other, and where each behaviour is the cause of the next one. Watzlawick calls that PUNCTUATION OF THE FACTS SEQUENCE or EXCHANGE PATTERNS, on which they may agree or not.<sup>8</sup> The punctuation he talks about organizes the behavioural facts and, therefore, it is vital for the ongoing interactions. Consequently, the lack of agreement as for how to punctuate the facts' sequence is the cause of innumerable conflicts in communication and, thereby, in relationships. According to that, Humberto Maturana states that, as observers, we define as "communicative" the behaviours occurred in a social connection and, as "communication", the behavioural coordination we observe resulting from it.

We are talking here about both interpersonal and international relationships, which are riddled with similar interaction patterns. This kind of series represents a communicational sequence of affirmations and negations of messages. To this respect, Bateson says that the dilemma emerges from the spurious punctuation of the series, in other words, from pretending that the series necessarily has a beginning. And this is precisely the mistake of those taking part in the situation. As we previously affirmed, and in agreement with Heinz Von Foerster, the series is circular, so the beginning or the end cannot be identified.

Finally, we may add that in front of conflict the involved people may have different kinds of attitudes: cooperative, collaborative, competent, indifferent or opposing. Depending on the attitude, the intervention of the mediating people will be more or less successful.

The degree of the "CONFLICT INTENSITY" will also influence on the intervention's result. This is what Remo Entelman metaphorically calls "the specific gravity of the power elements used in the conflict action". The analysis of the conflict intensity will allow us to know the degree of increase or decrease achieved by the parties in their troublesome relationship. According to that degree, we will be able to set up, or not, the strategy to manage and eventually solve it.

8 Watzlawick *et alii*: "Teoría de la Comunicación Humana".

## CONFLICT AND OBJECTIVITY

When we think about the conflict as a process and we analyze it as if we were in a laboratory, we place ourselves in a meta-communicational position: we talk about the conflict but we do not take part in it.

When we think and talk about the conflict and we place ourselves within the scene in which it takes place, or in which we are intervening, our objectivity is compromised by our being included in the new system that we have made up. Mediation is an example of this.

## CONCLUSION

The summary of all the above mentioned, were it possible to do, would lead the conflict operators, among which we include the mediators, to have a systematized training allowing them to have a wide vision of the system on which they must act without getting excluded from it. Furthermore, they should have ground knowledge about everything regarding the Human Communication Theory and the Conflict

Theory because, no matter the operator's concern, this knowledge will help him in his main task, which is to be a true facilitator of agreements between the parties and of the reformulation of their communication system.

As facilitators we must bear in mind the context in which the conflict occurred and compare it with the context where probably the conflict will be solved, in which our intervention as third party will necessarily be. Humberto Maturana's words on the observer and the observed add elements to reflect on that:

*"EVERYTHING THAT HAS BEEN SAID WAS SAID BY AN OBSERVER"*

*"EVERYTHING THAT HAS BEEN SAID WAS SAID TO AN OBSERVER"*

*"THE OBSERVER'S CHARACTERISTICS MUST NOT INTERFERE WITH THE DESCRIPTION OF HIS OBSERVATIONS"*

We, men and women conflict operators, are reality Observers and, as such, we must reflect on concepts such as the Objectivity and Subjectivity of our task development. Thinking about that will provide us with new perspectives to analyze the conflict from and will let us look for better working tools to fertilize the field of conflicts' peaceful resolution. ■

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Note: Bateson, G.: "Pasos hacia una ecología de la mente", "Mente y Naturaleza": thinker of multiple issues whose trans-disciplinary talent has placed him in a privileged position in contemporary North-American thought, since he brought Cybernetic and Systemic Thought to Social Science. See: "Los nuevos marcos conceptuales para la investigación de la conducta", in "Una Unidad Sagrada. Pasos ulteriores hacia una ecología de la mente", Gedisa, Sociología, España, 1993.

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Note: Maturana, H.: Chilean medical doctor and biologist, Harvard doctorate, he worked as a biologist on the organization of living beings and of the nervous system. From that he turned his interest to social organizations, and family among them, trying to explain their functioning. He worked on issues such as the human cognitive

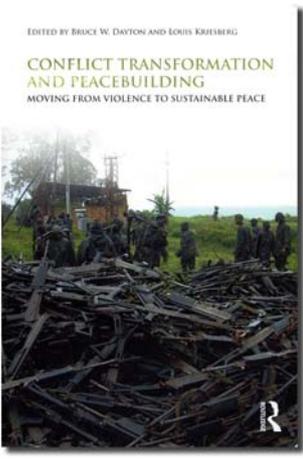
nature, perceptions, and the objectivity, postulated through the scientific method. After his experiences, he came to the conclusion that the phenomena related to perception could only be understood if the functioning of the nervous system was looked at as a closed circular network of internal correlations. This explanation will make it valid to understand the organization of the living being.

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## Conflict Transformation and Peacebuilding

Moving From Violence to Sustainable Peace

Edited by Bruce Dayton W., Louis Kriesberg

This book seeks to examine the causes of escalation and de-escalation in intrastate conflicts. Specifically, the volume seeks to map the processes and dynamics that lead groups challenging existing power structures to engage in violent struggle; the processes and dynamics that contribute to the de-escalation of violent struggle and the participation of challengers in peaceful political activities; and the processes and dynamics that sustain and nurture this transformation. By integrating the latest ideas with richly presented case studies, this volume fills a gap in our understanding of the forces that lead to moderation and constructive engagement in the context of violent, intrastate conflicts. This volume will be of great interest to students of conflict management, peace studies, conflict resolution, ethnic conflict and security studies in general.

**Table of Contents:** 1. Introduction • 2. Protagonist Strategies that Help End Violence • 3. The Contributions of Leadership to the Movement from Violence to Incorporation • 4. Challenges to Conflict Transformation from the Streets • 5. Useful but Insufficient: Third Party Intermediaries in Peacebuilding • 6. Rhetorical Arts of Praise and Blame in Political Transformation • 7. From Violence to Political Engagement: Ending Violence, Expanding Political Incorporation • 8. Insecurity and Opportunity in Conflict Settings • 9. Globalization and the Transformation of Conflict • 10. Mozambique - Renamo • 11. Revolution deferred: from armed struggle to liberal democracy: The African National Congress in South Africa • 12. The Nepali Maoists: Successful transformation or compliance with a strategic plan? • 13. Opportunity Lost: The Guatemalan National Revolutionary Unit (URNG) • 14. Mainstreaming the Revolutionaries: National Liberating Action and the Shift from Resistance to Democracy in Brazil, 1964-Present • 15. Factors Influencing the Level of Violence in the Basque Country • 16. The Palestine Liberation Organization and the Oslo Process: Incorporation without accommodation • 17. Domesticating Tigers: The LTTE and Peacemaking in Sri Lanka

# Conflict and cultural violence in Colombia. Transformation proposals from the school

Noemi Ordás García

## Resumen

Este artículo relata una experiencia exitosa de transformación de la violencia en un municipio rural de Colombia, mediante la intervención pedagógica en resolución de conflictos en comunidades educativas afectadas por altos índices de violencia directa, estructural y cultural. Considerando el conflicto desde una perspectiva crítica y positiva, donde éste no es sólo inherente al ser humano y las organizaciones sociales sino que, además, es un elemento necesario para la transformación de la sociedad, el objetivo es superar la cultura de la violencia, a través de la construcción, deconstrucción y resignificación de las dimensiones subjetivas de los actores sociales, de sus prácticas y sus discursos y, de esta forma, de las normas, valores y pautas de acción, que son la raíz que alimenta la violencia estructural y directa en Colombia.

## Abstract

This article narrates a successful experience of transforming violence in a rural town in Colombia. It was made through the pedagogical intervention in conflicts' resolution within educational communities affected by high rates of direct, structural, and cultural violence. Considering the conflict from a critical and positive perspective, the purpose is to overcome the violence culture through building, reeling off, and reassignment of meaning to the subjective dimensions of social actors, to their practices and discourses and, in this way, to the action values and patterns, which nourish the structural and direct violence in Colombia. And this is so because conflict is not only inherent to the human being and to social organizations, but also because, moreover, it is an element necessary to transform society.



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*To the child boys and girls, the young, the teachers,  
the mothers and fathers of the Rural Educational  
Centre Carrizales, town of El Retiro, Colombia.*

**"F**rom suffocation and height I see the fear  
of the sleepy city/ In the air nothing can  
be guessed about the violence within  
which everything spins/ Colombia goes on and the  
world knows nothing/ And, if it knows, it forgets/  
And everything goes on spinning/ Dying everyday is  
a part of life"<sup>1</sup>

Colombia is a country that generates contradictory feelings and its thousand different realities bring to confusion, shatter preconceptions and challenge certainties. It is a country that hosts numerous direct, structural, and cultural conflicts. The weakest ones are scourged by misery, hunger, social inequity, despair and fear. Childhood is stained with violence within the family, in the community, at school and in society. And too many generations have lived without enjoying the celebration of peace. In spite of that, paradoxically, most part of the population lives as if nothing abnormal would happen, or as if the end of violence would be imminent. Nevertheless, violence, in all its different expressions always driven to the disallowance of the symbolic or real other one, beats in every daily space.

The conflict dynamics prevailing in Colombia are pervaded by a culture of denying the different one, by intolerance, xenophobia, ethnocentrism,<sup>2</sup> individualism and profit making. They are pervaded by compe-

tion against the other one, however many heads have to roll, by the patriarchal-authoritative culture,<sup>3</sup> and by the submission to the pater-messiah<sup>4</sup> and to the idol.<sup>5</sup> In line with this, nowadays most part of Colombian children and youngsters form their own arguments, valuations, action patterns and social relationships which are coherent with the violence they have suffered concerning the fairness of revenge. Violence is a way to being recognised and to achieving power. They consider that the strong and powerful ones have the power to make decisions about the life of the others. They do not appeal to the authority because they do not trust in it or because they consider it as a shameful act. They consider as good someone who does justice, no matter the means he may use. They think that lies are a useful mean. They hold authoritarian positions. They refuse assuming social responsibilities and supporting other people in risky situations. They create their own laws, and the like.<sup>6</sup> All these values perpetuate structural<sup>7</sup> and direct<sup>8</sup> violence. Therefore, if what we want to do is to transform the structures and to overcome the violences in this country, it is necessary to revise the psycho-cultural<sup>9</sup> elements by driving our efforts towards the transformation of all the social actors. In other words, we cannot postpone facing cultural violence.

1 *Niños*. Pedro Guerra.

2 "We find three possible variations of ethnocentrism: the other one has an inferior moral (or set of habits) because he lives far away, because he is poor or because he belongs to another generation", Gutiérrez Sanín, Francisco, p. 182.

3 The assignment of a superior position for men and of an inferior one for women.

4 Charismatic leader sent by God who was to become the liberator, putting the end to a period perceived as a negative one and inaugurating another one characterized by richness and prosperity. It means the submission to a superior being that liberates the individual from his freedom of decision and, at the same time, moves him away from his responsibility towards the other one.

5 It seems, on many occasions, that the love for the nation, the flag, the State, God or freedom is above the care for others, as if the human being were an anonymous being.

6 Saldarriaga Vélez, Jaime Alberto, p.11.

7 Social exclusion, inequality, illiteracy, infrastructure problems, access to goods and services, the immobilism perpetuating the gap between social classes, the State's absence, corruption, the lack of employment and education opportunities, lack of sufficient economic revenues, impunity, unequal distribution of property, etcetera.

8 Human rights' abuses, homicides, forced abductions, kidnappings, rape, sexist violence (physical, psychological or sexual mistreatment), torture, minors' mistreatment, child work, etcetera.

9 That is to say, "those" perceptions, images, and meanings about the world that are built and shared with others within the frame of a common culture." Ariza, A. y Pulecio, C., p. 11.

### *Program of Conflict Resolution and Violence Prevention at the rural schools of El Retiro<sup>10</sup>*

The program was born at the end of 2007 with the aim to transform the war culture prevailing in Colombia into a culture of peace, starting from three important premises:

1) After the family, the school is the main institution where the Colombian population is socialized and where it assimilates action values and patterns; 2) the conflict at school is an opportunity to reassign a meaning to the social practices of its authors; and 3) if we want to make an impact on the socialization of children and youngsters, it is necessary to involve in it all the members of the educational community: pupils, teachers, fathers and mothers.

The program is carried out in El Retiro, a town 30 Km. far from Medellín. Being the second town in Colombia after Bogotá, it has 18.391 inhabitants 57.88% of which (10,644 people) live in the rural area and 3,000 live in total misery (less than a dollar per day). Apart from these high rates in poverty, the town has suffered the incursion of armed groups and the forced displacement because of the political, economical and social violence afflicting Colombia. It is noteworthy, among the main dynamics affecting the town,<sup>11</sup> the presence of epidemiologic illnesses and malnutrition, the violence of armed groups outside the law, the fear and the lack of confidence in the community, the violence within the family, sexual abuses on minors, high rates of alcohol abuse and consumption of psychoactive substances, unemployment, deterioration of neighbours' coexistence, the poor connection of the population to the Health and Social Security General System, the high mortality rates for suicide, the water pollution and the spread of plagues and illnesses. Concerning the education, the infrastructures of El Retiro rural schools are not in good conditions. Moreover, there are serious deficiencies in the essential areas of the educational curriculum, such as poorly structured programs, scarcity of supporting, educational, and recreational materials, and lack of scientific and technological grants. These characteristics, together with problems such as low numbers of well trained teachers and the poor learning opportunities, typical from the poorest communities, have an influence on the high rates of illiteracy and of

school abandon, as well as on the teachers' lack of appropriate preparation and lack of resources to face the conflict situations their pupils bring in.

The general purpose of the program is to implement new pedagogical practices in the town's rural schools integrating the whole educational community and having, as main axis, the management and regulation of conflicts. This should be done by fostering democratic and peaceful coexistence values in order to form autonomous, responsible, and engaged individuals, who should be the real builders of a peace culture and should be able to express the tensions and differences without having recourse to violence. The specific purposes of the intervention are: 1) To create a constructive and peaceful school atmosphere using the conflict in a didactic way, from a non-violent and democratic perspective, so that, students learn to identify conflicts, to practice conflicts' transformation abilities, and to figure out situations alternative to the known ones, with a positive and optimistic attitude towards life. 2) To train rural teachers in new pedagogic practices of conflicts' transformation in order to improve coexistence at school. 3) With those youngsters sent to the Family Commission because of their non-compliance with the school and community rules, to work on non-violent methodologies for conflicts' transformation and to foster coexistence and democratic values and principles. 4) To create Family Schools where the fathers and mothers interact, reflect on their practices, exchange knowledge and learn to solve problems in groups, putting emphasis on the unlearning of violence in the community, cultural, school and familiar life.

### *The project is a comprehensive proposal based on four big pillars of the educational community:*

1) Children's component: it is based on the promotion of values and abilities for coexistence (such as active communication and listening, empathy, assertiveness, confidence, self-esteem and esteem of others, cooperation, among others) through collaborative games and different dynamics. Moreover, a school mediation system is implemented in the beneficiary schools with the aim of teaching children to talk until they understand each other. In this way, they will be able to trans-

10 This project is directed by the Corporación Correcaminos, which has been working in El Retiro for 12 years. More than 4,000 children (boys and girls) and youngsters have benefited from its activities: educational, artistic, scientific, and sport activities. For this reason, it is acknowledged by all the community sectors. The project is also fund by the resources given by the US organizations Give to Colombia and McMillan Children's Foundation. It also counts on the technical and financial help of the El Retiro town hall, through the Education Directorate and the Family Commission.

11 Source: Town Development Plan 2008-2011 "*El Retiro pa Todos*" ("*El Retiro for everybody*").

form the school daily conflicts so as not to harm themselves or the others. This method consists of six main steps through which children actively participate in their conflicts' management. The work is based on the peace education and the love pedagogy. Since, as Goethe said, *knowing that you are loved gives you more force than knowing you are strong: love's certainty, when it exists, makes us invulnerable.* The methodology is based on the socio-affective method which implies three phases: feeling, reflecting, and acting.

2) Teachers' component: it consists of a course in school conflicts' treatment, personal consultancy, and classroom accompaniment. The starting point is that, in order to manage conflicts in the educational sector, more effective and appropriate systems are needed than expulsion, judiciary intervention, and arrest. For this reason, in the teachers' course pedagogic alternatives are suggested to foster those attitudes and values that help create a positive atmosphere at school, where there will be respect, cooperation, responsibility, serenity, compassion, self-esteem and esteem for the others will be promoted, among other things. Studying different kinds of conflicts and their management will help teachers to remember them when the occasion may arise and to be ready to act. The work with teachers starts from the following premises: a) at school, the penalizing ways of solving conflicts must be the last ones, they must look for other issues before; b) if atmospheres improve, the possibilities of violence reduce and other options to solve conflicts are found; c) protest must not be penalized, there must rather be a transition from unease to speaking, since words strengthen relationships; d) children have to be made co-responsible for the conflict, so that they become responsible for the situation and are able to ethically respond to their acts and to those of others.

3) Families' component: it consists of creating Schools for Fathers and Mothers within the educational communities. Their purposes are: to get the families and the community involved in the school life; to accompany and offer specialized, committed, and responsible orientation for the resolution of inter-personal, family, community, educational and marital conflicts, among others; to unlearn violence by becoming aware of the daily violent acts; and to promote the development of more peaceful communities and homes.

4) Youngsters' component: the proposal is based on forming youth groups so as to facilitate their appropriation of conceptual and practical elements for conflicts' transformations. Those principles and values will allow them to re-dimension the conflict with positive elements, to act as mediators, to build identity and a sense

of membership, and to strengthen local youth dynamics and scenes from positive and conciliating perspectives.

All the Program's methodologies, used in each one of its components, include a permanent and continuous educational process, which is based on the concepts of positive peace and conflict's creative perspective. Through the application of trouble methods (learning through experience), it aims to help the beneficiaries to critically reveal the complex and difficult reality, so as to face it and act consequently in order to build a peace culture in those communities.

## OBTAINED RESULTS

There have been numerous successes with children. Just to mention a few, we can point out that affection, unconditional support, artistic and creative activities and games have allowed the learning and the development of potentials in children that have improved the coexistence at school. The pupils have learned to identify violent and aggressive situations through games; they have made progresses in learning and in the competences to solve conflicts in an autonomous way, respecting the others and coming to satisfactory solutions for both parties, without needing revenge; they have learned to create alternative paths and solutions for conflicts, always through the word and the dialogue; they have discovered that they are able to solve their problems without the teacher's help; there has been a decrease in mockeries and in refusing the others' opinions and expressions, among other things.

Teachers benefiting from the program, on their side, have introduced new pedagogic actions to manage conflicts beyond expulsion. They have progressed in understanding conflicts as a pedagogic opportunity to learn, transform, and improve school coexistence. And they have realized that children can solve their conflicts without their help and, in this way, they have more time to teach the planned courses.

As for the fathers and mothers, they are involved in the programmed activities at the Families Schools. They have questioned their daily way of acting and they have understood that there are other ways of facing conflicts different from violence. It is noteworthy that some youngsters and male adults have regularly attended these schools, breaking thus, the sexist prejudices that relate spaces of this kind to women's responsibility.

Concerning the results with the young ones, we can underline the consolidation of a youth club in El Retiro. It allows destroying the stigma generated

about those boys and girls within the educational institution and the community. Different activities have invited the youngsters to build new ways of communication with the others and to consider as theirs the town public spaces in order to promote the sense of membership. Moreover, families and teachers have been offered reflection spaces where they have been able to identify the troublesome situations that are caused by the link with young people, and to discover new strategies that improve family and school coexistence. In line with this, those different dynamics have promoted abilities among the young ones to transform conflicts non-violently.

The evaluation of the obtained results has showed that it is possible to make contributions to the transformation of the Colombian conflict and to overcome the violence culture through the comprehensive pedagogic intervention in educational communities that suffer situations of direct, structural, and cultural violence; through promoting learning for all the parties in the sense that “any fair cause, if defended with terror, becomes immediately illegitimate because it cancels the human way of defending causes, which is the use of word and not its definite silencing”.<sup>12</sup>

Therefore, we must be convinced that the violence circle is not inexorable. That Colombian society is not doomed to be violent. And that it will be possible to progress considerably in the construction of the peace culture if the educational communities implement pedagogic systems being democratic and respecting the universal human rights. The target should be to show the current problems in order to underline the need of

getting into action concerning the task of looking for non-violent and constructive issues for peaceful coexistence. We have to appeal to the responsibility of all society’s actors to make them feel all the problems as their own and generating the values of social commitment and solidarity, so as to reinforce peace, liberty and responsibility as opposed to paternalism, authoritarianism, and the belief that it is necessary to get rid of the other one to achieve one’s objectives.

Author’s note: for those people interested in going further, the book *Conflicto y violencia cultural en Colombia. Propuestas de transformación desde la escuela*<sup>13</sup> includes a detailed analysis of the conflict situation in Colombia, as well as a systematization of the Program for Conflicts’ Resolution and Violence Prevention that is carried out at the rural schools of El Retiro. There is a thorough description in it of the objectives, content, and methodologies used with children, youngsters, teachers and families. That work also offers an evaluation of the project and the results achieved according to the indicators, as well as its real contribution to cultural violence. Similarly, the main reflections and learning stemming from the project are presented, as well as the proposals and action recommendations according to the actors’ levels in order to go on working on conflicts’ transformation. Finally, there is a series of annexes where, in the form of index cards, the reader may have access to some of the sessions celebrated with the beneficiaries, so as to help understanding how to practically apply the project and how to learn, improve, and/or innovate from the experience carried out. ■

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# Global civil society initiative to create a large-scale, unarmed peaceforce.

## A New Instrument for the Peace builders' Toolkit

Rolf C. Carriere

### Resumen

La noción de mantenimiento de la paz suele evocar imágenes de Cascos Azules u otras fuerzas armadas o policiales financiadas por las Naciones Unidas y desplegadas en zonas de conflictos violentos de países pobres. Sin embargo, las actividades relacionadas con el mantenimiento de la paz por parte de miembros civiles de ONG de todo el mundo mediante el empleo de estrategias de probada eficacia es un complemento (o una alternativa) valioso y rentable a la idea hoy dominante del mantenimiento de la paz por medio de las armas. Civiles desarmados ofrecen sus servicios de acompañamiento de protección y «presencia proactiva», seguimiento, creación de espacios de seguridad neutrales e interposición cercanos a lugares habitados por personas amenazadas y vulnerables. Como tales, ofrecen una fuerza de paz profesional y muy necesaria, una fuerza que cuesta poco, que es disciplinada y resulta beneficiosa, y que está impregnada de la mejor tradición de teoría y práctica asociadas a la transformación de conflictos no violentos.

El siglo XXI probablemente verá más, no menos conflictos violentos, y la necesidad de contar con la presencia preventiva de cuerpos de mediación internacional es mayor que nunca. Mientras la comunidad internacional (y la ONU) no prueben a gran escala la presencia de civiles no armados para el mantenimiento de la paz, estaremos perdiendo una enorme oportunidad para la paz.

### Abstract

The notion of peacekeeping usually conjures up images of UN-sponsored Blue Helmets or other armed military or police forces deployed in areas of violent conflict in poor countries. But unarmed peacekeeping, by civilian members of global non-governmental organizations who employ proven strategies, is a valuable, cost-effective complement (or an alternative) to the currently dominant approach of armed peacekeeping. Unarmed civilian peacekeepers offer services of protective accompaniment and 'proactive presence', monitoring, creating neutral safe spaces, and inter-positioning—close to where threatened, vulnerable people live. As such, they provide a much-needed, low-cost, disciplined, benign, professional force for peace, steeped in the best tradition of theory and praxis of non-violent conflict transformation.

The 21st century is likely to face more, not less, violent conflict, and the need for preventive international third-party nonviolent presence is greater than ever. As long as the world community (and the UN) has not tried large-scale civilian unarmed peacekeeping, this remains a huge missed chance for peace.



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People around the world are calling for alternatives to military intervention to resolve violent conflicts. Given the changing nature of violent conflicts, their high human and economic cost, and the resulting humanitarian crises, interest is growing to try out a variety of effective peacekeeping methods. Attention has recently turned toward larger-scale, unarmed peacekeeping efforts initiated by civil society organizations, undertaken independently or in association with pertinent UN agencies. Now that the UN and the international community are working to redesign the global peace-and-development architecture, greater use of unarmed civilian peacekeeping holds out the promise of a more integrated, balanced and benign response to crises, at once advancing the interrelated causes of development, security, and human rights.<sup>1</sup>

## NONVIOLENT PEACEFORCE: AN ALTERNATIVE TO MILITARY INTERVENTION

The Nonviolent Peaceforce (NP), conceived at the 1999 Hague Appeal for Peace and founded as an international federation of 93 member organizations operating in six continents, is unique in its aspiration to increase the scale, scope, and professionalism of multinational, civilian, unarmed peacekeeping, on a strictly non-partisan basis. NP uses specific, proven methodologies of nonviolence, including protective accompaniment, protective presence, creating safe & neutral spaces for local peace building, interposition, and monitoring. Its

rationale, niche, and modalities were the subject of an extensive feasibility study<sup>2</sup> in 2001. Two years later, NP fielded its first team of peacekeepers, in Sri Lanka, and used the experience to fine-tune its operational systems and policies; this project, with 50 peacekeepers from 26 countries, is still ongoing. A project in Mindanao/Philippines has been operational for a year now, while another one, providing 24/7 body guard services by three women to threatened female human rights workers, was completed in Guatemala. Other projects currently under negotiation or implementation include Northern Uganda/Southern Sudan, Colombia, Georgia and Palestine/Israel; explorations are also underway to engage in Darfur and Nigeria (River Delta). As a matter of principle, NP insists on being invited by local civil society groups, at times also operating in partnership with one or more UN agencies. Project approval by NP's International Governing Board will be considered only after thorough screening.<sup>3</sup>

Over the past 4 years, NP has demonstrated the effectiveness of unarmed, professional civilian peacekeeping in Sri Lanka and elsewhere. In order to meet the growing demand for its human security work, support is now needed to help enhance its technical and logistical capacity to provide civilians trained and ready for deployment on short notice. In fact, NP is receiving many more requests for fielding peacekeepers than current funding prospects allow.

Since mid 2006, the Nonviolent Peaceforce has begun the process of recruiting, screening, training and holding in ready reserve 500 peacekeepers for dispatch to areas of conflict under partnership

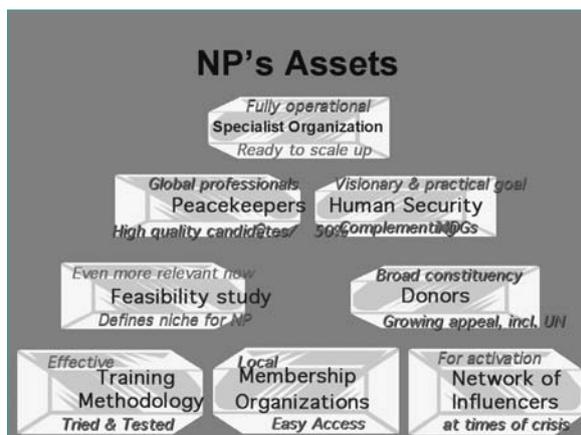
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1 Adding an explicit goal, namely on transforming violent conflict, to the present eight UN Millennium Development Goals would reinforce the notion that the spheres of 'development', 'rights', and 'security' are not to be treated separately. It could also help give greater currency to the new concepts of 'Sovereignty as Responsibility' and 'Responsibility to Protect' (R2P)-important areas where the UN is seeking to reinvent itself to better deal with sub-national violence not foreseen by the framers of the UN Charter.

2 <http://nvpf.org/np/english/resources/rstudy.asp.html>

3 For more information, please visit NP's website at [www.nonviolentpeaceforce.org](http://www.nonviolentpeaceforce.org), or write to NP's International Headquarters: Nonviolent Peaceforce, Rue Belliard 205, 1040 Brussels, Belgium

arrangements with UN agencies, regional and local organizations, and with the invitation or consent of the parties to the conflict. It is the first phase of a planned capacity enhancement and deployment that should hopefully see some 200 peacekeepers on the ground by 2011, with sustainable funding coming from subcontracts and a variety of individual and institutional donors. It is noteworthy that NP has found that very qualified, committed, and courageous people, men *and* women from all over the world, from the global north *and* the global south, *are* available, willing to serve two-year terms, receiving an off-shore stipend of US\$800/month plus a local subsistence allowance.



## THE INVESTMENT CASE FOR SCALING UP

The case for greater investment in the creation of an unarmed, multinational civilian peace force rests on four premises.

First, in a world likely to see *more*, not *less*, violent conflicts,<sup>4</sup> large-scale non-violent conflict transformation is not an option, but an imperative. As former UN Secretary General, Kofi Annan, has repeatedly stated, the cost of peacekeeping, peacemaking and peace building pales into insignificance when it is compared with the cost and consequences of violent conflict and war.<sup>5</sup>

Second, unarmed 'multinational' civilian peacekeeping by non-governmental organizations is a largely

unused but highly cost-effective and appropriate first response with which to prevent, contain and manage violent conflicts, to create space for peace building, and to enable the conduct of further preventive diplomacy. By applying strategies of non-violence, peacekeepers will help assume the 'responsibility to protect' children and women, refugees and internally displaced people, human rights workers, humanitarian aid workers, journalists and others who are caught in the conflict cycle. It provides an antidote against the general sense of powerlessness, resignation and cynicism in the face of violent conflict, including ethnic cleansing and genocide.

Third, since unarmed peacekeeping by non-governmental organizations has yet to capture the world's imagination, bolder approaches to create demand are called for. By training peacekeepers on a larger scale than before, and by holding them in reserve, ready for immediate deployment, UN agencies and others charged with the responsibility for peacekeeping and security will be interested in procuring their services. Supply will enable UN agencies and others to call on and utilize unarmed peacekeepers which would not otherwise have been available.

Fourth, provided that sufficient (matching) grant funding can initially be secured from appropriate donor sources to begin the process of capacity building of a pool of peacekeeping reservists, peacekeeping operations could become self-financing from income obtained under contract or in partnerships.

The advantages of creating this multinational reserve peacekeeping force for UN agencies or donors include:

- Unarmed peacekeepers that are as well trained in conflict transformation skills and peacekeeping techniques as their military counterparts, and often are better able to help build the peace or prevent outbreaks of violence and war.
- Ready availability of stand-by surge capacity.
- Avoiding lengthy bureaucratic procedures to identify, mobilize, and deploy peacekeepers.
- Lower cost in comparison to UN Peacekeepers.

4 While the 2005 *Human Security Report* shows a reduction of violent inter- and intra-country conflicts, the potential for violent conflict in the short and medium term remains high due to ethnic tension (there are about 2,000 distinct ethnic groups living within some 200 sovereign nation-states), competition for resources (oil, precious metals, even water), aggravated by the ubiquitous presence of small arms and other weapons.

5 Paul Collier at the World Bank/Oxford has estimated the economic consequences of war and the benefits of well-considered responses. He calculates that the total national and regional cost of a single war on average is more than US\$ 64 billion. Additionally, global impacts include international terrorism, production of hard drugs, and the spread of HIV/AIDS—not easily quantifiable. He concludes that a US\$5 billion investment in international peacekeeping and well-targeted aid would have a return of US\$397 billion in selected post-conflict countries. See: Paul Collier & Anke Hoeffler, *Reducing the Global Incidence of Civil War: A Discussion of the Available Policy Instruments*, (2004).

- Flexibility of adding an entirely-civilian, gender-balanced security dimension to ongoing emergency, development, human rights and democracy activities.
- Greater informality and easier access to local communities.
- Providing encouragement and empowerment to local people and its leaders.
- Enhanced versatility and responsiveness in sudden adverse developments.
- Not subject to UN security phases.

Within the 'big global picture' context, the contribution of unarmed civilian peacekeeping may look insignificant, perhaps even naïve.<sup>6</sup> But note: peacekeeping as an immediate, first response to dangerous polarization and escalation, to prevent death and destruction, is so much less costly both in money and in human lives than allowing conflict to spiral out of control. It is a low-key, humble, and unglamorous strategy of opening up spaces in which conflict can be transformed and creative peace-building processes initiated. In fact, it is a highly sophisticated, albeit perhaps counter-instinctual, strategic response to violent conflicts. (See textbox 2: What Unarmed Peacekeeping Is-And What Not!)

Actually, the use of large-scale *unarmed peacekeeping* forces in the new global constellation has not yet received the serious consideration, and practical test, it deserves. It is actually surprising that, while the UN Security Council has often authorized the use of military force as a measure of 'last resort', and while the UN Charter speaks of 'all necessary means' to maintain peace and prevent violent conflict, in fact the UN has never systematically considered large-scale civilian unarmed peacekeeping.<sup>7</sup> Most if not all global reform proposals deal with various modalities of *military* peacekeeping and policing, but largely ignore the potential of unarmed civilian peacekeeping. A large unarmed Nonviolent Peaceforce would

be a tangible sign of the new resolve of global civil society to take on responsibility to apply the 'soft power' of non-violence. It would be a concrete opportunity to enter into creative partnerships, ready and able to join new coalitions with other peace actors. And it would be an affirmation of humanitarian concerns and values.

## A NEW PEACE ROLE FOR GLOBAL CIVIL SOCIETY

The remarkable omission of unarmed civilian peacekeeping as a significant idea and strategy in the plethora of new global proposals for peace<sup>8</sup> and the minimal role of civil society<sup>9</sup> in this area over the past decade clearly indicates the need for more effective advocacy and assertive lobbying. Nonetheless, some self-organization is now underway. The 2005 Global Partnership for the Prevention of Armed Conflict (GPPAC) is a case in point. So are the Nonviolent Peaceforce and other networks of civil peace organizations.

In its current efforts to reform its peace and security mechanisms, the UN and individual governments now have an opportunity to allocate more attention and resources to the potential role civil society may appropriately play. In fact, the use of unarmed civilian peacekeepers organized by civil society organizations (*not* by member states contributing police and civilian personnel to the UN) is entirely compatible with the new move toward preventive diplomacy and deployment of UN forces. Their added value lies in their low key, low cost, neutral, benign presence at local level, independent but aligned and complementary to other peace making work. They can be inserted into conflict situations early on, and with merely *informal* consent, thus making a graduated response possible. As such, they may well be more mission driven than donor driven.

6 As Liam Mahony points out, in situations of armed conflict, all parties have multiple sensitivities, vulnerabilities and points of leverage, and international 'presence' is implicitly linked to those sensitivities. Abusers pay attention because their personal or political reputation is at stake, because they fear international prosecution and want to avoid blame, because they want to keep option open for future careers, and because of individual moral concerns. Liam Mahony, *Proactive Presence-Field strategies for civilian protection* (Center for Humanitarian Dialogue, Geneva, 2006).

7 It should be noted that when the UN speaks of *civilian* UN peacekeepers, they refer almost always to a category of technical assistance workers who deal with issues such as transitional justice, interim administration, police training etc. —*not* the kind of *direct* human protection the Nonviolent Peaceforce provides.

8 *An Agenda for Peace: Report by UN Secretary-General Boutros-Ghali (1992, 1995); Our Global Neighborhood: Report of the Commission of Global Governance (1992); Panel on United Nations Peace Operations (Brabimi Report, 2000); The Responsibility to Protect-Report of the International Commission on Intervention and State Sovereignty (2001); Human Security Now: Protecting and empowering people- Commission on Human Security (2003); A more secure world: Our Shared Responsibility-Report of the Secretary-General's High-level Panel on Threats, Challenges and Change (2004); In Larger Freedom: towards development, security, and human rights for all-Report of the UN Secretary General (2005).*

9 *We, the Peoples: Civil Society, the United Nations and Global Governance: Report of the Panel of Eminent Persons* (Cardoso Commission, 2004).

## IF NOT NOW-WHEN?

One may ask: 'Why has organized civilian unarmed peacekeeping in conflict areas of third countries never gone beyond very small scale?'<sup>10</sup> The answer is that most civil society initiatives never really seriously tried to become a global force. Most organizations lacked access to regional sources of significant influence or global governance. Moreover, they could not mobilize significant resources, especially financial. And finally, the world simply did not seem ready to try and scale up non-violent peacekeeping interventions. That probably has now changed. (See textbox 3: Proposal for an International Commission on Unarmed Peacekeeping).

But the big challenge remains: how to go to scale? (See textbox 1: Unarmed Peacekeeping-An Early Vision). Perhaps the many recent problems of military intervention and peacekeeping will now make the case of non-violent peacekeeping more convincing, and more attractive for donor funding. Cynically, even very expensive corporate mercenary forces (like Blackwater) now promote themselves as peacekeepers and successfully compete for government funding. The Nonviolent Peaceforce presents not only a new idea with a compelling moral appeal, but also a practical proposition of effective, benign, and courageous activism based on the idea of 'do no harm'-and the radical philosophy of making peaceful change possible. A huge opportunity exists for global NGOs to provide hands and feet to this new preventative concept of R2P *well before* the possible need for military intervention arises (or as a post-conflict intervention). It is what you can say 'yes' to when you say 'no' to war. As such, this philosophy of non-violence is every bit in the best interest of all peoples, states, and the international community.

Fifteen years ago, in 1993, John Paul Lederach made a visionary call for a non-violent peace force of 250,000 unarmed peacekeepers. His summary proposal follows below:

### Text box 1: unarmed peacekeeping-an early vision

"As a concrete alternative for non-violent peacekeeping I would offer the following simple suggestions, perhaps launched as a pacifist provocation:

1) Under the auspices of the U.N., member nations commit themselves to the development of an international non-violent Peaceforce, a body with capacity and preparation to undertake peacekeeping in contemporary conflicts.

2) Peaceforce will number 250,000 members by the year 2000, made up of rigorously trained, smaller, cross-national, and virtually self-sufficient units, who are paid and are committed to five-year assignments after a full year of training.

3) This body will be used to accompany relief deliveries in settings of armed conflict, provide physical presence and protection for vulnerable populations, and actively place themselves in protracted situations to secure and monitor ceasefires while negotiations are pursued and implemented.

4) Five major peacekeeping training centers will be established, one each in Africa, Asia, Latin America, North America and Europe, with the capacity for training, deploying, researching and evaluating the ongoing efforts.

5) Financing Peaceforce and these efforts will come from a multilateral base.

6) Each member state of the UN agrees to divert 1% of its annual military budget to the Peaceforce fund.

7) Each year the top 10 arms exporting states will be levied a 1% "peace-added tax" (PAT) on their gross sales of weapons that year.

8) NGO's, PVO's, donor agencies and governments agree to a 5% PAT, where 5 cents of each dollar spent for humanitarian aid, relief or development in settings of protracted armed conflict is sent to the fund.

9) Major religious organizations would create an inter-religious Council responsible for establishing an necessary endowment for funding the training centers.

10) Under a campaign titled "Peace makes better business" transnational corporations will be asked to contribute 1% of their annual profit to the fund.

### Conclusion

My argument is, in the end, quite simple. There is enormous need for pacifism in the Post Cold War Era. There is a clear theological basis for moving toward, being present with, and promoting alternatives to militarization and violence in contemporary conflicts.

There is a need to be faithful, creative, and practical. It is incumbent upon us to articulate the vision and pursue it with such pragmatic passion that makes it overwhelming sense to the rest of the world."

10 Over the past 50 years there have been at least 30 such efforts, but the largest civilian deployment to date (that of Peace Brigades International) placed less than 1,500 peacekeepers in the field *over a period of 25 years*. This is in stark contrast to the need and opportunity for such peace interventions throughout that period. Consider also that in 2008 over 120,000 UN Peacekeeping personnel (mostly armed) were deployed in 17 operations.

“Once in a while a new idea comes along that challenges conventional wisdom and opens the floodgates to a new, unexpected future...”

*Text box 2: what unarmed peacekeeping is (and what not)!*

### Unarmed Peacekeeping is...

- Hard-nosed
- Proven effective
- Courageous
- Professional
- Sophisticated & subtle
- Benign & humble action
- Hard work
- Low cost
- Low key
- Disciplined
- Cooperative
- Impartial
- Not naming & blaming
- Secular
- Cutting edge
- Making peace practical & real
- Peace by peaceful means
- A force more powerful

### Unarmed Peacekeeping is not....

- Woolly-headed idealism
- Naïve pacifism
- Unrealistic enthusiasm
- Glamorous
- Taken up by people looking to become martyrs
- For the timid or weak
- The 'holy grail' or panacea of peace-building
- Polarizing good vs. evil

*Text box 3: proposal for an international commission on unarmed peacekeeping*

A call is made here for an international *Commission* to investigate the reasons for the curious underemployment of unarmed global peacekeepers, professionals who, by their very presence, will deter abuses and protect threatened local populations, including peace workers as well as humanitarian and human rights workers. The principal role of the *Commission* would be, through its work, to begin to capture the world's imagination about the significant contribution the use of such peace forces could make. It would help bring into being a new global people's movement while at the same time support the emergence of a large-scale organization –the contours of which cannot now be predicted. Meanwhile, the initial emphasis would be on advocacy, training and communication: to do the much-needed consciousness-raising among several priority audiences and, ultimately, the general population.

The scope of this study would include modalities of unarmed peacekeeping by third parties, outsiders, whether from a single nation, a group of nations or a global

group. Invariably, these peacekeeping teams would work in close consultation (and often at the invitation of) governments as well as domestic civil society organizations.

It may be good to consider *any* type of unarmed peacekeeping, whether organized by donor governments, the UN, regional organizations (such as AU) or international civil society, but excluding the private 'security' sector. Civil administration that sometimes accompanies the UN Blue Helmets (e.g., experts in transitional justice) should probably be left outside the scope of this study. It would also distinguish and deal with the roles of (unarmed) police forces, army medical/engineering corps, a topic of considerable recent interest with some major donors (wanting to use their 'military lift capacity' in disasters and conflict areas). Relationships between armed and unarmed peacekeeping will be a vital issue to address. Likewise with global, specialized civil society action such as MSF, which has performed as a functional 'witness'. Therefore, the issue of mainstreaming or professionalization will need to come up as well.

Protection of any individual or group would qualify, including the case of genocide. Whether to include the 'civil disobedience' dimension often associated with the concept of non-violence would need to be negotiated with all stakeholders. On one hand, it may not help the infant efforts at civilian unarmed peacekeeping by third parties since they will always need to go into conflict situations with the *consent* of all (or most) parties to the conflict, and those parties, especially the representatives of the nation-state, may at times have reservations about having global civilian 'outsiders' interfere in their internal affairs by encouraging civil disobedience. On the other hand, if third parties only intervene when both sides (or however many there are) want them to, then unarmed peacekeeping and 'proactive presence' will not be showing the world the full power of non-violence for peace, including 'bearing witness', with its honorable tradition rooted in Thoreau, Tolstoy, Gandhi, King, and its practical application in several more recent political developments. These may well be referred to, studied, and understood –if only to reinforce the notion that the praxis of non-violence is possible, that it saves lives, prevents destruction, and has traction.

This study would be an effort to help find influential sponsors interested in stimulating the global discourse on unarmed protection of civilians, by civilians or unarmed military/police, sponsored by bilateral governments, multilateral organizations or civil society. ■

# Building peace over war ashes

Jordi Cusso, Francesc Torralba, and María Viñas

## Resumen

En el presente artículo, se investiga la relación que existe entre la memoria histórica y la construcción de la paz en el presente y en el futuro. Siguiendo el espíritu y la letra de la *Carta de la paz dirigida a la ONU*, los autores de este artículo, defienden la necesidad de superar los absurdos resentimientos que proceden de los conflictos del pasado para edificar un mundo más pacífico. Para ello, identifican algunos serios obstáculos y razonan la necesidad de desarmar la historia y de transmitirla con la máxima objetividad a las generaciones venideras.

## Abstract

This article looks at the links between historical memory and peacebuilding in the present and the future. In accordance with the spirit and contents of the Letter for Peace to the United Nations, the authors of the article defend the need to overcome resentment deriving from past conflicts to build a more peaceful world. They identify a number of serious obstacles and argue for the need to disarm history and pass it on with the maximum level of objectivity to the generations to come.



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## 1. INTRODUCTION

In the second half of the century we have left behind, much genocide and crimes against mankind were committed. If those historic episodes were horrible and appalling, the task of overcoming and rebuilding a society that has suffered that horror is complex and difficult. We enter a new century and, for many groups, cultures, peoples and nations, a path to reconciliation begins, which is far from being easy.

Is it possible to forget History? Is it plausible to make a fresh start? Who would dare to ask, or even to insinuate, to a massacred people to forget that part of their history? Who would dare to ask for those atrocities to be forgotten? Bosnia, Herzegovina, Chile, South Africa, Russia, Rwanda, Guatemala and Chechnya are faced with the quandary of setting the foundations for a new coexistence. They want to live peacefully, but they must build over the ashes of a recent and terrifying past. The duty to remember constitutes a fundamental imperative, just as the exigency neither to perpetuate past conflicts nor to transmit resentments to the generations to come. The victims' memory is the gravitational centre of the anamnesis ethics, but the articulation of this memory should lead us to the origin of a new history, a new era based on reconciliation.

Avishai Margalit writes: "To the regrettably well-known question by Hitler: 'Who remembers the Armenians nowadays?' the clear answer should have been 'all of us' or, at least, 'the illustrated world remembers them'. Then, what must mankind remember? The answer says, in brief: mankind must remember the extraordinary shows of what is radically evil and the crimes against human kind such as, for instance, slavery, deportations of civilians and massive killings".<sup>1</sup>

In more than a few countries there are still inner wounds and deep breaches and their population is still divided, without having been able to carry out a reconciliation process sufficiently thorough so as to allow the harmonic development of society. These wounds may underlie in the group's imaginary, but they can reappear at any moment and generate new tensions within society.

We do not think that building a peaceful society has to be necessarily done through forgetfulness. Furthermore, the recent or distant horror can never be forgotten and mankind's task is to remember it in order not to repeat it ever. The great Jewish thinkers of the 20<sup>th</sup> century have reminded it once and again: Theodor Adorno in his magnificent radio conference in 1968, *Educating after Auschwitz*, but more recently, Avishai Margalit in the cited work *Ética del recuerdo (Memory's ethics)*, and Reyes Mate in *La memoria de los vencidos (The memory of the defeated)*. On many occasions, it is easier to negotiate the end of the conflict than to raise, rebuild societies, peoples, whole cultures that have suffered war. Building new infrastructures is not enough. Healing the wounds from the past is essential so that the creative energy of each generation will shine with all its intensity.

Once the war finished, it is necessary to gather, to raise, to build again; but before building, we must remove the rubble that prevent us from setting the foundations on a solid ground. Similarly to cities and villages, where the rubble produced by destruction have to be removed in order to build again, resentments among people, groups, peoples, races must also be removed since they constitute the first obstacle for peace building. And we can see how the memory of those events is transmitted to other generations, shouldering thus a resentful legacy that makes them be divided. And this is so because the memory, as the intelligence, is an emotional charac-

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1 A. MARGALIT, *Ética del recuerdo*, Herder, Barcelona, 2002, p. 67.

teristic; it is not neutral from the point of view of feelings, on the contrary, it is deeply rooted in them.

Previous to the publishing of Daniel Goleman's *Emotional Intelligence*, the Basque philosopher Xabier Zubiri already proved that *intelligence is feeling* in his homonym work, because so it is the ability to remember. Thereby, it is necessary to do an appropriate catharsis of memory, to put into practice a purgative of all those toxins that, in an invisible way, seriously pollute the spirit and prevent us from thinking. This is precisely what this article is about.

## 2. IDENTIFYING AND OVERCOMING OBSTACLES

We frequently see that the most basic things in life, those that are most obvious and evident, are the most difficult to realize or to accept. René Descartes defined evidence as that which is clearly and distinctively grasped, it is what needs no reasoning, since the brain neatly "sees" it, without giving a lot of thought to it.

However, on some occasions, we go over the evidences, we have them near, even under our eyes, but we do not see them as important or, simply, we leave them aside because we consider them simple or less transcendental. This somehow blind and absurd attitude generates the biggest obstacles to face the hard task of rebuilding after the conflict.

We point out just some –the most frequent– of the many "reasons" that make us not seeing what strikes as evident:

- The first one is the wish not to change our comfortable way of thinking and of living. We do not want to see what is evident because we do not want to assume what would be coherent: a change of attitude in our actions. We are not willing to accept those things that may affect our way of life.

- Ideological or religious reasons. We are so settled in and convinced of our truths, that we are not aware of the reality that surrounds us. Even if the things we may hint in it are more than obvious. We are like those people who search the light while looking at the sun, being thus unable to see any other light; they have been blinded by the light itself.

- Frequently, passion is another element that prevents us from getting near the reality and from discovering what reality is offering us. Our emotions flood our reason and do not let us see things

as they really are. How many resentments among people prevent them from looking at each other or, simply, from exchanging a word. We turn our back on it because we cannot open the padlock of the rancour, envy feelings, etc. The feelings lead us to enhance false idols, structures such as Nation that often demand heroic sacrifices, even human sacrifices.

- Prejudices. They often lead us to a lack of acknowledgment of reality because things are not always as we were taught or as we were shown before. I do not need to look at things because I already know how they are and, moreover, they cannot possibly surprise me since they would never change. It is not only that those people do not want to change; it is also that they think that a change in the others could never occur. Hans Georg Gadamer, father of the 20th century hermeneutic philosophy, clearly shows in his work *Verdad y método (Truth and Method)* (1960) that prejudices are anticipated visions of reality that make impossible its right interpretation. Only by being conscious of those prejudices can we get free from that biased vision derived from a look influenced by them.

There are more "reasons" not to be analysed at this moment. Being aware of the many "reasons" we have for our immobilism or comfort, alerts us to work for peace, to open our eyes and to give up ideologies, beliefs, idols, comforts and prejudices. When we face reconciliation processes we have to give up all those "reasons" that prevent us from realizing the things we have inside ourselves and those happening around us.

Being conscious of the amount of "reasons" leaked within us makes us more humble and prevents us from being preposterous. It opens us to dialogue, to encounters, to the possible solidarity. Accepting things and people just as they are is an important tool if we want to build a more solid peace.

## 3. HISTORIC RESENTMENTS

We began this article by underlining the hard task to rebuild a society that has been destroyed, decimated, by a conflict. And the inevitable task of removing rubble before rebuilding. This is useful at a personal, group, or social level. It is in line with this rubble removal that are some of the contribu-

tions made by the Peace Letter addressed to the UN.<sup>2</sup>

Nowadays, nobody would dare to ask a society that has suffered the horror of war to opt to make a fresh start. Even though in many processes people have chosen a silence pact at the end of the conflict, sooner or later the need to do justice and to look for the historic truth will be imposed. And this is so because, without these elements, it is impossible to think about a reconciliation process that really reconciles. As Margalit says: “Making a successful memory brings the souvenir alive, whereas reviving brings the dead alive, in a spiritual not physical way.”<sup>3</sup>

We realize that, as strongly as those facts might be shown to us, *nowadays’ contemporary people are not responsible for the bad things that happened in history, simply because we were not there.* We are the result of that History, apart from not being of those bad things previous to us. And that History, with all its positive and negative things, has made our existence possible because, if it had been different—for better or worse—, other encounters, other links had occurred; other people had been born, but not us.

Peace building does not mean, at all, being amnesic. Peace building demands having memory and being able to build a future from that memory. It is necessary to remember, but without resentments. And even though many times we are not responsible for the past evils, it does not imply not acknowledging them in order, basically, not to repeat them. We must know History to come to build peace, but we must transmit it without remorse, without passing the past wounds on to the future generations. Margalit says: “We cannot have any influence on the past, we cannot prevent its happening, we cannot bring it back to life, neither physically nor spiritually. We can only modify, improve or flood with life the *descriptions* of the past.”<sup>4</sup>

Peace in the future partially depends on the memory transmission or, better, on the way it is transmitted. It is essential to be objective, to look for balance, to keep a distance from the object being studied but, moreover, to have freedom of criteria, to be able to avoid external influences and pollutions. This task cannot be done individually; on the contrary, it

demands the necessary dialogue, even with those that do not take part in my ideological and religious perspective. Only in this way can be transcended the endogamic and solipsistic tendency that so bad consequences has to forge a credible history.

A person can reconcile with the evil suffered by his past generations. But, how can he forget it? Reconciling does not mean forgetting. Forgetfulness is a precariousness of memory, a weakness, a fragility of human mind. Furthermore, it does not depend on will because, on some occasions, we force ourselves to forget but we feel helpless and, although trying once and again, we do not manage to erase that episode from our mind. It is there and we must live with it. However, reconciliation implies a willing active attitude that really allows us to live peacefully. Reconciling is being conscious of and knowing about the past. And, from this point, being able to *discover in the executioner’s newly born child the same innocence as in the child of the murdered.*

In this respect, the contribution of the Peace Letter addressed to the U.N. is in line with the historic resentments. It points out the line that differentiates direct resentments from the indirect and underlines the absurdity of historic resentments: those that, without knowing it, we inherit from the previous generation, which many times has also inherited them from the previous one, and now nobody remembers how the conflict began and who were the actors.

Historic resentments result from a series of events that we did not live and did not suffer, but, as we remember them, we live them in the present. How can we feel again something that we have not experienced? And how many times the social communication media and the environmental culture make us experiencing them as present and make us actors of events with which we had nothing to do. We do not even have someone to blame on.

The *Peace Letter* states it in its first point: “*We the contemporary people are not to blame for the bad things happened in History simply because we did not exist*”.

And in spite of having “agreed” on peace, societies and groups go on getting armed, mistrusting their neighbours because of some past situations that we are forced to live in the present and this

2 Sections I and IV of the *Peace Letter addressed to the U.N.* [www.cartadelapaz.org].

3 *Ética del recuerdo*, p. 60.

4 *Ética del recuerdo*, p. 58.

leads us to a permanent defenceless state. The past is the pretext to hate, to destroy, to annihilate. We are waiting for any false move of the other because, as our history books say, “they always acted like that”, and they will do it again sooner or later. If we cannot stop looking at the other peoples of the world with rancour or historic resentments, it will be difficult to consolidate peace. The resentment gene does not exist. We are the ones who pass it on to the generations to come, but it is not a historic misfortune. It is possible to stop that transmission, to impose responsibility, to hold on the tendency to spread rancour or, at least, to look for evasive mechanisms not so harmful for the ones to come. We devote enormous efforts to achieve peace and we hope that our efforts will be useful to reap, at the right moment, the fruits of dialogue, of good coexistence, and of solidarity. But suddenly, and almost without knowing how or when, examples of violence and conflicts that we thought to be extinguished and buried reappear.

And this is because most of the times historic resentments are buried, but they are still alive under the earth. They cannot be seen, but they are there, as if they were “personal mines”, even more difficult to remove than mines. Therefore, we think we are working on a peaceful society without any apparent danger, but suddenly our feet touch those resentments and then conflicts that we considered to be closed and forgotten explode. Politicians, journalists, and historians have a special responsibility in the management of the past.

In order to achieve a peace work, we will have to see which are those historic resentments underlying population and peoples, be aware of them and, as far as possible, deactivate them. And one of the ways of deactivating them is to make people realize of something as evident as that: we contemporaries are not responsible for what happened in History, simply because we did not exist. Such an obvious thing is an urgent task if we want to achieve a more solid and long-lasting peace.

#### 4. DISARMING HISTORY

No matter the angle from which we look at it, we are historic: we are beings that have depended on history to exist. As Rubio, co-author of the Peace

Letter addressed to the U.N., states: “*any thing different from what was done at our origin would have caused our non-existence*”.<sup>5</sup> This evidence, which is so clear and limpid, means such a huge punch for some people, that they totally reject it.

And we see that most of the conflicts we are now living become perpetual precisely for not realizing this evidence: if history had been different, our present would be different and we would not exist. The section IV of the *Peace Letter* says:

“It is fruitful to know History as much as possible. But we see that we cannot turn it backwards. We also see that if History had been different –better or worse–, the future would have been different. During the time other encounters, other links would have occurred; other people would have been born, not us. None of us, who have the chance to exist, would exist.

It does not suggest at all that the evil caused by our predecessors was really evil. We censure it, repudiate it, and we do not want to repeat it. The surprise of existing will allow us to happily make an effort to solve the consequences of the evil previous to us”.

The past is irrevocable. In spite of the negative weight of History (injustices, lack of solidarity, killings, impositions, genocide, etc.), we are the direct result of a specific set of historic episodes. We may not know them, we may be in conflict with our origins, but we are the result of a historic process and, although it does not deny our personality and our singularity in history, it represents the condition of possibility. It is undeniable that our existence is due to it, which does not mean, as we mentioned before, that we are responsible for that situation, even if we are one of its direct effects. Many people do not quite see such a simple premise is this. On the contrary, some think that if History would have been different, they would have existed in any other way. The evidence is masked by the arrogance of being. They do not understand nor accept the contingency of being.

If we discover existence as the greatest good we have –since without it other goods such as life, love, friendship, freedom, peace... would not be possible–

5 A. RUBIO, *22 Historias clínicas –progresivas– de Realismo Existencia*, Edimurtra, Barcelona, 1981, pp.15-16.

and if we accept that we are historic beings, the result of that specific history, just as it happened and not otherwise, we will be immune to any historic resentment that may leak when misusing or abusing from (historic) memory. Consequently, we will want to have history shown and taught in the most objective possible way. The family, group, national history, the best moves, the mistakes, even the wickedness and the injustices... everything becomes different when we realize that only this history –and not any other– made our existence possible.

Feeling this surprise of existing, together with the experience that we may have not existed, make a happy feeling arise inside ourselves because of existing. Those good or bad facts have been, as a whole, something necessarily good for us, something good in an ontological sense, i.e., concerning our being, and have made our specific and real existence possible. Such surprise and happiness are terribly demanding because, if we are happy of living, we can neither refuse nor constantly complain about everything that was necessary and made our genesis possible. Quite on the contrary, this happiness for existing must drive us to work industriously in order to repair, as much as possible, our present. The happiness of existing with others is the driving force for the hard task of building peace at this moment.

It is important to know History, but it is very different to know it having previously accepted it with joy, its delights as well as its heartaches, from knowing it with rage and rejection.

History is the master of life so that we learn not to repeat the disastrous events that occurred and that we criticize so much. We must know how to filter all the positive things and to enrich that legacy with our supporting action in the present. We want to believe in the usefulness of remembering, in the need of making efforts to communicate what happened to those that have just arrived into History. We want to imagine that the victims' memory will not be in vain, that it is not only a way of doing justice to them, but of preventing the current and future generations from the evil that might attack.

This joyful acceptance of History is far from implying that we do not acknowledge that the past wickedness was really evil. One thing is the ontological acceptance and a different one is its ethic acceptance. It is essential to publicly regret what happened, to accept that institutions had a special significance in those atrocities, that they are able to clearly and limpidly regret it and, furthermore, that

they see to it that the harm caused by those atrocities is compensated. The present heads of such institutions must not feel guilty because they are not responsible for what happened in the past. But they cannot wash their hands of the harm caused in the past by the institutions they lead right now.

As the historian Carlos Martínez Shaw says: “We must, therefore, acknowledge the past, but we must also judge it. We cannot accept the ethic relativism. We believe that there are some human behaviour conditionings, but we also believe in man's freedom. We cannot envelop the past with a cloak of indifference if we do not do so with the present. If we are glad to exist and, on the other hand, we cannot intervene in the evolution of past events –since we did not exist–, then it is licit being glad of how it happened (and it does not mean, we insist on it, that we ethically justify them), because it made our existence possible (...) This is why the last paragraph of this point IV ends up saying: we censure, repudiate, and do not want to repeat the wickedness generated by our ancestors.”

## 5. THE ENGAGEMENT TO IMPROVE THE PRESENT

But from a sociological point of view, it is easier and more comfortable to draw people's attention towards criticising and slandering the evils from the past, than to lead them to see the current evils, to differentiate them, and to make all the possible efforts to correct them or, even more, to foresee and avoid them. Sometimes, through criticising the past, we do not want to see the contemporary or modern atrocities. Many leaders are interested in keeping people blind concerning the present. This distracting method is essentially instrumental and has to be criticized by intellectuals with lucidity. History can neither be the cover of the current problems nor the throwing weapon to revenge or to please the electors.

History is for sure the master of life and it is necessary to avoid repeating in the present our ancestors' mistakes. Hiding or deforming personal, group or world history is a serious obstacle to build a peaceful society. It means wanting to transform history into a weapon that we throw against other peoples as an offence or a prejudice. As time goes by, it becomes a devastating weapon for coexistence between peoples.

Knowing that without that history we would not exist means taking the fuse off that historic weapon and welcoming the will to know all the good and bad things that made our existence possible. It is from this knowledge, free from guilt and rancour, that we can begin working on the present so as to compensate, as far as possible, the consequences of that wickedness still prevailing in the present.

Nowadays nobody denies that it is good and necessary to know history. And this is why we cannot stop guarding against the abuses that might occur against it. Tzvetan Todorov says that we are in a period when western people, and particularly the Europeans, seem to be obsessed with the cult of memory. He points out that, even though we must try to keep the souvenir alive, idolizing memory is something arguable. We must be alert so that nothing takes us away from the present and, also, so that the future may not get out of our reach.<sup>6</sup>

We must not be ingenuous and we must not let us be blinded by false proud, by pseudo-ideologies or pseudo-religions. Free from resentments and prejudices, we must open our eyes to the reality and the history that made it possible. And we must see things just as they are, without fear, learning from what happened, knowing that the best way of acknowledging the past ethic mistakes is to work hard for the benefit of everyone, of all the contemporaries who are the fruit

from that same history that also made our existence possible.

Another contemporary author, the French historian Jacques Le Goff, an expert in the Middle Age with a large interdisciplinary career, reminds us that: the memory tries to preserve the past only for its usefulness concerning the present and the time to come. It does not escape to anybody that history can be used and manipulated according to interests that have nothing to do with the truth, the good, and the future of society. Just as Jürgen Habermas lucidly pointed out, reason does not operate in a neutral or pure way, it is always entangled with a series of interests and only from an open dialogue can we walk towards objectivity.

Therefore, let's see to it that collective memory be useful to liberate men, not to subjugate them.<sup>7</sup> This should be the ultimate essence of the philosophy of history, the ultimate objective of commemorating processes.

At a moment as this one, when laws to recover historic memory are being developed in so many places around the world, this evidence pointed out by the point IV of the Peace Letter is the frame where we can recover history, study it, go further into it, but being "vaccinated" against any historic resentment that may blind us and take us away from our main end, which is, just as Todorov and Le Goff state, living in harmony the present and the future. ■

### LETTER OF PEACE addressed to the UN Foundation

The Letter of Peace addressed to the UN is a document written by a group of people with great concern for peace. It is addressed to all those who have a will for peace and want to work for it.

The Letter of Peace points out some principles upon which a solid and lasting peace can be based.

It was presented publicly for the first time in Barcelona (Spain) in April 22th, 1993. From that moment, it has been disseminated in more than 80 countries in five continents, gathering thousands of signatures, testimonies and support form international institutions and celebrities that work in favour of peace all over the world.

Based upon the Letter of Peace, new initiatives have sprung up supported by the Foundation:

- a.. Research: Institutes of Peace
- b.. Peace education: postgrades, courses in diferents universties
- c.. Geopeace
- d.. Dissemination and Promotion of Peace
- e.. Press service: The World in the key of Peace

6 T. TODOROV, *Los abusos de la memoria*, Paidós, Barcelona, 2000.

7 J. LE GOFF, *Histoire et mémoire*, Gallimard, Paris, 1988.

# Conflict situations in the socio-health sphere of aged people

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## Resumen

Detección y descripción de los conflictos en la asistencia a personas mayores en el ámbito socio-sanitario en la provincia de Guipúzcoa. Este estudio forma parte de una investigación más amplia, financiada por la UPV/EHU, que aborda los conflictos en la vejez y propone intervenciones basadas en mediación y resolución de conflictos. Se realizaron entrevistas semiestructuradas a 30 individuos relacionados con la asistencia a personas mayores, 22 mujeres y 8 varones.

Los conflictos más habituales eran: desfase entre demanda y recursos, aquellos en que la familia juega un papel fundamental y conflictos de convivencia. La existencia de estereotipos negativos sobre la vejez y el envejecimiento interfieren en los conflictos, al igual que el desconocimiento detectado respecto a la dinámica de los conflictos y su resolución. Los ancianos, sus familiares y el personal técnico eran las partes de mayor implicación, siendo estos últimos un pilar fundamental en el tratamiento de la conflictividad. El manejo de estos conflictos están supeditados al mantenimiento del funcionamiento rutinario de las instituciones debido a las características de la población a las que se atiende, la escasez de recursos y sus consecuencias, y la personalización del conflicto (los ancianos son parte implicada y fuente del conflicto).

## Abstract

Detection and description of conflicts when assisting aged people in the socio-health sphere in Guipúzcoa's province. This study is part of a larger research funded by the UPV/EHU dealing with old age conflicts and suggesting interventions based on mediation and conflict resolution. Semi-structured interviews were carried out upon 30 people related to old people assistance: 22 women and 8 men.

The most frequent conflicts were: demand and resources are out of step, in those cases where the family has an essential role, and coexistence conflicts. The existence of negative stereotypes about the old age and the aging process interfere with conflicts, as well as the detected lack of knowledge concerning conflict dynamics and its resolutions. Old people, their relatives, and the technical personnel were the most implied parties, of which the last ones are the mainstays when dealing with conflicts. These conflicts management is conditioned upon the maintenance of the institutions' everyday operation due to the characteristics of the population being treated, the scarcity of resources and its consequences, and the personalization of conflict (the aged people are involved in it and are the source of conflict).



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## INTRODUCTION

The socio-demographic changes occurred during the last decades have generated an important change in the society's structure where the growth of the aged people group is particularly spectacular and, moreover, it is characterized by a higher life expectancy (1).

Together with the population's aging, there has been an evolution in the needs and characteristics of old people. This new reality has demanded a re-adaptation of all the resources destined to the population as a whole in order to cover, as much as possible, the needs of the aged population. Society in general has had to cope with significant changes in different contexts: health, social, judiciary, organizational and family. In some occasions, this new re-distribution of resources and their usage may have caused conflict situations.

We can obtain a basic analysis of conflicts within gerontology through the different instruments for the environmental evaluation in residential homes for the elderly (2, 3, 4).

The study of conflict dynamics in gerontology would allow knowing more deeply this kind of problems in the sphere of aged people. In line with this, and bearing in mind the contributions made by Ledereich (5, 6, 7) on the structure of conflict, this study's purpose is to detect and subsequently describe those conflicts located within the frame of assistance and services to aged people in the social and/or health sphere.

## MATERIAL AND METHODS

Descriptive study of the conflict situations where 30 people took part: 22 women and 8 men with an average age of 48,04, belonging to 17 institutions or organizations related to the assistance to aged people in the social and/or health sphere in Guipúzcoa's province.

Of the interviewed groups, the most represented ones were that of technical personnel (social assistants, assistants, nurses, psychologists...) and the institution's managing board, 36,70% and 26,70% respectively.

From a list of geriatric residences, social services centres, non-profit organizations and tutee lodgings for aged people in Guipúzcoa's province, 17 institutions were selected at random and we got in contact with their

heads in order to make them know our study's purpose, to ask for their cooperation, and to request information about the people who might have been interested in taking part in the study.

A previously trained psychologist was in charge of personally and individually doing semi-structured interviews that lasted an hour and a half. The information gathered through open questions, such as "In the present, which issues or situations are generating conflicts?", was related with three main aspects of conflict's structure: the problem (situations causing conflict, frequency of conflicts, etc.), the process (complication of initial conflicts, presence of rumours or stereotypes, etc.), and people (people directly or indirectly involved in the conflict, capacity to make decisions, etc.).

*Tabla 1. Colectivo Entrevistado*

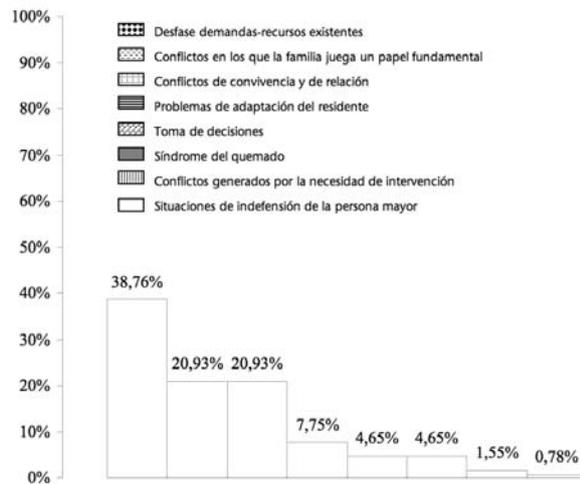
Colectivo Entrevistado	Porcentaje
Persona Mayor	10
Familiar de persona mayor	6,7
Personal Técnico	36,7
Personal Administrativo	6,7
Dirección	26,7
Representante Sindical	3,3
Presidente/a	3,3
Otro	6,7
Total	100,0

## RESULTS

In order to process this study's data, we have used the statistics application SPSS and we have analyzed frequencies.

The individuals taking part in this study described 129 conflicts that, subsequently, were distributed within 8 groups of basic conflicts: conflicts related to scarcity of resources (38,76%), conflicts where family has an important role (20,93%), conflicts caused by coexistence and daily relationship between people (20,93%), aged people adaptation problems (7,75%), conflicts concerning decision making (4,65%), burn-out syndrome and its consequences (4,65%), conflicts generated by the need to intervene in particular life situations of aged people (1,55%), and defencelessness situations aged people undergo or are exposed to (0,78%).

Figura 1. Situaciones de conflicto en el ámbito socio-sanitario de las personas mayores.



The boards of assistance centres for the elderly have a special sensitivity towards the conflicts related to the gap between the current demands concerning the users' assistance and the available resources. On the other hand, the technical personnel working in these centres, apart from worrying about these problems, are also focused on those conflicts in which the users' relatives are also involved.

The conflicts about the treatments received (26%), the lack of resources (18%), and the problems related with the working hours (14%) were the problems that reflected the best the situations being characterized by the gap between the resources available for the different institutions or organizations and the requests from the elderly, the family, and society in general.

The *conflicts about the treatments received* were essentially centred on the disagreements between the aged person's and/or the family's expectancies about the attention the centre should provide, and the obligations and limits that the centre and/or its workers consider to have concerning the attention of such people. Comments such as "They're always twisting something", "They're very demanding", "They don't realize the cost of this place", indicated that, in most of the cases, according to the institution's opinion, aged people had a disproportionate expectancy concerning the attention they should receive or undervalued the treatments received. It was about conflicts related to quantity, quality and speed of the services or attentions received, which, quite often, turned into complaints about the work of the technical staff, assistants mainly, or into refusals of treatments from certain people.

The *lack of resources*, basically human ones, was another source of conflict in the institutions or organizations visited. The overload of work and the roles' conflict were two aspects intimately linked to the scarcity of the technical staff necessary to efficiently assist the needs of aged people. The system's rigidity as for schedules, technical support, and/or residence places/quota was also part of the conflicts related to the lack of resources.

As for the *problems related to the working hours*, the interviewed people openly showed their unease concerning the kind of working day and the organization of timetables according to the needs of the aged people. This aspect became worse when talking about the salaries paid.

The conflicts where the family had an essential role changed depending on whether they occurred inside or outside the family core. The *problems arising inside the family core* resulted from the consequences of the old person's attention, the distribution of the aged person's treatments among the different members of the family, the loss of liberty, the economic expenses, the physical and psychological exhaustion, and/or the decision making about the aged person's placing or not placing in a geriatric institution or a day centre. The aspect generating more conflicts within the family was the guilt feeling for placing the aged person in a centre. These guilt feelings could be fuelled by the aged person when showing the abandonment feeling ("5 children and I'm here") or by society in general ("Don't they have money to keep her at home?", "Having a relative in a residence gives a bad image. When they see you on the street and you mention that he/she is in a residence, you can feel a change of attitude").

Concerning the *conflicts occurring outside the family core*, that is to say, in the institution, three additional actors were detected, apart from the family: the aged person, the centre, and the workers. The problems between the family and the aged person could arise for different reasons, such as the lack of visits from the family to the placed person or situations related to the decision of placing the aged person in a residence or a centre. In those situations, opposition might come either from the aged person or from the family itself. The conflicts between the family and the centre or institution were due to differences arising from information problems or from the demands the relatives made to the centre concerning the attention they thought the aged person should receive. The disagreements between the family and the workers were related to the way of assisting the aged person and/or the medical treatment required. Especially, there were complaints about the work done by the assistants.

Tabla 2. Número de conflictos enumerados en cada grupo de conflictos en función del colectivo entrevistado

Colectivo Entrevistado	Tipo de Conflicto							
	DDR	CF	CV	A	TD	SQ	CNI	SI
Persona Mayor	2	--	4	--	--	--	1	--
Familiar persona mayor	--	2	2	2	1	--	--	--
Personal Técnico	16	14	9	3	3	3	1	--
Personal Administrativo	5	--	1	--	--	--	--	--
Dirección	22	9	8	5	2	3	--	1
Representante Sindical	3	1	1	--	--	--	--	--
Presidente/a	--	--	1	--	--	--	--	--
Otro	2	1	1	--	--	--	--	--
Total	50	27	27	10	6	6	2	1

DDR Desfase demandas-recursos / CF Conflictos en los que la familia juega un papel fundamental / CV Conflictos de convivencia y de relación / A Problemas de adaptación del residente / TD Toma de decisiones / SQ Síndrome del quemado / CNI Conflictos generados por la necesidad de intervención / SI Situaciones de indefensión de la persona mayor.

74,07% of coexistence and relationship conflicts were caused by the daily relationship between people. In most cases, they occurred among aged people, but we also found problems between aged people and their attendants. The sense of territoriality and of property grounded the *arguments between aged people*. The most frequent arguments were related to the obligatory room sharing. There was a variety of reasons for arguing: the table they wanted at the dining hall; the TV channel to be watched in common halls; the heating and/or the use of common goods. The comments stated by the workers concerning those arguments referred to three aspects: the personality of aged people (*"Aged people are very bad-tempered, they have a strong personality, they are in a bad mood and they are very difficult to live with"*), the relativity of the issues aged people argue about (*"They argue about things not important"*), and the relationship age-deterioration-problems (*"The older they are, the more problems they give"*).

*Arguments between aged people and their attendants* were mainly caused by the disappearance, real or fictitious, of pieces of clothes. The origin of argument was not only the material property, but also the possibility of deciding about aspects concerning the own person: especially, the personal hygiene, the desire to have sentimental relationships, complaints about how they are treated, and/or compliance with the rules.

80% of the residents' adaptation problems were related to the difficulties that aged people had during the adaptation period after being placed in an institution. The other 20% was directly related to the depression caused by the failure to adapt to his/her new situation as resident.

As for the conflicts generated by decision making, it was remarkably outstanding the important anguish originated by the decision of placing an aged person in an

institution. This anguish appeared both in the family and in the aged person, no matter the placement was voluntary or not. Although to a lesser extent, in this section there was also a reference to the decision making when the aged person was disabled and to the vital decisions the family had to make concerning their loved one.

The people taking part in this study talked about the burned-out syndrome to refer to the relatives and to the workers as well, when they were overwhelmed by the assistance to the old person (people) they were responsible for.

96,30% of people, in the conflicts they had to cope with daily or weekly, detected the presence of rumours, misinformation, negative stereotypes and/or prejudices about the aged people. Moreover, in 33,33% of the interviews done, several prejudiced comments on aged people were detected. For instance: *"They are very possessive"*, *"they tend to find problems everywhere"*, *"people's personality gets worse"*, *"they are very jealous"*. Society's negative consideration of those children placing their parents in geriatric residences, the comparative affront between workers and the comments about it, and the negative prejudices about the centre (life quality at the centre, its interests and benefits concerning the placing of an aged person, etc.) also appeared during the interviews.

As for the parties or actors involved in the conflicts related with aged people, and according to this study's participants, aged people were always taking part in the conflict (100%), secondly, the aged people's relatives were involved in 78% of conflicts, and finally, the technical staff were involved in 64% of conflicts.

According to 92% of the individuals, in conflicts related with aged people, there were some people who had a greater influence on the others. If we focus on the three parties to these conflicts, the power hierarchy,

from top to bottom, would be: technical staff, relatives, and aged person. 39,29% of participants thought that the technical staff had the power to influence on the others; it was followed by the aged person's relatives (17,86%), whereas the aged person did not have such capacity (3,57%).

The technical staff was also considered to have a greater capacity to make decisions as well as the institution's board (39,10% and 17,40% respectively). In no case was it considered that only the aged person could make decisions.

The research participants had great difficulties in answering questions about the conflicts' phase: whether they were treatable or negotiable; position adopted by the parties; benefits provided by certain solutions; information about the solution attempts; the existence of representatives in the conflict; the presence of coalitions and the people who were doing them; the kind of behavioural changes and the relationship between parties because of the conflict; questions about the existence of people who may interfere, positively or negatively, with the conflict's resolution.

## DISCUSSION

The data obtained from this study show a first approach to the conflict situations that can be

found in the context of assisting aged people within the socio-health sphere, as well as those conflicts' dynamics and structure.

It is interesting to point out that this study's participants had difficulties in answering questions which required a deeper analysis of conflict situations. This superficial knowledge of the conflict situations they face is a serious obstacle to deal with them properly (5, 7, 8).

Likewise, we must underline that the strong personal implication of the interviewed people can even limit the management of the simplest conflicts, which are generally characterized by a greater ease and speed of resolution (9, 10).

The technical staff is one of the basic pillars in old age conflicts' management. Apart from being an involved party, in numerous occasions they act as a filter between the institution, the aged people, and the relatives. Thereby, they are an essential piece when dealing with difficult situations in the sphere we are talking about.

The characteristics of the population being assisted, the scarcity of resources and its consequences, as well as the conflict's personalization (the aged person ends up being an involved party and a source of conflict at the same time) imply that, nowadays, these conflicts' management is conditioned upon the maintenance of the institutions' daily running. ■

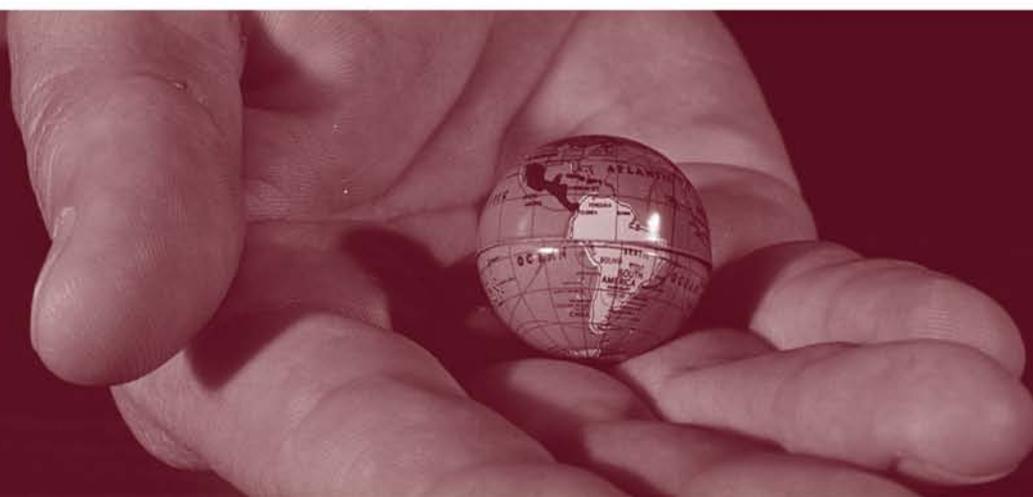
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# Conflictology

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- To be able to lead and facilitate negotiation and mediation processes
- To transform the way to communicate both to prevent and to end conflicts

# Reconciliation: some lessons learned in the restorative justice context

Marc Forget

## Resumen

La reconciliación es un proceso complejo que requiere la confluencia de una serie de factores críticos. El hecho de que la reconciliación sea, por definición, una experiencia personal hace que resulten un desafío los proyectos a gran escala de reconciliación pública. Desde comienzos de los años 70 del siglo XX, la posibilidad de la reconciliación entre víctima y agresor en el campo de la justicia restaurativa, incluso en el caso de los delitos más graves, ha sido estudiada, y se han desarrollado algunos criterios y directrices eficaces para aumentar las posibilidades de reconciliación. Este artículo identifica los elementos que han promovido la reconciliación en el campo de la justicia restaurativa, y sugiere que éstos también pueden ser aplicados de forma efectiva a gran escala en los esfuerzos de reconciliación pública.

## Abstract

Reconciliation is a complex process requiring the confluence of a number of critical factors. The fact that reconciliation is by definition a personal experience makes large-scale public reconciliation projects highly challenging. Since the early 1970s in the field of restorative justice, the possibility of reconciliation between victim and offender, even in the case of the most serious crimes, has been studied, and some effective criteria and guidelines have been developed to increase the potential for reconciliation. Marc Forget's article "Reconciliation: Some Lessons Learned in the Restorative Justice Context" identifies the elements which have promoted reconciliation in restorative justice, and suggests that these may also be effectively applied to large-scale public reconciliation efforts.



MARC FORGET

Marc Forget is an educator who specializes in transformative group processes that help people discover constructive, nonviolent approaches to conflict.

Marc also trains human rights educators, mediators, and people engaged in alternatives to modern criminal justice systems. For nine years Marc was program coordinator for an organization whose long term goal is penal abolition.

Reconciliation has been talked about, discussed and studied extensively in recent decades. Although we have learned much about reconciliation in a wide range of settings, from large-scale projects such as South Africa's Truth and Reconciliation Commission, to small, community-based initiatives such as Healing Circles in small, isolated Aboriginal settlements in Canada, a great deal remains to be understood.

While large-scale, whole-society reconciliation projects usually follow the end of a civil war, or the fall of a despotic regime or dictatorship, and are usually part of a peace building programme, the process of reconciliation remains a highly personal experience, and for a large-scale project to be effective, it must provide the opportunity for a personal experience of reconciliation to large numbers of people.

However, precisely because reconciliation is such a personal experience, it means different things to different people, and what is required to experience reconciliation varies widely from one individual to another. Nevertheless, reconciliation efforts, whether they involved ex-combatants in post-war Nicaragua, "blacks," "whites," and "coloureds" in post-Apartheid South Africa, or victims and perpetrators in criminal cases, have made it clear that while there is a wide range of conditions, feelings and needs in each specific reconciliation context, there are also some key elements that are common to most situations.

Reconciliation at a personal level is an ideal which, although not always fully achieved, has been

an important goal of the various alternative criminal justice processes which have come to be known as *restorative justice*.

What is known today as restorative justice began in the small town of Elmira, Canada, one night in 1974 when two young men got drunk and vandalized twenty-two different properties. They were caught and convicted, and probation officer Mark Yantzi was responsible for preparing a pre-sentence report. In searching for an innovative and meaningful sentencing suggestion, Yantzi expressed his belief that the best thing for the community would be to have the offenders meet their victims. Yantzi was encouraged by his colleague Dave Worth to present his idea to the judge. Judge McConnell eventually ordered the two young men to go along with Yantzi and Worth to meet their victims and negotiate compensation, and to come back with a report on the damage the victims suffered.<sup>1</sup> This was the first experiment with what came to be known as victim-offender reconciliation programs (VORP).

Many variants of VORP have developed, as well as parallel approaches such as Family Group Conferencing, and Community Circles, which are all founded on the same general principles, and all offer opportunities for reconciliation.

The importance of reconciliation in the healing process a victim goes through in the aftermath of a traumatic event cannot be overstated. After a brief correspondence with the man who had attacked and raped her eighteen years earlier, Diane M. was able to end her nightmare. She says it is as if a ceiling had been lifted; "the fear and anger are gone... There's

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1 Cayley, David. (1998). *The Expanding Prison*. Toronto: House of Anansi Press Limited, p. 215-217; Sharpe, Susan. (1998). *Restorative Justice: A Vision for Healing and Change*. Edmonton: Edmonton Victim Offender Mediation Society, p. 24-25; The Church Council on Justice and Corrections. (1996). *Satisfying Justice*. Ottawa: The Church Council on Justice and Corrections, p. 39.

2 *Restorative Justice: Making Things Right*. (Videotape). Walker, Cheryl Zehr-(producer). (1994). Akron, PA: Mennonite Central Committee/MCC Communications.

not a bit of hate left.”<sup>2</sup> For offenders, facing the human suffering they have caused may be the most powerful way to experience accountability. Stan Rosenthal is serving a long sentence in prison. After years of incarceration he met his victim’s family in a mediated encounter. All along he had felt a strong desire to apologize, but the criminal justice system allowed him no contact with his victim’s family. For Stan, the encounter was the most valuable experience he’s had in prison. He says “no program had a greater impact on me.”<sup>3</sup> These are only two of many compelling examples of the tremendous benefits that even simple attempts at reconciliation can offer victims, offenders, and the community at large.

Not only can reconciliation between individuals have a positive effect on whole communities, but the principles utilized in reconciliation between victim and offender provide a framework which can be effectively used as part of reconciliation efforts in the wake of wider social conflicts such as civil war and racial segregation.<sup>4</sup>

The modern approaches collectively known as restorative justice, offer a philosophy, theories, and practices that provide the most effective framework to explore the potential for reconciliation between victim and offender. The philosophical foundations of restorative justice can be summed up as follows:

Problem-solving for the future is seen as more important than establishing blame for past behavior. Instead of ignoring victims and placing offenders in a passive role, restorative justice principles place both the victim and the offender in active and inter-personal problem-solving roles...<sup>5</sup>

For restorative justice to offer true opportunities for reconciliation, it is absolutely essential that the process be fully participatory and democratic. The participants (those who have suffered harm as well as those responsible for that harm) must be, and feel, fully empowered to make their own decisions, to

make choices not only about the outcome, but also about the process itself. Any hint of coercion or outside control will result in failure to achieve reconciliation. In fact, the existence of any predetermined or specific goals is likely to jeopardize the whole process. The participants in a reconciliation process must be in control of the process to the extent that they must have the capacity and feel free to alter, suspend or even terminate the process at any time. In the context of a society-wide reconciliation project it is of utmost importance to ensure that there can be no political interference in the process.

Regardless of the particular model used, or the context in which it is used, the restorative approach endeavors to achieve the following five goals:<sup>6</sup>

1. Invite full participation and consensus.
2. Heal what has been broken.
3. Seek full and direct accountability.
4. Reunite what has been divided (reconciliation).
5. Strengthen the community to prevent further harm.

In restorative justice it is understood that both victim and offender need healing, and this healing requires opportunities for confession, repentance, forgiveness and reconciliation.<sup>7</sup> What the parties require for their healing is different in every case, but it is crucial for opportunities to be apprehended by the victim and the offender. Forgiveness, confession, repentance, and reconciliation cannot be willed or forced by the victim or the offender; neither should they be suggested by a mediator, convener, or any participant other than the victim or the offender. In fact, through his research at the University of Minnesota’s Center for Restorative Justice and Mediation, Mark Umbreit has found that the more the concepts of forgiveness and reconciliation are mentioned to the parties prior to mediation, the less likely it is that the victims are going to participate in the process:<sup>8</sup>

3 Ibid

4 From the author’s personal experience of reconciliation projects conducted with ex-Sandinistas and ex-Contras in Nicaragua, and with “blacks, whites and coloureds” in post-Apartheid South Africa.

5 Umbreit, Mark, cited in The Church Council on Justice and Corrections. (1996). *Satisfying Justice*. Ottawa: The Church Council on Justice and Corrections.

6 Sharpe, Susan. (1998). *Restorative Justice: A Vision for Healing and Change*. Edmonton: Edmonton Victim Offender Mediation Society, p. 7.

7 Zehr, Howard. (1990). *Changing Lenses, A New Focus for Crime and Justice*. Scottsdale, PA, p. 51.

8 Umbreit, Mark S. (1995). A Journey of the Heart. *Interaction* Winter 1995, p. 10.

While forgiveness and reconciliation represent a powerful outcome of the process of mediator assisted dialogue and mutual aid between crime victims and offenders, they must emerge in a natural and genuine manner that has meaning to the involved parties.<sup>9</sup>

If reconciliation cannot be willed or forced, and it must emerge in a natural and genuine manner, then what aspects of the restorative justice process should be focused on in order to encourage the emergence of opportunities for reconciliation? It is in the study of mediation that some key answers are found to these dilemmas of reconciliation. In the introduction to their groundbreaking work *The Promise of Mediation*, Bush and Folger write:

...the mediation process contains within it a unique potential for transforming people—engendering moral growth—by helping them wrestle with difficult circumstances and bridge human differences, in the very midst of conflict. This transformative potential stems from mediation’s capacity to generate two important effects, empowerment and recognition. In simplest terms, *empowerment* means the restoration to individuals of a sense of their own value and strength and their own capacity to handle life’s problems. Recognition means the evocation in individuals of acknowledgment and empathy for the situation and problems of others. When both of these processes are held central in the practice of mediation, parties are helped to use conflicts as opportunities for moral growth, and the transformative potential of mediation is realized.<sup>10</sup>

Reconciliation can be viewed as one pole on a continuum that has hostility as its other pole. The

traumatic event (or series of events) itself puts the parties near the hostility pole, while empowerment moves them closer to reconciliation. Recognition can take them even closer to reconciliation, but it is only when the needs of both the victim and the offender are fully addressed that reconciliation becomes a possibility.<sup>11</sup> In “Beyond Retribution”, New Testament scholar Christopher D. Marshall proposes that reconciliation is the fulfillment of forgiveness:

Forgiveness is what happens when the victim of some hurtful action freely chooses to release the perpetrator of that action from the bondage of guilt, gives up his or her own feelings of ill will, and surrenders any attempt to hurt or damage the perpetrator in return, thus clearing the way for reconciliation and restoration of relationship.<sup>12</sup>

In her book *Fire in the Soul: A New Psychology of Spiritual Optimism*, psychologist and Harvard Medical School professor Joan Borysenko writes:

Forgiveness is not the misguided act of condoning irresponsible, hurtful behavior. Nor is it a superficial turning of the other cheek that leaves us feeling victimized and martyred. Rather, it is the finishing of old business that allows us to experience the present, free of contamination from the past.<sup>13</sup>

Reconciliation is often described as “an opening of the heart”, and rather than a one time all or nothing event, it is viewed as “a journey involving numerous elements and steps”.<sup>14</sup> The process of reconciliation is often described as a spiritual awakening by those who have experienced it. It is certainly a profound transformation, whether or not it is understood as spiritual.

9 Ibid

10 Bush, Robert A. Baruch and Joseph P. Folger. (1994). *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*. San Francisco: Jossey-Bass Inc., p. 2.

11 Classen, Ron and Howard Zehr. (1989). *VORP Organizing: A Foundation in the Church*. Elkhart, IN: Mennonite Central Committee U.S. Office of Criminal Justice, p. 5.

12 Marshall, Christopher D. (2001). *Beyond Retribution, A New Testament Vision for Justice, Crime and Punishment*. Auckland, New Zealand: Lime Grove House Publishing, p. 264.

13 Borysenko, Joan (1994). *Fire in the Soul: A New Psychology of Spiritual Optimism*. Warner Books.

14 Marshall, Christopher D. (2001).

Reconciliation is a difficult but tremendously powerful process that has the ability to transform individuals, communities and whole societies. Because retribution is the predetermined, “natural” response to an offense, reconciliation is the creative alternative. It is the highest form of creativity, and as such it offers possibilities that are often beyond our highest expectations. To some it even “possesses a capacity to reveal the original face of God.”<sup>15</sup>

In reconciliation efforts between victim and offender in the aftermath of a criminal offence, there are a few crucial criteria that must be met if there is to be any possibility of reconciliation. It has

become clear that the same criteria must also be met in attempts at reconciliation on a larger scale, in post-conflict contexts, if these projects are to be successful. These criteria are:

1. *The program must pursue the goal of reconciliation.* It must promote the reconciliation of all parties. Its social controls must interfere as little as possible with the reconciliation of the victim and the offender.<sup>16</sup>

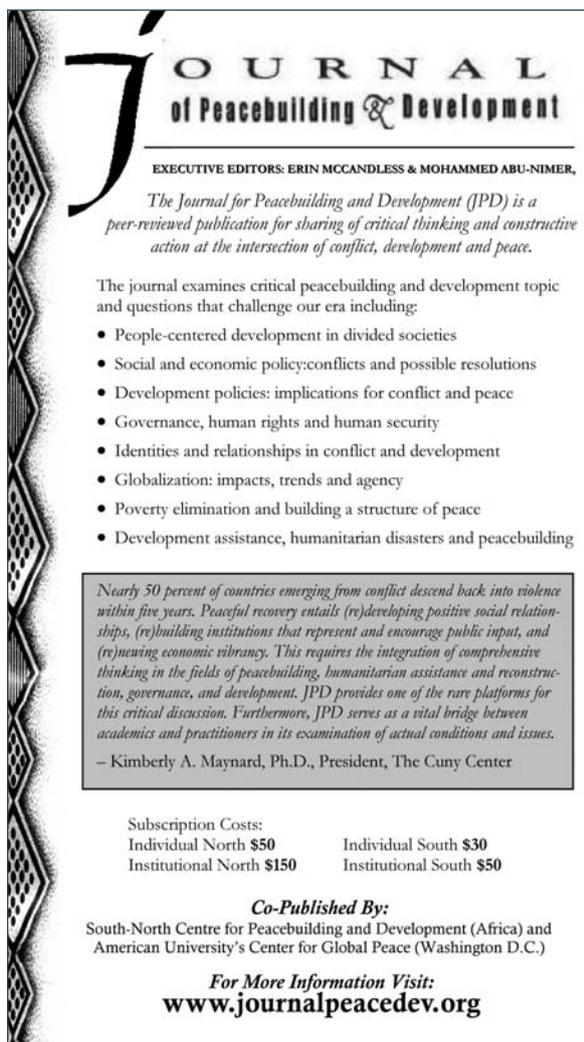
2. *The program must meet the needs of victims, offenders, and the community.* It must help make right the harm caused to victims, and it must provide standing and dignity to victims. It must enable and encourage offenders to accept responsibility for their actions, and it must avoid dehumanizing offenders. It must make right the harm caused to the community, and it must address the community’s need for safety.<sup>17</sup>

3. *The process must be democratic.* The people most affected by the events (victims and perpetrators) must be the ones making the most important decisions. They must participate fully.

4. *The participants must be empowered.* The people affected must be given full control over the process, including the decision to withdraw from, or even terminate the process at any time.

5. *The process must be free of pressure or coercion.* There must not be any pressure to achieve agreement, forgiveness or reconciliation.

Ensuring that these criteria are met will by no means guarantee that reconciliation will be achieved. However, experience gained in the field of restorative justice, and applied in post-conflict situations has taught us that these criteria are crucial in achieving any measure of success in reconciliation projects. ■



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15 Duquoc, C. “The Forgiveness of God” in *Forgiveness*, Concilium 177 ed. C. Floristan and C. Duquoc 35-44 (1986). As quoted in Marshall, 2001.

16 Van Ness, Daniel and Karen Heetderks Strong. (1997). *Restoring Justice*. Cincinnati, OH, p. 163-164, and Zehr, Howard (1990). *Changing Lenses*, p. 200.

17 Ibid.

# Civilian Movement for Ministries or Departments of Peace in the World

Simonetta Costanzo Pittaluga

## Resumen

El 13 de mayo del 2008 Federico Mayor Zaragoza publicó un artículo en uno de los principales diarios españoles, *La Vanguardia*, titulado “Ministerios de Paz”. En el artículo puede leerse lo siguiente: “Con el nuevo milenio va extendiéndose, de forma que resultará imparabable en los próximos años, la fuerza de la razón, la conciencia del poder ciudadano que, pacíficamente, con firmeza, ya no se resigna a vivir sometido a los más arbitrarios designios del poder. La fuerza de la razón frente a la razón de la fuerza, guiada por los grandes valores universales y no por las leyes del mercado, para devolver a la humanidad las riendas de su destino. Es esta nueva ciudadanía la que será capaz de movilizarse, con firmeza pero sin violencia, hacia una cultura de la paz.”

¿Y qué ha hecho hasta la fecha esta “ciudadanía mundial”, además de poner en marcha movimientos civiles por la paz, para fomentar entre las instituciones políticas la cultura de la paz? He reunido información interesante de distintas fuentes que quisiera compartir. Lo haré en este orden:

–Qué han conseguido hasta el momento ciudadanos de todo el mundo con la creación de un movimiento internacional llamado Alianza Global por los Ministerios y Departamentos de Paz.

–Cuál es el significado de *cultura de la paz* (cuestión abierta a un debate posterior).

–Cuál es el significado de *Departamento o Ministerio de Paz* (cuestión abierta a un debate posterior).

## Abstract

On the 13<sup>th</sup> of May, 2008, Mr. Federico Mayor Zaragoza<sup>1</sup> publishes an article in one of the mainstream newspapers of Spain: *La Vanguardia*, titled “Ministries for Peace”. In it he says:

*“With the new millennium the force of reason is expanding in a way that seems unstoppable in these next years, the conscience of the citizens' power, that pacifically, but firmly, will give in to submission towards the arbitrary designs of power. The force of reason against the reason of force, guided by the great universal values and not by the law of market, to return to humanity the reins of its destiny.*

*It is this new citizenship that is capable of moving, with firmness but without violence, towards a Culture of Peace...”*

What has this 'global citizenship' been doing, apart from the civilian movements for Peace, to spur the political institutions towards a Culture of Peace?

I have gathered some interesting information from various sources I would like to share.

The order of it will be the following:

– What has been done up to now by citizens around the world that have started a global movement called the *GLOBAL ALLIANCE FOR MINISTRIES AND DEPARTMENTS OF PEACE*;

– What is meant by a Culture of Peace (for further discussion);

– What is meant by Department or Ministry for Peace (for further discussion).



SIMONETTA COSTANZO PITTALUGA

Simonetta is a vocational and professional educator and executive secretary (PR), and has 35 years experience in non-violent transformation and mediation in small scale, grassroots, inner-social issues. Asthanga Yoga teacher, she has a long experience in using Yoga principles (Ahimsa foremost) in public relations, in education, in personal transformation for working skills, and in communication. Since 1992 she is researching Non-violence, Non-partisanship, and Peace education/training.

## GLOBAL ALLIANCE FOR MINISTRIES AND DEPARTMENTS OF PEACE

One notable example has been the coming together of citizens from all over the world to start a movement in London, in 2005, to ask their Governments for Departments of Peace.

The manifesto presented in the House of Parliament reads thus:

### *Declaration of the first people's summit for departments of peace*

London, October 19<sup>th</sup>, 2005

Today, we announce the launch of an international initiative for the creation of Departments of Peace in governments throughout the world.

Violence of all kinds is increasing.

There is an urgent need to find responsible solutions, expanding on past and present peace building successes.

This international initiative will both provide resources and support for existing national Department of Peace campaigns, and assist new ones as they appear in other countries.

While the exact role of the department will differ in each country, its basic functions will be the same:

- To foster a culture of peace;
- To research, articulate, and help bring about non-violent solutions to conflicts at all levels; and
- To provide resources for training in peace building and conflict transformation to people everywhere.

We, the undersigned, joyfully vow to support and encourage each other, to share information, to enrich each other's experience, to listen to one another and

to celebrate our commonalities and differences in our journey together towards a culture of peace.

Signed by:

- Department of Peace, Australia
- Working Group for a Federal Department of Peace, Canada
- *Ministry for peace*, United Kingdom
- The Peace Alliance, Campaigning for a US Department of Peace, USA
- Delegation from Israel
- Binnie Degli Innocenti, WWGHM, Italy
- Federation of Damanhur, Italy
- Global Peace Campaign, Working for a Ministry of Peace in Japan
- Ank Mesritz, House of Peace, Netherlands
- Paul van Tongeren, European Centre for Conflict Prevention, Netherlands
- Zoughbi Zoughbi, WPAAM, Palestinian Conflict Resolution Centre, Palestine
- Romanian Department of Peace Initiative
- Jo Berry, Building Bridges for Peace, United Kingdom
- Rolf C Carriere
- Simonetta Costanzo Pittaluga - Spain

Since then there have been 2 more world summits, one in Canada and one in Japan. The calls are such:

### *Communiqué from the Second People's Summit for Ministries and Departments of Peace - Victoria, BC, Canada - June 19-22, 2006*

The Global Alliance for Ministries and Departments of Peace gathered at Royal Roads University,

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1 Federico Mayor Zaragoza (b. 1934 in Barcelona) is a Spanish scholar and politician. He served as General Director of UNESCO from 1987 to 1999. Through the Foundation for a Culture of Peace, created in Madrid in March 2000, under the patronage of the Department of Education of the Community of Madrid, Mayor continues the task he began as General Director of UNESCO: that of promoting the transition from a culture of violence and force to a culture of peace and tolerance.

Victoria, Canada, to advance the establishment of ministries and departments of peace in governments worldwide.

Government and civil society delegates from Australia, Canada, Costa Rica, India, Italy, Japan, Liberia, Nepal, Netherlands, New Zealand, Palestine, Philippines, Romania, Solomon Islands, Spain, Uganda, United Kingdom, United States, united to develop an effective global and national architecture for peace.

In plenary sessions and working groups, Summit participants established the foundations for local, national, regional, and international campaigns that will work towards conflict resolution and peace building.....

The Global Alliance calls upon governments of the world and civil society organisations everywhere to:

- Develop necessary resources and infrastructure for resolving conflicts effectively by peaceful means;
- Establish, train, and develop civil peace services, human resources, and capacities for peace building and conflict transformation;
- Incorporate conflict resolution and peace building into school curricula from primary schools through university;
- Actively engage youth, women, and all communities to participate as equals in peace building, to ensure participation and representation of all;
- Support and encourage coordinated efforts to gather lessons learned and best practices from peace building experiences around the world.

The Global Alliance is committed to partnership and cooperation with governments, organisations, and institutions nationally and internationally working for the achievement of these goals and the promotion of peace by peaceful means. Governments such as those in the Philippines and Solomon Islands, who have already established secretariats and departments for peace building, conflict transformation, and reconciliation, are pioneers and examples to the world.....

### *Communiqué - Japan Summit - September 25th, 2007*

#### *Summit Calls for Ministries and Departments of Peace in All Nations*

The 3<sup>rd</sup> Global Summit for Ministries and Departments of Peace took place on September 21st-26th in Kisarazu and Tokyo, Japan. This extraordinary event began on the International Day of Peace and Global Ceasefire declared by the UN. It featured 21 country delegations\*, representing both civil society and parliamentarians, from all five continents, including Nepal, which became the second country, after the Solomon Islands, to form a Ministry of Peace, and Rwanda, a country that experienced genocide in 1994.

The event was sponsored by the Global Alliance for Ministries and Departments of Peace numbering more than 25 countries and hosted by its Japanese member, Japan United for Ministry of Peace (JUMP)

Ministries and Departments of Peace are dedicated to creating a culture of peace within and between countries where the Ministers of Peace would meet to reduce violence and war through non-violent conflict resolution.

A main purpose of this Summit in Japan was to support the peaceful nature of the Japanese Constitution, now under review, and to advocate that all countries create peace constitutions.

Over the four days of the meeting, the Summit heard reports from each country, carried out a series of intensive training towards the formation of Ministries and Departments of Peace within their respective governments, and resolved to witness the creation of at least two more ministries by the next Summit, with Costa Rica as the most likely to declare. At the Summit the Africa Alliance for Peace emerged, initiated by delegates from Rwanda, Senegal, South Africa and Uganda.

The Global Alliance calls for structures in governments and civil society that support a culture of peace, working together with all sectors in each country, especially youth, towards that goal.

\*Countries represented were: Australia, Brazil, Canada, China, Costa Rica, India, Israel, Italy, Japan, Nepal, New Zealand, Pakistan, Palestine, the Philippines, Romania, Rwanda, Senegal, South Africa, Uganda, UK and the USA...

What we observe is a growing movement of citizens who ask for what is needed, at political, policy and institutional level, for a Culture of Peace.

## WHAT IS MEANT BY A CULTURE OF PEACE?

An example of a simple analysis of the difference between Culture of Peace and Culture of Violence is reflected, simplified, in a paper presented by Martí Olivella, (of NOVA, Centre for Social Innovation of Barcelona, Spain, at the 3rd International Gathering For a Culture of Peace - March 27th, 2006 - Building Civil Peace Services - For a Civil Peace Service in Catalonia, Casa del Mar, Barcelona.):

From War Culture...	to Peace Culture in Catalonia (Spain)
<b>Values</b>	
If you want peace... prepare war (preventive)	If you want peace prepare peace (justice)
Construct peace with violent means	Construct peace with peaceful means
Fight against violence with violent actions	Fight against violence with non-violent actions
Violence as the final resource	Violence is not the solution
Eye for an eye: everybody blind	Love the enemy and do not legitimize his violence
<b>Organisation</b>	
Defence Act	Act for the Promotion of Peace (in Catalonia)
Ministry of Defence (of War)	International Peace Institute (in Catalonia)
General Staff Council	Council for the Promotion of Peace (in Catalonia)
Armed forces (soldiers)	Unarmed forces (civilians)
Military service (compulsory and/or professional)	Civil Peace Service (volunteer and/or professional)
<b>Functions</b>	
Armed defence of the Constitution (in Spain)	Mediation and transformation of social conflicts
Armed defence of the State	Civil defence of the nation
Armed intervention in international conflicts	Non-violent civil intervention in international conflicts
<b>Infrastructures</b>	
Military defence centres (military castles network):	Civil "defence" centres (Castles for Peace Network):
- Research centres	Research centres -
- Education and training centres	Education and training centres -
- Legitimization and propaganda centres (museums)	Legitimization and awareness-raising centres (museums) -
<b>Current resources</b>	
Armed Forces Professionals 2005: 70,000 (1)	Non-Armed Forces Professionals 2005: 0
Armed Defence global budget 2005: €16,000 million (2)	Non-armed Civil Defence global budget 2005: 0
<b>Possible resources to start a long journey (transfer of 0.14 % by 2007)</b>	
Professional Armed Forces 2007: 69,900 soldiers	Professional Non-Armed Forces 2007: 100 civilians
Armed Defence global budget 2007: €15,980 million	Non-Armed Civil Defence global budget 2005: €20 million

Submitted to the Consell Català de Foment de la Pau by Nova-Forces de Pau Noviolentes on March 1st, 2006 and adapted for the 3rd Meeting for Peace Culture, March 27th, 2006

1 According to La Vanguardia of February 19th, 2006. Of whom, 32,000 are heads and officers.

2 According to the website of Justícia i Pau (see table below). Rounded figure.

Another table appears in the article by Jean-Pierre Mfuni Mwanza “The case for establishing Ministries of Peace in Africa” - *Copyright 2006 -Distributed/ reprinted with permission by The Peace Alliance Foundation- www.peacealliancefound.org*

**Table 1. Main characteristics of the two cultures**

Culture of violence	Culture of peace
Belief in power that is based on force	Belief in dialogue to resolve conflicts
Having an enemy	Tolerance, solidarity, understanding
Authoritarian governance	Democratic participation
Secrecy and propaganda	Free flow of information
Armament	Disarmament
Exploitation of people	Human rights
Exploitation of nature	Sustainable development
Male domination	Equality of women and men

The possibility of finding many more comparative tables is possible, the question is:

Who will be responsible for implementing these visions into society?

## WHAT IS MEANT BY DEPARTMENT OR MINISTRY FOR PEACE?

It is important to understand that in different countries and cultures and political backgrounds the Departments or Ministries for Peace will probably have different connotations.

It is also important to understand the basic difference of “Peace” as seen from the Military point of view, and Peace seen from the Civilian point of view: this difference is called Non-violence, and a Culture of Peace is implemented *Unarmed*.

The desire to see arms banned is probably not feasible at this historical moment, but we have to offer alternatives to ‘Armed Peace Missions’ by the military, we have to weave Non-violent Civilian Intervention as an option to Peace Missions, and we have to prove it, by sustained support to NGO and CSO initiatives, at the political and policy level.

These are some thoughts from different parts of the world on what Peace Ministries or Departments could be doing.

The idea I brought back with me from the First London Summit is resumed in the following extract

from the report I wrote for the Catalan Department of Cooperation and Development upon my return:

“...Departments/Ministries for Peace could offer an alternative from the perspective of a Culture of Peace, to Governments, when research, policy preparation, and implementation are needed.

*These Departments/Ministries should have:*

– Department of Continued Research and Archives open to all civil and Governmental initiatives;

– Department of Relations with the rest of the Ministries to be able to offer alternative information for their needs and decisions, from a Culture of Peace;

– Department of Relations with Civil organizations that are working in the field, acting in conflict zones, home and foreign, supporting their work with in-kind means and funds;

– Department of Management of projects for prevention, transformation and resolution of conflicts:

- Support Management of Humanitarian Aid,
- Support Management of Development,
- Support Management of Peace building, Peace making, Peace keeping
- Support Management of Civilian or Military Peace Corps (from training, to deployment, to follow-up upon return home);

– Department of Finances

\*That would manage the 1% of State Budget (0,3 % for Culture of Peace and 0,7% for development, as proposed by a campaign in the Catalan Autonomous Region and supported by civilians around the world),

\* That would have relations with the ethic Business World, to work on ‘Creative Capitalism’ together,

\* That would work with the Ministry of Finances and Commerce to propose alternatives to economic policies, and controversial globalization;

– Department of Justice, ‘Restorative Justice’, to defend those who need it;

– Department of ‘Missions’ (Civilian, Unarmed and Non-violent);

– Department of Education and Media relationships.

\* \* \*

Coming from the USA, this is an extract of “FROM A CULTURE OF VIOLENCE TO A CULTURE OF PEACE: THE CASE FOR MINISTRIES AND DEPARTMENTS OF PEACE”, by Dorothy J. Maver, Ph.D., and Michael H. Abkin, Ph.D.

A Chapter in “Earthrise: The Dawning of a New Civilization in the 21<sup>st</sup> Century”, by Patrick Petit (Ed.).

.....*What would a Department of Peace look like and how would it work?*

*Realizing that the road to real security is through sustainable peace (rather than other way around), the Department of Peace and Non-violence, headed by a Secretary of Peace, would have responsibilities to address the root causes of violence in both domestic and international arenas; to develop and promote peace education, including establishment of a Peace Academy; to encourage peace media; and to address the non-violent resolution of human security issues.*

*Imagine a Secretary of Peace at the cabinet level whose responsibility is to offer options and processes that point the way to potentially peaceful resolution of tension and conflict, thereby building more constructive relationships that lead to a culture of peace, with sustainability, justice, and cooperation on behalf of the common good.*

*Imagine a National Peace Academy on a par with the military service academies in the USA, where our military and civilian personnel will be supported with cutting-edge technology and peace building training.*

*Imagine the research, funding, and implementation throughout the country of programs that reduce conflict and prevent school violence, gang violence, youth violence, domestic violence of all kinds.*

*Specifically, internationally, the Department of Peace will stand side by side with and complement the work of the Defence Department -- for that matter, the State Department, too -- by researching, formulating, and bringing to the cabinet's table and to the National Security Council non-violent conflict resolution, peace building policy, and action options whenever international conflicts appear on the horizon or break out.*

*Further, the Department of Peace recognizes that our foreign policy can't project peace abroad unless we have peace in our hearts and daily behaviour at home, as well. For this reason, its scope is domestic as well as international. It will identify, spread the best practices already out there, and provide greatly increased financial support to programs addressing violence prevention at the root causes in such areas as restorative justice, domestic violence, child abuse, gang violence, school violence, hate crimes, and such.*

*Recognizing that a cultural change such as this requires education for peace from day one, the Department of Peace will support the spread of peace education and conflict resolution education in our schools as well as peace and non-violence study programs in our colleges and universities, and it will establish and operate a National Peace Academy to complement the military service academies. ...."*

\* \* \*

From Canada, Saul Arbess, Co-chair of the Canadian Department of Peace Initiative (CDPI) saul.arbess@departmentofpeace.ca, www.departmentofpeace.ca, sent me the following Model they have elaborated:

## PRELIMINARY MODEL OF MINISTRY OR DEPARTMENT OF PEACE, NOV. 2007

*Overall Mandate: To Build a culture and architecture of peace at home and abroad by directing policy in the areas of peace and human security across government departments*  
*Model of communication: Collaboration using NVC and related approaches; in relationship to other ministries, the minister might ask "How can we support the work you do?" and "Help my ministry to improve our way of working with you in achieving our mission."*

- *Reviews areas of conflict domestically and between countries searching from the root causes of conflict utilizing the strategy of conflict transformation by peaceful means.*
- *Serves as an incubator of creative responses to conflict.*
- *Acts as a sensor of potential areas of violence and provides strategies for early non-violent intervention and mitigation of conflict.*
- *Strengthens and supports CSO initiatives at all levels.*
- *Trains and deploys unarmed civilian peace services as professional peace workers and trains with defence, military personnel in non-violent strategies in post conflict reconstruction.*
- *Promotes human rights and the rights of the child.*

## Working with other ministries/departments

**Education:** *Peace education at all levels and university level peace studies.*

**Military (Defence):** *Supporting non-violent intervention and practices.*

**Environment:** *Mitigation strategies to reduce and respond to impacts of climate change where potential violence exists.*

**Health:** *Child development (the peaceful child); Holistic health care (the whole person).*

**Justice:** *Restorative Justice Practices (healing the harm); Forgiveness and reconciliation; Reduction of violence.*

**Social and Economic Development:** *Meeting basic human needs; Democracy building.*

**Foreign Affairs:** *Peace diplomacy; Disarmament and arms reduction; Renunciation of war; Human rights.*

## Innovations

*Commission on Peace and NGO forum for government oversight*

*Elders Council (non-partisan)*

*Civilian Peace Service*

*Peace Academy (as in the US Bill)*

*Academy for Peace (as in Costa Rica)*

*All Party Parliamentary Committee on Conflict Issues (as in the UK)*

\* \* \*

From Africa an interesting view is expressed by Jean-Pierre Mfuni Mwanza (*article cited on p.4*)

### **“...4. The tasks of a Ministry of Peace**

*During times of both peace and war, there is a huge amount of peacekeeping, peacemaking and peace building activity occurring at governmental, civil society, and individual levels. Given this, the tasks of a Ministry of Peace in building a culture of peace will include the following:*

- *To publicise and encourage existing peace building activities. The Ministry will not take over existing initiatives but will make them known and provide support to help them expand and to be more effective.*

- *To encourage other ministries and civil society organisations to undertake new initiatives which will promote a culture of peace. Examples in the education sector will be the training of teachers in appropriate skills and ways of thinking about conflict; writing textbooks and developing curriculum materials in the areas of conflict resolution, non-violence, and peace; the establishment of peace studies as an academic discipline at universities; and organising student exchanges with neighbouring countries and between different regions of the country. Examples in the military sector could include the re-orientation of military forces to a ‘defence only’ capability.*

- *Where there is no obvious ministry or civil society organisation available for a task, to undertake initiatives itself. An example could be the establishment of a civilian peace building standby brigade, perhaps involving members from different countries, to offer assistance in case of natural disasters and in recovery efforts following armed conflicts*

- *To celebrate the accomplishments of peace. Suter (2004) argues that just as war has its heroes, so does peace, and these should be celebrated. There are often monuments in honour of military heroes and the new ministry should find ways of honouring the country’s peace heroes. In addition, national days are often celebrated with the high profile of armed forces, such as military parades. The Ministry would coordinate peace-related ways of celebrating its country’s national days*

- *Through the above and other means, to build widespread public acceptance and support for the ideals of a culture of peace. In undertaking these tasks, the ministry will pay particular attention to the means it uses.*

*A central principle of the ministry will be to build peace by peaceful means.”*

### **Conclusion is not such.**

Much sharing and open minded approaches, and multicultural respect, needs to be had to make it a truly Global Initiative for a Culture of Peace.

There is still a need to do much work towards the understanding, the legislation for establishment, and the implementation of such an idea.

Especially, there is a need to inform of what is being done and keep the information flowing, as the technologies, now available, permit us to do.

It is interesting to know that Catalonia (Spain) has been one of the first nations to act upon the need of a Culture of Peace. The Law for Promotion of Peace was approved by the Catalan Parliament on June 25th, 2003, a Peace Council came of it; a law for a Civilian Peace Institute was presented in the Spanish Parliament in 2006 and is still being discussed; and a law for an International Catalan Peace Institute was passed in 2007, and for the World Day for Peace 2008, the Institutional Board was presented.

Happily, the idea is there, and I quote once again Jean-Pierre Mfuni Mwanza:

*“The idea is new and utopian....*

*Establishing a Ministry of Peace in the country is a new idea; such a ministry has not been established in any country, there is no experience to draw from or model which can be followed and the sheer size of its task means that it may be ineffective.*

*But why should this stop an African government from establishing such a ministry? Ministries of the environment and women’s affairs were unheard of 30 years ago; now most countries have one or both. Having been created, they become an established fact of political life and develop a momentum of their own. It will require only one government to create a Ministry of Peace for others to follow.*

*“Eventually, what once was seen as purely utopian may come to be seen as practically possible and later even as conventional wisdom” (Suter 1984: 215).”*

Why should anything stop such initiatives in our country... in all countries?!! ■

More information: [www.mfp-dop.org](http://www.mfp-dop.org)

# The conflict in mobbing. Triggers and resolution

Marina Parés Soliva

## Resumen

La pretensión de estas líneas es contribuir al conocimiento del conflicto en el fenómeno del acoso moral en el trabajo con la intención de promover la eliminación del ejercicio de estas prácticas violentas en el seno de las organizaciones. En este artículo además de detenernos en la definición del fenómeno nos interesa saber qué condiciones favorecen la emergencia del conflicto y aportamos nuevas contribuciones. Analizamos la fase de conflicto del proceso de acoso moral en el trabajo por entender que la resolución del acoso vendrá determinada en función de la fase en que es abordado. Reflexionamos sobre las condiciones que lo hacen posible en las empresas, y finalmente, exponemos lo que consideramos contribuciones y retos para el futuro de los estudios sobre este conflicto denominado “mobbing”. Como consecuencia de las diversas investigaciones sobre el fenómeno señalamos, tanto los componentes básicos para que surja un acoso, como la manera de atajarlo y esperamos, con estas contribuciones, aportar nuevas motivaciones para incidir en la erradicación de este problema, que ha sido entendido como una epidemia del siglo XXI.

## Abstract

The purpose of these lines is to contribute to the knowledge of conflict within the phenomenon of moral harassment at work, with the aim to promote the elimination of the exercise of these violent practices within organizations. In this article, apart from paying special attention to the definition of this phenomenon, we are interested in knowing the conditions that foster the emergence of this conflict, and we bring new contributions. We analyze the conflict phase of the mobbing process at work, since we understand that the resolution will be determined by the moment in which it will be tackled. We reflect on the conditions that make it happen within companies and, finally, we state what we consider to be contributions and challenges for the studies to come about this conflict called “mobbing”. As a result of the different researches about this phenomenon, we show both, the essential components for a conflict to arise, and the way to stop it. With these contributions, we wish to bring new motivations to have a bearing on the eradication of this problem, which has been seen as an epidemic of the 21st century.



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**F**reedom is what liberates us from the tough task of passively accepting a non-chosen destiny and leads us through the sinuous path of individual and collective emancipation.

Celia Amorós

## MOBBING

### *What is mobbing?*

Mobbing or moral harassment is the psychological harassment at work and it is an emerging phenomenon in the 21st century. Although this phenomenon has always existed, we must underline the spectacular increase it has gone through nowadays. The rise in the number of cases and the seriousness of some of them has fostered the growing interest in this subject during the current century. Moral harassment is a complex phenomenon and, consequently, the rise in the number of cases has many causes and this is so because many elements converge in its triggering. But, we can already say that all those elements that make it emerge are intimately linked to the predominant social values, that is to say, those that constitute the characteristics of a narcissistic society as ours, where the cult to image and success is leading without worrying excessively about the methods to obtain it. In this sociological context, the people best prepared to get the power are those who base their success on a careful “glamorous” looking without being really competent, whereas the moral and ethical norms stay in the background to obtain power, and, consequently, to achieve personal success as well. In short, the emer-

gence of the mobbing phenomenon is being provoked by the narcissistic idea, prevailing in society, of being successful no matter what. Moral harassment, or mobbing in the workplace, is a new kind of labor conflict which is far from the work conflicts of the trade social movements of the last century. On this purpose, we quote Vinyamata,<sup>1</sup> who says:

*Conflicts in the workplace imply productivity losses that may even reach—in the U.S.A— a 20%; horizontal conflicts, far from the discrepancies and fights between trades and entrepreneurs; conflicts between colleagues due to organizational deficits, to an excessive competitiveness or to a serious lack of acknowledgment of people's dignity, which leads to high levels of stress and ends up with the generation of masked boycott and espionage acts, fake sick leaves, loss of productive stimuli, arbitrary and high cost dismissals...*

The first definition of the “mobbing” concept comes from Heinz Leymann<sup>2</sup> who got it from a study by Konrad Lorenz<sup>3</sup> about ethology. The contribution of this article's author to find a definition enclosing all the elements of the concept is as follows:

*“The aim of moral harassment at work is to destroy the psychological stability of a human being through disrepute and rumours with a view to conceal a fraud. It is carried out by making a group harassing so strong that the stigmatized victim cannot defend him or herself, cannot speak and his/her word has no value. The victim's defencelessness comes from the passive attitude of those witnessing the violence, those allowing the destruc-*

1 Eduard Vinyamata. UOC's Dean Delegate for the Campus for Peace and Director of the University Centre Pau i Treva (Peace and Truce) for Research and Intervention in Conflicts' Resolution, Universidad Ramon Llull. Available on <http://www.getec.etsit.upm.es/articulos/gproyectos/art2.htm> (ref. 1-8-08).

2 Heinz Leymann “*Mobbing. La persécution au travail*”. Paris. Seuil, 1996.

3 Konrad Lorenz. Medicine Nobel Prize, in 1973 spread the term “mobbing” to describe harassment conducts among animals of the same species. Available on <http://www.acosomoral.org/pinuel9.htm> (ref. 1-8-08).

*tion of another human being in an outrageous and coward way". (Marina Parés.2005)<sup>4</sup>*

This definition justifies the inclusion of two new elements in order to describe this phenomenon: the group element and the fraud. The group element is stated in the theoretic construal of "the mobbing circles" described by the author (Parés 2005)<sup>5</sup> as "the roles played by each one of the harassment characters". In order to be able to diagnose mobbing, it is important to see who takes part in the harassing gang and sort them out of the rest of people who participate in it. Establishing the roles of each character consists of seeing where in the harassment, each person, in the organization, places himself. Thereby we have: the instigator, the allies, the tacit collaborators, the accomplices, and the staunch friends.

The other element constituting harassment is fraud. In my professional experience with victims of moral harassment, I have established the fact, not proven enough, of what lies behind every harassment, which is nothing more than the concealing of a fraud or an illegality. The concern to come to a good resolution for the cases of moral harassment in the workplace has been the driving force to reflect on this phenomenon and get to find these two elements, the group and the fraud, as constituting and determining elements of the harassment.

We understand by fraud all those things that are beyond legal performance and therefore are kept hidden from the observers of a moral harassment situation. In short, we can confirm that the person inciting to harassment towards a subordinate or a colleague what really wants is to acquire or keep a privileged situation, regardless the current regulations, and sees the future victim as a hindrance to his/her end. The special personal characteristics of this person push him to start a fight for power through the foul play of designing a strategy oriented to get rid of the future victim without the wearing away of a clear confrontation. For this purpose he surrounds himself with allies that will provide him with credibility and will help him to get rid of the victim through moral harassment. Undoubtedly, mobbing responds to a strategy planned by the main harasser. Therefore, it is not a conflict situation that emerges spontaneously

and becomes chronic. Let's see an example, with the case "message 183", of the intentions of a harasser appeared on an Internet forum where it is clearly stated that a plan has been designed to destroy another human being.<sup>6</sup>

*"I have a plan so that this person self-destructs all by herself so that, at no moment, my friend and I will appear in front of the others. What happens is that it is a little bit slow, but there are some months since we have started to carry it out and we already see some satisfactory results and we hope it to be completed by this year's last quarter".*

This account appeared on the Internet in the year 2001, a time when the spreading of the moral harassment phenomenon or mobbing was not very common and, because of this general ignorance, the harasser herself explains her intentions without any obstacle. In those short lines, some of the determining elements of moral harassment appear. They deserve to be underlined because of their evident didactic value, that is to say: group, planning, and covering up.

As for the group, it can be pointed out that the existence of a person planning the destruction of another and his/her counting on an ally to do so is evident among the major figures. So we have a group, formed by two people (instigator and ally), against another person.

Concerning the planning, we must point out that moral harassment is a strategy consciously designed by the person who starts the harassment. The aim of this harassing person is to destroy another one and, moreover, has enough will to achieve it. In the short account that we analyze, the instigator clearly states that she has a plan, that she has been carrying out for a certain time (months), that this plan is having its results (satisfactory) and even forecasts the completion of the plan (this year's last quarter). Without any doubt, harassment is the result of a strategy that has been planned to destroy another human being.

The last element appearing in the analyzed paragraph is covering up. The inciting person conveys it this way: "at no moment, my friend and I will appear in front of the others". She even admits that this masked way of

4 Marina Parés Soliva.(2005) "Definición de acoso moral desde la óptica social" Available on <http://acosomoral.org/> (ref. 1-8-08).

5 Marina Parés Soliva.(2005) "Los Círculos del mobbing". Available on <http://acosomoral.org/pdf/Conociendo%20al%20grupo%20acosador.PDF> (ref. 1-8-08).

6 "Mensaje 183" Available on <http://es.groups.yahoo.com/group/Acoso/message/183> (ref. 16-8-08).

acting is less effective (*"it is a little bit slow"*). However, we must underline that the effectiveness of harassment is due, in most cases, to the covering up because, since violence is denied by those practising it, the victim is neither allowed to defend him/herself nor to be supported.

The person who wrote this message does not explain the reasons that lead her to desire the destruction of a work mate, even though it is not relevant at all. What is essential, when analysing harassment, is to ask oneself what kind of person is the one that plans the destruction of another, that devotes time and efforts to achieve it, sometimes years (*"there are some months"*, *"this year's last quarter"*) and that considers as a *"satisfactory"* result the self-destruction of another person (*"she self-destructs all by herself"*).

All the works done about the kind of person being able to devise a strategy oriented to get rid of a peer through the psychological violence of moral harassment, confirm that such a person suffers from an alteration of his/her personality consisting of a lack of empathy and an exaggerated self-esteem. And depending on these signs, he/she can be defined as a psychopath in a slight degree. In other words, he/she appears to be socially integrated although his/her way of interacting with the rest of people is highly toxic. They are people having enough superficial charm so as to manage to manipulate those around him/her so that they help him/her to achieve his/her personal objectives. But when their seduction is not effective and someone is seen as a hindrance, they turn to the psychological violence of harassment and they weave a real plan of relentless harassment. Consequently, for the instigator, moral harassment is just one more step in his/her way to power. His/her ultimate objective is not to harass, but the fraudulent acquisition of privileges that he/she would not be able to obtain without harassing a subordinate or a colleague.

If you want one more evidence that the person who wrote this message fits in the criteria of psychopathic alteration of personality in a slight degree, typical from integrated wicked people, I must tell you that this message was not published in any given forum, but in a forum of people affected by harassment and that person defined him/herself, in a clearly perverted reply, as a mobbing "victim". The integrated wicked are those people who seem to be adapted to society

but that pervert everything they touch, they create a bad atmosphere wherever they are and generate around themselves a series of conflicts difficult to solve. The socially integrated wicked see themselves as good people, somehow above the others. This high self-esteem allows them to justify their need to "punish" their opponents with ostracism and harassment. In the analyzed case of the author of message 183, it is a fake "mobbing victim" who thinks is authorized to defend herself from the so-called work harasser by planning a strategy to destroy that colleague just as she explains.

From the theoretical contributions of Tim Field,<sup>7</sup> it has been proved that quite often *"a harasser pretends to be a victim when he is found out"*. And according to the research done by the European Service of Mobbing Information on "false mobbing",<sup>8</sup> there is evidence that sometimes the harasser do not even need to be found out to pretend being a victim, since there are more and more situations in which the main harasser self-victimizes as an excuse to trigger the harassment against the real victim. A not very attentive observer may get caught in this trap since we have already said that they are wicked people. Therefore, these changes transforming the truth into a lie and viceversa, the lie into a truth, are their best manipulating weapon. Finally, we point out that it is surprising that in the forum where this message was published, formed by real mobbing victims, nobody realized the violence implied in the message and that a harassment similar to the one suffered by them in their workplaces was being described. We cannot find an explanation for this fact since the ability to manipulate through personal charm, typical from the integrated wicked, gets dissolved in the virtual media.

Moral harassment is the result of a preconceived plan and needs some actions to be carried out, which are called the 16 establishment steps. It is widely accepted that mobbing cannot be done by the main harasser alone and that to carry it out, he needs the cooperation of some allies which, together with the harasser, constitute what is called the *harassing gang*, which is the realization of the group harassment mentioned before. In order to make the harassment happen, the harassing group, or gang, will need to implement a series of actions, with a view to stigmatize the victim: the 16 steps to mobbing. The sixteen steps

7 Tim Field "El acosador se hace pasar por víctima" Available on <http://www.acosomoral.org/Tfield2.htm> (ref. 1-8-08).

8 Marina Parés Soliva "La Prueba Testifical. ¿Cómo detectar el falso mobbing?". Available on <http://www.acosomoral.org/pdf/poMPares.PDF> (ref. 1-8-08). [http://www.sedisem.net/ponencias/ponencias\\_girona/m\\_pares.pdf](http://www.sedisem.net/ponencias/ponencias_girona/m_pares.pdf) (ref. 17-8-08).

take place gradually and over a period of time. They are the actions within the destruction plan and are the following: the prevention of communication, the actions that show a lack of ethics, the incitement of envious feelings, the alteration of communication channels, the emergence of a conflict, the shortage of working materials, the establishment of boycott, the use of paradoxical communication and ambiguous messages, the establishment of a campaign of disrepute, the action of staunch friends, the consolidation of the harassing gang, the increasing pressure on the victim and his/her isolation and, finally, the spreading of rumor and the statement of the attributive mechanism.

As for the conflict phase in mobbing, we must point out that most experts define mobbing from this phase. They verify that an interpersonal relationship that used to be good or neutral suffers, suddenly, a negative shift and, obviously, this sudden change cannot be explained without understanding the existence of the previous seduction phase. Approaching the phenomenon of moral harassment at work or mobbing, with the aim of solving it, forces us to know one of the process' phases, the conflict phase, and to know the consequences on the victim and the objectives that the harassers want to achieve and, sometimes, get to achieve. Therefore, we are going to describe this phase, its consequences and the objectives of conflict in mobbing. To begin with, the characteristic of this phase is the appearance of a conflict in the working environment. There is a variety of reasons given, sometimes occasional personal disputes are blamed for it, other times it is the existence of different opinions or the pursuit of different objectives and, even in rare occasions, it is for personal disagreements. We must point out that not all conflicts degenerate into harassment, in my opinion, only those having an outrageous interest underlying. In all kinds of conflict, the sides try to defend their own points of view or interests, but, it becomes the starting point of harassment when one of the sides initiates a strategy to influence, win or oppress the other one. A bad resolution of the conflict leads to labor harassment. Now we are going to see the consequences of the conflict phase. The first consequence is that the occasional conflict is not solved, becomes chronic and goes to the next phase, the harassment in itself. Sometimes, the lapse of time between "conflict" and "harassment" is so short that overlap. The second consequence is that everybody, victim and organization, fall into the clutches of a manipulator that is an

expert in creating bad atmospheres, just as the organizational wicked. We must not forget underlying that, regardless of the reasons given as conflict triggers, the conflict is almost always related to the authority of the wicked as a leader being called into question by the future victim. Either if it is a head person (formal leader) or someone with influence within the organization (informal leader), the questioning of leadership is evident and, since he/she is a toxic leader, his/her defense will be to harass. The wicked realizes that the other person is a nuisance, either because he/she refuses to participate in fraudulent acts, either because his/her only presence generates comparisons that decrease the leader's value. The purpose of conflict in mobbing is, precisely, to become the trigger of harassment. A deep look at the reason generating the conflict confirms that the conflict is the harasser's justification to start the harassment and, even if someone wants to see it as the reason, because the reason is the previous will of the manipulator. I state that, previous to the appearance of conflict, there exists the will of the harassment instigator to get rid of the victim and out of his/her way. The conflict is just the harasser's excuse to get the affected person excluded and we must state that in some occasions the manipulator does not need a real conflict to exist; he/she will just distort any given situation. The act of lying and inventing an unexisting reason to start a harassment confirms, precisely, that the origin of harassment lies in the harasser's previous will, not in the conflict itself. That is the reason why quite often conflicts appear because of trivial, stupid things. What leads to harassment is the unmentionable nature of power game that lies under the conflict in mobbing. We have already mentioned that not all conflicts degenerate into harassment, in my opinion, only those having an outrageous interest underlying such as keeping some privileges at the expense of another's submission.

The arguments to justify the conflict in front of the victim are just a mask to cover up the real reason, which is the existence of a conflict of ignoble interests that the instigator may think are endangered. This is what I call fraud in mobbing.

## HOW TO SOLVE THE MOBBING?

Solving the conflict in mobbing will imply to stop its two constitutive elements: the group and the fraud. On the one hand, by avoiding a harassing group being formed and, on the other hand, by showing the

underlying fraud. There is a methodology for conflicts' resolution. We understand that the resolution methodology consists of those means with which we intend to solve opposed interests.

There are four kinds: negotiation, mediation, conciliation and arbitration. We are going to look at each one of them in order to determine which one is the most appropriate to apply with the aim to solve a situation of moral harassment at work.

### **Negotiation**

With negotiation there is not a third person intervening and the conflict is solved by both sides. When a situation of labor conflict cannot be solved by the implied sides, it will be necessary to intervene with one of the other methods. The moral harassment situation is a labor conflict with specific circumstances that makes it necessary to apply an approach different from those for the rest of labor conflicts. What happens in incipient harassment cases is that the sides have not even tried to solve their discrepancies and, very often, does not know what has triggered the conflict because the instigator shows a clear will of not communicating with him/her. This is a fact to take into consideration.

### **Mediation**

However, there is a third party in mediation. The mediator is the one who facilitates the resolution of conflicts since he leads the sides to do so. The people intervening in the mediation process are both the people in conflict and the mediator, who is a person, not implied in the conflict that has a specific training to be a mediator. The word mediation comes from the Latin word "mediare", which means to stand in the way of someone or something. The mediator cannot suggest different options to solve the conflict; he just facilitates the communication between the sides avoiding thus, the disputes among them. Mediation is a process of positive conflicts' resolution through dialogue and this is why the mediator's functions are: to facilitate the communication between the sides in conflict, to facilitate that the people in conflict come to solve it through dialogue, and to be neutral throughout the whole mediation process. The mediator does not usually suggest, except for labor issues, in those countries where this figure is regulated in trial processes. Mediation is a formula to resolute conflicts which is being widely used, but has proved to be ineffective to solve situations of moral harassment. This statement is not only supported by a large part of the

scientific community and by those professionals working on the recovery of victims, but even mediators themselves agree with that. The important question in a harassment situation is the harasser's total lack of will to solve it, his total lack of desire to stop his/her wish to destroy his/her opponent, which is shown through the constant boycott to any negotiated solution implying to treat the victim with dignity. Quite often, when the harasser feels to be forced to take part in the mediation, he uses the "dialogue" situation to go on blaming and ill-treating the victim. Mediation is not a mechanism to solve moral harassment in the workplace.

### **Conciliation**

In the conciliation, the presence of a third party is stronger than in mediation. This third party suggests solutions to conflicts, but these conciliating proposals will only have a binding effect if the willingness is voluntary, that is to say, if it is assumed by the sides. The etymological Latin origin of this word, "conciliare", means to repair and adjust the mood of those who are opposed to each other, that is to say, to bring peace to them. For this reason, the conciliator suggests solution formulae to help the sides getting to an agreement since his suggestions are not obligatory. An additional problem to conciliation in harassment situations is that the wicked person can use the conciliation process to go on hurting the victim, thus unilaterally, breaking the agreements and leaving the victim even more unprotected. Conciliation will only be effective when the respect of the agreements can be granted by someone hierarchically above the harasser.

### **Arbitration**

Finally we have arbitration, which is characterized by an even stronger presence of a third party who acts as an arbitrator and the sides must obey him. The arbitrator states what in judiciary terms are called "arbitration decisions", which are binding for the sides. The arbitrator does neither propose nor suggest, he solves. And he does it in such a way that the sides must obey. However, to go under arbitration can be voluntary, when the sides freely agree to submit themselves to it, or compulsory when, under certain circumstances, the sides must submit themselves to him because of the current legislation. We consider the compulsory arbitration to be the most efficient method to solve the harassment. It was already stated by the early researchers of this phenomenon, although with other words, when they said:

*“Every mobbing can be stopped. It is only necessary that someone with a certain amount of power be really interested in it and face the problem.”* (Leymann 1993:8).<sup>9</sup>

In order to solve a mobbing situation, it is only necessary that an arbitrator stops the harassment since the victim will not be able to cope with the harassing group by him/herself and his/her balance will become more and more weak, getting to symptoms of stress and anguish. The purpose of the harasser's techniques is to persuade us to admit the harassment of another human being. If the environment allows to be manipulated, if it does not intervene, mobbing settles. All the conflicts degenerating into harassment happen because they are tolerated, because nobody intervenes. It was already stated by Leymann when he said *“they hide themselves saying that it is a personal problem and this abstention is guilty”*. The behaviour of the environment will determine the settlement of harassment as well as its destructive degree. Therefore, we can state that interpersonal conflicts will not degenerate into any kind of harassment in a healthy working environment. For this reason, we consider the role of the organization and the business good practices to be important in order to stop violence in the workplace. All human beings are responsible for the eradication of violent practices and it is not fair to delegate our acts to someone else.

Finally, I would like to focus on an issue, the aim of harassment. We know that the victim's discredit will always benefit the harassment's instigator. He would not be able to obtain this benefit without using harassment. The fraudulent acquisition of this ultimate purpose of the instigator through harassment will determine whether the mobbing has been beneficial for him/her. The objective of harassment is intimately linked to getting the victim away from the environment, whether through a transfer to another department or through the worker's dismissal, with the consequent disappearance of the person from the organization, or by getting rid of the victim through a destructive pressure that will provoke such an intense vital anguish that he/she considers suicide as the only way out. Definitely, it only happens in the most serious cases. The harasser will have achieved his/her purpose if it is allowed that the person affected by mobbing leaves the organization.

## CONCLUSIONS

Our society is characterized by an uncritical acceptance of ignoble methods allowing, thus, the settlement of psychological violence as a strategy to obtain whatever it may be. We understand that what fosters the different kinds of harassment in all the areas of life is this uncritical and social acceptance. According to the Work International Organization, violent acts at work provoke an immediate and often long-lasting alteration of interpersonal relationships and, therefore, the labor organization and the working environment are also affected. Work harassment is a problem where there are only losers: the harassed people, because of the disorders they suffer affecting their health; the allies-harassers because they have proven to be people in which one cannot trust, since they are responsible for the terrifying atmosphere within the company; the colleagues spectators, also called mute witnesses, because being afraid to become the next victims, they are suspicious and lose the joy of working; the top lines of the company because they must compensate the loss of productivity caused by the lack of cooperation, since the workers devote their energy in trying to solve the conflict situation and the constant difficulties of personal relationships rather than trying to get things done; and the entrepreneurs because they have to pay the costs of all these things inside the company. The society is also generally losing because it has to pay the assistance costs of victims.

Finally, we are going to state what we consider to be contributions and challenges for future studies and actions on this conflict called “mobbing”. One of the major contributions received consists of thinking of the moral harassment process as one more element of a wider plan. This wider plan must be understood as the rising of a destructive leader in its two versions: as a formal leader or as an informal one. This rising is settled through keeping and enlarging the privileges that he/she has or through the seizing of power from the wicked side without respecting the established ways. In both cases the harasser sees the mobbing victim as a hindrance to obtain his/her objectives.

The society's challenge, if it wants to stop the emergence of cases of moral harassment at work, is to face two lines of action. On the one hand, to deal with the individual cases that may appear and, on the other hand, to look for the reason of such emergence in order to stop the structural elements of harass-

<sup>9</sup> Heinz Leymann *“Mobbing. La persécution au travail”*. Paris. Seuil, 1996

ment. The protection of people affected by mobbing must consist of approving rules to which the victims may have recourse: the existence of anti-mobbing protocols in companies, the regulation of arbitration in labor issues, public social and health systems being able to efficiently attend the damaged aspects of the victim, in terms of both health and social networks; and, obviously, the existence of a legislation punishing the harassment practices and putting an end to the executors' impunity.

The other challenge is more complex since it is linked to the questioning of the prevailing values of our advanced societies, where the value of a successful looking is more important than the ethics to be suc-

cessful. We have to begin asking ourselves how people has achieved success, so that, the whole society, that is to say, all of us, can start protecting ourselves from the narcissistic wicked and avoid their coming to powerful situations where they can attack, humiliate, and harass their peers with great impunity. I want to put an end to these lines with the same words I use to begin:

*Freedom is what liberates us from the tough task of passively accepting a non-chosen destiny and leads us through the sinuous path of individual and collective emancipation.*

Celia Amorós

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# Environmental peace (*Gaia peace*), premises to develop a model

Roberto Beltrán Zambrano

## Resumen

En América Latina, los conflictos ambientales tienen su propia naturaleza, características y dinámicas, las cuales nos deben llevar a plantear procesos de manejo y resolución enmarcados en un concepto definido de paz: una paz social (*Gaia*) que, a su vez, brinde los suficientes elementos de juicio para que esa construcción sea sólida y perdurable. Debemos reconocer que muchos procesos de resolución de conflictos ambientales han fracasado en su objetivo final: la paz.

Un modelo de construcción de paz ambiental (*Gaia*) debe brindar elementos de fundamentación y actuación en procesos de resolución de conflictos ambientales, de forma que esos procesos sean sostenibles en el tiempo, beneficien a los actores involucrados y garanticen el acceso a los recursos naturales de forma sostenible.

## Abstract

In Latin America, environmental conflicts have their very own nature, characteristics and dynamics, hence the reason why we need to develop management processes and resolutions that are set within a framework of peace, i.e., a 'social peace' (*Gaia*). This, in turn, enables the right elements of justice to be put into place. The peace process is, as a result of this action, both solid and long-lasting. Conversely, we have seen how many environmental conflict resolutions have failed in their final objective in the past, i.e., in not achieving peace.

A peacebuilding model for the environment (*Gaia*) should therefore contain elements of foundational support and action in environmental conflict resolution processes, so that they become sustainable over time, benefit all the parties involved, and provide access to natural resources in a sustainable manner.



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## INTRODUCTION

The current efforts of conflictology and of those working on peace research demand both the application of concepts and the development of new theoretical proposals that provide peace and their study with construction, development, and research. These are the major management elements in order to get new social agents implied for peace.

Latin America is a region with several kinds and degrees of conflicts. Its inestimable natural richness turns it into the region of hope for the world's future but, at the same time, into an attractive place to exploit its natural resources. This combination of needs, together with the slow progress of agreed environmental management, has generated a series of conflicts related with the environment.

Several initiatives on the resolution of environmental conflicts have been developed in several countries of the area<sup>1</sup> with positive results. In spite of that, the degree of conflictivity and violence is worrying<sup>2</sup> and, therefore, it is necessary to go further. That is to say, to develop models of environmental conflicts management based on a Gaia peace concept to grant the initiatives' orientation and the strengthening of a peace culture.

## ENVIRONMENTAL CONFLICTS: VIOLENCE, PEACE, AND NON-VIOLENCE

We must add the concept of environmental peace or *Gaia* to those of internal peace and social peace,

since it is the natural or ecological dimension of peace.<sup>3</sup> It is a concept that we must also develop under the perspective of social peace [Galtung, 1998] or neutral peace [Jiménez, 2004], because the Gaia peace must include the different knowledges of “peaces” and incorporate them into everyday coexistence. This is its main challenge.

It is necessary to point out that the resolution of environmental conflicts, from the Peace Research (PR), is in line with the studies carried out on negative peace, positive peace, and neutral peace as well as with the contributions made by Johan Galtung about peace [1985, 2003], of which come out three starting axioms:

a. The “peace” term will be used to refer to social objectives commonly accepted by many people.

b. These social objectives might be complex and difficult, but not impossible to achieve.

c. We take the following statement as valid: “peace” is the absence of “violence”.

As for this work, we will point out the definitions of the three kinds of peace and their relationship with violence in order to show, thus, which is the link with the resolution of border conflicts related with water management. We will use the studies by Jiménez Bautista (2004), who compiles the work on this issue made by other authors.

What we understand by *negative* peace is the absence of war, armed conflicts or explicit violence, from the point of view of war between states or groups of people. What we understand by *positive* peace is the absence of structural or indirect violence, typical of social structures with inequalities of some kind

1 For further detail you can look at the papers by Red Mesoamericana de Manejo de Conflictos Ambientales and by Plataforma de Acuerdos Socioambientales (Ecuador).

2 Salama Pierre, (2008) “Informe sobre la Violencia en América Latina”, Revista de Economía Institucional, Universidad Externado de Colombia, Vol. 10 N° 10, Primer Semestre/pp. 81-102

3 LOPEZ MARTÍNEZ, Mario (ed), (2004). “Enciclopedia de Paz y Conflictos”, Tomo II, Instituto de la Paz y los Conflictos, Universidad de Granada

(social, economic, politic or military). And by *neutral* peace we understand the absence of cultural violence. In these three definitions, the word violence appears in different spheres: direct, structural, and cultural. This is a really useful difference when analyzing conflicts with a view to resolution.

The different peace concepts are related to the different violence concepts. Therefore, direct violence is the one related to visible signs affecting people or things. Structural violence is related to those elements developed by social structures causing inequality. Finally, cultural violence is related to a series of paradigms, behaviours, and social tendencies leading to lack of equity, inequality, and disintegration of coexistence models.

The different kinds of violence, viewed from the research and culture for peace, must be coped with from a non-violent perspective preventing the vicious circle of violence to reproduce and grow.

In some societies, the rise in law regulations on environmental management and govern is being discussed. The question is: are new regulations necessary? Would it be necessary to improve the existing ones? Would it be indispensable to build peace concepts and models including the relationship of humans with the environment and with the management of use and access to the different resources? On the other hand, the conflicts arising from the exploitation of natural resources and from the relationship man-nature, generally have an only way of regulation: the litigious one. Would it be possible to count on alternative tools to deal with border conflicts from the perspective of environmental peace? Is it possible to develop essential elements to build a model of *Gaia* peace?<sup>4</sup>

One of the dangers that environmental government and management has to face is not shortage management, but the intention of a country or a group of countries to dominate or regulate its usage for a particular and restricted purpose. Thus, environmental conflicts<sup>5</sup> with special characteristics arise:

- The first characteristic of this kind of conflict is that it is a process. It has a time line, causes, a place, actors, and consequences. In general, this

kind of conflicts is typically seen with a focus on the consequences, on the analysis of the development of banning regulations, rather than on incentives.

- The second characteristic of this conflict is that the above mentioned process has a public nature, since it includes aspects of public and collective interest (e.g., water as a public good). This is an enormously relevant characteristic when working with a Gaia peace model since several Latin-American countries have developed privatisation policies for the management of natural resources, thus limiting the participation of the State and of the implied communities in the decision making and the management of conflicts. Therefore, the only way left to solve these controversies is the recourse to law (public) or arbitration (private).
- The third characteristic of this kind of conflicts is that they involve collective actions, where groups of people or institutions introduce actions with a public nature. This characteristic, in relation with the previous one, has a problem when setting out a model of conflict management since the parties; generally, react according to their interests without taking into consideration the systematic vision of the problem.
- The fourth characteristic of this kind of conflict is related to the presence of a diversity of values, perceptions or meanings that the implied actors give to the actions or circumstances affecting or able to affect, the management of natural resources (use, access, legislation, administration, limitations, etc.).
- Finally, the fifth characteristic of this kind of conflicts is that they are related to the dynamics of opposition, controversy, argument or protest among those actors and, consequently, there is a recognition of the opposing actors in the conflict, no matter the claims being considered legitimate or worthy of consideration.

Some authors<sup>6</sup> consider that three phases can be established in the search of solutions to environmental problems:

4 JIMENEZ BAUTISTA, Francisco, (2004). "Propuesta de una Epistemología Antropológica para la Paz", CONVERGENCIA, Revista de Ciencias Sociales, January-April, year/volume 11, number 034, Toluca, México.

5 Centro Mexicano de Derecho Ambiental, (2000). "*Manual de Identificación y Caracterización de Conflictos en Áreas Prioritarias para la Conservación*". México.

6 GUTIERREZ PEREZ, José, (2004), in LÓPEZ MARTINEZ, Mario (Dir.), *Enciclopedia de Paz y Conflictos*, Tomo I, A-K. Granada, Ed. Universidad de Granada.

a. Defining the conflict. To state the current situation, people's perception of the conflict, the fears, the wishes, the worries. To understand the conflict's time line: what was the cause? What situation made it grow?

b. Delimiting the conflict. Both in time and magnitude. Affected sectors, natural resources, people, organizations, and groups being involved. In general, the past, the present, and the future of the conflict.

c. Drawing up solutions. As usual, this is the most complex and delicate phase since the solutions must be balanced and conceived as long-term solutions. For the building up of environmental agreements, it is important that everybody has the right information, updated at the moment of making decisions or of choosing the best solution. This is also a complex phase because at this point, the group pressures appear more clearly. This is why it is important to describe the main and the supporting actors. Taking into consideration the legislation of the country and the region as well as the government's official stance contributes to the conflicts having a legal and political support.

## ENVIRONMENTAL PEACE: 'GAIA PEACE'

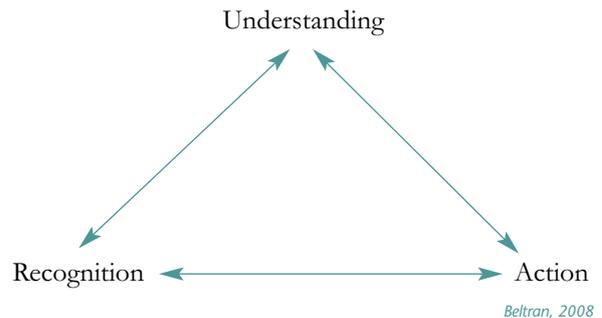
What we try to develop at the Instituto Iberoamericano de Educación para la Paz y la No Violencia (IIEPAZ, Iberoamerican Institute for Peace and Non-violence Education) is a definition more in line with the treatment of environmental conflicts. Our intention is to gather the different researches related to this issue and enlarge, in the first place, the concept of environmental peace applicable to our environment and, secondly, the model of environmental conflicts management in order to make it useful for the implied actors. Environmental law and law regulations are key elements of this task.

We must think of the ecological or natural dimension of peace in order to develop a concept of environmental peace from the environmental ethics (Leff, 1990). Taking as a basis the works done by Lovelock (1979) and Margulis (1989) as well as the peace works by Galtung (1985), the environmental peace or Gaia peace leads us to think about conflicts management not just from a single perspective, but from many. Per-

haps from all the perspectives taking part in conflicts, bearing always in mind that what binds or divides the parties in this kind of conflicts will always be natural resources.

How to solve the conflicts coming out from water management? Our proposal is summarized in the graphic below, which we will try to explain:

### *A GAIA<sup>7</sup> peace management model*



The premises to build up an environmental peace, through which we will develop conflicts resolution processes, are:

a. Recognition. As a result of a whole process allowing the parties to accept the conflict's presence. In the case of border waters management, for instance:

- Sustainability crisis: led by land defence movements against big hydraulic projects and pollution problems.
- Government crisis: a strong movement defending human and citizens' rights against the privatization of water and drains basic services.
- Food crisis: direct or indirect impacts on the world's food production sources which are induced by the breakdown of the hydrologic cycle and by the sustainability crisis of rivers, lakes and water lands.
- Socio-economic crisis: side impacts related to desertification, migration, land invasion and militarization of agricultural production areas.

b. Understanding. As an element of transition from a negative peace to a neutral peace. It is very important to consider understanding as a premise of Gaia peace since in this phase a series of processes occur that allow having a vision of the conflict free of

7 Beltrán, 2008, based on the work by Lovelock [1983].

paradigms preventing its systemic understanding. From another point of view, the understanding phase allows us to have data about the reality of similar conflicts in other regions, about indicators letting us know about the resources' situation, water in this case, about beneficiaries or affected people, about the results of an appropriate or inappropriate conflict management. It is impossible for the resolution measures to have a positive long-term effect without the complete development of this phase.

c. Action. It is the result of the two previous premises. Although it may not always appear in the last place and we may need the States to act in direct violence cases, action as a premise of environmental peace is the result of the parties' willingness for the good of all (*neutral* peace). In this phase we can find written agreements, law regulations, verbal engagements, behaviours, and changes in societies' legal, social, and environmental culture.

When talking about Gaia peace, we are talking about symbiosis, long-lasting reciprocally beneficial relationship to be visible in the inner and external life of people and societies.

## AS A CONCLUSION

Resolution of environmental conflicts is not only about the application of tools settled by laws or agreements (mediation or arbitration). It is essential to understand the environmental conflicts, its nature, characteristics, and dynamics in order to set out management and resolution processes, which must be based on a social peace concept (Gaia) providing with sufficient information for the construction to be solid and long-lasting. Conflicts resolution, in itself, does not have any sense, if it is not in line with the processes and concepts of social peace (Gaia). Every conflict management must be originated and based on concepts supporting the process in the long run.

The function of environmental peace (Gaia) is to bring foundation and action elements to the processes of environmental conflicts resolution, so that, those conflicts will be sustainable in time, will benefit the involved actors, and will grant a sustainable access to the natural resources. Only in this way the actors of environmental conflicts will see Gaia peace as a credible and long-lasting proposal.

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# Gangs

## An approach to understanding them and strategic proposals for resolving the conflicts they generate from the perspective of Conflictology<sup>1</sup>

Eduard Vinyamata

### Resumen

Las pandillas son un fenómeno contemporáneo, con apenas unos años de historia, que surgen de forma virulenta en El Salvador a finales de los ochenta. En el año 2005 la ciudad ecuatoriana de Guayaquil contaba con unas sesenta mil personas pertenecientes a distintas bandas; en El Salvador esta cifra era de unas cincuenta mil. Actualmente, incluyendo a los Estados Unidos, México y los países de Centroamérica y Sudamérica, se estima que el número de personas pertenecientes a bandas supera el millón. Cabe decir que no todas presentan un carácter violento o delictivo, aunque sí muchas de ellas. Una actividad delictiva que recuerda cada vez más a una guerra civil, una guerra sin ideologías en la que se busca el control o el acceso a la riqueza y el poder por medio de la acción violenta. En este artículo analizamos los elementos que favorecen la aparición de las pandillas, sus características y los posibles métodos con los que hacer frente a sus actividades violentas desde una perspectiva de resolución de conflictos.

### Abstract

Gangs, as such, are a contemporary phenomenon, with only a few years of history, appearing virulently in El Salvador at the end of the 1980s. In 2005, the city of Guayaquil, Ecuador, had some sixty thousand gang members; in El Salvador, around fifty thousand. At present, and including the United States, Mexico and Central American and South American countries, the population belonging to gangs may well surpass one million. Even though not all of them have a violent or criminal character, many of them do. This criminal activity increasingly resembles a civil war. A war without ideologies that seeks control or access to wealth and power through violent action. In this article we analyze the elements that favour the emergence of gangs, their characteristics, and possible ways on how to tackle down their violent activities from a conflict resolution perspective.



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## THE ACTIVITIES OF GANGS: INCREASING CRIME, CONFLICTS AND SECURITY BUDGETS

Gangs, as such, are a contemporary phenomenon, with only a few years of history, appearing virulently in El Salvador at the end of the 1980s. At first, they were nothing more than groups of youths looking for company, support, and fun in cities where there was nowhere for them to socialize or institutions where they could channel their demands and concerns. In time, and in a certain social environment, gangs incorporated violent and criminal activities in response to needs not satisfied by society and owing to specific circumstances as well. Some of them, such as the *Ñeta*, appeared in Puerto Rico as a grouping of sections of the prison population, which would later transcend the prison sphere and spread among youth.

Some gangs take inspiration from similar juvenile movements originating in the United States, generated among the Hispanic or Black population of New York or Los Angeles, and adopt names and sub-cultural characteristics such as their style of dress, symbols, motivations, musical taste and organizational principles, as well as others, as is the case of the Latin Kings. There are more than one hundred gangs, known as *pandillas* and *maras*, not all of which have a violent or criminal character: the *Sangre*, *Salvatrucha*, *Rebeldes*, *Nación de Hierro*, or *Masters*, and many others with diverse symbols, habits, and attitudes that share important common elements.

In 2005, the city of Guayaquil, Ecuador, with a population of three million, had some sixty thousand gang members; and in El Salvador, a few years ago,

there were fifty thousand. At present, and including the United States, Mexico and Central American and South American countries such as Ecuador and Colombia, the population belonging to gangs (with a greater or lesser degree of violence and criminal practices) may well surpass one million.

In times of change, like ours, conflicts grow and multiply and, therefore, the need to guarantee security brings about an increase in budgets allocated to policing. Nevertheless, this seems insufficient in the face of the constant increase in violent and criminal acts that in some countries may be qualified as endemic, that is, that they have come to be part of the economic development and of the political system and the state itself. In reality, this criminal activity increasingly resembles a civil war. A war without ideologies that seeks control or access to wealth and power through violent action, whether from the repressive capacity of the state or from the criminal activity of organizations that increasingly resemble corporations more than political parties or labor unions.

Gangs, in general, tend to prosper in countries where the following elements exist:

- Widespread corruption and, especially, at the very heart of the state.
- Poverty, marginalization, marked inequality... and the lack of efficient public policies addressing social aspects, employment, distribution of wealth and education. Poor public sector efficiency.
- Security policies and policing based mainly on repression and severity that frequently do not respect civil liberties or human rights. Inadequate police training, both from a technical

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1 Conflictology means Conflict Resolution or Conflict Transformation, Peace Studies and related fields.

viewpoint and in terms of values and democratic principles.

- Disaffection of the majority of the population with regard to their country owing to state corruption, poor functioning of the state and the absence of inspiring principles of democracy and the common good.
- Unstructured or dysfunctional families where unplanned pregnancies, abuse, unemployment, drug addiction and despair exist.
- Predominance of a culture of violence, that is, the belief that achievements come through violence, instead of effort, justice or democratic processes.
- Absence or serious lack of truly democratic institutions and traditions capable of channeling discontent and the demands of the population with the least resources and with different ideologies from those who monopolize economic and political power. Weakness of civil society, and of citizen, professional, cultural and, private or civic, economic associations.

Many homicide cases are related to gang activity. In El Salvador, according to police data, the *maras* are responsible for 40 per cent of the cases of violence; in Honduras, it stands at more than fifty per cent, and the figures are similar for Guatemala. On the contrary, in Nicaragua, it only represents one per cent. One possible explanation may be found in its contemporary history. The Sandinista movement represented the existence of a mobilizing capacity based on political principles that created bonds of solidarity among the most disadvantaged and socially marginalized in society. This prevented the emergence of organizations with criminal objectives but with a similar motivation to create bonds of solidarity and socialization of wealth through criminal activity, which gave meaning to the democratizing practice and a positive feeling of belonging to a country.

The increase in gang activity is occurring as much quantitatively as it is qualitatively. On the one hand, what was at first based on voluntary adhesion has increasingly transformed into forced methods of recruitment by means of threats and aggressions. On the other hand, the cultural pull of gangs increasingly attracts populations that were until now removed from their original influence. Qualitatively, the levels of sophistication in terms of organization, armament and finances are increasing. It is no

longer only a matter of theft and robbery, now the *maras* are increasingly better prepared organizations, even militarized and linked, in some cases, to the criminal economy: drug trafficking, traffic of people, forced prostitution... The ties with the old mafias, arms traffickers and criminal organizations are becoming tighter. In the case of Mexico, there are well-founded suspicions that criminal organizations possess better armament and more personnel than the security forces, army and police combined, and their military training permits them to develop efficient combat tactics. Armed clashes with the police or army serve more as maneuvers and combat exercises than as positive results on the part of the security strategy of the state, generally speaking, and only offer short-lived triumphs and successes.

The additional problem is that gangs are infiltrating the state apparatus. There are gang members who join the army or police force in order to receive training, devote themselves to espionage activities and avoid civil legislation that could bring charges against them. Their integration in security forces does not mean disassociating themselves from their gang, with which they maintain much stronger ties than a simple work contract or symbolic oath. Moreover, desertion in the most violent gangs is 'punishable' with summary execution that any member of the gang in any country and situation is compelled to carry out. The only way out of some gangs is to become a member of a religious order and, even then, the person will be watched for years. Ties with the gangs are for life. Discipline in gangs is much stricter and more efficient than in any police or military organization; it is advisable not to forget this. Training for gang combat is also much tougher and more practical than that of the police forces. In some gangs, in order to have command, one must assassinate a person and even, in some of them, the victim must be a relative. The training period is much harsher than any other is, sanctions may easily be beatings, amputation of limbs or even the killing of relatives, or the torture or killing of the gang member.

The levels of cruelty in the committing of violent acts are increasing because of the need to cause terror both among their members and among the general population and public security forces. Assassinations are committed with extreme cruelty and principles of viciousness, torture and absence of mercy are extolled. In El Salvador, the para-police forces left a trail of extreme cruelty during the

time they fought against guerrilla groups and some of these former guerrillas have continued their 'work' integrated in criminal organizations.

These practices and 'training' programs produce very strong levels of adhesion. They learn that life has no value, they learn even to await death as something positive, to want to live fast and at any price. The psychological conditioning is much greater than for any police officer or soldier who has not entered into combat. Gang members learn to fight on the street, with live ammunition, among themselves and against their adversaries and have many hours of practice, if they survive.

The basic motives for wanting to join a gang are, in general, these:

- Security. In unsafe cities where the police do not guarantee the protection of the population, gangs are a guarantee of respect. If a gang member is attacked, the rest of his gang will take revenge, even in a disproportionate way, for the insult received.
- Solidarity. In unstructured families and unsupportive societies, the gang is a safe refuge. Solidarity among its members is both a habit and an obligation. Solidarity that is not merely economic but also emotional. Gangs create networks where they do not exist or where they are insufficient in citizens' organizations and in social services and where political participation is scarce or lacking.
- Socialization. On one occasion, the leader of a gang, responding to my question about the reasons for joining a gang, in addition to citing the two previous points, added that, in a gang he was able to meet girls and have relations with them. Outside the gang, this was very difficult. Regarding social promotion or prestige, gangs also represent the way to integrate oneself and receive the benefits of social life that they are unable to obtain through public institutions. In addition, it must be stressed how the socializing process of gangs creates a sense of belonging to a collective identity that one can identify with, which establishes habits and ways of relating, gives meaning to life itself and that neither politics, the family or religion currently provide.

Few security policies begin by learning the characteristics of the 'enemy', of the people and orga-

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nizations they must combat against, pursue or suppress and detain. It appears as something superfluous, unnecessary. Crime is fought, the criminal is detained and, in the best of cases, they are tried and put in prison.

On one occasion, a high-ranking police commander from a Latin American country confessed to me that they had an infallible method to use against the gangs: "Give me his name and address (of the gang leader) and we'll waste him". On another occasion, someone told me about another 'efficient' method: the prison was burned down with hundreds of gang members inside. Obviously, they were burnt to death; however, gang activity and revenge came swiftly and caused many deaths among police and the innocent civilian population. These are good examples of how violence does not diminish with more violence, rather it increases and with extremely high human, economic and psychological costs.

According to the Organization for Economic Cooperation and Development (OECD) and the World Bank (on its website): "Increasing evidence shows that social cohesion is critical for societies to prosper economically and for development to be sustainable". Peace –or security, if you prefer– is an essential element for ensuring market development, the development of productive and commercial activities, the guarantee of respect for property and personal integrity and the existence of broad social sectors with the capacity to produce and consume in a stable, secure and dynamic environment. The Inter-American Development Bank (IDB) has a program called the Inter-American Initiative on Social Capital, Ethics and Development whose objective consists of promoting community networks and ties, i.e., civil society, a country's social capital.

Gangs emerge in urban areas and develop with a strong identity and commitment to their local environment. However, repressive initiatives are causing some gangs to move to rural areas, even to the heart of indigenous communities, which causes social and spatial extension of these communities and makes it difficult to predict the consequences. In any case, we can see a marked growth of powers parallel to those of the state, with their own rules, ways of administering 'justice' and economic development.

Most gang members do not emerge from the poorest strata of the population, the majority of gang members have their origins in what we could call the lower middle classes, a young population with a certain degree of education; their neighborhoods are becoming degraded due to a lack of municipal and national investment. It would therefore appear that the breeding ground for the emergence of gangs could be those populations and neighborhoods with a certain economic and educational capacity but that are in the process of degradation and impoverishment. This could be a reaction against the regressive process itself more than the social situation in which they may find themselves.<sup>3</sup>

The availability of public places specifically devoted to social relations, possibilities for social participation as well as the existence of social services are elements that reduce the emergence of gangs. On the contrary, the absence of normal spaces for social relations and the lack of participation and social assistance facilitate the emergence of gang activity. The absence of opportunities for developing a collective youth existence leads them to find their own spaces. The fact is that one of the activities and motivations for joining a gang is socialization. Some gangs create places where they can get together, dance and listen to music. Being able to meet boys and girls is an important reason for wanting to join a gang.

The absence of social services or citizens' networks of collaboration and solidarity are other determining elements for the creation of gangs. Gangs emerge as a solution to the absence of such systems of relation and social cohesion necessary for living in society. The existence of gangs in certain populations arouses greater interest for social and political participation; i.e., the existence of gangs indicates greater interest for social aspects than does their non-existence.

As regards the levels of trust in institutions themselves, churches occupy first place along with the family, friends and neighbors, while the army, police or state (justice, government, municipality...) inspire the least degree of trust. The Catholic Church has the highest level of adhesion; however, Evangelical Churches show greater growth and attraction in comparison with the Catholic Church. ■

3 *Maras y pandillas en Centroamérica* [Gangs in Central America], volume II, UCA Editores, José Simeón Cañas Central American University, El Salvador, 2004.

# Mediation in university communities: the experience of the universidad complutense

Leticia García Villaluenga

## Resumen

El conflicto es inherente a la naturaleza humana y la Universidad no sólo no escapa al mismo, sino que, al ser una comunidad con unas señas de identidad definidas, genera sus propias dinámicas conflictivas. La estrecha y prolongada relación diaria de personas y grupos con distintas funciones, la multiplicidad de roles asignados a sus miembros, o el carácter limitado de sus recursos, pueden ser fuente de conflictos que incidan directamente en las relaciones personales y laborales de los individuos que la componen.

Todos los conflictos necesitan una intervención específica que no implica que haya de realizarse principalmente a través del sistema disciplinario. Sin duda este proceso es necesario, pero insuficiente, si queremos llegar a resolver el conflicto de fondo, ya que hay que trabajar con valores, necesidades o modificando estructuras organizativas en base a los intereses de las partes, y aquél sistema no está pensado para tal fin. De ahí la importancia de implementar un proyecto de mediación y gestión cooperativa de conflictos en estas organizaciones de educación superior. Todo ello, a través de la sensibilización y formación de sus miembros, la creación y ofrecimiento de un servicio de apoyo técnico en gestión de conflictos y de mediación y resolución de los mismos para toda la comunidad Universitaria. El presente artículo reflexiona sobre estas cuestiones, partiendo de la experiencia pionera desarrollada a tal fin en la Universidad Complutense de Madrid.

## Abstract

Conflict is inherent in human nature and universities cannot escape this fact. Indeed, being a community with its own identity traits generates its own conflictive dynamics. The close and prolonged daily contact between people and groups with different functions, the wide range of roles assigned to their members or the limited resources can represent a source of conflict directly affecting the personal and professional relations of those there.

All conflict requires specific intervention, and this need not always be developed through the disciplinary system. This process is obviously necessary, but insufficient, if we want to resolve the root cause of the conflict. This requires working on values and needs or modifying organisational structures in terms of the interests of the parties involved, and this system is not designed to these ends. This is why it is important to introduce a cooperative conflict management and mediation project in these higher education organisations with awareness raising and training for their members, and the creation and provision of a technical support service for conflict management, mediation and resolution for the whole of the university community. This article looks at these questions in terms the pioneering experience developed to this end at the Complutense University of Madrid.



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“The natural human tendency to solve a conflict by choosing between two opposed positions can liberate us from the internal disorder, but it does not reveal the deepest truth... Truth is not static, as an answer, but dynamic as a relationship. It is not a result, but a process. Truth is neither one thing nor the other, but the vital interaction of both of them”.

Brian Muldoon<sup>1</sup>

Conflict is inherent to human nature and, therefore, it is present in all the expressions of our life (family, friends, neighbouring relationships, work...) and at all levels of human behaviour: intrapersonal, interpersonal, and group. Talking about conflict means referring to common situations of coexistence and of human relationships in which values, needs, wishes, expectations or interests are, or are perceived as, opposed. In this sense, we appropriate ourselves of the definition given by RUBIN y PRUIT<sup>2</sup> as “perceived difference of interests, or believing that the present aspirations of the parties cannot be simultaneously achieved”.

Therefore, perception, interdependence, and incompatibility must be present so that we can talk about conflict.

We agree with most part of the doctrine<sup>3</sup> about the need to acknowledge a “universal concept of conflict” covering all those clashes between countries,

between members of a family, of a society or a community, each one of them with its specific differences, but considering them as species of a higher kind. For this reason, the general theory of conflict we are going to study now can be applied to the conflicts aroused at the core of university communities.

We also start from the idea that conflict is a multi-dimensional situation, so it must be approached as such from a multidisciplinary perspective.<sup>4</sup>

If we stick to the conflict definition appearing on the Diccionario de la Real Academia de la Lengua Española<sup>5</sup> (Dictionary of the Royal Spanish Academy), what we should understand is: “1.-The hardest part of a combat.2.-Moment in which the result from the fight is uncertain.3.fig. Antagonism, struggle, opposition.4.fig. Combat and anguish of the spirit. 5.fig. Predicament, unfortunate situation having a difficult solution”. However, in spite of how the conflict is expressed, it cannot be understood as a negative process, it rather is at the root of personal and social changes. Thus, it avoids stagnations, helps establishing both personal and group identities, and allows to learn new and better ways of giving an answer to problems.<sup>6</sup>

We could state that negativity, rather than being in the conflict itself, lies in the way we approach it. Thereby, it is necessary to develop and bet on methods which, like mediation, offer a non-adversary management of conflict, making thus possible its transforma-

1 See MULDOON, B.: *El corazón del conflicto. Del trabajo al hogar como campos de batalla, comprendiendo la paradoja del conflicto como un camino hacia la sabiduría*, Paidós Mediación, 8. Barcelona, 1998. p. 263.

2 See RUBIN, J.Z., PRUIT, D.G., and HEE KIM: *Social Conflict: escalation, stalemate and settlement*. (2<sup>nd</sup> Ed.). McGraw-Hill, New York, 1994.

3 See ENTELMAN, R.F.: *Teoría de conflictos. Hacia un nuevo paradigma*, Ed. Gedisa, Barcelona, 2002, pp. 25 and 29.

4 See TOUZARD, H.: *La mediación y la Solución de los Conflictos*, Herder, Barcelona, 1980, p. 75.

5 Espasa Calpe Publishing Company, Madrid, 1984, 20th edition. Similarly, the most used English dictionary, Webster, offers a very similar and traditional definition: “fight, battle, struggle” (Webster, 1966); however, recently the definition has been enlarged and it includes “an important disagreement or opposition of interests, ideas, etc...” (Webster, 1983). Therefore, the definition covers both the physical confrontation and the psychological factors on which it is based. This concept of conflict is closer to the one we state to approach it from mediation.

6 ALZATE SAEZ DE HEREDIA, R., *Análisis y resolución de conflictos. Una perspectiva psicológica*. Servicio Editorial UNIVERSIDAD DEL PAÍS VASCO. Bilbao, 1998.

tion and, if it is the case, its resolution according to the interests of all the parties involved in that conflict.

One of the fundamental questions when studying conflicts is to analyse its elements, because the factors prevailing in its origin and development will be essential for its resolution. In this way, people, the process, and the problem are the elements which, when interacting with each other, appear in and give shape to any interpersonal conflict.<sup>7</sup>

In fact, in order to approach conflict under the best conditions, it is essential to know how many people are implied, up to which extent, which role they play, and the degree of interdependence among them. We must also bear in mind that conflict, since it is a process, is developed throughout time, with rising and descending phases that gradually progress. Consequently, knowing the point where the conflict is provides information crucial for its resolution.

Quite often the conflict is experienced as the expression of a problem that needs being satisfied, which implies that its resolution must find alternatives covering the needs of all the involved parties. Undoubtedly, approaching conflicts in a cooperative way offers more solid guarantees for the continuity of the parties' relationship and, therefore, a compliance with the negotiated agreements larger than with a competitive model.

If we start from the idea that conflicts happen in interaction systems, which means that they develop within a frame in which two or more people communicate, we must take into account that the parties to a conflict tend to think that the main difference separating and confronting them is based on the content. However, the capacity and the opportunity that the mediator has to help the parties reach an agreement is based, essentially, on the possibility offered by the

parties to intervene their communication by modifying how it is carried out and, consequently, allowing the mediator to give a redefinition of the relationship in order to progress towards the conflict's resolution.<sup>8</sup>

The relationship, information, interests, structural or values conflicts form the so called "conflict circle"<sup>9</sup>. According to MOORE,<sup>10</sup> if we analyze the conflict from these categories, we can state what causes the fight, identify the prime sector, and evaluate whether the cause is a real incompatibility of interests or a perception problem of the involved parties, which may help develop a strategy to solve the conflict with a bigger possibility of success.

Other keys that determine the conflict's characteristics are: the needs which, according to many people, are the base of behaviour;<sup>11</sup> the perception, which can be understood as the process through which we interpret the reality around us; the communication and the transactional analysis, which refer to the importance that our way of expressing ourselves has for conflicts' management and resolution; attitudes; behaviour and culture.

We understand that an effective conflict management undoubtedly demands positive attitudes concerning both personal communication and the nature and conceptualization of the conflict itself. For this reason, instead of considering it as a threatening entity or as something negative, it can be an opportunity to improve the creativity and the development of people and their relationships, no matter which kind of relationship (of course, work relationships too).<sup>12</sup>

Mediation allows us to transform conflicts because it helps cope with the problems in a collaborative way and because it implies a change of approach: instead of worsening the other party's alternatives for a distributive negotiation, we can increase the possibi-

7 LEDERACH J.P.: *Enredos, pleitos y problemas. Una guía práctica para ayudar a resolver conflictos*. Ediciones Clara-Semilla, Comité Central Menonita. Guatemala, 1992.

8 In line with it, See LINK, Delfina, "Mediación y comunicación", pp. 135 a 151, in GOTTHEIL, J. and SCHIFFRIN, A. in *Mediación: una transformación en la cultura*, Paidós Mediación, nº 3, Barcelona, 1996.

9 What is understood as conflict circle is the theory that graphically represents in this way the kind of "problems" that usually affect conflicts. As for this, the most complete presentation is the one made by Louise E. Samrt and Bernard S. Mayer from CAR associates, at COPRECA's annual conference in 1989. Even though this theory was created by Wehr in 1979, and usually attributed to MOORE, who developed and improved it.

10 Vid., due to its remarkable interest, the classification of conflict causes and the possible interventions to do in each case, compiled by MOORE, Christopher W.: *El proceso de mediación. Métodos prácticos para la resolución de conflictos*. Ediciones Granica S.A., Buenos Aires, 1995. p. 62 and following.

11 Authors such as MASLOW consider that the needs originate the behaviour and they hierarchically classify themselves according to their importance (physiological needs, security, social needs, esteem, self-realization). In this way, the needs higher in the scale will not become the origin of behaviour until the lower ones would not be satisfied enough. In a society where an important amount of people have their basic needs covered, the unsatisfaction of social secondary needs becomes the determining factor of behaviour and conflicts. Being acknowledged, the valuation of actions, and belonging to a group become so important that they may originate clashes.

12 SARRADO SOLDEVILA, J.J Y RIERA ROMANÍ, J.: "El conflicto como genuina oportunidad de reconocimiento, revalorización y fortalecimiento interpersonal". *Revista de Conflictología*, nº 2.

lity of having common benefits that may be shared.<sup>13</sup>

The social perception of conflict and the aim to solve it have been at the root of modern mediation conceptualization, in the sense that it is widely considered as a resource to achieve important social targets. The satisfaction given for solving conflicts through agreements; the conflict transformation and the opportunity of personal and social growth through “empowerment” and “recognition”,<sup>14</sup> or looking for an agreement with a stronger emphasis on communication and interaction between the parties through new narrative techniques, are models that ascribe a new end to mediation from a different concept of conflict<sup>15</sup> (e.g., as a problem or as an opportunity).

As we all know, conflicts can be solved in different ways, being the jurisdictional sphere the most common when answering to legal conflicts. Nevertheless, the proliferation of laws, the new conflict typology, the complexity of lawsuits and the increase in claims have questioned the efficiency of the judiciary system to efficiently attend to the citizens’ demands.

The recognition and consolidation of conflict resolution methods that prove to have important advantages all over the world as opposed to the traditional systems (they clear courts, save time and money, increase the participation of actors and, therefore, their responsibility, making it possible their relationship afterwards), complement the jurisdictional procedure, improving thus the access to justice. In this way, together with formulae of heterogeneous composition, such as solving conflicts through a third person making decisions on behalf of the parties with more or less participation from them (either the judiciary proceedings or arbitration), the formulae implying self-composition, called ADR (Alternative Dispute Resolution) are becoming more and more relevant and mediation outstands among them.

Facilitating the access for the ones to be judged to the most appropriate system to solve their conflict means to warrant, to a large extent, the effective judicial tutelage provided for by the article 24 of the Spanish Constitution

The conflicts’ resolution non-adversary systems cannot, and must not, try to substitute neither the law

courts nor the disciplinary organizations, even though they can “help” them with the issues. These systems also have a specific sphere, since the conflicts solved by the ADR, in many cases, would have never reached the ordinary courts (e.g., for economic reasons, formalities, and time needed), and a particular value can be identified in them: they are methods of civil participation that necessarily involve the parties in “their process”, which engages them with the result. For this reason, also, it is worth promoting them.

Finally, they are litigation resolution methods that must be available for a modern society, without exempting the State, and therefore the Administration, from granting a fair and efficient judiciary system and preserving jurisdiction as the “ultima ratio” to which all citizens may have recourse to solve their disputes.

The larger participation of individuals in decision making, inherent to the ADR, together with the flexible and quick characteristics of the mediation process, which largely adapts itself to the constant changes occurring at all levels, are some of the reasons why these systems have been more developed in the last decades of the 20th century and why they go on with their consolidation and spreading at the beginning of the 21st century with higher intensity. They are, thus, being implemented in such different spheres as the civil, the criminal for minors and adults, the educational, community, intercultural, or organizational. We underline the pioneering experience held at the Universidad Complutense to develop mediation as a system for conflicts’ cooperative management.

Mediation is a cooperative system for conflicts’ management and resolution which, through a volunteer, confidential, and non-judiciary process, facilitates the communication between parties so that they can set up their common interests on a viable and stable agreement that would be satisfactory for both of them. Such process is facilitated by the mediator, an impartial and neutral third party, appropriately qualified and without capacity to decide.<sup>16</sup>

The axis and essence of mediation are formed by the principles that stand as the immutable structure on which the process and the agreements are to be built. There is a wide consensus regarding the interna-

13 See LINK, D.: *El valor de la mediación*, Ed. AD-HOC, Buenos Aires, 1997., p. 24.

14 Vid FOLGER, J, and BUSH, A.: “Ideología, orientaciones respecto del conflicto y discurso de la mediación”, in FOLGER, J and JONES, T.: *Nuevas direcciones en mediación*, Paidós mediación n°7, Buenos Aires, 1997.

15 See SUARES, M.: *Mediación. Conducción de disputas, comunicación y técnicas*, Paidós Mediación, Barcelona, 1996.

16 See GARCÍA VILLALUENGA, L.: *Mediación en conflictos familiares: Una construcción desde el derecho de familia*. Ed. Reus, Zaragoza, 2006.

tional instruments (Recommendation (98)1 of the European Council Committee of Ministers, Green Book on alternative methods to solve conflicts in the sphere of civil and commercial law, European Conduct Code for Mediators and the European Parliament and Council Directive 2008/52/CE, May 21<sup>st</sup> 2008, on certain aspects of mediation in civil and commercial affairs...), as well as regarding the doctrine about the cardinal points of this institution, as it is countersigned by the action of Associations and by the Codes of fair practice.

Voluntariness, impartiality, neutrality, confidentiality and professionalism together with willingness, the process flexibility and its very particular character, determine the frame within which mediation must be formed and developed.

*Voluntariness* is determined, as for the parties, according to their right to have access to mediation in order to solve conflicts, which does not prevent them from holding a perceptive initial informative session that does not order them to go on with the process; depending on the mediation service they may have access to, they can even choose the mediator.

In general, people appeal to mediation before starting the judicial proceedings (or disciplinary, according to the UCM experience).<sup>17</sup> However, it may also occur while the judicial proceedings are going on, due to a derivation from the judge or the competent organization or to a request from the parties, which would result in its discontinuation. Once the proceedings are finished, the mediation is also possible when enforcing a sentence or the correspondent administrative resolution.<sup>18</sup>

Moreover, voluntariness must also appear when signing the mediation contract that originates it, in spite of needing minimum contents, and it must also be stated this characteristic of the possible mediated agreement that parties may reach and that exclusively belongs to them, always within the frame of the available law.

This principle is also valid for the mediator regarding the beginning of the process, since he can turn down his appointment under certain circumstances, and regarding his continuance in the mediation,

because he can put an end to the process in case of appreciating lack of willingness or collaboration among the parties, that the settled conditions are not respected, or that the process has turned out to be useless for its purpose, bearing in mind the aspects submitted to mediation. This should not imply the reduction of the mediator's fees, because the process has not developed as planned for a reason for which he is not to blame.

*Impartiality* is another of the driving principles of mediation and is also the demand that can be identified with the mediator's equitable action and not with his lack of imposing solutions, which is something that rather makes reference to the self-composition characteristic of this institution.

The defining lines of this principle<sup>19</sup> are to preserve the parties' equity without siding any of them, to guarantee the balance of power between parties during the process through their continuous legitimating.

In order to have an effective impartiality, the mediator must avoid intervening not only in the cases where his interests are in conflict with those of the parties, but also in those cases where there is or had been a personal or professional relationship with any of the individuals attending the mediation. He could also be rejected for this same reason.

*Neutrality* is intimately linked to the mediator's attitude towards the mediation's possible result and to the fact that his values, feelings, and prejudices would influence neither the process nor the parties' will.<sup>20</sup>

An essential principle of mediation to guarantee the parties' frankness during the negotiations so that they come to a satisfactory end, confidentiality implies the obligation of being reserved about the contents and the development of the mediation process. The mediator is totally concerned by this obligation, the exception being those cases where, together with the parties and under the case's circumstances, he consents to lift the secret about the actions, or those cases in which the law provides for it, since there is a risk of life or there are data revealing a criminal infraction. For the rest of cases, the mediator's confidentiality will be submitted to the Good Practice Code.

17 See annex table

18 See ORTUÑO MUÑOZ, P: "Mediación familiar", in the book *Tratado de Derecho de familia*. Ed. Sepin. Coord. GONZÁLEZ POVEDA, P and GONZÁLEZ VICENTE, P. Madrid, 2005. p.1125.

19 The last tendencies in mediation show that, instead of talking about impartiality, it would be more in line with the essence of the institution to talk about "multi-partiality".

20 Perhaps, only by being conscious that we are not neutral, bearing in mind the background of each mediator as a person who has lived and lives his own experiences, we can-must try to be so.

As a consequence of this principle, the mediator could have recourse to the professional secret if he were asked to testify. He could not act either as an expert, because that principle prevents him from stating a report about a situation in which he may have acted as mediator; and all this in spite of being a professional from the technical teams that may intervene also in other cases as an expert.

The quality of the mediation process and of the mediating institution itself is conditioned upon the qualification of the mediators carrying it out. *Professionalism* is acknowledged as the fundamental principle for all the international instruments concerning this issue. The public authorities must foster and promote the mediator's training, making sure that there is a minimum warranty as for his competence.

The mediator's training is a key element to consolidate the mediation. However, the heterogeneous criteria followed by the laws passed up to now in Spain make it difficult to define not only the mediator's profile in his initial education (they usually are lawyers, psychologists, graduates in social work, social assistants, social educators, pedagogues, although there should not be a limit in number) and in the specific training he must have for this purpose (amount of hours, content, practices); but also to define which institution must impart such training (universities, professional associations, public centres); which organization must prove that capacity (organization created for this purpose within the corresponding department, at the autonomous region); and whether the free movement of workers is violated or not.

Despite the power given to professional associations by the laws, which would justify the idea that it is a specialization of the different professions, the idea of considering mediators as a unified profession is getting stronger, with a defined set of knowledge, abilities, and standards, in spite of having emerged and developed from multi-disciplinary roots.

The need to set up specific rules guiding the mediators' actions, in line with the principles of integrity, neutrality, impartiality and professionalism, and regulating their responsibility must find its place within the frame of a Good Practice Code, apart from the Spanish law, beyond the general rules of behaviour from the different professional associations.

*In short*, we can state that mediation is a non-judicial process of conflicts' non-adversary

management and resolution. It has some inherent principles that are part of its essence. It has a self-composition and volunteer character that provides the parties with all the power to decide, which is what makes it different, together with other characteristics such as the agreement's lack of execution force. But it has the binding decision of arbitration, a system of heterogeneous composition but also extra-judicial. The intervention of the mediator is essential for the mediation as he sees to it that the parties may get closer concerning their interests and, if they wish to, come to agreements. But in no way does he impose, suggest, or give advice about the solution.

The application of mediation to conflicts' management and resolution at the universities is closely linked to the need to generate new intervention dynamics in front of conflicts; in contexts where the organizational, educational, working and even familiar aspects are intertwined and demand a global answer.

Just as we pointed out previously, if conflict is inherent to the human nature, the university is not only affected by it, but, being a community with a defined identity, it generates its own conflict dynamics, becoming thus a magnificent "conflict laboratory".

The close and long-lasting daily relationship between people and groups with different functions, the diversity of roles assigned to the members of the university community or the limitation of resources can be a source of conflicts that influence on the labour and personal relationships of the Community's members.

All the conflicts need a specific intervention, which does not necessarily imply that it should be done through the disciplinary system. Undoubtedly, this process is necessary, but it is not enough if we want to come to solve the underlying conflict, since we must work with values, needs, or modifying organizational structures according to the parties' interests. And the university system has not been conceived for that purpose.

The interest aroused by mediation and the rest of ADRs<sup>21</sup> has a global character and spreads to all the spheres in society. Therefore, if the university intends to be close to the society within which it exists, it cannot turn its back to the most democratic and participative methods to solve conflicts which, being complementary to the traditional ones, offer more cooperative processes.

Definitely, mediation offers an important educa-

21 The initials ADR ("*Alternative Dispute Resolution*"), are also known as M.A.R.C. (*Méthodes Alternatives de Resolution de Controversies*) or MASC (*Métodos alternativos de solución de controversias*).

tional opportunity to those who take part in it, since it implies an important learning both from oneself and from the other, as well as new ways of interact. For this reason, an educational institution par excellence such as the University cannot waste the opportunity to influence on one of its main functions, with this methodology. This is a task to be carried out by the whole university Community with a view, also, to offering a better service.

There are experiences about conflicts' resolution programs in certain University Campuses<sup>22</sup> with excellent results. Those experiences usually go together with the conflicts' resolution programs and include the following objectives: preventing dysfunctional conflict; optimizing the management of the conflict and that of the change processes; and educational purposes. However, up to the present, none of them has developed a comprehensive mediation program as the one implemented at the Universidad Complutense de Madrid (UCM) in the last years.

Thereby, the bet on mediation that the Universidad Complutense has been doing since 2004 includes different action lines that we call "Developing Actions At The UCM To Implement a Peace Culture System". Their scheme is as follows:<sup>23</sup>

## 1. PREVENTION THROUGH TRAINING

1.1. *Awareness actions*, through courses on abilities and techniques on cooperative management of conflicts addressed to members of the Administration and Services Staff as well as to Teaching and Researching Staff. The aim of this training is to foster those abilities among the boards responsible for other employees as well as the rest of members of our Community, so that the approach to conflicts would be closer and to avoid the conflict's growth.

1.2. *Qualification of the Mediation Team* through the Expert in mediation (UCM's academic qualification - 350 hours, practices at the SIMA and at the Mediation Service of the UCM).

## 2. ACTIONS IN CONFLICTS' COOPERATIVE MANAGEMENT

2.1. *Interventions in mediation processes* (If the circumstances allow it and within the frame of Administrative Law)

2.2. *Management Technical Support* cooperative support in conflicts, as far as it is requested by any person or organization from the UCM.

## 3. MEDIATION SPREADING.

3.1. Leaflets to make known the system and its advantages.

3.2. Publications about this issue on different media: radio, newspapers, and Tribuna Complutense.

3.3. Organization of conferences to spread mediation, with well-known professionals of this issue, addressed to university members as well as to the boards of other institutions different from the university interested in this subject.

The important development experienced by the above mentioned work in its different aspects has been essential for the approval of the Instituto Complutense de mediación y gestión de conflictos (IMEDIA - Complutense Institute for Conflicts' Mediation and Management), by the Governing Council of the University, held on the 26<sup>th</sup> February 2007, and by the UCM's Social Council, held on the 29<sup>th</sup> March 2007. According to the Rector agreement of June 27<sup>th</sup>, 2008, the mediation project and the UCM's Mediation Service depend on that Institute, gathering thus under such organization all the actions carried out at the UCM concerning mediation. The mediation service is therefore offered to all members of the University Community and derivation protocols have been set up between IMEDIA and the Services Inspection as well as with the University Ombudsman Bureau of the UCM, in order to grant the mediation service for those organizations and for the people appealing to them.

The implementation of this experience in our University Community, which serves as a model for other universities (with which agreements are being signed to help them implement it and supervise its creation and putting into practice), aims to provide the UCM with efficient mechanisms for the democratic formulation of coexistence patterns transcending society and linking them to the quality and excellence concept that our university defends.

All in all, it is about sharing between all of us this constant work of building bridges to comply with the objectives of each institution. After all, our health and our work, the present and the future depend on it. ■

22 In Spain it is noteworthy the Centro Universitario de Resolución de Conflictos (University Centre for Conflicts' Resolution), UPV, and the Universidad Ramón Llull (Centro Pau y Treva -Centre Peace and Truce-). It is highly developed in some universities of the United States.

23 To have further details about the development and the results of the mediation program at the UCM in the last 4 years, see [http://www.ucm.es/info/ucmp/pags.php?COOKIE\\_SET=1&tp=Inspección%20de%20Servicios&a=directorio&d=0002431.phpm](http://www.ucm.es/info/ucmp/pags.php?COOKIE_SET=1&tp=Inspección%20de%20Servicios&a=directorio&d=0002431.phpm).

# Mediation: roots in the past with projection in the future

Anna Vall Rius

## Resumen

Cuando se habla de mediación y de otros métodos de resolución de conflictos basados, en la gestión pacífica, constructiva y cooperativa de las discrepancias, parece que se está aludiendo a nuevos sistemas de gestión de conflictos. Una simple mirada a nuestra historia nos permite ver, que no es así, ya que, si bien, su forma de aplicación profesionalizada y el esfuerzo de teorización, realizado en las últimas tres décadas, puede considerarse innovador, la filosofía que subyace en estos sistemas, es tan antigua como pueda serlo la propia capacidad de razonar de los seres humanos. Por ello, la Mediación, ya sea ejercida formalmente por profesionales o informalmente entre amigos o familiares, no es ningún descubrimiento, sino más bien una feliz recuperación de técnicas basadas en principios ancestrales que hunden sus raíces en la capacidad de comprensión y diálogo propio de los seres humanos.

## Abstract

When talking about mediation and other methods of conflict resolution based on peaceful, constructive and cooperative management of disagreement, we would seem to be talking about new systems for conflict management. Looking back at our history shows us how this is not the case however. Despite innovation in its theorisation and more professional application over the last thirty years, there is an underlying philosophy in these systems that could well be as old as human beings' ability to reason. Thus, mediation, whether carried out by professionals or informally by friends and relatives, is no new discovery, but rather the fortunate recovery of techniques based on ancestral principles rooted in people's ability to understand and dialogue.



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Publication of diverse works of investigation (research), participation in books with other authors and numerous articles relating to the mediation.

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## MEDIATION, A CLOSE TOOL IN THE HISTORY OF THE HUMAN BEING

When we talk about mediation and other conflict resolution methods based not only on confrontation (on the pursuit of “the official declaration of a winner” neither), but also on the peaceful, constructive, and cooperative management of discrepancies, it may seem that we refer to completely new methods. In fact it is not so because, even if the professional way in which it is applied and the theorization effort made in the last three decades may be considered as innovative, the underlying philosophy of those systems is so old as human beings’ reasoning ability may be.

Mediation, understood as the intervention of a third person in a dispute between two or more parties unable to decide and willing to get closer in their positions, is therefore very old, as old as society itself. We can find references about it in the Bible, the Coram, and in ancestral tribal cultures. According to Gulliver, in the African primitive cultures there was already a mediating institution called “moot”, which helped the parties to come to agreements in interests’ conflicts. Just as Coy affirms, Eastern cultures have also been using mediation for millennia. A good example is China, where mediation is deeply rooted and where great importance is given to the art of listening and little intervening.

When talking about mediation and how this system has been used and has developed throughout history, it is necessary to distinguish between:

1. The mediation used since old times as a mean to manage conflicts emerging between people in the same community. The mediator was a member of the community, with moral authority, a deep knowledge of habits and traditions, and respected by all the community members, who appealed to him so as to solve their differences. It could either be an aged person having social prestige and being revered and respected as such, or a person who, due to his special abilities (knowledge, wisdom, reliability...), had such respect (shaman or good man). (Sugiero “wise man” en lugar de “good man”)

2. On many occasions it is not only recommendable, but necessary, to use specific mediation techniques as punctual tools occasionally put into practice, or even usually used in non-structured, pedagogic-peaceful social interventions. We refer to punctual interventions in a variety of problems, most of them successfully carried out by technical staff from the social services. They apply mediation tools to cases demanding contention actions, strengthening family bonds or pacification, but without implying the application of a patterned or structured mediation process.

3. Informal mediation, which is commonly used by everybody to try to achieve closer positions between relatives or friends in situations where serious conflicts or differences have emerged. It is about those actions, generally spontaneous, which result from a collaborative willing in front of a difficulty and which all of us, at all times, guided by common sense rather than by a learned technique, have used in an informal way in the sphere of family or friendship relationships.

4. Professional mediation, which reappears in the seventies as a structured and technical methodology applied by an experienced professional with the adequate qualification in mediating techniques and strategies.

This fourth kind of mediation, structured and professionalized, leads us to differentiate its current conception as a methodology applied by a professional expert from its previous use, basically informal or based on tradition or habits, but under no circumstances systematic or structured.

When we refer to mediation, in the sense of point number 4, i.e. as a methodology of technical and patterned conflicts’ intervention, we are in the face of a complex system which is applied through a process led by a professional, the mediator, who combines and gathers, in a studied way, elements stemming from different disciplines that make up the unique mechanism of mediation. For this reason, mediation is a pluridisciplinary system that requires dominating techniques and resources from different fields of knowledge:

- From conflictology, since conflict is the basic material with which we work and, therefore, a careful

analysis and dissection of the crisis may help differentiate more clearly the conflict's structure from the coincident and dissenting elements, the acknowledged and the hidden elements. And according to all these elements, we design the most adequate intervention for each case.

- From negotiation, in order to foster consensus starting from different positions, needs, and interests, but bearing in mind the common points of interest, the resources, and the real possibilities existing.

- From psychology, in order to give an appropriate answer to difficult situations due to the emotional, cognitive or behavioural alterations that usually occur in those cases and directly redirect the process progress towards attitudes of dialogue, acknowledgment, and consensus.

- It is also necessary to know the legal framework within which the conflict develops in order to avoid that the parties would work assuming engagements legally unfeasible or even detrimental that mean the parties or their children's relinquishing the rights that cannot be waived. Whatever the initial profession of the mediator may be, in no case does it mean doing legal advisory. This task must be left to the lawyers who formally act as such and who, in many cases, must act as legal advisors so that the parties also have the necessary legal security during the mediation process.

- It is indispensable being trained in communication techniques in order to understand and help understand the verbal language and the language that goes beyond the words so as to overcome the communication difficulties and to favour the interaction, the listening ability, and the mutual comprehension.

- All mediations imply a learning process with pedagogical consequences and elements. The opportunity to apply to new conflict situations the resources learned, the philosophy, and the background acquired is also undeniable.

- Knowing the sociological environment, the structural reality in which people act, and the social resources they have at their disposal, may be essential on many occasions to understand the initial social situation and the difficulties or characteristics typical from the environment, which quite often permeate and determine the conflict's root itself.

The adequate combination of this variety of different elements results in mediation. It does not imply acting as a lawyer, psychologist, conflictologist, negotiator, pedagogue, social worker or sociologist.... Just as a

professional mediator who uses all the plural knowledge and resources that mediation provides him with in order to direct the process towards a change of attitudes, the comprehension of the other one, and the securing of the consensus points.

Consequently, when we talk about mediation we refer to a specific methodology which, although multidisciplinary, is nourished and inspired on different sources, which moves forward for a better definition of its method and for a wider comprehension of itself and its possibilities, just as Marlow mentions in his work "Mediación Familiar. Una práctica en busca de una teoría"<sup>1</sup>. This methodology is put into practice through a process guided by a professional who acts impartially facilitating the dialogue between the parties and favouring the assumption of constructive commitments and agreements.

Mediation, therefore, whether it is formally exercised by professionals or informally between friends or relatives, is not a discovery. It is rather a happy recuperation of techniques based on ancestral principles having their roots in the dialogue and comprehension ability typical from human beings and above the aggressive tendency and the use of violence. These techniques have evolved and they are nourished by the progress in the field of psycho-social sciences and by a deeper knowledge of the character, the emotions, the reactions and the complexity of human relationships and interactions.

## A SHORT HISTORIC AND GEOGRAPHIC TRIP

At the end of the 19<sup>th</sup> century, mediation was being applied in the U.S.A. to solve the emerging conflicts between workers and employers. Initially mediation was used as a mean to avoid strikes and the economic problems that such strikes provoked to the Community. Several religious creeds have also used mediation. For instance, the Jewish immigrants in the U.S.A. had a Jewish religious court founded in New York in 1920 and that still exists under the name of Jewish Conciliation Board.

The first works on mediation were written in the U.S.A. in the sixties. The mediation's momentum arises to answer a social tendency that was fighting to recover the main role in the management of their own conflicts, especially those family conflicts resulting from separa-

1 Marlow, Lenard, "Mediación Familiar. Una práctica en busca de una teoría" Editorial Granica 1999

tions and divorces, which begin to spread in the sixties in the U.S.A. owing to new tendencies and values implying a larger freedom in interpersonal relationships and changes in the traditional family structure.

It is also from then that the first practical experience comes. It consisted of professional services of family mediation –as we understand it nowadays– and appeared with the creation of the Conciliation Department of the Family Court in Milwaukee, Wisconsin, which later on was reproduced in many other states (California, Florida, etc.). Canada soon joined this first mediation experiences and today is internationally well-known the Family Mediation Service of the Montréal Court.

Mediation arrives in Europe at the end of the seventies. Since then it has been put into practice in different European countries, either with an explicit legal recognition, as pilot experiences or with local or general implementation. Nevertheless, it is not until the mid nineties that it is legally backed. The United Kingdom, Belgium, Austria and France are the countries that have incorporated a more detailed regulation of mediation, without forgetting the autonomic laws (10 at this moment) of family mediation that have been passed in Spain's different autonomous regions.

We may take England as an example of one of the European countries where mediation is more spread and consolidated and which counts on the necessary and efficient collaboration of lawyers. According to Lisa Parkinson, 70% of the cases coming to mediation had been derived by lawyers. The regulation of divorce was introduced in England by the Family Law Act in 1996, which turned family mediation into an omnipresent institution which is attributed a huge capacity to achieve the principles inspiring the new legislation. Even though, later on, the British government decided to suspend the application of Part II of the Family Act 1996, that decision did not directly affect the family mediation included in Part III.

Mediation appears as voluntary even though the Family Law Act 1996 uses two ways to promote that the parties would try to solve their conflict through family mediation. On the one hand, it stipulates that the party or parties wishing to obtain divorce, before submitting the marriage breaking statement –necessary to initiate the divorce proceeding–, will have to attend, at least three months in advance, an informative session in which, among other things, they should have been informed about the existence and functioning of the family mediation. Once they have submitted their breaking statement, the court may still ask them to attend another meeting where they will be informed about

mediation and where they will be offered the possibility of choosing this procedure.

This mechanism does not give rise to reservations since the Recommendation R-98 does not consider it to be contrary to the volunteering principle that the member States may establish, as a requisite previous to the beginning of a separation or divorce process, the need that the parties meet a mediator so that he would inform them about the mediation process and its advantages.

In Fact, in Spain many experts, either mediators or jurists related to mediation and to family conflicts' management, raise their voices from different autonomous regions to claim the creation of a regulation on this issue. The question would be that, previous to the bringing of a litigious action on family issues, the parties would have proved having attended, at least, an informative session on mediation. The purpose is to overcome the ignorance on mediation and its advantages by avoiding the mediation's rejection just because of not knowing its meaning and the benefits it can bring to the parties and their children. This measure has been running for years in Buenos Aires and in different states of North-America to everybody's total satisfaction. According to different contrasted studies and statistics, the compulsory attendance to this first informative session has enormously contributed to the spreading and general use of mediation in those societies where it has been implemented. The mandatory character of the first informative attention has not damaged at all the later putting into practice of mediation. On the contrary, in the surveys done on users that did not know the meaning of mediation and were obliged to attend the informative session, it was detected the same degree of satisfaction as in the mediations voluntarily initiated by the parties. Furthermore, in some cases the users that initially did not know about mediation thanked having attended the informative session since, otherwise, they would have persisted on their ignorance of this methodology and would not have started a mediation which, as they acknowledge, has been very positive to manage their discrepancies.

In Spain, even if most autonomous regions count on Mediation Services and there exist 10 current family mediation laws, articulating this way of a previous and obligatory informative session would not be possible unless the Civil Indictment Law (Ley de Enjuiciamiento Civil, LEC, 2001), that applies all over Spain and regulates the legal proceeding, is reformed in line with that.

The second precaution stipulated on the Se. 29 of the Family Act is more problematic since it provides

that the State will not give the benefit of free justice in a divorce legal proceeding if the Commission for Legal Assistance considers that, according to the concurrent circumstances, it would have been possible and appropriate to submit the conflict's resolution to the family mediation. According to Martín Casals, this implies an indirect way of constraining poor people, which infringes the voluntariness principle because it binds the no realization of Mediation to an economic damage and it is discriminatory since it only affects the less favoured classes.

As for France, family mediation is implanted and developed in the eighties from the Quebec experience. It starts as a private practice within associations that are worried about family matters. In 1995 it is legally recognised through the act no. 95-125 of February 8<sup>th</sup>, concerning the organization of jurisdictions and the civil criminal and administrative proceeding, which was developed in 1996 through the Decree 96-652 of July 22<sup>nd</sup>, concerning the judicial conciliation and mediation. This regulation does not only refer to family mediation and it does not include it to its greater extent, since the extra-judicial mediation, called in France "independent mediation", is left aside. But both texts have a significant importance in the sense that they indicate the judge that he can intervene in a way different to the case resolution emanating from his authority and, although they start from the parties' previous consent, they provide the judge with an important prominence. The judge, once having the parties' consent, can assign a third person having the requested conditions to hear the parties and compare their points of view so as to allow them to find a solution to the conflict they meet in. It is also pointed out that the mediation can be asked to an individual or to an association. It is established that the mediator must keep silence concerning the third parties and that the verifications and statements gathered cannot be dealt with the judge in charge of solving the litigation and cannot be used in any other instance unless the parties agree with it. More recently, the new law on divorce adopted by the Parliament on May 26<sup>th</sup>, 2004 (Law no. 2004-439 of May 26<sup>th</sup>, concerning divorce), coming into effect on January 1<sup>st</sup>, 2005, says specifically: "The judge can suggest the weds a mediation measure and, after having their agreement, assign a family mediator, stop, and proceed". On the other hand, the "National Advisory Council on Family Mediation", created by a decree, elaborated its own definition of mediation in 2003, becoming thus a fostering element for mediation in France.

Apart from England and France, other countries have introduced mediation in their respective legisla-

tions owing to the European Council Recommendation R(98) 1, adopted on January 21<sup>st</sup>, 1998, which advises the member States, firstly, to introduce and promote family mediation or, if it is the case, to reinforce the existing family mediation, and to adopt or empower all the measures they may consider necessary with the aim to put into practice the principles suggested to promote and use family mediation as the ideal mean to solve family conflicts.

Concerning Spain, at the beginning of the eighties people start talking about mediation and the possibilities of its putting into practice. The obvious advantages of applying a method based on dialogue, cooperation between the parties, and the facilitation of an impartial third party, made different professional sectors, especially those related to the judicial sphere (lawyers, psychologists, some judges, social workers and educators...), approach this concept.

The introduction of divorce through the law 30/1981 of July 7<sup>th</sup>, where the regulation of marriage in the Civil Code is modified, meant an important step towards the implementation of mediation since, although the law did not regulate it, offered the possibility of putting it into practice in the family crises linked to a marriage breaking.

This possibility offered by the law, together with the knowledge of important experiences from other countries, generated an increasing interest from both the academic and the professional spheres. The initial reflections and works were followed, at the end of the eighties, by the first experiences, some of them very interesting, in the judicial sphere and basically concerning family issues, but without forgetting the incipient mediation and reparation programs applied in crimes and offences committed by minors.

The advance of mediation in the nineties was slow and very much discussed, although it was fostered by the success of the first practical experiences and backed by several Recommendations of the European Council -especially the R (98)-. The change of century led to a first takeoff supported by the first autonomic laws on family mediation that appeared in Spain: Catalonia, Valencia, and Galicia, who passed their respective laws in the year 2001. The law 15/2005 of July 8<sup>th</sup> includes the family mediation for the first time in a state text, both in the foreword and in the modification of the Civil Indictment Law, in the sense that the judge can suspend the advance of the process if the parties decide to start mediation.

This recognition of family mediation by the autonomic legislations and even by the common rules, as well

as by some professional sectors, has not had the same social repercussion. If we take into account the real rate of existing family conflict, the citizens' use of mediation can be considered as scarce. For this reason we can talk about the system's infra-utilization, especially if we think of its potential according to the high number of conflicts that are judiciary managed through a litigious action.

At this moment, after having passed ten autonomic laws and having modified the LEC to include the family mediation, we may consider that in Spain, as in many other countries, we are already in a second stage as for the mediation introduction process. At the first stage it was necessary to define what we were talking about when referring to mediation, to elaborate a model, to obtain legal recognition and to design an intervening methodology. At this second stage, even though it is not a fix model or a totally peaceful definition accepted by all, there is a certain consensus as for the essential mediation lines, their purpose, and the cases to which it can be applied and how to carry it out.

The main difficulty of this second phase was, rather than the legal recognition of mediation, the social recognition not in the sense of defining a model, but in the sense of improving the practice in order to have better results and more credibility.

This social acknowledgment of the mediation concept is essential to spread its use and to consolidate it as a usual method for conflicts' management. We are far from this ideal situation in which mediation would be considered and used as the first option in conflicts' resolution; but the proliferation of mediation services all over Spain and the data, provided by the different services and programs running, show its progressive implementation and a significant increase in the number of people that approach to and choose mediation. As an example of this positive evolution, we can take the following table with the data provided by the Catalonia's Family Mediation Centre, Justice Department, Autonomous Government of Catalonia.

## STATISTIC EVOLUTIVE TABLE OF THE CATALONIA'S FAMILY MEDIATION CENTRE<sup>2</sup>

Basic figures					
	Period 2002/ 2004	Year 2005	Year 2006	Year 2007	Year 2008 <sup>3</sup>
Requests	450	495	1002	1245	1460
Judicial derivations	67	33	244	370	600

The desirable purpose would be that mediation and other methods of peaceful conflicts' management would progressively stop being residual or "alternative" practices to the litigious systems based on interests' confrontation and would become the usual systems meaning the first option based on the application of common sense, the reasoning capacity, and the dialogue fostered by a third party. It would be desirable to, "alternatively", as a second possibility or in a subsidiary way, have recourse to the "traditional" or litigious systems based on the interests' contraposition, when the application of mediation or other peaceful intervention systems had not been possible or had not given a result by consensus.

With the practice of these years and taking into consideration the evolution from a certain perspective, we can state that the two current big interest axes to promote mediation and make a qualitative and quantitative shift rely, on the one hand, on giving to all the citizens the necessary information concerning the value and characteristics of mediation so that, according to an appropriate knowledge, mediation would be an option widely used by all the citizens; and on the other hand, to improve the mediation action so as to offer a good service, useful for every single person and for the whole society and generating credibility and confidence in the system.

2 Data provided by the Catalonia's Family Mediation Centre (CMFC), Justice Department, Autonomous Government of Catalonia. The parameter "requests" refers to the mediation formal requests, compiled from an official form signed by the applicant. In more than six thousand informative sessions per year offered to the citizens by professionals from the CMFC about the characteristics and advantages of mediation the attendants did not sign the application form.

As for the "finished mediations", it refers to those initiated and without disallowance, reaching agreements or not.

The gap in the figures between "requests" and the finished mediations is due to different causes:

1. In many cases the second party to the conflict did not accept to initiate the mediation, wrongly assuming that the mediation would favour the party that requested it or as a reaction to the request made by "the other".
2. In some cases the mediation was not initiated owing to the spontaneous disallowance from one or both parties. In many cases the disallowance was brought on by other professionals.
3. Reconciliation of the parties' positions previous to initiate the mediation.

3 Data as from September 22<sup>nd</sup>, 2008.

## MAKING MEDIATION KNOWN: TO INFORM

The first axis concerning the spreading of knowledge is an element essential to the advance and consolidation of mediation. If people do not have the necessary information about mediation, its characteristics, and the benefits it can bring to their conflict's management, they will not be able to choose this system because of their ignorance. Therefore, citizens will not appeal to the mediation services, even if they are available and offer good quality services, because they do not know them or do not know how and with what they can help them.

If the statistics show a high degree of usefulness and efficiency in the conflict management (agreements rate around 76 %)<sup>4</sup> and the users that have done mediation openly show their satisfaction, we can conclude that we have an excellent instrument of proven value for conflicts' management. But, at the same time, it is inefficient, not "per se", but because it is rarely used due to its total lack of presence in the social conscience and to the ignorance about the advantages that its application implies.

This ignorance can only be fought by teaching the advantages of a cooperative management of conflicts, the appropriateness of mediation, and the peace philosophy behind it. It is essential to promote the information concerning its characteristics and its value as a constructive instrument to deal with the conflict, by transmitting to the citizens the benefits that mediation can bring, in the emotional, relational, and material spheres, to all the people being involved in the conflict, especially the children when it is about family conflicts.

The transmission of these values inherent to mediation can be done directly, getting to people through the big mass media, television, radio or press, or through the information provided by the professionals from the different services of citizens' assistance.

In the case of spreading information through the mass-media, we can point out two main objectives:

- First, to make mediation known, to inform about its value in the conflicts' management, its characteristics, and the personal and family benefits that its usage implies. This objective may possibly be reached through the presence of mediation in cultural programs, programs on nowadays issues, and general information programs.

- Second, its socialization or introduction in culture to turn mediation into a popular, usual system, easy to access, close to the real needs of people, experienced and seen as useful by the citizens themselves. This objective could also be promoted through programs, films or series with more ludicrous contents, entertaining, where people could feel their own conflicts reflected and where mediation would appear as a reliable, useful, close and efficient system in case of crisis.

The other basic source of information is the one given by the different services of direct assistance to citizens: social services of town halls or of other local organizations, services of legal advice managed by lawyers' associations, local police, psychologists, social educators or workers from schools, hospitals, health centres... The information given in these centres is essential because it means facilitating the mediation resource to a large number of citizens that are users of those services. People, in front of a conflict that worries them, usually look for help among the closest technicians and professionals, who may give to them orientations about how to act in their case. If these technical teams are prepared and inform them adequately about mediation, many people will have the opportunity to know and choose that way.

The orientation given by lawyers and procurers is also essential. The lawyer, in those cases where parties have serious difficulties to communicate and come to an agreement, may lead them to mediation. There they will work on relationship and more personal issues, leaving the legal advisory to the lawyer, who will look after the appropriate legal implications and consequences of the case. The collaboration between mediator and lawyer will necessarily redound to the user's satisfaction, who sees that his problem is having a global and more satisfactory answer since his conflict has been approached not only from the legal point of view, but also from a more personal and human perspective.

As Marlow says in the above mentioned work, *divorce is a personal crisis with certain legal consequences, rather than a legal problem... it is about helping both parties to do an emotional and legal divorce.*

In those countries where mediation is more consolidated, the implication of lawyers in deriving cases towards mediation is essential. In England, thus, according to data provided by Lisa Parkinson at the "International Congress on Mediation", held by the Autono-

<sup>4</sup> Date provided by the Catalonia's Family Mediation Centre. It corresponds to the average of mediations done in cases where mediation was applied before starting the law proceeding.

mous Government of Madrid on March 13-14, 2007, in the United Kingdom 70% of the mediations carried out had been derived by lawyers.

In Spain, this landscape is still difficult to imagine. But there are more and more lawyers who, in front of complex conflicts and irreconcilable positions, suggest to their clients the possibility of mediation and derive them to mediation services, either to work all the discrepancy points or a specific part, keeping some parts for the negotiation between lawyers.

The judges, public prosecutors, and, under their responsibility, all the judicial system play also an essential role. If the judges, in general, would opt for mediation and would derive those conflict cases that they would consider appropriate for mediation, or all those where they would feel it feasible, there would be much more cases where the parties would have the opportunity to solve their discrepancies through this method. In this sense, the experience of intra-judicial mediation supported by the Judiciary General Council and started the year 2006 at the courts of Madrid, Barcelona, Sevilla, Palma de Mallorca, Pamplona and Málaga, with the necessary implication of the judges and their judicial offices, with completely satisfactory results, represents a real milestone in Spain as for mediation in the judicial sphere. This experience has meant an important advance in mediation and has allowed establishing cooperation, building protocols, improving derivation circuits and increasing the number of people and litigations that had been informed and had got a positive answer thanks to mediation. To sum up, it is an experience that may become the starting point of the progressive generalization of mediation in the judicial sphere. In fact, even though this experience was established just for the year 2006, it goes on working and evolving positively. The number of courts involved has increased and so has done the number of users that can benefit from it in more cities and courts than the six which, admirably, initiated this experience.

## IMPROVING MEDIATION PRAXIS

The qualification of the mediator, together with the necessary spread and information that we saw above, is the second essential axis for an appropriate implementation and consolidation of mediation at this current stage. Only a good training for the mediators, together with the necessary practice, can support an appropriate intervention and, finally, generate the users' reliability on the system. In mediation we work with interests and

needs, but also with such a sensitive material as feelings, emotions, rancour, frustrations, excluding perspectives... An inappropriate intervention may come to produce negative consequences in the evolution and management of the conflict. The mediator needs to have, apart from his previous educational basis, an essential specific training based on the adequate theoretical-practical knowledge of the different elements and techniques comprised in the system. Only an appropriate and complete qualification will allow developing this methodology and applying it with professionalism and responsibility. A satisfied user is a source of new cases that come to mediation thanks to the positive recommendation done by the first user. And thus, the credibility and the usage are geometrically multiplied as the number of satisfied users increases. On the contrary, having a bad experience logically leads to advise against mediation. If this bad praxis would spread, it would mean a serious harm to its normal consolidation. Given that the present ignorance about mediation generates a certain lack of confidence, which is not strange but rather inherent to any innovative system, if we add inappropriate actions to this logical and initial lack of confidence, we may contribute to discredit the system before it is even consolidated.

Apart from the initial specific qualification, it is necessary to have a continuous training allowing the mediator to update his knowledge by exchanging his experiences with other mediators, by submitting his own cases to the analysis of other experts, and by acquiring information about new tools, actions, and useful intervening forms that appear in the mediating doctrine and practice. The exchange of experiences and knowing new technologies and advances allows improving the method itself and the way of applying it.

In those countries where mediation is more consolidated, a significant specialization of the mediators is happening, even if it occurs within a single action sphere. In the United Kingdom, for instance, within family conflicts, there are mediators specialized in conflicts about minors' kidnapping; they even come to specialize according to the destination country of the kidnapped minor. It proves the importance of dominating the differentiating and determining elements of the particular case, such as the legislation and cultural characteristics of the specific country since, undoubtedly, they condition the conflict and must be taken into consideration as for the way and kind of mediating intervention.

Here we also begin to feel that specialization is essential since, for instance, mediation in judicial cases has certain specificities and a special complexity that

make it particularly complex. This is why it is necessary to know the coincident notes in those cases, the added difficulties of communication, and the legal framework in which they develop in order to guarantee an appropriate action duly coordinated with all the other legal operators intervening in the legal management of the case (judges, prosecutors, lawyers...).

## DETECTION OF CULTURAL DIFFICULTIES IN FACE OF MEDIATION

The advance and consolidation of mediation is slow but progressive, although it copes with difficulties that must be taken into consideration if they are to be adequately overcome, so as to facilitate mediation and other instruments for the peaceful and collaborative management of conflicts.

Some of the most significant and prevailing obstacles in our habits against which currently mediation comes up are:

- the almost spontaneous clash reaction against the other when the person feels in conflict with him;
- the will to win and show that one holds the real truth and that the other is completely wrong;
- the difficulty to put reason and common sense in front of the negative emotions that prevent us from being objective and looking at the situation from a certain perspective;
- the difficulty to establish a dialogue with the person having discrepancies with, in order to deal with and overcome them together;
- in front of the most serious conflicts, the habit of letting or even demanding another one to decide on our behalf (with the obvious intention that he would agree with us).

It is about usages, habits, reactions and cultural concepts largely rooted in our society and whose force cannot be underestimated if we want to contribute decreasing its effect in order to let the way free for other cultural parameters more open, logical, peaceful and collaborative on which the peaceful conflicts' management should be based.

## CONCLUSIONS

In order to support the progressive consolidation of mediation and other collaborative systems of conflicts' management in our society, it is essential to bear in mind

the nature and the personal and social bonds of the above mentioned obstacles and to work in order to achieve a change, or at least a serious questioning of the cultural schemes, prejudices, belligerent attitudes and traditional actions largely adopted in front of conflicts. On the other hand, we also point out the necessary collaboration between the different legal operators who may get involved in the normal use of these methods (judges, prosecutors, lawyers, procurers, and staff of the judicial offices). Their recommendation to clients or users and their positive attitude towards mediation is fundamental.

And all this without forgetting the two factors previously discussed: the first one is to reinforce and enlarge the transmission of the necessary information to all the potential users about the characteristics and the usefulness of mediation, either through mass media or privately through the services of individual assistance to people. The second one, not less important, is to look after an adequate qualification of the professional mediators so as to grant a good praxis resulting in the users' satisfaction.

These two elements feedback each other since both directly have a bearing on the spreading of their implementation and on the fundamental social recognition, without which mediation would have difficulties to consolidate as a method of conflicts' management highly valued and widely used.

To conclude, if we want that mediation would stop being a system applied in a residual way, resources must be activated to promote those two key elements that refer to the information addressed to all the citizens and to the training the mediators must have. A change of system and values, as mediation is, cannot be carried out immediately or in a rush and perhaps would not be appropriate neither; especially if what we intend is to achieve a constructive and rational evolution of our system of conflicts' management in order to offer appropriate and ground answers to the needs and real problems of the citizens.

The perseverance and effort being made nowadays by so many professionals who believe in mediation, the support of institutions, and the confidence of those people having used the system, will turn into positive results and undeniable changes, not immediately, but progressively. We are opening a new way that follows the path of the progress and advance of our civilization which, with clear advances and withdrawals, opens itself to new formulae, more peaceful and rational, to understand and manage the relationships, encounters, and misunderstandings among people. ■

# Mediation Seminar in Copenhagen during COP15



**Place: Glyptoteket, Copenhagen – [www.glyptoteket.com](http://www.glyptoteket.com)**

**Date: The 10<sup>th</sup> and 11<sup>th</sup> December 2009**

During eleven days in December 2009 delegates from throughout the world will meet in Copenhagen for the 15<sup>th</sup> Conference of the Parties - COP15 - to the United Nations Framework Convention on Climate Change, UNFCCC. The Denmark meeting is crucial for the international climate change negotiations. The climate change crisis challenges people throughout the world to invent and implement innovative ways to mitigate and thwart climate changing causes and effects. The crisis calls for new methods for nations and people to overcome differences and work together with the objective of preventing and resolving conflict arising because of limited resources and/or the effects of climate change.

In a Manifesto from 9th July 1955 issued in London, Albert Einstein and other leading scientists urged humanity to find peaceful means for the settlement of all matters based on new ways of thinking. An important new way of thinking features the use of the collaborative, participatory, and pluralistic conflict resolution processes like mediation and facilitation. Construction of a new global conflict prevention and resolution infrastructure is critical to a comprehensive international climate change policy. Such construction will be a major part of the Copenhagen Mediation Seminar, with discussions of conflict prevention and resolution. Our aim is to gather 100 mediators to create a new Manifesto showing the infrastructure to peaceful conflict resolution.

**Please already now reserve this important seminar for 100 mediators attending from all parts of the world. More information will come shortly.**

Gregg Walker, Tina Monberg, and Kenneth Cloke of Mediators Beyond Borders - Jens Emborg, Mie Marcussen, Lone Clausen, and Vibeke Vindelov of Nordic Mediators



# Discovering gangs

Beatriz Seisdedos

## Resumen

Este artículo trata de un impacto. De una experiencia única en mi vida que me ha permitido conocer y, quizás, entender un poco más la complejidad de unos colectivos tan estereotipados y condenados como son las pandillas o agrupaciones. Indudablemente, la violencia y delincuencia que rodea a muchas de ellas debe de ser condenada; pero también es cierto que hay una puerta alternativa a la intervención represiva. La organización SER PAZ en Guayaquil (Ecuador) ha diseñado otras formas de trabajo que pretenden apoyar a aquellos chicos y chicas de las pandillas capaces de reflexionar y comprender la importancia de la paz en sus vidas. Han demostrado que muchos de esos jóvenes son capaces de darse cuenta del impacto de la renuncia a la violencia en su calidad de vida y, ahora, muchos de ellos, centran sus fuerzas en ese proceso de renuncia. Por nuestra parte, es importante que todos nosotros apoyemos a quienes quieren seguir ese proceso fomentando la comprensión de este colectivo. Esa es la humilde intención de este escrito: abrir ese descubrimiento personal a otros.

## Abstract

This article is about an impact. About a unique experience in my life that has allowed me to know and, perhaps, to understand a little bit more the complexity of such stereotyped and doomed groups as the gangs or associations. Undoubtedly, the violence and the criminality around many of them must be condemned. But it is also true that there is an alternative door to repressive intervention. The organization SER PAZ (Being Peace) in Guayaquil, Ecuador, has designed other ways of working that intend supporting those boys and girls from gangs that are able to reflect on and understand the importance of peace for their lives. They have showed that many of those young people are able to realize of the impact that the renunciation of violence has on their life quality. And now, many of them are focusing their efforts on this renunciation process. On our side, it is important that all of us give support to those who want to go on with this process by promoting the understanding of this group. This is the humble purpose of this work: to open this personal discovery to others.



**BEATRIZ SEISDEDOS**

A Business Management and Administration graduate, she began working in NGO's in 2001, combining this with Conflict Resolution studies. This led to her crossing paths with Nelsa Curbelo and her project with groups of young people in SER PAZ (Ecuador).

I arrived in Guayaquil (Ecuador) after a combination of strange factors: after having taken a post-graduate course and a specialization course on conflicts' resolution, I thought the moment had come to see close up the practical side of theory. It took me a year to do it and I could have never imagined how much.

I had read that other students of that course had "gone round" to Ecuador to work as volunteers with Nelsa Curbelo, the mother of Ser Paz, a local organization working with street gangs. I knew little more than their way of working was to apply conflicts' resolution techniques to help the young ones. I had no idea either of what would be my role, neither of what I was going to come across with. I was coming from a much more structured, planned, and scheduled world. So I was a little bit afraid of what seemed to be a jump without safety net. After having spent several days in Guayaquil, I understood that this way of living day to day is not completely fortuitous. In many cases it is originated by the uncertainty about what is going to happen the next day. Tomorrow they are going to do an activity and everything turns bad because the previous night a gang member was killed by another one. You have to postpone, repair and manage to channel the work again. No way of talking about the finance instability. You can only realize all that by understanding the political reality of Ecuador and the human complexity of gangs.

Thus, everything from my first day were learning and understanding processes, shattering schemes and preconceptions. Even though at a later stage I will try to convey what I understand nowadays about gangs, I would like to introduce which were the two big initial surprises.

First: Ser Paz does not think that the boys have to be taken out from the gangs, but that gangs must redirect their noblest values towards an improvement in their members' way of life and in that of

the communities around them. I did not need more than one week to realize the intelligence of this approach. The boys belonging to gangs need the gang; they need what the gang offers them: acceptance, protection, sense of being member of a group that acknowledges them. Wanting to destroy them is, from my point of view, the same as crushing a conflict with force, provoking the direct refusal of its members. It would make our gap even bigger. Redirecting them, understanding their running and getting the young to make things positive from inside the gang has a double usefulness: on the one hand, we manage to attract the youngsters towards other alternatives in life by promoting violence abandon and, in many cases, criminality. On the other hand, society can enrich itself from the boys' contributions in terms of creativity, initiative, and values of community solidarity.

Second: gangs are not only formed by boys. They also have girls, even though their status, role, and possibilities within the gangs are different from those of the masculine members. However, in their own way, they also have a strong influence on the group. They are not just members, sufferers or passive members. It is important to take them into consideration and to empower them. For three reasons, from my point of view: first of all, they can be more violent and cruel than the men in the same group. Since they do not have the physical force, they need other means, more subtle and aggressive, to manage to be respected. Thereby, working with them means to give a more holistic approach to the work with gangs, to manage to work with all the possible dimensions.

Additionally, women have an ability to influence on men when they are sentimentally linked. The instinct of protection becomes active in boys and they reflect more thoroughly on the importance of being alive.

Moreover, I think that the women members can be a courageous example. They can promote a bigger respect for women within Ecuadorian society, where there are still many gender inequalities, where women go on with their traditional roles renouncing to their own development. The gangs' women, especially the leading ones, are women with initiative. They would be able to focus that force, that proven force, on the defence of women's rights and on showing that it is possible.

## WHAT IS AN ASSOCIATION?

After the first two surprises, the first clarification from the boys arrived. There is an essential difference between gangs and associations. A street association (or "pandis" - from the Spanish "pandillas") is what in many places is known as street gang. They are groups of young people, between 15 and 30 years old (the average age is approximately 18 years), usually coming from the most marginal and impoverished strata of population. The associations are created according to a series of life and coexistence ideas between their members or brothers. They have their own hierarchical structures which must be strictly respected. They have defined their behaviour codes, rites, symbols, colours and ways of communicating. They have their own internal order structures.

Gangs do not have anything of that. They are just groups of youngsters devoted to crime. There are no elaborated structures, nor specific hierarchies.

As I went deeper in the world of associations, I began seeing surprising parallelisms between them and any other kind of society, community or tribe. I remembered all the complexity and creative effort of Tolkien when writing *The Lord of the Rings*. He crafted each one of the societies that form history. He developed every behavioural code, he even invented the languages. He created a new world from scratch.

The origin of associations is something similar to that. The boys and girls themselves, young people not older than 25, have created symbols, behavioural codes (which are transcript), rules of acceptance and rites, and have even developed their own slang, which can only be understood by themselves and those knowing the associations from inside. Some members are in charge of compiling the associatio-

n's history. On the other hand, they have their own power territories within neighbourhoods or cities. They struggle to dominate that territory, they fight one another and they refuse other associations in order to reinforce their own identity. Depending on each pandi and, sometimes, on each leader, they collect taxes among the members in order to finance the group's operation, or to carry out supporting actions inside the associations, or to cover expenses of the leaders themselves.

Is not this a microscopic vision of the components of any country or community? And is not it surprising that such young people had been able to imagine, create, maintain and spread something that came out from thin air? Is not a phenomenon the strong expansion of *pandis* and their sense of membership without a previous historical origin?

The associations have tyrannical leaders, leaders devoted to the cause and the association, corrupted leaders, leaders, leaders... Which national political history does not have an example of this among its presidents? Associations are subdivided into groups having their own leaders and whose representation, in most cases, allows them to choose the leaders of all the group or nation. Is not this an example of the democratic political system?

With this fascination for the complexity and the discovery of associations, I decided to counteract with the dictionary to make sure that I was not straying off my comparative process. According to the Dictionary of the Royal Academy of the Spanish Language, a society is a "natural or negotiated association of people that constitutes a unity different from each of its members, the purpose of which is to comply with all or some of life ends through mutual cooperation".

The origin of associations is always the need of being together, of associating to create an entity stronger than the individual (first coincidence). It is an entity that offers acceptance and the sense of membership that the community they live in does not offer. One of the basic values of *pandis* is their solidarity with the group. Supporting the "hermanito" (little brother) or "hermanita" (little sister). This mutual cover up grants that they are not going to be alone. It is a contract accepted by all of them according to which they receive common protection and security (second coincidence).

Another essential value is loyalty. They must be loyal to the brothers, to the association and its principles. Those that do not stick to the rules are seve-

rely punished. The penalty imposed to those not respecting them can be criticized and modified, especially if it is violent. But it is true that the aim to “impose” loyalty, and the purpose of preserving it, even by force, is to keep the solidarity and cooperation necessary for their survival in life (third coincidence).

Moreover, I began linking all these things to my experience in countries in conflict or in post-conflict situation. I was marvelled to see so many similarities between associations and the ethnic groups in Bosnia-Herzegovina. There, every ethnic group has its own colours and representative symbols. In many cases, they are also defined by a religion. They consider as legitimately theirs a part of the territory they are sharing. The refusal to the other ethnic group reinforces their own identity. They all feel the need to repair the damage caused by the other one, and the life objective (apart from going away and outstand as much as possible from the other ethnic groups) is to survive. Associations are like this. The only difference is that the associations’ membership is not linked to a genetic or historic legacy. As for the rest, associations have their colours, symbols, and flags, which they want to make prevail at any meeting or border between territories. They have their own rites and codes that, although being similar, they reinforce them as being their differential factor. The pride of being a member is shown, among other things, by bringing themselves out and depreciating the rest of pandis. They defend their dominated territories in neighbourhoods and they always consider the “an eye for an eye” revenge (in some cases, multiplied by 3) as the mean to repair the harm suffered. He was killed by that association and they will have to pay for it. They have to make amends for it by getting rid of the other one. And finally, at the really bottom of this matter, all of them are boys and girls who enter the association with the same purpose: their need to be accepted and their search for survival, for a better life.

## WHY DOES THE ASSOCIATION ARISE?

For most people, gangs mean violence and crime. It does not matter the name you give to them: Latin King, Nación de Hierro, Masters... They provoke suspicion and fear. Nobody wants to know about them, just to be far from them.

I suggest doing an empathic journey allowing us to create a bridge, to understand the reality of the associations’ members and their need to join them.

We should imagine them, in Ecuador for instance, immersed in the hustle and bustle of enormous and chaotic cities, full of traffic, contrasts, and people. Some of the rich ones are very rich; many of the poor ones are very poor. Let’s go to the marginal neighbourhoods, let’s follow the sand paths, where there are no sidewalks, there are plenty of pools and potholes, rubbish on the corners, no sewer system. We enter the house of families with poor resources. They are simple houses, some of them made with cane on an unhealthy inlet. The spaces are small, with a few windows, soft light bulbs; there is not enough light and, even sometimes, air. They are full of children, youngsters and aged people. A lot of noise. The walls are made with curtains. The most fortunate ones have a bathroom or a toilet inside the house. In some cases, there are unstructured families that struggle for survival and for surviving to each other. Their educational level is very low and the way of imposing ideas and order is by the use of force. That is direct violence. The structural violence comes then, and it is especially shown through exclusion and rejection.

Thousands of young boys and girls grow up under such conditions: without clear future expectations, with serious life experiences in a short period of time, and shortages in many areas (economic, educational, affective...) What would we do if we were them? What do you feel without having a point of reference? What would we look for if we were 15 years old, if we had a less than basic education, no economic cushion, dreams about a better life, so many problems at home that you do not want to come back, and so much more on the street as to want to run out? I think I would cling to whatever I could. I would cling to the first opportunity offering me security, protection, and some alternative. Because I would want to live; to live better than I had done up to that moment.

Suddenly, a door opens. Someone offers you relief to your life stress. Someone counts on you for a pandi. The association protects you, helps you (even economically), it supports and understands you. It is formed by people like you. They understand you much better than your parents, your grandparents or any other adult of your environment.

The association asks for your commitment. How much are you ready to give and to sacrifice for fee-

ling accepted, for having a reference, something to cling to? Suddenly you have brothers everywhere that protect you, understand you and ask for your contribution as any of them. You are one more of them, but you are not anybody. Your participation is valued. Doors that had been closed now open. You see that the association's members are fine. They have got money, a good mobile phone, a beautiful girl. They are respected and even feared. It is quite tempting. Basically, it is almost the alternative to your situation. And, on the other hand, it is normal that they ask you for something in exchange, that they want to test your entry. You must show that you are worthy, that you can also take part in it. In addition, you will become an exclusive member of society since each association considers itself to be exclusive, and this is the reason for their different codes and symbols. Being a member of it is like belonging to the elite, it is outstanding from a society that does not appreciate you. It is to find someone that really appreciates you as a person, as someone that makes contributions. Essentially, you want to contribute because it makes you feel more as a part of the group. The "ordeals" or entry sacrifices are ways of seeing your courage, your ability to really belong to the group, to follow the rules and the values they instill. If you are to belong to those elite, you need to prove it. You want to protect and to be protected.

And so, while you are looking for protection or friends or comprehension, you are already inside. You are accompanied. The rules are simple: you have to obey the leaders and engage yourself. The problem comes when this engagement is linked to violence as a way of defence and attack, and to crime as the system to earn your living.

Obviously, violence and crime cannot be justified, but their reasons can be understood. Of course, it is the simplest and quickest answer to problems. However, from my point of view, it is not the most efficient. It is not possible to win with it. The concept of winning has completely disappeared from the very beginning of the violent spiral. When one, two or three people from your group are dead, how can you think that revenge will allow you to win? In my opinion, we must be guided by the concept of stop loosing. But when there is not a reflection process on the vicious circle that violence represents, to have a weapon and a group of brothers by your side is the grant for protection and for imposing your will. Since you are dominating, it is

easier to be tempted by crime. It is also a quick way of having some revenue. I do a job and I can live during a week. This is easier than to work a whole month for the same amount of money. This way of living day to day is one of the obstacles to work with those boys. It is difficult for them to figure out their future, to think about the need to save, to invest in order to progress. For many of them, the use of money is just to spend it in what I want today and right now. In most cases, this perception changes when they begin having their own family.

## THE PROCESS OF CHANGE

The creation of a family and the closeness of death are often the main triggers of change for the boys. And this need arrives. It arrives because violence generates tension. Being constantly aware of whether the enemy is going to attack you while you are walking on the street, while you have lunch in a restaurant, is not what people want for their children and for themselves for the rest of their lives. During the meetings and encounters held with them on the streets, you could see that they were looking at every single person passing by. They analyse and evaluate the risk. They are constantly alert, even in their own territory. There is no rest. The attack from other associations or from the police may arrive at any weak moment. It is a permanent war. It is terribly exhausting.

When a loved one dies, many questions and strong feelings arise, especially if the dead person is a young close to oneself. Then, in many cases, they begin to think about other life alternatives.

Ser Paz has been working for years with the associations' members in their process of change and to promote the peace culture. If you listen to the boys that have taken part in the activities, it is perfectly clear that there has been a work on reflecting, repeating, and getting convinced of the message. Thanks to that, they are the ones who talk about peace with their peers, the ones who have been able to understand that violence is not a mean and that it does not lead to any good end. They have had the courage to make a shift and assume their responsibility. They are young people who, after workshops and discussions, are able to analyse and give an answer to different approaches. I admit that I admire many of them, just as I admire those that manage to give up the drugs or smoking. I admire them even

more because they have changed their way of life while being still in the association. They have managed to keep their leadership by refusing not only what they had defended before (the use of force) and what may have probably driven them to that status in the chain of command; but they have also trusted so much in it so as to be opposed to the association's heads that might be above them. In this "macho man" society, force and courage are valued according to violence. Those who are able to kill for their peers are more valued. Those who do not hide from a threatening bullet are praised. But, is it there anything more courageous than deciding to change one's people without leaving them? Some of those boys have managed to go on leading without weapons, to convince with the brain and not with kicks.

The conclusion from my stay is that it is possible. It demands patience, effort, understanding and faith in it. But it is possible. And the results obtained are so satisfactory that the only possible issue is to admit what is evident. Less than 6 months after Ser Paz began running, crimes decreased by 60% in the neighbourhood where we began to work.

## THE FRUITS OF CHANGE

If we want to look at figures, we could not stop: trained boys, integrated families, relieved neighbours. But I would like to explain something that I do have experienced and seen. It just so happened that I was in the right place at the right moment to witness the first mediating intervention carried out by the boys in order to avoid a large scale crash.

The conflict burst out in the city of Esmeraldas (north of Ecuador). After a long history of mutual aggressions, a Latin King was killed by one or several Masters. Agitation and fear grew among the associations. The ones were ready to take revenge; the others were ready to defend themselves. No matter how many lives it would imply. This is part of the deal. If there is war, you have to die for the association.

Is it not easy to find parallelisms with an ethnic conflict, with a civil war? How did World War One burst out? Pandis are like that. An event, a bullet at the wrong moment between wrong people and in an environment full of rancour may plunge youngsters and teenagers in a revenge bloodbath. Because boys and girls are armed. This is inevitable, just as the use

of those arms would have been was it not for a quick intervention.

The boys linked to the work of Ser Paz in Guayaquil, leaders of confronted associations in Esmeraldas, suggested to travel there as "ambassadors" in order to negotiate with the representatives of their respective associations in Esmeraldas. And so it happened. Restlessly, during 5 days, the boys met their groups, they talked, negotiated, they were convinced of the importance of finding non-violent alternatives and, finally, they were totally successful. They stopped the war. There were no more deaths and they managed to establish compensating options for the damages caused.

It is impossible to convey the strength and the intensity of those moments. There was a palpable tension among the young. Little was needed to start the fight. Any mistake would have been a catastrophe. And, nevertheless, it was not like that, quite the contrary. I admire those who were able to hold themselves at the last minute and, even more, to those who, having succumbed to violence, were then able to dominate it through words.

Nothing of that would have been possible without a previous work, a lot of information, and reflection processes and changes that have allowed the boys to trust in their ability to make positive contributions to their peers and, furthermore, to the society they live in, that society which is not theirs and which excludes them.

But peace is not just a given moment, it is a process. It is a situation in progress that must be nourished by being positive and by believing that it is possible to live like that. Many times we think that the ultimate end is to come to peace. But it is just a part of it. Its maintenance demands, on many occasions, the same or even greater efforts as for getting to it.

It is obvious that not all of us are able to think like that; not all the boys in the associations have the courage to radically change their way of life. But we must not judge them, we must just ask "would we do it?" and go on backing those who are ready to make the shift. And this is so because they can make important contributions if we are able to take the values and abilities typical from associations (solidarity, creativity, loyalty) and transform them and focus them on society, a more "global society". They can enrich our horizons and become a social example; a peace example for a society immersed in the use of violence as the method to solve problems. ■

# Mediating commitments<sup>1</sup>

Ian Macduff<sup>2</sup>

## Resumen

Este artículo explora las implicaciones de la teoría intercultural –la dimensión de la distancia al poder– con el fin de estudiar la naturaleza de los compromisos en el proceso de mediación. El modelo occidental presupone que las partes pueden identificar intereses básicos y negociar en torno a ellos determinando prioridades, compensaciones, equilibrios. En el centro de nuestra reflexión sobre los compromisos se encuentran nuestras ideas sobre condición de agente, autonomía y responsabilidad. Sin embargo, una implicación básica de los trabajos empíricos sobre la distancia al poder sugiere que las expectativas de deferencia pueden hacer que algunos participantes eviten la responsabilidad directa de la toma de decisiones y que, en lugar de trabajar en pro de los compromisos, actúen en función de los compromisos o las obligaciones que ya tienen. Así, los miembros de culturas con corta distancia al poder están más capacitados y dispuestos a comprometerse; los miembros de culturas con gran distancia al poder están más limitados por el hecho de tener obligaciones. Mientras que el modelo occidental de negociación y mediación aborda los medios para llegar a compromisos (la legitimidad parte de las decisiones que toman los agentes autónomos), las normas que determinan la conducta en las culturas con gran distancia al poder son las que reflejan el hecho de tener compromisos y obligaciones (la legitimidad se deriva de las relaciones precedentes).

## Abstract

This paper explores the implications of one aspect of intercultural theory –the dimension of power distance– in order to comment on the nature of commitments in the mediation process. The familiar model of Western mediation assumes that parties can identify core interests and negotiate around those, through prioritising, trading and balancing. At the heart of our thinking about commitments are our ideas about agency, autonomy, and accountability. However, a core implication of empirical work on power distance suggests that expectations of deference may lead some participants to avoid direct decision-making responsibility and, rather than work towards commitments, to act on the commitments or obligations they already have. Thus, low-power distance culture members are more able and willing to make commitments; high-power distance culture members are more constrained by having commitments. Whereas the Western model of negotiation and mediation addresses the means to reach commitments (the legitimacy of which stems from the choices the autonomous agents make), the norms that shape conduct in high-PD cultures are those that reflect having commitments and obligations (the legitimacy of which derives from antecedent relationships).



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## INTRODUCTION

Typically, mediation is represented as a problem-solving process in which, with the assistance of the third party, the disputants work towards a constructive resolution of their differences and to an agreed outcome.<sup>3</sup> Ideally, if there is such an agreed outcome, it takes the form of various reciprocal commitments.

Apart from the parties' commitment to engage in mediation (except in those case where mediation is mandatory), and the mediator's commitment to the principles and practice of mediation, there are three salient forms of commitments at play in dispute resolution, only the first two of which typically receive attention. First, there is the parties' commitment—their attachment—to their perceptions and preferred outcomes. This, in the more familiar terminology of negotiation and mediation practice, is seen as the problem of the parties taking positions rather than reflecting on and exploring their interests.<sup>4</sup> A core objective of mediation is to assist the parties in letting go of those positions or early commitments in order to generate a more expansive view of possible outcomes.

The second use of the term will also be familiar: ideally, parties in disputes (or transactions) will work towards an outcome that reflects and embodies their commitments. Failing that, parties will turn to whatever alternatives they might see as preferable to the

outcome that is on the table—alternatives ranging from simply walking away from the transaction or the relationship, through to seeking more formal institutional assistance, or litigation, or a return to violent conflict.

The point here is that, whatever the substance of the commitments, and whatever the viability of the alternatives, the parties are seen as autonomous and (by and large) rational agents<sup>5</sup> able to form and act upon such commitments. Commitments are those firm outcomes—better than mere acquiescence, better also than just an agreement—reflecting the parties' reasoned preferences and their capacity to bind themselves or others to accountability and specific actions.

The third form of commitments is, however, typically less visible, certainly give less attention in mediation practice and theory. Rather than seeing commitments as a variety of intransigence (thus to be overcome) or goals (to be arrived at by rational agents), commitments need also to be seen as the obligations that disputants or negotiators already have by virtue of their status or role.

This paper will explore the relationship between the second and third of these commitments, drawing on intercultural theory in order to better understand that we do not necessarily share, nor do we all readily aspire to, the same understanding of commitments. At the heart of our thinking about commitments are our ideas about agency, autonomy, and accountability.

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1 This paper is a revised and abbreviated version of a chapter to appear in Teh Hwee Hwee and Joel Lee (eds), *An Asian Perspective on Mediation*, (Singapore Academy of Law, 2009)

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3 This paper assumes, and will not revisit, the extensive discussions on the varieties of mediation, whether narrative, transformative, elicitive, evaluative, facilitative, and so on.

4 See, as the originating statement of this notion, R Fisher, W Ury & B Patton, *Getting to Yes: Negotiating an Agreement without Giving In*, (2<sup>nd</sup> ed, Century Business, 1991).

5 For a pertinent comment on the folly of assuming that all negotiators are rational actors, and the reality that many are 'committed', in the sense of a devotion to a cause or faith or 'higher calling', see Scott Atran, "Devoted Actor versus Rational Actor Models for Understanding World Conflict," [http://www.edge.org/3rd\\_culture/atran06/atran06\\_index.html](http://www.edge.org/3rd_culture/atran06/atran06_index.html)

That is, we operate, first, on assumptions about the capacity and willingness of disputants or negotiators to arrive at rationally chosen outcomes; and second, expectations that a process of negotiation or mediation that fosters participation and the exploration of interests is one that matches the cultural or contextual capacity of individuals to decide in this manner.

## CULTURE AND COMMITMENTS

It is widely assumed that negotiators can and will direct their attention to their “interests”. However, as Kevin Avruch suggests, we do not all share the same assumptions about tradable utilities and “interests” which guide Western models of negotiation:<sup>6</sup>

Of course, the nature of utilities is not a problem at all in neoclassical economics, since if one defines a utility as anything desirable or valued, then one simply needs to identify what, in a given culture, is desired or valuable, and then look around to discover individuals striving to maximize it left and right. The adequacy of this conception of utility for understanding other cultures has long been questioned, but the questions become harder if one imagines trying to “transact” (say, negotiate) across different “utility universes”.

That we are taken to have, and can prioritise, our interests reflects a set of cultural norms about autonomy, agency and choice that do not necessarily hold for all contexts. It is assumed that we share the same cognitive tools and processes for reasoning about our preferences and outcomes. However, in drawing on the work for Richard Nisbett,<sup>7</sup> comparative psychology indicates that we do not share common understandings of the nature and role of reasoning. While we (whatever the cultural identity of that “we” might be) like to imagine that others can be persuaded by our mode of reasoning, and while we may aspire to

universal or universalisable norms of conduct and fairness, the empirical evidence suggests that we do not necessarily share cognitive worlds across cultures.

These differences in perception and reason will be explored in one particular respect here: one assumption of “Western” dispute resolution is that, largely independently of issues of power differentials, parties will be able to acknowledge differences and to reason and negotiate their way towards an outcome and shared commitments. However, a core implication of empirical work on power distance suggests that expectations of deference may lead some participants to avoid direct decision-making responsibility and, rather than work towards commitments, to act on the commitments or obligations they already have. Thus, as will be later suggested, low-power distance culture members are more able and willing to make commitments; high-power distance culture members are more constrained by having commitments.<sup>8</sup>

The canon of Western negotiation assumes that parties can identify core interests and negotiate around those, through prioritising, trading and balancing. If there are cultural differences in the perception, definition and management of disputes, it follows that not all participants will see the issues at stake in the same interest-oriented terms: they will also see disputes as values-based<sup>9</sup> and as dependent upon hierarchical relationships. In order to expand on the distinction between *forming* and *having* commitments, one dimension of cultural difference will be briefly explored: the dimension of power distance and its impact on decision-making, participation, and perceptions of procedural justice.

## POWER DISTANCE - DEFINITIONS AND CONCEPTS

“Power distance” is one of four dimensions of cultural difference identified by Geert Hofstede in a wide-ranging assessment of values scores returned by IBM employees.<sup>10</sup> This dimension is at first sight a

6 Kevin Avruch, “Toward an expanded ‘canon’ of negotiation theory: Identity, ideological, and values-based conflict and the need for a new heuristic,” *Marquette Law Review*, 89: 567, 571 [2006].

7 Richard E Nisbett, *The Geography of Thought: How Asians and Westerners Think Differently... and Why*, (New York, Free Press, 2003).

8 At the risk of seeming too simplistic, we might suggest that those who acknowledge *difference* are, with obvious variations in skills, able to make commitments; and those who acknowledge deference are more likely to act on commitments they already have.

9 This is a stronger position than merely recognising that negotiation may involve values, and that we need to address values in dispute resolution - on which there is a growing body of literature. The point here is that values go to the very heart of the matter: they are, in the final analysis, what the dispute is about, at least for one of the parties.

10 See generally [http://www.geert-hofstede.com/geert\\_hofstede\\_resources.shtml](http://www.geert-hofstede.com/geert_hofstede_resources.shtml)

relatively straightforward measure of difference, especially as it might affect decision-making and perceptions of the roles of managers and subordinates:<sup>11</sup>

Power distance (PD) is the extent to which the less powerful individuals from institutions expect and accept that power is distributed unequally.

This analysis embodies both an empirical measure—the variations in power distance—and, more importantly, a perceptual dimension: the expectation and acceptance, especially by lower status individuals, of that power differential. The impact of the differentials and their legitimation can readily be carried over into the decision-making aspects of dispute resolution and the perceived roles of intermediaries such as mediators. It will be seen that patterns of decision-making in mediation will reflect this dimension of difference and the corresponding perceptions of relationships, authority and procedural justice.<sup>12</sup>

“Power distance”, as a dimension of cultural difference, has two main elements: first, the empirical, descriptive fact of differentials in power (whether political, hierarchical, economic or other); and second, the perceptual, attitudinal acceptance of that distribution of power.

The second aspect of power distance is of more immediate importance in that the acceptance of differentials both affects conduct and commitments, and can legitimate unequal relationships and outcomes. This is potentially problematic simply because the norms of Western mediation rest on a number of assumptions including:

- full *participation* in problem analysis and resolution;
- the *agency* of participants—that is, their capacity and willingness to engage in decision-making;
- the relative *informality* of the process (which, as we will see, is likely to be difficult in high power distance cultures);
- the relatively *low substantive authority* of the intermediary; and
- the emphasis on *interest-based* bargaining, which assumes not only that the parties are attending

to negotiable interests rather than values but also that the interests are subject to the bargaining choices and mandates of the parties.

Hofstede’s original research has produced a model of cultural differences that specifically relate to decision-making in the world of work.<sup>13</sup> It turns, at least initially, on the relationships between “subordinates” and “bosses”, and on the cross-cultural variations in expectations of hierarchy and authority. The analysis goes further to recognise differences in *status* that are accorded as a result of the possession or lack of authority; thus power distance becomes a shorthand way of referring to a complex of relationships involving status, respect, wealth, caste, and access to privilege. Thus, a dimension of difference that is initially and empirically about workplace relationships is also a proxy for the reality and perceived legitimacy of hierarchical relationships in general.

In terms of disputing or transacting parties’ perception of their freedom to seek and make commitments, there are several observations we can draw from this model: First, there will be noticeable differences in the ways in which people will conduct themselves when the relationships are seen to be hierarchical, marked by a tendency to submissiveness. Second, hierarchical relationships have an impact on preferred modes of decision-making; and the more autonomous, participative modes of engagement are less likely to be preferred. Extrapolate from the workplace setting to negotiations and mediation in general, and the implications of power distance, as a form of internalisation of hierarchy, can be seen. It is likely that what the low-power distance culture negotiator would see as “indecisiveness” or “evasiveness”—that is, a “reluctance to commit”—on the part of a high-PD individual is in fact deference to authority and an avoidance of pre-empting the decision-making role of superiors. Decision-making will reflect the perceived or understood structure of authority.

It is to be expected, therefore, that the conduct of high-PD culture parties to a negotiation will reflect their perception of legitimate differences in authority and power, and will be expressed in patterns of greater courtesy and deference—both to members of their

11 G. Hofstede, *Cultures and Organizations: Software of the Mind*, (London; McGraw-Hill), 2001; p.98.

12 G. Hofstede *Cultures and organizations: software of the mind*. London: Harper Collins Business, 1994); pp 27-28.

13 “Hofstede’s major contribution was to construct a model linking country, institutional, and individual value systems, particularly as they relate to the role of work.” S. Bochner, & B. Hesketh, “Power distance, individualism/collectivism, and job-related attitudes in a culturally diverse work group,” *Journal of Cross-Cultural Psychology*, 25: 233-257, 240 (1994), [emphasis added].

own team and to those other parties perceived to deserve such respect and deference. While one might hope that *all* negotiations and mediations might be marked by a degree of courtesy, there will be differences between what one can expect, on the one hand, as a matter of civility and agreed norms of conduct, and deeply imbued patterns of respect and deference on the other.

To go back to basics on this dimension of difference, the key is that, whatever the actual structures of power might be, people from high-PD cultures believe in the legitimacy of power differentials and accept that power and hierarchy are facts of life.

Power distance is not only a tangible reality; it is also a belief system—and perceptions and belief systems shape conduct. Again, whereas the Western—typically low-PD—canon of negotiation and mediation addresses the means to *reach* commitments (the legitimacy of which stems from the choices the autonomous agents make), the norms that shape conduct in high-PD cultures are those that reflect *having* commitments and obligations (the legitimacy of which derives from antecedent relationships).

## IMPLICATIONS

Three linked implications can be taken from this comment on the power distance dimension, two of which have already been touched on. First, this dimension of difference turns on *relationships* in negotiation and mediation. This is a self-evident aspect of all such transactions and a wealth of literature addresses the means of relationship building and of avoiding pitfalls. Intercultural studies add to this knowledge through not only emphasising the diversity in the structure of social relationships, but also in pointing to the reality of asymmetrical relationships and to the norms which sustain and legitimate that asymmetry. Inequality of relationships and decision-making authority in negotiation counterparts is not likely to be mitigated merely through the adoption of a set of process norms that, for example, assume or seek to create equality of participation in any transaction.

Assuming that in most cases of dispute resolution there will a degree of asymmetry of influence, the dif-

ferences between high- and low-PD cultures can be described in terms of the norms of decision-making assumed by the parties. For low-PD, Western parties to mediation, the process is designed to mitigate the impact of that asymmetry through norms of equal participation and agency. Conversely, for high-PD culture members, the asymmetry is accepted as a normative feature of the engagement, the decision-making responsibilities will reflect this, and the norms of the process are not intended to remove or reduce this differential.

Second, those patterns of relationships influence *commitments*—those either that the parties can make or that they have and accept. Commitments in turn reflect the levels of trust in relationships: for high power distance culture members, the complex of expectations depends heavily on a foundation of trust. Status-based trust is based on hierarchically structured relationships and carries with it a commensurate set of obligations or commitments, unlike the trust that may be fostered through reputation and the implementation of open transactions and transparent decision-making criteria.

Third, this complex of relationships and commitments has a bearing on parties' perceptions of *justice* and the acceptance of a degree of injustice in outcomes. Hofstede found that PD was negatively correlated with injustice; that large-PD cultures are “not troubled by unjust terms... [and] where inequality and injustice are taken for granted, direct communication would not seem to be a response to perceived injustice”.<sup>14</sup> At the same time, individuals from large-PD cultures also more likely to be supported for conformity and acceptance of injustice.

In large-PD cultures, there is an acceptance that there are inequalities and that there will be substantive injustices; the individualism and rights-orientation of low-PD cultures will, conversely, incline disputants and negotiators to a greater sense of indignation or anger where there are perceived injustices which appear to reflect differentials of power and influence.<sup>15</sup>

Thus, people in low-PD cultures are less accepting of injustice and are more likely to perceive injustice. People in these cultures are thus more likely to be assertive (and rights claiming); less likely to be accepting of status quo; more likely to engage in active

14 Rebecca S. Merkin, “Power distance and facework strategies,” *Jnl of Intercultural Communication Research*, 35: 139-160, p.146 (2006).

15 “The acceptance of injustice in large-PD societies is highlighted by the fact that PD is significantly and positively correlated with beliefs that the world is unjust . . . If people accept that the world is unjust, they are less likely to experience anger over relationships reflecting inequality and/or injustice. In fact, findings show that people from collective large-PD cultures experience less intense emotions than people from individualistic small-PD cultures.” *Idem*.

communication; more likely to expect participation in decision-making; and less likely to be as attentive to face-preserving communication.

Each of these responses can be taken to reflect the differences between low-PD expectations of substantive and procedural justice based on commitments made in the course of negotiations, and low-PD expectations of outcomes reflecting commitments largely already in place. The corollary of such acceptance of commitments reflecting hierarchical relationships is that those possessing authority are expected to act justly. Thus, in countries of moderately high-PD, such as Hong Kong, Taiwan, and Singapore individuals are aware of hierarchies but regard this as acceptable provided that those in authority also acknowledge, and act on the basis of their obligations. Members of such nations will still acknowledge frustration at aspects of power distance, but rarely act overtly on that frustration, though it might have an impact on, for example, organisational efficiency.<sup>16</sup>

If we draw together these three elements –*relationships, commitments* and *justice*– we can suggest that differences in power distance are grounded in the structure of relationships and the norms that are generated by those relationships. Thus, in low PD societies, people have more *relational* connections with authorities and higher expectations of fair treatment; in high PD societies, people will have *role-constrained* relationships with people in authority, more limited personal connections, and lower expectations of those relationships –other than, as indicated above, that those in authority will act on their obligations of status– and probably higher expectations of outcome fairness.

## CONCLUSIONS

Power distance is of interest to practitioners of dispute resolution not only because different cultural norms will affect patterns of participation, deference, decision-making and agency, but also because power and the legitimacy granted to the incidents of power are themselves moderators of relationships. At the

very least, power distance, as a normative framework, will affect participant perceptions of the degree of interdependence of relationships and attendant obligations. The asymmetry of relationships will be reflected in differing responses –either those process-oriented practices, as in Western, low-PD mediation, designed to reduce the impact of asymmetry on outcomes, or in high-PD practices, where asymmetry is more likely to be accepted and it is not the point of the process to reduce its effect.

In the same ways in which the implicit and internalised norms of high- or low-PD culture membership may have an impact on how negotiators respond to others in a transaction, those norms will affect the expectations of and comfort with the kind of participation expected in a negotiation. The standard assumptions about participation, agency and decision-making in the Western canon of mediation and negotiation do not hold up under scrutiny in light of the norms of high power distance cultures. This in turn relates to assumptions about procedural justice: low-PD culture expectations of participation and “voice” in dispute resolution are less likely to be shared by high-PD culture members. Indeed, the assumptions about participation in decision-making carry additional cultural freight in that research on cultural norms in management demonstrate that low-PD norms encouraging the involvement of subordinates in decision-making might be seen by high-PD employees or participants as a mark of managerial incompetence.<sup>17</sup>

Thus high –and low– PD culture members will not only be familiar with different patterns of dispute resolution and decision-making, but they will also attach value to the preferred and familiar modes, those values turning on –at least– norms of procedural justice and the correct relationships between the parties.

The power distance dimension illustrates that cultural norms may sanction and require different degrees and modes of participation in decision-making; what will vary will be the norms and expectations of participation. This research also can be linked to earlier observations as to the nature of commitments in decision-making in that the interaction of the norms

16 Norma R.A. Romm, Cheng-Yi Hsu, “Reconsidering the exploration of power distance: an active case study approach,” *Omega (The International Journal of Management Science)* 30: 403 - 414 (2002).

17 “[T]he use of participation may be inappropriate in high power distance cultures as it could create an impression of managerial incompetence. At the least, it indicates that employees who are comfortable with high power distance will put less value on participation and thus the participation factor is less likely to influence organizational commitment.” A M Francesco & Zhen Xiong Chen, “Cross-Cultural Differences within a Single Culture: Power Distance as a Moderator of the Participation-Outcome Relationship in the Peoples' Republic of China,” School of Business, Hong Kong Baptist University, Business Research Centre Papers on Cross-Cultural Management, <http://net2.hkbu.edu.hk/~brc/CCMP200007.pdf>, p.5 (of web version).

of power distance and the levels of participation interact to influence an individual's commitment to processes, organisations and outcomes. "Commitment" becomes a proxy for the individual's sense of procedural justice and fairness –shaped either by the expectation of the power and entitlement to *make* commitments or by the obligations of *having* commitments.

The underlying theme here has been that it cannot be expected that people will share, or be comfortable with, a supposedly "neutral" process of participation and decision-making, which rests on assumptions of agency and independence in decision-making. There are two ways of approaching this question. First, the current literature on and practice of mediation make it clear that there is no one model of mediation. Within the Western canon of mediation (and negotiation) there will be considerable variations, reflecting differing degrees of intervention, mediator "activism", the social and institutional roles of mediation and the perceived outcomes of mediation. It is clear that these distinctions are likely to affect party expectations as to participation, decision-making, outcomes and perceptions of legitimacy.

Second, if we think in terms of mediation and negotiation as forms of influence, the foregoing analysis of power distance points to different experiences expectations of influence and leadership. Two of the core assumptions of the familiar low-PD, low-context model of mediation are that the mediator's

influencing role is restricted, typically non-substantive and accepted by consent of the parties, and that the very nature of open engagement is oriented towards mutual, interest-based influence. But neither of those assumptions will hold true for high-PD and high-context participants: high-PD, typically more conservative cultures are more likely to rely on conflict management and transactional methods that reflect the role of hierarchies and assume less by way of participation and equality in decision-making.

The question raised in this paper concerns the kinds of strategies and interventions seen as likely to evoke commitment from the other. The Western assumption is that interest-based, rational processes engaged in by autonomous agents are the most likely to lead not only to *commitments* but also to legitimate outcomes –neither of which can be assumed on the part of high-PD participants. High-PD participants will have an implicit preference for hierarchical decision-making and a discomfort with expectations of higher levels of participation.

The point is that, in the differing contexts of high- and low-power distance, individuals will feel themselves less or more free respectively to engage in debate, to argue, to create the rules of engagement, to create the norms for outcomes, and to make commitments. This is both a matter, reflecting patterns of obligation, hierarchy, autonomy; and a *cognitive* matter, reflecting the degree to which the individual understands and perceives their context. ■



## Publicacions de l'Abadia de Montserrat NOVETAT EDITORIAL

### Activistes de la pau

Estudi sociològic i polític dels activistes del moviment per la pau de la dècada de 1980. **Enric Prat Carvajal**

**Aquest llibre constitueix una font d'informació directa de gran vàlua sobre la ciutadania que davant la injustícia o l'abús i, en aquest cas, enfront de la inhumanitat de la guerra i la violència, aixequen la seva veu, dediquen el seu temps i els seus esforços a lluitar per un món lliure de dominacions i explotacions.**



# Third International Congress on “Conflicts, Conflictology and Peace”

Barcelona, 30th October 2009

Universitat Oberta de Catalunya, Rambla de Catalunya, 6



Condemning war, violence, and conflict is not enough. We must know the origins and causes of conflicts in order to establish, in an efficient and realistic way, a peace culture that enables coexistence and the enjoyment of freedom.

## PROGRAMME

- \* Presentation of the English written magazine “Conflictology” and first meeting of its editorial committee.
- \* Meeting of the teachers from the Conflictology programmes and introduction to the specialities, postgraduate courses, and masters about Conflictology, both in Spanish and English, imparted by the UOC.
- \* Introduction to the interdisciplinary group of fundamental and applied research on Conflictology.
- \* Presentation of the centres, institutes, and programmes dealing with conflicts resolution and peace culture everywhere. (N.T., a l'original posa 'd'arreu', estaria bé aclarir a quin àmbit geogràfic fa referència aquest arreu, Espanya, Europa, el món??)
- \* Meeting with and introduction to the group of experts on armed conflicts, police and military action from the non-violent perspective, typical of Conflictology.
- \* Meeting with and introduction to the work groups on several applying spheres.
- \* Master lecture by Ian McDuff, professor and Director of the University Centre for Dispute Resolution, Singapur University; Sara Cobb, Director of the Institute for Conflict Analysis and Resolution, George Mason University (USA); Tom Woodhouse, Director of the Conflict Resolution Institute, Bradford University (UK) as well as other professors from universities around the world who, at the same time, teach at the UOC.

# Negotiating Conflict and Climate Change in Copenhagen: Include Conflict Prevention and Resolution Methods

**Gregg Walker, Tina Monberg, and Kenneth Cloke of Mediators Beyond Borders  
Jens Emborg, Mie Marcussen, Lone Clausen, and Vibeke Vindelov of Nordic Mediators**

**D**uring eleven days in December 2009 delegates from throughout the world will meet in Copenhagen for the 15th Conference of the Parties (COP 15) to the United Nations Framework Convention on Climate Change (UNFCCC).

The Denmark meeting is crucial for the international climate change negotiations. In December 2007 the parties to the UNFCCC agreed at Bali, Indonesia that negotiations on a future agreement have to be concluded at COP 15. The decision reflected the increased emphasis on the need for swift action made in the latest report by the UN Intergovernmental Panel on Climate Change. The Bali delegates also recognized that 2009 would be a critical opportunity for an agreement before the commitments set in the Kyoto Protocol expire in 2012.

The International Crisis Group, one of the world's leading independent, non-partisan conflict analysis advisory organizations, stresses that "a key challenge today is to better understand the relationship between climate change, environmental degradation and conflict and to effectively manage associated risks through appropriate conflict prevention and resolution mechanisms." Conflict preventive measures and resolution mechanisms need to be part of the climate change negotiations, both in Copenhagen and beyond.

At the December 2007 United Nations Conference on Climate Change in Bali, Indonesia, the German Advisory Council on Climate Change presented a report, *World in Transition - Climate Change as a Security Risk*. Based on research into environmental conflicts, the causes of war, and climate impacts, the report states that climate changes could "overstretch many

societies' adaptive capacities within the coming decades. This could result in destabilization and violence, jeopardizing national and international security to a new degree."

Drawing on the work of international experts and organizations including the United Nations Environmental Programme (UNEP), the report notes, though, that "climate change could also unite the international community, provided that it recognizes climate change as a threat to humankind" and adopts "a dynamic and globally coordinated climate policy." If the international community "fails to do so," the report emphasizes, "climate change will draw ever-deeper lines of division and conflict in international relations, triggering numerous conflicts between and within countries over the distribution of resources, especially water and land, over the management of migration, or over compensation payments between the countries mainly responsible for climate change and those countries most affected by its destructive effects." In its introduction to the report, the UNEP website states that "combating climate change will be a central peace policy of the 21st century." Conflict preventive measures and resolution mechanisms should be part of the climate change negotiations, both in Copenhagen and beyond.

In addition, the scientific community recognizes that global climate change issues challenge our ability to deal with a changing environment containing huge potential for conflict. In March 2009 over 2500 delegates from nearly 80 countries participated in the International Scientific Congress on Climate Change: Global Risks, Challenges & Decisions in Copenhagen, Denmark. At the end of the conference the delegates

presented a set of key messages that included cautions about conflict and climate change. Key Message 2: Social Disruption stated that “recent observations show that societies are highly vulnerable to even modest levels of climate change, with poor nations and communities particularly at risk. Temperature rises above 2C will be very difficult for contemporary societies to cope with.” Key Message 3: Long Term Strategy stressed that “rapid, sustained, and effective mitigation based on coordinated global and regional action is required to avoid 'dangerous climate change' regardless of how it is defined. Delay in initiating effective mitigation actions increases significantly the long-term social and economic costs of both adaptation and mitigation.” Key Message 4: Equity Dimensions emphasized that “climate change is having, and will have, strongly differential effects on people within and between countries and regions, on this generation and future generations, and on human societies and the natural world.” Key The delegates recommended the use of tools and governance practices to address these fundamental concerns. Conflict preventive measures, conflict transformation and resolution are essential to meet climate change challenges. They should be addressed at the Copenhagen Climate Change Conference and beyond.

The COP 15 Provisional Agenda, reviewed in Bonn, Germany in early June, lists a range of essential issues, from emission reduction to technology transfer. Conflict prevention and resolution mechanisms are missing from the Agenda despite the fact that Article 14 of the 1992 UNFCCC (negotiated in New York and Rio de Janeiro and reaffirmed in Article 19 of the Kyoto Protocol) states that “in the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.” This article, though, is not sufficient to address the complex conflicts between nations and peoples likely to emerge as climate change impacts accelerate. Conflict preventive measures and resolution mechanisms should be part of the talks in Bonn, Copenhagen, and beyond.

Beyond Rio and Kyoto, there is precedent for putting conflict resolution on the Climate Change Conference agenda. A number of UN treaties and conventions that deal with environmental issues include conflict or dispute resolution mechanisms. For example, the UN Convention on the Non-Navigational Uses of International Watercourses, adopted in 1997 by the UN General Assembly, specifies conflict resolution

methods. Agenda 21, the Environment and Development Agenda administered by the United Nations Environmental Program (UNEP) emphasizes conflict resolution. Article 39.3 specifies the need:

g) To identify and prevent actual or potential conflicts, particularly between environmental and social/economic agreements or instruments, with a view

to ensuring that such agreements or instruments are consistent. Where conflicts arise, they should be appropriately resolved;

h) To study and consider the broadening and strengthening of the capacity of mechanisms, inter alia in the United Nations system, to facilitate, where appropriate and agreed by the parties concerned, the identification, avoidance and settlement of international disputes in the field of sustainable development, duly taking into account existing bilateral and multilateral agreements for the settlement of such disputes.

Climate change negotiators and decision-makers should affirm the commitment that people, communities, and nations will not be in violent situations due to conflicts that arise as a consequence of climate change. Politicians, diplomats, and specialists who attend the Climate Change meetings should consider conflict prevention measures and resolution mechanisms.

The climate change crisis challenges people throughout the world to invent and implement innovative ways to mitigate and thwart climate changing causes and effects. The crisis calls for new methods for nations and people to overcome differences and work together with the objective of preventing, minimising and resolving conflict arising because of limited resources and/or the effects of climate change.

In a Manifesto from 9th July 1955 issued in London, Albert Einstein and other leading scientists urged humanity to find peaceful means for the settlement of all matters based on new ways of thinking. An important new way of thinking features the use of the collaborative, participatory, and pluralistic conflict resolution processes like mediation and facilitation. Construction of a new global conflict prevention and resolution infrastructure is critical to a comprehensive international climate change policy. Such construction can start with the Copenhagen conference, with discussions of conflict prevention and resolution along side the negotiations of technical issues of climate change. ■



## International Master Program in Peace, Conflict and Development Studies

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Directed by Dr. Vicent Martínez Guzmán, professor at the department of Philosophy and Sociology,  
and by Dr. Eloísa Nos Aldás, professor at the department of Communication of the Universitat Jaume I of Castellón (Spain)

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