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**UNIVERSITY OF PATRAS**

**DEPARTMENT OF EDUCATIONAL SCIENCES AND**

**EARLY CHILDHOOD EDUCATION**

**Course of Intercultural Teachers Education**

***INTERCULTURAL MEDIATION***

*Mediation Plan*

Intercultural Mediation Video:

<https://youtu.be/r87gT1fA-5I> or

<https://youtu.be/r87gT1fA-5I?si=RWzmR0nNApI5HNk8>

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At least once in our life we experienced the situation when we were witnesses of a conflict or were a part of it. The cause of a conflict can be of any reason: information conflicts, values conflicts, interest conflicts, relationship conflicts, and structural conflicts. A dispute between two or more people can develop in any circumstances, at work places, in schools, in kindergarten, in neighbourhood, between friends, colleagues, members of the family, etc. In our opinion, it is very difficult to face a conflict situation, being absorbed by the daily problems, thoughts, feelings, fears and so on. That is why mediation is very important in present times. According to the European Justice, mediation can be defined as a structured process whereby two or more parties to a dispute attempt by themselves, on a voluntary basis, to reach an agreement on the settlement of their dispute with the assistance of a neutral and qualified third party (“mediator”).

In this essay, we are going to present a plan of mediation based on an intercultural conflict. Our mediation plan is based on Fryshuset (2018) 6 steps model. As we know in a process of mediation, the mediator is very important person. She should be qualified expert, should have many skills divided in three main areas. First , in the area of the Self, there are some attitudes embedded, including openness, sensitivity, decentralization, curiosity, humility, flexibility, respect, responsibility, critical thinking, acceptance, empathy and congruence. Second, in the area of Knowledge, the most important competences are: awareness of the cultural self, knowledge of one’s own culture and the culture of others, verbal-linguistic, nonverbal and paraverbal knowledge, and interdisciplinary knowledge. Finally, the area of Skills includes linguistic (multiple languages) and communicative proficiency; observation, analysis, and interpretation of subjective and empirical reality; and thereby establishing positive social relationships. In summary, mediators need to develop competences related to acceptance, empathy, congruence, awareness, and the ability to handle stereotypes and prejudice. Sometimes, at the process of mediation cand be present the fourth party- an observer. In conflict-type relationships, the participants in the process can have *observer* roles - a person uninvolved and without interests in the dispute who passively participated in one or more stages of the dispute. In our case, the study and plan we make is based on a case of mediation between two persons that have a dispute, the mediator and also the observer. According to the Centre for Effective Dispute Resolution, the observer has a very complex role in a process of mediation and he also has three main stages with their own rules.

1. ***The Pre-mediation stage*** *(Prior to the mediation):*
* The Mediator makes contact with the Observer prior to the mediation at an appropriate time to discuss the case and to clarify the ground rules that the observer should follow during the mediation.
* The parties are requested to provide case summaries and supporting documents to the Mediator. The Mediator sends the Observer copies of the case summaries for the Observer’s reference.
* On occasions, where the mediation is arranged at short notice, it may not be possible to provide the Observer with any documentation in advance.
* The Mediator usually contacts the parties before the mediation and where possible will brief the Observer on what was discussed with them before the mediation commences.
* The Observer must not make any contact directly with the parties under any circumstances.
1. ***At the mediation stage (****On the day of the mediation):*
* The Observer should arrive in plenty of time to assist the Mediator;
* The Observer should always work within the guidelines/ground rules agreed with the mediator before the mediation.
* The Mediator introduces the Observer to the parties at the beginning of the mediation.
* The Observer should not have any conversations directly with the parties without the mediator being present, unless expressly permitted by the Mediator.
* The Observer may only share ideas and thoughts when alone with the Mediator and only if requested to do so.
* The Mediator might ask the Observer to provide logistical support, for example to act as a time keeper, take notes, liaise with the parties when a private session with another party is over- running, and arrange refreshments. No actions should be taken by the observer without the Mediator’s prior consent.
1. ***Post Mediation stage (****After the mediation):*
* The Mediator and Observer should either debrief immediately following the mediation or should agree a time when this can be done; either by a meeting or by telephone. Feedback should be given as soon as possible after the event.
* The Mediator and Observer are required to submit reports;
* The Mediator should inform the Observer of any post mediation contact made with the parties e.g. feedback or information about concluding a settlement if this did not happen on the day of the mediation.
* At all times before, during, and after the mediation, the Observer must abide by the strict terms of confidentiality that apply to the mediation process.

From our point ow view, the presence of an observer is very important because first, people behave differently when they are observed and in the presence of the fourth party, the mediator can be more focused. Second, mediation observers notice things that mediators may have missed and third, the credibility of the mediator increase in the presence of an observer.

The mediation process takes place under the conditions of strict compliance with specific rules. One of these, carried out in the form of an inventory of ideas and values, stipulates that the mediation process should provide the necessary framework to listen and understand both the facts and the affects or emotions of others; ensure a framework for collaboration with others and valorisation of their contributions; ensure the necessary framework for self-expression and that of the other participants as a necessary basis for understanding and resolving the conflict; facilitate the participants to formulate statements about their own person and behaviour; separate problems from people; facilitate the effort to understand the points of view of the other participants in the process; in working on the conflict, use creative problem solving approaches; to identify and value what the parties want for the future, instead of paying attention to assigning blame for past behaviours; evaluate all possible options before choosing one of them for implementation; pursues the creation of a win-win solution, which satisfies everyone's interests and avoids adversarial win-lose approaches, in which one of the parties knows and the other loses.

Collaborative, structured and effective communication is one of the alternative dispute resolution methods which we will apply in our mediation plan in this essay, through which the parties engaged and affected by the conflict directly manage disputes, communicating within the framework of a direct process, with a relatively low level of structuring. In this case, the communication process - carried out by individuals under the conditions of making efforts to bring to conscious level as many elements as possible that can be controlled. Communication is a method of administration and resolution of disputes under the conditions in which it is used consciously, adapted, programmed and monitored. The efficiency of the communication process can also be done by removing the blockages produced by physical, mental, linguistic, cultural, experiential, motivational barriers, by being aware and assuming the responsibility involved in participating in the communication process and by controlling the psycho-social factors that influence the process.

​ **The six stages of mediation**

Now we are going to speak a little about those six stages of mediation based on the Fryshuset (2018) model. Those stages are individual storytelling, joint storytelling, framing the issues, creative problem solving, formalising the agreement and follow up and melting the iceberg. Below, we are ex

***1) Individual Storytelling***

This step contains some Introductory remarks, soat this stage, are defined the basic rules for the mediation (for example security, confidentiality, trust etc.). Ground rules are what help the mediation go smoothly by outlining the role of the participants and demonstrating the neutrality of the mediator. The mediator then sets the protocol and sets the time frame for the process. The parts must not interrupt each other. the mediator gives each party an opportunity to fully share their side. The mediator summarizes the issues in the mediation.

***2) Joint Storytelling***

The second step is a statement of the problem by the contracting parties*.* After the opening statement, the facilitator gives each participant an opportunity to tell their story without interruption. At this stage, the mediator tries to gain an initial insight into the mediation problem.

***3) Framing the issues***

This step contains collection of information.The mediator basically asks the parties open-ended questions to identify substantive issues and emotional barriers. The facilitator can repeat key ideas in parts, and summarize often.

***4) Creative Problem solving***

This part is about problem Identification.The mediator tries to find common goals between the parties. The mediator can understand which issues can be settled or which issues need to be resolved first.The mediator must take special care to ensure that all parties have adequate opportunities to be heard and participate in the process.

***5) Formalizing the agreement and follow up***

One of the most important steps that means trading and creating options.Once the participants are committed to reaching a negotiated settlement, the mediator suggests a brainstorming session to explore possible solutions. This can lead to a final agreement, which diffuses the conflict and provides a new basis for future relations.

***6) "Melting the iceberg"***

The last step is more about reaching the agreement.At the end of a mediation, mediators invite the parties and counsel, and any co-mediators or assistant mediators, in our case it will be the observer to provide feedback and reflect on the mediation process.

On the other hand, face to face to these steps of mediation, according to Amy L. Smith and David R. Smock we have six steps of methodology of mediation. So, those said, the steps are following:

**1. Assess the conflict**

This step includes understanding what the conflict is about, understanding the actors, understanding the larger context, understanding sources of power and leverage.

**2. Ensure mediator readiness**

This step includes determining what role is appropriate, enhancing the ability to engage effectively, ensure adequate authority and resources, know when not to mediate, manage multiple mediators, build credibility, develop and strengthen a broad portfolio of skills, recognize cultural di­fferences

**3. Ensure conflict ripness**

Here is about to confirm that parties believe outright victory is not achievable, confirm that parties can deliver on agreements, confirm that there is internal political and public support for peace, help elites understand costs and benefits, increase pressure on elites through accountability, cultivate leaders who can assume responsibility for negotiations, create balance between parties, change the costs and benefits of the conflict.

**4. Conduct track I mediation**

This step means use consultations and prenegotiations to lay the groundwork, determine participants, arrange logistics, develop and execute strategies for advancing negotiations and engage the public and media.

**5. Encourage track II dialogue**

Means focus on activities that build parties’ capacity and foster wider support for the process

**6. Construct a peace agreement**

This step includes develop a declaration of principles, assemble a peace agreement, plan for implementation.

***Study Case***

In our further example we use the six step model of Fryshuse. So those said we have chosen the topic of intercultural mediation. The main cultural difference on which is based the conflict is religion and how differences of religion can sometimes lead to conflicts between employees in a company, or it can be related to any institution. So, Deborah is working in an international company, and last month the company celebrated Christmas and all the employees had paid free days. Habibe is the new employee in that company. She is Muslim, and her holidays are not in the same period of time. Now she has Ramadan and she asked for some free days to celebrate with her family. When Deborah heard about it, she also asked for some free days because she thinks it is not fair to work while someone doesn’t and get the same amount of money. She doesn’t understand the fact that they have different religion and different holidays. Habibe claims her point of view because at Christmas holiday everyone gets time off, and it would be fair for her to have some free days on her holiday. Here the conflict escalades and the employees doesn’t try to solve the problem. The company thinks that it would be better if a mediator will solve the conflict.

Below we tried to write the scenario based on those six steps, step by step. The scenario is divided in three parts: before the mediation, during the mediation and after the mediation. This thing is because the mediation process is assisted by an observer, and following the rules of the methodology, before the mediation, the mediator should introduce the observer into the topic of the conflict, but after the process the observer should give the feedback to the mediator about the whole process. Here you can see also our role play <https://youtu.be/r87gT1fA-5I> or <https://youtu.be/r87gT1fA-5I?si=RWzmR0nNApI5HNk8>

“***Before the mediation***

*Observer*: Hi, I would like you to explain me the situation and the problem, and also the company policy regarding the paid free days.

*Mediator:* Today’s mediation will be based on a conflict between two employees of different cultures and different religion, Deborah and Habibe. Habibe is Muslim and she doesn’t celebrate Christmas, but because of our company policy, she had days off during this holiday. Now she asked for some days off because she has to celebrate Ramadan, a very important holiday for her. At the same time, Deborah thinks that this is unfair for her, because she will work more but they will receive the same salary., and actually she also wants holiday on that period of time. They couldn’t accept their cultural and religious differences, so now we will help them during the mediation process to understand, accept this and find some solutions.

*Observer:* OK, so let’s start.

***During the mediation***

*Mediator:* Hello ladies, welcome to my office. My name is Cristina and I’ll be your mediator for the next session. Here you meet miss Ligia. She will be the observer of the process. First of all, I’ll let you know that your participation here is voluntary and if you feel uncomfortable about the discussion you can quit the process. Also, we ensure you that everything we discuss here is confidential and the information will be used strictly in purpose of analyzing the weaknesses of the company and the situation inside it. Fell free to speak here, to discuss and to tell things as they are, don’t hide anything. Do you have some questions?

*Deborah and Habibe*: No!

*Mediator:* I would like you, Deborah, to tell me what happened?

*Deborah:* My colleague is asking for some extra free days based on some religious reasons. Those free days are not in the same period as our holidays, and this means that she has more free days that the rest of us. I think this is unfair because we are paid with the same amount of money but we work more than them. I want to have the same number of free days as they have. If Muslims don’t work during the Christmas, then we shouldn’t work during Ramadan either.

*Mediator*: I hear from you that you don’t fell fairly treated, because someone of other religion is asking for some days off. Now, Habibe, can you tell me please what happened?

*Habibe:* At our company everyone gets time off during Christmas or other religious holidays. However, for my religious holidays, because I have other religion, there isn’t a general leave system, so I have to ask for time off individually. This isn’t just about me, it also applies to other colleagues with different believes too. Unfortunately, my colleague, Deborah doesn’t understand it, and thinks that it’s unfair to work while someone has holyday.

*Deborah:* Yes but… (she wants to interrupt)

*Mediator:* Please don’t interrupt each other during the conversations.

*Habibe:* But she should know that I can work on Christmas, because I don’t celebrate it and this holiday is not important to me. Requesting the same for my religious holyday isn’t unfair, it’s about equality, and understanding each other differences. It is crucial for creating a fair environment among my colleagues, and I expect understanding in this matter.

*Mediator:* I understand that you have different holidays and those that the company celebrates are not important to you, and you need free days for your holiday. Deborah, can you tell me please what do you know about Muslim believes or Islamic Religion?

*Deborah:* Yes, I know something about them, especially about the way they dress. I know that women should wear the hijab and they are not allowed to show some part of the body.

*Mediator:* OK, do you know some other cultural differences? Maybe some traditions they have?

*Deborah:* Unfortunately, no.

*Mediator:* Habibe, can you tell her, how are your holidays different from ours?

*Habibe*: We don’t have Christmas holiday, we don’t celebrate it at all. But I have other religious holidays which are very important for our culture, for example Ramadan or Kurban holiday. These are similar to Christmas for you. I understand and respect your religious holidays and the importance of it and I am waiting the same from the others.

*Mediator:* Deborah, did you know about it?

*Deborah:* No.

*Mediator:* Ok, now that you know all the details, what do you expect, what is your goal?

*Deborah*: I want fairness, I don’t want to work more that others and receive the same salary. I want either to have more holidays or to work more.

*Mediator:* Now, Habibe, what’s your goal and expectations?

*Habibe:* I just want to celebrate my holydays like you, having paid days off.

*Mediator:* I see that you both want fairness, but having regard to your cultural differences. So, in this case I would like you to think about any solution you see it as possible at the same time respecting everyone’s culture and rights, considering that this is a international company. Let’s do a brainstorming of solutions that you find.

*Habibe:* My suggestion is that I can work remotely on Christmas holidays because no one comes to office and this doesn’t affect no one to celebrate their holiday. But I want the same holyday on Ramadan.

*Deborah:* I think her suggestion is perfect for me, because if she works on Christmas, I can work on Ramadan. Or another suggestion is not to work on both holidays.

*Mediator*: Do you girls find these solutions to be achievable, both of them are good for you?

*Deborah and Habibe*: yes!

*Mediator:* I suggest to go with these proposals to manager to solve the problem.

***After the mediation***

*Mediator:* What are your feelings, how do you find the whole process?

*Observer:* Well, it’s a frequent problem in international companies. The process overall followed all the methodological steps, but I have something to mention. I observed that during the conversation, Deborah interfered in Habibe’s speech. You should have mentioned at the beginning that the two parties can not disrupt each other. Also, you can be more confident and ask them much more questions in order to make them to understand.

*Mediator:* Thank you for your observations!

*Observer:* Thank you for the experience!”

Analyzing the scenario by those six steps and highlighting the plan of mediation, next we are describing the steps that we followed and what is the plan for each one.

1. ***Individual Storytelling***
* *Introductory remarks for the observer*

In the very first step, we tried to introduce the case to the observer that will observe the whole process in details. We presented her the main reason of the conflict, how it arose and who are those two parties.

* *Confidentiality and main mediation rules:*

Next, the mediator presented to those two parties the confidentiality policy, ensured them some trust and also told the main rules, making them to feel safe and to be very open. This included the confidentiality agreement and the encouraging to be free to tell and discuss everything because the main purpose of the process is to get some solutions and to solve the people’s problem, at the same time to put them face to face to their conflict, to understand their differences, to gain some intercultural skills and to concentrate on their trouble in order to find some middle ground by themselves.

1. ***Joint Storytelling***

***-*** *contracting parties:*

At this stage the mediator tried to offer the chance to everybody to express themselves. First the mediator asked Deborah to tell her what happened, and then asked Habibe the same thing. Here is very important to hear both of the parties because everyone has their own story even the problem and the conflict is common. Also, the way the parties express their opinion underlines the main problem from their point of view. So, Deborah expressed her disapproval regarding unfairness, because she didn’t want to work more than others and to get the same amount of money when someone is having less working hours. Habibe tried to explain that she is not celebrating Christmas, but she has other important holiday and having free days is more about equality between employees. Here the mediator obtained a sight above the main problem.

1. ***Framing the issues***

*-gaining more information:*

One of the most important steps is framing the issues. In our story the mediator started to ask open-ended questions to both participants in order to release the barriers between the parties and to get to know more about each other’s culture. Here the mediator asked Deborah if she know something about Habibe’s culture and especially about the religious differences between them. Through the scenario we could see that with the help of this question we found out that they didn’t really know the differences which was the main problem. Next, the mediator asked Habibe to tell Deborah how she is celebrating her holidays and which holidays does she have. From our point of view, this step was the one that opened a way for them to find an agreement, because they started to know each other, to discover new things and to accept their different culture.

***4) Creative Problem solving***

 *-discovering the problem*

Here the mediator tried to find out what are the main problems and why this conflict arose. By the question:” Did you know about it?”, she tried to identify if the parties knew about their cultural and religious differences. At this step we understood that this conflict is based more on the thing that the employees just didn’t hear each other and at the same time they didn’t know properly what traditions they have. Working for an international company, implies acceptance and respect for each individual or at least to keep it civil.

***5) Formalizing the agreement and follow up***

 *-the brainstorm:*

This step was about finding more solutions and at the same time putting the parties face to face to the problem and the thing that they should find by themselves a way to solve their conflict and to keep the same relations after it in order no affect their work ethic. During the brainstorm every party had the chance to express their opinion and to give as many solutions as they have, even the smallest thought that they had regarding the problem. Habibe’s solution was to work on Christmas holiday remotely, or on any other holiday that she doesn’t celebrate in exchange of free days on her holidays. Deborah agreed with this idea and gave another one where other people will also have free days on Ramadan. Both ideas were accepted by the both parties.

***6) "Melting the iceberg"***

The last step is melting the iceberg. During this step the process of mediation almost finished. The parties found the solution and went to discuss and negotiate this with the manager. Also, the mediation process ended with a feedback from the observer to the mediator. During the whole process the observer assisted and followed the methodology of mediation, and at the end she gave a feedback that the process followed all the methodological steps but the mediator should have announced the parties before starting that they are not allowed to interrupt each other during the conversation. This is because during Habibe’s explanation, Deborah tried to disturb her. Here the process of mediation ends.

***Conclusions***

In the process of research for this project we understood the importance of following up all six stages. The process of mediation is complete only when the stages are respected. This thing is because mediation is very complex and imply a lot of skills as we already mentioned. Also, from our point of view it is very similar to psychological sessions, because no one tells you what is wrong and how you should do, but barely make you to think and solve your own problems. After all the things studied about the mediation, we understood that this will be very helpful in our future carrier and not only regarding the professional field, but also the personal one. This is very important because the mediation has several advantages for the person that take part in the process, advantages that will help them in their future life. Some of the advantages are flexibility, less stressful and confidentiality. Flexibility is about the mediation that offers parties more control over the outcome. A mediation process which is customised to your needs can be arranged with the mediator. The second one is less stress, mediation is less formal and less intimidating than appearing in court. And the last one is confidentiality which means that mediation is private. This process helps to discover the real issues and sometimes to discover yourself during the process and also other people.

Mediation has a high success rate and produces durable results. The statistics vary, but range from 65% to 85%, representing cases that settle at mediation, and some mediators advertise success rates in excess of 90%. The outcome is likely to be more palatable to clients than any solution that a court or arbitration tribunal imposes, as the clients themselves have responsibility for creating it. So that, we encourage everybody to call for mediations services in case they need it, and the most important we encourage to gain some mediation skills and to go for this profession, as it becomes more and more important.

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