

ACR

January / February 2008

INTERNATIONAL SECTION

*A Publication of the
Association for Conflict Resolution
a Professional Organization Dedicated to Enhancing
the Practice and Public Understanding of Conflict Resolution*

news

NEWSLETTER OF THE INTERNATIONAL SECTION

Notes from the Chair

By Cristina Franco

We are pleased to bring you this year's first edition of our Section Newsletter, the product of a collaboration between our dedicated member-contributors and our new newsletter editor, David Plumb. Because of the diversity of our members, we are committed to reflecting a wide range of issues and regions in the articles. In this edition you'll read about creative conflict resolution efforts in Africa, court-annexed ADR programs in the Middle East, efforts to build a new mediation network in Europe and important thoughts on international activism from leaders here in the U.S.

One of the main challenges for our Section continues to be how to provide meaning-



ful opportunities for networking and professional growth to such a diverse, global membership. We are making strides to reach out to other ACR Sections to capitalize on our joint resources. In particular, we are working with the Commercial Section to respond to the grow-

ing needs of international commercial mediators, as well as the Education Section to develop and disseminate best practices in international conflict resolution education. As the Section expands our global relationships through our Regional Networks Initiative, we also seek to delve more deeply into the various substantive practice areas of our members to capture cutting edge trends in various fields internationally.

The Section is planning many networking events this year and we encourage all our members to get involved and participate. We are organizing our second Latin American regional event in Buenos Aires, Argentina later this year. (For more information please contact Cristina

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About

ACR International Section News

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The views expressed in this
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JANUARY/FEBRUARY 2008

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New Happenings for IDC 2008

by Jennifer Brower

I hope that everyone enjoyed holidays with friends and family, and that those New Year resolutions are still in effect. This year promises to be one full of information and resources, as International Development Committee leaders are working hard to finalize the IDC Directory for 2008. Many of you transitioned on to new and exciting positions, and we felt it important to incorporate these changes before sharing the final version.

We are also in the process of developing a mentoring program for our members to

offer opportunities for additional networking, communication, and professional enhancement. You may have wanted to change your specialization or focus on another region of the world, utilizing your conflict management and peace building skills. What better way to do so, than to connect with another professional who is able to provide you with great advice on how to further your career goals? I would like to thank Teri Sklar and Joao Salm for volunteering to lay the foundation and develop this program. There are certainly

additional ways that one can be a part of this process. Please feel free to send me an email with your interests and ideas.

Additionally, I would enjoy hearing back from you to learn more about your reasons for joining the IDC and how the Committee can better meet your expectations. I find it helpful to receive your feedback regularly about how the IDC can be improved.

Thank you,

Jennifer Brower

jbrower424@gmail.com ■

Notes from the Chair

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Cavalli at criscavalli@infovia.com.ar). The Section also is in discussions with the South-Eastern European Association of Mediators to cosponsor a conference in Zagreb, Croatia in the fall of 2008. (For more information please contact kyrabuchko@gmail.com). We have also started planning the international aspects of the 2008 Annual Conference, scheduled for September 24-28 in Austin, Texas. It is during these face-to-face meetings that we are able to develop

and maintain important relationships with our colleagues around the world. We hope you will be able to join us. For other news of upcoming events please see page 11.

The vibrancy of ACR is only as strong as our volunteer members, so if you have any special interests or suggestions, please contact me to get more involved with the Section.

Cristina Franco

Chair, International Section ■

We Welcome Your
Ideas for Newsletter

Articles...

Contact David Plumb

dplumb@sfcg.org

Getting Creative: Lessons From Sierra Leone's Peaceful Election

by Frances Fortune and Paul-Andre Wilton

Despite torrential rains that drenched the country and left roads virtually impassable, Sierra Leoneans lined up to vote last August in their first election since UN peacekeepers left two years ago. In a process hailed as 'free, fair and credible' and cited as an example for

the rest of Africa, the people elected opposition leader Ernest Bai Koroma to the Presidency. The vote marked the first time power had changed hands since a brutal civil war that killed tens of thousands, displaced millions and whose atrocities have been documented in films such as

"Blood Diamond."

Sierra Leone's peaceful elections stand in sharp contrast with Nigeria's troubled vote several months earlier and the recent, violent electoral process in Kenya. Sierra Leone's experience holds important lessons for conflict resolution professionals



Sierra Leone young men listen to radio updates as they wait in line to vote. Photo by Paul-Andre Wilton

in Africa and around the world and argues for practitioners to expand beyond traditional “tools” of mediation, arbitration and high-level diplomacy. What worked in Sierra Leone was the creative use of popular media and poll observers.

Search for Common Ground, a pioneer in creative conflict resolution tools such as radio and TV programming, played a prominent role Sierra Leone’s vote. Since 2000 the organization has worked to build a civil society and national infrastructure that can support credible, democratic elections. By 2007, Search for Common Ground had helped to create a network of 20 independent radio stations that broadcast simultaneous programming throughout the electoral process. At the same time, the National Democratic Institute, Search for Common Ground and partners led a coalition of civil society organizations that placed 6,000 poll observers, covering almost every polling station. The result was public confidence in the democratic process, turning a potentially explosive transition into a peaceful landmark.

The Role of Radio

Radio remains the most prevalent means of communication in much of Africa. Its power to foment violence became evident in the Rwandan geno-



Rain doesn't deter Sierra Leone voters in Freetown. Photo by Terry Fitzpatrick

cide. Organizations such as Search for Common Ground have found it equally powerful in fostering reconciliation and peace. In Sierra Leone, Search for Common Ground produces programming such as news magazines and soap operas, in addition to leading the creation of a national network of radio broadcasters. The Independent Radio Network (IRN) extends the reach of Search for Common Ground’s programming throughout the country and represents a credible source of information for Sierra Leoneans. IRN is also a news gathering network, able to broadcast local voices around the country and unite listeners across regional and ethnic divides.

In the lead-up to the elections, Search for Common Ground arranged and broadcast the country’s first-ever debates between Parliamentary candidates. It also aired a 10-part TV drama series focused on getting women out to vote and on voter education and rights for youth. The organization produced public service announcements and trained partner stations in election coverage as well.

During the elections, IRN and Search for Common Ground placed 420 reporters into high-tension and difficult-to-access areas. The initiative’s unprecedented scope allowed many areas to be covered by the media for the first time and meant

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Getting Creative

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people throughout the country could closely follow the election process. Reporters could give real-time updates — live on the air — of voting conditions from all corners of the country.

One election-day incident highlighted the power of the radio network's coverage. From a police station in Freetown, reports began to surface of a ballot box found stuffed with papers and election materials. Youths surrounded the station amid allegations that government-controlled police were intervening to rig results in the capital, an opposition stronghold. IRN sent reporters to video the box's contents, which turned out to contain old training materials and not electoral ballots. IRN put the reporters on air to explain the situation to the nation. With many voters glued to their radio sets, the action calmed fears

and set the tone for credible media reporting.

Civil Society Comes Together to Monitor Polls

More than 375 civil society organizations came together ahead of the elections to form the most extensive election monitoring effort undertaken in West Africa. Search for Common Ground Africa Director Frances Fortune was elected to chair the group, called National Election Watch (NEW), and provided it technical support. NEW's election strategy was to train and deploy election observers throughout the country, implement a rapid reporting mechanism and conduct a parallel vote count. On Election Day NEW had observers in 97% of the polling stations.

Wearing distinctive T-shirts and carrying a checklist to

monitor the process and record incidents, the observers reassured voters and reminded officials their actions were being monitored. Members of a two-person EU delegation in the remote Kailahun district would later remark on the encouraging sight of NEW observers in every post they visited.

Sierra Leone's peaceful vote "sends a very strong message that it is possible to hold credible elections in Africa," said Victor Angelo, head of the U.N. mission in Sierra Leone. For conflict resolution practitioners, it encourages us to think creatively about tools that will have the greatest impact.

Frances Fortune is Search for Common Ground's Africa Director, based in Sierra Leone; Paul-Andre Wilton is an Africa Program Assistant based in Washington DC. ■

PLEASE JOIN THE INTERNATIONAL SECTION NOW!!

If you are not already a member of the International Section, please contact the International Section Chair above. Section dues are \$15 US, and support the many ongoing activities of the Section. Please join your colleagues in supporting a culture of conflict resolution throughout the world!

European Mediation Network Initiative (EMNI): A New Hub for Mediators

by Gosta Thommesen

The need for a hub

Europe needs a hub and an information point for mediation that can connect organizations and mediators across the continent. 120 organizations and individuals began the work of building this hub in Austria in late 2007. The main objectives of the European Mediation Network Initiative will be to:

- Address needs not already covered by other organizations
- Become a network for organizations, institutions and companies working in the field
- Encourage collaboration, communication, exchange of

information, support, learning and building of competence

- Promote mediation and contribute to shaping the future of mediation in Europe
- Make members more visible

A diverse continent

Europe today stretches across 47 countries with a population of about 725 million and a multitude of languages, diverse ethnic groups and different religions. There are already many European organizations working to promote mediation. In some parts of Europe mediation is only starting to find its place and in others its use is well

developed. However, until now, there has been no effective Europe-wide network for all kinds of mediation.

At the Nordic Mediation Forum in 2006 a working group was set up and it proposed a constitution of such a new association.

Overwhelming support

On September 29th, 2007, during the European Mediation Conference in Vienna, the organization held its inaugural general assembly. Twenty board members from as many different European countries and organizations were elected. Over

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EMNI meets in September 2007.

Jordan Leads Arab Middle East in Mediation

by Lynn Cole, Nancy Fashho, and Ahmad M. Yakzan

Jordan is a progressive country, with many Rule of Law programs completed or in progress. Under the Constitutional Monarchy of King Abdullah and his wife, Rania, a Palestinian native, the country is also economically sound and regularly positions itself as a neutral in the all-too-frequent imbroglios of the Middle East. As part of his progressive agenda, the King supported establishing the Jordanian Mediation Law which was passed in June 2006. The law provides for three types of mediators as a voluntary option to litigation: judges, “special mediators” appointed by the Minister of Justice and confirmed by the Supreme Court’s Chief Judge, and private mediators approved by the court. The American Bar Association, anticipating passage of this law, trained more than 40 judges and attorneys with a 40-hour mediation course. Two judges began mediating in a pilot program in June 2006 in a newly constructed, USAID-funded Mediation Center in the Amman Palace of Justice.

Jordan’s court-related mediation program is more extensive than in Egypt, which also has a mediation law and conducts



Jordan's Judge Suhair conducted mediations in the country's pilot program and received training in the US.

mediations in its Family Law program. Jordan’s program appears poised to reduce congestion in the Kingdom’s court system. During the pilot’s

first 21 days, the parties in 25 cases in Jordan’s Court of First Instance voluntarily consented to mediation. The first five mediated cases within the pilot

all settled. In fact, the mediation surveys show an astounding 80% settlement rate in the first year. For those cases not settled, most often the parties still report that the mediation process was particularly helpful and rewarding and that they would use it again.

To make this first successful step toward court-related mediation happen, Jordan drew upon its ancient tribal tradition of wassata, using a tribal elder to bring parties together to resolve a dispute. This is particularly apparent in the appointment of Special Mediators, who are likely to be former elder statesmen or high-ranking judges held in high societal esteem. As it was centuries ago in Jordan, the core of this conflict resolution process is to resolve disputes without violence. Jordan's mediation program is the model for mediation in the Middle East and its expansion can only benefit peaceful goals in the region.

The Mediation Pilot's success has prompted the Ministry of Justice to expand the program. Nancy Fashho, one of our members in ACR's Middle East Network, recently spoke with Judge Mohammad Al-Nasser, one of the two initial mediation judges in the Pilot Program. She reports that the Ministry of Justice has established a

mediation division to monitor and supervise the program's implementation and expansion. This division collaborates with the chief judges and provides training to judges, court staff and lawyers. The Ministry also expects to establish an Alternative Dispute Resolution and Case Management Support Division under the Ministry's Legal Affairs and International Relations Department.

The Ministry of Justice decided to expand the mediation program to four courts: North Amman, South Amman, East Amman and Zarqa. The courts established Mediation Departments in early November 2007 and all but one now have the facilities needed to mediate cases. Additional mediation programs are expected soon.

While Jordan leads the region in mediation, Lebanon stands out for its use of arbitration. Several Lebanese entities, such as the Arbitration Center at the Beirut Chamber of Commerce and Industry, have been at the forefront of Middle Eastern arbitration. Lebanon may now be fertile ground for a mediation program similar to the one in Jordan.

During Lebanon's latest civil war, communal mediation was used as an alternative to the Lebanese judicial system due to its unavailability or perceived

impartiality amid sectarian strife. Today, the international community is supporting mediation as a means to bridge differences between clashing pro-Syrian and pro-west parliamentary blocks, which are unable to reach middle ground on vital issues such as Lebanon's position in international conflicts. However, these mediation efforts remain limited in scope and constrained to the political arena and have not transgressed into other areas.

Another challenge for mediation in Lebanon is the intricacy of its judicial system, especially when it comes to family matters. Lebanese family courts are sectarian and administered by the clergy of each of the eighteen officially recognized Lebanese religious sects. A family law mediation program would have to take into account the religiously diverse Lebanese population, and any training programs would be constrained because of the diversity of the population. Additionally, due to power sharing schemes between the factions, if the mediation program were officially endorsed by the Lebanese government, it would have to follow the strictly delineated power sharing quotas between Christians and Muslims in hiring any potential mediators.

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EMNI

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120 organizations, institutions, companies and individuals signed up as founding members. Anyone who would like to participate in the building of this network and enjoy the benefits is invited to join.

When fully developed, the EMNI Board believes that EMNI will be a focus for collaboration which will contribute substantially to the development of mediation across Europe.

EMNI does not intend to compete with existing organizations. EMNI aims to become a linking network for networks, organizations, institutions and companies – not a traditional umbrella organization.

Activities

Working with its members, governments and sponsors, EMNI aims to enhance European collaboration in various ways, including:

- Creating a professional resource center: Names, events, literature, links, case studies, and examples of good practice
- Establishing an organizational resource center: Ideas, advice, case studies, "best practice", fund-raising opportunities
- Providing a matching service

for members for peer support across borders

- Offering a news exchange
- Supporting and hosting conferences
- Engaging in development and research projects

Membership

EMNI members will:

- Have access to a growing network and be connected with a wide range of other organizations and mediators throughout Europe
- Be informed of events, news, and developments
- Have opportunities to exchange ideas and learning
- Be involved in future European conferences
- Become visible on the coming EMNI web site
- Shape the priorities for the work plan of EMNI
- Support work to highlight the efforts of others across Europe

Mediators and mediation organizations anywhere in the world are invited to join us and support EMNI by contributing their time and skills.

Gosta Thommesen, Norway
Chairman / President
chair@mediationeurope.net ■

Jordan

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A commercial mediation program in Lebanon would prove successful because of the unique characteristics of the Lebanese population. The abundance of linguistically skilled persons in Lebanon and the country's close relations with the Western Hemisphere and the Arab World could lead to a Lebanese mediation system that could leave its mark on both the domestic and the international arenas.

By Lynn Cole, Certified Mediator and Mediation Specialist in Amman, Jordan, 2006, ADR Professor, Stetson University College of Law. Contact her at www.lynncole.com.

Assisted by: Nancy Fashho, Attorney and Legal Consultant, Law Degree, University of Jordan and LLM, International Business Law, University of London.

And assisted by: Ahmad M. Yakzan, Third year law student, Stetson University College of Law. ■

EVENTS

European Mediation Conference in April, 2008: “Building Relationships and Getting Results”

(4/10-4/12/08)

The best meetings are in person! Go to www.mediationconference.eu for more information on the next European mediation conference in Belfast, Northern Ireland from 10th to 12th April, 2008.

The Scottish Mediation Network and Mediation Northern Ireland are working in partnership to present a major international conference with exciting opportunities to discuss developments in the practice of mediation throughout Europe.

Almost ten years ago in Belfast, on Good Friday 1998, international mediators were acknowledged for their contribution to a milestone in the peace process in Ireland.

This year, on the anniversary of the Good Friday/Belfast Agreement, mediators from across Europe are invited to gather in the city’s Waterfront Hall for the 2008 European Mediation Conference: Building Relationships and Getting Results.

Confirmed key note speakers include: Jan Egeland, Special Adviser to the UN Secretary-General on prevention and resolution of conflict, John Paul Lederach, Professor of International Peace-building and Ambassador Herbert Salber, Director of the Organization for Security and Co-operation in Europe’s Conflict Prevention Center

The full program and booking information can be found at www.mediationconference.eu

Further information

A preliminary website for EMNI has been set up and will be updated with more information in the coming months. See www.mediationeurope.net.

Enquiries about EMNI may be directed to:

- info@mediationeurope.net—General enquiries
- Gøsta Thommesen, Norway
Chairman / President, chair@mediationeurope.net
- Ewan Malcolm, Scotland
Secretary, membership registration and enquiries, secretary@mediationeurope.net
- Esra Gürkaynak, Turkey
board member and liaison with non-European organizations, international@mediationeurope.net

American Bar Association: the Tenth Annual Section on Dispute Resolution Spring Conference

(4/3-4/5/08)

Held in Seattle. Full details and booking arrangements on www.abanet.org

ACR 8th Annual Conference

(9/24-9/28/08)

At the Hilton Austin, Austin Texas.

International Bar Association: Annual Meeting 2008

(10/22-10/17/08)

Booking has not yet opened, however four half-day mediation sessions are planned. Session topics include “State Mediation” and “The Role of the Judge and of the Advocate in Promoting Mediation.”

How Mediators Can Help Save the Planet: A synopsis of Ken Cloke's keynote address at the Third Annual International Day, October 2007

by Julia Roig

International Day at the ACR Annual Conference in Phoenix opened with an inspirational keynote address by author and mediator Kenneth Cloke, co-founder of *Mediators Beyond Borders*. The conference room was standing room only as Ken presented on How Mediators Can Help Save the Planet, drawn from his most recent book due out in May, *Conflict Revolution: Mediating Evil, War, Injustice, and Terrorism*. For those of you who could not join our third annual International Day, the following is a brief summary of Ken's keynote:

The planet has experienced exponential change in the past 100 years from the explosion in human population, the increase in CO2 emissions and the effects on global warming, the loss of bio-diversity, the destructive power of military technology as well as our increased vulnerability to pandemics, natural catastrophes and severe weather. On the positive side, there has also been an explosion in the availability and amount of information and in the growth of scientific knowledge and technological capacity. Unfortunately, some aspects



Ken Cloke, co-founder, *Mediators Beyond Borders*

of our world are not changing rapidly. We have been slow to end poverty and hunger, reduce bigotry and prejudice, find alternatives to warfare and address the vulnerability of civilian populations to terror. In addition, there has been a sluggish awareness of the extent and seriousness of global problems and an ineffectiveness of international institutions to address these problems.

As the challenges that face our planet increase, we need to develop and implement solutions across borders with a great deal of international

collaboration. Improvements in social, economic and political institutions and practices can reduce the systemic sources of chronic conflict and resistance to change that are preventing this collaboration. The world needs better skills in cross-cultural communication, public dialogue, collaborative negotiation, multi-party mediation, conflict resolution systems design and similar methods. We, as a group of conflict resolution professionals, can offer this. If you are a family and workplace mediator from Germany or a public policy facilitator from North Carolina, you still have something to offer in solving these global problems.

While every political, social and economic conflict takes place in its own context and is often experienced on a tiny, personal level, all conflicts, large and small, possess similar elements and characteristics. A common set of attitudes, emotions, ideas and behaviors connect purely internal conflicts with those that occur in relationships, families, communities, organizations, societies, economies, and nation-states. This similarity on all scales allows us to identify ways of adapting resolution

Mediators Beyond Borders (MBB), is a non-profit, humanitarian organization established to partner with communities worldwide to build their conflict resolution capacity for preventing, resolving and healing from conflict. This partnership involves the design and implementation of sustainable peace building initiatives responsive to the needs and culture of the communities, and to the history of each conflict. MBB partners with NGO's, universities, political and activist groups, community organizations, professional societies, environmental, commercial and other entities worldwide to develop skills for group facilitation, public dialogue, strategic planning, collaborative negotiation, peer mediation, restorative justice, and public policy consensus building. To contact MBB, visit the website at www.mediatorsbeyondborders.org, or email mediatorsbeyondborders@gmail.com

6 Ways to Mediate Without Borders

1. If you have expertise in a particular region, country, language, or conflict, and would like to help, or become a member of a project team and work in that country for a period of several years, contact MBB and specify your interest
2. If you have training materials in communication, dialogue, problem solving, negotiation, mediation, prejudice reduction, conflict resolution, and similar topics that might be useful to people in conflict areas, especially if they are in other languages, send them to the MBB Library
3. If you have useful information regarding a country or region where conflicts are occurring, contact MBB and share or coordinate your information with others
4. Select a country or region where conflicts are occurring, form a small group of like-minded people, or create a local chapter of MBB to study, think about, and discuss what is happening there
5. Organize a public dialogue in your community to discuss global conflicts, pass resolutions supporting conflict resolution, and publicize facts and stories that raise people's awareness
6. Contact media to increase awareness of conflict resolution, write letters to the editor, or op-ed pieces advocating meditative approaches to conflict

techniques that have proven effective to disputes on an entirely different level.

Nearly all conflicts, no matter how petty or personal, possess veiled social, economic, and political features that inform their evolution and eventual outcome. These include social prejudice, economic greed and the autocratic exercise of political power. When these hidden aspects are identified and analyzed, they become fertile sources of techniques for preventing future conflicts, reaching successful resolutions, transforming social, economic and political relationships and transcending chronic conflicts at their source through learning and systemic improvement. Nearly all conflicts can trigger revolutionary changes in individuals, organizations and institutions. Contextual, environmental and systemic elements are rarely identified, acknowledged or resolved today, either by the parties or their mediators. Instead, they linger in the background, generating distortions and misunderstandings that may make matters worse. By recognizing and identifying these issues within our local practice and by expanding the reach of our skills to new global levels, each of us as mediators can make a difference, and help save the planet. ■

Caribbean ADR – Raising Awareness in Barbados

by Kumar Hathiramani

The Caribbean island of Barbados, with an estimated population of 270,000, celebrated its first ever Mediation Week in October 2007.

The ADR Association of Barbados Inc., a non-profit organization, hosted the event primarily to sensitize the general public on alternatives to adversarial litigation, which is the dominant method of conflict resolution on the island today.

The week of activities commenced with a church service that reflected on the difference between “curing” and “healing.” Events included a peer mediation workshop at a secondary school and a presentation to the Corporate Community of Barbados on the benefits of ADR and

mediation. The Law Faculty of the University of the West Indies held a panel discussion on Restorative Justice.

The local news media covered the week’s activities on TV, radio and in the newspaper. National Television aired a discussion between two attorneys about the mediation process and objectives of the ADR Association of Barbados.

The event set the stage for greater public awareness of alternatives to litigation ahead of the imminent introduction of new Supreme Court Civil Procedure Rules that provide for the use ADR and mediation within the judiciary.

For more information on ADR in Barbados please contact Kumar Hathiramani , adr_bgi@yahoo.com ■

The Association for Conflict Resolution (ACR) is a professional organization based in the United States dedicated to enhancing the practice and public understanding of conflict resolution. ACR represents and serves a diverse national and international audience that includes more than 6,000 mediators, arbitrators, facilitators, educators, and others involved in the field of conflict resolution and collaborative decision-making. The International Section is one of 18 of ACR’s professional interest/topical Sections which provide members with a way to meet other professionals in their special areas of interest.

The International Section is made up of ACR members from over 40 countries around the world. The Section is committed to honoring and building understanding of the differences in cultures, language and approaches to effective conflict resolution and building peaceful coexistence. We are actively developing international networks, connecting members and colleagues to resources and member expertise, building global awareness both within ACR and of ACR, and promoting capacity building for the effective resolution of disputes and conflict management in all nations and regions of the world.



International Section leadership with Ray Shonholtz of Partners for Democratic Change at ACR’s International Day 2007. From left to right: Kathleen Coogan, Ray Shonholtz, Cristina Franco, Lewis Dabney and Julia Roig.