

Mediators without Borders®: *an Int'l Sustainable Peace Alternative Dispute Resolution Center Initiative*

Introduction

We introduce our dynamic research component for our mediation training and dispute resolution service; the *inAccord Conflict Analysis Model* and Research, which we are disseminating through our globally networked centers. The services and training programs through Mediators without Borders are designed to empower the disputants, and informs the mediation approach that is used, based on disputant needs. A major component of our work is the recent introduction of a research component in which the effectiveness of the mediation process is actually evaluated and documented. I will share these findings with you today after I present an overview of the Mediators without Borders *inAccord* Research procedure, which considers the role of emotions in a given conflict.

Why is empowerment such a critical concept of our approach? Because, the feeling of disempowerment is so universally negative and debilitating that many people and nations who feel disempowered will do anything to feel even a little bit better. Anything may include taking away someone else's property or rights, taking their life, or waging a war. So often, these styles of conflict resolution create a cyclical system of violence where one party is constantly trying to regain power over the other. This type of power is not empowerment. It is a hollow victory built on violence toward the other. An empowerment process encourages people to tap into their dormant personal power and gain the skills and knowledge that will allow them to overcome obstacles in their lives and ultimately, help them develop these skills within themselves or in their societies.

Let me tell you a true story that illustrates this idea. For the past three years, Mediators without Borders has been working to create dispute resolution services and training in the country of Nigeria. This journey began when the sitting ambassador to the UN, Joseph Ayalogu, visited MwB in Boulder, Colorado over the Thanksgiving holiday. He was interested in bringing our vision of mediation and peace building to his country. On the steps of the Boulderado Hotel, after the meal of Thanksgiving, Ambassador Ayalogu remarked that, "Mediators without Borders and the *inAccord* model does not just belong in Boulder, it belongs to the world." Over the next three years of building this important relationship with our Nigerian friends, we were guided by these simple words. We have carefully and, in some cases cautiously, tended to this relationship as Nigeria went through an election process that stunned the world with its transparency and honesty and now as they struggle with ethnic and class conflict that have turned to violent confrontation and terrorist acts. We have learned; in an amazing parallel to the development of our training model, that the Nigeria partnership is only successful when team members from both Nigeria and from Mediators without Borders International feel empowered by the negotiation process. I truly believe this carefully laid foundation of trust and mutual empowerment has led to a partnership that will endure through the inevitable challenges ahead for both our teams and for our countries. The same has been true in Eastern Europe, in particular Romania. Our goal is to nurture our Center in Texas, which will serve as an international role model.

The Inevitability of Conflict

Our news media is so replete with stories of the destructive nature of conflict that we forget it may also help transform people and societies in very positive ways. Conflict is inevitable. Fortunately, it can be a powerful force of transformation. Conflict shakes things up and that can be a very good thing. It can shake up things that may be so cemented in our personal and cultural behaviors that only a jolt of oppositional energy will unstick the mess. This is true whether we are speaking of couples, organizations, or nations who need the transformative energy that only conflict can provide. Let's take the case of Joshua and Soriah, married for twenty years, happily they both thought. Enter Alex, a mutual friend who begins to take more and more of Soriah's time and attention. There is a huge blow up between the couple and many unquestioned behaviors and norms suddenly become identified problems in their seemingly solid relationships. In this case, a third party forced the cement to crumble,

ultimately forcing a personal transformation for all involved. The couple can now choose, or not, to use this intense energy for personal and group empowerment. A mediator can help them more safely guide the process and help keep the energy from turning into a destructive force.

The same is true of an organization or a nation. Let's use the Hyundai motor company as a model of how conflict can create positive transformation. Ten years ago this car company was at the bottom of most auto consumer lists in terms of appearance and reliability. Today, they are consistently grabbing customers away from larger American and Japanese auto companies. How did this happen? They decided to listen to the criticism and use the energy of the conflict to completely transform the way they do business. The current CEO explains that it was really very simple, they decided to give the consumer what they wanted, a reliable, attractive, and affordable product. And, they decided to run the organization as a smaller management system. Instead of 40 vice presidents like the auto dealer down the street, they pared it down to four. As the CEO reports, when there is a problem, the buck stops on five desks and when we need to call an emergency meeting it takes minutes to organize. In this case, a visionary CEO was able to effectively guide the company; however, many times this person is too close to the conflict to help. A mediator with advanced workplace organizational skills can help a company move through the inevitable crisis that occur and turn the crisis into opportunity.

There is no greater example in this new century of the power of conflict to transform nations than in the Arab Spring. Half a dozen nations have witnessed opposition and conflict to the status quo in a manner that has forever changed the face of the Middle East and Northern Africa. Amazingly, these conflicts over very similar goals transformed each country in a markedly different way. Tunisia just celebrated its first free elections in over 40 years, Egypt awaited the final verdict of whether one authoritarian rule will be supplanted by another or if a democratic system would emerge, Libya won its freedom through long months of bloodshed and violence and the new government was fragile and tentative, Syria grew more explosive, and other Arab nations face a slow simmer of opposition. Sometimes, there is little recourse for the disempowered than to rise up and defy the oppressors. I would argue that the negotiation and bargaining efforts of nations around the world, acting to mediate each crisis, helped these countries turn the powerful and explosive energies of conflict into a force for positive change.

These are examples of the power of conflict to transform through the process of empowerment. Any person, organization, or nation can embrace the transformative power of conflict to make positive, lasting change or they can ignore and rebel against it as in the Syrian example. Conflict offers each of us an opportunity to face not only the conflict but the person or persons we are in opposition to. More importantly, it offers us the opportunity to face ourselves and our ability, or lack thereof, to change and grow. This is the fundamental belief that drives the Mediators without Borders *inAccord Conflict Analysis* Model and Research.

The *inAccord Conflict Analysis* Model Central Premise: A Disputant Focused Approach

The *inAccord* Model is based on the central premise that disputes are a naturally occurring aspect of our human condition and it offers an alternative path to transcend habitual ways of reacting to these natural disputes. The assumption underlying the model is that everyone and anyone can take ownership of the process and effectively respond to the conflict they are in because, in many cases, they are the ones who participated in creating the situation. Thus the source of much conflict is viewed as a lack of intentional communication and awareness of all the aspects of often complex situations. The *inAccord* Model enables all stakeholders to hear each other's perceptions of an event or situation and guides them through the Mediators without Borders four stages to seek agreement as the parties discover and redefine it.

The premise for guiding this psychological model is based on four beliefs:

1. Conflict is inevitable, normal and workable, emotions are critical to consider
2. Disputants can be empowered to work successfully with conflict.
3. Empowerment comes through education in communication, negotiation and reflection.

4. Teaching the *Touchstone Skills* directly to disputants enables underlying emotions and interests to be revealed –“making the covert-overt.”

Central Concept: Transparency

Transparency is the central guiding principle in the Accord model. It applies to each Stage of process, each party to the conflict, to the mediator, coach or facilitator, and to the model itself. Transparency means making the covert overt, shedding the roles of expert, and be open to mistakes and new awareness at every level of the process.

Transparency is accomplished through a continuous cycle of:

1. Remaining focused on the emotions, understanding, and satisfaction of each party
2. Encouraging all parties to communicate from an authentic stance based on increased self-awareness, increased awareness of the perspective of the “other” party, and a goal of reaching a negotiated settlement to the conflict
3. Empowering the parties and mediator to find their unique voice in the dispute, to brainstorm options without judgment, to learn *Touchstone Skills* that will increase self-confidence and self-awareness, and to engender a compassion that comes from learning to walk in the other person’s shoes.
4. Reflecting on the process at certain points in order to make necessary procedural adjustments to the process, content, emotions, and interventions used in moving to a negotiated settlement

So, why use a mediator with the *inAccord* Model?

The idea of this model is to make the skills of conflict resolution directly available to the parties engaged in the conflict. Some might ask if this will eventually eliminate the role of the mediator or coach. I say, quite the contrary. As more and more people become aware and empowered to engage in conflict resolution, they will often need a neutral third party to help guide the process. Although parties will have access to the same skills as the mediator, they will not have the depth of experience and application that comes with professionally working with varying conflicts over many years.

The Importance of Research Evaluation

As with any intervention, it is critical to *evaluate*, through appropriate research designs and statistical techniques, whether the components of the intervention (the Accord Model, in this case) are effective in producing the desired outcomes. The *inAccord* model of mediation is conducted within a research project designed by Shauna Ries, President and Susan Harter, PhD. Dr. Harter, formerly on the faculty of Yale University, and who currently holds a John Evans Professorship at the University of Denver. She is nationally and internationally known for both her theoretical contributions to the field of psychology and for her research skills in designing questionnaires and surveys to evaluate intervention efforts. Dr Harter is assisted in this research by Shauna Rienks, PhD, a Research Associate at the University of Denver.

Specific Research Application to the *inAccord* Conflict Resolution Model

We have divided the research evaluation into three components that parallel, in time, the mediation process itself. The evaluation tools, the questionnaires and surveys, are very naturally embedded directly into the mediation process. In this manner, the research protocol directly mirrors a principle at the heart of the *inAccord* Mediation Model, namely, *transparency*. These components (see Overview Phases and Related Scores as both handout and Slide in Presentation) include 1) An analysis of the *feelings* or emotions that disputants have at the outset. 2) An analysis of disputants' *understanding* of the various stages of the mediation process, and 3) An assessment of *outcomes* including whether disputants sign or do not sign an MOA, and secondly, exit questions about a number of dimensions, including their evaluation of whether the mediation training was a success, how well they felt that the training met their specific expectations, their ability to now understand and implement the goals of the *inAccord* model, and their perceptions of the fairness and impartiality of the mediator.

Thus, a major goal is that the parties have a complete understanding of the process they are going through, and the introduction of questionnaires at each stage of the process ideally enhances their understanding of the process.

PHASES OF THE ACCORD MEDIATION PROCESS

PHASE ONE Empowering and Disempowering Feelings (Handout: Laminated Single Sheet; Overview; graphs)

Here, we address feelings that are culturally relevant, that parties feel in response to the conflict in question. Feelings and emotions can be powerful forces in people's lives, relationships, and in group interactions. Some emotions may be more helpful than others in the mediation process. Thus, we would like to know which emotions are more empowering and which emotions might make it difficult for people to move forward in the process.

If mediation training is effective, we would expect empowering feelings/emotions to increase and disempowering feelings/emotions to decrease. Therefore, we created a pre-survey assessing "My Feelings" and a parallel post survey in order to see if there were actual changes in either empowering feelings (for example it increases) or in disempowering feelings (for example it decreases).

The following table offers a sample of a few Empowering and Disempowering Feelings used in our survey.

- Show slide Empowering: Hopeful, Optimistic, Contented, Forgiving and Disempowering: Angry, Discouraged, Depressed, Despairing
- Show slide example of one or two sample survey questions

We believe that the importance of providing the pre-Survey of feelings is to sensitize disputants and mediators to potential importance of emotions when people are facing a conflict. We are, in a sense, normalizing that it is natural for people to have heated emotions in conflict and these emotions may be empowering or disempowering.

Research Findings

The research findings reveal that there are two distinct clusters of feelings, those that are **empowering** and those that are **disempowering**. **Empowering** feelings or sentiments include hopefulness, optimism, serenity, understanding, forgiveness, and contentment. **Disempowering** feelings or sentiments include anger, discouragement, jealousy, depression, insecurity, despair, blame, and humiliation. The My Feelings/Emotions Questionnaire was administered before the actual training began (pre-test) and then after it was completed (post-test).

I am going to jump ahead now to the findings! Here is what our first set of results has documented.

- Present Slide with Figure 1 on PowerPoint and "walk" them through how the empowering emotions increased and the disempowering emotions decreased.
- Explain what Pre-test and post-test means.

Most exciting in documenting the efficacy of the *inAccord* Model are the pretest/posttest findings revealing that the **empowering** feelings **increase** dramatically from pre-test to post-test (at highly significant statistical levels). Conversely, the **disempowering** emotions **decrease** from pre-test to post-test almost as dramatically (and these findings are highly, statistically, significant, as well). See the first graph (**Figure 1**) that documents the dramatic changes.

Thus, participation in the intervening mediation process, going through the stages of training, has a dramatic impact on these feelings, for the group as a whole, increasing the empowering emotions and decreasing the disempowering emotions. Ideally, this is precisely the pattern that you would wish to see.

So, and point generally to the audience, if YOU were in mediation training with us, it is highly likely that you would feel more optimistic, hopeful, contented, and possibly forgiving at the end of the mediation training. You would also feel less angry, discouraged, and depressed, with less despair".

That is what our first findings reveal.

OVERVIEW OF PHASES AND ASSICATED SCORES THE ACCORD PROCESS

MY FEELINGS SURVEY*	STAGE SCORES*	OUTCOMES*
1. Empowering Feelings Score	STAGE ONE. Sharing Perspectives	Exit survey subscales:
2. Disempowering Feelings Score successful,	- Understanding	(1) Accord Model
realized	- Satisfaction	party satisfied
implement	STAGE TWO. Developing issues	(2) Specific expectations
	- Understanding	(3) Can understand,
	- Satisfaction	Accord Model
	STAGE THREE. Joint Solutions	(4) Fair/impartial process
signers	- Understanding	Signers versus non-
	- Satisfaction	
Survey	STAGE FOUR. Final bargaining	Post "MY FEELINGS"
	- Understanding	
	- Satisfaction	

*Parallel Mediator Ratings for Each Phase

PHASE TWO Understanding

Let's move into Phase 2 of the Accord Conflict Analysis Process, which is Stage

- Stage One: Sharing of Perspectives/Issues, Positions, Interest Identification
Understanding and Skills: Skill of differentiating Issues, Positions, and Interests
Slide of Sample Stage Questions
- Stage Two: Developing the Order of Issues into a Formal Agenda to be Negotiated & Option Generation
Understanding and Skills: Skill of Reflection, reframe and questioning
Slide of Sample Stage Questions
- Stage Three: Joint Solution Statement, designed to satisfy the Memorandum of Agreement
Understanding and Skills: Skills of identifying common causes and higher ground
Slide of Sample Stage Questions
- Stage Four: Crafting the Memorandum of Agreement
Understanding and Skills: Skill of addressing who, what, when, where, how in the final agreement
Slide of Sample Stage Questions

After each stage, the mediator provides the disputants with a Stage Understanding Survey which measures their understanding of the Mediation Stage they just concluded. These questions sensitize the disputants as to what they will learn in each stage.

Research Findings

First, we looked at the findings for four stages:

Stage One: Sharing of Perspectives/Issues, Positions, and Interests

Stage Two: Developing the Order of Issues into a Formal Agenda to be Negotiated

Stage Three: Joint Solution Statements that will ultimately Satisfy a Memorandum of Agreement

Stage Four: Crafting the Memorandum of Agreement

The overall findings for the entire group of participants (use Slide with **Figure 2**) reveal that the disputants reported high levels of *understanding* of each of the various stage principles.

- Show Slide Figure about Understanding of Stage Scores

These results demonstrated the understanding was exceedingly high and that the *inAccord Conflict Analysis* Model has clearly enhanced disputants understanding of all stage principles as hypothesized.

PHASE THREE OUTCOMES: Evaluating the Success of the Mediation

Now, I would like to walk you through the outcomes of this research based on an Exit Survey provided to the disputants at the conclusion of the mediation process. As we worked with the exit research, four subscales for measurement emerged. (Bring up Figure 3)

- Subscale One: Successful, satisfied
- Subscale Two: Expectations met
- Subscale Three: Ability to implement the ACCORD principles
- Subscale Four: Mediator is fair and impartial

Let's take a moment to go through the Outcomes. Observe the general findings for the exit/outcome questions and subscales (see Figure 3). Ratings are extremely favorable for the outcomes of the Accord training process. (See the third graph). As a whole, participants reported that

- Subscale One: They felt that the Accord model was extremely *successful* and that they were highly *satisfied*.
- Subscale Two: Their specific expectations were met or realized.
- Subscale Three: The Accord training enhanced their general ability to *understand* and *implement* the principles.
- Subscale Four: The Mediator was *fair and impartial*

Signers versus Nonsigners: A critical outcome variable.

Perhaps the single most important index of the success of the mediation process is whether the parties sign the Memorandum of Agreement (MOA). If both parties sign, it will be deemed a success for that pair of disputants. If both partners do **not sign**, the mediation process has not been successful for that pair of disputants. But we need to go beyond just a "head count" of how many signed and didn't sign, because that provides little understanding of the reasons underlying the choice to sign.

We need to know *why* they may or may not have signed. What can the research findings tell us about signers versus nonsigners? How do the research findings bear on why the mediation process was or was not a success? We can work "backwards" in time looking into the processes that have been assessed at each phase of the mediation process for clues as to see what discriminates or differentiated signers from non signers. For this first set of data, the sample of signers and nonsigners was too small to do extensive analyses; however, a few findings can explain the logic of this strategy.

1. **How did signers vs. nonsigners score on the exit survey? Did that discriminate them at all?**
Most definitely on the subscale that tapped how successful they felt the training had been/how satisfied were they overall, with the process? Those who signed had an average score of 3.53 compared to a significantly lower score for the non-signers, who were less satisfied, who felt the program was less successful. Their average was only 3.17, a big difference on a sensitive four point scale.
2. **How could signers versus non-signers differ on their UNDERSTANDING of specific stages in the mediation process, might this provide a clue.** The findings clearly revealed that the two groups differed in their Stage Three Understanding, which involved the comprehension of **Joint Solutions**, a very interpretable finding given that this is the stage during which the Memorandum of Agreement is crafted.
3. **Finally, moving to the front of the model, how might data from the FEELINGS survey shed light on which some would be signers at the end of the mediation process whereas others would**

not? Here, we found that for the non-signers, **disempowering feelings** increased in strength between the pre-post periods. That is, nonsigners became more negative, emotionally, as a result of the process, which may, in turn have led to them non-signing.

Conclusion

Finally, and importantly, participants' *understanding* of the specific stage concepts and principles was highly related to the third outcome from the exit interview, namely, their *overall ability to understand and implement the inAccord Conflict Resolution Model*.

And this is the most exciting news! The more participating disputants understood the specific stage concepts in the training, the more they reported their general ability to understand and apply the tenets of the inAccord Model.

We believe the *inAccord* model of mediation is revolutionizing the field of mediation by providing a research validated way of determining the efficacy of mediation services and education. No longer do we have to guess or wonder if our trainees or the parties to a dispute “get” what we are trying to “teach”. We can know immediately what they understand and, more importantly, what they do not understand. We can then pause the forward progress until all the parties are able to catch up to the understanding, which is so necessary to the success of the training or mediation case. And, because the skills learned at each stage of the mediation process are based on empowerment, even if parties or trainees leave the process early, they still walk away with skills that give them an increasing ability to face their next conflict more effectively.

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Figure 1

Change in Feelings

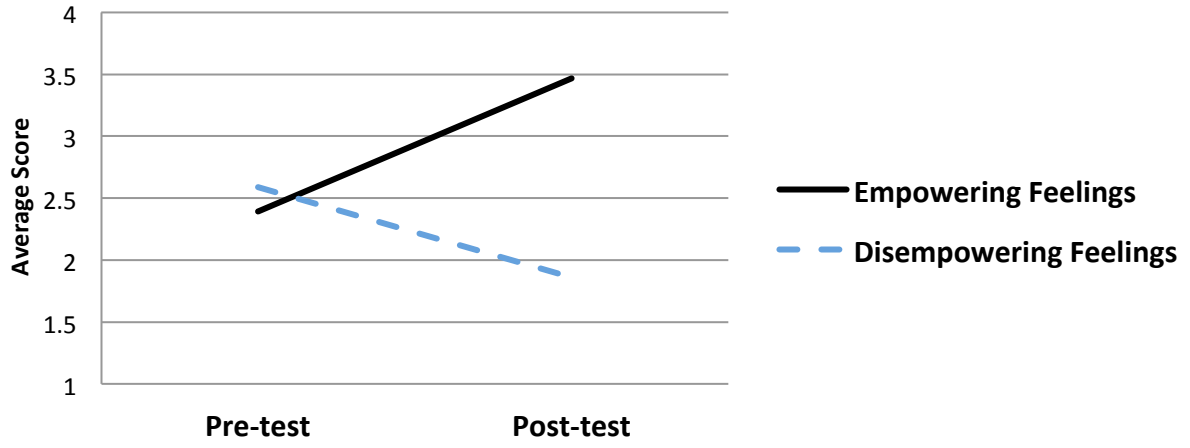


Figure 2

Stage Understanding

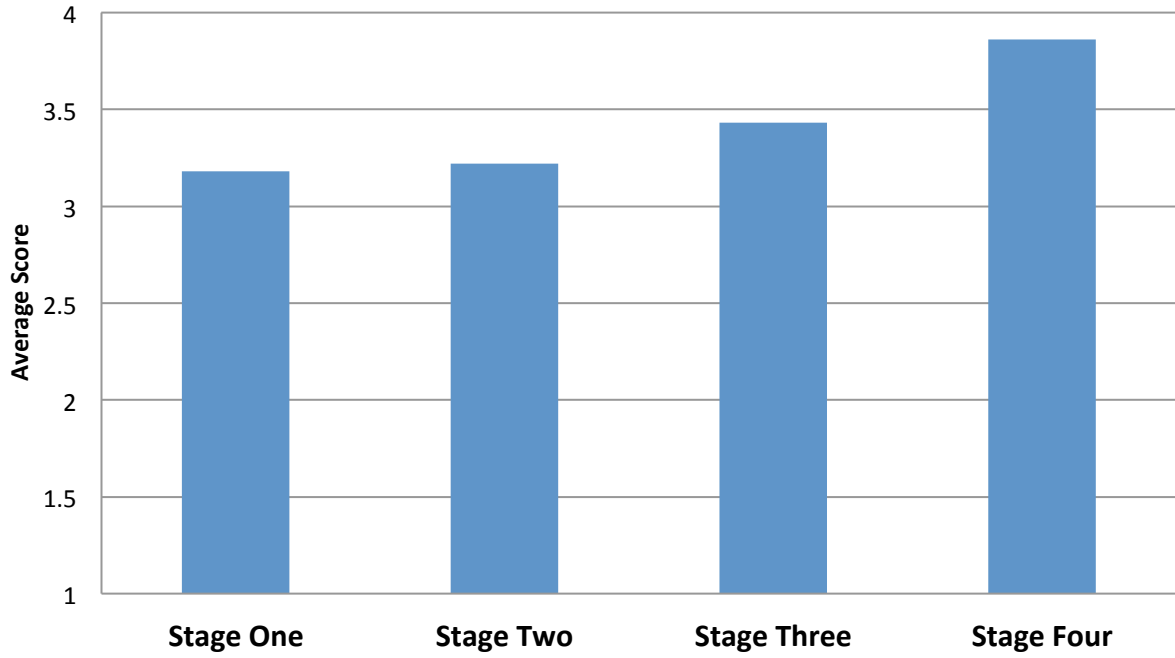


Figure 3

Stage Satisfaction

