# Chapter 1 Introduction

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Mediation, the facilitated discussion of disputes and conflicts, is a flexible approach that can be used to help us achieve global peace. This volume, *Moving Toward a Just Peace: The Mediation Continuum*, <sup>1</sup> brings together mediators, scholar-practitioners, and a veteran diplomat to discuss the life and times of mediation in very different settings. The continuum of mediation is about the expanding roles (from prevention through societal transformation) assumed by mediators. It also is about the urgent need for mediators working at different intervention levels (for instance, those mediating in the local community and those representing governments that are addressing large and complicated problems of crisis management/peacebuilding) to learn from each other in joint training exercises, forums, practice arenas and publications. In this way, mediators, and others interested in effective outcomes, will learn more about the similarities and differences of their practices and new ways of collaboration.

This introductory chapter begins with discussions of peace and justice; mediation; mediation as intervention; the mediation continuum; and conflict, mediation and peace. The chapter concludes with an introduction to the contents of the volume.

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### **Peace and Justice**

On October 28, 1931, Mahatma Gandhi (1869–1945)<sup>2</sup> spoke at the Montessori Training College in London, England (Gandhi 2010; Gandhi and Montessori 2010). Maria Montessori (1870–1952), an Italian physician and innovative educator of children, was in the audience. Gandhi talked about her and to her when he said:

You have very truly remarked that if we are to reach real peace in this world and if we are to carry on a real war against war, we shall have to begin with children, and if they will grow up in their natural innocence, we won't have the struggle, we won't have to pass fruitless idle resolutions, but we shall go from love to love and peace to peace, until at last all the corners of the world are covered with that peace and love for which, consciously or unconsciously, the whole world is hungering.<sup>3</sup>

Seven years later, in 1938, Eleanor Roosevelt (1884–1962), a renowned activist and wife of United States President Franklin Roosevelt, published *This Troubled World*. She ended her slim volume (47 pages) in the following way:

We will have to want peace, want it enough to pay for it, pay for it in our own behavior and in material ways. We will have to want it enough to overcome our lethargy and go out and find all those in other countries who want it as much as we do.

Some time we must begin, for where there is no beginning there is no end, and if we hope to see the preservation of our civilization, if we believe that there is anything worthy of perpetuation in what we have built thus far, then our people must turn to brotherly love, not as a doctrine but as a way of living. If this becomes our accepted way of life, this life may be so well worth living that we will look into the future with a desire to perpetuate a peaceful world for our children. With this desire will come a realization that only if others feel as we do, can we obtain the objectives of peace on earth, good will to men.

<sup>&</sup>lt;sup>2</sup>Mohandas Karamchand Gandhi is known as Mahatma (great soul) Gandhi. Gandhi "is often spoken of as the 'father' of the new nation-state of India" (Brown 2011, p. 1) and he influenced "to a greater or lesser degree . . . many of the freedom struggles of the mid-to late-twentieth century (Prabhu 2001, p. 2). Gandhi thought that "harmony comes with neither passivity nor blindness . . ." (Terchek 2011, p. 117). His "embodiment of nonviolent resistance to injustice in many different forms continues to stir the moral imagination of the world more than 50 years after his death" (Prabhu 2001, p. 2).

<sup>&</sup>lt;sup>3</sup>There are thousands of certified Montessori schools (and others that are not certified) in many countries. Thayer-Bacon (2011, p. 4) said teaching in one of the Montessori schools "gave me a way to experience a pedagogical approach that recognizes the importance of cultural diversity, while helping children learn how to be active, engaged, critically aware, self-assured, self-directed, and self-disciplined citizens of democracies-always-in-the-making." For Maria Montessori, "violence and war are not natural occurrences but aberrant outcomes of aberrant educational and child-rearing practices. Education and child-rearing that did not interfere with normal development would allow the nature of humanity to reveal itself as peaceful and motivated by work for the improvement of all of society; not just for personal gain" (Roos 2012, p. 89).

<sup>&</sup>lt;sup>4</sup>In 1932, Eleanor Roosevelt's husband, Franklin, was elected the 32nd President of the United States; he held that office from 1933 until 1945. In 1939, Eleanor Roosevelt appeared on the cover of *Time*, a news magazine. The publication called her "an oracle to millions of housewives" as well as the "world's foremost female political force" (Beasley 2000, p. 518). Eleanor Roosevelt was known for strongly supporting civil rights, helping found the United Nations, heading the United Nations Human Rights Commission and serving as US Ambassador to the United Nations under both Presidents Truman and Kennedy.

And more than 40 years later, in 1985, the Bahá'í<sup>5</sup> central body, The Universal House of Justice, issued a statement – "The Promise of World Peace" – that said peace was "inevitable." The document was written "To the Peoples of the World" and began as follows:

The Great Peace towards which people of good will throughout the centuries have inclined their hearts, of which seers and poets for countless generations have expressed their vision, and for which from age to age the sacred scriptures of mankind have constantly held the promise, is now at long last within the reach of the nations. For the first time in history, it is possible for everyone to view the entire planet, with all its myriad diversified peoples, in one perspective. World peace is not only possible but inevitable. It is the next stage in the evolution of this planet... Whether peace is to be reached only after unimaginable horrors precipitated by humanity's stubborn clinging to old patterns of behavior, or is to be embraced now by an act of consultative will, is the choice before all who inhabit the earth... Failure to stem the tide of conflict and disorder would be unconscionably irresponsible.

Parts of the world do want peace, but the movement toward that goal is often slow and uneven. And if that peace is to last, it must be a *just peace*, one that is both inclusive and fair. Mediation and the varied work of mediators and mediating bodies are important elements of the movement toward peace. This book discusses selected roles of mediators and mediating organizations in preventing, reducing and resolving disputes and conflicts at different intervention levels.

### **Mediation Defined**

According to United Nations Secretary-General Ban Ki-moon (2012b), "mediation is one of the most effective methods of preventing, managing and resolving conflicts." Mediation is a rights-based, humanistic and creative process in which one or more impartial individuals help parties (disputants), with their consent, discuss an issue or issues that concern one or more of them. This process is sometimes referred to as facilitated negotiation. *Rights-based* mediation takes into account everyone's human rights. A rights-based approach means that a mediation is concerned with achieving at least a minimum standard of well-being for parties, and those they represent, as a right of all people. Mediations should not undermine the interests of the vulnerable. A broad definition of *humanism* is used in regard to mediation. This definition of humanism goes beyond being anthropocentric (human centered) and biocentric (moral consideration given to all living things) as

<sup>&</sup>lt;sup>5</sup>The Bahá'í Faith is a monotheistic religion founded in nineteenth century Persia; it emphasizes the spiritual unity of all people.

<sup>&</sup>lt;sup>6</sup>According to Albin (2009, p. 592), "In many situations, particularly in a longer term perspective, the issue is not whether peace or justice is to be chosen or prioritized for both are clearly needed in some sense." Albin, goes on to say that there are core questions to be answered including "What kind of justice and what kind of peace should be promoted?... (and) How are the pursuits of these two values... best timed, sequenced and combined over time?"

it also includes respect for the natural environment. Mediation that is *creative* can generate new concepts, ideas, or associations. Creative thinking, according to Debra Gerardi (2001), requires openness, listening, risk-taking, trust, and collaboration. Mediations should allow and encourage these characteristics in order to foster new analysis and decisions.

The mediator (or mediation team)<sup>8</sup> establishes an open, trusting setting in which parties are encouraged to discuss facts as well as their personal feelings about the issue or issues that brought them to the discussion. After all parties have been identified and included,<sup>9</sup> mediation is usually conducted as a flexibly-structured process and can be free-flowing or more controlled. If the outcome of this process is an agreement, it would be shaped by the parties and satisfactory to them.

Mediation is used to try to settle a wide variety of disputes between and among individuals, organizations, communities, protesters and governments as well as combinations of these disputants. Mediation can be an excellent method for resolving some kinds of disputes in part because it can be faster and less expensive than the alternatives. Most importantly, the parties can create their own resolution to a dispute rather than have a decision imposed upon them. There are times, however, when mediation may not be a good choice for disputants. For instance, if one of the parties does not agree to participate; serious violations of the law have occurred; or the prevailing power of a party is not allowed, by one or more parties, to be a subject of discussion.

It is useful to outline the principles, attitudes, and tools needed by a mediator in conducting interventions. While these may differ somewhat depending on the level of intervention (e.g., individual, community, nation), they include: having an ethical framework, <sup>10</sup> practicing inclusiveness, working with the people's interests and opportunities, encouraging recognition of other viewpoints, demonstrating interdependence as a factor in the change process, encouraging capacity building, having relevant knowledge and knowing how to access more of it, and having a long-term perspective. Mediators need to be open-minded, courageous (at times), and able to work well with others.

<sup>&</sup>lt;sup>7</sup>This broad definition covers, for instance, mediations dealing with the environment, land use and land ownership.

<sup>&</sup>lt;sup>8</sup>Mediation is interdisciplinary with mediators coming from many disciplinary backgrounds including peace and conflict studies; counseling; law; environment; labor studies; and clinical sociology. It is useful to think about how the disciplinary background of a mediator or a mediation team may affect the design and approach to mediation. See, for instance, "Clinical Sociological Contributions to the Field of Mediation" (Fritz 2008).

<sup>&</sup>lt;sup>9</sup>Some countries have legislation or official guidance that makes it difficult to talk with certain parties (e.g., people or organizations identified as terrorists). Mediators and mediating organizations need to know that it is not illegal for them to talk with all parties.

<sup>&</sup>lt;sup>10</sup>James Laue and Gerald Cormick discussed the approach of interveners in their 1978 article, "The Ethics of Intervention in Community Disputes." For Laue and Cormick, the basic values for a mediator were freedom, justice, and empowerment. It is worth discussing if the assumptions, values, and principles will be the same for mediators in different kinds of mediation, particularly when the outside influences (e.g., funders, participants, and mediator's employers) may have different assumptions, values, and principles.

### **Mediation as Intervention**

Intervention is about involving one's self as a "third party" in an existing situation. There are, of course, many kinds of interventions such as having an advisor, coach, consultant, or judge. In the case of mediation, the intervenor enters a situation that has been defined as problematic (by one, some or all parties) in order to help the participants understand, deal with, alter or leave the situation.

The role of the mediator can involve one or more levels of focus from the individual to the global. Even though the mediator or mediation team may specialize in one or two levels of intervention (e.g., divorce mediation, crisis mediation at a national level), the practitioner may move among a number of levels (e.g., individual, organization, national) in order to analyze or develop intervention strategies.

The intervention levels (from individual through global) are represented in Fig. 1.1 as circles (without a hierarchy) to indicate that no intervention level is assumed to be inevitably more important than another. The lines among the levels help show that a mediator may focus on one level (which could be shaded for emphasis) but also that a mediator (or a mediation team member) can have an additional level of focus or at least a background in other levels. This additional knowledge can be quite useful in mediation.

It can be helpful to distinguish between the terms *conflict* and *dispute* (See Fig. 1.2). Conflicts are large (perhaps very large) and their boundaries cannot easily be established. In a conflict, it sometimes is not easy to identify all the stakeholders



**Fig. 1.1** The levels of intervention

<sup>&</sup>lt;sup>11</sup>The global level refers to work done on a worldwide basis as well as to a time when other worlds may be involved with this world.

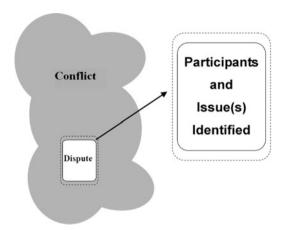


Fig. 1.2 Relationship between conflict and dispute

(parties) or all the relevant issues. A dispute can be part of a larger conflict (e.g., a disagreement between a manager and an employee in a company located in a war zone), but it also may be a disagreement that is much less likely to be part of anything larger (e.g., a disagreement between male acquaintances at a bus stop about who should get on the bus first). A dispute is a disagreement between identified stakeholders who can rather easily define their issues. It is much easier to mediate a dispute than it is a conflict.

Mediations and disputes/conflicts go through stages or phases. Two figures can help explain this process. The first one (Fig. 1.3 The Life History of a Dispute or Conflict) can be used to deal with all disputes and conflicts.

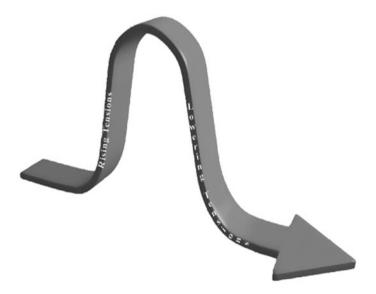


Fig. 1.3 The life history of a dispute or conflict

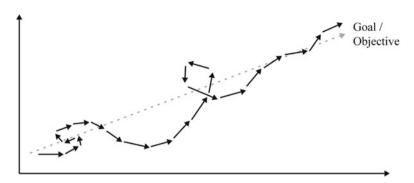


Fig. 1.4 Progress toward a goal or objective

The model provided here (about increasing tensions – decreasing tensions)<sup>12</sup> is only one model of a dispute or conflict. For instance, if the situation only continues to get worse, there will be no downswing at the end; if the escalation period takes a very long time, but things are settled quickly, the line on the left hand side will be much longer than the one on the right. Using this general model, a mediator/facilitator/interventionist can make decisions about the intervention strategies that might be used at different phases of a dispute or conflict. For example, intervention might come at early point to try to avoid the need for mediation at a later date.

The second model (Fig. 1.4) shows trajectory for a mediation. Again, this is only one possible scenario. Two general points can be made about the phases in this model. First, it is possible not only to progress through the phases but also to cycle back through them as necessary. Figure 1.4 shows that progress toward a goal should not be depicted by a straight line. One might expect that if the mediation generally stays on track, more of the cycling back will be at the beginning or middle of the process. If there are unusual problems (e.g., change of leadership, change of direction of the organization, plateau in terms of effort), the trajectory and cycling back might be seen differently. The second point is that the length of time required for each stage will depend on a number of factors, including the number and intensity of issues that need to be discussed.

Mediators differ in their approach to mediation (e.g., control or influence). The ends of the line in Fig. 1.5 indicate that a mediator's approach might be directive (advising parities about what to do) or facilitative (a party-centered approach). The mediator's approach could be between facilitative and directive and it also could change during the course of a mediation. The decision about whether a mediation will be more or less facilitative or directive will be made because of one

<sup>&</sup>lt;sup>12</sup>This model is based on one developed by the United States Institute for Peace (n.d., p. 11). The USIP model is a fully-developed one for analyzing conflicts.



Fig. 1.5 Approach to mediation

or a number of factors (e.g., party preference, mediator preference, preference of the sponsoring organization, training received by mediator, the particular setting in which mediation takes place).

A mediator, like other change agents, looks at the context in which changes will take place. The mediator and parties need to identify and review the internal and external forces that may foster or resist change at the onset of or during the change process. This is a particularly creative part of the mediator's work and is basic in the selection of intervention tools and techniques for effective, sustainable change.

# The Mediation Continuum: The Roles of Mediators and Mediating Organizations

In 1978, Laue and Cormick identified five roles that intervenors may play in community disputes. These were: activist, advocate, mediator, researcher and enforcer. They noted that these roles could be differentiated in three ways: "the intervenor's organizational and fiscal base; the intervenor's relationship to the parties – the degree of identification with one party and range of empathy for, and access to, the other parties; and the skills the intervenor brings to bear on a conflict situation." In discussing the role of mediator, they gave a rather typical definition for a mediator 13 not unlike the one in this chapter.

As the field of mediation has grown and developed, so have the roles assumed by mediators (including mediating organizations). Mediators work at all the intervention levels and, in part because they have different disciplinary backgrounds and the organizations they work for have expanded needs, they are not only doing mediations but are involved in other kinds of intervention work. It is not unusual to find a mediator involved, for instance, in coaching those involved in negotiations or using the Appreciative Inquiry approach (Stratton-Berkessel 2010) to help a community group or formal organization develop a conscious and cooperative awareness of its strengths and possibilities. Mediators also are involved in prevention efforts that

<sup>&</sup>lt;sup>13</sup>They also noted, however, that "a fiscal and organizational base acceptable to the disputing parties (and ideally, in most situations, independent of them) is crucial."

strengthen an organizational process for a system in order to possibly enhance a "culture of peace" and avoid mediations. For example, mediators have been trained to help school systems by facilitating group meeting processes as models for parents, teachers and school administrators who will decide on plans for students with special education needs. Mediators from certain disciplines have research backgrounds and they conduct research, for instance, about various aspects of the conflict intervention process or they write about mediation systems. Some mediators have the skills to put dispute and conflict intervention programs in place. And still others have served as negotiators, <sup>14</sup> analysts, peacemakers and peacebuilders.

There is a range of skills and experience at different intervention levels as well as many mediation approaches, theories and models available from which to choose. It is important that mediators with different backgrounds and experiences have the opportunity to train, process experiences and work together. It also is important that those putting mediation programs in place are informed about the variety of work undertaken by mediators and the reasons that mediators need to be able to choose among the different models, theories and approaches in order to effectively address problematic situations.

## **Conflict, Mediation and Peace**

On September 13, 2011, Nassir Abdulaziz Al-Nasser, the president of the 66th session of the United Nations (UN) General Assembly, gave his opening remarks to the UN Secretary-General and the General Assembly. He said there would be four main areas of focus that would frame the work of the General Assembly during this session and that the first focal area would be "the peaceful settlement of disputes."

History has shown that peaceful settlements, including those brokered through mediation efforts, provide the most cost-effective and long-lasting solution for disputes. And in today's world, the need to find peaceful resolution to disputes has become more relevant and urgent than ever. For this reason, I have suggested the theme "The role of mediation in the settlement of disputes" for the General Debate this year. Of course, this theme has a broad and multi-faceted nature. I expect Member States to touch upon different aspects of this matter through their own experience and perspective. In the last few years, we have witnessed a momentum within the United Nations and in many regions regarding the efforts of mediation and other tools of peaceful means. It is my intention to actively pursue this issue in the 66th session with a view not to only sustaining the work that has come before, but also to increasing this momentum. It is my view that the General Assembly should, through its revitalization, become more engaged and empowered on issues of mediation, so that it can fulfill its role as the world's preeminent peacemaker at this major juncture in international relations.

<sup>&</sup>lt;sup>14</sup>According to Zartman (2009, p. 322), "Negotiation, the process of combining conflicting positions into a joint agreement is synonymous with conflict resolution, and is the most common (although not the only) way of preventing, managing, resolving and transforming conflicts."

And on June 25, 2012a, Ban Ki-moon, the UN Secretary-General, issued a report on the role of mediation in preventing and resolving conflicts. The report was provided in response to the UN General Assembly's first resolution on mediation (65/283, adopted by consensus in 2011). In the report, the Secretary-General highlighted eight trends in the area of conflict and mediation:

- One, research shows that after nearly two decades of decline, the numbers of conflicts have begun to increase once again... Even though the majority of these conflicts are intra-State, a quarter of them are internationalized, that is external parties and troops are involved in supporting one or more of the parties.
- Two, there remains a considerable number of intractable low-intensity conflicts that could escalate into violence... While a few of those disputes have been referred to the International Court of Justice, and some continue to be managed through good offices and mediation, others risk becoming major flashpoints with regional and international ramifications...
- Three, many of today's conflicts involve a complex web of objectives and actors, local and regional dimensions that pose difficult challenges for mediators. These conflicts often transcend the borders of one country, spreading instability and humanitarian challenges and augmenting the number of potential conflict parties... Contemporary conflicts require mediators to balance a political mandate with urgent humanitarian considerations, establish a coherent but inclusive mediation process, and build incentives for engagement in the process while upholding international legal frameworks and norms... The range of complex issues to be addressed means mediation requires greater and more varied expertise...
- Four, the field of mediation has become more diverse and crowded. Regional, subregional and other international organizations as well as non-government organizations and private individuals are increasingly involved in mediation activities. At their best, mediating actors have coalesced behind a lead mediator...
   At worst, competition and disagreement over strategy and funding have permitted parties to forum shop, therefore hampering peace efforts...
- Five, there is growing recognition that mediation is not the exclusive purview of external mediation actors. Local mediators who come from the conflict country can usefully lead local mediation efforts or complement regional or international initiatives....
- Six, civil society actors, such as the youth and women groups [sic], are rightfully demanding a greater voice in political transitions and mediation processes...
   The need to make mediation processes more inclusive of the broader society has focused new attention on the process management aspects of mediation...
- Seven, over the past decade, greater efforts to implement legal and normative frameworks have required mediators to adjust their approaches... The United Nations cannot condone amnesties for war crimes, genocide, crimes against humanity and gross violations of human rights... Responsibility to Protect has in itself become a point of reference in country discussions by the Security Council. Mediation has been considered as one important tool to live up to this

responsibility... With the adoption of Security Council Resolution 1325 (2000), the promotion of women's representation in peacemaking became an expectation for conflicting parties and mediators...

Eight, supporting mediation efforts has become an important task of our special political missions, peacekeeping missions and other United Nations presences in the field. Mediation is not the exclusive occupation of envoys and does not end with the signing of a peace agreement. My special representatives in field missions mediate on a daily basis to support compliance with and implementation of signed agreements, and routinely work with the parties to manage new sources of conflict... Mediation capacity and support is essential in the fragile political environments even in the absence of an ongoing formal peace process.

This June report had an annex that provided guidance for mediators to help develop an effective mediation process and outcome. In September, the annex was released as a separate document, the *United Nations Guidance for Effective Mediation*. <sup>15</sup> The eight "key fundamentals" (p. 3) were identified as:

good preparation; consent of the parties; impartiality on the part of the mediator (runs a fair process); inclusivity (all viewpoints heard); national ownership (parties as well as the broader society are committed to the mediation process); respect for international law and normative frameworks, coherence, coordination and complementarity (when there are a number of actors) among mediation efforts, and the development of quality peace agreements.

While this list particularly speaks to the experiences of those mediating large, multi-party and, perhaps, violent disputes and conflicts, <sup>16</sup> each of the fundamentals can stand as is or be adapted by those mediating other kinds of disputes.

This section has focused on three recent UN statements about conflict and mediation. It would be easy to think, if one just read these excerpts, that peace can be obtained by addressing only the large, violent conflicts. As Maria Montessori, Mahatma Gandhi, Eleanor Roosevelt, Bahá'í Faith representatives and many others have reminded us, for there to be lasting peace, we also will have to educate our children in a new way, change our behavior to make brotherly/sisterly love a way of living and personally embrace peace and justice.

<sup>&</sup>lt;sup>15</sup>The Policy and Mediation Division of the United Nations Department of Political Affairs published its *Guidance for Mediators addressing Conflict-related Sexual Violence in Ceasefire and Peace Agreements* in 2012. The Department notes that the guidance benefited from material generated for a United Nations Inter-Agency High-Level Colloquium held in 2009. In March 2013, the UN Secretary-General provided a guidance note on racial discrimination and protection of minorities and cited the UN Guidance for Effective Mediation in discussing "conflict prevention, peace-making, conflict-resolution and preventive diplomacy initiatives."

<sup>&</sup>lt;sup>16</sup>The foreword by UN Secretary-General Ban Ki-moon indicates that the document supports "professional and credible mediation efforts around the world." It also says it "encompasses the wealth of experience of mediators working at the international, national and local levels." The document appears to deal more with experiences at the national and international level rather than with the range of activities that take place at the local level.

The UN documents provide useful guidance for mediation efforts. The documents, do, however, leave us with some important questions to be discussed. For instance, if a number of mediation efforts are in place in a conflict or post-conflict area, under what circumstances should these efforts be coordinated? Which type of organization or organizations should take the lead in coordinating mediation efforts and how is this to be decided? How do we obtain the necessary resources to support effective mediation as well as implementation and compliance? Do these documents give enough emphasis to mediating disputes and conflicts that are small, non-violent or do not involve regional or national factions? Is there clear guidance regarding impunity and amnesty for all kinds of mediations? Is there enough guidance about identifying and dealing with harmful cultural practices? Does the use of diplomatic language (what one should consider rather than what one must do) result in inclusion? It is hoped that this volume will, in many ways, invite this discussion.

#### Contents of the Volume

The chapters that follow this introduction are divided into two parts. The first section contains several short essays about some of the basics of mediation. The second section is a discussion of selected areas of application.<sup>17</sup>

Basics. There are a number of basics in the field of mediation, but only three topics were selected to be covered in some depth: cultural considerations; creativity; and models, theories and approaches. Culture is an important, often perplexing, topic for mediators. As Cathleen Kuhl (personal communication, September 12, 2011), a court mediator, noted "the issue of cultural competency has flummoxed me for years.. and I will risk you concluding that I'm a cultural coward." The chapter defines culture, mentions harmful traditional practices and looks at cultural competency/cultural diplomacy in relation to mediation. Creativity is the subject of the second essay. In some mediation arenas, creativity is something of an endangered species because the employers of mediators give the mediators very little room to be creative. This chapter discusses the conditions that foster creativity and the extent to which creativity should be part of mediation. Mediation models, theories and approaches are covered in the final essay. Some mediators and some organizations that employ mediators do not have much information about the range of models, approaches and theories. The more mediators understand the models, approaches and theories, the more they will be able to explain and assess what they do. This also will help disputants, mediators and those who run mediation programs make informed choices about mediation possibilities.

 $<sup>^{17}</sup>$ The articles in both sections are meant to be stand-alone pieces and so there may be some overlap in the handling of topics.

Selected areas of application. Ten chapters are included in this section. From the United States, there are chapters on the history and future of community mediation; the use of mediation by police; and developments in special education mediation. From Nigeria, a physician discusses a project that intervened on behalf of widows. Representatives from South Africa's African Centre for the Constructive Resolution of Disputes (ACCORD) write about their capacity-building work in Burundi. From Israel, there is a discussion about the effects of having a high number of people trained as mediators and introduced to peer mediation in schools. There also is a chapter on the creative facilitation of meetings and one about innovative community conferencing programs.

The section concludes with two chapters dealing with international issues. The first is about UN Security Council Resolution 1325 (Women and Peace and Security) and gender justice. It includes information about the extent to which women are involved in peacebuilding efforts including mediation. The last chapter is about the role of non-governmental organizations (NGOs) in peacebuilding efforts. It provides a framework for looking at the contributions and limitations of the mediating organizations that are involved in peace initiatives.

Governments, non-governmental organizations, community-based organizations, businesses, unions and individuals must all work together to effectively deal with issues of security, full employment, inclusion, as well as access to education, health care, housing and food. Mediators work with people who face challenges in all these areas. Mediation that is based on human rights rules, regulations and commitments is one of the flexible tools that can be used at all levels of intervention to move us toward a just peace.

### References

Albin, C. (2009). Peace vs. justice – and beyond. In J. Bercovitch, V. Kremenyuk, & I. Zartman (Eds.), *The SAGE handbook of conflict resolution (580–594)*. London: Sage.

Al-Nasser, N. A. (2011). Opening remarks of the President of the 66th session of the United Nations General Assembly, New York. 13 Sept 2011. http://www.un.org/en/ga/president/66/ statements/index.shtml

Beasley, M. H. (2000). Eleanor Roosevelt's press conferences: Case study in class, gender, and race. *The Social Science Journal*, 37(4), 517–528.

Brown, J. (2011). Introduction. In J. Brown & A. Parel (Eds.), *The Cambridge companion to Gandhi* (pp. 1–8). Cambridge: Cambridge University Press.

Fritz, J. M. (2008). Clinical sociological contributions to the field of mediation. In J. Fritz (Ed.), *International clinical sociology* (pp. 85–96). New York: Springer.

Gandhi, M. (2010). Gandhi and Montessori: A speech in London. Montessori life. 2: 42–43. First published in Young India, November 19, 1931.

Gandhi and Montessori: A Speech in London. (2010) Montessori life 22(2), 42-43.

Gerardi, D. (2001). Developing creativity and intuition for resolving conflicts: The magic of improvisation. Retrieved from http://www.mediate.com/articles/geradi.cfm. Accessed 15 Apr 2013.

- Ki-moon, B. (2012a). Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution, Report of the United Nations Secretary-General. 25 June 2012. (A/66/811,25).
- Ki-moon, B. (2012b). Foreword. *United Nations guidance for effective mediation*. New York: United Nations. Retrieved from www.peacemaker.un.org. Accessed 15 Apr 2013.
- Laue, J., & Cormick, G. (1978). The ethics of intervention in community disputes. In G. Bermant,H. Kelman, & D. Warwick (Eds.), *The ethics of social intervention* (pp. 205–232). Washington: Hemisphere Publishing Corporation.
- Prabhu, J. (2001). Gandhi, visionary for a globalized world. ReVision, 24(1), 2-8.
- Roos, S. (2012). The Montessori method: The development of a healthy pattern of desire in early childhood. *Contagion: Journal of Violence, Mimesis and Culture, 19*, 87–122.
- Roosevelt, E. (1938). This troubled world. New York: Kinsey & Company Inc.
- Stratton-Berkessel, R. (2010). Appreciative inquiry for collaborative solutions: 21 strength-based workshops. San Francisco: Pfeiffer, A Wiley Imprint.
- Terchek, R. J. (2011). Conflict and nonviolence. In J. Brown & A. Parel (Eds.), *The Cambridge companion to Gandhi* (pp. 117–134). Cambridge: Cambridge University Press.
- Thayer-Bacon, B. (2011). Maria Montessori: Education for peace. Factis Pax, 5(3), 307–319.
- United Nations. (2012). Guidance for mediators addressing conflict-related sexual violence in ceasefire and peace agreements. New York: Department of Political Affairs, Policy and Mediation Division. January. www.un.org/peacemaker
- United Nations General Assembly. (2011). Opening Remarks of the President of the 66th Session of the United Nations General Assembly. Retrieved from http://www.un.org/en/ga/president/66/statements/openingremarks-13092011.shtml. Accessed 15 Apr 2013.
- United Nations Secretary-General. (2012a). Report of the Secretary-General on strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution. 25 June 2012. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/346/41/PDF/N1234641.pdf? OpenElement. Accessed 15 Apr 2013.
- United Nations Secretary-General. (2012b). Guidance for effective mediation. Retrieved from www.peacemaker.un.org. Accessed 15 Apr 2013.
- United Nations Secretary-General. (2013). Guidance note of the Secretary-General on racial discrimination and protection of minorities. March. Retrieved from http://www.ohchr.org/ Documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf. Accessed 15 Apr 2013.
- United States Institute for Peace (n.d.) *Module 3. Conflict Management*. U.S. Online Training Course for OSCE, including REACT. http://react.usip.org
- Universal House of Justice, The, Bahá'í Faith. (1985). The promise of world peace" Retrieved from http://info.bahai.org/article-1-7-2-1.html
- Zartman, I. W. (2009). Conflict resolution and negotiation. In J. Bercovitch, V. Kremenyuk, & I. W. Zartman (Eds.), The sage handbook of conflict resolution (pp. 322–339). London: Sage.