

**3rd Asia Pacific Mediation Forum Conference, University of the South Pacific,
Suva, Fiji. June 26-30, 2006**

**Innocents Abroad? An examination of the relevance and effects of Western
mediation education and training on dispute resolution practices in the Asia
Pacific.**

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Introduction

This paper addresses the need to be mindful of the tendency for dominant Western discourses on the management of conflict to marginalise or subordinate the knowledges and practices of other cultural groups. The business of conflict management transcends national borders. Common understandings and approaches to conflict management, which evolve in cooperation between countries in the region at conferences such as this, and an increased understanding of the cultural dimensions of conflicts, will enhance economic, social and political exchanges within countries and across national boundaries. The constructive management of conflicts anywhere in the region will benefit the region as a whole.

We are living in a time of escalating conflict and crisis. Globally there is now more emphasis on 'freedom', 'choice' and 'individualism' emanating from a Western rights based construct, and this has ramifications for communities with cultural values that clash with these phenomena. As more and more cultural, religious and ethnic groups define, or redefine their identities and assert their rights, we are made increasingly aware of the many ways in which our international and national policies are embedded within cross-cultural relations that involve stereotyping, conflicting values, misunderstandings, and oppression. There are no universal answers. Yet, there are universal qualities for those third parties – facilitators, mediators, conciliators or arbitrators - who are invited to assist in analysing, understanding, and intervening in conflicts with a view to managing and resolving them.

There are many different ways to mediate. In the West many different models of mediation have been developed by theorists over the past twenty to thirty years including therapeutic, problem-solving, interest-based, rights-based, transformative

and narrative approaches (Boulle, 1996; Bush & Folger, 1994; Haynes & Charlesworth, 1996; Irving & Benjamin, 2002; LeBaron & Potts, 1993; McCorkie & Reese, 2005; Moore, 2003; Winslade & Monk, 2000) to mention a few. Mediation, as defined in the West, involves an impartial third party or parties in assisting two or more disputants to voluntarily resolve their own conflicts and disputes. It is a facilitative process and is more private and informal than determinative processes such as litigation and arbitration. The mediator manages the process to ensure that (1) the parties are safe and treat each other with respect and (2) that they use a process which is likely to produce an integrated outcome which is viewed by the parties as being fair for everyone concerned. Unlike arbitration or litigation, the parties are empowered by the mediator to make their own decisions. However, for outcomes to be fair, the people involved need to be competent to negotiate for themselves (if necessary with the assistance of a support person or advocate) and willing to actively participate in the mediation. More importantly, for outcomes to be fair, the process relies on the ability of the mediator to ensure that each party has an equal opportunity to participate in safety and without fear, so issues of power and control are important to consider when choosing it as an option.

Mediation is not a Western construct. Though formal forms of mediation are now widely accepted in the West, informal forms of mediation have permeated all cultures to varying degrees for centuries (Moore, 2003), possibly since there were more than two people on earth. The groundswell of interest in formal practices of mediation in the Asia Pacific countries bodes well for its advancement as a meaningful and powerful instrument for managing conflict in a variety of settings in the region including in courts, industry and commerce, workplaces, between and within extended families, organisations and communities. Mediation offers an opportunity for people in conflict to understand and explore their differences in a constructive environment and to 'agree to disagree', or create their own unique solutions to take into account the well-being of all involved. It is particularly useful when ongoing relationships are important, such as when couples separate and continue to parent their children, or where ongoing business or community relationships are at stake. While it is not always possible or desirable to mediate in situations where there is extreme violence or imbalances of power, we need to seek

better solutions than those that lead to protracted legal disputes, violence or full scale war.

The nature of conflict

Relationships between and within groups and individuals form the basic building blocks of a well functioning society and conflicts and disputes are a normal part of relationships and decision-making processes. Conflict can be positive and healthy and is necessary for good decisions to be made and for positive change, learning and intimacy to occur. Conflict itself is not the problem; it's the destructive or inappropriate way that conflict is handled that brings people to see a mediator. Instead of discussing their differences in a respectful manner, people often attack each other personally or fight to win, coerce, withdraw or give in. This can mean that relationships suffer and/or the people involved do not get what they want (Johnson, 1997; Johnson & Johnson, 1991).

While all societies have mechanisms for managing and dealing with conflicts, and for bringing to account those whose disputes impact on social cohesion and the structure of the group or society as a whole, the increasingly interdependent nature of relationships between groups and nations, especially in the highly culturally complex environment that exists in the Asia Pacific region, requires a high level of sophistication in the identification of possible conflicts, and in the development and dissemination of skills to prevent, manage, resolve or transform those conflicts.

Mediation in the Asia Pacific

In the Asia Pacific region there is a longstanding history of informal conflict resolution practices involving intermediaries or third parties. Some traditional practices are similar to what Westerners define as mediation, others are more like arbitration, where a third party (e.g. a Chief or Elder) makes the decision after listening to many different points of view.

Traditional mediation practices are often grounded in religious principles. In a speech at the Institute of Ismaili Studies, Mohamed Keshjavee (2002), the leading mediation trainer for the Ismaili National Conciliation and Arbitration Boards worldwide, has argued that Islam “premiates reconciliation and settlement of disputes outside an adversarial, formalised context” (p, 8). He noted that the Holy Qur’an specifically mentions conciliation and “refers in several places to the principle of

resolving disputes amicably, calling on protagonists to forgive: for to forgive is ennobling” (Keshjavee, 2002, p.5). He also provided examples of actions of the Holy Prophet himself that bear testimony to the concept of compromise.

The Chinese view of dispute resolution is grounded in Confucian ethical principles which have been influential for thousands of years. Urs notes that the underlying principle of Chinese cosmology is harmony, with nature and among persons (tian ren he yi). Confucius identified several cardinal relationships to be honoured for a stable social order, namely father and son, ruler and subject, husband and wife, elder and younger brother, and friend and friend. Li, or propriety, arises from the observance of these right relationships. Confucius held a low view of *fa*, or law (Urs, Accessed 18/10/05). To the Chinese, mediation is a natural extension of Confucian ethics and therefore in China mediation is not considered to be ‘alternative’, but mainstream.

One of the most striking aspects of mediation in the People’s Republic of China is that it occupies the central place in courts, workplaces, schools and communities (Cohen, 1966; Moore, 2003). In 1995, when I visited China as part of a Delegation, my hosts, the Chinese Ministry for Justice, talked of China having roughly 10 million mediators (one for every 10 families) and 800 lawyers (Bagshaw, 1995). The mediators I met in China, however, described and demonstrated their practices as being far more coercive than those of most Western mediators, in part because their concept of ‘neutrality is based on collectivist rather than individualistic notions. Many were older people who were available to the community day and night. They often talked about how many lives they had saved by preventing conflicts from escalating.

Moore (2003, p. 35) notes that Singapore has attempted to build a blended mediation approach to community mediation:

by incorporating Western models of mediation with traditional Indigenous philosophies and procedures that engender a “kampong spirit” (a sense of community and being together), informal use of intermediaries (the *kong chin* among Chinese, *kampong kutu* or *penghulu* among Malays), village meetings such as the *panchayat* (Indian, gift giving and tea).

In Singapore, commercial and family mediation is relatively recent but well developed. It was introduced into the Subordinate Courts in 1994 in its Court Dispute Resolution Program and in 1995 the Court Mediation Centre and Family Court were established to promote the use of mediation in courts. This was followed by the introduction of several other mediation programs in the areas of family, small claims, juvenile and criminal disputes (Yuan & Leng, 1997). Malaysia is following suit and mediation has been embraced by the Industrial Court, the Kuala Lumpur Regional Centre for Arbitration and other organisations following mediation workshops that I have conducted there over the past two or three years. Other overseas and local trainers have also contributed to a groundswell of interest in mediation in Malaysia and the Malaysian Bar Association hosted the first Mediation Week in Kuala Lumpur last year.

Various authors have described the long history of mediation in Japan where it is embedded in the community, business culture and the court-based system for family and civil cases (Callister & Wall, 1997; Graham & Sano, 1984; Krapp, 1996; Moore, 2003).

In Thailand mediation is primarily used at the village level, as in Indonesia where it is also used for labour and environmental disputes (Moore, 2003). However more formal forms of mediation are also being developed in these two countries.

Established in 1978, the Philippines the Barangay Justice System offers a nation-wide elaborate system of mediation and arbitration panels to hear community disputes. The Supreme Court of the Philippines also uses mediators for court-related matters and many other mediation associations have recently been established, such as the Mediators Network for Sustainable Peace (MedNet), Inc (Batistiana et al, 2005) (Batistiana, Aquino-Elogada, & Quico, 2005). MedNet was formed in 1999 to fulfil the following mission:

- Promote the use of empowering dispute resolution/management processes (negotiation, mediation and conciliation), whenever appropriate.
- Develop capability-building programs for mediators.
- Provide mediation or facilitation services.
- Facilitate the consolidation and documentation of mediation experiences.

In India mediation has been strongly influenced by Gandhian principles and is provided by legal aid panels and courts in a number of States (Chodosh, 1999; Chodosh, Bhatt, & Firdosh, 2004; Moore, 2003; The Bombay High Court, 2005). Keshavjee (2002) notes that, as early as 1893, Gandhi, who was then a barrister, was sent to South Africa to settle a major commercial dispute. In settling the dispute out of court he believes that Gandhi and the disputants drew on the *Lok Adalat* system in India and “also on the teachings of their faith, the Holy Qu’ran, with extols the virtues of forgiveness and negotiated settlement” (p, 4).

Culture impacts on the conduct of mediation with indigenous people in Australia and New Zealand. In Australia the use of mediation for the resolution of native title disputes has provided an impetus for the examination of cross-cultural negotiation processes (Miles, Cliff, & Burr, 1998; Young, 1998). With an increased understanding of cultural differences in the way indigenous and non-indigenous communities perceive and resolve conflict has come a recognition that we need to change our legal institutions to accommodate them. For example, a Queensland Alternative Dispute Resolution body (ADRQ) (Young, 1998) and the Aboriginal and Torres Strait Islander Studies’ (AIATSIS) Native Title Unit (Bauman & Williams, 2004) have recognised that it is crucial to tailor mediation processes to suit individual communities’ needs and to acknowledge the issues of imbalances of power and equality in relationships when doing so. There is evidence to suggest that we need to look much more closely at comparable overseas experiences, such as can be found in New Zealand (e.g. The Waitangi Tribunal), in North America and possibly in parts of the Asia Pacific, in order to properly address cultural differences and power imbalances in mediation processes involving indigenous communities (Pringle, 1996; Young, 1998).

I do not have time to discuss the range of dispute resolution practices in the region, however, in his recent book and former articles, Barnes has outlined the major themes in dispute resolution in various countries in the Asia Pacific region, including in Hawaii (Barnes, 1994, 2006). In 2005, Hassall conducted a review of customary and current dispute resolution practices and projects in Pacific Island countries which will also be of interest to participants in this conference (Hassall, 2005) and other books have explored peace building activities in the region (Heijmans, Simmons, & van de Veen, 2004).

Dominant ways of knowing

Epistemology is the philosophical study of the nature, foundation, sources and limits of knowledge (Maiese, 2005). Epistemology is also concerned with who can be a knower, what constitutes truth and how truth is verified. The French philosopher, Michele Foucault, examined who controls knowledge and what knowledge counts in various institutions and argued that all knowledge is socially constructed and is situated in time and in a particular cultural context (Foucault, 1970, 1972, 1977a, 1980, 1982, 1988; McHoul & Grace, 1993). He highlighted the close links between knowledge and power and argued that language (as discourse) constructs our cultural understandings of the world and our place in it (Bagshaw, 2000, 2003).

Language shapes our identities and gives meaning to our worlds – without language there can be no thought. Language also has political implications and constructs our particular views of conflict and how it should be resolved. In this sense I am talking about the power of language as discourse – that is, dominant ways of talking about something (for example, femininity or masculinity) in a particular cultural group or context at a particular historical period in time (Bagshaw, 2004, 2005a).

Dominant discourses determine our realities and ‘truths’ and what counts as knowledge or truth in a particular culture and what doesn’t. Some voices or views of the world are privileged (e.g. Anglo-Celtic males in Australia) and some voices and knowledges are marginalised (e.g. those of indigenous people in Australia). Foucault highlighted how at any given time in history and in any given context, certain knowledges or truths are privileged and others are ignored, subordinated or marginalised and those who control the dominant discourses (who are usually called “experts”) determine what is seen as ‘normal’ and what is seen as ‘abnormal’. For example, the colonial legacy in many countries in the Asia Pacific region has tended to ignore, marginalize or subordinate indigenous knowledges and has privileged Western ways of knowing. This has led to a process which is sometimes called “othering” (Pickering, 2001). For example, Linnekin has pointed out that in Hawaii, New Zealand and Australia indigenous people have been “transformed into subordinated minorities of the Fourth World. In each of these cases the colonial

society's categorization and treatment has been founded on Western biological criteria and openly racist assumptions" (Linnekin, 1990, p.149). Indigenous groups have struggled to assert their own cultural identities where there have been dominant colonial societies in the region.

Culture and conflict

If we accept the premise that all knowledge is historically, socially and culturally situated (Foucault, 1980; Haraway, 1988) then we need to acknowledge that knowledge about conflict and its causes is shaped by our dominant Western understandings and world views which determine how we act, react and intervene. Therefore, high priority needs to be given to retrieving and reclaiming local epistemologies, customary or "folk" knowledge, with regard to conflict and its resolution, that is, "knowledge that ordinary people have about causes and ways to deal with conflict in their particular cultural setting ... not just empirical observation, theoretical research, and systematic testing of methodologies, but also personal experience, intuition, and imagination" (Maiese, 2005, p. 1). Knowledge of customary dispute resolution practices can contribute to the development of more culturally relevant formal conflict resolution models and practices. In particular, we need to value the way that Pacific Island and Asian peoples conceive conflict and co-construct models of mediation which privilege local ways of thinking and doing in relation to conflict and disputes and also draw from useful aspects of Western models.

What is culture?

A definition of culture which I find useful is;

.... a set of rules, written and unwritten, which instruct individuals on how to operate effectively with one another and with their environment. It not only defines ways to act, but also ways to react, and thus is a valuable tool It's the way we do things around here (Filner, 2004).

There are universal values and structures present in every culture. In a culture we all learn universal ways of bonding which becomes the basis of conflict across cultures. These include: *values*, *beliefs* and *attitudes* that establish our sense of self in relation to the group; *language* and *ways of communicating*, which reflect the *history* of our people, teach us a *shared world view* and guide as in *unwritten rules* of verbal and non-verbal communication; *roles* and *responsibilities*, which prescribe how we

treat each other, function in the world and respond to authority and status; culturally imposed *biases* by which we rank one group, profession or occupation as better than another. Finally, every culture has *recognition's* and *rewards*, which reflect standards of what is worthy and acceptable, what is disapproved and unacceptable.

Culture, communication and conflict

There are a number of cultural factors which may impact on communication and contribute to cross-cultural or intercultural conflicts including: language issues leading to miscommunication and misinterpretation, incorrect assumptions which give rise to expectations that others will conform to our world view and biases against the unfamiliar which leads to stereotyping, prejudice; and conflicting values – e.g. Anglo-Celtic values conflicting with those of indigenous communities. People living in high context cultures (which tend to be collectivist) rely more on indirect or nonverbal communication and read the context, and those in low context cultures (which tend to be more individualistic) rely more on direct, verbal communication (Okun, Fried, & Okun, 1999; Ting-Toomey, 1999). Table 1 offers a framework that I have developed for analysing the cultural factors contributing to both the management and resolution of disputes.

Table 1: A framework for analysing factors that shape the dominant dispute resolution practices used in different cultures.

| Factors contributing to the management or resolution of disputes | Questions which will surface dominant views and practices within a particular culture |
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| How important is the cultural context and policy framework within which the dispute is occurring to the people involved? | Is this a cross-cultural dispute? Are there policy or legislative frameworks which dictate or limit the possible outcomes? Does the dispute involve a matter of public policy? |
| How is the conflict conceived? | Is conflict seen as 'natural' or 'healthy'? Is harmony preferred? Are the conditions right for disputants to resolve their differences in a creative and cooperative manner or is there rigidity, incompetence, fear, threat or coercion? |
| What are the perceptions of the derivation of conflicts? | Is the cause of conflict seen as being internal to, or between, the individuals involved (interests-based, needs-based, power based, value-based, relationship-based) or is it caused by external factors such as legislation, policies, dominant discourses and practices in the culture, or both? |
| How is the dispute resolution process initiated and who by? | Are the parties mandated to attend by someone in authority, referred by someone else, or do they voluntarily choose to participate in the process? |
| Where are the meetings held? | In a neutral or partial space? In a hierarchical or egalitarian, formal or informal setting or context? |
| How are the intermediaries or third parties selected? | Are they selected by one party, all parties, imposed by someone in authority (e.g. a judge) or chosen by the community? |
| What are the characteristics, roles and | Does the third party control the process and/or the outcome? |

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| responsibilities of third parties? | Does a mature, respected well-known elder listen to all points of view and then decide, or does an unknown, impartial stranger empower the parties to make their own decisions? Do the third parties see themselves as 'experts' in relation to the dispute, or the disputants as 'experts' or both? Do they have a hierarchical (top-down) or collaborative (equal or bottom-up) relationship with the disputants? |
| How does the third party prepare? | Do third parties consult with all involved prior to the intervention, assume that the truth is known, or start with a "not knowing", impartial stance? |
| What are the roles and responsibilities of the people in conflict? | Do disputants play an active role and negotiate for themselves, or do they negotiate through intermediaries, advocates or representatives? Do they make their own decisions or accept the decisions or recommendations of others? |
| How long does the process take? | Is the process time-bound or does it take as long as it takes? |
| How voluntary is the process? | Is attendance and/or participation in the process mandated or voluntary? |
| How prescriptive or flexible is the process? | Does the third party use a prescriptive, linear, staged approach or a more circular, elicitive, holistic approach? Does the third party require the parties to adhere to a particular process model or adapt the process or model to suit the parties and cultural context? |
| Who is included and/or excluded and at what stages? | Are only the disputants involved or are advocates, other experts, the whole extended family and/or community, and /or others affected by the dispute (such as children) included? |
| What is the nature of the third-party meetings with the conflicting parties? | Do third parties meet with parties together, separately or both? Is the emphasis on preserving/restoring relationships, or on finding solutions, or both? |
| What styles of communication are used? | Are the preferred communication styles direct or indirect? Open or closed? Hierarchical or egalitarian? Is the primary focus on verbal or non-verbal communication (high context/low context) or both? What is the meaning of silence, eye contact, gestures or other forms of non-verbal communication? Is communication between the parties primarily face-to-face or does the mediator see them separately and go-between (shuttle)? |
| Are the spiritual dimensions of the conflict acknowledged or addressed? | Does the process start and end with a prayer, or by acknowledging past ancestors? Are the issues in dispute linked to spiritual beliefs (e.g. as in some land disputes). |
| How are the feelings of the participants dealt with by the third party? | Are the feelings of the participants ignored, acknowledged or explored? How are strong feelings handled? What are the cultural norms with regard to the public expression of feelings? |
| Is the focus on the past, present or future? | Does the third party shift the focus of the conversations from the past to the future or is it culturally important to talk about the past? |
| How are the solutions generated and selected? | Do the parties, the mediator or others generate the options or suggest solutions? |
| Who makes the decisions? | Do parties make their own decisions? How are the community, extended family or others involved in the decisions? Does the third party recommend solutions or make the decision? |
| How is the process concluded? | Is the process concluded with a written or verbal agreement; a ceremony; an exchange of money or other symbolic objects as compensation? |

In colonised countries such as Australia and New Zealand it is important to recognise and understand the customary dispute resolution processes occurring in the indigenous cultures; the history of the experience of indigenous cultures in relation to the dominant culture; indigenous peoples' desire for self determination; the central importance of the collective - especially kinship and the extended family; and the importance of non-verbal aspects of communication – use of eyes, silence, gestures, areas of the body that cannot be shown or touched, greetings, titles and so forth. During the *Second International Mediation Conference* in 1996, held in Adelaide, South Australia, seven indigenous groups from different Pacific Island countries described their personal experiences of traditional approaches to conflict in their various communities (Bagshaw, 1996b). Whilst there were some differences within and between those groups in their descriptions of the way conflict was customarily handled in their communities, they clearly shared some traditions and values. The same themes have also been evident in stories told by Pacific Islanders during this conference and include:

- *a respect for elders in decision making*
- *the central importance of harmony in relationships and the restoration of relationships*
- *the relevance of metaphor and stories to explain events*
- *a regard for the land as a spiritual phenomenon*
- *the relativity of time*
- *the indirect, circular or holistic nature of communication*
- *a central need to protect or save face*
- *the importance of ceremonies and rituals*
- *the inclusion of the extended family and/or the community in decision-making*
- *a preference for the third party to be well known and respected by the participants*
- *a tendency for the third party to listen to others and then make the decision.*

In mainstream Western cultures individualised, direct, confrontational, solution-oriented approaches to conflict tends to be seen as 'healthy' and thus are promoted in some, not all, theoretical models of mediation; whereas Australian Indigenous communities and many cultural groups and individuals in the Asia Pacific are more likely to value indirect communication, harmony, holistic approaches and the restoration of relationships. The 'objectivity' and 'impartiality' of the mediator may

be prized in some cultural groups, or with some kinds of disputes; respected, well-known elders may be preferred in others (Bagshaw, 1996a; Pringle, 1996).

In multi-cultural countries we also need to ensure that we pay attention to the way different ethnic groups define and perceive conflict and ensure that our approaches to conflict management are relevant to the people involved, whilst recognising that it is also important not to categorise individuals and groups on the basis of culture. There can be a diversity of practices within an ethnic group or the aspect of age, gender, ability or class may be more important. Some kinds of disputes may require a different approach, for example in some Australian Aboriginal family disputes involving children following separation or divorce, Aboriginal service providers have suggested that Western mediators and Western mediation approaches may be preferred because of the complex nature of kinship ties.

What does all this mean for training and educating mediators in the Asia Pacific?

Over the past decade, North American, Australian and New Zealand University academics in the conflict resolution field, including myself, have increasingly been engaged in education, training and research in the Asia Pacific region. For example, I have run five-day mediation training programs in the Philippines, Malaysia and more recently in Fiji. In addition, since 1993 I have also taught international students in our postgraduate mediation and conflict management programs at the University of South Australia from many different countries in Europe, Africa and the Asia Pacific region including graduates from Malaysia, Japan, Thailand, the Philippines, Korea, New Zealand and Singapore.

Lederach in his book *Preparing for Peace: Conflict Transformation Across Cultures* stresses that mediation trainers should explore both the content and the approach to conflict resolution training and its relationship to culture (Lederach, 1995). He argues that North American cultural assumptions about conflict and how to resolve it are embedded in mediation models emanating from the United States (ibid, pp. 37-39). He also argues that mediation trainers engage in a “residue of imperialism when they attempt to transfer their mediation models to other cultures as the right way to resolve conflict” (ibid, p.3). He compares and contrasts prescriptive and elicitive

approaches to cross-cultural mediation training and concludes that a combination of the two approaches should be used in diverse cultural settings.

Prescriptive, content-oriented approaches to training, where the trainer is seen as the expert and transfers information about a particular model or approach, require the participants to master the prescribed mediation model and the trainer's technique. Culture is treated as an "additional level of sophistication and expertise added to the repertoire of the already trained" (Lederach, 2005, p. 51). By contrast, an elicitive approach to mediation training views the trainer as a catalyst and facilitator of a process of discovery and empowers participants by facilitating the creation of their own conflict-resolution models founded on their own cultural values and approaches. Lederach suggests that when training mediators in other cultures trainers should (1) analyse the participants use of language and metaphors to describe conflict situations, (2) use 'storyboards' of local conflicts as a method for developing conflict-resolution models, and (3) ask the participants to develop their own role plays based on situations arising in their local settings (Lederach, 2005, pp. 71-107).

Based on my experiences, and the reported experiences of others (Barnes, 2002; Brubaker & Verdonk, 1999; Honeyman & Chedlin, 2002) I have been conscious that exporting models of practice to other cultures abroad can be inappropriate, especially if the trainers "parachute"¹ in and out of a country to deliver a program without prior knowledge of the culture or a sensitivity to the different ways the culture has traditionally perceived and handled conflict. If it is to be culturally relevant, cross-cultural or trans-national research or training involves planning, preparation and partnering and can be extremely time consuming. Brubaker and Verdant (1999, p. 318) emphasise that there is no substitute for building relationships when working in a different culture and relationship-building takes time.

On my travels I have been particularly concerned to hear stories of Westerners who are exporting and prescribing theoretical mediation models or approaches in Asian countries which are blind to the cultural context of practice, even to the extent of using the same role-plays they use at home. On reviewing the literature, I also found that this concern is shared by other academics and scholars in the conflict

¹ When commenting on conflict resolution training in war torn countries, Verdonk and Brubaker (1999, p.304) defined parachuting as "the short-term visit of an organization or an individual trainer to a country to conduct a training program, with little or no in-country preparation or follow-up by the training organizers".

resolution field (Yarn, 2002; Barnes, 2002; Honeyman & Cheldelin, 2002). An increasing number of mediation and ADR educators and trainers from the United States, Canada, Britain, New Zealand and Australia are working outside their own countries as so-called ‘experts’ in mediation or conflict resolution. These include University academics, private consultants, judges and experts working for Government organisations (Honeyman & Cheldelin, 2002). This is partly due to globalisation, which has altered the boundaries of our conflicts and our practices, and the domination of Western ways of knowing. As Honeyman and Cheldelin point out, no matter how well meaning these “experts” are they “may inadvertently cause harm to persons and parties for whose culture, language, or circumstances ... has left them inadequately prepared” (ibid, p.364).

Western models of mediation need to be examined when applied to other contexts and cultures. For example in Singapore, which is a multicultural community, the government-funded Community Mediation Centres are making a real effort to integrate traditional and contemporary approaches to mediation for culturally appropriate and ethically sensitive practice. The different models they have developed “reflect the specific and unique cultural, social and political contexts” of each community (Tan, 2002, p. 291). Community mediation in Singapore is promoted by Tan (2002) as being consonant with Asian tradition and culture and much can be learned from their approach.

Two Hewlett Foundation funded conflict resolution centres in the United States² recently organised an informal working meeting of 17 conflict resolution experts, scholars and practitioners who were working abroad. They came up with a tentative list of principles for conflict resolution training abroad (see Appendix 1), the most important being “first, do no harm”, the practice of which is complicated (Honeyman & Cheldelin, 2002, p. 365). Most people want to be helpful when they travel to other countries but some work to contracts which demand specific outcomes that may be culturally inappropriate. Language can also be problematic, even if the people all speak English. The different cultural meanings attached to words and phrases and the use of jargon can easily lead to misunderstandings and confusion. There is also often inadequate time, or resources allocated, to prepare for the intervention and where

² The *Theory to Practice Project* and the *George Mason University’s Institute for Conflict Analysis and Resolution*.

partnerships are involved there are sometimes imperialistic overtones; the partnerships are often not equal. The informal working group stressed that the goal of partnering should be to encourage the host/client to become self-sufficient. They stressed that “[p]artners means equals ... “if you are going in as an expert you have to provide some expertise” ... “do your homework” ... “as much as possible, use local people to do the project; use local skills, value local skills” (ibid, p.369). Other suggestions for mediation trainers or researchers working abroad include having the relevant substantive knowledge for the project plus knowledge of the relevant languages, histories, the cultures and region, as well as conflict resolution and basic problem-solving skills, a general spirit and attitude of goodwill, a visible and practical respect for the locals and knowledge of what others who have come before them have done and how they were received (ibid, p. 366). They stressed the need to avoid doing “parachute” training³ and to take the time to build long-term relationships and friendships with people in the countries where one works, even if it means only working in one country.

Verdonk and Brubaker (1999, p. 303) have also highlighted the limitations of Western-oriented models and concepts and the need to be sensitive to complex realities and stressed that:

considerable time and care must be invested in assessing cultural differences, political realities, bureaucratic hurdles, and logistical challenges prior to plunging forward with a training workshop or other activity. In addition, thoughtful and thorough follow-up after training is as important as attentive preparation before the training.

Some suggestions for trainers when working abroad

The ultimate goals of mediation training conducted by Westerners in countries in the Asia Pacific should be to encourage and empower the host/client to become self-sufficient, to empower the participants to actively use the skills and develop projects on their own and develop and support highly skilled local trainers.

When preparing the content of the training trainers should elicit local ways of doing things from the locals themselves. Time needs to be taken to adapt the training

content to the political and cultural realities of the country which means that it is desirable for trainers to have a long-term presence in the country, both before and after the training,. However, this is not always possible, therefore when training abroad I have put together the following suggestions based on my own experiences and those of Verdont and Brubaker (1996, pp. 311-318):

- take a ‘not-knowing’ position with regard to the norms of the culture
- be flexible and open to new learning and ways of communicating
- take the time to build long-term relationships and friendships with people in the countries where one works
- at all times demonstrate a visible and practical respect for local norms and conflict resolution traditions
- plan ahead and gather all relevant information about the participants and the broader context – cultural customs, norms, roles, status hierarchies, appropriate greetings, manners (do’s and don’ts), non-verbal communication and so forth
- be aware of religious traditions which may impact on the training schedule, for example the requirement for Muslims to take time out for prayers
- involve locals in the logistics and preparation of the content for the training, including developing the content of role plays
- where possible, involve locals as co-trainers and consultants
- where possible conduct the training in the primary language of the participants
- use a highly participatory and elicitive model of training and build on the participants experience, personal strengths, knowledge and skills
- allow time during the workshop, and at the end of each day, for the participants to raise concerns and questions about the workshop content and activities
- at the end of the workshop provide opportunities for both oral feedback and an anonymous, written evaluation
- conduct follow up interviews or surveys with workshop participants about the use and cultural relevance of their new knowledge and skills and their future training needs
- organise follow-up training events on related topics or more advanced training
- include or promote outstanding participants as trainers in future workshops

- assist participants to establish a local network, or to link with existing networks (including on-line networks)
- suggest ways participants can continue to support each other, practice their new skills and gain access to supportive supervision and continuing education in their own context
- be accessible (e.g. via email or other means) for follow up questions, information and coaching.

Conclusions

There is no one way, or ‘correct’ way to mediate, nor is there a definition of mediation which will reflect the meanings given to the concept in each cultural group in the Asia Pacific region. Therefore, when training people from other cultures and in other countries within Asia and the Pacific Islands it is important to illuminate the values, attitudes and behaviours in relation to conflict that are culturally specific to the trainees, rather than to your own culture, be it Western or otherwise. It is also important to assist mediation trainees to acknowledge and respect their own and others’ cultural norms and values with regard to conflicts and disputes and to foster reflexive practices (Lang & Taylor, 2000; Steier, 1991). In another paper I have stressed that self-reflexivity is essential for all mediators, in particular for those who are working cross-culturally, and for mediator trainees, in order to develop and maintain awareness of the influence of dominant cultural discourses and paradigms on their world views (Bagshaw, 2005b).

Future research

Based on the concerns I have raised in this paper, I am currently forming a regional research team which will involve a collaborative *partnership* between Western mediation educators, trainers and researchers and local researchers and organisations interested in developing mediation in various countries in the Asia Pacific region:

1. to assist mediation educators and trainers from different cultural backgrounds to be culturally fluent: that is, to learn from others in the region how to acknowledge and respect different local and customary cultural norms and values with regard to conflict management and dispute resolution;

2. to examine the effects of Western approaches to mediation training in the Asia Pacific region; and
3. to suggest changes to concepts, structures, processes and models of mediation in order to ensure cultural relevance.

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Appendix 1

Extract from:

Brubaker, D., & Verdonk, T. (1999). Conflict Transformation Training in Another Culture: A Case Study from Angola. *Mediation Quarterly*, 16(3), 303-319.

A list of “Dos and Don’ts When Working Abroad”

- Do your homework – and that does not mean just an Internet search.
- Don’t parachute in: seek to work yourself out of a job.
- Be prepared for the dance.
- Be aware of various points of view.
- Trust your instincts.
- Conspicuously demonstrate respect; it helps build trust.
- Listen.
- Avoid becoming a source of goodies.
- Work with local organizations.
- Be flexible; some tools work in some places, and some don’t.
- As part of your preparation, learn what has gone before you.
- Define your objectives and get the client to define theirs.
- Use local people as much as possible.