

# One small piece of conflict resolution in complex post war situation

This essay sets out to describe and assess a conflict between a group of concentration camp survivors from the Balkans (Party A) and a multinational corporate who bought the site of the former concentration camp (Party B). Using the Hocker-Wilmot conflict assessment guide, I intend to describe and evaluate my role, summarise the issues the case raises and discuss how the use of theory has influenced my approach to the case.

Within this I also set out to examine the power relationship which prevented Party A from making progress towards resolution and what happened when that power imbalance was addressed as well as how this conflict fits into the larger back drop of denial by the aggressors (Party C).

When I first met Party A, I felt completely moved by the tragedies of what had happened. In particular contrast to my own hedonistic lifestyle during the 1990's, here I was faced with a person, and subsequently a group of people, who had been beaten, starved, tortured and forced to watch while others were killed while I was enjoying a five star lifestyle.

My original offer was to provide emotional support for a healing process through narration which would include giving this group an opportunity to tell their story in public at a conference I was in the process of organising. The benefits of relieving stress by narrative have been known for over 100 years. Narrative Therapy is "the idea that people's lives and relationships are shaped by the stories that people tell and engage in to give meaning to their experiences".

We construct certain habits and relationships that make up ways of life by staying true to these stories. A "Narrative Therapist" helps to resolve problems by enabling a client to deconstruct the meaning of the reality of

their lives and relationships, and to show the difference between the reality and the internalised stories of self. The narrative therapist encourages clients to re-author their own lives according to alternative and preferred stories of self-identity, and according to preferred ways of life."

Within a needs based approach I hoped that in relating their story they would find empathy, acknowledgement, understanding and relief against a backdrop of denial from Party C.

At this stage my role was simply as a concerned human being wishing to contribute something from my skill set and resources.

As the story unfolded over several meetings and from archived press coverage, there appeared to be a micro-conflict with a multi-national company who had bought the site of the former concentration camp. The conflict had escalated into a stand-off between the survivors, the company and the local Mayor who was included as a member of Party C.

The site of the former concentration camp was a disused mine. In 2004 Party B entered into a 51% share of the mine with Party C. At the time they claim they did not know that the extent of the horrors that had taken place on the site.

Party A wrote to Party B, which was widely reported in the press, notifying them of the need for access to the site for gathering forensic evidence since there was a possibility of mass graves on the site. They also requested that a particular out-building which had been the site of torture, be given over as a place of memorial.

The political situation made this request difficult to fulfill since Party C (who were 49% shareholders) did not accept the proposition. In fact, some members of Party C flatly denied that anything took place:

From <http://www.csmonitor.com/2005/0714/p01s04-woeu.html?s=hns>

*“Even with photographic evidence, many Serbs at the tribunal have denied involvement. One Dusko Jevic-Stadja, shown in uniform in a videotape standing next to Mladic in July, 1995, denies any harmful action. An exchange with prosecutor Peter McCloskey goes like this:*

*Question: On 12 July did you see men and women separated? Answer: No.*

*Question: Did you ever see any Muslim hit or kicked? Answer: No.*

*Question: Any reports that Muslims were being physically hurt reach you? Answer: No”.*

Party A believed that since Party B was in business with Party C they were prejudiced in their views and would not want to upset party C. The company was quoted in the press as saying,

*“We are in a very difficult situation. The area is largely populated by Serbs; these are the people we are currently dealing with, and we do not want to do anything to antagonise them”.*

This triggered Party B to arrange for a multi-faith organisation to intervene and attempt to mediate between Party A and Party C. Party B adopted the position that they were neutral and could only meet any request if was agreed by both sides and that they were only interested in helping to facilitate a social climate in which they could operate the mine and fulfill their obligations as the largest employer in the area.

The mediation was supposed to culminate in a conference in which both sides would come together and agree to a memorial. Party A believed

they would be given the building as a private place of memorial but were shocked and surprised when they discovered the building was proposed as a place of memorial and reconciliation.

To say that Party A, as survivors, were not ready for reconciliation would have been an understatement but their objections were heard as destructive. The person I had come into contact with was labeled a spoiler of the process and the mediation fell apart with all sides believing they had been cheated and misled.

Party A discovered that three suspected war criminals had been consulted on the project and a representative from Party C told me in a later meeting that he believed party A had bribed people from Party C to take their side and that the mediators were corrupt. Expectations had been raised by the mediators and when these were not fulfilled the parties blamed the mediators and the mediators blamed the parties.

Furthermore Party B put out a press release stating that they were pulling out of the peace process because the parties could not agree and that Party A should find a way to *“forgive, not forget, events of the past”*.

At this point communication between Party A’s survivors association and Party B ceased and had remained dormant for 18 months.

Immediately I saw the potential to intervene using my skills but not necessarily acting as a mediator. To quote Rosenberg, “There is a very technical term for helping people resolve conflicts, it’s called sticking your nose into other people’s business”.

It was obvious to me that reconciliation was not possible at this time because reconciliation as a conflict handling mechanism entails the following core elements:

- a) Honest acknowledgment of the harm/injury each party has inflicted on the other;
- b) Sincere regret and remorse for the injury done:
- c) Readiness to apologise for one's role in inflicting the injury;
- d) Readiness of the conflicting parties to 'let go' of the anger and bitterness caused by the conflict and the injury;
- e) Commitment by the offender not to repeat the injury;
- f) Sincere effort to redress past grievances that caused the conflict and compensate the damage caused to the extent possible;
- g) Entering into a new mutually enriching relationship.

Reconciliation then refers to a new relationship that emerges as a consequence of these processes. What most people refer to as 'healing' is the mending of deep emotional wounds (generated by the conflict).

The essence of reconciliation is the voluntary initiative of the conflict parties to acknowledge their responsibility and guilt and this had not been present in Party C.

However, I could clearly see the power imbalance for Party A in needing Party B's co-operation to have a place of memorial. This included, limited access to the site; believing that Party B would be prejudiced as owners of the mine in partnership with their aggressors, Party A as a minority of the population of the area and therefore in the minority of employees at the mine (only 5% Bosniak employees).

"In an experimental study of the effects of power imbalance and level of aspiration, Mannix and Neale (1993) found that in a negotiation with

integrative potential, (1) higher joint gains were achieved when power was equal than unequal (2) higher joint gains were achieved when aspirations were high rather than low; and (3) when power was unequal, higher joint gain solutions tend to be driven by the offers of the low-power party. That is, in unequal power situations the high power party was less likely to initiate a joint gain solution. As a result the onus of generating and selling a joint gain solution appeared to fall to the low-power party” (1).

In this case I sought to use my skills to become a voice for Party A. I believed I could successfully engage Party B and encourage them to re-open the dialogue. I had many questions about what I was doing, many triggered by the learning on the course. Most were in relation to whether what I was doing was mediating or something else.

“Melamed (1999) suggests ways mediators might deal with severe power imbalance ranging from no assistance, to equalizing power, to helping both parties, to passionately assisting both parties” (2)

He also suggests that mediators can apply ‘heat’ to the powerful party and describes a strategy called ‘enlightened self interest’ where the mediator becomes an “agent of reality” and explains to the dominant party that they have a responsibility for the satisfaction of the weaker party.

However, Rick Voyles advocates that the most powerful technique addressing an imbalance of power is need exploration. And in Nonviolent Communication we do not see power imbalance as an issue because addressing needs determines the common ground between people since we all share the same needs and will recognise the other’s needs in ourselves.

With this in mind I contacted Party B as a 'cold call'. It took many attempts to get a response. My persistence paid off, I was granted an appointment in Luxembourg. I was scared of rejection and saw this as my one chance to engage them in a dialogue.

At the meeting I used the principles of nonviolence and techniques of nonviolent communication to recognise the feelings and needs of both the organisation and the individuals tasked to work on this project. I also applied 'heat' and 'enlightened self-interest' by inviting them to attend the conference on the basis that this conference featured concentration camp survivors talking of their experiences and that the name of the company would inevitably be raised and that it would be in their interest to be there to speak for themselves and respond to the survivors.

Party B were well aware that their silence on the subject could not last forever and that the issues needed to be properly addressed. Their position was that they had not known exactly what they were buying into. They did not torture anyone and felt caught in the middle of someone else's conflict. When they did find out they did their best to facilitate a resolution by hiring the multi-faith organisation and the process was ruined by a group of 'extremists'.

They were relieved that I was offering to do this work at no cost, not because they did not have a budget but because they had spent in excess of £100K on the previous mediation and had not got the result they hoped for. I had previously decided to do this work at no cost because I was not exactly sure what my role was, I was unsure as to where it would go or how it might end up and I was reflecting on what needs of mine I was meeting in taking this on.

In the end I decided I was "facilitating negotiations between two or more disputants and assisting them to arrive at a mutually acceptable

agreement and that I could ensure that each party is given an equal opportunity to be heard and to respond to what is said by the other, and ensure that negotiations take place in a fair and balanced manner”.

The meeting engaged them sufficiently to fly the Chief Executive of the mine over to Luxembourg for another meeting and for him to invite me to Bosnia to see the mine and to meet with local politicians.

On arriving in Bosnia with my co-mediator, we were clearly able to see the problem. On one hand the site was a working mine, there was no indication of the horrors that had taken place on that site which must have been completely distressing for party A:

*From [http://www.bosnia.org.uk/news/news\\_body.cfm?newsid=2281](http://www.bosnia.org.uk/news/news_body.cfm?newsid=2281):*

*“XXXXXX(name of journalist) came here in 2004. Now that the mine is working again, it seems that his nightmare will become reality: ‘that XXXXXXXX(name of place) as a living proof of the past will disappear; that the rooms in which women were raped will be refurbished; that in the canteen where men waited for a plate of watery soup workers will be served their lunch; that the concrete yard in which men had their throats cut will become a parking lot for shiny cars; that the hanger where the prisoners crouched next to each other will again serve as a warehouse, that the red and white house where men were mutilated and tortured to death will be pulled down or used as a store for tools.’”*

It seemed that the prediction had come true 3 years later.

On the other hand, it was a working mine providing much needed employment and enterprise in the area with many plans for social programmes such as training local people to set up businesses that could supply products to the mine to rather than buying them from overseas.

The specific building was on the site and it presented health and safety issues to have it as an open memorial to the general public.

Not that these issues could not have been overcome. Again I questioned my role and my neutrality. It is said that while a mediator should always be impartial, that is, even-handed, objective and fair, they may not always be neutral. (3) and Astor and Chinkin warn that 'it is not sufficient simply to claim mediator neutrality as mediators have considerable power in mediation and there is evidence that they do not always exercise it in a way which is entirely neutral as to content and outcome'. (4)

'The only way that a mediator's claim to address imbalances of power can stand up is if mediators openly forego the neutrality and make their intervention on behalf of the party who is at a power disadvantage transparent'. (5)

I found this very confusing. Although I was addressing a power issue by using leverage to get Party B's co-operation, I was also very clear that I did not want to be a 'supporter' of Party A. Whilst I wanted to meet needs for fairness by getting Party B to re-open the dialogue, I was also clear that they were not the enemy.

I was also clear that everyone had needs in the situation and that I didn't want to 'side with' or 'be a crusader' for Party A. I had a clear sense that Party A felt stuck because they had not been heard, they had not had the acknowledgement they needed for what had happened and they were angry because they felt powerless. At the same time I had a sense that their own attitude to the situation was not helping to get them the progress they were so desperately needing. It seemed that press reporting and general outrage that these people were not being given their memorial was actually sending the people who could remedy this further into their positions.

Knowledge and experience of Nonviolent Communication and needs based theory gave me the safety I needed to proceed. By remembering that everyone, including myself, has needs, I could avoid enemy images of any party. The term "enemy image" referring to an opposing group who is seen as the "enemy," and who is inferior to one's own group in many ways.

Further issues arose in discussing the case with my co-mediator. I needed to remember the principles of nonviolence and avoid dialogue that included evaluation, judgement, labeling. Co-mediating presents mainly benefits in offering support, safety and wider perspectives but, it can also encourage opinion forming which is detrimental to the parties. In Nonviolent Communication, these opinions are referred to as 'Jackals' and are indicative of the language we use in our retributive, fear driven, domination culture of society. The aim in Nonviolent Communication is to transcend these jackals and translate them into Giraffe language, which is a language of restorative trust and peace.

A meeting with the local Mayor, a representative of Party C, further complicated the matter. Party A believed the mayor to have been instrumental in the organization of the concentration camp. And so, a whole web of denial, secrecy and suppression became apparent in other meetings held locally.

The complexity of the situation was highlighted as it became clear that people were living side by side with their aggressors and that Party A had sub-divisions: those who had stayed in the area and were saying nothing and keeping their heads down, those who had stayed in the area and headed up groups such as the Missing Persons Association and those who had left the country and were trying to get justice.

At this point I became aware that my input and what I was prepared to give to the situation was very limited and I reconsidered my role and what I could reasonably offer.

It seemed that the most useful thing I could do was to re-open the dialogue between Party A and Party B through an open dialogue at the conference which would be set up as a mediation with silent observers. I made it clear that this was all I would do and that it was out of my remit to attempt to begin any kind of reconciliation process unless I was specifically invited to do so by all sides.

The mediation took place and I delivered exactly what I promised but that's a whole other case study.

If one thing was to touch me of the information that came out, it was Party A's stating that Party B could not claim to be innocent since the company they were in partnership with was employing at least one person who was active in the concentration camp at the time of the torture. It was clear that the three executives of the multi-national did not know this. Their reactions were moving.

If I had to name one piece of learning that influenced the experience it would be the necessity and value of reflective practice:

*“Reflective practitioners are attuned to their reactions and can articulate what is behind gut feelings or intuition in order to carry out effective interventions. They can anticipate the unexpected. The reflective mediator goes further by thinking carefully through a range of process options while contemplating interventions to make in mediation. Reflective practitioners have brought their practice to a deeper level. They make conscious choices based on cognizance of their core values and biases, as well as conflict and mediation theory, techniques and experiences that combine to form their skill base. Reflective practice*

*challenges experienced mediators to keep our skills sharp and to develop a deeper approach to our work. Mindfulness results in a more creative, and thus more effective, practice”*

(3252 words)

## References

1. Morton Deutch and Peter T. Coleman, eds.,  
The Handbook of conflict resolution: Theory and Practice  
San Francisco: Josey Bass Publishers 2000
  2. <http://www.mediate.com/articles/pageN2.cfm>
  3. 1. Boulle L, Mediation: Principles, Process, Practice Butterworths  
Sydney, 1996 p 20
  4. Astor H and Chinkin C, Dispute Resolution in Australia, Butterworths  
Sydney, 1992 p 102. Professor Wade has said that 'Virtually every step  
taken by a mediator involves the exercise of power': Wade J, 'Forms of  
Power in Family Mediation and Negotiation' (1994) 6 Australian Journal of  
Family Law 40 at 54.
  5. <http://www.mediate.com/articles/fieldR.cfm#13>
- Marshall Rosenberg.  
Nonviolent Communication: A language for life.

Puddledancer Press 2000

Manfred A. Max-Neef

From the Outside Looking in: Experiences in 'Barefoot Economics'  
(Paperback)

Zed Books; New edition September 1992

Bernard Mayer

The Dynamics of Conflict Resolution

Jossey Bass May 2000

Healing Plots: The Narrative Basis of Psychotherapy

Edited by Amia Lieblich, PhD, Dan P. McAdams, PhD, and Ruthellen  
Josselson, PhD

**McGuire, Patrick A. *Experts Offer Theories on the Roots of  
Ethnic Conflicts.***

**Available at:** <http://www.apa.org/monitor/aug98/root.html>.

<http://litsite.alaska.edu/healing/healingintro.html>

[http://www.guardian.co.uk/uk\\_news/story/0,,1364093,00.html#article\\_](http://www.guardian.co.uk/uk_news/story/0,,1364093,00.html#article_continue)  
[continue](http://www.guardian.co.uk/uk_news/story/0,,1364093,00.html#article_continue)

<http://news.bbc.co.uk/1/hi/world/europe/4731646.stm>

[http://www.gppac.net/documents/pbp/part1/2\\_reconc.htm](http://www.gppac.net/documents/pbp/part1/2_reconc.htm)

<http://www.mediate.com/articles/voylesR3.cfm>

<http://www.mediate.com/articles/cohen5.cfm>