

# Conflict Resolution Center

## Mediation, Group Facilitation, Training

*making difficult conversations possible*

### Purpose Drives Practice

An International Conference on Transformative Mediation



The Institute for the Study of Conflict Transformation will have its 2<sup>nd</sup> International Conference on Transformative Mediation, *Purpose Drive Practice*, September 17th and 18th in St. Paul, Minnesota. The Conference will offer a variety of interdisciplinary topics for the diverse range of expected participants, including a number of international mediators and varying other fields. A primary theme will be how the transformative framework relates to their personal and professional lives. Mediators will be co-presenting with practitioners from a multitude of professions including counselors, educators, elder care providers, victim advocates, managers, and members of the clergy. They will be discussing the connections they see between disciplines and the meaning behind their practices, asking “why” they do the work that they do. As a basic premise of the transformative approach, this is an essential to understanding “what” we do and “how” the process unfolds.

The Conflict Resolution Center will be presenting on a wide range of topics concerning the transformative framework and the manner in which it can help individuals and institutions deal most effectively with conflict. **Kristy** will be presenting, *Transformative Mediation Theory in Dyadic Interaction: Managing Conflict One-on-One*. The interdisciplinary theme continues as **Jim** and **Gretchen** examine the spiritual dimensions of human interaction and its connection to the transformative framework in their workshop, *What it Means to Be Human: A Convergence of Ancient / Emerging Spiritualities and the Transformative Premises*. **Chris** will be presenting *Transformative Mediation and Human Rights in Post-Conflict Dialogue* with Joe Folger and Robert Baruch Bush as they examine the tension that resonates between the legalistic framework of human rights work and the relational premises of the transformative approach. They will also look to those in the human rights field who would like to see more opportunities for relational support within human rights institutions and practices. For more information or to register online, please visit the ISCT website at [www.transformativemediation.org](http://www.transformativemediation.org).

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#### Sage Advice

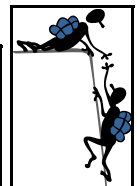
Often in mediations we see how parties struggle with intent (motivation for behavior) and impact (effect of behavior). It’s hard for one party to accept that their behavior had a negative impact on the other, when they had positive intentions. On the other hand, it’s hard for the other party to accept/ trust the positive intentions when they felt the negative impact.

It may be useful to remember:

**We judge ourselves by our intentions;**

**We judge others by the impact their behavior has on us.**

Helping people to unpack the intent and impact through dialogue can be empowering and foster recognition.



## Training Seminars Continue to be a Success

The May Civil Mediation Training was quite successful this year! And with 32 people enrolled in the training, there was a lot of enthusiasm in the room. Attorneys, law clerks, pastors, UND students and staff spent the week learning how they personally relate to conflict as well as their role as a transformative mediator in community and workplace conflicts. A great big THANK YOU goes out to everyone who was involved in coaching during the May Civil Mediation Seminar. The responses we got from the participants concerning their experience with the coaches were the best we've ever received! Your role in assisting participants in mediation role-plays was greatly appreciated by all and we hope to learn more from you in sessions to come. Thank you **Linda Holdman, Denice, Kathy, Faith, Gretchen, Katie, Sandy, Linda Croy, Joe, Joan, Ar-**



**linda, Candace, Chris, Kristine, and Linda** for the time and energy you spent in helping others understand the purpose behind their practice!

### COME TO MEDIATION

*Written and presented by **Linda Neuerburg**  
to the graduates of the summer Family Mediation Seminar*

Come to mediation without hesitation  
To improve interaction and get satisfaction.  
We'll give you a voice. What you do is your choice.  
To have conversation without reservation.

Voluntary or mandated by court  
We are not lawyers, we can't solve your torte.  
We're up on the statutes and glad to advise  
Our mediators are neutral, well trained, and wise.

Power and control won't be one-sided.  
Opportunity to object will be provided.  
With a little hard work we'll get to the issues  
If emotions get high we might need the tissues.

Homeostasis is where we all need to be  
So get rid of the conflict between you and he.  
Your confidence will rise with each act of recognition.  
It's a very good feeling when you get his position.

Empowerment changes you from weak to strong  
With movement from thinking your opinion is wrong.  
A decision summary can be provided  
Listing the outcome of what you've decided.

So come to mediation without hesitation  
To improve interaction and get satisfaction.  
We'll give you a voice. What you do is your choice.  
To have conversation without reservation.

### NEWS FROM THE BOARD:

**Gretchen** was elected as chair to the CRC Board of Directors! **Congratulations Gretchen**, we look forward to your leadership in the coming year.

**Joan** is currently working on a committee that is organizing chair training on campus. She is hoping to open opportunities for the CRC to assist in future training.

**Wayne Bruce** and **Linda Holdman** have joined the fundraising subcommittee working with **Faith, Gretchen**, and **Kristine** to develop an overview of the Center's funding needs.

**Jim** and **Kristine** continue to work on a certificate program in conflict resolution offered on and off campus.

### Conflict Kidnapped

Two field mediation trainers from a community mediation program in Nepal were kidnapped by Maoists for a few days and then safely returned. It turned out that the Maoists wanted the field mediation trainers to train their staff in mediation techniques.

-Larkin and DeVoe, ACResolution

## Service to our Communities

This summer brought 9 mediations, 11 orientations, a handful of conflict coaching sessions as well as quite a few trainings and presentations. Presentations included Altru Hospital, ADPCA, UND Housing, Veterans Administration Conference, and a group of TRF assistants for Administrative Professionals Day. Linda and Kristine also taught a day of conflict management skills and a day of facilitation skills for the Clinical Lab Science Graduate Capstone Course.

CRC staff provided a variety of training for groups across the state. Trainings include UND Nursing, the ND Forest Service, the YMCA, Family Practice Physicians and Residents and an advanced mediators training, both in Bismarck, ND Clerks of Court and the Family Mediation Seminar which started at the end of July. We've also been displaying our work at the UND Memorial Union this summer for the Getting Started program, Graduate School Orientation and the Involvement Expo to help students become better acquainted with our services.

**Thank You to Faith and Maury Finney** for donating advertising for the CRC on Minnesota Public Radio. We have already received several calls from the Bemidji area in response to the ads. Your gift is very much appreciated!



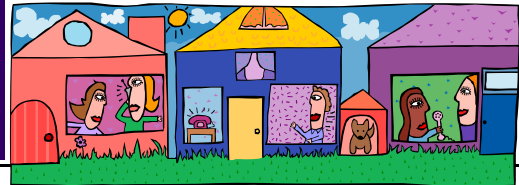
Kristine has been named chair for the new Jt. ADR subcommittee that will be developing family mediation law in ND. **Congratulations Kristine!**

## Art of Listening Workshop ~



Come join us September 21<sup>st</sup> for this one-day workshop that will look at ways which we can develop stronger listening skills with our family, friends, and clients. Too often, we are not fully attentive to those who count on us to give insightful and meaningful responses to important personal and professional issues. Learn why we don't listen attentively, how careful listening has become a necessity in our fast-paced lives, and practice valuable skills that will help you to communicate more effectively with others. The workshop is from 9:00-4:00, September 21<sup>st</sup> in the Badlands Room at the Memorial Union. Cost of the workshop is \$125.00; special group rates are available. Please contact us for special rates for UND students, faculty and staff.

**701-777-3664** or email us at **conflict\_resolution@und.nodak.edu.**



## Family Mediation Seminar

Fourteen people participated in the Family Mediation Seminar this summer where we learned a great deal about the dynamics of family interaction and how Transformative Mediation is applied to those in conflict. We first examined the ways in which we personally deal with conflict, understanding our own homeostasis and the triggers that bring us out of our comfort zone. We also spent time role playing domestic violence situations and discussing the role mediation plays (or does not play) in such situations. There are a couple of simple, yet necessary, nuggets of information that stood out in this seminar.

- ◆ People are capable of making decisions on their own accord. The theory's deep conviction in a party's ability to come up with their own options and decisions lessens the need for the mediator to be directive in the process.
- ◆ Pay close attention to the language that we use during mediation, often needing to make small changes to reflections and summaries that unconsciously use judgmental language, causing either party to become even more triggered than before.
- ◆ Go forth in what Bush and Folger describe as a "self-conscious provisional manner," which reflects what the party has stated without giving them a sense that the mediator has a stake in what the party decides.

As always, coaching is a wonderful opportunity for participants to learn from practitioners and gain a greater understanding of the process in action. We'd like to thank all who help during the Family Mediation Seminar including **Linda Holdman, Kathy Sukalski, Sandy Gallagher, Cheryl Stolz, Denice Shaefer, Gretchen Graf, Kristy, and Linda Hendrikson.**

## New Members and Member News

**Twyla Baker Demaray** is a research analyst at the National Resource Center on Native American Aging at the Center for Rural Health on the UND campus. Twyla sees a healing aspect to the transformative approach to mediation and as an associate member, would like to continue her research in elder care issues. She has spent much of her time volunteering for American Indian Science and Engineering Society (AISES) and UNDIA, enjoys reading and creative writing, basketball, walking, and practicing meditation.

**Katie O'Keefe-Hale** is a UND graduate with a B.A. in Honors Communications, and a JD from UND Law in 2003. She took the Civil Mediation Training in 2002 and has recently played a role in creating a new mediation training video for ISCT. She would like to participate in Theory Group and has found that the transformative approach has helped her when interviewing athletes. She is currently an announcer on the Heartland Poker Tour where she is constantly learning new ways of interacting with people.

**Candace Anderson** is a recent graduate from UND with a B.A Degree in Peace and Environmental Studies and a B.F.A. with an emphasis in photography. She spent her last semester as an intern for the CRC and is currently working for the Center. She took the May Civil in 2005, the Family Seminar in July, and is interested in the international application of transformative mediation.

**John Dwyer** has served as president of the Lignite Energy Council since 1981, which represents producers, utilities and cooperatives that serve an eight-state region. He is also the chairman of the Lignite Research Council and one of the original appointees to the National Coal Council, which advises the US Secretary of Energy on national energy policy. He has been appointed to positions at the federal level in both the legislative and executive branches as well as at the state level, where he was responsible for developing ND's surface mining and reclamation laws. He was a participant in the March 2006 training and enjoys hunting, fishing, and reading.

**Wanda Soza** is the Human Resource Director at United Tribes Technical College in Bismarck. She took the Workplace Mediation Training in Fargo in March, 2006, the advanced training in Bismarck in May, and has been practicing what she learned and enjoying the results. Wanda finds herself listening, letting others lead the conversation, and allowing people to come up with their own solutions, rather than jumping in and fixing problems right away. Wanda has interest in Theory Group, mediating for the CRC and is interested in some Bismarck member activities.

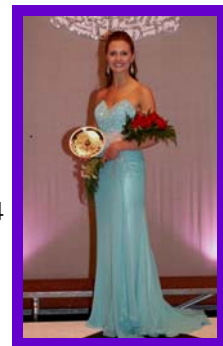
### ~ NEW ARRIVALS ~

#### Congratulations

to Dan and Sommer Bjerkness on their baby boy **Reider James!** He was born July 22nd and was 7 lbs, 1.4 oz and 20 inches long.

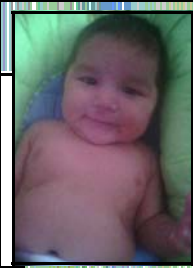


Congratulations go out to **Kristen Hendrickson**, for being named the 2<sup>nd</sup> runner up in the Miss North Dakota Pageant in Williston, ND on June 10<sup>th</sup>, 2006. Kristen competed against 21 outstanding young women from around the state in three nights of competition. She received \$2400 in scholarships in which she plans to use in finishing her undergraduate degree. Kristen has been a CRC work-study employee for the last 4 years while at UND and plans to continue her education in pursuit of a doctoral degree in Music Education. Congratulations Kristen on all your dedication and hard work!



#### Congratulations

to Twyla and Allan Demaray! **White Star** was born May 13th and was 9 lbs. 10 oz., and 23 inches long at birth.



**Andy Macintosh**, associate member of the CRC, ran into **President Kupchella** at the MSP airport earlier this summer. Andy is currently stationed at Bolling Air Force Base, Washington, D.C. and is the chaplain to the Air Force Honor Guard and the Air Force members of the Pentagon. He also pastors 2 worship services on base and preaches periodically on Sunday mornings at the Pentagon.



## International Exposure



The CRC and ISCT have become more involved in the international scene in the past few years. Conferences, meetings with international players, and strong alliances with other nonprofit organizations are beginning to bear fruit as we continue to gain a greater perspective of the impact conflict has on individuals, communities, cultures, and international relationships. Please stay posted through our newsletters and websites to see what we have been doing on the international scene.

### ~ Interaction 2006 ~ Cultivating Peace ~ Winnipeg, Manitoba, June 7-10th ~

Conferences are a wonderful time to recharge batteries and explore new aspects as we stretch our capacity to do our jobs well. Kristy, Chris, and Linda attended Canada's largest conflict resolution conference, in which they came back inspired by many gems of information as well as some new friendships. Linda attended an aboriginal pre-conference: **The Reconciliation of Aboriginal and Non-Aboriginal Relationships**.

Some of the gems heard:

- Aboriginal culture takes the meaning of relationship beyond what we might identify: Between man and woman (people), relationship to ancestors, future generations, to animals, to earth and land, all things and people are connected
- Create peaceful loving relationships through unconditional love, like that of a mother and child
- Think in circles: if any part of the circle is removed—it becomes weaker
- To obtain transformational change; restorative justice needs to include all of society, not just the justice system.
- We earn the right to speak by listening
- Four parts of connection: the body, mind, emotion, & spirit

We believe that Transformative mediation is an effective model for indigenous communities because of its relational ideology, bottom up decision-making, non-linear process, and focus on listening.



### ISCT Engages in International Dialogue



In June, **Baruch Bush, Joe Folger and Chris Cassetta** met in **Washington, D.C.**, for a series of dialogues with experts from the human rights and conflict resolution fields to explore possibilities for transformative theory in international ethnopolitical conflict intervention. As a framework for the meetings, the ISCT team offered the following thesis, which captures the themes that ISCT is using as basis for considering international activities: **“Conflict Resolution and Human Rights: Finding Lasting Solutions through Relational Ideology”**.

Human rights advocates rely on treaty-based international human rights and humanitarian law, with corresponding investigatory and prosecution mechanisms. Lawyers are the principal architects and operators of these mechanisms. Legal environments heavily value and support directive, top-down approaches to conflict intervention practice. Their ideological commitments are closely linked to personal and professional identity and to the use and distribution of resources that are available to address conflict. Human rights dispute resolution mechanisms, including mediation practice, are correspondingly constructed on directive, settlement-orientations to conflict intervention practice. This is in part because the prevailing broader ideological framework is individualistic rather than relational.

Highly directive forms of mediation practice serve the goals of institutions and practitioners rooted in individualistic premises. Efficiency of case management and the negotiation of tangible outcomes are the primary, if not sole objectives of this conflict intervention work. The diagnostic and prescriptive nature of this form of intervention undermines the self-determination and personal agency of those in conflict, which ironically should be fundamental human rights advocacy. Further, these linear approaches disregard the need in many conflict environments for non-linear cultural dialog. We are inviting consideration of a bottom-up approach that sup-

ports the constructive transformation of parties' conflict interaction. This approach to practice is based on a relational premise that emphasizes the need for qualitative changes in parties' interaction to build lasting, self-determined outcomes, and welcomes the kinds of non-linear cultural dialogue natural for many victims of human rights violations.

The ISCT team met first with **Professor Gudmundur Alfredsson**, Director of the **Raoul Wallenberg Institute for Human Rights and Humanitarian Law**, in **Lund, Sweden**. Professor **Alfredsson** is an internationally recognized expert on human rights law, specializing in minority and group rights, which so often underscores ethnopolitical conflict. Another interesting side to the discussion is that **Alfredsson** wrote his S.J.D. at **Harvard** under the tutelage of **Roger Fisher**, co-author of the best-selling "**Getting to Yes**". **Alfredsson** spent several hours with **ISCT**, discussing his perceptions of "**The Promise of Mediation**", and offering recommendations for applying transformative approaches in international human rights law contexts. He suggested contacts for ISCT at the **Organization for Security and Cooperation in Europe, Office of the High Commissioner for Minorities**, since he felt the Commissioner's work with ethnic minorities and Dialogue Groups corresponded to the transformative approach. He also recommended contacts with **National Human Rights Institutions**, which use mediation and other conflict resolution mechanisms in their human rights protection schemes.

Next the group met with **Dr. John Crist** at the **United States Institute of Peace**. **The United States Institute of Peace** is an independent, nonpartisan, national institution established and funded by Congress. Its mission is to help prevent and resolve violent international conflicts; promote post-conflict stability and democratic transformations; and increase peacebuilding capacity, tools, and intellectual capital worldwide. **USIP** does this by empowering others with knowledge, skills, and resources, as well as by its direct involvement in peacebuilding efforts around the globe. **Dr. Crist** is the acting associate vice president of the **Jennings Randolph Fellowship** program at **USIP** and teaches courses in sociology, peace studies, conflict management, and research methods at the School of Advanced International Studies at **Johns Hopkins University**, **Syracuse University**, the Peace Studies Program at **Colgate University**, and the Department of Sociology at the **Catholic University of America**. The meeting was a mutual introduction, and an opportunity for Joe and Baruch to explain the fundamentals of transformative theory. It was lively discussion, including many questions for **Joe** and **Baruch** about their views on the potential for transformative theory in international peace building. Follow-up meetings with **USIP** have been promising and **ISCT** is looking forward to possibilities for future collaboration.

Elsewhere the **ISCT international program** is gathering momentum as the first **ISCT International Consultation Meeting** has been tentatively scheduled for **February 2007**, in **Rome, Italy**. Stay tuned to the **CRC Newsletter** for updates.

Where the heart is willing it will find a thousand ways,  
but where it is unwilling it will find a thousand excuses.

-Dayak proverb (Borneo)

Taken from the summer edition of ACResolution



Joe and Kathleen Vacek, CRC members now volunteering with the U.S. Peace Corp, will soon be settling into their permanent host home in Georgia. Their energy is focused these days on language training and they look forward to their teaching roles this fall. They continue to work on their blog in order to share their adventures with family and friends. Feel free to check them out at <http://vacek.blogspot.com>. Joe wrote this post on July 4th: Here is an example of how different our life is now, focusing on the lack of "conveniences" we took for granted before. I needed a pencil, because I left mine somewhere. I bought one in the store near our house, but it wasn't sharpened. At home, I asked for a sharpener, but it wasn't to be had. I tried a knife, but it was too dull to work. A few hours later, a pencil sharpener turned up, so I proceeded to sharpen my new pencil. There wasn't any lead in it until only a little stub was left. I am proud to say I didn't feel frustrated at all, but rather just amused. This story can be extrapolated to any number of wants or needs that people try to satisfy, but the humor is lost when food or shelter or medicine is the subject.

## Meeting Mediators Abroad: The Norway Connection

By: *Dr. Janet Kelly Moen, UND Peace Studies/Sociology and CRC Board member*

The CRC is building up an impressive network of former interns and students (Peace Studies Majors) in Europe, particularly in Scandinavia. Beginning in the 1990s with Chris Cassetta's work at the Austrian Study Center, in Croatia with the U.N., and at the Raoul Wallenberg Institute, we have provided internships or trained students who have worked in Europe or returned home to Europe to work and study. This summer I was able to become involved with two separate groups involved in mediation and conflict resolution through these contacts, and some discussions took place about Kristine and/or other CRC staff doing some training in Norway.

The first involved former CRC interns Urmila Berg-Domaas and Arne Humberstet. Arne is now working for the University of Oslo International Summer School, after completing a Master's program in Peace and Conflict Studies and, along with Urmila, is a member of the Norskisk Forum for Megling og Konfliktthandening, MEKON, or the Norwegian Conflict Management Association. Joe Folger had spent a day with this group last year, and they were very interested in transformative mediation. The former students arranged for the chair of that association, Gjosta Thomassen, to invite me to speak to the group at their annual meeting, on my experiences as a transformative mediator with the US Postal Service and with the CRC.

The members are mediators in all sectors of Norwegian society—in the public schools, graduate schools, in private practice, and with the Konflikttradet (community mediation centers). We had a very engaging discussion centering on the institutionalization of conflict resolution, and the effects it can have on social institutions. Gjosta is moving on to chair the Nordic Mediation Association, a group which is developing in northern Europe, and which held its biannual meeting this year in Helsinki. I mention these things as an indicator of the growth of mediation both geographically and in various sectors of society.

The second opportunity came from a man named Erik Cleven who had contacted the CRC earlier this year about doing some training for the Nansen Dialogue in Lillehammer, NO. He was not able to secure the funding (Norwegian government was not favorable to contracting with "foreigners") and that discussion died out. Somewhat simultaneously, one of my former Peace Studies students, took a class with Cleven, and thought that our ideas were so similar that we should meet while I was in Norway. Because I have had a relationship with the Nansenskole since 1994, and two of our majors had participated in their programs, I was anxious to see how their peace/conflict resolution program had evolved. I was particularly interested in the Balkans Dialogue, with people from the former Yugoslavia, the group which was fortuitously going to be in session at the end of my own UND summer class in Conflict Management taught at the American College of Norway.

Over a dozen persons from ombuds offices in Serbia, were at Nansen for a ten-day training session, and they were particularly interested in transformative mediation. Voila; my chance to meet and interact with them! They were absolutely fantastic—an extremely professional and lively group of people who are working against amazing odds to help bring peacebuilding institutions into the structure of their society. If I had been able, I would have extended my stay to spend more time with these remarkable people. It seems that this dialogue program, which is now over 10 years old and has 10 centers throughout the Balkans, has matured in a very favorable manner. For these people conflict management is the cutting edge of peacemaking in their multi-ethnic and strife-torn communities. I visited briefly with the program founder, Steinar Bryn, who filled me in on the progress and showed me group photos of the 700 people who had been involved in these critical dialogue groups.

Overall, these experiences left me heartened and excited for the future. Not only is our own CRC becoming connected to the larger world (as our strategic plan dictates), but the work which is going on in other places both corresponds and expands upon our own work. There is a universal appeal for the ideas and ideals fostered by the CRC, and in many places in the world, the values and goals we share are even more essential and central to the development of civil societies. I could have spent days talking with either of the groups I met with in Oslo and in Lillehammer, but now that the contacts are there, such opportunities will hopefully present themselves in the future.

When they do, thanks to the diligent work of the CRC staff, we will be poised and ready to go.



Conflict Resolution Center  
University of North Dakota  
314 Cambridge St  
PO Box 8009  
Grand Forks, ND 58202  
PO 22178-1100



*Capturing the energy of conflict!*

## Dates to Remember

### **The Institute for the Study of Conflict Transformation's 2nd International Conference**

Purpose Drives Practice: An International Conference on Transformative Mediation

St. Paul, Minnesota ~ September 17-18, 2006

Pre-conference ~ September 15-16, 2006

### **The Lost Art of Listening Workshop**

Sept. 21, 2006 9:00-4:00

### **October 2006 Civil Mediation Seminar**

Oct. 18-20, 23-25

### **Families Talk**

**Join us for a community event to enhance communications with parents, children, and couples!**

February 13th and 14th 9:00-4:30

### **May 2007 Family Mediation Seminar**

May 14th-18th 8:00-5:30

### **Workplace Mediation Seminar on Lake Bemidji**

**Incorporate training into you vacation plans!**

June 23-27, 2007