



CREATING EMPOWERED COMMUNICATORS TO REDUCE CONFLICTS IN PROMOTING JUSTICE AND CIVIL LIBERTY

Medica Afghanistan, a workplace powered by collaboration and dialogue!!

Medica Afghanistan, (MA) is a non-profit, non-political, non-governmental Women's Organisation which supports women and girl survivors of gender-based violence and women and girls in conflict with the law, through robust legal representation and defence, psychosocial counselling, and advocacy and mediation!

The Ethos of Medica Afghanistan is to inculcate and embody the principles of negotiated settlement and the Power of Apology and Forgiveness imbued in the Holy Quran and the teachings of the Holy Prophet (PBUH) and to help transform the lives of women in practical and positive ways. This is done with profound understanding of the situational needs and a remarkable caniness for modern social issues.

What became apparent, even before our trainers arrive to Kabul, was the determination, the enthusiasm and the high standard of preparation and the meticulous detail to the programme, afforded by the very able Programme Director Saifora Paktiss and Yalda Ahmadi, the young lawyer and Legal Aid programme manager!

A five-day Mediation Training Programme conducted in April 2019 by Medica Afghanistan (MA) resulted in an awe-inspiring and exhilarating experience for Rehman Virani, a Georgian State accredited Mediator/Trainer from Atlanta, US and Rukhsana Abdulla, a Trainer/Mediator from London, UK!

The participants were selected by the MA Programme Director, Mrs Saifora Paktiss for this Mediation Training Programme, and Train the Trainers Programme and included Prosecution Officers, from the department of Elimination of Violence against Women, members from the FRU (Family Response Units) Women police officers and one policeman!

An important element of the training programme was to ensure that it encompassed the local wisdom and traditions and the basic ethical principles of the faith of Islam, which emphasises the importance of care and compassion within the principles of contemporary Dispute Resolution practice.

And, therefore, to make it a user-friendly Programme, the contents of the training manual were designed with the local needs and culture in mind and draws upon the traditions within the Afghan context!

The trainers mentioned that:" For the last seventeen years, both Rehman and Rukhsana have been part of a faculty of Mediation Trainers and have conducted several mediation training programmes in Pakistan, India, Syria, Portugal, USA, Canada, UAE, Kenya, Uganda, Tanzania and Afghanistan! Several of these training programmes have included personnel from Iran, Australia, New Zealand, Tajikistan and Russia!

Both Rehman and Rukhsana have amassed extensive experience in cultural sensitivities and complex mediation issues and have conducted cross cultural mediations in several countries!"

The object of the training programme was to equip participants with an ability to understand mediation, its principals of neutrality, confidentiality, fairness and to explain how it differs from the culture of Jirga which is so prevalent in Afghanistan.

The programme further aimed to ensure that the participants attain a full understanding of how their own legal processes inter-relate with the new learnings of contemporary Alternative Dispute Resolution (ADR)?

A range of teaching and learning methodology were used which included lectures, trainer demonstration, DVDs, small group exercises and role plays. The plenary sessions ensured that the participants felt comfortable to ask questions and clarify any uncertainties.

The three-day training programme curriculum included an exercise on Rights and Responsibilities, the definition of Mediation, its principles and processes of engaging with the clients and creating a holistic and safe environment for the parties to enable them to air their concerns. Participants were urged to use the tools of mediation to enable them to come to an amicable resolution. Often, the urge to get to the resolution quickly results in the agreement not respected. Therefore, emphasis was placed on the use of mediation tools such as positive re-framing, of reality testing, of bandaging the wounds, of follow-up meetings– all of which help to ensure that mediation is successful.

The enthusiastic participants, fully engaged in the key stages of Mediation, using the core principles during role-plays using local case scenarios and helped parties to facilitate an amicable resolution.

The responses of the participants were gauged daily using an evaluation form. These forms were thoroughly analysed by the trainers after the completion of each day's programme, to ensure that the learning process is meeting the needs of the participants and any requests and/or clarifications were addressed in the next day sessions.

For this training programme to be effective, the trainers took into consideration the collectivist, communitarian, cultural and contextual needs of the group and reflected that in the contents of the training curriculum!

This helps not only to draw the understanding of the various cultural differences, but it also highlights commonalities in the dialogues and interactions which facilitates good communications and fosters learning, resulting in a significant reduction in resistance to new ideas while promoting mutual understanding.

On day one of the training programme, one exercise, that is found to be very useful for highlighting the difference between Mediation and Arbitration, is known as the Sail-Boat exercise. The participants are grouped in three's (a Mediator/Arbitrator and two parties) and are asked to role-play for two- 20 minutes session..... using firstly the mode of Arbitration as a dispute resolution method to come to a resolution followed by another 20 minutes using Mediation to resolve the dispute!

At the feed-back session, of this exercise, it is interesting to note, how the entire group agreed how much more satisfying it is for the parties, Mediator and Arbitrator, to use Mediation for managing the case! Although, they do say Mediation is hard work because the mediator's job is to help facilitate the parties to come to an amicable resolution!!! The participants felt, that because Mediation, offers a platform to listen to the issues of the party, it is more appealing to the parties and helps to restore relationship, even if the parties decide to go their own way.

Another, very important element of our training, which has found great resonance in our training programmes, is what we call the "Greek Chorus" – a characteristic that is evident in the communitarian, collectivist culture of how many more people (other than the clients) have concerns in what happens to a couple involved in a dispute when they enter mediation.

Greek chorus is a colloquial phrase for the people who are in the background, and who though not visible are a group that need to be heard – hence chorus! They are family, friends and other significant persons whose concerns if not taken on board will make any agreement arrived at undurable!

This example of the cultural differences was picked up within a non-western cultural group by Mediation lead trainer Tony Whatling, in 2000! He devised a group exercise to brainstorm a list of people – which he referred to as "stake holders", in the dispute, who could be part of the problem if not made part of the solution, as Eldridge Cleaver very aptly defined it!

The group exercise firstly, invites the participants to imagine a couple from their community going for mediation! The participants are asked to brainstorm a list of family/community members who would have concerns and note it on a flipchart! The group comes up with ten or twelve sub-groups and include for example, parents of the couple, grand-parents, children, siblings, friends/peers, community elders, religious leaders and support groups, employers, teachers, etc.

These stakeholders, (the extended family/friends/ in a collectivist culture) are then formed into sub-groups, and each group is asked to discuss the concerns the extended family/community members would have as the parties enter mediation. The sub-groups report on the results of this exercise and the flip charts are pinned up for the duration of the programme as a visible reminder of the communitarian concerns and potential influence on what happens to any agreements made in mediation.

For example, most groups have questions and concerns about the extent to which mediation will be fair, competent, equitable, legally binding and in the best interest of children etc. The concerns for the extended family members, elders and religious leaders, was if adequate attention will be paid to whether the marriage can be saved, whether the family/community

has in some way failed this couple, whether the couple are aware of the range of support and counselling services available within the community. Parents and grandparents may have concerns about the respect of the family name and financial loans, investments, land rights etc.

It is interesting how this community sculpt helps to achieve a range of objectives and ensures the contextual applicability and focuses the attention of each learner as a living representative of the faith-based community.

This exercise clarifies questions and possible doubts that may be in the minds of the participants of the relevance and applicability of this module of mediation, which, perhaps may be evident at the beginning of the programme.

The participants are referred to the community 'sculpting' throughout the duration of the training and the role-play sessions at various stages of mediation on subsequent days! The sub-groups are reconvened and asked to review their initial concerns over time and in the light of new learning, through the trainer demonstrations and role-play, It is reassuring to find that these 'community audits' show a steady reduction in concerns and a consequent rise in confidence that mediation is appropriate and worthy of consideration to resolve disputes in the community context. Such is the success of this cultural context activity that it has become a highlighted feature of the training programme.

Sometimes, it may be seem, in the Afghan culture, that having heard all concerns of the party to the dispute in mediation, if they did not deliver a settlement decision, the mediators will be seen to have failed in their role as mediators and the process would not be respected !

Clearly, Arbitration which is rooted in long-standing natural justice system has been prevalent but the parties' role of self-determination makes the resolution more meaningful and gives ownership to the parties of their own destiny !.The mediator's role is to guide the disputants through all stages of the mediation process including a rigorous 'option development' stage, and, in the community setting plays a more pro-active role in facilitating an amicable resolution.

Our Trainers found that this highly intellectual and engaged group in the training programme were open to learning new ideas and were willing to try them out so long as they resonated with the ethical and cultural values that the Afghan community espouses and therefore switching of constructs from the 'old ways' to the 'new' did not appear to be a challenge and was evident in the role-plays enacted from their local cases!

A participant from the FRU shared an example of a boat and how the metaphor of a boat helps her to bring the importance of a healthy family unit to the parties!

Najila Jan, a police officer and the manager of FRU in PD 10 of Kabul city, mentioned that whilst they are not authorised to conduct mediation, she has noted that sometimes, some cases can be resolved through listening to the parties and giving them a platform to air their concerns and grievances !! Hence, she has a drawing of a boat, in full working order, and another drawing of a broken boat in her office to signify this analogy.

In addition, while working with clients, especially those who have children, she likes to demonstrate to the clients how the boat in full working order represents a happy family- the father and mother are the two corners of the boat and supporting the children located in the middle of the boat, while the other drawing of the broken boat represents a broken family with the two strong corners separating the boat as it is broken and the children in the middle are feeling lost and neglected.

In most cases, she reported that using this metaphor helps the clients to see how damaging the impact of separation and conflict is to the children!

For our trainers, it was very heartening to observe the ***out of the box thinking*** and how these young ladies contribute in very challenging environments!

It would be very remiss of us not to mention the Star of our programme – we had in Yalda (our LAP manager), a very capable and meticulous translator who managed to reach the participants very effectively and, many a times read trainers' minds and conveyed the message so beautifully and meaningfully before they even had the chance to articulate their thoughts. They owe the success of this programme to her and to Hamida, our LAP officer for her meticulous preparation of folders for the participants, the audio-visual needs for this programme and the very impressive certificates!

What will be interesting to track is how this group of newly trained mediators and trainers, when they return to their regions, will assist those who will be faced with the responsibility of attempting to 'guide' those in conflict within their community.

For our trainers, it was very evident that MA is committed and forging ahead to achieving the objective of helping vulnerable women live their life in accordance to one's value systems with a recognition of common humanity and an orientation to kindness, compassion, dignity as a holistic approach to creating a better world.

Jean Vanier, a French Canadian, from the Royal Canadian Navy, who volunteered to help the Holocaust survivors said;

“If you want to help people, get to know them;

Often, we don't actually see the people we are trying to assist, only their problems;

Listen to them, prompt them to tell you about themselves and what brought them to their present situation;

Show, that you don't just care about being seen as good or charitable, but that you care about them on an individual level”

With regard to how various faith communities can resolve their own family and other disputes within the framework of communitarian values and ethics, this model seems to be working well.



Role play (Individual session of Mediation)



Najila Araimanesh PD 10 FRU section police officer with her drawings



EVAW department prosecutors, Group work



We stand for peace in family through mediation

