

Manuals and Guides: Community The Conciliation Handbook

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on-line at: <http://www.cpn.org/tools/manuals/Community/conciliation.html#responsibilities>

Introduction

People often ask why we call our approach "conciliation" rather than "mediation." With the rapid growth of the conflict resolution field, "mediation" has come to apply to a broad range of approaches to third party intervention. Because the Community Boards process is based on one particular approach, we call it "conciliation" to distinguish it from other approaches to mediation. In fact, many mediators do use the approach that we refer to as conciliation.

The dictionary defines conciliation by citing its Latin root, "conciliare," to call or bring together, to win over." Traditionally, conciliation has meant the process by which disputing people are brought together to talk about their conflict. Community Boards enlarges this concept of "bringing together" to include not only the process by which people are literally brought together in the same room, but also the way they are brought together psychologically so they can move beyond hostility, suspicions, and avoidance to address the dispute that divides them.

The primary focus of Community Boards conciliation is building or rebuilding a relationship so that the disputing people themselves can agree to address their differences. We believe strongly that the conflict belongs to the disputants, as does the responsibility for its resolution.

In contrast, some forms of mediation focus directly on the settlement of the specific difficulty, and thus the mediator may take an active role in exploring and identifying solutions. The quality of the relationship between the people with the conflict may be one consideration, but it is usually secondary to the agreement itself.

Conciliation is most appropriate when disputants have or want an ongoing relationship. When it achieves its goals, conciliation lays the groundwork for resolving not only the current difficulty but also any future ones. The Community Boards approach to conciliation has a strong educational component. Ideally, the disputants will leave the session with new skills and knowledge that will empower them to deal more effectively with each other and in relationships characterized by tension and conflict. Ideally, conciliation does not merely resolve disputes, it also enhances social relationships and can improve the quality of life in a community.

The difference in focus between conciliation and some forms of mediation can be seen in their techniques. For example, a mediator may caucus privately with each person to assess positions or test possible agreements. The conciliator, on the other hand, would raise these questions with both parties present in order to avoid an atmosphere of secrecy, to ensure that each person is a full participant, to demystify the process of reaching a resolution, and to reinforce the responsibility of the disputing people for settlement of their conflict.

Similarly, if racism or sexism became apparent on the part of the disputants, a mediator might de-emphasize these issues to avoid inflaming hostility and to reach an agreement more efficiently. The conciliator, on the other hand, would identify these attitudes and encourage their expression to promote greater understanding, since these factors can significantly affect the quality of a relationship.

Thus, in the context of reaching an agreement, conciliation may appear time-consuming and inefficient compared to mediation of the same conflict. Within the framework of mediation, issues such as racism may be viewed as obstacles to reaching an agreement. However, from the perspective of the conciliation model, surfacing these issues is crucial to reaching a new level of understanding. This educational aspect of the process is part of our broader view of conflict as a

positive social phenomenon.

These distinctions are important because they are at the heart of the values which underlie the Community Boards approach to dispute resolution and to our training.

Our conciliation training model is one we believe in, but we recognize that ours is not the only approach. We welcome any ideas that will enhance and further our work in the conciliation field.

This manual is dedicated to the people who have accepted the challenge to promote conciliation as a vehicle for empowerment, more effective justice systems, and participatory democracy.

What We Believe

Community Boards was founded on five values that guide the work and unify neighborhoods. These values support cooperative work and understanding in the community, as people of different ages, races, sexual orientations, and ethnic backgrounds try to live together. For many community conciliation organizations, these values may help educate people and attract them to this important civic work.

Acceptance of the Positive Side of Conflict

Conflicts are not unusual. We all get angry and become involved in fights, arguments, and disputes. But every conflict offers a chance to learn and perhaps improve a situation or a relationship. Police, courts, and lawyers often promote the attitude that conflict is wrong and should be avoided at all costs. However, conflicts are inevitable, they can be healthy, and neither individuals nor neighborhoods are helped by avoidance.

Peaceful Expression of Conflict in the Neighborhood

The expression of conflict lays the groundwork for its resolution. Having people talk about their anger, disputes, and differences is educational for both the individual and the community. Expressing conflict is healthier than "burning up" inside, living in quiet fear, or acting violent. The more people express their conflicts, the greater are their chances of reduced tension and mutual agreements. The deeper issues which divide communities and individuals can also be identified and talked out as well, making neighborhoods safer and saner places to live.

Individual and Community Acceptance of Responsibility of Conflict

Through Community Boards, the neighborhood demonstrates its responsibility by making a forum of trained residents available to people with a dispute. This work reverses the growing trend toward "professional" or outside handling of local problems. The forum provided at the Panel Meeting allows for the full expression of conflict by the disputants themselves. It also gives them the support, skills, and the necessary sense of ownership to resolve their disputes, both at the time of the meeting and in the future. Face to face resolution of a problem between people who have accepted responsibility for their conflict is likely to last.

Voluntary Resolution of Conflict

Voluntary dispute resolution encourages cooperation and shared responsibility and makes neighborhoods better places to live. Equally important, voluntary agreements represent the self interest of each disputant and are thus more likely to be honored. The voluntary nature of the

Community Boards process encourages the widest range of participation, since everyone involved is encouraged to attend. No one is forced to participate, and mutual resolution means that both people win.

Neighborhood Diversity and Tolerance for Differences

Urban neighborhoods are noted for their diversity, the cultural and ethnic differences that make cities exciting places to live. However, that very diversity may lead to conflict, disagreements, or miscommunication. Respect for differences and willingness to learn from other people are values encouraged by the Community Boards process. The traditional justice system lacks the capacity for building respect or tolerance. Yet without these underlying values, all the laws in the world won't make a better neighborhood.

Principles of conciliation

Voluntariness - The principle which acknowledges the parties' right to enter freely into any agreements reached in the conciliation process. Any party has the right to withdraw from conciliation at any time.

Informed Consent - The principle which affirms the parties' right to information about the conciliation process and, as appropriate, other options and relevant resources before consenting to conciliation or consenting to the terms of any agreement reached in conciliation.

Self-Determination - The principle which recognizes that parties to a dispute have the ability and the right to define their issues, needs, and solutions and to determine the outcome of the conciliation process. It is the responsibility of the parties to decide mutually the terms of any agreement reached in conciliation.

Impartiality - The principle which affirms the parties' right to a conciliation process that serves all the parties fairly and to conciliators who refrain from perceived or actual bias or favoritism.

Confidentiality - The principle which affirms that all information received from the parties will be kept within Community Boards. Any exceptions to confidentiality shall be made clear to the parties prior to their consent to participate in conciliation.

Community Boards' Responsibilities

In our work as staff and conciliators, we shall uphold the Principles of Conciliation at all times and act in a truthful and respectful manner with parties and colleagues.

Staff and Conciliators Responsibilities to Parties

Staff and conciliators shall:

- accept for conciliation only cases which neither jeopardize the safety of any participant nor compromise the Principles of Conciliation,
- terminate conciliation if the safety of any participants or conciliators is jeopardized or if the Principles of Conciliation would be compromised,
- provide a clear, accurate, and realistic explanation of the Principles of Conciliation and the conciliation process,
- encourage the parties to seek counsel and/or other relevant options and resources if appropriate, and

- conciliate only cases for which they possess sufficient training, knowledge, and skills to be effective.

Community Boards' Responsibilities to Conciliators

Community Boards shall:

- ensure that conciliators have received sufficient basic training and demonstrate the necessary level of skill to conciliate,
- encourage conciliators to periodically upgrade their skills,
- ensure that conciliators receive additional training when needed,
- provide conciliators with feedback and support,
- assign conciliators to cases within their skill level,
- ensure proper intake for all cases,
- provide conciliators with the knowledge needed to uphold the principle of informed consent, and
- encourage conciliators' input regarding policy and methodology.

Conciliators Responsibilities to Community Boards

Conciliators shall:

- follow the methodology in which they were trained and adhere to policies and procedures,
- continue to upgrade their skills through attendance at conciliation training sessions, relevant courses, and conferences,
- participate in collaboratively reviewing conciliation sessions and other appropriate Community Boards activities, and
- work cooperatively with other conciliators.

Community Boards Responsibilities to Funders and Referral Sources

Community Boards shall:

- provide funders and referral sources with information about the principles and practice of conciliation, and
- provide funders and referral sources with information about the appropriate uses and limitations of conciliation.

Community Boards Responsibilities to the Community

Community Boards shall:

- seek to reflect the diversity of the community through the organization's community members, and
- seek to make the entire community aware of its conflict resolution services and how to use them.