



**ADVANCED TRAINING FOR
COMPANY-COMMUNITY MEDIATION
IN COMPLEX ENVIRONMENTS**

19-25 July 2015

**Graduate School of Business
University of Cape Town**

INFORMATION PACKAGE

APPLICATIONS ARE AVAILABLE AT
www.accessfacility.org/advanced-training

AND ARE DUE NO LATER THAN 24 APRIL 2015

Advanced Training for Company-Community Mediation in Complex Environments

19-25 July 2015 in Cape Town

ACCESS Facility and The Graduate School of Business, University of Cape Town (GSB) have partnered to offer the first Advanced Training for Company-Community Mediation in Complex Environments. ACCESS Facility is a global, multi-stakeholder platform supporting rights-compatible, interest-based problem solving to prevent and resolve conflicts between companies and communities. The GSB is a leading business school with a particular focus on environments of uncertainty, complexity and inequality.

The piloting and evaluation of the course at the GSB is part of a project to develop an innovative mediation curriculum that increases the availability of highly-skilled mediators to support rights-compatible, interest-based dispute resolution among companies and communities. The pilot training is being offered without charge to a highly select group of practitioners under a generous grant from the Norwegian Ministry of Foreign Affairs.

This course grows out of an acknowledgement that, while the potential for business to play an important stabilizing role in complex environments is increasingly recognized, far too often large scale investments create or exacerbate conflict. At the same time, a defining feature of complex environments is that they lack the social and political infrastructure commensurate with the challenges they face, including often enough the capacity to effectively manage such conflicts. Mediation and its focus on helping parties find common ground and a common vision for moving forward can be a particularly useful intervention in these places. Experience demonstrates, however, that mediation of company-community conflicts in complex environments faces heightened complexity and the mediator plays a distinctive role.

Building from but going beyond core principles of interest-based mediation, the course will help mediators operating under difficult circumstances develop strategic understanding of the full range of tensions and stress factors within complex conflict systems; act according to principles of conflict sensitive intervention and Do No Harm; operate to international standards even in places where the rule of law may be largely aspirational; act as stewards of processes that must be, and be perceived as, broadly inclusive and legitimate; and help design systems that not only resolve a discrete conflict, but anticipate disagreements that will inevitably arise in the future.

This overview includes the following information for prospective participants:

- Participant profile and selection: Who is eligible to apply?
- The course at a glance: What are the focus areas of the curriculum?
- The simulation overview: In what context will we be working?
- The evaluation framework: How will I be evaluated and certified?
- Costs: Who's responsible for what?
- Instructors: Who are the faculty?

The application, available at <http://www.accessfacility.org/advanced-training>, is due by 24 April 2015

Participant Profile

Two profiles of experienced dispute resolution professionals will participate in this pilot course:

- Practitioners with substantial experience in company-community mediation, for whom the course is an opportunity for reflection as well as acquisition of new skills, and who may act as trainers of company-community mediators in the future;
- Practitioners without substantial experience in company-community mediation, for whom the course is a step towards developing a practice in company-community mediation.

Preference for both participant profiles will be given to candidates living and working in Africa, Asia, Latin America, and Eastern Europe.

Participant Selection

When it comes to facilitating more productive company-community relations in complex environments, and to helping parties reach rights-compatible, interest-based, locally-grounded solutions to company-community conflicts, experience demonstrates that a variety of traditions hold pieces of the puzzle. These include commercial mediation, development and peacebuilding practice, political mediation, experience emerging from government agencies entrusted with the resolution of conflicts, and others.

It will be difficult or impossible for participants to fully engage this material, however, unless they can build from a base of standard mediator training and experience. They may have developed as dispute resolution professionals in a commercial, political, community, or even family context. But prior formal training including interest-based or mutual gains approaches is a pre-requisite for this advanced training. Simulations require participants to act as mediators of multi-party disputes, for example, with no time available in the curriculum to address basic mediation principles or practices. Participants must come to the course already prepared to mediate.

This course is also not intended as an introduction to complex environments. Experience with the dynamics of difficult socio-political and socio-economic contexts is required, although not necessarily as a mediator.

On the other hand, we want to avoid defining too narrowly the acceptable profile or credentials for entry into the course. In the peacebuilding or community mediation contexts, for example, credentialing is not nearly as emphasized as it is in the commercial or family mediation contexts. Anyone with meaningful experience in dialogue-based processes for preventing, managing and resolving conflict is encouraged to apply.

Admission decisions will be made based on careful, one-by-one review of candidates in light of their experience as dispute resolution professionals and in complex environments.

Applications are due no later than midnight (GMT) **24 April 2015**. Decisions will be communicated by 8 May.

The Course at a Glance

Pre-Work	<p>Company Operations in Complex Environments</p> <ul style="list-style-type: none"> • Readings, including case studies and other materials on the impacts of companies in complex environments, company community relations, and consensus-building approaches • Self-study and pre-testing on international normative standards • Preparation for the Equatania analyses and simulations
Day One	<p>The mediator as analyst: Understanding complexity and fragility in context</p> <ul style="list-style-type: none"> • Sources of fragility and complexity (“dividers”) • Sources of strength and resilience (“connectors”) • Direct and indirect company impacts • The role for standards and compliance requirements • The place of mediation in the system • Conflict sensitivity considerations and “do no harm”
Day Two	<p>The mediator as listener: Stakeholder mapping and issue assessment</p> <ul style="list-style-type: none"> • Issue identification • Parties, inclusion and representation • Cultural, social and political landscapes • History of dispute resolution / previous problem solving efforts
Day Three	<p>The mediator as process designer & manager: Entering a complex system as a neutral, third party</p> <ul style="list-style-type: none"> • Purpose and goals of a mediation intervention • Conceptualizing an appropriate intervention • Process variables and their impacts • Risks associated with engagement • Negotiating the process design and work plan • Initiating and managing a dialogue process
Day Four	<p>The mediator as facilitator: Interest-based negotiations within a rights framework</p> <ul style="list-style-type: none"> • Setting the table and the intervention objectives • Facilitating communication • Facilitating interest-based solutions • Managing crises and impasses • Crafting an agreement
Day Five	<p>The mediator as systems designer: Durable relationship management</p> <ul style="list-style-type: none"> • Strategies for making relationships durable • Joint monitoring of agreements and operations • Benefit sharing and allocation • Grievance mechanisms and dispute resolution • Exit strategies and ongoing third-party roles
Post-Work	<p>Evaluation of analytic and synthetic skills</p> <ul style="list-style-type: none"> • Consolidated Equatania analysis and memorandum to the parties • Personal reflections: Instructions to a mediator

Simulation Overview

During the whole of the course, participants are immersed in the learning universe of Equatania. Constructed from a composite of real-world histories and common social, political, economic and conflict dynamics, Equatania is to some extent anywhere and everywhere in the developing world. It can easily be imagined on the South American, African or Asian continents.

In the complex environment of Equatania, a formal complaint is lodged by the Women's Produce to Market Cooperative against Yuso Mining Ltd. with the Office of Compliance and Resolution of Complaints from the Public of the Regional Development Bank that has invested in the mine. It emerges that the written complaint related to a tailings dam failure represents only the tip of the iceberg of concerns and grievances among community members, civil society organizations, government and traditional authorities, labour unions, company officials, and others in Yuso Town and the surrounding region.

Participants proceed temporally through the mediation of the complaint and related issues, covering in five days of course time roughly six months of time in Equatania. Here is the basic calendar:

Course Day	In Equatania
Day 1	Mediators are preparing to travel to Equatania. The mudslide described in the complaint occurred roughly two weeks ago.
Day 2	Mediators have arrived in Equatania and are beginning stakeholder interviews. It has now been three weeks since the mudslide.
Day 3	Mediators are working through stakeholder and issue analysis, and planning a path forward with stakeholders.
Day 4, Part 1	Mediators have achieved the agreement of certain parties to sit down to discuss the response to the mudslide. Even though they have not all agreed to broader engagement around the complaint, mediators believed this to be critical given the levels of tension. The mudslide occurred roughly four weeks ago.
Day 4, Part 2	The immediate issues are being dealt with, and through mediator efforts parties have agreed to sit down together and try to work through the difficult compensation and relocation issues for mudslide-affected families. The mudslide occurred roughly eight weeks ago.
Day 4, Part 3	Through mediator efforts there are emerging agreements around the mudslide. But the sense is that there are many other issues for parties to talk about, and if there is not a forum for them to start doing so, they risk losing the small gains they have made. The mudslide occurred roughly 10 weeks ago.
Day 5	Mediators are starting to consider the needs of the parties for managing the agreements that are being reaching and those that are yet to come. They may have the opportunity to present their ideas to different stakeholders. The mudslide occurred roughly six months ago.

Evaluation of Participants

Company-community mediation in complex environments requires a specialized set of skills and competencies that go beyond two-party or classic community mediation practice. Effective practitioners must demonstrate strategic understanding of the full range of tensions and complexities that characterize community-company conflict. These may include wide power imbalances among and between parties; disputes over national or international standards of conduct and compliance requirements; and involvement of multiple stakeholder groups – from government agencies to non-governmental advocates and organizations to ordinary citizens – with diverse perspectives on the problems and potential solutions.

The evaluation methodology developed for this training course will better equip practicing mediators and facilitators to navigate such complexity, and to help companies, communities and their stakeholders reach durable, rights-compatible solutions to their conflicts.

Competencies developed

To achieve certification in company-community mediation, course participants must demonstrate competency in four broad skill categories:

- Analytical skills
- Interpersonal and listening skills
- Project design and management skills
- Multi-party facilitation skills

Participants demonstrate these competencies through a mix of practical exercises, simulations and written assignments during the course, as well as a substantial final assignment submitted after the completion of their classroom work.

Evaluation framework

Evaluations of participants' performance in role plays and written assignments will be conducted by the instructors and by professional company-community mediators serving as coaches. They will observe and assesses each participant against a set of competencies within each of the four skill categories, and also evaluate written work, which includes a substantial assignment submitted after the conclusion of the course. For each competency participants will be given a score, and these will be tallied at the conclusion of the course for an overall competency rating.

The evaluation scoring scale is as follows:

1. Excellent
2. Good
3. Room for improvement
4. Lacks Effectiveness

Participants with consistent scores of 1 and 2 throughout the evaluation process will qualify for certification in company-community mediation. Those whose scores do not result in certification may receive a Certificate of Participation in the course, and will be encouraged to pursue further training and skill-building.

Pre-Testing on International Standards

There is a growing body of international law, national regulation, and contractual commitments imposed on companies by international lenders intended to protect the interests of affected communities. Companies have additionally taken on a variety of voluntary obligations. The facilitation of interest-based, rights-compatible agreements requires the mediator to be fully conversant with the most important of these. Only with such knowledge can widely-applicable normative standards be brought to the attention of the parties or their relevance to the context be addressed as appropriate. The goal is not necessarily to turn mediators into experts on all of these standards, but rather to make them aware of when special expertise might usefully be brought to bear.

Because in the first instance understanding of the standards is content based, the course does not allocate classroom time for teaching about the standards. Rather, students will be required to demonstrate reasonable knowledge of international normative standards in advance of the course through self-study and an online pre-test. Students who do not submit proof of satisfactory completion of the pre-test will not be allowed to participate in the course.

Certification

The demands placed on students in this course are substantial. These include understanding of substantial and varied readings; development of subject matter knowledge, particularly around the standards applicable to companies vis-à-vis communities in complex environments; development of analytic skills; development of practical skills; and development of synthesis and writing skills.

Participants who successfully complete all course requirements will receive certification from the Graduate School of Business, University of Cape Town.

Costs of the Pilot Program

The course fee will be waived for this pilot programme, thanks to a generous grant from the Norwegian Ministry of Foreign Affairs. Additionally, participants will be provided accommodation from 19-25 July in Cape Town, including breakfasts, lunches, and our opening dinner.

Participants are expected, however, to cover their own cost of travel to the Graduate School of Business, University of Cape Town, including air and ground transportation, visa expenses, and any other travel-related expenses.

Students will additionally be responsible for certain miscellaneous expenses, which may include dinners in Cape Town, costs of downloading and printing advance course materials, and books.

Additionally, participants are required to participate in the half-day evaluation of the course on 25 July.

Lead Faculty for the Program

Faculty bring extensive practical experience and subject matter expertise to the course.

Brian Ganson is Adjunct Associate Professor at the Graduate School of Business, University of Cape Town. He also holds appointments as Senior Researcher, Africa Centre For Dispute Settlement, University of Stellenbosch Business School; Senior Fellow with the Council on Emerging Market Enterprises of The Fletcher School, Tufts University; and Research Associate with the Centre on Conflict, Development and Peacebuilding, The Graduate Institute Geneva. He first qualified as a family mediator at age 20, and later worked in formal mediation as a practitioner and trainer, and as a clinical supervisor with the Harvard Mediation Program. He has worked with companies, governments and development actors to develop multi-stakeholder processes and systems for dispute resolution at the local, national and international levels. Recent publications include the book, *Management in Complex Environments: Questions for Leaders* (2013), of which he is editor and lead author, as well as *Business in Fragile Environments: Capabilities for Conflict Prevention*, in the *Negotiation & Conflict Management Research Journal* (2014).

Kate Kopischke is an independent facilitator, mediator and stakeholder engagement professional specializing in environmental and social issues in the international development arena. Her focus areas include corporate-community engagement, collaborative governance, and dispute prevention and resolution in the extractive and natural resources sectors. She is a consulting Senior Mediator with RESOLVE, a national non-profit organization that facilitates solutions to environmental, social and health challenges. From 2005 to 2010, she served as Dispute Resolution Specialist for the Office of the Compliance Advisor Ombudsman, an accountability mechanism of the International Finance Corporation, the private sector lending arm of the World Bank Group. In that role, she mediated and facilitated numerous cases involving complaints from communities around the world regarding the social and environmental impacts of IFC projects.

Any Questions?

Contact Brian at Brian.Ganson@GSB.UCT.ac.za or

Contact Kate at katek716@gmail.com

How do I apply?

Download the application from <http://www.accessfacility.org/advanced-training>

Submit it to Brian.Ganson@GSB.UCT.ac.za

Decisions will be communicated by 8 May 2015.

**APPLICATIONS ARE DUE BEFORE MIDNIGHT (GMT)
24 APRIL 2015**