

Encompassing Cross Cultural Mediation: Mediation and Conciliation Training Programme

In November 2015, members of the National Conciliation and Arbitration Board undertook a professional development programme, concentrating on the mediation process and the skills required to be an effective mediator.

It is essential for members appointed, on the National Conciliation and Arbitration Board (NCAB), to undertake training in mediation and conciliation. The Mediation and Conciliation Training Programme (MCTP) is delivered under the auspices of the International Conciliation and Arbitration Board (ICAB). Newly appointed members to NCAB have to undertake this training within six months of their appointment . The MCTP is based on the model of mediation utilised by the Centre for Effective Dispute Resolution and

is a worldwide programme for the CAB system. The training programme covers commercial, family and civil disputes and various topics including: the stages of mediation, the dispute resolution landscape, tradition and evolution of alternative dispute resolution in Islam and ways of addressing culturally sensitive issues. Given the plurality and diversity within the Jamat, NCAB increasingly comes into contact with Jamati members from differing cultures. The importance of culturally sensitive mediation in these circumstances cannot be



underestimated. The concept of culture is a difficult one. In the context of mediation, culture is a set of values and beliefs acquired from learning, experiences and social upbringing, which creates social rules or a code of ethics and behaviour within a specific group. In short, culture shapes the way one perceives the world.

NCAB mediators, during the initial intake phase, explore with each party what, if any, cultural implications might influence their ability or willingness to use the mediation process. Information about the parties' background, language skills, education level to name but a few are important signposts for mediators to assess how best to provide a "level playing field" in order that the mediation may progress effectively. Our mediators are themselves from diverse cultural backgrounds and speak different languages, which helps to create an environment where parties feel that they can communicate and be open to finding a solution to their issues. In addition, the MCTP undertaken ensures that our mediators approach each issue with cultural sensitivity and without being judgemental, thereby enabling the parties to express their own culture and tradition within the mediation process. This is paramount to ensure that a "one size fits all" approach is not taken.

With regards to the question of what makes up the cultural landscape for an individual, in addition to

the generic definition set out above, the following aspects certainly have an impact: family (parents, grandparents, siblings) and how one party views his or her family, religious group, country specific customs, social circle and gender.

Trying to define what "culturally sensitive mediation" is, certainly creates a lot of questions and considerations for a mediator and necessitates a level of self-awareness. Whilst it is certainly true that many factors need to be taken into account, the aim of NCAB is to provide a "best in class" mediation service to the Jamat and to do that, our mediators act with impartiality, utmost confidentiality, sensitivity (in its widest sense) and are non-judgemental.

An added benefit of the NCAB process is that mediation is carried out within the ethics and values of Islam, such as brotherhood, forgiveness, unity, tolerance and generosity amongst others. These ethics and values are universal human values and transcend any potential cross-cultural differences. Therefore, conducting a mediation which is underpinned with these values, coupled with the NCAB mediator's training, ensures that not only is the pluralistic tradition within the Jamat respected, but that a pluralistic approach is taken in mediations where parties are from different cultures.

For more information please contact a member of the National Conciliation and Arbitration Board, whose details can be found on the IIUK App.