



ORGANIZATION OF ISLAMIC COOPERATION
STATISTICAL, ECONOMIC AND SOCIAL RESEARCH AND TRAINING
CENTRE FOR ISLAMIC COUNTRIES



THIRD OIC MEMBER STATES CONFERENCE ON MEDIATION

1 November 2019

Conrad Istanbul Bosphorus Hotel, Istanbul, Turkey

Panel 1: Culturally Sensitive Mediation: Contours of a Code of Conduct

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Thank Mr. Moderator,

Excellences, Distinguished participants, Ladies and Gentlemen,

ASA. Very Good Afternoon

Allow me at the outset to express my thanks and deep appreciation for the Ministry of Foreign Affairs of the Republic of Turkey and the OIC General Secretariat for organizing this important Conference and for inviting me to participate in this important panel on the subject of “Culturally Sensitive Mediation: Contours of a Code of Conduct”.

In fact, my intervention will focus mainly on sharing with you a very exciting task that SESRIC is currently working on in close collaborating with the OIC General Secretariat. The task is preparing a Mediators Guideline “Code of Conduct” Focusing on Culturally Sensitive Mediation Approaches.

Before I go into the details of this inspiring task, I would like to highlight some of the **current trends and challenges facing the OIC geography** which necessitate the need for developing more effective conflict resolution tools at the OIC level, such as developing a Mediators Guideline “Code of Conduct” Focusing on Culturally Sensitive Mediation Approaches.

One of the most relevant realities on the ground is the conflict landscape in the OIC geography where the number of conflicts are showing an upward trend. Currently, more than 60% of all conflict in the world takes place in OIC countries. The consequences of the extreme violence and conflict in many OIC countries has been destructive. It is a human tragedy that has taken its toll on people’s lives.

More than 80% of global conflict fatalities have taken place in OIC countries. Millions of people have been forced to leave their homes. Two third of the world refugees originate from OIC countries. The economic consequences of conflicts in OIC countries are estimated at hundreds of billions of dollars, money that could have been spent on economic and social development.

This state of affairs has pushed the noble OIC goal of promoting international peace and harmony among various people of the world to the top of the OIC agenda. However, achieving this requires the OIC to be actively involved in mediation through identifying and implementing concrete, workable and suitable mediation instruments and approaches for solutions to conflicts, disputes and violence.

An important aspect of conflict resolution and mediation is the understanding of the role and power of culture. While the importance of culture in this domain has been highlighted in a number of international documents prepared by the UN, the

Organisation for Security and Co-operation in Europe (OSCE) and the African Union, there is still a gap in comprehending culture in a holistic framework within the mediation field.

Questions of why culture is important and how it functions in mediation are extremely limited in the mediation literature and international documents. Thus, there is a need to examine the cultural dimension of mediation in more details and in depth. A single comprehensive document that specifically focuses on culturally sensitive mediation is, therefore, a crucial requirement to assist in the de-escalation and resolution of conflicts around the world.

Given this state of affairs, the latest two Sessions of the OIC Council of Foreign Ministers (CFM) adopted a Resolution entitled “Strengthening the Mediation Capacity of the OIC”, which mandated the OIC General Secretariat to prepare a Code of Conduct for mediators “including culturally sensitive mediation approaches”.

Subsequently, the OIC Contact Group of Friends of Mediation held a meeting at the level of the Permanent Representatives on 27 June this year and requested the General Secretariat to prepare the code of conduct in collaboration with SESRIC. In response, SESRIC established a research team to work in close collaboration with the OIC General Secretariat on developing a Mediators Guideline “Code of Conduct” Focusing on Culturally Sensitive Mediation Approaches.

However, one of the major challenges that the team faced was the limitation of the available sources on the topic. This necessitated holding a “Brain Storming

Session” to fill the gap in the literature by benefiting from the knowledge and expertise of a wide circle of experts.

The Brainstorming session was organized by SESRIC in collaboration with the OIC General Secretariat at SESRIC premises in Ankara on September 13th this year. The participants included representatives of the OIC Contact Group of Friends of Mediation and the OIC General Secretariat as well as representatives from the mediation support units of the African Union, the United Nations, and the OSCE, in addition to some international experts and academicians.

The brainstorming session provided valuable insights on the subject of culturally sensitive mediation approaches. The ideas and the discussions throughout the brainstorming session helped the research team develop further the concept and draw a preliminary outline for the planned document on “Mediators Guideline Focusing on Culturally Sensitive Mediation Approaches”.

Now, I would like to share with you some of the **major insights from the Brainstorming Session:**

I will start, first, with:

A. The Concept of Culture and its Role in Mediation:

1. Although culture serves as a filter that shapes experiences and perspectives, culture is not easy to define. **Humankind is culturally diverse with tremendous diversity in terms of languages, beliefs, norms, values and**

ways of living. Thus, what is needed is not a definition of culture, rather, an approach to culture. An approach that defines how mediators should prepare and engage in negotiations with conflicting parties.

In the light of this understanding, the following are useful elements that should be considered while approaching culture in mediation:

- Acknowledge that diversity in culture is a matter of fact. No one in the world lives in a single homogenous culture. The human condition around the world is characterized by multicultural societies with multiple languages, beliefs, norms and values. These factual realities need to be accepted, understood and taken into account.
- Therefore, mediators should be determined to pay attention to culture (and its various aspects) in situational analysis by integrating a culture-sensitive lens in their context and conflict analysis.

2. Culture has two main types of layers:

- Layers above the surface. These are the observable layers of culture, which consist of artefacts, rituals and symbols. The mediation process should pay attention to the significance of rituals and symbols.
- Layers below the surface. These are composed of norms, values, beliefs, and the perspective on right or wrong. Layers below the surface are not easily observable. They show variance with time and

environment. Mediators should pay attention to the non-observable aspects of culture.

3. Intra-cultural and cross-cultural conflicts:

OIC Member States enjoy rich and diverse culture in various OIC regions. Therefore, the distinction between intra-cultural and cross-cultural conflicts should be acknowledged. In this regard, while it should be in line with the international law and should aim to be as inclusive as possible, a Mediators Guideline “Code of Conduct” for OIC countries should be flexible and should provide answers for different cultural contexts in various OIC regions.

4. References in the Holy Quran:

There are clear references in the Holy Quran on mediation as a means to resolving conflicts. The Holy Quran is, therefore, a valuable source for understanding modes of conflict management and reconciliation. In addition, there are many conflict resolution approaches and techniques rooted in Islamic rules and laws. All of these have valuable applications for the resolution of contemporary conflicts.

In the light of this understanding of the concept of culture and its role in mediation, I will now highlight some culturally sensitive guidelines for mediators, which have been raised during the brainstorming session:

B. Some Culturally Sensitive Guidelines for Mediators:

1. Active Listening Competence:

Mediators are advised to be patient. Experiences of war, trauma, injustice and anger generate heavy and profound feelings. Therefore, mediators are recommended to take enough time to listen to the stories, grievances and experiences of people. They should show that they take seriously the history and culture of people they are working with. This could be done through open-ended questions and by listening to them with full attention and open minds and hearts. Mediators are recommended to avoid making assumptions. They should search for relevant information and do not simply resort to the only information that is available.

2. To be culturally prepared:

Mediators have to find out about local norms, traditions, local status and structures, and power positions in the preparation phase of mediation. This knowledge affects outcomes such as negotiability, compromise and effectiveness. This simple culturally preparation can avoid misunderstandings.

3. Language skills:

It has been observed that in most mediation efforts, there is a general disregard to language. For example, English-speaking mediators in Ukraine would not be appropriate. It is not possible to have the mediation team composed fully of local staff, but it is critical to have the language skills

represented. Persons with the local language skills need to be present to understand and capture the subtle or thin messages and their implications.

4. Emotional intelligence:

Different cultures express their emotions in a variety of ways. Therefore, mediators should be attentive and possess the capacity to understand the diversity of ways emotions are displayed in different cultures. For example, some cultures do not express emotions very loudly and the other side may understand this as the ending of negotiations. However, this may not be the case.

5. Consent and statement of commitment:

Different cultures may have fluctuating meanings attached to commitment. A person may say, “Yes, Yes” but this does not mean that he gives an actual consent or a statement of commitment. Therefore, there is a need for the mediators to be able to understand the statement of commitment within a cultural context.

6. Avoiding Preconceived Notions about Culture: تجنب الأفكار المسبقة عن الثقافة

Mediators are recommended to avoid generalizing or thinking that they know the conflicting parties before meeting them. They should not put a culture in a box or caricature it. Mediators are recommended not to prejudge. They should come with a willingness to listen to conflicting parties and give them a chance. They should avoid statements such as “Arabs always express

emotions in this way or that way”; or “Westerns behave in this way”; or “Asians usually react in this manner”. Mediators are recommended to watch out unconscious bias since sometimes we are not aware of our inherent subliminal biases.

7. Working with insider mediators:

Recently many of the international actors have moved towards working with “insider mediators”. The recent mediation field is moving in this direction. For example, mediation teams working in Nigeria, Libya and Myanmar are heavily composed of locals. The Mediators Guideline ‘Code of Conduct’ should emphasise bringing local actors within the mediation team. Though local actors may be more emotionally involved, if professionally trained, they could be manageable and significantly contribute to the mediation process.

8. The role of religious and traditional leaders:

Religious and traditional leaders usually enjoy the respect of communities and they are normally motivated to solve conflicts. The mediation field has recently moved to work with religious and traditional leaders more and more. However, it is important to be careful because working with such leaders is not always positive (notably due to real or perceived biases and differing perceptions among the conflicting parties). In such cases, caution is needed to avoid mediation processes becoming compromised in terms of independence and impartiality.

Dear Participants,

These have been the main outcome insights of the Brainstorming session and as I mentioned earlier these insights have been very valuable to our research team in developing further the concept and drawing a preliminary outline for the planned Mediators Guideline “Code of Conduct” focusing on Culturally Sensitive Mediation Approaches.

Equally important in my opinion is today’s conference, which I believe that the discussions and deliberations today will also add value to the efforts of preparing this important document.

In conclusion, I would like to say that I am excited and inspired by the task of developing a Mediators Guideline “Code of Conduct” Focusing on Culturally Sensitive Mediation Approaches. I strongly believe that it will have a significant contribution to the literature and the field of mediation at the OIC Level.

Thank you.