

INADR

InterNational Academy of Dispute Resolution

PEACEMAKER BIENNIAL

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Is war zone alternative dispute resolution a real option?

Dr. Mary Lou Frank & Hannah Betz

[Mastering the synergy as a mediator]

Hannah Betz

[The “Peace Help Us” symbol]

**Mikkel Gudsøe &
Rebecca Holtom**

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Contents



Is war zone alternative dispute resolution a real option?

Dr. Mary Lou Frank & Hannah Betz

[p. 3]



Mastering the synergy as a mediator

Hannah Betz

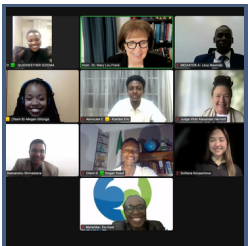
[p. 9]



The “Peace Help Us” symbol

[Mikkel Gudsøe & Rebecca Holtom]

[p. 12]



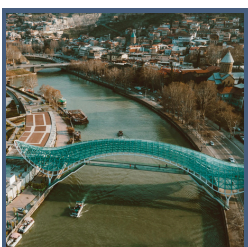
REACHING EVERY CONTINENT: INADR TOURNAMENT
UPDATES

[p. 14]



IN MEMORANDUM

[p. 18]



UPCOMING TOURNAMENTS

[p. 19]

DR. MARY LOU FRANK & HANNAH BETZ

Is war zone alternative dispute resolution a real option?

Six voices speak out on this question at Mykolas Romeris University



Dr. Mary Lou Frank
Professor, Past INADR President

The current conflict in Ukraine raises an important question: Can alternative dispute resolution (ADR) be effective in a war zone?

These narratives aim to examine the possible applicability and issues that come with implementing alternative dispute resolution in a war zone. Five students and their professor from the Master of Law (Mediation) program at Mykolas Romeris University (MRU) in Vilnius, Lithuania, wrestled with this question that resulted in the following valuable insights. Through their reflections, this article addresses the theoretical and practical challenges inherent in employing alternative dispute resolution techniques during ongoing conflict and considers potential pathways for dispute resolution in war zones.

Mary Lou (professor):

Teaching students conflict resolution is something I do quite regularly. However, being asked to teach students who are living in a war zone about peaceful resolution to conflict was new to me. Even while forming the course, I was careful in the decision process on how the topics might be covered. Once I met the students, I was overwhelmed by their courage. This really hit home with me when I was asked how people could forgive something so unforgivable. I understood how that would seem to be an insurmountable task. Still, forgiveness doesn't excuse the offense, but only allows the person who was injured the ability to move on. Holding on to hate continues to re-wound the victim.

This article was not heavily edited to retain the students' unique voices.

“I do believe we cannot be involved in peaceful negotiations if the ‘opponent’ we are facing is a big and scary powerful machine of cruelty.”

-Kate, MRU Lithuania

We moved on to another topic, but I held onto the respect I had for them to confront such issues. Reading their homework assignments immersed me in their losses. Asking students to self-reflect on their own conflicts, relationships, and processes brought a deeper awareness of the impact of trauma. Often, I wept reading about their stories and their injuries. My desire to help them develop skills to resolve conflicts peacefully carried me through. I ended the course feeling connected to these brave souls who were returning each day to their world at war. It was and is humbling. Sometimes, seeking to form a better way of being can grow out of a horrendous experience. Viktor Frankl found meaning after terrible losses while in a concentration camp during World War II. These students were daring enough to seek a better understanding of how to navigate conflict while overcome with tragedy. I couldn't be more honored to have joined them on one part of that journey.

Kate (student): At first glance, it might feel like a complete oxymoron when we try to talk about peaceful dispute resolution after facing an experience of big, cruel and merciless war. Echoing the feelings of many Ukrainians, I do believe we cannot be involved in peaceful negotiations if the “opponent” we are facing is a big and scary powerful machine of cruelty. However, there should be a solution, an idea that drives all of us and gives us hope for a future. And for each of us it might be different. Personally, I found this hope while being a student for a LLM [Masters of Law in Alternative Dispute Resolution], and I will try to explain why. I do not think anyone would be surprised if we state that we have a lot of negative feelings toward what is happening at the moment in our country. Nevertheless, the program helped me to switch my perspective to a less-destructive direction. Finally recognized the fact that the feeling of hate and the willingness for revenge are critically destructive, first and foremost for our own selves.

Instead, I took a look at this situation from a transformative and future-oriented angle. In the meaning of asking myself a question, “What can we do to help our people to cope with the level of stress and sorrow? What can we do to decrease the level of conflict in our society in future? What can we do in order to never end up in the position equal to our “opponent”? Understanding the realities and realizing how huge the impact the war has on society, I want to focus on the actions we can implement now to decrease its effect in the future. I thoroughly believe that this war is not only about politics, historical background and economical benefits, it is also about the huge difference in the mindsets and values. And what I learned during the program is that it is hard to reach a settlement if the values are too different. And however hard we try to ask for understanding of our perspective, it will be completely impossible for the opponent’s side. This is natural and should be accepted by us. With this in mind, on our side we should think about how we can improve the conflict management in our internal circles, and what we can do to make ourselves better.

And another thing I discovered during the program is that no matter how dark the times you are facing, there is always light in the end if you are being supported.

Polina (student): Studying conflict resolution through my LLM in Mediation while observing my home country embroiled in turmoil was a deeply impactful experience. Balancing the contrast between seeking peaceful conflict solutions and witnessing the stark reality of war in Ukraine, where my family resides, was emotionally challenging. Despite the distance, diving into mediation techniques provided a beacon of hope for a more harmonious future in my homeland. Managing academic pursuits in my current location alongside concerns for my family’s safety during the crisis was a constant source of stress. However, the determination to master mediation strategies grew stronger as I followed the conflict’s impact from afar. Though complex, engaging in conflict resolution coursework amidst the crisis fueled my motivation to contribute positively to peace building efforts in my native country. My mediation education became a guiding light, offering a sense of purpose amid the challenging times of war affecting my family back home.

“In the realities of wartime Ukraine, it is through negotiations that we can build trust between the parties and begin to resolve conflicts through constructive dialogue.”

-Anastasia, MRU Lithuania

Anastasia (student): It was not only a challenge for me, but also a necessity to gain knowledge about methods of dispute resolution during the full-scale invasion in Ukraine. As a professional mediator and attorney at law, I understood that there are other methods of dispute resolution besides mediation, but I needed to learn more about which methods are best used during the war. During studying the LLM Mediation at MRU, I gained knowledge that I can now implement in the realities of military Ukraine. When studying the issue of different methods of dispute resolution, I want to focus on such a method as negotiation. In the realities of wartime Ukraine, it is through negotiations that we can build trust between the parties and begin to resolve conflicts through constructive dialogue.

I am currently considering negotiations to resolve conflicts within Ukraine. Almost 5 million people inside the country have changed their place of residence, and another 6 million have moved abroad. Changes in working and business conditions and changes in living conditions stimulate a scope for conflicts and disputes. Through negotiations, we can balance and resolve conflicts diplomatically and try to find common interests between parties. Not everything happens at once, because psychological traumas occur between the parties now. Someone lost relatives, someone was left without a home, someone was completely without means of livelihood - everyone has their own pain.

We have to use techniques of active listening, show empathy for parties, build dialogue and negotiate if [we] want to save each other, find solutions and save our country. Regarding the implementation of my knowledge on dispute resolution in Ukraine, I would like to note that the method of negotiation between civil society organizations and the government is being used. Through negotiation, we build consensus and try to satisfy the public's demand for justice.

Oleh (student): When it comes to talking about my impressions of the educational project LLM Mediation at Vilnius Mykolas Romeris University, in which I had the opportunity to participate in 2022-2023, the first thing that arises is a feeling of huge gratitude to all the organizers and participants of this project, as well as the joy of realizing that I was with these amazing, unique people, that I was part of this fascinating process. Each and every one on this stellar team will remain in my heart forever. The armed conflict in Ukraine, which brought pain, suffering, depression, and a feeling of hopelessness..., at the same time prompted a reassessment of values, brought to the fore the thirst for a peaceful life, forced me to look for that age-old life experience and knowledge that could provide opportunities for establishing peace.

This educational project became that kind of great consolation and response to my request, which brought the joy of gaining knowledge, revealed the direction and method of action, and instilled hope. The study of the psychological aspect of the conflict made it possible to discover the deep natural preconditions for this phenomenon. The study of mediation and negotiation techniques and the practice of their application have convinced me of the incredible power and effectiveness of these tools in resolving conflicts. Mediation, being essentially a peacemaking, resonated in my mind, as if it were an integral natural part of me. Thanks to this project, I obtained confirmation of my belief in the benefit of enlightenment as a path to peace and that only we ourselves are responsible for everything that happens in our lives. Mediation has become a way of life. Let's create peace, not war!

Hannah (student): I found it a paradox, as there are two ways to actually end a problem: talking and fighting - only one of them is truly successful. With the war going on in the Ukraine, the method of physically fighting has shown us that there is not an early and not a professing end to a conflict. There are people getting harmed, and both sides will be most likely "losing." During the LLM, we got told how the conflict resolution can be done with talking. With the help of a third individual you start focusing on feelings, needs, assets and try to find a solution that is meeting both sides half way without having the feeling of losing something. So therefore am I thinking "Can there be an alternative war zone dispute resolution?" I think there can be no conflict resolution about territory. States need to keep and have their rights about sovereignty and independency. But I truly believe there can be an alternative war zone dispute resolution about the underlying conflicts.

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inadrconnect@gmail.com



Mastering the synergy as a mediator

When I was given the opportunity to participate in a tournament focusing on negotiation in mediation, I started to look at its importance and function. Here are my reflections on the lessons I learned.

“Mediation is a process where a neutral third person (a mediator) will help the opposing parties reach a negotiated settlement (this process can also be called conciliation).

Negotiation is a discussion of issues in a case between opposing parties in order to come to a settlement,” as defined by [Action4Justice](#), a group of NGOs united to support public interest litigation worldwide as a means to advance social justice.

Mediation means finding a mutual agreement. The basic idea of mediation is that the parties themselves work out their own solution to the existing problems. As a neutral third party, the mediator merely provides assistance by ensuring a structured negotiation process. Negotiation, on the other hand, involves direct interaction between conflicting parties, each representing their own interests and goals. It is a dynamic process that requires strategy, persuasion and compromise in order to achieve favorable results.

In the field of conflict resolution, mediation has emerged as a powerful tool for facilitating dialogue and promoting mutually beneficial agreements. At the heart of the mediation process is negotiation, an essential mechanism through which disputants manage their differences and work toward resolution.

Understanding the critical role of negotiation in mediation sheds light on its transformative potential to effectively and efficiently resolve conflict. In order for mediators to be effective in their role, it is essential for mediators (and, by extension, for their clients) to have a firm understanding of the challenges of negotiation.

Many mediators have discovered in the middle of their mediations that they are not prepared enough for negotiation coaching. To avoid that pitfall, here are some tips for mastering synergy in mediation:

1) To negotiate successfully, both parties need to be open and honest about their real needs and interests.

If the parties focus only on their stated positions, the negotiations are likely to fail or result in an agreement that no one is happy with.

However, if the parties speak too openly about their needs and interests, there is a risk that one side will take advantage of the other's openness. So there is a tension between being open and being too open. Therefore, when planning a negotiation, regardless of the strategy chosen, careful consideration should be given to what information should be disclosed in the negotiation. All too often, negotiating parties are reluctant to disclose information that could speed up a resolution. A trusted mediator can improve communication between the parties and help them understand and articulate their interests.

2) In many negotiations, parties make their demands and expect them to be met without discussing or explaining them. This often leads to an impasse. Mediators can help to resolve this tension in negotiations by helping the parties understand the difference between empathy and assertiveness. Empathy in negotiation does not mean sympathy, but the ability to see the world through the eyes of the other party. It doesn't mean that one has to agree with them, but it does mean that one makes a real effort to understand their point of view. Assertiveness means that a person can articulate their needs, interests and concerns clearly and persuasively and represent themselves well.

A good mediator can help people articulate their own point of view powerfully and then help the other party understand and sympathize with the other party's point of view without agreement or conformity. This begs the question: How can both parties find a solution if they understand each other but do not give in? What is very helpful in conflict resolution is that even if the parties disagree about what has happened, if they can show each other that they understand the other side's perspective, that can often be enough to at least get them to look to the future and try to work out their long-term needs. Then they are more likely to come to an agreement.

3) In any mediation, the parties should clearly indicate what alternative options are available to meet their needs and interests if the negotiations do not lead to a result. This is achieved by developing a ZOPA and a BATNA. ZOPA is a business acronym. It stands for Zone of Possible Agreement. ZOPA is a method of visualizing where the positions of the negotiating parties overlap. Within this zone it is possible to find a compromise. BATNA is another business acronym and stands for Best Alternative to a Negotiated Agreement. It refers to the next steps a negotiator can take if a negotiation does not lead to a result.

It is to be distinguished from the customer's minimum disposition or "bottom line." The argument for setting a minimum disposition before the negotiation is that it protects the negotiator to some extent from an unexpected or unfavorable outcome. The problem in many negotiations is that negotiators too often set their BATNA too high or do not dynamically adjust their minimum disposition to newly acquired information. They analyze the outcome of the negotiation because of limited information and their limited perceptions. Therefore, another important task of the mediator as a negotiation coach is to encourage the parties to analyze their risk based on the information gained during the mediation to facilitate the perception process. The parties' risk analysis needs to be tested by asking effective open-ended questions about their BATNA and by performing a reality check.

4) The mediator should encourage the parties to brainstorm possible outcomes to add value and increase the size of the pie.

Creative problem solving is therefore essential in mediation as parties seek innovative solutions to their disputes. Nevertheless, there is still the inevitable need to divide the pie. But by exploring a range of possible solutions, mediation increases the likelihood of reaching a mutually acceptable outcome that meets the specific needs of the parties. No two conflicts are alike, and effective resolution often requires solutions that are tailored to the specific circumstances of the parties involved. Negotiation in mediation therefore enables agreements to be reached that take account of individual interests and concerns.

In summary, negotiation is the lifeblood of mediation and the cornerstone of effective conflict resolution. Its transformative power lies in its ability to foster communication, find common ground, develop creative solutions and empower the parties to take control of their own destiny. When the parties recognize and utilize this power of negotiation, they can bridge their differences, reach lasting agreements and pave the way for a better future based on cooperation and understanding.



Want to see more?

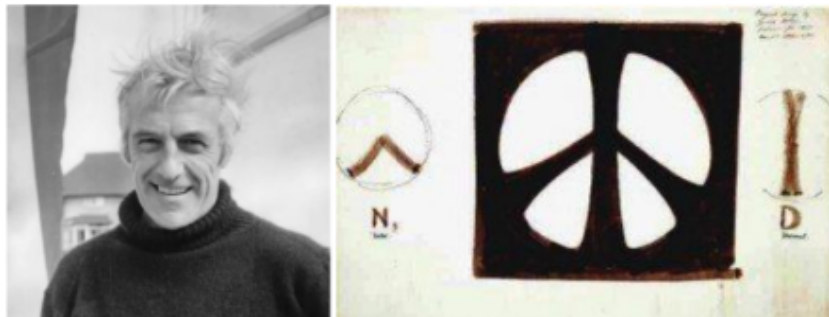
Visit www.inadr.org/peacemaker-biannual/ and stay up to date on our past and upcoming Peacemaker Biannual editions.



MIKKEL GUDSØE &
REBECCA HOLTOM

THE “PEACE HELP US” SYMBOL

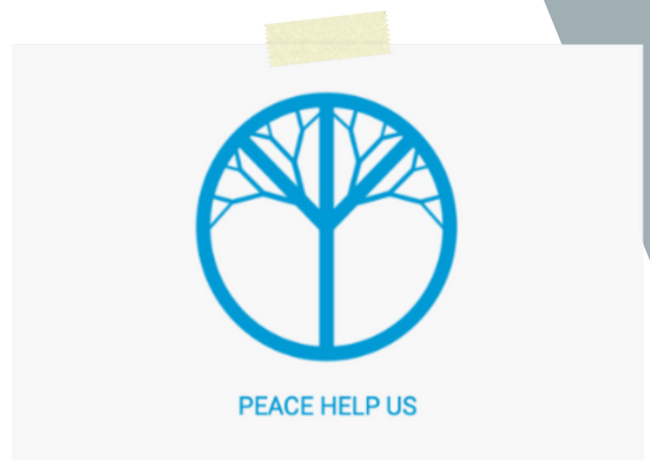
On February 21, 1958 – 65 years ago – British designer and artist Gerald Holtom created the world renowned peace logo, originally intended to symbolize N(uclear) D(isarmament). Using the semaphoric flag signals for N and D combined, it also signaled the silhouette of a human in despair with arms out to the side and with the globe/earth as background. In his own words, the combination of the semaphoric N and D combined also matched his silhouette of despair if the World could not find Peace:



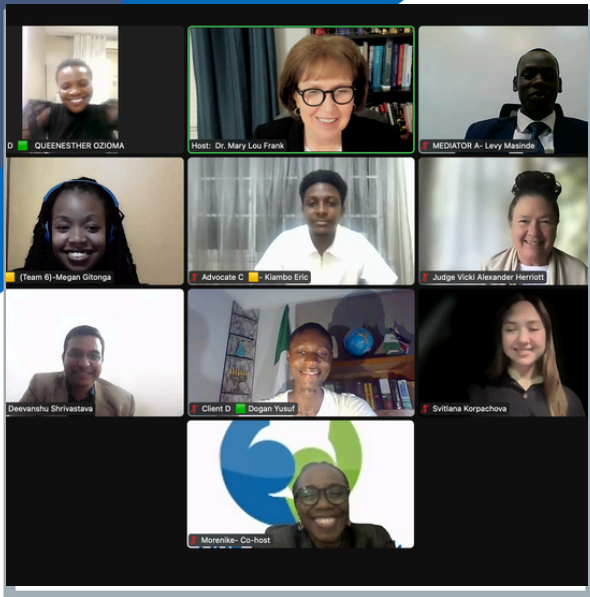
“I was in despair. Deep despair. I drew myself: the representative of an individual in despair, with hands palm outstretched outwards and downwards in the manner of Goya’s peasant before the firing squad. I formalised the drawing into a line and put a circle round it.”

-Gerald Holtom

The PEACE HELP US logo has been designed with inspiration from, respect to and perspective for the future of Peace in the spirit of Gerald Holtom. Gerald Holtom passed away on September 18, 1985. One of his late requests was to have the peace symbol on his gravestone in an upward form. Unfortunately, this was not respected. Now – it is. Now – this symbolizes the silhouette of Gerald Holtom holding his arms up; asking for help. PEACE HELP US. It still holds the original references to the N and D – Nuclear Disarmament – which also symbolizes what could potentially destroy the World and humankind. In essence, peace is needed to secure the Earth and all living creatures. The color blue is chosen as it symbolizes peace and more specifically the hex color #009edb equal to the color of the United Nations. The aim of the PEACE HELP US conference and logo is to make peace grow organically within and between people, families, friends, communities, inside nations and between nations, like the Tree of Life. Therefore, out of the silhouette of Gerald Holtom “asking for help,” the Tree of Life grows. This further symbolizes that peace is needed to protect also the unborn children of the World, the future of life.



Created by Mikkel Gudsøe & Rebecca Holtom on January 24, 2023 in great honor and respect of Gerald Holtom.



Reaching Every Continent: INADR Tournament Updates

NEW CONTINENT ALERT: AFRICA

ODR Africa Network in conjunction with the International Academy of Dispute Resolution, USA, organized the first virtual Mediation Tournament out of Africa in 2024 for undergraduate Law Students in African universities. The International Academy of Dispute Resolution (INADR) is the first organization of its kind to train students in mediation and have them participate in a tournament competition as mediators. The Mediation tournament has been held in over 10 countries with participants and representatives from more than 50 countries. The First African Tournament was held from May 16th to 18th in 2024. Eight universities across the African Continent participated from West, East and Southern Africa. The universities are:

TEAM	UNIVERSITY
1	Lead City University, Nigeria Team 1
2	Lead City University, Nigeria Team 2
3	Nnamdi Azikiwe University, Nigeria
4	University of Nigeria, Nsukka, Nigeria
5	Ahmadu Bello University, Zaria, Nigeria
6	Strathmore University, Kenya
7	Kabarak University, Kenya
8	University of Lusaka, Zambia
9	Cavendish University, Zambia Team 1
10	Cavendish University, Zambia Team 2

The tournament spanned three intense days. By participating in the tournament, students gained hands-on experience in the art of mediation and developed vital skills that go beyond traditional legal education. The skills foster communication, manage conflicts, and allow the participants to find creative solutions. The event not only provides students with a unique opportunity to improve their negotiation and communication skills but also exposes them to invaluable networking and learning experiences. The Pre-tournament, workshops and seminars led by distinguished mediators and experts in the field also provide participants with in-depth insights into emerging trends and best practices in face-to-face as well as online mediation. These sessions will further enhance students' understanding of alternative dispute resolution methods and broaden their perspectives on the evolving landscape of conflict resolution. The tournament has the potential to inspire an understanding of mediation among law students and give them essential skills that go beyond conventional litigation. These brilliant African individuals are prepared to become leaders in the peaceful and effective resolution of disputes, building a society based on communication and understanding as they begin their legal careers.



Different mediation styles surface at the Vienna, Austria, tournament

Kenneth K. Frank

The International Academy for Dispute Resolution (INADR) was well represented at a tournament in Vienna, Austria, in July 2024. This event, which featured 28 negotiation teams and 14 mediation teams from law schools around the world, was sponsored by the International Bar Association and the Vienna International Arbitral Center. The name of the tournament is derived from the term consensual dispute resolution competition (CDRC). The tournament was in the ninth year of competition.

Eight INADR colleagues were in Vienna—some were coaches of teams that competed, some were expert assessors (judges) and some were volunteers. For many of us, going to the CDRC was a chance to meet like-minded professionals from around the world. During the course of the week in Vienna, we had the opportunity to interact in seminars and at special lunches and dinners that were part of the event. In addition, we were able to see how another successful mediation competition operated.

Although many of the central aspects of the two competitions are alike, there are major differences between CDRC and INADR tournaments. Two of the major differences are the problems used in each round and that until the final round, there was only one mediator in the room. The problem for each round was based on the case used for the Willem C. Vis International Commercial Arbitration Moot competition. To make each round different, a new set of confidential facts was used. The general fact pattern (the Vis case) is over 60 pages long, much different from the 2-3 page fact patterns used for our general facts in INADR competitions. The other major difference was that there was only one student mediator in the room until the final round, and in a change from previous editions of the CDRC tournament, the final round incorporated co-mediators.

We can learn from some of the practices they used in their competition, and we all believe it is good that we work together to bring the best educational experiences to our participants. We invited CDRC expert assessors to join us in Tbilisi, Georgia, for our International Law School Mediation Tournament scheduled in March, 2025, and we believe several assessors at the Vienna tournament will join us. In short, it was a good opportunity to build bridges and establish connections with other schools and professionals.



INADR colleagues at the final dinner in a grand hall in Vienna. From left to right: John Lag, Lidiia Vatutina, EO Mendes, Kateryna Manetska, Ken Frank, Mary Lou Frank, Anastasiia Zernova, and Tomasz Antoszek.

In Memorandum



ADEJUWON ADENUGA ODR ADVISORY BOARD TRUSTEE

We are saddened to inform you of the passing of Adejuwon Adenuga.

Mr. Adenuga served as the Chairman, Advisory Board and Trustee of the ODR Africa Network. He was deeply committed to the ODR's goals, always striving to advance the field of online dispute resolution across the continent. His kindness, dedication, and hard work made him a pivotal figure in our community.

Most recently, Mr. Adenuga assisted greatly with the 1st Annual African Tournament with INADR & ODR Africa. His dedication to continue spreading the power of conflict resolution in Africa was infectious.

Mr. Adenuga's contributions were not just professional; his warmth and generosity touched the lives of many. He played a crucial role in mentoring young professionals and fostering a spirit of collaboration within the dispute resolution family.

He will be greatly missed by all in INADR and similar communities.

Please visit the [ODR Africa's Ever Loved](#) site in memorandum for Mr. Adenuga.

CHECK OUR WEBSITE FOR UPDATES

Join us in one of our next tournaments

INADR

LAW SCHOOL

ASIA

March 2025: Bhopal, India: Bhopal Invitational Mediation Tournament,
National Law Institute University

EUROPE

Mar. 5-9, 2025: International Law School Mediation Tournament (ILSMT)
and Conference
University of Georgia Law School

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UNDERGRADUATE

NORTH AMERICA- USA

Feb. 7-8, 2025: Orlando, FL: Conciliator Mediation Tournament,
University of Central Florida

NORTH AMERICA- USA

Apr. 4-6, 2025: Tucson, AZ: Arizona Intercollegiate Mediation
Tournament, University of Arizona

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