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The Bensberg Mediation Model

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Abstract: The basis of the conflict through the mediation represents the objectives and procedures of mediation, mediation of a conflict. The conflict will not be disclosed to others, but the parties will be credited the authority to resolve the conflict, the conflict among themselves with the help of a mediator. The dispute should be resolved by the parties with help of a third party. The parties in conflict (it may be several persons) are jointly responsible for the solution. They seek together a way that leads to long-term settlement of the conflict. The assumption of responsibility in this process strengthens the confidence and the importance of their decision. Important is that losers usually have no peace, because they are out for revenge. Winners don't need peace. If both parties lose, remains disappointing, with the understanding of which the conflict is resolved, will understand each other better developed. Reconciliation is therefore a longer-term goal. Conflicts also help to clarify roles. The paper presents Bensberg Model of Mediation, because this is developed as a win win solution and his possible implementation in Romanian schools.

Keywords: mediation; conflict; reconciliation; settlement

1. Introduction

Mediation (mediation in the conflict), originally from USA, is recognized as a great alternative form of resolving all conflicts. That mediation has a millennial tradition intercultural, has for many no more value.

In ancient times there were many specialists whose responsibility was to restore peaceful coexistence among citizens. Solon was elected as a mediator and leader of Athens. Aristotle and Plato have written about intermediation problems in cases of conflict. The word "mediation" has its origins in both Greek and Latin and means: intercession, to be neutral, impartial. In Asia, the methods of intervening in court have had special social recognition. In China mediation largely replaces justice in the social conflicts, family or work. Confucianism requires harmony. Important is to find a compromise. In Japan, arbitration has taken place outside the courtroom and has kept the role from ancient times until today. The reason for that was the inefficiency in the judiciary. Mediation requires and gives parties in dispute responsibility. A Japanese proverb says: "to maintain a friendship is more important than having a victory". Archival activities on mediation are recorded in Europe since the Middle Ages. Peace of Westphalia in 1648 had as mediator Alvice Contarini (Knight, envoy of Venice). To find a compromise he needed five years. Conciliation in the conflict between husband and wife were already known in France during the French Revolution and in the nineteenth century England had even conciliation councils for economic conflicts.

Nowadays, mediation plays an extremely important role both nationally and internationally. The EU has decided upon a directive on mediation. In Germany, the mediation has soared in the late 70s of last century, first in the field of family conflicts and divorce. Today methods of mediation in resolving conflicts find their use in many fields, economic conflicts, social, political and civil society.

2. Conflict Mediation and Violence Prevention in Pre-School and High School

Children learn to walk, talk and cry, discover the environment and learn quickly the means to impose. Later learn to play, learn the alphabet and numerals, arithmetic, geography and more. It is therefore fair to learn (if needed) how to argue. How can this be realized in a school is shown by teaching mediation. With the help of a mediator, the parties in conflict (arguing children) can reach agreement on a common view, remove differences and this before using his fist to impose their views.

Bensberg Mediation Model (Bensberger Mediations Modell BMM) also provides a teaching model. Mediation is a procedure of cooperation in which the mediator has no decision power but is responsible only for conducting the mediation process. Mediation is based on the free decision of the parties in dispute, and the principle of solving is the win-win situation..

Conflicts exist since humanity. Not conflict is the problem that puts even peace in the world and social peace in danger, but violent forms of expression, forms that perpetuate the conflict, which favors only one of the warring parties. The most powerful has "right" and "truth" in his hands.

Many studies have led to clarification of the forms of expression in conflict situations and their effects:

- fight or run (away), are the basic forms of conflict expression;
- personal advantage should be a priority (through the use of increasingly intensive force);
- initial position is supported when a record defeat (losses);
- is shaping a loss of differentiation capacity at all levels;
- conflicts are winning games, because otherwise appear like a loser;
- conflicts are seen as a threat to ones own security.

When a conflict is no longer seen as a threat but as a chance, the other part in conflict is accepted as a person and his interests are recognized in some way. This is the starting point in seeking a common solution for settling the conflict. Renouncing on violence is natural, respect for identity and dignity of all (not just those directly involved in conflict) is the basic requirement of living together in freedom and safety. Constructive processing of conflicts in kindergarten/ primary school is an educational method of absolutely necessary for the future of a country and even for mankind.

In fact, the problem of conflicts lies in permanent danger of conflict escalation, in conditions of increasingly value in asserting belief, will and power. From this moment on, the thinking prefer the appropriate strategies. Conflict will become increasingly difficult to master if you can not control it.

It is necessary to promote a culture of resolving a conflict and use it as a chance of development because it:

- Draw attention to existing and unsolved problems;
- Promotes communication skills;
- Helps to clarify our position and point of view;
- Drives the search for cooperative solutions;
- Becomes an expression of their interest in school;
- Strengthens the feeling of belonging in the community.

3. The Bensberg Mediation Model

Bensberg model was developed at the Academy "Thomas More" in Bensberg (German state of Nordrhein-Westfalen). Since 1996, this institution has been offered to teachers and other professors a permanent self-taught conflict resolution in kindergartens and schools. The focus is put on the professional mediation training and coaching.

The basic idea is that conflicts cannot be (and should not) eliminated from children's lives. They belong to community life. The program "conflict resolution by students" is an approach to verify this method of resolving conflicts between children. The aim is a new culture of conflict resolution in schools. "The science of mediation" is in many schools part of the curriculum.

Bensberg concept was developed from the acquisition of American experiences of the "Cool Schools" Project and the school's conflict resolution by Johan Galtung.

The purpose of the concept is:

- introduction of mediation in all forms of university education and kindergartens;
- ensuring the sustainability of the system implementation;
- integration of the mediation concept in laws and education plans.

This means that:

- mediation is not a method, but implement a behaviour of responsibility;
- people involved in mediation tend to have a new way of thinking;

Their implementation is realized through an intensive professional education of teachers and training of students that have to become at a certain age student-mediators.

4. Stages of the Mediation Model using Bensberger Model

Introduction: After a simple greeting the parties in conflict are setting goals and conditions. Particularly important here is the appearance of confidentiality and neutrality of the mediator. Mediator conducting the mediation process clarified the rules and made the early discussion.

Clarifying the facts and find a solution: the parties in conflict expose their point of view. The main task is to ask questions, conduct helpful discussion, to summarize, to find points of emotional conflict. The purpose of this phase is to clarify the points of view of the parties in conflict. The mediator is not intended to discover the culprit. Then they switch sides to find out the position of the other, to understand the way how he thinks and reacts

Resolution: The Parties in conflict seek ways of resolving the conflict. Each writes down solutions. This should be a point of an intern view and an exterior one: "what am I ready to do and what I expect from the other". After this it noted they start to sort and analyze the proposals. Realistic proposals are discussed in detail. The purpose of this stage is to find a practicable solution to solve the conflict and assure a sustainable peace together.

Consilience: practicable solutions are found by both parties and noted. After giving their consent, the parties sign the consilience paper together with the mediator. Each party receives a copy of the paper and the third remains in the mediation file.

5. Conclusions

In the view of those who developed the Bensberg model, in kindergartens and schools are created structures of mediation and exercises are performed in order learn how to mediate a conflict. This ensures the participation of all students but also teachers in the mediation process. A regular training guarantees knowledge and application of tools in determining the specific conflict situations.

Unlike other methods of learning the social responsibility, Bensberger Model training has practical strategies for action. Exchange of experience and opinions, and the enrichment and improvement of the model is always a priority for the further development of this model within the Academy. This is ensured in particular through active participation in working groups of the German Association of Mediators and the learning process is made under the rules of this professional associations.

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