



Martin Institute NEWS

A Publication of the Martin Institute for Peace Studies & Conflict Resolution

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USA

Institute Plans New ADR Services Program

Since April, Martin Institute expansion of the Alternative Dispute Resolution (ADR) program has moved quickly forward. The main activities dominating the expansion are training, technical assistance, initiatives, and an ADR Services pilot project. Following are details about each of these activities:

Training:

The Institute has been contacted by several organizations seeking training. Organizations in Idaho, in an effort to reduce travel cost for sending personnel out of state for training or offset the high cost of bringing a trainer to Idaho, looked to the Martin Institute as an in-state training resource. As a result, the Institute has been involved with the following training efforts:

1. two-day training offering an overview of alternative dispute resolution methods and the fundamentals of negotiation and mediation for the State of Idaho Department of Administration.
2. coach a two-day peer mediation training in Moscow, ID for a statewide peer mediation teleconference involving selected public schools in Idaho.
3. two-day training for the Nez Perce Peacemaker Project providing training for tribal elders on the basic principles and techniques of mediation.
4. presentation on the topic of mediation at Peaceful Settlements conference in Boise, ID.

Technical Assistance:

The Institute has served as a source of technical assistance to organizations seeking

to build dispute resolution processes that are efficient, cost effective, and produce mutually acceptable outcomes. Projects we have been involved in include:

1. Qualifications Sub-Committee work on the Idaho State Bar Rule 16 Implementation Committee looking to implement rule changes encouraging the use of mediation in most civil suits in Idaho.
2. designing a post-mediation client satisfaction survey to be used by the Idaho court system for assessment of referral mediations under Rule 16.
3. designing a promotional flyer, brochure, and Mediator Resource Handbook for Nez Perce Peacemaker Project.
4. assisting various ADR trainers and instructors with curriculum development, identification of course training materials, and training assistance.

Initiatives:

Expansion of the ADR services program has identified a number of key areas that the Martin Institute has identified need to be addressed to insure the ongoing expansion of the ADR services program for the state of Idaho and surrounding region:

1. Currently, Martin Institute records are public domain. As a result, the Institute cannot grant client requests that their case records remain confidential. Research into Idaho Public Records Act found forty two (42) exemptions to mandatory record disclosure currently exist. The Institute presented an initiative to the Martin Institute Board of Deans to seek a legislative exemption for case records. The

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Board of Deans has indicated that UI Policy/Legal Affairs is actively pursuing legislative relief from mandatory disclosure requirements.

2. Development of training and educational materials along with training and skill building programs targeted to meet the needs of region.

ADR Services Pilot Project:

Protracted conflicts related to natural resource management, environmental issues, land use, claims against rulings of government agencies, and inter-agency disputes highlight the need for new ways to resolve differences through processes that are efficient, cost effective, and produce mutually acceptable out-

comes such as consensus building and mediation. In order to build regional capacity to resolve public sector disputes, the ADR services program is currently designing a pilot project to provide consensus building and dispute resolution services for public sector related disputes. The Institute plans to offer a training in consensus building and dispute resolution for public sector disputes to mediators in Idaho who have expressed an interest in working with the Institute. Once trained, the mediators are eligible to be credentialed by the Institute to receive referrals. The Institute also plans to provide education and technical assistance to government agencies looking to build their internal capacity to efficiently and amicably resolve disputes.

Institute Fellow Studies in India

Institute Senior Fellow Ken Gallant is spending the 1995-96 academic year as a Fulbright scholar at the National Law School of India in Bangalore. He has found his work there very productive from the point of view of the Martin Institute's goals.

While in India he has made presentations to the International Jurists Organization (Asian section) and a human rights workshop for South Asian lawyers on human rights in international criminal courts, such as the International Criminal Tribunal for the Former Yugoslavia. These presentations were the result of work done at UI with funding received from the Martin Institute. As a result of this work, Mr. Gallant has also been named the American alternate to the International Law Association's working group on Extradition and Human Rights.

He and his wife, Mary Beth Lagenaur, have also supervised law students working at a rural mediation center near Bangalore. The cases the students handle include land disputes, marital and family conflict, inheritance problems and loan repayments.

One of the most interesting aspects of this program is that occasionally there is a case in which no single student or faculty member is fluent in all of the languages spoken by the

disputing parties, so it is necessary to have a team working with them. People in this part of India may speak Kannada, Tamil, Telegu, or Malayalam as a mother tongue, and English or Hindi as a second or third or fourth language.

In land disputes, the amounts of land involved would frequently seem very small to an American farmer. However, many people in that part of India practice something close to subsistence agriculture, and every square meter of land can be important.

The traditions of community-based dispute resolution in India require American mediators to re-think some of their basic assumptions about mediation. For example, the students will frequently suggest bringing in relatives or friends of the disputing parties, who would not normally be part of the mediation process in the West, but who are seen as capable of influencing the parties to reach an agreement. Confidentiality in mediation plays a different role, too, as the community usually knows about the dispute, and most of the parties have no compunction about discussing the issues in a room crowded with other people — students, people with other problems, and workers at the center.

*“Nez Perce
'peacemakers'
traditionally helped
resolve family and
village disputes”*

Nez Perce Peacemaker Project

In conjunction with Idaho Legal Aid Services and the UI College of Law, the Martin Institute is helping develop a new program for Nez Perce tribal members called the “Nez Perce Peacemaker Project.” The goal of the project is to establish a culturally appropriate, alternative way for resolving disputes outside the court system. The Peacemaker Project trains law students and tribal members to co-mediate disputes referred by tribal court.

Tribal members help ensure the Project reflects Nez Perce cultural values. Tribal elders have advised the Project that Nez Perce “peacemakers” traditionally helped resolve family and village disputes by advising the disputants of the need for tribal unity and by guiding them to a mutually agreeable resolu-

tion of their dispute. Other tribal members who are trained to become mediators have stressed it is important to include in the mediation other family or tribal members affected by the conflict.

It is our hope that this process will not only relieve court dockets and save money for all involved, but it should also help preserve relationships by offering a less adversarial process for the settlement of disputes. Those interested in more information may contact either the Martin Institute or Idaho Legal Aid Services (208-743-1556).

Specialist Joins Martin Institute

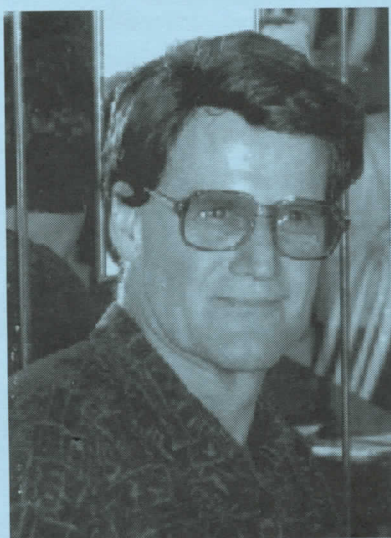
Curtis Brettin joined the Martin Institute in April as the new ADR/Mediation Coordinator. Originally from North Dakota, Curtis has an undergraduate degree from Gonzaga University and received a Master's degree from Harvard University with a concentration in Alternative Dispute Resolution / Conflict Management. Following three years in a Harvard internship program in public policy, planning, and program development he worked for the Dispute Resolution Center of Spokane County, in Spokane, Washington.

Since joining the Institute staff, Curtis has worked to develop a full program of ADR / Mediation training and services, which is dis-

cussed in the preceeding article. He is working closely with people from the UI College of Law, Idaho Legal Aid, Idaho Mediation Association and other groups to make this program the best of its kind in the region.

If you have yet to meet Curtis, or just want more information on the ADR services the Martin Institute is now offering, take time to drop by and get acquainted. The Institute is located in the Continuing Education Building, Room 1, and is open from 8:00 - 5:00 weekdays.

Director's Corner



There have been a number of exciting developments over this last year. These include innovations in strategic planning, databanks, networking, research, publications, and education. Following are details of some of the plans we have been working on:

Strategic Planning

On August 17, 1995 the newly formed Steering Committee of the Martin Institute Advisory Board (chaired by Dr. Richard Slaughter) met for the purpose of organizing several strategic planning sessions over the year. During the meeting, Director Jack Vincent presented a three-year plan and encouraged the Steering Committee to view it as a stimulus for additional ideas and concepts to be integrated into a final plan of action. Following this, the fall meeting of the entire Advisory Board devoted itself to an open-ended strategic planning session under the direction of Dr. Cutler Umbach. Many ideas came forward relating to the activities presently under way concerning data, instruction, journals, and Alternative Dispute Resolution (ADR) services. These ideas were assembled into categories by the Institute and were brought back to an additional session of the Steering Committee (now named the Executive Committee) held in Boise on November 15. A draft strategic plan emerged from that meeting and was finalized at a meeting to be held in Moscow on January 11-12, 1996.

Databank Development

The Martin databank (as a part of the Martin Archives), has been gathering data from various institutions throughout the United States which, when organized into a comprehensive package, will allow researchers throughout the world to do empirical

peace research at very low cost. Full data access and programming services are free to Martin Institute Fellows and external Associates. The data includes political, social, and economic indicators measured on over 200 international actors. These variables are of the type that have proven to be relevant in explaining international conflict and cooperation behavior. It will also include the entire WEIS dataset, spanning some 30 years, describing conflict and cooperation behavior using some 80 indicators for both monadic (such as the United States) and dyadic (such as United States - Russia) measurements. For example, in the latter case, any behavior directed by the U.S. toward Russia such as foreign aid, threats, protests, etc. are included in the dataset. The databank also includes the GURR ethnic violence indicators as well as indicators describing behavior of state units within the nation states of Brazil and India. Anyone interested in using these sets may do so at a reasonable cost and the Martin Institute will provide full programming support in this regard.

The most important innovation in this regard is the development of a unique "missing data estimation program," suitable for dealing with large sets of data which produces results that minimize disturbances of the correlation matrix between the variables comparing pre- and post estimation correlations.

Networking

It is the intention of the Martin Institute to network as thoroughly as possible with other peace research and ADR centers. In this connection, an extensive home page has been developed (<http://peace.martin.uidaho.edu>). The home page is being interfaced with the Yahoo bulletin board and will be posted on the Peace Science Society bulletin board as well as other leading access points, relevant to peace studies or alternative dispute resolution, on the World Wide Web.

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"An important element of the strategic plan for the next few years is to develop university minors in the areas of Peace Studies and Alternative Dispute Resolution."

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Research

Director Jack Vincent has been planning, along with Dr. Ray Dacey (Chair of the Martin Institute's Peace Research Committee) to develop a granting program for next year (FY97) that will link the Institute's Distinguished Associates and other leading peace researchers and research centers to the Martin Institute through joint projects. The expectation is that this joint research will generate additional data for the Martin databank and that the results will find an outlet in the Martin Publication Series.

Publications

The Martin Institute has developed the foundation for three kinds of publications which will become fully operational during 1996. These are:

Martin Journal of Mediation, Conciliation and Conflict Resolution

Martin Journal of Peace Research

Martin Monograph Series

These are fully described on the Martin Home Page. The intention is to provide a high quality publication service, particularly relating to Martin research and ADR activities. The Editorial Board for these journals consists of:

Dr. Jack Vincent *Martin Institute and
UI Dept. of Political
Science*

Dr. Raymond Dacey *UI Dept. of Business*

Dr. Joel Hamilton *UI Dept. of Agricultural
Economics & Rural
Sociology*

Dr. Daniel Zirker *UI Dept. of Political
Science*

Dr. Jay O'Laughlin *UI College of Forestry*

Education

An important element of the strategic plan for the next few years is to develop university

minors in the areas of Peace Studies and Alternative Dispute Resolution. These will consist of core courses necessary for anyone who wishes to minor in these fields, and will include a capstone course relating to the specialization of either Peace Studies or ADR. It is highly probable that these minors will be interfaced with the UI's current International Studies BA. Thus a student majoring in International Studies will have the opportunity to branch off into either ADR or Peace Studies if they so choose.

In addition, a number of educational activities are likely to result out of our ADR services expansion. In particular, it may be possible to supply course study modules at all educational levels (primary, secondary, and university level) to facilitate an interest in and understanding of the ADR process. It is felt by many that such training may help reduce interpersonal conflict for individuals exposed to such training.

Finally, the Martin Institute is offering direct training to those who wish to participate or act as practitioners of Alternative Dispute Resolution. It is hoped that eventually the Martin Institute may take a leadership role in providing such materials through such media as radio or television.

Jack Vincent

Comments on the United Nations

by Dr. Boyd A. Martin

"...in spite of its weaknesses, the United Nations still represents the hope of the world."

Fifty years ago, toward the end of a brutal world war, representatives of 50 governments gathered in San Francisco to draft and sign the Charter of the United Nations. The Charter represented the world's new hope and vision for a new era of global cooperation. Because of a personal invitation from President Harry Truman, I was privileged to attend and work with the American delegation, especially Senator Arthur Vandenberg.

While speaking before the Moscow Chamber of Commerce I warned, "we cannot expect too much too soon from the new organization. It represents progress, but such an organization is not born full-grown. In implementing the U.N. to insure peace there are needed world prosperity, dynamic world opinion behind this organization, and economic and social adjustments. The hope is to make the Charter better by amendment and usage. It does hold the hope of the world."

Now, as we celebrate the 50th anniversary of that Charter we realize that hope and vision is only partly realized. And yet, over the last five decades, the U.N. has achieved a great deal. The development of peacekeeping, decolonization, the establishment of a code of human rights as an international standard of behavior, economic development programs, vast relief operations for the care of refugees, and the promulgation of international laws are

only a few of the U.N.'s accomplishments.

In addition, it has made great progress in training of nationals taking part in peacekeeping missions around the world, the resettlement of refugees and other displaced persons, and worldwide actions to protect the environment. As we celebrate 50 years of partial success we should keep in mind that the U.N. is still in need of improvement. It needs a satisfactory system of revenue, a police force of its own, and the Security Council is in need of revision to include Germany, Japan and possibly the inclusion of Argentina or Brazil. It also needs a body to represent the people, like our House of Representatives. The United Nations was an instrument drafted and presented by the victors of World War II to the rest of the world including the vanquished. Because of our experience with our failure to join the League of Nations, we included the veto power in the Charter. I convinced Senator Vandenberg he would never get it through the Senate without the veto power. This was an open recognition of state sovereignty. But in spite of its weaknesses, the United Nations still represents the hope of the world.

Dr. Martin is Emeritus Professor of Political Science and a former Dean of the College of Letters & Science at UI. He and his late wife Grace founded the Martin Institute in 1973.

ACKNOWLEDGEMENT OF DONORS

We would like to acknowledge and thank the many individuals who have made donations to the Martin Institute for Peace Studies & Conflict Resolution during the past year. Without their continuing support, the many activities mentioned in the issues of this newsletter would not be possible. Gifts acknowledged below are those received during the period July 1, 1994 to June 30, 1995.

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The Martin Institute for Peace Studies and Conflict Resolution is a multi-disciplinary center at the University of Idaho, founded in the belief that war and violence are neither necessary nor inevitable. Its purposes are to encourage education and research to advance peace at all levels, and also to resolve local and regional conflicts with alternatives to confrontation and litigation. Institute scholars seek to understand the major causes of disputes and violence and to provide information, training and assistance for the resolution of conflicts. The institute brings together scholars, students and present and future leaders to develop the knowledge needed for the ongoing and new challenges of establishing peace as a basis for long-range social and economic progress.

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