

MAHARASHTRA NATIONAL LAW UNIVERSITY MUMBAI

MA IN MEDIATION AND CONFLICT RESOLUTION

Abstract of Course Modules

1. *Basics of Mediation*

Being a practical subject deeply rooted in theory, this paper is designed to introduce participants to the process of Mediation. Besides providing a crash course on the essential skills and techniques for a Mediator, participants will develop a firm understanding of the peculiar role of the Mediator in the field of dispute resolution. Participants will reflect on the different approaches to conflict – power, rights, interests, needs – and also study how perceptions and beliefs of the different stakeholders impact the escalation and de-escalation of the dispute. The module will further lay out the ideal Mediation process, defining the elements that characterize the different stages in the process.

2. *Philosophical Roots of Mediation and Conciliation*

Prior to studying concepts of Mediation, the second paper in the course will make participants understand why this path of dispute resolution stands out from alternate adversarial schools of thought – on the basis of theories, moral and philosophical debates and perspectives. The paper will also touch upon the socio-cultural impact on the development of the consensual form of conflict resolution. Participants will be introduced to the concepts of common law, civil law and principles of equity and justice, and how culture, customs, norms and values help shape society's acceptance of dispute resolution methods. Participants will enjoy debating the balance between uniformity and diversity in a community context and reflect on non-violent studies from a variety of Indian perspectives. While scholars in their own field guide participants on the ideas of justice, power and non-violence, there will also be discussion on acceptable and unacceptable methods in the pursuit of such ideals.

3. *Legal Status of Mediation*

Participants will familiarize themselves with the existing international laws and treaties related to mediation and study in detail the different legislations in India that recognize mediation. The aim is to provide the participants a complete knowledge of the present legal status of Mediation in the world.

The paper will focus on the modern beginnings of professional Mediation and its adoption by judicial systems across the world. Participants will study and compare international laws and conventions and their implications. The paper will also discuss the nuances of execution of Mediation settlements in local and foreign jurisdictions. The legal literature in this paper will be simplified for participants who do not possess a prior education in law.

4. *Research Study of Dispute Resolution Institutions in India*

This paper aims to acquaint participants with the various dispute resolution platforms currently operating in India. Serving a dual purpose, this paper will test participants beyond simple reading, and familiarize them with basic post-graduate research methodology. Therefore, the studying technique will now be expected to be more academic, with participants trained to identify primary and secondary sources of knowledge, practically trained in data collection methods, and further guided in data analysing and report writing.

Having picked up research skills, participants will be expected to study the different dispute resolution platforms such as Panchayats, Lok Adalat, Ombudsman, commissions, police authorities, tribal conflict resolution models, etc. For a final task, participants will be expected to present a research paper related to an active conflict resolution model in India.

5. *Scientific Approach to Decision Making*

As a Mediator, you are expected to guide the participants in decision-making, therefore it is important that participants master a variety of practical skills. Not only will it make you a better negotiator yourself, it will also help you spot these skills when employed by others and you will be prepared to counter them effectively.

This paper will train participants in a variety of decision-making and creative thinking techniques. Since the responsibility of making decisions in a Mediation lies with the disputants, the end goal is to learn different means of aiding parties in their decision-making. Expert faculty will guide participants in non-violent communication, appreciative enquiry, active listening, emotional intelligence, neuro-linguistic programming, etc

6. *Indian studies in Dialogue and Conflict Resolution*

This Paper aims to acquaint participants with the timeless techniques of conflict resolution, and encourage innovative thinking and application to blend these principles with existing practices.

Participants will be introduced to the classical Indian tradition of discussion, where they will learn the different kinds of dialogues, related to readings from the Vaadashastra and Nyayshastras. There will also be a component of discussion of the unique Men and Women in Indian tradition who were known to have conducted outstanding dialogues towards conflict resolution.

7. *The Neuro-Psychological Analysis of Conflict*

This paper aims to introduce the fundamentals of the human mind, cognition and reasoning, with the goal of cultivating a conscious aptitude among the participants to seek to understand the person behind the problem. Participants will be acquainted with psychological and behavioural sciences and debate the nature vs nurture theories of human behaviour.

Participants will explore the scientific Indian studies of cognition, knowledge and behaviour with special focus on Patanjali's exposition on the human mind. Participants will also discuss psychoanalysis and psychotherapy from the writings of Freud, Carl Jung, Maslow and others, and study the benefits of such learnings in Mediation practice.

8. *Online Mediation and Use of Artificial Intelligence*

This paper will introduce the emerging trends of Mediation practice in India and abroad, with specific focus on online systems for conflict resolution. The paper will introduce the intricacies of conducting a Mediation session online and help participants design a specific set of ground rules exclusive to online mediation. The paper will also study existing online dispute resolution forums and discuss the success and limitations of their operations.

Participants will also study the scope of artificial intelligence in dispute resolution and the debate the role of the mediator in conflict resolution. The paper will also discuss ethical considerations, credibility and accountability of such models of dispute resolution. The goal of the paper is to explore the possibility of limited physical presence of the Mediator in early dispute resolution measures.

9. *Types of Mediation*

This paper aims to initiate the participants into the world of diverse mediation models, which are reflected in the practical styles engaged by mediators. The paper will delve deep to decipher the nuances that distinguish each model from the other. Eventually, at the end of the course, participants might choose to adopt a particular approach – facilitative, evaluative, transformative, narrative, etc. - as a signature style in their practice. Some participants might choose to use a blend of styles; therefore, this paper will also discuss the necessary considerations in choosing a style.

The paper will nurture the participants' understanding of the working of each model by evaluating the advantages and limitations in the process design. Through supervised role-play simulations, participants will attempt to practice each model of mediation and also learn to construct and deliver feedback.

10. *International Negotiations and Diplomatic Bargaining*

Diplomatic negotiations are intriguing, and learning from such discussions is fascinating. Participants will be provided an insight into the art of diplomacy, with specialized faculty dissecting international conflicts and their conclusions. The paper intends to get participants to appreciate the intricacies of Negotiations in International Relations and nurture leaders with specific skills in dealing with a diverse range of representatives.

There will be specific focus on war negotiations and dialogue at international forums such as WTO and UNO. Participants will engage in mock diplomacy settings and test skills and strategies.

11. Specific Negotiations

This paper will continue to focus on specific negotiations with emphasis on particular industries and sectors of business and society. Participants will gather an understanding of basics of employer-employee conflicts and union disputes, with an opportunity to study and analyse popular cases. The paper will explore the nuances of deal-making, with focus on case studies of major business deals. The second half of the paper participants will discuss the strategies and morality in negotiations related to economic and social crimes, and terrorist negotiations.

12. Restorative Justice

This paper will provoke students to investigate the application of conflict resolution concepts in the civil and criminal justice system. The aim is to stimulate the mind in using dialogue as a parallel coping and healing mechanism, exclusive of the criminal proceedings. The paper will introduce participants to restorative justice programmes and platforms in India and around the world, and discuss the adaptation of such programmes to civil and criminal justice.

Participants will attempt to design and facilitate restorative conferencing in mock role-plays. The paper will also debate the theory of deterrence vs the theory of incentive. Participants will study the basics of criminology and the paper will also introduce and debate the success stories of restorative justice models in major crimes such as wars, genocides, terrorism, etc.

13. Conflict Analysis and Conflict Management

Conflict transcends fields of study and research, and therefore participants will be sensitized on the social, political, cultural and economic dimensions of conflict. The paper will help participants in differentiating between conflict management and conflict resolution – and when is the best time to employ either strategy.

Social conflicts are couched in caste, gender, religion, economy, ideology and race, and participants will get a chance to analyse them. The paper will also outline the scope of mediation in environmental conflicts and the cross-cultural conflicts, rising from migration and nationalism. The paper will also deal with Chanakya's Model of Conflict Resolution, a well-known and popular mode of conflict resolution amongst Indian administrators.

14. Conflict Resolution through the Religious Lens

This paper will expose participants to the topic of faith and the impact of religion on conflict and conflict resolution. Participants will familiarize themselves with the basic learnings of various religions in relation to peace and tolerance. It's an opportunity to acquire diverse and parallel perspectives into conflict resolution mechanisms designed and practiced within certain religious

traditions. The goal is to get participants to appreciate the similarities and respect the differences between religious cultures with regard to conflict resolution mechanisms employed over the years.

Learning to be receptive and empathic to extreme ideologies will empower Mediators to deal with racially tense moments during a Mediation. Participants will study the popular rituals in different religions – their value and risks, and also develop a professional attitude in dealing with bigotry. The paper will also help participants debate the advantages and disadvantages of liberalism and develop larger perspectives than what is currently fashionable in society.

15. Personal Bio-Cognitive Development of a Conflict Resolver

This paper is aimed at helping participants develop a moral compass of Mediation Practice. Deep self-reflective practices will help participants learn to cultivate their own set of standards of practice as mediators and conflict resolution professionals in their own fields. The goal is to train a conscious mediator, open to feedback and criticism. Ethical perseverance requires mental strength and therefore the faculty will also focus on building self-esteem and self-accomplishment goals for participants.

Participants will be guided in cultivating a strong emotional intelligence and a firm understanding on the principles of neutrality. The paper will also instruct participants on techniques in mutual-respect, and discuss matters of integrity and fair practice. Keeping with the theme of self-growth, participants will also learn to deal with inner conflict and practice the art of mindfulness.

16. Observational and Reflective Practice

Participants will have to spend a few months observing Mediations as part of a practical internship. The paper is aimed at developing observational and reflective skills. The participants will have to present a reflective journal of their internship experience.

Note: The two-year course curriculum consists 16 core papers, spread across 4-semesters. Each paper will be evaluated separately. Any changes in syllabus, pedagogy and evaluations will be communicated in advance to the students. The lead tutors for each paper will be announced shortly. Check the MNLU Mumbai website for regular updates.