Mediation and conflict resolution among the Arabic-speaking community in Melbourne

Undertaken by

Victorian Arabic Social Services (VASS)

&

Centre for Citizenship & Human Rights (CCHR),

in partnership with

Dispute Settlement Centre of Victoria (DSCV)

Research team
Fethi Mansouri
Carol Makhoul
Jamal Sankari
Tegrin Christie
Brad Warren

Acknowledgements

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Executive Summary

This monograph is based on a research project funded by grant from the Victoria Law Foundation. It is the product of empirical research work undertaken for Victorian Arabic Social Services (VASS) and the Dispute Settlement Centre of Victoria (DSCV) by the Centre for Citizenship and Human Rights in collaboration with a number of community organisations and agencies.

The research project explored and documented the perception, understanding and experience of conflict resolution, particularly mediation as a method of alternative dispute resolution, by members of the Arabic-speaking community in Melbourne's Northern metropolitan region. The research for this report was undertaken in the inner and outer North, North-West and North-East suburbs of Melbourne. This region was selected because of its high concentration of Arabic-speaking residents.

The method underpinning the report's research consists of empirical data generation and analysis, including quantitative questionnaires, qualitative interviews and one focus group. The approach found in the report is informed by a selection of variables, and shaped by certain determinants, as well as by previous research on the topic of conflict resolution and mediation, in general.

Below is an outline of principal findings structured, discretely, according to thematic issues.

1. Conflict resolution:
1.1. Experience of conflict
As borne out by the responses in the questionnaires, 11% of males and 7% of females stated that they had recently experienced conflict, as compared with 89% and 86%, of the respective gender, who answered 'No.'.

1.2. Perception and understanding of mediation

It is instructive that three quarters of respondents, with roughly comparable proportions for men (72%) and women (77%), held a favourable perception of mediation, believing that mediation can result in the resolution of disputes. It is equally telling that of the 94% of men, and 86% of women, who responded to the question relating to the meaning and process of mediation as a dispute settlement strategy, 56% of females and 55% of males stated that they understood the meaning of the process of mediation. Of course the nature of this understanding varied from one individual to another depending on their unique personal histories and experiences.

2. The use of mediation services (as an alternative to court proceedings)

In response to this question, 11% of men and 18% of women stated that they had used mediation as an alternative to the courts. While the proportions of women and men, 59% and 89%, respectively, who answered 'No' to the relevant question, clearly overshadowed those who answered yes, the comparatively high percentages should not be misconstrued as denoting a preference for adjudication through the courts. Rather, a more plausible interpretation would be that the majority of those who answered 'No' had done so because either they had no experience of conflict at all (as mentioned above) or if they had, had not deemed it worthwhile or necessary to pursue either course to settlement. This explanation is validated by the finding that only one respondent, a woman, had actually accessed the courts to resolve her dispute with a family member.

2.1 Factors influencing the utilisation of mediation services

Of the respondents who have utilized mediation, 50% believed that mediation facilitated a resolution of the dispute. Furthermore, when addressing the question of   satisfaction with the mediation process and outcome, all respondents, both, men and women, were either satisfied or extremely satisfied.

2.1.1. Issues relating to language

Of the 50% of men and 36% of women who responded to the question of whether they would be more likely to access a mainstream mediation service if it had qualified Arabic-speaking mediators, 28% of men stated 'Yes', as did 22% of women. More poignantly, all respondents (not including those who answered 'No Response') thought that it was either important or extremely important for the mediator to be fluent in Arabic.

2.1.2. Issues relating to the Arabic-speaking community

Of those who responded to the question: 'How important is remaining within the same Arabic cultural community when choosing a mediation option?' the overwhelming majority of men and the majority of women answered that it was either important or extremely important. When asked to specify some of the strengths and weaknesses of mediation as practised within the Arab community, of those who responded, just over half of the men described cultural background and neutrality as key strengths, while others were uncertain about the question. For the women respondents, the ratio between those who specified elements of strength and those who were unsure closely mirrored the breakdown of the men's responses. Further, it was found that 61% of men and 37% of women underscored the importance of seeking mediation services from within the Arabic-speaking cultural community.

2.1.3. Issues relating to culture

In line with the pronounced preference for Arabic community-based mediation services stated above, nearly all of the respondents underlined the importance of mediators being acquainted with Arabic culture and values.

3. Awareness of and access to mediation services

3.1. Awareness of mediation services

An analysis of the pertinent data revealed that of 84% of women and 100% of men who responded to the relevant question, less than a quarter (22%) among the former and less than half (48%) of the latter stated that they were aware of mainstream mediation services. Similarly, 39% of men and 41% of women claimed awareness of Arabic-specific and community-based

mediation services. Given the low level of awareness with respect to mediation services, particularly among women, there is strong justification for a public awareness enhancement campaign among members of the Arabic-speaking community.

3.2. Access to mediation services

The findings revealed that only 7% of all 62 respondents had actually accessed mediation services. Further, it is revealing that, of this 7%, all were women.

3.3 Access to Arabic-specific mediation

While the data shows that only 6% of women and 5% of men had actually requested and attended mediation through an Arabic-specific approach, respondents have recorded a strong willingness to access Arabic-specific mediation services, with a gender breakdown of 72% for men and 66% for women. Further, a breakdown of Arabic-specific mediation according to specific sub-types revealed that 12 female and 3 male respondents had contacted religious leaders, 7 women and 2 men had contacted immediate or extended family members, and 3 men and 1 woman had contacted community leaders.

4. Reasons for accessing mediation and levels of satisfaction

4.1. Reasons for accessing mediation services in general

For the vast majority of respondents, the informal characteristic of mediation was rated highly by 35% of women and 55% of men. It should be noted here that 58% of men and 39% of women chose to respond to the relevant question.

4.2. Service quality and outcomes

When asked about their level of satisfaction with the process of mediation, 55% of men and 36% of women answered that they were satisfied or very satisfied.

4.3. Reasons for accessing mainstream mediation services

Those who were familiar with, and/or had experienced mainstream mediation listed the following qualities: face to face discussions by disputing parties, third party facilitation by someone who is knowledgeable, accessible, and understands the problem at hand, cost- and time-saving processes, and confidentiality.

4.4. Service quality and outcomes

As is evident from the qualitative answers found in the appendix, the majority of those who have experienced or were aware of mainstream mediation evaluated it positively.

4.5. Reasons for accessing Arabic-specific mediation services

When asked to specify the strengths and weaknesses of Arabic-specific mediation, the majority of those who responded, both males and females, enumerated such strengths as neutrality, familiarity with Arabic language and culture, and financial savings.

4.6. Service quality and outcomes

Although the proportion of those respondents who have had mediation is comparatively small in relation to the number of people who had stated that they have not experienced conflict, there is an unmistakable sense that Arabic-specific mediation is strongly favoured as an alternative and authentic means of alternative dispute resolution.

4.7. Reasons for accessing other types of mediation services

When asked 'Who do you contact to seek mediation services?', of the total 22 female respondents, 12 mentioned religious leaders, with a further 7 women preferring the informal channel of the immediate or extended family. When compared with males, the figures for the same categories showed three a piece. Arabic-specific and mainstream mediation services seemed to be the recourse following the failure of more commonly preferred options.

5. Reasons for not accessing mediation services by disputants

5.1. Unawareness of the existence of mediation services

An analysis of the data collated from the questionnaires yielded a manifestly high degree of unawareness of the existence of mediation services by members of the Arabic-speaking community. With regard to mediation services, generally, only 22% of men and 48% of women stated that they knew of their existence, while only 39% and 41%, respectively, of male and female respondents claimed awareness of Arabic-specific mediation.

5.2. The perceived inadequacy or unsuitability of mediation

As regards mainstream mediation, a significant portion of respondents, 28% of men and 22% of women, stated they would more likely access a mainstream mediation service if it had qualified Arabic-speaking mediators.

The non-binding nature of mediation was identified as a point of weakness by two respondents, one of whom resorted to formal legal proceedings in order to obtain a binding decision.

5.3. The existence of alternatives

Of the total proportion of males, 56%, and females, 48%, respectively, who had actually resolved their disputes by any particular means, 24% of women resorted to their families as an avenue to settlement. On the other hand, 17% of men resorted to elders as a means to resolving their disputes.

5.4. Inapplicability

Whilst the data reveals strong interest (72% for men and 66% for women) in Arabic-speaking mediation services, it is significant that an overwhelming 94% of men and 77% of women indicated that they had not accessed Arabic-specific mediation, presumably because there was no need to access any form of mediation, rather than because of a particular dislike of Arabic-specific mediation.

6. Attitudes towards and expectations of mediators

Of the 66% of male respondents and 44% of female respondents who addressed the question of impartiality, 61% of men and 39% of women

believed that the impartiality of the mediator was important or extremely important. The high percentage of respondents, 56% for women and 33% for men, who registered 'No Response' may be due to a lack of understanding of the meaning of the term, impartiality.

6.1. Specific needs and areas of improvement as identified by respondents

When asked to identify one or more needs pertaining to accessibility to mediation options, respondents provided the following: 18 responses for cross-cultural training for mediators, 16 for increased availability of interpreters, 15 for the availability of further information about Arabic-specific mediation options, 14 for an increase in the availability of bi-lingual/bi-cultural mediators, 13 for further information about alternative dispute resolution practices, and 12 for further information about mainstream mediation options in one's local area.

7. Mediators: their experiences and needs

7.1. Experiences

There is a close correlation between the small proportion of respondents, 6% of men and 5% of women referred to above, who had accessed Arabic-specific mediation, and the low percentage of respondents (11% of men and 7% of women) who have functioned as mediators between two disputants where either or both parties were members of the Arabic-speaking community. An analysis by gender reveals men have been nearly 3.5 times more involved in the mediation of disputes than women.

As regards the question of the identity of disputing parties, the responses of mediators revealed they had mediated between friends (1), friends and family members (1), family members (1), and a community member (1). As a corollary of the previous findings, a breakdown of the types of disputes mediated indicated that two men and two women had mediated family disputes, while two men mediated neighbourhood disputes.

7.2. The needs of mediators

7.2.1. Mediation training

It is revealing that none of the respondents who had acted as informal mediators have had any formal mediation training. One important finding, as stated by many of the respondents, was the importance attached to the existence of certain qualities, such as impartiality, integrity and knowledge, in mediators. Yet, in the light of the above-mentioned finding, and as expressed by one informal mediator, 'there is a need for mediation training sessions to educate people how to mediate within the community.' The need for enhanced formal training as called for by community and religious leaders, as well as by trainee-mediators, is manifestly highlighted by 67 % of male and 36% of female respondents.

7.2.2. Challenges and problems

One of the problems raised, repeatedly, by CALD (Cultural and Linguistic Diversity) mediation trainees has been the issue of impartiality and rapport. Underlying this is a fundamental misconception of the mediator's role, one that rests on an erroneous supposition that there is a natural predilection to one's cultural background or religious affiliation. Thus, the challenge before mediators of Arabic-speaking background is how to dispel these ill-informed suspicions and preconceptions in order to build rapport and trust. This assumption of bias on the part of some disputants who have accessed cultural or Arabic-specific mediation, on the one hand, and the consciousness of the need to maintain impartiality and establish rapport with both parties on the part of Arabic mediators, on the other, was one of several key issues raised by Arabic mediator-trainees; the other above-mentioned issues are formal mediation training, community awareness of Arabic-specific mediation services, and bi-lingual mediation.

Recommendations

The recent Victorian Government decision to substantially reduce its funding of Legal Aid has had serious implications for NESB communities, in general, and for Arabic-speaking residents in particular. Given the high concentration of recently-arrived Arabic-speaking migrants who have settled in regions where the household income of the Arabic-speaking background community is comparatively low, where there is a high level of unemployment, and a low level of education (particularly regarding English literacy), the community is vulnerable to cutbacks in such vital government services. As a result, for the majority of NESB, Legal Aid is no longer affordable and accessible. The other formal legal option, litigation, is neither feasible nor affordable for the vast majority of Arabic-speakers. This has been highlighted by the data analysis conducted for this report, which showed only one out of 62 respondents had actually pursued court proceedings against another disputant. Conversely, the majority of respondents enumerated the perceived benefits of mediation as an alternative to the decidedly more costly litigation procedure. As a result, mediation, both mainstream and culturally or ethnically specific, has assumed added significance, and the need for wider access and enhanced quality of service has been amplified.

Although the following recommendations have been arranged thematically, it should be recognised that there is considerable interplay and overlap between them.

1. Recommendations concerning community perceptions and attitudes

A considerable majority of interview and questionnaire respondents displayed a positive attitude toward mediation services in general, and especially toward mediation services provided within and for the Arabic-speaking background community. Despite this, however, only a small percentage of respondents claimed awareness of the full extent (or, in some cases, of any)

of the mediation options available to them. In the light of this, there is an urgent need for:

- some form of pro-active information and advertising campaign that targets the Arabic-speaking background community to increase awareness of available services, both from the mainstream and from within their own ethnic / cultural networks. The only proviso here (and it constitutes a recurring theme) is that this issue be addressed in a way that is culturally appropriate, that is not going to alienate Arabic-speakers in the very act of informing them.

Such a campaign would also serve to address another, related concern that emerged through data analysis, that of the accessibility of available mediation options. Simply put, the more the Arabic-speaking communities are aware of the options available to them, the more likely they are to find one that is geographically convenient.

Related to the preference of Arabic-speaking respondents for mediation options provided by and for those within their own cultural background, a corollary reluctance towards mainstream mediation was detected. Such reticence appeared, for the most part, to be culturally grounded. With that in mind, it is recommended that:

- Whether through the above-mentioned advertising campaign, or through some other means, Melbourne's Arabic-speaking background community needs to be made aware of the precise function of mainstream mediation services, so as to reduce unjustified or irrational fear. Again, this must be done in a culturally appropriate manner.

During this study, a fundamental disjunction emerged between some respondents' expectations vis-à-vis mediation and the realities of the process. This disjunction is considered at least partially responsible for the reticence outlined above, and it may be further defined as follows: Since mediation within the Arabic-speaking background community has traditionally fallen to family, community elders, priests or imams (all of whom could be expected,

to varying degrees, to know disputants personally and to display some degree of bias), disputants have sometimes sought to identify with the mediator, to get the mediator on-side, as it were. Such efforts conflict with the neutral role of the mediator generally assumed to hold sway in Western contexts. Any attempt to raise community-awareness of mediation alternatives should be cognizant of this, and seek to address such cultural incongruity in a sensitive and culturally appropriate manner. In several instances, research recommended that the best way to negotiate this dilemma would be:

- for representatives of mainstream mediation services to work closely with respected, more traditional mediators from within the Arabic-speaking background community, as it is only through open discussion and a cross-pollination of ideas and cultures that cultural disjunctions may be overcome;

- this inter-cultural communication should be done openly, so that the Arabic-speaking community may readily see the interaction between those community leaders whom they respect and representatives of mainstream mediation services, so that respect and rapport may be developed amongst all involved;

- furthermore, there should be more networking and collaboration between traditional forms of community-based mediation (through religious and community leaders) and professionally trained mediators.

Without detracting from any of the recommendations made thus far, it should be recognized that the onus does not lie solely in educating and raising the awareness of the Arabic-speaking community. Many of the barriers identified could likewise be addressed through directed attention to mediator training.

2. Recommendations concerning Mediator training

Corollary to the above recommendation that the Arabic-speaking community be made aware of the appropriateness of mainstream mediation

options, it is imperative that such options be provided. A recurring theme through research for this report was:

- the need for cross-cultural training of mediators. Such training would be beneficial in addressing the disjuncture between Arabic-community expectations and mediator roles outlined above. Through relevant literature, and through empirical data collection, it emerges that complete impartiality in cross-cultural mediation situations is almost always impracticable. Appropriate training would provide mediators with a way of negotiating around or through the problems this presents;

- the need for ongoing professional development training for CALD mediators.

Related to the above recommendation is the distinct preference of respondents for mediators from their own cultural background (irrespective of where mediation takes place). n this regard, on the grounds that, firstly, to seek to link all disputants with mediators of the same cultural / ethnic background is usually financially untenable and, secondly, such a preference may be a reflection of the cultural disjunction vis-à-vis impartiality outlined above, in which case appropriate education of mediators and communities remains the most appropriate alternative.

Language training of mediators was also a recurrent concern to emerge during research for this report. This may be broken into two sub-categories: 1. Language training for mediators themselves, and 2. the provision of Arabic-speaking background interpreters.

- In the first case, there is little doubt that for disputants to be able to engage in mediation in the language with which they are most familiar is the most desirable option. Not only is literal communication best served in this regard, but nuances and inferences of speech that might otherwise become lost in translation are laid open for consideration. Of course, this does not address situations in which disputants do not

speak the same (first) language. In such cases, for the mediator to be able to act as translator was the preferred second option of most respondents.

Cost issues again emerge with regard to this recommendation: the financial and time commitments required to locate and / or train bi-lingual mediators sometimes make such an alternative unviable. In such cases, the use of Arabic-speaking background interpreters was generally the preferred second option. Nonetheless, the use of such interpreters was also perceived as a two-edged sword. Some mediators and disputants felt that the use of interpreters made the mediation process too lengthy and drawn out, while others felt that to use interpreters sometimes benefited one disputant over another. On the other hand, others expressed the opinion that to use interpreters sometimes allowed more time for consideration and contemplation, and thus viewed it as a positive alternative. Taken overall, the recommendation with regard to Arabic-speaking background interpreters is that:

- Arabic-speaking background interpreters should be made available wherever possible, and should be used when desired, especially in instances where bi-lingual/bi-cultural mediators are not available. Preferably, Arabic-speaking background interpreters should be provided with minimal training on the dynamics of mediation.

All other considerations aside, it should also be noted that a significant percentage of those interviewed/surveyed identified mediation as something of a 'last resort' (despite the willingness of most respondents to consider it as a viable alternative). With that in mind, one further recommendation can be made with regard to training:

- Wherever possible, formal mediation training should be made available to those parties to whom the Arabic-speaking background community more traditionally turn to in situations where mediation is required, such as community elders, priests, imams and so forth.

3. Recommendations concerning the provision of Mediation services:

To reiterate, most respondents to this study expressed openness to considering mediation as a viable alternative for conflict resolution. With that in mind, if the above recommendations concerning improving mediation services and making the Arabic-speaking background community more aware of them are adopted, it follows that:

- More mediation centres/services, both mainstream and culturally or ethnically specific, will be required.

To achieve this, it is further recommended that:

- there be substantial increase in Victorian Government funding for mediation services, with particular focus on cross-cultural mediation training and accessibility; and that there be a strengthening in community support, both financial and with regard to volunteer work.

No concrete statement is being made here as to whether mainstream or culturally / ethnically specific mediation services should be given priority, in light of the misconceptions and misunderstandings discussed in the previous pages. Assuming that the above recommendations concerning mediator training and community awareness are implemented, the differences between mediation options provided by different community areas are expected to become less pronounced. The driving impetus remains that mediation services should strive to address the needs of the Arabic-speaking community in Northern Metropolitan Melbourne and, irrespective of which sector provides such services; they should endeavour first and foremost to be culturally sensitive and appropriate.

Section 1. Introduction

This research project was prompted by documented evidence indicating that the Northern Metropolitan region of Melbourne is home to the highest concentration of Arab-speakers in Greater Melbourne. It was also instigated in response to evidence pointing to the lack of sufficient or appropriate mediation services, and to the underutilization of mainstream mediation facilities by Arab-speaking residents. VASS (Victorian Arabic Social Services) has been instrumental in helping to conceptualise this project, and to bring it to fruition.

Given the importance of resolving inter-personal and inter-group conflicts through such demonstrably successful alternative dispute resolution processes as mediation, insofar as it assists in lessening pressure on the legal system, especially the courts, and contributes to social harmony by virtue of the nature and mechanism of mediation, there is growing interest in the process of mediation, its variant types and effectiveness. However, that heightened interest in various aspects of mediation and its manifold implications has not occasioned similar attention to the question of mediation in the context of Arabic speakers in Melbourne, in general, or the Northern suburbs in particular. Hence, there is a justifiable need to systematically inquire into the ways in which dispute/conflict in its various forms is perceived, understood and experienced by members of the Arab-speaking community in Melbourne's North. Thus this report does not only research and document the needs, resources and experiences of Arabic-speaking residents, but attempts to methodically analyse these issues, and formulate suitable programs and mechanisms for addressing them.

An exploratory literature survey undertaken in this project, as detailed in chapter two has found a patent lack of analytical research on the needs and experiences of conflict resolution by Arab speakers in Melbourne in general, much less the Northern region, in particular, and an absence of specific

reports enumerating appropriate recommendations and proposals for redressing the shortcomings present in existing services and facilities.

This project falls within the broad purview of the government's social program of providing all Victorians with equal and direct access to appropriate and continuously improving resources and services, thereby making Victoria an inclusive integrated society underpinned by a well-serviced equitable social infrastructure.

1.1 Project goals and objectives

The research project aims to explore the perceptions, experiences and needs of the Arabic-speaking residents of Melbourne's Northern Region. Its principal objectives are to assess the extent to which members of the Arabic-speaking community are aware of the existence of mainstream and ethnic or linguistic specific mediation services; have understood the function and purpose of mediation; have utilized these services and, finally; the extent to which these services were found to be valuable and effective. In the process, deficiencies and gaps will be highlighted with regard to the reality of the process and purpose of mediation on the one hand, and to how it is perceived and understood on the other, as well as to highlight the gap between community expectations and outcomes, and more generally between service delivery and community needs.

Thus the specific aims of the project are as follows:
i. To identify the degree of awareness of the availability of mediation services by members of the Arabic-speaking community, or alternative methods of mediation to the conventional legal regime;

ii. To pinpoint problems/impediments with regard to access to mediation services in the Northern region of Melbourne (language, information, and perception);

iii. To gain an understanding of, and of attitudes towards, mainstream and Arabic-specific mediation/ conflict resolution;

iv. To identify and analyse perceptions and attitudes among the Arabic-speaking community towards mainstream mediation services;

v. to survey current literature on mediation/resolution of disputes between and among people of multicultural and particularly Arabic-speaking backgrounds;

vi. To point to or develop strategies with a view to enhancing the value and accessibility of mediation services to members of the Arabic-speaking community in Melbourne's Northern suburbs.

1.2 Purpose of the Project

The purpose of the research undertaken and the resultant report findings is, firstly, to make a significant contribution to our existing knowledge and understanding of the question of conflict resolution vis-à-vis the Arabic-speaking community in Melbourne; secondly, the findings will lay the groundwork for gearing existing mediation services to the specific needs of the targeted community. Specifically, it will provide the basis for increased government funding of culturally-appropriate mainstream and bi-linguistic mediation services, as well as funding for public-awareness and community education programs. To ensure that existing and future mediation services remain accessible, appropriate and effective, a government body working in close concert with community leaders should be established with the authority to oversee and regularly review the performance of these services and resources in light of the community's evolving needs and expectations.

1.3 Key Principles informing or underlining the report

i. Community awareness, perception and experience of mediation. This entails documenting, analysing and reviewing these issues in order to keep abreast of community development and changes in attitudes, and to develop strategies in interaction with the community so as to realize their goals.

ii. Culturally-appropriate mediation principles: There will be an emphasis on ensuring that mediators have or acquire adequate knowledge, understanding and appreciation of the culture of the Arabic-speaking community. This will enable the building of rapport and trust between disputants and mediators, and thus lead to better resolution outcomes.

iii. Applicability: Mediation should be culturally-specific, accommodating cultural traits and behavioural attitudes of Arabic-speaking Australians. It is crucial that existing techniques or methods of mediation/resolution are appropriate to the specific needs of the Arabic-speaking community.

iv. Adaptability: Existing and future services should be adaptable to the demanding and changing environment, which might make it necessary and/or feasible to expand and modify existing services by specifically enhancing the type(s), reach and quality of these services. Likewise, new service-centres might also be required.

v. Accountability: This entails community participation and involvement, ongoing review and evaluation, and impartiality of mediators as a pre-requisite for effective and successful mediation.

vi. Empowerment: Giving power and freedom to disputants is an inherent and crucial pro-active element in the mediation process; it enables community and individuals to build the necessary capacities to deal directly with disputes through mediation, without legal recourse.

1.4 Rationale for funding

Funding has been sought from the Victoria Law Foundation for the research component of the proposed project for a number of reasons. The first is that there is little - if any - existing literature or research specific to mediation and the needs and experiences of the Arabic-speaking background community residing in Victoria. A few references were found that do pertain to the Arabic-speaking background community but, of these, not all addressed Victorian communities, and none targeted directly the intentions of this proposed research. A further literature search revealed that existing

literature has offered some insight into the needs and experiences of other cultural groups such as the indigenous, Chinese, Japanese, South and North American, European, African American and Turkish communities (Kelly, 2002; Sakai-Naoki, 2000; Kozan and Ergin, 1999; Dunn, 1998; Hairston,1998; Beattie, 1997; Spencer, 1997; Be-K, 1997; Calister and Wall, 1997; Yuan, 1996; Elsayed-Ekhouly and Buda, 1996; Drake, 1995; Natlandsanyer and Rognes, 1995). It is possible that these works could provide thematic guidelines that may inform the project at hand.

The need for community education (both oral information and the provision of written material) stems firstly from existing literature which suggests that non-English speaking background communities in general have scant knowledge of the law, and little access to the legal system. More specifically, there also seems to be no data available documenting the numbers of Arabic-speaking background persons that have been aware of, and thus accessed community-based mediation services in the Northern region.

1.5 Principal Phases

As noted, the needs and experience assessment has been restricted to the Northern region of Metropolitan Melbourne. This area was selected on the grounds of its comparatively high concentration of Arabic-speaking background residents, evidenced by demographic data drawn from the 2001 ABS population census, the Department of Immigration, Multicultural and Indigenous Affairs, and the Victorian Office of Multicultural Affairs. Further justification can be inferred through the existence of VASS. Located in Broadmeadows, in the Hume City Council, the institution plays a vital role by serving the various needs of the Arabic-speaking community in Victoria.

The project has involved the following stages:

1. Exploration of the needs and experiences of the Arabic-speaking community in the Northern region with respect to conflict resolution.

2. Survey of existing resources and services;

3. Identification of any incongruence between the needs and experiences of the community on the one hand, and the accessibility and applicability of resources and services, on the other.

4. Formulation of recommendations and proposals for addressing the deficiencies and suggesting ways by which services and facilities could be improved to better serve the community.

The needs and experience assessment was carried out by the following means:

1.5.1. Individual questionnaires

There are several sections, and questions range from personal background details to experiences in and attitudes towards disputes and mediation.

The specific purpose of the questionnaire is to identify the extent of knowledge of, and involvement in, mediation and thereby determine specific and general needs of disputants or members of the Arabic-speaking community.

The questionnaire has been designed with both open and closed questions so that both qualitative and quantitative data can be obtained. The questionnaire has also been translated into Arabic for persons who cannot read or write in English or are more comfortable using their first language.

The key issues and themes addressed in the questions are:

The nature of the dispute experienced;

The agency and mechanism by which the dispute was resolved;

Awareness of the existence of, and understanding of mediation;

Experience of the process and outcome of mediation, both mainstream and informal;

Attitude towards mediators, and perceptions of their role(s).

1.5.2. Focus discussion group and interviews

There was one discussion group held, comprised of 6 individuals with expertise in areas including education, refugee issues and migrant resources. A number of qualitative interviews were also conducted with Arabic-speaking community and religious leaders, and with mediators from Arabic-speaking and non-Arabic-speaking backgrounds.

Further details are outlined in the methodology chapter.

Section 2. Literature Review

2.1 Introduction

Academic research on conflict resolution is large and continually growing. The nature and quality of the literature that addresses this broad theme is diverse with respect to subject-matter, methodology, stated objectives, conceptual formulation, theoretical constructs, empirical data analysis and contextual background. Broadly, studies on mediation and resolution can be divided into the following categories: intra-group, inter-group, and national and international (Abu-Nimer, M., 2001; Kacowiscz, A. M., (2005); Levine, H., (2005).

In line with the purpose of this report, this chapter will survey the available literature that deals with conflict resolution in relation to culture; that is of non-English speaking background in general, and of Arab-speakers, specifically. The extent to which the cultural background of disputants should be integrated into the mediation process is a point of disagreement among researchers and practitioners.

This chapter will also survey how researchers and specialists have defined and employed key concepts of mediation and resolution, developed various mediation and resolution models, and given different views and findings on cultural awareness and linguistic acquaintance by practitioners in implementing appropriate mediation techniques and resolving effectively inter-personal and inter-group disputes.

Recently, research has been conducted on traditional Arabic concepts and practices of mediation within the context of distinctive communal, cultural and family structures of communities in the Arab world. Other studies have focused on the cross-cultural experiences of Arabic-speaking communities in

Western countries such as North America and the effects of acculturation (Cross & Rosenthal, 1999).

A common underlying thread through studies both in Arabic-speaking and western countries is the underutilisation of mainstream social and mediation services by NESB and Arabic-speaking communities. Studies in Melbourne on capacity-building (Mansouri & Makhoul, 2004) and family mediation (Dimopoulos, 1998) reiterated these experiences. In view of the lack of utilisation of mainstream social services, several studies based in Arabic-speaking countries developed pilot programs and explored the possibility of a combined approach of traditional mediators and mainstream social services such as social workers and mediators working together to facilitate conflict resolutions (Al-Krenawi, 2003: 4).

There are a number of recent studies on cultural groups and mediation in Australia. Of these, some focus on cross-cultural mediation practice and the applicability of mediation services for Arabic-speaking communities in family relations and family law disputes in parts of Victoria (Dimopolous, 1998). However, as will be shown in the review, specific needs of Australians of Arabic-speaking background in these studies have not been fully addressed, nor have their associated problems been resolved. Moreover, to date no research report has been undertaken into the specific needs of Arab-speakers who reside in the northern suburbs of Melbourne. Some of the key issues that relate to mediation such as: formal versus informal conflict resolution mainstream as opposed to Arabic-specific mediation, Arabic interpreters versus bilingual mediators, have been identified and to varying degrees studied.

The following is a categorised summation of relevant studies on inter-personal and inter-group dispute mediation and conflict resolution. The research findings are summarized and classified below according to issues, concepts, and procedures addressed.

2.1.1. Culture:

One theme that consistently underlines the literature on cross-cultural mediation and conflict resolution is culture and cultural diversity. The attention given to culture is evidently justified, as people of diverse cultural backgrounds have different perceptions and comprehensions of disputes, and practise various modes of conflict mediation and resolution. 'Culture defines what people value and what they are likely' to engage in conflict over, provides acceptable modes of behaviour in relation to specific types of disputes, 'and shapes institutions in which disputes are processed' (Ross, 1993: 21, cited in Frederico, Cooper and Picton, 1998: 5). Culture has further been defined as a set of rules, written and unwritten, which instruct individuals on how to operate effectively with one another and with their environment. It not only defines ways to act, but also ways to react, and thus is a valuable tool (Myers and Filner: 1993:36). Finally, culture has also been identified as referring to a set of shared values, norms and beliefs held by members of a group, such as a nation or organization (Hofstede, 1994; Lweicki, Lilterer, Minton and Sawnders, cited in Fletcher, Olekalns and De Ciere, 1998: 1). From these definitions common themes emerge: within each cultural group there is discernible variation in respect to feelings, attitudes and the behaviour of individuals. Moreover, within each group there are variations that stem from social class, geography, ethnicity, gender, age and education.

Cultural universalism and cultural relativism are binary opposites that have permeated a substantial portion of the literature on cross-cultural mediation. The debate revolves essentially around the key question of at what stage an individual of 'one culture [can] intervene with the behaviour of a person of another culture?' (Crokett, 2003: 259). The relativist approach to dispute mediation entails the practitioner adopting a less intrusive and more detached posture with a view to acknowledging the autonomy of the disputants, and empowering them to settle their conflict in a mutually-acceptable manner. Cultural universalism, on the other hand, involves the invocation of certain overarching standards by the mediator, including neutrality, a position not as valued in Arabic-community mediation contexts as one might at first assume. This dilemma is discussed in detail in the following chapters.

2.1.2. Arab culture

One of the key distinctions underlying Arabic and Western cultures as identified through the majority of literature reviewed was the notion of the Arabic community as a collectivist culture, as opposed to Western culture's individualist approach. A connection can be drawn here with the conceptions of High- and Low-context cultures. High context culture emphasises the 'collective over the individual, with a slower rate of societal change, and a higher sense of social stability'. The low context culture is described as more autonomous, fast-paced and transitional and favours the individual over the collective. Although it is cautioned that these distinctions shouldn't be absolute, Arabic cultures have been identified as 'more high context than low', and Western cultures as 'more low context than high' (Al-Krenawi and Graham, 2005: 302).

This is important in understanding the inherent dynamics of Arabic culture, which views problems as being in group contexts rather than as individual issues, therefore also drawing group members together in common pursuit of solutions. The interests of the individual are considered as part of the collective, and decisions are made in the interests of the general good over the personal (Al-Krenawi and Graham, 2005: 302).

2.1.3. Culture and mediation:

It is commonly assumed that mediation is a culturally-neutral process. In fact, mediation is culture specific, and those who practice it are primarily the product of well- educated, professional middle class Western society. (Tillett, 1991: 4).

A survey of research literature on mediation in general reveals a lack of specific research on cross-cultural mediation in multicultural societies such as Australia's. Some studies, perhaps best exemplified by the influential research of Folberg and Taylor (1984), highlight the continuity and commonality of traditional non-state and informal mechanisms of dispute mediation and resolution, whilst disregarding the significance of cultural variation (Fisher & Long: 1991: 15-16). They identify a set of distinctive traits for selected cultural

groups, pointing to the important role mediators should play in considering these differences by calibrating and adjusting relevant rules and principles. Thus in that context a list is provided of what is viewed as contrasting culturally-specific positions on a range of indices, most notably the issue of written or unwritten contracts, and the intervention of mediators (Folberg & Taylor, 1984, cited in Fisher & Long, 1991: 17)..

2.1.4. Cross-cultural mediation:

Definition and research

Simply, cross-cultural mediation has been defined as 'encounters where mediators ... [engage] with cultural groups other than their own' (Frederico *et. al.*,1998 :3). Additionally, by a different definition, cross-cultural mediation might include situations where the conflicting parties are 'culturally different from each other' (Goldstein, 1987, cited in Frederico *et. al.*, 1998: 3). Effective cross-cultural mediation not only entails knowledge and appreciation of cultural diversity, but also necessitates appropriate changes in attitude and behaviour by the mediator (Barsky *et. al.*, 1996, cited in: Frederico, *et. al.*, 1998: 4). Conversely, patent cultural insensitivity and incompetence in mediation situations can result in heightened anxiety and frustration for the mediator, and a diminished ability to 'develop rapport and trust' with the disputing parties (Frederico *et al.*, 1998: 4).

The role of cross-cultural mediator is defined less by the aggregate knowledge of myriad cultures, and dictated more by a worldview that is fluid and adaptable; one that encompasses a strong commitment to the fundamental similarities between people everywhere, while simultaneously maintaining an equally profound commitment to diversities (Alder, 2002).   In other words, the multi-cultural mediator is one who is particularly adept at operating and engaging in diverse cultural settings.

Whilst there are a significant number of theoretical studies of cross-cultural mediation, only a few of these are empirically-founded research studies. (Examples of this approach include Frederico *et. al.*, 1998: 2, and Goldstein, 1987, cited in Fisher & Long, 1991: 19). One study examines settings where

each of the disputants and the mediator belong to dissimilar cultural backgrounds. Research findings suggest that mediations between individuals or groups of different cultural backgrounds are likely to result in 'ambiguity and anxiety'. The study concludes that mediators should familiarise themselves with other cultures and adopt flexibility in their interpretation of the behaviour and attitudes of others, so as to decrease the level of their anxiety and present a culturally suitable type of mediation mechanism to reduce the anxiety of the disputants. The study further points out that owing to the sensitivity surrounding the frequent connection between cultural difference and minority status, the most common approach in intercultural mediations omits the cultural factor altogether (Goldstein, 1987, cited in Fisher & Long, 1991: 19).

A second approach is that which matches mediators and disputants according to culture, although there are questions concerning both the feasibility as well as the appropriateness of such an approach (Goldstein, 1987, cited in Fisher & Long, 1991: 20). While there are research findings in the field of therapy and counselling which indicate that 'culturally similar counsellors are more preferred, have greater empathy, have a higher return rate, and have positive outcomes,' other studies suggest that non-cultural traits such as persona, style, experience, and gender may be more important. It is proposed that 'community mediation might consider applying this matching process on a case-by –case basis taking into account such variables as language usage, acculturation, stated preference at intake, and the nature of the dispute' (Goldstein, 1987, cited in Fisher & Long, 1991: 21).

Relevance of the various studies of mediation and conflict resolution in multicultural societies vary widely dependent in large measure on the stated aims and objectives of those studies, and the extent to which these have been satisfactorily achieved by a demonstrably applicable andsound methodology.

Literature on cross-cultural conflict resolution as a whole tends to consider conflicts not in terms of rights and interests of the antagonists, but as complications and discords of an intrinsically moral nature. The major

implication of this is that resolutions to conflicts are susceptible to unilateral decision making by third party interveners, rather than by committed, well-informed and culturally-sensitive mediators endeavouring to empower the disputants to reach a mutually-acceptable settlement. Thus, whereas in adjudication and arbitration, disputes are viewed through the lens of accepted values and through a vehicle that is geared towards the application of norms, in mediation it is interests and rights that are underscored. In mediation, unlike 'the adjudicatory process, the stress is not on who is right or who is wrong or who wins or who loses, but on' devising a practicable solution that is most appropriate to 'the needs of the participants' (Folberg and Milne, 1988: 9).

The debate over bilingual and bicultural mediators

The issue of training and recruiting bilingual and bicultural mediators has become contentious subject matter in relevant literature (Fisher & Long, 1991). For some researchers there is basis to indicate bicultural workers are more capable of showing flexibility and adaptability in bi- or multicultural settings than their monocultural and monolingual workers (Pedersen, 1994, cited in Frederico *et. al.*, 1998) Additionally, it has been argued bilingual and bicultural mediators have a qualitative advantage over their mono peers, in that they would be able to conceptualize issues from a bi- or multicultural perspective (Barnes, 1994, cited in Frederico *et. al.*, 1998). Similarly, there is body of research that underlines the need of matching mediation training to life experiences; that is, there is a need for mediators who have a genuine understanding of the lifestyles and values of the disputants, and are able to empathize with individuals and groups from same cultural background (Fisher & Long, 1991: 43). Perhaps illustrative of this life experience is migration. A mediator who has immigrated to Australia would better be able to understand and appreciate the experience of disputants of similar background.

On the other hand, it can be argued that while the employment of bi-lingual mediators to match every single cultural group in Australia is might be desirable, such a venture is not feasible in the light of this country's heterogeneous composition. 'Culturally sensitive and appropriate mediation

does not require absolute linguistic and cultural' congruence. Instead, the premier pre-requisite is professional staff who have sophisticated mediation skills and a practical acquaintance with pertinent cultural issues relevant to mediation and resolution (Frederico *et. al.* 1998: 33)

In comparatively small communities, to seek and utilise bi-lingual and bi-cultural mediators sometimes comes with its own attendant difficulties.   In such situations, it is possible that a mediator may be acquainted with one or both disputants, a situation that would otherwise compromise the professional neutrality of the mediator, whose ideal status, at least from the dominant mainstream perspective, is to operate without a stake in the dispute and with no partiality to either party.   Furthermore, the same research contains documented cases in which disputants preferred to see mediation carried out by as a third party with no claims to common cultural or ethnic background (Fisher & Long, 1991: 44).

While the employment of bi-lingual mediators can be considered economical and efficient, at least from the point of view of not having extra translation services to engage and rely on, the dual role can also be very taxing with regard to interpreting accurately and comprehensively while simultaneously engaging in mediation; secondly, it distracts the mediator from participating fully in the mediation process; and third, mediators who interpret would have difficulty in being accepted as neutral or impartial. Indeed such mediators may sometimes find that they are perceived as an advocate or ally (Fisher & Long, 1991: 48).

Pre mediation meeting are another variable that needs to be taken into account in mediations settings. It is argued that the use of pre-mediation meetings and private one-on-one sessions is very important for successful mediation outcomes for a number of reasons: it enables the mediator to discretely and unobtrusively acquaint himself/herself with the personalities/clients, their interests and grievances; it enables the mediator to have a solid understanding and deep appreciation of the dispute, its meaning and the cultural perspective of the client; it enables the mediator to clarify his/her role and the objectives of the exercise; and finally, such

meetings provide the invaluable opportunity to engender clients' self-confidence, trust, rapport, and faith in the whole process (Frederico *et. al.* 1998: 38).

Irrespective of the drawbacks of third-party interpreters outlined just above, this is not to say that they cannot be beneficial, especially in cases where disputants are not fluent in English, or the mediator is not proficient in the language of the parties. One of the benefits of an interpreter, apart from the obvious facilitation of communication between all parties, is that sometimes the slower pace of mediation determined by the need to interpret can assist in diminishing the emotional tension and allowing disputants more time to contemplate. This is an important consideration, and it should not be understated. And yet, other times, the language impediment and the employment of interpreters has been recognised as inhibiting communication by prolonging the process and preventing direct communication between the parties (Fisher & Long, 1991: 47).

2.1.5. Mediation methods and procedures:

Cross cultural mediation

As regards mediation methods and procedures, some researchers propose a set of guidelines for mediators as the means by which they can gradually enhance their cross-cultural knowledge whilst engaging in dispute mediation. A four-phase process is envisaged: In the first stage, the mediator 'applies Trompenaars' exercise' to determine whether the client is 'universalist (rules-based), particularist (relationship oriented), individualist (individual), or a collectivist (group based).' This typology would enable the discerning mediator to categorise the disputants who at once belong to and are representatives of different cultures. Accordingly, Indonesians, Chinese and Koreans would be particularist and collectivist, while Australians, Britons and Canadians are individualist and universalist (Reid, 1996: 37, cited in Crockett, 2003: 261). While this working model holds true in a significant number of instances, one should nonetheless remain mindful of over-generalisation along such lines.

Studies on mediation techniques in cross-cultural contexts vary in the types of methodology devised and employed, and differ in the nature of the collected data. As a case in point, an empirical research report might be based on qualitative data, notably but not exclusively on the collection and analysis of data in the form of focus group interviews with clients belonging to a particular cultural group, and personal interviews with mediators (see, for example, Frederico *et. al.*, 1998: 11). In that study, the approach proved beneficial because clients were comprised of people who were knowledgeable about their culture and well-disposed towards expressing that knowledge to others.

Alternative Dispute Resolution (ADR)

As a distinct method in Western pluralist societies, Alternative Dispute Resolution (ADR), particularly with regard to its utility and appropriateness, has been a subject of contention in cross-cultural mediation discourse. (For background studies of ADR, see Merry, 1984 & Doyle, 2000). For some writers ADR, when equipped with a multicultural/natural model, becomes a vehicle by which to conduct effective cross-cultural mediation (Crockett, 2003: 256).

Culturally-sensitive mediation:

A number of researchers (such as Markus and Kitayama, 1994, and Triandes, 1995) have underscored the importance of awareness and appreciation of the distinction between 'individualistic' and 'collectivistic' cultures (Frederico, *et. al.*, 1998: 5). Whereas in Western cultures the individual and independence override the importance of the group and interdependence, in non-Western cultures it is the group and the associated interdependence of its members that is emphasised (Triandes, 1989). Several academics, whilst cautioning against cross-cultural generalisations, point to the existence of 'some evidence that consensual and non-coercive methods of resolving interpersonal conflicts, such as mediation are particularly valued in collectivistic cultures as opposed to individualistic cultures' (Frederico *et. al*, 1998: 5-6).

A group of Australian researchers have developed 'a culturally sensitive model of mediation' (Frederico *et.al.*, 1998: ii). At its core, the model considers

the constitutive elements of '*context, principles and practices*' in 'culturally sensitive mediation'. Those three elements are deemed to be crucial in determining the successful outcome of mediation work in culturally diverse contexts (Frederico *et. al.*, 1998: iii).

This model is deemed suitable for a wide range of practical applications, from interpersonal dispute management to communal and corporate conflict resolution. Furthermore, this model of mediation is believed capable of activating the notion of 'restorative justice' by enhancing the mediator's role in defining the outcomes to which the disputing parties will consent. The value of employing the knowledge and skills found within social or cultural groups lies in that such an approach would likely be empowering to both individuals and groups (Frederico *et. al.*, 1998: iii).

Research findings from the application of the culturally sensitive model indicate that appropriate and effective mediation ought to be linked to established informal approaches to conflict resolution. In essence, the model comprises two fundamental   interconnecting components: the first provides community education and engenders links between various mediation services and the community at large, while the second deals with the application of 'culturally sensitive mediation' (Frederico *et. al.*, 1998: iii).

The main conclusion emerging from studies is that it would be inappropriate to have one standard immutable 'culturally sensitive model of mediation.' Rather, it is envisaged that significant components of the model would need to be altered by specific contextual conditions (Frederico *et. al.*, 1998: iii).

Given that one key pre-requisite to the   success of the this model of mediation is the mediator's personal attitude and understanding of the idea and influence of culture, there is a strong case for having a select group of suitably qualified professional mediators who are well prepared to work in a cross-cultural environment.   Thus, in order to help overcome the serious challenges posed by language and cultural barriers to mediation (including the issues of dishonour, suspicion, privacy, and fear of authority), it is vital that mediators be well educated and suitably trained so as to operate

effectively with individuals and groups of their own cultural background. Such an approach would facilitate significantly the effective 'delivery of culturally sensitive and appropriate mediation' (Frederico *et. al.*, 1998: iii).

2.1.6. The Perception and Experiences of NESB and Arabic speakers

Mediation in Arab-speaking communities

There is a critical lack of specialized research into the experiences and perceptions of Arab-speaking residents in Australia with respect to the practice and role of mediation in their communities.

Much of the research into mediation theory and practices in Arab societies focuses on inter-Arab state procedures, and mediation techniques within Arab societies in the Middle East. Although the relevant studies vary widely in scope, approach and significance, the concepts and institutional practices that are analysed in some these works are relevant to this discussion.

In one case, it is demonstrated that the traditional and centuries-old Arab mode of conflict resolution to individual, familial, clan or tribal conflicts, known in Arabic as *wasta*, has generally not required special training skills or tertiary education. Nevertheless, in recent years there has been a trend towards the application of *wasta* in professional fields such as social work and human service (Al-Krenawi & Graham, 2001: 670). Indeed, there is a case for further application of Arab mediation as a practice model, as well as for more informal inclusion of mediation skills into general social work procedures.

Mediation and in particular conciliation is a long-established tradition involving intervention. Traditional or Qur'anic-enshrined conciliation has long been applied to family or marital disputes. However, as mentioned above, traditional Arab modes of mediation/conciliation, in common with other Western mediation methods are not value-free or culturally neutral.

The *wasit* or mediator is generally held in high regard in Arab society. His status is owed to a number of cultural constants: The first is his senior age, equated with wisdom; second is his acquaintance with the history of the

place and its people; third is his familiarity with the local community's customs, values and practices; fourth is his kinship ties, political or religious status and previous mediation experience; fifth is the premier role of the family in Arab life; and sixth, is 'the *wasta*'s gendered function of leadership within a patriarchal social structure' (Al-Krenawi, 1999: 671). The difficulty here lies in reconciling the positive aspects of such familiarity with the presumed neutrality of more typically Western modes of mediation.

Family mediation in the Australian Arab-speaking community

In reference to family mediation, 'awareness of the diversity of the family arrangement by mediators is identified as a critical precursor to effective and appropriate family mediation' (Dimopolous1998: 7). Data collected in studies raised concerns that traditional family mediation was informed by an often Anglo-centred understanding of family and family dynamics. This definition of 'family' may inform the mediator's approach, limit understanding of the issues, and even influence who is considered to be involved in the process of mediation, particularly with regard to notions of the extended family, such as grandparents, who may play a more significantly recognised role in terms of care and guidance than in Western cultures. In Arab contexts, extended family members are highly regarded and are expected to be called upon at times of crisis. However, in accordance with observations made above, category-based assumptions should not automatically be made without consultation, so as not to lead to generalisation and simplification. This appears to be of particular note in communities that are well established and integrated into Western communities, since they may have adapted more to a combination of values and norms, as opposed to the singular retention of traditional notions.

In collective societies such as Arabic-speaking communities, the relationship between individual and community or family is considered more interrelated and families offer a main source of economic, social and emotional support. Social fabric is created and developed through ties of marriage and blood and individuals obtain a large degree of their identity from their families. Family relations are regulated by hierarchically defined structures and

obligations that inform traditional power relationships and decision-making bodies (Savaya & Cohen, 2003: 194).

Data on mediation outcomes among Arab-speaking Australians

Assessing 124 mediations among non-English speaking communities in Sydney, one study ascertained that disputing parties from Asian backgrounds had a 69.2% agreement rate, as compared with a 60% rate for Arabic speakers (Fisher and Blondel, 1994, cited in Doyle, 2000: 47).

Statistical data collected by the Community Justice Centres of NSW (CJC):

Table 1

Country of birth	Settled %	Outcome: No agreement %	Late Withdrawal %	No Show %
South America	88.9 (8/9)	-	11.1 (1/9)	-
Italy	71.88 (23/32)	12.5 (4/32)	9.38 (3/32)	6.25 (2/32)
Australia*	65.53 (470/696)	11.49 (80/696)	11.49 (80/696)	6.47 (45/696)
Poland	66.67 (10/15)	26.67 (4/15)	6.67 (1/15)	-
Arabic Countries	65.79 (25/38)	13.16 (5/38)	10.53 (4/38)	10.53 (4/38)
Greece	51.61 (16/31)	25.81 (8/31)	9.68 (3/31)	12.90 (4/31)
Yugoslavia**	52.63 (30/57)	24.56 (14/57)	12.28 (7/57)	8.77 (5/57)

* In addition, 17 disputes underwent mediation followed by conciliation.

** In addition, one dispute involving a party originating from Yugoslavia had undergone conciliation following an arranged mediation session.

(Source: Fisher & Long, 1991: 54)

Table 2

Preferred language of various cultural/ethnic groups and mediation outcomes

Country of birth	Settled %	Outcome: No agreement %	Late Withdrawal %	No Show %
	81.82	9.90		9.09
Spanish	(9/11)	(1/11)		(1.11)
	73.34	6.67	13.33	6.67
Arabic	(11/15)	(1/15)	(2/15)	(1/15)
	66.67	19.05	9.52	4.76
Italian	(14/21)	(4/21)	(2/21)	(1/21)
	66.85	12.16	10.98	6.67
English *	(621/929)	(113/929)	(102/9290	(62/929)
	57.70	19.23	11.54	11.54
Serbo-Croatian	(15/26)	(5/26)	(3/26)	(3/26)
	48.00	28.00	12.00	12.00
Greek	(12/25)	(7/25)	(3/25)	(3/25)
	46.67	26.67	20.00	6.67
Macedonian	(7/15)	(4/15)	(3/15)	(1/15)
	50.00		16.67	33.33
Turkish	(3/6)	-	(1/6)	(2/6)

* In addition, twenty four English language disputes were conciliated following an arranged mediation session, while another six were referred to another CJC. (Source: Fisher & Long, 1991: 55).

Language and culture are the two principal reasons why people of non-English speaking and cultural backgrounds (including Arab-speaking Australians) do not utilize or underutilize mainstream mediation services. These will now be discussed in detail:

2.1.7. The needs of NESB and Arab-speakers: identifiable problems and proposed solutions

Language Barrier:

Language is one, albeit very important, aspect of communication. The active presence of Arabic-English interpreters in mediations does not in itself ensure a cultural breakthrough that would lead to resolutions of micro-conflicts. Rather there are important elements of communication that ought to be recognised, understood and appreciated by competent cross-cultural mediators. It is thus imperative that mediators possess the vital micro-skills and necessary flexibility when engaging with disputants of different cultural backgrounds. In other words, mediation practitioners should recognize the different meanings and implications of various patterns of communication by peoples of different cultural backgrounds, with particular attention to eye contact, vocal tone, speech rate, facial expression and hand movement (Doyle, 2000: 50).

In the same vein, if advocating a cross-cultural approach to the selection and training of mediators, it is important to emphasise that they should be aware of cultural variations relating to such issues as conflict, confrontation and self-disclosure (Goldstein, 1987, cited in Fisher & Long, 1991: 20). Thus it is crucial that mediators take seriously the subtleties of cultural differences and the nuances of language variations. To that end one should stress, firstly, the need for those practitioners working with interpreters to acquaint themselves with the process and limitations of interpretation in mediation, and secondly, the need to familiarise themselves with the nonverbal behaviour of various cultural groups (Goldstein, 1987, cited in Fisher & Long, 1991: 20).

Underutilization

The body of relevant literature indicates that cultural minority groups have a tendency to underutilize mediation services, owing to insufficient information about 'their availability or relevance to perceived needs' (Frederico *et. al.*, 1998: 29). Indeed, as with all minority cultural groups, underutilization is a product, on the one hand, of language obstacles or limited numbers of interpreters and bi-lingual mediators, and the result of unfamiliarity with and perceived inappropriateness of existing mediation institutions, on the other. In order to ascertain the extent to which existing or proposed mediation agencies are capable of meeting the specific needs of a cultural group, it is imperative that the following variables be considered: visibility, access and location. (Frederico *et. al.* 1998: 29).

The key to solving this problem is by means of the active involvement of a local cultural group in the 'design and development of a culturally accessible and sensitive mediation service' (Frederico *et. al.* 1998: 29). The advocates of this approach stress the importance of community consultation and liaison with specific cultural groups. It is envisaged that those links would be best served in an outreach framework, which would work on the basis of partnership between community groups and mediation service agencies, and would employ the expertise of mediators and community cultural leaders (Frederico *et. al.* 1998: 29).

There are several means by which to forge agency-community ties, notably public meetings and regular consultations with cultural group leaders and representatives of pertinent organizations (Frederico *et. al.*, 1998: 30). The holding of public meetings cannot be overemphasized, in that these congregations are vital in facilitating identification and prioritizing community needs, the acquisition of firsthand knowledge and appreciation of cultural values, attitudes and practices, the building of rapport, the development of a community referral network, and the gaining of access to indispensable community networks (Frederico *et. al.*, 1998: 30). Further, in order to ensure that existing mediation services are in conformity with the values and procedures of the various cultural groups, it is necessary for mediators to acquaint themselves with the culturally preferred dispute management methods, as well as with the informal intervention and mediation mechanisms that exist within a particular cultural group. To that end, regular consultations should take place with leaders recognised by members of their community for their credible dispute mediation skills and conflict resolution experience.

Highlighted throughout many studies nationally and internationally was the relationship of the Arabic-speaking community to utilising external support and services for their needs. In a local context, disproportionate underutilisation of mediation services by NESB communities is influenced by a lack of support networks, interpretation services and awareness of services available (Dimopolous, 1998:1). The reluctance of some NESB communities to seek assistance outside their particular communities has been identified in

some studies as a concern that involves social services, as it may result in less autonomy and eventually erode cultural identity. Another study describes the experience of mutual misunderstandings between cultural groups and government professionals as being indicative of both sides having limited understanding of cultural customs, misinformation, misconceptions of each other and limited understanding about legal processes (Levine, 2005: 37). Other barriers identified included the stereotyping of NESB background people, in particular those of Arab Muslim backgrounds. It is considered imperative that mediators have a strong degree of self reflection on their own beliefs, biases and values, especially those pertaining to gender, parenting practices, socialised norms and behaviours and cultural understandings of groups, so as to not make inappropriate judgements. Mainstream services may face various ethical dilemmas where their intentions may be at odds with their clients. This may present itself in the power dynamic between traditional authority power-based relations and 'professional expertise' in a Western context. A worker who does not operate in this systematic context will face minimal success (Al-Krenawi & Graham, 2001: 681). It has been noted that, in many traditional Arabic-speaking mediation contexts, 'Women turn to women, men to men, and younger people to parents or older relatives' (Al-Krenawi & Graham, 2005:302) . It is viewed only as a last resort to turn to an external helper or professional.

Research into the functions and operations of the NSW-based Community Justice Centres suggests that to the extent these centres have offered accessible and beneficial services to non-English speaking migrants in that state, they have been successful. That success has been built on the following initiatives:

i. the employment of multilingual staff;
ii. the employment of interpreters;
iii. the increased recruitment and training of mediators of Arabic-speaking background;
iv. the matching of mediators to the parties (Fisher & Long, 1991: 65).

Established in 1980, CJCs are administered and funded by the NSW Government. The centres are designed to settle mainly inter- and intra-family and neighbourly disputes, and thus deal with civil rather than criminal matters. Given the special role played by these centres, CJCs have served to complement the existing legal institutions. When compared with conventional services, CJCs provide disputants with wider choices, and a mediation process that is conducted in a more hospitable setting with friendly and unbiased professional staff. Since 1991, there have been four centres operating in NSW, three in metropolitan Sydney and one in Wollongong (Fisher & Long, 1991: 8).

Some 60% of disputes dealt with at these centres are inter-neighbourly related, while just fewer than 20% are family-related, and the remainder encompass a wide range of settings from separation and divorce to parenting, from workplace to rental properties, and from motor vehicle-related disputes to retail consumer complaints (Fisher & Long, 1991: 8-9).

The documented record of CJCs in mediation outcomes is impressive: approximately 50% of all applications lodged are resolved, while some 86% of disputants who actually participate in the mediation process reach a settlement (Fisher & Long, 1991: 9).

Given the success of Community Justice Centres in NSW, the authors recommend that the federal government should undertake the expansion of the Neighbourhood Mediation Centres in Victoria. The government should promote the use of local mediation centres as a user-friendly and efficient means by which to settle inter- and intra-ethnic disputes (Fisher & Long, 1991: 69). However, the report's reference to NMCs in Victoria is outdated, as they no longer exist.

The report also recommends further research into cross-cultural mediation for the purpose of ascertaining the extent to which cultural background matching for mediators and disputants facilitates the resolution of disputes (Fisher & Long, 1991: 70). Finally, the report advises that an inquiry be undertaken to identify the factors that contribute to successful conciliation of

disputes involving NESB parties without recourse to mediation, as well as the factors that influence parties to decline settling their dispute through mediation (Fisher & Long, 1991: 70).

Understandably, owing to the report's focus on CJCs in NSW, there is a strong case for an appreciable increase in the number of appropriately located local mediation centres in Victoria in general, and in the Northern and Western suburbs of Melbourne in particular.

Section 3. Theories and Concepts

This chapter provides an outline of the key concepts and principal theories of conflict resolution and dispute mediation. The chapter also presents an overview of the various definitions of these concepts and mechanisms, and then proceeds to summarize and discuss the various theories and models. Specifically, it explores the concepts of cross-cultural mediation, and looks at how the perception, understanding and meaning of the concepts, theories and methodologies vary according to cultural background and change over time. Accordingly, broad terms such as culture, and more specific subject related terms such as cultural-mediation are defined.

As a process, conflict resolution and mediation has been practised since ancient times.

However, it is only in more recent times that the technique has emerged or established itself as a discipline or professional field. The following section provides a focussed discussion of the key operational terms used in this study in reference to mediation, conflict, conciliation, arbitration and acculturation.

3.1. Mediation

Mediation is the process by which the participants, with the assistance of a neutral third person or persons, isolate in a logical manner disputed issues with the aim of developing options, considering alternatives, and reaching 'a consensual settlement that will accommodate their needs' (Folberg and Taylor, 1984: 7). It should be stressed that this and similar definitions of mediation tend to emphasize the mediator's objectivity, impartiality and neutrality. The mediator, unlike the arbitrator, is a facilitator and a negotiator, not a decision-maker. These may be necessary traits in theory, but in practice it would be wrong to assume the mediator is a passive, totally neutral third party, who is not interested in swaying the dispositions of the disputants (Frederico *et. al.*, 1998: 9).

The advantage of mediation is that it is a self-empowering process as it underscores the participants' own responsibilities for arriving at decisions that affect their interests or lives. Furthermore, the informal and confidential nature of the procedure enables two or more parties, with the assistance of the mediator, to discuss complex inter-personal or group disputes in a deep and meaningful way in order to reach a consensual settlement. A practical benefit of mediation, in comparison with the more formal and involved process of arbitration, is that it tends to be quick and cost-effective (Folberg & Taylor, 1984).

Mediation can be implemented prior to, or in conjunction with, other forms of dispute resolution such as arbitration or court proceedings. While the parties must agree to participate in a mediation, that can be achieved by way of separate agreement or by a dispute resolution clause existing within a contract between the parties. Where privacy and confidentiality are important, mediation enables parties to preserve these rights without public disclosure. This often leads to more satisfactory outcomes for both parties (The Institute of Arbitrators and Mediators of Australia, n.d.).

3.2. Conciliation

Conciliation is a mechanism of conflict settlement in which disputant parties solicit the assistance of a professional or competent third party, namely the conciliator, in order to pinpoint the contentious issues, devise appropriate options, consider feasible alternatives and attempt to reach an agreement (The Institute of Arbitrators and Mediators of Australia, n.d.).

Although similar, mediation differs from conciliation in that in the latter process, the practitioner assumes an advisory role (Walcott, 1990, cited by Frederico *et al.*, 1998: 9). Specifically, the conciliator may advise the disputants on such matters pertinent to the conciliation process as the content and/or outcome of the dispute suggest or specify the procedure to be followed, provide informed advice on probable or expected settlement arrangements, and, unlike a mediator, may actively encourage the disputing

parties to negotiate an agreement (The Institute of Arbitrators and Mediators of Australia, n.d.).

3.3. Arbitration

Unlike mediation and conciliation, arbitration is a process where the third party's decision is authoritative and binding on the disputants (Frederico *et. al.*, 1998: 9). The specific procedures followed in arbitration tend to vary according to the size and complexity of the case. In small, simple cases, the disputants may be asked to submit relevant documentation. In more complex cases the procedure would involve the lodgement of formal claims and defences, and the furnishing of evidence which is scrutinized by cross-examination. The outcome of arbitration, known as an Award, is enforceable in an identical manner to a Court judgment (The Institute of Arbitrators and Mediators of Australia, n.d.).

Arbitration is the preferred mode for those disputants, usually with commercial interests, who seek a binding decision. The advantage of arbitration over the court process and outcome is that its procedures are very similar to those in court but without the delays, public access or formality (The Institute of Arbitrators and Mediators of Australia, n.d.).

3.4. Mediation and Arbitration

The advocates of what is termed hybrid dispute resolution, a procedure that involves either the process of arbitration followed by mediation, or mediation followed by arbitration, argue that both forms 'hold great promise for managing conflict', as they enable disputants to resolve their disputes themselves (Ross & Conlon, 2000: 416).

Mediation-arbitration is a related but slightly different process to that just identified. It consists of two sequential phases: first mediation and then if unsuccessful, arbitration. In such a process, the mediator becomes the arbitrator, whose role is to arrive at and impose a binding settlement on the disputing parties. This established procedure, unlike the arbitration-mediation

model, is advocated by most scholars and is widely employed by practitioners (Ury, Brett & Goldberg, 1988).

The advantages of the mediation-arbitration model is that it is less expensive and time consuming, is conducive to judgements that are fair, and enables 'greater compliance to arbitrated decisions' (Ross & Conlon, 2000: 416).

3.5. Acculturation

Given the cultural dimension of mediation and conflict resolution, it is useful here to briefly outline the contours of what is known as acculturation, as this helps to define the process of cultural adjustment and adaptation in a culturally pluralist society.

Acculturation refers to the *process* and *outcomes* of interaction between different cultures. Culture contact can occur through indirect communication, such as through the mass media or other exchanges of cultural goods (Abercrombie, Hill and Turner, 1994: 2), or through direct communication such as in the case of immigration. The focus here is on the latter example of direct contact between cultures. A common definition of this process is provided by a group of anthropologists who undertook the first major study on acculturation in the 1950s. They describe acculturation as:

> [T]hose phenomena which result when groups of individuals having different cultures come into continuous firsthand contact, with subsequent changes in the original culture patterns of either or both groups (Redfield, Linton and Herskovits cited in Berry *et. al.*, 1992: 271).

The experience of migrating to a new society can involve a complex acculturative process of adapting to new cultural norms and values, social conditions, political climates, and economic situations (Berry, 1988: 98-99). The manner in which acculturation takes place is influenced by the culture and policies of the host country as well as the immigrant's preference and capacity for interaction (Li *et al.*, 2000). Acculturation can imply an equal influence of host and immigrant cultures upon one another, involving a two way process of cultural change and retention (Li *et al.*, 2000). This can result

in the emergence of new, 'composite' cultures 'in which some existing cultural features are combined, some are lost, and new features are generated' (Garfunkel, 2002: 7). Despite this potential for equality however, the host society commonly acts as the 'dominant group' while the newcomers assume the role of the principal 'acculturating group' (Berry *et al.*, 1992: 273).

Berry *et al.* (1992) have identified four main types of acculturation that result from host country immigration and settlement policies, and the immigrant's preference and capacity for interaction. In this study, the ideal form of acculturation is listed as 'integration'. This occurs when migrants are free and willing to retain their heritage culture whilst fully participating within the host society (Berry *et al.*, 1992: 278). Within this schema, the less ideal options for immigrants' well-being are: 'assimilation' which involves a voluntarily or involuntarily relinquishment of migrant cultural heritage; segregation or separation which involves a retention of heritage culture and the exclusion or withdrawal from the dominant culture; and marginalisation which involves an exclusion or voluntary withdrawal of the newcomer from both dominant and heritage cultures (Berry, 1998: 100; Li *et al.*, 2003: 2).

The same study goes on to suggest that national immigration and settlement policies generally fit within the framework of pluralist ideologies, civic ideologies, assimilationist ideologies, and ethnicist ideologies (Li *et al.*, 2003). The first position involves an expectation that newcomers will adopt the public values of the host country but decrees that the state has no role in regulating the private values of citizens. Civic ideology differs from pluralism only in its formalisation of this non-interventionism in the private sphere as an official policy. Under a framework of assimilation however, newcomers are expected to assume the public values of the host society at the same time as adopting the dominant cultural expression of the host society within the private sphere. On the part of the newcomer, this involves an abandonment of their cultural and linguistic distinctiveness. An ethnicist ideology is similar to an ideology of assimilation, but the former defines the nation in terms of ethnicity while the latter can be defined on a broader range of markers (Li *et. al.*, 2003).

Assimilation was the prevailing international approach in migrant acculturation during the post war period until the framework was challenged in the late 1960s by frameworks of multiculturalism (Fletcher, 1999: 7). Aside from being viewed as morally objectionable, assimilation was eventually identified as a failed policy given the inability of migrant groups to assimilate materially 'in the sense of attaining comparable social and economic outcomes' (Fletcher, 1999: 7). In Australia, the period of assimilation lasted until the mid-1960s, after which it was gradually replaced by a framework of 'integration' (DIMIA, 2003: 25). Rather than requiring newcomers to make themselves largely indistinguishable from the Australian-born population, policies of integration involved an acceptance that newcomers could participate fully in Australian society without a loss of 'distinct identity' (DIMIA, 2003: 24-27). Integration was based on an acknowledgement that acculturation should be a two-way process. New cultures, however, were only tolerated or accepted on the condition that they did not conflict 'with the traditions, values and behaviors of the hosts' (Cox 1996: 6). The shift to a multicultural framework was marked by the release of the Galbally Report in 1978. Reflecting both integrationist and multicultural frameworks, the report reviewed Australian settlement policies and made recommendations based on the following four principles of: equal opportunity and access; cultural maintenance and tolerance of cultural differences; service provision through mainstream organizations, but with mechanisms for ensuring equality of access; and client consultation in the design of service delivery (DIMIA, 2003: 28). While there are various forms of multiculturalism, the concept generally implies a focus on the right of cultural retention, along with full participation in society, and access to government services (Fletcher, 1999: 7). Multiculturalism can occur within the civic ideology or pluralist ideology frameworks (as described by Li *et. al.*, 2003) or can involve more interventionist forms which include a role for the state in affirmative action and specific programs for cultural maintenance.

Section 4. Methodology

The principal objectives of this project are to examine and document how conflict management and dispute resolution are perceived, understood and experienced by members of the Arab-speaking community in Melbourne's Metropolitan North.   This project aims to ascertain the extent to which mainstream and Arab-specific mediation services have met the needs of the Arab-speaking community in Victoria, generally, and the Northern suburbs of Metropolitan Melbourne, in particular. Further, it seeks to investigate the issues and problems associated with the perception, understanding and practice of mediation.

4.1. Approach and research methods

In order to attain the stated aims and objectives of the report, a carefully-considered methodology has been designed and implemented. What follows is an account of the specific components, characteristics and phases of the report's methodology, as well as the justification for each major component therein. The report's methodology involved the survey of relevant literature, the collection of data, its analysis and documentation. Data collection has been undertaken through questionnaires with members of the Arab-speaking community, a selected focus group composed of Arab-speaking professionals and community leaders, and interviews with figures representing a cross-section of the   Arab-speaking   community in the Northern metropolitan region of Melbourne.

4.2. Rationale for scope/limitations

The research data generated in relation to a specific culture is often defined by and dependent on the eliciting procedures. In fact, the appropriateness and accuracy of those procedures, as well as the careful consideration of the key variables can affect the credibility of the data in terms of generalisability and extendibility beyond the sample participating group.

Therefore, the inclusion of certain participants in the research project needs to take into consideration the extent to which their views are representative of their cultural backgrounds, the degree to which the information collected is complete, and finally the specific criteria used in order to assess the suitability of the participants.

As the preferred random sampling was beyond the limited scope and resources of this project, a more carefully designed purposeful sampling was undertaken in order to ensure that the data collected is representative of the wider Arabic-speaking community in terms of age, gender and geographic distribution.

The target group was limited to Melbourne's Northern metropolitan geographical area because of the following considerations:

1. The high concentration of Arab-Speaking residents, in comparison with other regions.
2. The location of VASS, which has well-established networks in this region.
3. The existence of community mediation services and mediators from the Dispute Settlement Centre of Victoria (DSCV) (ASB, CALD and those interested in CALD issues).

The second target group for the research component of this proposed project is the mediators (both from the Dispute Settlement Centre of Victoria (DSCV) and approved Community Mediation Agencies in the Northern region). Consultations with mediators and coordinators from these services will assist in:

> a) identifying an approximate, if not the exact, number of Arabic speaking background persons that have accessed mediation, and the type of disputes presented;
> b) identifying the strengths and limitations of the mediation model as experienced by the mediators;
> c) identifying mediators' knowledge, perceptions and images of the Arabic-speaking background community (for instance, size

and composition of the population in the Northern region, cultural beliefs and practices, family structure/roles, religious affiliation and practices, socio-economic status, settlement and social integration status, and conflict resolution values and practices);

d) identifying specific cultural issues that mediators have experienced when working with members from the Arabic-speaking background community, and exploring whether or not, and how, these were addressed and/or incorporated into the mediation session, and;

e) identifying mediators' needs and strategies to ensure the mediation process is experienced as being both fair and appropriate.

The research has inquired into the needs and experiences of the Arabic speaking background community, as well as the needs and experiences of mediators. The proposed research with Arabic-speaking background residents from the Northern region has four main objectives. These are:

a) to develop some understanding of the way in which conflict is understood and experienced by members of the Arabic-speaking background community;

b) to identify conflict resolution strategies available to and utilized by members of the Arabic-speaking background community, including the perceived or experienced strengths and limitations of these methods;

c) to gain a better understanding of the knowledge within the Arabic-speaking background community of existing mediation services, and to explore perceived and/or experienced issues relating to the accessibility and utilization of these services; and

d) to identify existing 'cultural' related values, practices and needs, and explore strategies that can be adopted to ensure mediation services are not only accessible but culturally accommodating.

The research methodology involves questionnaires administered to members of the Arabic-speaking background community, interviews with community and religious leaders and mediators (from community mediation services and from the DSCV), and one focus group with community leaders.

4.3. Focus Group and Interviews

The focus group aims to bring together Arabic-speaking professionals from a variety of occupational backgrounds. A breakdown of interview respondents by occupation is listed below:

Category	Number of Respondents
CALD Qualified Mediators (non-Arabic speaking)	6
CALD Qualified Mediators (Arabic-speaking background)	3
Mediators from Community Mediation Centres (public sector)	4
Mediators from Community Mediation Centres (private sector)	1
Religious Leaders	4
Community Leaders	3
Total	**21**

The data obtained was analysed alongside the above-mentioned interviews to identify what community leaders/representatives and mediators perceive or understand to be:

- the types of conflict/disputes that exist in the Arabic community;
- how conflict is perceived by the Arabic community;
- knowledge of who (persons and their roles) the Arabic community turn to for support/assistance when experiencing conflict, and reasons for their choice;
- the existing and/or preferred practices adopted by the Arabic community in an attempt to resolve conflict;

- whether these methods are the same as or different from those practiced in country of origin;
- the role and influence of 'culture' on conflict and conflict resolution practices;
- the perceived, observed and/or experienced strengths and limitations of these conflict resolution practices; and
- the necessary recommendations to address the needs of the Arabic community when experiencing and/or resolving conflict.

The perceived strengths of the focus group and interviews are that they will allow for relevant and knowledgeable persons to raise issues and discuss thoughts and experiences in relation to mediation, cross-cultural awareness and the Arabic-speaking background community. They will also facilitate the quick identification of common themes. With specific regard to the focus group, it might also prove to be a debriefing and networking opportunity. The intention is that it will be 4 hours in length, to allow for thorough exploration of issues raised. The one 4 hour session is also likely to be more convenient to attend than 2 sessions shorter in length. However, what proves to be more suitable for the participants will be chosen.

The proposed agenda to be addressed by the focus group and interviews includes:
1. The mediation process/steps.
   a) Strengths
   b) Limitations/complications

2. The Arabic Speaking Background community.
   a) Perceptions/images (numbers residing in the Northern region, countries of birth, cultural values and practices, family structure, religion, socio-economic status, social integration status, intergenerational issues, etc.)
   b) Accessing mediation (age, gender, type of dispute)
   c) Experiences mediating when one or both parties were from an Arabic speaking background.

3. Cross-cultural awareness and mediation.
   a) Cross-cultural issues that all mediators need to be aware of.
   b) Cross-cultural issues that have surfaced during mediation sessions.
   c) Cross-cultural issues that are specific to members from the Arabic-speaking background community.
4. Working with/adopting cross-cultural needs.
   a) Is this necessary? Reasons.
   b) Is it being done? How?
   c) Existing barriers?
   d) Suggestions to overcoming barriers?
   e) Needs as a Mediator?

The focus group and interviews (with consent from participants) will be taped for transcription purposes. Notes will also be taken during the sessions. Further, participants may be required to fill in a short questionnaire at the end of the focus group/interview. The purpose of the questionnaires is to elicit more specific information that might not otherwise have surfaced during open discussion.

Religious Leaders (Christian and Muslim)

In order to work towards further developing the capacity of mediation services to both reach and work with Arabic-speaking residents in the Northern region, it was felt important to incorporate the knowledge and experience of Arabic-speaking background religious leaders.

It is intended to conduct interviews with Arabic-speaking religious leaders from all faiths to identify what they understand and experience to be:
- the type of conflict/disputes that exist in the Arabic community;
- how the Arabic community perceives or defines conflict;
- their knowledge of persons (other than themselves) that the Arabic community turn to for support/assistance when experiencing conflict, and reasons for their choices;
- the existing and/or preferred practices adopted by the Arabic community in an attempt to resolve conflict;

- the role of religion and religious leaders in conflict resolution;
- the strengths/benefits of conflict resolution through religious faith;
- the difficulties religious leaders have when working with the community to address conflict;
- the needs of the community with regard to conflict resolution;
- recommendations to address problems or shortfalls the community experience when faced with conflict in their lives and/or relationships; and
- the needs of religious leaders when they are asked to participate in mediation, to assist with conflict resolution.

4.4 Questionnaires

The questionnaires have been designed to identify key issues and patterns relating to Arab-speakers' understandings and perceptions of mediation, the nature and mechanics of mediation, and the extent to which mainstream mediation is accessible and culturally sensitive to the community's values, norms and needs. Finally, the aim of the questionnaires is to ascertain the specific and general shortcomings associated with mediation services, both mainstream and Arab-specific, as a basis for proposing and developing mechanisms to address these problem(s).

Questionnaires will be conducted with members from the Arabic speaking background community. Although interviews ad the proposed focus group will offer a more interactive way of gaining insight into the needs and experiences of members of the Arabic speaking background community (in relation to conflict and conflict resolution options available to them), time and cost restraints once again require the next suited alternative also be adopted. The questionnaires will therefore be conducted with the aim of reaching between 50 and 100 participants, preferably ranging across the diversity of religious backgrounds. The questionnaires have been designed with both open and closed questions so that qualitative and quantitative data can be obtained. The questionnaires have further been translated into Arabic for persons who cannot read or write in English or are more comfortable using their first language.

A questionnaire is an impersonal way to collect information and success in having them returned is often minimal. For these reasons, a research assistant will be directly (in person) reaching members from the community (through existing groups, networks, and places of congregation), explaining the research to them and assisting them to complete the questionnaire. This is necessary to ensure that: 1) they understand the purpose of the research and the questionnaire; 2) if language barriers (English and/or Arabic) are an issue, then assistance can be provided, and; 3) names and contact details can be taken (if participants consent) so that they can later be contacted to receive a copy of the information booklet and (if financial resources become available) attend future information sessions. A further strength of the questionnaires is that the closed questions will allow for some consistency of information, whilst the open questions will provide an avenue for personal thoughts, views and experiences to be shared.

4.5 Selection of Participants

4.5.1. Sample pool: Analysis by municipality/suburb

Over a six month period from late 2005 to early 2006, a series of questionnaires were administered to members of Melbourne's Arabic community, with a view to examining experiences of conflict resolution through mediation. The questionnaire was completed by sixty two respondents, with five not specifying the suburb of residence. Of the 57 Arab-speaking respondents who specified their locale, the majority, totalling 44, were residents of either the City of Hume (accounting for 24 respondents) or the City of Moreland (with 21 respondents).

Figure 1: Participant Pool by Local Government Area

Respondent pool by region

- M/Valley 2%
- Darebin 4%
- Banyule 5%
- Whittlesea 11%
- Hume 41%
- Moreland 37%
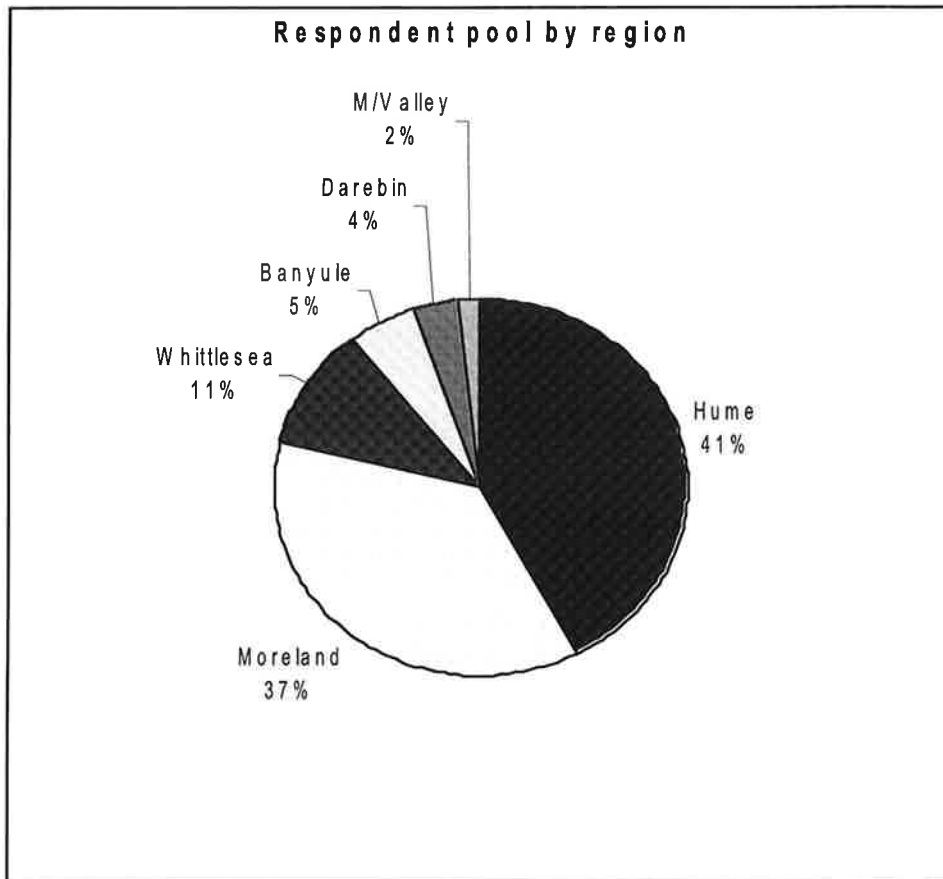
Figure 2: Respondents by Suburb (statistics shown as percentages)

Respondents by suburb

Thomastown 2%
Kensington 2%
Gladstone/P 2%
Cragieburn 2%
Brunswick 2%
Attwod 2%
Tullamarine 3%
Reservoir 3%
Mill Park 3%
Coburg/W. 3%
Lalor 5%
Heidelberg 5%
C/bellfield 5%
Fawkner 7%
B/meadows 7%
R/Park 9%
Glenroy 10%
M/Heights 12%
Coburg 16%
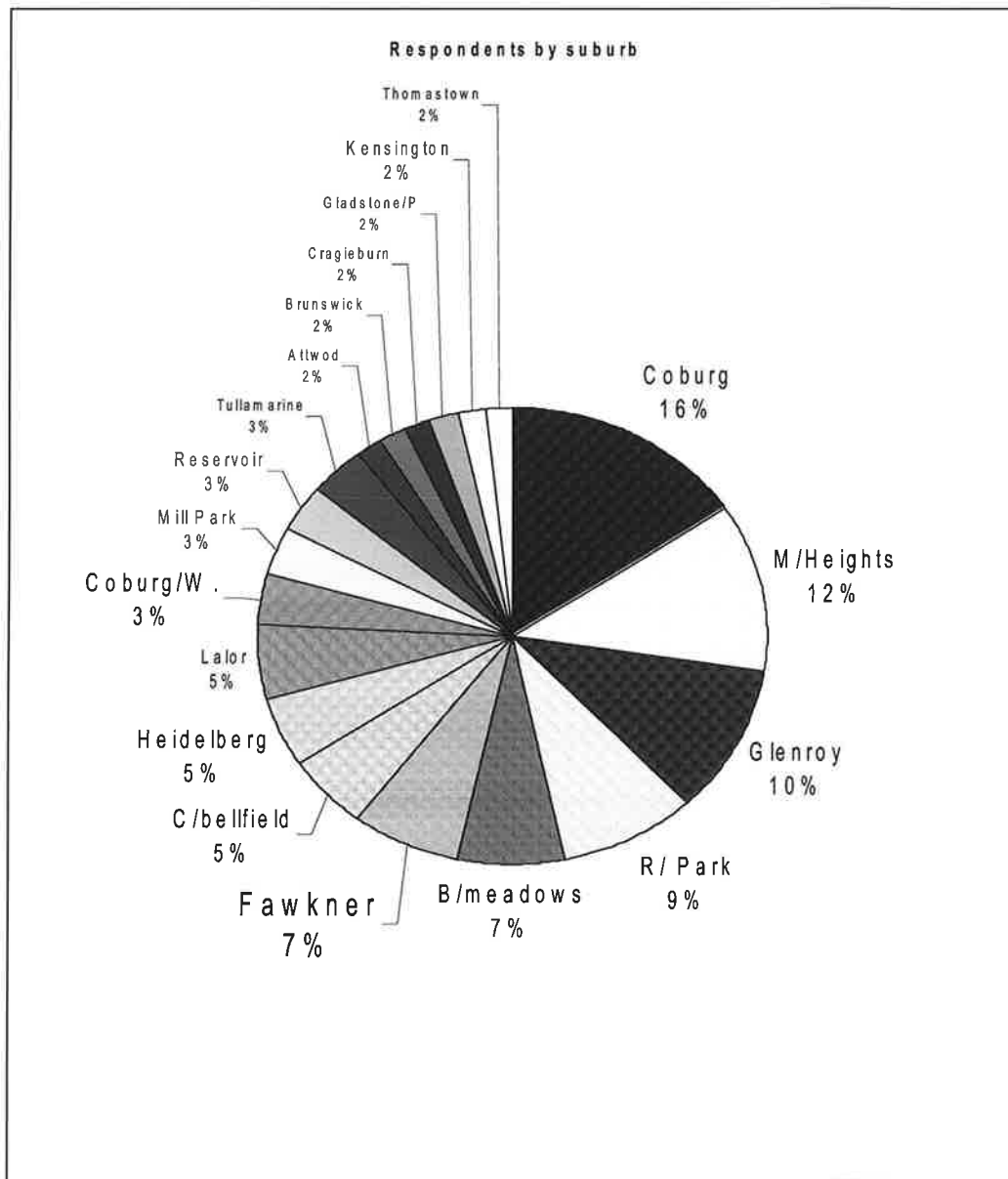
Figure 3: Respondents by Suburb (statistics shown as whole numbers)

Surburbs lived in by Participants

Suburb	Count
Coburg	11
Meadow Heights	7
Glenroy	6
Roxburgh Park	5
Fawkner	4
Broadmeadows	4
no answer	4
Lalor	3
Heidelberg	3
Campbellfield	3
Tullamarine	2
Reservoir	2
Mill Park	2
Thomastown	1
Kensington	1
Gladstone Park	1
Craigeburn	1
Brunswick	1
Attwood	1
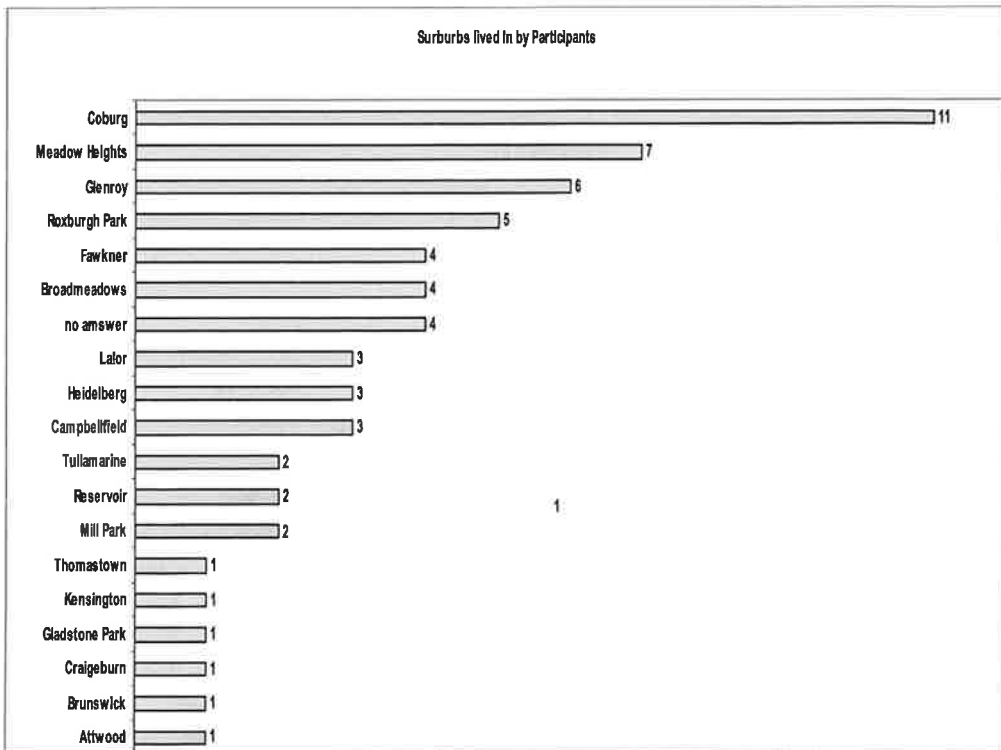
Figure 4: Respondents' Country of Birth

Country of birth

Country	Count
Lebanon	25
Iraq	13
Australia	9
Not specified	5
Somalia	3
no answer	3
Egypt	2
Syria	1
Palestine	1
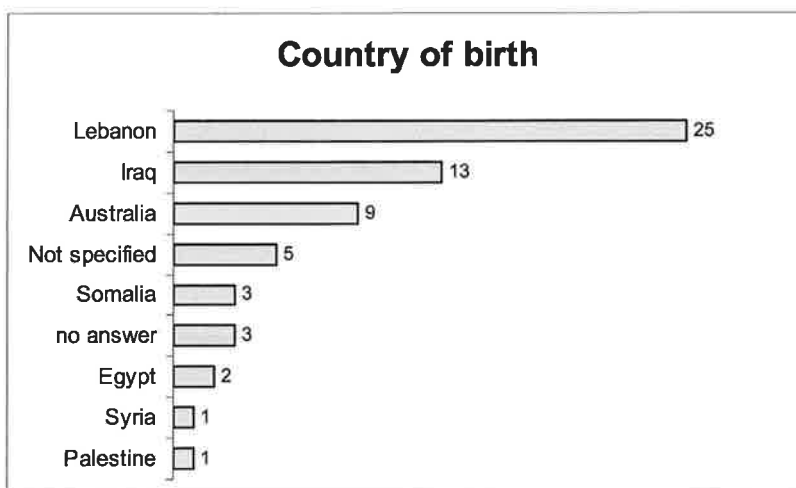
Correlation between 'Country of Birth' and the 'Suburbs lived in by Participants' Graphs can be seen in that Coburg, which falls within the Moreland City Council, is home to Melbourne's largest Lebanese community. (According to the 2001 Census, this Local Government Area comprised nearly 21% of Victoria's resident Lebanese population.) Of those surveyed, almost half were Lebanese-born. It is also likely that, of the 9 interviewed who were Australian-born, many could claim strong cultural background from outside Australia.

4.5.2. Sample pool: Analysis by Gender

Figure 5:
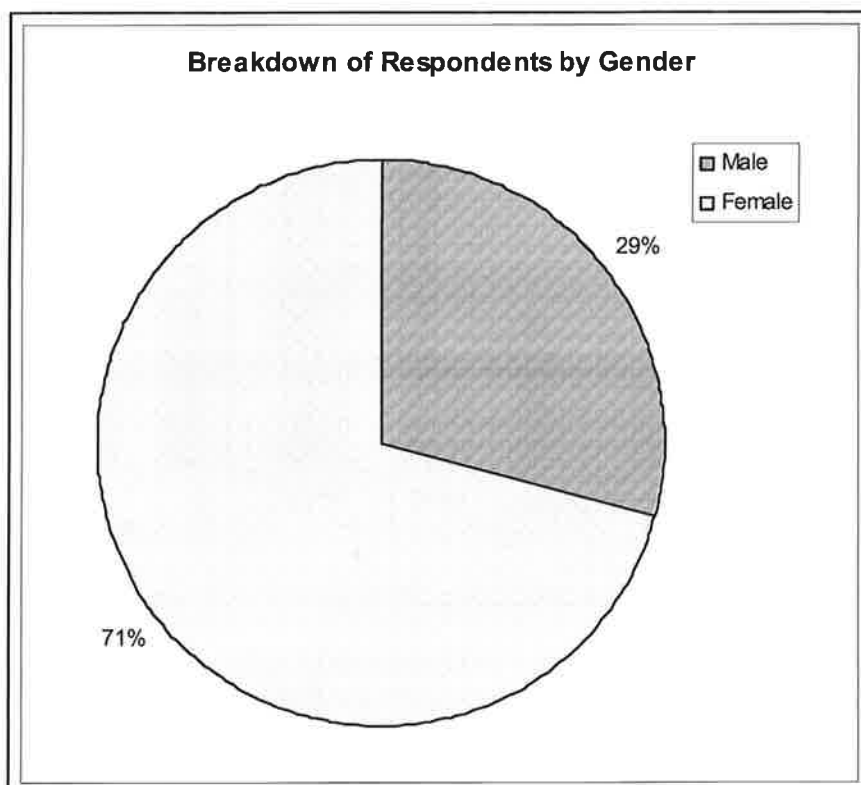
In numerical terms, the breakdown of women to men was 44 to 18. Given that the questionnaires were managed through community centres across north-western metropolitan Melbourne during normal business hours, the large

number of women, and the small number of full-time employees (see below), are perhaps unsurprising. These figures should not be considered as reflective of Melbourne's Arabic community in general.

4.5.3. Sample pool: Analysis by Age

Figure 6:
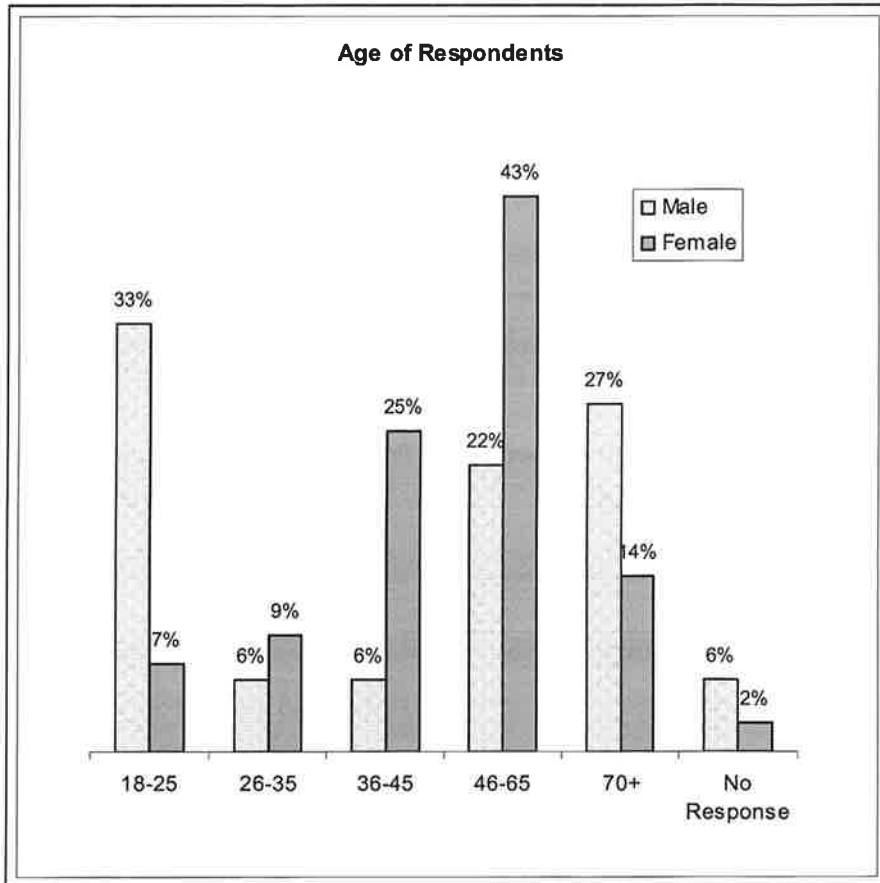
Well over half of those interviewed were 46 years old or older, with women in the 46 – 65 year old range comprising over 30% of the total. This was not found to be problematic, given that the project concerns 'mediation', a role normally assumed by older members of the community.

4.5.4. Sample pool: Analysis by Occupation

Figure 7:

How do you describe your employment?

Category	Value
Part-time	2
Full-time	4
Casual / Sessional	4
Student	8
Unemployed	12
Home Duties	35
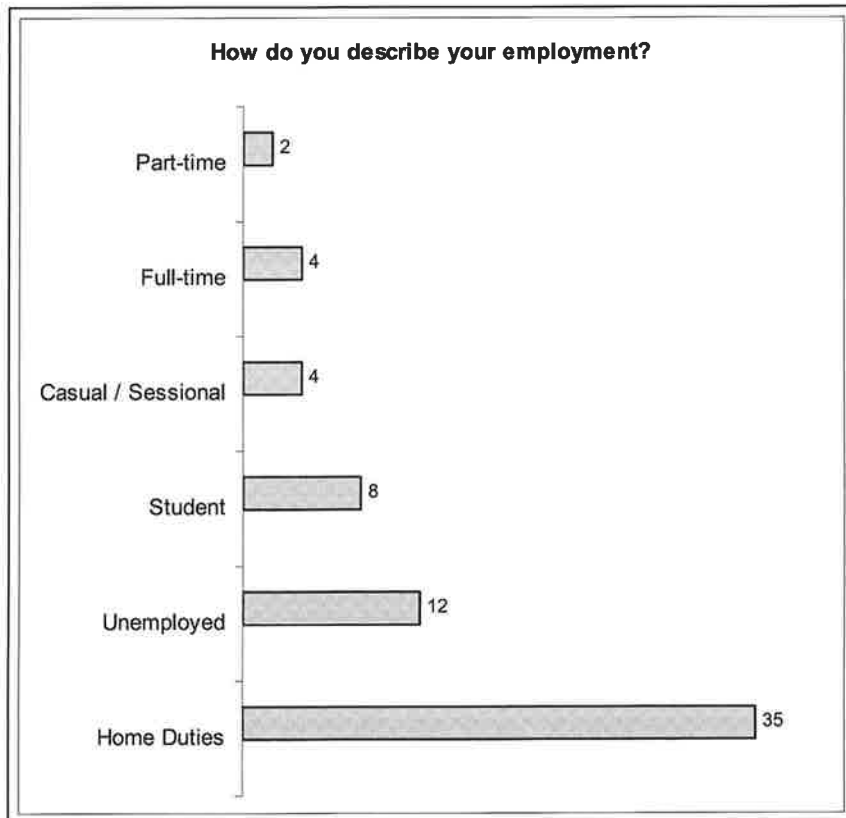
As noted, the high-percentage of respondents involved in Home Duties, or describing themselves as unemployed, is a likely reflection of the large numbers of women and 46+year-olds surveyed. Further, it is important to note that the figures shown in the above table are whole numbers, not percentages, because several respondents fell into more than one category (i.e. students with part-time jobs).

4.5.5. Sample pool: Analysis by Language Spoken

Figure 8:

What languages do you speak?

Language	Count
Russian	1
Italian	1
French	3
Assyrian	3
Chaldean	6
Another unspecified language	9
Both English & Arabic	21
English	23
Arabic	54
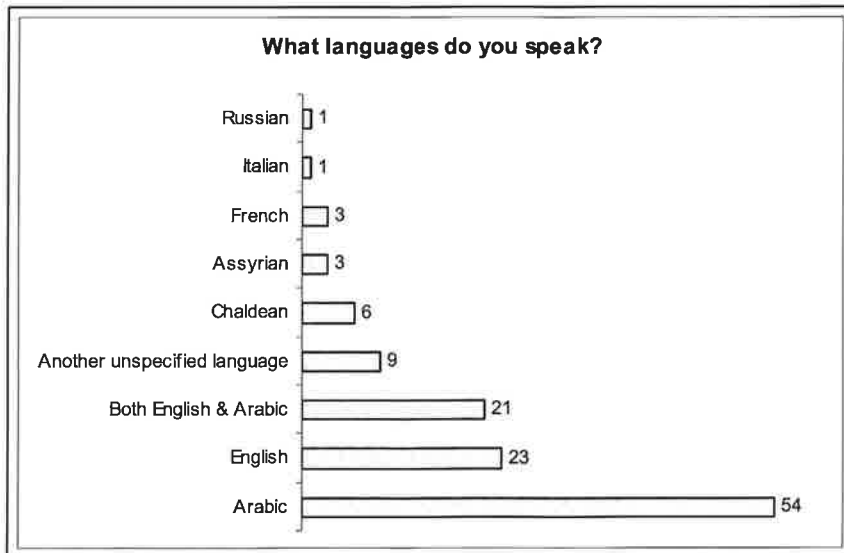
In this question, respondents were permitted to select more than one category, which resulted in 21 reported cases of people speaking both English and Arabic. Significantly, this means that 31 Arabic speakers who participated (i.e. half the total sample) did not speak English well enough to claim to be bi-lingual.

4.6. A Demographic Survey of Arab-speaking Australians:

Trends and Patterns

The Arabic-speaking community in Australia is characterized by diversity in religion, nationality, ethnicity, gender and class (Australians of Arabic-speaking backgrounds are either Muslims or Christians, and/or come from ethnic/linguistic backgrounds: Berber, Assyrian, Negroid etc.).

Notwithstanding this variety, there are various factors that unify this community as a well-defined group. Firstly, while Arabs speak different local and regional linguistic dialects, they share the language of Modern Standard

Arabic, which is in common with English-speakers from countries such as the UK, the United States, Australia, Canada, Ireland, Wales and New Zealand, or the Spanish-speakers of Central and South America (Mansouri & Makhoul, 2004: 58). Secondly, the Arabic-speaking community is united by a common culture. Despite some periodic inter- and intra-state conflict in the Arab countries there are a variety of life events that portray distinctive Arab cultural values across the various countries and despite the religions. 'For example, the forms of participation in important life events such as marriage, childbirth, death and bereavement exhibit an unmistakable Arabic cultural pattern that transcends religious and national identities. Finally, despite national or religious diversity, the family is the fundamental institution and family values, ranging from traditional to modern (according to factors such as migration, socio-economic status and so on), have a central place in Arabic culture' (Batrouny, 1997 and McInerney *et. al.*, 2000, cited in Mansouri and Makhoul, 2004).

4.7. Structure of Arabic Society

Arab societies are highly diverse, and consist of heterogenous systems of social differentiation based on ethnic, linguistic, sectarian, familial, tribal and regional identities. On one level, therefore, Arab peoples may be perceived as having deeper social and cultural distinctions, as being politically fragmented within and across national borders. Arab peoples likewise follow more than one faith tradition as the Middle East itself was the birthplace of the three great monotheistic religions. Equally, Western norms have penetrated much of the Arab world, but their impact has been differentially experienced within communities and across societies (Al-Krenawi, & Graham, 2001: 667).

The Family Unit in Arab Society

The role of the family is important in Arab societies due to the political structure in most Middle Eastern states remaining heavily influenced by traditionalism and a low level of political institutionalism. Family ties and kinship, informal decision-making and social cleavages, for example, are as important as institutional and formal avenues to power and decision-making.

Lebanon, Saudi Arabia and the Gulf States are primary examples of Arab societies where patrimonial sources of social and political prestige and power still coexist with modern institutional and formal avenues to power.

This pattern of family ties persists in different forms amongst migrant communities, including the Arab migrant community in Australia. While institutional political power is stronger and more inclusive in Australia than in many Arab states, the family unit still provides the basis of organization in what is often a new environment. This was a pattern more pronounced among the earlier groups of migrants to Australia (pre-1970's) due mainly to the exclusivist and assimilationist policies of the Australian government's migration outlook at the time. The family unit not only provided familiarity, but also acted as a repository for cultural practices and lifestyles that the assimilationist migration policy up to the late 20th century sought to preclude.

The Dynamics of the Arab Family

In an Arab family, gender and age play a big role in specifying responsibilities. The father is usually the head of the family and the provider for its needs, while the mother plays a major role in raising children and taking care of the house. Also, in Islam, the honour of the family is bound to the good conduct of its female members (Shukri, 1999). This structure is not always the norm; in recent years, both the father and the mother provide for family needs, while household chores are taken care of by maids and servants. In the past, the father made most major family decisions, but recently both the father and the mother make some of these decisions jointly, especially where younger couples are concerned (Mansouri & Makhoul, 2004).

Sons and daughters are taught to follow inherited traditions and are given responsibilities that correspond with their age and gender. Sons are usually taught to be protectors of their sisters and to help the father with his duties inside and outside the house, while daughters are taught to be the source of love and emotional support in the family, as well as helping their mother to take care of household chores. Family ties in Arabic culture remain very strong, to the point where, even after children marry outside their family, they

are expected to reintegrate into the family household in cases of widowhood, divorce or domestic problems (Mansouri & Makhoul, 2004).

This family structure does depend on the country of origin, and even the particular circumstances of each migrant family. For instance, a family from Beirut is more likely to have a situation in which both the mother and father are employed, sharing equally the burdens of generating income and maintaining the household than, for instance, than a family from one of the Gulf States. This variation can also be seen between families from Egypt. The lifestyle of a family from urban origins (from Cairo or Alexandria for instance) may have an increased tendency toward a double-income family than one from a rural area such as 'upper' (southern) Egypt.

The institution of the family has been valuable for Arab migrants to Australia in a variety of ways. Firstly, especially in relation to the immediate post-WWII era, the family provided what was the only link for migrants to come to Australia through the sponsorship program. Secondly, it provides a base of cultural and social familiarity for migrants to Australia in an environment which, up to the 1970's, sought to assimilate migrants to the dominant Anglo-Australian way of life.

Recognising Migrant Culture in Mediation Services:

In collective (high context) cultures such as that existing in Arabic societies, the family unit is considered almost sacred and an individual's life is woven together through family and family relationships. The existing literature on culture and conflict resolution shows that it is important to recognise the specificities of cultural contexts, values and local meanings as important variables in developing culturally appropriate and sensitive practice.

With regard to family mediation, 'awareness of the diversity of the family arrangement by mediators is identified as a critical precursor to effective and appropriate family mediation' (Dimopolous, 1998: 7). Previous studies raised concerns that traditional community-based mediation resources and structures were often informed by an Anglo-centred understanding of family and family dynamics. This generic definition of 'family' frequently informed

the mediator's approach, limiting his/her understanding of the issues, and even influencing who is considered to be involved in the process of mediation. As noted earlier, this is especially the case with regard to the notion of the extended family in Arabic culture.

Gender Roles in the Arab Family

Despite the significant socio-economic changes of the last few decades, Arabic society in a number of Arab countries remains highly patriarchal, 'maintaining men's leadership authority in the household, economy and polity' (Al-Krenawi, Graham & Fakher-Aldin, n.d.: 497). In Arab family structures, the 'typical patrilineal head tends to control and defend family cohesion inside and outside the group, act as a family referee in instances of in-family disputes, moderate inter-family solidarity and support, and be the family's principal ambassador towards outsiders' (Sharabi, 1998, cited in Al-Krenawi, & Graham, 2001: 668).

Men in Arabic society are taught to be strong and not show feelings of weakness. 'Although men in Arabic communities are no longer the sole breadwinners, they have not given up their position of authority' (Al-Krenawi and Graham, 2005: 305). This position, however, is being challenged by a generation of educated and in many cases economically independent women who are demanding more social and political rights than their predecessors.

Traditionally, women's social status in Arabic society has been considered to 'be strongly tied to marriage and rearing children, especially boys' (Al-Krenawi, Graham & Fakher-Aldin, n.d.: 495). The acculturation process, increased education, work experience and increased assertiveness may challenge these roles. Although 'most women, particularly those who work, accept the authority of the husband at home ... [they] do not accept his authority as absolute' (Al-Krenawi and Graham, 2005: 305), which presents cause for many marital disagreements.

The rise in divorce rates over the last several decades is affecting not only Western societies, but also more 'traditional patrilineal' societies such as

Arabic cultures, in which divorce was previously very rare (Savaya and Cohen, 2003: 1). Divorce is considered to contravene the basic values of Arabic cultures, and is seen as an unacceptable solution to marital problems, although little significant empirical study into non-Western cultures is available. Stigma is deeply associated with divorce in Arabic society, particularly affecting women, causing emotional and social suffering and negative societal perceptions (Savaya and Cohen 2003: 1).

Many women endure years of marital problems in order to avoid the stigma of divorce (Al-Krenawi and Graham, 1998 cited in Savaya and Cohen 2003: 195). This fear may be intensified by the prospect of losing their children, as strict Muslim conventions hold that fathers have custody over boys over the age of 7 and girls over 9, (Amar, 1984; Brhoom, 1987, cited in Al-Krenawi & Graham, 2001: 669). Domestic violence is considered a major precipitating factor in marital separation within communities, yet reported experiences suggest that few Arabic women regard domestic violence as adequate grounds to leave their husbands. In terms of mediation in circumstances with family violence, previous studies raised concerns that 'mediation may privatise violence and disadvantage women' (Dimopolous, 1998: 1). However, as in many cultures, Arabic society is in a transitional phase from traditionalism to modernity and divorce in certain circumstances is increasingly seen as a more viable option than cohabitation that may engender abuse and violence against women (Savaya and Cohen, 2003: 195).

Cultural Values and Principles

Underpinning Arabic culture are the key concepts of '*sharaf* (standing, honour), *ird* (dignity, honour) and *waþ* (face, reputation)' (Cohen, 2001: 37). These are fundamental elements to be understood and integrated within concepts of mediation as they offer a deeper understanding of the underlying cultural context of conflict resolution. The qualities of honour, pride, and saving face are essential for the healthy management of conflict (Abu-Nimer, 1996). Often, conflict may ignite over matters of honour, which can be anything concerning women, land, property, and one's good name or that of one's family. Equally, a dispute may start out as an argument over

something trivial and quickly escalate into an affair of honour' (Cohen, 2001: 26).

Face-saving

The 'concept of pride is key to Arab life, and when Aar (shame) descends upon an individual, family or tribe, the restoration of pride is key to the integrity of all' (Murray, 1997: 52). In many conflicts this involves searching for a principle and the design of a settlement that saves face while providing benefits for the greater good of all. The sacrifice may be for reasons of high principle, common friendship, or personal moral values, but it is definitely not a concession or compromise. Research has often emphasised the importance of preservation and protection of honour among all parties, requiring the strength of cultural values such as forgiveness, tolerance, respect and social status (Al-Krenawi & Graham, 2001: 677). The choice to sacrifice is considered to be made out of 'strength, confidence, and moral purpose' and is seen as an indication that the 'one who sacrifices is in control of his or her decision in a way that the person who compromises or concedes in response to the other side's demands is not' (Murray, 1997: 53). The other side's response to a decision to sacrifice is important. It may involve simple acknowledgment or recognition of the act to bring satisfaction and agreement, and lead to clearer communication and reciprocal good will in resolution.

4.8. Overview of Arab Migration

Despite Arab immigration comprising only 8 per cent of the total volume of migration to Australia, Arabic is the fourth most spoken language, spoken by around 178,000 people in Australia. Migration from the Arabic-speaking world can be traced back to the Lebanese, who have been migrating to Australia since the early 1860s. Lebanese migration increased sharply due to economic restructuring and the demand for labour in Australia in the years 1947-66, and again in the period 1967-75. During and as a result of the Lebanon's civil war of 1975-90, the beleaguered country's citizens were redefined as quasi-refugees, which brought an unprecedented influx of

Lebanese Muslims into Australia. Eighty per cent of all Lebanese migrants now live in Sydney and Melbourne (Mansouri & Makhoul, 2004: 59).

4.8.1. Demographic information on the Arabic-speaking community

Australia's population in 2001 was 18,972,350. Around 21 per cent of Australia's population speaks a language other than English at home. The 2001 Census revealed that 209,372 Australians spoke Arabic at home. Victoria's population in 2001 was 4,644,950 people, of whom 1.08 million or 23.8 per cent of that population spoke a non-English language at home. The 2001 Census showed that 47,190 Victorians spoke Arabic at home, which represents an increase of 19.5 per cent in the Arabic-speaking community since 1996. Currently, approximately one in every 20 Victorians that speak a language other than English at home, speak Arabic (Mansouri & Makhoul, 2004: 59).

Figure 9: Growth of the Arabic-speaking Community across Australia
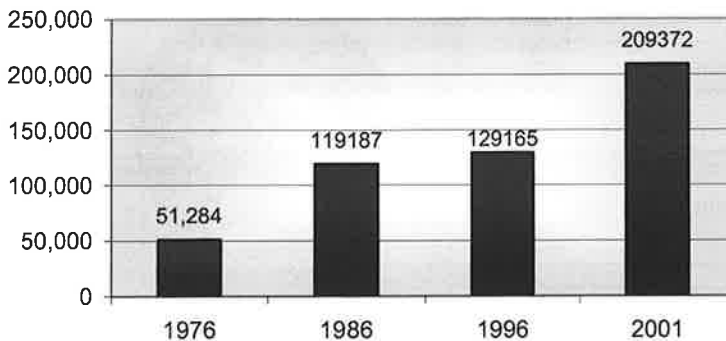
The 2001 Census recorded that there were 209,372 people, nationally, who spoke Arabic at home, making Arabic the fourth most-commonly used non-English language to be spoken at home. During the past 2.5 decades, the population of the Arabic-speaking community has quadrupled in size from 51,284 in 1976 to 209,372 in 2001. The Arabic-speaking community in Victoria in 2001 comprised 47,190 people, which constituted approximately 1 per cent of Victoria's total population (Mansouri & Makhoul, 2004: 59).

Figure 10: Age Breakdown of Arabic-speaking Victorians
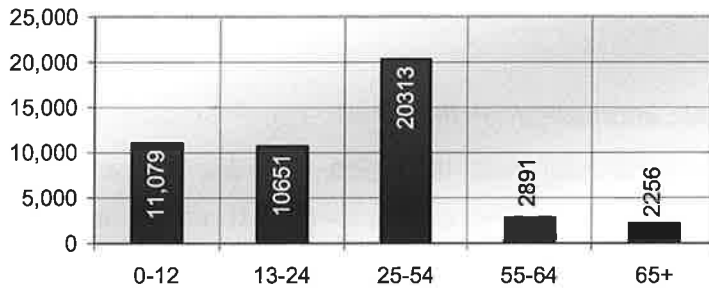
The graph above shows that 88.5 per cent of all Arabic-speaking Victorians are less than 55 years of age, categorized as follows: 23 per cent below the age of 12 years, a further 22.5 per cent between the ages of 13 and 24 years, and 43 per cent between the ages of 25-54 years.

Figure 11: birthplace of Arabic-speaking community in Victoria

Country	People	.%
Australia	18745	39.7
Lebanon	12799	27.1
Egypt	5063	10.7
Iraq	2.795	5.9
Syria	1333	2.8
Eritrea	627	1.3
Sudan	627	1.3
Kuwait	463	1
Gaza Strip & West Bank	450	1
Jordan	336	0.7
Other	3950	8.4
Total	**47,188**	
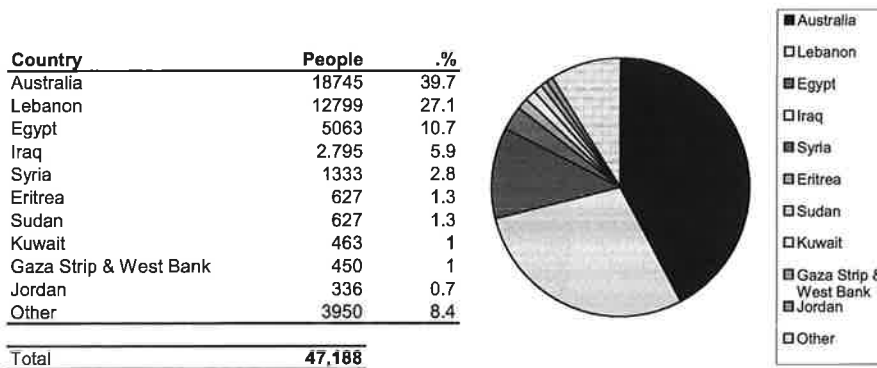
The above figures show that about 40 per cent of the Arabic-speaking community in Victoria was born in Australia, with 27 per cent born in Lebanon, and the remaining 30 per cent being born in the Middle East or North Africa. (Mansouri & Makhoul, 2004: 60).

Figure 12: English proficiency of Arabic-speaking Victorians
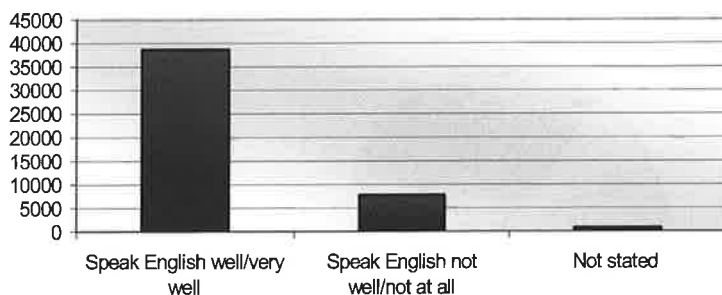
English is spoken well or very well by the vast majority of the Victorian Arabic-speaking community. Nevertheless, this high level of proficiency in English is difficult to confirm given that this data is drawn from personal responses to the census and is not judged by an independent party as to how competently a respondent speaks English (Mansouri & Makhoul, 2004: 60).

Figure 13: top 10 local government areas for Arabic-speaking migrants to settle in Victoria in 2003
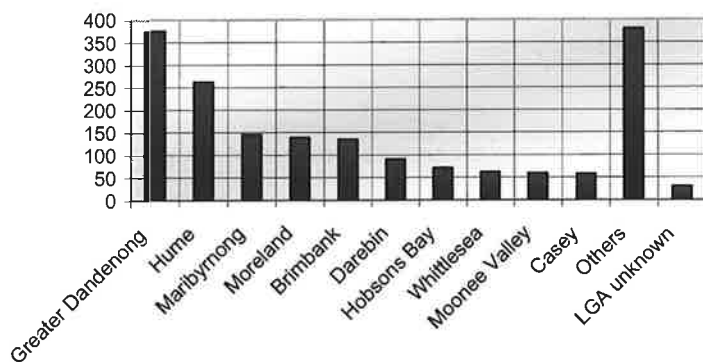
(DIMIA, 2003)

In 2003, just over 1,800 Arabic-speaking people had arrived and settled in Victoria. The vast majority of these newly-arrived migrants have settled in the North or West suburban regions of Metropolitan Melbourne (Mansouri & Makhoul, 2004: 61).

Figure 14: top 10 countries of birth for Arabic-speaking migrants who arrived in Victoria in 2003

| ■ Sudan | □ Iraq | ⊞ Lebanon | □ Egypt | ■ Syria | ▦ Kenya |
| □ Eritrea | ▣ Kuwait | ▦ Somalia | ▦ Ethiopia | ▦ Others | |
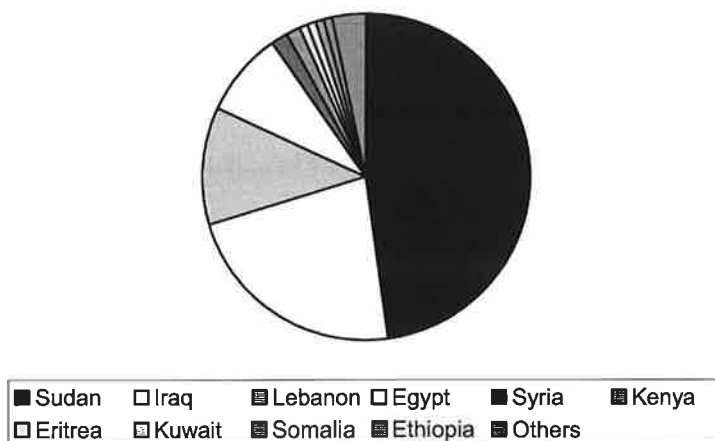
As is evident from the pie graph, close to 50 per cent of Arabic-speaking migrants who settled in Victoria in 2003 were born in the Sudan and nearly 25 per cent were born in Iraq (Mansouri & Makhoul, 2004: 61).

Figure 15: Top 10 religions of Arabic-speaking migrants who arrived in 2003

■ Christian (nfd)	□ Islam	■ Assyrian Church of The East
▨ Chaldean Catholic	■ Catholic (nec)	▦ Coptic Orthodox Church
▧ Orthodox (nfd)	▨ Catholic/Western Catholic	▨ Greek Orthodox
▨ Maronite Catholic	▨ Others	
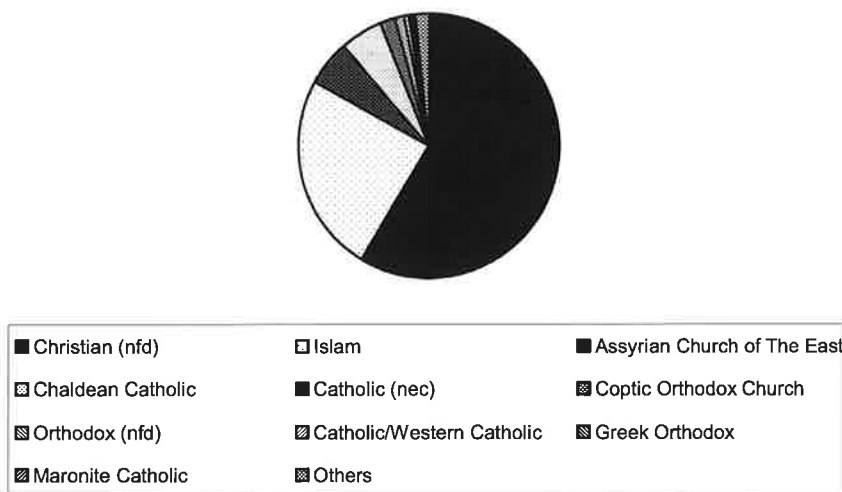
(DIMIA, 2003)

Predominantly, the religion of Arabic-speaking migrants who settled in Victoria in 2003 was a form of Christianity, with approximately one quarter professing Islam.

Figure 16: Migration category of Arabic-speaking arrivals in 2003
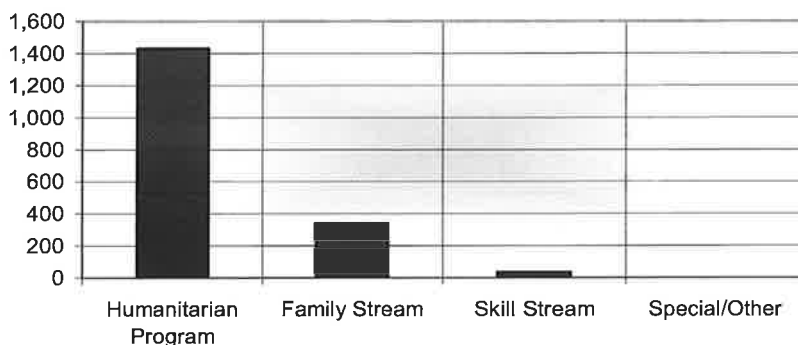
(DIMIA, 2003)

Of the 1,804 Arabic-speaking migrants who settled in Victoria in 2003, 1,428 arrived on some form of refugee visa, making them the largest group of new entrants. A further 339 arrived on family visas (Mansouri & Makhoul, 2004: 62).

4.8.2. The Arab-speaking population of the Northern suburbs of Metropolitan Melbourne

As stated previously, the sample of Arabic speakers who participated in answering the questionnaires was drawn from the Northern suburbs of Melbourne, which as a geographical region forms the highest concentration of Arab-speaking residents in Victoria. This area is expansive spatially, encompassing from NW to NE the following inner and outer Metropolitan city councils: Monee Valley, (the NW sector of) Brimbank, Hume, Moreland, Darebin, Whittlesea, and Banyule, as well as the Nillumbik Shire.

According to the 2001 census, the total population of the Northern region was: 870,768

As evidenced by the relevant demographic statistics below, the region is diverse in its social and cultural composition. Furthermore, the population size varies widely between and within the various city councils. A detailed suburb by suburb breakdown is beyond the scope of this chapter and outside the purview of this report. Nevertheless, below is a selective snapshot of the region, focusing on the most salient indicators and looking at the most telling trends and patterns. It will be apparent from a cursory look at the data below that there is considerable variation and unevenness in relation to the distribution and proportion of Arab-speaking residents between each municipality.

A breakdown of the principal languages spoken at home are illustrated in the graph below.

Figure 17:
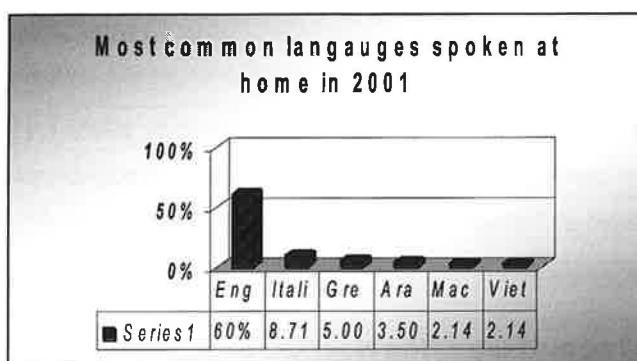
	Eng	Itali	Gre	Ara	Mac	Viet
■ Series1	60%	8.71	5.00	3.50	2.14	2.14

Most common langauges spoken at home in 2001

(ABS 2001 Census, '*The People of Victoria*,' Metropolitan Melbourne Local Government Areas, Victorian Office of Multicultural Affairs, hereafter cited as: '*The People of Victoria,*' 2001, MMLGA, VOMA)

The proportion of residents in Melbourne's Northern region who spoke Arabic at home in 2001 was 3.5 %, totaling 30,506 residents. A further breakdown specific to LOTE speaking residents reveals the following figures/percentages:

Figure 18:

Top non-English langauges in 2001

	Italia	Gree	Arab	Viet	Mac	Turk
■ Series1	25%	14.14	10.12	6.18	6.18	5.33
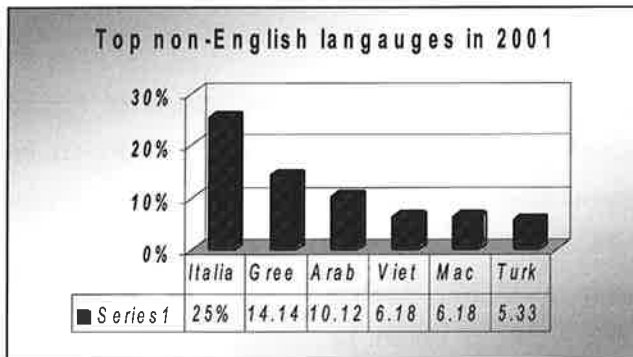
(ABS 2001 Census, *'The People of Victoria,'* MMLGA, VOMA)

The rate of change in the population of resident Arab-speakers is also an important demographic indicator, one which varies widely between constituent municipalities, as illustrated by the graph below.

Figure 19:

The most common spoken non-English languages in 1996

	Itali	Gre	Ara	Viet	Mac	Tur
■ Series1	29%	15.0	8.73	4.76	6.53	4.92
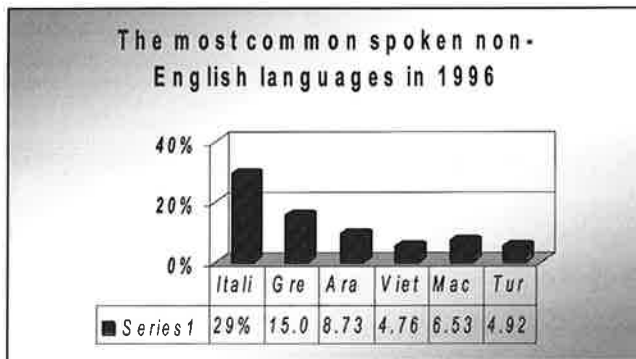
(ABS 2001 Census; *'The People of Victoria,'* MMLGA, VOMA)

It is revealing that while the proportion of residents in the Northern suburbs of Melbourne who spoke Italian, Greek and Macedonian declined appreciably between 1996 and 2001, in the same period those speaking Asian languages, namely Arabic, Vietnamese and Turkish registered a significant rise.

The proportion of Northern metropolitan residents speaking a language other than English is indicative of the cultural diversity of the resident population,

and is illustrative of the importance attached by NESBs to retaining their distinctive ethnic and linguistic identities. Arab-speaking residents feature prominently in this regard.

However, there was considerable variation in the proportion of Arabic-speaking background residents in the various municipalities. For instance, the cities of Hume and Moreland have the highest share of Arabic-speaking residents, accounting for 7% and 6%, respectively, or a combined Arabic-speaking resident population of 17, 522, representing 58% of the Northern region's residents who speak Arabic at home. By contrast, Arabic-speaking residents in the Shire of Nillumbik and the City of Banyule account for 0.03% and 0.01%, respectively.

Figure 20:

proportion of Arabic speakers in each northern municipalty in 2001

	H u	M	D a	W	N	M	B a	N il
■ Series 1	7%	6%	3.7	3%	2.4	1.4	1%	0.3
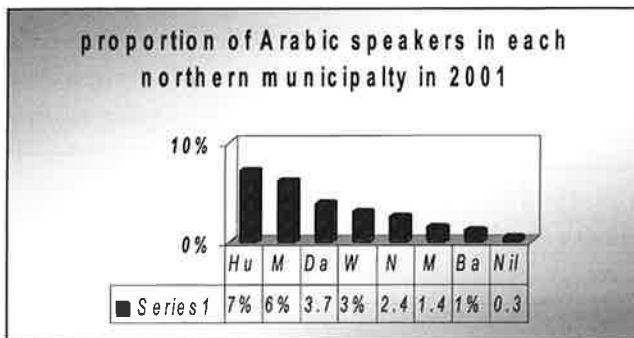
Note: the percentage for Hume includes 2.0% of Arab-speakers who also speak Assyrian (Hume City, Social Profile, 2001)

A breakdown by suburbs revealed Coburg, a suburb of Moreland City Council and the residential locale of the largest number of questionnaire respondents, as having the highest concentration of Arabic-speaking residents in Melbourne's Metropolitan North. Further, the graph below showed that in 2001, the next three top-ranked suburbs, namely Broadmeadows, Meadow Heights and Campbellfield, are located in Hume City Council.

Figure 21:

Top-ranked suburbs according to the number of Arabic-speaking residents in 2001

	Cob urg	B/me adow s	M/He ights	Cam pbell field	Rese rvoir/ W	Glen roy	Lalor	Tho mast own	Fawk ner	Brun swic k
Series1	2,321	1733	1691	1367	1303	1200	1199	1187	990	982
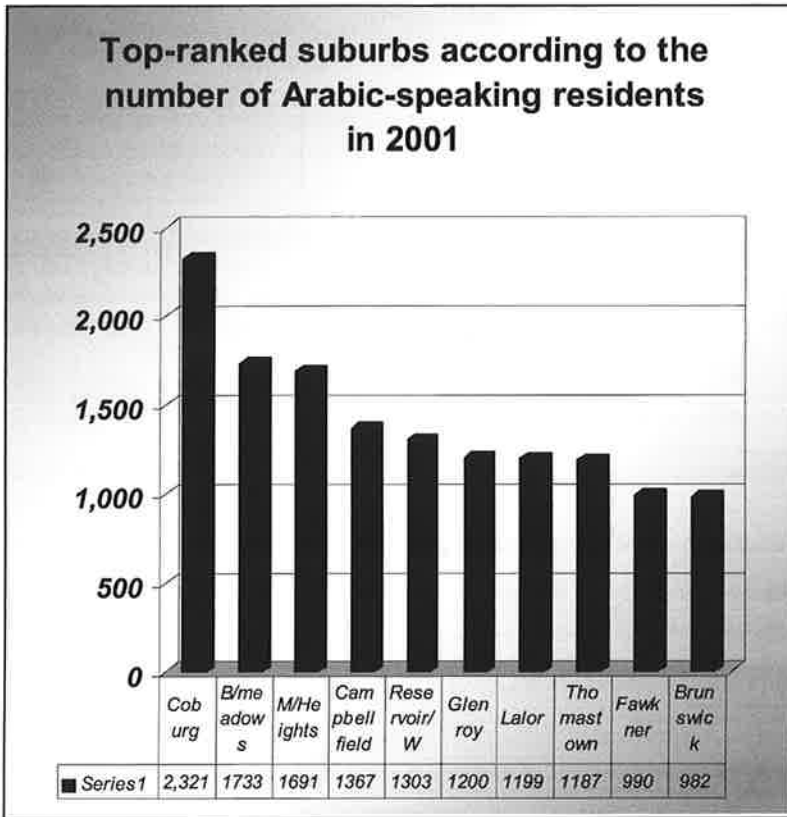
Figure 22: Top overseas countries of birth for Northern metropolitan residents in 2001

Top overseas countries of birth

	Italy	Gre	Eng	Viet	Mac	Leb	Tur
Series1	17.3	8.05	6.71	5.88	3.78	3.53	3.11
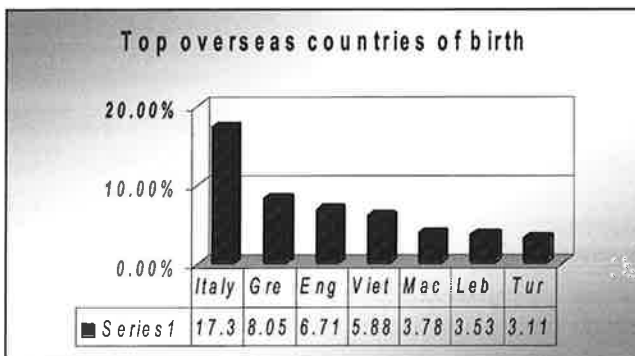
N.B.: Italy: Italy; Gre: Greece; Eng: England; Viet: Vietnam; Mac: Macedonia; Leb: Lebanon; Tur: Turkey.

(*'The People of Victoria,'* MMLGA, VOMA, 2001)

Figure 23: The Arab proportion of overseas-born residents in 1996

Arab proportion of overseas born residents in 1996

Arab
countries
6%

non-Arab
94%
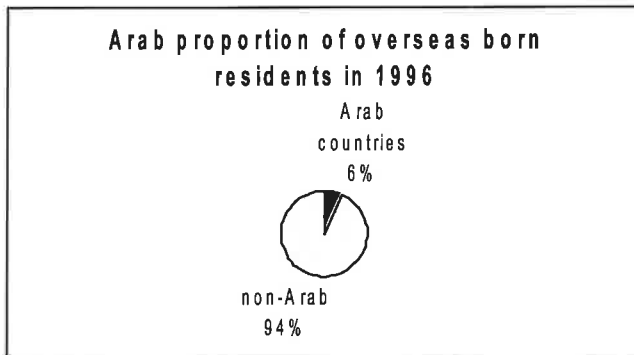
The above pie-graph shows that the proportion of Arabic-speakers in relation to overseas-born residents of Melbourne's Northern suburbs stood at 6% in 1996.

(*The People of Victoria*, MMLGA, VOMA)

Figure 24: The Arab proportion of overseas born in 2001:

The Arab proportion of overseas born residents in 2001

Arab
countries
8%

non-Arab
92%
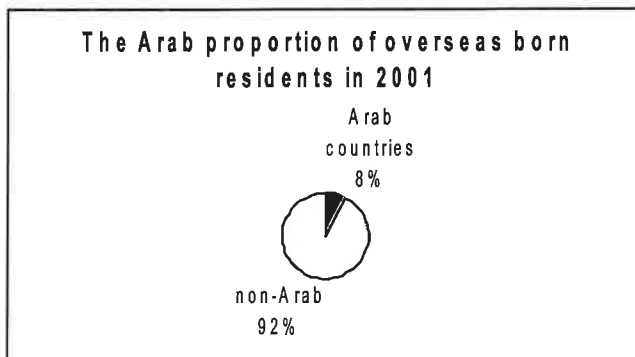
(*The People of Victoria*, MMLGA, VOMA)

The share of Northern metropolitan residents who were born in Arabic-speaking countries has increased by 2% over five years between 1996 and 2001.

Figure 25: Country of birth of Arabic-speaking northern metropolitan residents in 1996.

Country of birth of Arab-speaking
North metro residents in 1996

	Leb	Egy	Iraq	So	Eritr	Syri
■ Series1	51.2	25.3	15.4	4.83	1.60	1.45
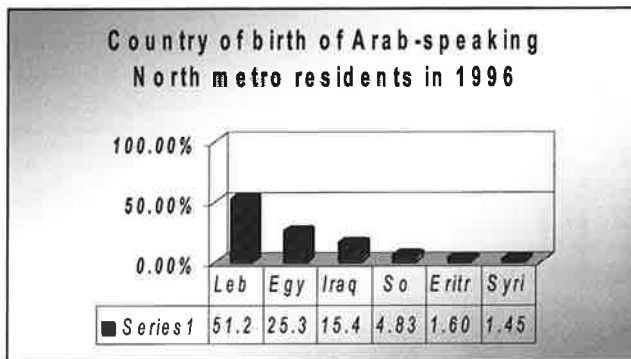
N.B.: Leb: Lebanon; Egy: Egypt; Iraq: Iraq; So: Somalia; Eritr: Eritrea; Syri: Syria.

Figure 26: Country of birth of Arabic-speaking Northern metropolitan residents in 2001.

Country of birth of Arab-speaking
residents of North Metro residents in
2001

	Le	Eg	Ira	So	Syr	Erit
■ Series1	45.	18.	22.	7.2	3.1	2.0
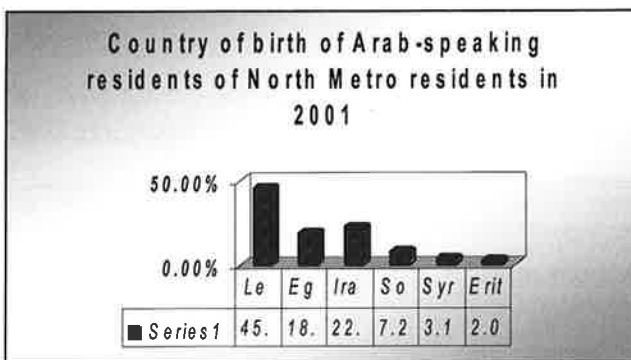
N.B.: Le: Lebanon; Eg: Egypt; Ira: Iraq; So: Somalia; Syr: Syria; Erit: Eritrea.

Figure 27: Proportion of residents born in Arab countries in relation to overseas born residents.

	Hume	Moreland	Darebin	Whittlesea	Banyule	Moonee valley	Brimbank	Nillumbik
■ Series1	13.90%	11.40%	7%	5.70%	4.90%	4.30%	2.50%	1.80%
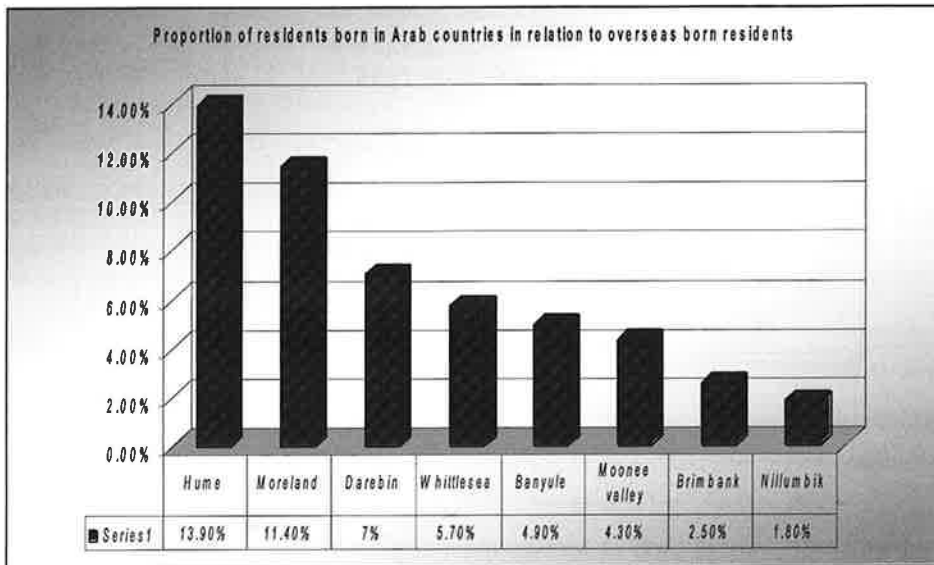
The above graph shows that of the eight Local Government Areas in Melbourne's Metropolitan North in 2001, Hume and Moreland, with 13.90% and 11.40%, respectively, represented with an appreciable margin the two city councils with the highest proportions of Arabic-speakers in relation to their respective overseas born resident populations (VOMA and ABS Population Census).

Section 5. Data Analysis

This Chapter examines the raw data gathered through the research phases of this project. The process was threefold, as follows:

- Questionnaires / surveys administered to members of Melbourne's Arabic Community. The data obtained from this source was largely quantitative, facilitating representation in tabular form. In total, 62 respondents were surveyed.
- Interviews with mediators (of Arabic-speaking and non-Arabic-speaking backgrounds), Arabic community leaders and religious leaders;
- A focus-group with 6 further community leaders, who had completed CALD (cultural and linguistic diversity) training, but had not yet begun to work as mediators. Regardless of this, their prior expertise (which included but was not limited to areas such as education, refugee issues and migrant resources) situates them as highly relevant to the project at hand.

Taken overall, the data collected in each phase was found to strongly complement and reinforce data from the other phases, as well as to correlate at many points with issues raised in relevant literature.   Links between content areas are drawn in this Chapter as required, and correlations with existing literature are identified in the Discussion section in Chapter 6.

5.1. Questionnaire / Survey Analysis

Over a six month period, from late 2005 to early 2006, a series of questionnaires was administered to members of Melbourne's Arabic community, with a view to examining experiences of conflict resolution through mediation. The information returned complements data included in following two sections, which address qualitative interviews and focus groups

with Arabic- and non-Arabic speaking mediators, community and religious leaders.

In numerical terms, the breakdown of women to men surveyed was 44 to 18, with 62 questionnaires being administered overall. Given that the questionnaires were managed through community centres across north-western metropolitan Melbourne during normal business hours, it is perhaps to be expected that the sample encountered a large number of women, and a small number of full-time employees (graphs 1 and 5, respectively). These figures should not be considered as reflective of Melbourne's Arabic community in general.

5.1.1. Personal Profile

The tables derived from Questions 1 to 6 concern the demographic specificities of respondents (age, gender, location, occupation, etc.). They were addressed earlier in the Methodology Chapter (Chapter 4). For the remainder of the Questionnaire discussion, questions have not been re-numbered, so as to facilitate easy cross-referencing to original data-sets and workbooks if required.

5.1.2. Attitudes of the Arabic Community towards Conflict

The questions in this section are aimed at exploring actual instances of conflict mediation in Arabic-Australian communities in recent times. Only a small percentage of respondents claimed to have been involved in conflict at all, but there were a high percentage of 'No Response' answers. It is feasible that some people who chose not to respond may actually have encountered conflict, and been unwilling to divulge information.
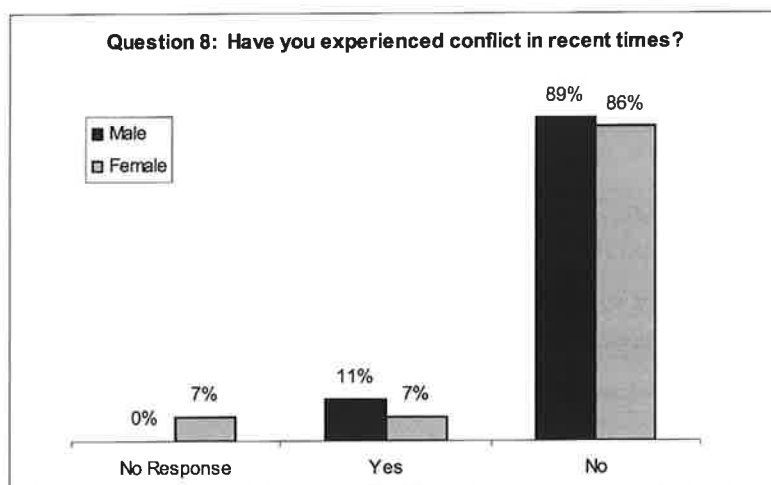
Question 8 forms the grounding for Questions 8a – 13. Only respondents who answered 'Yes' to this question were asked to complete the following six questions, thus partially explaining the high percentages of 'No' and 'No Response' answers. The percentages shown in the above graph are percentages of men and percentages of women, rather than percentages of total respondents. Data has been presented in this way because of the significant difference in numbers between men and women surveyed. The data shows that the percentages of men and women who have experienced recent conflict (11% and 7%, respectively), are roughly comparable, especially considering that some of the 7% of women who chose 'No Response' may also fall into the 'Yes' category.

Question 8a: If you answered 'Yes' to question 8, what was the dispute about?

Only 5 respondents answered in the affirmative, 3 women and 2 men. Of these, all 5 stated that the dispute concerned 'Family Matters.' One of the men further identified 'Finances' as an additional cause of dispute.

Several options were presented to respondents in answering this question, as follows:

- Family Matters
- Finances
- Values / Cultural Expectations

- Neighbours or Real Estate
- A Work-related Matter
- Trade
- Other
- No Response

Q 9. If you answered 'Yes' to Question 8, who was the dispute with?

Of the five Respondents listed just above, only 3 were prepared to answer this question, 1 woman and 2 men. Unsurprisingly, all 3 stated that their dispute had been with a 'Family Member.' This is self-evident, given that in the previous question all respondents concerned stated that 'Family Matters' had been the cause of their disputes.

Again, several options were available, as follows:
- Family Member
- Neighbour
- Friend
- Work Colleague
- Social Services Worker
- Company / Business
- Member of Arabic Community
- Member of Mainstream Community
- Other

Questions 10 & 11: If you answered 'Yes' to Question 8, did you use the Australian courts to resolve the dispute, and why?

Of the 5 respondents who answered 'Yes', only 1 woman looked to the courts for resolution. The reason given for this was that she 'wanted a more binding resolution'. Other possible responses included:
- The other party didn't give me any other choice
- No knowledge of other options
- Other
- No Response

Question 12: Were you happy with the court experience, and the outcome?

This question was only supposed to have relevance if a positive response had been entered for Question 10, and yet several people entered responses. From this, it might be possible to infer some respondents' general opinions of the Australian court system. Thus their responses are presented below:

Question 12: Were you happy with the court experience, and the outcome?
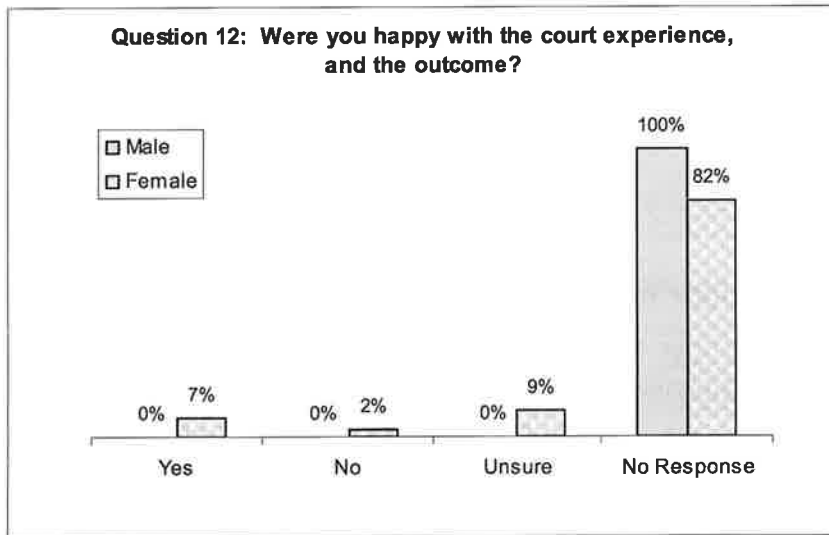
The single respondent to whom Question 12 actually applied stated that she was indeed happy with her experience of the Australian court system.

In the same vein as the previous question, Question 13 was answered inconsistently on several occasions, a phenomenon which may be indicative of respondents' general attitudes. As follows:
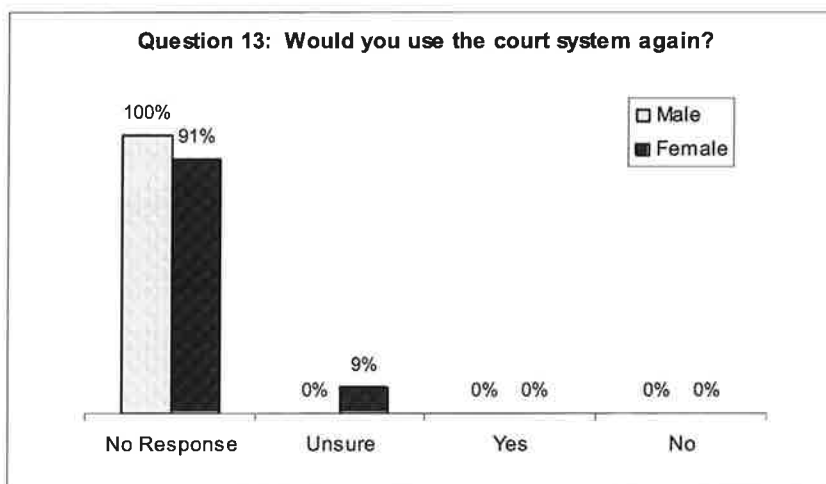
The single respondent to whom this question actually applied made the comment that the court system was "Expensive and [the dispute took a] long time to resolve". Nonetheless, she made no definitive 'Yes' or 'No' statement, and has consequently been included here under the 'Unsure' heading.

5.1.3. Understanding and Experiences of Mediation

For many respondents, this section constituted a process of exploration. It encouraged participants to explore their own experiences, and some realized that discussions with family, friends and so on could be defined as mediation in a broad sense. This explains some of the inconsistencies that follow. In particular, this section examines differences in usage between formal mediation services in Melbourne (in general) and services offered for and by the Arabic community.

Q.14. What strategies have you used to resolve disputes?

It should be noted that this question was open-ended, inviting respondents to write a reply. Thus the data in the graph is essentially qualitative, and the chart below is based on the authors' interpretation of answers given. The respondents' actual responses are reproduced in Appendix A.

Quesion 14: What strategies have you used to resolve disputes?

Other — Female 2%, Male 11%

Elders — Female 0%, Male 17%

No Dispute — Female 11%, Male 11%

Reason & Communication — Female 11%, Male 17%

Family — Female 24%, Male 0%

No Response — Female 52%, Male 44%

Legend: □ Female ■ Male
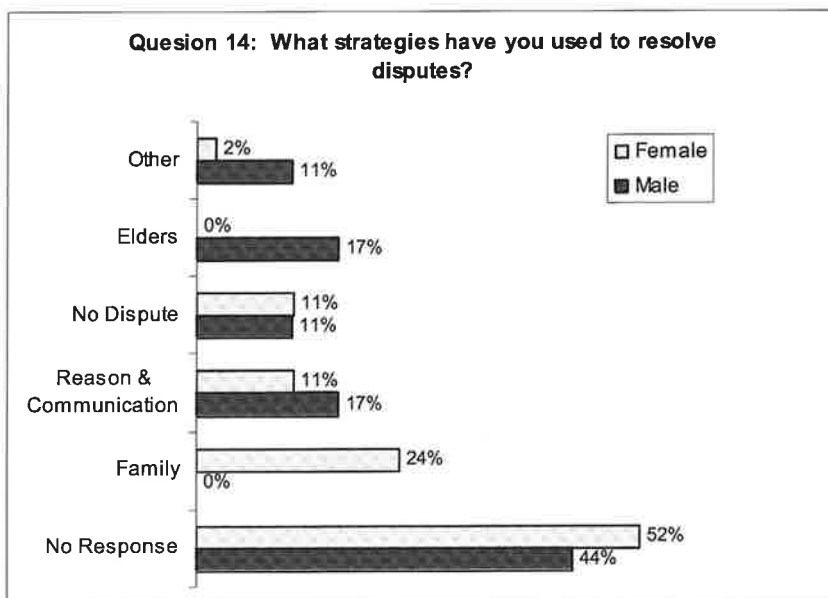
At the risk of evoking stereotypes, it is interesting to note that recourse to the family unit as a problem-solving strategy was an option only granted value by women (24% of women surveyed). Similarly, turning to community elders was a point of view only advocated by men (17%). All other single categories (i.e. excluding 'Other', which encompasses several minimal responses) were roughly equally represented.

Question 15: Do you understand the meaning and process of mediation as a dispute settlement strategy?

Yes — Men 55%, Women 56%

No — Men 39%, Women 30%

No Response — Men 6%, Women 14%

Legend: ▨ Men □ Women
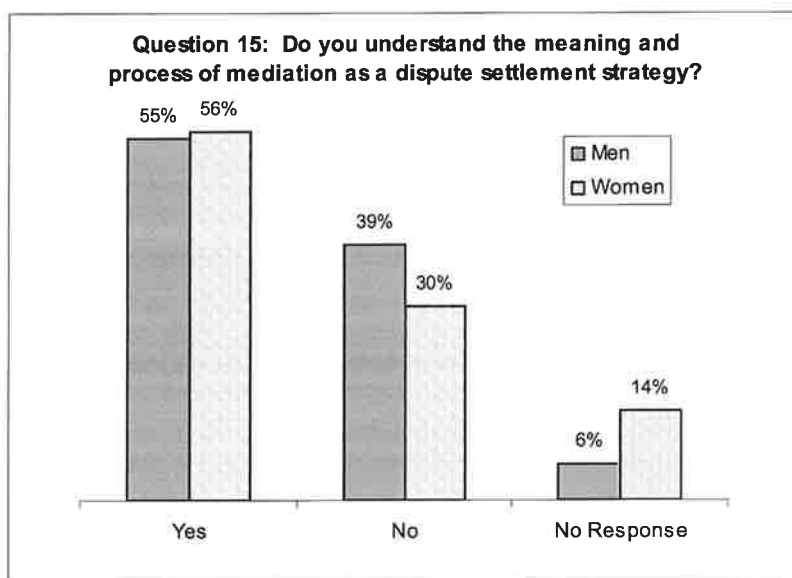
While there was little difference between men and women with regard to understanding of the Mediation process, it is significant that only just over half of those surveyed answered 'Yes' to this question. A program of advertising to raise community awareness seems well advised.
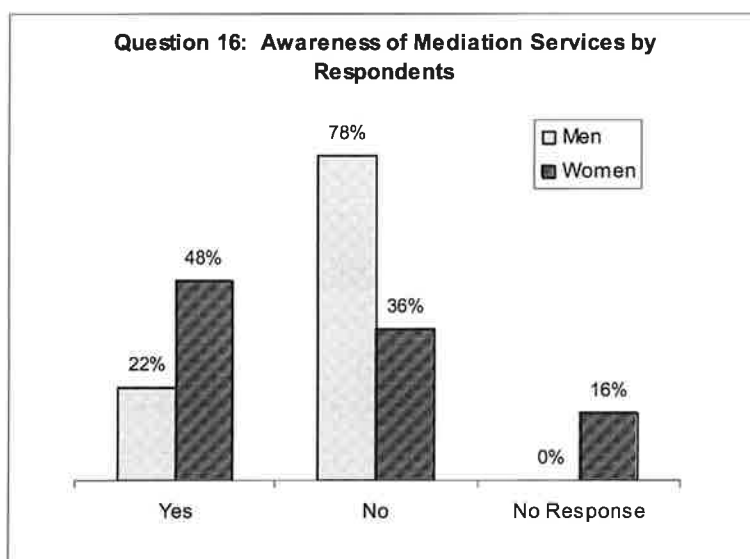
Question 16 refers to *mainstream* Mediation Services. Women claimed a far greater awareness of such services than men (48%, as opposed to 22%) Again, positive responses all stand at less than half, suggesting that an awareness program might be warranted.

Question 17: Request of Mediation Services by Respondents.
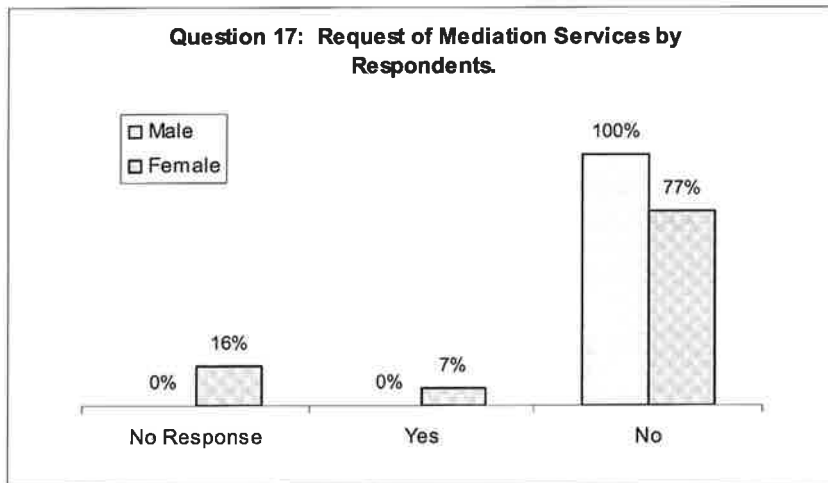
The high number of negative responses to this question (100% of men and 77% of women) is not necessarily indicative of the lack of awareness of mainstream Mediation Services reported in the previous question. Rather, it indicates a large proportion of respondents for whom conflicts did not occur, and another proportion (discussed in the following questions) who sought mediation through different channels.

Question 18: Do you think that mediation can achieve positive outcomes when resolving disputes?
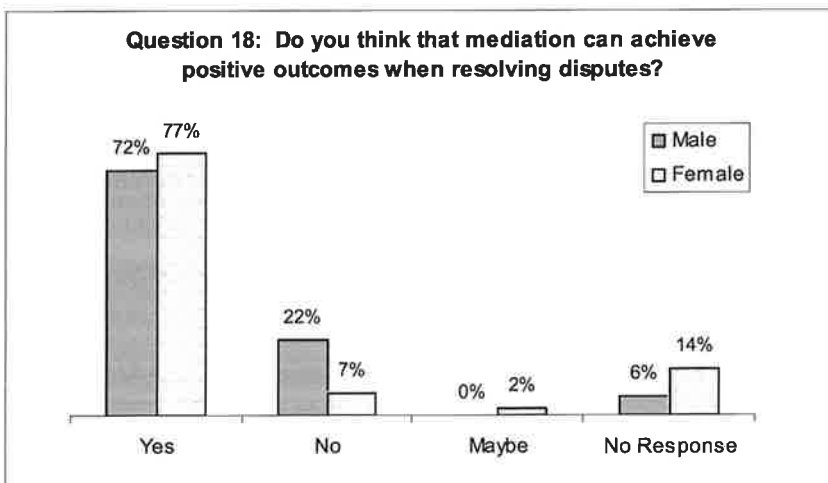
Question 18 shows that roughly 3/4 of respondents (72% of men and 77% of women) displayed a positive attitude towards Mediation Services in general terms.

Question 19: Have You Used Mediation as an Alternative to the Courts?
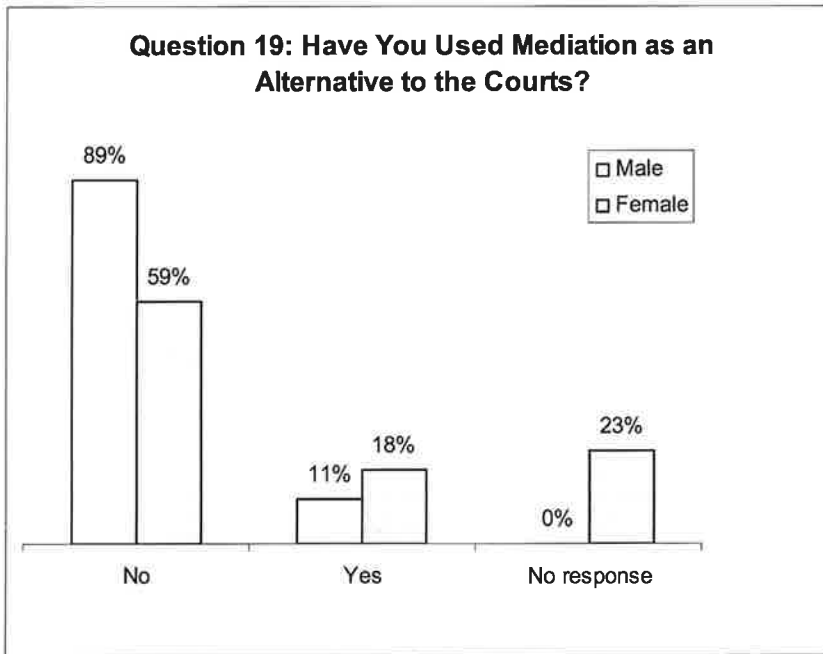
The difference between this Question and Question 17 is that the scope has been broadened. It does not specifically address *mainstream* Mediation Services, but also includes mediation through family, community leaders and so forth (as shown below, in Question 20). When these other avenues of mediation are taken into account, the percentage of respondents utilising Mediation Services raises significantly (an 11% increase for both men and women), a clear indication of the importance of such services in Melbourne's Arabic communities.

Question 20: Who did you contact to seek mediation services?
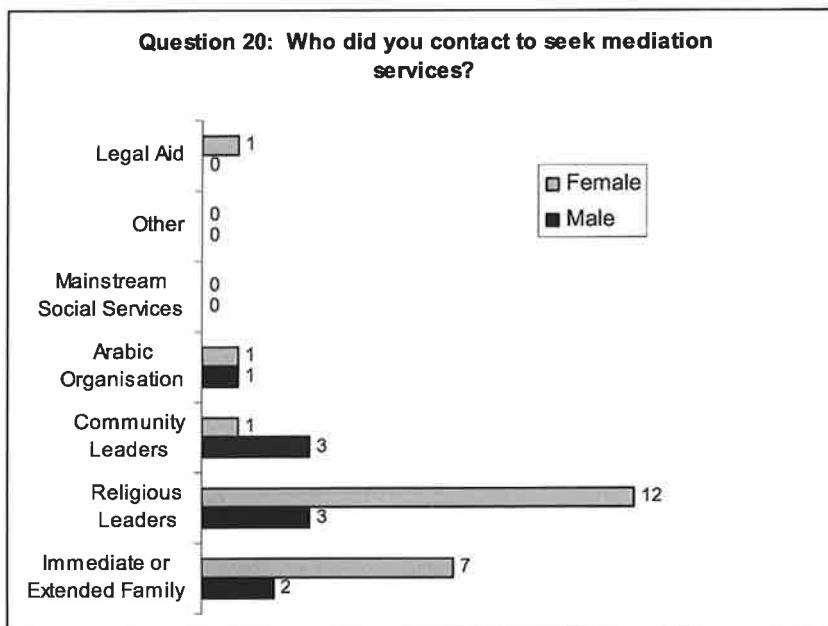
The preferred avenues for dispute mediation were family or religious organisations, with women being several times more likely to explore such options than men. Data shown in this graph does not correlate closely with other graphs in this document, because respondents were at liberty to select more than one category and several indicated that they had explored several mediation options. For the same reason, data in the above graph is presented as whole numbers rather than percentages.

Question 21: Did the Mediation Help You Resolve the Dispute?
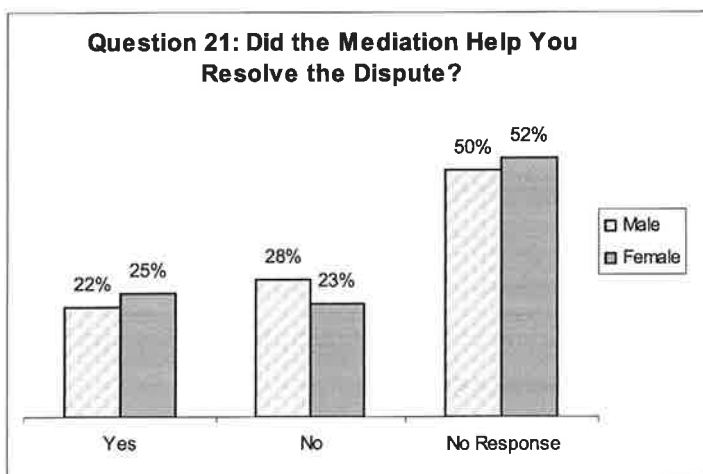
Interpretation of Question 21 is problematic, in that the positive responses for both men and women are higher than those who claimed to have been involved in disputes in Question 19. It is certainly possible to surmise that those who were involved in mediation universally perceived the process as helpful, and that Question 20, which outlined several different mediation options, prompted some other respondents to recall instances in which they had been involved in mediation, and likewise remembered the process positively.
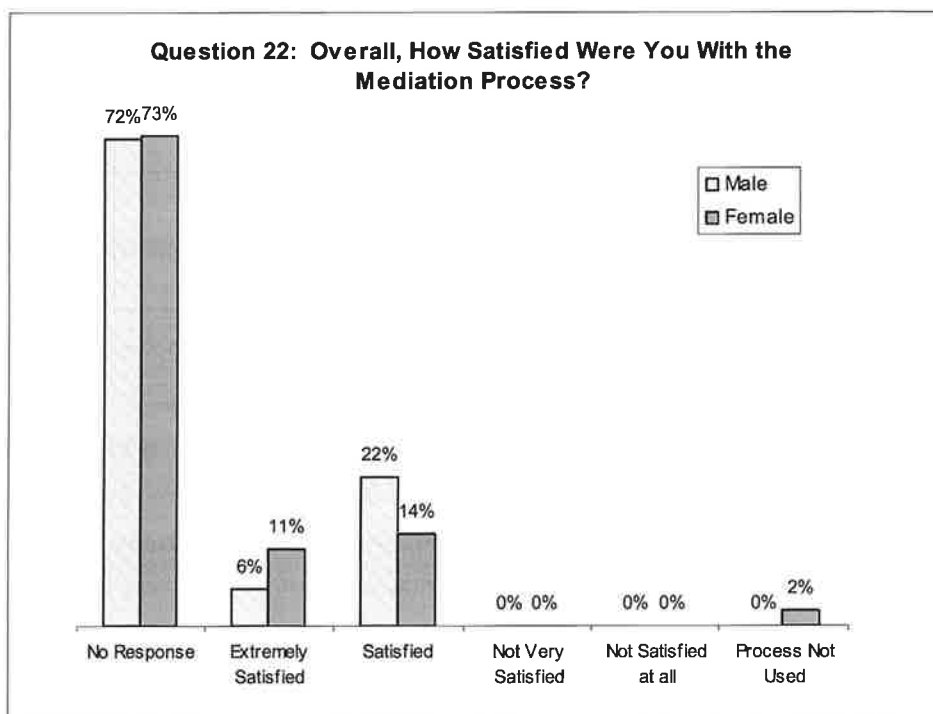
The 'No Response' answers in Question 22 correlate fairly closely with the percentages in the previous graph for those who did not engage in mediation, and thus should probably be equated with 'Process Not Used.' The figures in the 'Extremely Satisfied' and 'Satisfied' columns are roughly equal to the positive responses in Question 21, thus reinforcing the findings.

Q.23 Overall, What Were Some of the Strengths and Weaknesses of Mediation in Mainstream Mediation Services?

It should be noted that this question was open-ended, inviting respondents to write a reply. Thus the data in the graph is essentially qualitative, and the

chart below is based on the authors' interpretation of answers given. The respondents' actual responses are reproduced in Appendix A.


Question 23: Overall, what were some of the Strengths and Weaknesses of Mediation in Mainstream Mediation Services?
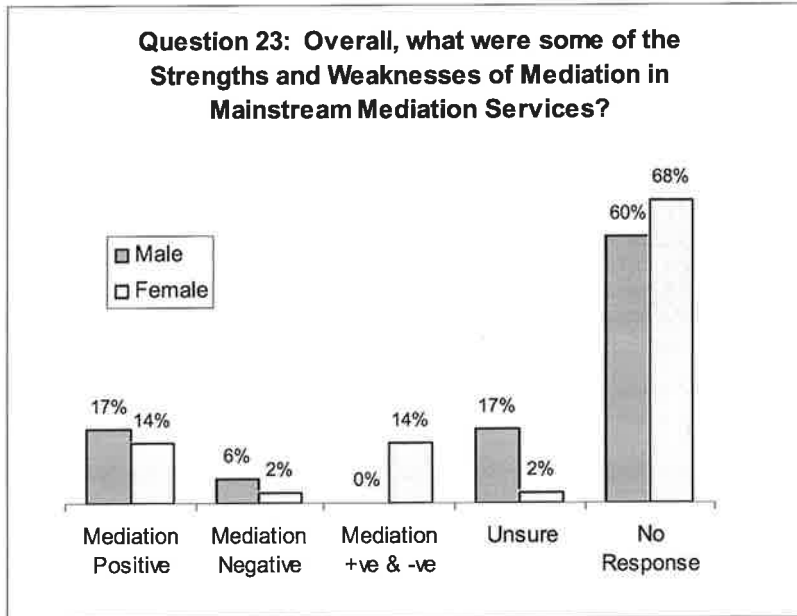
As per the previous Question, the high 'No Response' rate is a reflection of the large number of respondents to whom this Question did not apply because they had no experience of mediation processes. What is of most interest here is the extent to which a qualitative question elicited more varied responses than the previous one had, although the topic was analogous. That is to say, the figures shown in the negative and ambivalent categories in the above table were not reflected in Question 22.

5.1.4. Effectiveness of Arabic community-based mediation

Despite the small number of respondents who have actually engaged in mediation (a result driven at least partially by the small number who had actually encountered conflict), a strong feeling emerges in this section that the existence of mediation services in Melbourne's Arabic-speaking community is highly valued and worthwhile.

Question 24: Does the Arabic Community Practice Mediation?
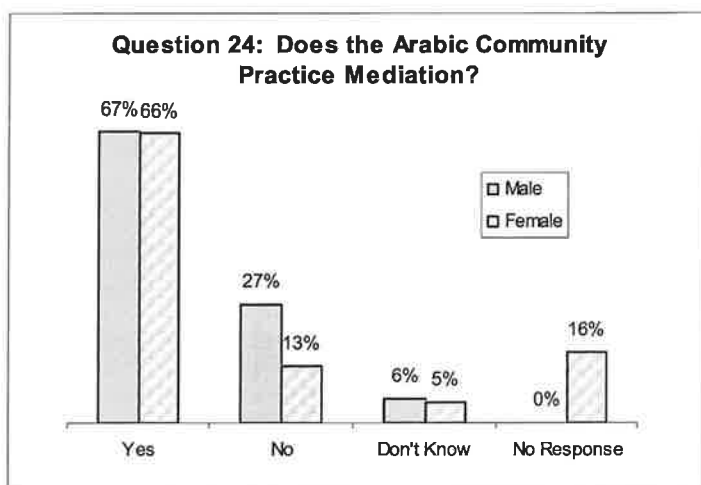
Questions 24 to 27 concern opinions and attitudes amongst Melbourne's Arabic community. They are not cumulative, and thus have no direct bearing on each other. Dominant opinion is that the Arabic community practices mediation in some form (67% agreement for men and 66% agreement for women).

Question 25: Are You Aware of any Dispute Settlement Options Available to You in Your Region?
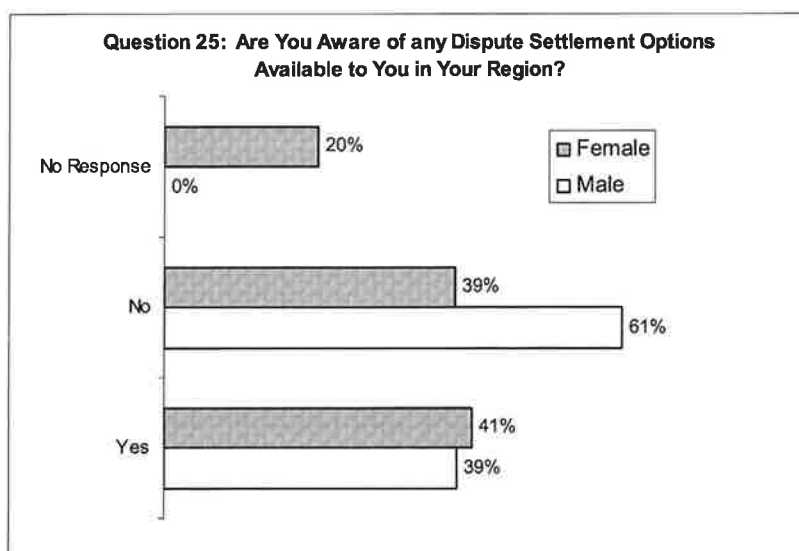
Knowledge within Melbourne's Arabic community varies with regard to awareness of dispute settlement options. 41% of men and 39% of women claimed to know of such options, a figure that was not reflected in Question

16, which referred only to mainstream mediation services. In that case, the awareness figures were 22% for men, and 48% for women. Given that mainstream services are a sub-set of the more general term 'dispute settlement options', these figures are difficult to reconcile, especially where women are concerned.

Question 26: Would You be willing to use a Mediation Service specifically set up by and for the Arabic Speaking Community?
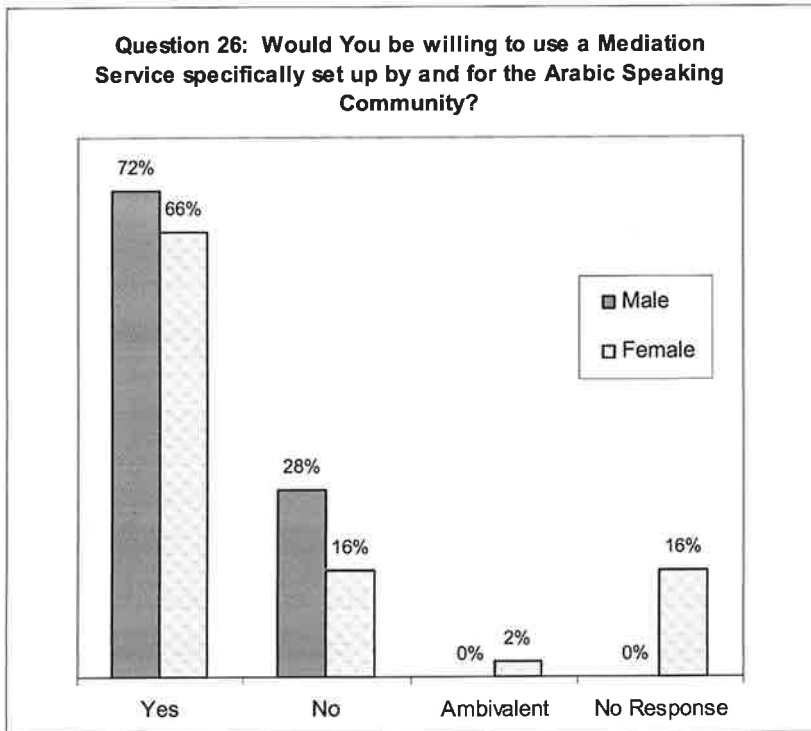
There is a strong indication that respondents would be willing to use a mediation service set up by and for Melbourne's Arabic-speaking community, with agreement recorded at 72% for men and 66% for women.

Question 27: Do You Think the Existing Mediation Options are Sufficient?
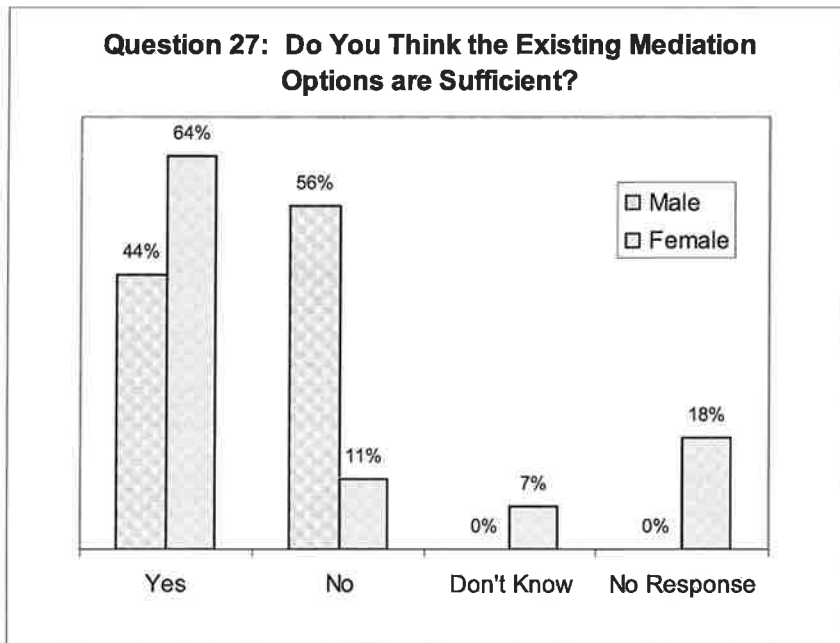
Approximately half of the respondents felt that existing mediation options were sufficient (44% of men and 64% of women).   It is probably also reasonable to speculate that women felt less comfortable responding negatively, returning a combined 'Don't Know' and 'No Response' figure of 25%, compared with 0% for men.

Question 28: Have You Requested and Attended Mediation through an Arabic Specific Service?

Male
Female

94%
77%
6% 5%
0% 18%

No   Yes   No Response
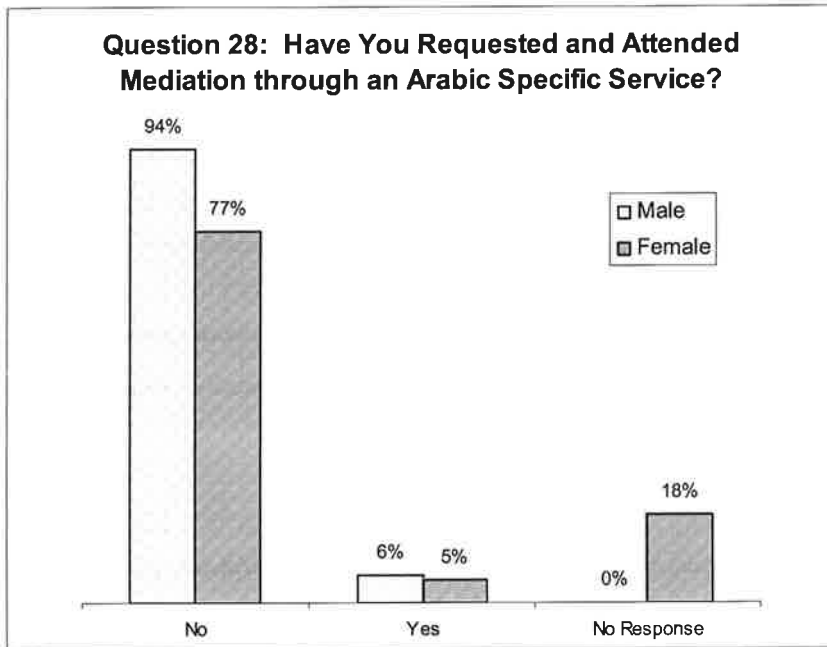
Despite the high interest in an Arabic speaking mediation service returned in Question 26 (72% for men and 66% for women), it is a possibility few have actually explored (6% of male respondents, and 5% of female). It is reasonable to assume that a significant percentage of those who answered 'No' to this Question have never had need of mediation, and yet are not averse to the idea should such a need arise.

Question 29: Would you be more likely to use a Mainstream Mediation Service if they had qualified Arabic-speaking background mediators?

Male
Female

28% 27%
22%
9%
50% 64%

Yes   No   No Response
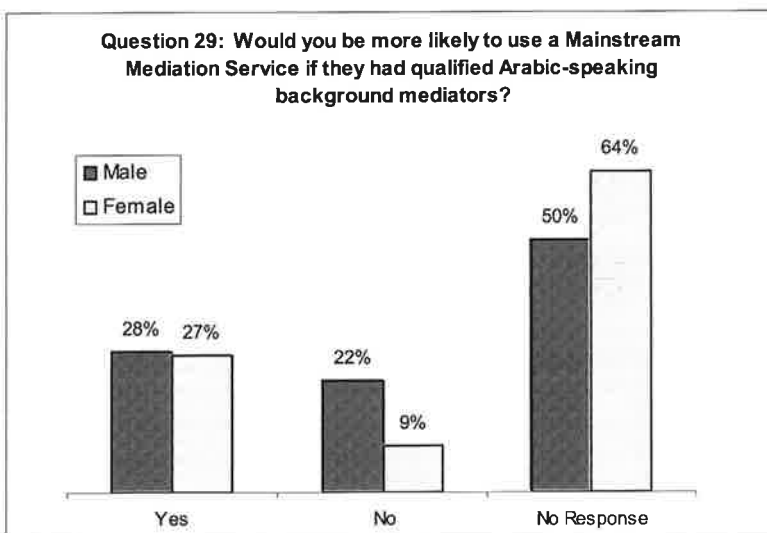
There was no significant difference between men and women with regard to whether they would be more likely to use a mainstream mediation service if it had qualified Arabic-speaking background mediators (a 1% difference). However, there was only a 'Yes' response of 28% for men, and 27% for women. By comparison (and as already noted) the 'Yes' category for Question 26, which considered whether respondents would use a mediation service set up by and for the Arabic community were 72% for men and 66% for women. The message here is clear: the Arabic community is more comfortable dealing with people from within that community, not just people who can speak Arabic.

[In the original questionnaire-data, there was no Question 30 – it was a broad heading that pertained to Questions 31 to 38. For whatever reason, there appears to have been a high level of confusion or misunderstanding with regard to this series of questions, resulting in a high percentage of 'No Response', non-attempts to answer. In each of the following 8 questions, the data is discussed as though the 'No Response' category were not present.

Furthermore, rather than re-order questions here, the order has been retained so as to facilitate easy reference back to the original data set if required.]

Question 31: How Important is the Impartiality of the Mediator when choosing a Mediation Option?
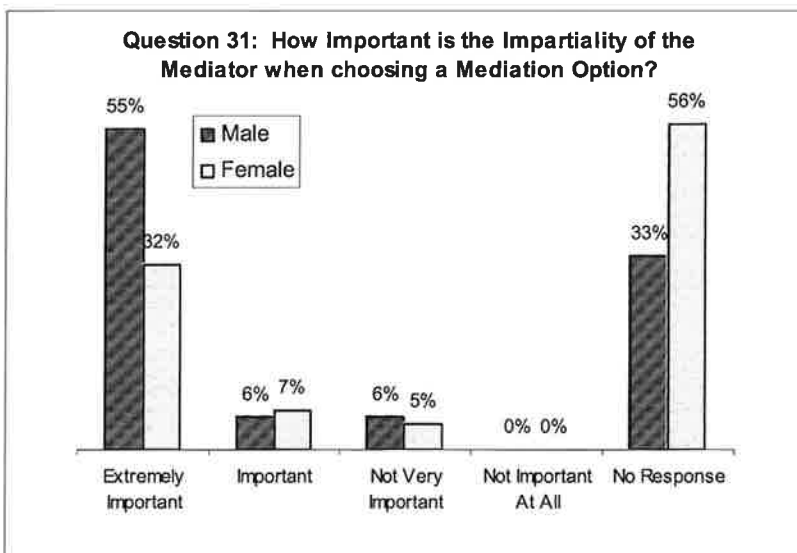
Discounting the high percentage of 'No Response' answers, the vast majority of both men and women felt that mediator impartiality was of 'Important' or 'Extremely Important.' It should also be noted that a proportion of the 'No Response' answers may also have occurred because of respondents' lack of understanding of the term, 'Impartiality'.

Question 32: How Important is the Role of Mediation in the Arabic Community?

	Female	Male
Extremely Important	27%	39%
Important	7%	28%
Not Very Important	5%	0%
Not Important At All	2%	0%
No Response	59%	33%
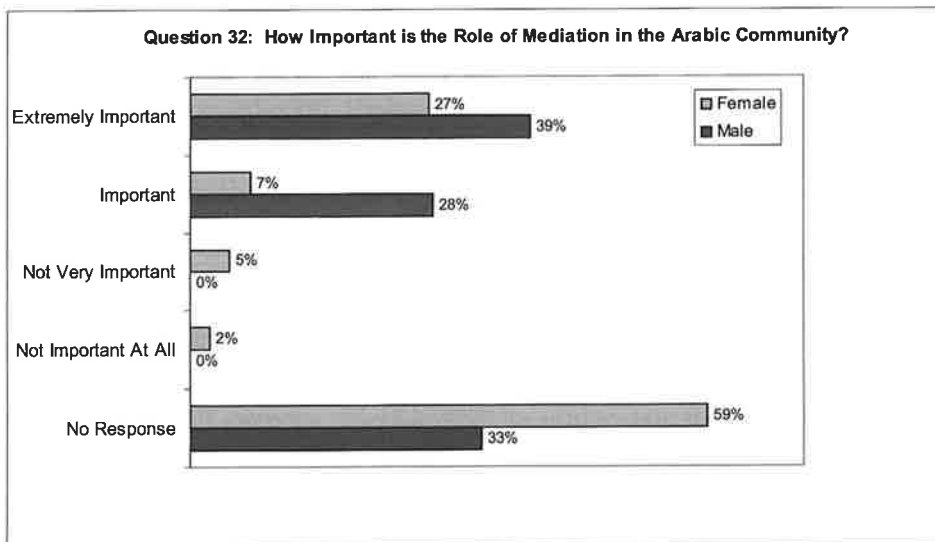
Question 32 can be interpreted as stating that mediation services are perceived as highly valuable in Melbourne's Arabic community, with 34% of men rating them as 'Important' or 'Extremely Important', along with similar responses from 67% of women. This information concurs with that returned in Question 26, which concerned the Arabic community's high willingness to use mediation if need be (null responses discounted).

Question 33: How Important is the Role of Mediation in Wider Society?

	Female	Male
Extremely Important	29%	28%
Important	7%	33%
Not Very Important	5%	6%
Not Important At All	0%	0%
No Response	59%	33%
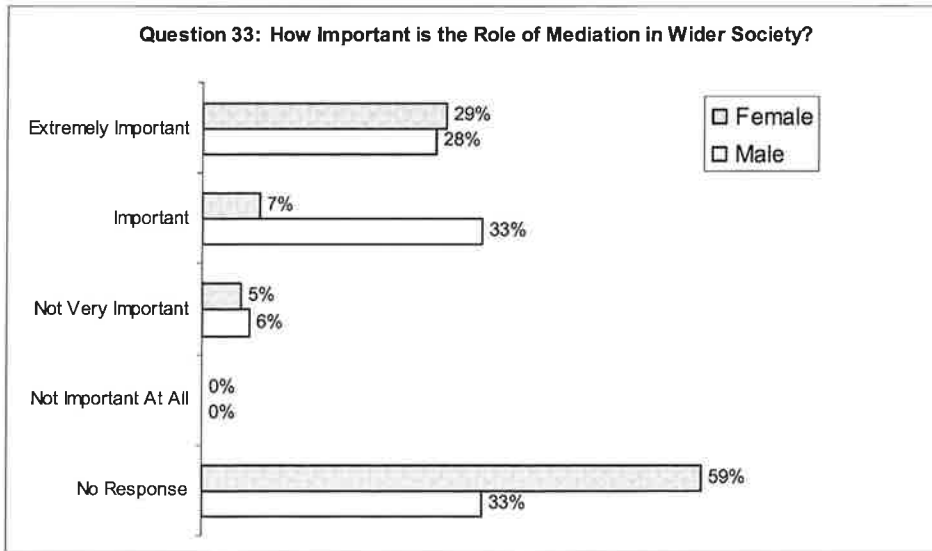
Question 33 expands the scope of Question 32, moving from considering Melbourne's Arabic community to considering Melbourne's population in a broader sense. In accord with the previous question, the importance of mediation services is highly valued in all contexts, not only Arabic ones (null responses discounted).

Question 34: How Important is remaining within the same Arabic Cultural Community when choosing a Mediation Option?

	Female	Male
Extremely Important	23%	39%
Important	14%	22%
Not Very Important	5%	6%
Not Important At All	0%	0%
No Response	58%	33%
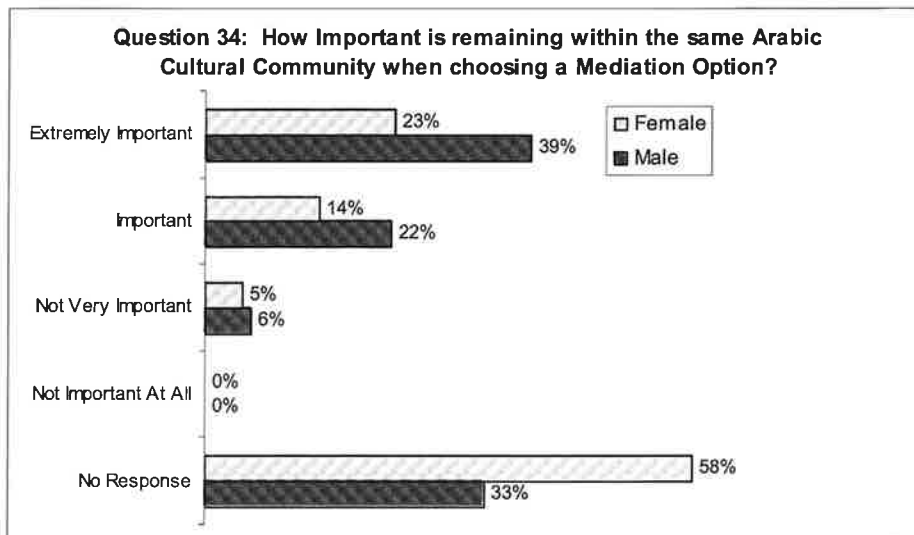
In accordance with results obtained in Question 26, an extremely high value is placed upon remaining within the Arabic community vis-à-vis mediation, with results of 'Extremely Important' returned by 23% of men and 39% ('No Response' results of 58% for men and 33% for women omitted from consideration).

Question 35: How important is it for the Mediator to be fluent in Arabic when choosing a Mediation Option?

	Female	Male
Extremely Important	25%	39%
Important	16%	28%
Not Very Important	0%	0%
Not Important At All	0%	0%
No Response	59%	33%
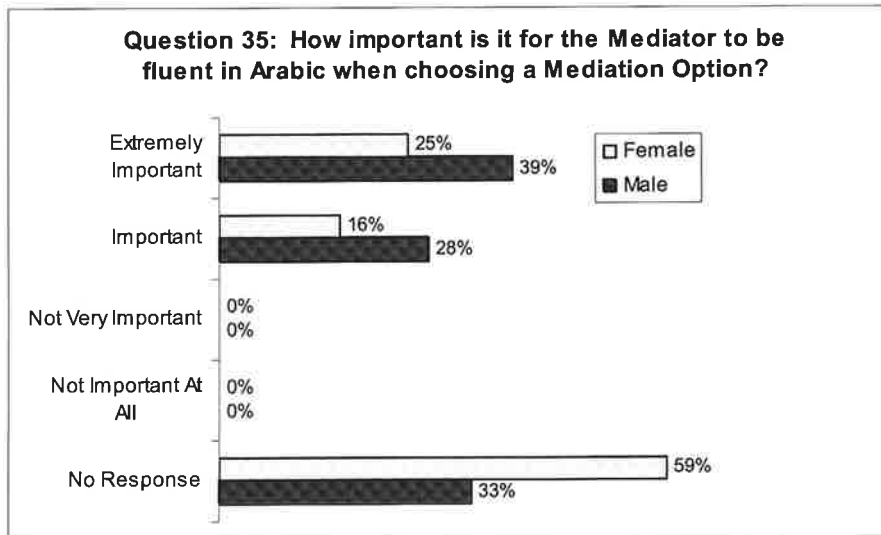
Barring 'No Response' answers, all respondents felt that it was either 'Important' or 'Extremely Important' for mediators to be fluent in Arabic.

Question 36: How important is Familiarity with Arabic Culture and Values when choosing a Mediation Option?

	Female	Male
Extremely Important	23%	45%
Important	14%	22%
Not Very Important	2%	0%
Not Important At All	2%	0%
No Response	59%	33%
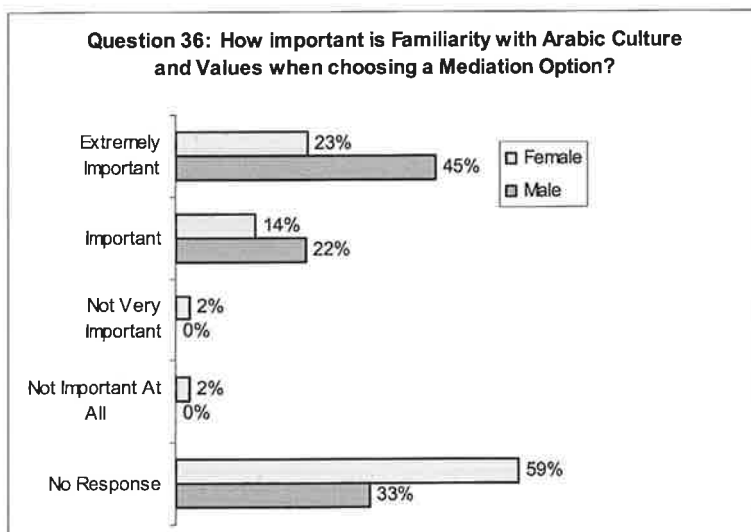
With the exception of 4% of women, all respondents felt that it was either 'Important' or 'Extremely Important' for mediators to be familiar with Arabic culture and values.   This is in accord with the high positive response to Question 26, which expressed a preference for mediation services set up by and for the Arabic community ('No Response' results not considered).

Question 37: How important is the Mediator's level of experience and training when choosing a Mediation option?

Extremely Important
- Female: 25%
- Male: 39%

Important
- Female: 11%
- Male: 28%

Not Very Important
- Female: 2%
- Male: 0%

Not Important At All
- Female: 0%
- Male: 0%

No Response
- Female: 62%
- Male: 33%
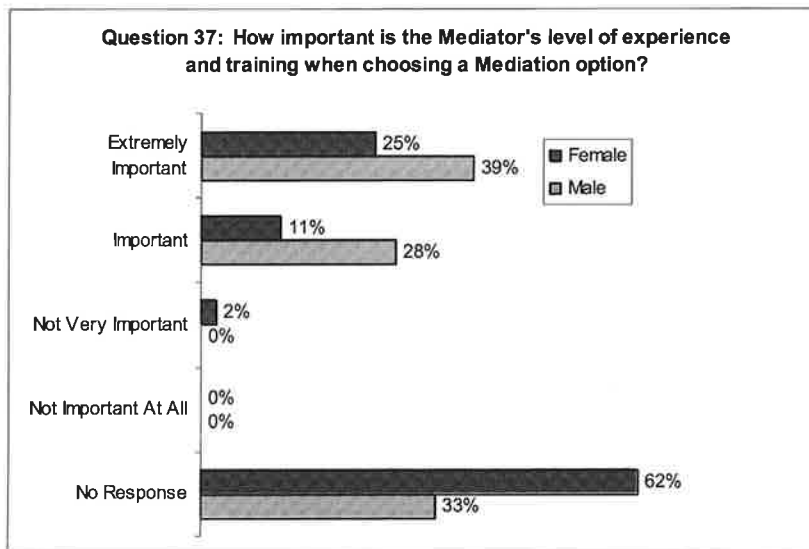
Excluding 'No Response' answers, all respondents felt that training and experience were valuable skills in mediation, with the (somewhat surprising) exception of 1 woman.

Question 38: How important is the informality of the process when choosing a mediation option?

	Female	Male
Extremely Important	30%	11%
Important	5%	44%
Not Very Important	7%	6%
Not Important At All	0%	0%
No Response	58%	39%
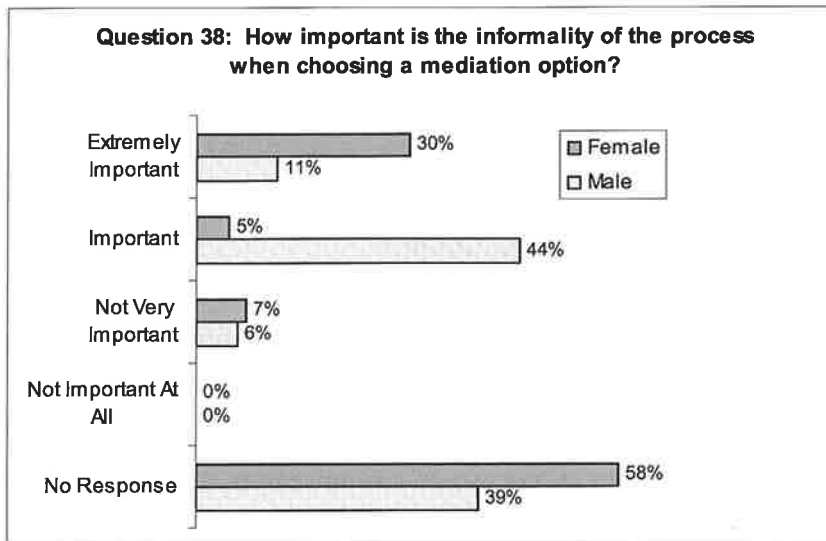
The overwhelming majority of respondents felt that informality was important in mediation situations, with the highest rating answers being 44% of men saying 'Important' and 30% of women saying 'Extremely Important'. Of Questions 31 to 38, this Question received the highest percentage of 'Not Very Important' responses (6% for men and 7% for women), meaning that, of the variables here discussed, informality was at the same time important and the least of respondents' concerns.

Question 39: Overall, how satisfied were you with the Mediation Process?

	Female	Male
Extremely Satisfied	20%	6%
Satisfied	16%	49%
Not Very Satisfied	0%	6%
Not Satisfied At All	0%	0%
No Response	64%	39%
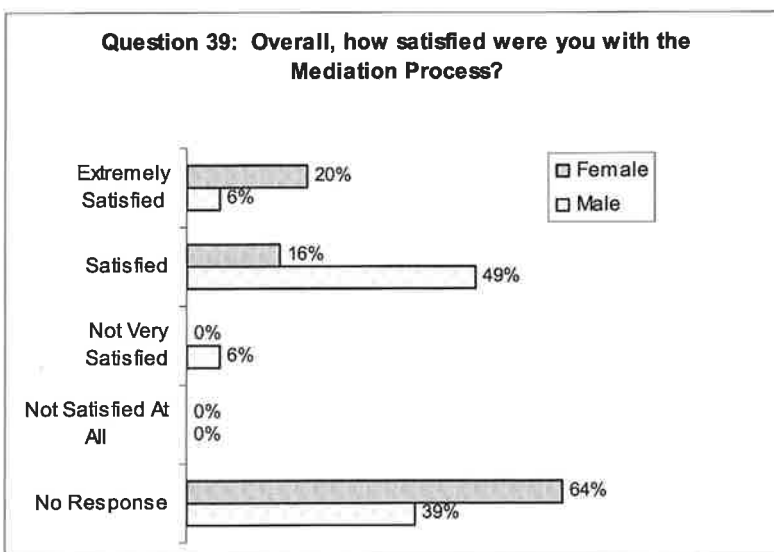
Although this Question is worded identically to Question 22, we can assume from its location, at the conclusion of a battery of speculative, opinion-oriented Questions, that it is asking for a general impression, not a direct statement of experience. This supposition is borne out by the results, which in this case totalled 55% for men and 36% for women, compared with 28% for men and 25% for women in the earlier Question.

Question 40. Overall, what are some of the strengths and weaknesses of mediation as practised by Arabic community services?

It should be noted that this question was open-ended, inviting respondents to write a reply. Thus the data in the graph is essentially qualitative, and the chart below is based on the authors' interpretation of answers given. The respondents' actual responses are reproduced in Appendix A.
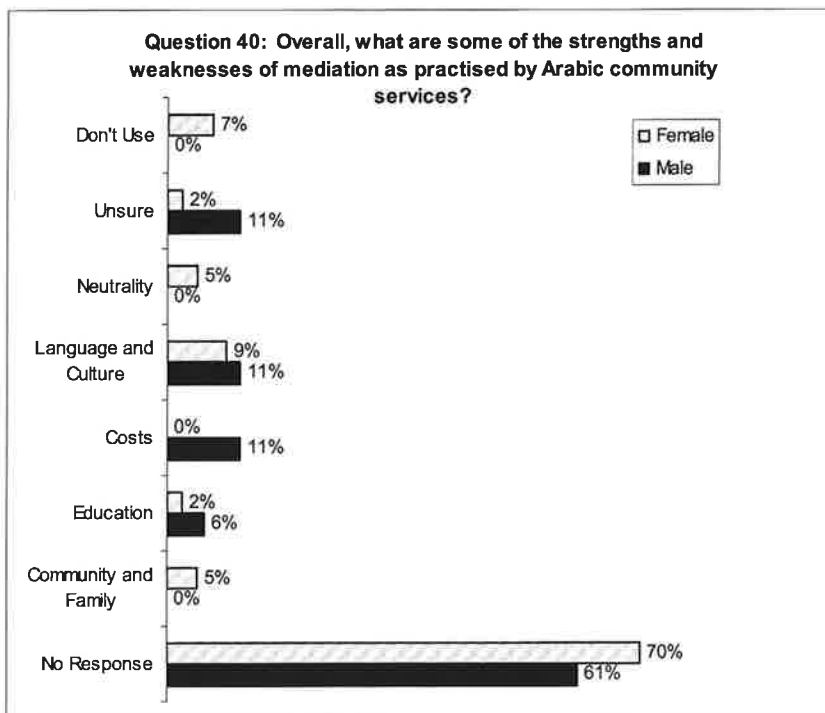
There was a relatively even spread of responses to Question 40 ('No Response' answers notwithstanding), with a spread of between 0% and 11% for men, and between 0% and 9% for women.

Question 41: Overall what are some of the strengths and weaknesses of mediation as practised within the Arabic community?

This question was also open-ended, inviting respondents to write a reply. Thus the data in the graph is essentially qualitative, and the chart below is based on the authors' interpretation of answers given. The respondents' actual responses are reproduced in Appendix A.
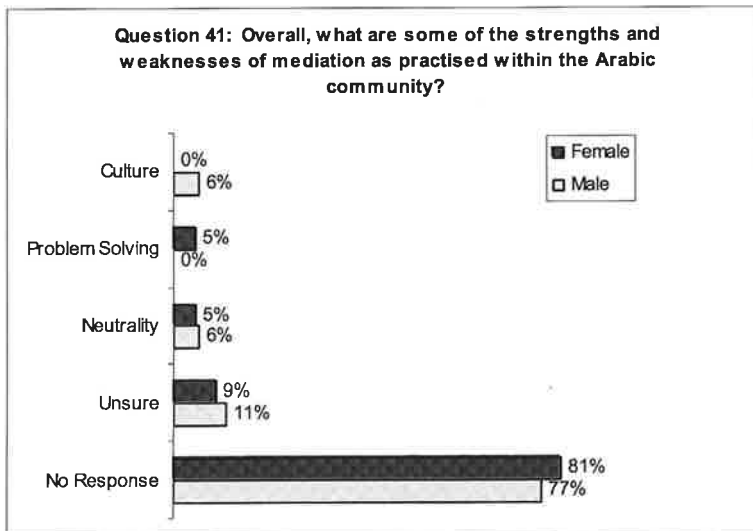
As with the previous Question, there was a relatively even spread of responses to this Question ('No Response' answers notwithstanding), with a spread of between 0% and 11% for men, and between 0% and 9% for women.

Question 42: What could be done to Improve Accessability with regard to Mediation Options?
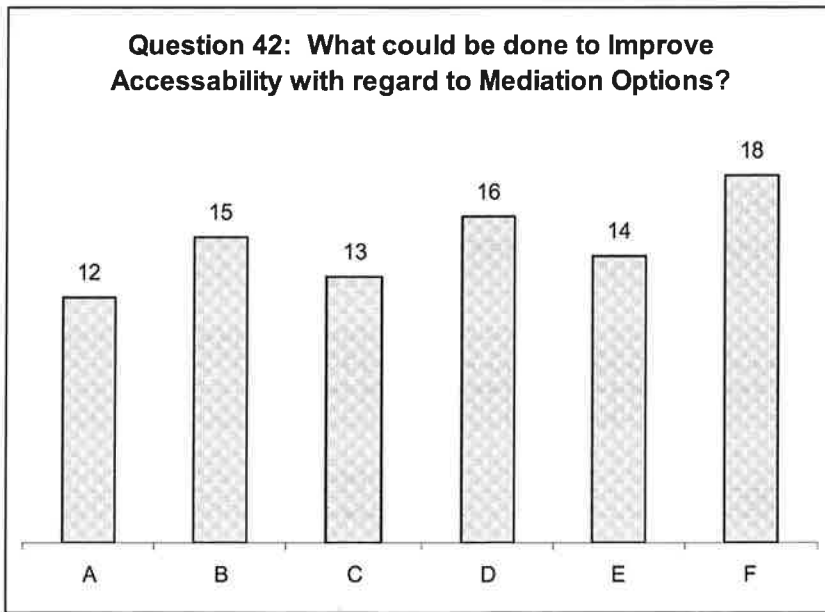
KEY TO QUESTION 42

A	More information about mainstream mediation options in your area.
B	More information about Arabic-specific mediation options.
C	More information about alternative dispute resolution practices.
D	Increased availability of interpreters.
E	Increased availability of bilingual/ bicultural mediators.
F	Cross-cultural training for mediators.

The above graph shows figures in whole numbers, rather than as percentages, because respondents were permitted to select more than one option. As the graph shows, all categories were treated as relatively equal in importance, with 'Cross cultural training for mediators' treated as most important (18 responses) and 'More information about mainstream media options in your area' treated as least important (12 responses).

5.1.5. Your experience as a Mediator

This section further explores the flexible definition of 'mediation', and respondents examine their own roles in situations of conflict resolution. A central finding in this part of the questionnaire was that there is a need, and a desire for more formal training for those who function in mediation capacities.

Question 43: Have you been called on to act as a mediator between two disputing parties where one or both memebers were from an Arabic-speaking background?
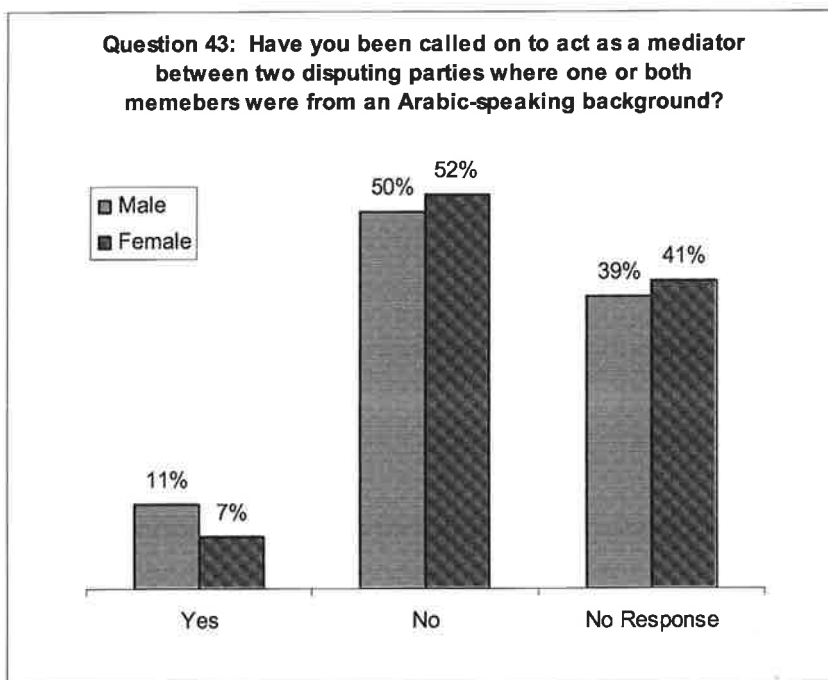
Responses to Question 43 support the findings of Question 28. In that Question, only 6% of men and 5% of women stated that they had used Arabic community mediation. Thus it is to be expected that the percentages of the Arabic community called upon to act as mediators should be similarly low (11% for men and 7% for women). This reinforces one of the central findings of this study: that while large percentages of Melbourne's Arabic community feel that mediation services are highly worthwhile in theory, there is little practical use of them.

Question 44: How many mediation sessions have you done within the Arabic-speaking community over the last 2 years?
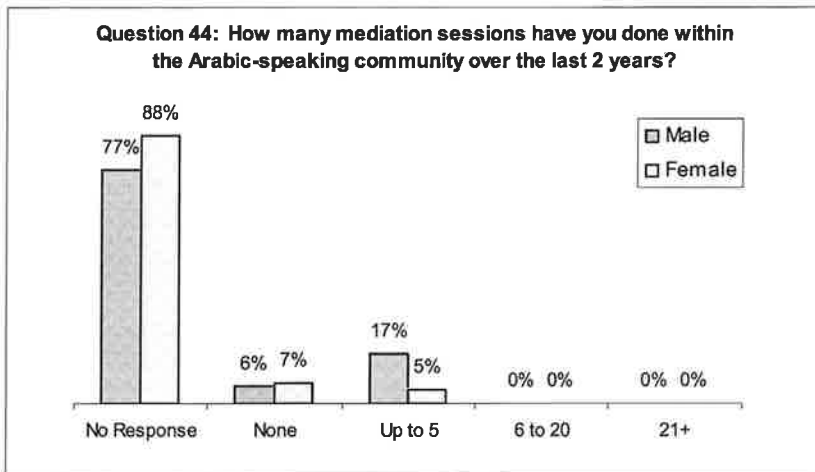
The high response of 'No Response' answers to this Question is to be expected, as the Question only really pertains to those who answered 'Yes' to Question 28, 'Have you requested and attended mediation through an Arabic-specific service?' (6% of men, and 5% of women, as noted). The important information to be noted here is that men have been more than 3 times more involved in leading mediation than women (17%, as opposed to 5%, respectively).

Question 45: What was your relationship with the disputing party?
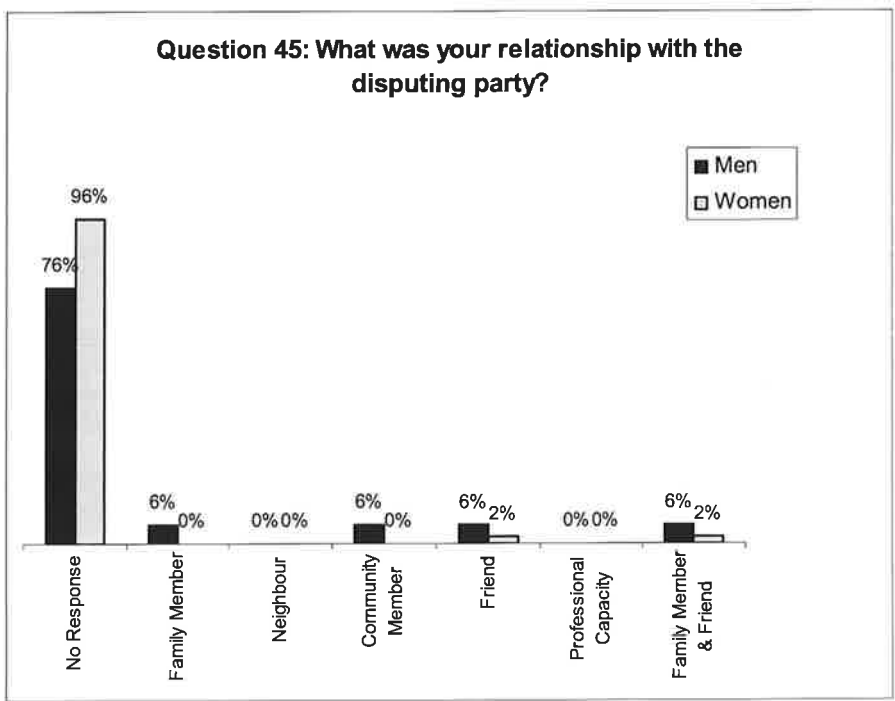
This Question pertains only to those who answered positively to the previous question. The 6% and 2% figures shown refer to individual responses, shown as percentages of the total populations of men and women, respectively. That is to say, 1 man's mediation experience was with a family member, 1 man's mediation was with a community member, 1 man and 1 woman led mediation with friends, and 1 man and 1 woman mediated between family members and friends.

Question 46: What type of dispute was it?

95%

78%

■ Male
□ Female

11%
5%

11%
0%

0% 0%

0% 0%

No Response   Family   Neighbourhood   Workplace   Business
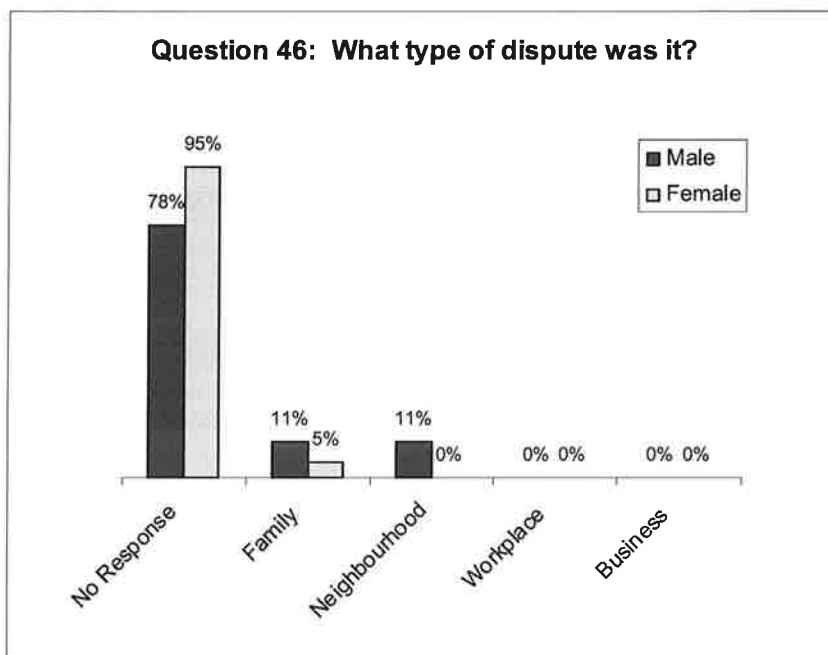
When broken down into individual responses as per the previous graph, the findings of this Question are that 2 men and 2 women were involved in mediating family disputes, and 2 men were involved in mediating neighbourhood disputes.

Question 47: Have you received and formal mediation training?
The findings of this Question were that none of the respondents had ever had any formal mediation training.

Question 48: Who provided any formal mediation training you may have had?
In response to this question, only one respondent provided an answer (Respondent 26), and she replied that no-one had provided her training. The reply constitutes a statement of the obvious because, in the previous question, she stated that she had had no training.

Question 49: Do you find this [your mediation training] to be sufficient, and if not what support would you like to receive?

Respondent 26 was also the only person to answer this question, and she stated that "Providing mediation training sessions to educate people how to mediate within the community." The statement is a general one about the value of mediation training, and while it constitutes a mis-understanding of the question, it is nonetheless a significant observation.

Question 50: In your opinion, how could existing mediation practices better serve the needs of the Arabic-speaking community?

It should be noted that this question was open-ended, inviting respondents to write a reply. Thus the data in the graph is essentially qualitative, and the chart below is based on the authors' interpretation of answers given. The respondents' actual responses are reproduced in Appendix A.
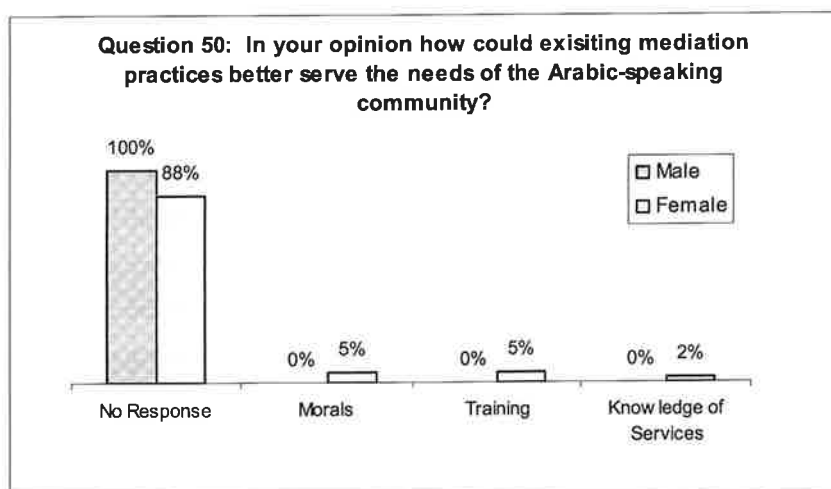
Responses suggest that this question was widely misunderstood. Only 5 respondents answered (all women), and 4 of them appeared to be answering a different question, along the lines of 'How could mediation practices be improved in the future?' Of these 4, two identified the importance of moral virtue, and 2 emphasised the need for mediators to be well-trained. The fifth respondent, the only one to answer the Question as it appeared, was of the opinion that existing mediation practices could better serve the Arabic-speaking community through increased advertising of the services currently available.

Question 51: Please feel free to make any comments about any of the issues raised in the survey.

Only 4 of the 62 people interviewed chose to answer this question.   Their responses were as follows:

Respondent 32 (female): It's ok.

Respondent 35 (female): It's not bad.

Respondent 55 (male): We ask you to please cooperate with us so that we can have our own centre of social services.

Respondent 57 (male):   We encourage these types of mediations and services.

It should be noted that the low percentage of responses to this question is not necessarily reflective of any problem with the survey.   The phrasing of the question began 'Please feel free to ...', thus conveying to respondents that answering was optional. At the end of quite a lengthy survey, it is not greatly surprising that many may have felt disinclined to answer.   Nonetheless, the comment by Respondent 55, who identified a desire for '*our own* centre of social services' (emphasis added), reflects the findings of Question 26, which revealed that a large majority of respondents would be willing to use a Mediation Service specifically set up by and for the Arabic-speaking community.

5.2. Interview Analysis

In addition to the questionnaires conducted with members of Melbourne's Arabic-speaking community, discussed in the previous section, a series of interviews were also held with mediators (both of Arabic-speaking and more mainstream backgrounds), Arabic community and religious leaders. Specifically, interviews were held with 9 mediators who worked for the Dispute Settlement Centre of Victoria, all of whom had received CALD (Cultural and Linguistic Diversity) training. Of these, 3 were from Arabic-speaking backgrounds. Four further interviews were conducted with mediators from Community Mediation Centres, and 1 interview with a mediator from a private firm. Interviews with 4 religious leaders from the Arabic-speaking community also formed part of the data-set.

This section discusses the major findings of these interviews and, where appropriate, identifies points of correlation with the empirical data discussed in the previous section. Findings are discussed thematically, as follows:

- Cultural Sensitivity and Confidentiality in Mediation Situations;
- A Need for Formal Training of Mediators;
- The Need for Greater Knowledge of Existing Mediation Services;
- Issues Associated with Language.

The themes are arranged as though they were discrete entities, but it should be recognised that there is considerable interpenetration and interplay between them. Likewise, except where otherwise indicated, the attitudes and opinions expressed below on the part of individual interview respondents are indicative of the prevalent (or at least a common) view of the group of which the respondent is a part.

5.2.1. Cultural Sensitivity and Confidentiality in Mediation Situations

On the surface, it may seem obvious to assert that mediators should strive to be aware of and sensitive to the cultural backgrounds of their clients, and that they should not allow bias to occur on such grounds (or any grounds, for

that matter). However, matters become more complicated when theory is put into practice, especially considering that when clients perceive some form of commonality with mediators (such as common cultural background, in this case) there is frequently an assumption that their opinion or cause will be favoured over that of the other party.

> I have to show respect and listen to both so that I don't become biased. For example, the Christian lady expected me to be biased and I sensed this right from the beginning and the Islamic lady thought that I would be against her, so I had to make an effort to reassure the Islamic lady that that I truly support and respect her and wanted to know what angle she was coming from. (mediator, Arabic-speaking background)

Such assumptions may well underlie one of the major findings of the surveys discussed in the previous section of this report. 72% of men and 66% of women said they would be more likely to use a Mediation Service specifically set up by and for the Arabic-speaking community. That is to say, mediation becomes a far more viable option in most people's minds when assumptions of bias can be avoided[1]. Such assumptions can prove difficult to overcome, because to dispel preconceptions of this kind can sometimes result in resentment:

> It's like you are also in a conflict position because you are trying to distance yourself from being encouraged to be biased. The Christian lady was very disappointed with me, because she was expecting me to support her and agree with her, and the Islamic lady gradually got to respect [me] and understood the message that I was neutral. I think this will be a constant challenge when working with any member from the Arabic speaking community because they think that if you are from their religion or country that you are one of them and therefore would be on their side (mediator, Arabic-speaking background).

With specific regard to the Arabic-speaking community, the need for impartiality frequently comes into conflict with the culturally-grounded criteria by which trust is established. The grounding of such trust ...

... relates to you personally. They need to have it exposed [learn more about the mediator] because they give you all the crosses and ticks on the list before they trust you ... To a degree you have to reassure them, you may reassure them as much as you want with your certificates, with your degree and with your experience but they will always go back to the personal issue, whether you are respected in the community, whether you are married do you have children, your family origin. (mediator, Arabic-speaking background)

The culturally-specific nature of this dilemma was further illustrated by contrast in the same interview:

... with the cases I do with the English community, you hardly go into the religion and culture. It just doesn't come into it. You just go into the facts, the opportunity for communication, the different levels, negotiation one to one, etc. (mediator, Arabic-speaking background)

This contrasting view of Western culture was reinforced in another interview with an Arabic-speaking community leader working in the area of Domestic Violence. He expressed the opinion that ...

... people here [in Australia] are not really about helping each other, because what if this person misinterpret[s] my involvement and this person might take action against me, maybe there is a ground to it ... I don't know ... I notice it so much ... even if from the same family but they don't want to get involved and they tell her that ... go through the process ... there are services ... go through the services.

The origins of the Arabic-speaking community's desire to establish personal connections with mediators in mediation situations may well stem from the fact that, historically speaking, conflict mediation was a role handled by the church, or within one's own family. Personal involvement with mediators is a given when mediation occurs within families, and the personal involvement of religious leaders with their communities was likewise commonplace and

expected. Deference to religious leaders amongst Melbourne's Arabic-speaking community emerged as a prevalent attitude during this study. A sample of relevant passages are indicative:

[A] Religious leader comes from a firm background in the culture and the faith. He is usually well known to the family. They have many common elements. He is usually with the family at other times in their life. Happy times, difficult times. People identify more closely with them (Religious Leader).

Look, most [go] to the religious leaders, they go to the imam or sheik or if they are Christian they go to the priest (Community Development Counsellor, Domestic Violence)

... by no means will they accept someone other than a religious leader because there are so many secrets (for example, infidelity). They will not talk to anyone other than a priest because the priest is entitled to hear such information and will be responsible for any disclosure. In talking to a priest, they have confidence in confidentiality (Religious Leader).

Traditionally people turn to the priest first because of his role in the community. He is well known to them and they know they can trust him. The priest usually speaks two languages and is in contact with local services (Religious Leader).

Likewise, the following passages are indicative of another prevalent attitude found to recur during this study, the importance of keeping and solving problems within one's own family:

Conflict from my experience of working with the community is that it is to be avoided, but at the same time is a part of life. For reasons of shame and honour, everything I do brings shame or honour on my family, conflict is to be kept within the family unit (Religious Leader).

Traditionally, conflict within the community was very confined. For social, financial and for other reasons people were more committed to the family (Religious Leader).

Related to the idea of in-family mediation is the notion of a community elder fulfilling such a role (in practice, it is likely they are frequently the same thing):

... they [the Arabic-speaking community] expect the mediator to be [an] old person in the community not just [a] professional person who works at that. So this is the expectation (Arabic-speaking Mediator, Dispute Settlement Centre).

To take such opinions a step further, some went so far as to identify community-based mediation services as little more than a last resort:

With disputes, they go to the priest first unless a manageable dispute where they turn to friends first. Lastly, they might involve the concerned authority body such as the Council or the police (Religious Leader).

... the immediate response is that I will go to the father because he will keep my secrets. He will deal with me in a fair way. He will help me. The Egyptian community tend to go to a priest rather than a social worker. Social workers might talk about me, might pass information on (Religious Leader).

The sheer weight of such opinions supports another finding gained from surveys discussed in the previous section of this report. It was found that, with regard to preferred public mediation options, 61% of men and 37%[1] of women surveyed felt that it was important to seek such services from within one's own cultural community. By contrast, only 28% of men and 27% of women thought they would be more likely to use a mainstream mediation service, even if that service had qualified Arabic-speaking background mediators. The common theme here, of course, is the value placed on community, on personal ties that extend beyond professional impartiality

(even more so than commonality of language alone) into something far more culturally grounded.

From the available data, the importance of family and culture in Melbourne's Arabic-speaking communities cannot be understated. Nonetheless contrary notions, while not the norm, occurred occasionally:

> There are times when some people want to see a total stranger for help – because they are embarrassed of the situation. Sometimes people feel the religious leader is taking sides because he does not agree with their views (Religious Leader).

It is probably imprudent to make too much of this because, as stated, it represents a minority opinion, and it is also not a problem limited to within Arabic communities. A little earlier, it was noted that similar distrust also occurs in more mainstream mediation situations, although for different reasons.

Depending on context, sensitivity to cultures and beliefs other than your own can amount to far more than an open mind and a willingness to listen. There is frequently a practical component as well, as noted in one interview with a Youth Services Worker. With regard to the weight that should be attached to inter-cultural awareness, she stated that ...

> ... I think it's really important, I don't think we'd have them [youths of different cultural backgrounds] staying at this accommodation if we weren't respectful and inclusive and acknowledging of their culture and religious beliefs. We allowed a Somali woman to have her own cutlery in her room, a private space for prayer, absolutely the young people want to come and talk about their experiences, lots of young men who've got their families back in Syria and Iraq like to sit down and talk about the politics of their country because he doesn't get that anywhere else.

To conclude this section, a nod toward the cultural homogenisation (or perhaps westernisation) that is frequently associated with globalisation. In this instance such tendencies are perceived in a positive light:

> Much of problem resolution is associated with culture and tradition. As people become more settled and speak English ... they [may] tend to rely on external means of resolving conflict (Religious Leader).

5.2.2. A Need for Formal Training of Mediators

When viewed in light of the Arabic-speaking community's professed preference for family- and community-based styles of mediation, it is paradoxical that a call for increased formal training of mediators should also be a recurring theme. Nonetheless, just such an imperative occurred in all stages of this study. From the questionnaires conducted with members of the Arabic-speaking community, it was found that 67% of men and 36% of women felt that a high-level of mediator experience and training was either 'Important' or 'Extremely Important'. Similar views emerged through the interviews conducted with mediation-workers and community leaders, and can be considered indicative of a common attitude. One Arabic community leader observed that ...

> ... we get backyard mediators and [a] couple of people arguing, or organization disputes, but [in] the normal course of things, its [unqualified] people who play the role of mediators when there's a conflict of interest or when they are not skilled enough to be able to do a good job ... sometimes make things worse.

In a similar vein, a mediator of Arabic-speaking background shared details of the horrors that can ensue if mediation is not properly handled. He stated that ...

> ... an informal way of resolving the conflict isn't always successful and even worse might be harmful because the people who are trying to mediate between the parties might not know about all the issues involved,

or may not have the experience and knowledge about how to take people from one position to another in terms of moving through the issues. So, this might complicate the conflict even further and sometimes it makes the situation more dangerous if there are legal issues to be aware of. I can give one example where efforts to mediate from within the community led to an intervention order being breached. The mediators within the community came to try and reconcile the parties, and in this case they were all breaching an intervention order. And even when they brought them together, the conflict wasn't resolved, it got worse and the issues stayed with the parties and got worse to the point that another incident, a big, big incident happened. So, the mediations that were tried by community leaders and people within the community [not trained mediators] weren't successful at all. On the contrary, they made things become worse, because the issues weren't resolved in the minds and the hearts of the people.

For mediators to be self-reflexive about their own work practices was not uncommon, as indicated by the following extracts:

The other thing workers can do is we're training now ... [using a program] which was recently introduced [that] does look at culturally and linguistically diverse populations so doing some bit of that training would be helpful. (Youth Services Worker)

She [a mediation-trainer] gave us half a day, or maybe couple of hours lecture about cultural [sic] and its influence on mediation. I personally think we could have spent more time on that aspect of the training you know, the cultural aspect of the training, and I did request as one of the things that I actually had hoped that the Government will give more funding for mediators to get more training to.. a bit more awareness of cultural background, because as you know in Australia there's so many different cultural backgrounds, I might be.. you know I got Iranian background and I worked in India and I studied in India but that's still my benefit of other cultures you know I want to learn more about other cultures so yeah (Mediator, Dispute Settlement Centre of Victoria).

In addition to highlighting a need for mediator training, both of the preceding passages can be linked back to the previous section, in that they are quite specific about the *kind* of further training they believe would be beneficial. They both identify the importance of inter-cultural awareness and sensitivity in mediation situations and stress that, while it is a facet of mediation of which both respondents were well aware, there was nonetheless scope for improvement. The following passage further reinforces this attitude:

> I was sort of looking at skills and I came across a man in the city who was offering the CALD [Cultural and Linguistic Diversity] mediators [training] and I thought it would be great for me, it would enhance my skills in my current role and it would also give me an opportunity to, I guess move on to a different sort of level so I then expressed an interest and thought I need to be doing a training if anything, and if obviously nothing came out of it, the gain for me would have been the actual training, but I really much enjoyed the training but I do work with it a lot and currently I work with individuals and community groups which basically come in handy during the community groups (Mediator, Dispute Settlement Centre of Victoria).

5.2.3. The Need for Greater Knowledge of Existing Mediation Services

A recurring theme throughout all sections of this study was that Arabic community members are (at least partially) unaware of the community mediation services available. With reference again to the empirical data collected from Arabic-speaking community members, only 22% of men and 48% of women claimed such awareness, and there is no guarantee that those people were aware of *all* services available. Likewise, only 39% of men and 41% of women claimed awareness of specifically Arabic community-based mediation. This deficiency is by no means unknown by mediation workers and community leaders, and it is a situation all are seeking to rectify, although there is much work still to be done:

> I think when a conflict happens or exists, Arabic-speaking background people tend to take it through a legal process, such as the court. I haven't heard of any person thinking about mediation the way it is offered by the mediation centre or by other alternative dispute resolution services. I think people are not aware of the alternative dispute resolution services. The first thing they think about is taking the other party to court (mediator, Arabic-speaking background).

An interesting anomaly occurs here, in that this passage suggests that the courts are the Arabic community's first choice for dispute settlement. As discussed in the previous section, this is not an opinion popularly held amongst Arabic community members themselves, nor was it an opinion borne out by either the questionnaire phase of this study or the focus group summary that follows. The same interview respondent goes on to elaborate that if more ...

> ... people know about it [mediation] and are more aware of it they might give it a try. If the first part of contact let's say is the court, if they have been explained by the court about this mediation centre or about the dispute settlement centre and they've been told how good the process is, how positive the outcome will be, and that they will be in charge of the outcome, they would probably give it a try. So we don't know [what] the first point of contact for Arabic speaking background people is, but they might ring their solicitor because I think they tend to go privately, whether it is a solicitor or a doctor or some other professional. They don't have in their cultural awareness, they don't know about community based services. If it's a medical need, they might go to the doctor rather than to the community health centre, or to a lawyer rather than to a community legal centre. So it's knowledge, general knowledge about what exists in the community [that is lacking].

Similarly, when asked what could be done to try and improve the current situation with regard to community awareness, a Youth Services Worker responded thus:

Well probably promoting it more ... getting out there and letting schools know about it, doing education like I was saying before, going in services, networks and different places trying to demystify what mediation is and trying to allow people to understand a bit more about the process so they can refer appropriately, even the courts and that make people go to mediation where they poke the issue and I mean if structures like that don't have a good understanding of where mediation is appropriate and where it's not then how are the smaller agencies and people supposed to know, you know, cause I think that'd be a real problem, like some of our young kids have been through the court process and it's been recommended that they do mediation where there's safety issues, where there's violence and things like that and that's just not appropriate and it's not really helpful when people are getting mixed messages about what to do and yeah forcing people to do mediation is once again against the point of it because both parties have to be agreeable and recognise that there's an issue you know and you getting forced to go through that process doesn't actually mean that you know both the parties are agreeing that there's a problem. So yeah I see that as a bit of a limitation. So yeah I suppose promotion is one of the main things and trying to demystify it with families and things like that with young people and normalise it a bit.

It is interesting that this respondent qualifies the promotion sought, making a distinction between informing the community of mediation services in an ad-hoc and sometimes inaccurate manner and presenting a positive and cohesive picture of the services that exist and how to use them appropriately. An obvious objective, perhaps, but at the same time a telling insight into some of the problems currently faced by those attempting to advertise and promote community mediation services.

While it is obviously not possible to pinpoint the current stage of development of community awareness of mediation options in genuinely quantifiable terms, to pose such a question hypothetically can nonetheless yield informative and interesting results. One Arabic-speaking mediator from the Dispute Settlement Centre of Victoria commented thus:

I think that we are in the first step in getting to the Arabic community about these services. We still haven't enforced it at this stage, so no one will access this service if they don't know about these services. I know that we have done that many sessions but its still not enough training probably to....that I need more to put information in venues where the Arabic community access the services that they use the radio more to talk about the mediation process because if you don't have it many times it doesn't get through to them that this service is available and probably speak to lots of services where they deal with problem about the availability of this service like family court would be one its just a matter of letting the community know about the service before talking about what they can do to improve it (Arabic-speaking Mediator, Dispute Settlement Centre)

Related to community awareness of mediation is the corollary issue of the accessibility of such services. Obviously, the more services community members are aware of, the more likely they are to find one that is geographically convenient. For some, clearly, mediation becomes less of an option the further removed from their immediate comfort-zones they become:

And I think it is also the geographical location of the dispute settlement centre [that is important]. As it is, the main office is in the city. It's a bit of problem for people to travel to the city or to come to the city because they are not used to going to the city (mediator, Arabic-speaking background).

While this mediator's point that some people feel daunted by the CBD is a good one, one suspects it is largely offset by the centrality of the location. After all, the Dispute Settlement Centre does not only deal with the Northern Region with which this study is concerned. Be that as it may, issues concerning access to mediation services should not be underrated:

> ... there's lack of access to mediators .. competent trained mediators. And while mediation is sought after it's not always accessible (Arabic community leader).

In conclusion to this section, consider one further statement of the current state-of-play with regard to making the community aware of the mediation options currently available, one that might also be read as a call to action:

> Probably you know how we went about educating the community, this is very important to do more sessions to get the community...I know that they didn't respond to that very well as we expected, but there is something that needs to be done in this area to just make them believe, or to make them appreciate this process, they think in terms that we are at their mercy, that needs to be followed up (Arabic-speaking mediator, Dispute Settlement Centre).

5.2.4. Issues Associated with Language

It has already been reiterated in this section that Melbourne's Arabic-speaking community displayed a marked preference for mediation options to be found within their own cultural networks, largely irrespective of whether or not mainstream alternatives could provide mediators fluent in Arabic. While this remains true, it is not to suggest that the capacity to converse in Arabic in mediation situations (either directly with a mediator, or through an interpreter) should be devalued in any way.

On the contrary, data from the questionnaires conducted with Arabic-speaking community members revealed that 28% of men and 27% of women would be more likely to use a Mainstream Mediation Service if it could provide qualified Arabic-speaking background mediators. While these percentages do not appear very high, their importance is amplified when viewed in comparison with the 22% of men and 9% of women who responded 'No' to the same question (all other respondents entered 'No Response'). A later question dealt specifically with mediators' language skills, rather than background interpreters, and in that case the statistics were even more

telling: 67% of men and 41% of women said that it was either 'Important' or 'Extremely Important' that their mediator be fluent in Arabic. The following pages further extrapolate on the Arabic-speaking community's attitudes and opinions vis-à-vis mediators, interpreters and language fluency.

First and foremost, it must be recognised that translation from one language to another is not an exact science, and nuances of meaning are frequently lost. This is a strong argument for conducting mediation in whichever language those engaged in mediation are most competent and comfortable (and, of course, for increased diligence and awareness on the part of the mediator when the first-languages of those in dispute are not the same). One mediator of Arabic-speaking background made the point that ...

> I think I'm capable of doing the mediation in Arabic because I feel with translation you can lose some meaning.

Sometimes, provided that language difficulties are carefully handled, they can be turned to the advantage of all concerned. In the following example, the mediator turns problems in communication into a method for insisting that those in dispute speak slowly and clearly, and that they repeat back all that is said, thereby ensuring understanding and moving, albeit slowly, towards some form of resolution. The passage also highlights one of the drawbacks of background mediators, that sometimes, especially in cases where people are reluctant to use mediators in the first place, they display strong unwillingness to sharing their personal problems with yet another outside party.

> I asked if they wanted an interpreter, because we do have, but they did not want any other parties involved. And that's when I insisted then that they both speak Arabic, to speak slower using common words. I asked them if they don't mind that I would interrupt them every now and they were quite patient and didn't mind that. I wasn't fluent in the Iraqi language and allowed them to speak with each other, but then encouraged them to slow down and repeat back what they had heard

each other say. This also helped me ensure that I was following the conversation (mediator, Arabic-speaking background).

In other situations, however, interview data showed that respondents' experiences with interpreters were not so positive. The following extract demonstrates how interpretation services might be mis-used, in this case as a strategy, a method of buying time for reflection that benefited only one of the parties involved in mediation:

I have done mediation with a Serbian interpreter for one party and the other party was Anglo-Saxon, and I felt an imbalance slightly, because … the Serbian couple actually spoke and understood English but asked for an interpreter for security reasons just to understand everything. But at the same time this put them at an advantage because often they would tell the interpreter, we understand that, and answer directly in English. That could be for the other party an uncomfortable situation because party A is like buying time, because it gave them time to think about the answer, analyze it. It took double the time. So instead of two hours it took four hours and the Anglo-Saxon couple were rolling their eyes because they knew the elderly couple understood every word they said in English because they were talking simple English like, about the fence and the tree and the cement. So the terminology was common or understood by the old couple, but it was interesting to see this in a dispute session. I felt very frustrated and sorry for the interpreter because the interpreter was controlled by the elderly couple not by us, because they would turn around and say, you don't need to interpret that I understand (mediator, Arabic-speaking background)

Nonetheless, despite the potential for such difficulties, it must be acknowledged that there is much that an availability of interpretation services can bring to mediation situations, and the prevalent attitude amongst the Arabic-speaking community appears to be that the benefits outweigh any inherent drawbacks:

We're very comfortable using interpreters here and we'll use them whenever a young person says they're more comfortable with that, either by the phone or getting somebody to come down in person. If possible, like we have used someone from the migrant resource centre on occasion who was acting as interpreter would come down so we had a consistent case which was helpful and we just find that really important and like I was saying before that we can express ourselves someway with our second language but really in counselling or when we're trying to fill out like quite detailed forms you need to find a language that they're [the clients are] most comfortable [with] especially if it's upsetting things or an interpreter, talking in detail an interpreter might really be able to get a grasp of how a person's feeling, so we frequently use interpreters here and we don't shy away from bringing someone to our service because they don't have good English or don't speak English as their first language, it's not something I suppose that we're scared of as a service (Youth Services Worker).

Conclusion

Over the preceding pages, a wide range of concerns impacting on the effectiveness of mediation services have been brought to light. Needs for sensitivity and confidentiality, while discussed discretely in the opening pages of this section, can nonetheless be seen as permeating all that followed. The importance of appropriate training for mediators, and for increased community awareness of currently available mediation services, has also been identified, as have the potential difficulties inherent within bi-lingual mediations. One might wonder: where do we begin in coming to terms with all of this? At a glance, the problems inherent in providing effective and meaningful mediation may appear too manifold to negotiate. And yet there is a way in, as the following passage shows. To provide an effective, culturally appropriate Mediation Service, the solution is to draw direction from the cultural communities one aims to serve, to allow them to lead the way in expressing their needs and concerns:

Yeah well I think we need to agree on the community the cultural community themselves what's appropriate for them, what fits into their

culture and what doesn't so really getting ideas from them and if we had you know professional kinds of support ...and you know really getting an idea of what kind of practices would really be respectful and helpful rather than either patronising or inappropriate so really getting a sense from the community what would be helpful and it might work in a whole different way to what we're practicing (Youth Services Worker)

It is appropriate to conclude with the following observation by an Arabic community leader. At the risk of ending on a negative note, he identifies the imperative and timely nature of the study at hand, given the current political climate:

... there's a significant number of complaints going to things like terrorist hotline, about Muslim neighbours, people picking at the fence or people just having a grudge for one reason or another, people are just afraid and so on.   That can produce tensions in the streets, amongst neighbours, not because it ... the person complaining would be identified by the police but because these tensions are really there ... [and] talking to a lot of the Muslim communities and Arab communities they really don't know much about the neighbours and the neighbours aren't that friendly or not as it would have been ten years ago and twenty years ago where the kids would have been playing with each other and maybe there would have been more visiting, and that's becoming more less and less ...

The perception of increasing inter-racial / inter-cultural tension is not so far removed from the reality of same. Frequent reports in the media, ranging from terrorist bombings to Sydney's 2005 race riots, engender distrust between and within communities in the act of being broadcast, and cause people's fears to escalate. There has never been a greater need for community services and institutions to encourage those in dispute (especially over ethnic lines) to communicate, negotiate and work together.

5.3. Focus Group Analysis

During the course of this research project, a focus group was held with 6 community leaders currently working with the Arabic community. Each participant had recently completed training in family mediation. Based on this training and on their collective professional experience (which included, amongst other fields, expertise in the areas of education, refugee issues and migrant resources), the group addressed many of the key issues faced in Conflict Mediation situations in Arabic-speaking communities today.

The first topic of discussion was to define, precisely, the kinds of situations in which mediation is sought. Several categories emerged (and, obviously, any actual conflict may fall under more than one heading):

- Relationship problems (esp. concerning forced marriage and marriage to someone from another country);
- Family violence;
- Intergenerational conflict;
- Conflict between siblings;
- Extended-family conflict;
- Conflict with neighbours over regulations, rights and / or responsibilities;
- Tenancy conflict with real estate agents;
- Parents' conflict with schools (some people have reservations about certain subjects);
- Conflict with utilities services;
- Religious conflict (esp. inter-community conflict over religious issues);
- Conflict with police (concerning the ways in which police communicate with youth, for example).

Conflict resolution attitudes and practices were explored in detail with regard to some of these categories. Concerning Family Relationships and Family Violence, private, in-family dispute resolution was listed as the first avenue to be explored, emphasising community imperatives concerning privacy and confidentiality. Second recourse was to turn to religious leaders (not least because some people felt it important to do what was right from a religious

perspective) or to elders of extended families, a move that demonstrates a slight relaxing of the privacy imperative while nonetheless keeping it firmly in place. Notions of shame and of embarrassment within the community are key concerns here.

Other possibilities were also identified, but only as alternatives to be pursued after those above had been exhausted. It was suggested that police aid would only be sought 'if things became bad'. Likewise, Women's Refuges, leaving the family home to move in with family and friends, and legal action, while all recognised, were viewed largely as last-resorts.

Further discussion of Family Conflict resolution practices brought to light gender-based differences. It was felt men would confide in priests and imams only if they trusted them. Paradoxically, the opinion was also expressed that fair treatment for women was more likely to come from the Family Courts than from religious leaders. It was also noted that women were more prone to discussing issues with friends than seeking help from the church or elsewhere. Further, recognition was granted that some members of the Arabic-speaking community turned to institutions such as Migrant Resource Centres and community health centres for conflict resolution because, for whatever reason, they were not comfortable to talk about their issues to friends and family (trust is likely the important variable here).

It was felt that conflicts between Neighbours should be resolved by neighbourly negotiation between those involved, rather than by resorting to council or police intervention. The emerging attitude here is clearly the importance of a cohesive, supporting and (at least in this regard) self-sufficient community. In further support of this, it was noted later in the discussion that neighbourhood conflicts were relatively uncommon.

Several additional variables / issues were identified with regard to underlying contributing factors to disputes within Melbourne's Arabic-speaking community, including recognition that:

- Many community members do not have extensive family-support networks in Australia;

- Social status plays an important role in cases where it differs between those in dispute;
- People may not readily act in a violent way in their country of origin. However, in Australia they may act violently because no-one knows them, such as in cases where a partner has migrated alone;
- Strict gender-roles sometimes clashed with more widely accepted conceptions of gender;
- Considerable overlap occurred between conceptions of culture and religion, leading to conflation of, and some confusion between the two. Similarly, a lack of consistency was identified with regard to different religious leaders' training and approaches to mediation. In the worst cases, some had had no training in this area at all, and were not knowledgeable with regard to Australian laws and society.

An important theme to emerge through all areas of this study (focus groups, interviews and surveys) was a need for greater Community Education. The need for heightened community awareness of existing mediation services has been noted elsewhere. Importantly, the Focus Group identified several other areas in which the community knowledge-base was lacking, including:

- Relationship issues;
- Communication issues;
- Australian law and the underlying reasons for same.

A need was identified for training bi-cultural workers to deliver courses addressing these topic areas, and (as also noted in the Interview and Survey sections of this report) there was a call for more Arabic-speaking Mediation services.

All of the deference to family, elders and religious leaders with regard to conflict mediation in the Arabic-speaking community is a reflection of Arabic culture, insofar as the home countries of Melbourne's Arabic-speaking population generally don't have civil law (at least not to the extent that it is developed in Australia), and neither do they have the associated knowledge-bases. That said, it must be recognised that sometimes traditional resolution practices are still useful, since they accommodate specific needs in

the Arabic-speaking community (eg. in some cases shame can be brought upon a family if outsiders are brought in to mediate in their affairs). Likewise, for all of Australia's advances, the law is not without its limitations.

At the conclusion of the Focus Group, suggestions were put forward as to how mediation options for Melbourne's Arabic-speaking community could be improved. In addition to the training of bilingual professionals to address the gaps in community education (outlined earlier), it was also suggested that religious and Arabic-community leaders and the wider Australian community could be brought to work together. Further, the point was made that Mediation service-providers need to remain mindful of the issues facing the Arabic-speaking community, and to ensure that the services they offer are culturally appropriate. Finally, a general observation was made that the mere translation of brochures and other materials into Arabic was clearly insufficient.

Section 6: Discussion

Overall, in addressing the key issues of accessibility and cultural sensitivity of mediation services in the Northern region, this project has not only vindicated or reaffirmed the findings and conclusions of previous research but has revealed and underscored that, as an NESB community, Arabic-speaking residents of the north metropolitan region have underutilized the available Dispute Resolution / Mediation Services. The reasons for this are manifold, but can be identified as:

6.1. A Greater Need for Cultural Sensitivity in Mediation Situations (the Impartiality Issue)

The inherent dynamics of Arabic culture lead Arabic-speaking communities to view problems as being in the context of a group rather than an individual issue, therefore also drawing group members together in common pursuit of solutions(Al -Krenawi and Graham, 2005: 302). The interests of the individual are considered as part of the collective where decisions are made in the interest of the general good over the personal.

Related to this is Hall's conception of high and low context cultures. This meaning of culture refers to the 'social and cultural conditions that surround and influence the life of an individual, organisation or community. High context culture emphasises the 'collective over the individual, with a slower rate of societal change, and a higher sense of social stability' (cited in Al-Krenawi and Graham, 2005). The low context culture is described as more autonomous, fast-paced, transitional and favours the individual over the collective. Although it is cautioned that these distinctions shouldn't be absolute, Al-Krenawi and Graham identify Arabic cultures as 'more high context than low', and Western cultures as 'more low context than high' (2005: 302).

The conclusion to be drawn from this, of course, is the obvious statement that because cultures are not all alike, difficulties will arise in cross-cultural mediation situations, of which mediators need to be cognizant. But there is

more to this than the pursuit of neutrality. That is, for a non-Arabic-speaking mediator to state that 'I have to show respect and listen to both so that I don't become biased', as reasonable as it might sound, is actually insufficient. A more informed goal should be to seek 'culturally sensitive mediation' because traditional Arab modes of mediation/conciliation are not value-free or culturally neutral (Frederico *et. al.*: 1998: iii).

While the fundamental discontinuity of this cultural divide should not be considered insurmountable, for many it is certainly a daunting proposition. It is undoubtedly largely because of this discontinuity that 72% of men and 66% of women surveyed for this report said they would be more likely to use a Mediation Service specifically set up by and for the Arabic-speaking community.

To place this preference for Mediation Services originating within the Arabic-speaking community itself into a more complete context, it should be recognised that most Arabic community members would prefer not to use mediation services *at all*. In the majority of cases, it is viewed only as a last resort to turn to an external helper or professional. Family, extended family, friends, neighbours, priests or imams – for the most part all of these take preference over more formal mediation services, whether these services are situated within the Arab-speaking community or not. 'Women turn to women, men to men, and younger people to parents or older relatives' (Al-Krenawi and Graham, 2005: 302). An accurate summary of the dominant opinion might be expressed along the lines of *Well, if we have to use a Mediation Service, we'd rather use one from within our own community.*

None of this is to suggest that mediation for the Arabic-speaking community from outside that community cannot be achieved. The greatest difficulty lies in convincing that community that mediation options to be found beyond their own cultural networks can be sensitive to and adequate for their needs. The solution to this problem is twofold: in the first instance, there is a need for appropriately constructed and directed advertising to make the Arabic-speaking community aware of the services available and, secondly, there is animperative to ensure that mainstream mediation services *are* in fact

adequate to the Arabic-speaking community's requirements. To paraphrase Frederico *et. al.*, the key to overcoming the second of these dilemmas lies in recognition that it is necessary for mediators to acquaint themselves with the culturally preferred dispute management methods, as well as with the informal intervention and mediation mechanisms that exist within a particular cultural group. To that end, regular consultations should take place with elders recognised by members of the Arabic-speaking community for their credible dispute management skills and conflict resolution experience (1998: 30). Sound advice, to be sure: the best way to learn to do something is to consult the experts.

6.2. The limited number of bilingual and bicultural family mediators

Frederico *et. al.* note that, while the employment of bi-lingual mediators for every cultural group in Australia might be desirable, it is hardly feasible given this country's heterogeneous composition (1998: 33). While it was not within the scope of the current project to directly tally the number of services available per head of population, nor to try to gauge whether or not such a figure might be adequate, respondents' opinions frequently reflected the view that existing bi-lingual and bi-cultural services were insufficient. A call for more Arabic-speaking (bi-lingual) mediators was addressed directly during the focus group held as part of the research for this report, and a similar imperative can be inferred from data gathered from the questionnaire distributed to members of Melbourne's Arabic-speaking community. When respondents were asked if they would be willing to use a Mediation Service specifically set up by and for the Arabic-speaking community (a context we may assume to include mediators capable of providing bi-lingual services), 72% of men and 28% of women answered in the affirmative. Further weight is granted to these statistics in light of the following question on the survey, which asked respondents whether they thought existing mediation options were sufficient. In this case, 56% of men said 'No' and 29% of women responded similarly, or else offered no response.

Importantly, research for this project highlighted that 'bi-lingual' and 'bi-cultural' should not be conflated into meaning the same thing. While fluency in Arabic would certainly contribute greatly to an individual's capacity for understanding Arabic culture, it is in no sense a guarantee. The preference for mediation options established within the Arabic-speaking community (outlined just above) is of further interest when juxtaposed against statistics derived from another of the quantitative survey questions, which asked if respondents would be more likely to use a *mainstream* Mediation Service if it had qualified Arabic-speaking background mediators. In response to this, only 28% of men and 27% of women surveyed returned affirmative answers. Given that these figures are considerably lower than those identified above (especially where men were concerned) we may surmise that cultural fluency is at least, if not more important to the Arabic-speaking community than linguistic fluency alone. Recognition of culture as an important variable in mediation contexts is a matter inadequately addressed in available literature, especially where empirical study is concerned, and it is a key issue that this project has strived to address.

On a related matter, further points of interest emerge when specific attention is granted to the differences between bi-lingual mediators and bi-lingual background interpreters. While the dominant opinion, perhaps unsurprisingly, is that to have a background interpreter in mediation situations where fluency in English is an issue is better than having no such support, interpreters are not without their own associated set of difficulties. In qualitative interviewing, several mediators noted that everything takes longer when it has to be translated and repeated. In one interview, a mediator noted that 'instead of two hours it [a mediation session] took four hours'. Logistics of time management aside, repetition of issues in mediation contexts may or may not be a bad thing, depending on how it is handled. One mediator noted that repetition helped assure clarity of understanding by all parties. Likewise, another noted that the extra time required for translation allowed time for worthwhile reflection. However, in a different mediation context, it was also noted that sometimes the extra time required for interpreters to operate could be manipulated to the benefit of one party over another. In the end, the onus is surely on the mediator to ensure that background interpreters are

operating to the benefit of all parties, rather than the detriment of one or the other.

Finally, and at the risk of detracting from the importance and benefits inherent in recruiting more Arabic-speaking mediators and interpreters wherever appropriate, it could be that part of the reason underlying the lack of such services may not have been a real lack so much as a perception of same. This is explained in detail in the following paragraphs.

6.3. A Lack of Awareness of Existing Mediation Services

This section addresses the high level of unawareness of the existence of mainstream and Arabic-specific mediation centres and services, owing partly to inadequate educational and promotional campaigns, or inappropriately targeted promotional drives. Consequently, there is limited knowledge or misconception on the part of the community regarding the accessibility, role and potential benefits of mediation centres. This theme recurs several times in the existing literature (Frederico *et. al.*, 1998; Cox and Cooper, 1992), and it emerged repeatedly during data collection for this report. In the quantitative interviews with members of Melbourne's Arabic-speaking community, 61% of men surveyed claimed no awareness of mediation services in their area, and 59% of women responded similarly or else made no response. Likewise, in the interviews conducted with Arabic community leaders and mediators, phrases such as 'I think people are not aware of ... dispute resolution services' and '[if] people know about it [mediation] and are more aware of it they might give it a try' were the norm.

Further, a related issue with regard to (lack of) awareness of mediation services was the accessibility of those services. As noted earlier, the more one is aware of available services, the more likely it is that a geographically convenient service will be found. The problem of accessibility has likewise been acknowledged by Frederico *et. al.* (1998), and it emerged on a number of occasions during qualitative interviewing ('And I think it is also the geographical location of the dispute settlement centre [that is important]. As it is, the main office is in the city. It's a bit of problem for people to travel to

the city or to come to the city because they are not used to going to the city').

6.4. Perception and understanding of mediation

In retrospect, the concept of mediation was perhaps ill-defined at the outset of quantitative surveying. Many respondents initially replied in the negative when asked if they had been involved in conflict mediation situations, presumably because they envisaged a highly formalized process of interaction with someone from a community agency. However, as these respondents progressed through the survey, the structure and content of the questions made it apparent that 'mediation' also encompassed more informal processes including family discussions where one member played an mediatory role, seeking the advice of a priest or imam, and so on. This broadening of some respondents' understanding of the term, 'mediation', is the most likely underlying reason for early negative responses in the surveys being contradicted later on as respondents progressed through the questions.

With reference to existing literature, it emerges that there are several models of mediation, ranging from those conducted by family or extended-family members, in which the mediator may be partial to a greater or lesser extent (Fisher and Long, 1991: 44; see also Crocket, 2003), to others where the mediator is more truly impartial, and has no ties to the disputants' own cultural or ethnic background (Fisher and Long, 1991: 44). The preference of the Arabic-speaking community is almost exclusively for mediation at the former end of this spectrum, as described in Al-Krenawi and Graham (2005: 302; see also Goldstein, 1987), and as reflected in the data gathered for this project. The reasons for this are grounded firmly in the Arabic-speaking community's culture and history, and it is imperative that such matters be borne in mind in mediation situations. To cite a common problem with respect to this, bilingual mediators from the same culture as a disputant may sometimes find that they are perceived as an advocate or ally (Fisher and Long, 1991). Neither is this difficulty limited exclusively to the Arabic-speaking community: one of the mediators of non-Arabic-speaking background interviewed for this project noted that 'a Christian lady was very disappointed with me, because

she was expecting me to support her and agree with her, and the Islamic lady [with whom the first lady was in dispute] gradually got to respect [me] and understood the message that I was neutral'.

6.5. The Need for Cross-Cultural Training of Mediators

The need for cross-cultural training for mediators has been strongly emphasised in the literature (Doyle, 2000; Hairston, 1998; Kalowski, 1996; Yuan, 1996; Barsky, Este and Collins, 1995; Barnes, 1994/5; Myers and Filner, 1993). Cross-cultural awareness by mediators is believed will:

1. help identify and address cultural differences that would otherwise exacerbate conflict (Myers and Filner, 1993);

2. help ensure that biases, stereotypes, 'racism, sexism, classism or any other form of bigotry and discrimination' (Barnes, 1994 cited in Hairston, 1998) are avoided or controlled;

3. enable mediators to look out for and find appropriate ways to incorporate into the mediation sessions implicit messages from non-verbal communication practices that would otherwise be missed or ignored. For instance, eye contact (to make or not to make eye contact), silences, physical gestures (hand-signals finger-snapping, showing the sole of the foot) or posture (crossed arms and/or legs, leaning forward or backward, head lowered) (Myers and Filner, 1993);

4. enable mediators to be more aware of and understand the possible role and/or influence of other participants such as extended family and grandparents, and;

5. assist mediators to be more alert to possible power dynamics (gender, age, race or cultural, socio-economic and knowledge base) outside and during a mediation session (Kearney and McKenzie, 1991 cited in Doyle, 2000).

This need for cross-cultural training of mediators (and, where possible, bi-lingual training of mediators) cannot be underestimated. It has been suggested that such mediators can offer a range of insights into cultural issues and practices, and that this would help to ensure the mediation experience is more sensitive. For instance, some identified strengths have included: the time

and cost constraints of using interpreters (Fisher and Long, 1991); their 'improved ability to see problems from more than one cultural perspective and to raise important cultural issues that might otherwise be missed' (Barnes, 1994/95:130); and that mediators being from the same cultural or ethnic background can lead to increased comfort (Carol Ulmer cited in Hairston, 1998), trust in, and respect for the mediation process.

6.6. Conclusion

Goldstein's assertion that mediators should familiarize themselves with other cultures and adopt flexibility in their interpretation of the behaviour and attitudes of others, so as to decrease the level of their anxiety and present a culturally suitable type of mediation (cited in Fisher & Long, 1991: 19) is perhaps the strongest recommendation that can be made. There is much that could be reiterated here: that the Arabic-speaking community prefer mediation options from within their own cultural groupings; that mediation by family and church is generally preferred, to the extent that outside mediation services are often treated as something of a last resort; that Arabic-speaking mediators are preferred, whether the mediation takes place within the same community or not; that Arabic-speaking background interpreters are desirable, but are not without their limitations.

From all of this, it is of course possible to paint a best-case scenario, but the reality is that pursuit of such options will not always be feasible. As noted above, Frederico *et. al.* (1998) cite Australia's cultural diversity as one reason for this, and we might well add funding, available time for and access to educational resources, and so on. But this is not to say that the ideal is not worth pursuing. Well trained bi-cultural and bi-lingual mediators (and, to a lesser extent, background interpreters) are certainly highly valued resources, and their implementation should be encouraged wherever circumstances allow. Further, greater efforts at systematic and accurate education of the Arabic-speaking community with regard to available mediation services (both within the Arabic-speaking community and in the wider society) are certainly to be encouraged. In the same vein, to include within that advertising information about the kinds of culturally sensitive and aware

practices that are (ideally) to be found in mediation services would be a positive step towards increasing their utilisation.

7. References

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8. Appendices

Appendix A: Verbatim Responses to Qualitative Survey Questions (from Chapter 5).

ACTUAL RESPONSES TO Q.14 (null responses omitted)

DISPUTES SETTLED BY TRADTIONAL ELDERS AS FIRST RECOURSE (elders):

Respondent 1: Traditional elders.

Respondent 2: Traditional leaders, Religious leaders, Relative's involvement.

Respondent 4: Some elders are invited. And must win the trust of the disputed sides.

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DISPUTES SETTLED THROUGH REASON AND COMMUNICATION AS FIRST RECOURSE (reason and communication):

Respondent 6: Calmness.

Respondent 10: Understanding scenario, giving solutions.

Respondent 11: Solve it out, rethink the problem, listen to music.

Respondent 18: Compromise and intellect.

Respondent 20: Knowing the causes of the dispute and adjudicating justice.

Respondent 25: It is important to trace the roots of the conflict to attempt to know the original foundation of the dispute. First step is to bring together the disputing parties by themselves. If we fail, then we bring the matter to those of influence from among the relatives, such as the parents and the uncles. After this the community leaders and notables. If they also fail to resolve the matter we must refer to the religious leaders and then Allah will help to resolve the dispute if he so permits.

Respondent 42: They should resolve the problems through communication.

Respondent 43: Most disputes are based on communication and can be resolved by better communication.

****

DISPUTES SETTLED WITHIN THE FAMILY AS FIRST RECOURSE (family):

Respondent 40: Tried talking with family members using professional service, family dispute services.

Respondent 41: First solve the problem within family. If problem is outside the family seek mainstream mediation and legal system.

Respondent 44: Talk and listen to each other. Use family to resolve family problems first before considering court and outside services.

Respondent 45: Talk and resolve between the family.

Respondent 46: Solve problems by discussing issues and resolving them within the family.

Respondent 47: Resolve within the family.

Respondent 49: Listen and talk with the family to resolve problems or disputes.

Respondent 54: We resolve our petty problems amongst ourselves.

Respondent 59: We solve our problems amongst ourselves.

Respondent 60: We resolve it within the family.

****

RESPONDENTS WITHOUT DISPUTES (no disputes):

Respondent 19: We do not have any disagreements.

Respondent 23: I've not been part of any dispute recently.

Respondent 36: We have no experience.

Respondent 48: Do not have any disputes.

Respondent 52: The question is not applicable to me.

Respondent 55: I do not have any disagreements or problems.

Respondent 56: I do not have any disagreements or disputes.

****

OTHER (other):

Respondent 8: Ignore them.

Respondent 12: Ignore them.

Respondent 16: No.

ACTUAL RESPONSES TO Q.23 (null responses omitted)

PROFESSIONAL MEDIATION SEEN AS PREDOMINANTLY POSITIVE (Positive)

Respondent 18: Listening to the two disputing parties.

Respondent 20: Training and educating the employees who work as mediators.

Respondent 25: The strengths are in the knowledge of the mediator understanding the causes of the disputes, and the accessibility, limit of complex procedures, wise protocols and confidentiality.

Respondent 32: Bringing together two parties face to face.

Respondent 33: To have both parties face each other.

Respondent 34: To bring both parties together to face each other.

Respondent 40: Helped me to understand both sides and come to a conclusion. Can be very emotional and often the other party are not committed to resolve the issues.

Respondent 55: Mediation saves money and time, and also avoids bad consequences that we can ill afford to have.

Respondent 57: Points of strength are the presence of a third party to resolve the dispute before this dispute becomes bigger.

****

PROFESSIONAL MEDIATION SEEN AS PREDOMINANTLY NEGATIVE (Negative)

Respondent 4: It was better the dispute being solved by the community elders.

Respondent 14: Because Australian people do not understand our customs and ways.

****

DON'T KNOW (Unknown)

Respondent 8: Unsure.

Respondent 12: Unsure.

Respondent 44: Don't know, didn't use.

Respondent 58: I do not have any experience in this regard.

GOOD TO SOLVE PROBLEM, BAD TO INVOLVE OUTSIDERS (Good and Bad)

Respondent 26: The strengths are in using an amicable manner to resolve the problem. The negatives are the intervention of elements from outside the family.

Respondent 27: The positives are in resolving the problem in an amicable manner, but the negatives are the intervention of elements outside the family.

Respondent 28: The strengths are that the mediator contributes to resolving the problem in an amicable manner, the weakness is the intervention of other individuals.

Respondent 29: It is important to resolve the matter in an amicable manner, and a 'bad thing' for another person to intervene.

Respondent 30: The positives are resolving the dispute in an amicable manner. The [negatives are that] involvement of individuals or elements from outside would mean that private information would become known.

Respondent 41: (Strength)To help resolve disagreements, (Weakness) Don't know much about mediation but it may upset people as they may get to hear lots of information and feelings they don't like to hear.

****

ACTUAL RESPONSES TO Q.40 (null responses omitted)

FOCUS ON THE SAME COMMUNITY AND FAMILY (same community and family)

Respondent 19: Need to be from the same community and the same family.

Respondent 36: That the mediator be from the same community and the same family.

****

FOCUS ON EDUCATION (education)

Respondent 20: A strength is if the mediator is neutral, educated and well trained.

Respondent 61: The points of strength are that the mediator be well educated, trained and familiar with social ethics and [be] impartial.

FOCUS ON COST-SAVING (costs)

Respondent 25: The weakness of mediation is in some individuals, and by virtue of the non-binding decisions of the mediator. The strengths of mediation is in the limited costs, easiness and confidence in the informal environment.

Respondent 55: Mediation saves money and time, and it also avoids negative consequences that we could do without.

****

FOCUS ON ARABIC LANGUAGE AND CULTURE (language and culture)

Respondent 26: The mediator should know the Arabic language, culture and values and be confidential with information. The points of weakness sometimes leads to resolving the dispute or the conflict first.

Respondent 27: The mediator should be able to converse in the Arabic language, be trustworthy, confidential and try to resolve the problem first of all.

Respondent 28: Strengths are the use of Arabic language. There should also be the utmost confidentiality.

Respondent 30: The mediator should know the Arabic language and be confidential. The mediator should work towards resolving the matter first of all.

Respondent 57: When mediation is provided and served by centres of the Arabic community.

Respondent 58: The points of strength are that the mediator speaks our language and knows our culture.

****

FOCUS ON NEUTRALITY (neutrality)

Respondent 41: Can be biased depending on the neutrality level of the mediator. Mediators should be both genders and of respected character.

Respondent 42: To understand my cultural expectations, to be neutral and respect my privacy.

UNSURE (unsure):

Respondent 8: Unsure.

Respondent 11: Unsure.

Respondent 43: Don't really know, hopefully not biased.

DON'T USE MEDIATION (don't use)

Respondent 15: I haven't used the mediation.

Respondent 21: I do not use mediation.

Respondent 22: I do not use mediation.

****

ACTUAL RESPONSES TO Q.41 (null responses omitted)

FOCUS ON NEUTRALITY (neutrality)

Respondent 20: Weakness is if the mediator is not neutral.

Respondent 25: The points of weakness sometimes take the form of accusations a party or parties in the disputes that the mediator is motivated by ulterior motives or is serving the interests of a particular party. In regard to the strengths they are flexibility, approachabiltiy, and non-binding nature i.e. not being obliged to comply.

Respondent 41: Hopefully remain neutral and confidential.

FOCUS ON PROBLEM SOLVING (problem solving)

Respondent 28: The problems should be resolved first.

Respondent 29: There should be confidentiality, resolving the problems and understanding the other person very well.

FOCUS ON CULTURE (culture)

Respondent 57: The points of strength are that mediation is provided by mediators who are well familiar with our backgrounds and culture.

UNSURE (unsure)

Respondent 8: Unsure.

Respondent 11: Unsure.

Respondent 15: I don't know.

Respondent 19: There needs to be more information on this.

Respondent 42: Don't really know.

Respondent 43: Don't really know. Could be respect, tolerance and harmony.

****

ACTUAL RESPONSES TO Q.50 (null responses omitted)

FOCUS ON EDUCATION AND TRAINING (training)

Respondent 19: The mediator needs to be well trained, educated and prudent to better serve the community.

Respondent 36: That the mediator be well educated and trained.

FOCUS ON MORALS (morals)

Respondent 21: Defending what is right.

Respondent 22: Defending what is right.

FOCUS ON MAKING THE COMMUNITY AWARE OF EXISTING MEDIATION SERVICES (knowledge of services)

Respondent 26: Providing more information about mediation to serve the needs of the Arabic community.

Appendix B: Community Questionnaire (English version)

Dear Participant

This survey is part of a research project that is being conducted by the Victorian Arabic Social Services (VASS) in partnership with the Centre for Citizenship and Human Rights (CCHR) and the Dispute Resolution Centre of Victoria. This project is looking into the needs and experiences of the Arabic speaking community in dispute resolution. We hope you will fill out this short survey as your ideas and experiences are important to the successful completion of this project. Personal information such as name, address and date of birth is not required so as to protect your anonymity.

Please answer all of the questions by following the instructions for each section. If you find any of the questions unclear, confusing or inappropriate, please put a cross beside the question's number. Thank you, we welcome your participation.

Date: _____

Section1: Personal Profile

Please answer the following questions by ticking the relevant box and where relevant, writing a brief answer.

1. **Gender**   Male   Female

2. **Your age group is?**

> 18-25 years old
> 26-35 years old
> 36-45 years old
> 46-55 years old
> 70+

3. **Country of birth:**   Australia
>   Other – please specify:

    _____

4. **What suburb do you live in?** _____

5. **How do you describe your employment?**

> Full-time
> Part-time
> Casual/sessional
> Home duties
> Unemployed
> Student   ☐ (If you also work, please tick box above)

6. **What languages do you speak?**

> English

Arabic

Other_____

7. How would you describe your ethnic background?

_____

Section 2: Attitudes of the Arabic community towards conflict:

8. Have you experienced disputes/conflict in recent times?

Yes☐ No☐

If no, please go to section 3.

If yes please specify from the list below and complete the rest of the questions:

Family related
Financial matters
Cultural values and expectations?
Neighbour / Property related
Employment related
Retail related?

Other_____

9. Who was the dispute/ disagreement with?

Immediate or extended family members
Neighbours
Friends
Work colleagues
Social or community services
Businesses/ retailers
Arabic community members
Non-Arabic community members

Other_____

10. Did you use the Australian courts to resolve the dispute?

      Yes   No

 If no, please go to question 14.

11. If yes, why did you choose to go to court?

     Didn't know of other available options

     Seeking legally binding decision

     Weren't given the choice by other party

     Other- please elaborate

_____

_____

_____

_____

12. Were you happy with the court experience, and the outcome?

          Yes☐☐N o☐☐Unsure☐

Please explain why

_____

_____

13. Would you use the court system again?

    Yes No☐☐☐Unsure☐

Please elaborate

_____

_____

Section 3: understanding and experiences of mediation:

14. What strategies have you used to resolve disputes? Please list below:

_____

_____

_____

_____

_____

_____

15. Do you understand the meaning and process of mediation as a dispute settlement strategy?

Yes☐ No☐

16. Are you aware of the existence of mainstream mediation services in the Northern region?

Yes☐ No☐

17. Have you requested and attended mediation through a mainstream mediation service?

Yes   No

18. Do you think that mediation can achieve positive outcomes when resolving disputes?

Yes☐ No☐

19. Have you used mediation (mainstream or within own community) as an alternative to the courts?

Yes   □□No□□□

If yes please complete questions 20.

20. Who did you contact to seek mediation assistance?

Immediate or extended family members

Religious leader

Community leader

Arabic specific organisation

Mainstream social or community services-

Community Legal Centre/ Legal Aid

Other_____

21. Did the mediation help you resolve the dispute?

Yes□□□No□

22. Overall how satisfied were you with the mediation process?

Extremely satisfied	Satisfied	Not very satisfied	Not satisfied at all
1	2	3	4

23. Overall, what are some of the **strengths and weaknesses** of mediation as practiced within the mainstream mediation services? Please elaborate:

Section 4: Effectiveness of Arabic community-based mediation:

23. In your opinion, does the Arabic community practice mediation?

Yes☐ No☐

24. Are you aware of any dispute settlement options available to you in your region?

Yes   No

25. Would you be willing to use a mediation service specifically set up by and for the Arabic speaking community?

Yes☐ No☐

26. Do you think the existing options are sufficient?   Yes   No

27. Have you requested and attended mediation through an Arabic specific service?

Yes   No

If no, there is no need to answer any further questions.

28. Would you be more likely to use a mainstream mediation service if they had qualified Arabic speaking background mediators?

Yes   No

29. Please rate these qualities in order of importance to you when choosing a mediation option:

30. Impartiality/ neutral position of mediator

Very Important	Important	Some importance	Not at all
1	2	3	4

31. The role of mediation in the Arabic community

Very Important	Important	Some importance	Not at all
1	2	3	4

32. The role of mediation in the wider society

Very Important	Important	Some importance	Not at all
1	2	3	4

33. The mediator belonging to the same Arabic cultural community

Very Important	Important	Some importance	Not at all
1	2	3	4

34. The mediator being fluent in Arabic

Very Important	Important	Some importance	Not at all
1	2	3	4

35. Familiarity with Arabic culture and values

Very Important	Important	Some importance	Not at all
1	2	3	4

36. The mediator's level of experience and training

Very Important	Important	Some importance	Not at all
1	2	3	4

37. Informality of process, flexibility of arrangement –i.e. location, times

Very Important	Important	Some importance	Not at all
1	2	3	4

38. Overall how satisfied were you with the mediation process?

Extremely satisfied	Satisfied	Not very satisfied	Not satisfied at all
1	2	3	4

39. Overall, what are some of the **strengths and weaknesses** of mediation as practiced by **Arabic community services**? Please elaborate:

_____

_____

_____

_____

40. Overall, what are some of the **strengths and weaknesses** of mediation as practiced within the Arabic community? Please elaborate:

_____

_____

_____

_____

41. What could be done to improve accessibility?

More information about mainstream mediation services in your region,

More information about Arabic-specific mediation options

More information about alternative dispute resolution practices?

Increased availability of interpreters

Increased availability of bilingual/bicultural mediators

Cross cultural training for mediators

Section 5: <u>Your experience as a mediator</u>

42. Have you been called on to act as a mediator between two disputing parties, where one or both members were from an Arabic-speaking background?

Yes   No

If no, there is no need to answer any more questions.

43. How many mediation sessions have you done within the Arabic-speaking community over the last 2 years?

> none
>
> up to 5
>
> 6 to 20
>
> 21+

44. What was your relationship with the disputing party?

> Family member
>
> Neighbour
>
> Community member
>
> Friend
>
> Professional capacity
>
> Other- please specify_____

45. What type of dispute was it?

> Family related dispute
>
> Neighbourhood related dispute
>
> Organisation related dispute
>
> Private business related dispute
>
> Other- please specify_____

46. Have you received any formal mediation training?

> Yes   No

47. Who provided this training? _____

48. Do you find this to be sufficient and, if not, what support / training would you like to receive?

4.9. In your opinion how could existing mediation practices better serve the needs of the Arabic-speaking community?

_____

_____

_____

_____

50. Please feel free to make any comments about any of the issues raised in this survey:

_____

_____

_____

_____

Thank you for taking the time to participate in this study.

Please contact **Victorian Arabic Social Services**

on **9309 0055** if you have any queries about this research project