



**Kolegji AAB**

**FACULTY OF SOCIAL SCIENCES**

**DEPARTMENT: SOCIAL POLITICS AND WELFARE OF CHILDREN**

**SUBJECT:**

**THE ROLE OF THE THIRD PAIR (MEDIATOR) IN THE  
MANAGEMENT OF CONFLICTS**

**Mentor:  
Prof. Dr. Anton K. BERISHAJ**

**Candidate:  
Afërdita HYSENI**

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## CONTENT

|   |    |
|---|----|
| Abstract.....   | 7  |
| Acknowledgements.....   | 9  |
| CHAPTER I.....  | 10 |
| 1. Introduction.....  | 10 |
| 1.1 The Structure of Paper .....                              | 12 |
| 1.1.1 The importance of Paper .....                           | 13 |
| 1.2 Methodology .....   | 13 |
| 1.3 The purpose of research .....                             | 14 |
| 1.4 Research Objectives .....                                 | 15 |
| 1.5 Hypotheses Search .....                                   | 15 |
| 1.6 The main instruments to conduct the study .....           | 15 |
| CHAPTER II .....  | 16 |
| 2. Kosovo .....   | 16 |
| 2.1 Demographic Data .....                                    | 16 |
| 2.1.1.Ferizaj .....   | 17 |
| 2.1.1.2 Demographic Data .....                                | 17 |
| 2.1.1.3 Education .....                                       | 18 |
| 2.1.1.4 Culture .....   | 18 |
| 2.1.1.5 Theater .....   | 18 |
| 2.1.1.6 Literary Art .....                                    | 18 |
| CHAPTER III   |    |
| 3.Conflict and Concepts .....                                 | 19 |
| 3.1 Conflict and the definition of conflict .....             | 19 |
| 3.1.1 Understanding of human behavior .....                   | 21 |
| 3.1.2 Social Norms .....                                      | 21 |
| 3.1.3 Interpersonal Relations .....                           | 22 |
| 3.2 Process of Conflict .....                                 | 23 |
| 3.3 Conflict Phases .....                                     | 24 |
| 3.4 Attitudes toward conflict-How we react to Conflict? ..... | 25 |
| 3.5 Communication during the conflict .....                   | 26 |
| 3.6 Orientation of constructive-destructive conflict .....    | 27 |

|   |    |
|---|----|
| 3.7 Types of Conflict .....   | 28 |
| CHAPTER IV .....  | 29 |
| 4. The phenomenon of conflict in Ferizaj .....  | 29 |
| 4.1 Family Conflicts .....  | 30 |
| 4.1.1 Issues of conflict in the family .....  | 31 |
| 4.1.2 The consequences of Conflict within the family-child .....                      | 31 |
| 4.1.3 Conflict resolution in the region of Ferizaj- Traditional / institutional ..... | 32 |
| CHAPTER V .....   | 33 |
| 5. Definition of mediation, definition and notion .....                               | 33 |
| 5.1 Intercession .....  | 33 |
| 5.1.1 Types of intermediary .....   | 34 |
| 5.1.1.2 Traditional Intermediary –Elders .....  | 34 |
| 5.1.1.3 When is activated the traditional intermediary .....                          | 35 |
| 5.1.1.4 Principles of traditional intermediaries .....                                | 36 |
| 5.1.1.5 The process of mediation in the traditional model.....                        | 37 |
| 5.1.1.6 In general the role of traditional intermediaries .....                       | 37 |
| 5.2 Official Intermediary .....   | 39 |
| 5.2.1 Fundamental principles of mediation.....  | 40 |
| 5.2.2 When is Mediated .....  | 41 |
| 5.2.3 Challenges of mediation .....   | 42 |
| 5.2.4 Intermediary Subjects .....   | 44 |
| 5.2.5 Phases of Mediatio .....  | 45 |
| 5.2.6 Confidentiality during the mediation .....                                      | 48 |
| 5.2.7 The mediation process .....   | 49 |
| 5.2.8 Mediator as a process controller .....  | 50 |
| 5.2.9 The mediator as a facilitator of communication .....                            | 51 |
| 5.2.10 When the mediation is not possible .....                                       | 52 |
| 5.2.11 Types of formal mediation .....  | 53 |
| 5.2.12 In general the role of official mediator-institutionalized .....               | 54 |
| CHAPTER VI .....  | 57 |
| 6. Ferizaj between tradition and modernity .....                                      | 57 |
| 6.1 Cases to prove hypotheses .....   | 59 |

|   |    |
|---|----|
| 6.1.2 The 1 <sup>st</sup> Case .....  | 59 |
| 6.1.2 The 2 <sup>nd</sup> Case .....  | 61 |
| 6.1.3 The 3d Case .....   | 63 |
| 6.2 Formal Mediation in Ferizaj .....                                       | 64 |
| 6.2.1 Data on cases for formal mediation in Ferizaj .....                   | 65 |
| 6.2.2 Differences between traditional mediation and formal mediation.....   | 66 |
| 7. The role of media in mediation (Conflict Management) .....               | 67 |
| 8. END .....  | 68 |
| 8.1 Appendix – How does it look the content of the mediation agreement..... | 70 |
| 9. Literature .....   | 75 |

Dedicated to my Parents

That encouraged me to believe in the continuous education as one of

The biggest resources which should encourage humans to get on in life

You're the breath I take!

## **THE FIRST CHAPTER**

### **1. INTRODUCTION**

I never learned from a man who agreed with me.

(Robert Heinlein)

Conflict is part of life. It's hard to describe a vital situation without its conflictual elements. Even when it comes to the comfort zone, it can be said that it's relative.

The existence of conflict is as old as the existence of humans. The conflict is a vital phenomenon. In this way, we are not pioneers of this treatise.

In fact, it is possible that people can live in a discrepancy unbalance condition but in general people prefer to not experience them. When the discrepancy is extreme it can be psychologically very painful, for example when important people for the individual, family or friends can't stand each other. Individuals can avoid discrepancies through information processing and can restore the state of compliance in their cognitive system changing that aspect that is easier to change.

Meanwhile the family or tribal connections are part of the existence of every individuals, domesticity includes a huge part of emotional experience. Family relationships between husband and wife, parents and child, brother and sister or relatives can be warm and full of sensitivity. But they can be full of tension as well, that lead people to despair or it can create the feeling of anxiety or guilt. "The dark side" of domesticity is wide and is in contradiction with the beautiful images of harmony that appear often on television or media for commercial purpose. There are many aspects of the violating side of a family where are included conflicts and animosities that lead to separation and divorce.

So, worldwide everyday is given a greater attention regarding prevention and settlement of disputes since their effective prevention and resolution presents a particular importance of having healthy and productive relationships in family and society. Since conflicts are inevitable in family or society establishment of effective processes for the prevention and settlement of disputes is very important to minimize their consequences. It is understandable that some of the disagreements can't be resolved by the pairs themselves. So in some cases negotiations fail, making efforts fail to restart the negotiation process and from these disagreements the turn comes to the 3d pair solutions.

**END**

Popular people from ancient times, when they wanted to clarify and favored the world's values, first they regulated their country (Konfuci)

One of the main and more efficient methods for conflict resolutions are: intervention of a third pair, negotiations, arbitration and mediation. But even though these different methods about the conflict resolution based on their nature do exist, almost in every conflict intervention of the third pair is important for the orientation that the conflict could get, for its resolution or escalation.

The right about life, free movement, peace among the people all these can't be constructed just by seeing the steps that Europe have made. And by this I mean that the values that have the advanced standards in these countries are undeniable. On the contrary they have to make up our ideal. I said ideal because for its full realization are needed even more conditions which because of the fragility of our country, they still need to be one step in. One of these conditions is that in nowadays official mediating, traditional mediating is also needed, because in some cases of conflicts official mediating is still not being implemented properly, and consequently the conflicts are continuing "their life" further, even after the decisions of judicial organs (referring to the 2<sup>nd</sup> case and the 3d one).

From the cases that I have addressed in this paper I came to a conclusion that despite the advantages of mediation, such process of mediation may be associated with distrust from the sides of the pair, and consequently they don't ask for help for the conflict resolution , leaving the conflict "to still breathe".

Settlement of disputes is one of the most controversial issues in nowadays.

However, this doesn't mean that the traditional mediation should be left out because of the ideas and efforts to set peace among people, whose mechanisms are out of order but to us they have a sensational story especially in the period of the '90s. These techniques and institutions which aimed at resolving disputes between people , by the time, more and more they are convincing us that we are still in need for them.

So, in nowadays the so called modern times where everything have advanced, a traditional mediation wouldn't sound good but I think that regarding modernity we should be concerned more about the law issues that establish freedom in relation to the citizen. This means that the freedom shouldn't be reviewed only in the connection that it has with the constitution, but it should be reviewed in the report that is has with the citizen, because in our country it happens that the citizen is not being free and the constitution it is.

That every citizen should enjoy the freedom that is guaranteed, the constitution should be free de facto and not de jure. Speaking less at the end I believe that the citizen of our country should enjoy the freedom in reality and not only declared in the constitution . Speaking of it, this is based in the first case of a family that was isolated with all the children which except

the freedom, their education is also guaranteed with the constitution of Kosovo according to article 47 (the right for education) and also the article 35 (the freedom of movement).

Based on this we come to a conclusion that people that are included to such conflicts, they still need another traditional mediation, eventually as it was “Islihati” the decision of which both pairs agreed.