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Alternative methods of conflict resolution and intercultural mediation: strategies for multicultural contexts

Métodos alternativos de solución de conflictos y mediación intercultural: estrategias para contextos multiculturales

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Abstract

This work explores the evolution and application of Alternative Conflict Resolution Methods (ACR) with a special focus on intercultural mediation in Colombia. Through a qualitative design and documentary analysis, the key phases of intercultural mediation are reviewed, from its beginnings in the 1990s, its expansion in the educational field at the beginning of the 21st century, to its recent reconfiguration as a comprehensive strategy to promote coexistence and social peace. Specific studies by Giménez (1997), Cuadros Riobó (2001), Valero Garcés and Guzmán Mancho (2002), Llevot (2002), and Ortiz-Cobo (2006) are highlighted, illustrating how intercultural mediation has been adapted in different contexts. The analysis emphasizes the need for comprehensive training of mediators, a preventive and educational approach, structural interventions, and a dialogic and deconstructive approach. The conclusions emphasize the importance of continuing the academic and practical development of intercultural mediation as an essential tool for managing multicultural conflicts and building lasting peace in diverse territories such as Colombia.

Keywords: intercultural mediation, Alternative Conflict Resolution (ACR) Methods multicultural conflicts, Colombia, social justice.

Resumen

Este trabajo explora la evolución y aplicación de los Métodos Alternativos de Solución de Conflictos (MASC) con un enfoque especial en la mediación intercultural en Colombia. A través de un diseño cualitativo y análisis documental, se revisan las fases clave de la mediación intercultural desde sus inicios en los años noventa, su expansión en el ámbito educativo a inicios del siglo XXI, hasta su reciente reconfiguración como una estrategia integral para promover la convivencia y la paz social. Se destacan estudios específicos de Giménez (1997), Cuadros Riobó (2001), Valero Garcés y Guzmán Mancho (2002), Llevot (2002) y Ortiz Cobo (2006), que ilustran cómo la mediación intercultural ha

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sido adaptada en diferentes contextos. El análisis subraya la necesidad de una formación integral de mediadores, un enfoque preventivo y educativo, intervenciones estructurales y un enfoque dialógico y deconstructivo. Las conclusiones enfatizan la importancia de continuar el desarrollo académico y práctico de la mediación intercultural como una herramienta esencial para la gestión de conflictos multiculturales y la construcción de una paz duradera en territorios diversos como Colombia.

Palabras clave: mediación intercultural, Métodos Alternativos de Solución de Conflictos (MASC), conflictos multiculturales, Colombia, justicia social.

Introduction

The increasing cultural and ethnic diversity in numerous regions of the world has created the need to develop and refine effective methods for conflict management. In this context, Alternative Dispute Resolution (ADR) methods have emerged as an innovative and necessary response to address disputes in a more inclusive and participatory manner. Unlike ordinary justice, ADR allows citizens to resolve their differences outside the judicial system, fostering self-management and dialogue.

In Latin America, and particularly in Colombia, these methods have gained significant relevance. Since their inception in the 1990s, they have been presented as a promising solution to alleviate the burden on overburdened judicial systems and to bring justice closer to marginalized communities, which have historically faced significant barriers to accessing formal judicial services. However, despite progress in their implementation, the results have not always been satisfactory. The cultural complexity and ethnic diversity of the region have introduced additional challenges, highlighting the need for more specific and tailored approaches.

Within this framework, intercultural mediation emerges as a crucial tool for managing conflicts in culturally diverse contexts. Unlike the multicultural model, which is limited to the peaceful coexistence of different cultures, intercultural mediation seeks to foster active and respectful coexistence, promoting equality and mutual understanding. This perspective not only aims to resolve immediate disputes but also to build an ongoing dialogue that strengthens social cohesion and sustainable peace.

Colombia, with its rich cultural diversity and a history of armed conflict, presents a particularly challenging yet opportune scenario for the application of intercultural mediation. The dynamics of conflict and post-conflict, along with the coexistence of various ethnic and cultural communities, underscore the urgency of identifying and implementing effective strategies for building lasting peace.

This study aims to assess the scope and limitations of ADR, with a particular focus on intercultural mediation as a tool for managing multicultural conflicts. Through a review of existing literature and the empirical analysis of specific cases, this work seeks to highlight the importance of intercultural mediation as a fundamental instrument for resolving cultural disputes and sustaining peace.

Several key elements related to Alternative Dispute Resolution (ADR) and intercultural mediation are analyzed in this study. Initially, the definition and conceptual evolution of ADR are explored, emphasizing its importance in conflict management outside the traditional judicial system, particularly in the Colombian context.

The main phases of intercultural mediation, as described in the literature, are presented, from its emergence in the 1990s to its expansion in the educational sphere and its evolution into a comprehensive strategy for promoting coexistence and social peace. Specific studies that have contributed to the understanding of these phases are discussed, including the works of Giménez (1997), Cuadros Riobó (2016), Valero Garcés and Guzmán Mancho (2002), Llevot (2002), and Ortiz-Cobo (2006), which provide a detailed view of how intercultural mediation has been implemented and adapted in different contexts.

Additionally, the theoretical clarifications necessary to understand intercultural mediation as a dynamic and multifaceted process are addressed, including the importance of comprehensive mediator training, the preventive and educational approach, structural interventions, and the dialogic and deconstructive approach. Finally, the main conclusions of the review are highlighted, emphasizing the ongoing need for academic debate and development regarding intercultural mediation as a tool for peacebuilding in culturally diverse territories.

Thus, this study will not only contribute to a deeper understanding of the potential and challenges of ADR in culturally complex contexts but will also offer practical recommendations for improving mediation policies and strategies, thereby promoting peaceful and respectful coexistence among the various communities that share the same territory.

Methodology

This study was approached from an interpretative paradigm, as we aimed to understand the meanings that academic and legal experience has constructed around intercultural mediation and its application in the management of multicultural conflicts. This theoretical orientation materialized in a qualitative design, given our focus on understanding phenomena through the exploration of participants' perspectives and a review of the existing literature.

The primary research method was documentary analysis, employed as the main strategy for data collection, organization, and analysis. Documentary analysis in qualitative research has been widely discussed in specialized literature. For instance, Cohen, Manion, and Morrison (2017) provide a detailed examination of the use of meta-analysis, systematic reviews, and research syntheses, along with the necessary stages for implementing these methods. Lichtman (2006) outlines six steps for conducting a literature review, which were adapted for our study.

The data collection process centered on searches conducted through academic metasearch engines, specifically Google Scholar. The search strategy employed the concepts of ‘intercultural mediation,’ ‘multicultural conflicts,’ and ‘Colombia.’ A ten-year time frame (2013–2023) was established to ensure the inclusion of recent and relevant studies. The most pertinent works addressing aspects related to intercultural mediation and its social, economic, legal, and conflict resolution implications were selected and organized according to their specific focus.

The selection of studies was based on a combination of accessibility and theoretical relevance, with Google serving as the primary search tool. This choice was justified by its ability to provide access to a broad spectrum of sources, allowing for the identification of studies and documents from diverse origins and backgrounds. However, the search process was complemented by exclusion criteria that helped filter out works which, despite falling within the ten-year time frame, did not directly contribute to the study’s objectives or lacked sufficient methodological rigor. Studies that were not clearly related to the central theme or whose content did not add value to the research questions were excluded. Nevertheless, we acknowledge the limitation posed by restricted access to studies indexed in more rigorous academic databases such as Scopus or Web of Science.

Results and Discussion

ADR and Intercultural Mediation

There is an initial consensus regarding the ambiguity and difficulty of defining Alternative Dispute Resolution (ADR, hereinafter used in both singular and plural). This ambiguity is reflected in the multiplicity of approaches and contexts from which ADR is conceptualized, commonly expressed in the titles of scholarly works in the following ways: “ADR as,” “Scope of ADR,” and “ADR and its Application Context” (Gorjón Gómez, 2017; Vallejo Pérez, 2018; Escalera & Amador, 2020). Consequently, a variety of terms attempt to describe the same process, including alternative mechanisms for conflict resolution, alternative conflict resolution methods, alternative dispute resolution means, informal justice, and community justice, among others, applied to different contexts.

Although there are nominal distinctions, each of these concepts refers to similar modes of justice (all of them distinct from ordinary justice) but with different scopes and applications.

Nonetheless, from a global perspective and for the purposes of this analysis, ADR can initially be understood as the set of legally established procedures aimed at administering justice to the majority of citizens. These processes are regarded as alternatives to ordinary justice, and their decisions are not enforced through state power (heterocompositive). This group of mechanisms serves as tools enabling citizens to resolve their disputes independently, without resorting to judicial offices (autocompositive).

In the Latin American context, these methods have gained particular significance, as they were originally introduced as an effective alternative to alleviate the burden on judicial systems while also serving as a strategy to make justice more accessible to communities and groups lacking the resources to access it (Cejamerica, 2020).

Additionally, in this region, a new paradigm of cultural advocacy has emerged, elevating social demands for equality and justice to an ethical, social, and political dimension. Although these demands are often associated with Indigenous movements, they are not limited to ethnic groups; Black communities, rural communities, migrant communities, and the LGBTQ+ community, among others, also share these concerns. This adds a layer of complexity that must be considered when implementing ADR in each country.

Colombia is not exempt from this debate. However, despite having constitutional and legislative developments regarding ADR, the country's multicultural and multiethnic characteristics have limited the reach of these mechanisms, particularly in the field of education (Pitta-Osses & Acosta-González, 2020). Furthermore, the dynamics of the ongoing armed conflict in parts of its territory, as well as the post-conflict scenario following a peace agreement with the FARC guerrilla, make it even more urgent to seek instruments that facilitate the construction of a genuine peace by fostering a culture of peace and dialogue (Cabana-Grajales, 2017).

One of the strategies addressing some of these complexities is intercultural mediation. Specifically, this is a conflict management tool designed to facilitate encounters between different cultures. This type of mediation seeks to encourage peaceful coexistence while promoting equality and respect for diversity (Cejamerica, 2020). This perspective aims to go beyond the multicultural approach, which merely refers to the coexistence of diverse cultures without necessarily implying interaction or coexistence. Thus, under the intercultural paradigm, the goal is to address the challenges of a plural world, moving beyond mere recognition or assimilation of differences.

Under this model, the interpretation of cultural characteristics plays a key role in ensuring assertive understanding between the parties—differences that, in another context, might not be taken into account or might not be as relevant. In this way, the aim is not only to bridge linguistic gaps but also to bring worldviews closer together, which, for instance, give rise to different conceptions of territory.

Based on the foregoing, it is possible to consider the need for intercultural mediation tools as a bridge in multicultural conflicts within Colombian territory. This is a space where not only culturally distinct communities, such as Indigenous and Afro-descendant communities, coexist but also other groups whose interests are often intertwined with the use and exploitation of land, such as peasant communities, multinational corporations, and armed actors.

State of the Art on the Main Phases in the Development of Intercultural Mediation

The problem outlined thus far revolves around the concept of cultural mediation and its potential as a peacebuilding tool in the resolution of conflicts in culturally complex contexts. In this regard, for the development of the conceptual and academic evolution of the problem presented, we adhere to the proposal of Macías (2021), who asserts that intercultural mediation has undergone three phases in its development:

- i. The initial phase, which took place in the 1990s and was characterized by a focus on resolving specific conflicts between agents of different nationalities;
- ii. A second phase, spanning the first decade of the 21st century, in which intercultural mediators expanded their scope of action by assisting in conflict resolution within the educational sector;
- iii. Lastly, the third phase, which is distinguished by moving away from the traditional fields previously mentioned, orienting itself more as a strategy to create or enhance spaces for coexistence and peace, promoting aspects such as social justice, equality, and inclusion, among others.

Thus, in an effort to provide a detailed description of the issue, the academic development of each of these phases will be examined to identify the challenges and intellectual gaps that inform the construction of the present study.

As a first approach, we find the work of Giménez (1997), who identified the rapid expansion in Europe of various linguistic mediation and cultural intermediation programs, highlighting that these were not accompanied by a broad conceptual or theoretical development. This study stands out for establishing the theoretical-conceptual nature of these programs, identifying

their distinctive characteristics in comparison to other mediation models, and analyzing their advantages and disadvantages.

Similarly, the work of Cuadros Riobó (2016) presents a field-based experience detailing the training of union representatives in intercultural mediation strategies within the labor sector in Spain. This study emphasizes the relevance of these conflict management strategies in this field, given the rapid growth of the migrant population in Spain. It also highlights the professional sectors in which migrants are typically employed and the difficulties they often face.

Another common line of study in this initial phase is represented in the work of Valero Garcés and Guzmán Mancho (2016), who consistently emphasize the emerging needs within a multicultural context. Although their research focuses on intercultural communication and translation and interpretation in public services, they approach it from a comprehensive perspective, framing it as a modality of intercultural mediation, which they term interlinguistic mediation. In this way, they clarify and justify the crucial role of translators and interpreters in an increasingly multicultural society while also underscoring their function as interlinguistic mediators facilitating understanding among different social groups.

Following this brief review, several key characteristics become evident. First, Giménez (1997) mentions the rapid evolution of intercultural mediation practices while also pointing out that this rapid expansion has not been accompanied by a solid academic and conceptual foundation—an issue that constitutes the core contribution of his study. Second, both Cuadros Riobó (2001) and Valero Garcés and Guzmán Mancho (2002) attempt to delimit the scope of action of this strategy, addressing methodological and conceptual questions. Furthermore, they affirm that the methodology is designed, as Macías (2021) also suggests, to mediate conflicts involving migrant communities within Spanish territory.

Regarding the development of the second phase, the work of Llevot (2002) is particularly noteworthy, as it already alludes to the introduction of intercultural mediation in educational contexts. Through an empirical study, Llevot details how a group of professionals who only partially fit the definition of intercultural mediators have advocated for resolving or assisting in conflicts arising from students of migrant backgrounds in schools in Catalonia, Spain. As he explains in his work, within this mediation process involving minority families in educational institutions, three distinct roles can be identified:

1. The first aims to facilitate communication between actors within the educational system.
2. The second seeks to mediate conflicts that emerge between institutional norms and the cultural values of the aforementioned families.
3. The third involves transforming institutional norms through recognition.

Similarly, Ortiz-Cobo (2006) also addresses intercultural mediation within the school setting (both primary and secondary education) in Spain. Adopting an ethnographic approach, Ortiz-Cobo begins by distinguishing between two mediation models, which she refers to as school mediation and intercultural school mediation. According to the author, the need to differentiate between these models arises from their divergent objectives. The former focuses on prevention and training, while the latter is dedicated to resolving multicultural conflicts. Thus, the author concentrates her ethnographic study on the second model, concluding that this type of mediation does not fulfill a preventive role but is instead exclusively focused on addressing already existing conflicts. Moreover, she highlights that cultural differences tend to be exaggerated rather than fostering rapprochement.

These two approaches to the second stage proposed by Macías (2021) allow us to quickly identify key characteristics, such as the leadership of Spanish academia in the conceptual and empirical evolution of intercultural mediation. Thus, the authors presented thus far indicate that the increasing scholarly review of this topic corresponds to the growing wave of migration received by this territory. Consequently, the interest in intercultural mediation within educational institutions arises from the accelerated growth of these culturally diverse populations that have begun to settle in these establishments.

In this regard, it is also noteworthy that the Latin American region has only recently begun to develop such tools. One can observe the academic and empirical examination of conflict resolution strategies incorporating this distinctive approach. Latin America, by definition, is a diverse territory where not only culturally differentiated migrant populations coexist but also ethnic groups that have historically been in conflict. Thus, it is only in the third and most recent stage that we can find academic contributions from the New World, such as the work of Macías (2021).

From a more comprehensive perspective, intercultural mediation currently transcends its traditional framework and assumes a more active role as an integrative activity within a global intercultural context. For instance, Vázquez Cañete (2018) not only advocates for specific methodologies or strategies for resolving intercultural conflicts but also emphasizes the need to identify the discourses and structural elements within society that perpetuate discrimination and hinder the construction of a more inclusive world. On this matter, he states:

The construction of an inclusive society requires, on the one hand, the identification and rejection of racist and xenophobic attitudes that perceive the other as an enemy and a threat to society, and on the other, an understanding of how, in a context of significant multiculturalism, changes and conflicts arise that demand attention (p. 208).

As can be observed, this approach does not focus solely on the emergence of a specific intercultural conflict. On the contrary, it presents intercultural mediation as a tool for fostering dialogue, promoting community action, and building a culture of peace. In this stage, the emphasis is not only on addressing and mediating interethnic conflicts but also on employing tools for their prevention through the development of a society that learns from and thrives on its own diversity.

In a similar vein, Giménez-Romero (2020), while concerned with clarifying the conceptual foundations of intercultural mediation, also examines the impact of this tool on the cultural transformation of the city. He highlights the methodological potential of intercultural mediation, specifying and distinguishing it from other mediation models.

Finally, from a more applied perspective, Veronese and De Almeida (2021) analyze the role of intercultural mediation in territorial conflicts between indigenous communities and rural populations in Brazil. In their study, the authors go beyond the procedural legal boundaries of intercultural mediation as conceived within the Brazilian normative framework, deconstructing it as a dialogical tool for addressing interethnic conflicts such as the one under discussion. In their words, they construct an understanding of intercultural mediation based on otherness, aiming to overcome barriers in the form of prejudices and stereotypes toward these communities and to build genuine social peace.

As anticipated by Macías (2021), in this final stage, a paradigm shift and the delocalization of the conceptual and practical treatment of intercultural mediation become evident. Therefore, one of the main conclusions of this review is that, although there has been significant development both in practice and in academia, the debate surrounding the scope of intercultural mediation as a tool for peacebuilding in plural societies remains open. This is particularly relevant when considering that most of this evolution has originated from the Spanish experience.

Theoretical Notes on Intercultural Mediation

Intercultural mediation is a method aimed at harmonizing communication and relationships between individuals and communities within a specific territorial space, where diverse cultural symbols, codes of conduct, and ways of life distinguish different social members (Bermúdez et al, 2002).

This approach has evolved over time through three main phases. The first phase focused on resolving specific conflicts between individuals of different nationalities. During the second phase, it expanded into the educational sphere, facilitating communication and mediating between institutional norms and cultural values. In the third phase, intercultural mediation has established itself as a comprehensive strategy for fostering peace by empowering otherness and acknowledging the situations that perpetuate discrimination. This evolution has solidified intercultural mediation as a key tool for promoting coexistence and peace in culturally diverse contexts.

As a tool, intercultural mediation highlights the participation of other actors who, within a multicultural framework, position the mediator as a facilitator of unity, preservation, and the resolution of disputes or conflicts that may arise. Likewise, in this process, the facilitative management of communication and conciliation becomes a means to foster healthy intercultural coexistence (El Servicio de Mediación Social Intercultural [SEMSI], 2002).

The manifestations of multicultural groups coexisting within a shared territorial space provide an opportunity to approach diversity, framed by social principles related to equality, differentiation, and cultural complexity. However, expressions of interculturality within these spaces pose challenges in promoting and validating plurality, necessitating dialogue and interventions that recognize heterogeneity. This process ultimately aims to ensure identification with and accessibility to an effective interrelationship among all individuals sharing the territory.

Interculturality allows for a positive and direct understanding of the other and their freedoms, fostering acceptance of their expressions, emotions, and ways of perceiving daily life. This understanding extends beyond mere acceptance and comprehension to actual integration into a social space where communities are validated and respect is upheld. Failure to achieve this results in elements contrary to these principles, such as rejection, invisibility, and the erroneous perception of the other as a threat (Laghrich, 2004).

Considering the above, in an intercultural setting and in relation to spatial and social conflicts that directly involve community members, intercultural mediation represents an alternative conflict resolution mechanism. This can be achieved through assistance and support that facilitate negotiations fostering unity among parties, as well as constructive dialogue between the State or authorities and social groups (Monjo, as cited in García-Longoria Serrano, 2002).

In this context, efficient interaction among communities and their diverse expressions within a shared space fosters inclusion, justice, and mutual understanding. It promotes peace models through actions that encourage collaboration and the intersection of intercultural environments, ultimately guiding and harmonizing relationships among the varied and diverse populations that share and utilize these spaces constructively (Monia, R. et al., 2018).

To avoid ambiguities and to clearly define the concept of intercultural mediation and its connection with Alternative Dispute Resolution Methods (ADR), in light of the findings presented here, we can assert that this tool can be understood as a set of procedures aimed at harmonizing relationships between individuals or communities affected by cultural differences within a specific territorial space. This methodology prioritizes an approach that develops strategies with and from otherness, oriented toward the implementation of comprehensive strategies to foster coexistence and social peace through the recognition of diverse capacities.

Regarding Alternative Dispute Resolution Methods (ADR), intercultural mediation is positioned as a key tool. These procedures serve, on the one hand, to equip citizens with mechanisms to resolve their differences outside of judicial processes, promoting self-management and intercultural dialogue. On the other hand, intercultural mediation enables the recognition of discourses and structures that may perpetuate discrimination and cultural divides, which hinder the overcoming of prejudices and the construction of social peace.

Conclusions

The comprehensive analysis of intercultural mediation and its relationship with Alternative Dispute Resolution Methods (ADR) has made it possible to identify several key aspects that underscore its relevance and potential in managing multicultural conflicts in Colombia. First, the evolution of intercultural mediation across three main phases—from resolving specific disputes between individuals of different nationalities, to its expansion into the educational sphere, and finally, to its current comprehensive approach aimed at fostering coexistence and social peace—demonstrates its adaptability and development in various contexts.

Second, intercultural mediation emerges as an essential tool in a context as diverse and complex as Colombia, where the dynamics of armed conflict and post-conflict, along with the coexistence of multiple ethnic and cultural communities, require tailored and context-specific approaches. The ability of intercultural mediation to address cultural differences, promote equality, and foster mutual respect positions it as a crucial strategy for building lasting peace.

Moreover, the relationship between ADR and intercultural mediation is strengthened by recognizing that these methods not only facilitate conflict resolution outside the judicial system but also allow for the identification and dismantling of discourses and structures that perpetuate discrimination and cultural divides. This dual approach, both preventive and resolution-oriented, highlights the importance of continuing to develop and refine these methodologies to meet the needs of increasingly diverse societies.

Finally, the proposed definition of intercultural mediation underscores its essence as a set of procedures aimed at harmonizing relationships between individuals or communities affected by cultural differences within a given territorial space. This methodology prioritizes the creation of strategies with and from otherness, oriented towards the development of comprehensive approaches to fostering coexistence and social peace through the recognition of capacities. This holistic perspective reaffirms the role of intercultural mediation as a key tool in peacebuilding and the promotion of social justice in multicultural contexts.

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