

**COURSE DATA****Data Subject**

Code	42678
Name	Mediación intercultural
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2023 - 2024

Study (s)

Degree	Center	Acad. year	Period
2122 - M.U. en Mediac, arbitr y gest de conflictos en dcho privado	Faculty of Law	1	First term

Subject-matter

Degree	Subject-matter	Character
2122 - M.U. en Mediac, arbitr y gest de conflictos en dcho privado	14 - Intercultural mediation	Obligatory

Coordination

Name	Department
COBAS COBIELLA, MARIA ELENA	50 - Civil Law

SUMMARY

The subject involves two parts. The first one introduces the students into the matters arisen from immigration, foreign issues and conflicts that could arise from the differences between cultures and the individual and collective perceptions that are usually developed in the Spanish community, since the increase of population movements during the last decades.

The second part will be directed at studying the intercultural mediator figure, its conceptual framework and the theoretical and practical questions that comes from this kind of out-of-court conflict resolution.



PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

OUTCOMES

2122 - M.U. en Mediac, arbitr y gest de conflictos en dcho privado

- Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.
- Students should communicate conclusions and underlying knowledge clearly and unambiguously to both specialized and non-specialized audiences.
- Students should demonstrate self-directed learning skills for continued academic growth.
- Elaborar y manejar los escritos, informes y procedimientos de actuación más idóneos para los problemas suscitados.
- Adquirir los instrumentos para poder planificar, ordenar y encauzar actividades de manera que se eviten en lo posible los imprevistos, se prevean y minimicen los eventuales problemas y se anticipen sus soluciones.
- Contemplar en conjunto y tener en cuenta los distintos aspectos y las implicaciones en los distintos aspectos de las decisiones y opciones adoptadas, sabiendo elegir o aconsejar las más convenientes dentro de la ética, la legalidad y los valores de la convivencia social.
- Use different presentation formats (oral, written, slide presentations, boards, etc.) to communicate knowledge, proposals and positions.
- Proyectar sobre problemas concretos sus conocimientos y saber resumir y extraer los argumentos y las conclusiones más relevantes para su resolución.
- Conocer y usar con fluidez las categorías, prescripciones y procedimientos relevantes para cada caso y sus antecedentes y soluciones más significativas.
- Analizar y delimitar el ámbito de derecho dispositivo específico de la materia en cada supuesto de la resolución alternativa de controversias.
- Aplicar las diferentes técnicas y conocimientos jurídicos a la resolución práctica de los proceso de mediación y arbitraje de materias específicas.



LEARNING OUTCOMES

The student must acquire, besides the general skills, certain specific abilities between which we should point out the following:

1. To acquire capacity to analyze, manage and solve out kinds of conflicts related to cultural diversity, migratory movements and situations where a foreign element exists.
2. To know the legal framework of the different institutions (mediation, negotiation, transaction), their principles and legal effects and to learn how to apply its process and techniques, in several civil and commercial contexts, mainly in those arisen from migration processes and from cultural diversity and minorities.
3. To manage the necessary resources to get along the conflict and also the strategies to manage and solve them in an effective way, in the field of substantive law.

DESCRIPTION OF CONTENTS

1. General framework of the migratory questions in Spain.

1. Migration and cultural diversity
2. Kinds of intercultural conflicts
3. Challenges and intercultural problems

2. Immigration and foreign issues.

1. Immigration legal framework in Spain
2. Brief analysis of the Immigration Law and the Regulations
3. Foreigners fundamental rights in Spain
4. Basic concepts in immigration.

3. Intercultural mediation and mediation in conflicts transfronterizos

1. Intercultural mediation
 - 1.1. Origins and concept of the intercultural mediation
 - 1.2. Function. Aims and importance of the intercultural mediation
 - 1.3. Intercultural mediator. Field of his performance
 - 1.4. General panorama of the intercultural mediation in Spain
2. Mediation in conflicts transfronterizos
 - 2.1. Concept
 - 2.2. Juridical frame
 - 2.3. International circulation of agreements
 - 2.3.1. Inside the European Union



2.3.2. Out of the European Union

4. Mediating in an intercultural field

1. Study of cases
2. Main techniques of mediation and out-of-court dispute resolution regarding intercultural matters.
3. Mediating in conflict situations between different cultures

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	18,00	100
Tutorials	12,00	100
TOTAL	30,00	

TEACHING METHODOLOGY

The professor of the matter will expose and will explain the fundamental theoretical contents to guide to the student in the study and understanding of the matter. The student, by his part, has to engage actively in the learning by means of the previous reading of the lesson and the complementary materials that have established in the planning of the teaching of the subject. As well as the intervention in the debates that ocaionen in the forum of doubts or in the tutorías ruled no face-to-face.

The metodologia educational of application will adapt to the circumstances and to the competitions that mainly want desarrollarr in the frame of the teaching between which stand out the resolution of practical problems and the development of the basic categories of the discipline.

EVALUATION

The evaluation of the matter will do through a questionnaire that will have to resolve through the virtual classroom, of the first part devoted to alienism. The second part of the matter devoted to the intercultural mediation will evaluate through a comment of film (oriented previously by the professor), adjusted to the content of the matter. All the activities are of individual character.

70% of the final note will be the sum of the resolution of a questionnaire that will have to resolve in the day and schedule that prefix, and this through Virtual Classroom like "Tavern" (35%) more the comment of film (35%).

The rest of the evaluation of the subject (30%) composes in addition to

-Assistance to class: 2 points

-Participation in session of the professor invited: 1 point (if there was it) in contrary case will award by the participation in class.



This evaluation constitutes 100% of the note of the students, and will be the one who will measure the competitions of the students, except that the situation of excepcionalidad indicate another no planned and subject methodology to previous query to the approval of ls corresponding commissions and direction of the Master.

The aforementioned evaluation system will be applicable to both the first and second calls.

REFERENCES

Basic

- COBAS COBIELLA, MARÍA ELENA: Resolución extrajudicial de conflictos en la era de la modernización- Algunas reflexiones sobre la Mediación, en La mediación: algunas cuestiones de actualidad. Tirant. Monografías. Directora Virginia Pardo Iranzo, Valencia, 2015.
- COBAS COBIELLA; MARÍA ELENA. Mediación en el ámbito intercultural. Presentando el tema. Tratado de mediación, Mediación en conflictos de familia. Tomo III, pp. 67 - 94. Valencia (España): Tirant Lo Blanch, 2017.Disponible en Internet en: <<http://www.tirant.es>>.
- GENISA PRATS Y ELIZABETH URIBE. La mediación intercultural. Fundación La Caixa
- GIMÉNEZ ROMERO, CARLOS. Modelos de mediación y su aplicación en mediación intercultural ,Revista Migraciones, nº 10 - Diciembre 2001 - Universidad Pontificia de Comillas.
- GIMÉNEZ ROMERO, CARLOS.: La naturaleza de la mediación intercultural, Revista de Migraciones, número 2, 1997, pp. 125-159.
- LAGHRICH,S.: Reflexiones sobre la mediación intercultural y experiencias desde la Comunidad Valenciana, Tonos, Revista Electrónica de Estudios Filológicos, número VIII, diciembre 2004, s/n. p. www.tonosdigital.com.
- MARTÍN GARCÍA, ELENA. La mediación intercultural. Un enfoque transversal en la sociedad española, Mediación, Arbitraje y Conciliación. Una puesta al día, directora Cobas Cobiella, María Elena, Tirant Lo Blanch, 2019, pp. 147-161.

Additional

- AZCÁRRAGA MONZONÍS, C.: "La formación del mediador en la mediación internacional", en COBAS COBIELLA, M.E. (dir): Mediación, Arbitraje y Conciliación: Una puesta al día, Tirant lo Blanch, Valencia, 2019
- AZCÁRRAGA MONZONÍS, C.: "Medios electrónicos en los sistemas extrajudiciales de resolución de conflictos. Novedades legislativas impulsadas desde Europa", en PALAO MORENO, G. (coord): Los nuevos instrumentos europeos en materia de conciliación, mediación y arbitraje de consumo: su incidencia en España, Irlanda y el Reino Unido, Tirant lo Blanch, Valencia, 2016
- AZCÁRRAGA MONZONÍS, C.: "El (limitado) impacto de la directiva sobre mediación en asuntos civiles y mercantiles y la mediación obligatoria como medida de promoción", en BARONA VILAR,S. (dir): Mediación, arbitraje y jurisdicción en el actual paradigma de justicia, Thomson Reuters Civitas, 2016
- AZCÁRRAGA MONZONÍS, C.: "Impulso de la mediación en europa y españa y ejecución de acuerdos de mediación en la Unión Europea como documentos públicos con fuerza ejecutiva", Revista electrónica de estudios internacionales (REEI), Nº 25, 2013
- COBAS COBIELLA, MARIA .ELENA y ORTEGA GIMÉNEZ, ALFONSO., Derecho y mediación:



¿Caminos paralelos o entrecruzados?, CEF Legal. Revista Práctica de Derecho. Comentarios y Casos prácticos. Revista Mensual 171, abril 2015.

ORTEGA GIMÉNEZ, A. "Integración de la población inmigrante en la Comunidad Valenciana", Revista de Derecho migratorio y extranjería, nº 51, 2019, pp-129-150

