

# Kluwer Mediation Blog

## More Questions for Mediators

John Sturrock (Core Solutions Group) · Wednesday, July 29th, 2015

This week, I have had the genuine privilege of contributing one of the key note addresses at the Annual Conference of the Arbitrators and Mediators Institute of New Zealand (AMINZ) in Wellington. It has been a terrific conference, superbly organized by the indefatigable Deborah Hart. The standard of the many and diverse sessions has been very high, indeed outstandingly so. There is some terrific work being done in New Zealand.

In the context of the conference theme of New Horizons, I posed a number of questions in my key note address. I hope to pull together the whole piece for publication, but here are the questions.

- What if the way in which we have sought to resolve difficult disputes historically and still do generally is not conducive to effective resolution of problems: whether personal, local, national, global?
- What if the way we have done and still do politics is not effective in dealing with the big issues of the day?
- What if the distribution of capital and income, wealth, in our societies, is so unbalanced that it risks our economic futures and overall security?
- What if our general approach to equality, to justice, to rights, is seriously flawed and based on the wrong model and wrong ways of thinking?
- What if, throughout the world, people are tired of having things done to them rather than with them?
- What if, as Jeffrey Rifkin suggests, we are approaching the eclipse of capitalism and a new age of near zero marginal cost economics?
- What if there is a significant likelihood that our species is facing its own extinction?
- What if environmental degradation, pollution of the oceans, soil erosion, adverse changes in climate, are really as bad as 90% or more of the world's scientists say? What if we really are, as we are being told by credible voices, already well into the sixth mass extinction of species on the planet?
- What if more than 50% of global carbon reserves need to remain unextracted to have any hope of limiting increased carbon emissions to the maximum 2% to ensure a sustainable future?
- What if large parts of our capitalist economic model and future shareholder value and pension funding depends on extraction of that 50%? Indeed, what if our economic system and our planetary system are now effectively at war?

- What if mass migration will become the norm and what we see now is just the beginning of decades of movement of displaced people to places of perceived plenty?
- What if our conventional, binary, right/wrong, black/white approach to resolving our differences is insufficient to deal with the realities of modern existence? Indeed what if it is conducive to species failure?
- What if we are close to the point of no return?
- Much more mundanely, what if the way we handle many of our own day to day conflicts is unnecessarily and disproportionately costly in time and money, detrimental to wellbeing and damaging to relationships?
- What if....we need to change our approach to how we work together in order to survive?

I recognised that these are all hypotheticals of course. But, for an increasing number of people, there is only one response to these questions. And that is this: things are not as they should be, not as they need to be in the future, indeed not as they need to be right now. We need to act, to do something different. To change, to shift the paradigms....

In developing my theme, I proposed that mediation is, and mediators are, a key to our future progress (indeed, survival) and that we need to be much less shy about the value of what we do and who we are.

Continuing with the topic of inquiry, in one of my workshop sessions at the Conference we discussed the value of really good questions to get under the surface of any problem. I offered these examples drawn from a recent mediation:

What is this really about?

How much of this is about money?

What is really motivating me?

What do I need to have acknowledged about me and my role in the family/business?

What have I done to contribute to this situation?

What would I do differently if I could start again?

What do I need to say to my siblings/colleagues/partners which will really help?

What do I need to say I am sorry about?

What would [my mentors] say to me if they were standing in the corner watching me?

What would they expect of me in this situation?

What one thing can I do which will change things radically for the better?

What can I give which will help to change the present situation?

If I was watching myself from a detached perspective in this mediation, what would I hope to see and hear?

If I leave the mediation without a resolution, what is the one thing I might regret not saying?

What price do I put on family/partnership/contractual reconciliation/ resolution/ continuation?

If I leave the mediation with a resolution, how will that feel? What will I do?

What change might that bring to me - and to my siblings/partners/colleagues?

If this is the last time I am to see my siblings/partners/colleagues, what would I like to say? What impression would I like to leave?

Many of you will notice the influence of Ken Cloke in these questions. They are powerful and had a powerful impact including provoking resistance in one party, which itself was informative to me as mediator.

We must continue to ask really competent, searching questions of ourselves and others with whom we deal, at both the micro and macro levels. Our - and their - future may depend on it.

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The image shows a promotional graphic for Kluwer Arbitration Practice Plus. On the right, there is a screenshot of the software interface. The interface features a blue header with a checkmark icon and the text 'Explore Practice Plus'. Below this, there is a profile card for 'Gary R. Ryan' with a profile picture and some statistics. The main area of the interface displays several circular charts and data tables, likely representing the 'Relationship Indicator' mentioned in the text. At the bottom of the graphic, there is a dark blue bar with the text 'Kluwer Arbitration' on the left and the 'Wolters Kluwer' logo on the right.

This entry was posted on Wednesday, July 29th, 2015 at 8:04 am and is filed under Communication, Conflict, Developing the Field, Dispute Resolution, Future of mediation, International Mediation, Mediation Outcomes, Mediation Practice, Negotiation, Practical Challenges for Mediators, Public Policy, Reform, Scotland, Skills, Transformation, Uncategorized

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