

## On Yer Bike - To the Mediation Table!

Kluwer Mediation Blog

April 9, 2016

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Please refer to this post as: Sabine Walsh, 'On Yer Bike - To the Mediation Table!', Kluwer Mediation Blog, April 9 2016, <http://mediationblog.kluwerarbitration.com/2016/04/09/on-yer-bike-to-the-mediation-table/>

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Ireland is grinding to a halt. Or, at least, looking in from the outside one could think it is. 40 days on from the general election, we have no government. None of the parties had a sufficient majority, and no coalition can be formed. The latest attempt at talks ended yesterday almost before it had started. Meanwhile, industrial action by tram drivers, which has been going on for at least as long, and has brought traffic to a standstill in Dublin on several days now, is set to escalate further. What these two standstills have in common? Well, they involve multiple parties who all have strongly held positions, based on their values, interests and needs. They all believe that what they want is what is right. They all believe what the other side want is wrong, unfair, unreasonable, incompatible with their goals. And...they all refuse to engage in a process of dialogue that will help them resolve these issues. Does this sound familiar? Anyone working in the field of mediation or facilitation will know that the hardest part of the process is to get the parties to the table.

In the government's case, despite a number of suggestions to engage an independent facilitator, including that made by the Mediators' Institute of Ireland no such effort has been made. The posturing, prevaricating and positioning that has been going on in an effort to even agree to have talks ... about having talks.. between the two main parties has been bordering on the absurd. Seemingly oblivious to the frustration and disillusionment being experienced by the people the politicians purport to represent, yet another vote for Taoiseach (Prime Minister) will take place next Thursday April 14th, which everyone already knows will not result in one being elected, and so the stalemate will carry on, or the nation will be faced with spending a fortune on yet another general election, the outcome of which may not be any clearer.

The striking tram drivers had engagement with the Workplace Relations Commission and a process it refers to as mediation but which can better be described as guided conciliation. This did result initially in a set of settlement proposals but these were rejected when put to a ballot by the tram drivers. Things then really fell apart when the head of the Union and the head of the Commission who was guiding the talks, fell out over the latter's public expression of surprise that one side did not engage again after the ballot, something which (and I would have to agree) the head of the Union felt someone calling themselves a neutral mediator should not opine on to anyone, never mind the media.

So what is preventing the parties from seeking help? One might wonder whether it is the same factors that block many disputants from enlisting the help of a mediator - an apprehension about the process and the role of the mediator? (Not entirely unjustified in the case of the tram drivers and the WRC) Maybe it is concerns around confidentiality? Perhaps the parties are afraid someone will impose an outcome on them that they are not happy with. Or they might fear that their side of the story, their points of view and their positions will not get a sufficient hearing or be properly acknowledged in the process.

Fellow mediators, we all know that if those are the parties concerns, they can and will be addressed by a professional, skilled mediator. We also know that those concerns are best addressed precisely by a process of mediation or facilitation. Maybe then, the barrier lies in the parties, some or all of them, not wanting to be seen to asking for help or worse, not wanting to be seen to make the first move towards consensus. This has been very evident in the government talks where all parties have done everything to avoid or delay having to take the first step towards engagement. In our culture asking for help, or admitting we can't solve a problem, or inviting the "enemy" to talk is so often seen as weakness, and this is evident in how people will run to their solicitors to fire the first shot, rather than take the first step towards resolution by engaging in a process of dialogue.

If the government (such as it isn't) were to take this step they would be showing the kind of leadership they all promised in their election campaigns, and that their constituents do desperately want from them. What confidence could one have in political parties that can't talk to each other, if ever they had to negotiate an international conflict? Equally the parties to the very public tram drivers dispute probably don't realise how little sympathy people have for either side, not because of their issues, but because they would rather continue to disrupt and inconvenience people in their daily lives than engage with each other to resolve the situation.

It's time for our government, our tram drivers and their employers, and all of us stuck in conflict to be brave and take the next step and look for help in resolving our disputes. There are plenty of us out there willing to help, even if we have to get there on our bikes...