

Kluwer Mediation Blog

Personal Connections

Bill Marsh (Editor) (Bill Marsh Mediator) · Tuesday, August 7th, 2018

Bloomberg (not my usual reading fodder, I confess) carried an interesting piece a couple of months ago, entitled "[Meet the Real Force Behind the Brexit Talks](#)". Yes, it was about Brexit (yawn) but it was about an *unseen* side of the negotiations.

Opening with the line "*In every negotiation the most important work is done by those in the shadows*", it details the work of two officials who between them have "helped keep the talks alive" through the most difficult periods (so far, I suppose I should add). Olly Robbins and Sabine Weywand represent the UK and the EU respectively. They sit behind their political masters at the negotiating table.

Their relationship is portrayed in fascinating terms. Both have "*staked their careers on getting a deal*", and "*their rapport is built on the back of that ambition. During that crucial week [last] December [when talks appeared to have collapsed], and several times since, when discussions between their handful of officials became heated or hit a brick wall, they've taken a walk together. Their private chats, just a few minutes in the corridors of the Commission's headquarters, have often injected new impetus. They also get on each other's nerves. He gets exasperated by her obsession with small details and how EU rules must be obeyed. She complains about the U.K.'s lack of realism. They reply swiftly to each other's text messages*".

This is a fascinating portrayal of an odd couple. And from it author Ian Wishart quotes playwright J. T. Rogers for his central line: "Without the personal connection you cannot have progress".

This is presumably entirely obvious to most mediators, and certainly central to our role. The importance of building trust is hardly lost on us, and establishing some sort of personal connection with the parties is integral to achieving that. Speaking personally, it is a part of the role which I greatly relish.

My concern, however, is how often it is lost on the parties and their advisers. Looking back at mediations over the last (approaching) thirty years, they have contained the entire spectrum from highly effective direct engagement between negotiators, to a refusal to have any direct contact at all. Not that the latter is *always* inappropriate - I can think of a number of cases where direct contact between parties or advisers would have made progress far harder, or indeed destroyed the possibility altogether. And timing is also critical - sometimes a great deal of work is required before any effective

engagement can take place. But in the main, I am left with the general impression and experience that the degree of direct engagement is less than it could be, and that that is often a missed opportunity.

The opportunity which is missed is primarily the chance to influence - whether by persuasion, logic, emotion, or sheer force of humanity. These things never seem the same when relayed by a mediator, however hard we try.

This is rarely more important than in managing the crises or impasses which occur. The history of major and minor negotiations is littered with examples of small connections being made between negotiators (and by no means always the lead negotiators, but sometimes more junior team members), which end up holding the talks together at their most delicate stages. Jane Corbin's book "Gaza First", an account of the Norwegian-brokered negotiations between Israel and the Palestinians in the early 90s which led to the Oslo Accord, details examples of this.

When the substance of the negotiations seems hopeless, you need something else to take the strain for a while. And that "something" is often a key relationship.

To some extent, that is what we mediators are offering in the absence of better-functioning relations between the parties. But there is no doubt that a *direct* connection between two opposing negotiators is stronger than anything we mediators can offer.

Fear plays a role. Negotiators who take the leap and try to establish such a connection are often vulnerable - either to their trust being abused, or indeed to criticism from their own side that they have "gone soft" or "sold out". It's a delicate position to adopt. That means that we mediators may need to encourage (literally, to build courage in) parties to think more along these lines.

I often find this when I suggest to parties who wish to remain apart that a joint discussion on a given point, or for a given purpose, might be useful at a certain stage. Either between all people on each side, or just a few of them. Brows furrow, and a worried discussion ensues. For what purpose? What good will it do? What would we discuss? Might it go badly wrong? And so on.

Yes, those concerns can be valid. And they may be also true. But the real question is whether parties understand the *potential* which lies in establishing strong connections across the divide. If (or once) they do understand it, then the willingness to invest in doing so is much greater.

I have particularly found this to be the case in long-term dialogue across religious or political divides, where decades of mistrust, abuse and violence may have taken their toll. In such a context, relationships across the divide are built slowly, but their power to sustain challenges to the talks in the future is without parallel.

So here is something to reflect on:

As a mediator, how much do I look out for existing personal connections? In what specific ways do I encourage the establishment of personal connections? How much

do I push against the grain if parties seem unwilling? Might my management and structuring of the mediation process enable the parties to abdicate too much responsibility to me, and veer away from the difficult conversations in which they might participate? In short, how might I better enable parties to create connections across the divide?

And as a negotiator, how can I best deploy those on my team? Who amongst them can establish effective connections, and with whom? And not just for the mediation, but more widely over the course of the conflict.

I'd love to hear how you get on.

To make sure you do not miss out on regular updates from the Kluwer Mediation Blog, please subscribe [here](#).



The Leading Online Service
for International Arbitration

300+ Authors
Nearly 3,000 awards
11,000+ court decisions
2,250+ BITS

Request a free
demo now
KluwerArbitration.com

Wolters Kluwer

This entry was posted on Tuesday, August 7th, 2018 at 11:55 am and is filed under [ADR](#), [Argument](#), [Below the line](#), [Brexit](#), [caucus](#), [Clients](#), [Commercial Mediation](#), [Communication](#), [Conflict](#), [Conventional wisdom](#), [Creativity](#), [cross-border mediation](#), [Decision making](#), [Dialogue](#), [Fear](#), [Impasse](#), [Instinct](#), [Intuition](#), [Joint Sessions](#), [Mediation Practice](#), [mediation process](#), [Middle East](#), [Negotiation](#), [peace negotiations](#), [Perception](#), [Practical Challenges for Mediators](#), [shuttle mediation](#), [Stories](#), [Success in mediation](#), [The role of the mediator](#), [Trust](#), [Violence](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.