

# Kluwer Mediation Blog

## Interests in mediation

Machteld Pel (Pel Mediation) · Thursday, March 29th, 2012

In mediation, the art of the mediator is to lead the mediation participants to the best possible solution of their conflict, based on their underlying interests. It is the art of seduction to shift the focus from their points of view and desired outcomes to interests, and also from the escalation-driven wish to “win” and to have the other party lose. It is a known fact that notably the three most important psychological interests drive people in conflict:

- The need for autonomy and, consequently, the wish for influence,
- The need for self respect and, consequently, the wish to be respected and noticed, and
- The need for good rapport to provide confidence in relationships.

Mediators, then, are trained to conduct interests-research and, through self-reflection, bring the participants to an insight into their truly relevant interests or to the choice between interests that are more or less relevant. In commercial mediations too, the insight into relevant psychological interests is often the key to result in a balanced negotiation of material interests.

However, in mediations, not only the interests of the participating parties play a part. All those present have their own interests that, subconsciously at times, might have a driving influence on the course of the mediation or the attained result.

In this piece, I would like to focus on the interests of the mediator and on the question whether mediators consistently recognise what influence their own interests have on their actions and behaviour in the mediation. Through my training- and intervision work with mediation practitioners and through reflection on my own mediations, I cannot get away from the impression that the mediator’s own interests are always latently present and sometimes, whether purposely or not, play a direct part in the mediation, or, at least influence the mediator’s interventions or the perception of the parties’ impartiality.

What are the mediators’ interests that might play a part? Below is a short list based on training sessions and intervision with mediators, including one or more examples for each:

- The need for income

After the mediation, the mediator starts a course in one of the mediation participant’s companies. The other party finds out later and starts doubting the mediator’s neutrality and no longer wishes to continue the agreement.

The mediator persists despite the limited chance of success to reach an agreement between the parties,

- The need for harmony and connection

The mediator projects his/her need for harmony and connection on to the parties and can no longer perceive what the actual intentions are and consequently misses the opportunity to bring the parties to a solution via their own interests,

- Reputation and satisfied customers

For fear of complaints from one of the parties, the mediator is tempted to follow the former's path to find a solution, which causes the other party to pull out and file a complaint.

– Avoidance of failures

For fear of failed mediations, the mediator will provide advice on how to come to a solution based on content and personal expertise. This causes the parties to withhold their own responsibility and they will not honour the agreements.

In all these cases, the core of the problem is that the mediator is (sub) consciously more mediator-centred than client-centred because of his/her own interests.

This can be driven by personal (financial) interests, but particularly by worrying about whether the clients are satisfied or whether they get what they want. In all cases, the mediator will be unable to do his/her work properly for as long as the connection to their own interests is too strong.

(sub) conscious focus of mediator

Mediator centred

- Do I have the ability
- What should I do
- What do they think of me
- Am I doing a good job

Client centred

- Is it good for them
- Does it work for them

It is of paramount importance that mediators should review their interventions through regular self-reflection and intervision in order to check which individual interests subconsciously exercise any influence.

The important points of review in order to learn from experience are to consistently check in which situations the mediator's underlying interests come to the fore. These situations are often internally recognisable by a certain "gnawing feeling". In that case, important questions to ask oneself are:

- Which situations make me think or "gnaw" at me?
- What drives your internal dialogue (your emotions)?
  - Attachment (good name, outcome, personal methods)
  - Resistance (against the situation, judgements)
  - The level of energy
  - Worries and impatience
  - Doubt
- What do these answers mean with regard to my future behaviour?

The question that follows then, of course, is, how can I have the mediation participants take part, free of these interests and without setting them to work within my own standards or solutions?

This allows mediators more freedom to intervene effectively based on the participants' interests and only use personal standards and values when these are crossed in the mediation in such a way that the process becomes untenable. Thus, the mediator can use the top five of mediator-characteristics:

Authenticity

Make and keep a connection

Patience

Self-reflection

Humour

This will make him/her a tower of strength for the parties and he/she will indirectly attain all former sublimated self-interests:

Reputation, lots of work, satisfied clients and a good income!

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The graphic features a black background with white text and a circular icon. The icon depicts a magnifying glass over a group of stylized human figures, representing a search or investigation process. The text is arranged in a clean, modern layout with a horizontal line above the main title.

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