
Kluwer Mediation Blog

Canadian Mediation Potpourri

Rick Weiler (Weiler ADR Inc.) · Tuesday, January 22nd, 2013

A potpourri of mediation-related reflections as the holiday break fades from memory.

Hockey Mediation – With last Saturday’s puck drops in 13 cities the National Hockey League has commenced its lockout-shortened season. Full arenas around the league confirm the strength of the game’s drawing power if not the forgive-and-forget sentiments of long-suffering fans.

Readers of this Blog will know that mediation played an important role in bringing the lock-out to an end. This [article](#) shines much-deserved light on the mediator and his role in achieving the settlement.

Although this was an American mediator working with primarily American negotiators in New York City I continue to consider this first and foremost a Canadian mediation given the history of the sport.

Nortel Mediation– Turning to unresolved matters, the Nortel creditor mediation has been extended in Toronto with Chief Justice Warren Winkler and his team continuing to seek a deal with the parties. You can see an update on this case [here](#) and follow developments at the [Mediation Web Site](#) specifically set up for this case (Great idea, that).

Absence of Mediation – Finally, I want to touch on a matter that is not in mediation (yet) and that is the ongoing negotiations between the government of Canada and the First Nations in this country. This situation, never really off the public agenda in Canada, has heated up in recent weeks due to demonstrations associated with the [Idle No More](#) movement and the media attention focused on the [ongoing hunger strike](#) of Chief Theresa Spence. As tensions grow I reflect that this situation is linked, in my mind at least, with the tension we all experienced with the end-of-year brinksmanship in the so-called U.S. Fiscal Cliff negotiations.

What links these two cases? High stakes, multi-party, multi-stakeholder, highly charged, public interest disputes in which failure to reach a deal spells disaster. What else links them? Not a mediator in sight.

To me it is beyond comprehension that with almost a half century of state-of-the-art negotiation research, writing, education and practice around the world and with the repeatedly proven value of mediation as an effective dispute resolution tool, the process is not accessed or even suggested in significant public policy conflicts like these. What will it take in terms of wasted resources, failed negotiations and inefficient and non-durable settlements before we witness a change in attitude and

a willingness to at least try if not embrace a new approach? (But then, I would take that line, wouldn't I...grin).

OK, that's it for this month. As always, comments are encouraged.


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The graphic features a black background with white text and a circular icon. The icon depicts a group of stylized human figures, with one figure in the center being magnified by a magnifying glass. The background is accented with horizontal lines in blue and green.

This entry was posted on Tuesday, January 22nd, 2013 at 9:28 pm and is filed under [Commercial Mediation](#), [Conventional wisdom](#), [Creativity](#), [Developing the Field](#), [Efficiency](#), [Future of mediation](#), [Governments/Public Sector](#), [Growth of the Field \(Challenges, New Sectors, etc.\)](#), [Negotiation](#), [Public Policy](#), [Settlement Agreements](#), [Success in mediation](#), [Understanding mediation](#)

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