
Kluwer Mediation Blog

A Minister's Mediation Challenges

Bill Marsh (Editor) (Bill Marsh Mediator) · Thursday, January 4th, 2018

Over the Christmas break, I had the pleasure of reading Ken Newell's memoirs, "Captured by a Vision". Ken was (until his retirement some years ago) a Presbyterian Church minister in Northern Ireland who, out of deeply held conviction arising out of his Christian faith, played a central role in bringing together representatives of both sides of that region's long-running conflict.

The account itself is a fascinating insight into the process. But I wanted to use this blog to draw from it some of the key characteristics which his role required of him, and which go with the territory of being "in the middle".

The first is Courage, and there are many examples in his memoirs of when Ken took steps that required courage. Emanating from one "side" of the divide (he is a Protestant), some of his actions were as much of a threat to his own side as to the other, when fellow protestants felt he was "selling out". There are several instances in which he recounts taking several days to reach a decision on whether or not to participate in a given meeting or take a particular step.

Equally courageous were the instances of speaking his mind with an unflinching honesty. Of such clashes, often in public and televised, he writes:

"It was never a personal clash, but something much bigger – a deeply wounded country yearning for healing and peace. Sometimes reconciliation requires a level of honesty that pulls no punches".

I think of the need for courage in my own practice and life as a mediator, and I am challenged and inspired by Ken's example. Anna Howard's recent blog on [Boldness](#) takes up the same theme.

The next characteristic which caught my attention is taking the initiative on substantive issues. It is perhaps too easy as a mediator to get caught up in the mantra that mediators are responsible for the process, and parties for the substantive issues. Personally I find this too simplistic in any event, not least because there is not always a clear divide between the two. And even if there is, it is not always helpful or appropriate to exclude mediators from substantive issues in the way that that mantra suggests. Ken's account cites a number of examples of when he and those with whom he worked "seized the opportunity and presented a well-reasoned paper" on a key issue, for example when the parties had reached an impasse on the question of whether the IRA's 1997 ceasefire should "be accompanied by disarmament and the disbandment of all paramilitary organisations". Ken and his colleagues took the chance to address the issue substantively and in doing so took a distinct position. Pages have been written about the impact of such stances on a mediator's neutrality and credibility, but these examples serve to challenge us with new possibilities.

For myself, I recall once taking the initiative and working late into the night between the first and second days of a mediation, to produce a paper summarising (with a column for each party) the arguments and examples of failings which each side had focussed on during the day, together with a list of the various options for resolution which we had discussed. Although not as proactively *substantive* as Ken's examples, the paper served as a highly focussed, short-hand reminder in the ongoing mediation the following day of the essence of what each was saying, and the resolutions they could imagine. It enabled all involved to be reminded of the other's grievances and points of view, and limited their ability to descend into a solely one-sided view of the situation. It all reminded all concerned that there was only a limited range of options which they had come up with, and so they could either choose from that, or have to think hard about more creative outcomes.

Thirdly, the patience of Ken and his colleagues shines out from the pages. Theirs was a long-term involvement, measured in decades. There were numerous instances when all seemed futile. Even the signs of hope sometimes proved illusory. During the last ten years or so, I have found myself involved as a mediator in many more long-term conflicts, which require correspondingly longer-term dialogue processes. Although lacking the instant "hit" of a one or two day mediation, the opportunity to mediate these has been deeply rewarding. First there is the requirement to design long-term processes – this justifies a book of its own, never mind a blog. Then there is the depth of human relationships which get built over time, and the real sense of privilege in accompanying the participants on a significant and lengthy journey. Many people reading this will be used to the one day mediation model. I am not criticising it, indeed I am involved in many myself. But the examples of long-term dialogue processes challenge us to think afresh about what we do and how we do it. May I encourage you to keep your eye out this year for situations which may require long-term input from you as mediator, and not simply to be a "slave" to the model you are familiar with.

The value of the "insider" mediator is another challenge to those of us steeped in the conviction that mediators must be impartial, and one which I suggest we do not explore enough. As a minister in the Presbyterian Church of Ireland, a Protestant denomination, Ken might be rightly identified as being from one side of the conflict. Indeed he was. But it didn't stop him doing these things; inviting representatives of different sides to meet, challenging all parties on their words and actions, and finding others like him from the opposite (Catholic) side with whom to work. Indeed he formed a powerful partnership with Father Gerry Reynolds, a local Catholic priest, and together they were able to achieve remarkable things. Two insiders, working together, and equally willing to challenge their own side as the other's.

I am not "knocking" impartiality and its importance to the role of mediators. Indeed I earn my living from being hired by parties on the basis of my impartiality. I am, however, saying that we need to look seriously at what impartiality actually means, and what things are or are not prerequisites of it. I am struck in Ken's account by just how much he and his fellow mediators can challenge those with whom they worked precisely because they are members of the same community, known to all, accountable to all.

Finally, I am struck by Ken's "holistic" view of what was trying to do. His efforts were not solely about getting a deal, but about enabling an entire community to heal and to thrive. For many mediators, the brief is not a widespread political or sectarian conflict, but the narrower focus of resolving an immediate presenting dispute – commercial, civil or whatever. But sometimes we need to look beyond the immediacy of our own fixation with settlement to see that we are part of

something wider, and to ask what that means for how we go about our business.

I wish you all an inspiring 2018, and one in which all our horizons are challenged and expanded. Mine have been already, by a single book.


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