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# Kluwer Mediation Blog

## Are we nearly there yet?

Ian Macduff (NZ Centre for ICT Law & School of Law, Auckland University) · Tuesday, January 26th, 2021

“We’ve come a long way since we last shook hands  
Still got a long way to go”

“Come a Long Way”, Kate McGarrigle & Loudon Wainwright III  
performed by [Kate & Anna McGarrigle](#) and others (including Kate and Loudon’s children, [Martha and Rufus](#))

Towards the end of last year, we took our 13-year-old granddaughter and two of her similarly-aged friends down to our cabin near the [Rangitikei River](#) for a few days, a 6-hour drive from Auckland. It’s a long haul for anyone, and especially for the three youngsters, who handled it very well, with only the occasional “Are we nearly there yet?” inquiry from the back seat. Anyone who has driven some distance with kids in the car will recognise this. You will also know that the journey to “there” usually needs to be marked by a number of reassuring pauses to check for progress and to provide some form of sustenance.

For much of the world, of course, this must seem a distant memory, as we go through our diverse experiences of limits on travel, requirements of social distancing, and vastly different political responses to the pandemic. Our good fortune is that, aided by the deep, natural moat around New Zealand, controls on inward travel, strong quarantine requirements, a science-led government, and high level of public trust, we have escaped the worst. But we also know – as the song reminds us – we’ve still got a long way to go.

As I was thinking about this upcoming blog, that little question from the back seat kept reminding me that it’s not just a question for long haul road trips but also – even more so – a question for our current social and political lives, and, in a more focussed sense, for the work of mediators and clients. All the more so now, as I began to write this on the day that President Biden and Vice President Harris were inaugurated, an event which marked a turning point in one nation’s political life but does not mean that we’re “there” yet.

In thinking about this question as to whether we’re there, or nearly there yet, and ways in which we might mark and encourage our progress, I’ve returned to three of the “big issues” I’ve touched on in earlier blogs: the pandemic and our political and medical responses; race relations (especially in the wake of the deadly mosque shootings in Christchurch nearly two years ago); and environmental and sustainability questions. Without revisiting the substance of those discussions, I want to draw on them in order to identify tools and resources that are, of course, familiar in negotiation and

mediation and that may both identify where we are on the passage to wherever or whatever the end goal might be, and encourage parties (or grandchildren) to hang in there.

First, on the epidemic response, there are at least two challenges: one is the growing level of public exhaustion as countries go into their second or third lockdown; the other is the competing voices – ranging from the authoritative to the lunatic fringe – about threat levels and the perceived risk vs. liberty trade-off. To draw on an entirely unrelated but useful parallel, I’m reminded of empirical work on ethnic conflict showing that what people in conflict need is, above all, two things: reliable information and credible commitments. (See, for example, “Containing Fear: The Origins and Management of Ethnic Conflict”, David A. Lake and Donald Rothchild, *International Security*, Vol. 21, No. 2 (1996)). It doesn’t seem too much of a stretch to suggest that this is also what people – including kids in the back seat – might want in less life-threatening circumstances. Uncertainties can be filled with speculation, threats or – ideally – credible and consistent information, the latter of which might seem to have been in short supply in our recent global political and pandemic lives. It seems also reasonable to conclude that co-operation is more likely to be achieved on the basis of shared, testable resources rather than when parties and publics operate out of incommensurable information silos.

Second, in the wake of the mosque shootings in Christchurch (which I wrote about [here](#), and [here](#)), while the messages of kindness, compassion, and the richness of our demographic diversity remain strong, there remain the predictable undercurrents of antipathy, fear and distancing. What both this theme and the preceding one of Covid threat level may ironically share, while utterly different issues, is the risk of complacency – in the one case, a misguided belief that the risk is not as bad as “fearmongers” might make it out to be; on the other, a certain sense of self-congratulation that we’re doing better than others (or than we did before) so that, in both cases, little attention or vigilance is required. The lessons for our “Are we there yet” question I’d draw – apart from remaining alert to that risk of complacency – are, first, as the Race Relations Commissioner, Meng Foon, has himself commented, there remains a constant need for “courageous conversations” about the challenging topics that we might prefer to avoid; and second, because we are nowhere nearly “there” yet on ethnic relations, there’s an obligation to intervene in and to act on the small and corrosive examples of intolerance, racism, fear and antipathy. We take small and constant steps towards whatever that end goal might be.

Third, on environmental and sustainability issues ([here](#), [here](#), [here](#), [here](#), [here](#), and [here](#), for all that Aotearoa-New Zealand is marketed as “clean and green”, or even as “100% pure”, we know we are well short of that on a number of fronts: the survival of at-risk bird populations; the cleanliness of inland and freshwater waterways; the ongoing use of pesticides (including those banned elsewhere, such as glyphosate); and our enduring commitment to fossil fuels. To continue the (probably strained) analogy of our distance from goals, I would draw on two elements: first – as with our pandemic response – a clear commitment to research-based knowledge of risk, goals, options, costs and prospects (and an avoidance any of political backhanded dismissal of expert evidence as “junk science”); and second, a developing consensus on and collaborative stance towards the actions needed to get us to sustainable outcomes. Getting “there” on sustainability is – unlike the obligations of the driver to the kids in the back seat – dependent both on leadership or facilitation, and on drawing on the best of everyone.

If there is common ground in any of this, it seems to rest on shared knowledge of goals and destinations; awareness of detours and distractions; and commitments to what is, on any metaphorical or literal journey, a common goal – even if that common goal is one that has to be

worked out along the way. Even if, as youth poet laureate and Inauguration Day poet, Amanda Gorman, points out across a range of her poems, “getting there” is always going to be a process, as it is always incomplete.

“We close the divide because we know, to put our future first, we must first put our differences aside.

We lay down our arms so we can reach out our arms to one another.”

*The Hill We Climb*, Amanda Gorman

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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.

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