

Kluwer Mediation Blog

Aim For Redundancy

Bill Marsh (Editor) (Bill Marsh Mediator) · Thursday, February 4th, 2021

In a few weeks' time I will come to the end of a two-year mediation engagement in South Eastern Europe. The conflict in question relates to environmental pollution. The issues are complex and heavily contested, and there are many stakeholders – government, city authorities, environmental groups, investors and business, to name a few. It has been hard work, and a huge privilege. It has also been a joy to travel there regularly, to be welcomed into their community, and to work, talk, eat and drink with them. And COVID has enabled us to discover that the relationships built face-to-face in the first year have been strong enough to withstand the challenges of continuing by zoom in the second year.

As I stand close to the end of this work, I reflect on the fact that I will shortly be redundant to it. This is not (thankfully) because they have fired me, but because my involvement was only ever planned and funded for two years, and that work is now complete.

And from that perspective, I find myself wondering about the value of it all.

Valuing one's own input is never easy. At the most obvious level, one might ask about resolution. Are all the issues between them resolved? No. Will they be in another two years? No. These are long-standing problems, involving deep-seated issues of economics, structural reform, investment, local and national policy, and science. "Resolution" in the immediate, short-term sense in which mediators and parties often talk about it, was never on the cards in such a short period.

So what, one might ask, has been the value of this work? To me, the answer to that question lies in its future sustainability – in short, will a meaningful dialogue continue into the future, such that *long-term* solutions can be found? And that, in turn, depends on the impact that the process has had so far on the participants.

From the outset, it seemed clear to me that a sustainable outcome was less about reaching a "deal" on specific items now (though that has been and remains an important part), and more about enabling the stakeholders to discover that they themselves have the capacity to manage and resolve their tensions and differences in an effective way in the long term. This discovery is not a theoretical one. It can only really come from a lived experience of confronting serious conflict, not shying away from difficult discussions, but rather sticking with them through the inevitable ups and downs – the breakdowns in trust, the allegations and counter-allegations and so on.

The dialogue process (I prefer that term to "mediation" in this context, because it conveys more of a sense of ownership by the stakeholders, and focuses less on the role of an "outsider"/mediator)

has I think changed all who have taken part. Caricatures have been replaced by people. Past failures to do something are understood against the background of how difficult they were to do – not excusing failure, but recognizing the serious difficulties that everyone in that situation faces. The phrase “everyone has constraints” has become integral to our discussions, and such constraints are now much more fully understood. Common interests have been very explicitly identified and articulated, building a sense of mutuality. Differences have been equally clearly identified and articulated, enabling everyone to look at them frankly and clearly, and building a degree of collective honesty. Information has flowed more easily, which reduces suspicion.

The end product of all this has been the most crucial achievement of all – the rebuilding of trust. It is not perfect (is it ever?) but it has risen to a level where it provides at least a reasonable foundation to bear the weight of future differences. And it is this which will, in my view, determine sustainability.

Furthermore, the dialogue process has demonstrated very vividly that commitment to a *process* is vital, because when the substantive differences prove too challenging, the process is sometimes all that sustains hope and safeguards progress. The stakeholders have demonstrated their commitment by coming to the meetings, even when the previous one was very challenging, and by continuing to work at highly challenging issues.

For these reasons, I think that the dialogue has found its *own* sustainability, beyond any mediated intervention. The departure of my fellow mediator and me is only the beginning. The dialogue itself will continue because its participants understand their own capacity, and the value of an effective process to assist them.

Recognising the importance of process, the stakeholders will now take over the running of the dialogue themselves on very clear and committed terms. The ongoing dialogue has written ground-rules, revolving chairmanship, an agenda, processes for dealing with contentious announcements, and so on. In effect, the only change brought about by my co-mediator and I leaving is the shift from external (by us) to internal (by them) facilitation.

Which brings me back to the question of sustainability. These stakeholders have experienced some re-building of trust and their own capacity to confront and address serious problems. Appropriately, the future of the dialogue process depends on that experience, and not on a couple of mediators. It is their country, their city, their future – and their conflict. For my part, I am confident that they will thrive. And although I will greatly miss working with them and being so welcomed in their country, I am ready to enjoy my redundancy.

Reflecting on this whole experience, I am reminded again that redundancy is central to what we mediators are seeking to achieve. Redundancy may come about because a resolution has been found, and the conflict is over. Or (particularly in long-term situations) it may come about because the parties have found a way to continue without our help. Either is fine. We are just the oil in the engine, or the roadside repairs to get them up and running again. Perhaps we need to get over ourselves!

Post script – I want to add a short post script about celebration. Conflict can be a pretty dour and tough place to inhabit. Which is why it is so important to celebrate the good stuff when it happens en route. The final dialogue meeting in which I will be involved is next month. We had planned a

celebration for the group – not because all the issues have been resolved, but to recognize two years of hard work and some real and tangible progress. Because of COVID, it will likely have to take place on-line. Although I will miss the warmth of in-person friendship and the eating and drinking (a crucial part of good process design!), it will still be a real celebration of what they have achieved. It's tough out there – We should celebrate these things more often!


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