

FUNCTIONS OF MEDIATION

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1. Assist communication

- **When people do not want to meet**
- **Cannot meet**
- **Need assistance to engage each other**

2. Improve understandings

- When people feel misunderstood**
- To deepen insight about ‘the other’**
- To enable parallel views to co-exist**
- To facilitate ‘recognition – when ‘the other’ is able to see you as you see yourself.**

3. Support Creative Thinking

- **The mediator brings critical distance**
- **Is a 'non-anxious' presence**
- **Helps people to 'think inclusively'**
- **Supports reflective thought**
- **Stimulates the imagination**

4. Explore Accommodations.

- **People are encouraged to think of what might be possible**
- **An accommodation does not require harmony**
- **People give each other 'due regard'**
- **They do enough to get by each other**
- **There is little or no compromise**
- **The conflict is not resolved**
- **It is managed**

5. Facilitate Agreement.

- A deal is made**
- There is greater respect**
- There is a significant compromise**
- There is a degree of harmony**
- An aspect of the conflict is resolved**

The Spine of Mediation

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1. Assessment

- What is going on?
- What are the issues?
- What has been tried?
- Is there a mediative task?
- Who should mediate?
- What might be the mandate?
- Mediators form their own mind



2. Design



- Aim: what is the purpose?
- Objectives: how will it work?
- Location: where should the bridge be built?
- Traffic: who will use it?
- Engineering: what structures are needed?
- Architecture: what should it look like?
- Timing: when should it open for

3. Story-telling



- People describe their situation
- Mediator: empathy, not sympathy
- Different or contradictory views are aired
- Conflict is humanised and personalised
- The impact on relationships is noted
- Recognition takes place

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4. Framing the issues

- People 'name' their issues
- Mediators 'frame' the issues
- They may also 're-frame' them
- The difference between Wants, Needs and Interests may be noticed
- Facts and feelings are noted

5. Problem-solving

- Issues are considered one at a time
- They may also be inter-connected
- Options are identified and explored
- Best Intentions and Worst Fears are voiced
- People consider each other's difficulties
- Collaborative thinking takes hold
- Changed behaviour is contemplated

6. The Arrangement

- Could be an agreement or an accommodation
- Or merely a 'point of understanding'
- Consider 'interpretation' by the parties
- Contemplate each 'own side'
- Consider each 'other side'
- Anticipate opponents
- Design mechanisms
- Commit to paper if appropriate



7. Implementation

Mediator:

- maintains conciliatory contact
- Seeks proximity, not intimacy
- Maintains the mechanisms
- Adheres carefully to their mandate
- Maintains accountability of the sides
- Is prepared to bear witness
- Keeps progress under review