

# Mobilizing Mediatively

The Seven Keys To Unlock  
Mediation's Golden Age  
Epilogue



Manon Schonewille & Michael Leathes

# Seven Keys to Unlock Mediation's Golden Age Epilogue

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Mobilizing Mediatively is the epilogue to:

## **The Seven Keys to Unlock mediations Golden Age**

A work by forty authors around the world

First published in serialised form by mediate.com in June and July 2020

The full series with video interviews can be found [here](#).

Download the E-book of all Seven Keys [here](#).

# Seven Keys to Unlock Mediation's Golden Age Epilogue

## Mobilizing Mediatively

Epilogue to the Seven Keys to Unlock Mediation's Golden Age

synchronicity : noun

*The simultaneous occurrence of several ideas or events that appear causally unrelated, yet when experienced together result in something exceptional.*

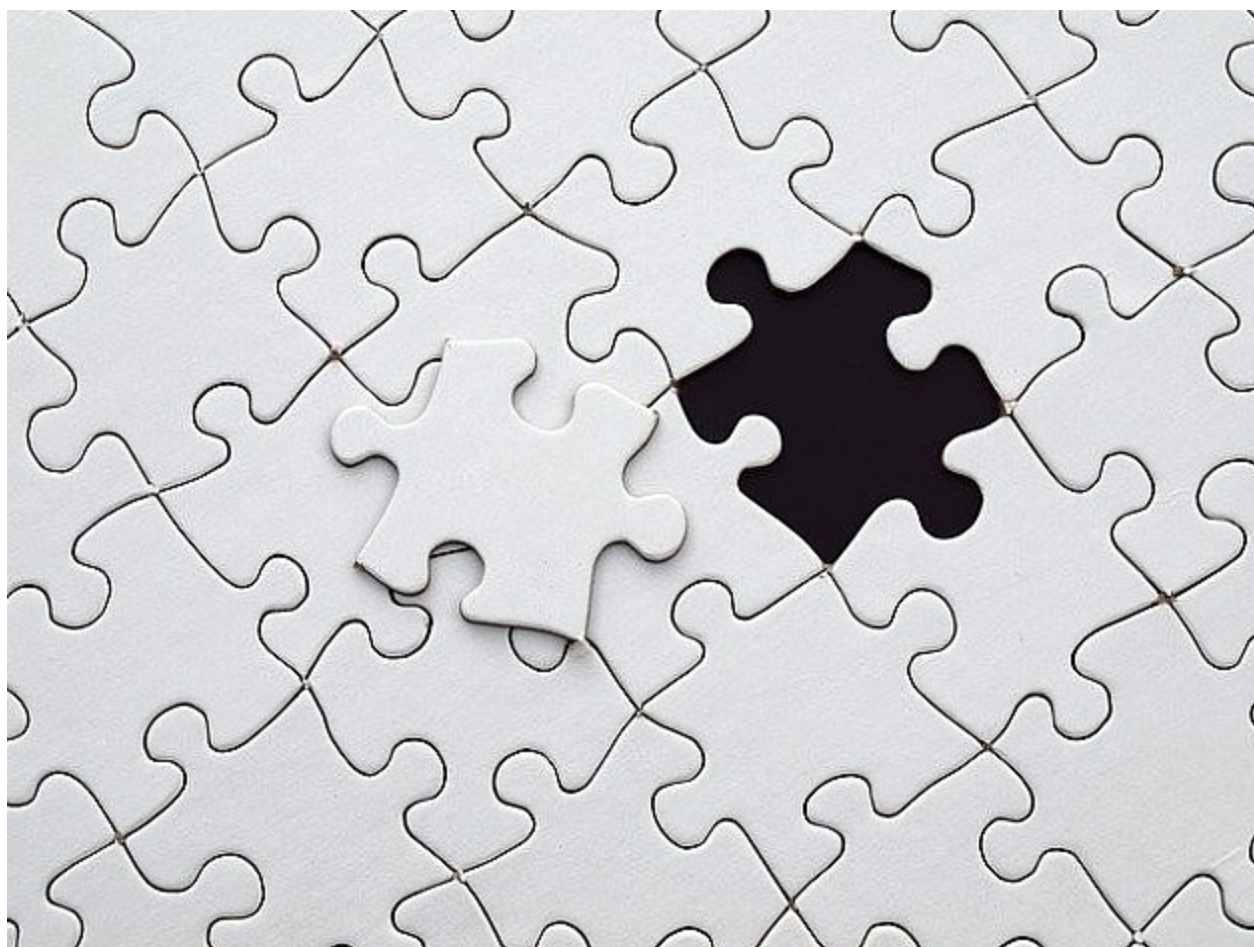
### 1. Introduction

The jigsaw of 23 pieces by 40 authors in 16 countries, all part of the over-arching theme *Seven Keys to Unlock Mediation's Golden Age* (#7KeysMediate), serialised by [mediate.com](https://mediate.com), in June-July 2020, aims to mobilize an energetic dialogue among the conflict resolution field's stakeholders on new approaches and attitudes to take mediation to higher, deeper and wider levels. [Here you can find all publications including background video interviews with all](#) authors.

The Seven Keys contributions are also published as an E-book, which you can [download here](#). At the end of this epilogue we provide an overview of the Seven Keys and the main insights.

# Seven Keys to Unlock Mediation's Golden Age Epilogue

The Seven Keys sets out to inspire the field's practitioners, service providers, educators and trainers, aided by scholars and users, to provide a collaborative, *mediative* leadership where they simultaneously lead *and* serve. A leadership characterized by a commitment to empower all stakeholders to become joint *owners*, not just renters, of mediation's future.



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7 Keys To The Future

## Seven Keys to Unlock Mediation's Golden Age - #7KeysMediate

### Mobilizing Mediatively

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Recently, Mediate.com serialised a jigsaw of 23 pieces by 40 authors in 16 countries, in the form of both articles and author interviews, all part of the over-arching theme Seven Keys to Unlock Mediation's Golden Age. This articles summarizes those 23 pieces.



### Seven Keys to Unlock Mediation's Golden Age - Table of Contents

Mediate.com

Mediate.com is proud to publish "Seven Keys to Unlock Mediation's Golden Age" and to offer this convenient Table of Contents for accessing all 25 original "Keys" articles and accompanying videos. Special thanks to Michael Leathes, Manon Schonewille and Clare Fowler for leading this important project!



### Seven Keys to Unlock Mediation's Golden Age - The Introduction

Nadja Alexander, Lela Love

Mediate.com has published a series of peer reviewed articles and videos under the collective title *Seven Keys to Unlock Mediation's Golden Age*. The objective of the *Seven Keys* is to encourage discussion among all stakeholders on navigating mediation's best future.



### 1st Key-Leadership: Establish Strong, Collaborative, Mediative Leadership

Kenneth Cloke, Joan Goldsmith, Rosemary Howell, Alan Limbury, Valeri Primo-Lack

Leadership is a skill. It is something everyone does at multiple points throughout their lives, whether they consider themselves leaders or not.



### 1st Key-Leadership: The Youth Shall Lead Us

Aloysius Goh, Sean Lim, Samantha Lek, Megan Tay

Humbling as it may be for adults to admit, the sages who can unlock the Golden Age of mediation may actually be the youth.



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## 2. Mediatively?

The opening contribution<sup>[3]</sup> to the Seven Keys characterizes *mediative leadership* as:

*... giv[ing] everyone the ability to become a collaborative leader, sharing the responsibility to pursue a joint mission in the common interest. ... The field of mediation requires visibly concerted leadership that can inspire and orchestrate the co-development of the profession globally.*

The Seven Keys invites stakeholders to *imagine a **new, collaborative vision for the mediation field*** based on mediative leadership to create a whole greater than the sum of its parts. *Not best practice, but **next practice**.*

## 3. A new alliance

Having interacted closely with all Seven Keys' authors to explore the essence of their propositions and the trends they perceive, we were struck by a strong sense of synchronicity. The propositions, and the thinking and attitudes underpinning them, do more than inter-connect. In combination they reach a metaphysical plane, a new realisation, that potentially opens the way to a radical vision of mediation's future, and its role in dispute resolution and beyond. A vision that hopefully all stakeholders can believe in, support and deliver.

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Several authors noted that mediators are natural leaders. *Mediative leadership* is an instinctive, but often latent, phenomenon in this field; latent because, at this still relatively early stage in the field's development, mediation is understandably focused on its vast range of processes, techniques and skills - the very things that render it flexible and adaptable to situations, customs and cultures. However, mediation is also a mindset, a way of thinking, of acting and behaving. Some authors noted that mediation's very diversity makes it exceptionally complex, fragmented and competitive. All of which can inhibit the field from practicing *mediative leadership* in the ways needed to shape its collective future.

## 4. Next practice

To overcome this natural inhibition, the field needs to strive for purposeful and deliberate practice<sup>[4]</sup> aimed at the common good of the field in order to chart the future collaboratively. Part of this next practice could be a network of facilitators whose role would be to harvest opinions about the field's future, enable them to be openly expressed, discussed and understood, and encourage a consensus to emerge on the field's future for the benefit of all. The resulting consensus could form the basis of a substantial funding program to materialize the next steps for next practice.

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## 5. The facilitation network

The network could comprise highly respected, expert, trusted, neutral figures in the negotiation field from around the world. Mediation's leaders – whom we might define as *those having the capacity to inspire action* - would engage with their local/national facilitators in order to plan the future of the field together. The facilitators would start by helping the leaders to establish an agreed process and framework aimed at identifying a shared vision and mission for the longer-term future of mediation that would be widely acceptable to practitioners and service providers. It would form the basis of a credible and fundable plan and an inter-connected strategic alliance.

Owing to the diversity of mediation practice, facilitators may encourage discussions on different visions, missions, plans and funding methods for different practice areas and markets. Diversity needs not imply divergence; cross-pollination opportunities will lie at the heart of the facilitators' role. The network of facilitators around the world would inter-relate, sharing proposals and insights to configure synchronized plans for the field.

To function effectively, the facilitators would be individuals with the standing and skills to encourage contributions and help the field to negotiate a consensus on its future. They may potentially convene under the auspices of a neutral host organization. Some or all may be volunteers. They would have the individual and collective ability to process and distil a wide variety of opinions in a collaborative, *mediative* manner. They may be scholars, educators, trainers and users of mediation services. Each would be skilled in mediating, but, to maintain their neutrality, not currently be practicing as mediators or affiliated to a major mediation service provider. They would represent diverse countries, cultures and professional backgrounds.



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The end result would be a strategic plan, or a number of inter-connected plans, that would map out the many projects that need to be implemented, how, by whom, at what cost, in which time frame and with what payback. It would be fundable on a large scale.

## 6. Forward vision

In *Thinking, Fast & Slow*, Daniel Kahneman comments: *we can be blind to the obvious, and we are also blind to our blindness.*

Mediators' skills include helping parties become *unblinded*. Appreciating the power and success of neutral facilitation to help them envisage the field's future together ought to be perceived by mediators as natural, even "obvious". Mediators habitually steer parties to collaborate and forge options for mutual gain, so why not apply the same for the mediation field itself? The field knows that neutral facilitation mechanisms such as Dispute Resolution Boards really do work. Provided the facilitators are genuinely perceived as neutral and expert, they would be respected and trusted in this role.

Hopefully, mediation's leading stakeholders will see the opportunity and find the best way to apply the principles they practice to the common good by effectively "*mediating mediation*", expanding the field and benefitting all, including themselves. We believe they will, because they can.

The jigsaw will synchronize. Mediation will mobilize.

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## 7. Summary of the seven keys contributions

The Seven Keys seeks to identify significant shortfalls in mediation's development that, if recognized by the field, can be addressed and harnessed to create new, synchronistic opportunities. The 23 peer-reviewed propositions, each expressed in 1,111 words or less, offer a broad collection of important practical steps for the future covering opportunities, approaches and ways for the field to collaborate:

### Key # 1 Leadership

- Establish strong, collaborative, *mediative* leadership
- Making peer mediation a universal skill and mindset incubated in schools;
- Seeing mediators openly declare what they believe;

### Key # 2 Data

- Moving from anecdote-based practice to evidence-based practice;
- Repeating the Global Pound Conference series periodically;
- Developing a “Negotiation Index”, an app packed with instant user-friendly information and evidence to aid mediators and parties;

### Key # 3 Education

- Widely teaching mediation as a core subject to develop broad *mediation literacy*;
- Helping inexperienced mediators gain a practice foothold with mentoring and practice programmes;
- Training mediators more thoroughly in psychology and neuroscience;
- Training mediators to be culture-wise;

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## Key # 4 Profession

- Ensuring mediation is publicly respected as a true professional practice;
- Modernize legal practice culture;
- Ensuring mediation is more systemically encouraged and fused into arbitration;
- Subscribing to a Code of Disclosure;

## Key # 5 Technology

- Taking full advantage of ODR;
- Leveraging new technologies;

## Key # 6 Government

- Giving all disputants the right to access mediation through a formal opportunity to understand and try mediation before and during litigation;
- Implementing the Singapore Convention on Mediation;
- Leveraging the value of women mediators;
- Engendering visible Government engagement;

## Key # 7 Usage

- Proactively marketing mediation to users;
- Extending mediation techniques and mindsets to deal facilitation; and finally,
- If the main players collaborate to share leadership internationally and develop a single vision with a credible mission and a comprehensive budget, it should be fundable on a worldwide scale - it's been done before!

The Seven Keys invites stakeholders to *imagine a new order* that creates a whole greater than the sum of its parts. *Not best practice, but next practice.*

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## Footnotes

1. [Manon Schonewille](#) is a mediator, skills trainer and author. Her books include Toolkit Mediation (2018), Toolkit Generating Outcomes (2009) and The Variegated Landscape of Mediation: A comparative study of mediation regulation and practices in Europe and around the world (2014). Manon conducted interviews with the Seven Keys authors.
2. Michael Leathes is a former in-house counsel and user of mediation services. He is the author of Negotiation: Things corporate counsel need to know but were not asked (2017). Michael curated the Seven Keys work.
3. Establish strong, collaborative, mediative leadership by Ken Cloke, Joan Goldsmith, Rosemary Howell and Alan Limbury. [Link to article](#).
4. See: Peak: How all of us can achieve extraordinary things by Anders Ericsson & Robert Pool (2016).



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