

Kluwer Mediation Blog - June Digest

Kluwer Arbitration Blog

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"We believe that it is in the interests of our world as a whole and our own communities in particular that difficult issues are discussed with civility and dignity."

These are the opening words of the Edinburgh Declaration of International Mediators, which was launched at the International Academy of Mediators Conference in Edinburgh in May. Our monthly summary of posts on the Kluwer Mediation Blog includes three posts on this conference and the seminal declaration, together with posts from around the world including from Singapore, Canada, France, Germany and England. You'll find below a brief summary of each post on the Kluwer Mediation Blog last month.

In "The Edinburgh Declaration of International Mediators, May 2018", John Sturrock, who chaired and hosted the International Academy of Mediators conference in Edinburgh, shares the Edinburgh Declaration which sets out what international mediators believe in and commit to. Following addresses emphasising the value of principled and interest-based negotiation delivered by world-renowned negotiation expert William Ury and Scotland's First Minister, Nicola Sturgeon, the declaration was signed at the conference by nearly 100 mediators from around the

world. The declaration is available for all to use and share.

In “Beware Unreasonable Refusal to Mediate”, Rick Weiler considers the recent cost decision of Justice Graeme Mew in the Canadian case of *Canfield v Brockville Ontario Speedway*. The case provides an instructive review of the principles which the court will consider when weighing the cost consequences to an unsuccessful party of unreasonably refusing to participate in a mediation.

In “Principled Negotiation’s Greatest Hits”, following the International Association of Mediators Conference in Edinburgh, Charlie Woods shares his ‘desert island discs’ selection of some of the greatest hits from the principled negotiation approach as set out in William Ury’s *Getting to Yes*. These include: giving to gain, separating the people from the problem and getting into their shoes.

In “A Neuro Linguist’s Toolbox – Rapport: Representational Systems (Part 2)”, in the fourth part of a series of posts on the application of neuro-linguistic programming, Joel Lee explains four representational systems: visual, auditory, kinesthetic and digital. Joel also explains how to identify which representational systems are in use.

In “The Trump-Kim Summit: Is “attitude” more important than preparation?”, Nadja Alexander considers the role of “gut feeling” or intuition in negotiation. Drawing on Kahneman’s *Thinking, fast and slow*, Nadja explains two sets of assumptions (or heuristics) which may have been of relevance in the Trump-Kim Summit: the affect heuristic and the over-confidence heuristic.

In “The Soul of Mediation & leaving a legacy for the next generation”, Anna Howard shares some of the insights gained from workshops at the International Academy of Mediators conference on the topic of the soul of mediation and leaving a legacy for the next generation. Anna also shares her reflections on talks by William Ury and three times Nobel Peace Prize nominee – Dr Scilla Elworthy.

In “Commercial Mediation & the exhibition industry”, Angela Herberholz considers the findings from her research on the use of, and knowledge about, mediation in the exhibition industry. Angela’s research found that the majority of the surveyed exhibition industry professionals stated that commercial mediation is not a conflict resolution mechanism which is used to treat business-to-business disputes in their industry.

In “Haltung – on the meaning of a word and its relevance for mediation”, Greg Bond explores the meaning of the German word Haltung, a key term in mediation training in Germany. Haltung can be translated insufficiently as “attitude.” Greg’s comprehensive explanation of the term invites mediators to reflect on what they bring to mediation.

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