

# Ask a mediator anything

Shevaun and John

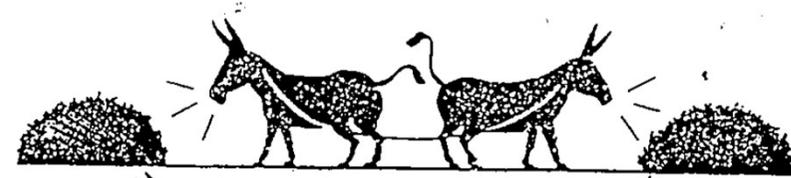
# A rights-conscious era

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# Dispute development and resolution

Interests	Perceived conflict	Communicated	Demands	Strategies
Party A needs, wants etc				Ignore, withdraw Unilateral action
Potential conflict	Grievances	Dispute	Positions	Harassment
Party B needs, wants etc				Authorities Litigation
				Negotiation



# Interests

needs, wants, likes, concerns, stakes,  
benefits, goals, objectives, dreams, hopes,  
desires, wishes, preferences, priorities,  
advantages, choices etc.

# Definition

**“To have an interest is, crudely speaking, for there to be something which one wants, or is likely in the future to want, or which is (or is likely to be) a means necessary or sufficient for the attainment of something which one wants (or is likely to want).”**

R.M. Hare “Freedom and Reason”

# **The proposed philosophical model**

**Essential features of a 'holder' in a matrix of present circumstances and past experiences 'having an interest':**

- (1) possible fact situation in the future which may be 'instrumental' (means) or 'end-goal'...**
- (2) which is preferred because of the holder's basic, general or aesthetic values...**
- (3) and can be expected to have an advantageous effect on the holder.**

# PHILOSOPHICAL MODEL FOR 'HAVING AN INTEREST'

(PAST)

(PRESENT)

(FUTURE)

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**VALUES**

»»»»»

»»»»»

(Belief)

»»»»»

>>>>>

**HOLDER**

>>>>>

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**EFFECT**

(Memory)

(Anticipation)

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**EFFECT**

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**FACTS**

**SITUATION**

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**EFFECT**

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**SITUATION**

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# The mediation process

Something like...
Mediator's introduction
Parties' opening statements
Summaries by mediator
Agenda setting by mediator
Exploration of issues and interests
Private sessions with each party
Option generation
Negotiation of agreement
Checking agreement

Questions ???