

SOCIO-ENVIRONMENTAL MEDIATION - MYTHS AND FEARS

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ABSTRACT: In our globalized world traditional top down decisions on complex problems often cause conflict, as no obvious, linear solution satisfies the great variety of stakeholders' interests and needs. Strong political disagreement on solutions, as well as civil protest and factually blocked decisions are the result. Hence for the last two decades we assisted to a growing need of collaborative decision making and the implementation of socio-environmental multiparty-mediation as a process for conflict resolution. The interesting question is: If mediation is so promising, why is it so rarely used in public decision making? This paper tries to give an answer, explaining the myths and fears that prevent, on the one hand, decision makers from choosing mediation as a transparent participative problem solving procedure, and, on the other hand, stakeholders from joining in. In this paper we will focus mostly on intangible obstacles to mediation. To assure an insight on what mediation is and how it works we dedicate Section 2 to a short procedural overview. In Section 3 we shall address the most common myths, explaining their origins and discussing their "content of truth". Section 4 will analyze existing fears coming up with the implementation of mediation and show to whom these fears "belong", why they exist and how to handle them. Factual and social objectives of socio-environmental mediation are listed and some conclusions are drawn in Section 5.

KEY WORDS: Mediation. Conflict. Consensus. Complex problems.

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Recebido em: 15/09/2009 Avaliado em: 30/09/2009

MEDIAÇÃO SOCIO-AMBIENTAL - MITOS E MEDOS

RESUMO: No nosso mundo globalizado as estruturas tradicionais de decisão originam cada vez mais conflitos, visto que não existem soluções óbvias e lineares que satisfaçam a grande variedade de interesses e necessidades dos participantes envolvidos. O resultado consiste em fortes desacordos políticos acerca das soluções escolhidas, bem como no protesto da sociedade civil - até ao bloqueio face à implementação das decisões. Consequentemente assistimos nas últimas duas décadas a uma necessidade crescente de promover a tomada de decisão colaborativa e a implementação da mediação sócio-ambiental como processo de resolução de conflitos complexos. No entanto, a questão interessante é a seguinte: Sendo a mediação de tal maneira prometedora, porque será que ela é tão pouco utilizada na tomada de decisões públicas? Este artigo tenta dar uma resposta, explicando os mitos e medos à volta da mediação. São os mitos e medos, que geralmente estão à origem das dúvidas dos decisores quanto à escolha (ou não) da mediação. Por outro lado criam incertezas e ressentimentos por parte dos stakeholders relativos à sua participação. Iremos focar, assim, nesta publicação primordialmente os obstáculos intangíveis à mediação. Para assegurar um conhecimento básico sobre o que é mediação e como funciona, dedicamos a Secção 2 a uma breve descrição do processo. Na Secção 3 apresentamos os mitos mais correntes e explicamos as suas origens e o seu "conteúdo de verdade". A Secção 4 analisa os medos que surgem aquando a implementação da mediação por parte dos mediadores e mediados, as origens destes medos e como vencê-los. Objectivos factuais e sociais da mediação sócio-ambiental encontram-se listados na Secção 5, junto com algumas conclusões.

PALAVRAS-CHAVE: Mediação. Conflito. Consenso. Problemas complexos.

1 INTRODUCTION

Day by day the world becomes more complex, insecure and vulnerable by conflicts. For many socio-environmental public decisions (e. g. localization and construction of facilities like airports, bridges and power plants/requalification of critical neighborhoods) there is no obvious, linear technical solution that will satisfy the great variety of interests and needs of affected stakeholders. Traditional top-down decisions nowadays bear a great danger of escalating conflicts between politicians, planners, entrepreneurs and citizens. Large parts of civil society claim their right to see their needs and interests assured and included in planning processes and public decision making. Active participation is required, as trust in elected decision makers and their administrative organizations decreased significantly over the last decades. Multiparty-mediation - as a collaborative decision making process - arises as a potential way out. In a mediation process external professionals, without any stake in the outcome, conduct the reflection and decision-making process. Directly and indirectly affected stakeholders have their say, as well as adversarial groups and the interested public.

This sounds like a perfect solution, but reality teaches that things are not so easy. Evidently nobody would like to have a nuclear power plant, an enormous highway or a new airport next to his house. An opening to mediation in complex projects may seem to politicians like a loss of power, planners and technicians see their technical knowledge under-appreciated, entrepreneurs may feel their business in danger and NGOs and citizens might use the mediation as an arena for civil protest. So the question seems to be: How to implement mediation in complex contexts without creating confusion?

Reflecting on complex situations, for mediators it seems to be obvious that lack of knowledge (What is mediation, and how does it work?), myths (Civil society does not know how to participate productively!) and fears (The involvement of all stakeholders will create confusion) prevent decision-makers to decide for implementing mediation or any other collaborative consensus construction process. That is why mediation is still a rarely chosen process in socio-environmental decision making. Nevertheless we defend that even if mediation might not result in overall consensus, dialogue and mutual understanding between stakeholders will originate innovative and sustainable solutions, everybody can - at least - live with. In a mediation process, conducted by external and independent mediators, disagreement can be converted to sustainable consensus. A better world may be the result.

In this paper we will focus mostly on intangible obstacles to mediation. To assure an insight on what mediation is and how it works we dedicate Section 2 to a short procedural overview. In Section 3 we shall address the most common myths explaining their origins and discuss their "content of truth". Section 4 will analyze existing fears coming up with the implementation of mediation, show to whom these fears "belong", why they exist and how to handle them.

2 THE MEDIATION PROCESS – AN OVERVIEW

2.1 Basic Conditions

For mediation to take place basic conditions are:

- Mediation has been chosen as the intervention procedure to solve a complex problem (Complex problems are characterized by disagreement on goals in a context where a wide-range diversity of possible technical solutions for each of these goals exists)
- Time, financial, and logistic resources must be guaranteed.
- The sponsor (government, municipality, enterprise, NGO, etc.) accepts to include all affected and interested stakeholders. As money for the mediators

and the process comes from the sponsor, there is a need for sponsor's explicit commitment to the main principles of mediation. Any intention of manipulation, back-stage influence or corruption towards mediators or process must be dissuaded in advance.

- All relevant stakeholders are ready and willing to participate throughout the process.
- A mediators' team with considerable professionalism, experience-proved competence and undoubted trustworthiness is contracted and proposes an process design, which adequately addresses the procedural needs of involved stakeholders towards constructive dialogue.

2.2 Process Stages

A complex multiparty-mediation is composed by phases of pure mediation alternating with periods of facilitated discussions between stakeholders (CASER, 2008). Huge amounts of technical and non-technical information have to be handled to support competent decision making. In order to involve all stakeholders, the process design usually includes interactive methodologies, like focus groups or workshops, alternating with traditional meeting formats. The crucial challenge consists in designing and conducting a process that opens an arena for open discussion to all participants. Mediation aims at joint reflection and collaborative decision making towards sustainable solutions of given situations. Complex mediations require case-to-case specific dynamics and procedures. As each case is unique, a detailed procedural description is not possible. Nevertheless process stages in general are (CASER, 2008):

Stage I: Start of the Mediation - Defining the Issues and Setting an Agenda

In the first meeting(s) working rules and crucial process settings will be discussed and consensualized with all participants. From the beginning mediators demonstrate impartiality and process guiding authority in order to create confidence and achieve participants' commitment. Each stakeholder provides information on the case and describes his perception of the situation. Mediators help participants to educate each other on their perspective and promote mutual acceptance of different visions. A common range of issues to be discussed is established and the agenda is set to the convenience of all involved stakeholders.

Stage II: Conflict Analysis - Working with Positions, Interests and Needs

Generally participants present the perceived conflict based on their positions.

But in the end it is the satisfaction of the parties' interests and needs that determine a sustainable solution. Normally all stakeholders have several interests with different degrees of commonality. Mediators' task is to help stakeholders discover common and compatible interests and, as for exclusive interests, to try and change discussion dynamics from adversarial discussion to joint reflection. With growing mutual understanding of common and compatible interests, the remaining exclusive interests will be perceived as common problems, and discussion concentrates on overall acceptable solutions.

Stage III: Clarification and Management of Emotions and Values

The expression of emotions by parties permits the mediator to gather additional information on each stakeholder's interests and needs, in order to help them building trust. Obviously - as the expression of emotions sometimes is quite intense - the handling of emotional dynamics requires from the mediators awareness and capacity to handle his or hers personal anxieties. The challenge consists in adequate verbalizing of stakeholders' emotions, legitimizing their expression by active listening, reframing and assertive feed-back, and not losing control of the process in any moment.

Seen from the stakeholders' perspective, the mutual expression of emotions provokes a decompression of tensions, permits a more rational treatment of certain questions and enhances the capacity of objective analysis.

With respect to values, it is to be considered, that each stakeholder has his personal core value system, from which he or she operates or reacts. Ethical, aesthetical or doctrinal values must be openly addressed and mutually accepted as existent and legitimate. Mediators have to stop persuading mechanisms of either party and help stakeholders to educate each other about their values without an expectation of agreement. Stakeholders should explicitly acknowledge their mutually exclusive value systems; search for super ordinate values, all (or many) parties can agree on, and translate values into interests.

Stage IV: Start of Consensus Dynamics - Generating Alternatives for Settlement

Consensus dynamics and search for solutions are initiated when interests are explored; emotions clarified and values known. Before starting the consensus dynamics, mediators promote once again stakeholders' explicit expression of mutual comprehension and commitment to the process. An appropriate decision making methodology has to be consensualized with all participants, a readjustment of the agenda might be necessary.

All stakeholders are then invited to propose alternatives for solutions. Mediators

should not appear satisfied with few or obvious alternatives but encourage creativity and innovation. As participants often tend to hurry towards agreement, mediators must slow down the process, giving time to an exhaustive reflection.

Stage V: Selecting Practicable Options and Formal Settlement

In order to select the most practicable solutions, and thus convert alternatives to practicable options, mediators help each party to review all formerly stated interests and needs, have the stakeholders eliminate unacceptable alternatives and assist parties to modify alternatives for better satisfaction. It is crucial that mediators do not get involved in content matters. They must empower parties to select their mutually acceptable solutions and refrain completely from giving suggestions, proposals or recommendations. The chosen options are tested for commitment and transformed into a written agreement or contract. Terms of implementation and monitoring might be elaborated and included as well as criteria for success or failure. Mediation ends with the formal signing of the agreement by all participants.

3 MYTHS AROUND MEDIATION

Myths arise and grow usually, when there is a lack of information. Vague ideas on grounding assumptions, basic conditions and procedural dynamics of mediation lead to wrong assumptions, which influence significantly peoples' attitudes. Especially in the moment of selecting a conflict resolution process that seems to be the most adequate regarding to the situation and resources, deciders' ideas on processes and possible outcomes determine the choice. Traditional top-down decision (when possible) or submitting the problem to court is still the most common option. In the following we shall try to demystificate the most current wrong ideas on mediation.

3.1 The Myth of "Peace-and-Harmony" (All Conflicts Can Be Resolved By Mediation!)

Thinking of mediation the idea of peace and harmony may arise: no wars, no quarrels, no escalations anymore, if only stakeholders would chose mediation to resolve their conflicts. The truth is: Mediation is just one process to resolve conflicts, not all conflicts are mediable. Sometimes the adequate choice is to go to court, to submit the case to arbitration or to perform a traditional top-down decision.

A sound pre-mediation analysis will show whether basic conditions for a successful

mediation are given. If the sponsor wanted to control the process-outcome or any key-stakeholder refuses to join the process, mediation will not be possible. If pre-defined timeframes for decision making would not allow a common reflection or if financial resources were too short, mediation will not be successful either. One of mediators' most challenging tasks is to convince sponsors to invest in a sound pre-analysis. However, experience proves: if basic conditions were guaranteed, mediation usually is the most adequate conflict resolution process. Mediation, as a flexible, inclusive intervention, stands for a high probability that stakeholders' interests and needs are met and partial or overall satisfactory solutions might be developed.

3.2 The Myth of “Universality” (Everybody Participates In All Decisions!)

This myth is created by a lack of knowledge of methods, structure and process design, somehow linked to pictures of thousands of protesting citizens, as we see them often in television. Of course, complex mediations are always characterized by a great diversity of stakeholder groups with unequal power and competencies, but mediation is a structured process capable to handle these differences. As we saw in Section 3.1, one of the crucial success factors is a sound stakeholder analysis. Clearly not all identified stakeholders can and will join personally the process, key actors (or their representatives), however have to be included, making mediation feasible and guaranteeing the sustainability of taken decisions.

Consequently the inventory has to be analysed according to questions like: Who are the stakeholders that are directly and indirectly affected by a decision? Who are the ones that could block a taken decision? What about adversarial groups or individuals? Who must / should / can / cannot be involved? Who is ready to join the process? How to involve the larger public (e. g. inhabitants / surrounding population)? How to involve those who cannot be involved officially but have a strong stake (e. g. drug dealers, future generations)? (CASER; VASCONCELOS, 2008) For cooperative decision making, all stakeholders to be involved must be ready for dialogue, give the process a try and accept the mediator as the process owner. For participative processes that operate with other levels of interaction (see Section 4.5), there might be a selection or an informal group of stakeholders asked for some constructive input for further traditional decision making.

3.3 The Myth of “Decisive Knowledge” (Technical Knowledge Determines the Solution!)

Even if multidisciplinary technical knowledge was crucial to elaborate a detailed and sustainable action plan, technical knowledge is just a part of the puzzle. Political decision makers, as well as planners, usually assume a helicopter-perspective while working on solutions. They usually are not deeply acquainted with the civil society's ideas. Solutions determined only by technical knowledge may lack acceptance and sustainability as well as create conflict. For sure the population will not participate on a technical basis; it will rather intervene even without holding any technical knowledge. Nevertheless, long-term livelihood experience, concrete day-by-day interests and needs lead to a considerable variety of practical knowledge with respect to the given situation and upcoming challenges. This type of expertise (local or long-term traditional knowledge) is not available neither accessible to the – mostly external – holders of technical knowledge (VASCONCELOS, 2007). Hence it turns essential to include local stakeholders (enterprises, population, NGOs, etc.) in decision making processes on a participatory basis. Good, widely accepted, sustainable solutions must address, consider and include all types of knowledge, technical and non-technical.

3.4 The Myth of “Egocentrism” (Each Stakeholder Will Defend Only His Own Interests!)

Defenders of this argument use to underestimate process dynamics. Evidently a multiplicity of interests, needs and values will emerge throughout the process and it is the legitimate right of stakeholders to want their interests to be satisfied. Nevertheless one of the core concepts of mediation is to separate the “process” from the “people” (the mediator as the process-owner is neutral towards participants, content and outcome; the stakeholders focus exclusively on content). Besides, the link between “people” and “problem” is disjoined in a mediation process: adverse and confronting discussion dynamics (“me” against “you”) are shifted towards a joint reflection (“we altogether” have a problem to solve). Along with the exploration of interests and needs behind the originally presented positions, stakeholders discover common and compatible interests, and educate each other mutually on everybody's perspective, values, and emotions. Adversarial and competing interests and needs are accepted and understood as common problems to be solved. In a well conducted mediation somewhere between Stage II and III, the defence of the own position gives place to a joint reflection towards a common solution.

3.5 The Myth of “Simplicity” (There Is A Recipe How To Conduct Mediation!)

Some traditional decision makers think mediation is easy going: Just join the stakeholders and have them talk to each other! In this case sponsors strategy would be something like: Why contract a mediator, we facilitate the participative process ourselves? The problem is, that they are stakeholders, too, and therefore not neutral towards the contents and topics to be discussed. Furthermore, open discussion is quite difficult when a powerful stakeholder coordinates the meeting. Externality of the process-owner is a crucial success factor for collaborative problem solving, as impartiality is the basis for creating trust and commitment of “weaker” stakeholders. And, of course only a professional mediator has sufficient methodological knowledge to handle complex procedural structures.

Sponsors that acknowledge the need for externality usually ask for recipes and models: Contact a mediator and he tells you exactly what will happen! During contracting, they expect detailed answers to questions like: How long will the mediation take? What financial resources will be necessary? What about precise timing and venue? How will it work? Obviously there is no straight answer to these questions, as each case is different and has to be handled adequately. Usually it is a great deal of work to convince sponsors that there are no models and overall recipes, that they will have to trust in the mediators’ competence and that they are bound to join the process without any guarantee for a consensual solution in the end. Experience teaches, however, that the seemingly paradox of an “open-end-perspective” proves to be a crucial success factor for consensual decision making. (VASCONCELOS; OLIVEIRA; CASER, 2009)

3.6 The Myth of “Political Weakness” (Implementing Mediation Means a Loss of Power!)

Unluckily in our western societies mediation seems at first sight to put at risk a perceived possible “victory”. Dialogue and negotiation are seen as “soft” ways to resolve conflicts, and who wants to be a “softie”? That is why still today mediation and participation is only introduced on legislative demand - or in a conflict, perceived as hopelessly escalated. Mediation turns an option out of despair, in situations where all traditional processes failed, or when decision makers expect strong resistance by civil society, or even in completely escalated situations, where anything is better than doing nothing and carry on. In other words: when power loss is occurring anyway.

Whoever participated in a mediation knows, that consensus construction does

not mean de-powering the “powerful”, but empowering the “weaker groups” in order to create an appropriate climate for equilibrated and respectful collaboration. “Powerful parties” will not lose authority as “weaker parties” get more self confident and courageous, having their say. Participated solutions happen to be far more consensual and sustainable; hence overall satisfaction with process and outcome grows naturally. On the long run decision makers that participate at eye-level with all other stakeholders gain respect, consideration, trustworthiness and in the end possibly even more political power than they used to have before.

Another aspect of the “Myth of Weakness” is rooted in the claim for availability of all relevant information as a basis for discussion and joint decision making. In politics “information” means “power”. Certain “powerful” stakeholders like politicians, administrators or enterprise managers - might feel their predominance threatened by revealing and providing critical information. To keep realistic we better accept, that decisive information and really relevant data might be hidden during the first meetings, and provided only in a later stage of the process. When participants feel comfortable and secure, they usually understand that the satisfaction of their interests and needs profits from providing the complete panorama of existing information - and take action.

4 FEARS

Feeling challenged creates insecurity, sometimes fear. Vasconcelos (2007) describes the key-challenges for consensus construction in complex conflicts as follows:

- Uncertainty towards information, facts, methods and future
- Reduced agreement on how to define the situation/problem
- Multidisciplinary technical knowledge
- Considerable variety of practical, non-technical knowledge
- Multiplicity of values, interests and needs
- Diversity of participants with unequal power and competencies
- Solutions that require coordinated actions
- Feeling, that in the end, there will be no satisfactory solution

In traditional top-down decision making politicians and planners rarely confesses publicly that their decisions might cause conflict. Decisions are “sold to the public” as the one and only best solution in the given context. Hence plans and projects are elaborated behind “closed doors” and presented to the public when they appear to be almost concluded or already finished. Obviously at that moment there is little space to change any decision. Protest and blockade might be the result. All

stakeholders turn frustrated: the politicians and technicians because they “did their best” and the civil society because the solution does not serve their needs. What to do? Will public participation in planning and decision-making create more satisfaction? From experience we know: The answer is “yes”! At the beginning of the mediation, resentments and fears are diverse, intense often not consciously recognized and usually not openly addressed. However, satisfaction grows along the process especially when it comes to Stage IV. Nevertheless it is useful to consider potential fears and to have a close look on emotional dynamics throughout all the process; as such subcutaneous critical attitudes intensely influence the process dynamics.

4.1 The “Resource” Fear

This fear “belongs” to the sponsor as well as to the mediators and arises from starting questions on procedural characteristics (How long will Mediation take? What financial resources will be necessary?). A close look to time constraints is always recommendable. Will there be time enough to permit a mediation? This question is difficult to answer, as the timeline at the moment of contracting somehow is a “black box”. Anyway there has to be a foreseeable positive equilibrium between an energetic rhythm of process elements (like meetings or workshops) and inadequate hurry. Sometimes process design has to adapt to given timelines, but in case of serious doubt, whether time constraints would allow sound process conduction, mediation should be declined. As to financial and logistical support which must be assured from the beginning, a careful and complete cost analysis allows mediators to present a realistic estimate. The more experienced the mediators are, the better they can evaluate the necessary resources under given conditions. This will bring about security and help overcome the “resource fear” on both sides.

4.2 The “Process” Fear

Will I (my team) be able to provide an outstanding, well organized, logistically perfect process? This fear “belongs” to mediators and not to stakeholders, even if stakeholders may feel it in the beginning (“How will this work?” “What will happen to me once I joined the process?”).

Pre-assessment, as well as the mediation itself, must be designed and conducted by a (team of) experienced mediators, which necessarily have to be independent, impartial and able to act neutrally. As a lot of political pressure can be exerted on

mediators' intervention, they must be ethically firm, self-confident, empathic and assertive, flexible and creative and - last but not least - perceived by all participants as competent, integer and trustworthy. Furthermore there is special attention required to the adequate composition of the team (number of mediators/assistants, gender, ethnicity, age) and the sound development of a preliminary intervention-scheme. As already outlined, there is no overall model for process design as cases are very different. Generally two to three experienced mediators supported by four or five assistants should be able to cope with all procedural aspects (work in parallel rooms, facilitation of a great number of sub-groups, transcription of results to reports, etc.) and guarantee perfect logistics. A continuous leading mediator/facilitator as a front face is recommendable, as parties get used to his/hers behaviors' and attitudes and feel secure being guided by the same person through all the process.

As for stakeholders, each participant is a human being with personal interests and characteristics, even if he or she joins the process as a stakeholder groups' representative. To get an idea of possible process dynamics caused by stakeholders' behavior, mediators have to analyze each representant's voluntariness and mandate for participation, and his or her competence for decision-making, as well as the (in)equality of authority and power between stakeholders. The challenge consists in empowering the "weak" without frustrating the "powerful". Other crucial elements that influence the dynamics between stakeholders usually are the size of the represented groups (and consequently the necessary feedback structures between representatives and their constituents), representatives' gender, age, culture and religion, and - when public interest is involved - their political attitudes regarding media covering, ant - not to forget their openness to process manipulation and corruption. (CASER; VASCONCELOS, 2008)

The more secure mediators and stakeholders feel, the smoother the process run, even if - as we saw - uncertainty towards the future is an underlying feeling. It is the mediators' task to firmly conduct a well designed, creative and flexible process, which helps stakeholders profit from their divers experience and knowledge and enables them to concentrate fully on content and solutions.

4.3 The "Content" Fear

In a context of considerable variety of practical, non-technical and technical knowledge with a subliminal feeling, that in the end, there will be no satisfactory solution, the "content fear" "belongs" only to stakeholders as they are entirely responsible for the results. Mediators help stakeholders to collect and analyze the

background information (existing data, plans and projects) as to the perceived trustworthiness and to their potentially diverging interpretation by different stakeholders. Participants are in charge of compiling perceived and real lack of data and give an order for the elaboration of those by experts, all participants can trust. A joint diagnosis of the situation appears as a first result and basis for further analysis and solution finding.

Nevertheless an anxiety regarding content and results might be noticeable throughout all the process as there is no guarantee for tangible results. However, stakeholders talk, discuss and reflect together, and hereby learn how to construct consensus. For certain items they might understand why agreement is not possible and work out partial solutions. If there is a general understanding that there is no chance for minimum consensus regarding certain points, the choice of another resolution procedure for these specific items (e. g. arbitration or court) appears as a natural consequence, generally without creating frustration. Consensus as well as dissensus are a legitimate outcome in mediation and have to be accepted as such by stakeholders and mediators.

There is a danger that a mediator, driven by "content-fear", might force participants towards an agreement. If he or she does so, they violate (consciously or unconsciously) the deontological and ethical principles of their intervention.. Mediators must not be interested in the outcome and therefore accept dissensus without discontent. There is a clear human dilemma: Conducting various mediations without "reaching" an agreement might interfere with mediators' self confidence and personal interest. Undoubtedly, it is an ethical challenge to keep distance from content and not get involved in solution construction. A constant auto-analysis is required, regarding the professional intervention (process design, attitude towards stakeholders and process conduction). Intervention and supervision are essential to handle efficiently the mediators' "content-fear" as they permit to cross-check interventions and discuss doubts, insecurities and emotions with experienced colleagues.

4.4 The "Influence" Fear

Diversity of participants (stakeholder's representatives and their constituents) with unequal power and competencies may manipulate mediators' intervention. Mediators sometimes consolidate hierarchies inadvertently by addressing "important" participants under social, professional or academic titles or by the use of technical language which citizens do not understand. Besides, there might be an inclination to allow powerful parties to speak more exhaustively. On the

other hand equilibrium can also be endangered, by exaggerated empowering of weaker parties (more speaking time / more attention). Empowering mechanisms must be handled delicately in order to avoid subcutaneous irritation, which might create aggressive dynamics as mediation goes on.

A considerable amount of "influence fear" slips in, coming from the powerful parties, even if this is not noticeable in the beginning. Once powerful parties have decided to join the process, they generally come to the mediation table quite self-confident, assuming that their pre-developed solutions will finally be accepted by all stakeholders as the best possible consensus. "If only we would get opportunity to explain our projects", that is what they think, "everybody will agree that we are right". As they have to recognize (during Stage I to Stage III), that their solution might not be chosen in the end, they often develop anxiety. This may lead to a sort of "revolution" process and the mediator's intervention is questioned in the middle of the process. In order to cope adequately with this critical situation, mediators have to stay calm (even if they are quite afraid), and transmit a firm, confident attitude. Once the participants' fear was successfully dissuaded the mediator should promote a renewed explicit statement of commitment from the stakeholders to the ongoing process.

4.5 The "Conspiracy" Fear

Hierarchically "weaker" stakeholders are usually very aware of the hierarchical power disequilibrium they will meet. Their experience tells them, that there might be a danger of being instrumentalized to legitimate decisions that are already taken (that is what in most cases already happened to them). As mediation is normally sponsored by one of the most powerful parties with a strong stake in the outcome (government, enterprises, etc.) distrust is natural. "Weaker" stakeholders join the process generally with significant resentments from the beginning. In a well conducted process, however, they learn that they are respected and will have their say. Thus these participants gain more confidence. As a result anxieties and fears decrease.

Of course it is crucial for process designers not to create false expectations as to the expected (and possible) contribution of all stakeholders. A multiparty-mediation necessarily operates in certain phases with different interaction levels, as they correspond to different project stages. These levels of interaction are (TRIGO, 2003):

- Information: Stakeholders are informed about what happened and about what will happen

- Clarification: Decision maker is ready to answer stakeholders' questions
- Consultation: Stakeholders' interests, needs and values serve as input for decision making
- Contribution: Stakeholders' ideas and project proposals serve as (non-binding) contributions
- Collaboration: Joint design of (not binding) solutions (stakeholders + decision makers)
- Cooperation: Full participatory decision making. Results must be implemented.

In order to establish confidence and trust, all stakeholders must be informed about the level of interaction they are working in, throughout all stages of the process. They have a right to know to what extent they really contribute to decision making and what about the political and legal binding forces of their working results.

4.6 The "Escalation" Fear

The feeling, that once a process is open to all interested stakeholders, confusion will be inevitable is rooted in a perceived danger of escalation. As we saw complex problems are characterized by reduced agreement on how to define the situation/problem. Besides, a considerable variety of practical, non-technical knowledge must be considered and a multiplicity of values, interests and needs has to be addressed. A more or less aggressive experience with civil protest in the past and a feeling, that in the end, there will be no satisfactory solution is not helpful either. In this context escalation seems to be quite probable. (CHRISTENSEN, 1985)

Of course there will not be any guarantee for success, but a well structured multiparty-mediation combines formal and informal models of decision making, in an adequate way, and separates efficiently the process from the content. Continuously used, clear rules of interaction meet the necessity of open ground and transparency. A well designed process with sufficient flexibility and precise logistical arrangements is crucial for success. An excellent organization as a whole assures a relaxed intervention of mediators and creates a feeling of security for the participants.

Mediation intensifies gradually the personal relationships between stakeholders, which interact according to commonly defined rules. As mediation promotes the exchange of information and ideas, it results in growing relations of mutual trust and a better understanding of the conflict itself. Hence everybody profits from structured interaction and constructive debate which reduces considerably any danger of escalation.

5 CONCLUSIONS

Mediators, while designing a process, must define the adequate level of participation in each methodological unit and stage. Generally, the first stage is characterized by "Information", and "Clarification" as the aim is to provide all participants with technical and daily life knowledge on the situation. As the process develops, interaction gets more and more intense developing from "Consultation" to "Collaboration" and "Cooperation".

Throughout all the process, there is a need for clarification of mediation aims/objectives, guided by questions like: What is expected by different stakeholders? What is needed? What is possible? What is consensual and realistic? What is consensually realistic? Factual objectives might be:

- Provide an outstanding well organized logistically perfect process
- Start at point zero (all former projects "disappear")
- Elaborate a diagnosis "the situation at the time being"
- Intensify the circulation of information and ideas
- Provide protocols and reports of each session or workshop
- Involve the key stakeholders and stakeholder groups (public and not public)
- Involve the larger public
- Develop an entirely consensual Action Plan
- Develop an implementable Management Model
- Do a sound time-line and then do not exceed time limit
- Do not exceed financial resources
- Do not create political "problems and confusion"
- Get a good, sustainable, consensual result!

Besides the factual objectives there are important social objectives to be pursued:

- Build local capacity
- Create co-responsibility of all participants
- Create and implement a common language
- Enhance collaboration among partners
- Encourage joint solutions/consensus - never ever vote
- Involve participants with different levels of education
- Create confidence of all involved actors to the process
- Create commitment of all involved actors to the process
- Conduct a collaborative/cooperative process beyond consultation

Mediation, for sure, cannot be considered as the one and only process for best decision making and conflict resolution in all complex situations. A pre-analysis must examine the crucial conditions to allow a mediation process to take place. If conditions prove to be fulfilled, mediation is promising and the process can be designed, prepared and conducted with success.

Myths and fears, however, interfere in the moment of choice (or denial) of mediation and subcutaneously throughout all the process, influencing attitudes and behavior of mediators and stakeholders. If mediators manage to cope with myths and fears adequately, and if the process is professionally well conducted, mediation is enormously powerful to solve socio-environmental conflicts in a sustainable way. The undoubtedly valorous tangible results like formal settlements, action plans or management models, together with the great variety of intangible social results help to establish actively interacting, peaceful and participative societies.

With this paper we hope to have contributed to an easier understanding of mediation and to have encouraged potential sponsors and stakeholders to choose mediation for public decision making or solving complex conflicts.

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