

COMPETENCIES FOR PUBLIC DISPUTE RESOLVERS

The following have been suggested by the Society for Professionals in Dispute Resolution as competencies for mediators of complex public disputes. The competencies address not just activity at the mediation table, but activities in preparation for mediation and activities related to implementation of agreements.

Communication

- Initiate and maintain productive discussions among conflicting parties
- Handle intense emotions in individual conversations and in multi-party meetings
- Convey complex or technical information to lay people and across technical disciplines
- Explain process alternatives to stakeholders and to political and community leaders and obtain their support for a process

Situation Analysis and Assessment

- Research, investigate and assimilate extensive, complex or technical information quickly
- Identify what interests need to be represented and by whom
- Recognize how the relationships among stakeholders and the specific issues being addressed will affect the dynamics of negotiation
- Weigh incentives/disincentives for settlement and reach honest conclusion that negotiations have a good chance of succeeding (or at least will do no harm)
- Assist parties in assessing resources available, including personnel, financial, time and information

Process Design

- Define goals for a negotiation with the parties

- Select appropriate format(s) for negotiation sessions (roundtables, team negotiations, workshop sessions, task groups, etc.)
- Identify, define and get agreement on appropriate roles (negotiator, observer, technical expert, convenor, sponsor, chairperson, mediator, facilitator, recorder)
- Recognize when a team of mediators is appropriate and clarify the role of each team member

Negotiation

- Help participants to separate short from long-term organizational interests
- Where appropriate, work with a single text document
- Sequence issues and package alternatives
- Respond effectively to crisis situations
- Assist representatives in managing communications with their constituent groups or organizational hierarchy in a way that maintains the flow of information and facilitates organizational commitment to the decision

Facilitation

- Determine conditions that make face-to-face group discussions more efficient than one-to-one communication
- Identify people who need to be present in order to make meeting(s) successful
- Allocate adequate and realistic time frames for moving through the agenda
- Assist participants in establishing behavioral and procedural guidelines, including expectations about confidentiality, press contacts, representation, and other safeguards
- Establish and maintain a productive tone during a meeting
- Ensure full participation of all participants, particularly those less vocal
- Manage conflict within the group by maintaining a healthy balance of tension and motivation

- Apply appropriate processes for groups to invent alternatives for joint gains and to make decisions
- Obtain commitment to implement a decision

Data Management

- Determine the importance of data and technical information to the resolution of issues
- Organize complex and extensive information in formats and language useful to all parties
- Help parties reach agreements on data where differences occur

Process Administration

- Coordinate activities and communication among players (negotiators, observers, resource people, constituents, public, media) including minutes, reports, correspondence, caucuses and press contacts
- Determine, arrange for and manage financial resources, including administrative costs, mediator fees, technical expert fees, and participant compensation, if needed