

Editorial

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‘The ability to drive consensus among diverse executives with unique perspectives and opinions is a serious leadership skill that will facilitate your climb up the corporate ladder, assuming that is where you want to go.’ This is a quote from Steve Tobak, a former high-tech executive. ‘I have worked with management teams that bickered about everything and could not agree on anything. I have worked with CEOs who acted out their childhood dramas on everybody, passive aggressive managers who said one thing and did exactly the opposite, and back stabbers who had it in for me since day one. And I was no angel either, that is for sure.’ After decades of what he calls ‘pain and agony’ he learned a few effective ways of resolving conflict, which made him aware that the skills for preventing and solving conflicts in effect provide a serious leadership skill. Steve Tobak is now a successful management consultant and the author of the book *Real leaders don't follow*.

Andy Grove, one of the founders of Intel, believed that ‘the only thing worse than confrontation is no confrontation at all’. He designed a format to enable employees to address issues they felt needed to be addressed in a manner that would avoid the souring of relationships. The issues of risk management and compliance are directly related to interaction between people and therefore to communications skills. The possibility of addressing issues without jeopardising the working relationship is also key to strengthening the risk resilience of any organisation.

In an article in *Harvard Business Review* of April 2014 (‘The Collaboration Imperative’) the authors write that, ‘Business collaboration is the great oxymoron of corporate sustainability. Countless efforts by companies to work together to tackle the most complex challenges facing our world today – including climate change, resource depletion, an ecosystem loss – have failed because of competitive self-interest, a lack of a fully shared purpose and a shortage of trust.’ In Kluwer

Mediation Blog 2014/09/26, Ian MacDuff of the Singapore Management University notes that, although those companies and their executives have embraced the imperative of sustainability, it appears that the step to a collaborative approach still seems to be too hard to take. Yet, both individually and collectively, these companies might benefit if they were able to connect in a different manner.

When negotiations about a commercial contract threaten to get stuck, the difference between success and failure of a project may depend on the communication skills of those around the table and their understanding of the psychological dynamics of what is going on. Facilitated negotiation, i.e. with the help of a neutral third party, has helped many parties to overcome cultural or other misunderstandings that stood in the way of reaching an agreement or finding solutions to solving problems.

The failure to understand anxieties and cultural differences between blood types of employees when companies merge or come together in other ways is believed to be one of the main reasons for the high failure rate of mergers and joint ventures. High staff turnover figures for employees leaving a company after a relatively short period or a high sickness absence rate may be a direct result of failures in the culture within an organisation, and thus a lack of communication skills at the top of that organisation. Most importantly, knowledge of mediation and communication skills may make corporate life happier and more productive for everyone involved.

The *Corporate Mediation Journal* will feature in-depth stories on the use of mediation and negotiation skills and the way these can be integrated in organisational structures (i.e. dispute resolution management). Leading experts in their field will address these and other issues. The aim is to bring together their opinions and insights in order to make corporate mediation an applied science. This, for the benefit of those involved in relationships

within organisations and in contacts between organisations.

This issue of the *Corporate Mediation Journal* features an introduction to the added value that mediation skills may have for organisations in general and legal departments in particular. In addition, in this issue recent publications in the field of mediation are flagged and the recent ICC publication '*Agreed*' is reviewed.

We hope that the *Corporate Mediation Journal* will become a platform for the exchange of insights and experiences from and for readers in the field of corporate mediation that has so far not been available.