

Article

Magnifying the Power of the Mediators' Green Pledge

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1 Introduction

14 As the world struggles to respond effectively to a series of never-ending global crises, it is understandable that some people may be feeling a sense of powerlessness in the face of what seem like irresolvable challenges. But hope springs eternal, and we must never underestimate the power of small actions to influence seismic shifts. Every day we hear stories about how one individual can make a world of difference, whether it be the discovery of a new vaccine to counteract the ravages of a global pandemic or a breakthrough moment in negotiations that enables the mobilisation of humanitarian support for refugees fleeing war-torn areas. People power is surely much needed now.

One story that began as a solo initiative and that has been steadily gaining traction across the world is the Mediators' Green Pledge. The World Mediators' Alliance on Climate Change (WoMACC), the people behind the pledge, are striving to encourage mediators around the world to proactively mitigate the effects of climate change and to work in a more environmentally friendly manner. Signatories to the pledge are also welcome to share their personal stories online, thereby heightening awareness of the power of mediation.

Taking the pledge presents a timely opportunity for mediators, and the corporations that use their services, to come together and maximise their effectiveness. Mobilising collective effort among the global mediation com-

munity can not only help to keep mediation uppermost in people's minds as an option in the resolution of conflict but may also serve to make up, in some small way, the shortfall that arises through prolonged use of oil, gas and coal, in the face of global uncertainty.

2 The World Mediators' Alliance on Climate Change

WoMACC actively promotes ways in which mediators can make their mediation practices more environmentally friendly by signing up to the Mediators' Green Pledge. Signatories to the pledge represent a global community of conflict resolution experts who have committed themselves to taking practical steps, and share tips on best practices, with a view to significantly reducing their carbon footprints.

In addition, WoMACC is encouraging corporations and professional associations of mediators to lend their support for this global initiative by, for example, actively promoting support for the pledge and committing to favour, wherever possible, the use of the services of mediators who are signatories to it. More information on the Mediators' Green Pledge and guidance on how to sign up to it are available on www.womacc.org.

3 How the Green Pledge Came About

Before the world was overwhelmed by the coronavirus pandemic, John Sturrock QC, founder and senior media-

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tor at Core Solutions, and recently named as a Global Elite Thought Leader in Mediation, wrote a blog for the Kluwer website suggesting an initiative by mediators to promote environmentally friendly dispute management and resolution. John recognised the value of mediation as a sustainable, efficient, cost-effective way to resolve disputes and other differences and went on to challenge the global mediation community to turn its attention to how they might mediate climate change issues, especially by making positive changes in their own behaviour and practices. What seemed like a good idea at the time was, however, soon overshadowed by the global pandemic emergency. John takes up the story:

Then, of course, mediators were among those trying to adapt by using online platforms like Zoom. That things can change so fast seemed quite remarkable. What I had originally written felt like something from another era. However, in a reworked article for Mediate.com, I observed that, of course, we would still need to face the climate change problem in the future and that ideas like these would remain relevant even after the lockdown phase had passed. We had no choice.

With colleagues, we began to develop an idea about a “Green Pledge” based on a similar initiative by an arbitrator, Lucy Greenwood, which had been drawn to my attention by my good friend, Anna Howard, and which has, with Lucy’s permission, now been adapted for mediators. At the time, it seemed fortuitous that we were already adapting our working practices in many of the ways now suggested in the Green Pledge to accommodate the next several months of working in relative isolation. The time had come to address our contribution to the climate emergency facing us all. The move which many of us have made to online mediation in response to the pandemic had shown us that environmentally friendly ways of mediating can be both easily accessible and highly effective.

And thus did the Mediators’ Green Pledge come into being.

4 What It Means to Take a Pledge

The Oxford Dictionary offers several definitions of the word ‘pledge’, some dating back to the 15th century. Taking a pledge is a declaration of individual commitment, given or taken as a sign of favour, or as an earnest of something to come. It is also a serious engagement, a promise or vow, to make oneself responsible for executing a promise solemnly taken. Entering into a pledge, whether silent, oral or written, requires, first and foremost, an agreement with oneself to do (or to refrain from doing) some specific actions in the future. It is, therefore, an enabler of possibility and a way of sourcing

hitherto untapped potential for those who align themselves with a desired outcome.

5 Aligning the Pledge with COP 26 Objectives

On 5 November, 2021, to coincide with COP26, mediators from around the world gathered in two online events to discuss their commitment to reducing their collective and individual carbon footprints and to help build sustainable dispute resolution systems in every jurisdiction. Contributions and examples were shared at this event by mediators from around the world, many of whom have already made significant changes to their mediation practices in light of their concerns about the climate crisis.

The events were concluded with keynote talks by William Ury, of Harvard and Getting to Yes fame, and Lim Tat, the well-known international mediator based in Singapore. Kai-Uwe Karl, Global Chief Litigation Counsel at GE Renewable Energy, also spoke about a proposed corporate pledge encouraging corporate entities to commit themselves to the aims of the pledge. He highlighted the opportunity for mediators, as change-makers, to lead the way in adopting bold new ways of working. Given GE’s own commitment to becoming carbon neutral, he made it clear that he would choose advisers and mediators who are adopting working practices designed to minimise their carbon footprint over those who are not. <https://youtu.be/NAVjG-q7zsw>.

6 Shifting from Rhetoric to Action as a Movement for Change

WoMACC continues to actively promote the pledge and to seek ways to reduce unnecessary travel and use of physical resources for mediation, while encouraging greater use of online platforms for mediation, as a cost-effective, environmentally friendly and speedy way to help those with disputes find constructive outcomes. The Mediators’ Green Pledge has now been translated into more than 15 languages and the steering committee behind it continues to proactively seek out new ways of promoting awareness and spreading the word. John Sturrock continues to be a leading promoter of the pledge, saying:

As we heard so clearly during COP 26, there is an urgent need to shift from rhetoric to action. Sometimes we feel there is little we can do in the face of global uncertainty. But we can all do that little extra and mediators have much to offer in the development of low carbon solutions in the years ahead. We want to

see the Mediators' Green Pledge become a real movement for change.

7 Signing Up to the Mediators' Green Pledge

The Mediators' Green Pledge outlines concrete steps that mediators can take in their day-to-day practice to reduce their impact on climate change. The intention is to bring about a real impact on the collective behaviour of professional conflict resolution experts and to fundamentally influence their work in an environmentally friendly way. The pledge is illustrative in that it offers a framework within which mediators can incorporate other measures, tailored to suit clients' needs and to meet their individual practice requirements, augmenting or adapting the wording as necessary.

The scope of the pledge is also broad enough to enable mediators to try out new initiatives for themselves and to share tips on best practices with their broader community. The hope is that even small *changes in behaviour, consistently made, can lead the way in bringing about positive change.*

8 Wording of the Pledge

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The wording of the Mediators' Green Pledge is as follows:

As a mediator committed to ensuring that I minimise the impact on the environment of every mediation I am involved in, I will ensure that, wherever possible:

- If screen sharing/video technology is appropriate, accessible and acceptable to all concerned, I will encourage its use in all aspects of my mediation practice;
- At all times during the mediation process, I will consider the most environmentally friendly way to travel if travel is necessary;
- I will offset the carbon emissions of any flights I make to and from mediations while recognising that this is not in any way a substitute for avoiding flying and will only fly when it is necessary to do so;
- At all times during the mediation process I will only correspond through electronic means, unless hard copy correspondence is expressly required in the circumstances, while recognising that electronic communication itself is carbon emitting and should be limited to what is necessary;
- I will not request hard copies of documents to be provided to me unless there is a special need to do so and I will discourage the use of hard copy documents generally;
- I will encourage parties and their advisers to consider the necessity of participants attending mediation in person if that attendance involves significant travel and is not necessary;

- Wherever possible, I will encourage parties and their advisers to consider the most environmentally friendly venue for their mediation. At mediation venues, in rooms in which I am mediating I will encourage, wherever possible, an environmentally friendly approach to the use of consumables (for example the avoidance of single-use plastic) and the use of energy (for example reviewing the level of air conditioning and heating);
- I will consider the appropriateness of travelling to, and my mode of travel to and from, conferences and other events and wherever possible will encourage and use live streaming/remote participation options;
- I will take steps to reduce the environmental impact of my office/workplace; and
- I will seek to raise awareness of this pledge, for example by referring to it on my website and/or email footer.

9 Signatories to the Pledge

Since it was launched just over a year ago, more than 600 mediators from over 50 countries around the world have signed the pledge, committing themselves to ensuring that they minimise the impact on the environment of every mediation they are involved in and aiming to reduce the carbon emissions associated with their work. This is part of a broader initiative to help build a more sustainable approach to solving problems and resolving disputes, pooling collective effort and expertise on a global basis.

Under the auspices of WoMACC, mediators who have signed the pledge will seek to use online technology whenever appropriate, eliminate unnecessary travel and use the most environmentally friendly means of travelling when they do. They will offset carbon emissions, and endeavour to limit unnecessary use of physical resources such as hard copy documents, all in line with offering mediation as a cost-effective, environmentally friendly and speedy way to help those with disputes find constructive outcomes.

10 Corporate Support for the Mediators' Green Pledge

Leading corporations have already come on board and now display their corporate logos on the WoMACC website, indicating their visible support for the pledge, alongside the following wording:

As a business, we are committed to minimising our impact on the environment. Therefore, we commend this initiative and wish to add our support to the Mediators' Green Pledge. We undertake, whenever possible, to use mediators who share a similar commit-

ment to minimising their impact on the environment and who are signatories to this Pledge.

This is a very encouraging development and a step towards attaining the objectives of the pledge. Any corporation that is interested in learning more about the pledge or that would like to discuss any specific aspects of adherence to it or how to promote it by associating their brand can get in touch with the organisers at admin@womacc.org. Eliciting corporate buy-in for the Mediators' Green Pledge is work in progress and, hopefully, this article may serve to ignite the interest of prospective signatories and spark the commitment of future supporters.

11 Support from Mediators' Representative Bodies

An example of how one mediators' representative body is actively encouraging its members to get behind the pledge is the Mediators' Institute of Ireland (MII), the all-Ireland body representing over 700 professional mediators (of which I am proudly one). Its new president, Ber Barry Murray, brought the pledge to the attention of the MII's governing council on their strategy day on 29 January 2022. She gave the council an overview of what it entailed, and it was enthusiastically received as input to a possible future strategy, aimed at encouraging MII mediators to minimise their carbon footprint. The idea of making common cause with other mediators around the world resonated with the MII Council. They readily took up the challenge of pooling their professional efforts in a show of solidarity with the environmental cause, thus raising awareness and leading by example. The MII is also considering offering an Irish language version of the pledge, and this too is work in progress.

The MII recognised the potential of the pledge to make a positive impact on the behaviour of mediators, in a way that fundamentally empowers an environmentally friendly approach to addressing and resolving conflicts. By encouraging its membership to sign up to the Mediators' Green Pledge as individuals, and as a collective of professional practitioners, they recognised that this enables the expression of an aspiration that is broad enough to allow those involved in mediation, in whatever discipline and at whatever level, to make positive changes to their own behaviour. An important element of the pledge is that it can be adapted to suit individual needs, and such flexibility is welcome.

Furthermore, the MII president accepted an invitation to be interviewed at an event, exclusively for pledge signatories, to celebrate Earth Day in April 2022 (for more information see <https://womacc.org/news/>). The keynote speaker at this event was Noam Ebner, professor of Negotiation and Conflict Resolution, Creighton University, who shared insights on the environmental cost of dispute resolution and the potential for mediation and

the pledge to reduce those costs. Ber Barry Murray's contribution showcased how a professional representative body of mediators, like the MII, can really get behind the pledge and, through their commitment to it, actively reinforce the message among their members on how small actions, consistently taken, can genuinely contribute to making a big difference. They intend to further explore this theme at their Annual Conference on 14th October 2022. Hopefully, the MII's example may also encourage other professional representative bodies of mediators to take similar steps.

12 WoMACC Reaches Out to the World

WoMACC is currently considering a non-exhaustive list of dozens of suggestions to promote and enhance global awareness of the pledge, with a view to sparking the creative process and inspiring future actions. Here are just some of the ideas they are actively promoting (signatories to the pledge can receive regular updates on new ideas and share tips on what worked best for them):

- Add the WoMACC logo to your email footer/website and a link to the WoMACC website.
- Start a conversation about WoMACC at your next board, workplace, practice meeting.
- Find a WoMACC buddy to keep your interest alive.
- Create a WoMACC screen saver for your computer.
- Reduce your printing by 1/3 this week.
- Turn off your video screen to reduce your carbon footprint whenever possible.
- Stocktake your carbon footprint and share results with your team, workplace, board.
- Mention online mediation in your Agreement to Mediate/contracting of services.
- Volunteer to speak on the Green Pledge at your next annual conference.
- Make gifting a tree your own way of acknowledging your thanks.
- Bring the Green Pledge into at least one of your conversations this week.
- Brainstorm with colleagues ways that you can keep the Green Pledge alive in your workplace.
- Speak with local professional network/Institute about benefits of Green Pledge/ WoMACC.
- Eliminate single-use plastic bottles and plastic-wrapped refreshments from your workplace.
- Rebrand yourself as a Green Pledge mediator.
- Write an article for a mediation journal or for the newsletter of a professional representative body or for a corporation that engages the services of mediators to proactively promote awareness of the value of becoming a signatory to the Mediators' Green Pledge.

13 Personalising the Pledge

As a member of the Editorial Board of the *Corporate Mediation Journal*, I am pleased to personalise my commitment to the Mediators' Green Pledge. This article is intended to raise awareness, initially among readers of the *CMJ*, but also hopefully among a wider audience (if the publishers kindly agree to make it available on open source). In this way, mediation, as a management tool, can reach out to make a whole world of difference. This Journal offers experienced professionals a medium to share best practices, using mediation skills as a means to add value to their workplace and their organisation.

Mediation has the potential to transform tradition, shape ideologies, paradigms and practices, as well as to open up new pathways to possibility. This possibility includes mediators proactively mitigating the effects of climate change.

I hope this article will also serve to encourage individual mediators around the world to sign the Mediators' Green Pledge, as well as inviting the organisations that use our services, and mediator representative bodies everywhere, to support it, with a view to offering more environmentally friendly mediation services.

Are you ready to sign up to the Pledge?

