

The Core Belief of Mediators

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“The human spirit is basically good and given the opportunity, people will do the right thing”

It always gives my spirit a lift to attend mediator gatherings. It's much more than the professional networking and the intellectual stimulation- although, that is also important to me. But the main thing I get from meeting and talking with fellow mediators is the fellowship and support of being amongst optimistic and well-intentioned people who want to do something good in the world. People who share a core mediator value: That the human spirit is basically good, and that given the opportunity people will do the right thing. The corollary to that belief is that it is our calling as mediators to help create those opportunities and circumstances.

I think that we mediators basically believe that we play an active role in creating the right conditions for people to do the right thing. That we can create a zone where people in conflict can solve their own problems and that we can open up communications, facilitate, guide and assist our fellow human beings to be the best that they can be. So, this then, is the community that we have all chosen to join... a natural selection of good hearted optimists and activists who are out to improve the world. No wonder we enjoy being together!

This morning, I want to share three stories about events that reinforced my confidence in these values. The first story is about formation of these values, the second is about application of these values, and the third is about inspiration. The idea is give hope to us who have chosen the noble field of mediation.

Story #1: Being an exchange student in Germany while a teenager in 1962-1963.

I was born and raised in San Francisco by an immigrant Korean father and a 2nd generation Korean American mother whose parents were among the very first immigrants coming from Korea to the US in 1905. Along with my younger brother, we were a small close-knit family of 4, and my brother and I were taught to share everything 50-50 as we grew up. Once, when my brother and I were fighting over a candy bar, my mother mediated the conflict with a quick solution that we used throughout our youth and with our own kids a generation later: “You cut I choose”. We attended public school there being one of only 3 or 4 Korean Americans in our high school. My two favorite topics in high school were playing in the band and German, where I had a crush on two cute German immigrant girls in my class who befriended me and shared their stories about growing up in Bavaria with me. Partly because of this initial pleasant experience, and partly because of my own idealism about wanting to help heal wounds that had been left by WWII just seventeen years before, I decided I wanted to have the experience living with a family abroad. I was accepted by a church based exchange program and sent to a tiny village in northern Germany.

I came into a German pastor's family of 12 children ranging in age from 8 to 27, and immediately my upbringing and culture as a Korean American from a small family came into conflict with the complicated dynamics of such a large family trying to understand the many changes in their own society that was rebuilding itself after the devastation of war.

With so many children, and so many different interests it was natural that there would be conflicts and rivalries among the siblings. The older brothers were constantly fighting amongst themselves about who got to use the family car in the evenings, the younger, impatient teenage daughter was of a whole different generation from her older more traditional sisters and frequently had shouting matches with her parents who were just shocked that she would confront them in such direct insubordinate way.

The constant fights and aggressive behavior both intimidated and confused me. In our nice Asian household there was NEVER shouting at our parents or direct confrontation as such. And my style had always been to try to stay calm and not show anger (lose face) in public. But being surrounded by all these dynamics forced me to realize that other people (and cultures) had different ways of resolving their differences from my quiet Korean family!

My host brothers and sisters sensing my dismay would often take me aside and try to explain to me what was going on and tell me not to get so upset at their "normal" behavior. But in retrospect, I believe the seeds of my interest and commitment to cross cultural mediation were being sown in that year!

One evening, after dinner, my German brother Edzard, who was my age, and I came into the kitchen to look for a snack to eat. Spying 2 lemons on the table, we both simultaneously thought of making some lemonade. But before I could reach them, Edzard quickly grabbed both them and keeping one for himself, hid the other one high on the kitchen shelf where the other kids would not be able to reach them. "Hey", I protested, "there're two lemons and there are two of us! So I'm entitled to one too!" "If you want my other lemon, I'll grant it to you, because I like you" was his reply. "That's ridiculous there are two of us, and two lemons, so naturally we share 50-50! That's the fair thing to do!" I countered. "Well, maybe that's how you think. You only have one brother in your family, so everything is easy to share 50-50. We are 12, and how are you going to divide everything up 12 ways? Each of us have to think of ourselves."

Well, we did both end up with lemonade that night, but I ended up with a valuable lesson in mediation and cultural diversity as well- that my "normal values" of fairness, cannot always be imposed on others.

But I think the encounter also gave Edzard something to think about, and we actually had many such encounters during the year- both of us growing a little more thoughtful and broad-minded during the course of the year in our own personal global exchange. Coincidentally, we both ended up choosing counseling psychology as our professions!.

It's now been 45 years since I left my host family, and we have stayed in constant contact and grown closer over time. We have shared many joys as each of our families grew and we have brought our expanded families together regularly to ensure that our children and our children's children would also build relationships. We have come together to share losses and tragedies also, as when my teenage son died suddenly from a heart attack while playing basketball in school 14 years ago, or when my German god-child committed suicide 2 years ago or when our mother passed away. And we've aged. Last year we made a special attempt to visit several of my brothers who found out they had cancer and had to undergo treatment. But the joyful events that have been part of our connected lives far outnumber the sad. Last month I attended a family reunion in where about 70 immediate family members spent a sunny weekend connecting with each other.

Two main outcomes resulted from this one year exchange 45 years ago 1. Two families joined into a lifelong relationship; 2. I became a mediator, cross cultural specialist, and ended up working for the ILO in Vietnam for 6 years. Although every American has the freedom to travel outside the U.S., the appalling statistic is that less than 20% have passports.

The lessons I learned from this experience were that **global exchange** dramatically enlarges our capacity for understanding and tolerance for differences and that participating in the global village can broaden our **definition of family**.

Story #2: Working for the International Labour Organization in Vietnam

In 2002, after 13 years as an FMCS mediator mediating 100's of labor disputes and training mediators in countries around the world, I accepted a posting in Hanoi working for the International Labour Organization, the labor arm of the United Nations as the project director of the ILO/Vietnam Industrial Relations Project. The mission of my Project was to assist the country to improve their labor relations.

For the past 5 ½ years the ILO/Vietnam Industrial Relations Project has been the principle source of labor relations expertise in Vietnam. The Government has relied upon us to train their labor mediators, help them develop their governmental functions to apply to the current market economy, build permanent industrial relations institutions throughout the country, support their first college curriculum on industrial relations, convene their first national industrial relations conferences, bring in international experts to share expertise to rewrite their Labour Code, develop and promote human resource management skills for employers,. In short, to provide overall technical assistance as they transform their economy from a socialist planned economy to a "socialist oriented market economy". This is happening against the backdrop of an industrial revolution where the country is shifting from 70% agrarian to an industrialized nation with all the tremendous social and economic growing pain that takes place when offspring of farmers leave their villages for the first time to work in factories as large as 5-20,000. in other parts of the country. The other significant 70% statistic is the age of the population. 70%

of the Vietnamese are 35 years or younger. My staff are all younger than my 34 year old son. At age 64, I'm almost always the oldest person in the room!

The minimum wage for a Vietnamese worker in a foreign owned factory is about \$65 per month and that is set higher than in a domestic owned or state owned factory. But in a Gallop Poll taken 1 ½ years ago, the Vietnamese rated themselves the most optimistic people in the world. This is a reflection of their self-confidence, and that their economy had been the second fastest growing economy behind China in Asia for the past 5 years. Most recently, with the 25% inflation over the past 12 months, this outlook may change. But it has been the atmosphere I've been working in the past 6 years.

Vietnam also finds itself flooded with foreign investors anxious to take advantage of the low wages in Vietnam, but too much in a hurry to turn a profit to learn about the culture and expectations of their inexperienced Vietnamese workforce-90% of whom were fresh off the farm and working in a factory for the first time in their family's history. The results have been an alarming number of labor strikes in hundreds of factories throughout the country. The labor strikes are typically spontaneous wildcat strikes that occur without warning and without the involvement of the official State union. The numbers of strikes rose from 100 each year to 300 in the past 5 years. Last year more than 500 strikes were recorded, and the first quarter of this year there have already been more than 300. No wonder that the first urgent request of the government from our project was for broad mediation training! To the great credit of the Vietnamese Government, the right to strike has been respected over the past 10 years, and the government response to strikes which sometimes involves tens of thousands of workers has been to send in a mediator rather than resort to force to resolve the disputes- even though the strikers up to now have not followed the legal procedures.

In the history of my career, this has been by far the high point of my career. It has been the most exhilarating as well as most challenging professional undertaking and my first venture into international development work.

I have shifted from working in a predictable, somewhat controllable situation with two known parties familiar with mediation rules protocols and speaking a language I understand to working in a socialist country with a different history, culture, language, and political and social structure. I also find myself working to please multiple stakeholders: my counterparts in the Ministry of Labour, the Vietnamese General Confederation of Labour, the Vietnamese Chamber of Commerce and Industry, the Vietnamese Cooperative Alliance, the International Labour Organization, and, of course our Project's donors...first the U. S. Department of Labour, and currently the Royal Norwegian Embassy and Norwegian Ministry of Foreign Affairs. There are also our tripartite partners (union, employers and local government officials) in the 11 provinces where our Project functions on the local level. Working in this complex environment has taken every trick and technique I have ever learned as a mediator and multi-party facilitator!

Nevertheless, the Project has been very successful in accomplishing its stated goals. The Vietnamese are exactly the type of clients that development organizations love to work with- smart, dedicated, pragmatic, and confident. Negotiations are not simple. People are not shy about putting forward tough demands. But once a deal is struck, the deal is honored.

After almost 6 years, the ILO Project has achieved some significant milestones:

- A Prime Minister's decree on Tripartite Consultation for labor issues was issued,
- Consensus reached by all of the three main social partners (government, workers organizations, employers organizations) that the appropriate response to the rising number of strikes is to build stronger, more democratic industrial relations in the workplace
- Consensus among key social partners at the national level to promote positive labor relations activities and collective bargaining with unions.
- Convening of the country's first National Industrial Relations Conferences
- An order to establish Vietnam's first National Industrial Relations Center to be housed in the Ministry of Labor has been issued
- The first ever university curriculum and Industrial Relations Department in Vietnam was supported by the Project.
- In 11 of the most industrialized provinces, permanent Industrial Relations Advisory Service Centers have been set up to service the needs of employers and workers locally.
- In the same 11 provinces, tripartite working teams (government, workers and employers) have been working to address labor issues collectively
- Scores of labor officials (as well as labor and employer officials) have been trained in mediation techniques
- The IR Project continues to be invited to share its technical expertise with the highest level governmental policy makers in the area of Labor Law, guidelines for enterprise and sector collective bargaining, dispute resolution and other industrial relations related policies.

Throughout this time, my mediator core values and approach were a guiding foundation to my work. Showing respect, active listening, diplomatic framing of the issues to save face, asking endless open ended questions to discover the underlying interests and mutual interests and tons of patience have been my standard operating procedure. But I also had to draw upon **all** of my other life experiences to make real progress. My experiences as a bicultural Korean-American growing up in the multicultural city of San Francisco, being raised by a Confucian first generation father, understanding Eastern values, adjusting to life in Germany in my large family, going to school in the Midwest, working as a clinical psychologist in South Central Los Angeles, being a husband and a father, being a bereaved parent, working as a union representative for the Teamsters union, mediating and teaching...all the experiences and influences of my life became my toolbox that I carried along with me into this new situation along with my mediator core values. This was a good reminder that all of our life experiences help us become better mediators and facilitators.

There were certainly times when I got frustrated with trying to work in a different world, in a different language, with different cultural expectations that I was used to. But as my wife and I bike around Hanoi and see so many happy families on motorbikes and romantic couples in the park enjoying their own country at peace, how can I not feel grateful for the privilege of being able to work here and pass on what we have learned to improve their lives? As an American working in Vietnam, it is both gratifying and humbling to be there and know that the confident, optimistic people of this country will use what makes sense for them to use in their own context of building their country the way they want to build it. And that's really what gives me the greatest satisfaction.

The last story is about Vietnam and America. I tell it because it is inspirational to me and strengthens my conviction that we are all using our talents in the right profession.

Two weeks ago, when I got home from work, my wife, Brenda, was so excited she could hardly talk. She couldn't wait to tell me the story of a man she had just met that afternoon- a Vietnam vet named Homer Steedly. It was an amazing and touching story of a reconciliation that occurred under the most improbable of circumstances- and beautiful enough to make me cry.

Story #3: The Reconciliation of Homer Steedly Jr., Vietnam Vet.

In combat, during the Vietnam War, in March 1969, Howard Steedly Jr, age 20, from Hendersonville, North Carolina, came face to face with a Vietnamese soldier/medic and shot and killed him. The Vietnamese had various identification papers and a diary on his person. Homer gathered them and in spite of his agitated and stressful state sent them home to his parents to hold. Thirty-six years later, he decided to return them to the fallen soldier's family.

Through a Vietnam vets support network, he met, Wayne Karlin, who was friends with a Vietnamese woman in Hanoi named Phan Thanh Hao. Ms. Hao had worked for the Vietnamese Government as an international media person in the '70's handling inquiries from foreign press. Wayne told her that Homer had given him the diary and asked if she could try to locate the family of the soldier named Hoang Ngoc Dam. Ms. Hao then wrote a newspaper article telling the story of the fallen medic and the American GI who was trying to return the diary he had taken off his body. Through the article, Ms. Hao and Wayne were able to locate the soldier's family in Vietnam and returned the possessions to them. For 36 years Dam's family did not know what had happened to him. Like thousands of other fallen Vietnamese, he was missing in action. When the family received the diary and heard the story about the American soldier who had killed their relative, the family finally knew the truth about him. The family was deeply touched by this gesture and to receive something so personal that belonged to their relative, and asked Homer to come visit them- even offering to pay his fare. Homer felt relieved, but didn't feel emotionally ready to meet the family for another 2 years. He did, however, write this letter to the soldier's surviving brother.

“Dear Mr. Hoang Dang Cat,

I speak no Vietnamese, but would like to correspond with anyone over there who can read and write English. I would love to have given the documents back personally, but I can't possibly afford a trip to Vietnam. I am retired, on a fixed income and with recent health problems, just don't have the money. Even if I did, I am afraid I am far too shy to meet with strangers, whose language I do not even speak. I was raised on a small farm and have always been very shy. I still do not know how I managed to be a Platoon Leader and Company Commander in the Army.

I am very touched that you have an altar that keeps Dam's memory alive. It makes me feel good to know that his brave soul is still honored in such a wonderful manner. It hurts to think of the hundreds of thousands on both sides of that tragic war, who still mourn the loss of their loved ones.

Sometimes the guilt of surviving can be overwhelming. What will I say, when I enter into eternity? Is there a little known footnote to the commandment "Thou Shalt Not Kill", that forgives killing in combat? Look what I did in the ignorance and folly of my youth. I thought I was a true patriot. So why doesn't that give me comfort at age 59? Dam and I met by chance on a trail. He and I saw each other and both of us attempted to shoot the other. I lived. He died instantly. For over a quarter century I have carried the image of his young body lying there lifeless. It was my first kill. I wish I could say it was my last. Why did a medic die and I live? I don't know.

Maybe someday humanity will gain the wisdom to settle conflicts without sending its youth to kill strangers... People should know what our leaders are doing when they resort to armed conflict to solve political problems.
... Pray for a world in which such insanity is no longer necessary. Let us all work towards that goal!

I truly believe that Dam's name will be on my mind at the moment of my death. I pray we may meet as friends in the hereafter. To his relatives I say: Live every day of your life to its fullest. Live them in his memory.

Respectfully yours,
Homer

Last month, Homer did go to Vietnam to Tai Binh Province. He met Dam's family and in a very moving and tearful ceremony placed Dam's diary on the family altar and asked for forgiveness for his deed. Dam's sisters and brothers welcomed and embraced him. Like many other Vietnamese families, Dam's relatives had never found his remains. But unexpectedly, coinciding with Homer's visit, the remains were found through a fortune teller, so Homer's visit unexpectedly coincided with the funeral of the man he had shot years ago.

Dam's diary was placed on the family altar, and the family was able to bury his remains and bring his wandering soul to rest in peace at home. Homer, whose soul had been tormented for over 30 years by what he did in his youth, was forgiven for his act.

This final story leads me back to that **core belief** that I believe links the entire global mediation community:

That the human spirit is basically good, and that given the opportunity people will do the right thing.

And the corollary to that is that **we mediators are the ones whose calling it is to create those opportunities and circumstances.**

We are all blessed to be in this work that we love.
So relish these next few days together,
inspire each other,
and go out and do good things!

Thank you.