

Reflections and Visions: Celebrating Past, Present and Future

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We will have lots of opportunities to celebrate, and we have much to celebrate about.

This is our largest IACP Networking Forum ever. Despite the economic times, we are gathering this weekend in record numbers, to share, learn and celebrate together. Not only are we here in record numbers, but we are also here from literally around the world – we have over 50 people that have come from outside North America.

I thank each and every one of you for taking the time out of your busy lives, away from your families, and for making the financial sacrifice to come together this weekend. It is the effort of each you that makes this conference possible.

We are becoming a global community.

This, to me, seems miraculous: that in 1990 an idea could begin with one man, that ten years later a handful of visionary and tenacious women could come together to found this organization and that, in the ensuing ten years, the organization could grow to over 3,800 members.

What is it about Collaborative Practice that nourishes this extraordinary growth?

I am going to be particularly bold tonight and suggest that we have the potential to become a Global Community of Peace Builders.

I would like to speak for a few moments about these two themes: Reflections and Visions. The looking inward, and the looking outward. If the vision is a global community of peace builders, the reflection is be more personal, and may be different for each of us.

Because I believe that the human story links us together, and because narrative forms such an integral part of the work we do, I want to begin with a story.

It was spring in Vancouver, and the soil had warmed. My granddaughter had come out to help me in the garden. She was wearing small, green gloves, with a pattern of ladybugs across the back of her hands. She dug vigorously with her small trowel, planting bright pink impatiens, carefully tamping the soil around the roots of each flower before going on to the next. Crouching as she dug, it wasn't long before she said, "Gardening is hard work." We dug worms from the compost and mixed them into the

garden. I showed her which were the green leaves of buttercups, and she dug them up, diligently. And then she stood up and announced, in that clear and certain voice of a five year old who is coming to know the world, “Nana, I know why you plant flowers. Because flowers are beautiful and they help the world.”

After she had retired into the house, and I began to ache with the bending and the digging, I realized that she was engaged in meaning making. Why would her nana choose to do something, on a warm Saturday afternoon, that was hard work? As I thought about her reason, “because flowers are beautiful and they help the world,” I realized that she had articulated that perfect combination of being and doing that I have long struggled to balance.

I was, on this spring day, about half way through my year as president, and was in the midst of the extraordinary discovery of how truly deep and broad we are growing as a community. As I thought about this immense blossoming of the collaborative community, it occurred to me that this simple mantra, which keeps the work of gardening afloat; “flowers are beautiful and they help the world” embodied the spirit of our collaborative work. It is this pairing that creates a sustaining equilibrium. The pairing of the pleasure that comes from beauty, in all the way it manifests in the world, with the fulfillment that comes from being of service in some way. While this work allows us to fill the deep human need to be useful to something or someone other than ourselves, it also gives us extraordinary glimpses of the magnificent beauty of men and women building peace.

So here I was, on a spring day in my garden, and I thought, “what if the civil litigation section of the American Bar Association is right?” They had just come out with a letter announcing they would oppose the endorsement of the Uniform Collaborative Law Act. In their correspondence they take exception, in a tone sharp with contempt, to the disqualification agreement which is central to Collaborative Practice. They call it a weapon that is, “too clever by half.” I am not certain what, exactly, the authors mean by that cliché, though the dismissive tone isn’t lost on me. But I thought, what if they are right, and what if Collaborative Practice does not survive as a dispute resolution option? Perhaps it is not even meant to survive. Perhaps Collaborative Practice will be a blip on the evolutionary screen of dispute resolution, not unlike the evolutionary step between Neanderthal and Modern Humans. Perhaps Collaborative Practice is an evolutionary moment, in the vastness of the world, that helps us evolve from peacemakers to peace builders.

I have struggled with the extraordinary boldness of our mission statement: to transform how conflict is resolved worldwide through collaborative practice. But suddenly this made sense to me. Perhaps, a hundred years from now, the dispute resolution field will not need the safety of the disqualification agreement, because we will truly have transformed how conflict is resolved worldwide, by committing to peace building.

What is the difference between a peacemaker and a peace builder?

Peacemaking is part of what we do each day in this work. It is assisting in bringing peace to a situation. For lawyers, this is a large definitional shift in our work. For all of the professionals who do this work, when we sign the Participation Agreement, we are pledging to bring our peacemaking skills into the room to create a safe place for our clients to negotiate. Our success may be incremental, but peacemaking is our aim each time we begin a collaborative case. We may not succeed, or the peace may be uneasy, or perhaps short lived, but it is what binds us together in this work. It begins to create a common language, and gives us a basis for continually building our skills.

Peace building is to increase our capacity to hold peace and to, in everything we do, prepare fertile ground for peace. Peace building is the cumulative. It builds from our peacemaking in a particular case, to our interpersonal skills with our colleagues, to our relationships in our professional community, and home into our families. It is about taking our peacemaking skills into the daily milieu of our lives, and into our larger communities.

We are only a lawyer, or a mental health professional, or a financial professional for a part of each day. Even added together, those days are only a part of our life. But we are, of course, a member of the human race every minute of every day. As professionals, if we are consistent and rigorous in our work as peacemakers, the cumulative effect moves us towards peace building. Yet I believe, if we are to become true builders of peace, it is imperative that we take this into the whole of the fabric of our lives.

The Norwegian Nobel Committee, in awarding the Nobel Peace Prize to President Barak Obama, had this to say:

“Dialogue and negotiations are preferred as instruments for resolving even the most difficult international conflicts.”

When I heard this, the phrase resonated profoundly with me. Dialogue and negotiation. Essential underpinnings of Collaborative Practice. Essential instruments for resolving international conflicts. From peace making, in the incremental, to peace building, in the most difficult of conflicts.

Our risk is not that this is an idea too clever by half. Our risk is that we let men and women who have never worked in the collaborative practice model define what it is that we do. Our risk is that we cede this conversation to the nay-sayers, who are intent on defining the disqualification agreement in negative terms – indeed, define it as a weapon — because they are unaware of what the disqualification agreement IS. It is our pledge as professionals to work towards peace and to bring every iota of skill that we have to create a safe negotiating environment for our clients. To create a safe environment for dialogue and negotiation.

And so, as we head into this weekend of celebration, I ask you to reflect for a moment.

What are your imperatives for this work? What is it that is essential to each of you about this work that we do.

Dialogue and negotiation. Two imperatives for peace on planet earth. Flowers are beautiful and they help the world. Two imperatives for gardening. This weekend I ask you to take some time, to reflect – what is it that brings me to this work? What is it that makes me connect with this work? Try to articulate it. The naming of it will help it become your companion. And then watch – what encourages it to grow? What threatens it? How do you nourish that which is most valuable to your life as a builder of peace?

If we have the potential to become a Global Community of Peace Builders, we must remember that realizing potential requires: belief, self-awareness, the ability to learn from our mistakes, and plain hard work.

So let each of us ask ourselves – How do I carry my peace making skills with me into all that I do? What have I learned from my most glorious failures? What do I commit to in the coming year? Carry these with you as we celebrate this weekend. Because we do have much to celebrate. And we are still young, still learning, and collectively we have extraordinary potential.