
Kluwer Mediation Blog

The culture of mediation: How can we create more impact?

Constantin-Adi Gavrilă (ADR Center Romania) · Saturday, October 19th, 2013

In the past 20 years or so, we witnessed an intensification of the litigation rate as the world became more globalized and people saw lawsuits as the only real alternative to a negotiated agreement. That created high caseloads, extended periods of time until final judgments, discouraging high litigation costs, dissatisfaction with the outcomes and lack of trust in the judiciary in some countries.

In order to adapt to these new challenges, there were created new dispute resolution methods as alternatives (ADR) to the only known path – the lawsuit. The mediation activity is a form of ADR that is still in the process of identifying a world-wide accepted definition.

Although it exists today in most people's instincts and it also existed since the beginnings of life in order to create and preserve balance, the mediation concept is still not generally known or embedded in the human nature that still allows too often a primarily reactive and adversarial behavior. We react in different ways to it because, pending our understanding, we choose preferable perspectives to look at things.

Therefore, when we think about creating a culture of mediation, we may need to consider social education and public awareness in a strategic manner that considers the stakeholder's interests.

Hopefully, the third millennium's mediation will be correctly associated in most people's minds with the benefits that can be drawn from using a third neutral party that is specialized to facilitate a negotiation process in an efficient fashion. Moreover, hopefully, this will positively impact cultures, people's collaborative thinking, even the peaceful future of mankind by generalizing the culture of settlement.

This is not about listing mediation benefits, the accepted mediation definitions, and the lack of objectiveness driven by enthusiasm or the most commonly met confusions about mediation.

This is just to acknowledge that, with a few exceptions, the world-wide quantitative and qualitative impact created by the professional mediators can be more significant and to ask you a simple question: How can we create more impact?

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The graphic features a black background with white text and a circular icon. The icon depicts a group of stylized human figures, with one figure in the center being magnified by a magnifying glass. The background is accented with horizontal lines in blue and green.

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