

Kluwer Mediation Blog

Mediators and Football Players

Andrea Maia (Mediar360 – Dispute Resolution) · Wednesday, June 25th, 2014

As it happens every four years, it is the FIFA World Cup again. I must confess that I am not a football enthusiast myself, but with the greatest football stars at my doorstep, and all the media hype, it is almost impossible for any Brazilian not to get involved at some level. But it is not all rosy, as street protests and some other initial reactions by the Brazilian population against the event throughout the last 12 months have negatively impacted the tournament image.

Despite all the criticism, the FIFA World Cup is unquestionably one of the greatest sports event on Earth, as no other event mobilizes the world's populations in such an engaging and passionate way. As it has been really difficult to focus on anything else other than football results and our National Team performance, I decided to dedicate this month's post to football and Mediation simultaneously.

As mentioned on my previous post, many Brazilian key decisions makers, mostly on the private sector, are constantly arguing about the advantages of using Mediators who are specialized on a particular field of expertise, rather than the use of "generalists".

In a rough comparison, and differently from football players, a group of professionals that normally have easily identifiable similarities (e.g.: athleticism, leg power and ball control far beyond average), but are also highly differentiated individuals due to their skill level, speed etc... and, therefore, cannot effectively perform more than one or two functions in the field, Mediators are trained to be versatile and able to perform on different "parts of the field".

In this sense, considering that mediation is a "negotiation process facilitated by a trusted neutral person having no power of decision" and that "the parties' job is to find a solution to their dispute" (as very nicely addressed on Gravillas's January post [Defining Mediation](#)), should a specialist mediator be more effective than generalist ones? Does it really matter?

In my point of view, mediators are in fact the gatekeepers of a procedural framework, in charge of facilitating the negotiation and communication processes within a given mediation scenario. Their particular fields of expertise, though they can occasionally provide some contribution, if not used carefully, can also work against the will of the parties involved and negatively influence the mediation outcome.

Differently from the football environment, where intensive training, practice and experience are of no any use if the professional do not have some easily identifiable set of skills and start further developing them soon after the end of childhood, individuals from different walks of life can take

time to realize their mediation potential and that they were born for that. The combination of training and practice can in fact produce outstanding mediators, regardless of their previous profession, age and professional background.

No one can argue, however, that every dispute presents unique dynamics and there are some special issues that call for technical expertise, but formalizing those differences into strict specialties, especially from the mediator's viewpoint, can be rather questionable. If mediation becomes too specialized, it can follow the path of arbitration, with the dominance of lawyers in the activity, thus losing the multidisciplinary richness. .

Finally, one of the greatest beauties of the mediation profession is the ability to improvise and adapt to different situations and scenarios, almost like a chameleon, a mediator must be able to adjust their demeanor and mediation style to any party or dispute. Any similarities with the top football players like Lionel Messi and Neymar, from whom we can always expect the unexpected?

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