
Kluwer Mediation Blog

Mediation is education

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The more I got involved in the practice of mediation I developed my understanding about why people may be interested to use mediation.

It seemed to me initially that mediation is mostly about resolution of conflict, ideally in a way that would not only resolve the issues, but would also address the causes and improve the parties' relationship.

However, although it's nice to find solutions to conflict, maybe even to address its causes and end it, this can't be always achieved as people and cases are different at different moments in time. Therefore, I learned that we can also mediate to mitigate conflict, to help parties manage it more effectively.

Finally, a pattern came back almost in every case that settled. As parties were looking for sustainable agreements, they found value in discussing about prevention of similar situations in their future relationship. These were basically discussions about preventing future conflicts and the lesson for me was that mediators can help even when conflict is not there yet.

So, there were three reasons that may base people's attitude towards mediation: conflict prevention, conflict resolution and conflict management.

There may be actually something common behind these reasons that adds value to any of them and would make mediation different than other process that seek to achieve similar goals (e.g. negotiation). That something can be the need for constructive dialogue facilitated by a trusted neutral.

So, there it is. People may use mediation because they may look for an independent forum to engage in constructive conversations.

We ask ourselves though, isn't this what we do every day anyway, namely engaging in constructive conversations, without the assistance of a mediator? Do we really need a mediator's assistance with it, since we are so skilled and experienced with it? Is this worth investing our resources?

My answer is "definitely Yes". Since we are so experienced, we can recognize that although we have some knowledge, skills and experience to engage in constructive

conversations and we are successful in doing so in most cases, in some cases we either don't choose to or fail to do it effectively. This is where the independent facilitation may actually help us, at least when we're looking for a non-binding process.

Two possible outcomes of the mediation process here. First, mediation may bring the opportunity to develop people's skills to engage more effectively in future constructive conversations. Equally important, mediation users can also leave the mediation room with more skills to engage as trusted third parties in other conversations with their relatives, friends and colleagues, helping them to boost collaboration and to communicate constructively.

The more we recognize this personal development outcome of the mediation practice, the more will we recognize the outstanding potential that lays with every case to stimulate multiplied positive change in us, our clients and many others.

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The screenshot displays the 'Explore Practice Plus' interface. It features a navigation bar with a checkmark icon and the text 'Explore Practice Plus'. Below this, there is a profile card for 'Gary R. Egan' with a profile picture and a 'View Profile' button. The main content area is divided into several sections: 'Relationship Indicators' with a 'By Relationship' filter, '7 Results Found (Based on cases within 10 years)', and three circular charts representing different data points. The bottom of the interface includes the 'Kluwer Arbitration' logo on the left and the 'Wolters Kluwer' logo on the right.

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