During the last twenty years, mediation has spread around the world with an amazing speed, resulting in what was called a ‘global ADR revolution’. Furthermore, mediation has become a cornerstone of the court when it comes to dispute resolution. However, despite its success in the Western context, mediation in Ukraine, along with the courts in other post-Soviet countries, are profoundly different from their Western counterparts. For many uncoordinated and short-term interventions to institutionalize mediation so far have not resulted in desired cultural and institutional change. As a researcher and a consultant, I have been working with local mediators and international donors in Ukraine for two decades in order to bridge the gap between expectations from the Western context and the post-Soviet reality of Ukrainian society. Having drafted the drafts of mediator law, tried numerous schemes in business, courts, and state structures, trained more than 3000 Ukrainians in mediation skills; international donors as well as mediators have finally realized the value of a strategic approach to mediation. In this blogpost, on my own behalf and on behalf of the Ukrainian mediation community, I would like to express our deep thanks to Bill Marsh who served as an advisor to a number of Ukrainian projects and could bear within it much greater degree but instead inspired donor and mediator to develop the strategy on their own.

The first lesson concerns the importance of local ownership of the process and the outcome. I have seen a number of strategies for mediation development in Ukraine often driven by international experts, unprompted by people who were left uninvolved in it. My deep conviction that unless the strategy comes out from the very same people who have to put it into practice, it won't work. Yes, however, does not mean that local mediators should be left to face this challenge on their own. Quite the opposite. Instead of forbidding what to do, Ukrainian mediators needed financial support and assistance in organizational capacity building to be able to develop a strategy of implementation of mediation as on their own. It is a similar step, intellectual effort and awareness, and they needed short-term support to start the work. Therefore, any type of strategic planning and development of mediation should be based on the recognition that local mediators need to be involved and should be listened to in order to help them understand what they need. And when I put the full of an article on, I gave myself a right to speak only when I was specifically asked to by the locals.

This brings us to the second lesson – the importance of evidence-based or empirical research for the development of a strategy. Until the research, mediation is a support from the locals that they have been developed with the help of my academic research project on the implementation of mediation in the post-Soviet context as part of an empirical research at the University of Helsinki. The research consisted of two focus-group discussions and visits to in-depth interviews with Ukrainian mediators, judges, courts, business people, state officials as well as international experts, and donors. Finding of the empirical research made the fruitful groundwork for the strategy which was then contemplating through consultations. Thus, my conviction of many events showed my research to make a full cycle – from people on the ground through empirical research to academic analysis and back to the people on the ground through policy paper as an instrument of research-based and knowledge transfer.

Finally, even with finding of empirical research at bank, it remains a challenge to base some deeply grounded assumptions such as the belief that courts commonly suffer from congestion and therefore should use mediation as an efficiency raising mechanism. Literally, this assumption was only shaped in the context of international experts but not generated by the professionals of all Ukrainian mediators. Moreover, more research (Kyiv-Mohyla Academy) on the Nadel study, the empirical research at the University of Helsinki. The research consisted of two focus-group discussions and visits to in-depth interviews with Ukrainian mediators, judges, courts, business people, state officials as well as international experts, and donors. Finding of the empirical research made the fruitful groundwork for the strategy which was then contemplating through consultations. Thus, my conviction of many events showed my research to make a full cycle – from people on the ground through empirical research to academic analysis and back to the people on the ground through policy paper as an instrument of research-based and knowledge transfer.

To conclude, the strategy of integration of mediation within the Ukrainian court system that resulted from the many uncoordinated and short-term interventions to institutionalize mediation so far have not resulted in desired cultural and institutional change. As a researcher and a consultant, I have been working with local mediators and international donors in Ukraine for two decades in order to bridge the gap between expectations from the Western context and the post-Soviet reality of Ukrainian society. Having drafted the drafts of mediator law, tried numerous schemes in business, courts, and state structures, trained more than 3000 Ukrainians in mediation skills; international donors as well as mediators have finally realized the value of a strategic approach to mediation. In this blogpost, I would like to express our deep thanks to Bill Marsh who served as an advisor to a number of Ukrainian projects and could bear within it much greater degree but instead inspired donor and mediator to develop the strategy on their own.