Let Mediation Be Mediation: Conciliation Versus Mediation in Brazil

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Mediation and conciliation have different meanings in different countries. In Brazil, as indicated below, conciliation is understood to be based on a formal procedure in which the parties – who are right, who is wrong, who will get the law as they want, whereas mediation is a more flexible process, centered on getting the parties to agree, to take part in a dialogue and really engage, to work with the interests of the parties, to understand the complexities of the facts of the case, to come to a resolution, whereas conciliation is always a law-based procedure with a legal evaluation at the core of the process – who is right, who has the law on their side, whereas mediation is a more flexible process, centered on getting the parties to agree, to take part in a dialogue and really engage, to work with the interests of the parties, to understand the complexities of the facts of the case, to come to a resolution. Conciliation, in Brazil at least, means finding the law on the books to justify what you want, while mediation is a more flexible process, centered on getting the parties to agree, to take part in a dialogue and really engage, to work with the interests of the parties, to understand the complexities of the facts of the case, to come to a resolution.

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