

Kluwer Mediation Blog

The identity of the mediator profession

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While large scale efforts are being made in order to be recognized as a worldwide and a free standing profession, the mediation became a profession in some countries and it remains an experiment in others.

The general public's perceptions about mediation have registered significant changes over time. If in its early stages mediation was seen from "outside" as a less important, poetic and untrustworthy activity, with small chances of implementation, now, in 2011, mediation is seen more and more as a viable option for so many types of cases since it is able to satisfy an increased social need for efficient disputes resolution. Corporations, governments and other international bodies are taking positions that support mediation with consequent legislation and favorable positions.

At the same time, mediation is seen as a growing threat from other perspectives.

In a world marked by tension and conflicts, in a world of rapid and multiple changes, the development of identities is vital for acceptance and proper understanding. The identity of the mediator profession can be defined as a set of attributes, beliefs, values, motives and experiences that define the mediators and mediation.

Here are a few questions:

What is the social and judicial impact that mediation has?

How many mediators are being trained and under what standards?

How many mediators are actually getting work?

What is mediation?

How are the mediators organized?

Is there a strategy in place for the implementation of mediation?

Is mediation a free-standing and independent profession?

Who has the ability to shape the profession?

These are a few questions that might have fundamentally different answers across nations and across continents, answers that can influence the concept of "identity".

Hundreds of thousands of mediators are firstly lawyers, managers, teachers, engineers, economists, military officers, doctors, priests, judges, policemen, sociologists, psychologists, architects, politicians, salesmen, bankers, journalists etc.; so many professional identities within a profession that looks for its own.

The identity concept is also linked to the mediation services market that operates like any other

market, depending on supply and demand. The market is flooded with enthusiastic mediators trained under very different standards, a fact that affects the public's trust that mediation can be more than a deluxe professional activity conducted by not so many professionals worldwide. Added to the confidential/loneliness characteristic of the mediation activity, the small number of full-time neutrals is also affecting the quantity and the quality of the mentoring opportunities.

As a result, many mediators remain alone in their attempt to be practitioners and make a living as conflict resolution professionals and remain only trained mediators, returning to their first career – of course, with new and valuable abilities.

It is very important to promote mediation primarily through quality services. Professional conferences are also organized for the same purpose by different professional associations or other bodies. However, the promotion of mediation through adversarial messages or approaches against “expensive” attorneys or “adversarial and inefficient” judiciary is inaccurate, inefficient and can trigger attack or self-defense mechanisms from other professional areas.

Mediation should be promoted honestly, realistically and collaboratively. The mediator must be properly presented as a neutral and impartial professional that facilitates a negotiation in a confidential environment. The lawyers should be properly informed and encouraged to resort to mediation and attend mediation with their clients and mediation should be seen as a tool for enhancing the justice quality.

System development strategies and individual strategies created to clearly educate communities about “what mediation is” and “what a mediator does” can enhance the level of public confidence in mediation, with positive effects for the demand of mediation services.

Although mediation is growing fast into a profession, we should remember that this should be a quality service, provided for the users, which should be more involved in the process of driving the system into a profession.

In conclusion, the identity of the mediator profession results from the experience of each mediator in a connected world and its development is completely bound to the users, whether existing or potential ones.

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