
Kluwer Mediation Blog

What's In It For Us?

Constantin-Adi Gavrilă (ADR Center Romania) · Friday, August 19th, 2016

I practice, teach and preach mediation for the past fifteen years and whenever I would introduce myself as a mediator the vast majority of people would still have confusions, if not difficulties, in having a clear representation of WHO a mediator is, WHAT is it that a mediator aims to achieve, for WHOM, WHAT he or she does, and maybe more importantly, IF, WHEN and WHY would someone benefit from using mediation and mediators. It seems that we are successfully failing to send the message across as most people, companies and governments don't really understand, respect, accept and use mediation.

I recently had an informal meeting with representatives of a company and we discussed about the quality of their communication with members of the communities that live in the company's area of operation. The company's project has significant social and environmental impacts in the surrounding communities. In short, after introducing myself as a mediator, I was told that the company never used mediation – *because we never needed it*, they said. And then I asked *How do you know when you need it?* and the answer said it all – *we invited community members to our offices and they've never started to shout*. Later in the conversation, the remaining question was *"We would use mediation ... but what's in it for us?"*.

Just like Bill Ury said, *that was the sound of a human mind opening*. An excellent chat followed. It was not only the company reps that were open to what I had to say about it. I was equally open, as I came (one more time) to the realization of the fact that using mediation is for companies and other users just a business decision – no more than that – that will have to be supported by a pragmatic approach. Before anything, the companies will put mediation on their agenda when mediation will become part of the business plan as a possible tool to enhance dialogue, to open communication channels or to manage risks effectively.

We may look sometimes at the demand side as it was something wrong with the way that it looks at mediation and that more information would enlighten potential users to the point of a better understanding, respect and acceptance for **third party intervention**. This may be true, probably more information is useful, but not entirely I suspect. However, we equally need to pay attention to the ourselves and to the message that we send across and what kind of information we are preaching. It may be that we are too seduced by our arguments and that we are too subjective to sing our own mantra. It may be that the most effective language can be learned from users that successfully tried mediation and that have the needed objectiveness that we actually seek in any recommendation.

The Global Pound Conference series of conferences offers a genuine opportunity for users, current and more importantly potential, to step forward and speak about these things in a way that would inspire providers, advisors and influencers to progress the dispute resolution field, improve access to justice and finally, would inspire more users to give their own answers to the question – What’s In It For Us?


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