

Kluwer Mediation Blog

Reflections in the Age of Coronavirus (COVID-19)

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I hope you are fine. Obviously, I write this blog at home, where I am with my family. We are all healthy, but we try to adapt to this situation, to stay isolated to protect ourselves and those around us.

As if the Earth stopped spinning, everyone stopped doing everything and most of all, it is important to limit and stop the spread of the virus, to provide medical care for those in need and to research and test a vaccine. All other domains appear to be operating at minimal levels, with activity suspended or significantly reduced. Class hours in schools and universities and almost all professional meetings and events are either cancelled or postponed for an indefinite period. Most importantly, more and more people are infected and dying and communities, countries and economies are suffering, perhaps more than ever in recent history.

This post gives me the opportunity to share three reflections on this situation.

Opportunities for self-reflection

In addition to taking the necessary measures to stop the virus, to solve today's problems and to prevent and solve tomorrow's problems, we have the opportunity to reflect on the values and lessons that were reflected during the COVID-19 pandemic. Probably in the last days there have been global talks about hygiene, intimacy or compassion at levels that we have not encountered before. Now, these values and the like are no longer viewed only in the abstract by the general public, but there is a context in which they become concretely relevant to our survival.

Now, from isolation from home, from hospital wards or from wherever we are during these times, having a more or less significant role in managing the crisis, we can think of what is important for each of us, our communities and, why not, for our species. The analysis can be all the more useful as our actions should be oriented towards protecting these values with priority.

Are we ready for what will happen next?

We and those around us say that we can hardly wait for the situation to resolve and for things to return to normal. We must be careful, though. Once we get out of the houses and the virus will be isolated, we will face a new wave of challenges.

For example, I understand that courts in Romania are already scheduling cases registered in this period for the fall of 2020. This is just an example of an effect on the efficiency of judicial procedures and courts. If we think about this effect from the perspective of the fact that since before COVID-19, reducing the time needed to judge cases was already one of the objectives of the judicial reform strategy, we better understand the dimension of the problem.

Another example is the impact of the situation on the economy and on the relationships between employees and employers. Already there are news about protests organized by unions to promote the interests of employees that are affected by the situation. It is also expected that the private sector will experience an increase in commercial disputes arising from delays in the execution of existing contracts.

The list of risks and vulnerabilities that start with illness, unemployment, bankruptcy and lost profits is long, unfortunately, but no doubt, in all cases management strategies are needed.

The natural strategic approach is collaboration

It is said that in the face of danger, natural instincts are more competition or avoidance and less compassion or collaboration. This behavioural approach would be based on the theory according to which the perception of one's own security and the instinct of conservation prevail. Even if ignorance was not lacking in some cases and effective public policies were delayed in some jurisdictions, however, the COVID-19 experience has shown us in many cases that humanity can successfully participate in a global collaborative exercise.

If we are seen from the point of view of our personality, each person is unique. From a cultural point of view, every person is different. But COVID-19 reminded us that, from the point of view of what is important to us as humans, we are all the same. When humanity has been endangered, it seems like, more than ever, we have realized that we have the same interests (i.e. health, security) and we need to cooperate, regardless of religion, political views or the resources at hand.

Mediation can play a positive role

Some of the effects that such global crisis situations create are instability, uncertainty and panic; these, in turn, can become conflict generating factors. Mediation can play a positive role in both preventing and amicably resolving these conflicts. How? Since dispute resolution can also take place in the online environment (ODR or Online Dispute Resolution), now more than ever, mediation can be a viable solution.

The goals of using mediation can be many and can refer, for example, to the management of existing disputes, to decision-making processes about next steps or to the design and implementation of dialogue and communication processes meant to ensure the transfer of the correct information from one source to another, following ground rules agreed by the stakeholders.

The technology offers remote communication tools that have been used successfully for many years. Now, however, not only the government meetings or the crisis-management groups are organized by video conferencing. The same solution is used successfully by educational institutions or the private sector.

A simple example inspired from the media relates to the communication capacity of the institutions. Whether we're talking about a person in isolation, people queuing at the country's border on their way home, or patients who are in the process of being screened, everyone needs information and everyone stays and waits for hours and days, in many cases, feeling forgotten. The protests and disputes created are inherent. At the same time, institutions have limited capacities to communicate or for implementing rules and policies. Mediators can be useful both in terms of prevention and management of these situations involving several stakeholders and their various interests. The establishment of accountability mechanisms by development banks and the creation of mediation functions of these mechanisms to respond to the social and environmental concerns raised by communities are just one example in this regard.

Did we learn our lessons?

Every generation has reason to believe that is living in a period of historical challenges. Whether it is wars, pandemics or natural disasters, humanity has been tried during many periods of crisis. The biggest surprise about these crises is that we are still surprised when they occur. Looking back only to the last century, each experience of this nature provides a rich source of relevant information from the perspective of conflict prevention, management or amicable resolution. The question is how much do we learn from this experience?

Let us have hope, faith and the ability to assimilate the lessons that the experience of the last weeks and months has offered us about what is most important to us.

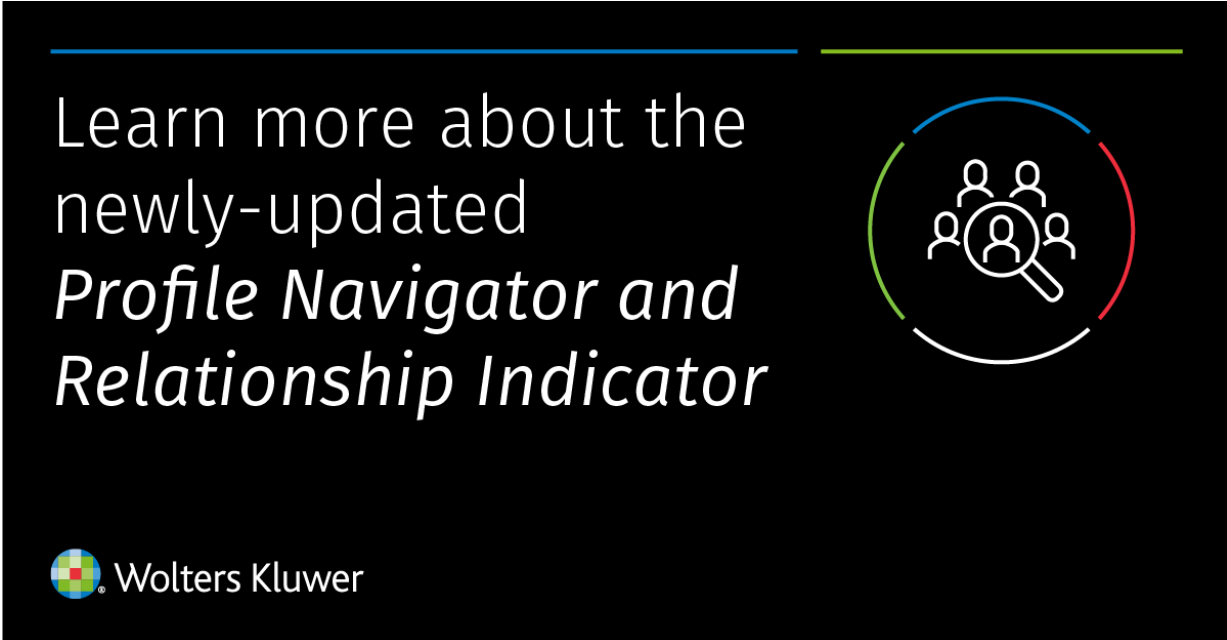
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