Mediation: to be or not to be that’s the question?

19th – 20th April 2013

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Content

- Paving the way out of crisis?
- Present situation of mediation in Europe
- Trends in mediation
- Improve your market
- EMNI forecast
Paving the way out of crisis?

- Crisis =>
  - cost reductions and savings
  - Efficiency and effectiveness

- Mediation:
  - EU Research: mediation is best option, even if only 3% cases were successful!
  - 70-80% **IS SUCCESSFUL**
Paving the way out of crisis?

- Mediation(techniques):
  - Have resulted in €5,5 million savings on labour costs (as a result of conflict) in large organisation
  - Local authorities have gained €500 million savings in preventing legal procedures.
Paving the way out of the mediation crisis?

- So mediation may help society in facing the economic crisis!
- But what about mediation itself?
Figure 6.11 Number of accredited mediators in 2006, 2008 and 2010 (Q166)
Statistics

- Some data on number of mediators
- Limited data on number of cases
  - Macedonia: 100 cases, 60 mediators
  - Slovenia: 6000 cases, 1000 mediators, (court referrals)
  - Norway: 21,000 family
  - Argentina: > hundred thousands of cases
  - Italy: boosting business since mandatory mediation, after: decline again
  - Netherlands: ca 53,000 cases (20 cases per mediator)
- Unequal distribution of cases
Trends in mediation in Europe?

- Mediation Directive => quality of mediators => acceptance of mediation?
- Imprisoning Mediation?
- Tendency to specialization => historical development in other professions:
  - Accountancy
  - Lawyers
Mediators as entrepreneur

- What is my market?
- Where are my clients?
- What is my message?
- Who are my referrers? My friends?
- What do my clients need?
- What is my message?
- How do I get my message across?
Lessons from elsewhere

- Court referral programs
- Mandatory mediation
- Mediation techniques training for civil servants
- Accreditation schemes => trust in mediator NMI, IMI
- Demonstrations!
- Marketing: right message, right target group
- Make allies!
Lessons from elsewhere

- Create communication events:
  - Mediation day, mediation prize, EMNI award!
  - Research!
- TV-series (image!)
- Columns in local newspapers, Etc, etc.
- Find the buzz words
- If you can’t divide or share, you also can not multiply!
New niches: variety of forms and approaches

- Mediation in Italy ≠ Netherlands
- Hybrides:
  - mediation arbitration
  - arbitration-mediation
  - deal mediation or deal facilitation
  - negotiated rulemaking
  - mixed processes
    - Arb-Con-Arb
    - Arb-Med-Arb
    - Arb-Con-Med–Con-Arb
    - Last offer Arbitration

April 19th 2013
Get the right text and buzz words!

- 60% of labour related illnesses has conflict as a cause
- 30% of managers time is spent on conflict
- Costs of conflict?
  - € 30,000 - € 50,000
    - Loss of productive time
    - Loss of clients
    - Medical costs
    - Litigation costs
    - Reputation loss
    - Reduction of revenues
EMNI

- Founded as an association in Austrian Law on the Status of non-profit Associations (Bundesgesetz über Vereine [Vereinsgesetz 2002 - VerG, BGBl. I Nr. 66/2002])
- Members from 40 different countries
- GA ↔ local coordinators ↔ board
- Every 2-year highly qualified Conference: 2013 Bratislava
- Organisation is growing and continuously `Under construction`
- Partner of Mediation World
- Collaboration with IMI
EMNI Objectives

Aims and objectives of EMNI:

- Promotion of an international exchange of information, know-how and mutual support; facilitating contact between members;
- Promotion of the development of effective mediation policies, services and legislation; of principles, ethics, standards and good practice.
- Exploration and development of the theoretical basis of mediation and promotion of research;
- Through all means available promoting mediation as such on a European level.
Knowledge exchange:
- Website
- Newsletters
- Conferences and meetings: 2013 Bratislava
  - => 2015?
- Networking
- Linked in
Plans for the future: 2013 - 2015

- More networking: exchange experiences to boost the market
- Website renewal => list serving
- Quality Assurance Programme IMI?
- More negotiated discounts for other conferences
- Lobby
- Research?
Mediation:

To be or not to be?

That’s *no* question!

So let’s pave the way out of the crisis!

April 19th 2013