

EMNI European Mediation Network Initiative

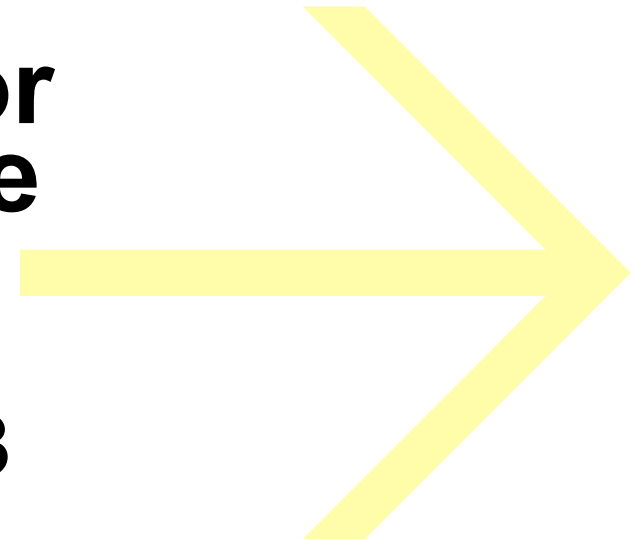
2013 BRATISLAVA CONFERENCE:

Mediation: paving the way out of crisis?

**Mediation: to be or
not to be that's the
question?**

19th – 20th April 2013

Linda Reijerkerk





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?

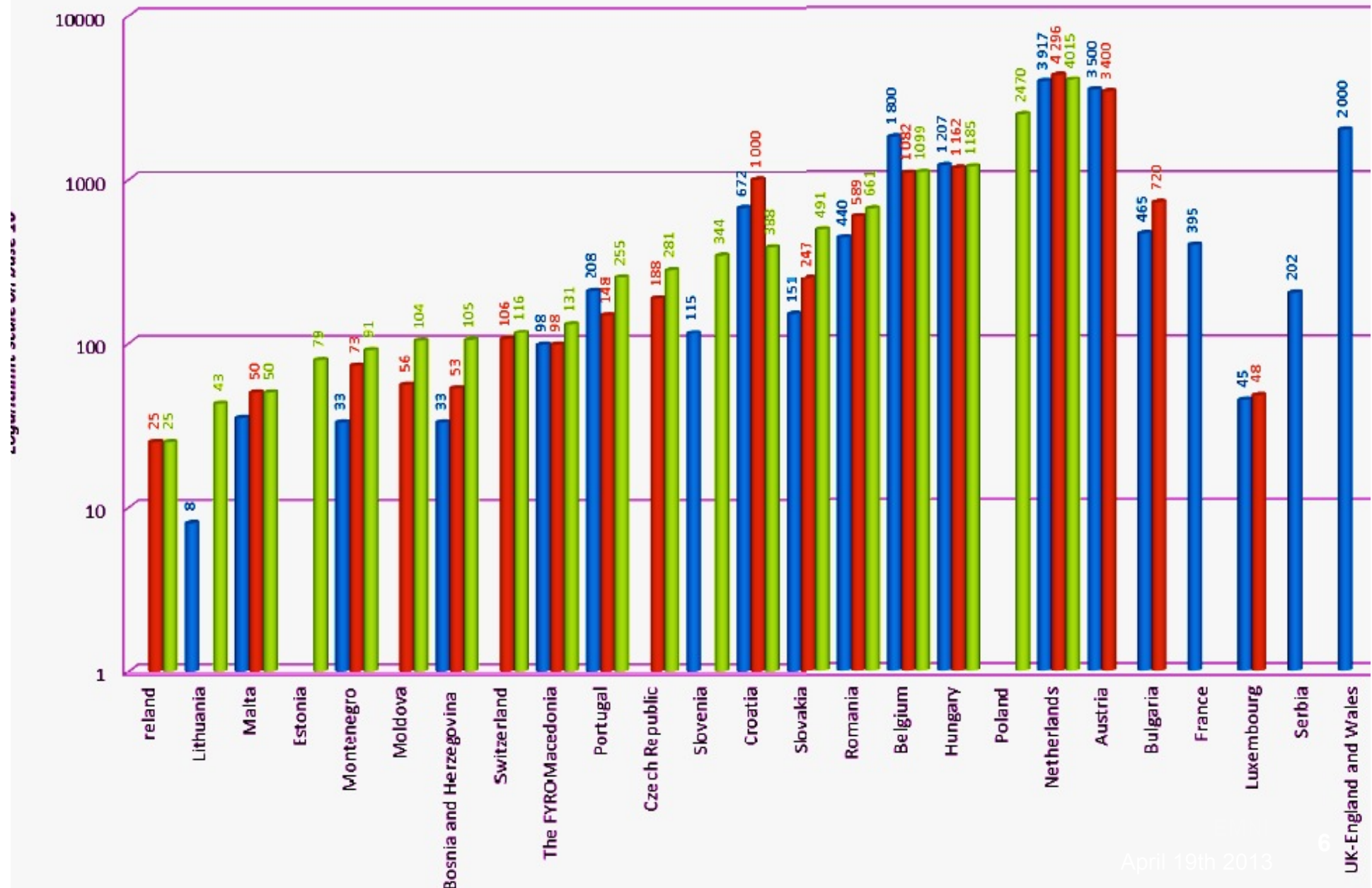
- Mediation(techniques):
 - ❖ Have resulted in € 5,5 million savings on labour costs (as a result of conflict) in large organisation
 - ❖ Local authorities have gained € 500 million savings in preventing legal procedures.



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)





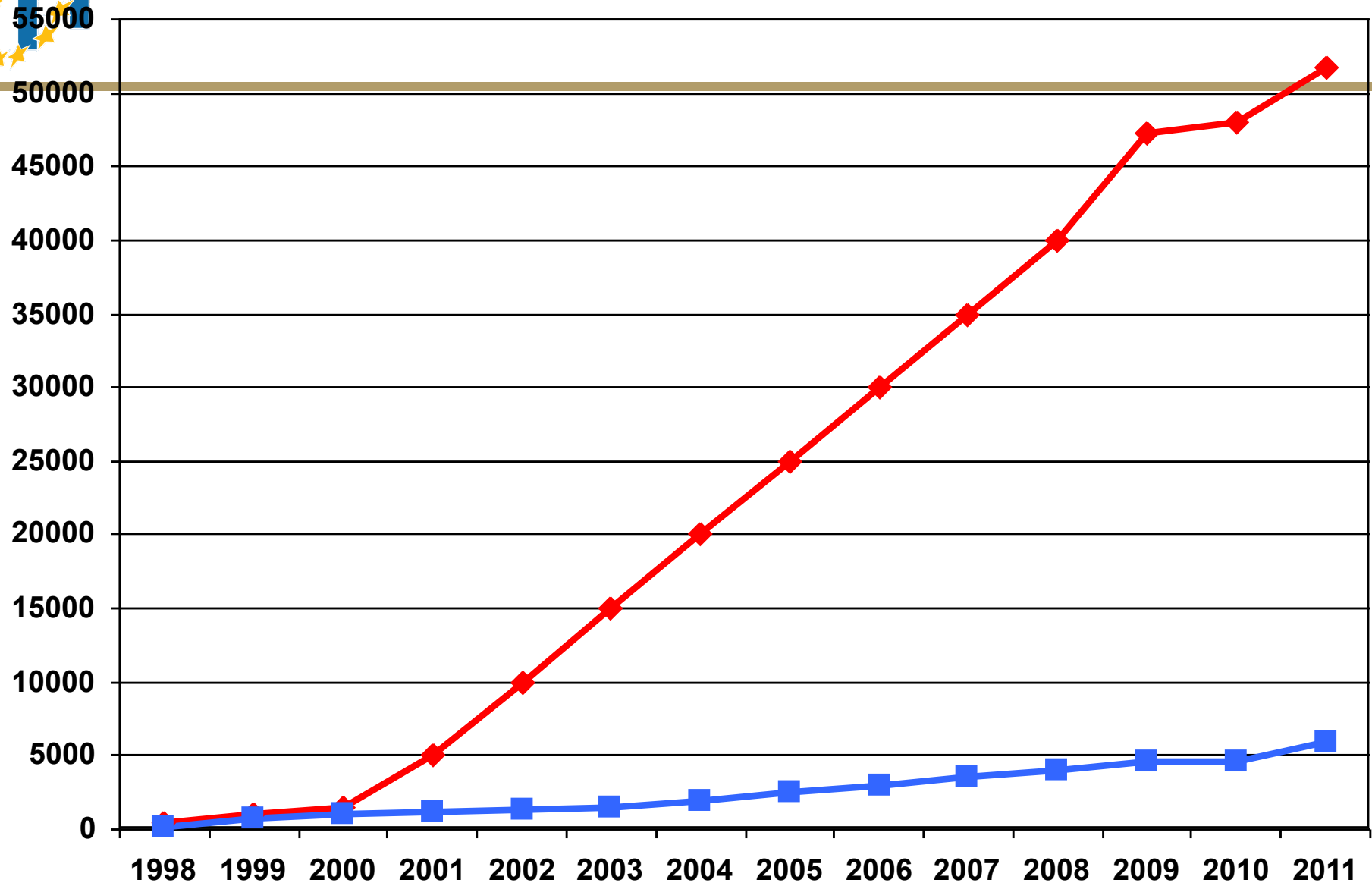
Statistics

- 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)d
- Unequal distribution of cases



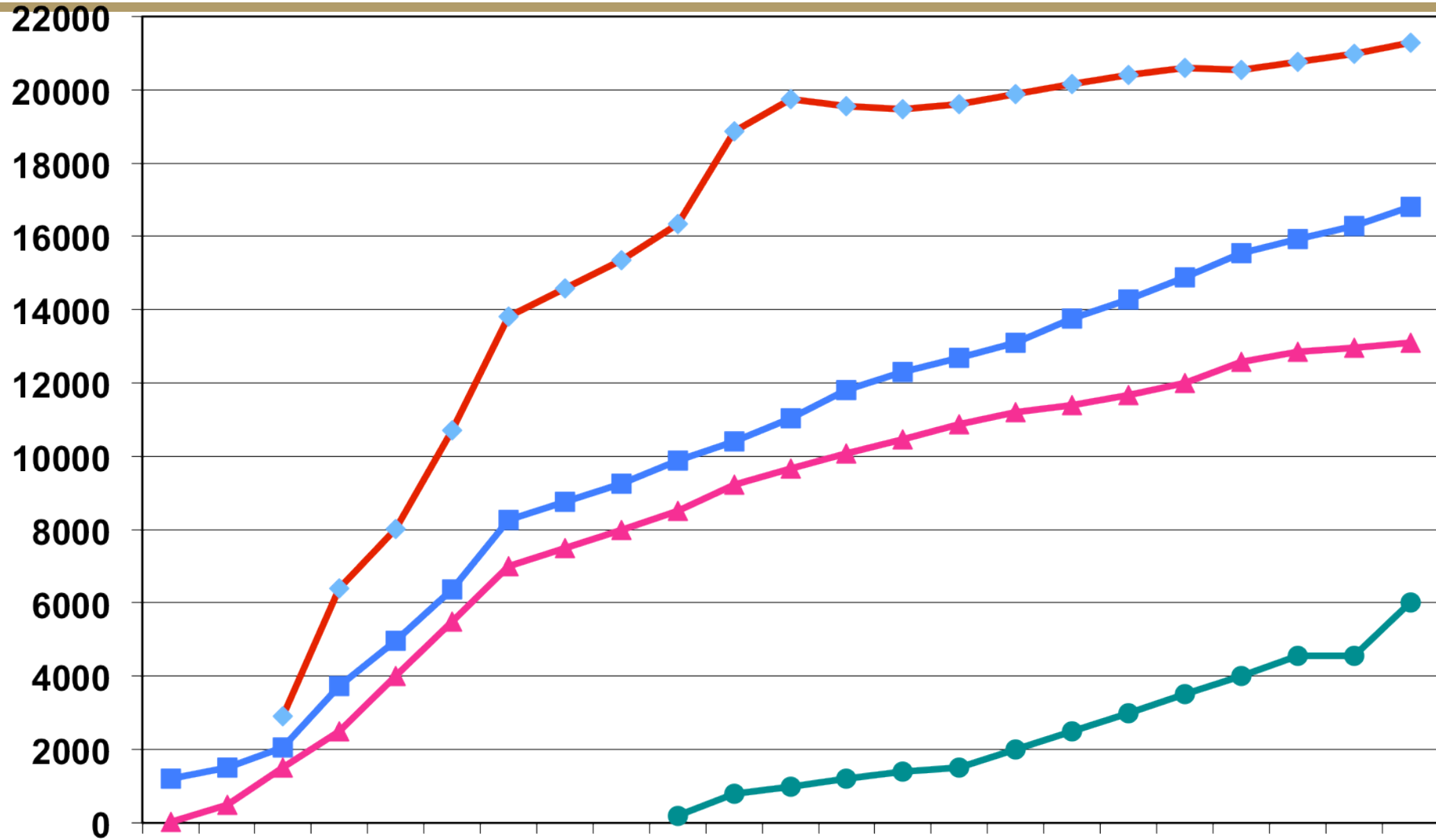


◆ Number of mediations ■ Number of mediators





Accountants Lawyers Psychologists Mediators



1938 1947 1970 1980 1985 1990 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011

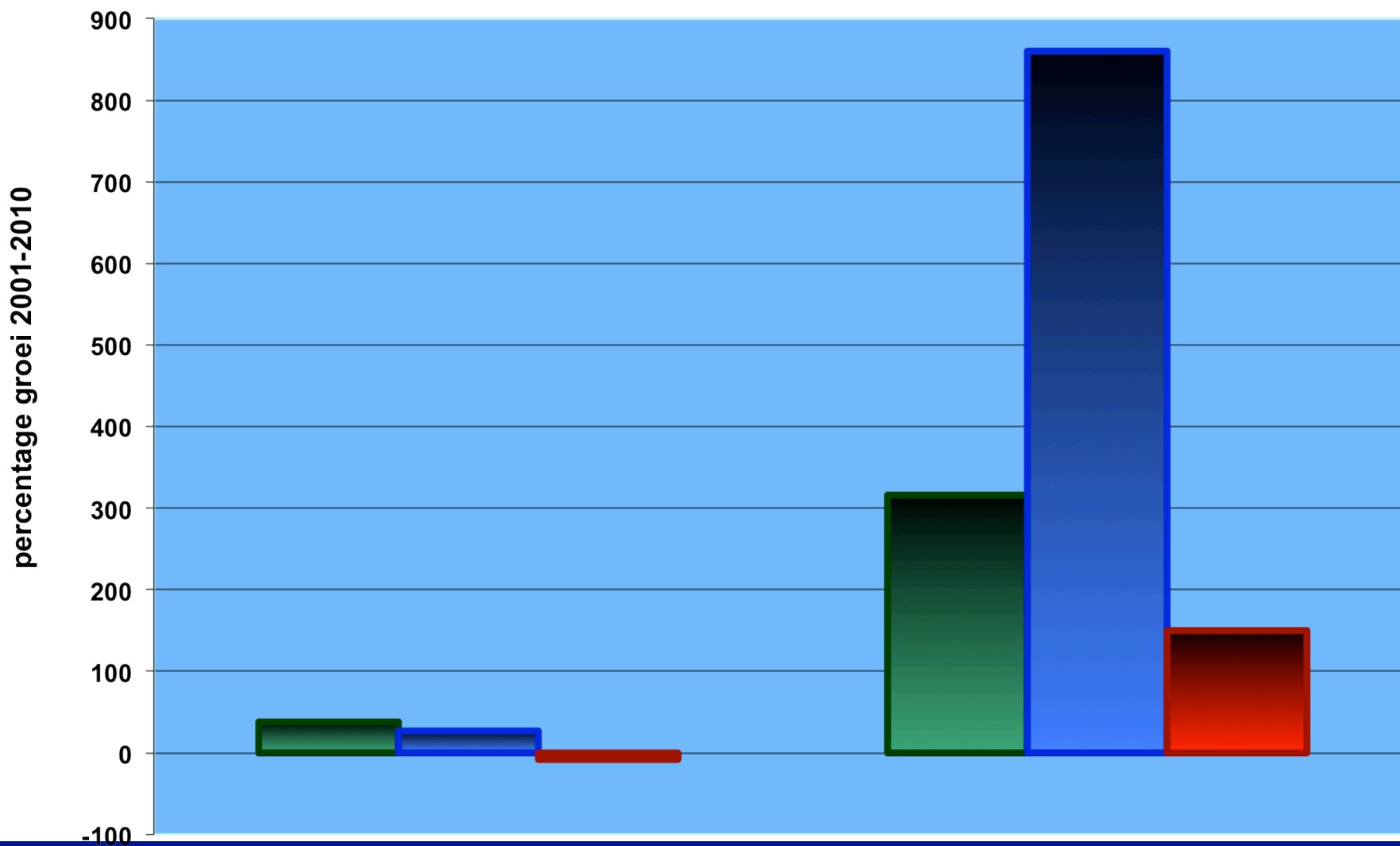
EMM
April 13th 2013



Aantal professionals

Aantal zaken

Aantal zaken per professional





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

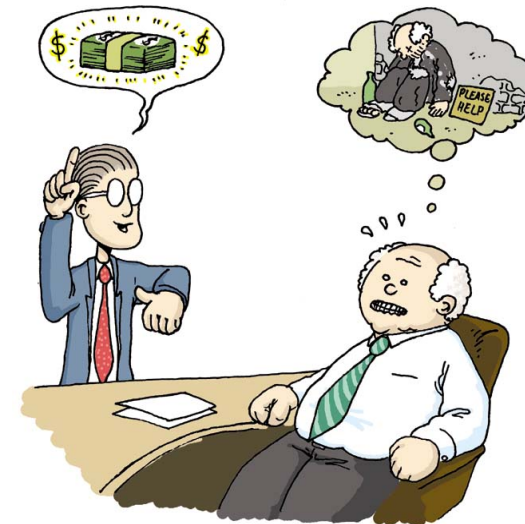
- Mediation in Italy ≠ Netherlands
- Hybrides:
 - ❖ mediation arbitration
 - ❖ arbitration-mediation
 - ❖ deal mediation or deal facilitation
 - ❖ negotiated rulemaking
 - ❖ mixed processes
 - Arb-Con-Arb
 - Arb-Med-Arb
 - Arb-Con-Med-Con-Arb
 - Last offer Arbitration





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



mediationworld
international mediation resources





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.



EMNI

➤ 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!

