

Mediation

- 💧 Mediation is a dynamic, structured, interactive process where a neutral third party assists disputing parties in resolving conflict through the use of specialized communication and negotiation techniques.
- 💧 All participants in mediation are encouraged to actively participate in the process.
- 💧 Mediation is a "party-centered" process in that it is focused primarily upon the needs, rights, and interests of the parties.

What happens during Mediation?



The benefits of mediation

- 💧 Cost
- 💧 Confidentiality
- 💧 Control
- 💧 Compliance
- 💧 Mutuality
- 💧 Support



The history of mediation



Phoenician commerce.



Ancient Greece (the non-marital mediator - a proxenetas).



Roman civilization (Roman law, starting from Justinian's Digest of 530 - 533 CE). The Romans called mediators by a variety of names, including internuncius, medium, intercessor, philanthropus, interpolator, conciliator, interlocutor, interpres, and finally mediator.



Some cultures regarded the mediator as a sacred figure, worthy of particular respect; and the role partly overlapped with that of traditional wise men or tribal chief. Members of peaceful communities frequently brought disputes before local leaders or wise men to resolve local conflicts.



Confucians and Buddhists.

The examples of mediation

1982 - Falklands War / Guerra de las Malvinas:

- * US secretary of State **Alexander Haig** (USA would prohibit arms sales to Argentina and provide material support for British operations).
- * UN Secretary General **Pérez de Cuéllar** - withdrawal of Argentinian forces (UN Security Council Resolution 502).

1978 - Beagle Channel (Chile and Argentina)

- * the Pope John Paul II mediated the dispute through the offices of **Cardinal Antonio Samoré**, his special envoy.

On 29 November 1984 Argentina and Chile signed a protocol of agreement to a treaty at Vatican City giving the islands to Chile but maritime rights to Argentina.

1965 - Cashmir - USSR mediation

Declaration of ceasefire (Tashkent, 1966).