



ევროკავშირი  
საქართველოსთვის  
The European Union for Georgia



# WORKSHOP ON ALTERNATIVE DISPUTE RESOLUTION Duties of a mediator

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EU Georgia project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

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## DUTIES OF A MEDIATOR

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### Who is the mediator?

- **Third party professional**
- **Neutral (impartial)**
- **Not a judge**
- **Not an advisor**



**His / her role is to facilitate dialogue**

## DUTIES OF A MEDIATOR

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**Guides the mediation process**

**Facilitates communication between the parties**

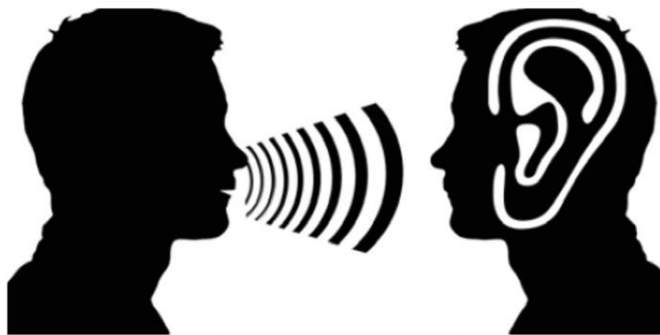
**Facilitates formal procedures**

**Helps the parties to have a global vision of the situation**



## DUTIES OF A MEDIATOR

### MEDIATOR IS ALL EARS



**NO JUDGING, NO ADVISING, NO REPROACHING. ALL CONFIDENTIAL.**

## DUTIES OF A MEDIATOR

Active listening skills  
help to discover  
what may be behind  
the surface of the conflict



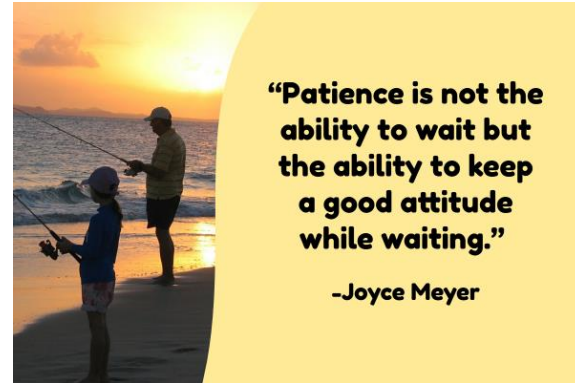
## DUTIES OF A MEDIATOR

The mediator should:

- ✓ **have no links (professional, personal) with either of the parties**
- ✓ **assure confidentiality of mediation process at all levels**
- ✓ **listen, listen, listen, read between the lines, ask relevant questions**
- ✓ **Show respect, empathy but not favour any of the parties**
- ✓ **Respect parties' decisions but signal when their proposals are unrealistic or illegal**

## DUTIES OF A MEDIATOR

- Main features of an ideal mediator:
- IMPARTIALITY
- CONFIDENTIALITY
- ACTIVE LISTENING SKILLS
- RESPECT
- PATIENCE
- FLEXIBILITY
- UNDERSTANDING HUMAN (AND BUSINESS PEOPLE'S) PSYCHOLOGY
- SENSE OF HUMOUR
- A LITTLE BIT OF AUTHORITY



## **DUTIES OF A MEDIATOR**

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### **Mediation styles:**

- **Facilitative mediation**
- **Evaluative mediation**
- **Transformative mediation**

**And above all FLEXIBILITY / OPEN-MINDNESS / RIGHT DISTANCE TO THE DISPUTE**





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