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NATIONAL CENTER FOR ALTERNATIVE DISPUTE RESOLUTION

# Alternative Dispute Resolution

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## **Importance of Emotional Intelligence in the Process of Mediation**

### **1. Introduction**

All life is made up of certain actions, and actions affected by the emotions and thoughts. Often, the role of emotions is neglected in the process of mediation. The parties always try to get as much as possible through mediation and also take away from the other party, everything that can be taken. However, this is a “Zero-Sum Game.”<sup>1</sup> Mediation is an institution based on the autonomy of the parties, their decisions and actions. Consequently, the present article concerns the importance of the decisions made as a result of emotional intelligence and emotional factors during the mediation process. While the process of the trial is only based on actual circumstances, mediation is full of sudden statements, subjective expressions and emotional explosions. Never know what can happen at the negotiation table. The novelty is that what causes emotional imbalance and fear, as the mind is not able to get information, recycle it and find correct strategy. Consequently, the party cannot hide emotions and everything is reflected in its expression. Frequently there are cases when the process of the mediation is short and the parties make an agreement on issues that do not really want to implement and do not realize this at the moment of such

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<sup>1</sup> Theory, which is widely used in such cases, when two person or/and group of people does not want to divide something. Consequently, one particular person or group of people get absolute wining in case the opposite party losses totally, the principle of action – everything or nothing (in Georgian).

agreement. As a result, the mediation agreement is not enforced and the conflict resolution is only futile, followed by the same dispute and maybe even in more complicated ways than before the mediation process. The present article shall develop discussion on the following issue: what factors lead to successful or unsuccessful completion of the mediation processes, the importance of a person's ability to manage their own and others' emotions, what kind of differences are between court and mediation proceedings. Also, under the article also will be discussed the importance of the emotional intelligence and coefficient of intelligence to the process of mediation, their interrelation and whether a high rate of emotional intelligence is a prerequisite for successful completion of the mediation process.

## 2. Emotional Intelligence (EQ)

Emotion is a comprehended mental reaction (*e.g.* anger or fear), subjectively apprehended as a strong sensation, frequently directed towards any specific object that basically results in psychological and behavioral changes in the body. Roger Fischer determines emotion as "... experienced experience. You feel emotion, you do not just think about it. When someone says or does something that is important to you, your emotions respond as a rule, with appropriate psychological changes and willingness to do something."<sup>2</sup> It is out emotion that determines our behavior. Victor Franklin believed that "our greatest freedom is the freedom to choose our behavior." Conflict is more about the emotional imbalance between the parties than the resources-oriented Enigma. There is no conflict until there is no responsive emotion to the existence of which it is the only solution to the problem.<sup>3</sup> According to Daniel Goleman, most of us think that there is no choice in how we feel, while in reality the feeling we have in every case is the choice we make.<sup>4</sup> In the beginning of the last century, William James said, "The greatest discovery

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<sup>2</sup> Kelly E. J., Kaminskiene N., Importance of Emotional Intelligence in Negotiation and Mediation, International Comparative Jurisprudence, Vol. 2, 1<sup>st</sup> ed., September, 2016, 55-60.

<sup>3</sup> Barthel T., Emotional Intelligence In Mediation, 2009, <[https:// www. mediate. com/articles/barthelT4.cfm](https://www.mediate.com/articles/barthelT4.cfm)>.

<sup>4</sup> Goleman D., Emotional intelligence, Bantam, New York, 2005.

of my generation is that it can change his life by changing its attitude”, which directly means that different attitudes give us the opportunity to think differently in any given situation.<sup>5</sup>

It is important for all people to have the ability to identify their own feelings, be able to control both their own and others’ emotions. This ability is very important in everyday life, and its special significance is emphasized in the process of mediation as for the parties as well as for the mediator.

The above-mentioned ability is called emotional intellect. Although the emotional intelligence, as the term first appeared in the work of Michael Beldoch in 1964, became popular in 1995 with the same title written by author, scholar and journalist Daniel Goleman.<sup>6</sup> Studies on emotional intelligence have become especially relevant during the last decade. According to the most common definition, emotional intelligence is “the capacity to manage and regulate the process of perception, understanding and expression of the emotions”.<sup>7</sup>

## 2.1 Models of Emotional Intelligence

There are three different models of emotional intelligence: the ability model, the mixed model and the trait model.

1. The ability model – This model is developed by Salovey and Mayer. Salovey and Mayer tried to emulate the concept of emotional intelligence within the standard criterion of emotional intelligence to create a new intellect.<sup>8</sup> The ability model represents emotions as the useful source for information, which helps person to understand and control the social environment.<sup>9</sup> The stated Model contains four types of ability:

<sup>5</sup> *Goleman D.*, Emotional Intelligence, Bantam, New York, 2005.

<sup>6</sup> Emotional Intelligence, Wikipedia, the free encyclopedia, <[https://en.wikipedia.org/wiki/Emotional\\_intelligence#Trait\\_model](https://en.wikipedia.org/wiki/Emotional_intelligence#Trait_model)>.

<sup>7</sup> *Martskvishvili Kh.*, Relations of Emotional Intelligence and Mental Disorders (in Georgian), 2013, <<https://tsu.ge/science/?leng=ge&cat=jurnal&jnom-eri=5&tid=5>>.

<sup>8</sup> *Mayer J.D., Salovey P., Caruso D.L., Sitarenios G.*, “Emotional Intelligence as a Standard Intelligence”, 2010, 232–242.

<sup>9</sup> *Mayer J.D., & Salovey P.*, What is Emotional Intelligence? (In Salovey P. & Sluyter D., (Eds.), Emotional Development and Emotional Intelligence: Implications for Educators, Basic Books, New York, 1997, 3-31.

- **Emotional Perception** – ability to perceive and understand the expression on face, pictures, voice and composition of art – including identifying your own emotion. Ability to perceive emotions is the main aspect of emotional intelligence, as this ability enables recycling of any other emotional information.

- **Use of emotion** – ability to use emotion in order to facilitate other activities, as thinking and problem solution. An emotionally intelligent person may adapt its character (change of the mood) to its work.

- **Understanding emotions** – ability to understand the language of emotions and respect the complicated relations despite the emotions.

- **Control of emotions** – ability to control both your and others' emotions.

- **Mixed Model** – model developed by American psychologist – Daniel Goleman is mainly focused on the emotional intelligence as a range of competence and knowledge, which develops leadership skills.

- **Trait Model** – Konstantinos Vassilis Petrides offers a conceptual difference between the model based on the skills and the character model.<sup>10</sup> The emotional intelligence of the character/stroke is “the emotional backbone conservation, which is located at the lowest level of personal qualities of the human”<sup>11</sup> This model is linked to the emotional ability of a person.

## 2.2 IQ or EQ

Human mind always creates different emotions. It always has had a reaction to the environment and the events that happen around the person. At the same time, emotions help people make the right decision. However, an excessive emotion that generates an imbalance with a rational mind can prevent a person from making the right decision. This requires the ability to control your own emotions, as well as the ability to look at the rational scenario.

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<sup>10</sup> *Petrides K.V., Furnham A., On the Dimensional Structure of Emotional Intelligence, Personality and Individual Differences 29, 2000, 313–320.*

<sup>11</sup> *Petrides K.V., Pita R., Kokkinaki F., The Location of Trait Emotional Intelligence in Personality Factor Space, British Journal of Psychology 98, 2007, 273–289.*

Intellect coefficient, the same IQ is the rational mind, the so-called intellectual index, which is considered to be the mental age of the person. Comparison of intellect coefficient and emotional intelligence and the issue what is more important among them is the subject of dispute between scientists. As emphasized, emotional intelligence is the ability to identify and control both their own and other emotions, while the intellectual coefficient is a more rational mind. It is more superficial, which means that the person with high intellectual coefficient and low emotional intelligence has the ability to come to the conclusion of the hypothesis based on the logical reasoning, although it does not have the ability to control human emotions, control them and empathy with them. This implies the ability to set himself up in someone else's place and perceive the situation as per their perspective. According to Victor Franklin, "no man should judge, unless he has sincerely asked himself to do what he did in the same situation".<sup>12</sup>

Emotional intelligence affects human life, it can be controlled by it. Individuals with high emotional intelligence have the ability to control their anger, and in addition to being honest with themselves and others. Emotional intelligence also determines how good a person can communicate, but even a person with high emotional intelligence has also developed the ability to listen. The person with high emotional intelligence is always a good listener.

While comparing intellectual coefficient and emotional intelligence, it can be said that intelligence coefficient implies success in school, and emotional intelligence means success in life. It should be noted that the development of emotional intelligence is more likely than the intellectual coefficient. The intellect coefficient is what comes from the birth of the person and develops independently from it, when emotional intelligence can be developed as a result of working on itself.

Mediation is aimed to satisfy the wishes of both parties. The main goal of the mediator and the parties is to reach an agreement that will be desirable for both parties. In order to implement this, it is necessary to first identify the wishes of the parties, analyze them from the perspective of both parties and give them the right direction. Since the mediation process is a synthesis of psychological and legal process, it is important not to examine the facts of the facts and the ability to convey relevant conclusions, but all

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<sup>12</sup> *Frankl V.E., Man's Search for Meaning, Vienna, 1946.*

the skills embodied by the concept of emotional intellect. In the mediation process, it is less important to see how quickly you can get acquainted or how logical you are. In order to successfully complete the above-stated process, it is necessary that the participant can hear, communicate effectively, and set himself up in someone else's place.

### **2.3 Development of Emotional Intelligence**

The model of Daniel Goleman is focused on emotional intelligence as a broad spectrum of skills that leads to leadership.<sup>13</sup> This model refers to the following components:

#### Self-determination

Self-determination is the ability to identify their own emotions and determine their role in decision-making. This is the first step towards becoming a mediator. This ability is not easy to achieve, because it is much easier to understand someone else's emotions than their own. However, if we cannot recognize and manage our own emotions, we may be able to reflect on our unconvincing emotions. In order to avoid such an outcome, the mediator must define a guidebook of its own emotions and create a legitimate basis for self-confidence, which will help him manage it.

How does mediator feel for the next session of mediation? Worried and confident in itself, because this is his first major work; Frustrated, because the parties are active and do not have a mutual agreement; Irritated because his car tire landed; Optimistic and positive, because it is a warm day and a neighbor? Any of the above emotions are reflected on the actions. Being in a positive mood may miraculously make it impossible to mediate, because the parties may have a mood that there is a possibility to agree. In contrast, the mediator's bad mood may be the most agreeable – even the scope of an even more serious controversy.

It is possible that preliminary negotiations that are preceded by mediation are to establish individual emotions of each Contracting Party. The first and most important negotiations that the person is doing is negotiating with himself. William Ury said: "After decades of mediation activities and the

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<sup>13</sup> Bradberry T., Greaves J., Emotional Intelligence 2.0, Talentsmart, San Diego, 2009.

diversity of difficult cases, starting from family intrigue, with labor strikes and the “civil wars” I ended up with the conclusion that the biggest obstacle to achieving what we actually want is not the opposite side, no matter how difficult his personality is, but it is ourselves.”<sup>14</sup>

- **Self-Control**

Self-control is the ability to control emotions and impulses to adapt to the changing environment. People with self-determination should be able to recognize their own emotions and develop mechanisms to reduce the impact of negative emotions, giving preference to positive emotions. Emotions cannot be ignored. Most people try to hide their true emotions, but this is not a good solution, because cracked emotions can produce worse results. Coverage of strong feelings such as: insult, anger, anger, and possibly reduce the cognitive and behavioral functioning of people involved in the mediation process.<sup>15</sup> Negative emotional experience remains and leaves a partner or mediator under long-term tension. Contrary to the expression of emotions requires a significant cognitive energy, the party that hides the emotions of the opposing party is an “enemy” and demonstrates competitive behaviors. Emotionally self-confident mediator can choose a correct and appropriate response instead of being emotional.

- **„Social Awareness“**

Social awareness is the ability to feel, talk and respond to the emotions of others. This feature focuses on the “other” process and includes empathy development. “If you know the enemy and know yourself, you should not be afraid of the results of hundreds of fighting. If you know yourself and not the enemy, you will be defeated after every victory. And if you know neither the enemy nor yourself, you will be defeated every time.”<sup>16</sup> For effective social awareness, mediators need the ability to recognize active hearing and conciliatory actions. These skills are caused by empathy.

- **Relationship Management**

Relationship management is the ability to inspire, influence and develop others in parallel with conflict management. “The mediator with emotional

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<sup>14</sup> *Ury W.*, *Getting to Yes with Yourself: and Other Worthy Opponents*, Harper Collins, New York, 2014.

<sup>15</sup> *Gross J.*, *Emotion regulation: Affective Cognitive and Social Consequences*, *Psychophysiology* 39, 2002, 281-291.

<sup>16</sup> *Tzu S.*, *The Art of War*, Shambhalla Publications, Inc., Boston, 2005.



intelligence should develop four skills: ability to absorb the emotions of their own and the parties; Ability to use emotions and apply them to issues such as thinking and solving problems; Ability to manage emotions and finally to use the emotions of parties to conduct mediation process.<sup>17</sup>

Relationship management is more attractive when it comes to dealing with a global or multi-cultural context. Some cultures are more likely to express emotions or have different opinions about confrontation and avoidance of the confrontation that can affect how disagreements are expressed or even on building of confidence. Cognitive trust in some cultures – trust to the achievement, skill or reliability of a party is secondary to what is called emotional trust-derived from emotional closeness, empathy or friendship.<sup>18</sup>

Gender is also a major role in managing relationships with specific circumstances and environment. Every gender is characteristic of facts and situations, as well as different perception and evaluation of emotions and conversations. Consequently, the mediator must know how the manner of conversation and the negotiation style apply to the particular gender.

### **3. Variability of Emotional Intelligence of the Parties participating in the Mediation according to the Mediation Stages**

Depending on the dynamics of the mediation process, it is characteristic of the emotional background variability. The importance of mediator, as well as the development of emotional intellectuals of parties and representatives in the mediation phases. Conventionally, mediation process is divided into four phases:

1. The opening stage of mediation;
2. Communication stage;
3. Negotiation stage;
4. The Final Stage, Agreement.

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<sup>17</sup> *Goleman D.*, Emotional Intelligence, Bantam, New York, 2005.

<sup>18</sup> *Meyer E.*, Getting to Si, Ja, Oui, Hai and Da: How to Negotiate Across Cultures, Harvard Business Review, 2015, 74-80.

### **3.1 Emotional Intelligence of Mediator**

The mediator is an independent, third person in the mediation process, which, despite the fact that does not make the decision itself, provides the parties with the main directions for effective implementation of the mediation process. Considering that the mediator is an impartial person, it has no direct emotional connection to the dispute, however, because its involvement in the mediation process is quite high, it has some emotional background with the development of mediation process.

#### **3.1.1 Opening Stage of Mediation**

At the opening stage of the mediation, the mediator will introduce the parties to each other, after which the parties shall introduce themselves, while the mediator interprets the importance of their mediation process at this stage. As a rule, the first impression is very important in the future relations of the parties. Since the mediator's role is to reach agreement between the parties in this process, it should first and foremost be their trust and positively encourage them both as a process and for their personality. Emotional intellect plays a big role in creating a positive subjective mood at the initial stage in order to make the mediator able to effectively perform the next stage of mediation. The subjective mood depends largely on emotional intellect. The mediator must be sympathetic to the parties, not on the basis of objective environmental factors, but by its behavior, mimicry, dialogue and diplomatic approach. Parties favor positively and embrace such feelings as the trust of the mediator and the desire to talk to him about their problems, not as the author, but as a friend.

#### **3.1.2 Communication Stage**

Initially, the mediator will set the essence of the dispute, he listens to both parties. At this stage the parties are mainly limited to facts and are less likely to report their subjective attitudes. It is possible that one of the party should be well prepared and aware of the positive side of its position, thus ignoring the other party and putting it in defense position. At this stage, the

mediator must show flexibility and neutralize the situation without support to any party. In other cases, the “distressed” party may refuse co-operation and judge the court with fear and confusion. The party may assume that other party may use the information against it. For example, one party has many oranges and no apples, while the other has a lot of apples and no oranges. Consequently, the parties’ resources are balanced. However, the party may try to trade many oranges in exchange for just a few apples, if the other party said that he has a lot of oranges and wants apples.

If the party is closed for the negotiation, the probability of completion of the mediation agreement is reduced, so the mediator must use the mechanisms which are given in the process of the mediation. Of course, the mediation process is flexible and the mediator is not limited to creative action, but there are several established ways to deal with the situation and the closed side to the negotiating table. These are:

- Break
- Individual Meetings
- Postponing the process

Communication with aggressor party through clarification questions.

The break is good to leave the emotions, and if the party is present with the representative, communicate with him and discuss the issues that caused the confusion of the party. In some cases, it is difficult to answer the unexpected question and is possible only after some time.

**Individual meeting** is one of the most convenient steps in the process of the meeting, whereas the mediator will be able to manage the emotions of the party and get the necessary information from the right strategy. This is the stage when the party freely speaks about offenses, mistakes and alternatives that existed in case of cooperation with the adversary. At this time the psychological condition of the party should be taken into consideration and the desire of what information should be disclosed to the general meeting. In the practiced practice, the mediator asks the side what information the part wants to send to the other party, although it is not enough. In addition, the mediator must ask the question whether he or she wants to act on any of the actions that will give the party any indication on which the party cannot open. The mediator takes this responsibility itself, which, on the one hand, is

perceived as a relief, and on the other hand, enables the mediator to control the emotions of the opposing party.

**Postponing the process** – this factor underlines the mediation voluntary. When a party is confused, he should know that decision-making and responses to questions is not a quick process. It is not limited in time, and even at the next meeting can be more prepared to return to the negotiation table.

**Communicating with the aggressor party**, through effective questions, is an effective strategy for reducing the situation and sending the true will of the aggressor party to the other party of with less aggressive language beyond the strict position of the offensive party. Beyond the expressions of the parties, there is often a different opinion that emotionally that affects the process. Many of them are unconsciously using a lot of metaphors during their speeches. For example, some phrases that express their dissatisfaction with the situation can cause rage of the opponent to arrange for a note to his personality and not the fact. At the moment, “personality and problem” can be mixed, while the mediator through clarification questions can separate these terms.

### 3.1.3 Negotiation Stage

When the emotional imbalance has been eliminated, the mediator has a common idea of what’s happening between the parties, what is their dissatisfaction and what they want in reality.

While the parties consider the issue of the settlement, the mediator must emotionally manage the process as if the parties themselves decide and the mediator does not interfere. In fact, based on the information received from them, the situation must be maximally created, which will lead to both parties’ benefit benefits. This tactic is useful because the authority of the parties in their minds and their emotions are more stable and feel the control over the negotiations. In addition, when the party takes the decision itself more responsibly to fulfill its obligation to maintain the face, which is the social need, which is still necessary for the emotional balance and the inner satisfaction of the person.

### **3.1.4 Final Stage, Settlement**

At this stage, the parties are agreed on all the problematic issues and the details of the agreement so that only formulation will remain. Detailed clauses should be seen in the process of drawing up, so that they still have a sense of control. This factor finally proves to the party that he has received maximum benefit from the negotiation table both in fact and emotionally. The mediator is once again convincing the parties that they have exercised control over the course of mediation, which demonstrates the mediator's emotional intelligence in the sense that he recognized the emotions, wishes of the parties and has undertaken emotional processes in the end as the parties are satisfied and mediation is accomplished with efficient outcome.

### **3.2 Emotional Intelligence of the Parties**

As you know, all the participants of this process take part in conducting the mediation process. Consequently, in order to successfully negotiate the parties shall act with deliberation, although with empathy.

If during the trial, the party should try to justify its position to achieve the desired result, during the mediation process, it is better to have the strategy of the alternative offer. For example, when the dispute relates to finances, in exchange for the request, it may offer to cooperate with the services that are currently beyond the scope of this dispute. If the party has a high level of emotional intelligence, it will help to transform the conflict into a useful environment and get more benefits through negotiation than it would take in the court proceedings. But that does not mean that the party must give up everything unconditionally. On the contrary, party should conduct a "reality test"<sup>19</sup> and show the other party its advantages, in other cases the other party will be more rigid and feel more profitable in the position that the party is afraid to leave the court because he has no legitimate stance.

The "reality test" is one of the most important parts of the mediation, but in this case the party should be cautious, in order not to resort to the

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<sup>19</sup> Psychotherapist function in which the human relationship with the objective or real world is reflected. This is the difference between the inner world thoughts and the feelings of the outside world. This technique is often used for psychoanalysis and behavioral therapy. The first was developed by Sigmund Freud.

trial. In particular, the “test of reality” aims to show the other party that he does not want to go to court, but if the other party is not ready to negotiate, in this case he is ready for it too. However, the reason for refusing a court may be to maintain a long-term relationship with the opposing party. The tactics that the party shows to the other party strengthens probability of the negotiation and also show that its strength to the opposing side and poses a positive attitude toward future negotiations.

If the party is not emotionally balanced and does not have a preliminarily determined outcome, it cannot cope with the mediation process. Thereby stirring up the other party and emotionally disturbed by fearing not to sign his destructive agreement and to let all possible prospects out of the hands.

### **3.3 Emotional Intelligence of the Representative**

The representative plays a very important role both before the mediation process and during the process as well. The parties, as a rule, address the representative not only for legal assistance but in general as a defender of his interests, which has more information and knowledge than others, in order to protect the client’s interests in all three aspects (psycho-social, legal, economic).

Consequently, it is the representative who must create to the client real picture of the reality and emotional mood in order to get as many as possible from the process of the mediation. However, often due to excessive activity, the representatives act as a hindering factor in conducting mediation. Therefore, they are most likely to manage emotions and create a suitable mood for the settlement. For example, if the representative of the other party distorts the factual circumstances at the trial, it can be easily defeated and the judge is making the right decision. In the course of the mediation, if the lawyer is moved to competitive stage, the mediation process will become institutionalized and the agreement of parties will be complicated. Therefore, whatever happens, the attorney must control his emotions and maintain the sensitivity of the proceedings and the opinions expressed in it and avoid the client’s interests. The representative who hopes the party is more freely pursuing the process, at the same time is his adviser. This is another reason why the representative should be emotionally sustainable and always be ready to reassure his assertion if the reaction of

the adversary has caused irritation. It is often remembered to distribute the problem and personality to explain the contents, risks and proposals initiated by the other party to think of what the offer can offer. It is also acceptable if the representative reminds the client about the issues they have discussed together, but the client has forgotten as a result of its emotions.

In conclusion, it may be noted that the mediation process requires the emotional closeness and friendly attitude to the client in order to ensure that attendance is a contributing factor and not a hindrance.

#### **4. Demarcation of Court and Mediation in the Contexts of Emotional Intelligence**

Before the court and mediation, as the concept was established and dispersed, the disputes arising between parties from time immemorial were resolved and there were persons who assisted in resolving their conflicts. Perhaps the institution has not had the name and face of the mediation, but it can be regarded as the predecessor of mediation, as the mediation feature is the solution to disputes through interaction, which is led by the third person a mediator.

In discussing the disputes in the court and making the final decision, the crucial importance is given to the facts and their interpretation by the parties, unlike mediation, where the emotions of the parties and their willingness to settle the conflict. During mediation, we can say that the lost and winning side does not exist, since the agreement reached if it means that both sides have gone to compromise. This is the result of the emotional intellectual achievement and is therefore a big part of the mediation process. When considering the case in court, emotions are given a certain importance, but not decisive, given that the court is mainly guided by the legislation.

When jury judges make a decision on criminal cases, emotional intelligence of the defendant and his representative is very important since in such cases the conviction of jurors and empathy is essential for the acquittal. But in comparison, we cannot say the same about civil cases. The mediation process is dependent on the individually on the parties and also, on the ability of the mediator to perceive and manage the emotions of the parties and himself. Discussion of sensitive disputes, such as family type

disputes, are of particular importance in assessing the court and mediation in the context of emotional intelligence. For example, parental disputes over child custody, when the emotions are on the main side. The Court considers all the cases, of course, in the interest of the child, but as already noted on the basis of facts and evidences, and gives the less importance to the emotional state of the parties in the process which cannot be referred to mediation. The mediator considers the emotional state of the parties, and in cases where such strong emotions as anger, aggression, stubbornness, pragmatism and resentment arises helps the parties to control the emotions. There is a practice in which the mediator has applied to the creative method. The method was that when the situation was no longer under control, the mediator offered the parties to imagine that a child was sitting on a chair in the room. This positively reflected on the mediation process and they concentrated on the real problem, with the suppression of emotions.

It is of particular importance that mediation promotes future relations, for which the four elements of emotional intelligence should be considered, in the present article. Unlike this, the main function of the Court is to solve a specific dispute and not to maintain or improve relations between the parties. It can be said that the mediator is a psychologist, sociologist, lawyer and many other spheres. Judge's role is only legal assessment, while Mediator is a "specialist" of management.

## **5. Conclusion**

The main advantage of mediation as an institution is that the Parties voluntarily go forward to the favorable settlement of conflict. In order to achieve this, it is necessary to express their emotional readiness: to establish confidence, to concentrate on the main issue, to understand the emotions and desires of the opposing side, in respect of empathy, or in many other factors, which in the form of emotional intellectuals. If in the courts the parties in advance prepare the positions on the grounds of counterclaim and claim, in mediation everything is done in due course. That's why mediation is a live process and therefore, all participants are asked to be emotional self-controlled and reasonable in order to properly understand the issues, problems and empathy of the party. Only by this tactic the desired result can be achieved in mediation.



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