



Mediation?

A facilitative process in which disputing parties engage the assistance of an impartial mediator, who has no authority to make any decisions for them, but who uses certain procedures, techniques and skills to help them to solve their dispute by negotiated agreement without adjudication.

Brown en Marriott



Why mediation:

- Also in Meppel are complaints and objections;
- Good results have been rurally achieved;
- A success score of 70% in Meppel;
- Frequently other disputes than mentioned;



How do we work: (Harvard model;)

- Separate people from the problem;
- Make common interests;
- Solution for all parties, possibly outside the problem;
- Impartial.



What are the differences?
(with a legal procedure)

Mediation:

- Can be applied beside legal procedures;
- The parties themselves look for a solution;
- Win-win situation is the challenge;
- A solution where all parties profit from.
- Solutions are carried inner self;
- Other disputes can be discussed;
- Faster results and less precious;
- Investment in relations, also for the future;



Legal procedure:

- Talk of an imposed solution in the form of a pronouncement; (They don't have to agree with the solution)
- it is no solution of the parties themselves; (Therefore by definition by the parties don't have commitment)
- More chance on recurrence;
- Lying behind disputes get no attention;
- More precious and more time-consuming;
- No durable investment in relations



When: (Cases for mediation:)

- Questions between neighbours;
- Disputes concerning (construction) licenses;
- Disputes concerning maintaining matter;
- On request of the parties.



- For fundamental questions mediation brings no help. The parties are being helped by a legal pronouncement.
- Also in criminal matters, in which the pronouncement by proved facts more or less is tied up.



During the mediation

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- **Voluntarity**
- **Security**
- **Responsibility**
- **Confidentiality**
- Parties take part voluntarily. There is no obligation. Voluntarily but not without engagement.
- Parties must have a save feeling, speak openly, without being afraid to be settled up.
- Parties remain responsibel by the solutions they chose.
- That which is from both sides said, remains confidential. It remains therefore under the participants.

The result can be enclosed in a observation agreement



**Finally
Conclusion**

Our society has become more complex. Laws and legislation are essential. Also for settling disputes we have been designated on procedures, such as review and appeal.

It seems almost that the procedures and protocols based by the laws and legislation have replaced the ancient consultation. With mediation this consultation can be called back.

Therefore simply discuss, and if the ' if it becomes difficult: simply continue with the discussion.
