



Co-funded by the
Erasmus+ Programme
of the European Union

Mediation: Training and Society Transformation/
MEDIATS

Newsletter №1, February 2019



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For the newsletter 2 send your news and stories until 1 April 2019!



4-8 February 2019
Hoeven, Breda (Netherlands)
Study Visits 1,2 and kick-off

On February 4-8, 2019 in Hoeven, the Netherlands, the first event of the Erasmus + project «Mediation: Education and Society Transformation» was held.

The program of the event included study visits to learn European experience in building of Mediation environment, development and implementation of training programs on mediation, as well as meeting of the steering committee. The participants presented their universities, experts from the University of Turība (Latvia), the Netherlands Business Academy (the Netherlands), the Catholic University of San Antonio (Spain) shared their experience. Representatives of the International Institute of Mediation (the Netherlands) discussed mediation in an international perspective and offered case activities.

The participants discussed the concept of "mediation" in details, learnt the structure of professional associations of mediators, legislative regulation of mediation in the EU, role and place of mediation in society. Mediators-practitioners from the Netherlands, USA, Latvia were also involved to the discussions.

On February 6, the project team visited the court of Breda, where they met with judges and representatives of the court mediation bureau. The participants developed and agreed action plans for launching of Master's degree programs in Mediation at partner universities and creation of Mediation Federations in Ukraine, Georgia, and Azerbaijan. In parallel, individual consultations were held, partners shared ideas and impressions. The final presentations of the teams summarized the experience gained by the participants during the week.





Stories of Gea van Klompenburg and Marjon Kuipers, professional mediators

Gea van Klompenburg:

My name is Gea van Klompenburg. In 2008 I started my career as an MfN Register family mediator.
(Mediators federation of the Netherlands)

In my previous profession I worked in real estate and advised clients on their mortgages and insurances. During my career in real estate I encountered many clients who were getting a divorce. During the divorce process they experienced their separation and the subsequent settlement as “impersonal”. The main reason that they felt this way was mainly due to the fact that a lawyer conducted the divorce process. In my experience parties did not always get the support they actually needed. I am convinced that a divorce settlement can and should be handled in a different and consequently in a better way.

My mediation practice is called “xxxxxxx” which roughly translates as a “Separation done better”. Besides being a registered family I also work as a court mediator and a criminal (court) law mediator.

Marjon Kuipers

I would like to introduce myself. My name is Marjon Kuipers and I started my professional career as a Financial Adviser and International NLP trainer. In 2015 I graduated as a Specialist Analytic Profiling. In 2008 I started my practice as an MfN Register family mediator. I am also appointed as a Special Curator Youth to the Arnhem District Court and as a Criminal (court) law Mediator. I am an expert in autism-related matters.

During my M.A. study Mediation, I researched the role of stress & emotions and their influence on physical and mental well-being. The main reason behind my research was the role that emotions and behavior play in relation to autism in my personal life. The results of my research helped me to understand the effects of emotions and behavior in general and specifically in autism. Knowledge in this area turned out indispensable to me. It thought me to connect to people with and without autism. I am very experienced in guiding complex issues both socio- emotionally and financially.

Gea

We were invited inform you about our Master Mediation study at the Netherlands Business Academy. We are both mediators since 2008 and our caseload exceeds 500 cases since.

The remarkable thing is that neither of us have a legal background. The legally required legal knowledge as a mediator comes from the basic mediators education and the specializations. In our case the specialization is ‘divorce’.

Mediator is not a 'light' version of a lawyer: we are professionals with our own theoretical framework, specific professional skills and attitude. Mediation is all about the mind. Not about the law. It's about attitude, emotions, stress and behavior.



Marjon Kuipers:

Social psychology

- Social psychology | personality analytics & personal analytics

o who you are? o why do you react like you do? o what about the parties?

As a mediator you are part of the system and therefore you influence the mediation process, whether you want it or not. That is why it is important to know what, why and how you effect the mediation process.

As a mediator you have to facilitate safety and connect with the persons at your table.

Parties experience a major life event, like trouble in their workspace, lose jobs, in relationships, the loss of family life and possessions.

They are stressed about financial implications, emotions and fear the future. It's a very insecure period in someone's life. When the emotional problems/issues are solved, they are on the path to a solution. It opens the gate to the solutions.

If the solution also contains the legal aspects then a basic knowledge of the law is of course required.

If is specialist knowledge is required, then you can or must refer to an advisor. Knowledge of the law means that the mediator has to be aware of the implications /playing field too. For instance: Labour-and business conflicts and, divorce, business conflicts.

Stress

It's about stress

In stress the neo cortex, your thinking brain switches off and you will be in a state of Fight, Flight of Freeze. This is not the best state to make decisions. As a mediator you have to know how the brain works.

During the study

We have made a four personal development plans throughout our study. Twice a year we updated about our private and professional goals. A NBA coach from read the plans and gave suggestions.

We were thought to make a quick scan based on DISC and MBTI and psychology knowledge.

Therefore we are capable of interpreting behavior and the way people react in certain situations to each other or to us as mediators.

Our mantra is: "Mediators are part of the process".

Mediation is not about the truth or guilt. A conflict starts somewhere. We are not looking for the source of the conflict because people mostly have a different view.

Dynamic networks

It is all about dynamics between the people who are involved, the mediator included.

We are all part of the system. People have a personal network, a professional network through which they are influenced.

What about your network? We are also part network.



Therefore confidentiality is crucial. Otherwise there is a major risk of being influenced by others.

Example

The people in your network have probably good or bad experiences with own divorce or other people. Someone with a good experience will give you positive advice. Someone with a bad experience will give you a negative advice.

Parties have to feel free to discuss anything that contributes to the solution.

As a mediator you have to facilitate a secure setting, where people can speak freely without holding back.

Multi Methods in mediation

Facilitating mediation

The mediator is only facilitating the process.

Evaluative mediation

The mediator is an expert in the subject of the conflict and is leading. Gea is a mortgage expert. Marjon is an autism expert.

Narrative mediation

As a narrative mediator you construct a new story about what happened in the past. It changes perceptions of the parties.

Transformative mediation

The mediator is equipped with special interview techniques with the purpose to empower and recognize parties. Empowering means to be so strong that you can make your own decisions and be a part of your own destiny. The transformative mediator is following not leading.

We are both divorce- and criminal law mediators in which we represent victims as well as suspects.

Because of our study at NBA we are now more capable to recognize the underlying dynamics during mediation.

We are much better equipped to empower people to find their own solutions. A solution found by both parties is so much better than a forced judicial solution for example.

Paper

During our fieldwork research we conducted a survey about multi method mediation.

We filmed and analyzed 5 mediation settings. Same case and same actors. The mediators were all mediators using different methods.

Our main research question was: What are the differences in the of the mediations whilst using different multimethods? Is there a difference between the multimethod and the outcome of the mediation?

Our conclusion was that all methods work. And if you want to be the best mediator you have to use the technique that suits you the best.



In the study we improved our mediation skills and in our daily practice we combine the different styles. Our preferred method is facilitating with a hint of evaluative mediation. We facilitate and partly we are also the experts.

We'd like to tell you about the intensity of our study, for example the paper we just told you about. The mediations are filmed (each mediation takes 45 minutes) and backed-up by an audio file. After the sessions we discussed the findings with the mediator and with the actors (This process took us about two days) . We constructed a questionnaire in survey monkey and we send it with the video's to 5 mediators and 5 well educated and highly skilled professionals.

We also constructed a questionnaire for the actors. Processing and analyzing the results took us about two to three days).

The writing of the 52 page long paper, including all the attachments took us about one week each, a few weekends and a lot of evenings.

In the Netherlands we mark paper from 1 to 10 (1 is the lowest, 10 the highest) Our mark was a 9! It was worth the effort!

The thesis takes a lot of time..... **So back to the beginning**

Mediation is not about the law. It's about personal processes parties and it is about the mediator and her/his toolkit.

- A carpenter has got his hammer
- A nurse she's got her bandage
- A doctor has got his pills

But we as mediators, we only have ourselves!

