

Mediation: modern crisis management tool



FOR SOME YEARS NOW, THE COURTS HAVE BEEN CONGESTED, BECAUSE LAWSUITS BETWEEN INDIVIDUALS AND COMPANIES ARE ON THE INCREASE. HOWEVER THERE IS A SIMPLE AND EFFECTIVE WAY OF SETTLING MANY DISPUTES: CONFLICT MEDIATION. THE COMPANY GENEVACCORD ADR HAS BECOME A SPECIALIST IN THE FIELD.

International disputes, commercial matters within and between companies, intellectual property, there are any number of reasons for disputes in our modern society. The direct consequence of the increase in the number of disputes is that the courts can no longer keep pace, cases linger for years and people are having to wait a long time to get a verdict that is conclusive. The result: a winner and a loser, or two losers. The parties are rarely satisfied with legal action. Mediation offers a remedy for this state of affairs and a win/win solution for the parties involved. “This congestion of the courts represents a cost to the public”, underlines Guy A. Bottequin, founder of the company GENEVACCORD ADR. “The mediator has a different approach. In the first place he empathises with both of the parties in question. He takes the time to listen to them, to understand and note their grievances in detail. This new approach is very attractive, and mediation is making spectacular progress in Europe.”

Confidentiality is essential

It has to be said that this method of crisis management has many advantages. The mediator, who acts like an orchestra conductor, must have four essential qualities in order to conclude the process successfully. He must be impartial, independent,

neutral, and demonstrate a high degree of confidentiality. With these qualities, it is possible to obtain some excellent results, as Guy A. Bottequin explains: “About 87% of the cases we handle are resolved without going to court, but only thanks to attentive mediation. Some companies prefer using this kind of procedure, because this way they are not mentioned in the legal process. Their desire for discretion can be respected during mediation.” Disposing of a head office arrangement, and excellent infrastructure practising a cult of discretion, over time Geneva has become the main international centre of conflict management. “Managing a dispute also means working upstream, by focusing on prevention”, continues the founder of GENEVACCORD ADR. The ultimate objective of mediation is to enable the parties to achieve a reasoned solution through creativity, in the interest of both parties, without renouncing the basics, and to remain flexible about the format. Therefore, both parties give themselves the possibility to pursue a relationship without any rancour.” The declared objective, and this is what is so subtle, is that the dispute stays out of court. In order to reassure the parties present, the lawyers are expected to support their clients during their meetings.

International structure

Within the framework of mediation’s increase in power in Europe, the company GENEVACCORD ADR is establishing itself as its professional leader. Indeed, it has a large network of correspondents for any type of lawsuit. In the French-speaking area, mediators can be called upon to manage a crisis. The structure is based in Geneva, but it also has offices in Paris, and partnerships in several other European cities. When necessary, it can provide an answer within 48 hours, the sort of rapidity that is sometimes required in some types of dispute. Apart from conventional disputes, it offers a large catalogue of services, which include basic and ongoing training in the awareness of conflict management, a further training in the art of non-verbal behaviour as well as in para-verbal techniques. It has a research academy, where several experts are working, in order to put forward policies to improve certain weak points in the wonderful process of encouraging greater responsibility. The mediation of disputes is thus a process accessible to everyone, and leads to a reduction in tension, to friendly solutions, while keeping alive the possibility for the parties to pursue normal relations. Therefore it is fast, economical and effective. Why try to get by without it?