Abstract

Mediation was introduced in Romania by the Law 192 in May 2006. I was one of the people who had a contribution, a modest one, to the drafting of some of the stipulations of this law. In the years that passed since then, my research was concentrated on mediation as a process, on the core concepts that we use in mediation (some of them confusing, vague or unnecessarily complicated), on the principles that make mediation not only possible, but also viable and efficient, on the procedures that structure this process. The research was doubled by a professional practice in the field of mediation which boosted and validated it, becoming, in their turn, a solid base for both the practice of mediation and teaching activity, inside the university and in the market for basic training for mediators (over 700 trained mediators between 2009 and 2013).

In this regard, firstly, I have addressed the core concepts in mediation, starting with the very definition of this method. There is a big confusion, generated by ignorance, regarding of what exactly is mediation and which are its differentiating features. These reflections were materialized in a number of studies published in 2005, 2006 and 2013, mainly addressing the need for a clear understanding of what is, and what is not, the mediation process.

In further collaboration with the lawmakers from the Romanian Parliament, and the start of the collaboration with the Mediation Council, the organism responsible for the regulation of the mediation activity in Romania, I focused my attention on the legislative aspects of mediation. The Romanian society, for reasons that deserve a thorough study, continues to believe in the capacity of laws to create reality, despite all evidence. As a result, the difficulties encountered by mediators to promote the profession and gain public confidence have generated immense pressure for legislative changes which, one way or the other, were aiming to impose mediation as a mandatory procedure in the Romanian legal system. This pressure led to a cascade amendment of Law 192, with negative consequences, for the mediation and the public perception of it. I have tried, during these years, to bring substance to the legislative debates by the research I have undertaken with my colleagues from the Transylvanian Institute of Mediation and Craiova Mediation Center.

Of course, it is impossible to practice mediation and train mediators without a profound reflection on the mediation procedures, techniques and tools. I have developed, through my research, a

handbook for the training of mediators, handbook which was based on the scientific investigation and the practical experience accumulated over the years and expressed by the studies whose author and co-author I have been.

In recent years, thanks to the openness to the international world of mediation, by belonging to the International Mediation Institute and Mediators Beyond Borders Association, and also by receiving a Fulbright Senior Scholarship, I have initiated a line of research with generous perspectives in the near future, concerning the comparative analysis of policies and strategies of the mediation implementation in the United States and the European Union. In other words, I became concerned not only with the study of the mediation as a process, but also as a system. This type of research line aims to give answers to some of the major questions regarding mediation and its future inside the national legal systems.

Directly related to this concern comes also the anthropological research of the traditional practices of conflict management, with the focus on the role of the third parties in such practices. I believe that the contemporary mediation world has much to learn from the way the traditional procedures were structured, from the way the mediators take action inside these practices and can provide essential lessons for the successful implementation of mediation, without forcing the public to access it through punitive legislative measures.