

Application of Mediation Skills in Conflict Resolution

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What is mediation?

- Mediation is assisted negotiation
- **Meaning of mediation under Mediation Ordinance**
- “4(1) For the purposes of this Ordinance, mediation is a structured process comprising one or more sessions in which one or more impartial individuals, without adjudicating a dispute or any aspect of it, assist the parties
- to the dispute to do any or all of the following—

What is mediation?

- (a) identify the issues in dispute;
- (b) explore and generate options;
- (c) communicate with one another;
- (d) reach an agreement regarding the resolution of the
- whole, or part, of the dispute.”

Mediation skills

- Born talent?
- Acquired skills?
- A mix of both?
- 40-hour mediation course
as a start

Mark Twain

- “Man is the reasoning animal.
- Such is the claim.
- I think it is open to dispute.”

Concepts Embedded in Mediation Skills

- 3 Sets of Needs in Conflict
- Principled Negotiation

3 Sets of Needs in Conflict Christopher W. Moore

- Substantive Needs
 - Procedural Needs
 - Psychological Needs
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- What are they?
 - Which one is more important?
 - Are we too focused on the substantive needs?

Getting To Yes Roger Fisher, William Ury & Bruce Patton

- Separate the People from the Problem
- Focus on Interests, not Positions
- Invent Options For Mutual Gains
- Insist on Objective Criteria

Q & A

- There are no silly questions but there are only silly answers.
- Questions are most welcome.

Comments

- The contents of this seminar shall not be taken as legal advice .
- Comments are most welcome.

THANK YOU

• Thank you