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MEDIATOR FROM THE SERBIAN LAW PERSPECTIVE

Summary

Mediation means a structured process, however named or referred to, whereby two or more parties to a dispute attempt by themselves, on a voluntary basis, to reach an agreement on the settlement of their dispute with the assistance of a mediator.

Despite the fact that mediation depends on the will of the parties, the final outcome of mediation is directly linked to the person of the mediator. Hence, competent mediator uses a wide variety of skills and techniques to guide the process in a constructive direction and to help the parties find their optimal solution. As the mediation practice gained popularity, training programs, certifications and licensing followed, producing trained, professional mediators committed to the discipline.

This paper analyses the position of mediator in the Serbian law which is referring to the role of mediator in mediation process, some confusion on the line judge – mediator, the mediator's skills, who can be a mediator, educative training program for mediators, as well as, licensing and registration of mediators.

Key words: mediation, mediator, mediator's skills, negotiation.

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