



COMPARATIVE ANALYSIS OF EXPERIENCE OF GEORGIA AND UKRAINE IN IMPLEMENTATION OF MEDIATION IN COMMERCIAL DISPUTES

Francuz Anatolij¹, Viktoriia Polishchuk²

¹*Hero of Ukraine, Honored Lawyer of Ukraine, Doctor of Laws Sciences, Professor, Professor of Department of State Legal Disciplines, "KROK" University, Kyiv, Ukraine, AnatolijFJ@krok.edu.ua, ORCID: 0000-0003-2861-1252*

²*"KROK" University, Kyiv, Ukraine, viktoriiaapv@krok.edu.ua, ORCID: 0000-0003-0579-1246*

Abstract. *This article is devoted to the analysis of the practical experience of mediation application in commercial disputes. A comparative analysis of the historical development of mediation in Georgia and Ukraine has been made. In the past in Georgia, mediators were found to be individuals, who enjoyed authority and trust among the members of society and who knew laws very well. In Ukraine, mediation has developed as a part of negotiations between the disputing parties. It is determined that current mediation in Georgia and Ukraine is developing in different ways. The starting point of the mediation development in Georgia can be considered a creation of a mediation clinic at the university. Thereafter, an institution that was focused on social dialogue was created in Georgia in 2008. Further development of mediation in Georgia was accompanied by the introduction of pilot projects and the active development of the training system for the new profession, namely a mediator. The result of pilot projects in Georgia was the adoption of amendments to the Civil Procedure Code, which established two forms of mediation. Mediation has become a must in family disputes and in settling disputes between neighbours. For other types of disputes, including commercial disputes, mediation was a recommendation. It was researched that financial incentives and accountability have been also applied to encourage mediation in Georgia. For parties, who have used mediation before applying to the court but have not reached an agreement, a lower court fee is set. If the parties have waived the obligatory mediation, the defaulting party shall pay a fine. Georgian law also stipulates the possibility of enforcement of a decision made in the mediation process if one of the parties fails to comply with it. The author analysed that the draft law on mediation in Georgia will stimulate the state and all its bodies and businesses to actively use mediation in any disputes. In Ukraine, the development of mediation began in the 1990s. It is researched that Ukraine and Georgia have a similar start in the introduction of mediation into the legal system. An authority that is engaged in social dialogue has also been set up in Ukraine. However, in the absence of effort consolidation of all stakeholders in the legal definition of the mediation process in Ukraine, paths of mediation development in Ukraine and Georgia had split. It is concluded that the criterion of the success in implementation of mediation in legal terms is the need to introduce mediation disciplines in higher education institutions and to carry out educational work among the population on the effectiveness of this method of dispute resolution.*

Key words: *mediation, mediator, commercial disputes, mediation agreement, alternative dispute resolution*

JEL Classification: *K2, K10, K29.*

Formulas: *0; fig.: 0; tabl.: 0; bibl.: 28.*

Introduction

On August 07, 2019, mediation obtains the international legal status and recognition by the entire international community. The United Nations Convention on Mediation was adopted in Singapore on that day, which gave mediation an international status as a way of resolving any sort of disputes, both between states and within a particular state. In this context, a Singaporean researcher, Nadja Alexander, states that this UN document reflects real needs of modern societies that are interested in expediting their dispute resolution and implementing mediation agreements [4]. In this regard, Ukrainian researcher Tetiana Kyselova states quite objectively that mediation has become a traditional part of reforming the judicial branch and ways of resolving disputes in many countries [8]. However,

the UN Convention on Mediation requires far more than just a willingness to implement me-

diation in the legal system and to recognize this alternative way of resolving disputes as a full-fledged mean of conflict resolution. The UN Convention implies that changes in the consciousness of citizens, government, businesses and state authorities shall take place. The implementation of the UN Convention is the responsibility of a society to learn how to make decisions independently. In all countries, this requires coordination of the efforts of all those involved in the active implementation and application of mediation. According to the researcher John Sturrock, in such relations mediators should be not just service providers but the driving force behind changes in dispute resolution [10].

Georgia and Ukraine are among 46 countries that acceded to the United Nations Convention on Mediation on August 07, 2019, thereby taking responsibility for updating domestic mediation legislation and promoting the effectiveness of this dispute resolution method. John Sturrock, an



Irish researcher, believes that knowing our neighbours' experiences makes us wiser [11]. Thus, a study of the historical development and legislative consolidation of mediation in Georgia and Ukraine through comparative studies enables both countries to understand challenges in further mediation development in the light of the new UN Convention on Mediation. Also, the study of the experience of Georgia and Ukraine aims to determine the criteria for the successful functioning of mediation in commercial disputes in every country.

Literature Review

Disputes are an integral part of organization and conduct of economic activities of business entities. Reputation, profit and market positioning depend on the speed and efficiency of resolving any contradictions. Modern scholars are increasingly focusing on alternative methods of dispute resolution, which would guarantee a higher percentage of proper conflict resolution in compliance with the principles of confidentiality. One of these types of alternative dispute resolution is mediation involving a third neutral and impartial individual. Scientist Sophie Tkemaladze (2019) "Courts Should Be The Alternative! – Georgia Soon To Adopt The Law On Mediation", suggests that the first factor of successful implementation of mediation in Georgia is that lawyers are not afraid of mediation. Lawyers offer their clients the ability to resolve disputes effectively not only by appealing to the court but through the use of a mediation procedure as well. Researcher Nadja Alexander (2019) "It's DONE: The Singapore Convention on Mediation", states that UN document reflects real needs of modern societies that are interested in expediting their dispute resolution and implementing mediation agreements. Researcher Greg Bond (2018) "Why Train Mediation at Universities? From Communication and Life Skills to Mediation Use and Mediation Advocacy", argues that teaching mediation at the university is becoming a common practice in all universities in the world. Scientists Tatiana Kyseleva and Maryna Omelynska (2017) "Will Ukraine Have A Law on Mediation in 2017? ", states quite objectively that mediation has become a traditional part of reforming the judicial branch and ways of resolving disputes in many countries.

Aims

The purpose of the article is to analyse the practical experience of Georgia and Ukraine in the

implementation of mediation in commercial disputes, to determine the nature of mediation, the principles, by which mediation is carried out in both countries, and the features of existing legal regulation of mediation.

Methods

To prepare this article, the historical and comparative methods were used when analysing the development of historical prerequisites for the formation of mediation in economic disputes in Georgia and Ukraine; formal-logical method when analysing the concept of mediation in terms of law within social and legal phenomena and determining its specific features distinguishing it from related concepts; systemic-structural method when establishing the necessary components of the mediation process as a way to resolve economic disputes in Georgia and Ukraine.

Results

In today's world of information technologies, meaningful and open communication between people is shrinking. Deficit in communication is one of the most important factors in conflicts. According to Georgian researcher, Sophie Tkemaladze, there are three ways to resolve conflicts [17]. First, it can be called imperious way or, in other words, a coercive way, when the parties use physical force to achieve their desired result. The parties exercise an imperious or coercive method through wars or other armed conflicts. The second way is to apply rules of law to address disputes in order find who has what rights under law and to what. In practice, this method is implemented through courts or arbitration. The third way is an agreement between parties or a negotiation between the parties, which are aimed at dispute settlement by conflicting parties on their own. Moreover, such a decision, which is executed as an agreement or made on the basis of the negotiations, reflects the true interests of the parties. It can be exemplified by a negotiation of parties or mediation, where a third party is involved, which helps the parties to understand each other and make a decision that would satisfy all parties of the dispute [17]. Ukrainian researchers, N. Krestovska, T. Barabash, L. Romanadze, argue that a mediation cannot be defined simply as a negotiation with the help of a mediator. Distinctive features of mediation are the structure of its procedure and the existence of clear principles [18]. Sophie Tkemaladze is of the opinion



that the main asset of mediation is that it helps individuals, as well as companies, if the parties of the dispute are legal entities, to restore their relationships [17]. According to the head of the UN Development Program in Georgia, Louise Winton, mediation is a way to widen an access to justice by making it more accessible to citizens [12]. Mediation is not a guarantee for decision making, but rather an out-of-court dispute resolution and an attempt to resolve the dispute taking into account the interests of each party.

The Georgian Association of Mediators defines mediation as a flexible way of dispute resolution, held privately and confidentially, where a mediator acts as a neutral facilitator to help the parties to resolve their disputes [15]. The parties have control over both the dispute resolution and the terms of its settlement.

The Ukrainian Mediation Centre provides a definition of mediation as a method of dispute resolution involving a mediator, which helps the parties of the conflict to establish a communication process and to analyse the conflict situation, so that they themselves can choose a solution that would satisfy the interests and needs of all the parties of the conflict. Unlike formal litigation or arbitration, during mediation process the parties reach an agreement by themselves, the mediator does not make a decision for them [23].

Both Georgian and Ukrainian Mediation Centres define the concept of mediation through the principles of flexibility and confidentiality of the process, neutrality of the mediator, commitment to the interests of the parties and control of parties over decision-making. The difference in the understanding of the mediation process between the two countries lies that the Georgia consider that it is important to control the implementation of the decision made during the mediation process, which is not the case for Ukrainian mediation practice. In addition, Georgian mediators shall have facilitation skills, while Ukrainian colleagues do not consider facilitation skills as a criterion for professionalism in mediation. According to the National Association of Facilitators of Ukraine, facilitation skills assist in group work on problem solving or in reaching an agreement among the participants of the discussion [24]. One should agree with this opinion, because the ability to work with a group of people, who are at odds with each other, is a

sign that mediation can be successful in disputes resolution.

Historical prerequisites for the development of mediation in Georgia and Ukraine may be the reason for the different approaches in understanding mediation. Mediation in Georgia has been practiced for centuries, and for a long time the population prefers alternative methods of dispute resolution [15]. According to Sophie Tkemalaladze, the difference between historical mediation and the modern mediation in Georgia is that the mediator in the past had made decisions. To do this, the mediator studied the case in detail, listened to the parties and examined the evidence. His role was somewhat similar to that of a modern arbitrator [17]. However, in general, it may indicate that alternative methods of conflict resolution have always been used in all regions of Georgia. Sophia Tkemalaladze gives historical examples of the mediation development in Georgia. In Svaneti, for example, mediators settled civil and criminal cases. A number of mediators-judges were formed in the province of Khevsureti based on moral virtues, authority, intelligence and knowledge of the laws of the region. In Pshavi ethnographic group, the parties first had to agree on the reconciliation process itself and only then to choose a mediator. Sophie Tkemalaladze notes that it happened quite often that mediators, who had to settle a dispute with the family of wronged people, were the ones, who had previously been granted forgiveness for the same offense. In Abkhazia, the mediation court was based on customary law.

In the 18th century, Abkhazian community suffered severely from the institute of revenge and therefore mediation became an effective way of resolving criminal cases peacefully. All these historical backgrounds make it possible to conclude that the whole process of dispute resolution was around a mediator, who enjoyed some authority in the community at the time, and who was able to handle complex cases, and had the skills to work with a group of people, and knew the laws of his region.

In Ukraine, according to the Ukrainian researcher V. Demochko, there had been mediators in dispute resolution since ancient times [25]. Ukrainian researcher Yu. Mykytyn states that in the days of primitive community formation there was a principle of “blood revenge” in the territory of



Ukraine. Over time, the Slavonic people began to think of other alternative and non-violent form of conflict resolution. The function of mediator was carried out by a senior, who ensured the peaceful coexistence of clan and family communities. The mediator was true to high religious and moral principles [27]. In the period of Kievan Rus, the main source of law was a so-called “Ruska Pravda” (Rus’ Justice), which was based on the customary law of the Slavonic people under the influence of Byzantine law [27]. As V. Demochko notes, in particular, during this period the higher clergy representatives often took a lead of diplomatic missions, performed the duty of ambassadors and mediators in the relations between the warring princely coalitions of Kievan Rus [25, p. 5]. According to the Ukrainian researcher V. Kryvosheia, in later times, namely, during the Hetman era, the military elite acted as mediators in conflict resolution. V. Kryvosheia exemplified it by a former secretary of Hetman Vyhovsky’s secretariat, Vasyl Kropyvnytsky, who was the mediator during the Treaty of Hadiach between Hetman of Ukraine and the governor of Poznan, Jan Leszczynski. Vasyl Kropyvnytsky had the rank of a colonel [26, p. 169]. Having analysed the historical development of mediation in Ukraine, the author thinks that mediation on the territory of Ukraine displayed more of a negotiation function between the conflicting parties than a facilitator function in the search for common interests. Herewith, various historical communities gave the mediator such features as authority, high moral and religious principles, knowledge of the negotiation principles. Despite the different historical development of Georgia and Ukraine, the mediation institute was present in both countries and the public was aware of the functions of so-called mediators in conflicts.

The current legislative development of mediation in Georgia and Ukraine is also being done in different ways. According to the Bulletin of the Federal Mediation Institute, there are two periods in the current stage of mediation development can be seen in Georgia. The first period is the creation of the tripartite Social Dialogue Development Committee in 2008. This period became the basis for the future legislative development of mediation. The second period falls on 2010, when a mediation clinic was opened at Tbilisi State University [22]. Just after the mediation clinic was created, in

2011, thanks to the USAID project in Georgia, the first attempt to introduce mediation into the justice system was made [3]. Later, the first pilot mediation project was implemented at the Tbilisi City Court and the curricula for mediation at Georgian universities were developed [3]. In 2012, according to Georgian judge, Lasha Kalandadze, Georgia decided to amend the Civil Procedure Code in order to introduce a mandatory mediation in family disputes and conflicts resolutions between neighbours. In other cases, the law encouraged the use of voluntary mediation before going to court or at any stage of the case hearing in the court. According to Lasha Kalandadze, the introduction of compulsory mediation is a prerequisite for the effective development of voluntary mediation [1]. In addition, Georgia has chosen the path of providing financial incentive to those, who use a mediation process. According to the rules of the Civil Procedure Code of Georgia, the court fee for filing a claim is 3% of the disputed subject cost, while the cost of a claim, where a mediation procedure had been applied but an agreement had not been reached, is only 1% [1]. Equally important is the existence of a financial penalty for a party’s refusal to participate in a mandatory mediation procedure or delaying the mediation process. A party that does not wish to use compulsory mediation pays a fine of GEL 150 and a court fee regardless of the outcome of the court hearing [1]. It is also worth noting that in Georgia the parties can take advantage of the function to enforce the decision implementation made during the mediation process [1]. This factor provided a guarantee for implementation of the decision made during the mediation.

Increasing mediation development in Georgia was supported by the European Union and the United Nations Development Program. This support has been demonstrated in cooperation with the Georgian Government, the judiciary sector, the private sector and educational institutions. All of these actions were aimed at improving the business and investment environment of Georgia, which were identified as one of the priorities in the Association Agenda between the European Union and Georgia. In 2016-2018, support for mediation in Georgia was provided by the EU-UN Program “Equal Justice for All”. The project will be underway in 2019-2020, furthering Georgia’s progress in achieving the goals of sustainable mediation [13].



Sophie Tkemalaladze quite objectively states that due to external support and internal consolidation, the country has succeeded in launching new pilot mediation projects in two courts outside Tbilisi and in mediation of land disputes and disputes between neighbours, and in implementing of mediation in criminal cases [3]. Moreover, the Minister of Justice of Georgia has put forth the idea that courts should be an alternative in dispute resolution, and mediation should be the main way of conflicts resolution. The adoption of the Law on Mediation reinforced this position [2]. The law on mediation in Georgia consists of two parts, namely, the main regulation on mediation and the institutional changes in a state governed by the rule of law. The law defines the concept of mediation, establishes the principles of mediation, regulates limitation periods and determines the procedure for enforcing agreements that were reached within the mediation procedure and are not performed by one of the parties. All these rules apply both to agreements that were reached in pre-trial or extrajudicial order, and to agreements that were adopted during trials in courts [2]. Moreover, it is not a matter of amicable agreement in court, but of the use of mediation by the parties when their case is already being considered by a judge. One or more mediators may participate in the mediation process. The parties themselves choose a mediator. In the case of judicial mediation, the mediator may be chosen from the register of mediators [16].

To deal with the issue of training of mediation specialists under the new legislation, a legal entity of public law, the Georgian Association of Mediators, shall be established in Georgia, which shall set the standards for mediator accreditation and maintain a register of accredited mediators [2]. All these changes shall stimulate a high level of professionalism among mediators and reliability of services provided by mediators.

According to Sophia Tkemalaladze, in addition to adopting the Law on Mediation, Georgia is undergoing changes in the conflict management system within the Civil Service. The Civil Service Bureau of Georgia is developing a new way of managing and resolving labour disputes within government agencies [3].

What is the development of mediation in Ukraine and does Ukraine have a similar view on the development of mediation in the country?

Modern Ukraine has been familiar with the mediation process since the mid-1990s. The first voluntary associations of mediators appeared in Luhansk and Donetsk in 1995 [22]. The Donetsk Mediators Group was a pioneer in the implementation of the pilot project funded by USAID during 1997-1999. The purpose of this project was to establish local mediation centres throughout Ukraine, to prepare mediators, to register the Ukrainian Association of Mediators and to provide services to the public [20]. The creation of a National Mediation and Reconciliation Service is also currently underway. A corresponding decree was signed in 1998 by the President of Ukraine [22]. In this case, it can be stated that the very fact of establishing the National Mediation and Reconciliation Service, as well as the determination of the functions of this body, are somewhat similar to Georgia's experience in establishing the Social Dialogue Development Committee. It can be said so because the National Mediation and Reconciliation Service is guided by the provisions of the Law of Ukraine "On Social Dialogue in Ukraine" [28].

Furthermore, during 2006-2011, the development of mediation in Ukraine advanced due to the grants provided by the European Commission and the Council of Europe. According to T. Kyseleva, the purpose of these projects was to export a European model of judicial mediation, developed by Dutch and German experts, to Ukraine. In 2012, the Canadian Project on Judicial Mediation Development was implemented in Ukraine. In 2014-2015, with the support of USAID and the Renaissance Foundation, mediation was initiated in eight courts in Volyn region [20]. All of the above gives grounds for claiming that Ukraine, like Georgia, also enjoyed the financial support of international organizations. At the same time, T. Kyselova states that, unlike other countries, this financial support was allegedly not sufficient for the further active development of mediation in Ukraine [20]. In our opinion, the assessment of the adequacy or sufficiency of funding is a quite subjective concept, and one shall speak here of the general external support for the implementation of mediation in Ukrainian society.

Assessing the current state of development of mediation in Ukraine, as of 2019, N. Krestovska, L. Romanadze, and T. Barabash note that mediation in Ukraine is carried out without legal sup-



port, but mediators manage to use masterfully the limited possibilities of dispute resolution within the current legislation [18]. At the same time, according to researcher O. Azarov, Ukrainians are interested in alternative ways of dispute resolution. Ways of mediation, not supported by law, exist in the field of business, school and family relations [5]. Ukrainian researchers T. Kyselova and M. Omelynska note that Ukraine needs a Law on Mediation that shall improve Ukraine's position in the World Bank's ranking "Doing Business" [7], and generally shall promote an effective and legal way of disputes resolution without bringing the matter before the court.

T. Kyselova states that one of the reasons for the delay in adopting the law is corruption [9]. The American researcher Ethan S. Burger also shares T. Kyselova's opinion and states that the presence of the so-called "roof (backing)" in solving all conflicts does not stimulate the adoption of the Law on Mediation [19]. According to T. Kyselova, another issue of legal definition of mediation is the lack of desire of Ukrainian mediators to study the experience of other countries [9]. The legal regulation of mediation requires considerable efforts and needs to develop a legal infrastructure that would actively promote mediation. However, the analysis of the costs involved in learning such experience and the benefits of mediation remains unclear to the legal community [9]. Georgia's experience demonstrates to Ukraine the need for compulsory internal consolidation on the legal regulation of mediation. The phenomenon of corruption is present in many countries, but the coherence of actions within a single state, aimed at joint performance the same tasks, is an important factor in the successful implementation of mediation. This is confirmed by the opinion of the American researcher Michael D. Blechman, who argues that the key to successful implementation of mediation should be a partnership in the state [14].

Sophie Tkemaladze suggests that another factor of successful implementation of mediation in Georgia is that lawyers are not afraid of mediation. Lawyers offer their clients the ability to resolve disputes effectively not only by appealing to the court but through the use of a mediation procedure as well. This is a consequence of a change in the mindset of the lawyers themselves. Therefore, mediation should be made part of the

compulsory curriculum in educational institutions [3]. German researcher Greg Bond also argues that teaching mediation at the university is becoming a common practice in all universities in the world. These can be both compulsory and optional disciplines [6]. However, it is important for students to form a mindset that would not bind the dispute resolution solely to the judiciary system. According to Greg Bond, knowledge of the basic mediator skills provides everyone with the ability to make decisions in their own interests [6]. Knowledge and skills of mediation in lawyers should change the understanding and value of mediation, which further changes the development of society itself. Experts of Council of Europe, M. Oliveira, A. Kinnunen, K. Karia, argue that mediation should be a common phenomenon in 21st century society [21].

Discussion

Today in Ukraine, the development of mediation is hampered by irregular legislation and absence of any statutory instrument that would regulate mediation as an alternative way of resolving disputes; lack of mutual assistance among entrepreneurs; lack of sufficient knowledge about mediation; lack of communication culture; lack of certification and accreditation of mediators, lack of a unified body or institution authorized to develop mediation in Ukraine; lack of a unified register of mediators accepted at the legislative level. In addition, there are no prerequisites for the development of mediation in economic disputes in Ukraine. The Chamber of Commerce and Industry of Ukraine, as a structure that was supposed to share information about mediation, does not concern itself with any activities for the development and support of mediation among entrepreneurs. In 2014–2016, Regional Ukrainian Chambers of Commerce and Industry tried to create their own mediation centres, but they received neither support nor development.

Conclusions

Based on the results of the study, we can draw the following conclusions: in various periods of social development in Georgia and Ukraine there were mediators who assumed the function of conflict resolution. Mediation in Georgia and Ukraine is carried out on the principles of process flexibility and confidentiality, neutrality of the mediator, focusing to the interests of the parties, control over decision making. The difference in the understanding of the mediation process between these two



countries is that Georgia considers it important to monitor the implementation of the decisions made within the mediation process, which is not the case in Ukrainian mediation practice. The Civil Procedure Code was amended in Georgia ensure such monitoring. Also, mediation in Georgia differs from mediation in Ukraine by the professional skills of mediators. In Georgia, a mediator must be a facilitator, while in Ukraine such requirements are imposed on a third party.

As international experts point out the mediation must be done on the basis of law. This conclusion was reached by countries that have implemented mediation and acceded to the UN Convention on Mediation signed in Singapore as of August 07, 2019. The existence of a law on mediation is already the key to success in terms of a state support for the mediation institute development and in a change of the procedure of all disputes settlement of in the country. In June 2019, Georgia drafted and submitted its draft law on mediation that fully reflects the needs of Georgian society and the

priority areas of business development in Georgia. In Ukraine, there is a problem of internal efforts consolidation to adopt a law on mediation. In addition, Ukraine, unlike Georgia, cannot demonstrate the broad experience of pilot mediation projects. Therefore, a careful and gradual legal regulation of mediation is required for Ukraine, which requires experimentation with pilot projects and further revision of all Ukrainian legislation.

Acknowledgements

These studies will be relevant for scientists dealing with mediation in economic disputes. In addition, these studies will help to develop a regulatory framework, practical measures and tools in future. In turn, it will be aimed at developing a strategy for the development of mediation in economic disputes in Ukraine. At the same time, even today, the main provisions and conclusions of the thesis can be used in educational work to teach a mediation course to students of the first (bachelor's) and second (master's) level of higher education, specialty 081 Law Science.

References:

1. Nugzar B. Ruhadze (2012). *Mediation in Georgia: Georgian Journal*. Retrieved 19/8/27 from <https://www.georgianjournal.ge/component/content/article/23-law-a-you/8241-mediation-in-georgia-.html>
2. Sophie Tkemaladze (2019). *Courts Should Be The Alternative! – Georgia Soon To Adopt The Law On Mediation: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2019/05/12/courts-should-be-the-alternative-georgia-soon-to-adopt-the-law-on-mediation/>
3. Sophie Tkemaladze (2019). *Tbilisi Mediation Days – A Glance Into The History, The Present, The Future: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2018/12/19/tbilisi-mediation-days-a-glance-into-the-history-the-present-the-future/>
4. Nadja Alexander (2019). *It's DONE: The Singapore Convention on Mediation: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2019/08/09/its-done-the-singapore-convention-on-mediation/>
5. Alex Azarov (2016). *Mediating Dialogues in Ukraine? Part 2 of my Professional Journey: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2016/05/11/mediating-dialogues-in-ukraine-part-2-of-my-professional-journey/>
6. Greg Bond (2018). *Why Train Mediation at Universities? From Communication and Life Skills to Mediation Use and Mediation Advocacy: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2018/05/24/train-mediation-universities-communication-life-skills-mediation-use-mediation-advocacy/>
7. Tatiana Kyselova and Maryna Omelynska (2017). *Will Ukraine Have A Law on Mediation in 2017?: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2016/11/15/will-ukraine-have-a-law-on-mediation-in-2017/>
8. Tatiana Kyselova (2017). *Strategic Approach To Mediation: Lessons From Ukraine: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2017/11/15/strategic-approach-mediation-lessons-ukraine/>
9. Tatiana Kyselova (2018). *Against Mediation Regulation: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2018/10/30/against-mediation-regulation/>
10. John Sturrock (2018). *Mediator Engagement in Politics – and other things we care about: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2018/10/28/mediator-engagement-politics-things-care/>
11. John Sturrock (2017). *Knowing our Neighbours – a Mediator's Reflection: Wolters Kluwer*. Retrieved 19/8/27 from <http://mediationblog.kluwerarbitration.com/2017/07/29/knowning-neighbours-mediators-reflection/>
12. *Tbilisi Mediation Days: Mediation is a step towards a better justice system (2018)*. Retrieved 19/8/27 from https://eeas.europa.eu/delegations/georgia/54178/tbilisi-mediation-days-mediation-step-towards-better-justice-system_en
13. *Mediation and Arbitration*. Retrieved 19/8/27 from <http://www.ge.undp.org/content/georgia/en/home/projects/mediation-and-arbitration-.html>
14. Michael D. Blechman (2011). *Assessment of ADR in Georgia* <http://ewmi-prolog.org/images/files/6743assessment-of-adr->



in-georgia.pdf

15. *Mediation rules. Georgian association of mediators. Retrieved 19/8/27 from <http://mediation.ge/en/ho1me021>*
16. *PwC Georgia Tax & Law Brief (2019). Retrieved 19/8/27 from http://www.amcham.ge/res/news/0000/pwc_2019-04-02.pdf*
17. *Sophie Tkemaladze (2017). Mediation in Georgia: from tradition to modernity. Retrieved 19/8/27 from https://www.undp.org/content/dam/georgia/docs/publications/DG/UNDP_GE_DG_mediation_eng.pdf*
18. *N. Rostovsky, L. Romanadze, T. Barabash (2017). Mediation in Ukraine: the nuances of legislative regulation. Retrieved 19/8/27 from https://www.academia.edu/31827016/%D0%9C%D0%B5%D0%B4%D1%96%D0%B0%D1%86%D1%96%D1%8F_%D0%B2_%D0%A3%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96_%D0%BD%D1%8E%D0%B0%D0%BD%D1%81%D0%B8_%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%BE%D0%B4%D0%B0%D0%B2%D1%8%D0%BE_%D0%B2%D1%80%D0%B5%D0%B3%D1%83%D0%BB%D1%8E%D0%B2%D0%B0%D0%BD%D0%BD%D1%8F*
19. *Ethan S. Burger (1998). Resolving commercial disputes in Russia and Ukraine: Will mediation be a viable option? Alternatives to the High Cost of Litigation. Retrieved 19/8/27 from https://www.academia.edu/25271793/Resolving_commercial_disputes_in_russia_and_ukraine_Will_mediation_be_a_viable_option*
20. *Tatiana Kyselova (2016). Mediation Development in Ukraine: 1991-2016. Retrieved 19/8/27 from https://www.academia.edu/20286554/Mediation_Development_in_Ukraine_1991-2016*
21. *M. Oliveira, A. Kinnunen, K. Karia (2016). Experts' report on the working group meeting results concerning the issue: Mechanisms for out-of-court settlement of disputes. Retrieved 19/8/27 from <https://rm.coe.int/1680700fd3>*
22. *Mediation practice analysis in the near-abroad countries (Belarus, Moldova, Kazakhstan, Georgia, Ukraine, Armenia, etc.) (2013). Bulletin of the Federal Institute of Mediation. Retrieved 19/8/27 from <http://fedim.ru/wp-content/uploads/2014/06/149-206-1.pdf>*
23. *On Alternative Dispute Resolution. Ukrainian Mediation Center. Retrieved 19/8/27 from <https://ukrmediation.com.ua/ua/korysna-informatsiia/pro-alternatyvne-vyrishennia-sporiv>*
24. *O. Lukina (2017). Facilitation as a method of accelerating the processes of modernization of domestic industrial enterprises. Retrieved 19/8/27 from: <http://nafu.com.ua/%D1%84%D0%B0%D1%81%D0%B8%D0%BB%D1%96%D1%82%D0%B0%D1%86%D1%96%D1%8F-%D1%8F%D0%BA-%D0%BC%D0%B5%D1%82%D0%BE%D0%B4-%D0%BF%D1%80%D0%B8%D1%88%D0%B2%D0%B8%D0%B4%D1%88%D0%B5%D0%BD%D0%BD%D1%8F-%D0%BF%D1%80/>*
25. *V. Demochko (2009). Kyivan Rus and Christianity// Volyn historical notes. – 2009. – Part. 2. – p. 24-32. - Retrieved 19/8/27 from: http://eprints.zu.edu.ua/4788/1/Demo4ko_2.pdf*
26. *V. Kryvosheia (2008). Cossack elite of the Hetmanate // I.F. Kuras Institute of Political and Ethnic Studies of the National Academy of Sciences of Ukraine. 2008. — 452 p. - Retrieved 19/8/27 from: <http://history.org.ua/LiberUA/978-966-02-4850/978-966-02-4850.pdf>*
27. *Y. Mykytyn (2014). The history of criminal procedural policy in the field of reconciliation and mediation in Ukraine // Actual problems of improving the applicable legislation of Ukraine. - 2014. - All. 35. – p. 231-244. - Retrieved 19/8/27 from: http://nbuv.gov.ua/UJRN/apvchzu_2014_35_24*
28. *The Law of Ukraine “On Social Dialogue in Ukraine” No. 2862-VI dd. 23.12.2010 // Verkhovna Rada of Ukraine. - Retrieved 19/8/27 from: <https://zakon.rada.gov.ua/laws/show/2862-17>*