THE THEORETICAL-PRACTICAL OBSTACLES IN IMPLEMENTATION OF MEDIATION IN AZERBAIJAN AND THE SOLUTION WAYS OF THEM WITH MUTUAL COMPARE OF FOREIGN EXPERIENCE

by

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AZƏRBAYCANDA MEDİASİYA TƏTBİQATINDAKİ NƏZƏRİ-PRAKTİKİ ÇƏTİNLİKLƏR VƏ XARİCİ TƏCRÜBƏ İLƏ QARŞILIQLI MÜQAYİSƏSİ İLƏ HƏLL YOLLARI

Şaliyev Qasım Qulamhüseyn oğlu

tərəfindən

MAGİSTR DİSSERTASİYA İŞİ

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INTRODUCTION

Relevance of the Topic: At every stage of human history, ensuring the security of society has been one of the main objectives of the ruling power representing governing authority. External security refers to the prevention of intervention by foreign states and groups, while internal security involves preventing violations of individuals' rights within society and ensuring the protection of these rights. In earlier periods, this function was primarily fulfilled by courts as a branch of state authority. However, in the emerging new world, the exponential growth and increasing complexity of social relations have necessitated the development of alternative dispute resolution methods. In the Republic of Azerbaijan, which holds a special position in global geopolitics, the formation of mediation and arbitration institutions as alternative methods of dispute resolution has also been prioritized in recent years as part of ongoing reforms.

In the process of our society's development, unlike traditional methods — such as the involvement of "elders" or "family seniors" to resolve disputes without resorting to the "official platform"- mediation, moderated by a neutral third party known as the mediator, is structurally and conceptually new to our legal community. Therefore, research in this field is of vital importance for ensuring a proper understanding of the essence of this institution, promoting the use of this model in dispute resolution within daily life so that society can benefit from its contributions, and encouraging the legal community to recognize mediation, alongside courts, as a reliable legal avenue.

Currently, the resolution of problems observed in the mediation practice of the country is sometimes delayed due to the novelty of the experience, and in some cases, these issues remain unresolved over time. This situation raises doubts about the acceptance of mediation as a legitimate legal avenue for dispute resolution and, at the very least, leads to its perception as less reliable compared to other traditional methods. Consequently, there is a risk that mediation, which was incorporated into national legislation in 2016 and formalized as a legal norm in 2019, may become a dysfunctional institution. To avoid such a negative experience, it is particularly relevant at this time to study the practices of suitable countries and explore the possibilities of applying them in our country.

Level of Development of the Topic: Since the mediation institution is newly established in our country, although scientific works in the fields of law, social work, and psychology generally address dispute resolution and models, there has been no research conducted specifically on the difficulties arising in the practice of mediation in the country. Comparative analyses with foreign countries to improve the practice have not been explored yet.

Object of the Research: The research is based on observations conducted on 1,112 mediation cases (including 759 family, 91 labor, 235 commercial, 26 civil, and 1 administrative case) organized by the Baku 15th Mediation Organization between 15 May 2022 and 17 October 2024.

Subject of the Research: The theoretical-practical obstacles in implementation of mediation in Azerbaijan and the solution ways of them with mutual compare of foreign experience.

Aim of the Research: The aim of the research is to explore the possibilities for the development of mediation in Azerbaijan by analyzing the mediation and related legislation of Italy, which was adopted as a model during the establishment of mediation legislation in our country, as well as the experiences of post-Soviet countries such as Latvia and Georgia, and the results of the application of their respective legislation.

Hypothesis of the Research: Our main hypothesis is that the implementation of successful mediation practices from foreign countries can enhance the effectiveness of mediation processes in Azerbaijan. In addition to the main hypothesis, we have also employed two auxiliary hypotheses in our research: a) The primary difficulties in the application of mediation in Azerbaijan are related to the legal framework and the lack of awareness within society. b) Awareness-raising efforts and legal reforms regarding mediation will facilitate its practical application.

Task of the Research: The main task of the research is to precisely identify the challenges in the development of mediation practice in our country, investigate the extent of advanced approaches in the mediation practices of foreign countries, particularly Italy, Latvia, and Georgia, and analyze the possibilities for their application in Azerbaijan.

Methodological Foundations and Methods of the Research: The primary sources and the secondary sources were used in the thesis. The cases were analyzed by the researcher. Generally, Qualitative Research Method was used in the thesis.

Scientific Novelty of Research: While some studies have been conducted on alternative dispute resolution methods, particularly arbitration (with a private judicial status), there is a lack of research on mediation, which enables the resolution of disputes without an official legal framework. Given the limited number of studies on this topic and the comparative analysis with foreign practices that we conducted, this research can be considered a novel scientific contribution in our country.

Scientific and Theoretical Significance of Research: This research comprehensively investigates the difficulties encountered in the mediation practice in our country, explores their causes, and generalizes the relevant legislative norms. Furthermore, the legislation and practices of Italy, Latvia, and Georgia have been examined, and the reasons behind the development models have been clarified. The information presented in the thesis is rich in knowledge that contains new data and approaches reflected in various international legal documents, which will be valuable for future theoretical research in this area.

Scientific and Practical Significance of Research: The findings of this research can be used to eliminate the theoretical and practical issues hindering the development of mediation in our country and to determine a new development trajectory. The ideas, observations, and recommendations presented can be utilized in the daily operations of mediators, mediation organizations, mediation training institutions, and regulatory bodies, as well as in research conducted at academic centers focused on alternative dispute resolution.

Structure of the Work: Introduction, 3 chapters, conclusion, references

CHAPTER I. THEORETICAL AND METHODOLOGICAL BASIS IN THE DEVELOPMENT OF MEDIATION

1.1. The essence and principles of the concept of mediation

Historical process of dispute resolution. From the earliest days of humanity until today, one of the primary goals of life has been to live a dignified life, meeting the material and spiritual needs of oneself and one's family, and fulfilling daily necessities. To achieve this important goal, people engage in activities that align with their character and work to earn income in exchange for their efforts. In the early stages, they were content with what they had, but as time progressed, they were no longer satisfied and strove for better.

However, in a society composed of millions of people, social relations can be quite complex and complicated. During the course of social interactions with others, what was initially hoped for or desired may not be achieved, and one of the parties may consciously or unconsciously fail to meet their obligations. As a result, conflicts arise from the clash of interests that emerge in the center of these complicated relationships, and new conflicts, which are often different from the actions taken to resolve previous disputes, are observed.

For society to continue functioning normally, it is essential that individuals, regardless of their status, feel secure in that society. A person living in a safe environment can make future plans, create innovations, and work more productively to achieve the goals mentioned above. In this context, from the very beginning of humanity's existence (expressed through the tribal or clan-based primitive communal structure in the caves) to today's modern world, regardless of how it is expressed, the security of the society has always been a central element for the structure. Even in the Middle Ages, there is historical evidence that individuals or groups, in exchange for taxes, entered the service of powerful states to benefit from the security guarantees offered by these states.

In society, security refers to protection not only from external foreign influences and enemy attacks but also from unjust persecution and demands from other individuals within society. Therefore, while internal security in early communal societies was provided through the tribe leader and powerful representatives from his tribe, with the emergence of states in human history, this responsibility shifted to specialized institutions and agencies, despite having different names over time. In other words, societies have always sought to develop mechanisms that address social

needs while considering the demands and conditions of the time, in order to resolve disputes arising internally.

In the past, it was a necessity for state institutions representing state power to provide solutions to conflicts. However, especially starting from the 20th century, the situation changed dramatically. The world population increased at a geometric rate and continues to grow rapidly. Additionally, the internet, considered a miracle of the last century, has transformed the world into a global village. In this new global landscape, people who were unlikely to encounter each other in normal routine life are now able to communicate through social networks, travel to foreign countries has increased, unconventional business relationships have formed, and the number of international families has grown. This has led to an increase in disputes. Globalization, with these characteristics, has made it clear that resolving such disputes and eliminating conflicts is no longer feasible through the traditional judicial system for objective reasons. Therefore, utilizing alternative dispute resolution methods has become a historical necessity.

Let's analyze the issue based on a real mediation case in own practice: A is an Azerbaijani citizen, and B is a Russian citizen. They have two children from their marriage: a boy born in the USA and a girl born in the UAE. Although the couple currently resides in Baku, their property is spread across four countries: Azerbaijan, Turkiye, UAE, and Austria. Both children are attending a private school in Azerbaijan. The husband does not have any official income in Azerbaijan; his primary income comes from dividends from companies registered in China, Switzerland, and the UAE. After the divorce of this couple, regarding the property disputes, how many countries' courts should be involved, or at least, in which countries should legal consultations be sought to understand the legal aspects of the case? How can such a complex family dispute be resolved quickly in the interests of both parties and the children?

An example from my personal experience of commercial mediation: A is an Azerbaijani company, and B is a company registered in a European country. B won a government tender in Azerbaijan and subcontracted part of the work to A. As security for A's obligations under the subcontract, A obtained a guarantee letter from a bank in another European country (based on B's recommendation). During the execution of the contract, B failed to make payments to A on time, leading A to delay monthly payments to C (the bank) due to the guarantee. As a result, C withdrew the guarantee letter. When the guarantee was revoked, B also wanted to terminate the contract

based on its terms. Meanwhile, the client of the project was demanding the timely completion of the work from B. Given the minimal procedural time in litigation, the case going to court would mean the work could not be completed on time. Is it realistic to expect a traditional resolution of this complex dispute that satisfies all parties?

In this regard, today's reality is that the average person desires a quick, cost-effective resolution to disputes in which they are involved, in a way that satisfies all parties. Traditional dispute resolution methods simply do not provide these options. Moreover, unlike in previous times, communication between people in the world is rapidly expanding and diversifying day by day.

As shown in the graphs below, in previous years, for example, in 2010, 29.2% of the world population were internet users, in 2012 it was 35.1%, and in 2014 it was 40.7%. By 2016, this number had increased to 46.1%. It is unquestionable that the percentage for 2024 is much higher, as the International Telecommunication Union announced that the global figure was 68% in 2023. (International Telecommunication Union (ITU), 2024) A simple example from our country is sufficient to understand the full picture. The development of the internet in our country began in 1993, and the first website was created at the Azerbaijan National Academy of Sciences in 1994. Broadband services started being provided in 2006, and in recent years, the connection speed of the national internet network to the global internet network has increased significantly. As a result, the number of internet users in our country reached 88% of the population by 2024. (Kemp, 2024)

Even the annual growth rate of the world population in 1969 was 2%, which meant that at this pace, the world population would double in the next 25 years. The world population had never grown at such a rate before. According to calculations by the United Nations, by 2100, the world population will exceed 14 billion. (UNFPA, 2025)

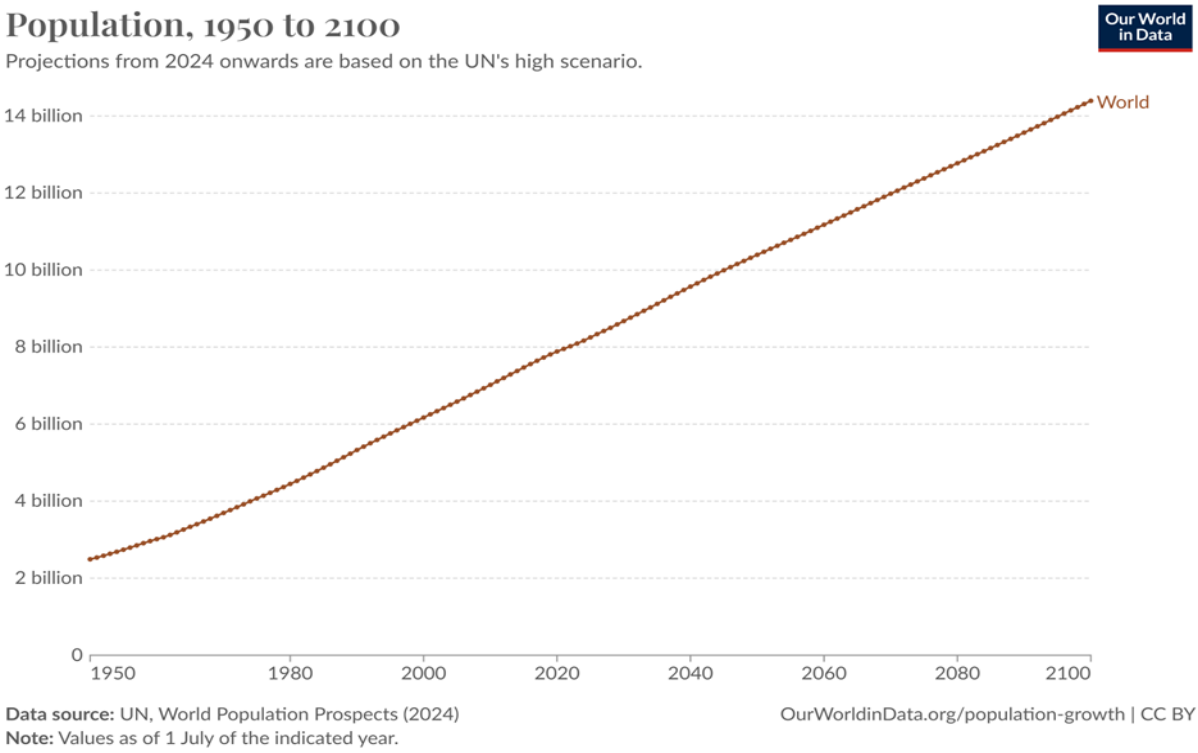


Chart 1.1.1.

Chart taken from (Global Change Data Lab, 2024)

Against the backdrop of the rapid increase in the number of people, we can see more clearly the density of communication that people establish with each other on the internet through the table (https://www.internetlivestats.com/internet-users/): 40% of the world population has an internet connection today. (internetlivestats, 2025) In 1995, it was less than 1%. The number of internet users has increased tenfold from 1999 to 2013. The **first billion** was reached in 2005. The **second billion** in 2010. The **third billion** in 2014.

Year	Internet Users**	Penetration (% of Pop)	World Population	Non-Users (Internetless)	1Y User Change	1Y User Change	World Pop. Change
2016*	**3,424,971,237**	46.1 %	7,432,663,275	4,007,692,038	7.5 %	38,975,082	1.13 %
2015*	**3,185,996,155**	43.4 %	7,349,472,099	4,163,475,944	7.8 %	229,610,586	1.15 %
2014	**2,956,385,569**	40.7 %	7,265,785,946	4,309,400,377	8.4 %	227,957,462	1.17 %
2013	**2,728,428,107**	38 %	7,181,715,139	4,453,287,032	9.4 %	233,691,859	1.19 %
2012	**2,494,736,248**	35.1 %	7,097,500,453	4,602,764,205	11.8 %	262,778,889	1.2 %
2011	**2,231,957,359**	31.8 %	7,013,427,052	4,781,469,693	10.3 %	208,754,385	1.21 %
2010	**2,023,202,974**	29.2 %	6,929,725,043	4,906,522,069	14.5 %	256,799,160	1.22 %

* Estimate for July 1, 2016 ** **Internet User** = individual who can access the Internet at home, via any device type and connection. Table taken from https://www.internetlivestats.com

Table 1.1.1. The table of the number of global internet users per year since 2010 till 2016:

However, the frequency and duration of travel has increased at a fantastic rate throughout human history, in other words, we can call the current generation the most traveled generation.

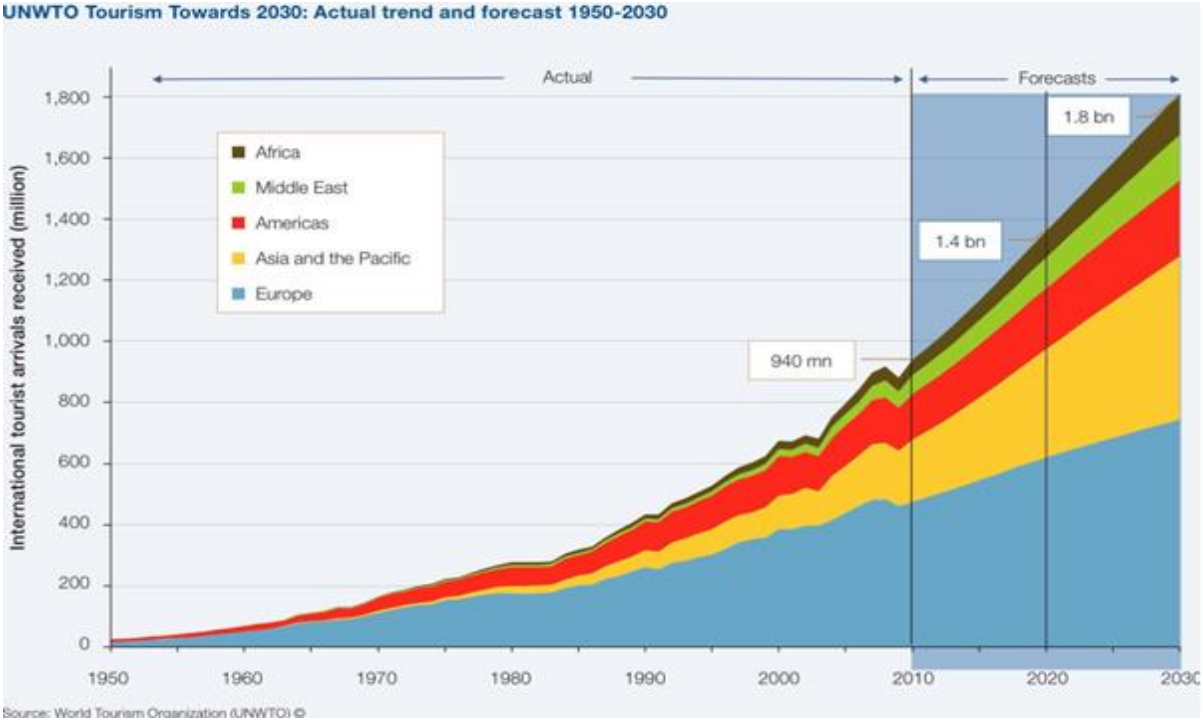


Chart 1.1.2.

Chart taken from [***www.unwto.org***](http://www.unwto.org) (UNWTO, 2024)

The simple analysis of the statistical indicators provided by the United Nations clearly shows that, compared to previous periods, there are now more favorable opportunities for people to establish social relationships and communicate with different goals and motivations.

This means that a boy from a remote village in Lerik can meet a girl from a remote village in Ecuador, get married in Mexico, and live in Portugal. Furthermore, a person involved in farming in a village in Tovuz can easily establish a business relationship with a Dutch producer to obtain better potato varieties, collaborate, receive goods in Georgia, plant them in Tovuz, and jointly sell the products in Kyrgyzstan. In such a complex web of relationships, resolving disputes through traditional courts will not be easy. Legal professionals involved in the dispute will need to be familiar with the laws of several countries, and the enforcement of court decisions will need to go through various stages. Another interesting point is that even if a dispute arises and the legal

relationship between the parties is concluded, people may still want to maintain their relationships for the future. This makes it crucial to find solutions that meet the interests of both parties, as individuals may need more favorable legal solutions to "preserve their faces" in the future.

In such a global context, dispute resolution methods should offer quicker, more efficient, and, most importantly, more optimal solutions for both parties.

In general, it should be noted that in traditional dispute resolution methods, when a dispute is resolved in court, the final decision is made by the judge based on the requirements of the law and their internal conviction. The parties can appeal the decision to higher courts, and in those courts, judges will determine whether the appeal is valid based on the law's requirements and their internal conviction. The final decision of the higher court is binding on both parties. In commercial disputes (under certain conditions), the case can be examined in arbitration, where the arbitrator, as a third party, makes a decision based on the law's requirements and their internal conviction, and this decision is also binding on the parties. In some countries, another method is employed where the parties involve a neutral third party expert with knowledge in the relevant field to resolve the dispute. They agree that the expert's opinion will be a valid document that they must abide by. After studying the case details, the expert provides their opinion, clearly outlining the essence of the dispute and answering the questions posed to them. Since the parties voluntarily agree to this, the expert's opinion is binding on them.

Unlike the methods briefly analyzed above, mediation offers a different perspective and approach in resolving disputes. In mediation, the neutral third party, known as the mediator, participates in the process. The mediator leads the process, decides how the negotiations will be conducted, and plays an important role in uncovering the parties' interests. They manage emotions and, in the end, allow the parties to make their own decision on how the dispute will be resolved or not resolved.

In today's world, the development of technology, the integration of artificial intelligence into our daily lives, and the increased accessibility of information have led individuals to take a more active role in resolving disputes they are involved in. They are more eager to achieve outcomes based on conditions they agree with. Mediation offers people this opportunity, fully aligned with its principles and philosophy. It allows parties to actively participate in the resolution

process and ensure that the final agreement reflects their interests and mutual satisfaction, rather than having decisions imposed upon them by external authorities.

When we look at the history of mediation, we can see that it has been practiced since ancient times. It is known to have been used in regions such as East Asia and Africa. During the Ottoman Empire, the activities of the *ulema* (religious scholars) created concepts that are reminiscent of modern-day mediation and the role of mediators. In its modern form, mediation began to be increasingly used in the United States in the late 1960s, particularly in the resolution of commercial, ethnic, and religious disputes. A key milestone in the development of mediation is the *Roscoe Pound Conference* in 1976, which is considered a foundational event in the field. In the 1990s, many countries, including the UK and France, began to implement mediation institutions in their national legal frameworks. The UNCITRAL Model Law on International Commercial Mediation was adopted in 2002. Influenced by these steps, Europe also drafted the Green Paper on Alternative Dispute Resolution in Civil and Commercial Matters in 2002. To make justice mechanisms more accessible, the European Parliament and the Council adopted the Directive on Mediation in Civil and Commercial Matters (Mediationstrichtlinie, 2008/52/EC) on August 21, 2008. Similarly, Switzerland adopted the Swiss Civil Procedure Code (ZPC) on August 19, 2008, which included reconciliation structures (Schlichtungsversuch) and mediation in articles 197-207 and 213-218, respectively. Germany passed its Mediation Act on July 21, 2012, which regulates who may act as a mediator, how the mediation process is conducted, and the costs involved. This law allows for regional regulations and permits judges to act as mediators in certain cases. In Austria, the Mediation Law in Civil Law came into force on May 1, 2004, regulating the rights and duties of mediators, the principles of mediation, and the process. In Turkey, the Mediation Law for Civil Disputes was adopted on June 7, 2012, with mandatory mediation for labor disputes introduced on July 25, 2017, and for certain commercial disputes on December 6, 2018 (Kılıçoğlu, 2020).

In Italy, mediation services are provided by mediation organizations which may be public or private and which are entered in a register of mediation organizations (*registro degli organismi di mediazione*) kept by the Ministry of Justice. A person wishing to become a mediator must satisfy the requirements laid down in Article 4(3)(b) of Ministerial Order No 18/2010: in particular, they must hold a degree or diploma at least equivalent to a university degree following three years of study, or in the alternative be a member of a professional association or organization and have

completed at least two-yearly refresher courses with training providers accredited by the Ministry of Justice, and in the course of the two-year retraining period they must have taken part as assisted trainees in at least twenty cases of mediation. In Italy, training providers that certify mediators upon completion of required training courses are public or private entities accredited by the Ministry of Justice, provided they meet established standards. Independent or "freelance" mediation is not permitted; mediators must be registered with a mediation center to conduct mediations and must receive training from approved mediation training centers, which are also registered with the Ministry of Justice. (imimediation.org, 2025)

As seen, the institution of mediation is a field with development prospects in the listed European countries, and in a changing world, where the expectations of individuals from the administration of justice are continuously evolving, mediation stands out as an effective path to ensure that disputes are resolved in a timely manner, meeting the needs of all parties involved and reaching mutually acceptable solutions.

As observed, although there are certain variations in the forms of its application, the fundamental aspects highlighted in the definitions of mediation are: 1) Mediation is a structured negotiation process; 2) The parties participate in it to resolve the dispute or reduce the level of conflict; 3) These negotiations are conducted with the involvement of a neutral third party. From this definition, it is clear that mediation is a process based on the voluntary consent of the parties involved, and the desire to resolve the dispute through this method.

According to the Mediation Law of Republic of Azerbaijan, mediation refers to the process of resolving a dispute between parties through mutual agreement with the facilitation of one or more mediators, as stipulated by this law. (Azərbaycan Respublikasının Milli Məclisi, Mediasiya haqqında Azərbaycan Respublikasının qanunu, 2019)

According to the Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters '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. This process may be initiated by the parties or suggested or ordered by a court or prescribed by the law of a Member State.

According to the definition provided by the International Mediation Institute, mediation can be understood as negotiations conducted with the help of a mediator, aimed at managing a dispute based on interests. (International Mediation Institute, 2025)

Germany's Mediation Law defines mediation as a trust-based process in which disputing parties, with the assistance of one or more mediators, voluntarily make decisions and take responsibility for them. (German Bundestag , 2012)

Austria's Civil Law Mediation Act defines mediation as a process in which parties resolve disputes on subjects of their choosing with the assistance of neutral mediators who have undergone professional training. The process employs specific communication techniques, while the responsibility for the resolution remains with the parties. (Österreichisches Parlament, 2023)

According to Article 2 of the Mediation Law of Kazakhstan, mediation is the procedure for resolving a dispute between parties, where, with the participation of a mediator, the parties voluntarily resolve their dispute through mutual agreement. (Parliament of the Republic of Kazakhstan, 2011)

As explained in the different acts mentioned above, mediation can be understood as negotiations conducted with the assistance of a mediator, based on interests, with the goal of managing a dispute.

However, it is of particular importance to highlight the principles that distinguish mediation from other negotiations and business-related conversations, and these fundamental principles are consistent across all the countries I interacted with.

Voluntariness. It is important to note that the principle of voluntariness of mediation contains several elements. Thus, when we say voluntariness in mediation, the parties are free to discuss their disputes in mediation or not to use this opportunity and go to court. Even in legal systems where mediation is mandatory for certain cases, it is clearly stated that the mandatory condition only includes participation in the information session, and it is accepted that the decision to continue the mediation process belongs to the parties. It is no coincidence that the Court of Justice of the European Union noted in a decision that “the voluntary nature of mediation does not therefore consist in the parties’ freedom to choose whether to use this process or not, but in the fact

that the parties themselves are responsible for the process and can organize it as they wish and terminate it as they wish." (Kandashvili, 2024) This principle also provides for the possibility of stopping the process at any point and of abandoning the process. This small detail gives the parties a different psychological comfort and confidence, which results in people being more willing to participate in mediation. Another possibility of the voluntariness principle is related to the implementation of the agreement reached at the end of mediation, the Settlement Agreement. Thus, the Settlement Agreement concluded in Mediation is, as a rule, implemented voluntarily, and the participation of relevant state agencies is not required. In this regard, I would like to share a small statistic that out of a total of 215 settlement agreements concluded in *Baku Mediation Organization No. 15* from May 2022 to May 2025 (117 family, 33 commercials, 29 labor, 36 other disputes), only 3 were not voluntarily executed, but were forcibly executed after the interested party applied to the court. As can be seen, even though this institution is new in the Republic of Azerbaijan and therefore its social acceptability is not at any level, the execution rate of conciliation agreements in a Mediation center that applies the principles of Mediation in its work mode was 98.17%. Undoubtedly, the reason for such a high execution rate is the opportunity provided by the principle of voluntariness in mediation.

Impartiality and Neutrality of the Mediator. As a logical consequence of the voluntary choice of the mediator, the mediator, who creates equal conditions for both parties during the negotiations, does not take sides and does not represent the interests of any party. The mediator applies special negotiation techniques in the discussions to create a different perspective on the dispute, to reveal the true interests underlying the demands of the parties, to emerge proposals for resolving the dispute, and to create a compromise in options that suit the parties' wishes. At this time, a certain strategy is taken, taking into account the personalities of the parties, the history of the dispute, the level of complexity, and the motives. Throughout this process, the mediator is not interested in how the dispute is resolved, which allows the parties to reassess their needs. The mediator, who begins the process by declaring the relevant information about his/her impartiality at the beginning of the process, makes a special effort to maintain the sense of confidence created in the parties throughout the process without leaving any doubt with his behavior. In this regard, the organization of facilitating mediation negotiations by a neutral mediator without decision-making power, without condemning the parties, can be considered the most important step taken towards resolving the dispute.

Confidentiality. The last fundamental principle of mediation is the confidentiality of mediation. Although there are certain differences in practice and national legislation in this regard, the general average approach is to keep the information disclosed by the parties in mediation confidential. Confidentiality creates trust in the process among the parties, and in the event that the process is suspended for any reason, the absence of any responsibility for the Mediation discussions and statements made there creates the conditions for more productive participation of the parties in Mediation. In short, confidentiality is an indispensable component for building the parties' trust in mediation. (Kandashvili, 2024) In order to strictly observe the principle of confidentiality of the mediator and the parties, relevant regulations have been made in the legislation. For example, according to Article 602-2.3 of the Code of Administrative Offenses of the Republic of Azerbaijan, for violation of the confidentiality rules stipulated in the Law of the Republic of Azerbaijan "On Mediation" by the participants of mediation and other persons participating in mediation, individuals are fined in the amount of eight hundred manats, officials in the amount of one thousand five hundred manats, and legal entities in the amount of three thousand manats. (Azərbaycan Respublikasının Milli Məclisi, Azərbaycan Respublikası İnzibati Xətalar Məcəlləsi, 2016; Valsts Probācijas Dienests, Izlīguma process, 2024) Participants mean, in addition to the parties to the dispute, third parties involved in the process, translators, specialists, experts and other persons. Another point to be observed when it comes to mediation confidentiality is that information disclosed to the mediator during the mediation process should not be disclosed to the other party without appropriate permission. This instills in the parties a subconscious belief that the negotiations will continue within their will and that the agreement that is reached will be the result of their will, regardless of the color of the agreement. This allows them to participate in the negotiations with greater confidence and to voluntarily implement the peace agreement in the future.

Principle of Equality and Cooperation of the Parties. This principle grants the parties the opportunity to benefit equally from all means throughout the mediation process. In short, both parties have equal access to all possibilities. This equality is particularly considered in choosing mediation as the dispute resolution method, in the selection of the mediator(s), in agreeing upon the rules and agenda of the Mediation process, and in setting the Mediation time.

Even at any point during the Mediation process (as explained in the principle of voluntariness), both parties have equal rights to withdraw from the Mediation process or from the mediator. Ultimately, this principle grants the parties the ability to control the fate of the mediation process and the future of the dispute. Therefore, whether the dispute is resolved completely or partially by reconciliation, or remains unresolved, is entirely in their hands. Regardless of the color of all these processes, the final word in a result-oriented direction belongs to them. (Kandashvili, 2024)

With the above-mentioned remarks, we emphasize the unique role of mediation in resolving disputes and reducing the level of conflict by providing a summary of the development stages of mediation from its initial application as an idea to the present day, the principles of mediation and mediation, and the unique role played by mediation in resolving disputes and reducing the level of conflict. Because from the first days of humanity, people have been working to ensure that they, their families and other loved ones live a decent life. As mentioned above, mediation will make a great contribution to reducing the workload of courts to increase the quality of justice so that people can live in a safe and more comfortable environment.

In this regard, it is no coincidence that the Decree of the President of the Republic of Azerbaijan on Deepening Reforms in the Judicial and Legal System dated 03.04.2019 (Azərbaycan Respublikası Prezidenti, 2019) includes the implementation of awareness-raising and promotional activities related to the application of the mediation process in the list of tasks to be done in order to accelerate the process of forming a justice system that meets the requirements of the modern era and has a high reputation in society.

1.2. Structure and conceptual approaches of Mediation

Mediation is a negotiation process with a specific structure. The structure of mediation, despite minor differences from country to country, generally consists of 5 stages: *Preparation stage, Joint session (Fact finding), Initial individual session (Investigation), Subsequent individual sessions (Negotiation) and Final closing session.* (ADR Center, 2025) It is precisely this special structure that distinguishes mediation from other business negotiations and plays a unique role in resolving disputes. Each stage has its own goal, agenda, strategy and tactics/skills to be followed, and tools to be used. If tactics and techniques appropriate to each stage are used as required by this structure, it is likely that the participants will have different views on the disputes and a solution-

oriented awareness. We can easily say that this process took place in the form shown in the following figure during the trainings held at the Netherlands Business Academy, which we participated in within the framework of the Erasmus+ project "Mediation: *training and society transformation since 2018."* (Netherlands Business Academy, 2021)

Figure 1.2.1. Emotional awareness of participants during mediation.

- ***The figure was obtained during the training held at the internship of Khazar University at the Netherlands Business Academy in November of 2021.***

As the negotiations continue, the answers to the question "What do people do?" lead to the question "What do people think?" and the answers to that question ultimately lead to the question "What do people want?" and its answer, in other words, to the discovery of the real interests and needs of the people, which are the invisible side of the iceberg. The mediator, as a super negotiator, also reveals the elements expressed in the picture step by step by establishing proper communication.

The stage of preparation. In the preparation phase of the mediation process, regardless of the level of tension between the parties, the mediator makes initial contact with the parties. During this phase, the mediator provides preliminary information about the process, briefly gathers information about the dispute, and most importantly, engages in an "emotional energy" exchange, building confidence and trust among the participants that the mediator is "the right person" to solve the dispute.

After the initial communication with the parties, the mediator evaluates the relationship between the parties and the subject of the dispute, applying a filter in the context of a "conflict of interests." This phase is also crucial for the mediator to answer an important question: Am I the right mediator for this case? In this phase, the mediator attempts to understand the tension and emotional state between the parties and agrees on organizational matters related to the initial meeting with them.

Joint Session (Finding Facts). This stage, where the parties first face each other and express their willingness to discuss the dispute, is of significant importance in the mediation process. In this stage, the mediator has an important opportunity, after the preparation phase, to provide the parties with comprehensive information about the process and how it can benefit them, as well as to ensure the creation of an atmosphere conducive to discussions and a result-oriented environment.

The mediator's main tool at this stage is the "opening speech." In the opening speech, the mediator emphasizes that they are not a judge or arbitrator, explains the fundamental principles of mediation, the differences between mediation and court procedures, and clarifies that the mediator does not have decision-making authority. The parties are invited to listen to each other, and the mediator provides comprehensive information on the boundaries and rules of the process (such as the sequence of discussions, timing, etc.), the basic provisions of mediation legislation, and the conditions that encourage mediation.

Afterwards, the parties present their positions on the dispute and state their expectations from mediation. Following the parties' statements, the mediator prepares a summary of the demands raised and, by asking clarifying questions regarding the presented views, prepares an agenda for the further discussions of the process and shares it with the parties.

Initial individual sessions (Research). In this phase, also referred to as the “exploratory phase” among mediators, the mediator’s main goal is to obtain information about the interests and basic needs of the parties from their perspective. With open-ended questions asked in this session, the mediator gradually probes the realities underlying the parties’ positions – strengths and weaknesses, risks, true emotional state, and ultimately tries to determine the real negotiating positions of the parties. The mediator’s behavior at this stage can be presented as “*loop diplomacy*”,

where the mediator, by secretly negotiating with the parties by "*stepping back and forth*", ultimately achieves an awareness of the dispute that is being discussed by the parties. This fact has also been observed in my own observations as a mediator, that people tend to believe that all the good sides are on their side during a dispute and all the bad sides are on the other side. People tend not to see "their own flaws" in a dispute, as the famous Azerbaijani proverb says, "it is more convenient to look for a mote in someone else's eye who does not see the beam in his own eye." At the end of this stage, the main priorities of the parties in resolving the dispute and the possibility of "which demands are not taken into account" if those priorities are met, as well as the existing barriers on the way to a solution, become clear.

Subsequent Individual Sessions (Negotiation). In this phase, the mediator, based on the information gathered in the previous session, examines not only the "apparent" solutions but also alternative solutions, creating "value" during discussions, and ultimately seeks to open up new possibilities for real negotiation. The mediator organizes the testing of different options within the potential solution zone, boldly discussing with the parties the possibilities for overcoming barriers in the path to a solution. In this phase, the mediator successfully uses "*linkage diplomacy*," encourages reconciliation, seeks compromise proposals from the parties, and works to find the most suitable solution by taking steps forward and backward among the emerging options. Towards the end of the phase, the mediator applies gentle pressure to reconcile differing proposals and clarifies the terms of agreement with the parties regarding the agreed topics.

Final closing session. This stage is considered as the conclusion of the mediation process. At this stage, it becomes clear what agreement the parties have reached or whether they have not reached an agreement at all. It should be noted that if the mediator concludes that there will be no agreement between the parties in this process, he can meet with the parties and conclude the process. However, as explained in the previous subsection, if there is an agreement between the parties as a result of the discussions, the mediator supports them in drawing up the settlement agreement and documents specified by national legislation. Even in joint discussions at international conferences[1], such an idea was formed that the parties should be explained the

[1] The "1st International Conference on Regional Mediation Cooperation" was held in Tbilisi, Republic of Georgia, on December 20, 2023.

possibility of reconsidering mediation in resolving new disputes that may arise during the implementation of the settlement agreement.

1.3. Factors determining the development of mediation in Azerbaijan

It should be noted from the beginning that if the institution of mediation is applied correctly and the opportunities created by its contribution to the daily life of society are understood in accordance with the precise purpose, the scope of application of mediation in Azerbaijan can be more productive. According to the legislation in force in the Republic of Azerbaijan, (Azərbaycan Respublikasının Milli Məclisi, Mediasiya haqqında Azərbaycan Respublikasının qanunu, 2019) a mandatory mediation model is applied in our country for some categories of cases - family and labor disputes (until the change in the legislation in January 2024, commercial cases) (Azərbaycan Respublikasının Milli Məclisi, "Mediasiya haqqında" Azərbaycan Respublikasının Qanununda dəyişiklik edilməsi barədə, 2023), and a voluntary mediation model is applied for other civil disputes and disputes arising from administrative relations. The main contribution of the application of this *Mandatory Mediation* model to the development of mediation is that people become aware of the essence of mediation, its role in resolving disputes and opportunities in the legislative system by attending the mandatory *pre-trial mediation session*. According to the information disclosed by the Mediation Council, the number of cases that have undergone the mandatory mediation process applied within the framework of the promotion of mediation in the Republic of Azerbaijan is as follows by year: (Məhkəmə Hüquq Şurası, courts.gov.az, 2025)

- **The total number of cases for 2022 is 46.510**: Number of cases successfully completed – 8.278; The number of cases terminated for applicants who abandoned the idea of going to court after attending the initial mediation session – 5.100; The proportion of cases concluded outside the court - 28.76 %.
- **The total number of cases for 2023 is 43.390:** Number of cases successfully completed – 9.329; The number of cases terminated for applicants who abandoned the idea of going to court after attending the initial mediation session – 7.694; The proportion of cases concluded outside the court - 39.02 %.
- **The total number of cases for 2024 is 44.460:** Number of cases successfully completed – 7.554; The number of cases terminated for applicants who abandoned the idea of going to court after

attending the initial mediation session – 8 526; The proportion of cases concluded outside the court - 47 %.

As seen from a simple statistical analysis, in the last three years, 134 360 cases have undergone initial mediation sessions with mediation organizations and mediators, where the nature of mediation as an alternative dispute resolution method and its effectiveness were explained. As a logical result of this, 25 161 cases were concluded with the signing of a settlement agreement, 21 320 cases were terminated, meaning that the same number of cases did not end up in court.

It is also necessary to mention another important point: in the initial mediation session, the parties face each other in an informal environment with the participation of a "trusted" person and test the initial clash of their dispute. The analysis of the statistical indicators shows that after the initial mediation session, regardless of whether they proceed to the next (full) mediation session or not, the parties are able to think differently about the subject and demands of the dispute. Not surprisingly, after participating in the initial mediation session, the number of cases that were terminated due to the refusal to go to court was 5.100 in 2022, 7.694 in 2023, 8.526 in 2024, which represents 15.87 % of the total number of cases. This is a significant figure in a country where mediation is newly implemented. These recorded statistical indicators in the Republic of Azerbaijan are clear evidence that, year by year, mediation is increasingly being accepted by society as a viable solution.

Additionally, it is important to note that the increasing trend in the number of divorces in recent years has also created a special need for family mediation. (Azərbaycan Respublikası Dövlət Statistika Komitəsi, www.stat.gov.az, 2024) According to the information released by the State Statistical Committee of the Republic of Azerbaijan, in 2022, the number of marriages was 61.939 and the number of divorces was 15.983, in 2023 the number of marriages was 54.200 and the number of divorces was 21.688, and according to information released to the local press by the Ministry of Justice of the Republic of Azerbaijan, the number of marriages was 30.788 and the number of divorces (oxu.az, 2024) was 14.248 during the first 8 months of 2024 . Considering that, according to the requirements of the Family Code (Azərbaycan Respublikasının Milli Məclisi, Azərbaycan Respublikasının Ailə Məcəlləsi, 1999) and related legislation (for example, the Migration Code (Azərbaycan Respublikasının Milli Məclisi, Azərbaycan Respublikasının Miqrasiya Məcəlləsi, 2013) and the Law on Children's Rights (Azərbaycan Respublikasının Milli

Məclisi, Uşaq hüquqları haqqında Azərbaycan Respublikasının Qanunu, 1998)), simply as a result of the dissolution of marriage between spouses, disputes arise between couples on several issues of different content - with which parent the child should remain, alimony for the maintenance of the child until he reaches adulthood, division of property acquired during the marriage, alimony for the maintenance of a spouse who has lost his ability to work, obtaining a citizen passport for the child and taking him out of the country, and issues related to the upbringing of the child.

In other words, a separate lawsuit must be filed in court for the other disputes listed above. Courts can also issue a resolution on the claims submitted by the persons participating in the case, according to Article 218.3 of the Code of Civil Procedure (Azərbaycan Respublikasının Milli Məclisi, Mülki Prosessual Məcəllə, 1999), and since the court cannot deviate from the claim, it is not possible to consider all the above disputes together, but separately, based on the demands in the claim, and therefore it is not possible to take a comprehensive approach to the dispute and its solutions. However, since the main goal of mediation is to reconcile interests and needs underlying interests rather than the demands and claims of the parties, all issues raised by the parties at any stage can be the subject of discussion/negotiation. This situation provides the opportunity for all disputes arising after the above-mentioned dissolution of marriage to be discussed in mediation and for a fundamental resolution of the dispute.

The opportunities provided by mediation can also play a special role in resolving commercial and labor disputes. In 2023, the acquisition of sovereignty over the entire territory of the Republic of Azerbaijan and the liberation of 20% of the land area that had been under occupation for 30 years had a positive impact on economic life. According to the information released by the Ministry of Economy of the Republic of Azerbaijan, as of January 1, 2024, there were 1.515.306 taxpayers registered in the republic (87.3% individuals and 12.7% legal entities), which is an 8.2 % increase in the total number of taxpayers, including an 8.8 % increase in the number of legal entities, compared to 2022. The number of state-registered commercial entities was 176.321. A 9.4 % increase was recorded in the number of commercial entities. During 2023, the number of legal entities whose activities were activated (restored) increased by 20.2 % compared to 2022, and the number of VAT payers whose activities were activated by 18.5 %. As of January 1, 2024, 22.563 commercial entities with foreign investment were registered. The

number of active commercial entities with foreign investment increased by 10.9 % compared to January 1, 2023. (Dövlət Vergi Xidməti, 2024)

According to the information released by the State Statistics Committee (Azərbaycan Respublikası Dövlət Statistik Komitəsi, 2025), the number of the workforce was 5.141.600 in 2021, while this number was 519.400 in 2022 and 5.249.700 in 2023. Another interesting indicator is that the number of employees working in the public sector decreased from 1.089.200 to 1.064.400 in the period 2021-2023, while the number of employees working in the non-public sector increased from 3.741.900 to 3.898.900 in the same period.

Just as the increase in the number of commercial institutions and the number of employees working there year by year has led to the revival and further diversification of economic life, this increase also necessitates the increase in human relations and the existence of disputes of different content on the basis of these relations. The application of mediation to commercial disputes in our country is very important in this regard. Mediation minimizes the risk of damage to the business image of companies due to any dispute that may arise, optimizes marketing costs, and creates the opportunity to direct internal human resources to the result-oriented development of the business. In this regard, the extraordinary increase in the number of commercial legal entities and the increase in the weight of VAT payers in that number is an indicator of the growth of economic power and increased competitiveness in the market. Against this background, the possibilities of mediation in the legal system also ensure the minimization of the risks of companies in this competitive market.

The real-life counterpart of the republic's economic indicators is reflected in the statistics released by the State Migration Service. According to the information released by the State Migration Service, the number of applications for registration of foreigners and stateless persons at the place of their stay in the Republic of Azerbaijan was 169.962 and the number of applications for obtaining temporary and permanent residence permits (extension of their periods) in the territory of the Republic of Azerbaijan by these persons was 50.872, in 2022 the number of applications for registration of foreigners and stateless persons at the place of their stay in the Republic of Azerbaijan was 314.329 and the number of applications for obtaining temporary and permanent residence permits (extension of their periods) in the territory of the Republic of Azerbaijan by these persons was 70.654, and in 2023 the same number was 372.185 and 82.363, respectively. (Dövlət Miqrasiya Xidməti, 2025) The rapid increase in the number of foreign

citizens coming to our country for permanent or temporary residence, which we observe in the mentioned statistical data from year to year, increases the diversity of the subjects that make up society, and this increases the likelihood of mentally based disputes arising against the background of increasing human relations. Using the possibilities of mediation in resolving disputes that may arise between people in the Republic of Azerbaijan can be useful and can make a special contribution to strengthening the environment of tolerance that has been formed in our homeland for centuries.

Furthermore, it must be particularly highlighted that, from the very beginning, in the 1.112 mediation cases handled by the Baku Mediation Organization N15 from May 15, 2022, to October 17, 2024 (including 759 family, 91 labor, 235 commercial, 26 civil, and 1 administrative case), participants' behavior was observed. Their initial approach to mediation negotiations and their views in the middle and at the end of the process were markedly different. The mediation discussions, which were generally conducted in a facilitative manner - meaning discussions aimed at establishing effective communication between the parties - were found to be in alignment with the local mentality. Moreover, after the settlement agreement was executed, mediators were often informed about its implementation, which demonstrated the positive impact of the involvement of a neutral third party on the parties' behavior.

In conclusion, it can be emphasized that the statistical indicators and observations over the past three years regarding the fields related to the application of mediation provide evidence that there is a solid potential foundation for the development and expansion of mediation practice in the Republic of Azerbaijan.

CHAPTER II. MEDIATION WORLD EXPERIENCE IN INNOVATIVE APPLICATION

2.1. General development characteristics and current problems of mediation in Azerbaijan

The emergence of mediation in Azerbaijan and the formation of the normative and legal framework. The Constitution of the Republic of Azerbaijan declares the rights and freedoms of a person and citizen, ensuring a decent standard of living for citizens of the Republic of Azerbaijan as the supreme goal of the state, and directs the rights and freedoms of a person and citizen, and places the duty of observing and protecting these rights and freedoms on the legislative, executive and judicial authorities. Everyone has untouchable, inviolable and inalienable rights and freedoms from the moment of birth, and is granted the right to defend their rights and freedoms by methods and means not prohibited by law, which implies the inadmissibility of restricting these rights and freedoms. (Commission chaired by the President of Republic, 2025)

The right to judicial protection is considered one of the fundamental human and civil rights and freedoms, and at the same time, it is a guarantee of all other rights and freedoms and cannot be limited. This right does not only include the right to appeal to the court, but also includes justice, which is capable of effectively redressing violated rights and freedoms within the limits provided for by law. (Decision of Constitutional Court regarding the complaint of C. Ismayilzadeh, 2007)

The right to appeal to court occupies a special place among the fundamental rights that contribute to the strengthening and development of a democratic society and the rule of law. Ensuring this right is of great importance in terms of protecting and defending everyone's social, political, and economic rights and freedoms, including their security, and also creates the basis for their fuller implementation (Decision of the Constitutional Cour regarding the complaint of M.Muradov, 2004).

It is important to note that the introduction of the mediation institution in the Republic of Azerbaijan is also an integral part of the reforms carried out precisely with the aim of achieving quality justice. Thus, in the Decree of the President of the Republic of Azerbaijan dated 03.04.2019 on Deepening Reforms in the Judicial and Legal System (Azərbaycan Respublikası Prezidenti, 2019), the main goal was set to accelerate the process of forming a justice system that meets the

requirements of the modern era and has a high reputation in society. Among the tasks to be carried out to achieve this goal (in Article 7.6 of the Decree), the Ministry of Justice was tasked with implementing awareness-raising and promotional activities related to the application of the mediation process.

We can note that the foundation of the mediation institute in the Republic of Azerbaijan was laid on the basis of the "Strategic Roadmap for the Production of Consumer Goods at the Level of Small and Medium-Sized Entrepreneurship in the Republic of Azerbaijan" established by the Decree of the President of the Republic of Azerbaijan on "Approval of Strategic Roadmaps for the National Economy and Key Sectors of the Economy" adopted shortly before the aforementioned decree dated 06.12.2016. Thus, Article 7.1.8 of the Strategic Roadmap states that the general framework for the development of the mediation institute has been established in the legislation of the Republic of Azerbaijan, and the process of active application of mediation and its integration into the legal space has begun since the first years of independence. Today, there is a basis for strengthening the legislative foundations of mediation as an extrajudicial method of dispute resolution in Azerbaijan, and for intensifying the integration of the mediation institute into the legal system. Also, the measures to be taken in that Strategic Roadmap include the preparation of a draft law on Mediation and the establishment of the Mediation Council.

On a logical basis, The Law of the Republic of Azerbaijan on Mediation, adopted on 29.03.2019, states that the law regulates public relations in the field of organizing mediation, which is one of the alternative dispute resolution methods, and defines the goals, principles, implementation rules of mediation, and the status of mediators.

It should be especially emphasized that the legislative framework in the field of mediation was formed in the Republic of Azerbaijan in a short time and important issues related to the application of mediation have been clearly regulated by the Decree of the President and the decisions of the Cabinet of Ministers. Thus, many important decisions of the Cabinet of Ministers of the Republic of Azerbaijan were adopted in a short time in order to regulate the issues arising from the Decree of the President of the Republic of Azerbaijan dated 03.04.2019 on the application of the Law of the Republic of Azerbaijan No. 1555-VQ dated March 29, 2019 "On Mediation". Thus, by the decision dated 15.07.2019 on approval of the "Amount of fee and other expenses for providing mediation services during the initial mediation session", the fee for the Initial Mediation

session in family/labor disputes was set at 50 manats and the amount of postal, clerical and other current expenses incurred by the mediator or mediation organization in connection with the organization of the mediation session was set at no more than 10 manats based on supporting documents.

The decision dated 16.08.2019 on approval of the “Rules for Payment of Mediation Expenses from the State Budget” determined that the circle of individuals who do not have sufficient funds to pay the initial mediation expenses consists of 1) members of families receiving targeted state social assistance and 2) individuals registered as unemployed in the relevant local bodies of the State Employment Agency under the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan and in “DOST” centers, and also stipulated that the mediation expenses of an individual who does not have sufficient funds to pay the mediation expenses during the initial mediation session will be paid from the funds allocated for these purposes in the state budget to the Mediation Council.

At the same time, it should be noted that, in accordance with the decisions of the Cabinet of Ministers of the Republic of Azerbaijan dated 05.09.2019, the Rules for Maintaining the Mediation Register, the Rules for Implementing the Mediation Process, and the Rules for Training Mediators and Improving Their Qualifications were approved, and the procedure for organizing and conducting mediation work was clearly and operationally regulated within the framework of the legislation.

In January 2020, within the framework of the project of the European Union and the Republic of Azerbaijan entitled "Increasing the institutional capacity of the Ministry of Justice of the Republic of Azerbaijan in the application of alternative dispute resolution mechanisms and the provision of legal aid services to the population", a Training for Mediation Trainers was organized at the Justice Academy of the Ministry of Justice of the Republic of Azerbaijan (femida.az, 2020). On 21.02.2020, the Mediation Council was established and its charter was registered with the state. (Mediation Council, Mediasiya Şurasının nizamnaməsi, 2020)

The Procedure for Admission to Membership of the Mediation Council, approved by the decision of the Mediation Council dated 08.04.2020, (Mediation Council, Mediasiya Şurasına üzvlük proseduru, 2020) regulates the process of admission to membership of the Mediation

Council of persons wishing to operate as mediators, mediation organizations, and mediation training institutions.

By the decision of the Mediation Council dated 15.04.2020, the Regulation on the Conduct of Mediators was approved and prepared on the basis of the “European Code of Conduct for Mediators” and the “European Code of Conduct for Persons Providing Mediation Services” of the European Commission for the Efficiency of Justice (CEPEJ). (Mediation Council, Mediasiya Şurası Reqlamenti, 2020) It regulates the ethical conduct, principles and other related relations of persons engaged in mediation activities on a professional basis .

Furthermore, starting from 01.07.2021, within the requirements of Articles 28 and 29 of the Republic of Azerbaijan on Mediation, the rule on the mandatory participation in the Initial Mediation Session before applying to the court for family, labor and commercial disputes has come into force.

By the decision of the Mediation Council dated 31.08.2022, the successful improvement and approval of the new edition of the documentation samples used in the mediation process (Mediation Council, Mediasiya Şurası sənədləri, 2022) should be considered an important step in terms of citizen satisfaction and accessibility to mediation.

In order to ensure the accessibility of mediation services for the resolution of commercial disputes of businessmen operating in Baku and efficiency in this field, in January 2023, a "Mediation Unit" was launched at the "Baku SME House" under the Small and Medium Business Development Agency under the Ministry of Economy of the Republic of Azerbaijan, which provides out-of-court resolution of disputes arising from entrepreneurial activity within the ecosystem. (Bayramova, 2023)

Also, in order to ensure accessibility to mediation services for labor disputes and efficiency in this area, the "DOST Mediation Space" began operating in January 2023 at the DOST Center No. 5 of the Sustainable and Operative Social Security Agency (DOST Service) under the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan. (DOST Agentliyi, 2023)

According to the statistical information released as of 11.06.2025, 351 active mediators are currently operating in cooperation with 48 mediation organizations in the Republic of Azerbaijan (16 in Baku, 3 in Ganja and 29 in other administrative regions). (Mediation Council, Mediasiya təşkilatları, 2025)

Existing Problems in the Application of Mediation in Azerbaijan. To begin with, it is necessary to note that the adoption of the Law on Mediation in the Republic of Azerbaijan in the not too distant future and the actual application of the condition of "participation in the initial mediation session" before applying to the courts for certain categories of cases from July 2021 (legalaid.az, 2021) are the objective reasons for certain problems and difficulties that will be mentioned in this chapter. As a result of our observations on the behavior of citizens who are parties to the dispute and lawyers who provide them with legal support, we can note that over time, the main players of society and the ecosystem will already believe in the "existence" of the mediation institution and will prefer to take advantage of the opportunities it creates. As a result of this awareness that will arise over time, it may become today's reality that people can bring any dispute to the mediation table and discuss it with courage in a generally conservative society.

However, it should be particularly emphasized that linking the existing problems in the implementation of mediation in Azerbaijan solely to a lack of information among people would not be an accurate approach. Based on my observations as an active mediator, I conclude that the lack of information and awareness about mediation in society is not the cause of the problems in its application, but rather one of the results of those problems. In this regard, if the problems in practice are properly analyzed and the approaches used in foreign experience are correctly learned, it will be possible to overcome those problems and challenges.

Since the establishment and implementation of the mediation institution at the basic level in the Republic of Azerbaijan starting from July 2021, based on my observations, I can note the following problems:

The lack and insufficiency of mediators' theoretical and practical knowledge. Currently, 351 mediators are active mediators in the Republic of Azerbaijan, being members of the Mediation Council. In order to have the profession of mediator in the Republic of Azerbaijan and become a member of the Mediation Council, it is necessary to successfully complete the 48-hour

initial basic training of mediators organized at the Justice Academy of the Ministry of Justice of the Republic of Azerbaijan, which is a mediation training institution, and obtain a certificate. Also, according to the procedure approved by the decision of the Cabinet of Ministers, in order to be able to engage in mediation activities in family and labor disputes, it is necessary to participate in 16-hour and 32-hour advanced training courses after 2 years of activity. (Azərbaycan Respublikasının Nazirlər Kabineti, 2019) Since mediation training in the Republic of Azerbaijan coincides with the post-pandemic period, the trainings are held online and the exam part is organized offline. However, conducting trainings, especially the practical part, online does not allow to detect whether the mediation tools are learned correctly. In most cases, misunderstandings are accepted as correct by the mediator candidates, which later, when faced with real cases in the practice of the mediator profession, they are unable to use the mediation tools correctly and appropriately, and even violate the basic principles of mediation (especially impartiality/neutrality) and resort to previous professional knowledge with the intention of reconciling the parties in any way.

In some cases, as a result of these actions, even if the process ends with the signing of a settlement agreement, serious problems arise in the implementation of those settlements agreements since the dispute is not essentially resolved due to the lack of *de facto mediation*, the committed party does not fulfill the terms of the Settlement Agreement and prefers to avoid the implementation of the settlement agreement in any way. As a result, although mediation is intended to be a tool in reducing the workload of the courts, this time an increase in the number of cases on the approval of settlement agreements concluded in mediation in court in order to achieve mandatory enforcement has been observed. In this regard, we believe that conducting preparatory training in an online format has created significant difficulties in the acquisition of professional skills and competencies by mediator candidates.

It should also be noted that mediators who have passed the exam and become members of the Mediation Council also face serious difficulties in improving their professional skills. Thus, the lack of books in the Azerbaijani language that would support the improvement of mediation skills and abilities remains a pressing issue. The publication of the Mediation Methodology (mainly consisting of documents adopted by the CEPEJ - European Commission for the Efficiency of Justice) published in 2023 and the practical textbook "Mediation" authored by the head of the

Georgian Mediation Council Irakli Kandashvili in mid-2024 is commendable, but it does not fully meet these needs in the field of mediation.

All of this concludes that when mediators face a citizen's real problem in the field, they do not act as mediators, but inevitably behave as professionals from their previous profession under the guise of being a "mediator."

In the preparation stage, citizens fail to communicate effectively, the essence of mediation is not properly explained, and the citizens do not understand how mediation can contribute to solving their problem. As a result, the message that the mediator is the "best person" for the job cannot be conveyed. The logical consequence of this is reflected in the Mediation Council's 2023 statistics, which show that out of a total of 43.629 cases, in 26.134 cases, one party (mostly the defendant) did not participate in the initial mediation session. In other words, in 59.90% of the cases, the defendant party did not trust the role of mediation in resolving the dispute and preferred to resolve the case in court by remaining "silent" on the mediation notification. The statistical figures for the 2024 (although with a declining trend) also showed similar results: out of 44 601 cases, 22 033 (49.4 %). These statistics are a logical consequence of the failure of mediators to establish proper communication with the parties, especially the second party, during the preparation stage of mediation. Mediation is a negotiation process based on effective communication, and the recorded statistics from the past period indicate that there are gaps, which directly stem from the insufficiency of mediators' theoretical and practical knowledge.

The Incorrect Perceptions and Knowledge Gaps Regarding Mediation Among the Main Participants of Mediation Processes. Before analyzing the issues under this heading, it is crucial to define the circle of the main participants in mediation processes, as this plays an important role in the relevance of our analysis. The key players in mediation processes can be classified as follows: a) Courts; b) Lawyers and practicing legal professionals; c) Other professional groups (business associations, labor unions); d) Administrative and other institutions, which are involved in the enforcement phase of the Settlement Agreements concluded at the end of the mediation process; e) Most importantly, individuals or legal entity representatives who are participants in the mediation process.

It is particularly necessery to mention that the main participants in the mediation process only know the concept of "mediation" from the Mediation Law of the Republic of Azerbaijan. However, the mediation law, as well as the decisions of the Cabinet of Ministers mentioned above, regulate not the "internal structure" of the mediation process but the "external elements." In this regard, knowing or even "memorizing" these norms cannot create the main creative and purposeful idea about mediation. It is not accidental that, based on my observations of the behavior of the participants in the training, who were former judges and other law enforcement agency employees, at the beginning, during, and at the end of the training, as a trainer from the Justice Academy, I can note that, despite their perfect knowledge of the law and other official documents, they had difficulty mastering the topics (strategies, tactics, and techniques) of mediation training and understanding the philosophy of mediation during the course.

Furthermore, despite the passage of 5 years since the entry into force of the Mediation Law and 3 years since its active implementation, based on the questions I received by phone from judges and lawyers as a mediation trainer, the queries I encountered in professional discussions, and the approaches I observed in some court decisions, my conclusion is further reinforced that these legal professionals have a rather incorrect understanding of mediation. For example, the judge exerting "soft pressure" for reconciliation purposes in court sessions, or lawyers trying to dissuade individuals from divorce, or a public servant stepping in to resolve an internal workplace dispute by displaying their reputation, or someone acting as a "senior" in a tense emotional situation between relatives by "pouring cold water" on the matter, or negotiations aimed at resolving conflicts between business partners with the involvement of other partners or business associates, or the resolution of disputes in a win-win scenario being called mediation, and even sharing this in one form or another on social media accounts, are typical examples of this. Especially, the fact that all the steps taken for preventing the divorce of couples with children from a joint marriage are called "right" or "wrong" mediation stems from the lack of knowledge of mediation among individuals in this category. Of course, some "mediation elements" can be used in this activity, but it must be unequivocally considered nonsense to call these actions mediation. The "misconceptions" listed above are clearly incompatible with the mediation principles explained in detail above.

This section should particularly emphasize that, as explained in the previous section, the insufficient theoretical knowledge of mediators plays an irreplaceable role in the formation of

misconceptions among stakeholders of the mediation process. Instead of providing correct explanations against these individuals' incorrect statements, their mistakes are often validated, and they are even encouraged to continue in their missions. As a result, although it may seem possible to resolve certain disputes through alternative methods, mediation does not develop. Its real-life application remains incomplete, and in many cases, it is not visible at all. Due to the improper implementation of mediation, society cannot benefit from its advantages.

Incompatibilities with Other Legislative Acts in Mediation Legislation. One of the main problems in the implementation of mediation in the Republic of Azerbaijan is the incompatibility between the mediation law and other legislative acts, or the failure to align these laws with mediation legislation. After the Mediation Law came into effect in 2019, adjustments were made in several procedural legislative acts, including the Administrative Procedure Code and the State Duty Law. However, significant inconsistencies in the legislative acts still exist, leading to a lack of trust in the mediation process among participants.

Mediation appears attractive to parties as it offers the possibility of resolving disputes in a complex manner and addressing the causes of the disputes. Especially in family disputes, various issues arising from divorce proceedings, such as which parent the child will stay with, determining the amount of child support, the child's interaction with the other parent and their family members (especially grandparents), child support payments for taking care of the child up to the age of 3, obtaining a national passport for the child, taking the child abroad, the child's education and upbringing, as well as the payment of alimony by one parent to the other for a parent who has lost their ability to work, and the division of property acquired during the marriage, can all be resolved through mediation. However, the effectiveness of mediation in resolving these matters is still limited due to the incompatibilities in the legislation.

Furthermore, the inconsistencies between legislative acts related to mediation lead to a decrease in trust in the process among participants and hinder the full acceptance of mediation as a legal tool. Addressing these issues through further alignment of the legislative framework and improving the existing legal framework for mediation is essential for the effective implementation of the mediation institute.

The listed issues are within the scope of application of different legal acts, including the Civil Code, the Family Code, the Migration Code, the Law on Passports and the Law on the State Register of Real Estate. Thus, despite the signing of a settlement agreement at the end of the mediation process, according to the Law on Passports, the parent's consent to the child's obtaining a passport and, according to the Migration Code, the child's removal from the Republic of Azerbaijan must be reflected in a separate notarial application. In order for the division of property agreed upon in mediation to be registered in real life - in the state register of real estate, a notarial operation must again be carried out. Although the decision of the Plenum of the Supreme Court dated 12.03.2024 (Azərbaycan Respublikası Ali Məhkəməsi, 2024) (paragraph 6.9) states that in family disputes the parties are considered bound by the settlement agreement reached during the mediation process regarding the division of common property, the requirement of notarization for agreements on the disposition of objects of the state register of real estate, in accordance with the requirement of Article 144.1 of the Civil Code, was emphasized. It is not difficult to imagine the strangeness of the situation that arises in this case. The parties participate in difficult emotional discussions for hours, sometimes several days, in some cases one or even 2 months, go through a difficult negotiation process, and the document expressing the agreement on the basis of a common denominator that is difficult to reach is not the final document on this dispute, they have to take further actions at a notary, etc. to complete this process. This does not allow the dispute to be concluded at the mediation table, but to be psychologically and physically finalized. One of the recommendations made to the mediator in the theory of mediation is that the mediator should create a psychological closure that indicates the final resolution of the dispute between the parties. (Moor, 2016) In other words, the parties should believe that an era is behind them with the signature of the settlement agreement at the end of the mediation process. In fact, this closing ceremony also has a special effect on the high rate of implementation of the Settlement Agreements concluded at the end of the mediation process. However, in Azerbaijani practice, the fact that cases that still have legal consequences are left after mediation gives the parties an opportunity to manipulate, thus creating conditions for abusing mediation to learn the position, weaknesses and strengths of the other party.

One of the inconsistencies in the legislation is related to the fact that the amount paid in the mediation process is taken into account in calculating the amount of state duty to be paid in future court proceedings. According to Article 9.1-1 of the Law of the Republic of Azerbaijan on State

Duty, if a settlement agreement is not concluded at the end of the mediation process, the party who paid the mediation costs during the mediation process is exempted from paying the state duty when applying to the court. Although at first glance the issue seems to be regulated in simple language and with reasonable logic, difficulties arise in practical life. Thus, there is a condition that the law seeks for the party who paid the mediation costs to be exempted from the state duty that they must pay when applying to the court in the future: *if a settlement agreement is not concluded* . In other words, if a settlement agreement is signed at the end of the mediation process, which is considered the success of the process, the mediation costs are not taken into account in paying the state duty and do not fall under the scope of the exemption. Based on my own observations on 323 mediation cases (193 family, 63 commercial, 42 labor, 25 civil) that have been in my personal professional experience since May 2022 till October 2024, I can note that, mediation negotiations are a rather emotionally sensitive procedure in Azerbaijan. Since people approach issues more emotionally than from a "win-win" perspective, this process is built/continues on broken notes, and any deviation creates distrust in people about the process. The problem created by this arrangement in real life is that people do not fully trust the other party, but participate in negotiations in exchange for the mediator's effort and sincere communication with the parties and reach certain agreements, as a result of which a settlement agreement is signed. If that settlement agreement is not fully or partially implemented for any reason, according to Chapter 40-7 of the Civil Procedure Code of the Republic of Azerbaijan, that settlement agreement is approved in court within 10 days and sent for mandatory execution as a court resolution. According to Article 8.2 of the Law of the Republic of Azerbaijan on State Fees, a state fee of 100 manats must be paid to file such an application with the court for the approval of a mediation agreement concluded in mediation. The problem arises at this point, when there is no complete trust in the other party, and the parties do not fully or partially implement the settlement agreement signed in such a moment, the requirement to pay the full state fee to apply to the court is perceived as incomprehensible by the parties. In other words, when there is no “peace” agreement, the mediation costs are deducted from the state fee, and when the mediation is successful - a “peace” agreement is signed, the mediation costs are not deducted from the state fee. In most cases, since the mediation costs are covered by the claimant, in the event that the respondent party evades the terms of the settlement agreement in the future, the claimant is faced with the obligation to pay the fee again. This is also the case in processes with a sufficiently high emotional level, when the participants get irritated by the slightest issue and easily abandon the mediation process. Here I would like to note an important nuance (which has escaped attention):

since the application of mediation in Azerbaijan, which began in July 2021, is new and there are no sanctions for the parties not participating in the mediation process for a valid reason, bringing both parties (especially the responding party) to the mediation table is quite a difficult task. When the parties, whom the mediator has convinced/persuaded for the mediation process by establishing proper and effective communication, refuse to continue the process after the initial/informative mediation session according to such norms, the mediator becomes demotivated for further work. This generally creates subconscious obstacles to the expansion of the possibilities of applying mediation in the country.

The society and civil society organizations have unrealistic expectations about mediation. Although the implementation of the mediation institution in Azerbaijan officially started in July 2021, there is a noticeable presence of unrealistic expectations within society, particularly on social media platforms. Over a relatively short period of 2-3 years, it can be concluded that the public, as well as individuals within society, have not yet accepted mediation as an alternative dispute resolution method. This ongoing trend is argued to be proof that mediation has not yet proven itself in local practice. In fact, there have even been observations in television debates where mediation is presented as a mandatory step before the court, with mediation certificates being issued as a legal requirement. (Suleymanov, 2023)

Additionally, the condition in the Law of the Republic of Azerbaijan on Mediation, which stipulates that mediators must be at least 25 years old and hold a higher education degree (including fields other than law), is suggested to potentially cause issues in the application of mediation. Specifically, it is argued that a mediator who is a 25-year-old non-lawyer may not be able to offer any significant contribution in resolving complex family disputes, as it seems unlikely that such a young mediator would succeed where experienced family members (who could prevent the dissolution of a marriage) might fail.

Even when the institution of mediation was just beginning to be implemented, despite the fact that national mediation trainers provided clear explanations about the essence of mediation on both written (Publika.az, 2021) and visual (ARB24 tv chanel, 2021) media platforms, and held educational seminars for media representatives, the idea that mediation had not been justified began to gain ground when mediation was presented as the solution to all disputes in both social and traditional media, and when even half of the expected high result was not achieved. The level of

misguided expectations has reached such a point that the increasing trend of divorces in the country is now being presented as a failure of mediation. (bizim.media, 2023; Güncel Türkce Sözlük, 2024; Mediation Council, Mediasiya Şurasının nizamnaməsi, 2020; Azərbaycan Respublikasının Milli Məclisi, Azərbaycan Respublikasının Ailə Məcəlləsi, 1999) In other words, if the expected outcome is not achieved after the implementation of mediation, which was created to reduce the number of divorces, it means that the mediation reforms have been ineffective. As elaborated in this thesis, although the initial purpose of the mediation institution in the Republic of Azerbaijan was to ensure the quicker resolution of commercial disputes among small business entities, the misconception arising from the mandatory participation in the initial mediation session for family disputes, coupled with the wrong expectations regarding the potential of mediation in resolving conflicts between couples, has led to an increase in divorce rates. This has created serious doubts about the application and future development of mediation within society. The rise in divorces, a social problem, being linked to the failure of mediation, further proves the validity of our approach in this subsection.

The minimum level of awareness-raising efforts for mediation in society. The main issue underlying the problems touched upon in the previous subheading is undoubtedly the lack or minimal level of ongoing advocacy and awareness-raising efforts for mediation in society. This is an indisputable fact. According to the mediation registry (Mediation Council, Mediasiya Reyestri, 2024) data currently announced by the Mediation Council, although 48 mediation organizations and 351 mediators are actively operating, only the Mediation Council[2] and 1 Mediation Organization[3] have websites. It is also observed that mediation organizations and mediators are extremely passive in carrying out continuous promotion of mediation on social media platforms, which are the main place of socialization and a demand of today. Those who appear active, mainly complete their work by "liking" or occasionally re-sharing the posts of the Mediation Council and some Mediation Organizations. In social media monitoring, it was also determined that the institutions that share the most and continuously are the Mediation Council[4] and one Mediation Organization [5].

[2] https://mediasiya.gov.az
[3] https://mediasiya15.az/az/
[4] https://www.facebook.com/mediationcouncilazerbaijan
[5] https://www.facebook.com/mediation15

In the previous academic year, within the framework of the memorandums signed between the Mediation Council and universities, meetings with students conducted at universities were not continuous. At each university, each mediation organization held one, and in some cases two, short-term seminars. Additionally, the Mediation Competition, organized by the Student Scientific Society of the Law Faculty of Baku State University since 2020, which saw massive participation from law students, was supported by only 2-3 mediation organizations, while others showed reluctance and distanced themselves from such student competitions. (Student Academic Society of Baku State University , 2025) This issue should be seen as a serious shortcoming in the long-term advocacy and awareness efforts for mediation.

Without a doubt, explaining the contribution of mediation as a new institution to people's daily lives is of great importance in the current context. However, the lack of awareness-raising efforts, when analyzed alongside other issues in this heading, limits the application possibilities of mediation in Azerbaijan, which inevitably leads to the following risks in the future: a) Over time, participation in the initial mediation session will become a formal pre-trial stage; b) It will no longer be viewed as a process that people eagerly participate in, but as a place to confirm a "paper" containing agreed-upon terms in accordance with the legislation's benefits; c) It will become the place where agreements that cannot be formalized in Notary offices are officially registered.

The emergence of such risks and the strengthening of these risks in daily life lead to the spread and increase of the belief that mediation is insignificant in society. This, in turn, will result in mediation failing to prove itself as an institution in the legal system, as originally intended. In such cases, the perseverance shown by international and national trainers involved in the implementation of projects related to mediation in the Republic of Azerbaijan, along with the discounts provided by the state on state duties, will result in funds directed to mediation organizations and mediators being spent on non-result-oriented work. This includes the payment for individuals unable to pay for initial mediation sessions, where such payments are made from the state budget. As will be explained in the next section, the fact that interesting and promising results have been achieved in leading countries of the world, including post-Soviet countries, while applying mediation, clearly proves that the problem does not stem from the nature of the institution. It is no coincidence that mediation, initially used mostly for resolving commercial disputes, has later been applied in resolving civil disputes arising from family, labor, construction, rental,

neighbor, and consumer relations. This method has even found its application in criminal and administrative offenses, and the relationships between convicts and victims in the post-sentence period within the framework of "*restorative justice*." Many countries have achieved successful results in this regard. Therefore, if the sources of the problems listed in this section are addressed correctly by benefiting from foreign experiences, the proper application of mediation can become possible in the Republic of Azerbaijan.

2.2. The United Nations Convention on International Settlement Agreements Resulting from Mediation (The Singapore Convention on Mediation)

The project of the United Nations Convention on International Settlement Agreements Resulting from Mediation, as known as the Singapure Convention in legal literature, was approved by the resolution adopted by the UN General Assembly at its 62nd Plenary Session on 20.12.2018, and the opening ceremony for signature was held in Singapore on 07.08.2019. (General Assembly of the United Nations, 2019) The Convention entered into force on 12.09.2020. (UN Information Service Vienna, The Singapore Convention on Mediation Enters into Force, 2020)

The resolution highlighted the importance of mediation, touching upon many important issues, and noted its contribution to the effective and amicable resolution of disputes arising/increasing in international commercial relations. (UN General Assembly, United Nations Convention on International Settlement Agreements Resulting from Mediation, 2018) The preamble to the Convention indicated that the use of mediation would result in a reduction of disputes resulting in the termination of commercial relations, in facilitating international transactions involving commercial entities, and in saving the costs of administering justice in member states. Thus, the creation of a legal framework that is generally acceptable to countries with different legal, social, and economic systems can contribute to the harmonious development of international economic relations. (UN General Assembly, United Nations Convention on International Settlement Agreements Resulting from Mediation, 2019)

The terms of that Convention shall apply to the following agreements concluded in writing between the parties as a result of mediation for the resolution of a commercial dispute between them having an international context: (a) At least two parties to the settlement agreement have their places of business in different States; or (b) The State in which the parties to the settlement agreement have their places of business is different from either: i) the State in which a substantial

part of the obligations under the settlement agreement is performed; or (ii) The State with which the subject matter of the settlement agreement is most closely connected.

It can be clearly observed from the content of Article 1 of the Convention that this international document acts as a tool for achieving a more rapid resolution of disputes between business entities operating in different countries or operating in territories different from the countries in which they are located, and it is determined that this Convention has application possibilities only for the resolution of disputes within the scope indicated above. Thus, in the last paragraph of that article, it is clearly stated that the Convention does not apply to issues such as “a) to resolve a dispute arising from transactions engaged in by one of the parties (a consumer) for personal, family or household purposes; (b) Relating to family, inheritance or employment law”.

It is another important point to highlight here: the definition of mediation in this Convention is provided as follows—"Mediation" refers to a process, irrespective of the term used or the foundation on which it is conducted, in which parties seek to achieve an amicable resolution of their dispute with the help of a third party or parties ("the mediator") who do not have the authority to impose a solution on the disputing parties.

A settlement agreement to which this Convention applies must meet the following requirements: a) The parties must sign the settlement agreement. b) It must be confirmed that the settlement agreement was concluded as a result of mediation: ba) the settlement agreement must be signed by the mediator; bb) the mediator's signature on the settlement agreement indicates that mediation has taken place; bc) attestation of the institution conducting the mediation process; c) other evidence of approval by the competent authority, in the absence of the conditions provided for in the previous 3 paragraphs .

A noteworthy point is the Convention's requirement that the settlement agreement not be contrary to the administrative policy of the state, as well as that the type of dispute that is the subject of the settlement agreement must be taken into account in the domestic legislation within the framework of mediation. For example, although some countries provide for mediation in criminal cases, crimes related to state security and corruption are excluded. In this case, a settlement agreement resulting from mediation conducted without observing this rule will be outside the legal possibilities recognized by the Convention.

Additionally, this Convention shall not apply to the settlement agreement arising from that mediation if any government agencies or individuals acting on behalf of a government agency are parties, as specified in the declaration. The other condition is that the Convention shall apply only to the extent that the parties to the settlement agreement have agreed to its application.

We believe that studying the possibilities of implementing the requirements of the Singapore Convention can be beneficial for the institutional development of mediation in our country, in the context of the expansion of international economic relations.

2.3. The Role of Methods and Innovation Models in the Application of Mediation in Other Countries (Italy, Latvia and Georgia.)

An overview of legal systems where mediation is applied, similarities and differences. First and foremost, it should be particularly noted that there are some fundamental differences between the Anglo-Saxon legal system and other legal systems, especially the continental legal system. In general, the differences and similarities between the two legal systems can be expressed as follows: Both common law and equity law originally stemmed from Roman law and its principles, later evolving with their own interpretations, histories, and traditions. Today, numerous differences exist between common law and equity law.

Firstly, equity law primarily developed in civil matters, whereas common law extended to civil, criminal, and fiscal matters. As noted earlier, common law rulings are based on precedents, customs, and a set of rules derived from the Great Charter, including provisions for "fair" monetary compensation for wrongful acts.

In contrast, equity law does not rely on precedent. Instead, judgments are based on principles of equity and justice. Another key distinction is that common law awards compensation in civil matters, whereas equity law focuses on determining which party is right and issuing orders or prohibitions regarding specific actions.

Additionally, equity law cases are decided solely by a judge, without a jury. In contrast, common law cases, particularly in criminal trials, involve a jury, which plays a crucial role in the proceedings. In criminal cases, the jury determines the accused’s guilt, while the judge is responsible for imposing a penalty if the jury delivers a guilty verdict.

In civil proceedings, the jury determines which party is right in the dispute and decides on the amount of compensation owed to the injured party, although the judge may reduce the awarded compensation if necessary. Despite the jury's significant role in common law, the judge remains essential, as they handle case resolutions and contribute to the official development of the law through their rulings.

Additionally, the judge interprets the law, particularly as the common law system must now consider and operate within numerous statutory laws, especially in areas like corporate, labor, and tax law. If statutory law has changed from its previous form, the judge is required to acknowledge the new law, even if it leads to a different conclusion than previous precedents based on older laws. Thus, the judge not only delivers rulings but also establishes precedents (though not every ruling becomes a precedent), interprets statutes, and evaluates their compliance with the Constitution through judicial review.

A key distinction between common law and equity law is the partial codification of laws in equity law, whereas common law lacks formal codification. In common law, codes such as the Civil Code or Commercial Code do not exist; instead, the system relies on detailed records of factual situations and their interpretation considering existing statutes, leading to appropriate legal qualification and judgments. Today, common law occasionally serves as a source of guidance and inspiration for new legislation, much like the principles that led to the creation of the Great Charter in 1215.

A "precedent," also referred to as "stare decisis"—particularly in the United States—is essentially a record of past judicial decisions concerning factually similar cases. It serves as the basis for evaluating and interpreting both current and future cases. The judge determines which precedents are relevant to the case at hand, making it essential for any lawyer appearing in court in the UK or US to be familiar with past precedents that may apply. Lawyers must also be able to highlight similarities or differences between cases. This method of applying the law is often considered a defining feature of common law, as it aims to ensure stability and consistency in judicial rulings. A precedent (derived from the Latin praecedens, meaning "preceding") is a judgment that can influence the content of rulings in future cases.

In common law, precedential law is established through court rulings. The Anglo-Saxon precedent consists of two key components: ratio decidendi and obiter dictum. Ratio decidendi refers to the primary grounds for a particular decision and the key legal principles influencing its resolution, whereas obiter dictum includes additional considerations within the judge's competence, reflecting their reasoning for a fair, impartial, and just assessment of the case.

Essentially, ratio decidendi forms the core precedent rule and legal rationale, serving as the foundation for handling similar cases in the future. It is binding on lower courts and appellate courts that established it, unless it is overturned. However, it is not obligatory for Supreme Courts. The binding nature of precedent is outlined in the stare decisis principle, which varies between states and regions within the United Kingdom. Conversely, obiter dicta, though not legally binding, provide valuable guidance for future judges, and when issued by the highest courts, they can significantly shape the evolution of the law. While precedents may shift, change, or even be overturned over time, the latter is a rare occurrence.

Common law is developed by courts based on precedent, as opposed to statutory law. However, this does not mean statutory law is entirely excluded; rather, courts tend to interpret statutes narrowly, preferring to adhere to past precedents, using ratio decidendi and obiter dicta as guiding principles.

Despite the differences between the two legal systems in legal matters, apart from certain legislative distinctions, there is often similarity in the fundamental issues in the application of mediation between countries. In some parts, there is even identity. This is because, in all legal systems, mediation is applied from the same perspective, based on the four core principles (voluntariness, impartiality of the mediator, equality of the parties, and confidentiality) discussed in detail above. Any violation or improper application of these principles can be easily detected without knowing the specific requirements of the legal system of the country. In this regard, the practices of certain countries, which are believed to have contributed to the development of mediation, will be analyzed below.

Italy. The formation of the Mediation Institute in Italy occurred in five stages. From the late 1990s until 2004, mediation processes were organized voluntarily by the parties without any legal regulation. In the subsequent period from 2005 to 2011, fully voluntary mediation sessions

were conducted by accredited mediation providers for company disputes. Following this, between March 4, 2011, and October 20, 2012, legal regulations were introduced for mandatory mediation for certain civil and commercial disputes, while mediation for all other civil disputes remained voluntary, in line with the implementation of European Union directives. With a ruling from the Italian Constitutional Court in October 2012, the legal force of regulations making mediation mandatory was suspended. Therefore, from October 20, 2012, to September 20, 2013, mediation could only be chosen voluntarily as an alternative dispute resolution method for all disputes. Finally, since the enactment of the legislative act on September 20, 2013, aimed at reducing court case loads, the mandatory requirement for an initial mediation session was established for a limited category of disputes. The law also regulates the relationship between the mediation process and the court system, alongside matters related to mediation itself. (Parliament of ltaly, 2013) The resolution of issues related to mediation organizations, accreditation of mediators, and mediation costs has been ensured based on the decision of the Cabinet of Ministers. (Italian Cabinet of Ministers, 2010) Additionally, the rules and regulations for conducting mediation processes have been approved by the Ministry of Justice of Italy.

Under Italian legislation, mediation is defined as an activity—regardless of its designation—conducted by an impartial third party with the purpose of helping two or more parties reach an amicable resolution to a dispute. This process may also involve proposing a settlement to resolve the conflict.[6] Additionally, the law defines a mediator as an individual or group responsible for facilitating mediation without possessing the authority to issue binding decisions or judgments.[7]

In Italy, there are three main types of mediation:

Voluntary Mediation: the parties have the right to submit any legal dispute to mediation at any time. If they reach and sign a mediation agreement, it is considered equivalent to a court judgment. Contracts may include mediation clauses, in which case parties are obligated to attempt mediation before initiating legal proceedings.

While the presence of lawyers is not mandatory in the mediation process, their signatures are required for the agreement to become an automatically enforceable title. When a commercial

[6]Italian Legislative Decree No. 28/2010, Article 1
[7]Italian Legislative Decree No. 28/2010, Article 1

contract or statute contains a mediation clause, parties must attempt mediation before resorting to arbitration or court litigation. If mediation is not attempted, the judge or arbiter may, either on their own initiative or at the request of a party, grant a fifteen-day period for filing a mediation request.[8]

Mandatory Mediation: in certain civil and commercial matters—such as joint ownership of real estate, property disputes, asset division, inheritances, family covenants, leases, bailments, business and commercial leases, medical malpractice liability, defamation damages, as well as insurance, banking, and financial contract disputes—mediation is a mandatory preliminary step before filing a court petition. [9] This means that the claimant must first submit a mediation request to an authorized mediation provider and attend an initial mediation session before initiating legal proceedings. The session must be conducted by an accredited mediator, and legal counsel is required to be present. Before attending, each party must pay a filing fee, but no additional payments are necessary unless they choose to proceed with the full mediation process. If mediation continues, the fees are determined based on the case's value and are regulated by law.

Preliminary Mediation**:** Judges, at their discretion, may order the parties to attempt mediation after evaluating the nature of the case, the stage of the trial, and the conduct of the parties. If mediation is ordered, the parties must submit a mediation request to a mediation provider within 15 days. [10] A judge can refer a case to mediation at any point before the closing arguments or, if no hearing is scheduled, before the oral discussion of the pleadings, even in the Court of Appeal. In such cases, mediation becomes a condition for admissibility.

Mediation shall proceed according to the rules of the mediation provider selected by the parties. However, these rules must always ensure the confidentiality of the proceedings and guarantee that the process for appointing a mediator maintains the mediator's impartiality and ability to properly and efficiently complete the task. The mediation process is not bound by formalities and can be conducted using electronic methods, as outlined in the provider's regulations.[11]

[8]Italian Legislative Decree No 28/10, Article 5
[9]Italian Legislative Decree No 28/10, Article 5
[10]Italian Legislative Decree No 28/10, Article 5
[11]Italian Legislative Decree No. 28/10, Article 3

In Italian practice, the mediation process can be summarized as follows: The request for mediation must be submitted to an accredited public or private mediation provider located in the same jurisdiction as the court overseeing the dispute. The party filing the request, usually the plaintiff, has the freedom to choose the mediation provider. Upon receiving the request, the mediation provider's secretariat appoints an accredited mediator from its roster. Alternatively, both parties can agree to select a mediator from the provider's roster.

The mediation provider will then notify the defendant (or opposing party) with details of the initial meeting, including the date, location, and the appointed mediator. The initial meeting must occur within 30 days of receiving the request for mediation, and the entire mediation process should be completed within 90 days, although this can be extended with both parties' consent. If both parties agree to proceed with the mediation, they can schedule as many meetings as they wish with the mediator. Importantly, all information disclosed during the mediation is confidential and cannot be used in court.

If the opposing party does not show up, the mediator will issue a certificate that states that at the initial mediation session the opposing party was absent. With that statement, the requesting party can file the case in court (only necessary in those cases where mediation is a condition precedent to judicial proceedings). In these cases, the presence of the parties' lawyers is mandatory under the law, [12] apart from consumer disputes.

If both parties attend the initial session, the mediator will explain the mediation process and its potential benefits. The mediator will then ask the parties and their lawyers to discuss whether they wish to officially begin and proceed with mediation. If both parties agree to proceed, they can schedule as many meetings as they mutually agree upon with the mediator and pay the full mediation fee.

If either party, or both, decides not to proceed after the initial meeting and chooses to "opt-out," they will have fulfilled the mediation requirement and can file their case in court without incurring any additional mediation fees. Parties who attend the initial meeting and later decide to opt-out will not face any sanctions or consequences for their decision.

[12]Italian Legislative Decree No. 28/10, Article 8

If an amicable settlement is reached, the mediation agreement becomes an automatically enforceable title if it is signed simultaneously by the following: the parties with the necessary power of attorney, if required; the lawyers, who certify that the agreement complies with mandatory rules and public order; and the mediator, who verifies the authenticity of the parties' signatures.

If the mediation agreement is not signed by the lawyers, for it to become an enforceable title, it must be sent to the President of the Court with jurisdiction over the dispute. The President will verify its compliance with the law and approve it.[13]

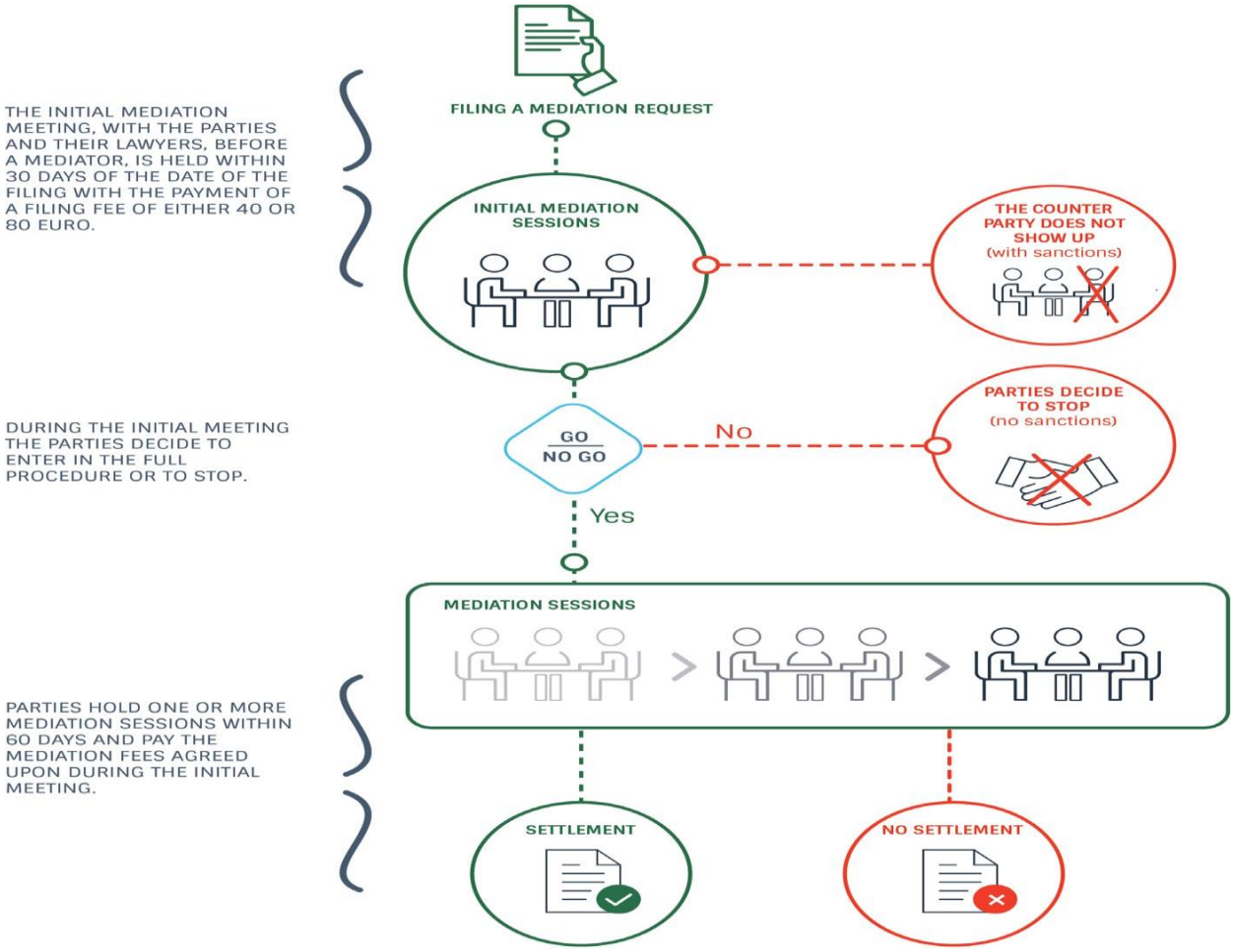


Figure 2.3.1 The flow of the mediation system in Italian legislation

**** Figure taken from Leonardo Durso's 2017 presentation on "Italian mediation"*** (ADR Center, The Italian Law on Civil and Commercial Disputes, 2017)

[13]Italian Legislative Decree No. 28/10, Section 12

If an amicable settlement is not reached, the mediator may, at their discretion, issue a written non-binding proposal for resolving the dispute. However, if all parties request it, the mediator is required to issue this non-binding written proposal.[14] The parties must send the mediator their acceptance or rejection of the proposal, in writing and within seven days. Failing to send a response within the prescribed time limit will cause the proposal to be rejected. A rejected proposal will be submitted to the judge in any subsequent court proceedings, which may have possible consequences for the division of the judicial costs [15], but not on the merit of the case.

If at the end of the mediation procedure the parties do not reach an agreement and the mediator decides not to issue a non-binding proposal (as is the case the majority of the time), the mediator will issue a declaration stating the mediation procedure took place and that the parties did not reach an agreement. The declaration will not make any reference to the offers and counteroffers made or information disclosed in the mediation.

Parties who refuse to attend the initial meeting, without justification, will face sanctions in subsequent proceedings. A judge will order the party or parties who do not attend the initial meeting to pay into the state budget an amount corresponding to the amount of court fees due for trial. Parties who attend the initial meeting and then decide to opt-out of mediation will not face any sanctions or consequences for opting-out. Furthermore, parties who proceed with the mediation may receive fiscal and economic benefits.

Recent Italian jurisprudence ruled that in the case of mediation ordered by a judge, the parties must be physically present, with their lawyers, and begin the full mediation process without needing to participate in an initial mediation session.

The rules and regulations of the chosen mediation provider will govern the mediation process. In Italy, the mediation procedure will last no longer than three months. The period shall begin from the date of the filing of the application for mediation, or after the expiration of the date set by the court for the filing of the same.

One of the key aspects of Italian legislation is the emphasis on the application of the confidentiality principle. Anyone who provides work or services for the mediation provider or is

[14]Italian Legislative Decree No. 28/10, Article 11
[15]Italian Legislative Decree No. 28/10, Article 13

involved in any part of the mediation procedure is obligated to maintain confidentiality regarding the statements made and the information obtained during the proceedings. Regarding statements and information acquired during separate sessions, the mediator must also maintain confidentiality towards the other parties, unless consent is obtained from the declarant or the person from whom the information originated.[16]

In accordance with Italian legislation, any statements made or information acquired during the mediation procedure, even in part, cannot be used in a trial concerning the same issues if the mediation fails, unless consent is granted by the declarant or the person from whom the information originated. Additionally, such statements and information cannot be admitted as oral testimony or be the subject of a decisional oath. Both the mediator and anyone else involved in the mediation process have a duty of confidentiality and cannot be called to testify in court. This ensures that statements made, or information acquired during mediation are protected and cannot be used in subsequent legal proceedings.[17]

If the parties request a written settlement proposal from the mediator and reject it, but the court's final decision matches the mediator's proposal, the court may order the winning party to pay the losing party's costs and fees.[18] In the case of successful mediation parties will receive a tax credit of up to € 500, in the case of a failure, the credit is reduced to € 250. Furthermore, any mediation agreement with a value below € 50.000 is exempt from transfer taxes, and all of the mediation documents are exempt from a stamp tax.[19]

Unless all the parties agree otherwise, mediation fees and their criteria of calculation are regulated by the law. Upon filing the mediation request and in order to participate in the initial mediation meeting, each party has to pay a filing fee of only 40 euros for disputes with a value up to Euro 250.000 value or 80 euros for disputes with a greater value. If parties do not want to proceed further, nothing more is due.

If the parties agree to proceed after the initial meeting, each party will pay the mediation provider a mediation fee based on the value of the dispute regardless of the number of mediation

[16] Italian Legislative Decree No. 28/10, Article 8
[17]Italian Legislative Decree No. 28/10, Article 9
[18]Italian Legislative Decree No. 28/10, Article 13
[19]Italian Legislative Decree No. 28/10, Article 17

sessions held. The mediation fee includes both the provider and mediator fees. The mediation fee cannot exceed the amounts set by law, the fees differ between voluntary cases and those required by law. If the parties reach an agreement, the provider can charge a success fee. In certain cases, the provider can charge an additional fee for complexity and for the issuance of a proposal.

Mediators are required to possess a bachelor's degree or alternatively be a member of a professional association; they must not have been convicted of any crime; must not be disqualified from public office; must not have been subject to disciplinary measures or sanctions; and must not be subject to any preventive measures[20]. In addition to these requirements, mediation providers are allowed to establish their own requirements which may be stricter. Mediators are limited to being on the rosters of no more than five mediation providers and must sign a declaration of impartiality before each mediation. Mediators must also have participated in a training course containing both theoretical and practical sections, of at least fifty hours, through an accredited mediation training provider. Mediators must participate in continuing education courses and are required to take 18 hours every two years and participate in at least 20 mediations with accredited mediation providers.[21] Lawyers registered in the Bar Association are automatically mediators upon their registration with a mediation provider. However, the ethical standards for lawyers require participation in courses of half of the total duration of the required courses.

The Mediator and any co-mediators are forbidden to assume rights or obligations related, directly or indirectly, to the business transacted, except for those strictly related to the performance of the work or service they are prohibited from receiving payments directly from the parties. The mediator must also: a) In every case to which he is assigned, sign a statement of impartiality according to the wording provided for in the mediation provider's rules and regulations; additional requirements may also be provided for in the same rules and regulations; b) immediately inform the mediation provider and the parties of any reasons of possible bias in the conduct of the mediation; c) formulate settlement proposals in accordance with public policy and mandatory regulations. d) respond immediately to every request from the director of the mediation provider. Upon request of one of the parties, the director of the mediation provider will provide for the

[20]Italian Cabinet of Ministers Decree No. 180, Article 18
[21]Italian Cabinet of Ministers Decree No. 180, Article 18

replacement of the mediator. The regulation shall identify the person responsible for selecting a replacement if the mediation is carried out by the director of the mediation provider.[22]

Mediation providers/organizations/centers can be public or private entities. In order to be registered mediation providers must show that they have the financial and operational capacity to provide mediation services in at least two regions or provinces in Italy, an insurance liability policy of at least 500.000 euros, at least five mediators in their roster, and physical offices.[23] Mediation providers created by Chambers of Commerce and Bar Associations are automatically registered at the Ministry of Justice as public mediation providers.

Mediation Training Providers. Mediation training providers must be registered with the Ministry of Justice. Accredited institutions must prove that they have financial and operational capacity, a physical headquarters, at least five trainers, establishment of a training program of at least fifty hours for a maximum of thirty participants with a final exam, and the establishment of continuing education courses of at least 18 hours.[24]

Mediation trainers. Mediation trainers must also be accredited and are listed in a registry at the Ministry of Justice. They must have a proven record of training in the field of ADR and have at least three published articles on mediation. [25]5. In order to ensure a high-level training of mediators, the decree of the Ministry shall establish the criteria for registration, suspension and cancellation of enrollment, as well as for the conduct of training. The same decree shall establish the date as of which their participation in the training activities of the present paragraph fulfills the requirement for professional qualification.[26]

The Required Initial Mediation Session model has resulted in almost 200,000 requests for mediations per year in Italy, representing 8% of all civil and commercial cases. In 2016, the statistics published by the Ministry of Justice show that when litigants decide to proceed to mediation after the first required meeting, the nationwide success rate is an average of 43.6%. Private mediation providers have an even higher success rate of 47.9%. The success rate for public mediation providers varies from Chamber of Commerce of 46.9% to Bar Associations at 37.2%.

[22] Italian Legislative Decree No. 28/10, Article 14
[23]Italian Cabinet of Ministers Decree No. 180
[24]Italian Cabinet of Ministers Decree No. 180, Chapter V
[25]Italian Cabinet of Ministers Decree No. 180, Article 18
[26]Italian Legislative Decree No. 28/10, Article 16

In the disputes matters subjected to the Initial Required Mediation Session the decrease of new judicial proceedings in court is about 16%. (ADR Center, The Italian Law on Civil and Commercial Disputes, 2017)

The following statistical data released by the Italian Ministry of Justice (Ministry of Justice Directorate General for Statis, 2023) also allows us to determine the contribution of the applied model to the formation of mediation traditions.

The impact of mediation on the quality of justice delivery is that during this period, lawyers have preferred to resolve their clients' disputes through mediation, using mediation tools more frequently than in earlier periods.

International Conference, (Saudi Center for Commercial Arbitration, 2025) which I personally attended and especially participated in panels in the field of Mediation, I met many lawyers from different countries who expressed their doubts about the impact of mediation on the quality of justice.

Statistical information presented beloww also revealed shows how the introduction of the institution of mediation has contributed to the reduction in the number of cases in civil court proceedings, which allows judges to provide better quality results in the administration of justice.

It is undoubtable, as the statistics prove, that in Italy this regulatory framework is relieving overburdened courts and enhancing citizens access to justice, with overall savings on time and costs significant, thus not only does this model increase mediations but it also increases the overall effectiveness of the judicial system.

Table 4	Civil and commercial mediation in Italy			
	Lawyer's assistance in voluntary mediation			
	Inviting party to mediation		**Present invited party**	
	legally assisted	**NOT legally assisted**	**legally assisted**	**NOT legally assisted**
	A	B	C	D
21.3.2011 / 31.12.**2012***	81%	19%	81%	19%
1.1 / 30.9.**2013** *	72%	28%	65%	34%
2014 Year	63%	37%	73%	27%
2015 Year	52%	48%	83%	17%
2016 Year	60%	40%	84%	16%
2017 Year	77%	23%	85%	15%
2018 Year	76%	24%	90%	10%
2019 Year	77%	23%	87%	27%
2020 Year	77%	23%	92%	8%
2021 Year	81%	19%	86%	14%
2022 Year	78%	22%	86%	14%
* Untill 19.9.2013 the legal assistance in mediation was not compulsory.				

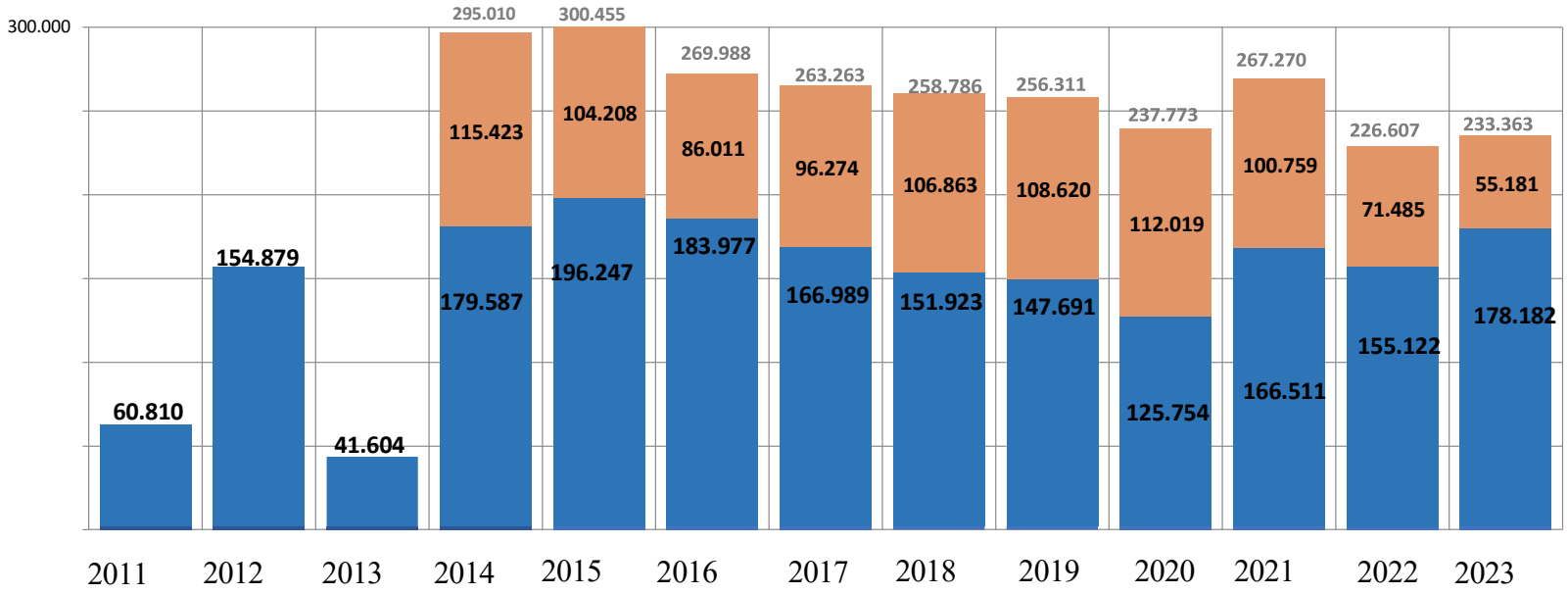
Table 2.3.1. Number of cases of lawyer`s assistance in voluntary mediation.

Table taken from (Ministry of Justice Directorate General for Statis, 2023)

Incoming mediations

National level projection

March 2011 – December 2023



Please note that:

- Mandatory mediation was suspended between 13th December 2012 and 30th September 2013;
- In 2012 there were approximatel y 45.000 mediation proceedings (an average of 11.165 per quarter) related to road and nautical damages, a subject that ceased to be mandatory from September 20, 2013.

Incoming mediations

Incoming mediation from mediation bodies

Mediation bodies exhibiting a significantly high and anomalous percentage of cases ending in the "non-appearance of the respondent" (99%).

Chart 2.3.1. Number of incoming mediations.

Chart taken from (Ministry of Justice Directorate General for Statis, 2023)

Italian civil proceedings pending at the end of the period

Chart 1

Chart 2.3.2.

Chart taken (Ministry of Justice Directorate General for Statis, 2023)

Latvia. First of all, let us note that the Law on Mediation in the Republic of Latvia was adopted by the Latvian Parliament - *Saeima* on 22.05.2014. In Latvian practice, mediator activity is carried out by certified mediators and (non-certified) mediators. Thus, the definition given in Article 1.4 of the Law indicates that a "mediator" is a natural person freely chosen by the parties to conduct mediation. The definition given in Article 1.5 of the Law stipulates that a "certified mediator" is a mediator who has a certificate granting the right to be registered in the register of certified mediators. Simply put, if the parties cannot voluntarily choose a mediator among themselves or cannot agree on the rules for selecting a mediator, the Council of Certified Mediators may recommend a certified mediator.[27]

The next point that draws attention in Latvian legislation is related to the purpose of the law. Mediation, as an alternative dispute resolution method, has been defined as the purpose of the law to contribute to the harmony of public relations by creating a pre-legal basis, and it has been noted that disputes can be resolved by Mediation without the use of additional legal norms before or during the trial.[28]

In addition to the fact that the choice of mediator is in writing (Mediation clause in the contract or agreement), the recognition of the possibility of even an oral choice [29] will be useful in accepting mediation as a tool that can be easily used in society - far from formality. Another interesting point is that the mediator may participate in the drafting of a settlement agreement, which shows that the process belongs entirely to the parties in reality, if the parties wish.[30] (Note: In our local practice, the terms of the agreement are often prepared by the mediator, which later we witness the remarks that the "mediator" did not write it as we wanted. There have even been appeals to the court on this basis to consider the settlement agreements concluded in Mediation invalid.)

One of the issues that stands out in Latvian practice is the conditions set for becoming a certified mediator. Thus, these conditions include being 25 years old, having a higher education, having completed the relevant training, having a high level of knowledge of the state language, and

[27] Mediation Law of Latvia, Section Three
[28] Mediation Law of Latvia, Article 2
[29] Mediation Law of Latvia, Article 2, Section 8.1.
[30] Mediation Law of Latvia, Article 2, Section 14.2.

having an impeccable reputation[31] is important for mediation to find its expected response in society.

The Board of Certified Mediators, headed by a Board of Directors consisting of 5 people elected for a 3-year term by the General Meeting of Certified Mediators, is a self-governing independent institution.[32]. According to the information shared by the Board of Certified Mediators in Latvia in 2023 within the framework of the research I conducted regarding this thesis, the number of cases provided with Mediation services has increased with an upward trend: in 2016 it was 135 (number of mediators 38), in 2018 it was 385 (number of mediators 4), in 2021 it was 389 (number of mediators 45) and in 2022 it was 354 (number of mediators 42). Among those cases, family mediation cases accounted for the majority: 110 in 2016 (total cases 389), 334 in 2018 (total cases 385), 346 in 2021 (total cases 389) and 318 in 2022 (total cases 354). The number of Settlement Agreements under the implemented Mediation processes was also formed in this way: 53 in 2016 (total cases 389), 241 in 2018 (total cases 385), 240 in 2021 (total cases 389) and 209 in 2022 (total cases 318). First of all, let us note that the sharp difference in the number of cases conducted through mediation compared to Azerbaijan is due to the fact that the population of Latvia is approximately 2 million (1,872,000) (Latvian Public Media, 2024) and the mainly voluntary mediation model is applied there. Considering these two factors and the number of mediators, the idea that quality mediation services are organized in Latvia based on statistical indicators is formed.

One of the useful points in the Latvian experience is the possibility of covering the costs of mediation sessions on civil disputes involving children from the appropriate funds allocated from the state budget. The Law on Mediation includes a norm – the Ministry of Justice allocates an amount of money every year within the framework of state funding for the implementation of conditions for the consideration of disagreements in out-of-court and judicial mediation through mediation, which affect the rights of the child, in cooperation with the Council of Certified Mediators. Every year, the Council concludes an agreement with the Ministry of Justice for the development of state subsidies. The state pays for 5 mediation sessions (5 hours), but if one of the parties is a low-income person, then 7 hours. Everything else is paid by the parties themselves. The

[31] Mediation Law of Latvia, Article 2, 19
[32] Mediation Law of Latvia, article 25.1 and 25.2.

Council concludes agreements with certified mediators and administers payments, compiles a list of mediators included in the program. Contracts with the parties are concluded by a mediator. The mediator, together with the parties, sets the stage for the continuation of mediation.

As of October 2024, 277 mediations were held. The total number of hours for these cases is 1110 hours. Mediation affected 312 children, 77 mediations were completed by a full agreement, 68 without an agreement, with 17 partial agreements, continues after the draft 61, continues within the framework of the state's paid hours of 86 mediations. When studying the mediation experience in Latvia, it is clear that the main reason for the large number of family cases in general is due to the mentioned social project. Also, since 2005, the Latvian Probation Service, within the framework of the "restorative justice" model, has been implementing mediation tools in probation cases and working on reducing and eliminating the level of conflict between victims and convicts (izliguma-process). (Valsts Probācijas Dienests, Izlīguma process, 2020) Mediation processes carried out within the framework of the activities of the Probation Service are carried out by specially trained probation officers and certified mediators (on a voluntary basis). According to information released to the public by the Latvian Probation Service (Valsts Probācijas Dienests, Publiskais Pārskats, 2023), a total of 16,975 cases were concluded from 2005 to 01.01.2024, including 1,010 in 2021, 1,268 in 2022, and 1,099 in 2023. The statistics disclosed for cases concluded in 2023 are as follows: a) Parties reached an agreement: 250, b) unconditional settlement 76, c) No agreement reached 30, d) Victim refused: 417, e) Convict refused 176, f) Both parties refused: 13 h) Termination of the process for other reasons 77. As is clear from the graph below, in at least 356 cases there was direct communication between the victim and the convict and negotiations took place to eliminate the consequences of the criminal incident for both them and society.

It should also be noted that, according to the disclosed data for 2023, the processes for those cases were carried out by certified mediators, while 1184 processes were conducted by the service staff. The involvement of certified mediators in these processes is also of significant importance in raising awareness within society.

We believe that certain elements of the mediation practice applied in the Republic of Latvia, either directly or by considering mental characteristics, could be beneficial for our local conditions with appropriate improvements.

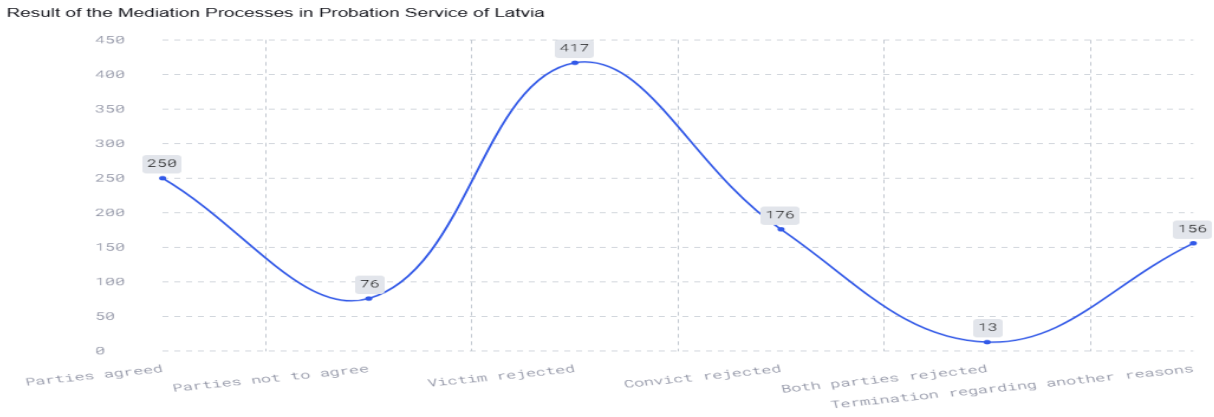


Chart 2.3.3.

Chart taken from the website (Valsts Probācijas Dienests, Izlīguma process, 2024)

Georgia. The Law on Mediation of the Republic of Georgia was adopted on September 18, 2019. According to the current legislation, the application of mediation is possible through an agreement voluntarily concluded between the parties on the application of mediation or within the framework of court mediation procedures, as defined by the Georgian Civil Procedural Code.

However, the legislation also stipulates certain restrictions. For instance, according to Article 1.2 of the Law on Mediation, this Law shall not apply to notarial mediation provided for by the Law of Georgia on Notaries, the mediation and notarial mediation provided for by the Law of Georgia on the Improvement of Cadastral Data and the Procedure for Systematic and Sporadic Registration of Rights to Plots of Land within the Framework of the State Project, mediation provided for by the Juvenile Justice Code of Georgia, and mediation provided for by the Organic Law of Georgia's Labor Code for the purpose of review and resolution of collective disputes.

This provision is important in determining the distinction between settlement agreements in mediation and notarial settlement agreements, especially in terms of protecting public interest in matters related to the cadastral registration of real estate. Considering that notaries have direct access to many state databases concerning mediators, we can state that this regulation is appropriately placed. In the Georgian Mediation Law, the definitions of mediation and participants in the mediation process are explained with a similar approach to our legislation. It is particularly

emphasized that mediation is conducted based on the principles and is listed as follows [33]: voluntariness (except for the cases provided for by law), self-determination, good faith and equality of parties, confidentiality, and independence and impartiality of a mediator.

Unlike the Latvian experience, mediators in Georgia also operate on a professional basis and registration in the Unified Register of Mediators and membership in The Georgian Association of Mediators are the main requirements.[34] It is noteworthy that the agreement document concluded because of the mediation process is also called "agreement resulting from mediation".[35]

The Georgian experience suggests that the definition of precise criteria for the selection of a mediator can also act as an important element in the development of mediation in a neighboring country: a) the experience of conducting mediation or other negotiations, the content of which does not contradict the law, public order or moral norms; b) the experience of participation in the court proceedings or an alternative dispute resolution procedure; c) the experience of working with the legal issues relevant to the content of a dispute; d) the accreditation by a recognized mediation organization; e) the efficient conduct of mediation, alternative dispute resolution mechanisms and other important skills, business reputation and authority of a mediator; f) other eligibility criteria in accordance with a mediation agreement.

The definition of specific criteria for the selection of a mediator will create an additional incentive for mediators to adapt to these criteria and increase their level of professionalism. Considering that this institute is a new tool for post-Soviet countries, the previous professions did not require the skills and abilities related to Mediation, and in the performance of their work, individuals do not have much knowledge about the tools of "negotiation" that are common in the Western world. In this regard, even if they successfully pass the basic and advanced training, it is a rather difficult and time-consuming process for Practical Mediators to become "correct/acceptable mediators", and therefore, the direct indication of criteria in the law will play a guiding role in achieving good results in practice. In order to achieve the impartiality of the mediator in the Georgian practice, unlike the Azerbaijani practice, the conditions related to neutrality that the mediator must adhere to before and after Mediation are specifically regulated in

[33]Law of the Republic of Georgia on Mediation, Article 3
[34]Law of the Republic of Georgia on Mediation, Article 2, Sub-Article "e".
[35]Law of the Republic of Georgia on Mediation, Article 2, Sub-Article "j".

the Law on Mediation. In particular, the issue that should be paid special attention to after Mediation - the direct prohibition in the law on the mediator to act in the interests of any of the parties in the case or in a case related to that case - should be especially noted.[36] For example, in Azerbaijani practice, this point is not directly provided for in the law, but in the Regulations of the Mediation Council, which is a lower-level document.

In Georgia, for the mediation process to be considered initiated, an application by the parties or one of the parties to the mediator (application) or, in cases provided for by the legislation, an application by a court or other authorized body (referral) is necessary.[37] However, it has been established that the parties have the right to refuse mediation at any stage of the mediation process, unless otherwise provided for by law.[38]

In Georgia, before starting the mediation process, the mediator informs the parties about the principles of mediation, the role of the mediator in this process, the rights and obligations of the parties, the possible outcomes of mediation, the mechanism for implementing the agreement to be concluded as a result of the mediation process, as well as the terms of payment of the mediator's expenses and fees. In the future, the parties may mutually agree on the procedure for conducting mediation in cases not specified by law. In the absence of such an agreement, the mediator determines the procedure himself, taking into account the level of the dispute and the opinions of the parties, in order to achieve an effective resolution of the dispute.[39]

A noteworthy point in the Georgian practice is that there is no legal limit on the duration of mediation, unless otherwise provided by the parties or by law. However, the parties have the right to have a reasonable period of time and opportunities to achieve a resolution of the dispute in the mediation process.[40] It is necessary to touch upon each legal norm that serves the development of mediation. Although the right of the parties to be represented by their representatives in the mediation is provided for, the mediator may require the direct participation of one or more parties in the mediation process.[41] The provision in the legislation that the mediator has the opportunity to

[36]Law of the Republic of Georgia on Mediation, Article 6
[94] Law of the Republic of Georgia on Mediation, Article 5.2
[37]Law of the Republic of Georgia on Mediation, Articles 7.2 and 7.3
[38]Law of the Republic of Georgia on Mediation, Article 7.5
[39]Law of the Republic of Georgia on Mediation, Articles 8.1 and 8.3
[40]Law of the Republic of Georgia on Mediation, Article 8.4
[41]Law of the Republic of Georgia on Mediation, Article 8.5.

communicate/meet with the parties jointly or individually during the mediation process, and to receive additional information from the parties regarding the dispute, is also a successful step.[42] (In local practice, the application of mediation techniques learned in training, such as joint sessions and individual meetings, raises questions among participants, and the legal basis is often asked. At the beginning of the process, such doubts can lead to a lack of trust in the process.) Also, the direct regulation in the legislation that the result obtained at the end of the mediation, the agreement reached by the free, independent and fully informed decision-making will of the[43] parties, will encourage the parties to be more restrained, more honest and calmer in the mediation process.

As in the Latvian experience, determining the writing of the terms of the agreement reached as a result of the mediation process as the main obligation of the parties or their representatives, and the possibility that the mediator can only help,[44] will also protect the mediator from groundless disputes (different or incorrect writing of the agreement, etc.) in real cases.

In Georgian practice, the regulation on the expiration of the limitation period also prevents the emergence of legal disputes arising from mediation in the future. Thus, as in similar practice in the world, the period of limitation of a claim is suspended from the moment of initiation of private mediation. until the completion of private mediation. However, this period cannot be more than two years after the initiation of private mediation.[45] Setting a maximum period will result in the absence of questions in the future regarding the limitation period, which is directly related to the success or failure of the dispute in court.

The main turning point in the development of the institution of Mediation in the Republic of Georgia is the country's accession to the United Nations Convention on International Settlement Agreements Resulting from Mediation. The ratification by Georgia was effected on 29 December 2021 and the Convention entered into force for Georgia on 29 June 2022. (UN Information Service Vienna, Georgia ratifies the United Nations Convention on International Settlement Agreements Resulting from Mediation, 2022) It should also be noted that although the fee for the provision of Mediation services is determined by mutual agreement between the mediator and the parties [46],

[42]Law of the Republic of Georgia on Mediation, Articles 8.7 and 8.8
[43]Law of the Republic of Georgia on Mediation, Article 8.9
[44]Law of the Republic of Georgia on Mediation, Article 9.3
[45]Law of the Republic of Georgia on Mediation, Article 12
[46]Law of the Republic of Georgia on Mediation, Article 11.2

mediators participating in the Court Mediation process must conduct a number of cases free of charge (Pro Bono Mediation) determined by the court Mediation program every year. Mediators who conduct more than that number of Mediation cases within the framework of the Court Mediation program are paid from the amount determined in the State budget for that program and in the manner determined by the Supreme Council of Justice.[47]

According to the decision of the Supreme Council of Justice of Georgia dated 27.12.2019, 1. Mediator's activities shall be remunerated hourly. 2. Communication of the mediator with parties, both joint as well as individual shall be a subject of remuneration. 3. Any incomplete hours of communication with the parties shall be subject to remuneration for the amount set for each hour. 4. Information meetings shall not be subject to remuneration. 5. The mediation fee for the first 10 hours of individual and joint communication with the parties shall be set at GEL 20 (approximately 12 AZN) for each hour and GEL 10 (approximately 6 AZN) for each subsequent hour. 6. In case if mediation is conducted by several mediators, the amount defined for the certain case shall be distributed equally among them. (The High Council of Justice of Georgia, 2019)

At this point, the norms promoting the application of mediation in the Civil-procedural legislation of Georgia should be noted. Thus, if parties reach an amicable settlement in the process of judicial mediation, the plaintiff shall be refunded 70% of the state fees paid.[48] The application of a discount on fees to attract people to mediation should be considered a successful step. In addition, we can accept the application of judicial mediation for certain cases and the granting of certain advantages to the parties as a good practice. According to Chapter 21-1 of the Civil Procedure Code of the Republic of Georgia (in force since 28.12.2011), after a claim has been filed with the court, a case that falls within the jurisdiction of a judicial mediation may be transferred to a mediator (a natural or legal person) in order to conclude the dispute by a settlement between the parties. The fact that this decision of the court cannot be appealed is also important for creating trust in people. Considering that a judicial mediation may apply to: a) family disputes, except for disputes related to adoption, annulment of adoption, revocation of adoption, restriction of parental rights, deprivation of parental rights, and violence against women and/or domestic violence; b) inheritance disputes; c) neighborhood disputes; d) any other disputes – with the consent of the

[47]Law of the Republic of Georgia on Mediation, Articles 11.3 and 11.4
[48]Article 49.2-1 of the Civil Procedure Code of the Republic of Georgia

parties. And a dispute may be referred to a mediator at any stage of the hearing. The period of a judicial mediation shall be 45 days, but at least two meetings and the period may be extended for the same period by agreement between the parties. The parties shall be obliged to appear at the time and place determined by the mediator in order to participate in the process of judicial mediation. Persons who violate this obligation without a valid reason, the party shall pay the court costs in full, regardless of the outcome of the hearing, and a penalty of GEL 150 (approximately AZN 91). If a dispute is concluded by an amicable settlement between the parties in the process of judicial mediation or at the hearing in court, the party shall not be charged with the payment of this penalty. This "offer" of removal in exchange for a soft penalty and reconciliation directs the parties to resolve the dispute. In the event that a dispute is resolved amicably between the parties within the statutory period established for judicial mediation, the court shall, on the petition of a party, deliver a ruling on the amicable settlement between the parties (Parlament of Republic of Georgia, 1997). The ruling shall be final and may not be appealed. This rule provides the parties with the opportunity to resolve the dispute, so that the parties are more actively involved in the mediation process with sincerity and honesty.

Finally, regarding governance, it is necessary to state that in Georgia, as in the Latvian practice, the Board of Directors of the Mediation Council operates on a voluntary basis[49], and the term of office of the head of the Mediation Council is set at 4 years.[50] Unfortunately, it should be noted that it was not possible to obtain statistical data from open sources for the period after the law came into force. However, the statistical indicators published on the pilot projects carried out before the law was adopted can also be used as an example of the success of the Georgian practice. Since October 2013 a total of 143 cases have been applied to mediation, shows the statistics from the Tbilisi City Court Mediation Centre, during which 70% of the cases were settled. Legal and property disputes were the most common cases solved through mediation, show statistics.

Their will that certain elements of the mediation practice applied in the Georgia may be friutful for our local conditions, taking into account the common mental characteristics of the peoples of the Caucasus.

[49]Law of the Republic of Georgia on Mediation, Article 15.3
[50]Law of the Republic of Georgia on Mediation, Article 16.1

CHAPTER III. IMPROVEMENT AND DEVELOPMENT OF INNOVATIVE DEVELOPMENT MECHANISMS OF MEDIATION IN AZERBAIJAN

3.1. Principles for formulating a strategy for the development of mediation in Azerbaijan

The general framework for the development of the mediation Institute in the legislation of the Republic of Azerbaijan as one of the mechanisms for the out-of-court settlement of disputes has been established, and the process of active application and integration of mediation into the legal space has begun for a long time. As the main topic of this thesis, we think that there is an effective basis for strengthening the legislative basis of mediation as an extrajudicial method of resolving disputes in Azerbaijan and intensifying the integration of mediation institute into the legal system.

However, observations over the last 3 years and the insufficient voluntary implementation rate of settlement agreements concluded in mediation, and the need for people to ultimately have those settlement agreements approved in court, show that the traditional judicial view still remains the main influential force in citizens' approaches and that the contribution of mediation to the role of the judicial system as a guarantor of rights in the modern sense is not fully understood.

Despite the fact that a direct appeal to the court for the purpose of resolving disputes is likely to lead to a number of negative consequences for people (the cessation of relationships, the continuation of a tense emotional environment, the damage or loss of trust, as well as the large financial costs of involving professional lawyers in the defense process, etc.), it is preferable to obtain a result in a judicial procedure.

In international practice, however, there is an effort to supplement the classical judicial system with alternative procedures, ensuring that both approaches create conditions for the comprehensive protection of citizens' rights and legitimate interests."

Although alternative dispute resolution methods were included in Azerbaijan's legislation before the mediation law, to overcome the low level of their use, necessary actions to ensure the successful application of mediation as one of these methods should be carried out based on certain principles. As someone actively involved in this field, I believe that defining specific principles

will enhance the effectiveness of the established legal mechanisms. Additionally, the promotion and outreach efforts for mediation, grounded in real results, will become more result-oriented, raising public awareness about the essence and importance of mediation as an alternative dispute resolution method to a more appropriate level. Ultimately, this will help eliminate the obstacles hindering the development of justice-related services.

In this regard, the necessary working principles for the implementation of the long-term road plan for the development of mediation in the Republic of Azerbaijan should be: a) transparency-publicity; B) independence; c) humanism; d) justice.

In Azerbaijani society, which carries the conservatism of Eastern culture into its daily life, I would like to emphasize transparency and publicity as the key principles to encourage people to trust in the resolution of disputes outside the traditional court system, particularly through informal means such as mediation.

Currently, although there are 44 mediation entities providing mediation services in the country, handling an annual average of 45,000 cases, only one organization has its own website and corporate domain.

Organizations are mainly satisfied with promoting their activities only on social media. While acknowledging the importance of daily posts on social media platforms in line with modern trends, it is crucial to ensure access to information resources that provide stable and continuous access to details about mediation entities at any time. In this case, it must be specially emphasized that important of ensuring easy access to mediation-related information in people's daily lives.

This information includes comprehensive details about the work and life experience of mediators operating in mediation organizations, along with their photographs, a clear explanation of the services and practices of mediation organizations, transparent information about service fees, contact details, a section demonstrating the sustainability of their contributions to mediation.

Unlike other professions involved in dispute resolution, a key condition for the success of mediation is that both parties trust the mediator and believe they are the 'right person' for the job. Therefore, it is essential for people to have prior knowledge about mediators. In this regard,

continuous access to information about mediators should be ensured over time to support the development of their reputation.

At the same time, information about service fees for mediation should be publicly accessible, as is the case in international practice. Naturally, for parties to choose mediation over court proceedings, it is essential to establish a clear budget for this option as well. This also plays a role in mediation negotiations by serving as an initial offer, setting the negotiation limits, and ultimately determining an acceptable agreement zone. Knowing mediation costs in advance helps individuals understand when to reach an agreement and to what extent they can use bargaining pressure on the other party. Moreover, having a clear understanding of all elements in mediation is particularly effective in identifying the **"golden middle"** in dispute resolution, a concept closely linked to **BATNA (Best Alternative to a Negotiated Agreement).** (Gomez, 2021)

Another issue regarding financial transparency is ensuring continuous financial accountability to the public. The provision of annual reports on the financial results of the Mediation Council, which was registered in 2021 and has been operating for more than 4 years, to the public can make a special contribution to building and strengthening trust among stakeholders operating in this field. Similarly, the sharing of annual reports of the independent institution, the Bar Association of the Republic of Azerbaijan, is accepted as an indicator of financial transparency in the ecosystem. (Azərbaycan Respublikasının Vəkillər Kollegiyası, Vəkillər Kollegiyasının 2024-cü il üzrə fəaliyyəti barədə - HESABAT, 2025)

One of the points that must be taken into account to ensure transparency is related to the formation of the board composition of the mediation council. Neither the law nor the Charter of the mediation council has established any norms on the term for which the members of the board are elected. It is indisputable that this gap in the regulation will raise questions in terms of accountability and transparency in the future. In order to eliminate this deficiency, progressive steps can be taken, similar to the model of a Board of 3 people elected for 5 years, as in Latvian practice[51], or the condition of electing the chairman of the board for 4 years, as in Georgian practice.[52]

[51] Mediation Law of Latvia, article 25.1, 25.2
[52] Mediation Law of Latvia, article 16.1

One of the points to be touched upon here is that, since the institution of mediation is generally new, mediators have contributed to the development of mediation and are known to society. The fact that the mediator not only provides financial resources for his profession, but also works enthusiastically to increase its prestige will also contribute to the strengthening of mediation in society in the medium and long term.

Reviewing, I would like to note that although the process itself is confidential, ensuring transparency and Publicity in the organization of the process is very important for overcoming subconscious barriers in society against mediation as a new institution.

Independence. Although legislation establishes that a mediator must be independent and remain free from the influence of parties, state and local self-government bodies, as well as legal and natural persons, and that no interference in the mediator's activities is permitted during the mediation process, the key issue emphasized in this section is ensuring **institutional independence in the organization of mediation services.**[53]

Under the current legislation, mediation organizations in our country are non-commercial entities, operating as independent entities[54] with separate tax identification numbers (TIN) and are subject to independent tax accounting, separate from the Mediation Council. However, similarly to the hierarchical structure observed in state governance, the Mediation Council is required to provide detailed reports on all financial and operational matters, including the names, surnames, and the nature of disputes of the applicants and this requirement has been fulfilled by mediation organizations over the past period.

However, the requirement to collect and share statistical data defined in the legislation does not in any way include interference in the independence of mediation organizations[55], including obtaining detailed reports (name, surname and nature of disputes) on all cases in the proceedings of mediation organizations may also raise doubts about the protection of confidentiality. The regulated legislation, on whose initiative mediation is carried out in such a cover of confidentiality[56], does not provide for an exception to confidentiality.

[53] Mediation Law of Azerbaijan, article 7.1
[54] Mediation Law of Azerbaijan, article 11.1
[55] Mediation Law of Azerbaijan, articles 20.1.7 and 20.1.15
[56] Mediation Law of Azerbaijan, article 8.1

In this regard, in the formation of mediation traditions from the Republic of Azerbaijan in the medium and long term, preference should be given to independent and strong local institutions - mediation organizations instead of a strong central administrative structure.

As organizations ensure independence, mediation entities will be able to market mediation services within a competitive framework as outlined by law and work towards the development and improvement of mediation.[57] They will also be able to create appropriate conditions for conducting mediation negotiations, promote the effective performance of mediators, and implement other innovative measures.

Humanism. In theory, humanism in a narrow sense is a term that focuses on human values and needs in the daily life of society based on the concepts of human reason, morality, and justice, emphasizing that all people are valuable and worthy of respect. Humanism in a broad sense is a worldview that fundamentally accepts the concepts of human reason, morality, and justice and rejects all inhuman beliefs and all superhuman elements. (Hümanizm nedir?, 2022)

As explained directly and indirectly in the previous parts of the thesis, the participants in mediation are people who have a problem, regardless of its scale, and who cannot solve it on their own. The first expectations of these people in any dispute resolution process are to have their needs understood, identified, to have the emotions that caused these needs respected, and to achieve a result that they will be satisfied with in the future. As can be seen, unlike other procedures, the main point to be taken into account in mediation are human values and needs, and these elements are also provided within the framework of human reason, morality, and justice that the average person would accept.

To explain the issue from a different perspective, when a dispute is resolved in court, the judge’s decision must be legal and well-founded.[58] In other words, when the judge resolves the dispute, the decision is not based on the circumstances that the parties believe in, but rather on the facts determined by the judge and the relevant imperative legal norms that are applied based on the judge's internal conviction and the parties' relations. In this context, it is physically and professionally impossible for the judge to control or account for what emotions the parties have,

[57] Mediation Law of Azerbaijan, article 11.1
[58] Civil Procedure Code of the Republic of Azerbaijan, article 217.1

what their primary needs in the dispute are, or how the resolution might affect their future human relations. The underlying intentions of the parties (the unseen part of the iceberg described abowe) are generally not discussed. The primary criterion here is that the parties must prove the circumstances on which their assumptions and claims are based[59], present evidence in accordance with procedural law within the specified timeframe[60] and provide their legal arguments on the dispute to the judge.

In mediation, however, the emotions that drive human behavior take center stage, and desires, beliefs, and other abstract factors—ones that might not be openly expressed in court or other formal settings—play a crucial role in managing and resolving disputes. It is a well-accepted fact that people agree to a transaction not necessarily because they get exactly what they want, but because it makes them feel good.

In this regard, it should be clearly demonstrated that in Azerbaijani society, mediation as a dispute resolution forum is driven by a humanistic approach. This is because, due to the fact that most mediators in the country come from legal professions (such as lawyers, practicing legal professionals, and retired law enforcement officers), the "legality" that may consciously or unconsciously emerge in the mediation process can be balanced with the principle of humanism. Although the initial and final stages of the mediation process are legally and normatively linked (for example, the statute of limitations for filing a claim is suspended when mediation begins and resumes once mediation ends), the mediation process itself, in a broad sense, does not consist of "law." The main focus of the discussions can be the parties' justified or unjustified requests, emotional states, the nature of their relationships, past events, etc. Therefore, mediation should not be viewed as a strictly legal problem-solving process, but rather as a fundamentally humanistic one. The primary goal of mediation is not the resolution of the dispute itself; rather, it is to facilitate communication between the parties, allowing them to listen to each other and respectfully understand each other's perspectives. Achieving this—freeing the mediation process, often led by legal professionals, from the sharp (0-1) boundaries of law—is particularly important by relying on humanistic principles. As a logical continuation, I believe that in Azerbaijan, where the

[59] Civil Procedure Code of the Republic of Azerbaijan, article 77.1
[60] Civil Procedure Code of the Republic of Azerbaijan, article 78.1

traditions of mediation have been formed on humanistic foundations, people's trust in the continuity of this institution and its positive impact on their lives will be stronger.

Some points that I observed during my personal mediation practice between 2022-2025 are also noteworthy: the welcoming of mediation participants with a smile, offering coffee or tea, being an active listener on topics that are sometimes directly or indirectly unrelated to the dispute throughout the entire process, and maintaining communication aimed at productively reducing their emotional tension. Although such mediator behaviors were initially met with some surprise in the early stages, over time, we observe a gradual increase in awareness, even if at a slow pace.

As a result, just like in other service sectors, the principle of humanism should be adopted to ensure that mediation activities are recognized as customer-oriented by society. In this case, individuals will become active participants in the mediation process and will strive to reach a resolution through mediation as an alternative dispute resolution method.

Justice. The dictionary meaning of the word "justice" is expressed as the ability of everyone to exercise the rights and freedoms allowed by the law, conformity to rights and law, and giving each person what they deserve or are entitled to. (Güncel Türkce Sözlük, 2024)

The principle of justice in the organization of mediation processes ensures that a balanced solution is found, allowing the parties to the dispute to agree on an outcome that they deem suitable for themselves. Unlike in court, where the resolution is determined by a third party (the judge), in mediation, the determination of this "golden middle" is made by the parties themselves. The parties ensure their own justice, and society/state (as long as it does not infringe on the rights of third parties) respectfully accepts the results of this "justice."

A key point to emphasize here is that it is quite common for mediation cases with similar elements to yield different outcomes (settlement terms). This is because each individual may have a different perspective on the value, they believe they are entitled to, they might secure unexpected concessions from the other party during negotiations, or they might make concessions out of the dynamic relationship between them. In such cases, the mediator cannot intervene in the process and impose their own "truth" or "justice" on the parties. While this might seem like the principle of neutrality, it is important to highlight the distinction between justice in mediation and traditional

justice systems. This difference should be taken into account when shaping the traditions of mediation, to raise awareness about the unique nature of justice within the mediation process.

The hope and confidence that individuals will achieve their own "just" outcomes at the end of this process, in which they are active participants, will ensure the effectiveness of mediation and its potential to gain the desired influence and reputation within society.

Since 2022, as a practical mediator, I believe that establishing such criteria will provide a different perspective for mediation parties when choosing a mediator (because, as humans, we generally seek a more professional resolution to our disputes in daily life). Most importantly, it will foster productive and results-oriented competition among mediators (to acquire better skills, etc.), all of which will contribute to the creation of an environment where mediation is applied successfully and effectively in the Republic of Azerbaijan.

As a final point to consider, it should be emphasized that the key factor for the expansion of mediation opportunities in society is the *good faith of the parties*. In other words, for the successful initiation, continuation, and outcome of mediation, it is essential not only for the mediator to demonstrate professionalism and perseverance, but also for the parties to approach the process with good intentions and engage in the negotiations with a positive and constructive attitude.

In this regard, the proposed principles for the activities to be carried out for the proper formation of mediation traditions in our country will significantly influence the development of the parties' good intentions and appropriate behavior. As a result, this will effectively contribute to the establishment of adequate relationships and productive interactions between the parties, as well as the mediator, during the mediation process, and will help facilitate result-oriented negotiations.

3.2. Establishing and applying an innovative model of mediation in Azerbaijan.

In Azerbaijan, establishing a mediation model requires comprehensive efforts in multiple directions, considering the mental and social characteristics of our society.

Thus, both the scope of mediation services and the range of beneficiaries (including both individuals and legal entities) are unrestricted, while the institutions responsible for the outcomes of mediation serve distinct functions. In this regard, to establish proper mediation traditions in our

country in the long term, it is essential to enhance the quality of services, raise awareness among mediation participants, and ensure that the mechanism for implementing settlement agreements concluded at the end of mediation effectively complements these efforts.

Improving the quality of mediation service. As a first step in improving the quality of mediation services, it is particularly important to accurately define the ultimate goal of mediation. In our country, mediation is defined as "the resolution of the dispute between the parties based on mutual agreement."[61] Although this may seem like a minor detail, it has a significant impact on the content of mediation processes conducted in our country, as well as on the internal emotional motivation of mediators. Thus, based on my observations in my own experience, expressions such as “dispute resolution”, “partial dispute resolution” or “complete dispute resolution” create different combinations in people's minds. Especially when the mediator informs the parties about the goals of mediation in the opening speech of the initial mediation session, this moment creates emotional anxiety in the participants, which affects the emotional state and behavior of the participants in the subsequent mediation sessions, and they try to stay away from being active participants in the process. In this regard, this issue, which may initially affect the quality of mediation services, should be regulated in national legislation as the purpose of mediation, either in addition to simply resolving the dispute, as in the Kazakhistan experience, “reducing the level of conflict”[62], or in the Latvian experience, as the creation of a pre-trial basis to contribute to the harmony of public relations.[63] In other words, correctly defining the purpose of mediation means clarifying the strategic view and vision of the process as a whole, first of all, it is necessary to know where to go, and then find an answer to the question of how to proceed.

The improvement of the quality of mediation services primarily depends on engaging individuals in training programs as mediator candidates and subsequently ensuring that those who successfully complete the courses acquire the necessary professional skills. According to information disclosed by the chair of the Mediation Council in numerous official meetings, more than 100 mediators have been removed from mediation activities due to serious violations, and disciplinary sanctions prescribed by legislation have been applied to several others. This highlights the importance of being more careful in selecting mediators and preventing individuals who could

[61] Mediation law of Azerbaijan Republic, article 1.0.1
[62] Mediation Law of Kazakhstan, article 3
[63] Mediation Law of Latvia, article 2

potentially harm the profession's reputation through their actions. For example, one participant in a group I personally trained was known as a fraudster in his district, and this fact was accidentally discovered, leading to the removal of that individual from the training.

In this regard, adopting the approach used in Kazakhstan for selecting mediator candidates could be an appropriate solution.[64] In that country, non-professional mediators are selected by the local community based on their extensive life experience, authority, and impeccable reputation. Given that Azerbaijani society embodies a combination of Eastern and Western elements in its daily life, the requirement for an impeccable reputation should hold particular significance in the selection of mediator candidates. Individuals applying to become mediators should also present relevant evidence to substantiate their reputation. Our observations indicate that the current legal requirements (which prohibit individuals declared legally incapable or with limited legal capacity by a court, those subject to compulsory medical measures under a final court decision, and individuals with outstanding or unexpunged criminal records from becoming mediators) fail to fully address this issue.[65] As a result, within a short period of 3-4 years, one-third of the total number of 400 mediators have been subjected to serious disciplinary proceedings, revealing a significant gap in the selection process for mediator candidates. The solution to this issue lies in the unequivocal application of the "authority and impeccable reputation" requirement, as implemented in the Kazakhstani model, within Azerbaijan’s mediator selection process.

In addition, to enhance mediators' theoretical knowledge, it should be established as a mandatory requirement that mediators participate in professional development courses at a mediation training institution annually. Additionally, considering that this institution is relatively new in our country, mediators should be required to attend at least one training session per year, lasting no less than 16-20 hours, organized by relevant educational institutions from foreign countries on mediation or negotiation techniques.

This requirement will not only enable mediators to learn from international experiences but also facilitate the establishment of professional connections with foreign experts and contribute to their self-development under the influence of the professional environment they are part of in the long run. Otherwise, given the lack of fundamental theoretical books on mediation in the

[64] Mediation Law of Kazakhstan, article 16.2
[65] Mediation Law of the Republic of Azerbaijan, article 10.2

Azerbaijani language, it is a natural consequence that improving mediators' professional skills within a closed-circle ecosystem would be nearly impossible. Although beyond the primary objectives of this thesis, it is worth noting that this aspect could, in the future, create a natural foundation for the export of Azerbaijani mediation traditions to other countries. For instance, during my participation in the "RIDW25" Riyadh International Dispute Week held in Saudi Arabia from February 23-26, 2025, I engaged in direct discussions with foreign experts I met in various panels. I would like to emphasize that making it mandatory for mediators to participate in training programs conducted by educational and training centers in countries with more advanced mediation practices will significantly contribute to the provision of high-quality mediation services.

Additionally, introducing a requirement for mediators to organize at least 20 full mediation sessions or initial mediation sessions involving both parties each year, similar to the Italian experience, would encourage mediators to enhance the quality of their services. Since participation in the initial mediation session is a legal prerequisite for filing a court claim, the attendance of one party (the claimant) is mandatory. However, ensuring the participation of the second party (the respondent) in this session would depend on the mediator's ability to establish effective communication and their overall professional development in the field of mediation. In line with the Italian experience, implementing such a requirement in our country could significantly contribute to the long-term provision of high-quality mediation services.

Ensuring high-quality mediation services also requires that mediation organizations possess suitable infrastructure. According to current legislation, mediation organizations must have an office with at least two rooms[66]. While this requirement may initially seem adequate, in practice, one room is typically used for administrative and clerical purposes, while the other is designated for mediation sessions. As elaborated in the second section, the core strength of mediation lies in the mediator's impartiality and the principle of confidentiality. While a mediator's impartiality is achieved through the development of their professional skills, as previously discussed, ensuring confidentiality depends largely on the physical setup of the mediation organization's office. Parties should not only hear about confidentiality from the mediator but also experience it firsthand in the layout, placement, and atmosphere of the mediation rooms. They must feel assured that the room where they share confidential information with the mediator is not being overheard and that they

[66] Mediation Law of the Republic of Azerbaijan, article 11.3.3

have a genuine opportunity for private discussions with the mediator throughout the process. As previously emphasized, people do not reach agreements merely because they get what they want; rather, they agree when they feel comfortable. In this regard, mediation offices must be designed to foster that sense of comfort. Therefore, to enhance the quality of mediation services, mediation organizations should be required to have an office with at least two dedicated mediation rooms.

The final approach in this section is that the human factor of both mediators and the management and staff of mediation organizations must be considered. Both mediators and the staff of mediation organizations may engage in illegal collusion with one of the parties, commit fraud, or engage in other corrupt activities. According to statistics from Azerbaijan up to 2025, four mediation organizations had their activities suspended for six months due to serious violations in their work processes, highlighting the significance of this issue. Although these disciplinary violations and suspensions were not publicly disclosed, they were known among mediators and active participants in mediation processes. This has raised serious doubts about the implementation and success of mediation as a newly introduced institution in the country. I believe that to address this issue, preventive measures should be taken. All mediation organizations should adopt a **Code of Ethics and Compliance**, ensuring adherence to principles that define their ethical and professional excellence. Additionally, an **Anti-Fraud and Anti-Corruption Policy** should be approved to prevent fraud and corruption within the organization, detect them, resolve emerging problems, and implement a **zero-tolerance policy** against any fraudulent or corrupt behavior. Fraud and corruption include: **Bribery** (offering, giving, receiving, or soliciting something valuable to influence the mediation process or its outcome); **Conflict of interest** (engaging in activities that jeopardize impartiality); **Coercion** (using threats or pressure to gain personal benefit during or after the mediation process); **Preferential treatment** (favoring family members or close associates in mediation processes); **Illegal interference** (using real or perceived influence to gain financial or other material benefits for oneself or others involved in the mediation process, including those not directly participating).The adoption of these documents will demonstrate mediation organizations' commitment to fostering a culture of integrity, trust, and transparency. It will also ensure that all employees, mediators, and stakeholders adhere to these principles at all stages of their work. Ultimately, this will directly impact the quality of mediation services by ensuring they are ethical, fair, and free from corruption.

Creating/increasing mediation awareness among participants and stakeholders. By "participants and stakeholders of mediation," we refer to a narrower circle of key individuals involved, in a specific context. Broadly, mediation participants encompass mediators, the parties, their lawyers and legal representatives, party representatives and legal agents, experts, translators, courts, employers who are interested in the outcomes of the mediation, administrative bodies, public legal entities, and the immediate family members of the parties. However, for the purposes of this thesis, we suggest that, in a narrower sense, the focus should be on mediators, the parties, their representatives and legal agents, lawyers, and courts. The work related to raising and increasing mediation awareness, as mentioned in this section, should be conducted with all three factors in mind.

It should first be noted that in organizing the work under this heading, the principles of transparency and humanism are particularly significant. Specifically, it is crucial to form a clear understanding among individuals and legal representatives of their organizations about the essence of mediation and the process in which they will participate.

Therefore, as the first step, mediation organizations, both as institutions and through the mediators they represent, must consistently provide the public with comprehensive information about their services. They should create an image of stability, not just for those who directly benefit from their services (i.e., those who meet face-to-face at the office), but for a broad, unrestricted circle of individuals, regardless of their status, presenting themselves as a "trustworthy and reliable partner." To achieve this, known marketing tools should be employed, particularly digital platforms, which offer greater accessibility.

Unlike in previous times, instead of written texts, short video clips about mediation should be created, providing brief explanations about the stages of mediation. Continuous participation as experts in television and radio programs should help to create a clear understanding of "what mediation is" and "what it is not." Our observations clearly show that, at present, in our country, "mediation" is mostly understood as a formal stage for obtaining a pre-court report in family disputes. Ironically, mediation organizations are being equated with housing exploitation agencies from the Soviet era, which were mainly engaged in issuing reports. For example, the main questions asked by individuals coming to or messaging to the Baku Mediation Organization № 15, or those reaching out through social media, are about "how many days and how much they need to pay to

get the report for the court." To change this collective mindset in a constructive direction, mediation organizations must have content-rich websites, and further, to reach a wider audience, they should organize interactive discussions through live panels, webinars, and other formats on popular social media platforms in the country.

Considering the period since the active mediation process began on July 1, 2021[67], and in accordance with its regulations, the Mediation Council should take appropriate legal action to ensure the regulation[68] and development of mediation[69], establish key performance indicators, and analyze them at least once every three years.[70] It should be mandatory for 15% to 20% of the funds received by mediation organizations for Initial Mediation Sessions to be allocated to promoting mediation in society. For example, according to the statistics disclosed, the average number of cases involved in Initial Mediation Sessions annually is around 45,000. This means that the total amount of funds received by mediation organizations for the implementation of Initial Mediation Sessions within the framework of the state policy on ensuring the application of mediation amounts to 2,225,000 AZN. Of that annual income, 15% (337,500 AZN) to 20% (450,000 AZN) should be allocated for marketing of mediation within legal frame[71] and promoting its impact on people's daily lives using appropriate language. This would ensure the creation of significant public awareness. (Note: Considering that such marketing budgets are only available in well-known large holdings in our country, it is not difficult to estimate the real impact of allocating a small portion of the income received under state policy in real life.)

In this section, another possible solution should be highlighted: introducing certain administrative sanctions in cases where parties fail to attend the Initial Mediation Session without a valid excuse. According to the statistics published by the Mediation Council, we can confidently state that approximately 50% of cases where both parties attend the Initial Mediation Session proceed to the full mediation phase. If participation in Initial Mediation Sessions is increased, the number of actual mediation cases will rise, which in turn can contribute to reducing the number of court cases in the medium term and strengthening the culture of dialogue in society in the long term. A similar approach exists in the Italian model, which we have taken as a case study. As

[67] Mediation Law of the Republic of Azerbaijan, article 39
[68] Charter of Mediation Council, article 2.2.1
[69] Charter of Mediation Council, article 2.2.2
[70] Charter of Mediation Council, article 2.2.9
[71] Mediation Law of the Republic of Azerbaijan, article 11.1

explained in detail in the second section, if parties refuse to attend the initial meeting without justification, they will face sanctions. Specifically, a judge will order the party who fails to attend the initial meeting to pay an amount equivalent to court fees into the state budget. It is worth noting that when the Mediation Law came into effect in 2019, it initially stipulated that failure to attend the Initial Mediation Session without a valid reason would result in legal liability. However, this provision was later removed from the law on July 9, 2021. At that time, legal discussions revolved around the argument that since no liability is imposed for unjustified absence in court hearings, imposing liability for non-attendance in mediation would contradict both the voluntary nature of mediation and fundamental human freedoms. To encourage participation in Initial Mediation Sessions, a modified version of this model can be implemented. Our research has identified an effective regulation in neighboring Georgia. According to the Georgian experience, if parties reach an amicable settlement through judicial mediation, the plaintiff is refunded 70% of the state fees paid.[72] A similar regulation could achieve the desired outcome in our country. Specifically, if parties attend the Initial Mediation Session but do not proceed to full mediation, they could be exempted from 30% of the court fees. If they proceed to full mediation, they could be exempted from 50% of court fees, and if they sign a settlement agreement during full mediation, they could be exempted from 80% of court fees. Moreover, similar to the temporary tax exemptions applied in tax legislation, implementing this scheme for a period of 7–10 years could significantly enhance the expansion of mediation and generate a highly positive impact.

According to the current regulations, the state budget allocates funds for two specific categories of individuals who are unable to pay for the Initial Mediation Session. While this allocation amounted to 500,000 AZN in 2022 and 2023, it has been reduced to 20,000 AZN for the years 2024 and 2025. As noted in the second section, these funds are designated solely for covering Initial Mediation Session fees, a stage where resolving disputes is theoretically and practically impossible.

In this regard, Latvia's model should be effectively utilized for organizing mediation in cases involving children's rights, ensuring that allocated state budget funds are spent effectively to achieve their intended goals. In Latvia, the Law on Mediation includes a provision where the Ministry of Justice annually allocates state funding for implementing mediation in both out-of-

[72] Civil Procedure Code of the Republic of Georgia, article 49.2-1

court and judicial disputes affecting children's rights, in cooperation with the Council of Certified Mediators. Each year, the Council signs an agreement with the Ministry of Justice to develop state subsidies. The state covers five mediation sessions (five hours), but if one of the parties is a low-income individual, then seven hours. Any additional costs are covered by the parties themselves. The Council also signs agreements with certified mediators, administers payments, and compiles a list of mediators involved in the program. The mediator enters contracts with the parties and works with them to determine the next steps in the mediation process. Similarly, Georgia's experience can also serve as a valuable reference. In Georgia, mediator fees are based on an hourly rate. The mediator's communication with parties—whether joint or individual—is subject to remuneration, including any incomplete hours. Information meetings, however, are not subject to remuneration. The mediation fee for the first 10 hours of communication is set at GEL 20 per hour (approximately 12 AZN), while each subsequent hour is charged at GEL 10 (approximately 6 AZN). If multiple mediators are involved in a case, the designated amount is equally distributed among them. I believe that if mediation processes involving financially disadvantaged individuals in cases concerning children's rights receive some form of state funding, it will yield highly positive outcomes. In the long run, such an initiative would contribute significantly to the acceptance of mediation as an institution within society.

Establishing Collaboration with Lawyers and Attorneys. In the process of creating awareness of mediation in society, it is of particular importance for mediation organizations and mediators to accept lawyers and advocates as primary counterparts, to cooperate with them for the purposes of mediation, and to ensure their productive participation in the mediation process.

The importance of collaborating with lawyers and attorneys can be briefly explained as follows: Since the early years of independence, the legal profession in our country has developed into an independent institution and has solidified its position as a highly respected entity within society. Notably, over the past eight years, targeted reforms in the advocacy field at the state level (Azərbaycan Respublikasının Prezidenti, 2018), continuous initiatives undertaken by the Bar Association of the Republic of Azerbaijan,[73] and the provision of high-quality legal services by attorneys have significantly strengthened public trust in lawyers.

[73] https://www.barassociation.az

To ensure the active participation of lawyers and advocates in the development of mediation processes, it is essential to engage them in continuous training covering the full essence of the process. In the current national practice, while the participation of lawyers and advocates in mediation as representatives or legal counsel allows parties to better assess and defend their positions, true cooperation and compromise—leading to a settlement agreement—become unrealistic in the presence of rigid positional conflicts. From this perspective, we believe that if lawyers and advocates are given the opportunity to influence real-life outcomes in mediation, their active engagement in the process will be achieved more effectively and quickly. This highlights the necessity of their continuous training in mediation. Although the Bar Association has included a two-hour Mediation lecture in the mandatory training program[74] for lawyer candidates over the past three years, ensuring productive participation in mediation processes also requires practicing lawyers to engage in frequent offline or online training sessions during their professional careers. While the Bar Association does organize hybrid mediation training for practicing lawyers, (Azərbaycan Respublikasının Vəkillər Kollegiyası, Vəkillərə mediasiya sahəsi üzrə təlim keçirilib, 2025) considering the duration of the training (half a day) and the number of participants (55), it is evident that these efforts are insufficient.

In the current local practice, a settlement agreement reached at the end of mediation must be executed within the period specified in the agreement or, if no such period is specified, within 10 days.[75] If it is not executed within this timeframe, the interested party may apply to the court, which must issue a ruling within 10 days confirming the settlement agreement reached through mediation.[76] Although the process of confirming the settlement agreement in the first-instance court is completed within a short period of 10 days, an appeal can be filed with the appellate court within one month from the official issuance of the ruling.[77] The appellate court has up to three months from the date the case is received to review the appeal.[78] Furthermore, a cassation appeal against the appellate court's ruling can be filed with the Supreme Court within two months from

[74] Law on Advocates and Legal Practice, Article 8
[75] Mediation Law of the Republic of Azerbaijan, article 34.1
[76] Civil Procedure Code of the Republic of Azerbaijan, section 40-7
[77] Civil Procedure Code of the Republic of Azerbaijan, article 360
[78] Civil Procedure Code of the Republic of Azerbaijan, article 368-3

the date of the official issuance of the ruling[79], and the Supreme Court must examine the case within three months from the date of its receipt.[80]

As can be seen, the process leading up to the mandatory enforcement of a mediation settlement agreement, i.e. the stage after the first instance court, is likely to last at least 9 months. In order to more actively involve professional lawyers and advocates in the process, a scheme can be established whereby, if both parties are represented by a lawyer in the mediation process or if a lawyer, along with themselves and their representatives, participates in the process, and if the mediation settlement agreement concluded in that mediation is not implemented, arrangements can be made such as filing an appeal within a short period of time (for example, within 10 days) from the resolution of the first instance court approving the agreement, reviewing the case in the appellate court within a short period of time (for example, within 20 days), and limiting the appeal to the Supreme Court against that decision (for example, except for cases affecting the rights of third parties). This scheme will create special value as a direct result of the participation of lawyers and advocates in the mediation process, as people will be more willing to be represented by a lawyer in mediation processes or to use the services of lawyers.

I believe that granting such an advantage to mediation processes involving lawyers and legal professionals for a limited period (7–10 years) will encourage these professionals to participate more actively in mediation proceedings.

Organizing cases for court judges, establishing a court mediation scheme, and expanding the scope of cases requiring an initial mediation session. For the consolidation of mediation traditions in our country and for it to gain the desired reputation in society, the approach of the judiciary holds significant importance. As institutions that ensure justice and render decisions on behalf of the state, courts possess greater authority and influence in any society.

In this regard, it is crucial to provide continuous high-level training on mediation for judges and court staff (including judge assistants and court clerks) within the judiciary. In other words, for the concept of court-annexed mediation[81], as stipulated in legislation, to be effective, judges must fully understand and internalize the essence of this institution, the fundamental differences

[79] Civil Procedure Code of the Republic of Azerbaijan, article 405.0.1
[80] Civil Procedure Code of the Republic of Azerbaijan, article 414
[81] Mediation Law of the Republic of Azerbaijan, article 31

between mediation-based settlements and court settlements, and the overall philosophy of mediation, which encompasses all direct and indirect aspects of a dispute.

Our observations based on the Netherlands' experience[82] have shown that the continuous training of judges has had a significant impact on strengthening the credibility of the mediation institution. Although the overall proportion of cases referred to mediation from the court stage within the framework of court-annexed mediation is only 1-2%, it has created a notable effect in terms of public acceptance.

In our country, the regulation of court-annexed mediation allows a judge, at any stage of judicial proceedings (both during the preparatory phase and the main trial), to propose resolving the dispute through mediation, either on their own initiative or at the request of one of the parties, considering the circumstances of the case. If the parties conclude a "Contract on the Application of the Mediation Process," the judicial proceedings are suspended until the mediation process concludes—either with the signing of a settlement agreement or the submission of a termination protocol.[83]

Since our legislation does not specify a concrete scope of cases for court-annexed mediation, the number of such cases has been negligibly low since its implementation on 01.07.2021. In the Baku Mediation Organization N15, the number of court-referred mediation cases has not exceeded ten.

In order for successfully implement the concept of court-annexed mediation in our country, it is essential to define the scope of cases where it should be applied. Considering our cultural and societal characteristics, the types of disputes identified in the neighboring Georgian experience can serve as a reference for determining the range of cases subject to court-annexed mediation. Considering that family disputes are already within the scope of the initial mediation session, this rule can also be applied to the following types of disputes: a) inheritance disputes; b) neighborhood disputes; c) disputes related to joint ownership; d) lease disputes; e) debt disputes; f) restitution of immovable property; and h) all civil disputes with a value below 17,000 manats.

[82] Based on the presentations at the training organized between October 31 and November 12, 2021 at the Netherlands Business Academy, where we did our internship as part of the Erasmus program, in which Khazar University participated.
[83] Mediation Law of the Republic of Azerbaijan, article 31.1

We believe that if the provision in the legislation stipulates that the number of cases referred to mediation is considered when evaluating judges' performance[84], is given greater practical significance, it can create an internal incentive for judges to direct more cases towards mediation during judicial proceedings.

Additionally, participation in court-mandated mediation sessions should be compulsory, and, as in the Georgian experience, if a party fails to attend for any reason, a court fine should be applied. If, at the end of the process, an agreement is reached and a settlement is signed, the party who failed to attend may be granted a reduction in the fine. This could ensure that people consciously participate in mediation sessions. Another progressive step in the Georgian experience is the rule that if a dispute is resolved amicably between the parties within the statutory period established for judicial mediation, the court shall, on the petition of a party, deliver a ruling on the amicable settlement, which is final and cannot be appealed. In our national legislation, if the parties sign an amicable settlement during the judicial mediation process and the court approves it, the case is terminated.[85] In theory, this decision could be appealed to a higher court,[86] and the appellate court could annul the decision.[87] The possibility that their settlement agreement may not be approved could create distrust of the mediation process among the parties. Therefore, making it legally impossible to appeal the court decision that approves the settlement reached through mediation would strengthen people's confidence in the process.

On the other hand, in our country, the scope of cases for which the initial mediation session is applied is limited to family and labor disputes.[88] This is a reality where the number of such cases is quite limited compared to the overall volume of cases in court proceedings. Considering the role of the initial mediation session model in expanding the application of mediation, it is possible to increase the volume of cases to which initial mediation sessions apply in order to introduce mediation to all segments of society. Based on the Italian experience we use as a model, it would be possible to make the initial mediation session a mandatory condition for many different categories of disputes.

[84] Mediation Law of the Republic of Azerbaijan, article 31.5
[85] Mediation Law of the Republic of Azerbaijan, article 31.4
[86] Civil Procedure Code of the Republic of Azerbaijan, article 262.4
[87] Civil Procedure Code of the Republic of Azerbaijan, articles 398.0.2, 398.0.3
[88] Mediation Law of the Republic of Azerbaijan, article 3.2

In the Italian experience, examples of disputes where the condition of mandatory initial mediation applies include joint ownership of real estate, real estate disputes, division of assets, inheritances, family covenants/business agreements, leases, bailments, business and commercial leases, medical malpractice liability, damages from libel, damages from insurance, and banking and financial contracts. By calculating the impact of certain categories of disputes on the court's workload in Azerbaijan, establishing a mediation condition before court proceedings for such civil disputes will ensure the strengthening of trust in mediation traditions within society.

Enhancing the enforcement mechanism of settlement agreements concluded through mediation. As noted in the second section of the thesis, current inconsistencies or gaps in legislation (non-adaptation of certain sectoral norms to mediation) also hinder the achievement of the targeted results of mediation in our country. Currently, the main issues resolved in family mediation cases primarily include the conditions for the continuation of marriage, the manner of exercising parental rights and duties, determination of the child's place of residence, the maintenance of the child and other family members who are unable to work, and other disputes arising from family relations.

These issues can also be resolved through a marriage contract, based on the existing legislation. Specifically, the marriage contract, which is a notarized agreement between spouses, can determine the property rights and obligations of the spouses both during the marriage and in case of divorce. In the marriage contract, the spouses may change the legal regime of joint ownership, apply a joint, shared, or separate property regime to common property, its individual types, or each spouse's property. Additionally, the contract may regulate mutual support between the spouses, the participation of each in the other's income, the rules of participation in family expenses, the property each spouse will receive upon divorce, and any other provisions concerning their property relations.

According to the law, the dissolution of marriage is carried out by the Ministry of Justice's registration offices in cases specified by the legislation, and in all other cases, it is carried out by the court. (Azərbaycan Respublikasının Milli Məclisi, Azərbaycan Respublikasının Ailə Məcəlləsi, 1999)

In previous practice, if there was an agreement between the parties regarding the issues mentioned in the previous paragraph, a marriage contract or settlement agreement was typically concluded in notarial form. If there was no such agreement, the issues were resolved through court proceedings, and a binding court decision was issued. Therefore, in relation to issues within the scope of mediation, legal provisions in the relevant legislative acts require a court decision or a notarial agreement to produce the appropriate legal result. As explained in the second section, the removal of obstacles that could hinder the development and application of mediation should involve aligning relevant regulations with mediation legislation.

One of the main issues that causes disputes between individuals during marriage, and after the dissolution of marriage is related to real estate owned either individually or jointly by the parties. During this period, real estate has become a central topic of discussion and plays an important role in regulating the relationships between the parties.

The main law in the civil field regarding real estate is the Civil Code of the Republic of Azerbaijan, which governs the formation, transfer, restriction (encumbrance), and termination of rights over real property, with the state registration being the key procedure (within the scope of the topic of this thesis). Notarial certified contracts and legally binding court decisions regarding real estate are considered as the main sources for the registration of real property.[89] Similar regulations can also be found in the State Register of Real Estate Law[90] and in the "Regulation on the State Registration and Record of Mechanic Vehicles and their Trailers" for vehicles and trailers.[91]

It should be noted that in the Supreme Court of the Republic of Azerbaijan's Plenary Session decision, (Azərbaycan Respublikası Ali Məhkəməsi, 2024) regarding the practice of applying legislation in disputes related to the division of the spouses' joint property, it was determined as a progressive step that in the case of an amicable settlement agreement obtained through mediation, the division should be carried out in accordance with that agreement. However, administrative authorities continue to strictly adhere to the legislative requirements, demanding only notarial certified agreements.

[89] Civil Code of the Republic of Azerbaijan, article 139-1.1.3
[90] State Register of Real Estate Law of the Republic of Azerbaijan, article 8
[91] Regulation on the State Registration and Record of Mechanic Vehicles and their Trailers, article 4.3-1

For strengthen the subconscious trust in the mediation institution in our country, we believe that the settlement agreement reached in mediation should also be considered as a basis for the state registration of the creation, transfer, restriction (encumbrance), and termination of rights over real estate and vehicles. In the future, to prevent misuse, it can be established that such agreements, when both parties are represented by lawyers or when a lawyer participates from both sides in the mediation, will have legal force. This suggestion, combined with the proposal made in the previous subsection, will help ensure a more effective legal impact of mediation agreements.

In resolving marital disputes, the main issue often relates to matters concerning the interests of children. Among these matters, one of the primary concerns is the payment of child support by the parties involved. Our observations indicate that one of the key conditions in the settlement agreements reached through mediation is the payment of monthly child support. However, due to gaps in the law, difficulties arise in enforcing these payments. According to labor law, deductions from an employee's salary can only be made with the employee's written consent or through enforcement documents (Azərbaycan Respublikasının Milli Məclisi, Azərbaycan Respublikasının Əmək Məcəlləsi, 1999), which leads to a reluctance in many workplaces to implement settlement agreements. To address this issue, it is crucial to adopt the settlement agreement reached in mediation as the basis for deductions from an employee's salary, thereby ensuring the smooth execution of child support payments.

One of the main issues resolved in marital disputes is determining which parent will have custody of the children after the divorce. It should be noted as a progressive step that when the issue is addressed in a settlement agreement reached through mediation, courts do not provide a legal ruling on this matter in divorce cases. However, after the dissolution of marriage, certain issues related to minor children arise. These include obtaining a passport for the child to travel abroad (Azərbaycan Respublikasının Milli Məclisi, Pasportlar haqqında Azərbaycan Respublikasının qanunu, 1994) and the issue of the child's departure from the country. (Azərbaycan Respublikasının Milli Məclisi, Azərbaycan Respublikasının Miqrasiya Məcəlləsi, 2013) It should be mentioned that for children under 18, parental consent notarized is required when obtaining a passport or when leaving the country. Without such consent, the child's departure from the country is resolved by a court decision.

As seen, while these disputes can be settled through the settlement agreement reached in mediation, in practice, there is no immediate effect, and the parties must demonstrate their consent again through a notarized request. This inevitably weakens people's trust in the legal significance and power of the settlement agreement reached in mediation and can lead to reluctance to implement other terms of the agreement.

The solution to this practical issue—recognizing the settlement agreement reached in mediation as one of the legal bases for obtaining a passport and granting permission for a child's departure from the country—is crucial for enhancing the credibility of mediation and encouraging wider use of this process.

It is important to note that in a mediation process where a settlement agreement is reached, the costs incurred by the parties should be fully or partially considered in the future calculation of court fees for that dispute. A somewhat paradoxical situation arises in practice: while the 50 manat paid for the informational Initial Mediation Session is deducted from the state fee when filing a court application, the costs of the entire mediation process, even when a settlement agreement is reached, are not considered in the calculation of court fees.

This creates particular difficulties for lower- and middle-income individuals who are participants in the mediation process. As a result, they often view mediation payments as an additional cost and prefer to bring their cases to court. We believe that granting a discount on the state fee for court applications in the form of the full amount of mediation fees or, depending on the category of the claim and the amount of the claim, a differential discount based on a certain ratio, could have a strong positive impact on the process.

It is essential to emphasize once again that the establishment of the mediation model in Azerbaijan should be carried out comprehensively, with a well-planned approach for the short, medium, and long term. The participants and needs of the mediation process must be properly identified, and steps should be taken accordingly.

CONCLUSION

In conclusion, it is essential to initially note that the existence of disputes has been an unchanging truth since the dawn of human society. In the early days, disputes within tribes or clans have now evolved into disputes between states or international groups on a more global level. It is also a reality that traditional courts do not physically meet the needs of justice administration in today's globalized world.

In this regard, it is indisputable how significant and impactful the contribution of mediation, as an alternative dispute resolution method, is to strengthen social peace in society and to individuals' personal lives. The freedom people have in voluntarily choosing dispute resolution methods at the mediation table, where they retain full control, stands in contrast to the compulsory decisions made in court, where a third party imposes judgment. This freedom can have a positive domino effect on the daily life of society.

At the global level, especially in the last 20 years, the establishment and promotion of mediation traditions, the legal regulation that enables the resolution of family, labor, commercial, and other civil disputes through mediation, and its inclusion in the legislation of the Republic of Azerbaijan is a significant progressive step.

However, addressing the gaps or issues that are not aligned with its purpose in the mediation practice in Azerbaijan must also be carried out through analysis within a comprehensive approach.

It should be specifically noted that, because of the observations conducted on 1,112 mediation cases (including 759 family, 91 labor, 235 commercial, 26 civil, and 1 administrative case) directly under my supervision, the fundamental issues within the national practice have been precisely identified.

The key empirical result of this research is the identification of opportunities to apply advanced elements obtained from the experiences of Italy, Latvia, and Georgia to the national practice without making "revolutionary" changes, and the opportunity to benefit from the already tested foreign advanced practices.

The complex tasks to be carried out include increasing the theoretical and practical knowledge of the mediator team, ensuring productive participation of the main participants (stakeholders) in the formation of mediation traditions, and achieving dynamic development in the functional relationships with judicial authorities. This will be supported by continuous awareness-raising activities through traditional media and social media resources, ensuring that the level of public awareness of mediation is at the desired level and is strengthened. As a logical consequence, both in terms of social demand and in the course of these innovative activities, the emerging satisfactory mediation traditions will also necessitate improvements in the legislation.

In other words, the creation and development of any legal institution is directly related to its acceptance by society, particularly by the stakeholders in that field. Especially in a sensitive issue like dispute resolution, the application of a new institution depends on the extent to which society "embraces" this legal tool. In this regard, the implementation of successful mediation practices from foreign countries will contribute to enhancing the effectiveness of mediation processes in Azerbaijan. Furthermore, the proper establishment of awareness-raising efforts regarding successful local mediation experiences will facilitate the practical application of mediation within society. All of this will make a significant contribution to strengthening social peace in our society, which is represented by numerous social groups.

In future research, the strategies and content of awareness-raising efforts aimed at people living in urban and rural centers (towns, villages) to strengthen mediation traditions could be explored. At the same time, specific aspects of establishing initiatives targeting micro, small, and medium-sized enterprises to expand the application of mediation in commercial disputes could be investigated.

REFERENCES

In Azerbaijani language

ARB24 TV Channel. (2021). *Məhkəmə sistemində yenilik: Artıq mübahisələr məhkəməyə getmədən də həll edilə bilər* [Video]. YouTube. https://www.youtube.com/watch?v=gUUhrVjSBrw

Azərbaycan Respublikası Ali Məhkəməsi. (2024, March 12). *Ər-arvadın ümumi əmlakının bölünməsi ilə bağlı mübahisələrdə qanunvericiliyin tətbiqi təcrübəsi haqqında.* https://supremecourt.gov.az/storage/pages/2043/emlak-bolgusu-1.pdf

Azərbaycan Respublikası Dövlət Statistik Komitəsi. (2025). *Əmək bazarı*. https://www.stat.gov.az/source/labour

Azərbaycan Respublikası Dövlət Statistika Komitəsi. (2025). *Demografiya.* https://www.stat.gov.az/source/demografy/

Azərbaycan Respublikası Prezidenti. (2019). *Məhkəmə-hüquq sistemində islahatların dərinləşdirilməsi haqqında Azərbaycan Respublikası Prezidentinin fərmanı.* https://president.az/az/articles/view/32587

Azərbaycan Respublikasının Milli Məclisi. (1994). *Pasportlar haqqında Azərbaycan Respublikasının qanunu.* https://e-qanun.az/framework/9008

Azərbaycan Respublikasının Milli Məclisi. (1998). *Uşaq hüquqları haqqında Azərbaycan Respublikasının qanunu*. https://e-qanun.az/framework/3292

Azərbaycan Respublikasının Milli Məclisi. (1999). *Azərbaycan Respublikasının Mülki Prosessual Məcəlləsi*. https://e-qanun.az/framework/46945

Azərbaycan Respublikasının Milli Məclisi. (1999). *Azərbaycan Respublikasının Ailə Məcəlləsi.* https://e-qanun.az/framework/46946

Azərbaycan Respublikasının Milli Məclisi. (1999). *Azərbaycan Respublikasının Əmək Məcəlləsi*. https://e-qanun.az/framework/46943

Azərbaycan Respublikasının Milli Məclisi. (2013). *Azərbaycan Respublikasının Miqrasiya Məcəlləsi*. https://e-qanun.az/framework/46959

Azərbaycan Respublikasının Milli Məclisi. (2016). *Azərbaycan Respublikası İnzibati Xətalar Məcəlləsi*. https://e-qanun.az/framework/46960

Azərbaycan Respublikasının Milli Məclisi. (2019). *Mediasiya haqqında Azərbaycan Respublikasının qanunu*. https://e-qanun.az/framework/41828

Azərbaycan Respublikasının Milli Məclisi. (2023). "*Mediasiya haqqında" Azərbaycan Respublikasının qanununda dəyişiklik edilməsi barədə*. https://e-qanun.az/framework/56212

Azərbaycan Respublikasının Nazirlər Kabineti. (2019). *"Mediatorların hazırlığı və ixtisaslarının artırılması ilə bağlı təlim qaydası"nın təsdiq edilməsi haqqında qərar*. https://e-qanun.az/framework/43220

Azərbaycan Respublikasının Prezidenti. (2018). *Azərbaycan Respublikasında vəkilliyin inkişafı ilə bağlı əlavə tədbirlər haqqında Azərbaycan Respublikası Prezidentinin sərəncamı*. https://president.az/az/articles/view/27127

Azərbaycan Respublikasının Vəkillər Kollegiyası. (2025). *Vəkillər Kollegiyasının 2024-cü il üzrə fəaliyyəti barədə — hesabat*. https://barassociation.az/news/1582

Azərbaycan Respublikasının Vəkillər Kollegiyası. (2025). *Vəkillərə mediasiya sahəsi üzrə təlim keçirilib*. https://barassociation.az/en/news/1581

Bayramova, A. (2023). "*Bakı KOB evi"ndə mediasiya xidmətinin göstərilməsinə başlanılıb.* https://report.az/biznes-xeberleri/baki-kob-evi-nde-mediasiya-khidmetinin-gosterilmesine-baslanilib/

bizim.media. (2023). *Dağılan ailələrin sayı artır – Mediasiya boşanmaların qarşısını niyə ala bilmir?* https://bizim.media/az/cemiyyet/165149/dailan-ailelerin-sayi-artir-medisiya-bosanmalarin-garsisini-niye-ala-bilmir-arasdirma/

Commission chaired by the President of the Republic. (2025). *Azərbaycan Respublikasının Konstitusiyası*. https://president.az/en/pages/view/azerbaijan/constitution

Constitutional Court of the Republic of Azerbaijan. (2007, February 13). *Decision regarding the complaint of C. Ismayilzadeh.*

Constitutional Court of the Republic of Azerbaijan. (2004, April 28). *Decision regarding the complaint of M. Muradov.*

DOST Agentliyi. (2023). *"DOST Mediasiya Məkanı" fəaliyyətə başladı.* https://dost.gov.az/news/594

Dövlət Miqrasiya Xidməti. (2025). *Dövlət Miqrasiya Xidmətinin məlumatı.* https://www.migration.gov.az/az/statistics?page=2

Dövlət Vergi Xidməti. (2024). *Yerli investisiyalı müəssisələrin e-qeydiyyatının xüsusi çəkisi 97,2 faiz olub*. https://www.taxes.gov.az/az/post/3035

femida.az. (2020). *Ədliyyə Akademiyasında gələcək mediasiya təlimçiləri üçün ilk təlim keçirilir*. https://femida.az/az/news/126901

Kandashvili, I. (2024). Mediation (a means of effective dispute resolution). In I. Kandashvili, *Mediation (a means of effective dispute resolution): Practical textbook* (pp. 90–91). Baku: Avrasiya Hüquqşünaslar Assosiasiyası. *(Sponsored by the State Support Agency for Non-Governmental Organizations).*

legalaid.az. (2021). *Azərbaycanda yeni Mediasiya qanunu: Məcburi və könüllü mediasiya*. https://legalaid.az/az/blog/42-new-mediation-law-mandatory-ve-conullu-mediation-in-azerbaycanda

Mediation Council. (2020). *Mediasiya Şurası reqlamenti.* http://mediasiya.gov.az/storage/PDF/Mediatorlar-n-davran-il-ba-l-reglament.pdf

Mediation Council. (2020). *Mediasiya Şurası Reqlamenti.* http://mediasiya.gov.az/storage/PDF/Mediatorlar-n-davran-il-ba-l-reglament.pdf

Mediation Council. (2020). *Mediasiya Şurasına üzvlük proseduru.* http://mediasiya.gov.az/storage/PDF/Mediasiya-uras-nn-zvlyn-q-bul-edilm-proceduru.pdf

Mediation Council. (2020). *Mediasiya Şurasının nizamnaməsi.* http://mediasiya.gov.az/storage/Mediation-Council-Charter-Sole.pdf

Mediation Council. (2022). *Mediasiya Şurası sənədləri.* http://mediasiya.gov.az/ganunvericilik/mediasiya-surasinin-senedleri

Mediation Council. (2024). *Mediasiya Reyestri*. http://mediasiya.gov.az/mediasiya-reyestri

Mediation Council. (2025). *Mediasiya təşkilatları*. http://mediasiya.gov.az/mediasiya-reyestri/mediasiya-teskilatlari

Məhkəmə Hüquq Şurası. (2025). *Mediatorların siyahısı*. https://courts.gov.az/mediators

oxu.az. (2024). *Nikah və boşanmaların sayı azalıb*. https://oxu.az/cemiyyet/nikah-ve-bosanmalarin-sayi-azalib

Publika.az. (2021). *Mediator Natəvan Rüstəmova: Boşanmaq istəyən şəxsləri barışdırmaq öhdəliyi daşımırıq*. https://publika.az/news/sosial/367884.html

Suleymanov, E. (2023). *Mediasiya problemləri* [Video]. YouTube. https://www.youtube.com/watch?v=wdvfOGRS9xY

Student Academic Society of Baku State University. (2025). *2024 Xoyski Mediasiya Müsabiqəsi – Final raundu* [Video]. YouTube. https://www.youtube.com/watch?v=TGiMWPJNkvc

In Turkish

Türk Dil Kurumu. (2024). *Güncel Türkçe sözlük. https://sozluk.gov.tr/?kelime=adalet*

Felsefe.gen.tr. *(2022). Hümanizm nedir? https://www.felsefe.gen.tr/humanizm-nedir/*

Kılıçoğlu, A. (2020). Arabuluculuk sözleşmeleri. In P. A. Kılıçoğlu (Ed.), *Arabuluculuk sözleşmeleri* (pp. 13–20). Doruk Kitabevi.

Moore, C. W. (2016). *The mediation process: Practical strategies for resolving conflict* (pp. 460–477). Ankara: Nobel Akademik Yayıncılık Eğitim Danışmanlık Tic. Ltd.

In English

ADR Center. (2017). *The Italian law on civil and commercial disputes*. https://mediatorsbeyondborders.org/wp-content/uploads/2017/09/The-Italian-Mediation-Law.pdf

ADR Center. (2025). *ADR Center 5x5 mediation matrix – ADR library*. https://academy.adrcenter.com/courses/adr-center-5x5-mediation-matrix

Bert, N., & Machteld, P. (2005). *Court-based mediation in the Netherlands: Research, evaluation and future expectations*. Penn State Law Review, 109(2), 345–378.

German Bundestag. (2012). *Mediation Act of Germany*. https://en.reichard-heinz.de/mediation-act/

Global Change Data Lab. (2024). *World population growth*. https://ourworldindata.org/grapher/population-growth-rate

Gomez, M. (2021). *BATNA (Best alternative to a negotiated agreement).* https://medium.com/globant/batna-best-alternative-to-a-negotiated-agreement-17a2768cc2c4

International Mediation Institute. (2025*). EU–EEA legislation on mediation*. https://imimediation.org/resources/eu-eea-legislation-on-mediation/

International Mediation Institute. (2025). *What is mediation?* https://imimediation.org/?ysclid=m1z7st5c1i585973817

International Telecommunication Union. (2024*). Global internet use continues to rise but disparities remain, especially in low-income regions*. https://www.itu.int/en/mediacentre/Pages/PR-2024-11-27-facts-and-figures.aspx

Internet Live Stats. (2025). *Internet users – Live counter*. https://www.internetlivestats.com/watch/internet-users/

Italian Cabinet of Ministers. (2010). *Decree on 18th October 2010, n. 180*. Official Newspaper https://www.gazzettaufficiale.it/eli/id/2010/11/04/010G0203/sg

Kemp, S. (2024). *Digital 2024: Azerbaijan*. https://datareportal.com/reports/digital-2024-azerbaijan

Latvian Public Media. (2024). *Latvia's population dropped by 11,000 last year.* https://eng.lsm.lv/article/society/society/03.06.2024-latvias-population-dropped-by-11000-last-year.a556415

Ministry of Justice Directorate General for Statistics. (2023). *Mediazione civile.* https://webstat.giustizia.it/StatistricheGiudiziarie/Mediazione%20Civile.aspx

Netherlands Business Academy. (2021). *Erasmus Mediats project*. https://www.netherlandsbusinessacademy.nl/erasmus-mediats-project/?lang=en

Österreichisches Parlament. (2023). *Austrian Mediation Act*. https://www.viac.eu/images/law/Austrian_Mediation_Act.pdf

Parliament of the Republic of Georgia. (1997). *Civil Procedure Code of Georgia*. https://mediators.ge/uploads/files/60252735216fa.pdf

Parliament of the Republic of Georgia. (2019). *Law of the Republic of Georgia on "Mediation"*. https://mediators.ge/uploads/files/5f26d29542e79.pdf

Saudi Center for Commercial Arbitration. (2025). *Riyadh International Disputes Week*. https://2025.ridw.org

The High Council of Justice of Georgia. (2019). *Decision of the High Council of Justice of Georgia*. https://mediators.ge/uploads/files/6029802d7697e.pdf

UN General Assembly. (2019). *United Nations Convention on International Settlement Agreements Resulting from Mediation* (A/RES/73/198). https://docs.un.org/en/A/res/73/198

UN General Assembly. (2019). *United Nations Convention on International Settlement Agreements Resulting from Mediation*. https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/EN/Texts/UNCITRAL/Arbitration/mediation_convention_v1900316_eng.pdf

UN Information Service Vienna. (2020). *The Singapore Convention on Mediation enters into force*. https://unis.unvienna.org/unis/en/pressrels/2020/unisl303.html

UN Information Service Vienna. (2022). *Georgia ratifies the United Nations Convention on International Settlement Agreements Resulting from Mediation*. https://unis.unvienna.org/unis/en/pressrels/2022/unisl324.html

UNWTO. (2024). *Tourism statistics database*. https://www.unwto.org/tourism-statistics/tourism-statistics-database

UNFPA. (2025). *State of world population*. https://www.unfpa.org/swop-2019

Valsts Probācijas Dienests. (2023). *Publiskais pārskats*. https://www.vpd.gov.lv/lv/media/1878/download?attachment

Valsts Probācijas Dienests. (2024*). Izlīguma process*.

https://www.vpd.gov.lv/lv/izliguma- process

In Russian

Парламент Республики Казахстан. (2011). *Закон Республики Казахстан о медиации*. https://online.zakon.kz/Document/?doc_id=30927376