



THE PROBLEMS AND SOLUTIONS TO DEVELOPMENT OF STATE MEDIATION SYSTEM: PHENOMENOLOGICAL ASPECTS

Ligita Landzmane

University of Latvia, Faculty of Economics and Management,
Aspazijas bulvaris 5, LV-1050 Riga, Latvia
E-mail: ligita.landzmane@gmail.com

Research methods based on phenomenological approach in the field of management can help to create a meaningful theoretical framework and guidelines for the needs of improving the management. The article deals with the phenomenological approach in the context of the problem solving of institutionalization process of mediation. Although the work has presented the phenomenon of specific Latvian experience, the used methodology and the results are possible to use also for understanding and solving mediation system problems in other countries.

Keywords: conflict, government, interpretative phenomenological analysis, management, mediation, society.

Introduction

The number of conflicts, arguments and disagreements in the world grow day by day. The number of proceedings increases in the same progression. The capacity of state judicial systems is inadequate for such a work. For their part, funds of states are insufficient to support the needs of society to solve the conflicts. That creates stress between judicial system and society, between judicial system and central governments, and in the relations between state governments and individuals and social groups.

With the goal to improve the work of the state justice system and relieve the possibilities of resolving actual disputes, the world's politicians and experts are looking for alternatives to court proceedings. Mediation does not only play the role of resolving disputes and conflicts. In the ergonomic context, mediation is considered as macro-ergonomic instrument that stabilizes the work of the state economic sector. A lot of hopes are put on the potential possibilities of mediation to harmonize both the economic and social environment by representatives of the public and private sector alike (Landzmane 2011: 71).

The goal of this paper is to present interpretative phenomenological analysis (IPA) as an effective research method that can be utilized in theoretical and practical management, simultaneously proposing solutions of practical application for the administration of the process of institutionalization of mediation. The following instruments were used in the study and its description: 1) review of scientific studies, selection of

the necessary theory analyses and positions; 2) non-standardized interviews with five Latvian experts relevant to the study topic, chosen by the author; 3) IPA of interview results.

The results of coding the textual materials that was done during the process of IPA interviews are not presented in the article. This fact is to be considered as a limitation of the work. However, this limitation has been chosen consciously, with the goal to present the potentiality of the IPA by the usage of intermediate results. The intermediate results of IPA help to prove the hypothesis that the verbal statements themselves as expressed by individuals in the interviews are adequate and usable in the governance's problem solving. If IPA final results as made by the researcher would be presented, then reaching the goals set up for this article would be problematic.

Mediation service system building and management is not only the problem of Latvia. It is a worldwide problem. Because of this, the research would be topical and reasonable.

Mediation as a new and problematic instrument for the governance of society

In the scientific space the concept of mediation has gained many definitions. Definitions can be combined by the usage of the laws of the formal logic (Lear 1986). The definitions of a logically correct, universal and non-contextualized mediation and the concept of mediator can be found in 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" (Directive... 2008): "'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. It includes mediation conducted by a judge who is not responsible for any judicial proceedings concerning the dispute in question. It excludes attempts made by the court or the judge seized to settle a dispute in the course of judicial proceedings concerning the dispute in question 'Mediator' means any third person who is asked to conduct a mediation in an effective, impartial and competent way, regardless of the denomination or profession of that third person in the Member State concerned and of the way in which the third person has been appointed or requested to conduct the mediation" (Directive..., Article 3: 2008).

There are a lot of scientific researches and empirical discussions about mediation. Majority of researches and discussions are about specific details of mediation. There are no scientific researches and discussions about mediation service system management building, development, leading. Why is the research about mediation system management so important? The opponents might say: "The mediation system development is a matter of government, not science. The institutionalization is well-known classical duty of government for system development".

The reasons of actuality of mediation system management researches are the following. The mentioned Directive obliged the governments of countries to start the mediation no later than 21st of May 2011. This fact means that the mediation is a subject of management for both: the public and the private sector. Authorities of the European Union (EU) obliged the countries to start a mediation but do not give the guidelines for management of institutionalization. Because of this the authorities of the countries do not understand how to deal with the task. This does not enable result. The authorities and the managers who do their job in traditional way are unable to deal with it.

More and more in the space of scientific and empiric discussions on mediation there appears information which tells about failures of institutionalizing the mediation: the imperfect design of laws and regulations, inter-mediator disputes concerning the choice of mediation method, the link between low-qualified mediators and the consequent deformation of mediation, etc. A fact is stressed that in many places, the creation of new laws and regulations does not happen meaningfully: in the work of government institutions the set terms and other minimum demands are observed, however, norms that ensure correct content of mediation system and its effective process are not integrated. This complicates not only the development of a national mediation service system, but also the performance and competitiveness of a society.

It is important to comprehend the situations and reasons that create the problems for the process of institutionalizing mediation as done by the public governance (MIP). Because of the mentioned factors it is necessary to integrate new understandings of paradigms in the public sector government and applicable knowledge, skills and competences in the work on state management as well.

Holistic and systemic approach in the research and management of human actions

It is without doubt that humans can be measured. That can be done by weighting mass, measuring height, studying body complexion, etc. Science of psychology states that with the psychometric method it is possible to measure the peculiarities of human psyche. That can be done by mediatizing individuals in the light of specific questions and the answers organizing into mathematical scale.

However, not only practice based on empirical experience, but also modern management sciences return to the old opinion that a person has to be observed as an indivisible bio-psycho-social entity and an element of the surrounding environment. More and more scientists nowadays turn to the opinion that science in fact has disrupted the holistic principle that is set in nature, and does not respect the human experience as an asset that has to be measured. More and more scientists wish to move closer to the actual needs of society and national economy, and in their research focusing on: what really happens in society, what thoughts, feelings and interests raise cognitive and behavioral activities in humans and what they are.

The factors that researcher has proposed, that he deems significant, might happen to be unimportant to others. The non-measured contexts often are quantitatively and qualitatively significant and influential upon to result. Questions which researcher asks in the questionnaire could be understood by the respondent through completely different experience and different context. Equally it is possible that factors which are significant for the respondent and influence their capability or incapability of cooperation, are not significant or known to the researcher. The consideration of mathematical logic as the only genuine one was criticized already by the scientist who is considered a genius Albert Einstein (1879–1955), who suggested nowadays well known thesis: “Not everything that can be counted counts and not everything that counts can be counted”. Although in the scientific field Einstein’s reputation of a genial thinker is *still alive*, many scientists continue to ignore Einstein’s opinion – apparently considering themselves as more authoritative figures.

Answers to question: “What are the resources existing inside the human, how to positively transform them in the management process?” – is the actual task of the management science in the 21st century, especially in the field of public sector. The systematic understanding of human as three-dimensional beings with individual thinking manner, interests, needs and pleasing and unpleasing attractors is the priority task of the management science. Only when such understanding will be reached, it will be possible to reason about how to lead an individual or humans in entirety.

“Methods grounded in a systematic approach are considered the best for scientific and practical application for dealing with the conflicts within human senses, thinking and behavior. More and more representatives from all fields of science name the systematic approach as the only possible method for dealing with human problems” (Landzmane 2010: 73).

The advantages of a systematic and holistic approach to solving problems of work and life are interpreted by the theories of Wandy A. Patton and Mary L. McMahon (Patton, McMahon 2006a, 2006b), Evgenij Mogilevkin (Mogilevkin 2007), etc. The opinion that unites these scholars is that for the use and management of human resources in the 21st century, new tasks have to be set and new methods have to be found, making them dynamic and flexible – able to work in an ever-changing environment with a varying goal.

Scholars of areas orientated on holism, often indicate the relation of their own theories to the theories of a main theoretician of humanistic psychology Carl R. Rogers. The concept *person-centered approach* created by Rogers in 1994 and his teachings about *fully-functioned person* is the basis of modern paradigms of economics, psychology, sociology, philosophy and management. *The person-centered* approach more often is the basis for the management of human resources and career. Modern theoreticians and practitioners still refer to Rogers, using the verities from his works.

Patton and McMahon explain the relations between a client and consultant (and also between a client and mediator, general practitioner, and specialist and supervisor – authors’ remarks). Patton and McMahon stress that relations and attitudes which are formed between two or more people at specific time, place and context, are never

the same if compared to meeting at another time, place and context. Another fact is noteworthy: it is impossible to understand other as well as yourself – it always has to be clarified how one and the same concept or symbol is interpreted by another person (Patton, McMahon 2006b).

Patton and McMahon ask to reduce the traditional attitudes in addressing and solving human management problems, by reducing the significance of a specific, narrow methodology, methods, technological instruments and focusing and working on one of them. Patton and McMahon bid to work in systematic manner, keeping in *operational basket* as many methodological, methodical and technological instruments as possible – so as to apply for each problem and human experience the best possible one (Patton, McMahon 2006a: 71).

By summarizing standpoints of Rogers (1994), Dorothea E. Orem (2001), Patton and McMahon (2006a, 2006b), Mogilevkin (2007), Peter Drucker (1995), etc. there shapes a new understanding – it is impossible to measure, consult and lead the personal interests and attitudes via statistical means, because the other person (the person being researched or the managed object) is not measurable via the prism of viewpoints and feelings of the first person (researcher or manager). Personal needs and interests are describable in a free narrative method, revealing the similarities and differences in the personal story and giving insight to the factors and contexts that influence the results.

It is especially applicable to scientific research. Human thinking, feeling of sense and action cannot be studied with quantitative methods. Thus significant factors that in such studies influence the result and context will always be left outside the scope of the research. The evidence from the modern collapsing economy, unforeseen by the experts and researchers political, economic, social and psychological crisis' and management theory going in the rear of practice (should be the other way around) shows that researches based only in mathematical logic and statistics are not valid, on the contrary – they are invalid.

The potentiality of a phenomenological course in the science and practice of management

The already mentioned quote by Einstein “Not everything that can be counted counts and not everything that counts can be counted” in a universal manner describes the positive meaning of the variety of images, symbols and signs.

The word “symbol” came from ancient Greek “sumbolon” into Latin language. But the older version of this word is “sumballein”, which literally means “throwing together”. Nowadays the term “symbol” has two meanings. First of all – it is a picture, sign of some object or thing, it works on the side of this thing and it can have no external similarity with the thing itself; and just as well symbol can have completely abstract similarity (for example, title of the company represents its specific character). Another meaning of the symbol is the written sign, which means some character trait, magnitude or process – these are alphabet letters, affiliation signs, numbers, notes, HTML signs, etc.

Numbers are just one of the possible elements for coding symbols and images, which are not superior to elements used in other coding systems. The uppermost is fact that the elements make the system. Numbers are the result of a dynamic mathematical coding of data (in action, by using mathematical formulas or algorithms), which create the essence of the system – numbers.

Letters in alphabet and sounds in speech are the equivalent elements to mathematical coding. Writing and human speech are a dynamic coding of signs in system. Words as resulting systems are equivalent to numbers, but sentences – to formulas and algorithms. The coding processes of mathematical and verbal truth are different, but both are meaningful methods of gaining insight.

Gregory Bateson (1904–1980) considers that without any exceptions, all humans think through images, by merging elements and forming thought systems (Bateson 2002). By developing mental capabilities, which are equivalent to logical reason, there forms meta-images or thought systems about other thought systems. Bateson explains that both numbers and figures are in fact images, and they do not exist in human thoughts on their own, instead they work in context of other images, and are elements of system.

Mathematical statistical methods cannot be used in the management science and practical systems in the context of searching for the meaning of the processes. That means – mathematical statistical methods cannot be used in the clarification of the aspects of meaning while making the system of national mediation. Phenomenological approach is useful for the search of meaning and understanding:

“The purpose of the phenomenological approach is to illuminate the specific and to identify phenomena to understand how they are perceived by the actors in a situation. In the human sphere this normally translates into gathering “deep” information and perceptions through inductive, qualitative methods such as interviews, discussions and participant observation, and representing it from the perspective of the research participant(s). Phenomenology is concerned with the study of experience from the perspective of the individual, “bracketing” taken-for-granted assumptions and usual ways of perceiving. Epistemologically, phenomenological approaches are based in a paradigm of personal knowledge and subjectivity, and emphasize the importance of personal perspective and interpretation. As such they are powerful for understanding subjective experience, gaining insights into people’s motivations and actions, and cutting through the clutter of taken-for-granted assumptions and conventional wisdom” (Lester 1999).

Systematic descriptions of phenomenological methodology can be found in the scientific works by Amedeo Giorgi (1983, 1985, 1997, 2009), Stan Lester (1999), Jonathan A. Smith, Paul Flowers and Michael Larkin (Smith *et al.* 2009), Paul F. Colaizzi (1978). IPA is directed towards a detailed study of experience of respondents. During the interview respondents give personal description of the perception of the research subject and the interpretation, without giving an objective assessment that is harmonized with the theoretical or legal norms.

In the phenomenological method the respondent or the expert is not confined in the frame of competences of researchers, which would mean answering only to the questions defined by the researcher. On the contrary, the researcher does not influence the answerer with a prepared thought system. Thus the data gained in interviews and analyzed in the process of phenomenological analysis, gives the researcher possibilities to improve theory and their own opinion about new concepts and contexts. The data on management gained in the interviews that are based in phenomenological approach helps both to science and praxis to understand the specific elements, which have to be excluded from the systemic structures or processes, changed or added in addition. The result is that such resources ensure the improvement of the operations of the public administration. As the result of interviews based on phenomenological approach, an integrated MIP could help make the process more effective and grant results of better quality.

The research process of phenomenological research is formed of several sections: 1) the determination of the research phenomenon; 2) putting forward the research questions; 3) the search for the sources of the research question; 4) search for the individuals, who in the context of the research question would like to describe their experience; 5) data gathering interviews, observations, study of personal experience descriptions and other research processes; 6) analysis of the research data; 7) defining the results of the analysis, in a form of theoretical argument answering to the research question and thus affirming or rejecting the hypothesis.

The results of the research as presented in this article help to better understand both the problems of institutionalization of the mediation and also portray how interviews made with a phenomenological approach and their results can help to understand and solve these problems. As a peculiarity and limitation of this article the fact has to be considered that IPA *essence* is not presented in it or – final results gained by the coding of the material. However, such approach was chosen consciously. The goal of the article is to prove hypothesis that study of society's experience based on phenomenological approach is technically the simplest method and rich in results as well. Management science can find answers to questions that even long-term and expensive studies based on mathematical statistical methods are unable to answer by facilitating the free expression or interviews in narrative form based on phenomenological approach – interviews of experts or the representatives of civil society that are benevolent to societies' interests. By allowing experts and respondents themselves to freely diagnose and define problems and offer solutions it is possible to reveal factors which researcher could not foresee and integrate in the questioner even if researcher works using multifactor and multi-criteria methods.

By presenting in this article shortened or codified IPA results, the author of the article as a researcher could not have proven the fact that the genuine understanding of problems in society can be sooner achieved if researcher is only neutral middleman, who skillfully asks general, objective questions and develops the conversation by gathering information from the respondent.

The evaluation of the institutionalization process of mediation by experts in Latvia: case analyses

The analysis was made in 2011 during the second semester of doctoral program in management in University of Latvia, and in the foundation “Institute of Conflictology”, within the frame of interdisciplinary promotion work on organization of state mediation system and management questions. The study results on the MIP attainable openly and directly from Latvian state government (LVP) have been used and evaluated in this work, whenever they were applicable (artifacts of culture of work).

Experts for the evaluation and problem identification based on LVP study results were selected based on the following criteria: 1) has at least master degree in jurisprudence; 2) has at least 7 years professional experience in conflict management; 3) mature personality, which means capability to form objective conclusions or ones that are consistent with principles of formal logic. One expert has been chosen from each institution – notary’s office, advocacy, court, state institutions and private organizations.

While occupation of experts is related to conflict resolutions including settlements daily, nevertheless the legal or technical evaluation of LVP performance was not included in the tasks for experts. An especially important fact is that during the process of expertise experts were asked to evaluate MIP results as created by LVP within the context of society, that is, within the context of interests of civil society.

Each expert was interviewed individually, without the presence of other experts. Confidentiality was guaranteed to experts in order to gain frank answers.

Experts were asked to give logical appraisal of the MIP process as provided by the LVP, by verbally describing the artifacts of LVP work culture. In the case of negative artifacts experts were asked to give their suggestions of how negative could be transformed to positive.

Experts gave logically-verbal explanations for each of these assessments. Explanations are given in Table 1. Expert statements have not been changed, but have been edited for literary reasons, by forming laconic sayings.

Table 1. Qualitative evaluation of the work culture as carried out by LVP in relation to MIP

Artifacts	Assessment by the 1st expert
Positive	Impossible to find
Neutral	The question about mediation is made topical and that is good. Since mediation must be imposed until 21st of May, 2011 by the Directive, then that cannot be measured as a positive sign of LVP work culture.
Negative	LVP has formal attitude against the task on mediation: the obligatory laws and regulations are being prepared, but they in no way work towards implementing qualitative mediation process. In its work LVP does not observe the popular legal rule – laws and regulations have not just the letter, but also the spirit. Letter is used to gain quantitative results, while spirit – to implement something that really works well. As an undeniably bad fact has to be noted that LVP does not explain its activities to society.

Continued

Artifacts	Assessment by the 2nd expert
Positive	There are no positive LVP work culture artifacts that would be noticeable on the surface in implementation of mediation.
Neutral	The work that is formally done by the LVP cannot be assessed as an artifact of high and positive work culture. Formally LVP does what has to be done.
Negative	<p>The purpose of implementation of mediation has to be viewed in the context of global developments. Services that are newly introduced have to be qualitative and effective in their process. The LVP tendency to establish low requirements for mediators is noticeable in the Concept and the Action plan. This fact has to be regarded as a negative artifact of LVP work culture. It describes the low values and ideals of LVP. There is concern that such LVP policy could facilitate the formation of low mediation culture in Latvia.</p> <p>Negative LVP work culture can be detected in Internet sites and mass media, where there is no information on MIP that society needs.</p>
Artifacts	Assessment by the 3rd expert
Positive	The creation of new normative acts by the LVP is happening and moving forwards. This fact has to be assessed as positive on its own.
Neutral	There are no work results that can be assessed as neutral.
Negative	LVP does not communicate with the society in the MIP process. Although the mediation directly influences the society and the duty of LVP is to influence the desire of society to change the practices of solving conflicts, the society does not get any information neither on mediation and neither about the process of MIP. Overall the LVP work culture is low, since even the professionals, who would like to get more information on MIP process, the intermediate results, the anticipated tendencies, do not have possibility to gain such information. The public does not have possibility to gain information on the personalities of experts and their competences, that LVP has chosen to include in the work groups. Such work culture has to be assessed as not just negative, but illegal, because the laws and regulations that regulate the LVP work stipulates that LVP work has to be transparent and for the benefit of society.
Artifacts	Assessment by the 4th expert
Positive	There are no noticeable positive work culture artifacts.
Neutral	Formally the LVP work results in developing regulations have to be evaluated as neutral. However, this fact cannot be ranked in column for positive artifacts, because the content of the regulations is not balanced and does not facilitate the development of qualitative mediation.
Negative	<p>The content of the Concept and the Action plan is not balanced and does not facilitate the development of qualitative mediation. The good practice and standards that can be found in the world are not integrated in the regulations, instead such experience is chosen, which allows LVP to implement reduced requirements.</p> <p>The evaluation of mediator work in the Concept is based only on the work of mediators-amateurs. Long-term experts on settlements: notary, advocates, lawyers, consultants for organizations and institutions – have been ignored and left outside the focus of LVP. Such work result is to be considered as not just a negative work culture artifact, but breach of the spirit of the Directive and Mediators Action Codex, because the definitions used in these documents describe that the status of mediator is not created by the used title, but by the content of the work.</p>

Continued

Artifacts	Assessment by the 4th expert
Negative	<p>The tendency showed by LVP to abnegate the professional criteria as used in the legal system to evaluate mediators creates the chance for amateurs to start working in the court system. That lowers the reputation and authority of court system and its personnel. If LVP popularizes opinion that conflicts in court can be solved with low qualification, then an impression is created for the society that the high competency level that is set for the court personnel is unnecessary and work with law is not difficult.</p> <p>LVP does not respect the general professionalization principles which were created by itself.</p> <p>Illogical, ungrounded and insulting to many professionals of justice system is the tendency that is shown by LVP: to consider skills of judges, attorneys, psychologists, social workers and representatives from other professions – as lower than the skills of mediator-amateurs. The low LVP work culture is represented by the summons to professionals to master mediation skills from amateurs, who practice for short time and in simplified mediation processes.</p>
Artifacts	Assessment by the 5th expert
Positive	The fact that finally some foreign experts with positive mediation experience and culture are also arriving to Latvia and that such visits are supported by the LVP is to be evaluated positively.
Neutral	The everyday work in the MIP process by the LVP is to be considered neutrally.
Negative	<p>The MIP of LVP communicates with a group of narrow circle of people that are emotionally close to itself. Information about the pace of the process and participation in the processes is impossible not just for the society, which is the potential user of such services, but also for the professionals not involved in the LVP, who would like to positively integrate in the mediation system.</p> <p>As a special artifact has to be considered the cooperation of LVP with the website <mediacija.lv>. The fact that the web-portal <mediacija.lv> is interpreted as the central portal for the state level mediation community has to be assessed negatively, because the portal in fact is controlled by several private individuals, who act in personal capacity. The information that can be found on this portal misleads society about the actual activities on mediation in Latvia. A negative artifact is the available offer to get certificate of mediator after 30 hours of training. In fact, LVP should disassociate itself from the commercial practice, which even for little educated individuals offers to become a mediator in few hours' time. Such practice degrades the good idea of mediation. By choosing such low culture mediation and representatives of mediation competency as experts and cooperation partners, LVP shows a culture of low values.</p>

Source: The results from expert interviews made in 2011 in University of Latvia, doctorate program in management and in the foundation “Institute of Conflictology”.

In the case of negative evaluations, experts gave practical suggestions for improving the LVP work culture. The suggestions, merged with suggestions made by the author of this work, are summarized in the Table 2. In order to avoid duplication of ideas, the suggestions are systematized. The statements have been shortened while retaining the content.

Table 2. Suggestions for the improvement of LVP work culture in relation to MIP

No.	For the LVP to improve its work culture and gain greater acknowledgment from the society, it should
1	During the process of creation of laws and regulations, it should observe not just the formal criteria, but also the qualitative – thus forming meaningful laws and regulations that are focused on the actual benefit of society.
2	Academically highly educated experts and group members with working skills gained in long-term work should be involved in the process of creating laws and regulations and in the work groups.
3	The practice of inviting emotionally close and convenient people as experts, while at the same time ignoring the principles of expert competences and an expertise focused on high-end results as practiced by the LVP has been assessed negatively by the society and should stop.
4	Only such mediators should be supported and popularized in the judicial system who have qualification relatable to that of the professionals of judicial system: 1) at least the second level of higher education, including: part of that education is judicial; 2) at least five year experience in the field of judicial conflicts, disagreements, conflict solutions (experience in mediation is not to be required because mediation as an activity on national scale is unclear, and questionable in quantity and quality); 3) good reputation.
5	While adapting foreign experience and while choosing the best and most valuable experience in the world, method focusing on the comparison of qualitative and effective aspects of such experience should be used (benchmarking).
6	Principles of mediators' education and training should be revalued, so that professionalization principles would be taken into account. Professionals, whose qualification is corresponding to the principles of high professional education, should be chosen as educators and trainers and not amateurs.
7	LVP should change the statement, which is included in the Mediation concept, which postulates that by establishing high criteria for mediator qualification, the possibility to recruit the needed number of mediators would be put in jeopardy. In Latvia there are a great number of lawyers who are directly and indirectly connected to court system, who satisfy the need of level of higher education for the competence of high level mediator and who have long-term work experience in conflict solution field, by the usage of settlement. Such individuals, after gaining additional knowledge and skills in conflictology, might become the actually highly competent mediators on a national level.
8	Since individuals who do not have legal education cannot prepare and conclude agreements that would work on long-term basis, then LVP should revalue its position towards the legal competency in the mediation processes. Situations where mediators work without having legal competency should not be tolerated, such as 1) if mediator demands that client should involve a lawyer in the process; 2) if mediator prepares agreement, without guaranteeing it a legally proper content.
9	TM should immediately form an informative database about all individuals who work with conflictology, mediation and other comparable ADR topics in institutions like academic (master and doctoral programs), professional (legal system, advocacy, notary, state institutions, private organizations, etc.) and in the amateur institutions (NGO, etc). Information about the setting should be separable. Each specialist should have specified competences (general, content and length of education appropriate for mediation; the content of the professional experience; fields and levels of competences at which has practiced, etc.)

Conclusions

1. Today science ever more actively is asked to take part by using new multi- and inter-disciplinary, systematic, holistic and integrative approaches. These approaches are especially topical when science takes part in the solving of problems of the organization and management of economic and social processes in the new era.
2. The research was carried out by using the scientific theories and statements of the interpretative phenomenological analysis as the basis.
3. By taking into account a body of the phenomenological methodology, it would be possible to ensure qualitative mediation services, which would combine both, the formal regulation needs of the public sector and approve of the institutionalization process by the society.
4. A person's words include experience as a qualitative verbal information resource, which can be examined and used, by giving meaning to management theories and practice.
5. By integrating ratiocination of persons in the public management, it would harmonize the management of mediation institutionalization process.

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NACIONALINĒS MEDIACIJOS SISTEMOS KŪRIMO PROBLEMOS IR SPRENDIMAI: FENOMENOLOGINIAI ASPEKTAI

Ligita Landzmane

Santrauka

Vadovaujantis fenomenologiniu požiūriu pagrįstais tyrimais vadybos mokslo srityje, galima sukurti prasmingus teorinius principus ir nurodymus, reikalingus vadybai tobulinti įvairiose jos srityse. Šiame darbe fenomenologinio požiūrio galimybes nagrinėjamos mediacijos institucionalizacijos proceso kūrimo metu kylančių problemų sprendimo kontekste. Nors šiame straipsnyje pristatomas specifinis Latvijos ekspertų patirties fenomenas, tačiau jam tirti taikoma metodologija ir rezultatai gali būti naudojami ir kitose šalyse formuojant supratimą ir sprendžiant mediacijos sistemos problemas.

Reikšminiai žodžiai: konfliktas, mediacija, vadyba, valstybės valdymas, visuomenė, fenomenologinis požiūris.

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