

Mazaraki N. The essence and scope of self-determination principle in mediation

Party self-determination in the mediation process is one of the five philosophies of mediation among voluntariness, confidentiality, neutrality and a unique solution, and all these principles are intrinsically linked. The principle of self-determination distinguishes mediation from litigation, arbitration, as well as other alternative dispute resolution methods. Also, self-determination enables parties to proceed in mediation with the most effective possible result for them.

The parties enjoy the broadest possible spectrum of ways to communicate, receive advice and opinions, advocate its own interests, and reflect the position of the opposite party.

To maintain parties' self-determination is the obligation of a mediator according to the ethics codes and mediation rules. Though the scope of such functions as to determine the capacity of a party to participate, and whether giving a mediators' variant of dispute solution remain the point of discussion for researchers and practitioners.

The role of parties' self-determination principle also is to determine the model of mediation, e.g. evaluative, facilitative etc.

In the article, the analysis of Ukrainian draft Law "On Mediation" has been done concerning the establishment of parties' self-determination principle.

Key words: alternative methods of dispute resolution, mediation, mediator, principle of self-determination of parties, principles of mediation.