

THE ROLE OF LANGUAGE INTERPRETATION IN PROVIDING A QUALITY MEDIATION PROCESS

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ABSTRACT

This paper focuses on the role of language in mediation and the challenges multiple language fluencies bring to the practice. Beginning with a discussion of the process and ethics of mediation as a form of alternative dispute resolution, as distinct from other forms of dispute resolution including arbitration, the paper shifts to consider the importance of language. Language, and more specifically interpretation, plays a central role in the integrity of the mediation process and the quality of its outcomes. Each stage of mediation requires the participants and the mediator understand one another to ensure effective communication and a quality process. The most essential principles of mediation: self-determination, impartiality, and confidentiality, cannot be upheld when participants are unable to understand one another. Addressing language interpretation issues in mediation requires ensuring that interpreters with proper training and expertise are hired to assist in mediations. The interpreter should be a neutral and impartial third party. The mediator should be allotted additional time in a session for thorough and accurate language interpretation to ensure satisfying and sustainable solutions for participants.

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