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MEDIATION IN THAILAND: KEYS TO SUCCEED

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ABSTRACT

Thailand has experienced internal conflict occasioned by the surfacing of fissures within states in political and economic transition, public policy, and democratic development. For a decade, Thailand has been facing serious conflicts and disputes of various types. Conflict happens anywhere, within families, on the job, between groups in society especially concerning public policy on large development projects. Unsolved serious conflicts will create negative impacts that reach far beyond the principal parties, as many conflicts are violent and disabling of human.

What are the methods or processes of alternative dispute resolution? In the past, Thai authority and government have taken action ranging from military intervention to social, political and economic reform measures that seek to redress conflict and dispute. Nowadays, a new approach "Non-violent and peaceful conflict resolution" has been introduced to the society that can be used as a tool to achieve domestic and international peace. Actions of non-violent and peaceful resolution have included Alternative Dispute Resolution (ADR) and third-party mediation.

Because the Mediation, the new approach, has recently been introduced to Thai culture, we have been learning and adjusting the process to be able to better mediation in the Thai culture. Therefore, this paper examines the current ad hoc nature of the methods of mediation. What are the key factors during the mediation processes led to the agreement?

MEDIATION: KEY TO SUCCEED

Conflict can happen anywhere, it's a simple phenomenon that is part of human being in every society. People are not able to suppress or stop conflict happening instead of

solving and managing it. The paper proposes one method of resolving and managing conflict through the Mediation process. The paper found that mediation process will provide the parties with a consistent, practical understanding of their respective roles to assist them in making reasoned decisions in their best interests.

Mediator

Because the mediation process involves with a third party intervener, he or she is an important factor for making the process succeed. In order to reach an agreement, the paper found that potential mediators who be asked by disputants to become involved in mediation conflict, must have experience in both the dispute resolution processes and basic theories of conflict management; especially the mediation process. Some mediators who have had no specialized training, in theories or in practice may still manage to be effective but are usually not able to accomplish as much as trained mediators. Conflict management knowledge and skills play an important role in enabling mediators to facilitate parties in reaching an agreement.

Skills in communication such as active listening, paraphrasing, reframing, evaluating, asking and answering questions are required. Since Thai culture has relied on and respected a system of seniority, the seniority of potential mediators is an important factor to be considered as well.

The willing of parties

The paper found that not only the quality of mediator leads to the effective mediation process, but also the willing of parties to accept and participate in mediation process must be concerned at the beginning. Because mediation is a voluntary process, no one can force them into the mediation process, in which case mediation has failed. The challenge is that many parties lack understanding in the mediation process such as fear of bias mediator, injustice, and abuse of power of the parties. Those concerns can be resolved if the trained mediator sets ground rules at the beginning of the process.

MEDIATION: SUPPORTING ACTOR TO SUCCEED

Interest-based negotiation and position-based negotiation

Many parties are not able to reach an agreement because there is a competitive or adversarial approach where the goal of negotiation is to win. It is marked by distrust of the opponent, demands, firm stand or position, which is based largely on demonstrating who has the most power¹. On the other hand, using interest-based negotiation is meant to meet the mutual interest of the parties. Instead of using a competitive approach, interest-based negotiation focuses on interests and mutual gain. To create more opportunity to succeed in the mediation process, mediators must facilitate and try to assist parties to understand and open their minds by using interest-based negotiation.

¹ Catherine Morris, "Managing Conflict in Health Care Settings: Principles, practices & Policies" 2004. prepared for a workshop at King Prajadhipok's Institute, Thailand

CONCLUSION

The success of the mediation process relies on several key factors including mediators, parties, and context of the dispute. There is no specific model that can be used to guarantee the success of the mediation process. However, third party interveners must be better trained in conflict management and the mediation process to improve their communication and psychology skills. Ground rules and interest-based negotiation principles are other factors in reaching an agreement. The more societies understand and use the mediation process, the more successful the mediation process will become.

MEDIATION IN THAILAND: KEYS TO SUCCEED

INTRODUCTION

Conflict easily happens in everyday life where human beings exchange ideas, attitudes, and relationships in their societies. It is obvious that conflict occurs in all levels starting from families, groups, organizations, communities, and nations' level. The question is can we eliminate conflict? Does conflict create only bad consequences? If we cannot eliminate it, what should we do? The answer is that conflict cannot be eliminated out of our life and societies. It should be noted that conflict is a normal circumstance happening in our nature. Whenever conflict happens, what the intervener should react is to manage and resolve it in a proper way. In the past, human being trended to use more violence and power in solving conflict. It is quite difficult to find what the real reasons are behind the use of violence. However, if we have to assume why violence are often used when conflict occurred, the answer might be that using violence and power would be easier and faster for them. Violence will not occur unless human being intends to use or chooses it to do something. Moreover, violence seems to be used and occurred where there are extremely differences in religious, culture, and identity. The opposite side would immediately ask what wrong with using peaceful way? Can we use non-violence in solving and managing conflict? The answer would definitely be positive.

In Thai culture, people seem to avoid confrontation when conflict is taking place. People have been thought that having conflict with others especially with elder or senior people implies an inappropriate manner. This is a Thai traditional believe and culture that younger people must give respect to the older people. As a result, whenever there was conflict in the past between particular parties, conflict or dispute was always brought to elderly person in order to solve the problem instead of taking it to the court of justice. However, issues and disputes have become more complicated than they were because there are many stakeholders involved; so that people have changed their ways in solving conflict by bringing cases to the court of justice. The question is that if there is any alternative dispute resolution such as mediation or third party intervention to solve problem? The answer is also positive.

According to Chaiwat, 2000, there are two types of violence; "Direct violence" and "Structural violence". Dr. Chaiwat also mentioned that Direct Violence normally happens to human body, which caused by a person to another person. This type of violence is sometimes called "personal violence". Because a target of direct violence is human body, victims of this violence usually get harm and wound.

On the other hand, Structural violence involves with an imbalance of power, inequality, and inequity occurring in a society. In other words, Structural violence is a social problem where rights are distributed to everyone unequally. Diagnoses of this violence presents in several forms such as an imbalance of opportunity to access to National resources or justice. For example, Thailand is growing crop as enough as and be able

to export rice to other countries. The question is why there are many children who are living in Thailand, do not have food and rice to eat. It should be noted that Structural violence has no real actors to be blamed; however, the cause of structure of violence is created by the gap of social system.

When people have conflict with others, several processes are used in solving conflict such as Facilitation, Negotiation, Mediation, Compromising, Arbitration and Litigation. However, each method has different result or outcome; for example, litigation usually ends up with winner and looser which parties' relationships still have not been restored. Therefore, both sides will do anything they can in order to win without any concern or of the others. This kind of process is called an adversary system. Therefore, many interveners, who had those kinds of experiences, attempt not to use litigation process. There is an adage telling that litigation is considered as the last option or "The Court Renders the Last Resource"

What is Mediation? The paper has found that even though mediation process has been introduced into Thai culture less than two decades, it has generated significant impacts and outcomes in Thai society. Since then many Thai organizations have learnt and developed the mediation process into their management. Their experiences indicated that the successful mediation depends on many factors such as parties, mediator, and issues of conflict.

Therefore, this paper will describe the use of alternative dispute resolution focusing on mediation process. What are the key factors to help mediation process succeed? To collect information, data, and then analyze them, the researcher team has developed questionnaires and asked involved persons about the information and opinion regarding the successful mediation. Questions were mainly related to the key factors in making mediation succeed. Why each factor is important?

Goals and Objectives

Because mediation is considered as a new approach in Thai culture, this paper aims to:

1. to study concepts and theories related to conflict resolution and mediation in Thai culture.
2. to search for key factors that make the successful mediation in Thai culture and how much influences those key factors are.
3. to make suggestions to the public in order to enhance the successful mediation.

Therefore, to accomplish these goals, the paper has decided and used research methodologies as the following.

Research Methodology

1. Data was collected and reviewed by both secondary and primary sources. Researcher team received secondary data from completed documentary research paper and cases study while the Primary data was obtained by running focus groups with involved persons.

Focus groups were conducted in three selected provinces; Southern, Northern, and Central areas. Focus groups details are explained below;

1.1 The first focus group was held at Pattani province on 14 November 2005. This focus group concentrated on the concept of positive thinking, trust and trust building, and respectfulness are very important in mediation process.

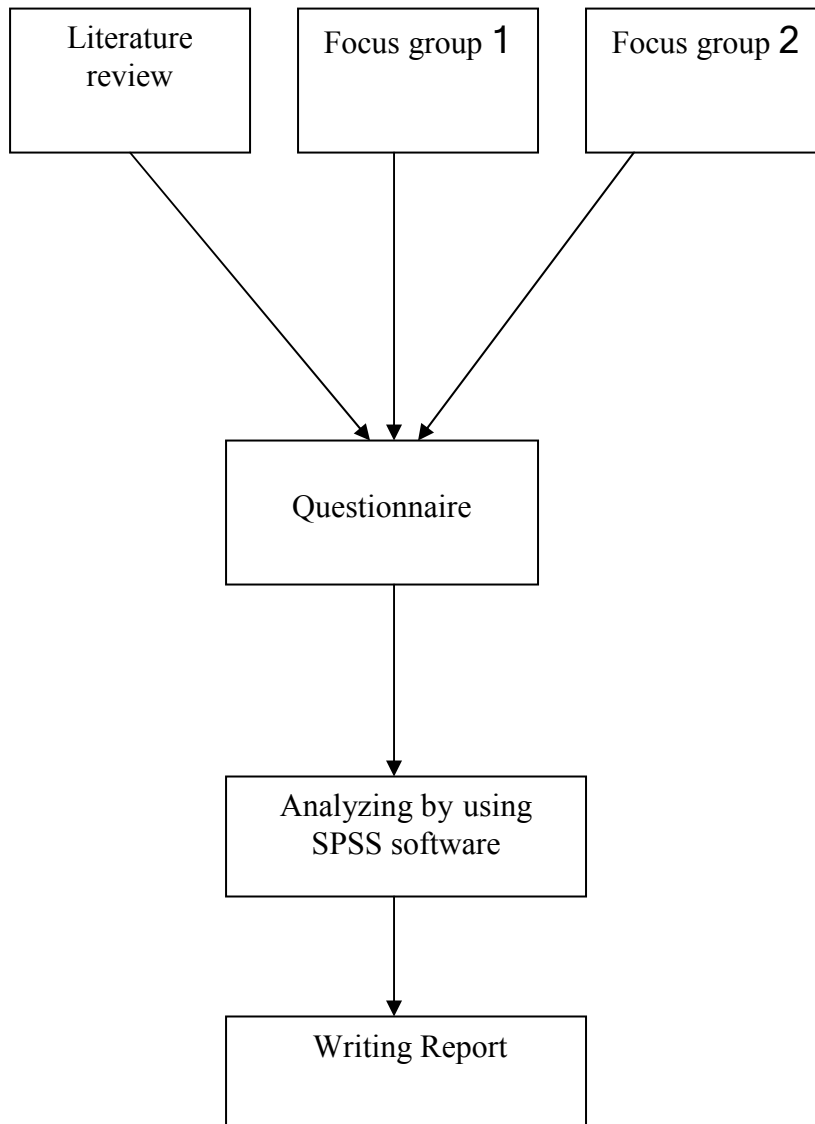
1.2 The second focus group was held at Chiang Mai province on 16 January 2006. This focus group concentrated on the communication skills especially listening skill that is very important in order to gain more abilities and the understanding of parties. Besides, trusted and neutral mediators are the first step for creating a chance to be succeeded.

Once the three focus groups were completed, the process of synthesize the conclusion were conducted and developed into the questionnaire. Four hundred purposive samples including judges, lawyers, attorney, and mediators, and parties from Tanyaburee Provincial court, Chonburi Provincial court, the Office of Ombudsman, Department of promotion environment, labour ministry, attorney general, etc. were interviewed during **October 2005 - September 2006**

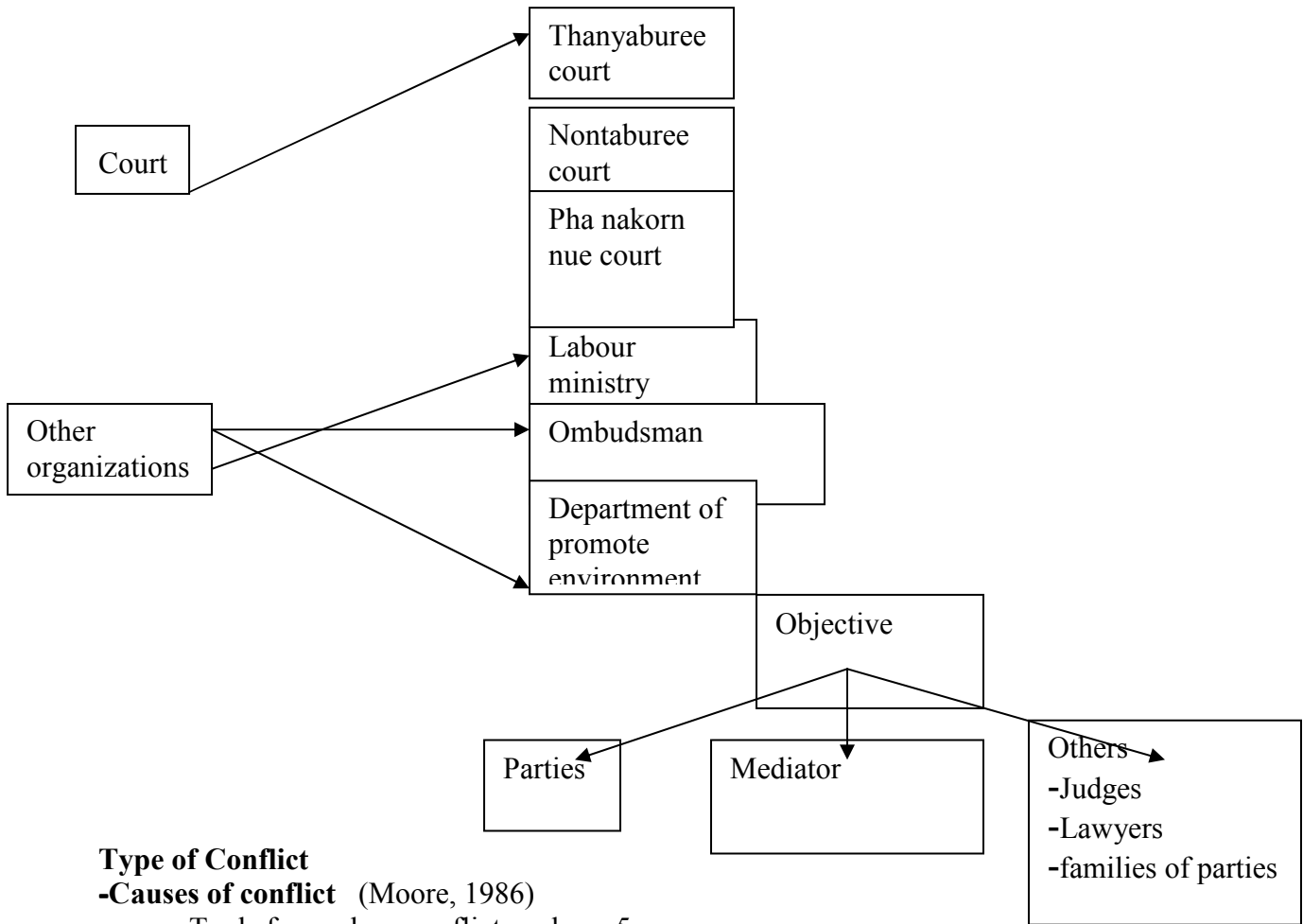
Outputs

1. Obtaining concepts and theory related to conflict resolution and mediation in Thai culture.
2. Conclusion regarding key factors that make the successful of mediation process in Thai culture and how much influences those key factors are.
3. Making suggestions to the public in order to enhance the successful of mediation.

Framework



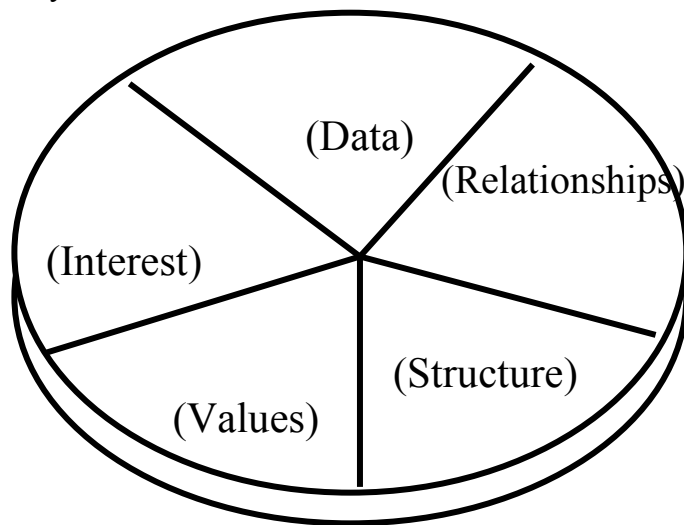
Questionnaire 400 samples



Type of Conflict

-Causes of conflict (Moore, 1986)

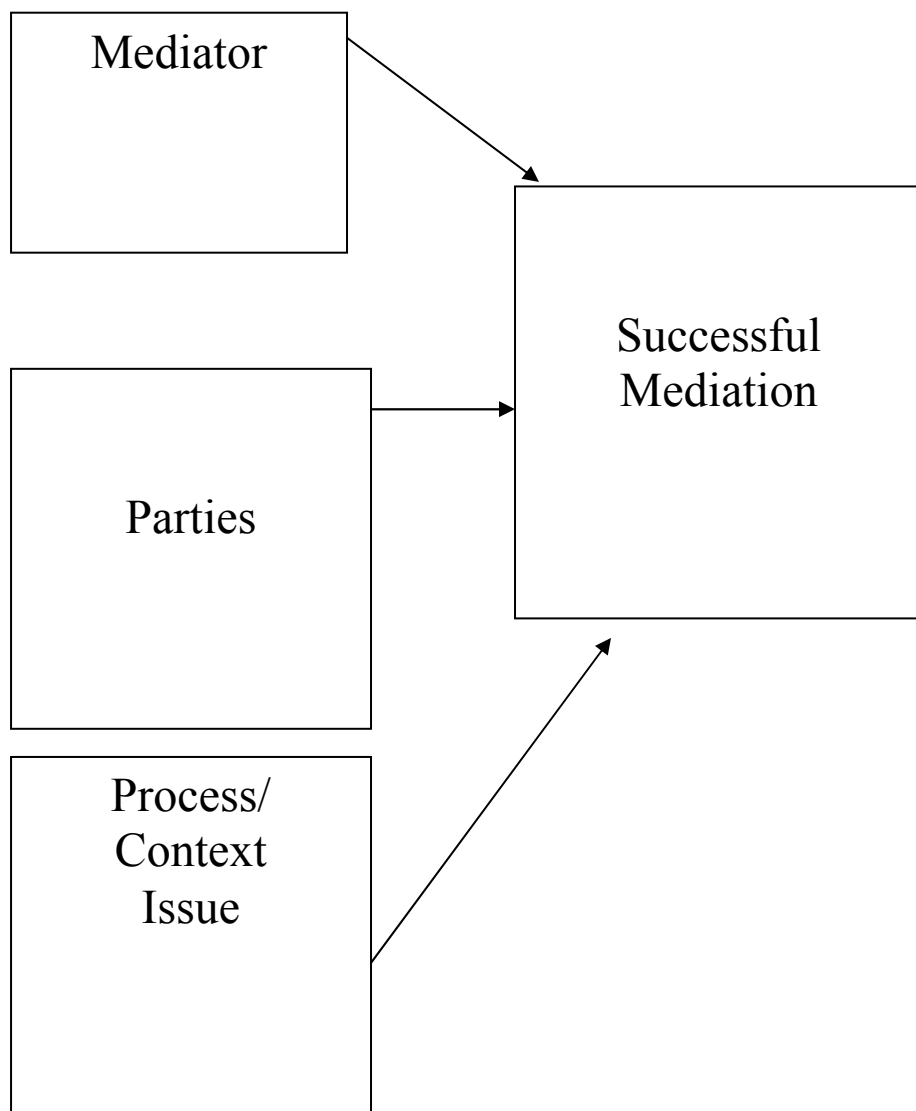
Tools for analyze conflict we have 5 causes



Processes in Dealing with Conflict

Process	Decision – making	Result
Violence / Fight	The Winner	Win – Lose
Non-Violence Direct Action or Civil Disobedience	The Winner	Win – Lose
Legislation	The Legislature	Win – Lose
Litigation	The Court	Win – Lose
Arbitration	Arbitrator	Win – Lose
Mediation	The parties	Win - Win
Negotiation	The parties	Win – Win
Avoidance/Flight	-	Status quo

Conceptual framework: the Successful Mediation



Resulting and Analyzing of the Questionnaire

During October 2005- September 2006, four hundred involved people were asked by research team. Those people were judges, lawyers, attorney, mediators, and parties from Tanyaburee Provincial court, Chonburi Provincial court, the Office of Ombudsman, Department of promotion environment, Ministry of labor, and Attorney General Office, etc.

The results of questionnaire are divided into three parts;

1. General information
2. General Opinion of respondents in resolving conflict.
3. Successful Factors in Mediation Process
 - 3.1 Parties
 - 3.2 Mediator
 - 3.3 Supporting factor

1. General information

Table 1: Sex of respondents

Sex	Frequency	Percent
Male	235	60.3
Female	155	39.7
Total	390	100

Table 1 shows that 60.3 and 39.7 percent of the respondents are Male and female.

Table 2: Ages of respondents

Age of respondents	Frequency	Percent
Lower than 20	16	4
21-29	41	10.3
30-39	102	25.7
40-49	131	33.0
50-59	82	20.7
Higher than 60	25	6.3
Total	397	100

Table 2 describes that 33 percent of the respondents are between 40-49 of age, which is the majority respondents. Only four percent of the respondents have lower than 20 years of age.

Table 3: Occupation of the respondents

Occupation	Frequencies	Percent
Mediator	34	8.6
Judge	38	9.6
Lawyer	40	10.1
Farmer	13	3.3
Government official	127	32.2
Employee	23	5.8
Medium entrepreneurs	11	2.8
NGO	9	2.3
Large entrepreneurs	2	.5
Small entrepreneurs	16	4.1
Politician	1	.3
Local politician	6	1.5
Worker	12	3.0
Pensioned official	11	2.8
Police	9	2.3
Soldier	1	.3
Teacher	24	6.1
Unemployed	2	.5
Others	13	3.3
Total	395	100

Table 3 shows that most percent of respondents are government official which is 32.2 percent. The following occupations are lawyers, judges, and Mediators which is 10.1, 9.6 and 8.6 percent in order.

Table 4: Experiences in mediation

Experience in mediation	Frequencies	Percent
1-5 Years	191	47.6
5-10 years	49	12.2
Higher than 10 years	37	9.2
No experience	123	30.7
Total	400	100

Table 4 tells that most of respondents have 1-5 years experiences in mediation which is 47.6 percent. 12.2 percent of the respondents have experiences in mediation for 5-10 years. Only 9.2 percent of the respondents have experiences in mediation higher than 10 years; 9.2 percent.

Table 5: Education of respondents

Education of respondents	Frequencies	Percent
No education	1	.3
Grade 1-4	10	2.6
Grade 5-6	4	1.0
Junior high school	15	3.9
Senior high school	19	4.9
Certificate	13	3.3
Bachelor degree	192	49.4
Master degree	124	31.9
Doctor degree	7	1.8
Others	4	1.0
Total	389	100

Table 5 indicates that almost half of the respondents or 49.4 percent graduated a bachelor degree. Approximately 32 percent had Master degree.

Table 6: Status of marriage

Status of marriage	Frequencies	Percent
Single	115	29.3
Married and lived together	235	59.8
Married but not live together	19	4.8
Divorced	11	2.8
Widow	7	1.8
Not married but live together	6	1.5
Total	393	100

Table 6 provides that 59.8 percent of respondents got married and lived together. On the hand, 29.3 percent is single which is the second highest percentage. Lastly, only 1.5 percent of the respondents did not get marry but still living together.

Table 7: Income of respondents

Income of respondents	Frequencies	Percent
No income	34	8.5
Less than 7,000 Baht	26	6.5
7,000 - 15,000 Baht	62	15.6
15,000-30,000 Baht	143	35.9
30,000-50,000 baht	58	14.6
More than 50,000 baht	75	18.8
Total	398	100

Table 7 mentions that more than one third of the respondents or 35.9 percent earn about 15,000-30,000 baht per month in income. Only 6.5 percent receive income less than 7,000 baht per month.

Table 8: Religious of respondents

Religious of respondents	Frequencies	Percent
Buddhist	380	96
Christian	8	2
Islam	6	1.5
Others	2	.5
Total	396	100

Table 8 describes that more than two-third of respondents believe in Buddhist or 96 percent. Only 2, 1.5, and 0.5 percent believe in Christian, Islam and others in order.

Part 2 General Opinions of Respondents in Resolving Conflict.

In part two, respondents will be asked about perception and opinion regarding conflict and conflict resolution.

Table 9: Perception and opinion regarding conflict and conflict resolution

Issues	Most	More	Medium	Low	Lowest	Total
1. Decision made by Court of justice is the most fairness in solving problem.	102 (26.2)	133 (34.1)	100 (25.6)	33 (8.5)	22 (5.6)	390 (100)
2. Conflict happens normally	194 (49.0)	160 (40.4)	37 (9.3)	5 (1.3)	-	396 (100)
3. Different opinion is normal	151 (38.6)	186 (47.6)	50 (12.8)	2 (.5)	2 (.5)	391 (100)
4. Conflict always leads to violence	83 (21.1)	141 (35.8)	124 (31.5)	34 (8.6)	12 (3.0)	394 (100)
5. Consultation among stakeholders would help in solving problems better	189 (47.8)	166 (42.0)	35 (8.9)	5 (1.3)	-	395 (100)
6. Trust and trust building enhance in solving conflict.	229 (57.8)	148 (37.4)	19 (4.8)	-	-	396 (100)
7. Communication is a fundamental factor in conflict prevention and resolution	199 (50.3)	160 (40.4)	34 (8.6)	3 (.8)	-	396 (100)

8. Peaceful way is the only way in conflict resolution	169 (42.6)	157 (39.5)	67 (16.9)	3 (.8)	1 (.3)	397 (100)
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Table 9 shows that 95.2 percent of the respondents agree that trust and trust building are very important in solving conflict. In the mean time, 90.7 percent think that communication is the fundamental factor in conflict prevention and resolution. Interestingly enough, only 21.1 percent of the respondents believe that conflict always lead to violence, which is the lowest percent, compared with other issues on this table.

Table 10: Process of Conflict Resolution in Family

Conflict in family	Frequency	Percent
Avoidance: No talking with each other	53	13.4
Quarrel	6	1.5
Mediation	308	77.8
Litigation	6	1.5
Fighting	2	.5
Negotiation	21	5.3
Total	396	100

Table 10 shows that 77.8 percent of the respondents have been using mediation process to solve conflict in family. They also mentioned that avoidance or no talking with each other is the second process used in solving conflict in the family. Only 0.5 percent use the process of fighting, which is the lowest percentage compared with other processes.

Table 11: Conflict Resolution in Workplaces or Schools

Conflict resolution in office or school	Frequency	Percent
Avoidance: No talking with each other	19	4.8
Quarrel	6	1.5
Report to the boss	17	4.3
Litigation	4	1.0
Fighting	1	.3
Mediation	208	52.7
Negotiation	133	33.7
Total	395	100

Table 11 shows that more than half of the respondent or 52.7 percent express their that using mediation process is the most suitable conflict resolution in the workplaces or in schools. The other process would be negotiation which is 33.7 percent.

Table 12: Conflict Resolution among Private Sectors

Conflict resolution between private sector	Frequency	Percent
Avoidance: No talking with each other	1	.3
Quarrel	3	.8
Mediation	246	61.8
Litigation	62	15.6
Fighting	3	.8
Negotiation	77	19.3
Others	6	1.5
Total	398	100

Similar to Table 11, the highest percent of 61.8 of the respondents expressed their opinion that using mediation process is the most suitable conflict resolution among private sector. Table 12 also indicates that the following highest percent is negotiation that is 19.3 percent.

Table 13: Conflict Resolution between State and Citizen

Conflict resolution between State and citizen	Frequency	Percent
State makes decision by itself without others' consultation	11	2.8
Using public hearing	118	29.6
Mediation	144	36.2
Arbitration	15	3.8
Using Court of justice	42	10.6
Using referendum	61	15.3
Others	7	1.8
Total	398	100

Table 13 shows that the highest percent of 36.2 of the respondents expressed their opinion that using mediation process is the most suitable conflict resolution between State and citizen. The following highest percent of respondents or 29.6 percent thought that using public hearing would be a good process as well.

Part 3 Successful Factors in Mediation Process

This part will provide successful factors in mediation process which will be determined and examined from the finding. Factors are included as the following;

- 3.1 Qualification of mediators
- 3.2 Parties
- 3.3 Supporting factor

3.1 Qualification of Mediator

Qualification of mediator	The most	More	Medium	Low	Lowest	Total
1. Mediators play an important role in making the mediation succeed.	168 (42.3)	189 (47.6)	39 (9.8)	1 (.3)	- -	397 (100)
2. Well known to the public	93 (23.4)	176 (44.3)	99 (24.9)	28 (7.1)	1 (.3)	397 (100)
3. Good mediator should be senior person	76 (19.2)	176 (44.4)	109 (27.5)	31 (7.8)	4 (1.0)	396 100
4. Be educated and having knowledge regarding the issue.	172 (43.5)	173 (43.8)	41 (10.4)	9 (2.3)	- -	395 100
5. Good personality	202 (51.0)	165 (41.7)	26 (6.6)	2 (.5)	1 (.3)	396 100
6. Having sense of humors and relationship	195 (49.4)	172 (43.5)	25 (6.3)	3 (.8)	- -	395 100
7. Positive thinking and communication skills	215 (54.4)	150 (38.0)	29 (7.3)	1 (.3)	- -	395 100
8. Neutral person and accepted by parties	258 (65.3)	121 (30.6)	16 (4.1)	- -	- -	395 100
9. No conflict of interest	247 (62.4)	124 (31.3)	19 (4.8)	4 (1.0)	2 (.5)	396 100
10. Keep confidentiality of the parties	228 (57.6)	139 (35.1)	23 (5.8)	4 (1.0)	2 (.5)	396 100
11. Be able to analyze conflict	177 (45.0)	193 (49.1)	20 (5.1)	2 (.5)	1 (.3)	393 100
12. Active listening skill	177 (45.2)	188 (48.0)	26 (6.6)	1 (.3)	- -	392 100
13. Questioning skill	175	185	30	1	1	392

	(44.6)	(47.2)	(7.7)	(.3)	(.3)	100
14. Summarizing skill	213 (54.3)	165 (42.1)	12 (3.1)	1 (.3)	1 (.3)	392 100
15. Paraphrasing skill	166 (42.2)	169 (43.0)	45 (11.5)	11 (2.8)	2 (.5)	393 100
16. Establishing Ground rule before starting the mediation	121 (30.9)	204 (52.0)	61 (15.6)	6 (1.5)	- -	392 100
17. Self-control in emotions	176 (44.8)	193 (49.1)	23 (5.9)	1 (.3)	- -	393 100
18. Creative thinking	144 (36.9)	200 (51.3)	39 (10.0)	4 (1.0)	3 (.8)	390 100
19. Persuasion	96 (24.6)	177 (45.3)	77 (19.7)	26 (6.6)	15 (3.8)	391 100

Table 3.1 shows that 65.3 percent of the respondents would like to see mediators who are neutral and accepted by both parties the most. In addition, mediators should not have any conflict of interest regarding to the issue. Interestingly enough, only 19.2 percent of the respondents didn't think that mediator should be a senior person.

Table 3.1 also shows that summarizing skill seems to be important for the mediator; it is highest percent of this table or 96.4 percent. The following skills include;

- Neutral and accepted by parties; 95.9 percent
- Be able to analyze conflict; 94.1 percent
- Self-control in emotions; 93.9 percent
- No conflict of interest; 93.7
- Active listening skill; 93.2

Table 14: Mediation steps

Process of mediator	The most	More	Medium	Low	Lowest	Total
1. Focusing more on processes rather than results	63 16.2	144 36.9	128 32.8	46 11.8	9 2.3	390 100
2. Mediator should prepare good data	150 38.4	211 54.0	27 6.9	2 .5	1 .3	391 100
3. Mediator must education and knowledge on the issues	193 49.0	154 39.1	45 11.4	2 .1	- -	394 100
4. Mediator allows parties to participate in establishing ground rules	130 33.0	184 46.7	61 15.5	18 4.6	1 .3	394 100

5. Ground rule	120 30.5	177 44.9	85 21.6	12 3.0	- -	394 100
6. Caucus mediation	116 29.5	200 50.9	71 18.1	5 1.3	1 .3	393 100
7. Be able to understand concept of position and interest based negotiation	174 44.3	168 42.7	44 11.2	5 1.3	2 .5	393 100
8. Have aim in mind	59 15.0	133 33.8	105 26.7	63 16.0	33 8.4	393 100
9. Parties receive win-win situation	192 48.7	169 42.9	29 7.4	3 .8	1 .3	394 100

3.2 Parties

Table 15: Parties factor for the successful mediation

Parties	The most	More	Medium	Low	Lowest	Total
1. Both parties focus on their interests.	209 52.9	143 36.2	29 7.3	12 3.0	2 .5	395 100
2. Parties have enough data	129 32.7	199 50.4	58 14.7	9 2.3	- -	395 100
3. Having good communication between parties	176 44.7	192 48.7	22 5.6	4 1.0	- -	394 100
4. Parties understand mediation process	152 38.6	186 47.2	49 12.4	6 1.5	1 .3	394 100
5. Volunteer to mediation process; not by control or persuasion	209 53.3	163 41.6	20 5.1	- -	- -	392 100
6. True apology is giving	184 46.6	154 39.0	50 12.7	7 1.8	- -	395 100
7. Personality of parties	149 37.8	199 50.5	43 10.9	3 .8	- -	394 100
8. Parties have sense of humor and good relationship	165 41.9	198 50.3	28 7.1	3 .8	- -	394 100
9. Be able to make decision	222 56.2	132 33.4	25 6.3	10 2.5	6 1.5	395 100

Table 15 shows 94.9 percent of the respondents perceive that the most important factor for the successful mediation is the voluntary parties to get involve in the mediation

process. The second important factor is to have good communication between parties; 92.2 percent

3.3 Supporting factor

Table 16: Supporting factor

Context	The most	More	Medium	Low	Lowest	Total
1. Location, meeting room	132 33.4	205 51.9	55 13.9	3 .8	- -	395 100
2. Enough time	195 49.4	164 41.5	33 8.4	3 .8	- -	395 100
3. Limited time	165 41.9	190 48.2	37 9.4	2 .5	- -	394 100
4. Lawyer and family	75 19.0	161 40.8	96 24.3	46 11.6	17 4.3	395 100
5. Coordinator from organization	90 22.8	183 46.3	95 24.1	25 6.3	2 .5	395 100

Table 16 shows that 90.9 percent of respondents think that the most supporting factor for the successful mediation is to have enough time in mediation. The following important factor is strictly in time, the third important factors is location meeting room 85.3 percent.

Conclusion

The paper has found that the most important factor for making mediation successful are Mediator, parties and process which is 36.5, parties, and process.

The most important factor make mediation success	Frequency	Percent
Parties	204	52
Mediator	143	36.5
Process and context	45	11.5
Total	392	100

Qualification of Mediator

Qualification of mediator	Frequency	Percent
1. Well known and respected	142	36.2
2. Mediation skill	183	46.7
3. Government official: governor	54	13.8
4. Monk	25	6.4
5. No conflict of interest	269	68.6

6. Parties know the mediator	86	21.9
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Almost 70 percent of the respondents agree that mediator must not have conflict of interest is the most important of qualification of mediator. The second important factor is Mediation skill that is 46.7 percent

The success of the mediation process relies on several key factors including mediators, parties, and context of the dispute. There is no specific model that can be used to guarantee the success of the mediation process. However, third party intervener must be better trained in conflict management and the mediation process to improve their communication and psychology skills. Ground rules and interest-based negotiation principles are other factors in reaching an agreement. The more societies understand and use the mediation process, the more successful the mediation process will become.

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