

Mediation in real estate & land disputes: a smart shortcut towards a win-win settlement

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SUMMARY

Greece is a country with high percentages of real estate and land ownership. Statistics show that more than 8 out of 10 citizens are land and real estate owners and the whole idea of ownership is very much inter-twinned with peoples' long life aspirations and level of personal success which apparently makes it a central issue of our society. It is estimated that almost 150 professions are directly or indirectly related to the construction industry generating thousands of daily commercial transactions, while architects, civil engineers, surveyor engineers and developers are at the core of the market process. On the other hand the sector is admittedly over-regulated, a reality far away from the clarity required in ownership rights and relations. Drawing "blurred" property lines and building constructions which create a nuisance to neighboring properties are the subject of everyday conflicts. All these alongside an ongoing anarchy when land owners exercise their right to fence their fields, usually at the expense of the adjacent property, which is a major cause of conflict, to the extent that, not in the very distant future, in many agricultural areas there have even been occasions of violence in sorting out these matters.

Most parties try the traditional approach and end up in the courts of law, trying to resolve their disputes through a complicated and overloaded judicial system with judges struggling to construe hundreds of bylaws and ministerial decrees along with plan drawings, numbers, coordinates and technicalities. The adversarial resolution process leads to considerable delays, is costly, holds back sector growth and produces decisions that do not always reflect the interests of both parties. Other jurisdictions have long ago discovered new alternative roads for successfully settling real estate & land disputes, through mediation. Mediation is an extrajudicial process, flexible and very much focused on the interests of the parties. The whole process may last from a few hours to a few days. More, the end result of a successful mediation may well be an enforceable agreement equal to a court decision. A brief description about the process and real case examples will give a flavor of the impact mediation may have in resolving real estate and land conflicts, along with some thoughts on the potential advantages of mediation in settling private-public ownership disputes which take years to be resolved through the judicial system.