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First of all, we would like to wish all our friends and contacts a HAPPY NEW YEAR! We hope to see you this year at AIA events and trainings. Our main goal is the promotion of ADR, not only in Brussels, which is becoming more and more a hub for arbitration, but also everywhere else in the world. AIA wants to assist ADR stakeholders in every possible way.

As always, we are proud to inform you in this newsletter about all the latest developments in the field of ADR. The first AIA Brussels Arbitration School was a great success. The second session in February is fully booked! Another session will take place in December.

As every year, AIA will also be organizing the EMTPJ training in order to create true cross-border mediators.

Also note the new ``Introduction to Mediation`` training AIA is organizing on 21-23 January 2015 (only a few spots available, but a second session will take place from 26 until 28 May: sign up now)!

AIA particularly suggests to read the article on mediation in Belgium by Mrs. Doyle, to be found in this newsletter.

European Mediation Training for Practitioners of Justice (EMTPJ): training for certified cross-border mediators

EMTPJ 2015 Session

Now Open For Registrations - 25% early bird discount!



On the 17th-28th of August 2015, the [European Mediation Training for Practitioners of Justice](#) (EMTPJ) session will run for its 6th consecutive year. For more information about the EMTPJ please visit our [website](#).

The European Mediation Training for Practitioners of Justice is an 11-day intensive training course on cross-border mediation in civil and commercial matters. The training is unique because it is tailored to cover both theoretical and practical elements of mediation with a European perspective. Establishing such a training represented an important milestone for mediation as it allows participants to apply for accreditation in many jurisdictions, thereby creating truly **'European Mediators'**.

Don't miss this opportunity and register now! Please, send the AIA team an [email](#) for preliminary registration.

We encourage mediators who can demonstrate 200 hours of mediation experience and 20 mediation cases, to apply for the AIA's Qualifying Assessment Program (QAP) which will take place at the end of the EMTPJ 2015 session on the 30th of August 2015. Please visit our [website](#) for details.



Introductory mediation training wednesday 21 - friday 23 Januari 2015
(next session takes place 26 - 28 May: register now to reserve your seat)

3 day intensive training on mediation (15 bar points)

This course is ideal for mediators who wish to update their skills and knowledge and for all those who want to learn more about (facilitative) mediation.

The course is delivered over 3 days and consists of a series of lectures, trainings and role games.

Participants will receive a participation certificate.

DAY 1: The model of a facilitative mediation (theory)

DAY 2: The model of a facilitative mediation (group exercises)

DAY 3: Role games en mediation interventions

Time schedule: every day from 10.00-17.30 (lunch break between 12.30 and 14.00h)

Professional/Private practice/Company Standard
Full package - 200 EUR* (session in May 300 EUR)

*excl. VAT

[Registration form](#)

Please send an [email](#) for details. Seats are allocated on a first come, first served basis.

We are also on social media!

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ADR News

The Association for International Arbitration introduces a new segment in its newsletter where it will cover all the latest and most recent news in the field of ADR worldwide!

- LCIA is looking for [interns](#) for the period of 2 March to 28 August 2015
- CPR launched a new set of international arbitration rules: the Rules for Administered Arbitration of International Disputes, on 1 December, specifically for use in cross-border business transactions
- After two years of serving as Young ICCA co-chair, Maria Lokajova will step down -> young ICCA is pleased to announce that Damien Nyer and Sylvia Tonova have been elected co-chairs for 2015-2016

ADR professionals and experts are kindly invited to submit news related to ADR topics to AIA.

Sign up to become a member of AIA!



Membership of AIA takes the form of yearly subscriptions. All members benefit from a number of advantages available on the website!

Email:

administration@arbitration-adr.org

The annual membership fee is 200 EUR, or 150 EUR for members under 40 years of age (VAT excluded). Fill in our online form at the bottom of our Membership page by clicking the signup button below.

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Clients look to Billiet & Co Lawyers for excellence, a creative and individual approach to solving problems, and a deep understanding of Belgian and European law.

AIA recommends to attend:

- International Congress on "*Dangerous Dialogues & Courageous Conversations*" on April 23-26, in Bucharest
- The second Annual World Mediation Summit in Madrid 2015 (see interview with the organizer below in this newsletter)
- The seventh Global IP Convention is being held from January 15-17 in Mumbai
- The fourth annual international dispute resolution involving Russian and CIS Parties conference
- The fourth DIS Baltic Arbitration Days: Expedited arbitration procedures, arbitration in IP related disputes from 4 to 5 June in Latvia

In partnership with:



Mastering mediation in Belgium

by Mrs. Anna doyle

The Belgian experience – sharing perspective

The purpose of this chapter is to outline the current use of Mediation, and particularly Commercial Mediation, in Belgium. It will also comment on its current legal status and the extent to which mediation is used. As mediation is all about promoting shared perspectives, let's take a closer look at what is already published on this subject and easily accessible to the reader, with a view to enlarging our shared perspective in a collaborative spirit.

The following are a number of very interesting and recent publications available, giving an overview of the current state of play in Belgium, as well as the future envisaged for mediation in this country. There is no known analysis available, however, that would establish the common style of mediation that is practiced or the breakdown between mediation styles e.g .facilitative,

transformative, evaluative etc. It is too early in the evolution of mediation to say more on this now and, indeed, any such analysis at this stage would be of limited value and would most likely be subjective in nature.

The Future of Mediation in Belgium

FMB (The Future of Mediation in Belgium) is an initiative that aims to provide a joint communication platform to all mediation stakeholders, thereby offering them the opportunity to contribute to identifying best practices (including legal amendments) and setting out a common action plan for the enhancement and promotion of Mediation in Belgium. To this end, Belgian mediation stakeholders gather periodically (at least twice a year) in the form of brainstorming sessions and/or working groups. The meetings are held in English, Dutch and French and a copy of the latest FMB Report is available online at: <http://www.arbitration-adr.org>.

The FMB has proposed a number of positive actions that would reinforce and promote recourse to mediation and these are all outlined in their latest FMB Report. Some of the proposals include promoting greater awareness of the concept of mediation, education and training, possible broadening of existing legislative provisions, improved categorisation of mediators and the services provided in different spheres, as well as learning from the experience of other countries, as portrayed in the in-depth report of the European Parliament which is intended to have the effect of rebooting the Mediation Directive, backed up with a range of both legislative and non-legislative measures.

The latest FMB report also underlines the view that a strong professional body is required to ensure that mediation is functioning at its full potential. This would include taking a range of measures that would entrust more power and resources to the Federal Mediation Commission (FMC) which currently deals with the accreditation of mediators and mediation training.

The FMB Committee has announced its intention to pursue their ideas for further development of mediation in Belgium with the relevant Government Ministries with a view to bringing about an improved Mediation Bill and other wide-ranging measures that would hopefully bring about improvement in the professional practice of mediation in Belgium, as well as promoting greater awareness of the value that it adds, in terms of saving time, costs and enhancing overall relationships in an appropriately flexible framework for the way we live and work today.

The European Parliament perspective

The Policy Department of the European Parliament published in early 2014 (PE 493.042) this very comprehensive Study of the state of play of mediation **in all the countries of the E.U.** It is entitled “*Rebooting the Mediation Directive: Assessing the limited impact of its implementation and proposing measures to increase the number of Mediations in the EU.*”

The Study reveals how over five years since its adoption, the Mediation Directive (2008/52/EC)

has not yet solved the 'EU Mediation Paradox' and that despite its proven and recognised benefits, mediation in civil and commercial matters "*is still used in less than 1% of the cases in the EU*" This study reflects the views of up to 816 experts from all over Europe, 32 of whom responded from Belgium.

It contains a wealth of very useful information as regards, for example:

- The estimated number of mediations per year;
- A comparison of the average time and money savings of litigation only versus mediation, then litigation; as well as
- A clear analysis of what currently works, does not work and where there are areas for improvement.

Rather than repeating the findings of the study, the reader is directed to explore the fascinating information contained in this report for themselves, not only in the Belgian context, but also, where feasible, with a detailed comparison across all of the 28 EU member states.

A detailed analysis of the situation vis a vis Belgium, is published in the report as follows:

- Mediation legislation (P.72)
- Court referral to mediation (P.72)
- Confidentiality (P.73)
- Enforcement of Mediation Agreements (P.73)
- Impact on Statutes of Limitations (P.73)
- Requirements for Parties and Lawyers to consider mediation as an Alternative Dispute Resolution option (P.74)
- Requirements for parties to participate in mediation (P.74)
- Accreditation requirements for Mediators (P.74)
- Mediator Duties (P.75)
- Duties of Legal Representative and other professional Mediation Participants (P.75)
- Estimated number of mediations in Belgium and the value (P.120-127) and
- A more detailed analysis of the Belgian respondents to the Questionnaire (P.132 -161);
- The Annex also includes comments made on the national mediation legislation (P.167-169)

It would appear that the objectives of the European Mediation Directive have yet to reach their full potential in Belgium and that this situation might indeed continue to prevail until such time as there is a concerted drive to incorporate mediation into Belgian Law and Practice, a situation which is not yet the case.

The International Organisations' perspective[1]

No comprehensive overview is available yet on the extent to which international organisations have embraced the concept of mediation. The author, however, is the creator of an in-house Mediation Service at EUROCONTROL, the European Organisation for the Safety of Air

Navigation with Headquarters in Brussels, Belgium.

The Agency's Mediation Officer at EUROCONTROL heads up the service which was established in 2006. She is responsible to the Director General for supporting staff and the Agency on issues that would benefit from mediation, so as to overcome any difficulty that may arise in the context of working relations, rights and obligations

The Mediation Service at EUROCONTROL voluntarily commits to the European Code of Conduct drawn up by the European Commission which sets out a number of principles to which individual Mediators or organisations can voluntarily decide to commit, under their own responsibility. The Mediator currently handles about 120 cases a year.

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[1] Disclaimer: The views expressed in this article are the author's own and are not necessarily endorsed by EUROCONTROL or its senior management.

Interview with the organizer of the World Mediation Summit: Mr. Kevin Brown



What pushed you to create the initiative of the World Mediation Summit / How did you come up with this initiative ?

A colleague suggested one day that we organise a congress for a select group of people. I began thinking about this and eventually decided I was not interested in an exclusive get-together and started looking into an all-inclusive summit. Historically, associations and other similar groups have organised events for their membership. These events are wonderful opportunities to network within the field and share best practices amongst similarly focused mediators yet, for me, something was missing.

I wanted to host an event that was inclusive of mediators, lawyers, social workers, non-lawyers,

psychologists, government and non government, as well as other professionals involved in the various fields of mediation including civil, workplace, family, penal, community and of course, international and diplomatic mediation. And this is what was produced at the 2014 Summit. The tradition continues and The 2nd Annual World Mediation Summit-Madrid 2015 promises to be even bigger and better with some of the most respected mediation professionals from across the globe attending and presenting.

Who speaks at the summit ?

We have local and international presenters who will speak on various topics related to this years theme. We recently issued a Call for Proposals and are reviewing potential speakers on a weekly basis. Already confirmed are the Ambassadors of Afghanistan, Egypt, Palestine and Sweden as well as speakers from Lebanon, Spain, Canada, USA, Netherlands, Australia and we have only just begun. We are updating our speaker list weekly on our [website](#).

Is there a focal theme each year ?

Yes, this years theme is Mediation: Emerging From The Shadows Into The Spotlight with sub themes; Mediation: A Gateway to Alternate Justice or Justice, Rise of the Phoenix: A Fusion of ADR and ODR, Mediation and Diplomacy and of course, we will also provide Training Workshops.

One of our key principals is ensuring that the presentations are interesting and beneficial to the attendees. As such, we review all presentation submissions to ensure that they will be interactive and participatory. Please check out our [webpage](#) for more details.

Who is the targeted audience ? Is it open for registration to anybody who is interested in mediation ?

The World Mediation Summit-Madrid 2015 is all-inclusive and open to mediators, arbitrators, lawyers, managers, government, students and everyone else interested in learning about mediation, networking with internationally renowned mediation professionals, sharing best practices and attend mediation training seminars.

How do you register for this event ?

This years Summit will be held at the Faculty of Law, Comutense University in the beautiful city of Madrid from 29-July 2, 2015. Registration is simple and streamlined. All one has to do is go to our [webpage](#) and tap the 'Register' button. Everything is completed online in seconds. We also have a weekly newsletter and blog that you can sign up for to read the most up to date information on the Summit. Please contact me [directly](#) for more information.

**Support the Federation of Belgian Arbitration Centers In Belgium
(FBA) Initiative!**

The FBA initiative is an initiative that aims to provide a joint communication platform to all arbitration institutes.

Contact [us](#) to stay informed about the latest updates on FBA.

new: BLOG on future of mediation in Belgium

The FMB initiative is an initiative that aims to provide a joint communication platform to all mediation stakeholders, thereby offering them the opportunity to contribute to identifying best practices (including legal amendments) and setting out a common action plan for the enhancement and promotion of Mediation in Belgium.

To read the first FMB report [click here](#).

To read the second FMB report [click here](#).

The FMB project was created with the support of AIA IVZW (www.arbitration-adr.org).

The new FMB session will take place **[15 May 2015 at the Palais de Justice, Brussels.](#)**

Belgian Institute in the spotlight: **BAS**



The Belgian Court of Arbitration for Sport (BAS-CBAS) was founded in January 2012 by representatives of all major actors of the Belgian sports world (Belgian Olympic Committee, athletes, clubs, federations, unions, professional league) in the form of a non-profit organization. The BAS-CBAS took the place of the Belgian Arbitration Committee for Sport, which had since long existed in the fold of the Belgian Olympic Committee.

At the time of its creation the greatest care was taken in composing the list of arbitrators, who warrant the high quality of the arbitration decisions. These arbitrators are mostly renowned lawyers (advocates and judges) who also have an affinity with the world of sports.

The court of arbitration accepts all disputes over sporting matters that are initiated on the basis of an arbitration agreement, a jurisdiction clause or charter rules of a particular sports association. An Arbitral Tribunal consists of three arbitrators: one appointed by the plaintiff,

one by the defendant, who together appoint the President of the Tribunal.

The BAS-CBAS has to date seen more than fifty arbitration decisions taken, which are, with the agreement of the parties, published on the BAS-CBAS website and thus form the basis of a sports jurisprudence. This success shows primarily that arbitration is the most appropriate way to settle sports disputes in the broadest sense. Indeed, decisions can be made in a very short time (in some cases within a week of the request) and they are final and immediately enforceable so that the course of the competition is not distorted.

In its short span of existence the BAS-CBAS has become very well known in the sports sector. Some highly mediatized affairs have created awareness among a wide audience and the BAS-CBAS itself organizes study afternoons for federations and lawyers where the possibilities, the procedures and the jurisprudence are explained. Moreover, the costs are kept very low: on average 1500 EUR per case.

Click [here](#) for more info.