

Developing a South Eastern European Mediation Forum

Report on the Networking Workshop Sarajevo, 27 – 30 October 2005

Summary of the Results

Over the last few years the idea of mediation has gained increasing prominence as an alternative dispute resolution (ADR) mechanism in South Eastern Europe. Building on this momentum, CSSP invited mediators and representatives from Albania, Bosnia and Herzegovina, Croatia, the Council of Europe, the European Agency for Reconstruction, Germany (European Bar Association), Kosovo, Macedonia, Montenegro, Norway (Nordic Forum for Mediation and Conflict Resolution), Serbia, and Slovenia to discuss networking, establishing sustainable mediation frameworks and identifying the needs in the region. The aim of the workshop was to bring together a core group of individuals active in mediation to share information, discuss questions and difficulties, develop partnerships, and explore the possibility of forming or strengthening Mediators Associations in their respective countries. Out of the workshop and in view of strengthening cooperation, exchange and capacity of existing projects and organizations, the South Eastern European Mediation Forum (SEEMF) was created which results out of the conclusions of the meeting attached at the end of this report. The SEEMF will hold its next meeting by the latest in October 2006.

Mediation in South Eastern Europe

In individual presentations about the current situation of mediation in their respective regions and the challenges for governments in this respect, participants shared their local experiences in mediation. Presentations covered mediation in Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia, and Slovenia. References were also made to other countries in SEE and abroad. Through the presentations the different legal frameworks in the individual regions became visible, different backgrounds for mediators, the range of issues dealt with in mediation, the different types of mediation applied (court, commercial, family, facilitative, victim-offender), different approaches to promoting mediation, ranges of training available in mediation, and the different status of mediators associations in the region. It appears that in most countries in SEE, mediation is perceived as an alternative to deal with the backlog of the judicial system and an alternative to court cases. Most commonly judges and lawyers are mediators, though this is not necessarily a situation unique to SEE. Mediation must be promoted more widely and generally. The public perception of mediation, once again not

necessarily unique to SEE, is generally weak as mediation is not very widely known. Different traditions of mediation play a particular role in the establishment and context of mediation as it is practiced in the individual regions and in particular in SEE.

Expert Contributions

Several experts contributing with their specific expertise were invited to address the participants from SEE and share their experience with mediation in their respective functions. Building on a presentation from Mr. Dag Hareide, Chair of the Nordic Forum for Mediation and Conflict Management, the participants discussed the role of a mediators association, the different arenas for mediation (court mediation, commercial, community, school, work place, family, victim – offender, and peace mediation), the challenges of a regional mediation forum, mapping of mediation approaches. Ms. Mary Walsh, Programme Manager for Reintegration, Minorities and Returns at the European Agency for Reconstruction, stressed the benefits and potential for contribution of mediation to facilitate dialogue at all levels of society, the contributions to society building, conflict prevention and resolution and community building. Mr. Can Oztas, Directorate for Political Advice and Cooperation from the Council of Europe, elaborated on the concept of mediation as it has been supported from by the Council of Europe through local initiatives and concrete projects in some of the regions represented in the workshop. Dr. Christian Duve, a member of the European Bar Association, presented the work of the European Union in promoting mediation more widely, the existing directives on mediation and in particular the European Code of Conduct for Mediators.

Perspectives for a regional network: potential, limits and next steps

Building on the entire networking workshop discussions, participants reflected on the perspectives for a regional network in regards to potential, limits and necessary steps and concluded to further pursue a South Eastern European Mediation Forum. This Forum has set for itself several goals, including a yearly conference in the region, formal and informal knowledge, information and expertise exchange, visits between mediation organisations in the region and abroad and generally increased efforts to lobby governments for support and promotion of mediation. The participants proposed to create closer ties with the Nordic Forum of Mediation and Conflict Management, including a study visit to the Nordic countries. The Conclusions of the networking workshop which are attached below further reflect and detail the efforts envisaged by the participants. CSSP and all other involved organisations and individuals will further support the efforts made by the core group establishing the SEEMF. All efforts will be made that in the future the SEEMF will organise and maintain itself through its participants and members and a consequent meeting will take place by the latest in October 2006.

As part of the process of establishing the SEEMF a website will be created that is to contain specific information on mediation from all participating regions. While the framework of the website will be created jointly, each region is responsible for the content and information contained in the section regarding their region. Initial steps will be made to launch the website as soon as possible.

The networking workshop establishing the SEEMF was realised by CSSP with the kind financial contribution from the Konrad Adenauer Stiftung Sarajevo.

Developing a South Eastern European Mediation Forum

Networking Workshop Conclusions Sarajevo, 30 October 2005

Mediation as a general area of specialization is growing throughout South Eastern Europe and there is great interest in further promoting alternative dispute resolution (ADR) in all areas.

ADR is also increasing throughout Europe in support of democracy-building, rule of law, economic development and globalization. The European Union (EU) has adopted a voluntary Code of Conduct for Mediators and is discussing a directive on promotion of mediation. The Council of Europe has made recommendations to its members on promoting and accessing mediation. The European Agency for Reconstruction is willing to consider proposals in the future concerning mediation in the area of respect for minority and human rights.

At this critical juncture there is a need to strengthen cooperation, exchange and capacity of the already existing projects and organizations.

To this end, mediators and representatives from Albania, Bosnia and Herzegovina, Croatia, Council of Europe, Germany (German Bar Association), Kosovo, Macedonia, Montenegro, Norway (Nordic Forum for Mediation and Conflict Resolution), Serbia, and Slovenia met to discuss networking, establishing sustainable mediation frameworks and identifying the needs in the region.

The following goals were agreed at this meeting:

- to organize a yearly conference in the region;
- to exchange knowledge;
- to create a regional network;
- to understand what projects and organizations exist in the region;
- to expand mediation and establish mediation frameworks throughout the region;
- to increase visits among organizations in the region; and
- to lobby governments for the promotion of mediation.

I. The Next Meeting

1. All participants agree to meet again at the latest by October 2006 to continue this exchange.
2. To this end it is important that the next meet is jointly organized. All agree that Skopje should be the next meeting place. All participants appreciate the proposal

from representatives from Albania and Croatia to serve as back-ups in the case Macedonia is not able to organize the conference. Albanian, Croatian, and Macedonian representatives will discuss how this cooperation should proceed.

3. The three countries will establish a dialogue on the substance and support of the conference by the respective institutions and ministries.
4. A final decision on the location of the next meeting will be made at the latest by May 2006

II. Website

1. In order to strengthen cooperation, exchange, and promotion of mediation in South Eastern Europe all have agreed to work on the development of a website.
2. CSSP has offered to set up and design a website. Each participant agrees to serve as the information gathering and content supervisor for their region until the next meet when medium-term decisions can be made. Each participant will submit ideas for the website to CSSP.
3. Each country will have web pages in their languages and English will serve as an umbrella language.

III. Networking

1. All agree that very good networking and exchange has already been done in the region with the desire to increase the exchange of experiences and contacts. Participants agree to strengthen the existing networking in the region and will increase dialogue on possibilities for further regional study visits.
2. All welcome efforts from the Nordic Forum for Mediation and Conflict Resolution to promote closer contact with South Eastern Europe. Efforts will be made to meet again and to have some participants from the Western Balkan at the next Nordic/European mediation conference in May 2006.
3. In addition, the group meeting here today will work on a closed internet group to begin discussing important issues. All welcome the proposal from the representatives from Serbia to coordinate content of this group.

IV. Developing an Inventory

All participants agree that it is important to develop an inventory of the existing mediation in their home area. All agree to serve as an inventory coordinators and will strive to develop written and comprehensive information on mediation in preparation for the next meeting.

V. Name

This group will be called South Eastern European Mediation Forum (SEEMF) until the next meeting.

VI. Translation

Each participant agrees to translate this document into their home language(s).

Participants of the Networking Workshop in Sarajevo (27 – 30 October 2005)

| | |
|------------------------------|--|
| Begovic, Vesna | Montenegro |
| Blazevic, Borislav | Croatia |
| Busevac, Lada | Bosnia and Herzegovina |
| Curkovic, Amela | CSSP |
| Diaz, Juan | CSSP |
| Duve, Christian | European Bar Association |
| Filipovic, Vesna | Serbia and Montenegro |
| Gavric, Smiljka | Bosnia and Herzegovina |
| Gjoka, Rasim | Albania |
| Hadzi-Zafirov, Zarko | Macedonia |
| Hareide, Dag | Nordic Forum for Mediation and Conflict Management |
| Krasniqi, Elife | Kosovo |
| Kukec, Bojan | Slovenia |
| Kupev, Milco | Macedonia |
| Malisius, Eva Maria | CSSP |
| Marjanovic, Snjezana | Bosnia and Herzegovina |
| Musliu, Rahim | Macedonia |
| Mutapcic, Dzermaludin | Bosnia and Herzegovina |
| Öztaş, Can | Council of Europe |
| Rabrenovic, Slavica | Montenegro |
| Ribica, Jagoda | Bosnia and Herzegovina |
| Salihovic, Goran | Bosnia and Herzegovina |
| Schwarz-Schilling, Christian | CSSP |
| Simac, Srdjan | Croatia |
| Strajina, Dobrila | Serbia and Montenegro |
| Walsh, Mary | EU Agency for Reconstruction |
| Wolkewitz, Dieter | CSSP |