
Kluwer Mediation Blog

Mediation Activities in Brazil

Andrea Maia (Mediar360 – Dispute Resolution) · Tuesday, March 26th, 2013

Since 2010, when the Brazilian National Council of Justice (CNJ), the agency that controls and manages the quality of civil services rendered by the Brazilian Judiciary Power, issued [Resolution no. 125](#), the mediation market in Brazil became considerably more active. This new Public Policy provided instructions on the proper handling of conflicts within the scope of the Brazilian Judiciary Power. Among others, it introduced:

- “Special Centers” at the Brazilian Courts devoted to conflict resolution and citizenship, whose goals, in addition to the usual mediation legal procedures, are to provide information, guidance and to assist the general public regarding the Mediation process;
- Incentives to encourage the use and to train magistrates, public servants and mediators on the best practices associated to consensual conflict resolution;
- Reliable data collection and information on the practice of mediation in Brazil.

Treating mediation as a Public Policy was certainly a huge progress to Brazil. Mediation, after all, can significantly contribute to social peacefulness, and access to justice. The new Public Policy has increased the mediation use in small claims, family and criminal areas, but it is still lagging in the commercial segment.

Just introducing Mediation as a Public Policy is not enough. For the mediators who work within the commercial sector, it is still very much necessary to increase Corporate Mediation awareness between lawyers, in house counsels and the business sector as a whole.

Despite the enormous efforts of several Mediation practitioners, mostly through word of mouth and active engagement on social networks, some progress has unquestionably been made. But there are still significant challenges to overcome before putting mediation in the commercial mainstream in Brazil.

Understandably, overcoming these challenges take time. As with several new trends and practices, skepticism is a natural initial reaction. However, as Brazil is in the forefront of this new economic scenario, where international trade and globalization are no longer just buzz words, the country demands a modern and efficient dispute resolution system as a pre-condition to economic development.

Mediation adoption in Brazil is an irreversible trend, not only in account of the country’s

notoriously slow and inefficient legal system, but mostly due to its overall benefits and effectiveness to all involved.

The mediation adoption rate, although apparent slow to those directly involved, can be considered satisfactory to a country which has just awake to this practice. Matching future Mediation demand with quality services and results is, in my opinion, a greater challenge than those already presented in the country.

CPR in Brazil

The upcoming CPR (International Institute for Conflict Prevention & Resolution) event in Brazil, which will take place in April, 2013 will certainly provide local practitioners with further knowledge and international interaction.

There is no doubt that the event will also be an excellent opportunity to Mediation practitioners from all over the world to exchange thoughts, ideas and experiences in a region where its increased worldwide economic importance, and huge social changes currently taking place, provide great challenges and opportunities to all involved.

To the delight of the local Mediation community , the event is receiving significant attention from decision makers of key commercial segments such as manufacturing, energy, construction, as well as those from the public sector.

Finally, the combination of all of the above is an unquestionable sign that there is a latent internal demand towards the use of alternative methods of conflict resolution in Brazilian Corporate Market.

To make sure you do not miss out on regular updates from the Kluwer Mediation Blog, please [subscribe here](#).

Profile Navigator and Relationship Indicator

Includes 7,300+ profiles of arbitrators, expert witnesses, counsels & 13,500+ relationships to uncover potential conflicts of interest.

Learn how **Kluwer Arbitration** can support you.

Learn more about the newly-updated *Profile Navigator and Relationship Indicator*



This entry was posted on Tuesday, March 26th, 2013 at 12:36 am and is filed under [ADR](#), [Business](#), [Commercial Mediation](#), [Developing the Field](#), [Dispute Resolution](#), [General](#), [Growth of the Field \(Challenges, New Sectors, etc.\)](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can skip to the end and leave a response. Pinging is currently not allowed.