

Kluwer Mediation Blog

What happens in Vienna... DOES NOT stay in Vienna

Andrea Maia (Mediar360 – Dispute Resolution) · Wednesday, August 12th, 2015

The saying “What Happens in Vegas Stays in Vegas” is one of the most famous taglines in modern tourism, meaning well, you probably know what it means, don't you ? However, differently from the Vegas perspective, my recent experience in Vienna is one that I definitely want to share with you.

In a week of lots of sun, fun and personal enrichment, leading experts from all over the world gathered in Vienna and shared their valuable thoughts on several topics associated to Consensual Dispute Resolution. Despite the variety of relevant subjects, some that attracted the most attention were:

- (i) CDRC Vienna (organized by IBA-VIAC-ELSA) premier competition;
- (ii) The IMI's Global Pound Conference Series organization discussion and;
- (iii) UNCITRAL's debates on the regulation and enforcement of international mediation settlement agreements.

1) **Premier CDRC**

There were high expectations regarding the launch of this competition due to its innovative approach, where traditional legal concepts (Laws, contracts, etc...) were temporarily left aside in order to focus on mediation skills and techniques, allowing law students to take full action, control, and responsibility for the settlement of their cases in a Consensual Dispute Resolution setting.

Both categories of negotiators and mediators were performed by students. This pluralistic approach is interesting since, as an educational initiative, it includes various sides of the game in order to promote progress in the overall process, build skills, experience, and brilliance in the field of Consensual Dispute Resolution.

It was amazing to see how the students prepared very well, and the quality of the mediators and negotiators was a surprise. A good surprise!

2) **IMI's Global Pound Conference (GPC) Series**

Michael McIlwraith, Chair of the Global Organizing Committee for the GPC and Global Chief Litigation Counsel at GE Oil & Gas (Italy), together with Irena Vanenkova, Executive Director of the International Mediation Institute, provided valuable insights, and invited the current coordinators of “Shaping the Future of Dispute Resolution & Improving Access to Justice” to

“think further” and to discuss the overall organization of future events.

There are currently 34 cities wishing to organize local GPC meetings, including São Paulo, as the Series seems to be positively resonating with current users and new stakeholders. Several regions of the world which have not traditionally been involved in dispute resolution conferences or discussions are becoming ever more interested in the matter, increasing the responsibility of those involved in the process. Singapore has demonstrated interest in staging the opening event, while England will probably stage the last one.

The overall goal of the Series is to create a deeper engagement towards the use of ADR methods, focusing on aspects such as what needs to be done in order to further encourage its adoption, the provision of wider access and better quality of justice, among others.

These events will also be important to allow the dispute resolution market and all participants to consider whether it is worth adapting existing services to better suit stakeholders’ needs and means.

(iii) UNCITRAL’s debates on the regulation and enforcement of international mediation settlement agreements.

While the students were playing the roles of professionals to get a hypothetical agreement in mediation, on the other bank of the Danube, at UNCITRAL headquarters, many country representatives were discussing the actual enforceability this kind of agreement would reach in the international commercial field.

With different national legal treatments, this sort of cross-cultural discussion is very rich and should have positive outcomes in the exchange of good practices in different systems. The prospect to have a harmonization document in this opportunity will certainly bring, if not a convention, at least a better understanding of how things work in different jurisdictions.

As for myself I was also granted a bonus, which was to meet my fellow friend from Kluwer Blog, Geoff Sharp, as I am a big fan of his posts.

I would like to congratulate Claudia Winkler, the competition director, for the outstanding work with the CDRC. After all I have experienced in Vienna, I can only say I am really looking forward to what 2016 has in store for us !

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