

# Kluwer Mediation Blog

## A Study on Dispute Resolution Culture in Belgium: An Invitation to Share Your View on Key Results

Dr Dilyara Nigmatullina · Saturday, March 11th, 2023

### Introduction

In September 2022, a team of researchers from the Faculty of Law of the University of Antwerp ([Law Enforcement Research Group](#)) and [Conflicool](#) (a not-for-profit organisation dedicated to the amicable resolution of disputes) conducted a large-scale empirical study on dispute resolution culture in Belgium. The study was undertaken via a survey administered by [YouGov](#) and circulated among a nationally representative sample of Belgian residents. The research team collected 2005 completed surveys.

The survey aimed to gather data from Belgian residents about their awareness of and attitudes to various ways of handling disputes as well as any experience with handling disputes. The survey had a particular focus on the use of mediation.

### Key results

#### *Awareness of and attitudes to ways of handling disputes*

The survey results demonstrate that the top two sources of information to help respondents better resolve their disputes are websites or apps (28%) and lawyers (27%). The factor that is most significant when choosing a particular way to handle a dispute is its cost (67%).

Many of the respondents appeared to be familiar with mediation. When asked to choose the most accurate description of the term “mediation” among those suggested, most of the respondents chose the right one (58%). The respondents regarded saving money as the top reason to consider mediation as a process to resolve a dispute (56%). The top reason why the respondents would not opt for mediation was that it is only possible if the other party is willing to participate (66%).

When asked to choose between court and mediation, the respondents preferred mediation to resolve disputes within their family (65%), at work (58%), with a neighbor (74%), and with a highly emotionally invested person (57%). It is also the process of preference to resolve disputes that involve a small amount of money (70%) and simple issues (62%). However, the respondents’ preference would lie with court if disputes involve a large amount of money (67%), IP or copyright (62%) or complicated issues (76%).

More than half of the respondents felt comfortable resolving disputes via mediation (54%), while

only 10% indicated that they would feel uncomfortable about it. The respondents reported that their level of comfort would increase even further, if they had more evidence of mediation's effectiveness (i.e., the likelihood of reaching a settlement) (49%) and if they knew how to find a competent and trustworthy mediator (49%).

### ***Experience with handling disputes***

When asked, 49% of the respondents reported experience of a dispute over the past three years. Most of these disputes related to goods or services (40%), family (28%), housing (23%) and employment issues (18%).

Most often the respondents used websites or apps (45%) to obtain information to help resolve their dispute. Additionally, 60% of the respondents sought independent advice. Of those that sought advice, most consulted a lawyer (46%) and family or friends (31%).

As part of resolving their dispute, the respondents most commonly resorted to communication/negotiation with the other side (36%). Also, quite often one side went to court (21%). Mediation was used by 11% of those who experienced disputes. When asked about the reason for using mediation, most often the respondents referred to saving costs (41%). The majority of the respondents (59%) reported achieving their goal by using mediation.

In 31% of cases, the problem outcome was brought about by an agreement that parties reached either on their own or with the assistance of a mediator. In 21% of cases, the outcome was brought about by a court judgment.

### **Preliminary observations**

Several preliminary observations can be made at this early stage of analysis of the results:

1. Cost emerged as a key factor in choosing a way to handle disputes in general and in choosing mediation in particular.
2. The role that websites and lawyers play in parties' choice of a path to resolve their disputes cannot be underestimated.
3. The respondents appear to have formed an opinion about the unsuitability of mediation for particular types of disputes, e.g., involving a large amount of money or complicated issues. However, this perception might not be in line with mediation practice and wider mediation experience.
4. The current Belgian legislation already allows a judge in certain stages of proceedings to impose mediation provided one party agrees to it. However, perhaps the main reason for not opting for mediation signals that there is a demand for introducing other more rigorous incentives requiring parties to attend mediation (for example, as is done with the Italian legislation providing for mandatory mediation in certain cases with the possibility for parties to opt out)?

### **Share your view**

This post highlights only a part of the survey results. Other results address the respondents' perceptions of and experiences with ODR and the ICT tools, among other issues. A more complete and detailed report of the survey results may be consulted in four languages at <https://conflicool.org/en-be/survey>.

We would love to know your thoughts on the study's results.

### Research team

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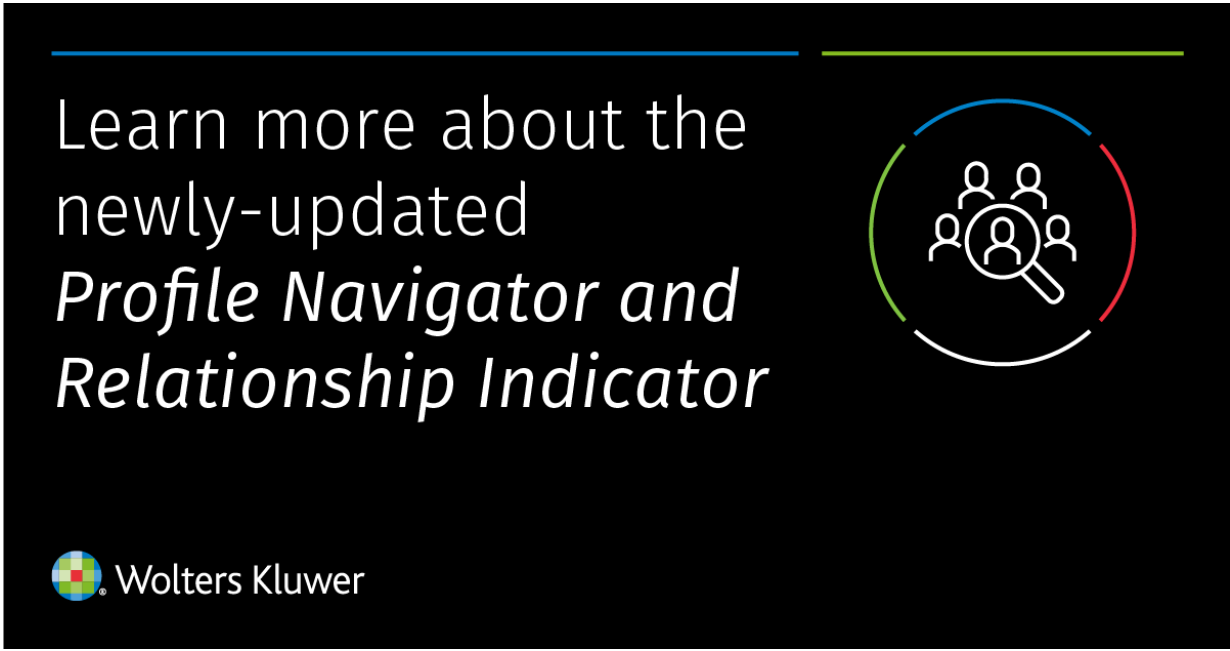
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