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### ADR developments abroad: Masters in mediation - European style!

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# ADR developments abroad: masters in mediation - European style!

Nadja Spiegel

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## ADR developments abroad

# ADR developments abroad

## Masters in Mediation — European Style!

*Nadja Spegel*

In Australia when we think of mediation training, we generally envisage a four or five day training course run by a mediation service provider or educational institution. Many Australian universities also offer postgraduate studies in mediation and ADR which generally provide a combination of theory and skills development subjects. Such studies typically take the form of postgraduate diplomas or Masters degrees offered by a university department or a multi-disciplinary mediation centre. Notably, there are no requirements that participants have previous qualifications or experience in mediation. One direct effect of this 'open' policy has been to lower the standard of postgraduate teaching and learning in this field. For example, postgraduate subjects in mediation in many law schools around the country offer a standard of instruction which is not dissimilar to that being offered at other schools on an undergraduate level. In fact, in some schools undergraduates sit in the same sessions with postgraduates and legal professionals enrolled in a certificate course.

### German conference

On the other hand, in terms of education and training the 'mediation experience' in many continental European countries has taken a considerably different route to that of Australia. In Germany, for example, the mediation wave has only just begun. 1997 saw the first major German conference on mediation which was organised by the University of Tübingen and the German Law Society. Over 400 delegates from a variety of disciplines including law, psychology, social work and politics attended. Currently a variety of mediation

training courses is on offer in Germany. They vary from intensive three day workshops to a series of workshops, lectures and work experiences over a period of two years. As in Australia, there are no national accreditation standards for mediators. Most universities on the Continent, in particular law schools, are yet to offer postgraduate course-work degrees in mediation or ADR. Referring once more to the example of Germany, there are currently no postgraduate course-work programmes in mediation or ADR on offer at any German university. Why? Some would argue it is a reflection of the fact that, at least in legal practice, the use of mediation as a dispute resolution tool is minimal. Others who believe that universities as educators need to be one step ahead of practice, suggest that it is the structure and resourcing of law faculties in Germany that does not encourage practice-oriented subject innovation.

### European Masters in Mediation

However, a recent educational innovation is setting the stage for significant developments in European mediation training and accreditation. It is called the European Masters in Mediation.

The European Masters in Mediation has been established by the University Institute Kurt Bösch in Sion, Switzerland and will be offered for the first time in November 1998. Only 80 candidates will be chosen every two years from throughout Europe to participate in the programme. It is open to university graduates who have had initial mediation training and a minimum of three years experience in conflict management. Accordingly, students will begin with a certain level of knowledge, qualification and experience

in this field. In order to complete the Masters programme a commitment of 1000 hours of study and work placements over a period of three years is required. The European Masters in Mediation is supported by the United Nations with Ms Renate Winter, judge and UN representative chairing the European Scientific Council. The Council acts as guarantor of the academic and scientific standards of the Masters programme.

The University Institute Kurt Bösch, a private foundation, views mediation as being ideally suited to facilitating conflict resolution in a changing world, as it places emphasis on social relations. Formed in response to the requests and proposals of a number of institutions, the course seeks to provide mediation skills and knowledge at a postgraduate level. The European Masters in Mediation is a multi-disciplinary programme, and it seeks to distil the knowledge and procedural efficiency of mediators from a variety of different fields and countries throughout Europe. The programme operates in conjunction with a number of universities throughout Europe, including the London School of Economics and the Universities of Geneva, Barcelona, Leuven, Hagen and Lyon.

The aim of the European Masters in Mediation is to promote the use of a global and transversal approach to mediation throughout Europe. The teaching approach taken by the organisers is primarily interactive, focussing on tutorials, individually designed projects and practical training. Theoretical issues are not the sole focus of learning, instruments such as role-play, case studies and documentary research are utilised.

The programme's structure ➤

➤ falls into three parts. First, students are supervised in their home countries by tutors and members of the partner universities. Secondly, there is an intensive series of summer seminars (six weeks in total) at the University Institute Kurt Bösch. These seminars are carried out over a period of two years. Finally, students must complete at least one work placement as a mediator in a foreign European country.

The Masters programme is unique in that it receives input from a Europe-wide network of universities and students, which allows the programme to achieve a pan-European dimension. It is anticipated that graduates will leave the programme with the intellectual framework and practical skills necessary for the role of mediator including a greater understanding of the ethical, philosophical and theoretical basis of mediation and a greater appreciation of the cultural and social dimensions to a mediator's role. The Masters degree also provides graduates with the skills necessary to establish and run mediation

services in their own countries, and to develop and implement mediation projects.

The European Masters in Mediation goes much further than other postgraduate offerings in ADR across the globe. Not only does it require students entering the programme already to possess a certain level of expertise in the area of conflict management, but the curriculum mirrors the collaborative nature of mediation itself through its multi-disciplinary and inter-university approach as well as the requirement of student work experience in at least one foreign country.

The progress of the European Masters in Mediation will definitely be something for mediation trainers and educationalists to monitor in the coming years. ♦

*For further information, log on to the web site of the University Institute Kurt Bösch at <http://www.ikb.vsnnet.ch/mediae.html>.*

*Nadja Spegel, Senior Lecturer in Law, University of Queensland*

## Recent Developments

- The Australian Law Reform Commission has produced Issues Paper IP 25 in its Review of the Adversarial System of Litigation. This paper is entitled 'ADR — Its role in federal dispute resolution' and the Commission invites public comments on the paper. Phone 02 9284 6333 or fax 02 9284 6363
- Standards Australia has issued a Draft Australian Standard, 'Guide to the prevention, handling and resolution of disputes' for community consultation and comment. Contact Standards Australia, phone 02 9746 4700 or Fax 02 9746 8450.
- The Franchising Code of Conduct has been published and applies to new, extended or renewed franchise agreements from 1 October 1998. Contact the Australian Competition and Consumer Commission, phone 02 9230 9133 or Fax 02 9223 1092, or Franchising Policy Council, Office of Small Business, PO Box 9879, Canberra, ACT 2600.

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