

## The 3 minutes of GENEVACCORD ADR – No.18, June 2016

### SDM-FSM Swiss Mediation Days, 3 and 4 June 2016: Overview of a very successful event

The SDM-FSM Swiss Mediation Days 2016 were especially intensive.

The organizers and the SDM-FSM committee members had chosen the theme of "Homo Mediator" for this tenth session.

Mediators were therefore at the heart of the debate, highlighting their differences but above all their shared passion for mediation.

Speakers, distinguished Swiss and international figures, and experienced mediators were invited to the event to discuss many topics relating to mediation.

These included: ethics; influence and manipulation; quality as a prerequisite for successful mediation; myths around practices; the value of dialogue; and the different roles and facets of the mediator.

The various workshops were very informative, full of discussion and emotion.

The panel on "Mediation: Quo Vadis?" resulted in extensive discussions, varying between optimism and pessimism.

The final subject, "SDM-FSM: its origins and more importantly, its future" was covered by the President, Andréa Staubli.

The event reached the following main conclusions:

- mediation, although still limited, is taking off everywhere but the more it advances, the more risks, pitfalls and opponents are also in evidence;
- there is no doubt that restorative justice must be prioritized at all costs before arbitration or court proceedings;
- the umbrella organization SDM-FSM protects Swiss mediators.

There were over 230 participants from throughout Switzerland and abroad - an exceptional gathering! The SDM-FSM finds this increasing interest in the Swiss Mediation Days very encouraging.

Guy A. Bottequin had the pleasure of taking part in the event. He was the moderator for the round table on "Mediation: Quo Vadis?" and had the honour of delivering the closing speech alongside the president, Andréa Staubli.

[Read Guy A. Bottequin's speech \(in French\)](#)

[Read the press release \(in French\)](#)



4 June 2016

"Mediation: Quo Vadis?" panel

Left to right: Prof. Dr. Anusheh Rafi, Andréa Staubli,  
Guy A. Bottequin, François Staechel , Dr. Barbara G nther



**SDM-FSM**

Schweizerischer Dachverband Mediation  
F d ration Suisse des Associations de M diation  
Federazione Svizzera delle Associazioni di Mediazione

### Saturday 18 June 2016 : Mediation Day

At the initiative of the mediation organizations and federations of Switzerland, Germany and Austria\*, 18 June has been declared Mediation Day (Vienna Declaration 2013).

Events were organized throughout Switzerland to recognize mediation.

[See press release \(in French\)](#)

GENEVACCORD ADR SA also organized an activity (see Page 2).

Visit the website:

[www.journeedelamediation.ch](http://www.journeedelamediation.ch)

\*ASM, BAFM, BM, BMWA, SCCM, SDM-FSM,  BM and  NM.

➤ **11 May 2016 in Liège, Belgium:  
Training day on "Mediation, an art which can be learned"  
Organized by the Higher Education Institution of the Province of Liège (HEPL)**

Guy A. Bottequin spoke at HEPL, where around 137 professionals and students had gathered for the event. After viewing excerpts from SWEET JUSTICE, the audience were able to ask Guy A. Bottequin questions, particularly on the importance of individual consultations, tools for breaking a deadlock, the issue of empathy, the role of legal counsel in mediation, the optimal length of mediation sessions, etc.

This was followed by role-play where the same script was performed first by students specializing in mediation, then by the professional mediators Carole Coune, Michel Gonda and Guy A. Bottequin.



Fabienne Bayard

Justice Fabienne Bayard, President of the Commercial Court of Liège (*see photo*), gave a notable speech on the theme: *"Is mediation a matter for judges?"* At the end of her speech, she read out testimonies from lawyers who had had a positive first experience of using mediation while acting as counsel. An emotional moment!

Many thanks to HEPL for organizing this event.

➤ **1 June 2016 in Thionville, France:  
"Thionville Mediation at the Movies" film evening  
Held by the organization Thionville Médiation**

Thionville Médiation organized a screening of excerpts from SWEET JUSTICE with commentary by Guy A. Bottequin, on 1 June 2016 in Thionville. Discussions carried on late into the night.

The audience of around one hundred people mainly comprised mediators, judges and lawyers from the Luxembourg, Metz and Thionville Bar Associations.

In particular, they included:

- Marc Hechler, President of the High Court of Thionville
- Claude Chevalier, Honorary Advocate General, Metz Court of Appeal
- François Staechelé, Honorary President, Metz Court of Appeal
- Dominique Albagly, President of Commercial Chamber, High Court of Thionville
- Benoît Devignot, Vice-President, High Court of Thionville
- François-Xavier Koehl, Family Court Judge, High Court of Thionville
- Marc Baerthélé, President, Bar Association of Thionville
- Lydie Err, Ombudsman, Grand Duchy of Luxembourg
- Several mayors and political figures from Thionville and the surrounding area

Our thanks to Isabelle Bertrand-Lorentz, Vice-President, Caroline Guénault-Jajko, President of Thionville Médiation, and to the whole organization for their hospitality.

➤ **18 June 2016 in Crissier, Lausanne, Switzerland:  
Screening and dinner debate: "Romandy at the Movies"  
Organized as part of Mediation Day**

The goal was to promote mediation through a friendly gathering with a small group.

One of the participants gave this response:

*"I was delighted to get to see the play SWEET JUSTICE, which I knew only by reputation... I loved it! The style of presentation, alternating excerpts with commentaries and discussion; your clarifications and those by M. Bonnart; everything was very well done and was completely enthralling."*



Fédération Nationale des Centres de Médiation

The National Federation of Mediation Centres (FNCM), chaired by Claude Duvernoy, strongly encourages events like this which aim to promote conflict mediation throughout France and Europe.



[Article in "Le Républicain Lorrain" \(in French\)](#)

Isabelle Bertrand-Lorentz,  
Caroline Guénault-Jajko

**SWEET JUSTICE in your town!**

You too could organize a performance or a screening of the play  
and hold a mediation event in your town!

**Contact: [mediation-rp@genevaccord.com](mailto:mediation-rp@genevaccord.com)**

## Launch of *Fédération Genevoise MédiationS* (Geneva Mediation Federation, FGeM)

The *Fédération Genevoise MédiationS* (formerly *Association MédiationS*) held its launch event in Geneva on Tuesday 17 May 2016.

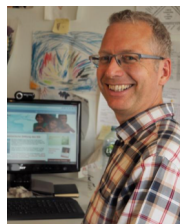


www.fgem.ch

It is co-chaired by Ida Koppen and Stephan Auerbach (see photos).



Ida Koppen



Stephan Auerbach

To mark this official opening, the SDM-FSM president Andréa Staubli sent a letter to the gathering, wishing the FGeM every success in achieving its goals and expressing enthusiastic support from the SDM-FSM, which is eager to work with the FGeM in future.

[Download the letter \(in French\)](#)

## Creation of a police mediation body (*Organe de Médiation de la Police, OMP*) in Geneva

To prevent and resolve conflicts between the police and the population, the Canton of Geneva has endowed the police with a neutral, independent and confidential mediation body.

A preliminary test period, lasting several months, confirmed the need for and value of the OMP.

The State Council has appointed Fabienne Bugnon as lead mediator for the mediation body.

The OMP has been introduced in light of the new police law (F1 05) which came into force on 1 May 2016.

Article 62 gives the body responsibility for:

- "a) giving a hearing to detainees who have a grievance about the actions of the police;
- b) giving a hearing to police officers who have a grievance in the course of their duties;
- c) undertaking attempts at mediation;
- d) ensuring the public has good understanding of the role of the police."

This body is therefore directed at citizens as much as police staff.

Further information (in French):

[www.ge.ch/mediation-police](http://www.ge.ch/mediation-police)

[See leaflet \(in French\)](#)

## Friday 1 July 2016: Guy A. Bottequin invited to the Cabourg Conference on "Mediation - Conflict Prevention and Management"



Programme de la journée du 1er Juillet 2016

**LE MATIN**

- 8h45 Accueil des participants
- 9h15 Propos introductifs de Maître Bertrand BRUNEAU de la SALLE, Bâtonnier de l'Ordre des Avocats de CAEN
- Définition et genèse de la médiation, médiation conventionnelle des entreprises, validation des accords & retour d'expérience
- Monsieur Claude DE DONCKER, médiateur
- Maître Laurent DRUGEON, avocat au barreau de Rennes et médiateur
- Maître Dominique MAUGEAIS, avocat au barreau de Caen et médiateur sur la validation des accords
- Monsieur Thierry LUGBULL, directeur de l'hôpital mémorial de Saint-Lô
- 12h30 Déjeuner libre

**L'APRES-MIDI**

- 14h00 Table ronde
- Intérêt de la pratique des MARD, Pratique de la médiation judiciaire et conventionnelle
- Madame LEPRINCE NICOLAY, Présidente du Tribunal de Grande Instance de CAEN
- Madame Natalie FRICERO, directrice de l'IEJ à la faculté de Nice Sophia Antipolis
- Madame Armelle DE LAGARDE, médiatrice et formatrice en médiation notamment en entreprise
- Moderateur : Maître Dominique MAUGEAIS
- Diffusion de la pièce SWEET JUSTICE (extraits) en présence de Monsieur Guy BOTTEQUIN, fondateur et Président de GENEVACCORD (ALTERNATIVE DISPUTE RESOLUTION), médiateur
- Puis échanges avec l'auteur, la salle et la presse
- 17h30 Cocktail

Validée au titre de la formation continue des avocats

A day of training in conflict prevention and management, as part of the mediation process, is being held by the Bar Association of Caen on Friday 1 July 2016, at the Grand Hôtel in Cabourg.

Guy A. Bottequin has been invited to show and comment on the play SWEET JUSTICE (excerpts), followed by a public and press discussion.

The day will be introduced by Bertrand Bruneau de la Salle, President of the Bar Association of Caen. The following themes will then be discussed:

- ◆ **Definition and origins of mediation, conventional mediation for companies, validating agreements and sharing experience:** Claude de Doncker, Laurent Drugeon, Dominique Maugeais and Thierry Lugbull.
- ◆ **The benefits of using ADR, court mediation and conventional mediation:** Marie-Christine Leprince Nicolay, Nathalie Fricero and Armelle de Lagarde.  
*Moderator: Dominique Maugeais.*

ORDRE DES AVOCATS DE LA COUR D'APPEL DE CAEN  
3 avenue de l'Hippodrome - Espace Conquérant - 14000 Caen - 02 31 86 00 35 - barreau@caen-avocats.net



[See full program \(in French\)](#)

The day counts towards continuing professional development for lawyers.

### **The 9<sup>th</sup> ICP International Summer Academy & Forum: Mediating company-community conflicts**

The Institute for Conflict Transformation and Peacebuilding (ICP) organizes its 9th International Summer Academy and Forum 2016 in Caux, Switzerland, 12-16 July 2016.

The 9th International Summer Academy and Forum 2016 offers its participants an overview of the problems that arise due to the impact of companies setting up in complex environments and how to address them through mediation and dialogue.

These businesses have a direct impact on communities and their habitat therefore sometimes causing complex conflictive situations locally without the political or social infrastructure to address them. Due to the absence of these structures, resulting conflicts can often not be prevented or properly addressed. The situations include complaints in property rights, employment opportunities, protests about water use or environmental degradation.

Reactions by the concerned communities may escalate rapidly, affect the companies' reputation and lead to high costs due to loss of production and time invested to manage conflicts from the company's side. Furthermore local communities have expectations towards the industry regarding the distribution of wealth or the socioeconomic development of their region. Companies have the potential to play an important role for development and stabilization in these complex environments, win-win solutions are possible and ICP would like to explore this avenue.

In addition to the knowledge transfer and skills development (academy part), the event will also allow you to connect with peers and experts, create networks and develop further your own activities and projects in the field (forum part).

For details please click here:

<http://www.iicp.ch/summer-academy>

**ICP**  
Institute for  
Conflict Transformation  
and Peacebuilding

*Pascal Gemperli, Director  
Institute for Conflict Transformation  
and Peacebuilding*

**Order the performance of  
SWEET JUSTICE  
on USB stick!**



[Click here](#)

**The poetic reflection of the  
month is a comment by Guy A.  
Bottequin on the absolute ne-  
cessity of establishing dialogue  
with policy-makers:**

*“The future  
of conflict mediation  
is not  
what will happen,  
but  
what mediators  
will make it.”*

*Guy A. Bottequin*

Editor in Chief: Guy A. Bottequin  
Translation: Belinda Allen