



## **Matra Pre-Accession Training on Rule of Law (MATRA PATROL)**

**Strengthening government institutional capacity in the  
area of the Rule of Law**

**10 day training programme on the subject**

# **Alternative Dispute Resolution**

**for a total of 25 civil servants from the following countries:**

**Albania, Bosnia-Herzegovina, Kosovo, Macedonia,  
Montenegro, Serbia and Turkey**

**18 – 28 October 2015**

**The Hague, the Netherlands**

**Developed and delivered by: T.M.C. Asser Instituut [www.asser.nl](http://www.asser.nl)**

**Financed by: The Netherlands Ministry of Foreign Affairs**

**This training programme is one of a series of eight individual training  
programmes being delivered per year in the period 2012-2015**

## **Core Information**

### **This training on Alternative Dispute Resolution (ADR) is intended for:**

Participants from the target countries working for the judiciary, Chambers of Commerce and organisations involved in arbitration and mediation are invited to apply. Considering that support from national courts is crucial for the proper functioning of ADR, the course may prove particularly useful to participants working for the judiciary.

The training is intended for key figures in a position to apply the newly gained knowledge and make a valuable contribution to their respective organisations.

The maximum number of participants is 25. The total will represent a balance in the number of participants from the individual countries.

### **Objectives:**

The general aim of this training programme is to stimulate and support the government of the Netherlands' policy on European integration by aiding and promoting institutional capacity building in the fields of the *Rule of Law* within government organisations in the target countries. This is achieved by sharing the necessary knowledge and skills with policy advisors, members of the judiciary and other civil servants working in the justice sector and helping them to lead and inspire the modernisation of the judicial systems of their home countries building from the Dutch experience (*strict and fair*).

The secondary objective of the training is the creation of networks among the participants and between the participants and the (guest) lecturers and relevant government departments in order to promote the transfer of knowledge and the strengthening of local expertise in the various areas of policy. Also the purpose is to stimulate collaboration amongst participants and participants and lecturers, as well as to promote the development of sustainable, transnational networks of experts, enabling the local experts, possibly together with consortium partners, to train new experts in the region (Train the trainer).

<b>Eligible countries:</b>	Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro, Serbia and Turkey.
<b>Application deadline:</b>	16 August 2015
<b>Training period:</b>	18 – 28 October 2015
<b>Language:</b>	English
<b>Programme Costs:</b>	The Netherlands Government will provide full fellowships to selected participants. Each fellowship will cover the cost of international travel (economy), board and lodging, visa and insurance, tuition fees, lecture materials and excursions.
<b>Location:</b>	The Hague, the Netherlands
<b>Training venue:</b>	<a href="http://www.asser.nl">T.M.C. Asser Instituut</a> R.J. Schimmelpennincklaan 20-22, 2517 JN The Hague <a href="http://www.asser.nl">www.asser.nl</a>
<b>Hotel accommodation:</b>	<a href="http://www.hotelcourtgarden.nl">Hotel Court Garden</a> , The Hague

## **Introduction**

In order to simplify and improve the fundamental principle of access to justice it is essential to enable the development and appropriate operation of alternative, extra-judicial procedures for the settlement of disputes, particularly in civil and commercial matters. The view of the EU legislator expressed in the Preamble of the Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (hereinafter: Mediation Directive) is illustrative in this respect: *'the objective of securing better access to justice, as part of the policy of the European Union to establish an area of freedom, security and justice, should encompass access to judicial as well as extrajudicial dispute resolution methods'*.

The purpose is to promote the public good of reducing litigation, promoting access to justice and ensuring the proper functioning of the internal market. Thus, the need to 'facilitate a move towards a more modern mediation-friendly justice culture', as well as the need that the Member States 'encourage and promote the use of a future ADR centre' is emphasised.

The relevance of arbitration has been growing steadily, particularly in resolving commercial disputes involving international elements.

Taking into consideration the relevance that the EU legislator attaches to mediation and other out-of-court means of dispute resolution it is essential for the strengthening of the rule of law in the target countries to ensure that an appropriate legal framework is in place and that appropriate steps have been taken in strengthening the organisational and functional framework. The purpose of the programme is to assist the judicial and administrative institutions, as well as organisations that provide services and promote various out-of-court means of dispute settlement in the target countries in their efforts to improve the effectiveness in protecting legal rights and interests of individuals and legal persons. This is an important part of legal reforms on a larger scale, necessary to comply with the requirements for a possible EU membership, as well as an essential part of social transformation towards democratic structures. The Progress Reports of the Commission to the Parliament and the Council for almost all target countries illustrate that backlog of cases undermines the efficiency of legal proceedings.

Therefore the interest for improving efficiency in administration of justice, particularly those involving cross-border elements, in the target countries is evident. It enhances legal certainty and predictability for the citizens and legal persons and accordingly contributes to strengthening democracy and the rule of law in these jurisdictions. An accessible, impartial and effective ADR system is an important aspect in enhancing the efficiency of legal proceedings, taking appropriate measures in reducing the backlog of cases and consequently improving the access to civil justice.

## **Training programme goal**

The course addresses various forms of dispute resolution in civil and commercial matters in order to illustrate the advantages of a certain method for a particular type(s) of dispute(s). The purpose is to provide the participants with the insights in the complementary/supplementary character of various forms of dispute resolution and the need for cooperation and coordination between different instances (the courts, arbitral institutions and mediation centres) in target countries in order to enhance the efficiency in dispute resolution and a wider use of out-of-court settlement mechanisms. The course is focused on arbitration and mediation. The legislations of target countries in these fields of laws are compared with Dutch legislation and practice. Besides, their compliance with the EU and internationally accepted standards is examined. Not only the legal framework is addressed, but also organisational and structural aspects of arbitration and mediation in the target countries are dealt with (arbitral institutions, mediation centres and their rules, as well as disciplinary rules and qualifications of arbitrators and mediators).

## **Approach**

The training programme will have a practical and interactive character. This is in line with the objective to share knowledge and strengthen the co-operation between the public servants and magistrates of the participating countries.

## **Training programme structure**

The programme will stimulate much participant interaction and is built around three balanced, mutually supportive and integrated components, namely:

- Theory
- Practical Skills
- Study visits/Social programme

On completion of the training, participants will:

- Have insight in actual developments that influence the administration of justice;
- Know how the Dutch administration of justice and judicial procedures are organised;
- Be able to use the acquired knowledge and best practices as a source of inspiration for dealing with challenges related to the improving the access to justice in their own countries;
- Be trained in the practical application of specific subjects and in a number of needed practical skills;
- Have had the opportunity to share knowledge and experiences;
- Have had the opportunity to create new professional cross-border networking relations.

## **Lecturers**

All programme lecturers are carefully selected and have broad European experience, particularly in the target countries, with respect to the many aspects of legal reform. They have an open eye for differences in national systems and have a thorough understanding of and practical experience in the problems the participants face at home.

Lecturers are drawn from:

- The Ministries of Security and Justice, of Economy and of Foreign Affairs of the Netherlands and other Dutch policy departments;
- Academic Institutions and NGOs;
- The courts and law firms, Arbitration and mediation institutions.

## **Admission Requirements**

Important points on which the selection of participants will largely be based are:

- The applicant must be a professional working at a (semi) governmental organisation;
- The applicant should clearly demonstrate an immediate need for this specific training;
- The applicant should have experience with the current judicial practices and the many aspects of the judicial (legal) reform in his/her country;
- The applicant should command a good level of spoken and written English;
- The applicant should be highly motivated and enthusiastic;
- The applicant should be comfortable sharing his/her knowledge with fellow participants (solo presentation during the programme will be required);
- The applicant should have at least 3 years of working experience and preferably be in a decision-making function;
- Signed letter of recommendation of current employer.

## **How to Apply**

Please read the [admission requirements](#) carefully. Applicants who satisfy all of the requirements may proceed to complete the [application form](#).

Qualified applicants must obtain permission to attend this training programme and need to submit a signed letter of recommendation from their current employer/superior.

Applications should be submitted **before 16 August 2015**.

Only fully documented applications will be considered. Admission will be on a merit and competitive basis. The applicants will be selected by the applicant's National Government and the Embassy of the Kingdom of the Netherlands in the applicants' country. Staff at the Embassy will also assist with visa requirements where applicable.

Successfully uploaded applications will receive an automatic e-mail confirmation. Please contact [matrapatrol@asser.nl](mailto:matrapatrol@asser.nl) if you have not received an automatic e-mail within one hour.

Applicants will be informed of the result of their application some three to four weeks before commencement of the training programme.

## **T.M.C. Asser Instituut**

Located in the 'international zone' of The Hague – the City of Justice, Peace and Security, The T.M.C. Asser Instituut (1965) is a unique, strongly networked, inter-university centre. The Institute harbours extensive knowledge on actual developments in the law. This knowledge is created and maintained in the areas of public and private international law, European Law and International and European sports law. The Institute is specialised in research, training and education and valorisation. It is a leading and authoritative provider of quality (executive) education and training to students and professionals operating in the judicial sector with a focus on International Law. The T.M.C. Asser Instituut has a long and rich tradition in successfully developing and delivering topical and quality training programmes to participants from the (international) judiciary and civil servants.

Its core activities of fundamental and applied research, postgraduate education/ PhD candidate guidance, executive training, publishing and knowledge dissemination and valorisation are predominantly carried out from its premises in The Hague, but the Asser Institute also delivers various services abroad (capacity building, technical support and "on demand" training).

Building on more than forty five years of experience, the Institute has an excellent track record and real-world experience at national and international level in serving its diverse population of stakeholders (e.g. policy research for governments, capacity building in developing countries judiciaries and the development and delivery of innovative education models).

Website: [www.asser.nl/matrapatrol](http://www.asser.nl/matrapatrol)

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