

Newsletter 4

January-February 2020



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13-17 January 2020
Murcia, Spain
Training 2 and Study Visit 3

13 - 17 January 2020 activities within the project Erasmus+ «Mediation: Training and Society Transformation (MEDIATS)», namely the second part of the training for the academic staff of the Master Degree Program in Mediation and third Study Visit were held at the Universidad Catolica de Murcia (UCAM) in Spain, with participation of partners from Azerbaijan, Georgia, Latvia, the Netherlands, Spain and Ukraine.

The participants of the EU-funded Erasmus+ project MEDIATS: academic staff/lecturers of Master Degree Program in Mediation of partner HEIs continued the training on mediation, the first part of which was held in Riga (Latvia) 9-13 December 2019. The training was developed on the basis of the program of the Netherlands Business Academy, supplemented with the experience of Turiba University, Latvia, and UCAM, Spain, included theoretical and practical parts. After the training participants received the certificates.

In parallel the third study visit was organized, which included learning of processes and environment of mediation in Spain, project management meetings, University tour. The program included external visits to Mediation Association, to the House of Justice of Murcia and Professional Attorneys College of the Region of Murcia. Representatives of HEIs had the opportunity to discuss preparation of joint projects with UCAM, to learn their experience in different fields, plan future activities and dissemination of project results.



Article on Mediation from Yuriy Fedkovych Chernivtsi National University “Training as a European educational and methodological innovation!”

It is impossible to reach the horizon – says one of the Greek axioms. After all, the horizon is a line of sight collision of the sky with the earth or water surface. With what force you would approach it, to the same extent it would inevitably distance itself from you.

But there are paradoxes here as well, and steps beyond the horizon are possible if the arsenal has the proper purpose and tools for its realization. It convinces already gained experience of the project team of Yuriy Fedkovych Chernivtsi National University on the implementation of the project “Training and Society Transformation“. To put it most succinctly, the aim of the project is to study the experience of EU Member States in the field of mediation, to rethink it through the matrices of national culture and to implement it in Ukraine, Georgia and Azerbaijan.

Study visits by project partners to the Breda Netherlands Business Academy in the first half of February 2019, to Turiba University in Riga (Latvia) in the first half of December 2019 and to Catholic University of Murcia (Spain) in mid-January 2020, which just ended became a fundamental step in this path. **The highlight of these study visits were trainings for the teaching staff of the partner universities of the project from Ukraine, Georgia and Azerbaijan.** These training were conducted by highly professional teachers and mediators at the same time: *Jan van Zwieten, Dana Rone, Marjon Kuipers, Gea van Klompenburg, Francesco De Angelis.*



We, as scientific and pedagogical staff of the Faculty of Law, have discovered for ourselves, perhaps the most effective form of implementation of the educational process at the university, known to us so far – **training!** As it turned out, training as a form of learning is very active and skillfully used in many European universities, including for the purpose of teaching students mediation and other alternative ways of conflict resolution.

When the lecture has actually ceased to be the main form of the educational process, and the main purpose of teaching a law student is to prepare him for the **effective practical application of the law**, training as a form of the educational process in law school currently has no alternatives. It was the training form of mediator craft training, applied sequentially by the Grant Holder of the Breda Business Academy, as well as Turība University (Latvia) and the Catholic University of Murcia (Spain), that allowed listeners to master appropriately the skills of practical direction without which there is no mediator. But the competencies of the lawyer, not only special but also general, are intended to have a purely practical direction.

The philosophy of mediation training was based on adherence to interactive, dialogical and alternative methods of conflict resolution, a combination of online and intensive personal study, on applied thematic trainings for the preparation of students, which were reduced to mastering basic practical skills of the mediator, models of mediation, ability to resolve disputes between parties with different interests and desires. Coach teachers used a wide variety of formats, including lectures, videos, discussions, role-playing games, brainstorming, and simulation exercises.



New methods of assessing students' competences, which, without resorting to "inhuman" computer technologies, also allowed to obtain sufficiently objective results of the measurement of the competences acquired by the participants of the training, were also interesting and effective. This is a simultaneous assessment of the same parameters of the competency of the trainee by four or five teachers, independently of one another, and the output of an appropriate average grade. This method effectively prevents the subjectivity of the assessment by the teacher, minimizes other random factors of assessment, and therefore should be creatively applied in the future only state master's qualification exam in Ukraine.

Experience gained by scientific and pedagogical staff of the Law Faculty of Yuriy Fedkovych Chernivtsi National University, who are implementing the grant project "Mediation: Learning and Transformation of Society" during training visits to European partner universities, is interesting and by a number of other **methodological findings** that can and should be implemented in the educational process at the faculty. All these educational and methodological innovations have enabled us to take a number of steps beyond the horizon on the way to the implementation of mediation in Ukrainian society.

Author of the article: Ruslana Havrylyuk, Head of the Department of Public Law, head of the project team of Yuriy Fedkovych Chernivtsi National University of the project "Mediation: Learning and Transformation of Society".

**Article on Mediation from
V.N. Karazin Kharkiv National University**

**Mediation as a Component of Conflict Management: Experience of
European Union Countries and its Implementation in Ukraine**

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- DOI:** [https://doi.org/10.33296/2707-0654-7\(14\)-10](https://doi.org/10.33296/2707-0654-7(14)-10)

Abstract

In the context of transformation of all spheres of life, the ability of people to effectively communicate and resolve conflicts that arise throughout life is of great importance. The congestion of courts, the length and high cost, inflexibility and regularity of the judicial way of resolving conflicts in civil, family, labor and other areas of law make it necessary to resort to alternative approaches to dispute resolution (ADR). Of particular importance is the ability to use mediation procedures – an informal and flexible dispute resolution process. Mediation is free from the disadvantages of litigation: the European experience shows that the basic principles of mediation are voluntariness, autonomy of the parties, confidentiality of the procedure, the neutrality of the mediator, unlike a judge or lawyer. The actual application of these principles and rules of mediation allows for excellent results in conflict resolution - the practice of EU countries and associated members indicates that between 80% and 100% of cases are resolved through mediation.

The article discusses in detail the experience of EU Member States in applying mediation practices: models of keeping a register of mediators (registering is possible by a single state body, more often it is the Ministry of Justice; registers can be maintained by a single non-governmental organization, for example, mediators' associations of a country;

which unites mediators and each is responsible for its own register), the requirements for the qualification and professional level of mediators (usually any person without restrictions on the profession can become a mediator; but often the age criterion is used), the regulatory framework for mediation (mainly mediation is governed by the relevant country law, but also the approach without legislative regulation of mediation procedures, for example, in the Netherlands), the cost of mediation procedures (mainly depends on the complexity of the conflict case and the field of the case). The role of mediation in resolving labor disputes is considered: models of application of mediation in companies, issues of organization losses in the event of conflicts and their improper resolution, directions of improvement of the system of conflict management in organizations taking into account the European experience.

Keywords: alternative dispute resolution, effective dispute resolution, mediation, mediator, conflict management

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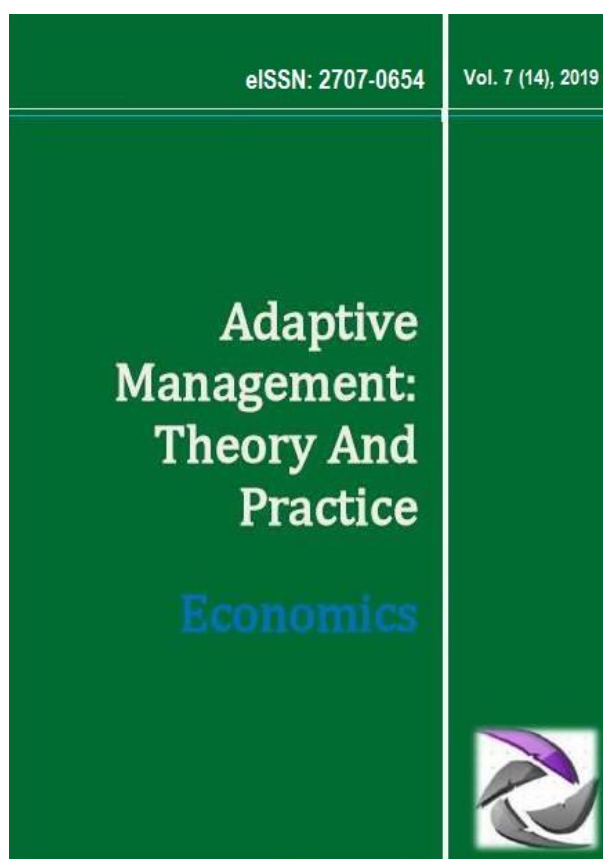
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Methodological seminar on Mediation V.N. Karazin Kharkiv National University

On January 23, 2020 within the framework of the Erasmus + project MEDIATS was held a methodological seminar on Mediation, where the project was disseminated. During the seminar the project manager, Ph.D. Yulia Kvitka informed about the project, the main goals and objectives, the events and tasks already implemented, as well as the Master's program, which will be implemented at Karazin Business School from September 2020.

Assistant Professor Olena Parkhomenko made a presentation about mediation in general, its features in Netherlands, Spain and Latvia, about mediation trainings in Latvia and Spain, in which they participated in the framework of the project.

The deputy director, professor of Management and Administration Department of Karazin Business School, project participant Volodymyr Rodchenko shared his impressions about the training and spoke about the prospects of this direction in Ukraine.

Associate Professor of the Civil Law Disciplines Department of the Law Faculty Viktor Savchenko informed about the legislation in the field of mediation in European countries and Ukraine.



News from CHNU December 2019 – February 2020

1. **December 26, 2019.** - The Academic Council of the Yuriy Fedkovych Chernivtsi National University approved the Code of Ethics. This Code of Ethics was developed by the working group of the Erasmus + KA2 project No. 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP “Mediation: training and society transformation/MEDIATS”. This Code contains an extended glossary of terms and concepts of the Article 4 “Academic Integrity” of the Law of Ukraine “On Education”, a system of principles and procedures for ensuring academic integrity at the University, the principles of the Ethics Committees of the structural units of the University. The Code of Ethics enables university academic staff to resolve conflicts arising in the field of academic integrity through alternative methods of conflict resolution - mediation.

2. **January 13-17, 2020.** - The working group of the Erasmus + KA2 project No. 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP “Mediation: training and society transformation/MEDIATS” studied the experience of EU Member States in the field of mediation. These training were conducted by highly professional teachers and mediators at the same time: Jan van Zwieten, Dana Rone, Marjon Kuipers, Gea van Klompenburg, Francesco De Angelis. In total, 9 ECTS credits (250 hours) were allocated for training in the mediation of scientific and teaching staff from partner universities. From Yuriy Fedkovych Chernivtsi National University passed it and received the corresponding certificates: *Ruslana Havrylyuk*, Head of the Department of Public Law, Project Team Leader; *Pavlo Bartusiak* and *Maryna Fedorchuk* – Assistants of the Department; *Heorhii Moisei* and *Illia Yuriychuk* – Ph.D. students of the Department.

Link: <https://mediats-chnu.com/training-as-a-european-educational-and-methodological-innovation/>

3. **January 24, 2020.** - Handing over to master's graduates who have studied at the Profile specialized educational and professional program “Mediation”, at the same time with the diploma of the master of law also the certificate “Lawyer-mediator”. Preparation of Master-mediator at the Faculty was made possible by the the supporting of the working group of the Erasmus + KA2 project No. 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP “Mediation: training and society transformation/MEDIATS” from Yuriy Fedkovych Chernivtsi National University

Link: <https://law.chnu.edu.ua/osoblyvyi-20-vypusk-mahistriv-pravnykiv-chnu/>

4. **February 04-07, 2020.** The Student Dispute Resolution 2020 Competition was held in Kyiv. The team of the Law Faculty of the Yuriy Fedkovych Chernivtsi National University was honored to represent University at this Competition. Team Coach, Doctor of Laws, Associate Professor *Ruslana Harylyuk*, and participants, students of the 5th year of the Master's program of specialty “Mediation” who are studying within the framework of the the Erasmus + KA2 project No. 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP “Mediation: training and society transformation/MEDIATS” - Olga Kaban, Oleg Kilaru, Maryna Startuk. **From October, 2019 to February, 2020** students were prepared for the competition by the members of the working group of the Erasmus + KA2 project No. 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP “Mediation: training and society transformation/MEDIATS” from Yuriy Fedkovych Chernivtsi National University - *Ruslana Havrylyuk and Maryna Fedorchuk*.

Link: <https://law.chnu.edu.ua/rozvyvaiemo-kulturu-efektyvnoho-dialohu-v-ukraini/>

5. **February 10, 2020.** - The Head of the Erasmus + KA2 project No. 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP “Mediation: training and society transformation/MEDIATS” Working Group from Yuriy Fedkovych Chernivtsi National University *Ruslana Havrylyuk* continued her collaboration with Ukrainian radio “Bukovina” and TV channel UA Bukovina. The TV program was talked about various types of mediation, its advantages over other methods of conflict resolution and the need for the most complete and quick implementation of mediation in our everyday life.

Link: <https://mediats-chnu.com/what-is-mediation/>

6. **February 12, 2020.** - Participants of the Erasmus + KA2 project No. 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP “Mediation: training and society transformation/MEDIATS” organized a workshop for members of the Department Public Law of the University, which, in its content, has become a form of report of the project team on the results of its members’ learning of European mediation experience during their training visits in February 2019 to the Breda Business Academy (Netherlands), in December 2019 to the University of Turība (Riga, Latvia) and in January 2020 to the Catholic University of San Antonio, Murcia (Spain).

Link: <https://mediats-chnu.com/axioms-of-mediation/>

7. **February 20, 2020.** - Within the framework of the grant sub-project «Legal Clinics - Agents for the Promotion of Mediation as a Method of Dispute Resolution», (which is implemented by the legal clinic of the Law Faculty of Yuriy Fedkovych Chernivtsi National

University in the partnership with the legal clinics of King Danylo University, “Femida” of Precarpathian Faculty of the National Academy of Internal Affairs, and Vasyl Stefanyk Precarpathian National University) a training «Simply about mediation» was conducted for students of the above mentioned legal clinics at the King Danylo University (Ivano-Frankivsk, Ukraine). The event was attended by a PhD student of the Department of Public Law of Yuriy Fedkovych Chernivtsi National University, a member of the working group for the implementation of the Erasmus + KA2 CBHE project № 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP «Mediation: Training and Society Transformation / MEDIATS», *Illia Yuriichuk*, who shared with the participants of the training his own European experience, knowledge and skills in conducting mediation, which he gained while studying in the Netherlands, Latvia and Spain.

Link: <https://www.facebook.com/117521972247274/posts/508963486436452/?d=n>

8. February 21-23, 2020. - The Certification Program “Professional Mediator” has been launched and is being implemented within the framework of the task package №6 of the Erasmus + KA2 project No. 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP “Mediation: training and society transformation/MEDIATS”. This program is a joint project of the Mediation, Negotiation and Arbitration Laboratory of the Department of Public Law and the Faculty of Law. The trainers of the first module of the certification program were *Ruslana Havrylyuk*, Head of the Project Working Group and *Pavlo Bartusiak*. *Ruslana Havrylyuk* conducted a training session on the legal nature of mediation. *Pavlo Bartusiak* was talking about mediation principles and procedures during training session.

Link: <https://www.facebook.com/profi.mediation.chnu/videos/203561070846961/>

News from Ilia State University

On February 20th, 2020, within the framework of the ERASMUS+ Project MEDIATS: Training and Society Transformation, a meeting took place in Ilia State University book house 'Ligamus', during which Salome Gagnidze, representative of the Law School and project coordinator, talked about the project's objectives, the role of the Law School in the facilitation and development of mediation, as well as the planned activities including the creation of a mediation module as part of the master program in private (business) law and student's internships in partner countries.

Within the framework of the meeting, a public lecture was held during which the invited lecturers and practicing lawyers Dimitri Dzagnidze and Ucha Dzimistarishvili talked about such topics as legal novelties in the field of mediation in Georgia, international and regional mediation instruments, practical aspects of mediation, especially in family and labour law disputes. The newly adopted Law on Mediation was reviewed during the meeting.

The purpose of the meeting was to raise public awareness in mediation, learn about legislative novelties and highlight the role of the Law School in the development of mediation.

The meeting concluded with an interesting question-and-answer session between the speakers and the audience.



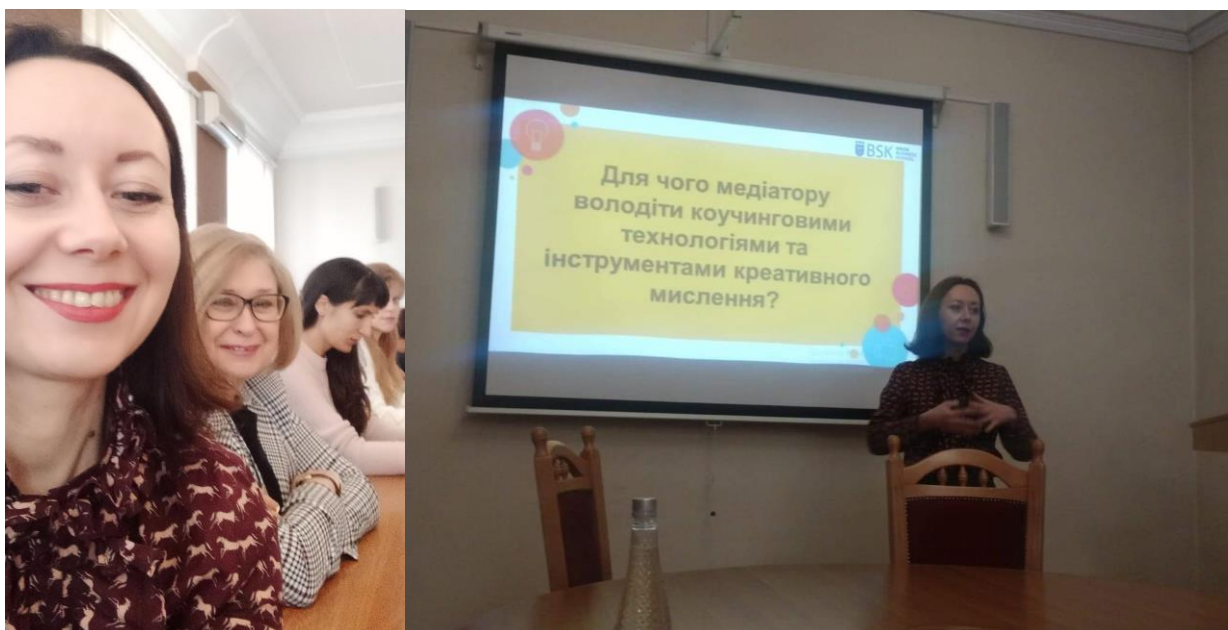
News from KROK University

Business School of KROK University is the Mediation Driver in Ukraine

Mediation. We are starting to talk more and more actively about mediation today, and one more proof of this is the round table “Singapore Convention of the United Nations “On international agreements concluded as a result of mediation” and possible ways of its implementation in Ukraine”, that was held in Kiev-Mohyla Academy, which took place on February 3, 2020. CEO of KROK Business School Olga Karpova, and project and program manager of BSK, Oksana Siedashova, took part in discussions on possible ways to develop mediation in Ukraine.

The following issues were discussed:

- Is it possible now without mediation in Ukraine?
- How to find the optimal implementation strategy for the Singapore Convention on Mediation in Ukraine and display it at the legislative level?
- How can we use the best foreign experiences to organize the reputable institution of mediation in Ukraine, that will gain the trust of people?



Oksana Siedashova, the participant of the EU Erasmus+ MEDIATS project, made a presentation “Coaching technologies and creative thinking tools during mediation”, where she shared her experience, acquired during the MEDIATS Trainings for trainers of Master

Degree Program in Mediation, that were organized in Riga, Latvia and Murcia, Spain, by the specialists of Netherlands Business Academy, Turiba University and San Antonio Catholic University, and also raised important issues on personality and thinking of the mediator, strategies and styles of mediation.

Mediation is a direction that will definitely develop in Ukraine, as more and more people trust the methods of alternative dispute resolution in the world. However, in Ukraine there is still a lot of work to promote mediation, to make it understandable and accessible to different categories of citizens, to provide adequate legal regulation of mediation, high standards and professional programs for the training for mediators.

Training on Master Degree Program "Mediation and Conflict Management" at KROK Business School





Master Degree Program “Mediation and Conflict Management”, that was launched within the frameworks of Erasmus+ MEDIATS project, is implemented by Business School of KROK University since December 2019. At the end of February the third module of this program was held. The students acquired new knowledge, practiced the skills of mediator. Guided by the trainers Oleg Triboy, Oksana Siedashova and Galina Sasyn, students developed conflict resolution strategies using effective communication tools, discussed the difference between intermediary negotiations and mediation, pyramid of the mediation processes, dilemmas of mediator, learned how to professionally conduct visual psychodiagnostics, identify lies and emotions and interpret non-verbal signs. The training envisaged practical cases in pairs, mini-groups, role-plays, simulations of mediation. With each module, the KROK Business School forms and develops mediation in Ukraine.

In the nearest future the Mediation Lab will be opened, which aims will be to conduct research in mediation.