



REPORT ON THE ACTIVITIES OF THE INTERNATIONAL COURT OF THE ADRIATIC AND IONIAN AREA

Brindisi, 8th June 2012

It has now been four years since the International Court of the Adriatic and Ionian Area was created within the Forum of the Chambers of Commerce of the Adriatic and Ionian Area.

We have dedicated the four years that have now passed to training on matters of alternative dispute resolution. We have seen that there is a great need to spread awareness of these services to cross-border operators, to business consultants and professionals in order for them to understand their related advantages and use them without fear.

In the development and dynamics of international trade the security of transactions and the certainty of fulfilling obligations play an essential role. International relations are not simply a bilateral exchange between two parties, but rather a complex system of relations/interactions that last over time and which integrate segments/parts of products and production processes. Therefore, on the one hand it takes time and money for these relations to be constructed and on the other hand, they are in themselves more fragile, because they are more subject to the misunderstandings that can often occur in the world of business.

It is in these terms that ADR tools represent an effective and efficient “alternative” because they are based on the idea that conflicts can be solved using techniques that benefit both parties and, consequently, which bring about a development of international trade and economic resources.

ADR procedures are also an essential tool in seeking to overcome the legal barriers that often prevent or make it difficult for exporters to trade or collaborate between countries. The differences observed in our legal systems, as well as the language and cultural barriers dividing us increase the business risk significantly, making it onerous for our operators to make any investment beyond the sea.

Moreover, it should also be stressed that use of this type of procedure is growing constantly and has done so particularly in recent years. In actual fact, a more streamlined, quicker, more economic solution is of real benefit to businesses and represents an added value to be used to win over the competition.

More specifically, mediation is a valuable aid in the international field, as it is a means by which to solve disputes whereby two disputing parties turn to an impartial third party for help in achieving a mutual satisfactory agreement and a shared, desired solution. Through mediation, the aim is to avoid the win/lose mechanism typical of trial/judgement models and instead to take a win/win viewpoint, where all parties can see their interests satisfied. This enables the problem to be overcome and the international economic relations to be pursued without destroying them, as instead is the case in a normal legal trial. In complete compliance with the parties' freedom to decide, the mediator works on their motivation and on the aim pursued to help encourage them to achieve the most satisfactory solution for both. Only this solution can effectively solve the conflict, be respected and last over time. The conflict therefore does not degenerate into dispute but rather gives rise to communication. And this is of great strategic importance today: the current commercial context in fact requires a great capacity to “find, acquire and maintain” customers over time.

Arbitration, on the other hand, is a real judgement: the dispute is settled by arbitrators and the end result, the award, is equivalent to the sentence of a court. Offering a qualified international arbitration service means giving operators the chance to solve the dispute at limited costs and with expenses that can be evaluated in advance by the parties, with the guarantee of being able to count on the conformity with the principles of transparency and impartiality thanks to the support of an extremely high level institution, which administers and controls all stages of proceedings. But above all, it means being able to solve the matter quickly: if mediation has failed and there is no way of re-creating the economic relationship with the counterpart, it becomes extremely important to have a tool



available that enables the matter to be settled rapidly in order to move forward and undertake new commercial collaborations.

And this is the purpose of the Court - it was precisely for this reason that this body was established: to organise mediation and arbitration services that are high quality and, above all, shaped to the specific demands of the operators in the Adriatic-Ionian area and this has been made possible by analysing the different procedural models in the various national orders and adopting solutions that enable a quick, correct settlement of disputes.

In this edition of the Forum, the Court has been renewed; the office of its members had expired and the Forum Board of Governors made the new appointments yesterday, choosing a representative for each country adhering to it on the basis of the applications received.

This meeting, just a short while ago, chose to give me the honour of chairing the Court for the next four years. I would like to thank all Forum members for this renewed trust, which I see as the most important reward for my work.

Today, therefore, we have a new stage in the Court's history, which will be able to count on new professionals and new skills and which, above all, will need to conquer effective international prestige, proposing its services to public institutions and businesses and becoming an element of cohesion and development for the Adriatic-Ionian area.

A stage that will be devoted to promotion: after a first four-year period in which we worked to give the body all the tools it needed (Regulations, Code of Ethics, forms) to start operating and after a second four-year period in which we were involved in training and during which time we developed three pathways in three countries (Croatia, Albania and Greece), presenting the advantages of ADR to businesses and professionals in the area, today we embark on a new four-year period in which we will be promoting our activity:

- stipulating agreements and understandings with other institutions in order for the collaboration to give rise to a synergy able to provide effective assistance to area businessmen;
- developing conventions with the international professional associations aimed at introducing new clauses into the contractual models used by their members.

We will also seek to constitute a suitable number of local delegations with the available Chambers, which will perform secretarial duties, promotion and territorial representation of the Court.

For these objectives to be achieved, however, the commitment of all chambers of commerce member to the AIC Forum in promoting the Court as an optimal tool by which to solve disputes between entities of different countries of the Adriatic-Ionian area is essential.

This is why we would ask you to spread awareness of our clauses, to suggest their inclusion in contracts and to present them in initiatives concerning international relations.