



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

Budva (Montenegro), 13th May 2011

The International Court of the Adriatic and Ionian area has carried out many important initiatives during this year and deliberated several events in 2011 for the development of mediation and arbitration within the Adriatic-Ionian macro-region and the enhancement of its own role in this area.

It is known that the International Court of the Adriatic and Ionian Area offers services of mediation, arbitration, arbitrage and expert determination for a quick and qualified solution of disputes among operators of countries in the Adriatic-Ionian basin.

It is an institution of extraordinary importance for this area which is destined to become a reference point for the protection of good practice and functioning of the markets. In terms of development of cross-border relations, it is essential to have efficient instruments for the resolution of disputes. At international level, mediation and arbitration proceedings are preferable to common law which is often inadequate and unfit for the entrepreneurial system as it is extremely formal and rooted in the legal systems of single countries.

Furthermore, mediation and arbitration have another, and perhaps more important, role: they contribute to developing mutual knowledge and establishing intercultural relations between different judicial systems and different geographic areas. *The Court represents valid proof:* for this reason, under a geographical point of view, in all promotional material (brochures, regulations, manuals) there is a symbol of a multicoloured bridge that joins the two sides of the Adriatic sea. This means that the Court intends to represent an instrument of union between operators of this region as well as a promotional means of economic exchanges by making business traffic easier and by making itself an element of competitiveness and added value for the whole area.

This represents an opportunity for everyone.

During these years, the Court has worked to organise mediation and arbitration services that are characterised by high standards and, most of all, were shaped to the Adriatic and Ionian operators' specific requirements. This was made possible by analyzing the proceeding models of various national legal systems and by adopting functional solutions together with a quick and correct definition of the disputes.

Above all, the Court is committed to organising training events as it is aware that training has a major role in the development of the required competencies in order to provide efficient services and being increasingly trusted by operators and consumers to enable the creation of a uniform knowledge heritage within the Adriatic region.

A 3-year international training project was realised and completed. The first phase was carried out in 2008 through the organisation of a meeting dedicated to chamber executives in four different countries: Albania, Bosnia-Herzegovina, Montenegro, Greece. This event was held in Zagreb, at the head office of the Croatian Chamber of the Economy. It represented a useful opportunity to discuss and exchange experiences regarding mediation and arbitration proceedings in each country. It made it possible to exchange knowledge and good practice, and thereby enhance mutual competencies and professionalism. The goal was to provide the chamber executives with basic technical-legal notions about the instrument of *alternative dispute resolution*, in order to enable all economic-commercial operators - such as businesses, consumers, etc - to make use of efficient assistance when it comes to spotting the most adequate instrument for the resolution of problems that are usually encountered in the business world and receive efficient assistance when it comes to proposing the Court's instruments of mediation and arbitration or other legal instruments depending on the single case. These instruments are available in the Chamber of Commerce of each country that have joined the Court.



The second phase of training course was held in 2009. A training event was organized in Albania, in collaboration with the Chamber of the Industry and Commerce of Dures. The training course carried on in 2010 in Greece, in collaboration with the Chamber of Patras. Many professionals and people operating in this sector took part in these events. This shows how much international attention there is on these topics and how important is to have an in-depth knowledge of these instruments. In Albania as well as in Greece, the training event merged a technical approach with a practical management of cases and resolution of issues that are most recurrent at international level. To pursue this objective, professionals with long-standing experience and a high scientific profile were appointed as teachers, guaranteeing a session based on discussion and exchange among all participants.

During the meetings there was an Exchange of experiences and knowledge – an important means of development for the International Court. The Court's services of arbitration and mediation were presented by reading out the Organisation and Proceeding Regulation with attached lists of prices and the Deontological Code which establishes strict ethical rules for arbiters, mediators, auditors and arbitrators so that to guarantee professionalism, impartiality and equidistance towards all parties and their arguments.

In 2011, the Court intends to follow up on the training project with a new promotional campaign to present its services and to introduce itself in those places where it is still unknown. A number of difficulties were encountered in carrying out a study of the disputes in the area, their number, their nature, their value. On the other hand, the communication campaign aimed at institutions, operators, bodies, professionals and consumers was renewed.

A template of a presentation letter of the Court sent to associations, bodies, universities and organisations and a template of an information sheet sent to the media were made available. Every member committed to distributing this material and, most of all, the clauses of mediation and arbitration to introduce in contracts in their own countries so that the institution can soon become operative and start to work on the management of mediation and arbitration proceedings and establishment of territorial delegations within the country members.

A template for drawing up a cooperation agreement between the International Court and the Chamber of Commerce that are associated to the Forum was set up. This should help working together on raising awareness on ADR instruments within the Adriatic basin in order for the Court to start its activities as soon as possible.

However, this is not enough. For these materials to be widely distributed and used and for the services offered to represent a practical help to those experiencing difficulties and a liable response in a complicated time of international crises, everyone must help. It is therefore imperative that all associates and all the Chambers of the area should commit themselves to proposing to the Court as an optimal instrument for the resolution of cross-border commercial disputes. After all, the Court reflects the peculiarities of the macro-region and the its specific economic structure. It was created to provide a response that is "tailored" to the requirements of businesses and consumers that will decide to use it. For this reason, the institution has three official languages rather than just one: Italian, Croatian and English. All promotional material has been printed in each one of these languages.

The objective is for the Court to be used faithfully for the resolution of difficult situations and disputes that can paralyse the life of a business, especially if it operates at international level. The objective is to make everyone understand that the Court is a "super partes" instrument which one could rely on because it's "near" to everyone, starting with the language issue, and is able to provide quick and efficient justice which is, at the same time, also qualified and of an excellent standard.