

# Overview of Association of Mediators Operations and achievements in Bosnia and Herzegovina



Udruženje medijatora u BiH  
The Association of Mediators in BiH

# Development of Mediation in Bosnia and Herzegovina

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- ▶ - 2002 – Various civil society associations apply mediation and facilitation in resolving community disputes;
- ▶ 2002 – Law on Civil Procedure and Mediation Rule introduce mandatory court mediation in Brčko District of BiH; Establishment of the Association of Mediators in BiH;
- ▶ 2003 – Laws on Civil and Criminal Procedure introduce possibility for parties as well as for a judge to refer a case to mediation;
- ▶ 2004 – Law on Mediation Procedure in BiH; Mediation Pilot Project in Banja Luka (IFC, AoM BiH, Banja Luka Basic Court, Ministry of Justice of RS); Development of Training Programme on Mediation (AoM BiH);



# Development of Mediation in Bosnia and Herzegovina

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- ▶ 2005 – The Law on Transfer of Mediation Services to Association of Mediators; Mediation Pilot Project in Sarajevo (IFC, AoM BiH, Sarajevo Municipal Court, Ministry of Justice of FBiH);
  - ▶ 2006 – Mediation Rules, Code of Ethics, forms and mediation procedures (AoM BiH);
  - ▶ 2007 – Registration of First Mediators (AoM BiH); Closure of Pilot Projects; Regular Application of Mediation in the country;
  - ▶ 2008 – Justice Sector Reform Strategy of Bosnia and Herzegovina; Action Plan for Development of Commercial Mediation (Ministry of Justice, in consultation process with stakeholders);
  - ▶ 2009 – Law on Civil Procedure of Brčko District of BiH harmonised with the laws in the rest of the country;
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# Differences Pilot Projects / Regular Procedure

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## Pilot Projects

- ▶ Regulated by rules and procedures of the pilot projects;
- ▶ Mediation possible only in court cases of Banja Luka and Sarajevo courts;
- ▶ Courts accepted quotas of cases to be referred
- ▶ Mediator appointed by the pilot project
- ▶ Mediation is free for the parties. Costs covered by donor
- ▶ The Court approves and register settlement as a court settlement

## Regular Procedure

- ▶ Regulated by The Law on Mediation Procedure and Mediation Rules;
- ▶ Pretrial mediation possible as well as during the court procedure in all courts countrywide;
- ▶ Judges estimate whether to refer a case to mediation
- ▶ Parties select a mediator
- ▶ Parties pay for mediation
- ▶ Settlement signed before a mediator has enforcement power

# Mediation in BiH - Characteristics

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- ▶ Voluntary
- ▶ Interest based
- ▶ Facilitative
- ▶ Out of court
- ▶ Settlement with enforcement power



# Main Activities and Achievements of The Association of Mediators in BiH

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## Activities

- ▶ Mediation services
- ▶ Training of Mediators
- ▶ Promotion

## Achievements

- ▶ 77 mediators registered; > 620 mediations in the pilot projects (60% settled); > 70 mediations in regular procedure (80% settled). 17 pretrial mediations, all settled. In regular procedure 90% implemented / respected by parties. Sustainable.
- ▶ > 250 people trained in basic mediation, about 160 trained in advanced training, About 3000 professionals took workshops specifically designed for judges, lawyers, public administration, business and social sectors, Sustainable.
- ▶ Presentations in courts, chambers of commerce, bar associations, distribution of web site, leaflets, posters, 1 tv campaign, media statements



# Main Activities and Achievements of The Association of Mediators in BiH

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## Activities

- ▶ Advocacy Actions and Participation in Policy Making
- ▶ Capacity Building

## Achievements

- ▶ Participation and contribution to development of strategic documents and policies on mediation in BiH (Justice Sector Reform Strategy, Mediation Action Plan, Working Group on Possibilities for Introducing Mandatory Mediation, case referral policies in courts), Advocacy and Contribution to Legislative Procedure (Law on Court Taxes, advocacy to introduce family and victim-offender mediation)
- ▶ 2 offices, 3 employees, continuous education and training, funding from: own activity (training, mediation, membership fees, 50%), donations (50%)



# Conclusions and Future Challenges

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- ▶ Legal framework exists, minor improvements and changes in new areas of disputes necessary;
- ▶ Mediation services available countrywide; High level of settlements, satisfaction by users and implementation of agreements reached;
- ▶ Training program exists, specialistic programmes for mediators and specifically designed programmes for various beneficiaries necessary;
- ▶ Acceptance of Mediation: Mediation not accepted by part of lawyers' community; not all the courts refer parties to mediation; level of awareness among beneficiaries not sufficient, further promotion necessary;
- ▶ Sustainability of Mediation: ensured on policy and institutional level; Financial sustainability partially reached, funding through donations still necessary



# Thank you



niješite spor medijacijom  
**od spora  
do dogovora**  
brže | povoljnije | jeftinije

