

**Craiova Mediation Center Association  
ROMANIA**



**MEDIATION  
ROMANIAN STYLE**

**ACR Annual Conference 2009**

**- Constantin-Adi Gavrilă -**

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ISC Member, International Mediation Institute \* Vicepresident, The first Romanian Mediation Council

**Atlanta, Georgia, United States of America, October 7th 2009**

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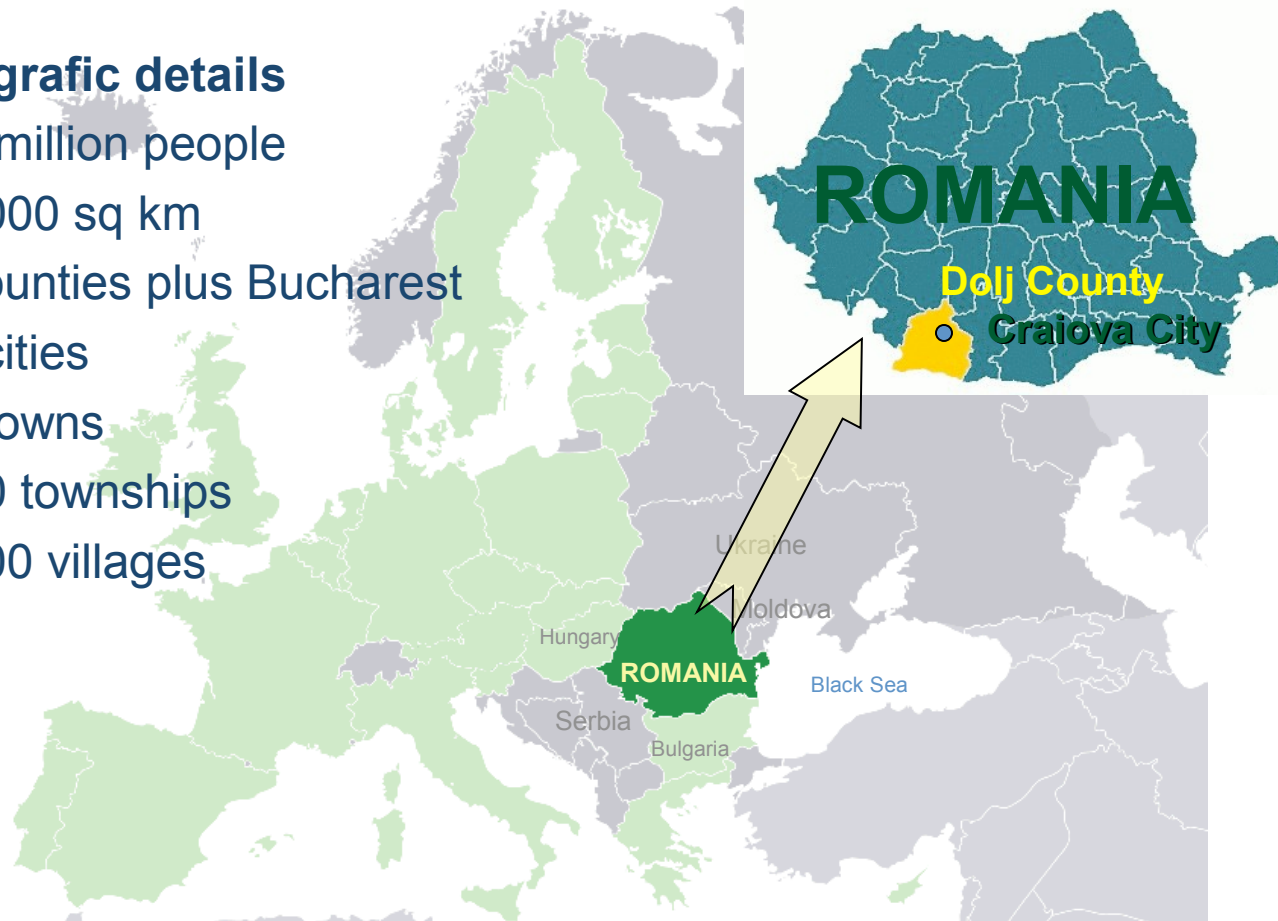
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## The Romanian context

### Demografic details

- 21.5 million people
- 240.000 sq km
- 41 counties plus Bucharest
- 103 cities
- 270 towns
- 2.700 townships
- 13.300 villages



## The Romanian context (cont.)

*People and traditions, Maramures, Northern Romania*



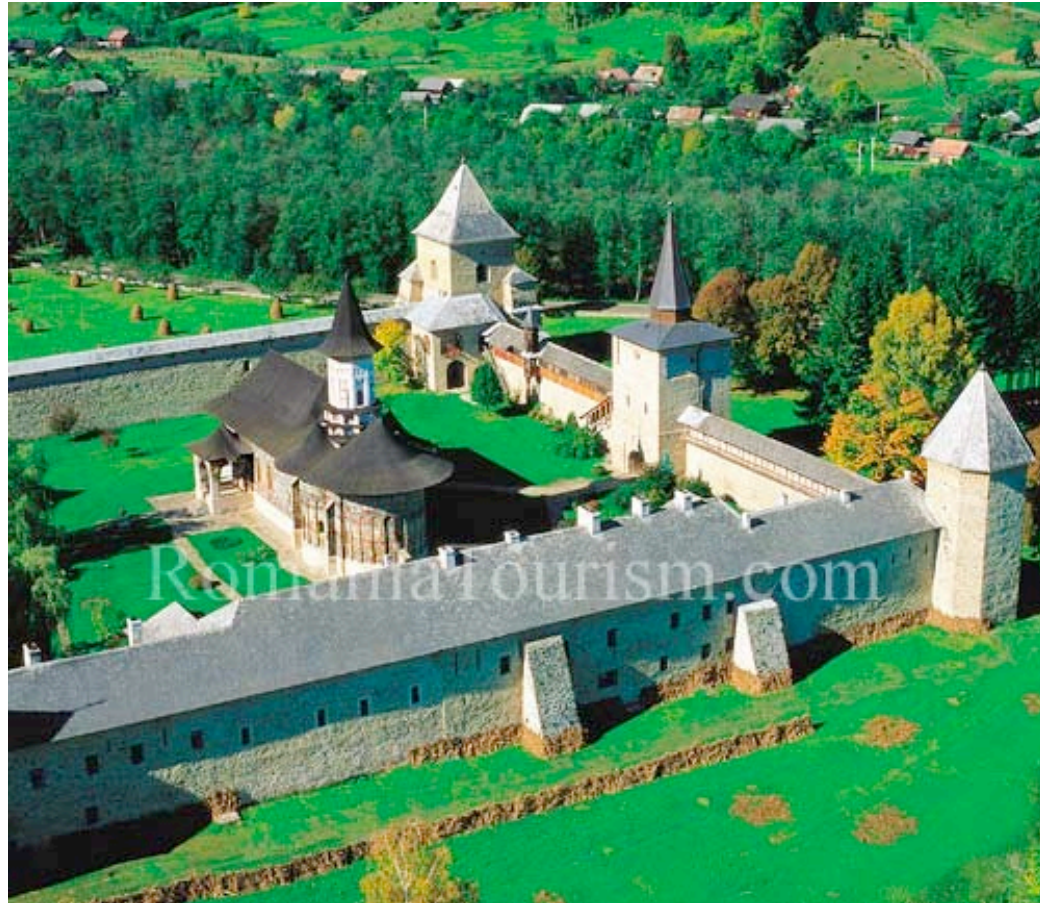
# The Romanian context (cont.)

*People and traditions, Argeş, Romania*



## The Romanian context (cont.)

### *The painted monasteries of Bucovina & Moldova, Sucevița*



## The Romanian context (cont.) *Carpathian Mountains*

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## The Romanian context (cont.) *Black Sea, Mamaia, Constanta*





## The Romanian context (cont.)

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- Traditional forms of mediation in Romania (elders, church..)
- “Appeasement commissions” Law ‘1968
- After 1989: Extended social reforms (*Education, Health care, Taxation, Justice*)
- After 1996: Early mediation projects  
*.Canada/CIAN\*, USA/ABA CEELI\*\*, Austria/ASPR\*\*\**
- 2000: Occupational standard for mediation
- Civil law legal system: Need for a mediation law
- 2000: First attempts at mediation law
- 2002: “The Pilot Mediation Center from Craiova”

\*/ Canadian International Institute for Applied Negotiation

\*\*/ American Bar Association \*\*\*/ Austrian Study Center for Peace



## Lessons from our mentors

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- Partners: Romanian MoJ / US Embassy in Romania
- Success depends on lawyers' support  
(2002 April, Mediation seminar Dolj Bar Association)
- Training and Program design (IJA) Washington DC  
(A Lawyer, three judges, a MoJ repr., a manager)
- Training mediators (MoJ/US Emb.) / Romania  
(Lawyers(15),Engineers(3),Professor(1), Doctor(1))
- Pre-training lectures and role-plays



## Building the laboratory – a “pilot” story

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- Purpose: Testing mediation for real cases
- Set up: Facility (city center, not in the court, shared rent costs), Staff selection, Operational funding (US Embassy in Romania)
- Regulation: MoJ Order, Protocol with 1st and 2nd instance courts, Bar support, Forms and procedures
- 1000 cases (35% criminal, 20% civil, 20% commercial, 20% family, 35% overall settlement rate)
- 100 public awareness events organized up to date. A conflict resolution publishing house - “Editura Consensus” launched
- A new difficulty: A new draft law but NO mediators for 22 million people



## Real incentives – the path to acceptance

- Double purpose: Training mediators country-wide and approaching lawyers (strategic position in the legal system between courts and citizens)
- 2004-2007: Default training program (80 hours, 40h Romanian trainers (ToT), 40h American trainers)
- Bar associations from 40 counties (10 lawyers each) plus Bucharest (50 lawyers). Selection process
- Training details: 450 mediators, 44 training weeks, 308 training days, 49.280 training hours achieved, 41 new mediation centers, a new federation (UMCR)
- US Funding. MoJ and Dolj Bar Association support



## When the hobby becomes a profession

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- 2004-2006: Advice and stakeholder engagement
- May 2006: The law regarding mediation and the mediation profession was issued by the Romanian Parliament (Law no.192/2006)
- Law highlights: The mediation is an independent profession, a Mediation Council (nine members – all mediators, 2 maximum mandates of two years per member) is established to design the system according to the law, voluntary mediation, judges required to refer, full court fees refund if case settle
- In the enactment process, from the majority of seats in the Council, the MoJ got no repr. in the Council



## From grants to self-sustainability

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- The Romanian mediation system is coordinated by mediators. A new problem: System's sustainability
- Strategy: Regulation (Initial and continuous training and assessment standards, Statute of mediators, Code of ethics, Authorization of mediators, trainers, training providers, Publicity rules for mediators, etc.)
- Results: Creation of a professional system, Over 1000 new trained mediators in 20 months, over 900 authorized mediators (The official list –2008 May)
- The average cost for the required training program \$1500. No university Master programs authorized.



## The importance of an independent profession

- No initial set-up funding for the Mediation Council even with MoJ bound by the law for the 1<sup>st</sup> year
- EU Directive 52 determined interest from Public institutions / Political parties / Legal professions / Courts / Business environment / Education system
- A young system: Council's elections delayed for 6 months - "further training and practical experience"
- Very few mediation cases in 2008 (local culture)
- Strong will; Attempts to revise legislation / methodologies / conflict resolution system design
- Public policy: judiciary assistance bound to ADR



## Lessons learned so far

### Incentives for mediation implementation in Romania

- The quality of the mediators
- Government support for an independent profession
- Strategy and Professional management
- Transparency and dialogue
- Research and Regulation
- Public awareness
- Institutional capacity
- International networking
- Leadership





## A word about the future

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### Objectives for Romanian mediation

- Increase the quality of the mediators through continuous training programs
- Increase the number of practicing mediators
- Decrease the courts high caseload-500.000/year
- Increase the institutional capacity of the Mediation firms, Mediation Council, Professional associations, Training providers
- Raise the awareness level for alternative dispute resolution
- Support to the concerted global effort to create and develop a world-wide respected profession



## Conclusion

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In its short history, Romanian mediation evolved from scratch to a professional network able to contribute to the global development of mediation into a world-wide profession that can produce a global impact in a chaotic world.



## Acknowledgements

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Many thanks to my colleagues and friends from:

- Craiova Mediation Center
- Mediation Centers Union from Romania
- US Embassy in Romania
- Romanian Mediation Council
- Romanian Ministry of Justice
- Dolj Bar Association
- American mediators/trainers
- European mediators/trainers
- Many more ...



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The Union of Mediation Centers from Romania

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Romanian Mediation Magazine

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Constantin-Adi Gavrilă mediation firm



*Mediere*

Thank you ACR !

Multumesc ACR !



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