

Fribourg at the ICC International Commercial Mediation Moot Court in Paris

In February 2010 we, a team of four Master students, participated in the 5th edition of the ICC International Commercial Mediation Moot Court; a competition which took place at the International Chamber of Commerce in Paris and brought together 44 different teams from 18 countries across the world. The competition consists in several rounds of negotiation on the basis of fictive international commercial disputes, each team being composed of one student playing the “client” and another acting as “legal counsel”. Two teams, from different universities, compete against one another and try to reach an amicable solution with the help of a mediator.



The Fribourg team from left to right: Martina Kunert, Fabio Hurni, Raffael Fiechter, Catherine Kunz (Coach), Anne Laure Bandle, Prof. Marc Amstutz.

To prepare ourselves and to gain access to the process of mediation and its essential principles, we took part in a mediation seminar at the University of Fribourg held by the famous international mediator David Plant. During numerous training sessions managed by our coach, Catherine Kunz, benefiting from her own experience in mediation and in the Moot Court, we practiced on mediation cases of the previous competitions. In addition, she organized a mediation session with the well-known international arbitrator Matthias Scherer, from the law firm Lalive in Geneva, during which we faced very similar circumstances to those of the competition in Paris. During the preparation and actual competition we benefited from the support of Prof. Amstutz and Prof. Pichonnaz.

We were by then eager to reach Paris and to start competing against the four teams that had been allotted to us: the National University of Singapore, Queen Mary London, the University of Bhopal and Fordham University. During the competition, every team was striving to lead the negotiation efficiently and to involve the mediator into the discussion with success.

Amongst all the participating teams, only 8 qualified for the quarter finals, all of which were from English speaking Universities. The remarkable level of the teams we competed against – two of them finished in the semi finals – made the Competition very challenging for us and led the negotiations to a high level! The winners, Nottingham Trent University, performed an outstanding negotiation session and demonstrated nicely how quick the negotiating interactions have to be!

This Moot Court had a very beneficial side effect: The process of mediation gave us a completely different point of view on how to approach a dispute, shifting the goal of the negotiation away from firm positions towards underlying interests, considering the other party's concerns and aiming at a compromise but mutually acceptable agreement. During the competition, we met students and professionals coming from around the globe and hence were confronted to differing styles of negotiation. Finally, the outstanding framework in which this competition took place - hosted and organized by the ICC and involving the prestigious law firms Gide Loyrette Nouel and Lovells as well as la Maison du Barreau - provided us with a great insight into the life of a successful international mediator, which will be an example for us in our future careers!

Martina Kunert, Fabio Hurni, Raffael Fiechter & Anne Laure Bandle

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