



5.00 credits	30.0 h	Q2
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Teacher(s)	Delforge Catherine ;
Language :	French
Place of the course	Bruxelles Saint-Louis
Prerequisites	<i>The prerequisite(s) for this Teaching Unit (Unité d'enseignement – UE) for the programmes/courses that offer this Teaching Unit are specified at the end of this sheet.</i>
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <p>According to a broad understanding, the teaching aims at the so-called alternative forms of conflict resolution, i.e. the (various) processes or procedures whose aim or purpose is to "resolve" a conflict outside the state legal system (and in particular outside a judicial decision imposed on the parties to the conflict).</p> <p>The cost and duration of the procedures, the uncertainty of the decision taken from the point of view of the parties to the conflict and the difficulties in enforcing it, but also the finding that the judicial decision is not capable of reducing tensions, mean that these methods are becoming increasingly important, both in Belgium and abroad. The Belgian, but also the European legislator and international practise are no strangers to such a development, they even encourage it.</p> <p>The main objectives of the course will be:</p> <ul style="list-style-type: none"> • to sensitise students, from their Bachelor's degree onwards, to the extrajudicial possibilities of dispute resolution, so that going to court is not the first reflex of the lawyers we train; <p>In this sense, the course also responds to the wish expressed by the legislator when reforming the Judiciary Act in 2018, namely to make the judicial route a "safety net" after trying to resolve disputes amicably;</p> <ul style="list-style-type: none"> • To have a correct understanding of the judicial and amicable ways of "resolving" conflicts in the Belgian judicial system and to better understand how this justice system can now be described as pluralistic; by extension, to understand the complementarity of these ways in resolving conflicts; • Enabling initial learning of practical skills (in the context of the priority objectives defined by the faculty, in the sense of "connections with practise") by enabling a better understanding of the dimensions that are "at stake" in conflicts and by showing how certain negotiation techniques are useful in the prevention and management of conflicts in a broader sense; • Linking teaching and research, by linking to the Inter-University Certificates in Mediation (UCL-USLB -UNamur) and the work of the Conflict Management Research Group (CePri), and by guiding students in researching and writing the paper that will be the subject of the final assessment of the course;
Evaluation methods	<ul style="list-style-type: none"> • A compulsory written assignment written by students alone or in groups: Students will demonstrate their research skills, critical and original thinking and writing skills; • An optional oral presentation of the written work, building on and extending it by tracing the relevant connections with the topic; students will be able to reconstruct the knowledge conveyed, put it into critical perspective and construct their own thoughts and express them orally in a convincing way.
Teaching methods	<p>In parallel with an approach to the conflict and a presentation of alternative methods of justice, teachers will guide students in the preparation of their written work.</p> <p>Teachers will make sure that:</p> <ul style="list-style-type: none"> • maintain the interactivity and participation of the students in their learning; • allow students to share their experiences with the help of experts in alternative dispute resolution (mediator, accredited mediator, 'institutional' mediator, arbitrator, etc.) • ensure regular and supportive monitoring of students' work through organised one-to-one meetings and availability for appointments.
Content	<p>The move away from the 'resolution' of conflicts, described by some as 'contractualisation' and in some respects 'privatisation', is in itself a source of interesting observations, questions and reflections on the place of the judiciary - and the state - in our modern societies, and on the preferred mode of regulation today (horizontal regulation as opposed to vertical regulation), which highlights an evolution in the relationships between individuals and vis-à-vis state authority. Society seems to be less contentious and more "relational", but also less confident in the ability of constitutionally defined powers to respond to its needs. This in itself is a development that deserves to be presented and reflected upon together in a (general) "critical" framework.</p> <p>After a critical reflection on this "framework" and this context favourable to the development of alternative dispute resolution, students will be sensitised to the disciplinary approaches to the conflict itself and its problems.</p>

	<p>Subsequently, the main legally regulated methods of alternative dispute resolution (former Civil Code and Judicial Code, including binding third-party decisions, arbitration, judicial conciliation, mediation and collaborative law) are presented and critically compared, with a focus on arbitration (Part 6 of the Judicial Code and international arbitration) and mediation (Part 7 of the Judicial Code).</p> <p>At the same time, students are asked to identify a research topic at the beginning of the course in order to write a final paper, which is then assessed.</p>
Bibliography	<p>Aucun syllabus n'est mis à disposition des étudiant.es via le Service des supports de cours.</p> <p>Des PPT viennent toutefois en soutien des séances de cours théoriques.</p> <p>Des ressources documentaires sont, par ailleurs, partagées avec les étudiant.es.</p> <p>Tous ces supports seront disponibles sur Moodle.</p>
Faculty or entity in charge	DRTB

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law	DROB1BA	5	BDROI1112 AND BDROI1111	
Bachelor in Law French-Dutch (and French-Dutch-English)	DRNB1BA	5	BDRNL1130 AND EMHUB1110 AND BDROI1111	
Bachelor in Droit - Rechten - Laws	DREB1BA	5		