



Research on
Alternative Dispute Resolution

by Youth Club Active
Estonia



#firstADRkit



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I. INTRODUCTION

The main aim of this research is to give an overview about Alternative Dispute Resolution in Estonia by the organization Youth Club Active. At the beginning of the research we started to Google ADR and found the article with the title “Alternative Dispute Resolution in Estonia – Taking Baby Steps, Not Yet a Steady Toddler”, year 2014. The article gives the overview about the legal business culture in Estonia, explaining that most legal counsels in Estonia have been trained towards enhancing their active skillset (arguing, persuading), and not their passive skillset (listening, managing emotions of oneself and others), as it is in the ADR method. It led us to think that although ADR exists in Estonia, Estonia is at the beginning of using ADR as a method in action.

The research in general gave us many answers and is useful for the future work of the Team within the Erasmus+ international project “First ADR Kit”.

II. ADR in University systems

We observed 6 universities in Estonia. ADR, as a part of an official programme, was found in 3 of the biggest Universities.

1. University of Tartu (Tartu ülikool) - <http://www.ut.ee/en>

The biggest and the oldest university in Estonia.

- **Mediation as a Form of Alternative Dispute Resolution 3 EAP**

Law (masters)

Not obligatory

Exam

Description:


The main objective of the course is to introduce students to one of the most common and most popular forms of alternative dispute resolution (ADR) - that is mediation.

The course will familiarize students with the general terms related to ADR and the specifics of different types of ADR. Mediation will then be presented to them thoroughly, i.e. history of mediation, its general principles, advantages, disadvantages and conflict as a subject of mediation.

After following the course, students will be able to distinguish between different types of mediation, with respect to the role of mediator, to the performance of meetings and in relation to court proceedings.

Students will hear about mediation procedures, as a whole, from the start (agreement on mediation, choice of a mediator), through all the phases of mediation, until its end (signing of an agreement and the effect of this agreement reached through mediation).





After attending the course students will also be familiar with the situation of mediation in Slovenia - its historical and legal points of view. If possible, a brief comparison to Estonian legislature on mediation will be made.

The objective of the course in general is to present mediation to students from all points of view and show them both how it is used and the advantages of this very useful way of resolving disputes.

Students will be able to distinguish the different types of ADR and mediation, in detail. They will be familiar with the principles and rules of mediation and its procedures. Students will therefore be able to discuss different ways of resolving disputes and will be familiar with the possibility of coming to an agreement without entering court proceedings.

They will also be familiar with the skills of negotiation and the behaviour needed by the different parties, lawyers and mediators in the course of mediation.

Students will be introduced to mediation as an alternative dispute resolution, its history, the different types of mediation, principles used in it its procedures, and the techniques which are used during the process. The subject will include the presentation of mediation in Slovenia and the success of ADR at resolving disputes. If possible, a brief comparison to Estonian legislature on mediation will be made.

2. University of Tallinn (Tallinna ülikool) - <http://www.tlu.ee/en>

This university is one of the biggest universities in Tallinn, second place in Estonia.

- **International Arbitration and Mediation 3 EAP**

Law Exam Obligatory
One Semester

The course aim is to give an overview of the general principles of conciliation, the legal bases and practice, and role in society and the importance of the international context, to introduce a system of international arbitration.

Topics addressed under the subject:

The arbitration agreement, the application of legislation and the creation of a body of arbitration, the arbitration powers, responsibilities and authority, claims handling, the role of the International Court of Arbitration proceedings, judgment, judgment recognition.

Expected outcomes for students:

- Understand the nature of international mediation, the objectives, arbitration practice and procedures, the legal basis;
- Can use key words and be familiar with conciliation's various conventions;
- Know the international mediation legislation;
- Be able to understand the conciliation arbitration practice.

- **International Mediation 4 EAP**

General course for different professions (subject for free selection) Exam



Description:

The main aims of the course are to give an overview of the general principles of conciliation, the legal bases and practice, and role in society and the importance of the international context and to introduce a system of international arbitration.

Topics addressed under the subject:

The arbitration agreement, the application of legislation and the creation of a body of arbitration, the arbitration powers, responsibilities and authority, claims handling, the role of the International Court of Arbitration proceedings, judgment, judgment recognition.

Expected outcomes for students:

- Understand the nature of international mediation, the objectives, the arbitration practice and procedure, the legal basis;
- Can use key words and be familiar with conciliations various conventions;
- Know the international mediation legislation;
- Be able to understand the conciliation arbitration practice.

- **Mediation 3 EAP**

For all professions (subject for free selection) One semester

Description:

Accounting is a prerequisite for active participation in seminars, independent work and for the preparation of a written task solving paper (abstracts from lecturer on the subject, conciliation related to settlement of cases) and the presentation to the lecturer at the date specified.

Written accounts. Consists of a written prelin 5-10 and show corresponding knowledge and reasoned response from the expected questions, and an essay by the teacher called conciliation related topics.

After completing the course, the student:

- Knows and understands the nature of conciliation, the objectives and the practice of the legal basis;
- Knows, understands and is able to use the key concepts of conciliation; Knows conciliation legislation;
- Knows conciliation rights and obligations;
- Is able to analyze and choose the easiest way to resolve cases through conciliation in the field and to analyze the practice of mediation.

3. Tallinn University of technology (Tallinna Tehnika Ülikool)- <http://www.ttu.ee/en/>

The biggest university of technology in Estonia.

- **Alternative Dispute Resolution 6 EAP**

Law

Obligatory

One Semester



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Description:

General objective of the course is to provide the audience with knowledge on alternative ways of dispute resolution by introducing existing opportunities under Estonian law for specific types of disputes, but also addressing core aspects of mediation and arbitration.

After successfully passing the course the student is well aware of alternative methods for dispute resolution; is able to choose the most suitable one under specific circumstances; and possesses basic skills necessary for participating in such a procedure.

The course addresses differences between court procedure and its alternatives, and explains when one should prefer one or another way of dispute resolution. The course starts with an introduction of domestic bodies set up for resolution of specific type of disputes and proceeds with core aspects of mediation and arbitration. Special emphasis is put to introduction of arbitration. As a group work the students will have an opportunity to experience a realistic arbitration process.

Learning outcomes:

After successfully passing the course the student is well aware about alternative methods for dispute resolution, is able to choose the most suitable one under specific circumstances, and possesses basic skills necessary for participating in such a procedure.

Exam:

The final exam will count for 50% of the final grade. The final exam consists of three parts: multiple choice questions, short essay questions and a final role play.

III. ADR in School's systems:

We observed Russian and Estonian schools in Tallinn and across Estonia. We paid attention to different school programmes from both private and governmental schools. In general, we researched around 10 schools in Estonia but didn't find much. On the basis of these results, we can say that ADR as a method isn't included officially in the system of school education, but schools may, through their own wish and motivation, use ADR method in some interactive lessons and activities. We had conversations with legal representatives of each school and received the following information, regarding where they use it and how.

1. Private Sakala Gymnasium - <http://www.sakalaera.ee/en/>

Very good developing private school in Estonia, mostly working with Russian community children and internationals, as many lessons in English.

ADR, as a method, used as follows:

- 1) In reflection hours on the basic Competences, which are registered in the training program (School private programme).
- 2) Lessons for human studies 5- 8 classes, subjects in the curriculum.
- 3) Extra-curricular work, involved secondary school and gymnasium.
- 4) At an institutional level and with employees to resolve different situations, conclusions, values.



2. Tallinna Laanemere Gymnasium, Governmental school –
<http://www.laanemere.tln.edu.ee/index.php/en/about/short-history>

School for Russian community children in Lasnamae region, Tallinn.

ADR used as a method during human studies 5-9 classes, they have a special "Conflict and Resolution" part and different classes have different amounts of hours.

5 grade - 3 hours

6 grade - 4 hours

7 grade - 5 hours

8 grade - 5 hours

9 grade - 5 hours

3. Tallinna Linnamae vene Lutseum, Governmental lyceum –
http://www.linnamae.tln.edu.ee/web_ee/

As recommended by the Ministry of Education in its framework of cross-cutting themes, Tallinn Russian lyceum has used ADR as a part of lessons on "Health and Safety", which is one of the school examples where ADR is used.

"Humanities" in the 7th grade has the theme of tolerance between different people (thick, thin, low, high, etc., and how to deal with it). They are also using ADR as a method in conflict resolution.

Social workers are using methodologies from Mediating at school for some conflict situations among pupils.

4. Narva Kesklinna Gümnaasium (Narva Gymnasium), Governmental school

Russian school in Narva city, started to use mediation as a part of class meetings. It happened when one of the teachers took part in the ADR training course and show her initiative to test the method -

<http://www.kesklinna.edu.ee/index.php/uudised/uudiste-arhiiv/1147-mediatorstvo-novoe-napravlenie-v-rabote-shkoly>

We also found some information about a programme of Estonian teachers in social mediation. The article about Estonian teachers and their role in the social mediation of children's Internet use - http://eha.ut.ee/wp-content/uploads/2015/10/5_06_soo_kalmus_ainsaar_summary.pdf

We didn't find any information about ADR in Estonian schools and they didn't answer our e-mails. As we mentioned, in the official programme of education ADR does not exist, but school representatives shared with us about the sessions which they do which relates to ADR. It was discovered on the base of personal cooperation. Unfortunately, Estonian schools didn't share with us, but we understand that they do almost the same as we mentioned in Russian schools.



IV. ADR in other spheres

- In Estonia is **the special mediator centre**, which is lead by Ilona Nurmela, the specialist in mediation, who graduated as “Mediator Skills Training” in UK. - [Internationalhttp://www.cedr.com/skills/mediator/](http://www.cedr.com/skills/mediator/)

This organisation is providing trainings of ADR in all spheres in 3 basic languages in Estonia (Estonia, Russian and English).

They also provide mediators, mostly for the business sphere for conflict resolutions and deep work with the staff.

On the website of this centre we can see also articles on the base of the personal researches of the main trainers of this organization.

All other investigations, articles and other information each time brought me back to the Mediator centre in Estonia, as the main trainers are located there.

- **Law office OU** is an organisation, which is using ADR methods in their practice. The Agency is using Efficiency of Mediation in Commercial Disputes with Emphasis on Estonia. <http://apilv.ee/en/2014/12/article-efficiency-mediation-commercial-disputes-emphasis-estonia/>
- **Advokaadibüroo Vindex** – the agency of law, which is providing mediators and dealing with ADR method in their work - http://vindex.ee/ru_RU/practice-fields-tegevusvaldkonnad-sfery-deyatelnosti/

Estonian culture is opposed to conflicts and this is what we discovered during the research and found in many cases. Even we can see it in local art, for example article about one Estonian/Georgian film, which provides some evidence about the Estonian mentality - <http://news.err.ee/v/Culture/97714097-fae0-4016-b166-c9a74c5fb8ee/review-estonians-as-conflict-mediators-in-tangerines>

V. ADR in youth field

In frames of ADR topic is not happening that much activities for youth and youth workers as we can expect. There are many short-term projects or trainings, where you we can meet with ADR. One of them was organized by our organization in frames of Erasmus+ programme with cooperation with Poland - <http://clubactive.eu/portfolio/step-into-the-dialogue/>

There are some organisations which are dealing with this method with youth in some cases. For example, Estonian National Youth Council (ENL) - <http://www.enl.ee/en/enl>

This organisation is not dealing concretely with youth, but they are the umbrella organization for different NGO organizations and provide for NGO representatives trainings. They are providing support for youth workers and coordinators of youth work and one part of their work is trainings which is connected with ADR.



Ministry of education and sport also have special ADR programmes for youth and youth workers. There are some different programmes which youth workers can use for their daily work - <https://www.hm.ee/en/activities/youth>

For youth, there is one religious organisation which promotes it's work in solving conflicts among youth, but doing it through religion. They are offering their service at youth centers and schools. It is hard to say if they use ADR or have any education in it, but they promote trainings about conflict resolution.

Estonia was one of the European countries, which took part in the research about Victim-Offender Mediation with Youth Offenders in Europe. The Overview of it can be found here: - https://books.google.ee/books?id=VX1kFS91bigC&pg=PA271&lpg=PA271&dq=Mediation+for+youth+in+estonia&source=bl&ots=KZRvylLoQUd&sig=bf5paDV4rm5fyqBg4ve4aKPrQBg&hl=ru&sa=X&ved=0ahUKEwjZytGavd7MAhXMkywKHdu_C-cQ6AEIVTAH#v=onepage&q=Mediation%20for%20youth%20in%20estonia&f=false

VI. CONCLUSIONS

During the research, it become obvious that Estonia is really making small steps in using ADR as a method, especially in the youth field. As was mentioned in the introduction, in the articles, research indicates that we mostly find ADR being used in the business field. But on the another hand research also shows that those companies which use ADR methods in Estonia have been operating successfully for many years, which probably points to the future importance of ADR.

In Estonia there is also the opportunity to study ADR at University or on trainings, but the focus of studying is in law and business fields. They are providing for companies and lawyers a lot of information on where to find mediators or how to work with ADR, but not much in the youth field. Accordingly, there is less information about ADR in schools and in the youth field, and everything what we discovered is based on personal experience and investigations. It is hard to find mediation for youth in Estonia and the small number of projects is currently limiting the potential of ADR.

The research was important for us to see that mediation has a huge role in other fields in Estonia and is on the way to developing. In the last 3-4 years many different organisations were opened which provide ADR and mediation in business and law. Perhaps this gives us hope that more ADR opportunities could come to the youth work field soon as currently there are just a few activities and trainings.

As an organisation, we believe that long-term projects in the framework of Erasmus+ could be a catalyst for ADR as a method in the Youth work.

VII. References

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