

INTENSIVE TRAINING COURSE ON MARITIME MEDIATION

Modules and scheduling



1. GENERAL FRAMEWORK

The MediMARE intensive course is an activity of the MediMARE: Mediation in Maritime Disputes project - an international research project funded by EEA Grants (PT-INNOVATION-0065). This project aims to develop courses and training tools to teach students and professionals working in the maritime field in order to expand their skills with mediation tools and to promote a culture of peaceful dispute resolution in their current and future work.

The intensive course on maritime mediation of the MediMARE Project intends to provide basic knowledge regarding a maritime mediation process and about the specificities of this dispute resolution mechanism when applied to maritime conflicts.

Thus, the course will be focused on practical cases of mediation and will be tutored by researchers and mediators that have worked in the maritime field or in mediation. Also, experts on maritime issues and mediation will be invited to take part in this intensive training program.

The modules will have not only a theoretical but also a practical vein, mostly through mockups, which will be ensured by the participation of actors and players in the field and by the conduction of mediation simulations in several maritime mediation settings.

The intensive training course will have in total 55 hours (45 hours of contact hours and 10 hours of activities) in order to equate to 2 ECTS.

2. OBJECTIVES

The main goal of this intensive course is to provide essential knowledge and to debate the main tools and instruments for maritime mediation in order to gather information, knowledge and good practices. This course focuses on basic knowledge, not aiming to train maritime mediators, but rather to teach the specificities of mediation in this particular field.

The participants of this intensive course should be able to:

- Learn and identify the characteristics of a maritime mediation;
- Understand basic concepts on maritime law and mediation;
- Explain the phases and models of maritime mediations;
- Categorize any maritime disputes within the Maritime Taxonomy;
- Know and explore the skills of a mediator in the maritime field;
- Explaining competing and collaborative negotiation and conflict resolution methods;
- Know the main stages of a maritime mediation process.

During the training, a visit to MAREFOZ, in Figueira da Foz (near of Leiria) will take place. In these activities we will gather with specialists and national policymakers to present the research unit facilities and brief them on the projects' research results on governance and the importance of mediation.

3. PARTICIPANTS

This course is designed for trainees who wish to acquire knowledge about the process of maritime mediation. The intensive training program will be held in presence in Leiria, from the 19th to the 30th of June 2023.

4. TRAINERS/TUTORS

The Intensive Training Program will be lectured by professionals and academics specialised in maritime mediation, namely from Portugal and Norway. Here follows a brief biographical note:

- Resolution and Civil Law, at the Polytechnic of Leiria in Portugal. She carried out her doctoral work at the University of Salamanca, Spain and defended her thesis on the theme Mediation a complementary way to the Administration of Justice. She has a Graduation and a Master in Civil Law by the University of Coimbra, Portugal. In 2006 she took a Practical Course of Mediation approved by the Portuguese Ministry of Justice and attended the Harvard Mediation Program in 2010. She is author of several studies and articles about mediation and arbitration and participates in research projects related to the study of mediation, in particular she was partner in the EMEDEU project financed by the EU (JUST/2013/JCIV/AG/4689) that aimed to development of a prelegislative proposal for the improvement of the effective electronic mediation in cross-border civil and commercial matters at European level, laying the groundwork for future real application of the European rules about ODR and legal study and design of the European Code of Conduct for electronic mediators.
- Dulce Lopes is a Professor of European Union Law, Private International Law and Urban Planning Law at the Faculty of Law of the University of Coimbra. Worked for the Portuguese Presidency of the Council of Ministers, the European Parliament and the Catholique University of Lille (France) and was Director of Studies in English at the Hague Academy of International Law (Private International Law section, 2018). Currently is a member of the Coordination Council of the Institute for Legal Research of the University of Coimbra and Vice-Director of the Coimbra Association for European Studies. She is the co-author of the Portuguese Commented Law on Mediation (Lei da Mediação Comentada, Coimbra, Almedina, 2.ª ed., 2016) and author of several articles on the field.
- Lia Vasconcelos is professor at DCEA, FCT- UNLand researcher of MARE (www.mare-centre.pt/pt) and focus her research in innovative decision making processes and new forms of collaborative governance in public policy for sustainability and environment. She has coordinated the publication Sustainability in the 21st century The Power of Dialogue (2015). She received several awards and recognitions, namely Prize of Iconic Women Creating a Better World For ALL Associations that Work 2019, Responsible Research Innovation 2015, Significant Participatory Practices, Prize of Collaborative Research 2013-2014 e Communication Award 2013.
- Roberta Mourão Donato is a Phd Candidate in Business Law at the Faculty of Law of University of Coimbra and Collaborative Researcher at the University of Coimbra Institute for Legal Research (Portugal). Currently a scholarship holder on the Medimare Project (Mediation in Maritime Affairs). Roberta holds an LL.M. in International Legal Studies from Georgetown Law (USA), a Master of Arts in International Affairs from Ohio University (USA), a Bachelor of Laws from Milton Campos (Brazil) and a Bachelor of Business with emphasis in Foreign Trade from Centro Universitário Una (Brazil). Her previous positions include working as an Assistant Professor of International Law, International Private Law, and International Business, coordinating the Law Course and the Legal Clinic at Centro Universitário Una, where she implemented a mediation program in conjunction with Tribunal de Justiça de Minas Gerais and has organized numerous academic and scientific events. She has had experience as in-house and as an attorney, being legally admitted to practice law in Brazil, New York and Portugal.

- Kristine Størkersen has a PhD in organizational sociology about in the practical consequences of the maritime safety management regulation ("Bureaucracy overload calling for audit implosion: A sociological study of how the International Safety Management Code affects Norwegian coastal transport", 2018). She has organized a number of action research processes and dialogue meetings in different parts of the maritime industry. Her research has focused on understanding how actors on different levels and in different organizations can work, interact, and understand each other. Størkersen is also a guest editor in Safety Science, and one of her special issue's is about maritime and marine operations.
- Ursula Caser is geographer (graduated in 1989) and has a Master Européen en Médiation (2000). Works as Mediator of Complex Multiparty Conflicts (environmental, business, community); Facilitator of Public Planning Processes and Trainer and as Mediator in 5 Portuguese Courts of Peace. She has professional accreditations as a CEDR and IMI mediator. Since 2001 she is collaborator of wTeamUp and since 2012 is managing partner of the company MEDIATEDOMAIN, Lda. She collaborates with the University of Hamburg in the team dedicated to co-creative research since 2021. Her focus is on Moderation and Mediation. Contact: ursula.caser@mediatedomain.com/ Homepage: www.uc-mediation.com/Facebook: www.facebook.com/mediatedomain/ LinkedIn: https://www.linkedin.com/in/ursula-caser-4047b49/.
- Susana Sardinha Monteiro is an assistant professor at the School of Education and Social Sciences (ESECS) of the Polytechnic of Leiria and a researcher in the IJP of Leiria. She has a PhD in Law from the University of Extremadura, Spain, with the presentation of the Doctoral Thesis "La configuración jurídico-politítica de la ciudadanía de la Unión Europea: Europa de los ciudadanos e Identidad Europea". She has a Master's Degree in Legal and European Sciences from the Universidade Católica Portuguesa and a Degree in Law from the University Autónoma of Lisbon. Her main areas of research are European Union Law and Alternative Dispute Resolution, areas in which she has published various articles in books and journals and participated in conferences, both nationally and internationally.

5. PROGRAMME

The intensive course covers the following modules:

- Maritime law and mediation
- Maritime mediator: characteristics
- Key concepts and critical factors for mediation
- Negotiation and conflict resolution
- Mediation Process: phases and techniques
- Maritime conflicts taxonomy
- Models of mediation
- Maritime Mediation: role Play and mockups

Besides those modules a series of seminars will be held with a focused approach on mediation and maritime issues.

Below descriptive tables of all modules are presented with the distribution of contents by module:

MODULE	M	ARITIME LAW AN	D MEDIATION		
Hours	Presential Classes	6h	Autonomous work	2h	
Trainers	Dulce Lopes Roberta Donato				
Framework			the mediator aware of Id lead to disputes to be		
Learning objectives and competences	- The ke	ain rules applica	ble in the maritime field the maritime field	d	
Program Contents	 Sources of international maritime law and main organizations Terminology on Maritime Law UNCLOS' concepts: Territorial Sea, continental Platform, Contiguous Zone, Exclusive Economic Zone, right to innocent Passage Commercial terminology: Maritime agent, shipowner, cabotage. Captain, commander, container, vessel and ship, charterer, international transportation vs. Cabotage, Bunkers, etc. Differentiation among the types of ships and implied warranties to their operations: Commercial and War Ships Facts and Accidents of Navigation: Collisions, Salvage, General Average, Towage, Wreck Removal, Pilotage, etc. International trade, transportation by sea and maritime insurance Carriage Contracts, Charter Parties (Voyage charterparties and time charters); Bill of Lading; Incoterms, Demurrage, Maritime Insurance (terminology, types and coverage) P&I Clubs Maritime Courts, Arbitration and other dispute resolution mechanisms in maritime disputes 				
Teaching Methodology	legal documents - Autonomous wo complementary by	and resolution o ork: study and rea pibliography.	ading the main and		
Bibliography	complementary bibliography. - AMBROSE, Clare; MAXWELL, Karen; COLLETT, Michael. London maritime arbitration. 4th edition. Oxon: Informa Law from Routledge, 2018. - BAATZ, Yvonne (coord.). Maritime Law. 5. ed. Oxon: Informa Law, 2021. - HILL, Christopher. Maritime Law: Lloyd's Practical Shipping Guides. 6th edition. Oxon: Informa law from Routledge, 2014. E-book available at: https://books.google.pt/books?id=ch03DwAAQBAJ&printsec=front cover&hl=pt-PT#v=onepage&q&f=false - HELILAJ, Ermal. "Legal instruments of the Law of the Sea related to the peaceful resolution of maritime disputes". Scientific Journal of Maritime Research 36 (2022) p. 123-127. Available at https://doi.org/10.31217/p.36.1.14.				

MODULE	MARITIME MEDIATOR: characteristics					
Hours	Presential Classes	3h	Autonomous work	1h		
Trainers	Lia Vasconcelos Cátia Marques Cebo	ola				
Framework	Learning the charac mediator	eteristics an	d specific skills of the	maritime		
Learning objectives and competences	- the skills of the - how should a m	After this module, trainees should know: - the skills of the maritime mediator - how should a maritime mediator acquire skills - how should the maritime mediator manage personal conflicts				
Program Contents	 Characteristics and specific skills of the maritime mediator Emotional skils Ethical awareness substantive knowledge 					
Teaching Methodology	- Lectures: presentation of the program contents with analysis of legal documents and resolution of case studies Autonomous work: study and reading the main and complementary bibliography.					
Bibliography	and Practices, 4 - SU-MI, Lee (2019	.ª ed., Swee 9). Good Me	, Arthur (2019). <i>ADR: I</i> et & Maxwell, Londres; ediator. Relational Mediators, Lexington E			

MODULE	KEY CONCEPTS AND CRITICAL FACTORS FOR MEDIATION				
Hours	Presential Classes	3h	Autonomous work	1h	
Trainers	Lia Vasconcelos				
Framework	Understand specific opportunities and challenges for Maritime Mediation. Introduce key concepts (parties' interests, and communication) and critical factors for success for maritime mediation, namely. mediator's experience, neutrality, and cultural sensitivity. Rise students' awareness to the process, that may involve shuttle diplomacy, caucusing, and joint sessions.				
Learning objectives and competences	After this module, tr - Commun - Knowledg - Understa - The trains	ainees shou ication comp ge on group nding on int ees should a	ld have acquired: petences	to	

	1				
	The teaching program will focus on maritime mediation it will				
	include the following elements:				
	1) Key concepts, that support maritime mediation:				
	a. Communication				
	b. Group dynamics				
	c. Interests and positions				
Program	2) Critical factors				
Contents	a. Number of involved parties				
	b. Types of conflict				
	c. Status of conflict dynamics and escalation				
	3) Factors for success				
	a. Problem definition / collective agenda				
	b. Trust-building procesess - creativity, and flexibility				
	Inclusiveness, fairness, and transparency				
	- Lectures: presentation of the program contents.				
	- Interactive exercises				
Teaching	- Simulations and Roll-Plays				
Methodology	- Auto-Reflection and joint analysis of experiences				
	- Autonomous work: study and readings				
	- Bush, R.A. B., Folger, J. P. (2004):The Promise of Mediation.				
	The Transformative Approach to Conflict San Francisco				
	- Fisher, R. et al. (2011): Getting to Yes: Negotiating				
Dibliography	Agreement Without Giving In 240 p.; Penguin Books				
Bibliography	- Hargie, O. (2018): The Handbook of Communication Skills;				
	640 p.; Routledge; ISBN-13 : 978-1138219137				
	070 p., Nouticuge, 10bit 15 . 370-1130213137				

MODULE	NEGOTIATION AND CONFLICT RESOLUTION				
Hours	Online Classes	3h	Autonomous work	1h	
Trainers	Lia Vasconcelos Úrsula Caser				
Framework		d mechanisn	negotiation techniques ns for maritime, conse		
Learning objectives and competences	After this module, trainees should know:				
Program Contents	The teaching progrinclude the followir 1) Conflict analysis 2) Stakeholder Analysis involved and sel 3) Composition of adequately. 4) Ethics of Intervel 5) General Framewood	am will focung elements and conflice alysis - ident lection. the mediato ention and is work Condition	s on maritime mediation: It mapping the parties ors' team to address the	on it will to be e conflict	

Teaching Methodology	 Lectures: presentation of the program contents with analysis of legal documents and resolution of case studies. Autonomous work: study and reading the main and complementary bibliography. 					
Bibliography	 Breslin, W. J. et al. (2010): Negotiation Theory and Practice Program on Negotiation Harvard Fisher, R. et al. (2011): Getting to Yes: Negotiating Agreement Without Giving In 240 p.; Penguin Books Garcia, H. Fred (2012): The Art of Negotiation: How to Improvise Agreement in a Chaotic World Pearson Moore, C. (2014): The Mediation Process: Practical Strategies for Resolving Conflict 704p (p. 60-61); 4th edition, Jossey-Bass; San Francisco CA Siedel, G. (2014) Negotiating for Success: Essential Strategies and Skills Van Rye Publishing 					

MODULE	MEDIATION PROCESS: phases and techniques					
Hours	Presential Classes	6h	Autonomous work	3h		
Trainers	Lia Vasconcelos Úrsula Caser					
Framework	Introduce knowled moments, and cha	_	nediation process, its	different		
Learning objectives and competences	- How to - Stages - The me	After this module, trainees should know: - How to prepare a mediation process - Stages and phases of the mediation process - The mediators' challenges of conducting a mediation towards agreement				
Program Contents	 Preparation of mediation Inventory of topics to be addressed. Exploring the parties' perspective(s) towards the conflict Exploring positions, interests and needs. Venting of emotions Generation of alternatives Selection and adaptation of feasible options Negotiation and celebration of the agreement 					
Teaching Methodology	Final decisions (monitoring, test of robustness) - Lectures: presentation of the program contents. - Interactive exercises - Simulations and Roll-Plays - Auto-Reflection and joint analysis of experiences - Autonomous work: study and readings					
Bibliography	Step Kindle Ed - Goldberg, S. et. Mediation, Arbit Casebook) 7. Ed - Moore, C. (2014)	dition al (2020): D ration, and (lition - Asper l): The Media esolving Cor	ation Process: Practic oflict 704p (p. 60-61	egotiation, en al		

MODULE	CONFLICT HANDLING IN THE MARITIME CONTEXT				
Hours	Presential Classes	3h	Autonomous work	1h	
Trainers	Gunnar Lamvik, Au	ud Marit Wal	nl, Kristine Størkerse	n	
Framework	seafarers, some ex the maritime indus	xamples of c stry.	arn about the work a conflicts and conflict		
Learning objectives and competences	- Organiz - Example differen actors - A frame arise fro	ational cond es of conflict t levels amo work for und om maritime		that	
Program Contents	 taxonomy/classification of maritime conflicts) Organizational conditions for seafarers: Working conditions. Group dynamics, power and trust on board. Relations with onshore office and society. Regulations and procedures. Professional culture and seamanship. Examples of conflict solving among maritime actors: Social negotiations on board. Manager and leadership skills. Training. Inter-organizational and multipartite dialogue. Taxonomy of maritime conflicts: A framework for understanding disputes that arise from maritime issues, of both public and private nature., formal and informal issues. Relevant for discussing actors, topic category, and severity of existing or potential accidents. 				
Teaching Methodology	research about the - Group discussion	e maritime ir s and practi	cal exercises	nd	
Bibliography	 - Individual work: studies of the bibliography. - Haavik; Størkersen; Antonsen (2022). A taxonomy of maritime disputes as a foundation for mediation. Report from the MediMare project - Størkersen, Kristine (2015). "Survival versus safety at sea. Regulators' portrayal of paralysis in safety regulation development". Safety science. - Lamvik; Wahl; Pettersen Buvik (2010). "Professional culture, work practice and reliable operations in shipping". Reliability, Risk and Safety: Theory and Applications. - Wahl, Aud Marit (2017). "Leadership @ sea: Essential nontechnical skills". Safety and Reliability. Theory and Applications 				

MODULE	MODELS OF MEDIATION				
Hours	Presential Classes	3h	Autonomous work	1h	
Trainers	Cátia Marques Cel Susana Sardinha I				
Framework	used in (or at time	s of) maritin	ediation models that ne mediation and tha r strategic objectives	at are	
Learning objectives and competences	field		models applied at r	naritime	
Program Contents	 Model of the Harvard School principles Circular Narrative Model Transformative Model 				
Teaching Methodology	 - Lectures: presentation of the program contents with analysis of legal documents and resolution of case studies. - Autonomous work: study and reading the main and complementary bibliography. 				
Bibliography	 FISHER, Roger, URY, William, PATTON, Bruce (1999). Getting to Yes: Negotiating an Agreement Without Giving In, 2° ed., Random House Business Books, Londres. COBB, Sara (1994). "A narrative perspective on mediation: towards the materialization of the "storytelling" metaphor", New Directions in Mediation: Communication Research and Perspectives, Edit. Joseph Folger e Tricia Jones, Sage Publications, California, 1994, pp. 48-66; SUARES, Marinés (1996). Mediación, conducción de disputas, comunicación y técnicas, 1° ed., Editorial Paidós, Buenos Aires. BUSCH, Robert & FOLGER, Joseph (2004). The Promise of Mediation: The Transformative Approach to Conflict, Jossey Bass. 				

MODULE	MARITIME MEDIATION: ROLE PLAY AND MOCKUPS					
Hours	Presential Classes	3h	Autonomous work	1h		
Trainers	Lia Vasconcelos Úrsula Caser					
Framework	Debate and application of maritime mediation cases					
Learning objectives and competences	After this module, trainees should know: - Apply knowledges acquired during the course; - Know the main traits of maritime mediation; - Conduct a mediation maritime process.					
Program Contents	This module has a practical vein and urges the participants of the course to put into practice their learned abilities. An explanation of the MarGov Mediation occurred in Portugal will also be debated.					
Teaching Methodology	Role plays and mockups					

6. COURSE PLANNING

DATE/HOUR	09:30	10:30	11:30	12:30	14:00	15:00	16:00
19 June	Welcome (ESTG training room 1/ building B / floor -1)		iation in Portugal Library - ESTG)	LUNCH TIME	Maritime Mediator: characteristics Lia Vasconcelos / Cátia Marques Cebola (ESTG training room 1/ building B / floor -1)		bola
20 June	Maritime Law and Mediation Dulce Lopes / Roberta Donato (ESTG training room 1/ building B / floor -1)			LUNCH TIME	Maritime Law and Mediation Dulce Lopes / Roberta Donato (ESTG training room 1/ building B / floor -1)		
21 June	Cátia M	odels of Maritime Medi Marques Cebola / Susana aining room 1/ building	Monteiro	LUNCH TIME		SEMINAR – Process design Lurdes Serra aining room 1/ building B / flo	oor -1)
22 June	Key concepts and critical factors for mediation Lia Vasconcelos (ESTG training room 1/ building B / floor -1)		LUNCH TIME	SEMINAR -	Renegotiation of contracts in Carlo Corcione (online)	shipping	
23 June	SEMINAR - Communication on Maritime Mediation Fernando Borges (ESTG training room 1/ building B / floor -1)		LUNCH TIME				
24 June				\A	/EEKEND		
25 June				•	LLKLIND		
26 June		otiation and conflict res a Vasconcelos / Úrsula ((online)		LUNCH TIME	Gui	onflict solving in the shippin nnar Lamvik / Audit Marit Wal aining room 1/ building B / fl	nl .
27 June			1	isit to MARE	FOZ (Figueira da Foz)		
28 June	Mediation Process: Phases and Techniques Lia Vasconcelos / Úrsula Caser (ESTG training room 1/ building B / floor -1)		LUNCH TIME	SEMINAR Nuno Sardinha Monteiro Mediation Process: Phases and Technic Vasconcelos / Úrsula Caser (ESTG training room 1/ building B / flo		Úrsula Caser	
29 June		laritime Conflicts Taxon Kristine Størkersen aining room 1/ building	•	LUNCH TIME	Maritime Mediation: Role Play. Case study: MARGOV Lia Vasconcelos / Úrsula Caser (ESTG training room 1/ building B / floor -1)		
30 June	•	Final remarks at President of IPLeiria an (ESTG training room 1/ b	d Director of ESTG	LUNCH TIME	Coimbra visit and activities (exhibition opening and pre-final event)		