

# VIAC – Questionnaire for Mediators

**1. Name:** VERBIST Herman

**2. Citizenship:** Belgian

**3. Contact information:**

Address: Bollebergen 2A / bus 20, BE- 9052 Ghent, Belgium  
Telephone: +32 9 334 94 70  
Fax: +32 9 334 94 77  
E-Mail: herman.verbist@everest-law.be  
Website: <<https://www.everest-adr.be/herman-verbist>>  
LinkedIn: <[www.linkedin.com/in/herman-verbist-6458a798/](https://www.linkedin.com/in/herman-verbist-6458a798/)>  
WhosWho : <<https://whoswholegal.com/herman-verbist>>  
Legal 500 : The Legal 500 Private Practice Powerlist 2022 Arbitration Benelux :  
<<https://indd.adobe.com/view/eff5a9a1-06ba-40b6-b933-9442cb916114>>

**4. Current position:**

- Attorney, Member of the Ghent Bar and of the Brussels Bar, since 1983
- Visiting Professor at the Europa-Institut of Saarland University, Saarbrücken, Germany, for the course “Case Study Investment Mediation”, since 2020.
- Co-chair of FICA (Forum for International Conciliation and Arbitration), since 2020.

**5. Education and professional experience (original profession; where did you study?):**

*Please add your CV!*

- Graduate law studies at the University of Louvain (K.U.L.), Belgium, 1982.
- Postgraduate law studies in German law (at the Eberhard Karls University of Tübingen and at the Court of Appeal in Düsseldorf) with DAAD Scholarship, 1982-1983.
- Postgraduate law studies in English law (at King's College, London) with British Council Scholarship, 1986.
- Postgraduate course on Energy law, Institute for Environmental and Energy law, University of Louvain (K.U.L.), February-May 2001.
- Doctorate in law at the University of Ghent, Belgium, 2008.  
Subject of doctoral thesis : “De rechtsbescherming van partijen in privaatrechtelijke handelsarbitrage” (The Legal protection of the parties in commercial arbitration under private law).
- Counsel at the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris, 1988-1996.
- Visiting Professor at University of Ghent, Belgium, lecturing the course on international commercial arbitration, 1996-2013.
- Partner of Everest Attorneys G&B, since 2009.
- President of the arbitrators of the Belgian Court of Arbitration for Sports, Brussels, 2016-2020.
- President of the Training and Documentation Department of the Belgian Court of Arbitration for Sports, Brussels, 2021.
- Member of the ICC Commission on Arbitration and ADR, since 1996.
- Co-rapporteur of the ICC Commission on International Arbitration, Paris, 1998-2001
- Member of the Board of CEPANI (Belgian Centre for Arbitration and Mediation), since 2001

**6. Core area of current professional activity:**

- Attorney, specializing in arbitration and ADR;
- Arbitrator;
- Mediator;
- Visiting Professor.

## **7. Accreditation in the field of ADR (including relevant trainings and connected qualifications):**

- Mediator training course (at the Brussels Business Mediation Center), 24-30 August 2000.
- Accredited Mediator, Belgian Federal Mediation Commission, since 2008.
- Investor-State Mediator training course, organised by the Centre for Effective Dispute Resolution (CEDR), the International Centre for Settlement of Investment Disputes (ICSID), the International Energy Charter and the International Mediation Institute (IMI) (at the World Bank, in Paris), 8-10 May 2018.
- Training seminar on Mediation in Disputes on R&D and Related Commercial Agreements, organised by the World Intellectual Property Organisation (WIPO) (at the European Liaison Office of the German Research Organisations (KOWI), in Brussels), 11-12 October 2018.
- Investment Arbitration Masterclass, 3<sup>rd</sup> edition, organised by the International Energy Charter, the Permanent Court of Arbitration (PCA), the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) and the International Centre for Settlement of Investment Disputes (ICSID) (at the International Energy Charter Secretariat, in Brussels), 5-8 November 2018.

### **Registered on the list of mediators with :**

- Cour d'Arbitrage de l'Europe du Nord (CAREN), Lille, France.
- Mediation and Conciliation Network (MCN), New Delhi, India.
- Energy Community Dispute Resolution Panel of Mediators, Vienna, Austria.
- World Intellectual Property Organization (WIPO), Geneva, Switzerland.
- "Who'sWhoLegal - Mediation", GAR, London, recognised as a "Global Leader".

### **Registered on the list of conciliators with :**

- "Panel of Conciliators", International Centre for Settlement of Investment Disputes (ICSID), Washington, D.C., United States, since April 2016, designated by Belgium.
- "Panel of Transit Conciliators", International Energy Charter Treaty, Conflict Resolution Centre, Brussels, Belgium, since December 2018, designated by Belgium.

## **8. Practical experience in mediation**

- How many (international) mediations have you participated in
  - as single/co-mediator/in a team?
    - . 4 cases as single mediator
  - administered by an institution; under which Rules?
    - . 1 Energy Community mediation;
    - . 1 WIPO Mediation;
    - . 2 Ad hoc;
  - in which areas/fields?
    - . State aid;
    - . Termination of a consortium agreement
    - . Family owned company - shareholders
    - . Construction of a plant
  - how complex (*please provide examples, participation of lawyers/experts*)?
    - . Lawyers involved in most cases
    - . Expert report
    - . Non-disputing third party involved in investment mediation
- How often have you acted in a different function (e.g. consultant, expert)?
  - . counsel in mediation : 2
- What other ADR-experience do you have?
  - . Adjudicator
  - . Arbitrator

## **9. Languages (including levels)**

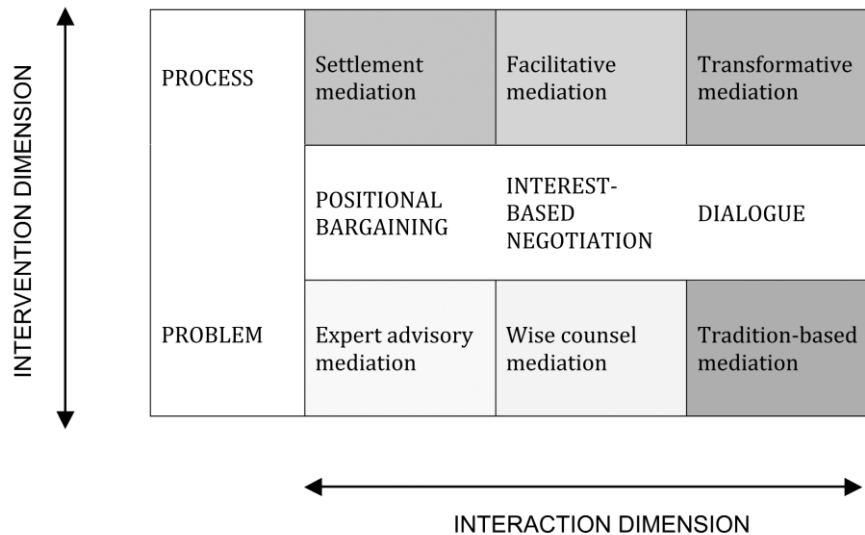
- Mother tongue: Dutch

- Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): French, German, English
- Basic knowledge: Spanish

### 10. Style of mediation

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.

- Facilitative mediation
- Interest-based negotiation
- Wise counsel mediation



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

### 11. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?

- Facilitate the communication ;
- Listening carefully to the parties' positions ;
- Searching for interests of the parties;
- Examining whether non-disputing third parties may be of importance for finding a settlement ;
- Finding zones where agreement can be found in the interest of all parties involved.

### 12. Publications and other activities in ADR related matters (e.g. training sessions, seminars, conferences, articles and others):

#### Publications :

- "Arbitration and alternative dispute resolution – How to settle international business disputes", (co-author with Jean-François Bourque and Christophe Imhoos), International Trade Centre UNCTAD/WTO, Geneva, 2001, 266 pages, ISBN 92-9137-172-6.
- "The Belgian Law on Mediation", in "ADR in Business – Practice and Issues across Countries and Cultures", Jean-Claude Goldsmith, Gerald H. Pointon and Arnold Ingen-Housz (Editors), Alphen aan den Rijn, Kluwer Law International, 2006, 249-262.
- "The 2014 ICC Mediation Rules", in W. Ebke, D. Olzen and O. Sandrock (Editors), *Festschrift für Siegfried Elsing zum 65. Geburtstag*, Frankfurt-am-Main, Verlag Recht und Wirtschaft, 2015, 591-608.
- "UNCITRAL Instruments on the Enforcement of International Commercial Settlement Agreements Resulting from Mediation", *Nederlands-Vlaams Tijdschrift voor mediation en conflictmanagement*, The Hague, Boom Juridische Uitgevers, 2018, Nr. 4, 6-22.
- "United Nations Convention on International Settlement Agreements Resulting from Mediation", *b-Arbitra*, Brussels, 2019, Nr. 1, 53-85.

- "The amended UNCITRAL Model Law on International Commercial Mediation 2018", in D. De Meulemeester, M. Berlingin and B. Kohl (Editors), *Liber Amicorum 50 years of solutions – 50 ans de solutions – 50 jaar oplossingen Cepani 1969-2019*, Mechelen, Wolters Kluwer, 2019, 457-482.
- "The United Nations Convention on International Settlement Agreements Resulting from Mediation : Its Genesis, Negotiation and Future", (co-author with Alan Anderson and Ben Beaumont), in *International Mediation, The Comparative Law Yearbook of International Business Volume 41a*, C. Campbell (Editor), Alphen aan den Rijn, Wolters Kluwer, 2020, 35-62.
- "Chapter 16 – Mediation as a Method to Settle International Trade and Investment Disputes", in *The Investor-State Dispute Settlement System : Reform, Replace or Status Quo?*, A Anderson and B. Beaumont (Editors), Alphen aan den Rijn, Wolters Kluwer, 2020, 341-367.
- "Mediation as an Alternative Method to Settle Investor-State Disputes", in *Handbook of International Investment Law and Policy*, J. Chaisse, L. Choukroune and S. Jusoh (Editors), Springer, (print) Volume 2, Chapter 30, Springer Nature Singapore Pte Ltd. 2021, 759-786, ISBN 978-981-13-3614-0; also available online : [https://doi.org/10.1007/978-981-13-3615-7\\_104](https://doi.org/10.1007/978-981-13-3615-7_104).
- "Article 8.20 Mediation", in *CETA Investment Law, Article-by-Article Commentary*, M. Bungenberg and A. Reinisch (Editors), Baden-Baden, Nomos/C.H.Beck/Hart, 2022, 485-519.
- "Report on 'Roundtable on the Position of the European Union on the Singapore Convention on Mediation' organized on 18 June 2021 by the European Law Institute (ELI) Slovenian hub and the Forum for International Conciliation and Arbitration (FICA)", 6 March 2021, 16 pages, published on the website of the European Centre for Dispute Resolution / European Law Institute – Slovenian hub: <<http://www.ecdr.si/index.php?id=214>> and on the FICA website : <<https://fica-disputeresolution.com/2021/07/01/video-to-the-eli-fica-webinar-roundtable-on-the-european-position-with-respect-to-the-singapore-convention-on-mediation/>>).
- "ICSID Mediation Reglement voor investeringsgeschillen in werking sedert 1 juli 2022 – Verschil met ICSID Conciliation", *Nederlands-Vlaams Tijdschrift voor mediation en conflictmanagement*, The Hague, Boom Juridische Uitgevers, 2022, Nr. 2, 46-56.

#### Lectures :

- Lecture on "Mediation in an International Context", in a Permanent Education Programme organised by Gandaius University of Ghent and Nexus University of Antwerp, Belgium, each year since 2013.
- Lecture on "Legal framework of mediation in Belgium and European regulations", in a Training programme on mediation for Belgian judges organised by the Institute for the Training of Judges, Brussels, Belgium, 2013-2020.
- Lecture on "The principles and essential features of mediation" in a training on mediation, conciliation and other forms of alternative dispute resolution for Belgian judges organised by the Institute for the Training of Judges, each year since 2021.

#### Conferences :

- Presentation on "The role of the banker in family disputes – Mediation", in a Permanent Education Programme organised by the Private Bankers Association – Belgium, Brussels, 16 February 2011 and 2 March 2011.
- Chairman of a seminar organised by LAR on "Mediation : believer or non believer ?", in Brussels, 2 December 2011.
- Chairman of the "3<sup>rd</sup> Open Mediation Day" organised by LAR on the topic "Do we need mediation?", Brussels, 6 December 2012.
- Lecture on "International aspects of ADR", in the Master course 'Negotiations and mediation' at the University of Ghent, 16 November 2015.
- Member of a panel discussion at the seminar organised by the *Nederlands-Vlaams tijdschrift voor mediation en conflictmanagement* (TMD) and by Intersentia on "Mediation – (draft)regulation in Belgium, the Netherlands and the European Union : current status", Antwerp, Belgium, 1 December 2016.
- Presentation on "The new CEPANI Mediation and Mini-trial Rules in force as from 1 January 2018" at a seminar on "Presentation of the new Law on Mediation and of the recently revised CEPANI 'ADR' Rules" organised by CEPANI 40, Brussels, 19 June 2018.

- Presentation on “Current Answers to the Growing Need for Mediation as a Method to Settle International Trade and Investment Disputes”, at the “International Dispute Resolution Conference 2019 – New Era of Global Collaboration” organised by the Hong Kong Mediation Centre, the International Dispute Resolution & Risk Management Institute and UNCITRAL, in collaboration with the Hong Kong Department of Justice, in Hong Kong, 17 April 2019.
- Online presentation on “Potential of Mediation from the Perspective of an Attorney” (in German : “Potential der Mediation aus Sicht eines Anwaltes”), at a webinar organised by the Eupen Bar of Lawyers, 30 June 2020.
- Presentation on “Mediation as a Method to Settle International Trade and Investment Disputes” at a webinar on “UNCITRAL Working Group III : Reform or Replace the Investor-State Dispute Settlement System? Potential Alternatives to Arbitration in ISDS”, organized by the North America Branch of the Chartered Institute of Arbitrators, 22 September 2021 (recording accessible at < <https://www.ciarbnab.com/resources/webinars/>>).
- Co-moderator of a webinar “Roundtable on the position of the European Union on the Singapore Convention on Mediation”, organized by the European Law Institute – Slovenian hub and the Forum for International Conciliation and Arbitration (FICA), 18 June 2021.
- Member of the delegation of FICA (Forum for International Conciliation and Arbitration) at Working Group II (Dispute Resolution) of UNCITRAL, New York and Vienna, since 2016.
- Member, as expert, of the Belgian delegation in Working Group III (Investor-State Dispute Settlement Reform) of UNCITRAL (United Nations Commission for International Trade Law), New York and Vienna, since 2017.
- Assessor/Mediator in the online “Foreign Direct Investment Mediation Moot” in Kyoto, Japan in 2022.

**13. Memberships in mediation institutions / functions in mediation institutions/organizations:**

- Member of the Board of CEPANI (Belgian Centre for Arbitration and Mediation), since 2001.
- Alternate member of the special commission on civil and commercial mediation of the Federal Mediation Commission, Belgium, 2005-2009.
- Chairman of the CEPANI Working Group on the revision of the Rules of Mediation, mini-trial, technical expertise and adaptation of contracts of 2018 (2013-2017).
- Member of the IBA Working Group on Rules for Investor-State Mediation, 2011-2012.
- Co-chair of FICA (Forum for International Conciliation and Arbitration), since 2020.

**14. Special expertise or specializations (*please list a maximum of three*) in your ADR-practice:**

- Commercial mediation.
- Intellectual property mediation.
- Investor-State mediation.

**15. Soft Skills (e.g. intercultural competences):**

- As Co-Chair of FICA (Forum for International Conciliation and Arbitration) and also as delegate for FICA in UNCITRAL Working Group II and through involvement in IBA Mediation Committee, I am used to intercultural approaches to mediation.

**16. How do you ensure your professional quality (e.g. coaching, practice supervision, etc?)**

- Teaching.
- Research and publications on mediation.
- Member of Editorial Board of “Nederlands-Vlaams Tijdschrift voor Mediation en Conflictmanagement” (Dutch-Flemish Periodical on Mediation and Conflict Management), since 2012.

**17. Date of birth:      4 August 1959**

VIAC offers mediation practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate a mediator of their choice and so is the VIAC Board when appointing a mediator. These presentations do not constitute recommendations but may assist the parties in choosing a mediator willing to conduct proceedings according to the Vienna Mediation Rules. The fact that a mediation practitioner appears on this list, does not authorize this person to use the title "VIAC-mediator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of mediators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to [office@viac.eu](mailto:office@viac.eu). The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information see our privacy statement at [www.viac.eu](http://www.viac.eu).

8 April 2023

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Date

**Dr. Herman VERBIST**

**Everest Attorneys**

**Bollebergen 2 A / Bus 20**

**BE – 9000 Ghent**

**Belgium**

(Main office)

**Tel.: +32 9 334 94 70**

**Fax: +32 9 334 94 77**

**E-mail: herman.verbist@everest-law.be**

**<<https://www.everest-adr.be/herman-verbist>>**

**<[www.linkedin.com/in/herman-verbist-6458a798/](https://www.linkedin.com/in/herman-verbist-6458a798/)>**

**<<https://whoswholegal.com/herman-verbist>>**

Louizalaan 283 / Bus 19

BE- 1050 Brussels

Belgium

(Second office)

Tel.: +32 2 640 44 00

Fax: +32 2 648 99 95



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Herman Verbist is a lawyer at the Bars of Ghent and Brussels. Since 1998, his activity focuses primarily on arbitration and alternative dispute resolution. He is registered on the list of collaborative lawyers of the Association of Flemish Bars and on the list of third party deciders of the Brussels Bar (Dutch speaking section) since 2020.

He obtained his Master's degree in law at the University of Leuven (K.U.L., 1982), and has completed additional law studies in Germany (Eberhard Karls University, Tübingen, 1982-1983) and in the United Kingdom (King's College, University of London, 1986). In 2008, he obtained a doctorate in law at the University of Ghent.

He has worked as counsel at the Secretariat of the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris (1988-1996). He has taught, as a visiting professor, the course on international commercial arbitration at the University of Ghent (1996-2013). He has lectured in the field of arbitration at various other Universities (University of Leuven, 1993, 1994 and 1997; Université Libre de Bruxelles – Solvay Brussels School of Economics & Management, 1999-2003; University College Dublin, 1999 and 2000; City University Hong Kong, 2014; University Paris X – Nanterre, 2015). Since 2020, he lectures the course “*Case Study Investment Mediation*” at the Europa-Institut of Saarland University in Germany, teaching students an alternative method for settling investor-state disputes on the basis of a practical case.

He was president of the arbitrators of the Belgian Court of Arbitration for Sport from 2016 until 2020 and was president of the training and documentation department of the Belgian Court of Arbitration for Sport until 2021.

He has acted in more than 80 national and international arbitrations as counsel, sole arbitrator, chairman of the arbitral tribunal, co-arbitrator, or expert (CEPANI, ICC, CAS, Permanent Court of Arbitration, European Court of Arbitration, Danish Institute of Arbitration, Polish Court of Arbitration, *ad hoc*) and has also acted as mediator in more than 20 national and international mediations (appointments by Belgian Courts, WIPO, Energy Community, *ad hoc*) and as adjudicator.

Herman Verbist is a member of numerous international arbitration associations and registered as arbitrator on the list of arbitrators of several arbitration institutions worldwide, including CAS, VIAC, ICDR, HKIAC, SIAC, AIAC, KCAB. He is an accredited mediator (Belgian Federal Mediation Commission, since 2008) and is registered on the “*Panel of Conciliators*” of the International Centre for Settlement of Investment Disputes (ICSID), Washington D.C. (since 2016), upon designation by Belgium; registered on the “*Panel of Transit Conciliators*”, International Energy Charter Treaty, Conflict Resolution Centre, Brussels, Belgium (since 2018), designated by Belgium; registered on the Energy Community Dispute Resolution Panel of Mediators, Vienna, Austria (since 2018); registered on Mediation and Conciliation Network (MCN), New Delhi, India. He is a member of the ICC Commission on Arbitration and ADR (since 1996) and member of the Board of CEPANI (since 2001).

He is co-chairman of FICA (Forum for International Conciliation and Arbitration) since 2022 and attends the sessions of Working Group II (Dispute Resolution) of UNCITRAL in New York and Vienna as a member of the FICA delegation since 2016.

He is author or co-author of more than 200 articles in numerous Belgian and foreign legal periodicals and of more than 20 books in the field of arbitration and alternative dispute resolution. He is a member of the editorial committee of several periodicals in the field of arbitration and alternative dispute resolution: “*Tijdschrift voor arbitrage*”, “*Nederlands-Vlaams Tijdschrift voor Mediation en Conflictmanagement*” and “*b-Arbitra*”.

He is recognised by “*Who's Who Legal*”, GAR, London, as a “*Global Leader*” in arbitration and mediation. Peers and clients say : (in 2022) “*An authority in international arbitration. His knowledge of international*

*arbitration is second to none.” ; (in 2023) “A well-known and highly reputable arbitration practitioner in Belgium. Herman has a strong academic profile. He is a smart and practical lawyer.”). He is “recommended” by “Leaders League” (Paris)*