

# VIAC – Questionnaire for Mediators

1. **Name:** Dr. Bea Verschraegen, LL.M., M.E.M.

2. **Nationality:** Austria

3. **Contact information**

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LinkedIn: currently under revision

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

See *attachment*.

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

Private International Law, Comparative Law, cross-border and domestic mediation, cross-border and domestic counseling.

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

Since 1999 regular trainings in Switzerland, Germany and Austria.

Accredited mediator in Austria since 2005 (with special focus on cross-border and intercultural conflicts).

FLAG-mediator (state subsidized mediation under Art. 39c FLAG) since 2014.

EMPTJ-mediator (European Mediation Training for Practitioners of Justice) since 2015.

Training as psychological counsellor. Diploma thesis submitted on Sept. 26, 2016.

Post-graduate mediation program at the Institut Universitaire Kurt Bösch (Sion, Switzerland):  
Maître Européen en Médiation (M.E.M., 2002).

7. **Practical experience in mediation**

- How many (international) mediations have you participated in

- as single/co-mediator/in a team?

Regularly as single mediator in cross-border conflicts since 2002

As co-mediator since 2014

In a team: Group Mediation „Sauberer Burggarten“ (Clean Burggarten, City Vienna)

May 2003 - January 2004

- administered by an institution; under which Rules?

Under the ZivMediatG

- in which areas/fields?

Intercultural conflicts, property and commercial disputes, consumer disputes, neighborhood disputes, succession conflicts, family disputes, most of them with cross-border aspects

- how complex (*please provide examples, participation of lawyers/experts*)?

Many mediations took place with lawyers in the back-ground. The complexity of the cases was usually triggered by time-pressure, lacking language proficiency of the parties, their personal ties to the property, or potential insolvency lacking an agreement.

- How often have you acted in a different function (e.g. consultant, expert)?

In numerous cases as consultant and/or expert.

- What other ADR-experience do you have?

Co-operation as judge in moot-competitions and moot courts on International Commercial Arbitration (Hong Kong, Vienna).

Team-work as (founder and) co-ordinator of the special program „Mediation and Alternative Dispute Resolution” (area of specialization within the law diploma program) at the Law Faculty, University of Vienna – 1999-2009.

Initiator and director of the post-graduate program “European and Asian Legal Studies - Shaping and Steering of Cross-Border Transactions” – 2012-2015.

Member of the Austrian Mediation Council (appointment by Federal Minister of Justice) - since 2004 (including the management of two committees on quality standards).

Internal dispute negotiations in my capacity as president of the Commission Internationale de l'État Civil (CIEC) – 2000-2001 (the period of bilateral sanctions against Austria; nonrenewable function), followed by the recognition of my contributions as “honorary president” in 2002.

Friendly settlement of disputes as head of the “Committee on Membership and Dues” of the International Society of Family Law, and interim of the “Committee on General Finances, Administration and Organization” of the International Society of Family Law (ISFL) – 2000-2005.

Development of negotiation skills in the frame of the CIEC and in my capacity as Vice-Rector for International Relations at the PanEuropean University (Bratislava) – 2009-2012, and as special advisor of the Rector of PanEuropean University – 2012-2014, as well as in (international) advisory boards since many years.

Arbitrator at the Romanian Arbitration Court for International Transport Disputes – since 2015.

Member of the Experts' Group on “Cross-Border Recognition and Enforcement of Agreements in International Child Disputes” at the Hague Conference (The Hague) – since 2013.

Fellow of the International Advisory Board of the “Belt and Road” Research Base of Hong Kong (“Belt and Road”) – since 2016, and in this context one of the initiators of the “*Dispute Resolution Mechanisms for the Belt and Road*” (forthcoming).

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

Mother tongue: Dutch (Flemish).

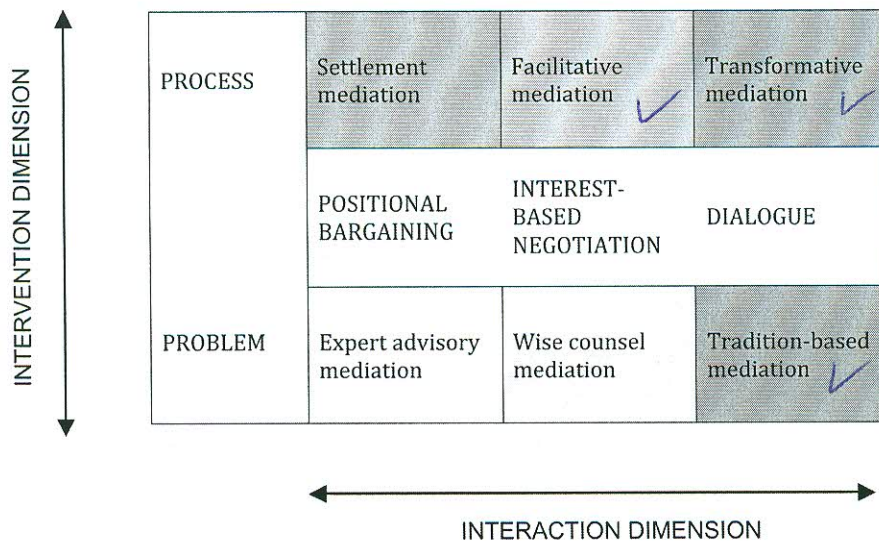
Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): English, French, and German.

Basic knowledge: Italian, Spanish, and Russian.



## 9. Style of mediation

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



© 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.

The answer to this question very much depends on i.a. the nature of the conflict at stake, the objective of the mediation, the wishes of the parties and their cultural back-ground. Very often, the mediation is primarily facilitative, transformative or tradition-based, or – in some cases, elements of either style may be taken into account if the case so requires.

## 10. 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?

Fairness, correctness, discreetness, sensitivity, reliability.

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

Training as psychological counselor and submission of the diploma thesis on intercultural counseling and culture of counseling using as an example the Catch-22-paradox ("Zur interkulturellen Beratung und Beratungskultur. Eine Catch-22-Situation für Klient\_innen?") – 2016.

Post-graduate training in Switzerland and Master-thesis on cultural conflict and culture of conflicts using as an example Islamic minorities in Vienna ("Kulturkonflikt und Konfliktkultur – Am Beispiel islamischer Minderheiten in Wien") – 1999-2001.

„Mediation: Sinnige Mode oder moderner Unsinn?“. In: Österreichische Juristenkommission (Hrsg), *Entstaatlichung Gefahr für den Rechtsstaat?* (2002) 166-174.

Hong Kong Mediation Handbook, Raymond HM Leung (gen. ed.), Hong Kong: Sweet & Maxwell, 2009, pp xxv + 584, (2011) 3 City University of Hong Kong Law Review pp. 181-186 (book review).

Extensive teaching experience in the field of mediation (in Asia and Europe) since 2000.

Attendance of many courses and conferences on mediation since 1999.

## 12. Memberships in mediation institutions / functions in mediation institutions/organizations:

Memberships: i.a.

- Verein für Co-Mediation.
- Österreichischer Bundesverband für Mediation (ÖBM).
- Association for International Arbitration (AIA).
- Member of the Experts' Group on "Cross-Border Recognition and Enforcement of Agreements in International Child Disputes" at the Hague Conference (The Hague).

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

Intercultural and cross-border mediation, international commercial mediation.

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

Throughout my professional career specialization on cross-border, intercultural and comparative law aspects.

Studies and working experience in foreign countries during many years.

Development of intercultural competences in a variety of settings, i.a. negotiations with foreign citizens, bodies and institutions.

Bottom up experience with foreign languages (i.a. fourth language learning of German in Austria by doing).

Studies of anthropology at the Univ. of Vienna (successfully completed the first two years).

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

Supervision, practice, study of cases and literature, staying up to date and learning of further skills, attendance of seminars and conferences, discussions in peer groups, etc.

**16. Date of birth:**

May 14, 1953.

I have completed this questionnaire to the above to the best of my knowledge and believe it is accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons or may be published on VIAC's website.

*Zee Vankhagen, Vienna, Oct. 2, 2016.*

Date and signature



**O. UNIV.-PROF. DR. BEA VERSCHRAEGEN, LL.M., M.E.M.**

Bea Verschraegen was born in Ghent, Belgium. She moved to Austria in 1973 and studied law (and anthropology) at the University of Vienna. After having qualified for Comparative and Private International Law (“Habilitation”), she worked in 1992 as head of the Department “Europäische Integration” (European Integration) and deputy head of the Department „Europarat“ (Council of Europe) in the Austrian Parliamentary Administration / International Affairs (Parlamentsdirektion / Internationaler Dienstbereich).

She was first-listed and offered a full professorship (C 4) for civil law and subsidiary subjects (Europa Universität Viadrina, Frankfurt / Oder, Germany), taught in the fields of civil law, private international law, comparative law, European integration from 1992-1994, and was vice-rector-designate for international relations. She was then first-listed and offered of a full professorship (C 4) for civil law, private international law, comparative law, European private law and European integration at the University of Bielefeld (succession Prof. H. Schack), where she worked from 1994-1998. Among other activities in Bielefeld, she was managing director of the Institute of Business Law (Institut für Wirtschaftsrecht, IWB, founded by Prof. Hommelhoff, University of Bielefeld). In 1998, she was appointed chair professor for private international law and comparative law with special regard to private commercial law (o. Univ.-Prof. für Internationales Privatrecht und Rechtsvergleichung unter Berücksichtigung des Privatwirtschaftsrechts) at the University of Vienna. Simultaneously to her professorship in Vienna, she was professor at PanEuropean University (PEU, Bratislava) from 2004-2014, vice-rector for international relations from 2009-2012 and special advisor to the rector of PEU from 2012-2014.

Her main areas of specialization include private international law, comparative law, private and procedural law, mediation, negotiation, counselling, and arbitration. She has been lecturing in a variety of countries and published widely.

Bea Verschraegen has assumed multiple tasks, i.a. representation of the Republic of Austria in the Commission Internationale de l’État Civil (CIEC, Strasbourg) from 1999-2000, 2002-2008. She was president of the CIEC in 2000-2001, and nominated “présidente honoraire” following her presidency. She was awarded the Russian „International Higher Juridical Prize ‚Themis‘ 2014 “ by the „International Fund for Support of Legal Initiatives“ (Международный фонд для поддержки юридических инициатив) for special legal cross-border academic services. Throughout her academic career she served as head, member, expert and / or counsel in numerous councils, boards, committees, academic associations in Austria and abroad (i.a. the German Bundestag / Berlin; the Ontario Department of Justice (CA), senior expert in the frame of the project “Support to Civil code and Property Rights”, managed by the EUO in Kosovo, etc). She has been expert advisor for i.a. the EU, the Council of Europe, the OECD, foreign research and development funds, Fulbright scholarship committees and reform projects (university reform of the University of Macau, Civil Code reform in Kosovo, development of the Master’s Law Program at Sigmund Freud PrivatUniversität, Hague Conference, American Law Institute, development of the “Dispute Resolution Mechanisms for the Belt and Road” (Hong Kong). Since 2005 she heads the Section for Comparative Law, Unified Law and Private International Law, Faculty of Law,

University of Vienna. She was short-listed (final round) for the position of Secretary General of the Hague Conference (The Hague) in 2012.

She is i.a. titular member of the International Academy of Comparative law / Académie internationale de droit comparé and head of the Austrian Committee, member of the Academia Europaea, member of the American Law Institute and the European Law Institute, “ambassadrice” pour l’Autriche of the AiSDC (Lausanne), member of the International Advisory Board (IBA) of the CityU Hong Kong, fellow of the International Advisory Board of the “Belt and Road” Research Base of Hong Kong, member of the Austrian Mediation Council, member of the University Council of the Sigmund Freud PrivatUniversität (Vienna), member of the “Experts’ Group on Recognition and Enforcement of Voluntary Cross-Border Agreements in International Child Disputes” (Hague Conference, The Hague), member of a range of national and foreign editorial councils.

Bea Verschraegen is adjunct professor of the University of Macau, accredited mediator, arbitrator at the Romanian Arbitration Court for International Transport Disputes, accredited attorney (Bratislava Bar), legal expert and counsellor.

For further details see <http://homepage.univie.ac.at/bea.verschraegen/>