

## Regulation of Mediation, how much is ideal?

### Civil and commercial Mediation in Turkey

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## Our company in brief

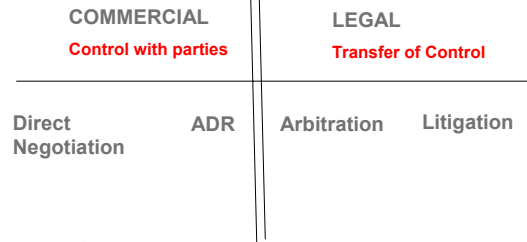
- One of the world's leading industrial companies
- Make and supply the widest combined range of paints, coatings and specialty chemicals
- Employ around 60,000 people in more than 80 countries
- Global Fortune 500 company
- Listed on Euronext Amsterdam stock exchange
- Chemicals industry leader on the Dow Jones Sustainability Indexes
- Combined revenue for 2008 totaled € 16.2 billion



## Trusted portfolio of global brands



## Dispute Resolution Spectrum



## Elements of a Structured Conflictmanagement Policy

- Knowledge of modern methods of conflict-management
- Risk-analysis
- Policy -statement
- Multi-step dispute resolution agreement clauses
- Reporting structure and –procedure
- Case-analysis and resolution alternatives
- Preparation (principled negotiation, Harvard method)
- Evaluation



## Examples of systematic Conflict Management at Akzo Nobel

- Patent infringement after enticing away processtechnician (US)
- M & A (NL/US)
- Dispute on coverage of insurance policy (US)
- Hatch Waxman, alleged abuse of monopoly in pharma (law suits by generics, direct and indirect purchasers and State Attorneys General class actions and FTC action)



## Relevant issues in Business Mediation

- Mediator skills: process and possibly substantive knowledge, depending on nature of dispute possibly also evaluation skills (legal background)
- Mediator choice: free for parties, also in court annexed procedure
- Flexible procedure, also regarding evidence
- Confidentiality: mediator and parties not subject to testimony in subsequent court procedure without approval both parties (mediator privilege?)
- Outside counsel not always needed

## Conclusion

**Structured Conflict-management policy including ADR is an essential tool of risk-management in the context of responsible corporate governance**