

Note de la section belge de Gemme destine au CA de Gemme devant se tenir à Sofia le 1 novembre

Memorandum of the Belgian section of Gemme prior to the board meeting of Sofia.

Thursday, October 04, 2012

I. Introduction

The Belgian section is completely reorganizing itself, after it kept Gemme at distance for a while. The reorganization is under way but will only be achieved at the end of 2012. A general assembly of members and would be members will convene in November or early December with a very ambitious internal program and a redefinition of its relations with Gemme. As this meeting did not take place yet, it is too soon to make a guess as to what kind of link the members want to have with Gemme, but they do want to have one. No one can tell to-day how they see this link.

The goal of the Belgian association of judges for mediation is to have more than 30 members (as in the not so distant past), but to reach that goal we have to provide certain challenging local activities in Belgium. This can be done. Participating in Gemme Europe as such is not enough to motivate the judges.

I will not be able to attend the meeting but a member of the board and former president of the Belgian section, René Constant, will represent the Belgian members. Knowing that it can be occasionally difficult to put a message across during a board meeting (particularly with a board of dozens of members), I thought it convenient to write this message.

II. Agenda

2. Strategy

I have no particular remarks. The president is quite right in pointing out that Gemme has to be a truly European association. It is too much French-oriented which is partly due to the attraction of Paris as venue for the meetings and the dynamic approach of the French. But the President is right: without a major effort to be truly European we will never succeed.

3. House rules

The drafting could be marginally improved but I have some questions on certain proposals. I reproduce the sections below to make my point.

4.2. The Board of Directors shall comply with the guidelines that the General Assembly votes to the following two years.

I think this is a matter for the statutes. If the general assembly makes a decision, the effect of such a decision will be determined by the French law or by the statutes.

6.A. Gemme has, at their structure, a General Secretariat which is coordinated by the Secretary-General and include, also, the Deputy Secretary General, and may also include a Substitute Secretary-General (which should be added to the Bureau); as well as the Treasurer and Assistant Treasurer; and will include, even, the members of the Board of Directors that the Council designate for specific tasks, which will provide a Support Service, in particular to:

- *Website*
- *Mailing list*
- *Relations with international institutions*
- *Connection point for colloquiums, publications and translations*

I fail to understand how this works. Directors with specific tasks should not be included in a “general secretariat” : they remain directors even if the board decides that some of its members should be entrusted with certain tasks. I would not mix the two kinds of situations: legally it does not make much sense.

The followed orientation in matters of reimbursement of expenses is each year a subject matter of the budget.

Unless the members of the Bureau, concerning the other Directors can only be repayed one of every nationality among those who have requested a repayment due and without prejudice of the Internal Rules.

If the Board of Directors charges a member of organizing an event, this includes the authorization for execution of expenditure which has been included in the budget accepted by the respective Board of Directors or by the Bureau on behalf of the Board of Directors, under the preliminary advises of the Treasurer and the President.

I have some trouble understanding this. Of course a budget has to be provided each year and it is useful to remind it as, as far as I remember, the law of incorporation is very (too) flexible. But does the text mean that all board members should be reimbursed for travel expenses? This is of course also a reminder that we should avoid at all cost to have a replay of the elections held in Paris with all attendants being elected. I’m also worried about the organization of events: it is not quite clear if the distinction between national events and European events is preserved and with it the principle that Gemme cannot be held liable (towards third parties) for activities organized by the local sections. The wording might lead to misunderstandings.

4. Additional proposals

The priority of having a proper website is obvious. We received from François Staechele quite a bit of useful information and tips. Our point of view is that Gemme Europe has to provide a solid and reliable information on the legal situation of adr in all countries of the EU and of EFTA. The national correspondents should be able to add themselves content to the common website with as much flexibility as possible. The structure of the website should reflect that we are a group of judges and are keen to have correct information on legal matters elsewhere. (the law being of course the law in action). They judges might like a bit of fun, but not too much.

What I need also is to have information on the way eventually our own national website or other information will be linked to the European site of Gemme. For the time being I will act as the point of contact for Belgium.

Concerning new members, the tradition has been that two channels would be possible: direct affiliation with Gemme (the treasurer paid back €10 to the national section) , or affiliation through the national section. This was done on purpose: in certain sections members do not like their local board..... or vice-versa. The members who have a direct affiliation are included in the national section for all purposes.

5. Activities of the national section. We have plans more the past activities. We have concluded some partnerships with our Federal commission of mediation, with Jams international, with the Brussels mediation center, with some local bars etc. The program will be decided by our members in November.

A creation of blogs or of a website is now in its initial stage.

The general idea is to further the development of adr-initiatives in each court of the Kingdom and to give full access to our members to scientific and other activities going on in all countries of the EU (via our partners).

Good luck with the meeting,

Ivan Verougstraete

President of Gemme Belgium