The Centre for Arbitration and Conciliation - Chamber of Commerce of Bogotá

BY

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The Centre for Arbitration and Conciliation (CAC) of the Chamber of Commerce of Bogotá (CCB) is a major ADR institution in Latin America. Since 1983, the CAC has striven to develop the receptivity and confidence of the businessmen, the government and society at large for ADR. Its development and practices include some useful solutions and lessons learned that might benefit other ADR organisations facing similar challenges. Even though its primary focus was on commercial activities, it progressively extended its services, among others to schools, universities and low-income communities.

In order to do so, the legal framework first had to be adapted. The CAC had to actively promote its activities at the governmental level so as to create and amend laws that benefit the ADR background in Colombia, to recognise its legitimacy and to provide legal tools for its proper functioning.

The CAC operates in four fields: arbitration, conciliation, communitarian conciliation and educational conciliation. In each of these, it has been of utmost importance to perpetually update and improve the services proposed, in order to meet the changing needs of society. Technologies and strategies thus have to be revised regularly to offer the best possible services.

Arbitration

The CAC deals with around 300 arbitration cases per year. This number includes cases between private parties, cases between the government and a private entity, and cases of our special lines of arbitration, such as “Mipymes Arbitration” or the intellectual property arbitration line.

For the proceedings, the CAC relies on an extensive equipment, e.g. rooms for arbitration hearings of different capacities, a recording system (CD recording system and a software programme that transfers the recordings to a virtual archive), and transcription services including the possibility of videoconferences and simultaneous translations.

As to the laws applicable to the case, the CAC allows for flexibility for the parties. It can operate with its own procedure rules (institutional arbitration), the rules that the parties agree on, or create for their case (independent arbitration), or with the local rules that are in the legislation (legal arbitration).

In its dealing with arbitration, the CAC has developed two noteworthy techniques.
**E-Arbitraje (e-arbitration):** It is a virtual arbitration programme that allows not only the submission of claims and memorandums in a virtual way, but also for transparent proceedings and the consultation of the file’s data by the parties. It is certified and monitored to protect all confidential information and data exchange between the parties. This virtual tool is unique in Latin America, and would constitute an important input to modernise the arbitration procedures and their effectiveness in time and costs.

**Public Draw of Arbitrators:** the CAC has an unique software to make the selection of arbitrators in each case, if the parties agree to choose their tribunal in this way. This software guarantees the transparency in the election of the arbitrators and makes sure that the chosen names have the quality and expertise that specifically fit to the case. The most suitable academic and professional profile can be identified by this programme among the arbitrators divided into fourteen specialties of law and into two lists. List A being senior arbitrators, which attend the major cases and List B being junior arbitrators, which attend the minor cases.

**Conciliation**

With respect to conciliation, the CAC deals with around 5000 cases in extrajudicial conciliation of law and more than 2000 conciliations in the Free Conciliation Day-works.

The extrajudicial conciliation of law is an alternative mechanism to resolve conflicts in which two or more people (i.e. civil persons or legal entities of public or private nature) construct a solution for their conflicts. They preserve all their autonomy and determine all legal effects with the help of a neutral and qualified third party, being the denominated conciliator (classified according to the profile of each professional).

The *Free Conciliation Day-Works* consist in events with the purpose to provide vulnerable communities (i.e. old people, one-parent families, displaced people from rural zones, handicapped people, and impoverished communities) with the possibility to access our pro-bono conciliations to resolve their issues in family, civil and commercial subjects, and other topics that might be resolved by conciliation.

Recently, the CAC launched the virtual conciliation service in where all hearings can be made virtually. A special software provides the flexibility of handling different cases, and allows to share documents.
Communitarian & educational conciliation

The 'Communitarian Conciliation Headquarters' programme aims at promoting the pacific cohabitation of communities. It spreads knowledge and develops collaboration materialising the idea(l)s of conciliation in communitarian conflicts.

The Hermes Programme proposes methodological tools to the different actors of the educational community (i.e. fathers, mothers, teachers, school principals, and students) to transform and manage interpersonal conflicts. The main aspects of this programme are sensitisation programmes and training and monitoring spaces. The particularities of each community have to be taken into account with the focus on generating continuity processes to involve all the educational communities. This programme is actually one of the 5 finalists of the “2011 World Chambers Competition - Best Corporate Social Responsibility Project”.

The CAC considers the cooperation with academic processes very important for ADR mechanisms. Indeed, it is an ideal tool to spread the knowledge and confidence necessary for the development and effectivity of ADR methods.

The CAC is committed to education and offers its clients and the public different types of training courses in arbitration, conciliation, arbitral proceedings, and international arbitration (for instance in the CAC’s School of International Arbitration). The CAC has developed new types of teaching tools such as e-learning and b-learning for this purpose to overcome the boundaries and to spread knowledge to places even outside Colombia.

In conclusion, the CAC underlines the importance to engage in active communication in order to develop contacts and partnerships in shared interests. It is only in opening the perspectives of society and in adapting the approaches of practitioners to new advances that the ADR mechanisms will spread and become more effective.

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