

**The Centre for Mediation at
The Hague Court of Arbitration for Aviation**

MODEL CLAUSES

Pursuant to Mediation Rules in force as of 31 August 2022



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**THE CENTRE FOR MEDIATION AT
THE HAGUE COURT OF ARBITRATION FOR AVIATION**

MODEL CLAUSES

1. The suggested variations of the model optional mediation clause, which in each instance should only be included in supplement to the applicable jurisdiction (including arbitration) clause, are as follows:

The parties [shall consider and discuss whether / may mutually agree] to refer any dispute arising out of or in connection with [clauses _ of] the present contract for settlement through mediation in accordance with the Mediation Rules of The Centre for Mediation at The Hague Court of Arbitration for Aviation for the time being in force, notwithstanding the commencement or continuation of any other proceedings and without any prejudice thereto except where the parties agree otherwise in writing.

2. The above variations primarily serve to put mediation on the agenda and collective memory of the parties at the time that a dispute arises. They do not, however, provide any hard obligation upon them to engage in mediation. The above also contains the most critical elements that any general optional mediation clause should address, namely: (i) the parties' agreement to have or at least discuss the option to mediate; (ii) the scope of the disputes submitted to mediation; and (iii) the choice of the institution and mediation rules.