

Kluwer Mediation Blog - August Digest

Kluwer Arbitration Blog

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August offered an eclectic mix of posts ranging from recent developments regarding mediation in investor-state disputes, the potential offered by mediation in environmental disputes in India, and the meaning of true voluntariness in mediation. Below is a brief summary of each of the posts published on the Kluwer Mediation Blog last month.

In *Where Might Ambiguity Add Value*, Charlie Woods considers the value which ambiguity can add in addressing the many challenges we face in our increasingly interdependent and uncertain world.

In *Elementary My Dear Watson*, Andrea Maia explores the impact of artificial intelligence on mediation, with a particular focus on consumer disputes in Brazil.

In *Of Perception, Impasse and A**holic Behaviours - Creating Movement in our Minds*, Joel Lee identifies two mental shifts which are helpful in overcoming challenging situations.

In *What Do We Mean By Dialogue*, Constantin-Adi Gavrilă explores whether the term “dialogue” can have different meaning and considers whether the dialogue process could be more effective should these differences be clarified before the process commences.

In the Future of ADR Between Investors and Public Authorities, Rafal Morek identifies key recent developments regarding mediation in investor-state disputes including the European Commission's recent consultation document on the 'Prevention and amicable resolution of disputes between investors and public authorities within the single market'.

In Typewriting the Mediated Settlement Agreement, Martin Svatos draws on his recent experience of finalising a settlement agreement to consider how difficult it would be to draft a settlement agreement using a typewriter

In Mediation of Environmental Disputes in India, Dhruv Shekhar draws on important recent developments to highlight the role which mediation could play in environmental disputes in India.

In Some Thoughts on the Voluntary Nature of Mediation, or Why Mediators Should Not Overestimate What They (Can) Do, Greg Bond considers voluntariness as regards real engagement by the parties in mediation. Greg then uses two stories to highlight why the mediator's role within a dispute should not be overestimated.

In Working on Water # 4: tapping into dialogue issues, Ian Macduff shares the latest developments regarding water quality and allocation in New Zealand and identifies the potential roles for mediation in this pressing matter.

Finally, in The Path To Mediation Excellence - Not A Sprint But A Marathon, Angela Herberholz offers encouraging advice for those who are seeking to achieve excellence in mediation.