

Kluwer Arbitration Blog

Kluwer Mediation Blog – February and March Digest (Part 2)

Anna Howard (Centre for Commercial Law Studies, Queen Mary University of London) · Sunday, April 7th, 2019

“Conversation – respectful, engaged, reciprocal, calling forth some of our greatest powers of empathy and understanding – is the moral form of a world governed by the dignity of difference.” Lord Rabbi Jonathan Sacks, *The Dignity of Difference*, quoted by Ian Macduff in [“Signs of hope”](#)

Following on from [yesterday’s post](#), this second post offers a brief summary of, and a link to, each of the posts on the Kluwer Mediation Blog in March. Topics addressed include the Singapore Mediation Convention (including posts on the implementation of the convention in each of China and the EU), recent decisions of the Supreme Court of India regarding mediation, and the current consultation in Romania on the development of public policies on mediation. We hope you find these useful.

In [“Singapore Convention Series – Harmonization of China’s legal system with the Convention: suggestions for the implementation of the convention in China”](#), in the first of a two-part series, Wei Sun explains how China’s current legal system needs to be adapted to the Singapore Mediation Convention in order to ensure the successful enforcement of settlement agreements covered by the convention in China. Wei Sun identifies potential problems in implementing the convention in China and suggests how such issues might be addressed.

In [“The value of mediation in times of crisis”](#), in light of the recent tragic collapse of a dam in the Brazilian town of Brumadinho, Andrea Maia explains how mediation may be an effective tool for dealing with the needs of victims in times of crisis. In particular, Andrea describes a project, Programa de Indenização Mediada (Mediate Indemnification Programme), established following an earlier dam collapse in Brazil and under which a foundation was created to act as a third party and mediate between victims and the dam company.

In [“I Ching and mediation \(no, not meditation\)”](#), Rick Weiler describes how he has often, before the arrival of the participants to the mediation, performed the ancient divination ritual of casting the I Ching (and which can nowadays be performed virtually on the internet). Rick explains how at the core of the I Ching is a set of 64 hexagrams – six stacked lines, broken or unbroken – said to represent every possible situation. The hexagram, once complete, links to a message from the text of the I Ching. Rick shares with the reader some of these wise messages and acknowledges how performing this ritual has been beneficial to him in his practice of mediation.

In “Open source public consultation tool to support the development of public policies in the field of mediation”, Constantin-Adi Gavrilă and Marin Pădeanu explain the current public consultation regarding alternatives to the current public policies in the field of mediation in Romania. The purpose of the consultation is twofold: to gather useful information for the design of public policies in the field of mediation and to also increase the transparency of the decision-making process regarding such policies. The consultation is open until October 2019.

In “Singapore Convention Series – harmonization of China’s legal system with the Convention: suggestions for the implementation of the Convention in China (Part 2)”, in the second of a two-part series and building on the first of his series of posts, Wei Sun identifies further potential problems in implementing the Singapore Convention in China and suggests how such issues might be addressed.

In “Singapore case note: interpretation of MSAs and inadmissibility of evidence from mediation”, Nadja Alexander and Shou Yu Chong examine a recent 2019 decision of the Singapore High Court, *Jumaiah bte Amir and Another v Salim bin Abdul Rashid*. Nadja and Shou Yu explain how this case is directly relevant to the drafting of mediated settlement agreements and how it is indicative of the Singapore courts’ approach to mediation confidentiality. Nadja and Shou Yu also identify four lessons learned for those engaging in mediation under Singaporean law.

In “Singapore Convention Series: A plea for the adoption of the Singapore Mediation Convention by the EU”, Haris Meidanis provides a detailed review of the EU legislative framework on mediation and the cross-border enforcement of mediated settlement agreements. Haris also identifies the changes which the Singapore Mediation Convention would bring to the current system for the enforcement of mediated settlement agreements in the EU and argues that the EU should adopt the Singapore Mediation Convention.

In “Welcome to the future: showcasing the next generation of mediators stepping up and stepping out”, Rosemary Howell explains how, following the Intergenerational Roundtable discussions at the ICC Mediation Competition, she has continued to think about what she could do to support the next generation of mediators. In this post, as part of her continued efforts to support the next generation, Rosemary interviews three new entrants to mediation to reveal their stories and to share some lessons which other young mediators might find helpful.

In “On the benefits of mediation training, and in getting things wrong. An interview with Eva Chye”, Greg Bond explains his skepticism about one-week forty-hour mediation courses leading to accreditation. He then shares an interview with Eva Chye, who some years ago took part, together with Greg, in a one-week mediation training programme. Eva does not work as a mediator, but she uses mediation skills in her work. In their interview, Eva shares with Greg the sustainable effects which that mediation training has had, including the significance of active listening, self-reflection, and respect.

In “Signs of hope” drawing on the aftermath of the ghastly recent attacks in Christchurch, New Zealand, Ian Macduff identifies a few mediation-linked observations and reflects on what might be the next steps for his country. In particular, Ian notes that in responding to conflict and threat, it’s clear that leadership and tone matter. Ian also notes that much work is still to be done – to have those hard and challenging conversations about who “we” are, beyond the declarations that this is “not us”.

In “[What does good mediation look like? A consumer’s eye-view](#)”, Charlie Irvine asks what does good mediation look like and, expanding on this slightly, what do expert mediators do and say, and how do they work their magic? To address these questions, Charlie draws on insights he has gained from mediation users during his PhD study of mediation parties. Charlie identifies the following “four faces” of good mediation: trust, setting, word choice and preparation, and considers each of these in detail in his post.

In “[A renewed interest in mediation in India](#)”, Mridul Godha addresses two recent key developments from decisions of the Supreme Court of India which have engaged the Indian community in discussions regarding a greater use of mediation in the country. The developments addressed by Mridul are the Supreme Court’s proposal for an Indian Mediation Act and the referral to mediation by the Supreme Court of the highly sensitive *Ayodhya* dispute which has brought the mediation process to the attention of Indian citizens.

As the [Kluwer Mediation Blog](#) welcomes more and more readers from across the globe, the editorial team would like to take this opportunity to thank all of our writers who, as the summaries in these two posts demonstrate, offer a wonderfully diverse and engaging selection of posts.


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