



THOUGHT LEADERSHIP IN MEDIATION

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The SINGAPORE INTERNATIONAL DISPUTE RESOLUTION ACADEMY is Asia's thought leader on advancements in the field of mediation and new developments in the global framework for the enforcement of international mediated settlement agreements. Under the guidance of Academic Director Professor Nadja Alexander, SIDRA is leading the way on a number of targeted research projects and publications to advance the conversation about the theory, practice, and policy of mediation at global, regional and national levels. Some examples of SIDRA's thought leadership across mediation practice and policy fields are described here.

MEDIATION AND ISDS



SIDRA is engaged in research to develop further understanding of mediation as an attractive forum for Investor-state Dispute Settlement (ISDS). The research adopts a dispute systems design perspective to explore how the process of mediation and settlements arising from mediation can potentially address gaps in the ISDS landscape. The research also examines the relevance of the forthcoming UNCITRAL Convention on International Settlement Agreements Resulting from Mediation, also known as the Singapore Convention on Mediation, in the investor-state context.

With increasing frequency, private commercial contracts are including mediation in their dispute resolution clauses, legislatures are introducing regulatory incentives for disputants to mediate, and courts are relying on mediation to resolve disputes before or during litigation proceedings to keep case dockets manageable. As the practice of mediation becomes increasingly mainstream and rules-based, so does the need for regulation of mediation practice as a professionalised field of work. SIDRA is engaged in research on the international regulatory and ethical dimensions of mediation to enhance policymaker knowledge about the best methods and practices for implementing regulations to advance the ethical practice of mediation and uphold the rights of participants in the process.

REGULATORY AND ETHICAL DIMENSIONS OF MEDIATION



MEDIATION ECOSYSTEM AND THE ROLE OF THE COURTS



Mediation does not take place in a vacuum; it exists within an ecosystem of related dispute resolution processes, institutions, providers and frameworks, all of which impact the function, usage and relevance of mediation. This research highlights the importance of examining the context of court mediation within the broader mediation and dispute resolution ecosystem, and within Singapore's dispute resolution ecosystem specifically. Using the 'Regulatory Robustness Rating' system, the research evaluates the Singapore ecosystem for cross-border mediation within the court context and examines the role of courts as gatekeepers to mediation processes.

International mediation law is a rapidly growing area of private international law and cross-border legal work. SIDRA is engaged in research on mediation law, policy and practice across key jurisdictions in the region and around the world, with a focus on cross-border mediation and its interplay with private international law issues such as the conflict of laws. SIDRA's research also examines the regulatory and institutional frameworks required to promote international dispute resolution within a jurisdiction.

MEDIATION LAW, POLICY AND PRACTICE



MEDIATION SKILLS AND TECHNIQUES



Mediation skills, like any professional skill set, are not static; and neither are the regulatory features of the profession - such as codes of professional conduct, ethical standards and accreditation standards - that influence and govern the practice of mediation. SIDRA is engaged in research that contributes to the development of new practice models to improve international best practices in mediation. This empirical and action-based research focuses on the skills, tools and techniques relevant to mediators in the Asia-Pacific region, particularly in relation to cross-border and cross-cultural disputes as well as disputes (and dispute resolution) with a technology or AI element. SIDRA has shared its findings directly with regional mediation communities through numerous mediation trainings in Singapore, Korea, China, Vietnam and Japan since 2017.

Moving the Conversation Forward...



THE SINGAPORE CONVENTION ON MEDIATION

At the 51st Session of UNCITRAL on 26 June 2018, the final drafts of the Convention on the Enforcement of International Settlement Agreements and corresponding Model Law were approved. A resolution to name the Convention, the 'Singapore Mediation Convention', was also approved. The signing ceremony for the Convention is expected to take place in Singapore in August 2019. It will be the first UN treaty named after Singapore. SIDRA is engaged in research and consulting on the significance of the Singapore Mediation Convention to the international dispute resolution landscape, both in Singapore and internationally. The research and consulting focus on the practical and legal effects of the Convention, encompassing work on the institutional, legal and regulatory frameworks required to implement the Convention, an analysis and interpretation of the Convention and Model Law, and a study of the potential implications of the Convention and Model Law on dispute resolution clauses in contracts and agreements.

For enquiries about SIDRA research and consulting, please email: enquiries@sidra.academy



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Singapore Management University | School of Law | 55 Armenian Street | Singapore 179943 | (65) 6828 9633