

ALLEN & GLEDHILL

MAXIMISING MEDIATION

For the SICC Legal Services Interest Group

Presented by

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Principal Mediator, Singapore Mediation Centre

Mediator, Singapore International Mediation Centre

Mediator :

Energy Market Authority, MOHH Healthcare Mediation, Tribunal for
Maintenance of Parents, EMCC

28 May 2021



THE SINGAPORE CONVENTION ON MEDIATION



THE SINGAPORE CONVENTION ON MEDIATION

Signed by 46 Countries on 7 August 2019

Signatories * With Reservations

Afghanistan	Honduras	Paraguay
Belarus*	India	Qatar
Benin	Iran (Islamic Republic of)*	Republic of Korea
Brunei Darussalam	Israel	Samoa
Chile	Jamaica	Saudi Arabia
China	Jordan	Serbia
Colombia	Kazakhstan	Sierra Leone
Congo	Lao People's Democratic Republic	Singapore
Democratic Republic of the Congo	Malaysia	Sri Lanka
	Maldives	The Philippines
Eswatini (formerly Swaziland)	Mauritius	Timor-Leste
Fiji	Montenegro	Turkey
Georgia	Nigeria	Uganda
Grenada	North Macedonia	Ukraine
Haiti	Palau	United States of America
		Venezuela (Bolivarian Republic of)



Aranda Singapore Convention on Mediation
Image Source MinLaw

THE SINGAPORE CONVENTION ON MEDIATION

Entered into Force 12 September 2020

Status As of 28 May 2021

Signatories **New Signatories** **Parties**

Afghanistan	Honduras	Qatar
Armenia	India	Republic of Korea
Belarus*	Iran (Islamic Republic of)*	Rwanda
Benin	Israel	Samoa
Brunei Darussalam	Jamaica	Saudi Arabia
Chad	Jordan	Serbia
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Gabon	Palau	United States of America
Georgia	Paraguay	Venezuela (Bolivarian Republic of)
Ghana		
Grenada		
Guinea Bissau		
Haiti		



Aranda Singapore Convention on Mediation
Image Source MinLaw

THE SINGAPORE CONVENTION ON MEDIATION

- United Nations Convention on International Settlement Agreements Resulting from Mediation
- Applies to international commercial settlement agreements reduced to writing
- Enforcement within state parties according to rules of procedure laid down in that jurisdiction



SMS Law Handing Over the Instrument of Ratification
Image Source <https://www.singaporeconvention.org/convention/about-convention/>

- Does not apply to
 - settlements agreements recorded as Court Orders nor arbitral awards
 - settlement agreements in disputes over personal, family, or household matters
 - settlement agreements relating to family, inheritance nor employment law

OVERVIEW

What is Mediation ?

- The Purpose
- The Process

Types of Mediation

- The (Proclaimed) Predominant Model
- Other Models

Why Mediate?

- Advising a Client on mediation
- Getting your Organisation to consider mediation

Choosing a mediator

- Organisations
- Individuals

Preparing for Mediation

- Organisations
- Individuals

Shall I Be a Mediator?

- Accreditation
- Mediation as a Profession

WHAT IS MEDIATION?

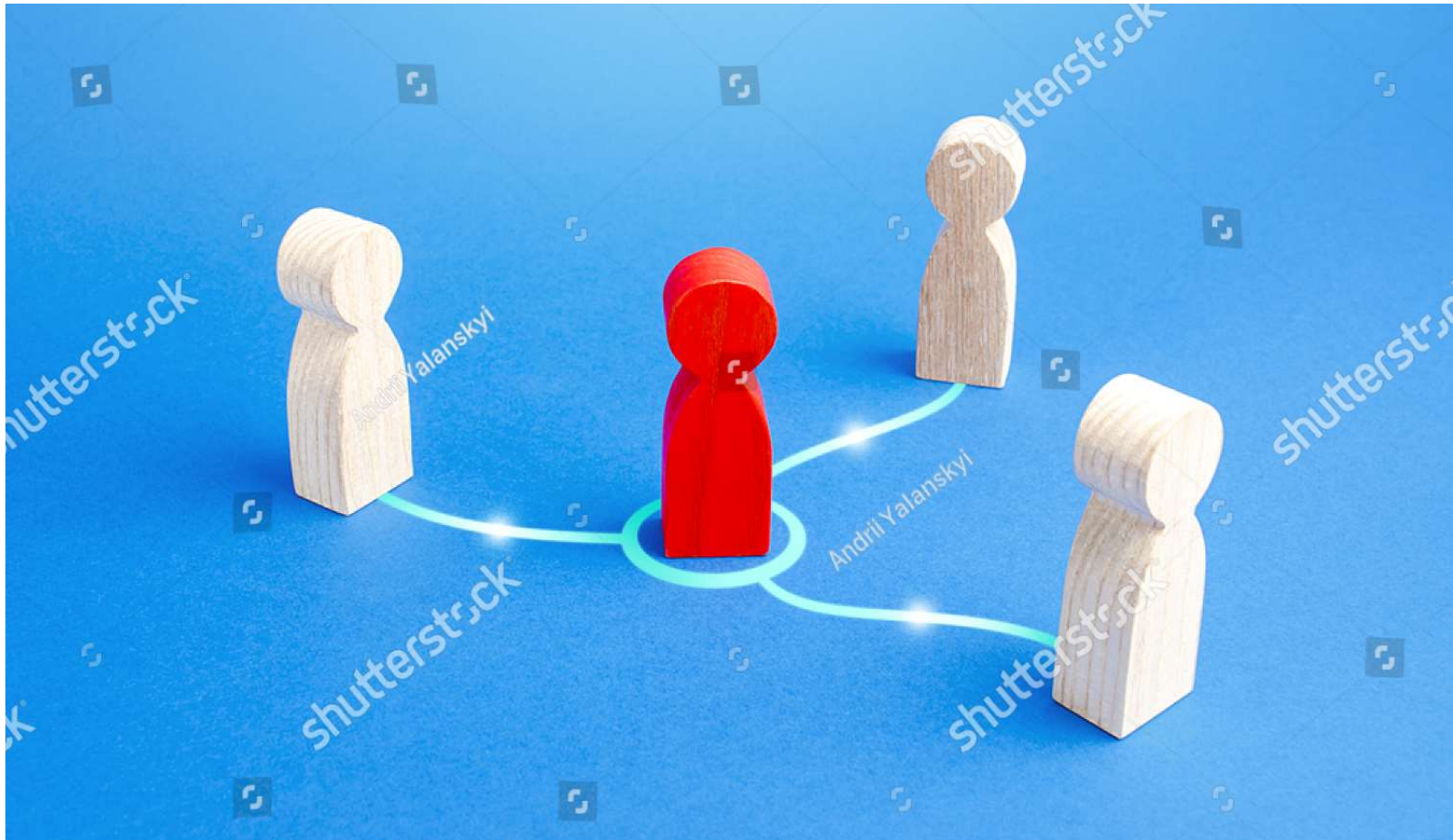
MEDIATION IS ...

a cooperative decision making process
where an impartial mediator
facilitates parties
to reach a mutually acceptable agreement

It is cost effective, confidential and voluntary

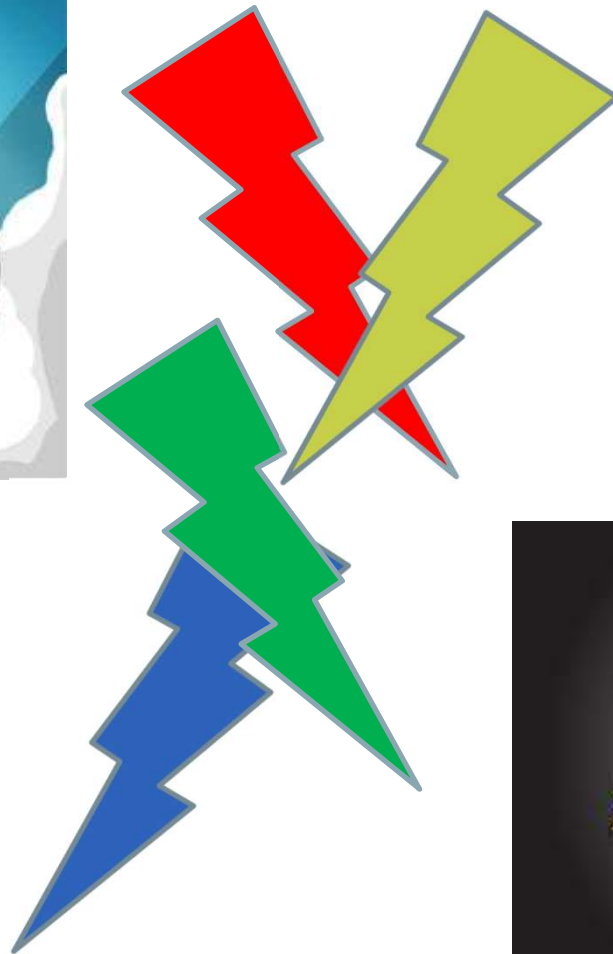
EMCC 1998

THE PROCESS OF MEDIATION

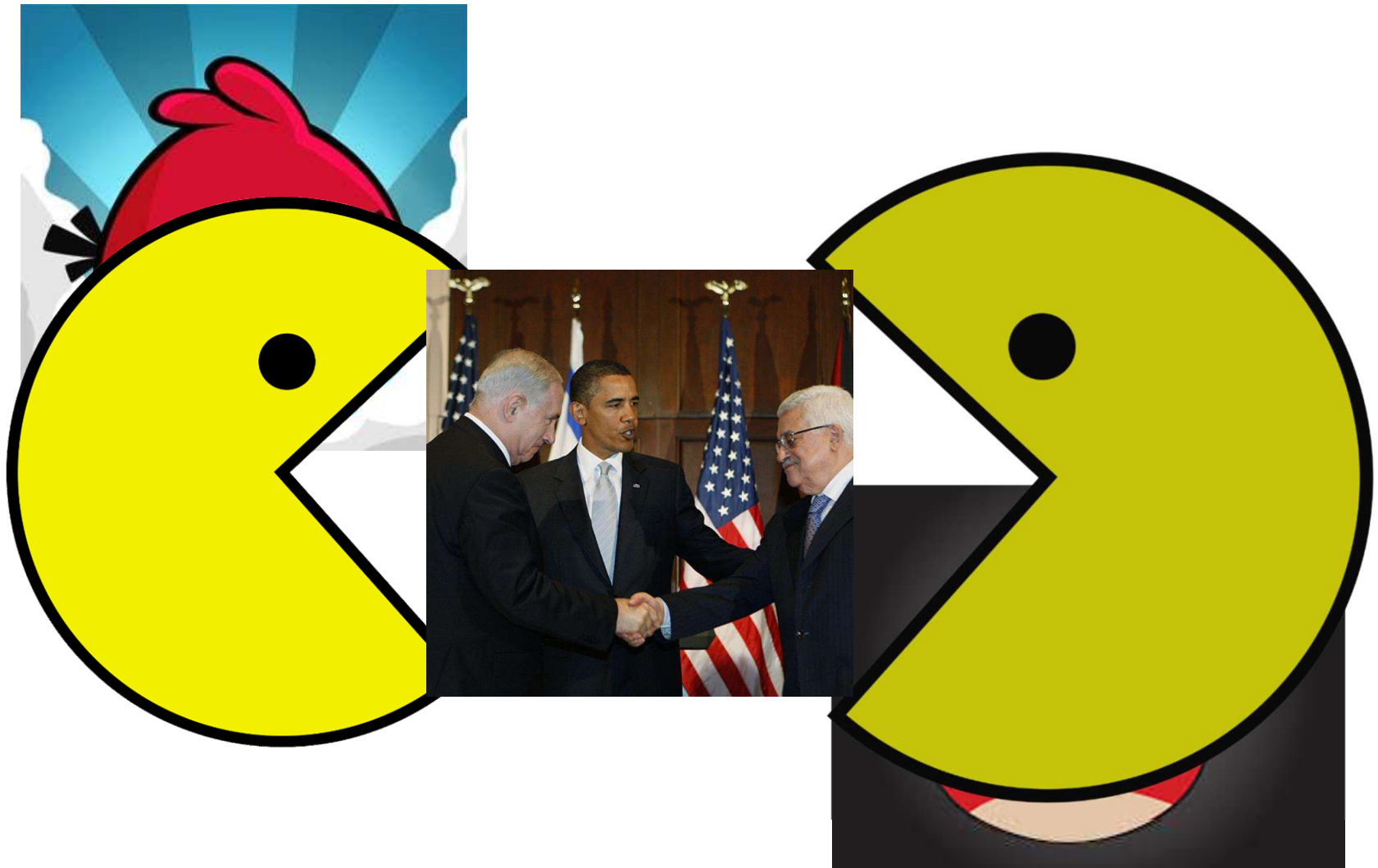


Royalty Free Stock Photo ID: 1739835764 by Andrii Yalanskyi

HOW MEDIATION WORKS



HOW MEDIATION WORKS



TYPES OF MEDIATION

APPROACHES TO MEDIATION

- Facilitative Mediation
- Evaluative Mediation
- Court Mediation
- Transformative Mediation
- Med-Arb
- Arb-Med



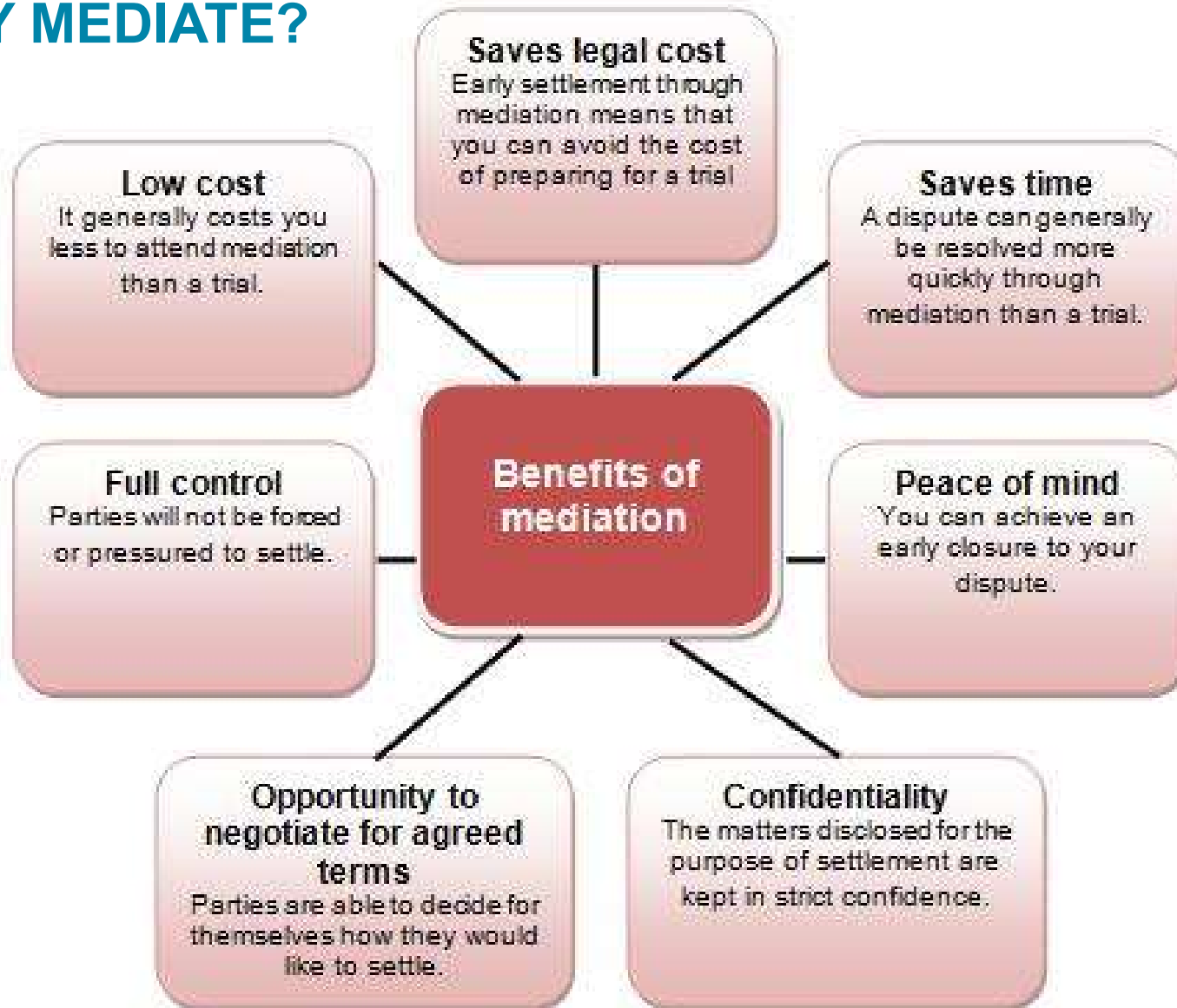
Business Today, Illustration by Raj Verma



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WHY MEDIATE?

WHY MEDIATE?



Source : State Courts, Singapore

WHY MEDIATE?

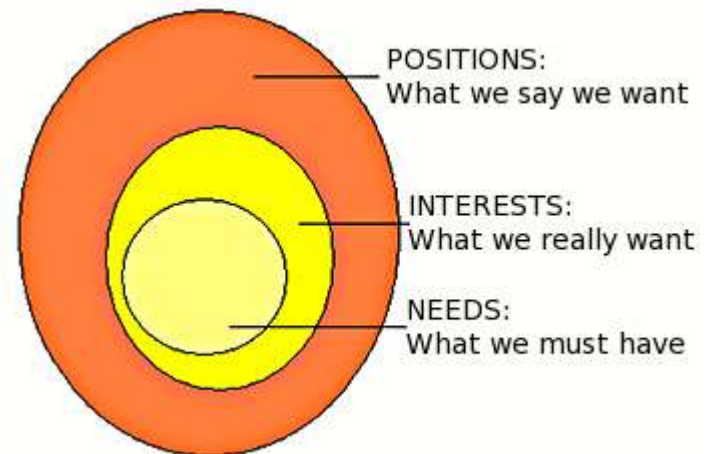


ESSENTIAL FEATURES OF MEDIATION

- Identification of needs and wants
 - Beyond the limitation of what the law can provide
- Meets the parties where they have the greatest need
- Party autonomy
 - In process
 - In outcome
 - In determining “what is fair”



Source : Yokogawa Electric Corporation



<https://workingwithconflict.files.wordpress.com/2013/04/image033.gif>

MEDIATION VS LITIGATION / ARBITRATION

- Voluntary
- Binding
- Third party



Source : State Courts, Singapore



Source : Maxwell Chambers

- Degree of Formality
- Nature of proceeding
- Outcome
- Private / Public

CHOOSING A MEDIATOR

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- Mediation Organisations
 - Singapore Mediation Centre
 - Singapore International Mediator
 - ICC Mediation (Paris, Singapore,
 - CEDR (London)
 - ABA Dispute Resolution Section
 - WIPO
- Individuals
 - Specialist Expertise
 - Mediation Style (evaluative or facilitative)
 - Personal attributes : Race / Gender / Other
 - Continuing education
 - Feedback / Reviews



Singapore
Mediation
Centre



PREPARING TO MEDIATE

MEDIATION PREPARATION

FACILITATED NEGOTIATION

Client's needs

- Capacity and resources

Client's Alternatives

- What happens if there is no agreement?
- Best Alternative
- Worst Alternative

Needs of the other party

- Capacity and resources

Alternatives of the Other Party

- What happens if there is no agreement?
- Best Alternative
- Worst Alternative

MEDIATION PREPARATION

- BARRIERS TO NEGOTIATION
 - Nature of the relationship
 - Power balance
 - Access to information
 - Attitudes towards alternatives

Source : Wharton, UPenn



Creator: Mopic | Credit: Mopic - Fotolia

What can a mediator do?



Source : VIA Mediation Centre

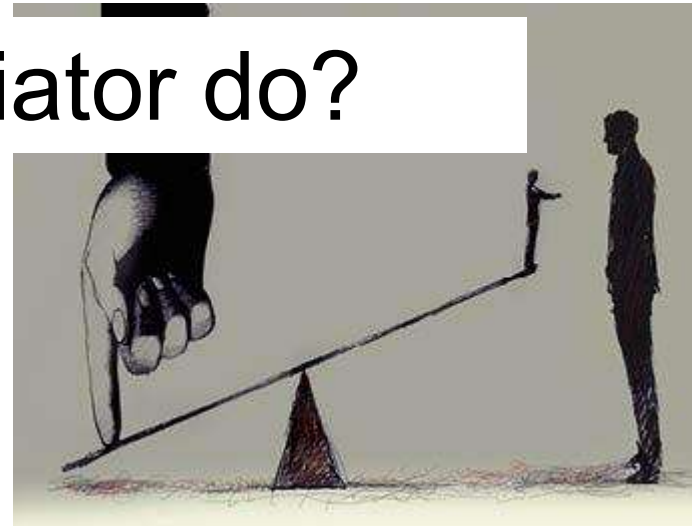
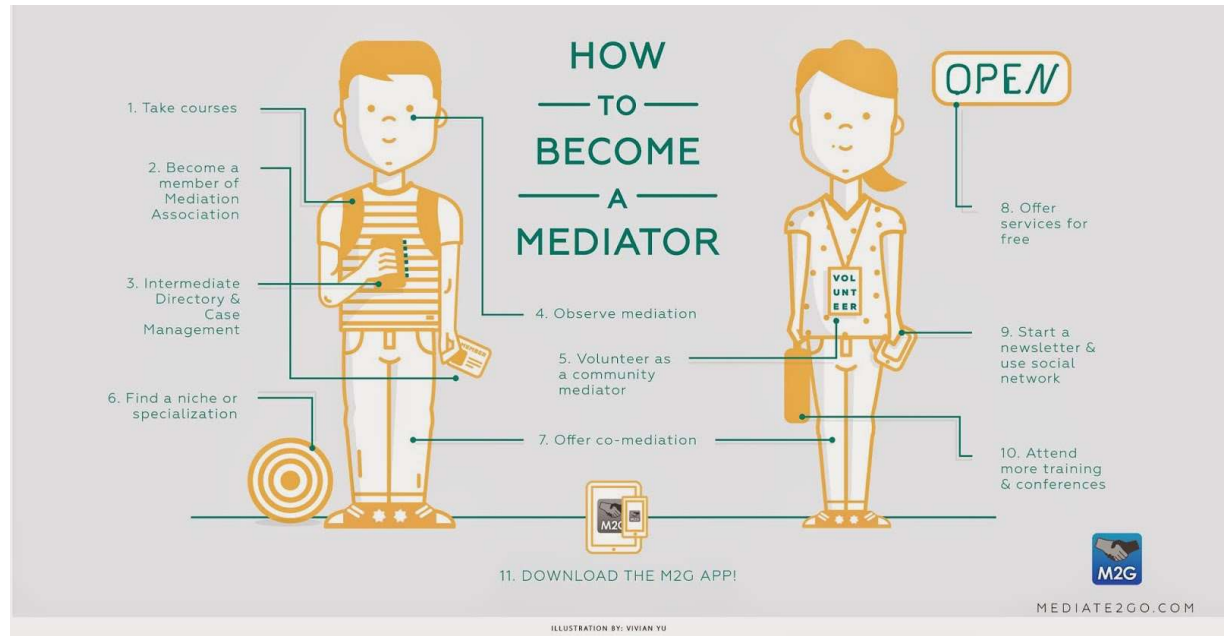


Image: GARY WATERS/IKON/GETTY IMAGES

SHALL I BE A MEDIATOR?

BECOMING A MEDIATOR

- Training
 - Concepts
 - Process
 - Skills
- Accreditation
 - Accreditation Institutions
 - Purpose of Accreditation
- Getting the Work
 - Developing the Market



WHERE WE HAVE BEEN

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WHAT'S NEXT?

FEEDBACK

Please let us have your feedback by scanning the QR code or entering the URL below.



<https://www.surveymonkey.com/r/WV8DN2K>

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Notes

This presentation does not necessarily deal with every important topic nor cover every aspect of the topics with which it deals. This presentation is intended to provide general information only and does not contain or convey any legal or other advice. Although we endeavour to ensure that the information contained herein is accurate, we do not warrant its accuracy or completeness or accept any liability for any loss or damage arising from any reliance thereon.

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