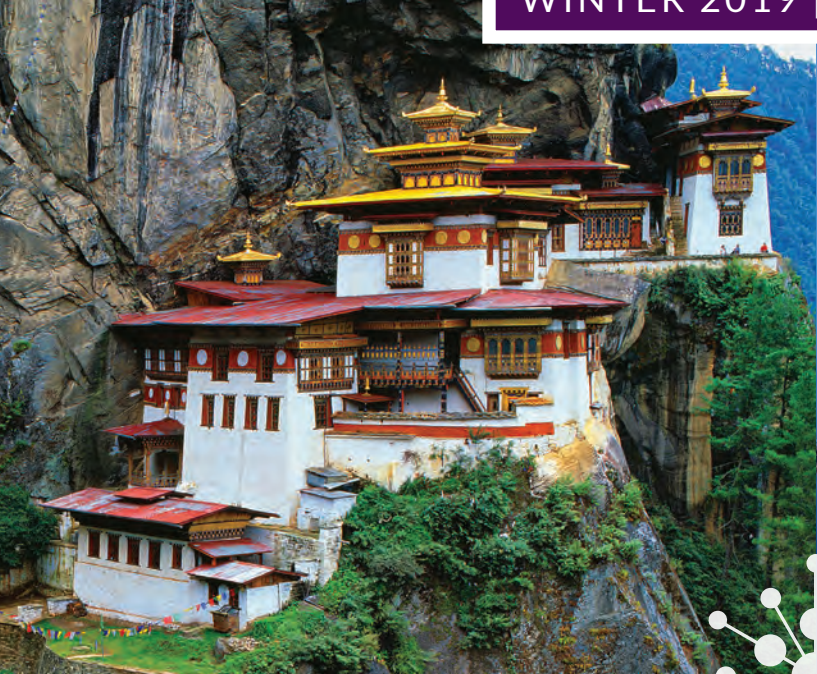




Weinstein International Foundation

MEDIATING A BETTER FUTURE™

WINTER 2019 | NEWSLETTER



WINTER 2019 NEWSLETTER HIGHLIGHTS

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WEINSTEIN INTERNATIONAL FOUNDATION WEBSITE

We invite you to view the Weinstein International Foundation Website to learn more about the Foundation and its key initiatives. By viewing the website, you can learn about significant mediation developments around the world. You will also learn about the backgrounds and achievements of our accomplished global network of Senior Fellows. You can access the website here: www.weinsteininternational.org.



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LETTER FROM JUDGE DANIEL WEINSTEIN (RET.)

REFLECTIONS ON THE WEINSTEIN INTERNATIONAL FOUNDATION IN 2019



Dear Senior Fellows, Friends and Supporters:

In fall 2018, we announced the formation of the Weinstein International Foundation, a nonprofit organization designed to provide much needed expertise and support to a wide range of countries, institutions and individuals pursuing the peaceful resolution of conflict around the world. We write now to share some thoughts on what we have learned during the last year, and to report on our progress.

We are excited to report that we are off to a great start. In large part, our success stems from the learning we acquired through convening a series of regional conferences beginning in Italy, then subsequently in Singapore, Peru, the Republic of Georgia and most recently, Kenya. These conferences were attended by alumni of the Weinstein JAMS Fellowship Program, now Senior Fellows of the Weinstein International Foundation, who hail from over seventy countries. Local government officials and members of the private sector also attended. We further met with government leaders during the conferences. What we learned is what we expected to be true—that in order to manage conflict successfully, we need to build local capacity and increase communication and cooperation beyond national borders among those who are doing this important work.

Major challenges respect no national borders

The nature of the forces most affecting us requires this approach. These forces include diminishing natural resources, such as water and food, human migration and climate change. These and other challenges respect no national borders and soon may become existential. Other conflicts, such as disputes over land use, re-settlement of populations to make way for infrastructure, and riparian rights, are more traditional. Still others arise from inadequate rule of law and other institutional structures that can mitigate the stresses between and among stakeholders.

All of these forces threaten the peace and prosperity of the regions where we convened the conferences and beyond, including in our own country, and the rest of the developed world. All mandate the use of mediation to manage what is emerging. All make it essential that the countries on the front lines of many

of these problems have the tools they need to successfully manage them.

Roadmap for implementing dispute resolution programs

For this reason, the Foundation is moving forward across a broad spectrum. For example, at the request of high-level government officials located in strategic regions, we prepared a comprehensive “Roadmap” for the creation of a dispute resolution program, including draft legislation. We are in discussions with other countries to the same effect. In addition, the Foundation has provided mediation training to the judiciaries in Africa and Southeast Asia. We also support the work of Senior Fellows as they pursue projects to further develop mediation and other forms of dispute resolution in their countries.

The Weinstein International Foundation, during its short period of operation, has demonstrated commitment to its key initiatives. On behalf of the Foundation, I invite you to learn more about what we are doing by visiting our website, weinsteininternational.org. We hope you will find ways to become involved. Together, we can help “mediate a better future.”

In gratitude,

Judge Daniel Weinstein (Ret.),
*Founder, Weinstein International Foundation and the
 Weinstein International Foundation Leadership Team*





SENIOR FELLOWS REGIONAL CONFERENCES

To address conflict resolution initiatives throughout its global network, the Weinstein International Foundation convened a series of five regional conferences around the world.

The goals of the conferences were 1) to strengthen Fellows' mediation practices in their own countries; 2) to enhance collaboration among the Fellows by providing training and opportunities for educational exchange; and 3) to explore how Fellows can help mediate public interest disputes in their communities, such as conflicts involving natural resources, migration, land use, environmental issues, and gender issues.

During the conferences, the Foundation's Leadership Team and Senior Fellows further discussed subjects such as the need for comprehensive roadmaps for foreign governments to establish mediation systems; how to make the case to governments and the private sector why mediation is needed to enhance foreign direct investment and foster the rule of law; how best to train foreign officials and ministers on mediation techniques; and how to identify and mediate disputes which threaten to adversely impact the Fellows' communities, countries and regions.

These regional conferences have resulted in strengthening one of the largest interconnected group of international mediators in the world. The Fellows now are positioned to help address the stresses that threaten the world's collective peace and prosperity. But more much needs to be done if we are to overcome the challenges we face.



ROME



TBILISI



NAIROBI



SINGAPORE





OUR LEADERSHIP



Daniel Weinstein, Founder

Judge Daniel Weinstein (Ret.) is one of the preeminent mediators of complex civil disputes in the United States. Judge Weinstein is also internationally recognized as one of the premier mediators of complex, multi-party and high-stakes commercial and political disputes. He is the recipient of the 2014 International Advocate for Peace Award from the Cardozo Journal of Conflict Resolution, whose past honorees have included: former Presidents Jimmy Carter and Bill Clinton, Ambassador Richard Holbrooke, and Nobel Peace Prize Winner Bishop Desmond Tutu. *The National Law Journal* has recognized him as an ADR Champion (2017-2018).

BOARD OF DIRECTORS: Welcoming Rob Hammesfahr to the Weinstein International Foundation



David Carden

Lawyer, diplomat, mediator and author, Ambassador David Carden (Ret.) served as the first resident U.S. Ambassador to the Association of South East Asian Nations (ASEAN) with the rank of Ambassador Extraordinary and Plenipotentiary. As U.S. Ambassador, he oversaw the broadening engagement of the United States in Southeast Asia, which included the Obama Administration's 2011 "pivot" or "rebalance" to the region.



Sukhsimranjit Singh

Sukhsimranjit Singh is a law professor and Managing Director of the Straus Institute for Dispute Resolution at Pepperdine School of Law, where he directs the overall vision of the Institute's global outreach, world-class training programs, academics, and professional services. He is an international mediator, who has worked in Canada, India, New Zealand, and the U.S.



Leonardo D'Urso

Leonardo D'Urso is CEO and co-founder of ADR Center Global, one of the most respected mediation centers in the world. Since 1998, he has resolved more than 1,000 national and international complex civil and commercial mediations.



Jay Welsh

Jay Welsh is an established innovator in the ADR field. After joining JAMS in 1991, he played a prominent role in the growth of ADR within the U.S., as well as internationally. Most recently, as former executive vice-president and general counsel, he led the expansion of JAMS to include twenty-three Resolution Centers around the country and was instrumental in the growth of the company internationally.



Bruce A. Edwards

Bruce A. Edwards Esq. is a pioneer in developing mediation as a tool for resolving commercial disputes in the United States. A professional mediator since 1985, he has mediated over 7,000 disputes throughout the United States, while contributing to a paradigm shift in the legal profession. He has played a central role in establishing the largest and

most successful dispute resolution company in the U.S., JAMS, where he also served as Chairman of the Board.



Ann Claire Williams

Judge Ann Claire Williams (Ret.) is Of Counsel at Jones Day, where she leads the firm's efforts in advancing the rule of law in Africa. Devoted to promoting the effective delivery of justice worldwide, Judge Williams has partnered with judiciaries, attorneys, NGOs and the U.S. Departments of Justice and State to design and lead training programs in Ghana, Indonesia, Kenya, Liberia, Nigeria, Rwanda, Tanzania and Uganda.



Rob Hammesfahr

Rob Hammesfahr is a strong advocate for the use of mediation and ADR by global reinsurers, insurers and their clients and for reinsurance claims professionalism. He is currently a consultant with HWR Consulting LLC, based in Illinois.



Ellen S. Bass, Executive Director

Ellen S. Bass Esq. is an attorney, trained mediator, and Executive Director of the Weinstein International Foundation. In her role as Executive Director, she manages the Foundation's daily operations and works with the Foundation's Board of Directors and global network of Senior Fellows to implement the Foundation's strategic initiatives, while defining and developing its procedures and programs.

ANNUAL JUDICIAL CONFERENCE IN ZAMBIA – ENHANCING CAPACITIES FOR IMPROVED ACCESS TO JUSTICE

The annual Judicial Conference of the Judiciary of Zambia brings together adjudicators from across all the courts. This year, the Conference took place on December 17-19, 2019 at Avani Victoria Falls Resort in Livingstone. Seventy Judges of the Superior Courts, namely the Supreme Court, Constitutional Court, Court of Appeal and the High Court attended. Other participants comprised fifty Magistrates from the Subordinate Courts and Local Courts, as well as thirty administrative staff. In addition, the President of the Republic of Zambia, Dr. Edgar Chagwa Lungu, attended the conference as guest of honor.

The annual Judicial Conference is a very important occasion in the judicial calendar because it serves as a forum for adjudicators to address key issues affecting the administration of justice in Zambia. The conference also affords its adjudicators an excellent opportunity to consider the performance of the judiciary as the year closes, as well as plan for the future. This year, the conference theme was “Enhancing Capacities for Improved Access to Justice” and focused on areas that build on the competencies and tools of adjudicators from across the country.

Conference focus included mediation

Notable among the conference topics, was the subject of mediation, which the Zambian judiciary has been using as a tool to combat case backlog and ensure the speedy settlement of disputes. With the support of the Weinstein International Foundation, 50 Magistrates undertook an intensive three-day training workshop on mediation. Coming at a time when the

judiciary has just extended court-annexed mediation to the Subordinate Courts, the training enriched court-annexed mediation in the country.

The conference further allowed participants to comparatively examine and benefit from mediation models from other jurisdictions. Board Directors Judge Ann Claire Williams and Leonardo D’Urso from the Weinstein International Foundation and its Senior Fellows from Nigeria, Rwanda and South Africa shared mediation experiences from their countries. Representing Nigeria were Senior Fellows Ugochinyelu Anidi and Hauwa Yakubu. Senior Fellows Judge Harrison Mutabazi and Bernadette Uwicyeza participated on behalf of Rwanda. Senior Fellow Pat Mkhize from South Africa also attended.

By Judge Mugeni Siwale Mulenga, Chairperson Training Committee, Conference Organizing Committee/Senior Fellow, Weinstein International Foundation





IMPORTANT MEDIATION DEVELOPMENTS IN BHUTAN: COURT-ANNEXED MEDIATION

Pema Needup serves as the Presiding Judge at the Punakha District Court. He is dedicated to the promotion of dispute resolution in both his private and official capacity and frequently provides training to mediators to advance their understanding of modern mediation techniques while educating the public on the beneficial use of mediation in the community. Among other things, he is involved in providing mediation training to community leaders, lawyers, stakeholders, legal service providers and awareness programs to the people on the beneficial use of mediation practices in Bhutan.

Mediation in Bhutan

Bhutan has a long history of resolving disputes through mechanisms, such as mediation. According to some sources, traditional mediation, commonly known as *nangkha nangdrik* in Bhutanese, has been an integral part of Bhutanese culture and tradition, dating back to the 7th century. Since a formal justice system developed in Bhutan only in the early 1960s, for centuries mediation did not exist as an alternative to a formal justice system, but as a primary dispute resolution mechanism.

The mediation process was based on the principles of *compassion and peaceful coexistence*, important aspects of the community-oriented Bhutanese society. This traditional practice has waned over the last decades, however, and recent efforts have strived to revive it since 2012.

Modern mediation developments in Bhutan

The legal formalization of the practice of mediation in Bhutan derives from sections DA 3-1 & DA 3-2 of the *Thrimzhung Chenmo* (Supreme Law) of 1953. The option to resolve a civil dispute through mediation is incorporated under section 150 of the Civil and Criminal Procedure Code (Amendment Act 2011), and the Alternative Dispute Resolution Act of Bhutan 2013.

Judges in Bhutan are mandated by law to inform litigants of their right to mediate their disputes out of court. While the importance of negotiated settlements is recognized by the judicial system, there is no procedural mechanism established for conducting the mediation process. Thus, mediation procedures have varied widely, depending on who conducts the mediation and local practice.

The Bhutan National Legal Institute (BNLI) has been providing training to mediators and educating the public about the beneficial use of mediation since 2012. In conformity with modern mediation standards, Bhutan has been restructuring its practice to provide a process that is interest-based and facilitative in nature. Mediators now understand that confidentiality is at the core of the mediation process.

Private or commercial mediations are increasing in Bhutan. At the same time, the traditional mediation system has been reinvigorated with community mediation services, which are always provided free of cost. The parties have the option either to choose commercial mediation or community mediation centers.

“Being able to provide training and advocacy to community mediators and being able to formalize and replicate internationally acceptable mediation techniques and processes that I learned during my Fellowship has been my greatest accomplishment as a Fellow.” — Judge Pema Needup

Court-Annexed Mediation: A significant judicial reform

The Bhutan National Legal Institute (BNLI) recently introduced court-annexed mediation in the courts throughout the country on October 28, 2019, as a significant judicial reform. With the introduction of mediation units within the courts, people have enhanced access to prompt and speedy justice, in addition to strengthening community vitality, preserving relationships between the people and promoting the Gross National Happiness of Bhutan.

This is a bit different from how mediation used to occur before. In the absence of mediation units in courts, if the parties wish to opt for mediation, their disputes are resolved either from private

or commercial mediations or from community mediation centers. In this new system, judges can refer appropriate civil cases to the Court-Annexed Mediation Unit (CAMU) for judicial mediation; alternatively, the parties can request the judges to adjourn and refer their cases to in-house judicial mediation services after the initialization of the case, at any time, before judgments are rendered. These mediation services are being provided by trained and skilled judicial mediators at no cost. If the mediations are successful, the courts will endorse the settlement agreements and render judgements thereon, and enforce accordingly. If the mediations fail, the case will be reverted for adjudication as per the laws.

By Judge Pema Needup, Senior Fellow-Bhutan





SENIOR FELLOWS REPORT ON THE SINGAPORE CONVENTION ON MEDIATION

The United Nations Convention on International Settlement Agreements Resulting from Mediation (the Singapore Convention on Mediation) Signing Ceremony and Conference took place on August 6-7, 2019 as part of the Singapore Convention Week. The objective of the Singapore Convention is to increase the enforceability of cross-nation settlement agreements that arise out of mediation. The Convention was the result of many years of work, shaped by the collaboration and cooperation of more than 85 countries and 35 international organizations. 46 countries signed the Convention at the opening ceremony, including the world's two largest economies, the U.S. and China.

Senior Fellows Ximena Bustamante (Ecuador), Tat Lim (Singapore) and Ivana Ninčić Österle (Serbia) were present at the Convention to provide this report regarding their participation.

The Singapore Convention: Providing the missing piece in international dispute resolution

The Singapore Minister for Home Affairs and Minister for Law introduced the Convention as providing the missing piece in the international dispute resolution enforcement framework. The Singapore Convention on Mediation complements the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention) – held in 1958, and the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters – held in 1971.

The Singapore Convention on Mediation demonstrates how diverse nations can forge consensus based on common goals. During the UNCITRAL Working Group II meetings, for example, it became clear that both mediation practices and mediation legal frameworks are incredibly diverse around the world. For instance, some countries require mediators to be certified after fulfilling specific requirements, while others are more flexible, as long as the parties accept the mediator. Similarly, settlement agreements are regarded very differently in different

jurisdictions, from a binding contract to an executive title or even equivalent to a judgment by the court.

With such a wide range of viewpoints, it was a challenge to create a universal instrument to be embraced by the entire world. The diversity of mediation practices across nations explains some of the provisions of the Convention, including: 1) the mediator does not need to be certified, 2) the Convention is applicable to settlement agreements resulting from mediation, whatever legal form they take, and 3) the Convention scope is limited to international commercial disputes, specifically excluding family, labor and consumer disputes, as well as local settlements.

The heart of the Singapore Convention is Article 3, which contains the obligation of the parties. The signing states are required to enforce settlement agreements according to their rules of procedure, and settlement agreements can be introduced in litigation as evidence that the matter has been resolved. This is referred to as “the sword and shield effect” of the mediated settlement agreements.



Senior Fellows Participation

Over 1,000 legal professionals from throughout the world gathered in Singapore during the Convention to witness the making of history, forge new alliances, and strengthen existing ones, including Senior Fellows from Latin America, Europe and Asia. Ximena Bustamante, who participated in the negotiations of the Convention as the delegate from Ecuador to the UNCITRAL Working Group II, formally supported the U.S. proposal to work on an international convention on mediation, which later resulted in the Singapore Convention. Ivana Ninčić Österle, from Serbia, effectively raised the public policy issue of signing the Convention within her country and advocated and prepared paper work for it throughout the process of governmental deliberations. She had the honor of accompanying the head delegate from Serbia at the Signing Ceremony and the Head of Delegations Roundtable. Tat Lim from Singapore was a wonderful host throughout the Convention, presenting at the MANE Conference which preceded the Signing Ceremony and moderating discussions at the Global Think Tank that followed. Tat epitomized the maturity and professionalism of the Singaporean mediation community.

These Senior Fellows convened the day after the Signing Ceremony at the Global Think Tank, with Senior Fellow Blažo Nedić from Serbia, joined by other distinguished mediators and legal practitioners. The Global Think Tank was organized by JAMS and the Society of Mediation Professionals, Singapore to discuss issues such as the need to raise quality standards for mediators, the need to continue the dialogue throughout the ratification process so that more countries sign and ratify the Convention, and the particular legal consequences of applying and evoking the Convention.

The future of international mediation looks exciting

The future of international mediation under the Convention looks exciting. The Singapore Convention signing has been hailed as the start of a new era of mediation. Today, there are already 51 countries that have signed the Convention. This broad acceptance demonstrates that the world is shifting toward a more efficient dispute resolution mechanism. In the words of the Prime Minister of Singapore, the Singapore Convention is a “Powerful statement in support of multilateralism” at a time when the strategic balance of the world is shifting, with the tide turning in favor of nationalism, isolationism and protectionist sentiments.

For small countries like Singapore and Serbia, multilateral institutions and laws are critical because they impose responsibilities on all countries and create a more stable world environment. This was noted by all the heads of delegations participating in the roundtable “Building Trust, Enabling International Trade.” The roundtable emphasized the importance of dialogue to facilitate mutual understanding and resolve differences.

It is reasonable to expect that with the entering into force of the Singapore Convention and its ratification by a wide range of countries, parties from different jurisdictions will be encouraged to use mediation more often and work out creative, win-win solutions to their disputes. For all countries, the impact on international trade and commerce should be notably positive.

By Senior Fellows Ximena Bustamante (Ecuador), Tat Lim (Singapore) and Ivana Ninčić Österle (Serbia)





THE DEVELOPMENT OF MEDIATED SOLUTIONS AND ACCOUNTABLE POLICING

Senior Fellow Fraser Sampson has 40 years' experience working in the criminal justice system. He has practiced, written, and taught at local, national and international levels in the areas of policing law, dispute mediation and governance. In 2018, he was awarded an honorary professorship at Sheffield Hallam University in 2018 and is currently working within the University's Centre for Excellence in Terrorism, Resilience, Intelligence & Organized Crime Research (CENTRIC).

In 2010, I decided to make the development of mediated solutions in a policing context the subject of my Fellowship. My reasoning was that any publicly accountable policing authority should provide avenues to enable disputing parties to isolate the issues, develop options, consider alternatives, and aim for consensus. I also believed that for any policing complaints system to meet the legitimate needs and expectations of the communities it served, it should offer, as a bare minimum, simplicity, flexibility and informality. All of these are inherently present in mediation.

The specific focus of my Fellowship was focused on addressing complaints by citizens about officers. How could parties best be afforded the opportunity to understand and be understood, to learn, to shake hands, and move on? My premise was, in short, if the night-stick is the only tool within reach, then both process and outcome will be narrow and blunt.

Applying mediation principles to disputes

During my Fellowship research at Stanford Law Library, I accessed the now notorious Consent Decree arising from the Rodney King incident in Los Angeles in 1991 which read: *"The United States and the City of Los Angeles, a chartered municipal corporation in the State of California, share a mutual interest in promoting effective and respectful policing."* I met with some of the LA police officers, and I saw that the Decree's elements relating to police conduct sat immovably over the LAPD like a pall of smog. I also had the opportunity to speak with a number of other individuals and groups who felt that there was value in applying mediation principles to all disputes arising between communities and their police.

I concluded that there are three significant realities of policing: First, disputes between police and the communities they monitor are inevitable. Because police have a legitimate monopoly on violence, policing by its very nature creates an ambivalent relationship between the police and community members. Second, routes are needed by which grievances and concerns can be addressed promptly, in a pragmatic way, that both recognize and allow for the continuing relationship between the public and their police. Third, such disputes, if unresolved, have the potential to escalate quickly, root deeply and hang on stubbornly, preventing reparation and creating prolonging resentment.

Some recent policing challenges globally have underscored the argument for a closer look at how mediation might be deployed as one strand in a strategy for preventing, responding to, and recovering from instances that cause serious and profound community concern. The benefits of informality and participation that mediation provides are obvious. So too is the empowerment that can accompany mediation because the ultimate authority belongs to the participants themselves.

Principles for Accountable Policing

Almost a decade after my first visit to California, I was fortunate enough to be part of a research group from Great Britain, Northern Ireland and the Republic of Ireland tasked with producing a taxonomy of principles against which accountable policing should be governed and could be measured. The subsequent Principles for Accountable Policing expressly include mediation on the spectrum of appropriate responses. The Principles will be published next year, offering a blueprint for policing bodies throughout the world. They bring together the many considerations of legitimacy, answerability, responsiveness and learning that constitute a professional and publicly accountable policing service.

Through the Weinstein International Foundation, I will be sharing the Principles for Accountable Policing with all other Senior Fellows around the world. It is my fervent hope that other Senior Fellows will see the enormous potential for the adoption of these Principles in their own jurisdictions.

MOTHER-DAUGHTER MEDIATORS: A PERSONAL STORY

Laila Ollapally, mother, Senior Fellow in India:

In 2007, as a lawyer of 20 years who was currently practicing in the High Court and Supreme Court of India, I was invited by the Chief Justice of my State to set up the Court Annexed Mediation program. I graciously accepted his invitation, only to later realize this was a “swerve” in my professional life - I was embarking on a journey that would be very different from my familiar litigation practice. To be an effective mediator, I would need to bring disputing parties into a dialogue, invoking their humanity to craft their own creative solutions. This was a new and exciting concept to a lawyer who had been trained only in the skills of combat.

Overcoming tragedy through the experience of mediation

In 2010, I lost my 30-year-old son to a hiking accident. Caught in the depths of despair, the universe offered an olive branch. In 2011, I was invited to be a fellow at the JAMS Foundation. Until then, my exposure to mediation was only to court annexed mediation. Through JAMS, I was introduced to the world of private mediation.

Wonder-eyed, I saw true masters at work as they mediated a wide variety of complex commercial disputes outside the courts, using fascinating techniques to unravel the complexities of the human mind in conflict. Their mediations restored the dignity of the disputing parties. In some ways, their process was familiar to me because it reminded me of the way disputes were amicably resolved during my childhood. When I was young, I often saw my grandfather, a physics professor turned mediator, amicably resolve disputes in our village.

An urgent need to revive amicable dispute resolution

Reflecting on the 32 million cases pending at the time in the Indian courts, I realized the urgent need to revive this amicable dispute resolution practice in my country. Traditionally in India, village or family elders or “panchayats” comprised of 5 wise men, sat together with the disputing parties, encouraged dialogue, and brought resolution. This tradition waned after two centuries of using the Anglo Saxon adversarial model, the politicization of the panchayats, and the disappearance of wise village elders.

As a result of my JAMS mediation training, I began to question the violence of my legal profession. I firmly believed that modern India had to go back to its roots. Every community urgently needed dispute resolvers/mediators. I closed my litigation practice, set up a private mediation practice, and became a full time mediator in India. Despite my commitment

and eagerness to revive the tradition of amicable and collaborative dispute resolution in the commercial community, I knew I could not do it alone.

Tara Ollapally, daughter:

I was living in the U.S. with my husband and 2 children, secure in the practice of immigration and human rights law when, in 2010, I lost my brother. My husband and I returned to India, and I clearly saw how mediation made my mother come alive. Our conversations frequently steered toward mediation, and it evoked an interest in me. In a world of conflict, where access to justice was limited and often arduous, mediation made sense.

I ventured out to do mediation training at Harvard and joined my mother in the practice of mediation. My trepidations were many. How effectively would my mother and I be able to work together? Our relationship was very important to me. Our familiarity with mediation skills gave us the confidence to proceed, and we built in safeguards.

Working as a mother-daughter mediation team

On April 1st, 2015, along with two other mediators, my mother and I started CAMP Arbitration and Mediation Practice, a pioneering initiative in our country. We are privileged to be part of the growth of the mediation movement in India at multiple levels, private commercial practice and policy. We formed a committee to draft the first cut of legislation for mediation in India, which is currently being discussed at the ministry.

We are also involved with the court annexed mediation programs, and we support Online Dispute Resolution (ODR) and other initiatives that promote collaboration and finding common ground. Our partnerships, alliances and connections have been our prime drivers and we have successfully mediated several complex commercial disputes, with referrals coming from law firms and the courts, including the Supreme Court of India. We are proud to have built an eminent panel of commercial mediators, and we conduct mediation training for mediators and law students.

Internships at CAMP are popular with law students throughout India. CAMP has a Mediation Desk at the Consumer Courts of the State of Karnataka, the first public-private initiative, where ten CAMP Mediators mediate consumer disputes on a pro bono basis. Our writing, publications and news letters are regularly featured. CAMP is the foundational partner for Mediateindia, started by mediate.com. > [Continued on pg 13](#)





MEDIATION DEVELOPMENTS IN VIETNAM BY SENIOR FELLOW DO THANH THUY

Due to the rising number and complexity of commercial disputes, the 2015 Civil Procedure Code in Vietnam created a new chapter that recognized mediation. In February of 2017, the Government issued Decree 22/2017/ND-CP, officially legalizing commercial mediation. In addition, the Vietnamese Government has been focusing on developing mediation by piloting court-annexed mediation centers in Hai Phong, Hanoi, Ho Chi Minh City, Da Nang, Bac Ninh, Khanh Hoa and Long An.

The results of the pilot project will create an important basis for developing and propagating the Law on Mediation and Dialogue at the Court. Mediated settlement agreements shall be recognized and enforced in accordance with the civil procedure law, encouraging parties to participate in resolving their commercial disputes by mediation.

Private mediation in Vietnam

With respect to private mediation, my colleagues and I in the ANT Law Firm have established the Vietnam Effective Commercial Mediation Center (VEMC), which operates under a license granted by the Ministry of Justice on December 28, 2018. Ours is the fifth mediation center established and operated in Vietnam since Decree No. 22/2017/ND-CP officially took effect. The ANT Office Building in Hanoi is reserved for our training activities and mediation meetings.



To gain additional mediation experience, I volunteer for small claims and lower-level trial court cases at court-annexed mediation programs and have started providing training courses on mediation for lawyers and enterprise professionals at the Judicial Academy. I also continue to provide free mediation services for underserved women. My ideal situation would be to be able to split my traditional professional legal work with my mediation development.

Conflict resolution homeschooling project – mediation begins with children

In 2016, two mothers and I proudly established the non-profit Star Homeschool Center in Hanoi to help children improve their education when their parents' budget is not sufficient to send them to good schools. Families contribute a small monthly amount, so that our Center can provide a venue, tuition and materials.

There are about 100 children from K5 to Grade 5 in our Center, 10 students per class. One area of education we emphasize is social skills as well as community values. We plan to help our children have the abilities and experience necessary to resolve conflicts as part of a Conflict Resolution program. Building on the hearts of mothers, "we will mediate a better future" for our younger generation.

Mother-Daughter Mediators: A Personal Story: Continued from pg 12

India is beginning to revive its culture of mediation:

The hard work of a few ardent supporters of mediation is beginning to yield results. Over the past decade, India has taken important steps to promote mediation. Nearly all 25 of the country's High Courts have set up a court annexed mediation program. There is growing awareness that mediation has to move beyond the courts and into the private sector. The Supreme Court of India, the Committee Constituted for Institutional Reform for Arbitration, and the Task Force constituted for making recommendations to Improve Ease of Doing Business in India have all highlighted the need for mediation legislation.

Several statutes have provided for mediation, including: the Company's Act, The Real Estate Law and the Consumer

Protection Act. The Commercial Courts Act has a mandatory requirement for pre-institution mediation, making it mandatory for a party to exhaust the remedy of mediation before initiating court proceedings. India is a signatory to the United Nations Convention on International Settlement Agreements Resulting from Mediation, known as the Singapore Mediation Convention. India is among the 46 countries that signed on the first day of the convention.

As a strong mother-daughter mediation team, we are proud that our commitment to mediation keeps us together in a loving relationship, holding crucial and difficult conversations about CAMP, weaving together the dual roles of mother and daughter at home and partners at work, and meaningfully paving a path for mediation in India.



Weinstein International Foundation

MEDIATING A BETTER FUTURE™

WHO WE ARE

The Weinstein International Foundation is a non-profit organization dedicated to making mediation available and accessible worldwide in the face of increasing global challenges and conflict. Founded by deeply experienced dispute resolution pioneers in the U.S. and abroad, we leverage the global network of ADR-trained Weinstein JAMS International Fellows to further promote mediation education and training while helping our communities manage local, regional and cross-border non-commercial disputes in the public interest.

WHAT WE DO

INCREASE ACCESS TO JUSTICE

Supporting the expansion and adoption of mediation and dispute resolution around the world

PROMOTE MEDIATION

Providing education and training to promote mediation and other forms of dispute resolution internationally

PROVIDE CONFLICT RESOLUTION

Helping communities manage local, regional and cross-border non-commercial disputes in the public interest

EMPOWER OUR GLOBAL NETWORK

Harnessing the collective experience of dispute resolution leaders to advance the settlement of conflict worldwide



GET INVOLVED!

Contact us at: info@weinsteininternational.org



Weinstein International Foundation

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