

**PROMOTING MEDIATION AS AN ALTERNATIVE DISPUTE  
RESOLUTION PROCESS TO RESOLVE COMMUNITY AND SOCIAL  
DISPUTES – A SINGAPORE PERSPECTIVE**

By *Gloria Lim*<sup>1</sup>, *Cheryl Lim*<sup>2</sup> and *Elaine Tan*<sup>3 4</sup>

**I. Introduction: The Singapore Context**

Singapore, a densely populated, multi-ethnic country of about 5 million people living closely within approximately 700 square kilometres of land, has long recognised the need for mediation as an Alternative Dispute Resolution (“ADR”) process to resolve community and social disputes and has taken significant steps in the recent decade to promote its use for such disputes.

Disputes of a relational nature, if left unresolved, could fester and at times even escalate, causing tension between family members, neighbours, friends and associates. While the causes for such disputes are essentially sociological in nature, the recourse sought by the parties involved is often a legal one, involving the intervention of the police and in more serious cases, combative Court litigation. The adversarial nature of Court litigation however, makes it intrinsically unsuitable for dealing with relational conflicts. There are also attendant costs on the State and the individuals involved. From a legal and social policy perspective, community mediation, which is premised on party consensus and preservation of post-conflict relationships, presents itself as a useful and more favourable dispute resolution option.

The impetus for the establishment of a formal institutional structure to promote community mediation gained ground in Singapore in 1996, when an Inter-Agency Committee on ADR (the “Committee”) was tasked by then Minister for Law, Professor S Jayakumar to explore how ADR processes, in particular mediation, could be further promoted in Singapore. Chaired by the present Senior Minister of State for Law, Associate Professor Ho Peng Kee, the Committee noted in its 1997 Report, that while litigation would remain the main channel through which commercial claims and civil disputes are settled in Singapore, there was a need to provide ADR processes for Singaporeans to handle those disputes that are more appropriately resolved through means other than litigation<sup>5</sup>. Such disputes included community, family and social conflicts that Singaporeans were generally not inclined to settle through the court process<sup>6</sup>. The Committee recommended that Community Mediation Centres (CMCs) should be established to provide Singaporeans with an appropriate avenue for the

---

<sup>1</sup> General Manager, Community Mediation Unit, Ministry of Law, Singapore. LLB(Hons)(NUS), LLM(Harvard), Advocate and Solicitor (Supreme Court of Singapore), Graduate Certificate in International Arbitration

<sup>2</sup> Manager, Community Mediation Unit, Ministry of Law, Singapore. B. Business(NTU)

<sup>3</sup> Deputy Manager, Community Mediation Unit, Ministry of Law, Singapore. B.Soc.Sci.(Hons)(NUS), Msc(International Relations)(S.Rajaratnam School of International Studies)

<sup>4</sup> The authors would like to thank Senior Minister of State for Law, Associate Professor Ho Peng Kee and Dr Lim Lan Yuan, Consultant to the Ministry of Law’s Community Mediation Unit for their invaluable input and comments on earlier drafts of this article.

<sup>5</sup> Report of the Committee on Alternative Dispute Resolution. 1997. p.3

<sup>6</sup> *Ibid.* p.5

amicable settlement of such community and social disputes in a way that would be conducive to the preservation of post-conflict relationships.

Following Government's acceptance of the Committee's recommendations, an ADR Division and subsequently, the Community Mediation Unit (CMU), was set up within the Ministry of Law to oversee and co-ordinate the operation of the CMCs and to promote greater use of mediation in Singapore as the preferred means of resolving social and community conflicts. The CMCs' set-up, operations and programmes were therefore devised with Singapore's distinctive cultural, legal and institutional context in mind. In this paper, we will share the CMU's experience in three broad areas:

- a. Establishing a Community Mediation Framework;
- b. Strategies to Ensure Effective and Appropriate Channelling of Cases to be resolved through Community Mediation; and
- c. Building a Mediation Culture in Singapore.

## **II. Establishing a Community Mediation Framework**

The legislative framework for the establishment and running of CMCs in Singapore is set out in the Community Mediation Centres Act (Cap. 49A) (CMCs Act), which came into force as law in January 1998.

### *Setting up Community Mediation Centres*

The CMCs Act allows the Minister for Law to establish CMCs at such premises as he may determine, by Order published in the Gazette<sup>7</sup>. There are currently three main CMCs established in different parts of Singapore, the third and newest being CMC (Subordinate Courts) which was set up in May 2004 and co-located within the Singapore Subordinate Courts' premises. In addition to these three main centres, there are also various satellite locations at community clubs, family service centres and a neighbourhood police post, where disputants can arrange to have their mediation sessions conducted. Generally however, most mediation sessions take place at the main dedicated centres, which are accessibly located and specifically outfitted with mediation and caucus room facilities.

### *Community Mediation Services*

#### *(i) Case Management and Administration*

In terms of operational structure, the CMCs' daily case management functions and activities are run by full-time staff who are civil servants employed by the Ministry of Law. The activities of each CMC are overseen by a Director appointed by the Minister for Law<sup>8</sup>, with each Centre staffed by a Centre Manager and a Mediation

---

<sup>7</sup> CMCs Act, Section 3

<sup>8</sup> *Ibid.*, Section 4

Officer to handle the day to day registration of cases and other administrative matters pertaining to each CMC. The CMCs' mediation services are rendered free of charge, with only a nominal administrative fee charged to the complainant at the point of registration, to deter frivolous case registrations.

(ii) *Mediator Panel*

While all full-time CMC staff undergo basic mediation training as part of their induction, the conduct of mediation sessions are largely handled by community leaders who serve with the CMCs on a volunteer basis<sup>9</sup>. The involvement of these community leaders represents a conscious effort to emulate, with suitable modifications within Singapore's modern-day dispute resolution framework, the traditional institution of the *kampong ketua*, a respected leader of the community, who helped to resolve community and social disputes occurring within the small village communes or *kampongs* as they were known in Singapore's history.

Appointed by the Minister for Law for renewable two year terms under section 8 of the CMCs Act, the CMCs' current volunteer mediator panel comprises more than 130 volunteer mediators, approximately 80% of whom are community leaders, involved in various grassroots work within the community. In terms of profile, CMCs' volunteer mediator panel includes professionals from backgrounds in law, business, counselling and teaching. These professionals account for approximately 67% of CMCs' Panel.

(iii) *Assignment of Cases*

Under the CMCs Act, each mediation<sup>10</sup> may be conducted by one or more mediators assigned for the purpose by the Director of the CMC<sup>11</sup>. In this regard, the CMC adopts a "co-mediation" model, with two community mediators assigned to each case. The diversity of CMCs' mediator panel allows for a meaningful matching of mediators to disputants according to their skill-sets, language ability, profiles and experience. In matching appropriate mediators to a particular case, the Centre staff will take into account the profiles of the disputants and the nature of the dispute, bearing in mind various sensitivities such as language, gender, age-group and race, where relevant. This contributes to more effective and successful resolution of cases.

(iv) *Mediation Process*

The CMCs Act stipulates that mediation sessions<sup>12</sup> should be conducted with as little formality and technicality, and with as much expedition, as possible<sup>13</sup>. The CMC

---

<sup>9</sup> CMC mediators essentially serve on a pro bono basis, but are accorded a small stipend to defray transportation costs.

<sup>10</sup> The term "mediation" is defined broadly in section 2 of the CMCs Act to include:

- (a) The undertaking of any activity for the purpose of promoting the discussion and settlement of disputes;
- (b) The bringing together of the parties to any dispute for that purpose, either at the request of one of the parties to the dispute or on the initiative of a Director [of a CMC]; and
- (c) The follow-up of any matter the subject of any such discussion or settlement.

<sup>11</sup> CMCs Act, Section 9(2)

<sup>12</sup> "Mediation session" is defined in section 2 of the CMCs Act to mean a meeting in accordance with the Act between 2 or more parties who are in dispute on any matter.

<sup>13</sup> CMCs Act, Section 10(2)

mediation process is accordingly kept flexible and dynamic, typically comprising of joint session(s) involving both parties, and caucuses (or separate sessions) with each party as required. A facilitative rather than evaluative approach is taken. Under the Act, mediators are not permitted to adjudicate or arbitrate disputes<sup>14</sup>, and cannot impose any settlement on any party.

Mediation sessions can be conducted in various languages. The timing of the sessions is also flexible and can even be arranged outside office hours on weekday evenings at parties' convenience. While most mediation sessions take place at the main CMCs, the mediation venue is also flexible and special arrangements can be made for a mediation session to take place at a location of the parties' choice on an ad hoc basis.

The rules of evidence do not apply to mediation sessions<sup>15</sup>. A mediation session must be conducted in the absence of the public<sup>16</sup>, and matters discussed during the mediation session are protected by privilege<sup>17</sup> and secrecy<sup>18</sup> provisions in the Act.

(v) *Mediated Settlements*

In order to be of a binding nature, the CMCs Act requires settlements arrived at between parties to a mediation session to be reduced to writing with a statement signed by or on behalf of the parties of its binding effect<sup>19</sup>. Disputes arising from such settlements can be enforced as a matter of private contract between the parties in civil courts in the event of a breach.

It should be highlighted in this regard, that the CMC does not have adjudicatory or enforcement functions, as such functions conflict with its primary role of providing the parties with a neutral and non-partisan platform to jointly work out mutually acceptable solutions to their problems. However, to provide parties with the option of re-mediating their conflict should there be any subsequent breach or disagreement arising from their mediated settlement arrived at previously, the CMC's standard settlement agreement template also incorporates a dispute resolution clause that allows parties to route any disagreement concerning the mediated result back to CMC for further mediation, if they so wish.

*Disputes Handled at the CMCs*

As the name implies, the CMCs cater to 'community' disputes<sup>20</sup> as opposed to 'commercial' ones. The disputes handled by the CMCs are essentially relational, rather than legal in nature. Based on the Centres' statistics for 2008, of the 684 cases handled by the CMCs, 55% of the cases related to issues involving neighbours, 12% related to family disputes, while 9% involved altercations between friends. The rest

---

<sup>14</sup> *Ibid.*, Section 10(4)

<sup>15</sup> *Ibid.*, Section 10(3)

<sup>16</sup> *Ibid.*, Section 10(5)

<sup>17</sup> *Ibid.*, Section 19

<sup>18</sup> *Ibid.*, Section 20

<sup>19</sup> *Ibid.*, Section 13(2)

<sup>20</sup> Section 11(1) of the CMCs Act provides that subject to section 9(3) (which empowers the Director of a CMC to decline acceptance of any dispute for mediation at the CMC) and section 15 (which governs Magistrate referrals) "any person may refer to a mediator of a CMC for mediation, a case concerning a family, social or community dispute that does not involve a seizable offence under any written law".

included disputes between landlords and tenants and other relational conflicts. A majority of the disputants were working adults within the 30-50 year age range. The racial composition of the disputants largely mirrored Singapore's demographic composition viz. 71% Chinese, 14% Malay and 12% Indian.

### **III. Strategies to Ensure Effective and Appropriate Channelling of Cases to be Resolved through Community Mediation**

As a matter of policy, the general approach has been to ensure that community and social disputes occurring on the ground are identified as early as possible, and speedily resolved before they fester and escalate to become more serious and disruptive in nature. Disputes generally come to the CMCs in three ways: (a) Direct intake; (b) Referrals from other public agencies; or (c) Magistrate referrals.

In 2003, the CMCs did an internal analysis of the sources of its caseload and found that as a general trend, a majority of the CMCs' caseload came through (b) (referrals from other public agencies) compared to (a) (direct intake). It was assessed that this was largely attributable to the fact that members of the public were not familiar with the CMCs, it being at that time, a new institution of barely five years old. Moreover, members of the public typically favoured approaching the more visible and established public authorities and agencies such as the Police, the Housing and Development Board<sup>21</sup> (HDB), the Subordinate Courts and Members of Parliament at their weekly Meet-the-People sessions<sup>22</sup>, for help in the first instance.

It was also found that while there was legislative provision in the CMCs Act for (c) (Magistrate referrals), cases were not frequently referred by the Magistrates to the CMCs. The reasons were two-fold. Firstly, both parties' specific consent had to be obtained before a case could be referred to the CMCs for mediation. Secondly, the physical separation of the CMCs from the Subordinate Courts made it logistically inconvenient for the parties. Agreeing to a mediation session would mean that the parties would have to meet again on a separate day, after they had attended before the Magistrate.

The CMU studied these issues and assessed that targeted measures should be introduced to ensure a more effective and appropriate channelling of community and social disputes to the CMCs. This was conceptually tackled at two levels:

- (i) Measures to deal with community disputes festering within the community but which had yet to escalate to the Courts (henceforth referred to as "Category One disputes"); and
- (ii) Measures to deal with community disputes that had already escalated to the Courts for resolution (henceforth referred to as "Category Two disputes").

---

<sup>21</sup> Singapore's public housing authority and a statutory board under the Ministry of National Development of Singapore.

<sup>22</sup> Meet-the-People sessions are organized in Members of Parliaments' (MPs) wards as an avenue through which members of the public are able to give feedback or raise issues with their MPs.

*(i) Measures to Deal with Category One Disputes*

In the case of Category One disputes, it was felt that early mediation intervention could well serve to nip a dispute in the bud before tensions further escalated. At the same time, it was deemed favourable as a matter of policy to keep the mediation process voluntary for this category of disputes, rather than impose it from the outset.

Several administrative measures were accordingly established to ensure more expedient identification and effective channelling of such Category One disputes to the CMCs. Firstly, the CMCs embarked on a series of outreach briefings to the frontline officers of key public agencies such as the Police<sup>23</sup>, which were usually the first port of call for parties seeking assistance to resolve such Category One disputes. The briefings sought to familiarize these frontline officers with the concept of community mediation, and the types of cases that could be appropriately referred to the CMCs. This served to leverage on the reach of these public agencies and ensure that parties embroiled in Category One disputes were appropriately channelled to the CMCs, even if they initially approached the wrong public agency for assistance. Secondly, referral arrangements along with standard operational procedures and referral forms were worked out and formalized between the CMCs and its referral partners. Thirdly, grassroots leaders and CMC mediators were enlisted, under a novel “Persuaders Scheme”, to visit constituents embroiled in neighbourhood disputes who were unwilling to resolve their conflicts with their neighbours through mediation, to explain the advantages of doing so and to encourage them to give the mediation process a try.

A further enhancement presently, under consideration, is to set out police powers to refer parties to the CMCs under the aegis of the Criminal Procedure Code (Cap. 68). A provision to allow Magistrates to take a party’s failure or refusal to mediate into account in assessing how to dispose of a case, should the case be brought to the Courts by either party subsequently, is also being studied. It is hoped that these legislative enhancements combined, will further strengthen the community mediation framework for Category One disputes, and serve to nudge the parties to at least attempt mediation once, before pursuing other options.

*(ii) Measures to Deal with Category Two Disputes*

It was deemed necessary to adopt a firmer approach in the case of Category Two disputes, where the conflict had already escalated to the Courts. Such cases typically come through the Magistrates’ Complaint route, where one party to the dispute lodges a criminal complaint against the other party.

As earlier mentioned, the initial framework governing the referral of cases by Magistrates to the CMCs was unsatisfactory, as it required firstly, the consent of both parties before a case could be referred to the CMCs. Secondly, the fact that the CMCs

---

<sup>23</sup> Systemic briefings have been held for all frontline police officers islandwide since October 2003. As of December 2008, more than 4,000 police officers have been reached. Ongoing briefing sessions continue to be conducted regularly for new batches of trainee police officers to ensure that the new officers are familiar with the community mediation process and CMCs’ services in order to facilitate appropriate referrals of cases by the Police to the CMCs.

were located in a separate location from the Subordinate Courts and that the parties would therefore have to attend the CMC mediation session on a separate day, served as a further disincentive to agreeing to the mediation option. The practical consequence was that parties would usually refuse mediation and opt to have their matter adjudicated by the Magistrate.

To address these shortcomings, a legislative amendment was introduced in 2004 to the CMCs Act, to allow for Magistrates to compulsorily refer cases deemed appropriate for community mediation to the CMCs *without* the need for parties' consent. Failure to comply with the Magistrate's order would amount to contempt of Court<sup>24</sup>. In tandem with that amendment, the physical infrastructure was significantly enhanced by the co-location of a new CMC facility within the Subordinate Courts' premises.

With the co-location of a CMC at the same premises as the Subordinate Courts, it was then possible to refer disputants to the CMC for mediation immediately after they appeared before the Magistrate. Duty mediators would be present to handle the mediation session straightaway. Cases that fail to be resolved would be routed back to the Magistrate for further directions, while cases successfully mediated pursuant to such referrals, would typically culminate in a settlement agreement setting out the terms agreed between the parties, and the complainant's agreement to withdraw his/her complaint against the other party.

These changes served to bring about greater synergy between the CMCs and the Court process, and provided greater convenience and time savings for the disputants involved. From 2005 to 2008, the number of cases channelled to CMC through this arrangement increased twofold.

#### **IV. Building a Mediation Culture in Singapore**

While awareness about community mediation is slowly gaining acceptance in Singapore, there is still much more that needs to be done. As part of a longer term strategy to inculcate a mediation culture in Singapore, one of the CMU's top priorities in recent years has been to initiate programmes that will increase public awareness about the benefits of community mediation and the availability of the CMCs' community mediation services. The strategies to reach out to various segments of the Singaporean public can be divided into two main thrusts:

- (a) General public education and awareness activities; and
- (b) Specific initiatives reaching out to targeted segments of the community.

##### *(a) General Public Education and Awareness Activities*

Part of the CMU's ongoing work involves reaching out to the general public to generate greater awareness of community mediation with a view to promoting

---

<sup>24</sup> CMCs Act, Section 15(3)

mediation as the preferred option for resolving community and social disputes they might encounter from time to time. The CMU has over the years sought to creatively reach out to mass audiences in relevant ways through various channels, including:

- (a) Organising public roadshows and exhibitions in densely-populated residential areas during weekends and public holidays;
- (b) Weaving mediation messages into the storylines of popular local television dramas<sup>25</sup>;
- (c) Putting up advertisements in mass media (e.g. television and Singapore's public transport systems)<sup>26</sup>;
- (d) Displaying posters and pamphlets at strategic spots (e.g. the lift lobbies of public housing flats)<sup>27</sup>; and
- (e) Making CMC publications and information on the CMC readily available to the public on CMC's website.

*(b) Specific Initiatives Reaching Out to Targeted Segments of the Community*

The CMU has also introduced specific initiatives reaching out to targeted segments of the community with a view to building both present and long-term mediation capabilities.

To address present needs, apart from providing mediation training for CMCs' own mediator panel, the CMU also facilitates mediation training for frontline officers such as those from the HDB and grassroots leaders in collaboration with community groups such as the Community Development Councils (CDCs)<sup>28</sup> who might find mediation skills useful and applicable to performing their day to day work within the community.

---

<sup>25</sup> For example, in 2004, a popular Channel 8 television drama serial 'Double Happiness II' wove in the CMCs' community mediation message in three episodes which were viewed by an average of 804,000 people (4 years old and above) over three days. CMCs' latest drama weave-in aired in March 2008 saw a viewership of more than 1 million (13 years old and above) over two episodes of MediaCorp's television series, 'Just in Singapore'.

<sup>26</sup> In 2004, a 30-second CMC cartoon animation advertisement depicting a typical neighbourhood dispute was developed and subsequently aired on Singapore's local Channels 5 (English) and 8 (Chinese), as well as on the in-train television panels on board the North-East Line of the Mass Rapid Transit (MRT) system. From the end of 2005 to September 2006, five SBS double-decker Superbuses and 100 Comfort taxis travelled island-wide to bring the message of mediation to the public.

<sup>27</sup> CMC posters and pamphlets are prominently displayed at the void decks and lift landings of HDB flats, HDB branch offices, Town Council offices and Neighbourhood Police Posts and Centres. These publicity materials are meant to cut across age barriers and educational background, and therefore utilise cartoon illustrations instead of text to communicate mediation concepts and encourage harmonious living. They also provide the location, contact details and opening hours of the various CMCs in Singapore's four official languages, English, Malay, Mandarin and Tamil.

<sup>28</sup> The CDC functions as a local administration of its District, initiating planning and managing community programmes to promote community bonding and social cohesion. Source: [www.cdc.org.sg](http://www.cdc.org.sg), last accessed 9 March 2009.

To build up mediation capabilities for the future, the CMU has in the past two years, begun to focus its energies on the formulation of programmes to engage youths at various levels to equip them with constructive conflict resolution perspectives and promote mediation as a life-skill. It is hoped that the impact of these educational programmes on these youths, will somewhat also trickle down to their parents. The CMU's efforts include:

- (a) An interactive skit-based assembly show programme introduced since 2004, targeted at student masses at secondary school level, teaching them conflict resolution approaches and introducing them to the concept of mediation<sup>29</sup>;
- (b) An annual youth forum introduced since 2006 to create a platform for student leaders from secondary schools to actively share their views and learn about mediation<sup>30</sup>; and
- (c) Basic mediation training workshops and seminars for student leaders of all levels to learn basic mediation techniques.

Further projects in the pipeline include a new series of initiatives reaching out to primary school students and a "mediator aide" programme to engage tertiary students from the Junior Colleges, Polytechnics and Universities interested in learning more about the practical aspects of mediation.

## V. Conclusion

As Singapore develops, and its social and economic landscape undergoes transformation, the CMU will have to continue to institute the necessary changes to Singapore's community mediation framework to ensure that it remains responsive and relevant to the changing needs of a growing multi-racial, multi-cultural and multi-lingual Singapore.

In the past 10 years, significant resources and effort have been put into establishing a strong legislative framework to support community mediation and its development in

---

<sup>29</sup> Since September 2004, the CMU has collaborated with popular local theatre groups to produce a Peer Mediation Assembly Programme viewed by whole cohorts of secondary school students during school assembly sessions. As of December 2008, the Assembly Programme has reached out to more than 66,700 students. The Programme consists of an entertaining and interactive skit performance with amicable conflict resolution and mediation themes woven into the storyline. The skit focuses on how mediation skills could be applicable in squabbles amongst students, and is followed by an interactive quiz segment on mediation and conflict resolution principles.

<sup>30</sup> The CMU has, since 2006, organised an annual youth forum to create a platform for student leaders to actively share their views and suggest solutions to social disputes that occur in their school and other contexts. Participation in the forum is open to student leaders from all interested secondary schools. The forum usually includes an introductory lecture on peer mediation and interactive open-ended skits carefully scripted to raise thought-provoking issues for which the participants have to offer their own solutions. Students are also given the chance to discuss mediation techniques and the relevance of mediation to their lives through breakout group discussions, onstage student panel discussions and debates.

Singapore; setting up an accessible and cost effective mediation service, with specifically outfitted Centres with the facilities and infrastructure to provide disputants with a conducive environment to resolve their disputes; as well as building up a strong corps of trained volunteer mediators with the requisite diversity and skills to address the wide range of community and social disputes which might arise in Singapore's context.

Differentiated strategies have been adopted to ensure an effective channelling of community and social disputes to the CMCs for resolution. For cases that have not reached the Courts, administrative measures leveraging on referral networks with key public frontline agencies and organisations have been implemented to ensure community and social disputes are speedily detected and appropriately channelled to the CMCs for resolution. For cases that have escalated to the Courts, the legislative basis for mandatory referrals to mediation at the CMCs and physical co-location of the CMCs within the Courts' premises to ensure an efficient referral process between the Courts and the CMCs, have served to strengthen the framework and afford parties with one last opportunity to work out a mutually acceptable solution through a facilitated mediation process.

Strong emphasis has also been placed on promoting awareness of mediation in the community through various general as well as targeted programmes and initiatives. To reach out to the masses, the CMU's public outreach strategies over the years have included public roadshows, exhibitions and advertisements on public transport systems and television dramas. The CMU has also sought to equip community leaders with the necessary basic mediation skills to resolve disputes on the ground in the course of their day-to-day dealings with constituents in their wards, even before escalating the case to a CMC for assistance. Special attention has also been given to educating youths, with the vision of inculcating positive habits of dispute management early, thereby planting the seeds of a culture of amicable dispute resolution in the Singapore of tomorrow.

The CMCs' overall settlement rate of 70-75% bears testimony to the effectiveness of mediation as a useful means of settling community and social disputes. Thus far, the CMCs have conducted more than 4,100 mediations since its first centre was established. The statistics also show an increasing number of Singaporeans availing themselves of CMCs' mediation services<sup>31</sup>. In the road ahead, the CMCs will have to continue to improve its services and programmes to remain relevant in a rapidly changing Singapore and in so doing, pave the way towards establishing a strong mediation culture in Singapore.

---

<sup>31</sup> CMCs' caseload has increased fivefold from 120 sessions conducted in 1998 to 684 in 2008.