

Can Mediation Survive in a World of Trumpian Negotiators?

The 5th Asian Mediation Association Conference Thought Provoking – New Thinking

24th & 25th October 2018, Le Meridien Hotel, Jakarta

Hosted by: The Indonesian Mediation Center (Pusat Mediasi Nasional 'PMN')

CALL FOR PAPERS

The Asian Mediation Association (AMA) is a regional membership body comprising 14 mediation centers. Following successful AMA conferences in Singapore 2009, Kuala Lumpur 2011, Hong Kong 2014 and Beijing 2016, the **5th AMA Conference** will add significant value to the promotion and understanding of mediation in Asia.

Modern mediation began sometime in the 70s in the US. Since 2000, it has spread rapidly through Asia. Each year brings more and more applications of mediation in commerce, in communities and even across national boundaries.

In Indonesia, the Supreme Court has promoted the use of mediation since 2003 and recently issued its third revision of the regulations covering court-annexed mediation for the purpose of widening and improving access to justice. More and more government sectors and agencies are introducing mediation as part of their dispute resolution processes. But, PMN's own experience suggests that the public and potential users remain largely unaware of mediation and its benefits.

The aims of the **5th AMA Conference** are:

- boost awareness of mediation and its uses;
- to provide a forum for the exchange of the latest ideas and developments in mediation;
- promote lessons learned, particularly in adapting mediation practice in Asia.

The conference will provide valuable networking opportunities for representatives of mediation organizations, mediation practitioners, would-be mediators, users, arbitrators, dispute resolution experts, academics, and other members of the dispute resolution community.

The conference will likely cover, but is not limited to, the following topics:

Plenary sessions:

- **UNCITRAL** and the **enforceability** of International commercial mediated settlements?
- Why will **Neuroscience** change the way we mediate and negotiate?
- **Intractable Conflicts**: why are some conflicts just too difficult to resolve?
- Do **Cultural** differences really impact the way we mediate?
- **Insult** versus **Dignity**: which works best in negotiation?

- Will **Wi-Fi** eliminate face-to-face mediation?
- How will **Trumpian Negotiators** impact mediation?

Breakout sessions:

1. **Mediation skills**

- 1.1. **Mediation Advocacy**: do lawyers prepare their clients well-enough for mediation?
- 1.2. **Preventative** Mediation: can early intervention reduce the costs of conflict?
- 1.3. The Mediator's Dilemma: should a mediator **evaluate or facilitate**?
- 1.4. **Skills versus Subject Knowledge**: which is more important in mediation?
- 1.5. **The Internet Effect**: how can mediators adapt for successful **online mediations**?
- 1.6. **Game theory**: how can it assist the parties in mediation?
- 1.7. **Complex mediations**: do mediations involving many parties tend to fail more often?
- 1.8. **Empathy**: do mediators really need to manage parties' emotions?

2. **Sector-specific mediation**

- 2.1. What are the dynamics of **Inter-faith** disputes?
- 2.2. How can realistic settlements be achieved in **Financial** disputes?
- 2.3. Can **Tax** disputes be mediated?
- 2.4. **Native Title** versus **Legal Ownership**: how effective is mediation in reconciling conflicting land claims?
- 2.5. How do mediators manage third-party demands in **environmental** dispute mediation?
- 2.6. **Industrial Relations**: why is preventative mediation a better cure for labour disputes?
- 2.7. **Construction** disputes. How dispute board can use mediation effectively in construction disputes?
- 2.8. **Shipping** disputes: how does mediation cope with million of unsettled cases in maritime?
- 2.9. **Family** disputes. How can mediation achieve good divorce settlement?
- 2.10. **Medical** Disputes. Is the patient-doctor confrontation necessary to close the deal?
- 2.11. Should mediation be used in **Criminal** cases including sexual and physical abuse?

3. **Mediation issues**

- 3.1. How to successfully **market** yourself as a mediator.
- 3.2. How to manage the risk of perceived corruption and criminal prosecution when mediating disputes involving **state-funded projects**?
- 3.3. How do you **train** your mediators?
- 3.4. What are the limits to **confidentiality** in mediation?
- 3.5. How to enforce mediator **ethics**?
- 3.6. How to set and enforce **standards for mediations**?
- 3.7. **Mediator's preparation**: sharing experience of real-life mediations.
- 3.8. **Case study**: How mediation resolves disputes that cannot be resolved through adjudicative channels.
- 3.9. The trials and tribulations of mediating in **the courts**.

CALL FOR PAPERS

AMA welcomes academics, scholars, researchers, practitioners and other interested individuals and organizations to present papers on any of the topics mentioned above. If you have other topics in mind, we would be happy to hear your suggestions. The papers should cover mediation-related ideas, theories, practice or experience in your country that may be useful to developing mediation in other countries. Papers should ideally provide practical lessons which will advance the field or practice of mediation. AMA intends to produce a publication of the conference proceedings.

Note:

- a) A prize of IDR 20,250,000.00 will be awarded to the best original paper, and IDR 6,750,000.00 for the two runner ups.
- b) AMA shall be granted permission and copyright in publishing those selected papers in the conference proceedings and or AMA website.
- c) Attendance at the conference is not a prerequisite to making a submission in response to this call for papers.
- d) Each breakout session will last two hours and have two speakers and a moderator to a topic;
- e) Conference registration fee for Speakers will be exempted.
- f) All decisions made by the Conference's Committee on presentation and/or publication of papers shall be final.

Submission Guidelines

An abstract should be submitted to the AMA Secretariat. Please provide:

- a) Title of the paper and an abstract of not more than 500 words;
- b) Curriculum vitae of the author(s); and
- c) Contact particulars of the author(s) (email addresses preferred).

Please submit your abstract by softcopy (Microsoft Word) or hardcopy to the following address: ama5.paper@pmn.or.id or

AMA Secretariat

c/o PMN, Gedung Adi Puri, Wisma Subud, Jl. RS Fatmawati no. 52, Jakarta 12430 Indonesia.
Tel: (62-21) 7691 466; (62) 812 80008 PMN.

Deadlines

- Submission of abstract by: **30 July 2018**
- Announcement: selected abstracts will be announced two weeks following the deadline of submission (**16 August 2018**)
- Submission of full paper by: **8 October 2018** (only for selected abstracts)

Background to AMA

The Asian Mediation Association (AMA) is made up of member organizations involved in mediation, which are based in Asia. The founding members of AMA are: the Indonesian Mediation Center, Hong Kong Mediation Centre, Malaysian Mediation Centre, Philippine Mediation Center and Singapore Mediation Centre. The Indonesian Mediation Center currently serves as the AMA Secretariat.

AMA aims to promote and facilitate the use of mediation to amicably settle disputes in Asia. AMA will facilitate the sharing of resources, best practices, experience and local knowledge. This will be done through joint promotional events, conferences and research and development projects. AMA will also provide a regional dispute resolution infrastructure for conflict management and dispute resolution that will support the increasing cross-border investment and trade activities of the fast-growing Asian economies.

AMA full list of members:

A. Ordinary Members

- a) **China** CCPIT/ CCOIC Mediation Center,
- b) Commercial Dispute Mediation Center at the **Mongolian** National Chamber of Commerce and Industry,
- c) **Delhi** Mediation Centre at District Courts of Delhi,
- d) **Hong Kong** Mediation Centre,
- e) **Indian** Institute of Arbitration and Mediation,
- f) The **Indonesian** Mediation Center (PMN),
- g) **Malaysian** Mediation Centre,
- h) **Philippine** Mediation Center,
- i) **Singapore** Mediation Centre (SMC),
- j) **Thai** Mediation Center (Office of the Judicial Affairs),

B. Associate Members

- a) AMA **Youth** Chapter,
- b) **Japan** Commercial Arbitration Association (JCAA),
- c) Mediation Service, Ministry of Employment, Productivity & Industrial Relations, Republic of **Fiji**,
- d) **Thailand** Arbitration Center (THAC) Mediation Center.

End.