

# Asia Pacific International Mediation Summit – New Delhi

The Asia Pacific International Mediation Summit was held in New Delhi, over 4 days from 12-15 February. It was presented by the American Bar Association Dispute Resolution Section in association with UNCITRAL Regional Centre for Asia and the Pacific; the Association of Indian Mediators and other ADR organisations in the Asia Pacific region. AIDC's CEO Deborah Lockhart, Chairman Michael Talbot, Deputy Secretary NSW Department of Justice and Khory McCormick, Deputy President of ACICA and Senior Partner at Minter Ellison represented Australia, with Khory on the speakers' panel. [Read More](#)

With over 18,000 members, the ABA Section of Dispute Resolution is the premier ADR organisation in the USA. The keynote address at the first night's Grand Dinner was given by The Honorable Mr. Justice T.S. Thakur, Judge, Supreme Court of India. Over the following days, key topics - such as building sustainable mediation programs, best practices in court-connected and community mediation programs, commercial mediation and cross-border international mediation - were explored through a series of keynote presentations, plenary sessions and interactive panel discussions. Other speakers included Justices of the Supreme Court of India, the Chief Justice of Singapore, Honorable Sundaresh Menon, and the Secretary of Justice of Hong Kong, Honourable Rimsky Yuen together with a diverse range of other high profile dispute resolution practitioners, academics, judges, attorneys and members of professional organisations.



## **Joint Fact Finding and Data Focused Mediation (JFF)**

In a session on Special Mediation Issues, Dr Peter Adler and Dr Masahiro Matsuura presented their latest thinking on JFF. JFF is perhaps recognised more readily in other guises such as

Independent Review Panels, Technical Advisory Groups, Peer Review Meetings or Stakeholder Panel Working Groups. Drs Adler and Matsuura have taken JFF to a new level in mediating agreements between disparate groups involved in public policy issues. Their 3 pronged rationale is to:

- Improve public policy decisions
- Enhance cooperation and reduce unnecessary conflict
- Use the best scientific and technical information available

In bringing stakeholders together to review the science or technical specifications and facts the speakers highlighted a key ‘fact’ in JFF; “Nothing is a fact until we agree it is a fact or until we are told by a final authority that it is a fact. Until then we treat them as assertions, opinions and viewpoints.”

A growing list of good examples of where these eminent practitioners have used JFF includes:

- Children’s Health Protection – Washington
- Storm water Management – Virginia
- Water Sharing – Namibia
- Fisheries, Communities and Wind – Japan
- New Desalination Plant - California

## **Samadhan**

Another highlight of the Summit was a visit to Samadhan, the newly expanded Mediation and Conciliation Centre within the Delhi High Court. Opened in May 2006, Samadhan has 266 mediators on its panel and is acknowledged as one of the most prestigious mediation centres in India. Samadhan has 13 rooms on various levels of the High Court building, with its new wing boasting a children’s play room and a counseling room for visiting psychologists.

The Centre is run primarily by Members of the Delhi High Court Bar Association. Referrals come from both pre-litigation matters and court connected. Statistics from Samadhan are inspiring in terms of their sheer volume and illuminating in terms of outcomes. In the six months from January to June 2014, the Centre managed 111,938 referred cases, of those 64,496 settled. Of the settled matters 19,028 were court connected.

Together with its mediator professional development programs, it was also interesting to note that the Centre regularly holds Sensitisation Programs for referral judges; with the aim of sensitising them to the qualitative referral of cases and explaining how to execute terms and conditions of settlements arrived at by parties.

All in all, the ABA conference was a tremendous opportunity for AIDC and ACICA to learn more about the Indian and regional ADR experience as well as meet with and engage with fellow practitioners and organisations working in the ADR sector.