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SINGAPORE MEDIATION LECTURE 2018

About the Lecture

SINGAPORE MEDIATION LECTURE

The Singapore Mediation Lecture series aims to enhance the understanding and use of mediation in resolving cross-border commercial disputes.

ON TIPTOES THROUGH THE MINEFIELD: CULTURAL DIMENSIONS OF MEDIATION

Few issues are as hotly contested as culture both in society and in the dispute resolution field.

The draft United Nations Convention on International Settlement Agreements Resulting from Mediation (expected to be called the Singapore Convention on Mediation) is likely to increase the use of mediation in cross-border disputes, making intercultural issues even more pertinent.

While mediators are trained in how to manage cultural diversity, that training is now rejected either as too narrow or too broad. With the advent of neuroscience, the old proponents of mediation as culturally transferable and mediators as scrupulously neutral are back with us. They insist the brain governs our reactions, which are as unique and unpredictable as we are ourselves.

So why bother with culture at all? The stark reality of managing cross-border negotiations will mean that culture will play a role and the failure to address cultural sensitivities and interests risk placing many a settlement in jeopardy.

Does culture equate ethnicity, or is it something more? How are individual differences between people from the same cultural group handled, let alone between people of different backgrounds? To what extent can process design assist? Will an evaluative approach serve parties better than a facilitative approach, and if so, how does one decide when one approach is preferable and when not?

Users, however, are not asking these questions. All they ask of those assisting them in intercultural negotiations and mediations is that they do not fail to deliver the best possible chance of a successful outcome.

For practitioners, such doubts have turned intercultural mediation into a minefield. Some negotiators and mediators who are wary of falling into error, have retreated into the mistaken belief that culture does not matter. It does.

Ms Kalowski will address these issues and provide suggestions on how to take account of culture in disputing and in resolution, with the aim of ensuring there are confident interculturally skilled mediators able to take on complex

disputes between individuals, organisations and countries.

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Details of Lecture

ON TIPTOES THROUGH THE MINEFIELD: CULTURAL DIMENSIONS OF MEDIATION

Date: 31 October 2018, Wednesday

Time: 5.00pm to 6.30pm
(Registration starts at 4.30pm)

Speaker: Joanna Kalowski

Venue: Singapore Management University
School of Law
55 Armenian Street
Singapore 179943
SMU Hall 1.3, Level B1
(Click here for the location map)

Attire: Business Attire

Public CPD Points: 1 point

Practice Area: Alternative Dispute Resolution

Training Category: General

The lecture is open to the public and admission is free.

Accredited CPD Activity

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

Please note that the organisers reserve the right to refuse admission to any participant who is not properly attired.

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MEDIATION CENTREA stylized world map composed of small white dots on a purple background, with a small orange dot in the Southeast Asian region.

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About the Speaker



Joanna Kalowski

Joanna Kalowski is a mediator, facilitator and judicial educator. She has a background as an adult educator, and designs, leads and evaluates programs for lawyers and judges.

Ms Kalowski is on the Resolution Institute's Advanced Panel, the panel of the Centre de Médiation et d'Arbitrage de Paris and the International Panel of Singapore Mediation Centre. She is also on the Faculty of MATA (UK) for their biennial mediator retreats and is a member of Conférence Internationale de Médiation pour la Justice.

She served on the Administrative Appeals Tribunal in Australia from 1988 to 1996, and the National Native Title Tribunal from 1996 to 1999 and thereafter remained as a Presidential consultant. In 2008, she was appointed to the International Mediator Institute (IMI) where she served on the independent standards commission and co-chaired the reference group that determined IMI standards in intercultural mediation. Ms Kalowski also trained judges in the Family Court's Children's Cases Pilot in mediation techniques in pursuit of a less adversarial trial process. In the pilot phase of the Defence Abuse Taskforce, an Australian body established to help people who claimed to have suffered physical or sexual abuse, harassment or bullying in the armed forces, she was the principal facilitator.

Ms Kalowski who speaks fluent French, German and Italian has mediated over 300 cases, ranging from environmental and Native Title disputes, to partnership and commercial matters. Her achievements have been recognised by Who's Who Legal in 2017, ranking her third on the list of mediators active in Australia.

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About the Organisers

Eversheds Harry Elias LLP

Eversheds Harry Elias LLP is a multidisciplinary legal practice that was established in 1988 by Mr Harry Elias, SC. Apart from offering focused and proactive advice within the larger framework of strategy and business objectives to its highly diversified clientele, it is a firm that has been on the cutting edge of legal changes, bringing about cases that were first to break new ground, and resulting in watershed judicial decisions. A firm that has been understandably referred to as 'A Practice of Firsts'.

Singapore Mediation Centre

Established in 1997, the Singapore Mediation Centre (SMC) pioneered the use of mediation as the mainstream mechanism for dispute resolution, as well as training in negotiation and conflict management. Today, SMC offers a suite of alternative dispute resolution services which brings clarity and objectivity to complex situations. These services include mediation, neutral evaluation and domain name dispute resolution. Through our panel of professional mediators with legal and industry expertise, SMC is well-placed to manage difficult negotiations and unlock standstills for businesses by providing cost-effective and timely solutions. At SMC, our vision is to help all businesses fully appreciate the value of mediation as a strategic risk-management tool that they can count on in commercial dealings.

Singapore Management University

Centre for Cross-Border Commercial Law in Asia

The Centre for Cross-Border Commercial Law in Asia (CEBCLA) facilitates research in all areas of commercial law especially in the Asian context. CEBCLA aims to be the leading Asian centre of research in commercial law which is informed by a variety of research methods including doctrinal, theoretical, empirical, historical and comparative perspectives. The goal is that CEBCLA will act as the meeting point and first port of call for scholars, leading practitioners, governments and policy makers pursuing rigorous, informed and significant research in commercial law in Asia.

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Contact Us

For enquiries, please contact Adeline Teo at cebcla@smu.edu.sg

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Lecture Summary

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