



YMI News - November 2017

A warm welcome to this month's YMI newsletter!

In this edition we put a spotlight on India and the outstanding activities that young professionals put in motion to promote mediation. We also invite you to share your mediation success stories and we would like to send a special thank you to Irena Vanenkova, Executive Director of IMI.

Around YMI:

Announcement : Irena Vanenkova, IMI Executive Director



Early this month we received the announcement of change to the structure of [IMI](#) that will occur in the beginning of 2018. Irena Vanenkova, who has driven IMI since 2007 and supported the growth of YMI selflessly since 2010, will be stepping away from her role as Executive Director in mid January.

Irena had a crucial role in the creation of the Young Mediators Initiative and without her tireless support of the next generation of mediators, YMI would not be the recognized global platform for young professionals that it is today.

Please join me in thanking Irena for all of her work and in wishing her all the best and more.

Raising Mediation Awareness - A Focus on India

Activities

take the concept of mediation to every corner of India. Having worked with over 2,000 law students and professionals in the course of workshops, lectures, competitions, panel discussions and conferences, we find it safe to say that the current generation of lawyers has accepted mediation as its own.



A year ago, we developed an interactive teaching method - 'Mediation Boot Camp', which has been widely accepted and positively evaluated by participants and institutions. PACT has travelled to cities such as Pune, Raipur, Hyderabad, Mumbai, Delhi, Ahmedabad and Srinagar, orienting students with the theory and applications of mediation practice. The 15-hour course module provides a taster to negotiation tools, mediation styles and adversarial skills, besides presenting to the students the reality of the challenges and limitations that mediation practitioners face in India.

One of the major concerns expressed by students at these boot camps is "what happens if the parties to a dispute do not honour the mediation agreement?" Of course there are remedies in the country's legal structure where aggrieved parties can seek justice, but this, once again, forces them to enter the hostile atmosphere of the courtroom. Do we need a legislation to protect and promote mediation practice in India? We hope to discuss this and a lot more at the International Symposium on Consensual Dispute Resolution, co-hosted by Amity Law School, Delhi, and PACT, from January 15-17, 2018.

PACT will also engage with Indian Law Society's Law College, Pune, in hosting a state/national-level mediation competition (January 24-25, 2018). The primary focus here would be workplace disputes and family mediation. It will also host an ADR week in Gujarat in January 2018.

PACT will also feature as a chief advisory organization for the fourth edition of the RMLNLU National Mediation Competition (http://www.rmlnlu.ac.in/pdf/competition_131017.pdf), Lucknow, (January 19-21, 2018). It is also excited to support and endorse the sixth edition of the NLIU-INADR International Law School Mediation Tournament, Bhopal (November 17-19, 2017). PACT will also visit Kerala, Rajasthan, Himachal Pradesh, West Bengal, Orissa, Assam and Tamil Nadu in the next four months as part of its 'Mission Mediation'.

India International ADR Association (IIADRA – www.adrassociation.org) represents the common interests of Arbitrators, Mediators, ADR Practitioners and ADR Users.

IIADRA publishes an online news-magazine "[ADR World](http://www.adrworld.in)" and a Blog in the same name (www.adrworld.in). The idea is to create a global platform for exchange of views and ideas. The magazine is guided by a truly global editorial board comprising of eminent ADR professionals from around the globe. It contains Post Cards from various jurisdictions and also from UNCITRAL and IMI.

ADR World is committed to spread the value of mediation to every corner of the World. In this regard we need to rely on the next generation and we have started the "ADR Ambassador" program for young professionals and students from around the globe. The selected "ADR Ambassadors" will make contribution in the form of short write-ups, collecting information about recent developments in the field of ADR around the world, conduct surveys, research, interviews and other related activities. Their final work will be published in the ADR World to recognize and acknowledge their efforts. The ADR Ambassadors can also generate and contribute discussions, share views on recent developments on the ADR World Blog.

We believe that it is time now to trickle the knowledge and skills of ADR to the younger generation, so that we could make early start in preparation for the future leaders. ADR World is the right place to start this initiative in a small way. ADR World – e-magazine and blog – will provide the right platform for them to interact with their peers from around the world and also with the current leading experts.

If you are passionate in ADR and wish to join this exiting group of ADR Ambassadors, please feel free to contact the Chief Editor of ADR World, Prof. Rajesh Sharma at rajesh.sharma@rmit.edu.au

Indian Mediation Week September 2017 - Review

[Indian Mediation Week](#), was an mediation awareness initiative, being organized with the support of Ministry of Law and Justice, Government of India and Supreme Court Mediation and Conciliation Project Committee (MCPC).



All events in the Indian Mediation Week are targeted towards the general public. Events include mediation awareness drives, flash mobs, mediation rallies, street plays, mediation training etc. We are delighted to share with you some highlights:

- Briefing with the Hon'ble Justice Dipak Misra, Chief Justice of India: Akshetha Ashok, Chief Coordinator of Indian Mediation Week, had the opportunity to brief the Hon'ble Justice Dipak Misra, who is presently the Chief Justice of India, at the NALSA conference held last month. He was extremely pleased with the efforts taken by students across India in taking forward this nationwide campaign on mediation.
- Mediation awareness drive: MNLU, Mumbai students conducted their fourth mediation awareness drive with two volunteers, Shraddha Chakraborty and Anoushka Mehta, in Powai Plaza.
Direct engagements - 13
Cases received - 1
- NUJS students perform a flashmob to promote mediation: On 16th September 2017, a group of students from National University of Juridical Sciences, Kolkata, performed a flash mob in front of carnival cinemas, sector 3, to promote the cause of mediation in India. While the flashmob attracted a huge crowd, volunteers from team IMW used it as an opportunity to distribute mediation pamphlets. This was done in furtherance of our commitment to using creative ways for taking the message of mediation to the common man.

All activities, picture and video material can be found on the Indian Mediation Week [Facebook page](#).

News, articles and videos on mediation in India

Confidentiality in Mediation



An Indian Perspective – by YMI member Shraddha Boshale (Kluwer Mediation Blog).

"India enacted the Arbitration and Conciliation Act, 1996 in line with the UNCITRAL Model Law. Section 75 of the said Act provides that the Conciliator and the parties shall keep confidential all

that the terms “mediation” and “conciliation” are often used interchangeably in India.” [Click here.](#)

Bombay HC gets dispute resolution centre, crèche



“The government has finalised the site for a new building for the Bombay High Court, Chief Minister Devendra Fadnavis said on Saturday. Mr. Fadnavis was speaking at the inauguration of an Alternative Dispute Resolution (ADR) centre and a crèche for children of lawyers and court staff in south Mumbai.” [Click here.](#)

Mediation in Domestic Violence Case: Whether to Use or Not to Use?



An Indian Perspective by Sandeep Bhalothia (mediate.com).

"The author aims is to identify two opposite interests associated with the settlement of domestic violence cases, and look at the Indian law to see how those two interests are equitably balanced, therefore, providing a recommended way forward, not necessarily a perfect one, to handle cases related to domestic violence. Briefly, these two interests are – protecting family relationship and children from trauma and to make sure that the abuser is made to pay for his deeds – and the following paragraphs present an expose of the same." [Click here.](#)

Video: Mediation and Dispute Resolution in India



DME TV caught up with Arjun Natarajan and YMI member Jonathan Rodrigues, earlier this month, for a little impromptu chat on 'Mediation and Dispute Resolution' in India. To access the YouTube video [click here.](#)

YMI Opportunities

Traineeship at the International Chamber of Commerce – Paris

Traineeship with the ICC Centre for ADR will allow the successful candidate to incorporate a strong ADR component in his/her background of a future dispute resolver. For more information [click here](#).

Share your mediation journey



Have you set up your own mediation practice or are on the way in doing so? What challenges do you face, what is your personal success story or lesson learned? How do you promote mediation? We are interested in your journey! The most inspiring stories will be featured in our newsletter.

Please send a brief overview to us (half a page) by 30 December 2017 and we will select the most insightful stories to work with and feature in our upcoming newsletters.

Events:



- 1-7 February 2018: [ICC Mediation Week](#) (Paris, France).

YMI is proud to announce its partnership with ICC's Mediation Week - [#ICCMW](#). Since 2011 YMI supports ICC's biggest education event. We look forward to continue the joint mediation advocacy efforts and advancement of the next generation mediators.

2018 MEDIATION WEEK

1-7 February 2018

The highly awaited ICC Mediation Week kicks off with the 5th edition of the ICC International Mediation Round Table, offering to around 120 ADR professionals from all over the world a unique platform to exchange best practices, share their knowledge and discuss latest developments in ADR.

The following 6 days are dedicated to ICC's largest educational event: the 13th International Commercial Mediation Competition. More than 550 participants including professional mediators and students from more than 40 countries reunite in Paris for this annual event, making the Competition the biggest moot worldwide exclusively devoted to international commercial mediation.

During the Competition, the students have the opportunity to practice their problem solving and advocacy skills by facing cross-border business disputes, which they endeavor to resolve through mediation. Around 150 mock mediation sessions and a number of exclusive social events and conferences enable both students and professional mediators alike to engage in a dialog that extends beyond cultural borders and generations.

For more information [click here](#).

Please contact the YMI Team for further information - ymimmediation@IMImediation.org

With our kindest regards,
The YMI Team
Angela (France) and Emma (New Zealand)



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