



***Culture, Process and Value Proposition in the Era of the Singapore Convention on Mediation***

**Ms. Sarah Blake**

**Date: 20 May 2020 Time: 1:00pm CEST**

Presentation Summary:

Ms. Sarah Blake (Conflict Strategist and IMI Certified Mediator) gave an interesting presentation on the topic ‘Culture, Process and Value Proposition in the Era of the Singapore Convention on Mediation’.

Ms. Blake began her presentation by sharing about her experience at the signing of the Singapore Convention on Mediation (SCM).<sup>1</sup> She felt that the convention created a space for the blending of ideas and conversations amongst global leaders with regards to mediation. A pivotal moment for her was at the MANE Forum when a participant asked, “Do we need an Asian model of mediation?”. Reflecting on this, she realized that the process of mediation should not be about the determination and interpretation of facts but about the bringing of the parties to the process. Conflicts are more complex than just facts; people bring complexities to the conflicts.

Ms. Blake raised a concern that that the international dispute resolution space might be diluting some of these complexities to a mere determination of facts. In doing so, many interests that lie under these facts continue to fuel conflicts as the former is not addressed sufficiently. She then proceeded to explain how culture, process, and value proposition will impact the manner in which mediators engage in the business of resolving disputes.

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<sup>1</sup> Officially named United Nations Convention on International Settlement Agreements Resulting from Mediation.

Ms. Blake shared that culture plays a huge impact in the way parties choose to communicate, negotiate, and make decisions. In international conflicts, cultural differences might also impact the way the parties engage with each other. Therefore, she advised mediators to be aware of the conscious and unconscious cultural biases of parties as well as that of their own. Ms. Blake also encouraged mediators to question their own assumptions about the operational nature of their model of mediation. She expressed the view that mediation recognizes the complexities of people and is a process that helps the parties to concentrate on interests that matter to them. Consequently, having an awareness of cultural biases would better equip mediators to support the parties in negotiating effectively.

Ms. Blake then moved on to the concept of process – it is important for mediators to understand that the mediation process is not a checklist experience. Mediators should be bold in having conversations about the mediation process and seek to understand why it is important from a cultural perspective. Ms. Blake encouraged mediators to design an appropriate process that would include the cultural needs and differences of the parties so as to boost effective negotiations. By doing so, she believed that this would empower the parties and in turn, the parties would feel encouraged to participate and contribute to the mediation process-design.

Ms. Blake then shared a five-step process that could be used when developing a process-design in a complex multi-party dispute:

1. Understanding the context;
2. Understanding the content;
3. Designing a negotiating process based on the needs of the parties and stakeholders;
4. Establishing rules of Engagement; and
5. Action-in-process.

She opined that this five-step process would empower the parties and give the mediator the legitimacy and authority to manage the mediation process.

Ms. Blake believed that mediation adds value to conflict resolution. It saves time, it is cost-efficient, and it allows parties to maximize opportunities for business growth when compared with other dispute resolution mechanisms. She encouraged mediators to look beyond self-interest

and to focus on the clients and their needs. She concluded her presentation by encouraging fellow mediators to consider the following:

- Explore the assumptions of culture and translate them into practice through the negotiation process;
- Assist clients to articulate value; and
- As mediation practitioners, navigate through our differences as an industry, to find a solution that is complex in its nature that considers our needs and values whilst being consistent with the interpretation of the law.

### Q&A Discussion

Ms. Blake concluded the session by answering various questions and topics from the participants:

- What are your views on mediators who do not have a legal background?
- How should a mediator use their cultural lens to remain neutral and respectful of parties during mediation?
- How would ethical rules of conduct and procedural rules affect the public's view on mediation?
- How can a mediator design the process of mediation so as to encourage the parties to be more engaged in the process?
- How should disputes between minority groups be mediated?
- How would the SCM help in the development of the mediation profession?

We invite you to listen to Ms. Blake's answers from the video record of the session available [here](#), as well as her responses to other questions not listed above.

Links to other requested resources that came up during the session are provided below:

- [United Nations Convention on International Settlement Agreements Resulting from Mediation](#) also known as the 'Singapore Convention on Mediation'.

- Article – [Culture and its Importance in Mediation](#).<sup>2</sup>

The team at SIMI and IMI would like to express our gratitude to Ms. Blake for sharing her time to be a speaker at the Singapore Convention Seminar Series and to participants for joining us live for the session. Do join us for our next seminar by Ms. Deniz Kite on '*Turkey and the Singapore Convention on Mediation*'!

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<sup>2</sup> Joel Lee, Culture and its Importance in Mediation (2016), 16 Pepp. Disp. Resol. L.J. 317.