

Why is Mediation like a Cactus?

Kluwer Mediation Blog

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At the end of March, when I finally arrived back to Prague after weeks full of traveling (I almost flew the globe around), I sat down and wanted to share with you some experiences I had having attended the Global Pound Conference Series launch in Singapore. Then I realized that the time did not stop and we have got two wonderful and worth reading posts on this event already – both of them dealing with the GPC from completely different perspectives. So I wondered, whether it would be useful to write yet another post on the same issue and, in the end of the day, decided to do so because of two reasons: Partly, because such an epoch-making event deserves to be commented as much as possible, and partly, because none of the previous posts is revealing the answer to the enigmatic question that aptly concluded the whole conference: Why is mediation like a cactus...?

Reasons to travel to Singapore...

The Global Pound Conference (GPC) Series 2016-17 is a set of conferences and events that will take place all around the world in 2016 and 2017 in order to facilitate the development of 21st century dispute resolution tools and answer different questions that have arisen recently in the field. Its launch took place on March 17-18, 2015 in Singapore and I got the extraordinary chance to attend the meeting. The reason to travel so far was because me and one of the organizers, Nadja Alexander, needed to finalize a couple of final issues related to another emerging program - Prague Summer Mediation Academy. Those of you who has got the chance to meet Nadja will know that it is extremely difficult to encounter her, so I was glad to use this opportunity once I heard she would be attending. Anyway, I am extremely happy I attended the event because its spirit will shape the ADR milieu in coming years: The Global Pound Conference Series' kick off in Singapore completely managed to meet all expectations.



Global...

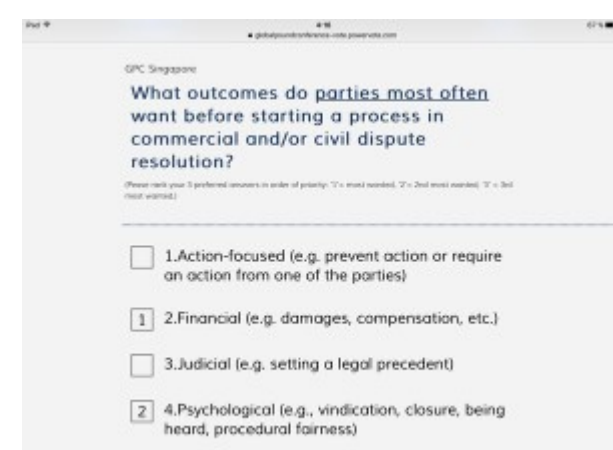
First of all, the event was really global – not only because all the attendees coming from different parts of world, but also because of the place. In fact, the organizers could not have chosen better city to start the GPC Series. This is not only because Singapore has a very futuristic outlook, gardens full of tall super-trees providing the whole area with nature friendly electricity, and futuristically shaped three skyscrapers covered with one terrace that includes gardens and pools.

Neither was it because Singapore is undoubtedly an east Asian dispute resolution hub.

The main reason is because of the tolerance, that is visible in the streets of Singapore where different minorities create one liberal and tolerant nation – Chinese living next door to Europeans, hindu pagodas staying just in front of muslim mosques, the statue of the British founder of the Singapore, Thomas Stamford Raffles a couple streets away from the protagonists of the Non-Aligned Movement.

...Pound...

The other reason why it was worth traveling all around the world to attend the GPC event is the message this conference is carrying on. It clearly reflected the legacy of the original Pound Conference that was hold in 1976 and that gave birth to the ADR in modern sense. In those days, Professor Frank E.A. Sander proposed that alternative forms of dispute resolution should be used as a way how to reduce the litigation costs and how to prevent the US courts to be overloaded. His speech has changed a lot and influenced not only the US legal system, but global society in general.



Forty years later, the new issues related to dispute resolution have arisen: Enforceability of international settlement agreements, mandatory mediation, combination of consensual and adjudicatory dispute resolution, the use of modern information technology,... The stakeholders from all around the globe felt, that there is time to meet and to move the discussions forward and the GPC Series is a natural outcome of this conviction.

...Conference

The only word in the title of the event that I considered as inappropriate was the "conference" since the event took rather a form of an interactive and creative think-tank meeting. There is no need to further discuss the special format that enabled the attendees using tablets and smartphones to give an immediate feedback and to vote, since this was already commented by Ian Macduff on this blog. Let me just state that according to me, it was rather a meeting and continuously shaped conversation than ordinary conference.

This was especially visible when the event peaked with its final session that gathered together the galaxy of the ADR stars. I would be happy to listen to brilliant thoughts and observations of Michael McIlwrath, Nadja Alexander, Michael Leathes, Joel Lee and Michael Hwang for much longer than for reserved one and half hour. This really challenging, ideas crating discussion had almost brainstorming nature. Many interesting issues were addressed and put in the mind map that witnesses the extraordinary quality of the session.



In the end of the day, we were finally told the mysterious answer to the question why is the mediation like a cactus: They both start out thorny but there's a beautiful flower awaiting once you reach the top. This was definitely not the only wonderful idea that was heard in Singapore, yet by far the most poetic.

So, I hope all your mediation will end up with beautiful flowers....