

# Kluwer Mediation Blog

## “Mediate First” Movement

Ting-Kwok IU (Kwok, Ng & Chan, Solicitors & Notaries) · Sunday, April 2nd, 2023

Originated in Hong Kong, the “Mediate First” movement is gaining momentum in and beyond the city, with individuals, organisations and businesses acknowledging the benefits of exploring mediation as the first step in resolving disputes, which include time and cost savings, reduced stress, more autonomy and confidentiality.

### What is “Mediate First” Pledge?

The “Mediate First” Pledge campaign was first developed in 2009 by the Department of Justice of the Hong Kong Special Administrative Region (“DoJ”) to encourage the wider use of mediation in resolving disputes. Companies, organisations, associations and individuals are encouraged to make a pledge which is a non-legally binding statement of commitment to first explore using mediation, a flexible, amicable and constructive approach, to resolve disputes arising in the course of their dealings or operations. Those who have made a pledge (“Pledgees”) will be given a “Mediate First” Pledge logo for display at their shops, outlets and/or workplace. To date, over 770 Pledgees in Hong Kong from different sectors have signed the pledge, including law firms, consultancy companies, banks, insurance companies, and universities.



Furthermore, in 2017, DoJ introduced the Star Logo Award scheme. Pledges who can demonstrate that they have met one or more of the 8 criteria for using or promoting mediation will be awarded a Star Logo. The most common ones that are fulfilled by the awardees are: (1) Pledges have prepared and/or distributed promotional materials on mediation to its employees, subsidiaries, business partners/counterparts, customers, family and/or friends, etc; and/or (2) Pledges have included or agreed to include a mediation clause in any contracts made by the Pledgee; and/or (3) Any staff of a Company and Organisation/Association Pledgee, or an Individual Pledgee has attended mediation training course. Pledges who are awarded the Star Logo are encouraged to display it at their shops, outlets and/or workplace. In the past 5 years or so since the scheme was implemented, more than 100 of the Pledges have received the Star Logo.

This illustrates the growing support from the community in adopting and promoting “Mediate First”.

### **“Mediate First” Pledge beyond Hong Kong**

In 2019, with the support of local dispute resolution institutions, DoJ brought Hong Kong’s “Mediate First” Pledge brand to Shanghai and Shenzhen Qianhai in Mainland China.

In March 2023, as the pandemic has subsided and with travel restrictions lifted, Mr Cheung Kwok-kwan, Deputy Secretary for Justice led a delegation of legal professionals to participate in the new large-scale outreach campaign “Resolve2Win – Legal Services of Hong Kong, Opportunities for All”, co-organised by DoJ and the Hong Kong Trade Development Council, in Bangkok, Thailand from 15 to 17 March 2023. The forum in the outreach campaign, which aims to promote Hong Kong’s legal and dispute resolution services and the “Mediate First” Pledge campaign, attracted more than 200 participants from various sectors, including financial, legal and professional services.

At the forum, Thailand Arbitration Center (“THAC”) launched the Thailand “Mediate First” Pledge campaign in collaboration with DoJ. More than 30 Pledges in Thailand have signed the “Mediate First” Pledge.



As Mr Clifford Tavares, Principal Government Counsel of the Legal Enhancement and Development Office of DoJ said: “mediation is appropriate for use without boundaries”. Thailand is the first designation of the “Mediate First” international movement in the ASEAN region and the support of mediation on the part of THAC is appreciated. It is hoped that there will be more collaborations with institutes from different jurisdictions to come.



### **“Mediate First” Pledge Event 2023**

Looking ahead, the biennial “Mediate First” Pledge Event will take place on 5 May 2023 in Hong

Kong. The theme this year “Mediate First – Let’s Do This Together” highlights the importance of inclusivity and aims to explore how mediation can help achieve win-win solutions for the different types of disputes individuals may encounter in their everyday lives, including family, neighbourhood and peer disputes. The Event will provide an important platform for sharing knowledge, experiences and insights on these topics. It will showcase the efforts of the Hong Kong Government, the Hong Kong Judiciary and various mediation institutes in cultivating a “Mediate First” culture. There will also be a ceremony to signify new Pledgees’ commitment and to recognise Star Logo Awardees’ efforts.

“Mediate First” Pledge is a remarkable initiative to promote mediation as a more efficient and effective alternative to litigation, and will help build a harmonious society. Since mediation is about collaboration rather than competition, if any readers of this blog post or mediation organisations are interested to learn more about the “Mediate First” Pledge campaign, you are welcome to contact me or visit:

[https://www.doj.gov.hk/mediatefirst/en/mediate\\_first\\_pledge/introduction.html](https://www.doj.gov.hk/mediatefirst/en/mediate_first_pledge/introduction.html).

I have a dream that one day, each jurisdiction will have its own “Mediate First” Pledge campaign.

I have a dream that one day the United Nations will have a conference on “Mediate First” Pledge and all the world leaders will sit down together at the table of mediation and pledge that no physical conflict will be initiated before mediation.

*Grateful to Miss Edith S. K. Tam, Senior Government Counsel (Ag.) and Miss Yuki Kong, Government Counsel of the Civil Division, Department of Justice for their assistance in writing this blog.*

---

*To make sure you do not miss out on regular updates from the Kluwer Mediation Blog, please [subscribe here](#).*

### **Profile Navigator and Relationship Indicator**

Includes 7,300+ profiles of arbitrators, expert witnesses, counsels & 13,500+ relationships to

uncover potential conflicts of interest.

Learn how **Kluwer Arbitration** can support you.

## Learn more about the newly-updated *Profile Navigator and Relationship Indicator*



This entry was posted on Sunday, April 2nd, 2023 at 3:00 am and is filed under “[Mediate First](#)” Pledge campaign (“MFP”), [Dispute Resolution](#), [Hong Kong](#), [Mediation](#), [MEDIATION EVENT](#), [Uncategorized](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.