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Transforming mediation in the Asia–Pacific region

Dale Bagshaw

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**International perspectives in ADR**

Transforming mediation in the Asia-Pacific region

Dale Bagshaw**Project aim**

The Transforming Mediation in the Asia-Pacific Region project will challenge Western constructs of mediation and promote mediation models and practices that incorporate the cultural values, perspectives and traditions of Asia-Pacific communities.

Background and rationale for the project

The increasingly interdependent nature of relationships between groups and nations, especially in the highly culturally complex environment that exists in the Asia-Pacific region, requires a high level of sophistication in the identification of possible conflicts, and in the development and dissemination of skills to prevent, manage, resolve and/or transform those conflicts. This project will address the tendency for dominant Western discourses on mediation and

the management of conflict to 'other' (ignore, marginalise or subordinate) the knowledge and practices of other cultural groups within Australia and the Asia-Pacific region in relation to conflict. In particular, it has arisen out of a concern that some Westerners are exporting and prescribing Western mediation models or approaches in the Asia-Pacific region which are blind to the cultural context of practice, even to the extent of using the same role-plays they use at home in their training. This concern is shared by other academics and scholars in the conflict resolution field (Barnes, 2002; Honeyman & Cheldelin, 2002). An increasing number of mediation and ADR educators and trainers from the United States, Canada, Britain, New Zealand and Australia are working outside their own countries as so-called 'experts' in mediation or conflict resolution. These include university academics, private consultants, judges and

experts working for Government organisations (Honeyman & Cheldelin, 2002). This is partly due to globalisation, which has altered the boundaries of our conflicts and our practices, and the domination of Western ways of knowing. As Honeyman and Cheldelin point out, no matter how well meaning these 'experts' are they 'may inadvertently cause harm to persons and parties for whose culture, language, or circumstances ... has left them inadequately prepared' (Honeyman & Cheldelin, 2002, p 364).

Westerners' definitions of mediation and knowledge about conflict and its causes are shaped by dominant Western understandings and world views (Foucault, 1980; Haraway, 1988). Mediation is not a Western construct. Though formal forms of mediation are now widely accepted in the West (Boulle, 1996; Bush & Folger, 1994; Haynes & Charlesworth, 1996; Irving & Benjamin, 2002;

LeBaron & Potts, 1993; McCorkie & Reese, 2005; Moore, 2003; Winslade & Monk, 2000), informal forms of mediation have permeated all cultures to varying degrees for centuries (Moore, 2003; LeBaron 1998). In Australia the use of mediation for the resolution of native title disputes has provided an impetus for the examination of cross-cultural negotiation processes (Miles, Cliff, & Burr, 1998; Young, 1998). In the Asia-Pacific region there is a longstanding history of traditional conflict resolution practices involving intermediaries or third parties, who are often Chiefs or Elders who make decisions after listening to many different points of view (Bagshaw, 1996).

This project will address the need for Western mediation educators and trainers to value the way that Pacific Island and Asian peoples conceive and approach conflict, and will suggest ways to co-construct models of mediation which will both privilege local conflict resolution practices and also incorporate the useful aspects of Western models. It is based on the assumption that when training mediators abroad, high priority needs to be given to retrieving and reclaiming local epistemologies — customary or 'folk' knowledge — with regard to conflict and its resolution, that is, 'knowledge that ordinary people have about causes and ways to deal with conflict in their particular cultural setting ... not just empirical observation, theoretical research, and systematic testing of methodologies, but also personal experience, intuition, and imagination' (Maiese, 2005, p 1). In short, we will explore how knowledge of customary dispute resolution practices can contribute to the development of more culturally relevant formal conflict resolution models and practices in the region.

Our initial intention was to conduct a research project but the team met in South Australia in early August and we are now writing a book which will include case studies from the region. It will also explore the links between mediation and peacebuilding. The book is being co-edited by Dale Bagshaw and Elisabeth Porter from the Centre for Peace, Conflict and Mediation at University of South

Australia with contributions from a range of highly experienced academics and practitioners from the region. ●

Associate Professor Dale Bagshaw is Director of the Centre for Peace, Conflict and Mediation, University of South Australia and can be contacted at <dale.bagshaw@unisd.edu.au>.

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ADR Diary

- The **9th National Mediation Conference, 'Mediation: Transforming the Landscape'** is being held in Perth from 10-12 September 2008 and is being co-convened by Margaret Halsmith and Chris Stevenson. For more information about the conference schedule and details, visit the website at <www.promaco.com.au/2008/mediation/>.
- ACDC is offering a one-day course **Complaint Handling — 'A Complaint is a Gift'** designed to assist front-line staff in service industries in handling complaints. The course is being held in Sydney on 27 March 2008.
- ACDC will also hold 5-day mediation workshops entitled **Mediation: Skills, Techniques and Practice** with optional sixth accreditation assessment day. The workshops are taking place in Sydney on 4-8 February, 10-14 March, 5-9 May and 16-20 June with optional accreditation days on 12 February, 18 March, 15 May and 24 June.
- ACDC is also offering one-day courses in **Conflict Resolution Dispute Avoidance** in Sydney on 20 February, 8 April, 22 May and 26 June 2008. For more information or booking for any of their courses visit <www.acdcltd.com.au> or call (02) 9267 1000.
- ACPACS are holding 5-day **Mediation Workshops** in Melbourne from 26-28 March and 31 March-1 April 2008 and in Brisbane from 14-18 April and 23-27 June.
- ACPACS are also running 3-day **Negotiation Workshops** in Melbourne from 17-19 March and 22-24 April and in Brisbane from 1-3 April. A 3-day **Advanced Negotiation workshop** will also be held in Brisbane from 14-16 May.
- ACPACS will also hold a 3-day **Complaints Handling Workshop** in Melbourne from the 12-14 May. For more information and to register in classes, visit <www.uq.edu.au>.
- **Bond University Dispute Resolution Centre (BUDRC)** is running several courses on the Gold Coast. A 4-day **Basic Mediation Course** will be held from 27-31 March 2008 and a 5-day **Family Dedication Course** will be held from the 1-5 May 2008.
- BUDRC is also running several one day workshops on the Gold Coast including a **Family Dispute Resolution Practitioner Workshop** on 1 April 2008, a **Healthcare Dispute Resolution Workshop** on 24 April 2008, and a **Conflict in Schools Workshop** on 14 May 2008.
- BUDRC will also run a 4-day **Advanced Mediation Course** in conjunction with the Leo Cussen Institute. This course will be held in Melbourne from 13-16 March 2008.

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