



INTERNATIONAL COMMERCIAL MEDIATION

國際商事調停

AGENDA

- Summary of Alternative Dispute Resolution (紛争解決の手段の概要)
- International Mediation (国際調停とは)
- International Mediation in Japan (日本における国際調停)
- About the Mediation Procedure (調停手続きについて)
- Singapore Mediation Convention (シンガポール調停条約)

SUMMARY OF ALTERNATIVE DISPUTE RESOLUTION

紛争解決の手段の概要

DISPUTE RESOLUTION | 紛争解決手段



Litigation & Court Procedure

裁判所による手続きを利用する方法



Resolving disputes outside of Court

裁判所以外による紛争解決を図る方法:

-> Alternative Dispute Resolution (ADR)

裁判外紛争解決

COURT TRIAL VS. MEDIATION | 裁判と調停

	Trial 裁判	Mediation 調停
How to solve a dispute 紛争の解決方法	Court judgement 裁判所の判断	Agreement between the parties 当事者の合意
Confidentiality 機密性	Information released 公開	Private 非公開
Ability to appeal? Yes/No 不服申し立ての 可否	Yes 可	No 不可
Is it the final solution for dispute resolution? 紛争解決のための最終的な手続きか	Yes 可	No 不可

MEDIATION & ARBITRATION

Who makes the Final Decision?

Arbitration 仲裁	Mediation 調停
Arbitrator(s) make the final decision – no appeal 仲裁人 : 仲裁判断受け入れ拒否不可	The parties decide 当事者

INTERNATIONAL
MEDIATION

国際調停とは

DEFINITION OF INTERNATIONAL MEDIATION | 国際調停とは



“International mediation is an attempt to resolve disputes between nations. It operates on the same dispute resolution principles as those that apply to disputes between individuals. It is a way to give parties control over settling their differences with objective guidance in a neutral setting. International mediation can involve things like trade and commerce issues or be an attempt to prevent or halt armed conflict. Many countries use international mediation to settle disputes on a variety of issues.”

- Mediation International

Facilitative (or traditional) Mediation: A professional mediator attempts to facilitate negotiation between the parties in conflict. Rather than making recommendations or imposing a decision, the mediator encourages disputants to reach their own voluntary solution by exploring each other's deeper interests. In facilitative mediation, mediators tend to keep their own views regarding the conflict hidden.

Court-Mandated Mediation: Mediation is typically a voluntary process, it can be mandated by a court that is interested in promoting a speedy and cost-efficient settlement.

Evaluative Mediation: Opposite to facilitative mediation is evaluative mediation, a type of mediation in which mediators are more likely to make recommendations and suggestions and to express opinions. Instead of focusing primarily on the underlying interests of the parties involved, evaluative mediators may be more likely to help parties assess the legal merits of their arguments and make fairness determinations.

Transformative Mediation: In transformative mediation, mediators focus on empowering disputants to resolve their conflict and encouraging them to recognize each other's needs and interests. At its most ambitious, the process aims to transform the parties and their relationship through the process of acquiring the skills they need to make constructive change.

MEDIATION METHODS | 調停方 法