



SCHOOL OF LAW
Year 2024-25 Term 1

COURSE CODE: LAW481
COURSE TITLE: INTERNATIONAL MEDIATION LAW AND PRACTICE
TEACHING MODE: HYBRID

NOTE: THIS IS AN SMU-X COURSE

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****Important note:** Students thinking about enrolling for this course, please register for an event at Singapore Convention Week (in week 2) asap. It's free and depending on the event may be online or F2F. This is a major international event in Singapore and form part of class requirements.

COURSE DESCRIPTION

This course deals with the rapidly growing area of private international mediation and multi-tiered dispute resolution processes that have mediation as an element. It offers participants a framework for understanding cross-border law and practice in this field and the opportunity to develop specialised mediation know-how relevant to cross-border settings. The course is conducted as an SMU-X course with input from institutions and organisations in the cross-border mediation and dispute resolution field as set out below.

Imagine the following scenario: A Singaporean mediator is asked to mediate a professional negligence dispute. The plaintiff is based in Indonesia, the defendant accounting firm is in the Netherlands, and the defendant's insurer has its headquarters in the United States. All agree to attend mediation in Singapore. The preliminary discussions and meetings, however, take place via email and video-conference with all parties in their home countries. The mediation occurs and the parties reach a settlement. Several months later there is an alleged breach of the mediated settlement. What is the applicable law? Does the Singapore Convention apply? What action can be taken against whom?

Such cross-border mediations are embedded in international dispute resolution eco-systems of law, policy and organisations. Each year this courses dives into themes relevant to these eco-systems. This term the course will focus on the following themes:*

- Global trends in mediation.
- What happens after the ink has dried on the Singapore Convention? Once countries have signed on, what does it mean for them and what else to they need to do or to build to benefit from the Convention?
- International and comparative legal frameworks for mediation.
- Implications for mediator standards and ethics in light of the Singapore Convention.
- Online dispute resolution initiatives / digital readiness for mediation service providers

*There may be changes to the themes, depending on current international developments and the needs of participating mentor organisations.

PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)

Nil

COMPULSORY READINGS

Given the very "current" nature of the topic, compulsory reading will be assigned in class and via e-learn as it becomes available.

RECOMMENDED TEXT AND READINGS

The following readings may be useful for students throughout the course. However they are not compulsory.

Alexander, N. and Chong S., (2022) *The Singapore Convention on Mediation: A Commentary*, Kluwer Law International.

Alexander, N., Lee, J and Lum, K, (2019) *The Singapore Mediation Handbook*, Lexis Nexis.

Additional readings will be assigned.

Students are expected to keep abreast of current international developments by reading leading news sources such as the Kluwer Mediation Blog, the Kluwer Arbitration Blog, and Mediate.com's blog. Also in relation to the Singapore Convention on Mediation, see <https://www.singaporeconvention.org/>

ASSESSMENT METHOD

Class participation: 10%

Group presentation (oral and written components): 35 %. This is a group piece of assessment.

Individual research report (c. 2500 words excluding footnote): 55% . This is an individual piece of assessment.

Details of assessment criteria will be provided in the first class.

Note: Students are also required to attend at least one event or session and Singapore Convention Week, a major international mediation event in Singapore during Week 2 of our course. These events may be F2F or online and most are free.

Singapore Convention (SC) Week 2024 registration is open. The registration link can be found on the website www.singaporeconventionweek.sg

- a. For matters related to UNCITRAL Academy Conference registration, due to limited vacancies at the event, the default option for law students' participation at the UNCITRAL Academy Conference will be online.
- b. For other SC Week partner events, the law students will need to register for each event on their own with the respective event organiser. Check out the above website for more details on various events as they become available.
- c. Video recordings will not be available to those who are unable to sign up for any SC Week event.

COURSE METHODS

The course is conducted as an SMU-X course. It has a strong policy and practice focus and will involve presentations and other input by industry partners. Past partner have included the Singapore International Dispute Resolution Academy, Singapore International Mediation Centre, Singapore Mediation Centre IPOS, the International Chamber of Commerce, the APEC ODR Collaborative Framework team, ICSID, the Singapore International Commercial Court and members of the Working Group II of UNCITRAL who drafted the Singapore Convention on Mediation. Students will be engaged with a range of key policy documents and practice-focused applied research projects. Further the course offers students case

studies and practical tools for analysing and comparing mediation law and practice internationally. This term it will be taught in hybrid mode, which means that some sessions will be conducted online.

ACADEMIC INTEGRITY

As always, plagiarism is strictly forbidden and all materials and ideas gleaned from other sources should be appropriately attributed.

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student's own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

As a reminder on how to avoid plagiarism, students are encouraged to refer to this Library guide at: <https://library.smu.edu.sg/elearn>.

When in doubt, students should consult the instructors of the course. Details on the SMU Code of Academic Integrity may be accessed at <https://smu.sharepoint.com/sites/oasis/SitePages/DOS-WKLSWC/UCSC.aspx> or *OASIS -> CAMPUS LIFE & EXCHANGE -> CONDUCT & DISCIPLINE -> UNIVERSITY COUNCIL OF STUDENT DISCIPLINE -> SMU CODES OF CONDUCT*.

Copyright Notice

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ACCESSIBILITY

SMU strives to make learning experiences accessible for all. If you anticipate or experience physical or academic barriers due to disability, please let the instructor know immediately. You are also welcome to contact the university's disability services team if you have questions or concerns about academic provisions: dss@smu.edu.sg. Please be aware that the accessible tables in our seminar rooms should remain available for students who require them.

CLASS SCHEDULE

Note: This schedule is a guide only. Some classes are likely to be rescheduled to accommodate industry partners and to facilitate site visits.

Week No.	Topic	Mode
1	Introduction and overview of course	Online/F2F

	Guest presenter, international mediator	
2	This is Singapore Convention (SCM) Week , a major online international event, which is hosted from Singapore. Students will register and participate in at least one event during SCM Week.	F2F/online
3	Debrief SCM Week 10 trends in international mediation	F2F
4	10 trends in international mediation cont'd The law of cross-border mediation I: Areas covered include: legal issues, form and content of cross-border mediation law, diversity and harmonisation in cross-border mediation law, cross-border legal instruments	F2F
5	The law of cross-border mediation II Various topics with a focus on: Direct enforceability of international mediated settlement agreements: <ul style="list-style-type: none"> • Mediated settlement agreements as consent arbitral awards and court orders • Singapore Convention on Mediation and The Model Law on Mediation: The work of UNCITRAL on cross-border commercial mediation and the enforceability of cross-border mediated settlement agreements 	F2F
6	Guest presenter from UNCITRAL Mediation practice: what does the empirical research show	Online
7	Site visit (Maxwell Chambers Suites, Singapore International Mediation Centre, Singapore International Arbitration Centre)	F2F
8	Mid-term Break	
9	Guest presenter from IPOS: IP and mediation in Singapore and international contexts	F2F
10	Group project work	Online

11	Panel of mediation professionals/industry partners	F2F
12	Group presentations to faculty and industry partners with Q&A	F2F
13	Finalisation of Reports	No class, online consultation available
14	Submission of Reports	

Note: The above syllabus/schedule is meant only as a guide and is subject to amendment.

DROPPING A COURSE

Students are reminded to follow the dates and procedures of add/drop modules found in <https://smu.sharepoint.com/sites/oasis/SitePages/RO/All-About-BOSS.aspx#parentHorizontalTab5> UG and JD students need to drop the electives via BOSS unless otherwise instructed by the School for specific electives (e.g. Moots).

Students who fail to follow the correct procedures and stipulated timelines for dropping their modules will obtain a “W” or “F” grades as indicated on OASIS.

Do note that a “W” and ‘F’ grade is reflected **permanently** on a student’s transcript.

DIGITAL READINESS FOR TEACHING AND LEARNING (DRTL)

As part of emergency preparedness, instructors may conduct lessons online via the Zoom platform during the term, to prepare students for online learning. During an actual emergency, students will be notified to access the Zoom platform for their online lessons. The class schedule will mirror the current face-to-face class timetable unless otherwise stated.