

Book Review

AN ASIAN PERSPECTIVE ON MEDIATION¹

by

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A book proclaiming to provide “an Asian Perspective” inevitably begs the question, “What is ‘Asian’”? Assuming that this is definable, the question that immediately follows is whether mediation can be categorised according to the Asian-Western dichotomy – an amorphous divide which, on its own, provokes much debate.

Edited by two of Singapore’s pioneers in mediation, *An Asian Perspective on Mediation* responds to the questions above with a pragmatism often associated with Singapore culture. As the title suggests, the editors emphasise from the outset that what is proposed is *one* of an infinite number of Asian perspectives of mediation, and that they are conscious that cultures evolve and that Asia is more diverse than universal. Nevertheless, the difficulty in nailing down an absolute definition of the Asian culture does not render futile the attempt to identify the salient features of one Asian context. As the editors explain, the growing use and teaching of the interest-based approach in this part of the world means that it is more important now, than ever, to study the implications of Asian culture on mediation practice. The implicit value and intent is in the deeper thought inspired by the influence of context on communication and conflict, and the critical, rather than mindless, application of the interests-based model developed and adopted in the West.

In this regard, the editors have been humbly cautious to avoid overstating their work as a comprehensive guide for mediators seeking to practice in Asia. The aim and value of this work, as the editors acknowledge, lies in its detailed study of the spread of formalised mediation practice in this part of Asia, and the sharing of the invaluable lessons that mediators may take away from how mediation has

1 Joel Lee *et al*, *An Asian Perspective on Mediation* (Joel Lee & Teh Hwee Hwee gen eds) (Singapore: Academy Publishing, 2009).

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developed and evolved to take in contextual differences. Through a thoughtful structuring of the various writings, the editors have concretised some of the distinctive marks of mediation practice in one Asian context, allowing readers to appreciate mediation from a different perspective.

The first four chapters provide an introduction to the developments of mediation in Asia and offer invaluable insights into how mediators may adapt their interests-based training to an Asian conflict. In outlining the historical development of formalised mediation in Singapore, the editors draw a useful distinction between indigenous forms of mediation and modern, formalised mediation practice. The contrast provides a platform for the deeper consideration of how modern mediators can tap on the society's familiarity with the indigenous forms of mediation to remain relevant and attractive to the Singapore public. A close scrutiny of the interest-based model also reveals the implicit cultural assumptions of its initial Western promulgators and the consequent limitations of the model in a cultural environment different from the one where it was developed. Aspiring mediators in Asia reading the book are led to a better appreciation of why they need to, and how they can, pay closer attention to the collectivist sentiments in the communities of the disputing parties.

Highlighting the "new elements" of power-distance, trust, face, *guanxi* (loosely translated as "relationship"), and context in mediation, the later chapters illustrate the multi-faceted nature of mediation and provide a timely reminder that the successful mediator needs to be attuned to far more than the commonly cited seven elements identified by Fisher, Ury and Patton in *Getting to Yes*.³ Mediators in Asia are provided with recommended approaches that deviate, or rather innovate, from some of the cardinal principles of interest-based mediation promoted in the West. One of the key examples is the suggestion that mediators be more active in providing direction on how parties can agree, rather than to remain stubbornly silent of his own opinion on what is an ideal settlement for the sake of upholding his appearance of neutrality. There are numerous instructive examples of how the Asian mediator may position himself throughout the process as an authority figure to better lead the parties to agreement without compromising on their ownership of the final resolution.

Readers familiar with Singapore will recognise the Asian perspective offered by the book as a Singapore-Chinese one. The concepts of Confucianism, face, and *guanxi*, present to different degrees under

3 R Fisher, W Ury & B Patton, *Getting to Yes: Negotiating Agreement without Giving In* (US: Penguin, 2nd Ed, 1991).

different labels in other Asian cultures, are undoubtedly central in any negotiations involving Singapore-Chinese. For mediation practitioners in Singapore, this arguably enhances the value of the book when one considers that the majority of the users of formalised mediation in Singapore are Chinese (as seen in the statistics from the Singapore Mediation Centre Survey cited on page 86 of the book). However, there is inevitably the hunger for a more comprehensive study with considerations of the traits of other Asian cultures. Nevertheless, that the book has ignited such a hunger is in itself a mark of its success in convincing the reader that one must not close his mind to the diverse ways of approaching mediation to add value to the process for the parties.

An Asian Perspective on Mediation is a thankfully easy read and the editors and writers have succeeded in making complex concepts easily accessible to both the budding mediation apprentice and the experienced conflict manager. Its 200-plus pages hold a treasure trove of wisdom for those who have committed themselves to a career of peace-making in Asia. The efficient structuring and simple language has ensured that readers are provided with digestible nuggets that both instruct and provide room for further self-improvement in one's conflict management abilities. In essence, the editors have achieved a commendable job in equipping readers serious about peace building with yet another tool to understand the world and foster understanding.