Book Review

CONTEMPORARY ISSUES IN MEDIATION (VOL 10)[1]

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I. Introduction

1 The tenth and final volume of *Contemporary Issues in Mediation* offers a compelling cross-section of the field's evolving practice. Across its diverse contributions, one finds both rigorous theoretical inquiry and personal reflections on mediation's place in an increasingly complex world.

2 Each essay draws the reader to an awareness of diverse philosophies and sensibilities, collectively spanning a remarkable breadth: from analyses of neutrality, confidentiality, and narrative ethics to the roles of each stakeholder plays in peacemaking and the access to justice; from comparative anthropological explorations of culture and human behaviour, to analyses of regulatory frameworks, professional standards, and international instruments. The volume celebrates how mediation has made a difference and how each writer envisions its evolution within and beyond established orthodoxies.

II. Mediation as a pathway to peace and justice

3 Opening the volume is *Peacemakers: Individuals as Mediators of International Conflicts*, where Quek Jia Ying Rachel turns the analytical lens toward the individual mediator in international contexts, challenging the assumption that effective peacebuilding must be institutionally anchored. Quek frames her discussion through Saadia Touval and William Zartman's typology of mediators in international conflicts, identifying three approaches: the mediator as communicator, formulator, and manipulator. She demonstrates that individuals can wield significant influence in peace processes despite lacking the authority or resources of states and international organisations. Often assumed to be the least effective actors in both high- and low-intensity conflicts, these mediators nonetheless succeed through credibility and adaptability, adopting strategies that blend and transcend conventional categories of mediator action.

4 The essay's secondary claim that mediator effectiveness should not be measured solely by settlement outcomes but by the mediator's mandate

1 World Scientific, 2025.

and assigned objectives stands out as one of Quek's thoughtful contributions. Martti Ahtisaari's directive management of the Aceh peace process, George Mitchell's procedural innovation, and Abdulsalami Abubakar's post-agreement stewardship collectively illustrate that success may lie in sustained peacebuilding rather than the mere achievement of a settlement.

5 Building on these examples, Quek invites a broader rethinking of how mediators' profiles, mandates, and process design intersect, emphasising the importance of selecting mediators suited to the specific dynamics of a dispute. Implicit in her analysis is the suggestion that effective mediation need not always be conducted by state- or institution-based actors; individuals may, by virtue of their personal credibility and relational skill, be uniquely positioned to broker peace.

6 Expanding the discussion of peacebuilding to justice systems, Dr Emadeldien Hussein's *Beyond the Courtroom: Mediation and the Pursuit of Justice* shifts focus from international to institutional contexts, situating mediation within the broader discourse on access to justice. Drawing on Mauro Cappelletti and Bryant Garth's framework of barriers to justice, cost, relative party capability, and diffuseness of interests, Hussein posits that mediation, with its flexibility and informality, can overcome these barriers by reducing costs, shortening timelines, and enhancing participation for disadvantaged parties. Through empirical studies of community and trauma-informed models, he demonstrates how mediation's value lies not only in efficiency but in its capacity to empower marginalised voices through autonomy and inclusivity.

7 The essay's strength lies in its measured perspective. Hussein neither idealises mediation as a panacea nor reduces it to a pragmatic substitute for adjudication. Instead, he charts a middle course that recognises mediation's potential to complement, rather than replace, formal justice mechanisms, particularly where procedural barriers or social stigma hinders access to remedies. While acknowledging that mediation cannot fully neutralise entrenched power asymmetries, Hussein emphasises the importance of mediator skill, training, and thoughtful process design in mitigating them. As societies continue to strive for fairer and more inclusive legal systems, Hussein argues that the strategic integration of mediation will be central to ensuring that justice remains accessible, participatory, and responsive to human need.

III. Party agency and anthropological dimensions of mediation

8 Continuing the discussion on how peace may be cultivated, Gauri Yadav shifts attention to the parties themselves in *Mediating with Mahabharata: Investigating the Parties' Influence on Success and Failure in Mediation*, examining their psychological readiness to engage in resolution. Yadav frames peace as both relational and self-determined and situates the parties, rather than the mediator, at the centre of mediation's success or

failure. It is argued that even a skilled mediator, as explored in Quek's piece, may not always overcome entrenched hostility or bad faith when decision-making power ultimately rests with the parties.

9 Using the Mahabharata's failed peace attempt between the Pandavas and Kauravas as a narrative lens, Yadav illustrates how factors such as intention, willingness to compromise, trust, and respect for process determine the outcome of mediation. Lord Krishna's unsuccessful effort to avert war becomes an allegory for how mistrust and external influence can derail negotiation, a pattern she parallels with modern conflicts such as the Israel-Palestine conflict, the Russia-Ukraine war, and the Syrian civil war.

10 While Yadav's analysis leans toward the prescriptive in outlining what parties ought to do, it nonetheless provides a valuable framework for understanding how human behaviour and power dynamics shape mediation outcomes. The essay also raises an underlying question about a continuum of responsibility: Who guides the parties to think and act constructively in mediation? Is it the mediator, the counsel, or both? Regardless, Yadav reinforces a central insight: mediation, whether ancient or modern, succeeds only when the will to resolve outweighs the need to prevail.

11 Extending the discussion from mindsets to cultural frameworks, *Cultural Dynamics in International Mediation: Anthropological Insights for Effective Conflict Resolution* by Ng Hui En, Helene situates international mediation within an anthropological frame, demonstrating how this perspective can render mediation outcomes more culturally sensitive, equitable, and sustainable. Drawing on empirical evidence that disputes shaped by cultural difference are often harder to resolve, Ng argues that effective conflict resolution must account for culture as both context and a determinant of human behaviour. Referencing Harold Abramson's four-step model for cross-cultural mediation, she puts forth identity affirmation as a cornerstone of trust-building in intercultural disputes, where a mediator's role depends as much on empathy as on procedural skill.

12 At the heart of Ng's analysis is the idea of cultural intelligence: the capacity to recognise one's own biases, understand others' worldviews, and bridge differences without falling into the pitfalls of cultural imperialism or relativism. Ng explains cultural imperialism with a discussion of the Dayton Accords where, by ignoring Bosnia's ethnic complexity, the agreement produced division rather than reconciliation. Conversely, cultural relativism, or the uncritical acceptance of all cultural practices, risks legitimising injustice. Ng cites Myanmar's treatment of the Rohingya as an example where appeals to cultural sovereignty deflected scrutiny of human rights abuses.

13 Ng proposes ethnography as a means of navigating between these extremes, suggesting mediators to immerse local contexts in order to grasp underlying cultural logics and craft processes that are both respectful and principled. Examples such as the Bougainville Peace Process and Rwanda's

Gacaca Courts illustrate how culturally embedded practices foster more durable peace than externally imposed solutions. Recalling Ruth Benedict's observation that "the purpose of anthropology is to make the world safe for human differences", Ng's essay also indirectly responds to the problem raised by Yadav: how mediators might work with resistant or distrustful parties. By engaging with the cultural and identity-based dimensions of conflict, Ng's anthropological lens complements Yadav's psychological one, suggesting that for mediation to foster lasting peace, both mindset and culture must be addressed.

IV. Advocate's role in assuaging settlement regret

14 Besides the parties and the mediator, Tay Theng Shuen in *The Risk of Settlement Regret: A Critical Factor in Counsel's Decision-Making Process?* turns attention to another pivotal actor in mediation, the advocate. Through an examination of "settlement regret," or what dissatisfaction parties may feel after agreeing to settle, Tay argues that counsel plays a decisive role in anticipating and mitigating this risk. Neglecting this responsibility can result in an abuse of the process, as in *Chan Gek Yong v Violet Netto*,[2] or even professional negligence claims, as in *Johnson v Firth*.[3]

15 Tay situates her discussion within Singapore's evolving alternative dispute resolution ("ADR") landscape, noting that the push toward amicable settlement under the Rules of Court 2021 reinforces lawyers' duties to manage client expectations and ensure genuinely informed consent. While clients ultimately decide whether to settle, they seldom do so in isolation, often relying on counsel's framing of risks and outcomes. This underscores the lawyer's dual role as both strategist and safeguard.

16 The essay further highlights the emotional dimension of dispute resolution, drawing on therapeutic jurisprudence and the "human element" of the law. By helping clients articulate their needs and emotional concerns, counsel can foster fairer, more sustainable outcomes and reduce post-settlement dissatisfaction. While Tay stops short of proposing an ethical duty for lawyers to assess settlement regret, she reframes it as a professional responsibility intrinsic to effective advocacy and client care. In this way, this essay underscores that thoughtful advocacy not only advances the courts' goal of achieving lasting resolutions, but also upholds the therapeutic ideals of ADR by preserving parties' sense of agency and satisfaction.

17 Together, these essays by Quek, Hussein, Yadav, Ng and Tay trace mediation's effectiveness to the human element: whether in the mediator's strategy, the parties' own readiness to engage or the cultural understanding of the conflict.

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2 [2019] 3 SLR 1218.
3 [2021] NSWCA 237.

V. Rethinking party autonomy and neutrality through principled pluralism

18 Tan Yuxuan's *Advocating for the Narrative Approach to Mediation* extends the discussion of the advocate's role beyond risk management to meaning making. While Tay emphasises the lawyer's duty to safeguard client agency and emotional well-being, Tan considers how advocates might also advance narrative and restorative aims within mediation. Together, both essays map the evolving identity of the mediation advocate.

19 Tan offers a concise yet conceptually rich treatment of narrative mediation and its tension between the foundational principles of party autonomy and mediator neutrality. Rather than rejecting the narrative approach as doctrinally inconsistent, Tan proposes a pragmatic reallocation of roles: If narrative interventions risk undermining the mediator's impartiality, could narrative-oriented interventions be performed instead by mediation advocates? Tan's proposal is careful and measured, preserving the mediator's procedural neutrality while permitting advocacy roles to pursue substantive or restorative aims.

20 This proposal has both empirical and normative significance. Empirically, it leverages on advocates, counsellors, and coaches to deliver narrative benefits such as reframing, identity work, and meaning reconstruction without the transgression of mediator impartiality. Normatively, it offers participants a broader toolkit in how their stories are told and understood. Tan's essay thus models how seemingly incompatible schools of facilitative neutrality and narrative justice can be reconciled through design rather than by privileging one philosophy over another.

21 Lee Jia En Chloe's *Unravelling Neutrality: Examining Neutrality as a Core Mediation Principle in Facilitative and Evaluative Models* continues this reflection by interrogating one of mediation's most enduring ideals: neutrality itself. Drawing from both theoretical and cross-cultural perspectives, Lee questions whether absolute neutrality is either feasible or desirable. Mediators, she suggests, inevitably bring their own perspectives and biases into the process, shaping outcomes whether acknowledged or not. True professionalism, then, lies not in the denial of subjectivity but in self-awareness and reflective engagement.

22 Lee also reconsiders the moral dimension of neutrality. Referencing Desmond Tutu's critique that neutrality in situations of injustice aligns one with the oppressor, she argues that empathy and connection may, in certain contexts, serve justice better than detachment. From American community mediation to Navajo peacemaking traditions, legitimacy often stems not from impartial distance but from trusted relationship and social standing. Neutrality, in this view, is less a state of detachment than an ethical posture of fairness, empathy, and accountability.

23 Both Tan and Lee offer a nuanced reappraisal of mediation's foundational principles. Their essays shift the focus from strict adherence to neutrality and autonomy toward a more flexible, context-sensitive understanding of mediation practice.

VI. From philosophy to policy: prudence in safeguards

24 Mervyn Lin Zheng Hong in *Safeguards or Overregulation? A Dive into Mediator Standards Under the Singapore Convention* offers a measured examination of Art 5(1)(*e*) of the Singapore Convention on Mediation[4] ("SCM"), which permits courts to refuse enforcement of mediated settlements where there has been a "serious breach" of mediator standards. Lin questions whether codifying such standards enhances legitimacy or risks overregulating a process valued for its flexibility and party autonomy. He finds merit in both perspectives: clear standards build confidence by ensuring impartiality and competence, yet overly rigid ones could erode mediation's contextual and adaptive nature. The essay captures this balance, noting that accountability and flexibility can coexist, and that clearer standards are key to the Convention's credibility and the continued trust in mediation as a global practice.

25 Neo Win Kyi's *Should Third-Party Funding Be Extended to Standalone Mediation?* turns to another interesting policy question in the context of Singapore. Tracing the evolution of the Civil Law (Amendment) Act 2017,[5] which first legalised third-party funding ("TPF") for arbitration, Neo argues that expansion to mediation remains premature. The analysis is principled and pragmatic: while TPF may promote access to justice, it also risks compromising confidentiality, autonomy, and the non-adversarial ethos central to mediation. Funders' financial interests could distort bargaining dynamics or constrain parties' freedom to settle. Beyond the conceptual risks, Neo highlights practical barriers where mediation's unpredictability makes it commercially unappealing, and extending the TPF would only invite complex ethical and regulatory burdens. The essay concludes that preserving mediation's integrity and trust must take precedence over premature financialisation, even as the framework continues to evolve.

26 Shifting from domestic regulation to the international arena, Ng Xin Yu's *Charting Twin Pursuits – Reconciling the Tension Between Confidentiality as a Procedural Feature and the State's Interest in Pursuing Transparency in Mediating Investor-State Disputes* addresses one of the most nuanced challenges in investor-state mediation ("ISM"): reconciling confidentiality with demands for transparency. Framed within UNCITRAL's ongoing reforms and broader critiques of ISM, Ng redefines confidentiality

4 United Nations Commission on International Trade Law, United Nations Convention on International Settlement Agreements Resulting from Mediation (2018).

5 Act 2 of 2017.

not as secrecy but as a procedural safeguard essential to candid negotiation and diplomatic trust. Yet she acknowledges the modern expectation of public accountability, proposing calibrated transparency through selective disclosure, institutional guidelines, and consensual publication of non-sensitive outcomes. Drawing from examples such as the Snake River Basin case and the International Bar Association's mediation rules, Ng demonstrates that confidentiality and transparency, when properly balanced, can reinforce both trust and legitimacy in international mediation.

27 While the preceding essays examine principled pluralism in mediation philosophy, the essays by Lin, Neo, and Ng turn to the question of prudence in policy, highlighting the balance that extends beyond theory into such governing frameworks.

VII. Evolution of international mediation

28 Meghna Jandu's *Two Pieces of a Puzzle: A Collaborative Reading of the Singapore Convention and the New York Convention* examines the broader architecture of international enforcement through a comparative reading of SCM and the New York Convention[6] ("NYC"). She positions the SCM as a necessary counterpart to the NYC, filling the gap in enforceability for mediated settlements while retaining mediation's consensual character. Although the SCM's progress has been gradual where only a fraction of signatories has ratified it, Jandu argues that its value lies in potential rather than parity. Mechanisms like Singapore's Arb-Med-Arb protocol illustrate how arbitration can temporarily scaffold enforcement until wider adoption takes hold. Framing the two conventions as distinct yet interdependent, Jandu reminds readers that mediation's institutional growth depends as much on practitioner adaptation as on legal architecture. Nonetheless, the SCM symbolises a significant milestone, reflecting a coordinated initiative to establish a dedicated framework for the enforcement of mediated settlements across borders.

VIII. Conclusion

29 The collection invites readers to view mediation as both reflective and generative, a living practice that evolves in tandem with the societies it serves. Within this dynamic interplay of stakeholders, mediators, advocates, and parties each contribute to a shared process of resolution, in which ethical, cultural, and institutional dialogue remains a vital source of growth across all domains.

30 Marking a decade of scholarship, this concluding volume of *Contemporary Issues in Mediation* stands as both culmination and invitation.

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6 United Nations Conference on International Commercial Arbitration, Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958).

It consolidates past inquiry while opening space for new reflection, affirming mediation's enduring capacity to foster dialogue, deepen understanding, and build a fairer, though always evolving, peace.