

## COMMUNITY MEDIATION IN SINGAPORE

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### ABSTRACT

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Community Mediation was introduced in Singapore pursuant to recommendations made by an Inter-Agency Committee on Alternative Dispute Resolution in 1997. The first Community Mediation Centre was set up in 1998, and two further centres have since been set up.

In densely populated Singapore, there are bound to be the occasional conflicts and differences between neighbours. They may be of a technical or relational nature. As with all disagreements, if they are arrested early, it is more likely that they can be resolved amicably.

We like to compare the community mediation process with the traditional 'kampong style' approach of resolving problems through informal channels with the aid of respected third parties. The kampong ketua, the elder in village communities of old, performed a mediatorial role between squabbling neighbours. Such activities promoted community cohesion. We want to preserve that in our modern Singaporean culture.

This Paper focuses on the Singapore Community Mediation Centres' experience since 1998, and how community mediation has been useful in resolving various community and social conflicts in Singapore.

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# COMMUNITY MEDIATION IN SINGAPORE

## 1. Introduction

1.1 This paper seeks to share some perspectives about the work of the Ministry of Law's Community Mediation Centres and focus, in particular, on how community mediation has been useful in resolving various community and social conflicts in Singapore.

## 2. Background

2.1 In 1996, the Minister for Law, Prof S Jayakumar tasked an Inter-Agency Committee to explore how alternative dispute processes, and in particular mediation, could be further promoted in Singapore. A Committee on Alternative Dispute Resolution (ADR) chaired by Associate Professor Ho Peng Kee (then Senior Parliamentary Secretary to the Ministry of Law), was then set up to explore the possibilities and make recommendations thereon.

2.2 In its Report dated 4 July 1997, the Committee recommended the introduction of 'less expensive and non-adversarial methods of dispute resolution to suit a large range of social, community and commercial conflicts', in order to prevent a litigious society.

2.3 Government accepted the recommendations of the Committee, in particular the setting up of Community Mediation Centres (CMC). Accordingly, an ADR Division was set up within the Ministry of Law to oversee and co-ordinate the operation of the CMCs and other efforts to promote ADR in Singapore.

## 3. Community Mediation Centres

### *Legislative Framework*

3.1 Pursuant to the recommendations of the Committee on ADR, the Community Mediation Centres Act (CMC Act) was drafted and became law in January 1998. It was introduced as "An Act to provide for the establishment and operation of Community Mediation Centres to provide mediation services connected with certain disputes".

3.2 The Act defines "mediation"<sup>1</sup> broadly to include:

- (a) The undertaking of any activity for the purpose of promoting the discussion and settlement of disputes;

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<sup>1</sup> Section 2

- (b) The bringing together of the parties to any dispute for that purpose, either at the request of one of the parties to the dispute or on the initiative of a Director of a CMC; and
- (c) The follow-up of any matter the subject of any such discussion or settlement.

“Mediation session”<sup>2</sup> is defined to mean a meeting in accordance with the Act between 2 or more parties who are in dispute on any matter.

3.3 The CMC Act governs the provision and conduct of mediation services and stipulates, inter alia, the following:

- (a) Each mediation shall be conducted by one or more mediators assigned for the purpose by the Director of the CMC<sup>3</sup>;
- (b) Mediation sessions shall be conducted with as little formality and technicality, and with as much expedition, as possible<sup>4</sup>;
- (c) The rules of evidence do not apply to mediation sessions<sup>5</sup>;
- (d) A dispute may not be adjudicated or arbitrated upon at a mediation session<sup>6</sup>; and
- (e) A mediation session shall be conducted in the absence of the public<sup>7</sup>.

3.4 The CMC Act specifies the types of disputes within the purview of CMCs. Section 11 of the Act states that “any person may refer to a mediator of a CMC for mediation, a case concerning a family, social or community dispute that does not involve a seizable offence under any written law”.

3.5 In order to encourage mediation, the CMC Act contains provisions protecting the confidentiality of the matters discussed during the mediation session. Subject to exceptions enumerated in the Act, evidence of anything said or of any admission made in a mediation session is not admissible in any proceedings before any court, tribunal or body<sup>8</sup>. Neither is a document or a copy thereof prepared for the purposes of, or in the course of, or pursuant to, a mediation session<sup>9</sup>.

3.6 A person who is a mediator, Director or staff of the CMC may only disclose information obtained in connection with the administration or execution of the CMC Act in stipulated circumstances set out in the Act<sup>10</sup> such as the following:

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<sup>2</sup> Ibid

<sup>3</sup> Section 9(2)

<sup>4</sup> Section 10(2)

<sup>5</sup> Section 10(3)

<sup>6</sup> Section 10(4)

<sup>7</sup> Section 10(5)

<sup>8</sup> Section 19(3), Section 19(5)

<sup>9</sup> Section 19(4), Section 19(5)

<sup>10</sup> Section 20

- (a) The person from whom the information was obtained has given his consent;
- (b) The information is required in connection with the administration or execution of the CMC Act;
- (c) Where there are reasonable grounds to believe that disclosure is necessary to prevent or minimise the danger of injury to any person or damage to any property;
- (d) Where the disclosure is reasonably required for the purpose of referring any party or parties to a mediation session to any person, agency, organisation or other body and the disclosure is made with the consent of the parties to the mediation session for the purpose of aiding in the resolution of a dispute between those parties or assisting any such parties in any other manner;
- (e) Where disclosure does not reveal the identity of a person without the consent of the person and is reasonably required for the purposes of research carried out by, or with the approval of, the Director; or
- (f) In accordance with any order of the court or a requirement imposed by or under any written law.

#### *Establishment of Community Mediation Centres*

3.7 The CMCs were therefore set up with the mission of providing an attractive, practical and convenient solution for social and community disputes in Singapore. The CMC Act allows the Minister to establish CMCs at such premises as he may determine, by Order published in the Gazette<sup>11</sup>.

3.8 Three main CMCs have been established to date<sup>12</sup>. The first CMC (Regional East) was set up in the January 1998 at Marine Parade District Hall. The second CMC (Central) was set up in April 1999 and is now located at URA Centre at Maxwell Road. The third and newest CMC (Regional North) was set up in April 2001 and is located at Woodlands Civic Centre near Causeway Point. In addition to these three main centres, there are also various satellite locations, where disputants can opt to have their mediation sessions conducted. Generally however, most mediation sessions take place at the main dedicated centres, since they are specifically outfitted for that purpose, and fairly centrally located.

3.9 The core of the CMCs is a panel of 152 volunteer mediators, of whom around 70% are grassroots leaders. The rest are professionals and respected members of society in their own right. Of these 152 volunteers, the title of Master Mediator has been conferred on selected mediators who have been especially active at the Centres and possess commendable skill and experience in conducting community mediation.

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<sup>11</sup> Section 3

<sup>12</sup> Community Mediation Centres (Establishment) Order 2003, No. S 285

### *Caseload Statistics*<sup>13</sup>

3.10 Since the first Centre began operations in 1998, the CMCs have conducted over 1,200 mediations, with a settlement rate of 75%. Over the years, there has been a steady rising trend of mediation cases, from 120 in 1998 to 280 last year (2002). As of October this year, we stand at 273 cases. If this trend continues, the total number of mediations conducted this year will surpass last year's record of 280.

3.11 As the name implies, CMCs cater to 'community' disputes as opposed to 'commercial' ones. These encompass relational disputes encountered within one's community and social sphere. Neighbourhood disputes, family disputes (excluding family violence), disagreements with friends, stallholder/shop owner squabbles and other similar relational disputes can all be handled by the CMC.

3.12 Based on the Centres' statistics, 43% of the cases handled by the CMCs relate to issues involving neighbours. 16% relate to family disputes, 14% involve landlords and tenants and the rest relate to altercations between friends, hawker/shop owners and other relational conflicts.

3.13 A majority of the disputants are working adults within the 30-50 year age range. The racial composition of the disputants accords with Singapore's demographic composition viz. 70% Chinese, 16% Malay and 11% Indian.

### *Community Mediation Process*

3.14 Participation in the community mediation process is essentially voluntary. When parties approach the CMC for assistance, the Centre staff will explain to them that the mediation process is simple, and normally involves a pair of mediators trying to help the parties isolate issues and come to a mutually acceptable solution of their own. The parties will also be assured that attendance and participation in a mediation session is voluntary and any party may withdraw from the session at any time.

3.15 Mediators are assigned by the CMCs, bearing in mind the profile of the disputants and nature of their dispute. Generally, in matching an appropriate mediator to a particular case, the Centre staff will take into account various sensitivities such as language, gender, age-group and race, where relevant. Mediations can be conducted in various languages. The timing of the sessions is also flexible and can even be arranged outside office hours on weekday evenings at parties' convenience.

3.16 During the mediation session, the mediator will usually begin by explaining his/her role and the way the session will be conducted. When the session begins, disputants will then take turns to explain their side of the story. During this joint session, the mediator will ask questions to clarify issues and obtain additional information.

3.17 Where necessary, the disputants will be given the chance to meet the mediators privately in separate sessions (or caucuses), during which they are able to

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<sup>13</sup> Community Mediation Centres Annual Report 2002-2003

reveal to the mediators additional information that they may not wish to disclose to the other disputants, but may be useful in helping the parties resolve their case.

3.18 Any written settlement reached at the end of mediation will be signed and contractually binding on the parties.

#### **4. Advantages of Mediation**

4.1 The CMCs have found mediation to be an effective way of addressing conflicts of a relational nature because it has some intrinsic advantages over the more formal forms of adjudication:

- (a) Firstly, besides being voluntary, mediations are conducted in private. Apart from the parties and their respective representatives, no other person may attend the mediation session without the consent of the disputing parties and the Mediator. Details of the session will also be kept confidential, unlike in court proceedings where parties may risk having to face the media or public scrutiny.
- (b) Secondly, mediation is faster and cheaper than going to Court. The CMCs currently only charge a nominal administrative fee of \$5. The mediation service is provided free of charge.
- (c) Thirdly, mediation is a flexible and informal process. Our Centres have the infrastructure to give some level of formality and procedure to the mediation, yet the setting of our Centres is relatively friendly and non-threatening. The environment does, to some extent, play a part in helping parties feel at ease.
- (d) Fourthly, the process allows parties to come up with their own solutions. Parties usually come out of the experience feeling more satisfied with the resulting agreement, as win-win solutions are more likely to be achieved than in an adversarial situation.
- (e) Lastly, important relationships are also more likely to be preserved, or even improved. This is a very important point where neighbourhood conflicts are concerned, as the disputants have to live in the same vicinity over a long period of time.

#### **5. Disputes handled at the CMCs**

##### *Disputes involving neighbours*

5.1 43% of the disputes handled at the CMCs relate to issues involving neighbours. In densely populated Singapore, there are bound to be the occasional tiffs between neighbours. They may be of a technical or relational nature. As with all disagreements, if they are arrested early, there is a higher possibility of an amicable

resolution. However, if they are addressed at too late a stage, they can erupt into major disagreements and in some cases, even end up reported in the media.

5.2 Living in high rise developments at close proximity can give rise to some issues or conflicts. In the CMCs, we commonly encounter:

- (a) Quarrels between neighbours;
- (b) Nuisance complaints;
- (c) Common corridor obstruction complaints;
- (d) Complaints regarding littering in the common corridors;
- (e) Noise pollution complaints; and
- (f) Leakage/Water seepage problems.

Many of these disputes do not come in an isolated fashion, and can come in various combinations. For example, leakage problems could be compounded or aggravated by noise complaints. These issues may sometimes seem relatively minor to the objective bystander. However, the repetitive nature of such incidents can be harmful irritants and are often the trigger for disputes between neighbours living in close proximity.

5.3 We have found that similar conflicts also arise in private residential areas over issues such as parking lots, rude remarks, voyeurism, water overflowing into the neighbouring property, renovation inconveniences as well as common walls. There are many common sense approaches to resolving such differences. However, when tempers flare and parties are agitated, parties may find it hard to come to a compromise on their own without the help of a neutral third party. We have found that mediation helps parties to sit down, distill the issues and address their interests more effectively.

5.4 We also observe that many of these issues go beyond the technicalities. Sometimes, beyond the initial complaint lies deeper relational issues between the disputants. They may have unfounded prejudices against each other. In some instances, they may have formed inaccurate perceptions due to misunderstandings or erroneous perception of intent. For example, one party may think the noise creation was deliberately made to irritate them when this was in reality not the case.

5.5 We would therefore encourage such disputes to first attempt mediation before being escalated to formal adjudication at the Courts or other tribunals such as the Strata Titles Boards.

### *Family Disputes*

5.6 The CMCs deal with a fair number of family disputes. Such disputes often involve a mixture of relational conflicts and monetary issues. It could be between siblings or between parent and child. We have also encountered cases involving

maintenance of parents. These cases are often not easily resolved because the disputants carry a huge amount of emotional baggage. For example, where a parent has in the past neglected his family, the children may not want to support him in his old age.

#### *Landlord and Tenant Disputes*

5.7 The CMCs also from time to time take on cases involving disputes between landlord and tenant, primarily in relation to rental deposits or problems that may have arisen with the rented property.

#### *Other Social/Relational Disputes*

5.8 Apart from the above, the CMCs also encounter a variety of other disputes such as those between friends. Such cases often involve monetary issues. Conflicts could arise in situations, where, for example, a friend gives another a friendly loan to tide over hard times, and the latter fails to return the money. We have also dealt with disputes or squabbles between hawkers or shop owners. From time to time, we also handle other types of disputes. For example, dealing with relational problems between employer/employee or between colleagues.

## **6. Initiatives to promote Community Mediation**

6.1 We have found mediation to be effective in dealing with community and social disputes; particularly where the disputants need to continue to live in close proximity to each other. There are admittedly limits to how far we can intervene to help disputing parties, especially in very difficult cases where the relationship is already very sour. However, in the normal run of events, we try our best to offer them community mediation.

6.2 For this reason, we have in the past year, embarked on various initiatives such as:

- (a) Community Mediation Roadshows at shopping malls in residential areas to increase public awareness about community mediation and the CMCs' services;
- (b) On a more focused level, the Community Mediation Unit has also been working with other frontline agencies (such as the Police, Legal Aid Bureau, Housing & Development Board, Town Councils, Subordinate Courts etc) to familiarize their frontline staff with the CMC's services as well as work out suitable referral arrangements where they encounter cases that are appropriate for community mediation. We have also been reviewing our legislative framework and standard operating procedures in this regard.

- (c) We have recently tied up with the Singapore Institute of Surveyors and Valuers to jointly mediate cases involving disputes between residents of private developments. Under this scheme, we will essentially pair up mediators from our respective panels to mediate cases which involve a mixture of technical issues and relational issues. We hope this joint arrangement will be a useful avenue to resolve community and social conflicts encountered in private developments.

6.3 We like to compare the community mediation process with the traditional 'kampong style' approach of resolving problems through informal channels with the aid of respected third parties. The kampong ketua, the elder in village communities of old, performed a mediatorial role between squabbling neighbours. Such activities promoted community cohesion. We want to preserve that in our modern Singaporean culture.

6.4 For that reason, we have also launched a pilot scheme we call the "Persuader Scheme". The Scheme essentially involves house visits by grassroots mediators or selected grassroots leaders to the residences of disputing parties who refuse to attempt mediation despite approaching the Police or other frontline agencies for assistance. This Scheme is still in its pilot phase, and we will be gathering the results of our first batch of visits shortly. We will ascertain the way ahead once the results are tabulated.

6.5 We also are working concertedly with other concerned agencies to reach out to the young through the Peer Mediation Programme. We believe that dispute resolution is a life skill that is useful for all Singaporeans and hope to inculcate such skills in them from a young age.

## **7. Conclusion**

7.1 The Community Mediation Unit will continue to work hard to promote greater awareness and understanding of community mediation in Singapore.

7.2 In the year ahead, we envisage an increased level of activity in the field of community mediation as more and more Singaporeans opt for this mode of dispute settlement.

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## **References**

1. Report of the Committee on Alternative Dispute Resolution, 1997
2. Community Mediation Centres Act (Chapter 49A)
3. Community Mediation Centre Annual Report 2002-2003