

HOW TO PROMOTE MEDIATION SKILLS FOR LAW FACULTIES IN VIETNAM

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AGENDA

- ▶ Why law faculties need mediation skills?
- ▶ What are the legal base for mediation?
- ▶ Who can teach mediation skills in Vietnam law faculties?
- ▶ SWOT Analysis
- ▶ What can be done to promote mediation skills in Vietnam ?



Why law faculties need mediation skills?

- Law faculties often lack of mediation skills
- Mediation is not introduced enough in law schools
- Mediation is still a complex process



Arbitration/court v. Mediation

Arbitration/Court

- Compulsory
- Slow
- Costly
- Adversarial
- Risky

Mediation

- Voluntary
- Quick
- Cheap
- Collaborative
- Reduces risk to a minimum



Why is mediation effective? (1)

- **The practical benefits:**
 - Reduces Cost (litigation is expensive)
 - Saves Time
 - Allows for win-win situation
 - Lessens hours of engagement for attorneys and disputants
 - Preserves relationships
 - Can be undertaken at any time
 - Parties retain control



Why is mediation effective? (2)

- **The practical benefits:**
 - Allows for commercial or lateral solutions (allows for creativity in solutions)
 - Privacy
 - Simplicity
 - Saves in terms of emotional stress (allows for continued relationship)
 - Can help improve communication between separating parties
 - Not governed by stringent rules



What are the legal base for mediation?

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Who can teach Mediation skills in Vietnam law faculties?

Vietnam has about 45 legal training institutions and faculties

Most of lecturers are un-trained about mediation skills

There are almost no room for mediation skills training in law school's curricula

Case studies: *Hanoi Law University Curriculum on Commercial Dispute resolution*



A SWOT Analysis of law faculties

- ▶ Strength
- ▶ Weakness
- ▶ Opportunities
 - ▶ Threats

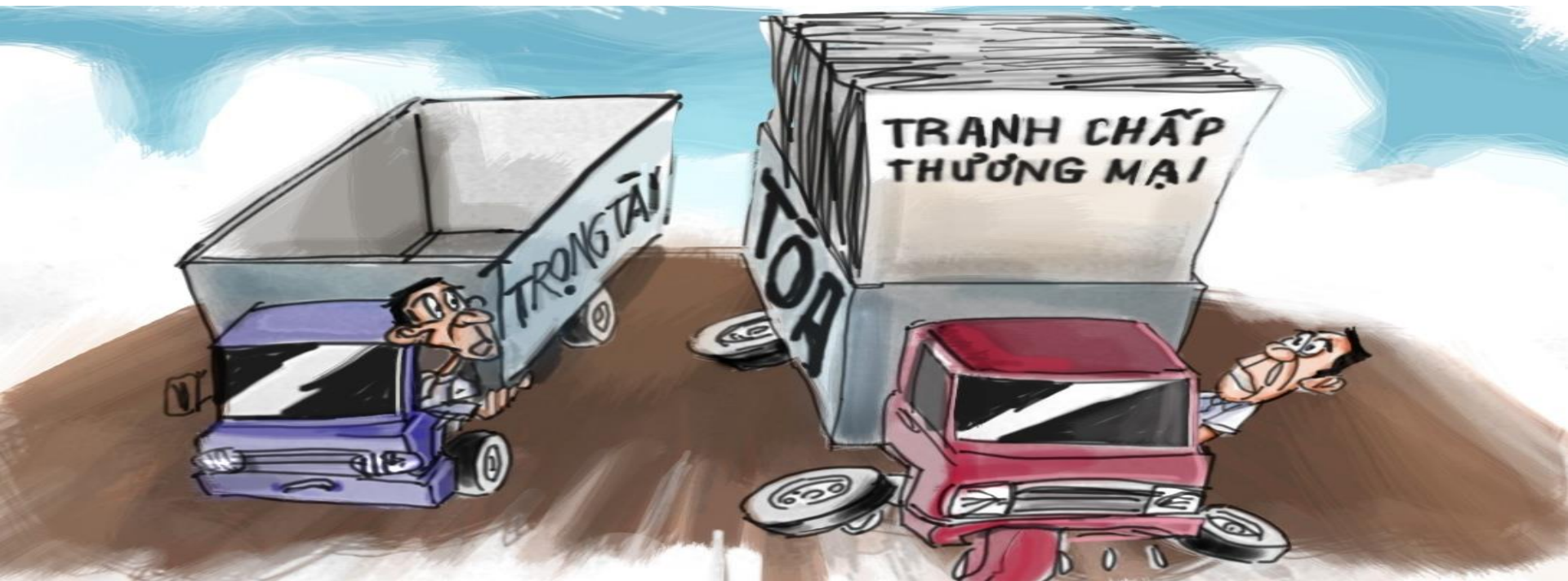


What can be seen in Vietnam?

Arbitration

Mediation

- ▶ Almost no market!



What can be done

To promote mediation (1)

- Faculty Members must do more to promote mediation
- Building a mediation culture;
- Mediation must be adopted as part of our law;



What can be done

To promote mediation(2)

- A serious campaign should be carried out to ensure that all litigation lawyers and judges are properly informed of how mediation works, and the benefits it can bring;
- An authoritative handbook for mediation should be prepared. This handbook should be used as the standard work for the training of judges and lawyers.



What can be done To promote mediation (3)

- ▶ General public education and awareness activities
- ▶ channelling of cases to be resolved through mediation



Public education and awareness activities

- (a) Organising public roadshows and exhibitions
- (b) Weaving mediation messages at popular local television dramas;
- (c) Putting up advertisements in mass media
- (d) Displaying posters and pamphlets at strategic spots
- (e) Making publications, etc.



Specific initiatives reaching out to targeted segments of the community

- ▶ **Prepare and build up long-term mediation capabilities;**
- ▶ **Facilitates mediation training.**
- ▶ **Mediation training workshops and seminars for student leaders of all levels**



Thank You for your attention!

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