



2022 Virtual Conferences

Mediation 2022:

Where Do We Go from Here?



January 12, 2022

Reaching Diversity in All Areas

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Wednesday, January 12, 2022

2:00pm- 4:15pm EST

Mediation is by its very nature inclusive, but barriers remain for those who are from disadvantaged groups. If mediators fail to pay attention to these barriers, they may be reinforcing the status quo with its built-in bias and privilege. This symposium goes beyond cultural differences and looks at practical approaches and strategies for fostering diversity when there is systemic power imbalance, focusing on exclusion due to race and-or ethnicity, and the resulting poverty and collective trauma.

The program brings together a stellar group of mediators and community leaders to share their experiences in bringing together groups that normally do not sit down together. The presenters range from first peoples who must negotiate their heritage with post-colonial government institutions, to favelas in Brazil confronting industrial development. Each panelist will provide a short presentation, then panelists and participants will join in an open dialogue. This is a great opportunity to challenge assumptions about your role as mediator, develop intercultural competencies, and learn strategies essential to reaching diversity in all areas.

Program

- 2:00 pm-2:10 pm **Welcome and Introductions**
IAM President Michel Kallipetis · Moderator, Andrea Morrison
- 2:10 pm – 2:30 pm **Mediating Between Industry and Favelas in Brazil with Empowerment and Recognition**
with Adolfo Braga
[including discussion]
- 2:30 pm – 2:50 pm **From Caste to Religious Differences: Lessons from Mediating in India** with Varuna Bhandari
[including discussion]
- 2:50 pm – 3:00 pm **BREAK**
- 3:00pm – 3:20 pm **Mediating Inequality and Discrimination in Kenyan Society and Beyond**
with James Mang'erere
[including discussion]
- 3:20pm – 3:40pm **How Do We Build bridges and Deal with Colonial Powers** with Henrietta Marrie
[including discussion]
- 3:40pm – 4:00pm **Intercultural Competence and Human Rights: Bringing Justice to Truth and Reconciliation**
with Andrea Morrison
[including discussion]
- 4:00pm – 4:15pm **Additional Discussion and Closing Comments**

Symposium Speakers (In order of appearance)



Adolfo Braga

Mediating Between Industry and Favelas in Brazil with Empowerment and Recognition

Neto is a Brazilian Mediator with valuable experience in commercial, business, social, multicultural, organizational and educational areas. In the last twenty-five years he has worked around the world building mediation services: in Portugal, Angola, Cape Vert, Argentina, Bolivia, Colombia, and Mexico. In 2003, he was invited by Portuguese Justice Ministry to develop mediation within Peace Courts, training mediators and implementing mediation services. In 2005, he worked for UN Human Rights, to support the development of mediation with the Angolan Justice Department. He then coordinated a multiple-city implementation plan for the Angolan government, which was expanded in 2007 to a five-year through World Bank funding. These Centers are running successfully today. In 2011, he was invited by United Nations Development Program and Brazilian Justice Department to implement community Mediation in different Brazilian regions.

Adolfo graduated from law at University of São Paulo and has a Master's in Law from the Pontifical Catholic University of São Paulo. He is the Governing Board President for the Mediation and Arbitration Brazilian Institute, International Director of National Counsel of Mediation and Arbitration Institutions, a National Justice Counsel instructor, and Director of the Institute for the Study of Conflict Transformation. He is also author of the following books: "What is Mediation?" (2007), "Mediation – one Brazilian Experience" (2017), "Family Mediation – the experience of a Family Court at Tatuapé-SP (2018), "Business Mediations – Brazilian Experiences" (2019), "The Mediation and The Public Service" (2021) and "Justice – comments about ways besides Judiciary" (2022).



Varuna Bhandari

From Caste to Religious Differences : Lessons from Mediating in India

Ms. Varuna Bhandari Gugnani is one of the first trained mediators of the Supreme Court of India, Mediation Centre. She has been a Court appointed Mediator, Private Mediator, Arbitrator and Conciliator. For the last 12 years she has devoted herself as Peacemaker towards the promotion and development of the concept of Mediation as the primary tool in resolving disputes and to bring peace and harmony in the society and to deliver 'Justice' in its true sense. She is also a Trainer of Mediators at the Supreme Court of India Mediation and Conciliation Project Committee (MCPC) and with Delhi Mediation Centre, New Delhi. She organized Global Pound Conference (GPC) India Series at Chandigarh in May 2017 under the Punjab & Haryana High Court; the data collected from stakeholders was used to inform the development of a model law for cross border-disputes.

She is a Distinguished Fellow of the International Academy of Mediators (IAM) and has organized various awareness programs on mediation with the National Legal Services Authority (NALSA) under the aegis of Chief Justice of India. She has lectured on mediation at various National Law Colleges, schools and other educational institution, and has brought numerous corporate and other private institutions to take "Mediation Pledge".

Since beginning her work as mediator, she has adopted the ancient Vedic philosophy of Indian Culture embodied in the Sanskrit line 'Santosham Paramam Sukham' (which means Satisfaction is the ultimate

happiness) into mediation as 'Mediation is one of the modes for attainment of 'Peace'. Providing pro bono services to the needy and underprivileged is an integral part of her responsibility.



James Mang'erere:

Mediating Inequality and Discrimination in Kenyan Society and Beyond

James is a Senior Advocate of the high court of Kenya, and President of the Mediation Training Institute East Africa. He is a member of the Professional Trainers Association of Kenya, and Chartered Institute of Arbitrators London. He is the first mediator from the African continent to be inducted into the prestigious International Academy of Mediators.

James is an East African based mediator, arbitrator, negotiation consultant, facilitator, trainer, and Alternative Dispute Resolution (ADR) systems design specialist. He has mediated two-party and multi-party disputes in numerous contexts, including commercial, employment, corporate governance, workplace, banking and breach of contract. He has arbitrated and mediated numerous commercial cases, with emphasis on large and complex cases in East Africa and internationally. He has mediated international cases and disputes involving a wide range of domestic and cross-border contract breaches, trademark infringements, insured claims, licenses, and business partnerships.

James is a sought-after speaker and trainer in mediation and has conducted skills training or educational programs in mediation for many leading companies and international organizations. He is responsible for a series of in-depth interviews on conflict resolution topics. He is the managing partner of Mangerere J and Co-Advocates and Director H/R and Administration for Unitel Services Limited.



Henrietta Marrie

How Do We Build bridges and Deal with Colonial Powers

Henrietta Marrie AM (Masters in Environmental and Local Government Law; Dip. T; Grad. Dip. of Arts [Indigenous Studies]) is an Elder of the Gimuy Walubara clan of the Yidinji people and Traditional Owner of the land on which the City of Cairns and southern suburbs are now located. Henrietta was born in Yarrabah on her mother's Gunggandji country and spent her early years

growing up there until her family moved to Palm Island in the mid 1960s. Henrietta has wide experience in Indigenous cultural and natural resource management and impact assessment, intellectual and cultural property law, heritage legislation and philanthropy. As an academic she has published over 80 papers in books and journals. In the 1980's and 1990s, Henrietta wrote extensively on issues related to Indigenous arts and the repatriation of cultural property from museums. She served for 6 years with the UN Secretariat of the Convention on Biological Diversity in Montreal, Canada before becoming the Program Officer/Manager for North Australia with The Christensen Fund, a California-based private philanthropic fund. In 2018, Henrietta was made a Member of the Order of Australia. She is also a member of the Queensland Human Rights Commission's Aboriginal and Torres Strait Islander Advisory Group and serves on the board of the Queensland Indigenous Family Violence Legal Service (QIFVLS). Henrietta carried out an extensive investigation into racially discriminatory behaviours against Aboriginal and Torres Strait Islander staff at the Cairns Hospital and Hinterland Health Service in 2013. She designed a Matrix to identify, measure, and monitor institutional racism with her husband, Adrian. The use of the Matrix as a tool to address institutional racism has led to significant changes in

Queensland's public health system to eliminate institutional racism, including amendments to the Hospital and Health Boards Act 2011 (Qld).



Andrea Morrison

Title: Intercultural Competence and Human Rights: Bringing Justice to Truth and Reconciliation

Andrea Morrison has been serving as a mediator, coach, group facilitator, system designer, and trainer since 1995. Alongside private practice, she served ten years as a permanent mediator for the Quebec Human Rights Commission. She was named this year as Senior Mediator for the Canadian Broadcasting Corporation, and as their first, is tasked with designing mediation services for TV and radio stations across Canada.

Some of her first contracts in 1995 were with First Nations, developing tribal justice systems. Learning from their approach to justice taught her core values around balance and healing. She has worked with first peoples from James Bay in the far north to Ecuador. She also has extensive international experience, such as developing and delivering training in Aceh, Indonesia, following the tsunami; in French West Africa, for international commercial mediation under OHADA; and in Taiwan as part of a community-based mediation program.

Andrea was on the governing board member of the Québec Institute for Mediation and Arbitration for nine years and headed the Governance Committee as well as the International Committee. She was named Honored Fellow of the Canadian Institute for Conflict Resolution for her work in program development and community service. One project, Platforms, structures long-term collaboration to address systemic conflicts. Andrea has written several texts, and edited Justice for Natives: Searching for Common Ground (McGill Queens). She has lectured at McGill University, and University of Sherbrooke for more than twenty years. She is a member of the Quebec Bar, an honored fellow with IAM and a member of their Diversity, Equity and Inclusion Committee. She brings knowledge of English, French, Spanish, German, Russian, and Chinese to her practice.