



Centre for Democratic Institutions

Thai Good Governance Programme: Mediation Training and Train the Trainers Bangkok 14-24 February 2000

As one component of CDI's Thai Good Governance Programme, Lawyers Engaged in Alternative Dispute Resolution (LEADR) on behalf of CDI and with financial support from AusAID, provided Mediation Training. The Mediation Training Project had the following terms of reference:

- 1.1 Conduct two workshops
 - a 3-day "train the trainers" course for judges, lawyers and legal officers
 - a 3-day "train the trainers" course to assist the village mediation project
- 1.2 Develop two modules for inclusion in the mediation training given to village mediators in Thailand by the Thai Arbitration Institute
- 1.3 Other consultancy services to assist the Thai Arbitration Institute to develop its services

In addition, LEADR was asked to:

- 1.4 Provide an assessment of the current and future needs of the project
- 1.5 Provide a description of the resources available to the project
- 1.6 Provide an assessment of the risks, challenges and constraints facing the project
- 1.7 Identify areas where Australia might be strongly placed to provide further assistance to the project

LEADR nominated the following people to participate in this project:

Sir Laurence Street
Gerald Raftesath
Sue Duncombe
Joanna Kalowski

Events and Activities

Monday 14 February 2000

Gerald Raftesath and Sue Duncombe traveled from Sydney to Bangkok

Tuesday 15 February

Sir Laurence Street traveled from Sydney to Bangkok

Gerald Raftesath and Sue Duncombe met with Judge Voravuthi, Associate Judge Nopporn, Judge Prachya and legal officers of the Thai Arbitration Institute.

At this meeting, the terms of reference were confirmed, the venue was arranged according to the training needs and the program for the entire project was confirmed.

Lunch at a local restaurant was hosted by Judge Prachya and Judge Voravuthi. The lunch was attended by officers of the Thai Arbitration Institute and Michael Pilbrow, Counsellor, Technical and Economic Cooperation, AusAID

Wednesday 16 February

Day one of the first training session. The presenters for this day were Sir Laurence Street, Gerald Raftesath and Sue Duncombe. A total of 34 people attended, mostly judges, lawyers and legal officers. A list of those attending is behind Tab 3.

Dinner (Chinese banquet) hosted by the Permanent Secretary and attended by Judge Prachya, Judge Voravuthi, Associate Judge Nopporn and officers of the Thai Arbitration Institute. Sir Laurence Street, Gerald Raftesath and Sue Duncombe attended on behalf of LEADR.

Joanna Kalowski traveled from Sydney to Bangkok.

Thursday 17 February

Day two of the first training session. The presenters for this day were Sir Laurence Street, Gerald Raftesath, Sue Duncombe and Joanna Kalowski

Lunch hosted by Deputy Chief Justice Kanok Indrambarya of the Central Intellectual Property and International Trade Court. The lunch was also attended by Judge Manop Charaschanyawong, Judge Prachya Yuprasert of the Thai Arbitration Office, Judge Voravuthi Dvadasin, Executive Director, Arbitration Office and Judge Wichai Sir Laurence Street, Gerald Raftesath, Joanna Kalowski and Sue Duncombe attended on behalf of LEADR.

6pm - 8pm: Sir Laurence Street and Gerald Raftesath

Presentation to approximately 70 trainee judges and other invited guests at the Judicial Training Institute, Bangkok

Friday 18 February

Day three of the first training session. The trainers for this day were Sue Duncombe and Joanna Kalowski.

Formal signing by Gerald Raftesath and Judge Voravuthi of a Memorandum of Understanding between LEADR and the Thai Arbitration Institute. In this Memorandum of Understanding, each organisation pledged to work together to promote the development of mediation in our two countries.

LEADR presented Judge Voravuthi with a copy of the LEADR video in which Sir Laurence Street is shown as the mediator of a commercial dispute. In addition, a copy of LEADR's publication "*Cases for Mediation*" was presented to the Judge.

Each of the participants was presented with a Certificate signed by LEADR and the Thai Arbitration Institute.

Sir Laurence Street departed for Sydney (via Hong Kong).

Gerald Raftesath departed for Sydney.

Saturday 19 February - Monday 21 February

The Ministry of Justice provided a car and driver for the use of the trainers. As a result of this generosity, each morning was devoted to sightseeing.

In the afternoon of each day, Sue Duncombe and Joanna Kalowski used the services of the hotel business centre to work on the training modules specifically for the use of the Thai Arbitration Institute. The modules were developed in English and used the logo of the Institute on each overhead. A trainers' manual, which included notes for the participants and copies of overheads, was produced. Two role plays were also developed for use by the Centre, using scenarios familiar to the village mediators.

Tuesday 22 February

Day one of the second training session which was designed for village mediators. A total of 27 people attended, some legally trained and others respected members of communities who were, in most cases, already engaged in mediation within their communities. The presenters for this day were Sue Duncombe and Joanna Kalowski

Lunch at the Thai Arbitration Institute, attended by Deputy Chief Judge Sodsri Satayathum, Central Juvenile and Family Court. Judge Sodsri was invited at the suggestion of Associate Judge Nonglak Bunnag who attended the first training course and saw opportunities for LEADR to assist the Juvenile and Family Court in the development of its mediation practices.

LEADR presented Judge Sodsri with a copy of the LEADR video of a mediation (with Sir Laurence Street as the mediator).

Wednesday 23 February

Day two of the second training session which was designed for village mediators. The presenters for this day were Sue Duncombe and Joanna Kalowski.

Thursday 24 February

Day three of the second training session which was designed for village mediators. The presenters for this day were Sue Duncombe and Joanna Kalowski.

Each of the participants was presented with a Certificate signed by LEADR and the Thai Arbitration Institute.

Sue Duncombe and Joanna Kalowski departed to Sydney.

Training programs

1. Train the Trainers - for lawyers, judges and legal officers

A total of 34 people attended this course which was held at the offices of the Thai Arbitration Institute.

The aims of the training course were stated at the beginning of the course as to:

- introduce a mediation model
- provide opportunities for skills development
- provide an overview of training principles

The participants were judges, lawyers and legal officers from the Thai Arbitration Institute. Many of them had little or no knowledge of mediation. Some had a great deal of experience and had already mediated or trained others to mediate.

While some participants showed interest in the sessions on training principles, the majority were more interested in developing their skills as a mediator.

Each of the participants was given a manual which contained:

1. A list of training principles
2. A set of slides which expanded upon the training principles taught
3. A guide to the mediation process
4. Skills development principles and exercises

2. Train the Trainers – for community mediators

A total of 27 people attended this course which was held at the offices of the Thai Arbitration Institute.

The aims of the training course were stated at the beginning of the course as to:

- introduce a mediation model
- provide opportunities for skills development
- provide an overview of training principles

The participants included leaders from a number of communities and some lawyers and legal officers from the Thai Arbitration Institute. Again, the level of experience differed markedly between participants.

While some participants showed interest in the sessions on training principles, the majority was more interested in developing individual skills as a mediator.

The role plays specifically developed for the Thai Arbitration Office were used in this course and appeared to be successful.

Each of the participants was given a manual which contained:

1. A list of training principles
2. A set of slides which expanded upon the training principles taught
3. A guide to the mediation process
4. Skills development principles and exercises

Course evaluations

Each of the participants in each course was provided with a course evaluation form. However, not all participants completed the evaluation form. An analysis of the feedback we did receive appears below.

Course 1: 16-18 February 2000

Number of evaluations

14

1. How do you evaluate the course overall?

(scale from Poor - Fair- Average - VG - Excellent)

Very Good = 9

Excellent = 5

2. Would you recommend this workshop to others

Yes = 14 (100%)

3. What did you like best about the seminar?

- I appreciate that you have well prepared this program and this program has given me a lot of knowledge.
- I appreciate that your key persons have come here to train us intentionally and the knowledge we've gained during 3 days I am sure that I can exploit it to be used in daily life to release any disputes among friends, acquaintances, family members before to become an actual mediator in the future.
- I liked the content and the method of solving disputes through mediation. The Video and simulations are very good for the seminar.
- I am not able to write what I like the best because I liked everything you have presented to us. Thank you very much.
- Expertise of all of you, 4 trainers.
- Mixture of good speakers and workshop with good technology.
- All of the programs
- Video, presentation, material
- The well-prepared staff that are experienced and willing to educate us. This seminar is quite new issue for Thailand so I've learned valuable knowledge at the end. The course designed for 3-day training is well organised and not too many people so that it was more relaxing
- All
- Good in presentation, such as video, and practice

- Substance
 - The video
- 4. What did you like least about the seminar?**
- None (3)
 - When I couldn't catch some English words in the seminar
 - We are, by nature, too reserved to speak out. I think if we all contributed more, it would be more fun and effective. Thank you for your patience to all of us.
 - Theory (terms and abbreviation). It would be better to use less theoretical approach.
 - Teamwork - always spoke in Thai
 - Food
 - Video
- 5. Would you like further training? If so, what type?**
- Yes, similar to this program
 - Yes, that would be great
 - Yes, I would like further training in the practical side of the mediation
 - Yes, family disputes
 - Yes, more advanced program
 - Yes, cases and simulations only
 - Yes, it would widen my knowledge
 - Yes, the same
 - Yes, about negotiation
 - Yes, with more opportunity to join in the simulations
 - Yes, other related mediation training or more advanced details training
 - Yes, may be more workshops and field trips (as an observer)
- 6. Any other comments?**
- The whole package of the seminar is EXCELLENT.
 - Skill is very important for mediation, so practice as much as possible is important. Observation is also beneficial for mediators.
 - I really enjoyed the course and I'm thankful for your time and effort that all of you, Sue, Gerald, Jo and Sir Laurence put on to make this training memorable
 - Mediation will be greatly successful in the world of justice
 - Everything is well done
 - I really enjoyed the training program and also impressed by your expertise in presenting the seminar

Course 2: 22-24 February 2000

Number of evaluations

16

- 1. How do you evaluate the course overall?**
(scale from Poor - Fair- Average - VG - Excellent)
- | | | |
|-----------|---|---|
| Average | = | 1 |
| Very Good | = | 6 |
| Excellent | = | 9 |
- 2. Would you recommend this workshop to others**

Yes = 16 (100%)

3. What did you like best about the seminar?

- The speakers and participants are very nice and friendly. Especially, the strategy is very interesting
- Triangles, the process of mediation
- Instructors, presentation, Training group, atmosphere
- Model of mediation; Triangle process of mediation
- The content of the course; very qualified and perfect lecturers (Sue and Jo); very well prepared materials; the attention of the lecturers
- The trainers and all the materials - perfect!
- I was impressed with the presenters (Sue and Joanna); the atmosphere of training and funny workshop
- Good teaching and give various techniques for mediation; very kind and very nice
- Joanna and Sue are very kind and good teachers
- I like the process of the seminar and the speakers. You make us very funny and have a lot of knowledge
- the speakers, title of the seminar
- method of teaching/technical presentation; impressive presenters
- Sue and Jo are very nice, nice, nice
- Workshop and very different method of teaching
- Teaching style for mediator

4. What did you like least about the seminar?

- The number of participants is not much
- I like everything
- Case study wasn't enough
- No comment because everything was excellent
- Should debrief in Thai language for conclusions
- No
- As far as simulations are concerned, the trainers hardly make a comment because most of the trainees conduct the practice in Thai language
- None
- I like everything, speakers, the members of the group
- Should debrief in Thai and have cooperators

5. Would you like further training? If so, what type?

- Yes, if so, the round table type I prefer
- Yes, I would like to train in this occupation
- Yes, of course, may be in real situations
- Yes, doing more case studies
- Yes, of course
- Should be working as mediator in the real situation at any place
- No (x2)
- Yes - more details on mediation, techniques for mediation, techniques for a good mediator
- Yes - same as this type please
- No – because I have trouble with the language
- Yes – arbitration process

6. Any other comments?

- The speakers are doing well
- More communication with participants should be encouraged
- Good presentation, using high technology; good documents; good communication
- Due to the time limitation, the trainers can't go into details of the course. Also, if the manuals provided give us in more details, not just the heading. However, it is a very useful course! The course is run successfully at the end of the day.
- There should be a glass of water served for everyone who participated in the training
- Less day
- I would like to be invited to join the same kind of this seminar again. Thank you so much

Module development

A manual for use in training Village mediators was developed and presented to the Thai Arbitration Institute on Thursday 24 February 2000. That manual contained the following:

- Module 1: The mediation process
- Module 2: Skills - active listening
- Module 3: Co-mediation
- Case studies (2)
- Handouts on each of the above

This manual is the English version. It is anticipated that it will be translated into Thai and used extensively in the teaching of mediators for the Village mediation project.