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Comment & Conclusion

Reference: 3 points

II Conclusion:

- 1. ADR is Appropriate Resolution.
- 2. ADR Helps People to Access to Justice.
- 3. ADR Worths Spreading.



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Reference

- 1. National Mediation Center
- (e.g. Indonesia, Malaysia, Philippine, HK, Singapore international center)
- 2. ADR LAW(ACT or BILL)
- (e.g. Philippine ADR ACT(2004), Singapore Mediation Bill (unproved)
- 3. Mediation Program
- (e.g."Let's Mediate" program)



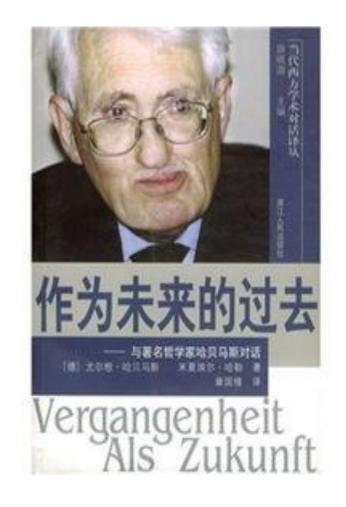
- II Conclusion: based on the past but focused on the future.
- 1. ADR is Appropriate Resolution
- ·诉讼外纠纷解决机制更能贴近当事人的利益,并能以近乎订做(tailor made)的方式和程序来解决争端。
- 透过不同专业的人士,依照个案要求,采取最适宜的方式解决纷争,是推广诉讼外纠纷解决争议的最重要的出发点。



the Theory of Communicative Action

·解决冲突的各种程序,将法律当作一种媒介,而这些程序恰恰是以相互理解(mutual understanding)为导向的行动结构。在此种行为结构下,意志形成(will-information)的过程是谈话式的,而对话和决策的制定则是以通过合意为导向的程序来完成的。

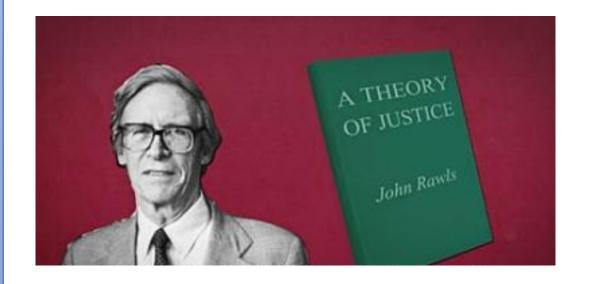
——Jürgen Habermas



2. Access to justice

我的目的是要提出一种正义观,这种正义观进一步概括人们所熟悉的社会契约理论,使之上升到一个更高的抽象水平……这些原则将调节所有进一步的契约……这种看待正义原则的方式我将称之为作为公平的正义。(justice as fairness)

——by John Rawls



To have access to justice people must first have access to information.



互联网是一种技术,是一种思想, 是一种未来。

——Jack Ma

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We are rebuilding the whole society mediation consensus and recognition, and then we can build up the Mediation BEBLE TOWER together.

ADR Worths Spreading!



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