



## *Turkey and the Singapore Convention on Mediation*

**Ms. Deniz Kite**

**Date:** 27 May 2020 **Time:** 1:00pm CEST

### Presentation Summary:

Ms. Deniz Kite (Founder of Global Mediators and Negotiators and IMI Certified Mediator) gave an insightful presentation on the topic ‘Turkey and the Singapore Convention on Mediation’.

Ms. Kite began her presentation with an overview of mediation’s landscape in Turkey. For many years, mediation has been a traditional dispute resolution mechanism. However, mediation today is shaped by various legislations such as the Law on Mediation in Civil Disputes No. 6325 (the “Mediation Law”) which was enacted in 2012 and came into force in 2013. The Mediation Law enabled voluntary mediation for civil disputes. The Law On Turkish Labor Courts No. 7036 (2017) and the Law on the Execution Proceedings for the Collection of Monetary Receivables Arising out of Subscription Agreements No. 7155 (2019) were subsequently enacted to introduce mandatory mediation in labor and commercial disputes respectively. Ms. Kite also shared some statistics about the Turkish mediation scene – there are about 16,500 trained mediators, 65 mediation associations, and 200 mediation centers across Turkey’s different cities. The mediation associations do not provide community mediation, but statistics have reflected encouraging numbers in the use and success rates of voluntary and mandatory mediation in labor and commercial disputes.

Turkey has been very active in its promotion of mediation in the international arena as it aims to become an International Dispute Resolution Center for the Greater Region encompassing Africa, the Islamic World, Caucasus, and Central Asia. For instance, Turkey and Finland initiated ‘[Friends for Mediation](#)’ and co-chaired at the United Nations in 2009. Both countries worked together again to form a Friends for Mediation Group at the [Organization for](#)

[Security and Co-operation in Europe](#) (OSCE) in March 2014. Another example of Turkey's active promotion of mediation was when they, together with Saudi Arabia and the Gambia, initiated a program to strengthen mediation capacity at the Organization for Islamic Cooperation in 2018.<sup>1</sup> Additionally, Turkey is a proud signatory to the Singapore Convention on Mediation (SCM).<sup>2</sup> Domestically, Turkey has also been organizing mediation conferences to promote mediation awareness since 2011.

Ms. Kite opined that Turkey would ratify the SCM at the end of 2020 as the domestic legal system is currently in the process of implementing the following changes:

1. Amendment of the Mediation Law to take into consideration the Turkish style of Mediation;
2. Longer mediation training sessions with an emphasis on practice and ethics; and
3. Enactment of a law to govern mediation centers.

Currently, only law graduates can be mediators in Turkey. However, Ms. Kite is hopeful that with the aforementioned changes, mediation could be recognized as a separate and distinct profession and thus, allow experts from different fields and industries to also be mediators. She also shared an optimistic view that Turkish mediators could be recognized internationally once Turkey ratifies the SCM.

Ms. Kite highlighted some challenges that she thought Turkey would need to overcome as it treads on a new path. For instance, one such problem was the failure to maintain standards of quality amongst mediators and mediation centers in their delivery of mediation services. Another challenge is the perception of mediation end-users – smaller enterprises should turn to mediation for dispute resolution whilst larger corporations should turn to litigation. She opined that this frame of mind needs to change and emphasized that more could be done to create mediation awareness in the business community. The 'fused profession' whereby only law graduates can be mediators is also another challenge that would need to be overcome. Ms. Kite advocated for mediation to be a separate profession with strong ethics that is inclusive.

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<sup>1</sup> See the Second OIC (Organization for Islamic Cooperation) Member States Conference on Mediation will be held in Istanbul on 29 November 2018, available [here](#).

<sup>2</sup> Officially named United Nations Convention on International Settlement Agreements Resulting from Mediation, status of Signatories and ratification of Signatory countries can be found [here](#).

Despite its challenges, Ms. Kite is confident that Turkey has the potential to become an International Dispute Resolution Center. This is mainly due to the fact that Turkey has gained numerous experiences and has learned many lessons over the years where the mediation industry is concerned. Ms. Kite expressed her gratitude towards the Turkish mediators and the Department of Mediation, Ministry of Justice of the Republic of Turkey for creating mediation awareness domestically and internationally. She shared the optimism that the good relationship that Turkey enjoys with its regional neighbors would hopefully motivate the latter to follow Turkey's lead in mediation.

### Q&A Discussion

Ms. Kite concluded the session with an interactive discussion of various questions and topics raised:

- How different was traditional mediation culture in Turkey in comparison with the mediation culture today? Was traditional mediation culture influential to the growth of other styles of mediation?
- How would the SCM be implemented in Turkey?
- What are some expectations Ms. Kite have on the SCM for Turkey.
- Will the SCM will be an alternative to the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules or the International Court of Arbitration of the International Chamber of Commerce (ICC)?
- Do mediation laws in Turkey provide immunity for mediators from legal proceedings?
- Ms. Kite's thoughts on promoting mediation in a language other than Turkish within Turkey.

We invite you to listen to Ms. Kite's answers from the video record of the session [here](#), as well as to catch up on her response to other questions not listed above.

Links to other requested resources that came up during the session are provided below:

- [United Nations Convention on International Settlement Agreements Resulting from Mediation](#) also known as the 'Singapore Convention on Mediation'.
- [Law on Mediation in Civil Disputes No. 6325](#) (the "Mediation Law") – Translated from Turkish to English.

- [Law on Turkish Labor Courts No. 7036](#) – Available in Turkish only.
- [Law on the Execution Proceedings for the Collection of Monetary Receivables Arising out of Subscription Agreements No. 7155](#) – Available in Turkish only.

The team at SIMI and IMI would like to express our gratitude to Ms. Kite for sharing her time to be a speaker at the Singapore Convention Seminar Series and to participants for joining us live for the session. Do join us for our next seminar by Prof. Nadja Alexander on her new book '*The Singapore Convention on Mediation – A Commentary*'!