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# 『제1회 글로벌 조정 포럼』 참석 결과보고

(’17. 5. 22 - 5. 26, 태국 방콕)

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2017. 6. 19[月]



**고충처리국**  
**민원조사기획과**

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# 1. 회의 개요

□ 회의명 : 제 1회 글로벌 조정 포럼(The Global Mediation Forum)

○ 3개 기관 공동 주관

- 태국조정센터(Thailand Arbitration Center, THAC)
- 한국 조지메이슨대학교
- 세계조정기구(World Mediation Organization, WMO)

※ 유엔 글로벌 컴팩트 협력기관

□ 개최 일시 및 장소 : '17.5.23(화) ~ '17.5.25(목), 태국 방콕

□ 참석자

○ 위원회

- 고충처리국장 외 1명

○ 주요 참석자

- 태국조정센터(THAC) 대표 Mr. Pasit Asawattanporn
- 세계조정기구(WMO) 설립자 겸 대표 Dr. Daniel Erdmann
- 한국조지메이슨대학교 Roland Wilson 교수

※ 갈등분석 및 해결학 과정 책임자

- 태국 Khon Kaen 대학교 Vanchai Vatanasapt 교수

※ 갈등해결 및 조정 교육 프로그램 책임자

- 태국 외교부 법률조약국 심의관 Mrs. Vilawan Mangklatanakul
- 유엔국제무역법률위원회 대표 Mr. Renaud Sorieful

○ 미국, 캐나다, 그리스, 싱가포르, 인도, 독일 등 20여개 국가,  
100여 명의 기업인, 공무원, 전문조정관(Mediator) 등 참석

## 2. 회의 주요내용

### ① 1세션(5.23, 火) : 효과적인 갈등 조정을 위한 의사소통 기법

- 우리나라 정부의 집단민원 조정 제도 및 주요 조정 사례 소개
  - ※ 고충처리국장 기조연설
- 온라인 쇼핑·전자상거래 분쟁 해결을 위한 조정 기술
  - 전자상거래 상 분쟁은 기술적 측면이 중요하기 때문에 미국(Click and Settle), 영국(E-Arbitration)과 같이 전자상거래 분쟁 조정을 전담하는 전문성 있는 기구가 필요
- 조정을 통한 가정·직장 내 갈등 관리 등
  - 가정·직장 내 갈등 해소에 있어 상대방에 대한 지지 및 존중의 의사를 적극적으로 표시해야

### ② 제 2세션(5.24, 水) : 세계 조정 제도의 이해

- 최근 제정된 싱가포르 '조정법(Mediation Bill)'의 주요 내용
  - 조정서 작성 후 정부 인증을 통한 이행력 확보, 조정 진행 시 다른 법적 절차의 중지 등 조정의 일반 절차, 효력 등을 규정
- 유엔 국제무역법률 위원회(UNCITRAL)의 국가 간 무역 갈등 조정 등
  - 급증하는 국제 무역 거래 상 분쟁 해결을 위해 UNCITRAL을 1966년에 설립, 현재 60여 개 가맹국 활동 중

### ③ 제 3세션(5.25, 木) : 갈등의 국제적 확산과 조정의 역할

- 조정 기법 교육을 통한 다문화 시대 사회 갈등 예방
  - 미국 연방조정중재국(Federal Mediation and Conciliation Service, FMCS)의 경우 인종·문화적 차별에 의한 갈등 조정 교육 프로그램을 운영하여 교육에 의한 갈등 예방을 강조
- 전쟁·테러 확산 방지를 위한 국제 분쟁 조정 사례
  - 인도-중국·인도-파키스탄 국경 분쟁 완화에 있어 조정의 역할



### 3. 위원회 주요 활동 · 시사점

#### ① 우리나라 정부의 집단민원 조정 제도 소개

- 기조연설 및 첫 발표로 우리나라의 갈등 현황, 위원회 집단민원 조정 성과 및 노하우 공유
  - ‘갈등공화국’, ‘갈등비용 OECD 최상위 국가’ 등 우리나라에 대한 기존의 부정적 인식과 달리 세계 최빈국에서 10대 경제대국 성장의 주요 원인으로 한국 정부의 성공적 갈등관리를 부각시킴
- 주로 민사상 분쟁 해결 수단으로 조정을 인식하는 세계 조정 전문가들에게 民·官 간 갈등 해소 수단으로서의 조정의 우수성 홍보
  - 다른 국가 참석자들의 높은 관심 및 반응 확인

#### ② 조정 관련 해외 제도 운영 사례 등 국제 동향 파악

- 태국·싱가포르의 경우 조정 전문가 양성, 조정 제도 연구 및 실제 조정을 통한 갈등 해소를 위해 전문 기관을 설립
  - 태국조정센터(THAC), 싱가포르조정센터(Singapore Mediation Center, SMC) 등이 법률에 근거하여 설립되어 운영 중
- 특히, 싱가포르의 경우 ‘조정에 관한 법률(Mediation Act)’을 ‘17. 1월에 제정하여 조정의 절차·효력 등을 체계적으로 규정
  - 조정의 강제집행력, 조정이 개시될 경우 동일 사안에 대한 다른 법적 절차의 중지 등을 규정
  - ‘조정에 관한 법률’ 제정에 이어 ‘국제조정원(SMIC) 설립·운영으로 국내 조정사건 뿐 아니라 글로벌 차원의 조정 제도 운영 등 조정을 전략적으로 추진

### ③ 전문 조정인 양성을 통한 효과적 조정 필요

- 미국·독일·싱가포르 등 주요국가의 경우 자격 인증제, 교육 훈련 프로그램 운영 등을 통해 적극적으로 전문 조정인 양성 중
  - ※ 독일의 경우 ‘인증 조정관(Zertifizierter Mediator)’ 제도 운영을 통해 공공 및 민간 영역에서 조정 전문가를 전문 직업인으로 양성
- 조정인이 법조인 일변도인 우리나라와는 달리 대부분의 국가는 다양한 직업·출신들이 전문가로서 조정업무 담당
  - ※ 기업인·교수·커뮤니케이션 전문가·회계사·의사 등 사회 각 분야의 전문가들이 조정 전문가로서 공공 및 민간 영역에서 활약 중
- 조정 전문가 자격 인증제, 교육 훈련 프로그램 등 전문 조정인 양성을 위한 제도 도입 검토가 필요

### ④ 체계적 조정 제도 운영을 위한 관련법 정비

- 해외 주요국가의 경우 조정을 통한 분쟁해결 절차 및 효력을 일반적으로 규정하는 근거법률을 두고 있음
  - ※ 싱가포르(조정에 관한 법률), 독일(조정 및 기타 비사법적 갈등해결절차를 위한 촉진법), 일본(재판 외 분쟁해결의 이용 촉진에 관한 법률) 등
- 우리나라의 경우 조정의 효력, 절차 등을 규정하는 근거 법률이 부재하여 조정을 수행하는 주체에 따라 달리 운영되고 있음
- 조정의 인지도 제고 및 활성화를 위해 조정인 자격·조정의 절차 및 효력 등을 규정하는 관련 법률 제정 검토가 필요
  - ※ 「집단민원조정법」의 조속한 추진 필요

## ⑤ 통합 조정 전담기관 설립을 통한 조정 활성화

- 태국(THAC), 싱가포르(SMC) 의 경우 다양한 분야의 분쟁 조정을 총괄적으로 전담하는 대표 기관 운영
- 우리나라의 경우 조정 전담기관이 개별 분야마다 산재되어 있어 조정에 대한 국민들의 인지도·접근성이 낮음
  - ※ 조정을 통한 분쟁 해결 기관 : 위원회, 법원, 국가인권위원회, 환경부, 공정거래조정원, 한국소비자분쟁조정원 등
- 장기적으로 통합적인 조정 전담기구(가칭 '국가분쟁조정원') 설립을 권익위와 연계하는 방안 검토

## ⑥ 해외 조정 전문 기관 - 위원회와의 교류·협력 논의

- 세계조정기구(WMO)와 위원회와의 정기적 교류를 위해 향후 이사회 출범 시 위원회가 이사회 멤버로 참여하는 것을 검토
- 위원회 조사관을 위한 한국조지메이슨대학교 갈등분석 및 해결 학과의 조정 교육 프로그램 개설 및 참석 논의
  - ※ 미국 조지메이슨대학교는 조정 전문가 양성을 위해 한국 캠퍼스(인천 송도)에 갈등분석 및 해결학과를 개설

## ⑦ 국내 조정 수행 기관과의 교류·협력 확대 필요

- 유관 기관·단체와의 협력 필요성이 큼에 비해 국내 관련 기관과의 협력이 미흡함을 이번 출장을 통해 확인
- 조정을 수행하는 국내 주요 기관 및 학계와 조정 노하우 공유, 발전 방안 논의 등을 위해 교류·협력을 확대할 필요가 있음
  - ※ 한국조정학회는 '09년 설립 이후 대법원, 인권위, 의료분쟁조정원 등과 조정제도 발전을 위한 학술대회 개최 중

# 제1회 글로벌 조정 포럼(GMF) 세부 일정

Global Mediation Forum - Bangkok 23-25 May 2017

Mediation: Going From Local to Global and back to Local

Time	Day 1 – Tuesday: 23 May 2017 Improving Professional Skills: From Knowledge to Efficiency	Day 2 – Wednesday: 24 May 2017 International Mediation: Throughout Asia and the World	Day 3 – Thursday: 25 May 2017 Conflict Transformation: Dealing with Challenging Fields
08:00 – 09:00	Registration	Coffee / Tea / Networking	Coffee / Tea / Networking
09:00 – 09:45	Opening Remarks Mr. Pasit (THAC) Dr. Daniel Erdmann (WMO) Dr. Roland Wilson, (GMUK)	UNCITRAL Update On Enforcement Of International Commercial Settlement Agreements Resulting From Conciliation Mr Renaud Sorieul, the Secretary of UNCITRAL	Mindfulness for Peace Engineer Venerable Associate Professor Phramaha Hansa Dhammhaso, Ph.D., Director MA in Peace Studies Program Mahachulalongkornrajavidyalaya University
09:45 – 10:30	Keynote Speech The Importance of Conflict Resolution and Mediation: Case of South Korea  Mr. Euy-whan Kim, Director General, Ombudsman Bureau, Anti-Corruption and Civil Rights Commission (ACRC) of Korea	War, Mediation and Negotiation in Culture and Mythology Ms. Kritika Krishnamurthy, Advocate and Mediator, Author of The Art of Negotiation and Mediation – Wishbone, Funny Bone and a Backbone, LexisNexis (2015)	Understanding Differences: The Role of Education in Intercultural Mediation Dr. Soleiman Dias, Chadwick International
10:30 – 10:45	Coffee / Tea / Networking	Coffee / Tea / Networking	Coffee / Tea / Networking
10:45 – 11:30	The Impact of Thailand 4.0 and Online Dispute Resolution for E-Commerce Mr. Nicky Balani, LL.M.	Mediation Bill And Its Impact On Mediation In Singapore Andy Yeo Kian Wee	Indo-China Relations: Tunnelling Through Himalayas Anuroop Omkar, ADR Neutral and Advocate, AK & Partners, Director, Bridge Mediation & Consulting India, Consultant to Ministry of Corporate Affairs, Government of India

11:30 – 12:15	<b>Conflict Management: Inside and Outside the Family</b> Thalia Veintimilla, M.A.	<b>How Can We Build a Successful Model For Online Mediation In Developing Countries?</b> Mr. Pranjal Sinha, Co-founder, ODRways	<b>Indo–Pak Mediation: As War Settles Nothing</b> Sonal Priya, LL.B.:
12:15 – 13:00	<b>Lunch Break</b>	<b>Lunch Break</b>	<b>Lunch Break</b>
13:00 – 13:45	<b>Mediation in Thailand</b> Prof. Vanchai Vatanasapt Director and Conflict Resolution and Just Peace Development of RUC School of Leadshift Development and the College of Local Administration, Khon Kaen University	<b>International Mediation – Throughout Asia and the World</b> Ms. Peachya Thammagitakul	<b>Investor–State Dispute Settlement (ISDS)</b> Mrs. Vilawan Mangklatanakul, Deputy Director–General Department of Treaties and Legal Ministry of Foreign Affairs
13:45 – 14:30	<b>Empathy &amp; Mediation in Health Care</b> Evi Avlogiari, PhDc, Legal Advisor, Mediator, President of ADR Bioethics	<b>Understanding the Limitations of the Avoidance Technique in Asia</b> Mr. Seong Jae Shin, George Mason University Korea Miss. Erie Ma, George Mason University Korea	<b>Analysing International Conflict and Terrorism From Theological Perspective</b> Ms. Lilibeth De Belen–Casel, AB. HPR, MPH, LL.B Miss. Abner Dizon, Doctor of Missions
14:30 – 14:45	<b>Coffee / Tea / Networking</b>	<b>Coffee / Tea / Networking</b>	<b>Coffee / Tea / Networking</b>
14:45 – 15:30	<b>Mediation As Preferred Dispute Resolution Mechanism In Trade Agreements Amongst BRICS Nations</b> Ms. Anant Merathia, LLM	<b>Bias and Its Impact In Cross Cultural Dispute Resolution</b> Mr. Ethelwald O Mendes, Advocate and Mediator	<b>Transformative Approaches to Terrorism</b> Ms. Tanu Mehta, M.A.
15:30 – 16:15	<b>Communication Coaching in the Workplace</b> Ms. Parinda Viranuvat Consultant Organisation Development and Personal Development	<b>Conflict Coaching: An Essential Tool for Resolving Disputes</b> Miss. Linda Dobson	<b>Institutionalizing Conflict Analysis and Resolution, and Mediation</b> Dr. Roland Wilson, George Mason University Korea Conflict Analysis and Resolution Program Coordinator
16:15 – 17:00	<b>Open Social For Speakers and Participants Hotel Lobby</b>		<b>Closing Remarks and Mediation Certificates</b>

## 포럼 주요 내용 요약

### □ 제 1세션 : 효과적인 갈등 조정을 위한 의사소통 기법

#### ① 기초연설 : 갈등 해결과 조정의 중요성

- 김의환 고충처리국장
- 우리나라의 갈등 현황, 위원회 집단민원 조정제도 소개 및 주요 사례, 발전방향 등

#### ② 태국 4.0의 영향과 전자상거래 온라인 분쟁 조정

- Mr. Balani(태국 전문 조정인, 변호사)
- 태국 내 온라인 쇼핑 분쟁 증가에 따른 온라인 조정 기법 및 관련법 제정의 필요성

#### ③ 조정을 위한 공감 및 의사소통 방법

- Prof, Avlogiari(그리스 전문 조정인, 교수, 기업인)
- 조정인의 중립적·객관적 입장과 분쟁 당사자와의 공감 입장의 조화 방안

### □ 제 2세션 : 세계 조정 제도의 이해

#### ① 조정을 통한 국제 무역 분쟁 해결 최신 동향

- Mr. Renaud Sorieul(유엔 국제무역법률위원회 위원장, 프랑스)
- 국가 간 무역 분쟁 해소에 있어 유엔 국제무역법률위원회의 역할 및 주요 조정 사례 등

## ② 싱가포르의 조정법과 영향

- Mr. Wee(싱가포르 전문 조정인, 변호사)
- 최근 제정된 싱가포르 조정에 관한 법률 주요 내용 및 법 시행에 따른 영향 예측

## ③ 한반도 갈등 해소수단으로서의 조정

- 신성재, Ms. Erie Ma(한국 조지메이슨대학교)
- 한반도 갈등 상황에서 햇볕정책과 강경책 효과의 비교 분석

## □ 제 3세션 : 갈등의 국제적 확산과 조정의 역할

### ① 다문화 사회 갈등 예방을 위한 조정 교육의 역할

- Dr. Dias(채드워싱턴국제학교 교수, 미국)
- 다문화 사회에서의 상호 존중, 경청, 소통 교육의 중요성, 조정을 통한 분쟁 해결 학습의 효과 등

### ② 인도-중국 및 인도-파키스탄 분쟁에서 조정의 효과

- Ms. Priya, Mr. Kmkar(인도 전문 조정인, 컨설턴트)
- 국제 정치 분쟁에서 조정을 통한 전쟁·테러의 예방 효과

### ③ 갈등 분석과 해결의 제도화 및 조정

- Dr. Roland Wilson(한국조지메이슨대학교 교수, 미국)
- 갈등 분석의 학문적 접근 방식 및 조정을 포함한 대안적 분쟁 해결(ADR) 방식의 제도화 방안 등

## 포럼 기조연설 개요

- 일 시 : '17. 5. 23(화), 09:45 ~ 10:30
- 장 소 : 방콕 Eastin Grand Hotel(The Surasak Hall)
- 주요내용
  - 대한민국 공공갈등 현황 분석 및 조정의 중요성, 권익위 소개 및 주요 집단민원 조정사례, 조정의 발전방향 및 향후 과제 등



<고충처리국장 기조연설>



<주최측 및 주요 참석자>



## 기조연설문

The 1st Global Mediation Forum  
Keynote Speech

### *The Importance of Conflict Resolution*

### *and Mediation*

*Case of South Korea*

May 23, 2017

**Kim, Euy-Whan**

**Director General, Ombudsman Bureau**

**Anti Corruption and Civil Rights Commission**

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**Good morning, distinguished guests!**

First of all, I would like to appreciate the organizers of this forum for providing us very precious occasion.

Mr. Pasit Asawawattananorn, Thailand Arbitration Center Managing Director, Dr. Daniel Erdmann, President and Founder of the World Mediation Organization and lastly, Dr. Roland Wilson, Program Coordinator and Professor of Conflict Analysis and Resolution, George Mason University Korea.

**Ladies and gentleman,**

Undoubtedly, this is my honor and privilege to speak about Korean government's ongoing efforts of reducing public conflicts and increasing capacity of mediation before such excellent experts like you. Also, I would like to sincere and heartfelt congratulation on establishing the WMO and opening its forum today. Especially, my special thanks go to Dr. Wilson for inviting me and give me a wonderful opportunity at this great place.

My understanding on this gathering here is to discuss how to overcome conflicts and enhance the capacity of mediation as solution of conflicts. In this regard, I hope that this forum may provide the better view for you to have lots of insights and relevant information to deal with wide range of conflicts around you. As one of the participants in this forum, I am very pleased to introduce you to the current situation of the ACRC's mediation in terms of outcome and limitations.

This morning, I will talk about current situation of public conflicts and ongoing efforts of mediation by Korean government, mainly ACRC, Anticorruption and Civil Rights Commission where I have worked.

In this paper, I would like to give an overview of Korea's handling conflicts, then I will present more specifically nature of public conflicts in current Korean society. Next, I will explain briefly importance of mediation. Last but not least, I will move on to discuss a few specific cases of conflicts in the ACRC's mediation. Lastly, I will suggest future policy direction as my conclusion.

## **I. Overview**

As Korea is well known, it developed like a miracle from the world's poorest nation to the world's 10th largest economy. Over the past sixty years, Korea has achieved remarkable economic growth and democracy. There are many reasons why Korea has made such progress, but I would like to say this firstly, most of all, it will be hard to deny that the Korean government has coped quite well with its big and small conflicts happened from all over the nation in its development process.

Compared to the West, Korea achieved both economic development and democratization in an unprecedentedly short time of 50 years, garnering the attention of the world. During this period, the Korean society went through many changes not only in quantity but also in quality. From the 1960s to 1970s, Korea achieved economic growth through industrialization at a record speed. Based on such economic growth, the GNI, which was merely USD 100 in 1963 exceeded USD 10,000 in 1995, and reached 26,000 in 2013. From the 1980s to 1990s, based on the amendment of the Constitution in 1987 for a direct presidential election, the authoritarian administration was replaced by a civilian government through election, and Korea achieved political democracy by a horizontal transfer of political power. Since entering the new millennium, we are on the way to advancing our country through globalization and IT development.

This is because many conflicts mainly caused between government policies and stakeholders could have been coordinated and solved by efficient ways of the Korean government until it became the world's 10th largest economy.

On the other hand, as the democratization and pluralization of society progress, people's sense of rights is improved, it is inevitable that conflicts tend to increase regardless of advanced countries or underdeveloped countries.

With regard to this, there is no doubt that Korea is one of the countries where conflicts are increasing like other countries.

Moreover, according to recent researches and surveys, the level of conflict and incidence of Korean society tends to be very serious and lasting longer than other countries. Therefore, it is urgent to prepare countermeasures against conflicts.

According to the results of various surveys, the degree of conflict in Korea is the fourth highest among 34 OECD member countries. Korean people also recognize that the level of conflict in Korea is very serious.



When considering the negative aspects of conflict, prevention is important. Once this occurs, however, a neutral third-party help is needed to expedite resolution. In developed countries such as the United States, Britain, and France, which have already experienced many conflicts, they have long noticed the importance of coordination by such third parties and have established this as a major way of resolving conflicts.

In addition to legislation for management and resolution of conflicts, it also establishes a mechanism for promoting conflict resolution at the government level, and has created and operates specialized mediation bodies for each sector. In addition, various programs are being implemented to prevent conflict and to resolve conflicts by operating programs to train professional mediators.

## **II. Public Conflict in Korea**

### **1. The Cause of the Conflict**

- Gov't side : **(DAD)** Decide / Announce / Defense
- People side : **(Nimby)** Not In My Back Yard, Public Facilities not popular by residents
- Right Direction : **(PDD)** Participate / Deliberative / Decide

## 2. Types of Public Conflict(1991~2012)

### (1) Issue

Types	Numbers	%
Environment	117	14.7
<b>Labor</b>	<b>200</b>	<b>25.3</b>
<b>Regional</b>	<b>180</b>	<b>22.7</b>
Class	163	20.6
Education	86	10.9
Etc	46	5.8
<b>Total</b>	<b>792</b>	<b>100</b>

Dankook Center for dispute Resolution(2014)

### (2) Players

Types	Numbers	%	Durations
Private vs Private	211	26.6	404
<b>Private vs Public</b>	<b>524</b>	<b>66.2</b>	<b>618</b>
Public vs Public	57	7.2	711
<b>Total</b>	<b>792</b>	<b>100</b>	<b>568</b>

Dankook Center for dispute Resolution(2014)

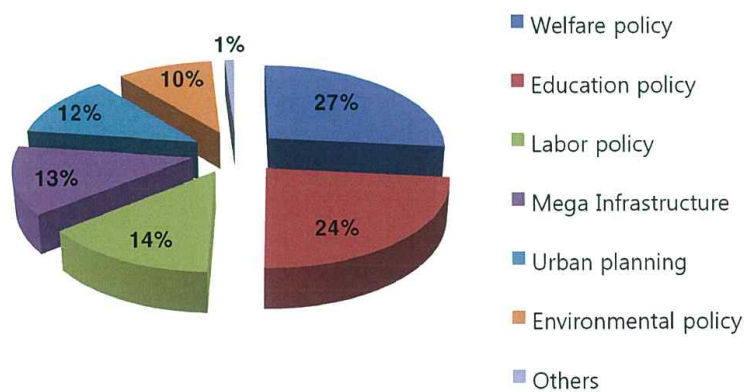


### (3) Type of Resolution

Types	Numbers	%
Negotiation	166	21.0
<b>Mediation</b>	<b>11</b>	<b>1.4</b>
<b>Arbitration</b>	<b>13</b>	<b>1.6</b>
Administrative action	177	22.4
Court Decision	68	8.6
Withdrawal	188	23.7
Etc	169	21.3
<b>Total</b>	<b>792</b>	<b>100</b>

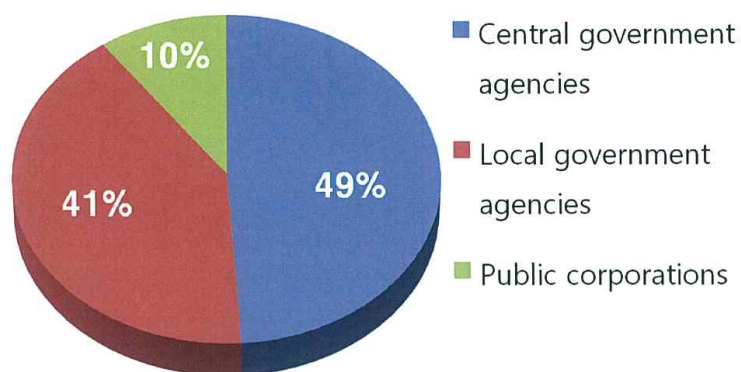
Dankook Center for dispute Resolution(2014)

### (4) Policy Areas of Public Conflicts(2013-2015)



N=766(Multiple answers from 397 people who experienced public disputes for themselves)

### (5) Governments Responsible for Public Conflicts



N=572(Multiple answers from 397 people who experienced public disputes for themselves)

### **III. Why Mediation Important?**

Compare mediation to traditional resolutions such as lawsuit or so, mediation has some strengths than traditional approaches, which are Faster? Cheaper? Better?

#### **1. Alternative Dispute Resolution(ADR)**

- ADR : an umbrella term for a wide variety of conflict management techniques and processes used in lieu of traditional judicial and administrative dispute resolution processes such as litigation and adjudication
- These “quasi-judicial” processes have become increasingly important for government at all levels and around the world
- Face-to-Face Dialogue → In depth Dialogue → Common Reflection
- Mediation Process

#### **2. ADR in the United States**

- Use of ADR is authorized in all three branches of the federal government
- ADR is argued to be faster, cheaper, and better than traditional dispute resolution
- Administrative agencies can use ADR in virtually all types of disputes (Employment, Contracting and Procurement, Civil Enforcement)

### **(1) FCMS(Federal Mediation&Conciliation Service)**

- 85% solved out of 6,000 cases

(for example) Jimmy Carter's Mediation at Camp David(1978)

: Conflict in Sinai(between Egypt and Israel) was resolved through mediation

### **(2)ADR in the EEOC(Equal Employment Opportunity Commission)**

- U.S. Federal agency created in 1964 to enforce Title VII of the Civil Rights Act

- Mission is to ensure discrimination-free workplaces in the public and private sectors

- More employees accepted the ADR option, and fewer opted for traditional process

- ADR was highly efficient

- ADR's resolution rates is much higher than traditional process

- ADR cases received more monetary relief than traditional cases

- ADR can be efficient for case processing and effective for case outcomes

### (3)Case Processing : Average Time in Days

	2002	2003	2004	2005	2006
Traditional Cases	418	541	469	411	367
<b>ADR Cases</b>	<b>82</b>	<b>62</b>	<b>127</b>	<b>66</b>	<b>50</b>

Using Alternative Dispute Resolution to Resolve Federal Sector Employment Complaints(Nabatchi, Tina, 2013)

### (4)Case Outcomes : Resolution Rates

	2000	2001	2002	2003	2004	2005	2006
Traditional Cases	28%	27%	30%	35%	24%	-	24%
<b>ADR Cases</b>	<b>62%</b>	<b>64%</b>	<b>59%</b>	<b>42%</b>	<b>77%</b>	<b>68%</b>	<b>70%</b>

Using Alternative Dispute Resolution to Resolve Federal Sector Employment Complaints(Nabatchi, Tina, 2013)

### (5)Case Outcomes : Monetary Relief

	2001	2002	2003	2004	2005	2006
Traditional Cases	\$5,417	\$5,311	\$6,808	\$6,226	\$11,081	\$8,754
<b>ADR Cases</b>	<b>\$9,784</b>	<b>\$9,030</b>	<b>\$7,679</b>	<b>\$6,617</b>	<b>\$15,793</b>	<b>\$11,358</b>

Using Alternative Dispute Resolution to Resolve Federal Sector Employment Complaints(Nabatchi, Tina, 2013)

## **IV. ACRC's Mediation**

### **1. Introduction**

The ACRC is Korea's national Ombudsman institution and it has been also faced with challenges posed by the increase of collective complaints by enhancing its capacity for mediation. In particular, last year, the ACRC resolved 72 collective complaints through mediation.

Therefore, there are more voices arguing for ACRC's mediating role to be expanded and systemized for collective complaints, and some people demand that the ACRC preemptively intervene in potential collective complaints that have not yet emerged to the surface to prevent social conflicts in advance.

This article aims to review systems and operational issues to enhance Ombudsman's capacity to respond to collective complaints based on analysis and assessment of current mediation system and to search for new roles for the ACRC to play to prevent and manage collective complaints nation-wide.

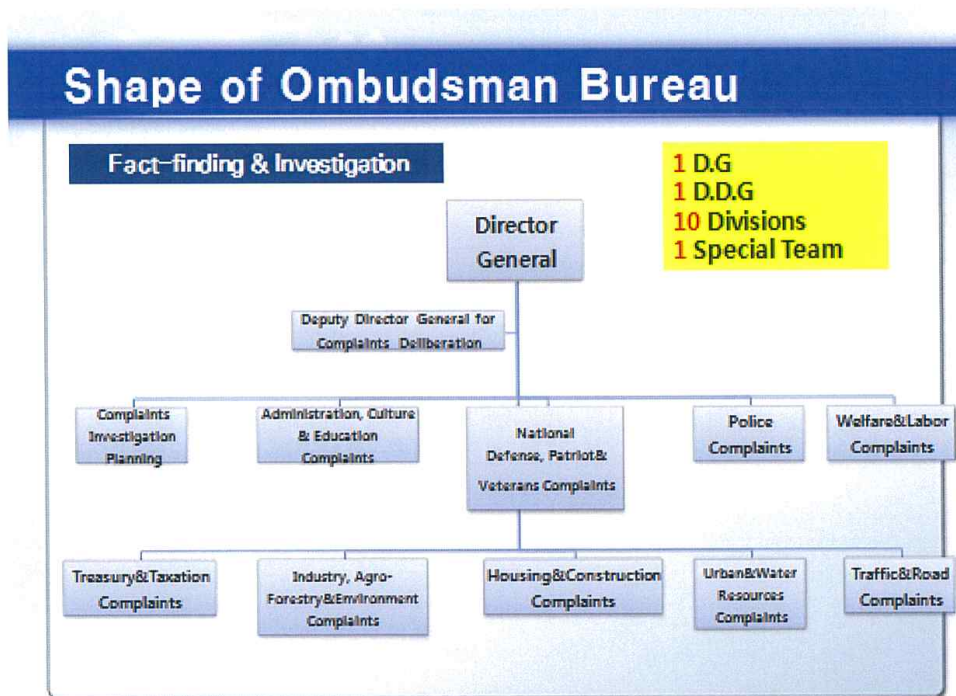


## 2. Shape of ACRC

### (1) Organization

Anti-Corruption & Civil Rights Commission(ACRC) consists of 15 Commissioners including the Chairperson(minister-level), 3 Vice-Chairpersons, 3 Standing Commissioner and 8 Non-Standing Commissioners and their status and independence in work of all commissioners are guaranteed by the law.

(Shape of Ombudsman Bureau)



## **(2) Featuring of ACRC's mediation**

(Purpose) To resolve complaints through Alternative Dispute Resolution(ADR)

(Status) Massive collective complaints(involving over 100 people) are on the rise, and many of collective complaints are handled through mediation

(Mediator) Commissioners of the ACRC

(Legal basis) Article12, paragraph 18 of the ACRC Act

(Application) Civil complaints where many stakeholders are involved or with huge social effects

(Confirmation of Mediation) Stakeholders write what they agree to and sign in the mediation document. Then, the ACRC confirms the mediation.

(Effectiveness) Same effect as a settlement under the Civil Act

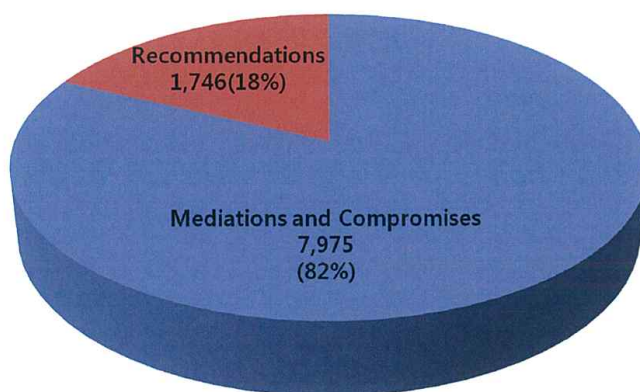
## **(3) Need for Mediation**

·The rise in the number of collective complaints is raising social cost while unaddressed complaints are unfolding in a form of collective complaints.



- Collective complaints should be addressed and confidence in society needs to be built by handling collective complaints
- Over 200 collective complaints are received by the ACRC every year. Annual social cost caused by collective complaints is estimated to reach 220 billion \$, according to Samsung Economic Research Institute(2014).
- Collective complaints cannot be easily resolved because many complainants and institutions are involved.
- It is desirable to resolve them through an alternative tool, mediation.
- Agencies involved cannot address them all directly. Therefore, it is needed to have third parties and mediation will save time and cost.

#### 1) Mediations and Compromises(2014-2016)



Anti-Corruption & Civil Rights Commission(2017)

## 2) Number of collective complaints handled through mediation



Anti-Corruption & Civil Rights Commission(2017)

·From 2013 to 2016, 234 collective complaint cases mediated. (solved the civil complaint of 244,585 people)

## (4) Mediation Cases by the ACRC

### Case 1) Noise complaint due to train station



#### ◇ **Content of conflict**

·Local residents in an apartment complex near Ga-jwa railroad station requested measures to prevent noise, as they were suffering from noise of railroad in Gyeong-eui line and trains.

·A total of 490 express trains, subways, freight trains pass Ga-jwa station a day. Noise from railroads keeps, 489 residents awake at night. People suffering from nervous breakdown asked for measures to reduce the noise.

#### ◇ **Mediation by ACRC**

①Korea Rail Network Authority : Building a 570 meter of noise absorbing wall near the apartment complex of the complainant

②Seoul Metropolitan Government : Mapping traffic noise by April 2016 and designating areas where traffic noise should be controlled. Paving the roads with less noise and taking necessary measures such as limiting the traffic for such areas.

③Korea Railroad : Reducing the number of diesel-powered locomotive trains and their whistles

④Local government : Supporting the implementation of mediation by regularly assessing noise level and managing traffic noise

## Case 2) Resolving business complaints caused by delayed resort construction



### ◇ Content of conflict

•The resort company was faced a huge amount of cost due to delayed military facilities' demolition and moving to other site.

### ◇ Mediation by ACRC

- ① Army accepted to demolish the military facility in return for building new facility by the resort company's budget at near site.
- ② The resort company could begin construction of resort complex and it could save 300 million\$ due to delayed construction.



### Case 3) Resolving complaints of building industrial complex in Military Reservation District



#### ◇ Content of conflict

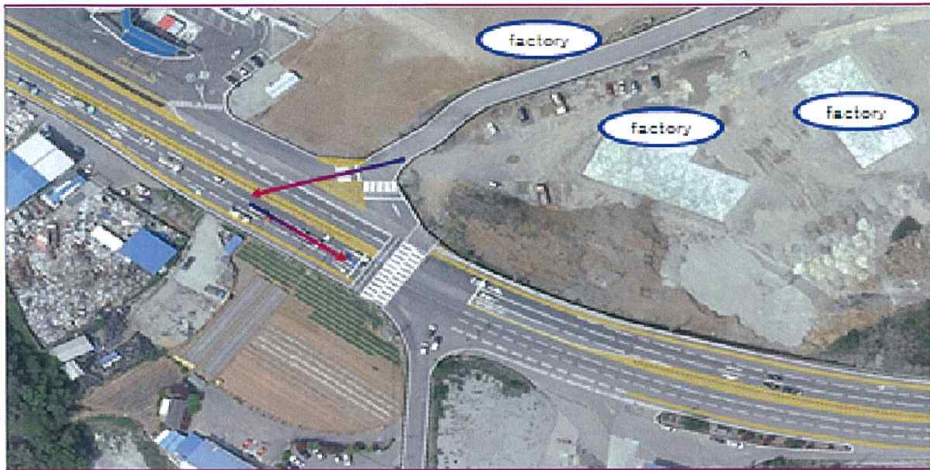
- ①The local government tried to bring investment for building industrial complex to produce Organic Light-Emitting Diode(OLED).
- ②The Army disagreed it because of military operation and national security.

#### ◇Mediation by ACRC

·Changing the original plan of the industrial complex to enable military operation

- ①Expected to create 1,200 jobs and more than 900 million \$ of regional economic benefits
- ②Beneficial to both Security and economy.

**Case4) Resolving business complaints of detouring 1.2 km as left-turn traffic signal does not exist**



◇ **Content of conflict**

·Inconvenience of detouring 1.2km by more than 20 companies a left-turn traffic signal does not exist.

◇ **Mediation by ACRC**

·Acceleration/deceleration lanes and a left- turn traffic signal were established as a result of the cooperation between the local government and the police station, resolving complaints of businesses.

### **3. Analysis of Current Situation of ACRC's Mediation Capacity**

#### **(1) Legal Ground and Limitations in Operation**

The ACRC's mediation function has legal grounds such as the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission (the ACRC Act), the Enforcement Decree of the ACRC Act and the Guidelines for Complaint Handling of the ACRC.

First, the ACRC Act stipulates arbitration and mediation of conflicts involving multiple stakeholders in Article 12 (18), providing the ACRC with the authority to mediate collective complaints. And Article 45 of the Act states "In order to ensure the rapid and impartial resolution of any complaint related to many persons or having far-reaching social effects, the Ombudsman may, upon request or ex officio, initiate the mediation procedure if deemed necessary."

Under Article 47 of the Enforcement Decree of the ACRC Act, the ACRC can hold the mediation meeting for the mediation under Article 45 of the Act, and the meeting can be chaired by the ACRC Chairman or one of the ACRC's Commissioners. The ACRC can demand the complainant and employees of the concerned agency to attend the meeting for an efficient and successful mediation, and it can also

make the interested parties or persons involved in the issue testify before the mediation meeting upon request of the complainant or if deemed necessary.

Finally, the Guidelines for Complaint Handling of the ACRC provides the form of mediation certificate, requirements for mediation, and procedures necessary for mediation such as notification of mediation result and follow-up measures.

Given these provisions and regulations, it can be said that there are legal grounds necessary for the ACRC to resolve collective complaints through mediation. However, a closer look at the ACRC Act shows various limitations for the ACRC's mediation function to further develop. The below are such limitations in detail.

① Complaint Handling Practices Reduce Possibility of Mediation for Collective Complaints. It is highly likely that collective complaints are dealt with according to conventional procedures for ordinary complaints such as confirming illegality or unfairness of actions of administrative agencies and making recommendations or taking necessary steps to correct such actions because collective complaints are categorized under the concept of complaints according to Article 2 of the ACRC Act. Accordingly, many collective complaints which are not derived from illegal or unfair actions of government agencies but



in need of a peaceful resolution cannot be resolved through mediation but only can be referred to the concerned agency. It can be seen in the fact that among 361 collective complaints received by the ACRC in 2012, only 42 cases(11.6%) were resolved through mediation, and 43 cases(11.9%) out of 362 cases in 2013.

② Preemptive action is impossible without request Mediation by the ACRC is one of the ex post complaint-handling measures given that it should be carried out after a complaint was filed to the ACRC under Article 39 of the Act. Therefore, it is difficult for the ACRC to preemptively intervene in social disputes caused by large-scale public construction projects because the Commission has no ex officio authority to initiate investigation. Another problem is that the concerned agency involved in the dispute cannot request mediation.

③ More Focus on Complaint Handling System than on Mediation Given the demand for mediation for collective complaints, there is a need to develop a separate mediation management system. However, currently mediation is regarded as a supplement measure to complaint handling because there is no devoted division or department for mediation. In fact, most of investigators bear the heavy burden of carrying out complaint handling work not only for many ordinary complaints but also for collective complaints which need much time and energy.

④ No Legal Ground for the ACRC to Act as Control Tower for Management and Prevention of Collective Complaints. The ACRC is the national Ombudsman institution which is in charge of managing complaints nation-wide. Therefore, the Commission needs to thoroughly handle and resolve individual complaints while serving as the control tower of the national anti-corruption policy by managing and preventing collective complaints filed against government agencies. However, the ACRC Act stipulates how to handle and mediate only collective complaints received by the ACRC, without any legal ground for the ACRC to act as the national control tower for the mediation of collective complaints.

## **(2) Achievements and Limitations**

A total of 2,608 collective complaints had been filed to the ACRC from 2008 with the launch of the ACRC to the end of 2016, accounting for around 1% of the 279,649 complaints received by the ACRC during the same period. However, as for collective complaints, the number of collective complaints has been on the rise year by year since 2010, and from 2013, the figure has been over 300 cases. Such a rise shows the public's high expectations of the ACRC's mediation function. To meet their expectations, the ACRC has been consistently expanding mediation for collective complaints since 2011. As a result, the percentage of mediation out of the total resolution cases has been increasing since 2011, reaching 31.2% in 2016 from 6.7% in 2010.

Meanwhile, the ACRC has been accumulating expertise on mediation of collective complaints related with multiple government agencies since 2012 in collaboration with the Office for Government Policy Coordination. For example, the collaboration led to the resolution of 3 cases in 2012 including a case regarding the construction of Jeong-eup KTX station and underground roadway(filed by 73,000 citizens), and 7 cases including a case regarding the early opening of the Banghwa Daero Driveway with relocation of a military base and another case regarding the relocation of the military airbase in Sejong City.

Despite these achievements, there are some limitations in carrying out mediation such as "depending on a small number of investigators", "focused on certain areas", "centered on expertise of individual investigators rather than systematic process", "not taking advantage of expertise of the private sector", and "lack of the responsible government agency for managing and preventing collective complaints". Details of such limitations are as follows:

① A Small Number of Investigators for A Large Number of Collective Complaints. There are 9 divisions and 120 investigators at the ACRC for mediation of collective complaints. Among those investigators, only 68 investigators has experience of mediating more than one collective complaint case, and among those 68 investigators, only 1

investigator has experience of mediating more than 10 cases, 9 investigators for 5 to 10 cases, 28 investigators for 2 to 5 cases. These figures indicate that the ACRC is carrying out mediation depending on the expertise and capacity of a small number of investigators. The reason why there are a small number of experienced investigators is that investigators cannot afford to focus on mediation because of the large number of individual complaint cases to handle. This means that the ACRC needs a special division devoted to mediation to expand and develop its mediation function.

② Focus on Certain Areas among the 187 collective complaints resolved through mediation from 2008 to 2013, more than half the total cases or 96 cases are related with the traffic & road and the urban planning and water resource areas(48 cases respectively). Followings are the areas of housing and construction(26 cases), national defense and veterans services(24 cases), and industry & agro-forestry(16 cases). Meanwhile, there is no case in the areas of police, welfare & labor, and finance & taxation. Therefore, it can be said that the ACRC's mediation function is focused only on certain areas such as traffic & road, urban planning & water resource, and national defense & veterans service.



③ Dependence on Expertise of Individual Investigators Mediation process is similar to that of complaint handling process. In many cases, investigators should rely on their personal experience and expertise to mediate collective complaints from the stage of initial investigation, on-site visit, gathering opinions from stakeholders, to drafting agreement for the mediation. Under this system, it is hard to capitalize on expertise from the outside needed for mediation of some special cases. So we should search for new types of measures to respond to the increase of collective complaints such as establishing a new system to boost mediation and to borrow professional expertise from the private sector.

## **V. Future Direction and Conclusion**

### **: Measures to Enhance Ombudsman's Capacity**

The ACRC is supposed to face the challenges with fundamental changes of the current mediation system, organization, and operational practices to flexibly meet the increasing demand and needs from in and outside of the organization. Against this backdrop, the following are new ways to enhance the ACRC's capacity to respond to collective complaints devised based on the analysis of characteristics of collective complaints and the current mediation system and operational practices.

#### **1. A New Perspective to Mediation**

Currently, it is needed that the ACRC has a new type of system specialized in mediation in addition to the existing complaint handling system.

The new system should make it possible for government agencies as well as complainants to apply for the mediation so that they can use the ACRC's mediation system to resolve conflicts derived from public projects when they cannot address the issue on their own. Mediators specialized in collective complaints should also be cultivated. With these efforts, we have to forge a different system and approach for

mediation. Mediation experts from the private sector can participate in the mediation process. As for major cases which are not a collective complaint but in an urgent need of resolution with various interests at stake, preemptive response is needed with special investigation projects. Moreover, there should be comprehensive systems to prevent collective complaints from recurring by thoroughly managing those cases even after mediation.

Finally, to establish infrastructure for mediation, specialized training and certification system is needed for mediation experts. To this end, we need to benchmark training programs in other countries such as the one at the New York Peace Institute. The New York Peace Institute is a private dispute resolution institution with the financial support from the New York City government and the New York State Court which operates training programs to educate mediators and arbitrators.

## **2. Establishing a Separate Division and Enhancing Capacity for Mediation**

It takes much efforts and time to resolve a single collective complaint through mediation from many visits and meetings with stakeholders to drafting the mediation certificate. Given this complex process, it is undesirable for the complaint-handling division to be in charge of

mediation. Instead, there should be a separate division devoted to mediation in order to actively meet the demand for mediation of collective complaints and to build an advanced mediation system. In addition, there is an ongoing discussion over the enactment of the Act on Mediation of Collective Complaints (tentative) which would allow government agencies to apply for mediation and introduce special investigation projects. In line with this trend, establishing a Bureau for Mediation of Collective Complaints should be given a serious consideration, dividing the Ombudsman Bureau into two separate bureaus, one for individual complaint cases and another for mediation of collective complaints

In the long term, the Institute of Collective Complaints Mediation (tentative) can be established to mediate collective complaints and conduct comprehensive research on collective complaints. IECR of the USA and the Korea Fair Trade Mediation Agency under the Korea Fair Trade Commission can be benchmarked.

On top of that, specialized mediation system is necessary to focus on collective complaints and obtain professionalism in mediation. As can be seen in the ACRC's previous mediation cases, the most frequently filed collective complaint cases are in the areas of traffic & road, urban planning & water resource, national defense, and industry & agro-forestry. Most of those cases are involving more than 100 people and multiple government agencies. They also require a high



level of expertise and professionalism. These characteristics demand enhanced professionalism with skilled mediators and a systematic response manual by analyzing and categorizing mediation experiences and cases.

### **3. Enhancing Public Trust in the ACRC as Mediator**

It is hard to encourage mediation by establishing related systems and expand the ACRC's mediation function unless those systems and functions are used by the public and government agencies. The perceptions survey conducted by the Korean Association of Policy Studies in 2013 shows that 74% of experts are regarding Korea's mediation system for social disputes as mediocre, and they also responded that the level of ACRC's contribution to the resolution of social disputes is a mere 22%. As for the satisfaction level of ACRC's mediation for collective complaints (satisfied 13%, not satisfied 44%, mediocre 43%) and the ACRC's level of capability for mediation (low level of capability 44%, mediocre 43%, highly capable 13%) , the respondents shows negative responses overall. This shows that the public trust in the ACRC's mediation function is still at a low level although many cases have been resolve though mediation by the ACRC.

Therefore, the ACRC should regain the public trust to boost mediation. First, it should prove that the ACRC's mediation is more efficient than a lawsuit in terms of time, cost, and effect by increasing the number of successful mediation cases. Next, it needs to improve communication with various stakeholders and citizens to promote its image as an impartial mediator. Finally, the Commission should be able to provide reasonable solutions which can be accepted by all stakeholders of the case. That is, the ACRC has to show its expertise and capability for mediation. For this to happen, systematic training needs to be provided to investigators to enhance their capacity and the public-private network is needed to take advantage of expertise and professionalism of the private sector.

#### **4. Strengthening the Function to Solve Public Conflicts**

As the social costs caused by public conflicts in the Korean society reached about KRW 3 trillion, the ACRC is solving 20 to 40 complaints related to public conflicts every year. Currently, however, the ACRC is not granted to exert the ex officio investigation and administrative agencies are not granted to apply for the mediation of the ACRC. Consequently, the ACRC has no choice but to start investigation only after a complaint is filed, and, therefore, it is difficult to intervene in a conflict at the first stage, making it more difficult to solve the issue because the conflict has been intensified already.

In addition, since ACRC investigators deal with such collective complaints while addressing other civil complaints at the same time, it is difficult for them to handle such collective complaints in depth. Sometimes, if an issue is expected to take a long time to be dealt with, the investigators are reluctant to handle the issue. It is also difficult to address the public conflicts that have already become a huge social issue, due to the lack of manpower. Moreover, the laws and regulations are not adequate to handle such public conflicts. Therefore, it is necessary for the ACRC to review whether to enact a law regarding public conflicts.

# **The Importance of Conflict Resolution And Mediation : Case of S.Korea**

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# I . Overview

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“

**All the nations** have face  
Various kinds of **Conflicts**,  
Regardless of Advanced  
and Developing countries.

”

4



**No Conflict**

**No Change,  
Progress**

5

Korea has had  
a lot of Conflicts  
But... **a great job!**

6



**Extremely poorest country**



**10<sup>th</sup> Largest Economy**

7

**WHY?**

8

Managing Conflict

Resolving Conflict



**“Successful”**



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## II . Public Conflicts in Korea

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**D** ecide

**A** nnounce

**D** efense

Gov't side

11

**Not In My Back  
Yard (NIMBY)**

Public Facilities  
not popular by residents

People side

12

**P**articipate

**D**eliberative

**D**ecide

Right Direction

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# Types of Public Conflict (1991~2012)

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## 1. Issue

Types	Numbers	%
Environment	117	14.7
<b>Labor</b>	<b>200</b>	<b>25.3</b>
<b>Regional</b>	<b>180</b>	<b>22.7</b>
Class	163	20.6
Education	86	10.9
Etc	46	5.8
<b>Total</b>	<b>792</b>	<b>100</b>

Dankook Center for dispute Resolution(2014)

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## 2. Players

Types	Numbers	%	Durations
Private vs Private	211	26.6	404
<b>Private vs Public</b>	<b>524</b>	<b>66.2</b>	<b>618</b>
Public vs Public	57	7.2	711
<b>Total</b>	<b>792</b>	<b>100</b>	<b>568</b>

Dankook Center for dispute Resolution(2014)

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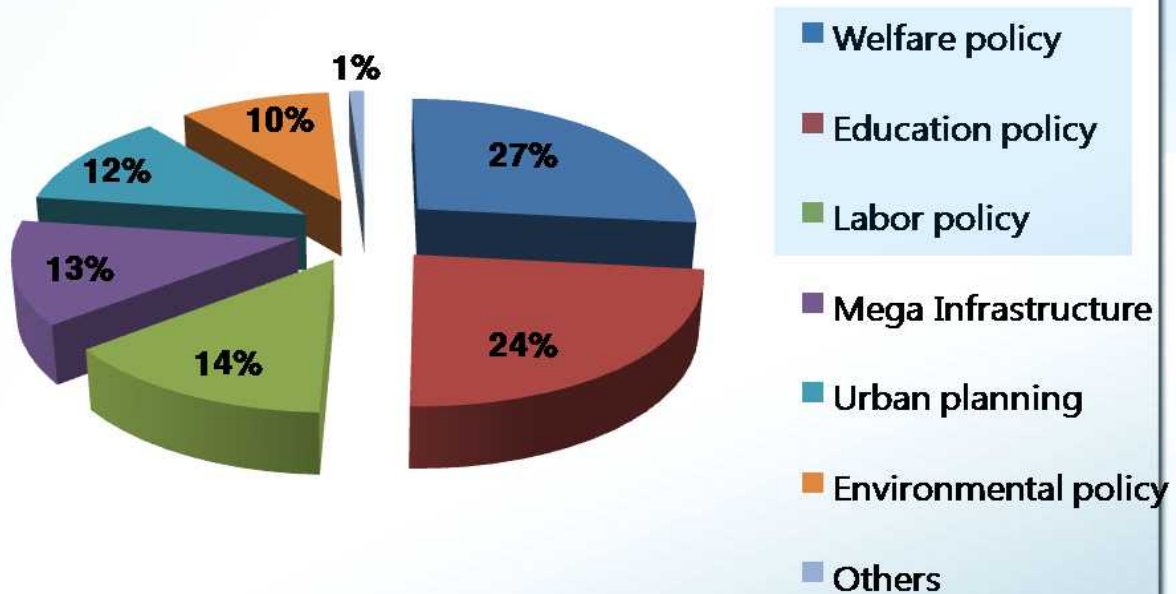
### 3. Type of Resolution

Types	Numbers	%
Negotiation	166	21.0
<b>Mediation</b>	<b>11</b>	<b>1.4</b>
<b>Arbitration</b>	<b>13</b>	<b>1.6</b>
Administrative action	177	22.4
Court Decision	68	8.6
Withdrawal	188	23.7
Etc	169	21.3
<b>Total</b>	<b>792</b>	<b>100</b>

Dankook Center for dispute Resolution(2014)

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### Policy areas of public conflicts (2013-2015)

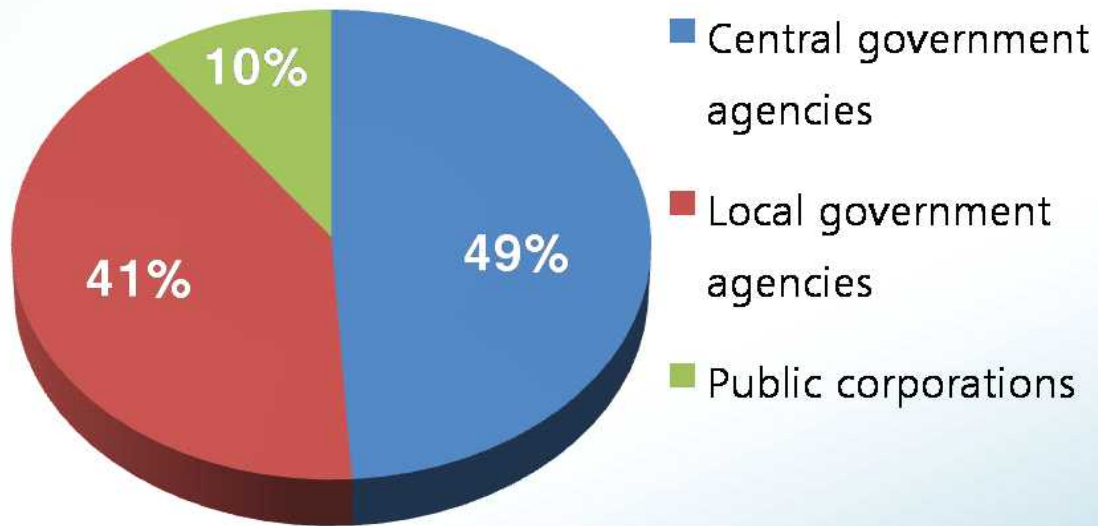


N=766(Multiple answers from 397 people who experienced public disputes for themselves)

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## Governments responsible for public conflicts



N=572(Multiple answers from 397 people who experienced public disputes for themselves)

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## III . Why Mediation Important?

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# Faster?

# Cheaper?

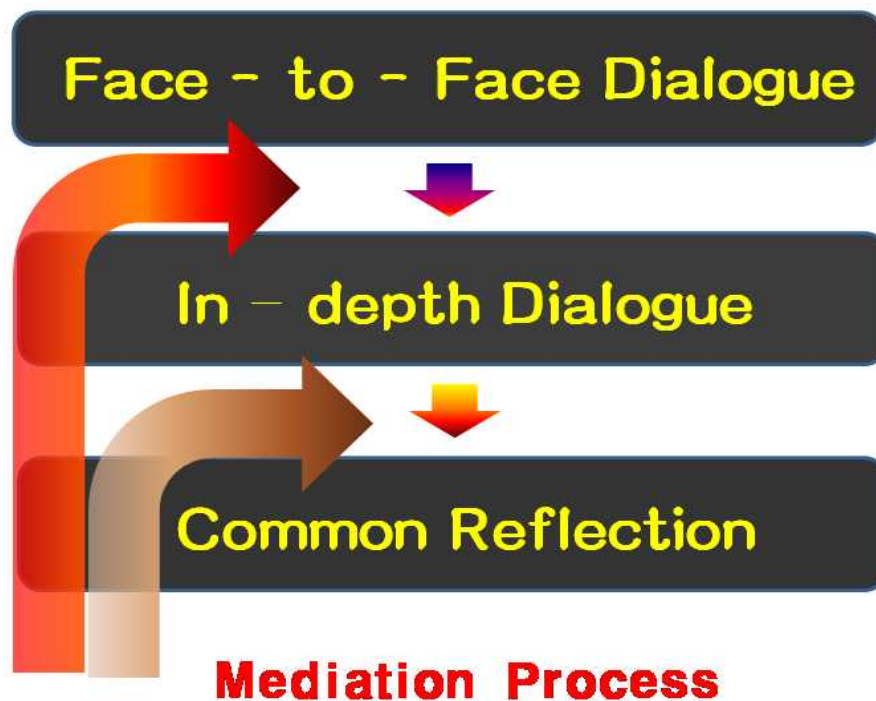
# Better?

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## Alternative Dispute Resolution (ADR)

- **ADR** : an umbrella term for a wide variety of conflict management techniques and processes used in lieu of traditional judicial and administrative dispute resolution processes such as litigation and adjudication
- These “quasi-judicial” processes have become increasingly important for government at all levels and around the world

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## ADR in the United States

- Use of ADR is authorized in all three branches of the federal government
- ADR is argued to be faster, cheaper, and better than traditional dispute resolution
- Administrative agencies can use ADR in virtually all types of disputes

Employment  
Contracting and Procurement  
Civil Enforcement

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# FMCS (Federal Mediation & Conciliation Service)

**85% out of 6,000 cases**

Q.

## Jimmy Carter's Mediation at Camp David(1978)

**Conflict in Sinai(between Egypt and Israel)  
was resolved through mediation.**

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## ADR in the EEOC

### **Equal Employment Opportunity Commission(EEOC)**

- U.S. Federal agency created in 1964 to enforce Title VII of the Civil Rights Act
- Mission is to ensure discrimination-free workplaces in the public and private sectors

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- More employees accepted the ADR option, and fewer opted for traditional process
- **ADR was highly efficient**
- ADR's resolution rates is much higher than traditional process
- ADR cases received more monetary relief than traditional cases

**ADR can be efficient for case processing and effective for case outcomes**

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## Case Processing : Average Time in Days

	2002	2003	2004	2005	2006
<b>Traditional Cases</b>	<b>418</b>	<b>541</b>	<b>469</b>	<b>411</b>	<b>367</b>
<b>ADR Cases</b>	<b>82</b>	<b>62</b>	<b>127</b>	<b>66</b>	<b>50</b>

Using Alternative Dispute Resolution to Resolve Federal Sector Employment Complaints(Nabatchi, Tina, 2013)

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## Case Outcomes

### Resolution Rates

	2000	2001	2002	2003	2004	2005	2006
<b>Traditional Cases</b>	28%	27%	30%	35%	24%	-	24%
<b>ADR Cases</b>	62%	64%	59%	42%	77%	68%	70%

Using Alternative Dispute Resolution to Resolve Federal Sector Employment Complaints(Nabatchi, Tina, 2013)

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## Case Outcomes

### Monetary Relief

	2001	2002	2003	2004	2005	2006
<b>Traditional Cases</b>	\$5,417	\$5,311	\$6,808	\$6,226	\$11,081	\$8,754
<b>ADR Cases</b>	\$9,784	\$9,030	\$7,679	\$6,617	\$15,793	\$11,358

Using Alternative Dispute Resolution to Resolve Federal Sector Employment Complaints(Nabatchi, Tina, 2013)

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## **IV. ACRC's Mediation**

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### **1. Shape of ACRC**

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## Anti Corruption & Civil Rights Commission(ACRC)

- Consists of **15 Commissioners** including  
the **Chairperson**(minister-level)  
**3 Vice-Chairpersons**,  
**3 Standing Commissioner** and  
**8 Non-Standing Commissioners**
- The **status and independence** in work of all  
commissioners are **guaranteed by the law.**

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## 2. Mediation By ACRC

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**(Purpose)** To resolve complaints **through Alternative Dispute Resolution (ADR)**

**(Status)** Massive collective complaints (involving over 100 people) is on the rise, and **many of collective complaints are handled through mediation.**

**(Mediator)** **Commissioners** of the ACRC

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## Legal basis

**(Legal basis)** Article 12, paragraph 18 of the ACRC Act

**(Application)** Civil complaints where many stakeholders are involved or with huge social effects

**(Confirmation of Mediation)**

- Stakeholders write what they agree to and sign in the mediation document. Then, the ACRC confirms the mediation.

**(Effectiveness)** Same effect as a settlement under the Civil Act

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## Shape of Ombudsman Bureau

Fact-finding & Investigation

**1 D.G**  
**1 D.D.G**  
**10 Divisions**  
**1 Special Team**



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## 3. Need for Mediation

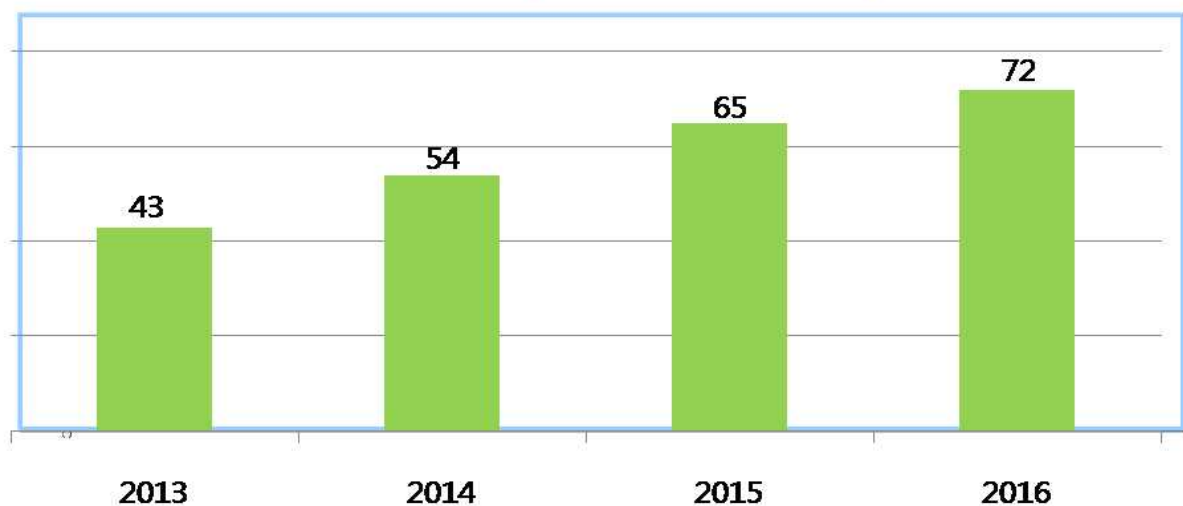
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- The **rise in the number of collective complaints** is raising social cost while unaddressed complaints are unfolding **in a form of collective complaints**.
- - **Collective complaints should be addressed and confidence in society needs to be built** by handling collective complaints
- \* Over 200 collective complaints are received by the ACRC every year. Annual social cost caused by collective complaints is estimated to reach 220 billion \$, according to Samsung Economic Research Institute(2014).

- ★ Collective complaints cannot be easily resolved because many complainants and institutions are involved.
- It is desirable to **resolve them through an alternative tool, mediation**.
- **Agencies involved cannot address them all directly. Therefore, it is needed to have third parties and mediation will save time and cost.**

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### Number of collective complaints handled through mediation



Anti-Corruption & Civil Rights Commission(2017)

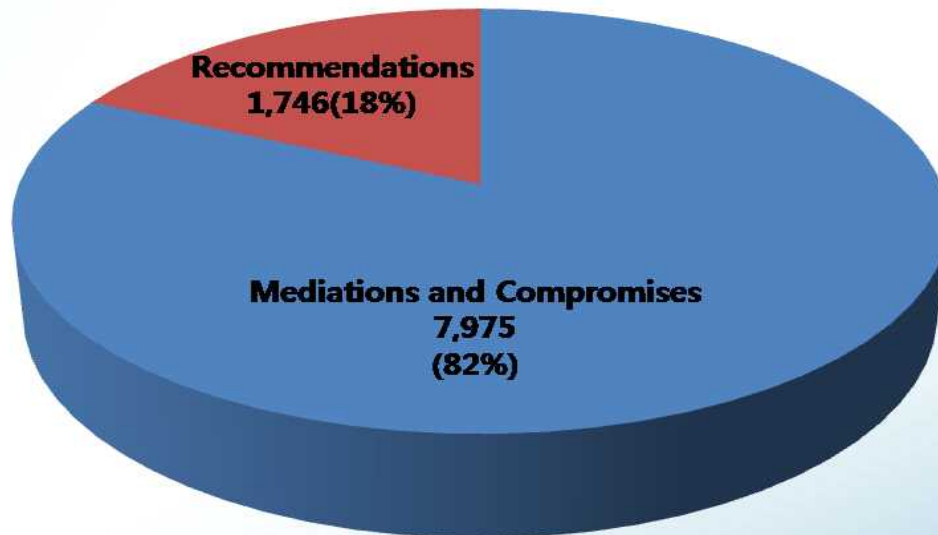
From 2013 to 2016, **234** collective complaint cases mediated.

(solved the civil complaint of **244,585** people)

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## Mediations and Compromises(2014-2016)



Anti-Corruption & Civil Rights Commission(2017)

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## 4. Cases

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## Case 1) Noise complaint due to train station



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### ◇ Content of complaint

Local residents in an apartment complex near Ga-jwa railroad station requested measures to prevent noise, as they were suffering from noise of railroad in Gyeong-eui line and trains.  
 ※ A total of 490 express trains, subways, freight trains pass Ga-jwa station a day. Noise from railroads keeps 489 residents awake at night. People suffering from nervous breakdown asked for measures to reduce the noise.

### ◇ Mediation by ACRC

- ① **Korea Rail Network Authority:** Building a 570 meter of noise absorbing wall near the apartment complex of the complainant
- ② **Seoul Metropolitan Government:** Mapping traffic noise by April 2016 and designating areas where traffic noise should be controlled. Paving the roads with less noise and taking necessary measures such as limiting the traffic for such areas.
- ③ **Korea Railroad:** Reducing the number of diesel-powered locomotive trains and their whistles
- ④ **Local government:** Supporting the implementation of mediation by regularly assessing noise level and managing traffic noise

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## Case 2) Resolving business complaints caused by delayed resort construction



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#### ◇ Content of complaint

The resort company was faced a huge amount of cost due to delayed military facilities' demolition and moving to other site.

#### ◇ Mediation by ACRC

- ① Army accepted to demolish the military facility in return for building new facility by the resort company's budget at near site.
- ② The resort company could begin construction of resort complex and it could save 300 million\$ due to delayed construction.

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### Case 3) Resolving complaints of building industrial complex in Military Reservation District



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### ◇ Content of complaint

- ①The local government tried to bring investment for building industrial complex to produce Organic Light-Emitting Diode(OLED).
- ②The Army disagreed it because of military operation and national security.

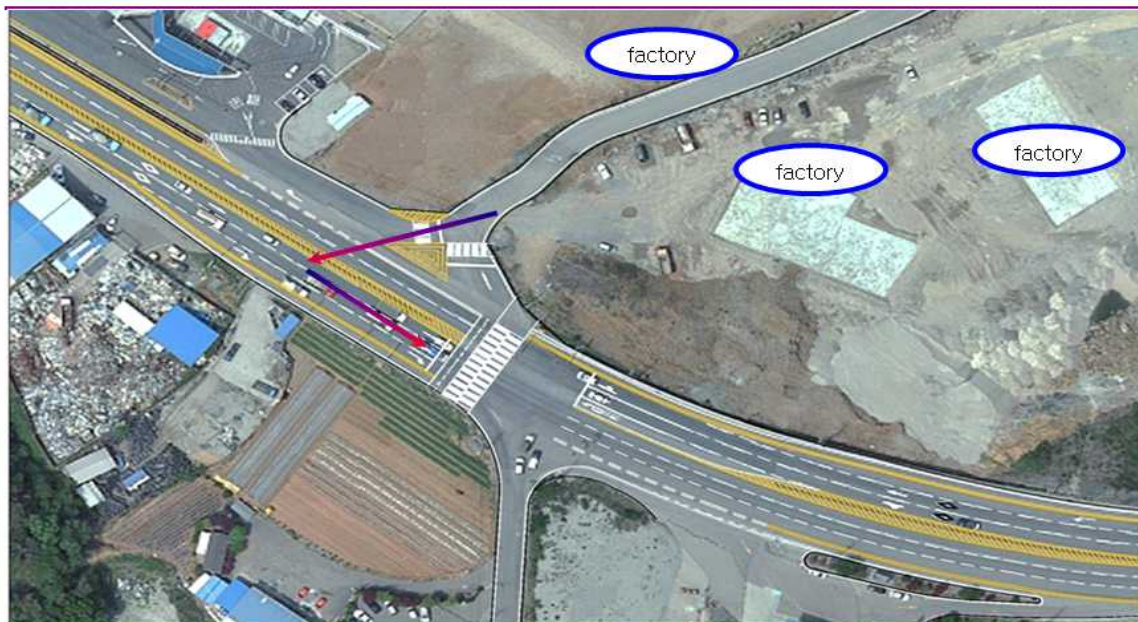
### ◇ Mediation by ACRC

Changing the original plan of the industrial complex to enable military operation

- ①Expected to create 1,200 jobs and more than 900 million \$ of regional economic benefits
- ②Beneficial to both Security and economy.

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### Case 4) Resolving business complaints of detouring 1.2 km as left-turn traffic signal does not exist



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#### ◇ Content of complaint

Inconvenience of detouring 1.2km by more than 20 companies  
a left-turn traffic signal does not exist.

#### ◇ Mediation by ACRC

Acceleration/deceleration lanes and a left- turn traffic signal  
were established as a result of the cooperation between the  
local government and the police station, resolving  
complaints of businesses.

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## V. Future Direction

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## Increasing Capacity for Mediation

- **Collaboration** for complicated cases
  - \* Collaboration with Office for Government Policy Coordination resolved 11 cases since 2012(3 in 2012, 7 in 2013, 1 in 2014)
- Expanding training for mediators, large pool of investigator experienced in mediation
  - \* Mediation training provided to complaint investigators (120persons) every year
  - \* 68 investigators with experience of mediation since 2008

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## Definition Provided

**Collaboration** means to work across boundaries and in multi - organizational arrangements to solve problems that cannot be solved or easily solved by single organizations.

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## Strengthening the Function to Solve Public Conflicts

- As the ACRC is not granted the ex officio investigation power, it is difficult to intervene in a conflict at the first stage.
- As ACRC investigators deal with many other civil complaints at the same time, it is difficult for them to handle such collective complaints in depth.
- The investigators are often reluctant to handle time-consuming issues.
- It is difficult to address the public conflicts that have already become huge social issues, due to the lack of manpower.
- Public conflict-related laws and regulations are not adequate

**It is necessary to review whether to enact a law regarding public conflicts.**

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