

LAW'S  
**FINEST**

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Issue II

June 2023

**2019**

*Mediator of the Year  
in Australia,  
Global Law  
Experts Award*



*International  
Advisory Experts  
Award, Mediation Law  
in Australia*

**2020**

**2021**

*Resolution Institute Award for Contribution  
to Dispute Resolution, Australia*

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*Feature on:*

**MS. DELCY LAGONES DE ANGLIM**

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# LAW'S FINEST

Law's Finest is an initiative developed by Maldives Moot Court Society (MMCS) that features exclusive interviews with the most prominent and accomplished legal professionals in the industry.

We aim to create a space for legal professionals to share their experiences, and insights to foster a well-informed and engaged legal community while inspiring and empowering.

Join us as we explore the diverse and fascinating world of law, one interview at a time. Let's hear from the Law's Finest and discover what it takes to become one.

*Suma Ilyas, Founder & President*

# BIOGRAPHY

MS. DELCY  
LAGONES DE ANGLIM

## Professional Experience

- Selected as one of the faces of The Singapore Convention by the Ministry of Law of Singapore for her contribution in the drafting of this important convention.
- Invited by the Ministry of Law of Singapore to the Conference and Signing ceremony of the Singapore Mediation Convention, Singapore, August 2019.
- Head of the LawAsia delegation to the UNCITRAL meetings in New York and Vienna from 2016 to 2018, contributed to the drafting of the Singapore Mediation Convention.
- Dispute Resolution Consultant to CAO, Compliance Advisor Ombudsman of the International Finance Corporation (IFC), World Bank, June 2015-present.
- International consultant to the University Alberto Hurtado, Santiago de Chile, to work on the project: Consultoría Diseño del Módulo Sistema De Resolución de Controversias (Consultancy for the design of a module for a conflict resolution system for the Chilean government initiative to establish a permanent dialogue between corporations, communities and state and public administration of big projects), 2017.
- Founder and Managing Director, Australasian Dispute Resolution Centre, ADRC, 2011-present.
- Founder and Principal Mediator, Third Party Mediation - private commercial, workplace and family law mediation practice, 1994-present.
- Legal and trade adviser, Constructora Australia (Peru), 2005-2010.
- Lawyer, private legal practice, Lima, Peru, 1988-93 and 1997-2000.
- Principal Lecturer in Conciliation, Lima Bar Association and International Centre for Conflict Resolution, Lima, Peru: devised curriculum, wrote text and delivered course to the first cohort of conciliation trainers and practitioners, 1999-2000.
- Legal Adviser, Special Commission to Reform the Conciliation Law, Ministry of Justice, Peru, 1999-2000.
- District Electoral Supervisor, UNV, United Nations (UNTAC), Cambodia, 1992-1993.
- Chief of Legal Department, Sociedad Agrícola de Interés Social, Pachacutec, Lima, Peru, 1988-1990.
- Portfolio Manager, Export-Import Department Abastecimientos Internacionales S.A., Lima, Peru, 1983-1988.

## Education

- Bachelor of Law with Honours (International Trade Law Contracts), Universidad Nacional Federico Villarreal, Lima, Peru, 1988.
- Admission to practise as Barrister and Solicitor (examination: International Arbitration Case Study), Universidad Nacional Federico Villarreal, Lima, Peru, 1988.
- International Arbitration postgraduate course, Universidad de Lima, Peru, 1989.

- Application of Information Technology to the Development of Small and Medium Enterprises, International Labor Organization, Turin, Italy, 1990 (postgraduate course) - ILO Scholarship.
- Development Lawyers Postgraduate Course, International Development Law Organization (IDLO), Rome, Italy, 1991 - USAID Scholarship.
- Accredited Mediation Training, Conflict Resolution Centre, Canberra, Australia, 1994.
- International Contracts, PIDA Training, ICC, Paris, 2010.

### **Presentations and Workshops - Selection**

- Speaker, Business Mediation Summit, World Chambers of Commerce, Valladolid, Spain, May 2023.
- Speaker, APCAM Summit, New Delhi, India, May 2023.
- Presenter III UNMAP Conference, UN Global Compact, Sustainable Development Goals, Ambition Guide, October 2021.
- Presenter, APCAM webinar series, Cultural complexities in cross border Commercial mediation, April 2021.
- Presenter International Forum of Russian Mediators, Mediator's neutrality, lessons and new challenges, January 2021.
- Guest Lecturer, Jagran Lakecity University, School of Law, Centre for International Commercial Arbitration and ADR, September 2020.
- Lecturer, Faculty of Law, Dispute Resolution Master studies, Universidad Alberto Hurtado, Santiago de Chile, Chile, since 2018.
- Guest Speaker, UNCITRAL Convention and Model Law for the Enforcement of Settlement Agreements Coming Out of Mediation, UNCITRAL Coordination Committee in Australia, University of Canberra, 25 May 2018.
- Presenter, Advanced Mediation Training, Santiago de Chile, 27-29 October 2017.
- International Speaker, Gobernanza y rol de terceros en los conflictos socio-ambientales (Governance and the role of third parties in socio-environmental conflicts), High Court of Chile, Santiago de Chile, 26 October 2017.
- Head of the Law Asia Delegation to UNCITRAL meetings in New York, 6-9 February 2017, Vienna, 9-13 October 2017 and New York 6-10 February 2018.
- Chair and speaker, Developing and implementing an international conciliation convention, Third Annual UNCITRAL Seminar, Canberra, 19 May 2017.
- Speaker, ADR and negotiation for lawyers, ACT Law Society Annual Professional Development Program, Canberra, 14 February 2017.
- Trainer, Vietnam Bar Federation, Mediation techniques in Commercial Mediation, Hanoi, Dong Nai, Hai Phong, Binh Duong, October 2016.

### **Publications - Selection**

- The Singapore Convention and its importance in International Trade, CAM, Chamber of Commerce Santiago, Chile, September 2022.
- Submission to the Australian Government to sign and ratify the Singapore Convention on Mediation, January 2021.
- The signing of the Singapore Convention, UNCCA, UNCITRAL Coordination Committee in Australia, Sydney, 2019.
- Manual de Mediación (Mediation Manual), ADRC, Canberra, 2017.
- “Enforcement of international commercial settlement agreements resulting from conciliation”, Australian Dispute Centre Bulletin, 2017.
- “Is Over-Regulation Killing Arbitration and Will it Kill Mediation?” Ch. 13 of Trade Development Through Harmonization of Commercial Law, Ramaswamy, M. and Ribeiro, J. (eds), UNCITRAL, 2015.
- Deal Facilitation: a better deal for business, Proceedings of the India International ADR Association First Annual International ADR Conference, Kochi, India, 16-18 May 2013.
- Mediación y Conciliación: Manual del Proceso y Técnicas (Mediation and Conciliation: Process and Technique Manual), Canberra, 2006.
- Casos y Materiales sobre Mediación y Conciliación (Cases and Materials Concerning Mediation and Conciliation), with Pinkas Flint, Centro Internacional de Resolución de Conflictos, Lima, 1999.
- Conciliación: Proceso y Técnicas (Conciliation: Process and Techniques), Lima, 1997.
- “International contracts for Goods, FOB, C&F and CIF”, Honours Thesis, Universidad Nacional Federico Villarreal, Peru, 1988.

### **Accreditations**

- Appointed as a Mediator with the UN Global Panel of Mediators, September 2020.
- Certified Mediator, International Mediation Institute (IMI), The Hague, Netherlands.
- Appointed as International Mediator by the Asia Pacific Centre for Arbitration and Mediation, APCAM, August 2020.
- Appointed as Alternative Dispute Resolution Provider, Australian Small Business and Family Enterprise Ombudsman, April 2018.
- Australian Nationally Accredited Mediator.
- Advanced Mediator and Fellow with the Resolution Institute, Sydney, Australia.
- International Accredited Mediator, India International ADR Association.
- International Mediator, Australian Disputes Centre, Sydney, Australia.
- International Mediator, Mainland-Hong Kong Joint Mediation Center.

- Accredited Family Dispute Resolution Practitioner, Australian Attorney-General's Department.
- Accredited Mediator, Arts Law Centre, Sydney.
- Accredited Conciliator, Ministry of Justice, Peru.
- International Mediator, Japan International Mediation Centre, Kyoto.

## **Memberships**

- Founding Director of the Asia Pacific Centre for Arbitration and Mediation APCAM.
- Founding Director and Fellow, UNCCA (the UNCITRAL Coordination Committee in Australia).
- Foundation Convenor, ADR Committee of ICC Australia (ICCA).
- Fellow, Resolution Institute, Australia.
- Member, Law Society of the Australian Capital Territory, Australia.
- Member, Colegio de Abogados de Lima (Lima Bar Association).
- Past-Foundation President, National Conciliation Centres of Peru.
- Past-Foundation President, Mediation Commission of the Lima Bar Association.
- Member, Conciliation Commission of the Lima Bar Association.

## **Awards**

- Resolution Institute Award for Contribution to Dispute Resolution, Australia 2021.
- International Advisory Experts Award, Mediation Law in Australia, 2020.
- Mediator of the Year in Australia, Global Law Experts Award, 2019.
- Inaugural Award, Best International Mediator, Australian Disputes Centre, Sydney, Australia, August 2016.
- Global Law Awards, Best Australian Mediator, London, July 2016.
- Best Australian Practitioner Award for Significant Contribution to Dispute Resolution and Commitment to Excellence in the Practice of Dispute Resolution, LEADR (now Resolution Institute), Sydney, October 2014.

## **Languages**

- Fluent in English, Spanish, and French
- Competent in Italian
- Basic Khmer, Portuguese and Quechua

# INTERVIEW

## **How did you become involved in the drafting of the Singapore Convention on Mediation, and what was your role in its development?**

I was appointed as Head of Delegation of LawAsia. As such, I attended meetings at the United Nations headquarters in New York and Vienna twice a year until the Convention was finalized in 2018.

I contributed to the negotiation and drafting of the entire Convention as one of the few full-time experienced mediators. However, the most important role I played was conducting negotiations with the government delegations.

## **Could you discuss the significance of the Singapore Convention on Mediation and its impact on international trade? How do you foresee its implementation influencing the resolution of cross-border commercial disputes?**

Establishing commercial relationships can be a lengthy and difficult process, so preserving these relationships is vital because they are fundamental to successful international trade.

The benefit of mediation is the ability to resolve disputes amicably and cost-efficiently, allowing for the preservation and repair of commercial relationships. Mediation offers significant advantages over traditional dispute resolution methods thanks to mediation's inherent confidentiality, party autonomy, and most importantly, the parties' ability to independently decide the content of the settlement agreement.

Traditionally, international commercial disputes have been resolved via arbitration or lengthy court processes. These processes slow or even halt business operations, may damage the image of companies, and adversely affect share prices, among other things.

The Singapore Convention offers peace of mind to the users of mediation in international trade that, in the event of non-compliance, an international mediated settlement agreement is enforceable in the court of a signatory country.

Just like the New York Convention for International Arbitration, the creation of the Singapore Convention will encourage the use of mediation globally due to increased visibility and enforceability.

There are 56 signatory countries, including major economies such as the USA, China, India, Australia and the United Arab Emirates, with this number increasing steadily. Eleven countries have also ratified it. As more countries sign and ratify the convention, more businesses will choose mediation as their preferred dispute resolution process.

*"The Singapore Convention offers peace of mind to the users of mediation in international trade"*

**Could you share some insights into your work as a founder and Managing Director of Australasian Dispute Resolution Centre (ADRC)? What inspired you to establish ADRC?**

The Australasian Dispute Resolution Centre was founded in 2014 with the aim to promote the use of ADR in general and mediation in particular. I created the Centre in response to the need to promote and educate the legal profession in ADR in the Asia Pacific region. Since then, we have conducted conferences, workshops and training courses in Vietnam, India, Hong Kong, Cambodia and Australia. We have also been fortunate to work on ADR projects in Chile and Peru.

ADRC became a Qualified Assessment Program with the International Mediation Institute based in the Hague in 2018. We have since provided International Certification to many mediators in the region.

We are convinced that through early education in Law Faculties, we will be preparing a new cohort of lawyers who will advise their clients on the use of mediation as a preferred option for settling disputes.

I currently teach at three universities across the Asia-Pacific region and Latin America.

*"We are convinced that through early education in Law Faculties, we will be preparing a new cohort of lawyers who will advise their clients on the use of mediation"*

**Can you provide an overview of your experience as the head of the LawAsia delegation to the UNCITRAL meetings in New York and Vienna? What were some of the outcomes or milestones during your tenure?**

It was an amazing experience to be part of the drafting and negotiation of such a historic convention. As the Head of Delegation, I actively participated in the negotiations between the representatives of different governments.

Definitions are important in such conventions and I saw it as my responsibility to advocate the adoption of "mediation" rather than "conciliation", while also addressing lingering confusion as to the difference between arbitration and mediation. As a result, we adopted the word "mediation" for the Convention and the Model Law.

I played an active role in the successful negotiation of Article 5 during the now famous "Blizzard Day" in New York, when we didn't let the mandatory shutdown of the UN prevent us from continuing our negotiations, which had, until this point, proven unnegotiable.

This was, for me, a fascinating meeting. Unconstrained by the formalities of the plenary meetings and protected by Chatham House Rules, participants were able to clarify issues they would encounter in their home jurisdictions, and the group worked through potential solutions that retained the spirit and intent of the convention by "massaging" the words. It was an encouraging example of international



cooperation and demonstrated participants' commitment to a successful outcome, much like a good mediation.

**In your role as a Principal Lecturer in Conciliation, what motivated you to devise a curriculum, write a text, and deliver a course to the first cohort of conciliation trainers and practitioners in Lima, Peru?**

When I returned to Peru in 1997, I realized that there was an opportunity to develop ADR in Peru. Arbitration was already used for the resolution of commercial disputes, but mediation and conciliation were not. I worked with the Lima Bar Association and conducted the first conciliation training course.

There was also an absence of conciliation texts, so I decided to write the First Conciliation Manual. This book, now in its third edition, is currently used as a course text at the University Alberto Hurtado in Santiago de Chile and other educational institutions.

**Could you discuss your experience as a District Electoral Supervisor with the United Nations Transitional Authority in Cambodia (UNTAC) and how it shaped your perspective on conflict resolution and governance?**

Working with UNTAC in Cambodia in 1992 was a formative experience and certainly one that shaped my view of conflict resolution, governance, and life in general.

It was a very challenging job, arriving in a devastated and destroyed country, where we had to rebuild all institutions and organize the elections.

My job went beyond that of an Electoral Supervisor and I found myself managing the district at all levels. I learned to find solutions to daily challenges, from land mines to lack of water, resolving all types of disputes. Working alongside displaced people, many still suffering the pain of witnessing a genocide, was an emotionally taxing but rewarding process, as I knew we were making a true difference to the lives of many.

*"Working alongside displaced people, many still suffering the pain of witnessing a genocide was an emotionally taxing but rewarding process"*

**What are some of the key takeaways from your experience as a speaker, presenter and guest lecturer at various international conferences and institutions worldwide?**

I just returned from Valladolid, Spain, where the 1st Business Mediation Summit was organized in the last week of May. I was pleasantly surprised that the chambers of commerce were behind this event. Business people, the actual users of commercial mediation, were present and asking for more promotion and education in the mediation field. It is clear to me that there is a renewed desire and commitment to use mediation globally, and business people are clamoring the loudest.

**What led you to become involved in dispute resolution and ADR at an international level, and how do you envision the future of these fields?**

I entered the ADR field almost by accident. When I trained as a mediator in Australia in 1994, there were not many lawyers working in this area. I started my mediation career conducting small commercial mediations, gradually becoming involved in bigger cases, which didn't happen overnight. It was difficult and challenging working as a lawyer-turned-mediator, pioneering mediation as the optimal dispute resolution method. Finally, I was appointed to do an international case and the rest, as we say, is history!

I believe the future of mediation is very bright. The Singapore Convention on Mediation has recognized the importance of mediation and its use for international commercial disputes, lending it more credibility.

In order to create an even stronger future for mediation, we need to ensure that priority is placed on establishing a trustworthy and rigorous global framework of foundational training for the official accreditation of mediators. This will ensure credibility for mediation as a whole.

**With your extensive experience and expertise in the field of dispute resolution, what advice would you give to aspiring lawyers or professionals interested in pursuing a career in this area?**

I would certainly encourage them to pursue a career in alternative dispute resolution, but I would also warn them that it is not an easy path.

Quality training in mediation will be required to enter this rewarding field. But such training is important not just for the mediators themselves. Clients participating in mediation will still need skilled guidance and legal counsel, and lawyers who have trained as mediation counsel will be best placed to offer those services. This aspect of mediation, largely overlooked to date, will be increasingly important, and all lawyers will benefit from such training.

Mediation, like other forms of ADR and legal practice, is a combination of art and science, so I would also advise any aspiring mediation practitioner to find a mentor who will guide them.

*"Mediation, like other forms of ADR and legal practice, is a combination of art and science"*

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