

RECOMMENDED GOOD PRACTICES FOR THE CONDUCT OF MEDIATION PROCEEDINGS UNDER THE AIAC MEDIATION RULES 2026

INTRODUCTION

These are recommended guidelines for mediators appointed under the AIAC Mediation Rules 2026 (“Rules”) for the proper and efficient conduct of the mediation process, save where the recommendations concern procedural requirements specifically set out under the Rules.

These guidelines are not treated to be as exhaustive, mandatory, or otherwise binding between the AIAC, the President of the AIAC Court of Arbitration and the mediator *inter se*. The AIAC and/or the President of the AIAC Court of Arbitration shall not be liable for any reliance placed on these guidelines whether through any act and/or omission of any party or the mediator.

CONDUCT OF MEDIATION PROCEEDINGS

Mediations under the auspices of the AIAC are private and confidential and the mediators shall be and remain at all times independent and impartial – see Rules 16 and 5 of the Rules respectively. The conduct of the mediation is set out in Rule 7 of the Rules.

No.	Item	✓
<i>Conflict check / Acceptance and confirmation of appointment</i>		
1.	Conduct a conflict check upon being nominated as a mediator	
2.	Confirm availability and competence to serve as mediator in the proposed mediation within the timelines stipulated by the AIAC	
3.	Set out any disclosures to the Declaration in the Letter of Acceptance	
4.	Disclose to the parties any circumstances that may give rise to any justifiable doubts as to the mediator’s impartiality or independence as they arise, from the time of appointment and throughout the mediation proceedings ¹	
5.	Initiate correspondence with the parties to discuss proposed terms of appointment, including any additional fees, and procedural timetable to govern the conduct of mediation proceedings	
6.	Confirm the collection of deposits with the AIAC before commencing the proceedings ²	

¹ AIAC Mediation Rules 2026, Rule 5.3

² AIAC Mediation Rules 2026, Rule 15

<i>Procedure and timetable³</i>	
7.	Consult the parties to establish the procedure of the mediation proceedings, propose a timetable and guide the parties in other necessary procedures
8.	Ensure that communications between the parties or the representatives and mediator are conducted in-person, in writing, by teleconference or other electronic means
<i>Mediation proceedings</i>	
9.	Consider utilising any technological means upon consultation with the parties, including to communicate with the parties and to hold meetings remotely ⁴
10.	Keep information received from a party confidential, unless that party indicates that the information is not subject to confidentiality, or expresses its consent to the disclosure of such information to the other party ⁵
<i>Communications with AIAC</i>	
11.	Ensure that correct subject line is used in all email and physical correspondence
12.	President of the AIAC Court of Arbitration, AIAC Registrar, AIAC Case Counsel and AIAC Mediation to be copied to all correspondence
13.	Confirm the collection of all remaining deposits with the AIAC
<i>Settlement in the mediation</i>	
14.	In the event of a settlement, ensure that the parties prepare and sign a written settlement agreement and the mediator provide a copy of such agreement to the AIAC ⁶
15.	Mediator may sign the settlement agreement as witness or provide other evidence that the agreement resulted from mediation, unless otherwise agreed to by the parties ⁷
<i>Termination of the mediation</i>	
16.	Inform the AIAC promptly of the termination of the mediation ⁸
17.	Mediation may be terminated by ⁹ : <ul style="list-style-type: none"> • a written settlement agreement between the parties; • a declaration of the mediator to the parties to the effect that further efforts of mediation are unlikely to lead to the resolution of dispute, or on account of conduct of the parties which the mediator determines

³ AIAC Mediation Rules 2026, Rule 9

⁴ AIAC Mediation Rules 2026, Rule 7.1

⁵ AIAC Mediation Rules 2026, Rule 7.2

⁶ AIAC Mediation Rules 2026, Rule 12.1

⁷ AIAC Mediation Rules 2026, Rule 12.2

⁸ AIAC Mediation Rules 2026, Rule 13.2

⁹ AIAC Mediation Rules 2026, Rule 13.1

	based on his discretion, warrants steps to terminate the mediation; or	
	<ul style="list-style-type: none">• a written request from a party to the mediator that the mediation shall be terminated	