

Nonprofit brings a global approach to solving problems

By Sean Kagan
Daily Journal Staff Writer

While mediating a \$14 billion transfer of funds to Muslims, Croats, and Serbs, former U.S. envoy to Bosnia Daniel Weinstein came up with the idea of a program to foster global mediation.

"I was running into lots of obstacles and troubles and that got me to this magistrate who had been settling cases for years, who had an office behind a church in Sarajevo," Weinstein said in an interview. "He just sat me down and said, 'You have been going about this the wrong way,' and had some good lessons about the differences in people and gave me all of the lessons to learn how to mediate."

Weinstein, a former San Francisco judge and JAMS founder, recently launched the Weinstein International Foundation, a non-profit organization dedicated to making mediation available globally. The retired judge has committed \$1 million of his own money as start-up funding for the foundation.

The foundation works through a global network of professionals trained in alternative dispute resolution with the "cultural understanding and local knowledge necessary to promote the resolution of conflict through mediation and other dispute resolution practices," according to the San Francisco nonprofit's website. The foundation provides the Weinstein JAMS Fellowship Program's over 100 fellows from 70 countries with further resources to promote mediation and dispute resolution globally.

The judge said he originally received around 300 applications and had to select just 10 candidates.

"We have to boil it down to 20 interviews across all corners of the world," said Weinstein. Weinstein



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JAMS founder Daniel Weinstein

noted a specific effort in Rwanda, where two of the foundation's fellows, along with the country's chief justice, made mediation the first step in the post-genocide judicial system. Describing another example, Weinstein pointed to a fellow who mediates with Sudanese tribes under the auspices of the UN. Along with founding the organization, Weinstein has since been busy documenting firsthand the work of the global mediator network.

"My wife and I started making a documentary on some of the most successful fellows in their countries," Weinstein said. "We have been to 20 countries filming them."

The judge noted a trip to Rwanda, where he met with fellows who were initiating processes in villages torn between the Hutus and Tutsis. In a trip to Bhutan, the judge met with a judge. "He is inspired by bringing more mediation back to these villages and mountain towns with support of the king of Bhutan and legal system," said Weinstein. He acknowledged not all fellows have been successful in their mediation efforts.

"In Kabul, the war has disrupted

things," he said. "Not everyone has been an instant success." "As bad as we see things going on, [including] the rise of nationalism, there are good folks out there trying to bring a better world, people working in health and education," said Weinstein.

One example is senior fellow Ximena Bustamante, a mediator in Ecuador and founding partner of PACTUM Dispute Resolution Consulting.

"I have every confidence that the foundation and its efforts to make mediation more internationally accepted and available can go a long way toward encouraging negotiated and peace-keeping resolutions to many difficult regional and cross-border issues," Bustamante said in a statement.

The foundation's board members underscored the importance of alternative dispute resolution and mediation in addressing trans-boundary challenges. Board member David Carden, a former U.S. Ambassador to the Association of South East Asian Nations, said in a statement, "Inadequate justice systems undermine emerging institutions and

create political security risks that impede countries from working together to manage armed conflict, climate change, human migration and pandemic risks."

Carden said the foundation approaches these "systemic and existential challenges" by providing trained mediators who "possess the cultural context to help work through them." Former JAMS chairman and board member Bruce A. Edwards noted the impact ADR has had on the legal profession. "Our profession will ultimately be measured by our ability to provide access to justice, including all forms of 'appropriate dispute resolution,' not only in the U.S. but worldwide," he said.

Weinstein added, "The board of the new foundation is really the dream team of mediation." Other board members include former 7th U.S. Circuit Court of Appeals Judge Ann Claire Williams, JAMS Foundation founder Jay Welsh; the managing director of the Straus Institute for Dispute Resolution at Pepperdine Law, Sukhsimranjit Singh; and ADR Center, Italy CEO Leonardo D'Urso.

Asked why he pursued a career in mediation, Weinstein said that, along with two other JAMS founders, he left the bench to find a more direct way to solve problems.

"We all enjoyed our careers on the bench and think that having a vibrant judicial system is key," he said. "But what drew me is that I could be doing full-time resolutions, making people happy and satisfied as opposed to the court, which is adjudicating matters as fairly as you can."

"Mediation is not done with power," Weinstein added. "It is done by engaging people and finding out what the problems are and directing them to a resolution as opposed to using your power as leverage to get them there."