

Court-Annexed Mediation in Korea

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Abstract

Alternate dispute resolution in Korea is a relatively new concept, although we see an emerging interest in it. In particular, mediation in Korea is mainly practiced by courts and administrative bodies. This article will discuss the current state of court-annexed mediation in Korea on the basis of the relevant rules and certain statistics.

I. Introduction

Alternative dispute resolution is relatively novel in Korea and yet to be properly understood and practiced there. The principal forms of alternative dispute resolution practiced in Korea are arbitration and mediation.¹ One of the peculiar natures of Korean alternative dispute resolution may be that it is mainly practiced under the auspices of either courts or governments.² For example,

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¹ This statement is based on the point that arbitration is a part of alternative dispute resolution.

² Almost all the Government Ministries have their own system of mediation for disputes in their competent jurisdiction. For example, copyright dispute conciliation is provided by the Copyright Commission under the Ministry of Culture, Sports and Tourism to effectively settle disputes regarding those rights protected under the Copyright Law. Environmental dispute conciliation is provided by the National Environmental Dispute Resolution Commission under the Ministry of Environment. Labour dispute mediation is provided by the Labor Relations Commission under the Ministry of Labor to mediate disputes arising out of the employment relationship.