Realistic Dilemmas and Relief Strategies of People's Mediation in Multi-ethnic Regions under the Background of Litigation Source Governance - Based on an Investigation of Region X

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Abstract

People's mediation, as a dispute resolution system with Chinese characteristics, plays an irreplaceable role in grassroots social governance. In recent years, people's mediation in multi-ethnic Region X has worked actively to prevent and settle traditional civil disputes. Meanwhile, it has proactively adapted to evolving circumstances. Remarkable progress has been made in expanding the scope of mediation and innovating mediation models. At the same time, however, people's mediation in Region X faces no small number of problems and dilemmas that seriously constrain its inherent functions. Based on field investigation into people's mediation in multi-ethnic Region X, this paper pinpoints a number of practical dilemmas. Awareness of the value of people's mediation is inadequate. The mediator team suffers from instability and inconsistent professional capacity. Besides, the judicial confirmation system for mediation agreements requires further refinement. On this basis, it proposes feasible pathways to relieve these dilemmas, with the rule-of-law governance of society in multi-ethnic regions.

Keywords

Multi-ethnic regions, People's mediation, Dilemmas, Relief strategies



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Introduction

Endowed with profound cultural connotations and a solid legal foundation, the system of people's mediation enjoys the reputation of an "Eastern Experience" in the international community. Yet, with the transformation of the social structure and the shift in litigation concepts, the role of people's mediation in dispute resolution and grassroots governance has noticeably weakened. To modernize the national governance system and

governance capacity, in the new era, against the backdrop of the Party and the government's call for maintaining social stability, people's mediation has been assigned new tasks.

On October 12, 2023, the Supreme People's Court and the Ministry of Justice jointly issued opinions on fully giving play to the foundational role of People's Mediation and promoting litigation source governance. The document notes that people's mediation should be fully utilized to prevent and resolve conflicts and disputes [1]. It also calls for further progress in litigation source governance to curb the rise of litigation from the source. This points to the way for strengthening and improving people's mediation in the new era, innovating its philosophy, and building a comprehensive framework for it.

The People' Mediation Law of the People' Republic of China took effect in 2011 (hereinafter the People' Mediation Law). It stipulates that people's mediation refers to a highly autonomous mass activity in which, when conflicts and disputes emerge in grassroots society, people's mediation committees at all levels step in to ascertain the circumstances of a case. On the basis of equality and voluntariness between the disputing parties, guide and educate the parties through persuasion, admonition, and counseling. Such work shall comply with current Chinese laws and regulations, moral norms, and public order and good morals, so as to bring the parties to mutual understanding, resolve the conflict, and reach an agreement.

In light of the relevant legal provisions and the practice of people's mediation, its connotation comprises four aspects. First, in terms of the subject of mediation, people's mediation is organized by people's mediation committees, and specific disputes are handled by the mediators of those committees. Second, in terms of content, the scope of people's mediation is limited to popular civil disputes - disputes concerning personal and property matters arising between natural persons in specific relationships such as spouses, family members, and neighbors. Compared with ordinary civil disputes, popular disputes exhibit marked particularities in their subjects and content, which lays a solid foundation for the function of mediation.

Third, in terms of method, people's mediation relies on persuasion and counseling, combining law, reason, and emotion on the basis of the parties' equality and voluntariness to bring them to a settlement agreement. This is precisely the principal distinction between people's mediation and litigation: Litigation is grounded in the basic structure of "confrontation-adjudication", ascertains the facts of the case, and renders judgment on right and wrong mainly on the basis of legal norms. Fourth, in terms of function, compared with litigation and arbitration, people's mediation plays an important role in defusing social conflicts, maintaining social stability, promoting ethnic unity, and popularizing legal knowledge.

The current state of people's mediation in Region X

To understand the current state of people's mediation in multi-ethnic regions and uncover the realistic dilemmas it faces, the author made several field trips to the multi-ethnic Region X. Through on-site investigation and interviews, the author examined people's mediation at the municipal, county (district), township (town), and village levels, visiting representative grassroots townships. The main research subjects included municipal and county bureaus of justice, township judicial offices, leaders in charge of people's mediation, members of villagers' committees, members of people's mediation committees, and disputing parties [2]. Based on the collected materials, interview records, and specific cases, the following analyzes the current state, the dilemmas, and their causes.

Organizational development: The structure of people's mediation organizations

The organization of people's mediation in Region X

exhibits a structure that is vertically layered and horizontally segmented. Vertically, it consists of three tiers - county (district), township (subdistrict), and village (community). Up to now, this region has set up 13,936 people's mediation committees. It has also built supporting mediation bodies of different types. These include 571 industrial and professional mediation organizations, 329 mediation organizations in enterprises and public institutions, 453 mediation stations in public security organs, 139 mediation stations in people's courts, and 407 lawyer mediation rooms. It has basically realized the requirements of the "four implementations" and "six unifications".

The "four implementations" refer to the implementation of organizations, rules, workplaces and funding. The "six unifications" means the unification of emblems, signboards, seals, procedures, rules and archives. The fields cover include marriage and family disputes, medical disputes, road traffic, labor disputes, e-commerce, financial consumption, and environmental pollution. People's mediation committees have been established from the municipal level down to villages. The county-level bureau of justice itself does not set up a people's mediation committee, though mediation work is still the responsibility of its staff. Rather than directly engaging in mediation, the county bureau guides the operation of township (subdistrict) mediation. Every township (subdistrict) and village (community) has its own people's mediation committee, achieving full coverage. Village (community) mediation committees directly participate in resolving conflicts and escalate irreconcilable disputes to the township (subdistrict) committee [3].

Townships (subdistricts) mainly handle cases that villages cannot resolve. Horizontally, each village (community) screens and defuses conflicts within its jurisdiction. When a dispute cannot be mediated, it is reported to the township (subdistrict) committee, and the local police station, relevant industry organizations, and the people's court all receive information about the dispute. Thus, horizontally, when a village (community) dispute cannot be resolved, a broad pattern emerges in which the police station, relevant industry organizations, and the people's court participate in mediation.

At present, the region has built a grassroots mediation network centered on township (community) judicial offices. It's supported by industrial or professional and community (village) mediation organizations. Thus, it formed a pattern of information sharing, resource sharing, vertical coordination, and complementary strengths that enables mediators to keep abreast of disputes and resolve them at the grassroots.

Workforce development: Building the people's mediator team

The mediator workforce in Region X has become more professional, specialized, and standardized. The region has 70,143 people's mediators in total, comprising 10,267 full-time mediators and 59,876 part-time mediators. Full-time mediators are hired through government procurement under fixed-term contracts. Part-time mediators at the village and township levels are drawn from government personnel such as villagers' committee members and judicial office staff [4]. The region has continuously implemented the Opinions on Strengthening the Building of the People's Mediator Workforce. In recent years, township (subdistrict) mediation committees generally require recruits to have at least a high school education. Mediators on industrial and professional committees should generally hold a junior college degree or above and possess relevant industry expertise or work experience.

Meanwhile, this region adopts a model combining full-time and part-time mediators. It actively develops the team of part-time mediators and, at the same time, vigorously strengthens its full-time mediator workforce. These efforts continuously optimize the team structure and improve the standardization and rule-of-law orientation of mediators. Full-time and part-time mediators together form the region's mediation corps,

actively screening conflicts and resolving them at the grassroots. Part-time mediators serve as the "foundation", while full-time mediators play the key role [5]. In their work, mediators in Region X combine the traditional "litigation-free" culture with the spirit of the modern rule of law, fully bringing the function of people's mediation into play.

Institutional development: The rule-based framework of people's mediation

To ensure the smooth conduct of people's mediation, Region X has continuously refined its mechanisms and built a systematic institutional framework. In defusing conflicts, the region practices the "Fengqiao Experience" of the new era. It actively explores new models of dispute resolution, and advances the systems of "one community, one legal advisor", "one village, one legal-literacy envoy", and "police-grid integration". It gives full play to the advantages of "legal advisors, legal-literacy envoys, and police officers". They are rooted at the grassroots and familiar with the people, places, and affairs - in participating in mediation and preventing conflicts from escalating [6].

In terms of procedure, when a conflict arises, it is directly accepted by the village or township mediation committee, which appoints a mediator to look into the case and conduct mediation. If mediation succeeds, a mediation agreement is made and recorded in the case file. If it fails, the parties are advised to file suit in court or apply to an arbitration body. In terms of training, the region has strengthened routine professional training and formed a five-tier training model - province, city, county (district), township (subdistrict), and village (community). For example, it teaches mediation techniques and relevant laws through the "Rule of Law Lecture Hall Lectures Every Ninth Day" program.

The region regularly arranges outstanding national-level mediators to provide training for community cadres across the city. It also organizes case analysis seminars and on-site mediation observation activities to upgrade mediators' practical capabilities. With regard to funding support, case-linked mediation subsidies have been fully covered [7]. To motivate mediators, the region disburses subsidies of 20 yuan for each successfully mediated simple dispute recorded in the file, 50 yuan for an ordinary dispute, and 100 yuan for a major, difficult, or complex dispute.

Brand building: Creating mediator studios

To further develop the "Fengqiao Experience" for the new era and implement the philosophy of litigation source governance, Region X keeps advancing people's mediation. It adheres to the integration of emotion, reason and law. In its mediation work, it attaches importance to understanding the sentiments of ethnic minority groups and respects their customs, languages, writing systems, and religious beliefs.

Following the principle of "mature one, develop one, standardize one", it has created branded mediation studios. For instance, local bureaus of justice in Region X have established a batch of reputable, trusted, and well-known brand studios that have mediated 3,528 conflicts involving 9.7788 million yuan, effectively defusing grassroots tensions. The Fangcaohu Farm has set up a "Veteran Mediator Studio" staffed by retired military personnel as full-time mediators and retired lawyers, judges, and police officers as part-time mediators. It integrates policy interpretation and legal publicity into mediation, building a "consortium" of mediation services that combines law, reason, and emotion.

The building of brand studios further integrates grassroots resources and forces for dispute resolution, with the goal of preventing conflicts in advance and resolving disputes reasonably. It improves approaches for conflict identification, optimizes mediation models, and transforms mediation practices [8]. Through these measures, Region X consistently fosters innovative development of people's mediation in the new era. Its goal is to settle disputes on site so that conflicts do not

escalate or get referred to higher authorities. These efforts also safeguard social fairness and justice and promote ethnic unity.

From January to June of this year, Region X accepted a total of 121,708 people's mediation cases, successfully mediating 120,405, for a success rate of 99%.

The dilemmas facing people's mediation in Region X

Insufficient recognition of the importance of people's mediation

With the rapid growth in the number of cases accepted by people's courts in recent years, the contradiction of "more cases than personnel" has intensified. People's mediation has always played an important role in resolving popular disputes. The Party Central Committee with Comrade Xi Jinping at its core has clearly called for prioritizing non-litigious dispute resolution mechanisms and curbing the growth of litigation at the source. This requirement demonstrates the importance that the Party and the state attach to people's mediation in the current stage.

However, first, interviews with officials responsible for people's mediation in multi-ethnic regions show that some departmental leaders do not fully recognize their value in settling public disputes and conducting grassroots governance.

In addition, the level of attention devoted to this work differs greatly from region to region. Interviews with officials responsible for people's mediation from the justice bureaus of four cities and twelve counties, as well as the judicial offices of twenty-four townships, suggest that these officials do attach some importance to people's mediation [9]. Nevertheless, they treat it only as an auxiliary tool for grassroots governance, an add-on to judicial litigation and the petition system, and merely a way to resolve conflicts. Second, some people's mediators themselves have insufficient understanding of the system. In this region, the mindset of some mediators has not kept pace. They still conduct mediation under the idea that "the less trouble the better". Finally, publicity and outreach on people's mediation are inadequate, leaving part of the public with little effective understanding of its function and operating model. For example, the Hotan region promotes the use of people's mediation through Monday flag-raising ceremonies and gala performances on major festivals. In practice, due to the formalistic and one-sided nature of publicity and low public participation, people's mediation has some influence in certain areas but still lags behind that of court litigation and the petition system.

An unstable mediation workforce with uneven professional competence

Some scholars note that judicial confirmation gives people's mediation "teeth", making it more powerful, while funding guarantees provide it with "provisions", so that it is no longer "cooking without rice". In reality, however, funding difficulties have become a major bottleneck restricting the effective conduct of grassroots mediation. On the one hand, the mediation team lacks stability. Article 13 of the People's Mediation Law provides that mediators are drawn from members of people's mediation committees and people appointed by them. Taking a county-level district of Region X as an example, it now has 836 mediators but only 1 full-time mediator.

Across Region X as a whole, personnel purchased through government fiscal funds for full-time service account for less than 1%. This directly results in insufficient participation of social forces in people's mediation organizations, which is inconsistent with the nature of people's mediation as a system of social self-governance [10]. Moreover, the full-time mediators tend to be older, generally between 45 and 60 years old. In the long run, the age structure of this full-time contingent is unsatisfactory. Meanwhile, some mediators in Region X are part-time village-based cadres who, once their village

posting ends, return to their original units and cease to be mediators, easily creating gaps in the team and hindering the sustainable development of mediation. It can be said that insufficient funding guarantees have led to a shortage of full-time mediators, which is the fundamental reason people's mediation cannot meet practical needs in terms of human resources.

On the other hand, the professional competence of mediators is uneven. Given that grassroots conflicts and their resolution exhibit distinct regional characteristics, the vast majority of disputes in Region X are "endogenous disputes" - conflicts arising from local personnel and affairs. Region X encompasses diverse geographic and functional spaces: newly emerging peri-urban cities, central urban areas, gobi deserts, grasslands, mining zones, forested areas, and ethnic minority settlements.

Accordingly, disputes in this region span mining-related conflicts, grassland disputes, neighborhood disputes, marriage and family disputes, and other types [11]. Disputes of such wide-ranging complexity place high professional demands on mediators. At present, mediators in Region X generally have only a high school education, and some have not even attended primary school. Their ability to resolve disputes is therefore generally low. Although these mediators have rich grassroots work experience and enjoy extensive support from local communities, they are often constrained by rigid mindsets and insufficient professional competencies. Such shortcomings hinder their adaptation to the current demands of mediation in the new era. In particular, many have inadequate legal literacy and cannot speak ethnic minority languages. They also struggle to flexibly apply relevant laws and policies in light of the specific features of individual disputes. As a result, they are unable to resolve disputes in a targeted, lawful and reasonable manner.

At present, people's mediation in Region X suffers from the phenomenon of "one institution, two nameplates". Of the 14 villages visited, mediators in 13 were all members of the villagers' committee. Moreover, many mediators, busy with their daily work, cannot fully attend training organized by the bureaus of justice and thus cannot develop systematic professional knowledge and skills.

The judicial confirmation system for mediation agreements remains to be improved

Whether people's mediation can properly resolve popular disputes largely determines the level of good grassroots governance. With the deepening development of the socialist market economy, the integrity awareness of some citizens has declined rather than risen, and the proportion of parties who voluntarily perform the rights and obligations agreed upon in mediation agreements keeps falling. The weak binding force of mediation agreements and the lack of procedural mechanisms for obtaining indirect enforceability have become the key crux preventing people's mediation from fully realizing its effectiveness.

At present, the binding force of mediation agreements is one of the key factors constraining the development of people's mediation in Region X. The judicial confirmation system was established precisely to address the binding force of mediation agreements and has injected a strong shot in promoting the effectiveness of people's mediation.

However, as implemented, the judicial confirmation system has not yet fully played its due role. Field investigation identifies three main reasons. First, interviews with 20 parties who received mediation show that current people's mediation cases in Region X mainly involve conflicts within families or between neighbors.

During the interviews, they expressed the view that courts are authoritative and that obtaining judicial confirmation would damage the relationship between the parties. Hence their subjective willingness to seek judicial confirmation after reaching a mediation agreement is low. Second, in investigating the judicial confirmation system, the judicial department, bureaus of justice, and judicial offices of Region X encourage mediators to urge the parties to seek judicial confirmation

after successful mediation. In practice, however, some mediators do not effectively guide the parties through judicial confirmation once an agreement is reached.

At the same time, interviews with citizens show that many lack sufficient understanding of the basic function and applicable conditions of the system, and some are even completely unaware of it. Third, a new phenomenon has been observed in Region X. After a mediation agreement obtains judicial confirmation, one Party may either refuse to fulfil its obligations or become unable to do so. In such circumstances, the other Party fails to file an application for compulsory enforcement with the people's court. All of this, at different levels, reveals that the judicial confirmation system for people's mediation agreements in multi-ethnic regions has not played its due role.

Strategies for improving people's mediation in the multi-ethnic Region X

The Report to the 20th National Congress of the Communist Party of China clearly advocates adherence to the people-centered development philosophy and the comprehensive construction of a modern socialist country under the rule of law. This guidance further charts the direction for the improvement of people's mediation in multi-ethnic regions. China's multi-ethnic regions are vast, and each ethnic group has its own unique cultural traditions and has formed its own characteristic ways of resolving disputes, making them an unavoidable topic in research on people's mediation in the new era. Considering the dilemmas currently facing people's mediation in multi-ethnic regions, this article proposes the following pathways.

Deepening understanding of people's mediation and enhancing its social influence

China's national context of a "large government and small society" dictates that the declining status of people's mediation in multi-ethnic regions must be reversed promptly. To achieve this goal, it is essential to transform grassroots social governance concepts in a timely manner and secure greater attention from the Party committees and governments at all levels. On the one hand, the Party and government departments in Region X should accelerate the transformation of grassroots governance philosophy. They need to recognize the role of social organizations as key participants in grassroots governance, fully energize people's mediation organizations, and boost their capacity for dispute resolution. They shall place conflict resolution high on the work agenda, actively safeguard social stability, and steadily promote the modernization of grassroots governance. These efforts help build a social governance system featuring leadership by the Party committees, responsibility assumed by governments, coordination among social actors, public participation, and guarantees under the rule of law.

China's national context of a "large government and small society" dictates that the declining status of people's mediation in multi-ethnic regions must be reversed promptly. To achieve this goal, it is essential to transform grassroots social governance concepts in a timely manner and secure greater attention from the Party committees and governments at all levels. At the same time, grassroots the Party and government departments need to further deepen their understanding of the function of people's mediation in grassroots governance. Compared with resolving social conflicts through litigation, people's mediation can be said to be the dispute-resolution means that most effectively embodies the "people-centered" development philosophy set forth at the 20th Party Congress.

Specifically, from the dispute-handling parties and the mediation process to the final outcome, people's mediation fully embodies the principle of being for the people, relying on the people and serving the people. Therefore, vigorously advancing people's mediation in multi-ethnic regions facilitates the thorough implementation of the people-centered development

philosophy. It also lays a solid foundation for the all-round advancement of grassroots social governance modernization in Region X via rule-of-law approaches.

On the other hand, it is necessary to enhance the social influence of people's mediation. People's mediation is the first "line of defense" for maintaining social stability and resolving conflicts, which means it should be the first choice of the grassroots public. Yet, under the current influence of "litigation-centrism," litigation has become the primary choice of most citizens, representing a clear inversion of ends and means. To make people's mediation the public's first choice, its publicity must be strengthened. Leading personnel in charge, village cadres, household liaison cadres and mediators should discard the mindset of "avoiding trouble as much as possible". They need to take the initiative to reach out to the public and innovate publicity approaches. These efforts enable residents to fully recognize the strengths of people's mediation and rebuild trust in this dispute-resolution mechanism.

In this process, it is necessary to follow the broader trend of economic and social development and make use of television, mobile apps, and other channels. Meanwhile, each locality can tailor its work to local conditions. It may hold regular legal awareness lectures, legal consultations and rule-of-law training sessions. These activities raise public awareness of people's mediation. They help the public learn about its operation, strengthen people's awareness of protecting rights in accordance with the law and expressing demands in a rational manner, and foster an atmosphere for dispute resolution through people's mediation. Each region should develop distinctive local publicity approaches. For instance, some ethnic villages in the region take Saturday cultural and sports events as a carrier. They adapt typical successful mediation cases into situational dramas and other popular forms well-received by local residents. These works demonstrate how mediators settle disputes and leave a deep impression on audiences, which helps foster public trust in people's mediation over time.

Raising the competence of mediators and building a full-time mediation team

As a typical non-litigious means of dispute resolution, people's mediation is translated from an abstract institutional form into a concrete practice in grassroots social life through the dispute-handling skills of mediators. The effectiveness of handling specific disputes depends to a large extent on mediators' social prestige and mediation skills. Given the current state of grassroots mediation in Region X, raising mediator competence is an urgent matter. Considering the characteristics of multi-ethnic regions, there are two main pathways. First, it introduces a qualification certification examination for people's mediators.

With regard to recruitment, judicial authorities may learn from the frameworks of the civil service examination and the National Legal Professional Qualification Examination. They can organize open, unified recruitment, administer standardized examinations, and implement pre-service certification for candidates. In terms of the specific format, the qualification exam should include not only a written test but also an interview. The written test can systematically assess a person's grasp of basic legal knowledge, while the interview can effectively evaluate mediation techniques and adaptability. Of course, considering that "modern mediation follows the value of integrating emotion, reason, and law".

mediators need the ability to apply "emotion, reason, and law" in combination. Nationally unified examination content may be adopted. In accordance with local realities, organizing authorities should cover the People's Mediation Law and relevant laws in the written test. Meanwhile, they may evaluate practical mediation skills during interviews. This approach enables a comprehensive assessment of mediators' overall competence. Only those who pass both the written and interview portions may be issued a certificate and take up posts. Multi-ethnic regions are at a relatively low stage of rule-of-law development and face a notable shortage of legal professionals for both litigation and non-litigation work.

Accordingly, the service tenure of mediators may be extended, and examination eligibility criteria can be relaxed in light of local conditions.

Second, vocational skills training should be offered to mediators. Mediation is, in essence, a practice for handling conflicts of interest between individuals. It draws extensively on communication skills as well as systematic theories and know-how from sociology, psychology, economics, anthropology and management to resolve disputes. Competent mediators must grasp such knowledge and apply it effectively to individual cases. Region X provides regular professional training for mediators. Nevertheless, research indicates that notable deficiencies still exist in the improvement of their professional competence. On the one hand, some mediators state that available training is not comprehensive enough to build systematic mediation knowledge and practical skills. On the other hand, these courses are not systematically structured. They also contain few practical skill-training modules. As a result, the learning effects are unsatisfactory. In response to this issue, governments at all levels should strengthen coordination with relevant departments and provide systematic training. For example, they may invite experts and scholars on a regular basis to train mediators in psychology, linguistics and negotiation skills.

To boost mediators' legal literacy, people's courts shall follow the Opinions on Fully Giving Play to the Foundational Role of People's Mediation and Promoting Litigation Source Governance. This document was jointly issued by the Supreme People's Court and the Ministry of Justice. Courts should provide stronger professional guidance for people's mediation committees in settling public disputes. Together with judicial administrative authorities, they shall conduct publicity, outreach and professional training activities. Meanwhile, mediators may attend court hearings and review mediated cases on a regular basis. Such practice helps them consolidate relevant legal knowledge and apply it more proficiently in real work.

In addition, Region X is a multi-ethnic settlement where conflicts easily arise among different ethnic groups. Therefore, considering local conditions, it is necessary to train "bilingual" mediators proficient in multiple ethnic languages, strengthen the ability to resolve conflicts, and promote ethnic unity.

Optimizing the philosophy and procedural design of the judicial confirmation system and enhancing the effectiveness of people's mediation

While recognizing people's mediation as the first line of defense for settling grassroots conflicts, authorities should also leverage the judicial confirmation system for mediation agreements. This measure improves its connection with litigation, facilitates better integration of litigation and non-litigation dispute resolution, and further boosts the effectiveness of people's mediation. To optimize the philosophy and procedural design of judicial confirmation, efforts should be made in two respects. On the one hand, in the process of judicially confirming mediation agreements, grassroots people's courts in multi-ethnic regions currently have the problem of "emphasizing interfacing while slighting mediation". Out of concern that fraudulent mediation may harm the legitimate rights of other parties, some grassroots courts conduct detailed substantive review and questioning of every aspect of a dispute.

In this regard, it should be made clear that the judicial guarantee provided by the confirmation system is limited: It cannot entirely replace the leading role of people's mediation in resolving conflicts, nor should it unduly occupy judicial resources. Moreover, as to the judicial review of mediation agreements, the mainstream practice in countries and regions with such a system is to adhere to the principle of formal review. This indicates that people's mediation substantially resolves disputes by thoroughly investigating the facts and substance of each case. By contrast, judicial confirmation merely conducts a formal review. It verifies whether the concluded

mediation agreement conforms to the principles of voluntariness and legality.

On the other hand, it is necessary to safeguard the interface between the people's mediation system and the judicial confirmation system and realize their ultimate effectiveness. Judicial confirmation of mediation agreements forms the connecting link between voluntary dispute-resolution mechanisms and compulsory enforcement mechanisms. In this litigation-mediation linkage process, special caution must be taken to prevent the coercive attributes of litigation from unduly eroding the autonomy of mediation. This safeguard constitutes a prerequisite for the sound operation of people's mediation. Therefore, to give full play to the intended effect of mediation agreements, the theories and procedures of the judicial confirmation system should be optimized at the level of top-level design. Such improvements help achieve seamless linkage between people's mediation and litigation. They also enable judicial procedures to effectively underpin people's mediation, so that it can better resolve grassroots conflicts.

It can be seen from the People's Mediation Law and the Civil Procedure Law that China has initially established the judicial confirmation system and its related procedures. Nevertheless, some provisions remain unclear and require further refinement. Region X should optimize the working mechanism of judicial confirmation in light of local conditions such as transportation, and relax the constraints of the system. For instance, some parts of Region X are sparsely populated and suffer from poor transport accessibility.

To make it easier for local residents to obtain dispute resolution through judicial confirmation, the procedure may be initiated by a single Party rather than requiring a joint application from both parties. Alternatively, disputing parties need not appear in person at court to apply, and may entrust a people's mediation organization to apply on their behalf. In addition, the current lack of effective incentives for judicial confirmation of mediation agreements has led to weak enthusiasm among both mediation organizations and people's courts in applying the system.

Parties are exempt from fees when applying for judicial confirmation. For this reason, grassroots courts in the northwest have not included judicial confirmation cases in their performance appraisal frameworks. Worse still, court personnel may be subject to accountability if they confirm a fraudulent mediation agreement. This situation creates a notable mismatch among duties, powers and responsibilities. In this regard, this article argues: Some researchers note that, compared with the trial of ordinary civil and commercial cases, the judicial confirmation procedure for mediation agreements is markedly simpler and has a much shorter trial cycle. Some courts actively promote this procedure. They even take steps to "seek case sources" and "set case quotas".

As a result, numerous disputes already resolved via extra-litigious mediation, such as mediation conducted by traffic police, flow back to courts for judicial confirmation and compulsory enforceability. This practice artificially inflates certain court performance indicators. However, from the perspective of activating the functions of people's mediation, this paper argues that the performance appraisal mechanism of people's courts should be optimized. This reform can motivate court personnel to participate in judicial confirmation work. People's courts in Shanghai and other regions have pioneered useful practices in advancing litigation source governance. They have taken robust measures to include judicial confirmation cases in staff performance appraisal. Such exploratory experience can be instructive for courts in the northwest.

Conclusion

This year marks the 60th anniversary of the initiative to study and promote the "Fengqiao Experience". It also commemorates the 20th anniversary of General Secretary Xi Jinping's instruction to uphold and develop

this experience. A new nationwide campaign to learn and disseminate the "Fengqiao Experience" is underway across China. Drawing on the wisdom and strength of the masses and boasting outstanding strengths in prompt, on-site conflict resolution, people's mediation represents a vivid practice of upholding and developing the "Fengqiao Experience" in the new era. It serves as a vital bond that links judicial administration work with the public and enables public participation in social governance. Furthermore, it contributes greatly to preserving harmony and stability at the grassroots level, advancing law-based governance for the people, and boosting economic and social development.

At present, with the deepening of the rule-of-law process, people's mediation in multi-ethnic regions faces new challenges and new problems, becoming a "short board" in comprehensively advancing law-based governance. This paper holds that five dimensions of consistent work are required to tackle the practical dilemmas confronting people's mediation in multi-ethnic regions. These measures cover multiple aspects. First, the Party committees and governments at all levels should fully recognize the importance of people's mediation. Second, the judicial confirmation system for mediation agreements needs to be improved. Third, efforts should be made to advance the professional development of mediators. Fourth, diverse entities should be guided to participate in mediation work. Finally, supporting safeguards for people's mediation should be strengthened. These measures are expected to make due contributions to advancing law-based governance in all respects and advancing Chinese-style modernization.

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Conflicts of Interest

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