

Paid Advertisement



ADR Association of Barbados Inc

Alternative Dispute Resolution (ADR) in general and mediation in particular are becoming the more accepted means of resolving disputes.

What is ADR?

ADR is an acronym normally used to encompass any process involving the use of a third-party neutral as an alternative to the adversarial style litigation. The strength of ADR lies in its disciplined approach to conflict management, its cost-effectiveness and flexibility of practice.

What is Mediation?

An integral part of the Conflict Resolution Spectrum, mediation is defined as a voluntary, confidential, non-binding and without prejudice process of intervention in a dispute or negotiation by an impartial third party who has no decision-making power.

The third party assists disputants in voluntarily reaching their own mutually acceptable settlement of issues in dispute by:

- structuring the negotiation,
- maintaining the channels of communication,
- assisting each party to articulate their needs,
- identifying the issues, and
- assisting the parties in creating alternative means to resolve the dispute.

Why should I mediate?

Many persons are overwhelmed by the complexity, cost, stress, publicity and time involved in taking a case through the over-burdened and centralized judicial process, more especially when they are absolutely uncertain about the outcome of the presiding judge's ruling.

With mediation, there is an opportunity to use an expert to facilitate the disputants' resolution of the issues themselves, thereby preserving the valuable relationships in commerce and fundamental family matters. Mediators assist in building bridges by facilitating disputants in resolving their disputes while retaining control themselves of the mediation process.

Which kind of cases are appropriate for Mediation?

Where there is some kind of a relationship between the parties, mediation can be successful. This relationship may be, but is not limited to, family relationships; neighborhood and community relationships; commercial disputes; contractors and building disputes; landlord-tenant disputes; environmental issues; labour disputes; and divorce, custody, and other family disputes.

Which disputes cannot be mediated?

- Constitutional disputes and cases that require judicial precedents are not suitable for mediation.
- Cases where angered and bitter parties demand their "day in court" and will not negotiate in good faith are not recommended for mediation.
- Disputes involving domestic violence, child and sexual abuse should not be mediated.
- Disputants who do not follow the guidelines of the mediation process.

- Parties who make use of the mediation process to seek out and gather information as delaying tactics or for evidence in litigation.
- Agreements which lead to inequitable resolutions, illegal agreements, unlawful acts, or where an innocent third party is disadvantaged.

What are the principle characteristics of Mediation?

- Mediation is a voluntary and non-binding procedure controlled by the disputants.
- Mediation is a confidential procedure.
- Mediation is an interest based procedure.

Unlike a judge or an arbitrator, the mediator is not a decision maker. A party to mediation cannot be forced to accept an outcome that it does not like.

Confidentiality in mediation allows disputants to negotiate productively and freely without the fear of publicity or disclosure. If a party chooses to disclose confidential information or make admissions, that information cannot be provided to anyone, including subsequent arbitration or in court litigation.

Because of the non-binding and confidential characteristic of mediation, it generates significant benefits and involves minimum risks.

Even if a settlement is not achieved, mediation never fails, as it causes the disputants to define the facts and issues of the dispute, and to better understand the culture of the conflict.

The ADR Association of Barbados Inc.

The ADR Association of Barbados Inc was incorporated in November 2004. The Association is a non-political, non-profit NGO and is the first professional Association for dispute resolution in Barbados and perhaps the Caribbean.

The mission of the Association is to provide national leadership, education and accreditation in the development and promotion of dispute resolution services to Barbados.

The objectives of the Association include, but are not restricted to the following:

- To promote, sensitize and educate the public in the ADR process and practices in general and Mediation in particular as an alternative to the traditional litigation paradigm; and
- To establish and foster the highest standards of integrity, competence, honour and character among those engaged in ADR on a professional basis.

*For further information,
please call 429:3626 or 429:8482
or visit our website at www.adrbarbados.org*