

Conflict

"Our lives are not dependent on whether or not we have conflict. It is how we manage, direct and administer conflict that makes the difference.

Conflict:

- * allows important issues to be aired
- * produces creative ideas
- * releases built up tensions and stresses
- * strengthens relationships
- * re-evaluate and clarify objectives and missions
- * can stimulate social change and eliminate inequalities and injustice.

Our mission

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

The objectives of the Association include to:

- Establish and foster the highest standards of integrity, competence, honor and character among those engaged in ADR on a professional basis;
- Secure the acceptance of and adherence to the ethical and practice standards adopted by the ADR Association of Barbados Inc;
- Promote the study and understanding of the ADR process;
- Educate the public, judiciary, legislative bodies and corporations on effective and appropriate use of ADR;

The Association has adopted an internationally accepted Code of Ethics; a Code of Standards and Conduct.

Furthermore the Association is developing training programs etc - in order to establish the infrastructure and to maintain the honor, integrity and professionalism of ADR practitioners, academics and researchers in accordance with international standards.

What is mediation?

Mediation is 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 disputing parties 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 ideas 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 overburdened and centralized judiciary 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 in communication to facilitate the disputants resolve the issues themselves, thereby preserving the valuable associations in commerce and fundamental family relationships. Mediators assist in building bridges; by assisting the parties to a dispute to retain control and the outcome of their present dispute and future disputes.

What 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 not limited to, a family relationship, neighborhood, community relationships, commercial disputes, contractors and building disputes, landlord-tenant disputes, environmental issues, labor disputes, and divorce, custody and other family disputes

Role of a mediator:

A mediator should assist the disputants by facilitating the process of negotiating towards reaching a resolution to the dispute by helping the parties determine their interests, generate creative ideas which are separate and distinct of their legal rights in a court of law. In sum, a mediator is a:

- * Organizer
- * Communication Conductor
- * Guide and Intervener
- * Motivator towards settlement
- * Active listener and questioner
- * Reality Tester
- * Emotional Counselor
- * Idea Generator

Characteristics of a Mediator:

A mediator is a neutral and impartial person who neither decides nor judges; but is an active force during the negotiation between the parties and within the mediation session thereby assisting the parties to arrive at optimal solutions. An effective mediator is expected to possess the following characteristics:

- * Integrity
- * Trustworthiness
- * Empathy
- * Patience
- * Active listening skills
- * Positive and optimistic
- * Courtesy and respect
- * Emotional Stability
- * Perseverance

What disputes cannot mediate?

Constitutional disputes and cases that require judicial precedence are not suitable for mediation.

Cases where angered and bitter parties who "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.

"A smooth sea never made a skillful mariner; neither do uninterrupted prosperity and success qualify men for usefulness and happiness.

If adversity hath killed his thousands, then prosperity hath killed his ten thousands; therefore adversity is to be preferred.

The one deceives; the other instructs; the one is miserably happy; the other happily miserable; and therefore many philosophers have voluntarily sought adversity and commend it in their precepts."

Richard E. Burton, Writer

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For Non-Judgmental Justice ... Mediate don't Litigate



ADR ASSOCIATION OF BARBADOS INC.

ADR in general and mediation in particular is the most rapidly developing discipline and profession in the world as an alternative to the existing gladiatorial and adversarial style of civil litigation system of conflict resolution which is, overburdened, un-economical pathetically tardy and disquieting.

Who we are

The ADR Association of Barbados Inc., a non-profit, non-governmental organization was incorporated on November 29, 2004 as the first professional Association for dispute resolution in Barbados, and perhaps even the Caribbean.