



INVITATION TO TRAIN AS AN INTERNATIONALLY ACCREDITED COMMERCIAL MEDIATOR: DURBAN 13 – 17 JUNE 2009

Due to demand, the Africa Centre for Dispute Settlement will host a further civil and commercial mediator accreditation course in Durban.

What is mediation?

Mediation is the process whereby a neutral third party assists parties involved in a dispute to arrive at an agreed outcome. Mediators assist in identifying issues and information needs, reducing obstacles to communication, exploring alternatives and focusing on the needs and interests of those most affected by the dispute. Unlike court proceedings, mediation involves the direct participation of the parties, who often work alongside instructed legal representatives.

Why do the course?

This course focuses specifically on the commercial application of mediation, but the process and the principles underlying it are generically applicable across a whole range of disputes, including family, labour and community disputes.

The course is not meant exclusively for legal practitioners. Aside from members of the bar and attorneys, those who have attended and benefitted from the courses we offered in 2008 included an archaeologist, a number of HR and IR practitioners, labour mediators and arbitrators, an actuary and accountants.

What are the benefits of mediation for organisations?

People in business are beginning to realise that litigation is often costly, both financially and in terms of organisational stress and time consuming for individuals across different parts of the organisation. As the litigation process focuses on a strict interpretation of applicable laws, the outcomes produced by litigation often ignore the interests and needs of the parties - economic and business factors are not considered by the court. They are also beginning to realise that cost saving is not just a business imperative, but an ethical one as well.

Both in SA and elsewhere (e.g. certain other parts of Africa, the UK, USA, Canada, Australia, Asia, and the EU) mediation is increasingly being used as a more effective means of resolving disputes, simply because mediation offers advantages:

- Comprehensive and customised agreements – solutions can often be more creative and wider in scope than could normally be achieved through legal process
- Greater degree of control and predictability of outcome - parties who negotiate their own settlements have more control over the outcome of their dispute and more personal empowerment in the resolution
- Rapid settlements - in an era when it may take as long as a year for a case to proceed to court and multiple years if a case goes to appeal, the mediation alternative often provides a more suitable option
- Mutually satisfactory outcomes – as solutions are agreed rather than imposed by a third party decision maker
- A higher rate of compliance – as a result of the satisfactory outcome, parties are more likely to comply the terms of the solution ensuring that the agreement remains in tact over time
- Preservation of an ongoing relationship or termination of a relationship in a more amicable way - a mediated settlement that addresses all parties' interests.

Research in the UK revealed that roughly 60% of commercial disputes are resolved at mediation with a further 20% being resolved within two months of the mediation intervention.

Why should you consider qualifying as a commercial mediator?

The skills learnt on this programme will enable you to assist with the resolution of disputes within your organisation as well as disputes between your own and other organisations with whom it may be (or



want to be) in a long term relationship. If you are looking for a change in career, qualifying as a commercial mediator offers an ideal opportunity for this. For those interested in family, labour or environmental dispute mediation, this course serves as a foundation programme.

There are also strong indications that court-based mediation will become a reality in the near future. Should this happen, it could create a further income stream for legal practitioners and others interested in the field of mediation.

Why this particular course?

Successful candidates receive accreditation as mediators in the UK – **the same programme in the UK costs in excess of £3000**. Successful candidates will also be given preference for inclusion on the Mediation Panel of the University of Stellenbosch Business School's Africa Centre for Dispute Settlement.

References are available on request.

Details

- Dates:** 13 – 17 June 2009
- Venue:** To be announced
- Catering:** Lunch and teas included
- Presenters:** Dr John Fletcher (ADR Group, UK), Prof Barney Jordaan (ACDS)
- John Fletcher** is the external operations director of the ADR Group. Originally from the Eastern Cape, he first studied law at Rhodes and afterwards took his M Phil and PhD at Cambridge. One of his key functions is to establish the ADR Group in South Africa in partnership with leading service providers (including Equillore and the Africa Centre for Dispute Settlement).
- Barney Jordaan** is extraordinary professor at the Stellenbosch University Graduate School of Business (USB) and director of its Africa Centre for Dispute Settlement. He studied law at Stellenbosch University where he completed his LLB and doctorate in law. He also taught at the University's law faculty for 14 years before moving into private practice, focusing in particular on employment issues. Amongst others, he teaches negotiation at the USB as well as at UCT's Graduate School of Business.
- Cost:** R18 500 (non-vatable service)
- Enquiries:** Barney Jordaan c/o ns5@usb.sun.ac.za or 082 417 5978
- Registration:** Norma Saayman ns5@usb.sun.ac.za 021 – 918 4238
- Registration Date:** No later than 29 May 2009 (Payment due on registration)
- Only 18 candidates can be accommodated at this event and places will be reserved on a first paid first served basis
- Payment option:** Individuals who are unable to pay the full course fee may arrange staggered payments in terms of a credit agreement (underwritten by Equillore Financial Services (Pty) Ltd). Please contact Hendrik Kotze at hendrik@equillore.com for more details.