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Business mediators receive training

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Arbitration and dispute resolution as an alternative to commercial disputes reaching the law courts took another step as businesses in Barbados and five other Caribbean countries as the Arbitration and Mediation Court of the Caribbean (AMCC) completed a round of training in commercial mediation.

Some 22 mediators from Barbados, St. Lucia, Antigua and Barbuda, Jamaica, St. Kitts and Nevis, St Vincent and the Grenadines, and Dominica were trained by the London-based Centre for Effective Dispute Resolution (CEDR), with the support of the Compete Caribbean Partnership Facility (CCPF), an agency of the Inter-American Development Bank.

The trainees are expected to mediate a range of fields including business, law, tourism, insurance, family/social welfare, the public sector, quantity surveying, architecture, academia, sport, investment and banking, AMCC said.

With the increased regional presence of trained commercial mediators, businesses have been told to expect faster resolution of commercial disputes, in order to reduce the business risk associated with having significant capital tied up in disputes for protracted periods and the damage to key business relationships, the mediation court said.

AMCC Secretary-General Dr Jason Haynes said in a release: “Mediation offers a tailor-made avenue, whereby parties can be assisted by a certified mediator to reach a mutually beneficial settlement of their disputes in a faster, more cost-effective, neutral and confidential manner.

“Meditation reduces the time spent on resolving a dispute; whereas court proceedings may take up to three years, mediation may resolve a dispute within a day.

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the mediation and is borne equally by the parties."

In terms of neutrality and confidentiality, Dr Haynes advised: "Once the mediator is jointly appointed by both parties, they seek to assist both parties, without imposing a binding solution, to arrive at a mutually beneficial outcome with the aim of preserving long-term interests and relationships.

"In relation to confidentiality, mediation offers the parties a private process that enables them to speak openly, without value judgments, about their concerns and interests, without the prospect of these being later used in court proceedings.

"Finally, mediation also preserves the parties' wish not to have the public become aware of the intricate nature of their disputes, which may otherwise cause them to lose customers, trade secrets and their reputation."

With the first round of regional training completed, an AMCC panel of high-calibre mediators is to serve businesses here and across the Caribbean.

Business and Innovation Climate Coordinator at Compete Caribbean, Valarie Pilgrim, praised the establishment of the mediation panel as a much-needed initiative.

She said: "Increasing access to mediation services is not a 'nice to have' but is critical to creating a more enabling business environment, particularly for our micro, small and medium-sized enterprises (MSMEs).

"It was not too long ago that I encountered a small business that had to cease operations because most of its assets were locked up in a protracted commercial dispute.

"The business was the only source of revenue for the family, so the commercial dispute resulted in psychological, social and financial turmoil."

CCPF has supported the establishment of specialised commercial courts in St Lucia, the introduction of electronic case management systems, and increasing the access to alternative dispute resolution services in Barbados, Pilgrim said.
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