



***Maritime cases suitable for mediation**

by
Richard Briggs,

1. Introduction .

Alternative Dispute Resolution (ADR) is an alternative to litigation and arbitration. The most common form of ADR is "mediation". Whilst lawyers can of course worry about "alarming drop in revenue" (and jokes at lawyer's expense will not be tolerated during this presentation) the legal profession does need to see "mediation" and "ADR" as an opportunity rather than a problem.

A mediator's sole purpose is to facilitate settlement between the parties. The mediator needs to be a neutral third party, an individual with diplomatic skills, without whose intervention settlement dialogue may be difficult or near impossible.

I will set out in this paper what I perceive mediation to be, how it can be used in the maritime sector, what type of cases may be suitable for mediation, and then briefly comment on how it may be used in the Middle East.

2. Defining Mediation

"Mediation is a voluntary, non binding, private dispute resolution process in which a neutral person helps the parties try to reach a negotiated settlement". Centre for Effective Dispute Resolution ("CEDR").

There has been talk of this "old" definition being out of date because of reference to the words such as "voluntary" and "non-binding". Stress is now to be put on "flexibility", and ensuring that the environment is safe where ideas can be expressed candidly and directly. "Confidentiality" and the integrity and ability of the mediator are of course also crucial elements.

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