

Importance of Alternative
Dispute Resolution in the
Promotion of Economic
Development

Alternative Dispute Resolution

- - Out of court settlement of disputes
- - Uses various methods of dispute resolution.

Forms of ADR

Most commonly used

- - Negotiation
- - Mediation
- - Arbitration

Benefit of ADR

The use of ADR methods has clearly demonstrated its effectiveness in:

- Achieving fair and just resolution to conflicts
- Less costly and more rapid system of dispute resolution
- Capable of achieving result that meet the needs of all parties involved at least in some measure
- Can free court resources by diverting cases to ADR

Background of ADR In Ethiopia

- Traditional Dispute Resolution an old age practice in Ethiopia, Elders, religion leaders
- Onset of Civilization the Judicial system began under going transformation
- Customary laws were replaced by legislation
- The country adopted internationally accepted legal norms and procedures, the court restructures to implement those laws

- Traditional Alternative Dispute resolution Mechanisms has not undergone a similar orientation and transformation.
- It has remained very much informal and traditional especially to disputes pertaining to the modern commercial sector, recourse to arbitration is ad hoc, un institutionalized and mostly arranged through personal acquaintances.
- Apart from the judicial system foreign investors take into account the availability of reliable efficient dispute resolution mechanisms.

Filling the void

- Establishing ADR Institutions is a key factor in filling up the gap
 - To develop/promote traditional dispute Resolution Mechanisms to serve the new emerging needs of society in particular the business community.

EACC Role and Function in the Promotion of ADR In Ethiopia

- Various measures taken by the center in order to develop /promote the usage of ADR

A. Training – Mediation and Arbitration

- Professionals
 - Lawyers, Engineers, Go, NGO etc
- Traditional Dispute resolution providers in Kebele/ Addis Ababa and Regions
 - Social court judges
 - Women's affairs
 - Law enforcing bodies

Achievement

- Roster of qualified Arbitrators and Mediators with wide range of expertise to resolve in particular commercial disputes
- Trained traditional dispute resolution providers

B. Partnership

- Partnership Agreement with International Dispute resolution centers
 - Use their expertise in training
 - To include participation of foreign arbitrators and mediators in dispute involving foreign investors
 - encourage foreign investment

C. New Laws on ADR

- Advocate for the introduction of ADR laws
- Draft law on ADR
- **Achievement**
- Help to practice ADR more efficiently and in a wider scale

D. Service Giving

- EACC provides venue for Arbitration and Mediation Proceedings
- Give secretarial service /keep file etc.
- **Achievement**
- More organized and will speed the process

E. Court Annexed Mediation

- Court annexed mediation – Federal High court
- Court annexed mediation - First Instance court family division
- Using voluntary trained mediators
- Intercept the court litigation process through mediation

Achievement

- Most cases sent for mediation were resolved
- Demonstrates that mediation is effective in dispute resolution
- Relieve disputants, amicably resolve their dispute

F. Community based mediation

- Set up mediation center in Addis Ababa Kebeles and in the regions
 - **Achievement**
- Creates peaceful coexistence in the community
- People can save their time and resources from court litigation
- Divert their energy and time for more constructive work

G. Documentation

- make accessible a reference and documentation section
- legal practitioners, academics and students use the facilities
- **Achievement**
- More research could be done on the area

To sum up, for ADR to grow and meet the challenge of modernization the need for ADR institutions is mandatory. Even though ADR is one of the packages within the government legal reform agenda, enough emphasis has to be given to the area.

“ An invasion of armies can be resisted, but not an idea whose time has come”

Victor Hugo

- The time to resolve disputes through ADR has come quietly but irresistibly.

Thank You