



AFRICA CENTRE FOR DISPUTE SETTLEMENT

Summary of centre activities (October 2011)



An African hub for dispute settlement theory and practice



- The Africa Centre for Dispute Settlement (ACDS) introduced the Postgraduate Diploma in Dispute Settlement (NQF level 8) at the University of Stellenbosch Business School (USB) in February 2011. It is the only degree of its kind in South Africa. Faculty include leading local and foreign academics and practitioners in the field of conflict, dispute resolution and negotiation. The longer term objective is to professionalise dispute resolution practice in SA.
- The Centre initiated and coordinates the Dispute Resolution Accreditation Council, which involves, among others, Tokiso, Equillore, the Arbitrations Association of SA, the ACDS, Conflict Dynamics, representatives from the legal profession, the CCMA, universities and others. Its aim is to establish national training and accreditation standards for mediators and arbitrators in all sectors. Draft standards have been circulated for comment to interested parties. These 'opt-in' standards should be in place shortly for civil, commercial and family mediation. It is expected that mediation will become compulsory in civil and commercial disputes in the near future. With this initiative, the Centre has positioned itself as the primary mediation standard-setting body in the country.
- The Centre has been appointed as the local organising host of the 2012 World Congress of the International Association for Conflict Management, the biggest event of its kind for the dispute resolution industry. This event gives the Centre, the USB and Stellenbosch University exposure to academics and practitioners from across the globe. See www.usb.ac.za/dispute-settlement for details of the Conference.
- The Centre has implemented a complete dispute resolution system for the Department of Environment Affairs to activate the alternative dispute resolution (ADR) processes provided for in the National Environment Management Act. This will revolutionise the manner in which environmental disputes are resolved. The first dispute to be processed in terms of the system (Vredefort Dome, a national heritage site involving multiple parties) is currently with the mediators.
- The Centre has been given the go-ahead from the Western Cape government and the Cape Chamber of Commerce to create an ADR function within the Chamber, modelled on that of the Swedish Chamber of Commerce, to assist with the resolution of disputes within and between businesses; between government and investors in the Western Cape economy; and community disputes that impact on business in the Western Cape.
- The Centre offers the only mediator training course in South Africa that is accredited with the Centre for Effective Dispute Resolution (CEDR), UK.
- The head of the Centre, Prof Barney Jordaan, has been appointed as part-time, short-term consultant to the World Bank Group's Office of Mediation Services for South Africa, focusing in particular on disputes within the various divisions of the Group.
- Gina Barbieri, deputy head of the Centre, has been appointed as senior specialist to manage the office of the Compliance Advisor/Ombudsman (CAO) of the International Finance Corporation (IFC) in Washington, DC. The CAO is the independent accountability mechanism for the private sector arms of the World Bank Group, which includes the IFC and the Multilateral Investment Guarantee Agency (MIGA). The CAO responds to complaints from people affected by IFC/MIGA support projects in a manner that is fair, objective and constructive, with the aim of improving social and environmental outcomes on the ground, and fostering greater public accountability of IFC and MIGA. Barbieri, whose new appointment commences in November 2011, is the first South African to hold this position.
- The ACDS has become the first African Qualifying Assessment Programme (QAP) for certification by the International Mediation Institute (IMI - www.imimmediation.org) in The Hague, and only the eighth in the world to achieve this. The ACDS is now able to qualify advanced South African mediators with IMI accreditation. Other institutions that have achieved QAP status include the Mediation Centre, Copenhagen; the ADR Institute of Canada; LEADR, Australia; the American Arbitration Association; Institut Français de Certification des Médiateurs; The Netherlands Mediation Institute; and the Indian Institute of Arbitration and Mediation.
- The Centre has been invited to join the Reflecting on Peace Practice Project (RPP) of CDA Collaborative Learning Projects, a global thought leader on peace-building effectiveness.
- The Centre has been approached to host a regional reflection and cumulative learning session on issues emerging in peace-building. This will involve 20 to 30 invited international participants from academia, practice, and donor foundations.