



The Hindu

11/03/2005

'Arbitration ideal for business disputes settlement'

By Our Staff Reporter

KOCHI, MARCH 10. James Coben, Professor of Dispute Resolution Institute, Hamline University, U.S., has said that negotiation and mediation are better ways for resolving business disputes.

Speaking at a seminar on negotiation and mediation organised here by the Indian Institute of Arbitration & Mediation, he said resolving disputes through arbitration or mediation could result in better business deals.

The business community generally gives prominence to the outcome irrespective of the process involved. In the conventional dispute settlement, someone is bound to lose which may create disharmony among the disputing parties. In the conventional mode of dispute settlement, dispute is considered as a battle of sorts and the focus is on winning. In contrast, arbitration and mediation focus on creation of value.

Cost efficiency

Cost-efficiency in the dispute settlement is of prime importance to the business community. Untangling the problem from the relationship is one of the key aspects of the negotiation process. Business interests and not the position at a particular juncture is the watchword because contending parties can adopt multiple positions.

A holistic solution is possible by way of mediation where the disputants themselves make the decision. There is scope for value addition in mediation, he said.

Bobbi McAdoo, Professor of the Hamline University, also spoke. Anil Xavier, Director of Administration, Indian Institute of Arbitration and Mediation, welcomed the gathering.

Earlier, inaugurating the seminar, R. Basant, Judge of the Kerala High Court, said delay, costs, complications and disharmony were affecting the process of dispute settlement. Alternative redressal methods should be from such ills. A mechanism to settle the dispute once and for all would be preferable to a process which prolongs the row at various stages.

The method of resolution of disputes indicates the culture of a country. Precious time of the court should not be wasted by litigation which can be dissolved otherwise, he said.