

Courts and ADR:

Many ways, one destination and an imperative to work together

World Trends

- ▣ UN General Secretary 's Circular
- ▣ EU Directive
- ▣ Others
 - Canada
 - Australia
 - New Zealand
 - PNG

Results

- ▮ Increased Confidence
- ▮ Identification of real issues
- ▮ Free up time and funds
- ▮ Access and ownership by parties
- ▮ Social license with reduced risks
- ▮ Understanding and cooperation

Definition & ADR Drivers

Delays & Backlog in Cases



Too costly



Delay + Costs = Losses & endings



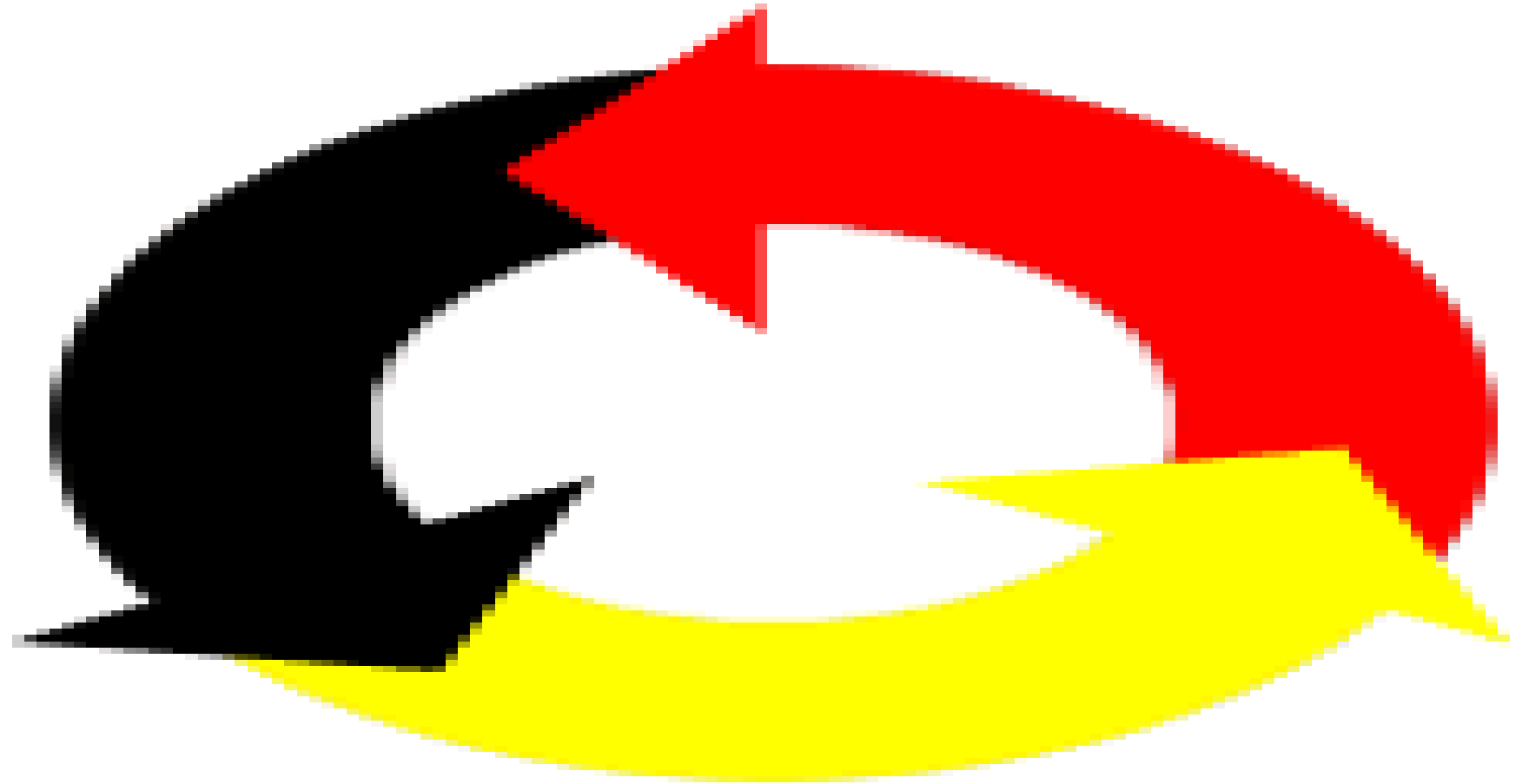
Self help takes over = victims



Winners & losers a constant reality



Finality an elusive dream



Mediation - PNG style



Mediation - PNG style



Consider

FORMAL COURTS

- ✓ Impartial
- ✓ Fair
- Prompt??
- Less costs ??
- Equal in:
 - Access??
 - Participation??
- Finality ??

MEDIATION

- ✓ Impartial
- ✓ Fair
- ✓ Prompt
- ✓ Less costs
- ✓ Equal in:
 - ✓ Access
 - ✓ Participation
- ✓ Finality

Clients' preferences



JUSTICE



Fundamental Principles

- ▯ Impartiality
- ▯ Prompt
- ▯ Equality in
 - Access
 - Participation
- ▯ Fair
- ▯ Less costs
- ▯ Finality

Traffic rules = Principles



Imperative to cooperate

COURTS

- ▮ Statutory interpretation
- ▮ Precedent setting
- ▮ Conflicting authorities
- ▮ Public sanction
- ▮ Protective orders
- ▮ Preliminary Issues

MEDIATION

- ▮ Every thing missing on the Courts' menu

Result

- ▣ No delays
- ▣ Prompt resolutions
- ▣ No backlog
- ▣ Less costs
- ▣ Less harm and less damage
- ▣ Equality in:
 - Access to justice
 - Participation
- ▣ Finality
- ▣ Confidence and trust
- ▣ Better choice
- ▣ Better outcomes
- ▣ More time for:
 - Business
 - Nation building
- ▣ Peaceful nations world and peoples

Broader Role – Peace & Nation Builders



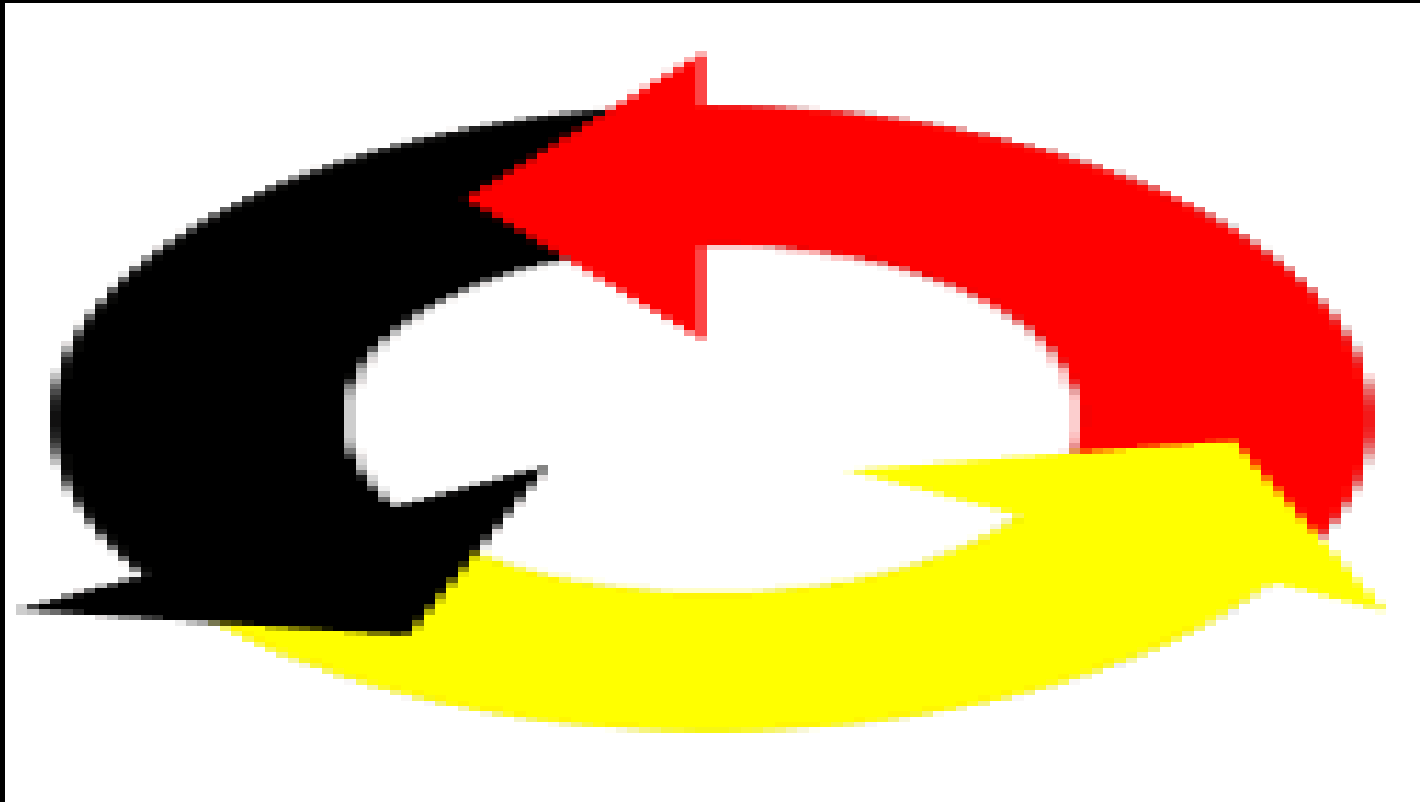
Tools

- ▮ ADR and mediation
- ▮ Properly develop and apply
- ▮ PNG's program
 - Legislative foundation
 - Training & awareness
 - 105 Mediators
 - - More 80% settlement rate
 - Support facilities & resources

Conclusion

- ▮ ADR and mediation very useful tools
- ▮ Courts can use it to their advantage
- ▮ A Failure to use ADR and Mediation is a decision to retain and remain with delays, back logs and its problems.

Be rest assured



Its about doing our jobs smartly and being
on top of our lists