



Institute of  
Business Administration  
Karachi  
*Leadership and Ideas for Tomorrow*

**IBA CEE**  
Center for Executive Education

**Strictly  
Confidential**

**Neutral  
Expert**

**Low Cost**

## Why Mediate?

**Win Win  
Solution**

**Parties' Say  
in the  
Decision**

**Flexible  
Process**



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## IBA Dispute Resolution Forum

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The Institute of Business Administration (IBA) - Karachi through its Centre for Executive Education (CEE) has launched the IBA Dispute Resolution Forum to promote mediation as an appropriate means of resolving disputes, especially in the civil/commercial space. The IBA Dispute Resolution Forum will seek to implement non-Court based practices of dispute resolution and negotiation, by working on real world disputes, improving conflict intervention methods, providing education and training, writing and disseminating conflict resolution techniques and practices.

### Mediation: Need of the Hour

Mediation is an empowering and executive means of resolving disputes which can be used in many cases as an alternate to litigation.

In mediation, the disputing parties work with a neutral third party, the mediator, who facilitates the resolution of the parties' disputes. The mediator does not decide the case, or provide any judgments but simply supervises the exchange of information and the bargaining process between the parties to help them find common ground. The objective is to resolve the dispute quickly and enable parties to move forward in a positive manner.

Mediation is a process in which an impartial third party - a mediator - facilitates the resolution of a dispute by promoting voluntary agreement (or "self-determination") by the parties to the dispute. A mediator facilitates communications, promotes understanding, focuses the parties on their interests, and seeks creative problem solving to enable the parties to reach their own agreement. It is a flexible process that can be used to settle disputes in a whole range of situations such as:

- Commercial disputes
- Consumer disputes
- Civil disputes
- Family disputes
- Neighborhood disputes

Mediation is a voluntary process and takes place if both parties agree. It is a framework of private and joint meetings. If parties are unable to reach agreement, they can still go to court. Both parties share the cost of mediation, which will depend on the value and complexity of the claim.

Below are some fundamental concepts of the mediation procedure;

- Self-determination is the fundamental principle of mediation; the parties decide when and under what conditions they will reach an agreement or terminate mediation.
- Impartiality of mediator is central to the mediation process.
- Conflicts of interest actual and potential, to the mediator shall be disclosed by him/her to the parties.
- Competence: Mediation shall be conducted by a qualified mediator having minimum 48 hours mediators skills training
- Confidentiality is a pillar of the mediation process. A mediator shall meet the reasonable expectations of the parties with regard to confidentiality.
- Quality of the Process: A mediator will conduct the mediation fairly, diligently, and in a manner consistent with the principle of self-determination by the parties.

## Services offered by IBA Dispute Resolution Forum

The IBA Dispute Resolution Forum provides a platform for expert mediators to provide mediation services to any person(s) seeking the resolution of disputes, whether they are pending in Court or otherwise. Simultaneously, the IBA will be engaging with various stakeholders in Pakistan to proliferate mediation and the use of mediation services.

Mediation, conciliation and arbitration services for resolving commercial disputes The IBA Dispute Resolution Forum provides a platform for expert mediators to provide mediation services to any person(s) seeking the resolution of disputes, whether they are pending in Court or otherwise. Simultaneously, the IBA will be engaging with various stakeholders in Pakistan to proliferate mediation and the use of mediation services.

Mediation, conciliation and arbitration services for resolving commercial disputes:

- R&D through industry-academia linkages
- Mediation, conciliation and arbitration training
- Thought leadership for the development of alternative dispute resolution International collaborations and industry forum membership

The IBA Dispute Resolution Forum is spearheaded by the ADR Team at IBA. The ADR Team includes, industry and domain area experts and comprises the following individuals:

Navin Merchant (Convenor)  
 Naushen Ahmed  
 Barrister Altaf Qureshi  
 Mohammad Sohaib Saleem (Focal Person)

