Written evidence submitted by the Chartered Institute of Arbitrators

Executive summary

- The Chartered Institute of Arbitrators (CIArb) is a leading global charity in the area of alternative dispute resolution (ADR). It has under its Royal Charter a duty in the public interest to promote and facilitate worldwide the determination of disputes by arbitration and alternative means of private dispute resolution other than resolution by the court (collectively called “private dispute resolution”).

- ADR plays a vital in ‘filling the gap’ in jurisdictions where the justice system is still at an early stage of development or the formal courts system is under resourced and under pressure, ensuring that businesses and citizens have access to justice.

- CIArb has a track record of success in developing countries, working with local communities and governments to train professionals and support new ADR schemes that facilitate access to justice and promote the rule of law. It is well placed to work with the UK government as it pursues a new approach to development beyond aid.

- CIArb believes DFID needs to develop a collaborative framework for development initiatives. This includes an open partnership platform for engagement with industry and NGOs at home and abroad to ensure it is making effective use of existing networks and development mechanisms to support its work. CIArb recommends the establishment of Regional Development Councils (RDCs) to bring together industry, government and NGOs to map out economic, rule of law and governance development strategies for geographic regions.

- CIArb welcomes the stated shift in the UK government’s approach to development. It is important that resources are targeted to support economic growth and associated issues such as the rule of law to ensure long-term, sustainable progress that empowers citizens and reduces their dependency on foreign aid. A closer relationship between UK Trade and Investment and DFID could ensure a productive future UK approach, linking trade to economic development in the long term.

Introduction

1. The Chartered Institute of Arbitrators (CIArb) is the world’s leading professional membership body for ADR in all its forms. It represents over 13,000 ADR professionals globally and is mandated by its Royal Charter to promote its Golden Thread:
   - To deliver education, training and qualifications
• To develop the learned society
• Facilitate ADR

2 As a not-for-profit, UK registered charity, CIArb works in the public interest through an international network of 37 branches.

3 With significant experience of empowering local communities to develop innovative ADR mechanisms that facilitate access to justice and promote the rule of law, CIArb supports a future UK issues focused approach to development.

4 CIArb believes DFID could do more to establish how it could support existing schemes and projects UK based organisations are undertaking rather than embarking on completely new initiatives. The Institute believes this would result in improved efficiencies and reduce duplication.

Alternative dispute resolution (ADR) and the rule of law

5 ADR mechanisms are a range of procedures that serve to resolve disputes generally involving the intercessions and assistance of a neutral third party. ADR mechanisms include arbitration, mediation, adjudication, expert determination and online dispute resolution. They provide a cost-effective and faster alternative to costly and time-consuming court process.¹

6 ADR plays a vital in ‘filling the gap’ in jurisdictions where the justice system is still at an early stage of development or the formal courts system is under resourced and under pressure, ensuring that businesses and citizens have access to justice. In turn, this gives them confidence in the rule of law in that jurisdiction; encouraging investment, market development and economic growth.

7 CIArb’s experience of working with local communities and governments to train professionals and support new ADR schemes that facilitate access to justice and promote the rule of law includes projects in Sierra Leone and Nigeria. It works with existing educational institutions and professional organisations to provide courses and qualifications to train local practitioners. Local practitioners are then eligible for CIArb membership and our professional development programmes to ensure they comply with international best practice.

8 The rule of law is closely linked to investor confidence and therefore economic growth. In 2013, CIArb ran two courses in Sierra Leone, with four trainers and 63 candidates to qualify for the Institute, in collaboration with the Sierra Leone General Legal Council and Sierra Leone Chamber of Commerce. The ADR practitioners are now playing a vital role supporting existing court structures,
providing much needed confidence to businesses that they will have access to redress should they enter into a contractual dispute.2

9 The support of such initiatives to support sustainable development must be at the centre of a future UK approach.

**Recommendations**

10 Resources should be targeted to support economic growth and associated issues such as the rule of law to ensure long-term, sustainable progress that empowers citizens and reduces their dependency on foreign aid. The Secretary of State is right to state that this should be the way forward beyond the Millennium Development Goals (MDGs).

11 Government could work more closely with bodies such as CIArb to ensure it is making effective use of existing networks to support its work. There is a role for DFID going forward as an organisation at the centre of a collaborative framework for sustainable development.

12 DFID should coordinate its efforts more closely with UK Trade and Investment, and focus on utilising existing mechanisms and channels to deliver on its objectives. This includes establishing Regional Development Councils with government, industry and NGO representation with a remit to map out economic, rule of law and governance development strategies for geographic regions. The African Legal Support Facility is an example of an initiative that would fall under their ambit and highlights how a future approach to development could support other UK policy aims.3

**References**

1 What is Alternative Dispute Resolution (ADR)? CIArb 2013 [http://asp-gb.secure-zone.net/v2/indexPop.jsp?id=900/1127/2366&lng=en](http://asp-gb.secure-zone.net/v2/indexPop.jsp?id=900/1127/2366&lng=en)
