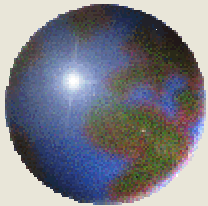


# *NADR INTERNATIONAL EDR SYSTEMS FOR*

## *THE FERTILIZER TRADE*



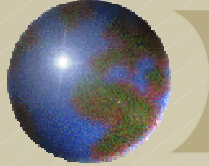
Virtual adjudication, arbitration,  
conciliation and mediation :

High speed "Click and Settle" solutions  
to international disputes arising out of  
fertilizer sales, construction and  
transport contracts.

Electronic Dispute Resolution  
processes for the global fertilizer  
market.

By Corbett H Spurin



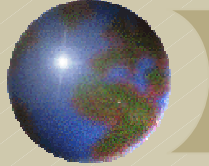


# *WHAT IS EDR ?*

Electronic Dispute Resolution is :-

- ❖ the use of internet based electronic communication systems for
- ❖ the three way transmission of information between
- ❖ the parties to a dispute (including their representatives) and a privately appointed
- ❖ settlement facilitator or
- ❖ judge.





# *Why use EDR ?*

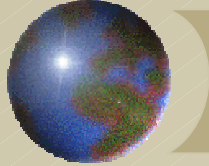
## **ADR (Alternative Dispute Resolution)**

is a private process that ensures confidential information is kept out of the public arena,  
and

ADR is considered to be :-

- ✚ quicker
- ✚ cheaper and
- ✚ more convenient than the courts.



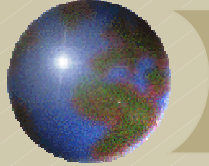


# *PRIVACY*

## **EDR maximises security and privacy in that EDR :-**

- ❖ Relies on web based communications processes, which are more secure than proprietary e-mail provider services, backed up by
- ❖ tele and video conferencing facilities,
- ❖ fax, and
- ❖ postal services



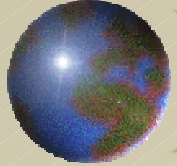


# *SPEED*

## **EDR :-**

- ❖ speeds up domestic and international communications, making ADR even quicker.
- ❖ on line EDR facilitates a seamless single session dispute resolution process, or
- ❖ alternatively enables the parties to deal incrementally with separate stages or elements of a dispute on a session by session basis.



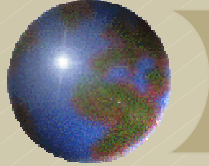


# COMMUNICATIONS COSTS

## EDR :-

- reduces communication costs, making ADR even more cost effective, compared to
- face to face communication, which involves travel and accommodation costs, both for the parties, the third party facilitator/arbitrator and for the hire of the venue.

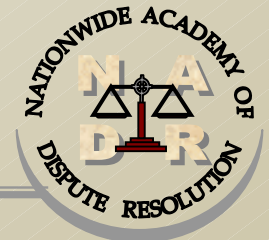


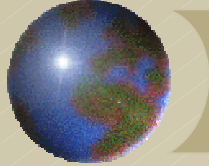


# *CONVENIENCE*

**EDR, by enabling the parties to participate in the ADR process from the comfort of their own work station, provides maximum convenience.**

- ❖ face to face dispute resolution results in major lost opportunity costs.
- ❖ an executive's time and energy is best spent engaging in commerce, not travel.





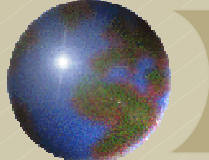
# *PRELIMINARIES*

**EDR is ideal for all forms of ADR to deal with the preliminary stages, even if EDR is not used for the settlement / trial process.**

- All claims, defences and counterclaims can be dealt with by EDR
- Case management can be conducted via EDR including administration & logistics
- All exchanges and disclosures can be facilitated by EDR including
- Video evidence







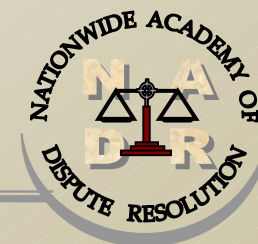
# *Paper only trials*

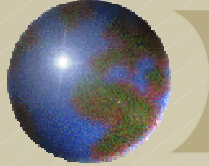
**EDR is the perfect communication medium for :-**

- ❖ Paper only arbitration,  
and
- ❖ Paper only adjudication

The process is kept moving by setting and maintaining strict deadlines for all concerned.

The usual target is 28 days from submission of claim – but longer or shorter timescales are permitted for more or less complex disputes.

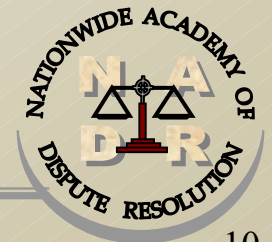


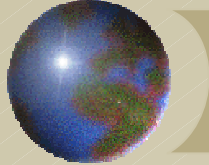


# *VIRTUAL TRIALS*

## **VIDEO-CONFERENCING**

- Video-conference trials preserve all the central features of the traditional trial, at a fraction of the cost and without the inconvenience of physical attendance at the forum.
- The immediacy of the trial (trial atmosphere) is maintained, complete with witness statements and cross questioning etc.
- It is equally suitable for adversarial and inquisitorial trials.
- **But fixed cameras can give a static feel to proceedings.**

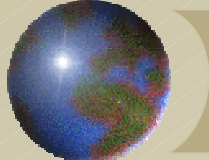




# *ON LINE TEXT TRIALS*

- ❖ Both parties log on to a live, secure inter-net virtual court room for the trial.
- ❖ The spontaneity of the trial is maintained in that the parties must respond promptly without the luxury of time to compose answers.
- ❖ The lack of visual/physical presence detracts from the drama of the traditional trial – but the ability to read and re-read the text avoids misunderstandings.
- ❖ **The charisma of witnesses has no bearing on the outcome – but there are problems guarding against coaching.**

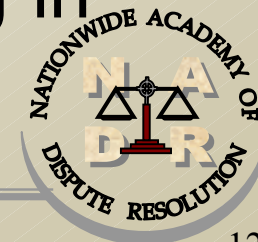


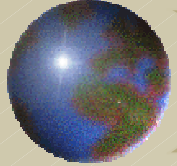


# *VIRTUAL MEDIATION*

## **VIDEO-CONFERENCING**

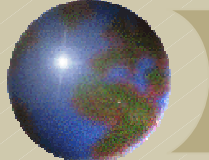
- ❖ preserves all the central features of the traditional mediation, at a fraction of the cost and without the inconvenience of physical attendance at the forum.
- ❖ visual presence retains most of the immediacy of face to face communications particularly during the caucus / private session.
- ❖ parties can make valuable use of otherwise lost time, whilst the other side is caucusing in private session.





# *ON LINE TEXT MEDIATION*

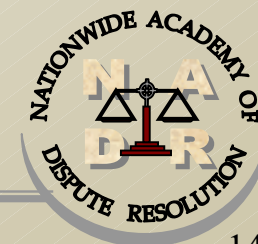
- ❖ Both parties log on to a live text mediation – a secure form of inter-net virtual conference room.
- ❖ The three way on-line forum during the joint mediation session ensures everyone feels involved.
- ❖ The two way on-line live conference process recreates a real time conversational dynamic that enables the mediator to effectively explore issues with each of the parties in turn during caucuses / private sessions.
- ❖ Written questions make it hard for someone to act in an evasive manner.

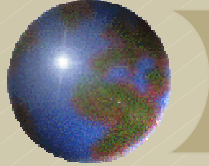


# *OFF LINE MEDIATION*

## **Paper only mediation.**

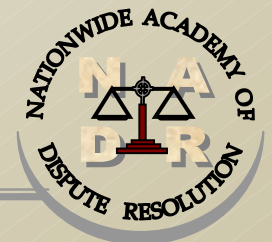
- The mediator opens the forum and initiates dialogue.
- The parties respond in turn, at their own convenience, but subject to strict time limits set by the mediator.
- All text goes on line and is accessible throughout the process.
- Caucus / private session dialogue is private to the mediator and the relevant party.
- The mediation may last for several days or even weeks.
- Tele-conferencing is common to break impasses and to create momentum.

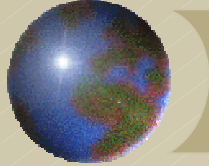




# WHO SHOULD USE EDR ?

- ✿ EDR can be valuably used for the settlement of all forms of dispute, be it :-
  - ❑ Public – e.g. government contracts / collaborations
  - ❑ Private – e.g. construction and plant contracts / labour contracts – employer/employee
  - ❑ Commercial – finance contracts, purchases, sales and services e.g. transport
  - ❑ Social – e.g. disputes with neighbours over planning and the environment etc



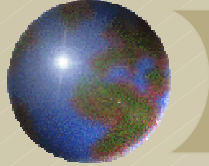


# COMMERCE AND EDR

- EDR is ideal for commercial disputes because :-
  - Most businesses are familiar with the technology,
  - Have access to the technology, and
  - Trust the technology - because they rely on it for the conduct of their day to day business affairs



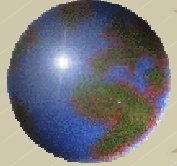




# *ADVANTAGES OF EDR*

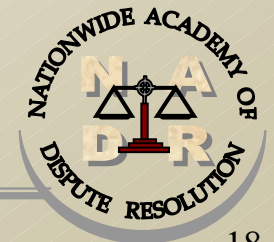
- EDR is an attractive option for :-
  - Busy people,
  - Bridging social / cultural / international barriers,  
and
  - Is particularly cost effective for international goods and services contract disputes

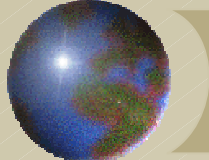




# *ADR KITE MARKS AND TRUST*

- ✚ Trust is a major barrier that international commerce has to over-come
- ✚ By providing independent dispute resolution services to customers, traders can gain the trust of potential clients – since a guaranteed trial process and remedy is provided against non- delivery and defective goods and services.
- ✚ Experience shows that traders who provide ADR services are more successful than those who do not.

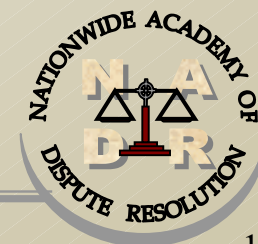


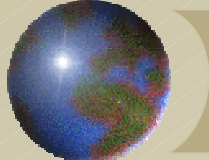


# *NADR KITE MARK*



- ❖ The NADR Kite Mark is an instant symbol of that guarantee, ensuring client confidence.
- ❖ Display the kite mark in advertising and marketing brochures

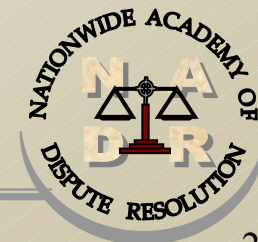


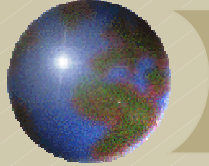


# NADR

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- **Tel : ++1 (214) 361-4998**
- **Tel : (800)685-0999**
- **Fax : ++1 (214) 361-2343**
- E-mail : [national@mindspring.com](mailto:national@mindspring.com)

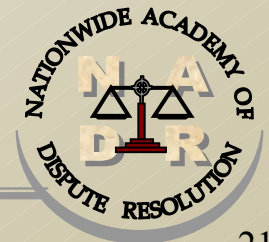


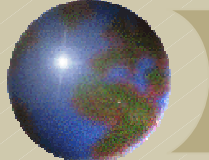


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- ❖ **Amman, Jordan**
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- ❖ **Fax : ++962 6 5854902**
- ❖ **E-mail : [Hussam@nadr.com.jo](mailto:Hussam@nadr.com.jo)**

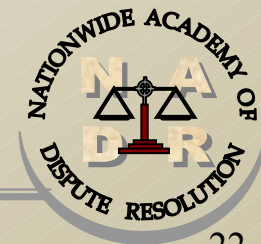


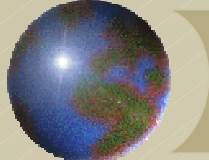


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- ✦ **Tel/ Fax ++30 2106 643955**
- ✦ **E-mail : [nasosgiannakis@yahoo.gr](mailto:nasosgiannakis@yahoo.gr)**



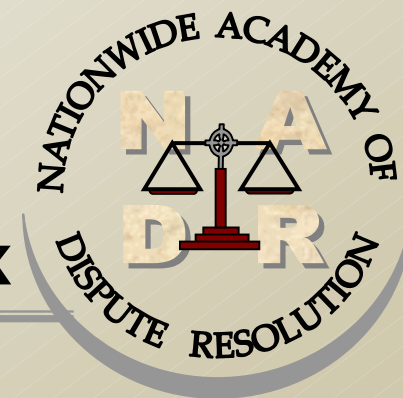


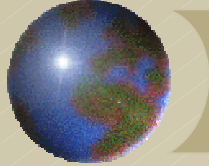
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