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# ADR for the Millennium Problem: ADR4Y2K?

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## ADR and the Bug

# ADR for the Millennium Problem: ADR4Y2K?

Organisations from four continents have come together to provide a Millennium Accord to deal with the 'millennium problem'. Not surprisingly ADR is prominent in the Accord's dispute resolution approach.

The millennium problem is technically simple, involving an inability of IT systems to recognise the year 2000 date change. However the problems arising from it could be potentially complex.

The Millennium Accord is an international dispute resolution response to the anticipated problems. The Accord is designed to:

- reduce the potential for confrontation and dispute between businesses and/or public sector organisations arising from the millennium problem;
- encourage and facilitate the exchange of information on any millennium problem on a without prejudice basis; and
- promote a cost-effective approach to resolving millennium problem differences and disputes, whether domestic or international.

## Agreed principles

There are a number of short specific principles to guide parties in dealing with millennium problems. These include:

- The millennium problem is a mutual problem not a competitive opportunity.
- Timely dispute prevention is preferable to retrospective redress.
- The differences or disputes over millennium problems should be resolved without resort to adjudicative resolution methods.

Organisations which support the Millennium Accord Principles can sign a declaration of support and become Accord Signatories. This is less a legal commitment and more a public statement in relation to proposed problem solving. The same commitment will be made by organisations around the world.

## Accord procedure

The dispute resolution procedure to be followed in terms of the Accord involves two stages. The first stage involves negotiations at management level, which should involve those with authority to settle and preferably persons who were not involved in the original dispute.

Where negotiations do not result in settlement in the first stage then the parties will use mediation involving a trained mediator, preferably with some experience in the area of the dispute. Where mediation is successful the dispute will be resolved and where it does not achieve settlement the Accord procedure will have run its course.

The parties may agree mutually to skip the first negotiation stage and proceed directly to mediation.

## Contract clause

The Accord includes a simple contract clause for inclusion in any commercial agreement which may give rise to a millennium problem. As with other such clauses, this should allay the concerns of a party that suggesting settlement might be seen as a sign of weakness.

## Administration

Six organisations from around the world will co-operate in the administration of the Millennium Accord. They are: Centre for Dispute Resolution (CEDR) (Europe); JAMSEndispute (USA); Canadian Foundation for Dispute Resolution (Canada); LEADR (Australia & NZ); Hong Kong Mediation Council (Asia); and Singapore Mediation Centre (Asia).

These bodies are also responsible for disseminating information and documentation on the Accord Principles and Procedure. ●

*Organisations interested in the Accord can contact Sydney-based LEADR at 02 9233 2255 (phone) or 02 9233 3024 (fax).*

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