Featured School:

University of Stellenbosch
University of Stellenbosch Business School
Cape Town, South Africa

www.usb.ac.za

January 2013
AACSB International
The Africa Centre for Dispute Settlement

The University of Stellenbosch demonstrates an overwhelming commitment to academic initiatives that serve human need, both in South Africa and in Africa as a whole. Through its HOPE Project, the university supports research, teaching and outreach activities focused on five major themes:

- Eradicating poverty and related conditions
- Promoting human dignity and health
- Promoting democracy and human rights
- Promoting peace and security
- Promoting a sustainable environment and a competitive industry

The University of Stellenbosch Business School (USB), the first AACSB-accredited business school in sub-Saharan Africa, is one of the most deeply engaged of all the university's academic units in the HOPE Project, through its own social engagement initiatives. One aspect of USB’s engagement stands out in particular, however, both for its unique character and the scope of its vision in “developing the theory and practice of mediation in all its forms, with a special emphasis on conflicts involving economic actors”: The Africa Centre for Dispute Settlement (ACDS).

Dr. Barney Jordaan, Director of the ACDS, says that USB was a natural fit for the development of the Centre. Being legally trained himself, Dr. Jordaan makes the case that lawyers (and law schools) tend to be naturally conservative when it comes to change, and very protective of their main territory (i.e., litigation), which to his mind is a less effective form of conflict resolution than the mediation techniques promoted at the ACDS. People have become more aware that effective negotiation and dispute resolution are integral parts of ethical business practice, he claims, and ultimately are superior to litigation in terms of cost, time, and the preservation of good business relationships. South Africa has even taken steps toward requiring mediation in civil cases, which Dr. Jordaan sees as an “extremely positive step.” Thus in 2007, when the Centre won approval to open from the university, the business school became its home. The ACDS opened its doors in February 2008, under the patronage of Archbishop Emeritus and Nobel Peace Laureate Desmond Tutu.

The HOPE Project at the University of Stellenbosch provided seed funding for the ACDS as part of the Project’s 2020 initiatives, according to Dr. Jordaan. The Centre undertakes a wide range of activities in support of HOPE, including scholarly research, consulting, educational and training programs, and even the provision of actual mediation services. Many of these projects also provide sustainable revenue streams that allow the ACDS to be mostly self-sufficient in terms of funding, Dr. Jordaan says, including
sponsorships from local and international corporations or government entities for specific projects, or tuition from training and teaching modules.\(^5\) The important thing to remember, he emphasizes, is that everything the Centre does is designed to have real impact in the space of conflict resolution, and in particular economic conflicts; therefore all of the ACDS’ activities are structured around fulfilling this central mission.

**Conflict Resolution Research**

Because of the nature of the ACDS as an academic center of the USB, Dr. Jordaan says, producing and publishing scholarly research has to be a top priority. He stresses, however, that much of the Centre’s research focus is on the application of theory in the space of conflict resolution for economic actors, through what ACDS refers to as “action research.”

The University for Peace’s Africa Programme defines action research as an “an approach within peace research in which the researcher abandons a detached stance and becomes part of the programme team.”\(^6\) The Centre’s action research focuses on monitoring, evaluation, and the development of case studies and theoretical frameworks for the application of mediation and other so-called “alternative dispute resolution” (or ADR) techniques to resolve civil and commercial disputes without resort to costly litigation. Researchers from ACDS go into the field jointly with stakeholders, to examine capabilities for conflict prevention in sensitive economic and political environments. The point of the Centre’s action research, according to Dr. Jordaan, is to deliver immediate, actionable insight to the local actors, as well as broader value to headquarters organizations through comparative learning.

Dr. Jordaan says the Centre is currently involved in such action research with a major mining company in Ghana. Closer to home, ACDS has also proposed a pilot project in the Cape Town municipality to improve the capacity of municipal and township-level authorities to collaborate with the South African national government to promote socio-economic development. While it is important to respect party confidences, he notes, this work also makes significant contributions to more rigorous frameworks for understanding and action, supportingUSB’s curriculum development and teaching with regard to civil and commercial mediation and negotiation techniques.

**Education and Training**

One key purpose of the ACDS is to try and establish mediation as a recognized, self-regulating profession, according to Dr. Jordaan, along the lines of lawyers, doctors, accountants, etc. It's a
worldwide project that has been ongoing for many years, he says. In 2009, the Centre launched an initiative to promote the development of and support for a uniform system of practitioner accreditation for mediators. South Africa’s Dispute Settlement Accreditation Council (DiSAC) was created in 2010 as a result of the ACDS’ efforts, and is currently housed at and coordinated by the Centre. ACDS personnel now work to build capacity in mediation and arbitration techniques both locally and internationally, through teaching courses in USB’s MBA program, and through various executive education and development programs.

One of the most popular of these executive education courses is the ACDS’ five-day intensive Civil and Commercial Mediation training, which prepares those who undertake it to apply for accreditation as a mediator from DiSAC. The Centre for Effective Dispute Resolution (CEDR), a UK-based body that offers advanced training and internationally recognized accreditation of training in mediation, also recognizes this course as preparation for its accreditation. Dr. Jordaan says that over 350 students have been through this program, which is offered three to four times annually.

The ACDS is also South Africa’s only certifying body of the International Mediation Institute (IMI), and one of only two on the entire African continent. The IMI is a non-profit foundation based in The Hague, Netherlands, which develops global professional standards for experienced mediators and certifies individuals as meeting them. Dr. Jordaan, himself an IMI-certified mediator, describes their certification as “a rigorous and onerous process” for experienced individuals in the field. He explains that the ACDS’ status as an IMI Qualifying Assessment Program provider means that individuals who are assessed by the Centre (generally through one or more ACDS training programs) and identified as meeting the IMI standards for accreditation can subsequently apply for recognition by IMI as an certified mediator.

As of February of 2011, the ACDS now offers a full Postgraduate Diploma in Dispute Settlement, awarded by USB. This certification includes two required modules, one on conflict management and dispute resolution, and one on consensus-building processes and skills. These are followed by one of two elective modules, either the aforementioned Civil and Commercial Mediation executive training, or an Introduction to Arbitration module (although both can be taken for an additional fee). The postgraduate diploma program is intended to allow its graduates to establish themselves either independently or within their organization as trained dispute mediators, promoting what Dr. Jordaan calls the vision of the ACDS, i.e., having business actors look to non-litigious conflict resolution as a first resort.
Collaborating to Build a Sustainable and Peaceful Future

Nothing that the ACDS undertakes is done in isolation, particularly given the nature of life on the African continent. Dr. Jordaan acknowledges that South Africa, whose economy is frequently mentioned as one of the premier emerging economies in the world alongside those of Brazil, Russia, India, and China (the so-called BRICS), is often perceived as “the bully on the continent.” As a result, he says that the Centre staff strive to remain very conscious of the fact that the ACDS is but one player on the continent in the mediation area. He says that their policy has always been to not compete with what is already in place, but rather to collaborate, always keeping their focus is on economic actors.

According to Dr. Jordaan, the Centre works hard to develop collaborative efforts with domestic and international institutions, in support of its mission. ACDS has already helped to establish a sister institution, the European Centre for Dispute Settlement, at the Vlerick Business School in Belgium. The two centers work together to develop cases and test theoretical frameworks of best practices in dispute settlement for economic and business actors across the two continents.

The Centre is now working to establish a Community-Business Conflict Prevention and Resolution (CBCPR) network on the African continent. The CBCPR network is intended to provide Africa-wide civil society platforms for networking, training, good practice reflection, peer support, and collaborative action on conflict prevention and resolution, as well as promoting policy dialogue on relations between businesses and the communities in which they operate. The network will also provide ACDS with additional opportunities to pursue action research in more national and community contexts throughout Africa.

Locally, ACDS is working to build a new Centre for Development Collaboration (CDC) in partnership with the Graduate School of Business at the University of Cape Town. Dr. Jordaan indicates this joint center will aspire to significantly impact development outcomes by studying, creating, evaluating, cataloguing and disseminating practices that foster development collaboration and reduce risks to development outcomes from destructive conflict or suboptimal stakeholder interactions. Additionally, as an Africa-based center for practice and innovation, the CDC will provide evidence-based guidance the broader development community.

Acknowledgements: AACSB International is grateful for the assistance of Dr. Barney Jordaan, Director of the Africa Centre for Dispute Settlement and Professor Extraordinaire of negotiation at the University of Stellenbosch Business School.
End Notes