

In Surah Al-Hujurat verse 10, the Almighty puts a noteworthy precondition for being blessed with His mercy. He says, and I quote, "The believers are but brothers, so make settlement between your brothers. And fear Allāh that you may receive mercy" . The last Prophet (may Peace and Blessings be upon him) once said " "Shall I not tell you of something that is better than fasting, prayer and charity?" They said: Yes. He said: "Reconciling between two people" (Tirmizi). There are several instances of the Second Caliph of Islam recommending parties to resolve their matters via settlement instead of going into through a formal court process. In several other instances, one can find in Islam an overwhelming emphasis on adopting Alternative means to Dispute Resolution. What was recommended 1400 years ago has become the need of the hour today.

Pakistan faces a grave threat to the effective dispensation of justice. With 2.2 million pending cases across Pakistan and only 3,067 judges, the average life of a civil dispute is approximately 6-10 years. This not only delays justice, but leads to insufficient time being given to overburdened judges to produce prudent judgements of a high quality. Those who have been affected by the War on Terror understand the repercussions of a justice system plagued with delays. Realizing the potential social impacts of this, the Government and the Judiciary of Pakistan have made the institutionalization of Alternative Dispute Resolution a national priority. A Task Force created by the Supreme Court of Pakistan to institutionalize ADR across all territorial jurisdictions in the country (ADR is a provincial subject) and the expeditious measures of the Islamabad and Sindh High Courts in this regard are a testament to this.

Alternative dispute resolution (ADR) refers to the different constitutionally-recognized methods through which parties (individuals and entities) can resolve disputes without a trial. Common ADR methods include mediation, arbitration, conciliation and neutral evaluation. They are flexible, cost-efficient, time-effective, and give the parties more control over the process and the outcome of an ADR process. Parties who resolve their disputes through ADR are generally more satisfied because they may directly participate in working

out the terms of their settlement. Mediation in particular, offers the parties, and the mediator facilitating the conversation between them, to come up with unique, out-of-the-box solutions which one may not experience in the courtroom. Hazrat Ali (RA)' s famous settlement in the inheritance case of 17 camels that were to be divided among three sons is taught at leading law schools and negotiation programs around the world.

Institutionalization of Alternative Dispute Resolution is also directly linked to ease of doing business and inflow of foreign investment. Judicial delays and lack of ADR services not only hamper business confidence in the country as corporate entities do not find effective dispute resolution services, but also discourages foreign investment, particularly from regions where investors are used to highly developed ADR systems. In a survey conducted by the Beijing Arbitration Center, 70% of Chinese investors in Pakistan said that they would opt for mediation and negotiation as the primary dispute resolution medium of choice. Businesses and investors have three primary incentives when it comes to dispute resolution; cost, time and confidentiality. ADR laws in Pakistan guarantee all three. The Islamabad ADR Act 2017, Punjab ADR Act 2019, Amendments to Sections 89A & B of the CPC in Sindh and the KP ADR Act of 2020 all officially recognize mediation and arbitration as ADR processes and allow for a mediation settlement agreement to be made a Rule of Court, ensuring judicial enforcement and ensure complete confidentiality of mediation proceedings, so much so that information disclosed during a mediation proceeding cannot be used as evidence in a court of law.

Globally, Alternative Dispute Resolution has begun to take root beyond Europe. Singapore offers one of the most well-designed ADR systems. Turkiye, which passed its first ADR Act in 2012, has resolved 3.5 million cases through ADR, primarily relying on mediation, and has consequently resulted in an 83% reduction in civil court pendency. After a success mediation pilot, Kenya has now officially institutionalized ADR across the country.

The Legal Aid Society is actively working with grassroot communities as well as the High Courts of Sindh, Islamabad and Gilgit Baltistan to institutionalize ADR. As part of its demand-side interventions ensure that communities across the 8 districts of Sindh are made aware of ADR, its benefits and successes and actively start utilizing ADR as a justice mechanism it has conducted more than 1000 community sessions across Sindh, sensitizing more than 20,000 community members. On the supply end, LAS regularly builds capacities and offers technical support to judges and members of the legal fraternity. In order to enhance the supply of ADR in the province, LAS trained and then notified 250 Saalis members (under the Small Claims and Minor Offences Ordinance) across Sindh, 50 lawyers in Islamabad and plans to train 50 senior members of community as accredited commercial mediators across Gilgit Baltistan. LAS in collaboration with Sindh Judicial Academy (SJA) also trained 100 Senior Civil Judges and Civil Judges and Judicial Magistrates Sindh on ADR, Mediation Law and Skills. In partnership with the Federal Judicial Academy, 36 senior civil judges have been trained in Islamabad on the Islamabad ADR Act 2017. A specially designed 10-hour ADR course was taught across 5 law colleges of Sindh to ensure that future lawyers and judges are exposed to ADR and its benefits early on.

After creating an enabling legislative environment for ADR in Pakistan and successfully enhancing the supply of ADR practitioners in Karachi and Islamabad, LAS has recently established a state-of-the-art ADR center called **Musaliha International Center for Arbitration and Dispute Resolution (MICADR)** with 50 accredited mediators and 17 senior senior arbitrators to provide mediation and arbitration services to individuals and entities alike. MICADR, now recognized by the Sindh High Court as an ADR center, is headquartered in Karachi with a strategic office in Islamabad. Its Advisory Panel of ADR practitioners include well known international mediators and arbitrators from UK, UAE, Turkiye and Kenya.

The institutionalization of Alternative Dispute Resolution across Pakistan, with courts referring cases to ADR centers and members of the legal fraternity

actively involved in the process as Accredited Mediators, Arbitrators and Mediation Advocates, is the only viable and cost-effective option to ensure the dispensation of expeditious and expedient justice in non-criminal matters. LAS has endeavoured to make this option a workable reality. May we all be worthy of the Almighty' s mercy.