

'Mediation Works' Symposium

*Royal Hospital, Kilmainham
Tuesday, 27 May 2008*

Panel Discussion 2: Mediation Works – in Civil Communities

Following invitation from Turlough O'Donnell to address the Symposium:

Colin Daly, Solicitor in Charge, Northside Community Law Centre

This is a very unexpected pleasure and I will try not to take up too much of your time ...just looking at the panel and across the panel, at a community based law centre like Northside Community Law Centre we are very lucky to have the support of so many of the members of the panel here already. And I will come back to that as we go along. For those of you who don't know what a community based law centre is all about, we are not part of the civil legal aid system. We are a law centre that was set up over 30 years ago, following an American model, again one of your panel, Peter, spoke about an American model. A...a community based law centre was...is set up in disadvantaged communities to help people from disadvantaged communities access legal services, people who otherwise wouldn't be able to afford to access legal services, to use the law as a tool for social change and to promote social justice. And Turlough in particular is one of those rare people who lives what he believes. And when he talks about the people and the Constitution he really believes in this. He has worked with Northside Community Law Centre through some very difficult times to help us continue to provide this service for disadvantaged people in the northeast of Dublin and for them to have a voice. So Turlough, thank you so much for that. One of the things that we do at Northside Community Law Centre is to provide a mechanism for alternative or perhaps a better word might be appropriate dispute resolution. And to that end we have established a service called Mediation Northside. And I am probably not the best person qualified to talk to it. Our co-ordinator, Valerie Goughran, is sitting beside me. And if I was Paul Daniels, she would be my Debbie Magee. So Valerie can talk us through...or can talk you through at lunchtime the mechanics of it and the statistics of it. Essentially what we want to do is, we want to try and turn the idea of having conflict in our community from a negative into a positive. So we have established this model of providing training for people who live and work in our community to train as mediators. So that they can then provide ...as volunteers they can provide a mediation service to our community. We are not alone in this endeavour. There are community mediation services in Ballymun, in Cork as Turlough mentioned. Our colleagues from Tallaght, the Mediation Bureau in Tallaght, are here. I see them holding up their hands. They were

the leaders in the field. And also I have just heard that there may be moves afoot to have one in Cavan. So it will be interesting to see how this works in a rural setting as opposed to an urban setting. Ken mentioned the battle of Gorse Hill which I think drew everyone's attention to mediation and what a wonderful tool it can be. You know, the publicity there is great. It overshadowed a case that we were taking from the law centre that same day challenging the Constitutionality and the human rights elements of evictions by local authorities. But it did draw attention to mediation. Turlough mentioned as well that we provide mediation without giving legal advice. And I would just like to expand on that a little bit and maybe explain why. Community based law centres traditionally didn't get involved with neighbour disputes at all. And it's these kind of neighbour disputes that can often escalate within a community and can ...can create incredible conflict. And we see reports from areas like Limerick [unclear] you know, very often in the news, and how this conflict can escalate and can...can get out of hand. But community based law centres have to stand back from that. Because if we choose one side over the other who is to say that we are choosing the right side. That is why we...we don't advise either side. But we do set up a mediation service, so that both sides have the opportunity to...to have their problem dealt with. Some of the cases that we have dealt with really show how mediation can help the little guy take on the big guy. We have had some cases where a local person has taken on the local authority, where they have taken on a utility provider, and where the result is a result that benefits both. And I think that's the huge thing about mediation. Resourcing, that's another issue. And hopefully at the next conference we would have more public representatives and more representatives of public government to talk about resourcing mediation at the community level. Thank you.