



Mediation/Arbitration - A Bridge Between Two Disputing Parties

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Abstract

International Mediation Institute makes a positive difference to, and is changing the landscape in, the dispute resolution world. Promoting a better, less adversarial access to justice, IMI programs and standards add value to the quality and transparency of conflict management, thereby facilitating consistent, credible, and ultimately more satisfactory outcomes to those who desire it most – the parties (Users). IMI is a non-profit organization and registered charity funded entirely by donations. IMI competes with no one because it provides no billable services. <https://imimediation.org/>

IMI began life in early 2007 and was, and remains, unique. IMI is the only organization in the world to transcend local jurisdictions to develop global, professional standards for experienced mediators, advocates and others involved in collaborative dispute resolution and negotiation processes. IMI convenes stakeholders, promotes understanding and disseminates skills, all in a non-service provider capacity.

IMI standards make it easier to suggest mediation as a viable tool. Sustainable solutions reached through mediation help advisers to be viewed more as solution providers who collaborate with clients for the best outcome to a conflict (in terms of risk, quality of result, reputation, relationships, costs, and time), rather than focusing on legal positions and adversarial process.

The session will introduce Mediation Tools designed by IMI to provide help and assistance to Users, Mediators, Mediation Providers and Mediation Trainers - those who are experiencing conflicts or making deals and are considering mediation, and those who advise or represent them.

- **Decision Tree** provides objective and impartial guidance to users of mediation services on what to bear in mind, and what basic decision need to be taken, when going to mediation. Presented as a visual with links to more information. <https://imimediation.org/decision-tree>
- **Olé - Online Evaluation/Case analysis Tool** provides help to parties and their advisers to analyze and assess specific disputes in order to determine the best possible way forward. Olé can be used online and offline and is an excellent aid to evaluating a particular case historically and prospectively, and for determining the best management strategy for each dispute. <https://imimediation.org/ole>
- **IMI Search Engine** allows to rely more on objective and proven quality standards and competency criteria to make an informed decision on choosing a mediator rather than relying on word-of-mouth, hearsay, gossip, directory listings, self-proclamations by mediators and other notoriously unreliable methods. It means greater confidence in suggesting mediation to another party (or agreeing to a proposal) knowing that a high level of transparent professional competency will be applied. Making suitable choices between a number of competent mediators is much easier. IMI Certified Mediators are required to collect feedback on their performance as a mediator from Users (disputants and their professional representatives), appoint an independent organization or individual to summarize it into a Feedback Digest, and include it in the IMI Certified

Mediator's Profile. In this way, the mediator's ongoing competency is assessed and validated by the community they serve. <https://imimmediation.org/certified-mediator-search>

Lack of understanding is one of the main impediments to the growth of mediation and the diversity of its uptake. The average user is often confused by numerous different definitions of mediation, mostly technical and written by lawyers who often describe mediation as a legal or quasi-legal process, and by a serious lack of information about how and why mediation works. Without understanding, there is little prospect of acceptance. <https://imimmediation.org/stop-shovelling-smoke>

During the session participants will be invited to think about MEDIATION as a brand. It is not a proprietary brand name, of course, but it is a distinctive service. And will be provided with a glimpse of combining different dispute resolution processes that may involve the interplay between public or private adjudicative and evaluative systems (e.g., litigation, arbitration, adjudication or conciliation) with mediation, whether in parallel, sequentially or as integrated processes. <https://imimmediation.org/hybrids>

A real example of an Arb-Med process which helped parties get to yes when negotiating a deal over trade marks in class 25 will be presented at the session. They were extensively owned by a global multinational company and a small but successful company was the exclusive licensee. There had never been any dispute. When the company decided to sell a suite of trademarks there was a willing seller and a willing buyer. But the parties could not agree on the value of the trade marks, and therefore could not agree on a price. https://imimmediation.org/private/downloads/yovCpiq6LEmrCcZIXF6gOQ/MIP_Article_July_August_20...pdf