



International Mediation Institute  
[www.IMImediation.org](http://www.IMImediation.org)

## IMI in a Nutshell

August 2015

### Why IMI?

IMI makes a positive difference to, and is changing the landscape in, the dispute resolution world. Competently handled, mediation empowers parties to a conflict such that their mutual consensus is the focus in decision-making. 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).

### About IMI

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 also convenes stakeholders, promotes understanding and disseminates skills, all in a non-service provider capacity. IMI competes with no one because it provides no billable services.

### Who runs IMI?

All strategic decisions are made by an integrated, rotating Board of Directors comprising people with a background as Users and individuals with relevant ADR expertise. Expansion beyond these stakeholders (eg. to government, community, family law and professional firms) is currently in progress. Operations are led by the Executive Director, supported by the Operations Manager, and these are the only paid appointments. The Advisory Council, comprising prominent mediation thought leaders in the world, provides guidance as needed.

### What do “global professional standards” mean?

Global professional standards exist when high practice standards are developed, tested and implemented consistently cross-border by recognized, professional experts. This is achieved in IMI through the Independent Standards Commission (ISC), a 70+ strong body of Mediators, Users, Judiciary, Providers, Trainers, and Educators from 27 countries. Standards developed by the ISC are applied by service providers approved by the ISC to run Qualifying Assessment Programs (QAPs) to assess and qualify for IMI Certification experienced and competent mediators. There are currently 24 QAPs in 16 countries, with more in the pipeline, and almost 400 IMI Certified Mediators in 45 countries.

### What benefits does international credentialing bring to businesses Users?

For businesses and other Users, the widespread adoption of common high International Standards in mediation facilitates the choice to use mediation both locally as well as in multiple jurisdictions. It means relying more on objective and proven quality standards and assessment 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. It also means a greater ability to trust choices of other parties (re-starting the relationship building process) based on the known element of IMI Certification (even if the specific individual is unknown). Making suitable choices between a number of competent mediators is much easier.

And furthermore it means a professional approach to help parties negotiate through conflicts when bilateral efforts threaten a sustainable outcome. Ultimately it means lower costs and less time focusing on process aspects – leaving more opportunity to manage the conflict itself.

### What benefits do high mediation standards bring to mediation providers?

For service organizations who qualify for QAP status, IMI standards raise their game. Experienced mediators accredited through their organization will be able to deliver higher

results for Users. Higher results build reputations for both the mediator and the accrediting organization. By improving the quality of mediators through IMI Certification, mediation becomes more trusted and widely used, translating to more business for providers. The IMI search engine also extends the reach of mediators to a wider constituency of Users.

### **What benefits do high mediation standards bring to professional firms?**

IMI standards make it easier to suggest mediation as a viable tool for their clients. Sustainable solutions reached through mediation help legal 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. Legal counsel accredited as IMI Certified Mediation Advocates will build further trust with clients, thereby distinguishing themselves from their competitors and leading to repeat business as the representative of choice proven to act in the best interests of the client.

### **What benefits do high mediation standards bring to Regulators?**

When a profession is properly self-regulated from a quality perspective, the role of the regulator can be focused on issues protecting users and professionals. In the case of mediation, this includes enshrining confidentiality and privilege in law, supporting and implementing ethics considerations, encouraging use of mediation in court process and the enforceability of settlements. This enables a proper balance to be struck between the responsibility of the profession to self-regulate efficiently and the role of the Regulator in improving the environment for the profession to develop while the consumer of the professional services, and the professionals themselves, are properly protected.

### **What are four of the USPs of IMI?**

IMI has several unique features including:

- (1) the only body setting standards for mediators on a global scale.
- (2) the unique mission to establish mediation as a profession.
- (3) IMI holds consultative status with the UN economic and social council (ECOSOC), and observer status with UNCITRAL.
- (4) the IMI credentialing scheme not only sets high standards, but also makes those standards transparent to Users. This is done by requiring IMI Certified Mediators 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.

### **Aside from setting standards, what other initiatives are being led by IMI?**

The drive toward Professional Mediation Worldwide entails more than global standard-setting for mediators. Some of IMI's current initiatives and programs are:

- Promoting mediation to Users.
- The IMI Inter-Cultural Certification (launched April 2012)\*.
- Making informative material and tools available copyright-free.
- Creating training tools for developing countries.\*
- The IMI Certification for Mediation Advocates.\*
- The web-enablement of a case analysis tool called Olé.\*
- Young Mediators Initiative.
- Open online advice forum for users.
- Establishment of IMI 501(c)(3) and equivalent entities locally around the world.

(\*funded by the GE Foundation)

### **How is IMI funded?**

IMI is a non-profit organization and registered charity funded entirely by donations. Current IMI funding sources include private and public donations, grants from certain dispute resolution foundations, business User sponsorships and voluntary Listing Contributions from IMI Certified Mediators. Other funding sources are currently under consideration. The Board has categorized Patrons into Platinum (above €50k), Gold (€10k-€50k), Silver (€1k-€10k) and Bronze (below

€1k).

### **Which ADR bodies are involved with IMI, and why have they chosen to do so?**

- Directors of the following ADR bodies are members of the IMI Board:
- American Arbitration Association/International Center for Dispute Resolution
- International Chamber of Commerce–ICC
- Center for Effective Dispute Resolution (CEDR)
- JAMS
- Singapore Mediation Centre and Singapore International Arbitration Centre
- Netherlands Mediation Institute

All these institutions have contributed to funding to IMI, other than the Netherlands Mediation Institute, which has contributed in kind.

The Corporate Counsel International Arbitration Group (CCIAG) also collaborates with IMI on international strategic and operational levels. The Chair of the CCIAG is a member of the IMI Board.

Most major arbitration institutions are embracing and practicing mediation because the demand from disputants is growing. A close association with IMI enables those institutions to help establish high professional standards and help define the public policy framework for early dispute resolution internationally.

### **Which companies are involved with IMI, and why have they chosen to do so?**

Currently, executives of General Electric, Hess Corporation, Northrop Grumman and Shell International are members of the IMI Board. The former head of IP at BAT is also a member of the Board. The former Chief Litigation Counsel of Air Products & Chemicals is a Vice Chair of the Independent Standards Commission and senior counsel at BAT and Siemens are members of the International Standards Commission. The IMI search engine is the only mediator selection and identification tool chosen by the Kluwer Corporate Counsel Dispute Resolution Online service (<http://kluwerccdr.com>).

Involvement with IMI at a strategic level, such as a member of the Board, provides forethought-leading companies an opportunity to help drive one of the key social and economic challenges for the future, namely progressive conflict management. The companies with a senior executive on the IMI Board are able to influence the development of rule of law to a more collaborative, solution-orientated, relationship-building framework. This coincides with many multinationals' shared interests in protecting and enhancing reputation and trust (as evidenced in the 2011 Edelman Trust Barometer) as well as preventive law, risk containment and cost savings. They are publicly perceived as helping develop mediation and ADR on a practical level throughout the world. One of the spin-off practical benefits is that when these companies propose mediation as part of their ongoing business, that proposal is viewed not as an expression of weakness but as a genuine implementation of corporate policy and ethos.

### **Why is IMI registered in The Hague, and what type of legal entity is it?**

IMI is registered as a "stichting" (ie a non-profit foundation) and is recorded in the Chamber of Commerce in The Hague. IMI is registered with the Netherlands Tax Authorities as an "ANBI" (Algemeen Nut Beogende Instellingen - Institute Aimed At The Common Good) and is therefore a registered charity. As a result IMI has been granted an exemption from Netherlands Gift Taxes on all donations received, large and small. The Hague is the City of International Peace, Justice, Reconciliation and Security. The Municipality of The Hague has also been a Patron of IMI and continues to provide heavily subsidized office accommodation to IMI in the city's NGO Building, close to the Peace Palace.