



# Certificate in Dispute Management

A DISTANCE-ED PROGRAM OF

INDIAN INSTITUTE OF ARBITRATION & MEDIATION  
institution for dispute resolution & management

# About the Course



CDM is a distance learning course which will provide a good basic knowledge of ADR – Negotiation, Mediation & Arbitration. The course provides guidance to become an effective negotiator and a good mediator. The course also gives knowledge on the concept of conciliation and arbitration. Candidates who successfully complete the program will be treated as Grade-C Mediators. They will be deemed to have completed 15 hours of training and as per IIAM norms they will be empanelled with IIAM and will be entitled to

mediate community disputes. The normal commercial mediator training program would be for 40 hours. After successful completion, they will be treated as Grade-B Mediators and they will be entitled to mediate all types of disputes. Grade-C Mediators who completes 50 hours of community mediation, will be graded as Grade-B Mediators, based on evaluation of the feedback digest and they will be entitled to mediate all types of disputes. Grade-B Mediators, who completes 200 hours of mediation, will be entitled to apply for IMI (International Mediation Institute) Certification to become Grade-A Mediators. IMI Certification will be made based on the guidelines issued by IMI.

The course is valid for six months from the date of enrolment. Participants can enroll at any time of year and study entirely at their own pace, submitting assignments when they are ready. A tutor will be available to mark the assignments and give feedback on the progress for a period of six months from the date of enrolment.

For Testimonials of Participants see: [http://www.arbitrationindia.com/testimonials\\_cdm.html](http://www.arbitrationindia.com/testimonials_cdm.html)

The program consists of two modules.

## **Module 1 – Title: Basics on Negotiation & Mediation**

Study of conventional types of negotiation and the alternatives for principled negotiation and its stages and method. Styles of negotiation and preparing to effective negotiation. Overview on mediation based on evaluative and facilitative methods.

## **Module 2 – Title: Dispute Management ADR Methods**

Comparative study of mediation and Conciliation and the methods of mediation. Arbitration and its style of dispute resolution. Analysis of systems of mediation and arbitration and various laws and rules.

## **Assessment Strategy**

Assessment is by evaluation of the assignments given at the end of the module.

## **Course material**

There will be four 'reading and study assignments' as course materials, and these form an essential part of the distance learning course. They are designed to help to work through the course and understand the concepts.

## **Certification**

On successfully completing the assignments included in the course the certificate will be awarded.





### **Assignments**

Each assignment consists of a problem evaluation and should be no more than 2,500 words. Through answering the assignment the applicant will apply the knowledge gained through reading, and test the understanding of the concepts.

### **Course fee**

Rs. 12,000/-\* (USD240\*) towards tuition fee and Rs. 2000/-\* (USD40\*) towards handling charges outside India. The first part of the course will be sent out on receipt of the completed application form and payment. The second part will be sent out on completion of the first module. (\*Plus 18% GST)

### **Application**

The Admission into the Distance Education Program is open throughout the year and the participant can enroll at any time if he meets the eligibility criteria. All professionals and persons who have undergone basic graduate-level education are eligible for enrolment in this program. Law and Management students are also eligible to enroll for this program.

To apply for CDM Distance education course, complete the course enrolment application form, and submit by post. Applicants are required to submit the completed application form, the tuition and handling fee and all required documentary evidence concerning their educational qualifications, date of birth and full name. Payment by DD shall be in favour of "Indian Institute of Arbitration & Mediation". No final decision about an application can be made until this documentation has been received and inspected to IIAM's satisfaction.

Study by distance learning is for people who wish to enhance their career prospects and gain a qualification without having to attend any timetabled classes. Distance-Ed programs offer the facility to study in a flexible way and fit it around your lifestyle. Trying to get a higher qualification to better yourself, and so improve your talent and employment possibilities, can be difficult if you need to attend expensive classes while trying to keep your job. That might be is the biggest advantage to distance education. It gives you the ability to get your qualification by working at your own pace while putting in the hours you can. Distance learning is also an advantage to those who have moved to other countries for employment reasons and want to better themselves but cannot attend regular institutions or colleges. The distance education facilities will conduct programs by correspondence, when you send your work through the mail, or over the Internet. This is an easier way to take a distance learning program as you'll have your work marked faster and so can continue at a quicker pace.

IIAM offers Distance and Online Education programs approved by international standards and guided by domestic and international faculty.

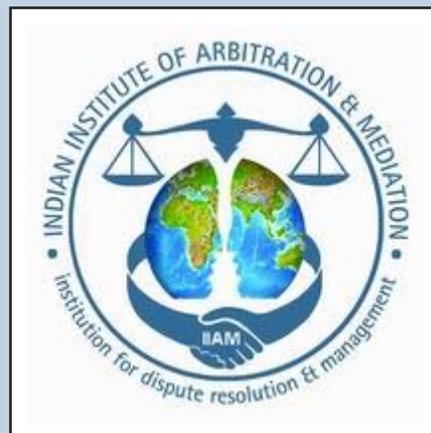
## **Why Distance-Ed?**



# About the Institution

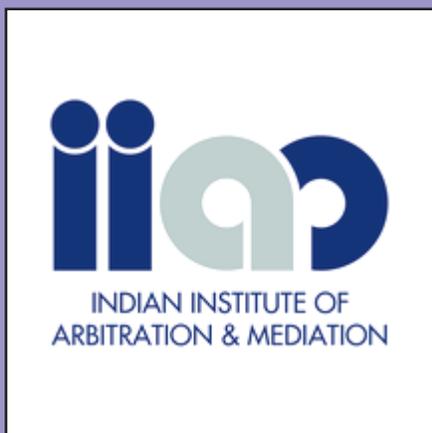
Indian Institute of Arbitration & Mediation (IIAM) is one of the pioneer institutions dealing with alternative dispute resolution (ADR) services and dispute prevention & management (DPM) services in India. Activities of IIAM are guided by an Advisory Board comprised of eminent jurists and professionals.

IIAM is the only institution in India approved by the International Mediation Institute (IMI), The Hague, as a “Qualifying Assessment Programme” (QAP) for IMI Certification. This is based on programs whose mediator training and assessment assertedly provides assurance of mediation experience and expertise worthy of IMI certification. IMI is formed for the purpose of certifying international standards for mediators and for implementing the Global Mediator Competency Certification. IIAM was the International Associate Member of the Civil Mediation Council UK. IIAM also conducts international accredited training programs in negotiation, mediation and arbitration.



More details about the institution and its activities are available in the website

[www.arbitrationindia.org](http://www.arbitrationindia.org)



## Other Programs

There are various IIAM training programs designed to suite the needs and convenience of participants. It permits them to participate in a new and exciting dimension of law practice giving a central role in the process of private adjudication and justice. To cater the requirements of various segments of people, IIAM conducts training programs to suite their convenience and need. Tailor-made training programs on negotiation, mediation or arbitration can be designed to suite the requirement of the industry or institution.

For further details, see [www.arbitrationindia.com/training.html](http://www.arbitrationindia.com/training.html) or mail [dir@arbitrationindia.com](mailto:dir@arbitrationindia.com)

# Course Contents

## Module 1

### Basics on Negotiation & Mediation (Part 1)

#### Overview

Importance of ADR

#### NEGOTIATION

Overview on Negotiation

#### FUNDAMENTALS ON NEGOTIATION

Introduction

Problems of conventional negotiations

What is the alternative?

#### THE METHOD

Separate the people from the problem

Focus on interests, not positions

Invent options for mutual gain

Insist on using objective criteria

#### NEGOTIATION STRATEGIES

Introduction

Five basic negotiation styles

Corporative versus competitive styles

Beyond style – to effectiveness

#### FOUNDATIONS OF EFFECTIVE NEGOTIATION

Introduction

Negotiation style

Attitude

Authoritative Standards & Norms

Leverage

#### IMPROVING 'STRATEGIES'

Developing your 'BATNA'

The better your BATNA, the greater your power

Consider other side's BATNA

Making to participate

Negotiation Jujitsu

Consider the one-text procedure

#### TAMING THE HARD BARGAINER

How to negotiate about the rules of the game?

Some common tricky tactics

#### ETHICS IN NEGOTIATION

The minimum standard – Obey the Law

Beyond the Law –

A look at Ethics



## Module 1

### Basics on Negotiation & Mediation (Part 2)

#### MEDIATION

Overview on Mediation

How does it work?

What is Mediation?

Key qualities of Mediation Process

Advantages

#### THE ART & SCIENCE OF MEDIATION

Some key ADR distinctions

Mediation Defined

#### THE METHOD

Mediators & their approaches

#### PRINCIPLES OF CONFLICT MANAGEMENT

The Five P's of Conflict Management

#### STAGES OF MEDIATION

Initiation of the Mediation Process

Mediation Session

Post Session

#### THE MEDIATORS JOB

Job description of a Mediator

Job qualification of a Mediator

Mediators Qualities

Assess your point of entry

Commit

#### BADGER

Begin the Discussion

Accumulate Information

Develop the Agenda & Discussion Strategies

Generate Movement

Escape to Separate Sessions

Resolve the Dispute

#### MEDIATORS TECHNIQUES

Negotiation techniques used by a Mediator

#### FORMS OF AGREEMENT

Written Agreements

No Written Agreements

#### PRE-REQUISITE FOR SUCCESS OF MEDIATION

Joy of Mediating

#### ETHICAL DILEMMAS & PRACTICAL CHALLENGES

Code of Conduct for Mediators

The right measure of Ethics – Just enough

# Course Contents

## Module 2

### Dispute Management ADR Methods (Part 1)

#### CONCILIATION

Overview & Definition of Conciliation

#### VARIETIES OF CONCILIATION

Characteristics of Conciliation

#### WHO IS A CONCILIATOR?

Qualities & Duties of a Conciliator

Contribution & Role of Conciliator

Restrictions on role of Conciliator

#### DISPUTES SUITABLE FOR CONCILIATION

How can recourse to Conciliation be sought?

#### MEDIATION & CONCILIATION

Similarity between Mediation & Conciliation

Difference between Conciliation & Mediation under Indian Law

Advantages & Disadvantages

#### PRINCIPLE STEPS IN MEDIATION THROUGH MEDIATION CENTRE

Stages in a Structured Mediation Process

Principles of procedure of Conciliation

Termination of Conciliation Proceedings

Similarity between Arbitration & Conciliation

#### BRIDGING THE DIVIDE BETWEEN LAWYERS & MEDIATORS

What Mediators can do for Lawyers?

#### CONCILIATION UNDER THE ARBITRATION & CONCILIATION ACT OF 1996

Conciliation Proceedings

Role of Conciliator in Conciliation Proceedings

Termination of Conciliation Proceedings

#### THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1999

Settlement of Disputes outside the Court

#### CONSULTATION PAPER ON ADR & MEDIATION RULES

Draft Alternative Dispute Resolution & Mediation

Rules 2003

#### IMPORTANCE OF ADR

Institutional ADR

#### IIAM MEDIATION RULES



## Module 2

### Dispute Management ADR Methods (Part 2)

#### ONLINE DISPUTE RESOLUTION

Introduction

Online Dispute Resolution: An Overview

Arbitration Providers

Choice of system

Benefits & Challenges of ODR

Technology as the Fourth Party

#### EVOLUTION OF ARBITRATION LAW IN INDIA

Evolution of law relating to arbitration in India

The Arbitration Act 1940

The Arbitration & Conciliation Act 1996

#### DEFINITION & MEANING OF ARBITRATION

Administered Arbitration

Arbitrable Disputes

Definition of Arbitration Agreement

Arbitration clauses in contracts

Written arbitration agreement

Advantages of Arbitration

#### APPOINTMENT OF ARBITRATOR

Procedure for appointment of Arbitrators

Challenge and Removal of Arbitrators

Determination of the Tribunal's competence

#### ARBITRAL AWARD

Determination of law applicable to arbitral proceedings

Making of an Award

Definition & Kinds of Award

Correction & Interpretation of Award

Additional Award

Effect of final Arbitral award

#### SALIENT FEATURES OF THE ARBITRATION & CONCILIATION ACT 1996

#### INTERNATIONAL COMMERCIAL ARBITRATION

Use of Arbitration in Settlement of International Commercial Disputes

#### FOREIGN AWARDS

INTERNATIONAL COMMERCIAL ARBITRATION

COMPARISON WITH ARBITRATION LAWS OF SAARC COUNTRIES

INSTITUTIONAL ARBITRATION

INTERNATIONAL BAR ASSOCIATION ETHICS FOR

INTERNATIONAL ARBITRATORS



**CERTIFICATE IN DISPUTE MANAGEMENT**



Affix your passport size photograph here

Name:

Date of Birth/  
Age:  Nationality:

Marital Status:  Male:  Female:

Address:

Tel / Mobile:  Email:

Academic Qualifications: *(Mention the highest qualification)*

Occupation:

Work Experience: *(Attach separate sheets if required)*

Fee: Rs. 12,000/- + 18% GST (Indian Participants) (For foreign participants see website)  
Additional handling charges for participants enrolled from outside India: Rs. 2000/- + 18% GST

Payment by: Cash  Online  Cheque  Draft

(Cheque/Draft in favour of Indian Institute of Arbitration & Mediation payable at Cochin, India  
For online payment log on to [www.arbitrationindia.org/payment.html](http://www.arbitrationindia.org/payment.html)  
For bank transfer details see; [www.arbitrationindia.org/bt.html](http://www.arbitrationindia.org/bt.html))

How did you know about this program?  
Directly from IIAM  Referred by others

If referred, name of referrer:

Whether applying directly or by sponsorship: Direct  Sponsorship

If by sponsorship, name of sponsor:

- No column should be left blank
- All entries to be made in block letters
- Attach self-attested photocopy of highest qualification
- Attach a brief Statement of Purpose indicating your interest in Dispute Management

**DECLARATION BY APPLICANT**

I here by declare that:

I have read and understood the eligibility conditions for enrolment in the Certificate in Dispute Management (CDM) & I fulfill the minimum eligibility criteria and I have provided necessary information in this regard. In the event of any incorrect or misleading information, my candidature shall be liable for cancellation at any time and I shall not be entitled to any claim for readmission/reimbursement/certification.

I also understand that:

No employment or recruitment is guaranteed by IIAM pursuant to completion of this program.

No representation as regards affiliation of the program from any university or government educational institute is made.

IIAM reserves the right to change the rules & regulations from time to time in its sole and absolute discretion. If any such change is made, the latest amended rule/regulation would be applicable.

The enrolment in CDM program is subject to the realization of program fee.

The fee paid by me for the program is non-refundable, non-transferable under any circumstances whatsoever. Jurisdiction for all matters shall be Ernakulam, Kerala.

Date:

Signature:

Applications complete in all respects should be sent to:

**Indian Institute of Arbitration & Mediation  
G-254, Panampilly Nagar, Cochin 682 036  
Kerala, INDIA.  
Tel: 0484 4017731 | 6570101**

**For office use only**

Application received on:

Enrolment number allotted:

First Module assignment submitted on:

Second Module assignment submitted on:

Certificate issued on: