




Certificate in Dispute Management

A DISTANCE-ED PROGRAM OF
**INDIAN INSTITUTE OF
ARBITRATION & MEDIATION**



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 IIAM Community 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 50 hours. After successful completion, they will be treated as IIAM Commercial Mediators and they will be entitled to mediate all types of disputes. Community Mediators after completing required experience, will be eligible to be accredited as IIAM Certified Community Mediator. Commercial Mediators, will be eligible to apply for APCAM (Asia Pacific Centre for Arbitration & Mediation) Certification, as the Accreditation norms of APCAM.

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

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. 15,000/-* (US\$ 280*) towards tuition fee and Rs. 2000/-* (US\$ 40*) 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 a founder member of Asia Pacific Centre for Arbitration & Mediation (APCAM) and also the APCAM Centre in India. APCAM Centres are available in most of the Asia Pacific countries and caters the requirement of international disputes in the region under a single set of mediation and arbitration rules and also under a single panel of mediators and arbitrators accredited under a common system. IIAM was also the first institution in India approved by the International Mediation Institute (IMI), The Hague, as a “Qualifying Assessment Programme” (QAP) for IMI Certification. IIAM was the International Associate Member of the Civil Mediation Council UK.



More details about the institution and its activities are available in the website www.arbitrationindia.com



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 or mail 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