



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

ACB Foundation: Conflict Management Research Center

IMI INTER-CULTURAL QUALIFYING ASSESSMENT PROGRAM (ICQAP)

I. GENERAL REQUIREMENTS

Any ICQAP must meet the following general criteria in order to be able to qualify mediators for IMI Inter-Cultural Certification:

A. Methodology

All ICQAPs must implement a performance-based assessment methodology for assessing whether each candidate's performance meets each of the Substantive Criteria in Section II below.

The assessment is based on submitted written materials including a designed case study with a role play consisting of general description and confidential instructions for each party plus self evaluation of the mediator's role and competency for this case. And a detailed interview.

1. The mediator should submit a case study prepared by them, describing an actual cross-border or intercultural mediation case in which this mediator was involved in, or prepare a case study based on several intercultural mediations combined. The case study should consist of a minimum of 4 pages: minimum of 2 pages with general instructions and minimal one page of confidential instructions for each party involved. The case study should clearly describe the parties involved, the setting, the issues, the interests and positions of each party, the parties' constituency, their cultural background, as well as any other relevant information.
2. The case study will be reviewed by an intercultural assessor and there will be a follow-up interview of 45-60 minutes with the assessor and the applicant.

3. The applicant should send a self evaluation of their intercultural skills as a mediator based on at least 5 actual cross border or intercultural cases or 50 hours of mediation: Strengths, Areas for improvement, Opportunities and Threats. The self evaluation must contain a description of the mediators own culture and its impact on the mediation process.
4. The applicant should also submit a logbook. The logbook should state the months and year, amount and duration of mediation sessions, duration of the mediation (the start is calculated from the date of first contact with the parties, the end is the date of concluding the mediation or signing the settlement agreement), subject matter, type of parties, cultural background of parties others involved in the mediation, whether counsel were present, the number of participants and whether or not settlement (in part) was reached.
5. The applicant should submit a strategy and reasoning of how to mediate this particular case, what challenges, special areas of attention and opportunities are connected to this case. As well as the communication styles and mutual understanding. The applicant must describe how they will prepare for and initiate this case and how to design an appropriate process and what dilemmas and strategic choices they will probably be faced with or have been faced. The applicant must also describe what is necessary to effectively manage this process with these parties, what cultural considerations (cfa's) may be influencing the process including how to adapt the process accordingly and design appropriate interventions. The applicant should also identify the cultural focus areas that can impact this mediation.
6. The applicant must get a positive evaluation by the assessor in both the written (1, 3, 4,5) and the oral part (2) of the examination.

B. Transparency

The benchmarks and criteria applied by an ICQAP must be published and be openly accessible on the organization's website.

The program and the criteria are published on ACB Foundations website (www.acbfoundation.nl) as well as Toolkit Company's website (www.toolkitcompany.com).

C. Integrity

Each Assessor must have substantial experience of evaluating the performance of mediators and in working in inter-cultural situations. At least one of the Assessors on each Program must be independent of the ICQAP training faculty for Inter-Cultural Certification.

ACB Foundation does not offer mediator training, the foundation assesses the performance of mediators independent of a specific own mediator training program, mediation style, etc. The ACB assessors will be trained by ACB and hired on a case-by-case base as independent contractors. They will always be independent from the institutes(s) in which the mediator received his or her training. Assessors need to sign an integrity declaration for each assessment stating:

“To the best of my knowledge, this mediator has been assessed in line with my professional integrity, according to the ACB standards and requirements for professional assessments and on an equal base (independent of personal preferences, a specific mediation style or approach, training, or training institutes, professional affiliation, region, gender, race, sexual orientation, religion, or other personal characterizations or affiliations). I hereby attest that all marks were placed independently and to the best of my ability. Also I ascertain confidentiality of and privacy for the documents, information gathered as part of this assessment as well as the video materials.”

D. Diversity

The ICQAP must be accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization. This should be clearly stated on each ICQAP’s website.

There are no barriers for applicants to enroll in ACB certification, the option of a video assessment combined with a video-conference interview makes it possible for all mediators around the world to obtain IMI certification without having to be part of a specific organization, having to have gone through a specific training or have to live in a certain part of the world or having to travel to a specific country to be assessed. Also the ACB assessors will sign an integrity declaration for each assessment stating that:

“To the best of my knowledge, this mediator has been assessed in line with my professional integrity, according to the ACB standards and requirements for professional assessments and on an equal base (independent of personal preferences, a specific mediation style or approach, training, or training institutes, professional affiliation, region, gender, race, sexual orientation, religion, or other personal characterizations or affiliations). I hereby

attest that all marks were placed independently and to the best of my ability. Also I ascertain confidentiality of and privacy for the documents, information gathered as part of this assessment as well as the video materials.”

II. SUBSTANTIVE CRITERIA

Any training program that offers IMI Inter-Cultural Certification must meet these minimum substantive criteria when teaching mediators inter-cultural elements:

A. Knowledge

1. Cultural Framework(s): Ability to apply at least one recognized cultural theory in order to identify relevant Cultural Focus Areas for facilitating inter-cultural mediations ([See Appendix 1](#)). The theory and approach shall include an appreciation of similarities and differences among cultures.

The applicant must describe in the case study's strategy and reasoning part what dilemma's and strategic choices the mediator may have or has encountered, as well as which theoretical knowledge would be or has been of help in this particular case.

2. Self-awareness. Ability to recognize one's own cultural influences and their possible effect on the mediation.

The self evaluation must contain a description of the mediators own culture and its impact on the mediation process.

3. Multi-Cultural Perspectives: Ability to recognize each participant's culturally-shaped perspectives of behaviors or events. Ability to understand and appreciate participants' similar and different cultural perspectives, and possible imbalances between them. Ability to manage ambiguities and mistakes that may emerge in multi-cultural situations. Ability to use the mediator's understandings of these possible differences and similarities to create a workable environment for all participants, including one that optimizes communication among them.

The applicant must describe the culture of the parties' and others involved in the mediation and the cultural aspects of interaction between them and the mediator, and identify the cultural focus areas that can impact this mediation.

B. Skills

4. Communication: Ability to adjust one's own communication style to the preferred styles of participants from other cultures, and to help participants communicate optimally with each other, including establishing suitable processes to facilitate communications.

The applicant must describe how they enhance and/or adjust their communication to accommodate parties' communication style and guide them through the process and to overcome differences.

5. Preparation: Ability to prepare for a mediation by identifying possible cultural patterns and preferences (e.g., identifying specific Cultural Focus Areas for each mediation) and designing potentially appropriate processes and possible interventions.

The applicant must describe how they will prepare for and initiate this case; design an appropriate process; what dilemmas and strategic choices they might be faced with.

6. Managing the Process. Ability to detect whether, when and how cultural considerations (e.g. Cultural Focus Areas) may be impacting on the mediation process as the mediation progresses including abilities to adapt the process accordingly and design appropriate interventions, that also encompass any settlement and compliance phases.

The applicant must describe what is necessary to effectively manage this process with these parties, what cultural considerations (cfa's) may be influencing the process including how to adapt the process accordingly and design appropriate interventions.

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