

# Kluwer Mediation Blog

## Part 3 – Empowering the Growth of International ADR

Michael Leathes (Corporate counsel & author) · Monday, July 1st, 2013

This is the final posting of a 3-part series. [Previous posts](#) in the series noted the gathering tempest being whipped up by opacity in ADR practice. How can structural change help the ship steer towards modernity?

User demand for more information and higher professional standards in ADR is unequivocal.

An international institution is needed to address the global user demand, particularly in arbitration, conciliation and similar methods of resolving international commercial disputes. That institution should preferably not be a service provider.

Ideally it should be a new entity, without an historical footprint, established as a collaboration of the demand and supply sides of the arbitration field – similar to how IMI is set up successfully in the mediation field. It could be affiliated to IMI to share funding and overheads and secure an early momentum. Funding could be drawn from all those with an interest in greater access to information and higher quality in ADR – meaning: users, ADR provider organizations, law firms and individual ADR practitioners.

Some may feel that this could be achieved by an existing entity established at global level that does not provide ADR services. ICCA, a highly-regarded organization with a truly global reach and representation that does not administer arbitrations or act as an appointing authority, and has UN NGO Consultative Status on behalf of the arbitration field, seems to be the only realistic possibility. However, ICCA's Statement of Purposes focuses its role on conferences, publications and thought leadership, not acting as the field's professional institution and self-regulatory authority. Moreover, although ICCA's 40+ strong Governing Board comprises distinguished arbitrators and conciliators, counsel and educators, it does not include any corporate users.

Easier and better, perhaps, to set up a brand new entity, with close ties to established and valuable existing institutions like ICCA and the world's great and smaller ADR providers. That entity would need to focus its core mission on:

- (1) setting and achieving the highest standards in arbitration and conciliation;
- (2) establishing a globally-applicable Code of Professional Practice linked to a disciplinary procedure credible to users;
- (3) improving the quality and depth of information available about arbitration and conciliation, and in particular about arbitrators and conciliators; and
- (4) promoting what users will regard as more practical, efficient use of ADR processes.

The Devil may lie in the detail, but this four-point mission is not difficult thing to implement. The specifics need to be beaten out jointly by practitioners and users as a collaborative effort. The supply side and the demand side should do it together.

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