



International Academy of Mediators

PRIVATE AND CONFIDENTIAL

NOTE FOR THE BOARD FOR THE MEETING ON THE 14th January 2021

No-one with a respect for the Rule of Law could fail to have been shocked and dismayed at the scenes broadcast worldwide from Washington last Wednesday. The evil and quite deliberate contempt for the very principles which made USA the natural and respected leader of the free world, were, for any student of history, redolent of the rise of Nazism and Fascism in the thirties, and, even more critically, undermined the hope of the oppressed that the USA was their natural champion. The live pictures of a crowd of thugs, carrying assault weapons, racist banners and the Bible, assaulting the house guards at the Capitol and killing one, illustrate the consequence of years of divisive propaganda. The inevitable consequence is that decent people fear that there is no longer a Leader of the Western World which has the moral authority to call to account tyrants, dictators, oppressive regimes, despots and all so-called leaders who defy any sense of democracy, freedom of speech and basic human rights.

The question then is this: is that a role which should be assumed by IAM?

It is a very difficult question to answer as there are so many ramifications and issues we would have to resolve. First where do we draw the line? If we decide that we should never involve ourselves in internal politics, what happens when internal issues spill over into international politics. Footballers (you call them soccer players) in the UK still bend the knee before the start of every football match. The blatant lies told by our current Prime Minister during the Brexit campaign caused enormous offence throughout Europe. The rampant unchecked savagery of Boko Haran currently in Nigeria is causing huge distress to Christians all over the world. China's treatment of the Muslim Uyghurs causes anger in every Muslim country. Russian use of Novichock to punish dissidents who take refuge in England and the Ukraine causes outrage in the West. I could go on but I am sure that you are all aware of the difficulties.

Therefore, what is our role as the International Academy of Mediators? As mediators we have to deal with some of the most unpleasant individuals and organisations. Those who engage in international commercial mediation know full well the perils of allowing one's prejudices or pre-formed views about what we are told in mediation statements to be perceived by the parties through an incautious word or observation. That does not mean we are automatons without feelings, but it is possible to be sympathetic and empathetic but still remain independent and neutral. Speak to DF Bill Marsh about his mediations with Serbian parties. We have all mediated disputes in which the personal animosity of the protagonists is the driving force. Our training and role is to help the parties overcome or manage their feelings and lead them to a resolution. Our current Mission Statement is:

"We foster the highest standards of integrity and competence in the mediation of commercial disputes".

After much debate, drafting between the Board and those members pressing IAM to take a stand after the killing of George Floyd, our statement was:

“The International Academy of Mediators (IAM) is profoundly grief-stricken by the killings, the long history of racism, profiling, and targeting of the Black community, communities of colour, and all other minorities worldwide. Our organization is comprised of leading professional mediators from around the world, whose life’s work depends on people listening to, understanding and considering divergent points of view with an open mind. We are committed, with our hearts open, to engage in meaningful and challenging dialogue within our organization and within our communities to address the pain and suffering caused by these injustices and to help foster understanding and healing.”

With these statements in mind we must be at pains to make sure that anything we publish does not undermine the perception of neutrality, impartiality and excellence in helping the resolution of the most intractable disputes.

Much as one might personally wish to vent one’s feelings, we are professionals. The World community does not expect doctors to pick and choose to whom they give their skill and care; nor lawyers to refuse to act for a client who is subject to opprobrium and disgust at the crimes with which he is charged. Again, I could go on but you all know this full well. Bearing in mind that there are criminal charges pending against some of those who invaded the Capitol we cannot say anything which might prejudice judicial process. Given that we have members in HK, Israel, Turkey and Egypt and we are intending to extend our international membership we cannot say anything which might give IAM the appearance of bias or prejudice about Leaders or Governments in any part of the World whose methods we decry.

We are who we are because we use our skills to heal rifts, not cause or enlarge them.

With that in mind any statement about the current unrest in the US is bound to be interpreted by one faction or another as condemnation of a political party and/or an individual. Choosing words which are of universal application to avoid that trap could result in something so anodyne that it is meaningless. I am very happy to consider any statement the Board wish to publish, but we cannot afford to mar the integrity of IAM’s escutcheon.