

## Mediation and ADR Services

**BI offers Mediation and Alternate Dispute Resolution (ADR)** to help clients meet all types of environmental, social and human rights challenges, at both the national and international levels. We offer **mediation as a distinct service** and also apply our skills as mediators to deliver many other **BI solutions**. In all these situations clients need a well-timed process to resolve conflicts, protect reputation and provide significant savings in time, resources and costs. **Our team includes experienced mediators** who can mobilize support from a global external network of ADR experts and professional Mediators.

- **BI has extensive experience** in drafting mediation and ADR clauses in international concession agreements and contracts. We also monitor and advise on the implementation of agreements arising out of the mediation/ADR process.
- **BI provides tailored advice to clients that need early warning triggers** to ensure that **mediation and ADR processes are initiated in a timely manner**. Such interventions can be designed to prevent third party challenges from local communities, and other stakeholders that too often escalate into international controversies known to have damaging impacts on corporate brands, reputations, investor decisions and share prices. Timely mediation can also reduce uncertainty around the risk of expropriation.

When negotiating on behalf of clients, **we** often can **spot opportunities to initiate the mediation/ADR process**. We can also mobilize neutral mediators and independent fact finders as required to counter any power imbalances that may arise.

## Access to Remedy

**BI teams offer expert advice on the design of remediation processes** that meet emerging international standards of equity and respect for human rights guidelines. Successful remediation requires a process that not only offers fair compensation but, very importantly is perceived as legitimate and equitable and accepted by stakeholders.

From the early stages of a social risk assessment to the later stages of a project, **BI teams focus on designing stakeholder consultations, engagement and remediation solutions** that help clients achieve these strategic business objectives:

- **Reputation:** credible narratives that build public trust in the project, the benefits it generates and the steps taken to prevent and mitigate harmful impacts on people.
- **Social License:** Community trust in the project and social capital that supports the “informed consent” of stakeholders.
- **Compliance & Certification:** Strategies to address the more complex issues and disputes that arise in the processes of due diligence, legal compliance and certification under soft law standards.
- **Access to Markets:** Assured access to capital markets, investors and bank finance. Sustained access to “branded” consumer product markets and their global supply chains.
- **Supply Chain:** Engagement and mediation of disputes with states, business partners and third parties, including labor unions, workers, families and communities

*Please contact **Elise Groulx (Washington, DC, USA)**, **Errol Mendes (Ottawa, Canada)**, or **Ruby Sandhu (London, UK)** to discuss how BI can assist.*

### Errol P. Mendes

Professor Mendes is a renowned international human rights lawyer, law professor and human rights adjudicator. He is an experienced international dispute settlement mediator and a commercial arbitrator with expertise in assisting extractive industries to manage disputes with local communities, national governments and other stakeholders. He was awarded a Visiting Fellowship at Harvard Law School in 2013.



### Elise Groulx

Elise a veteran criminal barrister and solicitor, and a renowned international human rights lawyer. She has negotiated agreements in a wide range of contexts- from local police stations to criminal courts to treaty negotiations at the United Nations. She is an experienced and accredited mediator. As a seasoned negotiator and facilitator, Elise is uniquely positioned to advocate the use of mediation to our clients while facilitating stakeholder engagement.

### Ruby Sandhu

Ruby is an experienced business and human rights lawyer and an accredited mediator, tutor and assessor. She has introduced mediation to a number of her national and international clients and as part of her outreach to stakeholders and to facilitate spaces for constructive engagement.

