



International Centre for Dispute Resolution

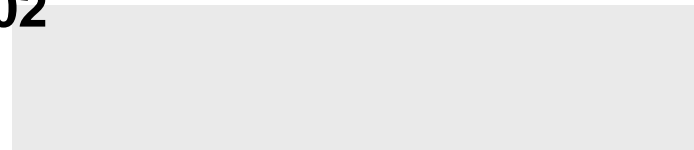
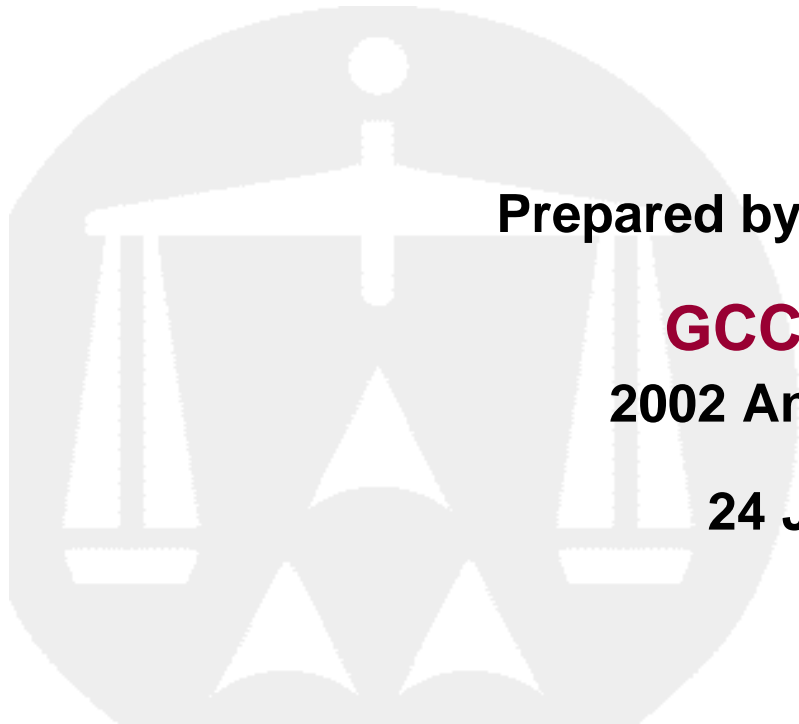
# Stages of the Mediation Process

Prepared by Mark E. Appel for

**GCCA Europe**

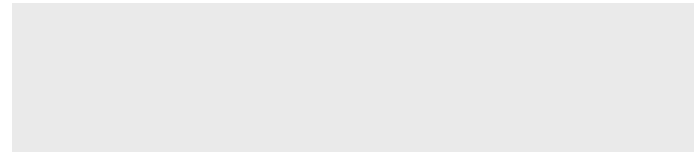
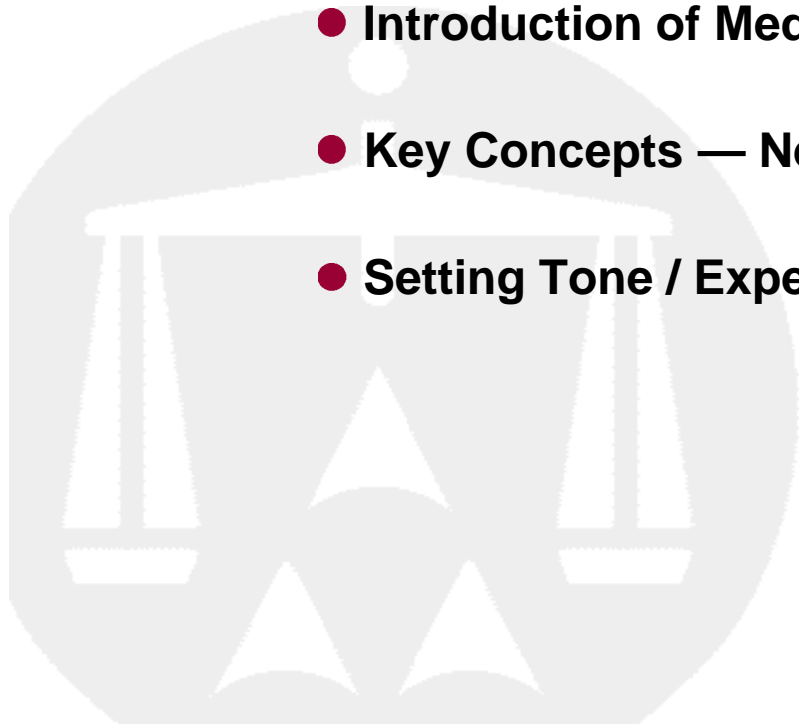
**2002 Annual Meeting**

**24 June 2002**



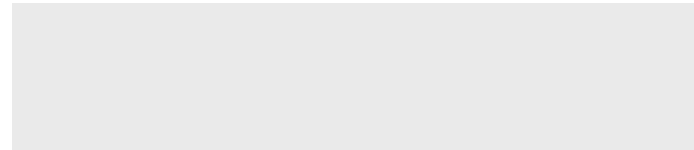
# Mediator Opening Statement (Purpose)

- Introduction of Mediator, Parties and Process
- Key Concepts — Neutrality / Confidentiality
- Setting Tone / Expectations



# Mediator Opening Statement (Mediator Tools)

- **Language that Communicates:**
  - **Competence**
  - **Confidence**
  - **Impartiality**
- **Seek Agreement on Commitment / Process**

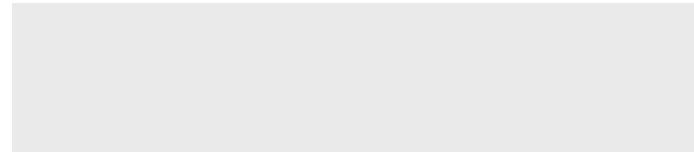
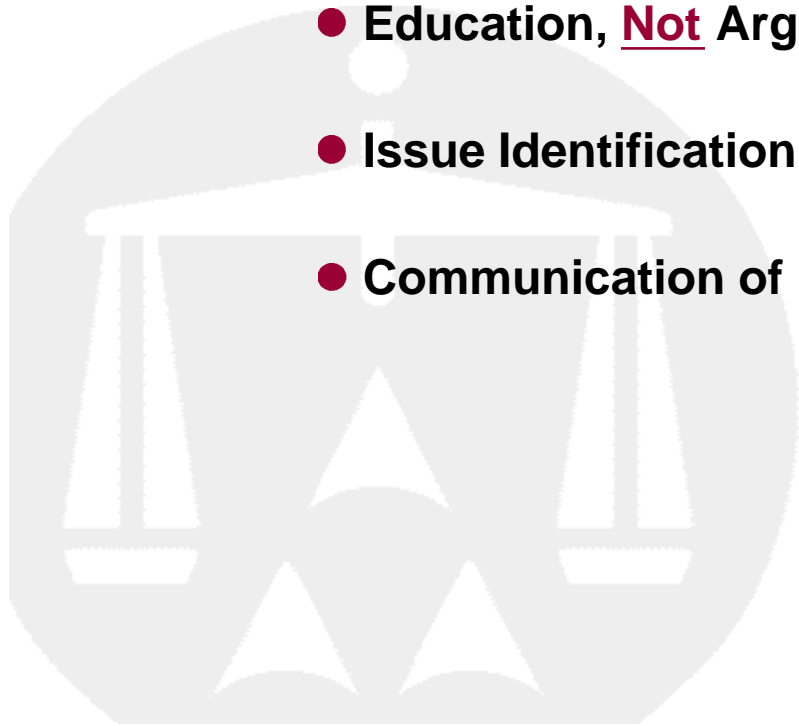




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## Joint Session (Purpose)

- Education, Not Argument
- Issue Identification / Clarification
- Communication of Priorities



# Joint Session (Mediator Tools)

- **Questions**

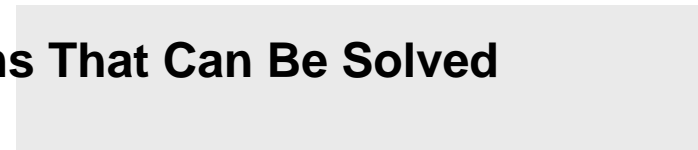
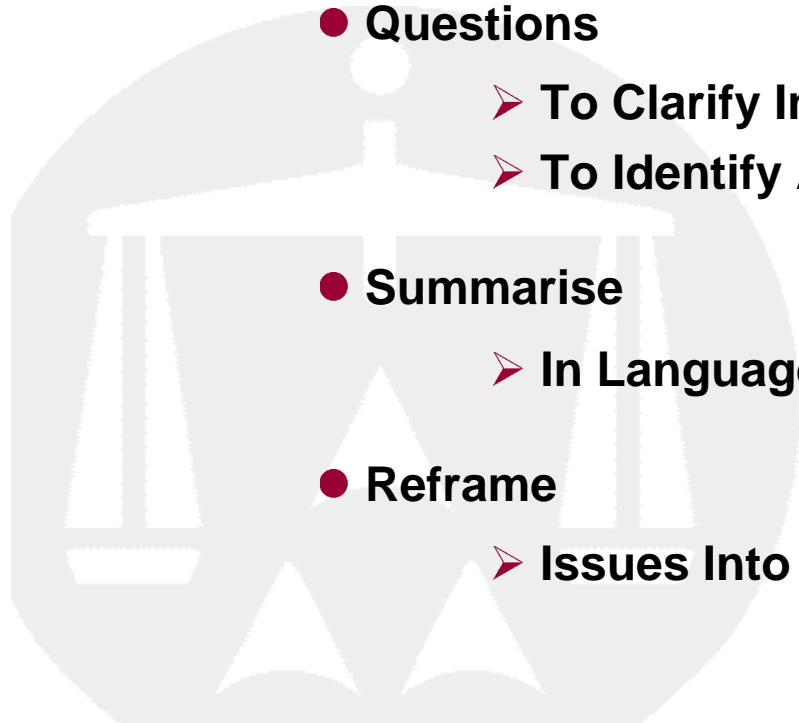
- **To Clarify Information and Issues**
- **To Identify Areas of Agreement**

- **Summarise**

- **In Language That Can Be Heard By Adversary**

- **Reframe**

- **Issues Into Problems That Can Be Solved**

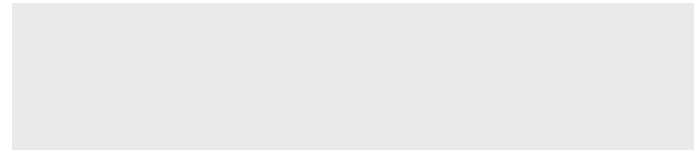
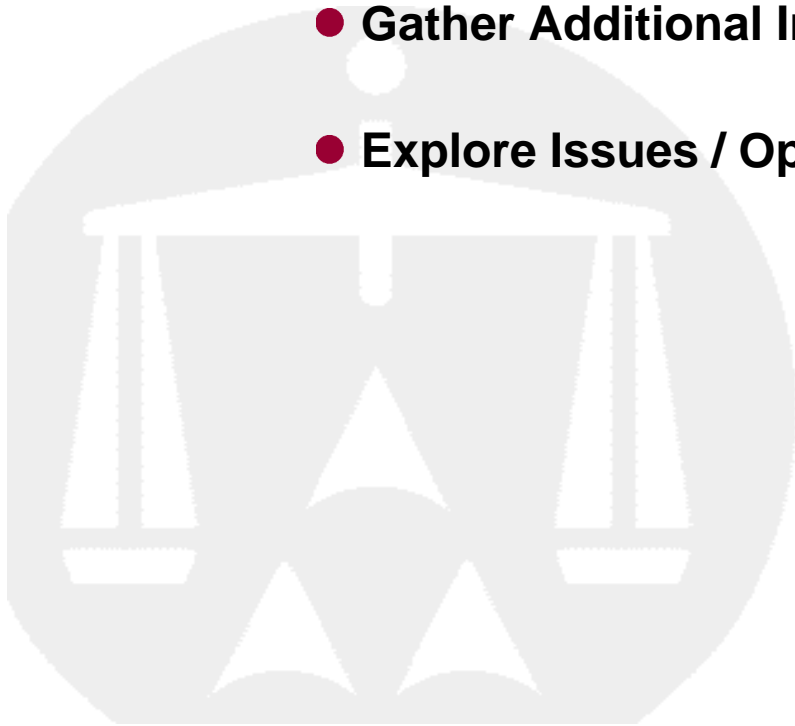




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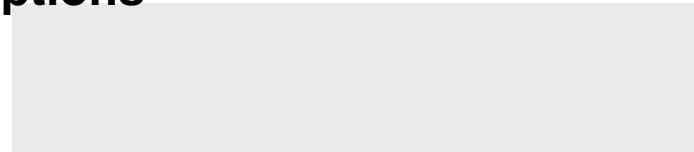
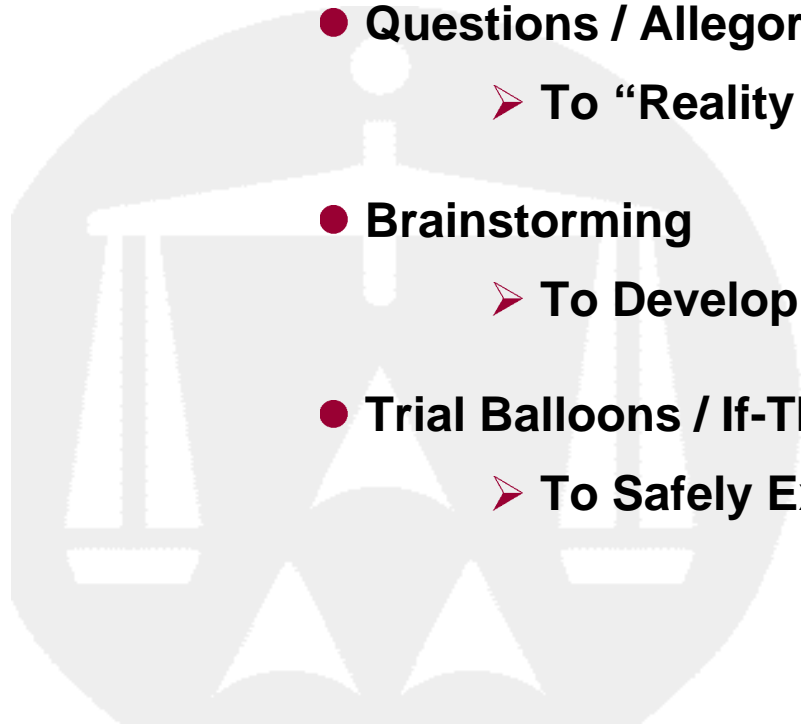
## Caucus (Purpose)

- Gather Additional Information
- Explore Issues / Options “Safely”



# Caucus (Mediator Tools)

- **Questions / Allegory**
  - To “Reality Test” Party Positions
- **Brainstorming**
  - To Develop Multiple Options for Resolution
- **Trial Balloons / If-Then Statements**
  - To Safely Explore Options

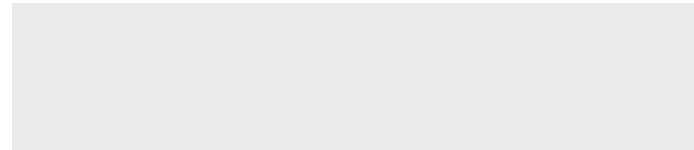
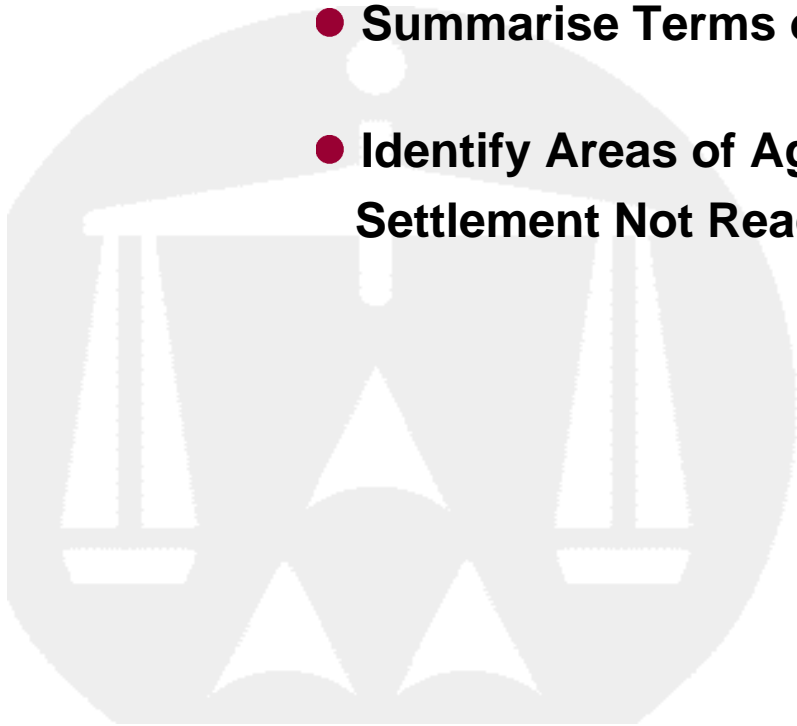




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## **Close (Purpose)**

- **Summarise Terms of Settlement**
- **Identify Areas of Agreement and “Next Steps” if Settlement Not Reached**





## Close (Mediator Tools)

- Questions

- To Clarify Settlement Agreement or Continuing Issues

- Summarise

- In Language Clear Enough to Enable Drafting of Agreement or Memorandum of Understanding

- Congratulate

- To Assist / Address “Negotiator’s Remorse”



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# Thank You

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