Mediation Micro-Skills

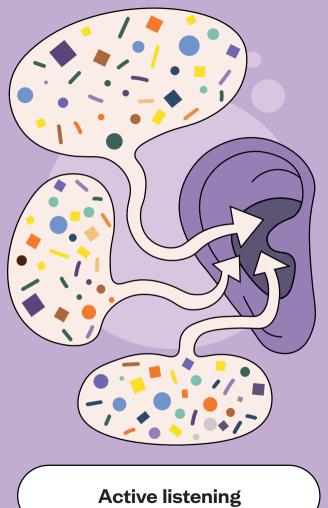


C2. Summarizing C3. Paraphrasing C4. Reframing C5. Looping C6. Visualizing C7. The communication square C8. Formulating interests C9. De-anchoring C10. Reality testing C11 Mediation martial arts: Tai chi C12. Mediation martial arts: Aikido C13. Mediation martial arts: Boxing C14. Visioning **Questions** Q1. Asking questions Q2. Open questions Q3. Closed questions Q4. Leading questions Q5. Hypothetical questions Q6. Scenario questions Attitudinal skills A1. Empathy A2. Emotional awareness A3. Being non-judgmental A4. Being impartial A5. Presence and intuition A6. Assertiveness A7. Power awareness A8. Body language awareness Self-preservation A9. The Five Phase Model P1. Phase 1: Introduction of Mediation P2. Phase 2: Perspectives P3. Phase 3: Interests P4. Phase 4: Options P5. Phase 5: Conclusion

C1. Active listening

Communication skills

Z. References and Credits





A fundamental skill for mediators that involves attentively listening to everything an interlocutor is communicating, both verbally and non-verbally.

Incorporates many skills, such as paraphrasing (C3), reframing (C4), looping (C5), emotional awareness (A2), body language awareness (A8) and presence and intuition (A5). Practicing active listening requires full sensory engagement, being aware of words, tone, pitch, body language, facial expressions, movement, clothing, and even smells and physical sensations. Self-observation is crucial to suspend judgment and focus on listening.

Example 1 (noticing indications for flexibility and change):

- Party A: "I still disagree with this option."
- Mediator: Notices that the word "still" is the key here and that if the option is changed or conditioned, Party A may agree with it.

Example 2 (noticing core concerns):

- Party A: Leans forward, raises their voice, and maintains eye contact while expressing a particular concern.
- Mediator: Notices that Party A's body language indicates that they perceive the issue to be highly significant.

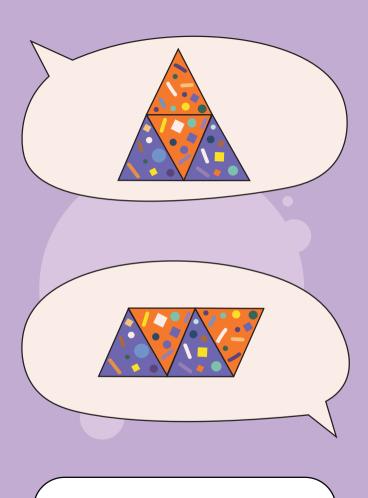




Condensing information into a shorter form while retaining its key meaning.

This is <u>particularly useful for</u> confirming understanding, assisting communication between parties, clarifying interests, and maintaining the focus of a discussion.

- Party A: "As we don't trust this incompetent group
 of savages who have been destroying our beautiful
 region for years, we want to be clear that we will never
 agree to anything unless we get adequate and equal
 compensation to all our people living in this region,
 the true victims of this conflict, regardless of their
 background or any kind of heroic resistance they may
 have shown in self-defense." (67 words)
- <u>Mediator</u>: "If I understood you correctly, the negotiation depends on all your people being properly and equally compensated." (17 words)



Paraphrasing



Restating information by expressing a statement in different words while retaining its substance.

Often interchangeable with mirroring or reflecting back, which are similar to paraphrasing but use virtually the same words as the speaker.

This is <u>particularly useful for</u> confirming understanding, assisting communication between parties, and clarifying interests.

- Party A: "As we don't trust this incompetent group of savages who have been destroying our region for years, we will never agree to anything unless we first get adequate compensation to all our people, the true victims of this conflict, regardless of any kind of heroic resistance they may have shown in self-defense."
- Mediator: "I hear you express mistrust of Party B and dismay about their destructive violence in your region. Therefore, for you, this negotiation depends on all your people receiving sufficient compensation. I also hear you emphasize that this should not depend on any heroic actions of self-defense."



Reframing



Restating information to filter out obstructive or harmful content and foster more constructive dialogue.

Reframing includes restating both verbal and non-verbal, and both substantive and emotional information. It can involve removing toxic language to deescalate communication or using stronger language to prompt more genuine responses (where engagement is lacking or avoided).

While powerful, improper execution of reframing may be perceived as manipulative or decrease the perception of mediator impartiality. It needs to be used with care.

This is <u>particularly useful for</u> clarifying interests behind stated positions and improving parties' mutual understanding.

- Party A: "As we don't trust this incompetent group of savages who have been destroying our region for years, we will never agree to anything unless we first get adequate compensation to all our people, the true victims of this conflict, regardless of any kind of heroic resistance they may have shown in self-defense."
- Mediator: "I hear you express the importance of recognizing the suffering your people have endured in this long-standing conflict, and therefore, your primary concern is offering them proper compensation. I also hear you voice dismay given the actions of Party B in your region."



Looping



A communication loop between speaker and listener to ensure comprehension.

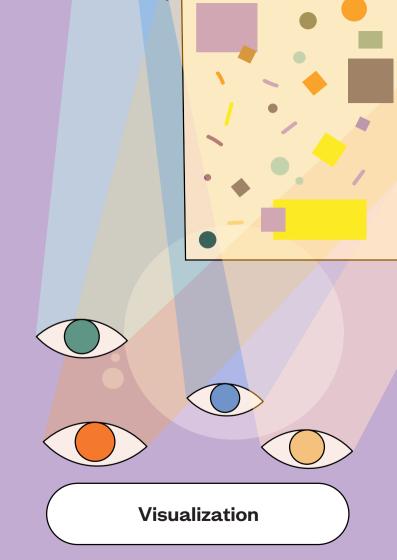
Steps:

- Speaker shares a message.
- Listener restates the message's essence to ensure comprehension and asks the speaker to confirm or correct.
- 3. Speaker confirms or corrects.

The listener employs various micro-skills, including summarizing (C2), paraphrasing (C3), and reframing (C4), while restating the message. Additionally, they strive to express nonverbal and emotional along with substantive and verbal information, as deemed suitable.

This is <u>particularly useful for</u> making a speaker feel they have been understood and for a listener to check that they have not missed a key point.

- Party A: "As we don't trust this incompetent group of savages who have been destroying our region for years, we will never agree to anything unless we first get adequate compensation to all our people, the true victims of this conflict, regardless of any kind of heroic resistance they may have shown in self-defense."
- Mediator: "I hear you are expressing mistrust of Party B and can tell
 the experience of conflict has been devastating for your people. I
 also hear that addressing their grievances through compensation is
 a very important goal for you in this negotiation. Did I understand you
 correctly?"
- Party A: "Yes, and given the despicable nature of the violence endured, I don't want to hear any ridiculous claims that our people are somehow complicit in the violence."
- Mediator: "So in addition to the issue of compensation, you are saying that you consider Party B fully responsible for the violence, correct?"
- Party A: "Exactly."





Showing rather than verbalizing information.

This is <u>particularly useful for</u> ensuring clarity and fostering a shared understanding. It can also help clarify agendas and enable segmented discussions without neglecting issues. Visualization also helps disassociate challenges from specific actors, allowing parties to collaborate on them as shared problems instead.

Visualizing anchors ideas. Therefore, it is advisable to seek verbal consent before presenting formulations for everyone to see.

Examples:

Visualization can simply involve writing a few words on a board for all to see. It can also take a more structured form (e.g., lists, clusters, timelines, boxes) or be more arts-based (e.g., images, symbols). Visualization can be done manually (e.g., on a flipchart) or electronically (e.g., with a projector or a computer).



The communication square (or having "Four Ears")



The communication square (or having "four ears")

Being aware of four layers of information exchanged in any communication: (1) factual, (2) self-revealing, (3) relational, and (4) appeal.

Miscommunication occurs when a speaker's intended messages are different from the ones a receiver hears. The "Communication Square" as coined by Schulz von Thun (see card Z) offers a useful framework for understanding different notions of intent and impact.

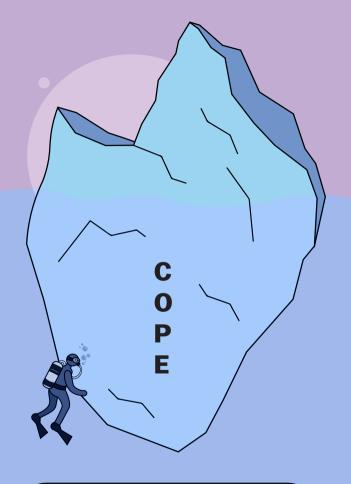
This is <u>particularly useful for</u> gaining a more accurate understanding of parties' interests and concerns and for helping parties overcome miscommunication.

Example:

- Party A: "You keep looking at your phone. Is there something more important than what we're trying to do here?"
- Party B: "You don't tell me what I can and cannot look at!"
- Mediator: Attempts to identify the possible miscommunication by examining the information potentially shared by each party across the four layers:

		Speaker's information (Party A)	Listener's information (Party B)
1.	Factual Layer	Party B is looking at their phone.	Party A is aware that I am looking at my phone.
2.	Self-revealing Layer	I do not know what Party B is looking at.	Party A does not know what I am looking at and that makes them concerned.
3.	Relational Layer	I value our work together.	Party A does not trust me.
4.	Appeal Layer	Party B should stop looking at their phone.	Party A expects me to follow their demands.

(Sources: see Schulz von Thun in card Z)



Formulating interests (COPE)

Formulating interests (COPE)

Finding underlying interests and formulating them in a way that meets the criteria of COPE:

- Concrete
- Open for multiple solutions
- Positively framed
- Emotionally resonant (with the parties whose interests one is formulating)

This is <u>particularly useful for</u> gaining a better understanding of parties' interests to "expand the pie" (i.e., increase potential value and benefits for all) and help parties find mutually beneficial, win-win solutions. It is equally useful for reframing (C4) to improve communication.

- <u>Position</u>: "We want to get rid of the police who are responsible for killing, raping, and imprisoning the opposition."
- <u>Interests</u>: "We want effective transformation of the security sector, accountability to all people and communities, and increased respect for human rights."





Anchoring creates an incidental or intentional reference point which often becomes the focus of a negotiation.

De-anchoring involves adding multiple, confusing counter-anchors to overcome this.

This is <u>particularly useful for</u> opening space for the development of constructive options.

- Anchoring: "I will sell you this car for \$5,000."
- De-anchoring: "We know cars can be sold for \$2, \$20,000, or \$500,000. Let's first focus on...".
- One can use visualization as part of de-anchoring by adding and/or crossing out suggested numbers, figures, or words



Reality testing



Helping parties assess the feasibility of an envisioned plan (e.g., ideas, proposals, strategies, or agreements).

Often practiced through using precise questions, sometimes even leading ones (Q4). It is also practiced through sharing factual data, helping parties think through scenarios, and other visual tools.

This is <u>particularly useful for</u> assessing options; addressing the overconfidence bias of conflict parties who overestimate their prospects of success or scope of influence; and ensuring the sustainability of agreements. It is often done in bilateral settings for face-saving reasons.

Example:

"What kind of costs would be attached to your proposal of further empowering the military? Would the resources to cover these costs be readily available?"



Mediation martial arts: Tai chi

Mediation martial arts: Tai chi

Not responding (externally) to a personal attack on the mediator

This involves using one's inner resilience to deal with a personal attack, remaining relaxed about it and viewing it as a normal element of tension in a mediation process. This includes not giving the attack too much perceptible attention, either verbally or through one's body language, and shrugging it off.

Tai chi is one of three approaches for responding to personal attacks on the mediator. The other two are aikido (card C12) and boxing (card C13).

This is <u>particularly useful for</u> responding to low-level and relatively insignificant personal attacks.

- Party A: "In terms of efficiency and outcome, the last two hours were not one of your strongest performances."
- Mediator: (continues mediation as planned).



Mediation martial arts: Aikido

Mediation martial arts: Aikido

Using the energy of a personal attack on the mediator to constructively move the mediation forward.

This involves the mediator following four steps:

- 1. Show <u>appreciation</u> for communicating a concern.
- 2. Paraphrase the key point of the attack.
- 3. Reframe the attack as an interest.
- Take a <u>final action</u>, which may involve explaining behavior, correcting misunderstandings, offering clarifications, apologizing if necessary, proposing new options for future conduct, or delegating responsibilities to the attacker.

Aikido is one of three approaches for responding to personal attacks on the mediator. The other two are tai chi (card C11) and boxing (card C13).

This is particularly useful for responding to medium-level personal attacks.

- Party A: "You are clearly siding with the women in the room, never listening to the men; it's a shame."
- Mediator:
 - "Thank you for speaking up" (appreciate).
 - "What I hear is that you are disappointed in what you consider my unfair treatment of the people around the table and feel that male participants are not listened to" (paraphrase).
 - \circ "This clashes with your wish for a sound and equal process" (reframe into an interest).
 - "From now on, please indicate right away when you perceive this to be happening, so we can jointly shape the process in a more balanced manner" (final action: delegate).



Mediation martial arts: Boxing

Mediation martial arts: Boxing

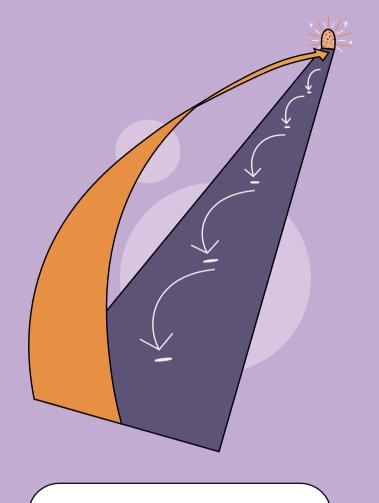
Responding to a personal attack on the mediator by gently hitting back verbally.

<u>Note</u>: Boxing should be handled with care. It is rarely an appropriate strategy for the mediator, and its application must be context specific and culturally sensitive.

Boxing is one of three approaches for responding to personal attacks on the mediator. The other two are tai chi (card C11) and aikido (card C12).

This is <u>only useful for</u> responding to extremely strong and inappropriate personal attacks.

- Party A: "You are a useless, gutless, pitiful, good-fornothing mediator, always siding with the women in the room, never listening to the men."
- Mediator: "That's quite a statement coming from someone who has not spoken at all over the last three days and avoided all contact with other people in the room. If you have a personal issue with me, let's deal with it during the break. Now, let's focus on the issue at hand."



Visioning



The process of defining a vision.

A vision is a high-level aspiration for the process, answering questions like "what do we want to achieve in the long term?" or "how would we like things to be in X years?". It may encompass a total vision for society or focus on a specific theme (e.g., economic vision). Specific goals, objectives, and strategies are derived from this overarching vision.

Visioning is particularly useful for preparing or revitalizing a process. A shared vision can serve as an initial agreement and orient the parties and process. It aids in determining who should be involved and which topics need addressing to progress toward the vision.

Examples:

"We want peaceful, equitable and sustainable use of natural resources in the national park";

"We want to see our country with peace, democracy, economic development and rule of law for all people."



Asking questions

A foundational and essential tool for gathering information and understanding interlocutors' backgrounds, needs, and interests. Diverse questions help guide the process, develop options, increase understanding, and facilitate agreement.

There are various question types, including **open** (Q2), **closed** (Q3), **leading** (Q4), **hypothetical** (Q5), and **scenario** (Q6) questions.

Other questions:

Information questions clarify facts and opinions.

Concretization questions shift from abstractions to specifics. Externalization questions shift towards perceiving a joint concern.

Scale questions help nuance intuitive evaluations. Choice questions provide options.

Each type has its pros and cons, so their use needs to fit the situation.



Open questions

Open questions

Questions that <u>cannot</u> be answered with a "yes" or "no".

Open questions typically start with why, what, when, where or how. Therefore, they typically lead to longer and richer responses.

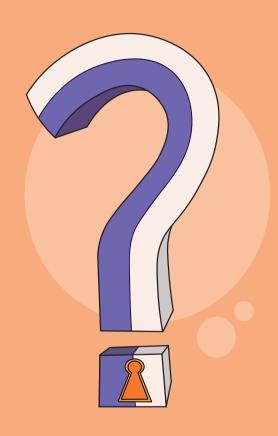
These are <u>particularly useful for</u> opening conversations; asking the parties to share their perspectives; helping to gain a better understanding of the parties' underlying interests (including for both the mediator and the other parties in the mediation); and developing options.

Examples:

"What are your thoughts on the aims of today's meeting?";

"How did it make you feel?";

"What is important to you about ...?"



Closed questions

Closed questions

Questions that can <u>only</u> be answered with one option from a distinct set of predefined possibilities, for example either "yes" or "no".

Closed questions typically begin with a verb (e.g., are, should, will, do).

These are <u>particularly useful for</u> confirming whether an understanding or agreement is accurate; checking one's own understanding; getting to the point; and wrapping up conversations.

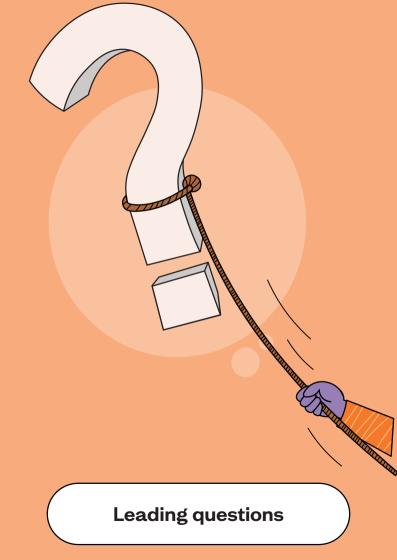
Beware of overusing closed questions and, by doing so, closing down spaces for speaking freely too quickly.

Examples:

"Did I understand you correctly that ...?";

"Is this acceptable to you?";

"Do you prefer option A, B, or C?"



Leading questions

Questions that prime a particular answer.

These are <u>particularly useful for</u> guiding the process forward, developing options, and seeking agreement. But their use is also potentially dangerous. If used improperly, such questions can damage the impartiality of the mediator or lead respondents into places they may not want to go.

Example 1:

"Do you see that the other side is offering many options?" (positive);

"Do you see that *only* the other side is offering options?" (negative).

Example 2:

"Since elections are going to test the strength of our democracy in three months, in your view, how should we focus our meeting today?"



Hypothetical questions

Hypothetical questions

Questions about an imagined situation or condition, which may at first appear unlikely or impossible.

These are <u>particularly useful for</u> providing space for creative thinking, exploring different perspectives, and brainstorming options. Can also be useful for visioning (C14).

Example 1 (endless resources):

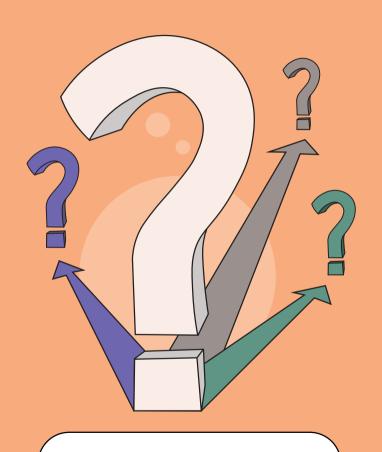
"If you had all the resources in the world, how would you organize the security apparatus in your region?"

Example 2 (long time horizon):

"Imagine you are in the year 2060 and the conflict is resolved. What would coexistence between the two conflicting groups look like?"

Example 3 (role change):

"If you were an unemployed rural person, how would you describe the conflict in the city?"



Scenario questions



Scenario questions

A type of hypothetical question focused on a specific and relatively plausible scenario.

These are <u>particularly useful for</u> providing space for creative thinking, brainstorming, and developing and accessing different options. Can also be useful for visioning (C14).

Example 1 (conflict scenario):

"Imagine the conflict goes on just like now for, say, another five years - what would your country look like?"

Example 2 (peace scenario):

"Imagine the referendum leads to a 'yes' for the peace agreement. What kinds of institutions would you need to set up or strengthen to ensure the agreement is fully implemented?"



Empathy



Empathy

The ability to experience and understand the feelings, emotions, assumptions, and logic of another.

Empathy is a mindset and emotional capacity. It is about putting oneself in others' shoes - imagining being in their position - and trying to feel and understand their perspective, even if not agreeing with it.

One can increase one's capacity for empathy through inner presence (A5) and a non-judgmental attitude (A3); the use of micro-skills, such as active listening (C1) and questioning (Q1); and indirect learning, such as with engagement with books or movies.

One can express empathy in verbal and non-verbal ways. However, cultural differences can make such communication challenging.

This is <u>particularly useful for</u> understanding parties' genuine views, assumptions, and emotions; connecting with them on a human level; and increasing parties' trust in the mediator and mediation process.



Emotional awareness

The ability to recognize and make sense of one's own emotions as well as those of others.

Can be improved by observing one's own feelings (or emotional disengagement) and their expression through physical experiences or behavioral tendencies.

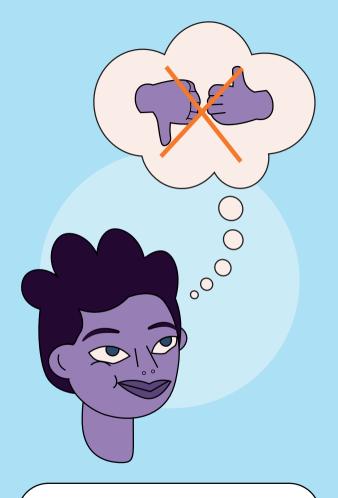
While not obligatory to communicate emotional awareness, it can act as a reminder to conscientiously manage emotions (such as following Shapiro's Five Core Concerns - see card Z).

Emotional awareness is particularly useful for ensuring that one's emotional state constructively influences mediation or, at the very least, does not hinder it. It is also valuable for gauging the emotional states of others and assessing the overall mood in the room. This informs both conflict understanding (e.g., identifying important issues) and process-related decision-making (e.g., determining whether to take a break). Intense emotions or their absence may signal the necessity to pause or adjust the approach.

Emotions serve as markers, but their interpretation requires caution due to variations in manifestations across individuals and groups.

Example:

Noticing one's repeated word usage, heartbeat, fidgeting, facial expressions, bowel movements, or muscle tensions. Some of these can also be observed in others.



Being non-judgmental



Being non-judgmental

Striving to listen to others' perspectives, beliefs, and choices of action without judgment and without necessarily agreeing with them.

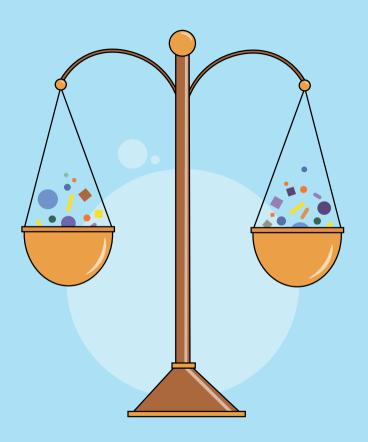
Involves being aware of one's verbal and non-verbal expressions of judgment, with the latter including, for example, facial expressions, posture, and tone of voice.

Being non-judgmental requires an awareness of one's own biases and a curiosity towards the core assumptions and values of others. This can help lend meaning to the actions and words of others, even when they are hard to digest.

This is <u>particularly important for</u> mediators' ability to treat conflict parties and the mediation process in an impartial way.

Example:

Mediators often use diverse questions to better understand, rather than judge, parties' perspective. For example, after a party has made a zealous statement about a government's outrageous behavior, the mediator might ask: "so in your eyes, what could have been reasons for the government's behavior?"



Being impartial

Being impartial

Treating all parties fairly.

A fundamental principle of mediation. Being impartial is a question of maintaining equity in a mediator's behavior towards the parties.

Impartiality differs from neutrality. Neutrality implies maintaining an equal stance regarding values or past relationships with parties, which may be unfeasible or undesirable. Mediators may have and choose to uphold certain individual or institutional principles or values. These principles may even be explicitly discussed with parties to address how they might influence the mediator's impartiality in designing a fair process.

If a party senses the mediator is partial towards their adversary, it can cause a significant break in trust and undermine the party's willingness to continue with the process.

This is <u>particularly important for</u> gaining consent and building trust in both the mediator and the mediation process during the initial stages of the mediation, as well as for maintaining it throughout.



Presence and intuition

Being fully present and acting without overthinking.

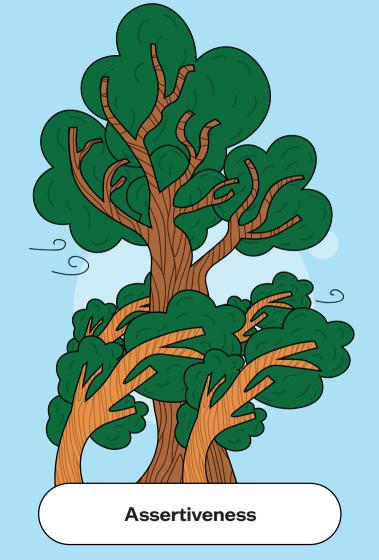
<u>Presence</u> is the ability to remain "in the moment" and not be distracted by external or internal influences, such as one's phone or thoughts respectively.

Intuition is the capacity to know and act without conscious reasoning. It can be developed through the internalization of behaviors or approaches, becoming second nature through conscious and unconscious practice. Rooted in the mediator's knowledge and past experiences in various contexts, intuition, however, can be fallible and needs validation.

Presence and intuition are particularly useful for making parties feel heard, appreciated, and understood in a process. This fosters genuine participation and authentic sharing of information. Additionally, they aid in on-the-spot decision-making that aligns accurately with the specific situation at hand.

Example:

Maintaining eye contact and putting one's phone or other devices away.



Assertiveness

Firmness and confidence in one's direction.

Assertiveness allows mediators to have clear authority over a process or situation, upholding their perspective or plan with persistence, not unduly bending to external influences.

Mediators need to calibrate their assertiveness in view of the context. Being too assertive can undermine the parties' ownership and create animosity towards the mediator. However, a total lack of assertiveness can lead to an unfocused and ineffective process.

This is <u>particularly useful for</u> maintaining everyone's focus on the goal and getting things done without derailment. The self-assurance expressed by the mediator when being assertive can also increase parties' confidence in the process.

Example:

- Party A: "It's time for a break now."
- <u>Mediator</u>: "Yes, we will have a break at the end of this session, so we make sure to do justice to our important agenda. But first, let me ask you...."



Power awareness



Power awareness

Awareness of power dynamics on the micro level (between the individuals "at the table") and on the macro level (within the broader communities the individuals come from and society writ large).

Power can originate from various sources such as official authority, informal networks, ethnicity, gender, age, seniority, class, education, language, or other skillsets. Groups may exhibit distinctions in military, political, economic, geographic, psychological, and narrative power.

Mediators need awareness of their own power and that of the parties in relation to each other and other stakeholders. While not always explicitly communicated, power imbalances should be considered in process design, while ensuring mediator impartiality is maintained.

This is <u>particularly important for</u> ensuring fair treatment and an inclusive process that addresses all relevant concerns. These elements can lead the way to a sustainable agreement.

Examples:

The consideration of power dynamics when planning seating arrangements; the sequencing of issues on the agenda; communication with the press; extra training; the organization of support staff; travel; and accommodation.



Body language awareness



Body language awareness

Being aware of one's own and others' body language, and intentionally managing the former.

Body language is heavily influenced by culture. Mediators should exercise caution and refrain from hasty conclusions when interpreting someone's body language. Instead, it should be viewed as an indicator that something might be amiss and requires exploration, or conversely, that the parties are attentive and the process is on track.

This is <u>particularly important for</u> understanding parties' concerns, reading the mood in the room, and making decisions in the moment. It is also <u>particularly useful</u> for communicating one's own attitude, for example, when expressing empathy (A1), impartiality (A4), presence (A5), or assertiveness (A6).

Example:

An awareness of one's own and others' posture, eye contact, facial expressions, and small gestures (e.g., nodding, finger movements).



Self-preservation



Self-preservation

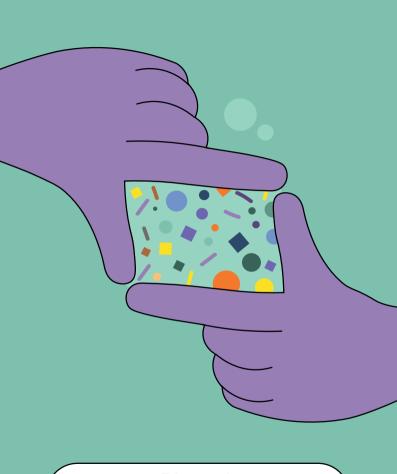
Stress management and awareness of one's basic needs.

Important for being able to help oneself and, in so doing, better help others.

This is <u>particularly useful for</u> flexibility and endurance in what are often hectic and time-consuming mediation processes. It is equally useful for sustaining one's patience and the capacity to actively listen (C1) to others by being fully present (A5) in the moment and empathetic (A1).

Examples:

Physical activity; leisure activity (e.g., reading, dancing, listening to music); spiritual practices; connecting with family, colleagues, or other support systems; and professional psychological help.



Phase 1: Introduction

Phase 1: Introduction

Goal: Set the framework for the talks and establish a working relationship with all parties.

This phase is all about establishing a foundation of trust and a clear structure for the process ahead. Being the first encounter, an introduction is important as it can set the tone for the rest of the talks.

- · set up the meeting space;
- welcome the parties;
- introduce themselves and clarify their role;
- · explain what mediation is;
- give conflict parties the space to introduce themselves;
- · set up or remind the parties of the ground rules;
- define or revisit the goal for the meeting and mediation.



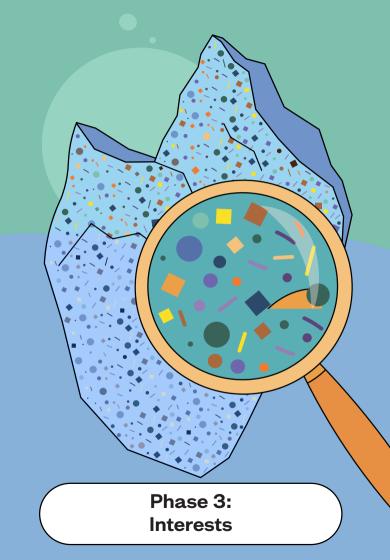
Phase 2: Perspectives

Phase 2: Perspectives

Goal: Reach a sequenced agenda.

This phase is all about enabling all parties to bring their voice into the mediation space and collecting key issues to be addressed.

- ask all conflict parties to share their perspectives on the conflict and the issues at hand that have brought them to the mediation;
- listen actively and use micro-skills to clarify or confirm what the mediator has heard;
- are mindful of and culturally sensitive to equity and fairness regarding time and the sequencing of speakers;
- collect the issues to establish an agenda;
- jointly sequence the agenda with the parties while explaining different sequencing logics, if needed;
- visualize the agenda.

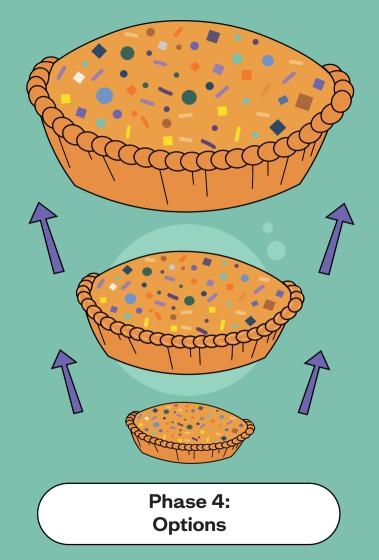


Phase 3: Interests

Goal: Formulate interest profiles

This phase is all about understanding underlying issues rather than just the most visible ones. That is, what are the deeper needs, interests, concerns, and hopes of the parties?

- apply various micro-skills, like asking questions (Q1), summarizing (C2), and reframing (C4);
- formulate interests which meet the criteria of COPE: concrete, open to multiple solutions, positively formulated, and emotionally resonant (C8);
- formulate a joint interest statement that summarizes the main interests of all parties and serves the basis for developing options.

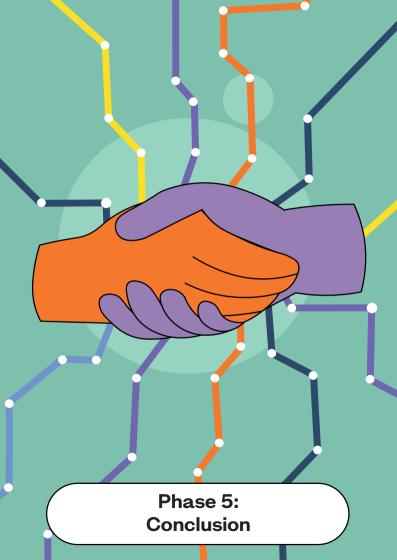


Phase 4: Options

Goal: Assessed options

This phase is all about developing creative solutions that can meet parties' interests and assessing them based on agreed-upon criteria.

- help parties come up with possible ways to solve the conflict. This is a creative phase with the aim of identifying options that meet the interests of all parties -"win-win" options;
- help parties "expand the pie" before they "divide it", by developing a variety of options (e.g., by brainstorming, engaging with expert advice or ideas from other cases, modelling and scenario building). This means avoiding agreeing to one solution too hastily and instead opening up space for creative ideas and useful trade-offs. If mediators bring in options, they should ideally not be first, not last, and should be contradicting to avoid bias;
- Once enough options for possible solutions have been identified, mediators help the parties assess them against agreed-upon criteria (e.g., feasibility, fairness, legality). They do so while satisfying the interests of the parties as much as possible.



Phase 5: Conclusion

Goal: Agreement and implementation modalities

This phase is all about clarity and closure, leading parties towards a final agreement and/or a clear way forward.

- consider the format of the agreement (e.g., whether it is written and signed) and its status (e.g., whether it needs ratification);
- help parties clarify next steps to ensure agreements are implemented. In particular, this includes:
 - Monitoring mechanisms;
 - How parties will deal with potential breaches of the agreement;
 - How to communicate with various audiences regarding the outcome of the mediation (e.g., different members of society, decision-makers, the media, international stakeholders);
- even if there is not yet a final agreement on substance, mediators draw a conclusion regarding next steps for the process;
- consider the symbolic or ceremonials aspects of closure (e.g., appreciation, handshake, celebration).

References and Credits

These cards have been developed by Inbal Ben-Ezer, Eemeli Isoaho (MAS ETH Mediation in Peace Processes) and Simon J. A. Mason (Center for Security Studies) from ETH Zurich. They are based on training experience as well as consultations with key resource people and publications, as noted below. This is not an exhaustive list of resources on this topic.

Resource people

- Christopher W. Moore, CDR Associates.
- Julian Th. Hottinger, Retired, Swiss Federal Department of Foreign Affairs.
- Lars Kirchhoff, European University Viadrina.
- Zaza Johnson Elsheikh, BIMA.

Books and other resources

- Background Information Pages on Active Listening, Looping, Questioning, and Summarizing and Paraphrasing, authored by Corinne von Burg, Jonas Baumann, Simon Mason, and Mathias Zeller. May 2017, the Mediation Support Project, a joint venture between swisspeace and the Center for Security Studies at ETH Zurich, funded by the Swiss Federal Department of Foreign Affairs.
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Production team: ETH Education in Media

- Estelle Gattlen
- Carlo Roman Picaso
- Jeanine Reutemann

Editors

- Inbal Ben-Ezer
- Michael Woods

The MAS ETH MPP programme would like to thank the following entities for their support

- The Innovedum Fund at ETH Zurich.
- The strategic partners of the Master of Advanced Studies ETH Mediation in Peace Processes: United Nations; the Swiss Federal Department of Foreign Affairs; the German Federal Foreign Office; and the Ministry for Foreign Affairs of Finland.
- The Mediation Support Project, a joint venture between Center for Security Studies at ETH Zurich and swisspeace, funded by the Swiss Federal Department of Foreign Affairs.