





All parties will receive one profile from each conflict prior the proceedings from the Secretariat and prepare accordingly. Profiles, interests and priorities are binding upon Parties and they are authorized to act in accordance.

**Please be reminded that parties are not expected to send any written material beforehand and all proceedings will be held orally.**

As a result of flexible nature of the mediation there are no specific phases of oral proceedings. Mediator at any point may divide the Committee into caucus of two or more parties when seems necessary for the sake of the debate whereas Parties might ask for caucus to discuss a specific issue with another party/other parties.

Mediators have no decision-making authority and an agreement may only be reached by the Parties at the end of the proceedings.

#### **D. INFORMATION REGARDING THE SECOND CASE, ‘CONTRACT NEGOTIATIONS IN THE BUILDING TRADES’ CASE**

##### **Coalitions**

Representatives from building contractors, building trade unions and the users of contract services will work together under three coalitions to reach an agreement that will satisfy the members under the coalition. These coalitions work **temporarily** according to their targets and benefits. At the beginning of the process, discussion will commence with the allocated coalitions. **However, during the dispute resolution period the coalitions can disperse and change if there are fundamental disagreements inside the coalition. Members of the coalitions are not bound to their coalitions, they can separate their ways with their coalitions freely within the limits of the simulation.**

##### **1. Mediators**

All proceedings will be lead under the guidance of the Mediator. Unless a specific rule is given under the Rules of Procedure, Mediator shall have the discretion to use any method that seems beneficial for the debate.

Mediators are expected to read the Study Guide and know the details of the Cases. In the cases where they receive a profile, Mediators are also active members of the discussion and they participate in the debate at necessary points without precluding their facilitator position. Role

of the Mediator is to lead the Committee in the way to an agreement that will satisfy all in a formal manner and diplomatic courtesy.

Information regarding the priorities of the Parties will be provided by the Secretariat. Mediators shall observe and ensure that all parties act in accordance with them and do not accept a solution conflicting with their profile.

## 2. Parties

Profiles of the parties shall be sent Along with General Information provided in the Study Guide, Parties will receive Confidential Profiles prior the proceedings by the Secretariat which will give them more detailed information about their own goals, underlying interests and values, as well as their role's preferred resolution of the issues to be negotiated. They may also give you some additional information about the goals and interests of others in the negotiation.

Some parties are consisted of two participants; one person acting as the real person or representative of the legal person and one person acting as their lawyer.

All material to be used in the Committee will be provided by the Secretariat. Therefore, **no further reading or research shall be made.** Parties are expected to read the Study Guide and their profiles and **have to save their full concentration to the sessions.**

It is vital for parties to comprehend their profiles in a detailed manner, know their priorities beside the profiles of others. Determining the common interests with other parties and try to work together with them would be on your good. Parties may agree to compromise on a matter in exchange of another.

During the negotiation, parties may explain their goals and their underlying interests to the other parties, in as much or as little detail as they like, and with as much or as little accuracy as they think is appropriate however **it is not allowed to share their confidential instructions to any other party. A contrary action will not be tolerated** in order to ensure a true platform of negotiation.

Following suggestions might be useful:

- Use the Mutual-gains Approach

These types of multi-stakeholder negotiations can be improved by using mutual-gains principles, namely:

- Realistically assessing the alternatives to negotiation;
- Balancing technical and political considerations by focusing on interests rather than positions;
- Inventing options for mutual gain (i.e., brainstorming without commitments);
- Using objective criteria; and
- Focusing on the problem, instead of on the people in the conflict.

The mutual-gains approach can help conservation organizations and government agencies work together to find solutions to conservation problems. By creating an environment of mutual problem solving, instead of positional bargaining, the mutual gains approach results in greater value for all parties in the negotiation.

- **Build Strategic Partnerships**

Strategic partnerships among parties are an important component of conflict resolution. Carefully structured partnerships can help organizations and government agencies increase their influence, enhance their ability to achieve their goals, and ensure that negotiated agreements are implemented. To identify possible partnerships, organizations must identify where interests coincide. However, even organizations that do not share the same fundamental interests may find it useful to form temporary alliances to work for common, short-term goals.

### **3. Rapporteur**

The Rapporteur shall take copious notes of the sessions. He/she needs to be careful in this mission; as, in case any of the Member of the Committee misremember the statements of a Party on a crucial manner, the truth shall lie in the Report. The Rapporteur is therefore asked to read the Study Guide, in order not to confuse terms and names in the Report.

### **E. AGREEMENT**

The Committee shall reach an agreement which covers all issues for each Case. Even though a consensus is desired, majority of the Parties will be enough.

Sample agreement:

**International Chamber of Commerce**

**Mediation Agreement**

On the Conflict of the Mouse Problem/

Contract Negotiations in the Building Trades

(Date of Agreement)

Parties agreed upon following terms:

- 1. **Issue 1:** (Solution that Committee Agreed upon)
- 2. **Issue 2:** (Solution that Committee Agreed upon)
- 3. **Issue 3:** (Solution that Committee Agreed upon)
- 4. **Issue 4:** (Solution that Committee Agreed upon)

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Signature of the Mediator

Signature of the Mediator

Signatures of the Party

Signatures of the Party

(Name of the Client) .....

(Name of the Client) .....

(Name of the Lawyer) .....

(Name of the Lawyer) .....

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*(Cases of the Mediation Committee is taken from Harvard University Law School's Database for educational purposes)*