

MEDIATION SESSION GUIDELINES

SEQUENCE OF STEPS	NOTES
<p>1. Introduce yourself and have participants do the same.</p>	
<p>2. Identify the Parties and their Representatives. <i>(Verify identity documents and powers of attorney for the Representatives of the Parties).</i></p>	
<p>3. Explain the mediation process. <i>(Briefly outline the main stages of the mediation process, benefits of mediation and outcome).</i></p>	
<p>4. Clarify the confidentiality principle. <i>(Mediation is a private and confidential process. The parties to the mediation, the mediator, the AMCA and other persons engaged in mediation shall in all cases maintain the confidentiality of any information related to the entire mediation process. (Mediation Rules, Article 24(1)).</i></p>	
<p>5. Clarify that participation in mediation is voluntary and can end at any time if any of the Parties so chooses.</p>	
<p>6. Clarify what the mediator's role is. <i>(A mediator is an independent, impartial, natural person with no interest in the outcome of the case, who has obtained qualification of a licensed mediator in accordance with the established procedure and is appointed by the AMCA to conduct mediation in order to amicably settle the dispute between the parties. (Mediation Rules, Article 3(1)).</i> <i>The mediator cannot provide legal advice to the parties to mediation or other participants. (Mediation Rules, Article 20(2)).</i></p>	
<p>7. Upon necessity, inform the Parties that the mediation session can be held in joint or separate meetings and clarify the confidentiality aspects of separate sessions, namely that anything shared by the parties cannot be disclosed to other party, unless expressly authorized.</p>	

Additionally, inform the parties that they or their representatives may also request a private meeting with the mediator at any stage of the mediation, should they consider it useful for the process.

(With the agreement of the parties to the mediation, the mediation can be carried out in joint or separate meetings, as well as in the way of their combination (Mediation Rules, Article 20(4)).

8. Introduce the AMCA and its role in the mediation process.

*(the AMCA acts as a permanent mediation institution registered in the registry of the Ministry of Justice of the Republic of Armenia. The AMCA itself does not resolve disputes; it administers mediation cases. Mediation is carried out by the mediators appointed by the AMCA, **who resolve the disputes in accordance with the Rules.** (Mediation Rules, Article 1(3))*

Clarify the AMCA's participation in mediation.

(Secretary functions and the participation of the mediation case manager. Mediation Rules, Articles 15 & 21).

9. Discussion of the subject matter of the mediation.

(The Mediator must encourage the parties to focus on the issues at hand, rather than each other and prevent unnecessary interruptions and mutual accusations. The mediator should also help the parties by using the most appropriate mediation session, format and communication or mediation techniques to address delicacies and emotional aspects, to explore the roots of the conflict and to create opportunities for the parties to reach a better understanding and possible recognition of each other).

1. Request that the parties present the background of the dispute and their perspectives.

(The Parties should be provided with an opportunity to make opening statements on their initial views about the dispute. This may include the history and background of the dispute and its development, their perspectives on the dispute, broad topics or specific issues they want to discuss, preferred options for or positions on desirable outcomes, identifying and agreeing on a potential agenda or sequence for the discussion of issues).

2. Agenda setting and deep dive.

(Once the parties have reached a general level of agreement on the framing of the broadest focus for their discussions, they will need to identify and agree on specific issues to be addressed (“the agenda”). The mediator should ensure that the parties lead the development of the agenda and help them summarize their perspectives, concerns, and desired outcomes).

Framing issues and setting the agenda (main points of the dispute).

- *To design a clear agenda for mediation, the mediator should help the parties to frame/reframe the issues under discussion,*
- *After having the summary of reframed issues, the next step is to put them in an order that will result in productive talks,*

- *In the simple-agenda method, multiple topics or issues for negotiation are taken one at a time in an order proposed by one or more parties. Typically, each issue is addressed and settled separately from others, although often issues may be inter-linked and require a more nuanced approach,*
- *The mediator should ask the parties sequentially to make an effective in-depth presentation of their views about the dispute and issues of concern, which fully informs the other party and the mediator and will result in the least amount of resistance from the other party.*

3. Options to resolve the dispute.

(Guide a two-way conversation, that will help the parties to the mediation share the other's perspective and avoid misunderstandings, thus revealing the desired options. The mediator should try to identify the potential options or concessions that are acceptable to each party, as well as their "red lines" or non-negotiable positions).

4. Solution.

(The mediator should make sure that the parties are empowered to work in collaboration to find solutions that are beneficial to everyone. If appropriate and qualified, the mediator may assist the parties in formulating and finalizing both preliminary drafts and settlement agreements).

5. Conclusion.

(The session concludes with a review of the agreement, providing each party with the opportunity to ask questions and make any final adjustments. This final step is crucial as it ensures that all parties are satisfied with the outcome and fully understand the commitments they are making. If mediation does not result in a settlement, the mediator should explain the benefits of the process and highlight the value gained even without a formal agreement. The mediator is also encouraged to follow up with the parties after the conclusion of the process, as circumstances may change and a settlement may become feasible at a later stage).

10. The end of the mediation process.

(The mediator adopts a protocol on the termination of mediation or a settlement agreement is signed:

Article 23

1. In the case of terminating the mediation process amicably, an agreement is signed between the parties to amicably settle the dispute. At the request of the parties to mediation, the AMCA may provide the parties with an opinion on the settlement agreement.

2. In addition to the parties, the settlement agreement concluded as a result of the mediation process is also signed by the mediator, noting that the agreement has been concluded as a result of mediation.

Article 22

The mediation process initiated under these Rules shall be terminated with the mediator adopting the corresponding protocol about the termination of the mediation process, which shall be provided to the parties no later than the next day. At the same time, the

mediator shall notify the AMCA about the protocol on the termination of the mediation, providing information about the mediation procedure, the agreement reached between the parties or the reasons for not reaching such an agreement, the basis for the termination of the mediation and providing a copy of the protocol).

11. End the process with a brief closing statement.

(The mediator ensures that the parties to the mediation understand the terms of the settlement agreement (if such is reached), or the outcomes of not reaching a settlement agreement, outline the right for approval of the agreement by the courts, timelines and responsibilities, ensure the parties are psychologically satisfied and commend parties to facilitate open communications and express optimism for positive future interactions.