

INDEX

- absence
 - of dialogue 282–286
 - of established laws 43–44
 - of general agreement 239–240
 - of lawyers 120
 - of precise rules of 43–44
 - of suitable space 44–45
- accumulated problems 38–41
- acknowledgement communications
 - 105
- action plans 169–173
- active listening 69, 145, 159,
182–184, 252–253, 271
- adequacy of mediation
 - 27–57
- ad hoc mediators 6–9, 53
- adjudicators 29
- ADR *see* Alternative Dispute
Resolution
- adversarial proceedings 254
- advisors
 - mediators as 12
 - pre-mediation 114–120
 - third-party interventions
29, 53, 57
- African tradition of palaver
 - 96–97
- agenda
 - agreement on 157
 - coordination of 152
- agreement
 - absence of 239–240
 - binding 150–151
 - confusion with listening
194, 253
 - degrees of confidentiality 73–76
 - Matignon on New Caledonia 9,
178
 - to mediate (PORTAL) 155–157,
161–163
 - on non-confidentiality 73–76
 - obtaining no matter what
260–261
 - preparation to mediate 102–105
 - on renouncement of rights
78–79
 - on rules of mediation 151–152
 - validation 237–239
- Algeria 45
- alimony 54–55, 78, 84–86
- allies 27–28, 82, 106, 114
- Alternative Dispute Resolution
(ADR) 76, 131
- AMAPA *see* Mediators' and
Arbitrators' Association for
Audiovisual Professionals
- ambassador 2, 28–29
- ambipartiality 296–297
- American hostage crisis,
Iran 45

INDEX

- amicable divorce 84–86
- analogous universes method 207–211
- analysis frameworks
 - for pre-mediation 110–111
 - for problem-solving 166, 177–194, 207–211, 220–223
- ancient history 1–2
- arbitration/arbitrators 29, 35, 53, 56, 66, 235
- Aristotle 1
- art of questioning 179–182
- asset preparation methods 112–113
- assumption 242–243
- attentive listening skills 183–184
- attorneys 28, 141
- audiovisual profession 66, 98
- authentication aspects 238
- authority xii–xiv, 29–30
- auxiliaries 29, 76
- avenge 31
- awareness 249–251, 256

- bad faith 41, 72–73, 101, 263–268, 276
- beginning game of
 - problem-solving 131–164
- Belgium 221
- Biafra 44
- bias 65–67, 70, 203
- binding agreements 150–151
- blame 276–277
- Blanc, Christian 9, 178
- blockage avoidance 32–46
- bodyguards 133
- border disputes 49
- borderline pathological cases 30–31
- Bosnia 219–220
- Boutros-Ghali, Boutros 7–8
- brackets technique 237

- brainstorming 204–207, 211–212
- breakdown in communication/relationships 34–36
- Burundi 28–30, 129, 133, 208–209
- business relations *see* company relations

- caucus 17, 125
- cacophony 271–273
- Caldoche group 178
- Camp David Accords 74–75
- child custody
 - fairness vs self-determination 80–82, 84–86
 - multi-party mediation 15, 18
 - present to the future aspects 206–207, 213–216, 231
- children
 - family relations 197
 - pre-mediation 106–108
 - relationship preservation 46–48
 - safety 228
- Christian theology 2
- chronology, aspects of 171, 188
- clarification 87, 180, 184
- clarity 121
- client relationships 38–40, 114–115, 229
- closed questions 181
- closures 261, 277–278
- collective bargaining disputes 222–224
- co-mediation 9, 42, 66, 104–105, 271–272, 287
- commission, confidentiality 75–76
- commitment
 - pitfalls 278–279
 - pre-mediation 104–105

- problem-solving 207–209, 236–240
 - summarizing 239
- common interest links 256–257
- communication
 - breakdown in 34–36
 - ethics in 300–301
 - institutional mediators 10–11
 - mediator’s push vs
 - self-determination 87–88
 - practice diversity 19–22
 - during pre-mediation 102–105, 109–110, 113
 - during problem-solving 166–167, 174–179, 182–193, 200
- community relations
 - ad hoc mediators 8
 - graffitied walls 207–208, 210–211
 - neighbor relations 198
 - noise conflicts 185
 - rights and the law 78
- company relations
 - ad hoc mediators 8
 - confidentiality 72–73
 - conflict recurrence avoidance 220
 - defective appliances 281–282
 - dismissal conflicts 187, 198–201
 - fairness vs self-determination 81–82
 - harassment 71–72, 107–108
 - refusal to meet 283–284
 - relationship preservation 48–49
 - respect for the law 79
 - rights and the law 78
 - shareholder 220
- compensation frameworks
 - lawyers 118
 - practice diversity 20
 - pre-mediation 101–102, 118
 - problem-solving 234
 - third-party interventions 53–54
- compliance reviews 10
- conciliation 235
- conditions of mediation 105
- condominium housing 186–187
- confidence 45–46
- confidentiality 36, 50–51
 - need for 50–51
 - pre-mediation 104–105, 123
 - principle of 69–77, 87
 - rules of 150
 - spirit of mediation 140
 - transparency 247–248
- conflict
 - need for mediation xi–xii
 - prevention 223–224
 - with themselves 280
- consent 88–89
- consequences, ethics of 295–296
- contracts
 - contractual obligations 14
 - pre-mediation 14, 103–105
 - price guarantees 7
 - supplier–clients 38–40
- contradiction aspects 181–182, 266–268
- control over decisions 56–57
- Convention for the Pacific Settlement of International Disputes (1929) 2–3
- co-ownership 16–17, 62
- copyright conflicts 81–82
- corporate relationships 36, 108, 175
- cost control 52–53, 218
- courts, proceeding as in 250–251
- creativity
 - problem-solving 204–230
 - vs principle of respect 76–87
- creditors 41

INDEX

- crescendo 171
- criminal aid 42–43
- criminal mediation
 - confidentiality 50–51, 75–76
 - empathy 69
 - graffitied walls 207–208
 - lack of methods 23
 - neighbor relations 265–266
- critical moment initiatives 263–268
- Croatia 219
- culture, interpretation of 42–43
- Curle, Adam 44
- current status, relationship
 - histories 169–170
- custody *see* child custody

- decision
 - agreements 88–89
 - control over 56–57
 - makers and -influencers 17–18
 - towards a commitment 236–240
- decrescendo 171
- defective appliances 19, 281–282
- defending
 - mediation principles 243–244
 - oneself as a mediator myself 244–245
- deflection 225
- delivery conflicts 187–188
- Democratic Republic of the Congo (DRC) 129–130, 208
- dialogue
 - absence 282–286
 - engagement 167–168
- differences analysis/leverage 193–194, 212–216
- diplomacy 8, 28–29, 34–35, 44, 45, 49, 73–75, 95, 99, 125, 129–130, 133, 139, 178, 219, 221, 224, 232, 283
- directed questioning 211–224, 234–235
- directive listening 183
- disaster avoidance 32–33
- discouragement aspects 262–263
- disempowerment 57
- distracted listening 183
- distrust 45–46
- diversity, mediation models/practices 4–22
- divorce
 - alimony 54–55, 78, 84–86
 - fairness vs self-determination 80–82, 84–86
 - multi-party mediation 15, 18
 - pre-mediation 106–108
 - present to the future aspects 206–207, 213–216, 231
 - relationship preservation 46–47
 - rights and the law 78
- domestic violence 81–82
- draft agreements 86, 237
- DRC *see* Democratic Republic of the Congo (DRC)
- dreaming solutions 257
- Drucker, Peter 230
- dual requests 231–236
- duties, respect for the law 77–78

- earnings, future fears in divorce 214–216
- economies of scale and scope 216–219
- elaboration, proposed solutions 229–230
- emotions 37–38, 139, 278–279
- empathy 68–69, 232–233

- employers/employees
 - fairness vs self-determination 81–82
 - dismissal conflicts 187, 198–201
 - harassment 71–72, 107–108
 - relationship preservation 48
 - rights and the law 78
- end game of problem-solving 131, 154–155, 203–240, 256, 293–294
- engagement
 - dialogue 167–168
 - pre-mediation 27–57
- equity 63, 80–85, 116, 135–136
- escalation risks 37–38
- established laws, absence of 43–44
- ethical perspectives 287–301
- ethics of consequences 295–296
- ethics of responsibility 295–296
- ethical withdrawal *see* withdrawal
- ethnic origins 67
- evaluation, problem-solving 230–236
- evocative mediators 12
- evolution of lawyer’s roles 117–118
- exceptions
 - confidentiality principle 69–77
 - of public order 75–76
- exclusion of extremes 231–236
- existing mediation practices 1–25
- expectations
 - future 174
 - specification invitations 145–147
- explanation, problem-solving 181–182
- express validation of the mandate 226
- ex-spouses
 - see also* divorce
 - alimony 54–55
 - relationship preservation 46–47
 - renouncement of rights 78
- external interventions 3, 95
- external mediation 15
- face-to-face meetings 20
- facilitators 12, 29, 57
- facts
 - disagreements 265–267
 - establishment of 266–268
- fairness
 - fairness tests 10
 - operating principles 61–64, 77, 80–90
 - problem-solving 235
 - for who 82–86
- familiarity aspects 135–136
- family relations
 - ad hoc mediators 8
 - alimony 54–55, 78, 84–86
 - fairness vs self-determination 80–82, 84–86
 - listing problems 175
 - marriage 189–190
 - multi-party mediation 15, 18
 - pre-mediation 106–108
 - present to the future aspects 206–207, 213–216, 231
 - relationship preservation 46–47
 - rights and the law 78
 - runaway children 197
 - third-party interventions 55–56
- farming 41
- favoring parties 251, 254, 257–258
- feasibility aspects 238
- Feelings-Needs-Values analysis 190–191
- final decisions, control over parties 56–57

INDEX

- final drafts, agreements 237–239
- finance 41, 210
- firing conflicts, employers/
employees 187, 198–201
- Fisher, Roger 232–233
- flip charts 175–176
- flood of words 268–271
- follow-up agreements 157
- formal acceptance 14
- formal language 138–139
- formal mediators 6–11
- Forum of Internet Rights 43–44
- free acceptance 13–14
- freedom of speech 74, 120
- freelance mediators 103–105
- free mediations 53
- free public service 102
- free speech *see* freedom of speech
- future events
 - expectations 174
 - problem-solving 131, 154–155,
203–240, 256, 293–294
 - third-party interventions 46–57
- Goldberg, Stephen 142, 211
- good faith 37, 40, 73, 263–268, 276
- graffitied walls 207–208, 210–211
- Greenpeace 156
- greeting parties 132–139
- ground rules 147–152
- harassment 71–72, 107–108
- history
 - mediation origins 1–3
 - relationships 169–170
- honor protection 50–51
- household appliance defects 19
- housing conflicts 185–187
- how and what analysis frameworks
188–189
- hypersensitivity 64, 172
- hypothesis 14–16, 83, 94–95, 181
- ideal / idealized mediator 65,
98–100
- idea providers, mediators as 12,
92–93
- identification, problem-solving
166–177
- identification with parties 66–69
- identification with social roles,
mediator impartiality 65–69
- ignorance 37–38, 42, 284–285,
296–298
- ignoring parties in mediation
sessions 284–286
- imagination spaces 79–80
- imbroglio of accumulated
problems 38–41
- impartiality
 - external interventions 3
 - multi-partiality 68–69, 89,
133–134, 159, 196, 296–297
 - principle of 64–69, 87–89,
100–104, 158–161, 179–182,
250–252, 258–259, 296–299
- impasse 224–236, 267–274
- impassive listening 182
- implementation aspects, prior
agreement 248
- imposed mediation 13–14, 31,
81, 96
- in between, mastery of 60–61
- incompetent tradespeople 281–282
- incomprehension 42
- independence, principle of 60–61,
87, 97
- independent legitimacy 228
- in-depth analysis, motivation 166,
177–194

- indigenous groups 178
- individual meetings *see* private meetings
- industrial relations 8
- informal language 138–139
- informal mediators xv, xvii, 5–6, 15, 23, 53, 60–62, 99–100, 102, 129
- informal meetings 283
- information provision, confidentiality 74–76
- infrastructure projects 16
- inheritance 16, 55–56, 78–79
- initiatives, critical moment problems 263–268
- inner voice aspects 299
- instinct
 - instinctive behaviors 242–262, 266–268
 - introduction xv
 - mediation risks 23
 - problem-solving preparation 145
- institutional mediators 9–11, 15, 53
- insults 48
- intention, ethics of 296
- interaction preparation, pre-mediation 109–110
- intercession 3
- intercountry relations 49
- interference aspects 57
- internal mediation 15
- international relations, *see* diplomacy 8
- Internet, law and rule 43–44
- interpersonal skills 112
- interruptions
 - cacophony 271–273
 - listening skills 251–252
 - rules 148–149
- intervention
 - adequacy of mediation 27–57
 - good styles of 124–127
 - level of, problem-solving preparation 142–145
 - mediation definitions 3
 - problem-solving preparation 142–145
- introductory remarks/greetings 132–139, 141–142
- invention of solutions, problem-solving 204–230
- invitations
 - elaborate on proposed solutions 229–230
 - expectation specification 145–147
 - mutual recognition 196–202
 - presentations 136–139
 - to mediation 102–103
- Iran, American hostage crisis 45
- itineraries, pre-mediation 91–109, 120–130
- joint meetings 20, 126–127, 143–144
- justice
 - see also* laws
 - fairness principle 63
 - private 29, 76
 - respect for the law 76–87
- justification
 - pre-mediation 113
 - problem-solving 227–229, 233
 - third-party interventions 33–57
- Kanak indigenous group 178
- key diversity variables 4, 13–22
- Kissinger, Henry 125
- Kosovo 220

- lack of method, risks 23–25
- Lafleur, Jacques 178
- language, presentations 138–139
- laws
 - see also* justice
 - absence of 43–44
 - principle of respect 76–87
- lawyers
 - absence or presence 18–19
 - pre-mediation 114–120
 - presence configurations 115–116
 - relationship preparation 119–120
- legal obligations, pre-mediation 14
- legitimacy
 - mediation refusal/resistance 96–97
 - of mediators 12, 16
 - third-party interventions 31
- leveraging differences, value
 - creation 212–216
- limited mandates, pre-mediation 108
- listening *see also* active listening
 - attentive, impassive, reactive, distracted 182–184
 - confusion with agreement 194, 253
 - interruptions 251–252
 - mediator’s push vs self-determination 87–88
 - problem-solving 166–167, 174–179, 182–193, 200, 203, 222
 - to whom 184–186
- listing problems 170–172, 175–177
- litigation/litigators 17, 114–115
- location of mediation 21, 61–62, 64–69, 98–101, 127–130
- logic of accordance 205–206
- logistics 113, 127–130
- mandates 108, 112, 226
- marriage
 - see also* divorce, child custody
 - family relations 189–190
- Matignon Agreements on New Caledonia 9, 178
- matrix of neutrality and impartiality 64–65
- media leaks 51
- mediation
 - adequacy of 27–57
 - agenda 152, 157
 - absence of agreement during 239–240
 - beginning game of
 - problem-solving during 131–164
 - brainstorming during 204–207, 211–212
 - centrifugal 221, 292
 - ground rules in 147–152
 - imbroglio of accumulated
 - problems during 38–41
 - imposed 13–14, 31, 81, 96
 - Matrix 35
 - necessity for xi–xx
 - origins 1–3
 - preparation for 44, 91–130, 142, 282
 - process dimension in 111, 113, 124–125
 - proposal of 92–96, 103–105, 123
 - pros and cons of 27–57
 - refusals 92–93, 96–97, 100–101, 283–286
 - relationship breakdown explored in 34–36
 - relationship history explored in 169–170

- relationship preservation
 - explored in 46–49
- relationship-centered 35–38, 173, 222
- repetition by a party as a danger
 - in 270–271
- resistance to 96–97
- risks in 22–24
- risk of escalation in 37–38
- sequencing phases in 25
- session preparation in 91–130
- Seven Pillars of 24–25
- shuttle style of 44, 236, 283
- signatures on agreements at the end of 239
- silence during 268–269
- single spokesperson for all
 - parties participating in 74–76
- absence of space for 44–45
- speed as criterion of 32–33
- spirit of 140–142, 157
- stakeholder mapping in 112
- stalling tactics during 279–280
- as one style or type of
 - intervention 27–34, 124–127
- sustainability aspects of 54–56, 238–239
- tactlessness during 57
- parties’ threats to leave during 277–278
- transformative model of 35–38, 173, 222
- transparency during 247–248
- trilogue or triologue during 39–40, 109, 292, 298
- value creation during 205, 211–224, 234–235
- parties’ verbosity during 268–271
- videoconferences to conduct 20
- witnesses 133
- written 10
- mediation matrix 35
- mediator(s)
 - actions, philosophy of 287–301
 - as advisors 12
 - defending oneself 244–245
 - formal 6–11
 - freelance 103–105
 - greeting parties at the beginning of mediation 132–139
 - idealized 98–100
 - ideal 65, 98–100
 - as idea providers 12, 92–93
 - identification with social roles, impartiality 65–69
 - ignoring parties during mediation 284–286
 - informal *see* informal mediators
 - initiatives of 242–286
 - institutional 9–11, 53
 - relationships with lawyers 119–120
 - parties’ self-determination vs push by 86–90
 - preparation itineraries 120–130
 - role of 65–69, 142, 244
 - rushing to solve problems during mediation 245–246
 - as scapegoats 7–8
 - status of 2
 - obsession with truth 252–253
 - unspoken vision of one’s role 244
 - welcoming parties to mediation 132–139
- mediator–lawyer relationships 119–120
- Mediators’ and Arbitrators’ Association for Audiovisual Professionals (AMAPA) 53, 66

- medical diagnoses 8
- meetings
 - see also* private meetings
 - ethics 298–299
 - face-to-face meetings 20
 - formats 143–144
 - individual meetings / caucus, *see* private meetings
 - informal meetings 283
 - joint sessions 20, 126–127, 143–144
 - pre-mediation 125–130
 - presentations 132–134
 - refusing mediation 283–286
- Meir, Golda 232
- methodical pre-mediation
 - preparation 111–114
- methods, definitions 11–13
- micro-mediation risks 23
- middle game of problem-solving
 - 131, 153–154, 165–202, 249–251, 293
- misunderstanding aspects 41–43
- Mitra 1
- Mnookin, Robert 126
- models
 - definitions 11–13
 - ideal mediators 65, 98
 - mediation diversity 5–11
- monopolizing processes 248–249
- Monsanto 156
- Montenegro 219
- morality 297–298, 300
- motivation
 - pre-mediation 112
 - problem-solving 166, 177–194
- multidimensionality of conflicts
 - 191–193
- multi-partiality 68–69, 89, 133–134, 159, 196, 296–297
- multi-party mediation 15–22
- multiple-choice questions 181
- multiple conflicts 40–41
- mutual agreements 79
- mutual consent 88–89
- mutual misunderstandings 41–43
- mutual recognition 165, 195–202, 255–256, 292–294
- mutual respect 149–150, 275
- mutual understanding 41–43, 166, 194–202
- Nasser, Gamal Abdel 232–233
- need for mediation xi–xx
- needs
 - agreement on 157
 - analysis 166, 177–194
 - problem-solving 49–50, 166, 177–194
 - subjectivity of 228
 - values-feelings analysis 190–191
- negative communication 103–104, 108
- negative emotions 37–38
- negotiation and mediation space 89
- negotiators, pre-mediation
 - 114–115
- neighbor relations
 - ad hoc mediators 8
 - community relations 198
 - condominium housing 186–187
 - criminal mediation 265–266
 - graffitied walls 207–208, 210–211
 - housing conflicts 185–187
 - noise conflicts 185
 - operating principles 62, 78
 - relationship preservation 47
 - rights and the law 78
- neutrality, principle of 61–69, 80, 87–90, 289

- New Caledonia 9, 139, 178
- noise conflicts 185
- non-confidentiality agreements
 - 73–76
- number of actors 4, 15–22
- objectives
 - acknowledgement 105
 - key variables 4
 - PORTAL 140–147, 158–163
- obligation of means 296
- obligatory agreements 89
- observation skills 203–204
- obtaining signatures 239
- occupied territories 232–233
- ombuds services 3, 10
- one-text procedures 236–237
- online mediation 20, 43
- open questions 173–177
- operating principles, pre-mediation
 - 59–90
- oral communication 19–20
- organization of pre-mediation 113
- organization relations 48–49,
 - 99–100
- origins of mediation 1–3
- origins of relationship histories
 - 169–170
- overcoming past events 34–46
- ownership aspects 16–17, 62, 202,
 - 249–251
- paid compensation 20, 53–54
- palaver, African tradition of 96–97
- parents *see* family relationships
- party (parties)
 - mediation preparation itineraries
 - of 106–120
 - weak 66–69
- passive action 86
- past events
 - awareness of 249–251
 - introduction xiv
 - overcoming 34–46
 - problem-solving 131, 153–154,
 - 165–202, 249–251, 293
 - public order confidentiality 75
 - towards the present
 - problem-solving 131,
 - 153–154, 165–202, 249–251,
 - 293
- pathologies of conflict 30–31
- payment
 - compensation frameworks
 - 101–102
 - third-party interventions 53–54
- people dimension 111–112, 124,
 - 137, 222
- perception 157
- perimeter 1–25
- person, trust in 99
- personal attacks 274–277
- personal preparation 109–111
- pertinence 27–57
- petty crimes, confidentiality 50–51
- philosophy of mediator’s actions
 - 287–301
- Pillars of Mediation 24–25
- pitfalls 25, 240–286
- plagiarism 77–78
- police-community relations 8–9
- policy changes 16
- politics 79
- PORTAL 131–164, 242
 - agreement 155–157, 161–163
 - launch 163
 - objectives 140–147, 158–163
 - presentations 132–139, 158–159
 - rules 147–152, 155–157, 161
 - stage sequences 152–155, 162
 - time 152–155, 162

INDEX

- positions, mistaking with solutions 255–256
- post-mediation practice diversity 21–22
- potential confidentiality exceptions 69–77
- power
 - of problem-solving 293–294
 - of self-questioning 288–290
- practice diversity 4–22
 - communication 19–22
 - variables 4, 13–22
- practices, definitions 11–13
- precise rules, absence of 43–44
- pre-engagement aspects 27–57
- premature closures 261
- pre-mediation 14–15
 - acceptance 14, 92–93, 100, 127
 - engagement 27–57
 - itineraries 91–109, 120–130
 - mediator's push vs self-determination 86–87
 - operating principle set-up 59–90
 - questions 95, 121
 - session preparation 91–130
- preparation
 - agreements to mediate 102–105
 - pre-mediation 91–130
- pre-problem-solving preparation 131–164
- presentations
 - PORTAL 132–139, 158–159
 - problem-solving 132–139, 158–159, 226–227
- present time
 - awareness of 256
 - towards the future
 - problem-solving 131, 154–155, 203–240, 256, 293–294
- preserving relationships 46–57
- prevention systems 223–224
- price guarantees 7
- principles
 - agreement 156
 - confidentiality 69–77, 87
 - defending 243–244
 - fairness 61–64, 77, 80–90
 - impartiality 64–69, 87–89, 100–104, 158–161, 179–182, 250–252, 258–259, 296–299
 - independence 60–61, 87, 97
 - law and respect 76–87
 - mediator's preparation 121
 - neutrality 61–69, 80, 87–90, 289
 - pre-mediation set-up 59–90
 - respect for the law 76–87
 - self-determination 80–90, 226
 - subjective principle reliance 246–247
- prior agreement 248
- prior information 14
- prioritizing problems 176–177
- private conception of morality 297–298, 300
- private justice 29, 76
- private (or individual) meetings 17, 20, 125
 - ethics 298–299
 - impasse solutions 229–230
 - pre-mediation 125–127
 - problem-solving 141–144, 234–235
 - stalling tactics 279
- problem-centered mediation 35, 38, 221–222
- problem dimension 111–113, 122–124
- problem-solving
 - analysis frameworks 166, 177–194, 207–211, 220–223

- beginning game, PORTAL
 - 131–164
- brainstorming 204–207, 211
- commitment 207–209, 236–240
- common interest links 256–257
- communication 166–167,
 - 174–179, 182–193, 200
- creativity 204–230
- end game 131, 154–155,
 - 203–240, 256, 293–294
- evaluation 230–236
- future 131, 153–155, 165–240,
 - 293–294
- identification 166–177
- impasse 224–236
- inventing solutions 204–230
- justification 227–229, 233
- middle game 131, 153–154,
 - 165–202, 249–251, 293
- mistaking with positions
 - 255–256
- motivation analysis 166, 177–194
- mutual understanding 166,
 - 194–202
- needs 49–50, 166, 177–194
- past towards the present 131,
 - 153–154, 165–202, 249–251, 293
- power of 293–294
- preparation 131–164
- presentations 132–139, 158–159,
 - 226–227
- present towards the future 131,
 - 154–155, 203–240, 256, 293–294
- questions 166–169, 172–191,
 - 195–202, 211–224, 234–235
- ranking solutions 233–236
- rushing to solve 245–246
- undercover motivations 166,
 - 177–194
- value creation 205, 211–224,
 - 234–235
- pro bono* action 53
- process dimension 111, 113,
 - 124–125
- proposing mediation 92–96,
 - 103–105, 123
- pros and cons of mediation 27–57
- protagonists 69–70, 106–113, 122,
 - 223–224
- proximity aspects 21, 61–62,
 - 64–69, 98–101, 127–130
- public order 75–86, 297–298, 300
- public service 102
- punishment, desire for 31–32
- quality, fairness vs
 - self-determination 85
- quality of a decision 33
- quasi-negotiators 55
- questionnaires 123
- questions
 - mutual recognition 195–202
 - philosophy of mediator's actions 287–301
 - practices before acting pitfalls 241–246
 - pre-mediation 95, 121
 - problem-solving 166–169,
 - 172–191, 195–202, 211–224, 234–235
 - sensitive problems 173–177
 - types 179–182
- Quintilian's Hexameter 174
- ranking solutions 233–236
- reactive listening 183
- real estate developers 17, 78

- reality of situations 60–61, 65, 70–72
- reciprocal ignorance 42
- reciprocal recognition 194–202
- reconstructing future relationships 46–57
- reflection 225, 267–268
- refusing mediation 92–93, 96–97, 100–101, 283–286
- re-igniting questioning 293–294
- relationships
 - see also individual relations*
 - breakdown in 34–36
 - history 169–170
 - preservation 46–49
 - relationship-centered mediation 35–38, 173, 222
 - third-party interventions 46–57
- renewed relationship mediation 36, 131, 294
- renouncement of rights 78–79
- repetition 270–271
- repulsion 61–62
- rescuing a party 259–260
- resistance to mediation 96–97
- resolution systems 223–224
- resource differences 216
- respect
 - ethics of 300–301
 - for the law principle of 76–87
 - pre-mediation 95–97, 103–105, 109–110
 - rules of 149–150
- responsibility, ethics of 295–296
- Responsible Negotiation matrix 35
- rights, respect for the law 77–84
- risk of escalation 37–38
- risk preferences 214–216
- risks in mediation 22–25
- risky behavior measurements 242–286
- rival faction confidentiality 73–76
- robbery, empathy 69
- Rocard, Michel 9, 178
- role of lawyers 117–118
- role of mediators 65–69, 142, 244
- rules
 - absence of 43–44
 - of engagement 24
 - of mutual respect 149–150, 275
 - PORTAL 147–152, 155–157, 161
 - rule of law 76–87
 - SCAMPER method 210
- rushing to solve problems 245–246
- SAFT *see* solutions away from the table
- salon seating configurations 128–129
- Sander, Frank 127
- Sartre, Jean-Paul 41
- SAT *see* solutions at the table
- SCAMPER method 207–211
- scapegoats 7–8
- schools
 - ad hoc mediators in 8
 - child safety in 228
 - insults 48
 - relationship preservation in 47–48
- seating arrangements 106, 127–130
- securing principles, Seven Pillars of Mediation 24
- selecting mediators 98–102
- self-determination, principle of 80–90, 226
- self-funded compensation 20
- self-questioning, power of 288–290
- sensitive confidentiality 36, 50–51

- sensitive problem questions 173–177
- sequencing phases 25
- Serbia 219–220
- session preparation 91–130
- setting up operating principles 59–90
- Seven Pillars of Mediation 24–25
- shared activity creation 216–219
- shareholders 220
- shuttle 44, 236, 283
- signatures 239
- silence 268–269
- silent presence of lawyers 119–120
- similarity analysis 65–69, 193–194
- Simulated Society (SIMSOC) 209
- single spokesperson appointment 74–75
- single text procedures 236–237
- situational analysis 110–111
- skepticism 97, 131, 243
- Slovenia 219–220
- social conflicts 98
- social roles 65–69
- solicitation 24, 108–109, 116
- solutions at the table (SAT) 112–113
- solutions away from the table (SAFT) 113
- space aspects
 - absence of 44–45
 - of creativity 76–87
 - mediator’s push vs self-determination 89
 - practice diversity 21
 - pre-mediation 106–108, 127–130
 - SCAMPER method 209
- speed, criterion of 32–34
 - see also* time
- spirit of mediation 140–142, 157
- spokesperson appointment 74–76
- spontaneity, trust 246
- spontaneous exchanges between parties 168, 172–173
- stage sequences in problem-solving
 - past towards the present 131, 153–154, 165–202, 249–251, 293
 - PORTAL 152–155, 162
 - present towards the future 131, 154–155, 203–240, 256, 293–294
- stakeholder mapping 112
- stakeholders 106–109, 112
- stalling tactics 279–280
- status of mediators 2
- stepfamilies 107
- strength of confidentiality 69–73
- strong parties, identification with 66–69
- structuring processes, Seven Pillars of Mediation 25
- students, relationship preservation 47–48
- styles of intervention 124–127
- subject change problems 186–188
- subjective principles 246–247
- subsidized compensation 20
- Substitute, Combine, Adapt, Modify, Put to another use, Eliminate, Reverse (*see* SCAMPER) method 207–211
- succession 16, 55–56
- summarizing commitments 239
- superficial acceptance 14
- supplier relationships 38–40, 48–49
- sustainability of solutions 54–56, 238–239

- tactlessness 57
- teacher relationships 47–48
- telephone communication 19–20
- tensions, breaking 271–273
- testimonies 102–103
- The First Move: A Negotiator's Companion* xiii
- The Maintenance of General Peace* 3
- “the other”
 - culture interpretation 42–43
 - introduction xiv–xv
 - mediator's power 287–300
 - operating principles 60, 65–72, 86–89
 - pertinence 31–45, 48–57
 - questioning mediator's power 287–300
- third-party interventions
 - ad hoc mediators 6–9
 - arbitrators 29, 35, 53, 56, 66
 - justification 33–57
 - mutual misunderstandings 41–43
 - reconstructing future relationships 46–57
 - relationships 46–57
 - types 27–34
- threats to leave 277–278
- time
 - criterion of 32–34
 - good time management 51–52
 - introduction xiv–xv
 - key variables 4
 - pertinence of 32–34
 - PORTAL 152–155, 162
 - practice diversity 21
 - preference differences 213
 - SCAMPER method 209
 - third-party interventions 40
- Tjibaou, Jean-Marie 178
- transformative mediation model 35–38, 173, 222
- transparency 247–248
- triangular relationship ethics 298
- trilogue or trialogue 39–40, 109, 292, 298
- trivialization risks 22
- trust 97–100, 127, 246
- truth, obsession with 252–253
- unbridled spontaneity, trust 246
- underlying motivations 166, 177–194
- understanding, mutual 41–43, 166, 194–202
- understanding one another 41–43, 97
- unilateral concessions 234
- unspoken vision, mediator's role 244
- unsuitable method risks 23
- unyielding parties 273
- urgency, problem-solving 171
- validation
 - agreements 237–239
 - of the mandate 226
 - questions 181
- value creation 205, 211–224, 234–235
- values-feelings-needs analysis 190–191
- variables in practice diversity 4, 13–22
- variety
 - formal mediators of 6–11
 - informal mediators of 5–6
- vengeance 31
- verbosity 268–271
- vertical relations 112

INDEX

- victims 31–32, 66
- videoconferences 20
- vigilance aspects 136
- violations, public order 75–77
- violence 81–82, 271–272
- volunteers 20, 53–54, 101–102, 140

- weak parties 66–69
- Web services 43–44
- welcoming parties 132–139
- what, why and how analysis
 - frameworks 188–190
- whom, from and with 15, 18
- why analysis frameworks 189–190
- Wicquefort, Abraham de 2
- willingness to enter binding agreements 150–151

- Wilmot, William 227
- wisdom 30, 93
- withdrawal 254–255, 277–278, 299
- witnesses 133
- workplace mediation
 - fairness vs self-determination 81–82
 - firing conflicts 187, 198–201
 - harassment 71–72, 107–108
 - relationship preservation 48
 - rights and the law 78
- written communication 19–20, 102–105, 157
- written mediation 10

- Yugoslavia 219–220

