



Funded by the  
Erasmus+ Programme  
of the European Union



## 1. List of Existing Open Educational Resources

### OPEN EDUCATIONAL RESOURCE

This document follows the licensing scheme of Creative Commons



### Literature

Fach Gomez, Katia, The Role of Mediation in International Commercial Disputes: Reflections on Some Technological, Ethical and Educational Challenges (July 11, 2019). Mediation in International Commercial and Investment Disputes, Oxford University Press, 2019. , Available at SSRN:<https://ssrn.com/abstract=3418648>

Caroll, E. (2021, June 24). *The value of joint sessions in mediation*. CEDR.  
<https://www.cedr.com/the-value-of-joint-sessions-in-mediation/>

Leigh, S. (2018, March 22). *Caucus: An aid in mediation*. Mediate.com - Find Mediators - World's Leading Mediation Information Site. <https://www.mediate.com/articles/leighs2.cfm>

*Interest-based negotiation: In mediation, focus on your goals*. (2021, June 14). PON - Program on Negotiation at Harvard Law School. <https://www.pon.harvard.edu/daily/mediation/when-dealing-with-difficult-people-focus-on-your-goals/>

Deason, E. (2015). *Enforcement of Settlement Agreements in International Commercial Mediation: A New Legal Framework?* American Bar Association.  
[https://www.americanbar.org/content/dam/aba/publications/dispute\\_resolution\\_magazine/full-2015/8\\_deason\\_enforcements\\_of\\_settlement.pdf](https://www.americanbar.org/content/dam/aba/publications/dispute_resolution_magazine/full-2015/8_deason_enforcements_of_settlement.pdf)

How to Resolve Cultural Conflict: Overcoming Cultural Barriers at the Negotiation Table – Program on Negotiation Daily Blog, Harvard Law School  
<https://www.pon.harvard.edu/daily/conflict-resolution/a-cross-cultural-negotiation-example-how-to-overcome-cultural-barriers/>

### Disclaimer

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



Funded by the  
Erasmus+ Programme  
of the European Union



Nancy Kramer, Co-mediating - Giving It a Chance, New York Law Journal Special Report, vol. 261, no. 51, 2019.

<https://www.jamsadr.com/files/uploads/documents/articles/kramer-newyorklawjournal-co-mediating-giving-it-a-chance-2019-03-18.pdf>

RABINOVICH-EINY, Orna and Katsh, Ethan, Artificial Intelligence and the Future of Dispute Resolution: The Age of AI-DR (2021). Orna Rabinovich-Einy and Ethan Katsh, "Artificial Intelligence and the Future of Dispute Resolution: The Age of AI-DR" in Online Dispute Resolution: Theory and Practice (Mohamed Abdel Wahab, Daniel Rainey & Ethan Katsh, eds.) Eleven International Publishing, (forthcoming, 2021). , Available at SSRN:

<https://ssrn.com/abstract=3830033>

Conforti, O. F. (2020). Transforming Conflicts Online in Cross-border Disputes. Revista de Mediacion, 13(1), 1-9.

[https://www.peacebuilder.io/ewExternalFiles/Transforming\\_Conflicts\\_Online\\_in\\_Cross-border\\_Disputes\\_2020.pdf](https://www.peacebuilder.io/ewExternalFiles/Transforming_Conflicts_Online_in_Cross-border_Disputes_2020.pdf)

Jordan, Thomas: Glasl's Nine-Stage Model Of Conflict Escalation

[file:///C:/Users/Verena/Downloads/Glasls\\_Nine-Stage\\_Model\\_Of\\_Conflict\\_Escalation.pdf](file:///C:/Users/Verena/Downloads/Glasls_Nine-Stage_Model_Of_Conflict_Escalation.pdf)

## **Weblinks**

Best Practice Guide MIKK e.V.

[https://www.mikk-ev.de/s-content/uploads/2021/04/Sustac\\_Walker\\_Best\\_practice\\_guide\\_EN-DOC.pdf](https://www.mikk-ev.de/s-content/uploads/2021/04/Sustac_Walker_Best_practice_guide_EN-DOC.pdf)

Cross-border mediation and small and medium enterprises (A. Fiodorova)

[https://repozytorium.uwb.edu.pl/jspui/bitstream/11320/6528/1/BSP\\_22\\_4\\_A\\_Fiodorova\\_Cross-Border\\_Mediation\\_and\\_Small\\_and\\_Medium\\_Enterprises.pdf](https://repozytorium.uwb.edu.pl/jspui/bitstream/11320/6528/1/BSP_22_4_A_Fiodorova_Cross-Border_Mediation_and_Small_and_Medium_Enterprises.pdf)

International mediation as a form of conflict management

## **Disclaimer**

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



Funded by the  
Erasmus+ Programme  
of the European Union



[https://www.researchgate.net/publication/263602079\\_International\\_mediation\\_as\\_a\\_distinct\\_form\\_of\\_conflict\\_management/link/5d6d894e92851c8538888b80/download](https://www.researchgate.net/publication/263602079_International_mediation_as_a_distinct_form_of_conflict_management/link/5d6d894e92851c8538888b80/download)

#### Global Mediation Guide

[https://www.slideshare.net/cemed\\_mediacion/global-mediation-guide-march-2013](https://www.slideshare.net/cemed_mediacion/global-mediation-guide-march-2013)

#### Mediator Self-Reflection Treasury

<https://www.vacourts.gov/courtadmin/aoc/djs/programs/drs/mediation/resources/treasury.pdf>

#### Types of Mediation: Evaluative, Facilitative, and Transformative, ADR Times 2021

<https://www.adrtimes.com/types-of-mediation/>

#### Identity and Values Exercise

<http://mediationblog.kluwerarbitration.com/?s=culture>

#### Geert Hofstede 6 cultural dimensions

<https://geerthofstede.com/>

<https://geerthofstede.com/culture-geert-hofstede-gert-jan-hofstede/6d-model-of-national-culture/>

#### Cultural differences in a multicultural environment

<https://erinmeyer.com/>

#### How cultures across the world approach leadership

<https://hbr.org/video/embed/5476393165001/how-cultures-across-the-world-approach-leadership>

#### *Disclaimer*

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



Funded by the  
Erasmus+ Programme  
of the European Union



The Literary Conflict - Kill The Play – A. C. Whelan

[https://www.klausharnack.de/wp-content/uploads/2015/09/Die-literarische-Konfliktanalyse-William-Shakespeare-Romeo-and-Juliet\\_3-2016\\_AC-Whelan.pdf](https://www.klausharnack.de/wp-content/uploads/2015/09/Die-literarische-Konfliktanalyse-William-Shakespeare-Romeo-and-Juliet_3-2016_AC-Whelan.pdf)

ENG\_EU rules on mediation

[https://e-justice.europa.eu/content\\_eu\\_overview\\_on\\_mediation-63-en.do](https://e-justice.europa.eu/content_eu_overview_on_mediation-63-en.do)

ENG\_Toolkit on mediation\_CEPEJ

<https://d200ezecvh5sjr.cloudfront.net/media/press/a99f3bcbca3b4b30bcbb9a6a0c2ac1e3.pdf>

ENG\_Standard mediation forms\_CEPEJ

<https://d200ezecvh5sjr.cloudfront.net/media/press/c1421e8cfe86437695f607aa6b5365d6.pdf>

ENG\_European Code of Conduct for Mediation Providers\_CEPEJ

<https://d200ezecvh5sjr.cloudfront.net/media/press/021dfdfa10894d4eba00565f41f79872.pdf>

ENG\_‘REBOOTING’ THE MEDIATION DIRECTIVE

<https://d200ezecvh5sjr.cloudfront.net/media/press/5c0fd699e9e443acb99ebbe2e66f6c31.pdf>

ENG\_Mediation in cross-border family disputes

<https://d200ezecvh5sjr.cloudfront.net/media/press/7a672f5aea584482911338cb55f55174.pdf>

ENG\_Italy’s ‘Required Initial Mediation Session’

<https://d200ezecvh5sjr.cloudfront.net/media/press/fda2e1ac771d416989cfc473b22ca8af.pdf>

#### **Disclaimer**

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



Funded by the  
Erasmus+ Programme  
of the European Union



ENG\_How to deal with cross-border succession matters

<https://d200ezecvh5sjr.cloudfront.net/media/press/1f2121fe5d0349a0ae4c8048ed3c6bd5.pdf>

ENG\_PRACTICAL GUIDE - Mediation for notaries

<https://d200ezecvh5sjr.cloudfront.net/media/press/441fe48cc502429e8352f6f5f2c9a629.pdf>

ENG\_GUIDE FOR CITIZENS - Cross-border succession

<https://d200ezecvh5sjr.cloudfront.net/media/press/cfea58151ce34c10bb802f766e381b09.pdf>

ENG\_GUIDE FOR CITIZENS - Succession conflicts with a cross-border impact

<https://d200ezecvh5sjr.cloudfront.net/media/press/6c2ba90082904f6eb8adecae274c0eac.pdf>

ENG\_GUIDELINES FOR PROFESSIONALS - Succession conflicts with a cross-border impact

<https://d200ezecvh5sjr.cloudfront.net/media/press/08dd61c1d6eb4074b988cd15b19d8520.pdf>

ENG\_RESEARCH - Mediation in cross-border succession conflicts and 'Succession Regulation'

<https://d200ezecvh5sjr.cloudfront.net/media/press/fc3aafa78ccd4a069165cddf788e4dd8.pdf>

ENG\_RESEARCH SUMMARY - Mediation in cross-border succession conflicts and 'Succession Regulation'

<https://d200ezecvh5sjr.cloudfront.net/media/press/f384173f0d2a45bc9fb5611a3d63a253.pdf>

ENG\_EC LEGISLATION for cross-border civil and succession matters

<https://www.fomentonet.eu/de/resources-type/europaeische-gesetzgebung/>

ENG\_ATTESTATION CONCERNING a decision in a matter of succession

#### ***Disclaimer***

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



Funded by the  
Erasmus+ Programme  
of the European Union



<https://d200ezecvh5sjr.cloudfront.net/media/press/72ce09654afd4c38b9b8b4363cc36159.pdf>

ENG\_ARTICLES - Mediation in cross-border civil and succession matters

<https://www.fomentonet.eu/news/>

ENG\_Baseline Grid for Mediation Key Performance Indicators\_CEPEJ

<https://d200ezecvh5sjr.cloudfront.net/media/press/984cfa16f9694e01837fe6d75b68994c.pdf>

ENG\_VIDEO\_How to deal with cross-border succession matters

<https://www.youtube.com/watch?v=ScU7oFYnzRE>

ENG\_VIDEO\_Mediation in cross border disputes in the EU

[https://www.youtube.com/watch?v=41RFtZcWDw&ab\\_channel=ArleneMcCarthyMEP](https://www.youtube.com/watch?v=41RFtZcWDw&ab_channel=ArleneMcCarthyMEP)

ENG\_VIDEO\_Simplifying cross-border inheritance

[https://www.youtube.com/watch?v=ogvhR5eFull&ab\\_channel=euronews](https://www.youtube.com/watch?v=ogvhR5eFull&ab_channel=euronews)

ENG\_VIDEO\_Italy's Required Initial Mediation Session

[https://www.youtube.com/watch?v=AGpPCwfVas4&t=9s&ab\\_channel=ADRCenterTV](https://www.youtube.com/watch?v=AGpPCwfVas4&t=9s&ab_channel=ADRCenterTV)

ENG\_Best Practices - Use of mediation in cross border conflicts

<https://d200ezecvh5sjr.cloudfront.net/media/press/eeceaebe464d45c982f4c9c114323708.pdf>

ENG\_What is Mediation

<https://www.inmediateproject.eu/media-press/>

#### ***Disclaimer***

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



Funded by the  
Erasmus+ Programme  
of the European Union



ENG\_Glossary of Mediation terms

<https://d200ezecvh5sjr.cloudfront.net/media/press/656e151ee1714b01a8ed7c9d06089348.pdf>

ENG\_Cross border succession

<https://www.fomentonet.eu/cross-border-succession/>

ENG\_PAPERS\_Mediation and succession matters

<https://d200ezecvh5sjr.cloudfront.net/media/press/037580fa8fc8460fb80158189888006c.pdf>

ENG\_Recommendations for improving cross-border technical cooperation

<https://d200ezecvh5sjr.cloudfront.net/media/press/90be5cb964ae4f0d96b0f063461fa29c.pdf>

ENG\_Mediation in cross-border civil and succession matters Quantitative Online Survey

<https://d200ezecvh5sjr.cloudfront.net/media/press/ccefecc70788440a851fa2642d1f1c6b.pdf>

ENG\_THE COURT OF JUSTICE OF THE EUROPEAN UNION

<https://curia.europa.eu/jcms/jcms/index.html>

ENG\_Governing Inheritance Statutes after the Entry into Force of EU Succession  
Regulation\_GOINEU

<https://eventi.nservizi.it/evento.asp?evid=192>

ENG\_Integration, migration, transnational relationships. Governing inheritance  
statutes\_GOINEU+

<https://eventi.nservizi.it/evento.asp?evid=225>

ENG\_International Cooperation on Civil Justice

**Disclaimer**

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



Funded by the  
Erasmus+ Programme  
of the European Union



[https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/civil-justice/international-cooperation-civil-justice\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/civil-justice/international-cooperation-civil-justice_en)

ENG\_Cross-border family mediators

<https://crossbordermediator.eu/>

ENG\_Case-law of the Court of Justice\_C-20-17

<https://d200ezecvh5sjr.cloudfront.net/media/press/7eaf84c74eb743d0a502e37620e16b8f.pdf>

ENG\_Case-law of the Court of Justice\_C-102-18

<https://d200ezecvh5sjr.cloudfront.net/media/press/3ee438b23960446ea2edb58bb76454ab.pdf>

ENG\_Case-law of the Court of Justice\_C-218-16

<https://d200ezecvh5sjr.cloudfront.net/media/press/ef6cf31646c549d2a045f4569aeb25dd.pdf>

ENG\_Case-law of the Court of Justice\_C-558-16

<https://d200ezecvh5sjr.cloudfront.net/media/press/498fa3ad30ce4b818e1f2c007a75c819.pdf>

ITA\_La mediazione nella prospettiva europea

<https://d200ezecvh5sjr.cloudfront.net/media/press/9a8afcbee7094b798b0176f4cc062342.pdf>

ITA\_Formazione mediatori

<https://d200ezecvh5sjr.cloudfront.net/media/press/b1293a130fce4b80a8b6e26c5d92df88.pdf>

ITA\_AccademiADR

<https://www.accademiadr.it/>

#### **Disclaimer**

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



Funded by the  
Erasmus+ Programme  
of the European Union



ITA\_Osservatorio Nazionale sulla Mediazione Civile

<http://osservatoriomediazionecivile.blogspot.com/>

ITA\_NOTIZIE E COMMENTI SUL DIRITTO INTERNAZIONALE E DELL'UNIONE EUROPEA

<http://www.marinacastellaneta.it/blog/>

ITA\_Ministero della Giustizia - Organismi di mediazione – Registro

[https://www.giustizia.it/giustizia/it/mg\\_3\\_4\\_15.wp](https://www.giustizia.it/giustizia/it/mg_3_4_15.wp)

GER\_Mediation in grenzüberschreitenden Erbkonflikten

<https://d200ezecvh5sjr.cloudfront.net/media/press/65f81edf62ac480f9f7ef0b7dcfab51c.pdf>

GER\_Verordnung über die Aus- und Fortbildung von zertifizierten Mediatoren

<https://www.gesetze-im-internet.de/zmediatausbv/index.html>

GER\_Mediationsgesetz

<https://www.gesetze-im-internet.de/mediationsg/>

POL\_EU Regulation\_Poland

<https://d200ezecvh5sjr.cloudfront.net/media/press/11fa61cd09aa4b01a925247cba0bf435.pdf>

POL\_Ministry of Justice – Poland

<https://www.gov.pl/web/justice>

#### **Disclaimer**

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



## 2. List of Open Educational Resources produced by the InMEDIATE project

### OPEN EDUCATIONAL RESOURCE

This document follows the licensing scheme of Creative Commons



All resources are openly accessible on <https://www.inmediateproject.eu/media-press/>

- International Civil Mediators' Training - Replicability Toolkit (pdf)
- TUTORIAL 1 - International Mediation (video)
- TUTORIAL 2 - International Mediation (video)
- TUTORIAL 3 - International Mediation (video)
  
- WORKSHOP on The Singapore Convention, by Luca Dal Pubel and Silvana Dalla Bontà (video recording)
- WORKSHOP on EU Cross-Border Commercial Mediation, by Anna Howard (video recording)
- WORKSHOP on AI, the new tool in the mediator's toolbox, by Graham Ross (video recording)
- GUIDELINES FOR MEDIATION TRAINERS (pdf)
  
- **E-Learning Modules**

All e-learning modules are accessible on: <https://www.inmediateproject.eu/platform/>

### **MODULE 1: Alternative Dispute Resolution (ADR) Legal Framework & Mediator's Responsibility**

-3 learning videos

Topics of video-lessons

- General Overview on ADR and ADR Law
- EU Initiative: Directive 2008/52/EC on Mediation in Civil and Commercial matters
- Directive 2013/11/EU on ADR in Consumer Disputes
- Regulation 524/2013 on ODR for Consumer Disputes

#### *Disclaimer*

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



- Regulation 1150/2019 art. 12 & 13

-Self-study Resources: already existing OER / law on Directive Civil and Commercial Mediation, Recommendation principles out-of-court settlement consumer disputes, Directive Alternative Dispute Resolution consumer disputes Report Alternative Dispute Resolution consumer disputes  
-Test

## **MODULE 2: Mediation styles and Code of conduct**

-2 learning videos

Topics of video-lessons:

- Code of conduct and ethical standards
- Mediation styles

-Self-study Resources: already existing OER / law on European Code of Conduct Mediators, European Code of Conduct for Mediation Providers  
-Test

## **MODULE 3: Culture and Communication**

-5 learning videos

Topics of video-lessons

- Culture as a resource - understanding identity vis a vis Social Scripts (effects of gender, age, hierarchy, background, culturally shaped expectations towards the work of the mediator, etc.)
- Considering cultural stereotypes and taboos: how to manage them, intercultural dimensions, derivations for mediation
- Perception and the culturally sensitive mediator
- Curious communication – hearing what is said and unsaid
- Cultural Mediation models

Resources: Kluwer Mediation Blog, Ubuntu Video, Identity and Values Exercise, Perception, Cultural and Awareness Exercises, Erin Meyer Culture Map, Cultural Mediation Models, Rapport and Listening, Listening exercise., Meditation and Mindfulness

Self-study Resources: already existing OER Presentation Mikk e.V., the 6-D model of national culture (Geert Hofstede),

-Test

## **MODULE 4: Conflict Analysis**

-3 learning videos

Topics of video-lessons

- 9 Stages of conflict escalation – Friedrich Glasl

### ***Disclaimer***

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



- Stakeholder analysis including intercultural aspects and developing a tool for conflict analysis; working with hypothesis

Self-study Resources: already existing OER The Structural Causes of Workplace Conflict: Understanding the Implications for the Mediation of Workplace Disputes, Glasl's Nine-Stage Model Of Conflict Escalation

-Test

### **MODULE 5: Negotiation**

-6 learning videos

Topics of video-lessons

- Cooperative Negotiation:
- Triangle of Interest / satisfaction
- BATNA: Concepts of William Ury
- 3-Dimensional Negotiation by David Lax and James Sebenius
- Manipulation and Untruthfulness in Negotiation: how does a Mediator go about it?
- Transculturalism

Resources: script Negotiation Techniques, role play instructions

-Test

### **MODULE 6: Mediation Stages**

-4 learning videos

Topics of video-lessons

- 4-stage mediation process
- Opening
- Exploration
- Negotiation
- Conclusion

Self-study Resources: already existing OER / law on UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018, IRECTIVE 2008/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2008 on certain aspects of mediation in civil and commercial matters, The Role of Mediation in International Commercial Disputes, Premediation Preparation: A Key Component to Successful Dispute Resolution, Principles of Mediation as the Basis of this Process, The Evolution of the Opening Statement in Mediation, Sample mediator's opening statement, Cultural issues in mediation: a practical guide to individualist and collectivist paradigms et al.

-Test

#### **Disclaimer**

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



## **MODULE 7: Mediation Techniques**

-3 learning videos

Topics of video-lessons

- Reflexivity in mediation
- Initial phases of mediation
- Specific techniques in the mediation process

Self-study Resources: already existing OER on Power and Cultural Difference, How to resolve cultural conflict: Overcoming cultural barriers at the negotiation table, How to Deal with Cultural Differences in Negotiation, Managing Cultural Differences in Negotiation

-Test

## **MODULE 8: Co-mediation**

-3 learning videos

Topics of video-lessons

- Developing collaboration between mediators
- Personal and cultural compatibility in co-mediation
- Models of cooperation and organizing co-mediation

Self-study Resources: already existing OER - Joe Epstein and Susan Epstein on Co-mediation, Scottish Community Mediation Centre Briefing Papers: Co-Mediating, Co-mediating - Giving It a Chance, Practice Guidelines for Co-Mediation: Making Certain that “Two Heads are Better than One”, Bridging Worlds: Culturally Balanced Co-Mediation et al.

-Test

## **MODULE 9: Online Dispute Resolution (ODR)**

-3 learning videos

Topics of video-lessons

- General Overview of ODR
- ODR modalities: Asynchronous vs. Synchronous and types of ODR
- Online Mediation Skills
- Online Mediation Platforms

Self-study Resources: already existing OER - Online Dispute Resolution and the Future of Justice, Artificial Intelligence and the Future of Dispute Resolution: The Age of AI-DR (2021) 1, Online Dispute Resolution, Ordering Online Arbitration in the Age of Covid ... and Beyond, The Effect of Electronic Mediation Outcomes, Transforming Conflicts Online in Cross-border Disputes

-Test

### ***Disclaimer***

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*