

EICR – European Institute for Conflict Resolution

Competency Framework

Introduction

The **Mediation Advocacy Qualifying Program (MA-QAP)** has been designed by the **European Institute for Conflict Resolution (EICR)** to establish clear and measurable standards for mediation advocacy.

Mediation advocates play a vital role in ensuring that clients are fully supported in mediation and related dispute resolution processes. They must combine a solid foundation of knowledge with practical skills to navigate complex negotiations, protect client interests, and contribute constructively to sustainable agreements.

This Competency Framework sets out the expectations, knowledge areas, and practical skills required of professionals seeking qualification under the MA-QAP. It is intended to:

- Provide guidance for **training and education providers**
 - Serve as an **assessment benchmark** for accreditation and certification
 - Offer clarity for practitioners on the **scope and standards** of mediation advocacy practice
 - Support the **harmonization of mediation advocacy standards** across jurisdictions
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Purpose

The Framework identifies the **general knowledge requirements** and **practical skills requirements** that are essential for competent mediation advocacy. It is divided into two annexes:

- **Annex 1 – General Knowledge Requirements:** covering theoretical, legal, procedural, and strategic foundations
- **Annex 2 – Practical Skills Requirements:** covering the step-by-step application of skills throughout the mediation process, from preparation to closing

Together, these annexes provide a structured pathway for:

- **Professional development** of mediation advocates

- **Assessment of competency** in qualification and accreditation programs
 - **Ongoing reflective practice** to ensure high standards of client service and ethical conduct
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Annex 1 – Mediation Advocacy General Knowledge Requirements

1. Appropriateness of Mediation

- Knowing when mediation is suitable to address specific issues
- Selecting the right alternative process for optimal outcomes
- Understanding hybrid dispute resolution processes

2. Dispute Resolution Landscape

- Duration of dispute resolution procedures
- Advantages and drawbacks of different alternative resolution schemes
- Theory, methodology, principles, and cost implications

3. Role and Function of the Mediator

- The mediator's role and responsibilities
- Awareness of different mediator methodologies and approaches
- Collaboration with the mediator before, during, and after the session

4. Legal and Procedural Framework

- Agreement to mediate
- Principles of confidentiality
- Enforceability of settlement agreements
- Filing settlement records with the court registry

5. Analytical and Strategic Tools

- Assessing alternatives: **BATNA, WATNA, PATNA, RATNA**

- Separating interests from positions
- Supporting parties (clients, representatives, and mediators)
- Applying problem-solving techniques to break deadlocks

6. Negotiation Approaches

- Negotiating based on interests and needs vs. rigid positions
- Distributive (competitive) negotiation and its appropriate use
- Balancing value claiming and value creating
- Generating and evaluating proposals and counterproposals
- Establishing objective criteria

7. Communication Skills

- Active listening, reframing, and summarizing
- Effective communication with mediators and other parties
- Managing emotions and handling difficult participants
- Reality-testing positions and agreements (**SMART framework**)
- Avoiding unhelpful behaviors and language
- Sustaining positive momentum and cooperative climate

8. Process and Case Management

- Identifying stakeholders and participants
- Designing and implementing suitable procedures
- Exploring hybrid and flexible dispute resolution models
- Conducting pre-mediation analysis and preparation (briefings, information exchange)
- Managing unexpected developments during negotiations
- Ensuring compliance with terms of settlement agreements

Annex 2 – Mediation Advocacy Practical Skills Requirements

1. Preparation

- Forming the negotiation team
- Strategy for disclosing information
- Document exchange and maintaining confidentiality
- Strategy for revealing interests
- Counseling the client effectively
- Preparation of the position statement
- Advising the client on financial, legal, and personal issues
- Choosing the most appropriate approach

- Balancing value claiming and value creating
- Conducting a reality check with the client
- Establishing collaboration with the mediator

2. Opening Statement

- Creating a climate of cooperation
- Identifying interests and issues
- Setting the agenda and timeline
- Choosing the appropriate type of statement (argumentative, persuasive, explanatory, expressive, etc.)
- Supporting the exchange of information
- Interpreting the other party's statements

3. Exploration

- Developing negotiation approaches
- Highlighting interests vs. positions
- Applying communication skills – active listening, reframing, summarizing
- Managing emotions constructively
- Overcoming impasses
- Handling difficult parties
- Conducting reality checks on positions
- Using private sessions (caucuses) effectively

4. Negotiation

- Generating alternative proposals
- Processing and prioritizing interests
- Presenting proposals and counterproposals
- Collaborating for idea generation
- Establishing objective criteria
- Responding to positional tactics
- Maintaining negotiation momentum
- Checking and addressing biases and stereotypes
- Adapting communication style to context

5. Closing

- Creating added value in the agreement
- Deciding on the termination of mediation when necessary
- Maintaining positive momentum to the end
- Reality-testing the final agreement (**SMART criteria**)
- Managing last-minute surprises
- Applying communication strategies to sustain relationships and cooperation
- Considering compliance and enforcement requirements

- Filing the settlement record with the court registry