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Managing Mindfulness in Dispute Resolution

By

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Abstract

This study focuses on exploring the importance and influence of Mindfulness in the context of dispute resolution practice. This subject has only recently been researched and little is known about its influence and relationship in dispute resolution.

The research strategy was based on an in-depth literature research in conjunction with the collection of data. The latter was done through interviews with respondents who work on a full-time basis and with a mediator; these samples were chosen because disputes in the workplace are not uncommon.

This study demonstrated that the benefits of mindfulness are paramount for dispute resolution as mindfulness helps dispute resolution practitioners to think with more clarity, to understand their needs, interests and those of their counterparts and therefore to make better decisions during disputes.

The main conclusion derived from this study is the fact that most respondents address disputes using Mindfulness with a cognitive focus only and that they only know about Mindfulness at a basic level therefore it is strongly recommended that more research is done regarding the different focuses in which mindfulness can be oriented to (e.g., the emotional focus) and also research regarding the impact of informing dispute resolution practitioners of the benefits of using mindfulness.

1. Introduction

1.1. Background

The human condition means to be susceptible to experience emotions, judgments, thoughts, habits, etc. and therefore to be prone to experience mindlessness because, as a result of these susceptibilities, the mind might get distracted with future or past events. Furthermore, the aforementioned influences can become an issue to dispute resolution practitioners because they can stop practitioners from being present and aware to perform their duties in an efficient manner; such duties require practitioners to be in the present moment and to make decisions from a disposition of equanimity and in many cases, neutrality (Riskin and Levin, 2004). Dispute resolution has evolved in a way in which holistic views of disputes are now taken into account; departing from the traditional narrow approach to dispute resolution which would have encouraged dispute resolution to be approached in an adversarial way. In order to be able to adapt to new dispute resolution approaches, practitioners need to rely on a set of skills including Mindfulness, Emotional Intelligence (EI) and discernment. Furthermore, according to Riskin (2015), dispute resolution practitioners have been provided conflict management tools to a great extent, but they fail to use such tools adequately because of their lack of awareness or Mindfulness. Negative emotions are one of the causes behind the lack of awareness dispute resolution practitioners can experience during disputes and the effective management of Mindfulness can be the key to overcome the multiple causes of mindlessness (Riskin, 2015).

1.2. Research aim and objectives

The main aim of this research is to enhance the understanding of the influence and benefits of Mindfulness for dispute resolution practitioners.

Specifically, within the context of dispute resolution, the objectives of this research are to:

- i. Explore the importance of Mindfulness in neutrality and dispute resolution including mediations
- ii. Identify the elements that stop practitioners of dispute resolution from experiencing high levels of Mindfulness with a focus on negative emotions.
- iii. Critically assess current techniques or models relevant to supporting negotiators to achieve high levels of mindfulness in dispute resolution
- iv. Explore the level of awareness of mindfulness in practitioners involved in dispute resolution including Mediators.
- v. Explore the views and practices on Mindfulness of practitioners involved in dispute resolution
- vi. Formulate suggestions to enhance future practice based on the study findings.

1.3 Structure of the study

This study will rely on the literature review (objectives one, two and three) and the collection of data through the use of semi-structured interviews (objectives four and five). The literature review will be based on reliable sources, e.g., Journal of Mediation & Applied Conflict Analysis, Nevada Law Journal, Journal of Legal Education, etc. Also, books (e.g., Building Agreement) and some past theses will be used as reference to write the literature review of this study. The primary data will be gathered through semi-structured interviews based on two interview guides.

In the literature review (chapter two), the term mindfulness will be explored in relation to dispute resolution. This chapter will also include the benefits of Mindfulness in mediations and in regard to

the neutrality of third parties. Furthermore, some mindfulness tools in regard to dispute resolution will be presented.

In the Methodology chapter (chapter three), the research strategy will be established in depth so that the readers can understand how the student organised the interview process, the why and the limitations experienced.

The following chapter (chapter four), the presentation of the data will be done in an organised way so that the answers can be compared at a descriptive level with the conclusions generated from the literature review work. The sections of this chapter will be split into themes to correspond with the previous chapters of this study.

In the discussion chapter (chapter five), a critical assessment of the responses received through the interview process will be presented. This chapter will be organised in a way that corresponds with the themes clarified in previous chapters.

The final chapter (conclusions) will present the objectives of this study in a comparative way so that the findings of the interviews can determine if such objectives were satisfactorily achieved. This chapter will present the suggestions section and the self-reflection section as subsections.

1.4. Value of this study

The relationship between mindfulness and dispute resolution is not clear and it has only been investigated in recent decades. Therefore, this study will be of benefit for dispute resolution practitioners because it will explore the benefits of Mindfulness in the field and it will also provide suggestions to improve the use of Mindfulness in dispute resolution. The conclusions generated in

this study through the literature review and through interviews can reinforce and complement previous research done in the subject.

This study will also make the subject of Mindfulness gain notoriety in the dispute resolution arena and can also be of reference for future research in this regard. Furthermore, this research can also benefit mediators and people who have to deal with disputes in the workplace.

Chapter two will explain the literature related to the objectives of this study.

2. Literature Review

2.4.Introduction

The following literature review will address the first three objectives of the research and will explore key elements that contribute to the research focus. Objectives four and five will be addressed in the Methodology Chapter and the Fifth and Final Objective will be addressed in the Suggestions Chapter. In summary, the Student will determine the following in this Literature Review:

- i. The relation between Conflict Management, Mindfulness and Neutrality with a focus on Mediation
- ii. The obstacles to mindfulness in Dispute Resolution with a focus on negative emotions
- iii. Finally, the Literature Review will establish the best strategies available to Manage Mindfulness in negotiations.

2.5.Mindfulness in Dispute Resolution

Mindfulness has been described as the ability a person has to experience the present moment without being distracted by past or possible future experiences and in this way the person observes their own emotions, thoughts, perceptions, feelings, etc objectively which might lead to prevent judgment of oneself and others or criticism whilst managing difficult emotions (Teeter, 2016); indeed, when mindfulness is experienced, there is total awareness of the present moment and therefore a person is more able to connect with themselves and others with no distractions of past or future events but also

without being completely controlled by emotions. Furthermore, Professor Leonard Riskin explains that challenges related to mindlessness can be overcome with Mindfulness and in this way the process of making decisions during conflict can be improved (Riskin, 2015).

According to Professor Riskin (Riskin, 2009), it is believed that when Dispute Resolution Practitioners practise mindfulness, their perception of other people changes as a result of themselves being more aware of their own struggles because they also become more aware of the difficulties other people experience (e.g. Mindlessness, aggressiveness, etc). Also, dispute resolution practitioners that practise mindfulness can empathise with their adversaries more often therefore compassion can be one of the main benefits derived from Mindfulness. Having compassion for others together with a better understanding of oneself and lesser attachment to oneself as a result of practising mindfulness can enhance practitioners of dispute resolution to have more disposition in assisting parties in dispute rather than to minimise their needs and interests. More commonly, dispute resolution professionals that practise Mindfulness can be drawn into adopting a disposition of respect for others that can have a huge impact in the way they conduct themselves. Also, Mindfulness enables them to accept suffering in the present instead of invalidating it and behave in a way as if the other party was just a “thing” that can be of help to achieve selfish interests. Practising Mindfulness can enhance the adoption of universal norms (e.g. transparency and justice) because it allows people to think more clearly so that they can be more in touch with professional ethics, moral principles, standards and/or norms dispute resolution professionals might be accountable for. The most difficult scenario in which mindfulness could be of help for such professionals is the one in which they have to manage conflicting obligations, e.g. a mediator whose commitment to impartiality might clash with their commitment to a mediation of quality. Mindfulness leads to equanimity, which is a desirable trait that promotes calm deliberation necessary to decide on the best choice in difficult scenarios (Riskin, 2009). The Student completely agrees that without mindfulness, it is hard to think clearly

and important matters can be left out if a decision is taken in a mindless state. When mindfulness is practised, it is easier to understand other people and to listen to them because it becomes easier to accept what is inside of oneself and therefore to understand others whereas without mindfulness, it is more difficult to differentiate one's own inner state from what is being communicated by another person.

2.3 Influence of Mindfulness in Mediations

Mediation is an alternative dispute resolution method in which parties in dispute assign a third party as a mediator. A mediator is neutral and makes use of a structured process to assist parties in resolving their dispute in the manner they consider appropriate. The process is the responsibility of the Mediator, but whether an agreement is reached or not depends on the parties (Curran, 2015).

According to Riskin and Levin (2004) when a mediator or negotiator is not mindful, their work in conflict management can be affected in multiple ways. Mindlessness is detrimental to the capacity of listening, understanding, compiling information, e.g. The mediator is absent and not really present with the parties or with themselves so they are oblivious to what is happening. Mindlessness also makes it difficult for mediators to experience fulfilment with their work. Moreover, the aforementioned authors explain that the Human Condition means to be influenced by insecurities, fears, judgments, biases, assumptions and also it means to be able to manage these mental shortcuts to some extent. Such influences are not necessarily negative and they can be of help at resolving disputes, among other activities. However, they become a problem when they become an obstacle for people to perform such activities efficiently, e.g. when a lawyer cannot concentrate on listening to a client because their mind is filled with worries that can be of any type. The more unaware (mindless) a person is of the influences that do not allow them to be focused on the present moment, the more likely a person is to be controlled by such influences (Riskin and Levin, 2004)

Another problem is the fact that when mindless, Mediators can go on automatic behaviours and can take action according to old perceptions and habits. E.g. when mediators follow the same procedure in every case regardless of the different parties in dispute and their different conflicts. I.e. when mediators never call for a caucus session or when caucus sessions are called immediately after the first joint-session in every single dispute. Such automatic behaviours do not allow mediators to take actions that would be more appropriate according to the circumstances (Riskin and Levin, 2004)

I agree with the Authors; during some Mediation sessions I had during my Course (as part of my practice as a Mediator), I could have been mindless to some extent because I wanted to get to an agreement no matter what and I believe I was acting from an automatic behaviour in which I did not see the point in engaging in something that would not lead to results. If I had been more mindful, I would have been aware that not all mediations need “an agreement” that yields “results” and that the fact that parties sit down and communicate is a great achievement in any dispute. Perhaps my approach influenced my practice negatively. Furthermore, Rock (2005) advocates for external neutrality in Mediations through the use of Mindfulness. Parties who engage in Mediations look for justice; such a thing cannot be attained if parties lose the power of deciding on their own dispute to a Mediator who is not neutral. Justice in Mediations depends on a Mediator being able to be mindful so that they do not lose their neutrality or in other words it depends on a Mediator being able to be unbiased and to be able to not let their own emotions or thoughts interfere in the process (Rock, 2005). The author defends external neutrality because being internally neutral might be something that is not realistic (due to the human condition) and keeping in check internal biases with mindfulness is of the utmost importance as internal states (judgements, emotions, etc) are only a problem if they are expressed to parties in a mediation session somehow, e.g. when promoting solutions. The more mindful a Mediator is of their judgements, biases, preferences, etc; the more in touch the Mediator is

with their inner state and when a mediator is self-aware, they are more capable of managing it so that it does not affect a mediation session negatively.

I could not agree more with Professor Rock. It might be difficult for any person to be completely neutral in a Dispute (our conditioning as people might be an obstacle for this endeavour) but being able to manage our own biases, prejudices, etc by being mindful of them can contribute to the correct development of a Mediation (one in which parties are allowed to tailor their solutions and solutions are not imposed to them by a third party).

Among the key elements of mediation, the neutrality of the Mediator stands out; the Mediation process (as opposed to Arbitration and litigation) implies that parties are encouraged to craft and tailor their own solutions in a non-adversarial way rather than being imposed a solution by a third party.

2.4. Barriers to Mindfulness in Dispute Resolution

According to Leonard Riskin, it is believed that the main barriers to mindfulness are the so-called six obstacles

i. Self-Centred focus

ii. Strong negative emotions

iii. Automatic, habitual ways of thinking and/or feeling and behaving

iv. Insensitivity to emotions (too much or too little)

v. Insufficient social Skills

vi. Inadequate focus (Riskin, 2015)

I agree with the Author in regard to the six barriers to mindfulness. However, I would like to focus on strong negative emotions because I believe it is the main barrier to be mindful in a negotiation as they can always be present, e.g. if a negotiator has a self-centred focus, this can cause fear and anger. Also, if a person has insufficient social skills, they could easily feel a range of emotions that do not have to be necessarily positive.

Strong negative emotions

Despite the huge impact that emotions have on negotiations, this is arguably one of the least studied subjects (Adler, Rosen and Silverstein, 1998). From a psychological perspective, engaging in negotiations represent a huge source of stress for many people that result in emotions that range from Fear to Anger (the two most crucial emotions in Negotiations), among others. Such emotions can become uncontrollable (no matter the kind of negotiation) and they can disrupt the rationality of people who experience them according to the authors aforementioned. Furthermore, according to Fisher and Shapiro (2007), some psychologists agree that a proper definition of emotion can be hard to find and they believe that the best way to describe an emotion is as a “felt experience” either positive or negative. It is not a thought only because people can actually feel an emotion. Emotions might seem as problematic but they are actually important in negotiations because they give people who experience them, information about what is important for them. Understanding emotions can bring a lot of value to a Negotiation because if people at a negotiation tried to understand why (the main cause) they are feeling angry, fearful, etc. then they could find resolution (Fisher and Shapiro, 2007). The Student agrees with the Authors, paying attention to our emotional needs is of the utmost importance.

According to Charoensap-Kelly (2019), people get emotional when they feel their identity is threatened and this can happen when any of the core concerns is neglected. It is believed that people need the following needs to be fulfilled: Autonomy, Affiliation, Appreciation, Status and fulfilling role or what is known as the Core Concerns Framework (CCF); the same author also argues that for Conflict to exist, there should exist some sort of emotion and during the course of the conflict, the conflicting parties have to go through emotional charge which makes conflict deeply uncomfortable therefore Emotion is a part of any negotiation. People in negotiations make use of emotions during the process to relate to their counterparty. However, the emotional aspect of negotiations has not been the main focus of conflict management research as opposed to the logical aspect (Charoensap-kelly, 2019).I agree with the Author as I believe that in most negotiations, the main focus is a logical resolution and the emotional dimension is neglected in many cases. If this important aspect of the human condition was addressed with more emphasis then negotiations would be more effective.

2.5.Methods to manage Mindfulness

According to Fisher and Shapiro (2007), the best strategy to deal with negative emotions in a negotiation is to focus the attention on the root or Core concern (relationship-wise) that activated the emotion. Core concerns are as valid as interests on a human perspective and five core concerns have been identified to be influences at a negotiation according to the same authors. Such concerns are linked to relationships among negotiators. Also, these concerns can transform negative emotional states, stimulate positive emotions and have been identified to be: appreciation, affiliation, autonomy, status, and a fulfilling role.

Communication of Appreciation

Most people regardless of their role desire to feel they are appreciated. It is believed that feeling appreciated help people feel better because their esteem grows in value. E.g. Just like when the stock market obtains value as its appreciation increases. Such feeling (Appreciation) helps negotiators to be receptive, more cooperative and more appreciative of their counterparty.

Barriers to experiencing appreciation:

If a person does not feel their perspective is understood and listened to, they are more likely to not feel appreciated. Also, if a person encounters criticism of their views they are likely to feel underappreciated because most people feel they are not appreciated when their point of view is unaddressed leading them to feel angry. Also, the Authors clarify that everyone feels emotionally rewarded when appreciated for being the way they are and/or for what they do. It is interesting to see that the Authors explain Appreciation before any other core concern in their book. I am of the idea that appreciation is the main core concern.

Affiliation

Group work is enhanced positively if negotiators feel affiliated. Affiliation can be enhanced by structural connections (links negotiators might share) or personal connections (created by diminishing personal distance through sharing personal experiences, etc).

Autonomy

Most people aim for a healthy degree of autonomy; when people do not respect autonomy, this can cause negative emotions for the recipient of such action whereas when it is respected negotiators can feel committed.

Addressing Status

Acknowledging everyone's status can provoke respect. However, competition in this regard can be nonsense because in a negotiation everyone's status is important. Finding aspects of our own status that shine on their own can boost our confidence (even when it might seem that one's status is lower).

Fulfilling role

In a negotiation, most negotiators have the opportunity to shape their roles. Active participation in this regard leads to positive emotions and better negotiation results (Fisher and Shapiro, 2007). Furthermore, Charoensap-Kelly (2019) defends that minding the five core concerns helps negotiators understand if any of the concerns is left unfulfilled leading to a negotiation that becomes negative in the emotional dimension. If Negotiators focus on the Core Concerns, they can improve their communication to focus on such concerns. As a result, positive emotions are more likely to arise and cooperative solutions are more likely to be tailored. The same Author argues that Ignoring concerns causes negative emotions. However, Clark Freshman (2010) indicates that The CCF might be different depending on the person (Freshman, 2010). According to research, Freshman believes that Core Concerns are different depending on the person and their culture (some cultures would have

different core concerns). Moreover, Charoensap-Kelly (2019) agrees with Freshman's views to some extent (despite being pro the CCF somehow regarding the management of negative emotions); according to Charoensap-Kelly, the core concerns system might not work the same depending on the status, gender, role, environment of the person trying to put it into practice (Charoensap-kelly, 2019). The student is of the idea that intrinsically, most people would have the same core concerns but different people have different ways of valuing them and I see this in everyday life. In my opinion, the differences between people influences the effectiveness of the CCF greatly. For instance, for the student her autonomy is of the utmost importance and I value it more than my affiliation. Nonetheless, Freshman (2010) believes that external mindfulness is quite important for a negotiation and can be complementary to the CCF applied with mindfulness as proposed by Leonard Riskin initially in 2010. If negotiators focused on applying CCF to a negotiation and their counterpart did not respond as expected (positively) they could feel frustration. It is not just about provoking positive emotions but it would be important to be able to identify the emotions on the counterparty as the CCF is applied together with mindfulness as proposed by Riskin. In other words, adding external mindfulness could improve results at a negotiation in which the CCF and Mindfulness are applied. External mindfulness can be achieved by learning to recognise facial expressions of a counterparty, e.g. by using Ekman's micro expression training tool. Being able to recognise anger in someone's face can help in the use of CCF; it can encourage creative solution-thinking. Also, if someone is able to recognise early signs of contempt then they can make use of communication to get to the seed of it and work on a solution. Conventional wisdom which might be lacking of knowledge in recognising the counterpart's emotions can be detrimental for a negotiation. The student agrees to some extent with Freshman because making assumptions about other people's core concerns might not be the best strategy. Everyone is different and the core concerns might have different meaning for different people. For instance, by trying to build affiliation with someone, a Buddhist Mediator might imply that all mediators are Buddhists like themselves and a mediator who considers themselves as an atheist might

even consider this attempt to affiliate as offensive (Freshman, 2010). However, I would not underestimate the efficacy of CCF and mindfulness because by being calm and aware of one's emotions only, a negotiator can decide their response to offers and this gives them a lot of power. I believe that by being aware of one's own Body sensations, Emotions and Thoughts (BETs), it is easier to recognise possible core concerns of the counterparty.

Freshman also implies that the CCF might be overrated because some negotiators may bring to the table negative emotions that are not related to the negotiation but to their personal life therefore just minding the CCF might seem too simplistic. On the other hand, Riskin (2010) explains that negotiators might be familiar with the CCF but they are not able to make use of it as a result of mindlessness (the contrary of mindfulness) therefore applying mindfulness can increase awareness in a negotiation and facilitate negotiators in the implementation of the CCF during the process (Riskin, 2010). Riskin has developed some tools to enhance awareness during negotiations. However, he encourages negotiators to develop these tools by practising meditation with them on a daily basis as with any skill, it develops with time as Mindfulness is not something that can be maintained constantly therefore Professor Riskin proposes three tools to use at negotiations when awareness needs to be enhanced which are:

STOP, Taking STOCK, and STOPSI.

STOP

This tool helps to achieve mindful awareness in a quick way. Also, at the same time it stops the escalation of inner and outer conflict. In summary, becoming aware or shifting attention in a non-

judgemental way to BETs make people experience current moment awareness, peace of mind and body and the thinking faculty improves so negotiators are able think in a clear way.

Steps:

1. Stop, negotiators are advised to stop anything they are doing.
2. Take a breath.
3. Observe. It is advised to observe BETs in a non-judgemental way:

Body Sensations (around 30 seconds)

Emotions (around 30 seconds)

Thoughts (about 30 seconds)

Mentally say "O.K." to anything that is noticed. In this way, negotiators can address and recognise what happens in the present moment, you are simply recognising and acknowledging what is happening in the current moment. It is not advisable to think about what is noticed deliberately as the best strategy is to observe the thinking without actively taking part.

Continue with your activity or change it.

STOPSi (STOP and Set Intentions).

According to research, most people when asked to observe BETs only (STOP tool) would go back to judge and would forget to be aware of their breath and BETs which is of the utmost importance because being aware of them decreases mindlessness and diminishes the force of automatic behaviours. In summary, they did not attain mindfulness before they continued with their activities therefore the STOPSi tool was developed to help with this issue. STOPSi adds a step to STOP: to

establish a simple objective/intention. It is believed that if an objective is pursued after being aware of BETs, this can result in increased satisfaction (such objective could be something like behaving with kindness). It helps negotiators to be more assertive with their behaviour because it helps them avoid reacting in automatic ways so that they can have interests present in the negotiation without forgetting them.

Taking STOCK: This tool begins by using STOPSi together with two additional steps.

The first step is analytical: Analyses if a negotiator has stuck to the simple objective that has been established initially and if they would like to modify it. Having a simple objective/intention acts as guidance to keep oneself in check.

The second additional step is to design a plan to move forward. “what is next”?

“THE TAKING STOCK Tool: ADVANCED

1. Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI

Stop Take a breath

Observe Body Sensations, Thoughts, Emotions

Proceed to Set a clear and simple Intention(s)

2. During the Activity Take STOCK:

Stop

Take a Breath

Observe Body Sensations, Emotions, Thoughts (BETs)

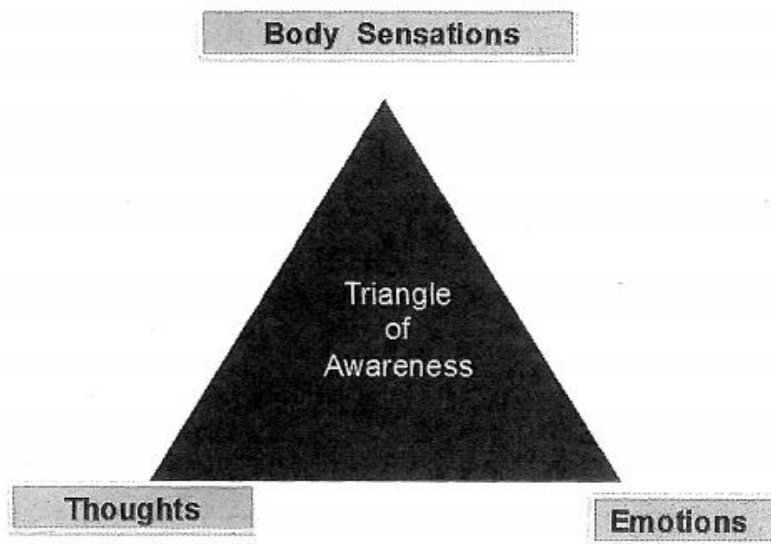
Consider

- a) Have you been following your intention? Do you want to change it?
- b) What are the positions and interests of the key person or persons? What are your own positions and interest?
- c) What Next?" (Riskin, 2015)

The most important addition is the ability for a negotiator to check if his behaviour is in concordance with their intention and interests.

Such tools aim to help negotiators recognise their inner state, go back to the present moment with mindfulness, help them to take action in a way that is congruent with their interests rather than in a reactive way and it also helps them improve their ability to manage conflict.

Riskin's tools are based on the Triangle of Awareness developed by the Stress Reduction Clinic at the University of Massachusetts Medical Centre. The triangle portrays the connection between body sensations, emotions and thoughts (BETs) which are three elements of people's consciousness and which are key elements of mindfulness awareness.



(Riskin, 2015)

The Triangle works on the precept that BET's are interrelated. It has been difficult for researchers to determine the order in which they appear at a certain time; when BET's take over a negotiator's inner state, they experience a mindless state known as System 1 (ingrained subconscious ways of reacting). However, if they are able to be aware of their BET's, they can have a better control of them; which is known as mindfulness or System 2.

These tools aim to help provoke a state of knows as "witness awareness". Such state is non-judgemental, non-resistant, it's filled with compassion and curiosity; this state is ideal because thoughts can be identified and negotiators don't get lost in them. Also, something similar happens with emotions because the state provokes a sensation of freedom (Riskin, 2015).

2.6.Conclusions

The importance of mindfulness for the practice of Dispute Resolution including Mediation could be paramount. Mediators need to be able to not allow their perceptions, old habits, judgements, etc

(which are part of human nature) influence Mediation sessions because if a Mediator is influenced by any of them, such action undermines the neutrality aspect of the process. For just outcomes, parties need to be free to decide on their faith. However, according to research a state of full inner neutrality might not be possible for a person therefore I believe that it is best for a Mediator to remain externally neutral by being mindful of their inner thoughts and emotions so that they regulate them internally and they do not affect the Mediation. In other words, Mediators cannot allow their automatic behaviours (subconscious) to lead the process; they need to be present (mindful, aware) so they are of help. In this way, they can listen and compile information that would not be possible to gather in a mindless state. If Mediators do not listen to parties, the sessions will probably not be successful. Also, the practice of Mindfulness can help Dispute Resolution Practitioners to be more compassionate towards parties in Disputes, to be more able to understand the suffering of others and respect them equally. Furthermore, Practice of Mindfulness can also help them to make better decisions as it helps practitioners to think more clearly.

The student has also discovered that trying to encourage positive feelings between negotiators (feeling of being appreciated, acknowledged, etc) could be one of the best strategies for a negotiation to unfold efficiently rather than aiming for a neutral state during negotiations in which there is complete mindfulness and neutrality because positive emotions lead to better negotiations outcomes according to research. It is quite insightful to learn that rather than trying to avoid emotions at all cost, it would be best to aim for positive emotions through the core concerns framework.

Encouraging positive emotions can only be done through the proper communication so that these can flourish. I.e. It is surprising to discover that mindfulness in negotiations is mainly based on respectful communication that promotes the fulfilment of core concerns (appreciation, affiliation, autonomy, role and status). The Student understands that the aforementioned could be obvious. Nonetheless, I was of the idea that dispute resolution practitioners could control their emotions and plan how to behave previously to a negotiation. This might not possible because even when people hide their

emotions they still happen as outlined by Fisher and Shapiro (2007) who inferred that emotions are unavoidable just like thoughts.

It is also important to highlight that this literature review has made me conclude that one of the key elements to an efficient negotiation is being **aware**/mindful of one's own emotions and the other party's emotions if possible (external mindfulness). This is also the first step to emotional intelligence as described by its pioneer Daniel Goleman a few decades ago. However, external mindfulness might be more important than what is believed and this field might need more research. I agree that a negotiator might be aware of the CCF and might fail to recognise what concern is more important for the counterpart (it is important to always remember that every person is unique and this could be a difficult task). Such an event can cause a negotiator to feel frustrated so I agree with Professor Riskin regarding the enhancement of this technique with his Mindfulness tools especially the Advanced Taking Stock Tool because such technique allows practitioners to be in touch with what is happening inside of them and to be more in control of it, resulting in increased Mindfulness and better negotiation outcomes. In the next chapter, the research methods chapter, I will be conducting interviews to explore:

- i. What is the level of awareness on mindfulness in Dispute Resolution of the selected sample?
- ii. How people who engage in Dispute Resolution manage their negative emotions?
- iii. How the sample use the CCF, Riskin's mindfulness tools (STOP, Taking STOCK, and STOPSI) and external mindfulness in Dispute Resolution?

3. Methodology Chapter

3.1. Introduction

In general, the purpose of this study is to explore mindfulness within the dispute resolution field with a view to enhancing its current use in the aforementioned field (if possible). The Student aims to explore innovative ways in which mindfulness can be applied for this purpose.

In this Chapter, the Student aims to address the ‘how to’ of achieving objectives four and five of this research which are as follows:

- Explore the level of awareness of mindfulness in practitioners involved in dispute resolution including mediators.
- Explore the views and practices on Mindfulness of practitioners involved in dispute resolution

In the previous chapter (Literature Review), the Student, addressed objectives one, two and three of the research:

- Explore the importance of Mindfulness in neutrality and dispute resolution including mediations.
- Identify the elements that stop practitioners of dispute resolution from experiencing high levels of Mindfulness with a focus on negative emotions.
- Critically assess current techniques or models relevant to supporting negotiators to achieve high levels of mindfulness in dispute resolution

In order to gather data, the Student decided to conduct semi-structured interviews with questions that were designed after finishing the literature review. The final objective of this research (and personally, the most important) is to explore the use of mindfulness in dispute resolution as the Student is of the idea that this could be revolutionary for the field. At the present moment, the Student

has never been taught Mindfulness as part of any of the plans of studies she has ever pursued. As discussed before (in the literature review), the importance of mindfulness could be paramount in the dispute resolution arena as practitioners can become more neutral, understanding, compassionate, respectful, and among other advantages, their thinking faculty can become clearer (Riskin, 2009).

Through my research, it has become clear that the use of the practice of Mindfulness in the field of dispute resolution has only been encouraged in recent decades by, among a few others, Professor Leonard Riskin (Riskin and Levin, 2004) therefore, the student decided to interview some dispute resolution practitioners to explore their awareness and also their views on the subject because I'm of the idea that more investigation is required and this action could lead me to discover ways to improve mindfulness techniques already provided in the area and/or to include suggestions to the practice in the field.

3.2. Research Strategy

This research is primarily qualitative and as in many qualitative studies, the main interest is the interviewees' points of views (Bryman, 2016). The Student aims to explore how and why Mindfulness is currently used in dispute resolution and because I believe this is a new topic in the field, I would like to suggest innovative ways in which DR practitioners can make use of it

Initially, the Student thought that a Case Study would be the best research Strategy. However, after working on this research, it became clear that it was not the case. A case Study would imply the observation of a phenomenon in their context (Biggan, 2017) and due to the nature of dispute resolution, this does not seem practical. e.g., if I was going to evaluate the level of Mindfulness during the process of a Mediation, that would imply that the mediation would not actually be a mediation as such; usually mediations take place behind closed doors as they are mostly confidential. If this research strategy was going to imply the student (as the investigator) interrupting parties at a Mediation to check their level of mindfulness then I'd worry about the issue of validity (parties could

behave differently because they are being part of a study). Also, the Student has found it difficult to reach out to dispute resolution professionals to participate in this research so I believe that it would be quite hard for a student to have the access to a mediation in which parties who often don't like each other are part of, therefore I decided to base the research strategy on qualitative interviews.

I used stratified sampling to perform the interviews, "Stratified Sampling is where you break down your target population into identifiable groups (Strata) and then take samples from each of these groups (Biggan, 2017)", e.g., people with full time jobs in different fields. The Sample is supplemented by people who have a full-time jobs or have had it in the past and who are over eighteen years old. The student pursued to interview as many people with full time jobs as possible with the purpose of using such samples to identify the level of awareness of people who work full time in regard to Mindfulness. According to the student, the workplace is the place where many conflicts occur and it is important to determine if people are aware of the techniques and methods available as they could easily be the parties involved in a workplace mediation. However, this kind of sample is also chosen due to the time limitations of this study (12 weeks) and the current uncertain times that are lived in by everyone due to the Pandemic.

The other stratified sample is integrated by a mediator; in general, mediators are professional dispute resolution practitioners and interviewing the mediator has given this research a perspective from a mediation standpoint. Mediation is of great interest to the student and one of the key elements of dispute resolution. The two kinds of strata will be complementary because it is important to know how people who can potentially be opposite parties at a mediation usually manage mindfulness (if there is a pattern or similarities in regard to how people with full time jobs use mindfulness when they disagree with someone else as understanding this, can help mediators to design useful strategies during the mediation process).

The Literature Review showed that dispute resolution professionals have different theories in regard to the best way to manage mindfulness therefore in this chapter, I would like to confirm such theories with qualitative interviews. Such interviews are, in the Student's opinion, the best method for this endeavour because it allows respondents to explain why they think the way they do about Mindfulness.

3.3. Data Collection

I aimed to gather my data through qualitative interviews; a maximum of twenty semi-structured interviews were to be conducted with the help of two interview guides conformed by sixteen open-ended questions for people with dispute resolution experience and by eighteen open-ended questions for dispute resolution professionals. The first interview guide was applied to seven interviews; such interviews were responded by dispute resolution practitioners with a full-time job and the second interview guide was applied to the interview responded by the professional mediator. Nonetheless, according to Bryman (2016) researchers haven't agreed on the right number of interviews that are sufficient for the validity of a Study (Bryman, 2016) and as a result, theoretical saturation was applied by the student when she considered it necessary. Theoretical Saturation refers to the moment in which a researcher starts to receive the same kind of information after performing different interviews (Bryman, 2016). To make it easier for participants, I interviewed them at their convenience. Some participants preferred face-to-face interviews that I audio-recorded, some other participants preferred WhatsApp Video Calls and/or Zoom Calls. In normal Circumstances, I would have preferred to interview all the Volunteers face to face because of the rapport this would have generated. However, I had to be flexible regarding the data collection channel because of the current restrictions we experience in Dublin (Level 3) and I found that some respondents would feel more comfortable with a WhatsApp call whereas others would feel prefer a Zoom Call. All the interviews had something in common, participants could see me and I could see them. Also, only the audio was recorded to respect their privacy.

3.4. Framework for data analysis

Two interview guides were designed and divided in a way that would help the student in the cross-referencing of findings and objectives of this study. The first interview guide was designed for people with dispute resolution experience who work full-time and is split into themes as follows:

1. Mindfulness in Disputes. Managing Mindfulness first-hand.
2. A third party as an enhancer of Mindfulness in a Dispute
3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present
4. Mindfulness as a tool to enhance Neutrality in Disputes.
5. External Mindfulness
6. Mindfulness tools
7. Comments

The breakdown of themes and interviews questions can be seen in the following table:

Theme	# of interview questions
1. Mindfulness in Disputes. Managing Mindfulness first-hand	5
2. A third party as an enhancer of Mindfulness in a Dispute	1
3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present	3
4. Mindfulness as a tool to enhance Neutrality in Disputes.	2
5. External Mindfulness	1
6. Mindfulness tools	4
7. Comments	1

The second interview guide was designed to be used to interview professional mediators and was also divided into themes:

1. Mindfulness in mediations
2. Encouraging mindfulness as a mediator when negative emotions are present
3. Mindfulness as a tool to enhance neutrality in mediations
4. External mindfulness in mediations
5. Mindfulness tools in mediations
6. Comments

The breakdown of themes and interviews questions can be seen in the following table:

Theme	# of interview questions
1. Mindfulness in mediations	8
2. Encouraging Mindfulness as a mediator when negative emotions are present	2
3. Mindfulness as a tool to enhance neutrality in mediations	1
4. External mindfulness in mediations	1
5. Mindfulness tools in mediations	5
6. Comments	1

Each of the mentioned themes in the table have specific questions related to them and with this approach, the Student organised chapter four in a way that the data collected through interviews could be described, analysed and also compared with the literature review as the themes in the interview

guide have being grouped in a way that corresponds with the order of themes in the literature review. This division was also done so that the transcribing process became more efficient and therefore the following chapter (chapter four: presentation of the data) could be written in a structured and organised way, taking in consideration the objectives of this study including the final objective which is the formulation of suggestions.

3.5.Limitations and potential problems

The student is aware that face-to-face interviews could be more reliable than WhatsApp and Zoom calls as it is believed that the level of engagement changes with the use of different communication channels (Bryman, 2016). Also, I wanted to interview accredited mediators and I emailed some of them (I found their emails on the Mediators Institute of Ireland website) with no luck. However, I did manage to interview a professional mediator. As a result, my sample was only stratified to people with some dispute resolution experience and full-time jobs and, a professional mediator when initially I pursued the mix of stratified samples (several mediators) and people with full time jobs. Another important matter is the fact that Interviews are quite time consuming because of the transcription process. According to Bryman (2016) It is believed that transcribing an hour worth of audio into text can take up to six hours (Bryman, 2016). The student could not agree more with the Author; transcribing takes a long time and for the validity and reliability of the study, all words said by the respondents have to be transcribed which makes it a very long process as opposed to, for instance, collecting data through automated surveys or structured interviews. However, the qualitative nature of this study would not benefit from more automated ways of gathering data (e.g. surveys, structured interviews, etc). Using a transcription software to speed up this process was also considered and due to the implications, I was tempted to not make use of any transcription software as some of those tools can be expensive and some others would need the student to comply with specific requirements that are not convenient, e.g. getting familiar with the voices of the interviewees, etc. Nonetheless, I

managed to find a suitable transcription software. As mentioned, the Student had decided not to use any transcription software initially but, as time went by, I realised that transcribing the interviews was taking too long therefore, I decided to make use of the transcription software “Otter”. This Software has a reasonable monthly price (\$10) and it really enhanced the transcription process of this study. However, I had to go through all the audios and transcriptions because Otter is a great tool but it is not perfect so I had to make small changes to the transcriptions generated by the Software so that I could ensure everything that was communicated to me in the interviews was actually reflected in an accurate manner and no information was lost or inaccurate. Although I believe the tool really helped me increase the speed of the transcription process, it was a lengthy and time-consuming process regardless.

4. Presentation of the data

4.1. Introduction

In this Chapter, the Student aims to present the outcomes of the interviews performed as explained in the previous chapter (Research Methods). Two interview guides were applied as the Interviews were divided into two stratified samples. The first stratified sample is integrated by people who are over eighteen and who have or have had a full-time job (as the Student considers it important to understand how regular people manage conflict, e.g., in an office as people with a full-time job could be involved in a workplace mediation at some stage) and the other stratified sample is integrated by a professional mediator. This last sample is of the utmost importance as this research also aims to explore the use of Mindfulness in mediations.

As discussed in the previous chapter, a case study was the strategy that the Student pursued initially but due to the complications of studying Mindfulness in a mediation and due to complications regarding time limitations, the student decided to implement her own research strategy based on interviews and eight interviews were performed based on two interview guides that are organised by themes. The two interview guides together with the answers given by the respondents can be found in the Appendix. In the following section, I will be presenting the interviews findings. However, it is important to mention that the first names of the respondents have been changed to preserve their anonymity

4.2 Interviews Findings: Description and Analysis

4.2.1. Managing Mindfulness First Hand

Question: Are you Aware of Mindfulness?

Description

The Student asked this question to five volunteers out of the eight volunteers (Including the Accredited Mediator). The five interviewees confirmed they were aware of Mindfulness. The Mediator expressed that only in recent years he's become more aware of Mindfulness and anything related to the mind and though he's never thought of mindfulness for people in a dispute, he could understand that it would be useful. Also, the counsellor said that she might not be aware of Mindfulness at the beginning of a process as such (for instance, at a dispute), but then she becomes more aware of it.

Walter said argued that though he thinks he is aware of Mindfulness, "the power of Mindfulness depends if people believe in the power of it"

Otto uses Mindfulness to understand people at work and their perspectives on a work conflict and considers it important.

Jay considers it quite important for conflict to not escalate.

Analysis

Everyone had a different view on their awareness regarding Mindfulness; all interviewees indicated that they are aware of Mindfulness and two of them mentioned it was important, one of them believes it could be "useful" for people at a dispute therefore some of the interviewees believe it is important to people in dispute. However, one of the interviewees believes that the power of Mindfulness depends whether people believe in its power or not (Walter).

It would seem as if Mindfulness was different for every person and there was not a unique way to use it.

Question: What do you understand by Mindfulness?

Description

The eight respondents attempted to describe the term Mindfulness. Four of the participants provided answers that were a bit similar; implying that Mindfulness is a state of awareness and presence in relation to oneself and others. However, one of the Respondents defined mindfulness as the ability to control where the attention is put, another one of the participants explained that Mindfulness is being aware of others and their feelings and Peter indicated that it is a state of peace with oneself.

Analysis

It was useful to receive different definitions and to understand that most people I interviewed would have some knowledge regarding Mindfulness. The extra details that were provided by the respondents were really appreciated because they only show more ways in which Mindfulness can be defined and its many uses. For instance, Jay would explain that “It's, it's mindset, like, let's say, I'm not overwhelmed with the things or kind of I'm not overreacting (Jay)”. On the other hand, Anne said (referring to the danger of not being mindful and being thinking of the past or future instead). “I think people emotionally are more worked up when they're constantly thinking about future endeavours or previous endeavours, which can cause more conflict, um, internally”; Also, referring to Mindfulness, Peter claimed that it's “when you understand how you feel, and maybe you are being more balanced, mentally”. All definitions given are different but can be related to the definition provided in the Literature Review.

Question: How do you remain mindful when experiencing strong negative emotions (e.g. fear, anger, etc) while you disagree with another person?

Description

Three of the interviewees said that in order to control strong negative emotions, practising mindfulness could be of great help.

Five of the interviewees would usually try to enhance their mindfulness while in a situation where strong emotions are activated in them by taking a step back from the situation, e.g., by either breathing, relaxing, removing themselves from the situation for a 10-15 mins break, concentrating in listening to the other party or by praying.

Mary and Walter agreed that with practice, mindfulness can be of help for dealing with negative emotions; Walter explained “yeah I would say it’s just maybe kind of training so if your mind it’s already kind of in the habit of just realising that your you have some angry emotions, angry feelings, hm, then you kind of better deal with them but if you are just in the habit of getting carried away and getting really angry, hm, not kind of looking at yourself, taking a step back then it’s very difficult to do that so I guess it’s just practice”. On the other hand, Otto explained that he can be more mindful by being aware of the consequences of the actions taken while in a mindless state “Just try to remain calm and think it through before you say or do anything that you're probably gonna regret when you're not in an extreme emotion anymore (Otto)”

Analysis

Most of the interviewees are aware of the basics of Mindfulness while experiencing negative emotions because most of them already practice mindfulness (even if unaware of it) by taking a step back, relaxing or trying to breathe when negative emotions arise in a Dispute. These patterns are not surprising to the student. I believe many people practise some kind of mindfulness while stressed. Also, the student agrees with Mary and Walter regarding the practice of Mindfulness. I believe that

like with any other skill, it takes practice and finally Otto's comment definitely resonates with the student. I believe that being aware of the consequences of our actions in a dispute can help to a great extent in the practice of Mindfulness. However, it is quite interesting to observe that only Mary would stop to ask herself “what is going on?”. It seems like most people in the sample would not ask themselves why are they experiencing negative emotions? They just seem to wait for them to disappear and according to the research, there are roots or causes for such emotions in a dispute.

4.2.2. A third party as an enhancer of Mindfulness in a Dispute

Question: In your experience, how can a third party be of help for people who are in Dispute so that they remain mindful?

Description

Two interviewees, Conor and Walter, explained that encouraging the actual practice of Mindfulness as a third party when other people are in dispute could be helpful; Conor claimed “it's just when two people are, have gotten stuck in their perspectives and they're just clashing all the time and nothing's going to work then, you know, if you can encourage, like take three mindful breaths or something. Yeah. So then both of them can step back from their own views, maybe see, see each other a bit more” and Walter explained “could the third party can get the people to actually do mindfulness or if they are kind of mindfulness-trained or mindfulness, hmm, I don't know whoever is guiding the meditation. Hm, I guess that could help (Walter)”. Furthermore, Mary believes that a third party can help parties in dispute to remain mindful because they can see the dispute a whole. “They can see the whole interaction. So they're probably in a better position to see maybe what communication is being missed. And because they've kind of more of a, an objective views, like a helicopter view of the situation so, they can, they can pick up more on, on the direct communication, but also the indirect communication and the non-verbal communication”. Also, Otto mentioned something a bit similar as a third party can help parties be mindful because they can enhance the quality of communication between parties “The third party can be useful just in terms of acting as a go between, to kind of

smooth things down and set the groundwork to actually speak and resolve the underlying issue (Otto)". On the other hand, Anne is of the idea that having a third party is already of help for parties in Dispute to be more mindful "I think also having a third party there that, um, nobody is familiar with is best. Um, I, because you're more willing, um, to talk with a level-head cause you're trying to also, you know, psychologically almost make an impression on these people as well (Anne)".

Analysis

The Student agrees with Mary and Otto regarding the influence of a third party (e.g., a mediator) in the communication aspect of a Dispute in this kind of situation so that parties can be helped to be mindful because when communication is efficient, that can avoid misunderstandings and the escalation of a dispute. Furthermore, I am of the idea that encouraging the practice of Mindfulness during a dispute might be beneficial, e.g., if third parties could encourage parties to take a break to encourage some mindfulness practice, etc. therefore the comments of Walter and Conor resonate with my thoughts too.

4.2.3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present

Question: How can you encourage mindfulness when there are negative emotions between parties at a dispute and you are a third party who is not directly involved in the dispute?

Description

This question was asked to six interviewees.

Mary explained that reminding parties in Dispute of their end goal could be of help to avoid negative emotions "And I, if there's a clear goal, if there's a clear goal as to what's being, trying to be achieved and keep bringing them back to that goal because I guess you have people in certain situations that feel hurt so their intention is to hurt to the other person. So, it can all become quite entangled. And I guess what, how another party might help is just to, to remain objective as much as they can and just

keep bringing it into the present and why they're both here and what the overall goal is. And that may work (Mary)". Furthermore, Walter defended that it is important for parties to be reminded of objectivity "also kind of make everyone understand that they are not gonna always necessarily get their way and that they just have to strike a middle ground and just promote the compromise (Walter)" and Peter, despite expressing that he does not know much about the subject, indicated that objectivity through respect can help "we need to allow each party to talk and to respect each other. I think that's the best way (Peter)". Also, Jay explained that encouraging objectivity when negative emotions arise can be a good strategy; "so, what I believe you have to separate them and tell them the cons of being negative, and tell them how situation can be accelerated and could go wrong on the both sides, or even either side, just tell them okay, probably you're right but with these negative emotions, and all that stuff, it could go worse, and it could go bad on your side as well (Jay)". On the other hand, Anne described that in some mediations parties might get time without the mediator to deal with their inner state "And then they'll say, listen, I'll give you five minutes to think about it. And the mediator will then leave the room. And so, then everybody can act or they can react as negatively they want or however, they feel". However, Otto explained that "I know just some people with some things like poverty and home repairs or something, tend to get very territorial. And if there's someone in who isn't really invited or doesn't have a stake, starts going and telling them how to do their business, they tend to get upset by that (Otto)" referring to the fact that a third party needs to be mindful of their behaviour so that it does not impact parties in dispute negatively.

Analysis

Most of the respondents believe that trying to encourage objectivity between parties in dispute can be of the utmost importance. It is interesting to observe this trend. Also, Otto's comment regarding the possibility of a third-party making things worse at a dispute is quite noticeable. I believe that it demonstrates the possible consequences as a result of a third party not being mindful of how they are perceived and how their behaviour might affect parties in dispute. On the other hand, it is interesting

to observe that the interviewees did not refer to the Core Concerns Framework in any way. The student believes that being objective is of the utmost importance but for a dispute to be resolved, the emotional dimension needs to be addressed.

Question: it is believed that the best strategy to deal with negative emotions in a dispute is to focus the attention on:

The root or Core concern (relationship-wise) that activated the emotion, i.e.: appreciation, affiliation, autonomy, status, and a fulfilling role. What are your thoughts on this?

Description

Three of the interviewees explicitly said they didn't know too much about the CCF and/or hadn't heard about it before. On the other hand, Mary explained that being aware of the CCF can help for negative emotions to be communicated in an effective way so that it reflects what's behind them "Um, I think as human beings, a lot of people just want to be recognised. They want to be, um, seen want to be heard. They want to be understood. They want to be validated. Um, so yes, it's, I guess it's helping people to, to understand in that context, you know, what the anger represents. If there's a lot of anger there, it's like, well, what is the anger really trying to communicate (Mary)"

Conor defended that a third party could be of help by encouraging the use of the CCF as reference between parties in dispute "Um, it sounds like something that would be interesting to just name to both parties, you know, in a dispute, like, can we just establish here that you have these, uh, what is it, four things or five things that you deserve to have seen and met, but, and then you also have these five things that you deserve to have seen and met(Conor)"

Two interviewees acknowledged to some extent the CCF as critical in disputes. Walter said, in relation to the CCF, "I would agree that there's kind of personal background to a dispute and that

needs to be taken into account” and Anne affirmed “I understand the concept and I've seen in mediations, um, between more senior figures, that's definitely be the case about in between the two people, the two parties, it's one of the five that has caused the problem between the two of them”

Finally, Paul explained that the CCF might be of critical importance in a mediation because parties can get distracted with very ancillary issues and unless the real issue is not identified (the needs), a third party won't know how to fix it; he said “and somebody told me once you have to be very childlike in your approach, and just ask for but why, but why, but why? and keep stripping away until you get back to the actual, the real issue and what's the problem, what's the behaviour, the causes. And how can it be fixed, unless you know what the real issue is, you don't know how it can be fixed”

Analysis

Five out of seven interviewees and therefore most of them agree on the importance of identifying the core concerns that are present in a dispute for a dispute to be resolved.

Question: would it be better for parties to be encouraged to express their negative emotions or would it be better for them to self-regulate internally in a dispute?

Description

All of the interviews (eight of them) were in favour of third parties encouraging direct parties in a dispute to express negative emotions rather than to self-regulate. However, there can be differences depending on the circumstances. Two interviewees (Otto and Jay) said that sharing negative emotions in a dispute with family is of the utmost importance but not necessarily at a workplace dispute and they even implied that it would be best not to share negative feelings at work. Furthermore, Mary implied that these negative emotions should only be encouraged to be expressed when they are related to the parties in dispute and not when they are not related to the dispute and having a third party while discussing emotions is of great help because it can guarantee a safe environment. On the other hand, Walter and Conor defended that expressing negative emotions is important in most cases and they

should be expressed in a constructive way, e.g., Walter mentioned “I’d be a proponent of sharing these negative feelings but not necessarily in the big outburst of anger but just as a kind of controlled thought-out way so maybe just put it in writing first and try to be reasonable first still and try to understand the other people’s feelings and still try to be, you know, a decent human being and not hurt anybody”. In the context of a mediation, Paul was clear regarding his position. He believes that expressing negative emotions can be of help in the process as he shared “Hm, no I think it's it's sometimes it's better if people, but I wouldn't be encouraging it all the time but if sometimes people let off a bit of steam, you can find, you can find out what they really feel unlike if they're if they're self-regulating. They're only telling you what they want to tell you whereas if they blow a bit of steam, they might tell you a bit more than you are hoping to get.” On the other hand, Anne had a different opinion because she thinks that the self-regulation of parties in a mediation could help mediations so that they don’t last too long “I would say from a time standpoint, absolutely. And I would only say specifically from a mediation standpoint, because obviously, like, that's not a healthy long-term practice but when you express all your feelings and there are more people expressing their feelings, it causes for greater stress. Um, especially when there are a lot of negative feelings, which to be honest, cause mediations to take longer, um, versus people who are self -regulating their emotions and discussing and negotiating, it would cause for a mediation to take less time”

Analysis

There seem to be restrictions to the encouragement of expression of negative emotions by a third party. Interviewees would encourage parties in dispute to tell their emotions with some exceptions. Two of the interviews said that in a workplace, expressing negative emotions is not recommended but expressing negative emotions at a family dispute could of help whereas the two interviewees that agreed to express emotions at any setting said that such emotions have to be expressed in a way that does not disturb the counterpart. Seven of the interviewees implied that negative emotions should not be expressed without careful thought whereas only Paul, the Mediator, thought of letting negative

emotions out (even if uncontrolled) as positive, as he mentioned “Obviously, you don't want everybody shouting and roaring at one another but it's, it's no harm every so often if somebody, hm, let go a little bit, and tells you what they're really feeling or how it's impacting on them.”

4.2.4. Mindfulness as a tool to enhance Neutrality in Disputes.

Question: How do you use mindfulness to remain neutral at a Dispute?

Description

Half of the interviews use Mindfulness to remain neutral at a dispute by focusing their attention on something, e.g., on a goal, on the context and/or something neutral like their breath. In the context of Mediation, Paul uses mindfulness to be aware of how what he does could be perceived by the parties in dispute. On the other hand, Walter and Peter think that practising mindfulness can help in this regard; Peter explained that it is important to meditate before helping parties in disputes “ and maybe when you're in that state of being in peace, in calm, it's easier for you to be with people and try to negotiate, you know, with them. So, I'd say meditate and be in peace with yourself before you try to help other parties (Peter)” and Walter argued that the practice of mindfulness can help so that third parties are not controlled by emotions and therefore they don't lose their neutrality “I thought about training so just the fact that it lets you be kind of the witness of your own emotions with practice so you can definitely use that once you don't associate yourself with your emotions like at some stage, you know, your emotions might, can, let you kind of side with one of the persons in the dispute, hmm, so, you might be tempted to follow that but if you want to stay neutral and you are mindful of these emotions then you can because you are not your emotions, you are kind of besides your emotions. You are kind of not controlling your emotions but you are aware of them so you have more power on that” (Walter).

Analysis

Half of the interviewees use mindfulness to remain neutral at a dispute by focusing on something that it's important for them like, for instance, creating a good impression. It would seem as if Mindfulness was easy to achieve depending on the importance the interviewees give to something despite their level of commitment to practise Mindfulness on a regular basis. Furthermore, only two people expressed that practising Mindfulness Meditation as such could be the key so that people can remain neutral as at a dispute either just before the dispute process or on a regular basis.

4.2.5. External Mindfulness

Question: There are two kinds of External Mindfulness. One of them can be defined as the state in which a person might experience negative emotions or judgments inside of themselves but they do not show them externally to anyone. What are your thoughts on this kind of external mindfulness while in a Dispute?

Description

Four respondents implied that this kind of external mindfulness is not really helpful because it is best for parties in dispute to communicate what's really in their mind so that the issue can be solved and most of them mentioned that, it is important to be mindful of what's expressed so that it is communicated in a respectful way. However, half of the Respondents said that external mindfulness could be of help depending on the situation; most of them agreed that it could be of help in work settings but not in family disputes where people need to feel positive about a deal as Anne explained "you know, maybe in family law or something like that, maybe that would actually be more true and more prevalent that, you know, maybe expressing your feelings is probably better in those types of situations because then they would be more willing to agree to the terms that they agree to at the end of it(Anne)".

Two of the Respondents said that this kind of mindfulness (external mindfulness) is helpful; Jay implied that without it, a third party could be seen as biased and Anne explained that Mediations can take too long if people are not externally mindful

In the mediation context, external mindfulness is not helpful because unlike with some other methods of dispute resolution “the outcome for a mediation or conciliation should be a bit more positive, and both sides should have come around to, hm, finding it, the outcome to be acceptable. And again, comparing it to an arbitration. At the end of that, both sides mightn’t be happy because one side might have lost and the other side mightn’t have won as much as they thought they would win so you could end up with two sides that are dissatisfied but you've concluded the process whereas in mediation, the goal should be to have both parties maybe not happy but accepting of the outcome. And being able to move on. So, people that are, I suppose holding back, that's not helpful to the situation” as Paul explained.

Analysis

Half of the interviewees believe that for an issue to be resolved, external mindfulness might not be of help as honest and open communication could be the key to resolving a dispute. However, half of the interviewees see external mindfulness as positive for work disputes and believe that it is best when not used in family disputes. Few respondents mentioned some advantages to external mindfulness, e.g., mediations could last too long if external mindfulness is not used and parties could be seen as biased if they are not externally mindful. Nonetheless, according to the mediator interviewed in this study, external mindfulness might not be of any help in mediations because of the nature of such a process as it is necessary for parties to have an “acceptable” outcome as opposed to, for instance, arbitration and if they are externally mindful, it is unlikely that they are open to discuss their inner thoughts and in this way find a real resolution that can be acceptable.

4.3. Mindfulness tools

What tools do you use to remain mindful at a dispute with someone? especially in those days in which you might be worried about something completely unrelated to the dispute

Description

Three of the Respondents mentioned breathing as a technique they use to centre themselves if something is worrying them in a dispute. Two people mentioned that they think taking breaks is of help to remain mindful, e.g., Jay mentioned “if I'm getting angry on a thing. I just keep quiet. I just I just ask, like, I'm good. I just ask the person would you mind if I have like 10 minutes?”. On the other hand, Otto explained that thinking of the consequences helps him remain mindful at a dispute. “If I say, this nasty thing, or if I don't say this nasty thing, like, is this gonna have any sort of positive impact versus the negative impact?”

Walter and Paul indicated that it is of great help to prepare before a dispute/mediation starts as someone would relax before an exam or by getting the tension out through exercise. Also, Mary and Walter agreed with focusing on the present moment by reminding themselves that unrelated worries should be let go of at the present moment. However, Conor explained that it takes practice to be able to concentrate despite external worries.

Analysis

There are several different ways in which people in dispute manage to be mindful despite external worries and this can be related to Jay's comment “I would say every person has a different mindset, different personality, one thing which work for me, probably won't work for you (Jay)” It is interesting to observe that only three respondents considered breathing so important in this regard. However, taking a break (as indicated by two others as a tool) can also be of help so that people in

dispute can take some breaths. For some respondents just trying to focus in the present moment seems to work as they self-talk themselves into focusing on the task at hand whereas one respondent thinks of the possible consequences. Furthermore, some respondents agreed on being mindful before a dispute process starts so that they can be in the right headspace and less distracted. Interestingly, only Conor mentioned that without regular practice, being mindful when other worries are present, can be a challenge.

Question: in your experience, is it best to encourage positive emotions by using the CCF to address the needs for appreciation, affiliation, autonomy, role, status or is it best to remain mindful at a dispute?

Description

Four of the Respondents defended the use of the Core Concern Framework together with Mindfulness altogether; one of the interviewees explained “I guess if you know the parties in the dispute and you think that there might be an issue with the core concern then should look at that but I think you should probably always kind of be mindful in the way you resolve the disputes and let’s say, make sure things stay on track and that’s kind of mindfulness for dispute handling, I would say(Walter)”.

Two of the Respondents believe that the answer to the question depends on the kind of situation; Mary is in favour of using the Core Concerns Framework often provided that the intentions behind it are honest because everyone likes good emotions “ Um, and sometimes recognising the positive emotion can maybe diffuse a lot of that because maybe other people have never recognised them in the, in that person and therefore, it might help them to go from a place of being angry and frustrated and annoyed up to a place of calmness, because it might actually feel that they're being recognised and everyone likes good emotions.(Mary)”; another Respondent explained “it's just depends on the

context in what part of the relationship you're in. If you should be mindful, neutral or if you should be kind of encouraging positive emotions (Otto)".

One of the Interviewees did not know.

And in the mediation context, being mindful is good for the Mediator but if parties are too aware then that would not be good for a mediation process as Paul explained "so I'd say, mindfulness is great for the mediator, but maybe not so great for the parties. You have to bring them along a journey from where they are now to a solution and if they were too aware and afraid, they were being brought, they mightn't be as open to the journey (Paul)"

Analysis

It would seem as if most respondents would be in favour of encouraging positive emotions in a dispute with the use of the Core Concerns Framework and Mindfulness at the same time. However, as few Respondents explained, it also depends on the context and factors such as not being fake and the kind of relationship of the people in dispute, because using the CCF could cause backlash if not used appropriately. The Student is of the opinion that most respondents would use both tools together or separately because even trying to identify if the context is appropriate to use the CCF requires the use of mindfulness to some extent. However, when a third party is present (like in a mediation), being mindful would be more beneficial for the third party.

Question:

Leonard Riskin, Lawyer, Mindfulness specialist and Professor at the University of Florida has developed some mindfulness tools to enhance awareness during negotiations. Such tools are based on the Triangle of Awareness developed by the Stress Reduction Clinic at the University of Massachusetts Medical Centre. The triangle portrays the connection between body sensations, emotions and thoughts (BETs) which are three elements of people's consciousness and which are key elements of mindfulness awareness.

Such tools aim to help negotiators recognise their inner state, go back to the present moment with mindfulness, help them to take action in a way that is congruent with their interests rather than in a reactive way and it also helps them improve their ability to manage conflict. The most recent tool is:

“THE TAKING STOCK Tool: ADVANCED

1. Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI

Stop, Take a breath

Observe Body Sensations, Thoughts, Emotions

Proceed to Set a clear and simple Intention(s)

2. During the Activity Take STOCK:

Stop

Take a Breath

Observe Body Sensations, Emotions, Thoughts (BETs)

Consider:

- a) Have you been following your intention? Do you want to change it?
- b) What are the positions and interests of the key person or persons? What are your own positions and interest?
- c) What Next? (Riskin, 2015)”

The most important characteristic of this tool is the ability for a negotiator to check if his behaviour is in concordance with their intentions and interests.

What do you think about THE TAKING STOCK Tool: ADVANCED developed by Professor Leonard Riskin.

How would this tool help you?

Description

Five Respondents said that the tool is good and that they might be using it somehow already; Paul, professional mediator, believes he uses it because he stops and tries to be aware of how he's perceived by the parties at a mediation. However, Paul indicated that it is only recently that he's more aware of Mindfulness topics as one of his friends had a breakdown.

Mary explained that it's a tool that requires practice as she explained, "I think it's important that we do take, we do stop every now and then, take a breath, evaluate, see what's do a body scan. How, how is our body, what is our intention? Are we following it? Do we want to change it? (Mary)". Also, Jay, Peter and Walter somehow explained the tool developed by Professor Riskin; Walter defended "It's, it's basically mindfulness, right. It's just taking like these principles of staying grounded. I mean, mindfulness would just go, like follow your breath for a while, hm, but in this case, I mean, you know, you are kind of trying to keep your intention constant and keep track of that (Walter)".

Walter and May indicated that the tool could be of help for every aspect of our life.

Analysis

It is highly likely that most people who engage in a dispute and/or negotiation are already using the tool at a very basic level; mainly, most of them would step back and take a breath. It is interesting to observe that most of the respondents showed a great interest in the tool developed by Professor Riskin

and elaborated on its use (none of the respondents had ever heard of it before it was actually described to them during the interviews of this study). Furthermore, a few respondents indicated that such tool could be use daily.

Question

How do you use the CCF (needs for appreciation, affiliation, autonomy, status, and a fulfilling role), Professor Riskin's mindfulness tool: THE TAKING STOCK Tool: ADVANCED and external mindfulness at a dispute?

Description

One of the Respondents indicated he did not know and five of the interviewees attempted to explain the use of the tools in conjunction, e.g., Walter gave an example of how the tools can be used altogether, "Imagine, you could say, I, once, like my intention is to resolve this dispute in one way or another, hm, then, you know, as you talk through things then you might image then ok well this guy actually has like some serious issues with recognition and then your intention might turn into something like, hmm, why, why, does Fred, hmm, really want to be recognised and how can we achieve that? And, and, so on and maybe that will kind of lead you to resolving the issue (Walter)".

Conor indicated that he does not engage in a Dispute and think of all the tools in conjunction, he just remains mindful because he's practised Mindfulness for a long time.

Paul explained that, in a mediation, many things are happening at the same time and it is not possible to control all of them but the CCF, the Taking Stock tool and external mindfulness are highly likely to be applied all the time by himself when he is the mediator at a mediation.

Analysis

It would seem as if most of the Respondents could see the benefits of using the Core Concerns Framework together with the Taking Stock tool in conjunction to resolve a dispute in a way that they can use the Taking Stock Tool to remain calm, focused and to identify the core needs of their Counterpart so that an agreement can be reached.

5. Discussion

5.1 Introduction

In the previous chapter, the student analysed the data found during the interview process as described in chapter two. In this chapter, the student aims to critically assess the findings of the previous chapters.

5.2. Critical assessment of findings.

5.2.1 Mindfulness in disputes. Managing Mindfulness first-hand.

In general, most of the respondents of this study know how to define the basics of Mindfulness and this is of paramount importance because people who experience conflict need to have tools to help themselves through. However, some of the respondents would not know in depth why Mindfulness is of benefit. Few people are aware that this tool, to be more efficient, needs to be used not just at a dispute but in general so that it's polished with time and effort. Interestingly, most respondents agree that Mindfulness is positive for people who are in dispute because it allows them to see their counterpart's perspective and stops them from being entrenched with their own positions and being able to explore the real needs and interests behind a stubborn position is of the utmost importance in the dispute resolution arena. Mindfulness is, according to this research, essential. Also, most interviewees try to stop and step back (remove themselves from the situation, e.g. by taking a 10-minute break) while experiencing negative emotions in a dispute but most respondents would not think of the needs that were unmet and that caused negative emotions to appear in a dispute. They would just try to calm themselves down; At a first glance, it would seem as if most respondents would be unaware that by recognising the Core Concerns Framework (CCF), they would be more likely to resolve an issue

5.2.2.A third party as an enhancer of Mindfulness in a dispute

Furthermore, in general, when referring to the third party of a dispute and negative emotions, most interviewees agreed that objectivity was fundamental to resolve any issues; this is an important but worrying discovery because if a dispute exists, that could mean that negative emotions could also be present and a conflict might need to be resolved at different dimensions and not just at a single dimension, i.e., only at a cognitive level. If an agreement was to be solved only at the cognitive level, I would be inclined to think that the levels of success would be lower in the long run because the emotional aspect would be left neglected and this dimension can also be important as explained in the Literature Review. Most respondents in this study, try to resolve issues at a cognitive level without taking into consideration the emotional dimension which, as research has shown, is very important too.

5.2.3. Encouraging Mindfulness as a third party in a dispute when negative emotions are present

During the interview process, most respondents indicated that they believe mindfulness can be encouraged when third parties help the direct parties of a dispute to be objective. However, it became apparent that for some respondents, a third party in a dispute could also be of help to encourage the expression of negative emotions between parties in a safe way as third parties can enhance the effectiveness of communication because they can see perspectives from a wider perspective (provided that they are mindful too). It is interesting to discover that without a third party, most people would just try to be objective whereas with a third-party, respondents would be willing to be encouraged to express their negative emotions. A couple of the interviewees gave great recommendations regarding the encouragement of mindfulness as a third party. They proposed that third parties could encourage the practice of mindfulness during a dispute which I consider would actually be helpful if parties were entrenched in their positions because of the benefits of such practice. It was also discussed on several occasions that sharing negative emotions will be good depending on the situation; most respondents would believe that it is of the utmost importance to share negative emotions in a family dispute

because some disputes are not as personal (e.g. Commercial disputes) and do not require people to be emotionally involved. Such assumption made by some respondents leads me to think that it is most likely that workplace disputes are less likely to be resolved in general and this opens the door to question if workplaces would be healthier if they encouraged the expression of negative emotions.

5.2.4 Mindfulness as a tool to enhance neutrality in disputes.

For half of the interviewees, focusing on something important for them is the best tool to enhance their mindfulness to remain neutral at a dispute and for few of the respondents, constant mindfulness meditation is necessary to manage mindfulness in this way. This fact makes me think that there might be unknown reasons that help dispute resolution practitioners to enhance their mindfulness and their neutrality at a dispute and that mindfulness does not necessarily have to be provoked with the traditional tools that are available.

5.2.5. External Mindfulness

According to the responses received, half of the people interviewed believe that external mindfulness is, in general, not helpful. Perhaps, it could only be of help in work disputes. In the context of mediation, according to this research, it might not be helpful. Such findings lead the student to question the use of mindfulness as such as external mindfulness can only be achieved if someone is internally mindful.

Can someone be too mindful? Can mindfulness be harmful to resolve disputes if it is used too much?

5.2.6. Mindfulness tools

A few of the people interviewed were aware of the fact that taking a breath is an important technique in regard to mindfulness and other respondents explained other techniques they use to remain mindful at a dispute (e.g. breaks); some others indicated they prepare beforehand so that they are in the right mindset. After analysing all the responses, it would seem to the student as if there was not a unique way to achieve mindfulness in a dispute and perhaps this could be investigated. I am of the idea that

different tools work well for different kinds of people and this was also indicated by a few of the Respondents. Also, as some respondents mentioned, any mindfulness tool would need time and practice to be mastered and I agree with them because any tool takes time to be learnt.

Most respondents in this study indicated that they were not aware of the Taking Stock Tool developed by Professor Riskin before participating in the interviews but when this was explained to them, they informed the student that they think they might have been using it without knowing about it because most of them take a break during difficult negotiations. Such fact is interesting. It could be important to investigate what impact in dispute resolution and in other arenas this tool could have if more people knew and were informed of it. Furthermore, most of the respondents of this study explained that they believe Professor Riskin's mindfulness tool: THE TAKING STOCK Tool: ADVANCED, the CCF and external mindfulness could have a positive impact at a dispute if used together. I believe that, perhaps, the lack of promotion of such instruments is not helping the development of its practice. So far, the student has never been taught of such tools in College and I'm unaware of them being included as part of any plan of studies.

5.3. Conclusions

Most respondents know about mindfulness to some extent and use it while in a dispute at a basic level (take a break, a breath, etc) and it is mainly used to enhance objectivity in a dispute. However, most of the benefits of mindfulness in dispute resolution are not clear to a lot of the respondents and the emotional side of a dispute is mainly ignored by the them. This last fact leads to the question if dispute resolution would be more efficient if the emotional dimension was acknowledged more often together with the benefits of mindfulness. Mindfulness could be of the utmost importance to resolve a dispute because it can help parties to have a wider view of the issue as it could be easier for them, with the use of Mindfulness, to understand the other party's perspective and not just theirs.

As some respondents believe that sharing negative emotions can only be beneficial at family disputes, the question regarding the expression of negative emotions at work arises as perhaps workplaces could be improved if people were encouraged to express their negative emotions while using Mindfulness. Also, during this study, it was clear that different respondents use different techniques to enhance their Mindfulness therefore, there might not be only one effective way to achieve mindfulness and there might exist more reasons and causes behind mindfulness than the ones currently known. Furthermore, it is not clear if the use of mindfulness can become harmful for dispute resolution somehow.

6. Conclusions

6.1. Introduction

In the previous chapters, the student aimed to address the aims and objectives of this thesis. As explained before, the main aims and objectives are as follows:

- i. Explore the importance of Mindfulness in neutrality and dispute resolution including mediations.
- ii. Identify the elements that stop Practitioners of Dispute Resolution from experiencing high levels of Mindfulness with a focus on Negative Emotions.
- iii. Critically Assess current techniques or models relevant to supporting negotiators to achieve high levels of mindfulness in Dispute Resolution
- iv. Explore the level of awareness of mindfulness in practitioners involved in dispute resolution including Mediators.
- v. Explore the views and practices on Mindfulness of practitioners involved in dispute resolution
- vi. Formulate suggestions to enhance future practice based on the study findings.

In this final chapter, the student will be discussing the aims and objectives of this study in regard to the findings of this research work to make conclusions and recommendations.

6.2 Research objectives: summary of findings and conclusions

6.2.1 First objective: explore the importance of Mindfulness in neutrality and dispute resolution including mediations.

This objective was discussed in the literature review (second chapter) and it was determined that mindfulness is of the utmost importance in dispute resolution and mediations but also in regard to Neutrality in such processes and, among the benefits of mindfulness in dispute resolution, increased understanding and compassion for oneself and others can be highlighted. People who actively pursue mindfulness become more aware of themselves and others and therefore they can adopt a disposition of support for their counterpart rather than a disposition that minimises their needs and interest. It has also been determined that the practice of Mindfulness allows people to think more clearly and as a result, dispute resolution practitioners can make decisions that are based on equanimity, transparency and justice; these theories were confirmed in the interview process of this research as it was made clear that most people interviewed believe that Mindfulness has a positive impact on people who are in dispute because it allows them to remain calm under pressure and to understand their counterpart.

The lack of mindfulness in a mediation can, according to the literature review, result in mediators who are not fully present to listen and compile information and this fact could allow them to take action based on inner conditions such as their own fears, insecurities, judgements, automatic behaviours, external mindlessness (the opposite to external mindfulness), etc. which would make the mediator lose their neutrality and influence the mediation, making it unfair.

6.2.2. Second Objective: identify the elements that stop practitioners of dispute resolution from experiencing high levels of Mindfulness with a focus on negative emotions.

In the Literature Review, it was indicated that the elements that stop practitioners of dispute resolution from experiencing high levels of mindfulness are the so-called six obstacles:

- i. self-centred focus,

- ii. strong negative emotions
- iii. automatic, habitual ways of thinking and/or feeling and behaving
- iv. insensitivity to emotions (too much or too little)
- v. insufficient social Skills
- vi. inadequate focus (Riskin, 2015)

The study focused on negative emotions because the student believes that in the dispute resolution arena, such emotions are of supreme importance and need to be managed efficiently.

The two most critical emotions in negotiations are fear and anger and they represent a great source of stress for many people who engage in such processes. However, such elements are important in dispute resolution because they give people information to identify what is important for them in a dispute therefore determining the causes of such emotions and also their reason to exist, could help dispute resolution practitioners to work on solutions. People get emotional when they feel their identity is threatened and this can happen when any of the core concerns is neglected. The core concerns have been identified to be: autonomy, affiliation, appreciation, status and fulfilling role or what is known as the Core Concerns Framework (CCF) (Fisher and Shapiro, 2007). These theories were also confirmed during the interviews; most respondents indicated that their inner state could affect their performance at a dispute if they are not mindful and most of them also indicated that they agree with the CCF as it is important to stimulate positive emotions in disputes.

6.2.3. Third Objective: critically assess current techniques or models relevant to supporting negotiators to achieve high levels of mindfulness in Dispute Resolution

According to the Literature Review, dispute resolution practitioners with experience in research believe that one of the most effective strategies to address a negotiation is to use the core concerns framework to defuse negative emotions among stakeholders. Furthermore, in the community of researchers, there is a strong emphasis on using Mindfulness to enhance this technique and the latter

approach (i.e., the use of Mindfulness to enhance the CCF) was validated during the interviews, most respondents agree that mindfulness is important for the use of the CCF.

6.2.4. Fourth Objective: explore the level of awareness of mindfulness in practitioners involved in dispute resolution including mediators.

The student believes that this objective was completed to some extent; this objective was addressed in chapters two, three and four; for this endeavour, questions regarding the awareness of Mindfulness were included in the interview guide for people with experience in dispute resolution and in the interview guide for professional mediators. They were under the theme “managing mindfulness first-hand” and were the first set of questions to be asked to all respondents. In general, the people interviewed had basic knowledge regarding mindfulness. People are aware of the concept to some extent but without clear understanding of the many benefits of mindfulness in dispute resolution in the long term; most respondents think is a State of Awareness and presence in relation to oneself and others, furthermore, only few respondents would describe more than that. This research only counted with the responses of one (1) professional mediator and regarding his level of awareness of mindfulness in mediations, it’s only until recently that he has paid attention to the subject. More research is needed to establish the average level of awareness of professional mediators and to establish if it varies depending on the kind of mediation.

6.2.5. Objective five: explore the views and practices on Mindfulness of practitioners involved in dispute resolution

This objective was addressed in chapters two, three and four; this research was designed so that interview guides were used to get the perspectives of dispute resolution practitioners in regard to mindfulness. Such guides were divided into themes as discussed in previous chapters. In summary, most interviewees would be unaware of the times in which they pursue mindfulness at a dispute. Most

respondents would take a step back at a dispute if they found themselves going mindless therefore most respondents take the first step to be mindful. Such step is the first pillar of mindfulness which is just to “stop” as established by Professor Riskin and portrayed in the Literature Review. Also, most respondents see the use of a third party (e.g., a mediator) as a great tool to enhance mindfulness in dispute resolution because they think that a third party can enhance effective communication between parties at a dispute and therefore mindfulness. Interestingly enough, it can be done in a way in which people can express their negative feelings that they would not share if they did not have a third party. It would seem that, in general, some people try to resolve issues at a logical level without taking into consideration the emotional dimension when they don’t count with a third party.

6.2.6. Objective Six: Formulate suggestions to enhance future practice based on the study findings.

The formulation of suggestions will be addressed in this chapter. Please read 6.3. Suggestions.

6.3. Suggestions

The focus of dispute resolution, with the help of Mindfulness, could be equal regarding the emotional dimension and the objective dimension; the impact of such suggestion could be investigated in the future to verify its consequences. I am of the idea that making the emotional side the whole focus of Mindfulness in dispute resolution could be troublesome and impractical especially when compared to the literature review where it was established that emotions, thoughts and body sensations are interrelated as explained by the Stress Reduction Clinic in the University of Massachusetts Medical Centre with the Triangle of Awareness.

For people who engage in a dispute and have a third party to assist (e.g., a mediator), to have the Core Concerns framework explained to them at a cognitive level, specifically, the benefits of minding the Core Concern Framework to enhance mindfulness and the communication between parties; once parties become aware of the aforementioned, I believe that explaining the Mindfulness tools developed by Professor Riskin could be of great help. If they were aware that such tools existed,

perhaps, parties in a mediation would use them and, as a result, the mediation process could be improved. Going a step further, the tools could be given to parties by written copy well before the mediation starts so that they decide if they would like to make use of them or they could be explained in the Agreement to Mediate. Research in regard to the benefits of applying Professor Riskin's mindfulness tools in mediation could be of benefit.

It could be interesting to apply "Mindfulness Mediation" and not Mindfulness Meditation so that parties could have a mediation that complies with the rules as per the Institute of Mediators but in such mediations, Mindfulness Meditations of, for instance, five minutes are practised during the process as per discretion of the mediator or even structured Mindfulness mediations. These mediations could be designed, for instance, to start with a five -minute mindfulness meditation, etc. Follow-on research would be needed in this regard, to explore what would work best in these situations and to help develop practice guidelines.

The Student also noticed through the interview process that it seems easier to enhance Mindfulness depending on the importance people in dispute give to something, e.g. a goal, a possible unwanted backlash, etc, as opposed to putting their attention onto something neutral (like their breath or feet); therefore, more in-depth is also needed in this regard.

Due to the different responses received regarding the use of mindfulness, it would be important to research the different types of options available and which one is more effective. For example, some people think that concentrating on breathing is important whereas others believe that removing themselves from the situation for ten minutes is helpful and others would practise mindfulness meditations before the difficult meeting. Studies related to such differences could clarify why some people find one method more useful than the other one. It is important to question such tendencies and specifically what conditions enable them.

6.4. Self-reflection

This research started with a different aim in mind; the initial proposal was “managing confidence in negotiations” but it was then dropped after discussing it with some lecturers and after doing some research that did not yield results that could support such work. I wasn’t focusing the investigation properly, it was vague. However, after careful thought, I decided to dedicate this study to the management of mindfulness in dispute resolution including mediations. The best advice I was given was to focus my investigation in something I was really interested in. Mindfulness is a topic that is of the utmost interest to me and I am quite happy to be able to base my study in such a topic. Even though I changed my initial topic and this would seem as very troublesome, the initial research was actually of help because it was the foundation for this work as I discovered what I really wanted to do therefore, writing the right proposal became a smooth process as a result. I would encourage other students to follow a step by step guide on how to write a Master’s dissertation. The student found the eBook ‘succeeding with your Master’s Dissertation’ 4th edition by John, Biggam of great help.

Designing my own research strategy based on interviews only was risky but I feel it was the right choice because of my growing experience in research. Furthermore, if I was to keep researching about mindfulness and dispute resolution, I would like to test other research methods such as case studies as I know useful findings could be discovered and analysed.

This work took a lot of time and effort. I know now that despite all the obstacles, the best strategy that could be adopted would be to continue despite the obstacles and to focus on the research objectives; focusing on them every day and checking on them gave me confidence as I felt I was following the right path and it also helped to simplify or, in other words, to focus. Due to my huge interest in the subject I believe I was distracted from the main aims and objectives at some stage and this is not really difficult to happen. Overall, I would say that taking breaks and make sure that your mind unwinds is of the utmost importance. However, such action is as important as keeping up the hard work during the process despite any difficulties that may appear; every time that your mind finds a problem or panics, remember that most people find this kind of work quite difficult and you are not

alone. I think that talking to others about my difficulties really helped me as most people encouraged me. Finally, it is important to keep in mind that such work will be of help in the future for people who are interested in the topic. I am satisfied with the findings of this thesis.

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8. Appendix

8.1. Interviews to respondents

First Interview

Name: "Paul"

Profession: Lawyer, Mediator and Arbitrator (Specialised in Commercial Disputes).

Location: Dublin, Ireland.

1. Mindfulness in Mediations

1.1 Are you aware of Mindfulness?

I suppose I am but only in more recent years. I suppose for when I was younger, nobody ever talks about mental health or mindfulness or looking after your mind. And I suppose I have to work on origins just become more aware of it. I wouldn't say it's something I'd be practised but I'd be aware of it and I would read, swim try and get some downtime.

1.2. Do you think mindfulness is useful when you're working with people who are in a dispute? 01:57

I never considered it, but I can see why it would be, because obviously if people are distracted by other things that are going on their lives and not focused on resolving the dispute. So, I can see a definite advantage of being aware of it and upskilling in it. Yeah, definitely.

1.3. What do you understand by mindfulness? 02:22

I suppose it's a stage of awareness and calmness. Being aware of your surroundings and of yourself and others. So maybe it's the opposite to being very focused and driven. Let's say it's not very, very familiar with, and only comes to know about it recently. I'd say it's just good awareness of yourself and what's what's going on.

How can mindfulness influence people who are in a dispute? 03:21

I suppose if it could maybe open doors, it might influence it would open doors and make them open to considering alternatives, if they're maybe not, make them less entrenched than but just open that possibility to them to maybe the view that they're holding all the time isn't the right one. And obviously, make them more aware of the other people in the room. Recently I had a, because of Covid, I'm on a bit of an online mediation, and again it was commercial. And what happened is somebody said something that somebody on the other side, didn't like. And they had a bit of a rant and then they pushed the leave button in a real room, that'd be much harder because it doesn't take up all your paper and belongings and storm out but in the virtual centre is much easier to storm out; you just press the leave button and you're gone. And so, I'd say that the person who was talking and I probably me at a certain extent as well didn't pick up as quickly that what the person's feelings were and how they were receiving what was being said and the way he put it. So, I I'd say in a, little bit off tangent, but if everybody is in the room, you probably would have been able to sense that quicker and be more aware that maybe even somebody on his side might have given him an elbow and or a look for somebody else's cup on but it's very hard to, I suppose, be mindful of everything that's going on when you're just looking at a face on the screen, and somebody, somebody could be seated and underneath and just smiling receiving that information, not the way it was intended, you know. I suppose, just to go back to the question as well, It would happen in those sort of situations, stuff maybe going too far, or getting a bit explosive.

1.4. How do you usually separate your thoughts biases judgments, having ideas when you are in conflict with someone else? 06:06

I suppose it's very hard to separate your own opinions. Isn't it? It tends to. Doesn't that whole group Think or group Thing starts to kick in and you get very involved, or, or emotional about it. But I suppose sometimes. And again, if something was getting a bit (missing part) work, I might try and

step back from it and kind of wonder, how would I see that now if I was an arbitrator or a mediator. Would I see it the same way that's that's internally what I do have I kind of found myself getting a bit I suppose passionate about something or very, very involved in. All right, I found myself becoming very entrenched. This is the right answer. I try and in my own head just step back and go, Well, how would I deal with. If, if I was an arbitrator or mediator in this situation somebody else is saying that to me I suppose reality testing really.

1.5. What do you understand by mindfulness in Mediations? 07:36

Again, it's something I've never really considered. And maybe it's because it doesn't play a huge part now because usually when it's commercial, it's about money. It's not necessary, it's usually the company's money, or if it's a. Sometimes the disputes I'd be involved in would involve government contracts so even the people that are representing the government side is not their money so maybe they are not as personally invested in it. It's still their job it's something that they have to do but they're probably able to deal for want of a better word, a more professional manner that they they'd argue their sides strongly but they won't fall out with somebody over it a bit like, you know, the phrase people say agree to differ. In commercial situations, people might be just a little bit more pragmatic than if it was a mediation or dispute or something personal to them but again against stepping back, for question I suppose, if everybody involved in the mediation was in a mindful state. I think you could definitely get through to mediation quicker and with less problems.

1.6 How does mindfulness or the lack of it influence the Mediation process? 09:40

I'd say possibly that the lack of it could have people, hm, focusing on the wrong things and maybe not focusing on the areas where there's a possible agreement. And again, bring it back. I know I keep bringing it back to commercial situations because that's where I deal with the most but if you had a financial dispute there might be 20 or 30 different items in dispute and 80% of the items in dispute

might only take off 20% of the money because they're all trivial matters and if people weren't in the right state, you could easily get focused on the wrong ones. Maybe because people think they have a very good case on this small item, or they feel very confident talking about that particular part of the dispute. But at the end of the day, it's only it's only a small part of that dispute. And if they're not in the right headspace, you can easily get focused on the wrong things. And even resolving that little piece of the dispute might not even get any closer to the main issue. So, I suppose if people weren't mindful sort of what I'm saying is that they start getting concerned with unimportant items to the dispute and not focusing on the real issue or kind of spurious issues or irrelevant issues and not focus on the real thing that has to be done, you know.

1.7. How do you remain mindful at a mediation when experiencing strong negative emotions?

11:52

Hm, as a Mediator, I don't think I've ever felt strong emotions, because again it's always commercial or technical for me. So it's, it's hard to relate it but it doesn't necessarily relate to any personal experiences that you might have had or that might have happened to your friends. So, I suppose if you're dealing with family disputes, or personal disputes, there's always a risk that you can relate that to something that happened to you now but there's positives to that as well as negatives, or something that happened to a friend of yours. So, it's much easier to be dispassionate when it's about money. But, but again, sometimes you find yourself having to maybe ground and centre yourself and. Because, what will happen is that, obviously the parties are trying to maybe get tricked or trip you up into saying something that's supportive of their side. And so, I'd be conscious that you have to try and stay dispassionate because you don't want to be seen saying something that favours one side over the other and a lot of times people will do that and try and trick you and try to annoy you, and try and badger you. Because if you do get annoyed, there's a big chance that you'd say the wrong thing. So,

I'd be very conscious of not saying too much, and probably mindfulness would help with that. Don't say too much and if you do say it in a mediation, is kind of as well considered, and even sometimes if I don't know what to say I'd say, look, just let me think about that for a little while and I will get back to you. Even though you're nodding while I'm talking to you, because that can be interpreted like nodding that I heard you or I'm nodding did I agree with you.

14:25

Yeah, yeah you're you're nodding that you're listening whereas somebody else could read that as that you're agreeing with what they said if they're putting. Obviously I'm just telling you what I think rather than arguing a point but if you're if you were nodding when somebody was arguing, they could read that, that you're agreeing with them and the other side could read that you're dealing with them so I suppose you have to be very mindful of your, and even your body movements and how you appear to the other side as well as you have to be aware of ,very aware of yourself when you're the person in the middle.

1.8. How do you usually separate your thoughts, biases, judgments, habits, ideas from a Mediation

Process when you are the Mediator? 15:25

Again, in construction disputes, people tend to look for a more evaluative approach than a facilitative approach, because all the mediations that I have been involved in or disputes will be, will have a mediation clause in the contract so they have to be there. They've probably been through the process before somebody in, on their team would have been through it before.

So a lot of times they do want you to give a little bit of what what you actually think. And because it's they're arguing over the value of something and one person is saying it's worth 1,000 euros and somebody else is saying it's worth 3000, they do want you to be able to to guide them or give them some idea of what you're thinking. But, I suppose. What you're given your opinion then yeah, you have to be very careful about how you give it. And sometimes I would try and give it in. In, maybe a

story type fashion in it. I wouldn't hold it out as this is the answer. I would kind of say well this is how we handled it in a similar situation. So, it gives. You're not saying it's necessarily right but you're putting it out there as a possibility. It gives one side the chance to say well no it's wrong and one side or the other side to maybe see it somewhere in the middle. You're not gonna say definitively, this is the answer. You're kind of saying, ooh, I had a similar situation before and this is how we handle it so you're kind of maybe just putting it out there as an option rather than something that's definitive whereas when I'm acting as an arbitrator it's much. It's much different because they argue a point. Both sides argue the point and you make a decision based on logic so it's a bit more logical. If want of a better word, there has to be a reason for the answer as well. Hm, obviously in a mediation or conciliation and not as bound by the law in terms of the contract you can find solutions outside the terms of contract. If it's an arbitration, that's much more contractual and whatever answer you come up with there has to be. I suppose based in the contract or based in law, but the pressure there is different because if you can hear what the parties say and then you go off and sit in the room on your own with all the paperwork and just work it out yourself, without the pressure of somebody watching you whereas in mediation or conciliation they're watching it and you have, I suppose come up with solutions, in real time, so that there's probably more pressure on you as a Mediator and that probably goes back to your hypothesis that mindfulness is important to mediation.

2. Encouraging Mindfulness as a mediator when negative emotions are present

2.1. It is believed that the best strategy to deal with negative emotions in a Mediation is to focus the attention on:

The root or Core concern (relationship-wise) that activated the emotion, I.e.:

Appreciation, affiliation, autonomy, status, and a fulfilling role

What are your thoughts on this?

20:42

I think that kind of overlaps with one of my previous answers where I was talking of people not focusing on the real area and get because they're not mindful to get focused on all these ancillary issues. And probably both sides of the dispute don't really see how it's impacting the other person, they just see how it impacts impacts them. Hm, and, I suppose yeah by seeing how it impacts the other side and what accommodations you can make without impacting it you too much is is important, and again, I suppose I suppose I keep coming back to the area I'm most familiar with is commercial so if come down to. If you come back. It'll always come back to, to a number, so to speak for them. Sometimes it's then much easier for me to carve away all those ancillary issues by just kind of saying but even if you follow that through, will that result in me making a recommendation in an amount of money?. So, you can cut your cut and kind of trim away all those side issues and help to focus the people on both ultimately construction disputes, etc. Somebody has to pay more to the other side, or do work again. And, so, it ends up in the answer of it being a very different thing so you can always walk back from the potential answer to kind of strip away

I suppose, the, the white noise or the side issue and somebody told me once you have to be very childlike in your approach, and just ask for but why, but why, but why? and keep stripping away until you get back to the actual, the real issue and what's the problem, what's the behaviour, the causes. And how can it be fixed, unless you know what the real issue is, you don't know how it can be fixed.

2.2.. Would it be better for parties to be encouraged to express their negative emotions or would it be better for them to self-regulate internally in a Mediation?

23:48

No, I think sometimes it's. Obviously, the online example I gave you before where they just press the button and they're gone, and it's harder to get them back. Hm, no I think it's it's sometimes it's better if people, but I wouldn't be encouraging it all the time but if sometimes people let off a bit of steam, you can find, you can find out what they really feel like if they're if they're self-regulating. They're only telling you what they want to tell you whereas if they blow a bit of steam, they might tell you a bit more than you are hoping to get. Obviously, you don't want everybody's shouting and roaring at one another but it's it's no harm every so often if somebody, hm, let's go a little bit, and take tells you what they're really feeling or how it's impacting on them. And it might even do them good to let it out, sometimes bottling it up and self-regulating as you called it, won't be good either.

3. Mindfulness as a tool to enhance neutrality in mediations

3.1. How can you remain neutral at a Mediation? 25:28

I suppose that's foremost in my mind immediately. Obviously, the construction industry is a very small industry, and you're dealing, you're dealing in just one industry. So, there is a chance that you have come across these people before on one side, even just on on on Wednesday evening, I got an inquiry to resolve the dispute and straightaway I knew, I knew, both sides. Hm, I knew the person representing one beside and I knew somebody working for the other side so I. It's always in my mind so I just straight away I just put it out there; hm, by the way, I know one of the directors in each, each, hm, companies. I presume, this isn't going to be a problem. And invariably, they both came back and say it's not. And I'd say at the back of their minds, they were both recommended to me, because they thought they knew and didn't realise that the other person did as well. And then again it comes up because again it's a construction, as you know disputes linger on for a while so the mediation would be just one day, or the arbitration would be one day but there's all the back and forth beforehand and papers, and again because it's a small industry, conferences and events and things. You might actually bump into these people along the way so you have to be very careful not to be seen with these people

as well. If you're involved in a dispute so it's more than just in the room like I was talking earlier and saying you can't be seen to be favouring one personal or the other, either in what you say, or what you do but it starts from day one from the first email from the parties. I, I generally disclose straightaway what I know about the companies. And then invite them to check out my LinkedIn profile so they can see exactly who I know who I'm dealing with. And I think that openness from day one, helps both parties to understand the jerian, being independent and trying to be independent and trying to be neutral so I think it's something you have to demonstrate from ,from day one. So, they know when they're in the room that you're not taking sides as well as you've been 100% neutral, they will just start believing it. On the day you have to start there. From day one and all your communications with them. I suppose be even being balanced.

3.2 How can you use mindfulness to remain neutral, as a mediator? 28:50

I suppose, hm, probably in every step you take and every action you take is to maybe consider just before you do it, how this will be perceived by by each side in the dispute and being aware that you don't want to do anything that would upset either side. But on the other hand, you can't let them walk all over you either because that's what they're trying to be try to manipulate you as well. So, I suppose it's just that. And everything you should do, should be considered. I suppose, consider how will each side perceive what what I'm saying there or what I'm doing. I'd just be aware of that.

4. External Mindfulness

4.1. There are two kinds of external mindfulness, one of them can be defined as a state in which a person may experience a negative emotions or judgments inside of themselves, but they do not show

them externally to anyone. What are your thoughts on the external mindfulness while in a Mediation?

30:27

I don't think that would be helpful because you do need to know what people feel and what people think because if they're holding back and holding it in, they're not going to get a good result and if you compare it to, I suppose arbitration. You don't really care what either side thinks, because you've been asked to make a decision to weigh up the, each side of it and then come to a decision and, that's it. You do it but the outcome for a mediation or conciliation should be a bit more positive, and both sides should have come around to, hm, finding it the outcome to be acceptable. And again, comparing it to an arbitration. At the end of that, both sides mightn't be happy because one side might have lost and the other side might have won as much as they thought they would win so you could end up with two sides, and being dissatisfied but you've concluded the process whereas in mediation, the goal should be to have both parties maybe not happy but accepting of the outcome. And being able to move on. So, people that are. I suppose holding back, that that's not helpful to the situation.

5. Mindfulness tools

5.1. What tools do you use to remain mindful at a mediation? especially in those days in which you might be worried about something completely unrelated to the Mediation.

32:33

I suppose the next mediation I have is on the 20th of October. So, I have the day before and the day after time booked out in case I need to do stuff, obviously the day of it is completely blacked out and day before you try and keep quiet because you want to be in the right headspace. So, I think even like preparing for an exam you want to come into it rested and refreshed. You don't want to be tired or distracted. You don't want to have any other deadlines; you want to be completely available for that day. So I, I think even in my head. Even from this distance, I'm thinking, right, the 20th, that's, I keep

in that day, completely free. I'm not going to allow anything interrupt that day. I'm gonna make the night beforehand, I'm well-rested, time to read up. It's kind of the same approach I would have taken to an exam that you go into it; refreshed and with not with nothing else on your on your mind so that, everything else is kind of sort of put on the back-burner. So, again, a bit of like the new. It's kind of something that you're preparing for a long way out. I probably also have a call with the parties maybe on the Friday two or three days beforehand, to make sure that they're on the same wavelength that they're preparing for that day they're not going to come and be coming straight from a meeting or coming straight from submitting another tender or something like that, they're prepared for it as well. Because if somebody turns up that morning and goes, hang on; I need half an hour just to solve out another problem. You know they're not going to sort out the problem that they're there to sort out that day, you know, so think of it is just, just making sure that you're. If you have to make sure you have a good breakfast that morning. You know, you don't want to be hungry, don't want to be angry with anybody else, just free, free to mind, to do whatever has to be done that day like. A normal working day you're juggling 20 different balls and the phone is on, emails on and you're probably distracted the whole day but like. They like that I wouldn't be checking emails right and that wouldn't be a distraction.

5.4.

“” THE TAKING STOCK Tool: ADVANCED

1. Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI

Stop, Take a breath

Observe Body Sensations, Thoughts, Emotions

Proceed to Set a clear and simple Intention(s)

2. During the Activity Take STOCK:

Stop

Take a Breath

Observe Body Sensations, Emotions, Thoughts (BETs)

Consider

a) Have you been following your intention? Do you want to change it?

b) What are the positions and interests of the key person or persons? What are your own positions and interest?

c) What Next? ""(Riskin, 2015)

The most important characteristic of this tool is the ability for a negotiator to check if his behaviour is in concordance with their intention and interests.

What do you think about the THE TAKING STOCK Tool: ADVANCED developed by Professor Leonard Riskin? How would this tool help you in a Mediation?

40:25

It's a little bit like what I was saying earlier, just to consider everything you're doing and how might be perceived by the others at either side because it can be perceived well on one side and and probably on, on the other side. And so, I think I do find myself doing that, or some version of that. I suppose by accident, or even. I suppose you're trying to control your own maybe nerves more than, emotion because you don't want to get the wrong decision. It's a big responsibility that you have as a third

party. So, it's probably more nerves, or anxiety to start trying to control the commercial situation, because you don't want to get it, you don't want to get it wrong, which I think personally I would be constantly taking stock of what what am I doing, am I doing the right thing here. How would either side perceive it. And, I suppose a lot of the time you're trying to not show, give too much away or give anything away because you're afraid that it'd just go the wrong way. So, I'm not aware of that, tool, but I think I do find myself doing that, anyway. Just taking a step back. How is this going? If I was to say this, how would it be received? If I was to say that, how would it be received?. Or, I suppose both are the probably the one thing that you're trying to show all the time sure is that you're attentive and that you're, you're listening to what they're saying and they are taking it down, and even little things like taking notes, kinda makes it real. Oh yeah, he's taken on board for what I'm what I'm saying. And, see, yeah. Actually, I'd be interested to read more about that. You might want me to take a look at the title of it afterwards, and I'd definitely like to read a bit more about it and even mindfulness in relation to mediation I think I'll definitely read up a bit more about it now because 20 years ago nobody spoke about mindfulness and some people. It gets said, dropped, as a buzzword these days sometimes. I don't. I wouldn't claim to fully understand it but there's definitely a lot more talk about mindfulness now which which is good because people need to be aware of their, their mental health so they don't and they don't damage. I think, I, I first became aware of it when a friend of mine had a nervous breakdown. And I kind of look back and thought that could have been anyone that they obviously just didn't mind themselves. And, hm, I was just conscious of it after that. In the same way as you watch what you eat. Make sure you get enough sleep that you should watch your mind, it doesn't matter, be careful of it. It never heals as quickly as as a leg or an arm. So I suppose suppose that there was just one experience that started to make me aware of it, was seeing somebody else having a problem, and kind of the penny drop on me. It could have been me or any one of our friends, because we're all doing the same things, we all have the same interests and it's just how you how you deal with each other.

5.2. In your experience, is it best to encourage positive emotions by minding core concerns or is it best to remain mindful at a Mediation?

44:56

I'd say for the mediator it's probably better to remain mindful but for the participants, for want a better word, for you to side. You probably want to examine their emotions and examine the problem so you don't want them being in too much control. I'd say, if, if both sides were very aware of what was going on and very aware of what you were doing and it might be harder to bring them on the journey; they might be more resistant, they might. They might. Obviously just probably a little bit of manipulation of what we're doing, we're trying to bring two sides together. And if. And obviously questions is a very important thing in the process. I think if they were too aware of why you were asking those questions, or what you might be thinking that their answer might be more structural you might be giving you the answer they think the best suit them. *So I'd say, mindfulness is great for the mediator, but maybe not so great for the parties because you do want them to. You have to bring them along a journey from where they are now to to solution and if they were too aware of and afraid they were being brought, they mightn't be as open to the journey.* And to give you, I'm sorry I keep giving you commercial examples but that's what I know most. And, well, recently, they disputed for money, and there was a there was, it, there was an error the maths and they added it did wrong. And yeah, straight straight away they were like sure we've conceded 20,000 euros. You know, no, you haven't really, you just made an error, you're really looking for. They were kind of trying to say oh we made a concession already. We've come from 60 or 70,000 to 50,000. I'm saying, you really haven't conceded anything, because that that would that, was a mistake you've corrected the mistake. The real dispute is 50,000. Hm, And so, I suppose I come back to saying I said, Yep. Mindfulness is good for the person in the middle but people need to decide maybe don't want to be too mindful because they might be aware of too aware of what you're trying to do with them which

is move them closer to the other person and they might be a bit more resistant to that, if they were if they were to mindful.

5.3. In your experience, what tools parties in a Mediation use to manage their emotions? 48:45

Hm, I say a lot of them are trying to, portray an image or an act it isn't really them to try to pretend to know more, that they are more confidence, a little bit like a peacock. And they, they try to be more. Have you over exuberant or more cocky or confidence to try and and mask whatever weaknesses in their arguments or their position. Usually, all the ones I'd be involved in would be solicitors, and legal representatives and so they have all their manners of putting people down and I suppose kind of riling up the other side as well, to try and get tripped them up and you're trying to kind of keep that out of the mediation and keep it, I suppose, friendly for thing for want of a better word, perfect. Sometimes the lawyers, you have to try and keep it tight, hold on, because they can be very focused on the outcome rather than the relationship. It can upset people sometimes.

5.5. How do you use the CCF, Professor Riskin's mindfulness tools (STOP, Taking STOCK, and STOPSI) and external mindfulness at a Mediation? 51:04

I suppose you do. You use to treat them all the time but I suppose that that's why I kind of mentioned mediations quite stressful because there's just so much going on. And it's nearly impossible to manage all of those at the one time, to not manage your emotions to be even be what everyone else is saying. And so, I think you're doing that all the time and but it is difficult and challenging to not to not get caught out but, hm, I think, at the back of my mind I'm always kind of thinking, how will this action or how will this be perceived when I say it. And, I suppose to be very careful not to say something that was upsetting either side, because you want to keep moving forward rather than moving back and since it's a it's a bit like a journey and again it does start from day one from the first email. And, if you, if you could set out a good time frame and deal with the parties, fairly and professionally all

the time; it all helps to build that relationship so that when you're in the room together, they both trust you and again know you're there to resolve that. You know.

6. Comments

6.1 Would you like to share any further thoughts on the topic? 53:08

It's something I hadn't really considered hugely beforehand but I think I'm going to be after this I'm going to be reading a little bit more, and I'd say every day is a learning day. Hm, definitely something i'd be considering in the future. And if that test you are doing, you might WhatsApp me that a bit later. But again, every time you go into a mediation or dispute, right, you're learning something new. And, I suppose, the other aspect of it and somebody said to me before, and George's and I are doing it five days a week it's a full time job but as a mediator or an arbitrator is probably doing it as a sort of secondary profession because like i wok in the "xx group" nine to five five days a week, that's the primary concern but you are being brought in for your technical knowledge for one of these disputes. So you're not going to get it 100% right 100 % of the times but as long as you're open to learning new techniques and tricks all the time, you keep going.

Interviewee # 1: "Mary"

Profession: Certified Psychologist and Counsellor.

Location: Dublin, Ireland

1. Mindfulness in Disputes. Managing Mindfulness first-hand.

1.1 Are you aware of Mindfulness? Do you think it is useful when you are working with people who are in a dispute? 1:14-2:12

Um, so yes, I will be familiar with mindfulness and in a dispute. Yes. Um, maybe not at the beginning of the process, but more so during the process and what I'd imagine, I feel that over the years I've gotten better at, at being mindful, um, of all parties when there is a dispute, um, but sometimes if I'm not aware of it imminently at the beginning, it's if, if, if there's no progress being made, then it's that awareness about what other people might need. So it would sometimes it mightn't be before, um, I mightn't be aware before, but it might be more during a dispute that I become more mindful of the needs of the different parties involved.

1.2. What do you understand by mindfulness? 2:25-3:38

Um, will my understanding now, what would be the best mindful of myself in a situation and of other people and be present. So it's, it's kind of keeping it in the here and now. Um, so like the way I have understood it to be in my mind is asking myself what are my needs here and now, and then when other are involved as part of what are their needs here and there. And sometimes that can be very clear and sometimes it cannot be so where it's not clear, then I might ask for clarification but it is being mindful of yes, my needs in the present moment and mindful of, um, being aware of other people's needs in the present moment and trying to work in that way. And, and sometimes yes, it works well and sometimes it does not work. So, but that would be, that would be my interpretation of it. Yeah.

1.3. How can mindfulness influence people who are in a dispute?

1.4. How do you usually separate your thoughts, biases, judgments, habits, ideas when you are in conflict with someone else? 4:07-6:58

Very, very, very much depends on the individual situation. I personally find if I'm and in a work setting, I can be so, for example if it was with family, I notice the triggers are much faster so then yes, my thoughts and my judgments and my passions and all of those can be difficult to catch because the triggers are bigger. Whereas I find maybe with strangers or in a work environment or previous work environments, it's much more, um, I find my self-awareness is much, um, heightened, so the triggers are less and therefore I'm able to not let patterns or, um, judgements or thoughts, impact, and I can keep it very much about the here and now and with the goal in mind of what we're trying to resolve and keep focused on the goal. So the rest of the stuff doesn't impact as much, um, whereas with family, um, and obviously people closer, then I find the triggers tend to be more and therefore then it can be difficult to keep the goal in mind because it just kind of gets contaminated by all of these, um, I guess what works for me , so a lot of the time, not all of this is I guess, just aware of what's going on internally and what's my stuff, but what's for me to to resolve for myself internally. And then what may be, is being projected onto me by others so what is other people's stuff. And I guess the point I was trying to make there a few moments ago is that when I'm in work environments or with strangers or people that I don't know so well, that that's much easier for me to do what I find. Yeah. Then if it's, if it's more people closer and sometimes you can get a bit tricky and then it's afterwards, when I reflect on it, I realized that my stuff was interfering with the conflict. If that makes sense, if there's anything that maybe isn't, if there's anything that maybe isn't clear, if, because it seems clear to me, but if it's not, then be afraid to, um, ask me more questions to clarify.

1.5. How do you remain mindful when experiencing strong negative emotions (E.g. Fear, anger, etc) while you disagree with another person? 7:56-11:26

It can be challenging. And again, I think it varies from person to person and situation to situation because depending like if someone is really, really angry, we can, I can feel that energy. And so, yeah, of course our immediate reaction is if someone is extremely angry because we want to protect herself, um, I guess the more and more we practice it. And I think that's what mindfulness is

and being in the present moment, the more we practice that, the easier it is to manage when we have these tricky situations. But sometimes then, um, I find it works extremely well. And then sometimes, um, it didn't work so well, I guess like awareness is the key and the more we practice awareness and a lot of these things are easier to do. So when I noticed my emotions like increasing, increasing to the point that I feel that I might not be able to manage my emotions, then I might just remove myself from the situation just for a moment, just to take a time out and just do some breathing or some grounding or just what, and if I am able to remain in the situation, I guess, ask myself, what's really going on here. Like, is this my stuff? Like, has some something in me being triggered or is this someone else's stuff that's been projected onto? Because sometimes yeah, it can be my stuff, but sometimes it actually belongs to others, but I'm feeling it. So if I feel that maybe it's getting really strong, like if it's getting a 10 out of 10, then that situation I might try and remove myself just to just take a break there's just to just stop that what's going on. And, and, and like I said, yet, sometimes that's effective and sometimes it's after the fact when I've reflected on it, I can see a bit more clearly what was going on. And sometimes, yeah, it can be that I was triggered and sometimes it could just be that it wasn't my stuff. I could just feel the intensity of the other person's anger that then they just projected that onto me. And then I was able to see what that act was actually their stuff. So the more I feel like practice, then the more in situations I'm able to distinguish um about yeah. The emotions that are rising in me, like, are they my triggers or are they actually being projected daunting? And if it's my triggers, then you know, I try and do a few techniques in the moment so that I can just stay present to what's going on. But if it's projected onto me, then also I, um, even just awareness around that in can just help manage the situation a little bit better because if someone is projecting their anger on. It's just, it means they just it's. So there's so much of it in them that they need to release it. And then once I've released it, then we reach a point that it's easier to communicate. But in that moment, it's difficult to communicate.

2. A third party as an enhancer of Mindfulness in a Dispute

2.1. In your experience, how can a third party be of help for people who are in Dispute so that they remain mindful?

12:01-13:34

So I guess with the party, they have a different view on things because when we're engaging with someone one to one, it's like an excited, the third part is observing. They can see the whole interaction. So they're probably in a better position to see maybe what communication is being missed. And because they've kind of more of a, an objective views, like a helicopter view of the situation. So they can, they can pick up more on, on the direct communication, but also the indirect communication and the nonverbal communication. So they're probably in a position that they've just got more of a visual, an overall visual of maybe what's going on and also what might be, be not heard clearly between the other two parts. Um, so I think, yeah, third party has a bigger, has the bigger picture and therefore, yeah, they can, but I believe yet they could be more reliable because they're not in this case, are they, is a third party engaging or no, just.

14:18-16:52

So, um, I guess when you've got two people who want different things, both of them are going to be arguing their point quite strongly to get what they want. And when people are in that interaction, sometimes they're just so focused on what they want. They're not considering and maybe what the other person wants and why they want it. So sometimes we call that like, um, they're just trying to defend what they want. And sometimes they might think people in that situation might feel that the other person is attacking them. And when they're in that interaction, sometimes there's a lot of communication. That's just not being understood because both parties are so focused on what they want. They're not considering the other person. And I guess with, um, a third party, they can see clearly what's going on. And because they are so not personally invested that they can objectively maybe pick up on the subtext and maybe they can, I think they probably have a better visual on the

overall context so they can see clearer really what people are saying without actually maybe saying the word and they can keep bringing it into the present. Because I guess when you've got two parties who are fighting for what they want, and if, if they sometimes there's a lot of emotional investment, whereas the third party can stay stand back from that emotion investment and see things much more objectively. So it can help share those insights with the two parties that in that moment may not be able to see it because they're so focused on what they want. So I think, yes, the third party can keep it in the present and not go into the past and not go into like, I'm sure with the when too few people are in that place that they just want what they want and it can bring up a lot of emotions. Whereas the third party can have, um, initializing all of that. So yes, I think they have, they're in a very powerful position, of keeping it very present. I mean, in the phone.

17:18-18:00

They're in a powerful position because I guess with the other two that are emotions, they're so entangled that they're missing a lot of opportunity. They can stand back from all of that and can keep bringing them into the present, keep focusing them, keep understanding them at a different level that maybe the two parties cannot understand themselves. So it can keep just moving it forward in a neutral way. And, and so, yeah, I think they are in an, a very, um, powerful position in a good way to keep moving it forward, keeping it fresh.

3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present

3.1. How can you encourage mindfulness when there are negative emotions between parties at a Dispute and you are a third party who is not directly involved in the dispute? 19:40-22:52

Um, yeah, I guess again, it depends from person to person and how intense the emotions are, like, if you ever dealing, if there are two parties who are extremely, extremely angry, it can be very difficult to win. Okay. From that place whereby they're extremely angry and because they might feel they're being attacked and then the other person might feel they're being an attack. And then, so when it's in that really heightened state age of anger, it's probably best that everyone takes it on. And I, if there's a clear goal, if there's a clear goal as to what's being, trying to be achieved and keep bringing them back to that goal. So if it's whatever the outcome if both people are aware of the end goal, not necessarily their specific, but they specifically want, but the end goal so the end goal is just that the issue is resolved whatever way it may be resolved. But if the end goal is to resolve the issue, to keep bringing me back to that general goal and to keep them in the present, because I imagine their emotions are overtaking part because at some level they probably have felt hurt or they have felt other emotions and that that's still in them. And, and naturally they may want to get those emotions out. So it will impact the setting. Um, I guess the only thing that might have is the overall goal. So if it is just to the overall goal is to solve this problem without going into the specifics of it it's to keep them focused on the goal. Um, what, yes, I'd imagine it's going to be very challenging depending on the intensity of the emotions. Um, how negative the emotions are. Um, and sometimes I guess you have people in certain situations that feel hurt so their intention is to hurt to the other person. So it can all become quite entangled. And I guess what, how another party might help is just to, to remain objective as much as they can and just keep bringing it into the present and why they're both here and what the overall goal is. And that may work.

3.2. It is believed that one of the best strategies to deal with negative emotions in a Dispute is to focus the attention on the root or Core concerns (relationship-wise) that activated the emotion; such concerns are linked to relationships among negotiators. Also, it is believed that these concerns can

transform negative emotional states, stimulate positive emotions and have been identified to the needs for:

Appreciation, affiliation, autonomy, status, and a fulfilling role

What are your thoughts on this? 24:46-26:35

Okay. Um, yes, it would make sense. Um, I think as human beings, a lot of people just want to be recognized. They want to be, um, seen want to be heard. They want to be understood. They want to be validated. Um, so yes, it's, I guess it's helping people to, to understand in that context, you know, what the anger represents. If there's a lot of anger there, it's like, well, what is the anger really trying to communicate? And I guess the third part, the third party can help is, um, I guess between two parties, they might not be, they're not feeling the anger, but they may not be understanding it. And what a third party can do is maybe just help each of them to understand really what's being communicated. So that, that person then does feel hurt, does feel, um, respected, does feel recognized. And I think when, when people feel that it just happened to lessen the intensity, because there's a need behind the anger. And sometimes it is just sometimes basic need that's to be seen, be heard, to be understood, to be recognized, to be validated, to be appreciated all of those things. So yes, if it's the third party can help meet those needs in that environment, it might help, um, diffuse the really strong emotions that are there between the two parties.

3.3. As a third party, would it be better for parties in a Dispute to be encouraged to express their negative emotions or would it be better for them to self-regulate internally? Why? 27:36-30:08

Um, I personally believe it's great to express it because often, um, people assume that their point has been communicated and they assume that the other party should have understood them. And they assume that the other party should know how they're feeling. And the reality is this is that's not often the case at all at all. So when, when the emotion has to do with another person, I, I personally believe it's beneficial in a safe environment where there is a third party to express those emotions. So

then it becomes crystal clear what's really going on because often we're assuming and presuming that the people were communicating to have received the communication 100%. And unfortunately, that's not always the case. And if we get the opportunity to express to the other person, the impact that it's having and how we're feeling, then it helps the other person become aware of the, excuse me, it helps the other person become aware of their words and their actions because often we're just not. Um, so I think in that environment where it's safe to express the emotions, because there's a third party to help to create that sort of environment. And I would encourage them to express if it's the emotional, something to do with themselves, like it hasn't to do with the third party then I think that's an exercise to do internally. You know, if, if it's, um, what, what I might call it, it's connected to their level of worth. So it's, it's reminding them of other times in their life. Maybe when people weren't listening to them or people weren't respecting them. Then I do, I do think that's something they can work on internally, whereas has to, if the emotion is connected with the other party, then I think it's beneficial for both parties to know, um, the impact of them.

4. Mindfulness as a tool to enhance Neutrality in Disputes.

4.1. How do you use mindfulness to remain neutral at a Dispute? 30:43-32:26

Um, I think just, it's just checking in, inside all the time and just really just being present to the situation. And so if things are being said, or if emotions are really high it's, it's just really staying focused on the here and now and the goal that hangs in that situation. And so that's that, I guess there's a focus, the direction to go in and that just keeps it neutral when there's, if, if this really strong emotions and we're taking them personally, then we're going to go off on a different, we're going to go off and our thoughts and we're going to get lost in our thoughts and we're not really going to be present. Um, so really it is about. And if we notice that we have, you know, something was said, and

we had a thought and it took us off in a place that's just to become aware of that and bringing us back into the here and now what's, what's the focus of this and meeting, what's the focus, what's the goal? Like what, what do we want to achieve here today? And it's to just then we notice that our minds might start wandering, or if emotion brought up emotions to just keep bringing it back to the here and now and what what's, um, what everyone is trying to achieve. Like what's the common goal?.

4.2. How can you use mindfulness to remain neutral as a third party in a Dispute? 32:43-33:51

Kind of similar to what I just said there it's, um, it's just noticing when we're becoming distracted, be it by what's going on around us or be it what's going on in our heads or what's what the interaction is bringing up for us. And I guess it's tying back to what I said, earlier, it's just being aware of, okay, is this something in me or is it being projected onto me? And, and right now, what do I need to focus on? So it really is about just keeping it, bringing it back to present moment. And what's the common goal. Like what's, what's the overall goal because everyone in that meeting is going to have their own individual goal, but what's the common goal?. So it's to keep that as, um, the real focal point so that, um, it just minimizes the distraction, for the distraction happens and bring it back to the common goal.

5. External Mindfulness

5.1 There are two kinds of External Mindfulness. One of them can be defined as the state in which a person might experience negative emotions or judgments inside of themselves but they do not show them externally to anyone. What are your thoughts on this kind of external mindfulness while in a Dispute? 35:16-37:07

I believe it would vary that if I'm one of the two parties or if I was the third project, I think if I was the third party, it's so important that I do remain neutral and I do remain objective. So I might, ah, withhold sharing if I was in that role and what was going on internally, if, if I was one of the two parties I might feel the benefit of sharing it externally. If I felt I was saying something or trying to

communicate something, and the other person I felt judged by the other person, um, by how they were commenting or how they were responding to me, if I felt in that moment that it might be worth saying it out loud so that, um, some progress can be made then in that interaction, I might feel might be best to say it out loud, um, if I was in the third party position, I might feel that it may not be best to, in order to remain that position of being neutral, being objective. I might not say it out loud so that, um, it's not miss interpreters by either of the two parties. Um, so I guess it would depend on which situation I was in. And I guess it's important just to check-in inside of ourselves as well and asking ourselves, is there a benefit to sharing it out loud, like can it, would it be understood and are, would it be attacked or ridicule? So, yeah, it very much would depend on the situation.

6. Mindfulness tools

6.1. What tools do you use to remain mindful at a Dispute with someone? especially in those days in which you might be worried about something completely unrelated to the Dispute. 37:40-39:58

So some of the tools would be that I would use taking a deep breath. I just find that that just helps to center me. And if I find that there is another issue going on internally and it's not to do with the present moment when I definitely tried to judge and I'd just start internal self-talk, I just say to myself, okay, I will, I would address that issue earlier. I'm not ignoring it. I'm not dismissing it. It's just at this point in time, this is what I need to focus on this. This is what needs my full attention. Therefore, if it's something external to, um, external, if it's something from my external environment, that's going to impact my, um, the current situation, then I can't be true to the current situation cause I'm too distracted. So if I'm aware of that, I would just do good quality self-talk and just say, right, this issue, I would give it to my time and my attention later, but right now I need to focus on this issue. And it's, it's just kind of developing that internal voice that just helps to keep focused, keep focused, keep focused. And if I also find just breathing and grounding just helps me bring me into the

present moment and I can do that anywhere. I don't have to excuse myself from a room. I can do it in any meeting, just particularly if I know as my mind is starting to wander, I just keep repeating the word, focus, focus, focus. And so I find those kind of things, um help. Like, if, if particular my mind was starting to, to, to jump onto it, that's not related. So I just keep bringing it back. And, um, I find just repeating the word focus internally helps me. Um, those would be kind of the main techniques that I would use just to be in the here now. And not to let external situations interfere with the current situation.

6.2. Leonard Riskin, Lawyer, Mindfulness specialist and Professor at the University of Florida has developed some mindfulness tools to enhance awareness during negotiations. Such tools are based on the Triangle of Awareness developed by the Stress Reduction Clinic at the University of Massachusetts Medical Centre. The triangle portrays the connection between body sensations, emotions and thoughts (BETs) which are three elements of people's consciousness and which are key elements of mindfulness awareness.

Such tools aim to help negotiators recognise their inner state, go back to the present moment with mindfulness, help them to take action in a way that is congruent with their interests rather than in a reactive way and it also helps them improve their ability to manage conflict. The most recent tool is:

“” THE TAKING STOCK Tool: ADVANCED

- 1) Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI

Stop, Take a breath

Observe Body Sensations, Thoughts, Emotions

Proceed to Set a clear and simple Intention(s)

2) During the Activity Take STOCK:

Stop

Take a Breath

Observe Body Sensations, Emotions, Thoughts (BETs)

Consider

a) Have you been following your intention? Do you want to change it?

b) What are the positions and interests of the key person or persons? What are your own positions and interest?

c) What Next? ""(Riskin, 2015)

The most important characteristic of this tool is the ability for a negotiator to check if his behaviour is in concordance with their intention and interests.

What do you think about the THE TAKING STOCK Tool: ADVANCED developed by Professor Leonard Riskin.

How would this tool help you?

42:58-44:41

So, yes, I think it's a very good tool, not just for that role, but in life. That's a really good tool to have in life. And, and I think if we applied that to, in all areas of our life, it would be much easier then to implement it in difficult situations, particularly in work situations where, and there are difficult interactions with other parties. So, like with any tool, um, it can take a while to get used to it implemented, implemented, practice it and then become proficient. But yes, I think it's, it's a very useful tool to have, um, and not just in the work role, but in all areas of life. I think it's important that we do take, we do stop every now and then, take a breath, evaluate, see what's do a body scan. How, how is our body, what is our intention? Are we following it? Do we want to change it? And so I think it's a great tool to have in all areas of our life. Um, and like I said, the difficulty with any tool is actually learning how to use it. Um, so the first few times it might not work so well or we might, or whatever reason, but then the more we use it, we become proficient with it. And so, yeah, I think it's a really good tool to have.

44:53-46:18

I think the biggest benefit of a tool like that it is it's helping, um, us as people to be mindful of what's going on internally within us and being mindful of what's going on externally. And that's why it's a really good to have in all areas of life, because the more we do that, then the more we can keep ourselves separated from other people's drama that we can see clearly, like this is my stuff and that's their stuff. So then, so therefore we're better able to respond because we're not having tools like that. Sometimes we're completely unaware of what's our stuff internally, and what's actually been kind of projected onto us about what's externally. So the more we practice tools like that we can become proficient at and become more aware of, well, this is my stuff internally so I'll deal with that later when I'm outside of work and this is what's going on in the room. So this is what I did with here in my job. And so I think yet it can really help a person to distinguish it. It come clearer and clearer of

what needs their attention internally. And they would do that in their own private time. And then how to address the job and the goal that's in the room, including the other part.

6.3. In your experience, is it best to encourage positive emotions by using the CCF to address the needs for Appreciation, affiliation, autonomy, role, status or is it best to remain mindful at a Dispute?

46:57-48:48

Speaker 2: ([03:52](#))

Again, it's a be very situational, like it's not about being fake. So if, if, and I think if, if there's benefit in recognizing meth, if they're there, if those qualities are there. Um, I think there could be a benefit in recognizing them because often in a dispute, people are quite angry and they're very frustrated and they're very irritated and they're very annoyed and they're very pissed off. And sometimes it can be very hard underneath it all. Um, and sometimes recognizing the positive emotion can maybe diffuse a lot of that because maybe other people have never recognized them in the, in that person. And therefore, it might help them to go from a really place of being angry and frustrated and annoyed up to a place of calmness, because it might actually feel that they're being recognized and everyone likes good emotions. So, I guess there's a few factors as one, if it's authentic, if it's, if it's, if the third party believes that it could help in that situation. And it's real, it's not fake. It's not saying it was an agenda. It's saying it because it's, it's true. Then I think it might actually add some value to that situation. Obviously, if those things are not present, then no, I would reserve from saying them because then it will sound fake. Um, and the other person will know it is fake. So I think it's very situation to situation. I do believe if they're present and it could have the situation, I would think there's value in sharing them.

6.4. How do you use the CCF (needs for appreciation, affiliation, autonomy, status, and a fulfilling role), Professor Riskin's mindfulness tool: THE TAKING STOCK Tool: ADVANCED and external mindfulness at a dispute? 49:49-52:48

Um, okay. Well I think with the Professor's tool, I think the more we practice that, the easier we get at it. So it's not just waiting for a work situation because sometimes then if we're only applying a tool when we really, really, really need it and we haven't practiced it with it, and sometimes then it mightn't work to the same, um, effectiveness that we would like it to have. So I think that's something that I practice on an ongoing basis. It's just checking in, seeing, checking with myself, taking deep breaths to just seeing where I want, my intention is seeing if what I'm doing is aligned with that intention. So that's something I would do on an ongoing basis. And not just for tricky work, situation and the external mindfulness and the, um, like I, I think with practicing when emotions come up and sharing them with other people and would very, very much depend situation to situation. I do really believe for me, it's important to be authentic. And because I believe if I'm not being authentic, the other parties will know that I'm not being authentic. So then just know I'm bullshitting and that's going to impact, and that interaction as a mediator and with the other two parties. So if I believe that it can bring value to a situation and highlighting, um, some of their core conditions that they are actually doing really well, but maybe they're not aware of it. And if I believe by sharing that awareness, it could benefit situation, then I would share it. And so I guess it's being just mindful that people are people. So no two situations are going to be the same, even though if it's the same dilemma, if it's the same issue, two people are not the same. So it's modifying, um, How I would work in those situations and, um, being mindful of what their needs are and, and helping them to see that we're aware of what their needs are. Sometimes that's what, one of the biggest issues in communication is that, and their needs are not being met. And so it's recognizing what their needs are and seeing how they can be met, if they can in the current situation. But often that is one of the core challenges in communications is, um, expressing our needs and having those needs met. So it very much depends.

7. Comments

7.1. Would you like to share any further thoughts on the topic? 53:00-54:05

Um, I guess the only thing I would like to share is because communication is so vital and often we're not, we're not familiar with good quality communication. And with, with, with poor quality communication, a lot of things, get unheard. And that kind of brings back to the point of what our needs are. And then sometimes there is a huge, an emotional connection then to our needs. That's been that's can impact as well. So really good quality communication is so important, really, really important. And I also believe people becoming aware of what their needs are and then communicating their needs to others is a very, very powerful tool to have, which is the actual communication.

Interviewee #2: "Anne"

Profession: Law Firm Assistant with experience of taking minutes at Mediations.

Location: Dublin, Ireland

1.1 Are you aware of Mindfulness? Do you think it is useful when you are working with people who are in a dispute?

1.2. What do you understand by mindfulness? 0:43-1:07

Um, I understand mindfulness is the action of being present and practicing presence versus, um, I don't know. I think people emotionally are more worked up when they're constantly thinking about future endeavours or previous endeavours, which can cause more conflict, um, internally.

1.3. How can mindfulness influence people who are in a dispute? 1:23-2:25

Um, from my own previous experience, um, I can see that mindfulness, obviously, even if there is conflict, mindfulness allows for discussion and debate. When you know, people who are more probably, um, upset are the cause for a lot more drama, to be honest, it causes mediations to last longer when people are really, really upset, um, versus people who are practicing presence and mindfulness and willing to debate and negotiate, um, or discuss the endeavours at hand. Um, you know, because I've sitting in mediations previously, I've heard a lot of people say very threatening things because they're upset and they're angry. Um, you know, that it doesn't, it just adds gasoline to the fire versus actually making it productive to resolve, resolve an issue.

1.4. How do you usually separate your thoughts, biases, judgments, habits, ideas when you are in conflict with someone else? 3:49-5:04

Um, I think that it always depends what the discussion is about. Um, but from a professional standpoint, it's more along the lines of, um, there's going to be a resolution, um, whether we all get worked up or whether we don't. Um, but it's going to take a lot longer if we all get worked up about it or we all become upset. Um, so it's just the idea, um, to remain calm because only time will help you, um, resolve the issue, resolve the conflict. Um, and then from there, um, just as long as you're, you know, you can be upset, that's a valid feeling to have, but you know, taking it out on other people during the conflict is going to take a lot longer, um, especially from a legal standpoint, because there are potential things that you could be saying that could then cause another case, um, or be used against

you. So, you know, especially from a law firm or a legal standpoint when representing a client, um, you definitely recommend to keep, you know, to keep things like that to a minimum because you could potentially, um, jeopardize your position in a case.

1.5. How do you remain mindful when experiencing strong negative emotions (E.g. Fear, anger, etc) while you disagree with another person? 2:52-3:33

Um, personally, I was at a junior level, so it was definitely more of like a learning experience. Um, but I don't know if I definitely, um, well other people were experiencing negative emotions. I was practicing mindfulness. Um, I was trying to learn from the situation, so I was definitely a lot more calm than other people in the situation, but it was still stressful. It's still very stressful when other people are getting worked up and they're yelling, um, while you're trying to remain professional. Um, cause you know, when you're practicing mindfulness, especially in a work environment, you're trying to also keep your professionalism.

2. A third party as an enhancer of Mindfulness in a Dispute

2.1. In your experience, how can a third party be of help for people who are in Dispute so that they remain mindful? 18:12-18:53

And I think also having a third party there that, um, nobody is familiar with is best. Um, I, because you're more willing, um, to talk with a level head cause you're trying to also, you know, psychologically almost make an impression on these people as well. Um, so you're gonna talk to them more with a level head with an even tone and you're not going to be so worked up and you're going to want to communicate what's going on professionally and effectively. Um, I don't think, I think emotions are way too wrapped up if you just have two parties without that third party there to regulate between the two.

3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present

3.1. How can you encourage mindfulness when there are negative emotions between parties at a Dispute and you are a third party who is not directly involved in the dispute? 5:20-6:23

Um, I think by encouraging mindfulness, um, you know, I've seen mediators tell people to calm down, um, or to like take a second, um, to just think about something. Um, I've seen mediators in cases that will, um, come back with what the other party is looking for. They'll tell you what it is. And then they'll say, listen, I'll give you five minutes to think about it. And the mediator will then leave the room. And so then everybody can act or they can react as negatively they want or however they feel. But once the mediator comes back in the room, there is a level of professionalism and calmness. So that in the mediator, I believe does that so that everybody can get how get out, how they feel once the mediator comes back in. It's more of a discussion about what's going on, um, versus a reactionary it's more proactive.

3.2. It is believed that one of the best strategies to deal with negative emotions in a Dispute is to focus the attention on the root or Core concerns (relationship-wise) that activated the emotion; such concerns are linked to relationships among negotiators. Also, it is believed that these concerns can transform negative emotional states, stimulate positive emotions and have been identified to the needs for:

Appreciation, affiliation, autonomy, status, and a fulfilling role

What are your thoughts on this? 7:34-7:52

Um, I believe that, I mean, like I understand the concept and I've seen in mediations, um, between more senior figures that's definitely be the case about in between the two people, the two parties, it's one of the five that has caused the problem between the two of them

3.3. As a third party, would it be better for parties in a Dispute to be encouraged to express their negative emotions or would it be better for them to self-regulate internally? Why? 8:38-9:21

I would say from a time standpoint, absolutely. The self-regulation I would from. And I would only say specifically from a mediation standpoint, because obviously like that's not a healthy long-term practice, but from a mediative, when you express all your feelings in, there are more people expressing their feelings, it causes for greater stress. Um, especially when there are a lot of negative feelings, which to be honest, cause mediations to take longer, um, versus people who are self-regulating their emotions and discussing and negotiating, it would cause for a mediation to take less time.

4. Mindfulness as a tool to enhance Neutrality in Disputes.

4.1. How do you use mindfulness to remain neutral at a Dispute? 9:34-10:28

Um, I think it's dependent on the parties. Um, I think it's also dependent on their willingness to create a resolution, um, because if they're not willing to resolve the conflict, then there's no reason for you to be there. And your reason to stay neutral is significantly harder. But if two people can meet to agree to resolve the issue at hand and in like for example, and they're willing to mediate because some people go to mediations and they're not willing, they're secretly not willing to solve the problem. Um, but that's always kind of what I've noticed is the first step and the mediator will say that, well, you both came in today. You're both willing to agree and resolve this conflict. And that's why you're both here. So that's the first, you know, like, so there is common ground. Um.

4.2. How can you use mindfulness to remain neutral as a third party in a Dispute?

5. External Mindfulness

5.1 There are two kinds of External Mindfulness. One of them can be defined as the state in which a person might experience negative emotions or judgments inside of themselves but they do not show

them externally to anyone. What are your thoughts on this kind of external mindfulness while in a Dispute?

10:56-11:17

Well, from a time like logically from a timeliness standpoint, it is better. Um, you know, whether that's actually better for that person, um, to express those emotions out loud, maybe, but from a timeliness standpoint and like getting to a result in mediation, it's much better that they're not external.

11:32-11:40

Internalizing their emotions may cause more negative feelings about the agreement that they reached. Like possibly.

11:43-12:47

Expressive, expressive, negative emotions, cause for mediations to go on longer and specifically in Ireland, if you sit one session and you guys don't agree upon it over 12, like, like I sat a mediation, I would took 12 hours. They didn't come to an agreement. So, then they had to sit another Mediation six months later and they had to keep mediating between these two parties. Um, yeah, I think especially when it comes to, for example, I work in commercial, um, commercial law, um, when it comes to commercial law, people are just looking for a resolution cause it's more about money than anything else. Um, but if it was, you know, like personal disputes, you know, between, you know, maybe in family law or something like that, maybe that would actually be more true and more prevalent that, you know, maybe expressing your feelings is probably better and those types of situations. Cause then they would be more willing to agree to the terms that they agree to at the end of it. Um, but when it comes to commercial law, you know, at the end of the day, everybody is a limited liability company and they go home.

6. Mindfulness tools

6.1. What tools do you use to remain mindful at a Dispute with someone? especially in those days in which you might be worried about something completely unrelated to the Dispute. 13:07-14:18

I think deep breathing, people taking deep breaths, um, I've seen people, their coping mechanisms are getting up and walking, walking around the room, pacing, um, others, um, are, is speaking or just talking about it. Um, you know, and some people, yeah, they get up, they walk, they go get a cup of coffee. They think about, what's just being said, they go back. Um, you know, the thing about mediation is it's not like it's, it's a slow process. So like each step, um, you're coping again about what could come back. And to be honest, if you're, if it's a difficult mediation, then you're being blindsided every time the mediator comes back with the other person's expectations, um, which can, can cause a lot of stress. Um, you know, I've seen people yell at mediators. I've seen. Yeah. Like I said, people walk out. Um, I think personally what I practice is just deep breathing, um, as well as self regulation of my own emotions.

6.2. Leonard Riskin, Lawyer, Mindfulness specialist and Professor at the University of Florida has developed some mindfulness tools to enhance awareness during negotiations. Such tools are based on the Triangle of Awareness developed by the Stress Reduction Clinic at the University of Massachusetts Medical Centre. The triangle portrays the connection between body sensations, emotions and thoughts (BETs) which are three elements of people's consciousness and which are key elements of mindfulness awareness.

Such tools aim to help negotiators recognise their inner state, go back to the present moment with mindfulness, help them to take action in a way that is congruent with their interests rather than in a reactive way and it also helps them improve their ability to manage conflict. The most recent tool is:

“” THE TAKING STOCK Tool: ADVANCED

- 1) Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI

Stop, Take a breath

Observe Body Sensations, Thoughts, Emotions

Proceed to Set a clear and simple Intention(s)

- 2) During the Activity Take STOCK:

Stop

Take a Breath

Observe Body Sensations, Emotions, Thoughts (BETs)

Consider

- a) Have you been following your intention? Do you want to change it?

b) What are the positions and interests of the key person or persons? What are your own positions and interest?

c) What Next? ""(Riskin, 2015)

The most important characteristic of this tool is the ability for a negotiator to check if his behaviour is in concordance with their intention and interests.

What do you think about the THE TAKING STOCK Tool: ADVANCED developed by Professor Leonard Riskin.

How would this tool help you? 15:54-16:00

Yeah, I think, yeah. I think anybody who's sitting in a mediation that would be a helpful tool.

6.3. In your experience, is it best to encourage positive emotions by using the CCF to address the needs for Appreciation, affiliation, autonomy, role, status or is it best to remain mindful at a Dispute?

17:02

Absolutely.

6.4. How do you use the CCF (needs for appreciation, affiliation, autonomy, status, and a fulfilling role), Professor Riskin's mindfulness tool: THE TAKING STOCK Tool: ADVANCED and external mindfulness at a dispute?

19:40-20:31

I think obviously, like you said, you can use the five, um, the five characteristics to read what kind of conflict or what's what the core issue is. Um, but I still think like using things like stock and your

own professional career, especially working in law is very important. Um, because not only for yourself, but also your client, um, cause what could potentially come up if people aren't practicing mindfulness is, could make the situation a lot worse. Um, uh, yeah, but otherwise I would say, yeah, I would say there not only a dispute resolution tool, um, to be using specifically, you know, in mediations, I would say they're still very important arbitrations and things like that as well. Um.

20:38-20:42

Um, if I use them, I don't realize I'm using them

7. Comments

7.1. Would you like to share any further thoughts on the topic? 20:55-21:55

Um, I think mindfulness is a very, very important tool for not only mediators, but um, people participating in mediations to use. It may possibly even be a good tool to express to people who are potentially sitting in mediation prior to sitting in the mediation. Um, you know, and like I said, it's also a very cultural thing. Um, you know, because I, you know, like you said, a lot of this research is based on American researchers. Um, I would say a lot more American people are way more expressive about their emotions during mediations, um, versus Irish people. Um, so, you know, it's also a cultural standpoint too, because I think culturally Irish people are also more self regulated, um, versus American people as well. So, you know, also based on the culture of the people that you're dealing with, um, might also depend maybe on what mindfulness tools you decide to use.

Interviewee #3: "Conor"

Profession: Mindfulness teacher and Caregiver

Location: Dublin, Ireland.

1. Mindfulness in Disputes. Managing Mindfulness first-hand.

1.1 1.2. What do you understand by mindfulness? 8:23-8:41

then mindful is when I remember that I can take back my attention and just put it where I want to put it, you know, I just put it in my body or, um, a size or a sound or whatever it is when I remember and take control of my attention.

1.3. How can mindfulness influence people who are in a dispute? 9:02-10:23

Yeah. Um, yeah, I think, um, you know, in a dispute on either side, you can get very wrapped up in your part of the argument, you know, everything that you want to happen and that can kind of clutter, uh, what's going on. You can't see the other person and what they have to say. Um, cause your mind is so wrapped up in everything that you want to say. Um, but if you're mindful, you can kind of step almost like step out of your perspective and kind of see the other person's side of the argument. See maybe a more neutral objective perspective on the argument and then see your own position or place in the argument. So, it makes you more like balanced or something. That's what I find in any arguments I have that say mindfulness helps. Like I can remember like, Oh, this is my perspective. And I'm caught up in that now, can I take on the other person's perspective? And then can I take on like an objective perspective? So it helps you step out of your own story, your view on the argument.

1.4. How do you usually separate your thoughts, biases, judgments, habits, ideas when you are in conflict with someone else? 13:20-13:56

Um, uh, yeah, well, so firstly recognizing that my perspective isn't the only perspective, um, the other person has their own valid perspective and that even both my perspective on their perspective is limited. Um, so, you know, just recognizing that and just being hopeful about that.

1.5. How do you remain mindful when experiencing strong negative emotions (E.g. Fear, anger, etc) while you disagree with another person? 10:45-11:50

Yeah. Um, for me it's the main thing for me is it's just, it works. It's, it's the only thing that really works. And so that's, that's how I remember to do it. I don't, yeah, I don't necessarily, the reminder is when I'm doing something else, when I'm trying to think my way through the arguments, when I'm trying to judge my way through the argument, that just feels awful and it feels like it's not working. So then I try just bringing my attention to my feet or to my body, you know, something neutral and that just always helps. So yeah, usually the reminder is, and I'm doing something that isn't helpful. That's causing me to suffer, it's causing the situation to get worse and then I'll remember, Oh, I must not be practicing. Yeah. That's harder, um, to remain mindful like throughout. Um, it's the same process, so it's just harder. It's just a heavier race to lift. If that makes sense. You know, if it's a heated interaction, I'll really be pulled up into my head, um, working on helpful ways of dealing with the interaction. And I just have to, it just requires a bit more effort. I would say. I just have to be more effortful to really push my attention back into my, my body or my breath or, you know, whatever.

2. A third party as an enhancer of Mindfulness in a Dispute

2.1. In your experience, how can a third party be of help for people who are in Dispute so that they remain mindful?

3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present

3.1. How can you encourage mindfulness when there are negative emotions between parties at a Dispute and you are a third party who is not directly involved in the dispute? 14:33-15:50 One idea that comes to mind and it's kind of related to your last question, um, about, you know, how

do I kind of disconnect from my perspectives and biases and, you know, just encouraging, like coming back to the breathing or to, you know, maybe the sensations and the feet, um, or the hands just kind of restful sensations in the body, something neutral. Um, yeah, I just, I think that always just encourages, you know, a more open, uh, conversation again, it's just when two people are, have gotten stuck in their perspectives and they're just clashing all the time and nothing's going to work then, you know, if you can encourage, like that's take three mindful breaths or something. Yeah. So then both of them can step back from their own views, maybe see, see each other a bit more.

3.2. It is believed that one of the best strategies to deal with negative emotions in a Dispute is to focus the attention on the root or Core concerns (relationship-wise) that activated the emotion; such concerns are linked to relationships among negotiators. Also, it is believed that these concerns can transform negative emotional states, stimulate positive emotions and have been identified to the needs for: Appreciation, affiliation, autonomy, status, and a fulfilling role What are your thoughts on this?

18:27-19:25 Um, yeah, that's it, that's really interesting. I hadn't heard, um, heard that before. Um, it sounds like something that would be interesting to just name to both parties, you know, in a dispute, like, can we just establish here that you have these, uh, what is it, four things or five things that you deserve to have seen and met, but, and then you also have these five things that you deserve to have seen and met, but then my job or your job is to help both of you have these and just, yeah. Cause again, it moves away from like, I want to get everything my way. I want to get everything my way, not going to work.

3.3. As a third party, would it be better for parties in a Dispute to be encouraged to express their negative emotions or would it be better for them to self-regulate internally? Why? 20:10-21:15

Uh, yeah. I mean, it depends, you know, you definitely, that's a really tricky one. The one thing that comes to mind is I used to do this practice called circling. Um, that's, you know, rather than acting out the emotion, like that's a, there's a lot of anger present. Um, you know, rather than encouraging like shouting or whatever, it's just encouraging to express like, Oh, I use the STEM, STEM. I notice. So I notice I'm really angry right now. Um, so yeah, that's not suppressing, it's not acting, it's just like being honest. Like yeah. I notice I'm really out of here. I know. Or I notice I'm really upset right now. I don't think this is going my way. Just naming whatever is here. That just, I don't know if that made sense.

4. Mindfulness as a tool to enhance Neutrality in Disputes.

4.1. How do you use mindfulness to remain neutral at a Dispute? 21:58-22:54

How can you remain neutral in this day and aged, this news. Yeah. Again, for me, it's just knowing that, um, like my own kind of, uh, selfishness, um, you know, is, again, if I can just keep, if I can just keep attention with something neutral, like my breath, my feet on the floor, whatever it is. If I can just have that neutral perspective to turn to, it keeps giving me a new perspective or a refresh perspective on what it is that I'm wanting, what it is that I'm needing. So kind of tethering or anchoring my attention on something neutral throughout the dispute. That's yeah.

4.2. How can you use mindfulness to remain neutral as a third party in a Dispute? 24:12-24:35

Yeah. Um, yeah. It just, yeah. I guess being really clear from the ad set that you're here to, to serve both parties. You know, that the only way you win is if, if they both win, you know?

5. External Mindfulness

5.1 There are two kinds of External Mindfulness. One of them can be defined as the state in which a person might experience negative emotions or judgments inside of themselves but they do not

show them externally to anyone. What are your thoughts on this kind of external mindfulness while in a Dispute? 25:54-27:16

Um, yeah. Uh, I guess it kinda depends on what relationship it is. Um, you know, if it's my boss, then I'm not just going to express like the first thing that comes up. Um, whereas maybe if it's with a friend, I don't have to have as much restraint, you know, we're comfortable enough with each other that I can. Um, but either way, um, again, this is probably repetitive on my part as well, but the, um, yeah, if I can keep my attention grounded in my feet, my hands, my breath that helps allow whatever is coming up to really come up, not to suppress it, but to actually feel it and then just kind of find safety or, you know, converse in the restful sensations that are present. Um, and so that way, you know, and feeling what's there. Uh, but I'm also, I'm kind of anchored in something calm as well. And that usually is evident in the conversation then in the interaction I can stay calm, but I'm still feeding this, whatever it is.

6. Mindfulness tools

6.1. What tools do you use to remain mindful at a Dispute with someone? especially in those days in which you might be worried about something completely unrelated to the Dispute. 29:05-29:58

Um, I'd say that that's a question of, uh, practice, you know, that's just another, that's just another way to being added on and now it's, cause now it's not just the argument that I'm having, but there's also this thing in the background. That's churning on me as well. So it's even harder to define my breath or my feet on the floor. It's that might cause me to just go screw it and then lose it at the person, you know, that has happened. It does happen. Um, so yeah, that's very difficult, but I would say that over time, you know, the more you practice, the better you get and the more you can call both, you know?

6.2. Leonard Riskin, Lawyer, Mindfulness specialist and Professor at the University of Florida has developed some mindfulness tools to enhance awareness during negotiations. Such tools are

based on the Triangle of Awareness developed by the Stress Reduction Clinic at the University of Massachusetts Medical Centre. The triangle portrays the connection between body sensations, emotions and thoughts (BETs) which are three elements of people's consciousness and which are key elements of mindfulness awareness. Such tools aim to help negotiators recognise their inner state, go back to the present moment with mindfulness, help them to take action in a way that is congruent with their interests rather than in a reactive way and it also helps them improve their ability to manage conflict. The most recent tool is: "" THE TAKING STOCK Tool: ADVANCED

1) Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI Stop, Take a breath Observe Body Sensations, Thoughts, Emotions Proceed to Set a clear and simple Intention(s) 2) During the Activity Take STOCK: Stop Take a Breath Observe Body Sensations, Emotions, Thoughts (BETs) Consider a) Have you been following your intention? Do you want to change it? b) What are the positions and interests of the key person or persons? What are your own positions and interest? c) What Next? ""(Riskin, 2015) The most important characteristic of this tool is the ability for a negotiator to check if his behaviour is in concordance with their intention and interests. What do you think about the THE TAKING STOCK Tool: ADVANCED developed by Professor Leonard Riskin. How would this tool help you?

6.3. In your experience, is it best to encourage positive emotions by using the CCF to address the needs for Appreciation, affiliation, autonomy, role, status or is it best to remain mindful at a Dispute?

35:12-35:47 Both. Definitely both. Yeah. That's it's because of like a conflict is, you know, it's not just about you as, as, as easy as it would be. If, if it was just about you, it's not like, in my experience, if I'm just mindful of what's going on for me, it's not enough. I have to meet the other person. That's, that's how we get to the end of the, the conflict.

6.4. How do you use the CCF (needs for appreciation, affiliation, autonomy, status, and a fulfilling role), Professor Riskin's mindfulness tool: THE TAKING STOCK Tool: ADVANCED and external mindfulness at a dispute? 37:44-38:59

Yeah. Yeah. Um, well, I definitely don't, I don't think about them. I don't go into the conversation with all of these tools in my head that I have to remember, you know? Um, yeah, like, so this is just me personally, you know? Uh, and I haven't, um, you know, explicitly or intentionally tried to use mindfulness in, um, in a, in an argument or conflict before. It's just because I've been practicing for so long. And because I, because I'm so committed to the practice, it just happens that I, this is the thing I go to I'm in a dispute. The way it looks is the way it looks when I try to be mindful of with everything else, you know, tension comes to the breath. Um, yeah, I realize my perspective is not the only perspective. Um, there's going to have to be a compromise here at some point between us. How can we arrive at that compromise, um, and just keep using my breath the whole time to keep stepping out of my, uh, perspective or, you know, wants to have everything my way, you know, I kinda know that that's enough, that rarely works out. So, you know, just, yeah, just keep on returning to the breath and back all that kind of stuff. I feel just happens when you're, you know, stop taking a pause, observing, noticing what's happening. That not that naturally does happen for me when my attention is on my breath. I was like, Oh, I'm upset or, Oh, I'm sad or angry. Cause he did this before. You know, you get those insights when you bring your attention to your breath, you don't get them when you're just like da da da, you know? Um, yeah.

7. Comments

7.1. Would you like to share any further thoughts on the topic? 40:12-41:13

Um, no, I'd say, uh, I think it's awesome. You know what you're doing. Um, yeah, I think it's a tool. I wish people, a lot more people had, you know, or new image, um, like in, in my own personal experience, it's been the only way to actually resolve a conflict and find genuine sort of

compromise. And, uh, yeah, so, you know, I think it's great work and um, yeah, the more people know about it, the better and the more tools or the more ways people have to access it, you know, the better, um, yeah. I like, I liked that idea of the mediator as well as two people that have conflict. Cause it's so hard to remind mindful in a conflict as you have a person there to help those people. I mean, that's gold. That's really, really good.

Name: "Walter"

Profession: Software Engineer

Location: Dublin

1. Mindfulness in Disputes. Managing Mindfulness first-hand.

1.1. Are you aware of Mindfulness? Do you think it is useful when you are working with people who are in a Dispute?

Hm, yes so I think I know about it and I think it could be useful but it depends whether the people believe in the power of Mindfulness as well because sometimes they might be thinking it's not for them.

What do you understand by mindfulness?

Hm, I think It's just focusing on the present moment and focusing on your current feelings and still kinda be aware of your thoughts but not go down the rabbit hole with your thoughts and yes, so try to be as close as possible to the present moment.

How can mindfulness influence people who are in a dispute?

Hm, I think it could maybe make them take a step back and realise that some of the things they've been so angry about are not all that important or aren't hm like maybe help them see a way out the dispute and hm yes I guess that's it for now.

How do you usually separate your thoughts, biases, judgments, habits, ideas when you are in conflict with someone else?

I think it's just about taking the time and hm so try to when the argument gets heated maybe take a step back and maybe go in another room and breath in and breath out and just do that mindfulness exercise just all by yourself and then go back and be able to start all over a new man.

How do you remain mindful when experiencing strong negative emotions (E.g. Fear, anger, etc) while you disagree with another person?

Hm, I mean I'm not saying that I do it myself, right?. It's not necessarily easy to do so. Hm but ehh yeah I would say it's just maybe kind of training so if your mind it's already kind of in the habit of just realising that your you have some angry emotions, angry feelings, hm, then you kind of better deal with them but if you are just in the habit of getting carried away and getting really angry, hm, not kind of looking at yourself, taking a step back then it's very difficult to do that so I guess it's just practice.

2. A third party as an enhancer of Mindfulness in a Dispute

2.1. In your experience, how can a third party be of help for people who are in Dispute so that they remain mindful?

Hm, Well I suppose maybe if the third party has some kind of authority on the, on the Dispute or maybe on the people involved in the Dispute maybe that could help or hmm just I suppose calming presence and yeah I don't know if, like could the third party can get the people to actually do mindfulness or if they are kind of mindfulness-trained or mindfulness, hmm, I don't know whoever is guiding the meditation. Hm, I guess that could help. I'm not sure.

3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present

3.1. How can you encourage mindfulness when there are negative emotions between parties at a Dispute and you are a third party who is not directly involved in the dispute?

Hm, maybe I suppose, try to understand everybody's feelings and like the State of the Dispute and really. Hm, just actually act like someone who's trying to solve the dispute but also kind of make

everyone understand that they are not gonna always necessarily get their way and that they just have to strike a middle ground and just promote the compromise, I guess.

3.2. It is believed that one of the best strategies to deal with negative emotions in a Dispute is to focus the attention on the root or Core concerns (relationship-wise) that activated the emotion; such concerns are linked to relationships among negotiators. Also, it is believed that these concerns can transform negative emotional states, stimulate positive emotions and have been identified to the needs for:

Appreciation, affiliation, autonomy, status, and a fulfilling role

What are your thoughts on this?

Like it makes sense but yeah, I suppose if there is if there is anger, there's always something there, right? So, it can be that one person is feeling insulted or not recognised or any of those things right so yeah, I would agree that there's kind of personal background to a Dispute and that needs to be taken into account.

3.3. As a third party, would it be better for parties in a Dispute to be encouraged to express their negative emotions or would it be better for them to self-regulate internally? Why?

Hm, I think it's better to express their negative emotions because that can provide some clarity on how to resolve the dispute itself and that's kind of what the whole conflict resolution thing is about I suppose so I, yes, I'd be a proponent of sharing these negative feelings but not necessarily in the big outburst of anger but just as a kind of controlled thought-out way so maybe just put it in writing first and try to be reasonable first still and try to understand the other people's feelings and still try to be, you know, a decent human being and not hurt anybody.

4. Mindfulness as a tool to enhance Neutrality in Disputes.

4.1. How do you use mindfulness to remain neutral at a Dispute? 9:56

Hm, yeah, I think it's just like mindfulness so I thought about training so just the fact that it's, it lets you be kind of the witness of your own emotions with practice so you can definitely use that once you don't associate yourself with your emotions like at some stage, you know, your emotions might, can let you kind of side with one of the persons in the dispute, hmm, so, you might be tempted to follow that but if you want to stay neutral and you are mindful of these emotions then you can because you are not your emotions, you are kind of besides your emotions. You are kind of not controlling your emotions but you are aware of them so you have more power on that.

4.2. How can you use mindfulness to remain neutral as a third party in a Dispute?

Well I guess if you are a third party, you might already be neutral but if you somehow you look at the arguments and maybe at some point in time you might become more sympathetic to one or the other then yes, so just being aware of that and being aware of your own biases that, you know, maybe your background will like make you be more sympathetic to one of the parties so being aware of that and kind of knowing yourself and I think that's also part of mindfulness and that's how you can keep track of where you stand and why you are not really being neutral anymore and just being aware of those things.

5. External Mindfulness

5.1 There are two kinds of External Mindfulness. One of them can be defined as the state in which a person might experience negative emotions or judgments inside of themselves but they do not show them externally to anyone. What are your thoughts on this kind of external mindfulness while in a Dispute?

I think that kind of comes back to the question of whether you should share your feelings, negative feelings, hmmm, in a dispute so I think I'm kind of in favour of, of, of really getting it out there so I would say, hmm, that, that kind of mindfulness is, is good but I'm actually not sure I really understood what kind of mindfulness that was but it's definitely good if it kind of helps you understand your

inner feelings and help you get them out in a way that it's kind of appropriate and that doesn't hurt anybody.

6. Mindfulness tools

6.1. What tools do you use to remain mindful at a Dispute with someone? especially in those days in which you might be worried about something completely unrelated to the Dispute.

Hm, I would say breathing is one. Hm, also just ehm, I mean you can't really necessarily do that in the heat of the moment but maybe like do some exercises and things like that just to make sure you kind of take some tension out, you know, before you take part in this dispute.

I'd say kind of the same but different. So, how different? I think you just need to. I think Mindfulness, that can help you, practice in your life a bit so let's say you have, you kind of have to trust that by being in the moment, you can still take care of the problems because I mean, as you are involved in the dispute, there's nothing you can do about you other problems so if you kind of, yes, so if you, are in the moment and then you just kind of acknowledge you can do anything about your other problems at the moment and yes focus on the task at hand then.

6.2. Leonard Riskin, Lawyer, Mindfulness specialist and Professor at the University of Florida has developed some mindfulness tools to enhance awareness during negotiations. Such tools are based on the Triangle of Awareness developed by the Stress Reduction Clinic at the University of Massachusetts Medical Centre. The triangle portrays the connection between body sensations, emotions and thoughts (BETs) which are three elements of people's consciousness and which are key elements of mindfulness awareness.

Such tools aim to help negotiators recognise their inner state, go back to the present moment with mindfulness, help them to take action in a way that is congruent with their interests rather than in a reactive way and it also helps them improve their ability to manage conflict. The most recent tool is:

“” THE TAKING STOCK Tool: ADVANCED

3. Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI

Stop, Take a breath

Observe Body Sensations, Thoughts, Emotions

Proceed to Set a clear and simple Intention(s)

4. During the Activity Take STOCK:

Stop

Take a Breath

Observe Body Sensations, Emotions, Thoughts (BETs)

Consider

a) Have you been following your intention? Do you want to change it?

b) What are the positions and interests of the key person or persons? What are your own positions and interest?

c) What Next? “”(Riskin, 2015)

The most important characteristic of this tool is the ability for a negotiator to check if his behaviour is in concordance with their intention and interests.

What do you think about the THE TAKING STOCK Tool: ADVANCED developed by Professor Leonard Riskin? How would this tool help you?

Hm, I think it sounds expensive but I think it's probably a good way to go about things, you know, It's, it's basically mindfulness, right. It's just taking like these principles of staying grounded. I mean, mindfulness would just go, like follow your breath for a while, hm, but in this case, I mean, you know, you are kind of trying to keep your intention constant and keep track of that and once you. Yes, so you, you are still taking all of the sensations and feelings, inputs from the room and you just kind of consciously change your intention and that's, that's how probably we should always do things really and, I mean in an ideal world so sounds good, excellent, I validate the method.

6.3. In your experience, is it best to encourage positive emotions by using the CCF to address the needs for Appreciation, affiliation, autonomy, role, status or is it best to remain mindful at a Dispute?

Like, hm, it doesn't seem like the two are necessarily incompatible. I don't think so hm, I guess if you know the parties in the dispute and you think that there might be an issue with the core concern then should look at that but I think you should probably always kind of be mindful in the way you resolve the disputes and let's say, make sure things stay on tract and that's kind of mindfulness for dispute handling I would say.

6.4. How do you use the aforementioned tools?

I.e.: CCF (needs for appreciation, affiliation, autonomy, status, and a fulfilling role), Professor Riskin's mindfulness tool: THE TAKING STOCK Tool: ADVANCED and external mindfulness at a dispute?

How would I use them in conjunction together?

Hm so I would say so I guess you start with the taking stock. Imagine, you could say, I, once, like my intention is to resolve this dispute in one way or another, hm, then, you know, as you talk through things then you might image then ok well this guy actually has like some serious issues with recognition and then your intention might turn into something like, hmm, why, why, does Fred, hmm, really want to be recognised and how can we achieve that? And, and, so on and maybe that will kind of lead you to resolving the issue. Hm, that's probably how it would work I imagine but I have never used all these things.

7. Comments

7.1. Would you like to share any further thoughts on the topic?

No, I think mindfulness is great for your everyday life so, you know, and not just for conflict resolution. That's my final comment.

Name: "Otto"

Profession: Financial Analyst

Location: Germany

1.Mindfulness in Disputes. Managing Mindfulness first-hand.

1.1. Are you aware of Mindfulness? Do you think it is useful when you are working with people who are in a Dispute?

00:33

mindfulness? Yes, useful kinds of important to understand what the other side is coming from, what they think how they're thinking and just what are their end goals and an interaction is, just within workplace. Just understand if you're in a different departments, why different departments are trying to do different things? why sometimes you're clashing?. And just understanding that everyone has been tasked to do something different and that there has to be a resolution or just in what and how your actions are being governed.

1.2. What do you understand by mindfulness? 01:14

mindfulness to me is kind of just taking into account the other person's, where the other person is coming from, how they're approaching something. And just what their, how their mind is working, just how they're approaching how they're approaching their interaction with you.

1.3. How can mindfulness influence people who are in a dispute? 01:41

Resolution by understanding just what the outcomes goal is, and just why you're there and where you're trying to go? and provide a roadmap and help you execute that roadmap to accomplish something just in terms of if you're in the commercial thing? How do you reach an agreement? On a personal thing, it can be a bit different too but it can help just with friendships or anything just in terms of understanding what is going to have and what people are going to do.

1.4. How do you usually separate your thoughts, biases, judgments, habits, ideas when you are in conflict with someone else?

depends on if it's a professional or personal? professional it's just kind of question what's the situation?, hm, And why you having it? Is it just a departmental thing, or something? It's just policies are different and it's not a personal dispute. I mean, that's just professional, you follow the workplace

policies, you do your job, and you ignore the rest because it's not something you have to take home. If it's something at home, it's you kind of have to just consider the context and who it's with what the relationship is, and just decide for yourself how you want to approach it and what kind of outcome you want.

1.5. How do you remain mindful when experiencing strong negative emotions (E.g. Fear, anger, etc) while you disagree with another person?

03:17

Just try to remain calm and think it through before you say or do anything that you're probably gonna regret when you're not in an extreme emotion anymore. Because when you're angry, when you're upset, you tend to say what you think and you tend to react aggressively in the way that we probably blows, might be blowing something out of proportion, or just not be worth it. When you look at it from a one week or two or three week perspective. It's just, it feels good then there but it's probably not worth it, but you still want to do it.

2. A third party as an enhancer of Mindfulness in a Dispute

2.1. In your experience, how can a third party be of help for people who are in Dispute so that they remain mindful?

04:13

Third party can be useful just as a medic, mediator and a go between if it's a bad relationship, or if neither party just has very strong emotions about seeing or doing anything with each other. The third party can be useful just in terms of acting as a go between, to kind of smooth things down and set the groundwork to actually speak and resolve the underlying issue. Just in terms of family. I know that my grandma has always had that as a big moderator just between some of the more stubborn elements

of my family just when they were having a major argument or dispute, just getting everything calmed down and kind of putting it into perspective that this isn't something that they need to be fighting over.

3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present

3.1. How can you encourage mindfulness when there are negative emotions between parties at a Dispute and you are a third party who is not directly involved in the dispute? 05:33

Hm, I mean, the thing I've noticed is don't upset the parties more by doing something that they don't want to just, I know some cases, some people I've been with, it's like, yeah, you could help or something but if they don't want that help, you might be doing, making things worse by butting than if you just let things lie, I know just some people with some things like poverty and home repairs or something, tend to get very territorial. And if there's someone in who isn't really invited or doesn't have a stake, starts going and telling them how to do their business, they tend to get upset by that. So, avoiding bad whereas if they ask you for help them, help but thought, thought in where you're not wanted or really needed, because you might make things worse.

3.2. It is believed that one of the best strategies to deal with negative emotions in a Dispute is to focus the attention on the root or Core concerns (relationship-wise) that activated the emotion; such concerns are linked to relationships among negotiators. Also, it is believed that these concerns can transform negative emotional states, stimulate positive emotions and have been identified to the needs for:

Appreciation, affiliation, autonomy, status, and a fulfilling role

What are your thoughts on this? 08:30

Yeah, I mean, I agree with what I understand to be the idea of it is just that the overall influence or if you have other things going on just how your relationship is going in general, is going to influence how you react to something if you're already on very bad terms. You might only need one thing to kind of light the bonfire, so to speak and get everything to blow up. Whereas if you're having a good relationship, you've been asked something bad happened, but it just, it might not be so serious, because you have a stronger foundation to build off of. But yes, I think it's reasonable statement.

3.3. As a third party, would it be better for parties in a Dispute to be encouraged to express their negative emotions or would it be better for them to self-regulate internally? Why? 09:31

I think that's the question that it's just there's no right or wrong answer to, which is a kind of it depends on who the parties are, what the dispute is, what the negative emotions are, and just what the status is, if it's a professional business relationship, you might not want to be airing all that out because at the end of the day it's a business relationship. If I'm with my employer, at the end of the day, they pay me for my services. And if I'm not satisfied with that, I can leave and go somewhere else. Not not necessarily a case where I need to even think about every little thing. Whereas if you're on a personal like relationship or with your family, it might be necessary because at the end of the day, you can't just quit your family. I guess you can quit your relationship. But you can't just quit your family and technically, hm, you just need to address those big points. And the question is, if if you can meet in the middle, and if there's something a way to work through it today because otherwise, you're gonna have a problem there is just going to keep going.

4. Mindfulness as a tool to enhance Neutrality in Disputes.

4.1. How do you use mindfulness to remain neutral at a Dispute? 10:52

I mean, I just look so looking at my job, it's just kind of putting it into context, keeping things in context of my job, it's even if someone's kind of doing something that's really aggravating me at work. It's keeping the context that at the end of the day, at the end of the working day, I'm going to go home, and I'm going to stop caring about this and that it's a one, one item. And it's not my life. So I guess just keeping things in context and reacting proportionally to that context.

4.2. How can you use mindfulness to remain neutral as a third party in a Dispute? 11:42

Keep yourself from getting emotionally involved, or attached to either party, and just staying neutral and respected poker. Because if you start taking one side's viewpoint, the other side is going to see you as an advocate for that side, not as a mediator anymore.

5. External Mindfulness

5.1 There are two kinds of External Mindfulness. One of them can be defined as the state in which a person might experience negative emotions or judgments inside of themselves but they do not show them externally to anyone. What are your thoughts on this kind of external mindfulness while in a Dispute? 12:40

Helpful. Depending, I mean, it can go both ways. It's, if you are in a workplace, that's called professionalism. If you're in a relationship or a family thing, it's the kind of thing that if you bury it for too long, and there's the right place to address it, but if you bury it for too long, it tends to come up explosively. But it's, it's an it depends on the context. And it depends on if you know, what you're trying to accomplish. Or if you're trying to like do something with someone and what you're trying to attain be useful, it can also backfire on you.

6. Mindfulness tools

6.1. What tools do you use to remain mindful at a Dispute with someone? especially in those days in which you might be worried about something completely unrelated to the Dispute.

13:42

Me personally, just, I try to keep it in context that once like the outcome of this gonna be of this conversation. If I say, this nasty thing, or if I don't say this nasty thing, like, is this gonna have any sort of positive impact versus the negative impact? Just kind of keeping the Where are we going to end up at the end of this in mind, and not doing anything that I'm gonna regret five minutes after I say it?

6.2. Leonard Riskin, Lawyer, Mindfulness specialist and Professor at the University of Florida has developed some mindfulness tools to enhance awareness during negotiations. Such tools are based on the Triangle of Awareness developed by the Stress Reduction Clinic at the University of Massachusetts Medical Centre. The triangle portrays the connection between body sensations, emotions and thoughts (BETs) which are three elements of people's consciousness and which are key elements of mindfulness awareness.

Such tools aim to help negotiators recognise their inner state, go back to the present moment with mindfulness, help them to take action in a way that is congruent with their interests rather than in a reactive way and it also helps them improve their ability to manage conflict. The most recent tool is:

“” THE TAKING STOCK Tool: ADVANCED

1) Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI

Stop, Take a breath

Observe Body Sensations, Thoughts, Emotions

Proceed to Set a clear and simple Intention(s)

2) During the Activity Take STOCK:

Stop

Take a Breath

Observe Body Sensations, Emotions, Thoughts (BETs)

Consider

a) Have you been following your intention? Do you want to change it?

b) What are the positions and interests of the key person or persons? What are your own positions and interest?

c) What Next? ""(Riskin, 2015)

The most important characteristic of this tool is the ability for a negotiator to check if his behaviour is in concordance with their intention and interests.

What do you think about the THE TAKING STOCK Tool: ADVANCED developed by Professor Leonard Riskin?

How would this tool help you? 16:29

I mean, the thing with that tool is that it sounds like a professional training system for people who are engaging in negotiation and mediation on a professional basis. So, if you're acting as that kind of role and work in the workplace, as a lawyer, as a judge, job, or police negotiator, or therapist or something, I think it's completely perfect, just for that tool. In terms of personal life, I think the idea is curious for, but I think if you start coming to your personal relationship with that kind of stuff and start aiming at, I think people are gonna look at you a little funny, but I think the principles still apply. But it's totally clear. I mean, it's obviously something meant for professionals and these kinds of situations.

6.3. In your experience, is it best to encourage positive emotions by using the CCF to address the needs for Appreciation, affiliation, autonomy, role, status, etc or is it best to remain mindful at a Dispute? 18:07

It depends if this is what the context is, if it's for example, if my little brother, absolutely, I want to be encouraging, like sympathy and stuff, because it's a personal relationship while I'm trying to encourage him to do something, while I'm not necessarily a direct party, whereas if I'm not his therapist, or someone who's supposed to be looking at this from a third party, holistic mindset, or a counter party who's negotiating against him for something, it's, I mean, it's just depends on the context in what part of the relationship you're in. If you should be mindful, neutral or if you should be kind of encouraging positive emotions.

6.4. How do you use the CCF (needs for appreciation, affiliation, autonomy, status, and a fulfilling role), Professor Riskin's mindfulness tool: THE TAKING STOCK Tool: ADVANCED and external mindfulness at a dispute? 19:49

What's the dispute? is this between me and my dad, arguing about my dad telling me don't you dare give up your job? That's the stupidest idea I've ever heard. How dare you even consider doing

something like that? And me knowing that, this is just my dad that he will love me dearly after this, that he will support me no matter what I do. But he really is always going to be pushing us to do the right career always making sure we have an income decisions so knowing that, versus that and just knowing that I can easily react by saying some very nasty things to my dad, that I'm probably gonna get tomorrow and deciding whether or not I want to say those things or just smile, nod, stay neutral, and push the conversation forward. And then just go to the third-party mediator, my mom or my grandma, and tell them more of how I feel because I know there'll be more sympathetic and it'll be guided along. So it's just it's, again, depends on the relationship and just what you're willing to put in. And if you're willing to burn bridges at the end of the relationship.

7. Comments

7.1. Would you like to share any further thoughts on the topic? 21:02

No. You've been pretty exhaustive in your questions.

Name: "Peter"

Profession: Marketing Specialist

Location: Dublin

1. Mindfulness in Disputes. Managing Mindfulness first-hand.

1.1 Are you aware of Mindfulness? Do you think it is useful when you are working with people who are in a Dispute?

1.2. What do you understand by mindfulness?

I think it's having a state of mind where you are in peace with yourself, when you understand how you feel, and maybe you are being more balanced, mentally.

1.3. How can mindfulness influence people who are in a dispute?

I think the Dispute is always there can be people disagreeing with each other which is fine but it's necessary to be in a good condition mentally, so that it is here to solve the problem. I think that's the way I see it.

1.4. How do you usually separate your thoughts, biases, judgments, habits, ideas when you are in conflict with someone else?

Well, that's very difficult because sometimes you judge based on your experience, or your thoughts or your ideas. And based on that, you're dealing with a problem. And that's, that's not the best way to deal with a problem, because that means they're going to keep in your position. And maybe you're not willing to listen to the other so I'd say it's better if a person can isolate those thoughts, and the condition of the mind at that moment and maybe be more kind of open to listen to the other person. Yeah.

1.4. How did you remain mindful when experiencing strong negative emotions, for instance, fear, anger, etc. While you disagree with another person?

I think, again, maybe if we just listen and pay attention to what the other person says, we can think about what we are listening to. And based on that this is your first to make a comment or to say something or to maybe we don't have to agree anyway, we don't have to agree on something. We can disagree, but at least it can be a better conversation both ways.

2. A third party as an enhancer of Mindfulness in a Dispute

2.1. In your experience, how can a third party be of help for people who are in Dispute so that they remain mindful?

Well, in that case, try to be neutral. Try to be neutral and allow each party to talk in their own in their own time. Hm, allow each person to to say what they have to say. And if there is a moment where people don't feel uncomfortable, okay, allow them some time to relax and promote an environment of peace by avoiding any bad words or creating any bad atmosphere. Just create that peace in the room.

3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present

3.1. How can you encourage mindfulness when there are negative emotions between parties at a Dispute and you are a third party who is not directly involved in the dispute?

I don't know much about it, I think, you know, as I say in the past, maybe just allow that, that space to talk to each party, and therefore everyone maybe has the opportunity to talk. I think, in a dispute, people want to say something. There is a problem to be solved. In that regard, we need to allow each party to talk and to respect each other. I think that's the best way.

3.2. It is believed that one of the best strategies to deal with negative emotions in a Dispute is to focus the attention on the root or Core concerns (relationship-wise) that activated the emotion; such concerns are linked to relationships among negotiators. Also, it is believed that these concerns can

transform negative emotional states, stimulate positive emotions and have been identified to the needs for:

Appreciation, affiliation, autonomy, status, and a fulfilling role

What are your thoughts on this? 07:37

Ok, it's a bit complex in this regard, because there is a lot in it, you know, so, of course, negative emotions come from any type of source. And that happens, because maybe one of those areas is not being fulfilled, and therefore, the person feels like, Okay, I need to solve my problem in this area. It's just to understand, first of all, that we all experience negative emotions. And maybe the best way to deal with them is to accept them. And to understand that, first of all, we don't have to be ego centric, maybe being egocentric can be a problem but that's another story. Ehm, I think it's just, hm, I don't know much about it to be honest.

3.3. As a third party, would it be better for parties in a Dispute to be encouraged to express their negative emotions or would it be better for them to self-regulate internally? Why? 08:57

No, I think it's better to, to ask them to take all that out. To express those feelings because that's the best way to to deal with those problems, you know, because sometimes you don't know how to deal with them. So they Yeah, of course, the third party has to help, you know, for each person to talk and manifest and to speak out. Yeah, it's important.

4. Mindfulness as a tool to enhance Neutrality in Disputes.

4.1. How do you use mindfulness to remain neutral at a Dispute? 09:51

Hm, I think maybe as a third party to deal with disputes. I'd say, take some time prior to deal with the problem, time for yourself personally, where you can pull yourself together, maybe meditate, hm, have, be in peace with yourself. And maybe when you're in that state of being in peace, in calm, it's

easier for you to be with all our two people and try to negotiate, you know, with them. So, I'd say meditate and be in peace with yourself before you try to help other parties.

4.2. How can you use mindfulness to remain neutral as a third party in a Dispute? 10:44

How to remain neutral? Well, I think the best way it's just to understand that, if we want to help, we will have to not be in favour of anybody. We just have to listen, as a negotiator or as a. What was the word? As a mediator, we have to just be in the middle and listen, listen, observe. And then we try to help. Not being biased because that's not gonna solve any problem.

5. External Mindfulness

5.1 There are two kinds of External Mindfulness. One of them can be defined as the state in which a person might experience negative emotions or judgments inside of themselves but they do not show them externally to anyone. What are your thoughts on this kind of external mindfulness while in a Dispute? 12:14

Well, I think it's not good in my personal opinion. I think it's good to be honest, I know that to some extent, it's good to talk about those feelings because that like, hm, help you to get over those feelings and realize, look, once I've talked about this, maybe it's a step to, to get out of them, you know, about getting out of those problems. Hm, of course, you have you have to talk about those negative emotions in the in the, in the appropriate time in the proper context. Hm, I think that's the way I see it.

6. Mindfulness tools

6.1. What tools do you use to remain mindful at a Dispute with someone? especially in those days in which you might be worried about something completely unrelated to the Dispute.

13:22

Hm, isolate my personal problems, you know, be in the moment where, hm, I respect the, the, the parties that I'm trying to mediate with. Not just listening to my thoughts or listening to my ideas but just being open to these, you know, unheard. I think that's the best way; Isolate my own life from what's going on.

6.2. Leonard Riskin, Lawyer, Mindfulness specialist and Professor at the University of Florida has developed some mindfulness tools to enhance awareness during negotiations. Such tools are based on the Triangle of Awareness developed by the Stress Reduction Clinic at the University of Massachusetts Medical Centre. The triangle portrays the connection between body sensations, emotions and thoughts (BETs) which are three elements of people's consciousness and which are key elements of mindfulness awareness.

Such tools aim to help negotiators recognise their inner state, go back to the present moment with mindfulness, help them to take action in a way that is congruent with their interests rather than in a reactive way and it also helps them improve their ability to manage conflict. The most recent tool is:
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3) Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI

Stop, Take a breath

Observe Body Sensations, Thoughts, Emotions

Proceed to Set a clear and simple Intention(s)

4) During the Activity Take STOCK:

Stop

Take a Breath

Observe Body Sensations, Emotions, Thoughts (BETs)

Consider

- a) Have you been following your intention? Do you want to change it?
- b) What are the positions and interests of the key person or persons? What are your own positions and interest?
- c) What Next? ""(Riskin, 2015)

The most important characteristic of this tool is the ability for a negotiator to check if his behaviour is in concordance with their intention and interests.

What do you think about the THE TAKING STOCK Tool: ADVANCED developed by Professor Leonard Riskin.

How would this tool help you in a Dispute? 15:52

Hm, I think it really helps because that can help you to, you know, of course, there is a moment of maybe a lot happening in a negotiation. And we definitely need to take a step back where you are. Even though you're present in the room, you need to take a step back. As as he said, breath, you need to breathe. And then you know, try to isolate your thoughts and try to be back to the room and listen

and observe to the two parties. I think it's very good. It's a very good technique. And it's important because that person, the negotiator, needs to be present, listen and try to to promote peace in the room, of course, but try to yeah, to help the two parties.

6.3. In your experience, is it best to encourage positive emotions by using the CCF to address the needs for Appreciation, affiliation, autonomy, role, status or is it best to remain mindful at a Dispute?

17:09

Hm, I think maybe with the with the first one, I'd say but I think the second one is important as well, you know, so I'd say if I can say the two of them, you know, that would be good. You know? Yeah, I think the two are necessary anyway, because I think before you go to negotiation, before you go to mediate, you need to be in peace with yourself. You need to be good mentally, to be there and help the other people. And while you're talking to parties or people you want to help, you need to take a break yourself. And you need to be back mentally in the room. To, to, help. Yes. So.

6.4. How do you use the CCF (needs for appreciation, affiliation, autonomy, status, and a fulfilling role), Professor Riskin's mindfulness tool: THE TAKING STOCK Tool: ADVANCED and external mindfulness at a dispute? 18:14

Hm, I don't know. Yeah, I don't know.

7. Comments

7.1. Would you like to share any further thoughts on the topic? 18:28

Yeah, like, so It's to understand that it's not easy to be a mediator, you know, because sometimes you can be biased and that's not good, or sometimes you go to a negotiation with your own thoughts, ideas, or sometimes you think about your own problems in the middle of the negotiation, or you can

get destructive thoughts. That's not gonna help. You know, so I definitely realised by the technique developed by the Professor at the University of Massachussets. Anyway, this guy, Hm, It's a very good technique to help to, help the mediator to, to push or yeah, to push those thoughts or his personal problems or his personal ideas; Yeah, in situations where by knowing his mind, you know, push them away and try to be back in the room, breath and try to help so yeah, I think this investigation is a it's a very good step to, to dig more into how to improve the negotiation process, the mediation process. So yeah, very good.

Name: "Jay"

Profession: Security Guard

Location: Dublin

1. Mindfulness in Disputes. Managing Mindfulness first-hand.

1.1 Are you aware of Mindfulness? Do you think it is useful when you are working with people who are in a Dispute? 00:15

Yes, it is really important for you to be Mindful when you're in any kind of dispute, even in the normal life of your business. So, you don't overreact for the things and things don't get to the worst.

1.2. What do you understand by mindfulness? 00:36

It's, it's mindset, like, let's say, I'm aware what I'm doing. I'm not overwhelmed with the things or kind of I'm not overreacting. I know. Like, I would say in the simple words, like I'm in my senses, I know what exactly I'm doing. Not, I'm really joyful, If I'm not wrong.

1.3. How can mindfulness influence people who are in a dispute?

01:18

Yes, exactly. What I believe is, if you are not in mindfulness, your mind is somewhere else. And if you're in a dispute, let's say there is some issue and we are in kind of a mediation process, or we are with some solicitor and she's asking me something, and I'm saying something else, or my mind is somewhere else, or there is mad words, resolving, and I'm thinking or I'm overjoyed of something that could take the case on another level, probably things which we are winning could lose, or things we are losing, could win. So, it is really important in the mediation, so you have to be really careful with these things.

1.4. How do you usually separate your thoughts, biases, judgments, habits, ideas when you are in conflict with someone else?

02:15

Well. It is, it is, it is bit odd to be honest with you. But we have I have to draw a line between my feelings and my professional jobs. Like you can't get the best people around you. That's the truth. We have to work there. That's the thing. I always say at my workplace, like, Listen, we like it each other or not like it, we have to done this job. So, I think that if, I think I believe I know what I'm doing probably I have already kind of strong strength, or I would, what would be the right word for this, like, I know what I am doing. So, I think I have a draw a line. So, I don't like you know, really overjoy or stiff, or I don't get paced on a really small thing or a really big thing. I know what's, what's my line is so I don't cross it. And regarding the decision making, I would say it's a fact at some levels, even though you try it. Some time we get biased. Like if I like somebody, there is a job opportunity over there, you know in a company and I'm the manager and there are two candidates with the equal skill level, equal kind of education, for some reason, would be like bit biased toward who is my friend because I know him personally. So yes, we try I try to draw a line but I think there there would be a fault of any person in that situation. That's why what my feeling is.

1.5. How do you remain mindful when experiencing strong negative emotions (E.g. Fear, anger, etc) while you disagree with another person?

04:09

Well, it's, it's it's a good question. Like Normally, I pray if I have that kind of issue. And certainly, luckily, I wouldn't say Luckily, unfortunately, a couple of days ago, I have an issue at my workplace where due to some stuff and Visa and stamp 2, I got that issue. They just cut my hours and I was planning to go on my holidays in three weeks period, and it's kind of a long holiday and I had planned a lot. And I was depressed about it. And then I realized it like there is nothing which we could change. And I just think and I just sit back and relax for a bit. And, that time I actually wanted to send a brief email and say this, this, blah, blah, blah and then but that's the thing when I'm angry, I don't send any emails or or I don't talk, I just I just want to be stay quiet for 10/15 minutes, just talk to myself to not react to the situation, because I believe if I will react that situation on the spot, I will make it worse. Because I know my personalities. So yes, I, I emailed my manager in offer, like two hours, if he can do something, and he told me there is something which we can't do it because of some legal thing. And that was all but I would say because I kept quiet, I just calmed myself before replying him back for email, if I will email that in that two minutes or three minutes, probably I will write a lot of bad things on it. So, I would say what I do is I just relax. And if I am like stressed, I just pray. So, pray and quiet for an hour or two. That works for me.

2. A third party as an enhancer of Mindfulness in a Dispute

2.1. In your experience, how can a third party be of help for people who are in Dispute so that they remain mindful?

06:20

For the third party? First of all, I would say they need to understand the both party opinions, their situation, they just cannot make a decision or they cannot make a perception by reading a file of book or paper. Let's say there is a dispute in the office and you call manager, tell a story. And which is backed by a couple of supervisor. Yes, that thing happened that person angrily shouted. So that's why we took these action but if instead of saying that thing stayed to the second person, just asked that person like, what do you think about it, why this thing happened? Or instead of even asking, like, why this happened? ask, Can you tell us what exactly happened? And if his story matches? And if there is a difference, just ask him can you tell me like why it's happened or just trying to be feel him comfortable, feel him like, you know, you're kind of a family thing and tell him all the pros and cons of his decision if he is a bit angry, or he is saying something is not mindful, saying something which is not making sense and going against either party, just try to explain him and tell him to keep calm because sometime we don't know the exact situation of the people life. I know like sometimes we just got judgmental, and we said, okay, this happened. So, you got to lose this, let's say a case or something or he's a bad person, he misbehaved, but we don't know, we know people for like, let's say for the workplace nine hours, but we don't know what's happening in their life, rest of the 15 hours. So, I would say, first before making any decision, or just if we are third party mediation, we have to know about them. Not just regarding the case, but regarding their personal life as well. What's affecting them, what's affecting their personal life was the things that basically pi**** them off. Like, I always give an example like some Muslim people, they don't like the word for pork or something. So you have to use a different word. different words, but some of them It's okay but some of them they got pissed like let's say, you're doing a mediation and you use some kind of word or some kind of slangs like that, which like, you know, can take them off from their track. So, what I believe you have to really study about the person if you're doing a mediation mediation of third party you have to understand, know the person and if it's a company, you have to get what are the dynamics of the

country, what are sorry, company? What are their past experiences? What are the past cases before making any judgment because you cannot judge anybody on any isolated event.

3. Encouraging Mindfulness as a third party in a Dispute when Negative Emotions are present

3.1. How can you encourage mindfulness when there are negative emotions between parties at a Dispute and you are a third party who is not directly involved in the dispute?

10:12

Well, first thing, what I, what I believe is you don't have to put if there is a negative emotion involved, you don't have to put all both parties on the same table. First, you have to separate it and talk to them separately, even though you are not directly involved but you are in a part of a mediation process now. So you have to deal with it, like it or not. So, what I believe you have to separate them and tell them the cons of being negative, and tell them how situation can be accelerated and could go wrong on the both sides, or even either side, just tell them okay, probably You're right. But with these negative emotions, and all that stuff, it could go worse, and it could go bad on your side as well but I believe if you will communicate this thing and tell them, you have to understand you have to be mindful on this situation, you have to watch your words your action it could have and the only thing you can do is you can communicate because you're just a third party, you probably don't know that much. And what else I can say? and you don't have any kind of family term, so you don't know them for a longer period. So all you can do is communicate, but what I will say what I will say is communicate them separately before pulling them all together to on one table. So, it can it can I wouldn't say like that will totally vanish all that negative vibes will be totally vanished, but it will be better than before. So, I can say from a worst-case scenario.

3.2. It is believed that one of the best strategies to deal with negative emotions in a Dispute is to focus the attention on the root or Core concerns (relationship-wise) that activated the emotion; such concerns are linked to relationships among negotiators. Also, it is believed that these concerns can transform negative emotional states, stimulate positive emotions and have been identified to the needs for:

Appreciation, affiliation, autonomy, status, and a fulfilling role

What are your thoughts on this?

13:15

Well, I'm not aware of that in that in-depth but that is true some time that mindfulness can take that, those emotions. Honestly, I cannot tell. Honestly, I have no idea. How can you do it?

3.3. As a third party, would it be better for parties in a Dispute to be encouraged to express their negative emotions or would it be better for them to self-regulate internally? Why?

13.50

Well, they have to express, I would say they don't have to express their negative emotions. because if they do situation can be accelerated, for what I believe it depends on the relationship between the parties, like if it's a dispute is between a family, yes, they have to take all that negative emotion in front of both parties, and tell them listen, these are the issues and we need to set up that out for if it's something related to two different companies who now are going to match or that's their last contract. So it's better to keep their emotion internally just solve this dispute and move on. So that's what I believe.

4. Mindfulness as a tool to enhance Neutrality in Disputes.

4.1. How do you use mindfulness to remain neutral at a Dispute?

14:52

We have couple of issues. I was working for one of the company before if I remember 2016. We have a fight between two security officer, I was working as a security at that time. Have that fight over there and sort of, and the supervisor came in. And they asked me for that report. And one of the guy he has that that was his fault, because he was drunk that time. And I told him, yes, we have an issue, I cant tell you but this is not the right time, because I know the emotions are so high that time, if I could say, so if I would say something that time I'm in front of him, he could be furious. And it could be like, you know, negative emotions can occupy him, and probably he could start a fight with me. And it will be a bigger mess, or I made a report, even though that guy was my, one of my really close friends at that workplace. So yeah, I made that report. And I told him like that was that person call, and he was actually drunk at work. And later on, he got fired, but I was not biased that time, I think, I believe it is what it is so we have to for some so Yes. I think I think I can we can be can't be biased. We can overcome this situation but I think, I think you should just like it's a saying in my country, I don't know how exactly to say in English, like never forget your roots, something like that. Like you have to be really careful. I know you have to make a friends. But you're never leave the honesty, you never can't be biased to a person.

4.2. How can you use mindfulness to remain neutral as a third party in a Dispute?

16:49

Me?. Well, I have to listen. Both parties, what exactly happened? Let's say there's a dispute between two parties, I have to listen, I have to know, the background of the both parties, even though I know

like one part is really bad with let's say, there is an employee disputes, or some physical dispute, I should not put in my head, like, Okay, this party has this reputations from the years, I have to see that matter, I have to be just careful what exactly happened on that time on that scenario for that particular period. I should not consider before it or after it. Because that's not my job of that. What can I say if I will focus it, I don't get emotional. I have to control my emotions all the time to be like, you know, really focused listen to both parties, before doing mediation or kind of making a decision and you know, explain each other, okay, this thing happens, we have to move on. Or we can improve the situation and tell them listen, that work, I would say focused communication could help us could help me to not be biased and make that decision.

5. External Mindfulness

5.1 There are two kinds of External Mindfulness. One of them can be defined as the state in which a person might experience negative emotions or judgments inside of themselves but they do not show them externally to anyone. What are your thoughts on this kind of external mindfulness while in a Dispute?

18:48

Well, what I believe is it's, it's, it's not bad, because if you have any kind of negative one, you are not expressing it. Right? So, I wouldn't say it will affect overall situation, it could affect like, you know, the decision, or Well, how do we say it? Because if I am, no, if I'm internally mindful and externally not showing, can you repeat that? Yes.

19:42

Yeah, if he was, he should not have that negative thoughts in his mind but if he's not expressing it externally. I wouldn't say it's bad. I would say it's good. I would say like you don't have to express your bad thoughts while you're doing a mediation, because it could affect and it will show like you are kind of biased So, it is, it is bad in a sense, like it is shows like your bias, even though it's internally we can't see it but, you know, your conscience could tell you like, you know, you're thinking like that but I would say if if if he's not showing externally and it's not affecting he's not affecting a decision, It won't effect. That's my personal opinion which I could be wrong watching if he's not expressing it. He's not making any bias to see and that's fine. That's hers personal or personal thought. So, you know, we can't change it.

6. Mindfulness tools

6.1. What tools do you use to remain mindful at a Dispute with someone? especially in those days in which you might be worried about something completely unrelated to the Dispute.

21:08

Well, I keep quiet, like, if I, let's say, if I'm not focusing, or if I'm not getting it, or if I even I'm getting angry on a thing. I just keep quiet. I just I just ask, like, I'm good. I just ask the person, would you mind if I have like 10 minutes?. I can talk to you later. Currently, I can't focus. I think that's the thing. I would say every person has a different mindset, different personality, one thing which work for me, probably won't work for you. So, what I do, what my personal tool is, like, I just, I just leave that space. I just need that 10 minutes to be on there. Like even if I was a, I think it was a few weeks ago, our we were having a meeting and we had some issue at office. And, I was talking to the guys from Paris and London. And I just I was like I was not, I can't focus at that time. And I just request guys would you mind if we had a 10 minutes coffee in? and all were Okay, and because I would say, take

coffee, take a break, take 10 minutes break but I think everybody should know how it could, get focus and get mindful so I would say for me break is work. I'll take 10 minutes break and then focus back. So, yeah.

6.2. Leonard Riskin, Lawyer, Mindfulness specialist and Professor at the University of Florida has developed some mindfulness tools to enhance awareness during negotiations. Such tools are based on the Triangle of Awareness developed by the Stress Reduction Clinic at the University of Massachusetts Medical Centre. The triangle portrays the connection between body sensations, emotions and thoughts (BETs) which are three elements of people's consciousness and which are key elements of mindfulness awareness.

Such tools aim to help negotiators recognise their inner state, go back to the present moment with mindfulness, help them to take action in a way that is congruent with their interests rather than in a reactive way and it also helps them improve their ability to manage conflict. The most recent tool is:

“” THE TAKING STOCK Tool: ADVANCED

1) Before the activity in question (e.g., a negotiation, a hearing, or a difficult meeting):

SET AN INTENTION USING STOPSI

Stop, Take a breath

Observe Body Sensations, Thoughts, Emotions

Proceed to Set a clear and simple Intention(s)

2) During the Activity Take STOCK:

Stop

Take a Breath

Observe Body Sensations, Emotions, Thoughts (BETs)

Consider

a) Have you been following your intention? Do you want to change it?

b) What are the positions and interests of the key person or persons? What are your own positions and interest?

c) What Next? ""(Riskin, 2015)

The most important characteristic of this tool is the ability for a negotiator to check if his behaviour is in concordance with their intention and interests.

What do you think about the THE TAKING STOCK Tool: ADVANCED developed by Professor Leonard Riskin.

How would this tool help you? 24:45

Well So what I think is it is it is a really good tool like the way he explained the triangle to stop and think about the things and emotion and check your inner self-mindfulness. That's what I said earlier on. That's a tool, which I personally use as well, if there is something I just stop, like, I take a breath, and think about it. And probably I was doing the same thing but I don't know about this story before. So I'm not, I wasn't sure like this. This is actually a tool, I thought, it's just my personal thing, which I too, I take a break and think about it, if even if there is some issue and things are getting really hard.

And I was like, Okay, let's take a break. So, I thought that's my personal info, it's good to know, there is a big study on this. And I think if this tool can help me and already this tool is helping me, because I always use this tool like to not cool up to the things. So yeah, it is it is it is already helping me. So I, can't tell how it can help me because it is already helping me in this case.

6.3. In your experience, is it best to encourage positive emotions by using the CCF to address the needs for Appreciation, affiliation, autonomy, role, status or is it best to remain mindful at a Dispute?

Well, it is good to be mindful at the dispute. But I think you should encourage that positive vibes during that mediation process as well. Because I think the positive thing always have a positive effect. Yes, it is good to be mindful as well. You know, you always want a best result, you don't even you're doing a mediation, your purpose just not be to make one party happy for just to adjust this, you have to be yes, you have to do justice and be fair. But you have to take a thing positively while you finish. So you will remember in a good person, by the port parties, like you encourage a positive things, or the dispute could be really bad for maybe a chair or whoever was here to assess or mediate or an issue, he was a good person. And personally they will feel like you have a really good core values. Or if you're representing your company, they will talk about like he was trained so good. So he took all the positive things and so yeah, I think you should you should bring all the positive things of both parties and talk about that. And being mindful as well on the same time like you know, you should not be that positive that you got emotional and you forget everything you know what you're supposed to do for you have to be keep balance in both things. What I will say

6.4. How do you use the CCF (needs for appreciation, affiliation, autonomy, status, and a fulfilling role), Professor Riskin's mindfulness tool: THE TAKING STOCK Tool: ADVANCED and external mindfulness at a dispute?

03:52

Well, what I would say, like, let's say the tool this professor has, you have to appreciate real like there is a dispute but if there is a dispute between a supervisor or a staff or manager with the supervisor, I would like to talk with them and probably I will ask them you have a better position you are on a top position you have to show some kind of sympathy, you have to show yourself big and you know, if there is a small mistake or something if you can forgive it, it's good for you or it will leave a positive impact on your just employer anything or bigger company with a smaller company because well that that could help like you know, I think that's we can use in the madej mediation we can use this tool so yeah with the affirmation part, I totally agree with it. Yes, we can applause them, we can applause them, to the both parties or one of the parties and I would say, it can, it can leave a positive impact on the both parties.

7. Comments

7.1. Would you like to share any further thoughts on the topic? 05:08

Well, I would say it is a really good topic. And believe me, there would not be many people who knows about this research before. I don't think so. Even to be honest with you, I was not much aware of this topic like this could be a topic in the words, I'm so delighted like you chose this topic. And well, we people are using it but probably they don't know this thing actually exists. Yes, we all hear about maybe mediation, like, there is a person who will come and solve the issue, but we don't know the struggle behind it. What kind of tools he's using, it was the thing he's keeping in his mind. So yeah, I think it's a good it's a good topic. And if I can get a research copy, that would be good. I would love to have it to read it like how it works, or Yeah, it hats off to you. You're doing a great job. And I'm wishing you all the love and hopefully you'll score good.

