

Conflict Resolution in Schools

Guide for Educators in South Africa

Booklet 12

NEGOTIATION and MEDIATION TECHNIQUES

Topics in this booklet:

- Negotiation Techniques Checklist
- Negotiation Games
- Peer Mediation
- Mediation Role-plays



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Booklet 12 - Negotiation & Mediation

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For some of the more complex role-plays, it will be interesting to see whether the learners playing the mediator manage to bring out the reasons behind the conflict. Often even the parties involved are unaware of the reasons behind the present conflict (or tend to ignore these), but it is easier to find a lasting solution if the root cause is unearthed. Sometimes root causes come out when feelings and concerns are expressed. On other occasions, they may need to be explored or probed. But beware of embarrassing or exposing either of the parties.

See also the background on mediation.

Learner Worksheet

Not applicable

But one could give out a copy of the Mediation Tips and the Mediation Role-plays

Mediation Tips

Mediation is a type of conflict resolution. It uses trained mediators who use techniques and skills to improve communication and understanding between the parties, with the aim of helping them to reach an agreement. The mediator is impartial (taking no sides in the conflict).

The mediator helps the parties to define the issues, to develop options and to achieve a mutually agreed-upon solution to the conflict.

The mediator should:

- Inform the parties about the mediation process;
- Conduct the mediation in an impartial (neutral) manner;
- Ensure that all information is treated confidentially;
- Take care of the physical and mental well-being of the parties;
- Not try to offer advice (but direct parties to expert sources of advice, where necessary).

Mediation usually contains the following stages:

- Each of the parties is allowed to explain and detail their story;
- Key issues and aspects of the problem are identified (with the help of the mediator);
- The parties' needs and interests are stated and clarified;
- Terms and language are checked to ensure that they are neutral, unemotional and factual – and that both parties understand;
- Options (possible solutions) are identified;
- The possible effects of various solutions are discussed;
- The most promising solution is improved;
- The chosen solution is put into a written agreement.

See Mediators' Roles & Functions above.

Mediation Role Plays

1. Nkosi and Martin used to be good friends. Then, Nkosi made friends with Jason. Jason was jealous that Martin used to be Nkosi's friend and encouraged him to call him names and to talk about him behind his back. Nkosi only did this because he wanted to please his new friend. Now Martin is mad with Nkosi, and has started stealing his school books and throwing these away and breaking his pencils.
2. Sarie has beautiful, long, brown hair that flows to her waist. Joanne's hair cannot grow like that, because it curls so much. Joanne has taken to pulling Sarie's hair. Sometimes Sarie arrives home to find chewing gum in her hair too. She is convinced this is Joanne too. Now Sarie has gathered a gang of girls together, and they wait for Joanne and threaten her. Sarie always has many friends around her. Joanne would love to have friends too, but she is shy and does not make friends easily.
3. Elton and Brendan were best friends. Elton borrowed Brendan's bike and crashed it. He took it back to Brendan and apologised earnestly. But Brendan remained angry. One day, he saw that Elton had a new football on the lawn outside his house, so he kicked it away into the stream. Elton looked out of the window and caught a glimpse of him doing this, so he ran outside and fought with him. Now the two boys have gathered other friends into competing gangs, and they fight regularly.

Remember the Five Basic Principles

- Be hard on the problem and soft on the person;
- Focus on needs, not positions;
- Emphasise common ground;
- Be inventive about options;
- Make clear agreements.

Then, follow these steps:

- Ask the two parties to confirm that they are willing to seek a 'win-win' solution through mediation.
- Inform the two parties that your role is that of a facilitator to help them to solve the problem and that you are impartial.
- They are expected to keep things friendly and not to make any accusations or threats (e.g. 'We all have to stay cool, factual and positive, if we are going to solve this together').
- Tell the two parties that they are going to work through a mediation process that involves: defining the problem, looking at both their needs, interests and concerns, developing and evaluating options, and then selecting the best solution.
- Ask the two parties to come up with a simple neutral definition of the problem.
- Ask each side to explain their version of the problem.
- If they use accusing or emotional language, stop them and ask them to rephrase in more neutral or positive terms.
- Also, help them if they need assistance with aspects such as active listening, effective communication, managing emotions etc.
- If they are not clear, help them to clarify what they mean.



- Help to bring out any underlying feelings and concerns.
- Cross-check their main needs and interests (i.e. Vivienne wants Sarah to stop calling her names and to treat her nicely. Sarah wants Vivienne to promise not to break her pencils and crayons).
- Ask the parties for possible solutions.
- If they are stuck for possible solutions, ask them to get the advice of the class and brainstorm ideas.
- Examine the suggested solutions – work through them, will they help over the long-term?
- Ask the parties to agree on a solution – can they improve on it?
- Pretend to put the agreed solution in writing for each person to sign.

Thank the two learner volunteers.

Ask them whether it was easier to reach agreement with the help of a mediator. Why?

Were they both happy with the result?

Now ask for sets of three learners to work through each of the scenarios below. This time, one of the learners will play the role of the mediator.

Use the scenarios below. Let the groups of three role-play the scenarios, with one playing the mediator. The mediator can use the mediation tips as a guide.

Then, after each scenario, ask the learner playing the mediator how difficult the exercise was. Then, ask the two parties undergoing mediation how well they felt it worked for them.

Next, ask for feedback from the class on how well the mediator did in assisting the parties to resolve their problem. Was the best solution chosen? After the class has contributed their thoughts, add your own feedback.

At the end of the role plays, remind the learners of key mediation techniques.

Some suggestions for discussion are included under 'Issues to Explore'.

Issues to Explore

A mediator can help to calm down parties in conflict. They can do this by using the right procedure, keeping the process on track, allowing each party to fully explain their side of the story, making sure that effective communication and active listening are practiced and by working to keep a positive atmosphere, free from blame or threats.

It is likely that the most difficult aspect of the role plays will be for the person playing the mediator to remain neutral and not to offer their own solutions! Quite often it is easier for outsiders to see ways through a conflict. However, the parties will not fully support a solution unless they have worked it through themselves, and both parties feel they have contributed to it.

Negotiation and Mediation

Negotiation

Background

Negotiation is a careful exploration of your position and the other person's position, with the goal of finding a mutually acceptable compromise that gives you both as much of what you want as possible. The positions people hold are rarely as fundamentally opposed as they may initially appear to be.

In an ideal situation, you will find that the other person wants what you are prepared to trade and that you are prepared to give what the other person wants.

If this is not the case, and one person must give way, then it is fair for this person to try to negotiate some form of compensation for doing so, but the scale of this compensation will often depend on many factors. Ultimately, both sides should feel comfortable with the final solution if the agreement is to be considered to be 'win-win'.

'Win-Win'

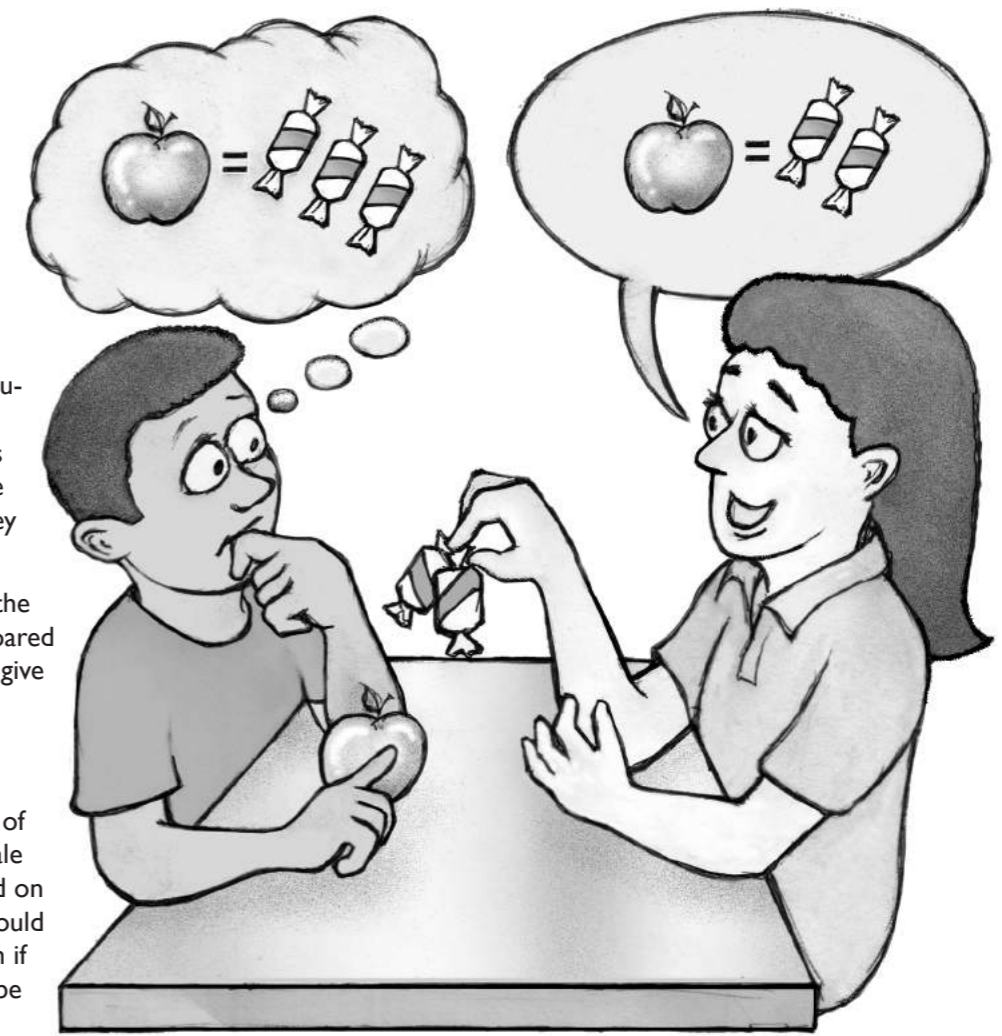
There are different styles of negotiation, depending on the circumstances. Where you do not expect to deal with people ever again and you do not need their goodwill, or do not think you need it, then it may be tempting to consider playing 'hardball', seeking to 'win' a negotiation while the other person loses out.

However, if they lose, they are unlikely to want to deal with you again. Equally, you should expect that if they need to fulfil some part of the deal in which you have 'won' over them, they will probably be fairly uncooperative about it. This can lead to ill will and resentment even after the negotiation has been completed.

Similarly, using tricks and manipulation during a negotiation can severely undermine trust and damage teamwork. While a manipulative person may not get caught out if negotiation is infrequent, this is not the case when people have to deal with each other regularly. Honesty and openness are the best policies in this case.

Remember the 'Golden Rule' and 'do as you would be done by'. After all, lingering bitterness at being unfairly beaten or tricked can make a person want to 'get their own back' and both sides may end up worse off in the long run.

Good negotiating is about both sides leaving feeling they got what they wanted, or at least feeling that they are better off than when they went in.



Unsuccessful negotiating is when either side feels they've compromised too much, given way when they didn't want to, felt undue pressure, felt threatened or made sacrifices they didn't want to.

In those situations the other party might believe they've won and go away feeling good about themselves but the negotiation has in fact been unsuccessful. Though one side may have 'won', the other party will never trust them again and may not want to repeat the experience.

Preparation

Depending on the scale of the disagreement or deal, a level of preparation may be appropriate for conducting a successful negotiation.

For small disagreements, excessive preparation can be counter-productive because it takes time that can be better used elsewhere. If a major disagreement needs to be resolved then it can be worthwhile preparing thoroughly. Think through the following points before you begin the negotiation:

- **Goals:**

- What do you want to get out of the negotiation?
- What do you expect the other person to want?

- **The Other Party:**

Research the other person(s) involved. What would make them happy? What are their beliefs, needs, interests and concerns? Try to anticipate their moves.

- **Relationships:**

What is the history of the relationship? Could or should this history impact on the negotiation? Will there be any hidden issues that may influence the negotiation? How will you handle these?

- **Power:**

Who has what power in the relationship? Who controls the resources? Who stands to lose the most if agreement isn't reached? What power does the other person have to deliver what you hope for? Who are your potential allies (for strengthening your power base)?

- **Trades:**

What do you and the other person have that can be traded? What do you each have that the other might want? What might each of you be prepared to give away?

- **Expected Outcomes:**

What outcome will people be expecting from this negotiation? Consider the outcomes of similar negotiations in the past and what precedents have been set?

- **Alternatives:**

If you don't reach agreement with the other person, what alternatives do you have? Are these good or bad? How much does it matter if you do not reach agreement? Does failure to reach an agreement cut you out of future opportunities? What alternatives might the other person have?

- **The Consequences:**

What are the consequences for you of winning or losing this negotiation? What are the consequences for the other person?

- **Possible Solutions:** Based on all of the considerations, what possible compromises might there be?

You also need to 'psych' yourself up for the negotiation and have a positive frame of mind.

Opening the Negotiation

- Set the stage for the negotiation. Make sure the venue is appropriate; it should be private and comfortable. Prepare well. Consider the best timing;
- Ensure that all parties understand the problem clearly;
- Clarify the needs, interests, beliefs and concerns of each party;
- Elicit suggestions from the parties involved.

Communication

- Use simple, straightforward and descriptive language;
- Avoid blame and personal remarks;
- Speak your opponents' language;
- Use silence for effect;
- Use open questions;
- Include questions about emotions or feelings - the emotional needs of each party have to be met for a satisfactory solution - but try to discuss these in an unemotional way;
 - Use active listening;
 - Repeat key phrases that the other contributes (this builds rapport and understanding);
 - Double-check any statements that are unclear (e.g. 'Do you mean that...');
 - State your own needs, interests, beliefs, feelings and concerns etc. while still being concise, unemotional and clear;
 - Review and sum up at regular intervals.



law that its position is right and a judge rules on the matter and imposes a decision upon the disputing parties.

Many people are beginning to realise, however, that there are benefits to settling one's own disputes. Furthermore, it is becoming increasingly apparent that disputes settled by judges or arbitrators often create even more dissension and animosity between the parties than the original issue did.

Mediation as a means of resolving conflicts, ranging from divorce proceedings to avoiding large-scale conflicts, has gained credibility and acceptance in many areas of society. Teaching young people in school to use conflict resolution skills is producing significant results in reducing confrontations and violence. Mediation training conveys the concept that each person is responsible for resolving disputes in a rational, peaceful manner. To young people who have not been reared in the tradition of solving conflicts through confrontation or avoidance, mediation makes sense.

In the early and mid-1980s when many school peer mediation programs were developed in the USA, the goal of such programs seemed to be simply to set up alternative ways to settle school-ground arguments, to free up the school administrators to deal with more serious problems and to reduce the number of learner suspensions. However, current school mediation programs have gone far beyond these objectives. When young people are trained to be mediators, they develop not only more effective ways to help others, but also more practical ways to use conflict resolution skills in their own lives.

At first, many school mediation trainers believed that only a core group of learners should be trained in mediation skills. These learners would then act as mediators for other learners who had disputes. More recent developments include expansion of mediation training to all older learners. All learners benefit from training because mediation skills are life skills. Many schools are now using their team of trained learner mediators to teach mediation skills to all learners in the school, further helping educators.

Further Resources

Websites:

Wikipedia Encyclopedia:

<http://en.wikipedia.org/wiki/Mediation>

Mediate.Com:

<http://www.mediate.com/>

Publications:

Title: Creative Conflict Resolution.

Author: William J. Kreidler.

Publisher: Scott, Foresman and Company.
ISBN 0-673-15642-7.



Mediation Role Plays

Objectives

To give learners the opportunity to practice mediation, using some simple mediation scenarios

Age/level

Ages 11 and above

Duration

One lesson or part lesson

Materials

- Mediation Tips (optional, can be written on board instead);
- Mediation scenarios (see below).

Procedure

Give out the mediation tips for learners to consider, or write them on the board for learners to copy.

Clarify and discuss mediation techniques (see also background on mediation).

Remind the learners that like negotiation, mediation is seeking a 'win-win' solution.

Ask for two learners to demonstrate a simple scenario that involves mediation: One learner is Vivienne, who keeps calling Sarah names. The other learner, Sarah, is fed up with this, and is now threatening to break Vivienne's pencils and crayons.

Act as the mediator, and sit them down comfortably facing each other.

- The willingness of the parties to negotiate a 'positive' solution to their problem and to accept a discussion about respective needs and interests;
- The intent to achieve a 'positive' result through the facilitative help of an independent, neutral third person.

The typical mediation process has no formal compulsory elements, although some common elements or stages usually occur:

- Each of the parties is allowed to explain and detail their position;
- Key issues and aspects of the problem are identified (this is facilitated by the mediator);
- Respective needs and interests are clarified;
- The conversion of respective subjective evaluations into more objective understandings;
- Identification of options;
- Discussion and analysis of the possible effects of various solutions;
- The changing and refining of proposed solutions;
- The written agreement.

Mediators' Roles & Functions

A mediator's roles and functions include:

Preparation

- Finding an appropriate meeting place - this should be private, comfortable and secure;
- Providing a procedural framework - act as chair; establish ground rules, procedure, sequence etc;
- Improving the emotional environment - create a calm, non-aggressive space, to restrict aggression, tension and intimidation.

Helping Communication

- Clarifying the parties needs and interests;
- Unearthing feelings and concerns;
- Assisting problem definition in neutral language;
- Encouragement of active listening;
- Watching for non-verbal messages and other signals;
- Summing up.

Facilitating Negotiations

- Helping the parties to negotiate in a more constructive manner;

- Bringing direction and clarity to the process;
- Encouraging creative and lateral thinking in the search of potential solutions;
- Acting as catalyst for problem solving (e.g. by brainstorming, introducing creative thinking techniques etc.);
- Encouraging critical thinking in assessing possible solutions.

Desirable Attributes for Mediators

The personal attributes which would be helpful for mediators to possess (as opposed to skills which can be learned) include:

- Interpersonal skills;
- Patience;
- Empathy;
- Intelligence;
- Optimism;
- Flexibility.

Impartiality

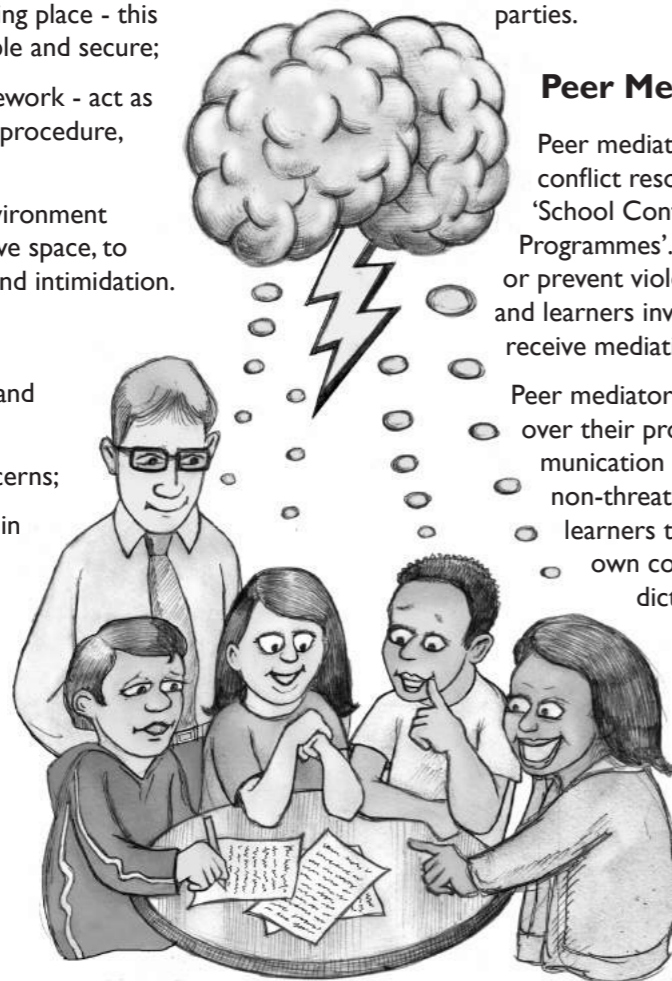
Mediators should be impartial throughout the process. Their role is to facilitate, not to offer advice or guidance. Indeed, some would argue that an individual who gives an opinion about the merits or value of a case does not practise true mediation, and that to do so would compromise the mediator's neutrality and their acceptability to both parties.

Peer Mediation Programmes

Peer mediation is used in the school's conflict resolution system. See Booklet 1, 'School Conflict Resolution Mediation Programmes'. This has been shown to reduce or prevent violence in schools. The educators and learners involved in this process need to receive mediation training.

Peer mediators enable learners to talk over their problems, using effective communication methods. It is facilitative and non-threatening and makes it possible for learners to prevent and resolve their own conflicts without reverting to the dictates of school authorities.

Most adults have been taught, either by example or by instruction, that confrontation or avoidance are effective ways to resolve conflicts. When these methods fail, parties that disagree often turn to the adversarial process in which each side tries to prove in a court of



Reaching Agreement

Cross-check any suggestions with all the parties involved.

When an outcome is near, concentrate on what each of the parties will do (specify outcomes and actions or behaviours relating to them).

Obtain agreement from all parties involved. This is best when written up, considered, and then signed by all parties (so there are no misunderstandings).

Review and sum up the action plan.

Acknowledge the reaching of a negotiated settlement.

Schedule a follow-up to make sure the plan has been put into operation.

Negotiation Technique Tips

Negotiation is a process, not an event. There are predictable steps (preparation, creating the right climate, identifying interests, and selecting outcomes) that you will go through in any negotiation. The following are some tips to help with this process.

- Know Yourself

Assess your strengths and weaknesses. Use your strengths and avoid or play down your weaknesses.

- Do Your Research

Know who you're negotiating with. What's his or her reputation as a negotiator? Know their likes and dislikes and past record.

- Style

Develop a sympathetic style of negotiation technique and adapt this to suit the approach of the other party. The negotiation should leave a positive atmosphere and not be antagonistic. Use body language and props effectively and make good use of timing.

- Practice Double- and Triple-Thinking

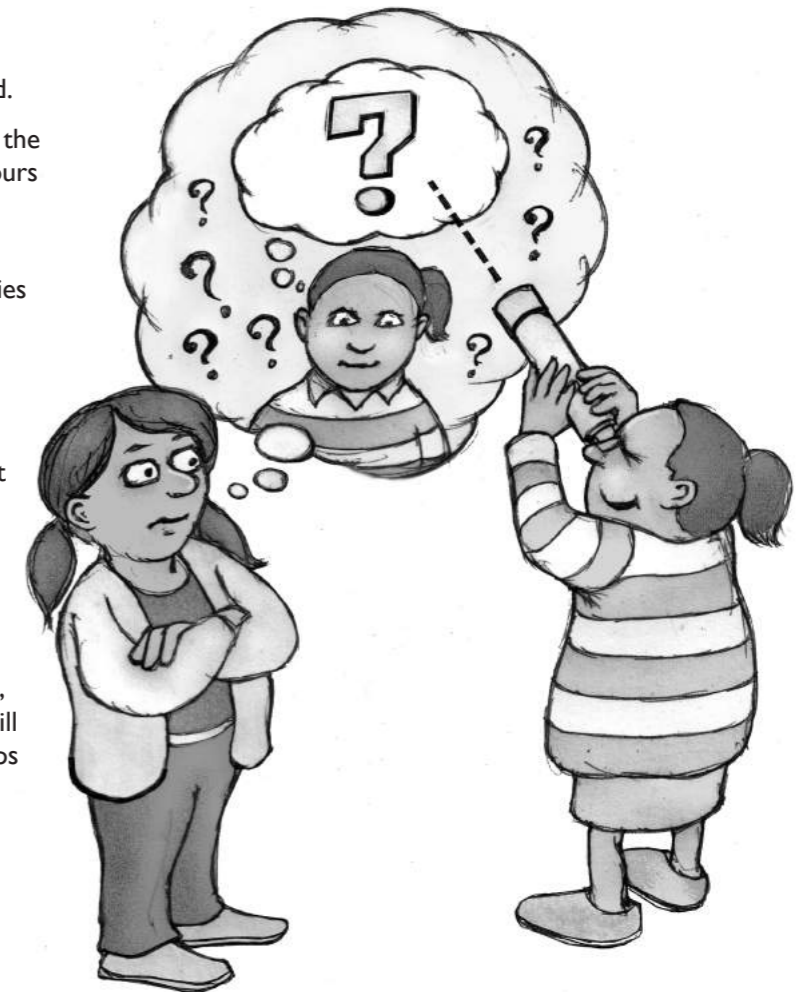
It's not enough to know what you want out of a negotiation. You also need to anticipate what the other party wants ('double think'). The smart negotiator also tries to anticipate what the other party thinks you want ('triple think'). Really good negotiators are able to read the other party. They can take the role of an objective observer, retaining a calm state of mind.

- Build Rapport

Build a relationship over time. They will trust you more and it will also help you to understand their position better.

- Build Trust

Without trust, there won't be effective communication. Always be honest and trustworthy. Respect confidences and deliver on commitments.



- Develop External Listening

Your inner dialogue (and worries) can stop you listening to others effectively. You should turn off this inner dialogue and concentrate on listening externally. Then you won't miss important nonverbal messages, facial expressions and voice inflections etc. Also, use open questions, and clarify anything that you don't understand.

- Move Beyond Positions

In a negotiation, begin by stating your position. Later, when the trust has deepened, you and the other party can risk more honesty and identify your interests in greater depth or reveal other interests you may have. As a negotiator, you should ask questions that will uncover the needs and interests of the other party.

- Own Your Power

Don't assume that because the other party has one type of power, e.g. position, that they are all-powerful. Doing that is giving away your power. Assess the other party's power source and also your own. Your power will include internal power (for example, self-esteem, self-confidence etc.), as well as external power.

- Know Your BATNA

BATNA stands for Best Alternative To A Negotiated Agreement. Before you begin a negotiation, know what your options are. What trade-offs are there? Can you

walk away from the deal? What other choices do you have? What are the pros and cons of each choice?

Effective negotiators are able to let go of their positions, giving up one want in favour of another.

- Five Basic Principles

- Be hard on the problem and soft on the person;
- Focus on needs, not positions;
- Emphasise common ground;
- Be inventive about options;
- Make clear agreements.

- Enjoy the Process!

It can be fun!

Further Resources

Negotiation Skills:

<http://www.mindtools.com/CommSkill/-NegotiationSkills.htm>

<http://www.dpec.com/catalog/ngoc01.htm>

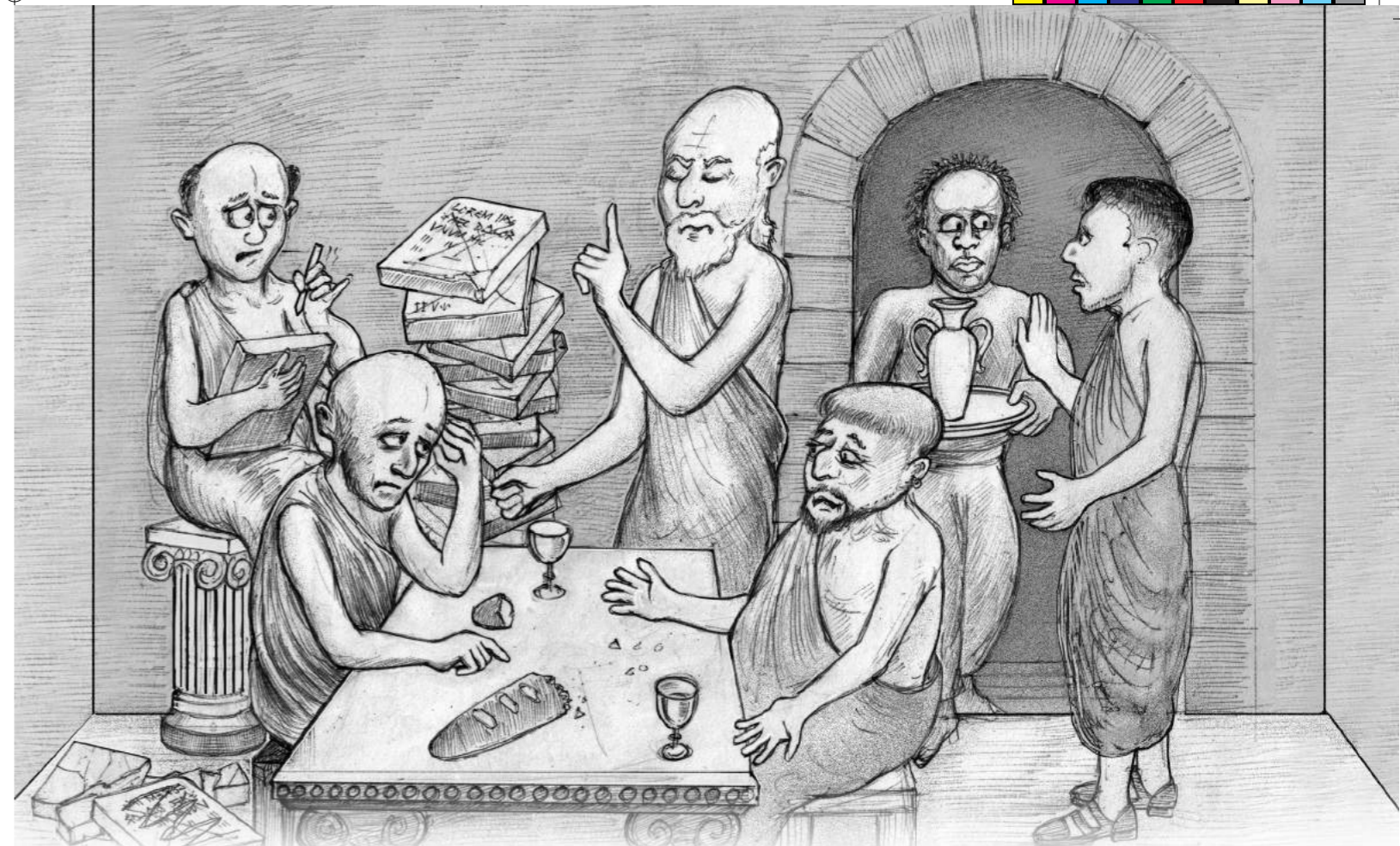
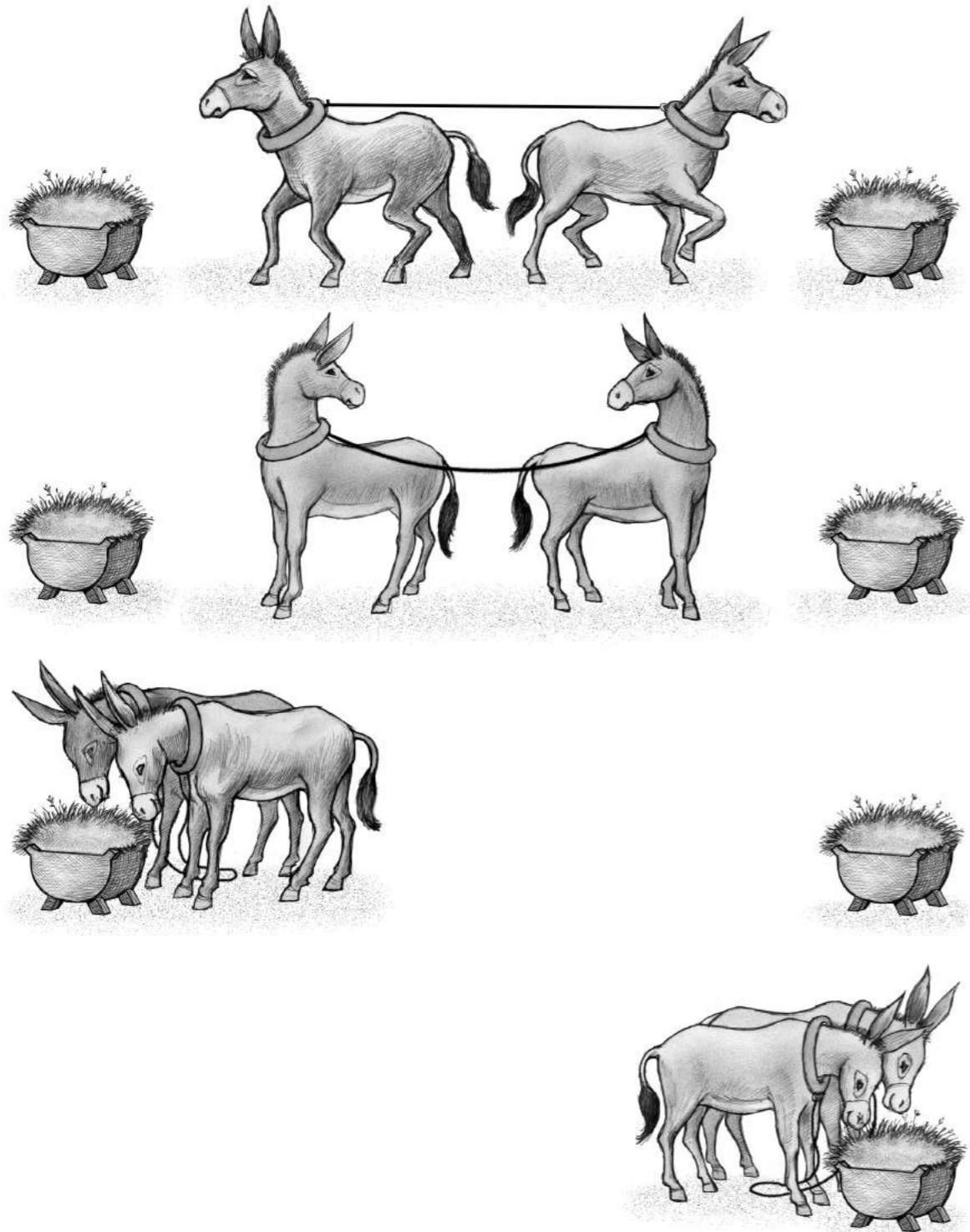
Negotiation Techniques:

<http://www.bbraham.com/html/negotiation.html>

http://www.docpotter.com/frocon_negtech.html

Negotiation in General:

<http://www.crnhq.org/windskill10.html>



The practice then developed in Ancient Greece and was also recognised by Roman law.

Some cultures regarded the mediator as a sacred figure, worthy of particular respect, and the role partly overlapped with that of traditional wise men.

Mediation & Conciliation

Both mediation and conciliation work to clarify a conflict and to generate options that help the disputants achieve a mutually satisfactory resolution. They both seek to reach a settlement that has the agreement of all parties. This contrasts with litigation, which normally settles the dispute in favour of the party with the most convincing proof and argument.

'Conciliation' is sometimes used as an umbrella term that covers all mediatory, facilitative and advisory conflict resolution processes.

One difference between conciliation and mediation lies in the fact that conciliators possess expert knowledge of the domain in which they conciliate. The conciliator can make suggestions for settlement terms and can give advice on the subject matter.

Mediation works purely by facilitating agreement. In other words the practitioner has no advisory role. Instead, a mediator seeks to help the parties to develop a shared understanding of the conflict and to work toward building a practical and lasting resolution.

Code of Conduct

Writers in the field of mediation normally use a code of conduct that includes the underlying principles of the

mediation process. Some of the most common aspects of the code of conduct include:

- A commitment to inform participants about the process of mediation.
- Mediators must adopt a neutral stance towards all parties to the mediation, revealing any potential conflicts of interest.
- The mediator must conduct the mediation in an impartial manner.
- Any information gained by the mediators should be treated as confidential.
- Mediators should be mindful of the psychological and physical well-being of all the mediation's participants.
- Mediators should not offer legal or other specialist or technical advice; they should rather direct the participants to appropriate sources for any advice they might need.
- Mediators should seek to maintain their skills by engaging in ongoing training in the mediation process.
- Mediators should practice only in those fields in which they have expertise gained by their own experience or training.

Stages of Mediation

Mediation commonly includes the following aspects:

- A conflict, dispute or difference between people, or a need for decision-making or problem-solving;
- Decision-making remaining with the parties rather than being imposed by a third party;

The following is a summary checklist of negotiation techniques.

Preparation

- What is the problem?
- What do you want?
- What does the other party want?
- What are you willing to trade?
- What might the other party be willing to trade?
- Think of possible solutions.

Creating the Right Climate

- Be positive;
- Avoid blame and personal remarks;
- Be respectful;
- Listen actively;
- Make sure you understand.

Solutions

- Ask for suggested solutions;
- Be creative;
- Cross-check solutions with each party;
- Confirm any trade-offs;
- Select the solution(s) that best suits both parties.

Negotiation Games

- There are two children and one cake. How can they make sure that they each receive a fair half share?



- There are five children and fourteen cakes. Negotiate a fair way to share the cakes.
- A second-hand (used) bike for sale costs R300-00. You do not have that much money, but really want the bike. Negotiate with the seller.
- Joe borrowed Frikkie's ball and burst it. Now Frikkie is threatening to break something of Joe's.
- Your mother wants you to stay at home and mow the lawn. But you want to go out and play with your friends. Negotiate.
- The husband wants his wife to stay at home to clean and cook his dinner. The wife is young, trained and skilled, and wants to go out to work. Negotiate.
- The factory provides jobs for the town, but its waste is spilling into the river and causing pollution and killing the fish. Negotiate an agreement between the company and the town.

Mediation

Background

Mediation is a form of conflict resolution that aims to help two or more parties to reach an agreement. It is sometimes also called 'alternative dispute resolution' (ADR).

Unlike negotiation, in mediation trained mediators use techniques and skills to improve communication and understanding between parties, aiming to help them to reach an agreement. The mediator is normally viewed as impartial (i.e. not taking a side in the conflict).

Definition of the nature of a dispute can often clarify the process of determining the most suitable method to resolve it.

One of the primary uses of mediation involves parties using the mediation process to define the issues, develop options and achieve a mutually-agreed solution.

Where prospects exist of an ongoing dispute between parties brought on by irreconcilable differences (stemming from such things as a clash of religious or cultural beliefs), mediation can serve as a mechanism to foster communication and interaction.

Mediation can apply in a variety of disputes. These include commercial, legal, diplomatic, workplace, community and family matters.

Mediation can also be used by governments to inform and seek input from stakeholders in formulation or fact seeking aspects of policy making. Mediation can also be used to prevent conflict or to develop mechanisms to address conflicts as they arise.

History of Mediation

Mediation has been used since ancient times. Historians believe it was used in Babylonian and Phoenician commerce.



National Park Negotiation

Objectives

To give learners the opportunity to work through a negotiation process using a fictitious story with different interest groups.

Age/level

Ages 12 and above

Duration

One lesson or part lesson

Materials

- Story (see below);
- Negotiation Techniques Checklist (this is optional; can be written on the blackboard instead).

Procedure

This lesson uses the National Park story (see the Conflict Mapping story in Booklet 11) as the basis for a negotiation exercise. If the learners have not previously used this story in conflict mapping, then arrange for the story to be acted out, as in square brackets below. If they have already used the story, then proceed to the section after the square brackets.

[Select learners to act out the story below, one learner playing each of the four main interest groups.

Then, select another learner to play the part of the South African National Parks' (SANParks) representative – this role is to observe the play as a whole, not from any specific point of view.

Form the class 'audience' into groups of five, allocating each member of the group one of the interest groups from the play, plus the SANParks' representative. If there are any learners left over, they can join other groups as an additional SANParks' representative.

Ask the audience to watch the play from the point of view of the interest group they have been allocated. After the play has finished they will negotiate on behalf of their own interest groups to try and find an effective solution from their perspective.

Introduce the four interest groups. They are:

- Animals (Fauna);
- Trees and habitat (Flora);
- Farmers;
- Tourists.

Then introduce the SANParks' representative, who is seeking a resolution to the conflict that satisfies the above stakeholders and maintains the national park satisfactorily.

Have the learners act out the play. The learner selected

as the SANParks' representative can take the part of the narrator while the others just mime the actions and reactions of their interest group. Or if the learners are young, you can take the part of the narrator, and the SANParks' representative can observe from the wings.

If learners have already used the story in conflict mapping, explain that the same story will be used, and that they will be given an opportunity to negotiate for the things they want the most in the final solution(s). This may be very different from the conflict mapping solutions, especially as it allows trade-offs and compensation.

Give out the Negotiation Checklist for learners to consider, or write this on the board for learners to copy.

Discuss and clarify negotiation techniques (see also the background on negotiation techniques). Use an example: You want your younger brother to wash the dishes, so you can go out to play with your friend. What do you do? You would probably offer him some money to do the washing up, or exchange the use of one of your best toys or games? This is what negotiation is – obtaining what you want, in exchange for trade-offs.

Ask the class to agree on a common definition of the problem before working in their groups. This should describe the problem or conflict briefly in neutral terms that all agree on.

Next, ask the learners to break up into the groups of five that were previously agreed, with one learner to represent each of the following interest groups:

- Animals (Fauna);
- Trees and habitat (Flora);
- Farmers;
- Tourists;

And one (or more) learners to play the

- SANParks' representative official.

Before the groups begin the negotiation stage, ask them to sit and research and prepare individually so they can negotiate effectively for their interest group. As well as reviewing the negotiation techniques and the story, they should each be thinking, in particular, about:

- What they want to achieve;
- What the other parties might want to achieve;
- What they are willing to trade;

- What the other parties might be willing to trade;
- What compensation they could ask for (if they don't get their own way).

Tell the learners to also consider what sort of solution they absolutely could not agree to and to be assertive about this (e.g. Kill all of the animals to save the habitat). Each interest group should be clear about what they do not want to happen!

Then, when they have had sufficient time to prepare, ask the learners to work in their groups to negotiate a settlement. The SANParks' representative can work to promote a settlement amongst the interest groups and to write down the results. They should also ask for clarification if any aspect is unclear.

The educator should walk round the class, giving assistance where required, during this process. They should give a time limit to the learners, to ensure that they do not stay in discussion for too long. If the learners reach the end of their time without any settlement, they must explain why to the class! In this case, the SANParks' representative of the group should choose the settlement that they think is the best from the options that were being discussed in their group.

After the exercise, each group should be asked to give their final settlement one at a time. The educator should write these on the board.

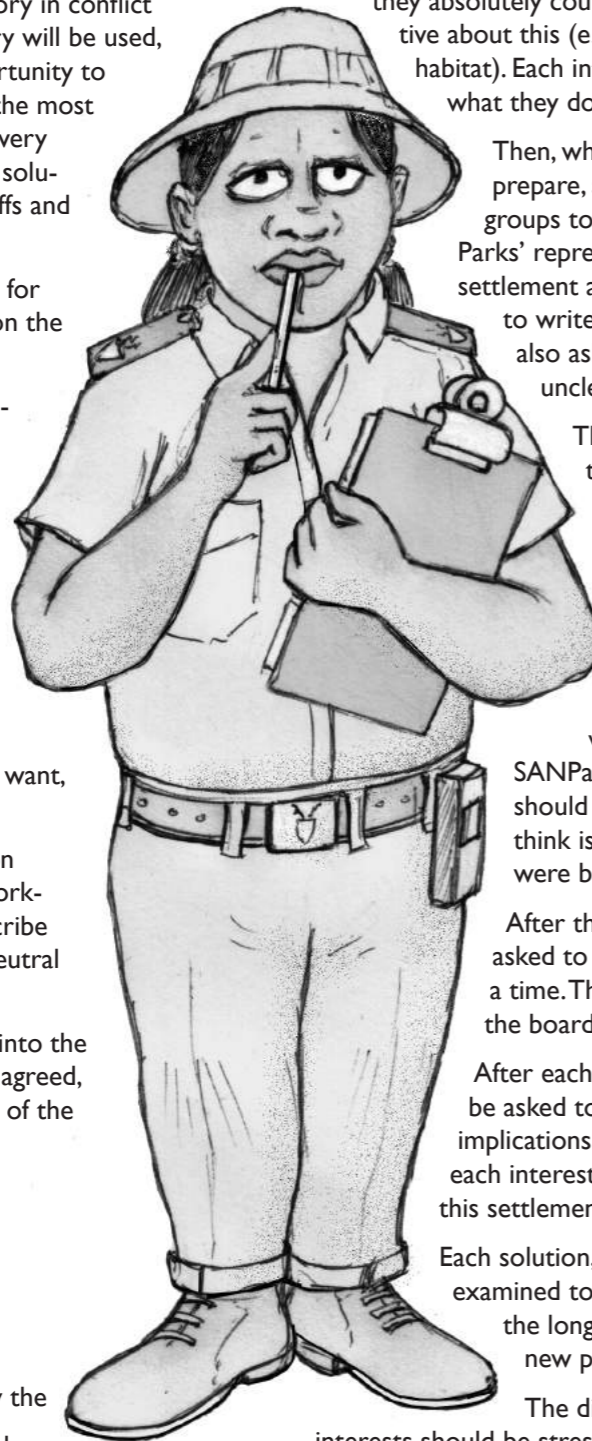
After each presentation, the class should be asked to consider and comment on the implications of the suggested settlement. Was each interest group in the team content with this settlement?

Each solution, or package of solutions, should be examined to see whether it is sustainable over the long term (or if it would give rise to new problems).

The difficulty of resolving competing interests should be stressed. Negotiation techniques can help, as they place interest groups in the mindset of compromise, and a climate where trade-offs and compensation can help satisfy different parties.

If the class has already tried the exercise using conflict mapping, get them to compare how they felt after each method. Did they feel their needs and interests were better served when they could negotiate (or under conflict mapping)?

Then it should be explained that, after a satisfactory solution is agreed, it should be put into effect without delay



Negotiation Games

Objectives

To give learners the opportunity to practice negotiation using some simple negotiation games

Age/level

Ages 10 and above

Duration

One lesson or part lesson

Materials

Negotiation Tips (optional; can be written on the blackboard instead)

Procedure

Give out the negotiation tips for learners to consider, or write these on the board for learners to copy.

Discuss and clarify negotiation techniques (see also background on negotiation techniques).

Use the example where you want your younger brother or sister to wash the dishes in your place, so you can go out to play with your friends. What do you do? You would probably offer them some money to do the washing up, or exchange use of one of your best toys or games? This is negotiation – obtaining what you want, in exchange for trade-offs.

Remind the learners that negotiation is a way of solving problems between people so that everyone can win.

Walk the class through the following situation: Sarah keeps calling Vivienne 'fatso' and Vivienne retaliates by breaking Sarah's pencils and crayons.

Start with a simple neutral definition of the problem.

Then ask the class what Vivienne wants, and then what Sarah wants.

Then ask the class to work out an agreement.

Would this keep both parties happy?

Then, ask the class to work through some of the example situations listed below in a similar way. When necessary, bring in what they might be willing to trade to get what they want. Also, ask whether any compensation is relevant (if they don't get their own way).

These can be acted out in front of the class by volunteers. Use suggestions from the class to make the exercise more interesting.

After each suggested solution, the class should be asked to consider and comment on the implications of the suggestion. Would everybody be happy with this? If not, what could be done to make it a 'win-win' solution?



Some suggestions for discussion are included under 'Issues to Explore'.

Issues to Explore

Stress the importance of each party being willing to negotiate and compromise to reach a solution that suits everybody.

What happens if one person becomes angry and starts blaming the other?

How important is it to listen carefully to the other person's point of view?

Discuss why some negotiations are easier to complete than others.

See the background on negotiation techniques.

Learner Worksheet

Not applicable, but one could give out a copy of the Negotiation Tips

Negotiation Tips

Negotiation is about finding 'win-win' solutions to problems that meet each parties needs as fully as possible.

Sometimes compromise (trade-off) is necessary.

Sometimes compensation is given to make things fairer

Negotiation Techniques Checklist

Negotiation is about exploring your own position, and the positions of other parties, with a view to finding a compromise that meets all needs as fully as is possible under the circumstances.

This means some parties have to accept less than their ideal (and so are possibly compensated in some way) and/or each party has to trade off some things that the other parties want.

The following is a checklist of negotiation techniques:

Preparation

- What is the history/nature of the problem (the story)?
- What do you want to achieve from the negotiations?
- What do the other parties want to achieve from the negotiations?
- Who has leverage (power)?
- What are you willing to trade?
- What might other parties be willing to trade?
- Think of possible solutions.

Create the Right Climate

- Decide where and when to negotiate;
- Create a positive atmosphere and style;
- Avoid blame and personal remarks;
- Ensure all parties are listened to actively and respectfully;
- Confirm your understanding of the points made ('So do you mean that...?');
- Cross-check any possible misunderstandings ('So am I wrong in thinking that ...?').

Identify Needs, Interests & Concerns

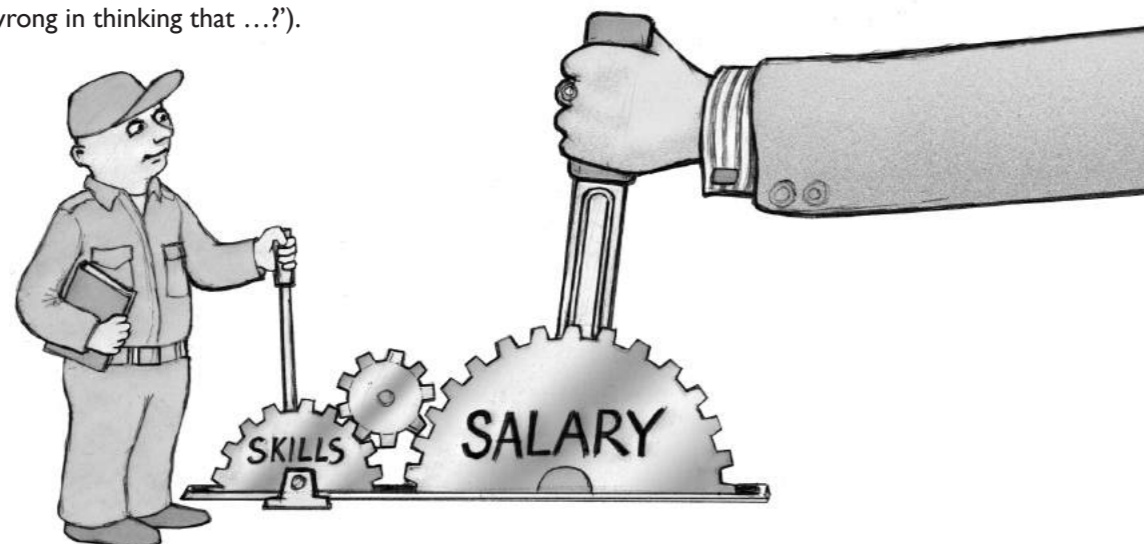
- Start by exploring the overall position of each party;
- Then, when overall positions are clear, explore interests in more detail;
- State your own needs, interests, beliefs, feelings, concerns etc. in a concise, unemotional and clear manner;
- Let others state their own needs, interests, beliefs, feelings, concerns etc.;
- Clarify where necessary.

Selecting Outcomes

- Ask parties for suggested solutions;
- Cross-check solutions with the parties;
- Remove any with strong objections (if these would not be accepted even with trade-offs);
- Test various solutions/mixes of solutions (What would happen if...?);
- Confirm any trade-offs;
- Select the solution(s) that suit(s) the interested parties most.
- Where some dissatisfaction remains, can there be compensation?

Recording and Follow-Through

- Record agreement in writing;
- Follow-up to make sure it is carried through,
- Celebrate agreement!



(otherwise the situation may change, and with it the nature of the conflict and the appropriateness of the settlement).

Some suggestions for discussion are included under 'Issues to Explore'.

Issues to Explore

There are some suggested solutions in the previous conflict mapping exercise.

The below ideas about each interest groups' perspective on the problem may help the educator to respond to any questions, or to guide learners who are unclear about their role.

• Animals (Fauna)

Needs and interests:

- Access to food and water;
- Space to roam and behave naturally.

Possible Trade-offs:

- Contraception to curb populations;
- Smaller protected area in national park, but with wilderness areas and sufficient food and water;
- Ability to roam to neighbouring countries for food and water, despite hunting risk i.e. status quo (last option);
- Darting and removal of some surplus animals to other protected parks (if welfare taken care of, family units kept together, and good final conditions).

• Trees and Habitat (Flora)

Needs and Interests:

- Some measure of protection;
- Elephant populations either controlled or allowed to travel further afield.

Possible Trade-offs:

- Darting and removal of some surplus animals to other protected parks;
- Some protected areas.

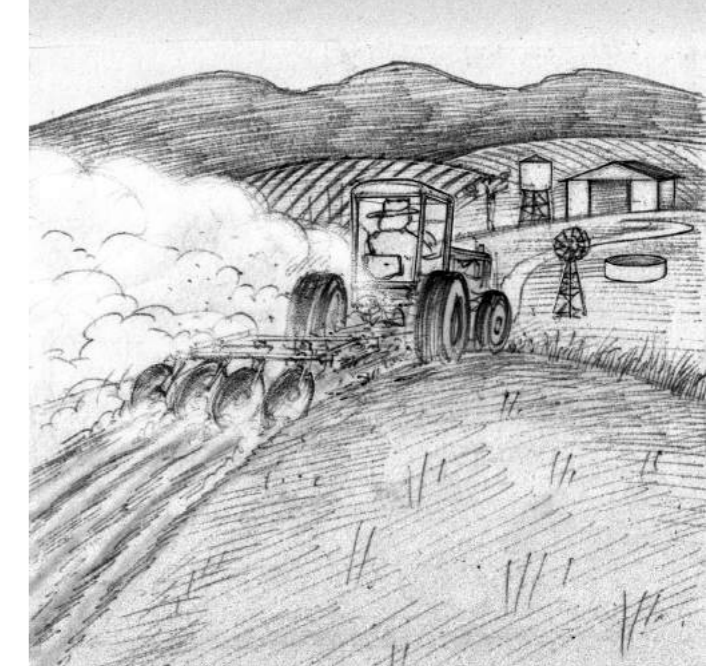
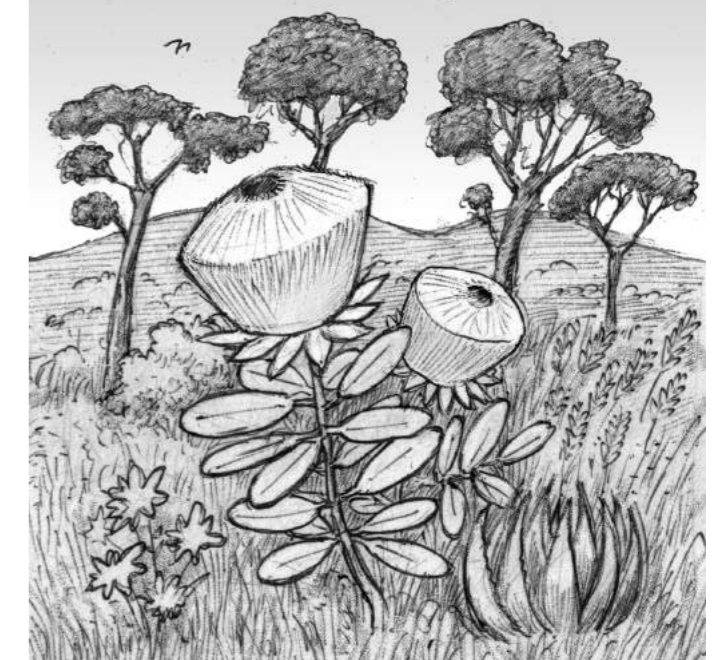
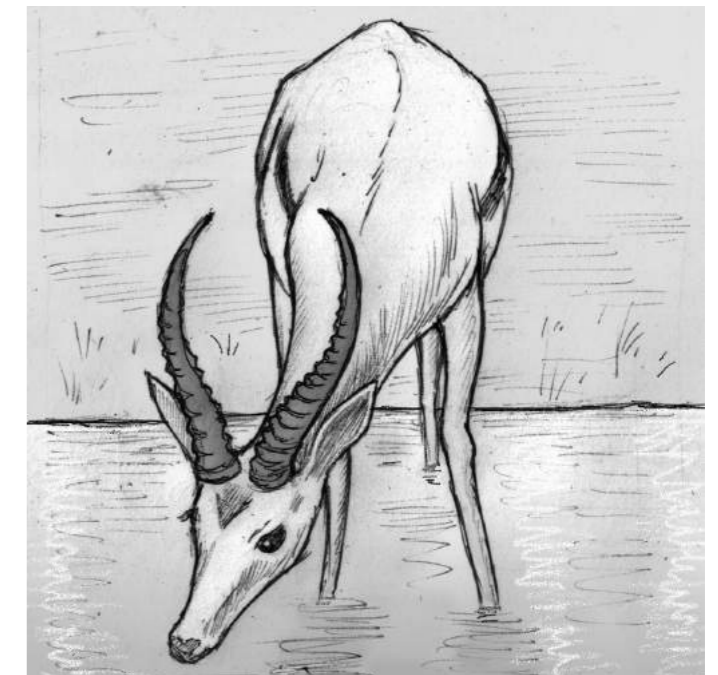
Possible compensation:

- Planting new, more resilient habitat.

• Farmers

Needs and Interests:

- Protection for their crops, animals and families;
- Maintenance of habitat and trees;
- Allow migration;



- Darting and removal of some surplus animals to other protected parks.

Possible Trade-offs:

- Better fencing;
- Outlets for their goods in the national park.

Possible compensation:

- Financial compensation for any losses;
- New agri-tourist opportunities.

• **Tourists**

Needs and Interests:

- Maintain profuse animal life and trees, habitat (NB: Is this possible?);
- Healthy wildlife populations;
- Maintain scenery and habitat.

Possible Trade-offs:

- Permit migration;
- Protect some scenery and habitat;
- Darting and removal of some surplus animals to other protected parks;
- Tourist levy to help protect wildlife in neighbouring countries.

Possible compensation:

- Reduced rates when larger animals are migrating out of region.

• **SANParks' representative**

Needs and Interests:

- Protect the animals;
- Protect the habitat.

Sustainable solutions:

- Maintain tourism;
- Could agree to a larger trans-border protected area, if animals were protected.

Possible Trade-offs:

- Allow migration (but use influence with neighbouring countries for protection);
- Protect some scenery/habitat areas;
- Darting and removal of some surplus animals to other protected parks;
- Improved fencing;
- Planting new, more resilient habitats;
- Dividing the park into different habitats, some fenced from larger animals (e.g. for horse safaris, walking safaris etc.);
- New water sources for animals.

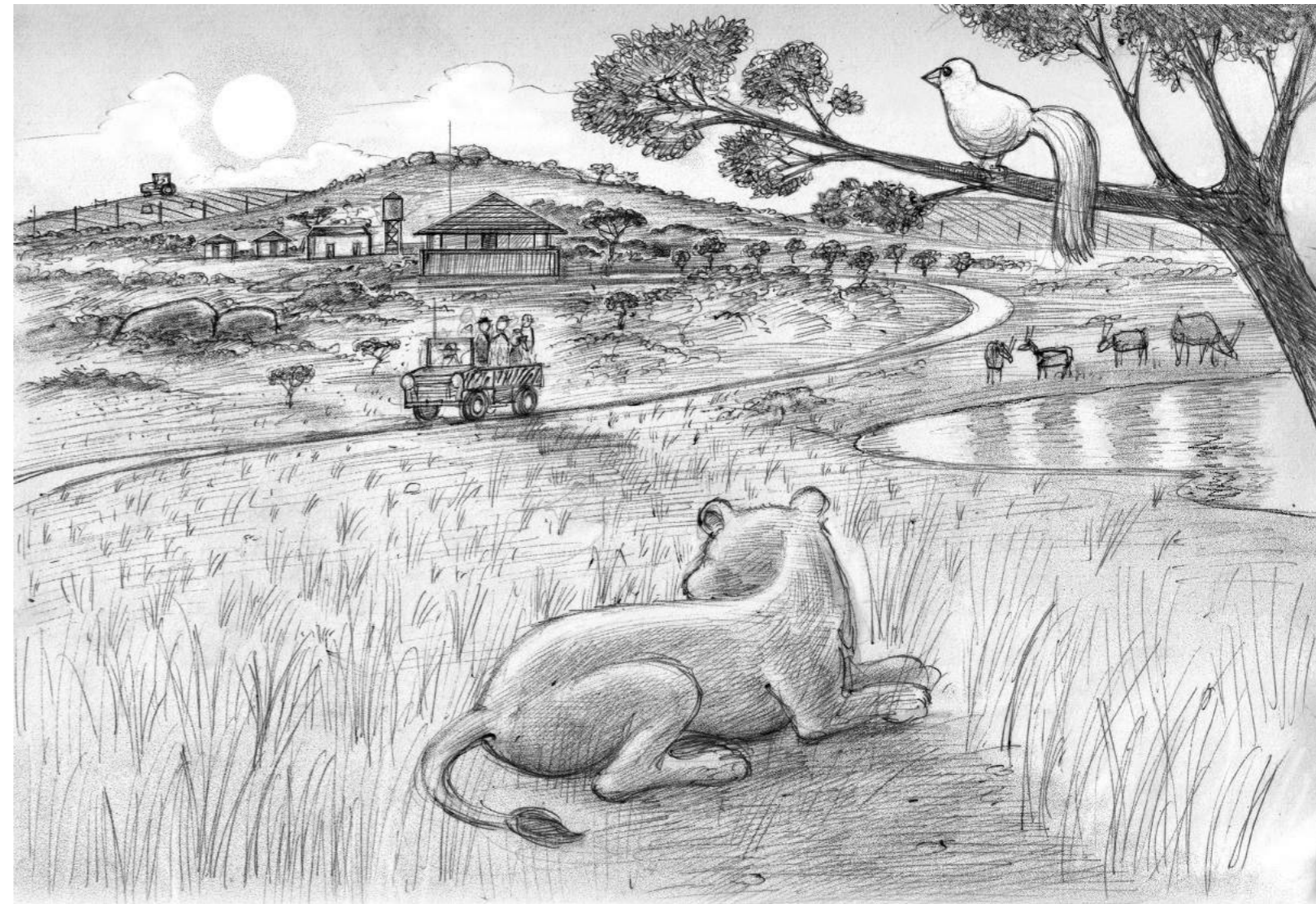
Possible compensation:

- Tourist levy for increased protection costs;
- Could agree to compensation for farmers affected.

See also the background on negotiation techniques.

Learner Worksheet

Not applicable, but could give out a copy of the story and the negotiation techniques checklist



Story

The National Park

A new national park was established in an area of outstanding natural beauty in the north of the country. The scenery there was stunning: it had mountains, forest areas, fynbos and veld (grassland). The boundaries were established, the area was completely fenced off and a luxurious new tourist lodge and camping site developed. Nature conservationists made plans to protect and manage the area and its 'natural resources'. In time, it would bring valuable tourist revenue and income to the area and provide local crafters and farmers with a market for their products.

The area was already rich with wild animals – it had all the 'big five': lions, buffalo, leopards, rhinos and elephants. It also had abundant birdlife, including some endangered and protected species of birds in the forest areas. Previously, the area had been open, and some of the larger mammals migrated across great tracts of land to neighbouring countries. They did this in the dry season, in search of water. Their usual migration took them to a great lake, where they could find plentiful supplies of water and food. But once over the border they were subjected to poaching, and many were shot and killed. The elephants were killed for their ivory tusks and the big cats were killed for hunting trophies.

Now the animals in the new park were protected. Their numbers grew, and they flourished. But then problems

arose. They were no longer free to roam across the land to the great lakes to find water and food in the dry season. So, they were often hungry and thirsty. As their numbers grew the problem became even worse...

The elephants rampaged through the forests and across the fynbos in search of food and water. They were tearing down the beautiful trees and fynbos. Sometimes, they even broke through the outer fence, trampling the farmers' crops.

The big cats were also hungry, and sometimes they broke through the fence. Then they ate the farmers' animals and frightened their families.

The tourists that visited were unaware of all these problems. They just loved the area and the fact that they could see so many animals all around them. They saw scores of different animals on each game drive, and loved taking photographs to show their friends back home.

The tourists also loved the habitat of the area. Many of them were foreign tourists with lots of money to spend and they bought local crafts to take home as presents. They were happy that the park protected the animals and did not allow hunting. In fact, most said they would not visit if the park allowed hunting, they just wanted to watch animals in their natural habitat.

The SANParks' representative had to find a sustainable solution to the new park's problems that would protect the area in the long term.