

9.4 DEVELOPING SKILLS IN NEGOTIATION

34 THE ROLE OF TRUST

 **PURPOSE:**
To examine the role of trust in negotiating outcomes, and how to build trust in a conflict management process.

 **MATERIALS:**
Flip chart.
Coloured pens.

 **PREPARATION:** None.

 **TIME:** One hour.

 **CROSS REFERENCE:** Sections 4.3, 5.2 and 5.3.

 **STEPS:**

- ① Do not explain the purpose of the activity. Ask participants to sit quietly for a moment and think of a person whom they trust. This person could be a family member, friend, work colleague, etc. After they have each identified a trusted person, ask them to list on a piece of paper why they trust that person and what specific actions the person does to create their trust.
- ② After a few minutes, ask volunteers to read out some of the actions that make people trustworthy or trusted. Record these on a flip chart.
- ③ Next, ask participants to reflect again on their personal or work lives and to identify a situation in which someone broke their trust. Ask each of them to list the specific action(s) that person did to break the trust. After a few minutes, ask the participants to read out their lists. Record them on a flip chart.

- ④ When both the lists have been compiled, ask the participants to reflect on what creates and what breaks trust. Work with them to develop a working definition for trust.
- ⑤ Explain that participants will be divided into small groups. Each group must imagine that it is a third party acting in support of a conflict management process in which trust among the parties is poor. Ask the groups to recommend:
 - ◆ five actions that the interest parties can carry out to build trust among themselves; and
 - ◆ five actions that will help build trust in the negotiation process (these actions can be taken by the interest parties or third parties).The groups should note their recommendations on a flip chart. Explain that the actions should be general and not linked to any specific set of circumstances.
- ⑥ Divide the participants into small groups and ask them to begin. They have 20 minutes to complete the task
- ⑦ After 20 minutes, reconvene the overall group and ask a representative of each small group to post and present its recommendations. Initiate a discussion around the following questions:
 - ◆ How important is trust in a conflict management process? At what stages is it most important?
 - ◆ Of the actions listed, are any more important to building trust than the others?
 - ◆ What are the differences between actions supporting the building of trust among parties and those that develop the parties' trust in the process?
 - ◆ In a real life conflict, are there circumstances in which you would not recommend building trust among interest parties? When and why?

35 NEGOTIATION SKILLS



PURPOSE:

To increase understanding of the negotiation process and the skills it requires.



MATERIALS:

Flip chart.

Coloured pens.

Two copies of the *Observer's sheet* (Attachment 35B) per person.



PREPARATION:

Prepare flip charts from:

- *A definition of negotiation* (Attachment 35A);
- *Enabling negotiations* (Attachment 35C);
- *Blocking negotiations* (Attachment 35D).

Ask two participants to prepare a role play in which they negotiate to resolve a conflict situation. They should prepare the role play before the session.



TIME: Two hours.



CROSS REFERENCE: Sections 4.3 and 5.2.



STEPS:

- ① Explain the purpose of the activity. Ask participants to brainstorm a definition for the word "negotiation". Record all their responses on a flip chart. Post *A definition of negotiation* and discuss how similar or different it is from the participants' perceptions.
- ② Ask the participants to list situations in which people use negotiation skills. Encourage them to think of people in a variety of situations and relationships: between buyers and sellers, employers and employees, friends, spouses, parents and children, etc. Record these situations on a flip chart.

3 Next, explain that two volunteers are going to role play the negotiation situation that they have prepared in front of the whole group. They are to negotiate and, if possible, end with some agreement(s).

4 Distribute a copy of the *Observer's sheet* to each participant (except the role play volunteers). Ask them to observe the negotiation as it is acted out, and answer the questions on the sheet.

Ask that the role play begin.

When the role play has finished, ask which behaviours supported the negotiations by helping them move forward. Post *Enabling negotiations* and discuss. Ask which actions the observers saw demonstrated. (Emphasize that, in negotiations, people often argue over conflicting positions and rarely find mutually agreeable solutions unless they explore the needs and interests underlying those positions.)

5 Ask which behaviours blocked the negotiations. Post *Blocking negotiations* and discuss. Ask which actions the observers saw demonstrated. Discuss their observations.

6 Distribute a second copy of the *Observer's sheet* to each person. Divide the participants into groups of four. Explain that each group should pick one of the negotiation situations that were listed in Step 2 or an actual situation within forest management with which the participants are familiar. Two people in each group should role play the negotiation while the other two observe using the *Observer's sheet* as a guide.

At the end of the negotiations, the two observers should give the other two feedback on the negotiation behaviours that they saw and their effects. If there is adequate time, they can switch roles and do a second role play with the other pair as observers.

Explain that they have 40 minutes to complete the task.

7 After 40 minutes, reconvene the overall group. Initiate a discussion around the following questions:

- ◆ What are the advantages and disadvantages of negotiation as a means of managing conflicts?
- ◆ What were the most difficult issues in the negotiations? How did participants overcome these difficulties?
- ◆ Did any group raise some issues that were not negotiable? If yes, how did they handle these?

- ◆ What are some of the more difficult aspects of negotiation in a conflict with community-based forest management? (For example, participants may refer to methods for organizing multi-stakeholder negotiations, cultural diversity, lack of sufficient information, etc.) Refer these difficulties back to the group for any suggestions on how to address them effectively.
- ◆ Are there any particular issues within community-based forest management that are more difficult to negotiate than others? (For example, participants may refer to policy issues such as tenure and resource security, or situations in which different value systems clash.) Refer these difficult issues back to the group for any suggestions on how to address them effectively in negotiations.

Adapted from: UNICEF. 1997. Education for conflict resolution: a training for trainers manual.

35 NEGOTIATION SKILLSATTACHMENT **35A****A DEFINITION OF NEGOTIATION**

A negotiation is a focused discussion regarding needs and interests, with the intention of finding a mutually acceptable agreement. It is a voluntary action, in which negotiating parties structure the content of their meetings, determine the outcome of their agreements, and stipulate the methods for assuring the implementation of their final decisions.



35**NEGOTIATION SKILLS****ATTACHMENT 35B****OBSERVER'S SHEET**

	Person A	Person B
Positions		
Underlying needs/interests		
Behaviours that attempted to meet the other person's needs, or moved the negotiations towards agreement		
Behaviours that blocked the other person, preventing him or her from getting what he or she needed, or moved negotiations away from agreement		
How the problem was redefined		
How the problem was solved		

35**NEGOTIATION SKILLS****ATTACHMENT 35C****ENABLING NEGOTIATIONS**

Negotiations are enabled by:

- separating the people from the problem and focusing on solving the problem;
- making clear the underlying needs and interests of the parties;
- identifying and concentrating on responding to the parties' underlying needs or interests, rather than on their stated positions;
- building agreements by integrating information;
- generating many options for meeting as many of all parties' needs as possible;
- being as objective as possible about which options are fair and reasonable;
- using open and non-judgemental questions and active listening;
- redefining problems to include all parties' needs.

35 NEGOTIATION SKILLSATTACHMENT **35D****BLOCKING NEGOTIATIONS**

Mutually beneficial negotiations can be blocked by:

- ignoring the other parties or their needs and interests;
- changing the subject or delaying discussion of difficult subjects;
- demands that are unrealistic and far more than what can be met;
- asking questions to which you know there are no answers;
- hiding information;
- measuring success in terms of the other side's losses;
- making threats, insulting, criticizing, blaming, interrupting, attacking mistakes or anything else that is seen as hostile.

36 THE PRISONERS' DILEMMA

-  **PURPOSE:**
To illustrate how incentives can be used to encourage or discourage cooperation in negotiating interests.
-  **MATERIALS:**
Flip chart and pens for each "prison official".
Ten small pieces of paper for each "prisoner" (five for each round).
One pen for each prisoner.
-  **PREPARATION:**
Prepare a flip chart with the Rules of conduct listed in Step 2.
Prepare a flip chart from the *Prison official's scoring sheet* (Attachment 36A).
-  **TIME:** One hour.
-  **CROSS REFERENCE:** Sections 4.3 and 5.2.

 **STEPS:**

- 1** Explain that in this activity participants will be divided into groups of three to carry out a role play that each group will do. Do not explain the purpose of the activity at this time.
- 2** Explain that in the role play there are two prisoners being held for the same crime. They have the opportunity to negotiate their prison term with a prison official through their decision to confess or not confess to the crime.

They will be given five chances (five rounds) to confess their role, during which both prisoners will write their decisions on pieces of paper at the same time, and submit them to the prison official. For example, for each round they separately write: "I confess" or "I do not confess". The prisoners need to keep the following Rules of conduct in mind in making their decisions.

Post the Rules of conduct:

- ◆ *If both prisoners confess to their part in the crime, each of them will be imprisoned for only one year.*
- ◆ *If both prisoners decide not to confess to their crime, they will each be imprisoned for five years.*
- ◆ *If one of the prisoners confesses and the other does not confess, the prisoner who confesses will be imprisoned for ten years and the other prisoner will be released.*

- 3 Divide the participants into groups of three. One group member will play the part of prisoner 1, one will be prisoner 2 and one will serve as the prison official.
- 4 Explain that no communication will be permitted between the prisoners.
- 5 Pass out five pieces of paper and a pen to each prisoner, and a score sheet to each prison official.

Show the prison officials the prepared flip chart and how to score the rounds. Explain that they have ten minutes to complete all five rounds.

- 6 Following each round, the prison officials will write their scores on the chart.
- 7 After this first session of five rounds has been completed, explain that they will have another five chances or rounds to negotiate their term. The same Rules of conduct apply but, in this second session, the prison official will allow the prisoners to communicate with each other before they hand in their confessions.

Hand out another five slips of paper to each prisoner. Again following each round, the prison officials will write their scores on the chart.

- 8 At the completion of the second session, ask the prison officials to add up the scores of session 1 and session 2, and then reconvene all the participants together.
- 9 Initiate a group discussion with the following questions:
 - ◆ What were your experiences during the first round?
 - ◆ Did you trust the other prisoner?
 - ◆ What was your negotiation strategy?

- ◆ Was it successful? Why or why not?
 - ◆ Were there any incentives to cooperate?
 - ◆ During the second round, did the ability to communicate change your negotiation strategy? Why and how?
 - ◆ Were you able to trust the other prisoner this time? Why or why not?
 - ◆ What other differences were there during the second round?
 - ◆ Were any new incentives to cooperate introduced?
- 10 In conclusion, highlight the purpose of the activity. Acknowledge that, although the role play had nothing to do with community forestry, the lessons in negotiation here are relevant to responding to conflict in forest management. Review the following points, if they have not yet been mentioned:
- ◆ In managing conflicts in community forestry, it is important to think about how to identify and structure incentives that will provide favourable results. The rewards for cooperation must exceed the benefits of just working on one's own behalf.
 - ◆ Communication can significantly alter the way in which people make decisions. Conflicts in community forestry often involve culturally different groups or groups from different levels (international, national, local organizations) and with different education levels and perspectives. How such factors complicate communication among parties should be considered.
 - ◆ It takes time to establish trust, particularly if there is a history of no trust or broken trust.
 - ◆ When commitments are honoured, mutually beneficial results can emerge.



36**THE PRISONERS' DILEMMA****ATTACHMENT 36A****PRISON OFFICIAL'S SCORING SHEET**

Example				
	Confessions		Scores	
	Prisoner 1	Prisoner 2	Prisoner 1	Prisoner 2
Round 1	Yes	Yes	1 year	1 year
Round 2	Yes	Yes	1 year	1 year
Round 3	Yes	No	10 years	0 years
Round 4	No	No	5 years	5 years
Round 5	No	No	5 years	5 years
Total years:			22 years	12 years
First session				
	Confessions		Scores	
	Prisoner 1	Prisoner 2	Prisoner 1	Prisoner 2
Round 1				
Round 2				
Round 3				
Round 4				
Round 5				
Total years:				
Second session				
	Confessions		Scores	
	Prisoner 1	Prisoner 2	Prisoner 1	Prisoner 2
Round 1				
Round 2				
Round 3				
Round 4				
Round 5				
Total years:				

37 THE GOLDEN GREEN TREE**PURPOSE:**

To practise negotiating skills through role playing.

**MATERIALS:**

One role sheet per person, with half the participants playing Dr Kiiti (Attachment 37A), and the other half playing Dr Ndowa (Attachment 37B).



PREPARATION: None.



TIME: One hour.



CROSS REFERENCE: Sections 4.3 and 5.2.

**STEPS:**

- ① Explain the purpose of the activity. Mention that agreements can be built using collaboration or compromise and that the group will explore these options in a negotiation role play.
- ② Divide the participants into two groups, with one group playing Dr Kiiti and the other playing Dr Ndowa.
- ③ Hand out the role sheets to the respective groups.
- ④ Explain that the role sheets are confidential and not to be discussed or shared. Once they have read through their roles, pair the participants up; one Dr Ndowa with one Dr Kiiti. Each pair will have 45 minutes to negotiate their interests. Emphasize that for the purposes of the role play no other companies are interested in bidding.
- ⑤ At the end of 30 minutes, reconvene the group for discussion using the following questions:
 - ◆ How many pairs were able to reach an agreement? What kinds of agreements were made?
 - ◆ Did any of the groups withhold any information during negotiations, and why?

- ◆ When did you realize that you had different needs from the same tree?
 - ◆ Did any of you discuss your earlier lawsuits? What was the result?
 - ◆ Is there any discussion of future collaboration?
 - ◆ What might have happened differently, if you had never sat down and discussed your interests?
 - ◆ How do the lessons learned in this example apply to conflicts within community-based forest management?
- ⑥ In conclusion, highlight some of the following learning points, if they are relevant to the participants' comments and have not been raised:
- ◆ Open discussions provide the greatest range of possibilities for collaboration to emerge.
 - ◆ Using negotiation brings both economic and social benefits.
 - ◆ Negotiations can repair bad relations and establish trust.

Adapted from: Resolve. 1992. The talia tree case. Washington, DC.

37 THE GOLDEN GREEN TREE**ATTACHMENT 37A****THE ROLE OF DR KIITI**

You are Dr Kiiti, the director of Innovative Health, a biotechnology company that develops new medicines using non-timber forest products. Innovative Health has recently applied for a new patent for a medicine derived from the bark of the golden green tree. This medicine can cure a deadly form of malaria that has been spreading across the Asia region. In the past few months alone, this strain of malaria has killed thousands of people in your country.

The golden green tree has never been used commercially, although it is a relatively fast-growing species. The bark from which the antimalaria medicine is made only grows on trees that are at least three years of age. Currently, the largest stand of the golden green tree is growing within a nature reserve park, which restricts any timber activity, and thus the trees cannot be harvested.

This morning you received a phone call from the head of the Department of National Health. He told you that the malaria outbreak is so severe that a national emergency has been declared and there is a critical need to begin distributing the medicine immediately. You are pleased with the news that there is an immediate need for your medicine, as it means that finally your company may make a profit after years of development expenses. However, you are also very concerned that you may not be able to meet the national demand, as you currently have only limited stock on hand.

You must first find enough golden green tree bark to produce the medicine. Your staff informs you that there is only one large stand of 4 000 golden green trees, growing on a privately owned forest parcel belonging to the Timber Trust Corporation. This stand would provide enough bark to produce up to six years' supply of the medicine and allow your company time to establish a new tree plantation to assure a steady future supply of the product.

Unfortunately, your staff also discover that Dr Ndowa, director of Natural Medicines Inc., your major competition in the biotechnology field, is currently in negotiation with the Timber Trust Corporation to purchase the stand of golden green trees. You quickly call the owner of the company,

Mr Ochieng, to let him know that you, too, are interested in purchasing the stand of trees. Mr Ochieng informs you that he will be glad to sell the stand to the highest bidder.

This is an awkward situation, as you and Dr Ndowa have a long, competitive business relationship and have even sued each other in the past over patent rights. You know how critical it is to the health of the nation's citizens to win the bid, but you also know that your budget can only allow you to bid up to a maximum of US\$200 000.

After much thought, you decide that, if you explain to Dr Ndowa the immediate need for the medicine, he may agree to let you purchase the stand, without getting into a bidding war. So, you have decided it would be in your best interest to attempt to negotiate with Dr Ndowa.

Points to consider:

1. Determine the price range that you can afford to offer for the golden green trees.
2. Consider whether you will offer to pay Dr Ndowa to desist from bidding for the trees, or develop an alternative incentive.
3. What other options might you have if the negotiations with Dr Ndowa fail?



37 THE GOLDEN GREEN TREE**ATTACHMENT 37B****THE ROLE OF DR NDOWA**

You are Dr Ndowa, the director of Natural Medicines Inc., a biotechnology company. One of the principal objectives of the company is the development of new medicines from non-timber forest products. Natural Medicines has recently received a new patent for a medicine derived from the leaves of the golden green tree. This medicine can prevent and cure a deadly strain of brain fever that has killed thousands of children. Although there have been few cases in your country to date, it has been aggressively spreading in the past year, and the Department of Health has predicted that, during the next monsoon season, it could affect 35 percent of the population.

The golden green tree has never before been used commercially, although it is a relatively fast-growing species. The leaves from which the new brain fever antidote is derived can be harvested from trees that are as young as nine months old.

Currently, the largest stand of the golden green tree is growing within a nature reserve park, thus those trees cannot be harvested. You have been trying to locate other regions where the golden green tree grows in order to acquire enough of the leaves to produce a supply of medicine before the next monsoon season. Your staff have found one large stand of 4 000 golden green trees, growing on a privately owned forest parcel belonging to the Timber Trust Corporation, and you have submitted a bid for purchase.

Unfortunately, you just got a phone call from Mr Ochieng, the owner of Timber Trust, alerting you that Dr Kiiti, director of Innovative Health Corporation, which is your major competition in the biotechnology field, has expressed interest in purchasing the stand of golden green trees. Mr Ochieng informs you that he is still interested in selling the stand to you, but he must be practical, and thus intends to sell it to the highest bidder.

This is an awkward situation, as you and Dr Kiiti have a competitive relationship and have even sued each other in the past over patent rights. You realize it is critical to win the bid, but you also know that your budget can only allow you to bid up to a maximum of US\$400 000. After much thought, you decide to talk with Dr Kiiti.

Points to consider:

1. Determine the price range that you can afford to offer for the golden green trees.
2. Consider whether you will offer to pay Dr Kiiti to desist from bidding for the trees, or develop an alternative incentive.
3. What other options might you have if the negotiations with Dr Kiiti fail?



38 | **A PURPLE FLOWER AND A BEAUTIFUL SHAWL****PURPOSE:**

To familiarize participants with the negotiation process.

**MATERIALS:**

One *Background sheet* (Attachment 38A) for each participant.

One role sheet for Mati (Attachment 38B) for each of half of the participants.

One role sheet for Salanda (Attachment 38C) for each of the other half of the participants.



PREPARATION: None.



TIME: One and a half hours.



CROSS REFERENCE: Sections 4.3 and 5.2.

**STEPS:**

- 1 Explain the purpose of the activity.
- 2 Introduce the role play. Hand out the background sheet and read it aloud.
- 3 Divide the participants into groups of two. Explain that one person is to be Mati and the other is Salanda. Hand out the role sheets to the respective groups. Explain that the role sheets are confidential and not to be discussed or shared.
- 4 Ask the participants to spend a few minutes reading their roles and considering their respective interests. After this they may begin to negotiate with the other party. They have 30 minutes for negotiations.
- 5 At the end of 30 minutes, reconvene the overall group for discussion of the following questions:
 - ◆ Did you define what your interests were?
 - ◆ How many pairs were able to reach an agreement? What kinds of agreements were made?

- ◆ How did you decide between Salanda's immediate financial needs and Mati's social benefit interests?
 - ◆ What might have helped your negotiations?
- 6 In conclusion, highlight some of the following learning points, if they are relevant to the participants' comments and have not yet been raised:
- ◆ Every negotiation requires having to clarify exactly what the other parties' needs and interests are.
 - ◆ Even when you think that you know the other parties' interests, you should always check your assumptions.
 - ◆ Personal and social interests often seem to conflict, but people can often find a creative solution when they work together.

38**A PURPLE FLOWER
AND A BEAUTIFUL SHAWL****ATTACHMENT 38A****BACKGROUND SHEET**

There is a large forest, around which are situated several villages. Salanda comes from a small village on the southeastern side of the forest, and Mati lives in a larger village on the northern end. The two villages are approximately 3 km from one another.

Three days ago, Mati went to the market and found a beautiful new shawl that was a vibrant purple colour. She asked around, and found that a woman named Salanda had woven it, and that she lives in a small house along the path that leads into the forest.

Mati has just arrived at Salanda's home and is explaining that she has come to talk to her about her shawls. Salanda welcomes her in.



38**A PURPLE FLOWER
AND A BEAUTIFUL SHAWL****ATTACHMENT 38B****THE ROLE OF MATI**

- ◆ You are a doctor and you make your medicine from a variety of forest products.
- ◆ People come from villages more than 25 km away to seek your help to cure their illnesses.
- ◆ This spring, you went to collect a very important ingredient for one of the medicines, a tiny purple flower. However, to your horror, there were only a few blossoms left when you got there, and consequently you were unable to make the medicine.
- ◆ You have been very worried about how you will take care of people without this ingredient to make the medicine.
- ◆ When you saw the shawl, you realized it was probably made from that flower. You found out that Salanda, whom you have never met before, made the shawl. Now you have come to ask her to stop picking the flowers, as you depend on using them for medicine.



38**A PURPLE FLOWER
AND A BEAUTIFUL SHAWL****ATTACHMENT 38C****THE ROLE OF SALANDA**

- ◆ You are a widow and very poor.
- ◆ You weave beautiful shawls from sheep's wool, and dye them in a variety of colours. To make the dye, a few times a year you collect natural products from the forest, such as wild onions, tree barks, berries and seasonal flowers.
- ◆ Last spring, you found a new purple flower, and when you touched it the colour of the petals stained your fingers. You picked most of the flowers, leaving only a few to ensure that the plant could reseed.
- ◆ When you returned home and tried using only a few of the flowers to dye the wool, it produced a vibrant purple, more beautiful than you could imagine.
- ◆ You quickly wove a beautiful shawl out of the purple dyed wool, and took it to sell at the market. You had hoped it would sell quickly for more money owing to its unusual colour, because you have very little food left.
- ◆ You have enough flowers to be able to make at least five more completely purple shawls.



39 HIMALAYAN PINE TREES



PURPOSE:

To practise preliminary planning and basic negotiation skills in mediation.



MATERIALS:

One *Background sheet* (Attachment 39A) per participant.

Two copies of *Questions for the village representatives* (Attachment 39B) per group.

One copy of *Guidelines for the mediator* (Attachment 39C) per group.



PREPARATION: None.



TIME: One hour.



CROSS REFERENCE: Sections 4.3 and 5.2.



STEPS:

- ① Explain the purpose of the activity. Explain the role of mediation. Point out how important it is for disputants to assess their strategies and consider the other side's views before meeting. This ensures that each party can address its interests most effectively.
- ② Hand out the *Background sheet* to each person. Give participants a few minutes to read about the dispute and the current meeting scene.
- ③ Divide the participants into groups of three.
Explain the following small group activity:
 - ◆ In a few minutes, each group of three is going to begin a role play in which you will act out the mediation between the two disputing parties. One person in each group is to play the role of the forest officer who is acting as a mediator, and the other two will play the parts of the village representatives.
 - ◆ The village representatives will each receive a question sheet to help them prepare for the mediation. The mediators will receive some instructions.

- ◆ When you receive these sheets, spend ten minutes preparing for mediation.
 - ◆ The mediator will then begin the negotiations.
 - ◆ You have 20 minutes for your mediation.
- 4 Hand out the role sheets to the respective persons in each group.
 - 5 At the end of 20 minutes, reconvene the overall group for discussion using the following questions:
 - ◆ Did the questions help you to prepare for the meeting? Why or why not?
 - ◆ How precise was your initial assessment of the other party's interests compared with what you heard in their opening statement?
 - ◆ Did the other party have any management options you may not have considered?
 - ◆ Was it useful to have a mediator? Why or why not?
 - ◆ How neutral do you think the mediator was? If not mentioned, remind the group that an effective mediator will not allow his or her own interests to influence the outcome.
 - 6 Close by reminding the participants that a mediated discussion provides a forum in which parties feel it is safe to raise conflict issues.

39 HIMALAYAN PINE TREES

ATTACHMENT 39A

BACKGROUND SHEET: HIMALAYAN PINE TREES

Within the Himalayas lies a natural pine forest that is rapidly disappearing. There are seven villages in the region, with approximately 750 people who regularly harvest these pine trees for their edible seeds for personal consumption and for sale to the lowland towns. However, the villages also rely on the same trees for their fuelwood supplies and, increasingly, for timber needed for income generation.

In the past three years, the number of conflicts in the area has grown, as people have begun to argue over their rights to use these forest resources. Traditionally, there was a customary forum for addressing conflicts, a tribal council made up of members of the different villages. The council would meet annually to address any conflict, and seek consensus on needed penalties and new responsibilities. However, in recent years the council has not met, as most of the tribal leaders have retired. Many of the young men have left the region for work, leaving a shortage of people to serve on the council.

In the past three months the disputes have grown increasingly serious. One village had cut three large trees for a new ceremonial building. The building they had used for more than 100 years had burned down. A neighbouring village group was furious that this village had cut these three trees, as they were considered the three highest pine seed-producing trees in the region. The neighbouring village group decided to retaliate by chopping down five fruit trees that belonged to the offending village.

The local forest officer heard about the loss of trees and the increasing hostility between the two villages, and decided to intervene. He has requested that one representative from each village prepare for the meeting by reviewing the questions. He will mediate their discussion.

Case study adapted from: Ahmad, A. Forest conservation and economic development through conflict management in a tribal society of Pakistan. WWF-Pakistan.



39**HIMALAYAN PINE TREES****ATTACHMENT 39B****QUESTIONS FOR THE VILLAGE REPRESENTATIVES**

- What is your BATNA? Have you considered the other party's potential BATNA?
- For you, what are the most important issues that must be on the agenda for discussion?
- What management strategies can you propose that honour both of your interests?

39**HIMALAYAN PINE TREES****ATTACHMENT 39C****GUIDELINES FOR THE MEDIATOR**

- What are the most important issues that must be on the agenda for discussion?
- Have each of the parties explained its interests and basic needs?
- Do you understand the interests and basic needs of the parties?
- What else would you need to know to be able to understand the parties' positions fully?
- Do you have any management strategies to propose that honour both parties' interests?

40 UNWEAVING THE RATTAN**PURPOSE:**

To familiarize participants with the mediation process and the role and responsibilities of the mediator.

**MATERIALS:**

One copy of the *Background sheet* (Attachment 40A) for each participant.

One copy of the following for each group:

- *The role of Rendra* (Attachment 40B);
- *The role of Malik* (Attachment 40C);
- *Mediator's guideline* (Attachment 40D).



PREPARATION: None.



TIME: One hour.



CROSS REFERENCE: Sections 4.3 and 5.2.

**STEPS:**

- 1 Explain the purpose of the activity. Explain the role of mediation and that in this activity participants will look at the role of mediator more closely. They will also look at the differing responsibilities of the mediator and the parties.
- 2 Hand out the *Background sheet* to each person. Give participants a few minutes to read about the dispute and the current meeting scene.
- 3 Explain the following small group task:
 - ◆ In a few minutes, each group of three is going to begin a role play in which you will act out the mediation between the two disputing parties. One person in each group is to play the role of the mediator, and the other two will play the parts of Malik and Rendra.
 - ◆ Malik and Rendra are each going to be given a question sheet to help them prepare for the mediation. The mediator will also be given some instructions.

- ◆ When you receive these sheets, spend ten minutes preparing for mediation.
 - ◆ The mediator will then begin the negotiations.
 - ◆ You have 20 minutes for your mediation.
- 4 Divide the participants into groups of three. Hand out the role sheets to the respective persons in each group and ask them to begin.
 - 5 At the end of 30 minutes, reconvene the overall group for discussion using the following questions:

For the mediators:

- ◆ What were your experiences in serving as a mediator?
- ◆ Were you able to stay neutral to the issues, even though you were the father of one of the disputants?
- ◆ If not, how did you handle it?

For the disputants:

- ◆ What were your experiences in participating in a mediation?
- ◆ Do you think it helped you to find a solution, and how?
- ◆ If not, why?
- ◆ Did you feel the mediator was really neutral, even though he was Rendra's father?

To the entire group:

- ◆ How can lessons learned in this activity be applied to working with conflict in community-based forest management? In closing, highlight the following points:
 - Many people are capable of serving as mediators, as long as they remain focused on their role of assisting the disputants in resolving their own issues.
 - A mediator is responsible for framing the discussion.
 - Interest parties are responsible for all the content and the design of the final agreement.
 - As long as these principles are maintained, the basic function of mediation is being realized.

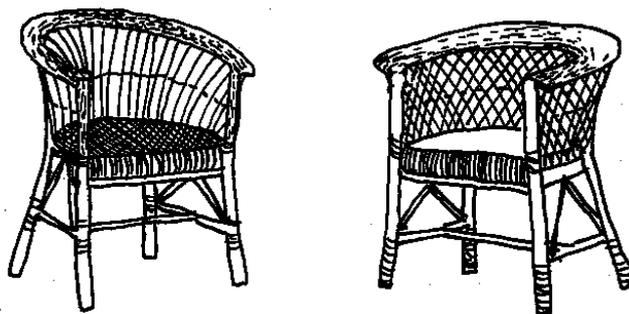
40 UNWEAVING THE RATTAN**ATTACHMENT 40A****BACKGROUND SHEET: UNWEAVING THE RATTAN**

In one village, there is a large extended family that makes fine furniture from rattan, a vine that grows wild within the forest region. Everyone in the family is involved with the business. Some members are responsible for harvesting the rattan, going deep into the woods – sometimes for weeks – to collect the wild vines. Other members are responsible for preparing the rattan, drying and cutting the vines into the appropriate lengths. Finally, a select few take the rattan and weave it finely around bamboo and wood, producing the beautiful pieces of furniture.

The family business has been quite stable, producing about 20 pieces a year, which are sold primarily to neighbours and other villages nearby. Recently, however, the King came to the region and was so impressed by the quality of the furniture that he placed a special order for 25 pieces for the grand palace. Then, the military attaché who was travelling with the King also ordered 15 pieces for his home. The furniture making family was so honoured and excited by the visit that they neglected to consider how they would be able to fulfil the order, which was double their normal production. In addition, they realized that, as soon as other people heard that the King had ordered furniture from them, there would probably be an increased demand for their work.

The day after the King's visit, Rendra, one of the family members, suddenly started yelling at his cousin, Malik, accusing him of being lazy and unreliable. Rendra went to his father, and hotly demanded that Malik be thrown out of the family business. He stated that Malik could never be depended on and, now that they had a real chance to become successful, they could not risk having someone so undependable in the business any longer.

Malik was very upset at this sudden attack. He went to his own father and asked him to tell Rendra's father not to listen to Rendra's accusations. The two fathers decided that there must be some underlying issues behind the attack. They decided that, before any decisions were made, the two cousins must talk to each other directly. Rendra's father agreed to mediate their discussion.



40 UNWEAVING THE RATTAN**ATTACHMENT 40B****THE ROLE OF RENDRA**

- You have recently been put in charge of overseeing the whole family operation.
- You have had experience of washing and cutting the cane and taking the furniture to the marketplace to sell. You have never collected rattan.
- There have already been some complaints that you are not doing a good job, because sometimes there is a shortage of rattan.
- Your younger cousin, Malik, is in charge of rattan collection, so you blame him for the shortage.
- Even when there is enough rattan, the manufacturing is sometimes slower than it should be and then the sellers are angry with you, because there is not enough product.
- Now that there is this new order from the King, you are scared that you will not be able to fulfil it in time.
- In addition, your wife has informed you that she thinks Malik has taken an interest in your eldest daughter. She demands that you do something, but you do not know what to do.



40 UNWEAVING THE RATTAN**ATTACHMENT 40C****THE ROLE OF MALIK**

- You are responsible for overseeing five rattan collectors.
- Every week, you go deep into the forest with the other men, walking sometimes hundreds of kilometres, and carrying back 25 to 50 kg of rattan on your return. It is a physically exhausting job.
- Rattan grows wild in the forest, and it is impossible to know how much you can find in a given week.
- You have heard that the government has a new programme to start rattan farms, and you would like to apply to the programme to see if it can help stabilize and expand the rattan supplies.
- Now that you are 23 years old and have saved enough money to build a house, you would like to get married. Your cousin's daughter has been flirting with you, and you enjoy teasing her that she had better be careful or you might marry her. However, you are actually in love with the daughter of one of the furniture sellers in a neighbouring village.



40 UNWEAVING THE RATTAN**ATTACHMENT 40D****MEDIATOR'S GUIDELINE**

- Introduce the purpose of a mediation.
- Establish an agreement of the rules of conduct - for example:
 - Let each person finish speaking before the next person begins.
 - The meeting will continue until the parties have reached an agreement.
- Ask each person to explain why he or she has come to the meeting, and what his or her central issues are.
- Throughout the course of the mediation, remember to use open and clarifying questions and other facilitation techniques to build agreements.
- Finalize the mediation with a summary statement of the agreement.

41 PRIVATE MEETINGS

-  **PURPOSE:**
To provide participants with an opportunity to practise private meeting techniques.
-  **MATERIALS:**
One *Setting the scene* (Attachment 41A) per person.
For each group:
- one *Village chairperson guideline* (Attachment 41B) per group;
 - one role sheet for Jose and one role sheet for Carlos (Attachments 41C and 41D) per group.
-  **PREPARATION:** None.
-  **TIME:** One hour.
-  **CROSS REFERENCE:** Sections 4.3, 5.2 and 6.4.

 **STEPS:**

- 1 Explain the purpose of the activity. Emphasize the importance of private meetings when communication in negotiations is deteriorating. Private meetings provide time out for both the parties, and allow space to reflect more on the issues.
- 2 Hand out *Setting the scene* to each person. Give participants a few minutes to read about the dispute and the current meeting scene.
- 3 Divide the participants into groups of three.
Explain the following task:
 - ◆ In a few minutes, each group of three is going to begin a role play to finish the scene. One person in each group is to play the role of the village chairperson (mediator) and the other two will play the parts of Jose and Carlos.
 - ◆ Each person will be provided with the relevant role sheet.
 - ◆ Participants have two minutes to review their role sheets and consider the character and guidelines on the sheet.

- ◆ The village chairperson will then begin, taking up from the last point in *Setting the scene*.
 - ◆ Participants have 20 minutes for their private meetings. They may move around as needed for these meetings.
- 4 Hand out the role sheets to the respective persons in each group.
 - 5 At the end of 20 minutes, reconvene the overall group for discussion using the following questions:
 - ◆ How did the chairperson explain to the two parties that it would be useful to hold separate meetings?
 - ◆ For those playing the roles of Jose or Carlos, how did you feel about the private meeting session? Was it helpful?
 - ◆ How did you use your time while the mediator was meeting with the other person? Did you use it to think about your issues?
 - ◆ How did the private meeting differ from an open mediation meeting? Private meetings allow the mediator a chance to explore possible underlying issues. Did this happen in your meetings? In what way?
 - ◆ It is important that, when mediators call for private meetings, they give equal time to each person and hold the discussion in confidence. Did this happen?



41 PRIVATE MEETINGS**ATTACHMENT 41A****SETTING THE SCENE: THE HINLAD VILLAGE DISPUTE**

In Hinlad village, the villagers have agreed to manage the harvest of forest resources in their area. Part of the management agreement is that each family is entitled to harvest a few specific non-timber products from their community forest for their personal consumption.

Recently, however, one of the villagers, Jose, has been quarrelling with his neighbour, Carlos, regarding the collection of some of these forest products. Jose has accused Carlos of being selfish by taking too much from the forest and selling to other villages. Carlos has fought this allegation, arguing that he only collects more because he has a bigger family than Jose. Their conflict has been going on for several months, and they have been unable to reach any resolution. Finally, both their families suggested that the local chairperson of the forest management committee, who is well respected by all the villagers, serve as mediator to help resolve the issue.

Jose and Carlos have agreed to mediation. The mediator has asked both to identify the issues that they wish to resolve. Jose begins by accusing Carlos of taking many non-timber products from the forest to sell for profit to other villages, despite a community agreement to take only enough for each family. Carlos strongly objects to Jose's allegation, stating that he has a bigger family, so he simply needs to collect more than Carlos does. Jose begins shouting at him that he is lying, and Carlos threatens to walk out of the mediation if Jose will not calm down and give him a chance to speak.



41 PRIVATE MEETINGS**ATTACHMENT 41B****VILLAGE CHAIRPERSON GUIDELINE**

As the chairperson of the village forest management committee, you are to begin the session by requesting time out to hold a private meeting session with each person. Include the following points in your explanation:

1. the purpose of a private meeting;
2. with whom you will meet first, and why;
3. how you will use the time;
4. when you begin each meeting, explain the confidentiality of the discussion;
5. during each meeting, use open and clarifying questions, and finalize with a summary statement that includes what was agreed on, how the agreement will be used during the joint session, and what will be held in confidence.



41 PRIVATE MEETINGS**ATTACHMENT 41C****THE ROLE OF JOSE**

You have grown increasingly frustrated with Carlos. You have seen him on numerous occasions carrying bags of goods to the market, and you are sure that these contain forest products to sell. You have voiced multiple complaints with the village head, but he says that, until there is direct evidence, he can do nothing except warn Carlos of the penalties if he is caught.

You are particularly angry because, since speaking to the village head, you have not been able to catch Carlos with his bags. However, you are sure that he is still gathering forest products illegally, because how else would his family be able to buy a television and a new motorbike? You will keep accusing Carlos until there is a clear explanation of how he can afford such things, and until he is held accountable for his collection practices.



41 PRIVATE MEETINGS**ATTACHMENT 41D****THE ROLE OF CARLOS**

You are tired of Jose always accusing you of stealing extra forest products. Your family is very conscientious about only taking its quota, as established by the village forest management committee. In addition, your three sons spend more time guarding the community forest than Jose and his family, as he has two daughters and one son who is still too young for such responsibilities.

You are convinced that the central problem is that Jose is actually jealous that you have a larger family. You have many more responsibilities, but it also means that there are more people to work. Now that your sons are grown, they have been earning extra money working in the market, and recently they purchased a television and a motorbike for the family. All you really want is to resolve Jose's constant accusations, and you will do anything to reach an agreement.

