



Avoiding Forced Displacement

A Community Guide to Negotiation and Advocacy

Southeast Asia Edition



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equitable cambodia

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Southeast Asia Edition

FACILITATOR'S MANUAL

A Publication of Inclusive Development
International and Equitable Cambodia



Avoiding Forced Displacement: A Community Guide to Negotiation and Advocacy
Southeast Asia Edition
Facilitator Manual

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Equitable Cambodia is a Cambodian organization working to promote equitable development and the progressive realization of human rights in Cambodia through community organizing, legal empowerment and evidence-based advocacy.

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Introduction

Many families and communities are at risk of forced displacement from their land, homes and productive resources. There are different reasons for this. People are displaced to make way for large infrastructure projects like roads, railways and dams, or for private investments like agro-industrial plantations, resorts and shopping malls.

People are usually displaced in the name of “development” but those who are evicted are almost always left worse off. For these communities, displacement is the opposite of development. It means losing their property and the investments they have made in their land and houses. It means losing their community support systems, and often their jobs and access to resources that they rely upon. It may mean that their children will be forced to drop out of school, leaving a lasting impact on their future.

When cash compensation is offered to the displaced, it is usually not enough to make up for all that they lose, so displaced families end up falling into debt while trying to rebuild their lives.

In short, displacement creates poverty rather than alleviating it. It contributes to conflict, political

instability and other social problems. It is in the government’s interest, as much as the interest of those affected, to avoid displacement whenever possible.

The good news is that displacement can usually be avoided. There are alternatives to displacement that can be “win-win” options for both sides – they can contribute to the government’s development plans and even company investment plans as well as benefiting local communities.

This guide aims to help communities develop “interest-based” negotiation skills and understand how to use a range of tools to deal with the power imbalance between them and those trying to take their housing, land and resources. The guide may be useful to communities threatened with eviction as well as communities that are negotiating solutions for evictions already suffered. The guide encourages communities to develop a negotiation strategy that incorporates advocacy at key points in order to strengthen their position. Communities can use this guide to negotiate and advocate for solutions or alternatives to eviction that improve the lives of the whole community.

How to use this guide

Avoiding Forced Displacement: A Community Guide to Negotiation and Advocacy has been designed and written so that it is accessible to communities, including those who have limited literacy and little or no knowledge of the subject matter. The language used is simple and straightforward and the exercises used are interactive and fun.

The guide can be used to facilitate a training workshop or by people who would like to use it simply as an information resource. The Facilitator's Manual includes all the instructions you need to run a training workshop. The Community Guide contains only the information on each topic, without the facilitator's instructions. It is useful to provide copies of the Community Guide to the people who attend your training, or it can be used as a stand-alone resource.

This module explains the basics on how to use the guide to organize and deliver a community training.

1 Organizing a training

First, you will need to organize the training workshop. It is important that everything – from the venue, to the selection of modules you will be teaching – is prepared well in advance, and that you are organized. If things do not run smoothly, the training will not be as effective. When organizing a training workshop you should consider the following points:

1.1 Booking a venue

It may be possible to teach in the community, or you may need to find or hire a room to hold the training. Make sure the venue is quiet and bright and has enough space for all the participants to work comfortably. Make sure that you have decided on and booked the venue at least two weeks before the training.

1.2 Participants

You will need to decide who should participate in the training. Participants will usually be representatives from one community that is threatened with displacement, but may also be representatives of several communities. Most exercises in the lessons are written for one community but alternative ideas are provided if there are participants from several different communities.

Make sure that women are invited to attend and if possible at least half of the participants should be women. If there are minority groups affected by the project, such as indigenous communities, encourage them to come along. Make sure that everyone is treated equally and with respect in the workshop.

You should also consider who will be able to attend and stay for the whole training. Think about how many people should participate – usually an ideal number of participants is between 20 and 30.

Before the workshop, try to find out as much as you can about the situation of the community or communities participating and who is behind their threat of eviction.

1.3 Notification and invitations

Make sure you inform all participants about the training dates well in advance. When the date gets closer, send reminders.

1.4 Agenda

The agenda sets out the plan for each day of the workshop. Four days are usually needed to conduct all the lessons in this guide.

Make sure you have enough time to teach all the lessons. Make sure you also include time for breaks, meals and energizers (explained below). Don't try to do too much in one day.

Below is a breakdown of approximately how much time each lesson in the Guide will take. Note that Lesson 9 involves practicing all the skills learned throughout the workshop and takes approximately 5 hours. We advise that you do this lesson on a separate day to leave plenty of time.

| No. | Lesson Name | Duration (mins) |
|-----|--|-----------------|
| 1 | Introduction to negotiation in cases of displacement | 90 |
| 2a | Gathering information | 105 |
| 2b | Understanding the parties' interests | 90 |
| 3a | Developing options for possible a agreement | 85 |
| 3b | Zone of possible agreement | 110 |
| 4 | Using standards to strengthen your position | 100 |
| 5 | Gaining power | 105 |
| 6 | Forms of communication during the process of negotiation | 90 |
| 7a | Planning the negotiation meeting | 75 |
| 7b | Good communication | 70 |
| 8 | Protecting your community in a negotiation | 90 |
| 9 | Practicing negotiation | Approx. 5 hours |

1.5 Informing authorities

Think carefully about whether it is necessary to inform the local authorities of your plan to

conduct a community training. Remember that it is possible that local authorities may try to stop the workshop.

1.6 Be prepared

Make sure you are familiar with the information that you will teach, and make sure that before the workshop starts, you have all the materials that

are necessary for each lesson, including enough copies of handouts. If there are other facilitators, make sure you have decided who will be responsible for each lesson and activity.

Training checklist

| | |
|---|-------------------------------------|
| Before conducting a training, make sure that you do the following: | <input checked="" type="checkbox"/> |
| Organize a venue | <input checked="" type="checkbox"/> |
| Decide who the participants will be and how many will attend | <input checked="" type="checkbox"/> |
| Invite the participants well in advance, and send a reminder closer to the date | <input checked="" type="checkbox"/> |
| Learn about the participants' situation | <input checked="" type="checkbox"/> |
| Make an agenda | <input checked="" type="checkbox"/> |
| Inform the authorities, if you think it is necessary | <input checked="" type="checkbox"/> |
| Prepare the materials, for example, paper, pens, handouts and copies of the Community Guide | <input checked="" type="checkbox"/> |
| Revise and practice the lessons so you feel confident to teach them | <input checked="" type="checkbox"/> |

2 Starting the training

On the day of the training arrive at the training space or room early to make sure everything is ready. Arrange the materials neatly so that you can access them easily when you need them during the lessons. If tables and chairs are available think about how you would like them to be arranged. Sometimes it is a good idea to arrange the tables in a circle so that everyone can see each other and no one has to sit behind someone else. This will help the training be more interactive because everyone will feel included.

Once the participants arrive and sit down, the first step is to introduce yourself to the group and give participants the chance to introduce themselves. This is done at the beginning of almost all trainings and workshops. In order to start the training in an interesting way, try to keep the introductions short, or try to make them into a game or fun activity. This can be very simple such as asking everyone to say their names, where they are from and their favorite food or song.

It is also a good idea to start the training by explaining the main objectives of the workshop to the participants. You may also want to explain the rules of the training, for example, everyone should turn off mobile phones, everyone should

be considerate of other people, there should be no discrimination, and everyone should have a chance to speak. You can also ask the participants about their expectations for the workshop. You

may ask a few or all participants to name one thing they expect or hope to learn during the training. You can come back to these expectations at the end of the training to see if they were met.



3 Interactive teaching

The most effective methods for teaching any information are interactive, based on active participation, and focus on the participants, rather than the facilitator. These techniques help people to learn faster and remember more than if they are taught using traditional methods, like lecture.

There have been many studies and experiments that have shown that the amount and quality

of the information that participants remember depends on the teaching methods used. Research has shown that the lecture style of teaching is less effective for passing on knowledge to participants. Examples of interactive methodology include:

- Role-play
- Demonstrations
- Stories
- Group discussions

One of the best ways for you to improve your understanding of new information and skills is to teach it to others. By teaching others, you will gain a better understanding, know how to explain things using simple language and be able to show how the information and skills can be used.

Community trainings are a two-way learning process. As you teach, the participants learn, and you will also become more confident and increase your understanding of the issues you are teaching. You will also have a valuable opportunity to learn from the experiences and stories of the participants.

Participants with reading difficulties

Sometimes there will be participants in your training workshop that have difficulties reading and writing. You need to be aware of this, although it may not a good idea to ask participants in front of everyone else if they can read and write because this could embarrass them.

Many of the exercises involve case studies and other methods that require some reading and writing. If there are participants who will find this difficult, there are a few things you can do. One option is to make sure there is one member of each group who can read and write so that they can read out case studies or questions and write down ideas or answers for the rest of the group if necessary. If there are not enough participants who can read, you or another facilitator can read out case studies and help groups to record their answers. You can also think of other ways that groups can record ideas and answers such as through drawings or simply by remembering them.

All activities in the guide can be easily adapted in this way so that all participants, including those with reading difficulties can be actively involved.

4 Lesson plans

A lesson plan is like a road map. If we want to travel somewhere, but are not certain of the correct route, we can use a map. We will look for the start point and our destination, but also the points we need to pass along the way. A lesson plan works in a similar way. The start point is the aim of the lesson, and the final destination is achieving that aim. But to get to this destination, there are steps that you must take to get there.

The lesson plan used in this guide has eight parts. There is the **learning text**, which is the information you are teaching, and the **lesson**, which is

broken into seven smaller parts. These are: the aim, materials, methods used, procedure/time box, instructions to facilitators set out in steps and the debrief. Below is a brief explanation of the purpose of each of these sections.

4.1 Learning text

The learning text contains the information about the topic that is being taught. For example, if the lesson is about human rights, the text will include information about what human rights are, where they come from and give some examples of different human rights. Usually the text will also include pictures about the information.

4.2 Lesson

Aim

The Aim is what the participants should learn or understand by doing the lesson.

Example

Aim

Participants will think about what human rights are, where they come from and why it is important to know about them.

Materials

This is a list of things that are needed to teach the lesson. You should make sure that you have all of the items ready before starting the lesson.

Example

Materials

Flipchart or whiteboard, markers, ball, copies of Handout 1.

Methods Used

This is a list of all the interactive teaching techniques used in the lesson.

Example

Method(s) Used

Brainstorming, large group discussion, drawing.

Procedure/Time Box

The left column of this box contains a list of the procedures you should follow to run the lesson. The right column of the table indicates the amount of time required for each step. The total time needed to complete the whole lesson is shown at the bottom. This box is useful for preparing the workshop agenda.

Example

| Procedure | Time Frame (in minutes) |
|--|----------------------------|
| 1. Brainstorm and group discussion | 15 |
| 2. Introduce the information in Sections 1 & 2 | 20 |
| 3. Small group work | 15 |
| 4. Group presentations | 20 |
| 5. Debrief | 10 |
| Total: | 80 |

Instructions to Facilitators

This part of the manual explains in detail how to carry out all the stages of the lesson, as set out in the procedure table. It is set out in steps and contains a bullet point summary of the lesson and tips that will help you to deliver the lesson effectively.

Suggested Answers

If there are questions in the lesson that ask for information rather than opinions, suggested answers will be included.

Debrief

The goal of this section is to evaluate whether the aim of the lesson was achieved. It is very important that you do not simply summarize the information contained in the lesson, as this will not allow you to check whether or not the participants learned the main points. You can check whether the aim was achieved by using activities such as questions and answers, by asking participants to summarize the lesson, or by using fun games such as quizzes.

1 Introduction to Negotiation and Displacement

Outcomes

After completion of this module, participants will:

1. Know what negotiation is and be aware that they all use negotiation in their daily lives.
2. Understand that negotiations are more difficult when there are power imbalances.
3. Understand that negotiation is one part of a wider strategy to challenge forced displacement.
4. Know that there are tools that can be used to try to make the community's position stronger and increase its power in a negotiation.

Lesson 1 Introduction to negotiation in cases of displacement

Aim

Participants will understand what negotiation is and that they all negotiate in their daily lives. Participants will understand that in cases of forced displacement negotiation can be more difficult because of power imbalances. Participants will know that there are tools they can use to strengthen their position in a negotiation.



Materials

Enough pieces of paper and pens for each participant, something that symbolizes a valuable object (eg. a box for a new smart phone or a picture of one from a magazine advertisement), whiteboard or flipchart, markers.

Method(s) Used

Drawing brainstorm, game, class discussion, stories.

| Procedure | Time Frame (in minutes) |
|---|------------------------------------|
| Step 1: Brainstorm about negotiation | 10 |
| Step 2: Introduce the information in Section 1.1 | 10 |
| Step 3: Game of persuasion | 20 |
| Step 4: Discussion about game | 10 |
| Step 5: Introduce the information in Sections 1.2 - 1.4 | 20 |
| Step 6: Debrief with participants sharing stories | 20 |
| Total: | 90 |

Step 1: Brainstorm about 'negotiation' (10 mins)

- Give each participant a piece of paper and a pen and ask them to draw a situation in their life when they have negotiated. This can be a common negotiation from their daily life or a negotiation they have been involved in only once or twice.
- After a few minutes, ask a few participants to show what they drew and what it represents.
- Ask the participants if anyone can define 'negotiation'.
- Draw on the whiteboard stick figures representing two people communicating with each other. Draw arrows from the stick figures to the word: "Agreement"



Step 2: Introduce the information in Section 1.1 (10 mins)

It is important that participants understand:

- What negotiation is (use the examples given by participants to explain).
- In our daily lives we all negotiate with other people to try to get what we want in different situations.

1.1 What is negotiation?

Negotiation involves communication between two or more people with the aim of reaching an agreement on a particular issue or situation. When we negotiate we try to convince the other person or people to agree to something that will improve our situation. The most successful negotiations usually aim to reach an agreement that all **parties** are happy with because it improves all of their situations.

In our daily lives we all negotiate with other people to try to get what we want in different situations. For example, when you are buying fish at the market, you talk to the fish seller to try to convince her to sell the fish to you for a cheaper price. The fish seller tries to convince you to pay a higher price or to buy more fish. You may finally agree that you will pay \$2 for two big fish. Both you and the seller are happy with the agreement because you both got something you wanted and improved your situations.



Another example of negotiation is when you want your son to stop playing with his friends and help you prepare dinner. Your son may argue that he is having fun and wants to keep playing. You

negotiate with your son and may finally agree that he can play for ten more minutes but then must come home to help you cook!



Step 3: Game of persuasion (20 mins)

- Before the lesson starts make sure you have something that symbolizes a valuable object that participants would want. For example, you could use a watch or a smartphone box if you have one.
- Explain that one important part of negotiation is persuading others to agree to something that you want. This is a skill that some people are naturally great at! Explain that now you are going to play a game to see if they can persuade you.
- To begin the game, choose two participants to be on your team.
- Show everyone the object (e.g. the smartphone box).
- Explain to all the participants that you and your team members plan to keep the object but that you will give the other participants a chance to persuade your team that they should get it instead.
- The participants will work in three groups to persuade your team to give them the object by making up a one-minute story about why they need it.
- Divide the participants into three groups. Give the groups five minutes to work together to plan their story. Encourage the groups to be creative and persuasive in their stories. They can use whatever techniques they think will be effective at persuading your team to give them the object.
- After five minutes give each group one minute to tell their story to try to persuade your team to give them the object.
- After the groups have finished telling their stories your team should decide if you have been persuaded by any of the groups to give away the object or if you will keep it for yourselves.

Step 4: Discussion about the game

- Ask the participants what sort of things they included in their stories to try to persuade your team?
- Ask the participants on your team how they felt about their role. Did they feel powerful? What things in the stories helped persuade them to give away the prizes or why did they refuse to give away the prizes?
- Ask the participants if they think it was fair that your team had so much power to decide if they should give away the prizes and who should get them.
- Explain that this was an example of a power imbalance because one team had a lot of power and the other groups had very little. Ask participants if they can think of similar situations of power imbalances in their lives.

Step 5: Introduce the information in Sections 1.2 – 1.4 (20 mins)

It is important that participants understand:

- Negotiation can be difficult in cases of forced displacement because there is often a large power imbalance.
- A power imbalance happens when one person or group has more power than the other person or group involved in a particular situation, for example because of money, position or connections.
- There are tools that can be used before and during a negotiation to strengthen your position and increase your power.

1.2 Using negotiation in cases of forced displacement

Many communities in Southeast Asia are facing the threat of **forced displacement**. In some cases people are threatened with eviction from their homes. In other cases, their livelihoods are threatened because somebody wants to take their farming land or destroy their forests, fisheries or other natural resources that they depend on.

Communities around the world that have faced the threat of displacement have fought to defend their land rights. Some communities have been successful in their struggle and have been able to stop evictions altogether and protect their land and homes. In other cases, the community's struggle has been successful in getting the authorities or company behind the eviction to agree to negotiate with them. In these cases, communities need to be prepared for the negotiation in order to get the best outcome possible.

1.3 Power imbalances in a negotiation

Often the threat of displacement comes from someone powerful. When this is the case, genuine negotiation can be difficult because there is a **power imbalance** between the people threatened with displacement and the people trying to take their land or destroy natural resources. A power imbalance happens when one person or group has more power than the other person or group involved in a particular situation. A power imbalance can exist because one person has more money, a high position in government, or close connections with someone else in a powerful position.

When we think about a negotiation between someone buying and someone selling fish at a market, the buyer and the seller usually have about the same amount of power. This is because the seller needs to earn money and the buyer needs to buy some food. The seller and the buyer both have something to offer the other. The seller and buyer both have something that the other needs. That makes the negotiation easier.



When we think about cases of displacement however, the situation is quite different. It is not always easy to think of what the families threatened with displacement have to offer the government agency, company or individual behind the eviction. Because of this, just getting them to negotiate might be difficult.

What can you do when there is a very large power imbalance between you and the other party?

1.4 Strengthening your position in a negotiation

Negotiation should be seen as one part of a community's strategy to challenge forced displacement. In this book we discuss tools you can use to strengthen your position and increase your power in a negotiation. For example, we discuss how you can:

- Gather information about the situation and all the people involved;
- Think about all of the possible options for a good solution;
- Use rules and rights and good practices in similar cases;
- Use different forms of advocacy during the negotiation process;
- Get support from other communities and organizations; and
- Control the process of negotiation.

We cannot ignore the power imbalance that exists in many cases of forced displacement. However becoming better negotiators and better **advocates** can help you strengthen your position and try to achieve a result that is acceptable to you and your community. In this book we look at how we can use different tools to make the power relationship more equal.



After you learn these tools, we encourage you to work with your community to prepare a **negotiation strategy**. We encourage you to think

about all the different tools you can use to try to strengthen your position and reach an agreement that will improve your situation.



Step 6: Debrief with participants sharing stories (20 mins)

- Ask the participants if they have ever been involved in a negotiation about displacement or if they have heard about someone else's experience. Encourage participants to share their experiences or stories.
- Ask them if there was a power imbalance in the negotiation and whether the negotiation had a successful outcome. If it was successful ask them to explain why and how the person or community managed to strengthen their position. If the negotiation was unsuccessful, ask them to explain why they think it was not successful.
- Explain that in the following lessons they will learn more about what negotiating is and what they can do to strengthen their positions in a negotiation with a powerful person or company.

2 Preparation and Information

Outcomes

After completion of this module, participants will:

1. Understand the importance of preparing for a negotiation.
2. Understand how gathering and organizing information about the situation can strengthen your position in a negotiation.
3. Understand the importance of knowing who all of the people involved in the situation are and understanding their relationship to each other.
4. Know why it is important to think about the needs, plans and concerns of both parties to the negotiation.

Lesson 2a Gathering information

Aim

Participants will understand the importance of preparation before a negotiation. Participants will understand the importance of gathering and organizing information about the situation. Participants will know how to use timelines and actor mapping as tools to organize information and understand the situation.



Materials

Whiteboard or flipchart, markers, copies of Handout 1, 2, 3 and 4.

Method(s) Used

Negotiation, class discussion, timeline, actor mapping, case study.

| Procedure | Time Frame (in minutes) |
|---|------------------------------------|
| Step 1: Introduction negotiation | 5 |
| Step 2: Introduce the information in Sections 2.1 and 2.2 | 15 |
| Step 3: Introduce the information in Section 2.3 using handout examples | 30 |
| Step 4: Explain the exercise and choose facilitator | 5 |
| Step 5: Participants work together to make timeline and actor map | 30 |
| Step 6: Debrief | 20 |
| Total: | 105 |

Step 1: Introduction negotiation (5 mins)

- Tell the participants that you have a great motorbike that you want to sell. Ask how much they will offer you for the motorbike.
- If a participant asks for more information about the motorbike or how much you want for it or anything else, just say that it is a very good motorbike and to make you an offer.
- If a participant makes you an offer, say that it is not enough and to make you another offer.
- If the participants say that they do not want a motorbike, ask other participants if they want to buy the motorbike and do the same thing with them.
- After a couple of minutes, or if a participant says that he or she refuses to negotiate without having more information about the motorbike, stop the game.
- Ask the participants why it was so hard to negotiate or reach an agreement about selling the motorbike, even though you wanted to sell it and someone may have wanted to buy it.

Step 2: Introduce the information in sections 2.1 and 2.2 (15 mins)

It is important that participants understand:

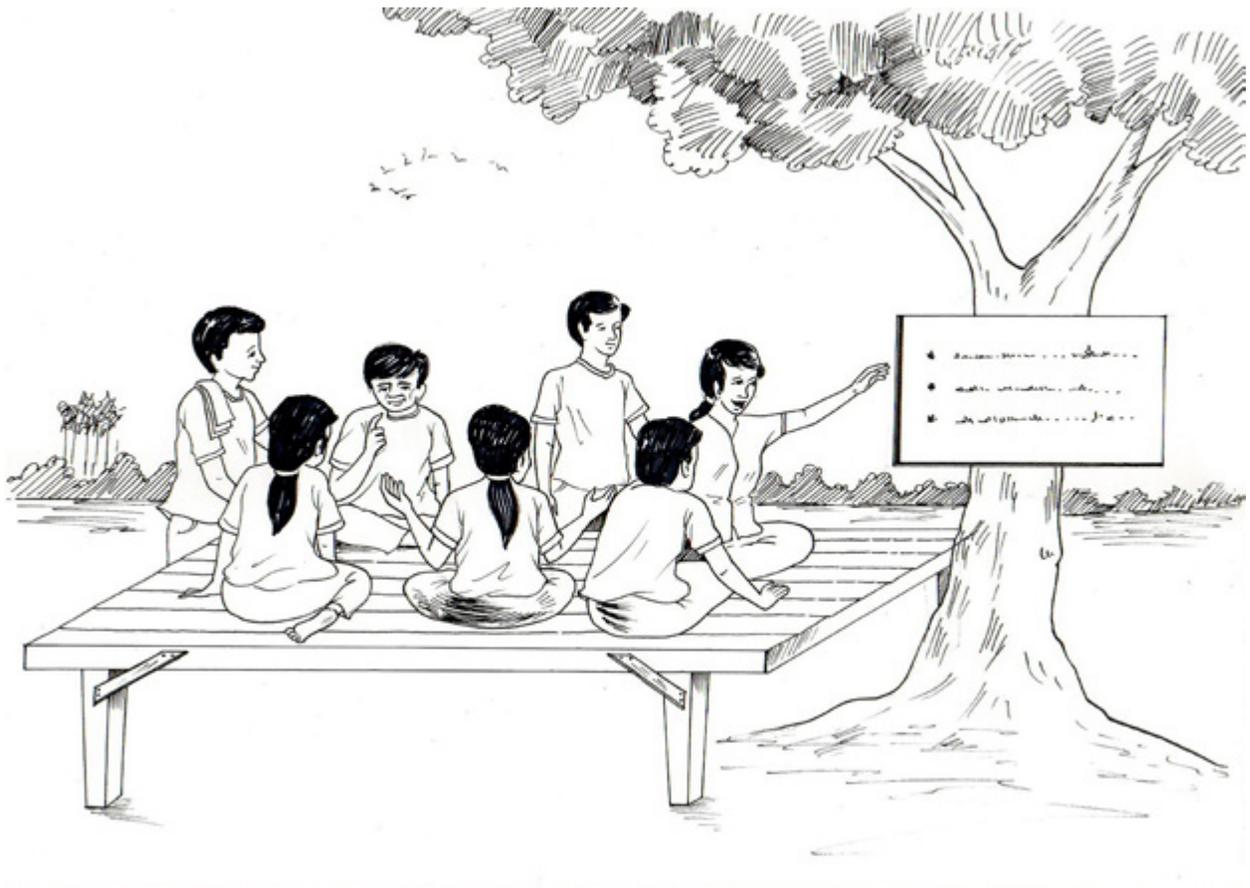
- If they prepare carefully before a negotiation, they are more likely to reach an agreement that they are happy with.
- The main purpose of preparation is to collect and organize information so that they fully understand the situation.
- Understanding the situation they are negotiating about is an important way to increase their power.

2.1 The importance of preparing for a negotiation

The aim of a negotiation is to reach an agreement that will improve your situation. The most successful negotiations usually aim to reach an agreement that improves both (or all) of the parties' situations.

To be a good negotiator and have successful negotiations it is important to prepare carefully before you start communicating with the other person. If you do not prepare you are less likely to reach an agreement or be pressured into a bad agreement that you are not happy with.

The main purpose of preparing for a negotiation is to collect and organize information about your self, the other party and the situation. This will mean that you are ready to clearly express what you want and why it is fair and reasonable. If you understand the situation clearly the other party is less likely to be able to confuse or trick you. Understanding the situation will also help you to know how you should communicate with the other party and if it is more useful to use advocacy instead of negotiating at a particular stage.



2.2 The importance of information

Information is a very powerful tool. In any negotiation you will be in a stronger position if you gather as much information as you can about:

1) your own situation; 2) the other party to the negotiation, and 3) the issue you are negotiating about.

Thinking about your own situation, or the situation of your community, can help you imagine the different negotiation outcomes that you would be happy to achieve as well as the outcomes you want to avoid. Learning about the other party can help you understand what they want to achieve.

When you research the situation you can find out information that helps you understand what sorts of agreements may be possible. You may also find information that helps you learn about the other party's weaknesses and vulnerabilities. When you know all this information you will be a stronger and smarter negotiator and it can help you reach a better result.

You should try to gather this information during your preparation but you can continue to learn more during the negotiation. If you find out new information during a negotiation meeting with the other party you might decide that it is time to stop the negotiation meeting so you can consider the new information and how it affects your situation.

Step 3: Introduce the information in Section 2.3 (30 mins)

It is important that participants understand:

- Making a timeline is a way to organize information about the events involved in a situation.
- How to make a timeline.
- In most situations there are more than two actors involved, even though there may be only two parties negotiating.
- It is important to understand the relationships of all the actors involved so they can try to use their influence to get what they want.
- Actor mapping is a way to organize and understand information about all the actors involved in a situation.
- How to make an actor map.

Note: Use Handout 1 to explain Section 2.3.1 (timelines) and Handout 2 to explain Section 2.3.2 (actor mapping).

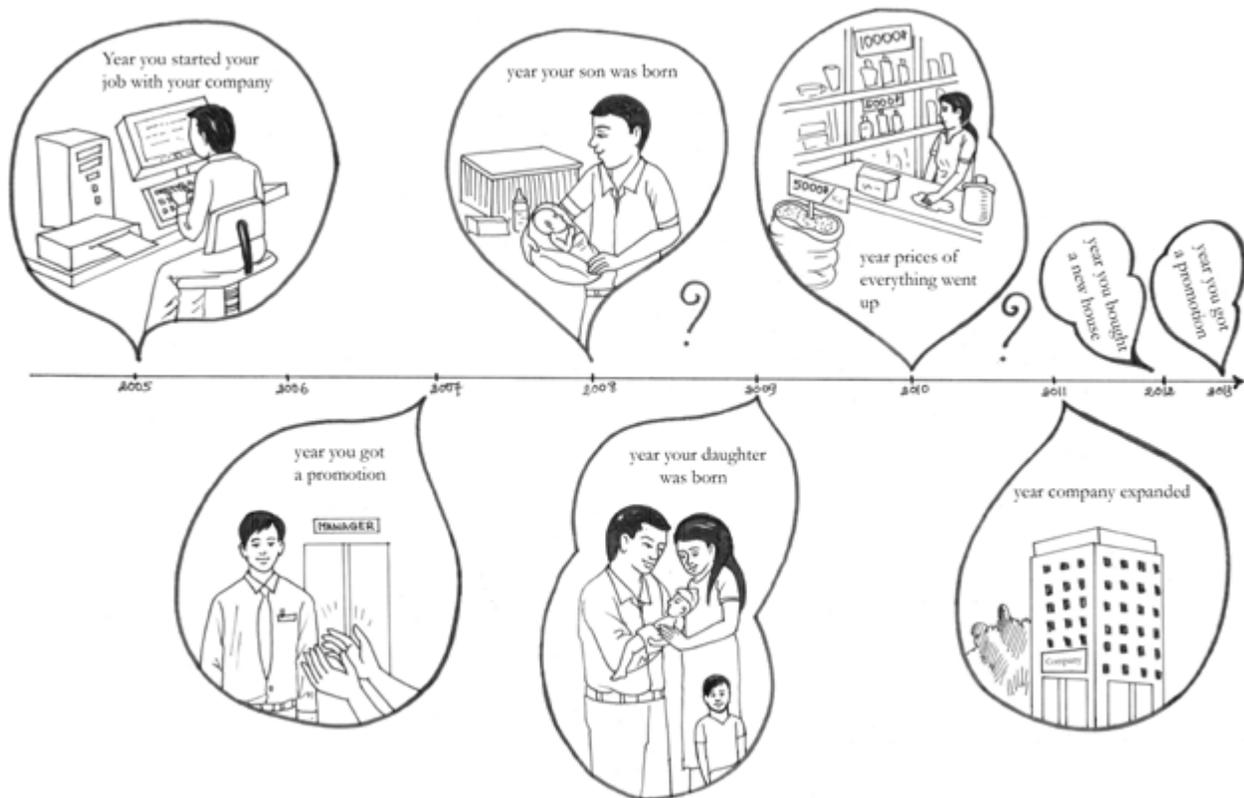
2.3 Understanding the situation

2.3.1 Making a timeline

One way to think about your situation and organize the information that you have is to make a **timeline**. A timeline is a drawing of all the events that have happened that are relevant to your situation, put in order of when they happened. For example, if you are negotiating with your boss

about whether you should get paid more money, you could make a timeline that looks like this:

A timeline can use words or pictures to represent the event that you are recording. Making a timeline about the situation can help you work out what information you still need to find out. This may include when an important event happened, who was involved or the details of the event.



2.3.2 Actor mapping

In most situations there are more than two **actors** involved. Even though it might seem as though there are only two parties involved in a

negotiation, if you spend time thinking about it, you will probably find that there are several other people, groups or organizations that are influencing the parties or affecting the situation.

Example: New Year Negotiation

Imagine a husband and wife arguing about whether or not to visit their family in the countryside over the New Year holiday. The negotiation seems to just be between the husband and wife. The wife argues that she wants to visit her family and the husband argues that he wants to stay at home.

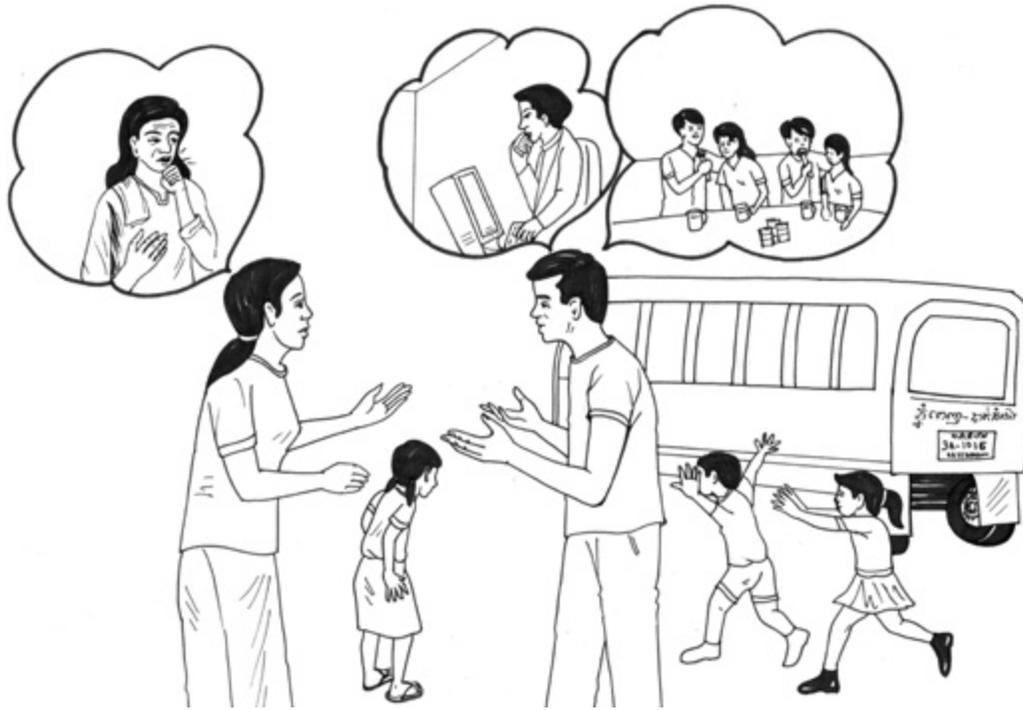
However, there are many other people involved who influence the situation. The couple's three children might want to go to see their grandmother. The grandmother might feel that it is very important that they visit her because she is old and they had not seen each other for a long time.

On the other side, the husband's boss might be pressuring the husband not to go because she wants him to work over the New Year holiday and will pay him extra. The husband's friends might not want him to go because they want him to join their karaoke party over the holidays.

In this scenario, the negotiation is between two people – the husband and wife. But there are at least six different people involved in the situation:

1. The wife
2. The husband
3. The children
(who may each have a different view)
4. The grandmother
5. The husband's boss
6. The husband's friends

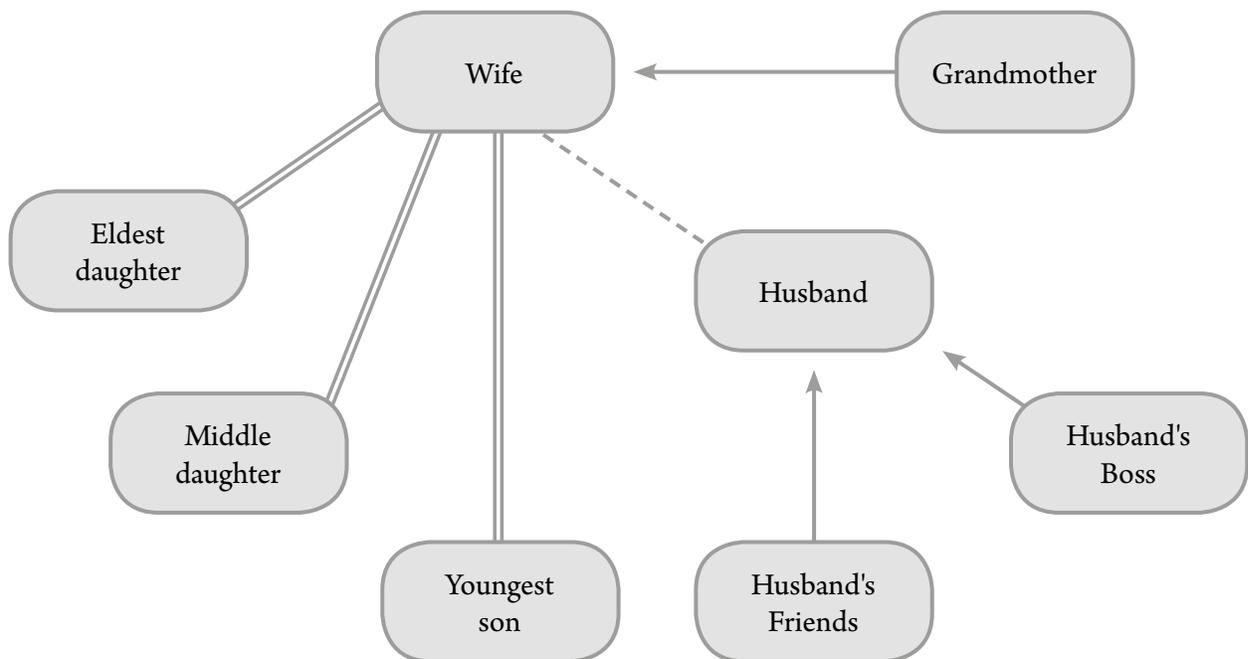
One tool that can be used to help you think about these relationships is called **actor mapping**. This involves writing or drawing all the actors that you have identified in your list in one big picture. You can use different sized circles around each actor to show how powerful you think they are. You can also draw different types of lines between each actor to show what sort of relationship they have with each other.



Below is an example of an actor map using the example of the husband and wife who are arguing

over whether or not to go to the countryside to celebrate the New Year.

Example Actor Map



In this actor map, we have used big circles to show the people who have a lot of power – the wife and husband as well as the grandmother and boss. We have used smaller circles to show people with less power – the children and the husband’s friends. Instead of writing you can draw pictures or use photos of the actors.

We have used different types of lines to show the type of relationships between each actor. The key below shows what each line means. You do not have to use these symbols and you can think of others to use to explain different types of relationships. You can also use different colors, pictures and shapes to represent different things in your map.

Actor map symbols:

| | |
|--|---|
| To show a relationship of conflict between actors we used |  |
| To show a strong alliance (people who agree with and support each other) we used |  |
| To show a strong influence of one actor on another we used |  |

In more complex situations, such as when a community is being threatened with eviction by a company, there are often many actors who can influence the situation, such as:

1. The community (and different members may have different views)
2. The company (the boss and employees might have different views)
3. Investors in the company’s project (eg. banks)
4. The local authorities
5. The national government
6. Other communities
7. Local and international NGOs
8. Donors to the country and embassies of other governments
9. The media (different media might influence the situation in different ways)

These are all actors that could be involved in the community’s situation. Thinking about all of these

actors and about their relationships with each other can help you develop an effective negotiation strategy. It is especially helpful to think about the influence each of the actors has on the company behind the eviction.

You can use actor mapping to think about or have a discussion with your community about all the actors involved in your situation and how they can influence it.

You can then develop a negotiation strategy that involves the actors that you think are important:

- You can ask **allies** to support you in a negotiation.
- You can use different types of communication to improve bad or weak relationships.
- You can use different advocacy methods to persuade actors that have an influence on the other party to the negotiation to help you get what you want.

For example, in the case of the husband and wife arguing about whether or not to go to the countryside for New Year, the wife might decide to ask the grandmother to talk to her husband and

explain why it is very important that they visit. She will try to persuade the grandmother to use her influence on her husband to try to get what she wants.

Step 4: Explain the exercise and choose a facilitator (5 mins)

- Ask the participants if they are ready to make their own timeline and actor map.
- If all the participants are from one community facing eviction, explain that they will work collectively to make a timeline and an actor map about their own situation. (If the participants are from different communities, they should work with other members of their own community to do this exercise.)
- Ask who would like to be the community facilitator to draw the timeline and actor map. This can either be the same person or two people, one for the timeline and one for the actor map.
- Explain that the facilitator should not do the exercise on his or her own, but should facilitate the process with everyone's participation.

Step 5: Participants work together to make a timeline and actor map (30 mins)

- Step back to allow the community facilitator to lead the participants through the exercise of making a timeline and actor map of their own situation. Be ready to step in and help guide the process if needed or answer any questions.
- If participants are working in smaller groups, move between the groups to provide guidance and answer questions.

Step 6: Debrief (20 mins)

- Ask the participants if they think these tools are useful to organize information about their situation. Ask what information they need to find out to be able to make a more complete timeline and situation map. Discuss how they will find out this information.
- Use the case study in Handout 3 about the villagers from Koh Kong to show another example of actor mapping in an eviction case. Pass around copies of Handout 3 and ask a participant to read out the case study.
- Next, pass around copies of Handout 4 with the actor map of the Koh Kong case. Discuss the actor map with the participants and ask them what they think about the case.

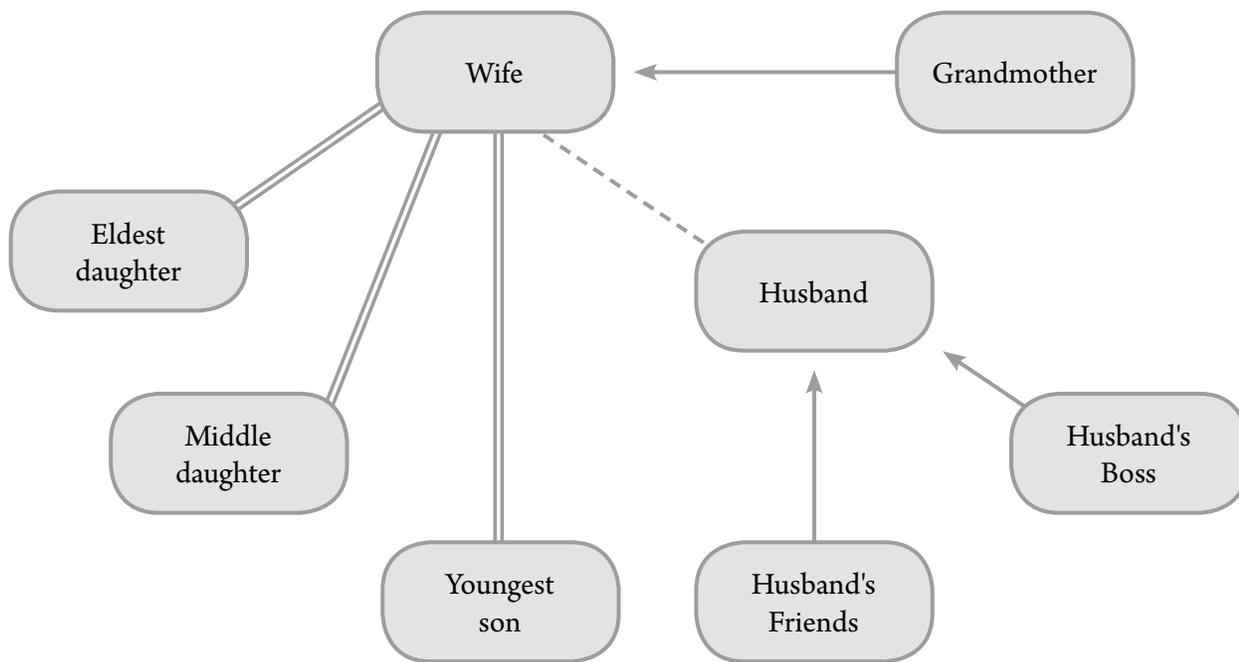
Handout 1 – Lesson 2a

Example Timeline



Handout 2 – Lesson 2a

Example Actor Map



| Actor map symbols: | |
|--|-------|
| Conflicting relationship | ----- |
| Good relationship (people who agree with and support each other) | ==== |
| Strong influence | ————> |

Handout 3 – Lesson 2a

In 2006, farmers in Cambodia's Koh Kong province began to hear rumors that the entire area around their villages had been granted by the government to a Cambodian tycoon. Several months later, armed forces showed up with company staff and started bulldozing the farmers' crops and took their land. Several farmers were shot and injured when they tried to defend their land.

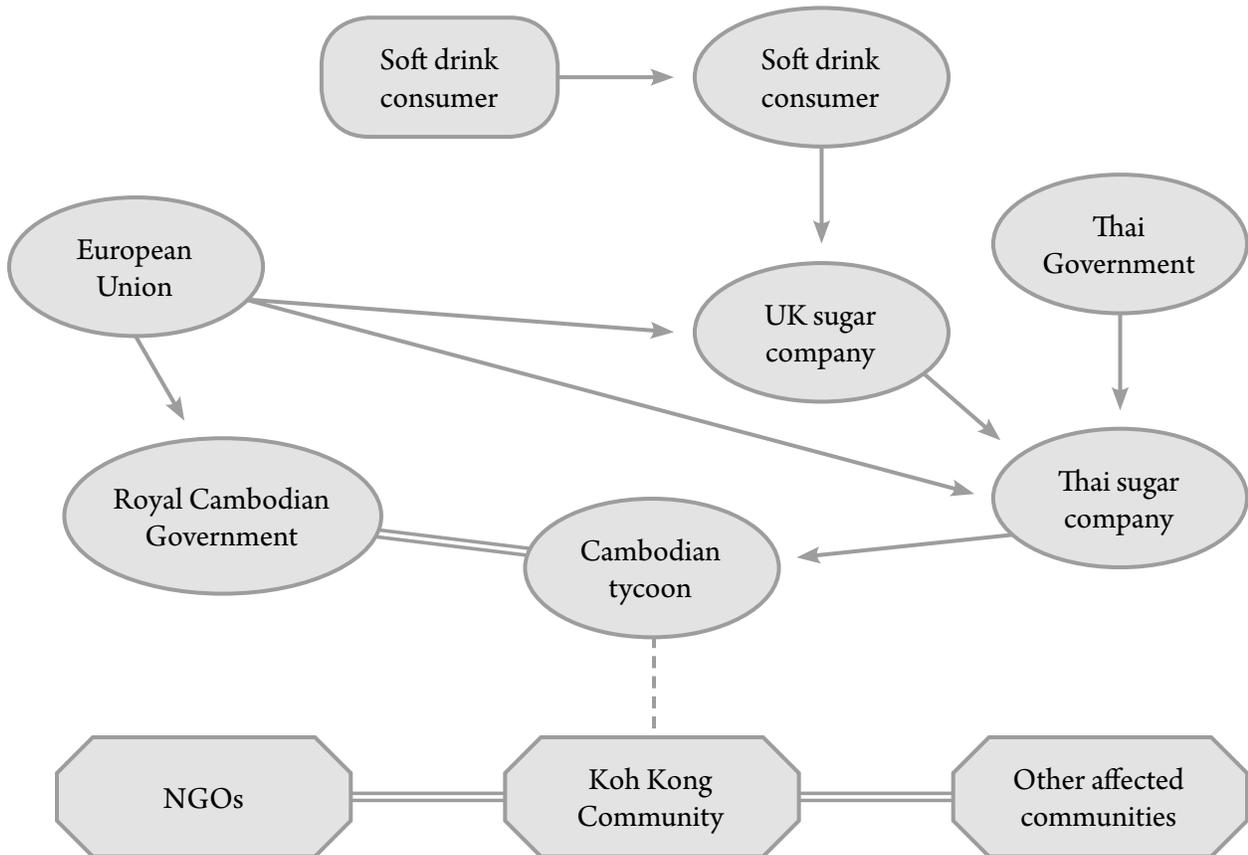
The villagers complained to the local authorities but they said that it was beyond their power to help. In 2007, they tried complaining to the provincial court, but the court ignored their complaint. Later that year, the villagers walked to Phnom Penh to deliver a petition to the Cambodian Prime Minister, but the owner of the company was very powerful so the Prime Minister did not respond to their complaint. The villagers felt hopeless and it seemed that there was nothing that could be done.

Then in 2009, NGOs began investigating the land grab and learned that there were a lot of other actors involved. Behind the Cambodian tycoon was a Thai sugar company looking to grow sugarcane on fertile land near the Thai border. The NGOs also learned that the Thai company was motivated to grow sugarcane in Cambodia in order to take advantage of a special agreement with the European Union (EU) that allows companies that invest in Cambodia to export their products to Europe without paying tax. They later learned that in June 2010, the Thai sugar company exported all its sugar from the Koh Kong plantation to a famous British company. This company then sold the sugar to several famous soft-drink companies.

With the help of some NGOs, the villagers learned about all of these different actors involved in their situation. They joined with other communities affected by the sugar industry and started an international campaign in 2011 to put pressure on all of the actors involved. They filed a complaint to the Government of Thailand against the Thai company. They wrote letters to the EU about how its trade policy was harming them. They got journalists to write articles in European media. They encouraged European soft-drink consumers to write to the soft-drink companies and tell them to stop buying sugar from land grabbers. They also filed a lawsuit in the court in the UK against the British company for buying sugar grown on stolen land.

Eventually this advocacy began to work, and in 2013 the company approached the villagers to enter into negotiations to find a solution.

Handout 4 – Lesson 2a



Lesson 2b Understanding the parties' interests

Aim

Participants will understand the importance of looking underneath the parties' demands to understand their interests. Participants will know that when they have this information it will increase the chances of reaching a good agreement in a negotiation.

Materials

Whiteboard or flipchart, markers, Handout 1.

Method(s) Used

Class discussion, case study, negotiation tree.



| Procedure | Time Frame (in minutes) |
|---|----------------------------|
| Step 1: Taxi negotiation and discussion | 5 |
| Step 2: Introduce the information in Section 2.4 including discussing Handout 1 and explaining the negotiation tree | 20 |
| Step 3: Explain the exercise and divide participants into groups | 5 |
| Step 4: Groups make negotiation trees | 20 |
| Step 5: Group presentations and discussion | 15 |
| Step 6: Introduce the information in Section 2.5 | 10 |
| Step 7: Debrief | 15 |
| Total: | 90 |

Step 1: Taxi negotiation (5 mins)

- Ask a participant to volunteer to act as a taxi driver. You can ask the volunteer to sit in a chair in front of the class and pretend that he or she is driving a taxi.
- Pretend to be walking along the street and call the taxi driver to stop. Ask the driver how much it will cost to take you to the market. Whatever amount the driver says, say you want to pay half.
- Continue the negotiation but do not move from your position of paying half of the original amount.
- After a minute stop the negotiation.
- Ask the participants what happened in the negotiation and why you could not reach an agreement.

Step 2: Introduce the information in Section 2.4 (20 mins)

It is important that participants understand:

- That it is possible to avoid a situation in which two parties cannot reach an agreement by finding out *why* they both want something.
- That finding out why both parties want certain things can help them think of more possible solutions.
- That thinking about why the parties want something involves understanding their interests, such as their needs, hopes and fears.

Notes: To explain the *taxi negotiation example*, pass around Handout 1. Ask participants what is happening in the comic and why they are able to reach an agreement.

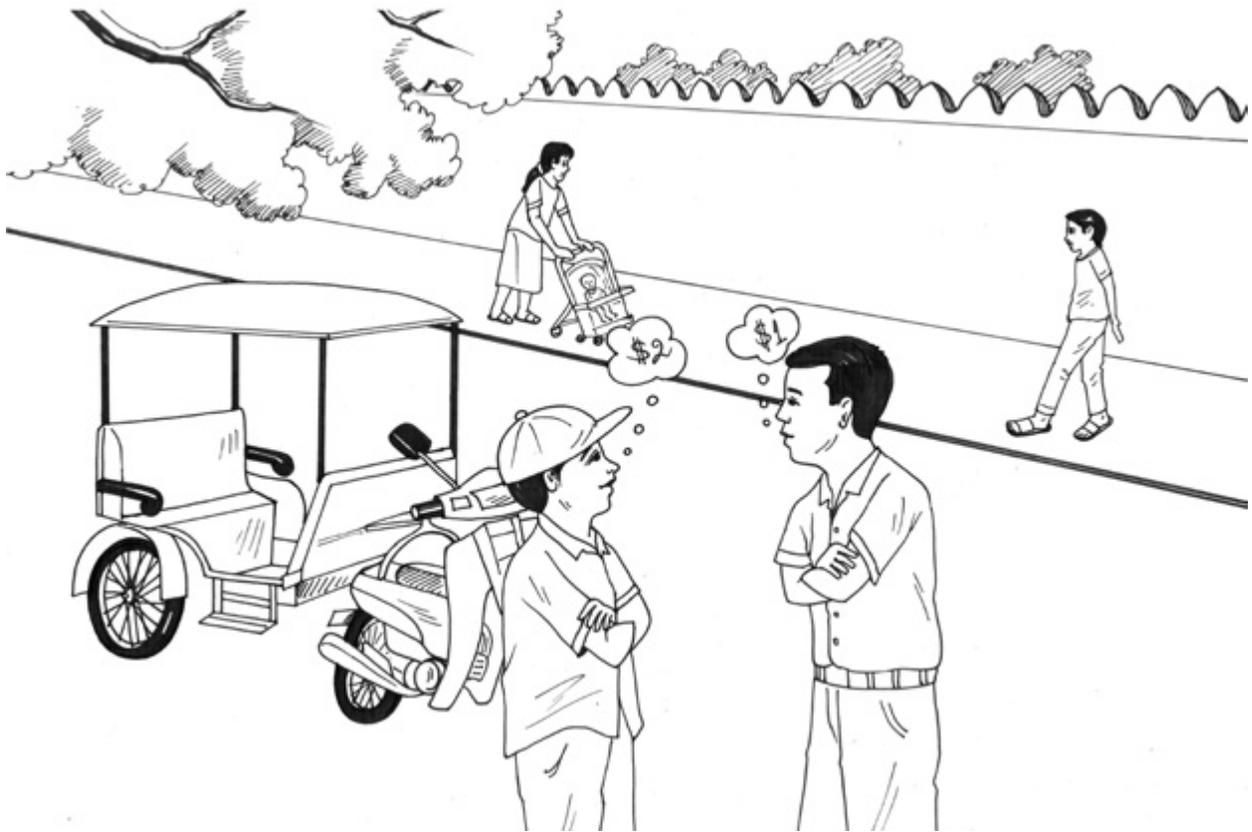
When you explain how to make a *negotiation tree*, it is a good idea to draw one on a flip chart or white board, like the one in the text. Using the picture of the tree, make sure you explain that:

- The branches are like the demands that the parties make (*what* they want).
- You need to dig to see the roots of the tree and to understand the party's interests, such as their needs, hopes and fears.

2.4 What are the interests of the negotiating parties?

When people negotiate they usually focus on a single result that they want. During a negotiation it is very common to hear both parties keep

repeating what they want. There might be some compromise, but when the thing that one party wants and the thing that the other party wants does not match, the negotiation ends with neither party getting what they want.



Here the taxi driver wants \$2 to take the man to the market and refuses to take less. The man only wants to pay \$1 and refuses to pay more. They cannot reach an agreement so neither person gets what they want

It is important to try to avoid this type of situation in a negotiation. You can do this by looking behind the demand of each party to the negotiation and thinking about *why you want something* and by finding out *why the other party wants something*. This can help you to think about more options for a possible agreement.

Understanding why you or your community want something involves thinking about your **interests**, such as your needs, your hopes or plans for the future as well as your fears and things you want to avoid.

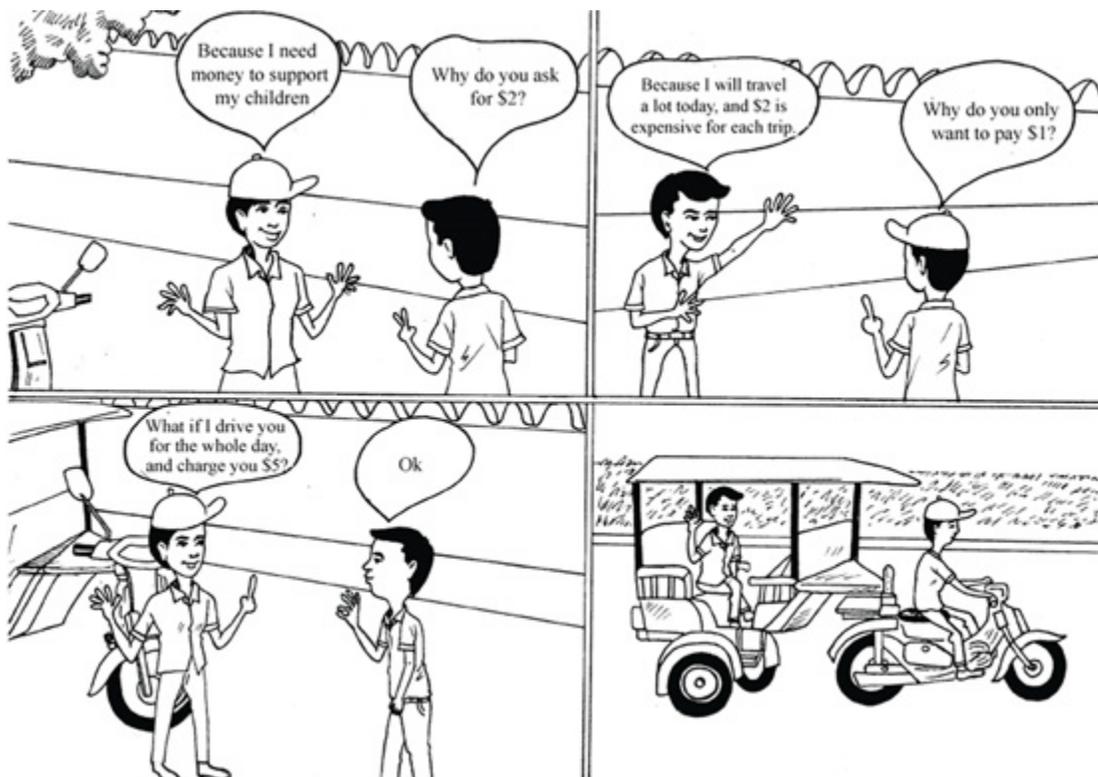
Understanding the reasons behind the other party's demand involves finding out what their interests are, such as their needs, hopes and plans, as well as their fears.

Example: The Taxi Negotiation

We can ask: *why* does the taxi driver want to be paid \$2 for the trip? If you ask her she may reply that she has not had many customers lately because there are so many other taxis. The price of fuel for her taxi has increased and she is worried that if she does not start to earn more money every day she will not be able to look after her family. She also wants to earn enough to save up so she can buy a taxi, so she doesn't have to rent one anymore.

We can also ask the passenger: *why* do you insist on paying only \$1? The man may reply that he has to make many trips that day. He has to go to the market and then to his job and then to pick up his children from school and then home. He does not want to spend much more than \$4 on all of these trips. He has a very busy day and he is also concerned about being late to his job and picking up his children from school.

If the taxi driver and the man had this conversation and found out *why* they each insisted on getting what they want, they might be able to negotiate a deal. The taxi driver could offer to drive the man around all day and wait for him so that he doesn't have to find a taxi and waste time negotiating a price each time. They might settle on a price of \$5 for the whole day.



Imagine you are looking at a big tree. You can see the branches and leaves, but you know that under the ground are the roots that are feeding the branches and leaves and keeping the tree alive.

In a negotiation, at first we only see the parties' demands. But underneath those demands are the parties' interests that are "feeding" the demands.

The things a party demands in a negotiation are like the *branches and leaves* of the tree that we can

always see. For example, the \$2 that the taxi driver demanded is like the branches and leaves.

Why the party wants something is like the *roots* of the tree. We cannot see the roots but they feed the branches and leaves. For example, the reasons behind the taxi driver's demands - her fear of not earning enough money to look after her family and her hopes and plan to buy a taxi - are like the roots. These are the interests of the parties. We can only see these once we dig and find out the information.



Negotiation Tree: Understanding the interests, such as the needs, hopes and fears of the parties, will increase the chances of reaching an agreement that both parties are happy with.

Step 3: Explain the exercise and divide the participants into groups (5 mins)

- Explain that you will divide participants into four groups. The groups will have 20 minutes to make a negotiation tree for the Koh Kong case study from Lesson 2a.
- Two groups will make a negotiation tree for the community, thinking about the community's demands and the interests underneath those demands. They will discuss the community's needs, hopes, plans and fears.
- The other two groups will make a negotiation tree for the Thai company behind the threat of eviction. They should think about what they are demanding (eg. their land or forest, etc.) and their interests. They will discuss what the company's needs, plans and fears might be.
- Divide the participants into four groups and give them a flipchart and markers.

Step 4: Groups make negotiation trees

- Move around the groups and make sure that everyone understands their task and provide guidance and answer questions if needed.

Step 5: Group presentations:

- Ask one group that worked on the negotiation tree for the community to present their tree. Ask the other group if they identified different interests of the community.
- Ask one group that worked on the negotiation tree for the company to present their tree. Ask the other group if they identified different interests.
- Stick the negotiation trees around the room and leave them there for the next lesson.

Step 6: Introduce the information in Section 2.5 (10 mins)

It is important that participants understand:

- Collecting household information about their community is necessary to understand their interests.
- They should collect this information and supporting documentation in order to use as evidence during the negotiation.

2.5 Understanding your community's interests

To understand your community's interests, you will need to gather information about your community and each household. For example, it is a good idea to collect information about:

- The size of the community's and each household's land;
- The number and type of houses;
- Other property and important resources;
- Important facilities nearby, such as schools and hospitals; and
- Jobs, livelihoods and incomes of all the families.

This information can help you understand what is important to the community and the concerns of different families facing displacement about what they could lose, or what they have lost already if they have already been displaced.

The information can also be used to assess the value of the land, housing and other property and resources. This is important if you are negotiating about fair compensation amounts or replacement land, housing and property. Information about livelihoods and incomes can help in negotiations about livelihood support if your community resettles somewhere else. Knowing the value of all of your property and the resources and facilities that your community uses can also help you demand an alternative to displacement.

Gathering community information

You can organize a research team made up of members of your community, who will be responsible for collecting all of the information. The team can visit each household and work with them to collect the information. Alternatively you can ask each household to come prepared to a community meeting with all the information about their households. You can then add information about property, resources and facilities that have value to the whole community.

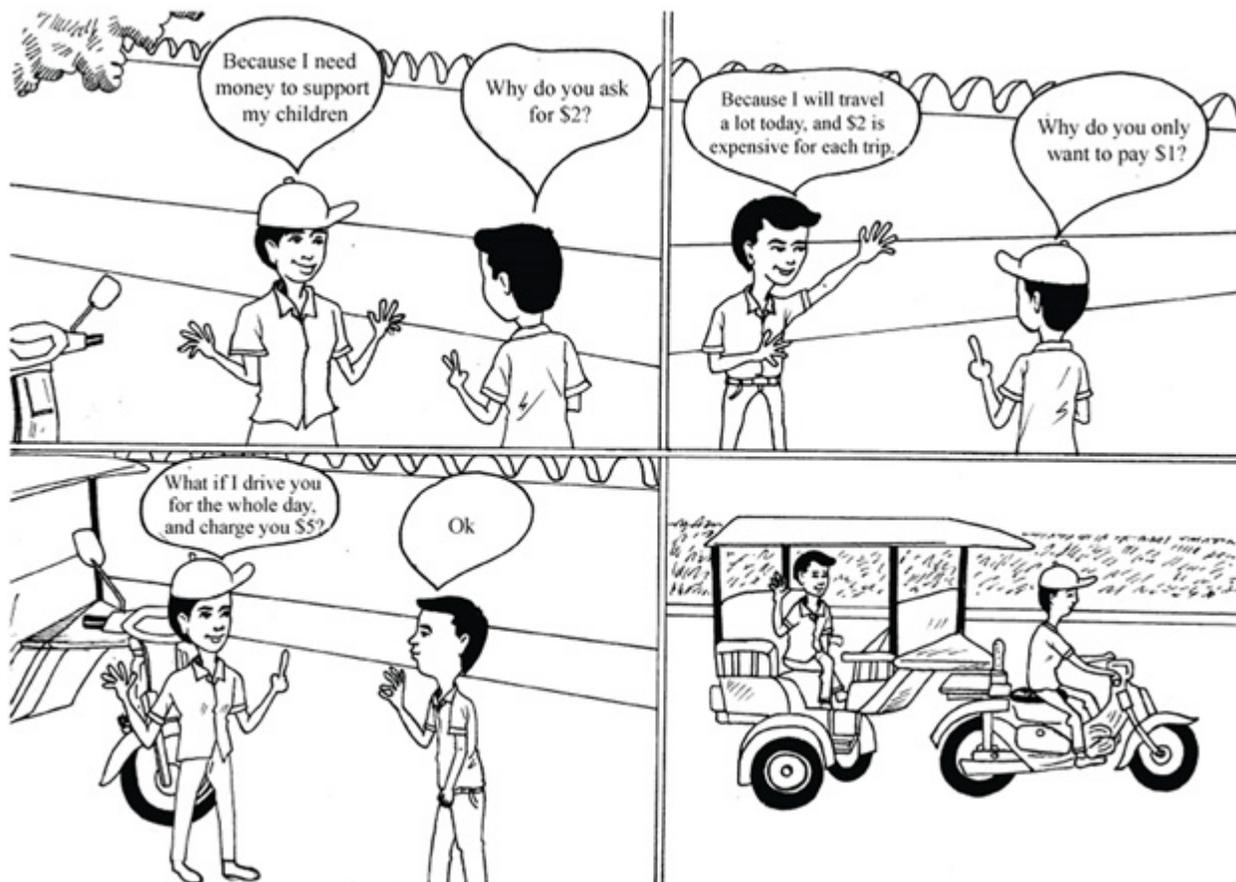
You should also collect copies of household documents that show ownership or rental of land and housing. You can also take photos around the village, including photos of each family standing outside of their home, and of all the different types of property and resources. Photographs can be important evidence during a negotiation before a threatened eviction or for demanding compensation after displacement occurs.



Step 7: Debrief (15 mins)

- Ask the participants if they can explain what “interests” are. (A party’s interests come from their needs, their hopes and plans for the future as well as their fears and things they want to avoid.)
- Then ask, why it is important to understand the interests of parties to a negotiation. Give a few participants an opportunity to answer. Make sure they understand that they are more likely to think of many different solutions and then reach an agreement if they consider all the interests of both parties.
- Ask the participants if there might be different interests amongst their community. Does everyone have the exact same needs, hopes, plans and fears? Ask the participants how they could improve their understanding of all of the interests of the community.
- Lastly, ask the participants how they could find out more information about the interests of the company or government that wants to take their land or destroy their natural resources. After hearing their ideas you can suggest that they could look at media reports, look on the company’s website, or even write a letter to the company or government asking questions about their plans and other interests. They could also ask an NGO to help with this research.

Handout 1 – Lesson 2b



3 Options for a Possible Agreement

Outcomes

After completion of this module, participants will:

1. Know that understanding the reasons behind the parties' demands (their interests) can help them think of more options for a possible agreement.
2. Know how to develop creative options for a possible agreement.
3. Understand that thinking only about money can limit the potential options.
4. Know about different alternatives to eviction.
5. Understand the importance of thinking about realistic options for a possible agreement.
6. Understand the importance of first offers in a negotiation.

Lesson 3a Developing options for a possible agreement

Aim

Participants will know that understanding both parties' interests will help them think of more options for a possible agreement. Participants will know how to develop several possible options for agreement in a negotiation. Participants will develop ideas for possible agreements that are alternatives to forced displacement.



Materials

Whiteboard or flipchart, markers

Method(s) Used

Class discussion, group work, competition, case studies.

| Procedure | Time Frame (in minutes) |
|---|------------------------------------|
| Step 1: Review of previous module | 5 |
| Step 2: Introduce the information in Section 3.1 and discuss example | 15 |
| Step 3: Introduce the information in Section 3.2 and discuss case studies | 15 |
| Step 4: Explain the exercise and divide participants into teams | 5 |
| Step 5: Teams prepare | 15 |
| Step 6: Competition and presentations | 20 |
| Step 7: Debrief | 10 |
| | Total: 85 |

Step 1: Review of previous module:

- Ask one or two participants to summarize the main points from the previous module about ‘information’. Make sure that people remember that:
 - ▷ It is important to understand the situation that you are negotiating about and all the actors involved.
 - ▷ It is important to think about what you want and why you want it (your interests).
 - ▷ It is important to understand the reasons behind the other party’s demands (their interests).
- Ask the participants why they think it is important to know this information. How can it help them be more successful in a negotiation?

Step 2: Introduce the information in Section 3.1 and discuss example (15 mins)

It is important that participants understand:

- The more information the parties have about each other’s interests, the more options for an agreement they will be able to think of.
- If you have more options for an agreement, it is more likely that you will find one that you are both happy with.
- Understanding both parties’ interests can help you think of creative options for agreement.
- These options can be about more than just money.

Note: Use the rice seller example for discussion. Read out the example and ask participants if they think a good agreement was reached and why.

3.1 Using information to think of options for an agreement

The more information that parties to a negotiation have about each other's interests, the more options they will be able to think of for a potential agreement. If you have more options for an agreement, it is more likely that you will find one that both parties will find acceptable.

Often people think of only one possible result that they would agree to and when this does not match

the other party's demands, no agreement can be reached. If instead you think carefully about all needs, plans and fears of both parties, you can begin to develop some more creative options for a possible agreement that satisfies those interests.

Using this method in your preparation will mean that when you start negotiating you can discuss more than just the main thing that you are negotiating about. You can also discuss other things that you and the other party have or can do for each other that will satisfy both of your interests.

Example: Negotiating over more than rice

Phuong sells rice and her neighbor Anh wants to buy a bag. Phuong usually sells her rice for \$25 per bag but Anh can only afford to pay \$15. If they do not find out any more information about each other's interests, the situation is that Phuong wants \$25 and Anh can only pay \$15. They will not reach an agreement.

But Anh knows that Phuong has had difficulty looking after her two sons because she has to work at the market all day. Phuong generally earns enough money from working at the market but she works long hours and does not have enough time to look after her sons and do housework. Anh does not have much money but she does have a lot of time because she cannot find work lately. Because Anh has this information she thinks of a new possible agreement:

Anh can look after Phuong's sons after school for three hours each day and do some housework at Phuong's home in exchange for plenty of rice. Both Phuong and Anh are happy with this agreement because it satisfies both of their interests.



In this negotiation Anh and Phuong thought of an option for an agreement that did not just involve money, even though they were talking about buying and selling something. This is a good agreement because:

- It satisfies both of their interests: The agreement allows Phuong to work longer hours without worrying about her sons and provides Anh with a job and enough rice to eat.
- It is even bigger than what they were originally negotiating about, which was only one bag of

rice. Now Phuong will have her sons looked after every day and Anh has plenty of rice to eat.

When you can think of possible agreements that involve satisfying each other's interests there is a much better chance of reaching an agreement that both parties will be happy with. The options can involve much more than just money and can lead to an agreement that brings longer-term and bigger benefits to both parties.

Step 3: Introduce the information in Section 3.2 and discuss case studies (15 mins)

It is important that participants understand:

- Forced displacement almost always lead to impoverishment even when some cash compensation is provided.
- There are alternatives to displacement that may be possible options for an agreement that satisfy both parties' interests.

Note: Use the case studies in the text below to facilitate a discussion. You may only want to read out the case study most relevant to the participants' own situation. Ask participants what they think about the case study. You can also ask participants if they can think of any other examples.

3.2 Developing alternative options to displacement

If you are facing displacement from your homes or farmland, it can be very hard to think of possible options for an agreement that are in your interests as well as those of the powerful actors that want to take your land. Many communities facing displacement only try to negotiate for more cash compensation and do not think about other possible options that may be much more beneficial to their lives. However, there are cases where displacement has been avoided by finding alternatives besides compensation that satisfy the interests of both parties.

For example, some urban communities have been able to avoid eviction by allowing the government to use part of their land in return for upgraded housing and infrastructure on another part of their land. Others have found alternative land and

negotiated the terms of their own planned resettlement. Rural communities facing displacement from large agricultural plantations have avoided eviction by agreeing to grow specific crops on their own land and sell it to the company at an agreed price.

All of these options involve risks and should be considered very carefully to ensure that they are really in your best interests. If you think you can successfully resist displacement by protesting or going to court, then that may be the best option. But many communities find that they are unlikely to be able to successfully resist displacement by stopping the development project. In this situation, the best way to avoid displacement may be to propose alternative development plans that satisfy both parties' interests. The case studies below from Cambodia, Thailand and Vietnam are examples of successful alternatives to displacement that communities were able to negotiate.

Participatory resettlement of Akphivat Mean Chey community, Phnom Penh, Cambodia

In 1997, 129 households living in a roadside settlement in Phnom Penh, Cambodia found themselves threatened with eviction, to make way for a municipal drainage project. Through their community savings group, the people managed to use the crisis to organize themselves and negotiate their own planned resettlement to new land at Akphivat Mean Chey. The alternative to forced eviction involved many different actors:

- **Community members** searched for alternative land and chose the final site from several site options.
- **UNCHS** (part of the United Nations) provided infrastructure through “community contracts” in which community members were paid to construct roads, drains, pit latrines, water pumps and plant trees.
- **The Municipality** purchased the new land using funds from the drainage project budget and granted each household land title after they repaid their housing loans.
- **Young architects** working with several **NGOs** helped the people design the layout plan and houses.
- **The District Chief** helped to negotiate the whole process.
- **A micro-finance organization** provided housing loans of US\$ 400 to each of the 129 households.
- **Households** built their own houses, which they had developed with the architects.
- **The Community Savings Network** turned each step of the process into training for other communities around the city by bringing them to visit the Akphivat Mean Chey community.

The Akphivat Mean Chey case showed that, if given the opportunity, poor communities can effectively plan and undertake a voluntary resettlement process in collaboration with different actors. The result satisfied the interests of the community, which ended up with better housing with security of tenure, and the municipality, which was able to move ahead with drainage project.

Sources: Asian Coalition for Housing Rights (www.achr.net) and Hallam Goad, “Phnom Penh and its informal settlements: A chronological overview of key events (1992-2012), 2014.

Onsite upgrading of Loung Vichet canal community in Bangkok, Thailand

The government planned to evict the Loung Vichet community living along a canal in Bangkok because it believed that the canal required widening due to flooding. The government believed that the community was causing the flooding by throwing their garbage into the canal.

The community learned of the government's plans and decided to organize community cleaning of the canal. Each family was assigned a regular cleaning day once per month. If a family did not participate, they were required to pay money into a fund. Some families that had been living too close to the canal agreed to move back from the canal to stop erosion and flooding. The canal became clean and no longer flooded. The community planted fruit trees along the canal, and used environmental management techniques to reduce the smell from the canal.

The government's view of the community changed from considering them polluters to seeing them as a positive influence. As a result, the government abandoned its eviction plans and granted the community members land titles.

Source: Four Regions Slum Network, Thailand

Contract farming in Nam Din province, Vietnam

Many rural and forest communities face the threat of displacement from companies that are awarded land concessions by the government to develop large agricultural plantations. Often, the concession areas overlap with the land of local farmers and communities.

There are alternative models for agriculture that can be profitable for a company but don't involve massive plantations that take land and resources that local communities depend upon. One example is contract farming. This means that local smallholder farmers use their own land to grow crops that the company wants and then sell it to the company at an agreed price.

This type of arrangement was set up successfully in Vietnam's Nam Dinh province. A Chinese company called Luveco signed contracts with 20 farmer organizations, which in turn signed contracts with individual farmers. Before contract farming, local farmers cultivated rice. The company wanted them to grow cucumbers, tomatoes and corn. Luveco provided farmers who agreed to the arrangement with seeds, fertilizers and technical training and committed to buying the produce at a fixed price. The cost of all of the inputs is deducted from the final price that Luveco pays to the farmers. Luveco will only accept produce that is good quality.

Contract farming in Nam Din province, Vietnam (Continued)

This scheme has grown over the past 20 years, with more farmers getting involved. Farmers are reportedly happy with the higher and more stable income compared to what they used to earn. The arrangement is also profitable for the company, which is why it has continued for many years.

However, contract farming is not always positive for smallholder farmers. There is often a danger that the company will abuse its power by delaying payments, setting unfair purchase prices and forcing the farmer to take most of the risk if there is a bad harvest due to poor weather. When farmers sign contracts that are not fair and do not protect their rights, contract farming can lead to loss of land and displacement. Farmers that have organized themselves into an association and obtained legal advice and support have often been able to negotiate better contract terms that avoid these dangers.

Sources: “Making the most of agricultural investment,” Food and Agriculture Organization (FAO) and International Institute for Environment and Development (IIED), 2010; and “Positive Investment Alternatives to Large-Scale Land Acquisitions or Leases,” Transnational Institute, 2012.

Step 4: Explain the exercise and divide the participants into teams (5 mins)

- Explain that you will divide participants into four teams. Each team should include a mix of participants who worked on a negotiation tree for the community and some who worked on a negotiation tree for the other party.
- The teams should look at the negotiation trees stuck around the room from the last lesson. They should think about the interests of both parties. They should then think of as many options for a possible agreement for their situation as they can.
- These do not have to be options that they think the whole community will agree with, or options that they think the company or government will agree with. They should just aim to come up with as many ideas as possible.
- The team that thinks of the most options for a possible agreement will win the competition. The teams should be as creative as possible and think not just about money but every possible way the two parties can help each other improve their situations. This might also involve other people or organizations that they identified in the actor mapping exercise.
- The groups will have only 15 minutes to work, so they need to think quickly!

Step 5: Teams prepare (15 mins)

- Move around the teams and make sure that everyone understands their task. Encourage the teams to look at the negotiation trees and actor maps from the last lessons and to think creatively about all the information.

Step 6: Competition and presentations (20 mins)

- Ask the participants to return to their seats and ask each team how many options they thought of.
- Ask the team with the most options to present first.
- Next ask the other teams if they had different options, and ask them to present any options that were different.
- If you have prizes you can give them to the team with the most options.

Step 7: Debrief (10 mins)

- Ask the participants which option for a possible agreement they thought was the best one. Ask why they thought that option was the best one. Did it consider the interests of both parties? Was it creative?
- You can ask the participants to vote on which option they thought was the best and most creative one. If you have more prizes you can give them to the team that thought of the best option.

Lesson 3b Zone of possible agreement and demands

Aim

Participants will understand the importance of thinking about realistic options for an agreement. Participants will know how to find the zone of possible agreement and how to try to make it bigger. Participants will also know how to make smart first demands.

Materials

Small and large basket, whiteboard or flipchart, markers, enough copies of Handout 1 and 2 for each pair.

Method(s) Used

Class discussion, demonstration, role-play, team preparation, negotiation.



| Procedure | Time Frame (in minutes) |
|--|----------------------------|
| Step 1: Class discussion about realistic options from case study | 10 |
| Step 2: Introduce the information in Section 3.3.1 | 15 |
| Step 3: Basket demonstration | 5 |
| Step 4: Introduce the information in Section 3.3.2 | 15 |
| Step 5: First offer role-play | 5 |
| Step 6: Introduce the information in Section 3.4 | 15 |
| Step 7: Explain market negotiation and divide participants | 5 |
| Step 8: Participants prepare | 15 |
| Step 9: Negotiation | 5 |
| Step 10: Debrief | 20 |
| Total: | 110 |

Step 1: Class discussion about realistic options (10 mins)

- Ask the participants to think about all the options for possible agreement they came up with in the previous lesson. Ask the participants which of these options they thought were realistic? Which ones might have both parties agreed with? What made some options realistic and some options not realistic?
- After a few participants have had a chance to express their views, explain that it is important to be realistic about what you can get out of a negotiation and what the other party is willing to give or accept.

Step 2: Introduce the information in Section 3.3.1 (15 mins)

It is important that participants understand:

- That successful negotiation depends on both parties being realistic about what they can get from the other party.
- How to work out what the area of possible agreement is.

3.3 Realistic options for an agreement

3.3.1 Finding the zone of possible agreement

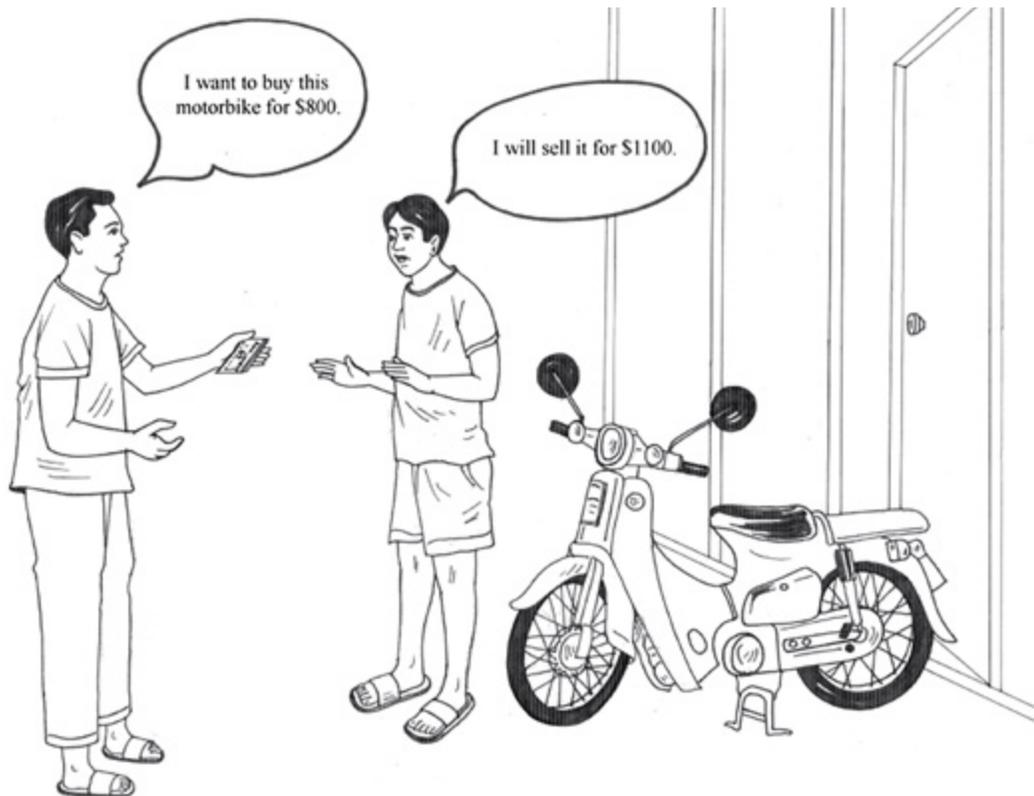
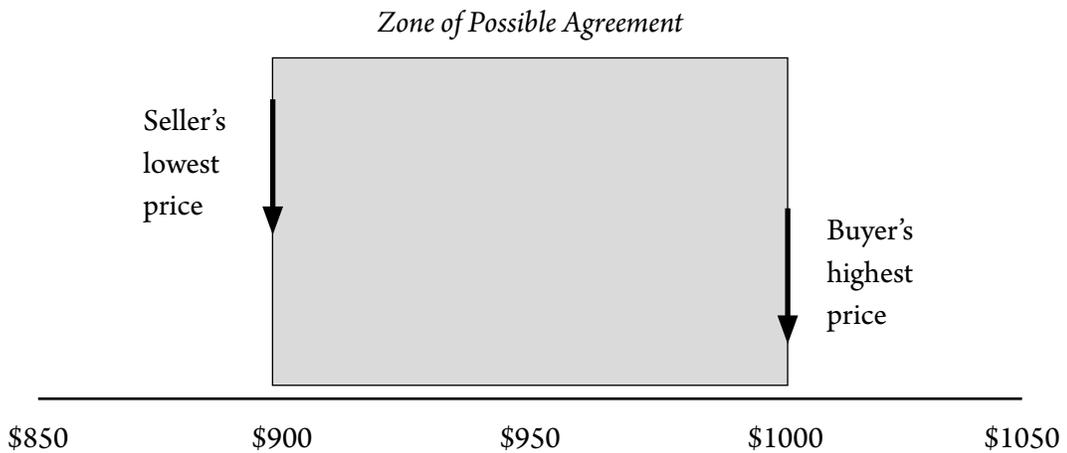
Successful negotiations depend on both parties being realistic about the agreement. If you demand more than the other party is willing to give, you will not reach an agreement. If the other party does not offer you what you need, you will also not reach an agreement that you are happy with.

That is why it is important to think about the **zone of possible agreement**. This is the area between the lowest or worst offer that one party to the negotiation would be willing to accept and the most the other party would be willing to give.

If you are negotiating about buying and selling something, the area of possible agreement is the area between the *lowest price* the seller is willing to accept and the *highest price* the buyer is willing to pay. This is the boundary within which the buyer and seller might be able to reach an agreement.

For example, if you want to buy a motorbike and the most you are willing to pay is \$1000 (but you would rather pay less) and the seller is not willing to sell the motorbike for less than \$900 (but would rather get more), the area of possible agreement is between \$900 and \$1000.

If the buyer offers the seller \$800, the seller will reject the offer. If the seller asks for \$1100, the buyer will reject this. These amounts are outside the zone of possible agreement.



Step 3: Basket demonstration (5 mins)

- Make sure that before the lesson you have two baskets or containers, one that is small and one that is larger.
- Place the small basket in the middle of the room and give a few participants a ball of paper and ask them to try to throw the paper into the basket. This should be quite difficult because the basket is small.
- Next, place the large basket in the middle of the room and ask a few other participants to throw balls of paper in. This should be easier because the basket is bigger.
- Explain that negotiations are like the baskets. If you think of more things to negotiate about and more creative possible options for an agreement, it is easier to reach an agreement.

Step 4: Introduce the information in Section 3.3.2 (15 mins)

It is important that participants understand:

- If you have more information about the needs, plans and concerns of both parties, the zone of possible agreement can be wider because you can negotiate about more than just one thing.
- You might fail to reach an agreement in a negotiation just because you did not get or give enough information, rather than because an agreement was not possible.

3.3.2 Making the zone of possible agreement bigger

The zone of possible agreement will be bigger or smaller depending on how much information you have about what you want and about what the other party wants. If you have more information about the needs, plans and concerns of both parties, the zone of possible agreement can be wider because you can negotiate about more than just one thing, such as money. It will also depend on

how creatively you can think about the options for a possible agreement.

If you do not get enough information, or give enough information to the other party, the zone of possible agreement is smaller. This means that you are less likely to reach an agreement. You might fail to reach an agreement in a negotiation because you did not share enough information, and not because an agreement was not possible.

Example: Rice Negotiation

Remember Anh and Phuong who were negotiating over a bag of rice? Phuong wanted \$25 for the bag of rice but Anh could not afford to pay that much. Anh could offer \$15 but Sothea would not accept such a small amount. Both \$25 and \$15 were outside the zone of possible agreement in this negotiation. If they continued to only negotiate about money, the area of possible agreement would have been very small or may not have existed at all. They would never reach an agreement.

If Anh and Phuong did not find out more information about each other's needs, the negotiation would have failed. But because Anh knew about Phuong's situation and understood her needs she could make the zone of possible agreement wider by negotiating about other things.

Eventually they reached an agreement. Phuong gave Anh the bag of rice and in exchange Anh would do housework for Phuong and look after her children.



Step 5: First offer role-play (5 mins)

- Choose any participant with an object on their desk, such as a phone, or who is wearing something valuable such as a watch or ring. Tell the participant you want to buy the object from them for \$1. Ask the participant how much they will sell the object to you for. Continue with the negotiation for a minute.
- Ask the participants what the demands in this negotiation were. What was the first offer of the buyer and how did the seller respond? Ask if they thought these were smart first offers.

Step 6: Introduce the information in Section 3.4 (15 mins)

It is important that participants understand:

- The “first offer” (\$1) that was made in the role-play is like the “first demand” that they will make in a negotiation with the authorities or company about their situation (facing displacement or having already been displaced).
- First demands should be greater than what one would be willing to accept in an agreement, but not so much that it will make the other party walk away from the negotiation.
- First demands can tell the other party how confident you are about your strength in a negotiation and also whether you are likely to be a fair and reasonable negotiator.

3.4 Demands in a negotiation

The first offer or first demand that a party makes in a negotiation is usually the ideal result that they would like to achieve even though they know the other party may not accept it. First demands are often outside of the zone of possible agreement.

For example, in a negotiation about rights to land, the community’s demand might be that they want

the company to stop its operations and leave them alone. The authorities or company might demand that the community moves away and offer them a small amount of compensation.

After both sides have expressed their demands, the parties may then start talking about their interests and exploring different options to reach an agreement that satisfies the interest of both parties.

What should your demands be?

It is usually a good idea to begin by demanding more than what you would be happy to end up getting in an agreement, especially if you are negotiating about an amount of compensation. This allows you to compromise during the negotiation but still reach an agreement that you are happy with.

However if you make very high demands, the other party might think you are not serious about negotiating fairly. They may think that you are unreasonable and that you will never be able to agree. The other party might walk away from the negotiation after hearing your demands if it is too far outside of the zone of possible agreement.

Your demands should be somewhere in between. It should be:

- More than what you would be happy to get in an agreement,
 - But not so high that it will make the other party walk away from the negotiation.
-

Your first demand is important because it tells the other party how confident you are about your strength in a negotiation and also whether you are likely to be a fair and reasonable negotiator. It might tell the other party whether you will be very tough in the negotiation or whether you are more interested in reaching a quick agreement. The other party may respond to your demands by making an offer, which tells you the same information about them.

For example, imagine you are buying a motorbike and you make a first offer of \$700. The seller then says she wants \$1200. You now know that the seller is going to be tough and try to get a high price for her motorbike. She may not care if she sells it to you today because she is confident that there will be others who want to buy it.

Step 7: Explain the market negotiation and divide participants (5 mins)

- Explain to the participants that they will now have a chance to practice their negotiation skills. Explain that you will divide participants into teams of two. Half the teams will get instructions about being a shirt seller at the market and the other half will get instructions about being a buyer.
- Everyone will have 15 minutes to read the instructions and prepare for the negotiation. During preparation the teams should think about the zone of possible agreement, any creative options for an agreement and what their first offer will be.
- Each shirt seller team will then be matched with a shirt buyer team. They will have 5 minutes to negotiate to try to buy and sell the shirt!
- Divide the participants into teams of two. Make sure there is an even number of teams. If there are any extra participants they can join with a team (there can be three in a team if necessary). Give half the teams Handout 1 and the other half Handout 2.
- Ask the teams to keep their instructions secret.

Step 8: Participants prepare (15 mins)

- Make sure everyone understands the instructions. If people cannot read ask someone to read the instructions out loud.
- Remind the participants that they should think about:
 - ▷ The zone of possible agreement,
 - ▷ Any creative options for an agreement, and
 - ▷ What their first offer will be.

Step 9: Negotiation (5 mins)

- Pair up each shirt buyer team with a shirt seller team and tell them to start negotiating.
- After three minutes tell the negotiating teams that they have only two minutes left to try to reach an agreement.
- After five minutes ask the participants to stop negotiating and return to their seats.

Step 10: Debrief (20 mins)

- Ask the teams to raise their hand if they reached an agreement. Next ask the participants to raise their hands if they are happy with their agreement. Write the number of groups that reached an agreement on the board and also write down the number of teams that were happy with their agreement.
- Ask each group that reached an agreement what it was. Write the agreements on the board with low prices on the bottom and higher prices on the top of the board.
- Ask participants what they think the zone of possible agreement was. What was the lowest price they think the seller would have accepted? What was the highest price the buyer would have paid?
- Ask if there were any other agreements that did not only involve money, but instead involved things such as medicine or free medical advice. What were some creative options for an agreement?
- Ask some of the participants what their first offers were. Do they think these were smart first offers?
- What did people learn from their negotiation? What would they do differently next time?

Handout 1 – Lesson 3b

Role 1: Marketplace Clothing Seller

You sell all kinds of things from your stall in the market, such as t-shirts, trousers, dresses, socks and underwear.

A tourist comes to your stall to buy a t-shirt. You bought the t-shirt from the tailor for \$1.50.

You have not sold anything today. Your daughter is sick and you need to visit a doctor to buy medicine. You know you will probably need to pay the doctor at least \$2.

You have to close your shop in 5 minutes. You *can lower your price to \$2* if you have no time left or the tourist decides to try to buy the t-shirt from another stall. However, *you want to get as much money as possible* for the t-shirt. You can usually sell a t-shirt for \$2.50 but sometimes you can get as much as \$20 from tourists!

Handout 2 – Lesson 3b

Role 2: Shirt Buyer: American Doctor on Vacation

You are a doctor from America who has been on vacation in Myanmar. It is now the end of your holiday. You have stopped at the market on the way to the airport because you want to buy a shirt. You have all your luggage including your medicine bag with you. *You have \$15 left in your wallet.*

You are not really sure how much a shirt should cost, but you do know that local vendors often increase prices for tourists which you think is unfair. You do not want to pay more just because you are a tourist! You find a clothing seller who has shirts and many other things to sell at the stall.

Your taxi leaves for the airport in five minutes so you have to agree on a price by then or just walk away.

4 Laws, Policies and Other Standards

Outcomes

After completion of this module, participants will:

1. Understand what standards are.
2. Know how to find laws, policies and other standards that apply to their case.
3. Understand how to use standards to strengthen their position in a negotiation.

Lesson 4 Using standards to strengthen your position

Aim

Participants will understand how using laws, policies and other standards in a negotiation can help to make their position stronger. Participants will know how to find standards that apply to their case. Participants will practice negotiating using standards to try to reach a good agreement.



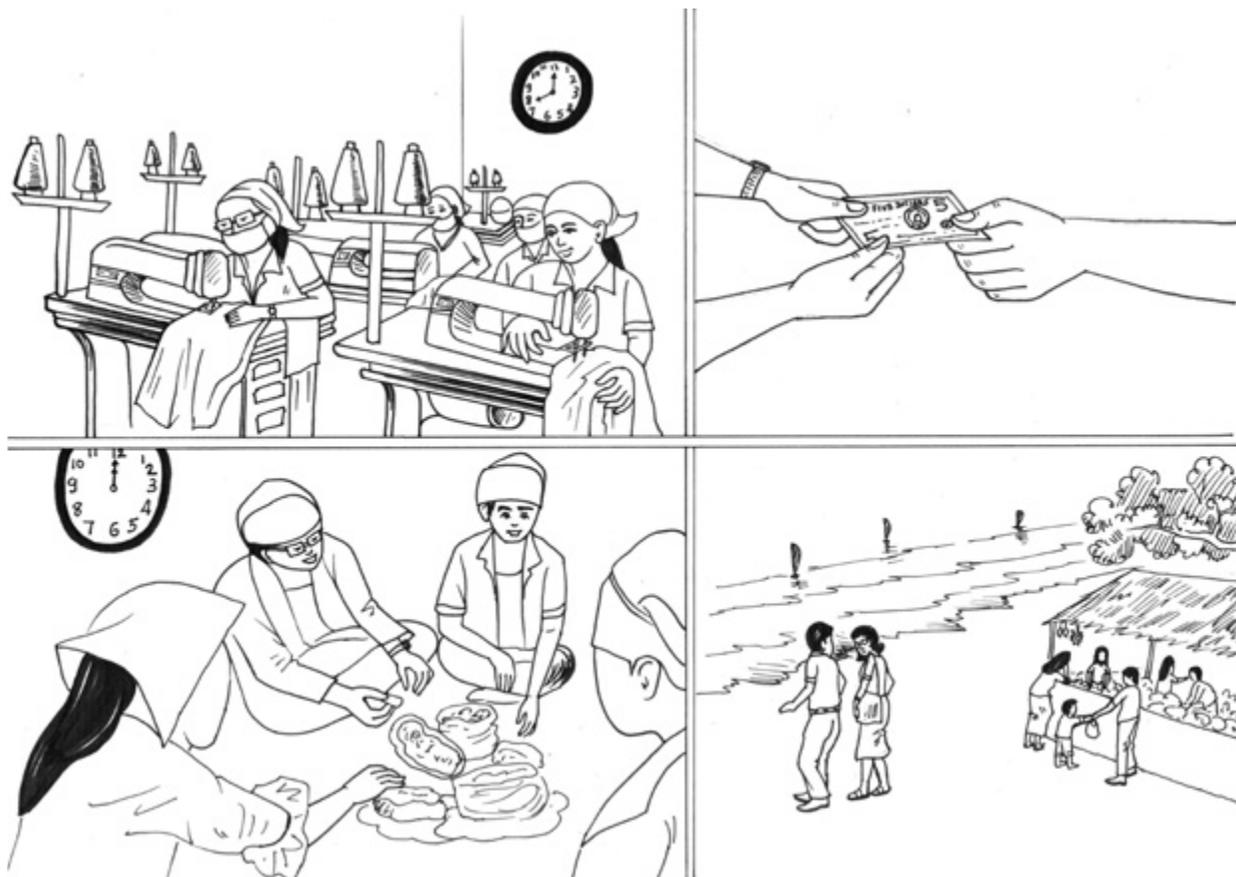
Materials

Whiteboard or flipchart, markers, enough copies of Handout 1 and 2 for all teams.

Method(s) Used

Class discussion, team preparation, negotiation, brainstorm.

| Procedure | Time Frame (in minutes) |
|--|----------------------------|
| Step 1: Introduce the information in Section 4.1 and 4.2 | 15 |
| Step 2: Explain farm negotiation and divide participants | 5 |
| Step 3: Participants prepare | 15 |
| Step 4: Negotiation | 15 |
| Step 5: Discussion | 15 |
| Step 6: Brainstorm about laws, policies and other standards apply to evictions | 10 |
| Step 7: Introduce the information in Section 4.3 | 15 |
| Step 8: Debrief | 10 |
| Total: | 100 |



Step 1: Introduce the information in Section 4.1 and 4.2 (15 mins)

It is important that participants understand:

- For any issue that is being negotiated there are laws, policies and other standards that apply.
- They can refer to laws, policies and other standards in negotiation to try to persuade the other party that what they are asking for is fair and reasonable.
- If the other party refuses to apply the law or do things in a way that is fair and reasonable, you can use advocacy to try to pressure them to negotiate fairly.

4.1 What are standards?

For any issue that is being negotiated there will be standards that apply. For example, if you are negotiating with an employer about how much you will get paid if you accept a new job and how many hours you will work in a week, there are local and international laws that apply and that you should use to help you reach a decision. Your employer might also have policies that say how much workers should get paid and how many hours they should work. These laws and policies are standards that are important to know and use to help make sure that the agreement is fair and reasonable.

For any issue that is being negotiated it is also a good idea to find out about **good practices** in similar situations. For example, you could find out how much workers with similar jobs get paid by other businesses in the industry that is regarded as fair and reasonable. You might find out that workers in a similar job with a fair employer get paid

\$10 per day, work eight hours each day, five days per week with a lunch break at noon for one and a half hours. These good practices are also standards that may be helpful to you in a negotiation.

4.2 Using standards in a negotiation

Laws, policies and other standards can be used in negotiations to persuade the other party that what you are asking for is fair and reasonable.

- If you can show that what you want and what you are asking for is based on standards, this will help to strengthen your position in the negotiation.
- If you can show that what the other party is demanding is against the law or their own policies, violates your rights or that it is unacceptable practice in your country or around the world, this can help weaken their position.

Asserting Your Rights in a Negotiation

You should aim to find an agreement that respects the law and your rights and is based on good practices. But it is not always easy to convince the other party to use these standards. If the other party refuses to do so, you can stop the negotiation and use different types of advocacy to try to pressure them to negotiate fairly.

For example, you can talk to the media and organize a petition or demonstration. You could also consider contacting a lawyer or a legal NGO to get advice about going to court or using other legal strategies if the other party is violating laws and your rights.



Step 2: Explain the farm negotiation and divide participants (5 mins)

- Explain that you will divide participants into teams of two. Half the teams will get instructions about being the owner and manager of a large farm, which is hiring workers. The other teams will get instructions about being two farmers looking for jobs on the farm.
- Everyone will have 15 minutes to read the instructions and prepare for the negotiation. During preparation the teams should think about all the skills they have learnt and focus on thinking of any relevant standards. They can try to use these to convince the other party to reach a fair and reasonable agreement in the negotiation.
- Each employer team will then be matched with a farm worker team. They will have 15 minutes to negotiate to try to reach an agreement.
- Divide the participants into teams of two. Make sure there is an even number of teams. If there are any extra participants they can join with a team. Give half the teams Handout 1 and the other half Handout 2.
- *Ask the teams to keep their instructions secret.*

Step 3: Participants prepare (15 mins)

- Make sure everyone understands the instructions. If people cannot read ask someone to read the instructions out loud.
- Remind the participants that they should think about all the skills they have learnt and to focus especially on relevant standards they can use to convince the other party to reach a fair and reasonable agreement.

Step 4: Negotiation (15 mins)

- Pair up each employer team with a farm workers team and tell them to start negotiating.
- After ten minutes tell the negotiating teams that they have only five minutes left to try to reach an agreement.
- After fifteen minutes ask the participants to stop negotiating and return to their seats

Step 5: Discussion (15 mins)

- Ask the teams to raise their hand if they reached an agreement. Next ask the participants to raise their hands if they are happy with their agreement.
- Ask each group that reached an agreement what their agreement was. Ask if their negotiation and final agreement was based on any standards? How did they use these to convince the other party to reach a fair and reasonable agreement?
- You can ask the groups that did not reach an agreement if they tried to use standards in the negotiation. Why do they think they did not reach an agreement?
- Ask if anyone threatened to do any advocacy to pressure the other party to negotiate fairly.
- What did people learn from their negotiation? What would they do differently next time?

Step 6: Brainstorm about standards relevant to evictions (10 mins)

- Ask participants if they can think of any standards that they think apply to cases of displacement.
- Encourage participants to talk about any laws and human rights they may have heard about.
- You can ask if they can think of any good practices locally or other countries (such as the case studies from other lessons).
- Ask if they can think of any other types of standards that apply.

Step 7: Introduce the information in Section 4.3 (15 mins)

It is important that participants understand:

- Finding information about local laws and international human rights law that apply to land rights and displacement is an important part of preparing for the negotiation.
- Finding information about good practices and other standards in similar situations is an important part of preparing for the negotiation.

Note: If the participants belong to an indigenous community, focus on their special human rights, particularly their right to give or withhold their free, prior and informed consent for any project that impacts their land, territories and resources.

4.3 Finding standards about displacement

An important part of preparing for the negotiation is finding the standards that apply to your case. Standards can come from your community, your province, your country or from other countries in the region and around the world.

There are many standards that apply to displacement that can be used to strengthen your position in a negotiation. It is important to find out what laws in your country say about land rights and displacement or resettlement. If you have rights to your land according to these laws, you can use these to strengthen your position in a negotiation. You can ask legal NGOs to help you understand the laws that are relevant to your situation.

Using human rights law to strengthen your position

It is important to know that forced evictions are illegal under international law.

The **International Covenant on Economic, Social and Cultural Rights**, is an international treaty that the Cambodian government signed and committed to respect. Article 11 of the Covenant requires signatories to: *“recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”*

This article has been interpreted by United Nations experts as meaning that governments must protect people from forced evictions.

According to the United Nations Committee on Economic, Social and Cultural Rights:

- An eviction is only allowed when it is absolutely necessary, for example when there is a development project that is genuinely in the interests of the public.
- An eviction can only happen if there are no possible way to avoid it, for example by redesigning the project or finding other alternatives to the project that don't require evictions.
- Before an eviction takes place, the government has a duty to make sure:
 - Information about the eviction and reasons for the eviction is provided to affected people;
 - Affected people are consulted properly;
 - Adequate and reasonable notice is given before the eviction is to take place;
 - Adequate compensation is provided to ensure that people can access alternative housing and land. People must be able to maintain or improve their living conditions after an eviction and nobody should ever be made homeless or landless due to an eviction. Compensation can be in the form of money, land, housing and other kinds of support.

Indigenous Peoples have particular rights under international law. These rights are explained in the **United Nations Declaration on the Rights of Indigenous People** (2007), which all Southeast Asian governments supported. This declaration says that indigenous communities have the right to give or withhold their **free, prior and informed consent** for any project that will affect their lands, territories or resources. This means that indigenous communities have the right to say “no” to being relocated against their will or to any other impacts to their lands and resources that they do not agree with.

You could also find out what is considered **good practice** in countries around the world in cases of eviction. What creative and fair solutions are used around the world so that people's rights are respected?

The best international practice is not to evict people, but to find solutions that allow communities to remain onsite or close to their existing location and resources. However, if you are considering accepting cash compensation and buying another house or piece of land of your choosing,

then you should find out how much your property is worth. You can ask your neighbors and other people in your community that recently bought their land how much they paid. You could also ask a real estate agent how much your land is worth.

Finding out about all of these types of standards, including laws, human rights, good practices and the value of property, is a very important part of preparing for a negotiation.



Step 8: Debrief (10 mins)

- Ask participants if they think using these standards would help strengthen their position in a negotiation on their case. Why or why not?
- Have they had any experiences using standards in negotiations or in their advocacy? Have they seen standards being used in other people's advocacy?

Handout 1 – Lesson 4

Role 1: Farm owner and manager

You are an owner and manager of a large cashew plantation. Cashews are becoming more popular so you have recently bought more land next to your farm so that you can expand your plantation. You employ eight workers on your farm and now need more workers to expand the plantation. You need the workers to plough the land and plant the cashew trees and then water the plantation everyday until the nuts are ready to pick and prepare.

You pay your existing workers \$3.50 per day. Because you will need to train the new workers, you will offer to pay them \$3 per day. If they are good workers, after a year you will pay them \$3.50. You expect your workers to work on the farm every day and must ask you in advance to take a day off. You feel that you are generally fair and allow them to take a day off if there is a very good reason, like if they are sick or there is an important family event or ceremony. Your workers take a lunch break for one and a half hours each day.

You think you are very generous to your workers compared with other farms. You have a staff house for the workers that is very comfortable and solid. It has a room for everyone to sleep and an outdoor eating area. You feed your workers three meals a day with vegetables and meat. You hear that other farms do not have proper staff houses and only feed their workers rice and soup.

Two farmers are coming to your farm in 10 minutes to meet you because they want jobs on your farm. You would like to find workers quickly so you can start expanding the plantation. However you also think that there are other farmers around looking for a job that you can hire if you cannot reach an agreement with these two.



Handout 2 – Lesson 4

Role 2: Farmers looking for work

You are two farmers who have come to another part of the country to find work because there is not much employment where you come from. You heard that cashew farmers are doing good business. You do not have any experience growing cashews but you have both worked on farms growing all kinds of fruit and vegetables for many years. You have spoken to a few people in the area and they told you that cashew farmers generally get paid \$2.50 per day. You need to earn \$2.50 so that you can send money to your family back home.

You are willing to work hard but must go home to visit your families every month for a few days. You both have wives and children. You could not afford to bring your families to the area because you do not have a house for them. You have heard that sometimes workers' families are allowed to stay in the staff house at the farm if there is enough room. You hope that there is more than one room in the staff house so that your wives and children can visit.

You are about to meet a cashew farm owner and manager who are looking for workers. You have heard that the farm owner is rich but does not treat his workers well. You heard that he does not give his workers any days off. You are worried that the farm owner will not want to pay you fairly or give you any days off. You need this job because you have no money but how will you visit your family with no days off? You also think that if you cannot reach an agreement there must be other farmers who will want to hire more workers soon.

You heard on the radio about an NGO that monitors workers' conditions and pay on farms. People from the NGO often talk on the radio about farm owners who treat their workers badly or refuse to pay enough. You heard that farm owners who are named by the NGO on radio feel embarrassed and lose face.



5 Increasing Your Power in a Negotiation

Outcomes

After completion of this module, participants will:

1. Understand the importance of the whole community being involved in planning a strategy to negotiate.
2. Understand how to use different advocacy methods to increase your power in a negotiation.
3. Know when to ask for support from other communities and from organizations.

Lesson 5 Gaining power

Aim

Participants will understand the importance of uniting their community to strengthen their position in a negotiation. Participants will know that they can use different types of advocacy and get support from others to increase their power.



Materials

Whiteboard or flipchart, markers, 15 wooden disposable chopsticks, a few copies of Handout 1.

Method(s) Used

Demonstration, class discussion, brainstorm, group work, role-play.

| Procedure | Time Frame (in minutes) |
|--|----------------------------|
| Step 1: Community solidarity exercise | 5 |
| Step 2: Class discussion about united communities | 10 |
| Step 3: Introduce the information in Section 5.1 | 10 |
| Step 4: Brainstorm and discussion about advocacy | 5 |
| Step 5: Introduce the information in Sections 5.2 - 5.4 | 20 |
| Step 6: Explain the activity and divide participants into groups | 5 |
| Step 7: Group work | 20 |
| Step 8: Role-plays and discussion | 20 |
| Step 9: Debrief | 10 |
| Total: | 105 |

Step 1: Community Solidarity exercise (5 mins)

- Ask three volunteers to stand in front of the class
- First, give one chopstick to one volunteer and ask him or her to break it.
- Next, give another volunteer three chopsticks and ask him or her to break them.
- Next, give the last volunteer ten or more chopsticks and ask him or her to break them.
- Ask the participants if they think it was easier to break one chopstick or ten. Tell them that the chopsticks represent their community. When they work together, each community member strengthens the others and whole group is stronger.

Step 2: Class discussion about united communities (10 mins)

- Ask the participants if they have even been involved in a situation that affected the whole community but the other party wanted to negotiate with individual families and not the community as a whole. Encourage participants to share their stories.
- Ask the participants if they think they would be stronger if they negotiated as a community with one voice or if they could get a better result negotiating individually.

Step 3: Introduce the information in Section 5.1 (10 mins)

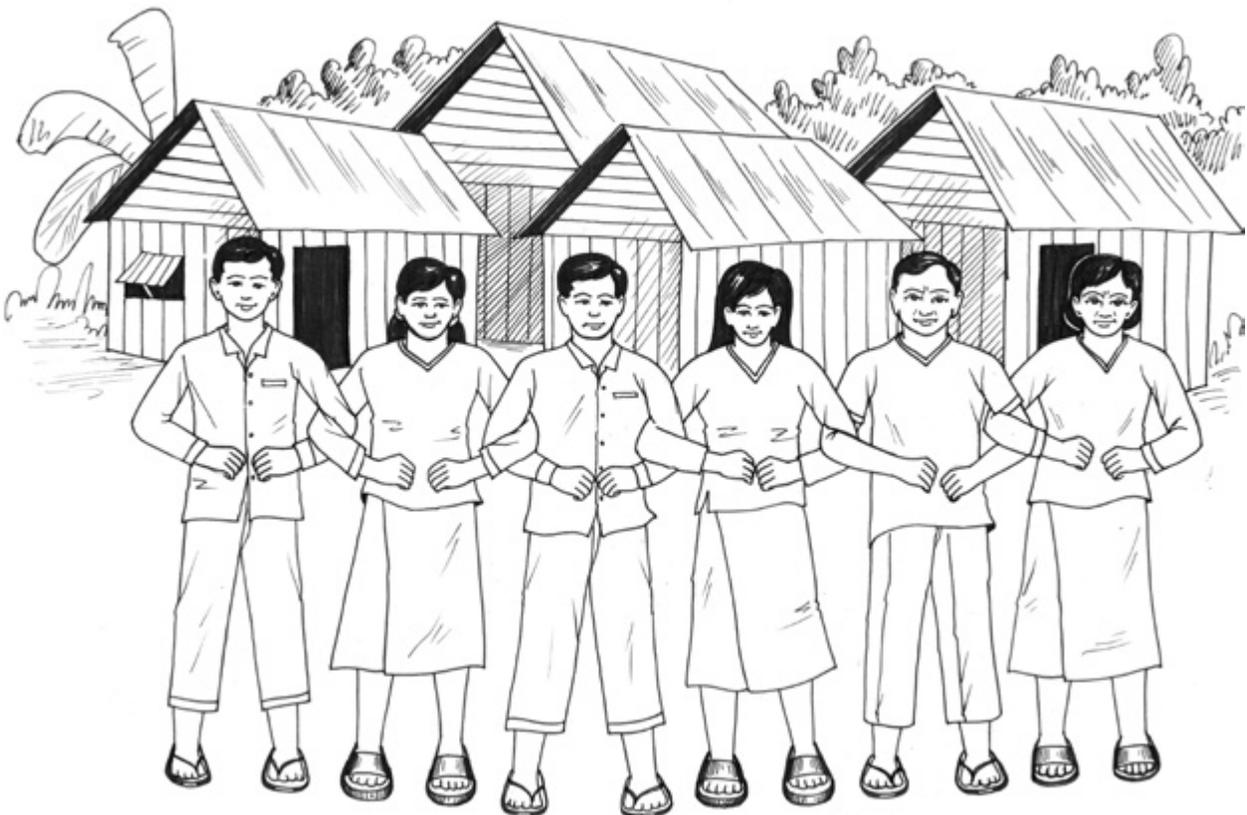
It is important that participants understand:

- If a community is organized and united, its position in a negotiation is likely to be much stronger.
- Even if different people in the community want different results, the community can still be united and negotiate together.
- Some ways to unite their community include selecting representatives, organizing regular meetings and collecting information from each family.

5.1 Uniting your community

Often in cases of displacement, the people or company trying to take the land do things to try to divide the community. The people behind an eviction will often invite each family separately to negotiate a compensation amount. They do this to weaken the community. If the community insists on negotiating with one voice it will be harder to ignore its collective demands.

This does not mean that every family in a community must want the same result. For example, the community may decide that it is fair for families to get different amounts of money depending on the size of their houses. Some may want money and others may prefer to receive alternative land and housing. Others may want to find a solution that does not involve moving away from their housing and land. This does not mean that the community cannot be unified. The community can still work together to develop and implement a strategy that aims to increase its power in a negotiation.



If your community is organized and united, your position in a negotiation will be much stronger. There are many things you can do to unite your community:

- **Community representatives:** It is a good idea to select community representatives whom you trust. Some communities choose to select a few representatives. This makes it more difficult for one community representative to be pressured by those trying to take the community's land. It is a good idea to select a mix of people that represent all the different members of your community, such as women and men and people from minority groups.
- **Community meetings:** It is also important to have regular community meetings to discuss the situation, share information and give

everyone an opportunity to express their ideas. You might decide to organize a meeting with the whole community every week or every month. At these meetings, the representatives can make sure they understand the views and ideas of the whole community.

- **Household interviews:** Another way to organize the community is to choose volunteers to visit each family to collect information about their household and ask them about their needs and plans as well as their fears and concerns. A summary of the information can then be reported at the group meeting so that the entire community has a better understanding of the members. This information can also be used to understand the community's interests and think of creative options for an agreement in the negotiation.

Step 4: Brainstorm and discussion about advocacy (5 mins)

- Write the word "advocacy" on the board. Ask the participants what they think it means.
- Next ask the participants if they can think of different types of advocacy methods. As people give their ideas, write them down.

Step 5: Introduce the information in Sections 5.2 - 5.4 (20 mins)

It is important that participants understand:

- Using advocacy as a part of a negotiation strategy involves doing things outside of the negotiation meetings to try to pressure the other party to negotiate fairly.
- There are many different types of advocacy methods they can use to try to influence the other party.
- Getting the support of other communities and NGOs can help make their position stronger.
- They should identify their strongest advocacy opportunity that they can use if the negotiation fails.
- They can use this as a threat if the other party is not negotiating fairly.

5.2 Using advocacy to increase your power

An important way to increase your power is to use different types of **advocacy** before you negotiate.

When you use advocacy as a part of your negotiation strategy you are using words or actions outside of the negotiation meetings to try to pressure the other party to negotiate fairly and reach an agreement that you are happy with.

There are many different advocacy methods that you can use to try to influence the other party's decisions or actions. These can include:

- Sending letters of complaint to national or international institutions.
- Sending letters and organizing meetings with officials, the company and other actors who can influence the other party, such as their investors.
- Asking people to sign a petition to send to the government or company and do other influential actors.

- Using social media, such as Facebook and Twitter.
- Talking to the media, such as newspaper, television or radio journalists about your situation.
- Organizing a protest outside the company's office.
- Using the court in your country or in other countries if possible.

For example, in a case of forced eviction by a company, you might decide to talk to a journalist about your situation and how the company is breaking the law and harming your community. You might talk to journalists in your country or in the country where the company comes from. This can help make your community's position stronger in a negotiation because the company might not want to have a bad reputation.



Using actor mapping to help you plan your advocacy

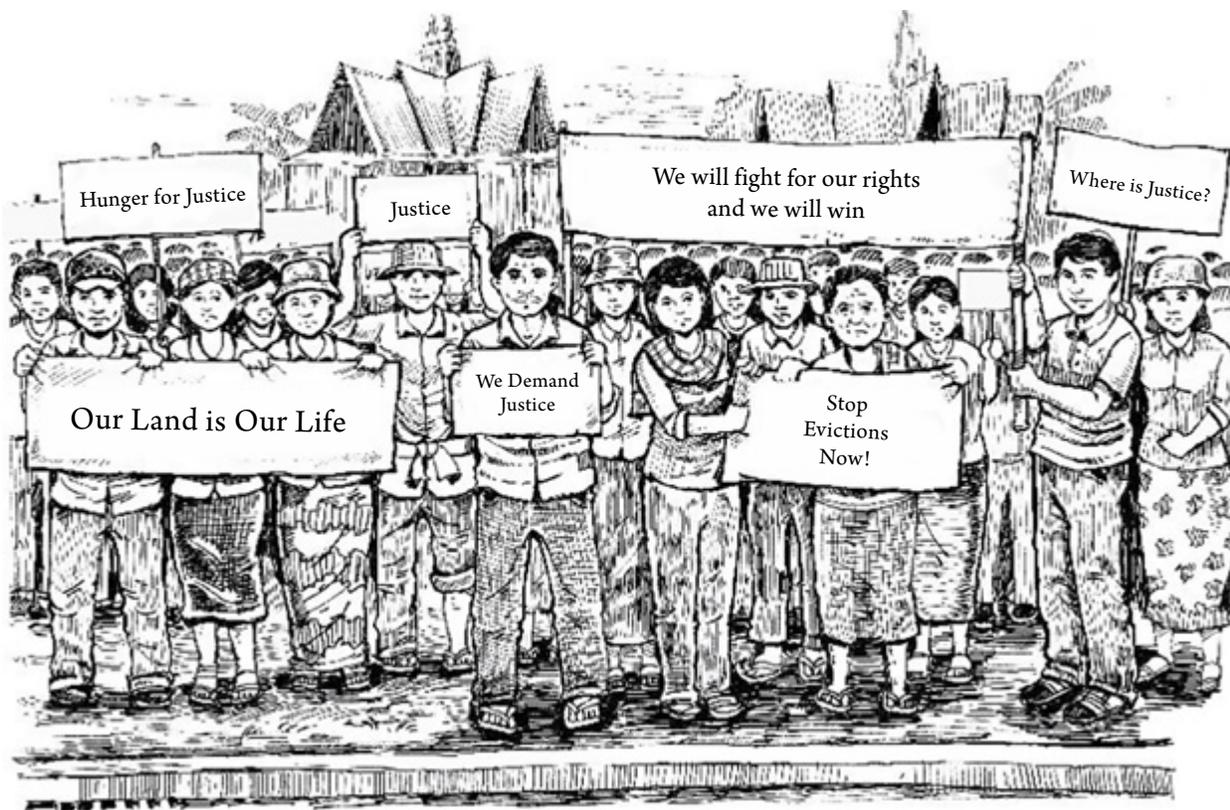
It is a good idea to use actor mapping when you are thinking about using advocacy to increase your power.

- Look for actors who can give you support and strengthen your position. Think about how you can communicate with them and get them to help.
- Look for actors who have an influence over the other party. Think about how you can develop or improve your relationship with them or use advocacy to convince them to try to influence the other party to negotiate fairly.

5.3 Getting support from community networks

Another important way to increase your community's power is to get support from other communities. In cases of forced displacement, a common concern of companies and governments is that large numbers of people will oppose their actions or decisions and make their plans or situation insecure. When many people join together to speak with one voice to send a message, the message is much stronger and it is much harder for the other party to ignore.

For example, other communities can support you by joining a demonstration, signing petitions or writing letters of support. They can also support you by coming to your community to help defend your land and housing during an eviction. Meeting with people from other communities facing a similar situation and sharing experiences can make both of your communities stronger. Your communities can support each other to resist forced displacement and achieve your development goals.



5.4 Identifying your strongest advocacy opportunity to use if negotiations fail

If you have gotten to the point where the authorities or company is willing to negotiate with you, then you have probably already had success in your advocacy. Now you should think about what you will do if the negotiation fails and you are not able to reach an agreement that you are happy with.

In a negotiation, if you find that the other party is not negotiating fairly or has not proposed any reasonable options for a solution, it can be useful to let them know you have an **alternative to negotiation**. This alternative should usually be your strongest possible advocacy strategy. For

example, if you are negotiating with a company that is very worried about maintaining a good reputation, your alternative may be to launch a public international campaign against the company. You may also find that it is possible to file a complaint against the company in court or through an international complaints mechanism. It is important that your alternative to negotiation is something that you have the ability to do. You should seek advice from NGOs that are supporting you to help develop your alternative strategy.

If you have a good alternative strategy, you can threaten the other party with this if the negotiation is not going well. Just the threat of using your advocacy strategy may be enough to get the other party to negotiate fairly and make a better offer to the community.

Step 6: Explain the activity and divide the participants into groups (5 mins)

- Explain that participants will be divided into two groups. The groups will get a case study about a rural village.
- One group should think about what kind of things they think the community should do to increase its power *before* it starts negotiating with the company. This might involve uniting the community, different types of advocacy and getting the support of others. The other group should think about what their alternative to negotiation is (*what they will do if the negotiation fails*). This should be their strongest possible advocacy strategy.
- The groups should then prepare a five-minute role-play to show the community implementing its plan to increase its power.
- Divide the participants into groups and give each group a copy of Handout 1. They will have 20 minutes to prepare.

Step 7: Group work (20 mins)

- Make sure that the groups have separate spaces to work.
- Make sure everyone understands the instructions. If people cannot read ask someone to read the case study out loud.

Step 8: Role-plays and discussion (20 mins)

- Invite the groups to present their role-play.
- Ask the participants to identify what each group decided to do to increase its power in the role-plays. Do they think these strategies would be effective?

Step 9: Debrief (10 mins)

- Ask participants if they have had any experiences using different advocacy methods? Encourage participants to share their stories.
- Ask the participants if they think the advocacy methods they have used have been effective. Why or why not?

Handout 1 – Lesson 5

Your community lives in the countryside and has lived on the land since the early 1980s. The 100 families in your community mainly earn a living from farming, fishing and running small businesses. Last year some people came to your village with equipment and dug into the land and left deep holes.

Recently, representatives from a company called Tiger Co. have come to your village and told your community that it must move because the company has permission to mine for gold on the land.

Your community has been told that it must move in one month, and that each family will be given \$500. Most families do not want to move from the area as they live quite happily where they are. The families fear that they will be forced to move to the city to find work.

Other families want to negotiate for more compensation and if they get it they will agree to move.

Your community has legal rights to the land and many families have documentation showing recognition from local authorities.

Your community is ready to use advocacy to try to stop the forced displacement and pressure Tiger Co. to negotiate.

What sort of advocacy does your community decide to use and what messages does it send? Will the community seek the support of any other actors?

Prepare a role-play showing your community's situation and what it decides to do!

6 Forms of Communication

Outcomes

After completion of this module, participants will:

1. Know that there are different ways to communicate with the other party.
2. Understand when to use direct and indirect forms of communication
3. Know when to use advocacy in the process of negotiation.
4. Understand the importance of considering any new information, especially about the threat of displacement.

Lesson 6 Forms of communication during the process of negotiation

Aim

Participants will know that there are different types of communication methods they can use during the process of negotiation. They will consider when to use direct and indirect forms of communication. Participants will also understand how new information about the situation should be considered when deciding on next steps.



Materials

Whiteboard or flipchart, markers, copies of Handout 1.

Method(s) Used

Brainstorm, class discussion, group work, presentations.

| Procedure | Time Frame (in minutes) |
|--|------------------------------------|
| Step 1: Introducing 'communication' | 5 |
| Step 2: Case study and clapping exercise | 10 |
| Step 3: Introduce the information in Sections 6.1- 6.3 | 30 |
| Step 4: Explain the activity and divide participants into groups | 5 |
| Step 5: Group work | 15 |
| Step 6: Presentations | 15 |
| Step 7: Hot potato debrief | 10 |
| Total: | 90 |

Step 1: Introducing communication (5 mins)

- Write the word “communication” on the board. Ask the participants what they think it means.
- Explain that ‘communication’ mean sending or receiving information, ideas or messages through words or actions.
- Explain that the main part of negotiation is communicating information with the other party and that there are many different ways to communicate.

Step 2: Case study and clapping exercise (10 mins)

- Explain to the participants that you will read a story to them and every time they hear a form of communication they should clap their hands once.
- Slowly read out the case of the Pom Mahakan community, which you can find at the end of Section 2.

Note: When you get to the first communication in the story (“received eviction notices”) look up to encourage people to clap once. All of the forms of communication in the story are underlined.

- After you have read out the story, ask the participants if they can name all the different types of communication the community used.

Step 3: Introduce the information in Sections 6.1 – 6.3 (30 mins)

It is important that participants understand:

- They can choose different ways to send messages to the other party and to receive information from the other party.
- In some cases indirect communication can be more effective to get the other party to negotiate fairly.
- The whole process of negotiation may include several meetings and other types of communication, and different advocacy methods.
- It is important to assess all new information, including about the threat of eviction, and decide as a community how to react.

Note: Use the Dey Krahom case study to explain how important it is to consider new information about threats of eviction in deciding next steps.

6.1 Forms of communication

Communication means sending or receiving information, ideas or messages through words or actions. Choosing how to communicate at different stages of the negotiation process is an important way to increase your power.

There are many different ways that you can communicate with the other party. For example you can:

- Hold face to face meetings
- Send letters or emails
- Talk over the phone
- Ask someone to represent you

- Ask the media, such as a newspaper, television or radio station to report your story and include your message.
- Organize a demonstration at a place that will catch the attention of the other party using posters or a loudspeaker to convey your message

All of these are communication methods that you can use to negotiate. You can choose to use different types of communication depending on your situation. Your community should consider which form of communication is most strategic to increase your power at each stage of the negotiation.



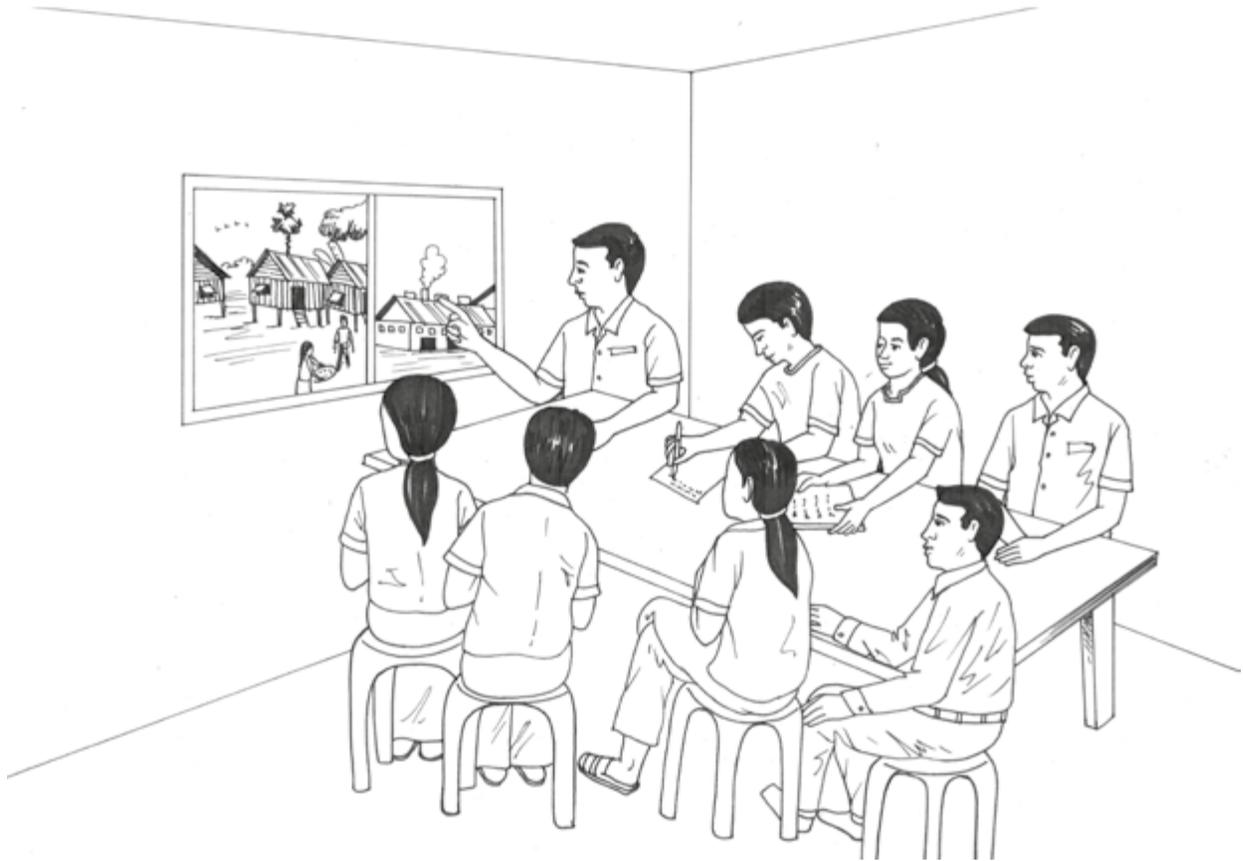
6.2 Direct and indirect communication

In some situations it might be most effective to communicate *directly* with the other party, which can be done at a meeting, through a letter or a phone call. In other cases, it will be more effective to communicate *indirectly*, such as through the media or through other people who have influence over the party you are negotiating with. If you think about negotiation as a process, it can include a range of both direct and indirect forms of communication at different stages of the process depending on whether the other party is negotiating fairly.

When you use indirect types of communication, you are using advocacy to pressure the other party

to negotiate fairly by making your message public or getting the support of others. This can be a more effective way to negotiate if you do not think the other party will negotiate fairly without influence or pressure from others.

However, if the other party is willing to negotiate or has responded in a positive way to advocacy that you have already done, it might be a good idea to stop doing advocacy and begin direct negotiation. Most negotiations happen over more than one meeting. Having several meetings can help you control the process of negotiation. For example, at the first meeting you might decide only to discuss the other party's reasons for wanting the land and the community's needs and concerns.



You can then stop the meeting and talk with the community about the new information you have learnt and whether the other party seems to be willing to negotiate fairly. If the meeting went well, your community might decide to continue the negotiation and arrange another meeting to discuss options for possible agreement.

If the meeting did not go well, your community might decide to stop negotiating and use advocacy

to pressure the other party to negotiate fairly. Sometimes just threatening to do advocacy can make the other party more willing to negotiate fairly. It may be strategic to use the threat of doing advocacy in the negotiation meeting itself. For example, you might decide to tell the other party that unless they start negotiating fairly, you will talk to the international media or, if they are acting illegally, lodge a complaint to the court.

The Case of the Pom Mahakan Community

Pom Mahakan is a community of around 300 residents in Bangkok, Thailand. The community has been living on their land for 150 years, earning a livelihood by selling traditional crafts. Many residents have also built their ancestral shrines on the land.

In January 2003 the community *received eviction notices* from the municipality. They were offered a resettlement site 45 kilometers away. The government planned to turn their land into a park to improve tourism in the area.

The community did not want to be relocated so far away and *told the government that they refused to move from their land*.

But the community did want to attract tourists to the area so they could sell their traditional crafts. The community decided to work with architecture students from a university to develop an alternative plan for the area, which included onsite upgrading and a park. The plan took into consideration both the needs of the community and the plan of the government authority. The community started *to implement some parts of the plan* themselves. They *put up a board presenting their plan*. The community started to receive support from NGOs and the United Nations.

The community also *spoke to the media* to keep the government and public aware of the situation and its plans. The community *contacted the media* each time a *government official came to their village*.

The community then organized the first *negotiation meeting* with the government. The community and the students *presented* their plan and their arguments in support of it. They *argued* that the eviction would violate the rights of the community. They also *told* the government authority that they also wanted a park to attract tourists but that it would be better for the economy if they could stay living there to sell their traditional crafts to the tourists.

They did not reach an agreement at the first negotiation meeting and the government authority continued to *threaten* the community with eviction. Some community members lost hope and left but most stayed and kept using advocacy to protect their rights.

In December 2005 the parties had another negotiation meeting and reached an agreement to develop the area based on the plan of the community and architecture students.¹

¹ COHRE, *Successes and Strategies: Responses to Forced Evictions*, 2008, page 57-64.

6.3 Responding to new information: Do you need to try to reach an agreement urgently?

The process of negotiation might need to happen quickly if there is an urgent need to reach an agreement, for example, because your community is facing imminent eviction. If there is no urgency, the negotiation can happen more slowly to allow you to stop and think about any new information and what your next steps should be.

In cases of forced eviction it is important to always monitor the situation and consider all new information about when the eviction might happen. Sometimes communities receive several eviction

notices with different dates. Communities also often hear many different rumors about when the eviction will occur.

It is often difficult to know which information is true. However, all of the notices and rumors should be taken seriously. The community should share and discuss all new information about the threat of eviction and decide together how to react. The community might decide that the eviction is not likely to happen and that they have more time to negotiate. The community might decide that the eviction threat is real and that they should try to find the best possible solution urgently. The community might also decide that even though the threat is real they want to continue to resist.

The Case of Dey Krahorm

The Dey Krahorm community in Phnom Penh, Cambodia faced ongoing threats of forced eviction by a company and the Municipality over several years. Some of the community members decided to leave and accept the inadequate compensation they were offered because of pressure and intimidation. They also feared that they would not receive any compensation at all if they refused to leave and their houses were destroyed by the company.

The company started to pay men to harass and even beat community members to get them to leave. Community leaders were charged with criminal offenses that they did not commit.

But community advocacy became stronger. There were regular protests and many media events that showed the strong spirit of the community. This advocacy sent a strong message to the company and Municipality.

Eventually the company agreed to negotiate. One negotiation meeting was held but no agreement was reached. Negotiations continued through indirect communications using the media. The community members who continued to resist insisted that they wanted enough compensation so they could afford to buy another apartment in the city. The company offered a bit more money but still not enough.

Around the same time there were also rumors that a mass forced eviction of the whole community would take place soon. The community was very nervous and some took the compensation offer and left.

But the community advocacy was still very strong and soon afterwards the remaining families were offered 20,000 US dollars to move, much more than the initial offer. Several families immediately took the offer. Others thought that this amount was still below the value of their homes and land and submitted a counter-offer, hoping to continue the negotiation despite the real threat that the forced eviction would happen soon.

A few days later the whole village was destroyed by mixed forces and company workers using bulldozers, rubber bullets and tear gas. Some families were given flats at a resettlement site far away, but no compensation.

The Dey Krahorm case illustrates the importance of assessing the seriousness of the risk of eviction and negotiating within the zone of possible agreement. These factors need to be considered in deciding what the next step should be.

Step 3: Explain the activity and divide the participants into groups (5 mins)

- Explain that participants will be divided into three groups. The groups will each get a short case study about a community facing the threat of displacement. The groups should plan their next steps in the process of negotiation, including:
 - ▷ How they will communicate with the other party (direct or indirect communication).
 - ▷ If they will use advocacy, what kind of advocacy they will use.
 - ▷ Groups should discuss why they think this strategy will be effective.
- The groups will have 15 minutes to work and will then present their case study and plans.
- Divide the participants into three groups and give each group one of the three case studies in Handout 1.

Step 4: Group work (15 mins)

- Make sure everyone understands the instructions. If people cannot read ask someone to read the case study out loud.

Step 5: Presentations (15 mins)

- Invite each group to present their case study and next move. The group should explain why they think this is an effective strategy.
- After each presentation ask the other participants if they think the strategy is a good one.
- Remind the participants that while they should try to control the process of negotiation they must also be flexible and consider any new information in deciding next steps. The case studies show that a different strategy is necessary for different situation, especially depending on how imminent the threats they face are.

Step 6: Hot potato debrief (10 mins)

- Ask everyone to stand in a circle. Explain that you will throw a ball around the circle and when the music stops the person holding the ball should answer a question.
- Questions can include:
 - ▷ What is communication?
 - ▷ Name a form of direct communication (ask this question 2-3 times)
 - ▷ Name a form of indirect communication (ask this question 2-3 times)
 - ▷ When is it a good idea to use indirect communication (advocacy)?
 - ▷ Why is it a good idea to have more than one negotiation meeting?

Handout 1 – Lesson 6

Case study 1

An urban community hears over the radio that a company owned by a powerful person has been granted a 99-year lease over the land that the community lives on. The company plans to build a shopping center on the land. One of the community members asks a cousin who works for the government and she confirms that the news is true and that they are in danger of eviction. The community has been living on the land for decades and does not want to move. The community gets in contact with an NGO and other communities that are at risk of eviction in the city. They decide to hold a media conference demanding that they get to stay on their land. The next day in an article in a newspaper a company representative is quoted saying that the people living on the land are illegal but because the company cares about the people they will give them \$5000 each to move away when the development begins in six months.

Case study 2

Farmers in a rural village are told by government officials that the land that they farm has been given away by the government to a foreign company to grow a rubber plantation. As a part of the agreement the company has found alternative land for the farmers, but when the farmers go to see it they find that the land is very rocky and much smaller than their current plots. The village leader tells the government official that the replacement land is unacceptable. Not long afterwards, the company sends armed guards to intimidate the farmers when they try to access their land. The farmers protest and eventually the guards let them through. The government official returns to tell them that soon the company will start to bring its own employees to start preparing the land for the rubber plantation and their guards will not let the farmers onto the land. He says they will have to accept the replacement land or get nothing. The official also tells them that the company gets its money from the World Bank.

Case study 3

Households along an old unused railway line in the city are told that they have to move because the government is repairing the railway. The families find out that the government is getting funds from the Asian Development Bank and the Australian Government for the project. The families are called to a meeting and told that they will get compensation for their houses and a replacement plot of land. It turns out that the compensation that each household will get is not enough to move and rebuild their houses at the new site. They are also concerned that the resettlement site is too far away from their current location and will affect their livelihoods and access to services in the city. The government has given each household a contract that they have to thumbprint to get the compensation and replacement plot. The families meet and decide that they want to ask for more compensation and a different resettlement site so that they are not made worse off because of the development project.

7 Negotiation Meetings

Outcomes

After completion of this module, participants will:

1. Understand the importance of planning carefully for each negotiation meeting.
2. Know what to prepare when planning a negotiation meeting.
3. Understand the importance of good communication.
4. Know how to communicate effectively.

Lesson 7a Planning the negotiation meeting

Aim

Participants will understand the importance of planning for a negotiation meeting. They will know the different things that they should make decisions about before they go to a negotiation meeting.



Materials

Whiteboard or flipchart, markers, Handout 1, 2 and 3.

Method(s) Used

Class discussion, group work.

| Procedure | Time Frame (in minutes) |
|---|------------------------------------|
| Step 1: Introduce the information in Section 7.1 | 30 |
| Step 2: Explain the activity and divide participants | 5 |
| Step 3: Groups plan negotiation meeting | 30 |
| Step 4: Debrief with groups agreeing on meeting details | 10 |
| Total: | 75 |

Step 1: Introduce the information in Section 7.1 (30 mins)

It is important that participants understand:

- It is important to think about where and when the meeting will be held and who will attend the meeting.
- It can be helpful to use an independent facilitator.
- The community should decide what information they want to give the other party and what information they want to get from the other party.
- The community representatives must be clear about what authority they have to make a commitment at the meeting.

7.1 Planning the negotiation meeting

When you decide to hold a negotiation meeting, it is a good idea to plan carefully before the meeting.

What should you plan before a negotiation meeting?

Planning for the negotiation meeting involves making decisions about the following:

- Where and when will the meeting be held?
- Who will go to represent the community?
- Will you ask other people to join the meeting, such as NGO supporters?
- Will you ask someone to facilitate the meeting?

When you plan for the meeting you should also decide on the following:

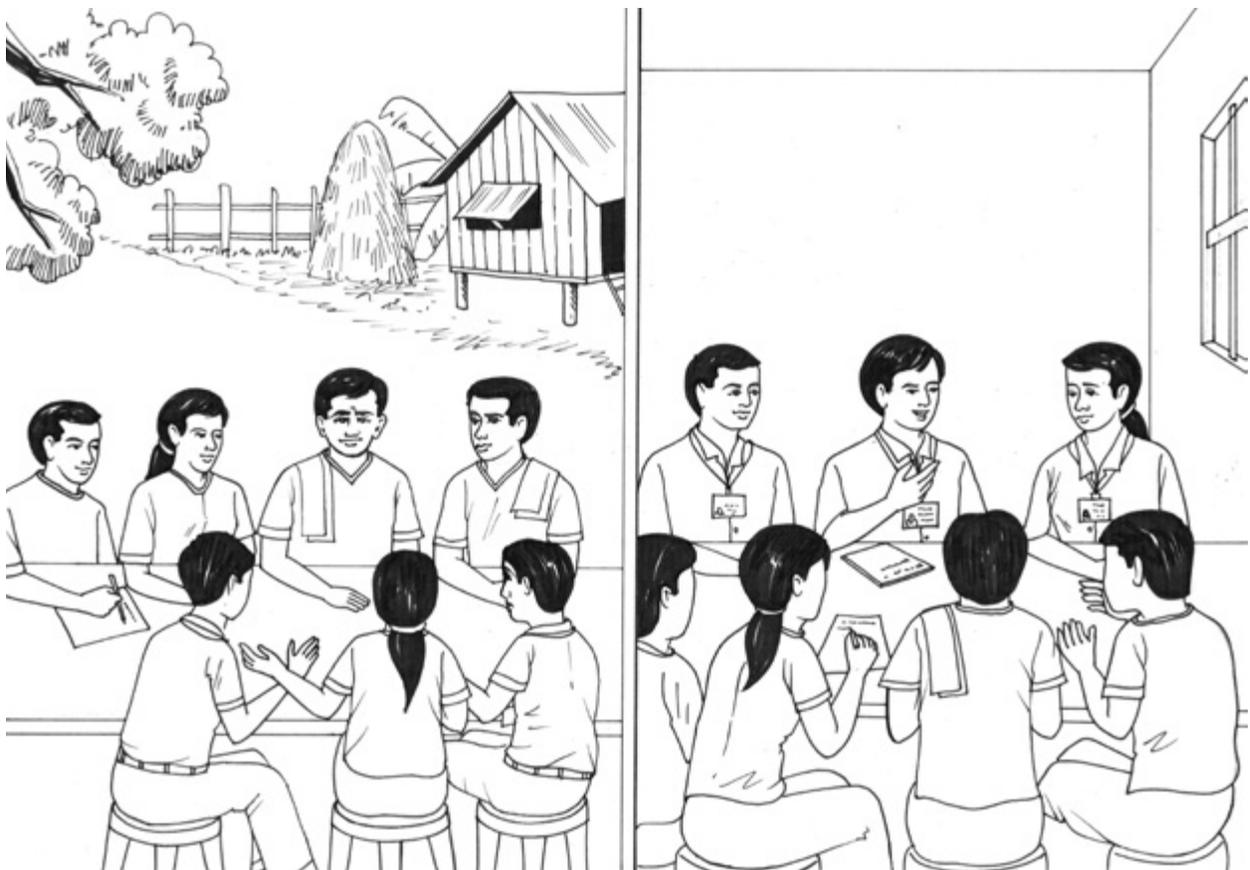
- What messages do you want to communicate at this meeting?
 - What information do you want to get from the other party at this meeting?
 - What do the representatives have the authority to commit to on behalf of the community?
-

7.1.1 Where, when and who?

Think about which **location** would be suitable for the meeting. The location of the meeting can be important because you might feel less strong in a negotiation if you are not comfortable in your surroundings.

If you meet at your village, you will be able to show the other party certain things about your

village that are important to you and you might feel more comfortable. However the other party might not be willing to negotiate openly. In other cases it might be a good idea to find a neutral location, such as an office of an NGO or a government building. Each case is different and your community can think about the best location in that particular case and then suggest it to the other party.



The **timing** of the meeting can also be important. Make sure you have plenty of time in the meeting to discuss everything that you have planned.

Another thing to plan is who will attend the meeting. Will the whole community join or just a few **representatives**? If a large group will go,

who will be the **spokespeople**? If only a few representatives will go, who will they be? There should be enough people from your community to make sure that the representatives feel strong and can cover all the issues important to the community. The representatives should be good

communicators and trusted by the community to represent everyone's interests. It is a good idea for women to join the meeting and for representatives of any **minority groups** within the community who have particular needs and concerns to join in.

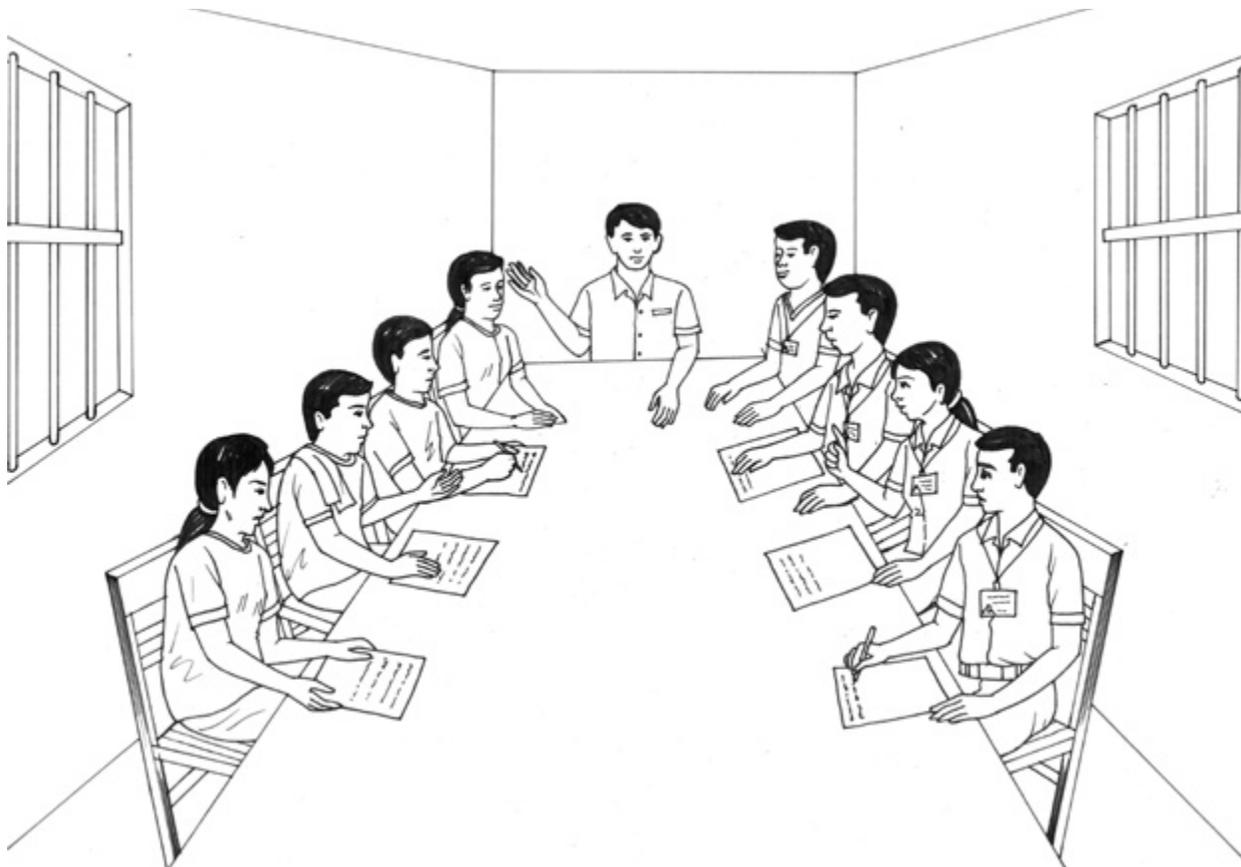
You can also consider inviting **supporters** of your community to join the meeting, such as members of community networks or NGOs. Having them there may be an effective way to make sure that the other party does not use intimidation and threats at the meeting, and negotiates fairly.

7.1.2 Using a neutral facilitator

In some cases it is a good idea to ask someone who is not a part of the community and who is

not connected to the other party to facilitate the negotiation meeting. This person should be someone that both parties to the negotiation respect. The **facilitator** does not make any decisions about the negotiation agreement for you or the other party or give advice to the parties but can help improve the communication at the meeting.

A facilitator can be in charge of making sure the negotiation runs smoothly, that everyone has a chance to talk and ask questions, decide when there should be a break in the meeting or when the next issue should start being discussed. The facilitator can also decide that the meeting should end if the parties are not cooperating.



7.1.3 What messages and information should be communicated?

The whole community should be involved in answering these three questions before the negotiation meeting so that the representatives are able to properly represent the community at the meeting.

Your community should meet and work together to make a list of information that you want to convey to the other party. This could include the community's interests and evidence of problems or expected problems faced by your community because of the other party's activities. The community will need to work together to gather all the information that you want to communicate to the other party at the meeting, such as documents, photographs and research about impacts.

Messages and information

Before you go to the meeting it is very important to make sure that the community representatives are clear on three things:

- What messages does the community want to communicate at this meeting?
- What information does the community want to get from the other party at this meeting?
- What do the representatives have the authority to commit to on behalf of the community?

You should also make a note of the things you do not want to tell the other party so that you do not make your position weaker. For example, you may not want to tell the other party about divisions within your community.

It is also a good idea to make a list of questions to ask the other party to find out any information that you need. For example, you might want to find out more about the company or government's plans that will affect you. You may also want to ask about who else is involved in the project and who the investors or funders are.

The representatives that the community has chosen should also be clear about what authority the community gives them to make commitments or promises to the other party at the negotiation.

The community might decide that the representative can make a commitment to the other party if they agree to very particular things. If they do not agree to these particular things, the community might decide that their representatives should not make any commitments before discussing what the other party said with the rest of the community. Remember that the negotiation process usually happens over several meetings and an agreement is usually not reached at the first meeting.

As a community representative in a negotiation, you have a very special responsibility and you should always remember your community's interests and never make a commitment that your community has not agreed to. You should never reach an agreement at a negotiation that will benefit you but harm your community.

You cannot sell land that belongs to someone else

You cannot sell land on behalf of other members of your community. If a community representative agrees to sell some of the community's land, the agreement is against the law. This is because the land is not theirs to sell.

Even if the community gives the representative authority to agree to sell the land, the other party still needs to ask each family to sign or thumbprint an agreement to legally sell their land. Each family must understand the agreement and agree to sell their land freely without any tricks or pressure.

Step 2: Explain the activity and divide the participants (5 mins)

- Explain that participants will be divided into two groups. Group 1 will get instructions about rice farmers who have received an offer to buy some of their land. Group 2 will get instructions about a company that wants to buy the land to build a hotel. The groups will also get a list of what they should make decisions about when they plan for the negotiation meeting. In this lesson they will only be planning the negotiation meeting.
- The groups will have 20 minutes to read the instructions and all they need to do is plan for a negotiation meeting. The actual negotiation will not happen until the next lesson so the groups should *keep their plans secret*.
- After they plan, the groups will come together and try to agree on where and when the meeting will be held and whether they will use an independent facilitator and who this will be. This discussion between the groups will only be to agree on the details of the actual negotiation meeting (which will happen in the next lesson).
- Divide the participants into two groups with most participants in Group 1 and only five or six participants in Group 2. Give Handout 1 to Group 1 and Handout 2 to Group 2. Give both groups Handout 3.
- Make sure the two groups have separate places to work so that they can keep their plans secret.

Step 3: Groups plan negotiation meeting (30 mins)

- Make sure everyone understands the instructions. If people cannot read ask someone to read the case study out loud. Each group should respond to the questions in Handout 3. Remind both groups not to let the other group see their instructions.

Step 4: Debrief with groups agreeing on meeting details (10 mins)

- Bring the groups back together.
- First ask Group 1 (the rice farmers) to explain to Group 2 (the company) where and when they would like to hold the negotiation meeting. (In reality the negotiation will take place in the next lesson and probably in the training room but they should pretend that they are agreeing on the details of a real negotiation meeting.) Ask Group 1 whether they would like to use a facilitator and who that should be.
- Ask Group 2 if they agree to the suggestions of Group 1.
- Allow the groups to discuss the details of the meeting until they agree.
- Explain that the groups should remember their plans and keep them secret from the other group because in the next lesson they will hold the negotiation meeting.

Handout 1 – Lesson 7a

Information for Rice Farmers

A few representatives of a company have come to your village to ask your community about buying some land next to the nearby lake. Your community lives along the lake. Most families bought the land right up to the shore but built their homes about half a hectare inland because the shoreline is very muddy and full of insects in the rainy season. The community uses the water from the lake for household use and to water their rice fields and gardens behind their houses. Most families bought their plots of land and had the documents signed by local authorities.

The company representatives say their company wants to build a hotel right along the shore of the lake, which you think is crazy. Who would want to stay there? There is nothing except mud and mosquitoes.

The company has offered your community \$800 per hectare for all of the land along the river. You think this offer is low and that land in the area is probably worth about \$1500 per hectare.

It has been a bad year for rice crops and the families in your community have high debts. The more money you can get the better. However, you are worried that if you sell the land next to the lake, you will not be able to access the water for household use or for your rice fields. If you can't grow rice your community will not be able to survive.

You have heard that the company can be very tough in negotiations with communities. The company has connections with powerful people in government. You are worried that they might threaten to just evict you and take the land if you don't accept a low price.



Handout 2 – Lesson 7a

Information for Company Representatives

Your company wants to build a hotel in the countryside. You have found a location on a lake that you think is perfect. The view of the lake is beautiful. The land is now quite muddy, but can be dried. Once that is done, it will be a beautiful area and you are sure that people will want to visit.

The land is “owned” by families in a small community with houses set back from the shore of the lake. You have offered to buy the land for \$800 a hectare. This offer is a bit lower than the value of farmland in the area but you don’t think the farmers use the land because it is so muddy. Also, you don’t think the families have formal titles to their plots.

This area is perfect for tourism. There are waterfalls and caves nearby, which people will want to visit. You know that if you can buy this land cheap and build the hotel, you will be able to sell the business and land in a few years for 10 times more money than you invested. It is probably not a good idea to tell the farmers this, or else they will want more money from you.

You will need workers to construct the hotel and then staff once the hotel is open. It makes sense to hire local people to work there but you’re not sure if they have right the skills because most seem to be farmers.

Your company has instructed you to pay the lowest price possible for the land but they do not want a lot of bad media attention like some companies who have just taken land from communities without any compensation. You want to make the deal quickly so there are no problems and you can build the hotel. There is one other piece of land in the area that you are also looking at for the hotel. The owner of that land is ready to sell but the area is not as good for tourism.



Handout 3 – Lesson 7a

What should you plan before a negotiation meeting?

- Where and when will the meeting be held?
- Who will be the representatives or spokespeople?
- What information do you want to communicate at this meeting?
- What information do you want to get at this meeting?
- What do the representatives have the authority to commit to?
- Will you ask someone to be a neutral facilitator at the negotiation meeting? If so, who?

Lesson 7b Good communication

Aim

Participants will understand the importance of good communication and how to be good communicators. Participants will have an opportunity to practice their communication skills.

Method(s) Used

Class discussion, negotiation.



| Procedure | Time Frame (in minutes) |
|---|----------------------------|
| Step 1: Bad communication role play | 10 |
| Step 2: Introduce the information in Sections 7.2 and 7.3 | 10 |
| Step 3: Negotiation | 20 |
| Step 4: Debrief | 30 |
| Total: | 70 |

Step 1: Bad communication role play (10 mins)

- Ask one of the participants to summarize what they learned in the last lesson.
- While they are talking, cross your arms and make an angry facial expression. Then whisper to someone else or pretend to answer your phone and start talking.
- After a short time, ask the participant how they felt about what you were doing while they were presenting the information. Ask if you were being a good listener.

Step 2: Introduce the information in Sections 7.2 and 7.3 (10 mins)

It is important that participants understand:

- Good communication is very important in negotiation meetings.
- How to be a good communicator, by speaking clearly, asking questions and listening carefully.
- The importance of “body language” in communication.

7.2 Good communication

Good communication between you and the other party is very important in negotiation meetings. Good communication involves clearly presenting and sharing your information as well as listening and asking questions. Consider how much time you have to talk and make sure you leave time to communicate all the information and messages that you prepared with your community. If there are several representatives that have prepared to talk make sure everyone has a chance. You can ask the other party if they have any questions or anything they would like you to explain or clarify.

Remember to also listen carefully to the other party so that you can understand their plans and interests, because this information will help you think of options for a possible agreement. You should ask the other party questions and listen carefully to their responses. Sometimes people say things that you do not expect that might help you in your negotiation. Remember to ask all the questions to find out the information that you need as agreed upon by your community.

If the other party is talking for too long and not giving you an opportunity to speak, you can politely interrupt and tell them that it is your turn to speak. Preparing a meeting **agenda** and having



a neutral facilitator at the meeting can help to avoid this situation. An agenda is a list of topics or issues that will be discussed at the meeting and sometimes also sets out how long you will spend discussing each topic or issue.

Sometimes the other party may not listen to you while you are speaking in a negotiation. For example, they may get a phone call and start talking on their mobile phone. If this happens, you should

stop talking and wait for them to pay attention to you.

Even if the other party is being rude or aggressive it is not a good idea to lose your temper and yell in a negotiation. When people are aggressive and angry it is very difficult to communicate effectively. It is better to try to remain calm. You can end the meeting if the other party refuses to communicate politely.

7.3 Body language

We communicate a lot of information through our “body language”. Sometimes we communicate messages that we do not intend. For example if we cross our arms we can look angry or stubborn. If we nod our heads while the other person speaks they might think that we agree with everything they are saying.

If you use respectful body language and show that you are listening carefully, and encourage the other person to speak, you are more likely to have clear and effective communication. Making “eye contact” with the person speaking or the people listening to you is a good way to get their attention or show you are listening. Try not to fidget or whisper to the people around you while others are speaking.





Step 3: Negotiation (20 mins)

- Explain to the participants that they will now have an opportunity to practice good communication and body language during the negotiation meeting that they planned for in the previous lesson.
- Offer to be the neutral facilitator in the negotiation.
- You may want to arrange the room so that participants are sitting opposite each other to begin the negotiation.
- Begin the negotiation, allowing each group's representatives to talk and ask questions. You should take your role as a facilitator seriously and make sure the negotiation runs smoothly. The negotiation meeting should last for not more than 30 minutes.

Step 4: Debrief (30 mins)

- To debrief the lesson, facilitate a class reflection about the negotiation.
- To facilitate a discussion you can ask the following questions:
 - ▷ Did Group 1 think Group 2 used good communication and body language? What could they have done better? (You can ask the same question to Group 2.)
 - ▷ Did Group 1 manage to give Group 2 all the information and messages they planned? Did they manage to get all the information from Group 2 that they had wanted to? (You can ask the same questions to Group 2.)
 - ▷ If an agreement was reached at the end of the negotiation, were the groups happy with the agreement? Did the representatives have the authority to make that agreement
 - ▷ What did the participants think about having a neutral facilitator? Was it useful?
 - ▷ What did they learn from the negotiation and what would they do differently next time?

8 Protecting your Community

Outcomes

After completion of this module, participants will:

1. Understand the importance of protecting themselves against tactics used to divide the community.
2. Know some things they can do to protect themselves against tricks and tactics used to divide the community.
3. Know some things they can do to protect themselves against false promises and bad contracts.

Lesson 8 Protecting your community in a negotiation

Aim

Participants will know some of the things they can do protect themselves against tricks and tactics used to divide the community. Participants will also know some of the things they can do to protect themselves against false promises and bad contracts.



Materials

Trick contract, whiteboard or flipchart, markers, Handouts 1, 2 and 3.

Method(s) Used

Class discussion, demonstration, silent role-play.

| Procedure | Time Frame (in minutes) |
|--|------------------------------------|
| Step 1: Prepare trick attendance sheet before teaching lesson | - |
| Step 2: Introduce the information in Sections 8.1 and 8.2 | 20 |
| Step 3: Explain attendance sheet trick | 5 |
| Step 4: Introduce the information in Section 8.3 | 10 |
| Step 5: Explain the exercise and divide participants into groups | 5 |
| Step 6: Groups prepare | 20 |
| Step 7: Silent role-plays | 20 |
| Step 8: Debrief | 10 |
| Total: | 90 |

Step 1: Preparation for exercise:

- Before the lesson, prepare a “trick” attendance sheet. This sheet should have space for each Participant’s name and a place to sign, but should have no writing on it, except the date. In between the date and the place to sign there should be a blank space with enough room to write two sentences. See example below:

September 1, 2014

[Leave this space blank until after the participants sign]

| Name | Signature |
|------|-----------|
| | |
| | |

- Start the lesson while the attendance sheet is being passed around the class, but once the attendance sheet is signed by all the participants remember to write at the top: “I agree to pay the facilitator \$15.” (You will show this to the participants later in the lesson as an example of a trick that companies use.)

Step 2: Introduce the information in Sections 8.1 and 8.2 (20 mins)

It is important that participants understand:

- The sorts of tactics and tricks used by companies or others.
- It is important to be aware of these tricks and tactics, discuss them with their community and develop a strategy to protect themselves.
- How to protect themselves against false promises in a negotiation.

8.1 Guarding against tactics used to divide the community: Spies, bribes and threats

Many communities have told stories of companies or powerful people who want to take people's land using spies in the community to find out who is

likely to bow to pressure and who is refusing to move. They might also secretly pay people to convince others in the community to accept a deal that they may not be happy with. There are stories of bribes being paid to community leaders so that they leave the community or sign deals on the community's behalf.



In other cases those behind the eviction have threatened leaders or other members of the community who speak out and refuse to move. For example, community members may be told that they or their family will lose their jobs, be physically harmed or that they will be charged with a crime even if they did not do anything illegal. In some cases they threaten to ruin the community leader's reputation by spreading lies about the person so that the community and others no longer trust or respect them.

Companies or people wanting to grab land use these tricks to try to divide the community and take away their solidarity. They do this because they know that it is easier to pressure individual members of the community to leave and give up their land if the community is not united.

It is important for your community to talk about the possibility that the company or people behind the eviction will use these tricks against you and to be prepared by developing strategies to guard against them. Open and regular communication within the community, having several strong leaders and making sure that everyone feels that their concerns are being taken into account by community representatives are good ways to guard against tricks. Getting everyone's input into the community's strategy, including when to use advocacy and what to try to achieve in the negotiation are also important ways to keep the community united and strong.

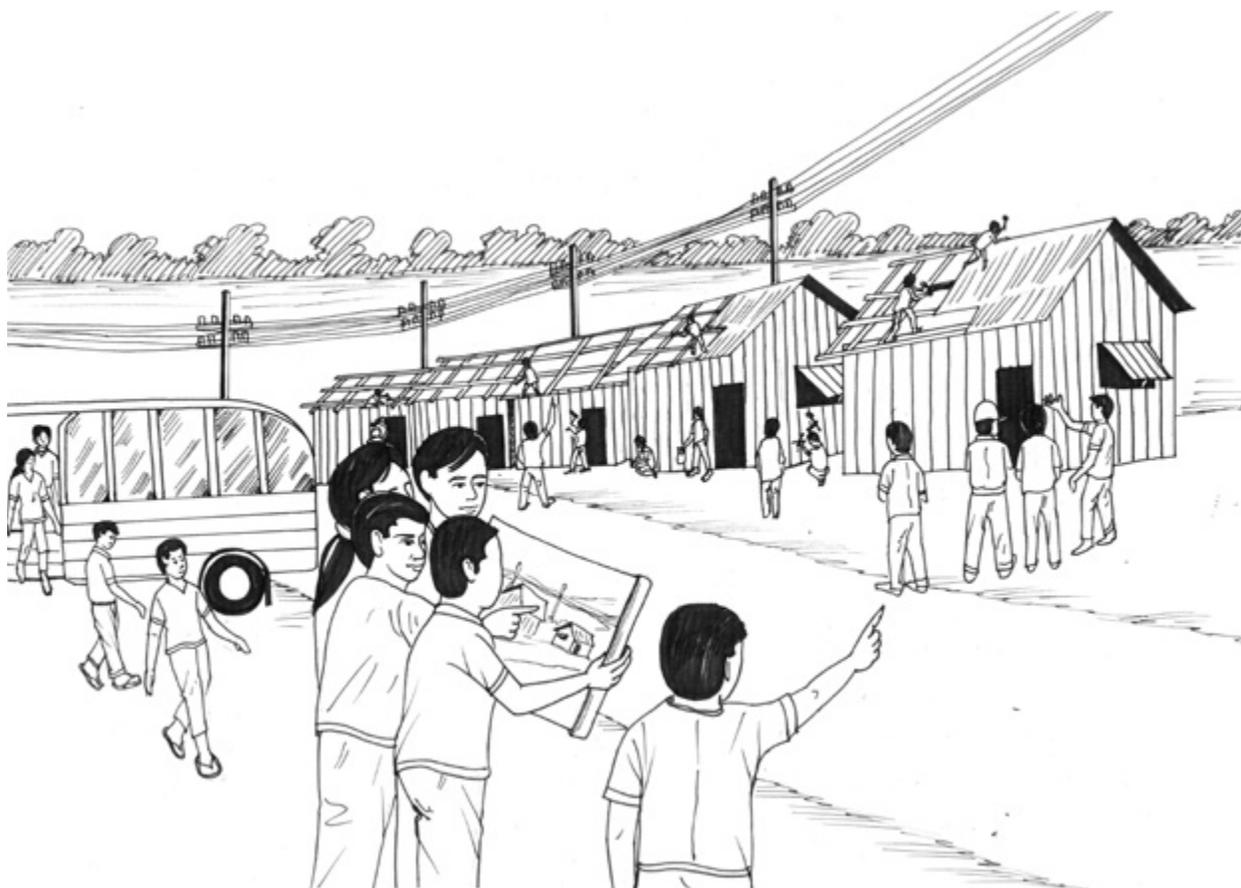
8.2 Protecting against false promises

If you do not trust the party that you are negotiating with, you will probably not trust any promises that they make during or at the end of the negotiation. There are a few things you can do to protect yourself in a negotiation when you do not fully trust the other party.

As discussed earlier, using a neutral facilitator is one way to help a negotiation run smoothly when the relationship between the parties is poor and there is little trust. If both parties respect the facilitator they may be more likely to be honest during the negotiation meeting.

The facilitator can also act as a **witness** to any statements or promises made during a negotiation meeting. This is very important because it is much harder for the other party to break their promises if there is an independent witness. You can also ask people to sit in at the meeting just to act as witnesses. The witness will be more useful if it is someone that the other party respects or who has some authority. It is important that the witness is willing to speak out if the other party breaks their promises. It might also be possible to record the meeting to use as proof of promises made, for example by filming it. If possible try to make sure someone takes written notes of the meeting.

You can insist that the agreement reached is implemented in stages so that you do not give anything up until the other party keeps their promises first. For example, if the government or a company promises to build your community new houses at a resettlement site, you may include in the agreement that the community should be able to visit the resettlement site and make sure that good houses and infrastructure are built *before* you will move.



The Boxer

A village in Phnom Penh was threatened with eviction. One of the residents of the village was a famous professional boxer and some of the youth were his students. At first the boxer refused to move to the resettlement site 20 kilometers away that the company was offering. After a while, however, the company negotiated with the boxer and offered to build him a boxing center with all the equipment he needed to practice and teach his students. Because of the pressure to move and the offer, the boxer finally agreed to move even though the resettlement site was far away on much less valuable land. The company promised that soon it would build the center, so he and his students agreed to move. However, the company never built the boxing center as it had promised.

Step 3: Explain attendance sheet trick (5 mins)

- Write on the top of the trick attendance sheet “I agree to pay the facilitator \$15”.
- Show the participants what you have written above their signatures. Ask them if they think this is a valid contract and if it should be respected.
- Tell the participants that this contract would not be valid because they were tricked into signing it. However, participants should be aware that many people have been tricked in this way.
- Tear up the trick sheet.
- Explain that the aim of this exercise is to show that people should never sign a blank document or a document that they cannot read or understand because their signature can be used by someone on a fake contract.

Step 4: Introduce the information in Section 8.3 (10 mins)

It is important that participants understand:

- What a valid contract is.
- They should not sign or thumbprint anything that they do not fully understand or without agreement from others in the community who will be affected.

8.3 Signing contracts

It is important to have the agreement reached written down clearly and signed by both parties.

However, do not sign or thumbprint anything that you do not fully understand or without agreement from your community. You should not feel pressured to sign anything quickly. Make sure that you take the time to carefully read or have someone else read and explain to you everything that it says on the paper. Also make sure that the members

of your community agree to the things that it says on the paper if it will affect them. You should only sign the paper after you are sure that you, and anyone else that it affects, agree with what it says.

Once you sign the paper it could be a **legally binding contract**. This means that if you do not do the things that it says, the other party could file a complaint against you in a court. A judge could order you to do the things it says in the contract or order you to pay a fine for not doing the things that you promised to do when you signed.



Step 5: Explain the exercise and divide participants into groups (5 mins)

- Explain that you will divide the participants into three groups and give each a scenario that explains what tactic is used against the community.
- The groups will think about what the community could do to protect itself against the tactic in the scenario.
- The groups will then make a silent role-play (without speaking) to show the tactic used against the community and what the community did to protect itself. After each group performs their silent role-play, the other participants will then need to guess what happened in the role-play.
- The role-plays should not be longer than five minutes. The groups will have 20 minutes to prepare.
- Divide the participants into three groups and give each group one of the scenarios (Handouts 1, 2 and 3) for their role-play.

Step 6: Groups prepare (20 mins)

- Make sure the groups understand their task and have enough space to prepare.
- Remind the groups that they should include in their role-play:
 - ▷ The trick or tactic being used against the community, and
 - ▷ The strategy the community uses to protect itself.
- Let the groups know when they have five minutes left.

Step 7: Silent role-plays (20 mins)

- Ask each group to perform their silent role-plays.
- After each role-play, ask the other participants to guess what happened in the role-play. They should guess what tactic was used to try to divide the community and what the community did to protect itself.

Step 8: Debrief (10 mins)

- Ask participants if they have ever experienced any of the tricks or tactics discussed. Have they heard of anyone else being tricked?
- Do they know of any communities that have been divided by these tricks or tactics? Do they have stories of communities staying strong despite tricks or tactics being used to try to divide or weaken them?

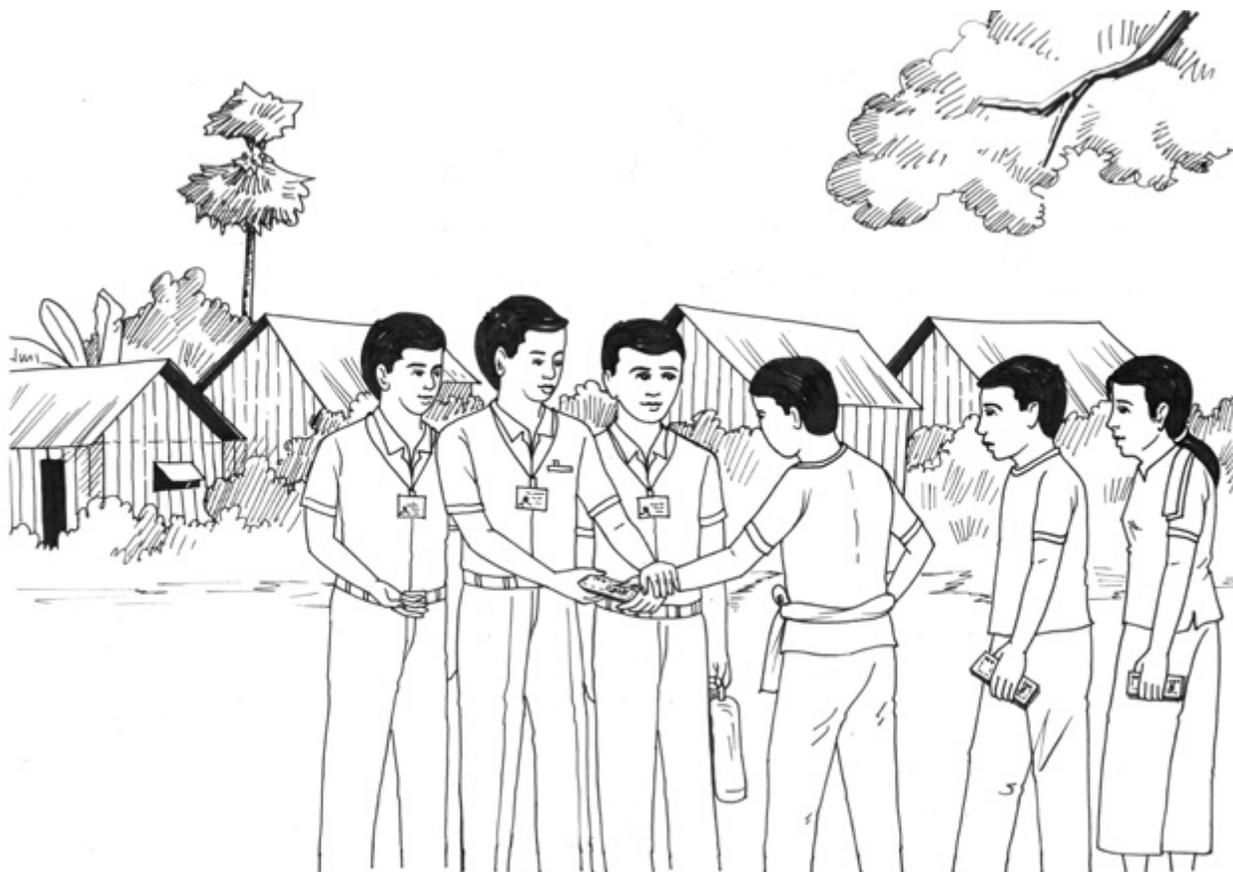
Handout 1 – Lesson 8

Group 1 scenario

A community is being threatened with forced eviction. The company trying to grab the land has bribed a few community members. The community members have been paid by the company to secretly find out information about the families and try to convince them to move.

Make a silent role-play about this scenario and what the community does to protect itself when it finds out about the bribes.

You can use sounds but no speaking!



Handout 2 – Lesson 8

Group 2 scenario

A community lives near a forest, which it uses in its daily lives for food, materials for shelter and other things. A company is trying to cut down the forest. The community has protested and has done a lot of advocacy, like talking to the media and sending complaints to the government. The company wants to weaken and divide the community, so it sends its representative to try to intimidate the community leader. They tell the community leader that they will harm his family if she does not stop the advocacy. They also start to spread rumors amount the community leader to ruin her reputation.

Make a silent role-play about this scenario and what the community does to protect itself.

You can use sounds but no speaking!



Handout 3 – Lesson 8

Group 3 scenario

Community representatives are in a negotiation meeting with company representatives. The company wants to take the community's land to build a large development. The community only agrees to move if they get resettled in a good location with housing and all the things they need. The company promises to give them all of these things but says that the community will have to move to the resettlement site now and live in tents until the houses are built so that they can start the development. They promise to build them beautiful houses that are much bigger and better than the houses they live in now. They promise the new houses will be built in 6 months. The company says that the representatives must sign the contract in the meeting or they will get nothing.

Make a silent role-play about this meeting and what the community does to protect itself.

You can use sounds and drawings but no speaking!



9 Community Negotiation Strategies

Outcomes

After completion of this module, participants will:

1. Know what a community negotiation strategy is.
2. Know how to use all of the negotiation tools discussed in this book to plan a negotiation strategy.
3. Understand the importance of the whole community being involved in developing a negotiation strategy.
4. Know how to negotiate using their negotiation strategy.

Lesson 9 Practicing negotiation

Aim

Participants will understand what a community negotiation strategy is and the importance of the whole community being involved. Participants will know how to plan a community negotiation strategy and how to use the strategy to negotiate effectively.



Materials

Whiteboard or flipchart, markers, Handout 1, 2, 3 and 4.

Method(s) Used

Brainstorm, class discussion, group preparation, negotiation.

| Procedure | Time Frame (in minutes) |
|--|----------------------------|
| Step 1: Brainstorm all negotiation tools | 10 |
| Step 2: Introduce the information in Sections 9.1 and 9.2 | 30 |
| Step 3: Explain the activity and divide participants | 15 |
| Step 4: Teams plan negotiation strategy | 60 - 90 |
| Step 5: Teams negotiate (first meeting) | 30 |
| Step 6: Teams plan for second meeting | 30 |
| Step 7: Teams negotiate (second meeting) | 30 |
| Step 8: Discussion about negotiation | 20 |
| Step 9: Discussion about using advocacy and protecting the community | 20 |
| Step 10: Debrief | 30 |
| Total: Approximately 5 hours | |

Note: This lesson takes approximately five hours. It may take longer for some groups. You might want to do this lesson over one full day or two half days. You will need to plan when you will have breaks and/or lunch during this lesson.

Step 1: Brainstorm all negotiation tools (10 mins)

- Ask the participants to think about all the information that they have discussed in the workshop about negotiation. Ask them to think about all the tools and ideas for preparing for a negotiation, strengthening their position and being effective negotiators.
- Ask the participants to name or describe these tools and ideas. You can ask each participant to think of one tool or idea they have learnt or ask participants to raise their hands if they can think of one.
- As participants to explain the tools or ideas, write them on the board or flipchart.

Step 2: Introduce the information in Sections 9.1 and 9.2 (30 mins)

It is important that participants understand:

- What a negotiation strategy is and all of the information it sets out.
- While they are developing the strategy it is a good idea to make a list of information that they need and how they will get it.
- When they get new information they should use it to develop or change the strategy.
- Developing the strategy should involve the whole community, for example by having regular community meetings.

9.1 What is a negotiation strategy?

A negotiation strategy is a plan that sets out:

1. Information about the situation, parties and options for a possible agreement:
 - Who are the parties to the negotiation?
 - What situation is the negotiation about?
 - What are the interests of the parties?
 - What are all the issues or problems that should be discussed in the negotiation?
 - What are the standards that are relevant?
 - What are the options for a possible agreement
 - What is the zone of possible agreement? What is the best possible agreement and the minimum you would accept?
 - What will your first demand be?
2. How you will use advocacy to increase your power and strengthen your position:
 - Who are all the possible actors that can influence the situation?
 - Will you use advocacy in your strategy? If so, what type of advocacy will you use?
 - Will you try to get the support of others? If so, who and how?
 - How will you communicate with the other party? (What form of direct or indirect communication will you use?)
 - What is your alternative to negotiation? What advocacy strategies can you use if the negotiation fails?

3. How you will protect against tricks and tactics used to divide the community.
 - What sort of tricks or tactics might the other party use?
 - How will your community protect itself?

While you are planning the strategy it is a good idea to make a list of information that you need and how will you get it. When you get new information you can use it to develop or change your strategy. This means that negotiation strategies can change over time when there is new information or the situation changes.

9.2 Planning a community negotiation strategy

If the situation affects the whole community it is important that your community has several meetings to discuss all of these things and to develop the negotiation strategy. You should continue to have regular meetings to discuss how well the negotiation strategy is working, any new information and whether it is time to introduce new ideas or tools.

If your whole community participates in developing these plans your community is more likely to be united and speak with one voice to make your position stronger.

It is very important to plan your strategy as early as possible, as soon as you hear that someone wants to take your community's land, homes or resources. The more time you have to plan and implement your strategy the more effective you are likely to be at getting a result that you like.



Step 3: Explain the activity and divide the participants (15 mins)

- Before the lesson begins decide if you will use the case study provided in Handout 2 and 3 or if you will use the community's own real situation for this activity. If the participants are from several different communities you should use the case study provided. *If the participants are all from one community it is probably best to use the community's own situation.*
- Explain that the participants will now have a chance to use all the information and new skills they have learned in the workshop to be effective negotiators. They will have a chance to plan a community negotiation strategy and then practice negotiating.
- If you have decided to use the community's own situation, explain that they will be developing a community negotiation strategy and then negotiating about their real situation. Some of the activities they did in earlier lessons can be used to help them develop their negotiation strategy, including the negotiation trees from Lesson 3 and the list of options for a possible agreement in Lesson 4.

Step 3: Explain the activity and divide the participants (15 mins) [Continued]

- If you are using the case study, you can now read out the following:

The city authorities are worried that there is too much traffic on the road to the airport. They believe that part of the problem is that this is the same road that many people use to travel to other big towns. The city authority has decided to build a second road that will go around the airport so that vehicles going to other towns will not drive on the airport road.

To build this road, the city authority will have to take some land to the north of the airport road. This will mean that the homes of about 250 families in one community will have to be destroyed to make enough space for the new road.

The law allows the government to take land from people for projects that will benefit the public. However the law says that it must inform and consult the people who will be affected and give them fair compensation before taking their land.

- Explain that participants will be divided into two teams. If you are using the case study, Team 1 will play the role of the community facing eviction. The team will get instructions and then plan the community's negotiation strategy and prepare to negotiate. If you are using the community's own situation, Team 1 will play themselves.
- If you are using the case study, Team 2 will play the role of city authority representatives. The team will get instructions and then plan the authority's negotiation strategy and prepare to negotiate. If you are using the community's own situation, Team 2 will play the role of the company or government authority that is threatening them with eviction.
- The teams should use the "Negotiation Strategy Worksheet" in Handout 3 to guide them through their negotiation strategy. (If most participants cannot read and write, do not use Handout 3. Instead spend time with the teams to make sure that they discuss all the things that are on the Worksheet.)
- The teams will have 90 minutes to read the instructions and develop the negotiation strategy. The teams should keep their instructions and plans secret.
- The teams will then meet to negotiate. The teams should remember to choose their spokespeople at the negotiation.
- Divide the participants into two teams with most participants in Team 1 and only five or six participants in Team 2. If you are using the case study, give copies of Handout 1 to Team 1 and Handout 2 to Team 2.
- Give copies of Handout 3 to both teams.
- Make sure the two teams have separate places to work so that they can keep their plans secret.

Step 4: Teams plan negotiation strategy (60-90 mins)

- Make sure everyone understands their task and the instructions. If people cannot read ask someone to read out the Handouts.
- Encourage the teams to use the “Negotiation Strategy Worksheet” to guide them through the planning. You may need to explain how to use the worksheet. They should copy the worksheet boxes on a flipchart and fill the boxes in. If most participants cannot read and write they can plan their negotiation strategy just by talking, by drawing pictures or in other ways that they find useful.
- It is a good idea to spend time with the teams and make sure they know what to do and answer any questions they have. It is also a good idea to encourage them to move on to the next questions if they spend too long on something.
- Towards the end, remind the teams that they will need to choose spokespeople for the negotiation.

Step 5: Teams negotiate (first meeting) (approx. 30 mins)

- Call the teams back to begin the negotiation. Explain that you or one of the other workshop facilitators will be the neutral facilitator for the negotiation. Explain that this is the first negotiation meeting and they have approximately 30 minutes to negotiate.
- Begin the negotiation and facilitate the meeting so that it runs smoothly.
- After about 30 minutes stop the first negotiation meeting. Explain that the teams will now have a chance to discuss the negotiation and their strategy before they meet again for the second negotiation. They can decide to change their strategy now that they have more information. They might also decide to change their spokespeople.
- They should think carefully about the interests of the other party now that they have more information and see if they can think of more options for a possible agreement.
- The teams will have 30 minutes to prepare for the second negotiation meeting.
- If the teams reached an agreement in the first negotiation strategy go straight to step 8 (discussion about the negotiation).

Step 6: Teams plan for second meeting (30 mins)

- Give the teams 30 minutes to prepare for the second negotiation meeting.

Step 7: Teams negotiate (second meeting) (approx. 30 mins)

- Call the teams back to begin the second negotiation meeting. To start the negotiation the facilitator should tell the teams that they will have a maximum of 30 minutes to try to reach an agreement.
- After about 30 minutes stop the negotiation even if no agreement has been reached.

Step 8: Discussion about negotiation (20 mins)

- Facilitate a class reflection about the negotiation.
- To facilitate a discussion you can ask the following questions (you can use these or any other questions you think would be most useful for discussion):
- If an agreement was reached at the end of the negotiation, were the teams happy with the agreement? Did the representatives have the authority to make that agreement?
- If an agreement was not reached, why not?
- Did the teams find it useful to prepare a negotiation strategy? Why or why not? What was most difficult about the preparation? Would they do this with their communities to prepare for a negotiation?
- Did the teams use their negotiation strategy in the negotiation meeting? How did it help to make them more effective negotiators? Did they manage to give the messages they planned? Did they manage to get all the information from the other team?
- What did the teams discuss during the second period of planning between negotiation meetings? Did they change their strategies based on any new information?
- What did they think about the way the spokespeople communicated? Were they good communicators? Why or why not?

Step 9: Discussion about using advocacy and protecting the community (20 mins)

- Ask the participants in Team 1 if they would have used advocacy at any stages of the process to pressure the other party to negotiate fairly. If they were using their own community's real situation they can think back to the actor mapping exercise they did in lesson 2.
- If so, what sort of advocacy they would have used? Would they have tried to influence any other actors? What message would they be sending? How do they think this would have helped to strengthen their position in the negotiation?
- You can ask Team 2 if they think these advocacy ideas would have pressured them to act differently in the negotiation?
- Next ask the participants if they can think of any tricks and tactics that may have been used to weaken and divide the community.
- What could the community do to protect itself?
- Explain that all of these things should also be discussed as a part of the community negotiation strategy in real situations.

Step 10: Debrief (30 mins)

- If there are any additional things that the participants would like to discuss or clarify you can use this time to do so. Ask participants if they have any questions about things discussed in this lesson or any of the other lessons.
- Finally, remind the participants about the discussion in the first lesson about power imbalances in cases of forced displacement. Ask the participants if they think that they would feel stronger in a negotiation if their community used the tools that have learned about and worked together to create a community negotiation strategy.

Handout 1 – Lesson 9

Airport Road Evictions: Information for the Community

Three months ago the city authorities told your community that it planned to build a new road with money from the Japanese government and your community would have to move. Although your community leaders told the city authorities they were not happy to move, they said that this road is important for the country and it will be built.

You heard rumors that the government plans to move the 250 families to a resettlement site 20 kilometers away or give them \$5000 each. Most families do not want to move so far away. Some women in the village have food stalls on busy streets in the city center and some of the men drive taxis. Other people do whatever jobs they can find around the city such as construction jobs on building sites. They all need to live near the center of city to do these jobs. They also do not want to accept the \$5000 because it is not enough money to buy another house in the area. It is much less than their houses are worth!



Over the past month, people in the community have met with some volunteer architects and engineers who have helped them to create an alternative plan for the road. The alternative plan is to build the road around most of the community instead of through the middle of it. This plan will make the road one km longer than the government's original plan, but only 50 families will have to lose their homes. In the community's plan the government would build new homes for those 50 families inside the community on available land that they have identified.

You think it will cost approximately \$10,000 to build each family an adequate house in the community. The volunteer engineers told you that the government would have to pay \$650,000 more to build the extra kilometer of road in the community's plan. But the plan will save money on compensation for families because fewer families will have to move and they will not need the land at the resettlement site.

The community spoke with NGOs about what their rights are, and know that the plan that the community has developed will respect the law and their human rights. The government's plan, however, would not respect human rights because the 250 families would be evicted without access to adequate housing.

You have been told that city authority representatives will meet with you to discuss the project. You community needs to prepare!

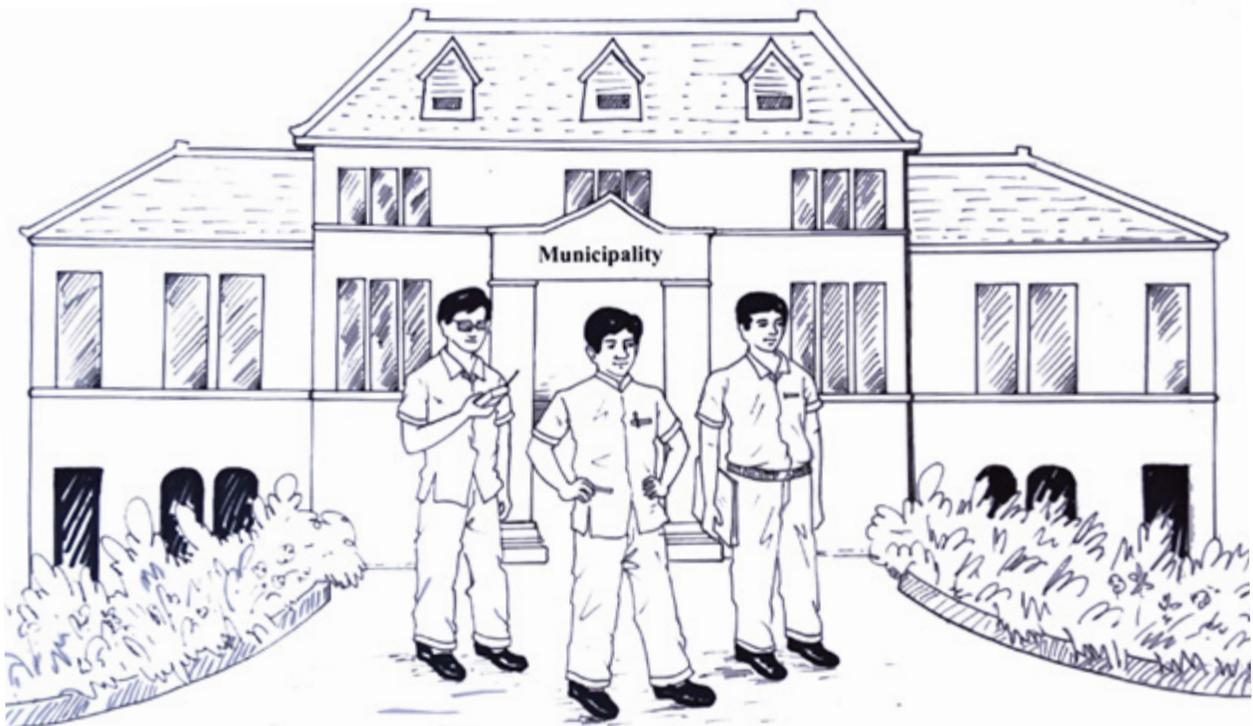
Handout 2 – Lesson 9

Airport Road Evictions: Information for the City Authority Representatives

Your team works for the city authority and you are working on a project to build a new road from the city to other major towns. Your team has been instructed by the government to meet with some representatives from a community that will need to move so the road can be built. In the meeting you will talk about the road project and the resettlement plan.

From your perspective this meeting is more like an information session where you will tell the community representatives what will happen, and not a negotiation. There is not much to negotiate. The government must build this road and it has money from the Japanese government to build it. The government has allocated \$1,250,000 for resettlement. You are not sure why the community is complaining, because \$1,250,000 is a lot of money to give to the 250 families who have to move. This is a poor community and you think they should be happy with the money!

However, the government is a little worried about getting bad publicity. In other places when the government has done similar things people have gotten upset and told the media what was happening. It caused a big scandal that made many people angry both inside the country as well as internationally, which was shameful for the government.



Your boss has told you to be firm when you tell the community what will happen with the road. But it has also said that you can negotiate a little bit if you think that negotiating will make building the road easier and will avoid public embarrassment for the government. You think you could agree to give about \$7000 each or a flat at the resettlement site plus \$2000, but your boss will be much happier with you if you give less. You think you will all get rewarded if you do a good job on this and save the government money.

Your boss has already started looking for workers and wants to start this project very soon.

Handout 3 – Lesson 9

Negotiation strategy worksheet

Who are the parties to the negotiation?

| |
|--|
| |
|--|

What situation is the negotiation about?

(List all the issues or problems that need to be solved in the negotiation)

| |
|--|
| |
|--|

What are the interests of the parties?

Our party

The other party

| | |
|--|--|
| | |
|--|--|

Information we need to find out about the other party

| |
|--|
| |
|--|

| |
|--|
| Standards |
| What are the standards that apply? |
| |
| Information about standards we need to find out |
| |

Options for possible agreement**What are the options for a possible agreement?**

(List options and mark the ones that you think are realistic and fall inside the zone of possible agreement)

What is your best possible agreement?

(Your ideal agreement)

What is the minimum that you would accept?**What will your first demands be?**

Advocacy strategies

Who are all the possible actors that can influence the situation?

**Will you use advocacy while you are negotiating? If so, what type of advocacy will you use?
Will you try to get the support of others? If so, who and how?**

What is your alternative to negotiation? What advocacy strategies will you use if the negotiation fails?

Glossary

1. **Actor (involved in a situation):** A person, group, community, organization, government authority or anyone else who is affected or may be able to influence the situation in some way.
2. **Actor mapping:** A drawing or a diagram that shows all the relevant actors involved.
3. **Advocacy:** Delivering a message through words or actions to try to influence someone's decisions or actions.
4. **Advocates:** People who use advocacy to try to influence someone's decisions or actions.
5. **Agenda:** A list of topics or issues that will be discussed at a meeting, sometimes including how long you will spend discussing each topic or issue.
6. **Allies:** Actors that support you and might be able to influence the situation.
7. **Alternative to negotiation:** A strategy that the community can use to achieve its goals other than negotiating. This alternative should usually be the strongest possible advocacy strategy that a community has, which they would use if negotiation fails.
8. **Area of possible agreement:** The area between the lowest or worst offer that one party to the negotiation would be willing to accept and the most the other party would be willing to give.
9. **Defamation:** An untrue statement or writing about a person that harms the honor or reputation of that person. Defamation is against the law.
10. **Disinformation:** Spreading information that is untrue, if, and only if, you do so in bad faith, your reasons for spreading the information are malicious, and if the information is likely to disturb the peace.
11. **Good practices (in cases of displacement):** Finding solutions that are fair and respect people's rights so that their lives are not made worse off and are improved wherever possible.
12. **Household:** The individuals, family or families that live in a particular house.
13. **Incitement:** When somebody says or writes something that encourages others to break the law. Incitement is against the law.
14. **International Covenant on Economic, Social and Cultural Rights:** An international treaty that recognizes the right of everyone to an adequate standard of living, housing, health, education and other rights. The Cambodian government signed this treaty and committed to respect it.
15. **Legally binding contract:** Once you sign or thumbprint something it could be a legally binding contract. This means that if you do not do the things that it says, the other party could file a complaint against you in a court. A judge could order you to do the things it says in the contract or order you to pay a fine for not doing the things that you promised to do when you signed.
16. **Legally enforceable agreement:** A legal agreement made between two or more parties that can be brought to court to enforce if any of the parties does not fulfill their commitments.
17. **Nature resources:** The things from the environment that people use to do or make things. For example, land, water and trees.
18. **Negotiation:** Communication between people with the aim of reaching an agreement on a particular issue or situation.

19. **Negotiation strategy:** A plan including information about the situation and parties to a negotiation and the options for possible agreement, demands, first offers, methods of communication and advocacy, the process of negotiation, and anything else that will make you stronger negotiators.
20. **Parties (to a negotiation):** The people, groups, community, organization or government authority that are negotiating.
21. **Power imbalance:** A power imbalance happens when one person or group has more power than the other person or group involved in a particular situation. A power imbalance can exist because one person has more money, a high position in government or a company, or close connections with someone else in a powerful position.
22. **Free, Prior and Informed Consent:** The right of indigenous peoples to participate in decisions affecting their land and resources, especially related to the development of natural resources. This includes the right to allow or refuse any development activity affecting their land, territories and resources.
23. **Public interest:** Something that is for the benefit of the people because it will help them to improve their standard of living, provide an important service, or keep them safe.
24. **Representative(s):** A person or persons that have been selected by the community to act on their behalf and according to their instructions in negotiation meetings.
25. **Secure Tenure:** A legal arrangement that allows people to live in their homes in security, peace and dignity without fear of eviction.
26. **Situation mapping:** A drawing of all the actors involved in a situation and showing their relationships to each other. A situation map can help you to identify who your allies are and who has influence over the other party. This can be useful when you think about using advocacy to make your position stronger.
27. **Spokespeople:** Those who are authorized to speak on behalf of another person, group of people or organization.
28. **Timeline:** A drawing of all the events that have happened that are relevant to your situation, put in order of when they happened.
29. **United Nations:** An international organization created by the world's governments in 1945. The United Nations works for peace and security in the world. 192 countries are currently members of the United Nations.
30. **United Nations Declaration on the Rights of Indigenous People:** An international declaration that recognizes the right of all indigenous peoples to be free from discrimination, to practice their religious traditions, manage their land according to their customs, and to be involved in the decisions that affect their lives. While the Declaration is not law it is an important international document, signed by most nations including Cambodia, that recognizes indigenous peoples' rights.
31. **Valid contract:** A contract that follows the law and is signed by an adult who has the authority and capacity to understand what he or she is doing. If someone is tricked or pressured into signing a contract, it is not valid.
32. **Witness:** Someone who observes or knows about a situation or something that happened and can give evidence about situation or event to work out the truth.



This guide aims to help communities threatened with displacement to develop “interest-based” negotiation skills and understand how to use a range of tools to deal with the power imbalance between them and those trying to take their housing, land and resources. The guide encourages communities to develop a negotiation strategy that incorporates advocacy at key points in order to strengthen their position.

Communities can use this guide to negotiate and advocate for alternatives to displacement that improve the lives of the whole community. It may also be useful for communities that have already been displaced to prepare for negotiations regarding rehabilitation and redress.