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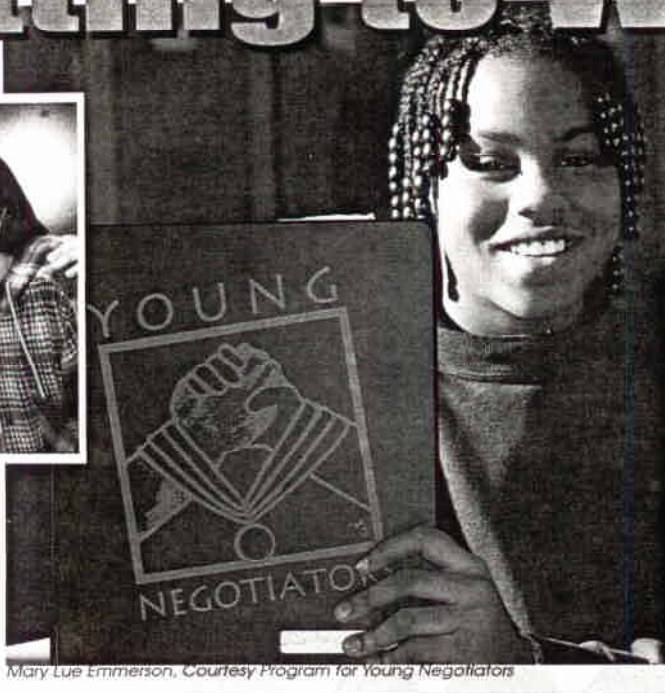
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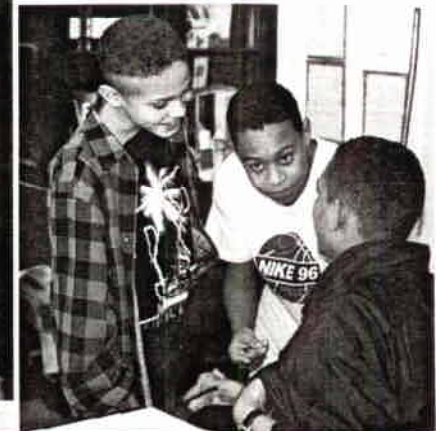
INTEREST-BASED NEGOTIATION TECHNIQUES

Helping children resolve conflicts

Getting to WOW!



Mary Lue Emmerson, Courtesy Program for Young Negotiators



Empowering young people to resolve their conflicts peacefully

by Mary Lue Emmerson

PYN uses the specific tools of interest-based negotiation to teach children how to deal with their conflicts.

"Hey, get out of my way. I got in the bathroom first."

"Well I'm here now, so get lost."

"You're always here first. You take too long in the shower and I never get any hot water."

"Tough, I was here first. Next time you get up earlier."

"How can I when you always hog the alarm clock? I'm telling. MOM!"

Do you take conflicts like this seriously?

Children have conflicts over just about anything, from hot showers to loud music, rules of the game, best friends, boyfriends or bedtimes. It is not news that children today are in greater contact with violence and conflicts than ever before. What is new, however, are the increasingly sophisticated methods children are being taught to deal with their conflicts. Adult negotiation experts are now handing their skills down to the next generation.

Program for Young Negotiators

The Program for Young Negotiators (PYN), based in Cambridge, Massachusetts, is taking children's conflicts very seriously. It has developed a curriculum

that is being used to help transform some of the toughest inner-city schools in the United States into places where children can settle their differences peacefully. To date, Boston-area middle schools have been the focus of efforts, but PYN's early successes are quickly leading to its expansion throughout the USA and into Ontario schools.

Four new PYN projects are currently being piloted in New York City, Los Angeles, Providence and the Toronto area. In Ontario, the PYN curriculum is currently being taught at Toronto's Ursula Franklin Academy and Ancaster Senior Public School. It may be introduced in several other Toronto-area schools later this year.

PYN uses the specific tools of interest-based negotiation that were originally developed at Harvard University to train lawyers, business executives, diplomats and other professionals. These same tools have been used to help resolve conflicts as varied as the Iranian hostage crisis, apartheid in South Africa and the Soviet-US military build-up.

Kids learn the skills of interest-based negotiation

Using the key principles developed by Roger Fisher and William Ury, the authors of the best-selling *Getting to Yes* (1991), PYN is teaching middle-school students skills in negotiation, decision making and problem solving. The program has adapted Fisher and Ury's overall approach and vocabulary for a younger audience, while keeping the essence of the original material.

Through funding from various foundations and private corporations, the Program for Young Negotiators is enabling thousands of students and teachers to participate in its ten-week course and city-wide graduation ceremonies. By using the adapted material, it is hoped that children will be empowered to achieve their goals, solve their problems without violence and use the skills learned to take control of their relationships with others and, ultimately, to control their own lives.

This year, in order to make a greater impact on school cultures, PYN is piloting a *whole school* approach involving entire grades of students, their teachers, other school staff and even parents. By integrating the practice and study of negotiation into their regular curriculum and daily interactions, students and teachers are working together to build a community where negotiation is an accepted way to settle differences.

To facilitate the program, PYN recruits volunteers from the community who team-teach the curriculum with a host

teacher. Before they begin working with the students, all teachers and volunteers receive in-depth training in the skills of interest-based negotiation and basic curriculum implementation. They are taught by several Harvard University professors and other experts in the field, through intensive training seminars. Harvard graduate students and researchers are actively involved in evaluating the program's effectiveness and helping to improve it.

What makes this program unique compared to other conflict resolution or peace education programs is its rigorous academic focus on teaching *all* children to use a systematic approach to solving problems themselves through negotiation, rather than through mediation. The program is also unique in that it encourages children to *prevent* potential conflicts, primarily by teaching them communication skills and very specific language to enhance this communication. Where the focus of many peace education programs is on the development of a peaceful classroom, PYN teaches negotiation techniques as a life skill that can be used in a variety of environments and situations.

Positive student response to PYN

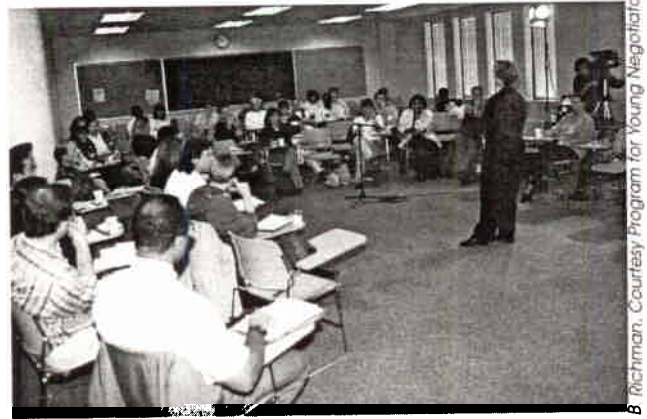
Student response to PYN has been positive, as these comments from students' journals show:

I love this program because it is making me prepared for real life.

I am starting to like this program. I wonder what the future would be like without this program ... the future would be full of violence for me.

The ideas generating comments like these are simple, revolving around all parties involved in a conflict working together to come up with a solution that

By using the PYN curriculum, it is hoped that children will be empowered to resolve their differences without violence.



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Before working with students, teachers and volunteers require training in the skills of interest-based negotiation.

PYN teaches negotiation techniques as a life skill that can be used in a variety of environments and situations.

In most conflicts, people get caught up in their positions — what they "say" they want.

is acceptable to everyone, while maintaining or building strong relationships. This is a *win-win* negotiation, in which the intention is to increase the size of the pie, so to speak, before one even thinks about dividing it. The method challenges many other tactical negotiating approaches, where it is assumed that one party wins at the other's expense and the battle is simply to determine who gets the bigger piece of pie. Many disagreements over how to slice the pie involve miscommunication and lack of

understanding of what each party is actually trying to achieve.

Identifying the components of a problem

In teaching children the techniques of interest-based negotiation, students are encouraged to examine each problem carefully and to break it down into the following

components:

- Who are the *parties* involved?
- What are their *perceptions* of the problem and each other?
- What are their *positions*?
- What are their underlying *interests*?
- What *creative options* can be *brainstormed* together to meet everyone's main interests?
- How can the parties choose among the options created by using *fair reasons* to ensure that no one feels that any given outcome is unfair to them?
- What *backup plans* can be used if the negotiation doesn't go as well as hoped?

In most conflicts, adults as well as children get caught up in their *positions* — what they *say* they want. They stand firm, dig in and try to negotiate around these positions, eventually becoming *boxed in* to one way of doing things. This generally is very unproductive. In positional bargaining, often one person

will either get what she or he wants while the other loses, or no agreement will be reached at all.

Interest-based negotiation encourages people to look at the *interests* that underlie their positions. Interests are what people *really want* but often do not express. In learning to negotiate using interests, children are continually asked to express *why* they want something. They can then reach an agreement according to the underlying needs rather than surface desires.

Distinguishing between interests and positions

A classic case is used in *Getting to Yes* to clearly describe the distinction between interests and positions. In this case, two children are arguing over the one remaining orange in the kitchen. Their mother comes in and tries to settle the argument by slicing the orange and giving each child half. The youngest child pouts, leaves the room, peels the orange, throws the peel away, and eats the fruit inside. The oldest child also pouts, walks over to the kitchen counter, peels the orange, tosses the fruit away and prepares to use half a peel for baking a half cake.

Both children took the position that they wanted the whole orange. But *why* did each child want the orange? By asking *why*, we dig into interests and come closer to a potential solution. One child's interest was to eat a fruit. The other's was to bake an entire cake. If these interests had been discussed, the children would have realized that their interests were not conflicting, despite their stated positions. The youngest child could have had the entire orange flesh to eat and the eldest would have had plenty of peel for a full cake.

One of the problems in relying on an *arbitrator to resolve disputes is that* arbitrators often have no opportunity to venture beyond positions. A solution may be found, but not necessarily one



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In a win-win negotiation, the solution for a conflict is acceptable to both parties.

Interest-based negotiation encourages people to look at the interests that underlie their positions.

that completely satisfies the interests of both parties.

Brainstorming options for meeting interests

With interest-based negotiation, once the interests have been laid out by both parties, the next step towards negotiating a solution to a conflict is to brainstorm *options* for meeting these interests. When brainstorming options, both parties contribute as many ideas as possible for a solution. As in all brainstorming activities, the process of creating options takes place without passing judgement. This process allows for creativity and encourages a wide range of ideas.

In the case of the orange, the obvious solution might be for the orange peel to go to one child and the flesh to the other. However, when examining this case with students, one creative student suggested that the siblings could also use the orange to make juice, sell the juice to their father and with that money buy two oranges! Clearly, by focusing on interests, the children could help each other meet these interests in very different ways.

Choosing a fair solution

When choosing a solution from numerous options that have been generated, the parties *need* to identify how well the options will meet their respective interests. Ideally, the option selected should entail high-gain and low-cost trade-offs for both parties. In the case of the orange, the child baking the cake with peels would not see any loss in giving away the fruit in exchange for those valuable orange skins, which were of no apparent value to the other child.

When a negotiation results in a positive outcome, both parties often see the solution as legitimate and fair. If one party feels taken or used, the negotiation may be seen as a failure. Standards of fairness — or *fair reasons* as the children call them — can be drawn

from precedents, common practice, reciprocity principles or by having participants put themselves in the shoes of an independent person judging the situation. These reasons are used as a *fairness filter* for evaluating the options that have been brainstormed.

Negotiating with a BATNA in mind

Sometimes a negotiation will end without an agreement. To be prepared for this, the children are taught to have a *backup plan*, or as Fisher and Ury call it, a BATNA (Best Alternative To a Negotiated Agreement). A BATNA will help you determine your bottom line, indicating how far you are willing to go in a given negotiation before it makes more sense to turn to an alternative that better meets your interests. It is the measure against which any proposed agreement should be compared. In negotiating with a BATNA in mind, you are less likely to be taken because you will know when to walk away.

Again, using the example of the orange, backup plans for the baker could include baking another kind of cake, asking for money to go to the store to buy another orange or using something else for flavouring. The baker's chosen backup plan, or BATNA, will be whatever that child deems to be the best alternative to an agreement with the other child.

Interest-based negotiation as a life skill

While this orange conflict is obviously a simple example, used to highlight some of the negotiation program's basic concepts, it is quite incredible how many serious conflicts revolve around positions. In these conflicts, there is often no mutual awareness of each other's interests, no communication to develop options for a solution, no

With interest-based negotiation, people are encouraged to brainstorm options for meeting the interests of both parties.



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Writing in journals allows students to reflect on what they have learned.

Ideally, the option selected should entail high-gain and low-cost trade-offs for both parties.

Effective communication is essential for delving into interests and exploring options in negotiating.

standards of fairness applied and no structured evaluation of how well backup plans might meet either party's interests.

As these statements show, as students become more familiar and proficient with the skills of interest-based negotiation, they see more ways to make use of them in their lives: *I use negotiation in my home when I get in trouble; I am having win-win situations with my mom.*

The importance of effective communication

What many arguments come down to is a lack of effective communication.

Negotiation is communication; in simple terms, it is the process of getting someone to do something towards a desired end. In order to be able to delve into interests and explore options in negotiating, communication is obviously critical.

Many children do not have effective communication skills, be they verbal, non-verbal and/or written. Therefore, the PYN curriculum,

similar to most other peace education programs, teaches students some essential skills for dealing with others. Understanding perceptions, having empathy, recognizing body language, using *I* versus *You* statements and engaging in active listening are all important skills for children to know and use to prevent conflicts.

The students in the program clearly understand the importance of these concepts when they say *I learned that you have to put yourself in the other person's shoes, or I learned it's better to talk things out than fight things out.*

A curriculum based on experiential learning

The PYN curriculum is largely based on experiential learning. Students are taught communication skills through case studies such as the orange conflict or the shower conflict, as well as by examining many real-life conflicts. Role-playing, videos, cooperative games and reflective journals are enjoyable and instrumental tools for teaching, demonstrating and reinforcing skills.

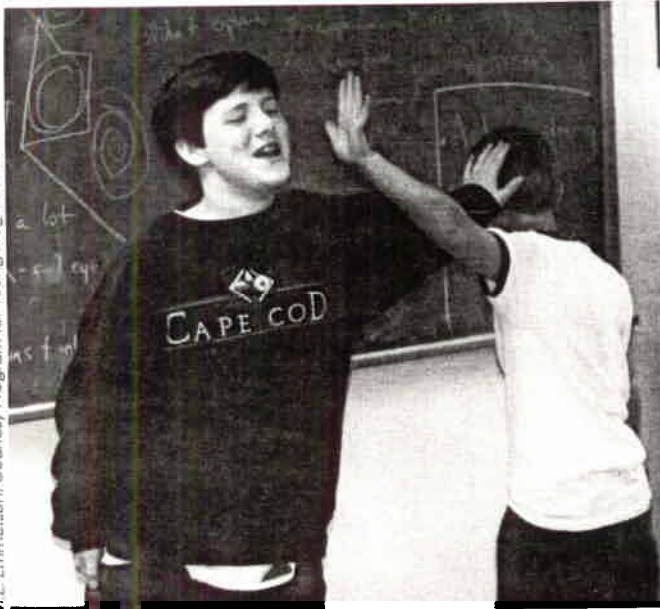
It is evident from the comments in students' journals that the children particularly enjoy practising negotiation with their friends through role-plays, where there is no risk in trying newly-gained skills. One child writes:

Today we did a role-play called 'Cleaning up the Night Owl Nightclub.' It was kind of fun. My role was to play a youth center director and my partner played the manager of the Night Owl Nightclub. The manager wants my kids to help him clean his nightclub for \$5 an hour, but my kids won't work for less than \$10 an hour. So we negotiate. See, my kids need somewhere to perform for their talent show. So I tell the Manager if we work for \$5 an hour, he has to let us use his place to do our talent show. He said okay and everything worked out fine.

In this particular role-play, the youth center director and the nightclub manager seemed to arrive at a mutually beneficial option that met their primary interests, after amicable discussions together. But what happens when things aren't so amicable, especially at the onset of a disagreement?

Learning to deal with angry people

Dealing with angry or difficult people is another necessary component of teaching negotiation skills to children. Girls are particularly vulnerable to hostile situations as they grow older and begin to enter into intimate relationships with boys and negotiate over



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Role-playing offers a low-risk way for students to practise negotiation skills.

Dealing with angry or difficult people is a necessary component of teaching negotiation skills to children.

friendships with their girlfriends. Boys are vulnerable as they become involved in gangs and potentially violent situations in their community. PYN students learn that in being able to reduce a person's anger through active listening and the ability to better express themselves, they have power. This is the power to turn a negative situation into something positive, offering hope to young adolescents, who so often feel their lives are out of control.

When an individual learns to voice her or his feelings and interests, she or he is truly communicating with another person. Students are encouraged not to attack others and their intentions or motives, but to talk about how they have personally been affected. They are taught to say things such as *I feel sad when we argue* or, as in the case of the shower, *I would like to have hot water when I shower because when the water is cold, I feel chilled all day*. When communication such as this occurs, negotiating partners are less defensive and problems have the potential to be solved faster and less painfully.

Nurturing self-esteem

As in all programs, there are challenges to consider that, if not dealt with, may hinder the effectiveness for students. For many children, particularly young adolescents, low self-esteem can be a barrier to attempting to negotiate and solve problems independently. This is particularly true when they are negotiating with older people or those in more powerful positions than themselves. Most children develop a dependency on adults for problem solving because it has been encouraged of them since infancy. Therefore, encouraging students to be risk-takers, and permitting them to make mistakes as they learn, is essential as children break away from the *apron strings* of adult supervision in resolving their problems.

Low self-esteem can manifest itself into fear of ridicule, teasing and exclusion,

proving detrimental to a young person's willingness to express her or his interests and feelings when negotiating. Because of this, it is important that these concepts are introduced in a warm, secure, caring classroom environment where people and ideas are respected.

The importance of good role-modelling

In addition to creating a positive classroom atmosphere, good role-modelling is also

important. To facilitate this, PYN's participating teachers engage in training sessions where they learn how to use interest-based negotiation techniques for their own lives.

Teachers are also supported by PYN consultants who guide them in curriculum implementation and planning. As in many other new programs for teachers, the combination of learning and implementing is a considerable challenge.

Ultimately, it is crucial that teachers put into practice the skills and philosophy they are teaching. On one particular day in a PYN classroom, I observed the teacher becoming more and more angry with students over homework assignments they had not completed. I began to feel increasingly uncomfortable as the situation escalated. It was a particularly awkward moment for me because it coincidentally occurred on the day we were to team-teach the unit on how to deal with anger. I could not help but feel that the poor example being set by the teacher would be very evident to the students.

Fortunately, and to the teacher's credit, she was able to turn the situation into a *teachable moment* and we discussed

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It is important that teachers put into practice the skills and philosophy they are teaching.

A positive classroom atmosphere and good role-modelling encourage students to take risks in resolving their problems.

Teachers can use interest-based negotiation skills in their personal and professional lives.

with the students what they could do to diffuse her anger and negotiate over incomplete homework assignments. If we want children to use interest-based negotiation, we have to be willing to use it ourselves, while also providing students with opportunities to do so. This is not always easy when a more traditional teaching perspective might suggest that it is not necessary to negotiate from a position of authority.

How teachers are using interest-based negotiation techniques

Many of the teachers involved in the training program in Boston have begun to use interest-based negotiation techniques when dealing with their students over discipline issues such as late homework, class unruliness and a range of problem-solving challenges. One PYN

teacher said: *What makes this so helpful is that we all now speak the same language. When my students and I have a conflict, we can communicate more effectively because we have a common place to begin from.*

Another teacher reported to the Harvard evaluators that her overall teaching style had changed as a result of PYN. She said she was *trying to reach students through interactive communication as opposed to assertive one-way demands in disciplining the class.*

Other teachers speak excitedly of how they are beginning to use the negotiation techniques in their personal lives for such things as resolving a disagreement with their partner, purchasing a house, or dealing with their children. In the school administrative context, teachers can apply interest-based negotiation techniques to ensure that staff meetings are run more efficiently

and fairly, parent-teacher conferences are conducted with more ease and collective agreements are reached in ways that satisfy all parties. Since the basic principles are so universal, and can be implemented in so many different situations, there is real potential for changing the way people think and behave with each other.

Addressing challenges

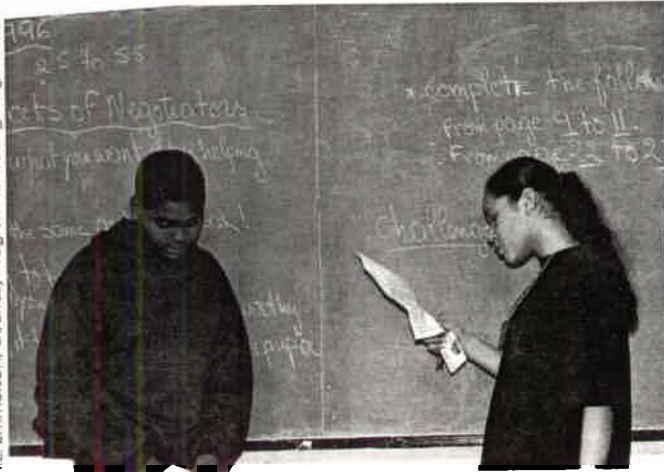
Despite the potential positives, it can be difficult for a child or adult to implement these types of negotiation skills in everyday life. As in learning any new skill, one's approach must be practised and constantly improved. Many children presently involved in the program are victims of their environment, making application of the concepts that much more challenging. Inner-city life, dysfunctional family backgrounds, involvement in gangs, peer pressure and lack of social and academic skills, can all hinder self-improvement. PYN's hope is that some of the skills will sink in and contribute to helping children cope better with their surroundings and academic challenges.

Sometimes, no matter what the environment, the other party just does not seem to want to listen. This was particularly true for a boy who had ongoing difficulties with his older sister. He said: *It is hard to negotiate with my sister because she is older than me and she's at that age when she doesn't listen to anybody.* What this child should be trying to do is model good behaviour for his sister, by listening to her interests and then showing her how he might be able to meet some of her interests through a more collaborative approach. However, this is not easy and takes persistence and patience on the part of the person initiating the negotiation.

Parental support is critical

Several students expressed concern over their parents' reactions when they tried to negotiate with them. One student

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One's approach to interest-based negotiation must be practised and constantly improved.

With interest-based negotiation, there is real potential for changing the way people think and behave with each other.

wrote: *A conflict I have is with my mom. She takes things out on me. Even when it's not my fault. I've tried to talk to her about it but she won't listen to me.* Another student asked: *How do I approach my dad to talk to him if I never really talked to him before?*

Parental involvement and support is an important aspect to consider when teaching negotiation. A critical approach to getting behind positions and uncovering interests is, as noted earlier, to ask *why*. This can be difficult when so many parents tend to respond to well-intentioned *why* questions with *Don't ask why! Just do it!* Such a response will not support interest-based learning at school. As a result, whole-school initiatives and parental education programs are being initiated to help our children learn and use effective negotiation skills.

Empowering children to solve problems

Children are natural negotiators. Infants cry to negotiate feeding times, young children negotiate over toys, early adolescents negotiate friendships and older teenagers negotiate for curfews and cars. PYN's new curriculum and approach to conflict resolution is an innovative attempt to be more than a band-aid project — where a student is protected in one circumstance, like at school, only to fall hopelessly into other problems in different environments. By teaching children the skills of interest-based negotiation, parents and teachers hope to build on children's innate negotiating skills and further empower them to solve their own problems and conflicts in a structured and simple manner. In so doing, young people can begin to experience the independence they desire while maintaining positive relationships.

In a world where children have to face so many challenges, including violence at home, in schools and in the media,

one cannot help but feel obliged to look for new and better ways to help them deal with conflict. If we can effectively teach negotiation and conflict resolution skills to tomorrow's leaders, we will be moving closer to creating a more peaceful world in the future.

Information about PYN can be obtained by telephoning 1-888-TEACH-PYN or accessing PYN's web site at <http://www.pyn.org.pyn>. If you would like further information about the Program for Young Negotiators in Toronto, please contact: Connie Edwards, 160 Frederick St., Suite 702, Toronto, Ontario, M5A 4H9.



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Parental involvement and support is an important aspect to consider when teaching negotiation.

Children are natural negotiators.

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Mary Lue Emerson has taught for the Peel Board of Education, and in Great Britain and the United States. She currently works at the Program for Young Negotiators as the Director of Boston Programs. She continues to research and publish work related to her specialization involving children and their conflicts. Mary Lue can be contacted at 207 Lexington Ave., Cambridge, MA, USA, 02138, (617) 576-3220.

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