

REPORT

SINGLE CREDIT COURSE ON “NEGOTIATION AND MEDIATION TRAINING” || MOHIT
MOKAL MEDIATION || NATIONAL LAW UNIVERSITY ODISHA ||
FEBRUARY 24TH - FEBRUARY 25TH, 2024

Background

In response to the enactment of the Mediation Act 2023, and implementation of the CBCS policy at the National Law University Odisha (NLUO), the **Centre for Public Policy, Law and Good Governance (CPPLGG)** and **NLUO Centre for Mediation and Negotiation (CMN)**, at NLUO, jointly hosted a *Single Credit Course on 'Negotiation and Mediation Training'*. The course spanned over two days, for 16 hours, aiming to provide participants with practical skills in negotiation and mediation. **Mr. Mohit Mokal**, a nationally and internationally acclaimed professional, facilitated the course, exercising his extensive experience as a Certified Mediator and mentor.

Course Learning Objectives

The following were the fundamental objectives of the course:

CREATE: Equip participants with the ability to formulate negotiation and mediation strategies tailored to specific contexts and interests.

ANALYZE: Develop participants' capacity to analyze underlying interests, dynamics, and potential obstacles in negotiation and mediation scenarios.

UNDERSTAND: Foster a comprehensive understanding of theoretical frameworks, ethical considerations, and best practices in negotiation and mediation processes.

APPLY: Enable participants to apply acquired knowledge and skills through practical simulations, roleplays, and case studies, enhancing their proficiency in real-world negotiation and mediation settings.

Course Learning Outcomes

Throughout the course, participants actively engaged in theoretical discussions, role-play exercises, and self-reflecting sessions, which culminated in the achievement of the following learning outcomes:

KNOWLEDGE: Participants acquired in-depth knowledge of negotiation and mediation principles, including principled negotiation, interest-based negotiation, and conflict resolution strategies.

ATTITUDE: Participants developed a positive attitude towards collaborative problem-solving, empathy, and constructive communication in negotiation and mediation contexts.

SKILL: Participants enhanced their skills in active listening, reframing, and consensus-building techniques essential for effective negotiation and mediation.

ETHICS: Participants internalized ethical considerations and professional standards inherent in negotiation and mediation processes, fostering integrity and fairness in their practice.

Target Group

The course catered to a diverse group of participants, including law students, legal practitioners and individuals interested in enhancing their negotiation and mediation skills. A total of **51 participants** actively engaged in the course, contributing to enriching discussions and collaborative learning experiences across varied backgrounds.

NEGOTIATION AND MEDIATION TRAINING

DAY 1 (February 24th, 2024)

The first day of the credit course commenced with introductions outlining the expectations for the course and participants delving into different dispute resolution processes such as litigation, arbitration, mediation, and negotiation. The "Orange Story" and "Arm Wrestling Activity" were conducted to illustrate the distinction between positions and interests, laying the groundwork for effective negotiation and mediation strategies.

The participants immersed themselves in the "Parking Paradox" negotiation scenario, identifying their positions and interests in pairs. Following the negotiation roleplay, a thorough debrief session underscored the importance of understanding positions versus interests in conflict resolution.

Essential concepts including BATNA (Best Alternative to a Negotiated Agreement), WATNA (Worst Alternative to a Negotiated Agreement), and ZOPA (Zone of Possible Agreement) were elucidated through the "Senju Tribe and Luffy Danjo" roleplay. This was followed by a debrief session and a self-assessment exercise.

The role division between client counsels was thoroughly explained and participants were tasked with drafting opening statements, emphasizing practical application and preparation in mediation scenarios. They were introduced to the mediator's opening statement and the five stages of negotiation and mediation, providing a structured framework for effective dispute resolution. Lastly, strategies for breaking impasse in negotiation and mediation were discussed, equipping participants with essential techniques to navigate challenging scenarios.

DAY 2 (February 25th, 2024)

The second day of the credit course delved deeper into advanced negotiation and mediation strategies, culminating in practical role-plays and assessments designed to reinforce learning objectives. Participants delivered opening statements which were followed by self-reflected feedback. Techniques for information gathering and option generation were explored, preparing participants for the upcoming role-play scenario "Why the drama." Participants were encouraged to note down key questions and creative options, and the "Why the drama" roleplay ended in a group debrief session where negotiation plans and strategies were discussed and refined.

A comprehensive review of the seven elements of negotiation was conducted, emphasizing the importance of elements such as opening statements, positions and interests, BATNA/WATNA/ZOPA, information gathering, options, objective criteria, and closing strategies. SMART testing and closing techniques were also explored. In preparation for the "Misbehaving Machines" mediation role-play scenario, participants formed groups of four and reflected on their experience during the subsequent debrief session.

Concluding the day, participants underwent the Thomas-Kilmann Conflict Mode Instrument (TKI) test to assess their conflict-handling styles, providing valuable insights into their individual approaches to conflict resolution and negotiation.


