

***STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN
THE ASIA-PACIFIC : DEVELOPING ENVIRONMENTAL LAW
CHAMPIONS***

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***Session 7 - Role-play introductory
presentation***

***Grizelda Mayo-Anda, Rose-Liza Osorio and
Gloria Estenzo-Ramos***

ADB

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Part 1

The nature of role-play exercises will be described

Participants will be allocated to 6 groups –

Small groups will work on their contribution to the role-play (with a trainer in each group)

Two mediators will be chosen

Role play methodology

- Role playing allows participants to practice representation of different interest groups concerning the same facts.
- Role plays can be designed for dispute resolution within formal settings such as courts and tribunals, as well as situations where alternative dispute resolution mechanisms are employed
- Alternative dispute resolution, mechanisms include: direct negotiation, arbitration, conciliation and mediation

Role play methodology

- Role plays can be based on a fictitious scenario, with roles allocated according to assumed interest groups.
- They can also be based on actual cases
- Or they can be based on a mixture of fact combined with fiction. Professors can choose between these types, depending on what they are trying to achieve, and whatever is most appropriate in the circumstances.
- Our role play is a hypothetical situation

Role play methodology

- In a role play exercise, each group should be asked to represent a different set of interests within a fact situation.
- If it is a mediation exercise, the same groups can be used to represent the different interests, but with the addition of the use of a mediator.
- If it is a negotiation exercise, each group can be asked to negotiate with the other groups to reach a resolution.
- Depending on the level of expertise of students, the basic legal and policy issues in the role play should be set out in writing or on a Power Point slide.
- It can be useful to have a map or photos to help describe the fact situation

Role play instructions

- This role play exercise will be conducted in two parts. The first part is today.
- The second part will be on Day 3 in Session 12

Role play instructions – the hypothetical

- The participants will be divided into 6 groups + mediators.
- Today, read and discuss the fact situation. Begin to prepare your positions
- Each group should choose a reporter who will take notes on behalf of the group, and be prepared to summarize discussions on a white board or on a computer.
- Each group should choose two people to lead the discussions and represent them in the mediation.
- Each participant is expected to take some part in the discussions and negotiations.
- Two participants will be chosen as mediators to mediate the process
- The role-play leader will be available for clarifications and input during preparation of the arguments

The six groups

- Farmer-irrigators of the village
- Mining company
- Barangay/village council
- Municipal council
- Palawan Council for Sustainable Development (PCSD)
- Department of Environment and Natural Resources (DENR)

Demands of the farmer-irrigators

1. Clean-up of their farmlands inundated with nickel laterite to remove all traces of deleterious heavy metals and chemicals on their farms
2. Financial compensation, including health expenses and pain and suffering for the farmer-irrigators who suffered health problems.
3. Rehabilitation of the mined-out areas
4. Temporary stoppage of mining operations until such time that the clean-up, compensation and rehabilitation are undertaken by the mining company
5. Regular monitoring of the mine site to ensure that clean-up and rehabilitation activities are undertaken by the mining company

The mediator's role

1. Introduce the fact situation in an objective way
2. Ask the parties to introduce themselves and state their position
3. Ensure that each group has equal opportunity to participate in the mediation
4. Make notes of all controversial issues
5. Question parties concerning their arguments, if there are inconsistencies
6. Find common ground if possible
7. Summarize the issues
8. Encourage parties to suggest solutions
9. Suggest solutions parties cannot agree - advocate for the environment?

Second part of the role play

- The second part of the role play will be conducted during session 12 on Day 3, 3.15-4.30pm.
- Please continue to prepare for the second part of the role play outside the sessions