

110: Negotiating Environmental Solutions

Overview

This interactive course will help develop confidence and skills in negotiating complex environmental issues and working effectively in complex interagency settings through the application of the principles of Interest-Based Negotiation (IBN) and Alternative Dispute Resolution (ADR). Interest-Based Negotiation is based on a simple premise: negotiation takes place between people. It uses a cooperative approach and promotes the idea that all parties must come away having gained something. The process of interest-based negotiation includes joint problem-solving, expanding options, mutual benefit, efficiency and durability. This course will help participants learn to be more successful at getting what is needed at the same time others get what they need – the consummate “win-win” outcome.

Learning Objectives

The objectives for the first day of training include:

- Learning new strategies to negotiate successfully for beneficial environmental outcomes.
- Exploring what gives rise to a negotiation and how to effectively define the objectives of a negotiation.
- Discussing the conflict spectrum and various default styles people resort to in conflict.
- Assessing one’s personal negotiation style and comparing results with others.
- Gaining understanding of how interests, strategy and tactics all tie in to relationships, and how to determine whose interests need to be satisfied in the negotiation and to what extent.
- Applying practical tools in collaboration to take home tips for negotiation in specific environmental contexts.

The objectives for the second day of training include:

- Practicing Interest-Based Negotiation in a multi-party environmental conflict
- Exploring how to use these skills in each participant’s workplace
- Learning guidelines for selecting neutral 3rd party assistance such as facilitators and mediators
- Sharing information about resources to obtain more assistance

Topics

This course includes the following topics:

- Interest-Based Negotiation
- Relationship building
- Communication – Asking questions & responding
- Conflict styles
- Conflict management
- Participatory decision-making
- Alternative Dispute Resolution

Suggested Reading List:

The following reading assignments are recommended:

- (1) Carpenter, S. 1999. "Choosing Appropriate Consensus Building Techniques and Strategies." In Susskind, L., McKernan, S. and J. Thomas-Larmer (Eds.) *The Consensus Building Handbook: A comprehensive guide to reaching agreement*. Thornsedale, CA: SAGE. Pp. 61-97.
- (2) Fisher, Roger and William Ury. 2003. *Getting to Yes: Negotiating Agreement Without Giving In*. New York, NY: Random House.
- (3) Lax, D. and J. Sebenius. 1986. "Creating Value, or Where Do Joint Gains Really Come From?" In *The Manager As Negotiator: Bargaining for Cooperation and Competitive Gain*. New York: The Free Press. Pp. 88-116.
- (4) Ury, William. 1993. *Getting Past No: Negotiating with Difficult People*. New York, NY: Bantam Doubleday.

TENTATIVE AGENDA DAY 1

**8:30 am
MORNING**

Course begins

Introductions, Objectives, Purpose, and Logistics

Welcome!

- *Review learning objectives*
- *Overview of agenda*
- *Explore experiences with interest-based negotiation and participants' expectations of course*
- **Exercise:** *Win as Much as You Can – game simulation*

Presentation/Discussion/Exercise: Conflict Management

- *Sources & responses to conflict*
- *Conflict styles – Kraybill Conflict Style Inventory*

BREAK

Presentation/Discussion/Exercise: Communicating to Negotiate

- *Listening for Understanding*
- *Questioning*
- *Constructive Restating Exercise and Debrief*
- *Framing*
- **Exercise:** *How would you frame the Issue?*

Introduction to Overflight Noise Dispute at Maroon Air Force Base - A Scenario-based Simulation

- *Review scenario background and setting*
- *How would you frame this situation if you were the Mayor planning to convene the interested parties?*

LUNCH

On Your Own – 12:00 to 1:00 PM

AFTERNOON

Presentation/Discussion/Exercise: Preparing for Negotiation

- *Getting Organized*
- *Establishing Ground Rules*
- *Working & Negotiating in Teams*

Overflight Noise Dispute

Exercise #1: Get Organized

Class will divide into five teams with each team seated at a table. Read newsletter and confidential information describing role. In teams:

- *Introduce each other*
- *Determine how to organize your team*
- *Set ground rules in your team*
- *Develop opening remarks*
- *Plan questions to probe other parties for relevant facts*
- *In the full group, each team introduces themselves*
- *In full group set ground rules for the negotiation*

Presentation/Discussion/Exercise: Interest-based negotiation (IBN)

- *The Orange Story*
- *Negotiation Basics*
- *Positional vs Interest-Based Bargaining*
- **Discussion:** *What are key conditions for successful negotiation?*
- *Fundamentals of Interest-Based Negotiation*
- *Uncovering Interests*
- **Discussion:** *Unpacking Needs and Wants*
- *Stages and Core Principles of Interest-Based Negotiation*
- *Collaboration Space and Incentive Threshold*
- *Best (and Worst) Alternatives to a Negotiated Agreement*
- *Analyzing Risk*
- *Transportation/Environmental Examples*

BREAK

Exercise #2: Define Interests & Alternatives

*In role-based teams, complete the **IBN Analysis** worksheet to:*

- *Identify positions*
- *Unpack underlying interests*
- *Discriminate your needs from wants to prioritize interests*
- *Define your Best & Worst Alternatives to negotiated agreements*
- *Repeat these steps from the other party's perspective (based on your limited knowledge at this time)*

ADJOURN for the day – 4:30 PM

HOMEWORK: Prepare for Collaboration and Negotiation Clinic by thinking of cases, either past or present, that were problematic, and we will analyze them together tomorrow afternoon.

DAY 2

**8:30 am
MORNING**

Course begins

Welcome back, address questions, recap yesterday

- *Recap/finish Exercise 2*

Presentation/Discussion/Exercise: The Collaborative Process

- *Collaborative Processes*
- *Group Decision Making*
- *Developing Joint Statements & Joint Selection Criteria*

Exercise #3: Develop Team Criteria & Options

Continue in role teams:

- *Create criteria for testing options that will work for your team*
- *Generate options your team could support*

BREAK

Presentation/Discussion/Exercise: Creative Problem-Solving

- *Basic Steps in Inventing Options*
- *Enlarging the Pie*
- *Idea-Generation & Creative Thinking*
- *Brainstorming Guidelines*
- *Evaluating Options*

Exercise #4: Create Joint Criteria

- *Brainstorm joint criteria (conditions) for testing options*
- *Teams quickly regroup to debrief and revise assumptions*

LUNCH

On Your Own – 12:00 to 1:00 PM

AFTERNOON

Exercise #5: Final Negotiation

- *Jointly Brainstorm Options* ■ *Generate mutually-beneficial options*
 - *Add solutions to flipchart*
 - *Use joint criteria to reach consensus on which options to take off the table*
 - *Each team advocates preferred solution focusing on why*
 - *Identify new solution possibilities*
 - *Seek agreement*

- *Exercise #6: Test Feasibility of Options (as time permits)*

- Exercise #7: Seek Mutually Beneficial Agreement (as time permits)

Debrief: *Overflight Noise Dispute*

BREAK

Collaboration and Negotiation Clinic

- *Discussion of Real Cases*
- **Discussion & review of original objectives & expectations**
- **Evaluations**

ADJOURN 4:30 PM