

COLLABORATIVE WATERSHED PLANNING

WORKING TOGETHER TO FIND SOLUTIONS THAT WORK!

SEARCHING FOR AGREEMENT

Finding solutions that work for everybody is not an easy task. As a member of a watershed coalition, you will be working with others whose concerns, needs, interests, and values may be very different from your own. You are being asked to deliberate important issues and come up with solutions that work well for all water users. How can you get your needs and interests met while at the same time allowing others to do the same?

We will use principled negotiation, as described by Roger Fisher and William Ury in their book *Getting to Yes, Negotiating Agreement without Giving In* (Penguin Books, 1991). Principled negotiation is based on four sensible activities. By working through each of the following activities, you are more likely to reach a wise, workable, and honest agreement that is acceptable to all.

1. Separate the people from the problem.
 - Be hard on the problem, soft on the people.
 - Put yourself in others' shoes.
 - Discuss each other's perspectives.
 - Listen to what each person says.
2. Focus on interests, not positions.
 - Identify interests by asking "why" and "why not."
 - Talk about your interests; make them real.
3. Identify options for mutual gain.
 - Separate inventing from deciding.
 - Brainstorm.
 - Look for shared interests.
4. Evaluate options using objective criteria.
 - Use criteria that are independent of each other's will.
 - Frame each issue as a search of objective criteria.

THE NEGOTIATION PROCESS

Our group will develop flexible established procedures that will guide its deliberations. The process can accommodate changing issues, data needs, the political environment, and other dimensions of group decision-making. The negotiation process will progress along the following 10 steps.

1. Establish procedures.
 - Our group will develop meeting ground rules and protocols. We will formalize them in a charter.
2. Educate each other. We will:
 - Share concerns related to the topic.
 - Identify what is given.
 - Identify what is understood.
3. Define the problem. We will:
 - Identify and share reasons, needs, concerns, and motivations underlying our positions—rather than assert positions.
 - Define the present situation.
 - Then define the desired future.

4. Specify information needs. We will:
 - Identify technical background information pertinent to the issue.
 - Identify information that is available and information that is needed.
 - Agree on ways to get answers to relevant technical questions, or a path to follow even if no technical consensus exists.
5. Educate each other (again, and whenever it is needed) through:
 - Field trips.
 - Collecting data/soliciting reports.
 - Briefings.
 - Interviews.
6. Generate options. We will:
 - Use task forces (for larger groups).
 - Bring in the public.
 - Brainstorm.
 - Use expert opinion.
 - We will not...
 - ✓ Prejudge each other's ideas.
 - ✓ Search for a single answer.
 - ✓ Assume a fixed pie.
 - ✓ Think that solving someone else's problem is their problem.
7. Develop criteria for option evaluation that includes:
 - Feasibility.
 - Fairness.
 - Efficiency.
8. Evaluate options using:
 - Set priorities.
 - Goal achievement.
9. Reach agreements, including:
 - Building block.
 - Single text.
 - Agreement in principle.
10. Develop a written plan.
 - Document areas of agreement to ensure a common understanding of the plan.
 - Develop a plan of action: what, how, when, where, and who.

Once an acceptable solution has been identified, it must be approved and implemented by all responsible parties.

Ratify the agreement.

- Get support for the plan from organizations that have a role in carrying it out.
- Each organization follows its own internal procedures as it reviews and adopts the plan.

Integrate the agreement into the public decision-making process.

- Governing bodies and agencies not directly included in the process have been kept informed during earlier phases of the process.
- Plan is considered and acted upon by the relevant agencies and governing bodies.

Implement the agreement.

- Maintain communication and collaboration as the plan is carried out.
- Monitor your results.
- Renegotiate, if necessary.
- Celebrate your success.

REACHING AGREEMENT

Tactics that Prevent Agreement.

- Staking out extreme positions.
- Withholding information.
- Making little effort to learn the interests of others.
- Trading small concessions.

Methods that Promote Agreement.

Preparing to reach consensus:

- Understand that negotiation is not necessarily to reach agreement. Agreement is only one means to an end. Explore whether you can satisfy your interests better through agreement than you could by pursuing your best alternative to a negotiated agreement (BATNA).
- Understand your concerns and interests. What is most important to you, and why?
- Try to understand the concerns and interests of other parties. What might be most important to them, and why? What perceptions do they have that may complicate the issue?
- Clarify your BATNA and make a preliminary assessment of theirs. What options do you have if you can't get what you need through negotiation? What options do they have?
- Understand options that might solve your concerns and be acceptable to other parties. What kind of outcome do you want? What kind of outcome do they want? Do solutions exist that will satisfy you and them?

Creating mutual gains:

- Express your needs and concerns and learn the needs and concerns of others.
- Identify questions of fact that you need to answer to better understand the problem or evaluate a solution. Engage in joint fact-finding.
- Brainstorm proposals to satisfy the issues under discussion, without the pressure of having to agree at this stage. Start each proposal with “What if...” Invent options without committing.
- Once you have identified options that satisfy the interests of all or most stakeholders then assemble them into a set of proposals that address the issues that are the focus of your work. This allows you to make tradeoffs among issues, ensuring that each person is able to meet their most important interests. Each proposal may not have unanimous approval, but the group will support the package as a whole.

LEVELS OF CONSENSUS

As you discuss and evaluate proposals, it is easy to get stuck if your only choices are to either accept or reject each proposal offered. Not everyone will agree (or disagree) with equal enthusiasm to a particular proposal. The group must discover how each member feels about each proposal. If some group members disagree with the proposal, the group must discover the unmet needs that have produced the objections and revise the proposal to include a way to meet those needs.

To see how close the group is to agreeing, we'll use a five-finger scale. The scale allows precise interpretation of support for a decision, from enthusiastic through lukewarm to ambiguous support. Everyone can judge whether the degree of support warrants continued action. The scale allows you to communicate your intentions, assess the degree of agreement that exists, and register your dissatisfaction without holding up the rest of the group.

Show by the number of fingers you hold up your level of agreement to a given proposal:



5 Fingers: Endorsement (I like it.)



4 Fingers: Endorsement with a Minor Point of Contention (Basically, I like it.)



3 Fingers: Agreement with Reservations (I can live with it.)



2 Fingers: Stand Aside (I don't like this, but I don't want to hold up the group.)



1 Finger: Block (I won't support the proposal.)

Standing aside allows a group member to register dissatisfaction with a proposal without preventing the group from adopting and implementing the plan. But if a group member blocks a proposal, the group cannot reach consensus even if everyone else wants to adopt it. If your group is unable to rework a proposal so that a dissatisfied member can at least stand aside, you may want to use two additional levels of agreement* that can be inserted between standing aside (two fingers) and blocking a proposal (one finger):

- Formal Disagreement, but Willing to Go with Majority (I want my disagreement noted in writing, but I'll support the decision.)
- Formal Disagreement with Request to Be Absolved of Responsibility for Implementation (I don't want to stop anyone else, but I don't want to be involved in implementing this decision.)

*Sam Kaner in the *Facilitator's Guide to Participatory Decision-Making* (New Society Press, 1996)

For more information see <http://www.ces.ncsu.edu/WECO>

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Published by

North Carolina Cooperative Extension Service

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