

# COLLABORATIVE DECISION MAKING FOR WATER QUALITY

*Working Together to Find Solutions That Work!*

## Searching For Agreement

**F**inding solutions to water quality problems that work for everybody is not an easy task. As a member of a water quality stakeholder group, you will be working with others whose concerns, needs, interests, and values may be very different from your own. Yet, you are being asked to deliberate important issues and come to 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? The answer is by engaging in “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 very sensible negotiation activities. By working through each activity, you are more likely to reach a wise, workable, and honest agreement that is acceptable to all. The four points of principled negotiation are:

- ❶ **Separate the people from the problem**
  - Be hard on the problem, soft on the people
  - Put yourself in their shoes
  - Discuss each other’s perspectives
  - Listen to what they say
- ❷ **Focus on interests, not positions**
  - Identify interests by asking why and why not
  - Talk about your interests, make them real
- ❸ **Identify options for mutual gain**
  - Separate inventing from deciding
  - Brainstorm
  - Look for shared interests
- ❹ **Evaluate options using objective criteria**
  - Criteria that are independent of each other’s will
  - Frame each issue as a search of objective criteria

## THE NEGOTIATION PROCESS

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Principled negotiation is used in a group process that is both planned and flexible. The planning component means that the group has established procedures that will guide its deliberations. Flexible means that the process must be able to accommodate changing issues, data needs, the political environment and other dimensions of group decision-making. The negotiation process can be thought of as progressing along several steps starting when the group first convenes, and ending when the group reaches an agreement, carries it out, and makes arrangements for continued dialogue.

- ❶ **Establish procedures**
    - With the whole group, develop meeting ground rules and protocols. Formalize them in a charter
  - ❷ **Educate each other**
    - Share concerns related to the topic
    - Identify what is given
    - Identify what is understood
    - Identify and share interests -- reasons, needs, concerns and motivations
  - ❸ **Define the problem**
    - Define the present situation
    - Define the desired future
  - ❹ **Specify information needs**
    - Identify technical background information that is pertinent to the issue
    - Identify information that is available and information that is needed
- underlying participants' positions -- rather than assert positions

- Agree on methods for generating 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)**

- Field trips
- Collecting data/soliciting reports
- Briefings
- Interviews

**6 Generate options**

- Use task forces for larger groups
- Bring in the public
- Brainstorm
- Use expert opinion
- Don't...
  - ⊗ Prejudge each other's ideas
  - ⊗ Search for a single answer
  - ⊗ Assume a fixed pie
  - ⊗ Think that solving their problem is their problem

**7 Develop criteria for option evaluation**

- Feasibility
- Fairness
- Efficiency

**8 Evaluate options**

- Priority matrix
- Goal achievement

**9 Reach agreements**

- Building block
- Single text
- Agreement in principle

**10 Develop a written plan**

- Document areas of agreement to ensure a common understanding of the participants' accord
- Develop a plan of action: what, how, when, where, who

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

**Ratify the agreement**

- Parties 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 for implementation.

**Implement the agreement**

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

## REACHING AGREEMENT

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### 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 the purpose of negotiation** – The purpose of negotiation is not necessarily to reach agreement. Agreement is only one means to an end. Rather the purpose is to 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 so 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

- **Explore interests** – Express your needs and concerns and learn the needs and concerns of others.
- **Engage in joint fact-finding** – Identify questions of fact that you need to answer to better understand the problem, or evaluate a solution.
- **Invent options without committing** – Brainstorm proposals to satisfy the issues under discussion, without the pressure of having to agree at this stage. Start each proposal with “What if...”
- **Create packages** – Once you have identified options that satisfy the interests of all or most stakeholders then assemble them in an agreement “package”. A package is a set of proposals that addresses the issues that are the focus of your work. Assembling packages enables stakeholders 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 supports the package as a whole.

## LEVELS OF AGREEMENT

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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) to a particular proposal with the same level of enthusiasm. The group must discover how each member feels about each proposal. If some group members disagree with the proposal, the group must work to discover the unmet need that has produced the objection and to find a way to meet that need in a revised proposal.

### Eight-Point Scale

When checking for unanimity, Kaner, et al (*Facilitator's Guide to Participatory Decision-Making*, by Sam Kaner, New Society Press, Philadelphia, 1996.) suggest using an eight-point scale that assesses the possible gradients of agreement among participants. The scale allows participants to communicate their intentions more clearly, permits a clearer assessment of the degree of agreement that exists, and allows participants to register their dissatisfaction without holding up the rest of the group. The eight-point scale is presented below:

1. Endorsement (*I like it*)
2. Endorsement with a Minor Point of Contention (*Basically, I like it*)
3. Agreement with Reservations (*I can live with it*)
4. Abstain (*I have no opinion*)
5. Stand Aside (*I don't like this, but I don't want to hold up the group*)
6. Formal Disagreement, but Willing to Go with Majority (*I want my disagreement noted in writing, but I'll support the decision.*)
7. 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 it.*)
8. Block (*I won't support the proposal*).

The scale allows precise interpretation of support for a decision, from enthusiastic support, through luke-warm, to ambiguous support. Everyone can judge whether the degree of support warrants continued action.



## Five Finger Scale

A more abbreviated scale that allows a show of hands is a five finger scale. Participants show by the number of fingers they hold up their level of agreement to a given proposal:

- 1 Finger: Endorsement (*I like it*)
- 2 Fingers: Endorsement with a Minor Point of Contention (*Basically, I like it*)
- 3 Fingers: Agreement with Reservations (*I can live with it*)
- 4 Fingers: Stand Aside (*I don't like this, but I don't want to hold up the group*)
- 5 Fingers: Block (*I won't support the proposal*)

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