

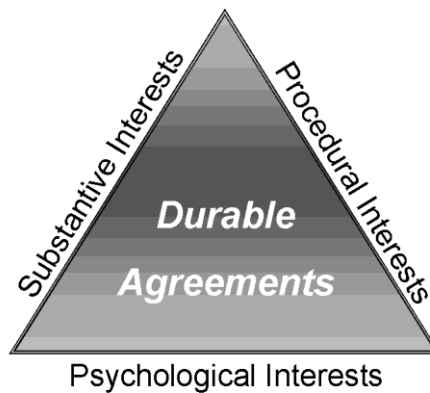
ENGAGING YOUR COMMUNITY

The Discussion Leader's Guide to Public Issue Dispute Resolution and Participatory Decision-Making

Volume 8

REACHING AGREEMENT

Substantive, procedural and psychological interests must be satisfied if the parties hope to achieve a durable agreement to a dispute. Like a three-legged stool, the three types of interests form the basis of the negotiated agreement. If any one of the interest types are not fully satisfied, the agreement may very well collapse under future pressure.



Substantive	Procedural	Psychological
<p>Most parties enter a negotiation to "get" something. Although their ideas about their interests may change over the course of the negotiation, they need to come away with some sense of substantive satisfaction; a sense that they got what they came for.</p>	<p>Even if they get what they want, parties will not be satisfied if they think the process was not "fair." This is a subjective assessment, but a powerful one. In particular, if a party thinks the procedure was irregular, the party may distrust others and work against implementation of the agreement.</p>	<p>Everyone needs to feel heard and respected. Should a party feel he or she was not adequately heard during the discussions, the agreement may not prove durable. Poor relationships that develop in the negotiation will overshadow otherwise acceptable results.</p>

Workable agreements are FAIR when:

- The process is open to public scrutiny
- All groups who want to participate are given the chance to do so
- All parties are given access to the technical information they need
- Everyone is given an opportunity to express his or her views
- The people involved are accountable to the constituencies they represent
- There is a means for due process complaints to be heard at the conclusion of the deliberation

Workable agreements are EFFICIENT when:

- A climate for collaboration is made possible
- Parties have the opportunity to work toward win/win solutions
- The process is expedient yet fair

Workable agreements are WISE when:

- "Advocacy science" is avoided
- The most relevant information is brought to the table
- All parties participate in an effort to minimize the risk of being wrong

- An environment is created that accommodated the best possible technical evidence, regardless of which “side” that evidence supports
- An environment is created that allows for a “collaborative inquiry”

Workable agreements are STABLE when:

- The agreement is feasible and can be carried out
- Commitments made by each party are realistic

- Parties take responsibility for cultivating support for the agreement from their constituencies
 - Parties take responsibility for meeting all restrictions and protocols specific to their own organizations
 - Time tables for implementation are realistic
 - Provisions are made for re-negotiation
- Good working relationships among the parties are fostered

FORMS OF AGREEMENT

Stronger	Weaker
<p>Substantive Focuses on specific, tangible exchanges that are made. "You will receive \$2,000 in compensation for your loss."</p>	<p>Procedural Defines the process to be used in making the decision. "During the next two weeks the researcher we agreed upon will gather the information; then we will meet on March 12 to examine the data and complete our settlement."</p>
<p>Non-conditional Defines how the dispute will be resolved without the requirement of any future conditions.</p>	<p>Contingent Agreement involving a conditional sequence of actions. "If you will move your activities over by 100 feet, we will waive the necessity for special permit."</p>
<p>Binding Requires a party to uphold the terms of the settlement specifying consequences for not following through.</p>	<p>Non-binding Agreement constitutes a set of recommendations or requests to which the parties need not adhere.</p>
<p>Permanent A lasting agreement that is unalterable</p>	<p>Provisional A temporary agreement that may be subject to future change.</p>
<p>Comprehensive Agreement that covers all disputed issues.</p>	<p>Partial Agreement on only a portion of the issues under dispute.</p>

Links to Formal Decision-Making Processes

Once a joint problem-solving group has reached agreement, it may be necessary to link the group's work, which is often conducted in an informal setting, to the formal decision-making process of a city council, legislature, board of directors, or other similar body, in order for the results to be implemented. In the best of circumstances, members of formal bodies will either have participated in the process or been well informed of the deliberations of the group so that the outcome will not be a surprise to them.

Techniques

Joint Membership/Liaisons

- These are the two most common techniques for involving members of decision-making bodies in the joint problem-solving process.

Reports

- The group, especially if it needs to reach large numbers of people or present long and complex information, can use a report to describe the group's agreements. The report, in most cases, should describe the nature of the decision-making process and who participated.

Presentations

- Oral presentations can be very helpful in briefing formal decision-making bodies. Visual aids are always useful.

Implementing the Agreement

Plans for implementation should be developed with the problem-solving process. Communication and collaboration among the parties should continue as the plan is carried out. The parties must determine how they will keep track of the success of their solution. They should have a plan for affirming outcomes, resolving problems, renegotiating terms and celebrating successes.

Techniques

Action Planning

- Action planning can be used to develop the essential who, what, and when elements of an implementation plan. The best order for addressing these questions is to find out what needs to be done and by what date before the person responsible is named. Commitments must be made so that every party is assured that the others will carry out their part of the plan. Parties must discuss and agree upon methods for making such assurances tangible.

Monitoring Mechanisms

- A variety of monitoring mechanisms can be established to ensure that the agreement is being executed. A monitoring mechanism can also involve those who reached the agreement, ensuring continued commitment to implementation. Monitoring techniques include regular reporting by the implementing group, active monitoring by members of the problem-solving group, or independent monitoring by a third party. Implementation efforts are self-enforcing when the parties themselves have a high stake in the outcome and are directly involved in implementation. The implementing group reports back to the joint problem-solving group if difficulties or obstacles are encountered.

Renegotiation Mechanisms

- Many agreements, especially those developed in a changing political environment, will not always be workable because of changing parties, possibilities, or contexts. A mechanism to address these problems through the resumption of the joint problem-solving process may be desired. If the group believes this process might be necessary, the process should be designed **before** it is needed.

Prepared by
L. Steven Smutko
Department of Agricultural and Resource Economics
Simon Garber
Department of Sociology and Anthropology

North Carolina State University
Raleigh, NC 27695



North Carolina Cooperative Extension partners with communities to deliver education and technology that enrich the lives, land and economy of North Carolinians.

Distributed in furtherance of the acts of Congress of May 8 and June 30, 1914. North Carolina State University and North Carolina A&T State University commit themselves to positive action to secure equal opportunity regardless of race, color, creed, national origin, religion, sex, age, veteran status or disability. In addition, the two Universities welcome all persons without regard to sexual orientation. North Carolina State University, North Carolina A&T State University, U.S. Department of Agriculture, and local governments cooperating.