

Course Syllabus Winter 2018
ESM 283
ENVIRONMENTAL NEGOTIATION:
Negotiating Sustainable Agreements that Last¹

This year's course in environmental negotiation focuses on the tools and behaviors necessary to deal with polarized politics and the vaporization of trust within and between communities - in politics and in a not-so-civil society in general.

This course will equip Bren students with the skills necessary to identify and apply joint fact-finding strategies, engage in collaborative problem solving and negotiate effective environmental regulations and policy with people who don't think, talk or behave like them. It will offer alternative and more durable approaches to traditional win-lose negotiating tactics, competitive bargaining, and dealing with an angry public when negotiating for sustainable solutions over time. It will differentiate "deal making" from negotiating for joint gains. New case studies are presently being crafted to reflect the challenges of dealing with differences and win/lose thinking at the local, regional and sub-national levels of society. These cases will push students to think differently about what they bring to the negotiating table and hone the skills necessary for building a better future in times where trust is a disappearing resource.

This course is intended to give you the tools necessary to analyze, structure and partake in negotiations in a way that is more strategic, more sustainable and more pragmatic. If you think you need to become a better communicator, problem solver, or architect of productive working relationships, this course may hold value for you. Simply stated, this course will help you to be more at ease with risk-filled, ambiguous and oftentimes complex decision making.

Solving complex, urgent and poorly understood environmental problems and public policy challenges requires people from different backgrounds, sectors and organizations to think, communicate and behave in new ways to move past situations of low or non-existent trust, outdated assumptions and traditional mindsets and do so with people who think, speak or value things differently.

Course Organization and Structure

The course starts from the observation that the world of managers, lawyers, public officials, analysts, and other professionals, particularly those in environmental management and policy-making roles, is marked by interdependencies, fragmented sources of power, complexity and an uncertain future. In this chaotic world, the sources of understanding and stability are often provisional and the ability to learn and to manage change is at a premium. The diversity of our society and work force contributes to conflicts over goals, interests, and frames of reference. These characteristics create an ongoing need for the ability to craft stable agreements that advance interests, build trust, and get long lasting results, oftentimes in unstable environments. They create a need for skilled and effective negotiators who understand and apply rapid cycles of learning, adapting, improvising and influencing to become boundary spanning leaders.

This quarter's course is structured in four components.

¹ Due to observed holidays on January 15, 2018 and February 19, 2018, a 3-hour make-up class session has been scheduled for Friday, January 19, 2017 from 8:30 am to 11:20 am. Attendance at this make-up session is required.

1. Understanding the Basics: The range and nuance of negotiation, and conflict management in the environmental and public policy arena; asking good questions; creating and claiming value;
2. Systematic approaches to building effective and sustainable environmental agreements;
3. Power and Communication Tools: How to negotiate on behalf of your organization when you're not in charge – changing frames of reference and crafting compelling arguments; and,
4. Crafting Sustainable Implementation Agreements: crafting and applying adaptive leadership strategies to maximize success.

Students are expected to attend all sessions unless an exceptional and compelling situation arises¹.

Parallel to these dynamics, neuroscience, psychology and behavioral economics influence how people make decisions and with what kinds of biases and mindsets. The choices people make can have profound influence over outcomes and their sustainability, particularly in situations of low trust and false expectations. This course is about choosing, applying and calibrating tools and approaches to build more sustainable agreements – agreements that lead to better outcomes.

We will explore three insights that currently shape the practice of competitive and collaborative negotiation practice, namely,

- ***Even simple interdependencies create a dynamic environment in which multiple outcomes are possible.*** The bare fact that a bargain requires the consent of two or more parties is sufficient to open a complex space for interaction between negotiators. In multi-party, multi-issue situations, agreement-building creates an even more complex space.
- ***Negotiation is rarely a zero-sum process. Negotiators affect not only how value is distributed, but also how much value there is to distribute.***
- ***Negotiation is a social and improvisational process.*** Through their interactions, negotiators shape the terms in which they understand problems, their sense of what kind of behavior is fair, appropriate, and desirable, and their ability to trust.

On a substantive level, this course explores the theory and practice of environmental negotiation, conflict management and other collaborative problem solving tools in the context of environmental (i.e., natural resource) and public policy challenges. Core topics and questions to be addressed include:

- ❖ Competence: What are the basic competencies of the negotiator and/or the neutral third party specializing in environmental challenges and disputes?
- ❖ Uniqueness: What is unique to negotiations involving resources, conservation, infrastructure and social and political power? What are the special competencies required of professionals who advocate and work the “in between”?
- ❖ Power: What is the nature and evolution of power and influence in environmental disputes? How do negotiators build “muscle memory” to become more effective problem solvers?
- ❖ Dynamics, Improvisation and Cross Currents: What dynamics influence environmental agreements? What are the stabilizing and destabilizing influences of coalitions in the negotiation process?

¹ An exceptional or compelling situation is defined as either a medical or family emergency, or a conflicting meeting outside of school (job interview, career or group presentation, etc.). In-school conflicts with other classes are not sufficient reasons to miss class.

- ❖ Complexity and Uncertainty: What are the special challenges created by uncertainty, risk and complexity and what tools and perspectives are needed to effectively integrate science and management to address those challenges?
- ❖ Framing and Biases: How are proposals contextualized for maximum receptivity and how do we overcome preconceived solutions to poorly characterized problems?

Our exploration of these topics is “practice-driven” and the insights they reveal are presented not only from the perspective of a negotiator acting in self-interest, but also from the perspective of an individual acting as a representative of an organization or coalition. Finally, we approach these topics from the perspective of a neutral third party, acting to facilitate negotiations among many parties and organizations.

Learning Objectives

Through class discussions, experiential exercises and analytical work products, we will examine how negotiators as advocates and mediators as neutrals craft and facilitate sustainable agreements and ask, "**Why do we get one deal rather than another?**" We will explore situations where negotiations offer (or demand) an exploration of additional degrees of freedom and ask, "**Can we shape the game we play?**" Finally, we will consider how negotiators and mediators create opportunities for mutual gains, how they construct relationships in which trust is possible, and how they build understanding in their interactions.

By exploring these questions, we hope to accomplish three specific objectives.

- First, to appreciate and practice the kind of precision, preparation and discipline that negotiating environmental agreements demand.
- Second, to become a better diagnostician of both negotiating situations and of conflict itself. These skills are essential to realizing the first objective.
- Finally, we hope to build capacity for greater leadership in addressing environmental challenges, opportunities and resource management issues – and doing so in a manner that leads to more sustainable and long lasting results.

Class Journal Entries

You are urged to keep a weekly journal to document the challenges and revelations you encounter throughout the course as well as your personal growth as a negotiator. This journal will come in handy in crafting your final paper for the course. Organizing questions that might help you characterize your performance in class exercises and evolution as a negotiator include the following:

- What worked well in my performance as a negotiator, and why?
- What didn't work well and what did I learn from that experience?
- Was your intuition a help or a hindrance? How do you know that?
- What did you learn about your own personal negotiation style? What did you learn about your own biases?
- Did you take short cuts to achieve an agreement when a more deliberate path might have yielded better results?
- Knowing what you know now, what would you have done differently in the exercise?
- How did this exercise test shape and reveal my own values and perceptions about myself?

Journal entries should spend an equal amount of effort analyzing what you did well (and why) and what you did poorly (and why).

Required and Recommended Reading:

The following texts are suggested for the course:

Negotiating the Impossible: How to Break Deadlocks and Resolve Ugly Conflicts

Deepak Malhotra (Required Text)

The Art and Science of Negotiation, Howard Raifa (Portions Required - in the Bren Reading Library)

The Art of Negotiation: How to Improvise Agreement in a Chaotic World, Michael Wheeler, Harvard Business School, 2013 (Available)

The material posted on GauchoSpace consists of a wide variety of journal articles, discussion papers and case materials oriented toward skill-building. These will be posted at least one week before class on GauchoSpace. In addition to readings, instructional videos and CDs will also supplement the course as learning tools. Finally, a bibliography of other books and resources relevant to environmental negotiation will be made available to students with an interest in further reading.

Class Assignments and Grading:

Critical to the learning experience in this course is your participation in a variety of simulations and role-play exercises. In these settings, you will not only learn practical skills but also have an opportunity to observe the perspectives, approaches and practices of your classmates and yourself. The quality of participation in these settings, therefore, will not only affect your learning experience but that of the others in the course. A separate Teaching Note on Exercises and Role Plays will be distributed prior to the first day of class. In recognition of this fact, 35% of your grade for the course depends upon your participation, a portion of which will be evaluated by your peers in class. The grade will be calculated as follows:

Course participation (35%): Students are expected to not only engage in the negotiation exercises in good faith and in role, but also to contribute to the debriefings and record their personal observations on a class journal. Each participant is expected to meet privately with the instructor to discuss their progress/challenges during the course.

When you hand in your Final Paper/Exam on the Monday following the last day of class, you will also be asked to identify the three classmates who contributed most to your evolution as a negotiator and briefly summarize the reasons why.

Mid-term paper (35%): Prepare a Situation Assessment of an assigned environmental/public policy negotiation/conflict (this will be completed in three components with the 1st component due Monday, Jan. 23rd the 2nd due Mon. Jan. 30th and all three components due electronically via email on Wednesday, Feb. 8th.

Final paper (30%): Describe your evolution as an effective negotiator providing observations on your strengths and weaknesses, negotiation style, and tools and tactics based upon the exercises completed in class. This paper should use as its basis, class discussion topics, exercises, entries into your journal and personal reflections as to how you assess, frame, negotiate and monitor for results.

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Tentative Paper Due Dates: Midterm: 5:00 PM, electronically Wednesday Feb. 7, 2018
Final Paper --- Monday March 19, 2018, Electronically by 8:00 AM PST