

Environmental Negotiation & Mediation

ENST 515, NRSM 515, COMX 515
The University of Montana
Stone Hall Room 217

Course and Instructor Information

Spring 2016
Monday
1:10 to 4:00 p.m

Office Hours
Monday 12-1
By Appointment

Shawn Johnson

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Course Description

Exceptional leaders share two important traits: the ability to negotiate effectively and the capacity to inspire and engage other people to solve problems. This course prepares leaders to shape the future of natural resources policy by providing an opportunity to develop practical skills in negotiation and mediation. Regardless of your interests and agenda, the ability to achieve short-term objectives and long-term goals depends on your capacity to communicate effectively, engage collaborative leaders, build coalitions of the unlike, forge agreements, and implement strategies to move from vision to action.

This course was designed by Professors Matthew McKinney and Jim Burchfield from the University of Montana. It draws on the pioneering work of Professor Lawrence Susskind at Harvard Law School and the MIT-Harvard Public Disputes Program. The course emphasizes the theory and methods of environmental negotiation and mediation; engages students in a series of simulations to strengthen understanding of the theory and to develop and refine practical skills; and grounds negotiation theory and methods in real life case studies presented by a diverse group of guest speakers. The guest speakers discuss what catalyzes and enables successful environmental negotiation, including the role of law, science, history, culture, and other variables.

This is an independent, stand-alone course. There are no prerequisites. It is the second in a series of three courses required for the *Natural Resources Conflict Resolution Program*. The first course – *Foundations of Natural Resources Conflict Resolution* – introduces students to the nature of natural resource and environmental conflict, the menu of options for preventing and resolving such conflict, and the theory and methods of collaboration.

Course Schedule

This course consists of 14, three-hour class sessions. One of the distinct advantages of this course is that it is interdisciplinary and integrates a number of university professors and practitioners into the class sessions as guest speakers.

Week	Topic	Date
	Building a Theoretical Framework	
Week # 1	Course Introduction and Basic Negotiation Theory	January 25
Week # 2	Fundamentals of Environmental Negotiation	February 1
Week # 3	Introduction to Environmental Mediation and Facilitation	February 8
	Overview of Skills, Tools, & Method	
Week # 4	Skills for Successful Mediators and Negotiators	February 22
Week # 5	The Importance of Communication	February 29
	Applying the Framework: Skill Building	
Week # 6	Preparing to Negotiate	March 7
Week # 7	Negotiation and Coalition Building: Skill Building Session	March 14
Week # 8	Creating and Sharing Value	March 21
Week # 9	Complex Multi-party Negotiation: Skill Building Session	March 28
Week # 10	Finalizing the Deal	April 11
Week # 11	After the Negotiation	April 18
	Applying the Framework: Lessons from the Field	
Week # 12	International Environmental Negotiation	April 25
Week # 13	Managing Difficult People and Conversations	May 2
	Reflection and Demonstration of Skills	
Week # 14	Final Exam/Negotiation Exercise	May 10

Course Readings

There are three books required for the course, all of which can be purchased at the University Center Bookstore:

- Michael Doyle and David Straus, *How to Make Meetings Work* (Jove Books, 1976).
- Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (Penguin Books, 1981).
- Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013).

Additional reading materials required for each class are available through the [class Moodle site](http://moodle.umt.edu) (<http://moodle.umt.edu>).

Course Requirements

Participate actively in class discussions, exercises, and simulations (2 points/week = 28% of your grade).

This course emphasizes the development of skills and intuition through experiential learning. Therefore, we encourage you to be an active participant in the learning process. This part of your grade will be based on the quality and level of participation in class discussions and simulations.

Complete two professional memos (15 points each = 30% of your grade). One of the most important skills to learn as a graduate student—regardless of your career path—is how to think critically and write concisely. The goal here is not to write another 30-page research paper. More times than not, when you enter the workforce you will be asked to do just as much research for a 30-page paper, but to synthesize the information in a short memorandum. The memos are intended to be reflective and useful to you in the future.

For each of the following memos, you will prepare a 1,000-word memorandum following the format presented in “HOW TO WRITE AN EFFECTIVE PROFESSIONAL MEMO” – available on the course Moodle site. Consistent with the “real world,” we are willing to review and comment on drafts of your memos prior to the due date. Professional memos will be graded on the basis of: (1) writing and communication – including clarity, level of articulation, and grammar; (2) research and analysis – level of critical analysis, research, and specificity; (3) course materials – amount of synthesis and integration of course readings and discussions; and (4) formal citation (whatever style you prefer, e.g., parenthetical reference, footnote, endnote, legal, etc. throughout, citing author, title and all publication information). Each element is equally important and will be graded accordingly.

Memo # 1 – Prepare a professional memo that synthesizes the key elements of two-party negotiation theory and articulates prescriptions for multiparty environmental negotiation in light of the key differences between two-party and multi-party negotiation. Send your completed memo to Shawn and Wylie via email by 5:00 PM on Thursday, February 18th.

Memo # 2 – Prepare a professional memo that (1) compares and contrasts the different styles or types of mediation; and (2) applies one or more models of mediation to a specific natural resource or environmental issue that you are interested in. Send your completed memo to Shawn and Wylie via email by 5:00 PM on Thursday, March 17th.

Participate in three facilitation or mediation cases (10 points each = 30% total of your grade). To fulfill this requirement, you may observe and/or co-facilitate at (1) the Missoula Community Dispute Resolution Center; or (2) a multi-party event that is approved in advance by the instructors. After each observation/co-facilitation, prepare a brief summary (1-2 pages) of your experiences and lessons learned. Reflections should be submitted to Shawn and Wylie within 24 hours of completing the observation or co-facilitation.

Final exam (12% of your grade). The final exam will give you the opportunity to synthesize and demonstrate the lessons and skills learned during the course, and will be conducted during finals week.

Grading Scale

93-100 A
90-92 A-
88-89 B+
83-87 B
80-82 B-
78-79 C+
73-77 C

Disability Services

The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors, and Disability Services for Students (DSS). If you think you may have a disability adversely affecting your academic performance, and you have not already registered with DSS, please contact DSS in Lommason 154 or (406) 243-2243. We will work with you and DSS to provide an appropriate modification.

Important Dates for Changing Course Options

Date	Description	Deadline
To 15th instructional day	Students can drop classes on Cyberbear with refund	February 12 = last day
16th to 45th instructional day	Drop requires form with instructor and advisor signature, a \$10 fee from registrar's office, student will receive a 'W' on transcript, no refund.	February 16 through April 11
Beginning 46th instructional day	Students are only allowed to drop a class under very limited and unusual circumstances. Not doing well in the class, deciding you are concerned about how the class grade might affect your GPA, deciding you did not want to take the class after all, and similar reasons are not among those limited and unusual circumstances. If you want to drop the class for these sorts of reasons, make sure you do so by the end of the 45th instructional day of the semester.	April 12

Week # 1 – Course Introduction & Basic Negotiation Theory

Guest Speaker: Lucy Moore

This session reviews the purpose, structure, and requirements of the course; examines the theory of natural resources conflict resolution, including different approaches to preventing, managing, and resolving such conflict; clarifies the defining attributes of distributive and positional bargaining; and highlights basic concepts in two-party negotiation theory.

Learning Objectives

Understand the basic theoretical framework for natural resources conflict resolution:

- The causes, types, characteristics, and outcomes of natural resource conflicts
- The options available to prevent and resolve such conflicts
- The benefits of and need for collaboration
- Key ingredients for collaboration
- The place of negotiation and mediation in collaborative problem-solving
- The nature of success in natural resources policy and conflict resolution

Review basic concepts and principles from two-party negotiation theory:

- Types of negotiation styles (Thomas-Kilman Conflict Styles)
- Interests vs. positions (i.e., distributive negotiation vs. positional bargaining)
- Best Alternative to a Negotiated Agreement (BATNA)/ Worst Alternative to a Negotiated Agreement (WATNA)
- Bottom Lines and Zone of Possible Agreement
- Key theory and methods, including the seven elements framework, the three tensions, the negotiator's dilemma, and the mutual gains model

Exercise

Appleton v. Baker: This exercise highlights the merits of distributive and integrative negotiation, and explores key concepts and principles in interest-based negotiation, including interests, BATNA, objective criteria, anchoring, trading across values, and ZOPA.

Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013): pp. 1-7

Matthew McKinney

- *The Nature of Natural Resource & Environmental Conflict* (2010): 2 pages
- *Alternative Approaches to Manage Natural Resource Conflicts* (2014): 2 pages
- *Benefits of and Need for Collaboration* (2010): 2 pages
- *Collaborative Approaches to Natural Resource Policy: Key Elements* (2011): 2 pages
- *Place of Negotiation and Facilitation in Collaboration* (2010): 2 pages

Roger Fisher, William Ury, & Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (Penguin Books, 1981): pp. 1-81.

Robert H. Mnookin, et al., "The Dynamics of Negotiation," in *Beyond Winning: Negotiating to Create Value in Deals and Disputes* (Harvard University Press, 2000): 2 pages

Week # 2 – Fundamentals of Environmental Negotiation

Guest Speakers: Clayton Matt and Jay Weiner

Environmental negotiations nearly always take the form of multiparty negotiations, meaning that they typically involve three or more groups. This session begins by briefly reviewing what we know about two-party negotiation and mediation, and then synthesizes prescriptive lessons for “multiparty” negotiation and mediation. It then introduces four defining characteristics environmental negotiation and mediation:

Learning Objectives

- Understand the defining characteristics of environmental negotiation and mediation
- Clarify how the lessons from two-party negotiation theory should be adapted to multiparty negotiation
- Examine the key differences between two-party and multi-party negotiation and mediation
- Clarify the limitations of interest-based or mutual gains negotiation
- Examine the distinct roles of interest-based participants and process managers

Case Study

CSKT-Montana Water Compact: The CSKT-Montana Compact is the result of more than a decade of negotiations to resolve Tribes' claims to water rights.

Reading

Brouwer et al., *The MSP Guide* (Centre for Development Innovation, 2015): pp. 6-25.

Michael Doyle & David Straus, *How to Make Meetings Work* (Jove Books, 1976): Chapters 3-5.

Bruce Patton, “Negotiation: Critiques of the Problem-Solving Approach,” in Michael L. Miffitt and Robert C. Bordone, eds., *The Handbook of Dispute Resolution* (Jossey-Bass, 2005): pp. 295-300.

Lawrence Susskind, et al., “Multiparty Negotiation: Key Distinguishing Features,” in *Teaching Multiparty Negotiation: A Workbook* (The Program on Negotiation at Harvard Law School, 2003): pp. 158-171.

Lawrence Susskind, *Multi-Party Public Policy Mediation: A Separate Breed* (American Bar Association, 2009): 6 pages.

Lewicki, Roy J., Bruce Barry, & David M. Saunders, “The Influence of Culture on Negotiation: Managerial Perspectives,” in *Essentials of Negotiation* (McGraw-Hill, Irwin, 2007): pp. 239-251.

James White, “The Pros and Cons of Getting to Yes” and “Comment by Roger Fisher,” *Journal of Legal Education* 34 (1984): pp. 115-124.

Matthew McKinney, *Negotiating and Implementing Water Agreements for Native Americans* (Center for Natural Resources & Environmental Policy 2014): 107 pages.

[Reserved Water Rights Compact Commission website](http://www.dnrc.mt.gov/rwcc/) (<http://www.dnrc.mt.gov/rwcc/>)

Week # 3 – Introduction to Environmental Mediation & Facilitation

Guest Speakers: Jim Stone, Gary Burnett, and Emily Olsen

Environmental mediation and facilitation includes a variety of compelling – and at times confusing – theories and approaches to practice. This session reviews these alternative theories and approaches in part by focusing on what the field is supposed to accomplish, or at least what a given practitioner ought to strive for as moral and practical goals. It also examines the differences between two-party and multiparty negotiation, along with the qualifications for environmental mediators.

Learning Objectives

- Clarify the role and purpose of facilitation and mediation (what is it and why do it?)
- Highlight the differences between mediation and facilitation
- Review different theories (and styles) of mediation (alternative approaches)
- Review the common tasks of environmental mediators
- Examine the qualifications for environmental mediation, and understand the importance of selecting the right mediator
- Explore the defining characteristics of facilitative or collaborative leadership

Reading

Zena Zumeta, "Styles of Mediation: Facilitative, Evaluative, and Transformative Mediation," *National Association of Community Mediation* (September, 2000): 5 pages

Association for Conflict Resolution, *Paradigms of Practice* (Winter 2007): 25 pages.

Michael Doyle & David Straus, *How to Make Meetings Work* (Jove Books, 1976): chapters 1, 2, & 11.

Matthew McKinney, *The Role of Facilitators and Mediators* (Center for Natural Resources & Environmental Policy 2010): 17 pages.

Brouwer et al., *The MSP Guide* (Centre for Development Innovation, 2015): pp. 44-62.

Week # 4 – Skills for Successful Mediators and Negotiators

Guest Speaker: Klaus Sitte

This session begins a two-week focus on bridging theory and practice. We begin by reviewing the four steps of the mutual gains approach to negotiation – and then discuss and analyze the set of skills, tools, and methods that correspond to each step. For each step, we will review the relevant theory and methods, consider case studies, engage in an exercise to practice what you're learning, and ultimately reflect on each step's central lessons.

Learning Objectives

- Explore how the mutual gains approach to negotiation provides a useful roadmap for preparing for, engaging in, and following up on multi-party negotiations on natural resource and environmental issues.
- Examine and clarify the skills, tools, and methods that are necessary at each stage of the negotiation process.
- Highlight how the set of appropriate skills, tools, and methods differs based on the circumstances of the negotiation and the role of each party.

Exercise

Flathead Lake Dilemma: This negotiation involves six different parties, representing divergent groups or entities all with differing backgrounds, experiences and motivations. The parties are seeking to resolve a conflict regarding the future of a roadway along Flathead Lake. This problem allows participants to apply the lessons learned from two-party negotiation in a multi-party session, and to evaluate the impact of additional parties on a negotiation.

Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013): pp. 9-21.

Edward P. Weber, "Explaining Institutional Change in Tough Cases of Collaboration "Ideas" in the Blackfoot Watershed", *Public Administration Review* (2009): 14 pages.

Matthew McKinney, et al. *Land Use Growth, and the Future of the Bitterroot Valley: Lessons From Collaborative Planning* (Center for Natural Resources & Environmental Policy, 2012): 64 pages.

Consensus Building Institute, *Mutual Gains Approach to Negotiation* (2004): 1 page

Week # 5 – The Importance of Communication

Guest Speaker: Gregory Larson

One of the most critical ingredients of effective negotiation and mediation is communication, which becomes much more complex and complicated in a multi-party context. This session will examine several key elements of communication for environmental negotiation, including active listening, asking and reframing questions, perception processes, identity/ impression management, the nature and use of language, and utilizing communication technologies.

Learning Objectives

- Better understand perception process, including key perception biases that may influence multiparty negotiations
- Better understand decision-making as a complex process involving bounded rationality, retrospective sense-making, and the appearance of rationality
- Understand how sense-making influences multi-party negotiations
- Learn how meaning is constructed communicatively through framing
- Understand how to manage meaning in multi-party negotiations through the strategic use of framing
- Better assess the potential impacts of communication technologies and make informed choices as to which technologies to utilize
- Understand how gender and culture influence communication styles.

Case Study

Skull Valley Band of the Goshutes Case Study: This case study exercise reveals the problems of perception, sense-making, and framing in environmental conflict.

Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013): pp. 23-32.

Adler et al., *Interplay: The Process of Interpersonal Communication*. (Oxford University Press, 2004): Chapter 3.

S. Littlejohn & K. Domenici, *Communication, Conflict and the Management of Difference*. (Waveland, 2007): Chapter 2.

I. Parker. "Absolute PowerPoint: Can a Software Package Edit Our Thoughts?" *New Yorker*, 77, no. 13, (2001): pp. 76-87.

K.E. Weick. "The Nature of Sensemaking," in *Sensemaking in Organizations* (Sage, 1995): Chapter 1.

Michael Doyle & David Straus, *How to Make Meetings Work* (Jove Books, 1976): chapters 6-9.

Brouwer et al., *The MSP Guide* (Centre for Development Innovation, 2015): pp. 93-104.

Week # 6 – Preparing to Negotiate

Guest Speakers: TBD

This session begins a multi-week focus on developing and practicing skills central to environmental negotiation and mediation using the mutual gains approach. We begin with preparing for success – understanding the issues and interests involved; understanding power dynamics and decision-making protocols; and ensuring that meetings are focused and well-designed. This session will review the theoretical and practical reasons to adequately prepare for any environmental mediation or negotiation. The session will also explore how the first step of the mutual gains approach helps a facilitator focus on the most important elements to prepare, and review best practices and lessons learned from the field.

Learning Objectives

- Understand the importance of adequate preparation and the role of first impressions in the context of negotiation
- Review the first step of the mutual gains approach to negotiation and consider how it does (or does not) help a facilitator adequately prepare for a multi-stakeholder negotiation
- Examine and discuss how preparation looks on the ground by exploring several case study examples

Exercise

Selecting an Environmental Mediator: This exercise involves a panel attempting to select a mediator to lead a multi-party collaboration in the Gallatin Range of southwest Montana. The panel will interview three applicants for the process in a public meeting and analyze their differing approaches to mediation. This exercise allows participants to apply lessons learned from the previous class session on communication, and begin applying tools for preparing for a multi-party negotiation or mediation.

Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013): pp. 117-130.

Matthew McKinney, *Managing Multiparty Dialogues: Stages of Group Development* (April 2008): 3 pages.

D. Ancona, R. Friedman, and D. Kolb, "The Group and What Happens on the Way to YES," *Negotiation Journal* (1991): pp. 155-173.

Brouwer et al., *The MSP Guide* (Centre for Development Innovation, 2015): pp. 26-43.

Week # 7 – Negotiation and Coalition Building: Skill Building Session

This session grounds the information on preparing for success in an exercise on multi-party negotiation. The focus of this exercise is on the preparatory work that needs to occur before any substantive discussion of the issues begins. Following the exercise, we will debrief on the exercise and reflect on the central lessons from theory and practice on preparing for success in an environmental negotiation.

Learning Objectives

- Practice a range of tools, methods, and techniques for preparing for a multi-party negotiation
- Be able to critically analyze and reflect on the importance of various tools, methods, and techniques in preparing for an environmental negotiation, especially as they relate to particular parties involved in the negotiation process
- Be aware of how a person's own negotiation style influences his or her approach to environmental negotiation

Exercise

Three-Party Coalition: This is a three-party negotiation exercise where participants will need to weigh the costs and benefits of entering coalitions and explore different strategies for doing so. This exercise examines issues such as the use of power in negotiation; the difference between two-party and three-party negotiations; and creating and distributing value in a negotiation.

Reading

Susan Carpenter & W.J.D. Kennedy, "Paying Attention to Underlying Dynamics: Values, Trust, Power," in *Managing Public Disputes* (Jossey-Bass 2001): pp. 197-223.

Michael Doyle & David Straus, *How to Make Meetings Work* (Doubleday Books, 1976): chapters 12-15.

Week # 8 – Creating and Sharing Value

Guest Speaker: TBD

As soon as there are more than two people or organizations, negotiators will often create coalitions and various alliances with other participants to achieve their interests. The process of building, maintaining, and perhaps dissolving such coalitions is complicated by the fact that negotiation takes place both at the table and away from the table – between formal meetings. Moreover, individual negotiators are often at the table representing a larger constituency, raising yet additional questions on how to manage communication, expectations, and make decisions both at the negotiation table and within constituent groups.

Learning Objectives

- Understand the purpose and dynamics of building coalitions, types of coalitions, and sequencing – in terms of both the participants approached and the issues addressed
- Review the challenges of creating and maintaining groups, including pressures related to communication and decision-making between the principle and agent and the evolution of group behavior
- Explore the merits of alternative decision-making rules and the dynamics of values, trust, and power in multiparty negotiation
- Examine the role of mediators at this point in the process.

Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013): pp. 69-86.

Robert Mnookin, “The Tension Between Creating and Distributing Value,” in *Beyond Winning* (Harvard University Press 2000): pp. 11-43.

Michael Doyle & David Straus, *How to Make Meetings Work* (Jove Books, 1976): chapter 16.

Matthew McKinney, *Best Practices for Deliberating and Deciding* (2011): 16 pages.

Week # 9 – Complex Multi-party Negotiation: Skill Building Session

Creating and distributing value are two of the most fundamental aspects of environmental negotiation. The process of creating value (i.e., inventing options or making the pie larger) improves the possibility for “mutual gains.” However, having created new value, negotiators must still distribute value (i.e., evaluate and package options or divide the resulting "pie"). Unfortunately, the cooperative strategies needed to create value tend to undermine the competitive strategies used to claim value (and vice versa). In this session, students will have the chance to practice the challenges and opportunities of creating and distributing value in the context of a simulation.

Learning Objectives

- Develop skills to create value or to invent options for mutual gain – focus on the underlying interests of the other participants, understand why they want what they want, share information openly, and communicate with one another
- Understand the importance of common interests, different (but not conflicting) interests, and competing interests and how to build on common interests and trade across things you value differently
- Develop skills to claim value or to evaluate and package options, including alternative methods to build agreements.

Exercise

HARBOCO: This is a six-party, multi-issue negotiation game involving a dispute over the building of a deep-water port. It introduces and explores the uses of principled negotiation and coalitions. It also allows participants to practice creating and distributing value while also seeking a specific outcome.

Reading

Christopher W. Moore, “Generating Options and Problem Solving,” in *The Mediation Process: Practical Strategies for Resolving Conflict* (Jossey-Bass, 2003): 387-434.

Susan Carpenter & W.J.D. Kennedy, “Reaching and Carrying out Agreements,” in *Managing Public Disputes* (Jossey-Bass 2001): pp. 116-154.

Week # 10 – Finalizing the Deal

Guest Speaker: TBD

This session will examine options and methods to form a final agreement. Typically, a final agreement outlines the key issues that have been negotiated, the agreed-upon resolution of those issues, and a method to implement, monitor, and evaluate the performance of the agreement. The best agreements are seen by all parties to be honest in their assessment of the facts, costs, and capacities of the parties; acceptable in meeting the parties' underlying needs and interests; workable in implementation; and able to preserve (or even build upon) working relationships.

Learning Objectives

- Learn different methods for reaching resolution of the issues and drafting agreements;
- Explore strengths and weaknesses of agreements that are substantive vs. procedural; comprehensive vs. partial; permanent vs. provisional; non-conditional vs. contingent; and binding vs. non-binding; and
- Discuss options for communicating an agreement to outside parties, the affected public, and the press.

Reading

David Godschalk, et. al., *Pulling Together: A Planning and Development Consensus-building Manual* (Urban Land Institute, 1994).

Matthew McKinney & Shawn Johnson, "Seven Habits for Effective Implementation," in *Working Across Boundaries: People, Nature, and Regions* (Lincoln Institute of Land Policy 2009): pp. 102-105.

Week # 11 – After the Negotiation

The success of any negotiated agreement depends on implementation. In some cases, success also depends on creating systems for ongoing governance – including the need to monitor and evaluate implementation, capture and share lessons learned, adapt strategies as appropriate, and otherwise respond to unforeseen change. While reaching agreement on what to do about a particular natural resource issue of conflict is a major accomplishment, the process of moving from vision to action (i.e., to implementation and governance) is always a challenge.

Learning Objectives

- Understand the key ingredients to implementing negotiated agreements, including what form any agreement should take
- Examine key questions associated with determining what types of governing arrangements are needed to implement environmental agreements – e.g., how much authority should be delegated to any new implementation and monitoring group and how might such a group be staffed
- Highlight the importance of ongoing relationships, trust, and follow-through.

Reading

C. Sadoff, et. al., "Implementing Cooperative Transboundary Water Management," in *Share: Managing Water Across Boundaries* (International Union for the Conservation of Nature 2008): pp. 81-88.

Matthew McKinney, *Realigning Democratic Practices in Natural Resource Policy: From Vision to Action* (Center for Natural Resources and Environmental Policy, June 2011): 24 pages.

Karl E. Weick, "Small Wins: Redefining the Scale of Social Problems," *American Psychologist* (1984): pp. 40-49.

Week # 12 – International Environmental Negotiation

Guest Speaker: Len Broberg

This session begins a two-week exploration of how the skills, tools, and methods developed in this course can be applied in complex and difficult situations. To begin this process, we will examine formal and informal negotiation processes at the international level. Many environmental issues today cross international boundaries and require working within and across multiple scales of governance. What does it look like to prepare for, participate in, and implement a decision made in a formal negotiating process at the international level?

Learning Objectives

- Develop a working knowledge of formal diplomatic processes
- Understand different roles for scientific experts, legal experts, negotiators, and decision-makers in international negotiations
- Understand roles for regulators and practitioners in implementing international agreements

Case Study

United Nations Framework Convention on Climate Change Negotiations and the Paris Agreement: After over twenty years of negotiations, the UNFCCC finally produced a global agreement to limit greenhouse gas emissions. We will use this case study to examine the difficulties of multi-party, multi-issue international negotiations.

Reading

Anne-Marie Slaughter, *A New World Order* (Princeton University Press, 2004): Introduction, Chapters 1, 4, and/or 5

Daniel Bodansky, "The Durban Platform: Issues and Options for a 2015 Agreement," (Center for Climate and Energy Solutions, 2012): 15 pages.

Larry Susskind et al., "The Weaknesses of the Existing Environmental Treaty-Making System," in *Environmental Diplomacy: Negotiating More Effective Global Agreements* (Oxford University Press, 1994): chapter 2.

Week # 13 – Managing Difficult People and Conversations

Guest Speaker: Mary Ellen Wolfe

Even when the best practices for environmental negotiation and mediation are employed, they are often not sufficient to prevent or resolve multiparty conflict. In the first instance, how can you get to “yes” when the other party says “no?” Whether people are angry, skeptical about the benefits of agreement, overestimate their power (i.e., their best alternative to a negotiated agreement), the challenge for facilitators and mediators (as well as negotiators) is to prepare for and conduct difficult conversations.

Learning Objectives

- Develop a working knowledge of the “breakthrough negotiation” strategy
- Clarify the roles and responsibilities of facilitators and mediators within the “breakthrough negotiation” strategy – in other words, how can process managers help manage difficult people and conversations;
- Practice applying the “breakthrough negotiation” strategy and other tools and techniques to several common environmental negotiation and mediation situations, such as:
 - Dealing with the media and other ‘outside’ entities
 - Dealing with direct challenges to an ongoing collaborative public process
 - Dealing with angry stakeholders
 - Dealing with strong biases (cultural, gender specific, etc.)
 - Breaking deadlocks and impasses
 - Avoiding breakdowns

Exercises

Students will participate in several real-world scenarios/vignettes to apply the “breakthrough strategy” and practice utilizing it and other techniques to manage difficult people and difficult conversations.

Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013): pp. 33-67.

Douglas Stone, et al., *Difficult Conversations: How to Discuss What Matters Most* (Penguin Books, 2000): pp. xxvii-20.

William Ury, *Getting Past No: Negotiating with Difficult People* (Bantam Books, 1991): Overview and Conclusion chapters.

Week # 14 – Final Exam and Reflections

Please note this class session will be held on Tuesday, May 10th from 1:10-3:10 p.m. in Stone Hall room 217.

During this final session, students will be given the opportunity to display their negotiation and mediation skills in a multi-party negotiation setting.