

COURSE OUTLINE- REM 643

COURSE: REM 643: Negotiation and Mediation in Environmental Planning

INSTRUCTOR: Thomas Gunton (tgunton@shaw.ca)

DATE: Spring 2013

TIME: Tuesday 12:30-4:30

Location: Planning Research Room (TASC 2 7520)

Class Restrictions: Class limit is 12. Preference given to second year planning students.

Course Description

Negotiation and mediation have become an essential part of resource and environmental management. The purpose of this course is to introduce students to the theory and techniques of negotiation and mediation processes. The course will begin with a review of planning and negotiation theory. This will be followed by a review of techniques for the design and operation of stakeholder decision-making processes. Case studies and negotiation simulation sessions will be used to illustrate key concepts. The course will utilize the theories and approaches taught at the Harvard Negotiation Program including Harvard Negotiation Program simulation exercises for environmental dispute resolution. After completion of the course, students will have the skills required to design, manage, facilitate, and participate in a stakeholder negotiation and decision-making process.

Course Requirements and Grading

1. Case Study Presentation	20%
2. Negotiation Simulation 1	20%
3. Negotiation Simulation 2	20%
4. Negotiation Simulation 3	20%
5. Negotiation Simulation 4	<u>20%</u>
	100%

Assignments

Assignment 1

Assignment 1 is a presentation to the class. The presentations will be made by a group of presenters. Each group will be assigned articles from section D, E or F of this course outline. The presentation time is 50 minutes. Approximately 25 minutes should be allocated for the presentation followed by 25 minutes of discussion led by the presenter. **Presentation time limits will be strictly enforced.** The recommended presentation outlines are as follows:

Presentation Guide for special topic studies in section D

1. Provide a summary of article contents
2. Lead in class activity to illustrate/apply concepts

Presentation Guide for case studies in section E

1. Issue description: Describe the issue and its background. Categorize the issue in terms by type (i.e. fact, value, interest), intensity and urgency.
2. Context: Describe the legal and institutional decision-making structure for this issue and the policy context.
3. Parties: Identify the parties involved and describe them in terms of structure, power, resources, interests, positions and BATNA.
4. Structure of the Process:
5. How it was initiated
6. Who initiated it
7. Who ran it
 - a. Was there professional mediation
 - b. Does it have formal rules of conduct
 - c. What is the media policy
 - d. Record keeping
 - e. Process for information generation
 - f. resources
8. Describe the evolution of the process
9. Identify any significant issues that arose and how they were dealt with
10. Describe the outcome of the process and assess the outcome in terms of the criteria for success
11. including:

1. issue definition	Is the issue well defined and understood by stakeholders?
2. issue urgency	Do the stakeholders agree that the issue is urgent and requires resolution?
3. definition of parties	Are the parties well defined, with clear organizational structures?
4. parties understanding of interest	Do the parties have a good understanding of their interests?
5. parties' BATNA	Do parties have a BATNA that is inferior to a negotiated solution?
6. level of trust	Do the parties trust each other?
7. nature of interests	Is there a win/win resolution that meets the interests of all parties?
8. Mediator	Is there an independent facilitator/mediator that the parties have confidence in?
9. timetable	Is there a timetable for resolution that needs to be met to avoid someone else of some other process making the decision?
10. inclusiveness	Are all stakeholder interests represented?
11. Resources	Are there adequate resources to support the process including information, analytical support, funding etc.

12. Evaluate the process and make recommendations on how it can be improved
13. Identify lessons from the case study and assess the voracity of the criteria for success

Presentation guide for research studies in section F

1. Description of case studies on which research study is based (when, where, objectives of collaboration etc.).
2. Methodology used by research study (include details. (eg. Survey or other, characteristics of survey, who was surveyed, response rate, etc.)
3. Strengths and weaknesses of research studies
4. Major findings
5. Implications and lessons learned for collaboration and negotiation.

Assignments 2-5

Assignments 2-5 are based on negotiation simulations. For each simulation participants will be assigned a stakeholder role. Participants will be required to:

- submit a pre-negotiation preparation document based on a standard format provided by the instructor
- participate in the negotiation
- submit a post negotiation survey response based on a survey format provided by the instructor.

Please use the following label for all submissions: **643 13 NPD (number of NPD i.e. 1,2,3 or 4) followed by your initials**

Grading Guide

a. NPDs and Role Simulations (assignments 2-5)

Grade	NPD/CA:Comprehensiveness	NPD/CA: Writing/presentation	Simulation Role Playing
A+	Includes all key points (stakeholders, interests, options, Batnas etc.) plus some additional points well beyond expectations	Well organized and clear	Participates actively, uses getting to yes principles and is instrumental in helping achieve consensus
A	Includes all major points (stakeholders, interests, options, Batnas etc). May omit some minor points	Well organized and clear	Participates actively, uses getting to yes principles
A- (one of)	Omits one to two major points	Needs editing	Does not participate actively and/or does not use getting to yes principles very well
B+ (two of)	Omits one to two major points	Needs editing	Does not participate actively and/or does not use getting to yes principles very well
B (two or more of)	Omits three or more major points	Needs editing	Does not participate actively and/or does not use getting to yes principles very well

b. Presentations (assignment 1)

Grade	Comprehensiveness	Critical Insight	Presentation	Discussion
A+	Includes all major points	Provides excellent critical insight, raising points that instructor has not thought of	Excellent presentation style and well organized presentation	Engages class in good discussion
A	Includes all major points	Provides good critical insight	Excellent presentation style and well organized presentation	Engages class in good discussion
A- (one of)	Omits one or more major points	Provides little critical insight	Presentation style has some major deficiency (eg. goes overtime, monotone, repetitive, unclear etc.)	Class not well engaged in discussion
B+ (two of)	Omits one or more major points	Provides little critical insight	Presentation style has some major deficiency (eg. goes overtime, monotone, repetitive, unclear etc)	Class not well engaged in discussion
B (three or more of)	Omits one or more major points	Provides little critical insight	Presentation style has some major deficiency (eg. goes overtime, monotone, repetitive, unclear etc)	Class not well engaged in discussion

Detailed Course Outline: Readings (note that all readings are on REM H Drive for 643)

A. Introduction

Readings:

1. T. Gunton. 2006. Planning: An Introduction. In *Encyclopedia of Governance*, ed. Mark Bevir. Thousand Islands, California: Sage Publications. pp. 322- 327.
2. Lawrence Susskind, Mieke van der Wansem and Armand Ciccarelli. 2003. Mediating Land Use Disputes: Pros and Cons. *Environments*. 31: 2: 39-59.
3. Gunton, Thomas I. and J.C. Day. 2003. "Theory and Practice of Collaborative Planning in Resource and Environmental Management." *Environments*. 31: 2: 5-21.
4. Brower, Ann, C. Reedy and J. Yelin-Kefers. 2000. Consensus versus Conservation in the Upper Colorado River Basin Recovery Implementation Program. *Conservation Biology*. 15:4: 1001-1007.

B. Theory of Negotiation

Reading:

1. Roger Fisher, William Ury and Bruce Patton, *Getting to Yes, Negotiating Agreement Without Giving In*, New York: Penguin, 1991 (2nd edition). (on REM H drive for 643)

C. Managing a Stakeholder Negotiation Process

1. Gerald Cormick, Norman Dale, Paul Edmond, Glenn Sigurdson and Barry Stuart, *Building Consensus for a Sustainable Future: Putting Principles into Practice*. Ottawa: National Roundtable on the Environment and Economy, 1996.
2. DFO. 2010. *PNCIMA Initiative Planning Process Overview*.
http://www.pncima.org/media/documents/pdf/2010_pncima_processoverview_draft-backgroundunder.pdf (optional)

D. Special Topics in Negotiation

a. Facilitation

1. M.L. Poirier. 1999. Role of Facilitators, Mediators, and Other Consensus Building Practitioners. In L. Susskind, S. McKernan and J. Thomas-Larmer eds. *Consensus Building Handbook*. Sage: Thousand Oaks, California. 199-240.
2. Ingrid Bens. 2012. *Facilitation at a Glance*.

b. Conflict Assessment

3. L. Susskind and J. Thomas-Larmer. 1999. "Conducting a Conflict Assessment." In L. Susskind, S. McKernan and J. Thomas-Larmer eds. *Consensus Building Handbook*. Sage: Thousand Oaks, California. 99-136.
4. US Institute for Environmental Conflict Resolution. 2006. *Feasibility Assessment Report for Collaborative Desert Tortoise Recovery Planning*. (other examples of conflict assessment reports available at: <http://www.ecr.gov/Projects/ProjectAssessmentReports.aspx>)

b. Terms of Reference

1. CORE. 1996. *Strategic Land Use Planning Sourcebook*. Appendix 3
2. BC. 2002. *Morice Terms of Reference* (optional -listed by title in H drive)
3. DFO. 2010. *Draft Terms of Reference for the Integrated Oceans Advisory Committee*. <http://www.pncima.org/media/documents/pdf/ioac-terms-of-reference-june-21.pdf> (optional)

E. Case Studies of Negotiation and Mediation Processes

1. M.A. Tableman. 1990. San Juan Forest Mediation. in James E. Crowfoot and Julia Wondolleck. *Environmental Disputes, Community Involvement is Conflict Resolution*. Washington, D.C.: Island Press, pp.32-66.
2. Sharon Edgar, Fitchburg Water Supply Mediation. in Crowfoot and Wondolleck, pp. 66-73.
3. Kristen Nelson. Sand Lakes Quiet Area Issue Based Negotiation. in Crowfoot and Wondolleck, pp. 183- 209
4. Kristen Nelson. Pig's Eye Attempted Mediation. in Crowfoot and Wondolleck, pp. 209-226.
5. Sharon Edgar. Wisconsin Groundwater Legislation Negotiations. in Crowfoot and Wondolleck, pp. 226- 254
6. Robert Penrose, J.C. Day and Mark Roseland .1998. Shared Decision-making in Public Land Planning: An Evaluation of the Cariboo-Chilcotin CORE Process. *Environments*, 25:2 and 3:27-48.
7. L. N. Dale. 1999. Cross-Cultural Community Based Planning: Negotiating the Future of Haida Gwaii. In Susskind, S. McKernan and J. Thomas-Larmer eds. *Consensus Building Handbook*. Sage: Thousand Oaks, California. 923-50.
8. J Innes and S Connick. 1999. San Francisco Estuary Project. In L. Susskind, S. McKernan and J. Thomas-Larmer eds. *Consensus Building Handbook*. Sage: Thousand Oaks, California.
9. Gunton, Thomas I., Thomas Peters, and J.C. Day. 2006. "Evaluating Collaborative Planning: A Case Study of a Land and Resource Management Planning Process." *Environments* 34:3 19-37.

F. Research Studies of Negotiation and Collaboration

1. Frame, Tanis, Thomas Gunton, and J.C. Day. 2004. The Role of Collaboration in Environmental Management: An Evaluation of Land and Resource Planning in British Columbia. *Journal of Environmental Planning and Management*. 47: 1: 59-83.
2. Moote, M., M. McClaran, and D. Chickering. 1997. Theory in Practice: Applying Participatory Democracy Theory to Land Use Planning. *Environmental Management*. 21: 6: 877-889.
3. Andrew, John. 2001. Making or Breaking Alternative Dispute Resolution? Factors Influencing Its Success in Waste Management Conflicts. *Environmental Impact Assessment Review* 21: 23-57.
4. Leach, W.D., N. Pelkey, and Paul Sabatier. 2002. Stakeholder Partnerships as Collaborative Policymaking: Evaluation Criteria Applied to Watershed Management in California and Washington. *Journal of Policy Analysis and Management* 21(4): 645-670.

5. Selin, Steve W., Michael A. Schuett and Debbie Carr. 2000. Modeling stakeholder perceptions of collaborative initiative effectiveness. *Society and Natural Resources*. 13: 735-745.
6. Margerum, Richard. 2007. Overcoming Locally Based Collaboration Constraints. *Society and Natural Resources*. 20:2: 135-152.
7. Gregory, R. T. McDaniels, and D. Fields. 2001. Decision Aiding, not Dispute Resolution: Creating Insights Through Structured Environmental Decisions. *Journal of Policy Analysis and Management* 20(3): 391-414.
8. Regan, H. M. Colyvan, and L. Marckovchick-Nicholls. 2006. A Formal Model for Consensus and Negotiation in Environmental Management. *Journal of Environmental Management* 80: 167-176.
9. Cullen, A., G. McGee, T. Gunton, and J. Day. 2010. Collaborative Planning in Complex Stakeholder Environments: An Evaluation of a Two-Tier Collaborative Planning Model. *Society and Natural Resources*. 23:4: 332-350.
10. McKinney, M. and P. Field, Patrick. 2008. Evaluating Community-Based Collaboration on Federal Lands and Resources. *Society & Natural Resource*. 21: 5: 419 — 429.

COURSE SCHEDULE: REM 643 Spring 2013

Month	Day	TOPIC	ASSIGNMENTS
Jan	8	Introduction to Planning (slide 1-43)	Read A 1,2,3,4
	15	Negotiation Theory (slides 44-98)	Read: Getting to Yes Allocate Debate Roles and Presentation Roles
	22	Negotiation Theory (slides 99-137) Participate in Debate	Prepared for debate
	29	Managing a Stakeholder Negotiation Process (slides 138-end) Review NPDs	Read Cormick et al. (C 1) and Terms of Reference in CORE (D b 1) Hand Out: Simulation 1 Read NPD template
Feb	5	Simulation 1 Review NPD 1	Submit NPD for Simulation 1
	12	Reading Break: no class	
	19	Review Conflict Assessment Reports Facilitation Presentation Review Terms of Reference	complete readings (below) Hand out Simulation 2 Read: <ol style="list-style-type: none"> 1. Review CAR template 2. L. Susskind and J. Thomas- Larmer (D a 1) 3. Skim: Feasibility Assessment Report for Collaborative Desert Tortoise Recovery Planning (D a 2) 4. M.L. Poirier (D a 3) 5. Ingrid Bens. 2012. <i>Facilitation at a Glance</i>. 6. Skim CORE Appendix 3 (D b 1) (note that CORE document on H drive includes more than Appendix 3- but only read Appendix 3)
	26	Simulation 2	Submit NPD for Simulation 2 Hand out Simulation 3 and 4
Mar	4	Presentations	
	11	Simulation Preparation: no class	
	18	Simulation 3	Submit NPD for Simulation 3
	25	Simulation 4	Submit CAR for Simulation 4
Apr	2	Simulation 4	Submit final agreement
	9	Wrap-up	

***Debate Format**

Students will be assigned to one of the three following groups: For the Resolution, Against the Resolution, and Adjudicators.

Resolution: Be it resolved that consensus based collaborative planning is the best approach for managing natural resources and the environment.

Debate Structure

Group	Task	Time Limit (minutes)
Adjudicators	Summarize the format	1
For team	Summarize case for	10
Adjudicators	Question for team	10
Against team	Summarize case against	10
Adjudicators	Question against team	10
For team	Make final argument	5
Against team	Make final argument	5
Break		10
Adjudicators	State decision on resolution with reasons	10

Role Allocation

Name	Debate	Presentation	Sim 1	Sim 2	Sim 3	Sim 4
Bradley						
Sinead						
Celeste						
Sergio						
Gillian						
Julia						
Derek						
Wanli						
Andrew						
George						
Joel						
Adam						