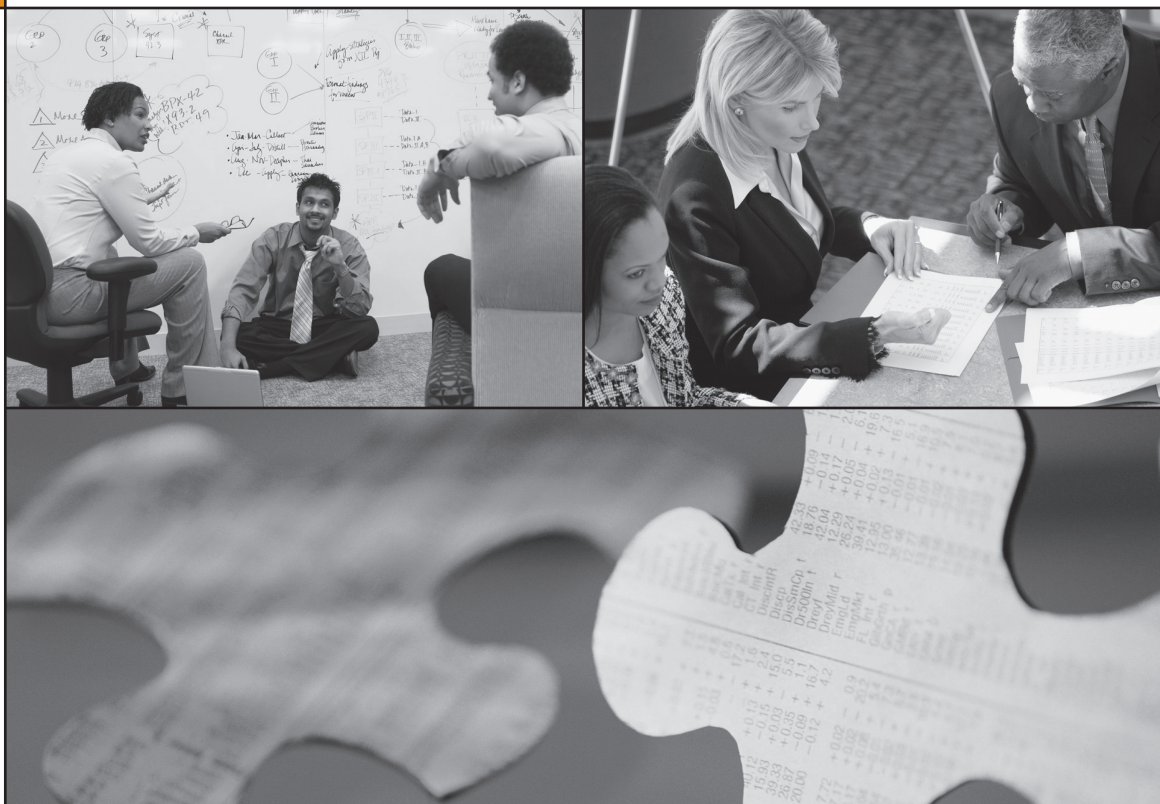


# A Manager's Guide to Resolving Conflicts in Collaborative Networks



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IBM Center for  
**The Business  
of Government**

NETWORKS, COLLABORATION, AND PARTNERSHIPS SERIES

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## F O R E W O R D

On behalf of the IBM Center for The Business of Government, we are pleased to present this report, “A Manager’s Guide to Resolving Conflicts in Collaborative Networks,” by Rosemary O’Leary and Lisa Blomgren Bingham. This report addresses a critical set of skills—negotiation—needed by all managers involved in collaborative networks.

This report continues the IBM Center’s longtime interest in the topic of collaboration. Collaboration continues to grow in importance, and public managers are increasingly using collaborative networks as a tool to accomplish public outcomes. Previous IBM Center reports on collaboration include “Leveraging Networks: A Guide for Public Managers Working Across Organizations” by Robert Agranoff, which describes the critical success factors for using networks to achieve important results. Another report, “A Manager’s Guide to Choosing and Using Collaborative Networks” by H. Brinton Milward and Keith G. Provan, describes the roles and tasks managers need to fulfill in a network environment.

The O’Leary and Bingham report expands on previous Center reports by adding an important practical tool for managers in networks: how to manage and negotiate the conflicts that may occur among a network’s members. The approach they describe—interest-based negotiation—has worked in other settings, such as bargaining with unions. Such negotiation techniques are becoming crucial in sustaining the effectiveness of networks, where successful performance is defined by how well people collaborate and not by hierarchical commands.

We hope that this report serves as a useful guide for public managers across government, especially as they increasingly pursue collaboration as a way to deliver results that citizens care about.



Albert Morales



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A handwritten signature in cursive script that reads "Albert Morales".

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## EXECUTIVE SUMMARY

Public managers who work in networks find themselves facilitating and operating in multi-organizational arrangements—and often with the public—to solve problems that cannot be solved, or solved easily, by single organizations. In their IBM Center report on managing networks, Milward and Provan (2006) write that one of the most important tasks for network managers is to try to minimize the occurrence of conflict and try to resolve it successfully if and when it does occur. They conclude that although network organizations generally commit to achieving network-level goals, conflict among network participants is inevitable.

At a recent national conference on collaborative public management convened by the two authors of this report, leading public administration scholars and practitioners present concluded after two and a half days of deliberation and debate that given the prevalence of networks, the most important skills needed for today's managers are negotiation, bargaining, collaborative problem solving, conflict management, and conflict resolution. Yet many public managers find themselves ill-equipped for management in a shared-power world. The purpose of this report is to help managers manage and resolve conflicts in collaborative networks.

### Characteristics That Add to the Complexity of Network Disputes

Networks are interorganizational and interpersonal. There are multiple forums for decision making. There are multiple parties and multiple issues. Oftentimes there is technical complexity. There may be unequal power and resources. Conflicts in networks often are public and sometimes political. All of these

characteristics make managing conflicts in networks extraordinarily challenging and generate an important public management paradox: *Collaboration may yield conflict.*

### The Spiral of Unmanaged Conflict in Networks

If conflict in networks is not managed properly, the results are predictable: The problem emerges, sides form, positions harden, communication stops, resources are committed, the conflict goes outside the network, perceptions become distorted, and eventually a sense of crisis emerges. The conflict spiral is not inevitable, but it is predictable when conflict is not managed at an early stage. The earlier a network conflict is managed, the better. Thus, collaborative managers need to be conflict managers and conflict resolvers. *Conflict resolution is effectively group problem solving.*

### A Collaborative Problem-Solving Approach Based on Principled or Interest-Based Negotiation

Interest-based negotiation uses collaborative problem solving and creativity to uncover ways to meet many of the collective needs of the negotiation parties. It is a negotiation strategy that focuses on satisfying as many interests or needs as possible for all negotiators. It is a problem-solving process used to reach an integrative solution rather than distributing rewards in a win/lose manner. It is not a process of compromise. *The basic tenet of interest-based bargaining is issue resolution through interest satisfaction.*

In preparing for interest-based negotiation, one should:

- Identify the subject and scope of the negotiation.
- Identify one's best alternative to a negotiated agreement (BATNA).
- Identify the necessary and appropriate network participants.
- Identify the BATNAs of each of the other network participants.
- Identify your interests and identify or speculate on the interests of the other network participants. Positions are what people say they want. Interests are what they need.
- Determine whether those who participate in network meetings have the authority to bargain and, if not, who in their organization does have authority.
- Address ground rules or protocols for negotiation.

The basic steps to doing interest-based collaborative problem solving are as follows:

- Define the issue and frame it as a dilemma or challenge to be solved together.
- Educate each other about your interests: disclose, listen, and ask.
- Look for ways to "expand the pie": create value before you claim value.
- Generate multiple options for settlement; if you get stuck, go back and review what people's interests are.
- Evaluate the options (how well do they meet needs?).
- Select/modify options based on which ones meet needs most.
- Use objective criteria to resolve impasses.
- Develop a plan to implement the agreement including monitoring.

There are a number of critical but relatively easy-to-acquire communication skills that will improve one's ability to achieve mutually advantageous outcomes in conflict within the network. These include asking problem-solving questions to identify interests, using

reflective or active listening to reduce tension and manage the conflict spiral, and responding to hard-bargaining tactics through a variety of means including the use of "I-statements," not "You-statements." I-statements use the first person (*I* or *we* or *our*) to describe your interests and concerns to the other side. For example, "I need to be able to report X to the Board of Trustees" or "I am concerned about how the taxpayer might view this" or "I am interested in getting the job done in the most efficient way given our budget constraints."

For negotiation and collaborative problem solving in the context of a network, a good, long-term bargaining relationship is not the same as approval of the other side, shared values, avoidance of disagreement, or perfect trust. *Instead, it is establishing an attitude that is unconditionally constructive by using rationality in response to emotion, understanding others when they misunderstand you, consulting others even if they appear not to listen, being reliable in that you do not try to deceive, being non-coercive and not yielding to coercion, and accepting others and their concerns as worthy of consideration* (Fisher and Brown, 1988).

## Governance Structures and Conflict in Networks

How the network chooses to govern itself, lead members, develop consensus, and create conventions for dialogue and deliberative processes are all critically important and demanding for networks. Just the design of governance rules for the network can be a complex procedure. Building agreement on the governance structure of a network includes:

- Identifying network members whose agreement is necessary
- Identifying the scope and jurisdiction of the network
- Addressing issues of the network's legitimacy
- Negotiating the ground rules
- Negotiating the processes governing exchanging views
- Discussing administration and allocation of responsibilities
- Negotiating the decision rules for closure on an issue



- Identifying a system for resolving impasse
- Identifying a decision process for ending the network

## **Networks and Conflict with the Public**

Particularly for public organizations that are in networks, there is a unique responsibility to citizens. Conflict has emerged because of a perceived lack of transparency of networks and perceived problems with accountability, and because networks often address issues of concern to the public. Managers operating in networks must collaborate with other network participants to determine when and how to engage the public in decision making. The interest-based collaborative problem-solving tools and approaches discussed in this report take many forms in collaborative governance processes and are useful to managers who work in networks. Participatory democracy, deliberation and dialogue, deliberative democracy, and, more broadly, collaborative governance have emerged as a movement in response to perceived failings in representative democracy with respect to conflict over public policy. This movement seeks more citizen deliberation, dialogue, and shared decision making in governance and is directly applicable to the work of networks.

In sum, network complexity yields conflict that can spiral if not managed. Interest-based negotiation provides managers the skills they need. Negotiating governance structures can prevent conflicts down the road. Managers should plan for involving the public to resolve conflicts which may result over policy issues.

# Introduction

Public managers who work in networks find themselves facilitating and operating in multi-organizational arrangements to solve problems that cannot be solved, or solved easily, by single organizations. In their IBM Center report, “A Manager’s Guide to Choosing and Using Collaborative Networks,” Milward and Provan write that one of the most important tasks for network managers is to:

[T]ry to minimize the occurrence of conflict and try to resolve it successfully if and when it does occur.... Although network organizations generally commit to achieving network-level goals, conflict among network participants is inevitable. Networks, by their very nature, are composed of multiple members with different organization-level

goals, methods of operation and service, and cultures. (2006, 21).

At a recent national conference on collaborative public management convened by the two authors of this report, leading public administration scholars and practitioners present concluded after two and a half days of deliberation and debate that given the prevalence of networks, the most important skills needed for today’s managers are negotiation, bargaining, collaborative problem solving, conflict management, and conflict resolution. Yet many public managers find themselves ill-equipped for management in a shared-power world. The purpose of this report is to help managers manage and resolve conflicts in collaborative networks.

## What Is a Network?

1. “Networks are structures of interdependence involving multiple organizations or parts thereof, where one unit is not merely the formal subordinate of the others in some larger hierarchical arrangement. Networks exhibit some structural stability but extend beyond formally established linkages and policy-legitimated ties.... The institutional glue congealing networked ties may include authority bonds, exchange relations, and coalitions based on common interest, all within a single multi-unit structure” (O’Toole, 1997, 45).
2. Networks are “structures involving multiple nodes—agencies and organizations—with multiple linkages. A public management network thus includes agencies involved in a public policy making and administrative structure through which public goods and services are planned, designed, produced, and delivered (and any or all of the activities). Such network structures can be formal or informal, and they are typically intersectoral, intergovernmental, and based functionally in a specific policy or policy area. That is, officials from government organizations and agencies at federal, state, and local levels operate in structures of exchange and production with representatives from profit making and not for profit organizations” (McGuire, 2003, 4).
3. “... [N]etworks of public organizations ... [involve] formal and informal structures, composed of representatives from governmental and nongovernmental agencies working interdependently to exchange information and/or jointly formulate and implement policies that are usually designed for action through their respective organizations” (Agranoff, 2004, 63).

**Source:** Milward and Provan, 2006.

## The Complex Nature of Network Conflict

Managing and resolving conflicts in networks is no small task. Networks by definition are complex conglomerations of diverse organizations and individuals. The characteristics that add to the complexity of network disputes are numerous.

**There are multiple members.** Network disputes typically involve many individuals and organizations. Each member brings his or her own interests that must be met. If interests are not met, members may leave the network.

**Network members bring both different and common missions.** There must be some commonality of purpose to provide incentive for becoming a member of a network. Yet each organization also has its own unique mission that must be followed. These can at times clash with the mission of the network.

**Network organizations have different organization cultures.** Culture is to the organization what character is to the individual. Just as each individual is unique, so is each organization culture. Diversity among network organizations' cultures may present conflict management challenges within the network itself.

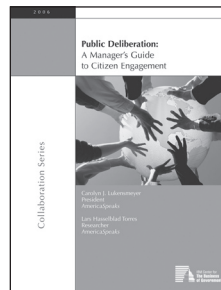
**Network organizations have different methods of operation.** They will differ in degrees of hierarchy. They will differ in degrees of management control. These and other differences may affect what a network can and cannot accomplish and the speed at which it is accomplished.

**Network members have different stakeholder groups and different funders.** To satisfy their diverse constituencies, network members will have different perspectives on appropriate direction and activities. Some of these preferences will overlap, some will not.

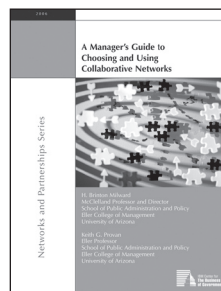
**Network members have different degrees of power.** Not all members of a network are created equal. Despite network rules that may give an equal vote to each member, some are typically more powerful than others. For example, in emergency management networks, oftentimes federal organizations are the beneficiaries of legislation that allows them to preempt local and state actions.

**There are often multiple issues.** Networks typically are formed to address complex problems that are not easily solved by one organization. Complex problems bring with them multiple issues and sub-issues. Multiple issues and sub-issues typically yield multiple challenges for conflict management.

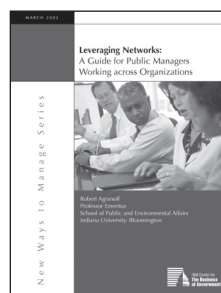
## To Learn More About Collaboration



**Public Deliberation:**  
A Manager's Guide to  
Citizen Engagement  
by Carolyn J. Lukensmeyer  
and Lars Hasselblad  
Torres



**A Manager's Guide to  
Choosing and Using  
Collaborative Networks**  
by H. Brinton Milward  
and Keith G. Provan



**Leveraging Networks:**  
A Guide for Public  
Managers Working  
Across Organizations  
by Robert Agranoff

### The reports can be obtained:

- In .pdf (Acrobat) format at the Center website, [www.businessofgovernment.org](http://www.businessofgovernment.org)
- By e-mailing the Center at [businessofgovernment@us.ibm.com](mailto:businessofgovernment@us.ibm.com)
- By calling the Center at (202) 515-4504
- By faxing the Center at (202) 515-4375

## What Is Collaborative Management?

Collaborative management is a concept that describes the process of facilitating and operating in multi-organizational arrangements to solve problems that cannot be solved or easily solved by single organizations. Collaborative public management may include participatory governance: the active involvement of citizens in government decision making.

*Source: O'Leary, Gerard, and Bingham, 2006.*

### There are multiple forums for decision making.

Public decisions may be made by networks. At the same time, the same public issue may be debated and dealt with in the legislature, in the courts, or in the offices of career public servants. Whether and how a decision is made by a network can be a source of conflict.

**Networks are both interorganizational and interpersonal.** The networks studied in the management literature typically are spider webs of organizations. But each organization typically is represented in the network by one or more agents of that organization. Just as networked organizations may clash, so too may networked individuals.

**There are a variety of governance structures available to networks.** How the network chooses to govern itself, lead members, develop consensus, and create conventions for dialogue and deliberative processes are all exceedingly important and demanding for networks. Just the design of governance rules for the network can be a complex procedure.

**Networks may encounter conflict with the public.** Increasingly, collaborative public management networks are engaging citizens through a variety of means. Because networks often address issues of concern to the public, conflict may emerge.

## The Paradox of Collaborative Management: Collaboration May Yield Conflict

Network management is collaborative management (see the box "What Is Collaborative Management?"). Given the diversity between and among collaborating organizations in a network, collaboration may bring conflict. In fact, one university president known for her collaborative style recently quipped,

"I assume that every collaboration will bring conflict that must be managed" (Nancy Cantor, Syracuse University, June 2007).

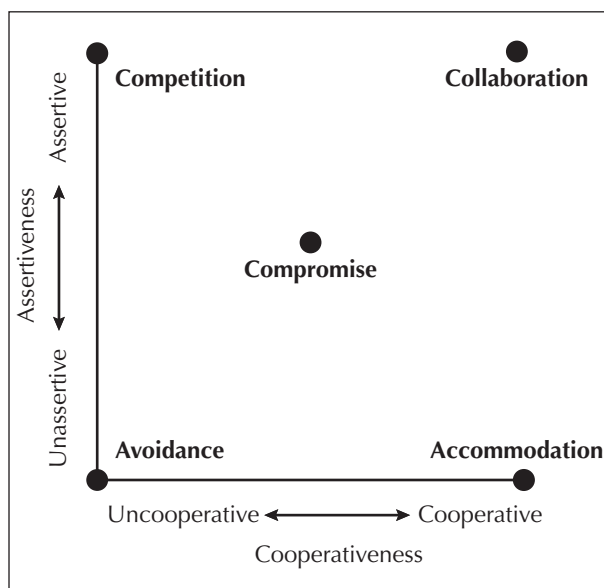
Connelly, Zhang, and Faerman (forthcoming) write of additional paradoxes involved in being a collaborative manager. As managers work both within their own organizations and within networks, they are challenged in ways very different from traditional management. These challenges demand different skill sets from managers. Borrowing from Connelly, Zhang, and Faerman, here are more paradoxes of being a collaborative manager:

- **Collaborative managers must work both with autonomy and interdependence.** As a leader of a single program or organization, managers often work with independence, setting the rules and calling the shots. As a member of a collaborative network, a manager is typically now one of many managers with numerous intertwining interests that must be met.
- **Collaborative managers and their networks have both common and diverse goals.** Each member of a network has goals that typically are unique to that member's organization or program. At the same time, as members of a network, managers typically share common goals.
- **Collaborative managers must work both with a fewer number and a greater variety of groups that are increasingly more diverse.** When organizations combine to form a network, they become one body—hence the fewer number. Yet within this one body typically is a great variety of organizations with different cultures, missions, and ways of operating—hence the greater diversity.
- **Collaborative managers need to be both participative and authoritative.** Behavior within a

network is typically participative as the members make decisions concerning the direction of the group. Yet as a manager of a single program or organization, a manager is expected at times to take command and call the shots as he or she sees them. (Connelly, Zhang, and Faerman emphasize that *authoritative* is the key word here, not authoritarian, which connotes a more dictatorial style.) Figure 1 demonstrates how assertiveness and cooperativeness come together in the set of choices on how to address conflict for the collaborative manager.

- **Collaborative managers need to see the forest and the trees.** A manager of a single program or organization needs to master the details and fine points of what gets done on a daily basis. At the same time, as a member of a network, that same manager needs to think holistically and laterally.
- **Collaborative managers need to balance advocacy and inquiry.** Every manager has an obligation to promote, support, and act in favor of his or her organization. Yet because of the intertwining interests, managers need to probe and question to gather the information for decisions necessary to act in the best interests of the network.

**Figure 1: Conflict Management Choices for a Collaborative Manager**

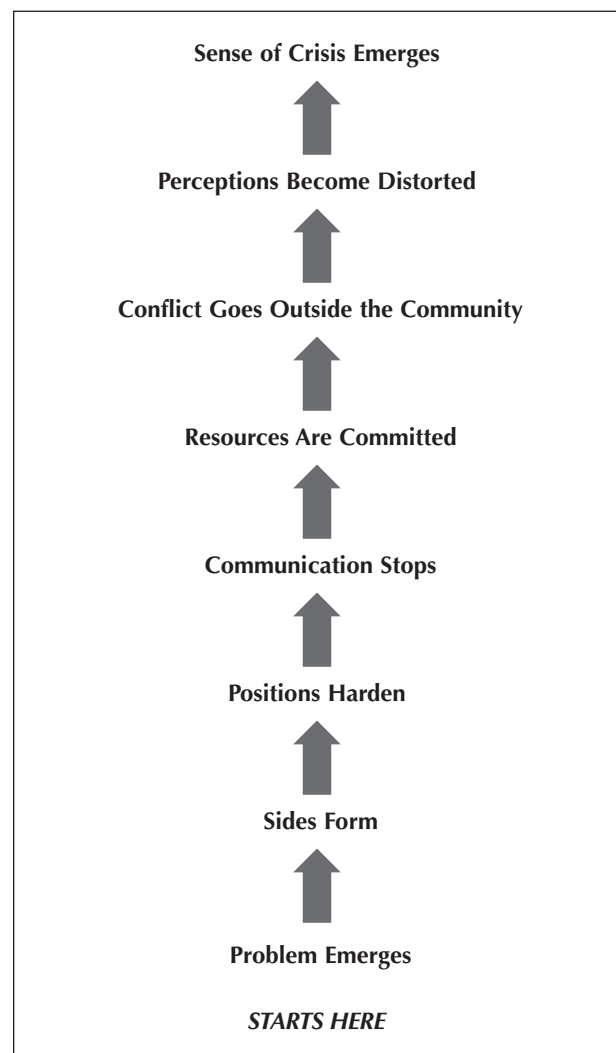


Source: Adapted from Thomas, 1976.

What is a collaborative manager to do? Connelly, Zhang, and Faerman emphasize that these paradoxes should be accepted, embraced, and transcended, not resolved. These paradoxes are fundamental challenges of working both within and outside of networks. Collaboration may yield conflict. A manager needs to consciously and proactively seek to manage the inevitable conflicts that will arise given these tensions.

Carpenter and Kennedy (2001) developed the idea of the *spiral of unmanaged conflict*, which is directly applicable to conflict in networks (see Figure 2). Borrowing from Carpenter and Kennedy, if conflict in networks is not managed properly, the results are predictable: The problem emerges, sides form, positions harden, communication stops,

**Figure 2: The Spiral of Unmanaged Conflict**



Source: Adapted from Carpenter and Kennedy, 1988.

resources are committed (for example, the hiring of lawyers), the conflict goes outside the network, perceptions become distorted, and eventually a sense of crisis emerges. The conflict spiral is not inevitable, but it is *predictable* when conflict is not managed at an early stage. The earlier conflict is managed in a network, the better. Thus, collaborative managers need to be conflict managers and conflict resolvers.

**Conflict resolution is effectively group problem solving.** There are many guiding principles from the conflict resolution and negotiation literatures that can assist in managing conflicts in networks. The next section describes a collaborative problem-solving approach based on principled or interest-based negotiation that can be used to prevent, manage, and resolve conflicts in networks. The section “Becoming an Effective Negotiator Within a Network” provides instruction in how to prepare for negotiation and how to bargain and negotiate effectively with strength as a member of a network. That is followed by a section that addresses communication skills for managing conflict. “Preventing Conflict by Designing Network Governance Structures” discusses the collaborative design of network governance structures as a means of anticipating and preventing conflict, which is followed by a section that addresses networks and conflict with the public.



# Understanding Interest-Based Negotiation

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“Like it or not, you are a negotiator.”

—Fisher, Ury, and Patton, *Getting to Yes*

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“Principled negotiation” is a term that has come to encompass an approach advocated by the Harvard Negotiation Project (Fisher and Ury, 1992; Fisher and Brown, 1988; Ury, 1991; Ury, Brett, and Goldberg, 1989), and includes collaborative or win-win bargaining, a process of discussion and give-and-take among individuals who want to find a solution to a common problem. It is also sometimes called interest-based negotiation and usually contrasted with positional, confrontational, competitive, or adversarial bargaining (Lax and Sebenius, 1986). It is an outgrowth of work on integrative bargaining that originated with Mary Parker Follett, an early 20th-century scholar of public and private organizations and conflict.

Parties often get caught up negotiating over a series of artificial positions instead of addressing their true needs and interests underlying the dispute. They hoard information because they see it as a source of bargaining power. The classic example of positional bargaining is the typical automobile purchase. The dealer starts at some fictitious asking price, and the buyer starts somewhere lower, depending on the quality of his or her research. The parties then take turns stating positions that move incrementally toward each other. This negotiation assumes a fixed pie; that is, the parties are negotiating over how much the seller will profit. One party's concession is the other party's gain. Each party's “Plan B” is to walk away from the deal. The buyer can go to a

different dealer; the seller can sell to a different buyer. This form of negotiation rarely is useful in networks.

To understand the elements of the interest-based collaborative approach to managing conflict and solving problems in networks, and to distinguish it from the more competitive position-based approach, consider another scenario concerning two chefs preparing gourmet meals.<sup>1</sup> One chef, making a crepe, requires an orange. The other chef, making duck sauce, also needs an orange. Unfortunately, there is only one orange left in the kitchen—no others are to be found. Each chef's stated position or predetermined solution is: “I need the orange!” As the two argue and struggle over the orange, it falls on the floor. A worker in the kitchen picks it up and seeks to solve the (zero-sum or fixed-quantity) dilemma by cutting the orange in half, giving one half to each of the temporarily appeased chefs. It doesn't take too long, however, for each chef to realize that half an orange will not suffice. The first chef doesn't have enough orange peel for her crepe; the second chef doesn't have enough pulp for his duck sauce.

What's wrong with this picture? Wasn't it a fair compromise to split the orange in two? After all, neither chef should expect to get everything, right?

Absolutely, as long as the chefs tried to solve this problem at the level of *positions*. *Positions* are predetermined solutions articulated in statements people use to describe their wants. Examples of position statements include:

- “I need the orange!”
- “I want a raise.”
- “You must change the way you do your job.”

Or in the case of a network:

- “I need those resources now!”
- “My analysis tells me that obviously the network must do X to survive and thrive.”

As you can see in the above illustration, even though the two chefs came out with a fair and equitable solution, neither party's needs were met, both felt completely unsatisfied with the agreement, and neither is able to deliver the desired end product. Let's revisit that scenario and try a different approach to resolving the conflict.

In this scene, both chefs begin to argue and struggle about the orange as before. This time, however, instead of cutting the orange in half, the kitchen worker takes it and speaks to each of the chefs, saying, “It's clear to me that each of you strongly desires the orange and believes you have a legitimate and urgent need. Help me understand what might happen were you to acquire the orange?”

This request moves the chefs from their *positions* regarding the orange to their *interests* driving their stated positions. An *interest* is the main reason behind what they say they want. An *interest*—the motivation behind the stated *position*—is the answer to the question, “What will having that do for you?”

Chef One answers by saying, “If I had the orange, I would use the peel to prepare my gourmet crepe.” Chef Two answers by saying, “If I had the orange, I would use the meat and pulp to flavor my gourmet

duck sauce.” The kitchen worker peels the orange, giving the meat of it to Chef Two and the peel to Chef One.

Both chefs moved beyond simple positional bargaining to state their *interest* in having the orange—an essential need or desire that, if satisfied, would cause them each to let go of their original “all-or-nothing” *positions*. The strength of interest-based collaborative problem solving is that it frequently uncovers what is most important to the stakeholders and allows people to develop and agree to creative solutions that help to overcome previously intractable differences.

Perhaps the most useful contribution the Harvard Negotiation Project has made is to give us a language to talk about the most important information in a negotiation (see the box “Principled Negotiation from the Harvard Negotiation Project”). This is the language of interests. The adversarial negotiator will speak the language of positions as in, “Well, that is our position.” The principled negotiator will attempt to identify the other party's interests by asking questions to determine what the other participant believes it truly needs in terms of security, economic well-being, sense of belonging to an organization or community or profession, recognition of contribution or efforts, and autonomy or control over its decisions or business. The principled negotiator may also identify interests by considering the consequences for the other party of a particular negotiating outcome—for example, by looking at the short or long term, economic impact, legal implications, psychological effects, impact of setting a precedent,

### Principled Negotiation from the Harvard Negotiation Project

- Separate people from the problem (address the substance of the dispute rather than get bogged down in interpersonal conflict).
- Focus on interests, not positions (consider basic human needs for security, economic well-being, belonging to a social group, recognition, and autonomy or control over one's circumstances).
- Invent options for mutual gain (identify ways to enlarge the pie, engage in systematic brainstorming to generate many ideas).
- Use objective criteria (at impasse, make principled arguments based on standards from professional, legal, moral, and ethical sources).

**Source:** Fisher, Ury, and Patton, 1991.



political support, or interests of the larger affected group (Fisher, Ury, and Patton, 1991, 47).

Readers may be surprised to learn that interest-based negotiation approaches, coupled with collaborative problem solving, have influenced major national and international events such as the prevention of numerous strikes and boycotts, the end of apartheid in South Africa, and the signing of the Camp David Accords between Israel and Egypt. President Bill Clinton was so influenced by this approach that he signed an executive order directing all federal agencies to use an interest-based collaborative approach as the primary problem-solving tool in labor-management partnership councils. Today it is safe to say that it is the most often used collaborative problem-solving tool in the world.

To recap, there are two fundamental approaches to resolving conflicts in networks. The first, position-based negotiation, instructs network members to come in with predetermined solutions and to stand their ground. The second, interest-based negotiation, allows for using collaborative problem solving and creativity to uncover ways to meet many of the collective needs

of the negotiating parties. Distinctions between the two approaches are highlighted in Table 1.

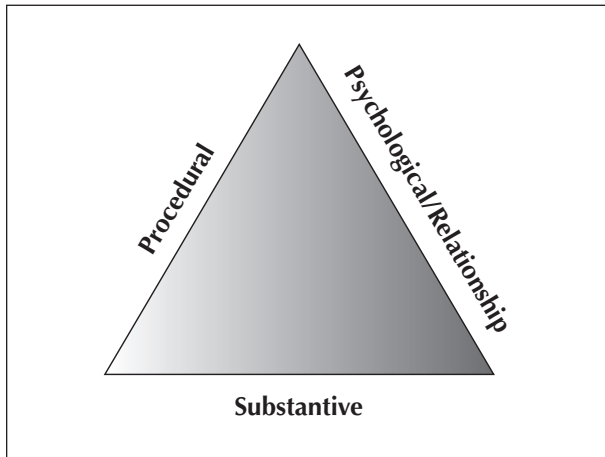
If members of a network use positional negotiation to resolve conflicts or solve problems, it is likely to be frustrating. Typically one or more parties tend to leave satisfied while other parties leave frustrated or angry, ready to consider ways to exact revenge. Or, as in the example of the two chefs fighting over the orange, parties may become dissatisfied with a compromise situation. Interest-based collaborative problem solving offers the potential of coming up with creative solutions that address the procedural, substantive, and relationship (or psychological) needs of the parties involved. This is often called the “satisfaction triangle,” meaning that in order for parties to be satisfied with an outcome, process, substance, and relationship must be addressed equally (see Figure 3). Focusing solely on one side of the triangle—for example, on substance, as is often the case—typically does not yield agreements that stick because interests have not been met.

Conflict management skills are essential in the day-to-day work of collaborative public management.

**Table 1: Comparison of Negotiation Approaches**

Position-Based	Interest-Based Collaborative
Views other as adversary	Views other as negotiating partner
Approaches negotiations as a struggle one must survive or win	Approaches negotiation as a challenge for all partners to overcome
Emphasis on claiming value	Emphasis on creating value
Goal is a victory by achieving your predetermined solution	Goal is to create a solution to meet the interests of all parties
Process dictated by belief that one must impose or sell one's position	Process governed by belief that well-meaning, creative people can articulate options to satisfy mutual interests
Relies on salesmanship, manipulation, or lying	Requires honest disclosure of what is important to you
Might force choice between relationship and substantive goals	Allows parties to focus on relationship and substance
Yields reluctantly to pressure from other side	Willingly revises position when presented with good options
Usually results in win-lose, lose-win, lose-lose, or compromise outcomes	Potentially results in collaborative win-win outcomes

*Source:* Adapted from Katz, 2007.

**Figure 3: The Satisfaction Triangle**

**Source:** Adapted from Center for Dispute Resolution, Boulder, Colorado.

There is no hard evidence that a competitive negotiating style is any more effective than principled or interest-based negotiating. Moreover, there is research on the evolution of cooperation that suggests that cooperative negotiators in a group or population will prevail over competitive bargainers by isolating them (Axelrod, 1985). This suggests that it may be harder successfully to engage in competitive bargaining in a network. Because there are a number of participants in every network negotiation, it is difficult for any one party to use competitive or hard-bargaining tactics effectively: Others can form coalitions to stop the competitive bargainer or they can call that network member out on the strategy. The most effective approach will be an open discussion of each participant's interests and a genuine effort to come up with ideas to meet these interests, followed by creative packaging to reach an agreement based on principle, not power or will. This means that principled or interest-based negotiation is an essential skill for collaborative public management.

# Becoming an Effective Negotiator Within a Network

Organizations participate in networks for a variety of reasons, but a salient one is that they cannot achieve a goal or solve a particular policy problem acting alone. Implicit in the decision to join the network is acceptance of the need for negotiation and collaborative problem solving. This section gives managers the basic tools for preparing to negotiate and negotiating effectively.

## How to Prepare to Negotiate

The more attention given to preparing for interest-based collaborative problem solving, the better the chances of a successful outcome. Networks entail multi-party negotiation, much like public policy conflict resolution. One useful concept from this latter field is the notion of a conflict assessment. In public policy conflict resolution, most commonly a neutral third party (mediator or facilitator) goes about the process of identifying the potential stakeholders, the issues, and whether these can be addressed effectively through negotiation. Similarly, managers in networks need to assess what they will likely negotiate

over, with whom, and how. A network negotiation assessment should include the steps listed in the box “Network Negotiation Assessment.”

It should be clear from this list that managers in networks need to prepare by attempting the assessment on their own, but that it is also a blueprint for the network’s early group process.

### 1. Identify the subject and scope of the negotiation.

Issues for negotiation fall into several categories. A negotiation for the purpose of *dispute resolution* addresses an existing claim, case, or problem, often one that can end up in litigation. There may or may not be a continuing relationship between the parties, and the negotiation focuses on past events. *Planning* negotiations presumes a continuing relationship and longer-term collaborative action. Examples include zoning and siting issues (Susskind, 1990), long-term contractual relationships, and negotiated rule making. A *zero-sum* negotiation tends to involve a single financial issue where one party’s gain is of necessity

### Network Negotiation Assessment

1. Identify the subject and scope of the negotiation.
2. Identify your best alternative to a negotiated agreement (BATNA).
3. Identify the necessary and appropriate network participants.
4. Identify the BATNAs of each of the other network participants.
5. Identify your interests and identify or speculate on the interests of the other network participants.
6. Determine whether those who participate in network meetings have the authority to bargain and, if not, who in their organization does have authority.
7. Address ground rules or protocols for negotiation, which is also the first step in network governance.

another's loss (also known as the fixed pie). It is possible to enlarge the pie in most zero-sum negotiations with the use of creative problem solving (Susskind and Cruikshank, 1987, 178–184). While it is conceivable that a network might have the task of divvying up a single budget appropriation, it is more likely that network negotiation will involve *multiple issues*. This is an advantage in that network participants may have differing interests and priorities as to the issues, and this can be used to create value.

## 2. Identify your best alternative to a negotiated agreement (BATNA).

Before you sit down to negotiate, you need to have certain information. First and foremost, what is your best alternative to a negotiated agreement (BATNA) (Fisher, Ury, and Patton, 1991, 97–106)? What can your organization do or accomplish acting alone? This is a fundamental question, because it determines whether you need to participate in the network. If negotiation fails, what could happen? If you do not have a strong sense of where you would go from the table, you cannot recognize a good agreement when you have one. To identify your BATNA and that of the other party, you should take into account three crucial variables: power, time, and information (Cohen, 1991, 50). The box "Sources of Power as a Negotiator" lists some sources of power that a negotiator may have or cultivate.

## 3. Identify the necessary and appropriate network participants.

As the number of participants increases, negotiation becomes more complex. One way to identify essential participants is whether they have the ability to hinder implementation of an agreement. Managers in networks need to consider which participants are necessary and appropriate at two different stages: first, when the network is formed, and second, when specific issues present themselves for negotiation. Not all members of the network need to participate in negotiating every issue. It may be desirable to refer some issues to subgroups.

## 4. Identify the BATNAs of each of the other network participants.

It is likely that networks form because, in negotiation parlance, each participant has a weak BATNA: The participants cannot accomplish their goals acting alone. Nevertheless, it is important to

determine as accurately as possible the BATNA of each network member. Is your agency or organization the 200-pound gorilla in the room? Are other organizations small service providers whose primary contracts are with your agency? If the service provider desires a continuing relationship with the agency, its BATNA is not going to be as desirable as negotiating. To borrow an example from environmental conflict resolution, if network partners include major regulated industries with substantial financial resources, for example, they may conclude that their BATNAs, such as delaying implementation of a new environmental or safety technology through protracted litigation, are more desirable than negotiating. To determine the BATNAs of others, collect information on the cost of compliance, the cost of litigation, and the resources of each party you are dealing with. Also, determine whether you can worsen their BATNA (for example, through punitive sanctions or other measures), but think through clearly the costs and benefits of doing so. Sometimes a BATNA is so undesirable, the network participant really has no choice but to negotiate. As a general matter, participants should join the network only if negotiating with its participants is preferable to acting alone.

### Sources of Power as a Negotiator

- Competition (or demand for services/expertise)
- Legitimacy (as, for example, a government stamp of approval)
- Risk taking (the willingness to risk losing)
- Commitment (the ability to get other relevant people or parties committed to your interests)
- Expertise (on the subject matter in dispute)
- Knowledge (of each side's true needs)
- Investment (of time, money, and energy)
- The ability to reward or punish (in future dealings with the same parties)
- Identification (getting others to identify with you)
- Morality (perceived fairness)
- Precedent
- Persistence
- Persuasive capacity
- Attitude

### 5. Identify your interests and identify the interests of the other network members.

The most important way network members can prepare to negotiate is to identify their own and their organization's interests and needs, as well as researching and thinking about the interests and needs of the other parties. What do we need? Why do we need it? What do the other parties need? Why do they need it? This may include identifying sources of information about the issue at hand or the parties at the table. Phone calls, interviews, and the examination of reports and newspaper articles oftentimes are helpful. Thinking about the history, if any, of interactions between the parties is important.

Focusing on basic human needs, scaled up to the level of the organization, is a key tool. These needs include security, economic well-being, belonging, recognition, and autonomy. For example, organizations will avoid doing anything that might undermine their mandate or reason to exist. It is human nature for those who work in an organization to commit to its continued existence and to find threatening to their security anything that might eliminate the need for their role in the organization and therefore their source of employment. Similarly, humans need to take care of themselves and their loved ones; this is related to economic well-being. This human need is tied to an organization's budget. People are social creatures; it is important for them to belong to a social group. Often that group is defined by the organization for which they work. In a network, members can develop a new sense of belonging, not simply to their home organization, but to the network itself. People, and thus the organizations to which they belong, may need recognition of their contribution, role, legitimacy, authority, and importance. Finally, autonomy is the notion of control over one's destiny. In both the public and nonprofit sectors, people tend to have a high public service motivation. They want control over what they need to do to serve the public and their constituencies. Networks can threaten that interest in autonomy when they require that people and the organizations for which they work cede control over certain decisions or actions to the network membership as a whole. These are but a few of the many examples of how interests might lie beneath conflict within the network.

### 6. Determine whether those who participate in network meetings have the authority to bargain and, if not, who in their organization does have authority.

This can be more problematic in the public and nonprofit sectors than in the private sector. Typically, managers in the public sector must seek approval of any agreement from agency heads—and sometimes by vote, as in the case of a multi-member public agency like a board or commission. Is the other party a private sector corporate entity, so that you can deal with top executives? Is it a membership association that will go back to its members for approval of any deal? Or is it a nonprofit that cannot bind its members? Who is the appropriate person to be at the table? To avoid these problems, before you sit down to negotiate make explicit the nature of your authority and determine the authority of the other participants. You do not want to reach an agreement only to find it is contingent on the approval of someone you could have dealt with directly. A classic bargaining ploy is for a lawyer or agent to negotiate his or her best deal, and only then explain that the client must approve it. Often the hard bargainer makes this the opening for new and escalated demands.

### 7. Address ground rules or protocols for negotiation, which is also the first step in network governance.

Networks typically form in order to conduct their work over a period of time and a series of meetings. In this way, their work resembles formal negotiations. Thus, it may be wise to agree upon ground rules in advance or at the beginning of the first session. Sometimes in multi-party public policy disputes, a facilitator will refer to ground rules as the protocol for negotiation (Cormick, 1989). Labor relations provides another useful model. In public sector labor relations, there are chief spokespeople, their negotiating committee, their respective constituencies (local union membership and public agency), and potentially state and national affiliates. Ground rules help protect the interests of everyone affected by the outcome of negotiation. Labor negotiators use four key ground rules that may be applicable to networks:

- There are no press releases except by mutual agreement (subject to government sunshine laws).



- All meeting times, dates, and locations are by mutual agreement.
- There is a mutual deadline for raising substantive issues to discuss.
- Tentative agreements are binding pending agreement upon and ratification of a complete package.

A wise negotiator will agree to the ground rules in writing. By negotiating first over the procedure for negotiation, you can set a firm but fair tone for later substantive issues. You can also use these preliminaries to develop trust and rapport.

## How to Problem Solve Collaboratively

The box “Interest-Based Collaborative Problem Solving” lists the steps to the effective use of interest-based collaborative problem solving.

### 1. Define the issue.

Frame the problem as a joint task to meet all parties' needs. In positional bargaining, each party typically views the other party as an adversary competing over a fixed quantity of resources, goods, services, or outcomes. Each party sees the other as “the problem.” In interest-based collaborative problem solving, parties view the other as a partner and the disagreement or conflict as a dilemma or challenge *to be solved together*. To encourage members of a network to put on their collaborative problem-solving “hats,” it is often useful to phrase the issue as a “how to” statement with an action verb and the desired results incorporating each party's interests: for example, “How to provide county-wide mental health services.”

### 2. Educate each other about your interests: disclose, listen, and ask.

The temptation will be to offer solutions at this point. Remember that these initial solutions are, in fact, predetermined positions that are likely based on an incomplete understanding of the essential underlying needs of each of the parties. It is more helpful to “back pocket” these potential solutions initially and concentrate on understanding each other's interests—the “motivators” behind the initial ideas. A discussion of interests gives negotiators a much more comprehensive understanding of the concerns and needs of all relevant stakeholders

### Interest-Based Collaborative Problem Solving

1. Define the issue and frame it as a dilemma or challenge to be solved together.
2. Educate each other about your interests: disclose, listen, and ask.
3. Look for ways to “expand the pie”: create value before you claim value.
4. Generate multiple options for settlement; if you get stuck, go back and review what people's interests are.
5. Evaluate the options (how well do they meet needs?).
6. Select/modify options based on which ones meet needs most.
7. Use objective criteria to resolve impasses.
8. Develop a plan to implement the agreement including monitoring.

than does jumping to a discussion of the solution. You have already gathered a substantial amount of information in preparation for negotiation. It will most likely be objective information, not information about the other party's perceptions.

### 3. Look for ways to “expand the pie”: create value before you claim value.

The toughest negotiation is the single-issue negotiation where people have the illusion that all that is at stake is a limited pot of money, and “for every dollar you get, I lose a dollar.” This is the basic distributive bargain. However, most negotiations can be “unbundled.” Specifically, they can be taken apart and parsed into a number of smaller issues. Once this is accomplished, it allows participants to expand the pie and create value. This is because, in general, no two network participants will attribute the same importance to a given issue; there will be a continuum of variation in their priorities.

Difference is a powerful source for creating value. Network members may have different time preferences or constraints. This may allow for them to accomplish something over time that they could not accomplish up front. For example, in labor negotiations, employees may want to increase the minimum entry salary by 8 percent but management

does not have that in the budget. They can use “splits,” a technique for phasing in an increase over multiple budget years, by giving part of the raise up front (say 5 percent) and delaying the remaining 3 percent until the budget year is six months over. They may have different tolerance for risk. They may have different assessments of probabilities for certain events. Other sources of value are shared interests and economies of scale. Shared interests may include long-term goals, future dealings, fairness, and mutually preferred positions (Lax and Sebenius, 1986).

#### 4. Generate multiple options to meet the interests of the parties.

This is most commonly done as a “non-attack brainstorming session.” The key here is open, non-linear, stream-of-consciousness thinking. The more imaginative the better, keeping in mind that options that clearly contradict key interests of the other parties are not likely to survive in this collaborative process.

One source of creativity is to keep an open mind. During collaborative problem solving, the participants begin to get a sense of what the possibilities are in each issue, the possible elements of an agreement, without prejudging precisely which of the puzzle pieces will fall into place with the final package. Almost any fixed-pie negotiation can be viewed as a deal with a variety of elements. It is the ability to use information you elicit about interests to enlarge the pie into a multi-element, mutually beneficial deal that is the key to brainstorming, or what the Harvard Negotiation Project terms “inventing options for mutual gain” (Fisher, Ury, and Patton, 1991, 56) and Cohen calls the “win-win technique” (Cohen, 1991). Many public sector managers have already received some training in brainstorming techniques in the context of plans for total quality and strategic management. Facilitators have begun to use similar techniques working with city councils, for example, on visioning as a method of planning for the future of the community.

In a network setting, essentially a group of people all working on the same problem turn to face a flipchart, blackboard, or overhead projector. Whether they are on separate negotiating teams or not, all should be facing the same direction to work on the common problem. Often they designate a facilitator or scribe to write down ideas.

The facilitator will place the list so it is visible to everyone in the room. Participants then list every idea they can think of to meet the interests they have identified and solve the problem. As the facilitator or scribe writes down the ideas, *participants should not discuss or critique their relative merits*; this would tend to inhibit people and bog down the creative process. Participants do not attribute a specific idea to anyone. The participants should make as long a list as they can and not self-censor, but instead try to come up with suggestions that meet all parties’ needs and interests.

No suggestion should be viewed as a concession or an agreement, but only as an idea to discuss. The advantage to this process is that as the parties discuss the various ideas, they will of necessity learn more about each other’s interests and concerns, which in turn will facilitate the invention of ideas more tailored to meet those interests or concerns.

#### 5. Evaluate options.

After a “non-attack brainstorming session,” participants can then convert the ideas into concrete options to evaluate. Fisher, Ury, and Patton suggest that you can convert ideas into options by using different perspectives, or agreements of different strengths. An agreement may be permanent or provisional, substantive or procedural, comprehensive or partial, unconditional or contingent (Fisher, Ury, and Patton, 1991, 70). The beauty of brainstorming is that you will leave the process with a much better sense of possible pieces of the agreement puzzle.

It is now time to evaluate the options to assess how well they meet the parties’ needs. This is a critical step to counteract “all or nothing” thinking tendencies that tend to dominate during disagreement or conflict. It is tempting for parties at this stage to fall back on their original, predetermined solution. This move might be perceived as manipulation by the other parties and also might block a creative solution to the problem. To avoid this, and to preserve all workable options, standards should be determined at this point in time by which the many options are evaluated. Possible standards include:

- Does it meet most or all of the essential interests of the parties?

- Is it workable? Can you pull it off?
- Is it acceptable? Can you sell it to critical constituents that have to approve and implement it?
- Is it affordable? Do you have a good chance of obtaining the resources necessary for implementation?

Often a grid is used upon which consecutively numbered options are placed on one axis and the evaluation standards on the other axis. Negotiators then review the options together and indicate those that meet the identified standards.

### **6. Select/modify options based on which ones meet needs most.**

Oftentimes several of the options (or several parts of different options) will be considered as desirable at this point in the process. These options might now be sequenced as steps in an overall plan, or they can be prioritized. Labeling some as first choice or contingency options also is done.

It is possible and desirable to come up with win-win, or mutually advantageous agreements. The key transition is to combine options or elements that meet everyone's needs and interests. Sometimes parties are reluctant or unable to communicate directly enough about their interests to succeed in putting together a package on their own. In these circumstances, a mediator's assistance may prove to be invaluable. Mediation is simply negotiation with some assistance. Each party can communicate to the mediator which elements of an agreement might meet their needs, and the mediator can use each party's confidential communications to put together a mediator's package for settling the dispute. By presenting the deal as the mediator's package instead of as one participant's proposal, the mediator can take the onus off all sides and free them to agree to the settlement without losing face before their constituencies.

### **7. Use objective criteria to resolve impasses.**

The work of an agreement is not done until all the pieces fit, and the parties reduce the agreement to some form of written memorandum. If there is an impasse over a particular point, now is the time to use objective criteria to resolve it. The goal of principled bargaining is not to resolve the impasse based upon power, coercion, or will (Fisher, Ury,

and Patton, 1991, 81). Instead, you might look to law, precedent, tradition, market value, professional standards, efficiency, costs, scientific data, or what a court or arbitrator might do. You can also resort to notions of equal treatment, fair procedures, reciprocity, and moral standards. Speak to the merits of the dispute; do not resort to personal attacks or threats. If all else fails, you may do what Ury refers to as deploying your BATNA (Ury, 1991). There is a difference between a threat to exercise power and a warning that you have a BATNA that provides a more desirable option to you than anything on the table. You are not threatening; you are merely conveying information about your interests and needs, and how they might be better met by walking out of the negotiation than by agreeing to a specific option. This is reality; it is not coercion.

### **8. Develop a plan to implement the agreement including monitoring.**

Here the group should create an action plan, being as specific and detailed as possible. Who is going to do what, when, how, and with whom? What milestones must be reached to know if we are making progress? How will we evaluate results?

For members of a network, *how* they go about negotiating is ultimately as important as *what* they end up with in the agreement. Network members need to know that other members are negotiating with them in ways they perceive as well-intentioned, helpful, and fair. The interest-based collaborative problem-solving approach offers the potential of increasing satisfaction levels concerning the substance of the agreement, the relationship, and the process by which negotiations are conducted.



# Communication Skills for Managing Conflict

Everyone has stories about the classic “communication problem.” In order to negotiate effectively, you need to determine whether personality clashes have cast shadows on the discussions. The labor mediator often begins in the hallway, listening to extended descriptions from one advocate of the other team’s makeup. For example, the advocate will point out who is constructive, who tends to fly off the handle, who has a long history of animosity with the human resources manager, and who the others turn to for guidance and good judgment. The Harvard Negotiation Project approach calls this stage “separating people from the problem.”

In a network environment, you may or may not have pre-existing relationships with participants. If a problem arises, you need to cultivate a state of detachment and examine the substance of the issues under discussion independently from your visceral reaction to a given participant. Ury calls this state of detachment “going to the balcony” to watch the negotiation as if from a great distance (Ury, 1991). Moreover, anything you are feeling, the other party probably is too. Thus, Fisher, Ury, and Patton suggest you deal directly with any people problems, that is, bring them up at the table and discuss them. To help identify people problems, they suggest you try to understand how the other party might perceive and feel about the dispute, suspend judgment, recognize and legitimate the emotions at work, allow people to let off steam but do not react to the outbursts, and proceed to build a relationship with these people by talking directly to them, listening actively, speaking about yourself using “I statements,” and not characterizing them or their positions (Fisher, Ury, and Patton, 1991, 36). Some call this the Zen of negotiating.

There are a number of critical but relatively easy-to-acquire communication skills that will improve your ability to achieve mutually advantageous outcomes in conflict within the network. These include asking problem-solving questions to identify interests, “chunking,” using reflective or active listening to reduce tension and manage the conflict spiral, and constructive ways of responding to hard-bargaining tactics. In addition, skill in communicating a constructive attitude is crucial in cultivating a long-term bargaining relationship.

## Asking Problem-Solving Questions to Identify Interests

To elicit responses identifying these interests, the negotiator will use a powerful problem-solving tool: the open-ended question. This is a question that invites the other network participants to speak freely and explain their perspective on the problem. Open-ended questions usually start with who, what, where, when, how, and why. Listening to the answers without interruption and using appropriate attentive body language like leaning forward and making eye contact will encourage other network members to give fuller and more complete responses. Obviously, distracting gestures, such as looking at your Blackberry or tapping a foot or pen, will have the opposite effect.

You should avoid leading questions, particularly those with an implicit accusation (the when-did-you-stop-abusing-your-spouse question); these are not helpful. Examples of leading questions start with phrases like “Isn’t it true that” or “Do you expect me to believe that” or “On X date, didn’t you do Y?” Each of these questions is inherently threatening and will prompt a contradiction. Another formula that is

likely to prompt a hostile response is the You-statement. For example, "You did not do (X, Y, Z)" or "You failed to get me the information" or "You did not respond to my e-mail." In general, anything that provokes a defensive or hostile response will in turn lead you away from talking about the core substance underlying the dispute: people's interests.

## Chunking

Some experts in collaborative problem solving call asking non-threatening, open-ended, clarifying questions *chunking*. Chunking is another way of asking "why" when asking "why" might be too awkward or threatening, or might produce defensiveness.

For example, if X represents the person's stated need or position, you might ask the following questions:

- "What will having X do for you?"
- "What difference would it make for you to have X?"
- "How would it be helpful or beneficial to get X?"
- "How would tomorrow be different from today if you could successfully accomplish X?"

## Using Reflective or Active Listening

Reflective listening is part of the mutual education process. Reflective listening tells the other party that they have been heard and understood. An essential part of this process is actively listening to the answers you get. You have asked the question to get information; let the other side know you heard and understood their response. For example, you can respond by paraphrasing back the concerns articulated. You can use phrases like "Let me make sure I understood you correctly" or "I want to make sure I understand your concerns; your concern is X" or "Do I correctly understand that your priorities are X" or "I think I am hearing that X" to introduce a repetition and rephrasing of the key aspect of their statements.

Another technique in active or reflective listening is to mirror back to people the emotional content of what they have told you. For example, preface each of the following with something like "I want to be sure I understand" and follow with "So it is frustrating not to get the information directly" or

"You feel there is a lack of trust (or respect, or control, or X)" or "You feel your contribution has not been valued." This is different from the substance of the problem; it gets at the emotional content and this is often directly related to the speaker's underlying interests.

In addition to eliciting information about the other party's interests, you need to communicate information about yours. You can do this by expressing your organization's "concerns" and "interests" in certain outcomes by being specific and using concrete examples to explain why you believe a particular outcome is fair or appropriate or necessary for the organization or for the public interest, health, or welfare. You should acknowledge and recognize the other party's interests, and then describe the problem as you see it before suggesting an answer. The interests you identify may be separate but reconcilable, conflicting, or shared. By identifying where your interests overlap or are compatible, you can begin to move to the next stage of the negotiation process, which is identifying the pieces of the agreement puzzle. When a speaker is confident that he or she is understood, the speaker will be more willing to trust the listener with deeply held interests.

**Warning:** Many people underestimate the importance of reflective listening. "Of course I listen!" you may be thinking. "I have two ears. What is the big deal?" A reflective listener pays careful attention to the content and emotion offered by a speaker and searches the speaker's statements for what is most important to the speaker from the speaker's point of view. The listener then uses his own words to state back to the speaker the essence of what has been heard and understood. This brief reflection ensures clear understanding between both parties and allows them to gain rapport and engage in the high-quality thinking essential for the creative resolution of the disagreement.

## Recognizing and Responding to Hard Bargaining

While you are committed to interest-based bargaining, others may not be. It is important to be able to recognize classic hard-bargaining tactics. If you can name them, then you can raise the question openly to the other party. Ury suggests that naming a tactic publicly robs it of its effectiveness (Ury, 1991).

Classic hard-bargaining tactics (Ury, 1991; Meltsner and Schrag, 1973) include:

- Stonewalling
- Making a first, firm, fair, final, nonnegotiable offer (“my way or the highway”), refusing to participate in the collaborative problem-solving process. (For a discussion of its use in politics and foreign policy, see Jacobs, 1989.)
- Using good cop/bad cop routines where one member of the team appears reasonable while the other threatens irrational rage
- Setting preconditions to bargaining, that is, designating a demand as a precondition
- Making personal, ethnic, or racial attacks
- Manipulating data
- Locking yourself in with a public or press announcement
- Making extreme demands
- Placing major demands at the beginning of the agenda
- Escalating demands or backtracking during negotiations
- Appearing irrational
- Claiming to have no authority to compromise
- After agreement is reached, having your constituency reject it and raise their demands

If you find yourself facing one of the tactics on this list, the key is not to react. Tactics such as these are only effective if you let them be. Ury suggests that you will be tempted to strike back, give in, or break off the negotiation in the face of the hard bargainer. In response, he suggests that you take a caucus or break, examine your BATNA, identify the tactic, ask them to restate their position, and then direct them back to a principled substantive discussion by asking open-ended problem-solving questions.

In addition, you can begin to model principled negotiation behavior by reiterating your own interests. The least confrontational and most constructive way to do this is through the use of I-statements, not You-statements. I-statements use the first person (*I* or *we* or *our*) to describe your interests and concerns

to the other side. For example, “I need to be able to report X to the Board of Trustees” or “I am concerned about how the taxpayer might view this” or “I am interested in getting the job done in the most efficient way given our budget constraints.”

Largely, you should ignore personal attacks. You can willfully misunderstand a first, firm, fair, final offer as the party’s goal or aspiration in negotiation, instead of recognizing it as nonnegotiable (Ury, 1991). By continuing to approach the negotiation constructively, you may disarm them. As a last resort, you can deploy your BATNA to test their resolve to be unreasonable.

Meeting tricks with tricks, however, will only escalate the adversarial atmosphere, perhaps to the point of a breakdown in talks. This is not to say that you should undertake a policy of appeasement. If there are points with which you can agree because your interests are reconcilable or compatible, then by all means agree where you can. However, do not yield in the hope they will reciprocate. Maintain a principled approach to the negotiation. If all else fails, you may propose to bring in a third party, such as a mediator, to work through the deadlock.

## Cultivating the Long-Term Relationship in a Network

Fisher and Brown suggest that a good, long-term bargaining relationship is not the same as approval of the other side, shared values, avoidance of disagreement, or perfect trust (Fisher and Brown, 1988). Instead, it is establishing an attitude that is unconditionally constructive by using rationality in response to emotion, understanding the other parties when they misunderstand you, consulting them even if they appear not to listen, being reliable in that you do not try to deceive them, being non-coercive and not yielding to coercion, and accepting them and their concerns as worthy of consideration (Fisher and Brown, 1988). This approach is appropriate for negotiation and collaborative problem solving in the context of a network.

# Preventing Conflict by Designing Network Governance Structures

The interest-based collaborative problem-solving approach can be used as discussed earlier, modified to design the governance structure of a network, used to decide how to administer the network, and built into network processes and procedures as the preferred way to manage and resolve conflicts. Logically, designing the governance structure of a network comes first on a network's agenda. Based on negotiation theory, this section provides a step-by-step model for building agreement on the governance structure of a network.

## 1. Identify network members whose agreement is necessary.

In some instances, enabling legislation or some other form of mandate defines the composition of the network. In others, a key or strong player convenes the network. Or, a network can form voluntarily through a process of self-identification. An issue in governance for the network is ensuring that the key players are participating. Moore (1996, 144) suggests that participants should include those who:

- Have the power or authority to make a decision
- Have the capacity, if they are not involved, to reverse or damage a negotiated settlement
- Know and understand the issues in dispute
- Have negotiating skills
- Have control of their emotions
- Are acceptable to other parties
- Have demonstrated commitment or are willing to commit to bargaining in good faith
- Have the backing and support of their constituents

## A Step-by-Step Model for Building Agreement on the Governance Structure of a Network

1. Identify network members whose agreement is necessary.
2. Identify the scope and jurisdiction of the network.
3. Address issues of the network's legitimacy to do its work.
4. Negotiate the ground rules for future discussions.
5. Negotiate the processes governing exchanging views within a network.
6. Discuss administration and allocation of responsibilities.
7. Negotiate the decision rules for bringing discussion on an issue to closure.
8. Identify a system for resolving impasse.
9. Identify a decision process for ending the network.

The goal is to ensure that those with the capacity to implement the agreement of the network on a task are at the table and have consented to the form of its governance.

## 2. Identify the scope and jurisdiction of the network.

The network needs to identify the scope of its work and the extent of its jurisdiction. These include the authority, issues, questions, goals, and objectives of the network. This often is embodied in a mission statement. This in turn defines what the governance process covers.

### **3. Address issues of the network's legitimacy to do its work.**

There are various sources of legitimacy for the network. It may derive legitimacy from a legal mandate. It may be given legitimacy by an authoritative conveyor. It may have legitimacy based on its membership and how well it represents the affected constituencies. It may build legitimacy through the effectiveness and quality of its work. It may build legitimacy through its transparency. It can enhance its legitimacy by making itself accountable to the public through civic engagement. In establishing a governance structure, discussing the network's legitimacy can help it identify the additional players or authority it needs.

### **4. Negotiate the ground rules for future discussions.**

There are various conventions regarding negotiation that the network might consider. It might discuss its aspirations for the quality of exchange through a commitment to interest-based collaborative problem solving. It may address how it will set its agenda and establish procedures for reaching interim agreements. It may discuss how it will share information about its work with the press and the public. It may also discuss a time frame for its work. Another question is whether smaller subgroups may meet separately from the network without damaging trust or generating suspicion. In negotiations, these private meetings are sometimes called a caucus. These are all typical ground rules that come up in a multi-party negotiation.

### **5. Negotiate the processes governing exchanging views within a network.**

There are a wide variety of creative ways for the members of the network to communicate that are more efficient than the tedium associated with a traditional committee, in which people take turns talking in a linear fashion about a given subject or end up trying to wordsmith in a group. There are processes for brainstorming and visioning. These enable multiple participants to share information and ideas spontaneously and simultaneously. These can involve the use of something as high-tech as computer projection rooms (some are called col-laboratoriums) or as low-tech as storyboarding, in which each participant writes as many ideas as they can, with each idea on a separate sheet of copy paper, and then the participants create themes by

posting their ideas on the walls near other similar or related thoughts. The key is that the non-linear and open process for generating information and ideas saves time and engages the attention of all participants. Networks can supplement their meetings with online discussion forums. They may use input from outside the network, including experts, and may need to agree on how to identify and engage their help. Governance structures should also include consideration of the public's voice (see the next section, "Networks and Conflict with the Public").

### **6. Discuss administration and allocation of responsibilities.**

Every network requires administration. The network needs to negotiate over meeting notices, scheduling, allocation of the costs of administration, support staff, space, computing resources, and other day-to-day needs. In addition, it may be necessary to agree upon an allocation of responsibility for carrying out various actions or work of the network. To some degree, an initial discussion of this aspect may be a desirable part of determining governance structures.

### **7. Negotiate the decision rules for bringing discussion on an issue to closure.**

Multi-member public agencies typically resort to Robert's Rules of Order, the hoary but generally accepted handbook for parliamentarians. Typically, Robert's Rules are associated with traditional aggregative decision making, such as a majority or super-majority vote, whether openly by show of hands or roll call, or by secret ballot. However, nowhere is it written that networks must accept these limits on their action and exchange. In *Breaking Robert's Rules* (2006), Susskind and Cruikshank suggest an alternative process through which participants attempt to build consensus or reach a nearly unanimous agreement. This involves very different modes of discussion from those used in a traditional parliamentary process. They argue that there are five steps: convening, assigning roles and responsibilities, facilitating group problem solving, reaching agreement, and holding people to their commitments (Susskind and Cruikshank, 2006, 4). Networks might consider using the partnering process developed by the Army Corps of Engineers with the help of Susskind for large-scale construction projects. The process starts during a retreat for all the key players in the project at which they receive training in



interest-based negotiation. During the retreat, the partners negotiate a protocol for how they are going to handle problems and conflict as it arises during the project. They identify key contact people in the event of a conflict as well as dispute resolution mechanisms.

**8. If some form of unanimity or consensus decision is chosen, identify a system for resolving impasse and deadlock in discussions.**

In addition to the interest-based collaborative problem-solving approaches discussed earlier, there are a wide variety of processes to help networks resolve conflict, impasse, or deadlock. These include resorting to a neutral third party for services such as facilitation, mediation, or non-binding advisory opinion. A facilitator helps structure a group discussion, sometimes by breaking the group into smaller units or using creative methods such as brainstorming to generate new ideas. A mediator is a more active third party, one who uses problem-solving processes to assist the parties in reaching an agreement. However, neither a facilitator nor a mediator has decision-making power over the parties. Instead, they simply help the parties negotiate a voluntary, mutually agreeable solution to the problem.

In the event of an impasse, sometimes parties ask a knowledgeable third party to provide advice. As a last resort, network members may need to get an expert advisory opinion from an outsider to help break a deadlock. The network can use fact-finding for decisions about what evidence or factual information to use in the network's decision process. The fact-finder conducts a hearing and renders findings limited to the facts, not the substantive outcome of a decision. If the network members want someone to advise them on an important decision, like how to allocate some limited resource, they might seek advisory arbitration. In this case, the third party renders a decision, but that decision is not binding; it merely serves as a basis for further discussion and negotiation among network members. If they still cannot reach agreement, they may resort to binding arbitration. However, this is rarely used in public sector policy making, because it is sometimes criticized as an improper delegation of quasi-legislative policy-making authority to a private party. It is, however, well accepted for deciding circumscribed disputes that are quasi-judicial in nature, such as whether a party is in breach of a contract.

**9. Identify a decision process or event for determining when the work of the network is complete and it is time to close it down.**

Any veteran of successful group work knows that it is hard for participants in a retreat or a multi-party negotiation to let go of their process and each other. There is a tendency for the group to want to continue to exist beyond the period of its mandate or its original plan. In the initial discussions on governance, it may be wise to address this question up front, and to identify an event or objective that would represent the logical ending point for the network, if one exists. In the alternative, this may engender a discussion about the rules and procedures for entry into and exit from the network.

These are a few of the many issues that network participants should address at the outset of their work as they establish how they will govern themselves. They provide an opportunity for members to establish trust and rapport, and to develop a way of communicating that will be constructive when it is time to tackle harder issues.

# Networks and Conflict with the Public

## Issues in Planning for Civic Engagement

Conflict may arise when network managers and administrators seek to make or implement public policy. Networks address policy problems that cross jurisdictional and sectoral boundaries. Solutions require the collaboration of multiple stakeholders, such as national, regional, and local government actors; nonprofit organizations; and the private sector. Public organizations that are in networks, in particular, have a unique responsibility to citizens. Network governance has received criticism on two fronts: its lack of transparency and perceived problems with accountability. Unlike an agency that acts alone in a traditional bureaucratic way, the network does not present a clear chain of command. Responsibility is dispersed. Network meetings are not always open to the public. And yet, collaborative public management networks often are carrying out the essential missions of governance: They are making, implementing, and carrying out public policy. Increasingly, collaborative public management networks are engaging citizens through a variety of means.

Before a network determines to use any form of civic engagement, its members should discuss a number of key issues (see the box “Questions Networks Should Ask Before Engaging the Public”). Once the network itself has achieved a common understanding of its goals and strategy for public involvement, it can then examine the many different ways to structure the process.

There are many tools and approaches in collaborative governance that are useful to managers who work in networks. Participatory democracy, deliberation and dialogue, deliberative democracy, and,

### Questions Networks Should Ask Before Engaging the Public

- Are there compelling reasons not to undertake this issue?
- Can you find time and resources?
- How will you ensure that the political leadership is on board?
- How will you address the “history” of related issues?
- What is your strategy to link talk to action?
- How will your purpose lead your process?
- How will participants be selected?
- How will you achieve greater diversity in participation?
- How will you tackle real disagreements?
- What is your communication plan?
- How will you let community members know which recommendations were accepted, which were not, and why?
- How will you learn from the experience?

*Source: Adapted from Amsler, 2007.*

more broadly, collaborative governance have emerged as a movement in response to perceived failings in representative democracy with respect to conflict over public policy. This movement seeks more citizen deliberation, dialogue, and shared decision making in governance (Forester, 1999; Gastil and Levine, 2005; Roberts, 2003). Managers operating in networks must collaborate with other network participants to determine when and how to

engage the public in decision making. This section addresses issues in planning for civic engagement and then briefly describes the array of processes through which networks can incorporate the public voice for a more participatory governance.

Central to the many evolving forms of participatory governance are notions of dialogue and deliberation (Torres, 2003). Dialogue is contrasted with the traditional adversarial processes of governance, which usually entail debate. In dialogue, participants engage in reasoned exchange of viewpoints, in an atmosphere of mutual respect and civility, in a neutral space or forum, with an effort to reach a better mutual understanding and sometimes even consensus. In debate, participants listen in an effort to identify weaknesses in the argument and score points in an effective counterargument; in deliberation and dialogue, participants listen in an effort to better understand the other's viewpoint and identify questions or areas of confusion to probe for a deeper understanding. Deliberation is the thoughtful consideration of information, views, and ideas. (For more detailed definitions of dialogue and deliberation and a primer of models and techniques, see the website of the National Coalition for Dialogue and Deliberation ([www.thataway.org](http://www.thataway.org)).<sup>2</sup> Many models take advantage of new technologies for human communication and include e-democracy and e-government. Mediation, facilitation, and dispute resolution processes can also be adapted to larger-scale participation.

Processes for resolving conflict in policy making vary along three dimensions, including the participants, their authority and power to influence policy decisions, and the process for communication and decision making (Fung, 2006). Using these three dimensions, Fung creates a "democracy cube," on which he maps different processes. He suggests that categories of participants include the diffuse public sphere, open self-selection, open targeted recruiting, random selection, lay stakeholders, professional stakeholders, elected representatives, and expert administrators. Fung proposes that types of authority include personal benefits, communicative influence, advise and consult, co-governance, and direct authority. Lastly, he identifies six modes of communication and decision processes: participants listen as spectators, express preferences, develop preferences, aggregate and bargain, deliberate and negotiate, and deploy technique and expertise.

Others have described different levels of public participation. Arnstein's ladder of participation (1969) ranges from manipulation of the public and therapy at the low end, through levels including informing, consultation, and placation in the middle, to partnership, delegated power, and citizen control on the upper steps of the ladder. The International Association for Public Participation (<http://iap2.org/displayassociationlinks.cfm>) has a Spectrum of Participation in which organizations have the choice to inform, consult, involve, collaborate, or empower the public. Each form of public participation has an implicit promise to the public, ranging from keeping the public informed to implementing what the public decides.

Other commentators have suggested that the quality of these processes depends upon how well they satisfy three criteria: inclusiveness, deliberativeness, and influence (Carson and Hartz-Karp, 2005). Inclusiveness is the quality of getting a broadly representative portion of the relevant community to participate. Deliberativeness has to do with the quality of dialogue, information exchanged, and civility of the conversation among participants and decision makers. Influence has to do with the impact of deliberation on policy and decision making.

## Models for Engaging the Public in Networks

Networks engage the public in helping to identify a policy problem, finding approaches for solving it, setting priorities among approaches, and selecting among solutions. What follows is an array of examples.

### Models for Facilitating Dialogue About Policy Issues

Where an existing policy controversy has polarized leaders in various community constituencies and organizations, the Public Conversations Project ([www.publicconversations.org](http://www.publicconversations.org)) uses facilitated, face-to-face dialogue and communication to foster better mutual understanding and reduce stereotyping, defensiveness, or polarization. Its process focuses on community leaders and involves repeated, private, facilitated, small group discussions over a period of months or longer. The goal is not agreement but enhanced communication. Networks can use this process not only among their membership, but also



to foster discussion among the network members' constituencies.

Networks can use a citizen jury, planning cell,<sup>3</sup> or consensus conference for policy making as distinguished from civil or criminal juries that do fact-finding in a judicial or court setting. Citizen juries in Denmark address complex matters of technology policy, such as genetically manipulated plants (Carson and Hartz-Karp, 2005). Study circles (Scully and McCoy, 2005; [www.studycircles.org](http://www.studycircles.org)) produce materials for citizens to engage in dialogue on issues such as civil rights, criminal justice, diversity, education, student success, growth and sprawl, immigration, and other topics. They help organize a representative and diverse cross-section of the city for community-wide dialogue. Study circle groups use facilitators. Groups meet across the community for a period of months. After these small groups work in parallel, they come together to share ideas for solving public problems in ways that will benefit the whole community. What distinguishes these approaches is that citizens have the power to conduct a broad-ranging inquiry into the policy problem; they are not simply given pre-defined options to choose among.

AmericaSpeaks, a nonprofit organization, uses a model called the 21st Century Town Meeting (Lukensmeyer and Brigham, 2005; [www.americaspeaks.org](http://www.americaspeaks.org)) for high-technology, large-scale meetings, particularly when a policy problem involves coordination among multiple agencies or organizations. AmericaSpeaks convened "Listening to the City," a 4,800-person group that was a demographically representative sample of the electorate of New York City for a full day of dialogue and deliberation about how to redevelop Ground Zero, the site of the former World Trade Center. A network of organizations including the City of New York, Port Authority, state and federal agencies, and nonprofit organizations all shared an interest in the outcome of the deliberation.

At tables of eight to 10 people, each with a professional mediator or facilitator, citizens had a chance to talk about plans for Ground Zero. They exchanged ideas, discussed priorities, and created knowledge together, which was projected onto giant screens around the ballroom so that everyone could see and share the ideas coming out from each small

table's discussion. Citizens then expressed preferences about priorities for these ideas using handheld keypad voting devices that recorded their preferences together with demographic information. By the end of the day, the AmericaSpeaks "theme team," a combination of staff and citizens, was able to analyze all this data and to prepare a written report of what the people wanted. This report was submitted to decision makers and shared with citizens at the end of the day. This model is used for large-scale citizen meetings (Lukensmeyer and Brigham, 2005).

Similarly, AmericaSpeaks assisted networks using town meetings on regional land-use plans in Chicago as well as Cincinnati, in Hamilton County, Ohio. Following citizen input, the Hamilton County effort produced a unanimous agreement on a regional plan among 59 different public agencies that needed to coordinate on the framework for planning, zoning, and development in the region.

Another possible model particularly for community-level networks is the Kettering Foundation National Issues Forums ([www.kettering.org](http://www.kettering.org)). These large-scale meetings organize citizens into small groups for structured discussions of a limited number of policy choices. Kettering provides a briefing booklet for each issue with nonpartisan information, allowing citizens to better understand the costs, benefits, impacts, and consequences of various policy approaches. Through discussion with one another, citizens may identify their own preferences in light of better information. The briefing booklet provides a limited number of specific policy options for citizens to compare and contrast. This model is most commonly used at the local government or municipal level for local ordinances and policy choices, or for problems such as racial or ethnic conflict within a city, all of which can cross the jurisdictional and mission lines of multiple organizations and agencies.

In these processes, participants deliberate from the ground up on a defined policy problem. They can have an open-ended discussion on their priorities. None of these processes is designed to develop unanimity or consensus. Instead, both processes help citizens clarify their own policy preferences and better understand the preferences of others. In theory, this permits some moderation of extreme views.

## Models for Selecting Among Priorities

Processes for selecting among priorities may either be for the purpose of informing decision makers about citizens' preferences, as is the case with deliberative polling, or may be agreement-seeking processes aimed at a single final policy choice, such as policy dialogues or policy consensus processes. Daniel Yankelovich (1991; 1999), a leading advocate of dialogue and deliberation, served as an influential pollster in the political arena for years. He observed that polling results were unstable in that citizens' answers changed in light of new information (1991); he advocates deliberation and dialogue as a way of strengthening democracy by helping citizens "come to public judgment." His organization, Viewpoint Learning ([www.viewpointlearning.com](http://www.viewpointlearning.com)), uses a model called ChoiceWork Dialogues, in which citizens engage in three-stages: consciousness-raising, working through a problem, and decision making or resolution. Key to this process is the distinction between dialogue and debate. Dialogue is about respectful exchanges of information and views in which people listen to find common ground and build consensus; debate is about winning and losing, in which people listen to find weaknesses and counterarguments.

Developed by Ackerman and Fishkin (2004), deliberative polling is another process for getting better informed citizen preferences. Participants have access to policy experts and an opportunity to deliberate with others (Fishkin and Farrar, 2005; <http://cdd.stanford.edu/polls/docs/summary>). An initial survey assesses participant views before deliberation. Participants then have an opportunity to examine nonpartisan policy information and to ask a balanced panel of experts any questions they feel are relevant. They deliberate amongst themselves over the substance of the policy problem. At the end of the process, organizers again take an opinion survey to assess participant preferences. A critical feature of deliberative polls is that they involve a random sample of citizens; this means that the results of the process can provide decision makers with a statistically significant, representative account of citizens' preferences after dialogue. Empirical research over the past decade has documented that preferences change before and after deliberation, suggesting that point-in-time opinion polls in the absence of complete information can be unreliable as measures of citizen preferences.

In agreement-seeking processes, generally a neutral mediator or facilitator works with a group of citizens and stakeholders to build consensus around the elements of a specific plan, permit, or policy proposal (Moore, 2003). In mediation, an impartial third party and limited number of disputants often seek a resolution as their goal (Carpenter and Kennedy, 1988; Moore, 2003; Susskind and Cruikshank, 1987). The term *facilitation* refers to a process in which an impartial third party helps organize and direct a discussion among a larger group of stakeholders (Schwarz, 2002). Typically, that neutral will engage in a conflict assessment process before convening the stakeholder group in order to assess the feasibility of reaching consensus. Mediation, using interest-based negotiation, is particularly prevalent in environmental governance (O'Leary and Bingham, 2003).

In mediation, the neutral can assist stakeholders and network members by meeting with subgroups or individual stakeholders in caucus, a private confidential session (Moore, 2003). The mediator can also help the parties by using active-listening techniques such as paraphrasing; framing and reframing issues and suggestions; helping them identify their best alternative to a negotiated agreement, or BATNA; and/or reality-testing about what might happen if parties fail to reach an agreement. Facilitators may use many of these techniques, but do not define their task as assisting the parties in reaching an agreement. Instead, they foster an organized discussion; nevertheless, this discussion may produce a consensus.

One agreement-seeking model that engages citizens is the policy consensus process. For example, "Public Solutions" is sponsored by the National Policy Consensus Center (see [www.policyconsensus.org/publicsolutions/ps\\_2.html](http://www.policyconsensus.org/publicsolutions/ps_2.html)). In Public Solutions, an elected official, public administrator, or leader from state or local government helps convene a stakeholder group in a neutral forum. With the help of an impartial facilitator, the group works to reach consensus on a solution to a policy problem. In this form of collaborative governance, sponsors identify an issue; a conflict assessment determines if collaboration is feasible and who are the stakeholders; a leader convenes the group; the group frames the issue and agrees upon the framework and conditions for deliberation; and the participants execute a written agreement to ensure accountability. The

Public Solutions model's key principles include transparency, equity, inclusiveness, effectiveness/efficiency, responsiveness, accountability, forum neutrality, and consensus-based decision making.

These are a few of the many possible ways that networks may effectively engage the public. There is no right way: Each approach must be tailored to the unique network, the issues at hand, and the environment in which decisions are being made. Engaging the public clearly is a growing responsibility of public networks.

# Conclusion

It is a challenging time to be a public manager. Many public managers are both unitary leaders of unitary organizations *and* work with other organizations and with the public through networks. Public managers must work both with autonomy and interdependence, and they must be both authoritative and participative. These tensions, coupled with the challenges of working with a variety of organizations and with a diverse public, generate the ultimate public management paradox: Collaboration in networks may yield conflict. Conflict within networks is not inevitable, yet it is predictable if that conflict is not managed.

In this report we presented an interest-based collaborative problem-solving approach that can be used to manage and resolve conflicts in networks. The approach is based on using group creativity to uncover ways to meet many of the collective needs of the members of the network. It stands in stark contrast to old-school ways of negotiating where network members develop predetermined solutions and stand their ground.

What we have argued here is that to become an effective group problem solver within a network, members should invest in preparation, bring an open mind to network meetings, and brainstorm options collaboratively with other network members. This means identifying their own and their organization's interests and needs in advance, as well as researching and thinking about the other parties' interests and needs prior to negotiating. It also means focusing on creative solutions that address the procedural, substantive, and relationship (or psychological) needs of all the parties involved.

The interest-based collaborative problem-solving approach can be tailored to design the governance structure of a network. It also can be used to decide how to administer the network. In addition, it can be built into network processes and procedures as the preferred way to handle conflicts. And it can be modified and used in a variety of ways to engage citizens in participatory democracy since networks often carry out the essential missions of governance.

Public organizations that are in networks, in particular, have a unique responsibility to citizens. Network governance has received criticism on two fronts: its lack of transparency and perceived problems with accountability. We hope that the lessons learned from the negotiation and conflict resolution fields communicated here have contributed to the knowledge of network management. We also hope that the primer on engaging the public in discussion and deliberation through networks will serve to spark new and creative ways to solve collaboratively our most pressing public policy problems.

# Endnotes

1. Adapted from, and used with permission of, Neil Katz, "Interest-Based Negotiation: A Primer for the Government Finance Officers Association" (2007).

2. That website lists the following models and techniques: 21st Century Town Meeting, Appreciative Inquiry, Bohmian Dialogue, Citizen Choicework, Citizens Juries, Compassionate Listening, Consensus Conferences Conversation Café, Deliberative Polling, Dynamic Facilitation and the Wisdom Council, Future Search, Intergroup Dialogue, National Issues Forums, Nonviolent Communication, Online D&D, Open Space Technology, Public Conversations Project Study Circles, Sustained Dialogue, Wisdom Circles, and World Café (for more description, see also Williamson, 2004).

3. The planning cell method, developed in Germany by Peter C. Dienel, engages approximately 25 randomly selected people who work as public consultants for a limited period of time (for example, one week). The "cell" is staffed by process experts who are responsible for providing data and facilitating the plenary sessions. Participants learn about a problem, explore and discuss possible solutions, and evaluate solutions in terms of desirable and undesirable consequences. Experts, stakeholders, and interest groups all have an opportunity to present their information and ideas to cell members. The final results are summarized as a "citizen report" and delivered to policy makers.

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O'Leary is the author or editor of six books and more than 100 articles and book chapters on public management. She has won 10 national research awards, including Best Book in Public and Nonprofit Management for 2000 (given by the Academy of Management), Best Book in Environmental Management and Policy for 1999 and 2005 (given by the American Society for Public Administration (ASPA), and the Mosher Award, which she won twice, for best article by an academician published in *Public Administration Review* (1991 and 1992). In 2007, O'Leary was awarded the Charles H. Levine Award for excellence in teaching, research, and service (given jointly by the National Association of Schools of Public Affairs and Administration [NASPAA] and ASPA), as well as the University of Kansas College of Liberal Arts and Sciences Alumni Distinguished Achievement Award. She has won eight teaching awards as well. She is the only person to win three NASPAA awards for Best Dissertation (1989), Excellence in Teaching (1996), and Distinguished Research (2004).

From 2003 to 2005, O'Leary was a member of NASA's Return to Flight Task Group, assembled in response to the Columbia space shuttle accident, and has served as a consultant to numerous other government organizations. In the early 1980s, she worked as an attorney and as an administrator for the State of Kansas.

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Professor Bingham has served as a consultant or speaker on matters of dispute system design and new governance processes to the Korean Supreme Court Task Force on Civil Justice Reform, the Korea National Relations Commission, the Korean Environmental Institute, the Korea Development Institute, and World Bank. She also served as consultant and outside evaluator for the U.S. Postal Service employment mediation program (REDRESS), and for the U.S. Department of Agriculture, National Institutes of Health, Occupational Safety and Health Review Commission, U.S. Department of the Air Force, and Department of Justice.

The recipient of five teaching awards at Indiana University, she received the Association for Conflict Resolution's Abner Award in 2002 for excellence in research on dispute resolution in labor and employment in the public sector, and research awards for conference papers from the American Bar Association Section of Dispute Resolution (2004), Industrial Relations Research Association (1997, 1998, now Labor and Employment Relations Association), and International Association for Conflict Management (IACM) (1994, 2004). Together with Professor Rosemary O'Leary of the Maxwell School, she received the Section of Environmental and Natural Resource Administration of the American Society of Public Administration's Best Book award for *The Promise and Performance of Environmental Conflict Resolution* (2005). In June 2006, she received the Rubin Theory-to-Practice Award from IACM and the Harvard Project on Negotiation for research that makes a significant impact on the practice of conflict resolution. She is an elected member of the National Academy of Public Administration.

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