

COLLABORATIVE WATERSHED PLANNING IN NORTH CAROLINA

Working Together to Find Solutions That Work!

Reaching Agreement

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



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

WORKABLE AGREEMENTS¹

Workable agreements are FAIR when:

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

Workable agreements are EFFICIENT when:

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

Workable agreements are WISE when:

- “Advocacy science” is avoided
- The most relevant information is brought to the table
- All parties participate in an effort to minimize the risk of being wrong
- An environment is created that accommodated the best possible technical evidence, regardless of which “side” that evidence supports

- An environment is created that allows for a “collaborative inquiry”

Workable agreements are STABLE when:

- The agreement is feasible and can be carried out
- Commitments made by each party are realistic
- Parties take responsibility for cultivating support for the agreement from their constituencies

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

FORMS OF AGREEMENT²

Groups often view an agreement as valid only if it addresses the substantive issues at hand. Anything else might be considered failure to reach agreement. On the contrary, valid agreements can range from very strong substantive agreements, to weaker provisional, procedural agreements. As long as avenues remain open for future negotiation, agreements can be strengthened.

Stronger Agreements

Substantive: Focuses on specific, tangible exchanges that are made.

Unconditional: Defines how the dispute will be resolved without the requirement of any future conditions.

Binding: Requires a party to uphold the terms of the settlement specifying consequences for not following through.

Permanent:
A lasting agreement that is unalterable

Comprehensive: Agreement that covers all disputed issues.

Weaker Agreements

Procedural: Defines the process to be used in making the decision.

Contingent: Agreement involving a conditional sequence of actions.

Non-binding: Agreement constitutes a set of recommendations or requests to which the parties need not adhere.

Provisional: A temporary agreement that may be subject to future change.

Partial: Agreement on only a portion of the issues under dispute.

¹These characteristics of workable agreements can be found in Breaking the Impasse: Consensual Approaches to Resolving Public Disputes by Lawrence Susskind and Jeffrey Cruikshank, New York: Basic Books, 1987.

²Roger Fisher and William Ury in their book, Getting to Yes: Negotiating Agreement Without Giving In, 2nd Edition, New York: Penguin Press, 1991, list several more pairs of adjectives describing agreements of different strengths.

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