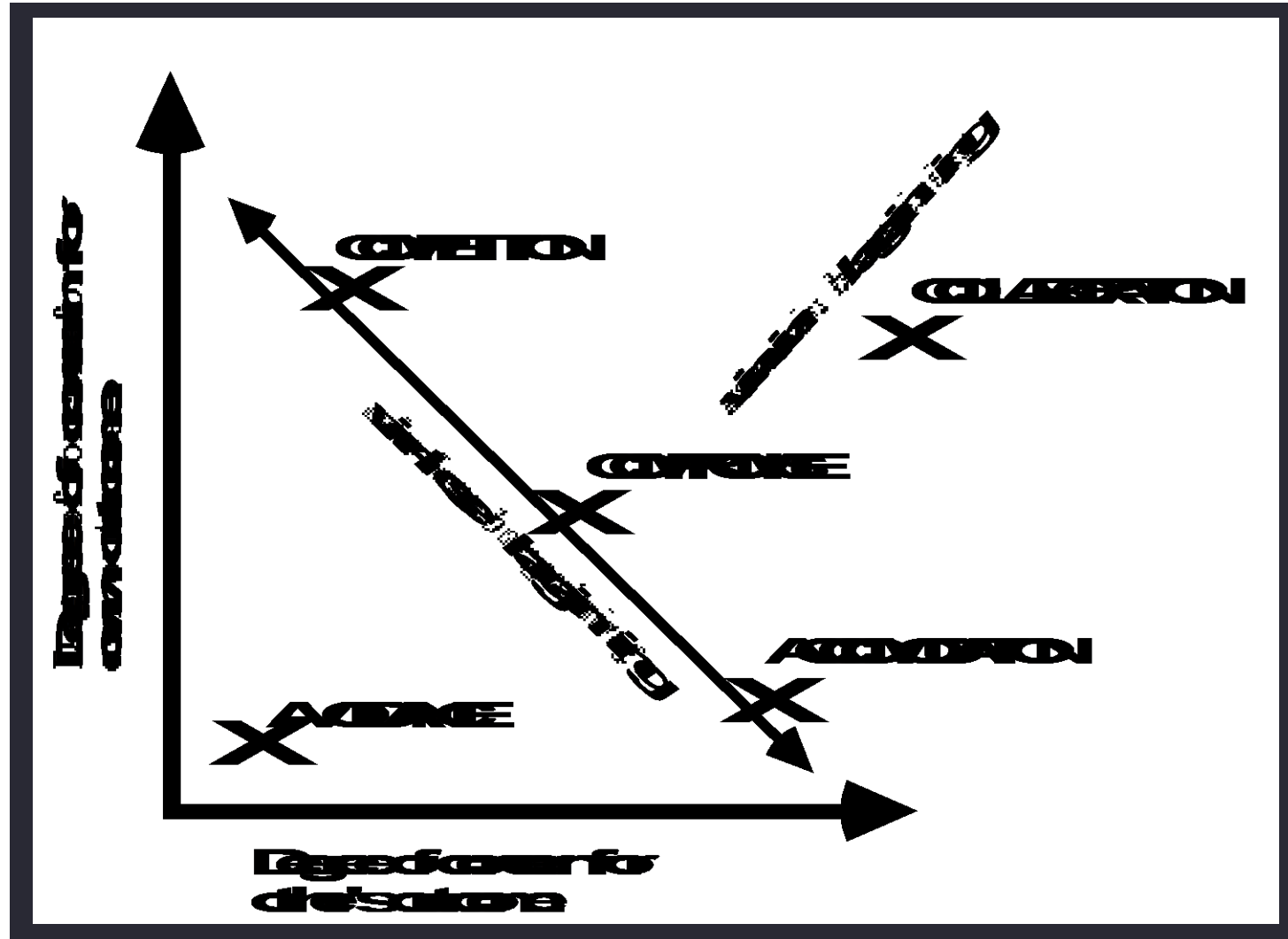


PERSONAL CONFLICT STYLES

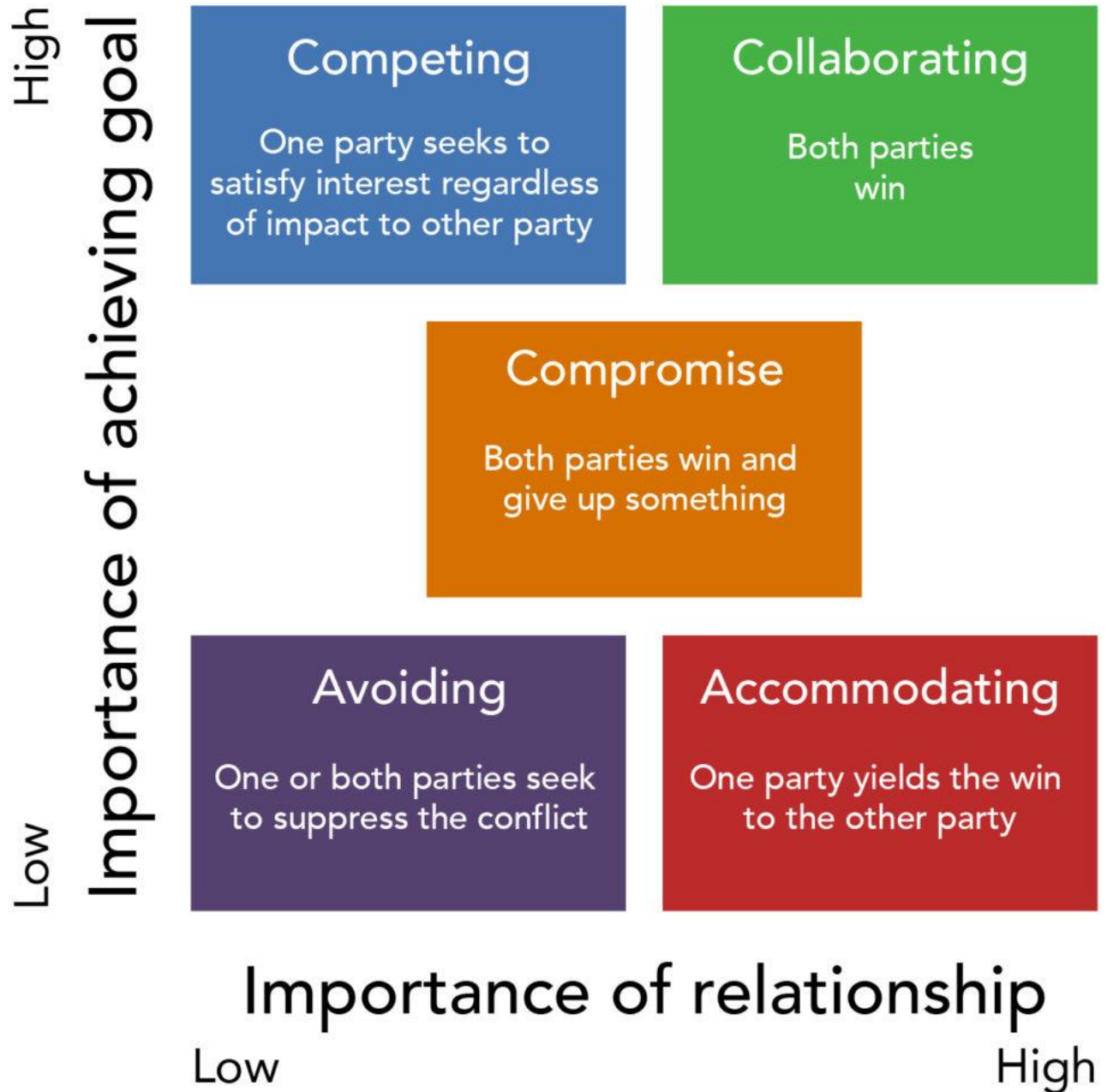
Styles of Conflict Management



Responding to Conflict

- How do you respond to conflict?
- The Thomas-Kilmann conflict mode assessment gives you a snapshot of yourself.
- Once you know your style you can make conscious choices about how you interact with others.
- Once you know what they are you can build on your strengths and improve your weaknesses.
- There are no “right” or “wrong” answers.
- This is a just a sketch of your characteristics.

The Five Styles



**When is each conflict style
most appropriate?**

When is each style most appropriate?

Competing - I win, you lose.

- An emergency looms.
- There is no time for give a take discussion.
- You are sure you are right, and being right is more important than the relationship.
- The issue is trivial and other stakeholders don't really care what happens.
- Weaker parties need to be protected from stronger ones.
- Principles are at stake which must not be compromised.

When is each style most appropriate?

Compromising - *I win some, you win some.*

- Getting a quick settlement is imperative.
- Working together is important, but time or resources for cooperating are limited.
- Finding any solution is better than a stalemate.
- Efforts to cooperate will be misunderstood as directing.

When is each style most appropriate?

Avoiding - *I lose, you lose.*

- The issue is trivial.
- The relationship is insignificant.
- Time to talk is limited and a decision can be delayed for now.
- You have little power to openly resist an opponent, but don't actively want to go along with their wishes.

When is each style most appropriate?

Accommodating - *I lose, you win.*

- Expressing your self may bring retaliation from others and you have no means to protect yourself.
- You really don't care about the issue.
- You are powerless and have no ability to block the other person.

When is each style most appropriate?

Collaborating - *I win, you win.*

- The issues and relationships are both significant.
- Long term ability to work together is important.
- A creative outcome is important.
- Time and energy for discussion are available.
- Reasonable hope exists to meet all needs.

Tips for Working with Each of the Styles.

Tips for Working with Each of the Styles

Competing - *I win, you lose.*

- Let them know you are committed to the task or at hand or to resolving the issue.
- If you need time to think things through they are often open to this if they know when you will respond.
- They feel deeply responsible for those around them.
- Don't withdraw without giving a clue about where you stand. Lack of information increases anxiety and anger.

Tips for Working with Each of the Styles

Compromising - *I win some, you lose some.*

- They have a strong sense of reciprocity. They are likely to respond in kind if you back off your initial position.
- They value fairness and moderation. Use terms like “give and take”, “fair play”, “reasonable”, etc.
- They value being efficient with time and energy.
- They don't like prolonged debate.
- They need some concessions.

Tips for Working with Each of the Styles

Avoiding - *I lose, you lose.*

- Avoiders benefit more than any other style from an offer of time and space to think things through.
- Best way to deal with them is thoughtfully let them know what you want and ask them to consider it and then come back later to hear their response.
- Stay low key and don't be demanding with Avoiders.
- Haste in decision making pushes Avoiders into withdrawal or analysis paralysis.

Tips for Working with Each of the Styles

Accommodating - *I lose, you win.*

- They want to please and be pleased.
- Gestures of thoughtfulness go a long way.
- Use a two-step approach with them.
 1. Connect with them on a personal level.
 2. Then ease into business.
- Keep things light and use humor. Don't get too serious, it causes them anxiety.
- Assure them repeatedly that you want to know their views.
- Take frequent breaks.

Tips for Working with Each of the Styles

Collaborating - *I win, you win.*

- These folks function best when you are clear and direct about what you need.
- They want to know what you want.
- Let them know you want to know what they want.
- Don't withdraw without giving them a clue about where you stand. Lack of information increases their anxiety.

Hungry Horse & Flathead Lake Dispute

Seven Roles for Four Groups:

- Hungry Horse Dam Manager - Responsible for releases.
- Flathead River Outfitter/Fishing Guide Representative - Dependent on releases for summer trout fishing and rafting.
- Chairman of Save Flathead Lake – Represents businesses and lakeside homeowners that rely on lake levels.
- Tribal Representative Operators of the Séliš Ksanka Q́ispé Dam (formerly Kerr Dam) - Responsible for releases for irrigation and hydropower.
- Representative of Electric Coops - Customers of both dams relying on hydroelectric for part of their supply.
- Representative of Irrigation Association - Farmers downstream of Séliš Ksanka Q́ispé Dam relying on releases for irrigation.
- Mediator – Organizes and manages the process.

Hungry Horse & Flathead Lake Dispute

Notes:

- This scenario is loosely based on the Flathead Lake dispute, however, an attempt has been made to include other major issues related to other western water disputes so that the exercise is useful for training; and
- When there is insufficient data you can intelligently invent it.

Instructions:

- Divide into groups of seven;
- The mediator will record what happens and will be responsible for reporting the results achieved, if any, by the group; and
- The simulation will last 45 minutes.

Flathead Lake and surroundings



Debrief

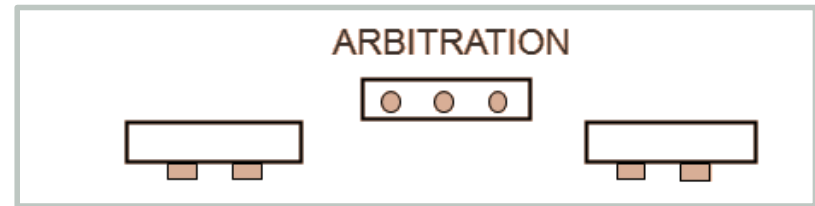
- What happened in each group?
- How were negotiations going?
- Was each party achieving its goals?
- What was the tenor of discussions?
- What interesting exchanges took place?
- What were the positions?
- What were the interests?
- What were some of the lessons learned, both for the participants, and for their characters?
- What did you observe regarding the emotions and non-verbal communications during the exercise?

Debrief

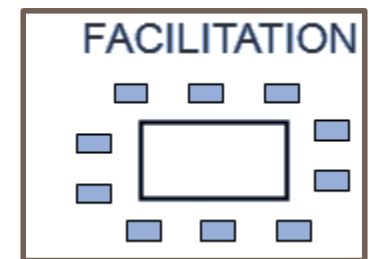
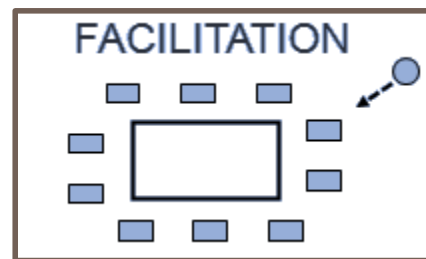
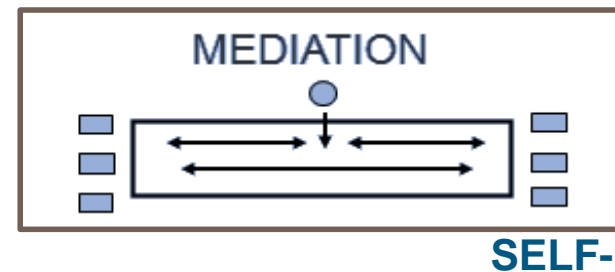
- What important questions remain unanswered?
- Did anyone keep their BATNA in mind?
- Did anyone keep their WATNA in mind?
- Was the process productive or not?
- How did power manifest itself?
- Was the time crunch useful or not?
- Did participants practice their skills, or abandon them to most aggressively represent their positions or interests?
- How were dynamics changed as we added participants and interests, or changed the timeline or mission?

CONSENSUS-BASED DECISIONMAKING

Adversarial Dispute Resolution



Collaborative Negotiation



...The Consensus-Building Process

1. Define the problem(s)
2. Decide how to decide
3. Set decision criteria
4. Generate ideas
5. Narrow the options, clarifying as you go
6. Test for consensus
7. Explore disagreement

Defining the Problem by Developing Joint Problem Statements

- A problem statement defines the problem that needs to be solved by the parties. It incorporates the joint interests of all parties. How can we meet Part A's need, Party B's needs, etc, and the shared needs of all parties at the same time?
- Use interests as basis.
- Use brainstorming as the tool to define a high-level description of the problem that all parties can work on together.
- Often a good place to start in a negotiation process.

What's the Problem? (positions)

Rancher "You raised the lease rate!"

Public Agency "Pay the rate or leave"

What's the Problem? (interests)

Rancher “You raised the lease rate!”

- Beef prices are down and having to buy water due to drought – no extra money for higher lease.
- Agency hasn't been keeping fences/roads in good repair, so definitely can't justify paying more.
- Legacy on this lease, don't want to have to leave.

Public Agency “Pay the rate or leave”

- Wants good public relations
- Needs to raise rate to make repairs required by law
- This rancher has been a good steward

How can we meet the need to fund repairs, keep good tenants, let this tenant pay less rent?

Rancher “You raised the lease rate!”

- Beef prices are down and having to buy water due to drought – no extra money for higher lease.
- Agency hasn't been keeping fences/roads in good repair, so definitely can't justify paying more.
- Legacy on this lease, don't want to have to leave.

Public Agency “Pay the rate or leave”

- Wants good public relations
- Needs to raise rate to make repairs required by law
- This rancher has been a good steward

Consider Including Decision Criteria...

...to be completed by June 5, 2020

...to not exceed appraisal values

...to be funded by stakeholders, equally

...to be supported with full consensus



**Remember
to consider
all interests!**

Generate Ideas - Expanding the Pie

World's
largest
pumpkin pie,
20ft, New
Bremen OH
2010



Creating Options

Once all interests are known, options for mutual gain (and true problem-solving) can be brainstormed:

- There is always more than one option, think creatively.
- Initially, ALL ideas should be considered.
- Consider possibilities for joint benefit.
- Create what neither of you could do on your own.
- Look for trade-offs that can turn potential into reality.

Test for Feasibility & Consensus

- Vet narrowed options
(legality, scientific validity, etc...)
- Fact-checking with entities that may have to play a role in implementation
- Finalize the agreement(s) and check for full buy-in
- Plan for implementation



Implementation and Adaptation...

- Document agreements
- Implement the solutions
- Have a strategy for reacting to unanticipated results/complications
- ...be prepared to start the whole process again to solve arising issues!
- Continue to nurture the investments in relationships – will help expedite these adaptations!

Key Differences between Two-Party Negotiations and Multiparty Negotiations

- Interactions become more complex, e.g., coalitions are formed and blocked
- Decision rules become more important
- More is done “away from the table”
- More external factors come into play
- Greater possibility for trade-offs
- Larger group = more expertise & creativity

Flathead Lake Example – Multi-party BATNAs

BATNAs (Best Alternative To a Negotiated Agreement):

- Flathead River Interests - purchase water for release; go to court
- Flathead Lake Interests - make boat launch ramps deeper, go to court
- Irrigation Interests - get for payments for losses, pursue political remedies, go to court or Governor
- Power Coop Interests - purchase more expensive power from other sources, find a way use more hydropower during the summer, go to court

Flathead Lake Example – Multi-party WATNAs

WATNAs (Worst Alternative To a Negotiated Agreement):

- Flathead River Interests - there won't be enough water downstream, so no tourism, no income!
- Flathead Lake Interests - lake remains low and local economies/recreation suffer.
- Irrigation Interests - potential litigation outcomes could cut water use/viability. Loss of investment.
- Power Coop Interests - less hydropower increases the likelihood of shortages. Litigation could establish a bad precedent.

PROCESS DESIGN

Assessment

Design

Structure & Governance

Multi-Party Collaborative Processes Need...

- A clear mandate
- Understanding of decision authority
- The “right” grouping of parties
- Time and money
- Support personnel (maybe project manager, facilitator(s), mediator(s), PR, attorneys, notetakers, scientists, etc.)
- Mechanisms for meeting (physical logistics, legal authority to meet, etc.)
- Food!

Steps to Convening an Environmental Collaboration and Conflict Resolution Process

1. Conduct some level of conflict assessment to determine if the process is possible and has a chance of success
2. Identify the right assemblage of players
3. Assemble the players in a “governance” structure
4. Identify the “convener(s)” and level of engagement/decision authorities of various parties
5. Decide whether a facilitator/mediator is needed and if it should be a 3rd party
6. Convene with clarity around roles and ground rules (or get there ASAP with the group).

Desired Outcomes of an Assessment

- Clarify feasibility of a productive dialogue
- Receive advice on opportunities/obstacles for negotiation
- ID all interested and affected parties
- Clarify parties' concerns and degrees of influence
- Define roles
- Build trust, establish rapport and improve relationships
- Illuminate areas of agreement
- Identify information needs
- Increasing mutual understanding
- Begin process design

- *Bean, Fisher, Eng*

Why Do An Assessment?

- Low time commitment
- Improve understanding of:
 - Interested parties and stakeholders
 - Positions, interests and needs
 - Issues (upstream/downstream)
 - Process choices
- Provides a *time-out*
 - *Allows time to consider interests, options, and process design*
- Educates the Mediator
- Avoids –
 - Embarking on a process that is unlikely to succeed
 - Omission of key participant
 - Focusing on the wrong issues.
 - Embarking on a process in an un-organized manner can result in frustration and wasted time & money

General Questions of Collaborative Process Suitability:

- ✓ Is the issue of sufficient significance to warrant the effort?
- ✓ Will participants be able to maintain their basic values?
- ✓ Is the issue ripe for discussion, or in stalemate?
- ✓ Are key parties willing to participate?
- ✓ Do relevant decision-making agencies support the effort?
- ✓ Is sufficient time available to address the key issues?
- ✓ Is implementation of any agreement likely?
- ✓ Does “success” seem possible?

- adapted from Duke and Firehock 2001

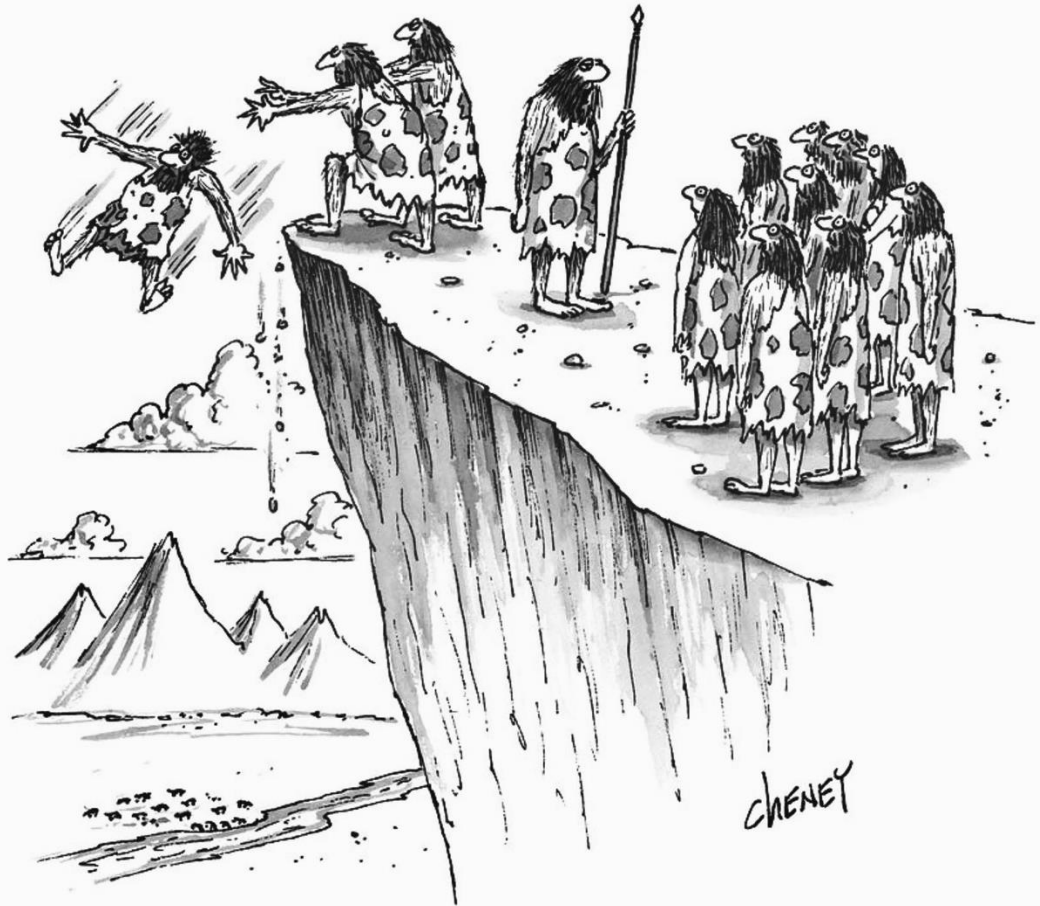
Neutral Gathers Information

- Explore key issues, interests, concerns, needs
- Consider
 - Willingness of parties to engage constructively
 - Incentives and disincentives
 - Areas of agreement and disagreement
- Identify
 - Additional interviews needed
 - Further data / informational needs
- How?
 - Interviews
 - Surveys
 - Caucus meetings
 - Workshops
 - Literature and media review
 - Observations of parties in action

And, Decide To Collaborate?

- Are the parties willing?
- Are there sufficient incentives to reach agreement?
- Is there general agreement on what “is is”?
- Is there time and money for the parties and process?
- Is there a deadline – is it too near?

PROCESS DESIGN



"So, does anyone else feel that their needs aren't being met?"

Designing a Process

Identify...

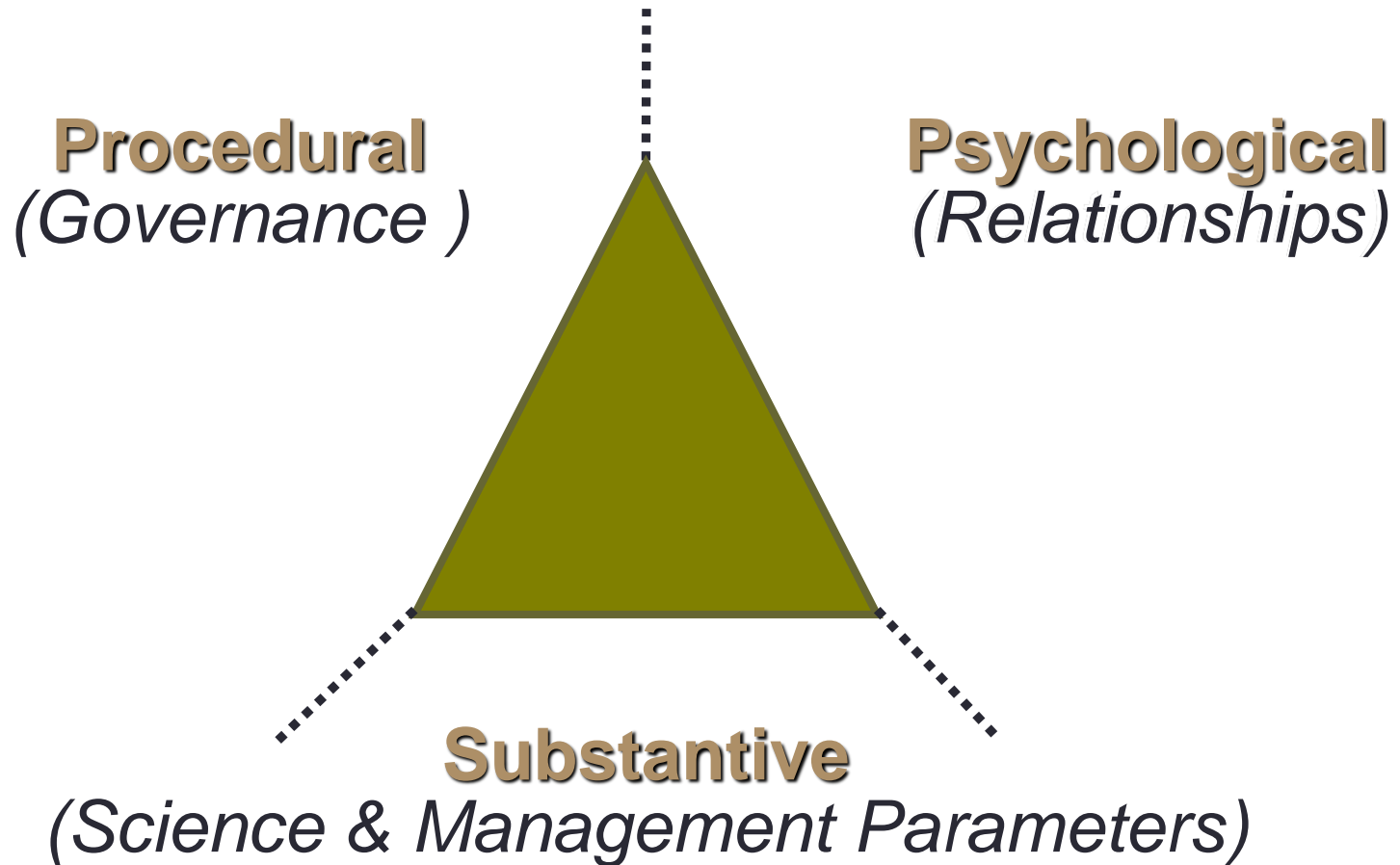
- The mandate/goal
- The appropriate level(s) of engagement (inform, consult, advise, decide)
- The rules of engagement
- Stakeholders that need to be involved
- Necessary resources (time, money, expertise)

Anticipate the Groups Highest Priority Needs

...and where they most need satisfaction.

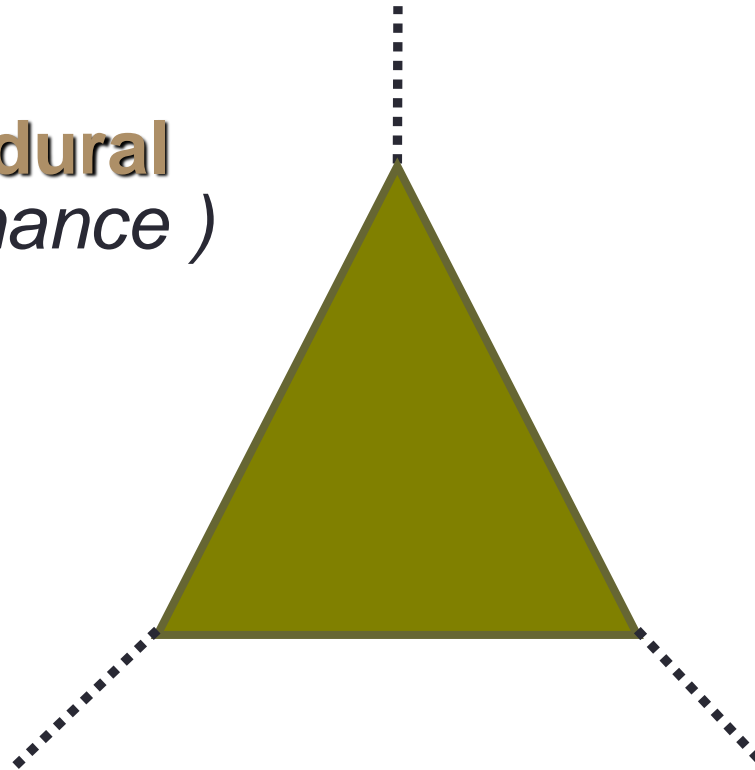


Triangle of Satisfaction



Triangle of Satisfaction

Procedural
(*Governance*)



How will we
decide?

What steps must
happen along the
way?

What kind of
transparency is
needed?

Who can vote?

How often will we
meet?

Ground Rules

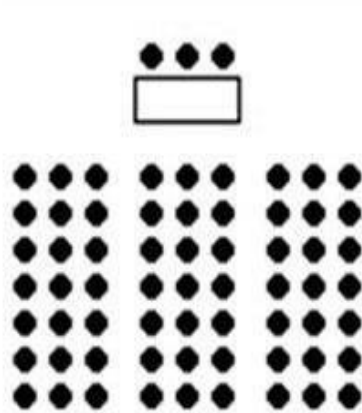
Structures

... including

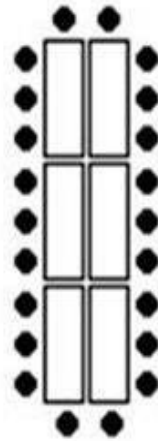
where do we sit?!

Meeting Design - Room Set-Up

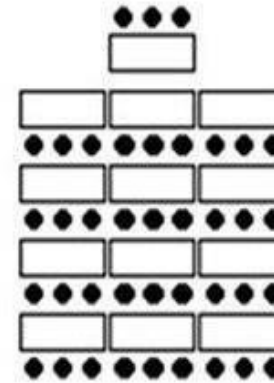
Theatre



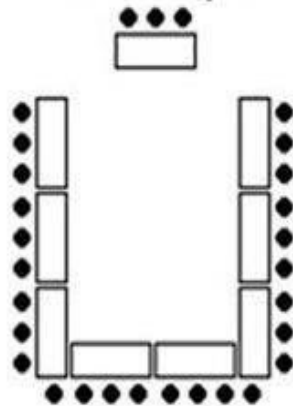
Boardroom



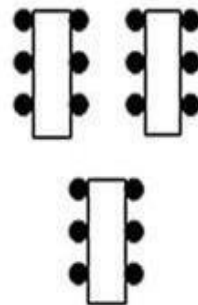
Classroom



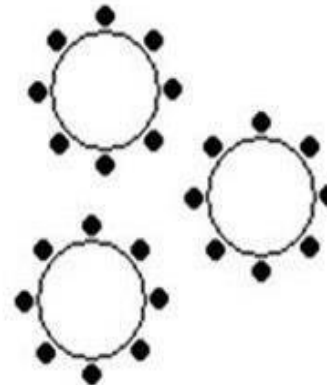
U-Shape



Workshop



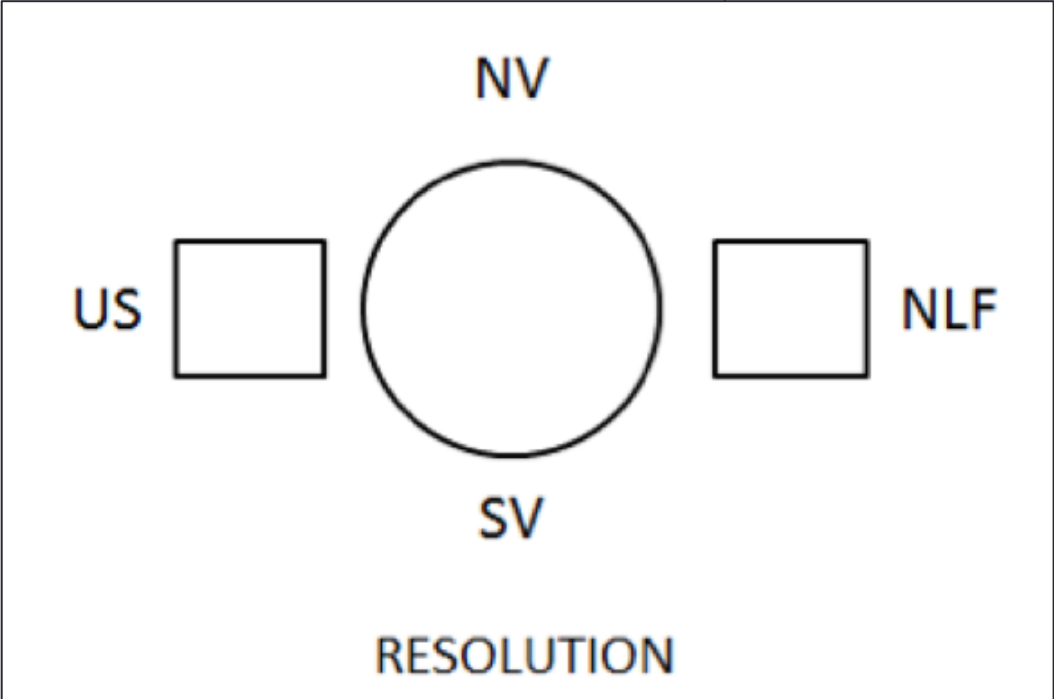
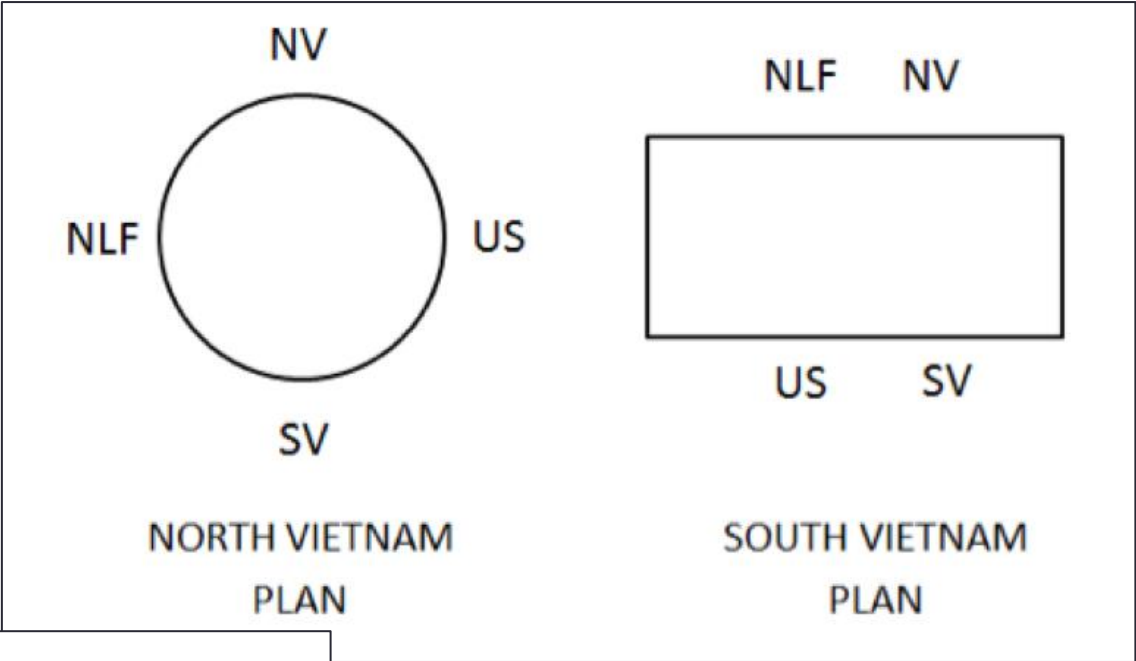
Banquet

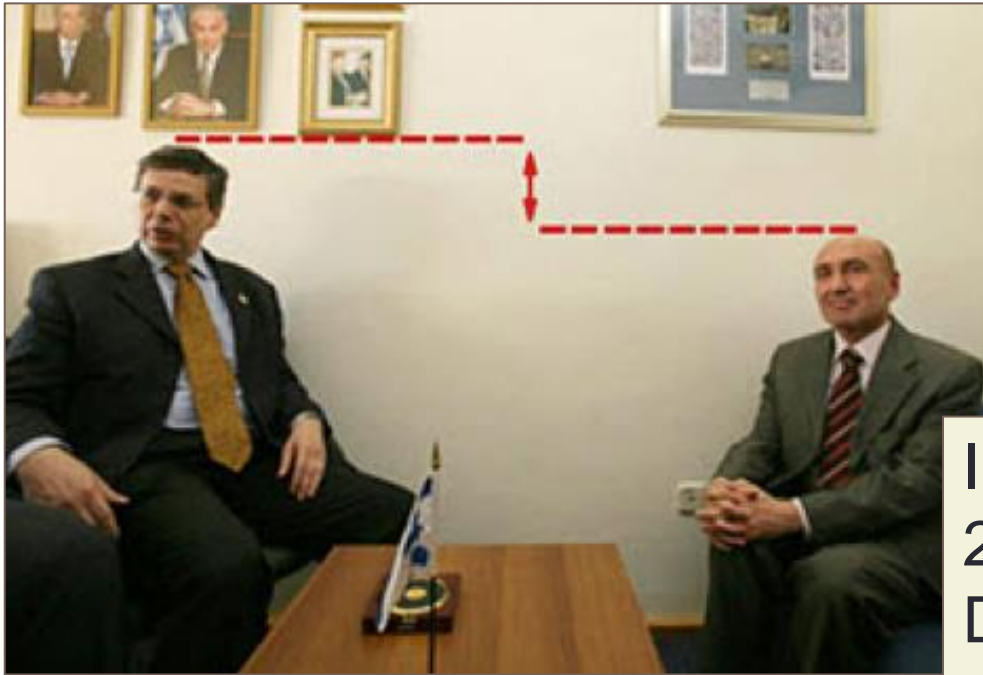




“Procedural Questions Cause Difficulty at Peace Talks” (12/12/68)

South Vietnamese Premier refused any permanent seating plan that would place the National Liberation Front (NLF) on an equal footing with Saigon. North Vietnam and the NLF balked at any arrangement that would recognize the Saigon as the legitimate government of South Vietnam.



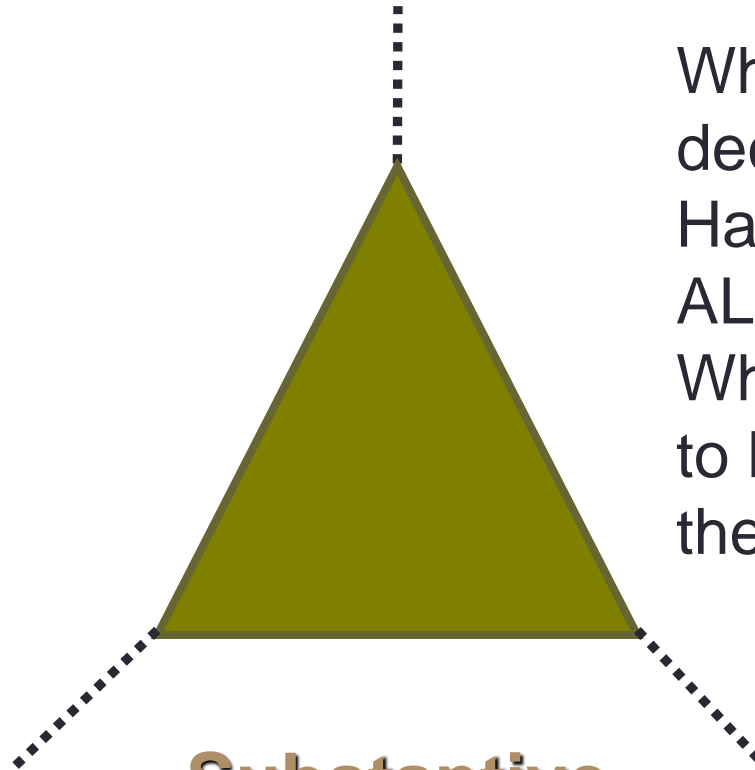


In 2010 an Israeli Deputy Minister summoned the Turkish ambassador to rebuke him for a television series that had been airing in the latter's country.

- *Harvard Business School*



Triangle of Satisfaction



What are we
deciding?
Have we addressed
ALL of it?
What do we need
to know to make
the decisions?

Substantive
(Science & Management Parameters)



We're More Likely to Accept Scientific Views When Presented With Evidence From Diverse Sources

The science alone is not enough.

ARTHUR KARY & BEN NEWELL, THE CONVERSATION 10 MAY 2018

It takes more than just robust science to convince people to take on a certain point of view – consider topics such as [vaccination](#), [genetically modified foods](#) and [climate change](#).

Science Advisory / Independent Science

The Parties appoint a Science Committee, comprised of an odd number of members, who have technical expertise in one or more of the critical areas.

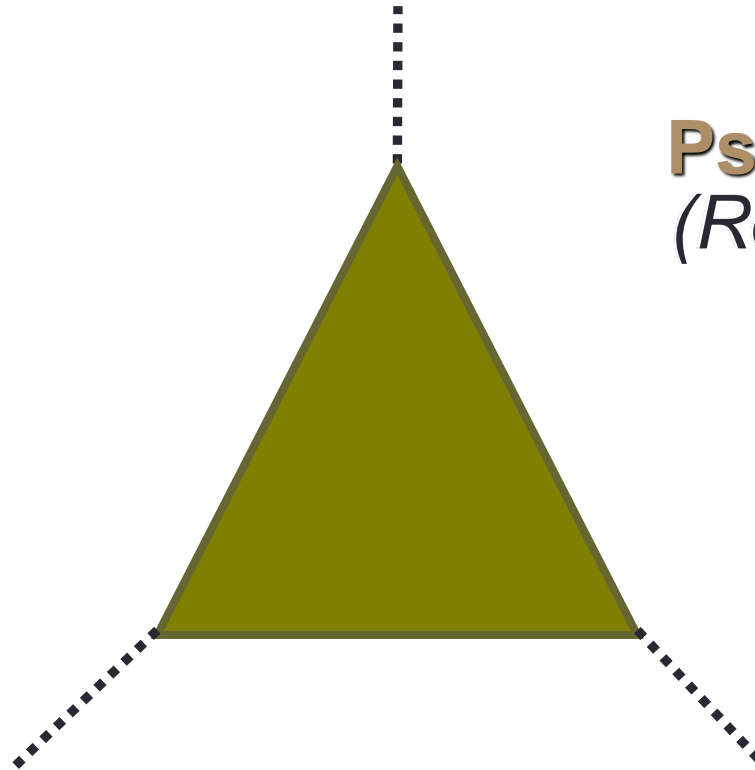
The Science Committee's role is to:

- Make recommendations on any Adaptive Management Process Decision upon request;
- Provide independent and unbiased advice based on their best scientific judgment so that all decisions will be made consistent with the best scientific and commercial data available;
- Participate in the meetings of the Science Panel and provide information as requested.



Triangle of Satisfaction

Are people respectful?
Can you trust the others?
Does the space feel safe for your ideas?



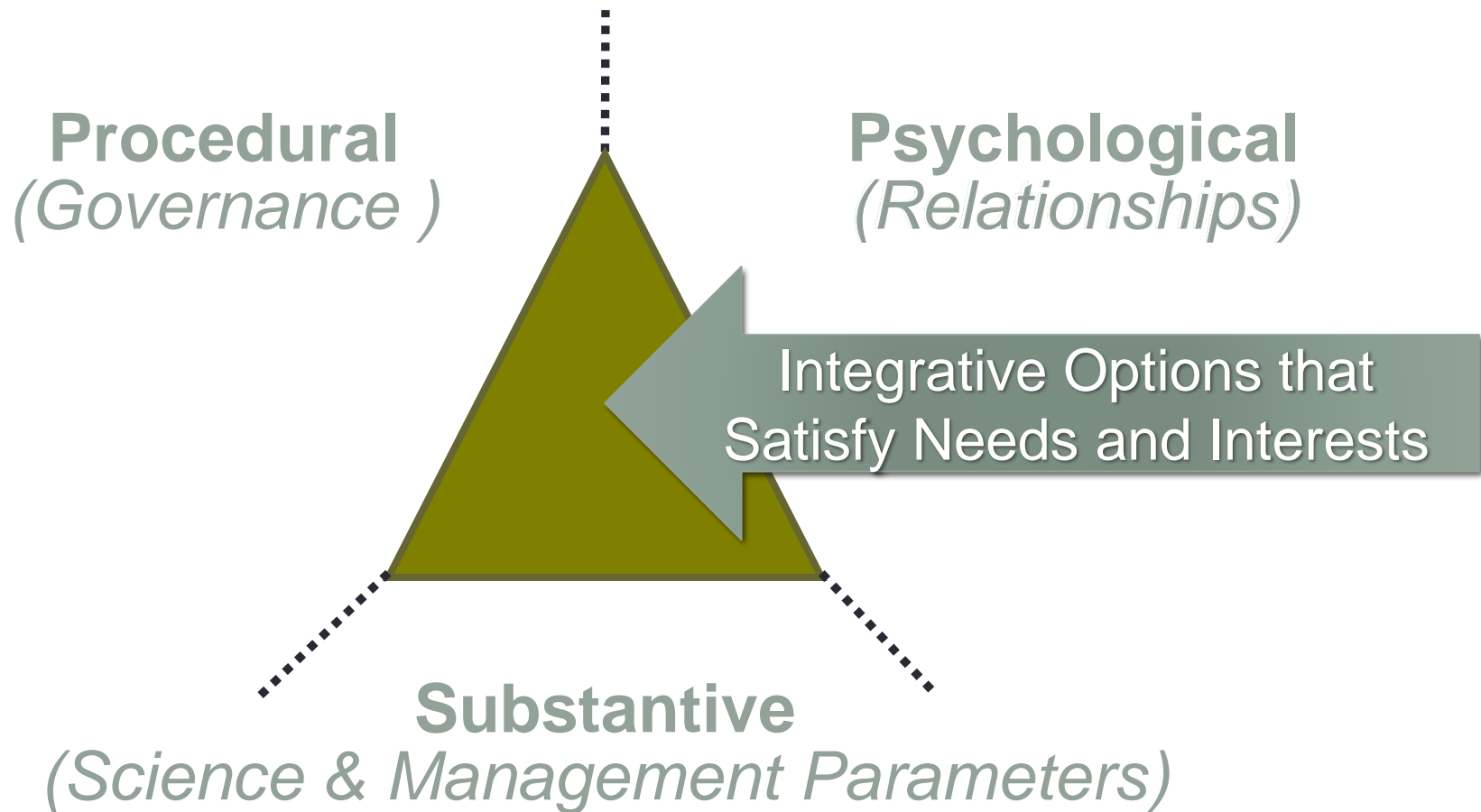
Psychological
(Relationships)

Nametags & Food

(...and sometimes beer, shhhh....)



Triangle of Satisfaction



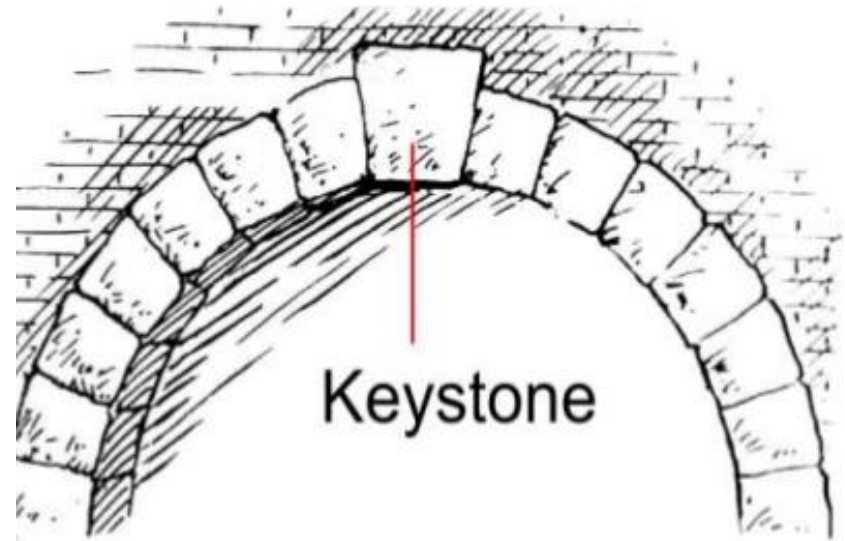
STRUCTURE

Who's involved?
Use of 3rd parties
Who governs?
Who pays?
Who decides?



Keystones

Keystone Species – a species on which other species in an ecosystem largely depend, such that if it were removed the ecosystem would change drastically.



The Sponsor and/or Convener

- Typically, an agency/public entity charged with producing an outcome on a specific issue (issuing a permit, conducting a review, changing a land use, creating a regulation, enforcing a law, etc.).
- Could also be a coalition of interests, or organized stakeholder entity.
- Legislative body, Council, etc.
- Elected official.

Seats at the Table – Selecting Stakeholders

Representatives should (ideally), have:

- Credibility/influence within their own group
- Good communication within/outside of their group
- Willingness to learn/listen
- Authority to negotiate and make a deal
- Availability for the process
- Ability to find middle ground, soothe others

Stakeholders +

Groups may also need/want:

- Scientific/technical experts
- Legal advisors
- Geographic representatives
- Caucuses (e.g., tribes)
- PR support
- Alternates



Stakeholder Balance Considerations

- Number of seats (total)
- Reflect personal and organizational diversity?
- Balance among “types” (e.g., 3 development interests, 3 environmental interests at the table)
- “Levels” of representatives

Agency Role(s)

- Conveners
- Technical experts
- Decision-makers
- Observers
- Facilitators
- Future implementers of group decisions

Third-Party Mediator or Facilitator?

- Complex issues and contentious parties
- Multiple parties are involved
- History of distrust between parties
- First effort to use consensus processes
- Past efforts to resolve differences have failed
- Concerns about confidentiality
- Agency or other capacity for facilitation

- USIECR

What Does a 3rd Party Neutral Do?

“...I keep picturing all these little kids playing some game in this big field of rye and all. Thousands of little kids, and nobody’s around— nobody big, I mean except me. And I’m standing on the edge of some crazy cliff. What I have to do, I have to catch everybody if they start to go over the cliff—I mean if they’re running and they don’t look where they’re going I have to come out from somewhere and catch them.”

- JD Salinger, *The Catcher in the Rye*

What Does a 3rd Party Neutral Do?

- Limits/Regulate Conflict (observe, monitor, police)
- Assures Fair Play (observe, monitor, influence)
- Supports Relationship Building (counsels, process structure/spiritual guide)
- Prepares Process (planning, coordination, produces/organizes content, technical advise)
- Delivers Process (convenes, trains, facilitates, liaises)
- Central figure to enforce agreements (with groups' authorization)
- Maximizes communications/information sharing

Choosing an Appropriate Neutral

- How much technical knowledge is needed? (Do you need a science neutral as well as a facilitative neutral?)
- How “neutral” is neutral? Does the person need some familiarity with the issues or is a complete unknown preferred?
- Will everyone accept this entity as credible and lend them authority?
- Time and Cost

COLLABORATIVE GOVERNANCE

Collaborative Governance

The process of facilitating and operating in multi-organizational arrangements to solve problems that cannot be solved, or solved easily, by single organizations.

- Agranoff and McGuire (2003)

Key Principles of Collaborative Governance

- **Transparency and Accountability** (public access, follow-through on all agreements)
- **Equity and Inclusiveness** (diversity and representation)
- **Effectiveness and Efficiency**
- **Responsiveness to public concerns**
- **Forum Neutrality** (all share responsibility for ground rules and generating outcomes)
- **Consensus-based Decision Making**

Types of Representation

- Permanent Reps (and/or leadership)
- Rotating Reps (and/or leadership)
- Use of Alternates
- Use of Co-reps
- Voting and Non-voting (Advisory) members
- Sub committees/task groups
- Leadership roles (Chairperson, etc.)

Decision-Making

VOTING?

CONSENSUS?

- Participants make decisions that everyone can “live with”.
- After discussion of interests and dialogue/deliberation – participants are more willing to accept outcomes that may have otherwise been undesirable.
- Allows members to allow group progress without having to fully “agree” (at least publicly).
- Creates the space for “big picture” thinking and discourse.

What Consensus Means

“...each member can honestly say:

- I believe that other members understand my point of view
- I believe I understand other members' points of view
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly and it is the best solution for us at this time.”

- *Policy Consensus Initiative*

Establish Operating Procedures

- Purpose
- Representation / Roles
- Voting
- Timelines
- Agreed-upon references or constraints
- Address concerns of stakeholders
- Commitments regarding transparency
- Rules of engagement (confidentiality...)
- Structure of workgroups
- Expectation for process review
- Etc.

Collaborative Governance Structures

1. Self-managing Mechanism

- Each party takes on clearly defined responsibilities (e.g., MOU)
- Best if only a few participants, equally resourced
- Relies on self-accountability

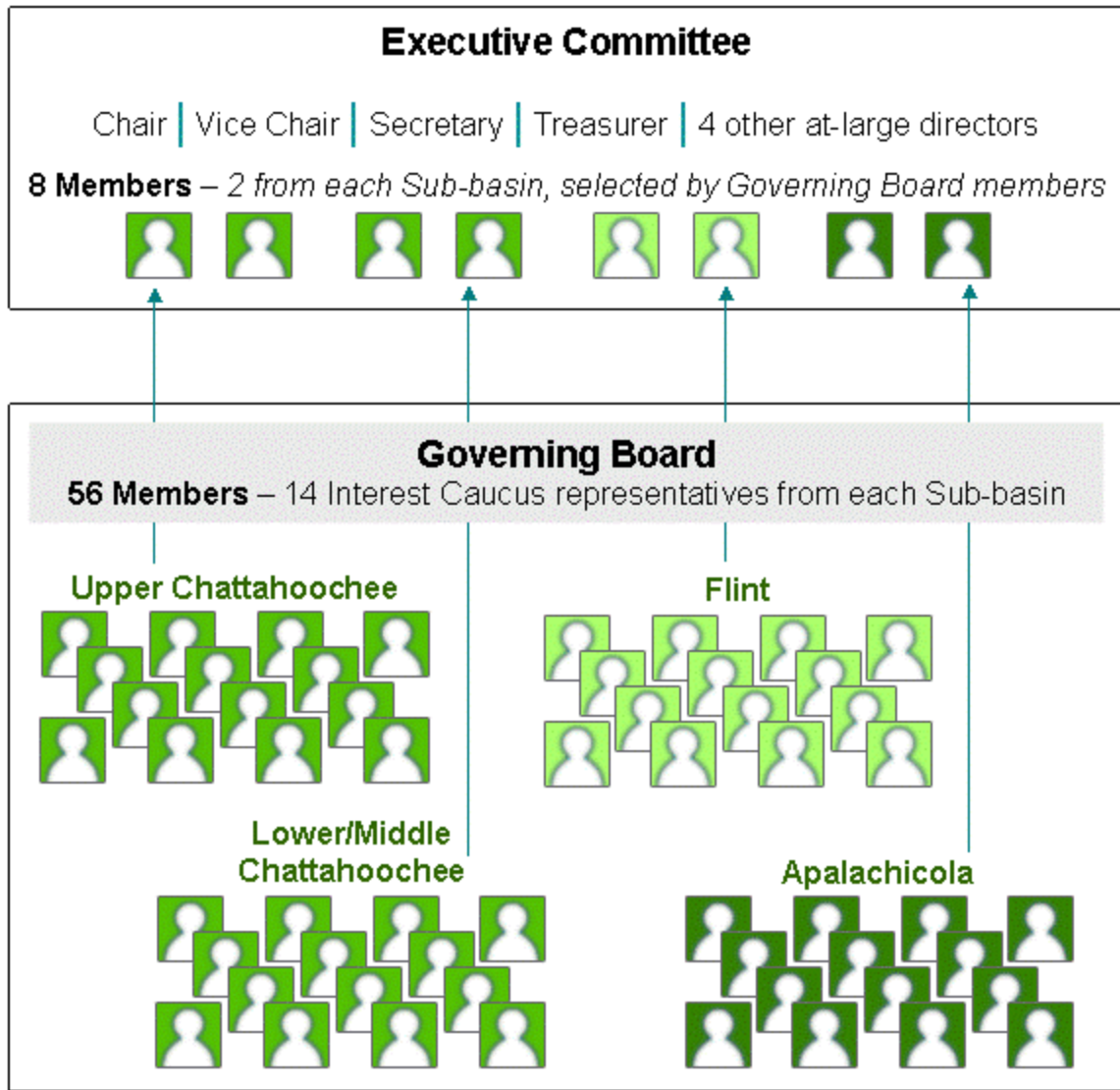
2. Designated “Lead” Entity

- More efficient, but process can seem co-opted
- Other parties may lose commitment/participation

3. New Governing Body (Steering Committee)

- Helps to overcome cultural, legal, and other barriers that exist across entities
- Increases resources and investment from each party
- Can be costly and lose momentum

Apalachicola-Chattahoochee-Flint Stakeholders



14 Stakeholder Interest Caucuses in each Sub-basin select one person to represent their diverse Interest on the Governing Board

- Recreation
- Water Supply
- Water Quality
- Seafood Industry
- Thermo Power
- Hydro Power
- Navigation
- Farm and Urban Agriculture
- Industry and Manufacturing
- Environmental and Conservation
- Business and Economic Development
- Local Government
- Historic and Cultural
- Other

Recovery Implementation Programs

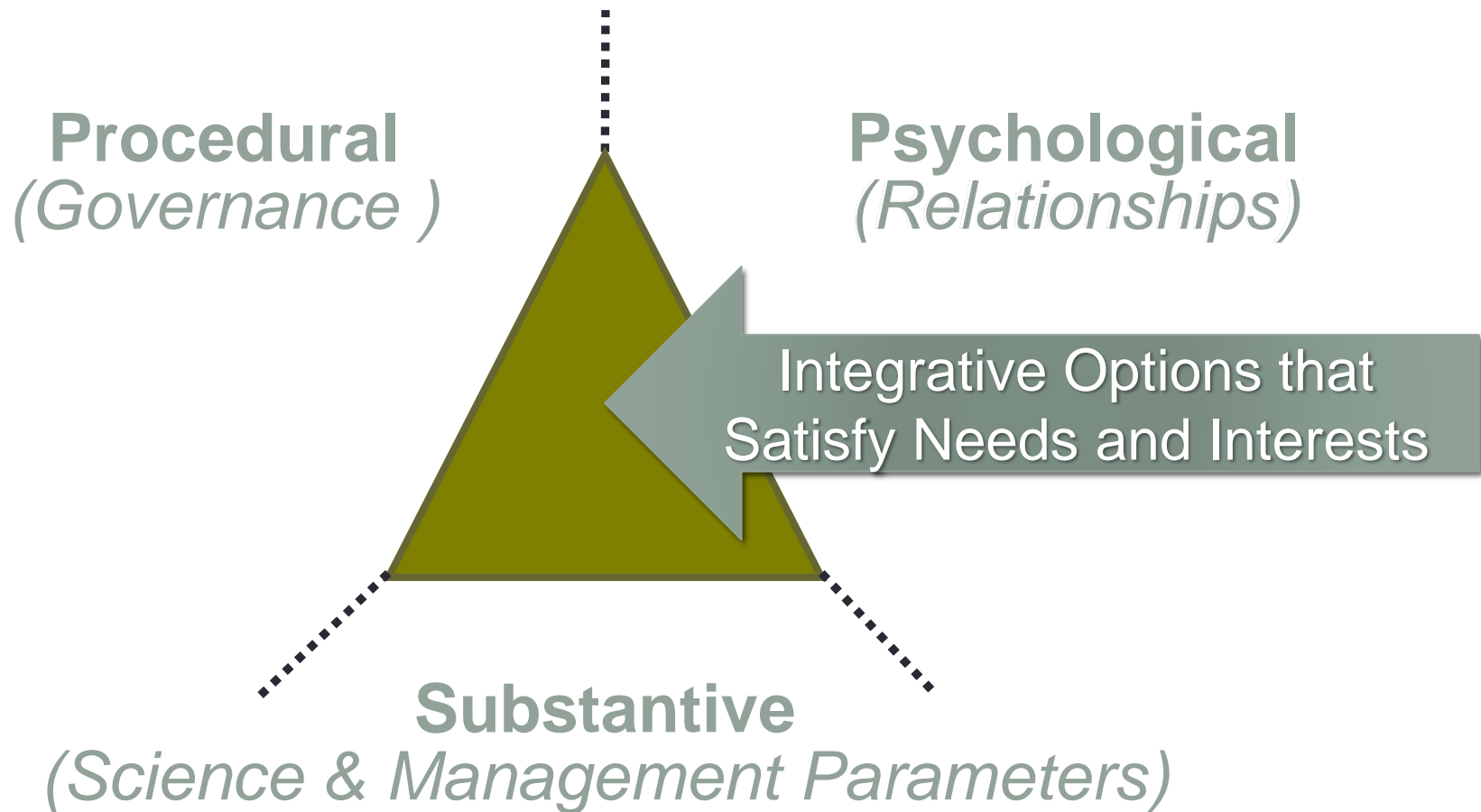


Edwards Aquifer Recovery Implementation Program



Prior to this multiyear process many of these stakeholders had spent decades in litigation, with battles in the legislature and water planning process. They didn't want to be in the same room with their opponents.

Triangle of Satisfaction



The Three Interests for Resolving a Dispute

- ***Substantive interests*** – The needs for money, time, goods, or resources. (springflow for habitat & surface water rights, certainty of water supply)
- ***Procedural interests*** – The needs for specific types of behavior or the “way that something is done”. (stakeholder process allowed all interests to participate, even if all could not vote)
- ***Psychological or relationship interests*** – The needs that refer to how one feels, how one is treated, or conditions for ongoing relationships. (membership on the committee implementing the *agreement*)

The Three Interests for Resolving a Dispute

These interests are interdependent. Being “satisfied” by a proposed solution actually means that you are comfortable with the combination of substantive, procedural, and psychological needs that have been met. All three must be met to a greater or lesser degree for there to be satisfaction with an agreement.