Turning lemons into lemonade

Unit 10
Evaluating Options and Reaching Agreement
Instructor's Guide

Public Conflict Resolution

Criteria and techniques for evaluating options, and ways to build durable agreements will be introduced through a lecture and discussion of the handouts.

Purpose

This session addresses the steps necessary to evaluate options and create agreements that are durable.

Objectives

As a result, participants will:

- Understand the challenges that participants face when engaged in the decision-making step of Interest-Based Problem Solving.
- Become familiar with a common set of criteria that most people use when evaluating options.
- Learn techniques for evaluating options and large lists.
- Learn ways to package complex agreements.
- Learn the characteristics of durable agreements.

Time

One Hour

Materials Needed

Flip Chart and Easel
Markers
Overhead Projector

Overheads

35 a-b Decision Techniques
36 Techniques for Evaluating Options

Handouts

1. Criteria for Evaluating Options
2. Building Packages
3. Forms of Agreement
4. Gradients of Agreement
5. Durable Agreements

Directions

1. The trainer notes that the act of decision-making is the most familiar part of problem solving, what some people would call the "real" part. However, it is no more important than the process formation, problem definition, option generation or implementation stages that precede and follow it. If attention is not paid to those other stages, good work in this phase cannot alone produce a successful solution. This is also the point of the negotiation where tension may be the highest. After a period of jointly expanding options (as discussed in Unit 9), the circumstances change as you begin to narrow the choices.

2. The decision-making stage usually requires the parties to evaluate options generated earlier in the negotiation. Members of a group will often be very concerned about the fairness of the evaluation process used in this stage. Therefore, it is essential to discuss various techniques for evaluation with the group and have the group jointly decide which method they will use.

3. Although this step appears non-controversial, as the first step in the substantive decision-making process, it is often the point at which submerged or suppressed conflicts begin to emerge. It is important that groups understand that there are at least three types of decision-making criteria which may be used (Trainer distributes the handout "Criteria for Evaluating Options" at this point): 1)Technical Criteria; 2) Political Criteria; and 3) Value-based Criteria.

4. The trainer asks the participants if they have seen any or all of these criterion used in evaluating decision-making options. The trainer may provide examples of these methods from their own experience, or use the following fictitious examples of each type of decision-making criteria:

   Technical Criteria: In a conflict over the location of a public waste site in Alabama, environmentalists and geologists were employed as technical advisors to help determine whether the proposed waste sites were sound in ecological and human terms.

Political Criteria: The City Council in a Mississippi town faced opposition over its proposal to erect a Confederate Soldier Monument on the courthouse lawn. The City Council decided to hold a referendum vote to find out whether a majority of the town's residents supported the courthouse location, or whether people favored an alternate location.

Values-based Criteria: A Kentucky town had to decide whether or not to continue using public funds to support its homeless shelter. Because of deep-seated religious and community values, the public was decidedly in favor of maintaining the shelter. Despite constraints on public funding, the citizens' values pressed the town to continue its financial support of the shelter.

Having discussed these points, the trainer should mention that this is not the stage of the negotiation process at which these competing criteria must be reconciled. The most important thing at this stage is to recognize, name and acknowledge the criteria important to the parties.

Overhead 36

5. Having determined the criteria by which a group will evaluate its options, there are several techniques that the group can use to actually analyze its options. The trainer should post **Overhead 36** (Techniques for Evaluating Options) and read it aloud in order to list several techniques for evaluating options. The trainer should try to answer any questions by drawing diagrams (possibly for rank ordering, the criteria checkerboard, and the joint map), or by asking the other participants if they can explain how these techniques are employed. The trainer should ask for different techniques that the participants have seen in use. Did they work? Encourage the participants to offer critiques of the effectiveness and limits of the different techniques. Answers can be recorded on the flip chart.

6. The trainer notes that based on the previously completed evaluation, a group in conflict should begin to converge on the option that everyone can at least live with. In many cases, the group will be able to choose more than one option or combine several options into a superior solution. Therefore, it is important to understand, and often expand the view of what is possible. The handout "A Chart for Evaluating Criteria" should be distributed and explained as a tool that allows everyone involved in negotiations an opportunity to see how a particular option addresses the technical, political, and value criteria sought in a solution. Typically the neutral would draw this visual up on the flip chart and solicit explanations for how each option fits in.

Overhead 35

7. There are several techniques designed to help a group find consensus in making a decision. Voting should be an absolute last resort and used if and only if all other techniques fail **and** everyone is willing to take a vote. The trainer should post **Overhead 35** (Decision Techniques).

8. The trainer should mention that sometimes it is not possible to address a conflict situation with a single agreement. If a group is working on multiple problems or several parts of a complex issue, it is necessary to combine the various options into a cohesive agreement. Techniques to integrate solution components include those listed on the handout "Building Packages," which should now be given out.

9. Agreement can come in several forms, some weaker and some stronger than others. The trainer distributes the handout "Forms of Agreement" to provide definitions of the different types of agreements and their relative strength. The trainer should discuss the handout with the participants and answer any questions that he/she can regarding the types of agreements.

10. Although it is best to avoid taking a vote in order to achieve consensus, the use of a gradient of agreement exercise can help validate consensus-building negotiations. The idea of a "gradient of agreement" is to have each party in a negotiation indicate how strongly or weakly they feel about a proposed solution. Distribute the handout "Gradients of Agreement." Using the flip chart to demonstrate this exercise, draw a long line across the page (it may be necessary to draw the continuum line in two segments, as in the handout). At proportionate distances across the line write the headings that appear in bold face on the handout: Endorsement; Endorsement with a Minor Point of Contention, etc. Explain to the participants that at this point the neutral gives out sticky stars (markers can be used as well) to the stakeholding parties, who are to take their individual stars and place them along the line at the point they feel describes their level of enthusiasm for the proposal. The neutral and/or the disputing parties should agree beforehand what level of support indicates sufficient consensus to move from a proposal to action. This exercise illustrates how people embrace solutions with varying degrees of commitment; it is a map of the stakeholders' level of agreement. The relative anonymity of using dots to cast one's vote of support (or lack thereof) can protect people from intimidation or pressure to vote a certain way. It allows people to voice their displeasure with parts of a solution, while still moving the consensus-building process forward.

    Optional recommendation. If any particular role-play results in uncertainty about the enthusiasm the parties have for a proposed solution, the trainer may conduct the "Gradients of Agreement" exercise on the flip chart.

11. The goal of all parties actively seeking the resolution of public conflict should be toward eaching a durable agreement. Durable agreements must satisfy three types of interests. The trainer remarks that substantive, procedural and

psychological interests must be satisfied if the parties hope to achieve a durable agreement to a dispute. Like a three-legged stool, the three types of interests form the basis of a negotiated agreement. If any one of the interest types are not fully satisfied, the agreement may very well collapse under future pressure. These interests are elaborated below (which the trainer reads aloud):

Substantive Interests: Most parties enter a negotiation to "get" something. Although their ideas about their interests may change over the course of negotiation, they need to come away with some sense of substantive satisfaction; a sense that they got what they came for.

Procedural Interests: Even if they get what they want, parties will not be satisfied if they think the procedures were 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.

Psychological Interests: 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.

12. The trainer says that there are other qualities to agreements that make them durable. The "Durable Agreements" handout is distributed and discussed.

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Unit 10
Evaluating Options and Reaching Agreement
Handouts

Criteria for Evaluating Options
Handout 1

Public Conflict Resolution

Technical Criteria: What is the best technical answer to the given problem or issue? Is the solution feasible? People trained in technical fields usually favor this kind of criteria and may misunderstand or discredit others. Technical criteria can encompass legal issues.

Political Criteria: What is the answer that will satisfy the most people? This is a very common basis for decisions, but not often stated outright. In public negotiations it may be significant and should therefore be made explicit.

Values-based Criteria: What is "right" according to my values? For technical experts, the over-riding value may be technical, but for other people, subjective preferences, equity, religious, and community values may play an important role in decisions.

Building Packages
Handout 2

Public Conflict Resolution

Build Up/Eliminate. This is a package-building tool where all the previous small agreements are combined (built up) into a draft package and those options that do not fit are eliminated.

Single Text. This package-building tool is used to identify areas of agreement as the group works to continually expand areas where it agrees. Since each group is not promoting its own set of solutions (multiple text), the entire group is working with a single text.

Building Block. In this method, each component of a large problem is solved and then combined like building blocks into a larger solution. Components are checked for compatibility before moving on.

Agreement in Principle. This is the opposite of the Building Block Method. Rather than getting an agreement one step at a time, the goal is to reach a broad agreement in principle. Based on the larger agreement, options are developed for each of the smaller issues. This method is often used in international peace talks.

Forms of Agreement
Handout 3

Public Conflict Resolution

Stronger	**Weaker**
substantive	procedural
non-conditional	contingent
binding	non-binding
permanent	provisional
comprehensive	partial

Definitions

Substantive Accord: Focuses on specific, tangible exchanges that are made. "You will receive $2000 in compensation for your loss."

Procedural Accord: Defines the process to be used in making the decision. "During the next two weeks the researcher we agreed upon will gather the information; then we will meet on March 12 to examine the data and complete our settlement."

Non-conditional Accord: Defines how the dispute will be resolved without the requirement of any future conditions.

Contingent Accord: Agreement involving a conditional sequence of actions. "If you will move your activities over by 100 feet, we will waive the necessity for a special permit."

Binding Accord: Requires a party to uphold the terms of the settlement; often specify consequences for not following through.

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

Permanent Accord: A lasting agreement that is unalterable.

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

Comprehensive Accord: Agreement that covers all disputed issues.

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

Adapted from Roger Fisher and William Ury, Getting to Yes.

Gradients of Agreement[1]
Handout 4

Public Conflict Resolution

Endorsement	**Endorsement with a Minor Point of Contention**	**Agreement with Reservations**	**Abstain**
"I like it."	"Basically I like it."	"I can live without it."	"I have no opinion."

Stand Aside	**Formal Disagreement, but Willing to Go with Majority**	**Formal Disagreement with Request to be Absolved of Responsibility for Implementation**	**Block**
"I don't like this, but I don't want to hold up the group."	"I want my disagreement noted in writing, but I'll support the decision."	"I don't want to stop anyone else, but I don't want to be involved in implementing it."	"I veto this proposal."

[1]Adapted from Kaner, Sam. 1996. Facilitator's Guide to Participatory Decision-Making. New Society Publishers: Philadelphia, PA. P.212.

Durable Agreements
Handout 5

Public Conflict Resolution

Durable agreements are honest, acceptable and workable.

They are **honest** when they:

- involve all parties;
- use the best available, jointly developed information;
- are founded on realistic assessments of capacity;
- are ensured by all parties' intent to implement the accord.

They are **acceptable** when they:

- resolve the source of grievance among the disputants;
- acknowledge past problems and address them;
- minimally satisfy the important interests of all parties;
- do not harm any excluded parties;
- are achieved through a process perceived as fair by all.

They are **workable** when they:

- build working relationships among the parties to carry out the accord;
- anticipate possible problems or changes in the future, and...
- have a procedure to deal with them, or acknowledge the need for re-negotiation.