MULTI-PARTY NEGOTIATION AND CONFLICT MANAGEMENT TRAINING FRAMEWORK

United States Air Force
Office of the Deputy General Counsel for Dispute Resolution (SAF/GCD)
and the Air Force Negotiation Center of Excellence

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MULTI-PARTY NEGOTIATION AND CONFLICT MANAGEMENT TRAINING FRAMEWORK

"GETTING TO US"

Negotiation

"A process of potentially opportunistic interaction by which two or more parties, with some apparent conflict, seek to do better through jointly decided action than they could otherwise."

Lax & Sebenius

Objective

Training leaders to negotiate and manage conflict effectively in complex, multi-party inter- and intra-agency settings.

Audience

The general audience for this training is Air Force personnel.

Introduction

"Getting to Us" is interest-based multi-party negotiation and conflict management where stakeholders participate collaboratively in achieving solutions in which all parties mutually benefit through the dynamic process of Assessment, Building Relationships and Negotiation, the key constituent elements of "Getting to Us".

PREFACE

The U.S. Institute for Environmental Conflict Resolution[1] was tasked with leading an expedited research and development project to generate a multi-party negotiation and conflict management training framework for the Air Force Alternative Dispute Resolution Program Office. The goal was to translate 30 years of experience in the field of environmental conflict resolution into a multi-party negotiation and conflict management training framework for Air Force applications where interagency and intergovernmental cooperation are essential.

The framework was developed under several phases:

Step 1: Assessment. The first step was to conduct an assessment through telephone interviews of expert scholars, practitioners and trainers in the field of complex, multi-party negotiation and dispute resolution settings to identify relevant literature and subject areas for the training framework and to identify a team of reviewers and a training working group to "vet" the draft framework.

Step 2: Review of the literature in the field of multi-party negotiation and conflict management. Building on the information gained in the assessment, a review of the literature in two-party and multi-party negotiation and dispute resolution was conducted. The aim of the literature review was to achieve a balance between theory and practice. Research focused on negotiation and dispute resolution concepts, skills, and practices and training procedures/methodologies. The areas listed below represent broad categories of the literature reviewed. For a full reference list, please see the Bibliography.

- Conflict resolution (public, international)
- Public policy dispute resolution
- Public involvement
- Theory and practice in collaborative problem solving
- Peacemaking
- Interest-based negotiation
- Multi-party negotiation
- Culture and conflict resolution
- Culture and negotiation
- Leadership
- Participatory decision-making
- Team-managed facilitation
- Group process/dynamics

[1] The U.S. Institute for Environmental Conflict Resolution (U.S. Institute) is a federal program established by the United States Congress to assist parties in resolving environmental, natural resource, and public lands conflicts. The U.S. Institute is a program of the Morris K. Udall Foundation, an independent agency of the executive branch governed by a board of trustees appointed by the president of the United States.

Step 3: Assemble reviewer team to provide guidance and comments on the draft framework. Following the literature search, a draft framework containing essential components of multi-party negotiation and conflict management was distilled from the literature. A team of expert reviewers was assembled through referrals from respected practitioners in the field of conflict resolution as well as selected individuals on the Institute's National Roster of Environmental Dispute Resolution and Consensus Building Professionals. The range of reviewer expertise covered the fields of multi-party negotiation, environmental conflict resolution, contingency planning, international peacemaking, leadership and multi-party dynamics.

The task of the reviewer team was to review the draft framework developed by the Institute and to provide helpful guidance and critique according to their expertise, prioritize the concepts as they appeared in the draft framework and suggest any additional material to be added. The individuals on the reviewer team include:

Christine Carlson
Executive Director
Policy Consensus Initiative
Portland, OR

Tamra Pearson d'Estrée, Ph.D.
Luce Professor of Conflict Resolution
University of Denver
Denver, CO

John Ehrmann, Ph.D.
Founder and Senior Partner
Meridian Institute
Dillon, CO

Michael Elliott, Ph.D.
Associate Professor, Consortium on Negotiation and Conflict Resolution
City and Regional Planning Program - Georgia Tech
Atlanta, GA

Paul Leonard
Township Manager
Upper Dublin Township
Fort Washington, PA

Lawrence Susskind, Ph.D.
Ford Professor of Urban and Environmental Planning
Department of Urban Studies and Planning
MIT
Cambridge, MA

Maria Volpe
Professor
John Jay College of Criminal Justice – CUNY
New York, NY

Nancy Welsh
Associate Director, Center for Dispute Resolution and Professor of Law
The Dickinson School of Law
Pennsylvania State University
Carlisle, PA

Howard Wolpe
Director, Africa Program
Woodrow Wilson International Center for Scholars
Washington, DC

Step 4: Organize, host and facilitate a meeting of experts in the field of Environmental Conflict Resolution (ECR), staff from the Air Force Alternative Dispute Resolution Program Office and Office of the Deputy General Counsel for Dispute Resolution, and other appropriate parties to finalize the training framework. Reviewer comments and suggestions were integrated into a second draft framework which was then reviewed by a team of training experts and practitioners in the field of ECR at an all-day workshop held in Washington, DC on September 28th, 2005. The goal of the workshop was to develop the draft framework into a framework "training" tool. Workshop discussion centered around framework elements, preferred training approaches, and potential training scenarios.

The list of training consultants includes:

Eileen Babbitt
Assistant. Professor of International Politics
The Fletcher School of Law and Diplomacy
Tufts University
Medford, MA

Mickey Benson, Ph.D.
President
Monitor Associates
Vienna, VA

Stephen Epstein, Ph.D.
Political Military Affairs Officer
U.S. State Department
Bureau of Near Eastern Affairs
Office of Iraqi Affairs
Washington, DC

Thomas Fee
President
The Agreement Zone
Freehold, NJ

Suzanne Ghais
Director
CDR Associates
Boulder, CO

Susan Podziba
Public Policy Mediator
Susan Podziba & Associates
Brookline, MA

The list of Air Force participants includes:

Joseph M. McDade, Jr.
Deputy Director, Airman Development and Sustainment and former Deputy General Counsel (Dispute Resolution)
Washington, DC

Janina Khayali
Assistant ADR Program Manager
Washington, DC

Lynda T. O'Sullivan
Acting Deputy General Counsel (Dispute Resolution)
Washington, DC

***Step 5: Production of Final Framework*.** Major themes which emerged from the workshop discussion centered on assessing the context/situation, the importance of relationship building, and understanding the complex nature of multi-party negotiation. These elements were crystallized into the three-part theme of Assessment-Building Relationships-Negotiation. The draft framework was revised and reintegrated along the three themes to reflect the workshop discussion and submitted to the client and the trainers working group for final comment.

CONTEXT

> *"Any group needs to know who it is, what its purpose is, and how it is going to get where it intends."*
> W. Brendan Reddy, 1994

The nature of a group context may affect the way in which the negotiation takes place, the structure, complexity and the dynamics of the negotiation, and the decision about whether a negotiated process will be effective. Conflict may be the impetus which initiates multi-party negotiation, or it can develop *within* the process of negotiation itself. One of the key steps in entering into multi-party negotiation is an understanding of the context within which the negotiation will take place. Key questions to ask when undertaking negotiation include:

- **Within what group context will the negotiation take place?**

  For example:

  - SWAT, one the ground Disaster Response Team: highly organized structure, members usually have worked together as a team before.
  - Interagency task force: no formal organization, but parties working together on a common process/mission.

> Determine whether a more collaborative approach or a top-down management structure is more appropriate.

- **What decision-making structure does or will the negotiation employ?**

  For example:

  - One Decision-Maker: Parties participate in and inform the negotiation process but the final decision-making authority remains with one entity.
  - Shared Decision-Making: Parties participate in and inform the negotiation process and decision-making authority is shared between entities, often over different issues.

> If decision-making roles are clarified early, group expectations about individual roles and responsibilities can be better delineated and thus avoid potential conflict and confusion over roles and authority.

- **What issue/event has convened the negotiation?**

  For example:

  - A war, natural disaster or conflict-driven situation which the negotiation must address or solve.
  - An agreement or rule that the negotiation must develop.

The timing and design of the negotiation process may be driven by the challenge of immediacy, conflict, or other special requirements or considerations.

- **What purpose and/or mission is the negotiation designed to serve?**

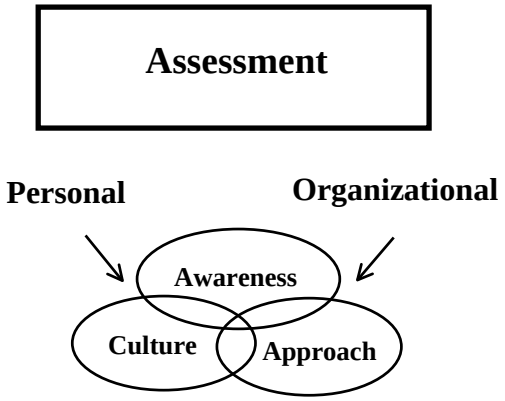
  For example:

  - Mission-driven: Allocation of resources between military, in-country NGOs and civilian contractors during a peacekeeping mission.
  - Process driven: Memoranda of agreement; base cleanup actions.

Different negotiation challenges, conflict potential or levels of commitment may exist where parties have either mutually compatible or mutually incompatible interests.

ASSESSMENT

> *"The truth is that you can't afford not to prepare…Negotiations would be a lot more effective if people spent more of their limited time preparing and less in actual meetings."*
>
> William Ury, 1993



The first constituent element in the process of "Getting to Us" is an assessment of the situation. Effective participation in negotiation, whether two-party or multi-party, requires an integrated process of both personal and organizational assessment:

- Assessment of self (skills, personal awareness, preparedness)
- Assessment of the organization (one's own and that of stakeholders)
    - Understanding the organizational culture context of the negotiation

I. PERSONAL AWARENESS

- Understanding stages of decision-making processes (divergent vs. convergent).

- Receptivity to others' ideas.

- Flexibility to shift roles as a task requires.

- Ability to:
    - Capitalize on group diversity and the skills each party brings to the group.
    - Respond to situations flexibly.
    - Make sense out of ambiguous or contradictory messages.
    - Synthesize new concepts by taking old concepts and putting them together in new ways.

II. ORGANIZATIONAL AWARENESS

A. Organizational Culture

The term culture, in the context of this training, is used to represent the organizational culture which parties bring to the negotiation table. Ethnic, national, and racial cultural issues will be addressed in a separate training module. Awareness of parties' organizational culture can inform the multi-party negotiation process in a variety of ways.

Parties to any negotiation have varying levels of political and organizational power, mandates (laws, regulations, or guidance), history, and organizational culture that shape their attitudes about negotiation and their ability to negotiate collaboratively. Parties may represent:

- A wide range of federal/military, state and local government agencies
- American Indian Nations
- Foreign nations and interests
- Non-governmental organizations
- Private sector/civilian representatives

B. Approach

The preferred or most commonly used approach of an organization also affects the structure, complexity, dynamics and effectiveness of the negotiation. The following represent three common organizational approaches:

1. *Power-based Approach*. Negotiates by determining who is most powerful: who has the most influence, largest number of representatives or the ability to force the other parties to a decision (e.g., strikes, nonviolent direct action). The communication style of this approach includes: speaking-at (versus speaking with), threats or ultimatums demanding change, or coalition building.

2. *Rights-based Approach*. Negotiates by determining who is right. This approach is typified by litigation, grievance proceedings and administrative hearings, and may involve a third party (court of law) to issue a decision. The communication style of this approach includes: appealing to established policies or to a higher legal or moral authority.

3. *Interest-based Approach*. Negotiates based on the parties reaching an agreement that will mutually satisfy all interests. This approach is typified by engaging in collaborative problem solving. The communication style of this approach involves communicating directly with all other parties.

The degree to which these approaches, or a combination of them, is found in any organization can be indicative of the organization's willingness and effectiveness to engage in collaborative negotiation.

Key Questions To Ask When Preparing For Negotiation*

Preparation

- What pre-assessment has been done before getting together?
- What are the existing relationships between the parties?
- What is the history of the issues?
- What is the collaboration history and style of the parties and the organizations they represent.
- What are the represented organizations' approaches to negotiation.
- What issues are likely to be raised within the process?

Representation

- Who are the parties, the representatives (advocates), and the decision-makers?
- Can the right people be brought to the table?
- What is the best way to convene the parties?

Mandates and Influences

- What are the institutional constraints of each party?
- Do the parties have the authority to negotiate and make decisions?
- What are the political constraints of each party?
- What are the general and specific mandates of participating agencies and others and how might they conflict?

Resources

- How will the negotiation be financed?
- Who is the lead on financing, developing the budget?
- What time and personnel investments are required?

Management

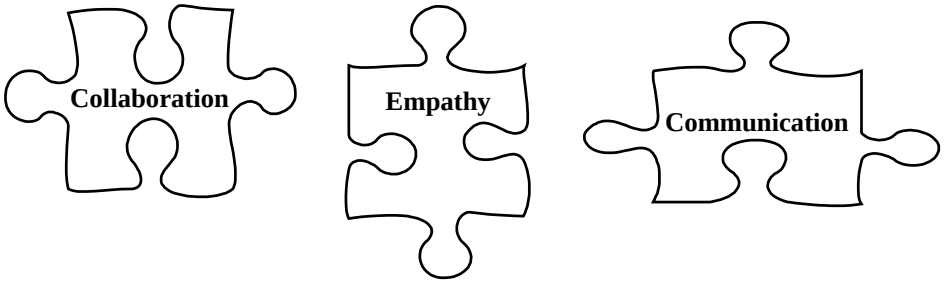
- Who will manage the process?
- How will communication be managed?
- How will the group make decisions?
- How will coalition dynamics be managed?

* These questions should also be revisited when the group comes together.

BUILDING RELATIONSHIPS

> *" A critical element in any negotiation – and one that frequently causes the most anxiety – is the quality of the working relationship we have with the other side…The quality of a relationship is not just something that happens. It is the product of how we deal with each other."*
>
> Roger Fisher and Danny Ertel, 1995

Building Relationships



The second constituent element of "Getting to Us" requires the ability to enter into, build, and foster relationships among the parties in the negotiation, a process which takes time to cultivate and maintain. Building relationships is essential to building trust. Trust is essential to successful group efforts and underlies effective joint implementation of agreements.

Core relationship-building skills include:

- Collaboration
- Communication
- Empathy

I. COLLABORATION

One builds relationships by working together, which generates goodwill, creates trust, builds group cohesiveness and helps span intergovernmental, interagency and intercultural differences. Other benefits of collaboration include:

- Better outcomes that are forged from a clear understanding of the needs of all parties.

- Parties themselves maintain control of the process and the decisions that result from the process.

- Opportunities to develop creative options and enduring solutions because all parties have "bought into" the process.

- Greater knowledge and expertise can be brought to bear on a problem, resulting in broader education of all parties.

- Closer relationships and better coordination occurs in the planning process, which translates into better teamwork in the future.

II. COMMUNICATION

Communication is inherently subjective, and should be conducted with the understanding that:

1. On the "speaking" side, people vary in the strategic and tactical choices they make about what to communicate, the degree of clarity they wish to create, their body language, and their capacity to communicate in ways that can be understood.

2. On the "listening" side, people vary in their willingness to listen, their capacity to be attentive, their expectations and biases, their ability to understand the other's meaning, their emotional response to that meaning, their own internal needs to rebut/give advice/appraise/impress the other, and their susceptibility to physical barriers.

Multi-party negotiations can be managed effectively and constructively when there is a disciplined focus of all parties on fundamental communication principles.

A. Fundamentals Of Basic Communication

In order to communicate so that others "hear" you, remember the following:

- By nature, all human beings are self-absorbed. Their attention is selective, and they hear best about what affects them most.

- Human beings process information through such filters as emotions, values, needs, interests, and biases (cultural and otherwise).

- Words and their meanings are a small part of any message. Much of the message in a face-to-face conversation is conveyed nonverbally. When communication occurs over the phone, the nonverbal nuances are missing. Miscommunications can occur. Trust is sometimes harder to build.

B. Active Skills For Effective Communication

1. Listening Reflectively

Listening reflectively involves creating strategies for helping yourself listen more effectively, testing whether you are hearing what the other is trying to communicate, and

drawing the other out to speak at more depth and with more meaning, so that you can understand their concerns and interests more clearly.

2. Questioning

Effective questioning enhances your ability to learn, listen, and facilitate better communication. Open-ended, follow-up and closed questions can be used to focus a discussion, to clarify or probe, to encourage participation, to facilitate discussion, to build a relationship, and to stimulate creativity.

3. Handling and Understanding Responses to Questions

Handling how you respond to questions is important when trying to create effective communication. Some simple rules include: listen carefully; summarize or reframe the response if it is long or complex, or just to assure that you got it right; and use follow-up questions as appropriate.

4. Framing

Framing or reframing can be used to define or re-define a specific issue or group of issues in a conflict or the conceptualization of a situation or conflict to:

- Assure that the statement made by the speaker is clearly understood.
- Capture the underlying interests and concerns of the speaker.
- Help take apart complex issues in order to analyze them together more effectively.
- Help discern and build upon partial agreements and shared logic between parties.
- Help shift the discussion from rigid positions to a focus on interests and needs.

Framing a negotiation issue properly (using all parties to develop it) can make the difference in whether or not people successfully negotiate in any negotiation setting.

Key Check-In Questions

In order to communicate effectively, ask the following questions throughout the process:

- Is my communication getting me where I want to be?
- Am I communicating appropriately for the situation?
- Are my expectations and behaviors flexible enough to adapt to changing circumstances/situations?

III. EMPATHY

Empathy is the ability to imagine oneself in another's place and understand the other's feelings, desires, ideas, and actions. Empathy allows you to acknowledge shared goals and shared concerns/threats. It is an essential component of trust-building and effective communication and an important key to joint implementation of agreements and to successful negotiation.

A. Mindset

One's mindset is one of the most critical factors determining the success of a relationship and underlies how you communicate and how others respond to you.

Key Awareness Skills

- Recognize that it is in your own interest (a) to understand the other and (b) to work toward an acceptable solution.
- Suspend judgment.
- Be willing to test your assumptions and judgments and be open-minded.
- Respect others' experience, emotions and needs.
- Treat others as colleagues or allies working together to gain insight and solve problems.

B. Anger

Anger is a legitimate human emotion. Anger within the negotiation context most often arises over violations of trust, differences in value, expressions of stubbornness, a sense that one is not being heard, and a sense that one is not being dealt with openly and honestly.

Strategies for Dealing With Anger

- Acknowledge the concern and emotion of the other side.
- Seek understanding by identifying common principles or themes.
- Encourage joint fact-finding.
- Accept responsibility, admit mistakes and share power as appropriate.
- Act in a trustworthy fashion at all times.
- Focus on building long-term relationships.
- Recognize that basic values are unlikely to change but individual priorities may change over time.

C. Difficult Behavior

Conflicts that originate from differences in personal or organizational operating style are best handled through exploring differences, listening, and then acknowledging. However, difficulty may arise where parties exhibit more challenging types of behavior. Building on successful interventions that address difficult behaviors will encourage multi-party negotiation.

1. Passive-Aggressive Behavior

Individuals handle conflict in a covert manner with a passive response. For example, they may actually seem willing to work cooperatively, perhaps because they dislike confrontation, and then change their minds later when no longer threatened by a potential confrontation.

Strategies for Dealing with Passive-Aggressive Behavior

- Recognize the person's need for control
- Avoid power struggles
- Appeal to self-interest
- Convey the frustrations
- Use confrontation as a last resort
- Establish agreements witnessed by others
- Enforce agreements with follow-through

2. Aggressive Behavior

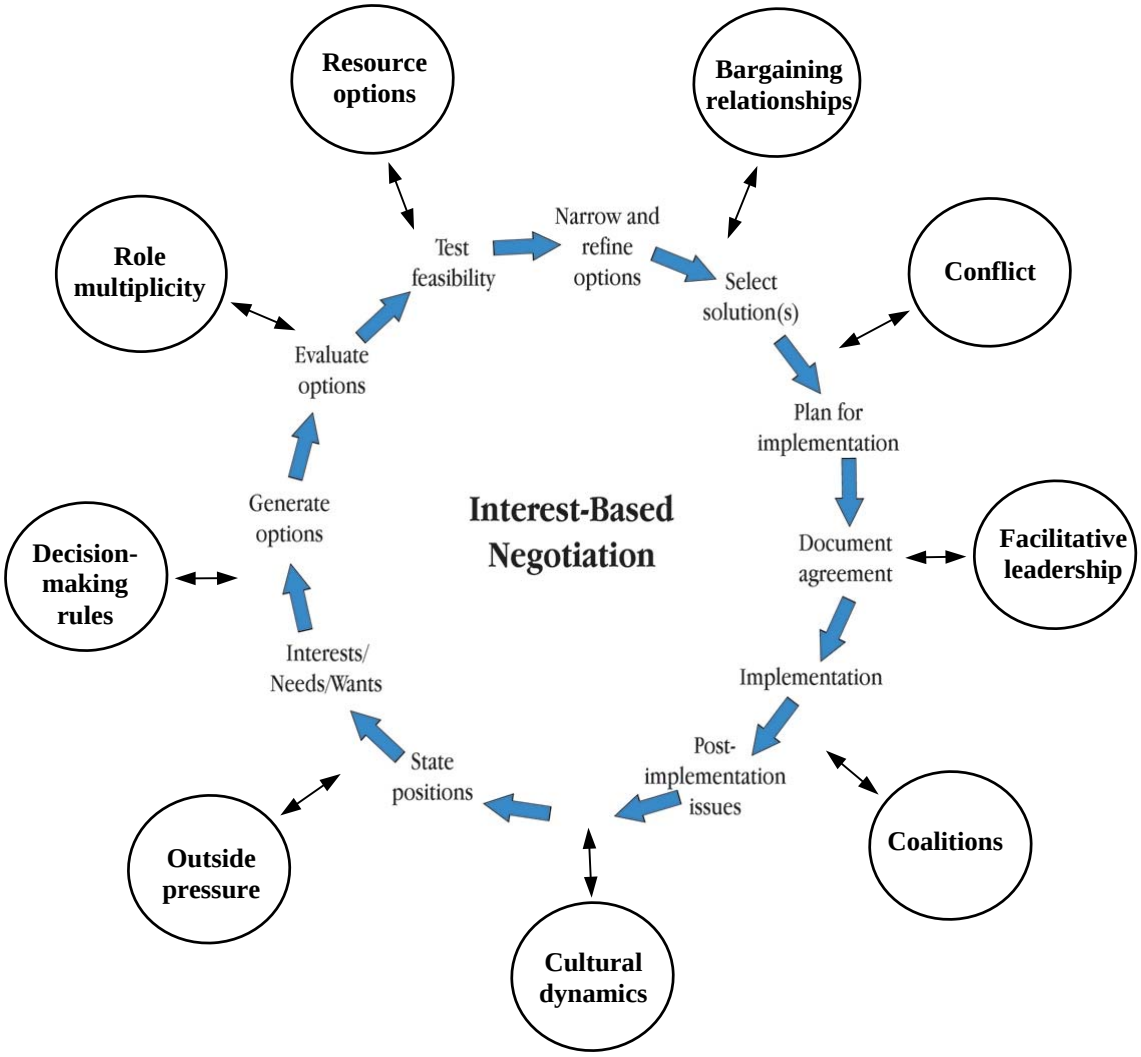
Some individuals respond to conflict aggressively and may initiate or even perpetuate it. Aggression is the most extreme form of interpersonal conflict and is unproductive in developing shared decisions or solutions.

Strategies for Dealing with Aggressive Behavior

- Start with an attempt to deflect aggression and extreme emotional content by remaining centered, ignoring insults, avoiding competition.
- Discover commonalities and focus on issues.
- Remain calm.

INTEREST-BASED (IBN) MULTI-PARTY NEGOTIATION

> *"The benefits of group decision-making have been widely publicized: better thinking, better "buy-in," better decisions all around… There is no substitute for the wisdom that results from a successful integration of divergent points of view. Successful group decision-making requires a group to take advantage of the full range of experience and skills that reside in its membership."*
>
> Sam Kaner,1996



Interest-based multi-party negotiation is the third constituent element of "Getting to Us." Traditional bargaining is often about relative power and willingness to use it against each other, often at the expense of a better agreement or relationship; however interest-based negotiation (IBN) has proven its effectiveness in multi-party settings.

I. IBN BASICS

IBN is based on a simple premise: negotiation takes place between people. It uses a cooperative approach and postulates the idea that all parties must come away having gained something. The process of interest-based negotiation:

- Enables negotiators and leaders to become joint problem-solvers by offering an opportunity to address the collision of conflicting interests in a proactive manner that can lead to better outcomes for all parties involved.

- Provides a way to address the challenge of multiple interests and the need to develop broader, more creative options to address a multiplicity of needs and mandates within the same negotiation context.

- Assumes that mutual gains are possible, that costs or sacrifices can be minimized or shared, that solutions that satisfy mutual interests are more durable, and that parties can help each other achieve better outcomes for all than are currently available.

- Assumes that value is added and efficiencies can be realized through this analytic process.

- Assumes that solutions designed together will endure.

Core Principles of Interest-Based Negotiation

- Prepare carefully to negotiate and understand your BATNA (Best Alternative to a Negotiated Agreement).

- Seek to separate the people from the problem and focus on future outcomes and not the past.

- Create value by making the "pie" larger by:

  - Focusing the negotiation on interests and not positions (which are generally more rigid and do not offer the opportunity for creative thinking).

  - Jointly generating options creatively, waiting to analyze each until after the option development process is complete.

  - Establishing joint criteria together and using them to evaluate the options generated.

  - Creating jointly agreed standards for how to divide the "pie."

  - Jointly establishing the necessary post-agreement activities, building in flexibility for changing circumstances and how to deal with disputes that may arise during implementation.

II. MULTI-PARTY NEGOTIATION

Multi-party negotiation is a complex, iterative process involving the exchange of views, ideas and perspectives among a number of parties that might include organizations, groups, regions, countries or individuals within larger entities. Complexity may appear chaotic, especially in the absence of structure and leadership.

.

> **Note**: Agency parties may be concerned they are abrogating their legal responsibility in negotiation. Agencies cannot legally give up their jurisdiction. Collaboratively developed policy agreements are typically recommendations to the governing bodies. However, our experience since the mid-1970's in the environmental arena has shown that the consensual approach can fit within the constraints imposed by the laws and regulations which are explicit "sideboards" of negotiation as long as the negotiation process is conducted openly and all interested parties are invited to participate, are committed to participate, and can engage effectively. If the product of the negotiation is an informal written document that must be adopted formally, all due process and equal protection requirements can be met.

A. Key Similarities To Two-Party Negotiation

- Parties are generally trying to reach an agreement that leaves them better off.
- Basic Principles of Interest-based Negotiation still apply:
    - Uncovering values.
    - Identifying and clarifying interests.
    - Seeking to create as much value as possible.
    - Encouraging joint problem solving.

B. Key Distinguishing Features From Two-Party Negotiation

- Parties may attempt to form coalitions for advantageous deals and block other coalitions in order to protect interests or gains that may be threatened.
- Group interactions and communication patterns become more complex.
- Decision rules take on increasing importance as multiple decision rules come into play (agreements, disagreements, side agreements.
- More is done "away from the table."
- More external factors come into play, including political influences/interactions.
- Possibility for role confusion (am I the leader?, agent?, facilitator?, etc.).
- The more parties at the table, with more to trade, the greater the possibility for trade-offs.

- A larger group may bring more expertise and creativity.
- Negotiating with one's constituencies often runs parallel to inter-party negotiations.

III. COMPLEXITY

Multi-party negotiation is not merely two-party negotiation with "more people." Multi-party dynamics generate complexity across all of the dimensions of the Triangle of Satisfaction: group dynamics increase exponentially because of the multiplicity of people, interests, and differing Best Alternatives to a Negotiated Agreement (BATNAs); relational dynamics become more complex, such as role definition and issues of unequal power and control; and substantive issues also increase in complexity, such as increased potential for misinformation, differing viewpoints and interpretation of data and different views on the mission and mandates of the group.

A. Complex Communication

Communication is an overarching skill that applies to negotiation in general; however, multi-party negotiation and complex conflict management require the application of the same communication skills with an added level of attention and awareness of the increased dynamic complexity of a multi-party setting. In multi-party situations, the skills of listening, attending and questioning are required in multiple dimensions, analogous to an imaginary shift from a game of chess between two people to a game of chess in three-dimensions against multiple opponents.

B. Relational Complexity

The presence of additional parties to the negotiation or conflict management situation also generates an increase in relational complexity across the following areas:

- Individual and organizational values
- Issues of trust and credibility (of individuals and organizations)
- Issues of face at the table and within represented organizations/constituencies
- Issues of identity and roles at the table and within represented organizations/constituencies

1. Multiple Bargaining Relationships

Multiple bargaining relationships are part of the complex and shifting dynamics in multi-party negotiation and conflict management settings and exist in several forms:

Coalitions. In multi-party negotiation, the opportunity exists for coalition-forming behavior, whereby parties will seek to create coalitions and alliances with other parties.

Horizontal (within-group). Negotiations necessary to achieve a smoothly functioning group. This type of negotiation allows members to:

- Bargain on items of personal concern
- Arrive at a group definition of the problems to be handled in joint session
- Develop settlement options that have broad group acceptance
- Develop individual and group strategies
- Assign roles and responsibilities

Vertical. Where parties do not have absolute authority to make a final decision on an issue in question. There are two forms:

- Bureaucratic – where approval must be gained from or delegated by parties higher in an organization.
- Constituent bargaining – when broader groups must approve the agreement.

Bi-lateral/Multi-lateral. Formal discussions between teams or spokespersons across the table, often used to educate each other about the issues, put forth proposals, and ratify final decisions.

Strategies for Managing Relational Complexity

- Focus on relationship-building.
- Find common interests that will motivate the group to work together more effectively.
- Focus on building trust and understand that trust-building is an ongoing process.
- Acknowledge and respect diversity of styles without letting the differences derail the agreement process.
- Be aware of and understand coalition forming behavior: which coalitions will likely form; winning and blocking coalitions; what are the decision-making rules.
- Understand the importance of facilitative leadership in maintaining good relationships with parties.
- Understand commitments and changing contexts within and among parties.
- Use caucusing, both formal and informal, as a way to change the dynamics of a group, reduce disagreements on substantive items, educate each other about the issues, and move the negotiation forward.

C. Unproductive Group Dynamics

1. Group-think

When a set of individuals acts and thinks as one and often to the detriment of individual members' experience, knowledge, and wisdom.

2. Under the Table

Where parties negotiate with other parties "under the table" outside of the larger group to the disadvantage of the greater group process, where information is not shared with the larger group and can create mistrust and second guessing of colleagues. This situation goes against the basic principles of agency engagement discussed in the Appendix.

Strategies For Managing Unproductive Group Dynamics

- Make sure that everyone understands, agrees on, and buys into the mandate and the mission.
- Establish a plan for formal arrangement/cooperation/coordination (interagency, military, civilians, etc.).
- Establish clear lines of communication.
- Establish clear lines of responsibility.
- Establish agreed-upon action plan and agreed-upon decision-making rules.
- Establish clear and agree-upon roles and organizational structures.
- Generate flexible contingency planning.
- Develop agreed-upon plan for implementation and follow-up.
- Understand that too much stress makes one a less efficient information processor, less able to deal with subtleties and more reliant on ingrained habits and biases.

Key Strategies for Managing Complexity

Phase I: Preparation/Planning

- Identify the problem/situation.
- Establish group operating rules.
- Clarify legal basis for activities.
- Identify potential obstacles and determine how they can be avoided or prevented.
- Set timelines agreed to by all the parties.
- Determine funding sources, constraints and other resource availability.
- Avoid designing overly prescriptive rules and group policies.
- Determine decision-making process where final and shared authorities are clarified.

Phase II: Negotiation Process

- Establish group goals and objectives.
- Agree on a joint definition of the problem/situation.
- Jointly agree on data to be used and what resources need to be brought to the table.
- Establish the objective criteria to be used for evaluating options.
- Jointly design the process road map.
- Establish implementation responsibilities.

Phase III: Developing Agreements

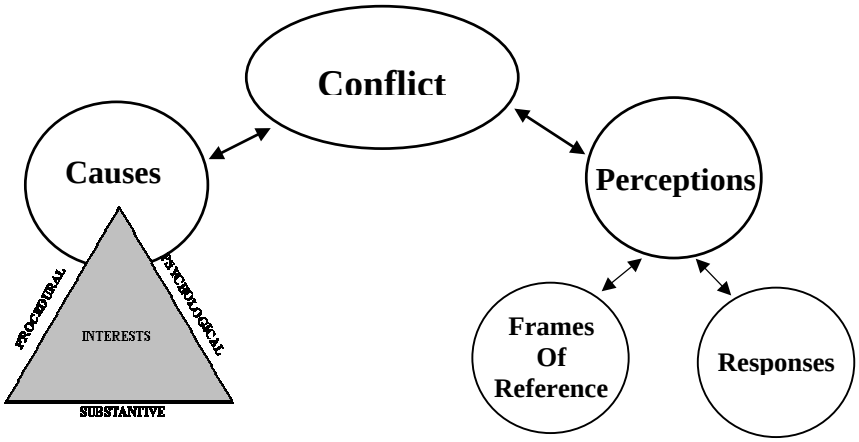
- Evaluate options in light of criteria and resource availability.
- Develop a framework outlining in general terms how the problem should be resolved (agreements in principle).
- Negotiate and reach closure on each issue separately ("building blocks" approach).
- Blend comprehensive proposals developed by the parties into a final agreement (blending proposals).
- Acknowledge disagreements, agree to disagree civilly, yet focus on solutions designed together.

Phase IV: Post-Agreement

- Determine implementation responsibilities.
- Acknowledge collaboration of multi-party negotiation team and the mutual benefits designed together.
- Implement agreed upon actions/decisions.
- Develop procedures for monitoring and evaluating implementation of actions/decisions.
- Clarify circumstances that would warrant revisiting the agreement.

IV. CONFLICT

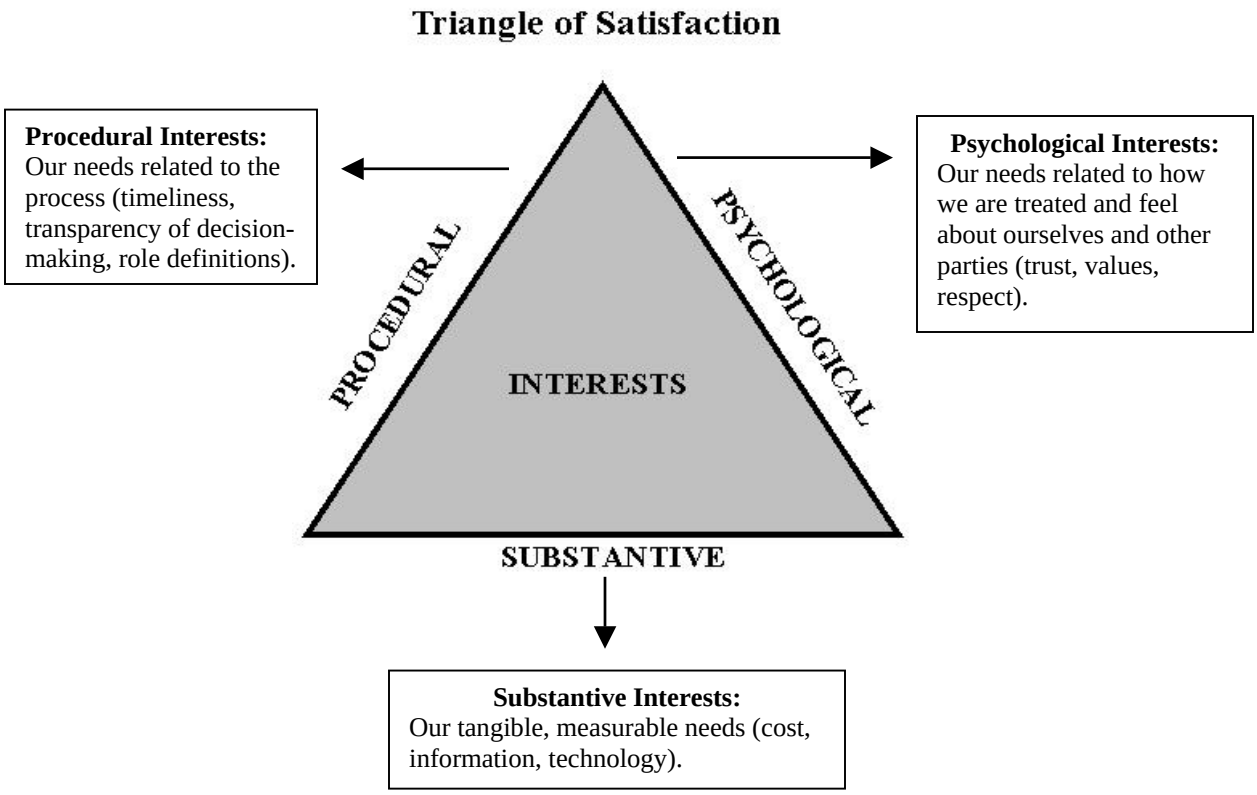
> *"Managed well, "conflict" can power great change and creativity. Poorly managed conflict can generate disputes that consume massive quantities of time and money, destroy valuable relationships and sabotage important projects…"*
>
> McNaughton, 2002



Conflict is the expression of the interaction of different interests. It is dynamic. It can be the spark which sets the negotiation process in motion, or it can arise as negotiation takes place. It is useful as a catalyst to action when appropriately addressed. When conflict involves multiple participants, beyond one-on-one disputes, the complexity and multidimensional nature of the problem is increased dramatically. Unmanaged conflict can escalate in intensity over time: sides form, positions harden, and communication stops; perceptions become distorted and a sense of crisis emerges whose outcomes may range from avoidance to annihilation.

A. Causes

The Triangle of Satisfaction represents the dimensions (often hidden) of the interests people bring to the table. People seek to satisfy these interests and needs (procedural, substantive, and psychological) when they negotiate. Conflicts can arise when these needs and interests in one or more of these dimensions are not met. When conducting negotiations or decision-making processes, consider all three interdependent dimensions (both internally and for other parties) in order to manage conflict, make good decisions, and achieve agreements that will last.



From CDR Associates

When one or more participants are engaged in a conflict, there are many layers and dimensions of issues that must be managed effectively.

B. Perceptions

1. Frames of Reference

Frames of reference influence the way one perceives a particular problem or conflict and how to approach its resolution. These frames of reference are based on: personal perspective, professional perspective, organizational perspective, cultural perspective and societal perspective. Perceptions and values may play out in the many areas, such as: time, formality, decision-making, process versus outcome, level of trust. Perceptions develop over a lifetime and are influenced by such things as ethnicity, age, gender, culture, education and experience. Considering different frames of reference ("perspective taking") both in oneself and others can inform one's view of the situation and can improve mutual understanding of the problem at hand.

2. Responses

Basic perceptions of conflict affect choices for negotiation and managing complex settings. People respond differently when confronted with conflict; for example, consider the behaviors that result from different perceptions of conflict:

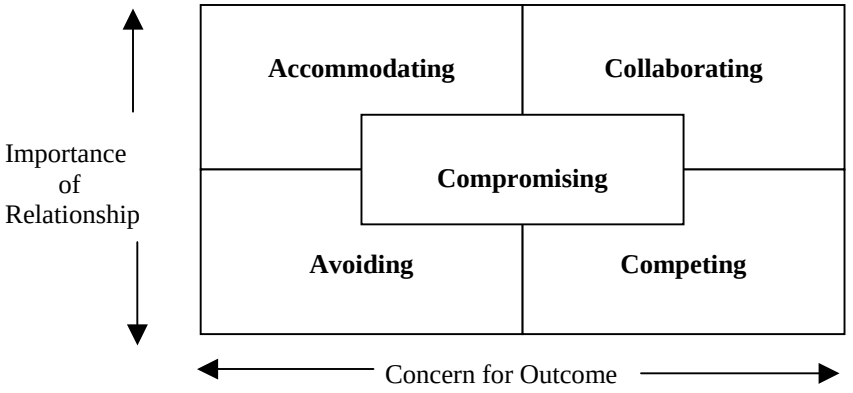
Perception of Conflict as Negative can lead to:

- Competing
- Compelling through authority
- Denying/Capitulating
- Power bargaining
- Engaging prematurely
- Neglecting long term or unintended consequences
- Destroying relationships and networks necessary for functioning effectively

Perception of Conflict as Positive can lead to:

- Cooperating
- Leading by example or through facilitation
- Problem solving
- Engaging constructively
- Building consensus
- Committing to long term resolution
- Engaging in relationships for the long term

The Thomas-Kilman Conflict Instrument describes five styles of response to conflict: Avoiding, Accommodating, Competing, Compromising and Collaborating. This baseline for self-understanding is an essential and critical first step toward understanding the variety of styles and approaches in any multi-party negotiation. High concern for the outcome and the importance of the relationship increases the desire for or likelihood of collaboration; whereas low concern for the outcome and low importance placed on the relationship results in a greater tendency to avoid conflict. Becoming skillful at managing conflict starts with understanding one's own tendencies when faced with conflict and then examining the advantages and disadvantages of each style.



From Thomas-Kilman

Key Points for Managing Conflict

How conflict is managed can lead to the creation (or not) and maintenance of relationships that provide for better coordination and responsiveness. Effective conflict management involves the following steps:

1. **Describe** what you see through factual observation.

2. **Explore and consider** the universe of interpretations to the event/behavior.

3. **Map the dimensions of the conflict**, participants and process.

4. **Evaluate** your interpretation using the three dimensions identified in the Triangle of Satisfaction and identify if there are positive and negative reactions to the event/behavior.

5. **Analyze** the causes of the conflict in light of the three dimensions:

    - Relationship Issues
    - Substantive Issues
    - Procedural Issues

6. **Allow** each party to voice their perspective and experience, which validates each party's worth and right to be part of the discussion.

7. **Reframe** a fuller definition of the problem based on an understanding of multiple perspectives.

8. **Develop** a constructive strategy for dealing with the conflict through:

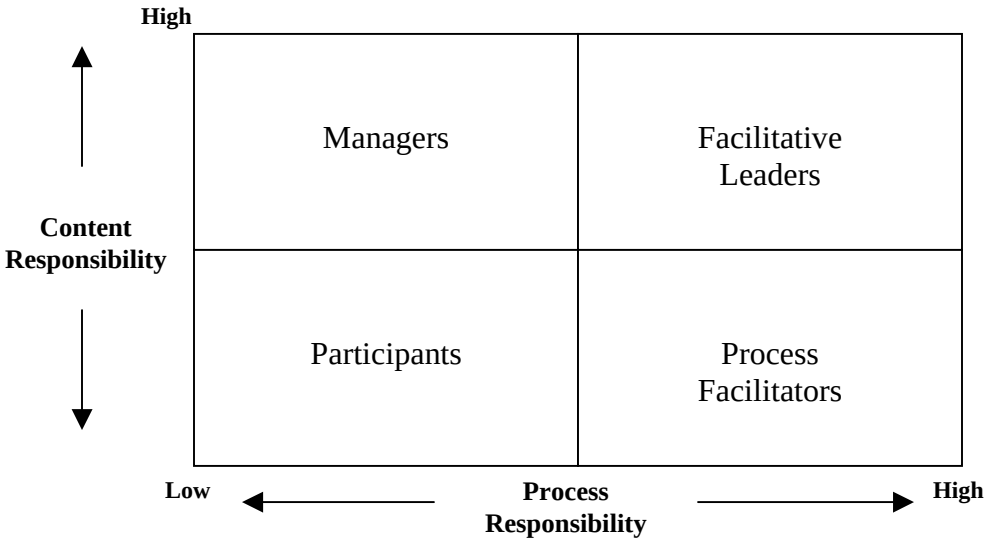
    - Developing a collaborative planning process
    - Building constructive working relationships

9. **Develop** a range of alternative approaches or solutions and collectively test them for viability.

10. **Achieve** lasting solutions that take into account interests, not positions, and address all dimensions of the Triangle of Satisfaction.

V. FACILITATIVE LEADERSHIP

> *"Effective leaders present the world with images that grab our attention and interest. They use language in ways that allow us to see leadership not only as big decisions but as a series of moments in which images build upon each other to help us construct a reality to which we must then respond."*
>
> Fairhurst & Sarr,



From Terry R. Bacon, 1996

Facilitation of group interaction requires skillful interaction and an understanding of the dynamics of group interaction, communication and development. An effective facilitative leader is able to observe and participate in a group process, to contribute to the negotiation process while simultaneously influencing the way in which the group members work together. Important roles for an effective facilitative leader include:

- Modeling principles and practices of respectful engagement and communication
- Initiating discussion
- Encouraging and balancing participation
- Managing conflicts
- Pacing the work of the group
- Suggesting process strategies
- Helping parties communicate and collaborate
- Establishing the benefits of collaboration

Facilitative Leadership Competencies

- **Organizational Skill** – ability to organize steps, people and information, including planning.
- **Responsiveness** – appreciation for parties' needs, opinions, and directions, and real-time responsiveness.
- **Flexibility** – ability to change as the situation changes and to deviate from one's plans as the group dynamic evolves. Ability to respond to unexpected circumstances.
- **Adaptability** – ability to adapt language, technique and style to the parties' needs.
- **Content Insight** – ability to understand the content and follow the meaning of discussions.
- **Human Insight** – ability to read others, understand their needs, concerns, attitudes and fears.
- **Communication Skill** – adept at both speaking and listening effectively.
- **Nonverbal Sensitivity** – ability to read nonverbal cues and understand how parties are responding and feeling about a topic just by reading their face, gestures and postures.
- **Depth of Technique** – ability to respond to any situation with processes, interventions and techniques to facilitate the group's work and development progress.
- **Inventiveness** – ability to invent new processes or alternatives in real time to fit the situation.
- **Timeliness** – ability to know when to and when not to intervene in a process, when to transition to another issue, and when to bring a process to closure.

BIBLIOGRAPHY

Avruch, Kevin. 2003. "Type I and Type II Errors in Culturally Sensitive Conflict Resolution Practice." Conflict Resolution Quarterly. Vol. 20(3). P 351-373.

Bacon, Terry R. 1996. High Impact Facilitation. Durango, CO: International Learning Works, Inc.

Bacon, Terry R. 1994. Interpersonal and Interactive Skills. Durango, CO: Self Management Institute.

Carlson, Chris. "Trainer's Manual: Getting the Most Out of Consensus Processes." Portland, OR: The Policy Consensus Institute.

Carpenter, Susan, and W.J.D. Kennedy. 1998. Managing Public Disputes. San Francisco, CA: Jossey-Bass Publishers.

CDR Associates. 2005. Theory Practice in Collaborative Problem Solving. Boulder, Co: CDR.

CDR Associates, 1998. Mediating Environmental and Public Policy Disputes. Boulder, CO: CDR.

Conca, Ken, and Geoffrey Dabelko. 2002. Environmental Peacemaking. Washington, D.C.: Woodrow Wilson Center Press.

Crump, Larry. 2003. "Goal Achievement and Inter-Organizational Team Dynamics." Griffith University. Presented for Melbourne, Australia: International Association for Conflict Management.

D'Estree, Tamra P. 2005. "The Role of Voice in Conflict escalation and Resolution". In M. Fitzduff and C.E. Stout (Eds.), The Psychology of Resolving Global Conflicts: From War to Peace. NH: Greenwood Publishing Group.

D'Estree, Tamra P. 2002. "Dynamics". In Cheldin, S., Druckman, D. and Fast, L., Human Conflict: From Analysis to Action. London: Cassell.

Deutsch, M. and Coleman, P.T. (Eds.). 2000. The Handbook of Conflict Resolution. San Francisco: Jossey-Bass.

Docherty, Jane. 2004. "Culture and Negotiation: Symmetrical Anthropology for Negotiators." Marquette Law Review. Vol. 87(4). P 711-722.

Ertel, Danny. 2004. "Getting Past Yes: Negotiating as if Implementation Mattered." Harvard Business Review. Nov. P 60-69.

Faure, Guy Oliver, and Jeffrey Rubin. 1993. Culture and Negotiation. Thousand Oaks, CA: SAGE Publications Inc.

Fairhurst, Gail T, and Robert A. Sarr. 1996. The Art of Framing: Managing the Language of Leadership. San Francisco, CA: Jossey Bass, Inc.

Federal Emergency Management Agency. 1996. Guide for All Hazard Emergency Operations Planning: State and Local Guide SLG 101. Jessup, MD. FEMA.

Federal Highway Administration and U.S. Institute for Environmental Conflict Resolution. 2005. "Improving Transportation Project Development and Environmental Reviews Through Collaborative Problem Solving: A Facilitated Workshop." FHWA Office of Project Development and Environmental Review in collaboration with the U.S. Institute for Environmental Conflict Resolution.

Fisher, Roger and Danny Ertel. 1995. Getting Ready to Negotiate. New York, NY: Penguin Books.

Fisher, Roger, Elizabeth Kopelman and Andrea Kupfer. 1994. Beyond Machiavelli: Tools for Coping with Conflict. Boston, MA: President and Fellows of Harvard College.

Fisher, Roger and William Ury. 1991. Getting to Yes: Negotiating Agreement without Giving In. New York, NY. Penguin Books.

Freund, James. 1992. Smart Negotiating: How to Make Good Deals in the Real World. New York, NY: FIRESIDE.

Guthrie, Chris. 2004. "Principals of Influence in Negotiation." Marquette Law Review. Vol. 87(4). P 829-837.

Hall, Lavinia. 1993. Negotiation: Strategies for Mutual Gain. Newbury Park, CA. SAGE Publications.

Harrison, Jo-Ann, Kathleen Young, Amy Pate, and Victor Asal. 2003. "Cultural Differences and Crisis Negotiations: An Experimental Investigation." College Park, MD: University of Maryland.

Harvard Business School. 2000. "Negotiation Analysis: A Synthesis." Boston, MA: Harvard Business School Publishing.

Harvard Law School. 1992. "Managing International Business Relationships." Boston, MA: Program on Negotiation at Harvard Law School.

Kaner, Sam. 1996. Facilitator's Guide to Participatory Decision-Making. Gabriola Island, Canada: New Society Publishers.

Kinlaw, Dennis C. 1993. Team Managed Facilitation: Critical Skills for Developing Self-Sufficient Teams: San Diego, CA. Pfeiffer and Company Publishing.

Kusztal, Iwona. 2002. "Discourses in the Use and Emergence of Organizational Conflict." Conflict Resolution Quarterly. Vol. 20(2). P 231-249.

Lax, David A. and James K. Sebenius. 1986. The Manager as Negotiator: Bargaining for Cooperative and Competitive Gain. New York, NY: The Free Press.

Lewicki, Roy, Barbara Gray and Michael Elliott. 2003. Making Sense of Intractable Environmental Conflicts. Washington, DC: Island Press.

Lewicki, Roy, Joseph Litterer, John Minton, and David Saunders. 1994. Negotiation. The McGraw-Hill Companies.

MacNaughton, Ann, and Jay Martin. 2002. Environmental Dispute Resolution. American Bar Association: Section of Environment, Energy, and Resources Book Publications Committee.

Mclagan, Patricia, and Christo Nel. 1995. The Age of Participation: New Governance for the Workplace and the World. San Francisco, CA: Berret-Koehler Publishers Inc.

Miller, Jeffrey, and Thomas Colosi. 1989. Fundamentals of Negotiation: A Guide for Environmental Professionals. Washington, D.C.: Environmental Law Institute.

Mills, Miriam. 1991. Alternative Dispute Resolution in the Public Sector. Chicago, IL: Nelson Hall Publishers.

Mnookin, Robert and Lawrence Susskind. 2005 "Advanced Negotiation Workshop: Multiparty Negotiation." Boston, MA: Harvard Law School.

Najam, A. 2001. "Collectives in International Multilateral Negotiation." Getting Below the Lowest Common Denominator. Doctoral Dissertation. Boston, MA: Massachusetts Institute of Technology.

Nanus, Burt. 1992. Visionary Leadership. San Francisco, CA. Jossey-Bass, Inc. Publishers.

Natural Resources Leadership Institute. 2005. "Stages of the Collaborative Problem Solving Process". Raleigh, NC: NC State University.

Nierenberg, Gerard. 1968. The Art of Negotiating. New York, NY. Pocket Book Publishers.

Oregon Public Policy Dispute Resolution Program. 2000. "Collaborative Approaches: A Handbook for Public Policy Decision-Making and Conflict Resolution." State of Oregon Publishing and Distribution.

Poitras, Jean, Robert Bowen and Sean Byrne. 2003. "Bringing Horses to Water? Overcoming Bad Relationships in the Pre-Negotiating Stage of Consensus Building." Negotiation Journal Vol. 9(3). P 251-265.

Raiffa, Howard. 1982. The Art & Science of Negotiation. Boston, MA: The President and Fellows of Harvard College.

Reddy, Brendan. 1994. Intervention Skills: Process Consultation for Small Groups and Teams. San Diego, CA: Pfeiffer & Company.

Rees, Fran. 1991. How to Lead Work Teams: Facilitation Skills. San Francisco, CA: Pfeiffer/Jossey-Bass Inc.

Rees, Fran. 1997. Teamwork from Start to Finish: Ten Steps to Results. San Francisco, CA: Pfeiffer/Jossey-Bass Inc.

Rubinstein, Robert. 2003. "Cross-Cultural Considerations in Complex Peace Operations." Negotiation Journal. Vol. 19(1). P 29-51.

Society of Professionals in Dispute Resolution. 1997."Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes." Washington, D.C.: SPIDR

Susskind, Lawrence, Robert Mnookin, Boyd Fuller and Lukasz Rozdeiczer. 2003. "Teaching Multiparty Negotiation: Conference Summary." Boston, MA: The President and Fellows of Harvard Law School.

Susskind, Lawrence, Robert Mnookin, Boyd Fuller and Lukasz Rozdeiczer. 2003. "Teaching Multiparty Negotiation: A Workbook." Boston, MA: The President and Fellows of Harvard College.

Susskind, Lawrence, Sarah McKearnan, Jennifer Thomas-Larmer. 1999. Consensus Building Handbook. Thousand Oaks, CA: SAGE Publications.

Susskind, Lawrence, and Patrick Field. 1996. Dealing With an Angry Public: The Mutual Gains Approach to Resolving Disputes. New York, NY: The Free Press Publishing.

Susskind, Lawrence, and Jeffrey Cruikshank. 1987. Breaking the Impasse: Consensual Approaches to Resolving Public Disputes. Basic Books Publishing.

SWCA. 2004. "Environmental Collaboration and Conflict Management: A Three Day Course on Achieving Satisfying Environmental Solutions." Phoenix, AZ: SWCA Inc.

Thomas, Kenneth W. and Ralph H. Kilmann. 1974. Thomas-Kilmann Conflict Mode Instrument. Mountain View, CA: CPP, Inc.

Tolba, Mostafa and Iwona Runnel-Bulska. 1998. Global Environmental Diplomacy: Negotiating Environmental Agreements for the World, 1973-1992. Boston, MA: Massachusetts Institute of Technology.

Touval, S. and J.Z. Rubin. 1989. "Multilateral Negotiation: An Analytical Approach." Negotiation Theory and Practice. Boston, MA: Program on Negotiation at Harvard Law School.

Ury, William. 1993. Getting Past No. New York, NY: Bantam Books.

U.S. Air Force. 2005. "Managing Difficult Conversations." Washington D.C.: Office of the General Council, Dispute Resolution Division.

U.S. Air Force. 2002. "Air Force Instruction 10-802: Military Support to Civil Authorities." McPherson, GA: Domestic Response Operations Division.

U.S. Department of Homeland Security. 2004. "National Response Plan." Washington D.C.: DHS.

U.S. Institute for Environmental Conflict Resolution. 2005. "FHWA Convening Training: Facilitator's Guide." Tcson, AZ: USIECR.

Wall, James, and Daniel Druckman. 2003. "Mediation in Peacekeeping Missions." Journal of Conflict Resolution. Vol. 47. p 693-705.

Welsh, Nancy A. 2005. "Perceptions of Fairness in Negotiation". Unpublished Article.

Wu, Jenai, and David Laws. 2003. "Trust and Other-Anxiety in Negotiations: Dynamics Across Boundaries of Self and Culture." Negotiation Journal. Vol. 19(4). P 329-369.

APPENDIX A: GUIDANCE AND BEST PRACTICES

GUIDANCE AND BEST PRACTICES

The following principles and best practices are guidelines established for agencies and parties to follow in conducting complex multi-party negotiation.

Common Principles For Agency Engagement

In 2004, at the request of the President's Council on Environmental Quality, an interdepartmental working group of 16 federal departments and agencies developed a set of Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving. These principles are consistent with the collective professional experience and research over 30 years in "interest-based" negotiation, consensus building, collaborative management, environmental mediation and conflict resolution. These principles were first presented to an interdepartmental leadership meeting in June 2004 and have since been included in a joint memorandum issued by the OMB and CEQ to foster more effective use of environmental conflict resolution and collaborative problem solving.

Informed Commitment. Confirm willingness and availability of appropriate agency leadership and staff at all levels to commit to principles of engagement; ensure commitment to participate in good faith with open mindset to new perspectives.

Balanced, Voluntary Representation. Ensure balanced inclusion of affected/concerned interests; all parties should be willing and able to participate and select their own representatives.

Group Autonomy. Engage with all parties in developing and governing process; including choice of consensus-based decision rules; seek assistance as needed from impartial facilitator/mediator selected by and accountable to all parties.

Informed Process. Seek agreement on how to share, test and apply relevant information (scientific, cultural, technical, etc.) among parties; ensure relevant information is accessible and understandable by all parties.

Accountability. Participate in process directly, fully, and in good faith; be accountable to the process, all parties and the public.

Openness. Ensure all parties and public are fully informed in a timely manner of the purpose and objectives of process; communicate agency authorities, requirements and constraints; uphold confidentiality rules and agreements as required for particular proceedings.

Timeliness. Ensure timely decisions and outcomes.

Implementation. Ensure decisions are implementable; parties should commit to identify roles and responsibilities necessary to implement agreement; parties should agree in advance on the consequences of a party being unable to provide necessary resources or implement agreement; ensure parties will take steps to implement and obtain resources necessary to agreement.

Best Practices For Government Agencies

The Society of Professionals in Dispute Resolution has developed a set of guidelines for best practice for government agencies to ensure successful use of collaborative processes for decision-making. These are:

1. An agency should first consider whether a collaborative agreement-seeking approach is appropriate.

2. Stakeholders should be supportive of the process and willing and able to participate.

3. Agency leaders should support the process and ensure sufficient resources to convene the process.

4. An assessment should precede a collaborative agreement-seeking process.

5. Ground rules should be mutually agreed upon by all participants and not established solely by the sponsoring agency

6. The sponsoring agency should ensure the facilitator's neutrality and accountability to all participants.

7. The agency and participants should plan for implementation of the agreement from the beginning of the process.

8. Policies governing these processes should not be overly prescriptive.

APPENDIX B: AIR FORCE PARTICIPANTS, REVIEWERS AND TRAINING CONSULTANTS

AIR FORCE PARTICIPANTS

Joseph M. McDade, Jr.
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Janina Khayali
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REVIEWERS

The task of the reviewer team was to review the draft framework developed by the Institute and to provide helpful guidance and critique according to their expertise, prioritize the concepts as they appeared in the draft framework and suggest any additional material to be added. The individuals on the reviewer team include:

Christine Carlson
Executive Director
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Portland, OR

Christine Carlson is Executive Director of the Policy Consensus Initiative (PCI) a national, non-profit, non-partisan organization. PCI works with states and state leaders throughout the country to establish and strengthen the use of consensus building and conflict resolution in states. Chris has been a leader in the field of public policy dispute resolution for more than twenty years, serving as mediator, facilitator, trainer, and consultant. She was the founding Executive Director of the Ohio Commission on Dispute Resolution. Prior to that, she was Program and Legal Officer at the Kettering Foundation. She has also served as a local elected official.

She has written numerous articles about the use of consensus building and problem solving in the public-policy sphere, and is a contributing author to the *Consensus Building Handbook*. Her most recent publication is *A Practical Guide to Consensus*, published in 1999 by PCI. Chris is adjunct professor in the Conflict Resolution Program at Antioch University's McGregor School. She has a J.D. from the University of Dayton and a B.S. from Case Western Reserve University.

Tamra Pearson d'Estrée, Ph.D.
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Tamra Pearson d'Estrée, PhD in Social Psychology, Harvard University, is Henry R. Luce Professor of Conflict Resolution at the University of Denver, and the Director of their Conflict Resolution Institute's Center for Research & Practice. She has also held faculty appointments at the Institute for Conflict Analysis and Resolution (ICAR) at George Mason University, and the Psychology Department at the University of Arizona. Her research interests lie at the intersection of conflict resolution and social psychology, including work on social identity, intergroup relations, and conflict resolution processes, as well as on evaluation research and reflective practice. She is the author, with Bonnie G. Colby, of *Braving the Currents: Evaluating Conflict Resolution in the River Basins of the American West* (Kluwer), as well as several book chapters and articles in various interdisciplinary journals. She has led trainings and facilitated interactive problem-solving workshops in various intercommunal conflict contexts including Israel-

Palestine, Ethiopia, and in US intertribal disputes, and she has directed and/or evaluated projects aimed at conflict resolution capacity- and institution-building in Israel-Palestine, Ukraine, and Georgia. She is currently working with community mediation centers in Colorado to develop a common evaluation framework, and directs a State-Dept. funded project partnering the University of Denver with the University of West Indies to develop mediation capacities in Trinidad & Tobago.

John Ehrmann, Ph.D.
Founder and Senior Partner
Meridian Institute
Dillon, CO

Dr. Ehrmann is one of the most highly skilled and sought after facilitators in the field. He has pioneered the use of collaborative processes for two decades, using it for everything from conflict resolution to creative processes like organizational planning for the future. He has led projects in national and international forums; in public policy arenas involving legislation, negotiated regulations and Federal Advisory Committees; in organizational management settings; and with stakeholder groups advising individual companies. For the most part, his work has focused on the environment, natural resources issues, and the economic and social challenges associated with developing sustainable practices for communities and industries.

In addition to his extensive involvement in facilitating collaborative processes, Dr. Ehrmann also works to promote the use of collaborative decision-making. He gives lectures and has published numerous articles on collaborative decisions in public policy issues. He also serves as an adjunct faculty member for the University of Wyoming and provides advice to the Institute and School of Environment and Natural Resources on the use of collaborative problem solving in natural resource decision-making.

Dr. Ehrmann received his undergraduate degree from Macalester College and his Ph.D. in Natural Resource Policy and Environmental Dispute Resolution from the University of Michigan, School of Natural Resources. His doctoral dissertation involved developing a practice-based model of the policy dialogue, which can be applied to both practice and research. Between 1983 and 1997, Dr. Ehrmann was executive vice president at the Keystone Center, Keystone, Colorado. In September 1997 he left Keystone to found the Meridian Institute.

Michael Elliott, Ph.D.
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Michael Elliott is an Associate Professor in City and Regional Planning at Georgia Tech. As a principal with the Consortium on Negotiation and Conflict Resolution and the Southeast Negotiation Network, Dr. Elliott facilitates public policy consensus building processes, designs dispute management systems, and conducts research and trainings in collaborative decision making and conflict management. He has worked extensively with the U.S. Environmental Protection Agency and other environmental and land management specialists in the United States, Estonia, Germany, Israel, Kazakhstan, and Nicaragua.

Paul Leonard
Township Manager
Upper Dublin Township
Fort Washington, PA

Paul Leonard has been involved in city and emergency management for 25 years. Currently the Township Manager for Upper Dublin, PA he is the Governor's appointed emergency management coordinator there and has responded numerous incidents, including acting as incident commander of 3 events designated by the President as disasters. He is a National Pro Board certified firefighter and state certified fire officer. He is active in the Eastern Montgomery County Emergency Management (www.emema.org) group, an innovative association of 14 regional

municipal emergency managers who are partners in planning, response and recovery. The group received the PA Governor's Award for Excellence in Local Government. Paul also was instrumental in planning 3 major training symposiums in Emergency Management. Paul has been a city manager in two other communities. He holds a masters degree in public administration from the Pennsylvania State University and is an alumnus or the Senior Executive Institute, University of Virginia, Darden School of Business.

Lawrence Susskind, Ph.D.
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Larry Susskind is Ford Professor of Urban and Environmental Planning at MIT where he has been a member of the faculty in the Department of Urban Studies and Planning for 35 years. He is one of the founders of the Program on Negotiation at Harvard Law School where he is Vice-chair for Instruction and Director of the Public Disputes Program. He teaches the advanced Multi-party Negotiation course at Harvard Law School. Professor Susskind is also founder of the Consensus Building Institute, a not-for-profit company that provides mediation services in complicated public disputes around the services. He is the author of more than a dozen books including the award-winning Consensus Building Handbook (Sage, 1999).

Maria Volpe
Professor
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Maria R. Volpe, Ph.D. is Professor of Sociology, Director of the Dispute Resolution Program at John Jay College of Criminal Justice - City University of New York, and serves as Convener of the CUNY Dispute Resolution Consortium, a university-wide center launched with funding from the William and Flora Hewlett Foundation. An internationally known scholar, Dr. Volpe has lectured and written extensively about dispute resolution processes, particularly mediation, and has been widely recognized for her distinguished career in the field of dispute resolution. She teaches dispute resolution courses at the undergraduate and graduate levels; conduct research on dispute resolution processes, mediates conflicts in educational settings; conducts dispute resolution skills training; facilitates for a wide range of groups; and administers grant funded projects. She is an Editorial Board Member of Conflict Resolution Quarterly, Negotiation Journal, and Practical Dispute Resolution; Past-President of the Society of Professionals in Dispute Resolution [SPIDR]; Member of Dispute Resolution Advisory Committee of the NYS Unified Court System; Former Board Member of the National Conference on Peacemaking and Conflict Resolution [NCPCR]; Ex-President of the New York City Chapter of SPIDR; Ex-Board Member of the Association for Conflict Resolution of Greater New York; Advisory Panel of NYS Dispute Resolution Public Awareness Action Committee; Member of Association for Conflict Resolution Diversity and Equity Point Person Network, American Bar Association Dispute Resolution Section Diversity Committee, among others. Her current research focuses on police use of mediation, dispute resolution in educational settings, ADR Responses to 9/11, and barriers to minority participation in dispute resolution. Dr. Volpe received her Ph.D. from New York University where she was an NIMH Fellow.

Nancy Welsh
Associate Director, Center for Dispute Resolution and Professor of Law
The Dickinson School of Law
Pennsylvania State University
Carlisle, PA

Nancy A. Welsh is a professor of law at the Dickinson School of Law of The Pennsylvania State University. She is a leading scholar in the field of alternative dispute resolution (ADR), with research focusing on the procedural justice provided by court-connected and agency-connected mediation, as well as the effect of institutionalized “alternative” processes on the legitimacy and mission of the courts. In January, 2006, Professor Welsh will begin research as a

Fulbright Scholar in the Netherlands where the government is preparing to launch a significant initiative to offer mediation in all of the nation's courts and legal advice services. Under her grant, Professor Welsh will research the design, implementation and outcomes of the Netherlands' mediation project, the needs it is meant to address and the effects of the civil law context within which it fits. She will also teach law students at the University of Tilburg and educate researchers regarding how the U.S. has institutionalized mediation in state and federal courts and various agencies.

Professor Welsh chairs the Publications Board of the American Bar Association Section of Dispute Resolution and is a member of the editorial board of the Association of Conflict Resolution's *Conflict Resolution Journal*. She has also served as Chair of the ABA Dispute Resolution Section's James Boskey Essay Competition and Legal Educators' Colloquium. She is a mediator for the Federal District Court of the Middle District of Pennsylvania, mediates and arbitrates contract, employment and public policy matters, consults with governmental agencies on dispute resolution system design and trains attorneys and judges in mediation skills. Along with Professor Bob Ackerman, she serves as faculty advisor to the Dickinson School of Law ADR Society.

Before joining the faculty of Penn State-Dickinson, Professor Welsh was a member of the Minnesota ADR Review Board which developed and implemented rules governing the innovative ADR program adopted by the state's courts. She also was Executive Director of Mediation Center, a non-profit ADR organization serving Minnesota, and chaired the Minnesota State Bar Association's ADR Committee. In 1997, just before joining the Penn State Dickinson School of Law, Professor Welsh's peers selected her as a leading Minnesota attorney. From 1982-1986, Professor Welsh practiced in the area of corporate litigation with the Minneapolis law firm of Leonard, Street and Deinard. She teaches Civil Procedure, Negotiation

Howard Wolpe
Director, Africa Program
Woodrow Wilson International Center for Scholars
Washington, DC

Dr. Howard Wolpe, a former seven-term Member of Congress and former Presidential Special Envoy to Africa's Great Lakes Region, is currently Director of the Africa Program at the Woodrow Wilson International Center for Scholars, and of the Center's Project on Leadership and Building State Capacity.

A specialist in African politics, for ten of his fourteen years in the Congress Dr. Wolpe chaired the Subcommittee on Africa of the House Foreign Affairs Committee. He also chaired the Investigations and Oversight Subcommittee of the House Science, Space and Technology Committee. His other roles in the Congress included the co-chairmanship of the bipartisan Northeast-Midwest Congressional Coalition and the Congressional Energy and Environmental Study Conference.

Prior to entering the Congress, Dr. Wolpe served in the Michigan House of Representatives and as a member of the Kalamazoo City Commission.

Dr. Wolpe has taught at Western Michigan University (Political Science Department) and the University of Michigan (Institute of Public Policy Studies), and has served as a Visiting Fellow in the Foreign Policy Studies Program of the Brookings Institution, as a Woodrow Wilson Center Public Policy Scholar, and as a consultant to the World Bank and to the Foreign Service Institute of the U.S. State Department. Dr. Wolpe received his B.A. degree from Reed College, and his Ph.D. from the Massachusetts Institute of Technology.

Dr. Wolpe is a member of the Council on Foreign Relations, and a member of the Board of Directors of the National Endowment for Democracy (NED). He co-directed (with Ambassador David C. Miller, Jr.) the Ninetieth American Assembly on "Africa and U.S. National Interests" held in March 1997. He has written extensively on Africa, American foreign policy, and the management of ethnic and racial conflict. He is the co-author (with David F. Gordon and David C. Miller, Jr.) of **The United States and Africa: A Post-Cold War Perspective** (The American Assembly, 1998)**,** and (with David Gordon) of "The Other Africa: an End to Afro-Pessimism," printed in the Spring 1998 volume of the **World Policy Journal.** He co-edited (with Robert Melson), **Nigeria: Modernization and the**

Politics of Communalism (Michigan State University Press, 1971) and is the author of **Urban Politics in Nigeria** (University of California Press, 1973), of "The Great Lakes Crisis: An American View," **South African Journal of International Affairs,** Summer 2000, and a co-author of "Re-building Peace and State Capacity in War-Torn Burundi," **The Roundtable: The Commonwealth Journal of International Affairs,** Vol. 93, No. 375, 457-467, July 2004, and a co-author (with Juana Brachet) of "Conflict Sensitive Development Assistance: The Case of Burundi," **World Bank Social Development Papers**, No. 27, June 2005. He is the recipient of the African-American Institute's Star Crystal Award for Excellence, of the Michigan Audubon Society's Legislator of the Year Award and the Sierra Club's Lifetime Achievement Award.

Currently, Dr. Wolpe is working on a book based on his diplomatic experience with the Burundi peace process, and is directing a post-conflict leadership training program in Burundi.

TRAINING CONSULTANTS

Reviewer comments and suggestions were integrated into a second draft framework which was then reviewed by a team of training experts and practitioners in the field of ECR at an all-day workshop held in Washington, DC on September 28th, 2005. The goal of the workshop was to develop the draft framework into a framework "training" tool, and workshop discussion centered around: discussion of framework elements, preferred training approaches, and discussion of potential training scenarios. The list of training consultants included:

Eileen Babbitt
Assistant. Professor of International Politics
The Fletcher School of Law and Diplomacy, Tufts University
Medford, MA

Eileen F. Babbitt is Assistant Professor of International Politics and Director of the International Negotiation and Conflict Resolution Program at the Fletcher School of Law and Diplomacy at Tufts University. She is also an Associate of the Program on Negotiation at the Harvard Law School and a member of the Council on Foreign Relations. Before joining the Fletcher faculty, Professor Babbitt was Director of Education and Training at the United States Institute of Peace in Washington, D.C. and Deputy Director of the Program on International Conflict Analysis and Resolution at the Weatherhead Center for International Affairs, Harvard University. Her practice as a facilitator and trainer has included work in the Middle East, the Balkans, Southeastern Europe, Cyprus, and the Caucasus. She has also done extensive work on public policy disputes and intergroup relations in the United States. Her research interests include roles for third parties in self-determination conflicts; coexistence and trust-building in the aftermath of civil war; and the interface between human rights concerns and conflict resolution.

Mickey Benson, Ph.D.
President
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Mickey Anne Benson, Ph.D., NCC is a specialist in organizational revitalization and evolution. In 1994, she founded Monitor Associates, Inc., a woman-owned, small disadvantaged consulting firm specializing in Organizational Evolution and Emergency Preparedness. Through Monitor, Dr. Benson has successfully developed and provided innovative methodologies and interventions to lead change and enhance performance in transformational organizations. Dr. Benson has twenty years experience in the oil industry as an exploration geophysicist, serving as a worldwide special-problems consultant and communication liaison for geophysical interpretation, seismic data collection, and geophysical data processing for Texaco, Inc., Phillips Petroleum, and Union Texas Petroleum. Dr. Benson earned her doctorate in Developmental Psychology/Organizational Behavior from Cornell University in 1994. She holds master's degrees in Educational Psychology (Cornell University) and in Education and Human Development (The George Washington University). Her undergraduate work is in Chemistry and Mathematics.

Stephen Epstein, Ph.D.
Political Military Affairs Officer
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Office of Iraqi Affairs
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Steve Epstein is a graduate of the U.S. Army War College and holds a PhD in anthropology from the University of Pennsylvania. He was trained in mediation by the Friends Conflict Resolution Program. He has conducted archaeological excavations in Ireland, Belize, Peru, and West Texas, and has taught archaeology and anthropology at the University of Pennsylvania and Rutgers University.

He is currently serving as Political-Military Officer, Office of Iraqi Affairs, Bureau of Near Eastern Affairs, U.S. Department of State, Washington, DC. His civilian assignments include:

- Senior Field Advisor, Office of Transitional Initiatives (OTI), U.S. Agency for International Development, Baghdad, Iraq, June-October 2003; Washington DC, October-July 2004.
- Foreign Affairs Officer, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, Washington DC, 2000-2002.
- Associate Director, University of Pennsylvania Museum of Archaeology and Anthropology Philadelphia PA, 1995-2000.

His military assignments include:

- Colonel, Civil Affairs, U.S. Army Reserve, retired 2001.
- Commander, Ministerial Support Team, Stabilization Force (SFOR), Sarajevo, Bosnia-Herzegovina, June 1998-February 1999.
- Advisor to the Minister of Education, Port-au-Prince, Haiti, November-December 1994.
- Liaison Officer to UN Special Envoy, U.N. Haiti Assistance Group, Port-au-Prince, Haiti, October 1993.
- Commander, Civil Affairs Detachment, JTF Bravo, Dohuk, Iraq, June 1991.
- Mayor, Kurdish Refugee Camp, U.N. Transient Center #3, Zakho, Iraq, May 1991
- Liaison Officer, U.S. Consulate, Dhahran, Saudi Arabia, January-April 1991

Thomas Fee
President
The Agreement Zone
Freehold, NJ

A public policy mediator and facilitator for twenty years coaching leaders to address and resolve complex, multiparty conflicts and then to implement agreements (healthcare, environmental, education, housing, organizational, social services, finance, civil rights et al.). Tom's recent projects (04-05) have focused on leadership coaching and strategic futures work: Oregon Judiciary Department, US EPA, National Preparedness Leadership Institute, Association of Family and Conciliation Courts, University of Hawaii and others. Agreement Zone (1995-2005), University of Hawaii (2002-04), Mercer Street Friends (2001), Harvard School of Public Health Program on Healthcare Negotiation and Conflict Resolution (1996-2003), World Foundation for Environment and Development, DC(2000), National Institute for Dispute Resolution, DC (1988- 94; 1985), NJ Center for Public Dispute Resolution

(1985-88), Prentice-Hall, Inc. (1979-80). Tom is affiliated with the Consensus Building Institute, Public Decisions Network, UH Program on Conflict Resolution, ACR and the ABA. Tom has a JD from Rutgers Law School and a BA high honors from Rutgers College. He is based in Freehold, NJ.

Suzanne Ghais
Director
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Suzanne Ghais, M.S., Director, is an experienced facilitator, mediator, trainer, researcher, and writer. Her main focus is on complex, multiparty organizational and environmental issues. In the organizational arena, she specializes in facilitating retreats and strategic planning, mediating supervisor/employee disputes, improving governance and decision-making procedures, and improving communication and cooperation across work units. She primarily performs these for professional service firms, government agencies, and non-profits. In the environmental arena, she specializes in air quality, Superfund cleanup, base closure, and inter-governmental relations, mostly under contract with local, state, and federal government agencies. Ms. Ghais is the author of *Extreme Facilitation: Guiding Groups through Controversy and Complexity* (Jossey-Bass/Wiley 2005).

Susan Podziba
Public Policy Mediator
Susan Podziba & Associates
Brookline, MA

Susan L. Podziba is Principal and Public Policy Mediator at Susan Podziba & Associates. For more than twenty years, Ms. Podziba has mediated scores of complex public policy cases in areas involving international relations, governance, environmental disputes, land use and development decisions, transportation planning, security, labor standards, public health, and education policy. Ms. Podziba taught public policy negotiation and conflict resolution at the Massachusetts Institute of Technology from 1996-2002, and at the Program On Negotiation at Harvard Law School from 1999-2002. Her past projects include a negotiated rulemaking for the U.S. Department of Transportation, in consultation with the U.S. Department of Homeland Security to develop minimum standards for driver's licenses and personal identification cards required under the 9/11 Act; conflict resolution training for local, state and federal government officials responsible for responding to bio-terrorist attacks as part of the Preparedness Leadership Initiative of Harvard School of Public Health and Kennedy School of Government; and a feasibility study for a consensus process, undertaken for U.S. Environmental Protection Agency, to decide allocation and location of state hazardous materials teams and identify training and equipment needs to ensure local emergency response capability for Superfund site accidents.