Focus on "What"
Managing Natural Resource Disputes – No. 6

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The following checklists are designed to help citizens' or community groups focus on pertinent issues concerning the substance of the negotiation, or "what" the negotiation is about. Thinking about these questions before the negotiation step, in the pre-negotiation step of a collaborative process, can help groups avoid potential problems.

Addressing the "What" of Negotiation

Ideally, the questions that follow should be answered with a "YES" to indicate that your group is ready to negotiate. A "NO" is a "red flag", indicating that the issue needs some attention before proceeding.

1. _____ Does your group agree on the problem and can your group state the problem succinctly?

The problem statement is especially important as your group meets with the other parties. The problem statement can keep your group from getting "bogged down" in issues and concerns that may be raised by the other parties but may not be of core concern to your group. The problem statement can be a compass for your group in preparing for negotiation and as the negotiation progresses.

2. _____ Can your group defend what it says with relevant data?

A statement of your interest without supporting documentation will not convince the other parties that your interest is legitimate. Part of the pre-negotiation preparation should include an understanding of what data are necessary to support your interest statement.
3. Does your group have resources to gather needed data?

If additional data are needed, but your group lacks resources for collecting those data, your group will be at a serious disadvantage. Your group should seriously consider whether it is prudent to proceed. If your group decides to proceed, then it will need to address how to remedy the disadvantage.

4. Will the other groups accept your data?

While data may be available, the other groups may not agree that the data is valid. A citizens’ group should assess both its own data and data that might be used during the negotiation and determine whether the data are acceptable to everyone. If there is disagreement over validity of data, it may be necessary to do joint fact-finding before negotiations begin (Susskind and Cruikshank 1987).

5. Does the facilitator have sufficient background in the issues to be addressed?

Where issues are relatively uncomplicated, the facilitator may not need to have a background in the substance of the issues. Where issues involve a complex legal history or are very technical, it may be important that the facilitator have a background in similar issues. Your group should ask sufficient questions of the professional’s background to be comfortable with his technical expertise. Your group should also consider using co-facilitators where one is process oriented and the other in substance oriented (Susskind 1997).

6. If your group represents a community-wide constituency, are local media or other resources available to educate and inform the public about the issues?

Getting a Handle on the "What"

In situations where the issues are complex and the conflict long-standing, it becomes especially important that the citizens' group clearly define the over-arching problem and the group's objectives. This will help the group stay "on course" if there is a tendency to get lost in smaller issues or concerns. The steps listed below should leave the group with a succinct problem statement and a list of related objectives to be achieved during the negotiation. Going to the table without such a focus can easily derail a negotiation.

1. **Brainstorm the Issues. Develop a "wish list".** This is not the time to worry about duplication or the length. The goal is to get as many ideas as possible written down. It is important that all points of view are reflected in the list.

2. **Develop a Problem Statement.** This should be a succinct statement of not more than two sentences capturing the essential problem(s) to be addressed in the negotiation. It is not necessary that reference be made to items on the "wish list" to develop the problem statement.

3. **Evaluate whether each item in the list is essential or not essential to solve the problem as defined in the problem statement.**

4. **Decide whether the problem statement fully captures all those items previously listed as essential.** Redefine the problem statement if necessary.

5. **Remove those items from the "wish list" that are listed as not essential.**

6. **Check the wish list a second time.** Look for overlapping or duplicated concerns and reword the statements as appropriate.
REFERENCES

