



DAY 1
TRAINING CONNECTIVE NEGOTIATION

WELCOME!

Karsten Schipperheijn



Program and stakeholder manager

Reviewer of climate adaptation related projects

Co-owner of company P2 Strategy – Realization – Development; 75 people

Multi stakeholder projects, such as Dutch National Parks, the Waddensea, Room for the River Waal Nijmegen

Half Danish, ancestors Lemvig, Staby, Randers and Bramming



Femke Vergeest



- Process manager, Connective Negotiation and trainer
- Biologist, nature education and conservation and people
- Multi stakeholder processes: water, nature, agriculture, recreation, (local) governments, NGO's, companies, inhabitants, local groups
- Examples: Sweet Water Agreement Holland, citizens initiative for village park/sports/water storage, Marine Protected Areas Azores
- Family, Rugvin Foundation, Earth Education



GROUNDRULES OR GUIDING PRINCIPLES

- > What will be ours?
- > How would we like to work together?

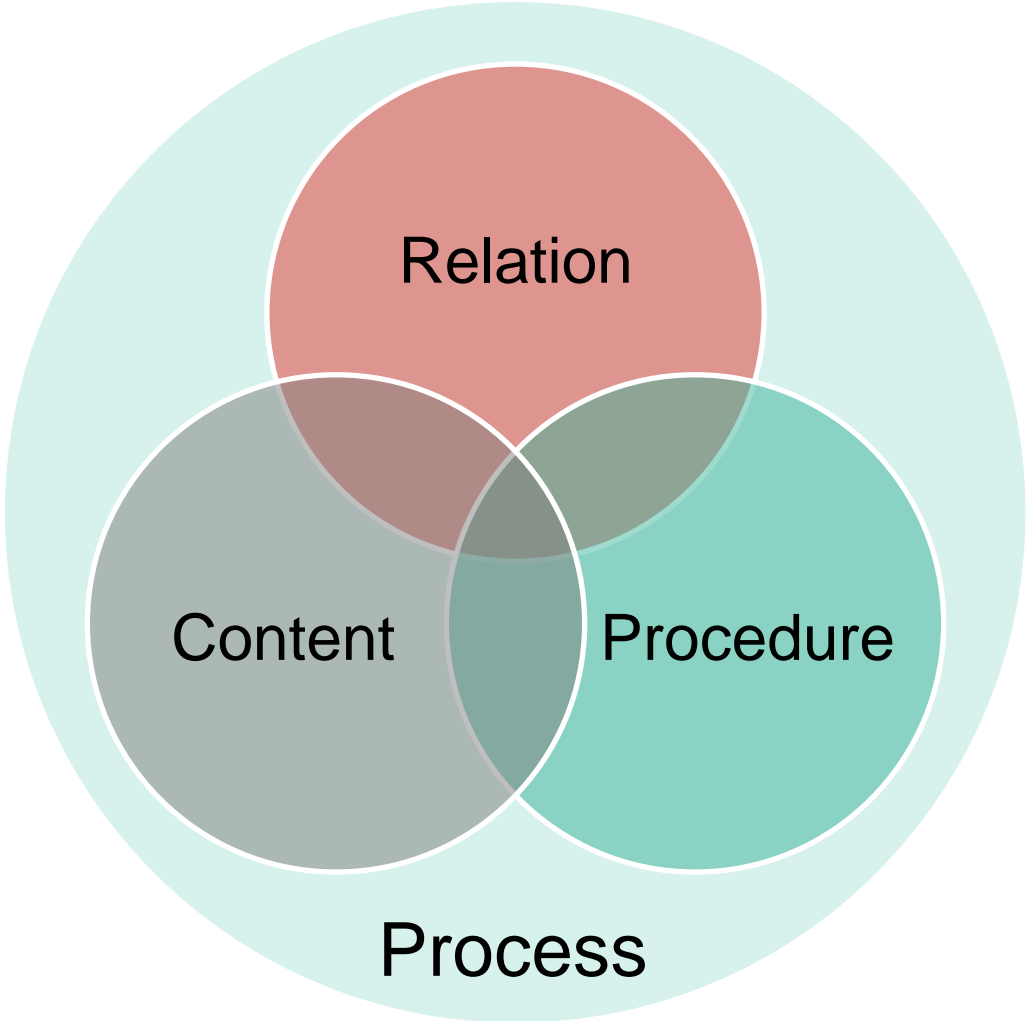


WHY GUIDING PRINCIPLES?

- > Emphasizes group responsibility
- > Relation builds on trust
- > Supports dialogue
- > Something to fall back on during the process
- > Entails values of the MGA
- > Not directly content focussed
- > A first mutual success!



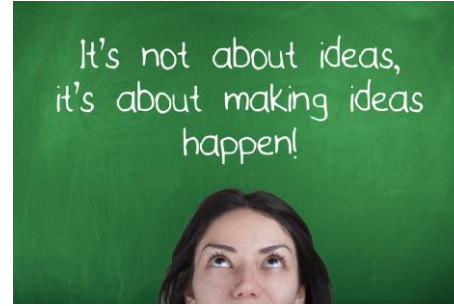
FOUR DOMAINS IN EVERY NEGOTIATION



LEARNING AND COMPETENCES



problem analysis



initiative



creativity



sensitivity



listen



communication



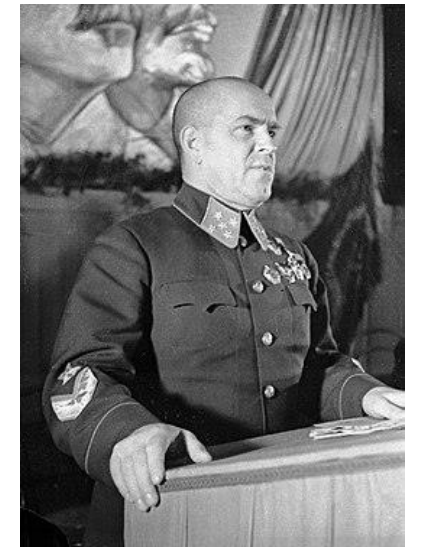
CONNECTIVE NEGOTIATION

A DIFFERENT APPROACH

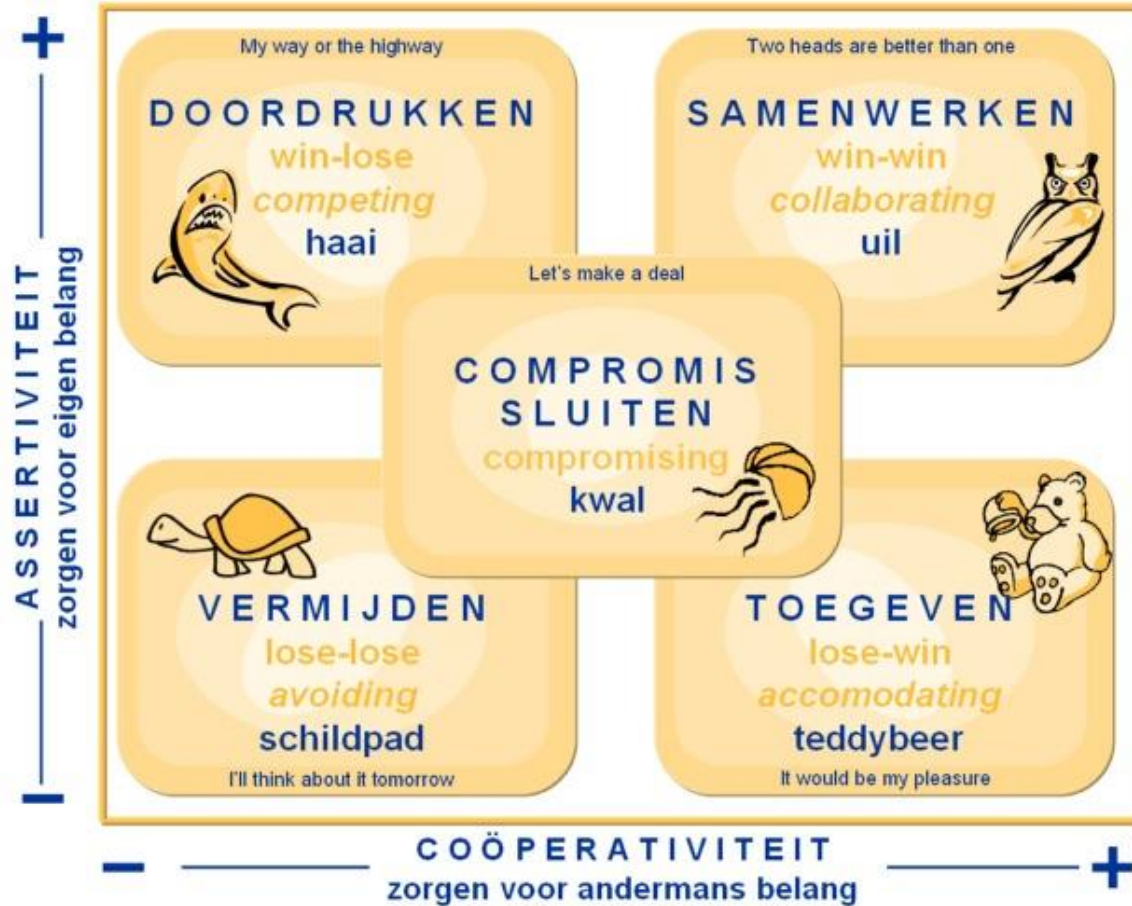


NEGOTIATIONS ARE EVERYWHERE

- > In daily life with friends, family, neighbours
- > In all markets
- > In politics and governance
- > In workplaces and organizations with bosses, co-workers and other departments
- > Between businesses
- > In law (suits)
- > In all of our projects

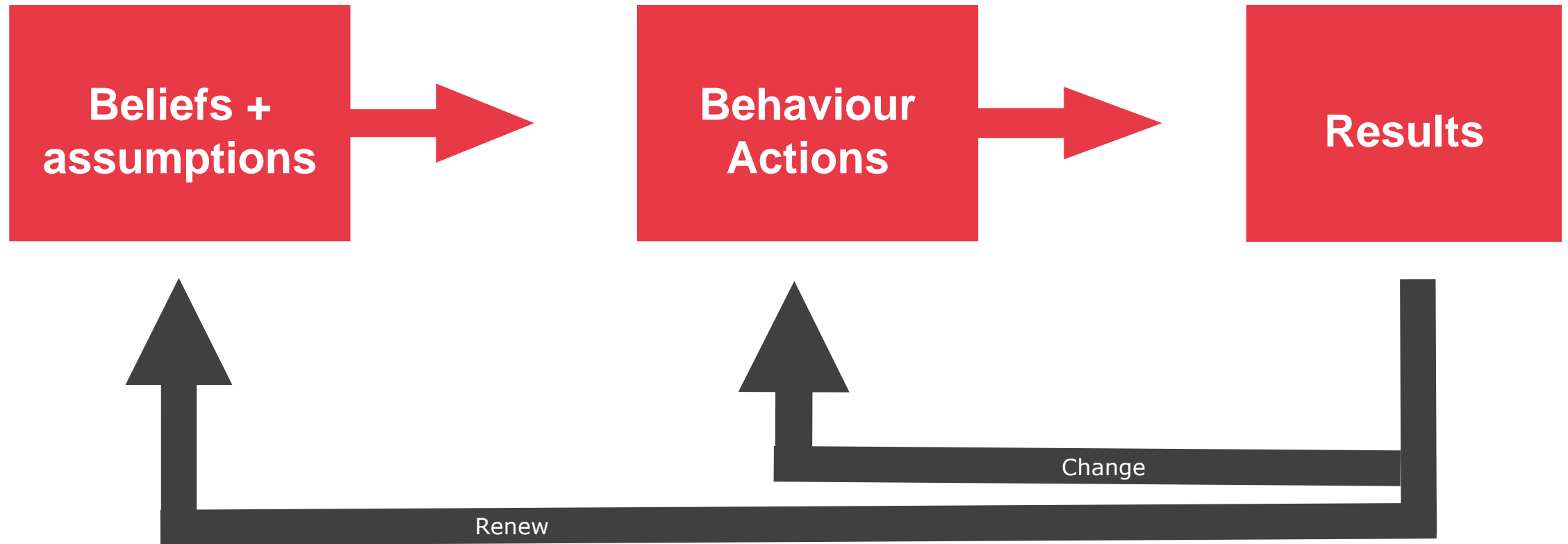


STRATEGIES FOR NEGOTIATIONS



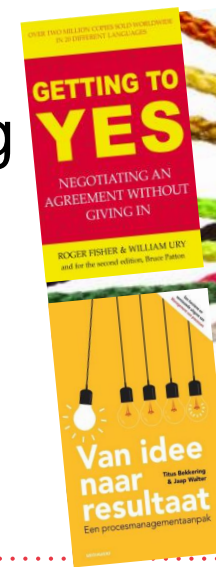
Bron: Thomas-Kilmann model, 123 management

THE STARTING POINT: RENEW TO A WIN-WIN



THE MUTUAL GAINS APPROACH

- > MIT and Harvard: >>20.000 negotiations analyzed
- > Working towards added value for all parties
- > Applied worldwide
- > Demands a different way of thinking and working



CONNECTIVE NEGOTIATION: MGA AND PROCESS MANAGEMENT



THE DIFFERENCES

Conventional negotiations

- > Use differences in power amongst the parties
- > Focus on positions
- > Win - Lose
- > Focus on distribution, scarcity
- > Hold back information
- > Compromise

MGA

- > Work on solutions together
- > Focus on interests
- > Win – win
- > Create value
- > Share information
- > Consensus building

WHY WOULD YOU USE THIS APPROACH?



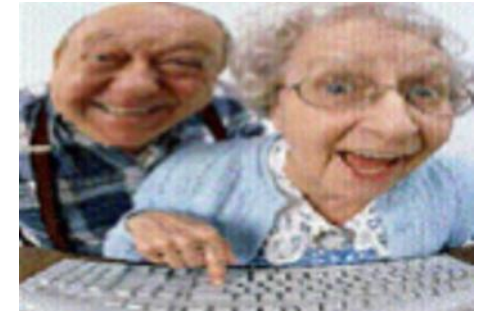
CHANGING SOCIETY

Horizontal collaboration



USE OF KNOWLEDGE AND CREATIVITY

From- and for everyone



ASSERTIVE CITIZENS

Participating government



CHANGING POSITION GOVERNMENT

New laws (like omgevingswet)



TRANSPARENCY OF DECISION-MAKING



A LOT OF INFORMATION WITHOUT CONNECTION



DEFINITION

Participants choosing for 'connective negotiation' want to reach an **agreement** that can be **executed** and has **for every participant more value** compared to if that agreement would not have been reached and where the **relationship** between participants is strengthened

WHEN DO YOU USE IT?

When all participants really want to come to an agreement

+ Yes!

- Holiday location with family
- Contract for a new job
- When parties want to agree on a new approach for an agricultural area

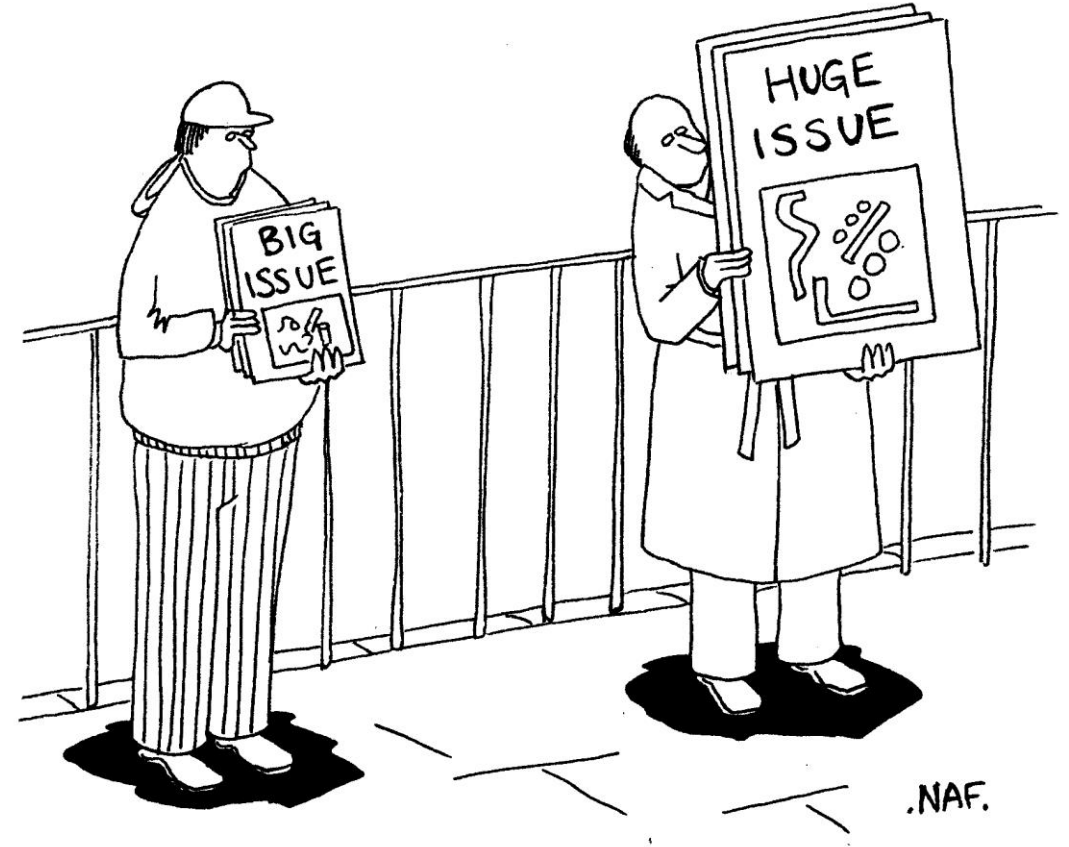
- No!

- Pay for a product in the supermarket
- Crisis situation that asks for direct action
- When a party has the power and is willing to use it to enforce a solution



ISSUES: WHAT A NEGOTIATION IS ABOUT

- > Issues are:
 - Problems that ask for a solution
 - With different interests from different stakeholders
 - With different views on solutions
 - About content
- > Issues may shift during the process



CartoonStock.com



MUTUAL GAINS APPROACH

ESSENCES



5 ESSENCES OF CONNECTIVE NEGOTIATION



1. Focus on interests, not positions



2. Create value (enlarge the pie)



3. Know your BATNA (Best Alternative to a Negotiated Agreement)

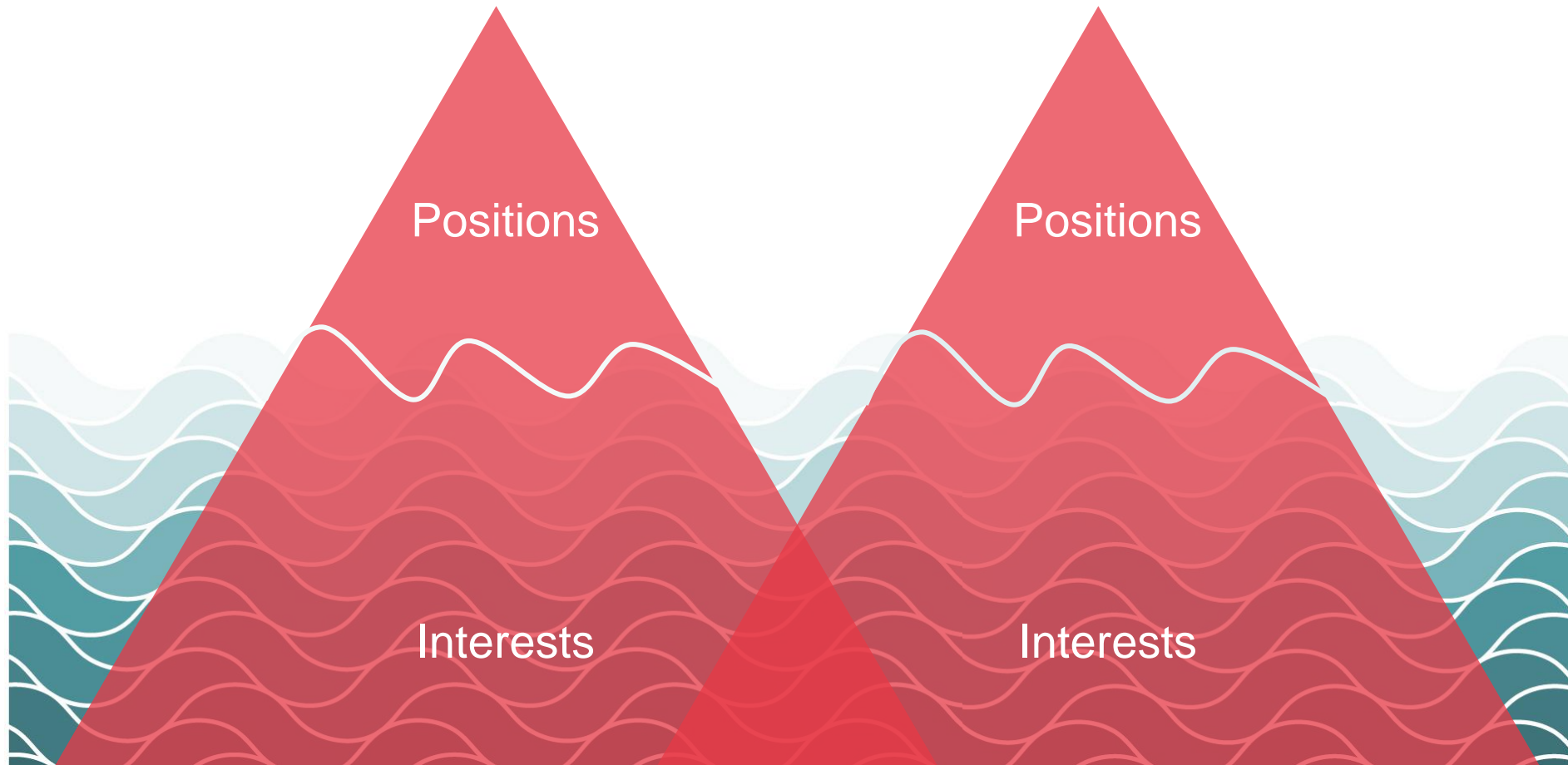


4. Work on sustainable relationships, building trust



5. Joint fact finding

ESSENCE 1: INTERESTS INSTEAD OF POSITIONS



Interests give more room for solutions

HELPFUL QUESTIONS TO EXPLORE INTERESTS

- > Why is that important to you?
- > Are there other things of your concern?
- > Would we be moving in the right direction if...
- > What would make this agreement a great agreement for you?
- > Can you tell me more about this?



**FOCUS ON INTEREST, NOT
POSITIONS**



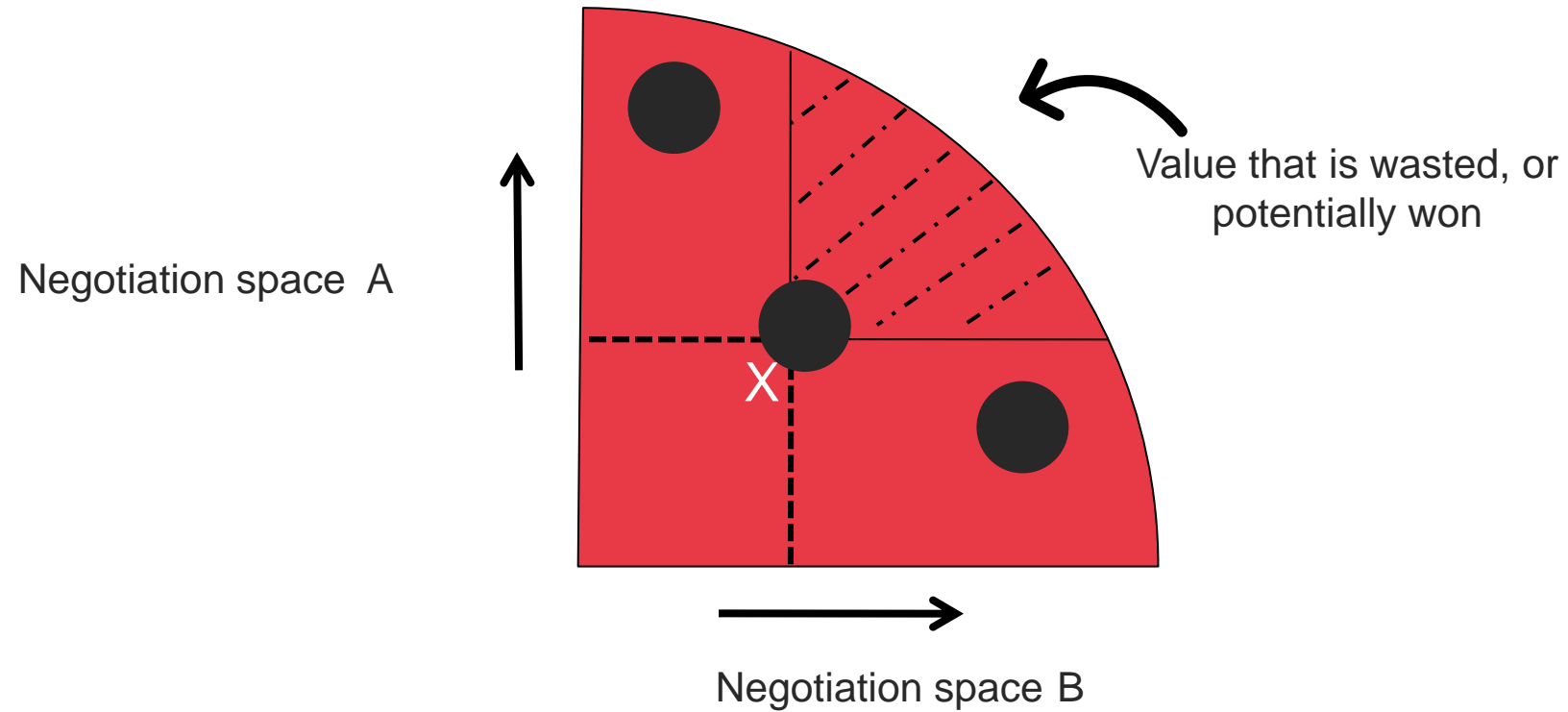
ESSENCE 2: ENLARGE THE 'PIE'

- > Create as much added value as possible
- > Search for creative solutions
- > A larger pie is easier to distribute



THE PIE CAN BE BIGGER

Some options are better



THE PIE CAN BE BIGGER..... BUT HOW?

- > Make a long list of options, disregard nothing yet
- > Research / develop hybrid solutions
- > Use imaginative work forms
- > Think before you judge
- > Add issues if feasible



ESSENCE 3: BATNA

WHAT CAN YOU DO WITHOUT AN AGREEMENT?

- > Best Alternative to a Negotiated Agreement
- > When am I better off without an agreement?
- > Or: when we don't come to an agreement, what do I have?
- > Important to know your own BATNA - and theirs

**What do I have
when we don't
come to an
agreement?**



DIFFERENCE BETWEEN ALTERNATIVE AND SOLUTION

> An **alternative** lies outside the negotiation table 

> A **solution** is AT the negotiation table, and you find it together 



HOW TO DEFINE YOUR BATNA?

- > List all alternatives you have in case the parties don't come to an agreement
- > Value them
- > The best alternative is your 'Plan B'

- > Analyze their BATNA
- > Improve your own BATNA





BATNA PRACTICE

- > You are in a situation with four people together in one house
- > Determine together the possible alternatives that you have if you do NOT come to an agreement with the other party in this situation
- > You are one party in this exercise, which allows you to work out the alternatives and the BATNA

PLEASE NOTE: the assignment is NOT to find possible options for an agreement, but really first think about your plan B, your BATNA. So something you can ONLY do without the other negotiating partner

ESSENCE 4: JOINT FACT FINDING

- > You share information that you need for a final decision with all parties
- > You develop knowledge together
- > Joint fact finding may be required throughout the process: from exchanging existing reports during preparation to examining possible options and the feasibility of various options later in the process
- > Information and knowledge are unambiguously written down



JOINT FACT FINDING

Agree on:

- > What do you know?
- > What do you not know?
- > What do you need to know? (And why?)

Think forward:

- > What will you do with the obtained information?



STEPS IN JOINT FACT FINDING

- A. Preparation: Propose a joint fact finding process and include all parties in that proposal
 - B. Determine scope
 - C. Define the most appropriate analysis / research method
 - D. Perform the investigation / analysis
 - E. Evaluate the results
 - F. Communicate the results of the joint fact finding
-

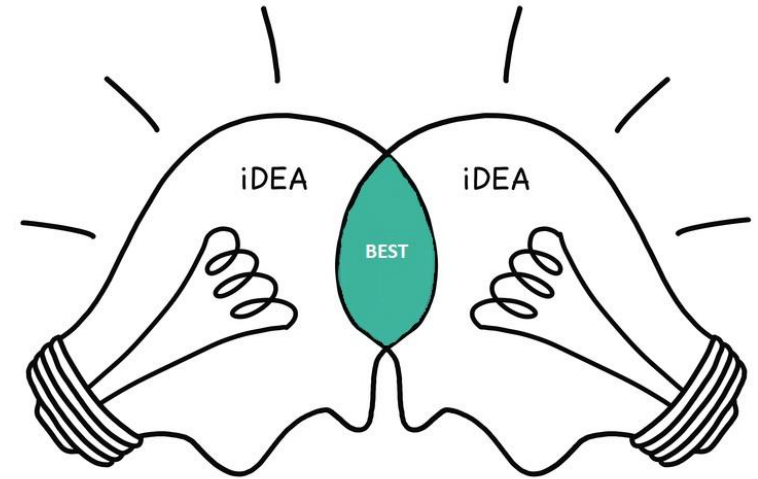


JOINT FACT FINDING

DARE TO ASK AND ASK FURTHER

The crux is in:

‘Joint’ fact finding



ESSENCE 5: BUILDING SUSTAINABLE RELATIONSHIPS

There are six key pillars to build on this essence:

- > Listen
- > Care
- > Accept
- > Respect
- > Trust
- > And..... smile





BEHAVIOUR TO BUILD TRUST

- > Talk straight
- > Show respect
- > Create transparency
- > Repair errors
- > Show loyalty
- > Deliver results
- > Do it better
- > Recognize reality
- > Clarify expectations
- > Be approachable
- > Listen first
- > Keep appointments
- > Provide trust



5 ESSENCES OF CONNECTIVE NEGOTIATION



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3. Know your BATNA (Best Alternative to a Negotiated Agreement)



4. Work on sustainable relationships, building trust



5. Joint fact finding



PROGRAMME DAY 2

MORNING

- > Simulation: preparing
- > Simulation: Practicing knowledge and skills
- > Debriefing

AFTERNOON

- > Lessons learned simulation
- > Steps of MGA
- > Personal lessons and building bridges
- > Excursion

Our guiding principles

- > Today is about learning by doing
- > Anything to add?

Groundrules for guiding principles connective negotiation training 9-11 september 2020

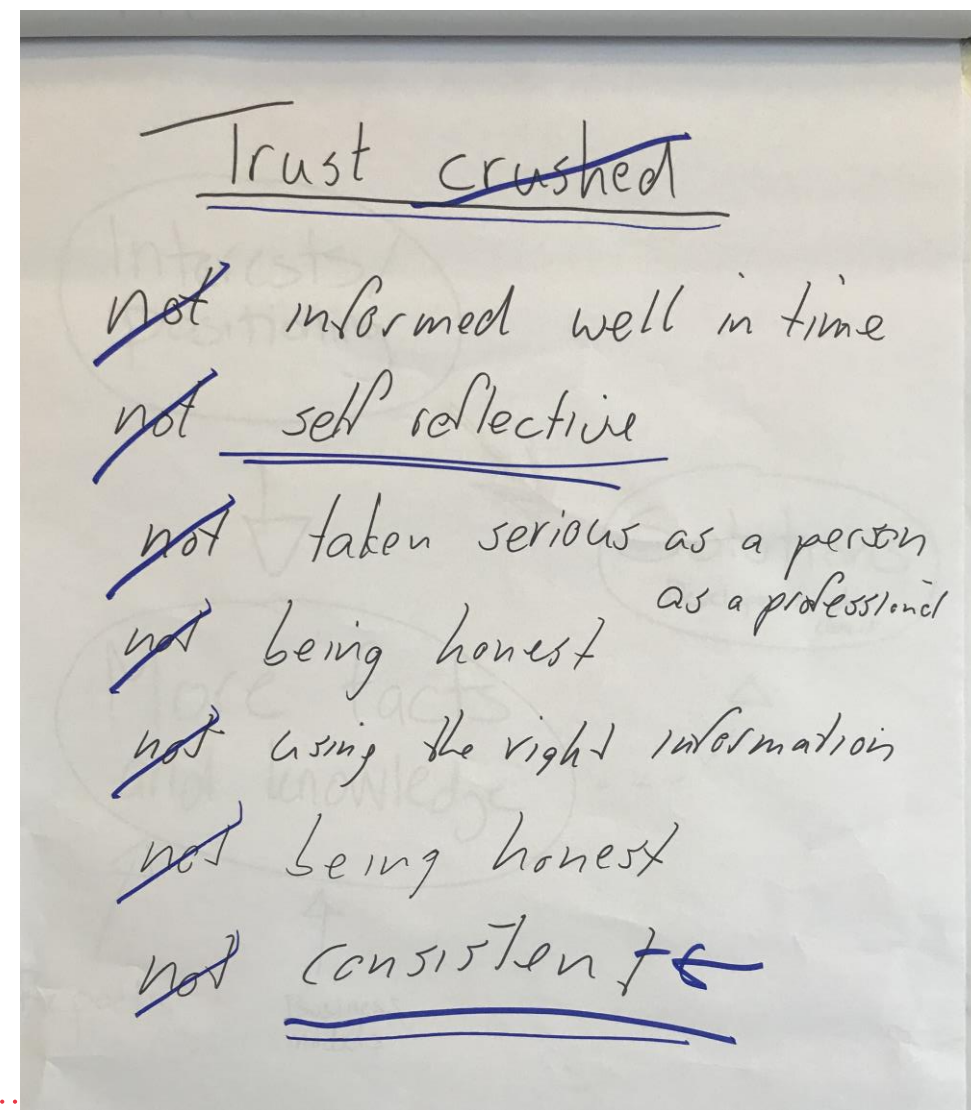
- * When wanting silence to start again, we give a signal and everybody raises their hand
- * We respect each other by listening actively
- * We have more short breaks during the day for networking, coffee and toilet-visits
- * We stick to the programme and times, but change if we need/want to
- * Cosy atmosphere: no interruptions, jokes can be made
- * Be aware of making implementation afterwards
- * Be aware of your own role and take responsibility for the process
- * We are present
- * We are open-minded and curious
- * We are summarizing and working towards the goal
- * We stand up when we speak
- * Ask questions! There are no stupid ones
- * We are also here to network: be active in this (if we switch tables, clean the tables)
- * What happens in Lemvig, stays in Lemvig

Building trust



When was your trust in some one or an organisation crushed?

Describe the situation and the behaviour of the person that crushed your trust.





SIMULATION GIOSA

- > General instruction and card
- > Information about your own role; confidential!
- > Once you put your badge with name on, you are immediately in the role
- > Don't invent things that are not in the instruction, no acting
- > You just 'be' yourself in this role
- > You play in groups: NO contact between the groups

KARSTEN AND FEMKE ARE OBSERVERS

Watch and listen, do not monitor time, only observe, will give feedback to the groups afterwards, you will also do part of your own assessment afterwards

Lessons learned

Same role meeting: all people who had the same role in the different groups join together

What lessons / insights have you learned about connective negotiation?

What were your interests and what was your BATNA?

Do you have any questions about the essences and/or steps?

Write these clearly on a flip chart paper!



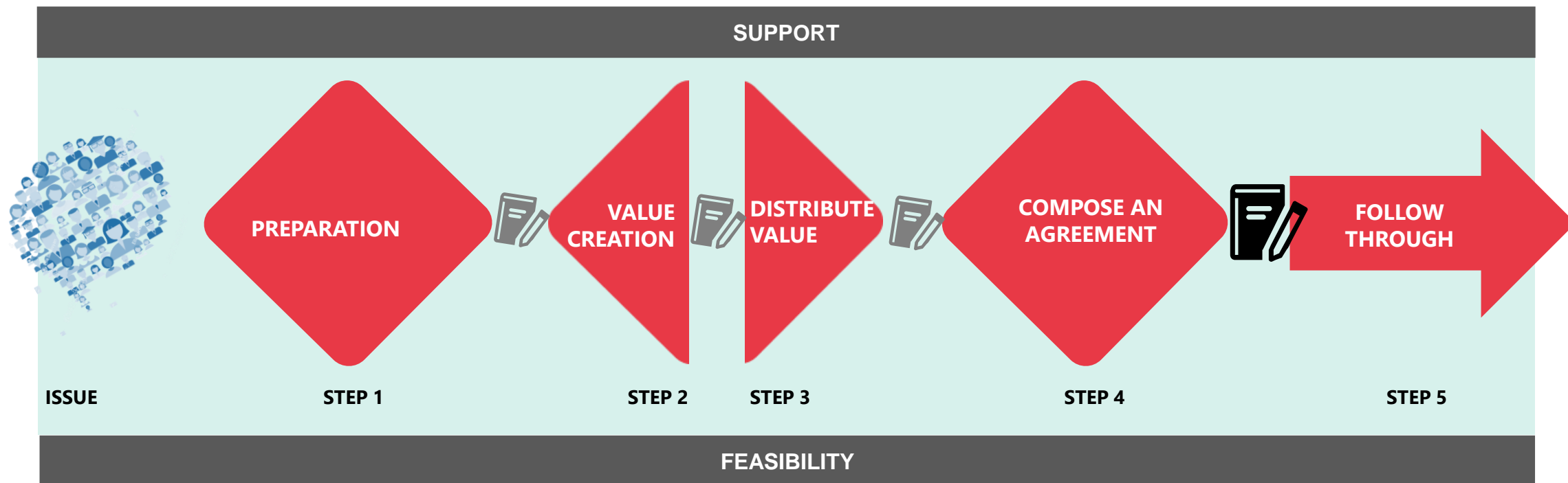


MGA

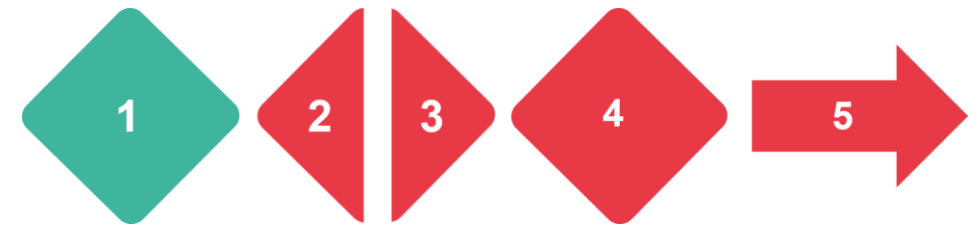
THE APPROACH IN 5 STEPS



Approach in 5 steps



STEP 1: PREPARE



Provide a mandate and a team

Set groundrules/ guiding principles

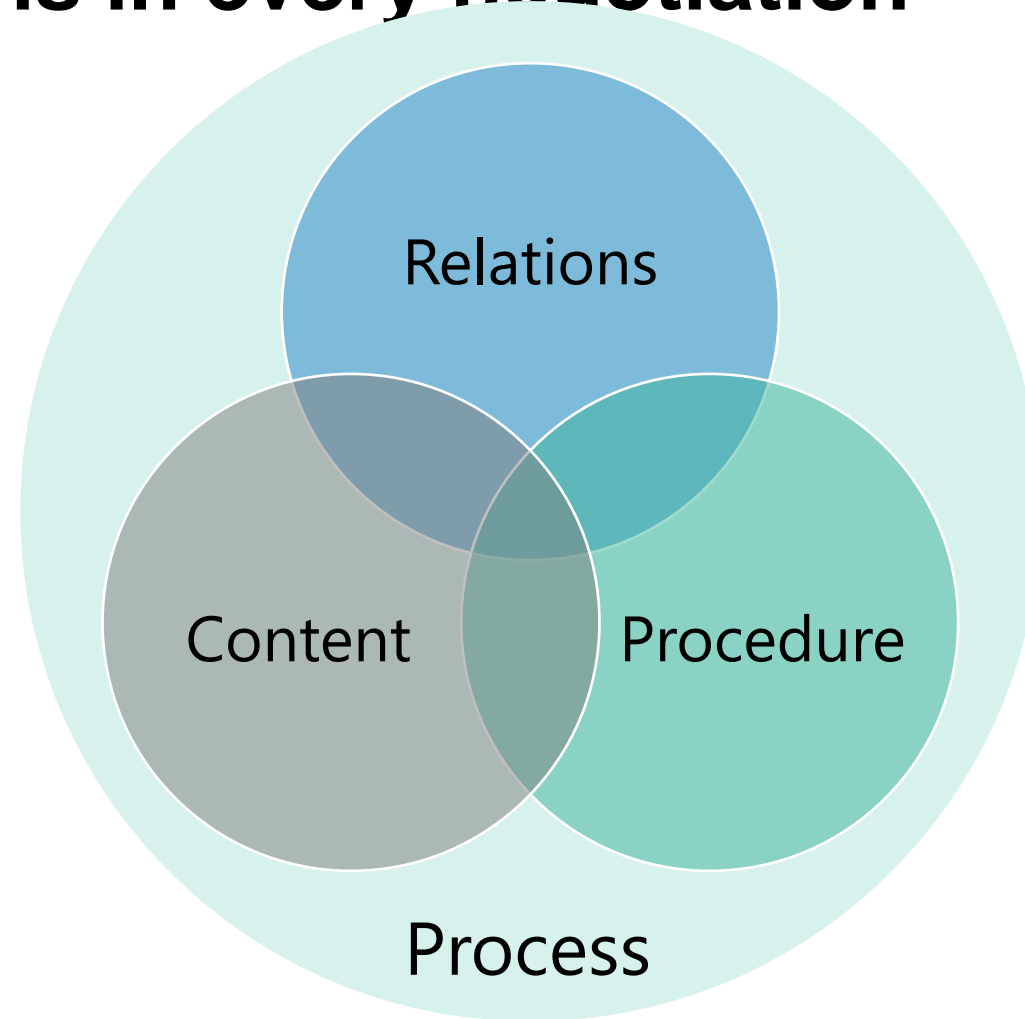
Know your own interests and issues, and
those of your organization

What is your Best Alternative (BATNA)?

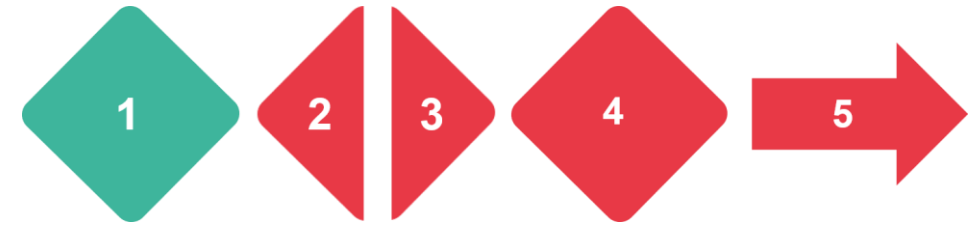
- > Do all stakeholders come to the table?
 - Do you know the other stakeholders?
 - Do you know their interests too?
 - And their BATNA?
 - And their mandates?

- > In the meantime, come up with proposals for mutual benefits

Four domains in every negotiation

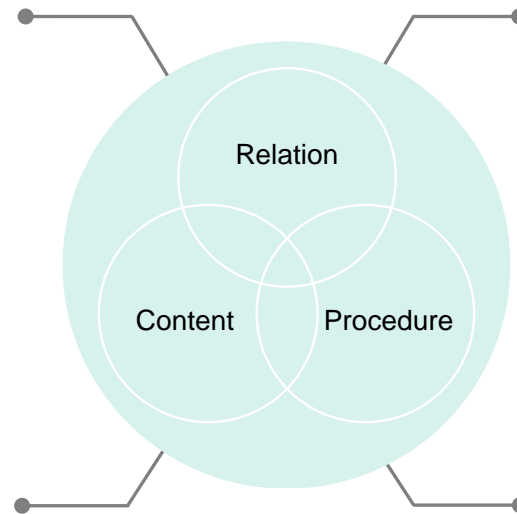


AT THE END OF THE FIRST STEP...



PROCESS

- > Have the participants committed themselves to connective negotiation?
- > Is the next process step designed together?



RELATIONS

- > Have process agreements been made?
- > Are the relationships in order?

CONTENT

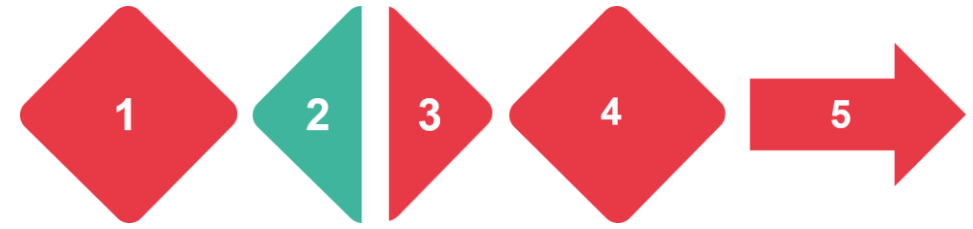
- > Are the issues known?
- > Are the interests shared?
- > Has the assessment been determined?

PROCEDURE

We know:

- > Where we are working towards?
- > How the decision-making works?
- > The mandates

Step 2 | Value creation



Think of as many options as possible for the issues

- Use creative methods
- How can you "make the pie bigger"?
- Suspend criticism
- Think without obligation

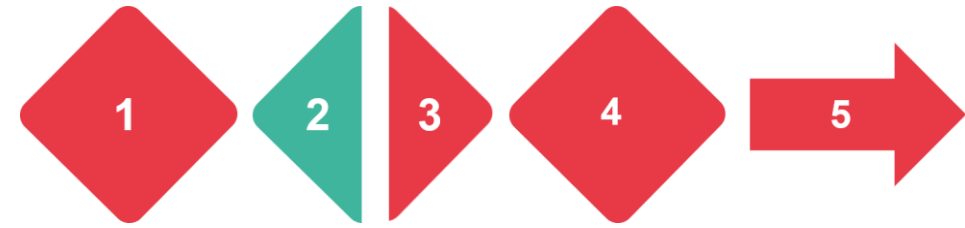
Continue to investigate the interests of all parties

What knowledge / information do you need to come up with options?

Work on objective criteria



Objective criteria



What should a good solution require?

How do we "measure" that objectively?

Examples

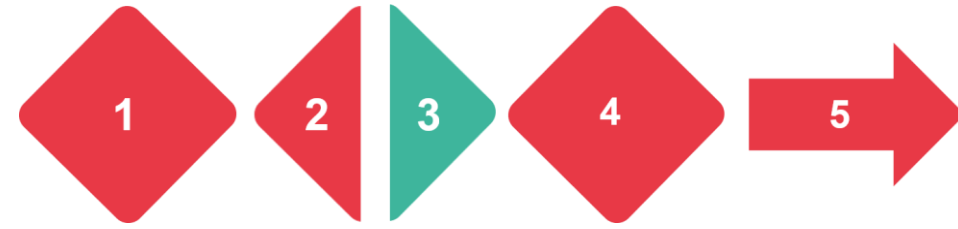
Scientific assessment

Equal treatment

Proportional investment



Step 3 | Distribute value



For each issue, at least one option best fits the interests and objective criteria

From options to packages to 1 package

Discuss how you distribute the pie

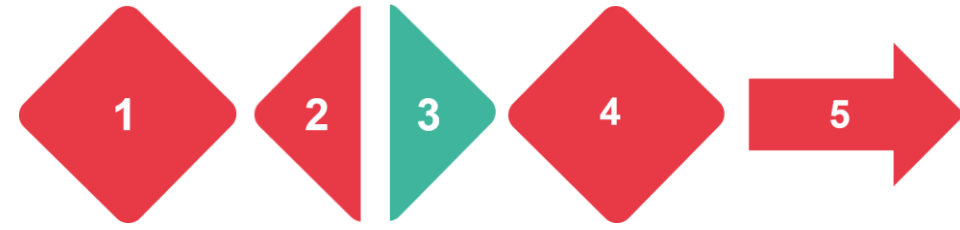
From options to packages

Starting from multiple issues in a problem

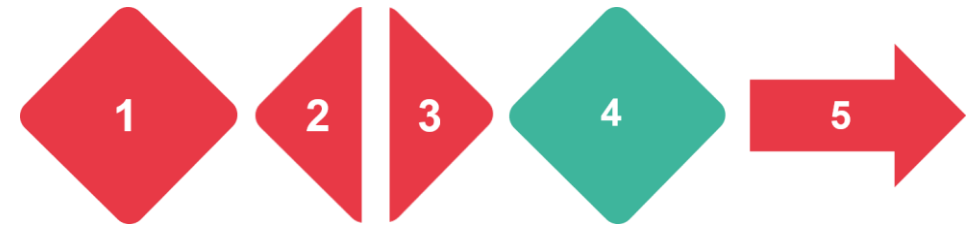
... and several possible options per issue

Possible packages arise

If there are several that meet the interests of everyone,
you want the very best!



Step 4 | Compose an agreement



Design agreements that almost ‘execute themselves’

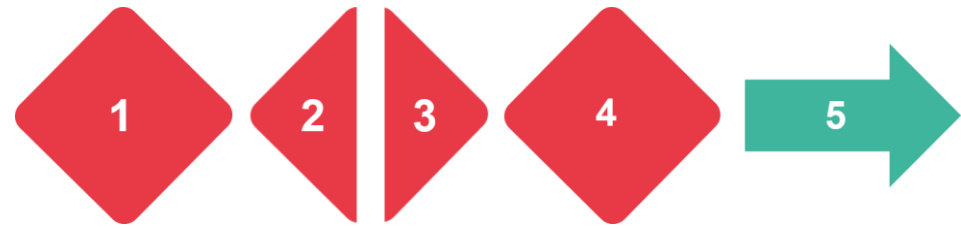
- Work with one text
- Make it easy to meet obligations
- Agreements about ‘what if ...’ in step 5
- Agreements about implementation (step 5), eg implementation, management, control etc
- Agree on how you want to resolve disagreements

Legally valid agreement

Prepare the formal decision-making and consultation of the rank and file



Step 5 | Follow through



Continue to build trust

There will always be additional decisions and preparatory work

Keep working in the spirit of the agreement

Prevent conflicts / fall back on escalation agreements

Consolidation in an MGA process



After step 1

- > Issue analysis
- > Identify stakeholders
- > Complete interest matrix
- > Assessment
- > Rules of the game
- > Determine the next process step together



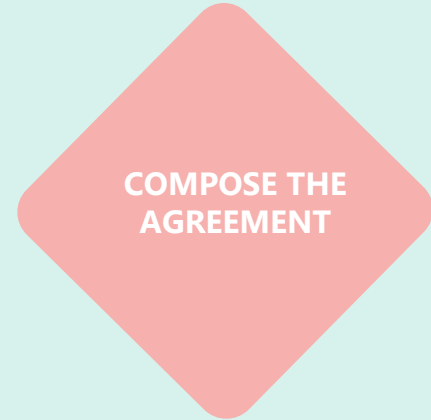
After step 2

- > Overview of all
- > Options and outcomes
- > Joint fact finding



After step 3

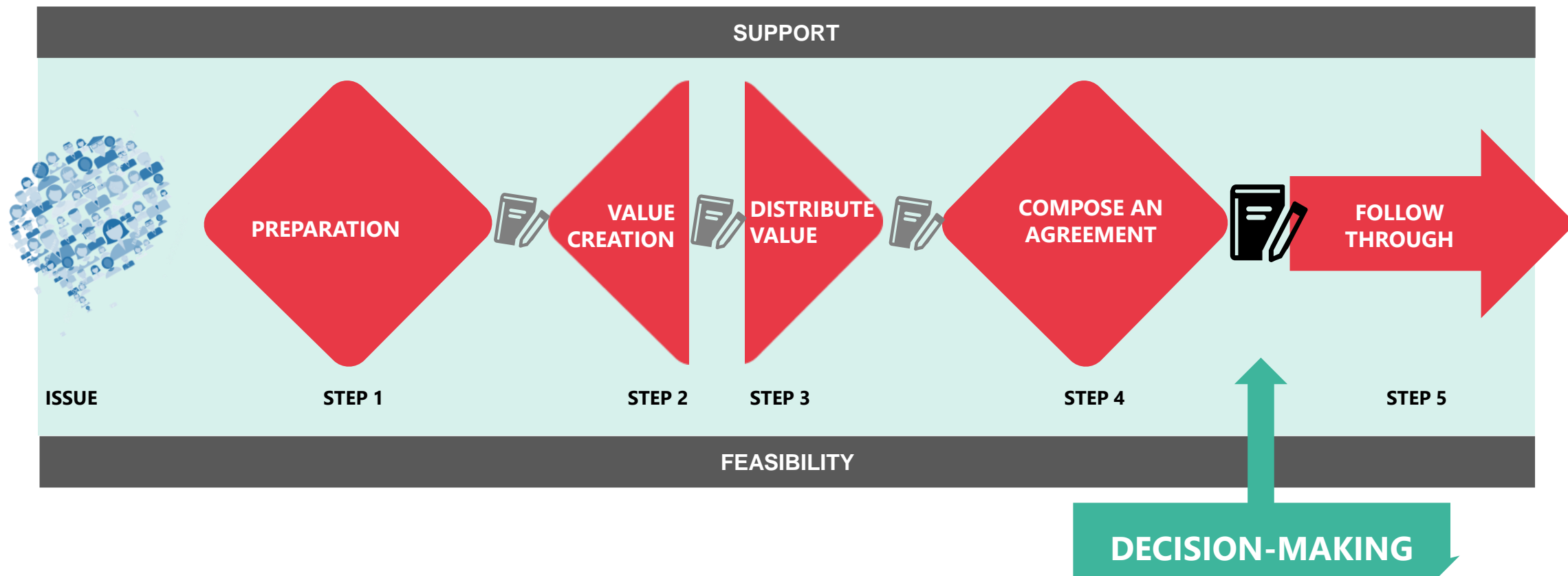
- > Intermediate descriptions of 'packages'
- > Joint fact finding
- > (objective) criteria



After step 4

- > Agreement

Decision-making in an MGA process



DAY 3 – GOOD MORNING!



Process management



Process management

What is process management?

Management of development of ideas and initiatives

Mostly: multi-party initiatives

Why process management?

Failure rate of 40% - 70%



What are the problems AT the fuzzy front END?

Moving to a fixed solution too quickly

Lack of proper terminology and tools

No further development of the idea

Network development problems



Example 1

Connection between two islands:

- Where exactly?
- Who is or are decision makers?
- Who use the connection?
- What solutions could be imagined?
- Other issues?





Many solutions

Bridge

Tunnel

Railway

Motorway

Bicycle on train

New pay system

Cargo ships

Recreation

Birdlife, fish

.....

Different approaches

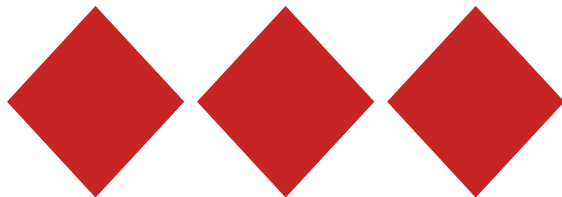
Process management

Start: an idea or objective

The idea develops

Steering

End: a firm idea, defined deliverable?



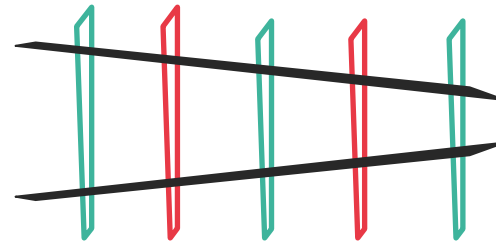
Project management

Start: a defined deliverable

The deliverable is fixed

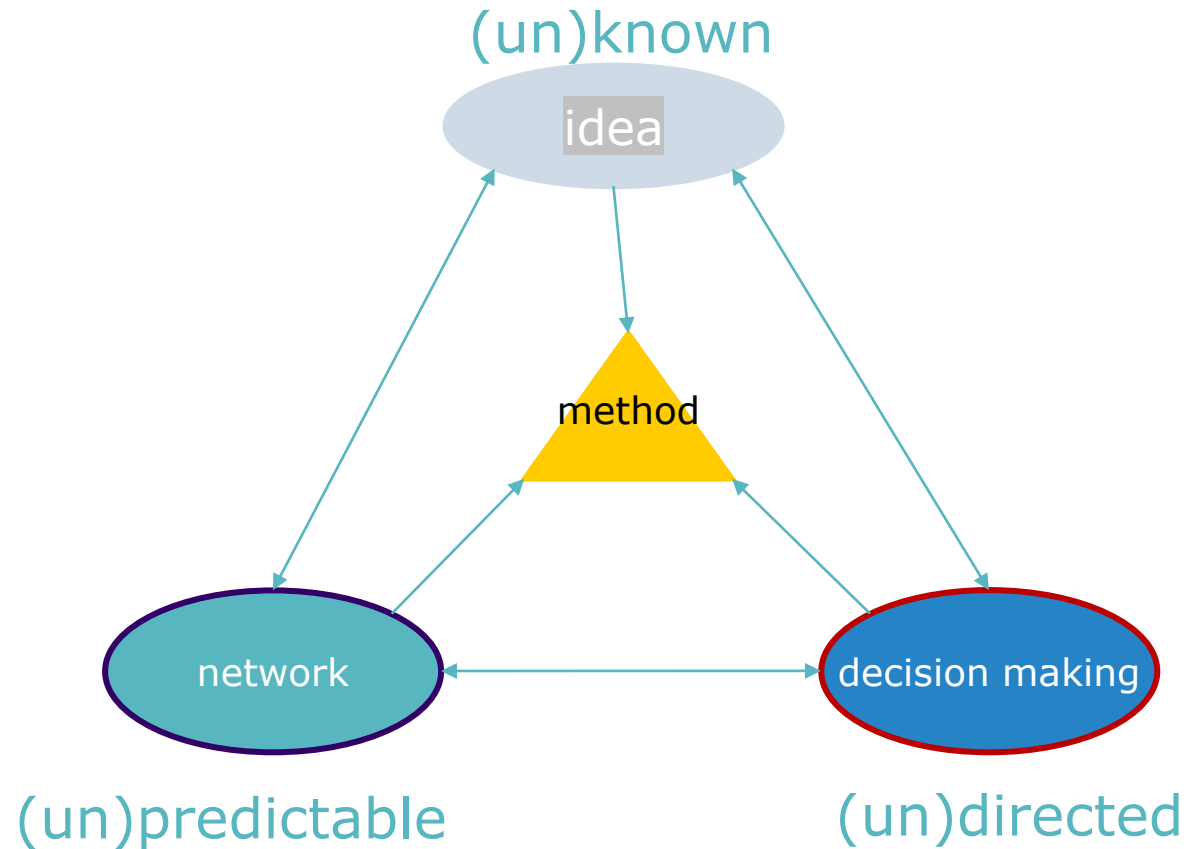
Controlling

End: achieved deliverable



Starting

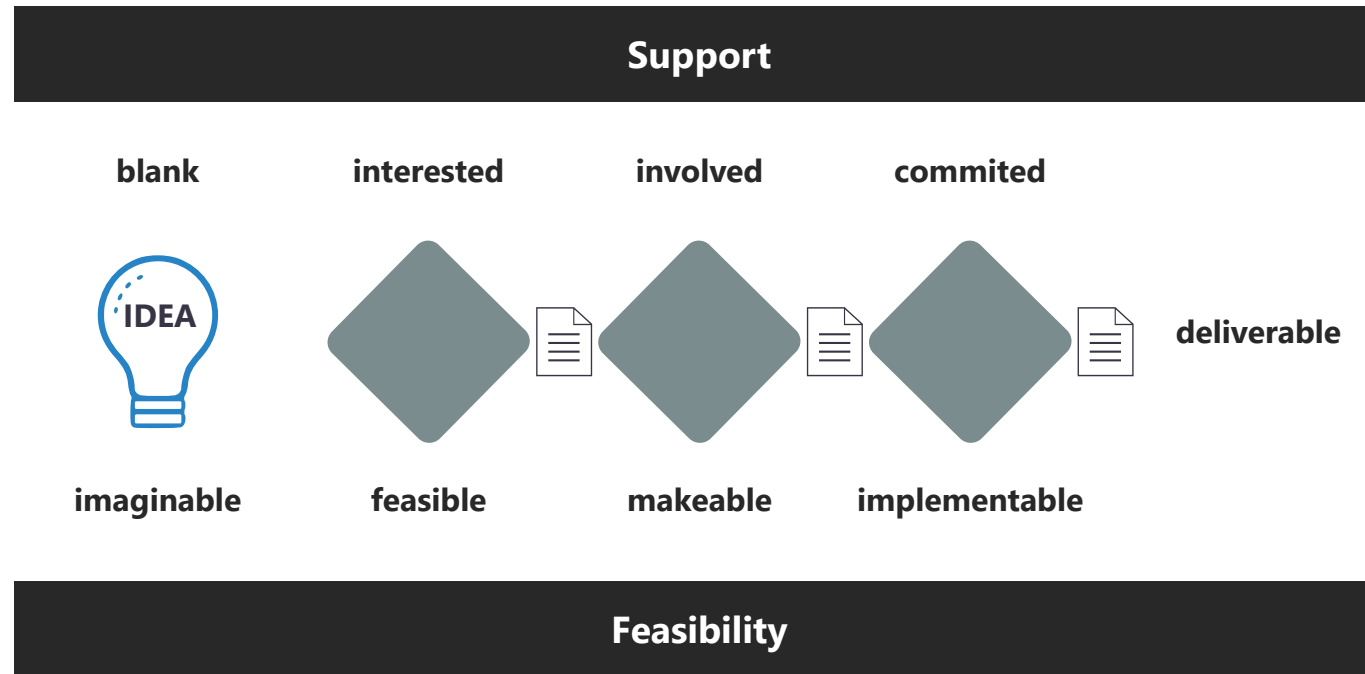
Choose your approach



When two out of three are 'un', than you can best use process management,

otherwise you might use projectmanagement

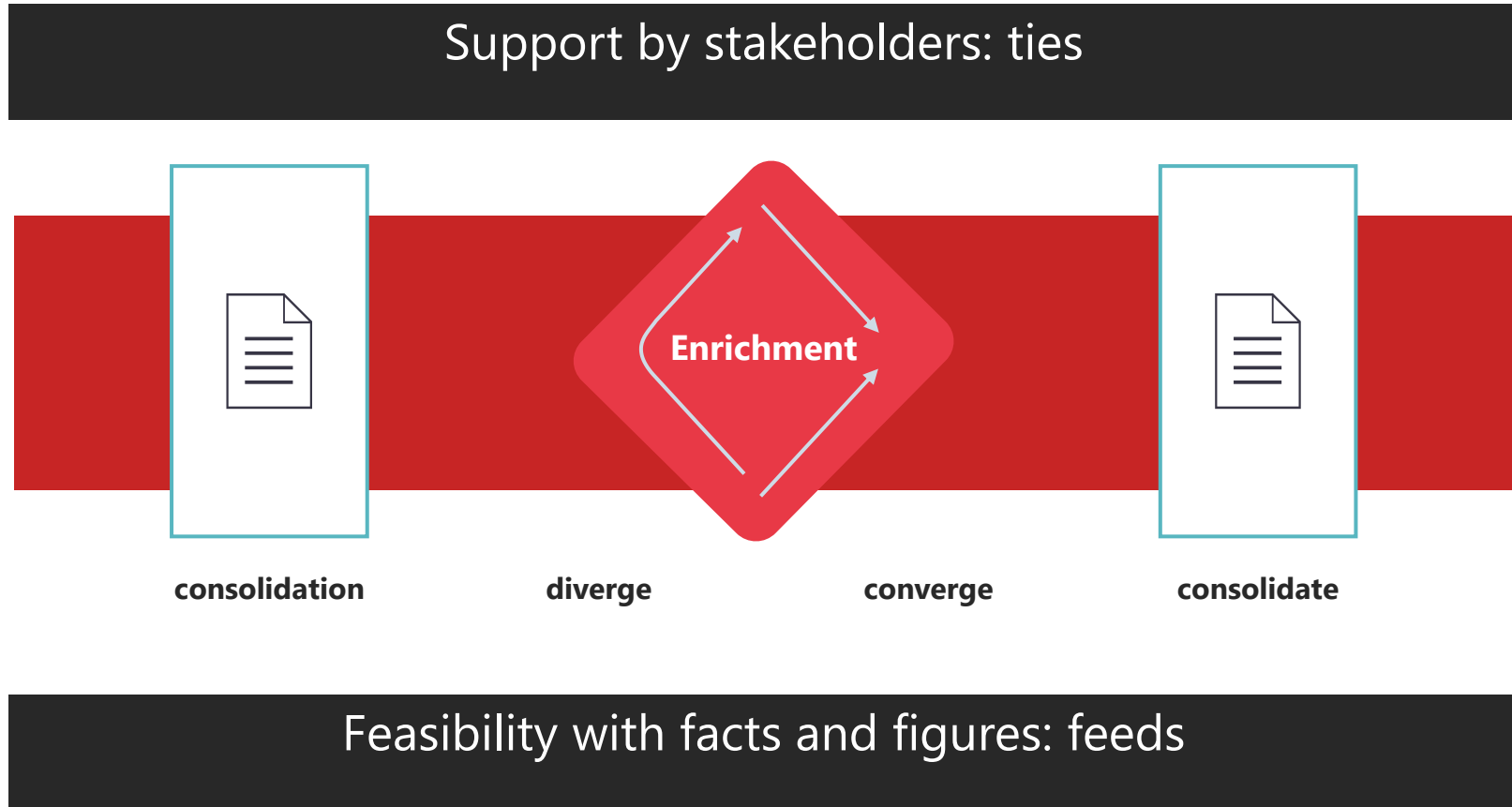
Process management: steering feasibility and support by stakeholders



| | | | | |
|---------------------|---|--|--|---|
| MPI- maturity level | Level 1: <i>Individual readiness for starting</i> | Level 2: <i>Collaboration readiness (Idea gates in parties' organizations)</i> | Level 3: <i>Investment readiness (Concept gates in parties' organizations)</i> | Level 4: <i>Delivery readiness (Final gates to routine departments in parties' organizations)</i> |
|---------------------|---|--|--|---|

Design diverging and converging activities

For the progress you want!



Consolidation in an MGA process



After step 1

- > Issue analysis
- > Identify stakeholders
- > Complete interest matrix
- > Assessment
- > Rules of the game
- > Determine the next process step together



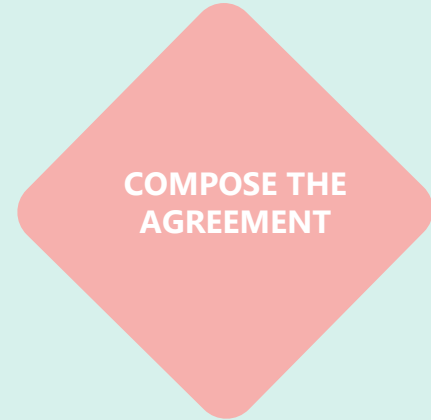
After step 2

- > Overview of all
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After step 3

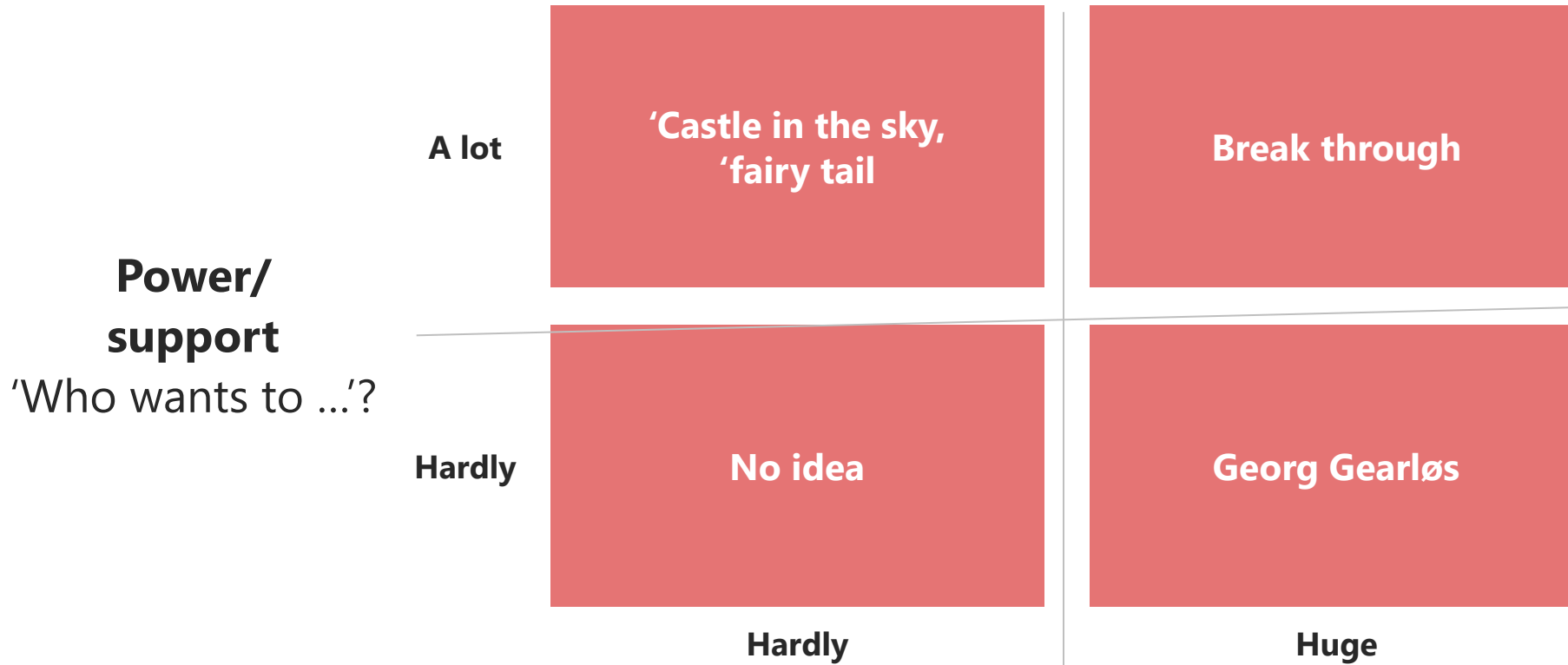
- > Intermediate descriptions of 'packages'
- > Joint fact finding
- > (objective) criteria



After step 4

- > Agreement

Support and feasibility



Strength / feasibility: 'What do we know of

...



Directing the inputs: the 8 T's

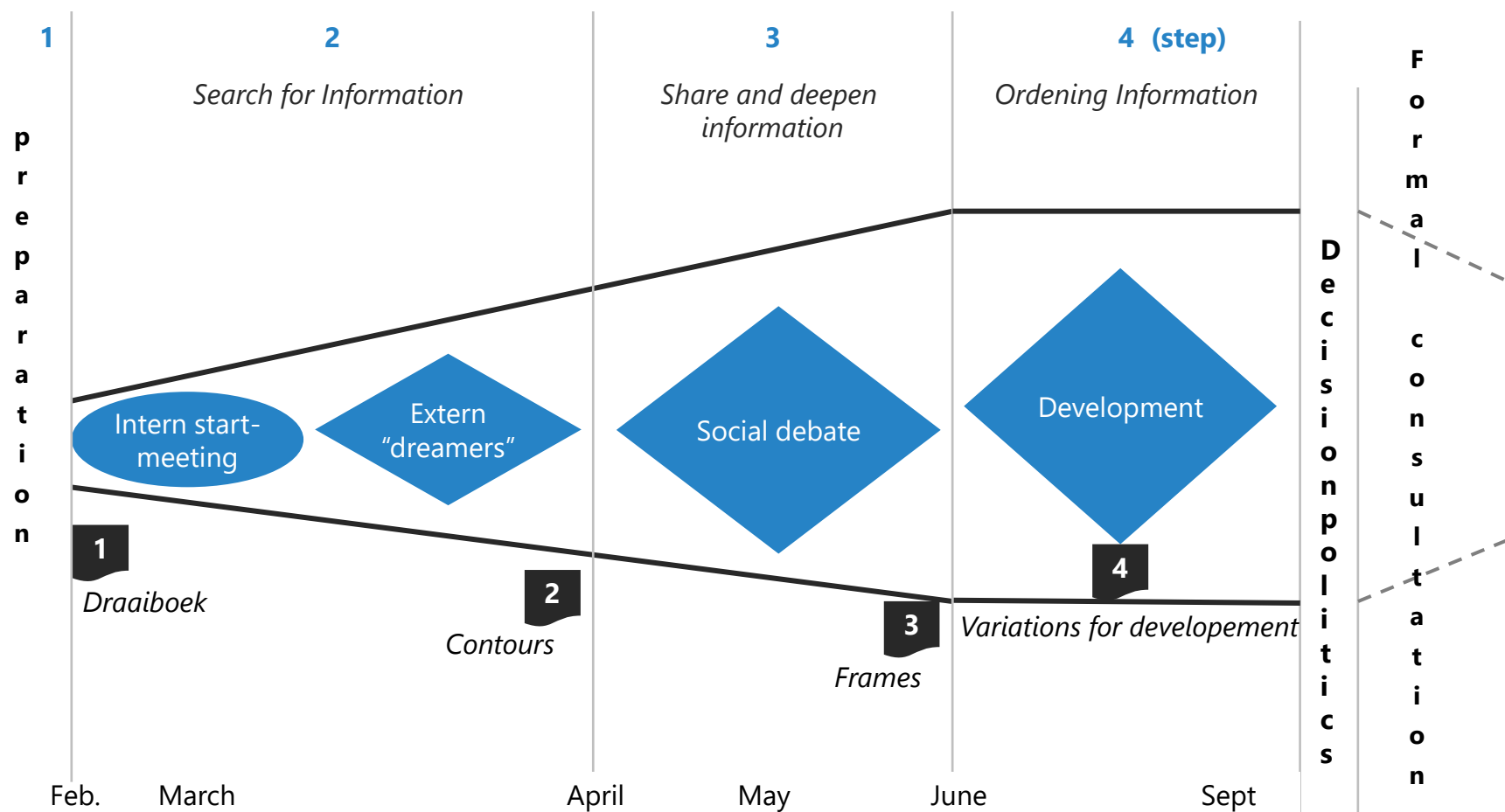
- Theme : choosing the subjects and the order in which you handle them
 - Toleration : tolerating certain people or functions
 - Tempo : setting the speed for the process
 - Timing : choosing the right moment
 - Toll: : dealing with the positive and negative consequences for those involved
 - Theatre : setting the stage
 - Tone : setting the tone of the communication
 - Transparancy : be clear and share information when possible balanced with trust
- (Trend) : use the dominating opinions in your process and bring them forward



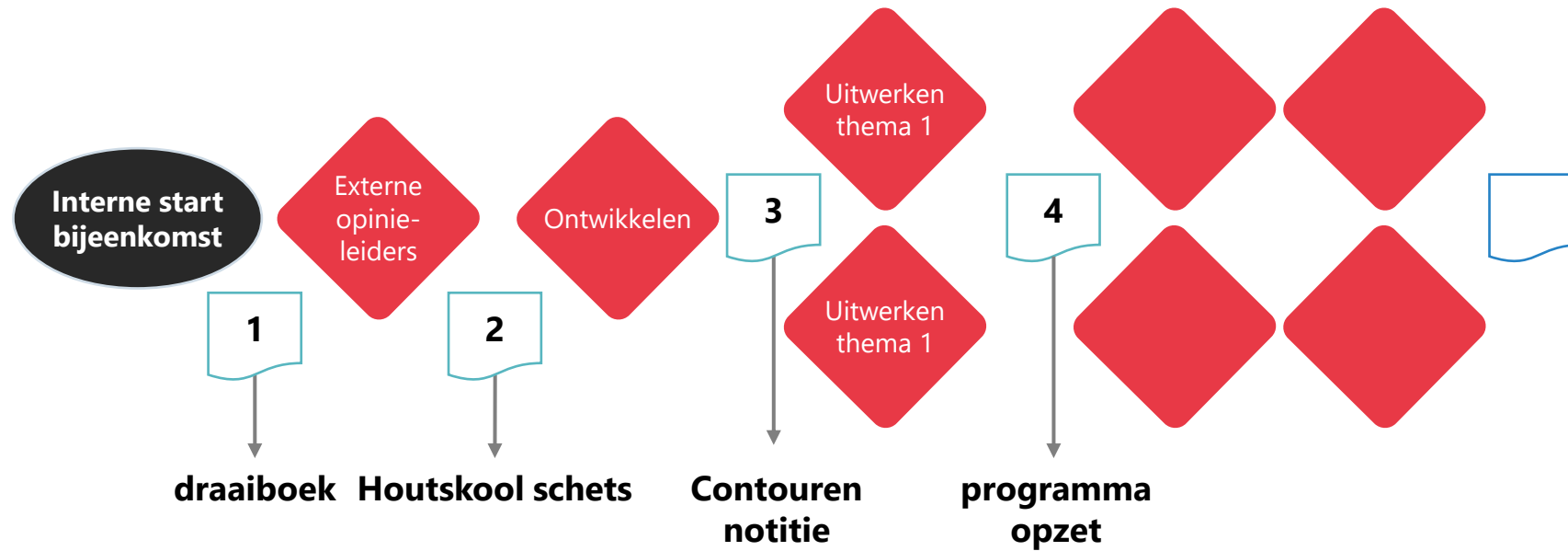
Directing 2: examples of process design



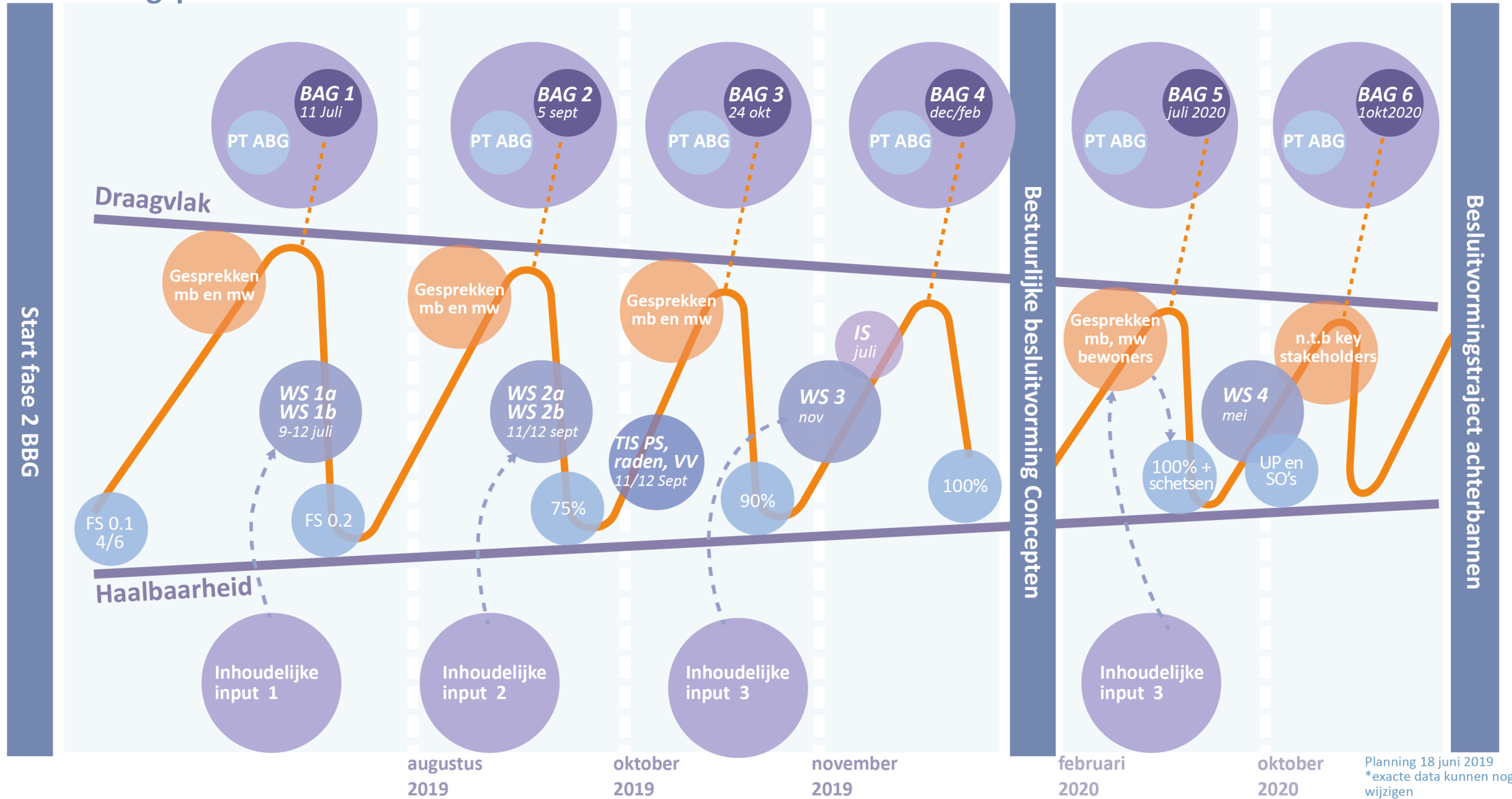
Other example



Example process design



Trechteringsproces



ACT 1: Each small GROUP



The caseholder introduces the case....

Think of what step you want to take (What stage do you want to be in at the support and feasibility axes?)

Use the 8 T's of process management to design the next step.
Write them down on a flip

Lessons learned

What lessons / insights have you learned about MGA?

How would you like to keep this approach alive and learn more together ?





FEEDBACK