

*Turning Points in*  
*Environmental Negotiation:*  
*Dynamics, Roles and Case-  
Related Factors*

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# *Presentation Overview*

- Background
- Research Questions
- Research Framework and Expectations
- Methods (particularly case selection)
- Selected Results
- Limitations
- Implications for Practice and Potential Questions
- Conclusion

# *Background*

- Environmental negotiation is used to prevent and resolve disputes related to natural resources and pollution control
- Literature and research on environmental negotiation dates to 1970s, addresses:
  - Process - focus on outcomes, static conception of process, limited attention to factors influencing process
  - Roles - emphasis on neutral third parties, some attention to parties and government agencies, little comparison of roles
  - Case-related factors - a variety have been explored relative to outcomes, satisfaction and cost-benefit; few large-N studies

# *Research Questions*

- What changes take place in the interactions among environmental negotiators as they progress toward agreement?
- What influence do different types of actors have on the changes that occur?
- To what extent does the pattern of process dynamics vary according to case-specific factors?

# *Why?*

- Goals included:
  - Contributing to theory concerning roles and change in negotiation
  - Providing insights for practice
  - Expanding the research base on environmental negotiation

# Turning Points Framework\*



## PRECIPITANT

An event or behavior that causes, leads to, or produces the turning point and occurs chronologically prior to the turning point.

## TURNING POINT

Turning points are the changes that occur in the interaction among Negotiating parties. Such changes are evident when compared with the previous state of interaction among the parties. Turning points are reflected in the behavior of negotiating parties.

## CONSEQUENCE

A consequence is the impact of the turning point on the negotiation. Consequences follow turning points chronologically and are distinguished from them.

\*adapted from Druckman (2001, 2004) and Laue (1987)

# *Case-Related Factors*

- Assisted or unassisted
- Substance of negotiation - resource use or pollution control
- Type of agreement - settlement or advisory
- Number of participants
- Duration

# *Some Expectations - Dynamics*

- Movement toward agreement more common than movement away from agreement
- Procedural precipitants more common than substantive precipitants to occur at the beginning of an environmental negotiation; and
- Procedural consequences more common than substantive consequences to occur at the beginning of an environmental negotiation.

# *Some Expectations - Roles*

## ➤ Internal vs. External Roles

- Internal roles more common than external roles;
- External roles more likely than internal roles to be responsible for away from agreement consequences;

## ➤ Neutral Third Parties more likely to

- Precipitate turning points;
- Be associated with procedural precipitants of turning points than substantive precipitants; and
- Precipitate turning points that lead toward agreement consequences.

# *Expectation – Case-Related Factors*

- Neutral third party roles more common than other roles in shorter cases.

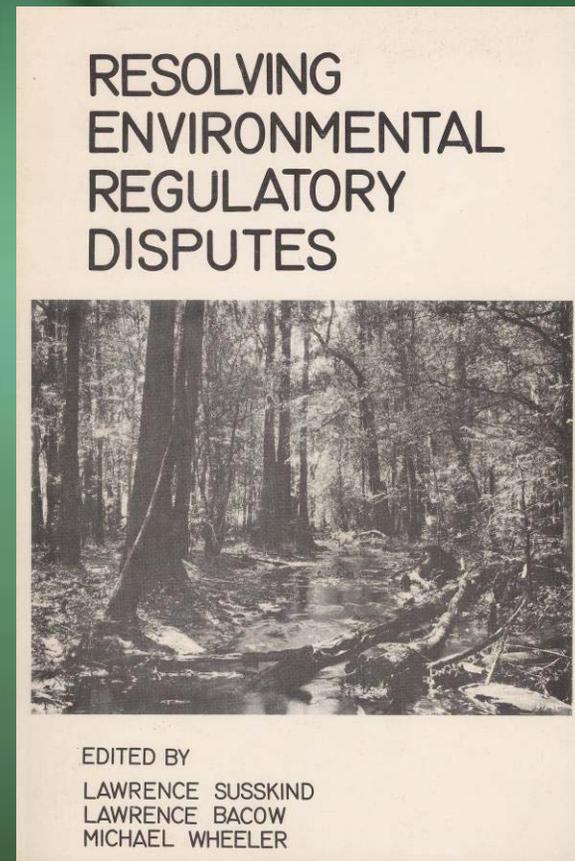
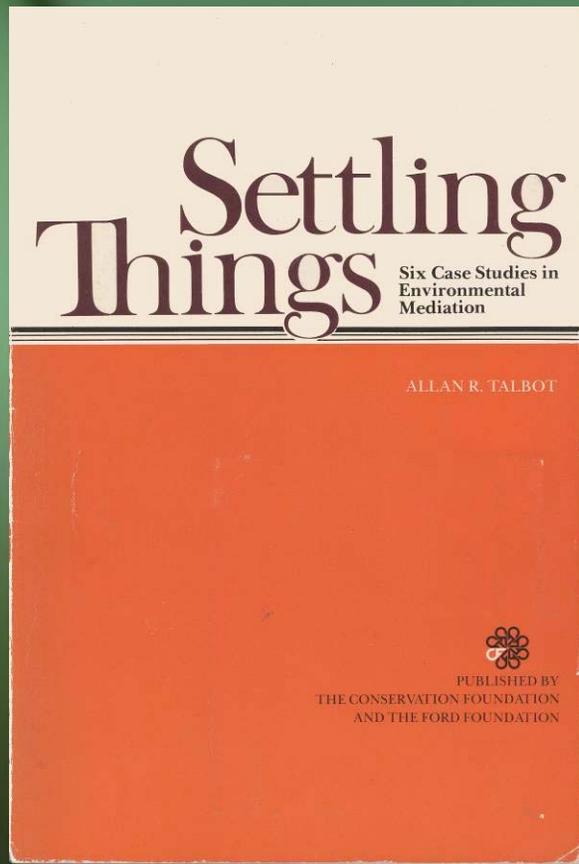
# *Methods Summary*

- Identified case descriptions
- Converted case descriptions to chronologies
- Conducted content analysis (including reliability testing)
- Used statistical analysis

# *Case Selection Criteria*

- Occurred entirely within a single country;
- Addressed environmental or natural resource issues, including land-use planning;
- Were assisted or unassisted negotiation;
- Reflected negotiations in which the parties reached an agreement; and
- Involved parties in direct negotiations.

# Example Case Sources



# *Cases - Total = 29*

- Assisted=22, Unassisted=7
- Settlement=21, Advisory=8
- Resource=17, Pollution=11, Both=1
- Number of parties - 2 to 30
- Duration - 1 to 43 months
- Conclusion dates - 1976-2004
- United States=24, Other countries=5
- 28 from published sources

# *Results*

# *Selected Results - Process Dynamics*

- Procedural and substantive precipitants occur with roughly equal frequency
- More abrupt turning points about twice as likely as less abrupt
- Procedural consequences somewhat more frequent than substantive consequences
- Procedural precipitants tend to be associated with procedural consequences and vice-versa for substantive
- Toward agreement consequences are more than four times as likely as away from agreement consequences (✓)
- Procedural precipitants are more likely than substantive precipitants to be associated with toward agreement consequences

# *Results - Roles*

Internal (parties+ advocates)	<ul style="list-style-type: none"> <li>➤ More likely than external roles to precipitate turning points (✓)</li> <li>➤ More likely to be associated with substantive precipitants than procedural precipitants</li> </ul>
External	<ul style="list-style-type: none"> <li>➤ Less likely than internal roles to precipitate turning points</li> <li>➤ More likely than internal roles to precipitate toward agreement consequences (✗)</li> <li>➤ More likely to be associated with procedural precipitants than substantive precipitants</li> </ul>
Parties	<ul style="list-style-type: none"> <li>➤ Most frequent precipitant of turning points</li> </ul>
Neutral Third Parties	<ul style="list-style-type: none"> <li>➤ Most common external precipitant of turning points (✓)</li> <li>➤ More likely to be associated with procedural precipitants than substantive precipitants (✓)</li> <li>➤ No more likely than other roles to precipitate movement toward agreement (✗)</li> </ul>
Enforcers	<ul style="list-style-type: none"> <li>➤ More likely to be associated with procedural precipitants than substantive precipitants</li> </ul>

# *Results - Case-Related Factors*

- **Assisted vs. Unassisted Cases**
  - Unassisted cases have lower frequency of turning points and more substantive consequences
  - External roles and procedural consequences more common in assisted cases
- **Resources vs. Pollution Cases**
  - Internal roles more common in pollution cases
- **Advisory vs. Settlement**
  - External roles and toward agreement consequences more likely in advisory cases
  - More abrupt turning points more common in settlement cases
- **Duration**
  - Longer negotiations tend to have more turning points
  - Enforcer roles more common in shorter negotiations than other roles (✕)
- **Number of parties - no significant findings**

# *First and Last Turning Points*

## First Turning Point: Consideration/Beginning of Negotiation



## Last Turning Point: Final Agreement/End of Negotiation



# Typical Process Dynamics in Environmental Negotiation in Three Intervals

Beginning



Middle



End



# *Limitations*

- Measurement Threats?
  - Case descriptions are diverse
  - Chronology development process is selective
  - Content analysis issues
- Extension to Other Cases?
  - Population unknown
  - Purposeful selection
  - In all cases, the parties reached agreement
  - Temporal distribution of cases
  - Mitigated in part by finding of no significant difference in dynamics based on case type

# *Potential Implications for Practice*

- Toward agreement consequences: overall the experience is one of positive change
- The parties own the negotiation
- "Process" is normal at the beginning
- External roles and procedural moves are helpful to start the process
- External roles and procedural moves also more likely to precipitate movement toward agreement
- Shorten duration with enforcers?
- Others?

# *Potential Questions for Discussion/Contemplation*

- What do mediators/facilitators do?
  - Important in particular situations (e.g., breaking impasses) or phases (e.g., the beginning)?
  - Indirect (e.g., coaching) vs. direct assistance?
  - Not change-related (e.g., setting a climate)?
- What about the parties and other roles?
- What types of procedural and substantive moves are particularly well suited to promoting positive change?
- Are there other case-related factors that might make a difference to patterns of change?
- As a field, why are we no longer generating detailed case descriptions? ;-)
- Others?

# *Conclusion*

- Extended turning points framework to a new type of negotiation
- Adapted the framework to emphasize roles
- Identified:
  - A typical pattern of process dynamics in environmental negotiation
  - How different roles do and do not impact process dynamics
  - Case-related factors that are associated with variables in the turning points framework

# References

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