Unifying Negotiation Framework 1.0: An Organizing Metanarrative of Policy Discourse

A Working Paper in Process

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1. Introduction: Need/Motivation

The broad field of participatory approaches to public decision making has been a hugely active area of scholarship and practice over the past 20 years. There is no comprehensive bibliography of this field, but the number of scholarly articles is surely in the thousands. This frenetic scholarship has been distributed across many different fields, appears in many different literatures, and is drawn from experiences from virtually every region of the globe. In addition, this socio-political phenomenon has sprung up largely outside of academic settings and researchers are struggling to keep pace and document what is occurring in practice.

The primary focus of this article is the *design* of participatory processes in the public policy arena. Scholars' collective attempts to understand the emergence of participatory methods appears to have been significantly inhibited by three factors: a large and increasingly unwieldy terminology, difficulties in getting beyond case study research toward more synthetic scholarship, and absence of conceptual models that help field practitioners (negotiators, facilitators, mediators) get a handle on complex situations and thereby facilitate those practitioners' design efforts.

The processes we have in mind take many forms and have many names, for example: advisory groups, advocacy coalitions, appreciative inquiry, charettes, citizen involvement, citizen juries, civic science, consensus conferences, collaborative learning, co-management, community-based collaboration, collaborative public management, deliberative decision-making, facilitated dialogue, negotiated rule making, participatory governance, partnerships, platforms, pluralism, principled negotiation, public issues education, public participation, search conferences, social learning, strong democracy, and watershed councils – to mention a selection of commonly used terms. It is a challenge to learn what each of these terms means and doubly difficult to distinguish among them. Some attempts have been made to clarify and standardize the terminology (IAP2, Baldwin XXXX). However the use of the terms in research and practice varies depending on context, among countries and e.g. policy fields.

The specific participatory processes that are our focus arise in a larger social context – e.g. in public planning and management (Forester 1989, O'Leary and Bingham, 2009). These situations typically involve several layers of complexity – multiple parties, multiple issues, deeply held values, important interests at stake, expert knowledge, local knowledge, media, and socially embedded conflicts among them (Daniels and Walker 2001). Each of these policy episodes represents a dynamic combination of these elements which partly explain why it is difficult to draw out generalized "secrets to success" and broadly applicable best practices. So far the research field is characterized by many interesting case-studies and few successful attempts to synthesize knowledge across them (with some notable exceptions such as Pagdee, Kim, & Daugherty, 2006). In this article we seek to establish a stronger basis for research and practice to cope with the overwhelming complexity that characterizes these emerging participatory methods. This paper presents an integrative conceptual framework for thinking about participatory public processes, and thereby addresses at least in part the concerns raised above. The intent is to provide a map and compass that help people maneuver in complex conflict-laden multi-party negotiation landscapes.

The overall challenge facing process designers (and facilitators) is the need to competently operate on at least three different levels simultaneously: 1) To organize the

process itself – to structure workshops, design activities, establish dialogue and steer the negotiation among the stakeholders etc. 2) To manage whatever is in the room—the people, issues, history, emotions, concerns, worries, claims, blame – whatever flows out from the participants. 3) To accurately read and understand the cultural and institutional context of the situation – for example power structures, norms, practices, history, legislation and rules around the process.

Our three-level perception of the "designer's challenge" is quite similar to that of Li, Tost and Wade-Benzoni (2007) describing the challenges that negotiators face. They boil the challenges down to a two-level structure in which they distinguish "negotiator effects" from "contextual effects". Further, they establish the contours of a systematic framework that "highlights the dynamic interaction between the two levels". It is stated that the framework "leaves much room for further exploration of these dynamics." (p. 223.) We build on their concept and intend to bring it one step further – in the form of a unifying public policy negotiation framework. From a collaborative governance perspective the need for such an organizing framework has been expressed recently. The very last paragraph of O'Leary and Bingham's *The Collaborative Public Manager* (2009) concludes:

> "Public managers need a new framework for thinking about how to measure the results of collaboration, and there is much to be learned from other disciplines. The major test confronting the fields of public management and public administration, therefore, is not only to broaden and deepen our research. Our major challenge is to reach out, build upon, and learn from other disciplines in order to build knowledge, fully understand, and comprehensively evaluate the challenges for public management in a world of shared power." (p. 269)

Their conclusion specifically addresses the need to support public administrator's ability to *evaluate* the results of collaborative management efforts (since they are not all equally successful. However, we contend that the fundamental need to generate a situational overview and create entry points to a vast interdisciplinary body of literature is equally important for the *design* of collaborative public policy processes.

The model we propose is referred to as the Unifying Negotiation Framework 1.0, and this is its initial presentation in the peer-reviewed literature. It originated as the organizing structure for advanced graduate training in the Sustainable Forest and Nature Management Programme of the European Union's Erasmus Mundus Initiative offered at the University of Copenhagen in the spring of 2008. The various purposes of the Unifying Negotiation Framework are specifically to:

- help people organize their thinking about new cases or seemingly disparate cases;
- help make cases more comparable by providing a terminology;
- provide an analytic lens that moves scholarship forward; and
- support analysis and design.

Broadly construed, the objective of the Framework is to serve as an organizing meta-narrative with global applicability. It is intended to be as applicable in Australia, Angola or Alaska. It is not a predictive model because it does not purport to predict which factors are likely to be most significant in any particular case. But it does offer an intellectual point of departure for asking questions about the characteristics of a decision

situation, and potentially begin to consider how one might design a communicative process that can contribute constructively to the situation. The “1.0” terminology is intended to convey that this is a work in progress that is likely to continue to evolve through application, one that could also be customized to be more relevant in specific locales or problem domains.

2. Foundational Concepts: Discourse, Knowledge Systems, and Communication

Discourse

The Unifying Negotiation Framework incorporates the recently emerging literature on social discourse, which in turn builds upon the work of Habermas and Foucault. This literature uses the term discourse in two different ways. First, it employs “discourse” as a broad and encompassing term that includes the full range of processes through which political and social decisions emerge. In broad measure, a discursive view of policy processes focuses on the nature or character of communicative interaction and the ways in which competing storylines are constructed and variously granted legitimacy in are policy process. Viewing a decision process as discourse does not necessarily presume that the process is highly participatory or inclusive. The long list of terms and concepts provided in the introduction are all methods to promote participatory discourse. But by the same token, the most rigid, technocratic, and narrow policy decision process that one can imagine is also a form of discourse. Discourse focuses more on the nature of the interaction than on specific techniques or formats for achieving that interaction. It is much more about the emergence of shared norms of interaction, independent of whether those norms arise organically from group process or are administratively-defined rules of participation. The goal of discursive policy analysis is to identify resilient storylines and shared narratives rather than objective facts. Hajer (1995) is an early example of a discourse-based analysis of public policy innovation in his study of environmental policy in the UK and the Netherlands that draws extensively upon Foucault. Martin (1999) builds on Habermas in a discourse-based conceptualization of environmental democracy.

The second use of discourse in the Unifying Negotiation Framework draws upon the application of Habermas and Foucault to public policy issues by Fischer (2003). Fischer criticizes conventional public policy science because of its extensive reliance on a neopositivist perspective that seeks to find the unifying principles of social behavior/policy formation through reductionist empirical science. His contention is that fifty years of neopositivist inquiry has been essentially fruitless. He proposes that it is more useful to think about policy formation as a process of social construction of shared meaning through discursive processes. If policy controversies are viewed as competitions between alternative discourses, Fischer contends that we can understand their outcomes far more readily and richly.

> It is here that the constructionist view helps us see that in such policy debates it is often the deeper social and cultural factors, rather than the ‘facts’ of the arguments, that play a decisive role in the citizens’ assessment of the competitive views. By drawing our attention to the socio-cultural contexts that underlie the citizen-expert relationship, the constructionist approach shows how citizens interpret the ‘objective’

> assessments of professional experts with the context of their own normative cultural experiences and the social dependencies inherent to them. (129)

> Thus, underlying a discourse-analytic approach is an emphasis on interpretive analysis. The complexity of the problem, the uncertainty of the available data, the absence of other data, the different social contexts in which it takes place, as well as competing rhetorics, make clear that the task of explaining environmental politics and policy will remain a task for interpretation. An empirical, predictive causal theory is not one of the possibilities…p. 114

Discourse is therefore both a verb and a noun. It is a verb when it is the process of engaging in meaningful discussion about competing frames, values, meaning, alternatives, and consequences. But in the language of the communication theorists such as Foucault (1984), one should also regard the resulting decision or structure as a being a discourse: a socially constructed text that reveals the values and beliefs that gave rise to it.

Fischer presents a contrast between a neopositive/empiricist/rational view of policy formation with a discursive/social constructionist paradigm. His contention is that a social constructionist viewpoint would focus more on the ways that competing worldviews and value sets jockey for position in the policy process, rather than on viewing policy formation as a rigorously analytical process wherein objective data is used to develop policies that provide the greatest good for the greatest number. And while his 2003 book makes a compelling case for discursive model of politics and policy formation, it leaves one key question largely unanswered: If policy is the result of discourse, could we improve the policy if we improved the discourse? Stated another way, what kinds of discourse designs improve policy formation? Certainly recent work by Wagner (2008) shows that potential exists, at least in international negotiation. This is therefore the springboard for the development of the Unifying Negotiation Framework—to improve policy decisions through explicit efforts to deepen and enrich the discourse that gives rise to them. The countless grassroots efforts in collaborative public management are trying to engage in precisely that improved discourse, although they surely not burdened by wondering what would Foucault do.

This emphasis on discourse as a foundation for designing participatory approaches to public management has several advantages. The most notable is that it makes no presumption about the presence of conflict. Some terminologies ("conflict resolution" being the notable example) seem to become relevant only after behaviors have become escalated and polarized, which may be far too late (a point made by Zartman (2001)). But a discourse paradigm can accommodate both a pre-conflict strategy and a conflict management strategy. Traditional agency-centric public participation approach can also be critically examined using a discourse-based lens, even though it typically does not employ conflict management techniques. A second advantage of a discourse-based approach is that is moves away from being rhetorically anchored in a specific outcome or format/methodology. Terms like "consensus building" mean that the goal is one specific type of agreement. Other terms, like collaboration, charettes, and

citizen juries are all specific types of participant interaction, which seem to put the emphasis on a tactic, rather than on the underlying communicative interaction being encouraged. Discourse can build consensus, but it may also identify those issues on which consensus is not yet possible. By the same token, discourse could variously involve the use of any of the tactics listed above. But the key is that they would be employed if it was apparent that they encouraged the desired discourse, not because the terminology being used made them the default or normative expectation.

Public issues and policy responses to them are not singular, objective, and consensual. Rather, they are socially constructed through the intersections of history, culture, society, and materiality (Feldman et al, 2006). According to Feldman and colleagues, "the way that public issues are known changes over time and in relation to other public discourses and technological advancements" (p. 90, citing Hajer and Wagenaar, 2003). Public policy decisions can be viewed as discourse-based decisions; constructed through the interactions of parties and the negotiation of meanings.

Knowledge Systems

If values provide much of the energy for negotiated processes, then data and information provide much of the vocabulary. Public policy decisions have become quite technical and complex in recent decades, and modernization theories would contend that that trend is likely irreversible (Beck, 1992). As such, control over the terminology, the models and the data can determine to a considerable extent which groups have primacy in a policy discourse. Marginalizing a group's way of knowing the problem is therefore tantamount to marginalizing the group itself. This recognition explains why knowledge systems provide a foundation for the Unifying Negotiation Framework.

A knowledge system can be viewed as the interplay between and among forms of information and ways of knowing. Forms of information include the scientific and technical, including conceptual and data-based information. The cousin of scientific and technical information is traditional information. Just as essential knowledge comes from scientific and technical fields (e.g., biology, civil engineering) information drawn from native or indigenous groups, local communities, and traditional practices. Traditional ecological knowledge (TEK), for example, is the product of generations of learning and experience with all facets of a landscape, such as the soils, waters, fish, plants, wildlife, and human uses. Such knowledge is essential in some sustainable cropping systems, with wild rice agriculture being a notable example (LaDuke, 2008).

In any given situation, people learn and gain knowledge in a number of ways and from a variety of sources. Anthropological work across diverse cultural communities suggests six fundamental ways of knowing and understanding. These are (1) *experiential,* emphasizing observation, action, reflection, and pragmatism, (2) *intuitive*, relying on inspiration, emotion, and interpretation; (3) *authoritative,* drawing on religion, status, hierarchy, and power; (4) *philosophical,* featuring reason, logic, theory, values, and ideals; (5) *scientific,* concerned with reason, logic, reduction, and the scientific method;

and (6) *indigenous,* highlighting narrative, spatial, generational, physical information. (ADD SOURCES)

Discursive negotiation is as much about creating value as it is about claiming value. In order to be inclusive of a full spectrum of stakeholder groups, a process must therefore accommodate their knowledge systems. There is a tendency for technical experts and their jargon to overwhelm less formal/indigenous forms of understanding. This sort of subtle control of the intellectual agenda is potentially as hegemonic as brute force exclusion from a policy process would be.

Communication Systems

Communication is a multidimensional concept. It refers to the development and transmission of a message from a sender to a receiver and the feedback the receiver may provide. Communication occurs in variety of contexts, from interpersonal to group to organizational to public. Communication activity employs numerous channels and methods, from face-to-face interaction to messages sent through some medium, such as television or the Internet. Communication is symbolic and dynamic. As James Carey notes, "communication is a symbolic process whereby reality is produced, maintained, repaired, and transformed" (1989, p. 23).

Regardless of the context and method, communication is fundamentally about meaning. The recipients of messages interpret those messages, and in doing so, assign meaning to those messages. But people do not hold meanings in isolation; they share their interpretations with others. This sharing reveals that meanings are socially constructed, both individually and collectively.

This social construction view emphasizes meaning creation, as individuals, groups, and communities. People and organizations send messages as tangible, material and objectively measurable acts, but recipients generate what *meanings* those messages convey. In any given situations, the created meanings could be as varied and diverse as the number of parties who receive them.

The meanings assigned to a communicative act draws on knowledge and experience. There are three options for interpreting a communicative act. First, one can accept in entirety the meaning and interpretation another party has generated and expressed. Second, one can attempt to impose meaning on the other party. Because these options are not necessarily participatory or interactive, they these are neither viable nor likely in many communication situations. (Daniels & Walker 2001). The third option is participatory and interactive. Meanings are communicated, negotiated, and clarified toward the goal of shared understanding, regardless of the degree of agreement (or disagreement). Proponents of this view include Pearce and Cronen (1981). In developing their "coordinated management of meaning" theory, they have asserted that joint discourse is the primary social process of human life, forming the "webs of social

interaction in which we find ourselves and in which we live, move, and have our being" (Pearce, 1994, p. 19).

The management of meaning depends of the messages developed and sent/received and the methodologies employed. Government agencies, for example, are increasing relying on the web to communicate with their stakeholders. Specialists prepare messages in the form of technical reports, planning documents, and press releases. The agencies post them of their websites or distribute them via email for public review and comment. In so doing, the agencies may place greater importance on messages and methods than on the meanings that stakeholders/citizens create. Doing so can limit the acceptance and effectiveness of a policy decision because (1) the meanings constructed conflict with the intended message, (2) the information is not well understood or interpreted, and (3) methods used are not relevant or accessible to the intended audience(s).

3. The Unifying Framework in Brief

Simply stated, the Unifying Negotiation framework is a cognitive structure that aids in managing the intellectual complexity of designing participatory approaches to natural resource decision making. It can be visualized as a matrix consisting of three rows and six columns (see Figure 1). It is a fundamentally static and descriptive representation of features that a comprehensive discourse design effort must variously attempt to manage, accommodate, and/or respond to.

Figure 1:
The Unifying Negotiation Framework

	Culture	Institutions	Agency	Incentives	Cognition	AOE
Macro						
Meso						
Micro						

3.1 The layers

The rows in the Unifying Negotiation Framework refer to scales of social aggregation. The Micro layer is the only scale with an unambiguous definition—it is the individual person. Meso, or middle, scale is 2 or more people. More specifically, it is the level at which the process being designed is intended to occur. This scale must be

meaningful in terms of the biological and social systems at issue (often the community or watershed). It is possible for a discourse-based approach to be too large to be relevant to potential participants and thereby undermine its effectiveness (Cheng and Daniels, 2003), and certainly we can imagine policy processes that are not undertaken at a meaningful biological scale (e.g., trying to manage an ecologic process on a jurisdiction-by-jurisdiction level even though the process at issue greatly transcends those jurisdictions.) The macro scale is defined as everything above the meso scale. It is the external social and political structures and forces that establish the operating context for efforts to engage people in the discourse process occurring at the meso scale.

3.2 The 6 columns

Each column in the Unifying Negotiation Framework refers to a major factor that may be a significant consideration in the understanding of the operating environment in which a discursive process would have to occur. The universality of the Framework emerges largely from these six factors, their breadth, and the interaction among them. There are no a priori assumptions about how these factors would play out in any given situation; that is why the Framework makes no claim to be a predictive model. But it serves as an organizing metanarrative because it assumes that all six factors will in fact play some role in the eventual outcome. It is useful to explore the Framework by first considering three highly contextual factors (culture, institutions, and agency) and proceeding to three more individualistic factors (AOE, cognition, and incentives).

Culture is the leftmost column in the Unifying Negotiation Framework. The conceptualization of culture used in the Framework would be readily recognizable to most social scientists working on the topic; it is shared learned behaviors and meanings. Internally, culture is visible as values, beliefs, attitudes, perceptions, morals, etc. External manifestations of culture include roles, structures, rituals, etc. (Marsella, 2005). The perspective on culture that is the most useful in terms of a discourse process design is perhaps that of Hofstede (2001) and his widely used conceptualization of cultural differences across five dimensions: power distance, uncertainty avoidance, individualism v. collectivism, masculinity v. femininity; and long-term v. short-term orientation. Each of these has relevance to the design of discourse process; the kinds of egalitarian/level-playing-field activities that might work well in the US or Scandinavia would likely be less successful in India where extreme power distance is the legacy of the caste system. Bluntly stated, any effort at designing a participatory decision model that ignores culture has limited prospects for success.

An important way in which the Unifying Negotiation Framework goes beyond Hofstede is that his research uses nationality as a proxy for culture. The Framework uses a much more nuanced definition that can tease out multiple cultures within a nation. These distinct cultures might be based on profession, place of residence, ethnicity, religion, rural v. urban, etc. It is often the subtle differences in values between seemingly similar groups that are the most significant in shaping the outcome of discourse, or the most treacherous to navigate when attempting to convene a discourse process. The recent collection on negotiation and culture edited by Gelfand and Brett (2004) is also an important source of insights on how cultural differences create distinctly different scripts of shared expectations on how a social interaction ought to play out. Kremenyuk (2002)

is also a broad collection of writing on international negotiation and contains a particularly relevant chapter by Faure on the cultural dimensions of international negotiation.

Institutions is the column immediately adjacent to culture in the Unifying Negotiation Framework. Again, institutions are defined in a conventional manner: they are the structures, organizations and ritualized patterns of behavior (i.e., rules) that variously organize our social lives and also regulate interactions. Institutions can include organizations like the Church or the University, but they are equally constituted through the Lutheran Women's Tuesday lunch group or the pattern of granting teaching assistantships to male students more frequently than to female students. At a more conceptual level, institutions are defined in Scott (2008) as being "comprised of regulative, normative, and cultural-cognitive elements that, together with associated actvities and resources, provide stability and meaning to social life." (p. 48) The writing of Elinor Ostrom on institutional analysis and development is particularly useful in the framework because it draws links between institutional structures and patterns of resource allocation and use (See variously Ostrom, 1998; Ostrom, 2005; Ostrom, 2007). Arts & Leroy (2006) provides a useful entrée into the European institutional literature.

Agency is the ability of groups and individuals to protect their interests and achieve their goals. As such, this use of the term differs from the more common definition of an agency being an administrative organization. In the Framework, we are concerned with why a group (or individual) might or might not have agency, and what factors are shaping agency. Agency can be viewed as having two distinct components: power and capacity.

Power is a straightforward concept: it is the ability to successfully exert one's will. The ways in which power can be manifest in a discourse process are quite varied, including:

- The ability to unilaterally make the final decision;
- The ability to force the decision process into a particular venue;
- The ability to define the set of issues being considered;
- The ability to define which groups may or may not participate;
- The ability to make procedural decisions (format, agenda, deadlines, etc.);
- The ability to grant legitimacy to some forms of knowledge or scientific data;
- The ability to force other stakeholders to accept outcomes that are sub-optimal to them;

Identifying where power comes from and how it operates is more complicated than merely defining it (see Zartman, 2008, particularly the Structuralists paradox). The sources of power are often culturally grounded and institutionally defined, structured, and reinforced at the macro level. Property rights, legal procedures, and administrative authority are all institutionally derived sources of power. But power can also emerge much more organically at the micro level: a persuasive and charismatic person, or a member of a socially privileged group (a village elder), can have disproportionate influence in group deliberations. Power may also emerge over the course of a policy discourse as coalitions or self-reinforcing policy networks form. Power does not exist in a vacuum; it is largely socially constructed. Even though it exists to large measure

because people choose to grant it and conform to it, there are key control mechanisms and influence strategies that powerful parties can use to perpetuate their advantage. Key readings about power in social discourse processes include Sharp, 1973; Bacharach & Lawler, 1986; Coleman XXXX

Capacity, on the other hand, is the ability to accomplish one's goals. In large measure, capacity emerges from having resources that one can mobilize to successfully implement projects and foster change. Much of the sociological literature in recent years has operationalized community capacity through a metaphor of capitals:

Built/physical capital (infrastructure, buildings, utility grids, etc.)
Cultural capital (values, traditions, organizations, etc.)
Environmental/natural capital (resources, clean water and air, etc.)
Financial capital (wealth, access to capital markets, grants, etc.)
Human capital (skills, abilities, and educational level of individuals)
Political capital (access to, and competence in, political processes)
Social capital (existence and abilities of groups and networks)

Coalitions of stakeholders coming together around policy problems and can be viewed as having access to these forms of capital to a greater or lesser extent. Those groups that have more capital, or more capital of a particularly salient type, can be viewed as being more capable of achieving their goals. These capitals can be used to achieve one's own goals in a competitive negotiation or they may be pooled to provide the basis for integrative problem solving. A quick kneejerk assumption might be that financial capital is the critical resource (i.e., all things are possible with enough money), but the sociologists might argue that social capital is perhaps more defining. If the latter is true, then discourse systems that build social capital have a greater opportunity to expand the proverbial pie of integrative negotiation than those that do not. This may be a sociological justification for the current interest in highly communicative and inclusive discourse processes in many policy arenas. A policy discourse must therefore be cognizant of what can be accomplished based on the available resources, but also devote some of its efforts to capacity building if key resources are not yet sufficient to accomplish the group's core goals. So capacity can operate as a constraint in the short term, but also an objective in the longer term. Key readings on capitals and community development would be Flora and Flora (2007) and Green and Haines (2008).

Power and capacity are therefore closely allied yet distinct concepts, which argues for their integration into the broader construct of agency. Agency includes both the ability to be successful in the process (power) but also the ability to successfully implement the decisions that emerge from it (capacity). Agency is a meaningful concept at all three scales in the Framework: individuals can have agency, groups can have agency, and entire states can have agency.

Actor Orientation and Experience is the right-most column in the Framework and brings to bear a suite of psychological concepts that can have significant impact on peoples' willingness to become involved in a discourse process, and, if they do, what they are likely to value in the process. No policy negotiation occurs in a historical and relational vacuum. All of the participants bring to the process their experiences with other groups, their values and preferences regarding the issues at hand, their beliefs, values,

fears, and aspirations. Any attempt to design a public policy discourse process must recognize that each potential participant evaluates the process through their own lenses of orientation and experience.

Orientation and experience can be operationalized by focusing on four more precise psychological concepts: personality, affect, attitudes, and attributions. As these categories indicate, this is the most explicitly psychological of all of the factors of the Framework. Personality is one's long term disposition: happy, curious, timid, extroverted, trusting, etc. Affect is the current emotional state (also referred to as mood.) Personality and affect are closely related, but to the extent that personality is analogous to climate, so affect is to weather. Affect can be impacted by very recent events (did you get a speeding ticket on the way to tonight's meeting?) and behavioral research both in social dilemma problems and negotiation has shown both personality (Weber & Messick, 2004) and affect (Barry, Fulmer, & van Kleff, 2004) to be correlated with behavior and outcomes. Attitudes is a broad term that refers to the values one assigns to things (wilderness is good, litter is bad, etc.). Attitudes play a critical role in public policy discourse processes because they are the basis for the parties' interests. Attributions are similar to attitudes, but they are values that one assigns either to people (he is trustworthy) or events (she wrecked my car). Taken together, these are a bundle of psychological conditions and processes that each participant brings into the process.

The relevance of these psychological variables is that every public discourse process involves key individuals; they may be the village headman, or a Forest Supervisor, or the chair of the local environmental NGO. Because of their influential roles in their communities, their behavior relative to a discourse process can be hugely influential in the outcome, and these behaviors emerge to a considerable extent from their personalities, affect, attitudes and attributions. Values, motivations, preferences regarding process, preferences regarding outcomes, and willingness to work with other stakeholder groups all emerges from the actors' orientations and experiences.

Cognition is the column next to Actor Orientation and Experience; this refers to the psychological term for information processing and decision making. There are three specific realms of cognition that are particularly important to the Unifying Negotiation Framework: cognitive biases, social cognition, and learning. There is a large literature dating back to Kahneman and Tversky (1972) that shows that people do not process information in the rational manner that the economists and game theorists often assume (also see Gilovich, Griffin, & Kahneman (2002) for a more recent review. Behavioral negotiation scholars have shown that these biases affect our decision making in general (Bazerman & Moore, 2008;) and in negotiation tasks more specifically (Thompson, Neale, & Sinaceur, 2004). Social cognition is the process of making cognitive judgments about social events and interactions, as well as the impact of social settings and stimuli on cognitive performance. A critical aspect of social cognition as it related to discursive processes is the widely studied in-group/outgroup effect. To the extent that people cognitively frame a situation as an us-versus-them problem, the likelihood of fixed pie/competitive negotiation behaviors increases (Bazerman & Neale, 1983; Thompson & Hastie, 1990). The third component of cognition is learning. Any discourse design effort must actively seek to manage the cognitive load on the participants, but also realize that different stakeholder groups may need to learn different things about the situation in

order for the process to succeed. Some of the learning may be substantive (about the issues), some may be procedural (about the set of available process options), and yet other learning may be relational (about the other participants and their values). Perhaps the most extensive incorporation of a learning approach into natural resource decision making in the US literature is Daniels & Walker (2001), and the Australian book by Keen Brown, & Dyball (2005) covers much the same issues, and Steyaert et al. (2007) provides an entre into the European social learning literature.

Incentives are represented by the column that lays just to the left of the cognition column. Incentives are the payoffs (or penalties) created by the process. Some of the incentives relate to outcomes from a process, yet other incentives relate to behavioral issues. The outcome incentives are things to be gained or lost in the process; they constitute the reasons for becoming involved in the process. The behavioral incentives are process-related features that may encourage certain behaviors by the potential participants in the process. A great deal of the traditional negotiation research focuses on the outcome incentives, by invoking concepts such as BATNA (Best Alternative to a Negotiated Agreement) analysis (Fisher, Ury, and Patton, 1991) and the game theoretic research that was pioneered by Walton and McKersie (1965) and the motivations that people bring to it. Incentives can best be understood as blend of game theoretical predictions and internal motivations. It is also important to note that the incentives are not created wholly by the process design; there is also an important interaction effect between the process attributes and the motivations that arise within the individual participants in the process.

3.3 Key features of the Framework

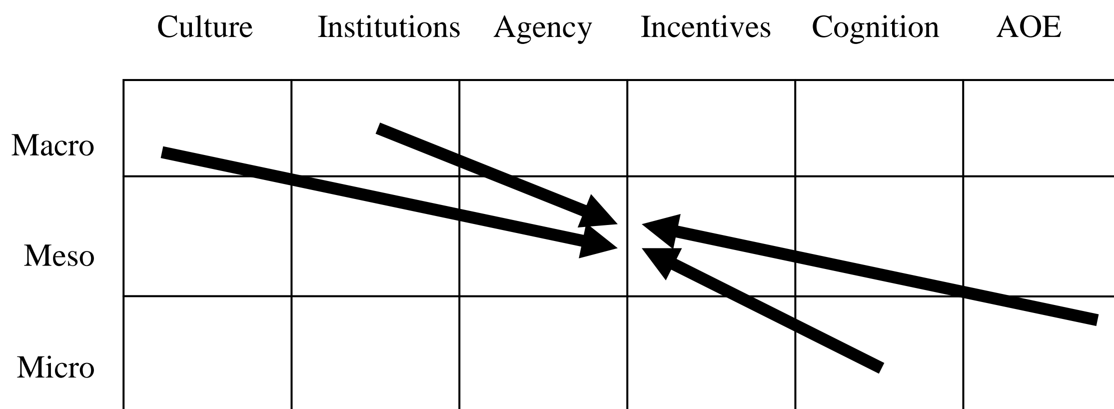
In the process of developing, refining, and applying the Unifying Negotiation Framework, several of its features have proven to be more important and useful than they perhaps initially appeared to be. First, the relative location of the columns is critical to the framework's function. Each of the columns is placed adjacent to others in a theoretically intentional fashion. The adjacency of culture and institutions illustrates this intentionality quite clearly. In many ways, the difference between culture and institutions is quite blurry. Even though there are cultural features that are not explicitly institutional, it is quite hard to conceptualize institutional patterns that do not have a significant cultural foundation. The social power and relevance that institutions possess flow out of their cultural relevance, and by the same token, much of the power that culture manifests is channeled through various institutions. So as we think about culture being reflected through governance norms and agency/regulatory processes, placing institutions between culture and the rest of the framework reflects the mediating role that institutions perform. In many ways, institutions are the codified and habituated embodiment of more abstract cultural values and constructs.

By the same token, the cognition column plays an important role between the incentives and AOE columns. The experimental literature on negotiation/social dilemmas problems has clearly shown that personality features are significant determinants of behaviors that depart in systematic ways from the incentives that are present in a situation (e.g., an experiment that clearly rewards cheating behaviors will show that a strong positive relationship between people will reduce the frequency of cheating

Second, the Framework has evolved to have two distinct halves, with the left side being more contextual and the right side being more individual. This construction was significantly informed by and also extends the literature review/theory paper by Li, Tost, and Wade-Benzoni (2007) that advocates a dual approach to negotiation research that explicitly considers negotiator behavior as emerging from the dynamic interaction between individual factors and the cultural/organizational context. Inasmuch as the dynamic between the individual and the cultural/institutional context is of paramount importance, the key interface in the diagram is the boundary between agency and incentives. That is the margin between the columns that are largely (but not wholly) contextual and those that are largely (but not wholly) individual.

The dynamic interaction within the Unifying Negotiation Framework becomes more visible in Figure 2, which shows the dominant influence flows in the diagram. The cultural/institutional influences emerge primarily from the macro level, while the cognition and AOE influences arise primarily in the micro level. These two sets of forces converge in the meso level at the interface between agency and incentives. So a suite of social/contextual factors come cascading into a process design from the macro level, and another set of individually manifest factors come bubbling up from the micro level. In this conceptualization, the process designer’s task is to explicitly and simultaneously balance contextual considerations with individual idiosyncrasies. The integration of these disparate factors offers the potential for a more comprehensive and robust process than would otherwise be the case.

Figure 2: Dominant influence flows in the Unifying Negotiation Framework

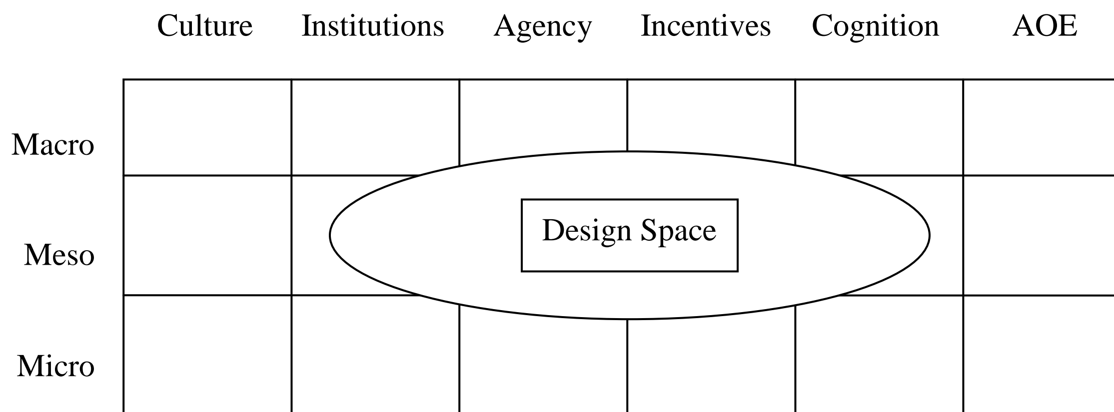


In this sense, the central portion of the diagram (meso capacity/power and incentives) can loosely be understood as the *design space* (Figure 3). That is the region of

the Framework within which the process design has the most direct control. A discourse process consequently accomplishes several tasks:

- DBA mobilizes resources and creates collective capacity
- DBA creates institution
- DBA affects cognition

Figure 3: The "Design Space" in the Unifying Negotiation Framework

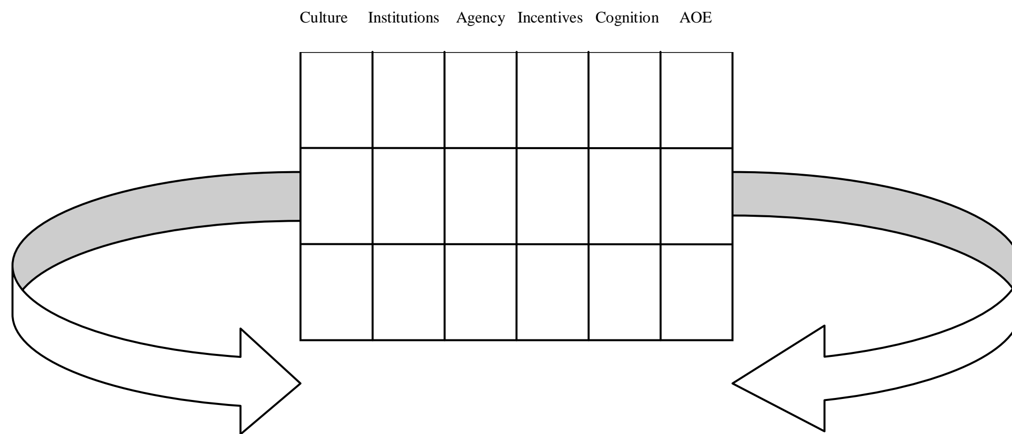


Discourse-based decision processes have the potential to aggregate resources that are held by various stakeholders into a meaning collective capacity. One stakeholder might own critical private land, another might have technical expertise, another might have access to volunteer effort, and yet another might have regulatory authority. Working independently, none has the critical mass of resources needed to move an agenda forward (even though all might agree with the logic of doing so), but their collective capacity might well be sufficient if they are able to work collectively. By the same token, as DBA becomes a normal way to make decisions about natural resources, it becomes part of the institutional landscape. Discourse can thereby become part of the institutional column and thus shape how yet other institutions operate. And finally, DBA has the potential to affect the cognition of the participants. To the extent that part of the challenge in natural resource decision making is in simultaneously managing the technical complexity of the situation as well as the penchant for controversy (Daniels and Walker, 2001), DBA offer a means of managing the cognitive load that the participants face. It allows the stakeholders to learn their way to improved decisions, and goes well beyond merely providing a forum that allows for distributive bargaining across pre-determined preferences and alternatives. It also allows for reframing the situation away from fixed pie cognitive frames that often arise in public policy decision processes.

A final feature of the Framework relates to the interaction between the culture and AOE columns. Presumably because they are shown as being at the extreme ends of the framework they are viewed as being markedly different concepts in the Framework. But if we loosely define culture as being values, beliefs, and behaviors that emerge at the collective level, and AOE as values, beliefs, and behaviors that emerge at the individual level, then the two columns represent concepts that are far more similar than they are

different. In fact, it is possible to think about wrapping the Framework into a loop so that the culture and AOE columns are adjacent to each other (Figure 4). This mental image reinforces the realization that each individual is inevitably the product of their cultural context, and that extracting their values and beliefs from that social milieu is a fruitless endeavor.

Figure 4: Linking Cultural and Individual Factors in the Unifying Negotiation Framework



4. Applying the Unifying Negotiation Framework

The motivation for developing the framework was to provide an integrative structure within which to think systematically about the huge array of on-the-ground efforts to improve natural resource governance and also advance our ability to think rigorously about these efforts at the theoretical level. But the Framework also offers assistance to practitioners who are trying to facilitate discourse-based processes. It provides that assistance by enhancing the ability to conduct assessments and design processes that respond to those assessments.

A widely shared notion in the public policy negotiation/facilitation field is that assessing a conflict situation to determine the potential for successful resolution is a critical early phase of any intervention (e.g., Carpenter and Kennedy, 1991; Lewicki *et al*., 2006). But knowing what to assess and how to use the information gleaned through an assessment is not so universally agreed upon. Part of the art of conflict assessment is to embrace the unique attributes of each situation (and they are all individuals unto themselves) while at the same time linking back to some organizing principles that offer some hope of putting some meaning and structure to one's understanding of the situation.

4.1Assessment

The DBA-Design framework is valuable to someone charged with developing a participatory approach not because it has all the answers, but because it may help identify some of the critical questions. The crucial interface in the Framework is between power/capacity and incentives. A successful discourse approach must recognize the power that people have been granted through existing institutions—because they are a village elder, because they have private property rights, because they have authority granted them in their role as an agency employee, etc. A DBA must create incentives that are reasonably compatible with the existing power structures; if it does not, local actors may either choose to boycott it or might actively try to undermine it.

It is important to bear in mind that each situation where one is designing a policy negotiation is a unique constellation of factors creating both opportunities and constraints. Being situationally responsive and highly in-tune with the nuances of each new setting is part of the art. But there is often so much complexity in a new setting that it is hard to know how to get a handle on it, or where to start. By breaking a situation into discrete factors, some contextual and other more individualistic, the designer can begin to systematically deconstruct it into manageable components, while never losing sight of the interconnectedness in the system.

4.2 Design

It is entirely possible that a thorough assessment can reveal that a discourse-based approach is neither feasible nor prudent. That basic go/no-go decision is one of the core purposes of doing assessments. But assuming that the assessment has identified sufficient potential for a discourse-based approach to make a substantial difference, the next task is developing a design. The process would presumably reflect the issues identified during the assessment. To some extent, the results of the assessment could be lumped into two broad categories: factors you control and factors you consider. These can also be thought of as design variables versus constraints.

Given that each situation is a unique constellation of factors, each process design needs to be a similarly unique set of responses.

4.3 Results of preliminary application of the DBA Framework

The purpose of this framework is to support design, so the test of its value is its ability to do so. As noted in the introduction, the Unifying Negotiation Framework was developed as the organizing structure for graduate training at the University of Copenhagen. The first process designs based upon the Framework were therefore the class projects that the students were required to complete. The students in this program come from across the world, and the cases to which they applied the Framework were similarly diverse. The cases ranged from shorebird harvesting by indigenous people in Greenland to village relocation in Sarawak to park management in Denmark to forestland tenure reform in China. All of the cases were analyzed appropriately by use of the Framework, and highly specific designs were outlined. In addition these cases illustrate the broad variation in cases to which the students applied the framework. The high quality of the designs that the students developed—even though none of them were experienced facilitator/mediators—bears witness to the potential applicability of this design template. To this end, we want to extract a few conclusions and lessons learned from the students' case studies:

1) We were pleased to see how effectively the students were able to dig into these complex, real life social conflicts through use of the Unifying Negotiation Framework. The tool helped them systematically gain an overview of their extremely complex situations and *identify critical features* of the conflict that needed to be reflected in their designs.

2) We were impressed to see how the students were able to use the results of the analysis as a platform to *propose meaningful goal-oriented strategies* for addressing the situations. We believe that the comprehensive understanding of the situation (ranging from individual factors to culture) contributed to the students' ability to develop comprehensive designs.

3) We were humbled by the students' ability to *develop creative process designs* at the overall level as well as at a more detailed level. Well-argued suggestions for specific activities and initiatives were outlined and combined into coherent involvement strategies that responded to the unique challenges at hand. In some cases, the students developed involvement activities that the course instructors had never envisioned, used, or taught to the students. In that regard, the students were going well beyond any narrow set of techniques that had been taught to them. The logic seemed to be "When you know what the problem is, and also know what you want to achieve—it almost seems like a game to figure out what to do."

4) An interesting observation regarding the students work is that they often needed to customize the framework in some way to apply it to their situation. Despite the comprehensiveness of the framework, some students identified supplementary issues of key importance in a situation (like communication). In other cases, they needed a more narrow and deep understanding of a specific issue within the framework (e.g., trust or social capital). What we could see was that the students quite easily were able to integrate these thoughts into the framework in response to case specifics; that is, force the framework to adapt to the case rather than vice versa. This provides a measure of evidence that the Framework is a flexible tool that can be applied in a range of culture contexts and types of situations.

Since these students' designs have never been implemented they still miss the true test of reality. However, we found that the students produced very qualified starting points for discussions with the stakeholders on what could be done in a given situation. This is precisely where any consultant/process designer must begin—come up with some coherent process concept and discuss and refine it with clients and knowledgeable stakeholders. For us, the students' work showed an initial glimmer of the promise for the potential practical application of the tool.

5 Summary and future applications

The Unifying Negotiation Framework is an organizing metanarrrative. It has value in both *ex ante* design of participatory methods of decision making as well as *ex post* analysis of processes. It is the intentional construction of an interdisciplinary

theoretical construct by blending together the perspectives of several distinct literatures. At a coarse level, it focuses upon the convergence of contextual factors (culture and institutions) with individual factors (AOE and cognition). It provides an orderly way to think through the complexity that inevitably seems to accompany efforts to make natural resource decisions in a participatory and discursive manner. It allows one to consider how specific factors (institutions, incentives, attitudes, etc.) might affect the collaborative potential in a situation, but also forces one to reflect on how each individual factor interacts with others.

A true test of the Unifying Negotiation Framework will come through its application. The quality of the initial set of project papers that were based upon the Framework offer some preliminary hope that it will indeed be useful. But more detailed and less hypothetical projects that culminate in actual events designed via the Framework will be am more rigorous and valid test. But even then it will be largely impossible to unambiguously declare the Framework as either "right" or "wrong," because there is no way to know if choices based upon it were better or worse than the alternatives. (Hoping that there could be more certainty about the value of the Framework falls squarely into Fischer's critique of overly positivistic epistemology that provided part of the motivation for this effort. To fall into that trap at the conclusion would be most ironic.) The best we are likely to do is conclude that the Framework is more or less useful, which would be measured by the insights that it offers, the assumptions that it forces us to examine, and questions it forces us to answer, and perhaps the mistakes that it allows us to avoid.

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