

Infrastructure Planning and Management **Fair Process and Negotiation Part-1**

Welcome back to class so last class we spoke a little bit about stakeholders as a first strategic approach to building project better we said look we need to at least identify who the stakeholders are and how they relate to each of other and all of that right, so we talked about social networks all of that kind of stuff once you have identified who the stakeholders are you then have to positively negotiate with them right, so another important skill to think about and pick up is the art of negotiation right, how do you deal with stakeholders, how do you actually get to situations that are mutually acceptable and which can push the project forward and so on so the theme of today's class is to really talk about negotiation right.

So historically I have started this class with a small exercise and we will do the same today we will have couple of exercise actually and so we start off with having you guys negotiate with each other can I ask all of you to sit in pairs, so this is a pairwise negotiation, so you need two people, so sit in groups of two can you guys rearrange yourself, so you are all sitting in groups of two and if there is an odd person out then you will have to wait for somebody to all right, so that is step number one step number two is can I also request you guys not to sit person pairs not to sit right next to each other because I do not want you to overhear what others are saying.

So there are a couple of so this group is fine it is essentially one person per seat although I am going to have some of you move back a little bit here can you guys move a little go back there is space here right, so I want you to have your own space for negotiation okay all right so this is our I still think we can and by the way you can although the back of the class is a bit dark that is absolutely fine for this exercise right, so once we start off if you feel the need to relocate, so the rules are simple what I am going to do is give you guys give all of you a piece of paper right in which there is something written you will have a few minute to read it after which you will have to give the paper back to me and that paper will then instruct you as to what the situation is and what you are going to negotiate about all right.

So essentially you guys negotiate with each other for about this is a simple exercise, so we do like five is minute of negotiation and then we will stop if you have reached a settlement that is great if you have not reached a settlement that is fine but we get introduce to the process of negotiating okay, so I am going to come down now and hand over these papers to you I will

correct them in a minute or two, so look at it is pretty simple let us look at it is pretty easy to read so I think by the time I traverse the entire class I probably come back and start picking it up right all can you move back a bit you guys can start reading if you have got the ok times up alright so everyone just stop for a movement okay, let us just see how many pairs do we have one two three four five six seven eight nine ten eleven twelve pairs.

Now many of you did not reached a resolution have not reached a resolution yet right who are still negotiating okay that is fine one two three it is just hands up again please one two three four five six pairs, so six pairs of reads some kind of a resolution six pairs of not okay because this is also being videotape and people who are watching it might have no clue about what is going on I should properly you know very quickly summarize what is out there each group was given two pieces of page person was given a piece of paper one person in each group was given a paper that read negotiate your sister to safety and one person was given a paper that read negotiate mother safety for the person who had to negotiate their sister to safety it is story is that your sister ate at the hospital mess and is suffering from severe food poisoning.

Which is an absolutely believable occurrence and the food poisoning is potential fate and so she cannot survive for long again highly believable an there is only one way to cure her there is a particular chicken called the gunya chicken nothing to do with chikungunya which has an egg which is of great and you essentially need to procure that egg problem is there is only one pair of gunya chicken they lay egg only one egg every 100 years and there is one now, so essentially you either get this egg otherwise your sister in this case is doomed you are of course a very resourceful person.

So you have figures out where this egg is but as you go towards the egg you find something else who also wants to get that egg which is your partner in the negotiation who is trying to negotiate their mother to safety because their mother is also terminally ill mortally wounded having tried to hitchhike across the galaxy how many of you get the reference only one okay are you educators where is the reference from okay, it is Douglas Adams hitchhikers guide to the galaxy which at least when I was a B tech everyone them rate right, so clearly something is changed the intervening years but it is a sort of cult classic sort of a funny book to read essentially in that.

So there is a something called the ravenous bugblatter beast of trial who is which as which if you read the book you will come across which try which has mauled your mother , your mother is ill and of course it is again that gunya chicken egg that can save her, so essentially the negotiation is there are two of you and both of you require that egg and there is only sort of one these eggs that both of you required right, so you have got to negotiate with the other person, so let us start now with some of the groups that did not reach you know settlement, so for those of you throw up your hands what were you guys talking about what was how did the negotiation go did somebody want to volunteer what happened in those five minutes fantastic okay.

So there is some amount and first of all there is a discussion in this group there is a discussion about the comparative value of a mother versus a sister what did you guys conclude I am sure the world is waiting to know, you guys did not conclude and that is where you stopped okay other groups that reached an impasse what were you discussing about yes okay, so you are trying to figure out if I give up my mother what I the compensation what did you guys what your potential compensation packages that you discussed they had give up your mother I will give up this okay, you are great so mothers the only family you have sisters the only family that the other person has okay, all right so give the sister fine okay, other groups did you guys do also to give up the sister did any of you give up your mother, what about us of the other groups right.

So again you are trying to essentially it comes down to relative value right, so I want something you know what can I give you return give me the egg I will say my mother and she can also be your mother because clearly you do not have any other family okay all of these points were discussed was there anything else that was discussed correct, so great so you know I have, so you this we have got vegetarians in the past I have had Jane's in the class right at that anyone's here is a Jane okay part thing I do not know if you guys use that argument but you know I have got people who are sitting on the other sides of the Jane saying you are good Jane boy or a Jane girl whatever.

Now can you even think of consuming that egg it has to sort of go to me so that argument again is you know even if I gave you the egg how could you possibly eat it you are vegetarian right, so might as well just give it to me right and at least one life can be safe fantastic okay, so there are and okay so even for the groups that came to a settlement what are the kinds of trades that you guys offered anyone offer any different kinds of trade let us start there with Arjun and Jai Kishan

yeah, what kinds of trade we will get to that but other trades that we are that you guys offered okay all right but.

So who offered a few trades before you guys came to a settlement contain kinds of you know we have had people offering well of course money right because I think it says here you guys are both well-endowed all other kinds of things which unfortunately I cannot state on camera there were some very creative solution my most creative one was if you let your mother die then I will let you marry my sister right it was one of the I do not any of you discussed that at all so I love that one because I think that was a win-win etcetera okay alright.

So now let us go to group that made a settlement right and you know you guys are gone a Jai Kishan and you tell us what was the settlement that you guys came up with right, so essentially if you read and so the groups that came to settlements did you guys all reach the same settlement or did you have other settlements okay if you read it carefully and this is I mean it was on purpose that I took it back for you and did not give you enough time but if you read it carefully you it says in the negotiation your mother to safety the only way your mother can survive is by eating the white of entire gunya of chicken egg and if you look at the other one with the sister it says the only way your sister can survive is by eating of yolk of one and tagging you chicken egg essentially it is a same sentence I have just sort of changed white here and you know yolk there right.

So essentially what looks like what one might call a zero sum game in term of one person has to win and the other has to lose if you read it little carefully turns out that it actually there is win-win that is possible right Is in this case you just boil the egg you take the yolk and give it to somebody you take the white give it somebody and therefore that gunya chicken egg can actually save both people at the same time right, so essentially the lesson there is and of course I mean there is not enough time that was given may be some of you read it carefully remembered it like you know Jai Kishan is saying sometime the conversation just took that kind of a turn and you came to that solution very quickly in some cases the conversation took a different turn and I am pretty sure if I had given you guys 15 minute at some point you guys would have found that out anyway.

But the point there is that the two things here one is that sometimes we look at these kinds of negotiations and off the top they look like they are zero-sum games it looks like if I win you lose if drill for oil your habitats goes right or if I want to preserve your habitat that I cannot drink you know for oil so it looks black and white zero-sum zero and one whatever but very often negotiation are like this they look like this one egg you know both people needed one has to win the other has to lose but then when you get deeper you probably find that there are solution that are win-win right, so in this case clearly one person can take the egg one person can take the white or the other takes the yolk and they both survive right.

So the thing about negotiation is that most negotiations are probably have some win-win in them and therefore it is a question of how skilled are you in term of finding that win-win right which comes which takes us to the second lesson which is therefore the way you negotiate then becomes important, so body like so when I looked around I saw of course some of you got it very quickly but there are lots of interesting body language right, so in certain cases you guys are not looking at each other when you are negotiating right, so you are whereas in other case the negotiation is a bit more animated once many years ago the teacher in the neighbor of course.

I was teaching in regular classroom professor from the neighboring classroom actually had to come and ask the student to shut up because it was you know getting to be there was lot of energy in that negotiation the different styles if negotiating anything we need to understand, how do you negotiate how do we get to a point where it is not by chance that you stumble on this I need yolk you need the white but it is actually a systemic you know series of events that you enact that will always lead to the most optimal solution right, so there is essentially therefore there is something that there we have got to understand is there a science towards negotiation is it just blind luck right some of you read the right word and you know had that eye for detail you got lucky or is there actually something that can be learned right and a long time ago negotiation people thought was essentially an art right.

So some people are skilled negotiator you can communicate well you are good with people you can negotiate well and I am an introverted person and I cannot negotiated well and so it becomes you know it is almost genetic whether you are a good negotiator or not but then over a period of time I think people started doing a little bit of research and breaking down negotiation into a variety of principles that can be learned right and getting to the point where you know Harvard

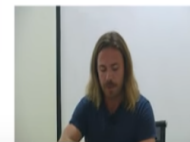
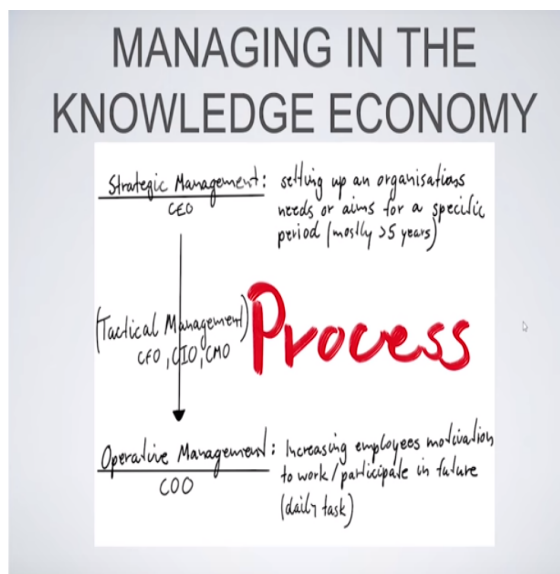
business school took the lead or Harvard University I am not sure was the business code luckily they actually have something that is still ongoing called the program on negotiation right.

Where they actually started doing research breaking it down said look I can teach you principles and if you apprentice yourself to somebody who is good at it and you sort of business like engineering right I can teach you some basic concepts of engineering I can teach you about strengths of materials and you know design and etcetera then if you really understand that you can design whatever you want it is not something that you know only a skilled person can do right we can teach anybody to design.

So similarly it turns out that a lot of people believe that you can teach negotiation right that there are certain basic principles and then of course it is a question of practice just like anything else like learning to ride a bicycle right obviously it is very difficult in the beginning but there is a way in which I can teach you to swim more to learn a ride or bicycle and then depending on how much you practice you are a good swimmer or a good cyclist or you know you can just sort of barely stay afloat or stay on top of the bike right, so it turns out that negotiation actually can be learned right and what we are going to do today in the rest of the class is talk a little bit about what those principles of negotiation are right.

So which group was on to present today you guys so would not you come and talk to us about the reading and what we can learn about negotiations.

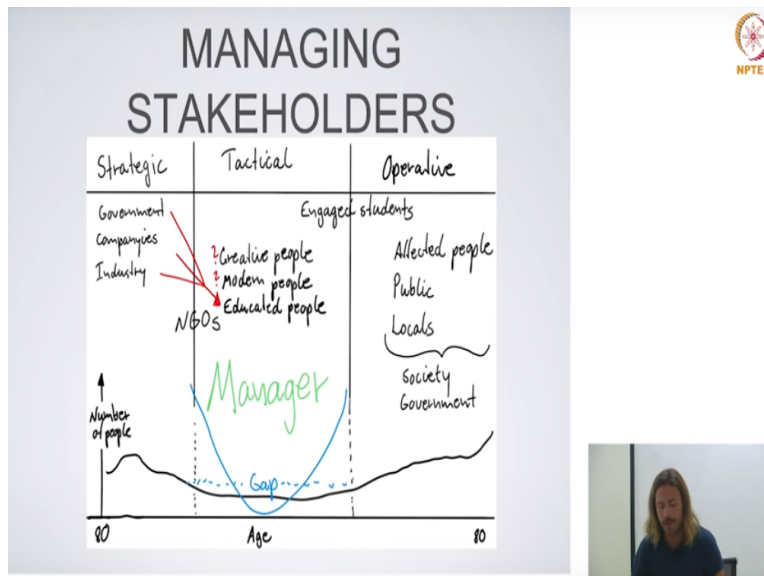
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Fair process and negotiation so fair process is the goal of every negotiation and at the end we should all give the hand the first reading was about managing in the knowledge economy, so it was about the of course the management in economy which is based in strategic management that is the top level of management the CES's they setting up and in organization needs and aims and goals for the future for a specific period mostly above 5 years and between the strategic management and the upper level and the down level is the operative managements.

Which is the increasing of employees motivations to work and participate in the future for the daily task and all this is a really long process for the inner harp a tough process for the economic for the companies and if you translate it to the transfer to the.

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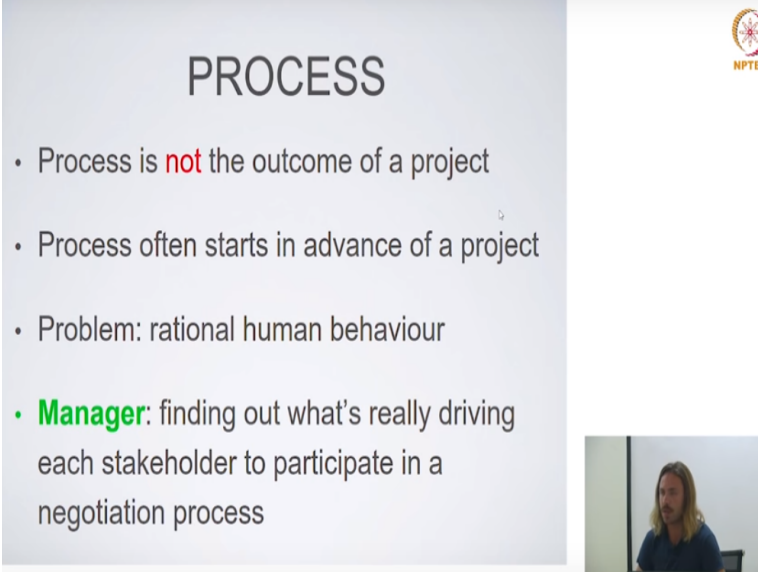


So the managing on stakeholder I put it up in a table where we are have the strategic that is the government the companies the industry and the sender we have the tactical and on the right side the operative cooperative if it is infrastructure project is of course the effect the people the local public society which is controlled by the government on the other hand the surrogate is the government the companies the industries which controls those people and there is a source of management.

Which is in the gap between which could be creative people modern and educated people and it is no doubt that it is energy technological feasible projects may be always the most efficient but not the most beautiful or the most best for the public's if we for example look back at the Agya river project from the last lesson we cannot say that it is good to demo river instead of creating a suburb or something every creation an area for people which has lots of biodiversity for example and another problem of migration process is as you see in the middle of the modern people and the well educated people are mostly in governments and companies and the industry and these people are experience and the age is way higher.

So they have really good education and when you for example see effective people or local people in India which are living close by a river or and a natural error and biodiversity areas they are not very educated and not modern at all I think so that is the thing you should keep in mind when you are planning and negotiation.

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PROCESS

- Process is **not** the outcome of a project
- Process often starts in advance of a project
- Problem: rational human behaviour
- **Manager**: finding out what's really driving each stakeholder to participate in a negotiation process

So the process is not the outcome of a project when we see in the start a project and especially infrastructure projects they last for a long time when you build a new railway or road it has to be controlled and to keep in system all the time it can have problems with the road or anything could happen, so we should keep in mind that the process not just it starts in advance or it also ends after the outcome of our project another problem is the rational human behavior when we think about for example waste treatment or sewage treatment.

I do not want to pick up waste but it is not good it is another extra effort for myself but it will have a lot of it will affect lots of another people it would affect the whole biodiversity for example and a manager should find what is really driving each stakeholder to participate integration process that is what a fair process is to find out all attitude and behavior critical to high performance that is what the management should do.

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FAIR PROCESS

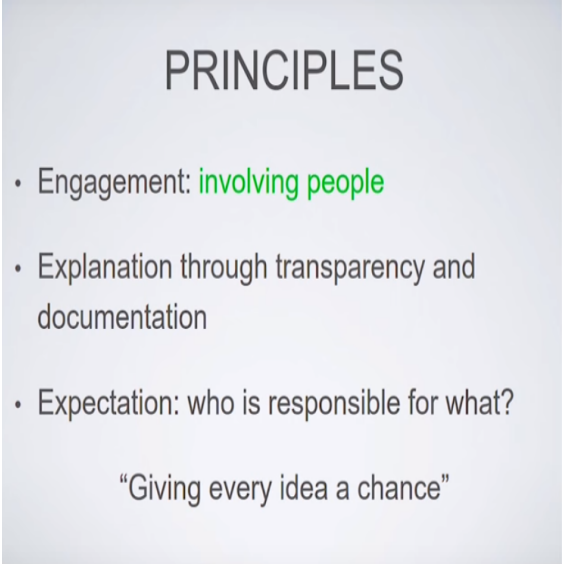
- Influences all attitudes and behaviours critical to high performance
- Builds trust and opens up for ideas through **voluntary cooperation**
- First Research area: multinational corporations



You should see every yeah stakeholders interest and bills trust of course to give one in the end of an process and is not a human borders also like a border education to give another one at the end and build trust and create an increased voluntary cooperation and the first research area was in multinational co-operations which were back in the economy for example swaggin they changed the construct the manufacturing technology in there their companies and all from the like the loan system.

How somebody's is judged and paid by their work from cellulous from individual system to a cellular system that is exactly what the rational behavior of human should respond it out in this.

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The slide is titled "PRINCIPLES" in a large, bold, sans-serif font. Below the title, there are three bullet points. The first bullet point is "Engagement: involving people", where "involving people" is highlighted in green. The second bullet point is "Explanation through transparency and documentation". The third bullet point is "Expectation: who is responsible for what?". At the bottom of the slide, there is a quote: "Giving every idea a chance". In the top right corner of the slide, there is a small circular logo with a red and white design and the text "NPTEL" below it. In the bottom right corner of the slide, there is a small video inset showing a man with long hair and a beard, wearing a blue shirt, speaking.

PRINCIPLES

- Engagement: involving people
- Explanation through transparency and documentation
- Expectation: who is responsible for what?

“Giving every idea a chance”

And the principle is of course engagement involving more and more people explanation through transparency and documentation what is transparency it is hard to find what is transparency if you would ask if volunteers could go inside an aggregation process and see what the big companies really are doing behind the scenes you never you never know, so that what they should share more about and that is why we have educated people may be students and NGO's which interact between those levels of management and the expectation yeah who is responsible for what and suit in a fair process every idea should be viewed as not feasible but you should at least bring it to the table and discuss it and find there alternative.

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NEGOTIATION ANALYSIS

Parties
Interests
Power
Values
Ethics
Barriers

BATNA
?

* Best Alternative to a Negotiated Agreement

NPTEL

And in Negotiation analysis they did that the best alternative to negotiate agreements it is like a circle you have to because a long process of an open negotiation is really yet it spin in a circle the interest we were a cube by day to day new interest will look you are the power will change values will change what you think if you have more for example biodiversity it is a better outcome for recreational areas the ethics will change you have a migration more and more people tourist everything will come areas will change and all the parties which and what they should yeah evaluate the best alternate to negotiation.

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NEGOTIATION POWER

- Power of skill and knowledge
- Power of a good relationship
- Power of a good alternative
- Power of an **elegant solution**
- Power of legitimacy
- Power of commitment

NPTEL

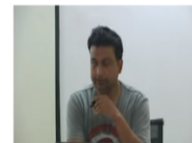
And what is new creation power when we come back to the schedule we are after on the right hand side it is fatigue it is management as of course the power of still of knowledge when you go into a negotiation education people top managers are more educated than the other and many locals the power for good relationship build relationships powerful good alternative power for an elegant solution and elegant solution means to bring everyone to the and discuss it out power of legitimacy and power of commitment and it should also it should be in scale sometimes locals for publics should ask for unbreakable commitment and in the end, Identifying fundamental interest is the most important thing what management and thank you.

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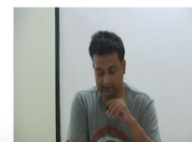
Making Participation Work When Interests Conflict

Group 11



Making Participation Work When Interests Conflict

- Public participation in planning processes can be messy, unpredictable, and uncertain.
- In May 2000, the State of California's Department of Parks and Recreation Off-Highway Motor Vehicle Recreation (OHMVR) Division established the Off-Highway Vehicle (OHV) Stakeholders' Roundtable and convened a precedent-setting series of meetings to address reauthorization of the OHV program and the efforts necessary to develop the optimum off-highway motor vehicle recreation program in California.
- The purpose was to enhance the OHMVR Division's ability to provide quality off-highway recreation opportunities in a safe & environmentally responsible manner.
- Consensus-oriented process, respecting the needs of all affected parties, and focused on identifying the best methods to manage OHV programs
- Collaborative approach, and had already used an in-house facilitator, this had not been successful.




Good afternoon everyone I will be talking about making participation work when the interest conflict this was one reading now actually planners comes with come with different problems because there are many stakeholder and many groups involved while handling issue, so there might be many case where there is a conflict and if there are N number of stakeholders or people who are conflicting the process becomes very messy, so public participation in a planning process can be messy and predictable and uncertain.

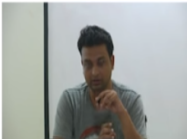
So there is a case in May 2000 the state of California departments and parks and recreation of highway motor vehicle recreation OHMVR actually they want to regulate the use of highway motor vehicle and they have to collaborate with many number of stakeholder, so the purpose was to enhance the OHMVR divisions ability to provide quality of highway recreation opportunities in safe and environmentally responsible manner, so they were expecting it to be a concern oriented trade process respecting the need of all affected parties and focused on identifying the best method to manage the OHV program but they have had collaborative approach which is already used by an in-house facilitator and this had not been successful.

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Lisa's Efforts
Associate Director of the Center for Collaborative Policy at California State University in Sacramento,



<p>Making Participation Work after Years of Contentiousness</p> <ul style="list-style-type: none"> They didn't know what the agreements would be. Stakeholders had no idea what could even be negotiated. 	<p>Reframing: Acknowledging Mutual Vulnerability and Defining Common Challenges</p> <ul style="list-style-type: none"> "classic reframing," moving from an initial problem-solving focus to a shared agreement that This reframing shifted stakeholders' attention not only from personal antagonisms to substantive issues, but also from past failures to future possibilities. 	<p>Moving toward Joint Education</p> <ul style="list-style-type: none"> helped stakeholders to talk together in a less adversarial way as they begin to explore disputed issues "mind-mapping" exercise was to focus the energy in the room not at each other, but at the wall, and on the substantive issues and priorities that the group together needed to address.
<p>Listening for More than Words: Analyzing Underlying Interests</p> <ul style="list-style-type: none"> they explain why it is that they think that this is the optimum solution. it's their reasoning that provides what their interest is, such listening for underlying interests "the classic mediator's response." 	<p>Mediating Participation Rather than Moderating Debate</p> <ul style="list-style-type: none"> Moderating <ul style="list-style-type: none"> turns argument toward counter-argument, and so it encourages, and risks escalating, debate; Mediating <ul style="list-style-type: none"> turns parties toward their multiple and diverse interests, and so it encourages practical proposals to negotiate. 	<p>Working with Anger: Harnessing the Energy in Acrimony</p> <ul style="list-style-type: none"> Conflict means energy to work on something. She told "reality of today is that this situation isn't working for you, period, for all of you." Am I willing to take the risk to be in a conversation?



So what they did was they asked one Lisa associate director of center for collaborative policy and California state university to come up with a solution for a planning solution let us see how she handles, so when she came actually there was like there was too many years already spent over this issue and the main thing she focused upon was like they do not the people actually do

not know what they were the agreements would be like stakeholders had no idea what could even be negotiated they were not going to talk to each other and they were like conflict, so she did reframing acknowledging mutual vulnerability and defining common challenges.

So instead of asking all at once like tell me your problems she went to she discuss with each party and asked to ask for attention and just made him understand that the issue will not get solved if you will keep on conflicting you have to understand that the problem in not going anywhere you have to we have to come up with a collaborative solution, so like it is the classic reframing involve moving from an initial problems from solving to focus that share a focus to a shared agreement then she moved toward joint education where she had all the stakeholders to talk together in less adversarial way and begin to explore disputed issues, so what she did was she had this assume a wall kind of thing in which all the stakeholders problems are individually plotted and then they frame like which problem is of higher priority and which is of less priority.

So mind mapping exercise was to focus the energy in the room not at each other but at the wall of problems on the substantive issue and priorities that the group together need to discuss so instead of conflict fighting with each other all the groups energy was focused on this wall and solving the issue then coming to the next listening for more than words analyzing underlying interest, so every stakeholder as asked to give a reason for the solution he is providing like what is the thinking behind the solution he is giving, so they explain why that they think this is the optimum solution it is the reasoning that provides what is they are interested, so this is such thing foreign dialing in dressed the classic mediator response.

So mediating participation rather than moderating debate, so there two types applying planner can take a debate from it either it can be a moderating way or a mediating way what moderating way does it turn argument toward counter-argument and so it encourages the risk escalation and debate what mediating does instead is turns parties towards their multiple and diverse interest and so it encourages practical proposals to negotiate, so she told like we should go toward more of a mediating approach then for a moderating approach at the end working with anger harnessing the energy in acrimony.

So when she saw the energy in the room like people who are conflicting with each other very harshly, so she told like this energy can be used for a better purpose and this energy wherever

there is the energy there is a positive power for solving the issues, so what she told each of them is a reality of today's this situation it is not working for you and all of you so are you going to willing to take a risk to be in a conversation, so if first of all the parties were not even talking to each other not even taking then she asked this question and she.

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Summary



1. Planners should recognize, and work proactively to move beyond, community members' dissatisfactions with past government efforts.
2. When stakeholders turn to mutual blaming and recrimination, planners can use indirect strategies to explore issues, enable learning, and simultaneously build relationships. [*mind-mapping*]
3. Because parties often bring suspicions and vulnerabilities to community planning encounters, such meetings may often benefit from using trained mediators
4. Planning educators and practitioners should cultivate a broad repertoire of skills and strategies for planning in the face of conflict.
5. Mediated participation requires deliberately recognizing the past and addressing future possibilities.
6. Because mediating participation means building feasible and mutually beneficial agreements to act, planners must distinguish between (a) fostering dialogues, (b) moderating debates, and (c) mediating negotiations.



All of this process she came up like with there are six principles which we can planners should recognize and one's work proactively to move beyond community members to set off section and past government efforts, so as we can see the case the past government have already used the collaborative process, so now Lisa comes and use a more proactive approach and then this issue is solved a second is when stakeholders turn to mutual brain blaming and recrimination planners can use indirect strategies to explore issues and in learning and simultaneously build relationship and that is called mind mapping.

So instead of pointing out each other and fighting with each other they are now focused toward a particular goal of solving the big picture because particular parties often bring suspicions and vulnerability to community planning encounters such meetings may often benefit from using trained mediator, so like Lisa was a trained mediator, so she instead of moderating sheep mediated the mate planning educator and practitioners should cultivate a broad reproduce and strategies for planning in face of conflict mediating participation requires deliberately recognize in the past and addressing the future possibilities and the last one is the same because mediating

participation need to build feasible and mutual beneficial agreement to act planners must be able to distinguish between fostering dialogues moderating debates and mediating negotiations.

So always mediating negotiations is the one which will able the planners to help and moderating debates will just give a counter agreement to that, so now friend Pavani will take the next topic.