11.255
Negotiation and Dispute Resolution in the Public Sector
Spring 2021
Class #22
Debriefing

- How satisfied were the parties with the outcomes of the mediation effort?
- How fair were the outcomes in the eyes of the parties?
- How were specific deadlocks addressed (if they were)?
- If an agreement was not reached, what prevented it?
- Was there anything that could have been done differently that might have produced a reconciliation?
Is dealing with value-based disputes futile?

- What we understand about values:
  - Values run deeper than interests
  - Cannot be traded
  - Linked to our identity
  - Not subject to bargaining, rational argument, or persuasion

- What people fear:
  - Morally dangerous compromises
  - Biased mediator
Examples of actions the mediator might have taken that could have been helpful

- Clarified contentious points;
- Helped each party better understand how the present conflict fits into the larger context of each party’s value system;
- Helped the parties frame an agenda and stay on schedule;
- Re-phrased and summarized the parties’ concerns;
- Ensured that the dialogue remained civil;
- Checked and re-checked to see what level of agreement had been reached;
- Ensured that all of the parties were adequately represented;
- Kept the parties focused and on track;
- Remained impartial.
## Diagnosing values-based disputes

<table>
<thead>
<tr>
<th>A believes B is expressing deep values</th>
<th>B is expressing deep value commitments</th>
<th>B is posturing, treating preferences as though they were deep values</th>
</tr>
</thead>
<tbody>
<tr>
<td>Result: A deep value dispute requiring mutual recognition and practical, collaborative problem-solving</td>
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<td>Result: An inefficient, short sighted, hampered negotiation with mutually poor compromises</td>
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<tr>
<td>A believes B is posturing, treating preferences as though they were deep values</td>
<td>Result: Anger, escalation, and resentment preempting recognition and problem solving</td>
<td>Result: Positional bargaining</td>
</tr>
</tbody>
</table>
5 approaches to addressing value-based disputes

- Withdraw; choose not to mediate
- Consider interests and values separately
- Facilitate dialogue and offer opportunities for deeper mutual understanding and relationship-building
- Appeal to overarching values
- Confront values directly
Final Exam

- Any questions?