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Keys to Evaluating Ethical Behavior in Negotiation

Negotiators Must Be Reasonable

Ethical behavior must be consequential, meaning success is judged by outcome; and ethical behavior strives to satisfy participants, i.e., the outcome must make the majority of the affected parties happy to an acceptable degree.

Negotiators Must Seek Good Consequences

Negotiators representing governmental agencies must operate in as trustworthy a manner as possible in order to maintain the integrity of the state which they represent.



Ethics Moments: Where do you stand?

Consider the following scenarios

1. Sally is a resource specialist at the Corn Flats National Forest. Her assignment is to work on wild-life issues and she is a member of the team representing the Forest Service on the FERC relicensing application for the Corn Flats Creek hydro project. Usually, Sally works behind the scenes; she reviews reports from studies conducted by the utility's consultant and advises the Forest Supervisor on negotiating options. Occasionally, she meets with technical people from other organizations as part of a sub-committee to plan new studies or discuss findings. After one of these meetings, the lead negotiator for the utility invites Sally to lunch. When Sally arrives for the lunch she is surprised to find that she is the only other person meeting with the utility representative. She and the utility representative are both about the same age, they talk about parenting and some of the frustrations of working with others on the sub-committee. The utility representative buys lunch.

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2. Don works on aquatic resources for the Corn Flats National Forest. He started his career in a ranger district but now works in the Forest office. He has been assigned by the Forest Supervisor to represent the Forest in the technical sub-committee dealing with streamflow, fish passage, riparian issues, and aquatic habitat. In this capacity, he reviews study results from utility consultants--sometimes goes in the field to assist with those studies--and advises the Forest Supervisor about negotiation options. In his capacity, he often sees the minutes of negotiation meetings in which the Forest Supervisor has been bargaining with the utility, Fish and Wildlife Service, state fish and game department, and other parties involved with the Corn Flats Creek relicensing consultation. After the last meeting, Don realized that a recommendation he felt strongly about had not been followed by the Forest Supervisor. Don decides to do something about this: either confront the Forest Supervisor, leak the problem to the local and state-wide press, or get together with one of the NGOs to let them know of the problem. He is pretty angry and might do all three of these things.

3. Don, Sally, and Sharon are all part of the Corn Flats National Forest technical team assigned to help the Forest Supervisor negotiate the conditions in the license for the Corn Flats Creek relicensing consultation. They know the Forest Supervisor is facing the first session in which the main aquatic studies will be decided. They have gotten together to decide on the advice they should give. They all agree they want more water in the stream. However, they soon realize there is a dilemma: if studies focus on the native species it is highly unlikely that the need for more water will be evident. But if the studies focus on an introduced species--which needs higher colder flows and more spawning gravel--the studies will inevitably show the need for more water in the bypassed reach. The problem with this is that the introduced species is only referred to in passing in the Forest Plan. The Forest Plan concentrates on management for native species. They decide that more water is of higher importance than strict adherence to the Forest Plan and they build a recommendation and justification that shows the need to study the introduced species.

4. Evita is the Forest Supervisor at Corn Flats National Forest. She has a strong history in the Forest Service, having come up through the ranks starting with summer seasonal appointments. As a district ranger, she negotiated timber sales, grazing allotments, and recreation permits. Although she has never negotiated a FERC license settlement agreement, she was the district ranger on the district where the Corn Flats Creek project is located and feels she has a good handle on the resource issues. She has been bargaining with the utility and the other agencies over this project for about 3 years. During that time, the other federal agencies usually supported her interests and vice versa. They have formed an informal coalition against the utility--nothing spoken between them but it is pretty clear they feel like a "federal family". Recently, it has become evident that the other federal agencies just want to cut a deal and move on to another problem; indeed, that problem is a FERC consultation in a neighboring forest. Evita thinks she has achieved about 60% in these deals is pretty damned good! Push a little more and cut a deal; lets keep the federal family together." In her monthly meeting with Tom, who supervises the neighboring forest, he said "Don't give in now. Everything you get on your forest will be starting point for what I can get on my forest. Push hard for everything."

References

Ableson, R. 1995. *Ethics for Modern Life*. (Fifth edition) New York: St. Martin's Press.

Environmental Ethics (an international journal)

Rachels, J. 1993. *The Elements of Moral Philosophy* (2nd Edition). New York: McGraw-Hill, Inc.

Rand, Ayn. *Virtue of Selfishness: A New Concept of Egoism*

For additional information, please contact:

Nina Burkardt

USGS-Fort Collins Science Center

970-226-9275; Nina_Burkardt@usgs.gov