



***The Next Farm Bill***  
***New Opportunities for Environmental and***  
***Agricultural Sustainability***  
**Overview and Recommendations**

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## Executive Summary

The Northeast-Midwest Institute and The Horinko Group view the current economic and political circumstances as “ripe” for developing a sustainable, mutual working relationship among agricultural and conservation stakeholders who have not traditionally collaborated on Farm Bill-related issues. With that perspective in mind, the two organizations implemented the first phase of what could potentially evolve into a three-phase endeavor to (1) forge a better understanding among representatives of the environmental community and the farming community with respect to the interests of those parties regarding the 2012 Farm Bill; (2) understand and help improve the level of trust among those parties; and (3) develop a consensus centered upon common 2012 Farm Bill interests (which could then productively inform the legislative Farm Bill debate).

The three project phases involve two initial phases (“preliminary scoping” and “initial meeting”), and a third “in-depth negotiation” phase (should stakeholders agree to proceed with interest-based negotiations). This report describes the preliminary scoping phase of the project and its outcomes. Recommendations are offered with respect to the potential nature of any follow-up initial meeting and negotiation phases, and suggestions are offered for facilitating a successful outcome to any subsequent negotiations.

The preliminary scoping phase implemented during this project was designed to meet these objectives:

1. Identify parties and sources of conflict with respect to Farm Bill issues
2. Make preliminary contact with parties
3. Frame the issues
4. Catalog interests of parties, and
5. Develop preliminary process proposals.

To achieve those objectives, the Northeast-Midwest Institute and The Horinko Group convened a March 15 meeting among 22 persons representing a variety of stakeholder groups; obtained additional information through an on-line survey, and held one-on-one conversations with persons who did not attend the March 15 meeting or participate in the survey.

Twenty-five potential categories of stakeholders were identified, whose inclusion would help ensure that significant viewpoints would be included in any potential future, interest-based Farm Bill negotiations, should they occur. Sources of past and current conflict among many of the parties were explored during phase one, and are analyzed in this report within an historical context. Thirty-one fundamental issue areas emerged out of the meetings and have been reframed here into 17 “straw-man” issue statements that appear to be amenable for consideration during facilitated, interest-based negotiations, should parties agree that the issues are valid and relevant.

## Introduction and Objectives

Past Farm Bill<sup>1</sup> debates were framed largely within an atmosphere of threats, bluffs, secrecy and sometimes thinly-veiled hostility among competing interests, particularly evident between many (although not all) conservation/environmental and farming interests. Initial indications are that discussions and debate leading up to the 2012 Farm Bill will be similarly confrontational.

The traditional form of negotiation characteristic of past Farm Bill deliberations has been the assertion of opposing positions by the parties, often referred to as position-based negotiation. This method of negotiation tends to view the available “pie” of tangible or intangible objects of negotiation as fixed, so that a larger share for one party in the end results in a smaller share for another (or a “zero-sum game”). Position-based negotiations contrast with a second style of negotiation called interest-based negotiation, which is based on the premise that parties are much more likely to come to mutually satisfactory outcomes when their respective underlying interests are met, rather than when one “position” wins over the other.

The [Northeast-Midwest Institute](#) (Institute) and [The Horinko Group](#) (THG) believe that position-based Farm Bill negotiation approaches are unsustainable, especially in a time of limited Federal resources (i.e., funding) and finite natural resources (i.e., land and water). While position-based approaches may have “worked” during past Farm Bill cycles, when Federal budgets were relatively robust and the U.S. economy more vigorous, during the run-up to formal 2012 Farm Bill discussions, the country faces difficult economic conditions and related, complex budget decisions, particularly when it comes to huge, multibillion dollar budgets accompanying measures such as the Farm Bill.

If history and recent observations are to serve as a guide, anticipated position-based approaches during a 2012 Farm Bill debate would effectively result in “winners” and “losers,” and would perpetuate or even exacerbate mistrust and acrimony among traditionally antagonistic parties. Such a result would be detrimental to the interests of all involved and to the economic and environmental sustainability of the nation’s rural landscapes.

The Institute and THG view the current conditions as “ripe” for developing and nurturing a sustainable, collaborative approach among agricultural and conservation stakeholders leading up to and beyond passage of a 2012 Farm Bill. This conviction is based upon the assumptions that: (1) there are likely a sizable number of overlapping interests related to the Farm Bill upon which representatives of the two broad environmental and agricultural constituencies might agree; (2) the principles of dialogue, openness and interest-based negotiation that would be central to forging an agreement on Farm Bill issues could help to build alliances that would be influential in the Congressional 2012 Farm Bill debate; (3) in light of current and likely future tight Federal and state budgets, collaboration and cooperation will be needed among parties to realize significant gains in natural resource and farmland conservation, and in agricultural

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<sup>1</sup> The “Farm Bill” is a compilation of many different Acts that have been passed by the United States Congress to enhance agricultural productivity and conservation on private lands. It has its beginnings in the Agricultural Adjustment Act of 1933 (P.L. 73-10), and its most recent iteration is the [2008 Food, Conservation and Energy Act \(P.L. 110-246\)](#).

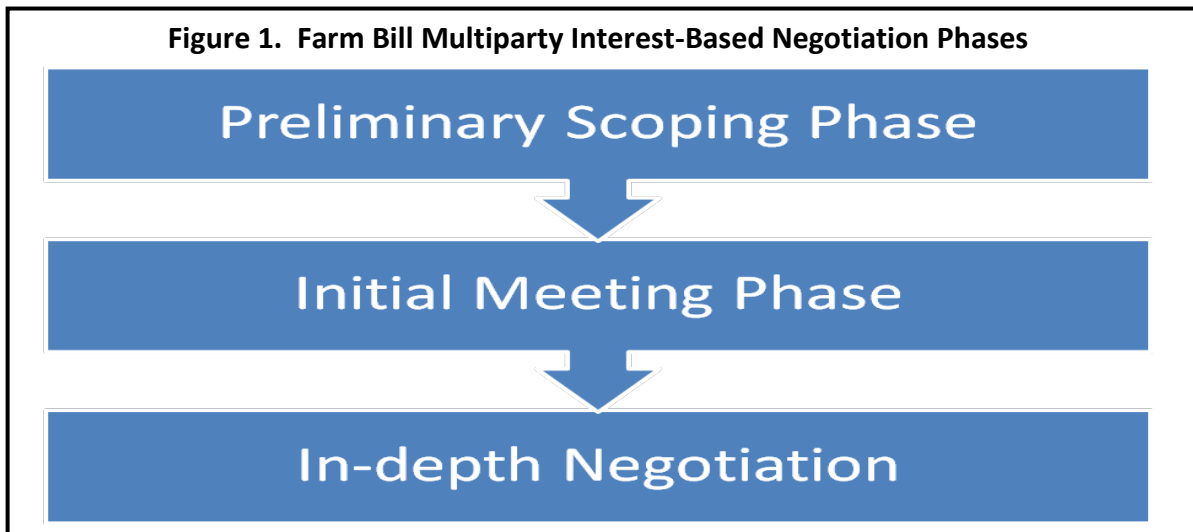
productivity; and (4) conversely, lack of communication and coordination (or worse, conflict) among those parties will block significant progress, to the detriment of all interests.

So that past conflict will not be repeated endlessly into the future and so that eventually the agricultural economy and environment across the nation can be co-founded on a sustainable footing, the Institute and THG initiated a project that embodied these three overarching objectives related to the upcoming 2012 Farm Bill debate:

- (1) Forge a better understanding among representatives of the environmental community and the farming community with respect to the interests of those parties regarding the 2012 Farm Bill;
- (2) Understand and potentially improve the level of trust (or lack thereof) between and the working relationships among representatives of the environmental community and the farming community; and
- (3) Take the *first* steps necessary to define and potentially implement critical *next* steps leading to potential agreement on common 2012 Farm Bill interests (which could then also inform legislative debate), with the long-term goal of enabling collaborative-based natural resource and farmland conservation, and agricultural productivity.

## Project Overview

Conceptually, the Institute-THG Farm Bill project is designed to be a facilitated, three-phase process, involving two initial phases (called “preliminary scoping” and “initial meeting” phases), and a third phase consisting of an “in-depth negotiation” phase, should the stakeholders agree to proceed following step two (see Figure 1). This report describes the activities of the preliminary scoping phase – the only phase completed to date - and its outcomes. Those scoping phase outcomes are described starting on page 6. Beginning on page 12, recommendations are offered with respect to the potential subsequent initial meeting and negotiation phases.



Each of the three phases is described below.

- I. The **Preliminary Scoping Phase** was designed to accomplish the following objectives:
  1. Identify parties and sources of conflict with respect to Farm Bill issues
  2. Make preliminary contact with parties
  3. Frame the issues
  4. Catalog interests of parties, and
  5. Develop preliminary process proposals.

Each of those five objectives were met by asking the following scoping questions of a representative subset of parties with interests in Farm Bill issues (and then evaluating the answers to those questions):

- If there were to be a facilitated, consensus-building process related to the 2012 Farm Bill, what issues would need to be addressed?
- What are the interests of you or your group related to these issues?
- What would you like to gain from participating in such a process?
- What are the potential downsides of participating in such a process?
- What would you or your group need to make it worth your while to participate in such a process?
- Do you believe these issues are negotiable or even discussible?

- Who could represent you or your group in such a process - who has an understanding of your interests, who has credibility with you or your group, who can clearly and constructively articulate your interests, who can commit the time and effort needed?
- What other interests should be represented in this process to ensure that all critical interests are included?
- Who could represent those interests well?
- If there were to be such a process, what would you need in the way of data and other information going into the discussions?
- If there were to be such a process, what kinds of ground rules or working protocols would be needed?
- What barriers to a successful negotiation exist? How might they be overcome?
- What political or other constraints are there on potential outcomes?
- Who else should be included in these planning discussions?

During this project, these scoping questions were asked of a total of 27 individuals within three different venues:

1. The Institute and THG convened a facilitated meeting with 22 participants on March 15, 2011, as the first of THG's 2011 "Water Resources Salons."<sup>2</sup>
2. An on-line survey (completed by eleven persons who attended the March 15 meeting), and
3. One-on-one conversations with five persons who did not attend the March 15 meeting or participate in the on-line survey.

The 27 participants represented federal agencies, private, non-profit organizations and private, for-profit organizations. The makeup of the participants is described in more detail, below, in the "[Preliminary Scoping Phase Results](#)" section of this report.

II. The **Initial Meeting Phase** would ideally follow and be informed by phase one, and involve planning and convening a facilitated meeting, the goal of which would be to reach consensus on a decision to proceed (or not) with planning and implementing intensive, interest-based negotiations on common 2012 Farm Bill issues.

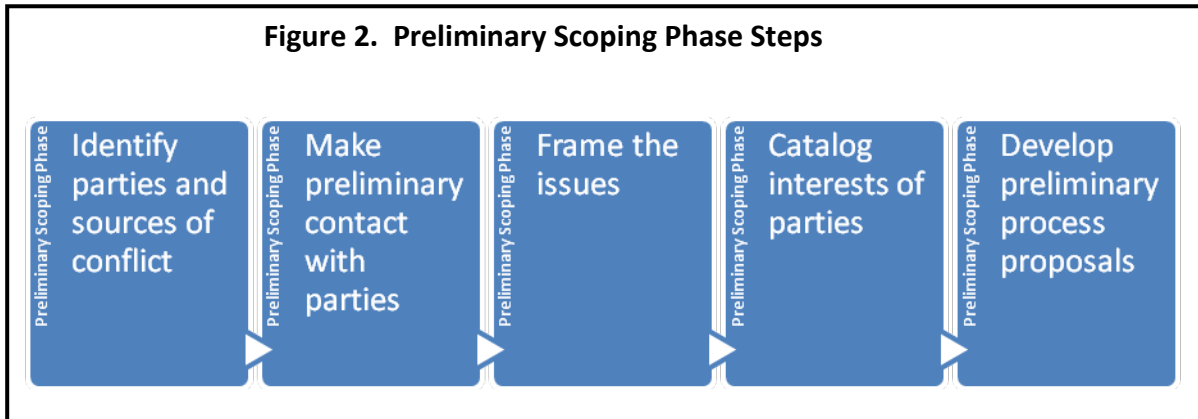
III. If that consensus is reached during or soon after the phase two initial meeting, then subsequent planning, discussion and negotiation concerning the 2012 Farm Bill would occur during the **In-depth Negotiation Phase**.

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<sup>2</sup> [Click here](#) to download the March 15, 2011 Farm Bill Salon Proceedings (PDF file).

## Preliminary Scoping Phase Results

Results of the current project’s scoping phase are presented below, broken out under each of the five scoping phase steps (see Figure 2, below).



### Identifying parties and sources of conflict

The first part of the scoping phase involved the identification of parties who might be relevant to a substantive discussion and negotiation of the Farm Bill, and of sources of conflict existing among those parties. Parties were identified prior to the March 15 meeting from within the Institute’s and THG’s network of contacts within the conservation, federal and state agency, and agricultural communities. Attendees at the March 15 meeting were asked to identify other relevant parties through their answers to the on-line survey. Persons interviewed one-on-one were also asked to identify additional relevant parties.

Based upon input from the above sources, it is recommended that representatives of the following interest areas (or “categories” of stakeholders) be included in substantive Farm Bill negotiations to ensure that all significant viewpoints are incorporated in the negotiations:

- Agricultural operation landowners (i.e., American Farm Bureau Federation, National Farmers Union)<sup>3</sup>
- Animal feeding operations (i.e., National Pork Producers Council, United Egg Producers)
- Bio-energy producers (i.e., Solazyme, DuPont Danisco)
- Conservation organizations (i.e., The Nature Conservancy)
- Dairy agriculture (i.e., National Dairy Producers Organization)
- Environmental organizations (i.e., Izaak Walton League, Environmental Defense Fund)
- “Family” agriculture operations (i.e., National Family Farm Coalition)
- Farm commodity growers (i.e., American Soybean Association, National Corn Growers Association, Iowa Soybean Association)
- Farm laborers (i.e., United Farm Workers of America)
- Farmland conservation organizations (i.e., American Farmland Trust, National Sustainable Agriculture Coalition)

<sup>3</sup> Organization names are provided for illustrative purposes only, and not to suggest or eliminate any particular parties.



- Farm business sustainability (i.e., National Council of Farmer Cooperatives, American Farm Bureau Federation, National Farmers Union)
- Fertilizer industry (i.e., Agrium, CF Industries)
- Food nutrition stakeholders (i.e., School Nutrition Association; National Dairy Council)
- Food processors (i.e., American Frozen Food Institute, Grocery Manufacturers Association)
- Foundations (i.e., Ford Foundation, W.K. Kellogg Foundation)
- “Industrial” agriculture operations (i.e., Animal Agriculture Alliance)
- Irrigation (i.e., Agri Drain Corporation, Agricultural Drainage Management Systems Task Force)
- Non-commodity growers (i.e., United Fresh Produce Association)
- Organic agriculture operations (i.e., Northeast Organic Farming Association)
- Research and academic institutions (i.e., land grant universities, Renewable Natural Resources Foundation)
- Rural communities (i.e., Rural Community Assistance Partnership, Rural Community Assistance Corporation, Campaign for a Renewed Rural Development)
- State governors’ offices (i.e., Midwestern Governors Association, National Governors Association)
- Wastewater treatment (i.e., ORSANCO)
- Water resources (i.e., Water Environment Research Foundation, National Association of Clean Water Agencies)
- Wildlife conservation organizations (i.e., National Wildlife Federation, Ducks Unlimited, Pheasants Forever)

Sources of conflict among many of the parties represented in the above list were explored during the March 15 meeting and during discussions with other individuals (one-on-one) following that meeting. A review of those discussions, placed within an historical context of Farm Bill negotiations, points to four contributing factors that have underlain past and current conflict: values differences, long-standing relationship problems, structural problems and data insufficiencies. Each is explained below.

1. *Values differences* have grown out of the existence of different fundamental belief systems that led parties to decide what is “right” or “wrong,” “fair” or “unjust,” and “good” or “bad.” The existence of the values differences, in and of themselves, has not given rise to conflict in Farm Bill negotiations; however, conflict has arisen when one party has made statements implying a judgment of another party’s values.
2. *Relationship problems* among conflicting Farm Bill stakeholders have been rooted in strong emotions, misperceptions, stereotypes, personal style differences, miscommunications and negative behavior. *Examples:* some parties have expressed the opinion that they were betrayed by other parties during past Farm Bill negotiations; farm interests have cited chronic anti-agriculture biases among some environmental organizations, and vice-versa.

3. *Structural problems* have included (a) limited resources (i.e., time, money and human resources) to deal with conflict effectively; (b) contradictory, constraining, ambiguous or absent “rules of engagement” among the parties; (c) inappropriate levels of authority of those involved in negotiations; and (d) geographical variances. *Examples: regional advocates such as grain farmers in the Great Plains have been pitted against cotton and rice producers in the South; parties have expressed concern that processes are often structurally biased against a balanced and open analysis of Farm Bill issues.*
4. *Data insufficiencies* in Farm Bill discussions have been related to (a) too little information being exchanged; (b) too much information (information overload that clouds the true issue(s)); (c) misleading information; (d) disagreement over what information is relevant to the issue at hand; and (e) disagreement over interpretation of the information. *Example: disagreement exists among parties with respect to data sufficiency and relevance on the issue of non-point source nutrient runoff from farm operations and water pollution impacts downstream.*

Each of the four factors contributing to conflict among the parties with respect to Farm Bill issues has traditionally led to non-collaborative and position-based approaches to conflict resolution during negotiations (i.e., as opposed to a collaborative, interest-based approaches, which acknowledge the conflict, surface underlying issues and utilize a facilitated, systematic approach to problem-solving).

Rather than address conflict in a manner that (a) acknowledges and actually builds upon conflict and (b) focuses on satisfying as many interests or needs as possible for all parties, these historic non-collaborative approaches have resulted in:

- Total avoidance of the conflict (ignoring the conflict, maintaining silence, changing the subject from interests to positions)
- Accommodation (asking one party to give in to another for the sake of conflict avoidance)
- Compromise (looking for a “middle ground,” every party gives up something to get something; i.e., “lose – lose” scenario)
- Competition (the most often encountered, position-based approach of “winning,” or utilizing “power” to make a point or make gains; i.e., “win – lose” scenario)

These Farm Bill negotiation approaches have been founded upon rigid adherence to positions, low levels of disclosure and trust, and bluffing, threats and power plays. They have been counter-productive, and resulted in damaged relationships, further polarization and incapacity to explore viable options (often producing compromise, when better solutions might have been explored).

#### *Making preliminary contact with parties*

Fifty-two individuals from 45 organizations were invited to attend the March 15 facilitated meeting. The invitee list included persons representing many (although not all) of the interest

areas identified above (on pages 6 and 7).<sup>4</sup> Twenty-two individuals from 20 organizations attended that March 15 meeting. The list of organizations represented by persons attending the March 15 meeting was less universal than the invitee list, and was decidedly more representative of conservation and environmental organization and federal agency interests than any other stakeholder categories described above. Eleven of the 22 persons who attended the March 15 meeting provided additional input by answering an on-line survey that asked some of the scoping questions posed above on pages 4 and 5 (but not broached during the meeting). Between March 15 and April 29, one-on-one communications were held with five persons who had not attended the March 15 meeting and who represent agricultural community interests (a stakeholder area largely unrepresented at the March 15 meeting).

### *Framing the issues*

The next scoping step (framing the issues) helps to assure that well-framed issues facilitate the ability for multiple options to be explored by the parties. Proper framing is critical to the process since the alternative (poorly framed issues or “position statements”) constrains the exploration of multiple options.

It is noteworthy with regard to this issue-framing step that a review of the [March 15, 2011 Farm Bill Salon Proceedings](#), particularly the verbatim meeting flip chart notes,<sup>5</sup> reveals few of the key interest areas, presented as they are in this section. That is because parties at the March 15 meeting, as they almost invariably do at the beginning of position-based negotiations, started discussions about their issues of concern with what were effectively nonnegotiable position statements. While the position statements may have appeared to the parties to be “issues,” they were in reality oftentimes defensive statements that reflected more what the parties were afraid of losing than what they really needed or wanted (i.e., their “interests”). In past Farm Bill negotiations, position statements of parties largely remained the focus of discussions, and became by default the only “issues” discussed. Then, the negotiations often broke down into “either/or” propositions, offering little hope for effective resolution.

The underlying issue areas listed below were culled from the various position statements made at the March 15 meeting (or during later one-on-one discussions) and are presented in a manner that is arguably more open to resolution (i.e., more inclusive and neutral). In the next section (“Cataloging interests of parties”), the issues are further categorized and reframed into more complete issue or interest statements. But for the purposes of this section of the report, the issue areas are presented in alphabetical order:

1. Accountability (monitoring and measurement)
2. Bio-energy production
3. Conservation enhancement goals
4. Conservation practices
5. Direct payments

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<sup>4</sup> Many of the other stakeholder categories not invited to the March 15 meeting were identified during and following that meeting through the group and one-on-one meeting participant input.

<sup>5</sup> See the question, “If there were to be a facilitated, consensus-building process related to the 2012 Farm Bill, what issues would need to be addressed?” (within the [Proceedings’](#) Attachment IV).

6. Energy
7. Ethanol import tariff
8. Ethanol producer subsidy
9. Farm risk-management tools
10. Food nutrition
11. Funding - conservation programs
12. Funding - crop insurance
13. Integration of public and private land management programs
14. Land retirement incentive countercyclical with production demands
15. Nutrient reduction
16. Performance-based strategies
17. Pesticide regulations
18. Private investment
19. Production expansion goals
20. Program complexity and overlap reduction
21. Program consolidation
22. Program efficiency improvements
23. Program implementation and delivery of benefits
24. Regional competition
25. Renewable energy production
26. Rural development (by way of Title VI)
27. Safety net (adequate for producers)
28. SNAP ("food stamps")
29. Technical assistance (availability)
30. Wildlife habitat
31. World trade

#### Cataloging interests of parties

The following 17 "straw-man" issue statements have been framed from the list of 31 key issue areas noted above, based upon an understanding of the context within which the issues were discussed by the parties. These are provided here as starting points that might be amenable to productive, interest-based negotiations, should the parties choose to pursue that path. They are presented with the understanding that the true measure of a well-framed issue or interest statement will ultimately be determined by the parties, themselves. Specifically, parties entering into pre-negotiation discussions should concur that the issues framed below are valid and are relevant ones for the parties to address (or re-craft them accordingly). This could be done, for example, in an "Initial Meeting Phase" of the negotiations, as hypothetically described below, on pages 12 and 13.

Straw-man issue statements:

1. Conservation enhancement goals met through implementation of Farm Bill conservation practices should be monitored and measured to help assure the goals are being realized. Such an accountability measure would ensure that limited funds are being focused on areas where priority objectives are, in fact, being met.

2. Ethanol producer subsidy and import tariff reduction or elimination represent potential areas for budgetary savings, while viable, sustainable and renewable bio-energy production continues to be a national priority. This tension between priority and funding should be explored and addressed. Market and environmental pressures might be reduced if alternative feedstocks become commercially viable.
3. Farm risk-management tools should be sufficient to assure the sustained economic existence of farm operations. Potential risk-management mechanisms can include crop insurance, potentially eclipsing in importance the use of Farm Bill Title I (direct payment) mechanisms.
4. Food nutrition provisions of the Farm Bill (SNAP, for example) constitute a large portion of Farm Bill mandatory funding, and most parties agree on the need for providing nutritional food to the nation's consumers. The interests of those who have a stake in maintaining and promoting high food nutrition levels need to be fully considered.
5. Funding should be adequate to meet the performance-based goals of both the conservation and safety net provisions of the Farm Bill.
6. The balance between the regulatory and voluntary approaches to achieving performance-based objectives should be explored and agreed upon, providing a degree of certainty to all involved. From the standpoint of meeting performance-based objectives, some can be achieved successfully on a voluntary basis, while others may require legislative or regulatory mandates (i.e., that set minimum, performance-based standards).
7. There seems to be an inherent tension between the means used to meet (crop) production expansion goals and conservation goals, often reflected in Farm Bill programs that have inherently conflicting outputs. Resolution of this tension offers an opportunity for improving Farm Bill efficiencies and service delivery.
8. The countercyclical nature of crop production demand and land retirement programs is an area that should be explored. An orderly transition process to both retire lands and bring lands back into production would give all parties a greater degree of certainty.
9. Program services provided by the USDA and delivery of program benefits can be improved by reducing and eliminating complexity and overlap, consolidating programs, and otherwise improving program efficiencies.
10. There is an opportunity to bring all parties together and reduce competition among regions by focusing on performance-based program design and associated fund allocation.
11. Despite the recent upswing in the U.S. farm economic outlook, rural communities have historically economically lagged behind the country's urban/suburban centers. The Farm Bill offers opportunities to promote rural development and reverse that long-standing trend to the benefit of farm sustainability and conservation.
12. Technical assistance is oftentimes not readily available to the operator and land owner; if made readily available, technical assistance would greatly increase the effectiveness of Farm Bill production and conservation goals.
13. Wildlife habitat and the relationship between biodiversity and conservation should be leveraged, and should underlie the development of incentives to increase use of conservation practices that benefit habitat and biodiversity.

14. A changing trade environment (agricultural trade policies, multilateral trade treaties, regional/bilateral trade agreements and cross-border trade) and a fluctuating global demand make the development of foreign agricultural markets for U.S. products problematic, and planning at the farm level – both for production and conservation – challenging. Certainty should be inserted into the trade policy picture to the extent possible.
15. Nutrients (both use – application - and loss – runoff), water quality and water quantity are all inexorably interconnected with both the economic sustainability of the farm and the environmental sustainability of the landscape where the farm exists. These interrelationships should be explored to assure both farm economic and environmental sustainability.
16. The potential for collaboration between the public and private sectors is something that should be fully explored and utilized. For example, private investment might be able to offset cuts that become necessary under a variety of the Farm Bill titles, and private land management might be better integrated with public management programs to the benefit of both.
17. Market incentives that boost private investments, especially in research and development, can be beneficial. However, the degree to which USDA directly participates in research and development and directs private investment, and how it is directed (i.e., incentives versus regulation) need to be explored and clarified.

#### *Developing preliminary process proposals*

The preliminary scoping phase of the negotiation process is the only phase completed to date. The next steps that could reasonably flow from the preliminary scoping phase (and be informed by its results) would include an **Initial Meeting Phase** and **In-depth Negotiation Phase**, briefly introduced above on page 4 of this report. Potential steps for both of those phases are offered below, based upon designs of past, successfully-implemented conflict resolution and interest-based negotiation cases.

The Initial Meeting Phase would involve planning and convening a facilitated meeting among representatives from the interest groups identified on pages 6 and 7, above. The context of the meeting would be framed by the information obtained in the scoping phase. The following questions would be on the meeting agenda for discussion, and the meeting would have the goal of reaching consensus on the final, italicized, bullet item:

- Are there issue statements open for meaningful dialogue and negotiable?
- Do political or other constraints on potential outcomes preclude a successful negotiation?
- What are the key stakeholder categories who should be represented at the table, and are there appropriate, willing and available representatives of these categories?
- Is stakeholder interest-based negotiation the best way to achieve a recommendation or a decision on the issues that can then inform the development of future policy and legislation?
- *Decide to go ahead (or not) with planning and initiating interest-based negotiations on common 2012 Farm Bill interests.*

If consensus is reached among the parties to proceed to the In-depth Negotiation Phase, then planning, discussion and negotiation concerning the 2012 Farm Bill could occur and might be successful. While it would be premature to outline details regarding those future phases (they should be scoped out by the parties, themselves, along with their facilitator), below are some common stages of negotiations that could be used as a preliminary, draft template by the parties, should they agree to proceed.

**Convening:**

- Identify Primary and Secondary Parties/Stakeholders
- Develop Structure of Representation of Parties
- Refine Understanding of the Interests of Parties
- Gain Approval of Third Party Role (if any is identified)
- Obtain Commitment from Parties/Stakeholders to Participate
- Clarify Authority of Participants to Negotiate
- Second Decision Point to go ahead (or not)

**Process Design:**

- Refine Procedural Plans with Parties/Stakeholders
- Determine Pattern/Schedule of Meetings
- Determine Communications Systems
- Identify Information/Data Needs (Preliminary)
- Design Constituency and/or Public Involvement Processes

**Preliminary Negotiations:**

- Organize Exchange of Information
- Provide Opportunity for Mutual Education Regarding Interests
- Develop Working Groups, Plenary Discussions, etc.
- Provide Technical Information/Data as Needed
- Promote Ongoing Communication with Constituency Groups
- Generate Multiple Options/Proposals
- Engage in Problem Solving
- Evaluate/Assess Options/Proposals
- Select Preferred Option

**Final Negotiations:**

- Refine Preferred Alternatives(s)
- Draft Written Agreements
- Involve Constituencies/Public and Obtain Approval/Ratification
- Revise Agreements/Development of Consensus
- Gain Approval of Final Written Agreements
- Develop Implementation Plans around Agreements (and Implement)

In order to build (or rebuild, as the case may be) and nurture trust, and to facilitate open and honest dialogue, key questions that the parties should explore more deeply, and agree upon, while designing this third phase are:

- What are the issues for this negotiation? Are there parameters or boundaries that should be put around the range of issues that are open for negotiation?
- Who convenes the meetings? Who empowers the group to negotiate on the given issues?
- Who are the stakeholders, and who can represent them in a credible, responsible fashion?
- What kind of data or information exchange is needed to build a common base of knowledge for all the stakeholders?
- What kind of technical expertise is needed to inform deliberations?
- What kind of procedural ground rules will help make the multi-party discussions more efficient and effective?
- How many meetings may be needed for the phases of negotiation-building relationship, information exchange, and education on interests, problem solving, and development of agreements?
- What kind of activity (such as a field trips, briefings, etc.) can help build relationship among the negotiators?
- How can a large number of issues and interests be managed? (categorization and graphics can help)
- Who will be responsible for logistical management-meeting place, meeting minutes and distribution, notices of meetings, distribution of information, etc.?
- What are the decision-making and ratification processes for each of the stakeholder groups?
- Who will set the agenda for each of the meetings?



## Conclusions and Recommendations

The Northeast-Midwest Institute and The Horinko Group entered into this project based upon a conviction that the current economic and political conditions present an opportune time for developing a sustainable, collaborative working relationship among agricultural and conservation stakeholders who traditionally have not often engaged in interest-based negotiations. That initial premise has been affirmed by the results of this project. Specifically, we conclude:

1. There exist at least 17 issue areas on which there may be enough overlap of interests that substantial progress toward meeting common interests can be realized. Therefore, a window of opportunity exists within which parties who previously could or would not negotiate Farm Bill issues can do so productively – if those negotiations are conducted within an interest-based atmosphere.
2. There appears to exist a “critical mass” of enough parties, representing a diverse enough suite of at least 25 Farm Bill stakeholder categories that successful interest-based negotiations can proceed.
3. The two-step preliminary process outlined on pages 12 through 14, above, contains proven and successful negotiation tools and provides a template that parties interested in pursuing negotiations could adapt and utilize in the very short term if they wish. That process could produce substantive results within the time frame of Congressional consideration of the 2012 Farm Bill.
4. Facilitation will be necessary to bridge the diverse stakeholder perspectives that were observed during this scoping process, and to assist in the process of idea integration and consensus-building.
5. Because of the lengthy history of position-based negotiations that has typified the Farm Bill debate, there is a strong undercurrent of mistrust among many (but not all) of the parties who could potentially benefit from an interest-based approach. That being said, a well-facilitated, interest-focused process can overcome initial distrust among parties and produce successful outcomes.

Building upon those conclusions, and based on observations made during this scoping process, it is recommended that:

1. Interest-based negotiation should not be entered into lightly or half-heartedly, but only after serious consideration and full institutional buy-in, including a commitment of adequate resources toward the effort. The high degree of stakeholder commitment demanded for success is a major reason why the interest-based approach is often avoided or jettisoned part-way through the process (i.e., lack of time, energy and will power to devote to the process).
2. At its best, successful negotiations ultimately require the setting aside of biases and positions in favor of exploring commonalities within an interest-based atmosphere. Some parties with interests related to the Farm Bill currently appear to be unwilling or

institutionally unable to make that perspective shift, and it is recommended that those parties defer from entering into interest-based negotiations at this time.

3. Parties deeply committed to the concept of interest-based Farm Bill negotiations should explore the 17 straw-man issue statements within the “Initial Meeting” context offered above (or something functionally analogous to that meeting concept), to determine if they are willing to enter into substantive negotiations concerning common 2012 Farm Bill issues (or explore other common issue areas within that same context).
4. Despite effective leadership, concise communication and the best intentions of all involved, it is still very difficult to maintain effective cooperation among a diverse group of stakeholders, and parties committing their valuable resources toward interest-based negotiation should not enter into the process without the assistance of a skilled, cross-boundary facilitator. A skilled, independent facilitator would be an invaluable asset who can fashion a relatively risk-free environment within which stakeholders can explore and negotiate Farm Bill policy options in the steps that follow.