

THOUGHT LEADERSHIP

Negotiating Virtues

Sometimes when we offer negotiation training, we learn as much as we teach. And occasionally, what we learn makes us rethink the meaning of our work.



By **David Fairman**

Recently in a training for UN development agency leaders, I presented the Mutual Gains Approach to Negotiation. The UN group — about 20 men and women, at the peak of their careers — came from all over the world. They had plenty of experience in difficult negotiation situations: electoral disputes, ethnic conflicts, politicized relationships between donors and recipient governments, and in-fighting within and across their agencies, to name a few.

As part of my presentation on the Mutual Gains Approach, I offered some of our findings about the importance of trustworthiness, and what we need to do to earn the trust of others — demonstrating capacity, credibility, and concern.

This set of ideas sparked a very intense discussion among the participants. They all had a good grasp of Mutual Gains principles, and they quickly understood the analytics. What they really wanted to talk about was the significance of trust in their work: how to maintain it while dealing with difficult issues in relationships; trustworthiness as their most important asset in the eyes of government counterparts; and how trustworthiness matters to them as a personal virtue.

That last point — trustworthiness as a virtue, and virtue as an important issue in their professional lives — gave me pause. Generally, we at CBI stress that “Mutual Gains” is not the same as “nice.” We present experimental and clinical evidence that “enlightened self-interest” is a good way to approach any negotiation where there may be potential for joint gain. And we argue that a focus on fairness in negotiation makes sense from the perspective of reciprocity, reputation and relationship. But we don’t claim to teach “ethical negotiation,” and we don’t argue that “Mutual Gains” is a virtuous approach to negotiation.

Maybe we should.

If we could do it without sounding hopelessly naïve, and if we had some base of evidence, perhaps we could offer a clearer, and richer, conception of the virtues of Mutual Gains negotiation.

My intuition and experience is that negotiators who commit to finding outcomes that satisfy their negotiation partners, not only to get something in return, but also because they believe that it is right to treat others fairly, are more likely to be satisfied with their agreements than negotiators who are motivated only by the desire to get what they need from the exchange. But “treating others fairly” is a very general type of virtue, and there are others that seem relevant to negotiation.

We could begin with a more explicit definition of virtue. A simple starting point is to link virtue to morality: virtue is conduct by an individual in accordance with a society’s moral code. Helpful in an abstract sense, this definition still leaves us asking whether there is some broadly agreed, and reasonably well defined set of virtues that we could link to the practice of negotiation.

As it turns out, there may be. The psychologists Christopher Peterson and Martin Seligman looked across the world’s cultures, religions and philosophies to develop a

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list of six primary virtues¹. Their argument is that a) most people in most cultures believe that these virtues are essential to living a good life; and b) striving to enact these virtues helps individuals to lead meaningful and fulfilling lives. The “big six” are:

- Wisdom - curiosity, judgment, ingenuity, perspective;
- Courage - valor, perseverance;
- Humanity - kindness, love;
- Justice - citizenship, fairness;
- Temperance - self-control, prudence, humility; and
- Transcendence - gratitude, hope, spirituality, forgiveness.

In our work as facilitators and mediators of complex negotiations, we have seen these virtues in action, many times. We’ve mediated land use conflicts with activists and developers who were wise enough to formulate a fifty-year vision for their community as a basis for negotiating commitments. We’ve seen the courage of government officials who, in the face of enormous pressure from vested interests, chose to open regulatory negotiations to a wide range of stakeholder representatives, and commit themselves to making the playing field as level as possible.

We’ve heard Pakistani and American leaders, caught in a tense and deeply mistrustful relationship, tell personal, humanizing stories about why the relationship matters to them. And we’ve seen how that storytelling enables them to accept each other’s needs for security, prosperity and social cohesion as the foundation of an honest dialogue.

Nothing is more central to our views of justice than crime and punishment. In our work with police, prisons, social service agencies and advocates for ex-offenders, we have seen remarkable evolution in people’s views on how to maintain public safety while providing ex-offenders with real opportunities to thrive in their communities.

In that same work, the process of negotiation has led strident stakeholders — tough-as-nails district attorneys, victims of serious crimes, ex-offenders who have been judged long after their sentences have ended — to more temperate views of each other, of the problems they face together, and of possible solutions.

Finally, and most controversially, there may be times when people engaged in Mutual Gains negotiation experience a sense of transcendence by working with others in pursuit of a higher goal. Without suggesting that negotiation is or

¹Chris Peterson and Martin Seligman, *Character Strengths and Virtues: A Handbook and Classification* (Washington, D.C.: American Psychological Association and Oxford University Press, 2004). The authors equate character strengths and virtues.

should be a primary vehicle for that experience, we have heard community leaders, government officials, scientists, corporate executives and others say that they’ve found a higher meaning and purpose by negotiating in good faith, with others who are committed to doing the same.

what does it mean to act
virtuously
in negotiation?

From these and many other moments, it seems clear that negotiation can provide an arena for the demonstration of personal virtues. It’s not so clear that we can — or should — teach negotiation as an opportunity for people to act virtuously.

I’m convinced that it’s important to name the issue of personal values and virtues in negotiation. Beyond that, the terrain needs more exploration. Here are some key questions:

- Can we come up with a clearer understanding of what it means for people act “virtuously” in negotiation: is it fundamentally the commitment to meet the interests of others equally with one’s own, or something else?
- Let’s assume that people have some predispositions toward virtue, shaped by their life experiences (such as religion, upbringing, education, role models). In negotiations, how do those predispositions interact with contextual factors — the substance of the negotiation, their organizational incentives, and the nature of their relationship with negotiating partners, and others — to drive the balance between narrow self-interest and virtuous behavior?
- What can negotiators do to motivate virtuous behavior in their counterparts, so that all are committed to fairness, courage, and wisdom in the negotiation process?

We know how to help people achieve joint gains through negotiation. It’s worth considering whether and how we can help them negotiate in ways that bring out the best in themselves and in others as well. ♦

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NEW FACES

Marc Jacquand, CBI Senior Consultant, specializes in strategic planning for projects and institutions; facilitation and negotiation support for collective planning and program implementation; development programming; and training. Marc is currently Strategic Planning Advisor for the United Nations Office for the Middle East Peace Process, where he advises on the integration of UN political, development, human rights, and humanitarian policies and strategies. Previously, Marc served as a Policy Advisor to the United Nations, providing strategic planning and financing assistance to UN country teams in crisis and post crisis contexts, as well as serving as Programme Manager for the United Nations Capital Development Fund. Marc received a Masters in Economic and Political Development from the Columbia University School of International Public Affairs and a Masters in Economics from the HEC School of Management in Paris, France.



Elizabeth Fierman, CBI Associate, assists with facilitations and mediations, develops and delivers trainings on international and domestic environmental and public policy topics, and conducts research. Recent projects include organizing and presenting a workshop on climate change adaptation in Vietnam's Mekong Delta; managing and delivering an online negotiation training course for the World

Health Organization; and assisting with the development of a wind energy course for government officials facing wind siting and policy challenges. Prior to joining CBI, Elizabeth served as Constituent Services Representative for U.S. Congressman Martin Meehan and as an International Elections Observer for the Organization of American States. She is a certified mediator and has provided mediation services in Massachusetts District Court. Elizabeth holds a B.A. from Haverford College and an M.A. in Law and Diplomacy from the Fletcher School of Law and Diplomacy at Tufts University. She has lived and studied in Chile, speaks fluent Spanish, and is proficient in French, Portuguese, and Italian.



Fresh Pond Reservation: Facilitating a Shared Use Public Planning Process

CBI is working with stakeholders and the City of Cambridge, Massachusetts to develop a shared use plan for Fresh Pond Reservation. Recent landscaping upgrades, and the reservation's many lovely, natural features, have led to increased use by an appreciative public in this largely urban area. When completed, the shared use plan will clarify norms of behavior and provide strategies for reducing conflict over this important community resource. *For more information contact: Meredith Sciarrio at mscarrio@cbuilding.org.*

CBI practitioners have been busy...

| Launching the **US-Pakistan Leaders Forum** | Delivering a course for the **Centers for Disease Control** on HIV/AIDS funding negotiations | Facilitating a multi-year negotiated rulemaking process for **Bureau of Indian Affairs** and **Department of the Interior** | Facilitating Rhode Island's **KeepSpace** community planning and development dialogue | Developing a leadership-level negotiations course for **TNS** | Facilitating the EPA's New England **Green Chemistry Initiative** | Managing and delivering online and face-to-face negotiation/communication training for the **World Health Organization** | Conducting negotiation training and coaching with **Pfizer** | Leading World Wildlife Fund workshops for the **Forest Carbon Initiative** and on renewable packaging for **Coca-Cola** | Facilitating public meetings for the EPA's **Superfund cleanup sites** in New Bedford, MA, the Hudson River, and the Housatonic River | Facilitating the development of global aquaculture standards for the **World Wildlife Fund** | Preparing a Consensus Building in **Cultural Heritage Management** book for publication | Partnering with **PriceSpective LLC** to provide negotiation coaching in the EU | Preparing **international refugee advocacy organizations** for negotiations with local government and UN counterparts | Helping EPA and stakeholders initiate **new voluntary radon standard-setting** processes |

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The Consensus Building Institute (CBI) is a not-for-profit organization created by leading practitioners and theory builders in the fields of negotiation and dispute resolution. CBI works with leaders, advocates, experts, and communities to promote effective negotiations, build consensus, and resolve conflicts.

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How Best to Restore Civility?

Exploring how public dialogue might be “re-engineered” using a consensus building approach to produce less polarized and more productive conversations, decisions, and policies.



By Hal Movius

After the tragic shooting of Rep. Gabrielle Giffords and others in Tucson, leading figures in both politics and media worried aloud that we are losing our ability to respectfully debate. They argued, from various standpoints, that public discourse has devolved over the last two decades, toward simplistic and divisive characterizations of parties, ideas, and issues.

A variety of specific explanations have been advanced for the broader trend. Political scientists point to the gerrymandering of voting districts as a polarizing force in politics. Former officials and civic watchdogs decry the enormous amounts of time that elected officials spend raising money and pandering to special interests, rather than legislating with broader constituencies in mind. Social psychologists note the fragmentation of media into niches that divide us along social and political lines. Historians and educators lament a “dumbed-down” culture in which people lack the knowledge necessary to effectively advocate for their interests. It seems reasonable to concede that each of these trends has helped create a more cynical and polarized public.

What is the remedy? Appealing to the better angels of our nature? Reforming campaign finance and districting laws? Holding “teach-ins” to better educate citizens on major policy issues?

Even if large-scale reforms and public campaigns were forthcoming, it is by no means certain that they could put the genie of incivility back in the bottle.

Assume instead that a more polarized and distrustful atmosphere is likely to prevail for some time, even with efforts and exhortations from national figures and groups. What can be done to restore civil debate on a smaller, more incremental scale, at local and regional levels? How can situations be restructured to produce less polarized and more productive conversations, decisions, and policies?

One school of thought, pioneered by Marshall Rosenberg and others, has been to encourage nonviolent communication – honest and compassionate dialogue that allows different parties to better understand the feelings and perceptions of their counterparts. This approach posits that

when people work hard to identify and empathize with the needs and feelings of others, civility and harmony are more likely to be achieved. Psychological interventions that include public apology or reparations, and that allow people to feel heard and understood, can produce very powerful and even cathartic experiences for participants (the Truth and Reconciliation Commission in South Africa being one example).

But several lines of research suggest that unless these processes generate practical options that meet parties’ important long-term interests, they are not likely to catalyze a change in feelings and attitudes.

As far back as 1954, in what are now known as the “Robbers Cave” experiments, Muzafer and Carolyn Sherif discovered that working together to achieve a shared goal (e.g. obtain drinking water) was more effective at reconciling hostile groups than attempts to increase social interactions and mutual understanding. More recently, Adam Galinsky and his students found, experimentally, that perspective-taking increases the chances of value creation in a negotiation, but empathizing decreases them. John Gottman unexpectedly found that active listening by spouses was uncorrelated with marital satisfaction and stability – as was expression of anger. Brad Bushman, Craig Anderson, and others have found that allowing people to vent anger actually increases hostile feelings, directly contradicting a long-held belief in “therapeutic catharsis.” These experimental findings suggest that changing the situation may be a better strategy for dealing with feelings than setting up “listening sessions” and making other moves to reduce conflict by promoting greater empathy.

When done well, consensus building and other forms of assisted negotiations can play a critical role in producing joint gains that can dramatically improve attitudes and perceptions among parties. Bringing polarized parties to the table to engage in joint problem solving involves multiple “moves” by facilitators and process designers. Three of the most important are:

1. Reframing conflict in terms of concrete questions to be answered. Conflict situations are typically defined differently by the parties involved. “This is about one more greedy developer trying to exploit the land,” says one group, “and the issue is whether we’re going to let that



happen or not!” Meanwhile in the developer’s office, the issue is “whether the county’s economic future is going to be held hostage by a few tree-hugging extremists.” Until the conflict space is defined in a way that all parties can accept, it is hard to promote civil debate. A facilitator, after carefully assessing interests in private conversations with the parties, might propose an agenda that seeks to answer five initial questions: What are the threats to natural and historical resources that a proposed development might pose? What could be done to reduce them? What are the tangible and immediate benefits to the county or town of permitting the development? How can the facility be designed to meet local interests and concerns? And finally, how might citizens help to monitor facility operations to ensure that the developer honors his or her commitments? Simply reframing the conflict in terms of key questions that are more neutral with respect to the parties’ interests can set the stage for a less hostile and more focused conversation.

2. Joint fact-finding. As media fragment, people increasingly enter into conflicts with wildly disparate starting assumptions. At a basic level, they cannot agree on “the facts”. Joint fact-finding involves bringing in a trusted,

impartial third party to identify questions that the parties at the table want to ask together, and to provide technical assistance and information in response. Such assistance can help the parties to sort through data, forecasts, assumptions, and types of risk. While the parties are in many cases unlikely to converge on a single set of facts or estimates, such efforts can move them “into the same ballpark,” clarify the precise nature of disagreements, and make negotiations possible.

3. Ground rules for communications and the media.

Trust can be lost very quickly when one party (mis)characterizes what another has said, or raises questions about motives, integrity, or honesty. It is critical in contentious disputes for the parties to develop and adhere to communication ground rules. Those rules set expectations for behaviors at the table (e.g. not interrupting) but also for how the conversation will be talked about outside the room, to other parties. Sometimes the facilitator can serve as a spokesperson for the group, providing a press release that all parties agree to and answer questions on behalf of the group as a whole.

Think globally and act locally sits uncomfortably between hopeful mantra and tired cliché. But unless and until there are major political or technological changes, national political divisions and rhetorical incivility are likely to persist. The three moves described above can help to create “safe havens” for joint problem solving, changing conflict situations in ways that can – at least locally – promote more civil discourse. ♦

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CBI Founder, Lawrence Susskind, Featured on New Hampshire Public Radio’s “The Exchange”

CBI Founder and Ford Professor of Urban and Environmental Planning at MIT, Lawrence Susskind, was a featured guest on “Energy Schisms from NIMBYism”, airing on April 25, 2011. The show, hosted by Laura Knoy, focused on how to address the issue of “Not in My Backyard” stakeholders who oppose local siting of renewable energy projects because of the actual or perceived losses to themselves and their community, regardless of potential regional and national benefits. During the discussion, Susskind pointed out that many of these projects face strong resistance due to inadequate planning for public engagement, and he recommended that energy planners and developers not only inform the public before decisions about siting are made, but also give all stakeholders a chance to participate in the decision-making process.

Listen to the podcast at: www.nhpr.org/audio/audio/ex-2011-04-25.mp3



Helping governments, organizations and citizens respond to

climate | change

Using a consensus building approach, CBI helps policy makers and stakeholders in the U.S. and abroad to address the uncertainties of climate change, to identify appropriate adaptation and mitigation strategies, and to make wise, and sometimes politically difficult, choices...

BARR Foundation and Environmental League of Massachusetts Climate Change Initiative: Facilitating Development of the Global Warming Solutions Project

Massachusetts has responded to the challenge of global climate change by enacting new laws and policies to reduce greenhouse gas emissions. But effective responses will require active involvement and voluntary action by non-government stakeholders. CBI has been facilitating the work of an innovative public-private partnership to meet Massachusetts climate change goals.

The 2008 Massachusetts Global Warming Solutions Act sets mandatory, science-based targets to reduce global warming pollution to 10-25 percent below today's levels by 2020, and 80 percent by 2050 – for all sectors of the economy. To advance implementation of the Act, in 2009, the Environmental League of Massachusetts (ELM) retained CBI to help design a high impact advocacy group. The BARR Foundation provided support.

To determine how a new advocacy group could add value without duplicate existing efforts, CBI conducted an extensive stakeholder assessment, interviewing members of the Commonwealth's business, academic, faith, and environmental communities. CBI discovered that stakeholders wanted a small group of informed experts that would focus on specific, attainable targets. Participants stressed that any effort would be unsuccessful without involvement of the larger community and grassroots groups.

Based on the assessment, CBI helped ELM design the Global Warming Solutions Project (GWSP). At the core of the Project is a group of subject matter experts and leaders from state and local governments, business, labor, academia, public health, and environmental justice.

In June 2010, GWSP began monthly meetings, facilitated by CBI, to refine its purpose, identify priorities and discuss strategies. GWSP decided to concentrate its efforts on three policy areas to support the Act's implementation and effectively reduce green house gas emissions:

(1) promote state-supported development projects that



- create fewer net green house gas emissions;
- (2) support effective implementation of current state energy efficiency policies; and
- (3) ensure that Massachusetts coal plants are closed by 2020.

To inform and engage the larger environmental community, diverse civic leaders, and other stakeholders, GWSP hosted the Commonwealth Climate Leadership Summit at Suffolk University Law School in Boston in January 2011. CBI facilitated a series of strategic discussions and breakout sessions focused on transportation, energy efficiency, coal, and state supported development projects. Summit participants explored problems, opportunities, and outstanding issues and developed joint, near-term actions to address them. Implementation of those actions is now underway.

The Global Warming Solutions Project now has core members in place, a clear sense of goals and strategies, and a broad base of supportive constituents. GWSP is now well positioned to carry out its mission to promote “policies that yield the greatest possible reduction in Greenhouse Gas emissions and contribute meaningfully toward a more sustainable climate for future generations.” ♦

For more information on this project contact: Patrick Field, Managing Director at pfeld@cbuilding.org

**The Hudson River Sustainable Shorelines:
Facilitating a Collaborative Research Process**

Stretching 150 miles from rural inland towns to the urban harbor of New York City, The Hudson River Estuary faces many ongoing and potential threats, including: intense development pressure; an ever-increasing number of floods; invasive species that decimate local ecosystems; and expected sea level rise, which could submerge the area's unique estuarine wetlands. In 2008, the Hudson Estuarine Research Reserve, one of twenty-eight within the National Estuarine Research Reserve System, asked CBI to facilitate their newly-initiated Hudson River Sustainable Shorelines Project. This collaborative project aims to gather, synthesize, and distribute ecological, engineering, economic, management, and regulatory data on how best to manage the shoreline over time, especially in light of projected sea level rise.

The project focuses on a 127 mile-stretch of the Hudson — located between the Troy Dam and the Tappan Zee Bridge, just North of New York City — where 1.3 million people work and live in 79 different municipalities. Decisions to protect and manage this shoreline are made in an extraordinarily complex legal and regulatory framework. Equally challenging, a number of critical questions need system-wide answers, and will require collaboration across a very wide range of public and private jurisdictions.

The technical nature and the scope of this project present many communication and management challenges. Over ten different groups of expert researchers are working on a variety of topics and each must continuously communicate with and provide and accept guidance from the other researchers, project advisors, and stakeholders. Researchers must also examine their work and findings in the context of all the other research, incorporate stakeholder feedback, and explain the implications of their findings where possible, so that their questions, assumptions, and results are repeatedly examined and tested. In order to effectively manage and facilitate this complex multi-year, multi-stakeholder process and assist the Project to move toward useful and valuable conclusions, the CBI team is employing a number of tools and strategies to:

- help keep the project's disparate research areas in sync;
- enable technical researchers to test and explain their ideas with each other and stakeholders before producing final products; and
- facilitate in-depth conversations about research findings.

With CBI's help, project stakeholders are creating new ways to support the protection of these important shoreline resources. ♦

For more information on this project contact: Ona Ferguson, Senior Consultant at oferguson@cbuilding.org



**CBI and Lincoln Institute of Land Policy Offer
*Local Communities Adapting to Climate Change: :
Managing Risk in Decision-Making***

On November 4 and 5, 2010 CBI and the Lincoln Institute of Land Policy presented the *Local Communities Adapting to Climate Change* workshop in Cambridge, MA. The course, designed to provide leaders and other stakeholders with the tools they need to assess the impacts of climate change and manage the risks it poses, was attended by local, regional, and state governmental leaders, academics, city planners, ecologists, and others.

Instructors included Lawrence Susskind, Ford Professor, Urban and Environmental Planning, MIT and CBI Founder and Patrick Field, CBI Managing Director and Associate Director of the MIT-Harvard Public Disputes Program. The hands-on workshop covered how to:

- Assess the local risks associated with climate change
- Evaluate potential strategies for reducing vulnerability and enhancing resiliency
- Build consensus within decision-making processes around which strategies to pursue

UPCOMING WORKSHOP

June 20, 2011, Leominster, MA

***Local Communities Adapting to Climate Change:
Managing Risk in Decision-Making***

Cosponsored by The Trustees of Reservations' Putnam Conservation Institute, Lincoln Institute of Land Policy, and the Consensus Building Institute

Tailored specifically for the needs of suburban and rural communities, this one-day workshop introduces municipal leaders and planning professionals to the tools they need to better assess and manage the risks associated with climate change, and covers the key concepts of "scenario planning" and collaborative approaches to decision-making. Participants will consider how to alter everyday decision making to better prepare for the risks that may lie ahead.

Learn more at: <http://tinyurl.com/63alfpa>

Making Tough Choices

Using tailored role-play simulations to assess and address climate risks in Ghana and Vietnam.



Countries across the globe make development decisions every day that impact their exposure to risks from a changing climate. Today's choices around infrastructure and economic development will shape a country's vulnerability, or resilience, in the face of changing precipitation patterns, temperatures, and sea level.

By **David Plumb**

Policy makers from Africa to Southeast Asia are struggling to find a meaningful way to incorporate these hard-to-define climate risks into today's decisions. Nowhere is the challenge more acute than in developing countries, where the crushing weight of poverty creates a short-term imperative to pursue immediate economic gains, even when today's investments may be highly vulnerable to climate risk within the next 20-30 years.

In 2010, CBI and the World Resources Institute (WRI) engaged government officials and a diverse range of stakeholders in Ghana and Vietnam in innovative conversations around climate risks. The two countries have potentially significant climate vulnerabilities. Ghana gets the majority of its power from hydroelectric plants on river systems that may suffer from intensifying extremes of drought and flooding. Vietnam's Mekong Delta, home to millions of people, is ideally suited to rice cultivation and has enabled the country to become a major rice exporter. However, much of its terrain lies less than a meter above sea level.

Commerce in the Mekong Delta



CBI developed and facilitated one-day multi-stakeholder workshops in Ghana and Vietnam to explore the challenges of factoring climate risks into decision making on long term investments. The workshops used tailored role-play simulations offering realistic, but fictionalized scenarios to prompt participants to consider climate variables as part of their decision making.

In Ghana, the role-play asked policy makers and other relevant actors to advise the Prime Minister whether to proceed with a new hydroelectric dam in the face of a report describing potentially significant climate risks. In Vietnam, the role-play asked government officials, scientists, a farmers association, and other stakeholders to recommend the best use of donor funds earmarked for climate adaptation measures.



CBI Senior Associate David Plumb and workshop participants in Vietnam.

In both cases, the participants' experiences produced critical insights and modeled a different kind of process for incorporating climate risks into government decisions. In Ghana, the exercise made clear the overpowering perceived need to promote immediate economic development, even when such action involves significant risk. Yet at the same time, participants experimented with identifying "no regrets" options for addressing those risks more wisely.

Participants in the Mekong Delta workshop had never experienced a structured, multi-stakeholder conversation around government policy or taken on the role of another stakeholder in a role-play exercise. They found the experience so impactful that during the facilitated debrief conversations, a senior leader at the Mekong Delta's prestigious Can Tho University, urged government officials in the room to undertake similar exercises as the country prepares to make tough decisions around climate adaptation.

The insights from these workshops are being captured as part of the *World Resources Report*, a bi-annual publication by WRI, the UN Development Programme, the UN Environment Program and the World Bank. ♦

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