Multiparty Negotiation: 
Theory and Practice of Public Dispute Resolution

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The theory and practice of public dispute resolution have contributed to and are informed by recent studies of multiparty negotiation. While negotiation in the public arena is nothing new – indeed, the give-and-take of political discourse has always been at the heart of collective decision-making – recent efforts to promote participatory governance, public dialog, and collaborative policy-making call for negotiations that can generate consensus and not just a winning coalition or a bare majority. Consensus building in the public arena, often assisted by a mediator, involves large numbers of stakeholders in face-to-face dialog and engages them in various forms of problem-solving atypical of traditional political negotiations. More stakeholders are involved, more information is generated jointly, greater transparency is maintained, interactions are more informal, and the goal is to come as close to unanimity as possible.

Part I of this volume locates the rise of public dispute resolution in the context of efforts to deepen and broaden commitments to deliberative democracy. Part II looks closely at the methods of building consensus, particularly mediation by professional “neutrals,” even in the face of deep-value differences, and examines three case studies. Part III examines efforts in the United States over the past two decades to institutionalize public dispute resolution at the national and local levels, prescribing how multiparty, multi-issue negotiations should be handled. In the United States, multiparty negotiations for crafting regulations are now prescribed legislatively. At the municipal level, regulations and state-enabling legislation now encourage the use of mediation to resolve land use planning and facility siting disputes. Finally, Part IV concludes with a review of the differences that emerge in multiparty negotiations when the goal shifts from arguing, to bargaining to building consensus.