

Prerequisites from “Evaluating the Use of Good Neighbor Agreements for Environmental and Community Protection, Final Report”, pages 17-19

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Prerequisites to Using the GNA Approach Successfully:

Stage 1: Forcing the Company to Negotiate

Sources of Leverage	<ul style="list-style-type: none"> • Company needs a permit or similar public approval • Company is vulnerable to a lawsuit (particularly related to environmental law compliance) • Company requires/desires good public relations (or must avoid bad publicity) in order to maintain or expand profitability • A change in company personnel/ownership creates an opportunity for a new relationship
Resources/Strategies	<ul style="list-style-type: none"> • Litigation and/or permit challenges • Publicity, media relations, and activist strategies (e.g., letter writing, editorials, demonstrations) • Leadership; willingness of leaders (on both sides) to “try something new” • Knowledge of the company’s needs/desires • Environmental data (e.g., monitoring results)
Other Advice / Observations	<ul style="list-style-type: none"> • Have a very clear idea of what you want before entering a negotiation; have a “bottom line” established • Articulate the possibility of a win-win solution • Pick your fights carefully and be prepared to deliver on threats • Begin research on the company and its manufacturing processes; consult outside experts if needed • Beware being coopted or diverted through a company-controlled Citizens Advisory Council

Prerequisites to Using the GNA Approach Successfully:

Stage 2: GNA Negotiation and Design

Sources of Leverage	<ul style="list-style-type: none"> • Must have something valuable to offer (e.g., drop a permit challenge or lawsuit; end bad publicity; assist in permit approval and generating good publicity) • Must have demands/requests that the company can theoretically meet
Resources/Strategies	<ul style="list-style-type: none"> • Negotiation skills/training; coherent negotiating strategy • Adequate understanding of technical issues (e.g., science, law); must have appropriate data (e.g., monitoring data, company profile) • Must have a strategy for structuring an agreement that facilitates implementation and real problem-solving (e.g., the agreement must provide leverage/resources for implementation)
Other Advice / Observations	<p>During GNA Negotiations:</p> <ul style="list-style-type: none"> • Select negotiators carefully • Transcribe negotiations • Establish and enforce negotiation deadlines; understand that many companies’ strategies are designed to wear down communities (e.g., delays during negotiation, providing too much information, agreeing to things they plan to later fight during implementation, etc.) • Maintain community organization and activism throughout the process; maintain a unified front; guard against cooptation

	<ul style="list-style-type: none"> • Cultivate and maintain an image of reasonableness, credibility, and professionalism <p>In the GNA Document:</p> <ul style="list-style-type: none"> • Anticipate the implementation demands of all concessions: to the extent possible front-load the agreement by getting provisions that don't require ongoing monitoring or enforcement; schedule company concessions to come before community group concessions • Strive to make agreements legally binding; consider having agreements embedded in federal court consent decrees or in permit conditions • Establish a process to deal with future, unanticipated issues (e.g., the sale or bankruptcy of the company); assume that the company will eventually try to walk away from the agreement
Prerequisites to Using the GNA Approach Successfully: Stage 3: Implementation of the Agreement	
Sources of Leverage	<ul style="list-style-type: none"> • Best leverage is a strategically designed agreement (e.g., self-executing; timing of concessions is equal or frontloaded in the community group's favor; legally binding, readily enforceable and transferable) • Demonstrate a commitment to monitoring, oversight, and follow-through; maintain contact with company and the public regarding GNA compliance; be vigilant <p>Publicize and celebrate achievements</p>
Resources/Strategies	<ul style="list-style-type: none"> • Budget sufficient funding, staff, and expertise to allow ongoing monitoring and oversight; maintain public and community group commitment/interest past GNA negotiation (when initial enthusiasm fades) • If necessary, consider relying upon an outside agency to oversee or assist in implementation (e.g., a state agency that adopted the GNA in a permit)
Other Advice / Observations	<ul style="list-style-type: none"> • Have the company finance some of the community group's implementation costs • Be prepared to endure a long, labor intensive process • Constantly encourage new leaders