

This section is for those of you who have decided to participate in a collaborative process, have developed initial protocols, and are ready to begin meeting. Or you are already engaged in a collaborative effort and it looks as though you and the other participants will need some help. This section describes the nuts and bolts of collaborative processes, including the pros and cons of different types of decision-making, developing behavioral groundrules, and working with or without a professional mediator or facilitator.

Working with a Third-Party Mediator or Facilitator: What to Expect, What to Require

The mediation and facilitation roles

Not every collaborative process will require a professional outside facilitator or mediator. Groups where conflict is relatively low and the meeting process is not terribly demanding can be managed capably by a group chair or one or more group members. You may again consult the continuum of caution, consultation and process protection on p. 14. The processes tending towards the left side of the continuum are more likely to need strong facilitation or mediation assistance than those on the right side do.

Unlike a group or committee chair, who is responsible for the meeting process but who also might interject opinion, recommendations, or motions for a vote, a facilitator or mediator focuses only on keeping the process on track. In any project where a controversy may arise, it is worth considering whether an independent facilitator or mediator might help the group to be more effective.

Using an independent facilitator or mediator has many advantages. A facilitator allows all of the group's members to be actively engaged in issues without having to be concerned with running meetings. Even a talented individual, who by virtue of background and ability can "wear two hats," may not be perceived as fair by other group members. Having an independent facilitator or mediator may also help the group to overcome logjams and stay on track. Impartial facilitators and mediators can also help the group address and deal with emotional issues in a constructive fashion.

The duties of a facilitator or mediator

The context of environmental disputes is very different from other disputes. Most importantly, the implications of decisions that impact the environment reach beyond the parties directly involved and may even be irreversible.

The environmental mediator or facilitator therefore has many different *types* of responsibilities

than other mediators. Some, particularly those whose work is influenced by commercial mediation, see their duty as *settling* disputes, or getting agreements. They are likely to take an active role in finding solutions. That role might include contacting decision-makers outside of the group, conducting media briefings, packaging deals, and urging compromise.

The consummate environmental mediator, one who is both ethical and effective, needs to embody at least the following six qualities (from Bruce Glavovic and others, 1998):

- 1) Advocacy for sustainable processes and solutions;
- 2) Environmental literacy - i.e. familiarity with the language and substance of environmental science and public policy;
- 3) Significant life experience;
- 4) Commitment, integrity and trustworthiness;
- 5) The ability to adopt different dispute resolution styles and behaviors; and
- 6) Superb planning and organizational capacity.

Others see their role as facilitative. For these individuals, whether an agreement is reached may be secondary to ensuring a high quality process. While not ignoring the potential value of an agreement, they focus attention on process considerations such as ensuring sufficient representation of key interests, helping the group find high quality information, providing opportunities to address all concerns, ensuring fair opportunities to be heard for all interests, and so on.

You and other participants need to determine what sort of mediation or facilitation assistance you need, if any. For groups whose participants are relatively comfortable working with one another, or for which the issues are not terribly complex, that assistance may be modest. You may simply want help preparing for and running meetings.

On the other hand, the more diverse the group, the greater the scope of the group's purpose and potential impact, and the more complex or conflictual the issues, then the more likely you will need a skilled and experienced facilitator or mediator who will take an active role in all elements of the group process. These duties may include helping design the process, securing funding, ensuring sufficient representation, preparing meeting agendas, facilitating meetings, writing meeting summaries, and helping craft agreements.

Selecting a mediator or facilitator

When possible, you and other group members should determine the level of assistance you require

TYPICAL DUTIES INVOLVED IN FACILITATING MEETINGS:

Facilitation duties vary depending upon the kind of meeting. For instance, in some cases you will facilitate the design of the agenda at the beginning of the meeting itself, while in other circumstances the agenda will be set beforehand. Some meetings will require active facilitation, such as serving as an "agent of reality;" others will require little more than keeping track of the time and recording agreements. The facilitator and the group should have a shared understanding entering a meeting about what is expected. If not, the first task of the group is to reach agreement on these expectations.

In order to maximize effectiveness, meeting participants must understand the basis for the meeting and for each portion of the meeting:

- 1) What is the purpose of this activity? What outcomes do we want at the end?
- 2) What will we be doing during this activity? Who is leading it?
- 3) What is my role in this? What other roles are there (facilitator, recorder, observer)?
- 4) How long do we have to do this?

GENERIC MEETING FACILITATION DUTIES INCLUDE:

- Ensuring a common understanding of the meeting goals;
- Keeping discussion focused upon the intended subject;
- Maintaining a productive, safe climate for contributions by all members, including protecting group members from personal attack;
- Honoring the agenda by calling attention to any deviations in previously agreed time frames or subjects for discussion;
- Encouraging participation by less vocal members;
- Ensuring that participants understand the discussion, and seeking clarification where they do not;
- Uncovering hidden or unpopular issues; and
- Ensuring that all assignments, deadlines, and other agreed expectations are understood by those with responsibility.

yourselves. Ask potential mediators or facilitators how they see their roles, what experience they have with the issues you are addressing or other environmental issues, and how they will maintain their impartiality and their independence.

How do you find this talented person or persons? The Association for Conflict Resolution (ACR), formerly known as the Society for Professionals in Dispute Resolution (SPIDR), is the premier professional organization for mediators (<http://www.acr.org>). The U.S. Institute for Environmental Conflict Resolution (<http://www.ecr.gov>) has a roster of professionals which details their relevant experience, among other items. Your state may have a state office of dispute resolution and may even assist you in finding help. A number of universities also provide facilitation or mediation services.

Of course, not all collaborative groups require a professional mediator or facilitator. And even for groups that do have a need, the expense can be significant for an agency, locality, or private group struggling to make ends meet.

Who pays for facilitation assistance?

Invariably, hiring a mediator or facilitator raises questions about the allegiance and independence of the third party. If all parties contribute equally to the cost of these services, then the obligation of this individual to any particular party for financial reasons would not be an issue. If that is not possible, then steps need to be taken to ensure that the mediator or facilitator is responsible to the whole group and not just the party or parties paying the bills. Ways of doing that include:

C A S E E X A M P L E :

Selecting a Mediator or Facilitator

An official with a state highway department had circulated a proposal for improving congestion and safety at the intersection of three major highways. The proposed changes would have encroached upon a municipal park. A lingering and bitter dispute led the agency to form a citizens advisory group. After a few contentious and unproductive meetings, the agency offered to fund the costs of a mediator. The group picked a “mediator selection committee” whose members represented the group’s diverse interests. That citizens’ committee, with agency members as observers only, developed criteria for desired qualities of prospective mediators, reviewed applications from several firms and individuals who responded to a request for proposals, and selected a set of finalists. They interviewed the finalists and recommended a pair of mediators from a nearby university. The agency then negotiated a contract with the mediators.

- Involve the participants in developing mediator/facilitator selection criteria, the actual selection of the mediator, and determination of the mediation/facilitation role (see case example);
- Clarify in discussions among the group and facilitator and in writing the roles and responsibilities of the facilitator or mediator;
- Ensure that the convenor understands, supports, and promotes the accountability of the mediator or facilitator to the entire group;
- Discuss and work to balance the varied contributions of all group members. Acknowledge that time, expertise, meeting space, administrative support, food, and other non-monetary contributions have value; and
- Ensure that the facilitator or mediator is willing to subscribe to the Guidelines found in the Society of Professionals in Dispute Resolution *Best Practices for Government Agencies* (see Appendix A).

Working with a professional mediator or facilitator

Facilitators or mediators should not be promoting a particular outcome or advocating for any particular parties. Nor should

they be promoting an agency’s agenda. Rather, they should be advocates for a fair and effective *process*.

That does not mean that any mediator or facilitator with good process skills is suitable for a complex environmental issue. As a rule of thumb, the more complex the issues or the larger the potential impact, the more desirable it will be to engage a facilitator with environmental experience.

In an agency-convened process, the facilitator or mediator will need to work closely with the agency in conducting many activities that might be required, such as helping identify possible representatives, setting an initial agenda for meetings, finding meeting space, and so on. However, they should not be letting the agency control the process through them.

If you have concerns about the mediator or facilitator, you need to raise those concerns. Depending on the circumstances, you may wish to raise them with this person first or you may wish to bring them to the group. Facilitators and mediators are human and make mistakes; the best ones work to create a climate of

BEST PRACTICES FOR GOVERNMENT AGENCIES (SPIDR, 1997):

“Do’s and Don’ts for Facilitators or Mediators in Agreement Seeking Processes”

Facilitators or mediators should:

- Advocate for principles of collaboration, including fair representation;
- Protect the confidentiality of private communications;
- Develop groundrules supported by all participants, and enforce them impartially;
- Address actions of bad faith or perceived bad faith;
- Advise the parties when the process is not meeting its objectives;
- Disclose any continuing or frequent contractual relationships with any of the participants;
- Withdraw if the group no longer supports their role; and
- Withdraw if the sponsor persists in controlling the process.

They should not:

- Participate in processes that are intended to circumvent legal requirements or whose purpose has been misrepresented;
- Advocate for any participant’s position;
- Allow the sponsor or funding agency to control the process through them; and
- Engage in other types of contracted services with the sponsor or agency while facilitating an agreement-seeking process.

openness where the parties feel free to make suggestions, critique the process, and otherwise assume increasing responsibility for the direction of the group.

Working Without a Professional Facilitator or Mediator

What about the case where the group lacks the desire or resources to hire a professional mediator or facilitator? When the group is without such help, participants need to work collectively to facilitate the process.

One option is to seek volunteer facilitators from civic organizations or a mediation/facilitation network not directly involved in the issues under discussion. Or if an agency is serving in an advisory role, a staff member might be asked to serve as facilitator. While involvement with an issue does not mean that an individual cannot be impartial, agency staff may also have a professional, emotional, or legal stake in an issue that needs to be fully explored before that staff person assumes the facilitator role. The

key is that the facilitator and the group clarify their expectations about what their roles will be.

Another word of caution concerns whether or not the facilitator has the skills to facilitate the process in question. A volunteer facilitator, or even a paid agency staff person with minimum training, may not have the skills required to help parties negotiate the twists and turns of a highly political and/or highly technical issue. Running a meeting fairly and effectively is something that most people with decent people skills can learn. Helping a group navigate its way through an entire months-long or years-long process is an entirely different matter. Again, the key is whether the issue at hand lends itself to facilitation by a trained volunteer or whether more process discipline and professional assistance are required. If a process requires greater skill and knowledge to facilitate than are available, it may be best to wait until this skill and knowledge can be brought to bear on the process. Innocent mistakes by an untrained person may result in parties leaving the group or other adverse outcomes.

CASE EXAMPLE :

Facilitating Your Own Group

The Applegate Partnership in Oregon works to share facilitation duties among member groups. The partnership is an unincorporated ad-hoc group, which seeks to devise and implement projects across the 496,500-acre Applegate Watershed through volunteer efforts of partner groups. The Partnership meets as often as needed depending on what projects are underway. During their first year in 1992, they used outside facilitators from a local university. They also held training sessions for volunteer facilitators for the project.

Today, group members take turns facilitating meetings, but members admit that there can be problems with this approach. For example, when the volunteer facilitator becomes emotionally involved in the issue, she or he may have to turn the process over to another board member. Sometimes when the Partnership knows an emotional issue is on the agenda, they request a temporary facilitator from one of the federal agencies who already participate in the group.

A group might look within the community to universities (faculty or graduate students), civic groups, or community mediation centers for pro bono assistance. Another avenue to underwrite facilitation and coordination support or training for group members is to seek foundation assistance. Leadership and facilitation skills from within the group or the community may also exist to help the group with the proper training and support.

Decision-Making by Consensus (and Other Options)

Principles of consensus

People often refer to *building consensus* as a process of developing sufficient support among competing interests to pass a piece of legislation, to create a new program, or otherwise make a decision or change that is seen as legitimate and able to be implemented successfully.

CASE EXAMPLE :

Inexpensive Facilitation Assistance

A volunteer group was seeking to deal with impacts from development and agriculture in the watershed. A nearby university had recently obtained funds to assist local groups with watershed planning in the state. By making their needs known and organizing a committee to develop the plan, the group was able to get the university to provide facilitation and technical assistance from the faculty and graduate students. The university also worked to leverage technical assistance from the Environmental Protection Agency to address data needs identified by the group. No funds were paid by the local group; they simply identified their needs and worked to find existing resources.

A more narrow definition of “consensus” that is common to collaborative processes is that of *a decision that has been developed in ways that seek to meet the needs and interests of all the group’s members*. One description of consensus for groups that decide to use consensus decision-making follows:

- The agreements meet everyone’s key interests in ways better than they can expect from other processes;
- Everyone can live with the final agreements without compromis-

ing issues of fundamental importance;

- Individual portions of the agreement may be less than ideal for some members, but the overall package is worthy of support; and
- Individuals will work to support the full agreement and not just the parts they like the best.

You and your group may choose another way of defining consensus consistent with your own needs.

The most common argument for consensus processes is that

CASE EXAMPLE :

Problems of Perceived Bias

A problem occurred in the Beaverhead County Community Forum when they enlisted the help of the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) after losing the facilitation services of the Montana Consensus Council. The BLM and USFS filled the gap by providing some of the record-keeping and facilitation services. This led to the withdrawal of a key group from the process because of the perception that the agency might be controlling the process (Cestero, 1999).

TIPS FOR FACILITATING YOUR OWN GROUP:

- Choose a facilitator who can be impartial for the project or issue at hand;
- Rotate facilitation duties evenly among participants;
- Ensure that the facilitator has sufficient training and knowledge;
- Articulate clearly which duties are the responsibility of the facilitator and which are not;
- Take time during or at the end of meetings to debrief the facilitation process;
- Consider co-chairs or co-facilitators of the group, with one representative from each of two major competing interests;
- Have another individual handle recording duties when using a flip chart;
- Have a backup facilitator in case volunteer facilitators need to recuse themselves.

CASE EXAMPLE :

The Meaning of Consensus

A consensus-based citizens advisory group of some two dozen members had reached agreement on every issue in a ten-page report except for one individual objecting to a single provision that the rest of the group endorsed. Unlike most other members who represented business or neighborhood groups, this individual represented herself. The group had developed considerable cohesion in its two years of meetings and was committed to the group protocols, which clearly stated that no recommendation would go forward without the support of all members of the group. It was important to the objecting member and to the rest of the group that language be crafted that would allow the report to go forward and at the same time that her objections be placed on record. The group worked hard to craft language that described her exact objections, and all members approved the Final Report which included that language.

they can diminish the majority/minority dynamic that develops in voting groups. Consensus requires meeting the needs of each member of the group, a requirement that forces groups to seek creative solutions that might not occur otherwise. Consensus processes not only change how a group makes a decision; they change how groups approach problems.

Consensus processes can be powerful, but they are useful only to the extent that participants fully understand and value the requirements of the process. Reasons for using consensus decision-making may include “we’ve always done that” or “X group was successful, why don’t we do the same” or “that’s what the manual says.” These reasons do not display enough appreciation for the pros and cons of consensus to ensure its effective application.

Arguments for the use of consensus decision processes include:

- Participants who will have some responsibility for implementing agreements need a say in decisions;
- It is important to get all parties to the table, and individual participants who might be skeptical of working with opponents or those they don’t know are reassured by having effective veto power over any decisions;
- Group members know that they need to attempt to satisfy the needs of all participants;
- Minority views which may have been summarily dismissed need to be given real consideration;
- A norm of responsibility for the group may be enhanced; and
- As a practical matter, decisions with broad-based support are more likely to be implemented.

Alternatives to consensus

Not all situations are appropriate for consensus decision processes! Potential disadvantages of consensus processes include:

- They may require significant commitment of time and energy;
- Participants not verbally skilled may be at a disadvantage, especially without a skilled facilitator;

- Decision-making may be much slower;
- Peer pressure can develop that results in less than optimal decisions that otherwise would not have occurred; and
- A small minority may block decisions that otherwise have significant support.

“Roberts Rules of Order” was developed to provide process protection by establishing a formal, replicable decision process. Other voting processes are used successfully by many groups. Even groups that work primarily by consensus may find situations that are best handled through other forms of decision-making. Some options include:

- Use a “must persuade one other” rule: in order to “block” a decision that has been discussed sufficiently, you must persuade one other group member to join in a dissent;
- Use a “super-majority” of some pre-determined figure (60, 70, 80%) to make decisions (but beware that you don’t set yourself up to be outvoted time and again);
- Require a majority within each category (environmental, government, local community, business) and unanimity of all such categories to move forward on a decision;

CONSENSUS DECISION PROCESSES REQUIRE ...

- Time, stamina, and sufficient resources to provide high-quality information;
- Active participation and commitment of group members to the process;
- Willingness to resolve the conflict by all participants;
- Communication skills: listening, conflict resolution, discussion facilitation; and
- Creative thinking and open-mindedness.

- Allow for voting on certain measures that are less significant and full consensus (full group approval) on others;
- Allow consensus recommendations to be broken down by level of agreement, i.e., denote in an overall agreement any portions that are not acceptable by certain individuals.

Note that provisions for decision-making should come BEFORE difficult choices are made; otherwise, changes will cause hard feelings and distrust or will simply reflect prevailing power (im)balances. Making these arrangements takes time, but it can be time well spent.

Principled and Effective Negotiation and Consensus Building for Advocates: A Primer

Negotiation strategies and styles

Appreciating Conflict

Conflict is neither inherently bad nor good. It is a natural, inevitable, and recurring part of human interactions. Conflict may be a revealing expression of injustices or problems that demand attention. Left alone, however, conflict behavior can become destructive, and destructive behavior can be self-reinforcing and self-escalating.

Deep and protracted conflict is rarely a problem of personality or miscommunication; rather, it is rooted in universal human needs for individual and cultural identity, security, and recognition. While people often read of the damage that unconstrained conflict can bring, there is less recognition that conflict can be the trigger for many positive outcomes.

There are people who believe



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that collaborative processes delegitimize conflict. Groups ignore or try to conceal conflict at their own risk. Collaborative processes must accept rather than reject the reality of conflict, address rather than deny the initial biases and skepticism of the players, and find realistic and often difficult ways to overcome institutional barriers and resistance to change. The best collaborative processes are those that surface the real sources of conflicts so that these can be understood and openly addressed.

Principled Negotiation

Roger Fisher and William Ury in *Getting to Yes* observed that most people adopt one of two negotiating strategies: *hard* or *soft*. *Hard* bargainers see other participants as adversaries in the way of their goal, which is victory. Tactics include demands for concessions, application of pressure, and concealment or even deception about one's own interests and concerns. *Soft* bargainers, on the other hand, will accept unfa-

POTENTIAL BENEFITS OF CONFLICT INCLUDE:

- Identifying problems and injustices that otherwise might remain hidden;
- Improving understanding of the issues that prompted the conflict;
- Creating innovative solutions by forcing new ways of conducting business;
- Strengthening relationships by demanding long-term engagement;
- Improving standards, regulations, and policies by pointing to weaknesses;
- Engaging interested parties who may formerly not have been involved;
- Building civic capacity; and
- Building social, intellectual, and political capital.

avorable agreements as a necessary price for keeping a relationship or avoiding open conflict.

In actuality, most negotiators use a mix of both approaches. But Fisher and Ury propose an alternative to the game of positional bargaining used in both strategies that changes the game: *principled* negotiation. The key elements of principled negotiation follow:

- Pursue interests: Avoid getting stuck on stated positions, demands, or premature solutions. Explore the underlying interests of each party. Do not assume that each party's interests are known and understood.

- Focus on relationships: Distinguish individuals from problems; disagreement is not a sign of animosity. Be soft on people, hard on the problem. Acknowledge the meaning individuals attach to their concerns.
- Invent options: Separate decision making from idea generation. The former requires objective criteria; the latter, creativity unfettered by constraints.
- Develop objective criteria: Pursue agreement about principles, procedures, and standards, and then seek solutions that meet those criteria. This is particularly important, and often difficult, for environ-

mental issues.

- Encourage involvement: Inclusivity is a matter of fairness and practicality. Exclusion can create enmity; inclusivity can bring fresh ideas and enhance potential solutions.

Dealing with pressures for consensus

You may find yourself being asked to “go along to get along” when doing so would be counter to your interests. Ways of responding to pressure for consensus include the following:

- Provide a clear explanation of your experience and your con-

C A S E E X A M P L E :

Principled Negotiation Finds a Creative Solution

In 1997 a controversy arose when the DuPont Corporation proposed to develop a titanium mine near the Okefenokee National Wildlife Refuge in Charlton County, Georgia. When Secretary of the Interior Bruce Babbitt announced his opposition to the project in spring 1997, DuPont halted all project development efforts and announced the initiation of a collaborative dialogue to explore potential impacts of such a mine on the Okefenokee. A committee of environmental representatives and DuPont managers then selected a facilitator.

Challenging aspects of this project included the local and national scale of the controversy, the large number of interested parties, the number and breadth of technical issues needing examination, and the federal government's unwillingness to participate in the process. There also were significant cultural differences among stakeholders.

Participants at the first public meeting included 165 individuals who identified a list of approximately 100 concerns. A Core Group of 28 representatives from local and county government, environmental groups, the Chamber of Commerce, three tribes, local landowners, and mining interests met monthly from September 1997 to February 1999. After refining procedural agreements, the group sought an interdisciplinary slate of independent technical advisors to inform the Core Group's discussions. To ensure that the Technical Advisory Group (TAG) would be acceptable to all, an “independent technical entity” (ITE) was provided to search for, evaluate, and propose individual candidates knowledgeable about the full list of issues. A web site was developed to provide project information.

Simultaneous to the development of the TAG, a subgroup met to explore the potential for a non-mining solution to the controversy. This subgroup recommended unanimously in December 1998 to expand the refuge, include within it some of the proposed mining area, and buy out all titanium mineral rights. Additionally, the subgroup recommended establishment of the Okefenokee Education and Research Center, cooperation on protecting habitat for red-cockaded woodpeckers, and support to the local governments in their efforts to find substitute economic development, such as nature-based tourism. The Core Group as a whole endorsed the recommendations in February 1999, and 23 organizations pledged to support implementation.

This example shows how a collaborative approach that focuses on the interests that underlie positions and that generates creative options may lead to outcomes that would not have been anticipated prior to discussions. The refuge expansion doubled the acreage of uplands that could be managed for the endangered red-cockaded woodpecker. The agreement provided federal funds to DuPont for acquisition of an additional 10,000 acres of land from the 39,000 acres originally slated for mining. Initial fears concerning a loss of tax base by conversion to refuge land were abated by studies showing that refuge payments in lieu of taxes equaled previous timber payments.

- cerns and invite others to explain their own views;
- Recall the initial protocols and groundrules. *Obstinacy* is an unwillingness to listen to other views and consider other options. That is very different from *principled opposition*, which is an unwillingness to compromise fundamental values and goals;
 - Talk with the facilitator or mediator in private, or another group member you respect, and ask for assistance in addressing the pressures;
 - If these options fail and the pressure for consensus is not tolerable, resign from the group.

Dealing with difficult people and situations

Be wary when you hear complaints about how “difficult” individuals are. One person’s definition of “difficult” may be another’s definition of “principled.” And that person may be you!

Don Snow (1999) has written of the need for “mediative leadership” in successful collaborations. These leaders begin with credibility within their own constituency because of their long-time dedication to a particular cause. That credibility may have cost them a label as “troublemaker” or worse within their adversaries’ camp. But they may well be the person or persons on the “other side” whom you most need to engage. Mediative leaders are open-minded enough to be willing to listen to people with other views and have sufficient status to encourage others within their own camp to do the same. People in this role offer solutions that meet their own and other participants’ needs.

Of course, there may well be times during a collaborative process when you must deal with individuals who are belligerent for

the sake of their own ego, or who are deceptive, or who are otherwise unprincipled. The best way of dealing with those individuals is to ensure that group norms support other types of behavior. A group that develops and practices norms of inclusivity and openness, of high quality scientific and technical information, of effective and balanced representation, of challenges to unproven assumptions, of recognition of a public good, and of integrity, can and does isolate those who control or seek to control by exclusion, secrecy, and assertions of ideology in order to pursue their own interests.

Beyond groundrules: building principled groups

All groups adopt ground rules for member behavior. Such ground rules may be explicit, as is the case when you agree to share new learnings with groups that you represent. Or they may be implicit, as in the expectation that you generally will not badmouth a colleague in the media. If you can create explicit, shared agreement about what your ground rules are for dealing with differences, and if you can take those agreements and build practices that help you create principled and effective behavior, you will find that your differences bring opportunities for growth, learning, and creative problem solving.

People often speak of common ground as though it is a worthy goal for its own sake. But “common ground” only refers to that arena where one person or group’s self-interests overlap those of another. Finding common ground may be useful, and may



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even be necessary, but it also is often insufficient and may be inappropriate as a basis for action. Conflicts over natural resources involve more than clashes of self-interest or disagreement over how to manage a resource. Such conflicts may be about the future of whole ecosystems and species. They may be about the future of whole communities. And they invariably involve struggles for identity, recognition, power, and status. Such deep conflicts cannot be addressed in sustainable ways by finding where interests happen to coincide.

Building shared expectations for principled behavior, honest explanation, and positive confrontation takes time, particularly in highly emotional situations. Some groups constrained by time or a high level of conflict and distrust may require development of these expectations over a period of time. For a worksheet on developing groundrules, examples of groundrules, and more about developing groundrules that help address conflict, see Appendix H.

The role of trust in collaborative processes

In any process that requires an ongoing commitment of time or



- media or civic groups with a reputation for fairness such as the League of Women Voters;
- Detailed groundrules that specify consequences for violations; and
- Airtight agreements reviewed by colleagues and experts, including attorneys when legal issues are at stake.

Addressing power imbalances

Environmentalists often find themselves in positions of unequal power, with power defined as influence over key decision-makers. However, power comes in many forms. Some sources of power that you (and others) may develop prior to or during a collaborative process include the following:

Law – Like science, the law rarely provides a complete answer to any particular set of issues, but a thorough understanding of the law pertaining to those issues is always useful and may be essential. Many organizations that provide pro bono or other services in the environmental arena can be found on the web.

Knowledge – Many types of knowledge may be brought to bear on any particular issue. The best informed participants over time earn credibility with other participants. Tips to gaining such knowledge include:

- Learn as much as you can about the natural resource or resources at stake;
- Gather information about the community or communities affected by natural resource decisions;
- Develop an understanding of the economics of production or alternatives to production that

some sort of ongoing relationship (such as joint monitoring), trust becomes important. Trust is a by-product of *responsible behavior* – that is, a pattern of actions that demonstrates over a period of time, through difficult and testing circumstances, that group members are responsible. Without such experience, you cannot expect others to assume that you are trustworthy nor should you be

asked to do the same.

A collaborative process in which trust is low requires stringent precautions. Such guidelines may include:

- Oversight of the process by a respected mediator or facilitator who will insist on fair practices appropriate to the situation;
- Open processes, with participation or monitoring by news

AVOID –

Labelling, name calling, blanket generalizations, and other behavior that bothers you when it is done to you.

Postponement or conflict avoidance:

Let's just avoid it – I don't want to get into a fight.

Tit for tat:

You lied first, I'm going to do the same.

Compromise for the sake of getting along, as opposed to compromise for strategic reasons.

WORK FOR –

Positive confrontation:

Let's address this behavior right away.

Building positive, enforceable groundrules that reflect your values and principles.

Consistent, principled support for your interests.

HOW CAN YOU DEVELOP A GROUP WHERE TRUSTWORTHY BEHAVIOR BECOMES THE NORM?

- Make only those promises that you know you can keep (such as providing certain kinds of information, or offering a certain level of participation), and then keep those promises;
- Demonstrate through authentic listening that you are interested in meeting others' needs and concerns as well as your own;
- Assert consistently and openly your own values and goals and why you hold them;
- Raise the question of trust and explain its meaning and importance to you when you perceive violations of good faith;
- Be willing to admit when you were wrong;
- Focus on "doable" issues at the start (such as joint field trips, compilation and review of existing information about the project, and developing a plan for funding) and don't bite off more than you or the group can chew;
- Contribute in a variety of ways to the group, whether through information, stories, meeting space, or refreshments; and
- Develop and live by realistic and principled groundrules.

uses a particular resource; and

- Ensure that you and other participants understand the institutional framework in which issues are being contested.

Vision – A consistent, just, and encompassing vision often provides strength for environmental and other forms of advocacy confronting established opposition. Perhaps the best way to make your vision appealing to others is to articulate the reasons underlying your goals clearly and consistently. You may also find one or more of the following activities useful:

- Field trips to areas under consideration;
- Overflights to provide a holistic view of the resource;
- Presentations by scientists, advocates close to the land, and historians;
- Presentations concerning the

purposes of NEPA or other laws and regulations that may have been challenged by group members; and

- Personal stories and experiences relating to the resource.

Organization/coalition – The political power of environmental advocacy, indeed any advocacy,

comes largely from the ability to mobilize individuals and groups in numbers large enough to counter more established forms of power. Indeed, the premise for many collaborative groups is that coalitions including diverse partners can be formidable and even unstoppable.

Access to decision-makers – Engaging and finding common ground with former adversaries can open doors to previously inaccessible decision-makers.

Credibility – The most effective participants in collaborative processes show up prepared, are honest and direct, and advocate their interests consistently, while acknowledging the interests of others as well. They furthermore only make claims that are factual.

Funding – Lack of funding for participation costs, including personnel time, can create a serious disadvantage in ability and enthusiasm to participate. A number of private foundations that provide funding may be willing to provide participant support. If you are well funded but other participants are not, offer to help them by writing grant support letters. You will have a better process and you will have earned their gratitude and respect for your fairness.

AVOID –

We just need to trust one another.

Don't you trust me?

LOOK FOR –

Let's work on ways that we can build real trust here.

We need to find ways of working together even though there's a lot of distrust here.

Let's make clear what we expect from each other while we're meeting.



Advocacy and collaboration – two sides of the coin, or oil and water?

The issue of what is “allowed” outside of the negotiating room arises frequently in collaborative efforts. Some parties may insist that you stop a particular form of advocacy (such as a protest, a legal action, or proposed legislation) as you engage others in some form of discussion. It may be important for you and the group you represent, however, to continue this particular form of advocacy. Does participation in a collaborative process mean that you need to stop other confrontational advocacy efforts?

There is no answer to this question that is right in all circumstances. Conducting appropriate advocacy (including litigation) while participating in a collaborative process is a matter of judgment, principle, and agreement among the participants. There are no “rules of collaboration” that you must follow. You need to be consistent with your goals within and outside of the collaborative process and consistent with what you

have promised others. You may well need to continue your advocacy outside of the process.

Of course, the climate of negotiations may be an important consideration for you. There may be times that you would find it appropriate to stop or delay a particular action because of concerns that you will upset a process that you think is too promising to jeopardize.

The same principle applies to all sides – do not expect any participant to give up any particular form of power without a good reason for doing so and without the opportunity to discuss what that would mean. But feel free to raise a question about activities outside of the process if you feel that certain behavior is detrimental to the process or inconsistent with your agreed groundrules.

A group has several options to

address any questions of appropriate behavior or actions outside of the room:

- 1) Agree that even if the actions occurring outside of the room continue, you will keep the process going;
- 2) Agree that the activity in question will be delayed until after the process ends, and then continue discussions;
- 3) Agree not to pursue the activity, and continue discussions; and
- 4) Withdraw from the process and continue your activities.

The key is to develop shared expectations about what is and is not appropriate, and then act consistent with those expectations.

Media Relations

One area of some controversy among convenors, mediators, public interest groups, and news media is the role played by news media in collaborative processes. Some groups convened by public agencies and addressing public issues

CASE EXAMPLE :

Continuing Protest During Mediated Negotiations

Mediated negotiations concerning the effects on water supplies caused by subsidence from underground coal mining were civil but occasionally heated. One coal company representative came to a meeting and complained about one of the group’s members who had been picketing outside of the company’s gates over the weekend on another issue. The member, a local citizen, observed that “If you would be willing to stop moving coal then we would be willing to stop picketing” – a statement made with good humor, but one which emphasized the parity of continuing differences on issues not being negotiated. A general discussion was then held concerning the impact of picketing and continued mining on the negotiations, and the group agreed that they could work together on the subsidence issue while opposing one another on other issues. The negotiations then continued.

Analysis: this situation was handled appropriately. The coal company official raised a concern directly with the citizen. The citizen made clear that he heard the concern and explained the basis for his actions. The group took time to weigh the impact of the issue and then continued.

have successfully excluded news media from their deliberations. There can be circumstances where deliberation in public view may not be appropriate. Participants can grandstand or discussion may become overly guarded when reporters are present.

But most collaborative processes addressing public issues ought to include public observation and comment, including oversight by news media, in order to invite all perspectives and to educate the public about the issues. If someone wants to close the process, you need to find out why. Many people simply do not trust the news media to do its job. If that is the case, then one answer is to work closely with the media representatives to ensure that they have an accurate understanding of the issues and the process. Another option is to have some time set aside for private discussions and other time that is open.

Your group also might benefit from having a member with media communication experience, or

access to a resource person with that experience. Some facilitators have such experience but most do not. A media expert can help the group develop effective outreach tools and methods.

Some groups find it useful to designate one member or a facilitator as the contact for news media inquiries. You may find it

helpful to distinguish between freely discussing your own perspective with news representatives and discussing those of other participants. Some groups agree that members are free to discuss any and all issues with anyone outside the group, but they will not attempt to characterize other participants' views out-

CASE EXAMPLE :

A Violation of Group Agreements

A state Department of Health had convened an advisory group to help develop regulations. The group, which was holding mediated discussions monthly, had reached consensus over several issues but was still addressing others. One member had his state delegate introduce legislation that would mandate a certain plan quite different from that being crafted by the group. This was done without the knowledge of anyone else in the group. The Health Department suspended the advisory group discussions pending the outcome of the legislation. When the legislation passed, the group stopped meeting.

Analysis: The other parties saw this unilateral action as a violation of trust. No hint of the legislation had been raised in the group and this particular member had agreed to the plan that was being developed. While the member did get his plan passed, he alienated the other sides and precluded the ability to work with them on other issues for some time.

In this case, the group did spend some time talking about their expectations for behavior within the group, e.g., the need for candor and confidentiality, but did not do so with regard to any actions taken outside of the negotiations. It would have been helpful to have had that discussion early on.



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side of the group (see below for example).

Groups need to consider the following:

- What you want and do not want to be discussed about the group by individual group members;
- Who speaks for the whole group;
- Reporting issues under discussion; and
- Reporting decisions already made.

(For a thorough discussion of ways of working with the news media and the pros and cons of closed and open processes, see “Dealing with the Press” in *The Consensus Handbook* (see Appendix A).

C A S E E X A M P L E :

Agreements about News Media

One large consensus-based advisory group that could not agree on whether or not to be open to news media spent hours trying to reach consensus on that subject. Rather than continuing to argue or breaking up over the issue, they left the decision to be made when any news media might show up. That never happened. The group did agree to groundrules about speaking to the media as follows:

Members who speak outside of the meetings will speak for themselves and express their own views. They will not represent an official committee point of view. Members will refer inquiries for official reports to the facilitators. The facilitators may describe the group process and share materials with the media and prepare press releases as directed by the group.

DON'T:

Be pressured into giving up a particular tool of advocacy by a mediator or other party for conformity's sake.

Take unilateral action concerning the issues being negotiated outside the group without preparing the group beforehand.

Respond to concerns of anyone's unilateral actions in the news media without first discussing them within the group.

Commit the organization you represent, or other environmental organizations, to giving up advocacy tools without consulting them first.

DO:

Let other participants know in advance to the extent possible of any actions that may cause controversy.

Explain your reasons for your actions.

Clarify with other participants early on what is appropriate and expected behavior inside and outside the room.

Raise concerns you have about unilateral actions outside the group directly with the parties involved and the whole group if necessary.

Listen to understand the concerns that others may have about your actions.