Introduction to Collaborative Process
Managing Natural Resource Disputes – No. 1

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With a wide range of competing resource management goals for water, land, forest, and wildlife, community leaders and other citizens are increasingly involved in natural resource disputes. They are also becoming increasingly dissatisfied with conventional approaches, such as litigation, legislation and governmental decision-making, for dealing with these disputes (Susskind and Cruikshank 1987). Consequently, collaborative processes are often suggested as a constructive alternative for managing natural resource disputes.

Managing Natural Resource Disputes is a fact sheet series that presents guidelines for approaching natural resource disputes collaboratively. This information will equip you with valuable knowledge to determine whether to participate, and if so, how to participate in collaborative processes involving natural resource disputes.

What is Collaboration?

Collaboration involves people with diverse interests working together to achieve mutually satisfying outcomes. Interests are what you care about, or want, in the dispute.

Collaboration is known by many names. Some popular names include "problem-solving", "consensus building", "interest-based negotiations", "win/win", "mutual gains", and "principled negotiations". (Burgess and Burgess 1997; Fisher et al. 1991; Susskind and Cruikshank 1987; Susskind and Field 1996).

The goal of collaboration is to manage the dispute so that the outcome is more constructive than destructive. A destructive outcome results in harm and involves exploitation and coercion. A constructive outcome fosters communication, problem solving, and improved relationships (Coser 1956; Deutsch 1973).

What is Concensus?

A defining characteristic of collaboration is that decisions are made by consensus. Consensus does not mean unanimous consent, nor does it mean everyone’s preferred option. Consensus means a decision that all can support. Consensus is reached when each participant feels that his/her interests have been addressed. Consensus is reached when everyone can say, "I can live with that". Building consensus takes time, but it is required for a truly collaborative process.
Some like to make a distinction between consensus and compromise. They suggest true consensus cannot be achieved where there is compromise. Compromise, they say, is giving up one thing to get something else in return. Compromise, in this view, is to give in, surrendering one’s interests or principles. This distinction may be applicable in simple disputes, but it is not helpful when considering natural resource disputes.

Natural resource disputes are very complex. They involve multiple parties with diverse and competing interests. In addition, they typically involve multiple issues that are both technically and legally challenging. Often the natural resource in question is not well understood, even by the professionals. Moreover, the disputes are often fuelled by highly emotional, deeply held and often conflicting beliefs. Natural resource disputes often have a history of intractability, meaning previous attempts at resolution have been unsuccessful. And finally natural resource disputes, by definition, involve a limited resource. Often there is no opportunity to create options that satisfy all interests.

Compromise is defined as to adjust and settle a difference by mutual agreement with concessions on both sides (Webster’s New Universal Dictionary). Hence, compromise can be viewed as a way to get to consensus.

The essential criterion in evaluating an agreement when compromise is used to reach consensus is that it is satisfying. By satisfying we mean an agreement in which each person can say: "I liked the decision", "I liked the process" and "I liked how I was treated during the process". A satisfying agreement comes from voluntary action, not through coercion or acceptance of a "lesser of two evils". Compromise works as a means of achieving consensus because people value things differently and, in a multiple issue dispute, are willing to give up something of lesser value in order to satisfy a higher value (Susskind and Cruikshank 1987).

Collaboration and Negotiation

Collaboration can be viewed as an on-going series of negotiations (Gray 1989). Negotiation is the most common form of social interaction. People negotiate over where to go for dinner, which movie to view, or how to split household chores. To be successful in one’s personal, social, and business situations requires being an effective negotiator.

Negotiation does not bring about change in beliefs. Negotiation leads to agreed-upon changes in behavior through commitments that are binding (Rubin 1995).

Negotiation can take on different forms. Most are familiar with the stereotype of hard-bargaining negotiators. They start with outrageous demands, make threats and use other tactics to get what they want. One side typically starts high, the other low. After several rounds of demands and counter-demands, the negotiators end up "splitting the difference". In this form, negotiation is viewed as a game where each side tries to get the best deal for themselves. Neither side exhibits concern for the other side.

Negotiation can also assume the form of problem solving. In this form, each side attempts to meet the other side’s interest as well as their own interest. By thoroughly understanding their own interest as well as the other side’s interest, both sides are often able to arrive at solutions which neither alone could have envisioned or made possible. In this type of negotiation each side recognizes and accepts the legitimate interest of the other and they are committed to dealing with differences constructively in order to advance their own self-interest. This has been called "principled negotiation" (Fisher et al. 1991).

The behaviors necessary to succeed in these two forms of negotiation are very different. In hard-bargaining negotiation the other side is viewed as an adversary; in principled negotiation the other side is viewed as a partner. In hard bargaining negotiation, a win for me means a loss for you; in principled negotiation all must gain in order for an agreement to be reached. In hard bargaining negotiation information is concealed; in principled negotiation information is shared freely. In hard-bargaining negotiation bluffing is used to gain concessions; in principled negotiation objective criteria are used to make fair decisions. When viewed as a problem solving exercise with concern for the interests of the others, negotiation can become a very powerful tool for addressing natural resource disputes. (Nierenberg 1977; Fisher et al. 1991)
The Steps of Collaborative Process

Experience has shown that there are similar activities that emerge with every collaborative process. Experts often separate these activities into three steps. Because collaboration is an on-going series of negotiations, we will describe a three-step collaborative process that includes:

1. Pre-negotiation
2. Negotiation and
3. Post-Negotiation.

The next ten fact sheets in the series Managing Natural Resource Disputes present guidelines for preparing for an effective three-step collaborative process. Fact Sheets 2 through 4 describes what you can expect in each of the three steps of a collaborative process. Fact Sheets number 5 and 6 in this series provide guidelines for use by citizen groups to evaluate their readiness to negotiate. Fact Sheets 7 and 8 discuss how to address the technical complexities of the dispute. Fact Sheet 9 provides insights for dealing with adversarial behavior, the most common response when faced with conflict. Fact Sheet 10 describes the how creating a shared vision of the resource can help participants get started in the process on a positive note. Finally, Fact Sheet 11 summarizes with ten principles for guiding an effective collaborative process.

REFERENCES