Finding Workable Solutions
Prevent | Collaborate | Resolve
Mission

• Independent and impartial professional collaboration, consensus building and alternative dispute resolution expertise and services

• Federal environmental, natural resource, and public land issues
Areas of Emphasis

Interagency/intergovernmental efforts where coordination, collaboration essential

Multi-party high-conflict cases where an independent convener is needed to broker participation

Conflicts and challenges involving multiple levels of government and the public

Efforts where area expertise is required (e.g., cultural or subject matter knowledge)

Emerging areas of conflict and pilot applications of collaborative governance
Services

Case Services
- Consultations
- Mediator referrals
- Assessments
- Process design
- Convening
- Mediations/facilitations
- Project management

Training and Program Support
- Project-specific training
- Skill-based training
- ECR program development
- Host national ECR conferences
- Convene policy dialogues
- Initiate Regional Environmental Forums
- Help implement federal directives related to ECR
- Help guide appropriate and effective use of technology tools

Collaboration Leadership
Conflict Prevention
Sources of Conflict

**Values:**
- Identity
- Ideas of right and wrong
- Operational values

**Relationships:**
- Communication
- Prejudice and stereotypes
- History and past events
- Strong feelings

**Data:**
- Too much or too little info
- Distrust of the info
- Different interpretations of information

**Competing interests:**
- Different substantive needs and desires

**Structure:**
- Difference in resources
- Jurisdictional authority
- Decision making process
- Geography and physical setting

**Procedures:**
- Roles, rules, laws and regulations
- Decision making processes
# Two Perspectives on Conflict

<table>
<thead>
<tr>
<th>Dark Side</th>
<th>Bright Side</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Costly</td>
<td>• Change agent</td>
</tr>
<tr>
<td>• Unproductive behavior e.g., whining, back</td>
<td>• Sparks new ideas and innovations</td>
</tr>
<tr>
<td>biting, avoidance, rumors</td>
<td></td>
</tr>
<tr>
<td>• Loss of trust, credibility</td>
<td></td>
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</tbody>
</table>
Unmanaged Conflict
## Spectrum of Prevention & Dispute Resolution Processes

<table>
<thead>
<tr>
<th>Prevention &amp; Collaborative Planning</th>
<th>Unassisted Dispute Resolution</th>
<th>Third Party Assistance</th>
<th>Third Party Decision-Maker</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Relationship Building</td>
<td>• Negotiation</td>
<td>• Consensus Building</td>
<td>• Administrative Decision</td>
</tr>
<tr>
<td>• Training</td>
<td>• Conciliation</td>
<td>• Facilitation</td>
<td>• Arbitration</td>
</tr>
<tr>
<td>• Joint Planning</td>
<td>• Information Exchange</td>
<td>• Mediation</td>
<td>• Judicial Ruling</td>
</tr>
</tbody>
</table>
Outcomes of Cooperation

Maximize
- Workable solutions
- Timely cost-effective solutions
- Informed solutions
- Productive working relationships
- Buy-in and commitment to solutions
- Opportunities for improvement

Minimize
- Poorly informed decisions
- Appeals and litigation
- Project delays
- Damage to relationships
- Lost opportunities
Principles for Engagement
Definitions

Stakeholder: representative of a group with a direct interest

Direct interest: affected by the activity, effort; may be involved in implementation; have relevant information and/or could block the process from implementation

Public: individuals indirectly affected or are directly affected but have a lesser stake in the outcome.
Principles Engagement

1. Clarity of Purpose, Goal, and Product
2. Informed Commitment
3. Inclusivity and Balanced Representation
4. Openness, Transparency and Accessibility
5. Group Autonomy and Informed Engagement
6. Timeliness
7. Process Integrity & Accountability
8. Implementation
9. Adaptability and Flexibility
1. Clarity of Purpose

- Clear purpose of group, expected goals, products and outcomes
- Common understanding of what success looks like and means

2. Informed Commitment

- Willingness and availability of leadership and staff
- Commitment to principles of engagement
- Commitment to participate in good faith with open mindset to new perspectives
3. Inclusive, Balanced Representation

- Balanced representation among affected stakeholders
- Barriers to participation identified and addressed
- Process accommodates different levels of interests e.g. stakeholders, public

4. Open, Transparent, Accessible

- Access to convening entity through consistent communication channels
- Convening entity authorities, requirements and constraints are communicated, understood
- Information about process, its purpose and decision making are known
- Relevant information is accessible and understandable by all participants
5. Group Autonomy & Informed Engagement

- All parties are willing and able to participate and select their own representatives
- All participants engaged in developing and governing process
- Choice of consensus-based decision rules for a group
- Continuity in engagement
- Quality dialogue i.e., informed and interactive
- Technical information, experts are available
- Agreement on how to share, test and apply relevant information (scientific, cultural, technical, etc.)
6. Timeliness

- Participation is timely to the process
- Information materials provided with sufficient time for analysis and consultation with constituents
- Timely decisions and outcomes

7. Process Integrity & Accountability

- Confidence in value of process
- No one is disadvantaged by design of process
- Process is monitored, evaluated
- Shared commitment to process and full participation
- Convening entity communicates how process products, outcomes used
8. Implementation

• Consistent with federal, state, tribal law and policy
• Parties should commit to identify roles and responsibilities necessary to implement agreement
• Parties agree in advance on the consequences of a party being unable to provide necessary resources to implement agreement
• Parties will take steps to implement and obtain resources necessary to agreement

9. Adaptability and Flexibility

• Process adjusted based on needs of participants
• Unique regional and local needs are incorporated
For additional information about the U.S. Institute visit:

www.ecr.gov

Sarah Palmer
Senior Program Manager

U.S. Institute for Environmental Conflict Resolution
130 South Scott, Tucson, AZ 85701
Telephone (520) 901-8501
E-mail palmer@ecr.gov
Another Look at the Spectrum…

For Engagement

Inform  Consult  Involve  Collaborate

For Cooperation

Listen  Advise  Support  Partner

Adapted from IAP2 Spectrum
How does this message go wrong?

Intended Interpretation
We intend to be open & transparent, but that doesn’t mean we can give away our decision-making authority.

Actual Interpretation
We want to be part of the decision-making process, and now this government agency is committing to including us in making joint decisions.
Collaboration = Working together in an Open & Transparent manner

One-Way Communication

Gov informs others so they understand decisions.

Two-Way Communication

Low
Gov informs others about process & seeks feedback

Medium
Gov works directly with others, considers concerns & provides feedback on how input influenced final decision

High
Gov works directly with others to share information, explore options and potential solutions, and to seek agreement on decisions and actions.