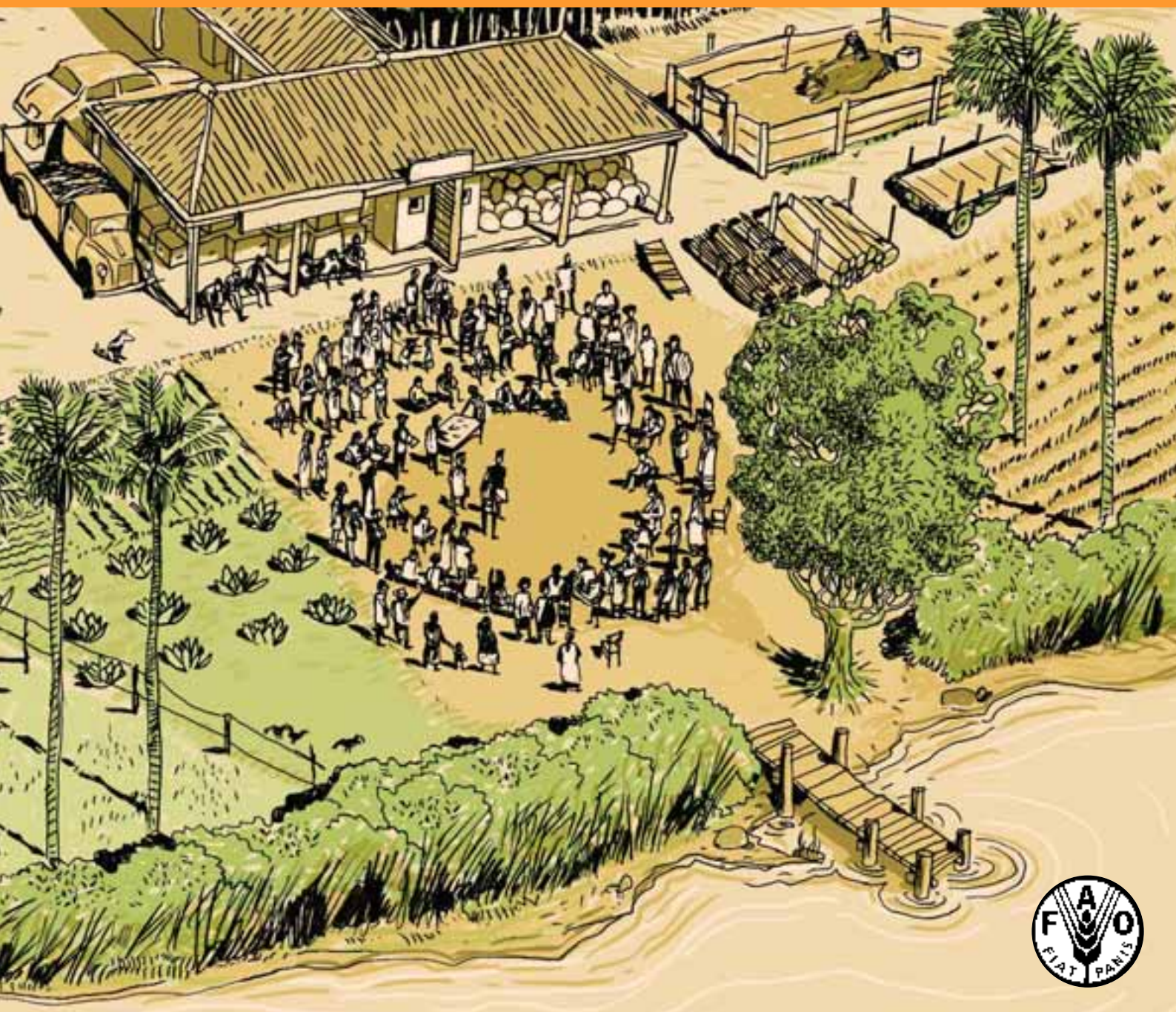# Negotiation and mediation techniques for natural resource management

Negotiation and mediation techniques for natural resource management

by
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Foreword

This conceptual guide has come a long way and would not have been possible without the help of many people.

The guide was developed within the framework of FAO's Livelihood Support Programme (LSP), which is funded by the United Kingdom's Department for International Development (DFID). It builds on previously published training material by the FAO Forestry Policy and Planning Division (FONP) on community-based forest resource conflict management, which the LSP field-tested in Ghana. Experiences of trainers, trainees and coordinators of the programme were reviewed after almost two years of training and application of tools and techniques in the field.

Taking into account the lessons learned from the field, it has been decided to reorient the earlier training material towards:

1. integration of conflict management into the broad framework of collaborative natural resource management and the concept of sustainable rural livelihoods; conflict management is embedded in a number of processes that help establish and maintain mutually agreeable principles and practices for managing natural resources;

2. emphasis on stakeholders' choice in conflict management options, but a clear focus on a practical step-by-step description of how to establish and mediate a process of consensual negotiations to manage conflict and build collaboration among multistakeholder groups;

3. acknowledgment of the cultural and social dimensions of different negotiation and mediation styles to allow for flexible, situation-specific adaptation of the negotiation process for worldwide application.

A basic premise of *Negotiation and mediation techniques for natural resource management* is the acknowledgement of the immense diversity of social/cultural characteristics and interests among people managing the use of lands, forests, marine areas and their products. Under such circumstances, conflicts are often unavoidable, but the guide demonstrates how the principles and tools of negotiation and mediation can be used to promote positive social change and to manage conflict in such a way that the destructive consequences often associated with the escalation of conflicts can be prevented.

Acknowledgements

The authors would like to extend their appreciation first of all to the authors of the previously published training materials: Kath Means and Cynthia Josayma, with Eric Nielsen and Vitoon Viriyasakultron. They formed the basis on which this material is built.

THE LIVELIHOOD SUPPORT PROGRAMME

The FAO Livelihood Support Programme (LSP), 2001–2007, supported in part by the UK Department for International Development (DFID), is helping to improve the impact of FAO interventions at the country level through the effective application of sustainable livelihood (SL) approaches.

The LSP evolved from the conviction that FAO could have a greater impact on reducing poverty and food insecurity, if its wealth of talent and experience were integrated into a more flexible and demand-responsive team approach. The LSP aims to increase knowledge of and capacity to apply SL principles and approaches. The LSP works through teams of FAO staff members, who are attracted to specific themes being worked on in a sustainable livelihoods context. These cross-departmental and cross-disciplinary teams, known as sub-programmes, act to integrate sustainable livelihoods principles in FAO's work at headquarters and in the field. These approaches build on experiences within FAO and other development agencies.

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Contents

Tables, Figures and Boxes

Introduction

WHAT THIS GUIDE IS ABOUT

Wouldn't it be great if we could manage natural resources effectively and get the right balance between development and conservation? If we knew more of how to help people dealing with conflicts to avoid the undermining or disruption of natural resource management, lack of development or even outbreak of violence? And if we could assist in creating opportunities and strengthening people's ability to solve problems that arise in natural resource management, while helping to build positive relationships among people?

This guide looks at how negotiation and consensus building can be used to manage conflict and build collaboration. The guide provides practical, step-by-step advice on working with many different stakeholders to reach mutually satisfactory agreements in collaborative natural resources management. As such, it is concerned with people's livelihoods – their means of living, and the influences that affect the ways in which they live and work. It is also concerned with sustainability – balancing conservation and development to meet the needs of women and men, now and in the future.

But first, what do the terms "negotiations" and "consensus" mean?

When people talk with one another in an effort to resolve their opposing interests, they *negotiate*. Those who are involved in a negotiation are called parties. Some negotiations are simple and some are complex. Sometimes a negotiation involves two parties (e.g. local men and local women negotiating the use of land, control over woodland, devices used for fishing, etc.) negotiating for themselves or representing others. Sometimes it involves multiple parties: local men and women, government agencies, domestic and multinational businesses, politicians, international development agencies and non-governmental organizations (NGOs). It is important to remember that no-one can be forced into a negotiation. Negotiating is a voluntary activity.

In some negotiations, the parties in dispute have become so entangled in their differences that they are no longer able to find any constructive solution by themselves. In such cases, a so-called "third party" – a facilitator or mediator[1] – might be able to help. The role of the facilitator/mediator is to assist individuals and groups to negotiate and reach agreement successfully.

The other key word in the guide is *consensus.* Consensus does not mean that everyone gets what they want. It does not mean that there is a unanimous decision about an agreement, nor does it imply voting to obtain a majority. Consensus means that everyone feels that their interests have been addressed and that they can live with the agreement – they may have wanted a bit more here or a bit less there, but they can agree to live with the outcomes of a negotiation.

The purpose of consensual negotiations is to achieve the best possible outcomes for the most people, or at least an outcome that everyone can accept. Consensus building is a critical characteristic of collaborative natural resource management, where many different stakeholders, such as the State, communities, NGOs and the private sector, have to negotiate how best to share the management, entitlements and responsibilities arising from particular natural resources, such as a forest, a river, the sea coast or grazing land.

As such, consensual negotiations are more than an approach to conflict management. They have an important part to play in helping people to develop and improve the skills, knowledge and social networks that are important in their lives.

How can this work? Different people see the world in different ways, and have different needs, strengths and goals. Consensual negotiations can help people to understand these differences, come to terms with them and take advantage of them in ways that are positive for both themselves and the community. Relationships can be strengthened and trust can be built. Awareness of, knowledge about and skills to identify and overcome barriers to development can be increased. Consensual negotiations can strengthen arrangements that regulate access to and use of natural resources. They can also help to increase income and benefits through improved management of natural resources.

Many successful collaboration arrangements have developed from new responses to long-standing conflicts over natural resources. This shows that conflict can be a creative and helpful element in a society. However, greater stakeholder involvement in decision-making may also increase the potential for conflict. This is mainly for the following two reasons:

■ Different people, groups and agencies have many different interests concerning the use of natural resources. Sometimes one group's interests get in the way of another's.

■ People, groups and agencies also have different types of power to influence negotiations and the outcome of conflict. Those with the greatest access to certain types of power tend to influence natural resource decisions in their own favour.

The differences on which a conflict can be based are an outcome of competition among individuals and groups over material goods, economic benefits, property and power. When parties feel that their needs cannot be met, or perceive threats to their values, needs or interests, it may become necessary to intervene; some form of conflict management may be needed in order to avoid escalation into destructive and violent conflict.

1. For definitions of the terms "facilitator" and "mediator" see section 3.1.

Anticipating and managing conflict are therefore critical ingredients of collaborative natural resources management. The challenge is to manage conflicts so that the advantages they bring can be maintained (e.g. opportunities to understand other people's views, expand livelihood options or create change and development) while the disadvantages are reduced or mitigated (e.g. extreme disruption, lack of development, or even violence).

The aims of conflict management are to:

■ identify latent conflict and address it constructively (latent conflict is discussed later in the guide);
■ prevent existing conflict from escalating;
■ make use of conflict in promoting positive social change.

These approaches do not stand alone. It is helpful if they are fully integrated into a broad framework of collaborative management, building on processes that lead to mutual benefits and achievements.

WHO THE GUIDE IS FOR

The guide is intended for *practitioners* working on participatory/collaborative natural resource management and rural livelihoods projects. It will be useful for extension workers, advisers of government organizations and NGOs, development agencies and private companies who want to learn how to assist people in the process of consensual negotiations.

Trainers may use these materials as background for preparing courses in natural resource conflict management, while *trainees* may use them for background reading during their training and afterwards, when putting their learning into practice to manage conflict.

The guide assumes that the reader already knows about and is experienced in collaborative approaches to natural resource management through involvement in community forestry, small-scale artisanal fisheries, integrated watershed management, etc.
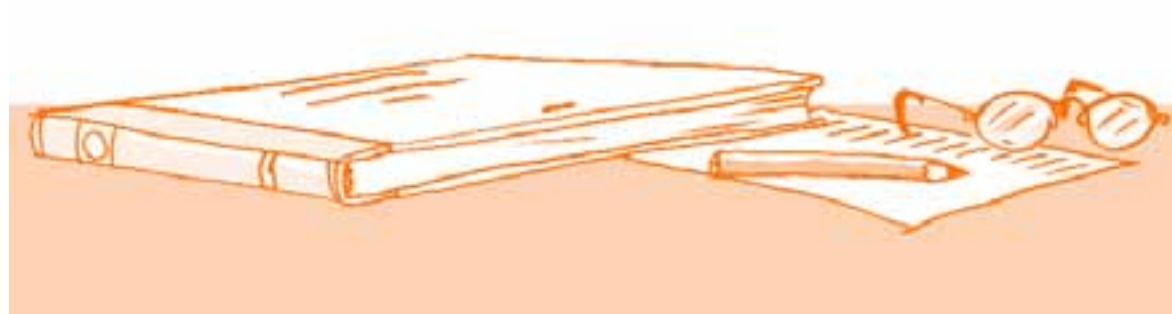
OBJECTIVES OF THE GUIDE

This guide offers practical guidance on how to establish and manage a process of consensual negotiations involving multiple stakeholders in collaborative natural resource management and other livelihood projects.

In particular, it focuses on conflict situations where a third party (mediator) is asked to assist in order that consensual negotiations can take place and work effectively.

Choosing an appropriate strategy through which to address a particular conflict is an important issue. Sometimes, the best strategic choice can be to "do nothing". No single approach is effective in all cases because the people and issues in each conflict are different. The guide therefore introduces and discusses some of the advantages and disadvantages of a range of conflict management approaches (e.g. customary, legal, alternative) to help practitioners assess which approach(es) may best suit a particular conflict situation.

The guide seeks to provide ideas on how to decide whether consensual negotiation is the most relevant strategy to address a particular conflict. The reader will find suggestions and recommendations for:

■ facilitating negotiations and agreement among individuals, groups or institutions who believe that they have incompatible objectives;

■ broadening people's understanding of their own and others' interests and needs;

■ encouraging people to think beyond their own often entrenched and emotional positions.

In summary, the objectives of this guide are to:

■ explain how natural resource conflicts can affect (positively and negatively) collaborative natural resource management and sustainable livelihoods;

■ introduce different conflict management approaches (e.g. customary, legal, alternative) to assist decision-making about which approach is most appropriate;

■ introduce the principles of consensual negotiations as a methodology for dealing constructively with natural resource conflicts;

■ outline the process and techniques for consensual negotiations;

■ sensitize mediators about their roles and responsibilities as third parties in consensual negotiation.

EFFECTIVENESS OF CONSENSUAL NEGOTIATIONS

Consensual negotiations are more effective in addressing some types of conflicts than others. For example, conflicts arising from differing interests concerning resource use are negotiable, whereas basic needs, such as identity, security, recognition or equal participation within the society, are usually non-negotiable. Negotiation techniques are therefore less useful in resolving underlying structural tensions and identity conflicts than they are in resolving disputes over declining resource availability.

Because underlying structural tensions often operate at the regional or national level (competing or overlapping legal orders, real or perceived inequalities inherent in the wider socio-economic or political system, etc), managing them tends to involve measures such as policy reform, structural adjustments, democratization and/or international conventions or protocol.

The successful use of consensual negotiation is limited by two additional factors:

■ the intractable nature of some environmental conflicts (nothing that anyone does seems to improve the situation); for example, in some instances, conflicts cannot be resolved in win–win ways – resource availability may be limited and increasing the resource use of one party may mean less resource being available for another;

■ major differences in power among the people, groups and agencies involved, e.g. a local community, local NGO, government agencies, a multinational company; consensus building is based on the premise that power imbalances among the different parties are not so substantial that a third party cannot bridge them in the negotiation process.

WHAT IS IN THE GUIDE?

The guide, divided into eight sections, provides the fundamental ideas and thoughts about (or the *conceptual* foundations for) consensual negotiations. The three annexes provide background material for further reading, to deepen understanding of specific issues of interest.

Section 1: *An introduction to natural resource conflicts, collaborative management and sustainable livelihoods*

This section explains what natural resource conflicts are and how they may influence sustainable livelihoods. It examines the role of natural resource conflict management as part of collaborative natural resource management, and suggests where consensual negotiations can usefully be employed.

Section 2: *Managing conflict*

This section describes in greater detail the complex nature of conflict and explores different strategies and approaches in conflict management. It outlines the principles of consensual negotiations and discusses the strengths and limitations of this approach.

Section 3: *Process map for consensual negotiations*

This section presents a ten-step process map describing how to establish and manage a negotiation/mediation process, and explains the role of the mediator in this process. The process map is explored further in later sections.

Section 4: *Entry*

This section explains how mediators might enter a conflict setting and reflects on the specific role and responsibilities that a mediator will assume in the early stages of conflict management.

Section 5: *Analysing conflict*

This section outlines why conflict analysis is essential, where and how it is conducted in the process map, and what tools and instruments may be employed (see also Annex 2).

Section 6: *Broadening stakeholder engagement*

This section explains how mediators can engage stakeholders in the conflict management process and help them to reflect about the causes of conflict and the options to address it, as well as helping them to prepare themselves for negotiations with other parties.

Section 7: *Negotiations and building agreements*

This section discusses how a mediator prepares and facilitates negotiations. Different steps in the negotiation process are outlined and good practices in mediation are suggested.

Section 8: *Exit*

This section emphasizes the importance of monitoring an agreement, and discusses strategies for mediators who are gradually reducing their involvement as the parties gain skills, trust and confidence.

Annex 1: *Collaborative natural resource management*

This annex provides a basic introduction to the principles and instruments of collaborative natural resource management for those who are less familiar with the concept.

Annex 2: *Field guide to conflict analysis*

This annex provides a user-friendly description of basic tools in conflict analysis for practitioners who want to apply them in the field.

Annex 3: *Case studies*

This annex documents two cases of successfully facilitated consensual negotiations in Ghana. The case studies explain the background of the conflicts and describe the process of conflict management, along with the instruments applied, the difficulties encountered and the lessons learned. The case studies can be used in training.

HOW TO USE THE GUIDE

The guide explains how to establish and manage a process of negotiations. The suggested *process map* is subdivided into ten steps and is not a rigid blueprint. The actual process is not linear, but moves forwards and backwards as needs and capacities change. This requires flexible handling of the steps according to how the process develops.

Conflict management is a shared learning process. Users of this guide are encouraged to adopt a learning approach. This means learning from experiences and applying, testing and adapting the different techniques and strategies provided here. Managing conflict is a process of analysis, planning, action and – above all – *reflection*.

GLOSSARY

Active listening

Active listening is a way of listening that focuses entirely on what the other person is saying, and confirms understanding of both the content of the message and the emotions and feelings underlying the message in order to ensure that understanding is accurate (Conflict Research Consortium, 1998).

Adversarial approach

The adversarial approach to a conflict sees the other party or parties as the enemy to be defeated. The approach can be contrasted with the problem solving approach, which views the other party or parties as people with a common problem that needs to be jointly solved. The adversarial approach typically leads to competitive confrontation strategies, while the problem solving approach leads to cooperative or integrative strategies for approaching the conflict situation (Conflict Research Consortium, 1998).

Adversary/adversaries

Adversaries are people who oppose each other in a conflict. They see other parties as enemies to be defeated. Adversaries are also referred to as opponents, parties or disputants. Taking an adversarial approach typically leads to competitive confrontation strategies (Conflict Research Consortium, 1998).

Advocacy

Advocacy is the process of taking and working for a particular side or particular interests in a conflict. Lawyers engage in advocacy when they represent clients in legal proceedings. Disputants can also engage in advocacy themselves – by arguing for their own position in negotiation, mediation or political debate. Any attempt to persuade another side to agree to one's demands is advocacy (Conflict Research Consortium, 1998).

Arbitration

Arbitration is a method of resolving a dispute in which the disputants present their cases to an impartial third party, who then makes a decision for them in order to resolve the conflict. This decision is usually binding. Arbitration differs from mediation, in which a third party simply helps the disputants to develop a solution on their own (Conflict Research Consortium, 1998).

Attitude

Attitudes are actions or behaviour that show how a person thinks or feels. Attitudes can often be observed in the way in which a person responds to other people, ideas and experiences (e.g. with or without respect, trust, caring, sensitivity, willingness to listen, etc.).

BATNA

BATNA is a term invented by Roger Fisher and William Ury; it stands for "best alternative to a negotiated agreement". Each negotiator should determine his/her BATNA before agreeing to any negotiated settlement. If the settlement is as good as or better than the BATNA, the

agreement should be accepted. If the alternative is better, it should be pursued instead of the negotiated settlement. A party with a good BATNA (or with a BATNA that it perceives as good) is unlikely to be willing to enter into negotiations, preferring instead to pursue that best alternative option (Conflict Research Consortium, 1998).

Coexistence

Coexistence means living together peacefully in the same geographical area (Conflict Research Consortium, 1998).

Common ground/commonalties

Common ground or commonalties are the things that two people or groups share or hold in common. These may include living in the same place, or having similar values, interests, needs or even experiences or fears. Although disputants often assume that they have nothing in common with their opponents, they almost always have some common ground – even if it is only a common desire to live in peace and security without having to fear the other disputants (Conflict Research Consortium, 1998).

Competition/competitive approach

See Adversarial approach

Contributing factors

Conflict contributing factors are such dynamics as communication problems or escalation that – although common – are usually extraneous to the conflict, but that confuse the core issues in the conflict, making them more difficult to understand and deal with.

Compromise

A compromise is a solution to a mutual problem that meets some, but not all, of each party's interests (Conflict Research Consortium, 1998).

Collaboration

Collaboration involves people with diverse interests working together to achieve mutually satisfying outcomes. Collaboration is known by many names, including problem solving, consensus building, interest-based negotiations, win–win, mutual gains, and principled negotiations. 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.

Collaborative natural resource management

"… a partnership by which various stakeholders agree on sharing among themselves the management functions, rights and responsibilities for a territory or a set of resources" (Borrini-Feyerabend, 1996).

Conflict

"Conflict is present when two or more parties perceive that their interests are incompatible, express hostile attitudes, or ... pursue their interests through actions that damage the other

parties. Interests can differ over: i) access to and distribution of *resources* (e.g. territory, money, energy sources, food); ii) control of *power* and participation in political decision-making; iii) *identity* (cultural, social and political communities); iv) *status*, particularly those embodied in systems of government, religion, or ideology" (Schmid, 1998).

Conflict analysis

Conflict analysis is the identification and comparison of the positions, values, aims, issues, interests and needs of conflict parties (*International Alert*, 1996, III:16).

Conflict management

Conflict management is the practice of identifying and handling conflicts in a sensible, fair and efficient manner that prevents them from escalating out of control and becoming violent.

Conflict resolution

Conflict resolution deals with process-oriented activities that aim to address and resolve the deep-rooted and underlying causes of a conflict.

Conflict settlement

Conflict settlement deals with all the strategies that are oriented towards producing an outcome in the form of an agreement among the conflict parties that might enable them to end an armed conflict, without necessarily addressing the underlying conflict causes.

Conflict transformation

Conflict transformation focuses on long-term efforts oriented towards producing outcomes, processes and structural changes. It aims to overcome revealed forms of direct, cultural and structural violence by transforming unjust social relationships and promoting conditions that can help to create cooperative relationships.

Consensus

Consensus decision-making requires that everyone agrees to a decision, and not just a majority, as occurs in majority-rule processes. In consensus-based processes, people work together to develop an agreement that is good enough (but not necessarily perfect) for everyone at the table to be willing to accept (Conflict Research Consortium, 1998).

Constituents/constituency

Constituents or constituency refer to the people who are represented by a decision-maker. The constituents of a government leader are the citizens he/she represents in parliament or some other legislative body. The constituents of a negotiator are the people he/she is negotiating for; for example, they could be members of a union, interest group or business (Conflict Research Consortium, 1998).

Constructive conflict/confrontation

The term "constructive" refers to a conflict that has more benefits than costs – one that pulls people together, strengthens and/or improves their relationship (by redefining it in a more appropriate or useful way) and leads to positive change for all of the parties involved. It can be

contrasted with destructive conflict, which has mainly negative results – pushing people apart, destroying relationships and leading to negative changes, including the escalation of violence, fear and distrust (Conflict Research Consortium, 1998).

Credibility

Credibility refers to the extent to which a person or statement is believed or trusted. Some leaders or expert witnesses are not considered credible because they have personal interests in the outcome of a situation or conflict that are likely to influence their views and/or statements about that situation or conflict (Conflict Research Consortium, 1998).

Destructive conflict/confrontation

Destructive conflict or confrontation has largely negative results – it pushes people apart, destroys relationships and leads to a host of negative personal and social changes, including the escalation of violence, fear and distrust. It can be contrasted with constructive conflict and confrontation, which has more benefits than costs in pulling people together, strengthening and/or improving their relationships and leading to positive change for all the parties involved.

Development context

Development context refers to the social, economic and political aspects of the conflict. The social aspects are the relationships that exist in a community at the time the conflict occurs. For instance, one group may be socially and/or economically dominant, while others are less successful or are discriminated against. The political aspects are the political system or decision-making structure of the community or nation in which the conflict occurs. Who holds power in the community or society? Are decisions made democratically or by an authoritarian system?

Dialogue

Dialogue is a process for sharing and learning about another party's beliefs, feelings, interests and/or needs in a non-adversarial, open way, usually with the help of a third party facilitator. Unlike mediation, in which the goal is usually to reach a resolution or settlement to a dispute, the goal of dialogue is usually simply to improve interpersonal understanding and trust (Conflict Research Consortium, 1998).

Disputants

Disputants are the people, groups or organizations that are in conflict with each other. They are often also called the parties.

Dispute resolution

See Conflict resolution

Emotions

Emotions are the psychological feelings that result from, and contribute to, a conflict. Examples are anger, shame, fear, distrust, and sense of powerlessness. When emotions are effectively managed, they can become a resource for effective conflict resolution. When they are not

effectively managed, however, they can intensify a conflict by heightening tensions and making the situation more difficult to resolve (Conflict Research Consortium, 1998).

Empowerment

Empowerment means giving a person or group more power. It can be achieved by the party itself, through education, coalition building, community organization, resource development or advocacy assistance. It can also be achieved by a mediator, who works with the less powerful person or group to help them to represent themselves more effectively. Although this latter method causes ethical dilemmas (as helping one side more than another compromises the mediator's impartiality), it is quite common in the problem solving or settlement-oriented approaches to mediation, which work best when the two parties are relatively equal in power. Baruch Bush and Joe Folger advocate the empowerment of both parties simultaneously through transformative mediation, which seeks to restore disputants' "sense of their own value and strength and their own capacity to handle life's problems". This approach avoids the ethical dilemmas of one-sided empowerment, but sacrifices the primary focus on achieving a settlement (Conflict Research Consortium, 1998).

Escalation

Escalation is increased intensity of conflict. According to Pruitt and Rubin (1986, 7–8), as a conflict escalates, the disputants change from relatively gentle opposition to heavier, more confrontational tactics. The number of parties tends to increase, as do the number of issues and the breadth of those issues (i.e. they expand from the very specific to more global concerns). Disputants also change, and move from wanting to win themselves to wanting to hurt the opponent. While conflicts escalate quickly and easily, de-escalation – the diminution of intensity – is often much harder to achieve (Conflict Research Consortium, 1998).

Extremists

Extremists are people whose views are much stronger, and often more fixed, than other people's views of the same situation. In escalated conflicts, extremists may advocate violent responses, while more moderate disputants advocate less extreme measures (Conflict Research Consortium, 1998).

Face saving

"Face" refers to a person's image, both to him/herself and to others. A face-saving approach is an approach that does not damage either side's image by making anybody appear weak, inept or otherwise a failure. Instead it makes each party appear wise and victorious, even when it is not. By allowing all disputants to save face, a negotiated settlement is much more likely to be accepted (Conflict Research Consortium, 1998).

Facilitation

Facilitation is a "means of helping the conflict parties reach a mutually satisfying agreement. It may be communication between the parties which the third party facilitates, and/or an analysis of the conflict situation and possible outcomes." (*International Alert*, 1996, III:67). Facilitation

indicates a lesser degree of involvement than mediation. Facilitators may be invited to provide their technical skills for one particular meeting, but they seldom become an integral part of the whole process, as mediators do.

Force

Force refers to any situation in which one disputant is made to do something against his/her will through threat. In Kenneth Boulding's terms, force is used when people are told to "do something that I want, or else I will do something that you don't want". Force does not need to be violent. It can simply be a coercive statement that says, for example, "If you do not comply with my demand, I will fire you from your job, or I will stage a hunger strike, or I will organize a work slowdown" (Conflict Research Consortium, 1998).

Frames

Frames are ways of defining problems. Some people may define a problem in terms of rights, while others may define it in terms of interests or relative power. These different positions are sometimes referred to as "different frames".

Framing

Framing is the way in which people construct and represent a conflict. Just as a frame can be placed around a photograph to include some portions of the picture while cropping others out, so can people define some aspects of a problem as important while ignoring or being unaware of others.

Hard bargaining

This term refers to adversarial, competitive bargaining that views the opponent as an enemy to be defeated, rather than a partner to be worked with cooperatively. Fisher and Ury contrast hard bargaining with soft bargaining (which is highly conciliatory to the point of giving in on important points) and with a third approach – principled negotiation – which is neither hard nor soft, but rather integrative in its approach (Conflict Research Consortium, 1998).

Human needs

Human needs are the things that all humans need for normal growth and development. First identified by psychologist Abraham Maslow, human needs go beyond the obvious physical needs of food and shelter, to include psychological needs such as security, love, a sense of identity, self-esteem and the ability to achieve one's goals. Some conflict theorists (referred to as "human needs theorists") argue that the most difficult and intense conflicts, such as racial and ethnic conflicts, are caused by the denial of one or both groups' fundamental human needs: the need for identity, security and/or recognition. In order to resolve such conflicts, ways must be found to provide these needs for all individuals and groups without compromise: human needs "are not for trading" (Conflict Research Consortium, 1998).

Identity

Identity refers to the way in which people see themselves – the groups that they feel part of, and the significant aspects of themselves that they use to describe themselves to others. Some

theorists distinguish among collective identity, social identity and personal identity. However, all of these are related to a description of who one is and how one fits into social groups and society as a whole (Conflict Research Consortium, 1998).

Identity conflicts

Identity conflicts develop when a person or group feels that its sense of self – who one is – is being threatened or denied legitimacy or respect. Religious, ethnic and racial conflicts are examples of identity conflicts (Conflict Research Consortium, 1998).

Impartiality

Impartiality refers to the attitude of the third party. An impartial third party will not prefer one side's position to another's, but will approach both as being equally valid. Impartiality can be hard to achieve, and the third party may have to make an active effort to treat both sides the same if he/she tends to prefer one party or its argument over the other (Conflict Research Consortium, 1998).

Incompatible interests

Incompatible interests are things that people want and that cannot be achieved simultaneously. For example, if a community has a limited budget for public services and four public agencies (the police, the school, the hospital, and the roads department) all need increased budgets to maintain their current services, the agencies have incompatible interests – not all of their funding requests can be met simultaneously (Conflict Research Consortium, 1998).

Indicators

Indicators are predictors, precursor events and other telling signals used in forecasting. The following is one set of indicators (Schmid, 1997: 50): i) systemic causes: general, underlying, structural, deep-rooted, background preconditions; ii) proximate causes: specific situational circumstances; and iii) immediate catalysts: idiosyncratic contingent triggers.

Interests

Interests are what a party in a dispute cares about or wants. They are the underlying desires and concerns that motivate people to take a position. While people's positions are what they say they want (such as "I want to build my house here"), their interests are the reasons why they take a particular position ("because I want a house close to my family"). Parties' interests are often compatible, and hence negotiable, even when their positions seem to be in complete opposition.

Intolerance

Intolerance is the unwillingness to accept the legitimacy of another person, group or idea that differs from one's own. It may result in an effort to get rid of the "objectionable" person or idea, or it may result in treating that person or idea as subservient, as occurs when people of certain racial or ethnic groups are discriminated against by the dominant group in a society (Conflict Research Consortium, 1998).

Intractable conflicts

These are conflict situations that have gone on for a long time, resisting most (or all) attempts to resolve them. Typically they involve fundamental value disagreements, high-stakes distributional questions, domination issues and/or denied human needs – all of which are non-negotiable problems. They often also involve unavoidable win–lose situations (Conflict Research Consortium, 1998).

Legitimacy

Legitimacy refers to the perceived fairness of a dispute resolution process. For example, fair elections or litigation based on socially accepted laws are generally considered legitimate, as are the decisions that result from such processes. On the other hand, elections in which voters are harassed or forced to vote a particular way are usually considered illegitimate, as are court decisions handed down by biased courts. Legitimacy of decision-making procedures is important, because illegitimate procedures almost always escalate conflicts, making their ultimate resolution more difficult (Conflict Research Consortium, 1998).

Livelihood(s)

A livelihood is a combination of the resources used and the activities undertaken in order to live. The resources might consist of individual skills and abilities (human capital), land, savings and equipment (natural, financial and physical capital, respectively) and formal support groups or informal networks that assist in the activities being undertaken (social capital) (DFID, 1999).

Livelihood assets

A key component in the sustainable livelihoods (SL) framework, livelihood assets are the assets on which livelihoods are built. They can be divided into five core categories (or types of capital): human capital, natural capital, financial capital, social capital and physical capital. People's choice of livelihood strategies, as well as the degree of influence they have on policy, institutions and processes, depend partly on the nature and mix of assets that are available to them. People require a combination of assets that makes it possible for them to achieve positive livelihood outcomes – i.e. to improve their quality of life significantly on a sustainable basis (DFID 1999).

Livelihood components

Livelihood components are the different elements of the SL framework.

Livelihood goals

Livelihood goals are the objectives pursued by people through their livelihood strategies. They are closely related to livelihood outcomes (DFID 1999).

Livelihood outcomes

Livelihood outcomes are the achievements, or results, of livelihood strategies. Outcomes can be examined in relation to the following categories: more income; increased well-being; reduced vulnerability; improved food security; more sustainable use of the natural resource base; and social relations and status (DFID 1999).

Mediation

Mediation is an extension or elaboration of the negotiation process that involves a third party. This third party works with the disputing parties to help them improve their communication and their analysis of the conflict situation, so that they can themselves identify and choose an option for resolving the conflict that meets the interests or needs of all of the disputants. Unlike arbitration, in which the intermediary listens to the arguments of both sides and makes a decision for the disputants, a mediator helps the disputants to design their own solution.

Needs

Psychologist Abraham Maslow suggested that all people are driven to attain certain biological and psychological requirements, which he called fundamental human needs. Several conflict theorists (e.g. John Burton and Herbert Kelman) have applied this idea to conflict theory, suggesting that the needs for security, identity and recognition underlie most deep-rooted and protracted conflicts. Most ethnic and racial conflicts, they argue, are not interest-based (and hence cannot be negotiated), but are driven by the subordinate group's claiming of fundamental needs. The only way of resolving needs conflicts is to restructure the society so that the fundamental needs of all groups are met (Conflict Research Consortium, 1998).

Negotiation

"Negotiations is a form of decision-making by which two or more parties talk with one another in an effort to resolve their opposing interests" (D.G. Pruitt). Negotiation can be relatively cooperative, as when both sides seek a solution that is mutually beneficial (commonly called principled or interest-based), or it can be confrontational (commonly called win–lose or adversarial) bargaining, when each side seeks to prevail over the other.

Neutrality

Neutrality means that a third party is not connected to, and has not had a prior relationship with, any of the disputants.

Parties

The parties are the people who are involved in the dispute. Most parties are disputants – they are the people who are in conflict with each other. Other parties – the third parties – intervene in the dispute to try to help the disputants to resolve it. Mediators and judges, for example, are third parties.

Persuasion

Persuasion involves convincing another party to change its attitude and/or behaviour. Although this can be done through coercion, the term "persuasion" generally has a more positive sense and refers to emotional or rational appeals based on common values and understandings (Conflict Research Consortium, 1998).

Polarization

Polarization of a conflict occurs when the conflict rises in intensity (i.e. escalates). When escalation occurs, often more and more people become involved in the conflict and take strong

positions on one side or the other. Polarization refers to this process, in which people move towards extreme positions ("poles"), leaving fewer and fewer people "in the middle" (Conflict Research Consortium, 1998).

Positions

Positions are what people say they want – the superficial demands they make of their opponents. According to Fisher and Ury, who first distinguished between interests and positions, positions are what people have decided, while interests are what caused them to make that decision. One side's position will often be the opposite of its opponent's, but their interests may actually be compatible.

Power

Power is the ability to get what one wants, or as conflict theorist Kenneth Boulding put it, to "change the future". This can occur through force (sometimes referred to as "power over"), cooperation (referred to as "power with" or exchange power) or the integrative system – the system of identity and relationships that holds people together in groups.

Protracted social conflicts

These are conflicts that last for years or even generations, and that are characterized by: "… enduring features such as economic and technological underdevelopment, an unintegrated social and political system producing insecurity and distributive injustice; … the inability or unwillingness to fulfil those societal requirements for individual and social development: security, identity, recognition and participation; [a] denial of human needs, and the [creation of] fears, anxieties and insecurities [that] produce social cleavages … often form[ed] around the issue of social identity, of which ethnicity has become the most prominent manifestation; … exist[ing] within and across State boundaries, making distinctions between domestic and international politics artificial" (Azar, 1986; 1990; cited in Schmid, 1998).

Reconciliation

Reconciliation is the normalization of relationships among people or groups. According to John Paul Lederach, it involves four simultaneous processes: the search for truth, justice, peace, and mercy. When all four of these factors are brought together, reconciliation is achieved (Conflict Research Consortium, 1998).

Reframing

Reframing is the process of redefining a situation – seeing a conflict in a new way – based on input from other people who define the situation differently from oneself.

Relationship problems

These are problems between two or more people that involve the relationship between those people. For example, conflicts can be caused because two people do not trust each other, or because they are in constant, hostile competition with each other (Conflict Research Consortium, 1998).

Resolution

See Conflict resolution

Readiness

A conflict is said to be "ready" for settlement or negotiation when it has reached stalemate, or when all of the parties have determined that their alternatives to negotiation will not get them what they want or need. When this occurs, the parties are likely to be ready to negotiate a settlement that will attain at least part of their interests – more than they are getting or stand to get if they pursue their force-based options further.

Root causes

There is a distinction between the root causes of a conflict, which are the fundamental interests, values and needs that are in conflict with each other, and the contributing factors, which are dynamics such as communication problems or escalation that, while common, are usually extraneous to the conflict, although they confuse the core issues and make them more difficult to understand and deal with.

Soft bargaining

This term refers to very cooperative, conciliatory bargaining that focuses primarily on reaching an agreement and not upsetting the other side. Fisher and Ury contrast it with adversarial, competitive bargaining, which assumes that the opponent is an enemy to be defeated, rather than a partner to be worked with cooperatively. They contrast both these approaches with a third – principled negotiation – which is neither hard nor soft, but rather integrative in its approach (Conflict Research Consortium, 1998).

Stakeholders

Stakeholders are the people who will be affected by a conflict or the resolution of that conflict. They include the current disputants, and also people who are not currently involved in the conflict but who might become involved, because they are likely to be affected by the conflict or its outcome sometime in the future.

Stalemate

A stalemate is a stand-off – a situation in which neither side in a conflict can prevail, no matter how hard it tries. Parties often have to reach stalemate before they are willing to negotiate an end to their conflict.

Stereotypes

See Stereotyping

Stereotyping

Stereotyping is the assumption that a person or group has one or more characteristics because most members of that group have (or are thought to have) those characteristics. It is a simplification and generalization process that helps people to categorize and understand their world, but it often leads to errors. An example of a stereotype that is often wrong is the belief

that women are weak and submissive, while men are powerful and domineering. This may be true for some women and some men, but it is not true for all. When stereotypes are inaccurate and negative (as they often are between groups in conflict), they lead to misunderstandings which make resolving the conflict more difficult (Conflict Research Consortium, 1998).

Third party

A third party is someone who is not directly involved in the conflict but who becomes involved in an effort to help the disputants work out a solution (or at least improve the situation by communicating better or increasing mutual understanding). Examples of third parties are mediators, arbitrators, conciliators and facilitators.

Threat

A threat is any statement that takes the form "you do something that I want, or I will do something that you do not want". According to Kenneth Boulding's theory of power, threat is one of three forms of power, the other two being exchange and what he calls "love", which is referred to as the "integrative system" in this manual (Conflict Research Consortium, 1998).

Triggering events

A triggering event is an event that initiates ("ignites") a conflict. It can be minor – a simple statement that is misinterpreted or a careless mistake – or it can be major – the assassination of a leader, election fraud or a political scandal (Conflict Research Consortium, 1998).

Values

Values are the ideas that people have about what is good, what is bad and how things should be. People have values about family relationships (e.g. regarding the role of the husband with respect to the wife), work relationships (e.g. regarding how employers should treat employees) and other personal and relationships issues (e.g. regarding how children should behave towards adults, or how people should follow particular religious beliefs) (Conflict Research Consortium, 1998).

Win–lose (adversarial) approach

This is the approach to conflict taken by people who view the opponent as an adversary to be defeated. It assumes that in order for one party to win, the other must lose. This contrasts with the win–win approach to conflict, which assumes that if the disputants cooperate, a solution that provides victory for all sides can be found (Conflict Research Consortium, 1998).

Win–win (cooperative or problem solving) approach

This is the approach to conflict taken by people who want to find a solution that satisfies all the disputants. In win–win bargaining, the disputing parties try to cooperate to solve a joint problem in a way that allows both parties to "win". This contrasts with the win–lose (adversarial) approach to conflicts, which assumes that all opponents are enemies and that in order for one party to win a dispute, the other must lose (Conflict Research Consortium, 1998).

An introduction to natural resource conflicts, collaborative management and sustainable livelihoods

This section explains the nature of community-based natural resource conflicts. It discusses the causes of natural resource conflict and illustrates the different types of conflicts that can occur at the community level. It also discusses how policies and interventions may contribute to triggering conflict. The section explains how natural resource conflicts influence sustainable livelihoods, and considers how managing conflicts relates to broader collaborative natural resource management approaches.

The section's two main objectives are to:

▶ discuss the many links among sustainable livelihoods, collaborative natural resource management and conflicts;

▶ increase understanding about how natural resource management policies, programmes and interventions can achieve positive outcomes without triggering or aggravating conflicts.

1.1 WHAT ARE COMMUNITY-BASED NATURAL RESOURCE CONFLICTS?

People have different uses for such resources as forests, water, pastures and land, and want to manage them in different ways. Knowing about these different needs and interests can help to inform successful management so that everyone benefits as much as possible. However, such differences can also lead to conflict when:

■ there is competition over material goods, economic benefits, property or power;

■ parties believe that their needs cannot be met;

■ parties perceive that their values, needs or interests are under threat.

Sometimes it is best to monitor a conflict without intervening. Such conflicts are problematic, but are unlikely to become disputes and are not dangerous. At other times, however, if a conflict is ignored, or attempts to manage it fail, it can grow into a dispute or some other form of confrontation. A dispute

occurs when a conflict over a specific issue or event becomes public. A dispute can be a fight, an appeal to authorities, or a court case. The difference between disputes and conflict is important. All disputes reflect conflict, but not all conflicts develop into disputes. Some conflicts may develop into disputes quickly. Others remain latent for a long time until triggered or aggravated by something new, such as a development project or the arrival of outside interests.

Community-based natural resource conflicts may occur at the local level, but often involve regional, national or even global actors. They range from conflicts among local men and women over the use of land, to conflicts among communities disputing control over woodland, or fishers disagreeing about the devices used for fishing. Community-level conflict might involve government agencies, domestic and multinational businesses, politicians, international development agencies and non-governmental organizations (NGOs).

A dispute may also break out at different levels. At one level, the main issue could be access to or control over the resources that people depend on. At another, the dispute could relate to more deeply rooted issues such as recognition, rights, identity, or the ability to participate.

The intensity of conflict also varies greatly – from confusion and frustration among members of a community about poorly communicated development policies, to violent clashes among groups over resource ownership, rights and responsibilities (Buckles, 1999).

TRAINER'S NOTE: This guide addresses conflicts that pose a constraint to sustainable natural resource management at the local level. While a certain degree of violence may be involved in such conflicts, the guide is not designed for situations of open, armed conflict.

As this discussion shows, community-based natural resource conflicts are often very complex. There are usually many causes and many interconnected issues, making it hard to identify the key issues in the conflict.

It is sometimes helpful to think of conflict as having the following three elements:

- People: how people think about and relate to the conflict; their feelings, emotions and perceptions of the problems and of the other people involved; and how these relate to each other and to natural resources in securing livelihoods.
- Process: the way decisions are made, and how people feel about this. The decision-making process is often overlooked as a key cause of conflict. However, resentment, feelings of being treated unfairly and a sense of powerlessness are often rooted in this area.
- Problems: the specific issues and differences among the people, groups and agencies involved. These often include different values,[1] incompatible interests and needs,[2] or concrete differences regarding the use, distribution or accessibility of scarce resources. They are often referred to as the "root causes" of conflict, about which people tend to take clear and strong positions.

The following subsections outline more specifically what conflicts over natural resources are often about.

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1. Values are the long-range beliefs that people hold regarding how things should be.

2. Needs are what people feel that they need in order to have security and respect. They may include material items, as well as justice, a sense of control over one's own life, freedom and identity.

1.1.1 Growing competition over natural resources

Natural resources are increasingly subject to intense competition. In most cases, several factors are responsible for this, including:

- demographic change (e.g. population growth, migration and urbanization);
- market pressures (e.g. increased commercialization, intensification and privatization of local economies, growing integration of national and global economies, economic reforms);
- environmental changes that force people to alter their livelihood strategies (e.g. floods, recurrent droughts, altered river flows, changes in wildlife migration).

These forces can push people to exceed the sustainable harvesting limits of renewable natural resources (forests, water bodies, grazing areas, marine resources, wildlife and agricultural land). In areas where the number of people is increasing, resources often need to be shared among more users with different interests. These users range from farmers seeking access to agricultural land, pastoralists requiring pasture resources for livestock, and city dwellers requiring more meat, fish and cereals.

Securing access to resources can become people's greatest concern when those resources are scarce. Water scarcity in arid or semi-arid regions is a key example. As freshwater is necessary for life, but cannot be made or grown, access to water may serve as a focus of dispute.

However, increased competition is not always the only cause of conflict. Four important conditions influence how access to resources could become contested. These are:

■ the scarcity of a natural resource;

■ the extent to which the supply is shared by two or more groups;

■ the relative power of those groups;

■ the degree of dependence on this particular resource, or the ease of access to alternative sources.

Of course, increased demand for resources can result in responses other than conflict. For example, it can lead to agricultural intensification (using fertilizer, terracing, irrigation, multiple cropping, stall-feeding livestock, tree planting, etc), increased reliance on non-farm/off-farm income, or increased commercialization of production. These new adaptations may in turn generate conflicts, as resource use patterns are altered.

1.1.2 Structural causes of conflict

Established organizations and patterns govern how the law works, how education and health services are provided, and how women and men, old and young people live as families and communities. These could be described as the way in which society is organized or structured. Natural resource conflicts are often underpinned by this structure.

A conflict may involve one issue – for example, a boundary dispute between two villages. This could be addressed by local people using customary law. But if someone wants to use State law, the conflict becomes more complicated. A structural conflict may arise because customary law and State law are organized differently; one is local and the other national. State law is usually stronger, and the conflict may then move from a boundary dispute to one about people's rights and identity.

Deeper, structural issues such as this often have roots in long-standing conditions, such as the way in which wealth or power is produced, distributed or controlled in society. Broader social, political, economic or legal frameworks within a society may be perceived as unjust, ineffective or exclusionary. This makes it harder to solve the problem. Structural conflicts often lie dormant until awakened by other factors.

Conflicts between official/statutory and customary tenure systems cause major concern. Even if the great majority of rural people obtain their rights to land through customary means, local land tenure arrangements often have an uncertain or insecure position within national policy frameworks. Customary land rights often remain unclear, even when they are acknowledged legally, so State law may continue to come into conflict with custom. Different authorities using different rules can then make decisions that are contradictory – one decision in customary law, another in statute law.

Wider inequalities (real or perceived) may also lead to conflicts over the use or control of natural resources. For example, marginalized groups may compete for the chance to gain or secure rights, while privileged groups may feel the need to defend their existing rights. Sometimes, minority groups

may compete to seek more influence. Then, struggling for resource access becomes linked with a search for recognition of identity, status and political rights.

TRAINER'S NOTE: Resolving structural inequalities and identity conflicts is a more difficult task than resolving conflicts that relate more directly to increased competition or development pressures. The resolution of structural economic and legal inequalities, by definition, may require intervention at the national or even the global level through, for example, land reform, legal recognition of land rights, devolution of authority and responsibility, or improved governance and accountability (Section 2.3.3).

These broader issues are beyond the scope of this guide. Clearly, however, deep-rooted structural issues mean that it is not always possible to fully resolve conflicts at the community level. The approach taken in this guide can be summarized as: "Given the deep-rooted issues that we all face, how can we all try to make progress with the things that we *can* change?".

1.1.3 Socio-economic change fuelling conflict

When society and the economy undergo change, it is not surprising if the interests and needs of natural resource users also change. Economic development often increases pressures on natural resources, and this can trigger conflict or make existing conflicts worse. The following are some examples:

■ Introduction of new technologies can have positive and negative effects on the sustainability of resource use. Managed well, technologies such as synthetic fertilizers, agricultural mechanization or permanent irrigation can improve people's lives. Managed poorly, however, they can reduce the capacity of renewable natural resources to regenerate, increase resource scarcity, and threaten the livelihoods of resource-dependent users in the longer term.

■ Commercialization of common property resources: Many poor people depend on common property resources for their livelihoods. These are resources that are shared and jointly managed by several groups. The value of some resources (wildlife, land, forests, fish) is increasing. The increased benefits that can be derived encourage powerful groups to monopolize benefits through "private" property rights, often excluding others from using the resources.

■ Migration changes the way in which rural society and resource use are organized. When people move into towns and cities, the available labour for sustainable resource management is reduced. This may contribute to a decline in resource quality and value (Warner, 2000). Migration into rural areas increases the demand for resource use and may challenge customary rules of distributing access. New people may not be part of the local customary systems of resource ownership, use and management.

■ Perverse incentives: People respond predictably when they are given economic encouragement to act. A subsidy or guaranteed price for coffee makes more people grow coffee. High taxes on one crop make people grow another. These incentives sometimes work to help manage resources well. When they do not, they are called "perverse" (wrong-headed or unreasonable) incentives. Some perverse incentives can lead to corruption, rent seeking and other sources of conflict (Ostrom, 1990), for example between rural communities and officials.

1.1.4 Natural resource management policies, programmes and projects as sources of conflict

New policies of decentralization, devolution and collaborative management increase the decision-making power and influence of local communities, households and individuals. Such policies encourage communities to become more involved in decisions affecting their own livelihoods and the resources on which those livelihoods are based. Although such policies are helpful for sustainable livelihoods, the successful introduction of greater power sharing among different groups is often challenging.

Policies, programmes and projects themselves can serve as sources or arenas of conflict, even though their intention is to reduce conflicts or improve livelihoods. Reasons include the following (FAO, 2000):

■ *Policies imposed without local participation:* Natural resource policies and interventions are often made without the active participation of communities and local resource users. For example, some governments rely on centralized management strategies controlled by administrative units and technical experts. These often fail to take into account local natural resources rights and practices.

■ *Poor stakeholder identification and consultation:* Stakeholders are people or groups who possess an interest in, or influence over, a resource. Examples of stakeholders are the local government and the community. However, such groups are often highly varied and contain many subgroups. So counting the community as one stakeholder group may be meaningless; some people may have very different interests from others, according to gender, status, age, wealth, ethnicity, etc. Conflicts can occur because planners and managers identify stakeholders inadequately, or fail to acknowledge a group's interest in a resource.

- *Uncoordinated planning:* Many government and other agencies still rely on sectoral approaches with limited cross-sectoral planning and coordination. For example, the agricultural service may promote cash crop expansion in forests to raise incomes, without recognizing the adverse effects of this on other resource users. Overlapping and competing goals among agencies may lead to confusion when those agencies are unable to reconcile other stakeholders' needs and priorities

- *Inadequate or poor information sharing:* Effective sharing of information on policies, laws, procedures and objectives can improve the success of programmes and reduce the likelihood of conflicts. In contrast, lack of information on the planning agencies' intentions may lead to suspicion and mistrust.

- *Limited institutional capacity:* Conflicts arise when government and other organizations lack the capacity to engage in sustainable natural resource management. Not only do organizations face financial constraints for staff and equipment, but they also often lack the expertise to anticipate conflicts, or to handle conflicts that arise in the course of their activities.

- *Inadequate monitoring and evaluation of programmes:* Programmes and priorities are often designed without clearly defined monitoring and evaluation components, especially regarding natural resource conflicts. When there is no systematic monitoring and evaluation of natural resource management activities, it is more difficult to identify or address conflict.

- *Lack of effective mechanisms for conflict management:* For natural resource management programmes to be effective, mechanisms for participatory conflict management need to be incorporated into their design and implementation. These should ensure that open or latent conflicts are constructively dealt with to reduce the chances of conflict escalation.

TRAINER'S NOTE: Annex 3 provides two examples of natural resource conflicts in Ghana. These illustrate the interrelatedness of various factors and how they have been managed and resolved.

1.2 COLLABORATIVE NATURAL RESOURCE MANAGEMENT AND CONFLICT

Collaborative management involves joint decision-making by government, communities, NGOs and the private sector about natural resource access and use. Borrini-Feyerabend *et al.* (2000) state that collaborative management is a situation in which two or more parties negotiate, define and guarantee among themselves the sharing of the management functions, entitlements and responsibilities for a given territory or set of natural resources.

The institutional arrangements for collaborative management can take many forms, ranging from official recognition of customary tenure rights to yearly contracts that allow villagers highly restricted access to State lands. State agencies may share resource allocation or management responsibilities with communities, including indigenous ones, and other parties such as user groups, NGOs and corporations (Castro and Nielsen, 2001). These management regimes can be found in a range of common property resources – forests, pastures, wildlife, fisheries, protected areas – where excluding access among competing users can be difficult.

Although individual stakeholders may have different interests, the fundamental assumption is that sharing authority and decision-making will enhance the process of resource management, making it more responsive to a range of needs. In particular, collaborative management is viewed as a way of promoting both conservation and livelihood goals in an efficient, equitable and sustained manner.

Many collaborative arrangements have arisen as innovative responses to long-standing conflicts over natural resource use and management. This fact reinforces the idea that conflict can be a creative element in society. Sharing the management of, and benefits from, contested resources has reduced struggles that seemed endless, where progress was hard to find.

However, the process of engaging in collaborative management can also spark conflicts. This is partly because the people, groups and agencies involved have many different interests concerning the use of natural resources, as well as different levels of power to influence negotiations. Moreover, the groups or people with the greatest access to power tend to influence natural resource decisions in their own favour.

It has become clear that effective collaborative resource management involves attention to conflict management issues. Disagreement over access rights, lack of consensus on management objectives and misinformation or misunderstandings emerge in most settings. Managing differences of opinion is critical to nurturing an atmosphere in which constructive solutions can be identified and taken forward.

Dealing with conflicts across a range of communities, cultures or stakeholders (including State agencies) is not easy. City people often find it difficult to pick their way through legal or administrative institutions, while legal access is difficult for rural people because of distance (both physical and social), cost and lawyers' general lack of interest or expertise in issues related to natural resources. For most rural people, obtaining access to conflict management fora, even within their own societies,

can be a challenge. This is particularly true for women, the destitute, the landless, lower castes and other groups.

In many places, there is a substantial need to strengthen local capacity to deal with the many conflictive situations that arise from collaborative management. Rural communities often lack the capacity to address conflicts related to the establishment or operation of collaborative management arrangements (Castro and Nielsen, 2001). Such people are familiar with conflict management approaches, such as negotiation or mediation, and are as experienced at negotiating and mediating as anyone else. However, the approaches they follow are culturally embedded within their own societies, and are often inappropriate to the particular conflict concerned (Castro and Ettenger, 1997).

BOX 1.1

COLLABORATIVE MANAGEMENT AND CONFLICT MANAGEMENT

Collaborative natural resources management is: "a partnership by which various stakeholders agree on sharing among themselves the management functions, rights and responsibilities for a territory or a set of resources". (Borrini-Feyerabend, 1996: p.3).

Collaborative management involves a number of processes that help establish and maintain mutually agreeable principles and practices for managing natural resources. *Conflict management is one of these processes.*

Collaborative management approaches have two main objectives:

- managing the use of lands, forests, marine areas and their products through negotiating mutually agreeable principles and practices among stakeholders;
- establishing ways of sharing among stakeholders the power to make decisions and exercise control over resource use.

Anticipating and managing conflict are therefore critical ingredients of collaborative natural resources management. A defining characteristic of collaboration is that decisions are made by consensus. Consensus does not mean unanimous consent, nor does it mean adopting anyone's preferred option. Consensus is reached when each stakeholder feels that his/her interests have been addressed. Consensus building sets out to avoid trade-offs (when at least one of the parties has to forego something).

Consensus building approaches do not stand alone. It is helpful if they are fully integrated into a broad framework of collaborative management, and build on processes that lead to mutual benefits and achievements.

Successful conflict management in collaborative natural resource management depends on the following conditions:

- *All parties to the conflict have some power or influence to negotiate:* Some degree of power sharing in making decisions and controlling outcomes is an important precondition for

collaborative management. Without power sharing, it is doubtful that all parties can effectively engage in conflict management and find arrangements that are mutually acceptable. Large inequalities of power deter collaboration because powerful groups may take actions on their own or force weaker parties to accept a decision. Sometimes, very powerful stakeholders can actually make sure that collaboration does not work (FAO, 1999).

■ *People are assured of their immediate basic needs, such as food, shelter, health and security:* If any of these basic human needs is lacking or under threat, people are likely to focus their attention on obtaining it and have little interest or time to collaborate on other things.

■ *There is a mutually accepted political and legal framework:* Resource management must be based on rights that are mutually recognized – ideally officially. Stakeholders need to have confidence that they will receive the benefits from resource use that are anticipated for the short and long terms. Rights therefore need to be enforced, and stakeholders need to have a reasonable chance of successful appeal if they are infringed or ignored.

■ *The conflict is not manipulated by politicians or group leaders for broader political struggles:* These actors may use the conflict for their own political means, rather than having an interest in addressing the conflict. When this happens, the scope for collaborative solutions is limited.

TRAINER'S NOTE: Natural resource conflict management can only work effectively if the broader enabling environment is sufficiently supportive to permit collaborative natural resource management.

CHECKPOINT: *Annex 1 presents the basic concepts of collaborative natural resource management. This is the more general approach for becoming involved in natural resources conflict management.*

1.3 NATURAL RESOURCE CONFLICTS AND SUSTAINABLE LIVELIHOODS

Natural resources are important to the livelihoods of many households in rural areas. Conflicts over natural resources can be useful in making needs and rights clear and helping to solve injustices or inequities in resource distribution. However, some conflicts have the potential for becoming obstacles to livelihoods and sustainable resource management if they are not addressed. When conflicts escalate, they can also hurt relationships by increasing mistrust and suspicion. Violent confrontations may even destroy the resource base for people's livelihoods.

"Livelihood" does not mean just the activities that people carry out to earn a living. It also means all the different elements that contribute to or affect people's ability to ensure a living for themselves and their households. These elements include:

- the *assets* that the household owns or has access to, which can be:
  - *human capital* – skills, knowledge, good health and ability to work;
  - *social capital* – formal and informal social relationships, including how much people trust each other, how reliable and adaptable they are;
  - *natural capital* – natural resources that can be held, such as soil, crops and trees, and the services that nature brings, such as shade, water quality and a place to plant seeds;
  - *physical capital* – goods and physical things that have been made, such as fences, houses and roads;
  - *financial capital* – money and access to credit and loans;
- the *activities* that allow the household to use these assets to satisfy basic needs;
- various factors that the household itself may not be able to control directly, but that affect *vulnerability*, such as changeable weather, shocks and natural disasters, or economic and other long-term trends;
- *policies, institutions and processes* that may help, or make it more difficult for, households to achieve an adequate livelihood.

The *strategies* that households develop to ensure their livelihoods depend on:

- how they can combine their livelihood assets;
- how vulnerable they are where they live;
- the policies, institutions and processes that affect them.

Livelihood strategies result in outcomes that are more sustainable for some people than for others. People who have many different choices about how they can make a living (strategies they can use) are usually less vulnerable than those with limited choice. Sustainable livelihood approaches are about addressing these issues. Some of the tools of conflict management, such as consensual negotiations, can help.

Ideally, an effective sustainable livelihoods approach should generate more income, increase well-being, reduce vulnerability, improve food security and result in more sustainable use of natural resources for its beneficiaries.

Access to natural resources is a key asset for rural households, especially as it affects the subsistence and food security of poor households. Conflicts over natural resources can be a major obstacle to people's livelihoods. Conflicts can indicate that different *policies*, *institutions* and *processes* are not doing a good job of regulating access to resources, and can undermine people's livelihood *outcomes*. Long-term conflicts can increase people's vulnerability and reduce their capabilities to respond to sudden challenges, such as price changes, droughts or AIDS.

In any society, assets are distributed unevenly. Different levels of poverty exist even in the poorest communities. Gender, age and other differences may significantly affect access to assets. For example, a tree may be regarded as a household asset, but a woman's rights to use it may not be

FIGURE 1.1   SUSTAINABLE LIVELIHOODS FRAMEWORK
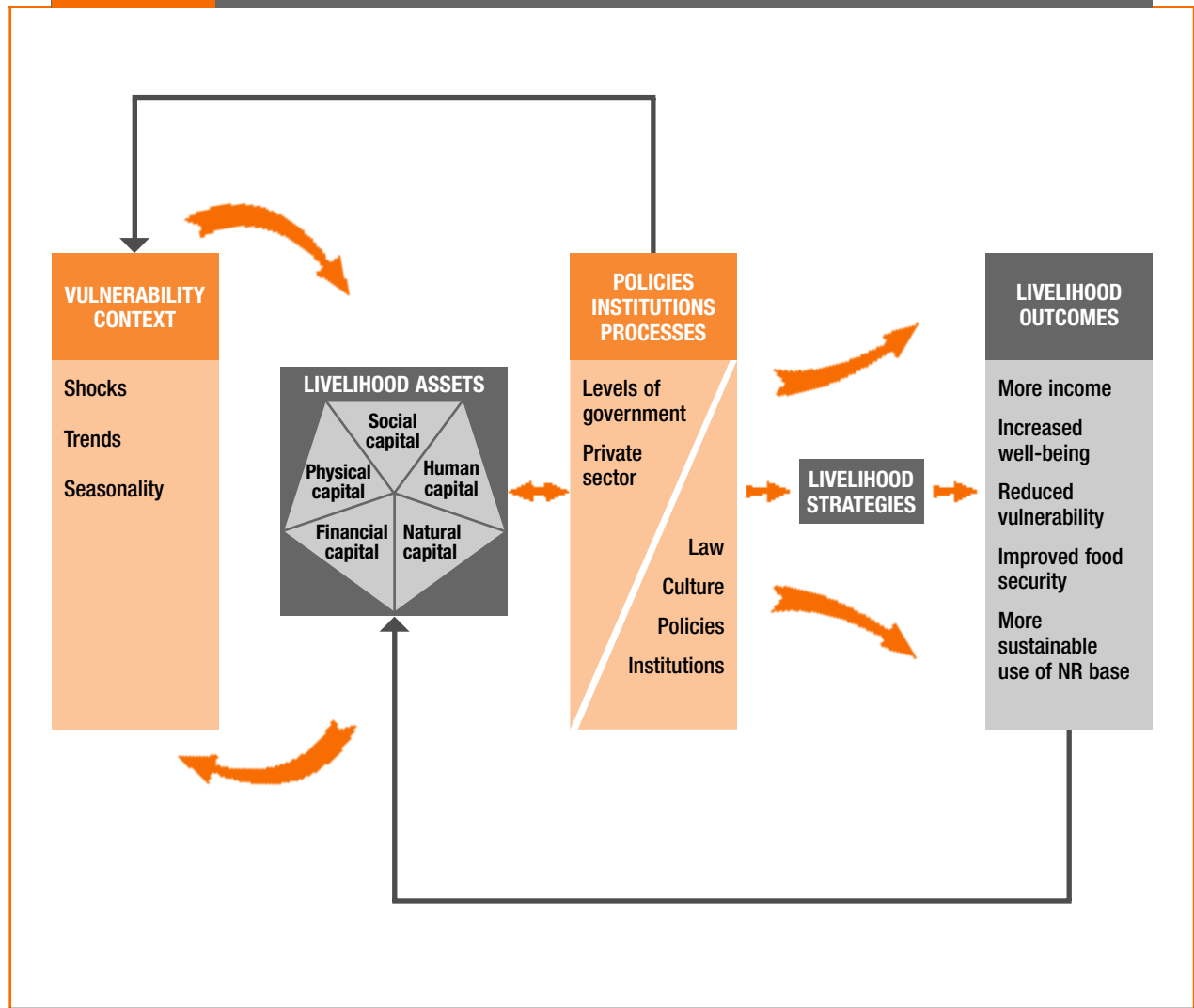
the same as a man's. People's control over key assets also changes seasonally and through time, in response to the different problems and opportunities that life brings.

Household livelihoods and the strategies that people use to create them are at the core of development. Promoting sustainable livelihoods is therefore:

■ an objective to support the goal of poverty elimination;

■ a framework for thinking about poverty;

■ an approach to addressing poverty.

The ultimate aim is to help people to achieve their livelihood goals. A livelihood is sustainable when it (Chambers and Conway, 1992):

■ manages stress and shocks (such as drought or sudden economic change), and recovers from them;

■ keeps or improves strengths and assets, now and in the future;

■ does not undermine the natural resource base.

In other words, livelihoods should provide well-being to households – not only today, but also in the future. In order to achieve this, it is essential that the natural resource base be safeguarded.

N E G O T I A T I O N   A N D   M E D I A T I O N   T E C H N I Q U E S   F O R   N A T U R A L   R E S O U R C E   M A N A G E M E N T

32

BOX 1.2

GUIDING PRINCIPLES FOR SUSTAINABLE LIVELIHOODS

Sustainable livelihood approaches to supporting community-based natural resource management should be the following:

- *People-centred and participatory:* They should shift the focus from resources to people. Interventions should be participatory and have a genuine respect for people's views. This includes respecting human freedom and choice, focusing on what matters to people, and working with them in a way that fits with their livelihood goals, their social environment and their ability to adapt.

- *Aware of differences among people:* They should understand how assets, vulnerability, voice and livelihood strategies differ among groups, as well as between men and women. Understanding of how these differences influence people's ability and willingness to engage in participatory processes is also important.

- *Empowering and responsive:* They should seek to strengthen poor people's rights and institutional capacity to engage fully in decision-making regarding all aspects of livelihoods. People need to gain increased voice in identifying and addressing livelihood priorities. Outsiders should be capable of listening to (not simply hearing) and responding appropriately to the poor.

- *Holistic and multilevel:* They should recognize the many influences that affect people, and seek to understand the relationships among these influences and their impacts on livelihood strategies and outcomes. Removing constraints to sustainable livelihoods often requires work across several levels, sectors and geographical regions.

- *Built on strengths and through partnerships:* They should promote an enabling environment and opportunities for poor people to protect, maintain and improve their livelihood assets. The approach also promotes collaboration between poor people, their institutions and organizations and the public and private sectors. Partnerships need to be based on transparent agreements and shared goals.

- *Sustainable:* People's livelihoods can be considered "sustainable" when they can manage stress and shocks and recover from them, and keep or improve assets now and in the future without undermining the natural resource base. Sustainability has four key parts: economic, institutional, social and environmental. All of these must be taken into account. Finding balance among them is crucial, and can only be done with the active engagement of poor people themselves.

- *Long-term and flexible:* Poverty reduction takes place in a very changeable setting, in which unexpected shocks and seasonal cycles constantly occur. Supporting sustainable livelihoods requires long-term commitment and flexibility to respond to change.

Source: Adapted from Carney, 2002.

Conflict management that follows the principles of sustainable livelihoods seeks to facilitate a balanced *negotiation of competing resource claims* among different stakeholders. Successful conflict management:

■ enhances awareness of, knowledge of and the skills to identify and overcome constraints in the development process (human capital);

■ strengthens relationships and builds trust within and among groups (social capital);

■ increases the capacity of communities, organizations and institutions to solve problems (social capital);

■ contributes to strengthening the institutional arrangements that regulate access to and use of resources (policies, institutions and processes);

■ fosters the increased flow of income and benefits through improved access to and management of natural resources.

BOX 1.3

CONSENSUAL NEGOTIATIONS

This guide focuses on how to establish and facilitate a process of *consensual negotiations* to manage conflict and build collaboration. The guide is intended for the staff of international, national and local government organizations and NGOs who work on various stakeholder natural resources and other livelihood projects.

Consensual negotiation is one way of managing conflicts. It seeks to facilitate agreement based on mutual gains among individuals, groups or institutions. When people's understanding of their own and others' interests and needs is gradually broadened, and they are encouraged to think outside fixed, emotionally held positions, mutually beneficial outcomes may become possible. In some conflicts, a third party may help improve the chances for interest-based negotiations to succeed. This person is sometimes called a mediator or a facilitator – different people use different words.

Conflict management and consensual negotiations can help to achieve collaborative resource management and sustainable rural livelihoods. At the local level, this involves strengthening individuals', groups' and institutions' ability to deal with the many conflictual situations that undermine effective coordination and cooperation.

Consensual negotiations do not help in every conflict situation. They can help manage conflicts over interests, which are often negotiable. On the other hand, basic needs such as identity, security, recognition or equal participation within the society are often non-negotiable or less negotiable, and many conflicts involve issues that seem to have no solutions. Major power differences among stakeholders may need other approaches to bring about changes that are not easily negotiated and mediated.

Choosing relevant strategies to address a particular conflict is important; conflicts vary and no single approach is effective in all cases.

SECTION SUMMARY

Section 1 has outlined how natural resource conflicts may emerge and how they may affect sustainable livelihoods. It also discussed why a collaborative approach to natural resource management is essential to enhance sustainable livelihoods, and what conflict management contributes to this broader process. Section 2 discusses different conflict management approaches and explains the strengths and limitations of consensual negotiations. The subsequent sections introduce negotiations in more detail, and lay out a process map consisting of ten steps for addressing natural resource conflicts in practice.

Natural resource conflicts are disagreements and disputes over access to, control over and use of natural resources. They can be useful in helping a community to clarify interests and needs and in reducing possible injustices or inequities in resource distribution. However, some natural resource conflicts have to be addressed effectively and in good time or they will upset local livelihoods by undermining trust among stakeholders and increasing insecurity and resource degradation.

Community-based natural resource conflicts often have many causes that are closely linked – some form the core, others are underlying or contributing. The various factors causing conflict can be divided into four principle types: 1) growing competition for natural resources; 2) structural causes; 3) development pressures; and 4) natural resource management policies, programmes and projects.

Policies, programmes and projects promoting natural resource management can unintentionally serve as sources or arenas of conflict. This situation generally arises when there is inadequate local participation in interventions, and when insufficient consideration is given to the conflicts that might emerge.

Conflicts over natural resources indicate that different policies, institutions and processes are not doing a good job of regulating access to resources. Many rural households depend on natural resources for their livelihood strategies, so such conflicts may undermine their livelihood *outcomes* and well-being.

Promoting sustainable livelihoods for the poor requires a community-based and collaborative approach to resource management. The objective is to improve governance and sustainable livelihoods. Central to this process is enabling different stakeholders to participate in decision-making in order to develop and manage their resources.

Managing conflict is one important element to be integrated into a broad framework of collaborative management. Collaborative management is effective when institutions and processes that regulate resource use are able to anticipate and respond to stakeholders' different interests over resource use, and can seek solutions of mutual gain.

Managing conflict

This section considers the different dimensions of conflict in collaborative natural resource management. Its objectives are to:

▶ provide new ways of looking at the conflict that may arise among the many groups of natural resource users;

▶ introduce important elements of conflict that influence the way in which it is addressed and managed;

▶ discuss different conflict management approaches, with their specific advantages and disadvantages;

▶ propose collaborative methods of alternative conflict management (ACM) that seek to identify shared interests and mutual gains.

2.1 THE NATURE OF CONFLICT

When local users manage their natural resources collaboratively, it is quite normal for some people to have different interests from others regarding how to use a resource. When these different interests seem incompatible, a conflict over interests occurs.

BOX 2.1

CONFLICT AND VIOLENCE

Conflict is a relationship involving two or more parties who have, or perceive themselves to have, incompatible interests or goals.

Violence is, in the first place, the threat or use of strong physical force. Violence can also consist of actions, words, attitudes or structures that cause damage and prevent people from pursuing their livelihoods and well-being.

Source: Fisher *et al.,* 2000.

Conflicts are a fact of life. They happen whether people want them or not. Conflicts occur when people pursue goals that clash or are incompatible. Conflict involves people's *thoughts* (ideas), *emotions* (feelings and perceptions) and *actions* (behaviour).

Regarding thought, a key aspect is how its various participants "frame" or interpret the conflict (Lewicki, Grey and Elliot, 2003). Framing means the way in which people construct and represent a conflict. A frame provides critical insights into a party's perspectives, motivations and interests. Conflict management often involves a process of helping parties to "reframe" their conflict, shifting their perception of the conflict or their ways of dealing with it. Conflicts often involve strong emotions – sadness, anger and/or frustration. Part of the task of conflict management is helping people to deal with or overcome these emotions, so that they are better prepared to address the problems at the heart of the conflict. Similarly, there is an important behavioural or action component in conflicts. Conflict management involves helping people to recognize ways of making their behaviour helpful to resolving their perceived differences.

In natural resource management, managing conflict offers a set of principles and tools for transforming conflict into a force that promotes more sustainable livelihoods. In particular, such principles and tools can be used to strengthen the existing customary and legal mechanism for managing conflict. The objective of this guide is to equip natural resource practitioners to manage tensions as and when they arise.

In fact, conflict can have constructive and positive outcomes, depending on the way people *handle* it. For example, conflict can help to clarify the policies, institutions and processes that regulate access to resources. Conflict can also be an important force for social change, because it alerts people to:

■ grievances in the wider socio-economic or political system;

■ competitive or contradictory laws or policies regulating access to or control over natural resources;

■ weaknesses in the ways in which natural resource management policies or laws are implemented;

■ people's need or desire to assert their rights, interests and priorities;

■ undesirable environmental conditions, such as overharvesting of renewable resources.

A collaborative approach to natural resource management recognizes and respects the different and often conflicting values and interests of different user groups. When natural resource conflicts are addressed constructively, they can contribute to improving the institutions and processes for natural resource management. This can help to stabilize and improve the sustainability of natural resources and the benefits that different people get from using them.

TRAINER'S NOTE: Conflict can be a creative, constructive force for improving natural resource management if people learn the skills to analyse and manage it in a constructive and participatory manner. Conflict can take many different forms, and not all conflicts can be fully resolved at the local level. In particular, conflicts caused by structural tensions may require that action be taken at the regional, national or international level.

Before becoming involved in conflict, it is useful to consider its basic dimensions. People dealing with conflict need to be aware of the following:

■ The origins of a conflict are often complex and diverse. They are embedded in local cultural systems, but are also connected to wider social, economic and political processes.

■ Conflicts are changing, interactive social processes rather than single, self-contained events. Each conflict has its own unique history and runs its own course of various phases and levels of intensity.

■ There is no single "true" or "objective" account of a conflict. Rather, the participants in and the observers of conflicts may interpret or frame conflicts differently, depending on their perspectives and interests. Conflicts are about perceptions and the (different) meanings that people give to events, policies, institutions, etc.

2.1.1 Conflict is ever-changing: stages of conflict

Conflicts are best thought of as dynamic (ever-changing), interactive social processes. No two conflicts are the same. However, conflict analysis makes it possible to examine the structure and dynamics of conflicts in a systematic way. From this, it becomes clear that conflicts often share similar patterns and stages of development. Conflicts can generally be thought of a cycle from emergence to resolution. However, they do not always progress in a strictly linear fashion, from stage

A, to B, to C, and so on. Instead, conflicts sometimes unfold in non-linear ways, moving backwards and forwards between different stages, skipping a stage altogether, or stopping at one stage for a long time before suddenly moving on.

To be effective, practitioners must analyse each conflict carefully, on a case-by-case basis, and must be sensitive to the different stages and elements at play in that conflict. Sometimes a conflict needs to be addressed even though it has not affected the ways in which people act or make decisions.

When conflict is not open but is a potential threat, it is described as being *latent*; there may be smoke, but there is no visible fire. Latent conflict refers to social tensions, differences and disagreements that are hidden or undeveloped. This is the stage at which incompatible goals may exist, but parties may either not be acutely conscious of them or not be willing to reveal themselves or their interests in the conflict. They may allow conflict to remain latent because of fear, distrust, peer pressure or financial reasons. In such situations, conflicts may show up through what Scott (1985: xv–xvi) calls "the ordinary weapons of relatively powerless groups: foot dragging, dissimulation, desertion, false compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so on". In such situations tensions build up.

FIGURE 2.1   CONFLICT STAGES
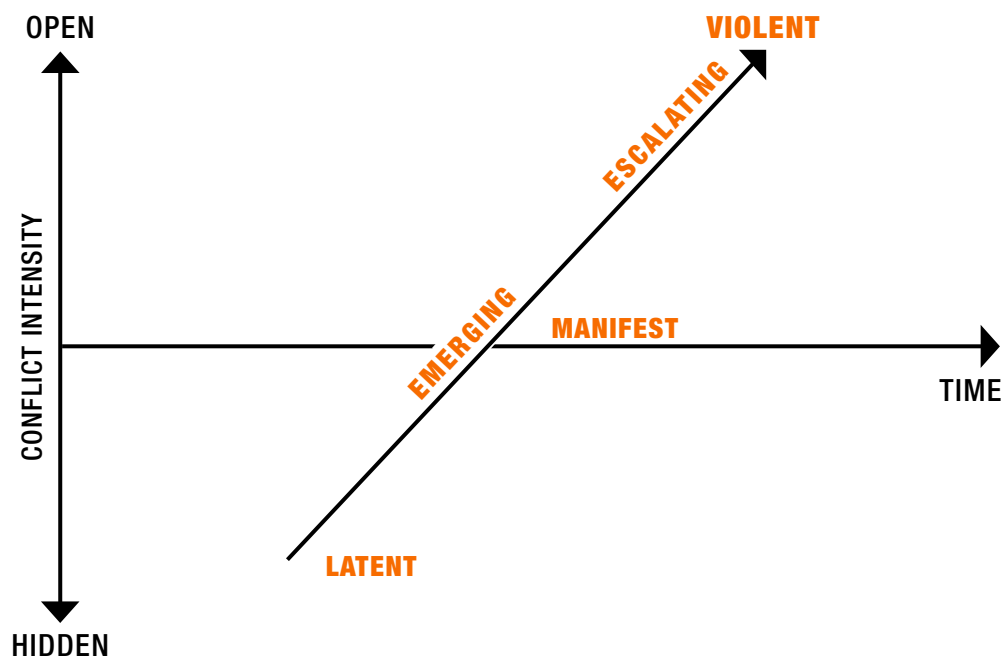
Conflict can *emerge* gradually and steadily, or develop rapidly in response to a few significant events. As differences increase and intensify, conflict becomes *manifest,* expanding into a full-blown public issue that cannot be avoided. In the manifest stage, opponents' differences become more prominent and more central to group dynamics. As incompatibilities become clearer, they become the defining issues: debate revolves more and more around differences. Opponents begin to define themselves and their groups on the basis of such cleavages, in terms of "us versus them". These differences might then be used to mobilize sections of the population on behalf of a "cause". Manifest conflicts can *escalate* and become *violent*. When a conflict reaches this stage, violence often produces counter-violence, leading to further escalation.

Ideally, conflicts should be managed at the *latent* stage, before they emerge or escalate. When a conflict reaches the manifest stage, it may either become blocked in a stalemate or impasse in which the conflict parties refuse to modify their positions, or fall out of control through tensions and violent actions.

BOX 2.2

DETECTING LATENT CONFLICT

How can latent conflict be detected? It is difficult to predict when natural resource conflicts may emerge or escalate. One of the best indicators for likely emergence of conflict is a history of past natural resource conflicts in a community or region. It is not uncommon for conflicts to re-emerge, or for similar ones to develop, if the original sources of conflict have not been resolved. Various aspects of life also provide indicators or symptoms of tension or potential conflict. These include the following.

Changes in land use and resource users

- Apparent unsustainable use of renewable resources, such as clearing of forests (or of particularly valued species), overgrazing of pastures, or overharvesting of forest products or fisheries.

- Trends in land use, such as the rapid conversion of forests into farms or pasture, the extension of cultivation on to grazing grounds, a shift from single to multiple cropping of fields, the expansion of urban or peri-urban centres at the expense of agricultural lands, the establishment of irrigation works, or the fencing of formerly communal lands.

- The sudden appearance of new technology, such as chemical fertilizer, hybrid seeds, exotic crops, irrigation pumps, chainsaws, tractors, new fishing technology or boats, which allow people to intensify their use of agricultural land, forests, water, fisheries or other resources.

- The arrival or influx of outsiders or new groups, such as members of neighbouring communities, nomadic herders, migrant farmers, unemployed labourers or refugees, seeking to make use of local resources.

⟶

Box 2.2 continued

Changes in local markets, livelihood strategies or institutions

- Spikes in the prices of key commodities, such as staple grains, indicating the emergence (or fear of) widespread or prolonged food shortages.
- Pursuit of "hard times" livelihood strategies, such as increased wood sales, the seeking of less desirable "famine foods" from the wild, increased begging, and migration to other areas in search of relief.
- Distress sales of assets, such as consumer goods, livestock and land.
- Differences between rich and poor people in a community become more pronounced, and are manifested by such developments as ownership of productive or consumer assets, changing livelihood strategies, or changing occupational structure.
- Reports that natural resource management institutions or other key local bodies are suffering from political factions, weak leadership, corruption or other problems.

Community relations

Disturbed communications:

- cool, very formal ways of behaviour;
- reduced willingness for contact and communication;
- spread of gossip, rumours, intrigues and accusations, especially regarding third parties;
- insults and implicit or explicit threats of physical force towards other parties.

Relationship problems:

- hardening, stubbornness, sticking to own point of view;
- failure to protect property;
- denial of access to resources for other parties;
- open disagreements, loud arguments.

Escapism:

- detachment from others;
- lack of interest, apathy;
- evasive manoeuvres, avoidance strategies.

Assessing the risk of conflict can be very helpful in overcoming the obstacles to collaborative natural resource management. Nonetheless, it must be emphasized that the trends and symptoms listed in Box 2.2 indicate only the possibility of tensions and conflicts. Determining which events or processes might trigger these situations into full-blown conflicts can be difficult.

Intervening in a conflict can have unclear effects. It can move the conflict from one stage to another in the following ways:

■ *Intensifying* conflict means making a hidden conflict more visible and open. Exposing hidden factors can be important for getting people to deal with the issues in search of a constructive solution.

■ *Escalating* conflict, on the other hand, means that levels of tension, threats and/or violence are increasing.

Conflict can become violent when:

■ there are inadequate channels for dialogue and disagreement;

■ dissenting voices and deeply held grievances cannot be heard;

■ there is instability, injustice and fear in the wider community or society;

■ people perceive incentives (however unreasonable) or advantages from violence.

T R A I N E R ' S   N O T E : Remember that conflicts can be latent. Look for the "invisible" conflict. Anticipating conflict and intervening at an early stage is usually more effective than expensive and time-consuming intervention later. "Later" may also be "too late". However, remember also that "doing nothing" and "monitoring the situation" can be valid choices – sometimes intervention makes a conflict worse.

2.2 DIFFERENT OPTIONS FOR MANAGING CONFLICT

Local communities, resource users, project managers and public officials can choose from a number of procedural options for managing conflicts. They must carefully consider the pros and cons of each possible option to decide which approach is to their best advantage. No approach for managing natural resource conflicts works in all situations. Each has its own strengths and limitations. Deciding on the most appropriate and legitimate means of addressing the conflict will depend on the situation.

The following discussion of the various options is to assist people to make informed decisions. The various conflict management options vary in terms of (Moore, 2003):

■ the legal recognition of process and outcome;

■ the privacy of the approach;

■ the specialization required of the third party that might be assisting in conflict management;

■ the role and authority of any third party that might be involved;

■ the type of decision that will result;

■ the amount of coercion that is exercised by or on the disputing parties.

Figure 2.2 shows a continuum of conflict management approaches. These range from conflict avoidance at one extreme to physical violence at the other. In between these two extremes, there are many different approaches and options for managing conflict. Moving from left to right in the diagram, the approaches become progressively more directive and coercive in terms of decision-making. The

further towards the right of the diagram, the less the influence that the conflict parties have on the process and outcome of conflict management.

FIGURE 2.2   CONTINUUM OF CONFLICT MANAGEMENT APPROACHES

Informal decision-making by conflict parties			Informal third party decision-making	Legal (public) authoritative third-party decision-making	Extralegal coerced decision-making	
Conflict avoidance	Negotiation	Mediation	Arbitration	Adjudication	Non-violent directive action	Violence

Increased coercion and likelihood of win–lose outcome

Source: Moore, 2003
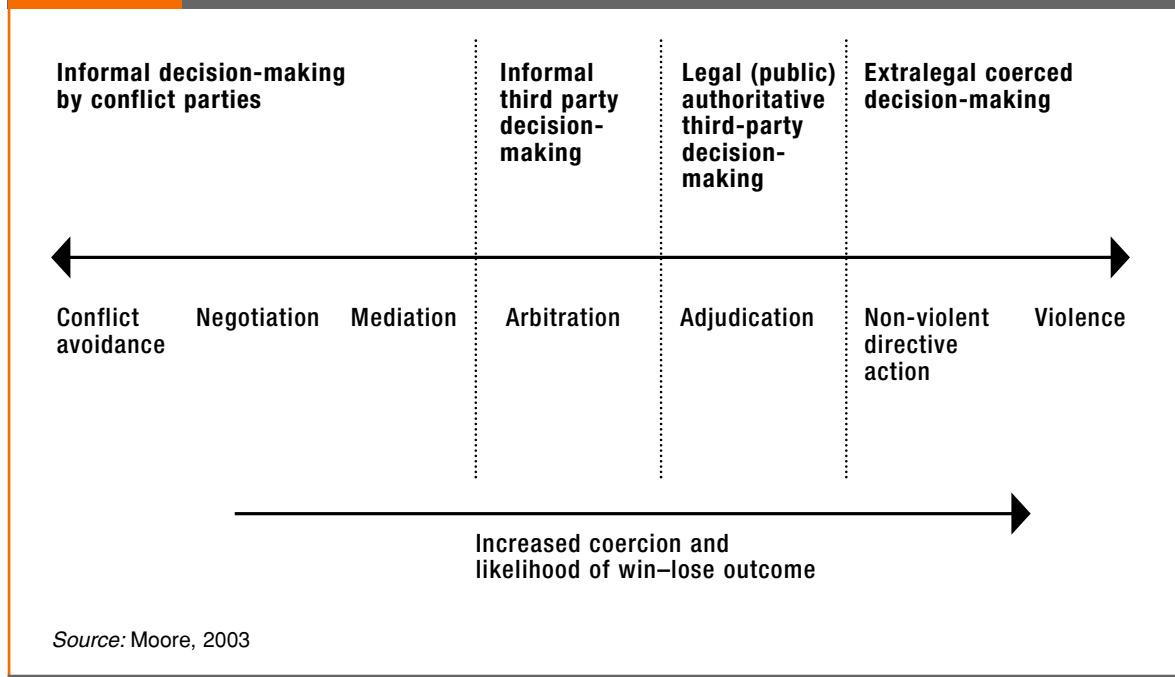
When facing disagreement with others, people may initially *avoid* each other. This might be because they dislike the discomfort that accompanies conflict, do not consider the issue to be very important, or do not believe that the situation can be improved. Avoidance may have a strategic element – people may wait until the right moment to act in a more direct or forceful manner.

When avoidance is no longer possible, or the conflict increases in intensity, the parties may resort to other problem solving approaches. The most common way to reach a mutually acceptable agreement is through informal decision-making, which can involve negotiation and/or mediation:

■ *Negotiation* is a bargaining relationship among the opposing parties. Negotiations are voluntary and require that all parties are willing to consider the others' interests and needs. If negotiations are hard to start or have reached an impasse, the conflict parties may need assistance from a third party.

■ *Mediation* is the process whereby an acceptable third party who has limited or no authoritative decision-making power assists the principle parties in a conflict to resolve their dispute through promoting conciliation and facilitating negotiations. As with negotiation, mediation leaves the decision-making power primarily in the hands of the conflict parties. They enter into a voluntary agreement, which they themselves, and not the mediator, implement.

Some advocate a much stronger position for the third party. In these cases, conflict parties have less direct control over the process and outcome of conflict management.

Arbitration is a process whereby the parties submit the issues at stake to a mutually agreeable third party, who will make the decision for them. Arbitration is an informal, private procedure, unlike *adjudication,* in which the resolution process is shifted to the public domain. In adjudication, the disputants usually hire lawyers to act as their advocates, and cases are argued in front of judges or other officials from provincial authorities or technical ministries with adjudicative authority in land disputes. These representatives of public law take into consideration the disputants' concerns, interests and arguments, and make a decision based on the norms and values of a society and in conformity with legal statutes. The disadvantage of this is that the decision is premised on one party being right and one wrong. The outcome therefore tends to produce a winner and a loser. The advantage is that the results of the process are binding and enforceable because the judge is socially sanctioned to make the decision.

Conflict management moves outside the law (becomes extralegal) when it does not rely on socially required or acceptable processes. Extralegal approaches involve processes of coercion to persuade or force "opponents" into compliance or submission.

Non-violent directive action occurs when one conflict party forces the other(s) to make concessions by refusing to cooperate or by committing undesirable acts. This may be possible when the conflict parties rely on each other for their well-being and livelihoods. *Violence* (or physical coercion) means that one party threatens or uses force to impose its will on the other(s). *Coercion* means that one party is forced to accept an outcome imposed by another party.

BOX 2.3

SUMMARY OF RESPONSES TO CONFLICT

Avoidance: acting in ways that prevent a conflict from becoming publicly acknowledged.

Negotiation: voluntary process in which parties reach agreement through consensus. Consensus means a decision that all can support.

Mediation: using a third party to facilitate the negotiation process. (The mediator does not have the authority to impose a solution.)

Arbitration: submitting a conflict to a mutually agreeable third party, who renders an often non-binding decision.

Adjudication: relying on a judge or administrator to make a binding decision.

Coercion: threatening or using force to impose a position.

Crucial issues in conflict management are the *enforcement* of outcomes and the *binding character of conflict settlements*. In practice, these are problems in all legal orders. When parties reach an agreement informally, enforcement depends on their willingness to comply with that agreement. They may comply with it if it offers advantages, but they may ignore it if it does not. They might pursue the same issue in another venue.

In the case of arbitration and adjudication, the third party or the judicial system must have adequate social status and the power of sanction. Nevertheless, a courtroom victory may not always translate into enforced action. It is not uncommon for successful adjudication decisions to be followed by contempt of court proceedings stemming from officials' failure to enforce court orders.

In addition to the conflict management approach, the social system within which a conflict management process takes place must also be clearly understood. There are three main social systems of conflict management that involve a third party:

■ customary systems for managing conflict;

■ national legal systems;

■ collaborative methods of ACM.

These social systems differ in the approaches that they take and in the enforcement capacities that third parties possess to make the conflict parties comply with a settlement. Each of the three systems has its own strengths and limitations. It is therefore essential to study carefully what each system has to offer.

2.2.1 Customary systems for managing conflict

A large number of customary strategies and techniques for managing and resolving conflicts regarding natural resources have evolved within and across communities. There are many cross-cultural similarities – negotiation, mediation and arbitration are common practices, as are more coercive measures such as peer pressure, gossip, ostracism, supernatural sanctions and violence.

The success of customary natural resource management strategies in managing conflict often depends on the enforcement capacities of traditional authorities. When the authority of traditional elite groups is declining, the capacities of those groups to render or enforce a decision may also be reduced. Customary practices institutionalized within broader national legal frameworks may provide a good starting point to enhance traditional authorities' ability to deal with the challenges of contemporary natural resource management.

TABLE 2.1

STRENGTHS AND LIMITATIONS OF CUSTOMARY SYSTEMS FOR MANAGING CONFLICT	
Strengths	**Limitations**
Encourage participation by community members, and respect local values and customs.	Have been supplanted by courts and administrative laws.
Are more accessible because of their low cost, their flexibility in scheduling and procedures, and their use of the local language.	Can be inaccessible to people on the basis of gender, class, caste and other factors.
Encourage decision-making based on collaboration, with consensus emerging from wide-ranging discussions, often fostering local reconciliation.	Are challenged by the increasing heterogeneity of communities resulting from cultural change, population movements and other factors that erode the social relationships supporting customary conflict management. There may also be long-standing problems of access on the basis of gender, class, caste or other considerations.
Contribute to processes of community empowerment.	
Informal and even formal leaders may serve as conciliators, mediators, negotiators or arbitrators.	Often cannot accommodate conflict among communities or between a community and the State.
Long-held public legitimacy provides a sense of local ownership of both the process and its outcomes.	Local leaders may use their authority to pursue their own self-interest, or that of their affiliated social groups or clients.
	Decisions and processes may not be written down for future reference.

2.2.2 National legal systems

National legal systems governing natural resource management are based on legislation and policy statements that are administered through regulatory and judicial institutions. Adjudication and arbitration are the main strategies for addressing conflicts, with decision-making vested in judges and officials who possess the authority to impose a settlement on disputants.

Decisions are more likely to be based on national legal norms applied in a standardized or rigid manner, with all-or-nothing outcomes. Thus, contesting parties often have very limited control over the process and outcomes of conflict management. In addition, any control that they do have may be the result of corruption, which undermines the integrity of the system. However, some national systems take account of legal systems that are based on local custom, religion, ethnic group or other entities. Although adjudication renders legally enforceable decisions, the enforcement itself still depends on the legal authorities' capacity to carry it out.

Such capacity is sometimes limited. In addition, the national legal systems of many countries have problems with public accessibility and accountability, particularly for poor and socially marginalized groups. All the same, legal recourse offers one of the most significant means of ensuring State accountability.

TABLE 2.2	STRENGTHS AND LIMITATIONS OF NATIONAL LEGAL SYSTEMS
Strengths	**Limitations**
Use of official legal systems strengthens the rule of State law, empowers civil society and fosters environmental accountability. Are officially established with supposedly well-defined procedures. Take national and international concerns and issues into consideration. Involve judicial and technical specialists in decision-making. Where there are extreme power imbalances among the disputants, national legal systems may better protect the rights of less powerful parties because decisions are legally binding. Decisions are impartial, based on the merits of the case, and with all parties having equity before the law.	Are often inaccessible to the poor, women, marginalized groups and remote communities because of cost, distance, language barriers, political obstacles, illiteracy and discrimination. May not consider indigenous knowledge, local institutions and long-term community needs in decision-making. May involve judicial and technical specialists who lack the expertise, skills and orientation required for participatory natural resource management. Use procedures that are generally adversarial and produce win–lose outcomes. Provide only limited participation in decision-making for conflict parties. It may become more difficult to reach impartial decisions if there is a lack of judicial independence, corruption among State agents, or an elite group that dominates legal processes. Use the highly specialized language of educated elite groups, favouring business and government disputants over ordinary people and communities.

2.2.3 Alternative conflict management

In addition to customary and legal systems, there are also ACM methods. Collaborative conflict management promotes joint decision-making and seeks voluntary agreement among disputants in win–win solutions. It arose in part as a response to the purely power-based or purely judicial regulation of conflicts, both of which produce winners and losers. Because collaborative conflict management is based on voluntary agreements, enforcement depends solely on all parties' willingness to comply with an agreement. Third parties may facilitate this process, but cannot force anything on the disputants. Collaborative conflict management works best with conflict stakeholders who are fairly equal in strength.

TABLE 2.3

STRENGTHS AND LIMITATIONS OF ACM METHODS

Strengths	Limitations
Can help overcome obstacles to participatory conflict management that are inherent in legislative, administrative, judicial and even customary approaches. Promote conflict management by building on shared interests and finding points of agreement. Involve processes that resemble those already existing in most local conflict management systems, including flexible, low-cost access. Foster a sense of ownership in implementation of the solution process. Emphasize capacity building within communities so that local people become more effective facilitators, communicators, planners and managers of conflict.	Often fail to address structural inequalities, and may serve to perpetuate or exacerbate power imbalances. May encounter difficulties in getting all stakeholders to the bargaining table. May not be able to overcome power differentials among stakeholders, so vulnerable groups such as the poor, women and indigenous people remain marginalized. May result in decisions that are not legally binding. May lead some practitioners to use methods developed in other contexts and cultures without adapting them to local contexts.

2.3 ALTERNATIVE CONFLICT MANAGEMENT METHODS: NEGOTIATION AND MEDIATION TECHNIQUES

ACM seeks to build people's capacity to talk with each other, to find a way forward in negotiations and to reach agreement. It is important to recognize that differences exist in negotiation styles. They are hard and soft negotiation styles, positional bargaining and consensual negotiations. This guide focuses on collaboration, and advocates *consensual or principled* negotiations.[1]

2.3.1 Consensual negotiations

Consensual negotiations are based on stakeholders identifying their own needs and interests, and thereby finding ways to promote mutual gains. This approach seeks high levels of collaboration, and presumes that the parties have the necessary good will to communicate throughout the process. Such good will is often developed through conciliation. Consensual negotiations are particularly important when an aim is to strengthen long-term working relationships. They also produce potentially more satisfying and enforceable settlements, because the disputants work out their own resolutions.

Other types of negotiation include hard and soft negotiation styles. *Hard-style negotiations* often rely on the use of more coercive strategies to encourage each side to make concessions and reach agreement. They are particularly applicable when a conflicting party has taken up an extreme and inflexible position. Hard-style negotiations tend to be antagonistic and adversarial. Outcomes tend to be based on compromise (give-and-take: "I give up something and you give up something"), rather than on mutually satisfying agreements.

Soft-style negotiations can go to the other extreme, with parties concentrating more or preserving relationships than on furthering their own interests. Under these conditions, concessions might be given too easily, leading to resentment or frustration later on. Difficult issues that may provoke disagreements are often avoided. More powerful stakeholders may use soft-style negotiation to increase rather than moderate their demands. Outcomes tend to be based on accommodation ("I will let you have your way – this is more important [or less hurtful] to me, than continuing the dispute").

Consensual negotiation offers an alternative to the "winner-takes-all" contests that usually occur in adjudication and arbitration, which tend to be highly adversarial and non-consensual in manner. In addition, the flexible and generally low-cost nature of ACM makes it possible to overcome the barriers that often prevent the poor, women, marginalized groups and remote communities from obtaining access to national legal systems.

The goal of consensus building is to generate agreements and outcomes that are acceptable to all conflict parties with a minimum of compromise and trade-off. The aim is to achieve the best possible agreement to resolve the factors that cause conflict. The best outcome is to achieve win–win

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1 Also known as "interest-based or principled negotiations".

solutions from which all sides gain. This might not always be possible (Section 2.3.3). However, there is still a whole range of possible positive outcomes of negotiations. As conflicts carry with them strong emotions and a high degree of perception, rather than fact, consensus building seeks to transform these perceptions by steering the conflict parties (Warner, 2001):

■ away from negotiating their immediate demands, towards addressing the underlying interests and needs that are the true motivators of behaviour;

■ away from thinking about only one solution, towards considering the widest possible and most creative range of options for meeting the underlying needs;

■ away from personalized and often exaggerated demands, towards clarity and precision in describing both the underlying needs and the range of proposed options;

■ away from antagonism, towards the reconciliation of interests.

As such, consensual negotiations are not based on positions, but on interests and needs. Positions imply concrete and explicit demands (what people say that they want), whereas interests are often less clearly articulated (what people really need). Interests are more long-term and reflect the broader hopes of a person or group, such as the desire to live peacefully, to have stable access to livelihood resources or to have his/her identity recognized. Interests can focus on factual issues (e.g. distribution of resources) and on relationship issues (trust and confidence).

Positional bargaining can be an impediment to consensus building. In a conflict situation, parties tend to lock themselves in positions, which they have to defend and argue for. Conflict stakeholders often exaggerate their differences by adopting positions that do not necessarily correspond to their interests. They may think that taking a strong position will help them to give as little as possible to the other party. Once the parties have identified themselves with their positions, the arguments and offers of the other side will no longer be evaluated rationally. To "give in" may appear equal to loosing face. Negotiations become a contest of wills in which each side tries to win. During such positional bargaining processes, the parties view themselves as adversaries; the goal is victory.

As a negotiation style, positional bargaining is usually applied when parties perceive that the contested resources are limited and that a "distributive solution", which allocates gains and losses to each party, is the only possible outcome. It may also be adopted when a party places more importance on achieving its own goals than on the continuance of good relationships with other parties.

Reconciling interests rather than positions works for two reasons. First, every interest can usually be satisfied by one of several possible positions. All too often people simply adopt the most obvious position. Second, behind opposed positions lie many more shared and compatible interests than the conflicting ones (Fisher, Ury and Patton, 1991: 43). This makes it easier to find common ground at the level of interests, particularly regarding the longer-term interest that all the parties involved have in achieving a cooperative relationship, which will ultimately be of benefit to all.

Box 2.4 summarizes four basic principles for consensual negotiations.

FOUR BASIC POINTS OF CONSENSUAL NEGOTIATION

Separate the people from the problem: In every social conflict there is a factual level and a relational level. Constructive conflict management is only possible if the relational level is taken seriously and it is possible to express feelings, fears, desires, etc. However, this must not be confused with the handling of factual issues. It is easier to work successfully on factual issues when the people issues are treated separately from them. Ideally, people work side by side to attack the problems rather than each other.

Concentrate on interests and not on positions: Participants in negotiations have different perceptions, viewpoints, emotions, likes and dislikes. Taking positions makes things worse because people tend to identify themselves with their positions. The object of negotiations is to satisfy needs and interests.

Develop options that benefit both sides: Negotiation partners should take time to search for a wide range of options before trying to come to an agreement.

Insist on using some objective criteria for evaluating the options: The agreement should reflect fair standards that are shared by the parties.

In some conflict situations, for consensual negotiations to succeed, a third party (*mediator)* has to intervene. Intervention means "to enter into an ongoing system of relationships, to come between or among persons, groups, or objects for the purpose of helping them" (Moore, 2003). The assumption behind a third party's involvement is that a mediator will, to some extent, be able to:

■ help the parties to examine their interests and needs;

■ help them to negotiate an exchange of viewpoints;

■ assist them in redefining their relationship in a way that is mutually satisfactory.

As consensus building is based on *voluntary* agreements, enforcement depends solely on the willingness of all parties to comply with an agreement. A mediator has no power to force the parties to resolve their differences or to make decisions for the parties. The mediator's success therefore depends on how far it is possible to overcome the tendency to view conflicts as interactions in which one side wins and the other loses.

The challenge for the mediator is to make all the stakeholders recognize conflict as a shared exercise in problem solving, with potential gains for all those involved.

Depending on the type of conflict and on social and cultural values, consensual negotiations can be assisted by either of the following agents:

■ *An internal person, or insider:* Most communities have people who act as mediators to help resolve local conflicts. Such mediators are trusted and respected by the individuals and groups

owing to their social status, experience or special knowledge. They can be part of the immediate social network (e.g. a village leader or elder) or independent, such as a religious or political leader who is traditionally asked to help mediate between two communities.

■ *An external person, or outsider:* This is usually a person trained to provide impartial assistance to conflicting parties in designing negotiation strategies. Acting as a mediator requires experience and training in conflict management methods, and good communication skills.

Whether an internal or external mediator is the better choice depends on a number of factors, including who the mediator is and his/her credibility, the level of the conflict, and the range and number of stakeholders involved. On the one hand, external facilitation may be unavoidable when a conflict involves stakeholders from widely differing circles, such as villagers, migrants, government agencies, domestic and multinational businesses, politicians, international development agencies and NGOs. On the other hand, in rural communities the availability and desirability of a truly neutral outsider may be limited. Community forestry or fisheries activities are often carried out at remote sites where it is difficult or impossible to find a trained outsider. More important, local people often view outsiders with suspicion. They do not always understand that outside people take on this role as part of their work and do not have hidden agendas.

2.3.2 Capacity building of local stakeholders

In most places throughout the world, some capacity for formal or informal conflict management already exists. Most communities have institutions and structures that help resolve local conflicts. These can involve people who traditionally act as mediators (religious or political leaders), or arrangements that are used locally to regulate access to and control over resources. However, many disputes remain unresolved because the mechanisms in place to manage them are inadequate, or because the parties in conflict do not have the skills needed to negotiate effectively. This is especially true of multistakeholder conflicts and those where accessibility is an issue for politically or socially marginalized groups and remote communities because of cost, distance or language barriers. Some form of capacity building for local stakeholders will therefore be needed in most conflict management processes.

The principle of subsidiarity states that conflicts should always be managed at the lowest possible level or closest to where they will have the most effect (locally, rather than regionally or nationally). This makes it possible to avoid unnecessary external interference, which might undermine or rob the existing structures and institutions of their functions.

Outsiders should not interfere unnecessarily in the affairs of local people if there are adequate structures and institutions in place to deal with conflict. Over time, interference can cause the breakdown of important institutions and structures in a society. Any intervention should therefore be specifically focused, limited and temporary, and should aim to build on and strengthen local capacity for conflict management.

Existing conflict management mechanisms and their capacity need to be assessed before any intervention can take place (Section 4.4). Such an assessment should set out to ask whether the

particular conflict concerned could better be managed through strengthening the capacity of existing mechanisms or through finding alternative arrangements. In either case, external facilitation must be oriented towards building on existing expertise and experience of conflict. The often informal and not highly visible institutional mechanisms should not be overlooked.

Note: All formal capacity building should have been completed before consensual negotiations can begin.

T R A I N E R ' S   N O T E : Capacity building is a key element of conflict management in general, and consensual negotiations in particular. Consensual negotiations involve shared learning. The focus should be on the affected parties themselves: in principle, they are capable of producing better settlements than people outside the conflict are. This is because the conflict affects their lives and their futures. Furthermore, an agreement reached by the disputants themselves is more likely to be adhered to than are solutions that are outside their control.

BOX 2.5

CAPACITY BUILDING AND EMPOWERMENT

Capacity building is the transfer of knowledge to individuals or groups to help enable them to carry out certain activities. It includes awareness raising, training and other forms of human resource development. Capacity building is a *necessary* but not a *sufficient* condition for empowerment.

Empowerment occurs in the context of a specific social and political system. Empowerment increases the relative power and ability of disadvantaged groups *vis-à-vis* more powerful ones. Empowerment strategies must address the needs of the individuals and groups that are to be empowered, as well as addressing the more powerful groups that dominate and determine the "rules of the game". Effective empowerment of vulnerable, disadvantaged groups can occur only if two processes take place: capacity building of the disadvantaged, and the reform of oppressive rules and practices.

Source: Bigdon and Korf, 2004.

Empowerment within a conflict management process can be viewed as a continuum, as outlined in the following stages:

Stage 1: A party is empowered by gaining new awareness and understanding of its possibilities to arrive at a negotiated agreement.

Stage 2: A party is fully recognized by other parties in negotiation or mediation.

Stage 3: A party is enabled to use these new insights and skills in mediation and negotiation.

Stage 4: A party's rights are fully recognized and reflected in the social and political structures and processes.

This guide provides the conceptual knowledge and related tools for ACM techniques that can empower marginalized stakeholders up to stage 2. Empowerment up to stage 3 requires the training of local stakeholders and communities. Stage 4 requires fundamental reforms that change the social, legal and political structures (e.g. land reform, devolution of authority, improved governance, and accountability of institutions and decision-makers).

The concepts and tools of ACM alone are not sufficient to bring about stages 3 and 4 of the empowerment process. These stages may be part of a broader process of collaborative natural resource management that involves a transformative approach to conflict management, as well as long-term community development and empowerment strategies, with additional complementary tools, instruments and broader concepts.

2.3.3 Limitations of consensual negotiations

It is important to select a relevant strategy through which to address a particular conflict. No single approach is effective in all cases. The circumstances of conflict, and therefore the obstacles to agreement, vary from case to case. A conflict may involve many or few parties with differences in power. The problem(s) may be more or less urgent, and the emotional involvement of stakeholders will vary. The public interest may or may not be at stake, and the issues involved may be well or only partially understood.

The successful application of consensual negotiation is limited by such factors as:

- the intractable nature of some environmental conflicts, when some stakeholders refuse to enter into negotiations (e.g. Lewicki, Gray and Elliott, 2003);
- major differences in power among the stakeholders, which undermine the ability of less powerful groups to reach a settlement that fully addresses their interests and needs;
- protracted, deep-rooted structural issues, which require legal, economic, political or social reforms in order to address the conflict adequately.

Intractable nature of some conflicts: In some instances, conflicts cannot be resolved in win–win ways. Resource availability may be limited, and increasing resource use by one party may mean less resource availability for another. For instance, the same water cannot simultaneously be kept in a stream to preserve in-stream flows, withdrawn for domestic use and impounded in a reservoir (Burgess and Burgess, 1994).

It may be more difficult to resolve a conflict when the conflicting parties' livelihoods depend on gaining increasing access to resources, for example, because of population increase. However, even though a resolution to the conflict may mean fewer resources being available to some parties, those same parties may still benefit from the restoration of peaceful relations as a basis for economic development.

Major power differences: Consensus building is based on the premise that power imbalances among the different parties are not substantial enough to prevent a third party from bridging them

through the negotiation process. However, in some natural resource conflicts, especially when they involve outside stakeholders, there may be substantial power imbalances, for example, when a local community negotiates with a multinational company.

Negotiation and mediation are not techniques for altering fundamental power relationships within a society, no matter how desirable that might be (Burgess and Burgess, 1994). This is because stakeholders are voluntarily involved in the process and agreement. Compliance with the agreement is also voluntary. Parties are unlikely to agree voluntarily to negotiate or mediate if the settlement offers them less than what they might have obtained by pursuing their interests in legal, political or other arenas (for further discussion of the different sources of power see Section 5.5.2.).

Another difficulty with ACM when dealing with conflicts in which there are large power differences is that the more powerful actors can take unilateral actions or force weaker parties to accept a decision.

If any of the parties believe that they can obtain a better deal through any alternative to the settlement that has been negotiated, they are likely to try to do so. In some cases, ACM can help to "convert" conflict parties, when participation in the process causes them to redefine their interests in ways that are more favourable to a collaborative outcome (Burgess and Burgess, 1994).

Protracted or deep-rooted issues*:* When an individual or a group is denied the fundamental need for identity, security, recognition or equal participation within the society, solutions often require significant changes in the social, economic and/or political structures. The question then arises as to how far ACM can lead to transforming unequal and unjust power relations and social structures.

Figure 2.3 shows the effectiveness of consensus-building approaches for different types of conflict.

FIGURE 2.3 **EFFECTIVENESS OF CONSENSUS-BUILDING APPROACHES FOR DIFFERENT TYPES OF CONFLICT**

LESS EFFECTIVE ◄─────────────────────────► MORE EFFECTIVE

DIFFERENT IDENTITIES

STRUCTURAL INEQUALITIES

DIFFERENT VALUES

CONFLICTING DEMANDS

UNSUSTAINABLE RESOURCE USE

Source: Warner, 2001: 34
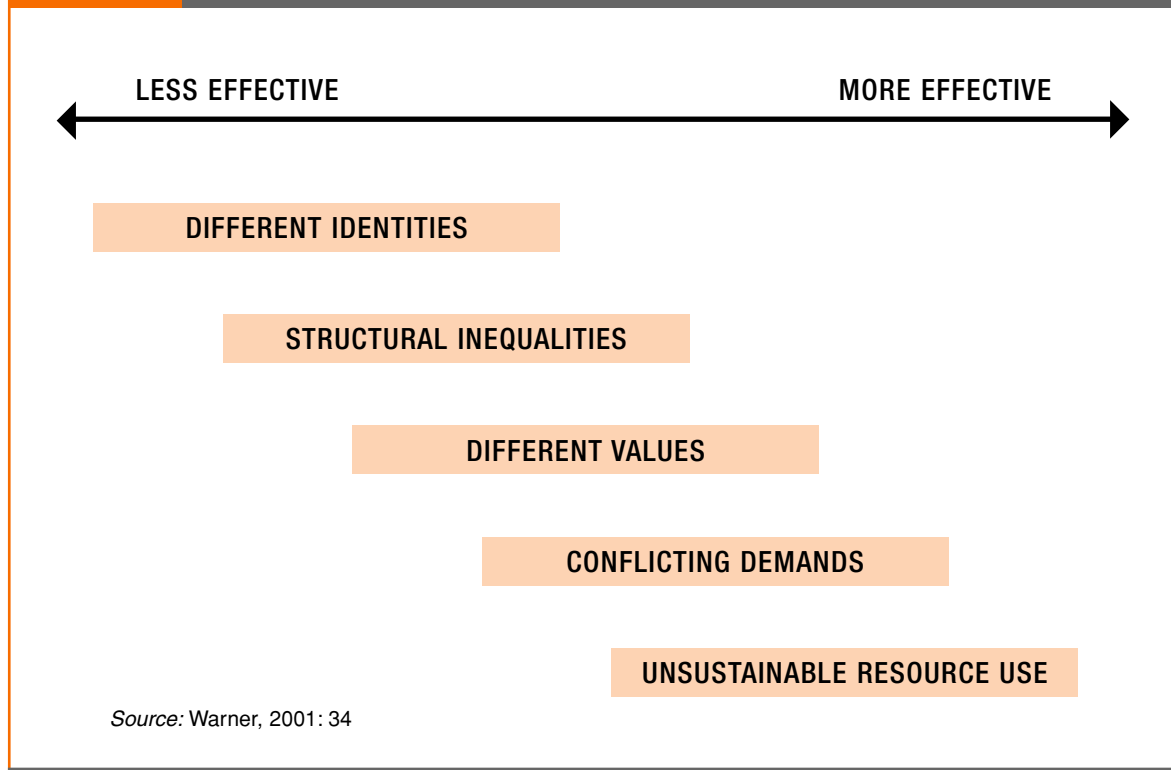
TRAINER'S NOTE: ACM works best when addressing issues such as conflict demands or unsustainable resource use. Interests are generally more negotiable than are basic needs such as identity, security, recognition or equal participation within society. In reality, many conflict situations in which there are major power differences or structural inequalities may require additional, complementary instruments to bring about personal, political, legal and/or societal changes, for which ACM alone is not sufficient.

2.4 MEDIATION IN DIRECT AND NON-DIRECT DEALING CULTURES

Negotiation and mediation can be found in all cultures' conflict management processes. However, different cultures approach conflict and conflict management in different ways. For the purposes of this guide, it is helpful to distinguish between what can be called direct dealing and non-direct dealing styles of culture in the addressing of conflicts.

Although direct and non-direct dealing cultures are only two idealized categories, they may provide some basic ideas of what a third party needs to consider when mediating in different cultural settings.

■ Members of *direct dealing* cultures value face-to-face interactions, accept conflict as normal, and are generally not uncomfortable with directly confronting those with whom they disagree. They are at ease with direct dialogue, debate and negotiations.

■ Members of *non-direct dealing* cultures try to avoid overt conflict, strive to preserve face for themselves and others, and use both informal and formal intermediaries extensively.

Direct and non-direct dealing cultures differ in some core assumptions about how to manage a conflict. For example, non-direct dealers question the principle of keeping human relations (the relational level) and problems (the factual level) separate, as is suggested by the concept of consensual negotiations. Direct dealers presume that conflict is manageable and solutions can be found for problems on the factual level, even when human relations are disturbed. This is based on systems of values that make compliance reasonable: "Whenever the process is fair and the outcome serves my interests, I will accept the arbitration on the factual level". Non-direct dealers may not negotiate primarily on the factual level. What counts for them are human relations. Conflict resolution needs to ensure that human relations are restored and the "good name" of the conflict stakeholders is preserved.

Is it possible to keep factual and relational levels separate, as proposed by ACM? In reality, issues of dissent arise out of relations. The relational and factual levels are important to both direct and non-direct dealers. However, there may be different suggestions of how to handle the two. For direct dealers, it may appear desirable and reasonable to separate the factual and relational levels in order to bring about a solution on the factual level. For non-direct dealers, shared interests may need to be found more on the relational than the factual level.

Separating factual and relational levels can even be counterproductive, because in non-direct dealing cultures the main potential for resolving conflict depends on close linkages between people and problems. At least as much attention should be given to restoring relations and "keeping face" as to solving problems. In addition, voicing grievances openly may lead to the escalation of conflict rather than mutual understanding. Furthermore, trusted, socially legitimate leaders might be in a better position to expose and emphasize shared values.

TRAINER'S NOTE: Note that "direct" and "non-direct" dealing are idealized categories. Many societies have elements of both. Over time, with social, political and economic change, perceptions and practices regarding how to deal with conflict may also be altered. In addition, there may be considerable differences among locations (urban, rural) and subcultures within one society.

Mediation and negotiation are common practices in both direct and non-direct dealing societies. However, the role of the third party, the design of the conflict management process and the emphasis on the factual or the relational level will differ.

In some non-direct dealing societies, when honour is at stake any concession may appear to be a loss of self-respect or face. In such circumstances, face-to-face negotiations are often extremely difficult, and the role of the third party is to separate the parties and work out an acceptable

arrangement that preserves honour. Third parties must be seen as neutral and of appropriate status, so that the conflict parties can accept them as trusted leaders. Table 2.4 summarizes some of the issues that need to be considered when dealing with direct or non-direct dealing societies.

TABLE 2.4	
DIRECT AND NON-DIRECT DEALING IN CONFLICT MANAGEMENT	
Direct dealing	**Non-direct dealing**
1. Mediation is a formal process with specialist roles. A clear, formal structure for discussing "hot" issues provides security and stability, and channels discussion towards constructive goals and ends. Time and space (schedule and setting) are clearly defined.	1. Mediation is a communal process that involves trusted leadership. The normal structures for data flow and conflict management are trusted (contextualization). The pathways familiar to participants, the time frame preferred by them, and the settings of familiar social interaction are used.
2. Direct confrontation and communication are desirable to both mediator and participants. The mediator's opening statement establishes "the rules of speaking" that will govern the session; the ongoing mediation controls and directs communication flow.	2. The indirect, triangular processes of a go-between are more desirable to save face, reduce threat, balance power differentials and equalize verbal or argumentative abilities. So communication may be through others; demands may be carried by advocates; and agreements may be suggested by multiple participants.
3. Time is linear ("one thing at a time"), controlled in discrete sessions, and managed by a rapid schedule of self-disclosure and statement of demands and counterdemands.	3. Time is relational (multiple relationships and issues are interwoven) (polychronic). Tasks and schedules are secondary to relationships, so self-disclosure follows social rituals, personal agendas and communal concerns.
4. Process is structured, task-oriented and goal-directed towards reaching agreement on issues. The autonomy and individualism of disputants' choices, goals and satisfactions are central.	4. Process is dynamic, rationally oriented and directed towards resolving tension in networks and the community. Disputants' responsibility to their wider context and the reconciliation of injured parties are central.
5. The mediator is a technical specialist, with a professional, anonymous and impersonal relationship to the disputants. A written contract is facilitated, and the mediator is out of their lives.	5. Mediators are recognized communal leaders or trusted go-betweens from the social context. They are personally embedded in the social networks and remain in relationship with parties in the conflict, both during and after the agreement.
Source: Adapted from Augsburger, 1992.	

In some conflicts, direct dealers and non-direct dealers may find it difficult to work together. Non-direct dealers may feel that direct dealers lack subtlety and finesse and are rushing into matters that should be explored slowly after basic, trustful relations are established. Direct dealers may perceive non-direct dealers as being mysterious or not negotiating in good faith because they do not state clearly what is important to them. A third party needs to take these different orientations into account and provide space to address the different negotiation styles (Section 3.1.2).

SECTION SUMMARY

Section 2 has introduced different conflict management strategies and approaches. There is no perfect strategy and approach for managing conflict in collaborative natural resource management. However, ACM was suggested as an appropriate approach in the context of collaborative natural resource management, because it encourages consensus building among multiple stakeholders. This can lead to mutually acceptable and therefore more sustainable outcomes. Section 3 details the concept and outlines a ten-step process map for conflict management.

Conflict can have constructive and positive outcomes, depending on the way people handle it. When local users collaboratively manage their natural resources, it is quite normal for some to have different interests from others regarding how to use a resource. When these different interests seem incompatible, a conflict occurs. Differences in interests and perspectives are a normal part of social and political life.

As conflict emerges, it can change significantly in form and intensity. It is important to understand the stage of a conflict, whether it is latent or already manifest. Sometimes conflict needs to be addressed before it has started to affect how people act or make decisions.

There are a number of procedural options for managing conflict. These range from avoidance to violence. Whereas negotiation and mediation place responsibility for the outcome with the conflict parties, arbitration and adjudication transfer responsibility to a third party, who makes the decision for the conflict parties.

Conflict management is often attributed to specific social systems: customary systems for managing conflict, national legal systems, and ACM. These systems may use different strategies for managing and resolving conflict. Each has its own inherent strengths and limitations, and it is essential to study carefully what each of the different options has to offer.

ACM is a consensus-based approach that encourages mutually acceptable solutions. The conflict parties alone are responsible for the outcome, but a third party may assist them to reach a positive outcome in a negotiation process. In order to arrive at a settlement that the stakeholders feel is fair, and that is therefore likely to last, consensual negotiations depend on four basic principles: treat people and problems separately; concentrate on interests and not positions; develop options that benefit both sides; and use objective criteria for evaluating the options.

Conflict management processes can enhance the capacities of local stakeholders by giving them new awareness and understanding of their goals, options and resources. Bringing about structural empowerment in which disadvantaged and weaker social groups gain recognition of their rights requires fundamental policy reforms. These can be identified and understood through ACM, but solutions lie beyond what ACM alone can achieve.

Process map for consensual negotiations

Section 3 explains the role of the third party in the process of consensual negotiations, subdivided into ten steps. The four major milestones in the process are then explained in more detail, the steps and activities outlined and good practices presented. The process map and the ten steps are not a rigid blueprint. The actual process may not be linear, but iterative, moving forwards and backwards. This requires flexible handling of the steps depending on how the process develops.

This section illustrates the process for managing conflict. Its objectives are to:

▶ reflect on the role of a third party in conflict management;

▶ outline a simplified process model for ACM to provide guidance for anybody assuming the role of a third party.

3.1 THE ROLE OF A THIRD PARTY IN CONSENSUAL NEGOTIATIONS

Parties in dispute often need the support of a *third party* in facilitating the conflict management process when they have become so caught up in their differences that they are no longer able to find constructive ways forward (Ropers, 1995).

A third party is a person or group of people who assists individuals and groups to negotiate and successfully reach agreement. The third party is generally referred to as the *facilitator* or *mediator*. Facilitator is a more general term, which can be applied to anybody who guides group processes (discussions, meetings, workshops). A mediator is specialized in conflict management processes, and mediator is therefore the preferred term used in this manual.

In order to be effective at guiding negotiations, the conflict parties must be at the centre of the mediator's concerns. This requires attention to rapport and communications, as well as strong "people skills".

In addition, the process is the means – the vehicle – for addressing the content of the negotiation and meeting the stakeholders' objectives. Good relationships among the people and an effective, acceptable process are both needed in order to deal with the content. In Figure 3.1, the process surrounds the people.

BOX 3.1

CONTENT AND PROCESS

Content can be thought of as the "*what*" issues.

Process can be thought of as the "*how*" issues. The clearer the process becomes, the more likely it is that the content will also become clear.

Figure 3.1 illustrates the different levels of facilitation/mediation: good relationships among the people and an acceptable process are both needed in order to deal with the content (Section 3.3).

FIGURE 3.1   LEVELS OF FACILITATION

CONTENT

PROCESS

PEOPLE
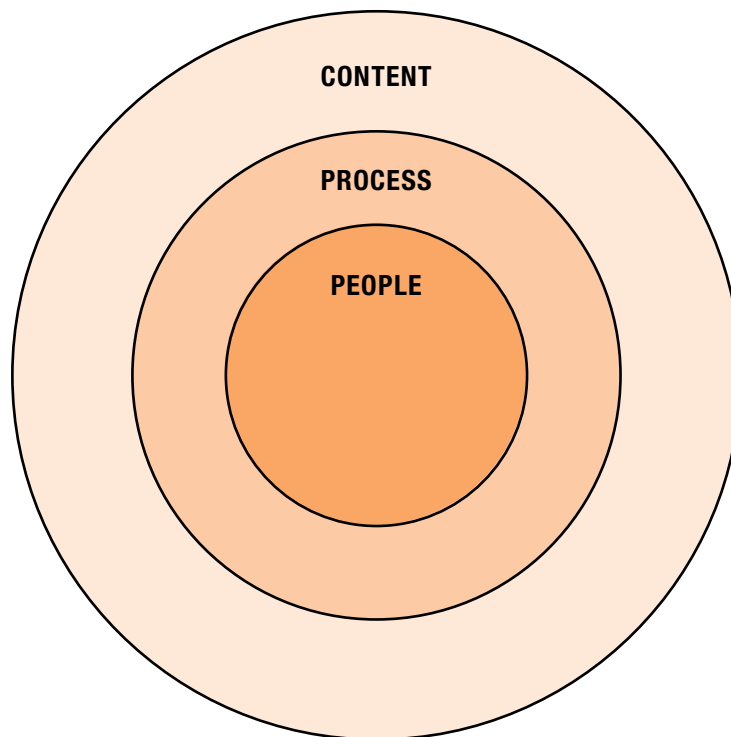
It is important that a mediator simply facilitates the process and does not attempt to direct the parties, who must fashion and "own" the agreements that come out of the negotiation. Conflict stakeholders should be responsible for their own interests, the resolution of the conflict, the solution of the problem and the restoration of relationships.

To assist parties in the process, the mediator may take a variety of roles and functions. These vary considerably, depending on the nature of the conflict and the approachability and nature of the parties involved (Moore, 2003). These roles include:

- *the opener of communication channels,* who initiates communication if it breaks down or facilitates better communication if the parties are already talking, including clarifying misunderstandings and avoiding polarization and escalation;
- *the legitimizer,* who helps all parties to recognize that the rights of others are part of the negotiations;
- *the process facilitator,* who provides procedural assistance to communication, often including formally chairing meetings. When providing procedural assistance, mediators do not involve themselves in the actual issues (the things under dispute) and do not suggest solutions;
- *the problem explorer,* who enables people in dispute to examine a problem from a variety of viewpoints;
- *the agent of balance (or reality),* who questions and challenges parties with extreme or unrealistic goals, and through this helps build a reasonable, achievable agreement;
- *the networker,* who offers procedural assistance and links the conflict parties to outside experts and resources (e.g. technical experts, lawyers, decision-makers) that may enable them to draw up acceptable settlement options.

TRAINER'S NOTE: The responsibility for both designing solutions and reaching agreement remains with the stakeholders involved. A mediator manages the process, but is not involved in the content of the negotiations.

3.1.1 The acceptable mediator

To be *acceptable* to the negotiating parties, it is important that the mediator is perceived as neutral and has no stake in the conflict. *Acceptability* does not necessarily mean that the parties welcome the involvement of a mediator, but that they approve the mediator's presence and are willing to consider his/her suggestions on how to approach their differences and seek solutions.

Advantages of a mediator: An imbalance of power among stakeholders is one of the most common reasons that unassisted groups fail to begin negotiation or to produce satisfactory results. Using a third party or mediator can help to overcome such imbalances through unbiased, fair handling of the negotiation processes. The role is similar to that of a referee who enforces the rules and ensures fairness in a sports contest. It can provide confidence to weaker stakeholders. A third party is to some extent able to alter power and social relationships by influencing the understanding or behaviour of individual parties, through providing knowledge or information, or introducing a more

effective negotiation process. These sometimes help to equalize power relationships (Susskind and Cruikshank, 1987). However, the extent to which this is possible is the subject of much debate (Sections 3.1.4 and 2.3).

Disadvantages of a mediator: Some groups feel that involving a third party makes the dispute too public, and are hesitant about becoming involved. Powerful stakeholders, in particular, may also strongly resist the intervention of a third party or mediator. Distrust among the parties may be so great that anyone suggested by one party will be regarded by the others as biased. In such cases it may be helpful to have someone whose formal or informal authority and character are unchallenged by any of the parties.

3.1.2 "Insiders" and "outsiders" as mediators

The role of the mediator depends on social-cultural values. In particular, it depends on whether the culture in which the mediator is working tends more towards direct or non-direct dealing. The mediator can be either of the following:

■ *A trusted leader* (non-direct dealing) is likely to be a local. The ability to work with conflicting parties in order effectively to support collaboration requires trust. For many, trust develops only when there is a pre-existing relationship – kinship or family, and positive past interactions. The key point is trust, not neutrality; trust that despite any personal relationship with any of the parties, the mediator will strive to find a way forward that is in the interests of all the parties involved.

■ *A neutral process manager* (direct dealing) is likely to be an outsider. Process managers are trained to provide impartial assistance to conflicting parties in designing their negotiation strategy. Acting as a mediator requires experience and training in conflict management methods, and good communication skills.

Mediators in conflict management should always carefully examine local mediation practices, their effectiveness and how they could be strengthened (Section 4.4). It is important to remember the principle of subsidiarity (Section 2.3.2).

BOX 3.2

IMPARTIALITY AND NEUTRALITY

Impartiality refers to the absence of bias or preference in favour of one or more negotiating parties, their interests or their options.

Neutrality means that a third party is not connected to and has not had a prior relationship with any of the disputants.

CHECKPOINT: In order to assist in negotiations, it helps if the mediator has experience of general facilitation. Facilitation takes place in many different settings (meetings, workshops, etc.).

3.1.3 Entering the conflict scene

There are many ways in which a conflict mediator may assume his/her role in a specific conflict. Mediators often enter the conflict scene as a result of:

■ direct invitation by one or more of the conflict parties;

■ referrals by secondary stakeholders;

■ direct initiation by the mediator;

■ appointment by a recognized authority, such as government officials or traditional authorities.

The initial authority and trust that a mediator experiences in the early relationship with the conflict parties depends to a large degree on how the mediator manages his/her role in the first instance. A mediator's past interaction with a party can form the basis for trust or distrust. For example, mediators who are introduced through secondary stakeholders, recognized authorities or their own initiative may provoke substantial resistance from one or several of the conflict parties. There may be suspicions as to why the mediator has assumed this role, what vested interests he/she may have, and what relation he/she may have with the other conflict parties.

3.1.4 How far can a mediator level the playing field?

In order to achieve mutually satisfactory and acceptable decisions from negotiations, all parties must have some means of influencing the others in negotiations. This is a prerequisite for a settlement that recognizes mutual needs and interests. Unless a weaker party has some power or influence, its needs and interests will be recognized only if the stronger party is acting unselfishly or has understood that "for anyone to gain, everyone must gain".

■ If the potential power and influence of each party are well developed, fairly balanced and recognized by all parties, the mediator's job will be to assist the parties to use their influence effectively to arrive at mutually satisfactory results.

■ If the power and influence of each side is not equal and one party has the ability to impose an unsatisfactory solution on the others, an agreement will not hold over time or will result in renewed conflict. In these cases, the mediator needs to decide whether and how to assist the weaker party and moderate the influence of the stronger one.

If a mediator assists or empowers the weaker party or moderates the stronger one, the mediation role shifts towards *advocacy*. In direct dealing societies, which emphasize the neutrality and impartiality of the mediator, this advocacy role may undermine the acceptability of the mediator. The stronger party may consider the mediator as partial or non-neutral. In non-direct dealing societies, which focus more on the status of the mediator and the relationships involved, such an advocacy role may be more acceptable, particularly if the mediator is a trusted leader with relevant social status and reputation.

Power inequalities are serious ethical challenges for mediators. Such inequalities commonly occur when local community groups have to negotiate with powerful actors at the national or international level, such as State agencies or multinational companies. There are no easy solutions to these challenges. The fundamental issue for the weaker conflict party is whether it will be better off with a negotiated agreement than without it. In cases where the power imbalance is extreme, negotiations may not be possible if they harm the weaker party, make the conflict worse or make injustices more pronounced. In these circumstances, the fundamental principles of collaborative management and ACM are violated, and consensual negotiations cannot work.

3.1.5 Mediating in a team

It is difficult for one person to manage consensual negotiations because most natural resource conflicts are complex and involve many stakeholders. In addition, some stakeholder groups may consist of many individuals. In many cases, it will therefore be helpful to build a mediation team. Mediating as a team eases some of the burden for the main mediator, but poses additional requirements for managing roles and responsibilities within the team. These roles and responsibilities need to be clearly defined and distributed before mediators enter a conflict setting.

A mediation team should include at least three members:

■ a lead mediator, who guides and manages the process of communication and negotiations;

■ an assisting mediator, who may step in when the lead mediator faces trouble;

■ a note taker and observer, who document the process and observe the conflict dynamics in meetings. Especially in larger meetings, the observer's role may provide useful feedback when tension occurs within subgroups of participants.

Working in a team requires careful preparation, clear delineation of tasks, and trust among team members. Teams that show signs of internal tensions will almost certainly harm the process and reduce the negotiating parties' confidence in the role and professionalism of the mediation team.

3.2 THE TEN STEPS OF CONFLICT MANAGEMENT

ACM is a complex, iterative process that may suffer drawbacks or experience sudden moves forward. The process can be subdivided into four major "milestones" and ten steps, each with its own specific activities. In this guide, these steps form what is called the *"process map"*. The process map helps mediators in ACM to keep on track and to move the process forward towards successful outcomes.

FIGURE 3.2 **THE PROCESS MAP**

The process map outlines the important steps in an ACM process.

These ten steps can be subgrouped into four major milestones (A-D).

MILESTONE D
EXIT

STEP 10
Preparing exit

STEP 9
Monitoring agreement

MILESTONE C
NEGOTIATION

STEP 8
Designing agreement

STEP 7
Facilitating negotiations

STEP 6
Preparing negotiations

STEP 5
Assessing options

MILESTONE B
BROADENING STAKEHOLDER ENGAGEMENT

STEP 4
Broadening stakeholder engagement

MILESTONE A
ENTRY

STEP 3
Analysing conflict

STEP 2
Entering the conflict scene

STEP 1
Preparing entry

PROCESS MANAGEMENT
Fostering collaboration
"Do no harm"
Restoring relations
Managing information
Capacity building

3.2.1 Milestone A: Entry (Sections 4 and 5)

Before mediators become actively involved with the different conflict parties (stakeholders) in ACM, they need to clarify their role as a third party. This includes a preliminary conflict analysis with detailed clarification of what the conflict is about, and consultation with stakeholders.

Steps 1 to 3 are necessary to complete milestone A.

Step 1: *Preparing entry.* The mediators clarify their role and prepare the contacts with conflict parties. They examine background information on the conflict, and develop the best strategy for approaching the different parties to the conflict.

Step 2: *Entering the conflict scene.* This is the first direct contact that the mediators have with the conflict parties. The mediators first meet the conflict parties separately and learn how they frame the conflict. They then clarify their own role in moving the process forward, and secure a commitment to start mediation.

Step 3: *Analysing the conflict.* The mediators clarify their assumptions about the conflict, and analyse the different stakeholders' positions. The mediators should continue only if: a) the conflict analysis indicates that existing conflict management mechanisms are unlikely to succeed; b) interest-based negotiations appear to be the best strategy under the given circumstances; and c) their own intervention will do no harm.

Milestone A is achieved when a team of mediators decides consciously (via a deliberate decision within the team) and transparently (via communication to the conflict parties) that interest-based negotiations have a chance of working in this specific case of conflict.

3.2.2 Milestone B: Broadening stakeholder engagement (Section 6)

When the parties to the conflict have defined their roles and agreed to commission a third party, it is the mediation team's task to guide the different stakeholders' self-reflection and self-discovery. This includes making them aware of their long-term interests, the gains they could obtain from a negotiated solution, and the possible alternatives to a negotiated solution. At the end of this process, stakeholders should willingly agree to meet the other conflict parties for negotiations.

SEPARATE SESSIONS OR A JOINT MEETING?

In the negotiation process for conflicts with *high tension*, it may be most appropriate to prepare the different conflict parties in *separate sessions*. The purpose of separate sessions is to help stakeholders to clarify their positions, interests and options in a "safe" environment. All the parties are brought to the negotiation table only after each is clear about its own underlying interests, and all are ready, willing and interested in entering negotiations. This procedure is called *shuttle consultation* (Box 4.2).

In some circumstances, conflict stakeholders can first be engaged at a *joint meeting* at which all of them take part. This may be the best option, for example, when only a few stakeholders are involved and the issue is relatively simple. However, such processes can easily get out of control when social dynamics of which the mediators were not aware develop.

Steps 4 and 5 are necessary to complete milestone B.

Step 4: *Broadening stakeholder engagement.* In this process, the mediators gradually hand over control and responsibility to the conflict stakeholders. Mediators help the stakeholders to analyse the root causes of the conflict, the different stakeholders involved, and their own positions, strengths, interests and needs.

Step 5: *Assessing options.* The mediators now help the different stakeholders to generate options for resolving or managing the conflict. The merits of each option are assessed, and the options are prioritized.

Milestone B is achieved when each of the different conflict parties (stakeholders) has clarified its own interests, considered strategies about the options for managing or resolving the conflict, and expressed willingness to negotiate with the other parties to achieve an agreement.

3.2.3 Milestone C: Negotiation (Section 7)

At this stage, the mediators bring the conflict stakeholders to the table to negotiate options and possible modes of agreement, as well as the practical measures that could be adopted to implement agreement. Agreements are negotiated on the assumption that they benefit all parties and focus on the interests and underlying needs of the stakeholders.

Steps 6 to 8 are necessary to accomplish milestone C.

Step 6: *Preparing negotiations.* Negotiations need careful preparation. This includes preparing the people involved, exploring strategies and planning the negotiation setting.

N E G O T I A T I O N   A N D   M E D I A T I O N   T E C H N I Q U E S   F O R   N A T U R A L   R E S O U R C E   M A N A G E M E N T

70

Step 7: *Facilitating negotiations.* This is the most challenging part of the conflict management process, as the parties seek to persuade each other to reach agreement. At this step, differences are narrowed, often through the shifting of viewpoints from positions to interests and needs. While there is a broad sequence that the negotiation process should follow, it is quite normal that there are setbacks and deviations during this process. The negotiations are complete when the conflict parties can agree on options for settling the conflict. These options are brought together, in preparation for moving towards a single agreement that is acceptable to everyone.

Step 8: *Designing agreement.* Once the conflict parties have agreed on which options to consider, they need to reach agreement on how these options will be implemented and how implementation will be monitored. The mediators' role in this process also has to be clarified.

Milestone C has been successfully completed when the negotiation parties have listened to and considered each other's concerns and interests, jointly developed a specific agreement to manage the conflict, and jointly agreed how this shall be implemented and monitored.

3.2.4 Milestone D: Exit (Section 8)

After an agreement has been signed, conflicts may be settled, but not yet resolved. There may be drawbacks when conflict parties do not comply with the agreement, or relations are not restored adequately for collaboration. While a mediation team cannot solve all the problems in a community at one time, it needs to ensure that the different conflict stakeholders are at least willing to comply with the agreement and to act in a collaborative manner with each other.

Steps 9 and 10 are necessary for milestone D:

Step 9: *Monitoring the agreement.* The mediators may take various roles in the implementation and monitoring process of agreements. These roles need to be clarified with the conflict stakeholders.

Step 10: *Preparing exit.* The mediation team needs to develop a system for handing over responsibility to implement and monitor the agreement to the stakeholders or a trusted local mediator. The team may also develop strategies that build further the communities' capacity to solve future problems. These steps are not part of the core of ACM, but are becoming increasingly important *complementary* elements in broader collaborative natural resource management approaches.

Milestone D has been achieved when the mediator (or mediation team) can leave the area. This is the case when the parties to the conflict have restored their relationships and are enabled and willing to continue implementing the agreement. They may also have improved capacity to solve future conflicts by themselves.

3.3   PROCESS MANAGEMENT

As well as objective facts, conflicts also involve subjective perceptions and interpretations of those facts. Conflict management is a complex process and mediators' behaviour may give unclear signals to the conflict parties. For example, some stakeholders may perceive the mediators as partial, taking sides or giving one party more opportunities to talk. Mediators therefore need to reflect on their role in the process and with regard to each of the different stakeholders.

Process management involves five main tasks:

- fostering collaboration;
- avoiding further escalation of tensions or conflicts: "do no harm";
- opening space for restoring relations;
- managing information;
- building the capacity of weaker stakeholders to participate and of stronger stakeholders to understand broader issues.

3.3.1 Fostering collaboration

The voluntary participation of all key stakeholders is fundamental to a collaborative approach to managing conflict. One group's decision to negotiate is only effective if the other parties also feel that it is in their best interest to do so. There can be many situations in which people choose not to negotiate, such as when there are strong power differences among stakeholders, outstanding fears, major difficulties in communication, or polarized positions of opposing parties. Fostering collaboration is a fundamental task of the mediator in an ACM process. The following are the main issues to consider when fostering collaboration:

- *Broaden stakeholder involvement.* There may be many stakeholders who are either affected by the conflict or can influence it. Some of the less visible stakeholders are often overlooked in the initial analysis, and need to be incorporated into the process whenever the need arises or is expressed by a conflict party. If important stakeholders are excluded, they may undermine the implementation of agreements later on, or feel that they have been pushed to one side and marginalized.

- *Identify the widest range of possible stakeholder interests.* ACM emphasizes the need to identify and focus on stakeholders' underlying long-term interests rather than on inflexible and extreme positions. Identifying the widest range of needs and presenting constructive ways of meeting these through negotiations can be a powerful incentive for engagement.

- *Develop positive visions.* The desire to reduce conflict and increase peace may in itself be a central but overlooked interest. Stakeholders may be weary of the disruption of daily life that has resulted from the dispute, and want to focus on other activities. Stakeholders may also want to move forward when they consider the impacts of violence, the financial costs of conflict, and the possible damage to their public image or legitimacy. Having confidence that this need will be met can be very persuasive, particularly after a long-term conflict.

■ *Level the playing field – build the power of less influential stakeholders.* When there are minor power differences among the conflict stakeholders, mediators must try to promote negotiations that are fair and equitable for all concerned.

■ *Build legitimacy.* Some parties may refuse to become involved in negotiations because they do not recognize another party or its interests as legitimate. For example, an international conservation organization may seem too remote from the conflict site, or migrants may not have resided in an area long enough. Some groups may accuse others of being too narrow in their interests and failing to consider broader needs or goals. Mediators need to encourage parties to accept the legitimacy of each other's issues, interests and emotions by changing their perceptions about the other parties. This can be accomplished in several ways, depending on what caused the problem with legitimacy. If the unacceptability of a party is due to misperception, there may be ways of clarifying the situation and removing the barrier. If the difficulty to accept the other party results from the procedure by which its representative was selected, that procedure can be explained, or the mediator may assist the parties in developing a procedure that is acceptable to all.

■ *Ensure that the negotiation process is fair.* Some weaker stakeholders avoid engagement in negotiations because they do not trust that the process will be fair. To make the process transparent and open to public scrutiny, mediators can try to involve a trusted observer, obtain agreement on the ground rules and revisit as necessary, or find a third party who is trusted. Mediators can work with the conflict parties to increase confidence, understanding of the negotiation process, awareness of alternatives and preferences, the skills to negotiate, and access to sound information. This can lead to greater capacity and therefore a fair process.

■ *Build ownership for the process.* ACM is a shared learning process. Conflict stakeholders are the people who know the conflict best, and it is from them that a settlement, solution and agreement must arise. Only when stakeholders themselves decide on the way forward will they be willing to sustain an agreement.

3.3.2 Avoiding further escalation of tensions or conflicts: "doing no harm"

Mediators may act with the best of motives and intentions in order to help resolve the conflict. However, there is always the risk of unintended side-effects. Mediators can influence the conflict situation and are influenced by it, often without realizing it. Conflicting parties will carefully study any of the mediators' actions for signs of favouritism towards one side or another. Perceptions, and not necessarily facts, count: "Where you go for lunch will determine which party will perceive you as partial".

A mediator may unintentionally help to:

■ reinforce tensions;

■ give legitimacy to people who can spoil the process;

■ undermine peaceful values;

■ promote intolerance;

■ add to the influence of the more powerful.

Clearly, such actions undermine not only the negotiation process, but also the mediator's credibility and effectiveness. Mediators must therefore always be aware of the risks, reflect on their own impact, and be prepared to change strategies if negative consequences arise.

Mediators must act and interact in ways that reflect and embody the values and ideals that they work for. They must prove to the conflict parties that they are trustworthy. Conflict stakeholders need to develop confidence in the mediator as a person, in the institution that the mediator represents and in the conflict management process itself.

In order to build a positive interpersonal relationship with the parties, credibility, trust and legitimacy, mediators should respect the following values and principles (Anderson and Olson, 2003):

■ *Personal honesty:* Mediators should always make clear why they are there, what they have to offer, and what they can and cannot do.

■ *Personal reliability:* Mediators have to follow through on what they say. People know that the mediator can be trusted.

■ *Respect for differences:* Mediators need to show respect for differences, and must be willing to work with people with widely divergent positions.

■ *Honouring local ownership:* No one can make peace for anyone else. Mediators need to be modest about their roles; they do not know what is best for others. Solutions have to come from the conflict parties, and mediators can only support the processes.

In every conflict situation, some people are more helpful than others. Despite the conflict, some people maintain good relationships with people "on the other side". These people are the "connectors". However, there are also people who could be referred to as "dividers" or "spoilers" – they spread rumours about the other parties, increase tension, and reinforce existing divisions if negative consequences arise.

Sound conflict analysis (Section 5) is an essential step for mediators to find out who are the dividers and who the connectors. This is important information for the conflict management process because connectors may serve as starting points for conflict management attempts, while dividers can spoil any way forward in solving the conflict. Connectors can also be (Anderson, 1999):

■ shared systems and institutions, such as markets where people meet and exchange information and ideas, or infrastructure systems, such as water channels or electricity lines, on which all depend and which are thus often jointly maintained;

■ attitudes and actions that illustrate linkages across dividing lines, such as adoption of children across family ties, marriages across divided groups, individuals showing respect for others across the divide;

■ past or present common experiences that can be shared, such as a common history of colonialism;

■ shared values and interests, such as shared religion or the value placed on children;

■ shared symbols and occasions, such as monuments and national holidays.

Mediators need to be aware of these linkages across conflicting parties, and should make them explicit by recognizing and reinforcing them. Good mediation tries to strengthen connectors and promote capacities for peace by providing:

■ *space* where people can engage with those on opposing sides in joint initiatives, explore common values and interests, and encourage the hope for a shared future;

■ *voice* for discussing and sharing common interests, as well as for initiating peaceful steps to decrease tension and the escalation of violent conflicts;

■ *incentives* to encourage exchanges and joint activities among stakeholders in development and collaborative natural resource management.

Spoilers are actors who divide conflict parties. They may come from within local communities or they may be external (secondary) stakeholders in the conflict. When dealing with spoilers, mediators can:

■ try to *isolate* them from the majority of stakeholders who are willing to act constructively, and put pressure on them to comply with an agreement. However, this may not be sustainable, because spoilers may become more confident after the mediator leaves the scene;

■ try to *incorporate* them actively in the process, making them responsible for agreements and thus coopting them into the collaborative process. However, this may slow down or even spoil the whole process;

■ ask an influential, trusted leader to *persuade* or convince the spoiler that it is more acceptable to comply with the conflict management process than to disrupt it.

As this shows, there are no easy solutions for dealing with spoilers. It is important that mediators are aware of the internal dynamics among the different actors in a conflict.

3.3.3 Opening space for restoring relations

One key to restoring relations is building trust. Trust in relations is built gradually over time through a succession of promises and related, sincere actions. A mediator can encourage the conflict parties to make certain moves that increase trust in each other (Moore, 2003). Relations can be restored through:

■ performing symbolic actions that demonstrate good faith in bargaining – for example providing for an adversary's physical comfort, meeting at a place or time that is convenient to the other party, etc.;

■ making statements that are clear and do not contradict previous statements;

■ avoiding promises that are unrealistic or unbelievable, and not making threats.

Mediators on their own can also make specific interventions that will build trust among parties. Examples include creating situations in which the parties must perform a joint task, translating one party's perception into terms that are understandable to the others, identifying commonalities, or rewarding parties for any signals of cooperation and trust. A mediator needs to keep in mind that trust is also culturally defined. In some societies and cultures, verbal or written statements engender trust, while in others certain rituals are expected.

In non-direct dealing cultures (Section 2.4), conflict management is a communal process. Dealing with conflicts always has wider implications for kinship (and spiritual) relations. Community stakeholders in the conflict do not deal with individuals, but with families, communal groups, etc. Restoring relationships and pride is often as important as finding a solution to the actual problem. In such settings, the following assumptions need to be re-examined:

■ the principle that people and problems in conflicts should, as far as possible, be kept strictly apart from one another;

■ the emphasis on parties openly, but safely, disclosing emotions or exchanging their grievances;

■ the stress on the participation of all those involved;

■ the importance of controlled use of time;

■ the emphasis on statements that are not confusing, but have single, clear meanings.

Keeping or restoring relationships might be the stakeholders' main motivation for resolving the conflict. At least as much attention should be given to restoring relations and keeping face as to solving problems. In addition, voicing grievances openly may lead to conflict escalation rather than mutual understanding.

3.3.4 Managing information

All conflict management processes. i.e. consensual negotiations, are based on information sharing and learning. In the process of sharing information, a party seeks to alter the knowledge, attitudes, preferences and strategies of its opponents.

The availability, management and acceptance of information are significant issues in negotiations. Information plays a pivotal role in defining interests, clarifying shared goals and assessing the feasibility of solutions. Throughout the negotiation process, there must always be space to check for information needs.

Information should be presented in ways that illuminate how it relates to the interests of the parties, and vice versa. At the same time, parties always want to present information in ways that make their own case sympathetic and convincing. Stakeholders must agree on the relevance of their information and decide what is an acceptable balance of information. The mediator can assist the participants' discussions by returning to participatory activities that classify information issues or chart information needs (for example, by using root cause analysis). Other actions include:

■ seeking outside/neutral technical expertise;

■ making sure that all parties are involved in the identification of information needs;

■ working towards active participation by all in the gathering and analysis of information;

■ ensuring that information is presented clearly and is easily understood by all groups.

Table 3.1 identifies common problems related to information gathering and analysis, and suggests possible solutions (FAO, 2003).

TABLE 3.1	
SOME INFORMATION PROBLEMS AND POSSIBLE SOLUTIONS	
Problem	**Possible solution**
Information is incomplete, inaccurate or both, making it unreliable and of little use.	It is impossible to achieve complete information, but try to get enough valid, reliable, accurate and cross-checked data.
There is too much information.	Prioritize information needs, and concentrate on information that meets the most important needs.
Information is too complicated and difficult to understand.	Have a resource person interpret the information, translating it into lay terms or the appropriate language.
There are different or conflicting interpretations of the same information.	Obtain other independent views or interpretations of the information.
Different groups see their own information as being the most accurate. E.g. professionals may have an "elitist perspective", where technical information dominates over local or traditional knowledge systems.	Acceptance of the opposing group's information is frequently an issue. The mediator should help the group to see the strengths and weaknesses of all systems of knowledge.
Information is purposely biased to cover hidden agendas.	Transparency should be encouraged. The interests of individual groups and the common goals should be reviewed.
Costs of collecting the information needed are high or unavailable (staffing, time, materials).	Brainstorm possible ways to meet these needs. If it is impossible to obtain adequate information, ask the parties to decide how they want to alter their common goals or negotiations accordingly.
Source: Adapted from PEC, 1999.	

CONSIDERING LOCAL KNOWLEDGE

Local knowledge plays a central role in influencing the way different groups engage in and respond to conflict. Conflicts in natural resources link many stakeholders who often know very little about each other. This lack of knowledge can pose a challenge. Not only can there be significant value differences, but spoken language, communication style and assumptions about conflict and resolution may also vary greatly. For example, indigenous communities often place non-economic values on forests that are linked to traditional belief systems involving religious rituals, sacred sites and historic hunting and collection areas. Government officers or commercial interests may not appreciate the significance of these linkages to ancestral lands. Their views on forests or trees may be shaped by quite different cultural influences that stress economic values and goals.

3.3.5 Building local capacity for conflict management

As outlined in Section 2, mediators have to remember that some capacity for conflict management will already be in place in most parts of the world. This can be of a formal or an informal type. Most communities have existing institutions and structures that help resolve local conflicts. These can involve people who act traditionally as mediators (religious or political leaders) or arrangements that have been found to regulate local access to and control over resources. To avoid undermining the existing local capacity for conflict management, any intervention should be specifically focused, limited and temporary, and it should aim to build on and strengthen the local capacity that already exists. It is therefore important to assess carefully the local capacity that has already been tried in the past to resolve the conflict (sections 2.3 and 2.4).

In assessing the local capacity, it is useful to consider at which level the particular conflict can be managed successfully. The level at which capacity should be strengthened depends on what the conflict is about (issues) and who is involved (stakeholders).

■ *Capacity building on the local level may be targeted towards weaker parties who need to be strengthened so that they can take effective part in negotiations.* Certain community groups or their representatives need to be trained in direct face-to-face consensual negotiations. This type of capacity building is an integral part of participatory conflict analysis. It is first of all a process of supported self-reflection for improved action. Local stakeholders will gain new awareness and understanding of their goals (including underlying values, norms, fears), their options, their skills,

their resources, and their decision-making capacity. They are then enabled to utilize these new insights to engage productively in future negotiations and conflict management processes.

■ *Independent community leaders need to be trained in mediation and facilitation skills.* In most communities there are people who act as mediators to help resolve local conflicts. Such mediators are trusted and respected by individuals and groups owing to their social status, experience or special knowledge. They can be part of the immediate social network, such as a village leader or elder, or independent, such as a religious or political leader who is asked to help mediate rights between two communities.

The capacity of an entrusted, local leader to mediate negotiations needs to be carefully assessed. Local leaders will seldom fulfil all the requirements for an ideal mediator, because of their established relationships with the conflict parties, potential biases or preferences in favour of one or more negotiating parties. However, local leaders will offer unique opportunities for building more sustainable capacity. An outsider should be brought in to act as a mediator only if the use of local leaders seems likely to fail.

■ *Staff of outside agencies with a mandate to mediate in conflict management processes should be trained in strengthening institutional mechanisms.* In many cases, local institutions are in crisis or near collapse as a result of neglect, questions of legitimacy or adverse external interventions. Conflict escalation may indicate that institutional mechanisms are in crisis. It is easy to overlook informal institutional mechanisms, many of which are not highly visible.

SECTION SUMMARY

Section 3 has outlined the process map for ACM. This map consists of four major milestones and ten specific steps. These steps are not a rigid blueprint, but provide guidance to mediators in conflict management. In subsequent sections, the four milestones are defined in greater detail, and specific activities, good practices and pitfalls are discussed.

A mediator is the process manager in ACM. Mediators in conflict management should try to ensure that the conflict stakeholders assume responsibility for their own interests, for successful management of the conflict and for seeking solutions to problems and restoring relationships. The mediator provides *procedural* assistance to the communication process among the stakeholders.

The process map for ACM involves four milestones and ten steps. The process map helps mediators in ACM to keep on track and to move the process forward towards agreement. As ACM is a complex, iterative process, the process map is not a rigid blueprint, but needs flexible handling, as well as backwards and forwards movement within the process according to the needs of the situation.

Mediators need to clarify their commissions and roles in the specific conflict setting. This includes a preliminary conflict analysis, to make clear what the conflict is about, and consultation with stakeholders.

Mediators guide the different stakeholders in self-reflection and self-discovery. This includes making them aware of their long-term interests, the gains they may obtain from a negotiated solution, and the potential alternatives to a negotiated solution.

Mediators bring the conflict stakeholders to the table to negotiate options and possible modes of conflict settlement through agreement. Agreements are negotiated on the assumption that they bring benefit to all parties and focus on the interests and underlying needs of the stakeholders.

Conflict management is a complex process and mediators' behaviour may give unclear signals to the conflict parties. Conflict mediators therefore need to monitor the process and their own role within it. They need to foster collaboration, avoid doing harm and open up space for restoring relations, manage information and build local capacity for conflict management.

Entry

This section examines the steps involved in preparing and entering a conflict setting. It:

▶ outlines why preparing entry is so essential;

▶ examines the different activities involved in the entry process;

▶ explains the role of preliminary conflict analysis.

4.1 WHY CAREFUL ENTRY IS ESSENTIAL

In the entry process, mediators need to:

■ clarify their commission (Section 3), role and function in relation to the conflict;

■ seek readily available background information about the conflict from knowledgeable people, written accounts and other sources;

■ identify and start communication with the conflict stakeholders, consulting them separately and listening to how they frame the conflict;

■ develop a preliminary analysis of the conflict that guides the next steps;

■ explore if and how to pursue the procedure.

The entry process involves three steps:

Step 1: *Planning the entry;*

Step 2: *Entering the conflict setting;*

Step 3: *Preliminary conflict analysis.*

Milestone A is achieved when the mediator has decided to become involved in the specific conflict case, and when this decision has been communicated in a transparent manner to the disputants and other concerned parties.

4.2 STEP 1: PLANNING THE ENTRY

Several activities may need to be considered before entering the conflict setting for the first time. These include:

■ building a facilitation team where appropriate (Sections 3.1 and 4.2.1);

■ clarifying the role and function of the mediator: who the mediator is, what his/her role is, and why he/she is in that role;

■ clarifying the commission for engaging in conflict management: who requested or sponsored the mediator's involvement;

■ collecting relevant background information for a preliminary assessment of issues and stakeholders in the conflict;

■ preparing the logistics for entry to the site;

■ planning facilitation strategies and activities in advance;

■ self-analysis of the mediator: the goals he/she expects, the outcomes to aim for, and basic premises about the conflict setting. Mediators must be ready to challenge their own assumptions whenever new information or changes in the conflict suggest that it is important to do so.

4.2.1 Building a team

In some situations, it might be more appropriate to have a team of mediators, e.g. in multisite negotiations, in multilingual settings, or where certain technical expertise is required which one person alone cannot provide. The following points should be taken into account when such a team is being created:

■ Team members should be appropriately trained or experienced in their assigned tasks. (If one member is perceived as incompetent, the credibility and effectiveness of the whole team will be undermined.)

■ Possible language barriers need to be taken into account. If possible, at least one member of the team should speak the local language. If this is not possible, a native speaker should be chosen who is both technically competent in translating and seen as impartial. (Suspicions about the quality or honesty of a translator can cause major problems.)

■ The team as a whole, as well as its individual members, should establish and maintain a professional, impartial approach.

■ It may be a good idea to rotate tasks within the mediation team, especially of such tasks as conciliation, mediation and finalization of agreements. Rotation can help to build up the skills of junior members, while drawing on the experience of senior ones.

■ A system should be developed to monitor the team as a way of enhancing its responsiveness and the quality of its performance. For example, team members could discuss:

  ● how they will respond when there are disagreements about how to proceed;

  ● what to do when there are internal tensions in the team;

- how tensions can be detected;
- which signs they will use to inform other team members of tensions (particularly when the tension occurs at a public meeting);
- what strategies to use to sort out problems in the team process.

4.2.2 Collecting background information

Background information is essential for helping to make decisions about whether and how to act as a mediator. It helps inform the mediator about the nature of the conflict, its origins and development, and any past attempts to resolve it. Information can be useful for exploring strategies for the next steps in the conflict management process, for example whom to consult on the first visit. It can also be referred to later in the process, as more data are gathered through direct observation or interviews and a more accurate and complete picture of the conflict is produced.

Before going to the conflict site, mediators can research sources that provide information on the region or community, including its environment, people, history, patterns of resource use, and conflict trends. Important starting places are newspaper articles, the published and unpublished reports of organizations or researchers working in the respective area, minutes of public meetings, and audiovisual presentations (including radio or television reports). All such information should be treated as potentially false, requiring verification from other sources and observations in the field.

Once in the field, a preliminary conflict assessment should be carried out to help place the dispute's dynamics and participants within the wider context of processes and trends related to the area's natural resource conflicts and their management. As noted in section 2.3.2, this assessment should make use of local capacity for consensual negotiations, including existing cultures of conflict management and local approaches to problem solving.

4.2.3 Action planning

Action plans lay out all the activities, the time frame for these activities, and the setting (where, how, who, which tools?). In addition, the process needs to be designed carefully: Who will be contacted first? What will be talked about?

Mediation teams need to consider:

■ *logistical arrangements:* transportation, accommodation, food, stationery supplies, etc.;

■ *working with the concerned parties to set an appropriate date/venue for meeting:* mediators must always remember that their task is to try to assist local people to manage the conflict. Therefore, the setting, time and place of meetings needs to based as much as possible on the preferences and needs of the various disputants, rather than on those of the mediation team;

■ *process design:* welcome protocol (appropriate greeting ceremonies in traditional settings), sequence of meetings with the different factions (who, when, where?);

■ *preparation of an agenda for the first meetings:* what will be talked about, clarification of the mediator's role, the advantages of ACM, map of the conflict management process, space for statements from the various factions and their perception of the conflict;

■ *exploration of strategies for contingency plans:* what to do if something goes wrong in the first meetings (e.g. the right people do not attend, stakeholders get upset, spoilers work against the meeting, etc.); this makes it possible to respond flexibly to unforeseen events;

■ *constant reflection on their own assumptions:* about the conflict, the stakeholders involved, and the goal to be achieved. These should be discussed within the team, documented and revisited after each field visit. Assumptions should be changed when new information suggests.

BOX 4.1

CONTACT PERSON(S)

Third parties often need to use a local contact person, or gatekeeper, to assist entry. For example, a contact person may arrange the first meeting between mediators and the conflict stakeholders. In some places, local administrative officers may assume – or seek to assume – the role of contact person. In other cases it may be possible to choose from a range of people, such as traditional mediators, leaders of local resource user groups, community-based authorities such as kin group or neighbourhood leaders, extension workers or other development agents. If a mediator selects a contact person who is perceived as partial, the process may be obstructed, because the mediator too may then be perceived as partial. Local authorities should be treated with appropriate respect and consideration, but local government officials or village heads are not necessarily neutral and may well be stakeholders in the conflict.

4.3 STEP 2: ENTERING THE CONFLICT SETTING

Regardless of how mediators enter a dispute, they must accomplish certain specific tasks at the beginning of a negotiation process. An external mediator first needs to establish rapport, trust and relations with the conflict parties. All mediators, both internal and external, need to assess whether intervention by a third party is at all likely to be successful. If so, they need to clarify the third party's role. The following three key aspects should be explored.

Are disputants ready to negotiate? Two factors influence readiness. The first of these is the actors' motivation to reach an agreement, which depends on their estimation of the state of the conflict and their perception of the costs and benefits of solution. Second is the actors' level of optimism, which is based on their skills, previous experiences and resources (Faure, 2003). If parties are ready to negotiate, how strong is their motivation to do so? What incentives exist for conflict parties to engage in consensual negotiations? How have the parties attempted to address the conflict in the past? What options are currently open to the parties in managing or resolving the conflict?

How are any differences in power or strength among the concerned parties likely to affect their ability to engage in consensual negotiations? Where there is extreme imbalance, it is the third party's job to ensure at least some procedural balance. In certain circumstances, it is also necessary to build the capacity of the weaker party.

To what extent is it possible to facilitate direct communication, open exchange and processes of understanding and problem solving among the conflicting parties? What tasks are appropriate for the mediators? How can the process be conducted to ensure that the conflict parties assume ownership, and the mediator is able to withdraw gradually?

During entry, mediators will:

■ *establish primary contact* by finding a neutral, trusted person and place for the first contact with the issues. Entry through an intermediary should be considered if the mediator is not known locally, or if there is suspicion and lack of confidence;

■ *clarify their role with regard to the conflict stakeholders* by introducing themselves, while respecting local protocol, clarifying their commissions, roles and tasks, and introducing the basic ideas of ACM, which are:

● a collaborative approach to problem solving through mutual learning;

● seeking mutual gain as much as possible: win–win outcomes instead of arbitrating a winner and a loser;

● overcoming or reducing conflict to improve people's livelihoods;

● agreements that are voluntary and in the hands of the conflict stakeholders;

● the mediator's responsibility for guiding stakeholders through the process. The mediator helps ensure that all views and interests are considered and the negotiation process is as fair as possible. The mediator is not responsible for the outcome. Successful conflict resolution depends primarily on the parties themselves, and the best possible process will not guarantee that people who do not want to agree can be made to do so;

■ *build trust in themselves as people or a team, and build trust in the conflict management process:* mediators should explain enough about their role and the procedure. Conflict parties need to be informed about the process in order to:

● minimize surprises that might result from misunderstandings;

● clarify the sequence of steps so that disputants know what to expect and what roles they will be playing;

● gain feedback from the participants that reflects their reservations about the procedure.

Building personal and procedural credibility is an important way of creating willingness to try the process among the stakeholders.

TRAINER'S NOTE: Mediators must not raise expectations that they cannot meet later on. The ACM process is designed to help participants learn how to solve their own problems. It will only be of help to the parties if they are ready and willing to seek agreement jointly. It may help stakeholders to restore their relationships, but it will not solve all the problems in a community, and will not guarantee in itself that peace will remain in the community

4.4 STEP 3: PRELIMINARY CONFLICT ASSESSMENT

A preliminary conflict analysis seeks to provide an initial understanding of a situation. This includes finding out about local capacities to manage conflict and how they could be strengthened, including past conflict management attempts and the reasons why they failed. The preliminary conflict analysis helps to clarify assumptions and deepen insights regarding a conflict and the strategies for addressing it. Its purpose is to decide the appropriate course of action and role for the mediators.

Mediators must have some idea about the boundaries of the conflict and the stakeholders involved before they can make informed decisions about whether or not they have the capacity to become usefully involved.

There are not usually enough time and resources to allow long, detailed investigations. Conflict analysis need to be action-oriented, and it might be worth considering the principles of rapid rural appraisals, which are:

- *optimal ignorance:* "knowing what is worth knowing";
- *appropriate precision:* choosing standards of accuracy that might not be acceptable to academic research, but that still allow responsible decision-making;
- *iteration:* advancing in cycles, as a continuous learning process;
- *exploration:* applying the serendipity principle of making fortunate and unexpected discoveries by chance;
- *eclecticism:* choosing and accepting freely from various sources;
- *triangulation:* looking at things from different (at least three) points of view. This principle is essential in considering team composition, units of observation, sources of information and research methods;
- *learning:* rapid rural appraisal is a learning process, and not simply information collection. It involves learning through interacting with people, and learning not only about people, but also with people.

As already noted, the conflict analysis starts before entry into the field with a review of written sources (including unpublished reports), discussions with researchers and practitioners familiar with the area, and examination of audiovisual accounts. When they enter the field, mediators should meet the contact person and local authorities or dignitaries. Protocols can serve as another source of information.

It is important to seek out as many local views as possible. These can be obtained through informal interviews, group interviews (including structured focus groups) and meetings with key informants (individuals who are highly knowledgeable about a topic). In any research, it is important to ascertain that the individuals met really do represent stakeholder groups. As Chambers (1983) notes, in order to avoid the biases of particular individuals or elite groups, it is necessary to seek out a range of different people and views – official and non-official representatives, women and men, old and young people, as well as the middle-aged, poor and prosperous people, etc. However, much can also be learned simply through walks, observation, asking questions and, most important, listening.

In the preliminary assessment, information should be collected on the following topics (see also Goodhand, Vaux and Walker, 2002):

■ *The nature of the dispute and its underlying conflict:* What resources are involved and where are they located? When and how has the conflict manifested itself? What seems to have triggered the conflict, and what appears to have caused it?

■ *The stakeholders or interest groups:* Who first brought the conflict to the public's attention? Which people are involved, directly and indirectly? What are their interests? What are their relationships with one another, and what is the past history of conflict? What capacities do the stakeholders have to influence the conflict, either positively or negatively? What are their motivations for continuing, managing or resolving the conflict? What norms, values or knowledge are the contesting parties citing to support their claims?

■ *Conflict trends and local capacity to manage it:* What have been the short- and long-term trends regarding natural resource conflicts and their management? What capacity do the local people and institutions involved in conflict management have for handling this conflict? Have there been any past attempts to manage the conflict? What have these been like, and why have they not succeeded? Do local institutions have the leadership, authority, resources or incentives to carry out their nominal roles and duties? What are the overall trends in the community regarding conflicts and their management? What are the risks if the current natural resource conflict continues?

The preliminary assessment can help improve the responsiveness and effectiveness of the mediators by sharpening their understanding of the conflict through, for example, drawing their attention to people, processes or events that have been overlooked. Such knowledge can help the

mediators to serve in more appropriate roles. It might also indicate that existing roles should be redefined. The assessment may, for example, suggest that local institutions have the capacity to handle the conflict with little or no support from outside mediators. Alternatively, it may indicate that the mediators ought to focus on a specific aspect, such as reconciling the parties, providing advice on conflict management options or assisting local conflict managers to mediate the negotiations.

In addition, the assessment may indicate that the situation is too antagonistic or dangerous to risk attempting consensual negotiations. For example, a growing number of automatic weapons in the area may discourage participation, as people fear the escalation of violence

TRAINER'S NOTE: Section 5 explains how to conduct a conflict analysis and which tools may be helpful. Annex 2 provides a simple, practical guide to each of the tools and describes how these can be applied in the field.

On the basis of the preliminary conflict analysis, the mediator or mediation team can assess the likelihood of negotiations succeeding by answering the questions from the following checklist:

- What are the root causes for the conflict, and are they negotiable?
- How are the identified causes/interconnections likely to manifest themselves in "frames" among the disputants, and how are they likely to emerge as issues in the negotiation process?
- Have all conflict stakeholders indicated their willingness and ability to engage in negotiations?
- Does it appear that the services of a mediator are needed?
- Do all the primary conflict stakeholders accept the mediator's role?
- Do all parties to the conflict have some power to influence negotiations?
- Are parties assured of their basic needs (food, shelter, security)?
- Do mediators have sufficient funds and other resources to sustain the process?

TRAINER'S NOTE: Mediators need to take a conscious and transparent decision as to whether or not to proceed and, if so, how. This decision has to be communicated and discussed with the conflict stakeholders.

As already noted, mediators can consider disengaging if they cannot find a convincing answer to some of the above questions, or if their services are not needed to deal with the conflict. If the process has no or very little chance of success, it is better not to start than to initiate a process half-heartedly. Sometimes, the message that mediators are unwilling to continue the process can increase the conflict stakeholders' commitment and willingness, and move the process in a more constructive direction. The mediators may then reconsider their commitment.

If the circumstances are not right for ACM, there is little to be gained from pushing the approach. On the other hand, even when full resolution of the issues at stake is not possible, mediators may decide to start a negotiation process that aims to minimize the destructive consequences associated with many confrontations. It is particularly important that mediators take a deliberate decision that is communicated to the parties in conflict.

If the team has decided to move ahead with mediation, further steps include:

■ determining the location of the first meeting, taking into account local needs and preferences in terms of site, time, etc.,

■ meeting with conflict parties separately, letting them frame the conflict and documenting their views (shuttle consultation);

■ explaining the potential role and mission of the mediators, and making clear that they are there to examine whether or not and how they can make any sensible contribution;

■ identifying possible contributions that mediators can make to resolving the conflict;

■ building trust and relationships with the conflict stakeholders so that they gain confidence in the mediators;

■ identifying connectors (people who are helpful in conflict management) and dividers or spoilers (people who provoke conflict escalation and/or might have an interest in perpetuation of the conflict); it is crucial to note, however, that characterizing or stereotyping people too quickly is dangerous, particularly when rapport has not yet been established; in addition, spoilers and dividers may have good (or at least understandable) reasons for acting as they do – mediators must remember to separate the people from the issues/interests;

■ clarifying whether or not the mediators' commission and task are accepted by the conflict stakeholders; if not, the reasons should be clarified and possible steps to increase confidence in the mediators' role should be identified.

BOX 4.2

SHUTTLE CONSULTATION

In the early stages of the conflict management process, it is often most appropriate to consult the different conflict parties in *separate sessions*, giving them the opportunity to express their views of the conflict, and explaining to them the potential advantages of ACM and the role of the mediator. This is best conducted in an environment that the conflict stakeholders trust. This procedure is called *shuttle consultation*.

Facilitating shuttle consultations should provide space for the conflict stakeholders to talk and express their grief, emotions, feelings and opinions. Mediators can support this process by:

● *active listening:* signalling their attention to the speaker, speaking less and listening more;

● *mirroring back:* rephrasing what they have understood in their own words;

● *showing empathy:* letting the speaker feel that the mediator is "putting his-/herself in the shoes of the speaker".

At the end of the entry process, mediators have gathered sufficient information from the preliminary conflict analysis (step 3) to advise about the most appropriate way to proceed in terms of conflict management options.

SECTION SUMMARY

Section 4 has emphasized that entering a conflict setting needs careful preparation. Before mediators become actively involved in ACM and start to involve the different conflict parties (stakeholders), they need to clarify their own commission (who, what, how, why?) and role as mediators in this setting. This includes a preliminary conflict analysis and detailed clarification of what the conflict is about (Section 5). This is the basis for broader engagement of stakeholders (Section 6), which leads to negotiations (Section 7).

Rushing into the field too fast and unprepared can cause more harm than good. Mediators need to prepare their entry into the field carefully. As soon as mediators come into contact with the conflict setting, they influence its internal dynamics and processes and are influenced by them. Planning entry is important in order to avoid situations in which important issues are overlooked, the wrong people are contacted, or the mediator's reputation as a neutral person is spoiled.

In the entry process, mediators establish contact with the different conflict stakeholders, clarify their own commission, role and tasks and provide space for the stakeholders to state their cases. This process is important to establish rapport, mutual trust and relations with the conflict parties. At this early stage of the conflict management process, it is most appropriate to consult the different conflict parties separately in shuttle consultations.

The preliminary conflict analysis is an internal, strategic exercise and helps the mediators clarify their assumptions and deepen their insights into the conflict's causes, issues and dynamics. The preliminary conflict analysis serves the following two purposes:

■ It forms the basis for the team to decide consciously whether to engage or disengage in a particular conflict. This decision needs to be communicated to the conflict stakeholders.

■ It makes it possible to explore strategies about the way forward and to develop strategies for working with each of the stakeholders.

5

Analysing conflict

This section examines the main elements of conflict analysis. It sets out to identify:

▶ what conflict analysis is useful for;

▶ the questions that need to be asked in a conflict analysis;

▶ where and when analysis should occur in the conflict management process;

▶ who should carry it out;

▶ what tools can be used to support conflict analysis.

5.1 WHY CONFLICT ANALYSIS IS ESSENTIAL

The more mediators know and understand about the situations in which they are working, the less likely they are to make mistakes, and the more likely to assist stakeholders effectively.

A conflict analysis helps to:

■ clarify and prioritize the range of issues that need to be addressed;

■ identify the impacts of conflict;

■ identify the root causes and contributing factors of conflict in order to determine appropriate responses;

■ determine the stakeholders' motivations and incentives through an understanding of their interests, needs and views of the conflict;

■ assess the nature of relationships among stakeholders, including their willingness and ability to negotiate with each other;

■ identify existing information about the conflict and what further information is needed;

■ evaluate the capacity of existing conflict management institutions or practices to deal with the conflict;

■ build rapport and understanding among stakeholders, where possible;

■ enhance the problem solving and analytical skills of local stakeholders in addressing current and future conflicts (capacity building is an important part of participatory conflict analysis);

■ increase understanding of the links between the broader social, political and economic context and resource use conflicts.

Many methods and tools are available for analysing conflicts. No single set of procedures or practices works for all situations. Rather than a blueprint, this section presents *guiding principles* for what strategies and techniques are available, and what sort of information might be gathered.

5.1.1 Guiding principles

❶ A conflict analysis must be based on a wide range of views about the sources of conflict. Conflicts are about perceptions and the meanings that people attribute to events, policies and institutions.

❷ A conflict analysis helps stakeholders to reconsider their perspectives, which are often heavily influenced by emotions, misunderstandings, assumptions, suspicions and mistrust. In conflict situations, emotion can easily overwhelm logic and reason. It is therefore important to distinguish opinion from fact. Balancing emotions and reason (Fisher and Brown, 1988: 43–63) is an important aspect of conflict management, not because facts are more important than perceptions or feelings, but because stakeholders deal with them in different ways.

This transformation of perspective is vital in creating space for collaboration in conflict management. It is an integral step in moving away from rigid and inflexible positions towards exploring possible shared interests. This is an important outcome of analysis, which is determining what paths are open to negotiation and identifying common needs or goals that can be met through collaboration.

❸ Conflict analysis must examine the broader development context (social, economic, political) and not just consider natural resource management concerns.

❹ Any conflict analysis is only preliminary and must be refined and studied carefully as the process gets under way.

❺ Conflict analysis is not an end in itself. It is part of the process of defining and learning about the issues (capacity building). For this learning process to happen, conflict analysis must be carried out in a participatory manner. Through exchanges of information it becomes more likely that people will focus on real problems in the negotiation process. However, people are likely to be cautious about revealing some types of information.

❻ It is important to know what is worth knowing. The type and amount of information needed from conflict analysis varies from case to case. While it is often assumed that more information is better than less, not all information may be relevant, truthful or useful. In addition, perceived information needs are likely to be constrained by limited time, resources or expertise. When taking such limits into account, it is necessary to define what is meant by "sufficiently" detailed, accurate and reliable information. Data collection or analysis that goes beyond this is not necessary.

Box 5.1 summarizes the key questions that might be asked in conflict analysis.

KEY QUESTIONS TO ASSIST CONFLICT ANALYSIS

What is the conflict about?

A conflict is often more complex than it seems. How do the participants frame the conflict? To what extent are their views alike, and how do they differ? How do others frame the conflict? What seem to be the immediate or proximate factors behind the conflict? Are there deeper livelihood, institutional, political or other structural factors behind the conflict? Trying to manage a conflict as a single, isolated event may be of little use if it is intertwined with wider problems or issues.

Who is involved in the conflict?

Effective consensus building depends on engaging all the stakeholder groups that are relevant to a conflict. It is therefore important to identify stakeholders accurately. Are there any groups who are not present but who have a direct or indirect role in the conflict, such as administrators, resource users from neighbouring communities or migratory populations (herders, farmers or labourers)?

What motivations or incentives exist for the parties to settle their conflict?

Trying to get people to settle their conflict through ACM or other means may be difficult if the parties do not feel or perceive a need to manage or resolve it. In addition, there may be economic, political, cultural or other incentives that influence the parties' willingness to engage in conflict management. Equally important is to find out whether there are people who would benefit from continuation of the conflict, or who would resist attempts to stop conflict (do some people have an interest in perpetuating the conflict?).

What conflict management strategies have been tried in the past?

It is very important to consider what strategies have already been tried to resolve the conflict. What were the results of these effort? What are the advantages or disadvantages or pursuing the same strategy or strategies for the present conflict?

5.2 CONFLICT ANALYSIS AS A PROCESS

Conflict analysis comes in at various stages during the ACM process. Key questions are always *who* carries out the analysis, and for what *purposes*.

5.2.1 Milestone A: Entry

■ *Step 1 – planning the entry*: The mediator team reviews the available secondary information and develops first ideas and assumptions about the conflict setting. This analysis is important for deciding whom to contact as a stakeholder during *step 2 – the entry*.

■ *Step 3 – preliminary conflict assessment*: After initial contact with the stakeholders in the entry phase (step 2) and after listening to their accounts and concerns, the mediators carry out a strategic preliminary conflict assessment to decide whether or not to proceed in the conflict and what steps to undertake next. If the mediators agree not to become involved, they may recommend other courses of action to the contesting parties.

During the entry phase, the conflict analysis that is carried out as part of the preliminary conflict assessment is a strategic instrument for the mediators to plan the way forward. It is carried out by the mediators internally.

5.2.2 Milestone B: Stakeholder engagement/participation

The conflict analysis during this step is different from the initial conflict assessment in that the mediators help the stakeholders to conduct their own analysis. The mediators seek to support and advance a process of self-examination and self-discovery among the conflict stakeholders. All stakeholders must be able to follow the process, understand the results and know how those results have been obtained. So the mediators' main task is to explain and visualize each step of the process and all interim results.

■ *Step 4 – deeper engagement, facilitating stakeholders' analysis of the conflict.*

The conflict stakeholders reflect on their positions, interests and needs in comparison with those of other stakeholders. Depending on the circumstances, the mediators may conduct the conflict analysis as a *joint multistakeholder event.* When there are severe tensions, it may be done *separately with the different stakeholder groups.* However, at some point, the different stakeholders need to share their analyses in order to promote better understanding of each other's points of view.

The aim is for stakeholders to reach a common understanding of what the conflict is about, and what its meanings and implications are for each party. For different stakeholders this may involve broadening or narrowing the scope of issues to be negotiated.

Only when stakeholders fully understand the process will it enhance their capacity to solve their problems in future. Partial analysis can have negative consequences because it may only confirm preconceived assumptions, and hide as much as it reveals. On the other hand, too much concern to "get the analysis right" may get in the way of action.

5.3 TOOLS IN CONFLICT ANALYSIS

Conflict can be analysed with the help of a number of simple, practical and adaptable tools. Annex 2 explains these tools in depth and gives clear advice on how to use them in the field. The application of a tool is not an end in itself – tools are means or aids for carrying out conflict analysis. Tools are also not rigid processes – they are to be adapted according to the specific situation and requirements of the mediators.

When mediators carry out their preliminary conflict assessment (steps 1 to 3), tools:

■ provide a "mental map" in the consultations with stakeholders (identifying the questions to ask and the information to collect);

■ help structure the conflict analysis;

■ provide essential, cross-checking information, particularly when several tools are used for the same purpose.

When mediators guide stakeholders to analyse their conflict (step 4), the tools have the additional tasks of:

■ visualizing and helping to structure the discussion;

■ enhancing shared understanding within a group of individuals;

■ cross-checking information and encouraging the exchange of views;

■ enabling a shared understanding between stakeholders and mediators, including understanding of the conflict's impacts and implications on the livelihoods and interests of the various parties.

This requires that the tools be applied *with* the stakeholders, as a facilitation aid and not as a mental model in the head of the mediator alone (as is the case during the mediators' preliminary conflict assessment in steps 1 to 3).

However, there may be difficulties in applying tools in specific local settings. The following are some of the difficulties that can arise:

■ *Cross-cultural differences*: When there are substantial cultural differences among the stakeholders, including language barriers, it may be difficult for them to express ideas, practices and interests. For example, local resource users may understand the landscape or resource management in very different terms from those understood by scientists or officials. In addition, even when they speak the same language, outsiders often do not know enough about local people, events or cultural meanings. At the same time, local people – the insiders – may not be aware of what the outsiders do not know.

■ *Reading and/or writing*: Some tools require the ability to read or write and may need to be adapted, or replaced by other tools. For example, visual or picture-based tools may need to be used in communities where few people can read or write.

■ *Raising conflicts*: When tensions among stakeholders are high, the use of tools in public may lead to escalation of the conflict. In this case, it may be appropriate to postpone the use of tools in public, or to separate the stakeholder groups and apply the tools with each group separately.

■ *Time, resource and expertise constraints*: As already mentioned, there may be severe constraints on the mediators' and stakeholders' ability to collect information. Some of the parties, including government authorities, may be pressing for a quick resolution, or there may be insufficient resources or expertise to collect information from distant or specialized sites, such as archives. Again, mediators and stakeholders must reach a mutual understanding of what is meant by sufficiently detailed, accurate and reliable information. The mediators need to resist pressure to carry out the conflict analysis too quickly or too simply, but they must also be able to determine when enough information has been obtained.

Table 5.1 lists some of the most useful conflict analysis tools.

TABLE 5.1

	CONFLICT ANALYSIS TOOLS (ANNEX 2)	
Tool number	**Tool**	**Purpose**
1	Root cause analysis	To help stakeholders examine the origins and underlying causes of conflict.
2	Issue analysis	To examine the issues that contribute to conflict and the specific issues that give rise to a specific conflict in more detail, focusing on five categories: 1) problems with information; 2) conflicting interests; 3) difficult relationships; 4) structural inequalities; 5) conflicting values.
3	Stakeholder identification and analysis	To identify and assess the dependency and power of different stakeholders in a conflict.
4	4Rs analysis (rights, responsibilities, returns, relationships)	To examine the rights, responsibilities and benefits of different stakeholders in relation to natural resources, as part of improving understanding of a conflict. To examine the relationships among (or within) different stakeholder groups.
5	Conflict time line	To assist stakeholders in examining the history of a conflict and to improve their understanding of the sequence of events that led to the conflict.
6	Mapping conflict over resource use	To show geographically where land or resource use conflicts exist or may exist in the future. To determine the primary issues of conflict.

The tools in Table 5.1 are described in detail in the field guide to conflict analysis in Annex 2. Tools 1 to 5 are *core* tools, which are a fundamental part of detailed conflict analysis. Tool 6 is a *complementary* tool, which is helpful, but does not necessarily have to be used in each conflict analysis.

5.4 CONFLICT ISSUES AND ROOT CAUSE ANALYSIS

Analysis of the causes of conflict begins with identifying and describing the conflict, its boundaries and interrelationships. These elements may include:

- the origins, levels and issues of conflict;
- the history and chronology of events;
- geographical and temporal relationships;
- interrelationships with other conflicts;
- earlier attempts to resolve the conflict;
- prioritizing of areas for action.

The individual elements of a conflict that should be explored depend on the context.

5.4.1 Exploring the origins of the conflict

Before making any conclusions about what is happening at present, it is important to consider how people interpret or frame a conflict's history. Much can be learned on all sides about the different interpretations of an event. Some degree of consensus may develop concerning certain events or their importance, but a unanimously accepted version of events may never emerge.

Another aim in exploring the origins of a conflict is to analyse large, complex problems in terms of smaller *conflict causes.* These individual pieces can then be examined in more detail, and may indicate areas for action. The origins of the conflict may include a range of events, problems with relationships, poor policy support, tenure and common property rights, unclear management processes, clashes in values, etc.

The task of sorting out diverse interpretations of the origins of a conflict can be time-consuming and challenging. People are likely to identify many causes and provide different interpretations about the importance of each. In addition, the causes of conflicts about natural resources may be deeply embedded in other aspects of social, economic, cultural and political life.

Exploring the root causes and differentiating them from the contributing factors is a crucial step towards better understanding of the conflict. It also helps to clarify how to address the conflict most effectively, and how to determine whether the mediator can make a meaningful contribution to its management.

A major issue for mediators is their relationship to *existing local conflict management processes*. Should a mediator work with formal or informal judicial and administrative personnel? Or should he/she be largely independent? Of course, the answer depends on the situation, including the terms under which the mediator has been asked to operate. As noted in Sections 2 and 4, the mediator should gain an understanding of local conflict management processes, as well as the history of past conflict management efforts, through preliminary assessment/analysis.

For several reasons, these processes and efforts should be explored in more depth throughout the conflict assessment. First, it is important to cross-check whether stakeholders feel that existing institutions and processes may be able to accommodate their interests and needs. If this proves to be the case, it may be worthwhile for the mediators to promote the use of local institutions and to build the capacity of these as necessary. Where local institutions or personnel are lacking, the mediator may be able to arrange training or other assistance that overcomes such limitations. Finally, understanding what has and what has not worked in the past can help the mediator to learn from past mistakes and avoid pitfalls and problems.

Core tool 1: Root cause analysis

The root cause analysis helps to illuminate linkages among the different factors and causes that have triggered the conflict. It helps build simple cause–effect chains, which show the underlying dynamics of the conflict.

Core tool 2: Issue analysis

The issue analysis identifies and enumerates the core issues that contribute to a conflict, and provides a checklist for mediators to consider five different categories of such issues.

Complementary tool 6: Mapping

Developing a conflict time line may help to clarify the sequence of events and understand the different stages in a conflict's history. Mapping is always useful for an improved understanding of the spatial dimension and boundaries of a conflict.

5.4.2 Verifying perceptions, facts and information needs

Effective facilitation allows people to make explicit their knowledge of events, their assumptions and their suspicions about a conflict. Stakeholders rarely agree about a single framing of a conflict. Instead, they tend to have numerous interpretations of the original causes and contributing factors of conflict. Even within a single group, there can be different memories about facts, or the sequence and significance of events.

This reinforces the need to obtain and understand the range of local viewpoints about a conflict. The aim is to work through the different perspectives with all stakeholders, and eventually to identify:

■ which facts are agreed to;

■ which need to be investigated further;

■ where more information is needed before decisions on actions can be made.

5.4.3 Identifying linkages

Mapping the causes of conflict and their sequence can improve understanding of key links among what may appear to be isolated events. What first seems to be a local dispute may be fuelled by underlying inequalities or decisions made further away, without the knowledge of remote communities. Government policies towards indigenous peoples, long-standing tensions between customary and government tenure systems, national development goals and globalization may appear irrelevant to day-to-day management in remote areas, but these factors are often shown to have significant impact on local disputes.

Particularly for rural people, awareness of the linkages between the broader policy and legal setting and their own livelihoods can be very enlightening and vital to their empowerment.

Getting the right balance between helping people to make these connections and not overwhelming them can be a useful role for mediators. In this way, shared understanding and a common ground for local disputants can be created.

Complementary tool 5: Conflict time line

The conflict time line makes it possible to study the stages of a conflict, how specific events occurred and, possibly, which actions by which stakeholders caused these events.

5.5 IDENTIFYING AND ANALYSING STAKEHOLDERS

As a conflict becomes more clearly defined, the range of stakeholders in that conflict also becomes increasingly clear; as do the relationships of those stakeholders to the issues and to each other. In a process directed at collaborative natural resource management, an analysis of stakeholders will determine who should be involved in management of the conflict. Such an analysis should identify:

■ who the stakeholders are;

■ the extent to which each group of stakeholders is affected by the conflict;

■ who is most affected and should be directly involved in managing the conflict;

■ the relative power and influence of different groups regarding the issues, including any obstacles to a particular group's participation in conflict management processes;

■ stakeholders' interests and expectations;

■ the possible different responses of the conflict stakeholders;

■ the relationships among stakeholder groups;

■ difficulties that stakeholders are likely to have in working together;

■ each group's potential contribution to managing the conflict;

■ the extent to which individuals' and groups' interests overlap with each other.

5.5.1 Who are the stakeholders?

Stakeholders can be identified as those individuals or groups who are *affected by* the outcome of a conflict, as well as those who *influence* that outcome. Stakeholders may share a collective identity (such as neighbourhood ties, kinship or membership of resource user groups) or a common characteristic (such as using the same resource or residing in the same general area).

Gaining recognition and agreement of which stakeholders are involved, and how legitimately they are involved, is essential to conflict management. Different stakeholders often hold different views about who has a legitimate stake, and whom it is most important to consider in managing a conflict. Building communication and trust among groups is a challenge for collaborative approaches to conflict management. It requires increased mutual recognition and respect for the interests, needs, motivations and roles of all stakeholders.

TRAINER'S NOTE: In classifying stakeholders, there is a risk that a group or subgroup will be viewed as having a common identity. For example, using labels such as "women" or "community" may hide the diverse and often contradictory interests within these groups. It is therefore often more useful and accurate to identify stakeholders around an issue, problem or goal.

5.5.2 Stakeholders and power

Distinguishing the relative power that each group has to influence the direction or resolution of a conflict is central to stakeholder analysis. Power can be defined as "the capacity to achieve outcomes" (Ramirez, 1999). This includes the ability to make or prevent change. Power can be derived from many sources. For example, a four-year-old child crying for a lollipop in a marketplace has neither control over resources nor physical strength. Nevertheless, he/she has enormous power to influence his/her parents' decision-making. This power comes from the child's ability to mobilize wider support for his/her case. The "lollipop example" illustrates that power can be gained from relationships with others.

Power can be derived from many sources, such as:

■ physical strength: endurance, capacity for violence;

■ personal charm or charisma;

■ emotional strength: courage, leadership, commitment, integrity;

■ socio-economic and political strength: control of access to resources, tenure, rights, money, material goods, socio-economic status, political institutions, human resources;

■ cultural strength: norms and values that establish, justify or reinforce differential roles, rights and responsibilities in society;

■ control of information: technical, planning, economic, political;

■ ability: capacity or skills;

■ ability to coerce: threats, access to and use of media, family or political ties, mobilizing of direct action.

Reviewing marginal groups' sources of influence may indicate new ways of strengthening a limited but already existing power base. With whom are these marginal groups connected in the area and in the wider society? When working with opposing and more dominant groups, it may be useful to identify the limits of their power, or where their power becomes vulnerable. Actions to make power more equitable can be considered, but mediators should not advocate for one of the parties. This would risk losing the neutral status needed for mediation.

Collaboration operates on a model of power sharing. Stakeholders *who have authorized each other* to reach a decision eventually make decisions together. This does not mean that stronger parties must give up power, or that all resources are distributed equally. Underlying collaboration occurs when stakeholders have approved each other's legitimacy and power to define problems and propose solutions (Gray, 1989).

Major inequities are a deterrent to collaboration. Powerful groups often act unilaterally and refuse to negotiate or collaborate. They may also force weaker parties to "agree" to a decision. It is therefore useful to find out how much power and influence each stakeholder has, what kind of power it is and where it stems from.

> ### Core tool 3: Stakeholder identification and analysis
> The stakeholder identification and analysis helps identify and assess the power and influence of different stakeholders in a conflict.

5.5.3 Stakeholder relationships

Stakeholders have a number of different relationships that need to be considered in understanding natural resource conflicts. These include:

■ relationships to the resource base: rights, responsibilities and returns (or benefits) gained from the resource;

■ relationships with each other: individually, in partnerships or as part of larger alliances.

Stakeholder power and capacity are heavily influenced by both sets of relationships. Rights of access and control, and the benefits gained from resources, often define stakeholders' roles and power in relation to management. Similarly, alliances with other groups, networks and collective action can be important bargaining tools and means of reaching new and necessary institutional arrangements (Ramirez, 1999).

> ### *Core tool 4: 4Rs analysis (rights, responsibilities, returns and relationships)*
>
> The 4Rs analysis charts the rights, responsibilities and returns for all involved stakeholders in relation to resource use. Relationships among stakeholders can also be mapped in order to assess the degree to which they are positive or problematic. Positive interactions can indicate opportunities for building support and alliances that are useful in conflict management.

It can be very important to consider how these relationships have changed over time, and what is desired for the future. For example, examining the past and present rights of local resource users may show decreasing control over livelihoods that are based on natural resources. Similarly, outlining the past and present rights, responsibilities and benefits regarding management shows the causes of deteriorated relationships.

5.5.4 Considering gender

Effective participatory natural resource management requires the equitable collaboration of men and women. It is therefore crucial to consider gender and the issues that arise from the different roles, responsibilities and relationships of women and men. Gender roles within a society affect equity, wealth, power and well-being. Different roles for women and men affect who:

■ has access to and uses a specific resource;

■ has and controls traditional or other local knowledge;

■ receives benefits from natural resources, management decisions, income generation projects and training programmes;

■ has authority and participates in decision-making;

■ needs to be supported so that sustainable livelihoods can be improved for the whole of the community.

The dimensions of gender inequality vary among households and cultural groups. The issue of women's land rights has received increased attention in recent years, and several countries have implemented legislation establishing gender equality with respect to access to natural resources and land. Related reforms in marriage and inheritance laws have been slower to implement, however, and overall only limited gains for women have been achieved. In many areas, decision-making about land and natural resources, including the management of conflicts, is still handled almost exclusively by men.

Conflicts within community-based natural resource management often arise from imbalances in gender roles, relationships or processes. Rural women are usually at greater disadvantage than men, as they commonly have:

- lower social, economic and legal status;
- less access to technical education and training, credit, markets and funding;
- no or very little input into planning and decision-making processes;
- no or limited tenure rights to land, trees, water and other forest products;
- proportionately fewer returns from natural resources.

Changing roles: Gender roles and relationships are dynamic and changing. Changes can occur suddenly, in response to war, famine and natural catastrophe, or gradually over time. Change can be perceived as an opportunity or a threat by both women and men, and can be a source of conflict (Fisher *et al.*, 2000). Conflicts can also arise from forceful actions that men and women take to address imbalances in roles or processes that affect women's lives. Such conflicts can be highly visible, particularly when they involve different generations, for example, when educated youth openly challenges traditional roles. Commonly, however, conflict remains latent as women examine their responses to it, often using a range of indirect strategies. Although not always openly visible, women's difficulty in expressing their disagreement can steadily erode or undermine the sustainability and effectiveness of natural resource management initiatives.

SECTION SUMMARY

Section 5 has outlined the importance of conflict analysis and how it is carried out in different steps of the process map. Conflict analysis is an important start to stakeholder engagement (Section 6). For this to happen, the mediator needs to guide the different stakeholders in a process of self-reflection and self-discovery. The mediator's role is to help the stakeholders to conduct their own analysis. Only when all stakeholders have understood the results and gained new insights can the process lead to more engagement and, ultimately, to agreement.

Conflict analysis is an essential ingredient in many steps of the process map. During the entry phase, conflict analysis is carried out internally by the mediators as a strategic instrument for planning their way forward. During stakeholder engagement, it serves as a tool for enhancing conflict stakeholders' self-reflection and self-discovery.

Conflict analysis helps identify places for action. As the individual causes are better understood, the stakeholders' perceptions of events can be explored and further information needs identified. Ultimately, parties to conflict can better identify which contributing causes are most significant, which require immediate action, and which need to be addressed in the longer term.

Conflict analysis can be assisted by a number of simple, practical and adaptable tools and techniques. Annex 2 explains these tools in depth, and gives clear advice on how to use them in

the field. The tools are not rigid processes and can be adapted to the specific requirements of the mediators.

Analysis of the causes of conflict begins with identifying and describing the conflict, its boundaries and interrelationships. These elements may include the origins, levels and issues of conflict, the history and chronology of events, geographical and time-related relationships, interrelationships with other conflicts, and the prioritizing of areas for action.

Root cause analysis helps to explore the origins of a conflict and breaks down large, complex problems into smaller causes of conflict. These individual pieces can then be examined in more detail, and can suggest places for action.

Conflict analysis identifies and involves the stakeholders. Making clear which stakeholders are affected by a conflict and which influence the outcome is essential. Another essential task in conflict analysis is helping stakeholders to examine and understand their and others' interests and expectations, relative power and responses to conflict. This includes analysing their interactions and relationships, and the ways in which they can work together to manage conflict.

Clarifying the different groups' relative power to influence the direction or resolution of a conflict is central to stakeholder analysis. Reviewing the sources of influence may indicate new ways of strengthening a limited but already existing power base. At the same time, it may be useful to identify the limits of power of opposing or dominant groups, or where their power becomes vulnerable. This helps when considering actions that could make power relations more evenly balanced.

Effective community-based natural resource management cannot be realized without the equitable collaboration of both men and women. The need to consider gender and issues that arise from the different roles, responsibilities and relationships of women and men is crucial. Gender roles within a society affect major issues of equity, wealth, power and well-being.

Broadening stakeholder engagement

This section examines how to engage stakeholders in analysing conflict and assessing the options for managing it successfully. It explores:

▶ the different roles that various stakeholders may play in this process;

▶ tools with which mediators can support stakeholders' analysis of conflict and assessment of options.

6.1 WHY STAKEHOLDER ENGAGEMENT IS IMPORTANT

Negotiation and mediation are shared learning processes. Mediated processes that engage the conflict stakeholders will encourage:

■ a greater sense of *ownership* and agreement in the processes, which usually results in improved *effectiveness* – positive outcomes are more likely to be achieved;

■ improved *efficiency* – the energy, resources and activities that are put into the process are more likely to result in good-quality outcomes when conflict stakeholders' knowledge and skills are engaged;

■ greater *equity*, if all stakeholders' needs and interests are considered;

■ improved *transparency* and *accountability,* if conflict stakeholders have decision-making power over their own lives and futures;

■ improved *sustainability* and impact – an agreement is more likely to be adhered to when those involved are themselves responsible for it.

The mediators' role is to guide the different stakeholders in self-reflection and self-discovery. This process has started in the participatory conflict analysis. It continues by making conflict stakeholders aware of their long-term interests, the gains they get from a negotiated solution, and what the alternatives to a negotiated solution may be. Mediators need to support conflict stakeholders in identifying and focusing on underlying interests rather than fixed positions. Identifying the widest range of needs and how negotiations can meet these is often a powerful incentive for engagement.

Broadening stakeholder engagement involves two steps:

Step 4: deeper engagement – stakeholders analyse the conflict;

Step 5: generating and assessing options.

Milestone B is achieved when the different conflict parties (stakeholders) have each clarified their own interests, explored strategies for managing the conflict and expressed their willingness to negotiate with the other parties to achieve agreement.

6.2 STEP 4: DEEPER ENGAGEMENT – STAKEHOLDERS ANALYSE THE CONFLICT

The preliminary conflict assessment (step 3, Section 4.4) and the conflict analysis (Section 5) help to determine which individuals and groups need to be involved directly in actions to manage the conflict, and whether and how to proceed with negotiations. Initial stakeholder analysis often results in a long list of stakeholders who are to some degree affected or influenced by the outcome of a conflict. Deciding on the final list of stakeholders can take time. Sometimes practical constraints mean that the list has to be cut to include only essential stakeholders.

In other situations, a wider involvement is necessary in order to obtain enough information on and understanding of the causes and perceptions of the conflict. In the end, it is important to be clear about who agreed the list of stakeholders, when, and for what reasons it was kept short or long. The list of individuals and groups who are regarded as stakeholders should be reviewed frequently.

There are always challenges in deciding the appropriate balance and selection of stakeholders. A main area for discussion and likely argument is selection of the key or *primary* stakeholders. To a large degree, the criteria for this selection depend on the goals and desired outcomes of the conflict management process:

■ *Primary stakeholders* are those who are most affected or influential. They usually have the greatest dependency on the resource in question and/or are the most affected by the outcome of the conflict (conflicts affect their basic livelihoods).

■ *Secondary stakeholders* are those who are more indirectly or less affected by the outcome of the conflict. For example, the conflict does not affect their basic livelihoods, but they may influence or be influenced by the conflict management process.

When deciding whether a particular group is a primary or a secondary stakeholder, it is usually necessary to consider the alternative options that would be available to that group if its interests in the outcome are not met.

TRAINER'S NOTE: In order to obtain collaboration and effective management, groups with a great deal of power and authority to influence the outcome must be included as primary stakeholders. Without their involvement, such stakeholders are unlikely to accept solutions or support implementation.

Secondary stakeholders may have important functions in the process of stakeholder engagement (Box 6.1).

BOX 6.1

ROLES AND FUNCTIONS OF SECONDARY STAKEHOLDERS

Secondary stakeholders may play key roles in managing conflict by:

● *information gathering and analysis* – providing technical support, obtaining or advising on information, participating in the search for views on possible solutions, or increasing the acceptability of various outcomes;

● *advocacy* – working alongside weaker parties to build a transparent process, or helping the wider political arena to work towards greater equity;

● *intermediating* – acting as mediators between other conflicting groups;

● *monitoring and enforcement* – ensuring compliance with agreements by helping to enforce any that are broken.

Secondary stakeholders can be effectively involved without including them directly in formal negotiations. For example, they can take part in focus group meetings, advisory or working groups, surveys or interviews, and community meetings.

6.2.1 Facilitating stakeholders' analysis of the conflict

Clarifying the issues and differentiating between underlying causes and contributing factors help increase understanding of the conflict's full complexity. Without such understanding it is difficult, if not impossible, to select appropriate strategies to manage conflict. The underlying issues in most conflicts relate to interests, ideology, relationships, information and structural inequalities. Sorting out the various causes of a conflict helps stakeholders to determine appropriate responses.

Mediators guide stakeholders through the following steps in conflict analysis:

■ *Clarification of issues*: What happened, where, when, who did it, how and what are the consequences? (Core tool 1: Issue analysis).

■ *Root cause analysis*: Breaking down the complexity of conflict into simple cause–effect chains. This helps sort out which are the less and which the more important causes of the conflict, and identifies the key problems that need to be addressed (Core tool 2: Root cause analysis).

■ *Stakeholder analysis*: Identification of the stakeholders involved in the conflict, their relative power and their relations with each other (Core tool 3: Stakeholder identification and analysis).

■ *4Rs analysis*: Exploration and analysis of the rights, responsibilities and benefits that conflict stakeholders obtain from the resources at stake, and understanding of the relationships among them (Core tool 4: 4Rs analysis).

■ *Conflict layer model*: Identification of differences in positions, interests and needs, and exploration of similarities in these among different stakeholders (Core tool 5: Conflict layer model ["conflict onion"]).

TRAINER'S NOTE: These conflict analysis tools are briefly explained in Section 5. Detailed descriptions of each tool are provided in Annex 2.

In conflict settings where tensions are high, it may be most appropriate to engage the different stakeholder groups in conflict analysis at separate sessions. This can help them to clarify their positions, interests and options in a neutral setting. In some circumstances, conflict stakeholders may also be engaged in a joint meeting at which all take part. This can be considered only if the issues are not very complex and emotions are not likely to escalate.

6.2.2 Facilitating stakeholders' analysis of interests

Parties engage in conflict management because of underlying interests that they want to have addressed and satisfied. Parties rarely identify their interests clearly or directly, perhaps because they (Moore, 2003):

■ do not know what their genuine interests are;

■ believe that they gain more from a settlement when their goals are unknown by other parties;

■ have adopted such strong positions that the interests themselves have become obscured and are equated with the positions.

It is essential that the parties in dispute understand their own and each other's interests so that they can reach more productive and satisfying outcomes. The investigation of interests is facilitated by a party's belief in the following:

■ All parties have interests and needs that are important and valid to them.

■ A solution to the problem should meet the maximum number of interests of the maximum number of parties possible.

■ There is always more than one acceptable solution to a problem.

■ Any conflict involves compatible interests, as well as conflicting ones.

The conflict layer model (or "conflict onion", Figure 6.1) helps the parties involved in conflict to examine their own positions, interests and needs and to gain a better understanding of the interests and needs of the other side(s). The conflict layer model consists of concentric circles showing the needs, interests and objectives or positions of the various parties to the conflict, broken down into different categories – positions, interests and needs.

The outer layer of the onion can be thought of as the public *positions* of the various opposing groups – what they say and do. The second layer is their *interests* – what they want to achieve from a particular situation. At the core are the most underlying motivations – the *needs*, which must be satisfied. While interests can often be negotiated, basic needs, such as recognition, are usually non-negotiable.

TRAINER'S NOTE: Mediators need to help stakeholders to become aware of the distinction between positions and interests:

■ **Positions are what people say they want in a conflict.**

■ **Interests refer to what people really want, and what motivates them.**

Interests are more long-term, and reflect the broader hopes of a person or group. Some interests may be central to all parties, and these may have been overlooked. Such shared interests could include reducing conflict, increasing peace and restoring healthy relationships. Stakeholders may be tired of the dispute disrupting their daily life, and may want to move forward. The mediator can remind stakeholders about the impacts of violence, the costs of conflict and, possibly, the damage to their public image or legitimacy. Confidence that their interests can be met is often very persuasive to conflict stakeholders, particularly after a protracted conflict.

The positions taken by the indigenous forest users and the forest conservation union in the "conflict onion" (Figure 6.1) seem quite incompatible; there does not seem to be much room for negotiation. The demand to return the forest reserve to customary tenure is counterbalanced by a demand to prohibit indigenous people's use of the reserve.

However, when the situation is considered from the viewpoint of interests it looks different. Reduced-impact logging or the desire to base management on scientifically sound principles could be compatible with involving communities in management decisions and improving sources of local income.

FIGURE 6.1 THE "CONFLICT ONION": DISTINGUISHING INTERESTS AND POSITIONS

LOCAL COMMUNITY-BASED ORGANIZATION REPRESENTING INDIGENOUS FOREST USERS

FOREST CONSERVATION AGENCY

- Demand for funds for income generation projects
- Demands to government to return the forest reserve to customary tenure

- No use of forest reserve by indigenous people
- Forest reserve protection to be maintained as it is

POSITION
What we say we want

INTEREST
What we really want

NEEDS
What we must have

- Continued forest access for indigenous communities
- Improved sources of local income
- Involvement of communities in forest management decisions

- Maintain influence in forest reserve management
- Reduce impacts of forest harvest
- Reserve management decisions are based on scientifically sound management principles
- Ability of agency to enforce management guidelines

- Food security
- Government recognition of local cultural values and customary use of the forest
- Indigenous people need money to meet basic family needs

- Long-term protection of forest biodiversity
- Continuation of funding for forest programmes
- Retain agency reputation in forest conservation

Source: Adapted from Fisher *et al.,* 2000

Focusing on inflexible, immediate and often deeply held positions reduces creativity and restricts the exploration of possible solutions to conflict. Interests are frequently many and varied. Some are contradicting or competing, while others (Figure 6.2) are likely to be overlapping, compatible and shared by all the groups. When conflict stakeholders have identified mutual interests from which all can benefit, they have reached a point from which the actual conflict management process can start.

In addition to identifying and separating their positions from their interests and needs, stakeholders also need to consider the likely interests and needs of other groups. To go one step further, moving from *rivalry* to *collaboration,* they need to understand:

■ how these interrelate or are interdependent;

■ that there is more to gain from collaborating than from competing.

TRAINER'S NOTE: Reconciling interests rather than positions works for two reasons. First, for every interest there are usually several possible positions that could satisfy it. All too often people simply adopt the most obvious position. Second, underneath people's positions there are often many more shared and compatible interests than there are opposing ones.

FIGURE 6.2 **IMPROVING OPPORTUNITIES FOR COLLABORATION: MOVING FROM POSITIONS TO INTERESTS**

POSITION   POSITION

PARTY A   PARTY B

INTEREST   INTEREST

MUTUAL INTEREST
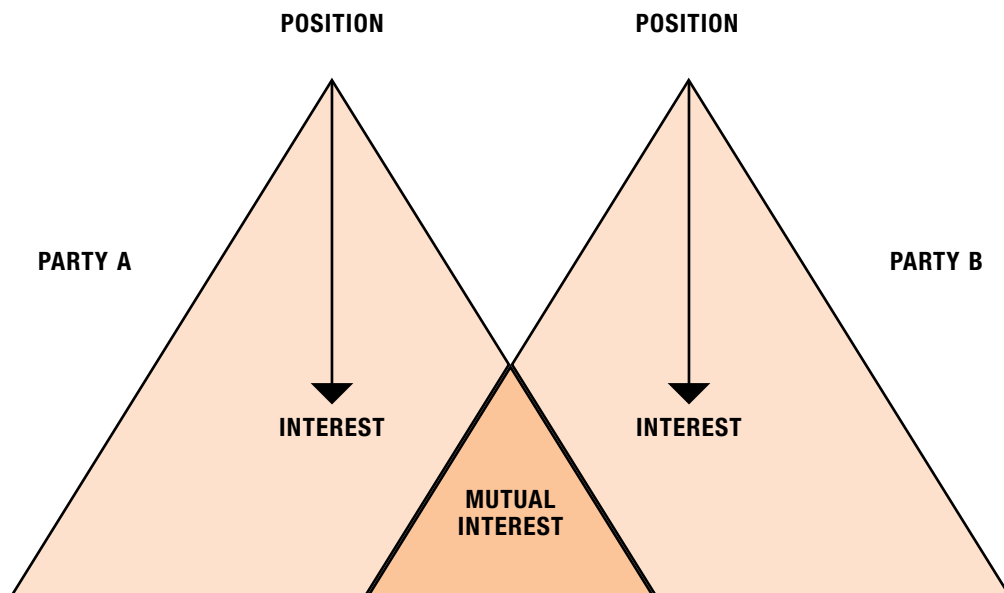
Source: Adapted from Grzybowski and Morris, 1998.

PROCEDURES FOR DISCOVERING INTERESTS

There are many different ways in which mediators can help parties in conflict to understand each other's interests better. Mediators' main tasks are to ask additional questions and clarify the given answers. They then need to ensure that the answers are clear and understood by all parties. They therefore often need to reframe or summarize the answers given by the parties.

Direct questioning: Investigate the parties' underlying interests by asking: "Why is this important for you?". Keep asking "why" repeatedly until the list of interests comprehensively covers both needs and fears. Conversely, ask the question "Why not?". What reasons does one group have for not meeting the demands or interests of the other(s)? To encourage mutual understanding, mediators can also ask disputants to articulate or speculate what they perceive to be the interests of others.

Reframing: Broadly, this means encouraging people to shift their assumptions and other perceptions about a conflict. Reframing is especially necessary when aggressive or insulting statements are made. The mediator tries to reframe the statement in a different way so that it can be more easily addressed by the parties. When reframing, mediators need to state the problem clearly and in a manner that neither favours or blames one party.

Summarizing: This is recommended in situations where a person has spoken for a very long time using vague, unclear language, or when it is otherwise obvious that other parties have not understood what the person was saying. The mediator summarizes the main points of the statement and asks the speaker for confirmation that this has been done to his/her satisfaction.

Once the mediator and the conflict stakeholders have identified the interests of all the parties, they will meet one or more situations. Interests may be:

■ *mutually exclusive,* in that satisfaction of one party's interests may make satisfaction of another's impossible;

■ *mixed,* in that the parties have some compatible and some competing interests;

■ *compatible,* in that the parties have similar and non-exclusive needs.

Conflict parties' willingness to identify and explore interests jointly does not mean that they have to agree with each other's interests. There is an important difference between acceptance and agreement. Acceptance implies a willingness to receive – understanding and acknowledging that someone thinks and feels a certain way about something (or someone), and being willing to be informed about those thoughts and feelings. Agreement means thinking and feeling the same way about a thing or person; being in the same mind as the other party.

At this stage, *acceptance* is important; one of the mediator's important tasks is to make sure that conflict parties mutually *accept each other's interests* without necessarily agreeing with them.

Sometimes the conflict management process becomes stuck because the parties have not found a mutually acceptable statement that makes it clear what the conflict is about. Mutual acceptance is blocked by the negative, hostile way in which stakeholders present their interests. It is then the task of the mediator to assist the parties in *reframing* their interests, moving them away from unhelpful statements towards those that can lead to successful problem solving (Moore, 2003). Alternatively, mediators may reframe the parties' interests themselves.

The key to reframing is to clarify and uncover the meaning, needs, interests or concerns presented in one view/description of the conflict, and present them in a new way that is more acceptable to all the parties. This often involves reducing the strong emotions in a message. For example: "You must be completely selfish and merciless to propose a solution that only benefits your own family. Because of your non-cooperative behaviour the entire community is suffering" could be reframed as: "You may want to consider looking for a solution that considers the interests of your own family and also the interests of other community members".

6.3 STEP 5: GENERATING AND ASSESSING SETTLEMENT OPTIONS

6.3.1 Identifying options for settling the conflict

Options must satisfy parties' interests if they are to be considered as acceptable solutions to the conflict. Mediators help stakeholders to identify options for moving ahead with the conflict and possibly settling it. These options are identified after the stakeholders have analysed the conflict causes and clarified their own positions, interests and needs. Stakeholders may often find it difficult to think about the options, because the conflict appears complex and may have been latent for a long time. In such cases, mediators need to assist the conflict parties in:

■ breaking down the problem into components and ranking these in terms of significance; it is also useful to distinguish which issues are *immediate,* and require urgent action, and which are *underlying,* and present obstacles to lasting peace; underlying issues sometimes need to be addressed over a longer time period;

■ creating a vision of how a workable solution or relationship that would meet their own and others' interests might affect them in the long term.

Brainstorming is a powerful tool to identify options for conflict settlement (Box 6.3). The key rule in brainstorming is that any idea generated by anybody is worthwhile and should be listed. In brainstorming, generating ideas is strictly separated from evaluating them. The objective is to be creative, to move beyond usual patterns of thinking, and to widen the options, even if they seem strange at first. These options can be prioritized and reduced through other tools later.

BOX 6.3

BRAINSTORMING GUIDELINES

Brainstorming is a tool to generate multiple ideas, usually in a short period of time. It allows a number of possible choices to emerge. Unexpected solutions can be proposed that might not have been considered, and yet may have a key part to play in building a solution. Brainstorming works with the following rules:

● Any idea is better than none.

● Be creative and imaginative.

● Be forward thinking.

● Do not make critical comments or evaluate ideas.

6.3.2 Assessing options: best alternative to a negotiated agreement (BATNA)

At this stage, the parties' central task is to assess how well their interests will be satisfied by any one option or combination of options. The options are not assessed until the brainstorming has been exhausted and participants cannot suggest any more. The mediator's task is then to help the parties evaluate the options and determine the costs and benefits of accepting or rejecting them.

The purpose of negotiating is to produce a better result than would have been obtained without negotiation. An outcome that has been achieved without negotiation, or after negotiation has failed, is called the best alternative to a negotiated agreement (BATNA).

The BATNA is the standard against which every result should be measured. If parties in conflict do not know what the BATNA is, they might be either too optimistic and reject agreements that it would be in their interest to accept, or too pessimistic and accept agreements that are unfavourable and worse than what could have been achieved without agreement.

Developing a BATNA involves:

■ listing down all the possible alternatives that could be pursued if no agreement is reached;

■ considering the practical implications of the more promising alternatives;

■ selecting the alternative that seems to be the most satisfactory BATNA.

It is also a good idea for each party to consider other parties' BATNAs in order to learn as much as possible about their power in the negotiation, relative to its own.

The questions about the BATNA help people to consider what would be a less than favourable outcome and where they can strengthen their power to achieve their interests. In calculating an outcome, it is useful to imagine and anticipate what other groups are going to do. What are the other stakeholders' options and motivations? This affects each stakeholder's estimate of its desired outcomes. It also emphasizes the need to analyse and understand the conflict from the perspective of all stakeholders.

TRAINER'S NOTE: A BATNA is an assessment of options for settling the conflict. It provides the necessary confidence for a stakeholder to enter negotiations with other stakeholders, because it clarifies the boundaries of possible options that the stakeholder is willing to consider in the negotiations.

When it has a BATNA, a party entering a conflict management forum will have far greater confidence in its discussions. It will have clearly identified what issues are negotiable, what power it has to achieve its interests, and what alternative course of action it can take if the discussions are not successful (Fisher and Ury, 1981). Some people working in conflict management claim that a party should never enter a negotiation without knowing what its alternatives to negotiation are.

BOX 6.4

BATNA GUIDELINES

Review the conflict:
- What are the central issues in this conflict?
- Who is involved?
- What kind of outcome do I hope to achieve?
- Which actions would best help me reach that objective?
- What would be:
  - the best outcome?
  - the minimal outcome?
  - the worst outcome?

Assess the alternatives:
- Are there any issues that I am unwilling to negotiate?
- What alternatives do I have for satisfying my interests if we do not reach an agreement?
- What would be the best alternative?

Strengthen the BATNA:
- What can I do to achieve my interests?
- Are there additional resources that may be required?
- Will I need extra time or financial support?

Consider the other parties' BATNAs:
- What do I think their key interests might be?
- What might they do if we do not reach an agreement?

SECTION SUMMARY

Section 6 has explained how mediators can bring stakeholders into the conflict management process by engaging them in the conflict analysis and assessing the options for conflict management. Only when stakeholders are "in the driver's seat" is there a reasonable likelihood that they will comply with an agreement for which they are themselves responsible. Engaging stakeholders in the early analysis helps to prepare them for negotiations with other stakeholders.

The role of mediators is to guide the different stakeholders in self-reflection and self-discovery. This includes helping the conflict stakeholders to become aware of their long-term interests, the benefits for them of a negotiated solution and what the potential alternatives to a negotiated solution might be. Mediators need to support conflict stakeholders in identifying and focusing on underlying interests, rather than on inflexible and strong positions.

Conflict analysis helps stakeholders shift their focus from individual positions to potentially shared interests. Moving opposing parties from deeply held, fixed positions towards common interests is a fundamental aspect of collaborative approaches. Most conflicts have underlying issues that relate to interests, ideology, relationships, information and structural inequalities.

Rather than conflicting positions, a key problem in conflict management is the conflict among needs, desires, fears and concerns. Understanding the differences between positions and interests can lay the groundwork for more effective negotiations. To establish collaboration among opposing stakeholders, the mediator helps them to understand how they interrelate or are interdependent, and that they have more to gain from collaborating than from competing.

Mediators help stakeholders identify options for going ahead with the conflict management process. These options are identified after the stakeholders have analysed the conflict causes, and clarified their own positions, interests and needs.

The BATNA helps individual stakeholders to set and assess realistic targets for their negotiation. The BATNA is the result that could be achieved without negotiation. It is the standard against which every outcome of negotiations should be measured.

Negotiations and building agreements

This section examines how to assist stakeholders in the negotiation process. Its objectives are to:

▶ discuss how important it is to prepare carefully for negotiations in order to foster the sincere commitment of conflict stakeholders;

▶ provide a guide through the negotiation process, up to the final agreement.

It is important to remember, that this section presents an idealized version of a negotiation process. A particular negotiation will unfold in ways that depend on the unique circumstances. As a mediator, it is important to be prepared with the necessary knowledge and skills to assist the negotiating parties.

7.1 WHY NEGOTIATIONS AND AGREEMENTS ARE IMPORTANT

The voluntary participation of all key stakeholders is fundamental to a collaborative approach to managing conflict. One group's decision to negotiate is only effective if the other parties also feel that it is in their best interest to do so. There can be many reasons why people are reluctant to negotiate, even when they are generally willing to find a joint solution. Examples include outstanding fears, major difficulties in communication, and fixed perceptions about opposing parties.

Mediators need to be aware that pursuing negotiations does not necessarily imply that a party sincerely wants to reach negotiated solutions. Parties often engage in superficial negotiations for their own hidden purposes, such as leading other parties to believe that something is happening, when actually it is not, or holding out for time.

Negotiations of any form are not a mechanical process. Nor are they necessarily easy. Tension, frustration and emotion will probably arise, no matter how carefully or early mediators prepare. People may enter the process slowly and fearfully. There may be uncertainty, distrust or anger towards other parties, and this may only become clear when groups meet face to face. *One of the mediator's major tasks is to help build trust among the parties and to promote mutual learning that helps overcome strong emotions*.

Those who are politically marginalized and highly dependent on the resource base may feel exposed and that they are taking a great risk. The negotiations may show both their hopes and their fears in protecting their families, friends, livelihoods and culture. While some people may be genuinely willing and committed, others may be putting on an act, deceiving or testing relationships. Members of a group may start to feel suspicious of their representative in the negotiation process, and fear that he/she will end up taking "the other side" while their own interests suffer. This may change the whole process, causing some people to reconsider their commitment or react negatively. The outcomes for some groups are often significant, with high risks and potential benefits from the process. Understanding these realities is essential. Mediators supporting the process must understand how sensitive and serious these negotiations are for the groups involved.

Mediators must also remember that the people participating in negotiations are usually not the only ones involved in making the final decision. Conflict parties usually represent and are responsible to wider groups of people (family, social group, community), which are their *constituencies*.

These constituencies must have sufficient opportunity to contribute to negotiations, and need to be kept informed about the changes or options developed during negotiations. They must also be informed about the possible solutions or agreements that come up in the negotiation process. The final proposed agreement that reaches them should not be a surprise to them.
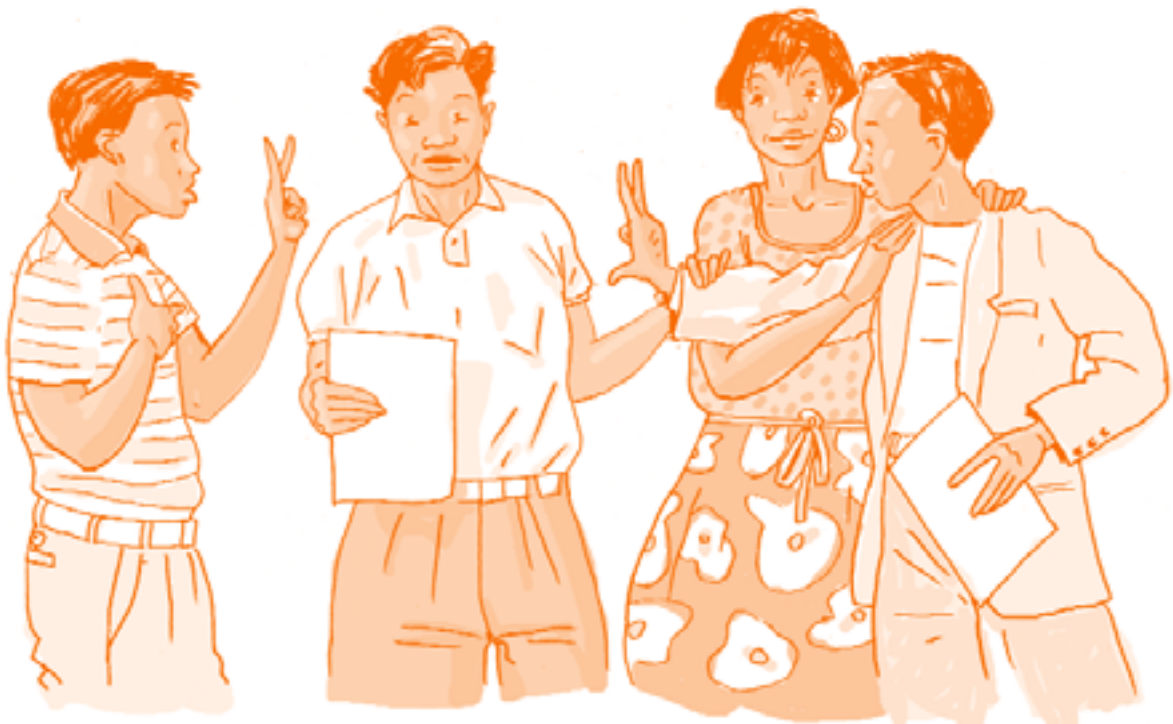
The negotiation process involves three steps:

Step 6: *Preparing negotiations;*

Step 7: *Facilitating negotiations;*

Step 8: *Designing agreement.*

Milestone C has been successfully completed when the negotiation parties have listened to and considered each other's concerns and interests, jointly developed agreements on how to manage the conflict, and agreed on how these will be implemented and monitored.

7.2 STEP 6: PREPARING NEGOTIATIONS

Negotiations need careful preparations from all sides. The various negotiation parties and the mediator must:

■ *inform people about the negotiation process*: mediators need to inform stakeholders about the negotiation procedures, build participants' ownership, and keep their expectations realistic;

■ *help choose the right place and time for negotiations*: mediators need to underline considerations (including through asking key questions) about the setting, time, place, etc.

7.2.1 Informing people about the negotiation process

Mediators need to let stakeholders know what is likely to happen during the negotiation process. A good start is for the mediator to develop the negotiation agenda jointly with the stakeholders, or at least to make sure that it is accepted by all.

Helping people to become owners of the process: Facilitated negotiation or mediation needs to be designed in ways that:

■ build participants' ownership of the process and their trust that it will work;

■ are sensitive to culture, gender, power and other relevant social dimensions. This requires working hard to overcome the bias that such power differences bring.

Informing participants of the range of options: The mediator has to make all the parties understand that the best solution may not yet have been found. Parties often enter negotiations in the belief that they have already selected the best solution while they were brainstorming settlement options. They now expect merely to have to persuade – or force – the other parties into agreement. The mediator's task is to remind all parties to focus on their underlying interests rather than their positions. It may help to remind them gently to take each other's needs and interests into consideration.

The mediator needs to help people question the assumptions that underlie the way they frame the conflict. Examining the conflict from many points of view, by looking at the perspectives and motivations of the other sides, helps the stakeholders to reframe it (change their perspectives).

Keeping expectations realistic: The mediator also has to help the conflict parties understand that negotiations are an open-ended process: consensus building and reaching agreement take time. If the conflict involves only a single issue or two parties, solution may require only a few hours in a single meeting. More complex issues involving many stakeholders may require a series of meetings, and it may take many months to address all the issues. If complex differences in values, relationships or underlying interests are involved, collecting the relevant information or reaching consensus may need more time and be less predictable.

Building legitimacy: Some groups may be unwilling to enter negotiations because they do not accept that the other stakeholders have legitimate interests. There are many ways of questioning a group's legitimacy. One group may claim that an opposing group is not a key stakeholder. For example, an international conservation organization may be said to be too remote from the conflict site, or migrants may not have resided in an area long enough. Some groups may accuse others of being too narrow in their interests, and of failing to consider broader nation-building needs or goals. A particular group may be seen as representing only a small minority of interests.

Actions that address the question of legitimacy include:

■ sharing information widely, explaining why a group's interests are legitimate;

■ gathering recognition and support (possibly through petitions or surveys) that indicate a broad base of support;

■ seeking other influential and reliable individuals or organizations to speak on behalf of a group.

Building trust: Negotiation requires that information be exchanged in order to meet the interests of all parties. People tend to disclose information about themselves only when they are sure that the recipient of that information is not going to use it against them.

7.2.2 Choosing the right place and time for negotiations

The mediator may want to involve the conflict parties in decisions regarding where and when to meet. The environment chosen for negotiations may significantly affect the way in which conflict parties feel and communicate. Generally, it should be a neutral place where no party has strong emotional ties or control, and where everybody feels comfortable.

A mediator who is an outsider might want to find out beforehand what would be the best seating arrangements to promote consensual negotiations among the particular parties involved. Seating should normally emphasize the equality of all participants. For example, seats should be the same size and design, no-one should be in stronger light or heat (or further from the door or window) than others, and disputants should not be seated opposite each other.

Time limitations that may affect when the meetings are held should also be considered. These include farming or harvesting schedules, and religious or other holidays. Scheduling is very important when different resource users are trying to make use of the same area, such as when fishers, pastoralists, foragers and farmers are contending use of a wetland. Deadlines that set when an agreement must be reached need to be respected. Some political and administrative deadlines incur negative consequences if they are not met.

Box 7.1 summarizes important issues to consider when preparing a negotiation process.

BOX 7.1

USEFUL QUESTIONS FOR PREPARING A NEGOTIATION PROCESS

Conflict analysis
- What is the conflict?
- How long has it been going on?
- How have the stakeholders tried to address it in the past (if at all)?

Stakeholder set-up
- Who has a stake or interest in this conflict?
- To what extent do these individuals form coherent stakeholder or interest groups?
- How will the stakeholders be represented?
- Are any of the stakeholders that should be included not represented? (If so, how should they be integrated into the negotiations?)
- How far can people travel? (At what cost?) Is there a need to organize transport?
- How much time do people have to attend meetings?

Setting, venue
- Is an appropriate meeting place available?
- Are there any time limitations that may affect when the meetings are held (for example, farming or harvesting schedules, religious or other holidays, political or official deadlines)?
- Will private meetings, task committees, field trips and/or community meetings be needed?

Process management
- How do the different stakeholders want to present their differences?
- What can be done to support people with lower literacy levels or people who are poor and disadvantaged?
- What materials (if any) does the mediator require?
- Will people need time between meetings to debrief the other members of their groups?

Team management
- Distribution of tasks – who does what activities at which particular time (logistics, welcome etc.)?
- Role sharing in the mediation team – who is responsible for which tasks (lead mediator, note taker, observer, etc.)? (Section 3.1)

Cultural provisions and protocol
- What is the appropriate protocol to start the negotiation? In traditional settings, it is important to consider cultural procedures and the appropriate protocol.
- Are there any cultural rules that need to be observed (e.g. in Ghana, chiefs do not eat in public)?
- How can stakeholders' commitment be strengthened (e.g. through guests of honour, motivators, support to secondary stakeholders)?

7.3 STEP 7: MEDIATING NEGOTIATIONS

There are no set designs or recipes for mediating negotiations. The process and substance of negotiations must meet the needs and particular circumstances of the specific situation. When progressing through negotiations, mediators should try to follow a series of clear steps, while remaining sensitive to the dynamics of group interactions, the specific circumstances and issues of equality in participation. Great care is needed, especially for external mediators who might be unaware of much local history, cultural reference points, proverbs, etc. External mediators may not grasp the cultural context of what is said, and cultural context can be of great relevance to local participants, for example, sometimes people need to discuss other grievances or opinions before they can deal with the heart of a conflict.

Although negotiating paths are not always direct, the process is ideally characterized by five main stages, which are marked by the specific activities and achievements shown in Table 7.1

TABLE 7.1

ACTIVITIES AND ACHIEVEMENTS IN NEGOTIATIONS	
Stage and main activities	**Achievements**
1. *Setting the stage:* confirm and refine the agenda, clarify roles, develop trust and define ground rules.	Mediator has clarified his/her role and functions, and has set (jointly with stakeholders) the ground rules.
2. *Providing space for stakeholders* to state their cases and talk about their interests.	Each stakeholder has listened to the other stakeholders' framing of the conflict.
3. *Reframing the conflict:* help the stakeholders to shift their own assumptions and priorities regarding the conflict, looking for common or mutual advantage.	Through the process of reframing, stakeholders have agreed on one or more shared interests on which to build collaboration.
4. *Expanding options* that might provide mutual gain.	Stakeholders have developed a list of options to explore.
5. *Assessing options and reaching agreement* on acceptable options for managing critical issues.	Stakeholders have agreed the acceptable options on which to build a final agreement.

7.3.1 Setting the stage

At the beginning of negotiations the mediator needs first to address the participants' basic needs for comfort and safety. When entering negotiations, disputants are often emotionally stressed, and the mediators therefore have to set a positive tone. This includes, for instance, acknowledging the parties' willingness to cooperate and try negotiations to settle the conflict, or reassuring them of the mediator's impartiality towards the issues and neutrality towards the parties. If culturally appropriate, the mediator may also choose to ask the parties directly how they feel about being engaged in negotiations. An early acknowledgement that stakeholders are uncomfortable may reduce tensions and help them to relax and focus on the substance for negotiations.

Clarifying roles: The mediator should then define the negotiations and his/her role in them. Even if the mediator's role has already been clarified with the individual parties, it is important for them to hear the mediator giving the same information in the presence of other parties.

The role of the mediator is to:

- help move participants towards genuine commitment;
- assist the participants in meeting their objectives;
- provide information and guidance that helps participants to reach decisions on their agenda items;
- observe strict confidentiality regarding statements and behaviour.

Refining the agenda: Later on in the introductions, the mediator should revisit the agenda to check whether it contains all the issues that the parties want to discuss. Mediators need to remember that cultures differ in their styles of public speaking and negotiations. In many places people are used to having many things going on at the same time. In such places, there is no great concern about maintaining a recognized order as to who speaks next. In other cultures, scheduling and order are overriding concerns. Only one person can speak at once, and people speak in a preset order (e.g. according to whoever first raised their hand).

Whatever style is adopted, the mediator has to make sure that everyone has a chance to speak from the beginning. As many people will have similar concerns, this may give people their first idea of sharing interests and concerns with others.

Building trust: It is essential that the mediator creates a supportive, open and respectful atmosphere for the disclosure of information, including – if culturally appropriate – the sharing of feelings. Feelings may be indirectly revealed in the ways in which the different parties present information. The importance of building trust in negotiations cannot be overstated. Where there is conflict, people often do not trust each other at the beginning of negotiations. This means that stakeholders question the truthfulness or accuracy of each other's statements and behaviour. When trust is low, the mediator can encourage stakeholders to make moves that increase their trust in each other. The following are ways of building trust:

- Stakeholders can be asked to clarify their assumptions about how other stakeholders use or need the resource under question, how they perceive their own attitude towards the other parties, how they perceive the other parties' attitudes and motivations, and how they think the other parties perceive them.

■ Discussing how the negotiation process can gradually build trusting relationships, through a series of promises followed by actions that meet those promises, helps to reinforce the belief that commitments will be carried out.

■ A series of checks can be established to assure that trust endures throughout the negotiation process.

■ Participants can be asked to describe what is meant by trustworthy behaviour, and to identify where there has been trust in the past, and what spoiled it. At this point, any assumptions about trust in their past relationships can be usefully explored.

BOX 7.2

TRADITIONAL MEETINGS

Cultures and communities differ in their ways of holding meetings or assemblies, including those aimed at negotiations. Such meetings may follow well-established norms, with which local people are very familiar. People then know their roles and can predict how the meeting and its decisions are likely to go. Procedures may vary widely. Discussions may be limited to certain individuals, or everyone present may be entitled to have a say. People may speak normally, or they may raise their voices, try to speak at the same time, or try to shout one another down. The information covered at the meeting may be limited to one issue, or it may be very wide-ranging.

The community's organization and structure also come into play. In many settings, cultural diversity is less important than wealth or power diversity. For example, the meeting may not allow poor people and women to speak, or even to be present or represented. Usually, whoever calls the meeting, decides where it will be held, sets the agenda and has the power to control the meeting itself. But powerful individuals who try to dominate a meeting sometimes find that less powerful members gain strength and confidence. They may start to voice questions or views that are in contrast to those of the powerful people controlling the meeting.

In multicultural settings, selecting whose cultural rules prevail may become a major issue. If the mediators follow one rule, other parties may be upset and feel dominated by one particular group and its culture. People interacting across cultures usually have to adapt to new meeting contexts. The meeting site may be very important.

Thus, it may not always be desirable to follow all cultural rules. For example, disadvantaged groups may challenge cultural rules that seem to keep them in subordinate positions in daily life. They may be chased away from meetings of "notables", or forced to sit on the edges of meetings.

In a negotiation, the mediator has to decide whether to follow the traditional, local way of addressing issues, or – as part of the participatory process – to adopt more equitable methods. The challenge for mediators is to help equalize power without appearing to be a threat that is aiming to change the whole culture of the community.

■ Agreements can be built steadily, with constant checking that stakeholders are confident that they or their group will be able to follow through with any changes.

■ The consequences of breaking trust in the short and long term can be assessed. Promises for future action can be restated in the agreement, and the consequences of not keeping these promises should be made clear.

Opening paths of communication: Good communication means people are actively listening to each other, and everybody has a chance to speak. This is key to creating and maintaining a setting where agreements can be reached. To support good communication, the mediator may need to work out some ground rules with the participants. These rules can be brainstormed by asking the participants how they would like to be treated by others during the negotiations. The mediator needs to explain that it is his/her role to reinforce these rules whenever necessary during the negotiation process.

The mediator should make clear that all parties must be heard. It is also important that threatening statements and behaviour are controlled. The mediator must be sensitive to the variety of ways in which threats can be made. This requires paying attention to non-verbal communication, such as eye contact, sitting posture, facial expression and hand gestures. Non-verbal communication plays a significant role in indicating the underlying feelings or emotions behind a speaker's words.

The mediator should also be aware of rising emotions. These too are signalled by non-verbal communication, and mediators should note whether they are helping or getting in the way of negotiations, and should control them when necessary. This is especially challenging when the mediator comes from another cultural background, or simply does not understand local relationships.

The mediator manages the ground rules and may interrupt proceedings if necessary to give feedback. Mediators should also pay close attention to what happens outside the proceedings. Participants should be encouraged to give feedback as soon as they feel that a rule has been violated.

BOX 7.3

SUGGESTED GROUND RULES

- Listen carefully and attentively.
- Delay questions or comments until the speaker has finished.
- Speak about yourself.
- Present your own point of view. Make your interests, feelings and concerns clear.
- Treat other parties with respect. Do not use insulting or abusive language.
- Remember that the goal is to reach an agreement that is acceptable to all parties.

7.3.2 Providing space for stakeholders' statements

After the introduction, the second phase in the negotiations starts with the mediator inviting the parties to state their cases by presenting their interests and views publicly.

During this early stage of negotiations, emotions may rise. A main task for the mediator is to manage these emotions. The expression of emotion – when it does not become aggressive – may help to create understanding among the stakeholders about each other's needs and fears.

The mediator's role is crucial at this stage of the negotiation process. It is important that the mediator helps the stakeholders to change their perceptions about a conflict situation, and about what solutions or ways forward may be possible. The mediator has the power to move the process forward constructively by allowing weaker parties to present their views fully within the negotiation setting. However, such leverage power needs to be carefully handled so that stronger parties do not feel that the negotiation process is biased against them. In particular, the mediator should encourage the stakeholders to:

■ talk about their own viewpoints, fears and needs, rather than wondering about the viewpoints, interests and needs of others;

■ focus on finding mutually agreeable outcomes;

■ repeat back what they have understood from another person's statement – this helps clear up misunderstandings and forces conflict parties to "put themselves in the shoes of the other";

■ rephrase insulting statements in ways that identify key concerns and fears without repeating the insult.

TRAINER'S NOTE: It may not be appropriate in all cultural settings for conflict stakeholders openly to address their cases in the presence of other stakeholders. It may be better for the mediator to summarize the main perceptions learned during shuttle consultation prior to the negotiations, and to ask the different stakeholders to confirm these summaries.

During this challenging stage of the process, a mediator may be asked to take on different roles. If a mediation team is being used, different team members may take on different roles. Teams need to clarify these roles, and the divisions among them, in advance. For example:

■ observers may feed back to the mediators when tension arises among stakeholders who are not directly involved in but are present at the negotiations;

■ one team member may document the discussions for use as clarification later on.

7.3.3 Finding common ground

In the next phase of the negotiation process, individual groups present their analyses of the issues. Ideally, this process leads people to narrow their differences, allowing the exploration of possible outcomes where all parties stand to gain. The mediator may draw on any of the ideas or results gained from earlier conflict analysis to assist participants in discussing their issues and interests.

After the groups have presented the issues and discussed their own underlying interests in each, the mediator requests the participants to produce a list of interests and combine them into a few common categories. From each category, the participants may then begin working together to formulate a concise common goals statement that integrates all the central points (FAO, 2002). This statement contains the objectives that they will work towards. Developing a common goals statement is an effective way of helping parties to focus on their interests, rather than their positions, and to explore similarities, rather than differences.

An example of a common goals statement is provided in Table 7.2 (righthand side). In this example, negotiations between two communities are being mediated in order to determine a mutually acceptable boundary. All the issues have been merged into three categories: boundary, access and resource use (lefthand side). The participants have agreed that the common goals adequately address all of their common interests. Reaching agreement on how to achieve these common goals then becomes the focus of negotiations (FAO, 2002).

TABLE 7.2

EXAMPLE OF A COMMON GOALS STATEMENT

Central interests/issues	Common goals
1. Fear that a formal boundary will not be established fairly. Key question: Should the boundary be measured from the middle of the river or from the riverbank?	1. We will develop an agreement that determines a formal boundary between our two communities, given the changing nature of the river.
2. Both communities rely on access to a forest patch, one for grazing and the other for cultivating toxic plants used in religious ceremonies. Each group's use of the patch detracts from the other's.	2. We agree that we must find a solution that allows both of our communities regular access to the forest patch, as it serves important functions in both.
3. An upstream community has been overcutting the timber resources, which has contributed to floods that change the way the river flows.	3. We recognize that we must invite the upstream community to participate in some way, as their resource use practices are contributing to the problems that we are having today.

Source: FAO, 2002

It is important to remember that in almost every negotiation, stakeholders will have more than one interest. Most groups have multiple interests from which the mediator has to identify common interests on which to build collaboration.

7.3.4 Expanding options

Following the common goals statement, the next step in negotiations is to identify and explore the widest range of possible options for achieving these goals. Remind the participants that to be acceptable, the options for settling the dispute must satisfy the interests of all the parties.

Participants can imagine options either by focusing on one issue at a time or by combining several issues into groups of common themes.

Creative thinking is sometimes promoted by changing the group dynamics: a mediator may consider bringing in secondary stakeholders or an outside resource person, or splitting the stakeholder groups into smaller subgroups.

The following are some other procedures that a mediator can use to generate settlement options (Moore, 2003):

■ *Brainstorming* (discussed in detail in Section 6.3.1).

■ *Vision building*: Each party creates an ideal vision of what a workable solution or relationship might look like in the long term. The visions are then presented to all the other parties. Any common points that the visions entail should be noted. Once a common vision has been agreed, the parties should identify the problems that are stopping them from reaching it.

■ *Model agreements*: This procedure identifies and uses experiences from other similar conflict situations as starting points or models for developing agreements. Parties who are not involved in the present conflict are contacted and asked how they reached agreement and what their agreement looks like.

■ *Single-text negotiating document:* One person drafts a settlement document that satisfies the majority of interests and resolves the conflict. The draft is circulated among the participants for comments and revisions. Each party has the opportunity to change the text so that it better meets its own interests. Gradual changes often result in a single text that is acceptable to all.

7.3.5 Assessing options and building consensus

At this stage, the parties need to reassess how well their interests will be satisfied by any one of the options or combinations of options that have been generated collaboratively. Assessment aims to help the disputing stakeholders move from a potentially long list of options to realistic agreements that they will commit to. For this to happen, the following steps need to be taken:

■ development of mutually acceptable criteria for assessing options;

■ assessment of the options, based on these criteria;

■ confirmation of the agreed option(s) by a larger constituency;

■ psychological closure, if necessary.

Developing and using criteria may help the process of deciding which options are most likely to be satisfactory to all groups. It also ensures that there are fair standards for decision-making. The type of criteria may vary and can include:

■ general achievability;

■ cost and inputs;

■ time scale;

■ advantages (pros) and disadvantages (cons);

■ opportunities and risks.

Assessing options against criteria: A decision grid can help the analysis and comparison of alternative solutions through the help of indicators.
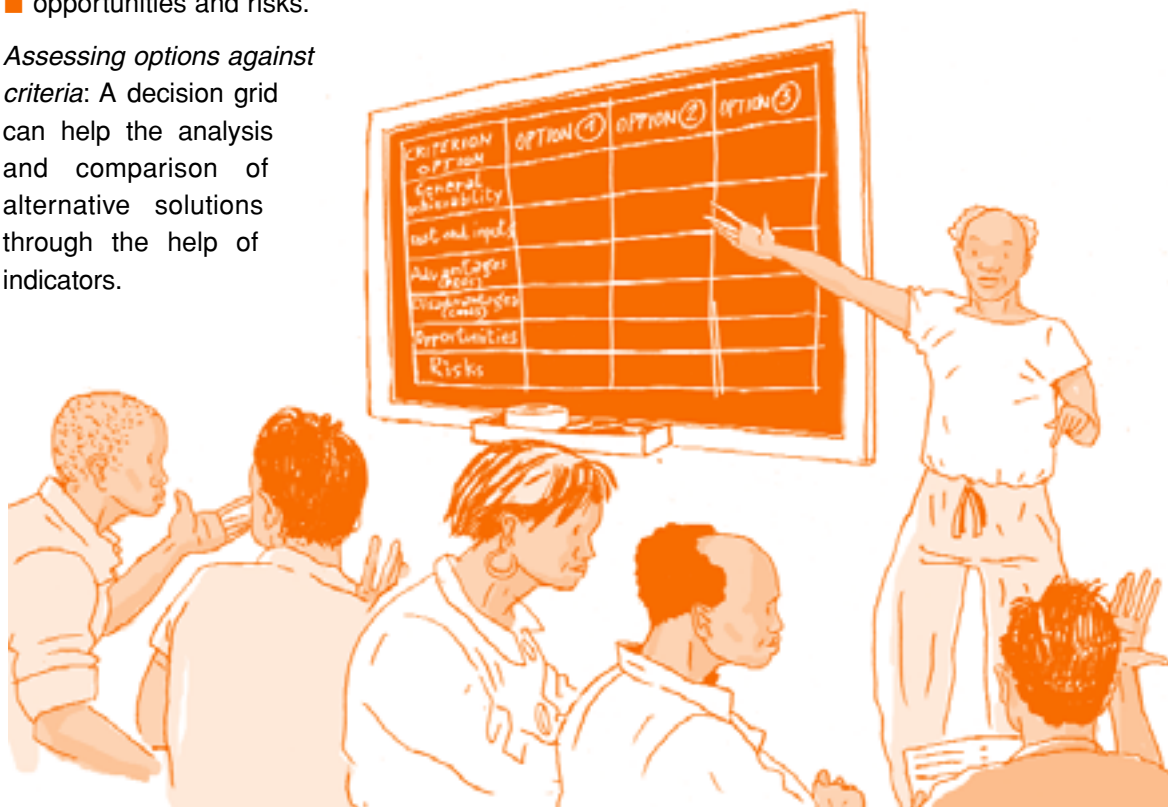
BOX 7.4

AN EXAMPLE OF ESTABLISHING CRITERIA FOR ASSESSING OPTIONS

A government requirement to conserve a number of rare and endangered animal species led to an area of forest being proclaimed a protected area. Fear of human disturbance to the forest then led the agency in charge of managing it to ban all use of the site by four neighbouring communities. All of these communities had traditionally used the forest area for collecting plant material and hunting. After five years, the agency found it impossible to enforce its ban on poaching and plant collection. Not only were the enforcement guidelines ineffective, but conflict and bad relations had also developed between the communities and the agency. These bad relations began to affect other activities inside the protected area (e.g. constructing tourism infrastructure, obtaining local government support, etc.).

An NGO was asked to facilitate negotiations among the various user groups. After discussing the interests of the different parties, the NGO decided that a common goal was to revise the management rules of the site. After brainstorming management approaches, a number of existing and possible new management guidelines were listed. To assess these options, the stakeholders agreed to the following criteria. Each option had to:

● be fair to all groups;
● be open and invite the opinions of all local stakeholders;
● include and build on traditional knowledge of the forest;
● recognize local people's past use rights and patterns of harvest;
● be based on sound ecological and forestry information;
● provide protection for threatened, endangered and rare species;
● have the potential to be jointly monitored with the local communities;
● be enforceable.

Parties should also be encouraged to look closely again at their BATNAs (Section 6.3.2). Each party needs to ask itself whether it is better off with or without the proposed agreement.

Through this decision-making process, the parties should be able to identify one option that they can all support. This would be the ideal outcome to a conflict management process – reaching agreement through *consensus*. The degree to which interests are met determines how strong the agreement will be. An agreement that all can support has the best chances of being held.

The mediator may want to work towards the best possible agreement to resolve the factors that cause conflict. However, the parties in conflict may prefer partial settlement to no settlement at all. A conflict that has been settled differs from one that has been resolved because settlement is often only partial, and the conflict or its causal factors remain present. However, there is a whole range of possible positive outcomes from negotiations (Moore, 2003). Deciding whether a conflict has ended

may only be possible after some time. The following are some of the possible outcomes of the conflict management process:

■ *Compromise*: Parties share the gains and losses in order to reach agreement.

■ *Experimental or trial decisions*: Parties are unable to reach a permanent decision and agree to a temporary settlement that will be tested and evaluated at a later date.

■ *Procedural solutions to major issues*: Parties agree on a process through which they can obtain a solution to a dispute.

■ *Partial settlement:* Parties agree on many issues, but continue to disagree on others.

■ *Continued negotiations*: Parties agree to disagree. They want to continue negotiations, sometimes by calling in a third party to help them reach a binding decision.

Confirming the agreed option(s) with a larger constituency: The parties to the conflict need time to confirm the agreed options and obtain support from their constituents. One of the greatest pitfalls in negotiations occurs when the negotiator for one of the parties exceeds his/her authority in reaching agreement. For example, government or public officers involved in conflict management may have to obtain agreement and authority to act from their superiors or agencies. This is particularly likely in situations where change to policy and administrative practice is required.

If negotiations are to be completed at one meeting, the mediator calls a break to allow the representatives to discuss the agreement with other group members who are not participating directly in the meeting. When negotiations continue for many days or months, such discussion with constituents may take place continuously or at critical points throughout the process.

Mediators may therefore want to break up the negotiation process regularly, especially at important times. The final agreement should not be worked out until all the representatives have assured each other that they have the mandate and support of their constituencies.

Mediators might sometimes need to help representatives work with their constituencies, or explain to each other the various constraints imposed on them by administrative or policy practice. Mediators might also help decide who from the wider constituencies should be involved in the final agreement.

TRAINER'S NOTE: When negotiation parties agree on a conflict settlement option, they need time to reflect on the decision and seek the confirmation and support of their wider constituencies. Lack of effective procedures for constituent approval can cause the breakdown of negotiations.

Achieving social, psychological closure ("saying goodbye to strong emotions"), if necessary: Social, psychological closure means that conflict parties are sufficiently satisfied with their participation in and/or the outcome of the negotiation process to be willing and able to leave the past behind (to disconnect emotionally from the past). Achieving agreement on issues is sometimes not sufficient to end a conflict and ensure that the agreement will be implemented. There may still be anger, pain, sadness and other strong emotions among the parties. In cases of partial settlements, especially where the settlement of very contentious issues has been delayed for the future, the contending parties may still regard themselves as rivals or enemies.

To be psychologically able to "close a case" often requires such additional efforts as making peace inside oneself, using sincere words to communicate apology or regret, and other specific actions to address the hurt that conflict causes to relationships among the different parties. The following actions may make it easier for some people to come to terms with the past and start looking to the future (Moore, 2003):

■ acknowledging what has happened; once agreement has been reached, the involved parties can confirm the nature of the agreement among themselves, and can ensure that all other interested parties (and the wider public) are aware of what has been agreed. This is a crucial phase in many communities where people do not use reading and writing to communicate agreements;

■ accepting ownership of the potential or actual consequences of negative behaviour;

■ respecting and acknowledging the desire for a more positive or productive relationship in the future;

■ offering sincere apologies;

■ requesting forgiveness or reconciliation.

TRAINER'S NOTE: Culture is always a significant factor when considering approaches for bringing a conflict to an end. Different societies, groups, agencies and organizations have different ways of formally closing conflict. In a community, this may mean ritual meals, symbolic speeches, blessings from priests, prayers or other reconciliation rituals. For an organization, it may mean a formal statement to a senior official, which is copied to others and kept on file. In addition to various closing procedures, the agreement should always be written down so that it can be revisited and referred to later on, if necessary.

7.4 STEP 8: DESIGNING THE AGREEMENT

Mediators should support the design of an agreement only when the conflict parties have agreed about the options that they want to pursue collaboratively and have received approval for the negotiated solution from their own constituencies. Depending on the nature of the agreement, the following steps may need to be taken:

■ confirming the commitment and mandate of all negotiation parties and conflict stakeholders;

■ mediating the drafting of a written agreement that is as specific as necessary;

■ allowing review by constituents;

■ reaching final agreement.

7.4.1 Implementation considerations

Once there is agreement on the way forward, the parties must consider the details of implementing that agreement. Key questions that need to be discussed and confirmed include:

■ How will the stakeholders ensure that the agreement will be acted on?

■ Does the implementation of the agreement require the formal involvement of specialists or groups, such as administrators, leaders of resource user groups, and community political leaders?

■ How will the parties manage any unexpected results from the agreement?

■ What monitoring mechanisms will be established to ensure compliance with the agreement?

■ What is the mediation team's role in monitoring? Are there local neutral or trusted monitors?

7.4.2 Drafting the final agreement

Now is the time to draft a final agreement. There are several methods to assist the parties in drafting their actual agreement, including:

■ writing the draft collaboratively;

■ having a third party draft the preliminary agreement, after which the various stakeholders rewrite the final version, either in a joint session or in turns;

■ using a combination of these options, whereby parts of the agreement are drafted by the disputants and others by the mediator, before all the sections are finalized by all the groups.

The final agreement usually consists of three parts:

■ an introduction and background that introduces the stakeholder groups and the central issues that have been negotiated;

■ an outline of the resolutions that the groups created for each of the issues;

■ an implementation, monitoring and assessment plan.

The agreement should be checked for honesty, acceptability and workability according to the guidelines in Box 7.5.

BOX 7.5

CHARACTERISTICS OF A DURABLE AGREEMENT

Is it honest:
- based on best available and jointly developed information?
- built on realistic considerations of capacity and costs?
- having the assurance of all stakeholders that they will implement their parts?
- developed with the full involvement of all key stakeholders?

Is it acceptable:
- resolving the grievances that gave rise to the dispute?
- acknowledging past problems and addressing them?
- meeting the underlying interests and needs of the primary stakeholders?
- arrived at by a process that was perceived as fair by and to all?

Is it workable:
- providing benefits (incentives) for all implementing parties?
- not disadvantaging an excluded party?
- recognizing possible problems or changes in the future, and including mechanisms to deal with these, or acknowledging the need for renegotiation?
- building working relationships among parties through its implementation?

Source: Godschalk *et al.,* 1994.

Mediators should know which points in the agreement determine how strong or weak it will be, as outlined in Table 7.4 (Moore, 2003).

TABLE 7.3 **STRONG VERSUS WEAK AGREEMENTS**	
Strong agreements are:	**Weak agreements are:**
Substantive: They define specific exchanges that everyone can touch or see (money, services, labour, etc.) as resulting from negotiations.	*Procedural:* They define the way or process by which a decision is to be made.
Comprehensive: They include the resolution of all the issues in dispute.	*Partial:* They do not include the resolution of all the issues in dispute.
Permanent: They resolve for all time the issues in dispute.	*Provisional:* They may involve temporary or trial decisions that are subject to change in future.
Final: They include all the details in their final form.	*In principle:* They include general agreements, but the details remain to be worked out.
Non-conditional: There are no conditions or requirements for future performance.	*Contingent:* They state that the conclusion of the dispute depends on additional information or the future performance of one or more parties.
Binding: They are formal contracts that fix the parties to certain actions (people often stick to the terms of a settlement if they understand the consequences of not doing so).	*Non-binding:* They make recommendations or requests only; the parties are not legally bound to comply.

Of course, the strength of an agreement will be shown when it is put into practice, and not in terms of how it appears on paper. For example, a partial agreement that is met in practice may be stronger than a complete settlement that is never implemented.

Confirming the agreement/s with a larger constituency: When an agreement has been drafted, the negotiation parties may want to reconfirm its acceptability with their broader constituencies. This is an important step in reaching broad support and acceptance. Before final agreement, the full support and commitment of all stakeholders must be confirmed. If subgroups that remain apart from the main group have emerged, the document needs to clarify who is, and who is not, party to the agreement.

Making the agreement public: A final point of discussion in negotiations is the extent to which the stakeholders want to make their agreement public. Depending on its nature, the final agreement may be enacted through a formal signing in front of witnesses or may require government approval. Alternatively, if the agreement affects many people, they may consider holding a more public forum. Some groups enter their agreements into the legal system in order to bind their decisions formally. Others choose to announce their agreements to the public at local council meetings or through the media.

SECTION SUMMARY

Section 7 has provided a detailed examination of the negotiation process. It has outlined how to assist stakeholders in moving through the various stages of negotiations – from setting objectives and establishing shared goals, to finalizing agreements. The negotiation process is designed to achieve the best possible agreement to resolve the factors that cause conflict, preferably an outcome in which everyone gains something (also called "win–win solutions" – "I win and you win"). Section 8 is concerned with implementing and monitoring agreements and with what third parties need to consider when withdrawing from a conflict management process.

The voluntary participation of all key stakeholders is fundamental to a collaborative approach to managing conflict. A group's decision to negotiate is only effective if the other parties also feel that it is in their best interests to do so. There can be many situations in which people choose not to negotiate, such as when there are large power differences among stakeholders, fears, major difficulties in communication, or fixed positions in one or more of the parties. People may feel scared at the beginning of the process. For all sides, the risks and opportunities attached to different outcomes are usually high.

Negotiations need to be carefully prepared by the negotiation parties and their constituencies. Mediators need to prepare people for the negotiations, familiarize the stakeholders with negotiation procedures, build participants' ownership, and help participants to have realistic expectations. Mediators must also take into account that the primary stakeholders participate in negotiations, but may not be the people making final decisions. As well as the negotiating parties, the constituencies too must have adequate opportunity to contribute to negotiations and to be informed about changes or options developed in the process. Constituencies must also be informed about realistic options throughout the negotiation process. The final proposed agreement that reaches them should not be a surprise.

Although paths within negotiations sometimes wander, the process can be described as going through five main stages. Each of these is marked by specific activities: 1) setting the stage; 2) providing space for stakeholder statements; 3) finding common ground; 4) expanding options; and 5) assessing options and building consensus. There are no set designs for this process. It, and the negotiations themselves, must meet the needs of the specific situation.

Conflict management requires the building of trust among many different stakeholders. One of the mediator's key roles is to help build trust among stakeholders throughout all stages of negotiation. Clarifying interests, establishing a mutually defined system of accountability and checking to assure that trust remains throughout the negotiation process are important. Building agreements slowly and ensuring that each person has confidence in the agreements being made are also crucial.

Agreements are built on common goals and shared interests. Negotiations need to shift the focus from individual positions towards underlying needs and interests. The parties examine these interests further and then attempt to reach agreement in areas where interests are shared. Shared interests can be used to establish common goals. As these goals are agreed on, they will help to provide both direction and targets for negotiations.

Building agreements requires new and creative solutions. For many individuals, one of the most challenging aspects of negotiation is identifying workable and mutually beneficial agreements. To assist this, stakeholders are encouraged initially to try to identify the widest range of possible agreements or actions, without assessing how workable they are, or how desirable they may be to their own or other parties. To help this important creative process, groups should be reminded that they are not committing to any of the options put forward; evaluation will come at a later stage, following a mutually agreed set of criteria.

Agreed criteria are useful when identifying and prioritizing options. In order to move from a list of possible options to realistic agreements, it is necessary to establish criteria for assessing the options. Whatever the criteria are, they must be agreed to and be relevant to stakeholders' interests and the context.

Reaching agreement is part of an ongoing process. Successful negotiations lead to agreements among the various stakeholders. Parties can reach agreement in principle, and work out the specific details over time, issue by issue or within a larger package. Whatever form an agreement takes, stakeholders need to confirm how they will implement and monitor it. Additionally, stakeholders must determine how to manage any additional issues that they are not able to agree on at present.

Exit

This section examines how mediators plan their own exit from the scene. Its objectives are to:

▶ explain how important it is to monitor the implementation of agreements;

▶ provide some ideas and hints about important considerations in planning the gradual withdrawal of the mediators.

8.1 WHY AN EXIT STRATEGY IS IMPORTANT

Professional values and standards expect a good mediator to make her/himself dispensable and to be transparent in his/her withdrawal from the conflict management process. After the signing of the agreement (step 8), the following two steps remain to complete the conflict management cycle:

Step 9: monitoring and implementing the agreement;

Step 10: exploring strategies for the mediators' exit.

Milestone D has been achieved when the mediator (or mediation team) can leave the community. This is the case when the parties to the conflict have restored their relationships and are enabled and willing to continue implementing the agreement, possibly with increased capacity to manage future conflicts by themselves.

8.2 STEP 9: MONITORING AND IMPLEMENTING AGREEMENTS

Implementing an agreement means that the conflict parties act to put that agreement into operation, thus ending the dispute. Most agreements require that the conflict parties continue to carry out specific actions and to behave in certain ways. The success of an agreement depends on the implementation plan and the process that puts this plan into operation. It also depends on the degree to which the parties feel a sense of ownership in the agreement, as well as on their capacity to fulfil its terms. In other words, success depends on the:

■ willingness and ability of the conflict parties to comply with the agreement;

■ monitoring procedures to observe the implementation process;

■ enforcement procedures for managing non-compliance with the agreement;

■ role and power of the authorities or external monitor (if applicable).

There are different ways of framing agreements. These are based on the preferences of the participants and often on the nature of what is being agreed or addressed. Sometimes people want to include an implementation plan in the detailed agreement that emerges from the conflict management negotiation process. In these cases, the negotiations finish when the agreement has been formally recognized. In other cases, people may want to plan implementation and monitoring later, during separate rounds of negotiations, or as an ongoing process of bargaining. In these cases, the agreement will commit the conflict parties to discussing and planning implementation and monitoring in the future.

Whatever the process used to obtain them, monitoring and implementation plans are first and foremost the responsibility of the negotiation parties, who must be willing and able to comply with them. Agreements must therefore always be based on the parties' realistic assessments of what they are willing and able to do. The negotiation parties may sometimes feel more confident if mediators or other trusted third parties take the role of neutral monitors who can help to sort out any problems that arise.

The specific role of a neutral monitor is decided by the conflict stakeholders. They need to decide whether or not to use a neutral monitor, and whether or not an existing mediator – or other third party – should assume this role. For the trusted third party, great care is also needed in assessing whether he/she has the ability to fulfil such a role, particularly where resources and time must be allocated.

Effective monitoring depends on parties clearly defining the performance standards by which compliance is to be measured. They need to decide which actions constitute breaking the agreement. In this process, monitors can take one of several roles, for example, they can be:

- "whistle-blowers", who merely indicate that an agreement has been violated (broken);
- "enforcers", who have a more powerful role in overseeing implementation, and possibly participate in future negotiations over the grievances caused by non-compliance.

BOX 8.1

NINE CRITERIA FOR SUCCESSFUL IMPLEMENTATION OF AGREEMENTS

1. There is consensus about the criteria used to measure compliance.
2. The steps and resources required to implement the agreement (including provisions for obtaining any necessary local or outside resources) are clearly defined.
3. The stakeholders to be involved in the process have been identified, and they explicitly agree to engage in the implementation process.
4. If applicable, there is an organizational structure to implement the agreement.
5. There is explicit agreement on the part of outside parties, such as authorities and specialists, who may have roles in the implementation of the agreement. This is especially critical where resources need to be expended in order to fulfil the terms of the agreement; firm commitment of resources must be obtained before the agreement process ends.
6. There are provisions to accommodate future changes in the terms of the agreement and in the conflict parties themselves.
7. There are procedures to manage the unintended or unexpected problems that may arise during implementation (again, if solving these problems requires the involvement of authorities or specialists, some provisional agreement needs to be worked out with them).
8. There are methods to monitor compliance and establish the identity of monitor(s), and there is agreement on providing any resources that are needed to support monitoring.
9. The monitor's role is clearly defined.

Source: adapted from Moore, 2003.

If the negotiation parties ask the mediators to take over the monitoring functions, the mediators need to carry out the following tasks:

- *Clarifying and reconfirming the mediators' role in monitoring:* This should already have been discussed when drafting and finalizing the agreement.
- *Accompanying the implementation process as a mediator according to the agreement:* This may require the mediators to visit the site and/or be easily contacted in times of trouble. If a mediator

is not easy to reach, it may be useful to find a local, trusted intermediary who can contact the mediator whenever necessary, and solve minor incidents him/herself.

■ *Defining monitoring and enforcement mechanisms:* Sanctioning mechanisms, communication channels and options for dealing with stakeholders that do not follow the agreement all need to be established.

■ *Facilitating the revisiting of events to reflect on progress achieved:* This can help to restore relationships, deepen trust and provide opportunities for planning joint activities for the future.

■ *Evaluating the various costs of fulfilling the role:* This includes obtaining in advance local and/or external sources' commitment to have financial and other resources available in a timely manner.

There are various *commitment procedures* that may help increase the probability of conflict parties complying with the agreement. These come in the following two forms:

■ public gestures, e.g. public exchange of promises among conflict parties, symbolic exchanges of gifts or gestures of friendship;

■ formal procedures, e.g. written agreements (memoranda, contracts) or legal contracts that involve judicial authorities.

Public gestures may be particulary important in non-direct dealing cultures because they indicate the conflict parties' willingness to restore relationships. When restoring positive relationships is the main issue, detailed agreements may be counterproductive, because details may indicate a lack of trust.

In many cultures, settlements or agreements receive or require ritual and/or public recognition. Rituals provide a symbolic order and strengthen the importance of an agreement, thus increasing the parties' commitment to abide by it. A very wide range of actions may be taken, including visits from senior people, hand shaking ceremonies, prayers, embracing, formal signing procedures, toasts, celebration meals and gift giving.

Formal procedures, e.g. written agreements (memoranda, contracts), are equally important. Negotiated agreements do not automatically become contracts that are enforceable by law. Enforceability depends both on the laws and rules of legal jurisdiction in which a contract is produced and on the form that it takes. Although a verbal agreement might be considered a legal document (particularly when made in the presence of witnesses), a written agreement is more predictable. It can be revisited by any of the parties when necessary in the future.

Even the best monitoring and implementation mechanisms will not work if one or several of the conflict stakeholders do not want it to. This may indicate that:

■ stakeholders are not really satisfied with the outcomes;

■ people who would benefit from continuing the conflict are trying to spoil the process and spread rumours or stir up discontent about the outcomes reached;

■ new conflicting issues have come up, which are related to the conflict that is supposed to have been settled.

When an agreement breaks down, the interest groups (with support from mediators where appropriate) may consider restarting the conflict management process. The mediators may then convene shuttle consultation with the different conflict stakeholders, or else hold a joint meeting. This may mean re-engaging stakeholders, and starting new negotiations on some issues. Whether or not mediators are involved again depends on the conflict stakeholders' willingness to renegotiate and consider addressing the conflict collaboratively.

BOX 8.2

CHECKLIST FOR MONITORING ARRANGEMENTS

Roles and responsibilities of the various parties:
- Who will be responsible for implementing the various components of the agreement?
- What specific responsibilities will they have?
- How will it be ensured that these roles and responsibilities are met?
- What back-up support should be in place in case there is a problem, such as someone being unable to finish a task?
- Is there any legal backing?
- Are local or other authorities involved?

Processes of communication:
- How will the parties keep each other informed about progress made?
- Should periodic meetings, telephone calls or more formal mechanisms (such as newsletters or fact sheets) be scheduled?
- How will other people's inputs and responses be handled?
- What if someone disagrees with the approach adopted?

Transparency and flexibility:
- What mechanisms or procedures are needed to ensure transparency in carrying out the agreement?
- Would it be worthwhile to revolve duties among stakeholders?
- Should an independent person be called on periodically to serve as an outside assessor?
- Are the parties willing to be flexible about certain components of the agreement? Are there any areas where flexibility is undesirable or impossible?
- What happens if factors beyond the parties' control make it impossible to implement or maintain the agreement? Is there a procedure for calling the parties together for future negotiations?

8.3 STEP 10: EXPLORING EXIT STRATEGY

After an agreement has been signed, conflicts may be settled, but are not yet resolved. There may be drawbacks when conflict parties do not comply with the agreement, or relations are not restored well enough for people to collaborate. In non-direct dealing cultures, detailed negotiations may continue for long periods of time.

While a mediator cannot solve all the problems in a community at once, he/she should ensure that the different conflict stakeholders are at least willing to comply with the agreement and collaborate with each other, i.e. there is no danger of violence breaking out. This is the minimum requirement before a mediator can slowly withdraw from the scene. Mediators must always ultimately hand over control and ownership to the community, and should know when it is time to leave.

Mediators need to develop ways of handing over the responsibility for monitoring the agreement to the stakeholders or a trusted local monitor. Mediators may also explore strategies for building communities' capacities to solve future conflicts.

These steps are not part of the core of ACM, but may be important complementary elements in broader collaborative natural resource management approaches. How mediators withdraw from the scene depends very much on the earlier conflict management process. The following are options for exit:

■ *Option 1:* If the negotiation parties are very confident that they can implement and monitor the agreement by themselves, the role and function of the mediators may end when the agreement is signed. If this is so, it must be clearly communicated to all stakeholders.

- *Option 2:* The conflict stakeholders may want the mediators to monitor the agreement until they themselves are confident about sustaining collaborative relationships without outside support.
- *Option 3:* The conflict management process may have encouraged stakeholders to work collaboratively towards development. Mediators may help stakeholders to link up with organizations that provide assistance in these fields.

In any of the three options, the mediators need to develop a strategy, both among themselves and with the stakeholders, about possible ways forward. They should consider:

- building the stakeholders' capacity to manage smaller conflicts themselves, and strengthening local capacities for monitoring, mediation, etc.;
- helping collaboration to become part of the normal way of doing things, e.g. by discussing and assessing the capacity building requirements for local peace committees;
- assisting stakeholders who want to start collaborative projects for development by facilitating communication and links with appropriate organizations that may assist in the collaborative planning and implementation of projects and natural resource management;
- defining ways of recognizing (benchmarks) the mediators' exit point – internally (if mediated in a team) and with the stakeholders – and the outcomes that should be achieved before the mediators leave. These benchmarks should be simple and realistic so that exit is a likely option. Otherwise, mediators bind themselves to the community and may create dependency.

At this point, the mediators' commitment to and involvement in the conflict is over. If they have struck a lasting agreement that helps the conflict parties to restore relations and provides them with a collaborative vision for the future, the mediators have been remarkably successful.

BOX 8.3

A MIXTURE OF THOUGHT AND EMOTION

As the agreement reaches conclusion, participants may experience a range of feelings – satisfaction with the work that they have accomplished, or exhaustion, frustration, uncertainty and anger from the original dispute. Mediators need to be realistic. Although their aim is to improve relations among stakeholders and ensure commitment to collaborative agreements, negotiations can leave behind a range of uncomfortable feelings. A number of actions may be needed to mend relationships.

ACM is a shared learning process. When negotiations have been effective, stakeholders may show appreciation for the conflict management process. Many groups or individuals will be satisfied with the management of differences that have been disrupting their lives and achievement of goals. They may have gained new insights on their means of influencing decisions, learned new ways of managing differences and developed a better understanding and greater respect for each other's interests in the future.

SECTION SUMMARY

Section 8 has closed the process map and briefly examined the mediators' role in monitoring an agreement, as well as how they may prepare to withdraw. At this point, mediators' involvement in conflict management is usually over, and the conflict management process may have opened up new paths for collaboration and development.

Mediators may take over functions in monitoring agreements if the conflict stakeholders ask them to. However, such functions need to be clearly defined, and ownership for implementing the agreement must be with the stakeholders. Mediators assist with measures that help to restore relationships.

Mediators need to develop a strategy for withdrawing gradually from the scene. They may hand over responsibilities for monitoring to trusted local intermediaries. Depending on the progress in stakeholder relations, they may assist stakeholders to open up new paths for collaboration.

ANNEXES

Negotiation and mediation
techniques for natural
resource management

Collaborative natural resource management

COLLABORATIVE MANAGEMENT

This overview focuses on processes and practical aspects of promoting and supporting the collaborative management of natural resources, which is defined as shared decision-making over natural resources by the State and resource users (or communities). Collaborative management includes:

■ management arrangements negotiated by multiple stakeholders, consisting of a set of rights and privileges (tenure) that are recognized by the government;

■ the process among resource users (or other interest groups or stakeholders) for sharing power to make decisions and exercise control over resource use.

In recent years, co-management arrangements have emerged in various settings and under various titles, including:

■ co-management of protected areas;

■ community and joint forest management;

■ integrated watershed management (and participatory upland community development);

■ farmer-managed irrigation systems;

■ integrated pest management;

■ cooperative management of inland fisheries.

In such programmes, stakeholders work together to manage a single resource (such as a park, block of forest, fishing area or irrigation scheme), or cooperatively address management issues of common interest (such as water conservation and delivery, reducing soil erosion, and eliminating pests) over multiple properties.

TRAINER'S NOTE: The rationale for promoting collaborative management is based on the assumption that effective management is more likely when local resource users have shared or exclusive rights to make decisions and benefit from resource use

THE POLICY FRAMEWORK: ARE THE CIRCUMSTANCES RIGHT?

Many attempts to support collaborative management run into trouble because of problems that originate in the institutional policy frameworks in which they operate. The question is whether the policy framework and its institutional setting provide the legal/administrative basis and incentives to create an enabling environment for collaborative management. Box A provides an example of the sort of problems that can arise if the enabling environment is not understood.

BOX A
UNDERSTANDING THE ENABLING ENVIRONMENT
An integrated rural development project in Bangladesh was not completely informed about government plans for economic development and water policy at the national level. As a result, they missed a crucial government decision to build a major weir upstream of their project area. The weir had a significant effect on the local water supply. Many of the collaborative efforts of farmers and the project were wasted because they were based on incorrect assumptions about the future availability of water. Participatory planning had to be repeated, and farmers' confidence in the project was badly shaken.

This section provides a broad overview of the enabling environment in the form of a checklist that illustrates some of the preconditions that need to be in place for collaborative natural resource management to work. The checklist is not exhaustive because many social, physical and technological factors are highly specific to locations and natural resources.

Basic needs

People have basic preconditions for living, such as food, shelter and health. If any of these is lacking or under threat, people will focus their attention on obtaining it and will have little interest or time to collaborate on anything else. Major disasters and other crisis situations create extremely difficult conditions in which to work on natural resource management, and many initiatives break down or are suspended until the crisis is over and basic preconditions of life are restored.

Conditions will be unfavourable when:

■ people have major worries about the safety of life and property (arising from factors such as disease, violence and natural disasters);

■ refugees arrive in a new area where there are already heavy and unpredictable demands on local resources;

■ economic breakdown or political crisis within government causes institutions, law and order, and markets to disintegrate.

Natural resource management could form part of a response to a crisis. However, supporting natural resource management in times of crisis is a specialized area that falls outside the scope of this overview. It should nevertheless be mentioned that there is a grey area between what constitutes a time of crisis and what is normality. This grey area often coincides with relief efforts, when short-term coping strategies are supported until it becomes possible to engage in resource management initiatives later on. Local people's participation in relief situations is positive because it helps to move them from the role of victim to that of decision-maker. This change is a beneficial preparatory step towards engaging the same people in resource management (Wilde, 1997).

BOX B

LIVING IN TIMES OF WAR

During the 1960s and early 1970s, many rural people in Lao People's Democratic Republic lived under the constant threat of aerial bombing and relocation as a result of the war in Southeast Asia. Villages were abandoned and many people moved, frequently over long distances, to establish temporary homes in caves and forests for protection. Normal commerce and trade were suspended, and economic development was severely disrupted. In the absence of social stability, rural people did not develop and maintain local systems of collaborative forest management. At this time, the boundaries between resource uses and user groups could not be determined with confidence, and there was little government effort to recognize and allocate forest use rights. Today, the Government of Lao People's Democratic Republic is able to allocate land and support collaborative forest management.

Is there political and legal backing from a competent government?

The government influences a large part of the enabling environment through its policies, laws and development plans, and through the actions of politicians and government agencies. The influence of government is increasing in some areas and declining in others. There are huge differences among countries and sectors, but some basic and common issues can be identified.

Policy: Collaborative management requires an appropriate national economic development strategy. Such a strategy may be based on ideology about the role of the State. Alternatively, a country's economic strategy may be dictated by fiscal crisis and the associated need for structural adjustment. Whatever inspires them, State economic development policies and plans have significant bearing on what can and what cannot be done at subnational levels. The designers and implementers of support programmes must always know what State policy and plans are in place, even if they do not expect much government involvement in their own programmes.

Some governments prefer development projects that follow a top-down approach. For example, they might prefer a project in which all the farmers in a particular village are forced to plant the same crop

on a contiguous piece of land. This mentality probably arises because it is easier for the government to control, regulate and supervise such projects compared with small, varied and scattered activities.

Operation of the participatory process therefore depends on how narrowly the government prescribes its development policy and how narrowly the policies are interpreted and implemented by government staff (Alice Carloni, personal communication, 1997).

Clearly, flexible economic policies and open interpretation provide favourable circumstances for collaboration. Narrow definitions and rigid implementation are not favourable. Nevertheless, it is still worth pursuing a participatory approach even if the government is only partially willing to listen to the people. Development is better with participation than without it. Information derived from a participatory planning approach can be used to identify conditions under which government proposals will not work or will need to be modified. The information gathered by using a participatory approach can influence senior decision-makers and help create space for more participatory implementation at the village level (Alice Carloni, personal communication, 1997).

The next thing to consider is whether or not natural resource management is a priority area for the government. If it is, to what extent is the State willing to transfer or share control of natural resources with others? The answer to this question depends on whether the government plans to become a larger or smaller presence in the sector concerned. In some sectors, such as irrigation in developing countries, a limited government presence is a favourable circumstance (Juan Sagardoy, personal communication, 1997). In others, such as marine fisheries, a strong government presence may be desirable.

The legal basis of resource management: Collaborative management can work if stakeholders are confident that they will receive the anticipated benefits from resource use, in both the short and long terms. The following are the basic legal criteria for extablishing such confidence:

■ Management is based on officially recognized rights.

■ These rights are enforced.

■ Stakeholders stand a reasonable chance of successful appeal if their rights are infringed or ignored.

Customary or locally accepted rights are of limited use. Holding legal rights as well as customary ones can increase confidence, which in turn stimulates interest in collaboration with the government and investment in resource management. However, the legal situation is often complex, and laws can be interpreted or applied in various ways by government officials. Another problem might be that people do not know about the law or their rights.

Therefore, the following additional criteria are necessary for creating an enabling legal environment:

■ Use rights and privileges are secure and are recognized by the government.

■ People know about their legal rights.

■ If rights are not yet secure, the government intends to help make them so in the future.

■ There is sufficient access to authority and appeal procedures to protect these rights and settle disputes.

■ Laws and regulations are applied without arbitrariness or randomness.

■ Laws and regulations are applied without corruption or favouritism.

■ If government implementers act negatively, there is an accessible and independent body that can deal with complaints constructively.

The enabling environment is complicated when current activities or uses are seen as illegal, or when there are major differences among stakeholders regarding the interpretation and acceptability of various formal and informal rights. Unhelpful laws can be changed, poor implementation of laws can be addressed, and disputed rights can be renegotiated, but this may take a long time. Such unfavourable circumstances may not stop a supporter if plenty of time is available and if the behaviour and views of stakeholders indicate that such improvements are achievable.

Policy implementation by government bodies: Supporting collaborative management involves working either through or with one or more government bodies. The following are some of the circumstances in which government bodies can definitely help the participatory process:

■ There is clarity about which government bodies are responsible for executing which policies.

■ Power and responsibility are efficiently allocated, i.e. there are only a few, rather than many, bodies and the concerned bodies have a mandate to work with others.

■ It is clear who else in the government should be involved or consulted in initiatives.

■ The main government body is flexible and has credibility with stakeholders.

■ There are sufficient budget and personnel for the main government body to do its job.

■ Government officials have the necessary attitudes and skills.

■ Government and other stakeholders do not require many incentives to make the support programme work. (When this is not the case, in the name of the enabling environment, officials drive programme cars, field staff drive programme motorbikes, outside personnel take on regular agency tasks, everybody attends courses and seminars, and very large numbers of consultants are involved. The programme then has to find the resources to fund these incentives.)

Do markets provide opportunities and confidence?

Markets influence resource management by providing (or failing to provide) economic and financial benefits to stakeholders. People will not participate in collaborative management unless they see some gain in doing so (Chambers, 1988). Among the numerous values and benefits of natural resources are products or raw materials that can be used for subsistence, barter or sale. Financial gains are a major motivator, and are determined largely by market opportunities and the associated risks.

If people feel certain about the gains and costs involved in resource management, they will be more inclined to invest in collaboration. Among other things, the interests of stakeholders in resource management depend on:

■ the importance of natural resources for people's livelihoods;

■ the linkages among the resources and other productive systems;

■ the orientation of the economy, whether it be primarily towards subsistence or cash;

■ the available market places and prices;

■ the presence and nature of the various actors in market chains;

■ the costs of labour and other inputs;

■ the availability and costs of financial services;

■ the availability of reliable market information;

■ knowledge about rights and market regulations.

It is important to understand what opportunities resource managers have to benefit from production. Prices are fundamental to the concept of incentives. In many cases, producers of forest products do not have much information about realistic prices, especially in rural areas. In addition to the manipulation of prices by the private sector, governments too can alter prices and create incentives/disincentives.

Marketable resources are often scarce, and conflicts arise over resource use because of their potential value. Similarly, economic values can change over time, provoking new conflicts over use or access rights. The term "collaborative management" may imply harmony and working together happily, but economic and financial circumstances can create or encourage competition and reveal new or hidden conflicts over resources.

Infrastructure: The influence that infrastructure has on collaborative management depends on the needs of stakeholders and on what collaboration is setting out to achieve. The protection of a core wilderness zone inside an important national park might best be served by the absence of infrastructure. On the other hand, the interests of poor rural people who are using natural resources outside a protected area system might best be served by access to physical infrastructure such as roads, electricity and irrigation. Infrastructure development in a specific area may or may not be prescribed by government development policy and plans, and a support programme may or may not have the resources to create the required infrastructure if it is absent. In either case, infrastructure forms an important component of the enabling environment.

A support programme might choose to:

■ target or avoid sites that are remote and devoid of infrastructure;

■ select sites that have specific infrastructure characteristics;

■ encourage others to assist in the development of critical infrastructure at selected sites;

■ include infrastructure development in the support programme for collaborative action.

In simple terms, the decision depends on what infrastructure is required, what is already present, whether missing infrastructure forms a critical part of the development agenda of the support programme, and what the social and environmental impacts of establishing it are.

Do the philosophy and practice of collaborative management fit the culture?

People's behaviour occurs in the context of shared beliefs, values and institutions. Societies establish rules and sanctions for rule breaking, and assign various institutional roles to their members. Collaborative management of natural resources must somehow fit into this cultural setting. According to the definition of collaborative management, the basic requirements are that multiple stakeholders can share decision-making about natural resource use and will cooperate in implementing management arrangements. It might be difficult to identify the relevant cultural circumstances and whether collaboration can be promoted easily or not. To complicate matters, a number of different ethnic groups may be present in a given situation, each with different sets of shared norms and values.

A starting point for understanding the cultural environment is to explore whether or not:

■ people's participation has a place in the ideology of the State;

■ there is a tradition of collaborative management of natural resources in the locality;

■ appropriate institutions for collaboration already exist.

CONCLUSION

This overview has shown that many circumstances can influence the enabling environment for collaborative management. There are usually many stakeholders with different interests and preferences for management, and it is not usually possible to engage every stakeholder in decision-making. There are often significant differences among people regarding their capacity to participate and influence outcomes. Conflict and numerous other problems can arise from the cultural, political, legal and economic circumstances.

As a result, a participatory approach to supporting collaborative management might be seriously constrained or fail for a number of reasons. For example, some of the stakeholders may not be in favour of collaborative management, and if these stakeholders hold significant power they can ensure that collaboration does not work. There is little to be gained from pushing an approach in an environment that is unsuited to it. This means that anybody in a supporting role should always undertake a stakeholder analysis and check the enabling environment, and should also reserve the right to walk away from an impossible set of circumstances in a specific location. Indeed, the act of walking away might stimulate stakeholders to rethink their positions, or to work through a particular problem in the enabling environment, so that collaboration has a better chance to succeed in future attempts.

This position is justified because supporters often encourage people to take risks and make investments that they might otherwise have avoided in the absence of the support. Mistakes on the part of a supporter and others during collaboration can be costly for both the rural poor and the supporter. The rural poor can lose time and resources, and the supporter can lose credibility. Supporters are responsible towards the people whom they are trying to help. This increases the importance of checking on stakeholders and the enabling environment at the start, and of reflecting and evaluating frequently so that problems and mistakes can be anticipated or revealed as early as possible.

Field guide to conflict analysis

This annex provides a guide to help practitioners apply conflict analysis tools in the field. Conflict analysis is a learning process to help mediators and stakeholders improve their understanding of a conflict and decide whether and how best to manage it. The annex is intended to help mediators use conflict analysis tools as part of conflict management processes.

The annex complements Section 5, which explains why conflict analysis is essential, how it is integrated into the conflict management process, and what role each tool plays in it.

ANALYSING CONFLICT

Conflict analysis comes in at various stages during a conflict management process:

A *Preliminary conflict assessment:* During the entry phase, the conflict analysis that is carried out as part of the conflict assessment is a strategic instrument for the mediators to plan the way forward – to decide whether or not to proceed in the conflict and what steps to undertake next. It is carried out after initial contact with the stakeholders in the entry phase and after listening to their accounts and concerns. A preliminary conflict assessment is carried out by the mediators internally.

B *Facilitated conflict analysis:* The conflict analysis during this later stage in the process is different from the initial conflict assessment in that the mediators help the stakeholders to conduct their own analysis. The mediators seek to support and advance a process of self-examination and self-discovery among the conflict stakeholders. All stakeholders must be able to follow the process, understand the results and know how those results have been obtained. So the mediators' main task is to explain and visualize each step of the process and all interim results.

Depending on the circumstances, the mediators may facilitate the conflict analysis as a *joint multistakeholder event.* When there are severe tensions, the analysis may be better done *separately with the different stakeholder groups*. However, at some point, the different stakeholders need to share their analyses in order to promote better understanding of each other's points of view.

The aim of conflict analysis at this later stage is for stakeholders to reach a common understanding of what the conflict is about, and what its meanings and implications are for each party. For different stakeholders this may involve broadening or narrowing the scope of issues to be negotiated.

TOOLS IN CONFLICT ANALYSIS

Tools are aids for the people who carry out conflict analysis. Each plays a different role in the various steps of the process map. The tools are not rigid processes, and can be adapted according to the specific requirements. It is essential to distinguish that tools can be used in two different ways.

Tools can be (internal) mental models round which the mediator can structure his/her thoughts while talking with conflict stakeholders (strategic conflict analysis). When used in this way, tools:

■ help structure the conflict analysis;

■ are essential for triangulating and cross-checking information, particularly when more than one tool is used;

■ may provide a guide to which questions to ask.

Alternatively, tools can be aids for facilitating group sessions. In these cases, the tools are applied openly with the conflict stakeholders (facilitated conflict analysis) and help to:

■ visualize and structure the discussion;

■ enhance shared understanding within a group of individuals;

■ cross-check information and encourage the exchange of views;

■ enable a shared understanding between stakeholders and mediators.

There may be difficulties in applying tools in traditional settings. The following are some examples:

Illiteracy: Tools need to be adapted or replaced by others; for example, pictures rather than written words can be used to represent specific points.

Creating conflict: The use of a tool may lead to a situation of conflict when the conflict analysis is being carried out jointly with opposing stakeholders. In this case, it may be more appropriate to apply the tools with each different stakeholder separately.

CONFLICT ANALYSIS TOOLS		
Tool number	**Tool**	**Purpose**
1	Root cause analysis	To help stakeholders examine the origins and underlying causes of conflict.
2	Issue analysis	To examine the issues that contribute to conflict and the specific issues that give rise to a specific conflict in more detail, focusing on five categories: 1) problems with information; 2) conflicting interests; 3) difficult relationships; 4) structural inequalities; 5) conflicting values.
3	Stakeholder identification and analysis	To identify and assess the dependency and power of different stakeholders in a conflict.
4	4Rs analysis (rights, responsibilities, returns, relationships)	To examine the rights, responsibilities and benefits of different stakeholders in relation to natural resources, as part of improving understanding of a conflict. To examine the relationships among (or within) different stakeholder groups.
5	Conflict time line	To assist stakeholders in examining the history of a conflict and to improve their understanding of the sequence of events that led to the conflict.
6	Mapping conflict over resource use	To show geographically where land or resource use conflicts exist or may exist in the future. To determine the primary issues of conflict.

Tools 1 to 4 are *core* tools, which are a fundamental part of detailed conflict analysis. Tools 5 and 6 are *complementary* tools, which are helpful, but need not necessarily be used in each conflict analysis.

CORE TOOL 1: ROOT CAUSE ANALYSIS

PURPOSE: To help stakeholders examine the origins and underlying causes of conflict.

APPLICATION: The root cause analysis helps to illuminate the linkages among the different factors and causes that have triggered the conflict. It helps build simple cause–effect chains, which show the underlying dynamics of the conflict.

Root cause analysis can be applied as:
- *an internal mental model* to structure the thoughts of the mediators;
- *a facilitation tool* applied with the conflict stakeholders to guide them in their own analysis.

Root cause analysis is usually carried out with each conflict stakeholder separately during:
- shuttle consultation – as part of preliminary conflict analysis (step 3);
- stakeholder engagement – stakeholders analyse their own conflict.

The root cause analysis can be repeated throughout the conflict analysis process, as more information becomes available and new issues arise.

PREPARATION: Flip charts.
Post-it notes.
Coloured marking pens.
Tape.
Draw a *Sample conflict tree* (Attachment 1a) on a flip chart.

POTENTIAL AND CONSTRAINTS:

Root cause analysis reveals different interpretations of cause and effect; some stakeholders may be unwilling to bring out key problems, and there are often differing perceptions about the importance of different problems. However, the root cause analysis can be overdone so that the conflict tree becomes too complex to help the analysis. The conflict tree in Attachment 1a may illustrate this phenomenon.

CROSS REFERENCE:

Sections 4.4; 5.4; and 6.

STEPS:

A *Carrying out root cause analysis as a part of preliminary conflict assessment (entry phase):*

1 In the entry process, mediators contact the different stakeholders and give them space to explain their cases, grievances and perceptions of the situation. In this early stage of confidence building, root cause analysis should not be carried out directly with the stakeholders. However, mediators may use the technique of asking "Why?" questions to explore the boundaries and underlying causes of the conflict in more detail.

2 Later, when the mediators meet together, they can use the information obtained from the different stakeholders to develop a preliminary conflict tree as the basis for their decision whether or not to engage in the conflict management process. Root cause analysis is useful in demonstrating how local causes of conflict can be linked to much broader social, political and economic issues. This, in turn, can help determine the level of conflict on which mediators need to focus their attention.

B *Facilitating stakeholders' root cause analysis*

1 Introduce the purpose of the activity to the stakeholder group. Explain that this activity assists their understanding of how and why conflict originates and the sequence of contributing causes.

2 Post the *Sample conflict tree* and describe the steps of the process. Explain that a conflict may seem to be either very complex or very clear-cut. However, it may be far more or far less complex than it first appears. Root cause analysis is therefore an essential way of managing the conflict and preventing escalation. Explain that when the root causes of a conflict are not properly understood, any steps to manage and solve that conflict may miss some important causes. The conflict may then not be properly managed, and may re-emerge later on. This is similar to felling a tree without eradicating its roots, which causes the tree to start growing again.

Clarify any questions that participants may have about the process.

3 You can carry out the root cause analysis with the whole stakeholder group or subdivide the group into subgroups. If you form subgroups, you may get different perceptions of the conflict, which would otherwise have been missed. For example, women, youth and the elderly may have very different views, poor people may look at conflict differently from rich ones, etc.

Discuss the suggestion to divide into subgroups with all the participants and let them take the final decision. Subdivision makes sense only if you feel that:

■ there are serious power differentials within the group;

■ only a few participants are talking, while the others seem reluctant to voice their concerns;

■ it may be viewed as inappropriate that young or poor people or women speak publicly (as is the case in some traditional societies).

4 Facilitate root cause analysis in the whole group or in subgroups. Divide the tasks of mediation, documentation and process monitoring among the mediation team members:

The starting point is the specific conflict. Invite the participants to discuss the root causes of the conflict. Check whether there is any reluctance, which needs to be taken into consideration. Only start the process when you think that the participants are ready to do so.

Next, ask the participants to discuss why the conflict has occurred, or what the immediate causes of the problem are. They should write each reason on a separate post-it, and place these below the appropriate conflict headings on the flip chart. If some of the participants are illiterate, use pictures to represent the causes instead.

Then, working outwards, participants should keep asking themselves the question "Why?" for each of the immediate causes. The group should discuss the reasons, writing each on a post-it. These steps are repeated until the participants have reached some basic or root causes of the conflict or issue being addressed. They can move the post-its as necessary.

Explain to the participants that they should not get bogged down in arguments about whether or not a "Why?" is valid. This is an exploratory activity and the truth or relative significance of each "Why?" can be determined later.

Finally, the participants should connect the post-its with lines to show the linkages between causes and effects. Remind them to check their logic by repeating the process of asking "Why?" down through the levels of causes, as outlined in the previous paragraph.

5 If you have divided the main group into subgroups, reconvene them into the overall group after the subgroups have finalized their own analyses. Ask one person from each subgroup to post and explain its chart.

Then, discuss the similarities and differences of the analyses in the overall group, and let the participants discuss:

■ the reasons why different subgroups may have different views of the conflict;

■ what the main group can do to find common ground in the analysis of the conflict.

6 It is now time to consider how relevant each of the different causes and effects is, and to evaluate the significance of different cause–effect chains. Differentiate among:

■ different perceptions;

■ facts that can be verified;

■ open questions, which need to be investigated further.

Let the participants discuss which of the different chains are most important and where the root causes are. These need to be addressed first.

With the participants, discuss that when a conflict has multiple contributing causes it is unlikely that all of these causes can be tackled or addressed simultaneously. Priorities have to be established. Emphasize that there are no set rules for establishing priorities. However, an important aspect of conflict analysis is to identify the most significant causes of conflict. One way of doing this is to rank the issues in terms of significance. In doing so, it is also useful to distinguish which issues are:

■ *immediate* and require urgent action;

■ *underlying*, presenting significant obstacles for lasting peace and perhaps needing to be addressed over a longer time period.

Remind the participants that, ultimately, those involved in conflict will have to construct their own criteria for determining the priorities for action. They may decide to focus on the issues that most immediately affect the conflict now, or they may decide to tolerate a certain level of what appears to be localized conflict in order to focus on the underlying issues of the dispute.

7 The group session on root cause analysis is completed when the participants have:

■ agreed on an overall analysis of the conflict causes;

■ identified information gaps that need further differentiation;

■ identified key root causes that need specific attention.

Attachment 1a: Sample conflict tree

This is a simplified root cause analysis of a conflict over forest logging among traditional owners, a timber company and the government forest service. The conflict tree diagram was prepared by traditional owners who were opposed to timber harvesting on forest land that they claimed as part of their ancestral estate. They wanted logging to be stopped, and argued that the conflict was brought on by:

■ river pollution and contamination of their water source;

■ damage to culturally important sites;

■ the illegality of the logging contract, which involves the wrong set of traditional owners;

■ encouragement of further forest damage by neighbouring clans.

The traditional owners identified and recorded each of these issues, exploring the contributing events and causes. The diagram drew attention to a number of other stakeholders and subgroups (other than the traditional owners, the logging company and the forest service), which were involved in the conflict. Gaining support from some of these groups was a key to managing the conflict.

The causes of conflict listed on the conflict tree reflect the biases of the traditional owners' perspective. In discussing the diagram, they conceded that not all of the listed causes might be factual. The diagram did, however, provide a framework for:

■ investigating the various causes further;

■ collecting further information;

■ determining which were and which were not true contributing factors to the current conflict.

The diagram helped the conflict stakeholders to decide the scale at which they needed to manage the conflict in the short term. It identified a number of places for possible action to manage the conflict and improve collaborative management processes. For the local community, the diagram also linked broader political and policy decisions to impacts in their area. It also showed which action they could take to anticipate and address possible future conflicts.

Conflict: Indigenous community (IC) group takes action to halt logging operation on forest land

Additional forest damage from removal of extra trees at request of neighbouring clan

Neighbouring clan lacks understanding of good forest management

Insufficient forest management extension

No access to NGO forest conservation

Neighbouring clan has no customary management rules for timber

No forest agency community education available

Timber harvest is non-traditional use of forest

Insufficient funding of government

Little interest or low priority of forest agency officers

Damage to spiritually important sites

Plant operators not aware of spiritual sites

Sites not marked on logging plan

Local clan did not inform forest agency of spiritual sites

Local clan did not understand reason for giving this information

Inadequate consultation by forest agency officers

Little interest or low priority of forest agency officers

Inadequate training of forest agency officers

Dispute over legality of agreement of timber concession

IC unhappy about pollution of river and water source

Forest agency logging guidelines inadequate to protect resource base

Forest agency guidelines not designed to protect resource interests of landholders' use rights

Forest agency has no access to technical information

Plant operators breaking rules of logging agreement

Inadequate supervision of operators by forest agency

Plant operators do not worry about damage to resources

No political will for enforcement of forest agency guidelines

Company has no code of practice or education on environmental impacts

Forest agency short of trained staff

Company with no interest in educating plant operators

Incorrect customary tenureholders and resource users signed logging concession

Local authority provided wrong advice to forest agency on who the correct tenureholders and resource users were

Low level of participation and consultation with forest users before timber agreement determined

Inadequate forest agency requirements about consultation process with tenure holders and resource users

Inadequate procedures for checking tenure and resource users

Local authority with poor knowledge of customary authority

Signatories encouraged by logging company not to consult other resource users

Lack of funds for salaries and operations

Lack of staff training in enforcement of guidelines

No requirements from forestry

Local authority composed of young local people not educated in customary authority

Timber company interested in completing contract quickly and quietly

Reductions in government expenditure

Insufficient funding of government

Local young people educated outside of area and never learn traditional knowledge from elders

Insufficient funding of government

Insufficient timber royalties being directed back into operation of forest agency

Insufficient timber royalties being directed back into operation of forest agency

CORE TOOL 2: ISSUE ANALYSIS

PURPOSE: To enable stakeholders to identify the types of issues within a conflict and consider the most effective means of addressing them.

APPLICATION: Issue analysis adds on to root cause analysis by providing a second level of analysis. The tool helps to identify and enumerate the core issues that contribute to a conflict and provides a checklist to help mediators consider five different categories of such issues (Attachments 2a and 2b).

Issue analysis is an essential tool in the entry process, especially during shuttle consultation. It helps explore the boundaries and key issues of the conflict, in order to sort them out and place them in context.

Issue analysis is best used as an internal mental model for mediators, particularly during the entry process and stakeholder consultation, when the mediator needs to obtain a clearer picture of the conflict. The tool should not be used as a facilitation aid in the group, because the differentiation into different types of issues may confuse people.

PREPARATION: Flip charts.
Coloured marking pens.
Prepare flip charts from *Different types of issues that lead to conflict* (Attachment 2a) and *Sample issue analysis table* (Attachment 2b).

POTENTIAL AND CONSTRAINTS:
In real-life conflicts, it may be difficult to distinguish clearly among the different categories, and it is helpful to be pragmatic in sorting the issues. At the same time, the categories may help to trigger additional useful questions to ask and additional issues to look into.

CROSS REFERENCE: Sections 4.4; and 5.4.

STEPS:

1 *Carrying out issue analysis as part of preliminary conflict assessment (entry phase):*

When the mediation team is analysing the conflict internally, each participant should identify the issues that he/she regards as being central to the conflict. Hand out index cards or post-its to each participant so that they can record each issue on a separate card or post-it. Ask the participants to state the conflict briefly and read out the issues. As they read them, have them place the cards or post-its on the flip chart. After all the issues have been presented, organize the cards into groups in which issues of a similar nature are clustered according to the five types of core issue:

■ problems with information;

■ conflicting interests;

■ difficult relationships;

■ structural issues;

■ conflicting values.

Identify what gave rise to the issue:

■ a perceived or actual *difference*, or contending views;

■ a perceived or actual *threat*;

■ a *gap* – an absence or lack of important information, rules, regulations, etc.

In reality, these categories of issues can overlap, and the participants should be cautioned not to become anxious if there is not a "clear fit". It is important that the categories are used as tools for more systematic thinking about each of the contributing causes of conflict.

The team should also decide which of the issues are most significant and mark these with an asterisk (*). It should also note which are most immediate and which require long-term action.

When this has been done, the team takes a few minutes to look at the analysis and discuss possible actions for addressing the conflict, based on that analysis. The team should then discuss which steps it can undertake to facilitate solving the conflict.

2 *Facilitating stakeholders' issue analysis*

Issue analysis is best done in small groups to learn about the wide range of views different stakeholders are likely to hold about sources of conflict.

Separating a conflict into its various issues, and then identifying the type of each issue and its causes (whether these are differences, threats or gaps) can be useful in developing a strategy for conflict management.

When talking with the stakeholders, mediators should let them tell their own stories and express their emotions without much interference. Mediators may enquire by asking "Why?" questions when appropriate. The mediators can take the list of five core issues as the basis for more specific questions during stakeholder consultation, or later, during stakeholder engagement (step 4).

One mediation team member should take notes, but only after the mediator has asked the speaker's consent. The information from these notes can then be used in the preliminary conflict analysis. The issue analysis needs to be updated by the mediation team whenever new information arises throughout the conflict management process. It becomes a stock of important background information for the mediators.

Attachment 2a: Different types of issue that lead to conflict

Type of issue	Elements	Points to remember in managing such conflicts
Conflicting interests	● Differing needs and desires, sharing of benefits and resource use ● Perceived and actual competition of interests ● Can emerge from a perceived or actual lack of shared interests	● Identify common or shared interests ● Underlying needs can often be satisfied in more ways than are at first obvious ● Clarify whether interests are real or perceived
Information issues	● Lack of information or differences in interpretation of information ● Can be linked to differing methods of assessing, evaluating or interpreting information ● Poor communication (listening or expression) or miscommunication among disputing parties	● Reach agreement on information needs ● Reach agreement on how information can be obtained and verified ● Reach agreement on the criteria for evaluating or interpreting information ● A third party may improve communication ● Encourage transparent decision-making
Difficult relationships	● Differences in personality and emotions, as well as misperceptions, stereotypes and prejudices ● Incompatible behaviours (routines, methods, styles); differing expectations, attitudes and approaches to problem solving ● History of conflict and bad feeling among the parties	● Identify the specific difficulties, encourage conflicting parties to avoid generalizations in stating their difficulties with one another ● Aim to build positive perceptions and solutions ● Emphasize fair ground rules to be followed by all parties ● Work to realign or build relationships, fostering care and willingness on the part of the parties

Attachment 2a continued

Structural issues	• Differing ideas regarding appropriate management processes, rules, roles and power; can apply to meeting committees or organizations • Perceived or actual inequality or unfairness concerning power, control, ownership or structures that influence access to or distribution of resources • Factors that hinder cooperation such as decision-making structures and responsibilities, time constraints, geography or physical settings	• Help disenfranchised groups to understand their own and other parties' perceptions of the conflict • Gain agreement on a shared review of specific grievances – e.g. too much bureaucracy, poor representation • Aim to transform conflict into a force for social change so solutions are sustainable in the long term
Conflicting values	• Differences among cultural, social or personal beliefs, or different world views and traditions • Different goals, expectations or assumptions that reflect personal history and upbringing	• Frequently the most difficult to change • Some differing human values may be non-negotiable • Focus on interests or shared goals and avoid focusing on resolving differing values • Require a long-term strategy that builds respect and supports the sharing and understanding of values among stakeholders

Adapted from: **Moore, C.** 1996. *The mediation process: practical strategies for resolving conflict.* Second edition. San Francisco, California, USA, Jossey-Bass; **Warner, M.** 2001. *Complex problems, negotiated solutions: tools to reduce conflict in community development.* London, ITDG Publishing.

Attachment 2b: Sample issue analysis table

Type of issue	Description of the issue	Analysis of issues
Conflicting interests	Women need to collect forest materials and medicinal plants* The community forest users' group (CFUG) wants to stop the poaching of wildlife	● *Perceived difference* in interests related to use of the forest (wildlife versus supporting local livelihoods)* ● *Perceived threat* of the CFUG and the forest office restricting access to needed resources*
Information issues	Villagers have no access to information on the proposed restriction Hunters question how the bird is endangered	● Lack of information from the CFUG to the village on the proposed restriction ● Validity of information needs to be confirmed
Difficult relationships	Previous bad relationship between the CFUG chairperson and the village	● Suspicions that the CFUG chairperson from another village is supporting forest office interests over this village's interests (as retaliation for a past dispute)
Structural issues	Consultation with villagers on forest use	● Failure of the forest office and the CFUG to consult the women or hunters before making the proposal
Conflicting values	The significance of local bird feathers in traditional ceremonies	● Forest officers' lack of appreciation for the ceremonial importance of bird feathers in determining relationships within villages

Proposed actions that emerged from the conflict analysis:
● Check the details of the proposal with forest officers and the CFUG.
● Forest officers to provide and explain information on the birds and the significance of the area.
● Women to negotiate the primary area of interest: securing access to necessary forest materials and medicinal plants.
● Forest officers to be educated on the traditional value of bird feathers.
● Other long-term actions: change consultation process and make chairperson more accountable to entire constituency of the CFUG; village representative to meet with chairperson.

Information about the example: One local village heard that the District Forest Office and the CFUG had decided to restrict access to an area of forest in order to protect an endangered bird species. The district forest officers convinced the CFUG that the restriction of access was necessary to protect one of the few remaining nesting habitats for the bird and to stop poaching by hunters. Male hunters in the village disagreed that the bird was in any danger, as they still saw many in the forest. Women villagers were angry because the proposed closure affected an area that was important for the collection of housing materials and traditional medicinal plants. All the villagers feared that they would no longer be able to collect local bird feathers for use in traditional ceremonies. Both the women and the hunters in the village saw the conflict as being centred on gaining continued access; the Forest Office saw it as a conflict of unsustainable resource use within the region.

CORE TOOL 3: STAKEHOLDER IDENTIFICATION AND ANALYSIS

PURPOSE: To identify and assess the dependency and power of different stakeholders in a conflict.

APPLICATION: Stakeholder identification and analysis helps to identify the stakeholders involved or affected by the conflict, how powerful they are and what relations there are among them.

Stakeholder analysis can be applied as:

■ *an internal mental model* to structure the mediators' thoughts;

■ *a facilitation tool* applied with the conflict stakeholders to guide them in their own analysis.

It is carried out with each conflict stakeholder separately during:

■ shuttle consultation – preliminary conflict analysis (step 3);

■ stakeholder engagement – stakeholders analyse their own conflict (step 4).

Stakeholder analysis can be repeated throughout the conflict analysis process, as more information becomes available and new issues arise.

PREPARATION: Flip chart.
Coloured pens.
Coloured poster paper.
Glue sticks.

POTENTIAL AND CONSTRAINTS:

Analysing the involvement of different stakeholders and their relative power is a sensitive issue and requires carefully mediated group discussion. In addition, it is important to ask for secondary stakeholders who may be influential, but who are not directly involved in the specific conflict.

CROSS REFERENCE: Section 5.5.

STEPS

1 Explain the purpose of the activity and that the term "stakeholder" refers to all those people or organizations that have a stake in the conflict. These are the people and organizations that are directly involved in the conflict, are affected by the conflict, or influence (or may influence) the dynamics of the conflict.

2 Explain briefly the *Sample stakeholder diagram* (Appendix 3a) on a flip chart, or draw it on the ground. Describe a simple conflict example and how the diagram depicts the different stakeholders, their interests and their relative power.

Ask the participants whether they find this analysis useful and whether they are willing to conduct such an exercise.

3 Ask the participants to identify and list all the stakeholders in the conflict.

Invite the participants to draw circles on the ground, or to cut them out of paper, to represent the stakeholder groups (by labelling the circles). The size of each circle should reflect the relative interest or stake of the stakeholder group that it represents. To determine this stake, it is useful to consider how affected the stakeholder group is by the issue or its outcome. For example, a large circle indicates that the stakeholder group is greatly affected by the issue and will be significantly affected by the outcome. A small circle indicates that the stakeholder group is not affected as much.

Allow the participants to position the circles around the conflict at the centre of the diagram. Use distance from the centre and from the stakeholder circles to depict the relative closeness (not geographic) of the stakeholders to one another and to the conflict. Ask less active participants whether they agree with the position of the different circles, and guide a discussion so that all the participants agree. If it is difficult to find agreement, you may consider forming subgroups.

Once they are satisfied with their stakeholder interest circles, the participants should discuss the relative power that each of these stakeholder groups has to influence the outcomes of the conflict.

Choose a triangle that represents the relative influence of each stakeholder group (the bigger the triangle, the more power the group has to influence the outcome of the conflict). Position this on top of the appropriate circle (overlapping).

Once they are satisfied with their diagram, participants should discuss, and then mark with an asterisk (*), those stakeholders that they feel are the primary stakeholders. These stakeholders should be involved in managing the conflict.

At the end of the activity, the participants should have a piece of flip chart paper depicting the conflict, with circles and triangles representing the stakeholder groups and their relative interest and influence.

4 If the mediators have formed subgroups, give each subgroup the space to present and explain its analysis to the others. If the analyses of the different subgroups differ considerably, ask the reasons for this. Ask how the subgroups can find a common understanding of the stakeholders involved, because this will be important in strengthening their negotiation positions.

5 Initiate a discussion around the following points:

- What does this tell us about stakeholders and power and influence?

- Were there any disagreements about who were and who were not legitimate stakeholders? What do these differences signify and how can the group find a common understanding of the stakeholders involved in the conflict?

Note for mediators:

There are no easy answers to decide the appropriate balance of stakeholders in managing conflict. To assist the decision, stakeholder groups need to define and agree on criteria for primary and secondary stakeholders. To a large degree, these criteria depend on the goals and desired outcomes of the conflict management process. If the goal is to work towards fair and equitable resolution, you must ensure that the primary stakeholders include those who are most affected by or dependent on the resource, or on the resolution or escalation of the conflict. This includes considering the range of options available to a stakeholder group if an interest or basic need associated with a resource is not met.

Stakeholders that are linked to the conflict but have less direct effect on it are secondary stakeholders. They may play key roles in resolution strategies; when they can be objective, for example, they may act as a third party or intermediary; or they may work alongside a weaker party in an advocacy role, moving the wider political arena towards greater equity. For effective collaboration and management, those stakeholder groups with power, authority and influence over the sustainability of the outcome should be included. If they are not involved early on, powerful groups may not accept solutions or support implementation.

Adapted from: **Larson, P. & Svendsen, D.** 1995. *Participatory monitoring and evaluation: a practical guide for successful ICDPs.* Washington, DC, WWF; **Worah, S., Svendsen, S. & Ongleo, C.** 1999. *Integrated conservation and development: a trainer's manual.* Godalming, UK, WWF UK.

Attachment 3a: Sample stakeholder diagram

The conflict was among the forest users of one village (village A), the staff of a government forest agency and members of a conservation NGO. It centred on a proposed decision to prohibit the harvesting of rattan in a forest reserve. The two organizations believed that the harvesting of rattan by village A was degrading the biodiversity of the forest reserve. The figure illustrates how the members of village A viewed the stakeholders to this conflict. It presents how they defined the different stakeholders, their views on how affected those stakeholders were by the outcome of the management decision, and their own relative power to influence that decision.

The women of village A, who traditionally harvest, process and sell the rattan, were seen as being the most affected by the proposed decision, but they had the smallest input into decision-making processes. Both the chief and the other men of village A felt disadvantaged by a prohibition on rattan because they predicted a reduction in overall family income. They were seen to be more powerful than women because they had participated in some of the consultation meetings held by the forest agency. They had significant fears about the effect on the village children, as the money generated from sales of rattan craft was a main source of income for paying school fees.

On the other side, the men from a neighbouring village (village B) did not collect or use rattan, but were seen to be more influential than any person in village A was. People of village A accused the men of village B of providing incorrect information about rattan harvesting to the forest agency and conservation NGO in order to gain greater support for an alternative income-generating project. The conservation NGO, which was providing technical advice on management of the reserve, and on which the government forest agency relied for financial support, was seen to be the most influential in determining the decision. The people in village A did not understand the NGO's concerns about biodiversity, nor how an organization that is composed of people living far away would be greatly affected by the rattan issue.

In the diagram, the size of a stakeholder group's circle and its proximity to the issue indicate the extent to which that group is considered to be affected by the outcome of the conflict. The size of a group's triangle indicates the relative power that the group has on the final management decision. The proximity of stakeholders to one another indicates the relationships and alliances among the groups.

DIFFERENT VIEWPOINTS: AFFECTED STAKEHOLDERS AND STAKEHOLDER POWER
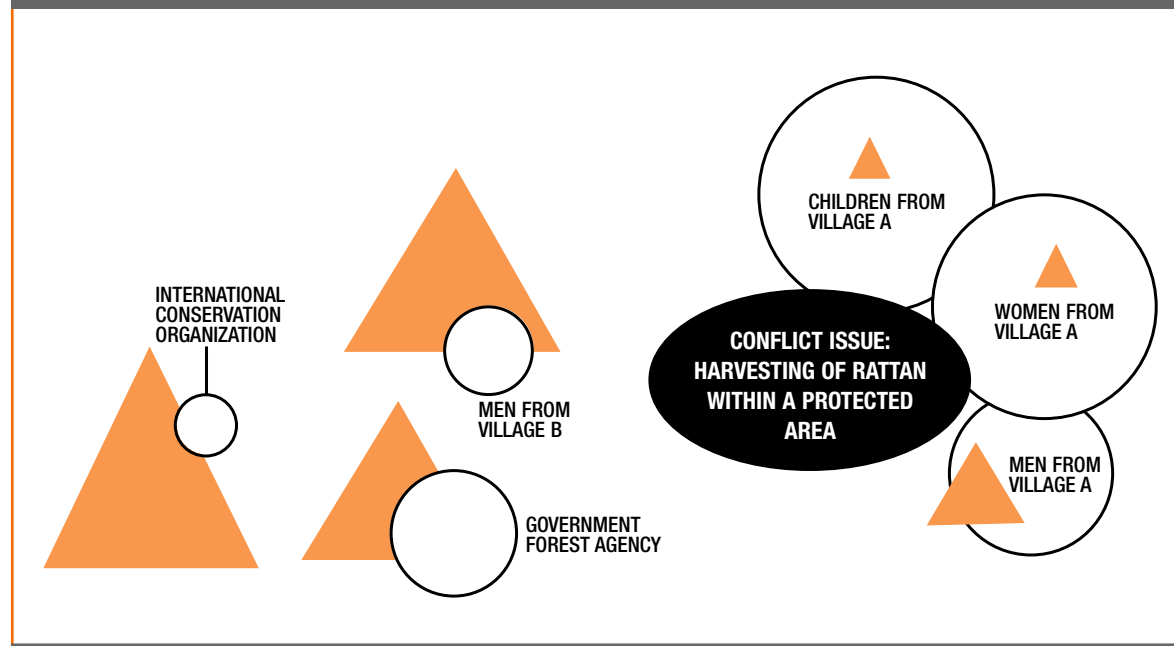
CORE TOOL 4: ANALYSING THE 4RS – STAKEHOLDER RIGHTS, RESPONSIBILITIES, RETURNS AND RELATIONSHIPS

PURPOSE: To examine the rights, responsibilities and benefits of different stakeholders in relation to the resource, as part of improving the understanding of a conflict.

To examine the relationships among (or within) different stakeholder groups.

APPLICATION: The fourth R (relationships) is useful for a number of reasons, including:
- recognizing existing stakeholder networks that have an impact on the conflict;
- identifying potential new alliances;
- helping to identify and evaluate potential intermediaries;
- improving knowledge about the power base of stakeholders.

Knowing the differences in stakeholders' rights, responsibilities and benefits related to a resource is often critical to understanding a conflict. Inequities among stakeholders related to these four variables often underline power imbalances and shape the relationships among groups.

The 4Rs analysis is a very sensitive tool and needs careful application. It is only to be applied as:
- an internal mental model for the mediator;
- *an aid for a particular stakeholder* (group) preparing for negotiations, and a way of levelling the playing field among different stakeholders.

PREPARATION: Flip chart.
Coloured pens.
Copy *Sample conflict background sheet* (Attachment 4a).
Prepare flip charts from:
Sample 3Rs matrix (Attachment 4b);
Sample stakeholder relationships map (Attachment 4c).

POTENTIAL AND CONSTRAINTS:
When applied in rural communities, this tool may need careful explanation and guidance from the mediator, because it requires a sound understanding of specific conceptual categories. People may not always find such categorization easy.

Note: The relationship diagram (the fourth R) and stakeholder identification (Core tool 3) are partially overlapping in terms of what they analyse.

CROSS REFERENCE: Sections 5; and 6.

STEPS:

1 Explain the purpose of the activity and the meaning of the 4Rs: rights, responsibilities, returns and relationships. For clarifying your own mind, go through the example in Attachment 4a.

Rights, responsibilities and returns are relationships that stakeholders have to the resource base:

■ *Rights* are access and control over resources, as legally or informally defined.

■ *Responsibilities* are roles and power in relation to the management of resources.

■ *Returns* are the benefits and costs that a stakeholder derives from a resource, based on rights and responsibilities.

In addition, stakeholders have *relationships* among each other that are independent of the resource.

2 Ask the participants to list all the stakeholders identified in the stakeholder analysis (Core tool 3). Then, prepare a table with three additional columns for rights, responsibilities and returns. Invite the participants to fill in the table for each conflict stakeholder. If they are reluctant to do so, or do not understand the concept, use a simple example to illustrate what each R means in practical terms.

3 The participants then construct their own matrices:

■ They should first review the terms "rights", "responsibilities" and "returns", defining and clarifying what they themselves mean by each term, and how the terms are used in relation to the stakeholders and the forest resource. Important points of definition should be written down. Point out that it can be helpful to think of returns as being both the benefits gained and the cost or impact of a changed situation.

■ Encourage the participants to go through and describe current and actual rights, responsibilities and returns for each stakeholder group. They are to score each on a scale of 0 to 5 (with 0 meaning none, and 5 meaning high/maximum). Mention that with responsibilities there may be a difference between what the stakeholders are legally responsible for and the responsibility that they actually display. In such cases, the descriptions should reflect the policy/legal requirement, and the score for that column should reflect the reality.

■ Emphasize that the participants should complete all the columns for each stakeholder before going on to the next stakeholder.

4 Initiate a discussion around the following questions:

■ What did you learn about the conflict from completing the 3Rs matrix?

■ How different are the stakeholders in relation to their rights to, responsibilities for and returns from the resource? How do differences in these factors affect the stakeholders' levels of power or influence in the conflict?

■ How should these different factors be changed in order to reduce the conflict?

5 At the end of the discussion, introduce the second stage of the analysis, which focuses on analysing the relationships among stakeholders:

■ On a flip chart or on the ground, the participants should draw circles to depict the key stakeholder groups listed in the 3Rs matrix. (Building on previous stakeholder identification activities, participants can use different-sized circles to depict the different degrees of stakeholder interest or influence, if they wish.)

■ The participants may build on the stakeholder analysis (Core tool 3) for this exercise.

■ Encourage them to discuss each of the relationships among the stakeholder groups. For example, are relationships positive and cooperative or negative and conflicting? Are relationships among groups only occasional and intermittent?

■ Each stakeholder group should then be connected to the others by the appropriate line that indicates this relationship. Good relations are indicated by a straight solid green line (the thicker the line, the stronger the relationship). Where good relations are very strong, and an alliance can be formed to address the conflict, the green line is made bolder. Negative relationships are depicted with a wavy line (the more jagged the line, the greater the conflict between the two groups).

6 After they have had a chance to do this, use the following points to initiate a discussion among the participants:

■ What does this activity show about stakeholder relationships in the conflict? How do the 3Rs affect the relationships?

■ If not mentioned, point out that interactions among stakeholders are much more complex than they may initially appear. Discuss the role of shared histories and how they affect relationships within the conflict. Also, remind the participants that relationships among stakeholders are dynamic, and change during the course of a conflict. This tool can be used to examine such change (as part of monitoring an existing conflict, or when looking back and evaluating the impacts of a conflict).

■ Encourage the participants to identify potential alliances that strengthen their own positions.

■ Does the analysis indicate who may be able to play the role of a trusted party to help support a conflict management process?

Adapted from:

Dubois, O. 1999. Assessing local resilience and getting roles right in collaborative forest management: some current examples and a potential tool, with special references to sub-Saharan Africa. *In* FAO. *Pluralism and sustainable development, proceedings from an international workshop,* 9–12 December 1997, Rome, FAO; **Charles, T. & Percy, F.** (In press.) *Still a valuable tool: using the 4Rs to work out management and benefit sharing at Bimbia Bondadikombo Forest, Cameroon;* **Worah, S., Svendsen, S. & Ongleo, C.** 1999. *Integrated conservation and development: a trainer's manual.* Godalming, UK, WWF UK.

Attachment 4a: Sample conflict background sheet

In this example, an overseas logging company approached the national forest agency for a seven-year timber concession to harvest 50 000 ha of forest that had traditionally been occupied and used by local indigenous communities. This proposal resulted in a conflict among the local communities, the government and commercial interests.

Under the country's existing legislation, all forested land belongs to the State, and the national forest agency is legally responsible for its administration and management. Prior to colonization, however, most forest areas within the country were held in some form of customary tenure by indigenous tribes. This customary tenure has never been recognized formally by the State, either during or after independence. Forest use rights and management authority have been, and continue to be, a contentious issue.

The proposed concession area lies in a remote region of the country that is poorly serviced and lacks infrastructure. The government does not have adequate funds or staff to manage the forest in this area, which has been used increasingly by migrants – refugees who have illegally crossed the border from a neighbouring country. In order to improve its control of forest use, the government has initiated a collaborative forest management programme that engages the assistance of local communities. The indigenous people have strong cultural ties to the forest and are dependent on forest products for their livelihoods. They are concerned about the migrants' burning and clearing of the forest, and have offered to work as forest guards in order to prevent the forest from degrading into open access. They have also helped a national research institute and an overseas conservation NGO to conduct an inventory of forest plants and animals and to implement special measures to protect endangered species.

The government is interested in increasing its revenue through logging royalties, and the logging company has agreed to construct a major road through the area. The road would increase access for future development and assist in patrolling the country's border and controlling the influx of refugees.

The logging company has insisted that, for safety purposes, its lease should prevent local people from using the forest area. The company is also concerned about community opposition to the logging activity. The government has assured the company that, in the past, the existing collaborative management programme has been useful in gaining the communities' assistance. It does not give local residents legal authority in making forest land use decisions, or provide them with greater access to forest areas.

Two of the three village communities (villages A and B) have opposed the logging, claiming that it would limit access to needed forest materials, food and medicines. Village A is additionally concerned that its river, and only source of drinking-water, would become polluted from the upstream logging activities. These villages have been supported by a development NGO working on health issues in the area. This NGO is also active nationally in advocating greater recognition of forest rights for indigenous people.

Members of a third village (village C) are more supportive of the logging operation. Unlike the other two villages, the sale of market produce is a key source of village C's income. It feels that the influx

of loggers would reduce the need to travel to distant market areas. The increased sales and reduced costs are perceived as a boost to the local village economy.

Over a six-month period, the conflict has continued to escalate. Increasingly, members of villages A and C have been involved in heated arguments, and there has been threatened violence against forest agency staff. A national training institution with experience in the management of forest conflict has been asked to intervene and assist in meditation. In preparation for meetings among the groups, the mediator has worked with each group to develop a matrix showing stakeholders' forest rights and management responsibilities. The mediator has also recorded the perceived returns of each group from the proposed logging operation. As several of the groups felt that they would be adversely affected, they chose to record returns both as positive (gains) and negative (costs). This was followed by an analysis of the relationships among stakeholders.

Attachment 4b: Sample 3Rs matrix

Stakeholder	Rights	Rank	Responsibilities	Rank	Returns	Rank
National forest agency	Supervision Management	4	Administer timber concession Ensure annual national cut is achieved Implement biodiversity strategy to meet international commitments[1]	3	+ Royalties and logging income + New road into area - Weakened biodiversity protection in forest site	4
National department of international affairs[2]	None exclusive to forest area (but powerful government office)	1	National security Immigration control	3	+ Improved access to the border	4
Logging company	7-year exclusive lease on 50 000 ha of forest	5	Road construction[3]	3	+ Expected timber sales and profit	5
Village A	Unrecognized customary forest use rights	1	Continued role in day-to-day management (fire management, controlling forest entry by migrants)[4]	5	- No further access to needed forest products	1

Attachment 4b continued

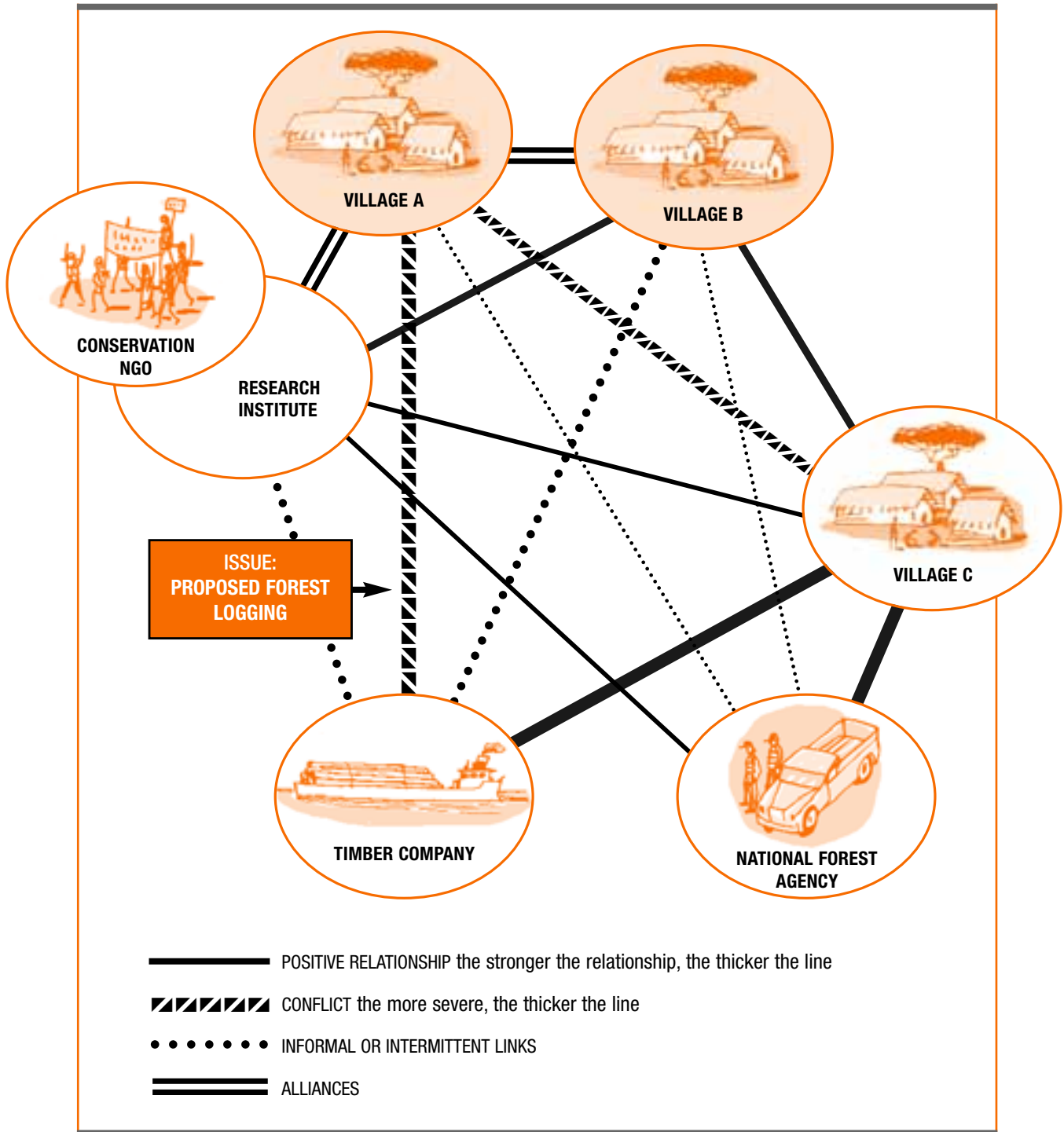| Stakeholder	Rights	Rank	Responsibilities	Rank	Returns	Rank
Village B	Unrecognized customary forest use rights	1	Continued role in day-to-day management (fire management, controlling forest entry by migrants)	5	- No further access to needed forest products	1
Village C	Unrecognized customary forest use rights	1	None	0	+ Increased revenue from sale of produce	3
Migrants	None	0	None	0	- No further access to needed forest products	1
National research institute[5]	Research permit	3	Inform government of biodiversity inventory Assist forest agency with biodiversity management	3	- Inventory stopped, leaving gaps in national forest database - Weakened biodiversity protection	0
Conservation NGO[5]	Research permit	3	Inform government of biodiversity inventory Assist forest agency with biodiversity management	3	- Inventory stopped, leaving gaps in national forest database - Weakened biodiversity protection	0
Development NGO	None exclusive to forest site (but empowered under government health programme)	3	Improvement of local livelihoods	4	- Increased pressures on local livelihood support	1

Attachment 4b continued

Notes:

1 Despite the national forest agency having a number of formal (legal) responsibilities to manage the forest sustainably, it was given a lower ranking (for responsibility) because of its inability to carry out its duties. The effectiveness of the forest agency in all responsibilities hinged on the support of various partnerships (for example with communities, the research institute, the logging company).

2 Many of the villagers initially saw all the interests of the government as being represented by the national forest agency. In preparing the matrix they realized that they needed to engage the office of international affairs, as well as the national forest agency. These two government departments have quite distinct interests, authority and strategies.

3 In discussion of the matrix, it was pointed out that the company had a low level of responsibility in terms of ensuring that the harvest was sustainable or that it provided for future local needs. It was also feared that constructing the road would open the area up to more settlers from other areas, and would not control the migrants as intended.

4 The forest agency acknowledged that it would continue to need the assistance of local people in forest area management.

5 In discussion of the matrix, the local villages opposing the logging decided to enlist the support of the research institute and conservation NGO, as these two groups had some formal rights to the area and their interests were potentially threatened.

Ranking of stakeholders according to respective 3Rs weight

Rank	Greatest rights	Most responsibilities	Most benefits
1	Forest agency	Villages A and B	Logging company
2	Logging company	Forest agency	Forest agency
3	Research institute/conservation NGO	Research institute/conservation NGO	Village C

Attachment 4c: Sample stakeholder relationships map

VILLAGE A

VILLAGE B

CONSERVATION NGO

RESEARCH INSTITUTE

VILLAGE C

ISSUE: PROPOSED FOREST LOGGING

TIMBER COMPANY

NATIONAL FOREST AGENCY

POSITIVE RELATIONSHIP the stronger the relationship, the thicker the line

CONFLICT the more severe, the thicker the line

INFORMAL OR INTERMITTENT LINKS

ALLIANCES

ANALYSIS OF RELATIONSHIPS FROM THE MAP

Issue: Logging company to harvest a forest area that is primary use area of Village A and B.

VILLAGE A:

Alliances with research institute, conservation NGO and village B.

Major conflict with logging company's interest to harvest forest area.

Minor conflict with village C about supporting company's proposal.

Past relationships with forest agency have been good.

VILLAGE B:

Alliances with research institute, conservation NGO and village A.

Strong kinship ties with village C.

Very little interaction with forest agency or logging company.

VILLAGE C:

Company says it will purchase produce from village C in exchange for support of logging proposal.

RESEARCH INSTITUTE/CONSERVATION NGO:

Good relationship with forest agency through shared work on forest biodiversity strategy.

Partners with all villages in undertaking forest inventory work.

Some contact with logging company, but interaction so far has been poor.

POSSIBLE ACTIONS (to strengthen influence of villages A and B)

Use the alliance to lobby the forest agency and external stakeholders.

Village B acts as intermediary between villages A and C to renew and strengthen ties.

Research institute to present concerns of villages A and B to forest agency.

Research institute to explain concerns about logging impacts to village C.

COMPLEMENTARY TOOL 5: CONFLICT TIME LINE

PURPOSE: To assist stakeholders in examining the history of a conflict and to improve their understanding of the sequence of events that led to the conflict.

APPLICATION: The conflict time line is a useful tool for clarifying the dynamics of the conflict and spelling out its key issues. In particular, it may be useful as a warming up exercise to open space and involve stakeholders in the process. Based on the conflict time line, it may then be possible to proceed to root cause analysis and stakeholder analysis.

The conflict time line helps to structure the narratives of the conflict when stakeholders tell their stories of the conflict and enumerate what each party has done, when and how.

The conflict time line is particularly helpful when applied with the conflict stakeholders, during shuttle consultation and/or stakeholder engagement. It shows that mediators take the stories of the stakeholder groups seriously, and helps structure the discussion and complex information flows.

PREPARATION: Flip chart.

Coloured pens.

A copy of *Sample conflict time line* (Attachment 5a) per person.

POTENTIAL AND CONSTRAINTS:

The time line helps conflict stakeholders to reflect on the different events that triggered the conflict. It helps mediators to clarify the chain of events.

CROSS REFERENCE: Section 5.4.

STEPS:

1 The conflict time line can be utilized without much prior explanation. When a stakeholder group narrates its story, it may be useful to structure the flow of information. The mediator can suggest writing down the sequence of events on a flip chart so that the stakeholders can verify whether the mediators have correctly understood their stories.

2 On a flip chart, write the name of the conflict. Under the conflict heading, create columns for dates and events. Ask the participants to think of the specific events that led to this conflict, and when those events occurred. Explain that at this stage they should not worry if the dates are wrong, as these will be checked later.

Ask one participant to name one of the events – preferably one of the earlier events or actions in the history of the conflict. Record the date and event on the flip chart.

If some of the participants are illiterate, use symbols on the flip chart. However, precise points still need to be documented in writing.

3 Ask the participants for another event and record it. Continue to do so, explaining that they do not have to name the events in sequence. Check whether the participants can think of something that happened before the first events listed. The events will be recorded in the appropriate chronological order based on date.

Allow each participant to contribute his/her ideas without being questioned.

4 Review and reach agreement on the events, checking the order and dates.

When there is disagreement about the facts (either the date or the event), assess whether this is significant to the analysis. If the participants feel that they need to confirm the information, note this on a separate sheet as an "information need".

5 When participants appear to be satisfied with the time line record, ask them to take a moment and reflect on the history of the conflict.

Start a discussion with the following questions:
- What have you learned about the conflict from the time line?
- What have been the most significant events in escalating or broadening the conflict? Why?
- How have the events affected relationships among the parties?
- Why do you think the parties acted in the way they did? What were the underlying interests, fears or needs of the parties in these events?

Attachment 5a: Sample conflict time line

Malawa people prepared this time line, with the assistance of a conservation NGO, in order to understand rivalries with another clan (the U'afu).

CONFLICT: NGALA RIVER PROTECTED CATCHMENT AREA	
Date	**Events**
1975	● Head of the Malawa informed that U'afu villagers are cutting trees claimed by the Malawa for canoes (land adjacent to the Ngala river). ● Malawa head and spokesperson go to U'afu, who explain that the cutting was within U'afu boundaries. Malawa head disagrees and asks that cutting stop.
1976	● U'afu cut two more trees. ● Malawa villagers seize three completed canoes as compensation for U'afu stealing of trees. ● U'afu burn garden huts of three Malawa women. ● Malawa youths steal two U'afu pigs.
1981	● Forest officers meet with U'afu to discuss timber concession on the eastern boundary of Ngala river and the overlap of Malawa land. U'afu do not tell forest agency about Malawa land claim.
1982	● U'afu support timber company request for concession. ● Malawa object to concession at timber rights meeting. ● Malawa seek legal advice to stop concession.
1985	● Timber company withdraws. U'afu blame Malawa. ● U'afu cut five more trees on disputed land.
1993	● Conservation NGO working with Malawa discusses proposed watershed catchment management area on Ngala river. Malawa do not inform the NGO of U'afu's interests. ● Malawa receive funds and assistance to set up ecotourist lodge from NGO Water Catchment Protection Project.
1994	● Malawa representative put on Ngala River Management Committee Board. ● U'afu cut three trees on disputed land.
1995	● NGO meets with U'afu villagers on Ngala river project. ● U'afu man burns NGO vehicle. Man arrested and jailed. ● U'afu threaten further damage if their rights to the land are not recognized.
1997	● Forest department and NGO draft Ngala River Catchment Protection legislation. ● U'afu boycott public meeting to discuss legislation.
1998	● U'afu agree to allow use of Baenia river by Senta village people for oilpalm. ● Ngala River Catchment Protection legislation blocked by Senta parliament member.

Note: The names of the clans and locations are fabricated in order to respect the privacy of the people and groups involved.

COMPLEMENTARY TOOL 6: MAPPING CONFLICTS OVER RESOURCE USE

PURPOSE: To show geographically where land or resource use conflicts exist or may exist in the future.

To determine the primary issues of conflict.

APPLICATION: Mapping is always useful for an understanding of the spatial dimension and geographic boundaries of resource conflicts. It is helpful to involve stakeholder groups in the process, structuring discussion about conflict issues and giving stakeholders a more active role in the process of analysis.

The conflict map is most usefully applied with the stakeholders during stakeholder engagement (step 4). Mediators should let the stakeholder group members draw the map themselves and should stimulate the process with questions.

Mapping can be carried out with one stakeholder group alone or, later in the conflict management process, with all primary stakeholders. In the latter case, drawing a conflict map may help to clarify the spatial boundaries of conflict among different stakeholders as a preparation for assessing options.

PREPARATION: Flip chart.

Coloured pens.

Maps can be drawn on the ground so that they are easier to correct and change. The final map should then be documented on paper.

POTENTIAL AND CONSTRAINTS:

Drawing maps with stakeholders can be essential in stimulating discussion and triggering new ideas about how best to solve the conflict. Maps can help clarify the conflict issues.

However, mapping can also lead to tension when disagreement occurs, particularly when maps are drawn in the presence of all the stakeholders.

CROSS REFERENCE: Sections 4; 5; and 6.

STEPS:

1 Explain the purpose of the activity to the participants, emphasizing that mapping is a useful tool for exploring the resource uses and values of different stakeholders, and for identifying existing or latent conflicts.

2 Ask the participants to begin by preparing a basic sketch map of the area on which the conflict is centred. This map should show the major landscape features and relevant boundaries of tenure.

3 Next, ask them to mark out areas of existing or proposed resource uses for different stakeholders. Resource uses may include food or material collection, protected area boundaries, commercial timber harvest, religious or sacred cultural sites, nesting sites for endangered species and use boundary changes.

4 When participants are satisfied that all the relevant information has been marked on the map, ask them to identify areas where land or resource uses are in conflict. These may include conflicts among existing uses, between existing and proposed uses or among proposed uses.
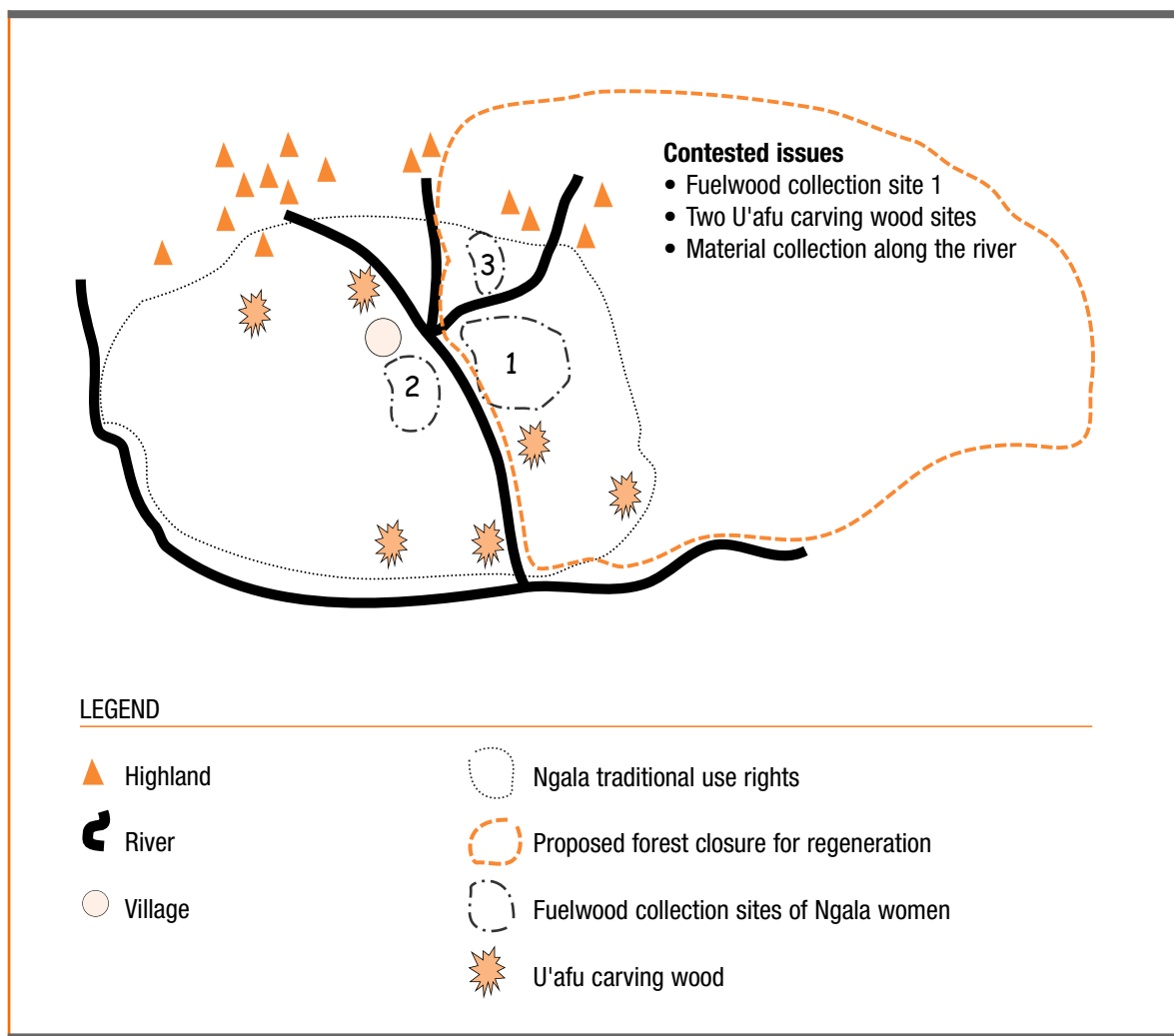
Record the specific areas of conflict, either by highlighting them on the map or by making a list of specific points of dispute.

5 Review each of the areas of conflict. Initiate a discussion with the following questions:

- What are the primary sites of conflict?
- Which sites are of secondary importance?
- What would the consequences or impacts be to the different stakeholder groups if their existing or proposed uses are stopped or changed?
- What alternatives or possible solutions in land or resource use are suggested from the information on the map?

Note: There are several possible approaches to preparing the map. It can be drawn directly on to flip chart paper with coloured markers. Alternatively, in some rural areas it is more effective to ask the participants to construct the map first on an area of bare ground, possibly in a village centre, using rocks, leaves, seeds, twigs, etc. as symbols for natural and human features. When the map has been completed, a few participants transfer it on to flip chart paper. The advantage of this approach is that it allows many more people to be involved in creating the map and discussing the conflict.

Attachment 6a: Sample conflict map

The map below depicts conflicts in forest use. It identifies three areas of conflict between a forest regeneration area proposed by a watershed management committee and an area of traditional forest used by one local village community. Discussions among the local villagers identified their primary concerns as being lack of access to an important fuelwood collection site (site 1), the presence of two principal sites of carving wood within the proposed regeneration area, and the collection of housing material at an area upstream of the village along the riverbank. During preparation of the map, villagers decided that one of the fuelwood collection areas (site 3) was not crucial, and would not be disputed. In later meetings, the villagers agreed on regeneration of the upstream riverbank material site, as they came to understand that this could improve water quality at the village.

Contested issues
• Fuelwood collection site 1
• Two U'afu carving wood sites
• Material collection along the river

LEGEND

▲ Highland

River

◯ Village

Ngala traditional use rights

Proposed forest closure for regeneration

Fuelwood collection sites of Ngala women

U'afu carving wood

Case studies

The following two case studies are intended for development practitioners, trainers and students in the field of natural resource conflict management who are seeking analytical material based on real-life situations. The studies illustrate how conflict management tools can be used when mediating negotiations over conflict resource uses. They build conceptually on the alternative conflict management (ACM) approach advocated in this guide.

The two case studies document the experiences of trainees in a workshop on natural resource conflict management in Ghana. These were the field cases on which trainees practised the skills that they had learned during classroom training. Trainees contributed as mediators in the conflict management process of these real-life cases. The studies document the background of the conflicts and the processes that the mediators followed to help resolve them.

Each case study focuses on five areas:

❶ *Key issues:* What are the principal issues that can be seen in the specific case study?

❷ *Context:* Where does the study take place? What resources are involved? Who are the stakeholders?

❸ *Conflict history:* How did the conflict manifest itself?

❹ *Conflict management and resolution process:* How did the mediation team address the various issues of the conflict? Which tools were applied?

❺ *Lessons learned:* What does this case teach for other conflict cases? How useful were the tools in bringing the process forward?

Case study 1 illustrates how chieftaincy issues and user rights to forestry resources can be intertwined. Case study 2 shows the complexity of local resource use systems and the different effects that diverting a river can have on different stakeholders.

BOX C

WHY CASE STUDIES?

Case studies aim to build the skills to address conflicts in a participatory and equitable way. They present readers with concise descriptions of the context, interests and problems, as well as the options open to resource managers and other stakeholders in diverse situations. The case method offers a learning tool that stimulates the reader in the following ways:

Discovery: through examining key issues in natural resource conflicts as manifested in the selected case, identifying primary and secondary stakeholders, exploring the historical background, analysing contemporary causes, reviewing the roles of local and wider institutions and markets in the conflict, and assessing past and present attempts at conflict management and resolution.

Probing: through exploring stakeholder agendas, analysing the social and power relations among the interested parties, evaluating the benefits and costs of conflict management and resolution options for each stakeholder, examining the social variables that influence the implementation of conflict management and resolution processes, and considering the outcomes from the viewpoints of different stakeholders.

Practice: through helping readers build their knowledge by providing real-life examples in a clear and concise form that can serve to sharpen analytical and technical skills (such as negotiation and mediation) through discussion, role playing and other forms of learning.

Contrast and comparison: through providing situations that allow reflection on key issues regarding how and why people engage in conflict management and resolution processes, what happens when they do so, and whether what is learned from the cases can be adapted to the readers' situations.

Source: Castro and Nielsen. FAO, 2003

CASE STUDY 1: MANAGEMENT OF BAWUMPILA COMMUNITY FOREST

K.S. Nketiah, V. Fumey Nassah, R. Afful and J.S. Adu

Guiding questions for case study one

1 Does this case study describe one conflict or several conflicts?

2 Was the conflict over livelihoods, conservation or political power? How does the framing of a conflict affect the way in which it is dealt?

3 How did the different stakeholders frame the conflict?

4 Why do you think that earlier efforts to resolve the conflict were unsuccessful?

5 Why is the way in which the mediators enter the conflict so important?

6 What skills did the mediators use in organizing the conflict management process?

7 What skills did the mediators use in facilitating the meetings?

8 Why did some stakeholders reframe the conflict, while others did not?

9 How would you have facilitated this process?

10 What other conflict management approaches could have been used to deal with this conflict? Do you think that they would have produced similar outcomes? How would their costs differ?

11 Do you consider this a successful case study? Why or why not?

Role playing for case study one

Select one of the facilitated meetings, choose appropriate roles (mediator, community elders, volunteers, royal family members and other observers) and conduct your own meeting.

Having selected the appropriate roles, conduct a detailed conflict analysis using root cause analysis, analysis of relationships, stakeholder analysis, analysis of relationships using the 4Rs, and analysis of power, positions and interests.

Key issues

This case study focuses on a conflict over user rights to forestry resources in Kumasi region, Ghana. It illustrates how multiple claims to resources, and broader struggles over legitimacy and identity are often intertwined. In this case, the conflict over resource use coincides with a chieftaincy dispute, and solving one may also help settle the other. Because of the chieftaincy dispute, there is already latent tension in the community, which makes resource use conflicts escalate more easily. The case also illustrates how legal pluralism – customary and modern systems of land rights existing side-by-side – and competing competencies for issuing rights sometimes create or foster conditions that are conducive to conflict.

Basically, the conflict centres on the use of forestry resources. One prominent, royal family has established farms in the community forest, which is supposed to be common property for the extraction of non-timber forest products (NTFPs). The community is against the royal family's establishment of farms within the forest, because it reduces the availability of NTFPs. The key issues illustrated by this conflict include the following:

- Competition over access to resources can escalate into conflict.
- There is a lack of leadership and enforcement resulting from the failure to appoint a new chief.
- Conflict makes development agencies reluctant to involve themselves in projects based on forestry resource use.
- Collaborative, community-based forestry management requires the resolution of individual rights claims.
- Facilitation requires careful planning, command over a range of conflict management skills and tools, and considerable patience.
- It can be difficult to achieve final resolution of all issues, as some stakeholders find it difficult to shift their frames from positional to interest bargaining.

At first sight, this conflict seems to represent a win–lose case. The community wants to force the royal family to vacate the land, whereas the royal family wants to protect its source of livelihood and income, which is the farmland in the forests.

Context

About 16 percent of Ghana's land area is managed as either forest or wildlife reserves. The remaining land is owned and managed by communities, individuals and public agencies. National policy of 1994 promotes the "conservation and sustainable development of the nation's forest and wildlife resources for maintenance of environmental quality and perpetual flow of benefits to all segments of society". The policy applies to both permanent forest estates and the lands outside reserves; prior to its enactment, government officials had made no serious effort to manage forests outside the reserved lands. Indigenous owners owned the lands, but felling rights were granted by the Lands Commission, which lacked capacity for regulating forests. In 1996, the then Forestry Department assumed responsibility for regulating forest resources outside reserves. The Forestry Commission (FC) established a Collaborative Forest Management Unit (CFMU) to explore the potential of involving communities in forest management under its own supervision. Pilot programmes were initiated to find out whether communities had the necessary interest and capability to prepare management plans for their forests.

Three communities in the Assin Tosa District were supported to prepare management plans for their own forests: Bawumpila and Balumpan community forests. These were the first community-managed forests in the country, and were named dedicated forests. The Ministry of Lands and Forestry (MLF) and the FC attached great importance to these pilot sites. The chiefs and elders of Assin Opropong hold the Bawumpila Community Forest Reserve in trust for the benefit of the community. It is a stool land that has not been allocated to anyone for farming and has not been alienated in any way.

The 1995 management plan contains the following statement on user rights: "As stipulated in our statutory laws, all trees and timber in Ghana are ultimately owned by the appropriate landowning stool, but they are vested in the President so that the government can manage them on behalf of the appropriate stool or landowner. Thus the naturally occurring trees in the forest are vested in the President in trust for the people of Assin Opropong. If the forest one day gains Dedicated Forest status we would like the Forestry Department to regard the regenerated trees as either planted, and therefore wholly owned by the community (who would then have the sole right to fell and sell), or to regard the community as a type of Timber Utilization Contract holder, i.e. on payment of royalty the sole right to fell and sell the trees would be with the community" (Management Plan, 1995).

All naturally occurring NTFPs are wholly owned by the people of Assin Opropong, and are not vested in any way. The community plants additional trees to increase the production of NTFPs. According to customary law, NTFPs belong to whoever invested their labour in planting them, so these planted NTFPS belong to the community. The chief and elders can grant permits for commercial harvesting of NTFPs in return for payment.

Conflict history

In 1992, some community members asked the Forestry District Manager to help them manage their forest. Field visits were made to the community, and initial contacts and reviews were made. A small forest, which had been protected as an ancestral settlement by taboos and traditional sanctions, was being destroyed. Some youths and elders wanted to protect it, and sanctions were instituted, including a fine of one sheep for anyone who encroached. However, over time these measures were ignored, and clearing increased.

The town had been without a chief for a long time, and disagreement over which of two candidates to appoint had led to its division into two main factions. The people who first sought forest protection came from one faction of the chieftaincy dispute, so members of the other faction therefore opposed protection. At the initial meeting with the CFMU, each faction opposed strongly what the other said, no matter how useful it was. The CFMU noted that the conflict could affect the progress of its work, and therefore decided to stay away until it had been resolved. After the unit withdrew, the head of the royal family organized a community meeting, where everyone agreed to help protect the forest as their ancestral property.

The community informed the District Manager, and a pilot programme was initiated with technical and financial support from the United Kingdom's Overseas Development Agency (now the Department for International Development [DFID]). A number of forest protection options were discussed, and finally the community agreed to prepare a management plan that was similar to the FC's management plans for forest reserves. A volunteer team was formed. Volunteers from the

community and surrounding areas were trained to carry out village surveys of trees, NTFPs and animals, and also in mapping. With support from the FC they collected data on their forests' tree, NTFP and animal stocks. The views, interests and fears of all stakeholders were also documented. This formed part one of the management plan.

In part two, the information gathered was used to help design programmes for forest management. As part of the improvement programme, the community agreed that all people with food crop farms within the forest areas should leave those farms after the next harvest. Those with cocoa farms could maintain their farms for longer, during which time the volunteer team would plant trees within the farms. Eventually, all the forest cultivators had left with the exception of the Alhassa family, who are part of Opropong royalty. This family claimed that their uncle, the last chief, had given the land to them. They ignored numerous invitations to discussions about this issue.

The conflict was manifested when:
- forest cultivators uprooted planted timber trees;
- cocoa farms were extended;
- the project coordinator was taken to the police station for harassing forest cultivators;
- forest cultivators threatened to shoot any volunteer who came on to their farms;
- food crops planted by forest cultivators were being harvested by volunteers who work in the forest.

The conflict escalated. Forest cultivators uprooted the trees that the volunteers had planted. The volunteers then cut down the cocoa farms in retaliation. They also reminded the Alhassa family that there were other royal families in Opropong, and that everyone had agreed to protect the area.

The Alhassa family insisted that they had the right to farm there, and that in pursuing the forest protection issue the community was seeking to isolate them. They pointed out that all the other royal families have plots of land in Opropong, and claimed that other people had taken over their mother's lands because they were not residents of the town. Land is crucial to the Alhassa family, because farms are their source of livelihood.

After preparing the management plan, it was proposed that the area be given dedicated status so that the community could exercise managerial authority. This move has not yet received official approval, but community members are promoting its acceptance at the ministerial and parliamentary levels. Until the legal status of the forest has been clarified, all trees (whether planted or naturally regenerated within the forest) can be utilized by the community with technical advice and consultation from the FC.

Once the management plan had been prepared, community elders advised the remaining forest cultivators to leave their farms. When the Alhassa family continued to claim the land as the legacy of the prior chief, the elders alleged that the late chief did not have the right to give the land away because it was a sacred area for the entire community.

The forestry volunteer team became very angry about the elders' lack of action. They decided to stop working in the forest until the elders had sacked the Alhassa family and taken over their farms.

Conflict management and resolution process

Previous attempts to resolve the conflict: Although the FC has only an advisory capacity for areas outside the reserves, it encouraged the factions to meet and resolve this issue. After the elders' efforts had failed, the CFMU tried to resolve the conflict by inviting all the stakeholders to meet with the District Forest Manager and a representative of the Regional Forest Manager. The Alhassa family walked out of this meeting because they felt that the entire community was against them. The District Chief Executive (DCE) also tried to resolve the issue. He invited all the stakeholders to discussions, but after a number of meetings the case was abandoned because the elders felt that the DCE was supporting the Alhassa family.

Later, the Lands Commission was approached to handle the issue. It started to hold meetings with the factions, and it was agreed that no further forest clearing would occur until the issue had been resolved. However, halfway through the process, the Land Commission had to abandon the case because it had no funds to visit the sites for verification. Some members of the Alhassa family unilaterally secured the services of surveyors and prepared plans of their farms. They claimed that the Lands Commission had requested this, and that therefore any resolution of the issue should be based on the boundaries that they themselves had determined (unilaterally) in 2000.

Alternative conflict management: This was the situation when the ACM process began. The mediation team first became involved in the case when a staff member of the CFMU took part in a training course on natural resource conflict management. Two other trainees joined her, and the newly formed team started to prepare for involvement in the conflict management process.

The team conducted three internal meetings at which its members shared all the information that they had on the background to the conflict. They prepared an action plan (timing, objectives) for approaching the conflict and entering the community. They selected and asked the community coordinator of the volunteer team (a teacher) to make all the necessary arrangements, and sent a message informing the community about what they, as a mediation team, could do to help solve the conflict. Unfortunately, however, misunderstandings arose when the community coordinator incorrectly stated that the team was a ministry delegation. This made entry to the Alhassa family difficult, as the team was not perceived as impartial.

First round of meetings: When the team arrived, it met first with the elders of the community and then with the Alhassa family. It then informed the district forestry office about the process.

During the meeting with *community elders*, the team members introduced themselves and explained why they had become involved and were offering their services as mediators. The elders appeared open to the team's ideas, especially because many earlier attempts at conflict management had failed. However, the head of the Alhassa family, a key figure, did not attend the meeting. The mediators explained to the elders that they would meet the other *conflict stakeholders* thereafter.

The mediators next met the *Alhassa family*. Again, they explained their interest in facilitating negotiation. The family were sceptical about the success of the process, and explained their case

against the community. The mediators emphasized that they were involved in training with an international NGO, which would ensure a fair process and their own neutrality. The Alhassa family accepted this latter argument.

Internal meeting: After these meetings, the team met internally to conduct a preliminary conflict analysis and assess the situation. It identified the major stakeholders and their positions.

Second round of meetings: The mediators first met the *community elders and volunteers* and repeated the objectives of their mission – to help resolve the conflict in a collaborative manner. They also underlined the advantages of reaching a negotiated settlement to the conflict. The mediation team used "why" and "why not" questions to examine what the elders and volunteers believed about the other party. They also used such questions to determine the elders' and volunteers' feelings about preferred options for resolving the conflict. One elder who was also a volunteer outlined the volunteers' view of the conflict. When asked how the conflict could be solved, most of the people present were eager to emphasize that the forest cultivators should move out, because the land belonged to the community. Despite the mediation team's effort to find a range of possible options, the elders considered only one: expulsion of the Alhassa family from their forest farm.

When the mediators met the *Alhassa family*, the latter were eager to defend their position. They thought that preparation of a land registration and possession of legal documents could resolve the problem. The mediators tried to understand why the land was so important for the family and what the family's needs were. This probing revealed that the land conflict was linked to an underlying chieftaincy dispute. The discussion suggested the following interpretation to the mediation team:

- *Position of Alhassa family:* We have a rightful claim to the land.
- *Interest*: Safeguarding the investments made in the land, and securing farmland for our children to ensure flows of revenue.
- *Needs*: Feeling isolated in the community; although the family have lost the throne, they at least want to secure this land.

Internal meeting: The mediators needed to clarify the following questions:

- Who appears to hold the most extreme positions within the stakeholder groups? Who appears to be the most cooperative?
- What strategies should be employed for each of these two groups?
- What are the power relations and social networks?

Third round of meetings: The mediators tried to broaden stakeholder engagement, and contacted other individuals, e.g. witnesses in the land case, the district chief executive and other cultivators of forest land. They then met the *community elders and volunteers* again. The volunteers were afraid that the elders would be too accommodating because of their kinship ties to the Alhassa family. The team also met the *Alhassa family* again, who showed them the homes of witnesses to testify how and when the former chief had bestowed the land on the family. The mediators decided that the testimony of such witnesses would not help to move the conflict management process forward.

STAKEHOLDER ANALYSIS

The Bawumpila community forest is an important area for both the owners and the entire country because of its contributions to conserving biodiversity, creating jobs and preserving culture. The conflict has therefore affected a variety of stakeholders from all sides. During the conflict analysis, the different stakeholders were identified:

- *Primary stakeholders:* Assin Opropong community elders, the volunteer team and the Alhassa family;
- *Secondary stakeholders:* the Forestry Commission, District Assembly, Lands Commission and surrounding communities.

Stakeholder	Description
Assin Opropong community elders, and volunteer team	Landowning community
Subinso 1 and 2, Brofoyedur, Ajalo, Nsutam, Fawoman, Dawomanso, Bakaapa	Villages that depend on the forest
The Alhassa family	Members of the royal family who have encroached into the forest. They are well educated and fairly rich
The Forestry Commission	Provides support to the community Uses issues arising from the management of this area to advise policy-makers
District Assembly	Local government authority
Lands Commission	Official body for managing all lands

Fourth round of meetings: Separate meetings were conducted with each of the different stakeholder groups:

- the Alhassa family;
- women of the community;
- volunteers;
- community elders;
- some of the encroachers who had already left the land, most of whom were migrants with only weak social ties in the community.

At these stakeholder meetings, all the groups came up with a number of options for resolving the issue. The involvement of women helped to broaden the process. For example, the Queen Mother made a proposal that became the basis for a preliminary agreement later on. In addition, the separate stakeholder meetings allowed a deeper understanding of the conflict's causes and stakeholder relations.

The following options were identified:

■ Forest farms can continue to exist within the boundaries mapped in 2000, with no further extensions.

■ Share cropping (Abusa): The community (volunteer team) provides the labour, takes one-third of the harvest, and maintain the forest farm.

■ The community provides new land for the Alhassa family. Mediators seek donor assistance to establish a new replacement farm for the family. In the interim, the family will harvest from their existing forest farm.

■ Destroy forest farms and provide compensation to farmers.

■ Destroy forest farms without providing compensation

■ Forest farms can continue to exist for a set period, after which they will be destroyed to give way for the forest.

■ The Alhassa family provide land and the community helps to re-establish farms. In the interim, the family harvest from its forest farms.

These options were analysed with the different stakeholder groups, using the following three criteria, which were developed with the two parties separately:

■ Good relations must be maintained.

■ The forest must be managed sustainably.

■ Some benefits will be provided to the Alhassa family.

Fifth round of meetings: The mediators conducted two further meetings, one with the *community elders* and one with the *Alhassa family*, at which to discuss the seven options. The mediators presented the options and allowed the stakeholders to develop criteria for evaluating them. The stakeholders were encouraged to identify their "no-go" options and best alternative to a negotiated agreement (BATNA), and to rank the options on the basis of the criteria. This strategy for ranking was difficult, because the stakeholders insisted on keeping several options in mind at the same time. The mediators then invited the community to select representatives for negotiations. Each stakeholder group was to have one representative with an extremist perspective on how to resolve the conflict. Different members of the Alhassa family were willing to accept different compromising options. This showed that the family was not a monolithic block, but a group of individuals with differing interests and needs.

Negotiation meeting: The first negotiation meeting was held outside the community, at the district office of the forestry services division. It was felt that this was a neutral location. The mediators organized transport from the community to the location. The community first met internally to plan strategy, but the Alhassa family did not.

The negotiation meeting was scheduled to take three hours. It included an opening prayer, a welcome address from the district forestry manager and a self-introduction from each of the meeting participants. After setting the ground rules and explaining the objectives of the meeting, the mediators had planned to invite the different parties to state their cases. However, owing to the tense mood, they

decided that it would be better for a member of their own team to present each case as it was understood by the mediators. The parties would then be able to comment on these interpretations. The mediators presented a summary of the options, and asked the parties to add any others that had not yet been mentioned. This strategy appeared necessary in keeping tempers down.

The parties then started to negotiate over the preferred options. In the end, they agreed to take the situation in the year 2000 as a baseline – all farms started after this date would have to be removed. This was essentially the proposal that the Queen Mother had made earlier.

After this initial agreement, there was a refreshment break, which the parties used to plan the conditions they wanted in exchange for accepting the option. After the break, the two sides started to negotiate the conditions for bringing about the agreed option. The community insisted that all cocoa trees established after 2000 were to be felled. The Alhassa family were reluctant to accept this, and asked to be allowed to maintain the food crop farms established after this date, because they needed these for their subsistence. The community representatives were not prepared to negotiate this point further, and insisted that the fields be demarcated so that the extent of encroachment could be seen before a final settlement was reached. This demarcation was to be done multilaterally.

Demarcation exercise: During the demarcation exercise, a surveyor and representatives of the community elders and volunteers joined the mediators and members of the Alhassa family. This meant that the two sides were able to settle minor boundary disputes directly on the spot in a pragmatic manner. However, only two farms could be demarcated, because some members of the Alhassa family refused to participate in the exercise. The mediators assumed that these family members had made large investments since 2000, and were now afraid to lose these. This indicated, once again, that the Alhassa family is not a monolithic interest group, but a group of people with fragmented and partly contradictory interests. Most of the family members who attended the negotiation meeting did not fear losing much in demarcation.

Summary of achievements:

■ The community (both elders and volunteers) has agreed to allow farms within the forest.

■ Two farms have been demarcated and surveyed.

■ Broken relationships between some members of the Alhassa family and the community appear to have been restored. (The mediators were very pleased to hear a member of the family chatting to some of the elders, catching up on recent developments in the community – this had not happened for more than five years.)

What remains to be done? At time of writing, the conflict management process is still ongoing. The challenge is how to broaden the solution to include those Alhassa family members who refused to take part in the demarcation exercise. The mediators believe that resolving this conflict should be combined with efforts to reintegrate the family into the social networks of the community, because the disputes over resource use are coupled with unresolved chieftaincy issues and fears about marginalization and social exclusion.

Ideally, the process for final resolution of the conflict would be as follows:

- survey and demarcation of remaining farms;
- finalization of negotiations;
- drafting of agreement;
- seeking consensus on the agreement;
- signing the agreement;
- celebrating the agreement;
- implementing and monitoring the agreement.

Lessons learned

The case study on Bawumpila community forest reveals a number of important lessons in conflict management:

- The conflict shows how competing claims for resource use may be intertwined with wider social or political issues, such as the chieftaincy conflict and identity fears.
- When several attempts to settle the conflict have been unsuccessful, stakeholders may be suspicious or sceptical of any new intervention, and may be reluctant to commit to the conflict management process.
- The neutrality of mediators is essential. However, this can be difficult if a mediation team member has been associated with the conflict earlier, as in this case with the staff member of the FC.
- The contact person who establishes the first entry to the community needs to be carefully selected. If this person is perceived as biased, or if he/she is not competent in carrying out the task, it may be difficult to gain the stakeholders' trust.
- It is difficult to check the information about conflict causes advanced by one party with the other party, because anger can be triggered and tempers raised.
- Conflict analysis tools may be useful as mental models for the mediators when they are consulting stakeholders and probing into different issues. However, applying them in public with the conflict stakeholders can be challenging.
- Dealing with individuals holding extremist positions is challenging. When they are included, they may spoil the negotiation process. When they are left out, they may spoil the process later on when agreements are to be implemented.
- It is often difficult to keep stakeholders on track. Extremists within different stakeholder groups tend to go back to earlier struggles and continue to insist on their positions.
- It is difficult to involve stakeholders who reside outside the community.
- Creating space for restoring social or personal relationships may help to bring the process forward. For example, creating opportunities for informal conversation by placing breaks in meetings at important points allows stakeholders to plan strategy or make informal inquiries.
- It can be difficult to achieve final resolution of a conflict, as some stakeholders may refuse to shift from negotiating on the basis of position to that of interest

CASE STUDY 2: CONFLICT ON THE DIVERSION OF BOSOKO RIVER IN THE AMANSURI WETLAND

J. Parker McKeown and E. Ntiri

Guiding questions for case study two

1. How has the introduction of the Amansuri Conservation Integrated Development Project affected the handling of the conflict? How do you think the conflict would have been handled without the project?

2. How did the different stakeholders frame the conflict?

3. Was this a conflict over livelihoods, communities' rights to manage their environments, or conservation? How does the framing of a conflict affect the way in which it is dealt?

4. Why were the people of Gyamozo so resistant to efforts to resolve the conflict?

5. Why is the way in which the mediators enter the conflict so important?

6. What skills did the mediators use in organizing the conflict management process?

7. What skills did the mediators use in facilitating the meetings?

8. Why did it take stakeholders in Gyamozo so long to reframe their project?

9. Do you agree with the way in which the "troublemaking" secondary stakeholders were handled? How else could their actions have been dealt with?

10. How would you have facilitated this process? Do you think it was a good idea to meet initially with only one side in the conflict (including carrying out conflict analysis)?

11. Do you think that the mediators were correct regarding the issue of obtaining external support for the fulfilment of the agreement? How would you have handled the situation differently?

12. Do you consider this a successful case study? Why or why not?

Role playing for case study two

Select one of the facilitated meetings, choose appropriate roles (mediator, Tufuhene [traditional authority], community members from Gyamozo [one with and one without relatives in the other communities], community members from Old and New Nzulezo [one with and one without relatives in the other communities], a stakeholder from Nzulezo who has doubts about any agreement that would allow the people of Gyamozo to escape without retribution, a project administrator [separate from the mediator], and an assembly person).

Conduct a negotiation, assuming that all the parties have come to the negotiations – willingly or unwillingly. Try to reach an agreement.

As part of the conflict management process, you may want to engage in conflict analysis using root cause analysis, analysis of relationships, stakeholder analysis, analysis of relationships using the 4Rs, and analysis of power, positions and interests.

Key issues

This wetland case shows how diverse and complex resource conflicts can be. It also demonstrates that many different benefit streams from wetland resources can be affected by conflict. The case study illustrates that even when tension is high, facilitating a process of restoring communication among the conflict parties can help to settle a conflict. It reveals the positive roles that respected traditional clan leaders or family heads can play in gaining parties' sincere commitment to finding an acceptable solution and in initiating a process whereby traditional relations can be restored constructively. It also illustrates that conflict management based on coercion and force is unlikely to be successful. Because of a difficult and troublesome history prior to the mediators' involvement, it was a long time before all the parties concerned were willing to join the negotiation table.

More specifically, the case underlines:

■ how resource conflicts can negatively affect development projects;

■ how difficult it may be to understand the multiple effects of resource management measures;

■ how essential it is to restore communication links for finding solutions that will benefit all parties;

■ how complex resource issues are, and how they involve identity issues as well as the history of social relations,

As in case study one, this case seems to illustrate a win–lose case. One village diverts a river to improve its own access. This affects communities downstream, who lose substantial livelihood resources. At first, the former party is not willing to compromise, and the latter wants the former to be punished for its illegal action.

Context

The Amansuri wetland lies on the western coastline of Ghana and is within the Eastern and Western Nzema Traditional Areas, and the East Nzema and Jomoro Districts of Western Region of Ghana. The area is about 360 km west of Accra, and its closest large urban centres are Axim and Half-Assini.

Its climate is classified as equatorial monsoon, and the area lies within the wet evergreen forest zone of Ghana. The wetland and its catchments exceed 1 000 km^2, and consist of ten subcatchments ranging from 18 to more than 140 km^2. The region forms the watershed for Amansuri Lake and includes the drainage areas for several rivers, as well as the coastal floodplain north of Beyin. The wetland itself is more than 100 km^2, including small areas of open water (Amansuri Lake). The region's coastal lagoon is of international importance for waders. The Amansuri wetland ecosystem features several wetland categories, and contains highly diverse species of wetland plants and animals. It is the only known swamp peat forest in Ghana, and the nation's best example of freshwater swamp forest characterized by black humic waters. The wetland has been selected as an important bird area of global significance, and preparations are under way to designate the Amansuri wetland as a Ramsar site (Wetland of International Importance).

The indigenous people in the conflict area are the Nzemas, but Fantes and Ewes fishers have settled in some of the coastal communities. The wetland falls within the Western Nzema Traditional Area, whose capital is Beyin. The landowners in the traditional area are family heads, but the paramount chief has final authority on land issues. Land is held under a number of different systems. Family members have user rights to their own holdings. People may lease land to settlers and non-family members under a share cropping system called "abunu" or "abusa". There are about 19 communities around the Amansuri wetland and five within it. The main means of transport within the wetland is by boat. All the communities within the wetland depend heavily on its resources for their livelihoods.
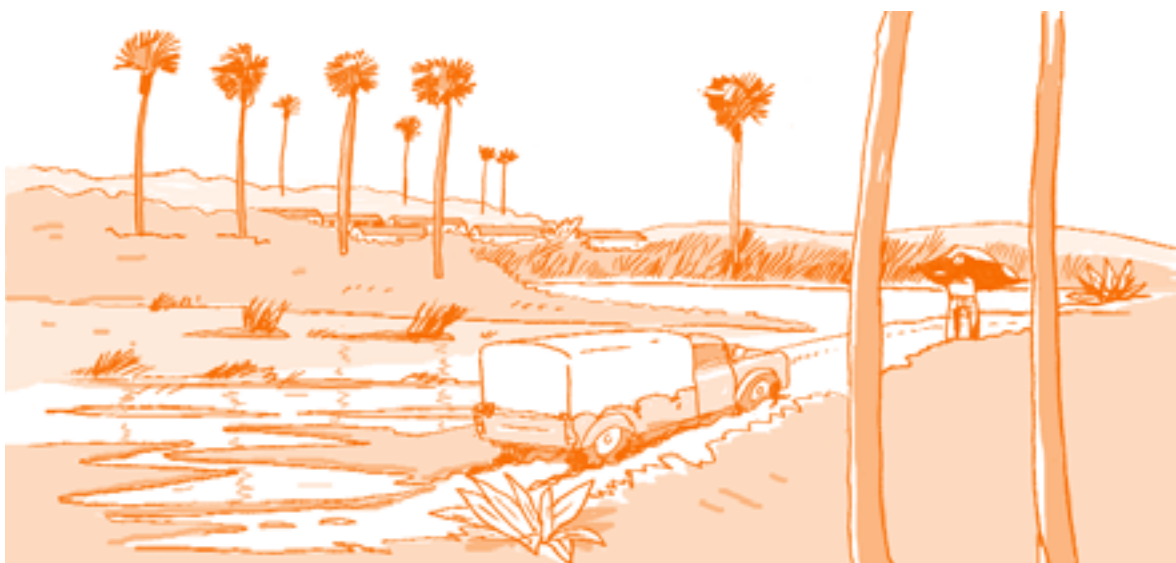
The main occupations of these communities are fishing and fish processing, palm wine tapping, local gin (Akpeteshie) distilling, farming and agroprocessing, and general trading.

The Ghana Wildlife Society (GWS), an NGO, in partnership with the Western Nzema Traditional Council is implementing the Amansuri Conservation Integrated Development (ACID) Project in the Western Nzema Traditional Area's portion of the Amansuri wetland. The ultimate situation envisaged by the project is a conserved wetland system where ecological functions and scenery are maintained alongside low-impact resource use, based on the principles of sustainable management.

Conflict history

Two major and three minor rivers drain into Amansuri Lake. The Bosoke is the largest of these and serves as the shortest access route from Old Nzulezo to communities such as Gyamozo and New Nzulezo within the wetland. The people of Old Nzulezo also use the river as a route to their farms and palm wine tapping and alcohol distilling areas. The Bosoke river is the main access route to the Half-Assini-Sameneye main road from Gyamozo to New and Old Nzulezo. It is about 2 km from Gyamozo to the banks of the Bosoke, and the people of Gyamozo normally wade through the swamps for that distance before boarding their boats. During the rainy season, it becomes virtually impossible to walk through the swamps, owing to flooding.

Between late 2001 and early 2002, the people of Gyamozo diverted part of the Bosoke river through a natural channel. This enabled them to avoid having to wade through the swamps, but drastically reduced the volume of water flowing into Amansuri lake. The Bosoke has been the only major river flowing into the lake since the people of Sameneye diverted the other major river, the Ayevula, some 25 years ago.

In March 2002, the people of Nzulezo who were affected most by the diversion informed the people of Gyamozo of its effects, and asked them to restore the river to its original course. However, nothing was done. The elders of Nzulezo then reported the case to the ACID Project Management Committee (PMC), as the diverted area fell within the community nature reserve that had been established by the project. In May 2002, the PMC asked three of its members (the chief of Old and New Nzulezo, the assembly person of Beyin electoral area and the ACID project manager) to resolve the conflict by visiting the diversion site and Gyamozo. The site was visited, but the people of Gyamozo refused to meet the three PMC members on two occasions. When the people of Nzulezo realized that the PMC's intervention was not addressing their interest, they issued threats and ultimatums to the people of Gyamozo, insisting that they redivert the Bosoke.

In August 2002, the PMC reported the case to the Jomoro District Assembly (JDS), under whose administration the conflict area falls. Existing assembly by-laws prevent the diversion of natural watercourses without authorization. However, even after several attempts, JDS could not resolve the issue. Two police officers accompanied JDS staff to Gyamozo, but the villagers had left in advance in order to avoid confrontation with the police. When the assembly sent police officers on a second occasion, there were quarrels in New Nzulezo between relatives of the people from Gyamozo and

the police. In January 2003, renewed tensions were reported when an Old Nzulezo resident almost shot dead a Gyamozo resident because the latter did not allow the former to tap palm wine in the traditional area. The person from Old Nzulezo argued that palm tapping had been banned in the areas traditionally used by people from Old Nzulezo in retaliation for the river diversion. Quarrels and violence between people from the two villages seemed to be breaking out over the most minor issues. Some people from Old Nzulezo said that "if the assembly cannot solve the problem, we will solve it in our own way" (meaning by force).

Conflict management and resolution process

It was in these highly charged conditions that an ACID staff member suggested using a collaborative approach to resolve the conflict.

Preliminary conflict and stakeholder analysis: First, ACID staff members who had assumed the role of mediators conducted an internal meeting to assess the current situation in the area. They determined who the stakeholders were and planned a strategy for entering the conflict setting, including whom to contact first. This newly formed mediation team planned to meet the Tufuhene, the second in command in the chief system, who lives in New Nzulezo. The team recognized that, as staff members of ACID, they were secondary stakeholders because the conflict was having a negative effect on the work of the project.

STAKEHOLDERS INVOLVED IN THE CONFLICT		
Primary	**Secondary**	**Interested Parties**
Old Nzulezo	Ghana Wildlife Society	Miegyinla
New Nzulezo	Jomoro District Assembly	Ngelekazo
Gyamozo		Ekebaku
Beyin		Ebonloa

Stakeholder consultation: During the first field visit, the mediators met the Tufuhene to obtain permission to mediate a settlement to the conflict. The Tufuhene agreed to this, but expressed his doubts that the people of Gyamozo would do the same. He fixed a date for a community meeting. The mediators then planned to meet people in Gyamozo, and contacted an elder in New Nzualzu, who sent a message to Gyamozo. However, the people in Gyamozo were not willing to accept the mediators and did not attend the meeting. The mediators presumed that some people in Gyamozo perceived them as biased because of their earlier involvement in the conflict as ACID staff members.

After this failure, the mediators invited people to conduct a root cause analysis in Old Nzualzu. Two opinions emerged as potential reasons for people in Gyamozo to divert the river: 1) to secure access

in times of flooding; and 2) to destroy the palm wine, which some people from Old Nzulezo obtained from nearby forests. By diverting the river, these palm wine resources would virtually dry up, and reduced competition in palm wine production would enhance the value of products from Gyamozo. The mediators then conducted an effect analysis of the river diversion, and identified more stakeholders, such as farmers whose fields became inundated, and fishers from neighbouring Beyin who could no longer fish in the dried out wetlands.

The mediators realized that families from Old Nzulezo, New Nzulezo and Gyamozo had kinship relations. Many people in New Nzulezo, although affected by the river diversion, continued to have close relations with their relatives in Gyamozo. The mediators then divided the stakeholders into two groups depending on how they were affected by the river diversion. One group was comprised of farmers, fishers and traders, and the other of tappers and distillers. When the mediation team returned to New Nzulezo it met separately with farmers, palm wine tappers and alcohol distillers. This allowed the mediators to improve their understanding of the different ways in which these stakeholders were affected.

Stakeholder engagement: The mediators presented their preliminary findings at a public meeting in Old Nzulezo. The initial response from villagers was that Gyamozo should redivert the river and should be punished for having diverted it in the first place. After the analysis, they realized that sticking to this position would not help them. At the end of the meeting, the people of Nzulezo softened their position and suggested that the only way to bring the people of Gyamozo to negotiate and resolve the conflict was to ask the elders of New Nzulezo (who had good relations with Gyamozo) to convince them to attend a negotiation meeting. In the meantime, Old Nzulezo villagers were the ones to suffer most from the river diversion. They were ready to meet the other party and negotiate a settlement of the issue.

The mediators then explained that they would meet with the people in Gyamozo to increase their readiness to negotiate with Old Nzulezo. Three moderate elders from Old Nzulezo then accompanied the mediators to meet with elders from New Nzulezo. The New Nzulezo elders readily agreed to ask the people of Gyamozo to come to their community for a meeting.

However, the people of Gyamozo had already refused several times to become involved with the mediators. The family head of New Nzulezo sent a linguist to the community to invite its members to meet on common ground. Such an invitation has very strong traditional implications. Subsequently, three men from Gyamozo attended this meeting. They were all palm wine tappers, although the mediators had asked that a range of different stakeholders came from Gyamozo. The representatives from Gyamozo explained that they wanted access to the road. Overall, they presented their case in a moderate way, arguing that access to their village would be extremely difficult during the rainy season. They stated that they did not aim to destroy the livelihoods of their brothers, but they urgently needed road access.

The mediators asked them whether they were aware of the effects that the river diversion had had on the other communities, and showed them the effect analysis. The people from Gyamozo responded that they had not been aware of the severity of these effects. At this stage, the family head of New

Nzulezo confronted them with the difficult situation in Old Nzulezo and explained that its people now suffered from access problems, in addition to the destruction of their livelihoods. At the end of the meeting, the mediators asked the participants whether they would be prepared to negotiate if nobody from the police or assembly was present, and suggested New Nzulezo as neutral ground.

After this meeting, the mediators analysed the situation. They realized that people would recognize ACID staff members who had been involved in the conflict earlier, and would perceive them as biased. So, the mediators invited a third person to join as the lead mediator. This person had not been involved in the conflict before.

Negotiation meeting: During the meeting, the mediators allowed each party to make its statement. Although the mediators had asked the two parties to send ten representatives only, a huge crowd was gathered in the surrounding area. Ground rules were very effective, partly because the Futuhene and family head were present, as well as a representative of the assembly. The representatives from Old Nzulezo made their case first. They came up with their position and took a hard line ("redivert the river and face punishment"). The family head cooled tempers by pointing out that the two parties had met to negotiate, not fight. The representatives from Gyamozo stated that they were happy with what they had done. They then brought up an old story in which the incumbent chief had not enforced action against individuals who had broken resource use rules, which had been to the cost of people in Gyamozo. This, they claimed, gave them legitimacy to break the rules as well. At this stage, the family head brought the situation under control again. The mediation team presented the results of the effect analysis, as well as a relationship diagram emphasizing the kinship relations across the village divides. They invited the two parties to consider a solution that was acceptable to both.

Various people started to make suggestions. People from New Nzulezo argued that the river should be rediverted. They discarded the arguments about the old case, and insisted that the issue should be resolved. When the mediator asked "who owns the place?", all the stakeholder representatives fell quiet and looked down, it had really hit them. The family head replied that nobody owns it, but everybody has access to use its resources. The site is for all three communities. One person from Gyamozo said: "We have done more harm than good. We did not understand the seriousness of the effects. So, we should redivert the water. If there is a funeral in Old Nzulezo, we cannot go because of this issue". This was a turning point in the negotiation process, and other people from Gyamozo agreed with this statement.

Once general agreement had been reached that a rediversion was essential, the family head suggested that the three communities should work together to restore their relationships. One person from Old Nzulezo raised the issue that the access problem to Gyamozo still needed to be solved. The meeting agreed that a footbridge should be constructed. The mediators asked both parties to select representatives to finalize the detailed agreement.

Troubles: After this meeting, some palm wine tappers, mainly young men, from Old Nzulezo started to talk badly about people from New Nzulezo. The mediators returned to Old Nzulezo to clarify the

issues. Some people complained that they were contributing to the river rediversion and building of the footbridge, even though the problem was Gyamozo's. The proposed solution had created resentment. The mediator realized that there had been a miscommunication about the negotiation meeting's process and outcomes, and clarified these issues. As a result, some young men went on to develop additional ideas for joint work with the other communities to restore relations. When some people realized that there had been miscommunication, a dispute arouse in Old Nzulezo. The mediators then learned that a powerful stakeholder from outside the village had influenced some people to pass on misinformation about the negotiation meeting and its outcome. They decided to resolve the issue at a community meeting with representatives from New Nzulezo and Gyamozo. At this meeting, those who brought the misleading message were confronted. The family head warned them against fuelling conflict, and new community representatives were selected.

Draft agreement: At a subsequent meeting in New Nzulezo, the parties agreed on the procedure to follow – first construct the footbridge and then redivert the water. They acknowledged that the agreement involved costs for materials, a chainsaw operator, fuel and labour, and asked the district assembly and the ACID project to provide funds for the bridge construction. The agreement is now being drafted. However, no development funds have yet been raised, and so the parties are unable to implement it. In the meantime, the negative effects continue.

Lessons learned

In particular, this wetland case study shows the following:

- Trying to resolve conflicts can be difficult when there is a history of coercion, violence and distrust.

- Mediators need to be careful about how they enter a conflict, and aware of how their initial entry may influence stakeholders' views of them. In some situations, mediators' involvement as stakeholders in the situation may influence how they are regarded, especially in terms of being biased or unbiased. It is possible for mediators to undermine their own credibility, even when they have very good intentions.

- Traditional leaders can be important in helping mediators to develop local trust and in establishing a positive atmosphere for negotiations.

- A resource conflict can affect various stakeholders in very different ways. Stakeholders from outside the immediate conflict location may also be affected.

- When working to restore relations among conflict parties, building on existing kinship links can be a helpful way of increasing conflicting parties' willingness to consider each others' situations. This also makes it easier to find common ground in negotiations.

- When one of the primary stakeholders is unwilling to negotiate, it may still be possible to carry out worthwhile conflict management processes with the other primary and secondary stakeholders. Strategies and tools such as participatory conflict analysis may give the parties important insights, which help them to consider ways of reframing the conflict. Such processes may also give the mediators significant information about the conflict. However, when not all the stakeholders are involved, mediators must always bear in mind that they are obtaining only a selected framing of the conflict. They must always obtain information about the missing stakeholders' framing of the conflict.

■ Some stakeholders, including secondary ones, may perceive their interests as threatened by a conflict management process, and may act deliberately to undermine it.

■ Agreements that depend on external funding or resources for their resolution require special care. It should not be assumed that such support will be easily or automatically forthcoming after agreement has been reached, unless firm commitments have been obtained beforehand. If this is not the case, the agreement is highly vulnerable to collapse (indeed, it may have been obtained under false premises if disputants were given the impression that resources were available when they were not).

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Negotiation and mediation techniques for natural resource management is about how to help people to deal with conflicts that are undermining or disrupting natural resource management, impeding development, and causing outbreaks of violence. It looks at how negotiation and consensus building can be used to manage conflict and build collaboration, and provides practical, step-by-step guidance on how to establish and manage a process of consensual negotiations involving multiple stakeholders. The guide is intended for practitioners working on participatory/collaborative natural resource management and rural livelihoods projects.