

TYPO
AN ASSESSMENT OF TRANSACTIVE PLANNING AND PRINCIPLED
NEGOTIATION AS NATURAL RESOURCE CONFLICT RESOLUTION
—CONFLICT TECHNIQUES: A CASE STUDY OF THE CARMANAH VALLEY
FOREST MANAGEMENT ADVISORY COMMITTEE

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ABSTRACT

Land use planning conflicts, particularly those relating to timber harvesting, forest management practices and the establishment of protected areas have intensified over the past two decades. These conflicts are environmental, economic and social planning issues. In short, these conflicts are essential between environmental protection on the one hand, and economic development and growth on the other. These conflicts result from many sources; different interests and objectives, divergent values and world views, shrinking land base, unrestrained economic development, loss of natural areas, stress between economic development and environmental protection, a more active and aware public and the traditional land-use planning paradigm.

Traditionally, land use planning conflicts have been resolved through legislative, administrative or judicial means. These methods are considered inadequate and ineffective for addressing complex natural resource planning issues where the outcome will affect people's lives and communities, where divergent values are at issue, and where there are many parties involved. The public oppose the traditional decide-announce-defend planning paradigm. In response to this approaches were introduced in the early 1970's and 1980's that focus on consensus decision-making and the consult-decide jointly-implement together paradigm.

Transactive Planning and Principled Negotiation are two approaches that offer an alternative to traditional planning methods. The elements of the two approaches are used

as a basis to examine the decision-making process of the Carmanah Valley Forest Management Advisory Committee (CVFMAC). In this context, the research focuses on examining the effectiveness of the two approaches from the perspective of a multi-party and multi-interest advisory committee reaching agreement on a forestry planning and management issue.

The elements of Transactive Planning and Principled Negotiation did occur in the decision-making process of the CVFMAC and were considered effective for reaching agreement. However, the CVFMAC did identify four issues that were considered a weakness of the decision-making process and limitations of multi-party advisory committees. The four issues are participation/representation, time/cost, non binding nature of recommendations and information/objective criteria.

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DEDICATION

to my wife, Kathleen, daughter, Hillary and son Cameron

1.0 INTRODUCTION

1.1 BACKGROUND

"Robson Bight, Tsitika, Clayoquot Sound, Stein Valley, Stikine, Carmanah, Walbran, Robson Valley - all of these names evoke images of heated emotions, conflict, and competing claims by opposing groups, each presenting heartfelt demands that appear irreconcilable. As one senior forest company executive put it, timber management used to be a fairly private matter between industry and government; now, the multitude of competing and concerned interests indicates that a young forester should probably be learning more about people than about forests" (Ombudsman, 1990. p.96)

Across British Columbia, conflict over the use, management, and development of natural resources, particularly issues relating to timber harvesting, forest management practices, and establishment of protected areas, have intensified over the past two decades. In essence, these conflicts are environmental, economic, and social planning issues. Planning is the guidance of future action (Friedmann, 1987). The purpose of planning is to define goals, objectives and actions and to relate scientific and personal knowledge to define future direction and action. Planning is a social and political decision-making process. Friedmann (1987) defines planning as "decision-making-in-advance, as an activity that precedes both decisions and actions" (p. 38). Benveniste (1991) notes that effective planning, defined as planning that makes a difference, is more than a technical exercise and always uses the same ingredients: networking, coalition building, and negotiation. He also stresses the importance of consensus building.

By its very nature, planning often centers on controversial topics and deals with conflict. As a profession oriented to the future, focusing on problem solving, determining how natural resources should be used, managed and developed, and dealing with

conflicting interests and objectives, planners often find themselves confronted with uncertain, nonroutine, and highly-charged conflict situations (Dotson, et al. 1989). "Management of conflict is central to planning because conflict resolution provides the basis for implementation" (Benveniste, 1991. p.136). Therefore, planning is a process for resolving conflict and many planning theorists cast the planner as a dispute resolver, facilitator and mediator in addressing land use conflicts.

Conflicts over the use, management, and development of natural resources result from many different sources. Recently, different interests and objectives, divergent values and world views, shrinking land base, unrestrained economic development, loss of natural areas, stress between economic development and environmental protection, a more active and aware public, and the traditional decision-making paradigm have all served to intensify conflicts in all land use sectors in British Columbia. Urban growth, agricultural land preservation, management and preservation of the remaining old growth forests, forest management practices, and expansion of British Columbia's protected areas are all widely and passionately debated.

Traditionally, decisions about the use, management, and development of natural resources have been made through administrative, legislative, or judicial means. These approaches are considered inadequate and ineffective for addressing complex natural resource conflicts, particularly where they affect people's lives and communities, where divergent values are at issue, and where there are many parties affected (Bingham, 1987; Dotson, et al. 1989; British Columbia Forest Resources Commission, 1991; Friedmann, 1987; Madigan, et al., 1989; Susskind and Cruikshank, 1987; Tableman, 1992;

Wondellock, 1987). These conventional approaches often enhance adversarial situations, create winners and losers, and cast the competing interest as one dimensional battles between economic and social interests when in fact all interests are legitimate and compelling (British Columbia Ombudsman, 1990). Conventional communication and negotiation techniques are often inadequate for resolving conflict and reaching consensus in today's climate of mistrust, characterized by increased activism, a sceptical media and more assertive, broader-based interest groups. Land use decision-making on public lands is no longer a private matter between government and business. The public strongly opposes the traditional decision-making process, "Decide-Announce-Defend" (Susskind, 1992). This process has also been referred to as D.E.A.D. In this context, the government uses the following process:

D decides what they want

E educates the people with selected facts and statistics which will support what is to be proposed

A announces the decision

D defends the decision with the already selected facts, and references to the "consensual" process taken to arrive at the decision (Sierra Club of Western Canada, 1992).

In these types of processes, rarely do affected parties meet face-to-face and work together to determine future action. Throughout North America people are demanding more significant and meaningful involvement in decision-making that affects their lives. They are demanding a process that follows the pattern of "consult, decide jointly, implement together" (Susskind, 1992). With respect to forest planning and management in British Columbia, the British Columbia Forest Resources Commission (1991) notes that "nowhere is the demand for direct involvement more vivid, nor the challenge more pronounced, than in forest management issues" (p.105). The Commission recognized that

there were few formal processes in forest planning and management that allowed people to be directly involved in the decision-making that affected them. British Columbians are becoming more interested in the issues that affect them and their society, and they want direct involvement in land use decision-making. People want a timely and efficient mechanism to avoid future conflicts. The decision-making process must be open, ensure that all forest values are incorporated, participation must occur early and at the planning and management level and people must be able to see that their participation is having an impact. Participation should not occur during the operational phase, when technical decisions are being made by professionals in the field (British Columbia Forest Resources Commission, 1991). The Forest Resources Commission (1991) recommended that:

"all major areas where public participation is required in the planning and management of forest land based activities be enshrined in legislation" (p.107).

The Commission also recommended that a conflict resolution mechanism process be included in the decision-making process and that mediation be used as a means of resolving conflict.

In response to dissatisfaction with delays and costs and the ways in which the traditional decision-making process deals with conflict, new approaches, commonly referred to as alternative conflict resolution (ACR), were introduced in the early 1970s (Bingham, G. 1987). These approaches are also referred to as Transactive Planning, consensus-based negotiation, principled negotiation, interest-based negotiation, shared decision-making or negotiation on merits. The most influential people in the development of ACR are Friedmann (1973), Raiffa (1982), Fisher and Ury (1981), and Susskind and Cruikshank (1987). Proponents of conflict management processes contend that they can

result in better decisions because; (1) they can address substantive rather than procedural issues, (2) decisions can be reached sooner and implemented sooner because they do not have to work their way through appeals and court system, and (3) they are quicker and less costly (Tableman, 1992).

The characteristics of ACR are:

- many parties;
- inclusion of all parties whose interests would be affected by an action;
- voluntary participation of parties;
- face-to-face interaction between parties;
- focus on interests not positions (i.e. interest-based bargaining);
- dialogue and mutual learning;
- agreements made by consensus;
- third party neutral (i.e. facilitator, mediator) to manage the process and assist parties in reaching agreement;
- rules and procedures designed for each situation by parties;
- three phases (pre-negotiation, consensus building, and post-negotiation phase);
- mutual acceptable outcomes (i.e. win/win or all gain solutions);
- collaborative and problem solving approach; and
- parties resolve substantial issues themselves.

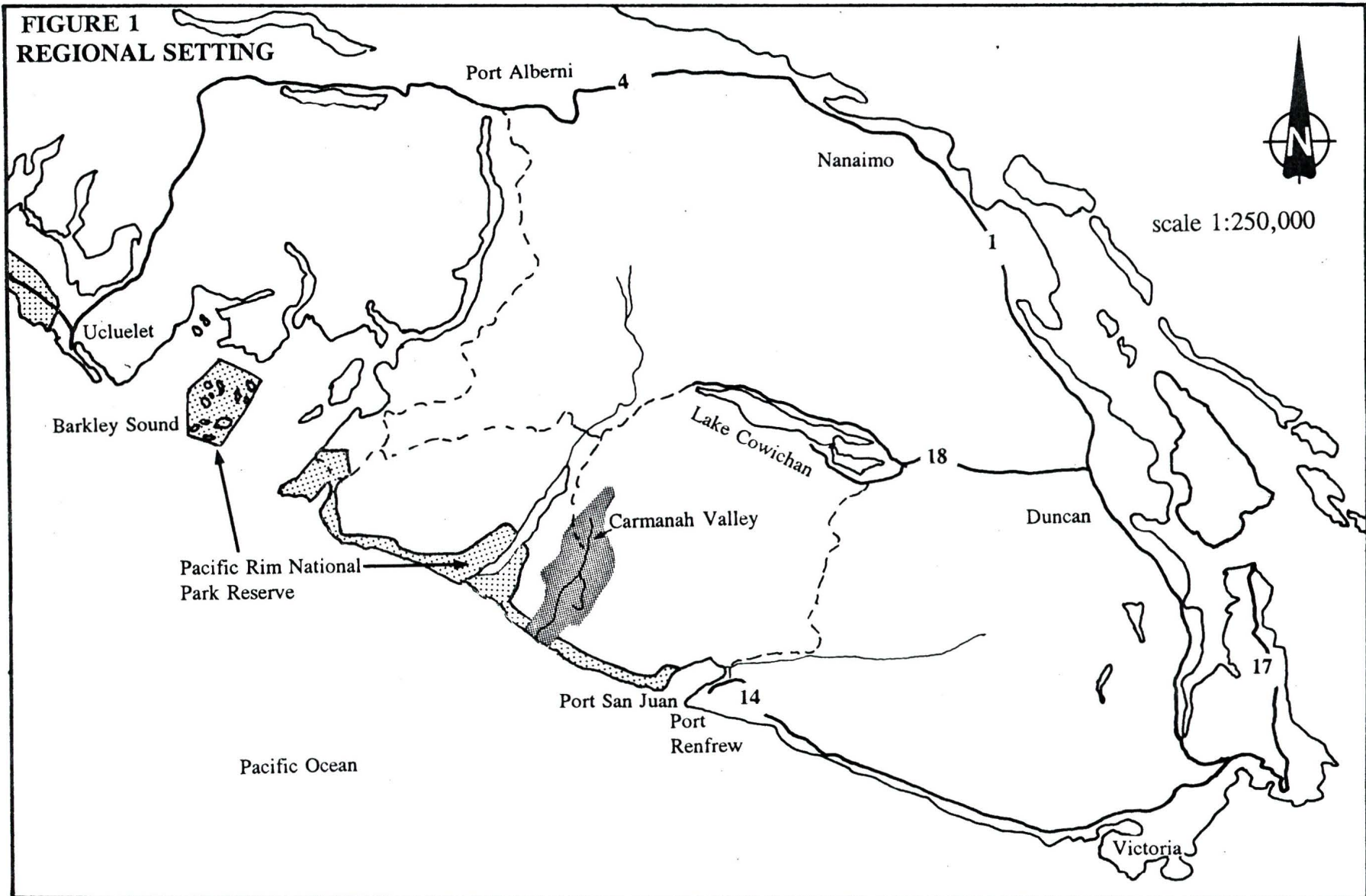
ACR has been effective for resolving many planning conflicts (Ashor, 1985; Bingham, 1987; Carpenter, and Kennedy, 1989; Dotson, et al. 1989; Sherman, 1992; Stokes, 1982; Susskind and Cruikshank, 1987; Wondellock, 1987). The increased awareness and use of multi-stakeholder negotiations to resolve conflict reflects the growing recognition and acceptance that stakeholders do not want to simply be consulted on issues that will have an economic, environmental, and social impact on their lives, their interests, their workplace and the communities in which they live. Negotiating with multiple stakeholders is both necessary and desirable in order to build long-lasting, cooperative relationships with interest groups, local communities, and all levels of government.

With the passing of the *Commission on Resources and Environment Act* in July 1992, British Columbia became the first province in Canada to mandate the use of a participatory negotiating process in relation to natural resource and environmental planning. Through the Commission on Resources and Environment (C.O.R.E.), British Columbia has made a major leap beyond traditional decision-making methods to employ a shared decision-making process that is designed to empower those affected by land use decisions to jointly seek a solution to a land use dispute that accommodates rather than compromises all interests concerned (C.O.R.E. 1992). This process is based on the concept of a collaborative, cooperative, problem-solving approach and the theory of Principled Negotiation.

1.2 CARMANAH VALLEY

The future use and management of the Carmanah Valley has been one of the most contentious and heated natural resource conflicts in British Columbia over the past five years. Located on the southwest coast of Vancouver Island, between Barkley Sound and Port San Juan, the Carmanah Valley is approximately 6,700 hectares in extent, contains an old-growth forest and is a non-logged watershed (Figure 1). An old-growth forest is a natural stand of old and young trees and their associated plants, animals, and ecological relationships which have remained essentially undisturbed by human activities (Ministry of Forests, 1992). The valley is drained by Carmanah Creek and a tributary, August Creek. The valley is bordered by the Walbran Valley to the southeast, Nitinat Valley to the northeast and Pacific Rim National Park Reserve to the west.

**FIGURE 1
REGIONAL SETTING**



1.2.1 Biophysical Setting

The Carmanah Valley is located within the Coastal Western Hemlock biogeoclimatic zone (Ministry of Forests, 1988). This zone covers most of Vancouver Island, except for a small strip along the east side. Forest cover is largely a mix of old growth western hemlock, western redcedar and amabilis fir, with minor components of Douglas-fir, Sitka spruce and yellow cedar. Abundant rainfall and mild temperatures make these forests the most productive in Canada. In the drier parts of this zone, old growth Douglas-fir can approach 100 metres in height; on floodplain soils, western redcedar and Sitka spruce can reach up to four metres in diameter (Ministry of Forests, 1988). Within the Carmanah Valley, the central valley floodplain stands of western redcedar and Sitka spruce represent the forest's natural successional stages toward the western hemlock-amabilis fir forest. The Sitka spruce of the Carmanah Valley reach remarkable heights; in total, 85-90 trees are greater than 70 metres tall. The valley also has the tallest known tree in Canada, the "Carmanah Giant", some 95 metres in height (Ministry of Environment, Lands and Parks, 1992).

The Carmanah Creek drainage occupies 6,900 hectares. The lower 3 kilometres of the creek are confined in a narrow box canyon which is deeply incised into the coastal plain. The valley then broadens into a floodplain with steep sides. The upper valley is more complex terrain with numerous steep hills and valleys. The valley is bounded by forested ridges varying from 500m to 1000m in elevation.

1.2.2 Social Setting

The nearest communities to Carmanah Valley are the Village of Nitinat (30 km north and approximately 30 minutes by vehicle), the Village of Honeymoon Bay (70 km and approximately 60 minutes by vehicle), Lake Cowichan (90 km east and approximately 75 minutes by vehicle) and the Town of Port Alberni (70 km north and approximately 60 minutes by vehicle). The relation of the communities to the Carmanah Valley is shown on Figure 1. These communities rely to the most part upon the forest industry for their economy. Access to the Carmanah Valley is via logging roads administered by the Ministry of Forests and private forest companies (MacMillan Bloedel and Fletcher Challenge). From both Port Alberni and Lake Cowichan it is approximately a 2½ hour drive to the valley. The valley is subject to a land claim by the Nuu-chah-nulth Tribal Council, which includes the Ditidaht Tribe of the Nitinat area.

1.2.3 Natural Resource Conflict

Prior to July 1990, the entire Carmanah Valley was part of MacMillan Bloedel Limited's Tree Farm Licence 44. The licence was granted in 1955. For many years, the Carmanah Valley was rumoured to contain Sitka spruce trees of record size and height (Western Canada Wilderness Committee, 1990). In 1988, the Western Canada Wilderness Committee (WCWC) confirmed that the Carmanah Valley contained some of Canada's tallest known trees and an excellent example of old-growth temperate rainforest. The valley was also seen to have high opportunities for outdoor recreation, particularly because of its proximity to Victoria. A small portion of the valley is also located in Pacific Rim National Park Reserve. In 1988, the WCWC also became aware

that logging related activities were approaching the valley.

The discovery of the giant trees and logging activities was followed by an intense two year campaign by the public and many environmental groups to preserve the entire valley. Environmental groups conducted a public awareness program through the media and by encouraging people to visit the valley and experience the giant Sitka spruce. A trail was also built by WCWC. On the other hand, forest companies, loggers, pro-logging and multiple use groups (e.g. Share B.C.), communities and citizens of resource-based communities, such as Port Alberni, lobbied to permit logging in the valley. They claimed that preserving the entire valley would reduce the number of jobs and economic health of the region and communities.

MacMillan Bloedel discontinued road construction into the valley and in June 1988 proposed two recreational sites to protect the spruce groves and the Carmanah giant. In July 1988, the Ministry of Forests requested MacMillan Bloedel to prepare a special management plan for the valley. The plan outlined that the valley be divided into four areas; two recreation sites and two forest management areas. One recreation site was proposed in the central valley (152 hectares) and the second around the Carmanah giant (23 hectares) in the lower portion of the valley near the border with Pacific Rim National Park Reserve. The plan was submitted to the public for review and comments. Public feedback ranged from demands to protect the entire valley to support for the company's plans.

1.2.4 Carmanah Valley Forest Management Advisory Committee

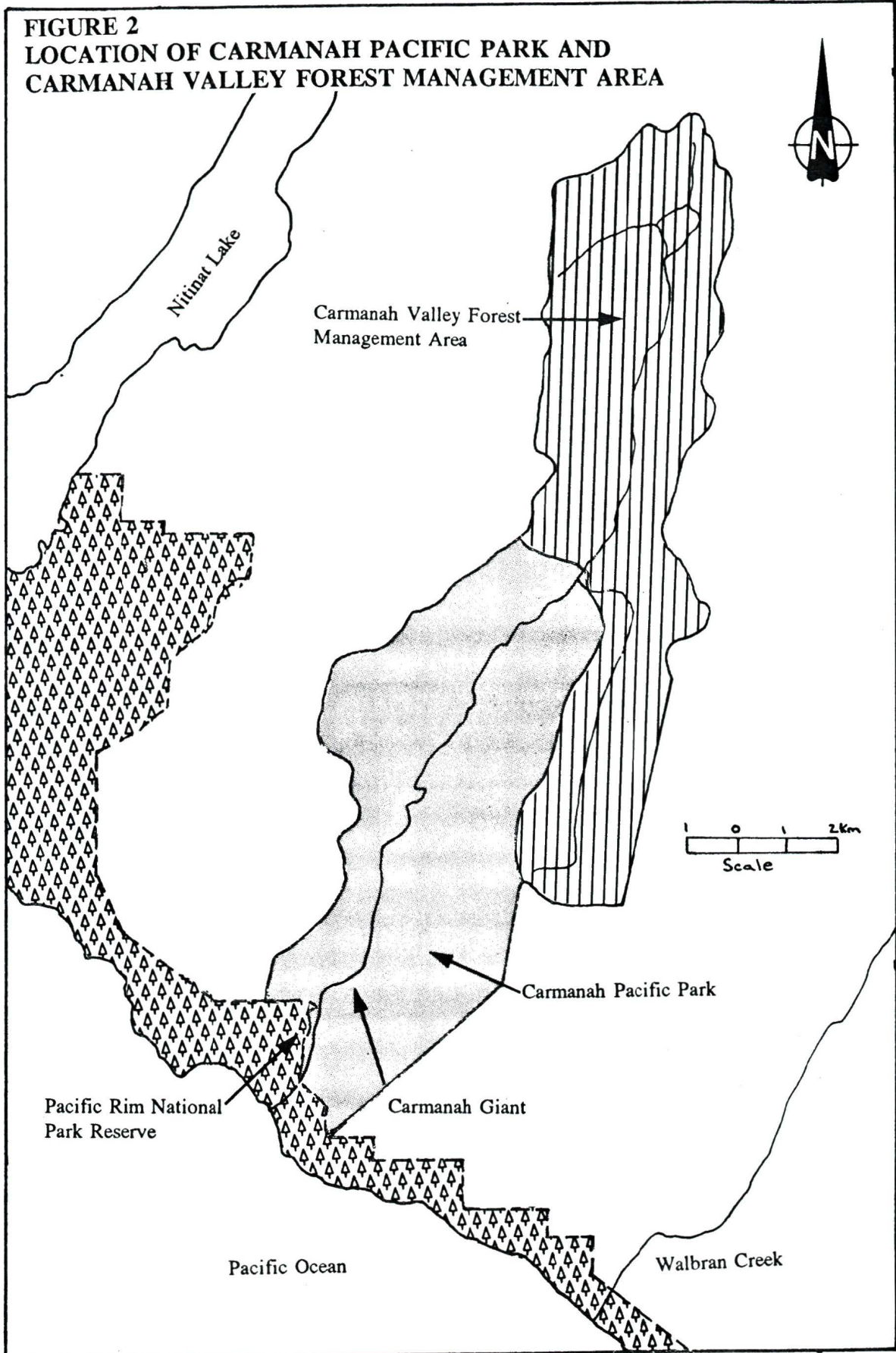
In April 1990, the Minister of Forests moved to resolve the preservation versus harvesting of forest resources conflict in the Carmanah Valley. Through Bill 28 - 1990 *Carmanah Pacific Park Act* the Minister of Forests established Carmanah Pacific Park in the lower half of the valley and removed the area from Tree Farm Licence No. 44.

The park is 3592 hectares (approximately 36 square kilometres) in size. Within the provincial park system context, Carmanah Pacific Park has two roles; conservation and outdoor recreation. The conservation role of Carmanah Pacific Park is to protect the significant Special Features and natural processes related to the old growth forest environment of the Carmanah Valley (Ministry of Environment, Lands and Parks, 1991). Although the park conserves a small part of the temperate rainforest and features such as coastal old growth and habitat of threatened wildlife species, the park is an island surrounded by a logged landscape. The outdoor recreation role is to provide outdoor recreation facilities and opportunities that promote a greater appreciation for the park's natural environment and its importance to society (Ministry of Environment, Lands and Parks, 1991). However, the outdoor recreation role is not the primary role of the park.

The upper half of the Carmanah Valley was established as the Carmanah Valley Forest Management Area (CVFMA) and is approximately 3,300 hectares. The CVFMA remained in Tree Farm Licence No. 44 and available for timber harvesting. Carmanah Pacific Park and the CVFMA are shown in Figure 2.

Through the *Carmanah Pacific Park Act* the Minister of Forests also established

FIGURE 2
LOCATION OF CARMANAH PACIFIC PARK AND
CARMANAH VALLEY FOREST MANAGEMENT AREA



the Carmanah Valley Forest Management Advisory Committee (CVFMAC). The structure of the committee was defined in section 5 (2):

"The committee, to be appointed by the Minister of Forests, shall consist of a chair, who shall be designated by the Minister of Forests, and not more than 8 other people".

The members of the CVFMAC represent different constituencies and a cross section of interests and viewpoints concerning how forest resources in the CVFMA should be harvested. Each organization selected one representative. The members of the CVFMAC and the interests they represent are:

- Dennis Bendickson (Superintendent, Forestry and Engineering, MacMillan Bloedel Limited)
- Dr. Philip Burton (Canadian Parks and Wilderness Society B.C. Chapter)
- Bruce Cooper (Director, Cowichan Valley Regional District, Duncan, B.C.)
- Dave Haggard (President, IWA-Canada, Local 1-85, Port Alberni, B.C.)
- Lavonne Huneck (Environmentalist, Cobble Hill, B.C.)
- Ross Munro (Director, Share Our Resources, Chapter of Share B.C. Port Alberni, B.C.)
- Dr. Gerry Phillipson (Citizen at Large, Chemainus, B.C.)
- Jack Thompson (Chief Councillor of Nuu-Chah-Nulth Tribal Council, Elected Chief of Ditidaht Band, Nitinat Lake, B.C.)

The Act also allowed the Minister of Forests to fix the term of appointments and establish rules and procedures respecting the operation of the committee.

Two of the most outspoken environmental groups on the Carmanah Valley issue,

Sierra Club and WCWC, did not accept an invitation to participate because they considered that the entire Carmanah Valley should be preserved. A Sierra Club of Western Canada spokesperson stated that the Sierra Club "wants to see the upper half of the valley preserved, not logged, so the committee is impossible for a Sierra Club member. It is a logging committee. The other options would not be considered" (Times Colonist, February 5, 1991). A spokesperson for the WCWC stated that "We're very disappointed that any one calling himself an environmentalist would sit on a committee that is deciding on how to log the Carmanah" (Times Colonist, February 5, 1991).

The Committee had an independent person who chaired all the proceedings and managed the process. Four ministry advisors were also available to the committee. One was from the Ministry of Forests while the other three were from Ministry of Environment, Lands and Parks. Specialists and other resource people were also brought into explain various technical matters.

The CVFMAC is a standing committee with a clear mandate established through legislation to provide **advice** to the Minister of Forests about the protection and preservation of the forest and all other natural resources contained in Carmanah Pacific Park, harvesting of forest resources in the CVFMA and to act in an **advisory** capacity on the implementation and monitoring of a Local Resource Use Plan (LRUP) for the CVFMA. The final decision-making authority as established through legislation for the use, management and development of the CVFMA still rests with the Ministry of Forests.

The mandate of the CVFMAC as noted in section 6 of the *Carmanah Pacific Park Act* is:

- (1) The committee may **advise** the Minister of Forests on all matters it considers advisable respecting the management and harvesting of the forest resource in the CVFMA for the purpose of ensuring the protection and preservation of the forest and all other natural resources contained in the Carmanah Pacific Park;
- (2) The committee may, in addition to, the matters referred to in subsection 6 (1), **advise** the Minister of Forests on all matters that it considers advisable respecting the management and harvesting of the forest resource located in the CVFMA;
- (3) Following consultation with the committee, the Minister of Forests may establish terms and conditions for the management and harvesting of the forest resource in all or part of the CVFMA; and
- (4) The Minister of Forests may amend any licence, permit, management and working plan, or authorization that has been or any be issued or given under the Forest Act before or after the coming into force of this Act, in any manner that the minister considers necessary or advisable, to give effect to the terms and conditions established under subsection (3). (emphasis added)

The initial work of the CVFMAC was to address section 6 (1) of the Act. Following this the Committee will review and provide advice to the Minister of Forests on the LRUP, Five-Year Development Plans of the licensee, MacMillan Bloedel, Pre-Harvest Silviculture Prescription, and monitor implementation of the plans and forest management activities. The CVFMAC will be active throughout the entire forest harvesting process in the CVFMA. The role of the CVFMAC in the forest planning process as defined by the CVFMAC is outlined in Figure 3.

In their July 1992 report, Forest Management in the Upper Carmanah Valley: Recommendations of the Public Advisory Committee, the CVFMAC notes that the recommendations are not a plan. The recommendations are guidelines for the preparation

of a LRUP by MacMillan Bloedel and subsequent approval by the Ministry of Forests. The responsibilities and involvement of the CVFMAC in implementation and monitoring of forestry planning in the CVFMA are outlined in Figure 4. In this respect, the CVFMAC has a very important role to play in the future management of harvesting of forest resources in the CVFMA. The importance of the role of the CVFMAC is highlighted by the Committee in their report of July 1992.

"The committee stresses that the intent is as important as the letter of the advice presented. The objectives of this report must be achieved and are the context within which the committee will consider the forest management choices made in the development and approval of the LRUP. Accessing specialists assistance as required, the Committee will analyze the LRUP and development plans of MacMillan Bloedel to ensure that the objectives of this report are met. Through the advice provided to the Minister of Forests, the Committee will influence the completion of a sound forest resource development plan.

As implementation of the LRUP proceeds, the Committee will, again with the assistance of resource specialists, ensure that the implementation of plans in the CVFMA is consistent with the planning objectives and resource prescriptions. The monitoring of field practices and their consistency with objectives will be ongoing" (CVFMAC, 1992. p.47)

1.2.5 CVFMAC Decision-Making Process

Consensus was the basis for decision-making of the CVFMAC and it shaped both the process and the product of the CVFMAC (CVFMAC, 1992).

"The recommendations represent the consensus we reached on measures which, if effectively implemented, we believe could set the basis for the sustained development of the forest resources in the upper Carmanah Valley and August Creek - development that respects all resources, the people and the communities of southern Vancouver Island" (CVFMAC, 1992. p.vii).

FIGURE 3

**ROLE OF THE CARMANAH VALLEY FOREST MANAGEMENT ADVISORY
COMMITTEE IN THE FOREST PLANNING PROCESS**
(Bold indicate opportunities for public input)

<u>B.C. MINISTRIES' ROLES</u>	<u>PROCESS</u>	<u>CVFMAC ROLE</u>
Chief Forester approves	Tree Farm Licence 44 Management and Working Plan <ul style="list-style-type: none"> ● contains goals and strategies for all resources ● sets the allowable annual cut 	
Forest Service District/ Region Manager approves	Local Resource Use Plan (LRUP) <ul style="list-style-type: none"> ● contains objectives, guidelines, strategies for complex areas 	<ul style="list-style-type: none"> ● Advises Minister on requirements ● Reviews plan and advises Forest Service
Forest Service District Manager approves	Five-Year Development Plan <ul style="list-style-type: none"> ● details how timber and other resources will be developed ● updated annually 	<ul style="list-style-type: none"> ● Reviews plan and advises Forest Service
Forest Service District approves	Pre-Harvesting Silviculture Prescription <ul style="list-style-type: none"> ● outlines a site specific plan for cutblock harvesting and regeneration 	<ul style="list-style-type: none"> ● Reviews Manager and advises Forest Service
B.C. Forest Service District staff, B.C. Environment Regional staff, other ministries	Monitoring Forest Management Activities <ul style="list-style-type: none"> ● road building, harvesting, reforestation 	<ul style="list-style-type: none"> ● Monitors field activities with specialist assistance

source: CVFMAC, 1992

FIGURE 4

**IMPLEMENTATION AND MONITORING OF FORESTRY PLANNING IN
THE CARMANAH VALLEY FOREST MANAGEMENT AREA**

ACTIVITY	RESPONSIBILITY OF B.C. GOVERNMENT MINISTRIES	RESPONSIBILITY OF MACMILLAN BLOEDEL	RESPONSIBILITY OF CARMANAH VALLEY FOREST MANAGEMENT ADVISORY COMMITTEE
Presentation of report to Minister of Forests			Delivers Report
Minister of Forests directs the development of LRUP by MacMillan Bloedel	Minister of Forests provides direction to MB to develop LRUP		Develops implementation and monitoring plan
LRUP developed	Ministry of Forests provides input/direction finally approving plan	Develops LRUP	Monitors the plan development consistent with objective
Forest development approvals obtained	Ministries provide approvals when MB plans approved	Requests forest development approvals	Monitors and provides advice through Minister of Forests
Forest development activity in field	Ministries monitor field activity consistent with plans approved, activity approvals obtained and existing and evolving guidelines	MB employees and contractors carry out activity	Monitors and provides feedback on field development activities, ensures consistency with plans
Monitoring of forest development activity in field	All ministries involved in monitoring	Monitors ongoing studies and measurements	Applies monitoring plan inclusive of elements of adaptive management

The CVFMAC met monthly from January 1991 to July 1992. A total of 18 meetings were held. The process the CVFMAC followed was:

- Clarify mandate and define procedural guidelines (i.e. timeline, reporting relationships, meeting plans, a procedures statement, and communications protocol);
- Identification and definition of existing and potential forest management issues;
- Review of data related to each issue;
- Review, negotiate and draft by consensus, resolutions to each issue;
- Write draft report;
- Present draft report to Minister of Forests;
- Present draft report to public to solicit comments; and
- Review public input, revise report as necessary, and submit report to Minister of Forests.

The submission of the report, Forest Management in the Upper Carmanah Valley: Recommendations of the Public Advisory Committee by the CVFMAC to the Minister of Forests in July 1992 is a milestone in the process. In this respect, the focus of this research is on the initial stage of the CVFMAC. The research will be described in more detail in the next section.

1.3 RESEARCH GOALS

1.3.1 Research Goals

The overall goal of the research is **to examine the elements of Transactive Planning and Principled Negotiation theory in a real-world situation and to assess their effectiveness for resolving natural resource planning and management conflicts.**

In particular, four objectives are defined for the research:

- (i) **to examine the effectiveness of the elements of Transactive Planning and Principled Negotiation theory in the context of the CVFMAC reaching agreement;**
- (ii) **to examine for the occurrence of the key elements of Transactive Planning (dialogue, mutual learning, and societal guidance) in the planning process;**
- (iii) **to examine for the occurrence of the key elements of Principled Negotiation theory in the planning process; and**
- (iv) **to provide a case study reference to assist individuals, organizations and agencies in utilizing advisory groups to resolve natural resource conflicts.**

The research focuses on an examination for the occurrence of the key elements of Transactive Planning and Principled Negotiation and assessing their effectiveness for resolving natural resource conflicts in the context of the CVFMAC. Although the two approaches were not explicitly applied in the CVFMAC process, the process exhibited many characteristics of the two approaches:

- consensus decision-making;
- task oriented-work group;
- face-to-face interaction between parties affected by a planning decision; and
- interaction between citizens, business, planners, and scientists.

In this respect, the elements of the two approaches are used as a basis for examining the decision-making process of the CVFMAC. Further, the research only focuses on the perspective of the members of the CVFMAC. Government personnel were not included in the research because they were not part of the CVFMAC.

In addition to these objectives the research also addressed other aspects of ACR from the perspective of the CVFMAC:

- consensus decision-making (i.e. strengths/weaknesses, successes/failures, effective methods for producing consensus, resolving differences in basic values, resolving an impasse); and
- multi-party advisory committees (i.e. effectiveness, limitations).

1.3.2 Research Design

The research methodology follows a case study approach to examining the effectiveness of the Transactive Planning and Principled Negotiation approaches for resolving natural resource planning and management disputes from the perspective of the members of the CVFMAC. Conflict resolution practitioners and theorists claim that the success of a dispute resolution process is best examined from the perspective of those people directly involved in the process (Susskind, and Cruikshank, 1987; Bingham,; Carpenter, and Kennedy, 1988). In this respect, "the success of the dispute resolution process is measured by each party according to how well its interests are achieved by the outcome" (Bingham, 1986. p.66). Theorists and practitioners have also recognized that although there are common characteristics necessary for successfully resolving natural resource planning and management conflicts each conflict is unique and involves a number of qualitative aspects. Darling (1991) notes that there is no universally appropriate model for consensus building and that the process must be designed by the parties to accommodate the circumstances of each particular case. In this respect, it is important to examine the effectiveness of alternative conflict resolution on a case by case basis.

The proposed research was presented to the CVFMAC in July 1991 and approved by the CVFMAC in August 1991. The research was approved by my thesis committee in November 1991. The research was conducted following submission by the CVFMAC of the report, Forest Management in the Upper Carmanah Valley: Recommendations of the Public Advisory Committee, to the Minister of Forests in July 1992. The submission of the report represents a milestone in the activities of the CVFMAC and provides an appropriate opportunity to examine the decision-making process through hindsight review. Therefore, the research is based on the work of the CVFMAC up to July 1992.

Data was gathered three ways; interviews, surveys, and through the review of documents, articles, reports, meeting notes, minutes, file material and correspondence. The interview and survey forms are found in Appendix A and B respectively. The survey questionnaire contained 41 statements relating to the elements of Transactive Planning and Principled Negotiation. Members were asked to respond to each statement based on a five point scale ranging from strongly agree to strongly disagree. A mean score was calculated for the responses to each statement to show relative strength of the response and to compare responses to other statements. In addition, eight questions were asked to obtain views and opinions of the CVFMAC about consensus decision-making and multi-party advisory committees. These questions were closed and open-ended. The survey questionnaire was reviewed by Dr. Mark Flaherty, Dr. Bruce Fraser, Dr. Philip Dearden, Dennis O’Gorman (C.O.R.E.), and Lee Doney (British Columbia Round Table on the Environment and Economy). The survey questionnaire was also pretested with five members of the Galloping Goose Regional Park Corridor Advisory Planning Team.

Members of the CVFMAC and Chair were also interviewed. The interviews ranged from 1 to 2.5 hours. Open-ended questions were used. The open-ended questions were analyzed by identifying key phases and patterns of similar responses or themes.

Seven out of the eight questionnaires were returned. Seven out of eight members were also interviewed. One member of the CVFMAC did not respond to the survey questionnaire nor did they want to be interviewed. This person cannot be identified because as an agreement of participation in the research members of the CVFMAC were guaranteed anonymity and that responses would be kept confidential.

1.3.3 Research Limitations

The CVFMAC was established to address planning and management for the harvesting of forest resources in the CVFMA. In this respect, the issues addressed by the CFVMAC pertain to forest management practices. Therefore, the research provides an example of consensus decision-making in the context of forest planning and management practices. The CFVMAC did not function to address the allocation issue - preservation versus harvesting of forest resources. An allocation conflict is different in nature from one focused on forest harvesting planning and management. Hence, the findings of this research may not be transferable to resolving a preservation versus a natural resource extraction or development conflict.

1.4 THESIS OUTLINE

The thesis is organized into seven chapters. Chapter 2 provides an analysis of conflict in a general sense and highlights the various sources of natural resource planning

and management conflicts. An understanding of conflict and the sources of conflict in relation to planning and management of natural resources is essential for identifying ways to effectively resolve conflicts. The sources of conflict are discussed in the context of the Carmanah Valley. The discussion of conflicts also is important for understanding Transactive Planning and Principled Negotiation. This chapter concludes with a description of the types of natural resource conflicts and their costs.

Chapter 3 introduces the reader to the types, uses, and forms of planning and planning paradigms in the public domain. An understanding of planning and in particular planning paradigms is important because many natural resource conflicts are derived from these paradigms. This chapter provides the basis for the discussion of Transactive Planning in Chapter 4. Chapter 3 also provides a review of public involvement in decision-making and conflict resolution. Traditional and ACR methods are discussed.

Chapter 4 focuses on Transactive Planning theory and discusses origins, issues, and previous research. Chapter 5 deals with Principled Negotiation.

The research findings are presented in Chapter 6 and a summary, discussion and conclusions are outlined in Chapter 7.

2.0 NATURAL RESOURCE MANAGEMENT CONFLICTS

2.1 CONFLICT

As the 1990's unfold, conflict seems to be everywhere. Disputes are seen at all levels: gender, family, neighbourhood, religion, ethnic, subculture, nationality. Nearly every aspect of society today seems polarized in a virtual life and death confrontation: gays/fundamentalists, pro-choicers/pro-lifers, no growth advocates/developers, wilderness advocates/loggers. Conflict is a fact of life. It's like breathing, it comes with living (Yoga Journal. 1992). "Where resources are limited, where actions of individuals affect other individuals, where values and interests diverge or compete conflict will likely emerge" (Madigan et al. 1990. p.7). As Fisher and Ury (1981) note "Conflict is a growth industry. Everyone wants to participate in decisions that affect them; fewer and fewer people will accept decisions dictated by someone else" (p.xi).

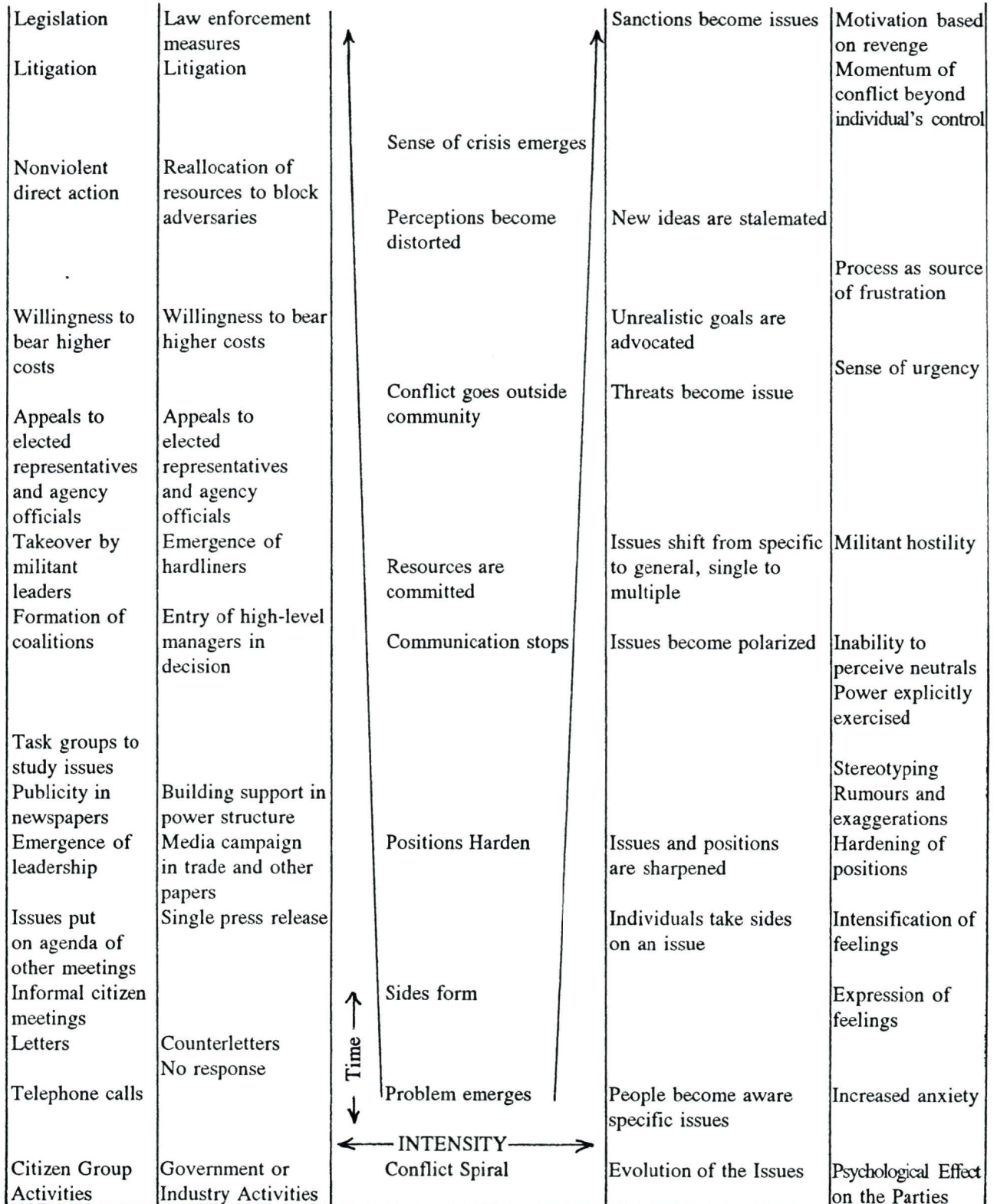
Conflict is an expression of underlying perceived differences among people or groups which can be either personal or interpersonal. It is often rooted in different world views and divergent values (e.g. young/old, urban/rural). It occurs where people want different things from the same situation and when one side demands that the other give in. Traditionally, conflict has been seen as a negative experience and people often tried to avoid or not acknowledge it. People either fought or fled. There are a variety of reasons for this - the assumption that conflict implies some sort of failure, fear of losing, lack of knowledge or experience with dispute resolution processes and the assumption that no resolution is possible (Bingham, 1987). Conflict is also seen as a contest that has to be won at the expense of somebody else. Conflict can be destructive and costly

resulting in unresolved issues, violence, economic upheaval for families and communities, and increased anxiety.

Conflict is, however, a normal phenomenon and considered necessary in our free democratic pluralistic society (Carpenter, and Kennedy, 1988). When approached and processed in an atmosphere that recognizes interdependency and collaboration, conflict can sharpen critical issues, lead to innovation and change, help people clarify interests and objectives, identify problem areas, encourage creative problem solving, act as a catalyst to bring people together, and create new and more responsive systems and institutions. Within the public policy arena there are five ways to deal with conflict; avoidance, domination or use of power, compromise, relying on a higher authority, and joint problem-solving. Conflict resolution theorists and practitioners favour a joint problem-solving style (C.O.R.E., 1992; Dotson, et al. 1989; Susskind, and Cruikshank, 1987. Fisher & Ury, 1981). This style is generally described as integrative bargaining, principled negotiation, or consensus-based negotiation. Dotson et al. (1989) also list an ordering of style preferences: joint problem-solving, followed by a back up style of compromise, relying on a higher power, domination and avoidance.

Conflict is inevitable in the context of deciding how public land should be used, managed and developed. Conflicts in the public domain nearly always involve many parties and one or more levels of government - often as a party, and usually as decision-maker. Left unresolved or unmanaged conflict in the public domain tends to escalate, become more serious and have a high cost. Figure 5 illustrates the changes in activities, issues, and psychological perceptions that occur as conflict escalates. "The lesson of the

FIGURE 5
SPIRAL OF UNMANAGED CONFLICT



source: Carpenter and Kennedy, 1988.

conflict spiral is not that its progress is inevitable but that it is predicable when nothing is done to manage the conflict" (Carpenter and Kennedy, 1988. p.17).

Conflicts over the use, management, and development of public lands should come as no surprise as these lands hold a tremendous wealth of resources, people have different views of the future, and that individual objectives, interests and preferences with regards to the use of natural resources differ (Bingham, 1987; MacDonnell, 1988). With so much at stake, it should only be expected that the many groups affected by land management decisions will actively pursue decisions favourable to their interests (Wondolleck, 1988). In most cases, these conflicts are between economic interests on the one hand and environmental protection on the other. The British Columbia war in the woods is an example of conflict in the public land-use policy domain. This conflict pits environmentalists and people supporting harvesting of forest products in a hotly contested battle. The conflict over how the Carmanah Valley should be used, managed and developed is only one of many land-use conflicts in British Columbia.

Conflicts are, however, not limited to the classic intersectoral clashing of resource development and conservation interests. Frequently, there are also conflicts within each sector. For example, within the fisheries sector, commercial, sport and native fishermen all compete with each other for fish stocks. These conflicts are also aggravated by the boom and bust of economic cycles (Dorcey, 1986. p.34)

2.2 SOURCES OF NATURAL RESOURCE MANAGEMENT CONFLICTS

Conflicts are derived from many diverse sources. It is necessary to understand these sources in order to resolve conflicts over how natural resources should be used,

managed, and developed. A discussion of these sources also assists in providing an understanding of the Carmanah Valley natural resource conflict. Seven main sources can be identified, each of which will be discussed in turn and in the context of the Carmanah Valley conflict.

First, there are many demands for the use of natural resources. Some may be compatible others may not. Where demands are not perceived as compatible, competition for use of the resources will likely result and lead to controversy over how the resources should be used, managed and developed. For example, in British Columbia, old growth forests are under great demand. Not only does the forest industry depend heavily on old growth for its wood supply, many demands are being placed on the remaining old growth to satisfy a broad range of forest values. In parts of the province, opportunities to reserve representatives samples of old growth are dwindling rapidly. These pressures are leading to increased instances of conflict among supporters of competing land uses (Ministry of Forests, 1992. p.8). The Carmanah Valley is an example where the conflict over demand for use of old growth forests is evident.

Second, in the context of industrial society, natural resources have been used since the mid-1800's to satisfy a variety of economic, environmental and social needs. Many of these resources are non-renewable, are becoming scarce, and continue to be depleted. For example in British Columbia, less than four percent of the land base is classified as being capable of producing a variety of agricultural crops. From 1981-1986, twenty percent of the land converted to urban use was prime farmland. Other habitats/ecosystems that are disappearing are estuaries, Garry oak forests, old growth,

and winter ranges for wildlife (British Columbia Round Table on the Environment and Economy, 1992). This scarcity and shrinking land base has increased the need to protect natural resources while at the same time to use the resources to meet economic objectives. In essence, the conflict in the Carmanah Valley was over a scarce and shrinking land base for both preservation and harvesting of forest resources.

Third, in British Columbia, 91% of the land base is public and 88.6% of this is administered by the Minister of Forests (Ministry of Forests, 1992). People want different things from this public land base and often this creates conflicts. In short, the conflicts are about who gets what, for what use is land allocated, and how should land be managed. Should land be allocated for timber harvesting, mineral development, wilderness or scenic amenities. What forest management practices are to be used? The Carmanah Valley natural resource planning conflict centered on the issue of how should the land be allocated. Susskind and Cruikshank (1987) characterize these disputes as distributional disputes as opposed to disputes based on constitutional or legal rights. Distributional disputes are those which focus on allocation of funds, setting of standards, siting of facilities or use of land and water. Although there is some overlap distributional disputes are really contests over gains and losses and not rights.

In conflicts over natural resource use, management and development people bring profoundly held values to the debate. Everyone has political, religious, economic, and social values which they wish to see respected or accepted. As Darling (1991) notes "a whole range of basic values, perceptions and interests are at stake. In essence, these conflicts are really between fundamentally antithetical world views, each with its own

vision of how natural resources should be used, managed and developed (Taylor, 1992; Dearden, 1989; Painter, 1988; Searle, 1985). The two world views are the Dominant Social Paradigm and the New Environmental Paradigm. The main characteristics of the Dominant Social Paradigm are;

- material values and economic growth,
- natural environment valued as a resource,
- domination over nature,
- market forces,
- centralized and large scale organizations,
- ample resources,
- nature controllable,
- nature is hostile ,
- confidence in science,
- rationality of means, and
- separation of fact/value/thought/feeling.

The main attributes of the New Environmental Paradigm are;

- non-material values,
- natural environment is intrinsically valued,
- harmony with nature,
- public interest,
- decentralized and small scale organizations,
- earth's resources are limited,
- nature is delicately balanced,
- nature is benign,
- limits to science,
- rationality of ends, and
- integration of fact/value/thought/feeling (Taylor, 1992).

In short, it comes down to an apparent conflict between environmental protection on the one hand, and economic development and growth on the other. Determining what should be protected and what development should take place are not always clear. In

many cases these are considered "wicked problems" because they are not amenable to resolution by traditional techniques of analysis (Dorcey, 1986).

"The problems that scientists and engineers have usually focused upon are mostly "tame" or benign" ones. As an example, consider a problem of mathematics, such as solving an equation; or the task of an organic chemist in analysing the structure of some unknown compound; or that of the chessplayer attempting to accomplish checkmate in five moves. For each the mission is clear. It is clear, in turn, whether or not the problems have been solved.

Wicked problems, in contrast; have neither of these clarifying traits; and they include nearly all public issues whether the question concerns the location of a freeway, the adjustment of a tax rate, the modification of school curricula, or confrontation of crime." (Rittel and Webber, 1973. p.160).

In this context, it is essential that society develop effective conflict resolution techniques. Benveniste (1991) argues that consensus-building is needed in these situations to move ahead. "In these situations it would be naive to assume that a technical solution would be sufficient. In fact, what is special about wicked problems is that it is not the solution to the problem that matters so much as the process of arriving at an outcome" (p. 15).

Fourth, who decides and how decisions are made about how natural resources should be used, managed, and developed also create conflict. In the traditional decision-making paradigm land use decisions are made through legislative, judicial or administrative means. In this context, those people whose interests are affected by decisions are generally only consulted but do not directly help to author agreements or plans. This approach has left people feeling alienated from the decision-making process and there is a growing sense of cynicism and impotency regarding the ability of the public to affect or influence government decisions (Madigan, 1991). The traditional

decision-making process also tends to encourage polarization and discourage attempts to find creative solutions to difficult problems (Bingham, G. 1986). The public is demanding more meaningful involvement and better ways to resolve conflicts over the environment and economy (British Columbia Round Table of the Environment and Economy, 1992; C.O.R.E., 1992; Wollendeck, J. 1988). In the context of the Carmanah Valley, the allocation decision followed the traditional Decide-announce-defend approach. Parties affected by the allocation decision were not directly considered. In hindsight, the CVFMAC should have been established to provide recommendations on the allocation issue rather than harvesting since the real conflict was preservation versus forest harvesting.

Conflict is also created by the dual role that the state plays in natural resource planning and management decision-making. This role extends from encouraging and supporting the interests of capital, while preventing those interests from eroding the foundation of the public good. The most controversial role of planning and management in the public domain is when market rationality is restrained in the name of social interests such as wilderness preservation (Friedmann, 1987).

Fifth, conflict is inherent in the concept of sustainability. The principles of sustainability from a British Columbia perspective are defined by the British Columbia Round Table on the Environment and Economy (1992) and have been incorporated into the Land Use Charter proposed by C.O.R.E. (1992).

Principles of Sustainability

- To limit our impact on the living world to stay within its carrying capacity.
- To preserve and protect the natural environment for present and future generations;
- To hold to a minimum the depletion of non-renewable resources.
- To promote long-term economic development that increases the benefits from a given stock of resources without drawing down on our stocks of environmental assets.
- To meet basic needs and aim for fair distribution of the benefits and the costs of resource use and environmental protection.
- **To provide a system of decision-making and governance that is designed to address sustainability.** (emphasis added)
- To promote values and actions that support sustainability.

The concept of sustainability recognizes that economic, environmental, and social health are directly linked and that all must be integrated into land use decision-making. This represents a major departure from the traditional rationale for making land use decisions. Traditional decision-making is primarily driven by economics, based on a paradigm of win/lose, one solution, best/highest use, and power. Environmental and social concerns are in most cases an afterthought. This form of decision-making closely follows the Dominant Social Paradigm.

Sustainability counters this approach by promoting integrated decision-making whereby the full range of environmental, economic, and social needs are taken into account. It does not focus solely on environmental concerns or economic benefits. Sustainability integrates the Dominant Social Paradigm and New Environmental Paradigm. In this respect, ways will have to be found to accommodate and balance opposing viewpoints and often two conflicting and incompatible worldviews. This is one

of the major challenges of achieving sustainability - to provide a system of decision-making that is capable of dealing with a wide range of issues, opposing viewpoints, long time frames, deeply held beliefs, and differing values (British Columbia Round Table on the Environment and Economy, 1992). The success of sustainability depends on resolving conflicts in a constructive and positive manner and that environmental and social well-being can be integrated with economic prosperity. The key lies in identifying the means by which conflicting interests can co-exist (Darling, 1991). In British Columbia, ACR methods have been identified as a means to reaching sustainability (C.O.R.E., 1992; Round Table on the Environment and Economy; 1992).

Sixth, human beings have certain needs which include those necessary to sustain life, such as the need for food, clothing and shelter. The American psychologist Abraham Maslow suggested that our needs fall into five categories. These lie on five levels, which are, in ascending order:

- **Physiological needs:** food, shelter, clothing; environment that sustains life;
- **Security needs:** absence of threats to life, health and safety; orderly environment. This includes emotional safety and security as well as physical safety;
- **Social needs:** sense of belonging; group membership; love; acceptance by others;
- **Esteem needs:** these needs are divided into two areas; feeling of personal worth, adequacy and competence; respect and admiration in the eyes of others; and
- **Self-actualization:** full development of abilities; creativity; fulfilled personal life. This is the process of trying to move from being what an individual is towards the ideal of what an individual wants to be.

Conflicts over the use, management, and development of natural resources have a direct impact on communities and people's basic needs. Loss of income, community,

employment, and friends affect the basic needs of people and must be considered a primary source of conflict, particularly when they clash with divergent goals of others. In the case of the Carmanah Valley, the basic needs of people in communities such as Port Alberni were threatened (i.e. economic ability to support purchasing food and shelter). In order to resolve any conflict associated with natural resources it is essential to understand the needs of individuals and that they have to be satisfied in order to resolve conflicts. Fisher and Ury (1981) note that the most powerful interests are basic needs. "In identifying basic interests you want to look at those essential concerns that motivate people. By taking care of basic needs you can increase your chances of reaching agreement and, if an agreement is reached, of the other side keeping it" (Fisher and Ury, 1981. p.49). In essence, basic needs are satisfied through employment. Therefore, addressing employment opportunities are paramount in all natural resource conflicts.

Finally, power, defined as authority and control, is at the heart of all conflicts. The dynamics of social interactions arise from a fundamental conflict over the distribution of power between those who have power and those who do not. Depending on whether one represents the interests of the powerful or those who lack power, what is important in any conflict is to either protect or gain power (Bingham, G. 1986. p.66). The power to make decisions about how land should be used, managed, and developed is held by various levels of government. Conflict is often created when government acts alone without working with those citizens or interest groups who would be affected by a decision. This is evident in the case of the Carmanah Valley where the allocation decision was made without public consultation. Governments often think that if they

share power they are limiting their ability to act. However, power is shared among a number of players. Business, public interest groups, single interest groups, and citizens all vie for power and influence decisions that affect them. Working with the public and groups to address how land should be used, managed, and developed is not sharing of power but rather is sharing of authority in recognition of the power the public and groups already hold (Potapchuk, W.R. 1991).

Other sources of conflict include increased complexity of issues, more active interest groups, greater legal scrutiny of public actions, higher public awareness of planning impacts, and increased scarcity of government resources (Dotson, et al. 1989).

2.3 TYPES OF NATURAL RESOURCE CONFLICTS

In the public domain, Dorsey (1986), suggests that it is important to distinguish among four types of conflict.

1. **Cognitive conflict.** Results from different understandings of a situation.
2. **Value conflict.** Arises from different judgements regarding the ends to be accomplished by the action contemplated or the desirability of proposed trade-offs.
3. **Interest conflict.** Derived from disagreement concerning the distribution of benefits and costs - who should pay and who should benefit.
4. **Behavioural conflict.** Occurs due to the personalities and circumstances associated with the interested parties. Although both sides may want a resolution of the conflict, problems may merge as a result of historical frustration, distrust, emotionalism, political manipulation, narrow perception, single interest, posturing,

or lack of communication.

Recognizing these different types of conflict is an important step towards identifying the nature of the problem, and beginning to design solutions (Mitchell, 1989).

Natural resource conflicts also fall into two broad areas and six categories (Bingham, 1987). The two areas are site specific issues, such as over a particular project or plan, and broader policy issues. The six categories are;

- land use (e.g. parks, highways, solid waste disposal),
- natural resource use and management (e.g. mining and mine reclamation, watershed management, forest management practices),
- water resources (e.g. quality and supply),
- energy (e.g. nuclear, large scale hydro power),
- air quality (e.g. odour, acid rain), and
- toxics (e.g. hazardous waste, pesticides and herbicides).

Conflicts in the public domain also involve many parties and the list of players can be complex. The players include;

- levels of government,
- government agencies,
- interest groups,
- local citizens,
- native bands,
- land owners/business (e.g. developers, forest companies), and
- holders of land rights (e.g. tenure holders, leasers).

In some conflict situations all the players listed above may be involved and in other cases the conflict may be between two parties.

2.4 COSTS OF NATURAL RESOURCE CONFLICTS

Unresolved conflicts have economic, social and environmental costs. The result of unresolved conflict is often an impasse that paralyses any progress from both an economic and environmental perspective (Consensus, July 1992). Financial costs of development increase because of a lack of a decision, continued court challenges or confrontation. Financial costs include legal fees, lost wages, and lost production. These costs affect companies, communities, and individuals. In particular, the use of the courts has proven to be time-consuming, expensive, and frustrating (Consensus, April 1991). Continued confrontation can also lead to the loss and destruction of property. Although little research has been done on comparing the actual financial costs between the use of ACR and traditional means there is some evidence that the use of mediation is less expensive (Consensus, July 1992).

Conflict over the use, management, and development of natural resources has created much angst in individuals. People are uneasy and concerned about the economic and environmental health of British Columbia. Socially the costs of unresolved conflicts can be high. These costs include psychological stress, strained relationships, increased polarization of communities, groups and individuals, increased intolerance, and lack of trust.

From the environmental perspective the costs of conflict can also be significant. Conflict can lead to a loss of opportunity to protect natural resources and continued inaction can result in negative environmental impacts.

3.0 NATURAL RESOURCE PLANNING

3.1 PLANNING

The idea of planning in the public domain is elusive and frequently misunderstood. Further, the "theory of planning is an eclectic field, bounded by political philosophy; epistemology; macro-sociology, neo-classical and institutional economics; public administration; organization development; political sociology; and anarchist, Marxist, and utopian literature" (Friedmann, 1987. p.39). In order to understand and define planning in the public domain and its application in the context of natural resource conflict resolution it is necessary to describe what planning is and to explore the types, uses, forms and major paradigms. This review will provide the basis for a discussion on public involvement in decision-making, natural resource conflict resolution and subsequently Transactive Planning and Principled Negotiation.

3.1.1 Types and Uses

Within market societies six types of institutional planning occur:

- national security;
- economic;
- social;
- environmental (e.g. wilderness preservation, protection of fragile and unique environments);
- city; and
- regional development (Friedmann, 1987).

Planning is used to define goals and objectives and to relate scientific, technical and personal knowledge to define future direction and action. It is a social and political decision-making process in which many actors participate. Friedmann (1987) defines it as "decision-making-in-advance, as an activity that precedes both decisions and actions"

(p.38). Within the context of the public domain, the central objective of planning is to identify what action will be taken in a way that is socially responsible and rational. Rationality is seen as a kind of recipe for making decisions by (1) identifying objectives, (2) identifying all possible alternative means to achieving the objectives, (3) consideration of all relevant consequences of each alternative, and (4) selection of an alternative which maximizes goal attainment in light of alternative consequences (Culhane and Friesema, 1979).

The various uses of planning in the public domain are outlined in Table 1. They extend from promoting economic development to restraining market forces. The most controversial role of planning in the public domain is item 8 in Table 1. In this context, concern with the public good from an economic perspective may lead the state to support profit-making activities in the private sector, activities that correspond primarily to market rationality (e.g. harvesting of forest resources) rather than a goal that may restrain market rationality in favour of the collective interest (e.g. wilderness preservation). This use of planning to support market forces rather than public interest has led to the greatest conflict in planning. As Freidmann (1987) states, "historically, it is precisely here that the major public-private battles have been waged. And from these battles we have learned that only large-scale political mobilization can hope to constrain the single-value logic of the market" (1987. p. 29). Political mobilization is especially important in the context of the preservation of natural areas as planning is ultimately a political rather than a technical process (Ashor, 1987; Briassoulis, 1989; Kellow, 1989; Nelson, 1989; Sewell, Dearden, & Dumbrell, 1989).

TABLE 1
THE USES OF PLANNING

1. Guiding overall economic stability and growth in national societies (monetary policy, full employment planning, international trade policy, etc.).
2. Providing public services to meet the general needs of the population (national defense, public housing, education, health, etc.).
3. Investing in areas that are of little interest to private capital because of low rates of return, diffused benefits, and the large size of the investment required (basic physical infrastructure, such as highways, mass transit, major hydroelectric facilities, land acquisition in urban redevelopment, etc.).
4. Subsidizing corporate interests and farmers to encourage specific action (sectoral growth, redevelopment, infant industries, acreage reductions, relocation of industry, employment of handicapped, etc.).
5. Protecting property owners and local business interests against the ravages of unrestrained market rationality (land use planning, zoning, anti-pollution planning, etc.).
6. Redistributing income to achieve a more equitable and just social order.
7. Applying comprehensive and coordinated planning approaches to area development (multipurpose river basin development, comprehensive rural development, etc.).
8. **Restraining market rationality in the name of social interests (coastal planning, job protection, wilderness preservation, etc.).**
9. Transferring income to the victims of market rationality (unemployment and worker's compensation, etc.).
10. Ameliorating other dysfunctional consequences of market rationality (social and spatial inequalities, business cycle planning, resource conservation, etc; see also 1,4 and 6).

source: Friedmann, 1987.

3.1.2 Forms of Planning

There are three forms that planning can take; allocative, innovative and radical. These roughly correspond to the three possible states of political systems: maintenance, evolutionary change, and structural transformation (Friedmann, 1987). **Allocative planning** is concerned with the central disposition of scarce resources (financial, land, labour) among competing users. **Innovative planning** is concerned with actions that produce institutional or structural changes in the societal guidance system. Innovative Planning is essential to the continued structural growth of a social system and consequently to development. **Radical planning** is distinctive because it draws on organized citizen power to promote projects pointing toward social transformation. As Stokes (1982) observes; "Radical planning appears to be a rather cavalier approach to change in which the planner is a non-professional professional operating as both an educator and a student of ecological ethic. Striving for self actualization, the planner is one of the people, not set apart as a professional" (p. 15). The three forms may overlay each other. Allocative planning may involve some innovative planning and innovative planning may be a response to radical planning. However, rarely do allocative and radical planning come together (Friedmann, 1987). The case of the CVFMAC planning process falls into the radical planning form.

3.1.3 Planning Paradigms

The key issue in planning in the public domain is what type of knowledge is to be used to take action and how is this knowledge and action linked. In essence, the issue centers around the scientific versus humanistic debate. Friedmann (1987) has defined

three concepts of planning:

- (1) Planning attempts to link scientific and technical knowledge to action in the public domain;
- (2) Planning attempts to link scientific and technical knowledge to the processes of social guidance; and
- (3) Planning attempts to link scientific and technical knowledge to the processes of social transformation.

Planning presents a particular challenging task of linking knowledge and action. In the public domain it requires many types of knowledge - from facts, technical data and relationships among activities to knowledge of the interests and values of players and practical understanding of how things work. The standard approach relies on experts using formal analyses and objective research methods to provide information to decision-makers. This standard approach to information use is grounded in the positivist/scientific view of knowledge and is a step-wise procedure, in which citizens and policymakers establish goals and frame problems; professionals and experts gather and assess information, searching out facts and principles in a value neutral way; and policymakers choose on the basis of information.

Within the three concepts of planning there are two key terms which help to clarify the purpose of planning in the public domain; societal guidance and social transformation. **Societal guidance** is articulated through the state and concerned with systematic change in society. It is concerned with the management of change from above and existing relationships of power are taken as a given. In this respect, it is constrained by politics. Social guidance can incorporate allocative and innovative planning. **Social transformation** focuses on the political practices of system transformation or change and

originates from the bottom or grassroots. "Planners engaged in these two practices are in conflict. It is a conflict between the interests of a bureaucratic state and the interests of the political community" (Friedmann, 1987. p.43).

The purpose of planning in the public domain can be further clarified if one examines the four paradigms of planning as defined by Friedmann (1987); social reform, policy analysis, social learning and social mobilization, and within the context of the concepts of societal guidance and social transformation or change and a political framework (see Table 2).

TABLE 2
POLITICS OF PLANNING THEORY

Political Ideology		
KNOWLEDGE TO ACTION	Conservative	Radical
In Societal Guidance	Policy Analysis	Social Reform
In Social Transformation	Social Learning	Social Mobilization

source: Friedmann, 1987 p. 76

These four paradigms span the entire ideological political spectrum, from support of the state and affirmation of its authority to abolishing every authority including the state. They also reflect a particular philosophy and mode of thinking about how problems can and/or should be defined, analyzed and solved (Briassoulis, 1989).

Social reform is the central paradigm in planning theory and is still largely practised today. This paradigm is used in the context of societal guidance and has three distinguishing features; planning is a scientific endeavour, planning is controlled by the

state, and rational decision-making procedures are adhered to. With respect to public participation, the public is only included in a peripheral manner and is most often relegated to that of receiver of information and asked to comment on proposals developed by bureaucrats.

Policy analysis is applied in the context of societal guidance in a conservative mode. The development of this paradigm was influenced by Herbert Simon's work which focused on the behaviour of large organizations, particularly how they might improve their ability to make rational decisions (Friedmann, 1987). As an independent field of study it dates back only to about 1970 (Alterman, and MacRae, 1983). The policy analysis paradigm is similar to social reform in that planning is seen as a scientific endeavour, controlled by the state and follows rational decision-making procedures.

Policy analysis also treats scientifically based knowledge as a set of building blocks for the reconstruction of society. Policy analysis is distinct from other paradigms because of its emphasis on economics, particularly the supremacy of the market in the allocation of resources. A major ingredient of the field has been public economics. In addition to this it has been influenced by a combination of political science, operations research and statistics.

The social learning paradigm is a major departure from social reform and policy analysis as it views planning as a societal learning process rather than as social engineering. It is more oriented to social change and system transformation than with maintenance of existing power structures. In this paradigm, social progress is achieved through social learning and not just through scientifically based knowledge. Social

learning is based on the premise that all valid knowledge comes from experience through the interaction between human subjects and their material environment and through an attempt to change reality. Social change is seen as taking place in an evolutionary pattern and not in one giant leap. In this paradigm, decision-making originates from the bottom and there are many participants involved in the decision-making process. In this respect, the state is not the primary actor but rather the public affected by a planning issue. Transactive Planning falls into this paradigm.

The social mobilization paradigm is in stark contrast to the others in that it stands up to the dominant power in society and is undertaken outside control of the state. It is grassroots planning. In the social mobilization context, the other paradigms are viewed as part of the repressive apparatus of the state. The basis for this paradigm is found in three oppositional movements developed as a counter-movement of social reform; utopianism, social anarchism, and historical materialism (Friedmann, J. 1987). The central concern of this paradigm is structural change in society, particularly changing the power base and the status quo. In this respect, it focuses on direct collective action from below and is in essence a form of politics. The social learning paradigm plays an important role in social mobilization from the perspective that knowledge and action are achieved through group interaction and through the four phases of social learning; vision, theory, strategy, and action.

The four paradigms can also be evaluated in terms of citizen involvement in planning in the public domain. In planning, citizen involvement represents a redistribution of power from managers to the public (Mitchell, 1989). The degrees of

citizen involvement range from nonparticipation through tokenism to sharing of power (see Table 3). Table 3 also shows the location of the four planning paradigms in relation to the degrees of citizen participation. Policy analysis relates to nonparticipation, social reform and social learning to tokenism (although social learning is closer to citizen

TABLE 3
EIGHT RUNGS ON THE LADDER OF CITIZEN PARTICIPATION

Rungs on the Ladder of Citizen Participation	Nature of Involvement	Degree of Power Sharing	Planning Paradigm
1. Manipulation	Rubberstamp Committees	Non-participation	Policy Analysis
2. Therapy	Powerholders educate or cure citizens	↓	↓
3. Informing	Citizen's rights and options are identified	↓	Social Reform
4. Consultation	Citizens are heard but not necessarily heeded	Degrees of tokenism	↓
5. Placation	Advice is received from citizens but not acted upon	↓	Social Learning
6. Partnership	Trade-offs are negotiated	↓	↓
7. Delegated Power	Citizens are given management power for selected or all parts of programmes	Degrees of citizen power	↓
8. Citizen Control		↓	Social Mobilization

source: Arnstein, 1969

power) and social mobilization with direct citizen power. Traditional managers and politicians are often hesitant to go beyond non-participation or tokenism as they see decision-making their responsibility, whereas citizens are seeking meaningful participation in the decision-making process and wish to share some of the power involved (Sewell, 1977).

3.2 PUBLIC INVOLVEMENT IN DECISION-MAKING

Public involvement in land use decision-making has its beginnings in the 1950's (Creighton, 1992). The degrees of citizen involvement range from nonparticipation through tokenism to shared decision-making. In the 1950's, public involvement meant keeping people informed of decisions. Public information and public relations were sufficient. The 1960's and 1970's, brought demands from people to be heard before any decision was made. Known as procedural involvement, requirements for public involvement were outlined in legislation. This generally meant public hearings and meetings. While this sometimes lead to genuine involvement, it often was something that was on a checklist and therefore not genuine (Creighton, 1992). However, in most cases the decision had already been made and committed to before the public was involved. This approach to public involvement is defined by Susskind (1987) as "Decide-Announce-Defend." In this respect, "government agencies or officials with the authority to decide simply exercise that authority: they act by imposing a solution that often fails to satisfy some of the disputing parties" (Madigan, et al. 1990. p.7). In this process, the public rarely had an opportunity to participate directly in the decision-making process, to meet

face-to-face with government, to clarify or express on their interests, or to correct inappropriate responses to the issues they raised (Wondolleck, 1986). In this context, the whole notion of public consultation/involvement takes on a negative connotation because the public views it as being merely politically expedient, not genuine or lasting and a propaganda tool. As stated by McKinney (1988):

"Affected parties rarely have the opportunity to see how and where their concerns were incorporated, why some issues could not be incorporated, and how their comments affected the final decision. As people with a stake in the final decision are separated further and further from the decision-making process, they are not only at loss with respect to how their interests are incorporated, but more important, they are "in the dark" on the rationale for the final decision. Conversely, decision makers are put in the position of second-guessing the public's concerns, weighing and balancing tradeoffs, and hoping the affected parties will see the logic of the decisions and accept its outcomes. In practice, however, there is often widespread dissatisfaction with both the decision-making process and its outcomes" (p.335).

Solutions developed through this approach of public involvement have left parties disgruntled and unhappy and has led to protests, civil disobedience, blocked decisions and implementation, and legal action. This approach has some serious flaws (Sherman, 1989);

- Plans are based on forecasts which are often found to be inaccurate because they do not take adequate account of future uncertainties or affected parties' perspectives;
- Public input is reactionary and negative rather than collaborative and positive;
- Public support is lacking for implementation of plans;
- The process of changing a plan results in confrontation rather than cooperation; and
- Scarce resources of time and money are wasted.

In British Columbia, frustration has been expressed with the way decisions are made regarding the environment. The decision-making process is perceived to be arbitrary and unresponsive to their needs and values (British Columbia Round Table on the Environment and Economy, 1992). As stated by Stephen Owen, Commissioner of C.O.R.E.,

"The planning process in the past has been badly inadequate. The evidence for that is so many people avoiding planning. They're either going to court or they're blockading roads or they're having media campaigns in Europe" (Times-Colonist, November 14, 1992.)

The traditional approach does not just apply to government and the public. Separate government agencies may also enact policies or impose solutions without consulting each other. The end result can be a body of rules, regulations, or procedures that create confusion, inefficiency, and frustration.

Throughout North America people are demanding more significant and meaningful involvement in decisions that affect their lives. People are pressing for planning solutions that reflect a wide range of interests. This extends from work to community. People want to help define the problem, analyze the information, create alternatives and author a plan, solution, or an agreement. This represents a shift in public decision-making to collaborative, shared decision-making, and consensus-based approaches. "This approach brings political, technical, and values-oriented criteria together into the decision-making process and creates greater satisfaction with the outcome because the process legitimates diverse interests" (Potapchuk, 1991. p. 160). This process is not new and has been discussed since the 1950's. In contrast to Decide-Announce-Defend, the new process follows the pattern of consult, decide jointly, implement together (Susskind, 1992). This process requires a shift at the political as well as the administrative levels and is designed to be inclusionary not exclusionary. The basic levels of shared decision-making are outlined in Figure 6.

Support of the public is essential to get things done in the public sector. In this respect, shared decision-making empowers governments to get things done. To involve

the public is to empower them. Public understanding, consent, cooperation, and resources are necessary or ventures will not get off the ground. Figure 6 illustrates a spectrum of steps available to government between unilateral decision-making to full delegated decision-making. If a government is unable to legally or for other reasons fully share decision-making, an intermediate level can be defined (Potapchuk, 1992).

The desire of people to be directly involved in public land use decision-making can be attributed to several factors; people feel alienated and powerless, people feel that system is rigged to favour a few, people are suspicious of major institutions and the empowerment movement. Today people expect decision-making to be open and accountable and for increased opportunities for more community/local based involvement and control over decisions that affect them. As Fisher and Ury (1981) outline in their book, Getting to Yes: Negotiating Without Giving In, a key to reaching agreement is to involve people in the process. "In a sense, the process is the product" (Fisher and Ury, 1981. p.29). As Sherman (1989) notes, "when those who have a stake in the plan do not have a sense of authorship, their response is predictably defensive, critical and unsupportive" (p.6). Furthermore, the number of affected and interested parties has increased. Decision-makers today must deal with a variety of interest groups that have a broad, distinct, and often conflicting interests (McKinney, 1988). New relationships are being created between those who make decisions and those who are affected by them. For a decision to count, be considered legitimate and implementable three things are needed; sufficient agreement on the substance of the decision; belief that the procedures followed in arriving at the decision were rationale, adequate, and complete; and

psychological satisfaction (i.e. trust, equity and feeling valued) (Creighton, 1992).

FIGURE 6

LEVELS OF SHARED DECISION-MAKING

GOVERNMENT DECIDES

legislative or administrative

GOVERNMENT CONSULTS WITH INDIVIDUALS AND DECIDES

public hearings, written comments, hotlines, lobbying, consultations

GOVERNMENT CONSULTS WITH A REPRESENTATIVE GROUP AND DECIDES

task forces, citizens advisory groups, blue ribbon committees, charettes

GOVERNMENT WORKS WITH A REPRESENTATIVE GROUP AND THEY JOINTLY DECIDE

negotiations, collaborative planning processes, consensus-building processes

GOVERNMENT DELEGATES DECISION-MAKING TO OTHERS

privatization of decision-making

source: Potapchuk, 1992

3.3 NATURAL RESOURCE PLANNING AND MANAGEMENT CONFLICT RESOLUTION

Conflicts over how public land should be used, managed and developed are common place in British Columbia. These conflicts involve various levels of government, government agencies, organizations, communities and individuals. Natural resource conflicts differ from other forms of conflicts, such as labour-management and family disputes. Labour-management and family disputes are characterized by:

- clearly defined issues;
- established parties;
- identifiable parties;
- limited number of adversaries; and
- tested conflict resolution methods over considerable period of time.

In contrast, conflicts over natural resource planning and management in the public domain are characterized by:

- unclear issues;
- messy problems;
- complicated and broad network of interests;
- little history of parties working together;
- many parties;
- uncertainty, long term impact, irreversibility;
- non-standard planning procedures; and
- high degree of interdependency among the parties.

Conflict resolution applied in the public domain is a relatively new phenomena and is more of an art than a science.

3.3.1 Traditional Conflict Resolution Methods

Traditionally, natural resource conflicts have been dealt with through legislative, administrative and judicial means. In the traditional decision-making paradigm, to resolve conflicts, decision-makers simply exercised their authority and imposed a solution based on what they perceived to be the right solution. This method may be tempered by seeking public input through meetings, hearings, or advisory boards. Rarely do these decision-makers engage in face-to-face discussion with affected parties or agree to share decision-making authority with citizens (Madigan, et al. 1990). The traditional approach tends to place a heavy emphasis on political power and legal rights. Bureaucratic administration of complex issues is now understood as an inherently political process fraught with scientific and values uncertainties and lacking legitimacy because it is not effectively

accountable to the parties whose interests are affected (Gardner, 1987).

In many cases, it is typically perceived that the only way to resolve conflict in the public domain is to let the courts decide. Litigation, however, has several limitations to a positive outcome:

- Decisions result in winners and losers and often on grounds that have little to do with the issues;
- Community or group relations are not enhanced;
- Parties become more polarized;
- Process unable to take into account values and the full range of technical, social, and institutional factors;
- Focus is on procedural issues, therefore, substantive issues underlying conflict are not fully considered;
- Concern with determining past facts rather than future possibilities;
- Lack of technical expertise to consider technical arguments;
- Unable to consider creative solutions;
- Discussion is through lawyers and judges and not through affected parties; lengthy and costly; and
- Access is difficult for unorganized and poor parties.

The traditional approaches seldom reach solutions that are fair or efficient and tend to favour the powerful and rich (Madigan, et al. 1990). The result is that implementation of a plan is blocked, people are left frustrated, unhappy and angry, and the conflict is not resolved. As Carpenter and Kennedy (1988) have observed;

" After years of watching controversies unfold, we are convinced that disputing parties move progressively and often unconsciously from disagreement into destructive combat because they know of no better way to work out their differences" (p.xi).

3.3.2 Alternative Conflict Resolution (ACR) Methods

The application of ACR in natural resource conflicts is a relatively new phenomenon. The approach was first used in the United States in the early 1970's (Bingham, 1987). The use of this approach has grown rapidly since the early 1970's and

is now being applied to resolve many natural resource planning and management conflicts. ACR is considered a practical and efficient alternative to the traditional approaches. Such methods are not simply devices designed to defer apparently unresolvable problems. Instead, they are proven means for reconciling a wide range of competing positions presented at the outset of many multilateral conflicts and alternatives to political intervention or litigation.

ACR refers to an approach whereby those parties who feel that their interests could be affected by the outcome of a land use planning exercise meet face-to-face to seek an outcome that accommodates rather than compromises their interests. The process is inclusionary rather than exclusionary. The parties are required to abandon entrenched bargaining positions in favour of their interests; work together to design options for mutual gain; reach an agreement they can live with; and jointly implement and monitor the outcome together. ACR processes differ from the traditional methods of decision-making because the focus is on creating solutions in all parties' interests, rather than on extracting compromises to reach a state of mutual dissatisfaction (Ministry of Forests, 1992). An independent facilitator or mediator is usually employed to manage the process and assist the parties in reaching agreement.

ACR is not consultation. The key in ACR is that the actual decision-making shifts from one party to all parties involved. In consultation one goes out to gather opinions and input but the responsibility for decision-making remains firmly in the hands of one party. ACR is a process of decision-making in which responsibility for decisions rests jointly with all parties although the final decision in most cases is with the political body. This

shift ensures that the solution is developed jointly by those who feel their interests could be affected by a decision. Decision-making is not wrestled away from the affected and given to a judge or arbitrator with no stake in success of the solution.

The development of alternative conflict resolution as an approach for resolving land use conflicts in the public realm can be attributed to five people; Raiffa, Fisher and Ury, and Susskind and Cruikshank. Raiffa defined many generic principles of ACR in his book, *The Art and Science of Negotiation* (1982). Raiffa provides a key theoretical concept for assessing the effectiveness of negotiation; the efficient frontier. This concept describes the combination of settlement options that exhaust all possible gains for all parties involved in a negotiation. It is known more popularly as a win/win outcome. It spurs negotiators to stay at the bargaining table until they can find no further joint gains. Raiffa also recognized the need for both an analytic model of negotiation that dissects the incentives and tradeoffs of the parties, and a process model that covers the sequences and setting of negotiating behaviour (Dotson, B. et al. 1989).

Fisher and Ury are the founders of Principled Negotiation. This theory was defined in their 1981 book, Getting to Yes: Negotiating Without Giving In. Their theory provides a method that counters traditional positional negotiation. In their book they focus on four key points; separate the people from the problem, focus on interests not positions, invent options for mutual gain, and insist on using objective criteria. This theory has been widely used and is considered the basis for ACR.

Susskind and Cruikshank in their 1987 book, Breaking the Impasse: Consensual Approaches to Resolving Public Disputes, integrate the concepts of principled negotiation

with resolving public conflicts. They provide in detail a sequence of phases, steps within those phases, and roles and responsibilities of various players, particularly third party facilitators and mediators. Susskind and Cruikshank (1987) state that "it is possible to resolve public disputes fairly and efficiently while incorporating the best technical and scientific data available and that outcomes are likely to be more stable than political compromises achieved through conventional means" (p.12).

The basic characteristics of ACR are:

- All affected parties are included and meet face-to-face;
- For a set period of time, and for a defined set of issues, those with authority to make decisions and those affected by those decisions are empowered to work together to seek an outcome that accommodates rather than compromises their interests;
- Participation is voluntary;
- Agreements are based on consensus;
- Parties are encouraged to explore their underlying interests and not positions;
- Process is structured so that all the parties are involved in the design and evolution of the process and resolution of substantive issues. Rules and procedures are designed for each case by parties;
- Either direct negotiation between parties or use of assistance (i.e. facilitation, mediation) by intermediaries;
- Parties work through a process that stresses integration of interests and solutions and a collaborative problem solving approach rather than settling the conflict in an adversarial manner;
- Outcomes in which all parties gain and relationships are improved;
- Voluntary acceptance of an agreement by the parties;
- Moderate to high short term costs, but low long term costs if successful; and
- Final decision rests with statutory decision-maker (Cormick, 1989; Susskind, and Cruikshank, 1987; British Columbia Round Table on the Environment and Economy, 1991).

A key concept of ACR is consensus. Consensus is not a new idea, nor is it particularly complex. Consensus is defined as a general and mutual agreement among parties involved in resolving a conflict. In the public realm, consensus differs from other forms of decision-making, such as voting, an administrative or political body making an

unilateral decision, or judicial proceedings. Consensus has several distinguishing traits:

- Consensus means if you don't agree you leave, and everyone reverts to the same status they had before the process began. It does not supplement any other legal or legislative opportunities to which parties normally have access (Diepeveen, 1992)
- For consensus to be reached, all parties involved must express support for an agreement. This agreement is based on a package of provisions that addresses all issues. However, consensus does not necessarily mean total concurrence on all aspects of a decision, but the members must be able to support the total package. "In other words, the parties may not agree with all aspects of an agreement, but they do not disagree enough to warrant their opposition to the overall package" (British Columbia Round Table on the Environment and Economy. 1991. p.4).
- Each party has the ability to prevent a mutually agreeable outcome. In essence, each party holds a veto. This trait levels the playing field and tends to encourage a process whereby each party has a concern for, and self- interest, in crafting a solution that meets the needs of the interests, rather than merely seeking to gather adherents to their side of the issue. Parties also feel that they will not be overwhelmed by a majority, as consensus is not based on voting. This provides a sense of security that lets people explore areas of accommodation and innovative solutions.
- Parties in the process define consensus to suit their particular situation. It is essential that all parties come to an understanding of what consensus is in operational terms before the substantive issues are discussed.

Susskind and Cruikshank (1987) argue that consensual approaches to resolving public disputes are far more effective than protracted conflict and therefore should be an important component of any planning exercise.

Contrasted with traditional conflict resolution methods, ACR focuses on integrative bargaining and seeks a solution that is mutually satisfactory to both sides and a win/win, all-gain solution or a problem solving outcome. In this process, negotiators disclose factual and valid information, refrain from using threats and bluffs, and increase trust and openness as a way of inducing cooperative problem-solving approaches.

The benefits of ACR compared to traditional decision-making processes are:

- Focuses on the actual interests of affected parties and not their positions;
- Encourages creative problem solving;
- Broadens support for solutions, therefore, greater commitment to implementation;
- Improves relationships and understanding among parties; and
- Reduces confrontation and increases trust (Ashor, 1985; British Columbia Round Table on the Environment and Economy, 1991; Stokes, 1982; Susskind, and Cruikshank, 1987; Wondolleck, 1987).

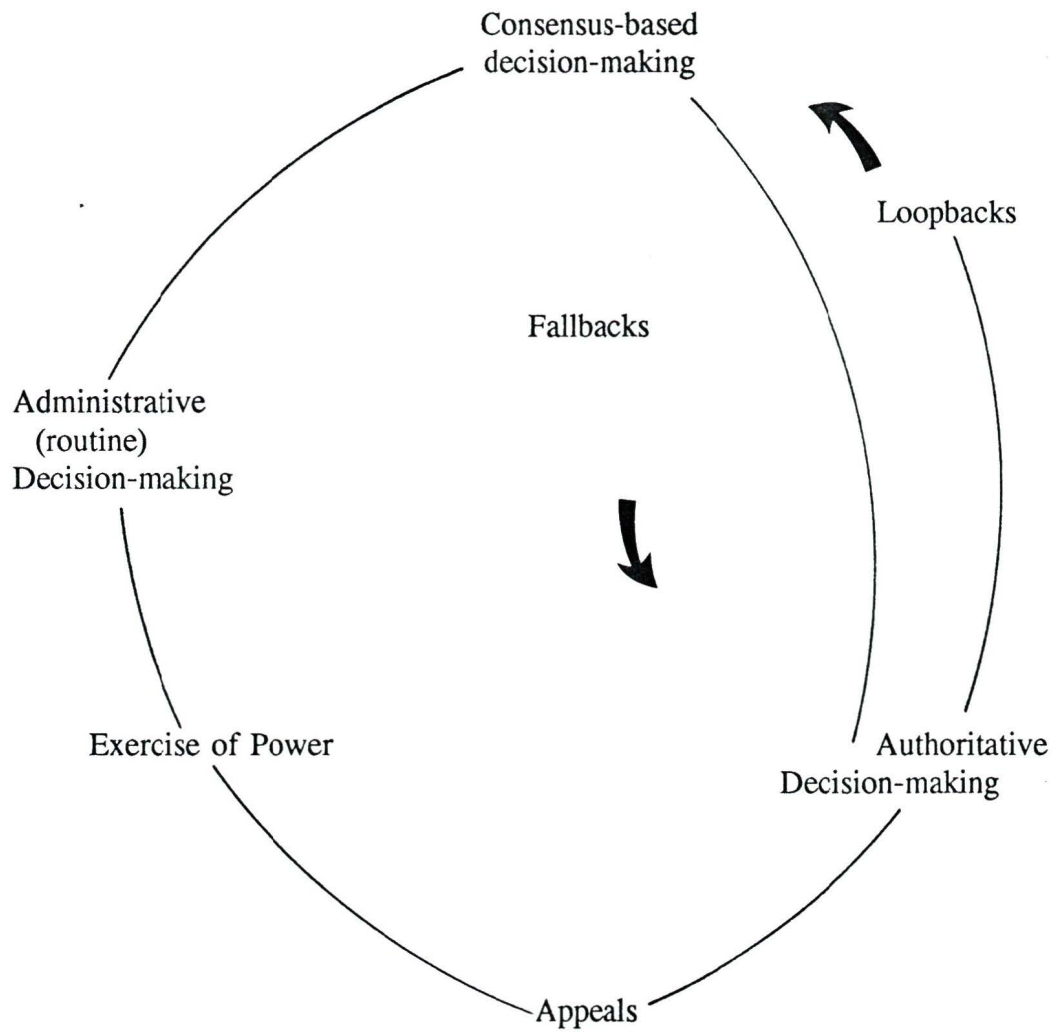
The drawbacks of ACR compared to the traditional decision-making methods are:

- Time consuming;
- Challenge to political power;
- Costly; and
- Frustrating for those people who wish to get on with the job.

ACR does not mean that the parliamentary democratic model on which our government is found should be replaced. ACR methods are seen as supplementing parliamentary democracy and providing another tool for resolving conflicts in a comprehensive decision-making system (see Figure 7). All decision-making methods - consensus, authoritative, use of power - have a place in natural resource planning and management (British Columbia Round Table on the Environment and Economy, 1991). In fact even with the use of ACR, the final decision still rests with those statutory decision-makers.

FIGURE 7

COMPONENTS OF A COMPREHENSIVE DECISION-MAKING SYSTEM



source: British Columbia Round Table on the Economy and Environment, 1991.

Not all conflicts need to be resolved through ACR. ACR should be used for more contentious matters where multiple interests may be affected. Furthermore, if ACR fails, parties can fall back to other means such as the courts, lobbying, appeals or use of power (see Figure 7). However, generally parties would prefer to arrive at a resolution themselves rather than relying on alternative means in for which they have less control (British Columbia Round Table on the Environment and Economy, 1991).

In the public realm, ACR is composed of two interdependent parts; (a) the structural process which consists of a number of interdependent phases, and (2) the substance process which involves the direct negotiation. The structural component is discussed in this section while the substance component is discussed in Chapter 5 (Principled Negotiation). Conflict resolution theorists and practitioners have realized that conflict resolution in the public domain cannot be engineered. ACR is a process where success depends on many intangibles that are impossible to program (Dotson, et al. 1989). As Darling (1992) states;

" The problem solving orientation required in a consensus- based negotiation is seldom linear. Rather than perceiving the process as a step by step progression with a beginning and end, it is more realistic to picture it as a necessarily convoluted process which recognizes that:

- (a) due to either complexity or impediment (resulting from lack of information, ineffective process or people problems), the parties may need to revisit earlier steps (often more than once);**
- (b) the passage of time and the evolution of the process itself will have a bearing on the parties' perception of the problem (which may also necessitate revisiting);
and**

(c) conflicting values or ideologies will persist notwithstanding an agreement to accommodate them in a specific dispute. The conflict may well emerge again in a different context. However, resolution may be facilitated by the existence of a structure within which to deal with the new dispute" (p.29).

There is almost always more than one potential path to consensus - doubling back, dead ends, and detours are much more common than a straight route. In spite of these variations and idiosyncrasies, general patterns in the structure of the conflict resolution process can be identified.

Experience has shown that every successful ACR process goes through three distinct phases;

- pre-negotiation or convening phase,
- negotiation/consensus-building phase, and
- post-negotiation or ratification and implementation phase (Carpenter, and Kennedy, 1989; C.O.R.E. 1992; Darling, 1991; Madigan, et al. 1990; Sherman, and Livey, 1992; Wondolleck, 1987).

Within each phase there are a number of common elements. The process also recognizes that much of the detail of how the negotiation will be structured will be determined by the context of the issue and should be left to the participants. The phases and elements are summarized in Figure 8.

FIGURE 8**PHASES AND ELEMENTS OF A ALTERNATIVE CONFLICT RESOLUTION
PROCESS****PRE-NEGOTIATION/CONVENING PHASE**

- Determine if ACR is the right approach
 - Identify all stakeholders
- Assess feasibility of process with stakeholders
 - Identify budget requirements
 - Undertake pre-negotiation orientation
 - Set timeline and ground rules for process
- Define agenda and range and order of issues to be addressed
- Identify basic information needs and engage in joint fact finding

NEGOTIATION/CONSENSUS-BUILDING PHASE

- Explore underlying interests
- Identify mutual gains and benefits
 - Draft agreement
- Ratify and sign agreement

POST-NEGOTIATION PHASE

- Bind parties to agreement
- Link agreement to formal implementation power
- Design and set in motion mechanism to monitor
 - Implement agreement
- Design mechanism for future renegotiation
 - Evaluate the process

source: Madigan, et al. 1989

3.4 Summary

This chapter has addressed three important topics related to resolving natural resource conflicts. The first section reviews planning; types and uses, forms, and paradigms. The second section focuses on public involvement in decision-making. The third section addresses natural conflict resolution, in particular, traditional conflict resolution methods and alternative conflict resolution methods. The chapter illustrates that people are dissatisfied with the delays, costs and ways in which the traditional decision-making process deals with conflict. Traditional planning paradigms, social reform and policy analysis, are also being challenged by a planning approach that is grounded in a different view of knowledge than the positivist underpinning of the social reform and policy analysis approach to informing policymaking. The alternative approach sees planning as a method of combining technical/scientific knowledge with the knowledge of people whose interests could be affected by the outcome of a planning exercise. In this context, those people who considered that their interests could be affected by the outcome of a planning exercise directly help to define the issues, solve the issues, define what action should be taken and author the plan. This new approach, commonly referred to as ACR, is also referred to as Transactive Planning, consensus-based negotiation, principled negotiation, interest-based negotiation, shared decision-making or negotiation on merits. The next chapter provides a description of Transactive Planning and discusses origins, issues and previous research. Principled Negotiation is discussed in Chapter 5.

4.0 TRANSACTIVE PLANNING

Transactive Planning, as defined by John Friedmann in his 1973 book, Retracking America: A Theory of Transactive Planning, is a style of planning and decision-making in the public domain that links technical/scientific and personal knowledge to determine what action is to take place. "Transactive Planning changes knowledge into action through an unbroken sequence of interpersonal relations" (Friedmann, 1973. p.171). It emphasizes that planning decision-making in the public domain needs to integrate the knowledge and interests of people whose lives would be affected by an action and technical/scientific data. Planning decisions tend to be centralized. "Actions are initiated far from the ultimate points of impact. A system so structured experiences great difficulties in responding to the needs of the people" (Friedmann, 1973. p.191). Friedmann's vision of planning concentrates on the relationship between top-down and bottom-up planning. He is concerned with empowering individuals to act, and wants to increase their propensities for self-improvement and self-reliance. He wants planners to help break the intellectual, structural, or bureaucratic barriers that limit our ability to understand and solve problems. He is concerned both with vision and with achieving a sound basis in practice. He emphasizes cross linking, networking, and building coalitions (Benveniste, 1991).

In a Transactive Planning process scientific knowledge provides objectivity and personal knowledge contributes the intangibles like values and beliefs. As noted by Friedmann (1973) Transactive Planning is a response to the widening gulf in communication between planners and citizens. To close this communication gap a

continuing series of personal and primarily verbal transactions between the planners, managers and scientists and citizens is needed, through which technical/scientific knowledge is joined with personal knowledge and both blended together with action.

Transactive Planning is a reaction to technocratic and state authoritative decision-making. Its goal is to humanize the acquisition and uses of technical/scientific knowledge. The real solution involves a restructuring of the basic relationship between politicians, planners, managers, scientists and citizens.

Transactive planning falls into the social learning planning paradigm. Transactive planning also must be considered one of the foundations of alternative conflict resolution techniques because of its emphasis on shared decision-making, face-to-face interaction of affected parties, and its integration of technical/scientific and personal knowledge.

4.1 The Transactive Planning Process

The Transactive Planning process has three elements that must occur in order to link technical/scientific and personal knowledge: dialogue, mutual learning, and societal guidance (Figure 9). The characteristics of the Transactive Planning process are:

- Citizens affected by a land use planning decision are included in the decision-making process;
- Task-oriented work group;
- Face-to face interaction between parties;
- Interaction between citizens, planners, managers and scientists;
- Integration of scientific/technical and personal knowledge; and
- Occurrence of dialogue, mutual learning, and societal guidance.

Performance indicators for dialogue, mutual learning and societal action are identified in Table 4. These indicators were defined by Friedmann (1973) and introduced into research on Transactive Planning by McLaughlin (1977), Stokes (1982) and Ashor

FIGURE 9**TRANSACTIVE PLANNING PROCESS****PARTICIPANTS****MANAGERS/
PLANNERS****SCIENTISTS****PUBLIC/AFFECTED
PARTIES**

Contribute

- concepts
- theory
- analysis
- processed knowledge
- new perspectives
- systematic search procedures

Contribute

- intimate knowledge of context
- realistic alternatives
- norms
- priorities
- operational details

KNOWLEDGE

- SCIENTIFIC/TECHNICAL
- DATA
- CONCEPTS
- PERSONAL VIEWS/
EXPERIENCE/
OBSERVATION

DIALOGUE/DISCUSSION/INVOLVEMENT

- face to face contact between planners, scientists, managers and citizens
 - takes place in task-oriented work group

MUTUAL LEARNING AND UNDERSTANDING**SOCIETAL GUIDANCE****(CONSENSUS OF PLAN OF ACTION BY PARTICIPANTS)****OUTCOME:**

- COMMUNITY SUPPORT
- POLITICAL SUPPORT
- EFFECTIVE IMPLEMENTATION
- ALLOCATION OF NECESSARY FINANCIAL RESOURCES

TABLE 4

**PERFORMANCE INDICATORS FOR DIALOGUE, MUTUAL LEARNING,
AND SOCIETAL GUIDANCE**

DIALOGUE:

1. Authenticity (acceptance of others)
2. Integrated person(s) (whole person displayed by speech and good faith)
3. Conflict acceptance (difference in viewpoint)
4. Communication (conveyance of meaning)
5. Shared interests and commitment (common concerns)
6. Reciprocity (mutual obligation)
7. Common time and space (here and now)

MUTUAL LEARNING:

1. Personal Knowledge
2. Processed Knowledge
scientific/technical)

SOCIETAL ACTION:

- | | |
|-------------------|------------------|
| 1. Autonomy | 4. Effectiveness |
| 2. Responsiveness | 5. Efficiency |
| 3. Innovativeness | 6. Legitimacy |

source: Friedmann, 1973.

(1985). The indicators allow the researcher to examine in a broad sense the three key elements.

Although not explicitly applied in the CVFMAC the Transactive Planning process provides a model for examining conflict resolution among stakeholders.

4.1.1 Dialogue

Dialogue is the initial ingredient necessary to link personal and scientific knowledge and to achieve mutual learning. In transactive planning, dialogue takes place between parties in a small group through face-to-face relations. The group situation facilitates interchange among actors, allowing them to understand each other's value systems and view points about various issues (Ashor, 1985). "Dialogue is essential to learning. Through dialogue, mutual learning occurs; and through mutual learning changes are brought about in the collective behaviour of society" (Friedmann, 1973. p.189).

An important part of the process is the composition of the group. In this respect, the representation in the group must be comprehensive, or at least diverse enough to include all major interests who might be affected by a planning issue. The group must represent the microcosm of the political marketplace (McCool, et.al. 1986). If the group does not represent all interests, those not included could seriously limit the efforts of the group, either by using their power in the political arena, with the press or among other influential interests. Those with first-level veto power should be included as soon as possible; that is, those groups who have the most political clout to nullify planning efforts (Ashor, 1985). Furthermore, comprehensive representation is required to ensure that all interests are given fair consideration in determining action. If the group is representative

of the political market place, in the end the group could become a very powerful social unit that could hold agencies accountable for their actions.

The effectiveness of dialogue depends on interpersonal relationships based on trust and not power. As noted by Susskind (University of Victoria Institute for Dispute Resolution, 1992) trust means "Say what you mean and mean what you say". Friedmann defines two types of communication; person-centered and subject-centered. Person-centered communication is generally associated with intimacy found among family and friends. Friedmann refers to person-centered communication as dialogue. This type of dialogue should promote relationships that are based on real communication of feelings and emotions as well as facts and figures. Subject-centered communication is initiated by the planner, manager or scientist and focuses on communicating technical/scientific knowledge to citizens.

Dialogue forms the base for transactive planning, and to be successful dialogue requires interpersonal skills, such as listening, the ability to trust others and make oneself vulnerable to them, a willingness to suspend rank and material power, and responsiveness to other's needs (Friedmann, 1987. p.187).

Dialogue has seven characteristic features (Friedmann, 1973). These features are also performance indicators used in the research to examine for the occurrence of dialogue.

1. Authenticity (Dialogue presumes a relationship that is grounded in the authenticity of the person and accepts his otherness as a basis for meaningful communication. Furthermore, authenticity permits an individual to integrate new information into the existing structures of a subject).
2. Integration of the Person (Dialogue presumes a relationship in which thinking, moral judgement, feeling, and empathy are fused in authentic acts of being.)

3. Acceptance of Conflict (Dialogue presumes a relation in which conflict is accepted. Conflict arises out of different ways of looking at the world, feelings about the world and ways of judging the world - e.g. Dominant Social Paradigm and New Environmental Paradigm)
4. Communication (Dialogue presumes a relationship of total communication in which gestures and other modes of expression are vital to meaning as the substance of what is being said).
5. Shared Interests and Commitments (Dialogue presumes a relation of shared interests and commitments)
6. Common Time and Space (Dialogue presumes a relationship that unfolds in real time)
7. Reciprocity (Dialogue presumes a relationship of mutual obligation)

4.1.2 Mutual Learning

The second element of the Transactive Planning process is mutual learning. Mutual learning is achieved from the partnership developed through dialogue in which the personal knowledge of citizens is combined with technical/scientific knowledge on the joint exploration of problems and possible solutions. In mutual learning, planners, managers, scientists and citizens learn from each other.

The characteristics of personal and processed knowledge are:

1. Personal Knowledge
 - Gained through on the ground experience and provides knowledge of operational details.
 - Insights and an understanding of the real world, and can evaluate solutions and determine if they are politically and socially acceptable.
 - Ability to assess whether the proposed action can actually be carried out, and if it will solve the problem.
 - Understanding of and familiarity with, the cultural norms, and principles of right action that regulate and guide social behaviour.

2. Technical/Scientific Knowledge

- Theoretical in nature, and is formed of abstract ideas and concepts.
- A hypothesis is assumed and a theory adopted for investigative purposes.
- Develops systematic procedures for data collection, analysis and synthesis of solutions.
- Operates as mediator or broker between dissimilar interests, facilitating communication and provides motivation to reach decisions and follow up with the action.

The exchange of information over time should lead the group to mutual understanding and learning about each other's problems and concerns. Freidmann (1973) feels that this will help narrow the knowledge gap and more easily facilitate actual decisions about a course of action. In his research, Ashor shows that the Transactive Planning process lead to participants having a much better understanding of each other's views, problems, and concerns. "One participant stated that mutual learning was the most important thing that had come out of the process. The planning process was also effective because it heightened awareness of the various problems among all group members and had definitely tempered passions, ultimately allowing a working relationship among managers, and citizens" (Ashor, 1985. p.427). This process is important to the social learning paradigm because "true learning involves a restructuring of one's relations to the world, a process of re-education, or still more powerful cultural change (Friedmann, 1987. p.215). Carpenter and Kennedy (1988) have also noted that as a result of the Denver Metropolitan Water Round Table, which used a Transactive Planning approach, "there was a recognition that participants (and others) had benefited from the increased understanding about the needs and problems of various interests" (p. 34). Other benefits included experience and learning new approaches to communication, education of key

policy makers and a sense of satisfaction and accomplishment at having successfully negotiated an agreement on difficult issues involving complex and often uncertain data.

4.1.3 Societal Guidance

Societal guidance is the final phase of the transactive planning process and is based on dialogue and mutual learning. Societal guidance is the processes by which the incidence, rate, and direction of change in society are controlled. The exercise of societal guidance may be intentional or not, and its results may be both favourable and unfavourable (Friedmann, 1973). This is considered the crux of the whole process because at this stage participants must decide on what action to take. A consensus approach is recommended rather than majority rule (Friedmann, J. 1987). Successful accomplishment of this will determine whether the theory of Transactive Planning works. For societal guidance to occur, Friedmann (1973) feels the planning system must be:

- Autonomous - Able to set its own objectives and pursue them effectively.
- Responsive - Able to take into account a variety of specialized interests, needs, and values of groups affected by its actions.
- Innovative - Able to respond creatively to new problem situations.
- Effective - Actions must be both timely and accurate with respect to the problems addressed.
- Efficient - Work must be accomplished at a cost that is reasonably low compared to alternative plans.
- Legitimate - Inspire loyalty and be capable of mobilizing popular support for its actions.

The action recommended by the group, however, occurs within a political context. The group is not in a position of power to actually implement the actions. There is a

separation of the group from actual power. Therefore, the real effectiveness of the group in creating change will be tested by how the political body (e.g. cabinet, regional board) acts on the recommendations of the group. Ashor (1985) notes that success of the process can be measured by community support, political support, implementation and allocation of the necessary financial resources. The success of the group will be enhanced if it represents the political market place and can exert some influence over the decision makers.

4.2 Previous Research

Three people have undertaken research on the application of Transactive Planning in a natural resource setting; McLaughlin (1977), Stokes (1982), and Ashor (1985).

McLaughlin (1977) was the first person to examine Transactive Planning theory in a real-world situation. His research was a study of a planning exercise in the Indian Hills in Colorado. McLaughlin provides a detailed discussion of the evolution and synthesis of Transactive Planning from earlier works. His research showed that the use of the Transactive Planning process did result in societal guidance and that it was accomplished through dialogue and mutual learning.

Stokes (1982) examined the application of Transactive Planning in resolving rural land use problems in the Blackfoot River Corridor in Montana. This study described, documented and evaluated the application of Transactive Planning. Stokes found that dialogue, mutual learning and social guidance did exist in the planning program and the approach was effective in resolving conflicting resource management issues. However, Stokes noted that one of the major limitations of Transactive Planning is that total group

autonomy is illusory as it is interrelated and dependent upon the institutions within which it works. Transactive Planning practitioners must recognize and accept autonomy as relative. The greatest degree of autonomy possible should be achieved but total autonomy is a futile goal in the real planning world. "Transactive planning needs to be expanded and refined to provide for the political realities that are part of the planning process" (Stokes, 1982. p. 188). Furthermore, Stokes criticizes Transactive Planning because it portrays unrealistic behavioral utopianism in that it implies everyone working in the group will act on behalf of the common good if given adequate opportunity for dialogue and mutual learning.

Ashor (1985), studied the application of Transactive Planning in the Bob Marshall Wilderness Complex (BMWC) in Montana. The study's primary objective was to examine for the occurrence of the key elements of Transactive Planning and to determine the overall effectiveness of the approach in producing a management plan for the BMWC. Secondary objectives were;

- to identify conditions that are most effective for promoting key elements of Transactive Planning,
- to identify which characteristics of the planning process promote initial and continued citizen involvement, and
- to develop criteria and guidelines for using Transactive Planning.

Ashor also examined the effectiveness of Transactive Planning against the rational-comprehensive approach as applied in the Rattlesnake Wilderness Recreation Area. Furthermore, Ashor improved on the criteria for testing Transactive Planning and the qualitative and quantitative measurement of dialogue and mutual learning.

Ashor concluded that Transactive Planning did occur in the BMWC planning

process and that it is a feasible and more effective approach than rational-comprehensive planning in such settings. Other significant conclusions were;

- dialogue and mutual learning are most likely to occur in small groups and this will encourage understanding of various viewpoints and developing a consensus,

"In this process, we had polarized interest groups and citizens with very different value systems and stereotypes of other citizens, the dialogue and learning that occurred required a maturation of sorts. It eventually evolved into a very powerful social unit that will hold the agency accountable to many of their proposed actions" (Ashor, J. 1985: p. 179)

- all interests must be included in the planning process,
- the planning environment must be manageable in terms of group size and issues, and
- the agency and planner must be committed to a Transactive Planning style.

"The effective use of Transactive Planning principles suggests that by bringing citizens into the process, a cooperative relationship with agency managers can be built, thereby reducing the controversial nature of many issues and increasing the chances for successful implementation "(Ashor, 1987: p. 193)

Finally, Ashor provided a number of suggestions regarding further research;

- examine the kinds of personalities that make successful transactive planners,
- examine the types of people who are likely to actively serve on planning teams,
- develop an empirical approach to test the legitimacy and effectiveness of the indicators, and
- continue research to investigate the occurrence and effectiveness of Transactive Planning theory, particularly in wilderness and natural resource planning.

The survey questionnaire developed by Ashor was used to structure the survey questionnaire for the research on the CVFMAC.

4.3 Summary

Transactive Planning is an approach to planning in the public domain that integrates knowledge of planners, managers and scientists with that of people affected by the outcome of a planning issue. The key elements of Transactive Planning are dialogue, mutual learning and societal guidance. This type of planning has proven to be effective in resolving land use conflicts. Defined in 1973, it is one of the foundations of alternative conflict resolution with its emphasis on:

- including citizens in the decision-making process;
- forming a task-oriented work group;
- face-to face interacting between citizens, business, planners, and scientists; and
- integrating personal and scientific/technical knowledge.

Another approach that is used to help resolve conflicts was defined in 1981 by Fisher and Ury. This approach is Principled Negotiation. Although not defined specifically for resolving natural resource planning and management conflicts Principled Negotiation provides a process that is now considered the basis for conflict resolution in many fields. Combined, Transactive Planning and Principled Negotiation are two approaches that provide a method for resolving natural resource planning and management conflicts.

5.0 PRINCIPLED NEGOTIATION

5.1 THE THEORY

In the late 1970's, Fisher and Ury, through their work in the Harvard Negotiation Project, challenged and modified traditional negotiation theory. The traditional and most common negotiation approach is position-based negotiation. A position is an ideal solution from the perspective of one party. This approach is characterized by presenting demands, proposals or ideal solutions, having them evaluated by the other side, and then making concessions and counter proposals. Positional negotiating depends on successively taking - and then giving up - a sequence of positions (Fisher, and Ury 1981). Positional negotiation usually occur when he parties feel that contested resources are limited and the only solution is to allocate resources that creates gains and losses to each party. As Moore (1986) notes, disputants adopt positional bargaining when

- The stakes for winning are high.
- The resources (time, money, psychological benefits, and so forth) are perceived to be limited.
- A win for one side will mean a loss for another.
- Interests of the parties are not interdependent or are contradictory.
- Future relationships have a lower priority than immediate substantive gain.
- All major parties have enough power to damage the others if an impasse in the negotiation occurs.

Fisher and Ury (1981) define negotiation as "a back-and-forth communication designed to reach agreement when you and the other side have interests that are shared and others that are opposed" (p.xi). In this context, negotiation has cooperation and conflict built right into it. In essence, negotiation is a means for resolving conflict through a process of communication, collaboration, exchange and commitment to a course of action. The purpose of the negotiation process is to have parties reach an

agreement that satisfies each other's interests. "In negotiation, the tension between the need to assert your own interests and to satisfy the interests of your adversary is always present" (Hoffman, 1990. p.3). In this style of negotiation Hoffman has identified two key factors:

1. Negotiation is not just communication, but rather a specific kind of communication. It is:
 - Communication that is explicit.
 - Communication that is reciprocal.
 - Communication that takes place directly between the parties.
 - Communication designed to reach an agreement.
2. Negotiation takes place when:
 - Both sides have interests that are shared.
 - Both sides have interests that are opposed.

"Negotiation is not just a technical problem-solving exercise but a political process in which the different parties must participate and craft an agreement together. The process is just as important as the product. You may feel frustrated that negotiations take as long as they do, but remember that negotiation is a ritual - a ritual of participation." (Ury, W. 1991. p.92)

Fisher and Ury's approach, called Principled Negotiation, or sometimes referred to as negotiation on merits, interested-based bargaining, or consensus dispute resolution was defined in their 1981 book, Getting to Yes: Negotiating Agreement Without Giving In. The approach has gained considerable attention and acceptance from a broad audience (Fisher and Ury, 1981). Principled Negotiation represents a major shift in the way negotiation and conflict resolution are addressed and employs a vastly different set of negotiating behaviours which are non-adversarial and mutually supporting.

Principled negotiation means addressing issues on their merits rather than through a process whereby each side states what it will and won't do (Fisher and Ury 1981). Principled negotiation focuses on resolving conflicts in a productive way to gradually

reach consensus. The process stresses the use of creative solutions that attempt to maximize all the interests of the negotiators, rather than focusing on compromises that are to be extracted from each negotiator's established position. In this respect, Principled Negotiation provides a forum where the dispute can be resolved on the merits of the arguments, rather than on the strengths of wills (Wood, 1989). The attitude of someone using interest-based negotiation is that of a problem-solver. The parties sit side-by-side and attempt to develop a mutually acceptable outcome. In this context, settlements are reached because a party has succeeded in having their interests satisfied. As noted by Moore (1986) interest-based negotiation works best when

- Parties have at least a minimal level of trust in each other.
- Parties have some mutually interdependent interests.
- Equal, but not necessarily similar, means of influence exist or the party with the superior power is willing to curtail the exercise of power and work toward cooperative solutions.
- Parties have a high investment in mutually satisfactory outcome because of mutual fear of potential costs that might result from the impasse, or desire for a positive future relationship.

Principled negotiation is considered a better way to resolve conflicts and to produce good agreements. In this respect, Fisher and Ury (1981), Susskind and Cruikshank (1987) and Hoffman (1990) have outlined criteria for judging what a good negotiated agreement is. Negotiated agreements are considered to be good if they are;

- fair (sense of justice)
- wise (meets the legitimate interest of each side, resolves conflicting interests fairly, and takes community interest into account),
- efficient in terms of cost and time,
- improve or at least do not damage relationships between parties, and
- stable (will be honoured and hold up over time).

These measures provide a road to follow to achieve a successful outcome. No single measure should be sought at the expense of the other four. A level of success on all five measures is necessary to achieve a good outcome (Hoffman, 1990). Negotiating on positions fails to meet the basic criteria for producing a good agreement. Positional bargaining does not allow people to address underlying interests. They focus on their ideal solution. Positional bargainers also see the situation as a contest of wills in which the side that takes the more extreme position and holds out the longer fares better. Positional bargaining is also considered inefficient, and endangers ongoing relationships. A comparison between principled and positional negotiation is shown in Table 5.

Getting to Yes: Negotiating Without Giving In is the most popular book ever published on negotiation and its straightforward prescriptions continue to influence both practitioners and scholars (Bazerman, 1987). Ury (1987) attributes the popularity of the concept to a rising and perceived need that people feel throughout the world for new ways to deal with conflict within families, organizations and society at large. There is an increasing degree of interdependence being experienced in communities and work places and that in turn is giving rise to a strong interest in negotiation as perhaps the best means of managing interdependence. Ury (1987) also notes that the old win/lose, adversarial paradigm doesn't work anymore.

The motivation to find alternatives to the traditional dispute resolution process for controversial environmental issues has come principally from the discontent of the parties with the certain aspects of traditional adversarial processes. When decisions in a dispute are seen as choices between winners and losers or when decisions are based on narrow procedural grounds, the interests of one, and sometimes all, of the parties to the dispute often remain unsatisfied. Instead, environmental disputes usually need solutions that make both good economic and good environmental sense" (Bingham, 1987. p.2)

TABLE 5

**A COMPARISON OF PRINCIPLED NEGOTIATION TO
POSITIONAL NEGOTIATION**

<u>PRINCIPLED NEGOTIATION</u>	<u>POSITIONAL NEGOTIATION</u>	
	SOFT	HARD
● Participants are problem solvers	● Participants are friends	● Participants are adversaries
● Goal is a wise outcome reached efficiently and amicably	● Goal is agreement	● Goal is victory
● Separate the people from the problem	● Make concessions to cultivate the relationship	● Demand concessions as a condition of the relationship
● Be soft on people, hard on the problem	● Be soft on people and problem	● Be hard on people and problem
● Proceed independent of trust	● Trust others	● Distrust others
● Focus on interests, not positions	● Change your position easily	● Dig in to your position
● Explore interests	● Make offers	● Make threats
● Avoid having a bottom line	● Disclose your bottom line	● Mislead as to your bottom line
● Invent options for mutual gain	● Accept one -sided losses to reach agreement	● Demand one-sided losses to reach agreement
● Develop multiple options to choose from; decide later	● Search for single answer: the one they will accept	● Search for the single the one you will accept
● Insist on using objective criteria	● Insist on agreement	● Insist on your position
● Try to reach a result based on standards independent of will	● Try to avoid a contest of will	● Try to win a contest of will
● Reason and be open to reason; yield to principle, not pressure	● Yield to pressure	● Apply pressure

source: Fisher, and Ury, 1981; Wood, 1989.

In this respect, two aspects of principled negotiation need to be discussed; win/win and compromise.

Win/Win

Too often conflict resolution North American style is aggressive, even pugilistic. Conflicts are seen in terms as win/lose - what I gain, the other forfeits. Conflicts are settled either by litigation or weaponry. In this context, the goal is to thoroughly defeat one's opponent. This has been characteristic of many land use and resource conflicts in British Columbia. In the context of public land use and natural resource conflicts, the parties are often driven by a win/lose mentality not win/win or an integration of interests. The parties are more concerned with individual loss and the need to win and not be perceived as weak than by a desire to reach agreement and find mutual gains. "This causes stakeholders to become more extreme in their demands than they would otherwise be and to compete where their goals are not necessarily opposed" (Sloan, 1992. p. 30). Instead, people need to work together and collaborate to produce win/win or all gain solutions. This approach is stressed in the 1988 British Columbia Ombudsman Annual Report to the Legislative Assembly,

"Competition between individuals and various levels of government over public resource allocations and land use rights is often miscast as a one-dimensional battle between economic and social interests when, in fact all of the interests are legitimate and compelling. They are interdependent and require solutions which are flexible, self-regulating, enduring and mutually productive. Failure to reconcile them will be to the detriment of all."

The importance of win/win solutions is also stressed in popular literature by Stephen Covey in his best selling book, The 7 Habits of Highly Effective People:

Powerful Lessons in Personal Change (1989). Although written at the personal level, Covey's message has direct application for resolving land use and resource conflicts. Just as principled negotiation represents a major paradigm shift in the way we deal with resolving conflict so do the seven habits. The seven habits recognize there are three levels of personal development; dependence, independence, and interdependence. Within these three levels, six of the seven habits are divided into private and public victory.

Within private victory are the habits;

- be proactive,
- begin with the end in mind, and
- put first things first.

Public victory habits include;

- think win/win,
- seek first to understand ... then be understood, and
- synergize.

The seventh habit is to sharpen the saw. This refers to the principles of self-renewal and include four dimensions of a person's nature - physical, spiritual, mental, and social/emotional.

With respect to the habit win/win, Covey outlines that there are six paradigms of human interaction; win/win, win/lose, lose/win, lose/lose, win, and win/win or no deal.

From Covey's perspective win/win is essential for humans to function effectively.

Win/win means seeking mutual benefit in all human interactions.

With win/win solution, all parties feel good about the decision and feel committed to the action plan. Win/win sees life as a cooperative, not competitive arena. Most people tend to think in terms of dichotomies: strong or weak, hardball or softball, win or lose. But this kind of thinking is fundamentally flawed. It's based on power and position rather than on principle (Covey, 1989. p. 207).

Cooperation, interdependency, and integration are key to win/win. Covey, however, goes beyond the win/win approach to stress a win/win or no deal approach. No deal means that if you can't find a solution that would benefit the parties, they would agree to disagree agreeably - No Deal. "When you have NO Deal as an option in your mind, you feel liberated because you have no need to manipulate people, to push your own agenda, to drive for what you want, you can be open, you can really try to understand the deeper issues underlying the positions" (Covey, 1989. p.213). In essence, if you can't get a true win/win in an interdependent reality you should go for no deal. In natural resource conflict resolution the parties would thus forfeit their decision-making power to the traditional means (i.e. administrative, judicial or legislative).

Compromise

Compromise means a settlement by mutual concessions. Susskind and Cruikshank (1987) argue that compromise is not the answer for resolving public disputes.

"Compromise requires each party to make concessions, to give up something. But why should anyone offer to make concessions if everyone has been honest about their real wants and needs? Compromise suggests an outcome that barely meets everyone's acceptable minimum. Why should this be satisfactory? Why not strive for an agreement that comes close as possible to everyone's highest aspirations.

By definition, political compromise offers a lot less than what each side hoped to achieve. Thus, it is not likely that the parties will be enthusiastic about implementing agreements achieved through compromise" (Susskind and Cruikshank, 1987. p.9).

Susskind and Cruikshank (1987) also note that in the traditional decision-making approach, compromise solutions emerge and represent the least path of resistance. These compromises are generally achieved by splitting the difference. This was the case in the Carmanah Valley conflict. This approach seems irresponsible when so much is at stake.

Society should accept nothing less than the wisest long-term response (Susskind and Cruikshank, 1987).

Win/win or all gain agreements does not mean that there should be compromise (Hoffman, 1990; Covey, 1989; Susskind, 1987). Compromise is considered a low form of win/win. It means $1 + 1 = 1\frac{1}{2}$. Both parties give and take. Compromise generally occurs when disputing parties negotiate over positions (Hoffman, 1990). They retreat from their optimum positions in order to cut a deal. Put another way, compromise is the extent to which both parties are prepared to lose their positions in order to come to an agreement. Compromise is seen as a half measure, splitting the difference, it is not what parties really want (Hoffman, 1990). When you compromise, you're still clinging to your fundamental position you're just giving away a little piece of it (Yoga Journal, 1992). Although compromise appears to produce a winner, the solutions are generally mutually unsatisfactory and short lived. People end up feeling guilty and unhappy and resentment often grows that a better solution was possible. "Compromise solutions don't hold up for very long without on-going sacrifices of some kind" (Hoffman, 1990. p.2). In this respect, Principled Negotiation promotes a process that accommodates rather than compromises the interests of all concerned.

Although the theory of Principled Negotiation does not directly focus on resolving land use and resource planning conflicts it has greatly influenced conventional natural resource planning methods. In British Columbia, C.O.R.E. has identified principled negotiation as the foundation for resolving land use conflicts in the province. In their 1992 report, Land Use Strategy for British Columbia, C.O.R.E. outlines a decision-

making approach which is based on the concept of shared decision-making and is in keeping with the widely accepted principles of interest based negotiation. "This approach signals a significant departure from the way in which we have traditionally made land use and resource planning decisions in British Columbia" (C.O.R.E. 1992. p. 25).

5.2 KEY ELEMENTS

Principled negotiation is predicated upon four principal elements:

- Separate the people from the problem
- Focus on Interests, Not positions
- Invent Options for Mutual Gain
- Insist on Using Objective Criteria.

As noted by Fisher and Ury (1981), the four elements are relevant from the time you begin to think about negotiating until the time either an agreement is reached or you decide to break off the effort. This period is also divided into three stages: analysis, planning, and discussion. The concepts of principled negotiation include looking behind positions for interests; separating relationship issues from substantive ones; distinguishing between inventing and deciding, between brainstorming and committing, and between what you will or won't do and what you should do that is, what would be fair a basis for settlement.

A fundamental tenet of principled negotiation is that any proposed settlement must be better than the alternative of not settling. Negotiating power stems from the parties' best alternative to a negotiated agreement. This is commonly referred to as your BATNA. One's BATNA is determined through analysis of the costs and benefits of

satisfaction withdrawing from the negotiation, no deal or seeking from an alternative source. Parties must be confident that they will get better results from a negotiation process that they would without participating and from unilateral action. In this respect, it is necessary for the parties to know what results they expect and to clearly understand their interests and objectives. Every party involved in the process must try to calculate their BATNA so that it can be compared to the advantages and disadvantages of conventional versus consensus options (Susskind, and Cruikshank, 1987). No party should participate in the process if they can meet their objectives away from the table.

5.2.1 Separate the People from the Problem

Natural resource management deals with conflicts between how people want to use, manage, and develop land. These people will have different visions, objectives, needs, concerns, and fears. As the initial element of principled negotiation, Fisher and Ury (1981) recommend that before working on the substance part of the negotiation, that is the interests of the parties, that the people issues be disentangled from them and dealt with separately. The goal is to have the participants seeing themselves as working side by side, attacking the problem, not each other. The cornerstone of principled negotiation is its collaborative problem-solving orientation. In this respect, the negotiation process must take into account the human aspect of the conflict - in particular the need to generate understanding and allay fears. Behavioural conflicts or "people problems" (personality clashes, emotional rhetoric, intimidating behaviour, displays of anger) often hide common interests and limit the prospects for mutual gain solution (Darling, 1991. p. 24).

5.2.2 Focus on Interests, Not Positions

Interests are underlying motives that lie behind positions - wishes, hopes, fears, values, concerns, expectations, and needs. They underlie people's positions - the tangible items they say they want and reasons behind the positions (Ury, Brett, and Goldberg, 1988). Interests are what are to be resolved in a conflict, whereas positions are ideal solutions or what people have decided on. This means they have already defined the problem and established the solution. In this respect, they are outcomes independently devised from the perspective of one party - "No development of any sort", "It is our land and we will build what we please". Positions are generally extreme and are almost always expressed in absolute, negative or accusatory terms (Sloan, G. 1992). Positions limit the range of opportunities for solutions. Positions also describe in one statement what a party wants and does not describe their vision, objectives and underlying interests.

The reason for focusing upon interests rather than positions is based upon the observation that adversarial, position-based negotiation leads to final agreements which are usually not too attractive to either or both sides (Fisher and Ury, 1981). The main problem in a negotiation is not that the parties have conflicting positions, but that they have different underlying values, interests, resources, and reasoning patterns. The key is to have each side make their interests explicit so that the two sides can compare their respective interests instead of their respective positions. The approach requires that the parties attempt to be explicit about their interests and needs, not hiding behind demands (Fisher, and Ury, 1981).

Fisher and Ury (1981) stress that in order to resolve conflict, the fundamental

underlying interests, vision, and objectives of the parties must be addressed and that parties accept an agreement when their interests are met. Until all parties involved in a dispute have presented a clear picture of their interests it is impossible to collaborate on integrative solutions. In this respect, interests are specific needs or conditions that a party considers to be important to reach a satisfactory agreement. Parties need to understand and acknowledge interests in order to resolve conflicts. In determining interests participants will be better prepared to meet them, keep communication on a constructive path and challenged to come up with solutions that meet their interests. Bardwell (1987) has noted that people tend to find that they have many shared or at least non-competitive interests that were obscured by positional stances. Thinking about the problem in terms of satisfying those interests changes its definition.

5.2.3 Invent Options for Mutual Gain

After defining their interests, the parties have a basis for recognizing which options will address their needs, what they need in an agreement, and what is necessary to create an all gain outcome.

Options are proposals and choices for solving the problem. In principled negotiation they are an important part of creating all gain outcomes. Fisher and Ury (1981) note that there are four obstacles to inventing an abundance of options; premature judgement, searching for a single answer, assumption of a fixed pie, and thinking that solving their problem is their problem. Therefore, Fisher and Ury feel that to create options you need to separate the act of inventing options from the act of judging, broaden the options on the table rather than look for a single answer, search for mutual gains, and invent ways

to make their decisions easy.

The key to wise decision-making lies in selecting from a great number and variety of options. Options do not bind anyone to a certain direction. However, parties may be afraid to suggest options responsive to the concerns of others out of fear that such suggestions will be seen as concessions or signs of weakness (Forestry Plan Canada, 1992). In this respect, it is essential that options be created without commitment.

Once options are identified, the parties need to work to identify and invent ideas that meet shared interests and create mutual gains. This approach represents a paradigm shift from competitive and positional negotiation to a collaborative, cooperative, problem-solving approach and movement beyond the idea of a fixed pie. Stressing shared interests can make the negotiation smoother and more amicable (Fisher and Ury, 1981).

5.2.4 Insist on Using Objective Criteria

Principled negotiation gets its name from its reliance on principles (Wood, 1989). In principled negotiation, the focus is to negotiate on some basis independent of the will of either side. In this respect, the idea is to use objective criteria that are legitimate, fair and practical for all. A solution will therefore be based on principles and not on pressure. Fisher and Ury (1981) have also noted that the more you bring standards of fairness, efficiency, or scientific merit to bear on a problem, the more likely you are to produce an agreement that is wise and fair. Although this seems to counter the rationale of Transactive Planning, the participants personal knowledge has been incorporated into the process through their interests. In this respect, objective criteria is used as basis to address those interests.

Criteria can be general or specific and are used to measure and evaluate the appropriateness and acceptability of the options. The criteria need to be developed and agreed to by all parties. Applying the criteria to each option helps to identify which options the group is ready to accept, which ones require further discussion, and which should be eliminated from further consideration. In this respect, the parties tend to use time more efficiently.

6.0 RESEARCH FINDINGS

This chapter presents the findings from data collected from the survey questionnaire and interviews. The findings are presented under the headings of Transactive Planning, Principled Negotiation, consensus decision-making, and multi-party advisory committees. Responses to the 41 statements about the key elements of Transactive Planning and Principled Negotiation are presented in table format. The indicators for Transactive Planning are also shown beside each statement and a mean score is provided for each statement. The purpose for calculating the mean score for each statement is to show relative strength of the response to the statement and to compare responses to statements. Comments to open-ended questions in the survey questionnaire and interview were analyzed verbatim and then themes in the responses identified. The purpose of the open-ended questions was to provide more detail to the data by inquiring about opinions and views on the use of Transactive Planning, Principled Negotiation, consensus decision-making, and multi-party advisory committees.

6.1 TRANSACTIVE PLANNING

Although not explicitly applied, the CVFMAC decision-making process did exhibit the characteristics of a Transactive Planning process:

- Consensus decision-making;
- Inclusion of citizens affected by a land use planning decision;
- Task-oriented work group;
- Face-to face interaction between parties;
- Interaction between citizens, business, planners, and scientists;
- Integration of personal knowledge and scientific/technical knowledge; and
- Occurrence of dialogue, mutual learning, and societal guidance.

The CVFMAC agreed that the elements of Transactive Planning did occur in the decision-making process and were effective for producing a consensus. Members of the CVFMAC were asked in the interview, "Does dialogue among stakeholders lead to mutual learning and then to a consensus of action? The CVFMAC members agreed that dialogue does lead to mutual learning and then to societal action (i.e. consensus of what action should be taken on the land-use issue). It was stated that the process does work. In particular, it was noted that understanding and learning enables people to identify what the issues and interests are, to develop solutions and mutual gains and to subsequently reach agreement. Each element is discussed below.

6.1.1 Dialogue

Dialogue is the interchange of ideas by open discussion. It is a form of person-centred communication, requiring face-to-face interaction between parties and is essential to Transactive Planning. Friedmann (1973) sees conflict being resolved at the interpersonal level through a mutual desire to enter into dialogue. Through this process of personal and verbal transactions scientific/technical knowledge can be fused with personal knowledge and both fused with action. The indicators of dialogue are; authenticity of the person, conflict acceptance, communication, shared interests and commitments, mutual obligation, and common time and space.

The results of the survey questionnaire pertaining to dialogue are shown in Table 6. The results of the survey questionnaire and interviews indicate that the members of the CVFMAC agreed that dialogue did occur in the decision-making process. All respondents to the survey questionnaire agreed that the dialogue indicators,

communication, and authenticity, were evident. Communication received the highest average score for any dialogue indicator. In this context, members of the CFVMAC agreed that interests were clearly conveyed and in an open manner. Members also agreed that mutual obligation occurred, although one person neither agreed nor disagreed. With respect to the indicators common time and space, integration of person and conflict acceptance, one person disagreed and one person neither agreed or disagreed with both indicators. One respondent disagreed and one respondent strongly disagreed that the indicator shared interests occurred in the process. Specifically, they disagreed with the statement "There has been an adequate representation of interests at meetings where comments were gathered and ideas shared". The issue of adequate representation was also raised by the members of the CVFMAC as a failure of the process because of the lack of involvement of natives and the preservation movement (e.g. WCWC and Sierra Club). There was native representation on the Committee, however the representative only attended 2 out of the 21 meetings. With respect to the preservation movement, WCWC and Sierra Club were invited to participate but refused. These points are elaborated on in section 7.2 (Discussion).

TABLE 6
SURVEY QUESTIONNAIRE RESPONSES TO STATEMENTS
ON DIALOGUE

Indicator		SA	A	N	D	SD	X
Communication	Members of the CVFMAC clearly conveyed their interests.	3	4	0	0	0	4.43
Authenticity	I feel my interests have been considered by the individuals on the CVFMAC.	1	6	0	0	0	4.14
Integration of Person	Comments in meetings were conveyed sincerely and in good faith.	3	2	1	1	0	4.28
Conflict Acceptance	All parties involved in the planning process have respected the differing viewpoints of others.	3	2	1	1	0	4.00
Shared Interests	There is a shared interest and commitment among all parties involved in the process to produce recommendations that will address the issues.	2	4	1	0	0	4.14
Communication	Comments by participants were conveyed in an open manner.	5	2	0	0	0	4.43
Shared Interests	There has been an adequate representation of interests at meetings where comments were gathered and ideas shared.	1	4	0	1	1	3.43
Common Time and Space	Adequate consideration was given in the recommendations to represent the views of interested citizens.	1	4	1	0	1	3.57
Mutual Obligation	The identification of mutual gains for the various stakeholders is important to reaching agreement.	1	5	1	0	0	4.00
Conflict Acceptance	Participants involved in the CVFMAC process have for the most part accepted the right of others to express opposing views.	3	4	0	0	0	4.23

SA = Strongly Agree (5), A = Agree (4), NA/D = Neither Agree nor Disagree (3),
D = Disagree (2), SD = Strongly Disagree (1), X = mean score

The importance of dialogue for resolving conflict was stressed by members of the CVFMAC. In this respect, they emphasized that dialogue is essential for understanding and learning about other people's point of view. Members also noted that to be effective dialogue needs to be structured, that two-way communications needs to occur, the process requires a facilitator, and people need a level of education and good communication skills, particularly the skill of listening. These findings are consistent with Friedmann's (1987) position that "dialogue requires interpersonal skills, such as the act of listening, the ability to trust others and make oneself vulnerable to them, a willingness to suspend rank and material power, and a responsiveness to other's needs" (p. 187).

6.1.2 Mutual Learning

Mutual learning is a product of dialogue. Through dialogue a new understanding of the possibilities for change is discovered. And in accordance with this new knowledge, parties are able to move towards a consensus of action. Mutual learning includes learning about both scientific/technical and personal aspects of an issue. The survey results pertaining to mutual learning are presented in Table 7.

Members of the CVFMAC agreed that mutual learning did occur in the decision-making process. No members disagreed or strongly disagreed with any statement on mutual learning. The CVFMAC expressed fairly strong agreement that their personal knowledge was used, that mutual learning about most aspects occurred and that knowledge gained from others has enabled people to be more effective. The importance of mutual learning in resolving natural resource conflicts was stressed by members of the Committee. They noted that participates in advisory committees need to

TABLE 7

**SURVEY QUESTIONNAIRE RESPONSES TO STATEMENTS
ON MUTUAL LEARNING**

Indicator		SA	A	N	D	SD	X
Knowledge Transfer	Knowledge gained about the members on the CVFMAC has better enabled me to be a more effective participant.	3	3	1	0	0	4.29
Mutual Learning	Mutual learning about most aspects of the process has occurred among members.	5	1	1	0	0	4.57
Personal Knowledge	My personal knowledge and input has been used in the process.	4	3	0	0	0	4.57

SA = Strongly Agree (5), A = Agree (4), N= Neither Agree nor Disagree (3),
D = Disagree (2), SD = Strongly Disagree (1), X = average score

learn about each other's interests, language, and philosophy. To be effective, the members of the CFVMAC also noted that mutual learning requires people to have a good education, good communication skills and that there is a need to integrate the scientific knowledge and views and knowledge of people affected by a land use plan.

In the decision-making process mutual learning enabled members to better understand each other and the issues. Mutual learning was identified as an essential element for creating mutual gains and benefits. In this context, members stated that;

"mutual learning enables one to move beyond differences",

"understanding does not equal agreement",

"learning enables people to identify issues and work to find areas of agreement",

"never reach consensus unless you understand the other side", and

"mutual learning increases understanding, reduces confrontation and leads to tolerance and goodwill".

6.1.3 Societal Guidance

Societal guidance is the process by which the incidence, rate, and direction of change in society are controlled (Friedmann, 1973). In Transactive Planning, societal guidance takes place through the task-oriented work group, in this case study the CVFMAC. In this respect, the Committee has power to initiate the incidence, rate, and direction of social change. Societal guidance integrates the processes of dialogue and mutual learning with an organized capacity and willingness to act (Friedmann, 1973). The results of the survey questionnaire pertaining to societal guidance are presented in Table 8.

TABLE 8

**SURVEY QUESTIONNAIRE RESPONSES TO STATEMENTS
ON SOCIETAL GUIDANCE**

Indicator		SA	A	N	D	SD	X
Responsive	The process was responsive to the special interests, needs and values of the members.	2	4	1	0	0	4.14
Innovative	The planning process has developed viable alternatives to problem situations.	0	5	2	0	0	3.85
Effective	The interests of the members of the CVFMAC have been effectively considered into the recommendations.	1	6	0	0	0	4.14
Legitimate	The planning process has inspired trust among the members of the advisory committee.	0	6	1	0	0	3.85
Autonomy	The committee was able to set its own objectives and pursue them effectively.	0	4	2	0	1	3.20

SA = Strongly Agree (5), A = Agree (4), NA/D = Neither Agree nor Disagree (3),
D = Disagree (2), SD = Strongly Disagree (1), X = average score

Members expressed agreement that societal guidance did occur in the CVFMAC process and that the societal guidance indicators, autonomous, responsive, innovative, legitimate, and effective were evident. One member disagreed with the statement pertaining to autonomy, "The committee was able to set its own objectives and pursue them effectively". This statement received the lowest average score for all statements. This can most likely be attributed to the fact that the CVFMAC had its mandate and objectives defined for it through legislation. This mandate dealt specifically with the harvesting of forest resources in the CVFMA. Within this mandate there was scope for the CVFMAC to set its own objectives. However, the CVFMAC could not deal with land use allocation (i.e. preservation or forest harvesting). Therefore, the ability of the CVFMAC to set its own objectives on the broad land use allocation issue was not available to the Committee.

The societal guidance indicator, "efficient", was addressed in a separate question in the survey questionnaire. There was disagreement that the process was efficient in terms of cost, both financial and timewise. Members expressed concern of the individual financial and time costs to participate in such a lengthy process where only out-of-pocket expenses are paid. Concern was also expressed about the length of time to deal with issues given that some members were volunteers and that they had to give up other activities to participate. This item is also addressed in section 7.2.3 (c).

6.2 PRINCIPLED NEGOTIATION

6.2.1 Principled versus Positional Negotiation

Members of the CVFMAC were asked in the survey questionnaire "How did you perceive the decision-making process of the CVFMAC?"

- The process was based on a contest of wills in which the side that took the more extreme position and held out the longer fared better; or
- The process was based on resolving the interests of the members on their objective merits; or
- If the above statements do not describe how you perceived the decision-making process please describe the process.

Five out of seven respondents stated that the process was a principled negotiation (i.e. based on resolving the interests of the members on their objective merits). One respondent noted that;

"After listing the various issues which we felt were important, we approved the list. Then we looked at the objective merits which were open to us within our mandate"

Two of the respondents did not describe the decision-making process as principled or positional. One of these respondents stated;

"On the average, I would tend to check the second box. There were some situations however, where a member did hang on to a position and probably did fare better because of it. In stating this though, I would qualify by saying that the situations usually occurred where the member made certain that his position on problem was understood. The resolution ultimately was more objective".

The other respondent stated;

"A combination of the two - a lot of posturing (sincere, but not a complete statement of acceptable alternatives) followed by chipping away on positions until people got tired of arguing".

No respondent stated that the decision-making process was a contest of wills in

which the side that took the more extreme position and held out the longer fared better. Therefore, the decision-making process of the CVFMAC was a principled negotiation.

6.2.2 Key Elements

(a) Separate the People From the Problem

The first task in a principled negotiation is to work on people problems. Prior to addressing substantive issues people issues need to be disentangled from the substantive issues. The key aspects are to build a working relationship, develop the process as a side-by-side activity in search for a fair agreement advantageous to each other, and to deal with each other as humans. The responses to statements about this element in the survey questionnaire are outlined in Table 9.

In general, respondents to the survey questionnaire agreed that separating people issues from the problem is essential for reaching agreement. Two people strongly agreed, 3 agreed, 1 neither agreed or disagreed and 1 strongly disagreed with the statement "separating people issues from the problem is essential for reaching agreement". Respondents expressed agreement that in attempting to resolve natural resource disputes through multi - party participation the negotiation should be structured as a side-by-side activity in which the parties, with their differing interests and perceptions, and emotional involvement, jointly face a common task. Respondents also expressed agreement that maintaining on-going relationships was important in the context of natural resource dispute negotiation.

When interviewed, members stressed the importance of separating people issues from the problem. Members stated that people issues needed to be addressed prior to any

TABLE 9

**SURVEY QUESTIONNAIRE RESPONSES TO STATEMENTS
ON SEPARATE THE PEOPLE FROM THE PROBLEM**

	SA	A	N	D	SD	X
I have a sense of accomplishment and satisfaction from participating on the CVFMAC.	3	2	2	0	0	4.14
I considered myself an equal partner in the process.	4	3	0	0	0	4.57
Separating people issues from the problem is essential for reaching agreement.	2	3	1	0	1	3.71
In attempting to resolve natural resource disputes through multi-party participation the negotiation should be structured as a side-by-side activity in which the parties - with their differing interests and perceptions , and emotional involvement - jointly face a common task.	2	4	1	0	0	4.14
In the context of natural resource dispute negotiation the maintenance of on-going relationships is an important aspect.	3	3	1	0	0	4.28

Strongly Agree = SA (5) , A = Agree (4), NA/D = Neither Agree nor Disagree, (3)
D = Disagree (2), SD = Strongly Disagree (1), X = average score

discussion about the particular natural resource management issues. It was noted that people come with baggage (e.g. power, image) and that people do not want to be perceived as weak. It was also noted that it is important that an atmosphere of trust and for learning and understanding be created at the beginning of a multi - party negotiation.

Members stated that people have to get to know each other, understand where others are coming from and develop personal trust by sharing experiences. Members agreed that the process did inspire trust among members (see section 7.1.3). Two members also stressed that there is a human context to all disputes and it is important to emphasize the human aspect not just the abstract position. It was underscored that people issues need to be built into the equation and people's lives have to be considered. As Fisher and Ury (1981) note "you need to deal with people as human beings; their emotions, deeply held values, different backgrounds, viewpoints and basic needs" (p.6). The strong disagreement expressed by one member with the statement "separating people issues from the problem is essential for reaching agreement" was expressed during an interview and refers to the need to integrate the people issues into the negotiation equation.

In summary, the need to separate the people from the problem was agreed to by the 7 of 8 of the CVFMAC members. Further, this element of principled negotiation did occur in the CVFMAC decision-making process.

(b) Focus Interests Not Positions

The object of principled negotiation is to satisfy people's underlying interests. Interests are the reasons behind positions. The focus on interests is also required for the

stage; creating options for mutual gain. The survey results to statements on this element are presented in Table 10.

Overall, there was agreement that it is important to focus on underlying interests rather than people's stated positions in resolving natural resource conflicts. With respect to this statement, 2 people strongly agreed, 3 agreed, 1 neither agreed or disagreed and 1 disagreed. Respondents also generally agreed that the wisest solutions are produced by strongly advocating interests in a proactive manner.

In the interviews, members consistently expressed that it is important to deal with underlying interests not positions. Members stated that;

"positions don't get you anywhere",

"the CVFMAC would not have gotten anywhere without moving off positions", and

" positions were set aside to accommodate interests".

In this respect, two members noted that participants in multi-party natural resource conflicts should not compromise their interests. These members stated that there should be no compromise and that rather people should try to accommodate other's interests when trying to reach agreement. It was noted that you do not want to get into a situation where people say "you owe me one" or "I don't want to pay you back".

TABLE 10

**SURVEY QUESTIONNAIRE RESPONSES TO STATEMENTS
ON FOCUS ON INTERESTS NOT POSITIONS**

	SA	A	N	D	SD	X
The decision-making process produced an agreement which met the interests of all sides.	1	5	0	1	0	3.86
The decision-making process produced an agreement which resolved conflicting interests fairly.	2	4	0	1	0	4.00
In order to reach agreement it is necessary to satisfy participants underlying interests and not people's stated positions.	2	3	1	1	0	3.80
The decision-making process provided opportunities for equal participation in resolving conflicting interests.	2	4	0	1	0	4.00
My interests were acknowledged as part of the issues and were incorporated into the process.	1	5	1	0	0	4.00
Often the wisest solutions, those that produce the maximum gain for you at the minimum cost to the other side, are produced only by strongly advocating your interests.	2	3	1	1	0	3.85
You will satisfy your interests better if you talk about where you would like to go rather than about where you have been.	1	6	0	0	0	4.10
The decision making process of the CVFMAC was responsive to the interests of the CVFMAC members.	3	4	0	0	0	4.44

SA = Strongly Agree (5), A = Agree (4), NA/D = Neither Agree nor Disagree (3),
D = Disagree (2), SD = Strongly Disagree (1), X = average score

With respect to the CVFMAC decision-making process and interests, respondents agreed that the process;

- produced an agreement which met the interests of all sides,
- produced an agreement which resolved conflicting interests fairly, and
- provided opportunities for equal participation in resolving conflicting interests.

The respondents to the survey questionnaire agreed that their interests were acknowledged as part of the issues and were incorporated into the process. Of all the questions in the survey questionnaire about interests, respondents expressed strongest agreement with the statement "the decision-making process of the CVFMAC was responsive to the interests of the CVFMAC members".

The element of principled negotiation, focus on interests not positions, did occur in the CVFMAC decision-making process. The importance of focusing on interests not positions for resolving natural resource conflicts was agreed to by the CVFMAC. The members also agreed the agreement was produced based on their interests and not stated positions.

(c) Invent Options for Mutual Gain

Before trying to reach agreement Fisher and Ury (1981) recommend inventing opinions for mutual gain. These options are developed to advance shared interests and creatively reconcile differing interests. The process stresses working to help solve the other parties problems, moving beyond a fixed pie, separating inventing from deciding and looking through the eyes of different experts. The survey results for statements pertaining to the element invent options for mutual gain are shown in Table 11.

TABLE 11

**SURVEY QUESTIONNAIRE RESPONSES TO STATEMENTS
ON INVENT OPTIONS FOR MUTUAL GAIN**

	SA	A	N	D	SD	X
The CVFMAC was able to think up a wide range of possible solutions that advance shared interests and creatively reconciled differing interests.	1	5	1	0	0	4.00
The key to wise decision-making in multi-stakeholder negotiation lies in The selection of carefully researched options.	1	6	0	0	0	4.14
Examining issues from the perspective of different professions and disciplines is important for generating viable solutions.	2	4	1	0	0	4.29
Identification of shared interests is important for development of mutual gains and an agreement.	2	5	0	0	0	4.00

SA = Strongly Agree (5), A = Agree (4), N = Neither Agree nor Disagree (3),
D = Disagree (2), SD = Strongly Disagree (1), X= average score

Respondents to the survey questionnaire agreed with the concept that the identification of mutual gains for the stakeholders is important for reaching agreement. Respondents also agreed that the key to wise decision-making in multi-party negotiation lies in the selection of carefully researched options. With respect to the actions of the CVFMAC, respondents agreed that "The CVFMAC was able to think up a wide range of possible solutions that advance shared interests and creatively reconciled differing interests". The members also agreed that it is important to examine issues from the perspective of different professions and disciplines to generate viable solutions.

Members noted in interviews the importance of finding mutual gains in order to resolve conflicts. Members stressed that it is important to help others in the process, to be empathetic, see others as human beings with real concerns, and to try to be responsible for the other person. Members further stated that parties need to build in their own needs as well as others into agreements. One member noted "you need to identify others needs to determine what you will settle for".

Members stressed the importance of understanding the interests of others in order to find solutions and mutual gains. Respondents to the questionnaire expressed agreement with the statement "Identification of shared interests is important for development of mutual gains and an agreement". One member noted that "by focusing on interests the group can match interests to identify areas of mutual gains". In this respect, the focus on interests not positions is essential for moving the process to a stage where options can be created for mutual gain.

In summary, the element, invent options for mutual gain, did occur in the

CVFMAC decision-making process. Further, members agreed that this element is important for resolving natural resource conflicts.

(d) Insist on Using Objective Criteria

The final component of principled negotiation is to insist on using objective criteria that are agreed to by the parties for decision-making and reaching agreement. This element is particularly crucial where interests are directly opposed. The agreement must reflect some fair standard, independent of the will of each side. In this respect, the parties do not need to give in, but can defer to a fair solution based on objective criteria (Fisher and Ury, 1981). The survey results pertaining to this element are shown in Table 12.

Respondents to the survey questionnaire agreed that;

- using objective criteria and standards of fairness are important to reaching agreement,
- using objective criteria, people tend to use time more efficiently, and
- combining an openness to reason with insistence on a solution based on objective criteria is essential for resolving natural resource conflicts.

With respect to the CVFMAC decision-making process, respondents to the survey questionnaire, agreed that;

- objective criteria used by the CVFMAC were seen as being legitimate and practical,
- fair procedures were used to resolve conflicting interests, and
- fair standards were used to address substantial questions.

In summary the element of principled negotiation, insist on using objective criteria, did occur in the CVFMAC decision-making process and was seen as important in reaching an agreement.

TABLE 12

**SURVEY QUESTIONNAIRE RESPONSES TO STATEMENTS
ON INSIST ON USING OBJECTIVE CRITERIA**

	SA	A	N	D	SD	X
The more you bring standards of fairness, efficiency, or scientific merit to bear on a particular problem, the more likely you are to produce a final agreement that is wise and fair and meets the interests of both sides.	1	5	0	1	0	3.86
By using objective criteria, people tend to use time more efficiently by talking about possible standards and solutions.	1	5	1	0	0	4.00
Objective criteria used by the CVFMAC were legitimate and practical.	0	6	1	0	0	3.57
Fair procedures were used to resolve conflicting interests.	1	5	1	0	0	4.00
Fair standards were used to address substantial questions.	1	6	0	0	0	4.14
The combination of openness to reason with insistence on a solution based on objective criteria is essential for resolving natural resource disputes.	2	4	1	0	0	4.14

SA = Strongly Agree (5), A = Agree (4), N = Neither Agree nor Disagree (3),
D = Disagree (2), SD = Strongly Disagree (1), X = average score

6.2.3 Good Agreement

Agreements reached in multi-party negotiations are considered to be good if they are;

- fair (sense of justice),
- wise (meet the legitimate interests of each side, resolves conflicting interests fairly, and takes community interest into account),
- efficient in terms of cost and time,
- improves or at least do not damage relationships between parties, and
- stable (will be honoured and hold up over time) (Fisher and Ury, 1981; Hoffman, 1990; Susskind and Cruikshank, 1987).

No single measure should be sought at the expense of the other. A level of success on all five criteria is necessary to achieve a good agreement (Hoffman, 1990). Members of the CVFMAC were asked in the questionnaire "Do think the agreement reached by the CVFMAC is a good one? The question was structured based on the five criteria for a good agreement.

Members of the CVFMAC stated that they considered the agreement reached was good from the perspective of being fair and wise, improving or at least not damaging relationships, and stable. However, more members felt that the agreement was not good based on being efficient in terms of cost and time. Based on Hoffman's measure for a good agreement the agreement reached by the CVFMAC was not good.

(a) Fair (sense of justice)

What constitutes fairness is itself a subjective measure. Susskind and Cruikshank (1987) note that "what counts most in evaluating the fairness of a negotiated outcome are the perceptions of the participants" (p.21). Hoffman (1990) states that justice is measured by "the parties gut level sense of justice". All respondents to the survey questionnaire

stated that yes they thought the agreement was fair (i.e. sense of justice). The members provided the following comments:

" It addresses all identified issues - both from within the committee and from without (e.g. public involvement)";

"All sides heard - all sides considered ... but because some organizations were unwilling to accept the terms of reference the view will differ from outside of the committee".

"This agreement allows for harvesting to proceed once studies have been assessed and takes into account concern for the ecosystem, wildlife, communities and companies"; and

"Given terms of reference".

(b) Wise

Wise agreements are those which meet the legitimate interests of each side, resolve conflicting interests fairly, and take community interest into account. All respondents to the survey questionnaire stated that the agreement met the legitimate interests of each side and resolved conflicting interests fairly. Five stated yes and 2 no that the agreement took the community interests into account.

With respect to agreement being wise members stated:

"There still needs to be a broader evaluation of Vancouver Island/the province/physical regions/etc. to determine a master-long range plan. It is not realistic or just to cram all the "parks" into Port Alberni's economic land base just because it is the last remaining of whatever. Long range plans should consider, for instance, areas of the east coast of Vancouver Island which could be re-established to natural states over a period of a century or two"; and

"Length of process and involvement of the public at various points kept the focus".

(c) Efficient in Terms of Cost and Time

The agreement reached by the CVFMAC was not considered good based on being efficient in terms of cost and time. With respect to cost, 2 of the respondents answered yes, 3 answered no, 1 put a question mark, and one member did not answer the question. For time, 1 person answered yes, 4 answered no, 1 person answered yes and no, and one member did not answer. This question generated much written comment.

"Cost. In this particular instance, committee members are paid only out-of-pocket expenses, nevertheless government advisors are being paid and they, the chair of the committee and miscellaneous office costs comprise the bulk of the funding. Only government can, if it so desires, calculate the total dollar cost as opposed to other methods".

"Time. The time line required for negotiated decisions always takes longer than decisions made dictatorially. Time and vigilance are the price of democracy".

"This was not too costly as compared what C.O.R.E. will cost. Timewise it could have been in place and implemented a long time ago if there was a commitment".

"More for the public and government as only cost of this committee was substance. No payment to individuals - problem re: time available and different professions etc.".

"I believe that professionals could produce the same results in the same type of a report in a fraction of the time. The perceived credibility however, that is gained through the committee process would be lacking"

"The process is very time consuming and inefficient if used to solve all disputes".

(d) Improves Relationships

All respondents to the survey questionnaire stated that they felt that the process improved or at least did not damage relationships between parties. Members stated that;

"In spite of differing philosophical and social positions, I would consider all of the committee to be friends";

"The frequent contact helped to develop relationships".

(e) Stable

Overall members of the CVFMAC felt that the agreement would be stable (i.e. will be honoured and hold up over time). Five of the respondents to the survey questionnaire answered yes and 2 answered no. One person who answered no also put the word unlikely beside no. The following comments were provided by the members:

"It had better hold up";

"I am uncertain of this. There is still the possibility of sudden government decision re: including all Carmanah into park status";

"I believe this will be an excellent agreement and prove over time that consensus agreements can be reached and they do work. Monitoring and improvements will enhance agreement";

"While the terms of reference (i.e. approval for harvest) in the Upper Carmanah Valley will be debated, I believe that the committee and its process will be viewed with respect and that their recommendation will be honoured"; and

"The initial make-up of the committee (which did not directly involve anti-logging groups) will continue to invalidate the consensus reached. Lack of co-operation on the part of the anti-logging groups and failure of these organizations to participate (even though requested on more than one occasion) will tarnish the final report of the Committee".

The stability of the agreement will be determined as the CVFMAC moves into the LRUP phase and subsequently into the implementation phase of the process.

6.3 CONSENSUS DECISION-MAKING

6.3.1 How it Shaped the CVFMAC Process and Product

In the report, "Forest Management in the Upper Carmanah Valley: Recommendations of the Public Advisory Committee, July 1992", it states that "consensus was the basis for the decision-making process that shaped both the process

and the product of the Committee" (p.xxvi). The minutes of the CVFMAC meeting of April 19-20, 1991 also state that "A definition of consensus was to find common ground to which everyone can agree. If this cannot be done then the various opinions would be documented and those choices given to the Minister".

Members of the CVFMAC were asked in an interview to comment on this statement. Three main points were identified of how consensus shaped the process and product.

(i) Members stated that the use of consensus as the decision-making model was agreed to prior to any discussion about the issues. This helped set the tone for the work of the CVFMAC and everyone then knew the goal was to reach consensus. One member noted that it was understood that there would no final product before everyone reached a level of satisfaction or relative comfort with recommendations.

(ii) Members felt that because they were given a clear mandate through legislation to make recommendations about the future of the CVFMA they had pressure to reach consensus otherwise they would have no influence over decisions and the decision would be made by someone else at the political, administrative or judicial level. As one member stated, **"the opportunity given to the CVFMAC to make recommendations shaped consensus"**.

(iii) Members noted that consensus shaped the process and the product by forcing members to deal with interests and not positions.

Members also noted that through the process they were able to visualize different solutions which helped produce a final agreement. It was also stressed that the process would not have worked with parliamentary procedures.

6.3.2 Successes and Failures of the Decision-Making CVFMAC Process

The members of the CVFMAC were asked in the survey questionnaire, "What do you feel have been the overall successes or failures of the decision-making process of the CVFMAC?" Seven out of eight members responded to this question.

(a) Successes

The successes can be grouped into three areas.

(i) Cooperation and Team Work.

This was the most often mentioned success of the process. Members stated that they felt there was support and respect for each other's views, opinions, and concerns. It was also stated that the committee was able to move from positions to issues, listen and learn from each other and that there was a willingness to compromise.

(ii) That a consensus report was prepared and presented to the Minister of Forests.

In this respect, the members stated that the process was a success because consensus was reached on all issues, that changes were made as a result of input from public meetings, and that the report provided excellent guidelines for forest management.

(iii) Use of a rational decision-making process using the best and latest information available.

Members noted that there was intensive investigation, thorough examination using site-specific data, insistence that scientific studies be completed, and objective

assessment.

(b) Failures

There were no common themes identified by members of the CVFMAC as failures.

Ten separate points were raised;

- lack of consistent involvement of native Indian representation,
- lack of involvement of anti-logging movement,
- lack of information on various aspects of study,
- lack of commitment from government to fund studies considered essential in LRUP stage of the process,
- lack of direct contact with Minister of Forests,
- final report did not reflect the degree and nature of public interest in the final report,
- inability of committee to form its own objectives (mandate) and scope,
- compromises often short-sighted,
- inaction of government on recommendations, and
- length of time to initiate things.

One member also stated that;

"it would be unfair to list any failures at this point. A failure, in my mind, would be an action by government which totally ignored a recommendation of the committee. This has not happened".

6.3.3 Strengths and Weaknesses of Consensus Decision-Making

Members of the CVFMAC were asked in the survey questionnaire "From your experiences on the CVFMAC what are the strengths and weaknesses of consensus decision-making in the context of resolving natural resource conflicts in British Columbia?" Seven out of eight members responded to this question.

(a) Strengths

There were no common themes in the responses about strengths. The identified strengths of consensus decision-making in the context of resolving natural resource conflicts in British Columbia were;

- forces an examination of issues,
- enables conflict to be resolved and change attitudes,
- creates a credible process by placing the responsibility for planning in the hands of a cross-section of citizens,
- takes planning out of the political arena,
- engenders discussion, respect, fairness,
- facilitates ability to approach problems and different positions, providing the capability to consider a variety of options (options that could be additional to those developed by professional and academics),
- facilitates ability to look at a large mass of information that would be too much for one individual,
- empowers members of public advisory committees not to be victimized by academic tyranny or political blackmail as are those whose careers may depend upon proposed reactions/solutions to wicked problems",
- promotes stability and continuity for planning even though changing governments, and
- facilitates ability of advisory committees to access information that may not be available to the public.

One member also noted;

"when the committee consists of people who are part of the community surrounding the issue(s) and/or dependent to any degree upon the resource(s), the committee is (from my observations) more willing to look for workable answers to the problems that those who are not dependent upon and/or close to the situation".

(b) Weaknesses

The most often mentioned weaknesses of consensus decision-making as a means for resolving natural resource conflicts in British Columbia dealt with the amount of time that members have to give to the process. In this respect, members stated that the process was time consuming, presented economic difficulties for some members, and because of the amount of time required it may be difficult to get credible people with sufficient time to become involved in these types of processes. Other weaknesses stated by the members of the CVFMAC were;

- ultimate decision is political,
- people still arguing to divide the pie rather than sitting down to do what is best in long run,
- process is "only as good as the ethics, the honesty, the courage, and the openness of the people involved",
- provision of information "could be biased or incomplete creating an environment for less than adequate decisions",
- changes to the membership of a committee could upset working of the group, and
- "choice and acceptability of the Chair must be carefully undertaken and acceptable to all members and their constituents (Properly done, this is a strength)".

6.3.4 Effective Methods for Producing Consensus

Members of the CVFMAC were asked in the questionnaire "Please identify three methods used by the CVFMAC that were effective in producing a consensus? Two points were raised most often.

- (i) Focus on interests of the parties and not their positions. This included a clear description of the vision, interest, and constituency of the members.
- (ii) Educating the parties on the issues.

Other methods identified that were effective for producing a consensus are;

- take a break from an unresolved issue and moving to another issue where it was possible to gain acceptance,
- define a deadline,
- let someone else would make the decision if no consensus reached,
- focus on objectives,
- identify areas of mutual benefits and then moving to more difficult conflicts,
- select a skilful chair that could deal with touchy issues one on one, and
- prohibit personalities to over shadow the issues. No one presupposed the position another might take. No one was quoted by another committee member nor do we say anything which might embarrass another member especially publicly or with their constituency".

6.3.5 Resolving Differences in Basic Values or World Views

Members were asked in an interview " How do you get people to reach agreement in resolving natural resource conflicts when their basic values or world views differ?"

Members of the CVFMAC expressed the view that people can reach agreement in resolving natural resource conflicts where basic values or world views differ. Members primarily identified three ways to get people to reach agreement.

(i) People first need to seek to understand the interests of the other participants, philosophy, and language. In this context, there must a process of education and mutual learning. People must also listen to the views of others. As one member noted that "others may benefit from your point of view".

(ii) People need to go beyond positions, deal with interests and try to accommodate the other sides interests.

(iii) All stakeholders need to work together to find solutions. This includes local and regional representatives. Members also stated that the C.O.R.E. process should be used.

One member noted that this issue is best understood from the perspective of Aesop's fable of the goose and the golden egg. As this person noted "nobody wants to kill the goose (environment) that laid the golden egg (economic use of natural resources) because there would be no more eggs". In this context, people must recognize the need to preserve natural resources and protect the environment while at the same time providing for a sound economic base. If you adopt a pattern of natural resource management that focuses on golden eggs (e.g. harvesting old growth forests) and neglect the goose (the environment), you will soon be without the asset that produces golden eggs.

6.3.6 Resolving an Impasse

Members of the CVFMAC were asked in an interview, "How can an impasse within the consensus building group be resolved". Four ways were identified.

- (i) The parties need to focus on the overall objective, discuss their interests, understand others interests, use the knowledge available, and use objective criteria.
- (ii) Build on areas of agreement and mutual successes.
- (iii) Postpone or set aside decisions and give people time to think of the issues.
- (iv) Let someone else decide. In essence, giving the power to the political, administrative or judicial level.

It was also noted that an impasse should not be considered a failure and that any decisions made up to the impasse can be used for decision-making. In fact, the impasse may help to clarify the issues and provide a means for resolving them.

6.4 MULTI-PARTY ADVISORY COMMITTEES

6.4.1 Effectiveness of Multi-Party Advisory Committees

Members of the CVFMAC were asked in the survey questionnaire, "Based on your experiences on the CVFMAC is the use of multi-party stakeholder advisory committees to government an effective method for resolving natural resource management conflicts in British Columbia?".

There was strong support among members of the CVFMAC that the use of multi-party stakeholder advisory committees to government are an effective method for resolving natural resource management conflicts in British Columbia. Five out of the

seven respondents answered yes, one person answered yes and no, and one person did not answer. The members stated the use of advisory committees are an effective method for resolving natural resource management conflicts in British Columbia for the following reasons;

- forces committee members to focus on interests rather than positions,
- provides a non-political forum for analysing the conflicts and advising government of alternatives and the consequences,
- facilitates ability to identify innovative land use planning and management solutions,
- provides some stability with changes to government, and
- provides an opportunity for those people near to the issues to help to achieve consensus and negotiate solutions to problems.

One member noted;

"It appeared that the further, physically, people were from the conflict the less willing they were to look for consensus or negotiated solutions to problems, nor did they seem to have a sense of feeling for all the players in the action".

This support was, however, subject to a number of items that the members of the CVFMAC felt were necessary for advisory groups to be effective in resolving natural resource management conflicts in British Columbia. The items stated by the members are;

- clear objectives and mandate with government support,
- time limit,
- commitment of participants,
- inclusion of all stakeholders, and
- focus on small area.

6.4.2 Limitations of Multi-Party Advisory Committees

Members of the CVFMAC were asked in the survey questionnaire, "Are there any limitations to the use of multi-party advisory committees to government for resolving natural resource management conflicts?" Six out of seven respondents answered yes and

one answered no. No common themes were presented. The limitations noted are:

- exclusion of key stakeholders;
- advice is non-binding; and
- time consuming and costly.

These points are discussed in section 7.2.

7.0 SUMMARY, DISCUSSION AND CONCLUSIONS

7.1 Summary

In 1990, the CVFMAC was established through Bill 28- 1990 *Carmanah Pacific Park Act*. The CVFMAC was established to provide an opportunity for parties whose interests would be affected by harvesting of forest resources in the CVFMA to work together to prepare recommendations for the Minister of Forests about management and harvesting of forest resources in the CVFMA for the purpose of ensuring the protection and preservation of the forest and all other natural resources in Carmanah Pacific Park. The members on the CVFMAC represent a cross section of the interests and viewpoints concerning how B.C.'s forest should be managed (CVFMAC, 1992). The CVFMAC operated in a consensus decision-making model, as a standing committee, and in an advisory capacity to the Minister of Forests. The legal decision-making authority about the management and harvesting of forest resources in the CVFMA still rests with the Minister of Forests.

The CVFMAC submitted their report, Forest Management in the Upper Carmanah Valley: Recommendations of the Public Advisory Committee, to the Minister of Forests in July 1992. This point provides a milestone in the process and provided an appropriate opportunity to examine the decision-making process through a hindsight review. The reader should also be aware that as of June 1993 the Minister of Forests has not acted on any of the recommendations of the CVFMAC.

Transactive Planning and Principled Negotiation are two approaches used for natural resource planning and management conflict resolution. Both approaches have

common characteristics and combined together provide for a comprehensive examination of natural resource conflict resolution. The purpose of this thesis was **to examine the elements of Transactive Planning and Principled Negotiation theory in a real world situation and to assess their effectiveness for resolving natural resource planning and management conflicts**. Four objectives were defined:

- **to examine the effectiveness of the elements of Transactive Planning and Principled Negotiation theory in the context of the CVFMAC reaching agreement;**
- **to examine for the occurrence of the key elements of Transactive Planning (dialogue, mutual learning, societal action) in the planning process;**
- **to examine for the occurrence of the key elements of Principled Negotiation theory in the planning process; and**
- **to provide a case study reference to assist individuals, organizations and agencies in utilizing advisory groups to resolve natural resource conflicts.**

Therefore, this research has examined the effectiveness of Transactive Planning and Principled Negotiation from the perspective of those people who comprised the CVFMAC. Although Transactive Planning and Principled were not explicitly applied in the CVFMAC decision-making process, characteristics of the two approaches were evident:

- Consensus decision-making;
- Inclusion of citizens affected by the land use planning decision;
- Task-oriented work group;
- Face-to face interaction between parties;
- Interaction between citizens, business, planners, and scientists;
- Integration of personal and scientific/technical knowledge; and
- Dialogue, mutual learning, and social action.

The research also addressed other aspects of ACR from the perspective of the CVFMAC:

- strengths and weaknesses of consensus decision-making process;
- successes and failures of the decision-making process;
- effective methods for producing a consensus;
- ways to resolve differences in basic values and world views;
- effectiveness of multi-party advisory committees for resolving natural resource management conflicts; and
- limitations of multi-party advisory committees for resolving natural resource management conflicts.

The agreement reached by the CVFMAC was considered to be good from the perspective of being fair, wise, improving or at least not damaging relationships, and stable. The agreement was not considered good based on being efficient in terms of time and cost. In this respect, most members felt the process was time consuming. Members of the CVFMAC also expressed a sense of accomplishment and satisfaction from participating on the CVFMAC and all respondents to the survey questionnaire considered themselves an equal partner in the process (see Table 9). The statement in the survey questionnaire "I considered myself an equal partner in the process" received along with two other statements the highest average score. From the perspective of the CVFMAC, the elements of Transactive Planning were effective for reaching consensus. Members of the CVFMAC indicated that the key elements of Transactive Planning did occur in the process and that dialogue led to mutual learning which led to societal action (i.e. consensus).

The decision-making process of the CVFMAC was considered to be a Principled Negotiation (i.e. the process was based on resolving the interests of the members on their objective merits). Five out of seven respondents to the survey questionnaire stated that

the decision-making process was a principled negotiation. The members of the CVFMAC indicated that Principled Negotiation was an effective approach for resolving natural resource management conflicts. Members indicated that the elements of Principled Negotiation occurred in the process and were effective for resolving natural resource management conflicts. The elements are;

- separate the people from the problem,
- focus on interests not positions,
- invent options for mutual gain, and
- insist on using objective criteria.

A consistent theme throughout the research was that to be effective the conflict resolution process must focus on addressing the interests of the parties and not their positions. Members of the CVFMAC noted that the identification of interests was essential for identifying mutual benefits and subsequently for reaching agreement. In this respect, members of the Committee also stated that inventing options for mutual gain did occur in the process and was effective for reaching an agreement. Finally, members agreed that insisting on using objective criteria for decision-making is essential for reaching agreement and that this element did occur in the CVFMAC process.

Consensus was the basis for the decision-making process and it shaped both the process and the product (CVFMAC, 1992). Members of the Committee noted that it shaped the process and product because the approach was agreed to by the CVFMAC prior to discussing issues, a clear mandate was provided by government, there was pressure to reach agreement otherwise someone else would decide, and it forced members to deal with interests rather than positions. The consensus decision-making process was considered to be successful because it encouraged cooperation and team

work, a consensus report was presented to the Minister of Forests, and a rational decision-making process using the best and latest information available was employed.

No common themes were identified as failures of the consensus process. The key points raised as failures were;

- lack of involvement of all parties affected,
- lack of information and commitment of government to fund studies,
- inability of committee to set its own objectives, and
- length of time to initiate actions.

With respect to strengths of consensus decision-making, no common themes were identified. The key points raised were;

- forces examination of issues,
- resolves conflict and changes attitude,
- creates a credible process by placing the responsibility for planning in the hands of a cross-section of citizens,
- takes planning out of the political arena,
- engenders discussion, respect, fairness,
- enables participants to approach problems and different positions and provides the capability to consider a variety of options, and
- provides stability and continuity for planning.

The primary weakness of consensus decision-making from the experiences of the CFVMAC was that the process was time consuming. Other weaknesses included that the ultimate decision is political, people still argue about dividing up the pie, that provision of information could be biased, and changes to membership could upset working of the group.

The most effective methods for producing consensus identified by the CVFMAC were to focus on the interests of the parties not their positions and to educate parties on the issues. Methods for resolving differences in world views or values included,

- getting people to understand other's interests, philosophy, and language,

- going beyond positions and dealing with interests, and
- getting parties to work together to find solutions.

The CVFMAC also noted that an impasse can be resolved by;

- getting parties to focus on the overall objective, discuss interests, understand the other sides' interests, and use objective criteria,
- building on areas of agreement and mutual successes,
- postponing or setting aside decisions to give people time to think, and
- letting someone else decide.

With respect to multi-party advisory committee, the CVFMAC felt that multi-party advisory committees to government were an effective method for resolving natural resource management conflicts in British Columbia. The members stated that multi-party advisory committees were effective because they;

- force committee members to focus on interests rather than positions,
- provide a non-political forum for analysing the conflicts and advising government of alternatives and the consequences,
- enhance the ability to identify innovative land use planning and management solutions, and
- provide some stability with changes to government.

The CVFMAC also felt that there are limitations to the use of multi-party advisory committees to government for resolving natural resource conflicts. The limitations are;

- exclusion of stakeholders,
- advice provided is not binding on government, and
- process is time consuming and costly.

7.2 DISCUSSION

Overall, Transactive Planning and Principled Negotiation were considered effective by the CVFMAC for reaching agreement. The percentage distribution of responses to the 41 statements in the questionnaire indicates agreement with the key elements of Transactive Planning and Principled Negotiation (see Figure 10). In this respect, the

reader should note that all statements were phased in a positive manner with regards to the key elements of Transactive Planning and Principled Negotiation.

FIGURE 10
PERCENTAGE DISTRIBUTION TO RESPONSE STATEMENTS IN
QUESTIONNAIRE

Strongly Agree	27.2%
Agree	58.8%
Neither Agree nor Disagree	9.4%
Disagree	3.2%
Strongly Disagree	1.4%
Total	<u>100.0%</u>

With respect to the response categories disagree and strongly disagree, there were a total of 13 responses and these were attributed to 12 statements. These responses are predominately attributed to statements about the elements dialogue (5 responses; 3 disagree and 2 strongly disagree) and focus on interests not positions (5 responses; 5 disagree). The element, insist on using objective criteria, received 1 disagree response, the element, societal guidance, received 1 strongly disagree response and the element, separate the people from the problem, received 1 strongly disagree response. Members of the CVFMAC did not express any disagreement or strong disagreement with statements about mutual learning and invent options for mutual gain. The only statement to receive a disagree (1 response) and strongly disagree response (1 response) was "There has been adequate representation of interests at meetings where comments were gathered and ideas shared".

Out of the 13 responses in the disagree and strongly disagree categories, 7 are attributed to one respondent. These responses are assigned to the elements dialogue (1 disagree and 2 strongly disagree) and focus on interests not positions (3 disagree). The

remaining response (strongly disagree) was attributed to the element societal guidance. The other 6 responses were equally split among 3 respondents. Three respondents did not express any disagreement or strong disagreement with the 41 statements.

Four key issues that were consistently identified by the CVFMAC as a weaknesses of the decision-making process and limitations of multi-party advisory committees warrant discussion; first, participation/representation; second, time/cost; third, non-binding nature of recommendations; and fourth, information/objective criteria.

7.2.1 Participation/Representation

The inclusion of all affected parties is essential for the successful resolution of natural resource management conflicts. The process must be open and inclusionary rather than exclusionary. Parties that must be at the table include those that have a legal claim, sufficient political clout to draw elected and appointed officials into the dispute, power to block implementation of an agreement and ample moral claim to generate public sympathy (Susskind and Cruikshank, 1987). In this context, the Forest Resources Commission (1991) noted that "an effective public involvement process will ensure that all values are considered in the planning and decision-making process. Participants, and other interested parties, will expect that involvement will result in some influence on the decision-making process as well as upon the final decision" (p. 113). Citizens' extensive knowledge and the legitimate expression of different interests and values must be woven into the decision-making process to truly serve the public interest (Tipple and Wellman, 1989). In this respect, a consensus-based process must include representation from all interest groups and organizations who believe they have a direct interest in, or are

affected by, the land-use decisions which may be made.

A failure of the CVFMAC process identified by the members of the CVFMAC was that there was a lack of involvement from natives and the anti-logging movement. As one member noted;

"The initial make-up of the Committee (which did not directly involve anti-logging groups) will continue to invalidate the consensus reached. Lack of co-operation on the part of the anti-logging groups and failure of these organizations to participate (even though requested on more than one occasion) will tarnish the final report of the Committee".

Susskind and Cruikshank (1987) echo this statement.

"The parties to a public dispute must agree that it is necessary to involve all legitimate stakeholding interests in whatever negotiations are planned. If they leave out a key group, even unintentionally, the credibility of the ad hoc consensus building may be irretrievably damaged" (p.103)

There was native representation on the Committee, however the representative only attended 2 out of the 21 meetings. The lack of native participation may be attributed to concern that participation could prejudice their land claim. This was not confirmed with the native representative on the CVFMAC. With respect to the conservation movement, both WCWC and the Sierra Club were invited to participate but refused because they opposed the allocation decision that permitted logging in the upper Carmanah Valley. Both groups wanted the entire valley protected.

The *Carmanah Pacific Park Act* limited the involvement on the Committee to 8. Past research (Ashor, 1985) and ACR practioners and theorists emphasis that ACR process must include all those parties that feel their interests could be affected by the outcome of the process and therefore, the number of parties should not be limited. Susskind and Cruikshank note "We argue not for political compromise, but for voluntary

agreements that offer the wisest, fairest, most efficient, and most stable outcomes possible. This requires that all stakeholders have a chance to participate directly in any dispute resolution effort" (p.13). If left out of the process parties may try to undermine any agreement through political and/or public lobbying.

Although it is important for all parties to be at the table to reach a stable and fair agreement the negotiation process has to offer a better-than-the best alternative to a negotiated agreement (BATNA). That is, each party has to believe that it can exceed its BATNA, or else it will not come to and stay at the table (Susskind and Cruikshank, 1987). From the perspective of the Sierra Club and WCWC they could not meet their interests (i.e. preservation of the entire valley) by participating in the process and therefore determined that their BATNA was not to participate and to use other methods to meet their interests.

As noted, Transactive Planning was not explicitly applied in the CVFMAC because representatives of government agencies (i.e. planners, managers, scientists) did not participate directly in the decision-making process nor did they have to sign the agreement. Government agencies do have interests and responsibilities that need to be represented in shared decision-making processes. In the context of the CVFMAC, B.C. Parks should have been directly involved and signatories to the agreement because of their interest and responsibility to protect and preserve the forest and other natural resources contained in Carmanah Pacific Park. Therefore, government agencies need to be directly involved in shared decision-making processes and be signatories to agreements. In the context of the CVFMAC, government representatives should have

been directly involved in the process and signatories to the agreement.

7.2.2 Time/Cost

ACR processes are time consuming. Time is required to define the problem, develop working relationships, design the process, learn about issues and interests, and negotiate an agreement (Susskind and Cruikshank, 1987; Carpenter and Kennedy, 1988; Dotson, et. al. 1989). Members of the CVFMAC identified that they considered the agreement reached not to be efficient because of the amount of time it took. The members also noted that the length of time to reach agreement was a limitation to the use of multi-party advisory committees to government for resolving natural resource conflicts.

The resolution of natural resource conflicts through a consensus decision-making model do take a lot of time. Parties must get to know one another, build trust, understand each other's interests as well as complicated technical/scientific information and work together to reach agreement. The amount of time required for people is a crucial issue. In CVFMAC case, a total of 21 meetings were held, most of which were on weekends. This schedule and time requirements takes people away from families and job requirements. However, as Susskind noted at the 1992 conference "Working Together: New Ways of Resolving Local Development Disputes", "My motto is go slow to go fast in all development disputes. Take the time; do it right; get all the parties there; make sure you have a legitimate agenda; do the joint factfinding. It may look like you've taken a huge amount of time, and you still haven't made a deal, but you skip all that, and try to go the traditional decide-announce-defend route, you'll spend all your time at the

other end in litigation or political battles. So, I say go slow." In this respect, participants must be advised that ACR process are demanding and of the time commitment required prior to getting involved.

The number of consensus-based processes currently underway in British Columbia at local, regional and provincial level can quickly burn people out. In this respect, ACR processes need to accommodate the special needs of individuals. The processes need to provide equal opportunity for people to participate, not only those who have the financial and time capability. In this context, the CVFMAC noted that the process was also financially costly. The cost of participation should be covered by government. This could include costs for expenses, lost wages, and gathering information.

With respect to the C.O.R.E. shared decision-making process in British Columbia the Commission has developed a policy to assist individuals or groups participating in C.O.R.E. planning processes. The Commission's objective is to lessen financial barriers to effective representation of all significantly and directly affected interests in the regional planning process (C.O.R.E. 1993). Assistance is provided based on need and corresponds to the phase of the process. As outlined by C.O.R.E. (1993) assistance will be provided for:

- ▶ Prior to convening table:
 - Meeting facilities
 - Administrative costs
 - Facilitators fees

- ▶ After convening the table: (for representatives at table)
 - Travel expenses up to BCGEU rates for representative attending shared decision-making process
 - Remuneration for forgone income up to \$175/day where individuals would experience hardships

7.2.3 Non-Binding Nature of Recommendations

The purpose of the CVFMAC was to provide advice to the Minister of Forests. However, the recommendations of the CVFMAC do not bind the Minister of Forests to accept or implement them. The CVFMAC noted that the advisory capacity can be a limitation of multi-party advisory committees. In particular, concern was expressed if government does not act on the recommendations. The CVFMAC operated in a quasi-shared decision-making model. Government consulted with those groups affected by the outcome of the future management of the CVFMA but the final decision still rests with the Minister of Forests. Within the levels of shared decision-making (see Figure 6, page 53) the CVFMAC falls into the middle level: government consults with representative groups and decides.

In reality the government cannot abrogate its statutory responsibilities for decision-making to a public advisory group. Ultimate decision-making power rests with political bodies (e.g. Cabinet, municipal councils). This fact must be made clear to all participants in any shared decision-making process. Further, if government implements actions that are counter to an advisory group reasons need to be provided to explain the actions. However, government can share decision-making power. Shared decision-making does not replace statutory decision-making but rather supplements it. In essence what the public, interest groups and business are demanding is the right to be directly involved in decisions that affect them and the assurance that decision-making authorities are accountable to these interests. In the 1990's, public participation is seen less as a one-way public relations exercise and more as a process that stresses community skill

building and the involvement of the public, interest groups and business in decision-making. Shared decision-making differs substantially from the traditional methods where the statutory decision makers by themselves make all the decisions. In the context of forest planning and management, the Forest Resources Commission (1991) notes that, "public participation is essential at the planning and management levels - not at the technical, or operational level - and is concentrated around the Land Use Planning process, the integrated management planning process, and the follow-up audits conducted to monitor performance" (p. 116). In this context, those parties who consider that their interests would be affected by the outcome of a planning exercise are at the same table with other interests and government. This process follows Susskind's model of consult, decide jointly, implement together. As defined by C.O.R.E., shared decision-making is a decision-making process "where, on a certain set of issues for a defined period of time, those with authority to make a decision and those who will be affected by that decision are empowered to jointly seek an outcome that accommodates rather than compromises the interests of all concerned. The responsibility of decision-making shifts for the time being to a negotiating team" (p. 37). This process should help to ensure that recommendations of multi-party committees do get implemented.

7.2.4 Information/Objective Criteria

Some members of the CVFMAC noted that one of the failures of the decision-making process was the lack of information available to them on various aspects of the study and the lack of commitment from government to fund studies considered essential in the LRUP stage of the process. An essential component of both Transactive Planning

and Principled negotiation is access to objective technical information and the integration of this information into the decision-making equation. Fisher and Ury (1981) note that negotiating on the basis of will has high costs, therefore, the solution is to negotiate on some basis independent of the will of either side - that is, on the basis of objective criteria. They also stress that "the more you bring standards of fairness, efficiency, or scientific merit to bear on your particular problem, the more likely you are to produce a final package that is wise and fair". This statement was agreed to by most of the members of the CVFMAC (1 member of strongly agreed with this statement, 5 agreed and 1 disagreed). People using objective criteria also tend to use time more efficiently by talking about possible standards and solutions (Fisher and Ury (1981). This statement was also agreed to by most of the members of the CVFMAC (1 strongly agreed, 5 agreed, 1 neither agreed or disagreed). Objective criteria must be legitimate and practical and is integral for evaluating alternatives. Susskind (1986) and Fisher and Ury (1981) argue that the information requirements be jointly determined, acquired and analyzed by all parties, other wise technical findings are less likely to be credible in the eyes of some participants. Wondelleck (1986) also noted that this forces the groups to come to grips with and articulate their true issues of concern and those assumptions on which they are basing their decisions.

Another significant point about the use of objective criteria is that in order to facilitate both meaningful and satisfying participation in decision-making for the public, interest groups and business each group must be operating with equal information. In existing decision-making structures science is often used as a weapon to dominate public

decisions. Scientific and technical resources are not distributed evenly throughout society. In particular, financially poor groups fight an uphill battle and lack access to technical information and expertise. This can handicap them when the focus of a debate is of a technical nature. Conversely, financially rich groups possess a substantial advantage with regard to persuading decision-makers and the public of the scientific soundness of their preferred policy position (Azawa, 1988). In this respect, ACR approaches tend to level the technical playing field. Azawa (1988) "suggests that consensus-based procedures can result in favourable transformations in the role of science in public decision-making. Specifically, scientific knowledge can be used to help stakeholders and decision-makers appraise the scientific soundness and political desirability of decision alternatives from their own perspective, rather than as a weapon that obfuscates the politics of decision-making. This less adversarial role will move decision-making toward scientifically sound decisions without sacrificing democratic goals. In addition, consensual procedures not only facilitate an understanding of scientific factors and a clarification of technical disagreement, they also encourage discussion of the political interests behind public debates. A far more integrative discussion of science and politics, and the politics of scientific arguments results" (p. 252).

7.3 CONCLUSIONS

Land use conflicts are one of the toughest problems in British Columbia to resolve and will continue to increase in severity, particularly issues related to the harvesting of forest resources and the establishment of protected areas. These conflicts are centered

around economic, environmental and social planning issues. The issues deal with who gets what and for what use. These conflicts result from many sources; different interests and objectives, divergent values and world views, shrinking land base, unrestrained economic development, loss of natural areas, stress between economic development and environmental protection, a more active and aware public and the traditional land-use planning paradigm. Methods to address these critical issues vary dramatically in their ability to achieve effective results. Traditionally, these issues have been resolved through legislative, administrative, or judicial means. These methods are considered inadequate and ineffective for addressing complex natural resource planning conflicts, particularly where they affect people's lives and communities, where divergent values are at issue, and where there are many parties involved. Citizens oppose the traditionally decide-announce-defend model. As a response to this model, approaches were introduced that focus on consensus decision-making and the consult-decide jointly-implement together model.

The goal of resolving natural resource planning and management conflicts is to produce well-received and lasting agreements. The complex nature of today's issues and the number and diversity of people involved require expanding the tools used to solve problems. Citizens, communities, planners, managers, industry, and environmental groups are finding that well-designed and well-managed consensus decision-making processes based on Transactive Planning and Principled Negotiation can resolve natural resource planning conflicts and produce good solutions that get implemented in a timely fashion. However, ACR approaches are not a remedy to resolve all conflicts and do not

guarantee perfect settlements. In some cases win/win outcomes may not be possible or desirable, particularly from the environmental perspective. For example in the case of the Tatshenshini/Alsek land use conflict permitting the copper mine would have destroyed the wilderness character of the area and cause irrevocable environmental damage. A win/win outcome was not possible. Therefore, ACR processes are an alternative to the traditional decision-making processes, but not a substitute.

Based on this research, the elements of Transactive Planning and Principled Negotiation were considered effective for resolving natural resource planning and management conflicts. The reader however, must be aware that the application of these findings to other natural resource conflicts may be limited by the nature of the issues addressed by the CVFMAC. In this respect, the CVFMAC had a clear mandate to only address harvesting of forest resources in the CVFMA. The allocation decision to harvest forest resources in the CVFMA had already been made. The CVFMAC process therefore, did not have to consider an allocation issue - preservation versus harvesting of forest resources. The allocation issue is different in nature from the issue of forest management practices. In retrospect, the application of the CVFMAC would have been more appropriate if applied to address the allocation issue since the primary conflict centered on the allocation of natural resources in the Carmanah Valley. Hence, the findings of this research may not be transferable to resolving an allocation dispute. It is recommended that further research should be conducted to examine the effectiveness of the elements of Transactive Planning and Principled Negotiation for reaching agreement in the context of a conflict associated with land use allocation, particularly a preservation

versus natural resource extraction or development conflict.

Although the elements of Transactive Planning and Principled Negotiation were considered effective for reaching agreement, the CVFMAC did identify four issues that were considered a weakness of the decision-making process and limitations of multi-party advisory committees. The four issues are participation/representation, time/cost, non binding nature of recommendations and information/objective criteria.

The experience over the past 20 years has illustrated that ACR approaches can be effective for resolving a variety of natural resource planning and management conflicts. As judged by the CVFMAC, this case study has added to this list. The research has shown that the elements of Transactive Planning and Principled Negotiation are effective for resolving natural resource conflicts and disputing parties reaching agreement. In this respect, it is recommended that a natural resource planning conflict resolution process include the key elements of Transactive Planning and Principled Negotiation;

- dialogue,
- mutual learning,
- separate the people from the problem,
- focus on interests not positions,
- create options for mutual gain, and
- insist on using objective criteria.

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APPENDICES

APPENDIX A

SURVEY QUESTIONNAIRE

INTRODUCTION

THIS QUESTIONNAIRE IS PART OF THE DATA GATHERING PROCESS FOR THE COMPLETION OF A THESIS TITLED "AN ASSESSMENT OF TRANSACTIVE PLANNING AND PRINCIPLED NEGOTIATION AS NATURAL RESOURCE CONFLICT RESOLUTION TECHNIQUES: A CASE STUDY OF THE CARMANAH VALLEY FOREST MANAGEMENT ADVISORY COMMITTEE". In order to examine the planning process in an objective manner, I need to know how you feel about the process. The information will be treated as **confidential** and used for analysis purposes only. In this context, RESPONSES TO THIS QUESTIONNAIRE WILL BE KEPT CONFIDENTIAL AND NO REFERENCE WILL BE MADE TO INDIVIDUALS OR THEIR INTEREST ASSOCIATION IN THE THESIS)

(1) Following is a list of statements that deal with the key concepts of Transactive Planning and Principled Negotiation. Please address the statements from your experience on the Carmanah Valley Forest Management Advisory Committee (CVFMAC). Circle one answer for each statement.

(Note because of typeface requirements only the statements are provided in this appendix. In the original questionnaire respondents were provided with the categories strongly agree, agree, neither agree nor disagree, disagree, and strongly disagree).

1. Members of the CVFMAC clearly conveyed their interests.
2. I feel my interests have been considered by the individuals on the CVFMAC.
3. Comments in meetings were conveyed sincerely and in good faith.
4. All parties involved in the planning process have respected the differing viewpoints of others.
5. The interests of the members of the CVFMAC have been effectively considered into the recommendations.
6. There is a shared interest and commitment among all parties involved in the process to produce recommendations that will address the issues.
7. Comments by participants were conveyed in an open manner.
8. There has been an adequate representation of interests at meetings where comments were gathered and ideas shared.
9. Adequate consideration was given in the recommendations to represent the views of interested citizens.

10. Participants involved in the CVFMAC process have for the most part accepted the right of others to express opposing views.
11. Knowledge gained about the other members on the CVFMAC has better enabled me to be a more effective participant.
12. Mutual learning about most aspects of the process has occurred among members.
13. My personal knowledge and input has been used in the process.
14. The process was responsive to the special interests, needs and values of the members.
15. The planning process has developed viable alternatives to problem situations.
16. The planning process has inspired trust among the members of the advisory committee.
17. The committee was able to set its own objectives and pursue them effectively.
18. The decision-making process produced an agreement which met the interests of all sides.
19. The decision-making process produced an agreement which resolved conflicting interests fairly.
20. In order to reach agreement it is necessary to satisfy participants underlying interests and not people's stated positions.
21. The decision-making process provided opportunities for equal participation in resolving conflicting interests.
22. I have a sense of accomplishment and satisfaction from participating on the CVFMAC.
23. I considered myself an equal partner in the process.
24. Separating people issues from the problem is essential for reaching agreement.
25. In attempting to resolve natural resource disputes through multi party participation the negotiation should be structured as a side-by-side activity in which the parties - with their differing interests and perceptions , and emotional involvement - jointly face a common task.
26. In the context of natural resource dispute negotiation the maintenance of on-going relationships is an important aspect.
27. My interests were acknowledged as part of the issues and were incorporated into the process.
28. The CVFMAC was able to think up a wide range of possible solutions that advance shared interests and creatively reconciled differing interests.
29. The key to wise decision-making in multi stakeholder negotiation lies in the selection of carefully researched options.
30. Examining issues from the perspective of different professions and disciplines is important for generating viable solutions.
31. The identification of mutual gains for the various stakeholders is important to reaching agreement.
32. The more you bring standards of fairness, efficiency, or scientific merit to bear on a particular problem, the more likely you are to produce a final agreement that is wise and fair and meets the interests of both sides.
33. By using objective criteria, people tend to use time more efficiently by talking about possible standards and solutions.
34. Identification of shared interests is important for development of mutual gains and an agreement.
35. Often the wisest solutions, those that produce the maximum gain for you at the minimum cost to the other side, are produced only by strongly advocating your interests.

36. You will satisfy your interests better if you talk about where you would like to go rather than about where you have been.
37. Objective criteria used by the CVFMAC were legitimate and practical.
38. Fair procedures were used to resolve conflicting interests.
39. Fair standards were used to address substantial questions.
40. The decision making process of the CVFMAC was responsive to the interests of the CVFMAC members.
41. The combination of openness to reason with insistence on a solution based on objective criteria is essential for resolving natural resource disputes.

(2) How did you perceive the decision-making process of the CVFMAC?

(Please check appropriate box)

- The process was based on a contest of wills in which the side that took the more extreme position and held out longer fared better.

OR

- The process was based on resolving the interests of the members on their objective merits.

OR

- If the above statements do not describe how you perceived the decision making process please describe the process?

(3) What do you feel have been the overall successes or failures of the decision-making process of the CVFMAC?

Successes:

Failures:

(4) Based on your experiences on the CVFMAC is the use of multi party - stakeholder advisory committees to government an effective method for resolving natural resource management conflicts in British Columbia?

yes ___
no ___

Please explain your answer.

(5) Are there any limitations to the use of multi party advisory committees to government for resolving natural resource management conflicts?

yes ___

no ___

If yes, please explain.

(6) From your experiences on the CVFMAC what are the strengths and weaknesses of consensus decision-making in the context of resolving natural resource conflicts in British Columbia?

(7) Please identify three methods used by the CVFMAC that were effective in producing a consensus.

(8) Negotiated agreements are considered to be good if they are fair, wise, reached efficiently, improve or at least do not damage relationships between parties and are stable. Do you think the agreement reached by the CVFMAC is a good one? (Please check yes or no and provide a comment)

(i) Fair (Sense of Justice)

yes ___

no ___

(ii) Wise ● meets legitimate interests of each side

yes ___ no ___

● resolves conflicting interests fairly

yes ___ no ___

● takes community interests into account

yes ___ no ___

(iii) Efficient in Terms of Cost and Time

● cost yes ___ no ___

● time yes ___ no ___

(iv) Improves Relationships or Does Not Damageyes no **(v) Stable (will be honoured and hold up over time)**yes no **(9) Please provide any additional comments.**

Thank you very much. Your participation in this survey is greatly appreciated. (Please mail the questionnaire in the attached self addressed stamped envelope).

APPENDIX B**INTERVIEW QUESTIONS****QUESTIONS:**

- 1. IN MULTI PARTY NATURAL RESOURCE CONFLICT NEGOTIATION IS IT IMPORTANT TO SEPARATE THE PEOPLE FROM THE PROBLEM? (PLEASE EXPLAIN WHY AND HOW?)**
- 2. IN ORDER TO REACH AN AGREEMENT IN RESOLVING NATURAL RESOURCE CONFLICTS IS IT IMPORTANT TO FOCUS ON THE INTERESTS OF THE INDIVIDUALS RATHER THAN POSITIONS? (PLEASE EXPLAIN)**
- 3. IN ORDER TO REACH AN AGREEMENT IN RESOLVING NATURAL RESOURCE CONFLICTS IS IT IMPORTANT TO IDENTIFY OPTIONS FOR MUTUAL GAINS? (PLEASE EXPLAIN)**
- 4. IN ORDER TO REACH AN AGREEMENT IN RESOLVING NATURAL RESOURCE CONFLICTS IS IT IMPORTANT TO FOCUS ON OBJECTIVE CRITERIA? (PLEASE EXPLAIN)**
- 5. IN THE REPORT, "FOREST MANAGEMENT IN THE UPPER CARMANAH VALLEY: RECOMMENDATIONS OF THE PUBLIC ADVISORY COMMITTEE", IT STATES THAT "CONSENSUS WAS THE BASIS FOR THE DECISION-MAKING THAT SHAPED BOTH THE PROCESS AND THE PRODUCT OF THE CVFMAC". HOW DID CONSENSUS SHAPE THE PROCESS AND THE PRODUCT?**
- 6. HOW DO YOU GET PEOPLE TO REACH AGREEMENT IN RESOLVING NATURAL RESOURCE CONFLICTS WHEN THEIR BASIC VALUES OR WORLD VIEW DIFFER (E.G. DEVELOPMENT VERSUS PRESERVATION)?**
- 7. DOES DIALOGUE AMONG STAKEHOLDERS LEAD TO MUTUAL LEARNING AND THEN CONSENSUS OF ACTION? (PLEASE EXPLAIN)**
- 8. HOW CAN AN IMPASSE WITHIN THE CONSENSUS BUILDING GROUP BE RESOLVED?**
- 9. ALTHOUGH THE ROLE OF THE CVFMAC WAS ADVISORY WAS THIS A USEFUL EXERCISE IN HELPING THE GOVERNMENT DEVELOP POLICY?**

VITA

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Title of Thesis: An Assessment of Transactive Planning and Principled Negotiation as Natural Resource Conflict Resolution Techniques: A Case Study of the Carmanah Valley Forest Management Advisory Committee.

Author



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