

COASTAL ZONE CONFLICT RESOLUTION AND
THE IMPORTANCE OF NEGOTIATION PRELIMINARIES;
THE CASE OF BUCKLEY BAY, VANCOUVER ISLAND


by

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS

in the Department
of
Geography

We accept this thesis as conforming
to the required standard


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UNIVERSITY OF VICTORIA
August, 1988

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ISBN 0-315-46508-5

Supervisor: Dr. William M. Ross

ABSTRACT

Conflicts associated with the use of environmental resources in British Columbia are a common occurrence and are expected to increase in coming years. In particular, coastal areas are a major focus for human settlement and economic activity, and as such are subject to intense, often conflicting, demands. The successful resolution of conflicts between users of these coastal areas presents a unique and urgent challenge.

The present structure of coastal zone management is characterized by a fragmented administration. Since a single jurisdictional authority is lacking, negotiation has become an important means of interaction between government agencies and interested parties. Therefore, any opportunity to increase the likelihood of success in the process of negotiation has valuable application in the resolution of conflict between coastal zone users.

A number of theoretical approaches to the study of the resolution of conflict through negotiation have been featured in related literature. Of these approaches, developmental theory models, as used by Gulliver (1979), Karrass (1980), Zartman and Berman (1982), and Bercovitch (1984), are based on a series of phases or stages. These models offer a theoretical framework to identify and explore specific "conditions of strategic interaction" relating to the context and structure of negotiation.

The main hypothesis of this thesis is that unsuccessful

negotiation outcomes are linked to an inadequate regard for the conditions of strategic interaction during the negotiation preliminaries. Based on an extensive literature review, this study identified negotiation conditions and categorized them as follows:

- (a) **Negotiation Structure** (location of meetings, time deadlines, implementation of agreements),
- (b) **Interest Representation** (participation of interest groups, issues and interests of parties), and
- (c) **Negotiator Interaction** (interdependence of parties, power to achieve concessions, information concerning issues, communication between parties).

Factors assessing the presence of each of these conditions were identified and used to formulate a number of research hypotheses. An environmental dispute typology was developed to provide a framework for the case study research. The research hypotheses were then tested through a series of interviews investigating an unsuccessfully resolved coastal zone conflict at Buckley Bay on Vancouver Island. This conflict involved a major logging company, an oyster grower, and various other interested parties and government agencies.

The findings of the case study indicate that negotiation outcomes are linked to conditions that precede, and exist during, the negotiation process. Specifically, the study found that the following conditions were primary contributors to an unsuccessful negotiation:

- (a) A failure to ensure the **participation** of all interested parties,
- (b) A failure to carefully delineate the **issues and interests** of the parties, and

- (c) A lack of available, accurate and relevant information concerning issues.

The study also found that the following conditions were important, although to a lesser degree: location, time deadlines, implementation, interdependence and communication. Findings concerning the use and manipulation of power by individual groups were unclear, reflecting the complex, multi-dimensional nature of this condition.

Other important findings were:

- (a) The Buckley Bay case was not recognized as a dispute until the conflict was well established.
- (b) The available interaction processes (specifically, leasing and zoning review) were not generally considered opportunities for negotiation.

Therefore, it is recommended that processes established for the management of coastal zone resources be recognized and publicized as forums in which to negotiate conflicts, and that maximum opportunity be provided for this to occur. In addition, the opportunity to participate in negotiation must be appropriate and convenient for all interested parties to participate effectively. Participants should be qualified and accepted representatives of interest groups and, as such, be held accountable, to ensure that valid issues and interests are represented.

Finally, this study reinforced the need for increased availability of information pertinent to the issues. In particular, planning processes must clearly designate priority uses within coastal zone areas and outline policies for sensitive area allocation.

Examiners:



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ACKNOWLEDGEMENTS

The completion of this thesis represents the achievement of a long-standing personal goal. The author is sincerely grateful to a number of people for their generous assistance and support in realizing this achievement.

I particularly wish to thank Dr. William Ross for suggesting the research topic, providing valuable guidance and constructive critical advice at all stages of the research, and exhibiting enduring patience and cheerful encouragement throughout.

The author also gratefully acknowledges comments and direction from Dr. Colin Wood, Dr. Jeremy Wilson, Dr. Michael Edgell and, especially, Dr. Norman Ruff, who provided insight and guidance in the final stages of the research.

Special thanks are also extended to all of the people who agreed to be interviewed, for responding so candidly and energetically, and for giving so freely of their time and knowledge. Finally, my husband, Gerry, provided continuous patient encouragement and support, and many valuable insights, for which I extend my heartfelt thanks.

CHAPTER 1

INTRODUCTION

"Conflict seems to be present in all human relationships and in all societies" (Moore, 1986, p.1)

In modern society, conflict is a widely recognized phenomenon. Recent dramatic increases in human population and use of finite, or limited, resources have multiplied the occurrence and severity of every type of conflict. Accordingly, conflict has become a more widely studied and analyzed subject in a variety of academic disciplines. In particular, the search for greater understanding of the management or resolution of conflict occupies many authors and has resulted in theoretical constructs varying from the complex and abstract terms of social psychology research (Walton and McKersie, 1965; Deutsch, 1973; Rubin and Brown, 1975; and Morley and Stephenson, 1977), to the pragmatic, direct instructions of mediation training manuals (Jacker, 1981; MacDougall, 1982; and Fisher, et al., 1986).

The geographer may select from these varied sources in order to develop and apply concepts of human interaction within the context of problems of spatial geographical definition. Mitchell (1979) has stated, "As a resource analyst, the geographer seeks to understand the fundamental characteristics of natural resources and the processes through which they are allocated and utilized" (p. 3). Since conflict often occurs in the utilization of finite resources, management and resolution of conflict becomes an important means, or process, of resource allocation.

In British Columbia, increases in human settlement, development and utilization of the land base are linked with changes in the value of biological, economic and recreational resources. As Zimmermann (1951) has stated, "Resources are not, they become; they are static but expand and contract in response to human wants and human actions." (p. 15). Thus, changes in human wants and actions result in challenges to existing or traditional uses of those environmental resources, and existing resource users are pressured to adjust or compromise. It is during this adjustment process that conflicts can erupt.

The management or resolution of environmental disputes often involves unique problems that distinguish them from labour relations disruptions, including (a) irreversible ecological effects; (b) indeterminate boundaries, participants and/or costs; (c) disagreements over appropriate "public interest" representation, and (d) difficulties in implementing private agreements (after Susskind and Weinstein, 1981). As a result, a wide variety of conflict resolution mechanisms for resource use disputes have been advanced. These mechanisms include market systems, planning and zoning regulations, legislation, contracts, changes in political representation, impact assessment, formal and informal referrals and relationships, public inquiries, and bargaining or negotiation. All of these mechanisms have been applied in the management of coastal zone resources, although it will be shown that bargaining, or negotiation, holds particular promise for resolving resource use disputes in this unique geographical area.

1.1 Coastal Resource Management

The British Columbia coastline measures approximately 27,000 kilometres in length and includes marine coastal shoreline areas as well as estuaries, intertidal zones and related coastal lands (Sadler, 1983, p. xiii). The coastal zone has played a key role in the development of this province, providing a unique and vital means of transportation for the logging industry in the province (Edgell and Ross, 1983) and many valuable resources, such as abundant salmon and shellfish, for indigenous consumption and/or commercial profit. The coastal zone has always been a major focus for human settlement and economic activity but has only more recently been recognized as "a limited linear resource where development and conservation conflicts are magnified by concentration." (Sadler, 1983, p. 3). While competition for use of coastal areas is not new in the province, increasing demands and pressures for residential use, other commercial and industrial uses, recreational access and protection of existing biological resources in the coastal zone are focussing more and more attention on the management of this vital geographical area.

Particular characteristics of the coastal zone (such as Crown ownership, jurisdictional fragmentation, and a wide variety of competing demands, both public and private) add to the complexities normally encountered in resource management. Nevertheless, the importance of managing British Columbia coastal zone resources cannot be overestimated, as Bish and Sproule-Jones (in Sadler, 1983) emphasize, saying, "Because of the close tie between coastal resources,

the economy and life styles in British Columbia, coastal resource governance is an important determinant of the social and economic condition of British Columbia residents" (p. 95).

The jurisdictional and institutional fragmentation existing in coastal zone management has been widely discussed (Pross, 1975; Sproule-Jones, 1978; Dorcey, 1983; Sadler, 1983; Chamberlain, 1983; and Manni, 1984). These authors and others document the wide variety of governmental agencies involved in managing the coastal zone, and recognize the lack of legislated focus and unified policy for the management of coastal resources. However, as Sadler (1983) observes, "This multiplicity of responsibilities can be perceived either as a chaotic or a necessary response to the geographical diversity of the littoral zone." (p. 1).

Chamberlain (1983) addresses the question of administrative arrangements for the management of offshore oil and gas resources, and finds little support among federal and provincial agencies for joint management through the pooling of administrative resources, or for delegation of management from one level of government to the other (p. 140). In addition, the creation of a "superagency" to manage this important and unique resource was judged highly unlikely. Chamberlain's conclusions include "the sectoral approach to managing the coastal zone will most likely continue" (p. 142) and "the ultimate solution to most of the conflicts in the coastal zone depends upon the establishment of a cooperative relationship between each level of government and, concurrently, between each of the competing users within this zone" (p. 141). This conclusion is supported by Sadler

(1983) saying, "it is unlikely...that an integrated framework for coastal resources management will ever be realised, although certain processes under existing arrangements for decision making may be applied to greater effect in coping with problems" (p. 1).

Existing arrangements for decision-making depend heavily on relationships between a variety of agencies with jurisdiction over, and authority for, management of the coastal zone. The nature of these relationships and the effectiveness of interactions between agencies are, therefore, of very great importance. Many of these agencies currently interact in a manner congruent with bargaining or negotiation (Fox, 1978 and Dorsey, 1983), particularly when jurisdictional boundaries are blurred and/or overlap substantially, as is often the case in coastal zone management. Therefore, close examination of particular aspects of the negotiation process can be expected to enhance our understanding of, and provide valuable insight to potential improvements in, decision-making in the coastal zone.

1.2 Thesis Purpose

This thesis examines the conflict resolution mechanism of negotiation with the purpose of applying particular negotiation concepts and hypotheses concerning the context or structure of negotiation in order to improve the management of coastal zone resources.

Much of the available research on negotiation has been directed at the practice of negotiation, or the human interaction that is the

essence of the process. Factors such as the dynamics of discussions, tactics and strategies, and the particular personalities and behaviors of negotiators have been clearly identified as important to the negotiation outcomes (Walton and McKersie, 1965; Bartos, 1974; Morley and Stephenson, 1977; Nierenberg, 1981; Raiffa, 1982; Fisher and Ury, 1983). However, other aspects of the negotiation process comprising the context or structure of this characteristic human interaction merit consideration, particularly if crucial common elements or themes linking these aspects to negotiation outcomes can be identified.

The main hypothesis of this thesis is that the outcome of a negotiation process is linked to certain important negotiation conditions that exist during negotiation preliminaries. If the conditions have been adequately considered and addressed, then there is a greater likelihood of the negotiation being successful. A successful conclusion is characterized as being mutually-acceptable, implementable, long-lasting, and serving to affirm or even improve existing relationships. Conversely, inadequate consideration of the negotiation conditions will increase the likelihood of an unsuccessful outcome to the negotiation.

This thesis identifies and explores nine specific conditions of strategic interaction comprising the structure of negotiations, the representation of interests and the interaction of negotiators. All of these conditions may be recognized, discussed and agreed upon during the preliminary stages of negotiation. The influence of each of these conditions on the negotiation outcome is recounted, and assessment factors for each condition are specified. The assessment factors are

used to develop particular research hypotheses as the basis for a case study questionnaire.

A typology of environmental resource disputes has been developed in order to provide a framework for the case study research. A case study representing an unsuccessfully resolved coastal zone conflict has been selected for review. The hypothesis linking the negotiation conditions with negotiation outcome will be tested through interviews with representatives of parties in the dispute.

Some of the questions to be considered relative to this case study are:

- (a) Were the parties involved in the negotiation satisfied with the outcome?
- (b) Were the negotiation conditions, identified from the literature review, dealt with thoroughly?
- (c) If not, which of the conditions were inadequately or inappropriately considered and what were the consequences.
- (d) Which of the conditions can be identified as of highest importance of the outcome?
- (e) What comments may be made on the research of other authors on the subject of negotiation preliminaries?
- (f) What can the conclusions from this case study contribute to our understanding of negotiation as a conflict resolution mechanism?
- (g) What can this information contribute to the management of coastal zone resources?

1.3 Thesis Chapters

Chapter Two defines and discusses the terms conflict and conflict resolution and summarizes some of the benefits resulting from conflict in modern society. Within the context of Bergstrom's (1970) framework for conflict resolution, the concepts of negotiation and mediation are introduced as important means of achieving reconciliation. A wide

variety of models for the processes of negotiation and mediation have been developed by numerous authors and these models are categorized for discussion purposes in this thesis into three major groups: Game Theory and Economic Theory models; Behavioral Theory models and Developmental Theory models. Some of the principal theoretical works within each group are discussed and important contributions are emphasized. This discussion provides a valuable theoretical framework for the subsequent identification and analysis of the negotiation conditions.

Chapter Three focusses on specific elements within the Developmental Theory models, which are based on a phased or staged approach to negotiation and mediation. The works of several authors are reviewed, and nine particular elements, or "conditions of strategic interaction", are identified and grouped within the three general categories of Negotiation Structure, Interest Representation and Negotiator Interaction. Based on the literature review, the influence of the conditions of strategic interaction on the eventual outcome of the negotiation process is described, and particular assessment factors for each of the conditions are identified. These assessment factors are subsequently used to develop a series of research hypotheses for further analysis through a case study review.

In Chapter Four, a typology of environmental disputes is developed to provide a framework for the case study research. The case of conflict over the use of Buckley Bay in Baynes Sound on eastern Vancouver Island is introduced and its history examined. Buckley Bay has intermittently been the site of log storage and handling since

1910, and in the late-1970s became of interest as a potential commercial oyster culture area. Simultaneous applications for both types of foreshore use at Buckley Bay required that the foreshore allocation authority (the provincial Ministry of Lands, Parks and Housing) decide the best use of Buckley Bay. In the decision-making process, the riparian rights of the upland owner were considered to be a significant factor.

The approval of the use of Buckley Bay as a log storage and handling site was announced in July, 1980. However, this decision was subsequently challenged by an ad hoc group called the "Baynes Sound Protection Committee". Through this Committee, the provincial Ombudsman's Office became involved in the dispute. In addition, a second public group was formed specifically to support the log-handling application. The Regional District became involved in a rezoning application for the site. An extremely protracted review process ensued.

The Buckley Bay dispute is of particular interest in this thesis because it had a distinctive, well-defined and unsuccessful conclusion, represented by the July, 1980 announcement approving the use of Buckley Bay as a log storage and handling site. Extensive public protests arose as a result of the announcement. In July, 1981 a rezoning application to permit log handling and storage was refused. The dispute continued until early 1988, when a rezoning of the site was finally approved permitting the logging company very limited barge access, but no log storage or handling operation.

The Buckley Bay case also encompasses many elements common to

other coastal resource use conflicts, including:

- (a) the use of resources subject to specific and somewhat unusual legal rights, a variety of jurisdictional authorities and numerous scientific uncertainties, and
- (b) the involvement of a limited number of readily-identifiable, and often diametrically-opposed, proponents, including government agencies and public and private interests.

Chapter Five presents observations and analyses based on the case study research, and evaluates the research hypotheses developed in Chapter Three. The case study research involved reviewing local newspapers and various provincial government files relevant to the case, and conducting comprehensive interviews with relevant government and industry personnel, and other specific individuals directly involved with the Buckley Bay dispute. No statistical analysis was undertaken. The study is limited by the obvious necessity of making subjective judgments in relation to the case study material. The length of time since the dispute began may also be a significant limiting factor.

Chapter Six summarizes the thesis research and the case study conclusions regarding the negotiation conditions and the research hypotheses. A set of recommendations are presented to provide guidance in overcoming the limitations of this research. Two additional recommendations are advanced pertaining to the use and practice of negotiation in the resolution of resource use conflicts. The final set of recommendations are intended to contribute to coastal zone management and conflict resolution through a greater understanding and

consideration of negotiation conditions, particularly during negotiation preliminaries.

In addition, it is possible that the conclusions of this study could have further application within a wider or more general study of other types of conflict arising from quite different circumstances.

CHAPTER 2

CONFLICT AND CONFLICT RESOLUTION

"Ours is an age of negotiation."
(Zartman, 1976, p. 1)

At various times conflict has been described as a condition, a behavior and an emotion (Kilmann and Thomas, 1977). In his seminal work entitled "Conflict and Defense", Kenneth Boulding (1962) defines conflict as "a situation of competition in which the parties are aware of the incompatibility of potential future positions and in which each party wishes to occupy a position which is incompatible with the wishes of the other." (p. 5). Conflict involving the use of environmental resources is said to exist "whenever source and target are in interactional proximity and possess similar preferences regarding some commodity in short supply" (Bonoma, 1976, p. 501). Such a conflict has been defined as "a situation where two or more parties are competing for the use or exploitation of a particular resource or territory, and where their uses are either mutually exclusive or to some degree incompatible" (Alley, 1977, p. 2). In modern society, resource use conflict is a form of social interaction that is considered "an inevitable consequence of differences in human judgement about cause and effect and about what should be done to deal with identified effects and who should pay" (Dorcey and Thompson, 1983, p. 6).

Subsequent authors, such as Folberg and Taylor (1984), refine our understanding of conflict and also introduce the concept of conflict resolution, explaining conflict as "a set of divergent aims, methods or

behavior. The degree of divergence determines the severity and duration of the conflict and affects the likelihood of successful conflict resolution." (p. 24). Folberg and Taylor (1984) compare conflict resolution with conflict management, stating the former "creates a state of uniformity or convergence of purpose or means" while the latter "realigns the divergence enough to render the opposing forces less diametrically opposite or damaging to each other" (p. 25). It is important to note, however, that both conflict management and conflict resolution refer to processes that seek a balance of power through noncoercive means.

2.1 Conflict Benefits

In addition to being inevitable, conflict is also desirable. Burton (1972) likens conflict to sex, saying "Conflict, like sex, is an essential creative element in human relationships...neither to be deprecated or feared...to be enjoyed." (in Hill, 1982, p.113). Conflicts often signal changes in public attitudes and preferences, and the process of addressing resource use conflicts can generate direct interaction and discussion between policy-makers, decision-makers and the impacted public. This interaction can increase the importance of the public role in decision-making by elected officials. The methods of defining public interest and incorporating that interest into policies and decisions may be challenged and changed. Regulatory and administrative processes are exposed for review and jurisdictional authority and accountability can be clarified. The management of

conflicts can result in the redistribution of administrative resources, changes to legislation, the creation of new forums and opportunities for representation, and a better consensus for resource management. There is an opportunity to develop new creative solutions that may result in a redistribution of resources or benefits in society.

It is interesting to note the reciprocal nature of the relationship between the government role and the resolution of resource use conflicts. The existing philosophy, structure, process and practice of government can affect, and even determine, the mode of conflict resolution. In turn, the resolution of conflicts can affect the government role by defining the most appropriate resource management techniques and providing the basis for changes in resource management practices. However, since conflict is "essentially a social phenomenon, with both creative and destructive manifestations" (Hill, 1982, p. 113), the concern in resolving conflicts often becomes not the elimination of the conflict, but its management.

2.2 Conflict Resolution

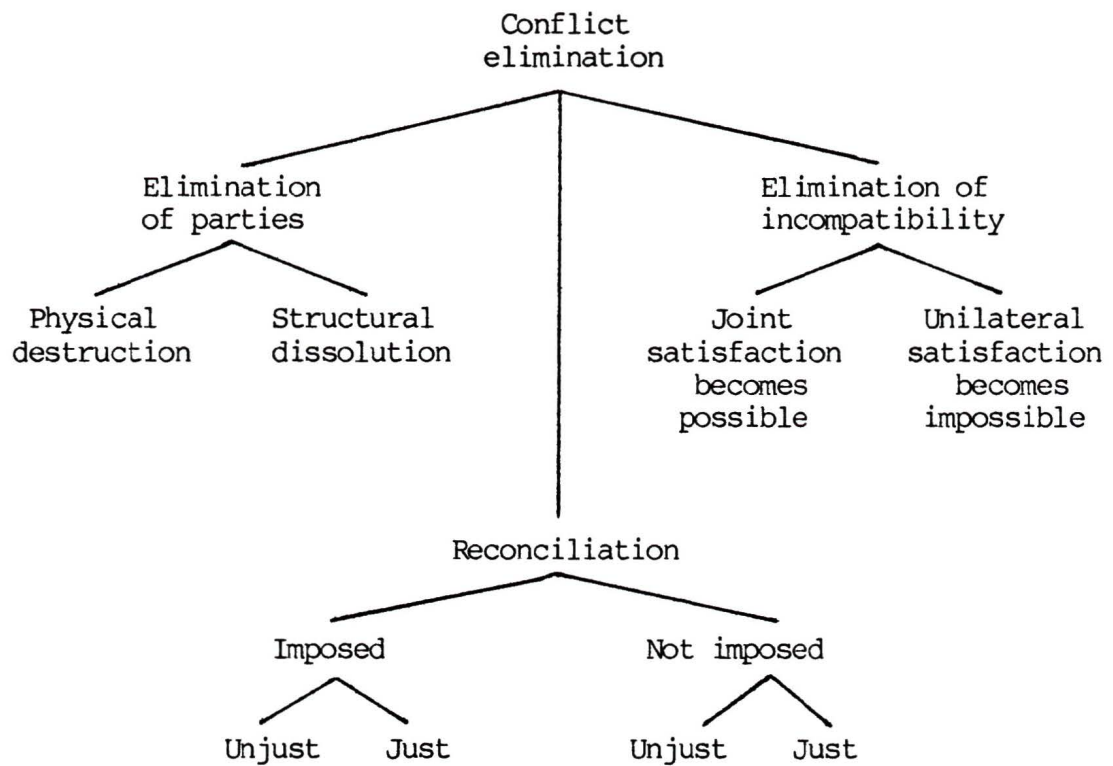
The management of conflict has been addressed by Bergstrom (1970), and illustrated by a simple framework (Figure 1). The framework identifies three categories of conflict resolution as follows:

- (a) Elimination of the parties
- (b) Elimination of the incompatibility
- (c) Reconciliation

Elimination of the parties can be achieved by the physical or

Figure 1

Framework for the Management of Conflict



Source: Bergstrom, 1970, p. 213.

structural dissolution of one or more of the parties. Elimination of the incompatibility occurs when the conflicting interests of each party are resolved in such a way as to become the common interests of both parties. Reconciliation of the conflict occurs when a genuine change or modification of at least some of the interests in question takes place. One party may acquiesce to the priorities set by another or a set of new priorities may be imposed upon the parties in conflict.

Bergstrom (1970) indicates that a conflict is eliminated by reconciliation when "a compromise is reached in which the demands of the parties are changed in such a way that they are no longer incompatible" (p. 214). This compromise, or consensus view, can be achieved by discussion, persuasion, problem solving and consensus building, collectively known as "bargaining" or "negotiation", between the conflicting parties (Bryant, 1981).¹ Jandt (1973) also argues that this compromise view represents a valuable creative alternative to conflicting relationships.

Bacharach and Lawler (1981) refer to conflict resolution as "a global construct subsuming any process or outcome that leads to or reflects agreement." (p. 202). Such an agreement may be "consensual" (an agreement created by the parties themselves) or "managed" (developed from force, coercion or manipulation exercised by an outside

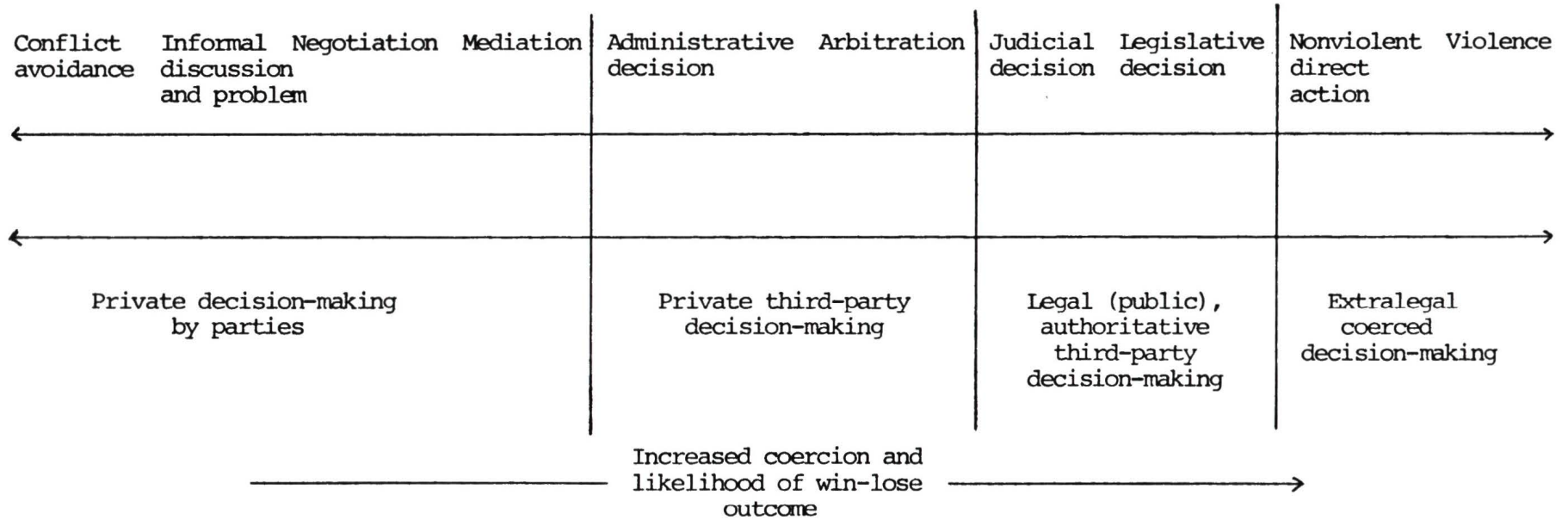
¹Dorcey (1983) noted an interesting distinction between bargaining and negotiation based on Webster's Dictionary: "bargaining connotes haggling and suggests that the buyer obtains a favourable price; negotiation, on the other hand, means discussion with a view to reaching an agreement" (p. 16). These differences provide some insight as to why the term "negotiation" is often substituted for the term "bargaining".

party). Moore (1986) has developed a continuum of conflict management and resolution approaches that delineates different categories of consensual (including negotiation and mediation) from managed (arbitration and legislation) decision-making, along a continuum of increased coercion and likelihood of win-lose outcomes (Figure 2). This continuum provides an important framework for linking the variety of conflict management or resolution approaches to the type of outcome that may be expected. The continuum is framed by the two extremes of conflict avoidance (or mutual withdrawal) and violence (or open conflict), representing failures to achieve agreement.

From these studies, it is apparent that conflict termination can be achieved by a variety of methods, including persuasion, problem solving, consensus building, voting, negotiation, arbitration or litigation. The termination of conflict will normally result in an outcome of mutual loss; gain for one and loss for the other; or mutual gain (Deutsch, 1973); or stalemate or compromise (Walton and McKersie, 1965). Such outcomes can be described as "unsuccessful" when they are characterized by domination, imposition, conquest or withdrawal, while "successful" outcomes will include settlement, resolution and other acceptable agreements (after Bercovitch, 1984). The method of terminating a conflict and the resulting outcome can affect the number and the nature of future interactions between the parties, and the likelihood of future conflict occurring over the same issues. Consensual resolution (agreement created by the parties themselves) with an outcome of mutual gain tends to provide for improved relations between parties, greater commitment to the agreement, and less

Figure 2

Continuum of Conflict Management and Resolution Approaches



Source: Moore, 1986, p. 5.

likelihood for a recurrence of the conflict (Bacharach and Lawler, 1981).

2.3 Negotiation and Mediation

Negotiation has long been recognized as an effective means of achieving reconciliation in labour disputes (Shea, 1980; Cormick, 1982; and Fisher, 1983) and is now also credited with success in the fields of matrimonial disputes (Fisher and Ury, 1982) and environmental disputes (Bish, 1975; Lord, et al, 1979; Susskind and Weinstein, 1981; and Dorcey, 1983).

Banfield (1955) states that as conflict becomes increasingly common, the opportunities for resolution by cooperation, accommodation and dictation alone diminish and resolution increasingly requires compromise. Compromise is an essential feature of negotiation, which has been described as "a process the objective of which is to find a compromise that is mutually acceptable" (Bartos, 1974, p. 16), and of bargaining, described as "any process of discussion and compromise that leads to the resolution of a dispute" (Susskind and Weinstein, 1981, p. 314). Rubin and Brown (1975) carry the idea of compromise further, saying bargaining is "a process whereby two or more parties attempt to settle what each shall give and take, or perform and receive, in a transaction between them" (p. 2).

Thompson (1980) suggests that negotiation and bargaining are a fundamental part of environmental management because of the knowledge gaps and uncertainties that are characteristic of environmental issues.

He further argues that negotiation or bargaining provides the opportunity to achieve "balanced and cost effective measures of environmental protection... through the tradeoffs that are implicit in the bargaining between parties" (p. 36). In addition to being "an effective way of examining trade-offs where compromise is necessary", Dorsey (1983) contends that bargaining also "brings out the opportunities for resolution through cooperation and accommodation, sometimes including solutions that benefit all parties" (p. 16). Dorsey (1985) contrasts bargaining and authoritative decision-making, saying that these two modes of governance may be considered as "two ends of a spectrum of discourse" (p. 5).

Susskind and Weinstein (1981) delineate negotiation and mediation as subsets of the bargaining process. Negotiation refers to "that process of dispute resolution which involves only the principal parties" (p. 314), or when disputants attempt to reach a voluntary settlement themselves without the assistance of an intermediary.

Mediation is distinguished from negotiation by its characteristic use of, and need for, a neutral party to assist in addressing the dispute. While negotiation can and does occur without a mediator, mediation can never occur in the absence of negotiation. However, Cormick (1982) qualifies this statement by saying "it is appropriate and necessary that there be extensive exploratory discussions between and among the parties and the mediator before any commitment is made to negotiate the issues" (p. 17). Cormick suggests that the discussion focus on certain matters pertinent to the conflict, and culminate in an understanding and agreement as to how these matters will be handled.

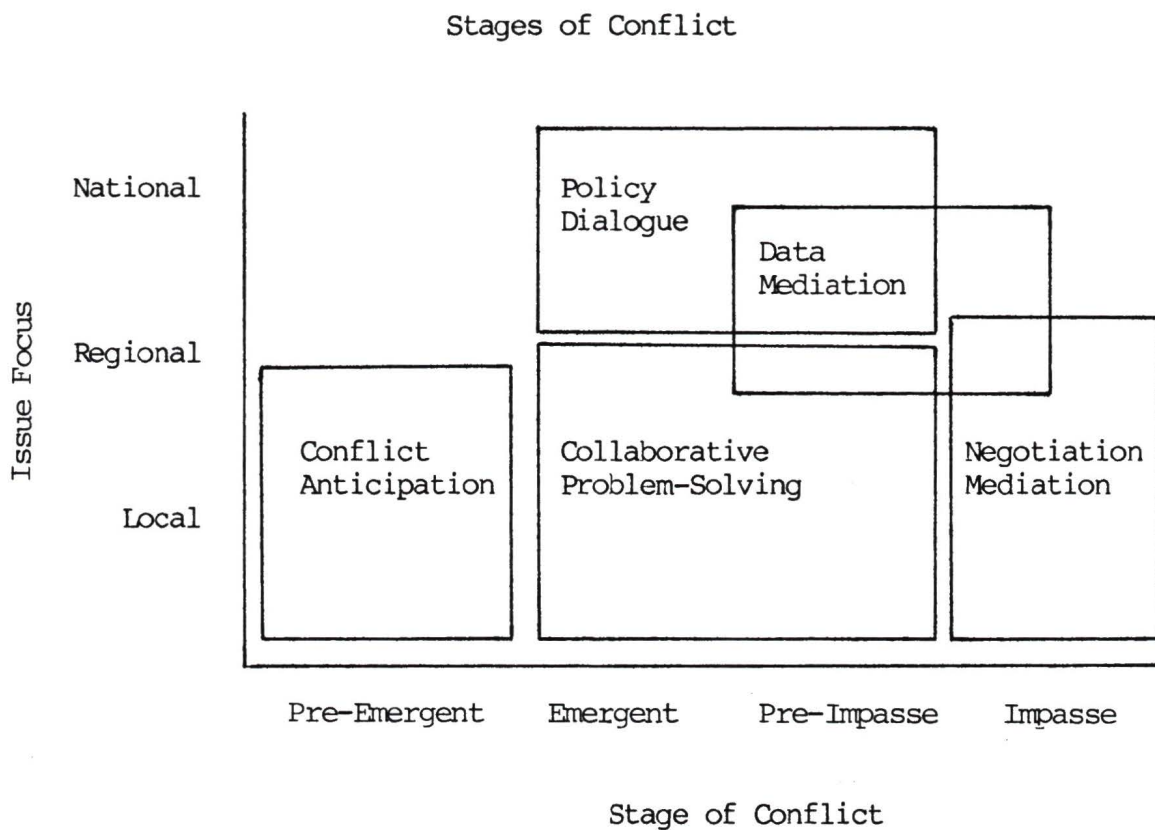
The mediator has no authority to impose a settlement, and instead assists the parties to reach what they consider to be a workable solution.

Although mediation may occur at any stage in the bargaining process, it has been described as most effective at the "prenegotiation" phase (Patton, 1983). Bidol and Lesnick (1984) illustrate the stages of conflict from pre-emergent to impasse (Figure 3). The "emergent" phase is characterized by collaborative problem-solving aimed at reaching consensus in determining the common issues. The authors contend that negotiation and mediation take place at the pre-impasse and impasse stages and, in contrast to adversarial and litigious approaches, can provide an opportunity "for parties to develop neutral ground on which they can build an agreement" and "a more creative interchange between the parties is possible, and new ideas can be explored" (p. 4). However, mediation may also occur at the end of the bargaining process, particularly in response to threatened legal action (Susskind and Weinstein, 1981). Even in the absence of a mediator, the process of negotiation will be assisted by such consensus-building discussions during the negotiation preliminaries.

2.4 Negotiation Models

The number, complexity and variety of approaches to the study of conflict theory illustrate the importance of this social phenomenon in the modern world. Conflict in human relationships, exchanges, and

Figure 3



Source: Bidol and Lesnick, 1984, p. 4.

interactions have been represented by games, economic theories, political theories and a variety of sociological, judicial and legislative approaches. Negotiation and bargaining processes have also been studied by game theorists, economists, social scientists and members of the legal profession and, as may be expected, a wide variety of negotiation models have resulted. It will be useful for general discussion purposes to categorize these models as follows:

- (a) Game Theory and Economic Theory models,
- (b) Behavioral Theory models (based on personalities and strategies),
and
- (c) Developmental Theory models (based on process and structure).

A brief review of each of these categories will illustrate some of the important concepts that have been developed in studies of negotiation and bargaining and will also provide an important theoretical framework for this thesis research.

2.4.1 Game Theory and Economic Theory Models

Game theory approaches developed in the 1940s endeavoured to capture the essence of conflict as a social phenomenon, and represent that essence in simple, elegant mathematical terms. Several important bargaining "games" and related concepts resulted from these studies, such as:

- (a) the Prisoner's Dilemma Game, (wherein a mutually beneficial solution is possible only if both sides trust each other, even though in the conflict trust is totally irrational), (Bartos, 1974),
- (b) Zero Sum outcomes (one party's gain is the other's loss) (Nash, 1950),

- (c) Variable Sum outcomes (one party's gain is not necessarily linked to the other party's loss) (Nash, 1950), and
- (d) Pareto-optimal solutions (encompassing all of each party's best possible outcomes, given any possible solution for its opponent) (Siegel and Fouraker (1960, 1963) in Bartos, 1974).

While these games and models assisted in the development of some of the general theories of negotiation, they were often difficult or even impossible to apply in practical situations (Bacharach and Lawler, 1981). In addition, Bartos (1974) points out that some of the basic assumptions in these models have fundamental weaknesses, including requirements for predictable behavior, acceptance of minimum payoffs or perfect information.

However, game theorists and economists contributed other important and enduring general concepts to the study of negotiation and bargaining. For example, the development of the concept of a "contract zone", comprising a determinate solution to the conflict, was led by economists (Zeuthen, 1930; Young, 1975) and game theorists (Nash, 1950 and Raiffa, 1953). Also termed a "zone of agreement" (Raiffa, 1982), this concept describes the threshold values each party knows are needed to make negotiation worthwhile. Assuming rational negotiators, a settlement would never occur if there were no zone of agreement and would always occur if there were a zone of agreement. However, Raiffa (1982) observes that there are occasions when a contract zone exists but agreement does not occur. Such an occurrence may be explained by the concept of "bounded rationality" (March and Simon, 1958) in which human judgment is shown to deviate from rationality in predictable ways. Such judgemental biases may reduce negotiator effectiveness and thus reduce the probability of achieving agreement. One such bias,

investigated by Neale and Bazerman (1985), is that parties appear to treat risks concerning gains differently than risks concerning losses (p. 42). Negotiator overconfidence may also be a significant factor (p. 47). While the influence of the cognitive processes of the negotiator must be recognized, it may nevertheless be possible to reduce such biases through careful consideration of other factors or conditions present during negotiation preliminaries.

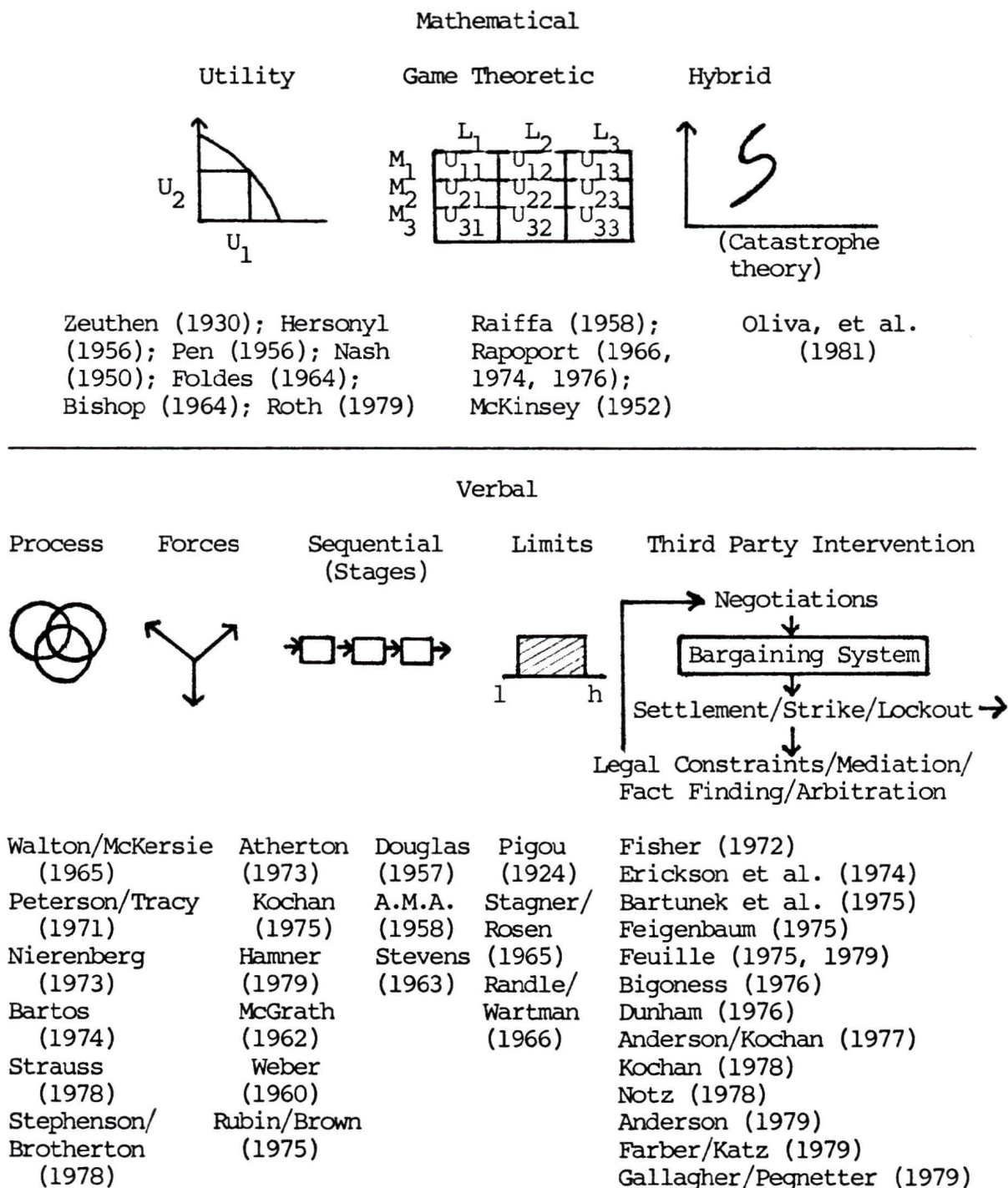
Oliva and Leap (1981) review a wide variety of models in collective bargaining and develop a series of categories as "a starting point for comparing and integrating the multitude of bargaining models that have been developed" (p. 339). These authors distinguish between two major bargaining model types, mathematical and verbal, noting representative authors for each model (Figure 4). The mathematical models include game theory and economic utility theory, while the verbal models are subdivided into the categories of process, forces, sequential (stages), limits and third-party intervention (mediation). Several of these verbal models may be grouped together as "behavioral theory" models.

2.4.2 Behavioral Theory Models

Behavioral theory models of negotiation, based on a study of negotiator personalities, strategies and tactics, have been developed by many authors, including Walton and McKersie, 1965; Bartos, 1974; Morley and Stephenson, 1977; Nierenberg, 1981; and Fisher and Ury, 1983. Behavioral theory studies concentrate on the human interaction

Figure 4

Metamodels From the Structural Typology of Bargaining Models



Source: Oliva and Leap, 1981, p. 341.

that is central to the negotiation process, and many of these authors comment on the importance of particular negotiator personality characteristics (antagonistic, inflexible, compromising) or strategies and tactics (initial offers, concessions, threats) used in the negotiation process.

Several important concepts have been contributed by these studies, including the following four sets of activities, identified by Walton and McKersie (1965) as accounting for almost all of the behavior in negotiations:

- (a) "Distributive" bargaining (maximizing individual gains);
- (b) "Integrative" bargaining (maximizing joint gains);
- (c) "Attitudinal Structuring" (interaction between parties); and
- (d) "Intraorganization Bargaining" (interaction within parties).

Deutsch (1973) expands on the work of Walton and McKersie in developing a set of six variables that affect negotiating behavior, including:

- (a) characteristics of conflicting parties;
- (b) prior relationship between/among conflicting parties;
- (c) nature of the issues giving rise to the conflict;
- (d) social environment within which the conflict occurs;
- (e) strategies and tactics employed by conflicting parties; and
- (f) consequences of the conflict to each of the participants and to other interested parties.

Rubin and Brown (1975) present the concepts of "motivational orientation" (MO) (inclination to bargain); "power balance" (distribution between parties) and "interpersonal orientation" (IO) (relations between parties) and examine these independent variables in detail to determine the precise influence each has on negotiator behavior and negotiation outcomes. These findings and others have contributed significantly to our understanding of what occurs during

the interaction between negotiators and how negotiator behavior can be expected to affect the negotiation outcome.

2.4.3 Developmental Theory Models

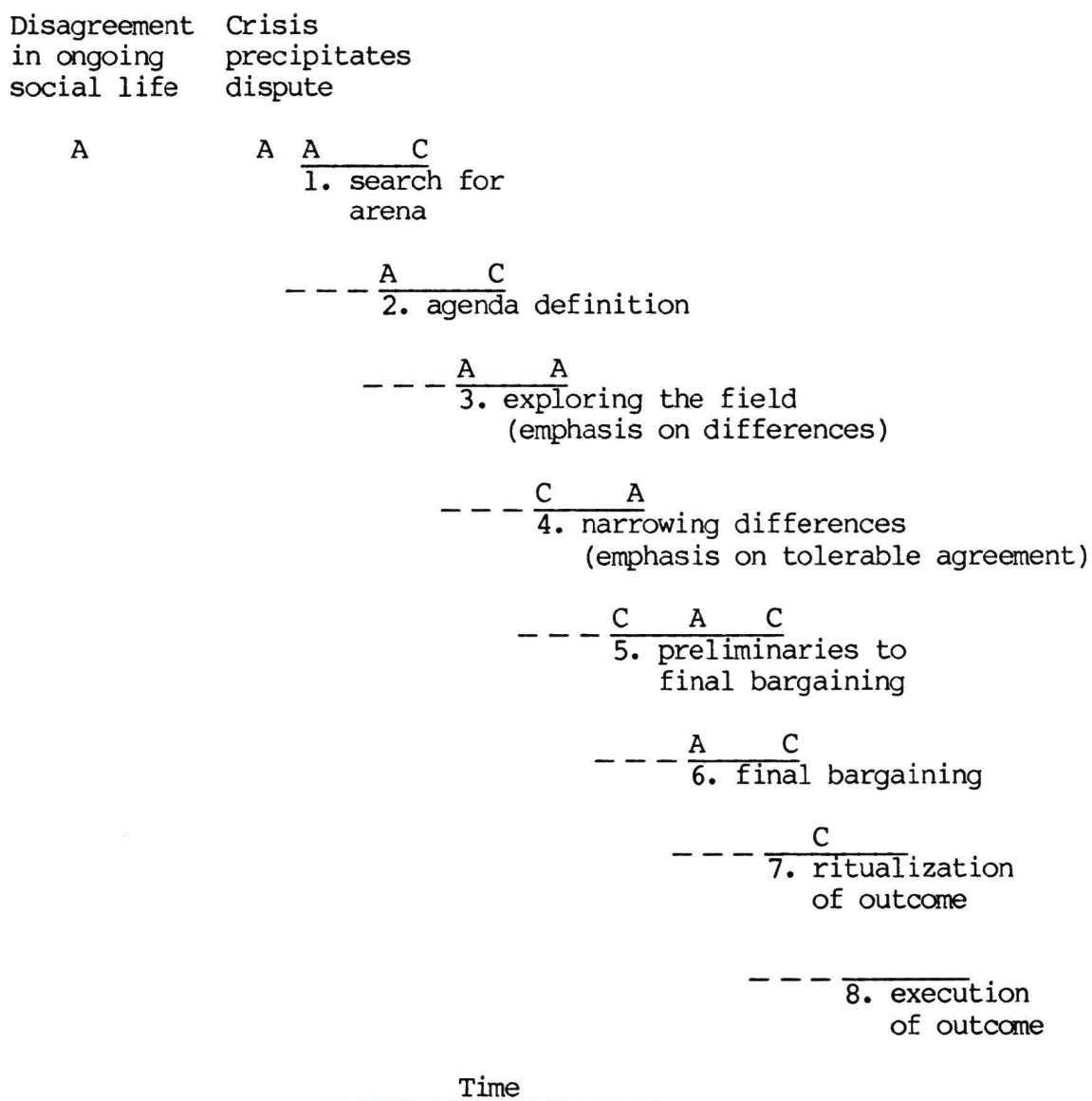
Developmental theory models view negotiation as a series of sequential phases or stages and identify specific characteristics within these stages that will influence the negotiation process and outcome. Gulliver (1979) describes a model of negotiation based on a succession of eight phases ranging "from the initial recognition of a dispute to some kind of outcome" (p. 121) (Figure 5). Gulliver is careful to point out that, while the phases are successive, they may overlap in time and negotiators may even, intentionally or not, return to an earlier phase for renegotiation. These observations underscore the flexibility inherent in the developmental approach to bargaining theory.

Other authors also perceive the negotiation process as a continuum rather than an episode. Karrass (1980) has developed a time-phased negotiation model (Figure 6) composed of three stages; (Preconference Negotiation Stage, Conference Negotiation Stage and Postconference Negotiation Stage), and a variety of functions (or activities) are delineated within each stage. Karrass concludes that "an awareness of the anatomy of time and bargaining processes cannot help but contribute to better results at the table" (p. 139).

In their work entitled "The Practical Negotiator", Zartman and Berman (1982) also introduce a model based on a staged approach to

Figure 5

Disputes and Negotiations:
The Developmental Model of Negotiation



(A = predominance of anatagonism; C = predominance of coordination)

Figure 6

Time-Phased Negotiation Model

		Steps	Function
Preconference Negotiation Stage		1	Request formulation
		2	Formal procurement phase
		3	Formal negotiation conference planning, organization, fact-finding, and analysis
Conference Negotiation Stage	Phase I (verbal fireworks)	1	Introduct. Rules and tentative agenda agreement
		2	Establish maximum negotiating range Revise and identify plans problems and issues
	Phase II (hard bargaining)	3	Establish settlement Modify Solve and conflict range problems range
		4	Conflict-range negotiation
	Phase III (crisis)	5	Closure and agreement
Postconference Negotiation Stage		1	Agreement elaboration (formal contract formulation)
		2	Approval coordination
		3	Administrative elaboration and integration (formal and informal)
		4	Agreement antithesis, resynthesis and closure

Source: Karrass, 1970, p. 136.

negotiations. The model identifies three distinct stages and associates different types of problems and behaviors with each stage:

- "(1) diagnose the situation and decide to try negotiations;
- (2) negotiate a formula or common definition of the conflict in terms amenable to a solution; and
- (3) negotiate the details to implement the formula on precise points of dispute" (p. 9).

Zartman and Berman (1982) contend that a stage model is useful in ordering and preparing for reality, although a boundary problem is always present in the use of phased concepts because "phases can be isolated and examined in detail, but in the real world they tend to have shady borders, overlap each other, and even hide when their names are called" (p. 9).

Bercovitch (1984) also developed a general framework for negotiation and mediation based on a series of stages or phases as follows:

- (a) Pre-entry Phase,
- (b) Contact Phase,
- (c) Initial Phase,
- (d) Conflict Identification,
- (e) Data Gathering,
- (f) Planning Phase,
- (g) Decision Making,
- (h) Planning, and
- (i) Evaluation (Figure 7).

The developmental theory models appear to offer significant potential in the quest for greater understanding of the negotiation and bargaining processes. This thesis focuses on these types of negotiation models, particularly on the aspects of the negotiation that may be discussed, analyzed and agreed upon during the preliminary stages or phases of the negotiation. Heeding the advice of Gulliver (1979) and Zartman and Berman (1982), it is to be expected that the

Phases of Negotiation and Mediation

- A. **Pre-entry Phase**
 - 1. Who are the parties?
What is the nature of their relationship?
 - 2. What are the third parties' expectations?
- B. **Contact Phase**
 - 1. Open up communication, ensure that all parties communicate with each other.
 - 2. Find what is happening and who is involved.
 - 3. Establish credibility.
 - 4. Establish informal atmosphere, explain ground rules.
 - 5. Structure a preliminary and flexible agenda.
 - 6. Clarify roles and responsibilities.
 - 7. Depersonalize conflict (i.e. focus on the conflict, not on the parties).
 - 8. Avoid judgements or evaluations.
- C. **Initial Phase**
 - 1. Design an informal atmosphere.
 - 2. Request parties to discuss conflict.
 - 3. Listen attentively.
 - 4. Pay attention to behavior and attitudes.
 - 5. Indicate how the process will proceed.
 - 6. Eliminate tensions and personal antagonisms.
 - 7. Discover the outcome expected.
- D. **Conflict Identification**
 - 1. Identify underlying issues.
 - 2. Summarize areas of agreement.
 - 3. Identify obstacles.
 - 4. Place issues and demands in a priority order.
 - 5. Develop a sense of involvement.
 - 6. Achieve a clear definition of conflict/causes of conflict.
 - 7. Provide opportunities for sharing information.
- E. **Data Gathering**
 - 1. Capture as much factual data as possible.
 - 2. Have a clear picture of past circumstances and present factors.
 - 3. Open analysis of "facts".
 - 4. Improve feedback.
 - 5. Identify expectations.
 - 6. Analysis and summary.
- F. **Planning Phase**
 - 1. List all possible alternatives.
 - 2. Invent new and more acceptable alternatives.
 - 3. Work out with parties consequences of alternatives.
 - 4. Devise criteria to appraise alternatives.
 - 5. Improve parties' ability to work together.
 - 6. Review and adjustment of parties attitudes, feelings.
- G. **Decision Making**
 - 1. Offer adequate resources in terms of knowledge, skills.
 - 2. Create new solutions.
 - 3. Encourage participatory and consensual decision-making.
- H. **Planning**
 - 1. Summarize agreement.
 - 2. Plan clear action steps.
 - 3. Anticipate difficulties.
- I. **Evaluation**
 - 1. Termination of intervention and separation.
 - 2. Assessment of objectives achieved.
 - 3. Evaluation of intervention.

realities of any particular negotiation situation may vary from the prescribed theory and, therefore, may require that some of these conditions be dealt with during subsequent phases of the negotiation. Nevertheless, the value of considering the negotiation process as a series of stages has been clearly demonstrated and a closer analysis of the conditions present in the early stages of negotiation and the potential for these conditions to affect the eventual outcome of the negotiation process is now appropriate.

CHAPTER 3

NEGOTIATION PRELIMINARIES

"If bargaining is anticipated, then it is essential to prepare for it" (Dorcey, 1986, p. 79)

The context or structure within which the bargaining or negotiation takes place can be critical to the outcome of the negotiation process. Young (1975) recognizes the importance of the context of negotiation in identifying a crucial common theme that ties all concepts and theories about bargaining together: "In every case, bargaining is conceptualized as a means (though not the only one) through which purposive actors can reach specific settlements or outcomes under conditions of strategic interaction or interdependent decision making" (p. 5). Particular "conditions of strategic interaction" are identified in this thesis within the broad framework provided by the developmental theory models discussed in Chapter Two. These models are based on a staged or phased approach to negotiations, and emphasize the need to consider the negotiation process as underway from the initial recognition of a dispute. In this thesis, the main hypothesis to be investigated is that the "conditions of strategic interaction" will, if considered thoroughly and agreed to by all parties during the preliminary phases of negotiation, contribute substantially to a successful outcome to the negotiation.

3.1 Negotiation Phases

In their seminal study of labour negotiations, Walton and McKersie (1965) are among the first researchers to differentiate specific steps in the conflict resolution process, as follows:

- (a) Identifying the problem,
- (b) Searching for alternate solutions and their consequences, and
- (c) Preference ordering of solutions and selecting a course of action.

Rand and Wolfe (1985), in their discussion of negotiation as a potentially important business management technique, define negotiation as an integrated methodology of preparation, dialogue and administration phases, providing a fair, efficient and mutually-acceptable result. Rand and Wolfe consider each of these three phases individually, describing the particular steps involved and posing questions to be considered during each phase.

Several other authors also advocate a practical "step-by-step" approach to negotiation or mediation within the framework of the general phases or stages of the process. As we have already seen, Karrass' (1980) time-phased negotiation model (Figure 6) delineates a series of functions or steps within each phase of bargaining. Bercovitch (1984) has also developed an extensive and detailed series of steps and questions organized within the framework of various identifiable conflict phases (Figure 7). These steps are specifically designed to enable a mediator to assist the parties in generating strategies for achieving their objectives. Bercovitch qualifies his framework by saying "we should not be so overwhelmed by its creative

potential as to suggest it as a universal mechanism for managing social conflict." (p. 128).

Gerald Cormick, of the Institute for Environmental Mediation in Seattle, focusses on mediation as a conflict resolution mechanism and suggests eight questions that should be explicitly and mutually addressed during exploratory or preliminary discussions, as follows:

1. Are all parties who have a stake in the outcome of the negotiations represented? Is any party excluded that could prevent an agreement from being carried out?
2. Have all of the parties reached general agreement on the scope of the issues being addressed?
3. Are the negotiators for each party able to speak for their constituency? Is there a reason to believe that, if the negotiators reached an agreement, the agreement will be honored by the groups they represent?
4. Have the immediate parties and the eventual decision makers committed themselves to a good faith effort to reach a consensual agreement?
5. Has a realistic deadline been set for the negotiations?
6. Are there reasonable assurances that affected governmental agencies will cooperate in carrying out an agreement if one is reached?
7. Does the mediator operate from a base that is independent of both the immediate parties and the decision makers with jurisdiction over the dispute?
8. Do all parties involved trust the mediator to carry messages, when appropriate, and to honor confidential remarks?

Cormick (1982) states that extensive exploratory discussions between and among the parties must take place to determine answers to these questions before any commitment is made to negotiate the issues.

Folberg and Taylor (1984) have also studied the mediation process and have developed a seven-stage process for mediation:

1. Introduction--creating trust and structure,
2. Fact finding and isolation of issues,
3. Creation of options and alternatives,
4. Negotiation and decision making,
5. Clarification and writing a plan,
6. Legal review and processing, and
7. Implementation, review, and revision.

This seven-stage model is "intended as a 'megaprocess' that can form the basis of mediation in all situations". (p. 32). Each stage is subsequently discussed in detail, focussing on goals and tasks and the general role of the mediator.

Moore (1986) specifies a series of critical questions to be considered in the development of a detailed plan for mediation:

1. Who should be involved in the mediation effort?
2. What is the best setting for mediation?
3. What procedures will be used?
4. What issues, interests, and settlement options are important to the parties?
5. What are the psychological conditions of the parties?
6. What is the general plan for the first joint negotiations in the mediator's presence?
7. How will specific agenda items be identified and ordered?
8. How will rules or behavioral guidelines be established?
9. How will parties be educated about the process and agree to proceed with negotiations?
10. What possible deadlocks could occur and how will they be overcome?

Addressing resource use disputes specifically, Susskind and Weinstein (1981) expand on these ideas and specify a sequence of nine steps to resolving environment disputes, as follows:

1. Identifying the parties that have a stake in the outcome of a dispute,
2. Ensuring that groups or interests that have a stake in the outcome are appropriately represented,
3. Narrowing the agenda and confronting fundamentally different values and assumptions,
4. Generating a sufficient number of alternatives or options,
5. Agreeing on the boundaries and time horizon for analysis,
6. Weighting, scaling and amalgamating judgments about costs and benefits,
7. Determining fair compensation and possible compensatory actions,
8. Implementing the bargains that are made, and
9. Holding the parties to their commitments.

Susskind and Weinstein note that these steps draw heavily on the experience of the planning profession, with negotiations involving public participation in environment disputes.

With reference to the historic 1987 State of Washington Timber/Fish/Wildlife Agreement, designed to resolve natural resource conflicts, Waldo (1987) describes a flexible, goal-oriented approach to conflict resolution that includes "discussions based on actual goals and needs and negotiations dependent on consensus decision making" (p.

7). Six steps are outlined for this approach, as follow:

1. All constituencies must want a change in the way of doing business, and all must be included in any solution,
2. All parties to a conflict must, together, identify the problems, consider the choices and evaluate the consequences of alternatives,
3. Participants must "agree to agree",
4. Technical participants must reach agreement on a single set of facts and assumptions or agree on a process to identify those facts,
5. Each negotiator must strip away posture and focus on "real needs" and "real issues", and
6. Everyone must work together and recognize the need to "give to get".

Waldo adds that "Cooperative monitoring and research provide the information to adjust the system in the future, creating an adaptive management system" (p. 7).

From these studies and others, it is apparent that the phases or stages of the negotiation process are comprised of a number of individual factors, including physical, temporal and social elements, that may be generally termed "conditions of strategic interaction". These interaction conditions, or negotiation conditions, form an important framework for the effective functioning of the negotiation process.

3.2 Negotiation Conditions

The conditions may be grouped together in three major categories or principles as follows:

- (a) Negotiation Structure,
- (b) Interest Representation and
- (c) Negotiator Interaction.

(a) Negotiation Structure

Structure for the negotiation process includes a mutually-acceptable location or forum for meetings, a time horizon for the process, and a means of implementation for any agreements generated by the process. Legal prohibitions, accountability of parties, and potential obstacles to implementation of any agreement must be established, recognized and mutually accepted or modified. Agreement on the structure of the negotiation process provides a firm basis for proceeding with the actual discussions.

(b) Interest Representation

Individuals or groups maintaining an interest in a dispute must be offered an opportunity to participate, and also be willing to engage in the negotiation process if the process is to be successful. In addition, these parties must be willing and able to provide complete and accurate representation of the particular interests or issues associated with their view of the dispute. These interests or issues must be sufficiently well represented to permit options or alternative

solutions to be generated for the greatest collective benefit.

(c) Negotiator Interaction

Negotiation cannot and will not take place unless all parties in the conflict are influenced by both cooperative and competitive interests. Recognition of this interdependence is essential to successful negotiation. All parties must perceive little or no opportunity to "win" the conflict and accept that the power of each party is approximately equal to that of every other party in the conflict. All parties must also agree on relevant information and acceptable technical data, particularly when some aspects of the dispute may be based on faulty or misunderstood data. Finally, since the bargaining interaction is based on communication of some sort, it is essential that this means of interaction be clear and mutually acceptable. A ready, reliable and mutually-agreeable means of communication is an essential condition for a successful bargaining endeavour.

The findings of a variety of researchers concerning the individual conditions within each of the three categories will now be reviewed and analyzed in detail to illustrate the significance and importance of each condition within the negotiation process. Assessment factors for each condition will also provide the basis for the development of research hypotheses to guide the case study review and analysis.

3.2.1 Negotiation Structure

(a) Location or Forum

Many authors discuss the importance of location or forum to the negotiation process and allude to the potential for this aspect of negotiations to become significant to the outcome of the process. For example, location may present a potential cause of disruption between negotiating parties, or it may create an advantage for one party over the other. Rubin and Brown (1975) have reviewed findings from experiments and research in studies of the social psychology of negotiation, and describe at length the social, physical and issue characteristics of bargaining. They contend that the physical characteristics, such as selection of the bargaining site, arrangement of furniture, use of flags and nameplates, if left unresolved or if resolved unsatisfactorily, "may recur throughout bargaining or may proliferate, thereby hampering agreement on more tangible issues" (p. 81). These authors also point out that site selection is important because "it has implications for the amount of control that each party may exercise over the physical arrangements at that site, as well as for the psychological climate in which the exchange takes place" (p. 82). Further, "The advantages gained from bargaining on one's own territory represent potential sources of strength that are likely to increase both the assertiveness of, and the outcomes obtained by, the site controller" (p. 83) and "Because bargaining is a competitive type of interchange, bargainers are driven to assertiveness when on their home territory but are likely to be constrained from such behavior on

the territory of another". (p. 84).

In a study of the theory and practice of mediation, Walton (1969) notes that the "site for the confrontation affects the balance of situational power" (p. 117). Rubin and Brown (1975) also discuss a similar concept, saying "Physical arrangements may have important strategic implications, for example when they become vehicles for accentuating status and power differences" (p. 91). These authors describe how "Factors other than neutrality may influence the selection of a bargaining site. Among these are: the appropriateness of the site (lavishness/austerity), its distinctiveness (tradition/prominence) and its openness to public view" (p. 88). Finally, the particular physical arrangements of the site can cause "tension, defensiveness and increase conflict intensity if inappropriate, for example by imposing unwanted or unnecessary physical or visual contact (p. 91).

In their study of Japanese/American bargaining situations, Graham and Sano (1984) conclude, "Smart negotiators will always try to hold negotiations in their own offices. Short of this, a neutral location is best" (p. 58). These researchers also discuss the contribution physical arrangements at the location, such as seating arrangements and size of chairs, make to the eventual outcome. In his review of creative, peaceful approaches to dealing with conflict, Fogg (1985), also emphasizes the importance of a neutral location, particularly in the discussion of political disputes.

From the research conducted by these authors it becomes very obvious that situational advantage, as represented by a particular location that is favourable to one party over another, may lead to a

negotiating advantage for that party. In addition, such a location may cause open resentment to be expressed by the other party(ies), leading to disruptions in, or even the breakdown of, negotiations. The potential influence of location on the negotiation outcome is clearly demonstrated, and the importance of neutralizing this influence as much as possible or, conversely, of recognizing it as a factor in the outcome, is stressed.

(b) Time Deadlines

Several authors identify the need for time deadlines in the negotiation process. Rubin and Brown (1975) state "the mere existence of time limits, . . . is likely to have important effects" (p. 121). In his guidelines for use in mediating environmental disputes, Cormick (1982) specifies the need for deadlines within the negotiation process, whether for achieving agreement or for showing progress towards agreement. In their studies of the theory of environmental dispute resolution, Susskind and Weinstein (1981) state "no matter what a dispute centers on, the need to specify the boundaries and to designate a time horizon for analysis is overriding" (p. 341)

Further, there is evidence of a direct connection between the existence of deadlines and the eventual outcome of the process. In a study of the constructive and destructive processes in conflict resolution, Deutsch (in Shea, 1980) identifies time pressure as one of the factors affecting resolution (p. 718). Rubin and Brown (1975) elaborate on this idea, stating that "time pressures increase the likelihood of agreement and tend to be manifested in reductions in

bargaining aspirations, demands, and the amount of bluffing that occurs" (p. 123).

In addition, discussions between negotiating parties on the subject of time deadlines may provide valuable insight into the nature of the dispute itself. Susskind and Weinstein (1981) found that "differences in perception about appropriate boundaries and time horizons may be at the heart of a dispute" (p. 342). Therefore, agreement on this important aspect of the negotiation can provide a positive influence on the general negotiation process.

Time deadlines within a bargaining process are important not only because of the particular effect they will have on any individual bargaining process, but also because they can become an indication of each party's intentions for future interactions with the other party. Time deadlines create an expectation for both parties that sincere and concerted efforts will be made to reach agreement, or at least to indicate progress, in the dispute resolution process. Failure to honour an accepted time deadline can directly affect future relationships between the parties. Time deadlines in a bargaining process are ignored only at the peril of destroying opportunities for a continuing positive relationship between parties.

(c) Implementation

Rand and Wolfe (1985) researched the principles of negotiation in the context of corporate management, particularly personnel relations. These authors identify documentation of sessions as an essential part of the negotiation process and, in particular, point out, "Careful

analysis of the methodology used to write and document the results of the negotiation is essential" (p. 59). Such documentation will lead easily and accurately to the development of an agreement, and "the best agreement is a document written in clear, concise, contractual language," (p. 60), particularly since actions taken under the agreement may establish precedents that will be contractually binding.

Cormick (1982) specifically states that negotiation preliminaries must include the projected form of the agreement to be reached, such as a written contract, proposed legislation, or signed joint recommendations. Consideration must be given not only to the form of the agreement but also to the measurement and monitoring of actions under the agreement. Agreements may be self-enforcing, or enforced through legal means with some form of prescribed monitoring. The preliminary discussions should also include the subject of sponsorship, and the commitments necessary to help ensure the implementation of the agreement.

Susskind and Weinstein (1981) discuss implementation as one of the nine steps in the negotiation process. Specifically, they state "All groups involved in bargaining must be made aware of the problems involved in implementing proposed cost compensation or impact mitigation measures" and "It is absolutely crucial that all parties to a bargaining process accept and understand the obstacles to implementation" (p. 344). Also, there may be problems in implementing proposed cost compensation or impact mitigation measures: "There are, sometimes, compromises that a group of disputants can reach that break a deadlock, but for reasons beyond their control cannot be implemented.

There may be legal prohibitions or outside parties who refuse to cooperate." (p. 344). Further, "It is critical to develop mechanisms that will bind all bargaining parties to the terms of their agreements." (p. 344). The importance of addressing the matter of implementation is emphasized by the observation that "Disputes that occur subsequent to a failure to implement a previous bargain are much harder to reconcile" (p. 344).

In summary, Susskind and Weinstein state "Even though the parties have reached a 'solution' to their conflict and all that seems necessary is to formalize their settlement, it would be wrong to underestimate the importance of this last step in the dispute resolution process. Great care must be taken so that agreements do not evaporate at the moment of apparent success." (p. 345).

3.2.2 Interest Representation

(a) Participation

In a study of the use of bargaining in coastal zone management, Dorsey (1983) indicates that one of the major determinants of the success of this process has been the extent to which affected, interested parties are provided opportunities for informed participation. Dorsey contends that the strength of the bargaining process often lies in the variety of opportunities that have been created for agencies of government to participate, although it is noted that opportunities for participation by the public are more limited. Dorsey asserts that improvements to the bargaining process may be

achieved by "selectively opening up the bargaining process to a full range of interests" (p. 33). This idea is reinforced in his writings on environmental ethics, where Dorcey (1983) once again stresses that one of the essential components of successful bargaining is the participation of all interested parties.

Rand and Wolfe's (1985) "preparation" phase of negotiation includes the gathering of pertinent information and the designation of negotiating teams for each interested party; particularly the spokesperson, the people to be present at discussions, and the people and resources required for caucus and consultation. Susskind and Weinstein's (1981) first step in environmental dispute resolution is "Identifying the parties that have a stake in the outcome of a particular dispute", and they note, "It is better to include too many people or groups than too few" (p. 337).

In a study of bargaining between American and Japanese business interests, Graham and Sano (1984) recognize there are often many parties involved in these dealings and the more parties involved, the more complex and difficult were the negotiations. Nevertheless, the importance of including all parties is recognized. Interestingly, the authors recommend what is termed a 'memawashi' approach, which includes "meeting with the separate parties individually and calling everyone together only for the formality of signing." (p. 62).

Rubin and Brown's (1975) examination of the social psychology of bargaining and negotiation includes a review of the effects of the number of parties involved in a bargaining situation. These authors note that very often coalitions will tend to form, particularly between

the weaker members as they attempt to increase their strength through the formation of alliances. Negotiations are simplified by reducing the number of parties involved while still retaining representation of all interests in the negotiation.

Cormick (1982) poses the questions "Are all parties who have a stake in the outcome of the negotiations represented?" and "Is any party excluded that could prevent an agreement from being carried out?" (p. 17). The second of these questions particularly emphasizes the possible long-term consequences of failing to include representation from all interested parties in the bargaining process.

(b) Issues and Interests

Issues and interests have often been mentioned in the description of the bargaining or negotiation process. For example, Greenhalgh, Neslin and Gilkey (1985) note "any bargaining exchange involves one or more issues concerning the manner in which resources are to be allocated among the parties" (p. 11). Further, Morley and Stephenson (1977) describe negotiation as "the process of conferring with another with the purpose of securing agreement on some matter of common interest." (p. 19).

In his discussion of mediation, Cormick (1982) identifies the importance of issues in negotiation preliminaries. Cormick notes that, in order to avoid misunderstanding during negotiations, agreement on issues to be addressed should be achieved before formal discussions take place.

Several other authors describe steps in problem-solving or

negotiations that focus on the subject of issues and interests, beginning with identifying the problem (Folberg and Taylor, 1984; Epstein, Bishop and Baldwin, 1982), fact finding and isolation of issues (Folberg and Taylor, 1984), separating the people from the problem (Fisher and Ury, 1983) and focussing on interests, not positions (Fisher and Ury, 1983). Rand and Wolfe (1985) recommend parties determine the interests behind a party's position in order to enable "both sides to generate resolutions and expand the negotiating arena." (p. 59).

Folberg and Taylor (1984) discuss the use of mediation in environmental disputes, noting that success in resolving these cases is dependent on the extent to which the participants share a similar set of expectations and the issues conform to a set of criteria, including being negotiable and viewed not as a right but as implementation of rights (p. 288). Nierenberg (1981) also points out that careful preparation is essential to successful negotiation and that a negotiator must consider issues in terms of problems, not demands. Further, objectives and facts must be determined before positions, needs and strategies.

Susskind and Weinstein (1981) also discuss the importance of closely examining issues and interests. Parties may have difficulty specifying the precise issues on which they disagree, and "the process of confrontation can lead to changes in positions or at least to a clarification of the issues at stake". (p. 340). Also, the process of carefully considering underlying interests may uncover previously unrecognized issues, or may reveal "the extent to which fundamentally

different assumptions and values are in conflict" (p. 340).

In his seminar material on negotiation techniques for lawyers, Jacker (1982) identifies the clarification of issues and interests as one of the fundamental negotiation techniques. Roger Fisher (1983), a Professor of Law at Harvard University and Director of the Harvard Negotiation Project, views negotiation as an attractive and viable alternative to litigation. Fisher outlines several rules of thumb that are designed to help negotiators understand the theory and the process of negotiation. Negotiators are advised of the importance of distinguishing between "people" issues, such as perceptions and emotions, and "substantive" issues, such as specifications, terms and price; between "positions", or stated concerns, and "interests", or real concerns; and between what parties ought to do and what parties will do. Attention to these details will contribute immeasurably to "converting an adversary into a joint problem solver" and "developing ingenious solutions that dovetail differing interests" (p. 99).

Jeremy Main (1983) views negotiation as a basic managerial skill and cautions negotiators about arguing the wrong issues and failing to determine the interests that lie behind the parties' postures. Theodore Kheel, a veteran New York City labor negotiator is quoted in Main (1983) as stating, bluntly, "You have to sit on your ass day after day rehashing the issues; not the opening positions, the issues. Every time the issues are restated, you may get a new insight into how they can be resolved" (p. 144). Time spent determining as precisely as possible the specific issues and interests can have significant benefits for the conduct and outcome of the negotiation.

Rubin and Brown (1975) refer to both tangible issues and intangible issues in their treatise on the social psychology of bargaining. Also, issues may vary in other ways, and "issue incentive magnitude, reward structure, number, format, presentation and prominence are each likely to exert a profound influence on bargaining effectiveness." (p. 127). These authors caution that bargainers must "begin to consider more consciously the formulation, as well as the substance, of the issues with which they deal." (p. 149).

Rubin and Brown (1975) also caution that "an increase in the number of issues is likely to require an increase in the amount of time needed to reach overall agreement" (p. 145) and "more difficult issues (contracts) typically required an increased amount of time before agreement could be reached; moreover, the relative frequency of reaching agreement decreased as issues became more difficult" (p. 145). These authors found that "as the number of issues in a dispute grows, the pressures toward differentiating among them are likely to increase" (p. 147), although in a comparison of the relative effectiveness of "logrolling" (trading of concessions on one or more issues at once) versus "compromise" (negotiating each issue separately), "logrolling led to a more equitable, significantly higher joint outcome distribution and required significantly fewer moves for completion of the bargaining sequence." (p. 147). In summary, Rubin and Brown recommend "It is by creatively sizing or fractionating issues, expanding the range of alternative outcomes, coupling them to existing or new issues, forming subsets, package deals or tie-ins that the likelihood of reaching a mutually satisfactory agreement may be

increased." (p. 156).

Rubin and Brown (1975) conclude their research with three recommendations for increasing bargaining effectiveness by concentrating on issues:

- "1. Whenever possible, intangible issues should be converted into more manageable tangible ones,
2. Incentive and reward structure should be manipulated so as to avoid "winner take all" zero-sum outcomes,
3. Variables such as the number of issues to be dealt with, their sequencing, format, abstractness, manner of presentation and the display or arrangement of alternative solutions should be consciously formulated, whenever possible." (p. 156).

3.2.3 Negotiator Interaction

(a) Interdependence

In their summary of a three-stage approach to negotiation in the context of corporate and organizational environments, Rand and Wolfe (1985) state "negotiation is by definition a situation of interdependence" (p. 57). Oran Young (1975) reviews economic and game theory approaches to bargaining and negotiation and discusses the concept of strategic interaction, or interdependence, as a central feature of all situations involving bargaining. Interdependence is credited with determining the set of behavior patterns manifested by two or more individuals who recognize that all "the outcomes associated with their choices are partially controlled by each other" (p. 6). Folberg and Taylor (1984) implicitly include the concept of interdependence in their discussion of conflict management as "convergence promotion" (p. 25), or the realignment of divergence so

that opposing forces are less diametrically opposed and therefore, are less damaging to each other.

Weiss-Wik (1983) reviewed six books designed to enhance negotiators' successfulness. Weiss-Wik concludes "the primary reason for conflict and negotiation lies in the interdependence of parties' goals" (p. 720). Weiss-Wik also advises that trainers advocate drawing interdependence out and publicly frame goals with respect to problems. In doing so, it may be possible to discover significant overlap between the maximization of individual utilities and the maximization of joint utilities. Reviewing experimental results reported by the various researchers, Weiss-Wik also concludes "one can see a case for concentrating on a counterparts' needs as well as one's own, especially when those needs appear to be promotively interdependent" (p. 722).

Richard Fogg (1985) examines creative, peaceful approaches to dealing with conflict, and also points out the importance of moving beyond a simple compromise of demands to trying to satisfy the needs behind the demands. Fogg acknowledges the pioneering work of Mary Parker Follett (1941) in problem solving and her concept of searching for mutually satisfactory solutions through the integration of the bargainer's needs. Walton and McKersie (1965) later termed this concept "integrative bargaining", and went on to emphasize the importance of interdependencies in the relationship between negotiating parties in labour disputes. These authors describe the negotiation process as a subset of social negotiation, or "the deliberate interaction of two or more complex social units which are attempting to define or redefine the terms of their interdependence" (p. 3). The

concept of interdependence is fundamental to negotiation, as all negotiations are an attempt to specify the norms of the relationship between the parties. Even if parties do not agree, they will revert to the existing terms of interdependence.

Expanding on the work of Walton and McKersie, Deutsch (1973) describes his own studies as "guided by the assumption that the ease or difficulty of resolving conflict is influenced by the relative strengths of the cooperative and competitive interests of the bargainers" (p. 282). Deutsch notes an important two-way cause-and-effect connection, such that cooperative interests on the part of bargainers will contribute to cooperative interactions, which, in turn, contribute to more cooperative interests. As Deutsch states, "characteristic processes and effects elicited by a given type of social relationship (cooperative or competitive) tend also to elicit that type of social relationship" (p. 365). Bacharach and Lawler (1981) provide a succinct summary with "If they had no incentive to cooperate they would not bargain at all; if they had no incentive to compete, they would not need to bargain" (p. 4). The bargaining process, therefore, involves both the expression, and the possible redefinition, of the interdependence between the parties involved in the process.

Rubin and Brown (1975), in their study of the social psychology of bargaining and negotiation, describe the interdependence "bonds" that may be said to characterize any true bargaining relationship. These authors note that "the nature and the strength of these bonds may vary as a function of the explicit or implicit contract formed by the

participants and the degree of mutuality of their preferences for reaching agreement" (p. 197). Nevertheless, because bargaining is a voluntary relationship and all participating parties have chosen to participate, the parties need each other and cannot hope to satisfy their needs or interests in the relationship without the consent of the other. Ruben and Brown develop a model of interdependence based on the following three parameters: (1) motivational orientation (MO) (cooperative, individualistic or competitive); (2) power balance (equal or unequal); and (3) interpersonal orientation (IO) (high or low). The most important interdependence parameter is found to be cooperative motivational orientation, as measured by the level of positive interest each bargainer has in the other's welfare as well as his own.

Elaborating on these ideas, Nierenberg (1981) refers to negotiation as a "cooperative enterprise", and stresses that a cooperative basis to the bargaining situation will encourage both parties to strive for goals that can be shared equally. Nierenberg asserts that the competitive attitude is not abandoned, but instead serves as an integrating influence, and "competition that permits each man to measure his competence or means against the other's - and to be rewarded proportionally - (is) really a cooperative achievement" (p. 39). Nierenberg advises negotiators to search for common interest levels, and be alert for opportunities to convert divergent interests into channels of common desires and find mutual interests and goals. A cooperative approach will provide greater rewards to each party and a more long-lasting resolution of the conflict.

(b) Power

Conflict has been described as "the clash of power in the striving of all things to be manifest" and "the process of powers meeting and balancing" (Rummel, 1976, p. 238). Definitions of power emphasize either dominant parties or submissive parties, but are consistent in their focus on influence and outcome control, (Deutsch, 1963; Cohen, 1980; and Mitchener, Lawler and Bacharach, 1973). In a study of the management of power, Swingle (1976) traces the concept of power in conflict situations from Max Weber (1947), who defined power as "the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance." (p. 47). Deutsch (1963) expanded on Weber's concept of power as including the capability to force one's own perception of the world on others. Swingle subsequently paraphrases Deutsch's definition of power as "the ability of an individual or group to act out successfully its character or to impose extrapolations or projections of its inner structure on its environment." (p. 47). Swingle goes on to cite other definitions of power, such as "the ability to encourage or force others to act in accordance with one's own wishes in order to bring to fruition one's personal goals or aspirations" (p. 48), and quotes Meyer Zald (1970) as adding another dimension to these definitions with, "the ability of a person or group, for whatever reason, to affect another person's or group's ability to achieve its own goals (personal or collective)." (p. 48). Swingle cites Schattschneider (1960), crediting him with the idea that power may reside in the audience or forum of the conflict. Synthesizing these views, Swingle concludes "power results from the

relative degree to which protagonists can control the scope or limits of the conflict." (p. 49).

Chadwich (1971) and Gamson (1968) (in Swingle, 1976) contend that power may result from frustration, alienation and discontent. These concepts are based on "the premise that groups in which there is a high level of satisfaction have minimal potential for the development of conflicting power. Discontentment and dissatisfaction, however, are the breeding grounds for disruption by encouraging the mobilization of powerful protesting factions" (p. 50). Finally, Swingle credits Reich (1970) with describing the repudiation of values as a source of power. In the case of resources then, if one party has limited need for or value of resources, the other party controlling those resources is deprived of a means of influence and control.

Using this material as background, Swingle (1976) particularly focusses on the reciprocal and circular nature of social processes, to avoid fixation on cause-effect explanations of power and influence. Swingle reviews concepts based on the idea of one group exercising control over the behavior of another, and also examines the influence target groups and even audiences and forums may have over sources of power. Thus, Swingle reaches the following conclusions about power and conflict: "Wants create concern over the equitable distribution of resources capable of satisfying that want. Persons with control over distribution of certain resources gain power to the extent that they can create wants for those same resources. Conflict erupts when wants are made salient such that 'Haves' hold and protect whereas 'Have-Nots' get." (p. 51).

Bacharach and Lawler (1981) present a strong and persuasive case for the concept of power as the pivotal construct of bargaining theory, saying "power pervades all aspects of bargaining and is the key to an integrative analysis of context, process and outcome." (p. 43). Bacharach and Lawler (1981) introduce the "dependence approach" to power perception, or "the degree that parties have a stake in the bargaining relationship" (p. 59). These authors believe that this approach offers a more relational and resource-based concept of bargaining power and, using this approach, differentiate three distinct facets of power: "absolute power" (the power of an individual party irrespective of the other party's power), "total power" (the sum of the parties' dependence on one another) and "relative power" (the dependence of one party compared to the dependence of the other party) (p. 65). These authors maintain that "a complete analysis of power requires separate consideration of absolute, total and relative power" (p. 66).

Weiss-Wik (1983) points out that "the negotiator is a target as well as a user of power; to be successful, he must be willing to test the counterpart's power." (p. 716). Young (1975) contributes another interesting observation, by disputing the suggestion that the bargaining advantage invariably goes to the most powerful, strong or skillful, and citing several case examples where these qualities, in fact, were a disadvantage (p. 320).

In his training book on how to negotiate, Cohen (1980) describes fourteen sources of power (including risk-taking, knowledge of a counterpart's underlying needs, and competition and expertise) and

emphasizes that power is inextricably tied to perception. Fisher (1983) identifies six kinds of power: skill and knowledge; a good relationship; a good alternative to negotiation; an elegant solution; legitimacy; and commitment. Rubin and Brown (1975) assert that bargainers will try to exercise and build on their power by emphasizing similarities with other parties ("referent power"), building on superior knowledge or abilities ("expert power"), convincing other parties of their right to make a particular offer or demand ("legitimate power"), pointing out contingencies about which the others have little or no awareness ("informational power") and imposing rewards or punishment on the others ("coercive power"). In this manner, one party can create or build on a variety of private beliefs in the other party and, thereby, increase the likelihood of an offer proving acceptable.

Jandt's (1973) work on conflict resolution illuminates a further, and somewhat paradoxical, characteristic of power in conflicts, saying "the need for and accomplishment of a readjustment of power relations is both a source of conflict and a function of conflict" (p. 65). Thus "power is an object of conflict and a conditioner of conflict: Relative weaknesses may lead to conflict, and the comparative strength of parties will partially determine the new power relation which emerges from conflict" (p. 65). Jandt states that "power is a relational concept, and it is the nature and distribution of power among the parties and relative to the issues of conflict which are significant" (p. 74). Jandt emphasizes that the "difficulty of estimating power in advance of a concrete test is undoubtedly a major

obstacle in preventing conflict or in reducing the likelihood of extreme conflict" (p. 76). On the implications of power factors on conflict management and resolution, Jandt offers the following insight: "to the extent that the function of conflict is the clarification and stabilization of power relations, modes of resolution which omit or cannot basically affect these relations are likely to be ineffective" (p. 76).

In a discussion of conflict, cooperation and trust in three power systems, Bonoma (1976) extends Jandt's ideas on conflict and power relations. Bonoma (1976) describes the bargaining interaction as a form of social power system called a "mixed power system", characterized by the exchange paradigm, or turn-taking sequence of bargaining interactions, and "the production of intended individual effects is voluntarily or culturally circumscribed in participation in mixed systems by normative boundaries" (p. 505). Bonoma contends that offer and counteroffer exist in bargaining relationships because neither participant is weak and "we could cite emergent norms as the distinguishing characteristic of bargaining relationships. They tend to develop only when participants to a conflict approach equivalency because it is only when one is faced by a real capability in the other to do damage or refuse to reach an agreement that the other has any incentive" (p. 505).

In a further reference to the role of power in bargaining and negotiation, Rubin and Brown (1975) refer to Thibault and Kelley's (1959) analysis of power, "in terms of the range of outcomes (positive and/or negative) through which one person can be moved by another" (p.

213). Rubin and Brown review twenty-seven experimental studies, nineteen of which provide unequivocal support for the proposition that equal power among bargainers tends to result in more effective bargaining than unequal power. (Five studies reported no differences as a function of power equality, while three reports negated the proposition.) Rubin and Brown (1975) subsequently develop their proposition further to show that unequal power affects the behavior of the parties, that is, bargainers with relatively low power tend to behave more submissively, while high power bargainers tend to behave manipulatively and exploitatively. Over eighty-five percent of the studies were found to support this proposition, although the proposition was subsequently refined to note that exceptions will be found where conditions are favourable to the formation of coalitions between the less powerful parties. General, though not conclusive, support was found for the idea that bargainers are likely to function more effectively the smaller the total amount of power in the situation. The authors conclude, "Power, or more accurately the distribution of power, is clearly an important determinant of effectiveness also, but its effects tend to be muddied by the fact that power is a complex, multi-dimensional parameter" (p. 257), and "simple experimental manipulations of one dimension of power have all too often simultaneously varied other dimensions as well, making it exceptionally difficult to sort out the precise impact of this parameter". (p. 258).

In a study of the effects of negotiator preferences, situational power and negotiator personality on negotiation outcomes, Greenhalgh, Neslin and Gilkey (1985) simulated a situation involving the purchase

of prime-time television. These authors conclude that negotiator preferences have the strongest direct influence on outcomes. However, both power and personality influence negotiated outcomes, although neither variable directly determines outcomes. These authors indicate that all three variables should be considered in any bargaining study.

In an important study of the effect of power properties on conflict resolution, Twomey (1977) examines two properties of social power, described as "dependency" and "availability of alternatives". Twomey constructs a matrix based on the degree to which each of these power properties exists, and a series of expected behavioral states (Rebellious, Competitive, Dominant, Docile, Cooperative, Benevolent) is derived (Figure 8). Subsequently, the behavioral states are linked with the "use of coercion" and "accepted influence" to derive conflict resolution modes (Figure 9). For example, in Twomey's model, integrative/compromise modes of conflict resolution (or those that "tend to preserve the relationship by seeking mutually satisfying solutions" (p. 149)) are produced by low "availability of alternatives", equal "dependence", low "use of coercion" and equal "accepted influence". Twomey further states,

"Whether the resolution will be integrative (jointly maximizing both parties' outcomes, achieved through an open, problem-solving search), a compromise (giving up an equal amount through bargaining), or some combination of the two is a function of:

- (a) nature of the conflict (in particular, the extent to which it is a positive-sum dilemma);
- (b) trust (willingness to be vulnerable to the other party);
- (c) openness (free sharing of relevant information); and
- (d) orientation (extent to which the parties problem-solve - search for a mutually satisfying solution)" (p. 149).

Twomey's model provides an opportunity to analyze the

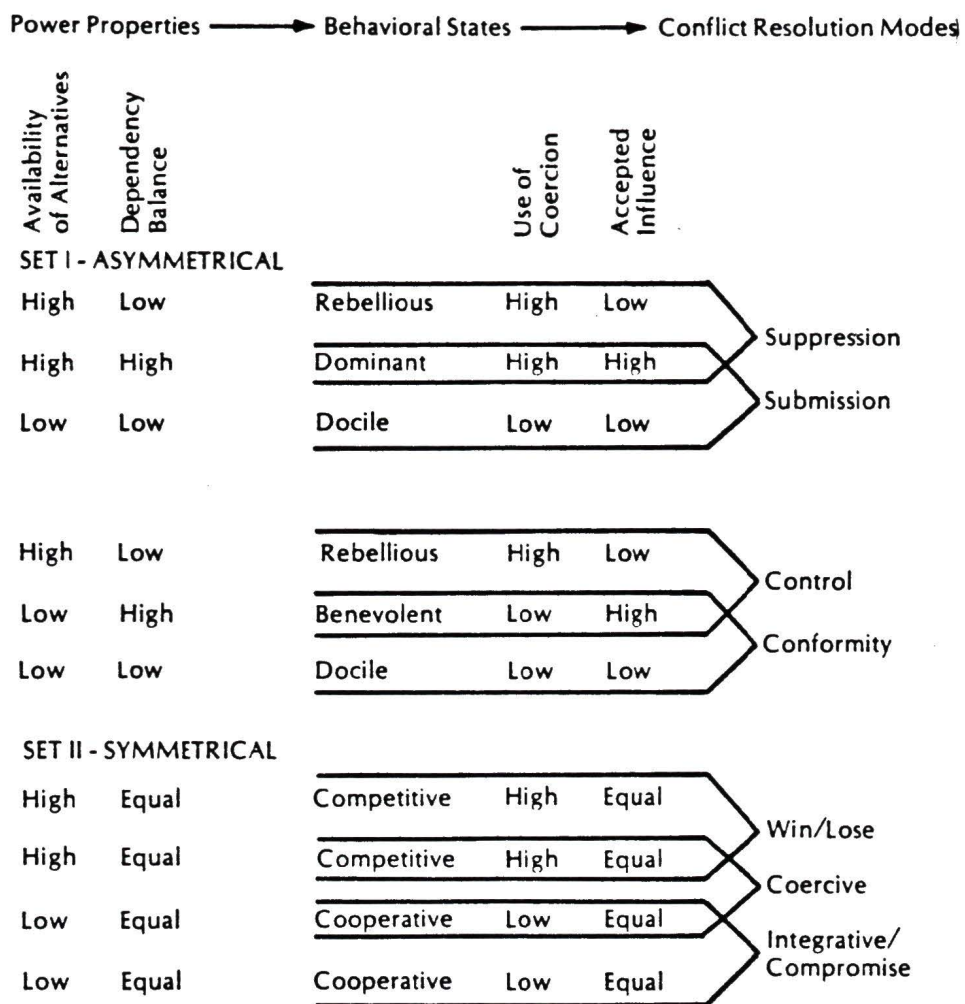
Figure 8

AVAILABILITY OF ALTERNATIVES A/A	High	(1) Maximize outcome Low accepted influence REBELLIOUS	(2) Maximize outcome Equal accepted influence COMPETITIVE	(3) Maximize outcome High accepted influence DOMINANT
	Low	(4) Maintain relationship Low accepted influence DOCILE	(5) Maintain relationship Equal accepted influence COOPERATIVE	(6) Maintain relationship High accepted influence BENEVOLENT
		Low (Asymmetrical)	Equal (Symmetrical)	High (Asymmetrical)
DEPENDENCY BALANCE (DB)				

Behavioral States -- Predispositions Prompted by
Availability of Alternatives and Dependency Balance

Source: Twomey, 1977, p. 146.

Figure 9



Power Properties, Behavioral States
and Conflict Resolution Modes

Source: Twomey, 1977, p. 147.

integrative/compromise conflict resolution mode in terms of the properties of social power (dependence, availability of alternatives, use of coercion and accepted influence). The model provides important insights as to the particular effects power properties exert within a conflict situation and the opportunities available to assess why or how constructive change may be possible.

Similar ideas are found in Bacharach and Lawler (1981) where, as previously noted, bargaining power is analyzed using a "dependence approach", or "the degree that parties have a stake in the bargaining relationship" (p. 59). The dimensions of dependence are measured by the availability of suitable or alternative outcomes from other relationships, and "commitment", or the importance attributed by each party to outcomes or issues at stake in the bargaining (p. 61). These authors contend that dependence is the backbone of a bargaining relationship, and conclude that the likelihood of agreement is greatest when, on the alternatives dimension, the bargainer's power positions are equal and the total power in the relationship is high; and, on the commitment dimension, the bargainer's power is unequal (p. 192). In other words, a successful outcome to bargaining may be expected when the bargainers both perceive strong suitable or alternative outcomes from other relationships and one party is highly committed to resolving the conflict while the other party does not have much to lose. On the matter of the relative power between two parties, these authors conclude that the effects are complex and contradictory, saying "To develop greater objective or subjective power than the other may enable one to extract more tactical concessions from the opponent but, at the

same time, one reduces the chances of agreement or one produces an agreement less stable or satisfactory over time" (p. 201).

(c) Information

Information has been identified as one of the most important aspects of the bargaining process. Rubin and Brown (1975) state very emphatically that "It is this exchange of information, the attributions to which it leads, and the ways in which it is shaped for the purposes of mutual social influence, that represents the fundamental strategic issue in bargaining" (p. 260). Young (1975) states that information plays a crucial role in bargaining because information is essential for individuals to make choices designed to enhance or maximize their utility (gains), assess uncertainties and evaluate outcomes. Further, information becomes the key to understanding the choices available to other parties in the bargaining situation. In coastal zone bargaining, Dorsey (1983) asserts "information is critical to the success of bargaining processes." (p. 14). Dorsey identifies information criterion as one of three principal criteria "that can be used to evaluate decision-making processes and thus assess bargaining" (p.16).

A direct linkage has been postulated between the availability and types of information and the interaction process between parties in conflict. In his assessment of the environmental regulatory process in Canada, Thompson (1980) states "The reason why environmental regulation becomes a negotiating and bargaining process is that knowledge gaps preclude any process of a more certain and precise nature", although "an expansion of knowledge will more sharply and narrowly define the

gaps to be bargained, with the result that bargaining should be more efficiently carried out" (p. 37). Dorcey (1983) reinforces this idea, saying "lack of knowledge... frustrates bargaining, making the process less productive, and worse, reduces it to 'struggling'" (p. 17).

Susskind and Weinstein (1981) point out that assumptions may be based on faulty or insufficiently understood data (p. 340). This problem may be partly or wholly overcome by greater use of expertise, such as professionals, tradespersons or consumers, as appropriate (Dorcey, 1985). In his writings on negotiation techniques, Donald J. MacDougall (1982) states "Information is needed to determine realistic goals and to determine basic strategy", and "there is a direct correlation between the information available to a negotiator and his ability to negotiate effectively" (p. 4). However, in their experiments on two-party negotiation, Chatterjee and Lilien (1984) found that, with symmetric information, no procedure offers an advantage to either party, and more information leads to an advantage to the bargainer with the additional information (p. 270).

Information has also been linked to power in a bargaining relationship (hence the phrase "Information is power" (Dorcey, 1983, p. 17)). The ability to indicate to other parties contingencies about which they may have little or no awareness can prove to be a very valuable asset for one of the parties. However, the maximum advantage from the use of additional information can only be realized if mutual trust exists in the relationship.

In the context of environmental bargaining, Dorcey (1983) distinguishes between two kinds of information commonly used in

resource management decision-making; "descriptive knowledge" (or elemental data) provided by inventory or monitoring, and "functional knowledge" (understanding cause and effect relationships) based on experimental research or management. Functional knowledge is particularly important as "the essential requirement for identifying the predictive information necessary for management decision-making." (p. 18). Dorsey (1985) also notes the importance of having "adequate information about the range of choices and consequences of natural resource uses, in terms relevant to the interests involved" (p. 7). Other authors emphasize the importance of gathering any pertinent information before the dialogue phase of negotiation, and negotiating the rules concerning the selection, use and validation of data and computers before commencing the actual mediation (Rand and Wolfe, 1985; and Straus, 1977, in Folberg and Taylor, 1984). Finally, three main weaknesses have been identified in the information generated for the purposes of conflict resolution and joint management in environmental issues:

1. socioeconomic data has been neglected,
2. natural resource systems are poorly understood, and
3. limited planning analysis has been carried out.

(d) Communication

Communication, or the continuous endeavour of speaking, listening, interpreting and responding, is the vehicle of negotiation. Communication has been noted as an important step in effective problem solving (Folberg and Taylor, 1984), and in a staged approach to

bargaining (Rand and Wolfe, 1985). Young (1975) states "it is the combination of opportunities for communication with the presence of strategic interaction which paves the way for the manipulative activities that constitute the core of bargaining" (p. 303). Rubin and Brown (1975) found "a general tendency toward increased bargaining effectiveness when the opposing parties may communicate freely with one another." (p. 99). However, these authors caution that "the mere availability of communication channels provides no guarantee that they will be used or used effectively" (p. 92). Dorcey (1985) identifies poor communication as one of the main reasons for bargaining ineffectiveness, particularly oversight of readily available information, failure to keep people informed, unquestioning acceptance of expert information and lack of interpersonal relations skills.

The quality and quantity of communication will be determined by the intensity of the conflict, the relationship between bargainers and the importance of the issues. These ideas are reinforced by Weiss-Wik (1983) when he states, "Generally, the opportunity to communicate has enhanced negotiating successfulness in experiments, but the utility of communication also seems to depend on the type of task and the intensity of the conflict." (p. 729). Weiss-Wik (1983) concludes that further investigation of successful negotiators' communications could provide valuable insight regarding the significance of this particular aspect of negotiation.

Communication is intended to achieve mutual understanding of each party's needs and should not involve the taking of major positions. Fogg (1985) describes the use of "controlled communication", whereby

negotiators meet to try to find solutions to underlying problems, "blaming is discouraged...the conflict is treated abstractly and similar historical conflicts are described" (p. 330).

Other authors emphasize the importance of the means and process of communication. Warschaw (1980) points out the importance of host-guest rituals and "warming up" before dealing with needs. In their instructional book on doing business with the Japanese, Graham and Sano (1984) specify the use of face-to-face communication rather than memoranda, telex or telephone. Social pressure and "wa", or face saving, preclude negative responses and are much stronger in personal encounters (p. 65). In addition, personal relationships can only be established through extended periods of face-to-face contact, and satisfactory public relations are the key to business relationships in Japan (p. 134).

Third party assistance to the bargaining process, or mediation, can encourage particular types of early communication; "communication that will both reinforce a situational definition of mutual gain and provide information enabling the parties to move in this direction." (Rubin and Brown, 1975, p. 118). Mediators can also keep parties separate and coach them in communication before bringing them together to attempt to resolve differences.

Another important concept is the interrelationship between communication and trust in the bargaining process. Walton and McKersie (1965) specify that openness in communication and trust play crucial roles in bargaining. The existence of trust will influence the use of existing communication channels. Trust is both valuable and vulnerable

and flows most easily from ongoing interaction (Deutsch, 1973). For successful dispute resolution, bargaining parties must develop a sense of trust in the bargaining process and in the ability of all parties to negotiate successfully. In addition, each party must be assured that the other is well represented by its negotiator and will honour an agreement reached by that negotiator (Cormick, 1982).

3.4 Summary

Many researchers have investigated the negotiation process based on a developmental theory of negotiation. The findings of these researchers provide the basis for the discussion in this chapter, which has delineated particular important negotiation conditions and outlined the major influences of each of these conditions on the negotiation process and outcome. These influences, and the important assessment factors associated with each condition, are summarized in Table 1.

Two important observations result from the findings of researchers interested in the developmental theory of negotiation:

1. Certain important conditions pertinent to the negotiation process may be isolated and discussed during the negotiation preliminaries.
2. Discussion and agreement on these conditions may be correlated to a successful negotiation outcome.

Several research hypotheses may be developed from these observations, using the assessment factors for each negotiation condition as noted in Table 1. These hypotheses are summarized in Table 2. Each hypothesis uses negotiation outcome as a dependent

TABLE 1

NEGOTIATION CONDITIONS:
INFLUENCE AND ASSESSMENT FACTORS

A. NEGOTIATION STRUCTURE		
<u>Condition</u>	<u>Influence</u>	<u>Assessment Factors</u>
Location or Forum	<ul style="list-style-type: none"> - potential cause of disruption, disagreement, distrust - can provide psychological advantage - can encourage assertiveness or constraint 	<ul style="list-style-type: none"> - neutrality - appropriateness, distinctiveness, public access
Time Deadlines	<ul style="list-style-type: none"> - increase the likelihood of agreement - reduce aspirations, demands and bluffing - reveal perception differences - affect future relationships 	<ul style="list-style-type: none"> - reasonable and/or rational - mutually-agreeable
Implement- ation	<ul style="list-style-type: none"> - consider obstacles or preventive factors - failure leads to further serious dispute and distrust 	<ul style="list-style-type: none"> - documentation - form of agreement - measurement and monitoring - sponsorship - commitments - enforcement

B. INTEREST REPRESENTATION		
<u>Condition</u>	<u>Influence</u>	<u>Assessment Factors</u>
Participation	<ul style="list-style-type: none"> - many parties increases complications - include many parties by: separate smaller meetings and coalitions between parties - include too many rather than too few - ameliorates implementation 	<ul style="list-style-type: none"> - includes full range of interested parties - includes government agencies and public, where appropriate
Issues and Interests	<ul style="list-style-type: none"> - agreement on issues can avoid later misunderstandings - assumptions and values may conflict - number of issues affects negotiation time - tangible issues are more readily considered than intangible issues - difficulty of issues reduces frequency of agreement 	<ul style="list-style-type: none"> - determines interests behind positions - determines objectives and facts before positions, needs and strategies - considers issues as problems, not demands - consciously formulates and clarifies issues - identifies creative, ingenious means of representing issues - trades concessions on several issues at once - promotes joint problem-solving

<u>C. NEGOTIATOR INTERACTION</u>		
<u>Condition</u>	<u>Influence</u>	<u>Assessment Factors</u>
Interdependence	<ul style="list-style-type: none"> - includes cooperative and competitive forces - simultaneously maximize individual and joint utilities - circular relationship between cooperative interactions and interests - bonds measured by MO, power balance and IO - recognition promotes convergence of interests 	<ul style="list-style-type: none"> - promotes integrative bargaining - finds mutual interests and goals - converts divergent interests
Power	<ul style="list-style-type: none"> - comprised of influence and control - may result from frustration, alienation and discontent or even repudiation of values - strength, skill and power may not be advantageous - negotiators are targets as well as users of power - may reside in audience or forum - both a source and a function of conflict - both an object and conditioner of conflict - nature and distribution among parties and relative 	<ul style="list-style-type: none"> - clarifies and stabilizes power relations by defining the normative boundaries of the power relationship - develops equal relative power, between parties, equal dependence, equal availability of alternative outcomes, equal accepted influence, low use of coercion, unequal commitment to issues

	<p>to issues important</p> <ul style="list-style-type: none"> - many kinds exist and many means of exercising and/or building power - affect individual parties' behavior 	
Information	<ul style="list-style-type: none"> - necessary to determine realistic goals and basic strategies - key to understanding choices available to other parties - comprises both descriptive and functional knowledge - lack of knowledge frustrates bargaining and leads to false assumptions 	<ul style="list-style-type: none"> - uses available expertise - negotiates rules on selection, use and validation of information - considers socioeconomic, resource system and planning analysis - maximizes functional knowledge
Communication	<ul style="list-style-type: none"> - consists of speaking, listening, interpreting and responding - mere availability does not guarantee use - depends on intensity of conflict, relationship between bargainers, and importance of issues - "host-guest" rituals important - openness in communication builds trust 	<ul style="list-style-type: none"> - treats conflict abstractly - describes similar conflicts and learn from their resolution - keeps parties informed - develops interpersonal skills - uses personal encounters - discourages blaming - questions "expert" information

TABLE 2

RESEARCH HYPOTHESES

A. Negotiation Structure Hypothesis

As discussion and agreement on

- (a) the use of a neutral and appropriate location,
- (b) compliance with a rationalized, mutually-agreeable time deadline, and
- (c) documentation of proceedings, and the form, measurement, monitoring, sponsorship, commitments and enforcement of the agreement(s)

increases, the likelihood of a successful negotiation outcome also increases.

B. Interest Representation Hypothesis

As discussion and agreement on

- (a) including all interested parties (with government agencies and the public),
- (b) determining interests behind positions and objectives and facts before position, needs and strategies,
- (c) considering issues as problems not demands,
- (d) consciously formulating and clarifying issues,
- (e) identifying creative, ingenious means of representing issues, and
- (f) trading concessions on several issues **at** once,
- (g) promoting joint problem-solving,

increases, the likelihood of a successful negotiation outcome also increases.

C. Negotiator Interaction Hypotheses

As discussion and agreement on

- (a) promoting integrative bargaining in order to find mutual interests and goals and convert divergent interests, and
- (b) clarifying and stabilizing power relations by defining the normative boundaries of the power relationship,
- (c) using available expertise while permitting questioning of "expert" information,
- (d) negotiating rules on selection, use and validation of information,
- (e) considering socioeconomic, natural resource system and planning analysis data,
- (f) maximizing functional knowledge,
- (g) treating conflict abstractly and describing similar conflicts and their resolution,
- (h) keeping all parties informed, and
- (i) developing interpersonal skills, using face-to-face contact and avoiding blame

increases, the likelihood of a successful negotiation outcome also increases.

As the relative power and dependency of parties, and the availability of alternative outcomes for the parties becomes more equal between parties, the likelihood of a successful negotiation outcome increases.

As the use of coercion increases, the likelihood of a successful negotiation outcome decreases.

As the commitment to issues, or interest in resolving the dispute, becomes more equal between parties, the likelihood of a successful negotiation outcome decreases.

variable and negotiation conditions as independent variables.

These research hypotheses will be tested through examination of the dispute over coastal zone resource use at Buckley Bay on Vancouver Island. Since substantial limitations are inherent in examining only one case, it is important that this case be placed within a context of other environmental resource disputes. For this reason, Chapter Four will begin with an examination of several typologies of resource disputes, before noting the particular characteristics of the case under review.

CHAPTER 4

ENVIRONMENTAL DISPUTE CASE STUDY

While environmental disputes have received an increasing amount of attention in the literature in recent years (e.g., Meares Island, Skagit River, Ross Dam, Cowichan River Estuary and South Moresby), few authors have attempted to formulate a comprehensive typology of these disputes. Such a typology would provide a valuable framework within which to categorize existing and future environmental disputes. This would enable researchers to more readily identify common, or even universal, themes. In particular, a comprehensive typology would provide a valuable framework within which to assess the general applicability of conclusions resulting from a study of a particular dispute. In addition, the limitations of such a study could be specified. For these reasons, it is instructive to review some of the existing typologies which are based on an analysis of the sources of conflict, the types of conflict management strategies, and the characteristics of environmental resource problems.

4.1 Typology of Disputes

In his study of conflict resolution through communication, Jandt (1973) analyzes the underlying sources of conflict from a psychological perspective. Jandt refers to three primary motives for conflict based on individual or group desires. These are:

- "(a) desire for acquisition of scarce values (political or power conflict)

- (b) desire to convert others (ideological conflict), and
- (c) desire to prevent contact with inferiors (racist conflict)" (p. 43).

From these sources, Jandt develops two general categories of conflicts:

- (a) those centering on interactional relationships (resource uses), and
- (b) those centering on internal characteristics (personality dynamics).

Jandt also describes a number of conflict characteristics that are useful in the development of a typology of environmental disputes.

Some of the characteristics he enumerates are:

- (a) real conflict and induced (i.e., deliberately created) conflict,
- (b) organized conflict (e.g., war) and disorganized conflict (e.g., riot),
- (c) institutionalized conflict (i.e., according to norms and rules) and non-institutionalized conflict,
- (d) aggressive conflict (i.e., violent) and diplomatic conflict (i.e., non-violent),
- (e) personal conflict (e.g., between spouses) and impersonal conflict (e.g., between lawyers),
- (f) conflict over rights (i.e., application of agreed standards) and conflict over interests (i.e., changing or creating new standards),
- (g) ideological conflicts (i.e., concerning beliefs and values), and
- (h) cultural conflict (e.g., concerning general social issues).

In their study of conflict management strategies, Kilmann and Thomas (1978) analyzed a variety of different conflict models, focussing on a behavioral approach to conflict management. These authors developed a "meta model" of conflict management, and described it with a matrix that identifies appropriate diagnostic variables and intervention strategies in conflict situations (Figure 10). The matrix prescribes a type of intervention strategy for each of four perspectives of conflict. These perspectives are derived from the combination of (a) and (b) with (c) and (d), as follows:

Figure 10

Diagnostic and Intervention Strategies in Conflict Situations

Internal vs. External Sources of Influence: Behavior is caused by events and conditions..	Process vs. Structure: Behavior is caused by...	
	events (Process)	conditions (Structure)
outside the party (External)	<p>The External Process Perspective--behavior is shaped by events outside the individual "threats negative evaluation encroachment"</p> <p>Intervention strategy "Interaction management"</p>	<p>The External Structural Perspective--behavior is shaped by conditions outside the individual "social pressure conflict of interest procedures"</p> <p>Intervention strategy "Contextual modification"</p>
inside the party (Internal)	<p>The Internal Process Perspective--behavior is shaped by events inside the individual "frustration strategies defense mechanisms"</p> <p>Intervention strategy "Consciousness raising"</p>	<p>The Internal Structural Perspective--behavior is shaped by conditions inside the individual "motives attitudes skills"</p> <p>Intervention strategy "Selection and training"</p>

The Two Distinctions which Define the Four Perspectives,
with Some Examples of Key Diagnostic Variables
and the Four Broad Intervention Strategies.

- (a) "Process" (governed by events, such as verbal threats, acts of physical aggression or an exchange of evaluative remarks),
- (b) "Structural" (governed by long-term conditions or forces, such as conflict of interest, norms, beliefs, attitudes and skills);
- (c) "Internal" (within the party involved in the conflict),
- (d) "External" (outside the party involved in the conflict).

Kilmann and Thomas' matrix provides a framework for the research of this thesis. In particular, this research falls within their "Structural/External" perspective, where conflicting parties "can be viewed as interacting within a framework of rules and procedures which shape their negotiations" (p. 63).

In a study of resource use conflicts in the coastal zone, Alley (1975) has developed one of the few available typologies of environmental disputes. Alley's typology is based on the expected effects of resource consumption, relative to the availability of the resource. This typology is composed of four categories:

- (a) Exclusive Use (only one group satisfied),
- (b) Unsatisfied Demand (one or both groups unsatisfied),
- (c) Resource Depletion (quantity),
- (d) Deterioration of Consumptive Quality.

Alley emphasizes, however, that any particular conflict may have characteristics represented by several of the categories.

As a basis for evaluating the Coastal Zone Management Program (1972) in the United States, Englander, et al. (1977) concentrated on coastal zone problems, separating these problems, or conflicts, into two distinct categories. These are:

- (1) Resource Outcome Problems (dissatisfaction with the state of a natural resource); and
- (2) Organizational Process Problems (characteristics or procedures that inhibit an organization from attaining its goals and objectives).

Englander, et al. use this categorization as a basis for dividing

coastal zone problems into groups of varying importance. Based on frequency of occurrence and emphasis in documents and interviews, the eight more important groups of problems were:

- (1) Resource Outcome Problems
 - (a) Intense-use conflicts among competing uses,
 - (b) Extensive environmental pollution,
 - (c) Destruction of coastal habitat and degradation of fish and wildlife resources,
- (2) Organizational Process Problems
 - (a) Lack of coordination among public agencies,
 - (b) Insufficient planning and regulatory authority,
 - (c) Insufficient data base and lack of information for decision-making,
 - (d) Little understanding or knowledge about coastal ecosystems,
 - (e) Resource decisions made primarily on the basis of economic considerations to the exclusion of ecological considerations.

This categorization goes beyond Alley's typology by recognizing the important effects that organizational and procedural factors have in creating resource use conflicts.

Dorcey and Riek (1987) have recently begun work on an overview of various forms of negotiation used in Canada. As a part of this overview, these authors categorized conflicts involving the allocation of resources according to the issues underlying the dispute. They explain that any particular resource dispute may arise as a result of either "substantive" or "procedural" issues, although the two are often intertwined. Substantive disputes arise from issues associated with the allocation of resources, or how the allocation occurred. These disputes are categorized as follows:

- (a) Project Development and Resource Use Effects (allocation of resources causing spillover or downstream effects),
- (b) Multiple Use of Resources and Areas (allocation of resources to several simultaneous users),
- (c) Regulations, Policies and Legislation (allocation of resources through legal or policy measures),
- (d) Resource Ownership and Jurisdiction (allocation of resources through ownership or jurisdiction).

Dorcey and Riek also note that within any particular dispute all of these types of issues may be present. Further, any particular dispute or issue may involve procedural issues as well. Procedural issues will typically involve questions as to which parties should be involved, how these parties might meet, and when meetings should take place. Procedural issues may arise at any time during the dispute, although they often are apparent at the outset.

Dorcey and Riek's preliminary work provides an important advance towards the development of a comprehensive environmental dispute typology. The strength of their approach lies in the recognition of the importance of understanding issues underlying resource conflicts. A consideration of resource allocation issues (as in Alley, 1975), has been combined with a recognition of organizational process issues (as in Englander, et al., 1977). However, Dorcey and Riek's proposed typology does not directly consider the important psychological issues that underlie an environmental dispute (as in Jandt, 1973), nor the important behavioral approach to conflict management described by Kilmann and Thomas (1978).

It is apparent from an assessment of the work of the authors described, that the development of a comprehensive typology of environmental resource disputes encompassing all aspects of disputes (including causes, effects and resolution mechanisms) does not exist with any one author. While all authors present important ideas, no one author appears to provide a comprehensive typology. However, by incorporating ideas from each of these authors, a broader, more

all-inclusive typology can be proposed.

Consequently, this thesis proposes a typology of environmental resource disputes based on grouping resource conflicts according to a variety of underlying psychological, organizational, social and procedural, as well as resource, issues, as follows:

- (a) Resource Allocation (Resource tenure issues, based on resource ownership or jurisdiction),
- (b) Resource Availability (Resource use issues, based on resource quantity/quality),
- (c) Individual/Group Beliefs (Behavioral issues, based on internal/external, interactional or ideological problems),
- (d) Institutional/Legal Framework (Organizational issues, based on legislation, regulations, policies), and
- (e) Structural Conditions (Procedural issues, based on long-term conditions or context).

It must be noted that, as in Alley, 1975, and Dorsey and Riek, 1987, any particular conflict may have characteristics from more than one, or even from all, of these categories.

This typology only partially reflects the effects of conflicts, and does not indicate the resolution mechanisms that are needed. However, the typology represents an attempt to provide a framework which would give a more orderly view of a diverse and complex social condition. It may also contribute to an overall understanding of the phenomena of environmental disputes.

The typology points out that conflicts based on those issues described as "Structural Conditions" form only one of the five types proposed. Further, since this thesis is directed at exploring conditions comprising the structure or context of a dispute, it is apparent that the research will only be addressing issues represented by one aspect of a conflict. In this way the research is limited, and

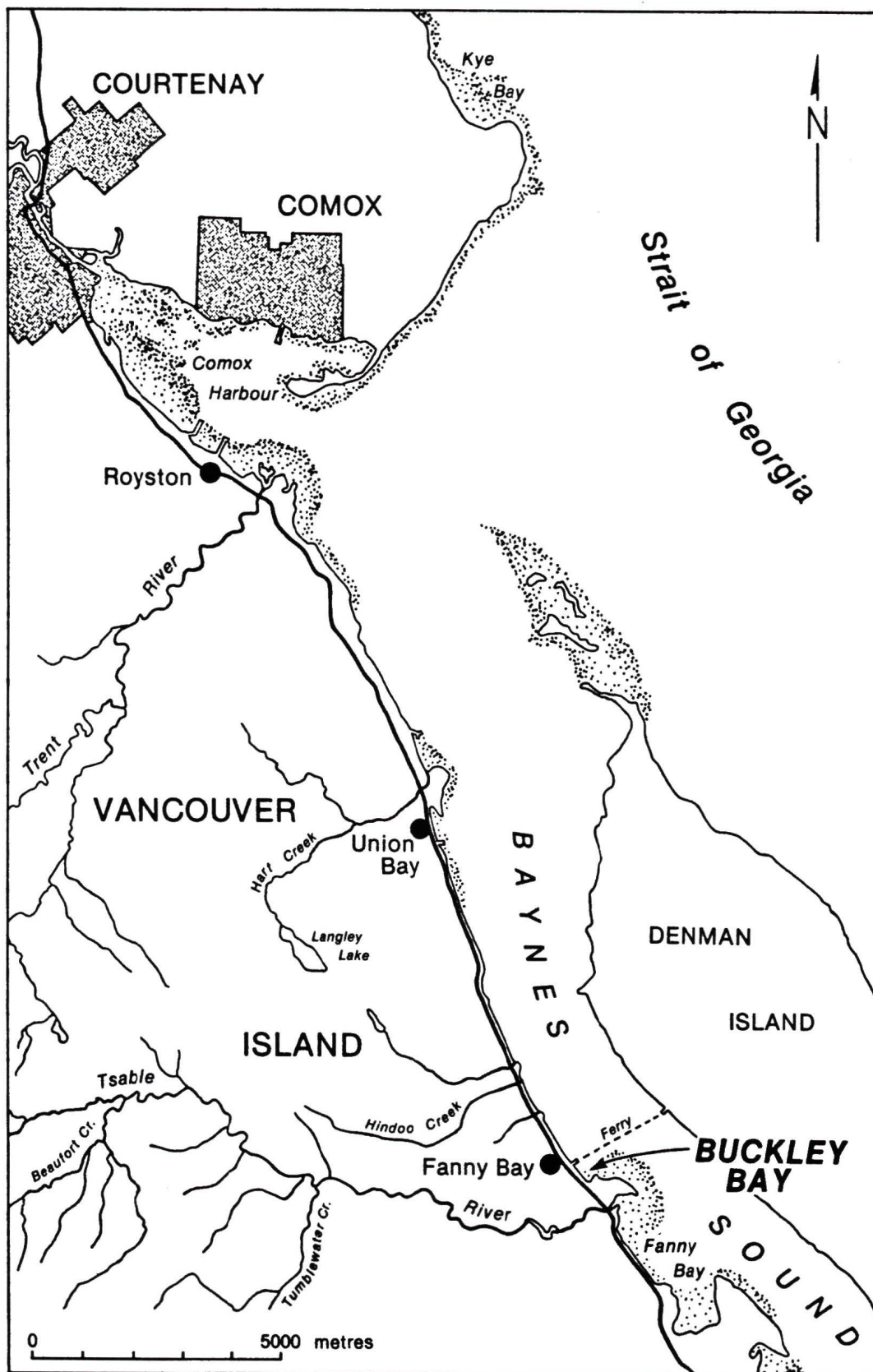
the design of this typology reinforces the realization that while improvements in the process of resolving conflicts may be possible, an absolute remedy will not necessarily result.

4.2 Buckley Bay Case Study

Buckley Bay is a small indentation on the eastern Vancouver Island coastline near the midway point of Baynes Sound, a 25-kilometer, sheltered body of water located between Vancouver Island and Denman Island (Map 1). Due to its relatively shallow and protected nature, Baynes Sound is particularly important for the production of shellfish, and provides approximately 60 percent of the commercial oyster production in the Province (Marr, 1980). In addition, the area is highly valued for log storage and handling, and several forest companies have operations within the Sound.

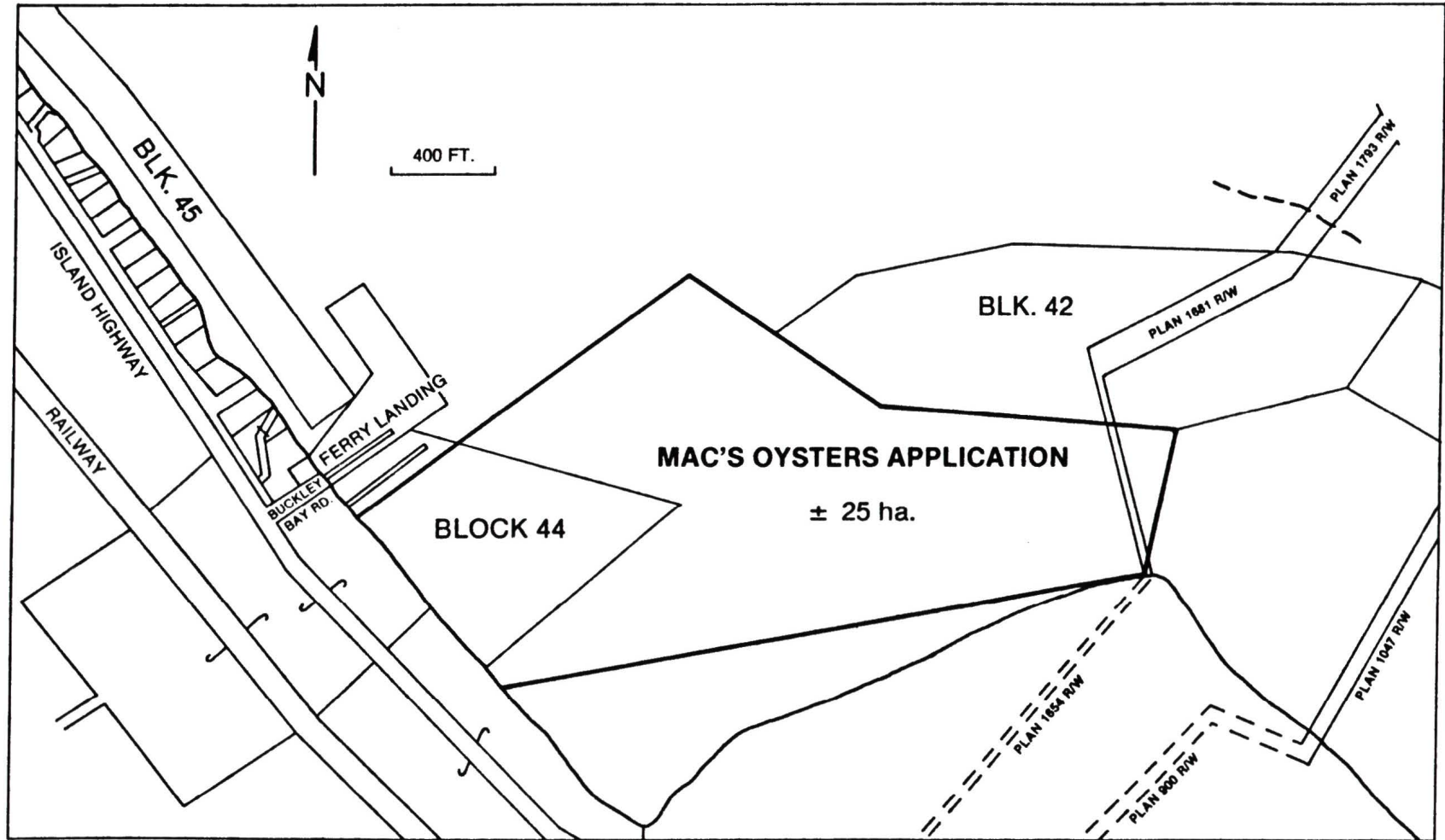
From about 1910 to 1974, Block 44 at Buckley Bay was used intermittently for log storage operations. In the mid-1960s, a small portion of the area was also used for coal storage and loading. In 1974, the foreshore lease was cancelled on the basis of detrimental environment effects (Ministry of Lands, Parks and Housing, 1979) and, subsequently, the upland owners, MacMillan Bloedel Ltd., cleared log debris and coal slag from the foreshore area.

In late 1978, Mac's Oysters Ltd., located immediately south of Buckley Bay, applied to use the Buckley Bay site for a 25-hectare (11.5 acre) expansion of its oyster growing industry (Map 2). At the same time, MacMillan Bloedel Ltd. applied to renew its use of this same



Location of Buckley Bay

Map 2



Mac's Oysters Ltd.
Buckley Bay Foreshore Use Application

Source: Ministry of Lands, Parks and Housing, 1979.

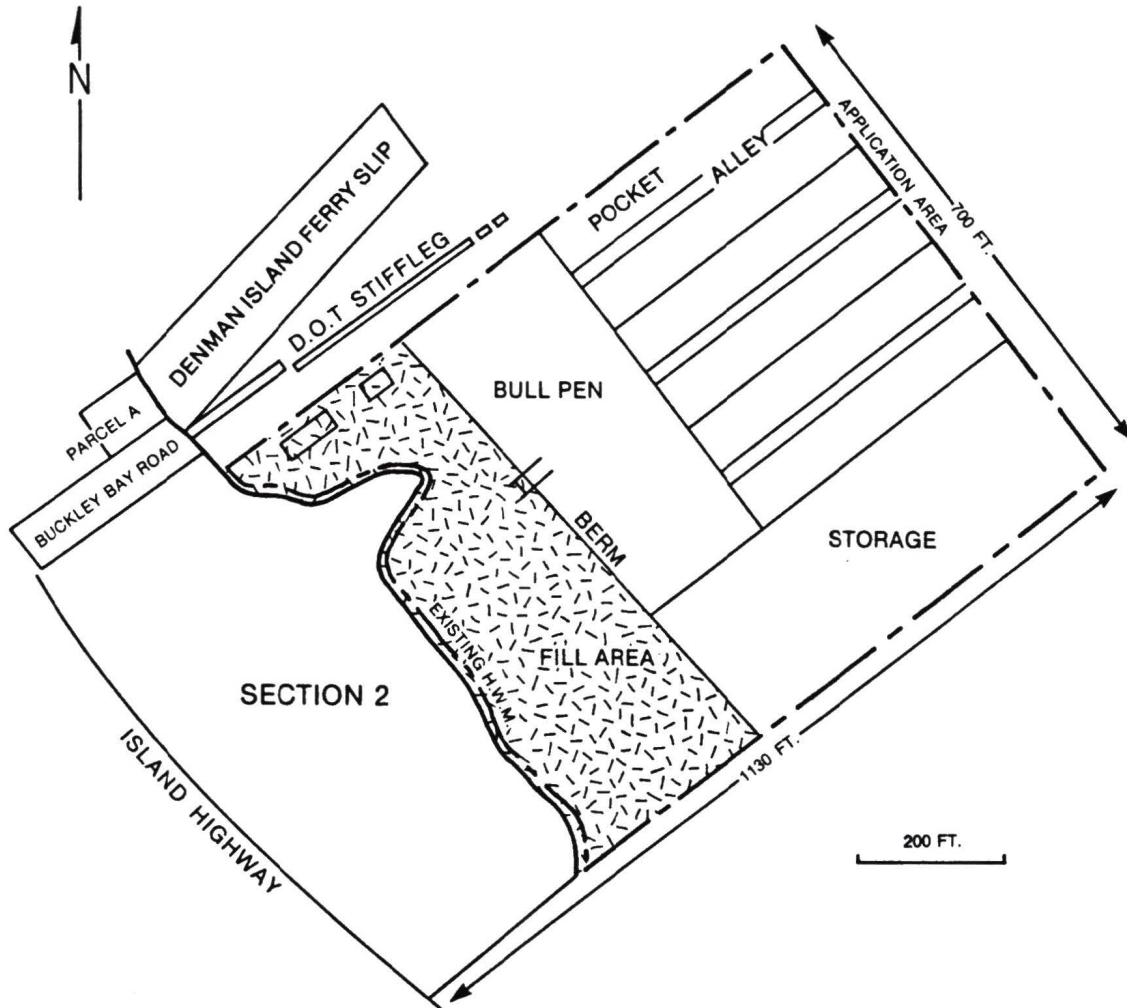
foreshore area for a significantly expanded log handling and storage operation (Map 3) (Egan, 1979). The proposed operation would cover approximately six hectares (13 acres) in total, involving extensive dredging and filling in the Bay to create a dry-land log sorting area on the upland and an adjacent deep-water log-storage area. It was intended that approximately 1200 logs would be sorted per day at the Buckley Bay site (Urban and Hirczy, 1979).

4.2.1 Jurisdictional Arrangements

In 1978, the authority to allocate the foreshore resided with the provincial Ministry of Lands, Parks and Housing under the Land Act (1979). Applications were normally submitted to this agency and referred by the Ministry to other government agencies with an interest in foreshore use, such as the (then) provincial Ministry of Environment and the federal Department of Fisheries and Oceans, for review and comment (Figure 11). Discussion of the application could also occur at the Regional Resource Management Committee, a committee of representatives of provincial resource management agencies. These committees (no longer in existence) were established in 1975 to provide an opportunity to achieve integrated resource management at the regional level.

All resource agency comments were reviewed by the Ministry of Lands, Parks and Housing prior to arriving at a decision on the foreshore use application. However, the Ministry was not bound to act on the comments submitted. The riparian rights of access to navigable

Map 3

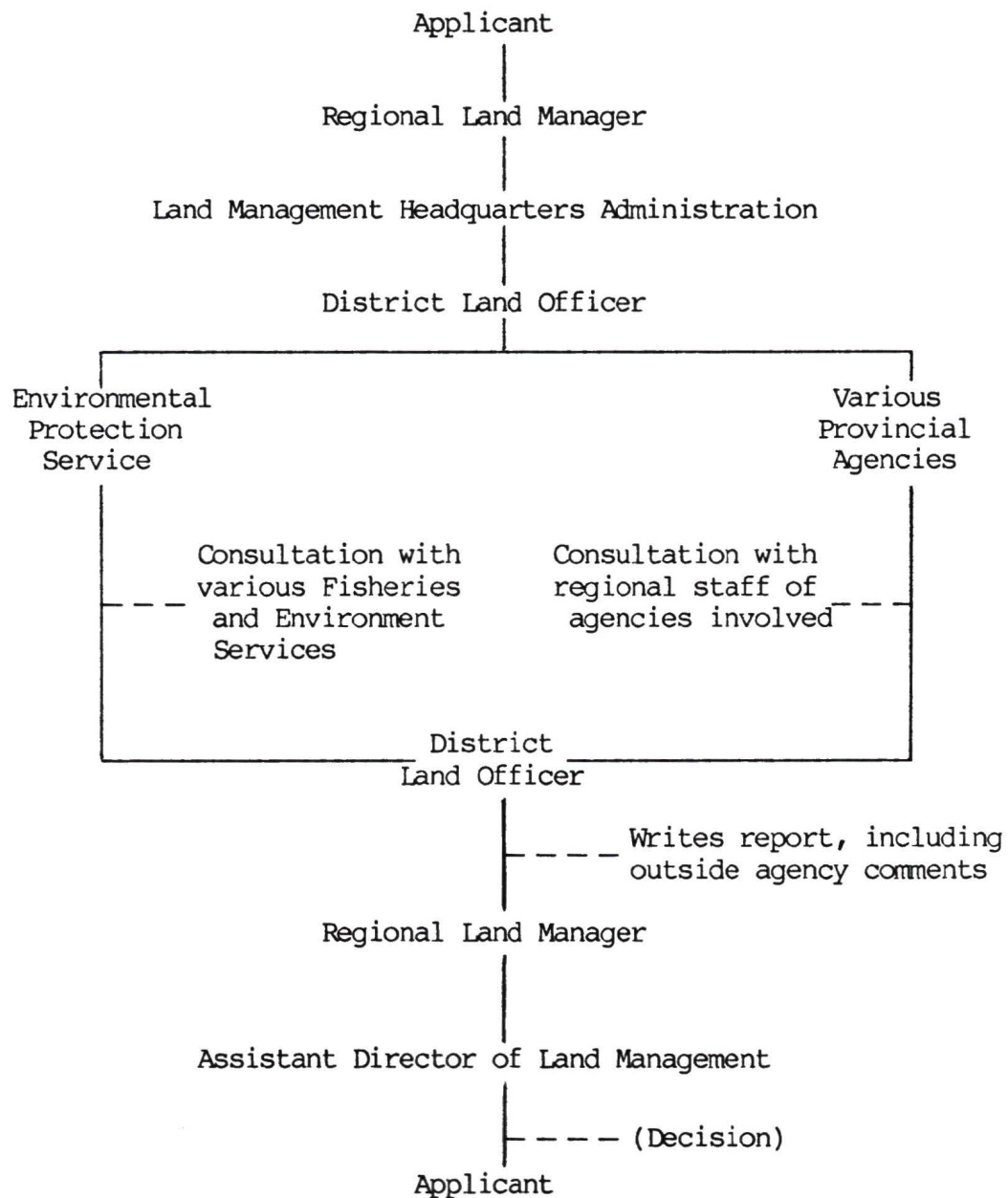


MacMillan Bloedel Ltd.
Buckley Bay Foreshore Use Application

Source: Urban and Hirczy, 1979.

Figure 11

B.C. Land Management Branch Referrals



waters associated with upland ownership were also considered by the Ministry in the foreshore allocation process. As a result, upland owner consent was required for a foreshore lease, although a foreshore licence (short-term tenure) could be obtained without this consent.

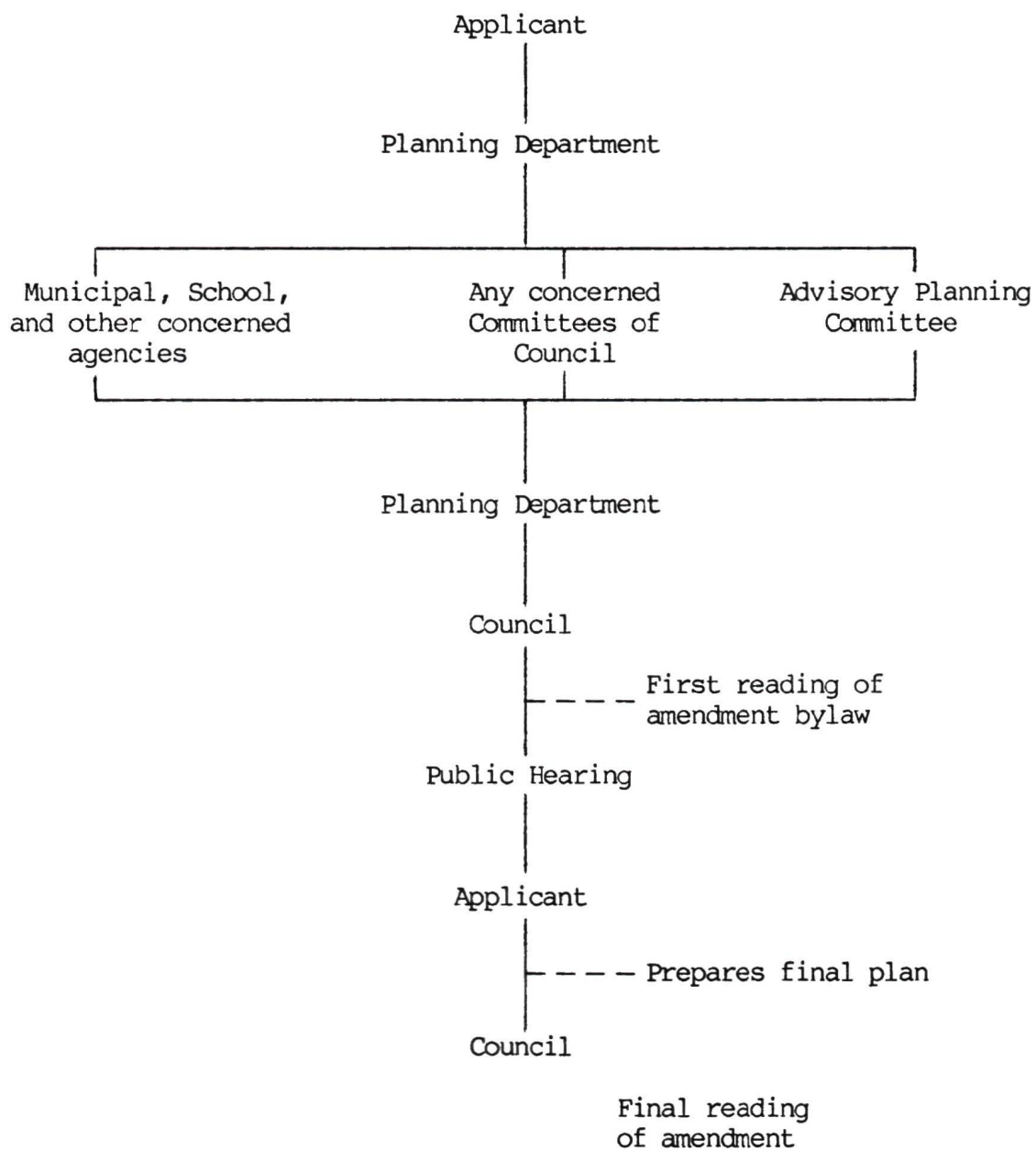
When a proposed foreshore use could impact on existing zoning by-laws or regulations, the local regional government was asked to comment. As public hearings are a normal component of the zoning process, zoning designations were perceived by the provincial leasing authority to reflect the local public interest in land use. Therefore, no direct public participation of foreshore use applications was normally solicited by the provincial agency.

Since the local regional government (Regional District) has authority for zoning designations in unorganized area, the Regional District would normally request comments on rezoning applications from a variety of provincial and local agencies (Figure 12). The Regional District could also initiate discussion on rezoning applications at the Technical Planning Committee (no longer in existence). These committees were comprised of various provincial, regional, municipal agencies, and other agencies such as B.C. Hydro and Power Authority. They were intended to provide an opportunity for discussion of regional zoning and land use planning.

Federal government jurisdiction over foreshore management relates only indirectly to foreshore allocation. Specifically, this jurisdiction pertains to prohibiting the deposition of substances harmful to fish, shellfish or the marine environment on foreshore areas (Fisheries Act (Canada) (1970)), regulating the use of federal public

Figure 12

Municipal Review of Zoning Change Applications



Source: Coastal Zone Resource Subcommittee, 1978, p. 66.

harbours in the province (Canada Shipping Act (1971)), and preserving free navigation of a navigable body of water (Navigable Waters Protection Act (Canada) (1970)).

The provincial government also has jurisdiction over some specific types of foreshore use. In 1912, the federal government delegated to the province the power to grant and administer oyster leases. Under the Pollution Control Act (1967) (now Waste Management Act (1982)), the provincial government also has the authority to require a permit be obtained for any disposal of waste to the environment (Coastal Zone Resource Subcommittee, 1978).

4.2.2 Conflict Development

In late 1978, the Ministry of Lands, Parks and Housing had received two applications for use of the Buckley Bay foreshore. Mac's Oysters Ltd. had applied to expand its oyster production and MacMillan Bloedel Ltd. had applied to resume log storage and handling with an expanded thirteen-acre operation, including a five-acre dredged and filled area for a dry-land sort. The two proposals overlapped considerably.²

The Ministry of Lands, Parks and Housing referred both applications to the provincial Ministry of Environment, the federal Departments of Transport, and Fisheries and Oceans, and the

²In addition, a study conducted by the Westwater Research Centre in 1979 concluded that forest-related operations in the foreshore area could significantly impact oyster production in the vicinity (Valiela, 1979).

Comox-Strathcona Regional District for comment. Discussions were also held at the Courtenay Local Regional Resource Management Committee. All agencies favoured the use of the area for oyster production (Egan, 1979).

Mac's Oysters Ltd. wrote to the Ministry of Lands, Parks and Housing in early 1979 in support of their foreshore application. The Ministry responded by letter in March, 1979, saying that the oyster grower would be notified of the decision in due course through regular channels.

During the next six months the Ministry held several meetings with MacMillan Bloedel Ltd., and requested further information on alternative proposals (not involving the Buckley Bay site) to meet the Company's log sorting, handling and storage needs. In September, 1979, a compromise solution that would enable both applications for foreshore use to be approved in part, and would not require zoning amendments, was proposed to senior officials in the Ministry of Lands, Parks and Housing (Egan, 1979).

In early 1980, Mac's Oyster Ltd. wrote to the Member of the Legislative Assembly for Comox, Karen Sanford, asking for support of their application for use of the Buckley Bay foreshore. Ms. Sanford contacted the Minister of Environment on the issue.

On July 9, 1980 the Minister of Lands, Parks and Housing announced a three-year moratorium on the establishment of new shoreline log handling and storage sites in Baynes Sound. At the same time, however, the MacMillan Bloedel Ltd. application for use of Buckley Bay was approved. (News Release 80-99, 1980) (Appendix A).

The Minister of Environment subsequently replied to Ms. Sanford by letter, noting that the approved application included effective measures for environmental protection (Rogers, 1980).

4.2.3 Public Involvement

Following the July 9, 1980 lease approval and moratorium announcement by the Minister of Lands, Parks and Housing, a local citizens group called the Baynes Sound Protection Committee was organized on an ad hoc basis. This group was primarily composed of Denman Island residents with environmental and aesthetic concerns related to the log-handling and storage proposal.³ The group was specifically formed to represent the public interest opposed to the announced decision on the use of Buckley Bay. One of the objectives of the Committee was to "redress governmental disregard of public opinion by bringing those opinions to the attention of the Ministries and Agencies involved" (Baynes Sound Protection Committee, 1980).

The issue of log handling and storage lease approval at the Buckley Bay site was also raised in the Legislative Assembly by Ms. Sanford. In August, 1980, an outdoor public information meeting at the Buckley Bay site was attended by MacMillan Bloedel Ltd. representatives, Ms. Sanford, the Baynes Sound Protection Committee and members of the general public.

³Denman Island residents were included in the Comox-Strathcona Regional District for matters concerning taxes, utilities and administration, but were part of the Islands Trust for planning considerations (Egan, pers. comm., 1988).

In the fall of 1980, the Baynes Sound Protection Committee contacted the provincial government Ombudsman's office and requested an investigation of the issue. Under the Ombudsman Act (1979), the Ombudsman's office carried out its investigation and, in 1981, concluded that procedural fairness had not been observed toward the complainants. Specifically, the report stated, "under its existing policy, the Ministry should have required the applicant to advertise the basic proposal." (Ombudsman Annual Report, 1981) (Appendix B). Recommendations were made to the Ministry of Lands, Parks and Housing to rectify the situation. However, the Ombudsman subsequently noted that the Ministry had not fully complied with these recommendations.

During this time, another public group, the Committee for Fair Play and Employment, was formed to support the log storage and handling proposal. Composed primarily of local Fanny Bay residents, this group welcomed the economic and employment benefits that were expected to result from the development. The group organized a petition in favour of the log handling proposal. The mayors of the three municipalities in the vicinity of Buckley Bay (Comox, Courtenay and Cumberland) also supported the proposed development.

In February, 1981, the Regional District rejected the announced three-year moratorium on the establishment of new shoreline log storage and handling sites in Baynes Sound. In April, 1981, the Ministry of Lands, Parks and Housing chaired a public meeting at Fanny Bay to discuss the moratorium in Baynes Sound.

In early 1981, MacMillan Bloedel Ltd. revised the Buckley Bay proposal to improve environmental protection measures and in May, 1981,

applied to the Comox-Strathcona Regional District to rezone certain portions of the foreshore for the log-handling operation. The rezoning application was given first and second reading and a public hearing was scheduled for July 21, 1981.

On July 17, 1981, four days before the public hearing on the rezoning application, MacMillan Bloedel Ltd. withdrew their application for a log storage and handling lease at Buckley Bay, largely due to the prevailing adverse economic conditions. However, the Company requested that the rezoning application still be considered. The Committee for Fair Play and Employment ended their active involvement in the issues when MacMillan Bloedel Ltd. withdrew the lease application.

The public hearing on the Buckley Bay rezoning application was held on July 21, 1981. At the public hearing, opposition to the application was expressed and on September 28, 1981 the Regional District announced that the rezoning would not be approved.

4.2.4 Current Status

In late 1980, the Ministry of Lands, Parks and Housing published the Interim Guidelines for the Review and Processing of Coastal Log-Handling Applications. These guidelines provided for a public review of the location and design of log handling facilities and operations. However, the guidelines were not considered applicable to the Buckley Bay case because they were only in a draft stage at the time of the lease application approval announcement in July, 1980.

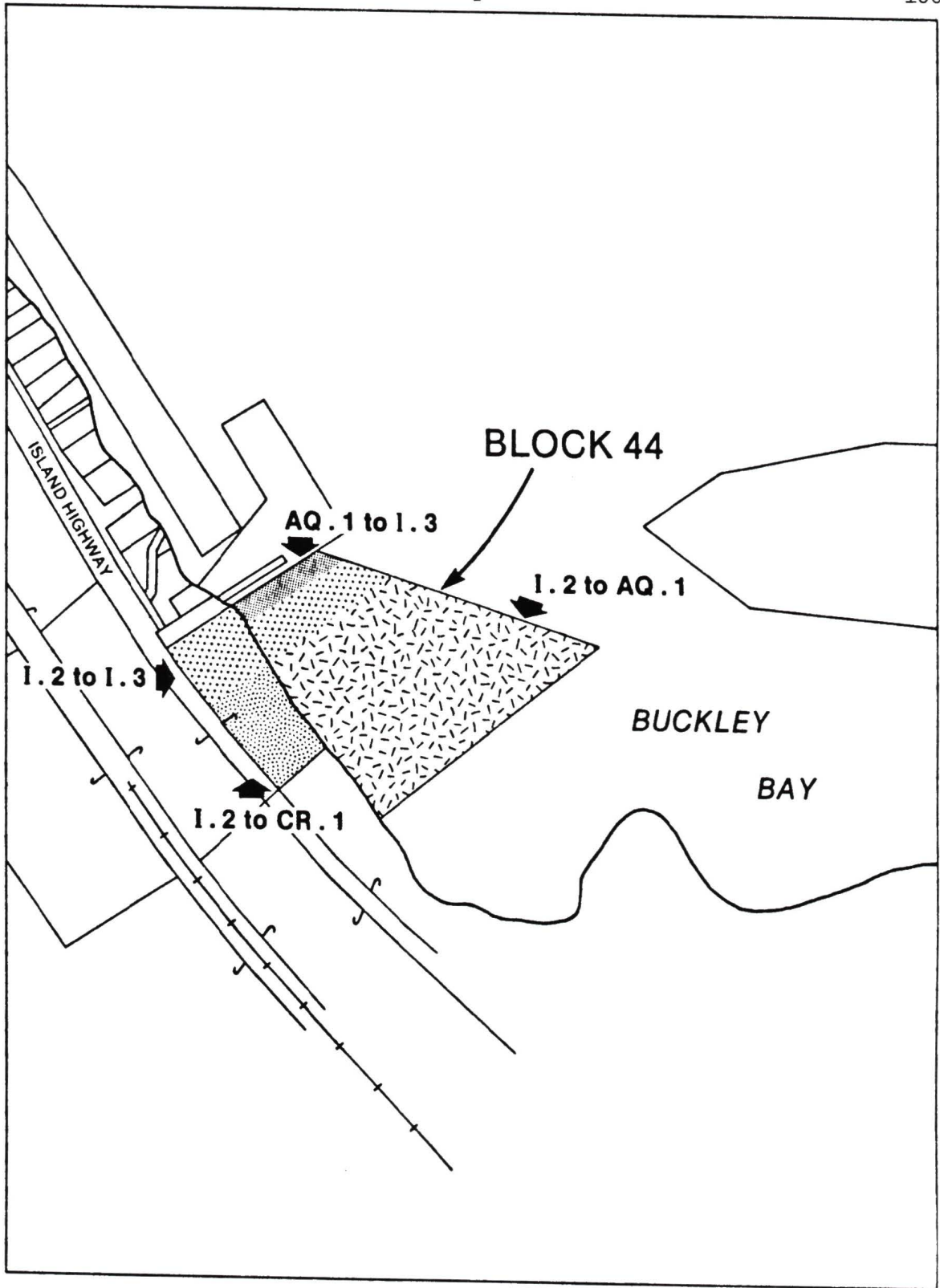
In 1983, the Comox-Strathcona Regional District initiated a

foreshore plan for the whole of Baynes Sound, including Buckley Bay. Debate over the designation of the Bay continued for several years and, eventually, approximately one-half of the site adjacent to the Denman Ferry terminal was designated as "industrial", and the remainder as "marine management". The Baynes Sound Plan was adopted by the Regional Board on August 31, 1987.

MacMillan Bloedel Ltd. subsequently applied for a rezoning to permit barge loading and unloading at the Buckley Bay site. In March, 1988, part of the Buckley Bay foreshore area was rezoned to allow an equipment barge to access a narrow portion of the upland (Schedule 'A', By-law No. 949) (Map 4). No log dumping or sorting in the Buckley Bay foreshore area is permitted under this zoning.

In recent years, Mac's Oysters Ltd. has concentrated on improving production on its existing foreshore lease rather than expanding to new areas (G. McLellan, pers. comm.). Since 1978, the (then) provincial Ministry of Environment has also instituted a Diligent Use Policy that designates minimum levels of production to be maintained on each oyster lease in order for that lease to be retained. This policy was designed to discourage speculative or preemptive foreshore tenure applications.

This thesis examines the negotiation conditions in the Buckley Bay case study from its initial development in November, 1978, through the lease application review and announced approval (July, 1980) and the subsequent rezoning application review (July, 1981). Since the dispute over the use of Buckley Bay continued from this time to early 1988, the lease and zoning application reviews were not successful in resolving the resource use conflicts. Therefore, a careful review of



Schedule 'A'
Comox-Strathcona Regional District
By-Law No. 949

negotiation conditions early in the Buckley Bay dispute will serve to support or negate the research hypotheses (derived in Chapter Three); namely, that the successful outcome of a negotiation is linked to the consideration of particular negotiation conditions.

CHAPTER 5
CASE STUDY OBSERVATIONS AND ANALYSIS

5.1 Purpose

The purpose of this chapter is to examine the historical developments in the Buckley Bay dispute, with particular reference to the nine negotiation conditions identified and discussed in Chapter Three. These conditions are organized within three categories as follows:

- (a) Negotiation Structure (location or forum, time deadlines, and implementation),
- (b) Interest Representation (participation, and issues and interests), and
- (c) Negotiator Interaction (interdependence, power, information, and communication).

The careful observation and analysis of these negotiation conditions as they existed in the Buckley Bay dispute is intended to permit an evaluation of the research hypotheses developed in Chapter Three (Table 2). A variety of conclusions pertaining to the relative importance of these conditions within an environmental or resource use dispute negotiation will then be developed.

In the research hypotheses, the negotiation outcome is considered a dependent variable and the nine negotiation conditions are considered independent variables.

5.2 Research Methodology

Three basic research methodologies were utilized to collect information and evidence on the Buckley Bay dispute and, specifically, on the nine conditions important to any dispute negotiation process. These methodologies include:

- (a) personal interviews with representatives of each of the interested parties in the Buckley Bay dispute,
- (b) a review of the file material and information pertinent to this case study, and
- (c) an examination of the major newspaper articles recounting the case history and development.

5.2.1 Interviews

From late January to early May, 1988, eleven interviews were conducted with representatives of the six interested parties in the Buckley Bay case (Appendix C). The interviewees were carefully selected, with at least two representatives from each of the two major decision-making parties (provincial Ministry of Lands, Parks and Housing and local Comox-Strathcona Regional District); and one representative from each of the two development proponents (MacMillan Bloedel Ltd. and Mac's Oysters Ltd.) and from each of the two major public interest groups (Baynes Sound Protection Committee and Committee for Fair Play and Employment).

The interviews were conducted according to a structured format

using a series of open-ended questions (Appendix D). The questionnaire was submitted to the University of Victoria Committee on Research and Other Activities Involving Human Subjects, and was approved prior to any interviews being conducted (Appendix E). The questions were specific to each of the negotiation conditions, within the three categories of (a) Negotiation Structure, (b) Interest Representation and (c) Negotiator Interaction. Assessment factors for each negotiation condition, tabulated in Table 1, were used in the development of the questions.

Each interview consisted of forty-four questions, requiring approximately two hours to complete. Respondents were permitted to elaborate on direct responses with additional comments. In addition, at the end of each interview, the interviewees were encouraged to offer their opinion as to the main reason for the protracted nature of the Buckley Bay dispute.

The formal interview was not used in four cases because the interviewees' involvement in the dispute was either specific to one time period or aspect of the issue, or was otherwise limited relative to the research being conducted. In each of these cases, the interview was modified to deemphasize conditions with which the interviewee was least familiar.

The interviews provided the main source of information for the case study analysis, including the observations regarding the presence/absence and the relative importance of each of the negotiation conditions. Several respondents indicated an initial reluctance to be interviewed and, for this reason, anonymity is maintained whenever

possible.

5.2.2 File Material

File material pertaining to the Buckley Bay dispute was obtained from a variety of sources, including the (then) Ministry of Environment, the (then) Ministry of Lands, Parks and Housing, the Comox-Strathcona Regional District and the Baynes Sound Protection Committee. This material was primarily in the form of memoranda and letters exchanged between various parties, and also contained scientific/professional reports compiled on particular aspects of the case. Minutes of meetings noting discussion of the Buckley Bay case, several major newspaper articles, maps and by-laws were also available from these sources.

Technical reports specific to the log-handling proposal at Buckley Bay were made available by the development proponent (Urban and Hirczy, 1979; Hirczy, Beaton, Sinclair, Bourgeois, 1981). These reports were prepared in support of lease proposal, and in response to subsequent requests for the proponent to review development alternatives and provide more site-specific information.

5.2.3 Newspaper Articles

Major articles published in local newspapers and recorded in the Provincial Archives were used as information sources. The Buckley Bay dispute was also reported in Victoria and Vancouver city newspapers and

these articles were obtained from the file material noted in Section 5.2.2. A listing of major newspaper articles is provided in Appendix F.

The file material and newspaper articles were primarily used to establish or confirm the occurrence and chronology of events in the Buckley Bay dispute. Several of these source materials were particularly comprehensive, thorough and accurate and, therefore, proved to be very valuable in understanding the complexities of this dispute. This material, in conjunction with information obtained from the interviews, is used in developing the observations and analysis of the case study.

5.3 Research Limitations

One of the major limitations to research on the Buckley Bay case is the length of time elapsed since the dispute developed (approximately ten years). This factor could significantly affect the accuracy and detail of respondents' recollections of the dispute and also, to a lesser extent, the availability of complete written records. Fortunately, most of the major spokespersons involved in the Buckley Bay case were found to be available for discussions and/or interviews.

A second important factor is the subjective nature of the interview questions. Interview responses could be significantly coloured by the particular interpretation given to any question, with the subsequent analysis and conclusions affected accordingly.

Finally, the possibility of drawing erroneous conclusions from the

study of a single case must be noted. For this reason, the observations and analysis of the Buckley Bay case study should be considered a source of reliable illustrative, rather than conclusive, evidence.

5.4 Case Study Observations and Analysis

The following observations and analyses of the negotiation conditions are based on a compilation of evidence gathered from interviews, file materials and newspaper sources. They are presented within the three categories of Negotiation Structure, Interest Representation and Negotiator Interaction.

5.4.1 Negotiation Structure

(a) Location or Forum

All respondents reported that no discussions had been held as to where meetings to review the Buckley Bay case should be convened.

One meeting location used on several occasions (i.e., the boardroom of the local Health Unit in Courtenay) was considered a convenient and neutral site. The location was equally acceptable to all participating parties, though one participant described it as being overly formal for the discussions being held. Though not ideal, the site was adequate, and did not appear to affect the negotiations significantly.

Smaller, informal, ad hoc meetings were also held in private offices in Courtenay, Nanaimo and Victoria. These meetings were not

open to the public, and public representatives were not invited to attend.

(b) Time Deadlines

Time deadlines were not discussed or agreed upon by participants, and the lack of deadlines was noted by all respondents.

Foreshore use applications were subject to a regular referral process normally requiring several months to complete. The proponents wanted the decision expedited for economic reasons; however, resource agencies wanted more time for data gathering and analysis. The absence of time deadlines may have provided an advantage to parties opposed to development at the site.

One respondent expressed the opinion that the existence of time deadlines would have reduced the length of the review process and been fairer to all participants. It was noted that future relations between two of the parties were threatened by time delays and by unilateral attempts to accelerate the decision-making process.

(c) Implementation

At the small private meetings, participants took their own notes, and action points or points of agreement were often confirmed later by memorandum or letter. No person or group was solely responsible for documenting discussions. One party expressed the opinion that documentation should have been attended to more consistently and thoroughly.

All parties recognized that lease application approval involved

the signing of a lease agreement which would include environmental monitoring notations if necessary. The leasing authority felt that most discussions with the log-handling proponent centered on these agreement conditions, and that these conditions were what proved to be so difficult to finalize. One respondent felt that a "mini-Environmental Impact Assessment" could have identified specific terms and conditions appropriate for the lease document.

All parties also recognized that a zoning amendment would be necessary for the log sorting proposal to go ahead. Any commitments regarding the implementation of a lease and/or zoning agreements were to be specified within these documents. Legal requirements to abide by these agreements would bind the proponent to the conditions of these agreements. However, the log-handling proponent noted that any claims of damage to oyster culture as a result of log-handling activities would have to be settled in Court. Monitoring of the documents conditions would take place on a informal basis, through unannounced site visits by leasing and zoning authorities and also by on-site public observation (e.g., from the ferry terminal adjacent to the Buckley Bay site).

5.4.2 Interest Representation

(a) Participation

All interested local, provincial and federal governmental agencies had an opportunity to make their comments on the lease applications known to the leasing authority through the referral process. The

mandate of one of the provincial government agencies was to promote mariculture industries and, therefore, this agency was perceived as representing the oyster growers' interests.

Public involvement consisted of staking a claim notice on the site and gazetting in the local newspaper. These relatively unsophisticated practices were based on turn-of-the-century land management practices. Comprehensive public involvement took place during major planning exercises, but not during the review of individual lease applications.

Leasing authorities tended to rely on local government authorities to represent local public interest and to identify the possibility of public difficulty with, or opposition to, the proposal. This was particularly so in the Buckley Bay case since settlement planning and site zoning processes had already taken place, and public involvement would have been a part of these activities. The leasing authority felt that little could be gained by including the public directly at an early stage of a lease application review process.

The zoning authority observed that many hours were spent in discussions with the public on the Buckley Bay issue, but that only elected representatives were direct participants in the decision-making process. One respondent noted that the public hearing forum for rezoning decisions could be dominated by groups familiar with, and skilled in, participating in a public hearing process.

Participation in the zoning process was also limited by the regional government boundaries. Some public groups with a particular interest in the issue (e.g., Denman Island residents) were not

represented by elected officials in either the referral process for leasing the site or in the local zoning process.

Early in the dispute, small meetings were held that did not include all interested parties (see 5.4.1 (a)). One public interest group expressed the opinion that this situation may have lead to a perception of secrecy and favouratism, resulting in even stronger, more polarized participation by public groups later in the process. The logging company indicated they were prepared to meet with members of the public that had problems with the proposal, but relied on the lease application referral process to identify these problems. One on-site public meeting was held in August, 1980, with both the proponent and the opponents of the log-handling facility claiming credit for organizing the meeting.

No formal coalitions were formed, although smaller public groups closely aligned themselves. Government agencies may have also formed loose, informal coalitions, although they continued to represent their own interests and spoke with separate voices. At least one alliance was described as "uneasy", and lead to some internal disagreement.

(b) Issues and Interests

Participants presented relatively fixed positions and these positions tended to endure. For example, the proponent of log-handling at the site was not willing to entertain the "no development" option and opponents to log-handling development were equally unwilling to entertain the "full development" option. These positions stymied negotiations significantly. However, some attempts were made to

articulate objectives as well, particularly by the leasing authority as an attempt to arrive at appropriate lease conditions and the "highest and best use" of the site.

As the lease application review continued, groups tried to identify particular problems or issues independently, but not jointly. The leasing authority tried to delineate issues and objectives through the referral process, and proposed at one point a mini-Environment Impact Assessment in order to achieve an acceptable agreement.

The zoning authority expressed difficulty in keeping discussions focussed on the issue of foreshore use because upland use was often drawn into the discussions. The zoning authority felt that, in hindsight, identification and clarification of issues and interests could have been done more methodically. The opinion was also expressed that the issues and interests of all parties were unconsciously formulated in participant's minds.

In general, the issues and interests were considered "demands" (rather than "problems"), for development by the logging company proponents, and against development by the opponents. However, at least one respondent noted that "problems" tended to result from demands, and problems were what needed to be resolved. This observation supports the idea that issues and interests were identified and considered more carefully as the dispute continued.

Generally, discussions tended to be subjective during the early phases, and became more objective as review proceeded and more facts became available. For example, the opinion was expressed that government agencies were initially presenting mandated positions based

on existing environmental legislation (e.g., "protect fish habitat"), or the opinions of constituency groups (e.g., sportfishermen or mariculturists), rather than scientifically-based environmental interests and objectives. The zoning authority believed that many assumptions were necessary about the proposal, and also that alleged environmental effects were not proven either way. Reactions and counterproposals by parties apparently tended to be more objective.

The leasing authority attempted to regroup and reformulate issues through requests for a mini-Environment Impact Assessment and for the assessment of economic alternatives. The opinion was expressed that a creative approach for addressing the issues, such as an environmental impact assessment, was mandatory before an acceptable leasing agreement would be possible. Both the log-handling proponent and the opponent eventually conducted economic (i.e., cost/benefit) and environmental investigations, although these studies may have further polarized parties rather than assisting in dovetailing differing interests. However, the zoning authority felt the process was not one of creative problem-solving; they were expected to respond and be sensitive to the opinions of the community, not have opinions of their own. These expectations limited their ability to be problem-solvers or mediators.

Neither trading concessions on issues nor package deals was considered desirable or necessary initially. However, after conflicting resource uses and demands were identified, a compromise deal between the two lease applicants was attempted, and other alternatives that had not been considered initially were reviewed more closely. The zoning authority believed that the adversarial position

of the participants meant that they could not afford to trade concessions. Also, the opponents to development were not interested in obtaining concessions, only in having no development.

The leasing authority was the only respondent that claimed to have made some attempts at joint problem-solving; these attempts having occurred during discussions with the log-handling proponent. The logging company costed various development alternatives and considered various possible outcomes, although, as noted previously, extreme options were not deemed acceptable.

5.4.3 Negotiator Interaction

(a) Interdependence

The interaction between the negotiators was described by most respondents as competitive and adversarial, although not antagonistic. Competitive and adversarial interaction was apparently necessary to achieve a clear picture of what positions and issues existed in the dispute; however, it was noted that this type of interaction also tended to prolong the dispute. One respondent noted that these negotiations were unlike labour/management collective bargaining, in which each side clearly needs to accommodate the other in some way eventually. Interactions apparently became increasingly cooperative over time, and negotiations more fruitful. The zoning authority felt that interactions were cooperative when the parties finally perceived the interaction to be a means to an end.

Although neutral in the conflict, the leasing authority totally

recognized their interdependence with the other parties, both in this particular issue and in other similar issues occurring now and expected in future. The leasing authority also relied on government agencies to provide appropriate comment, and the agencies, in turn, relied on this authority to represent their interests. The log-handling opponents felt that initially they were not recognized as being interdependent with other parties, and, as a result, they needed to prolong the dispute until this interdependence was recognized.

The leasing authority tried to understand why the log-handling proponent felt that Buckley Bay was the only site it could use for such an operation. The proponent was not initially aware of the adjacent oyster growers' plans for expansion in the foreshore area of Buckley Bay, and, therefore, did not consider their needs and interests. The proponent felt they also tried to understand opposition to the development proposal, but were never sure whether concerns centred on the type of proposed operation, the size of the operation or the fact that it was proposed by a major industry. The opponents of the log-handling proposal felt that the leasing authority was negligent in having failed to inform the public of the proposal, and in having chosen not to consider opposition expressed by some government agencies.

The leasing authority felt they had spent a great deal of time trying to achieve mutually-desirable goals for the various parties involved in the dispute. The log-handling proponent felt that they had also made a major effort to achieve mutually-desirable goals, through their efforts to create jobs, move a major logging division to the

Buckley Bay site, consider accommodating other industrial uses of the area in conjunction with their operation, and meet environmental safety objectives.

(b) Power

All parties perceived unequal power, or ability to influence or control the actions of the other parties and/or the outcome of the dispute, existed in this dispute. However, they did not agree on the distribution of that power. Parties tended to minimize estimations of their own power and maximize estimations of other parties' power.

The logging company had power by way of being a corporate giant, with influence in the marketplace and relatively ready access to decision-making authorities in government. Logging values are easily quantified (and, therefore, easily understood), and the government of the day favoured industrial development. This power represented an advantage in the dispute. However, one respondent noted that this party tended to become less able to manipulate and use power as the dispute progressed.

The oyster grower, by contrast, had little power, due mainly to an unwillingness or an inability to devote time and effort to interacting with other parties. Also, this proponent lacked strong, influential allies and unified support from the provincial oyster grower association. The zoning authority observed that the oyster people did not seem "really significant".

Initially, the opponents of the log-handling proposal had little power because they were excluded from the negotiation process. This

lack of power eventually became a tactical advantage for this group. One respondent estimated that their influence in the decision-making process was greater than it would have been if an equal power relationship had existed initially. The power of this group was based on an educated, organized, experienced and politically-skilled membership, as well as an ability to react readily to events or circumstances.

In contrast, the public group supporting log-handling development at Buckley Bay had little power. This group lacked the strength and skill to organize resources, make use of media opportunities, and provide strong representation at public meetings and public events. Lack of power was a disadvantage to this group.

The leasing authority's power was based on its pivotal decision-making role and its ability to reflect, either implementing or dismissing comments provided by referral agencies. The power of the zoning authority was also based on this type of decision-making role.

All parties were not equally dependent, nor did they possess an equal stake in their relationship with each other. The log-handling proponent and the leasing authority recognized a strong stake in their mutual relationship, particularly considering that interactions on other issues in future were inevitable. However, they were independent of other groups, and did not recognize that the achievement of their objectives was dependent on the satisfaction of any other group's objectives. The logging company had a substantial financial interest in the outcome because approval of the proposal would affect their long-term operation significantly. The leasing authority had a strong

stake in maintaining the integrity of the decision-making process.

The zoning authority felt that public groups generally had little stake in the outcome, but rather had a variety of other reasons for participating in the dispute.

The public groups very clearly recognized their dependence on the leasing and zoning authorities. Particularly, the log-handling opponents wanted to change the leasing decision and the decision-making process, and had a strong stake in the relationship with the authorities in order to achieve this objective. This group felt that the logging company tried to ignore them and to eliminate their opposition by discrediting them and promoting other groups with alternative points-of-view. The development opponents felt that only later in the process, when their power had increased, was their importance as a part of dependence relationships recognized by the other parties.

The oyster grower did not appear to be dependent on the other groups. Also, he did not demonstrate a clear need for the site, although most good oyster growing sites in Baynes Sound were already being used by 1978 and the rehabilitation of the Buckley Bay site had raised expectations that it could be a productive oyster growing area.

Some of the parties had alternatives available for achieving their goals that did not necessarily involve negotiation with other parties. The log-handling proponent possessed alternatives (e.g., site and transportation options) but, when these alternatives were evaluated economically, felt they still wanted to pursue the Buckley Bay site development. Even when the economic evaluations changed over time, the

alternatives to Buckley Bay were never seriously considered. The company also demonstrated that they had alternatives for approaching the leasing authority through direct access to various levels of the government structure. However, the logging company and, to some extent, the leasing authority, appeared to be locked into defending decisions that had already been taken.

The log-handling opponents had alternatives in the sense that they could pursue various avenues (e.g., garner more public support, appeal to political figures) in attempting to change the leasing decisions. The oyster growers' alternative was to make improvements in oyster production that did not involve lease expansion, and this proved to be his eventual course of action.

All parties felt that coercion and threats had been used to at least some degree in the Buckley Bay case. The logging company appealed to senior government officials directly, and also threatened loss of jobs in the area if the proposal was not approved. However, all parties also realized that appeals to political levels for intervention had the potential of generating a public backlash. The development opponents tried to use coercion by extrapolating the potential environmental effects of the development to the whole of Baynes Sound. At one point, members of this group threatened to stop development by laying down with their children in front of equipment, and, also, were accused of planting oysters on the site to give the appearance of higher natural production.

One respondent expressed the opinion that the whole process was coercive in the broadest sense, with decision-makers coerced into doing

something they didn't want to do. The zoning authority felt that the public used a type of coercion, by presenting its views very indignantly and attempting to invoke their rights by negating those of the elected representatives. However, it was observed that this was not surreptitious coercion, more like "democracy on trial".

All groups wanted the dispute to be resolved in their favour (i.e., wanted to "win" the conflict), though they were not all equally interested in having the dispute resolved. The logging company wanted to proceed with their development as soon as possible, while the opponents wanted to revoke the lease permit and have public review of the decision-making process. The leasing authority wanted to avoid controversy and public embarrassment, and arrive at a defensible decision by either finding a way to make the application work (e.g., by seeking a compromise solution to reduce or resolve environmental concerns), or clearly identifying why the development would not work at the site. The zoning authority noted that some board members were more interested in finishing with the dispute than others. The strong "win" objectives expressed by the parties tended to polarize the dispute even more.

(c) Information

While there was no discussion of information needs between parties, the leasing authority felt that the terms of reference for the mini-Environmental Impact Assessment outlined information needs to the logging company. The oyster grower was not aware of any information needs. However, as the dispute progressed, more information needs were

identified, particularly as opposition to the development increased. The log-handling proponent expressed the opinion that information requests can become a delay tactic and, therefore, the validity of these requests must be carefully assessed. Interestingly, this respondent noted that, in his personal opinion, this dispute was primarily a "people" problem, not an environmental or information problem.

The log-handling opponents felt that the initial available data base was poorly organized, but that the data base grew over time and eventually had considerable sway in terms of final outcome. This group noted that early in the review process statements were made claiming compatibility of log handling with other foreshore uses; however, these statements were not necessarily substantiated by biological studies.

The zoning authority noted that participants tended to "pick-and-choose" information that bolstered their own case, and to produce consultants studies that supported their own position. This authority noted that later in the dispute (i.e., 1983) a Baynes Sound Plan was initiated that was designed to meet information needs.

Both descriptive (i.e., inventory and monitoring) and functional (i.e., analysis of cause and effect relationships) information were available in the Buckley Bay case, and it was noted that functional knowledge provided the basis of decisions. However, functional knowledge is more difficult, costly and time-consuming to acquire, particularly when determining environmental effects. Descriptive information, such as the designation of the Buckley Bay area as of "moderate to low" oyster culture potential, was seldom persuasive

evidence for development opponents.

The leasing authority felt that data availability was sometimes less important than good judgement on the part of application reviewers, as represented by experience, planning skills and common sense. For example, reports had shown that the site was reasonably productive and sensitive, and this was more important to know than detailed information on subtidal conditions, biomass productivity and flora and fauna.

There were several instances where persons possessing expertise in a subject area were called on to provide additional information. Referral agencies called on such expertise during the lease application review process, and the logging company hired specialized consultants to review environmental conditions at the site. Also, the development opponents called on an economist to assess the log-handling alternatives that had been reviewed by the logging company. An independent oyster grower spoke to the Regional District Board concerning his assessment of the potential for the proposed log-handling operation and an expanded oyster culture operation to coexist. As the dispute gained notoriety, other people with knowledge of similar disputes elsewhere in the province and even in Washington State spoke on the issue.

On the question of whether information needs were met adequately, the leasing authority and the zoning authority expressed the opinion that enough information was available to make decisions regarding the use of the Buckley Bay foreshore, although a completed regional plan would have provided a valuable context for decision-making. The

development opponents expressed the view that information needs were not met initially because the information brought forward by the logging company was not available to the public prior to lease approval. When this information was made available, it became clear that modifications to the proposal were necessary. Environmental safeguards were eventually included by the company in response to public pressure. However, the log-handling proponent reported that all identified information needs were met as soon as possible, and noted again that requests for additional information may be used as a delay tactic.

It was generally agreed that some parties possessed more information than others, although this did not necessarily provide an advantage. The logging company had some internal economic data related to log-handling alternatives that were never made available to the public. However, the logging company believed that the additional information they had did not provide an advantage. The oyster grower felt that because the logging company had more meetings with decision-makers, they likely had a greater opportunity to both give and receive information. The log-handling opponents felt that the public initially had no information, and had to rely solely on press stories based on information released by government or industry. However, this lack of information proved an advantage, in the sense that public response was heightened by resentment at having been ignored, and a perception of decisions having been made behind closed doors. It was noted, however, that lack of information is a disadvantage if no group or public body chooses to challenge that situation.

(d) Communication

Particular communication channels were not discussed or agreed on by the parties involved in the Buckley Bay dispute. A variety of informal communication channels were used initially, based mainly on convenience and appropriateness at the particular time. Initially, these communications did not include all parties. Most of the organized meetings of more than two parties were held by the leasing authority, normally on an "ad hoc" and "as necessary" basis. Meetings organized by the zoning authority to discuss the Buckley Bay issue were part of the normal Regional Board meeting schedules or were according to legislative requirements.

No regular meetings were held and no other attempts were made on a regular basis to keep all parties informed of new information and developments related to the dispute. Before lease approval, no public meetings were held. After lease approval, at least one public information event was held at the Buckley Bay site. Also, a public meeting was held in early 1981, primarily to discuss the moratorium on log-handling facilities in Baynes Sound, as announced in July, 1980. Two public hearings were held to discuss the rezoning application; however, the public interest group in support of the log-handling proposal was uncomfortable with presenting its views forcefully in this forum.

The leasing authority felt that the parties were encouraged to recount their knowledge of similar disputes as an attempt to learn from other experiences. For example, the logging company was asked to

consider using a dry-land sort facility similar to one that B.C. Forest Products was operating at Crofton (i.e., a "soft-carriage" log handling process), and to use cost data from the Port McNeil operation to assess the costs of developing the log sort operation at an alternate inland site. Government officials made site visits along the coast to observe other similar log handling facilities in operation.

Opponents to the log-handling proposal observed that later in the review process people with knowledge of similar operations in other areas, such as Washington State, came forward to offer the benefit of their experience. However, there did not appear to be a thorough analysis of log watering facilities throughout coastal B.C. available to provide guidance on the appropriateness or compatibility of such uses with other resources uses.

One respondent observed that similar cases or disputes were often raised in a negative sense, that is, they were used to demonstrate why the log-handling proposal should be turned down.

The zoning authority felt they were obligated to refer only to the case at hand, to be sensitive to the opinion of the community, and not attempt to be problem-solvers or mediators or to have opinions.

All respondents felt that it was unlikely that the Buckley Bay conflict was referred to in an abstract or depersonalized way in order to generate new or creative resolutions. Opponents of the log-handling proposal felt that the only abstract component was the general consideration of the government decision-making process for foreshore uses in the province. Concerns regarding this process were the underpinning of the complaint to the Ombudsman's office and could apply

to any coastal area in the province. However, the zoning authority noted it was likely that he, personally, would have attempted to view the dispute in an abstract or depersonalized way during the decision-making process.

Parties were generally not offered opportunities to question so-called "expert" advice. In particular, it was noted that the experts associated with the log-handling development proposal were shielded from questioning by the public interest group opposed to the development.

All parties indicated that direct personal communications between parties were generally conducted in a non-confrontational, non-judgemental, professional manner. However, the logging company noted that interference with operator equipment was threatened at one point by opponents. The leasing authority observed that interactions were strongly opinionated and somewhat confrontational at times, but felt this was to be expected and was not always detrimental to the process. The zoning authority noted that passionate and personal communication took place at times, and also that some parties were offended.

The parties all had at least one (in some cases as many as two or three) spokespersons that remained consistently involved throughout the process. These persons were all considered trustworthy, but had little experience and no training in dealing with environmental disputes. However, some individuals had considerable public relations skills. There was some public perception that initial dealings had been conducted with secrecy and, therefore, had not proceeded in an

honourable fashion. Negotiation skills in all parties tended to develop as the dispute escalated. Sometimes higher authorities would intervene in the negotiation process. The zoning authority felt that all parties had specific objectives clearly in mind. Sometimes these objectives were presented vehemently, although ethics tended to prevail during discussions.

5.5 General Observations

As noted earlier, each of the interviewees was given the opportunity to comment on what they felt was the main reason for the protracted nature of the Buckley Bay dispute. These observations are particularly valuable, as in several cases they refer directly to the negotiation conditions under review in this study and, therefore, provide an opportunity to delineate the conditions of particular importance in the Buckley Bay dispute.

The log-handling proponent felt that they had provided excess information to the leasing authority initially, thereby providing opportunities for criticism and attack. Interestingly, for a similar proposal at present, the logging company provides only a general outline of a proposal and waits for decision-makers to request additional information.

The logging company respondent also felt that if public groups had been involved earlier in the process there would have been less conflict over the information generated. However, the respondent observed that the public interest and the public expectation with

respect to the environmental decision-making process were still not clear.

The leasing authority felt that the log-handling development proposed at Buckley Bay was simply not an appropriate use of that site. Also, it was observed that resource agencies had a poor understanding of some of the resources at the site, and an overall resources management plan was not available to provide guidance to all parties.

The public interest group opposed to the log-handling proposal felt that the failure to consult or consider the public in the decision-making process was the major reason for the protracted dispute.

The oyster grower believed that the log-handling proposal would contribute significant pollution to the Baynes Sound area, that the public was opposed to having pollution occurring at the site, and that the public did not believe the proposal would create jobs for the area.

The public interest group in support of the log-handling proposal believed that the process of obtaining public opinion did not offer an equal opportunity for all representations to be made and, therefore, did not expedite the resolution of public concerns.

The zoning authority felt that since the public hearing process did not provide a forum for debate and discussion, the opportunity for public input into the decision-making process was limited.

One of the most important general observations is that several respondents indicated during the interviews they did not initially perceive the Buckley Bay proposals as constituting a dispute. For example, the leasing authority and the logging company did not view

their interactions as being part of any dispute. The zoning authority did not view the situation as a clear dispute between parties because the interested parties were not in a position to deal directly with each other.

Finally, all respondents felt that the early stages of the process of addressing the Buckley Bay issue were not a bargaining or negotiation process. The leasing authority observed that the logging company was not interested in negotiating with the oyster grower. The oyster grower felt that they had never been part of a negotiation process. The public interest group opposed to the log-handling development felt that although the Buckley Bay issue was a dispute, the process of addressing the dispute was not a negotiation and there was no agreement on the table for discussion. The public interest group supporting the proposal also felt that negotiation had not occurred.

Several respondents pointed to certain aspects of the decision-making process as precluding negotiations in cases such as the Buckley Bay foreshore use issue. For example, riparian rights of upland owners and existing upland zoning were noted as important factors seriously considered during the process of determining subsequent foreshore uses. These factors could provide a significant advantage to the upland owner. Also, the referral process used by the leasing authority generally excluded important interest groups (e.g., the general public), and only permitted comment on the application, not discussion or debate. Public meetings were held only after the leasing decision had been announced. The public meeting forum did not encourage equal representation of the two opposing public interest

groups, due to varying levels of experience and expertise in using this type of opportunity effectively. The public hearing process used by the zoning authority did not provide an opportunity for public debate and discussion. While the public had an opportunity to make opinions known through written submissions (letters) and presentations during Council meetings, negotiations only occurred between elected officials and a final decision was reached by these officials in private. Finally, both the leasing and zoning decision-making processes derived from, and were limited by, legislative authority (Land Act and Municipal Act). As a result some interest groups not part of the immediate geographical area (for example, Denman Island residents) had only limited representation on local decision-making bodies (i.e., Comox-Strathcona Regional District).

5.6 Summary

The evidence provided by the interviews, and supplemented by newspaper accounts and file materials pertaining to the Buckley Bay dispute, is summarized in Table 3. This table refers to each of the nine negotiation conditions within the three general categories of Negotiation Structure, Interest Representation and Negotiator Interaction. The table includes a relative ranking of the importance of each negotiation condition to the outcome of the case, based on the author's assessment of the entire evidence. From the table, several of the negotiation conditions (specifically, participation, issues and interests and information) may be identified as particularly important

NEGOTIATION CONDITIONS:
INTERVIEW COMMENTS AND IMPORTANCE TO OUTCOME

A. NEGOTIATION STRUCTURE	
<p>Location or Forum</p> <p>IMPORTANCE TO OUTCOME</p>	<ul style="list-style-type: none"> - No specific discussions held - Courtenay Health Unit office used (convenient and neutral) - Private offices in Courtenay, Nanaimo, and Victoria used - Public not invited to private meetings <ul style="list-style-type: none"> - High importance - 0 parties - Medium importance - 2 parties - Low importance - 4 parties
<p>Time Deadlines</p> <p>IMPORTANCE TO OUTCOME</p>	<ul style="list-style-type: none"> - No specific discussions held - No deadlines existed - Developer wanted expedient agreement - Opponents wanted decision delayed - Potential threat to future relations <ul style="list-style-type: none"> - High importance - 1 party - Medium importance - 5 parties - Low importance - 0 parties
<p>Implement-ation</p> <p>IMPORTANCE TO OUTCOME</p>	<ul style="list-style-type: none"> - Participants kept own notes - Lease agreement would include conditions - Conditions, impact mitigation, could be specified by EIA process - Zoning by-law would also specify development conditions - Legal requirements would bind parties to leasing and zoning agreements - Other damage claims may require Court action - Monitoring would be mainly informal <ul style="list-style-type: none"> - High importance - 2 parties - Medium importance - 4 parties - Low importance - 0 parties

B. INTEREST REPRESENTATION	
Participation	<ul style="list-style-type: none"> - Government agencies involved in lease application referral process - Public notification (not public participation) - Small private meetings stimulated public interest - Local government was expected to represent public interest - Referral process was expected to indicate need for direct public involvement - Elected officials are the only participants in zoning decision - Some public interest groups were outside electoral boundaries or were uncomfortable with the public hearing process - No formal coalitions formed - Some loose, "uneasy" alliances
IMPORTANCE TO OUTCOME	<ul style="list-style-type: none"> - High importance - 6 parties - Medium importance - 0 parties - Low importance - 0 parties
Issues and Interests	<ul style="list-style-type: none"> - Participants presented fixed positions - Fixed positions stymied negotiations - Identification of objectives part of leasing process (EIA proposed) - Issues and interests eventually identified independently, not jointly - Issues could have been clarified more methodically - Issues considered "demands" early in process; "problems" resulted from demands - Issues based on subjective factors initially, objective factors later in process - EIA process offered opportunity for creative approach to issues - Opportunities for trading concessions and package deals were limited - Joint problem-solving only occurred in private meetings - Various possible outcomes were considered, but found uneconomical
IMPORTANCE TO OUTCOME	<ul style="list-style-type: none"> - High importance - 6 parties - Medium importance - 0 parties - Low importance - 0 parties

C. NEGOTIATOR INTERACTION	
Interdependence	<ul style="list-style-type: none"> - Interaction was competitive and adversarial, but not antagonistic - Tended to prolong the dispute - Became more cooperative over time - Interdependence was recognized to a greater extent by all parties as dispute continued - Interdependence increased as awareness of other issues and interests increased - Criticisms and misunderstandings remained throughout the dispute - Some attempts were made to discover mutually-desirable goals
IMPORTANCE TO OUTCOME	<ul style="list-style-type: none"> - High importance - 3 parties - Medium importance - 3 parties - Low importance - 0 parties
Power	<ul style="list-style-type: none"> - Unequal power existed - Parties tended to minimize their own power and maximize that of others - Distribution of power varied over time - Power bases varied between parties - Power did not always represent an advantage; nor did lack of power - Parties were not equally dependent; nor did they possess an equal stake in their relationship - As power balances became more equal, mutual recognition of dependency was more likely to occur - Some parties possessed more alternatives for achieving their goals - Coercion and threats were used - All parties wanted to win the dispute - Some parties were more interested in resolving the dispute than others
IMPORTANCE TO OUTCOME	<ul style="list-style-type: none"> - High importance - 6 parties - Medium importance - 0 parties - Low importance - 0 parties
Information	<ul style="list-style-type: none"> - No specific discussions held - EIA terms of reference outlined - More information needs were identified as the dispute continued

<p>IMPORTANCE TO OUTCOME</p>	<ul style="list-style-type: none"> - Descriptive information intially; functional knowledge increased over time - Important functional knowledge represented by experience, planning skills and common sense on the part of participants - Experts were called on to provide additional information - Baynes Sound Plan would have provided a valuable context - Information requests can represent delay tactics - All information compiled was not made available equally to all parties - Some parties possessed additional information, but this was not always an advantage <p>- High importance - 4 parties - Medium importance - 2 parties - Low importance - 0 parties</p>
<p>Communication</p> <p>IMPORTANCE TO OUTCOME</p>	<ul style="list-style-type: none"> - No specific discussions held - Informal communication occurred, as convenient and appropriate - No all-party communications initially - No regular meetings - One public information event was held after lease approval was announced - Public hearings can intimidate some groups - Parties were encouraged to consider similar circumstances elsewhere, both to support and to oppose development proposal - Unlikely that dispute was referred to in abstract or depersonalized way - Parties generally not offered opportunity to question "experts" - Communications generally were non-confrontational, non-judgemental and professional; however, could be passionate and opinionated - Each party had at least one, consistent spokesperson - Spokespersons were trustworthy, but had little experience and no training in environmental dispute resolution - Negotiation skills tended to develop as the dispute escalated <p>- High importance - 3 parties - Medium importance - 1 party - Low importance - 2 parties</p>

in this case. Based on this evidence, it is now possible to assess the research hypotheses linking the negotiation conditions to the outcome of a negotiation process (Table 2).

Negotiation Structure conditions include location or forum, time deadlines, and implementation. Location of the meetings was generally appropriate and did not appear to be a significant factor in the Buckley Bay dispute. The lack of time deadlines was considered to be of some importance and more careful consideration of implementation factors could have benefitted the process. These findings are generally consistent with the Negotiation Structure Hypothesis.

Interest Representation conditions, including participation, and issues and interests, may be identified as the most important in the Buckley Bay dispute. Of these conditions, the opportunity to participate in negotiations on the issue appears to be of primary importance to the Buckley Bay case, and was noted by several respondents to be the main reason for the protracted nature of the dispute. The careful and reasoned delineation of issues and interests rather than a focus on the expression of individual positions, was also very important. In the Buckley Bay dispute, issues were generally not considered objectively, were not consciously formulated or clarified, and did not tend to be represented creatively or ingeniously, or be addressed through joint problem-solving. These findings provide strong support for the Interest Representation Hypothesis.

The third category, Negotiator Interaction, encompasses the conditions of interdependence, power, information, and communication. The recognition of interdependence, as represented by promoting

integrative bargaining to find mutual interests and goals and convert divergent interests, was not a strong component in the Buckley Bay case study. However, the recognition of interdependence did tend to increase over time and several parties felt they had made a significant effort to understand the needs and interests of the other parties. Parties involved in the Buckley Bay dispute possessed unequal power and, although levels of power varied considerably over time, power relations tended to remain unstable. Information needs were not discussed, although "experts" were called upon and functional knowledge was eventually made available. However, information needs were identified by several respondents as contributing significantly to the protracted nature of this dispute. Communication tended to be "ad hoc", and relied on those interpersonal skills inherent to the participants. No major attempts were made to learn from other similar disputes, or to refer to this case in an abstract manner. In summary, negotiator interaction conditions observed in the Buckley Bay case study, provide substantial support for the first Negotiator Interaction Hypothesis.

The second Negotiator Interaction Hypothesis is somewhat supported by the Buckley Bay case study observations. Unequal relative power, dependency of parties, and availability of alternatives between parties existed initially in the Buckley Bay case, and negotiations proved unsuccessful. However, it may be observed that these factors tended to become more equal over time.

The third Negotiator Interaction Hypothesis linking increasing use of coercion with decreasing likelihood of a successful negotiation

outcome is strongly supported by observations of the Buckley Bay case study.

The fourth Negotiator Interaction Hypothesis links the tendency towards equal interest in resolving the dispute with a decrease in the likelihood of a successful negotiation outcome. This hypothesis is not supported by the Buckley Bay observations. The commitment to issues, or interest in resolving the Buckley Bay dispute, was unequal initially, and little tendency was observed for these factors to become more equal over time.

The next chapter will present conclusions about the relationship between the negotiation conditions and the negotiation outcome. Recommendations will then be presented to address the limitations of this research. Finally, recommendations pertaining to the use of negotiation as a conflict resolution mechanism in future resource use disputes, and particularly foreshore use conflicts, will be provided.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

Environmental resource managers are faced with the difficulty of resolving an increasing number of conflicts that arise over the use of limited natural resources. The process of negotiation, or discussion and compromise leading to the resolution of a dispute, has been identified as one means of addressing these conflicts. This process has particular application in resolving conflicts over the use of coastal zone resources. Coastal zone conflicts occur within a geographical area owned and managed by the Crown, and jurisdiction over these areas involves a multiplicity of public agencies. Also, many industries, businesses, private groups and individuals have a specific interest in coastal zone resources. In order to resolve conflicting demands by such a diversity of interests, coastal zone management is conducted in a manner that requires the use of negotiation. Any improvements in the process of negotiation will, therefore, have important applications in coastal zone conflict resolution.

This thesis has investigated the hypothesis that the outcome of a negotiation process is linked to certain important negotiation conditions, or "conditions of strategic interaction", that exist during negotiation preliminaries.

Of the major theoretical approaches to the study of negotiation, the developmental theory models, based on a phased or staged approach to negotiation, provided a theoretical framework within which to identify and explore negotiation conditions. These conditions were

identified and categorized as follows:

- (a) Negotiation Structure (location or forum, time deadlines, implementation),
- (b) Interest Representation (participation, and issues and interests), and
- (c) Negotiator Interaction (interdependence, power, information, communication).

Assessment factors for each negotiation condition were derived from a literature review and formed the basis for a number of research hypotheses linking the negotiation conditions to the negotiation outcome. The research hypotheses guided the development of forty-four questions used in a series of interviews to investigate conflict over coastal zone resource use at Buckley Bay on Vancouver Island. Since this conflict had an unsuccessful outcome, it offered a unique opportunity to investigate how the negotiation conditions may have contributed to that outcome.

This thesis has also proposed a typology of environmental resource disputes which combines and expands upon those offered in the related literature. The intent of this typology is to help identify limitations of case study research, and to offer a framework upon which future research can be based.

Several broad conclusions and recommendations based on the case study findings are advanced.

6.1 Conclusions

The findings of this study indicated that negotiation is a highly complex process requiring careful organization and serious intent. The study also suggested that negotiation conditions, identified as integral parts of the negotiation context or structure, may be linked to the outcome of the negotiation. A successful outcome is characterized as being mutually-acceptable, implementable, long-lasting, and serving to affirm or even improve existing relationships.

The hypothesis linking location of meetings, time deadlines and implementation of agreements with negotiation outcome (Negotiation Structure) was strongly supported by the case study findings. Similarly, the hypothesis relating participation of interested parties and clarification of issues and interests with negotiation outcome (Interest Representation) was also strongly supported.

The hypothesis linking interdependence of parties, information availability and communication between parties with negotiation outcome (Negotiator Interaction) was strongly supported. However, the assumption that power balance between parties was related to negotiation outcome was only partially supported. One aspect of power (Twomey's (1977) "increased use of coercion") was strongly related to the unsuccessful outcome. However, the linkage between another assessment factor for power (Bacharach and Lawler's (1981) "equal commitment to issues, or equal reluctance to compromise on those issues") and the reduced likelihood of a successful outcome of the

negotiation could not be supported.

In particular, the case study pointed to the importance of the participation of all interested parties, the careful delineation of issues and interests, and the availability of accurate and relevant information in achieving a successful outcome to a negotiation process. These findings support Dorcey (1983) in his coastal zone studies, where he has identified both participation and information as major determinants of successful bargaining in coastal zone management. Susskind and Weinstein's (1981) studies of the steps to resolving environmental disputes identified participation and issues and interests as key aspects to achieving successful outcomes. Waldo (1987) also emphasized participation and focus on "real issues" as fundamental to successful negotiations in resource use disputes.

However, the importance of some other conditions, such as interdependence and power, in a negotiation process is less clear. The recognition of interdependence between the involved groups tended to increase over time but never became a strong component in the Buckley Bay dispute. In this case, little evidence exists to support Walton and McKersie's (1965) concepts of "integrative bargaining".

As noted previously, the hypotheses related to power were only weakly, or were not at all, supported by the case study. The multiplicity of agencies and public groups involved in the Buckley Bay dispute amplified the unpredictability of this "complex, multi-dimensional parameter" (Rubin and Brown, 1975) and led to an unclear linkage to the negotiation outcome. Interdependence and power did appear to be closely related to each other in this case, in support

of concepts expressed by Deutsch (1973), a model developed by Rubin and Brown (1975), and studies by Bacharach and Lawler (1981). During interviews, several respondents declared that they had made a significant effort to understand the needs and interests of other parties, particularly as the power balance became more equal. From the case study findings, one may conclude that interdependence and power have the potential to change significantly over time, are not easily guided or controlled, and may provide an inconsistent advantage to participating parties.

Location or forum, time deadlines, implementation and communication proved to be contributing factors to the outcome of the negotiation, although they were not considered pivotal to achieving a successful outcome. These conditions were either taken for granted by the parties in the Buckley Bay dispute (location, communication), or were considered implicit to the decision-making process and assumed to be mutually understood (time deadlines, implementation). It can be concluded, therefore, that these conditions influence, but do not determine, the success of negotiation.

In drawing general conclusions and recommendations from the Buckley Bay case study, it is important to stress that representatives of interest groups did not initially perceive this issue as a dispute. No one in authority recognized that incompatibilities between two lease applications would constitute a resource use conflict. Also, parties with an interest in both the lease and rezoning application reviews (particularly public interest groups) did not perceive the early stages of the interaction over the Buckley Bay foreshore proposals as

negotiations. Rather than trying to find a compromise that would be mutually-acceptable, it was felt that authorities were only seriously considering the log-handling proposal, and were trying to expedite the review process in order to grant the lease as quickly as possible.

As a result, the public interest group opposed to industrial development was able to successfully challenge the foreshore leasing process, contending that this process excluded public interest groups from participating. This challenge resulted in the involvement of the Ombudsman as a "quasi-mediator" in the dispute, although his involvement occurred too late in the process to provide direct assistance to negotiations. Finally, even when included in the negotiations, participants were reluctant to give ground or compromise.

For these reasons, it may be concluded that the leasing and zoning application review processes at the Buckley Bay were not structured in a manner to permit the early identification of a resource use dispute. Also, these processes were not generally considered by interested parties as opportunities for negotiation. Referrals associated with the leasing process excluded direct public participation. Public hearings associated with the zoning process did not provide a forum for discussion and debate, and also excluded those public groups inexperienced with participating in public hearings. These findings indicate that the decision-making process (and the perceptions of that process) can influence, and even determine, the occurrence of negotiation in a resource use dispute.

Finally, it can be concluded that the Buckley Bay dispute provided an important example for subsequent disputes of a similar nature. A

great deal of knowledge was gained by a wide variety of private and public groups over the lengthy duration of this dispute, and, as was noted by more than one respondent, such a dispute would certainly be addressed in a very different manner should it occur again.

6.2 Recommendations

Recommendations based on this research are organized in three major groups. First, recommendations for addressing the limitations of the research are presented. Second, a series of recommendations pertaining to the use of negotiation in environmental resource management are given. Finally, recommendations specific to coastal resource management and the resolution of conflicts through the use of negotiation are identified.

6.2.1 Limitations of Research

To address the limitations of the research, it is recommended that:

- (a) A more recent case be selected for investigation. Moreover, changes in the coastal zone leasing and zoning processes that have taken place over the last ten years should be documented.
- (b) A case in which negotiation was clearly perceived to have taken place be examined as a further test of the main hypothesis.
- (c) A case study be conducted in which all aspects of the conflict, as differentiated in the environmental dispute typology developed in this thesis, are examined and analyzed,

- (d) Several cases be reviewed for comparative purposes, including those involving resource use disputes in which successful outcomes were achieved.
- (e) Conditions, such as "interdependence" and "power", for which satisfactory, decisive conclusions were not possible be the subject of a future study.

6.2.2 Environmental Resource Management

To improve environmental resource management, it is recommended that:

- (a) Maximum opportunity be provided for negotiation to occur in determining both:
 - i. what the tenure or long-term use of an area will be (for example, leasing, tree farm licence, mining claim), and
 - ii. the regulation of that use, or how the long-term use will occur (for example, zoning, forest harvest plans, mine reclamation).
- (b) A variety of opportunities to negotiate be encouraged. (Large public meetings, for example, may prove discouraging to some groups, thereby creating unequal representation of issues.)

6.2.3 Coastal Resource Management

To improve the management of coastal resources, it is recommended that:

- (a) Negotiation be recognized as an appropriate and viable means of interaction within existing decision-making processes.
- (b) The review of coastal leasing and zoning be considered as opportunities for all interested parties to meet and address concerns.
- (c) The following options be employed:
 - i. petitions, developed within specific, pre-determined criteria,
 - ii. ad hoc committees, to meet with various representative groups and individuals,
 - iii. public meetings, for discussion and debate prior to public hearings,
 - iv. "legal agreements", to address specific environmental concerns and indicate progress towards dispute resolution,
 - v. "conditional" leasing or zoning, to ensure that agreements reached within one process are mutually respected.
- (d) Accountability of decision-making authorities and, as far as possible, interested public groups be clearly defined to ensure issues and interests are well represented.
- (e) The practice of routinely considering riparian rights of upland owners be reviewed. Priority should be given to maintaining access rights at some point of the foreshore rather than at all points.
- (f) Priority uses within coastal zone areas be clearly designated, and policies for sensitive area allocation outlined.
- (g) Broad guidelines pertaining to incompatible coastal zone uses, such as coastal log-handling, be developed.

- (h) Government agencies recognize that the development of planning processes and resource development guidelines provides an opportunity for government agencies and the public to engage in discussions intended to resolve conflicts prior to the occurrence of development pressures.
- (i) Consideration be given to the negotiation conditions identified by this thesis research when developing coastal zone plans and guidelines, and when reviewing specific leasing and zoning applications.

The value of a particular process of conflict resolution lies not in the ability to produce a particular result in a particular case, but rather in the ability to produce desired results in an indefinite series of cases. Ditton, Seymour and Swanson (1977) have observed that coastal zone resource management is optimized by developing "concepts that emphasize optimum utility, sustained yield, conflict reduction, and compatible uses" (p. 60). The process of negotiation is one such concept, but numerous obstacles currently limit its use.

The purpose of this thesis has been to address some of those elements of the negotiation process that contribute to the success or failure of negotiation. The subsequent analysis pertaining to these elements is not intended to be prescriptive, nor to provide an absolute remedy for the problems associated with the negotiation process, but rather to render the problems somewhat less indeterminate, provide explanatory direction, and permit insights and conceptual stimulation. As Young (1975) has observed, "it is the marked progress embodied in

the existing models of bargaining which makes it possible to look upon remaining issues associated with the bargaining problem as stimulating analytic challenges for the future rather than insurmountable barriers." (p. 408).

It is hoped that the findings, conclusions and recommendations of this thesis constitute such "marked progress", and improve our understanding of the mechanics and practice of negotiation.

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APPENDIX A

NEWS RELEASE 80-99



Province of
British Columbia

NEWS RELEASE

HONOURABLE JAMES R. CHABOT,
MINISTER OF LANDS, PARKS AND HOUSING

CONTACT: S. Ainscough
387-3502

RELEASE: July 9, 1980

SUBJECT: THREE YEAR MORATORIUM ANNOUNCED ON ESTABLISHMENT
OF NEW SHORELINE LOG DUMPING SITES ON BUCKLEY BAY

A prohibition against establishment of new log dumping sites in Buckley Bay was announced today by Lands, Parks and Housing Minister Jim Chabot.

The three year moratorium arises out of a review and approval by the minister of an application by MacMillan Bloedel for log dump and storage facilities at Buckley Bay. The moratorium period will provide an opportunity for rationalization by the forest industry of its log handling practices in Baynes Sound considering intermediate and longterm needs. Of equal importance, it provides a time for study and securement of a mariculture policy for the Sound.

Environment Minister Stephen Rogers indicated his support for the moratorium period. "Baynes Sound is the most heavily utilized area for oyster culture in British Columbia and currently accounts for sixty per cent of the total annual British Columbia production. It is imperative that longterm policies be established to provide for its security".

Chabot added that, "The site approved for MacMillan Bloedel is adjacent to the existing ferry wharf and has been used intermittently for the past eighty years as a log and coal handling facility. Conditions of approval of this site will ensure that it maintains high standards of environmental quality."

APPENDIX B

1981 OMBUDSMAN REPORT

"THE BATTLE OF BUCKLEY BAY"

THE BATTLE OF BUCKLEY BAY
(Case Study 81-091)

Buckley Bay lies close to the centre of Baynes Sound, which is a sheltered 25 km stretch of water between Vancouver Island and Denman Island, yielding about 60% of this Province's oyster production. Many people were therefore pleased by a news release of July, 1980, in which the Minister of Lands, Parks and Housing announced a three-year moratorium on the establishment of new shoreline log-dumping sites on Buckley Bay. However, the release also announced a "review and approval by the Minister of an application by MacMillan Bloedel for log dump and storage facilities at Buckley Bay".

The announcement of this approval was the first that many area residents had heard of the matter. Dissatisfied with the information they were able to obtain from the Ministry, a number of them formed the Baynes Sound Protection Committee (B.S.P.C.), which petitioned the Minister to hold a public hearing to review the reasons for and against the proposed facility. This was refused.

I received complaints from B.S.P.C. and others that the Minister had made his decision without requiring that the lease application be advertised first, and that there had been no prior opportunity either for public discussion or for objection to the proposal. Many people, including neighbouring oyster growers, felt they would be adversely affected by the presence of the dump site.

Does procedural fairness require that a Ministry inform such persons of the proposal and hear their objections before it makes a decision?

My investigation revealed that under its existing policy, the Ministry should have required the applicant to advertise the basic proposal. When the Minister's decision was announced in July 1980, the application had already been under consideration for 19 months without

the Ministry's requiring the applicant to advertise. Hearings (under what is now s.59 of the Land Act) had been held in the past on similar issues, where there were similar grounds for objection and where the number of objectors was far smaller. One Branch of the Ministry of Environment had strenuously opposed the application, and some other agencies had expressed concern. A senior official in the Ministry had apparently ignored a report from the District Land Manager which predicted public opposition and concern, and which recommended that MacMillan Bloedel be requested to advertise its application. MacMillan Bloedel had been refused a similar application a few years before, because of the environmental degradation which had previously occurred as a result of the firm's operations at the same location.

I concluded that procedural fairness had not been observed towards the complainants when the Ministry made its decision to approve the MacMillan Bloedel application, and I recommended in January 1981 that the Ministry take appropriate steps to rectify this omission. Several acceptable courses of action were suggested, but the Ministry's eventual response was to require the firm, in April 1981, to advertise its proposal in the local press, to hold a public viewing of its plans, and to recalculate the costs of certain alternatives to the Buckley Bay facility. In my opinion the advertising was by now a mere formality, and the other steps taken did not really address the basic problem, yet the Ministry appeared unwilling to do anything more.

As I was considering further steps, MacMillan Bloedel resolved the matter by withdrawing its application. According to a news release, the withdrawal was due solely to economic conditions, and was completely unrelated to my investigation. If that is the case, I must humbly acknowledge the support of Higher Powers in bringing this matter to an acceptable conclusion!

Source: Third Annual Report of the Office of the Ombudsman (covering the period of January to December, 1981), May, 1982.

APPENDIX C

QUESTIONNAIRE

QUESTIONNAIRE**1. NEGOTIATION STRUCTURE****(a) Location or Forum**

1. Was there any discussion between the various parties involved in the dispute on where meetings to discuss the Buckley Bay dispute should be held? If so, was an agreement reached?
2. Where were the meetings held? Were they always held in the same place(s)? Did you, or the agency you represent, request the location(s)?
3. Would you characterize the location(s) as 'neutral', that is, was(were) the meeting location(s) equally acceptable to all parties? If not, can you explain why? What effect did this have on the negotiations?
4. Do you have any other comments on the meeting location(s), such as accessibility, furnishings, size, seating configuration, appropriateness, openness to public view?

(b) Time

1. Were you aware of any time deadlines in discussions on the Buckley Bay dispute?
 - 1a. If not, did you participate in any discussions on the subject of time deadlines? Was an agreement reached? How did the lack of time deadlines affect the negotiations?
 - 1b. If so, what were they and how had they been set? Were they adhered to? If not, why? Did this affect the future relationship between the parties?

(c) Implementation

1. Were the discussions on the Buckley Bay dispute documented, or written down, consistently? Particularly, were the results of the discussions written down? If so, did all parties agree who would perform this documentation and how it would be handled? If not, was this subject ever discussed?
2. Were you aware of the form that an agreement, or a resolution of the dispute, would take (for example, written contract, legislation changes, joint recommendations, zoning or leasing changes)? If so, state the form of the expected agreement. If not, was this subject ever discussed?
3. How was the agreement to be monitored or measured?
4. Were any commitments made regarding the implementation of an agreement or resolution (for example, cost compensation, impact mitigation, sponsorship to help implementation)?
5. What would bind the parties to the agreement? How would it be enforced?

2. INTEREST REPRESENTATION

(a) Participation

1. Were all the interested parties provided an opportunity to participate in the discussions or negotiations on the Buckley Bay dispute? If not, who was omitted and why? In your opinion, how did this affect the eventual outcome?
2. Were all interested parties included in every meeting or were smaller meetings held between various groups? If smaller meetings were held, did this affect the eventual outcome of the dispute, and how?

3. Did any groups form coalitions? If so, describe how this came about and whether it had any influence on the negotiations.

(b) Issues and Interests

1. Did the participants present a relatively fixed "position" on the dispute without trying to outline their underlying interests and objectives? If so, how did this affect negotiations?

2. Was any attempt made at an early stage of the discussions to identify each particular problem or issue and to consciously formulate and clarify the key interests and objectives of each of the parties involved? If not, was a list of issues ever developed, and how?

3. In your opinion, were the issues in the dispute considered "problems" or "demands"?

4. In your opinion, were issues based on "subjective" factors, such as perceptions and emotions, or on "objective" factors such as economic and environmental effects?

5. Was any attempt made to regroup or reformulate issues in a creative or ingenious way, particularly to make the issues more tangible and to dovetail differing interests?

6. Was there any discussion regarding trading concessions on several issues at once, or achieving a 'package deal' on the issues?

7. Was joint problem-solving or decision-making by consensus attempted at any time?

8. Were various possible outcomes to the dispute considered during the negotiations?

3. NEGOTIATOR INTERACTION

(a) Interdependence

1. In your opinion, was the interaction between the negotiators 'cooperative' or 'competitive'? What effect did this have on the negotiations?
2. Did you recognize that the gains you (or your agency) could expect to achieve were partially controlled by, and therefore dependent on, the other parties in the dispute? Do you feel that they recognized this interdependence? In your opinion, did this influence the outcome of the dispute?
3. Did you try to understand the needs and interests of the other parties in the dispute? Did the other parties try to understand your needs and interests?
4. Was any attempt made to discover similar or mutually-desirable goals in the dispute? If so, can you describe these attempts and the particular goals?

(b) Power

1. If we consider power as the ability to influence or control the actions of the other parties and/or the outcome of the dispute, in your opinion did all parties possess equal amounts of power? If not, describe the inequalities. Did the more powerful party have an advantage or a disadvantage in the dispute?
2. Were all parties equally dependent, that is did the parties have an equal stake in their relationship with each other? If not, describe the inequalities.
3. Did some parties have more alternatives available for achieving their goals that did not necessarily involve negotiation with other parties? If so, can you describe these alternatives?

4. Do you feel that coercion was used during the discussions? If so, can you describe this coercion?

5. In your opinion, were some parties more interested in resolving the dispute than others? If so, can you elaborate on why this was the case? Did this influence the outcome of the negotiation?

(c) Information

1. Was there any discussion of information needs, such as socioeconomic data, natural resource system data or planning analysis data? If so, was an agreement reached? What information needs were specified?

2. In your opinion, was the information available primarily "descriptive information", such as inventory or monitoring data; or "functional knowledge", such as an analysis of cause and effect relationships, or a range of possible decisions and the consequences of those decisions? Did this affect the eventual outcome of the negotiation?

3. Were any persons possessing expertise in a subject area called on to provide additional information?

4. In your opinion, were information needs met adequately? If not, why and what were the effects?

5. In your opinion, did some of the parties possess more information than others? If so, did this provide them with an advantage, and how?

(d) Communication

1. Were particular communication channels, such as all-party meetings, meetings between smaller groups, written contact or telephone contact, discussed and agreed on? If so, what were they? If not, how did the parties communicate?

2. Were there regular meetings or other attempts on a regular basis to keep all parties informed of new information and developments related to the dispute?
3. Were the various parties encouraged to recount their knowledge of similar disputes as an attempt to learn from other experiences?
4. Was the conflict ever referred to in an abstract or depersonalized way in an attempt to generate new or creative resolutions?
5. Were parties offered opportunities to question so-called "expert" advice?
6. In your opinion, were direct personal communications between parties conducted in a non-confrontational, non-judgmental, professional manner? If not, please elaborate and describe how this affected the negotiations.
7. Did each party have a designated spokesperson? If so, would you characterize them as trustworthy and possessing valuable interpersonal skills? If not, in your opinion, how did this affect the outcome of the discussions?

That is the end of the formal interview questions. I wonder if you would just take a moment to discuss what you feel was the major reason that the Buckley Bay dispute carried on for such a long time.

Do you have any additional comments to make regarding the Buckley Bay dispute?

Thank you very much for assisting me with my research.

APPENDIX D

INTERVIEW RESPONDENTS

INTERVIEW RESPONDENTS

Mr. Jamie Alley,
Former Regional Planning Officer,
Land Management Branch,
Ministry of Lands, Parks and Housing,
Nanaimo, B.C.

Mr. James P. Egan,
Former District Land Manager,
Land Management Branch,
Ministry of Lands, Parks and Housing,
Courtenay, B.C.

Mr. Brodie Porter,
Planning Officer,
Comox-Strathcona Regional District,
Courtenay, B.C.

Mr. Keith Hudson,
Regional Board Chairman,
Area "F" Director,
Comox-Strathcona Regional District,
Campbell River, B.C.

Mr. Max Soltermann,
Former Area "A" Director,
Comox-Strathcona Regional District,
Union Bay, B.C.

Mr. John Turner,
Area "A" Director,
Comox-Strathcona Regional District,
Courtenay, B.C.

Mr. Jim Egan,
Area "B" Director,
Comox-Strathcona Regional District,
Courtenay, B.C.

Mr. Gordon McLellan,
Mac's Oysters Ltd.,
Fanny Bay, B.C.

Mr. Ralph Urban,
Northwest Bay Woodlands Division,
MacMillan Bloedel Ltd.,
Nanaimo, B.C.

Mr. Des Kennedy,
Spokesman,
Baynes Sound Protection Committee,
Denman Island, B.C.

Mr. Bus Griffiths,
Spokesman, Committee for Fair Play and Employment,
Fanny Bay, B.C.

APPENDIX E

APPROVAL OF PROPOSED RESEARCH

COMMITTEE ON RESEARCH INVOLVING HUMAN SUBJECTS

RECEIVED

NOV 10 1987

REQUEST FOR APPROVAL OF PROPOSED RESEARCH INVOLVING HUMAN SUBJECTS
Office of Research AdministrationTO: Committee on Research and Other Activities Involving Human Subjects,
Office of Research Administration, University Centre, *Sedgwick Bldg, Room 115*

FROM: Catherine A. Carr November 6, 1987
(Name) (Date)

Geography 721-7336 (Dr. Ross)
(Department) (Phone number or local)

- (i) Short title of proposed research: Coastal Zone Conflict Resolution and the Importance of Negotiation Preliminaries

Please attach an outline of the proposed research, with emphasis on the procedures involving human subjects. That is, what are the subjects going to be doing? Include copies of questionnaires, tests, interview schedule, etc.

- (ii) Who are the subjects?

Representatives of local government, provincial government, local industry and public interest groups involved in the issue.

- (iii) How will the subjects be obtained?

They will be asked to voluntarily answer questions in a loosely-structured interview situation on their recollection of certain aspects of the issue.

- (iv) To what extent is the participation of the subjects voluntary? How is this assured, procedurally?

The participation of the subjects is totally voluntary. They will be asked to consent to be interviewed.

How is the subject's right to withdraw at any time assured?

The subjects may terminate the interview at any time.

- (v) To what extent are appropriate guarantees of anonymity or confidentiality given to the subjects? How is this implemented (e.g., will data records contain names or other means of identifying individuals)?

There will be no need to refer to the subjects by name in the analysis of the interview results. Subjects will not be asked anything of a confidential nature. Published data records will not contain direct reference to any of the subject's interview responses.

- (vi) Is there any possibility of physical, psychological, or other risk in the research? If so, explain in detail, on a separate page; include the necessity for this risk or hazard and the potential value of the research justifying it.

None.

What safeguards for the subjects, the researcher, and the University are part of the research plan?

There is no risk or hazard involved in the research and no safeguards are necessary.

(vii) When, and to what extent, is the nature and purpose of the research or study explained to the subjects?

The nature and purpose of the research will be explained to the subjects before the interviews begin. The subjects will be invited to ask any questions they wish before the interviews begin.

Considering this question and question iv (page 1), when and how is informed consent obtained?

The subjects will give their consent to be interviewed before any questions are asked.

(viii) Please list any institutions or organizations involved in the research (e.g., by providing subjects, facilities, or access to data). Also indicate whether their written permission is attached or is to be forwarded to the Committee.

None.

(ix) Person designating him/herself as in charge of the research:

Catherine A. Carr
(Name)



Supervisor (if any):

Dr. W.M. Ross
(Name)

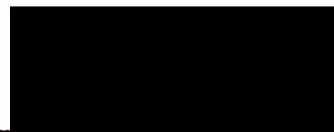


(Signature)

Nov 10/87
(Date)

Chairman/Director of Department or School:

Dr. C.J.B. Wood
(Name)



(Signature)

10 Nov 87
(Date)

(x) Additional information, required before final approval can be issued:

- approximate starting and termination dates: November-December, 1987

- names of all persons who will be conducting the research: C.A. Carr

APPROVED BY COMMITTEE ON RESEARCH & OTHER ACTIVITIES INVOLVING HUMAN SUBJECTS:



(Chairman's signature)

9 Dec 1987
(Date)

APPENDIX F

NEWSPAPER ARTICLES

NEWSPAPER ARTICLES

"MacBlo Plans Log Sorting Dump"
Comox District Free Press
January 16, 1980

"Ombudsman Pleases All"
Comox District Free Press
June 4, 1980

"Ombudsman Opens Report"
Comox District Free Press
June 11, 1980

"Wondrous" (Editorial)
Comox District Free Press
July 16, 1980

"Booming Permit Riles Oysterman"
Comox District Free Press
July 18, 1980

"MLA Calls For Pressure"
Comox District Free Press
July 18, 1980

"Many Agencies Opposed MB Booming"
Comox District Free Press
July 18, 1980

"Ombudsman Likes Complaints"
Comox District Free Press
July 25, 1980

"Group to Fight Permit"
Comox District Free Press
August 6, 1980

"Group Fights Go-Ahead to Log Baynes Sound"
The Upper Islands (Campbell River)
August 6, 1980

"Log Boom Protest Sun."
Comox District Free Press
August 8, 1980

"MLA'S Report"
Parksville (B.C.) Progress
August 12, 1980

"MacBlo Meets Critics at Log Dump Site"
Comox District Free Press
August 13, 1980

"Lease Complaints to Ombudsman"
"Islanders Tackle Lease, Herbicides"
Comox District Free Press
August 20, 1980

"Island Residents Oppose Log Booming Lease"
Vancouver Sun
August 29, 1980

"Citizens Unimpressed Over Log Dump Permit"
"The Buck Stops at Buckley Bay"
Comox District Free Press
October 3, 1980

"Group Disputes Critics"
"Denying Log Dump Could Cost Us Jobs"
Comox District Free Press
October 15, 1980

"Minister Refuses Request for Log Dump Hearing"
Comox District Free Press
October 22, 1980

"Region Rejects Log Moratorium in Baynes Sound"
Nanaimo Daily Free Press
February 25, 1981

"CSRD Bumbles Buckley Bay Booming"
Comox District Free Press
March 13, 1981

"Buckley Bay Site Cheapest Says MB"
Comox District Free Press
April 3, 1981

"MB Talking With Groups"
Comox District Free Press
April 17, 1981

"RD Plan Sought for Foreshore"
Comox District Free Press
April 29, 1981

"Rogers Does Turn-about on Buckley Bay Booming"
Comox District Free Press
May 15, 1981

"MB Sticks to Booming, Opponents Puzzled"
Comox District Free Press
May 20, 1981

"Islands Want Own District"
Comox District Free Press
May 27, 1981

"Final Word Awaits on Booming Plans"
Comox District Free Press
June 10, 1981

"Controversy Awakens Quiet Buckley Bay"
Victoria Times-Colonist
June 21, 1981.

"New Report Issued on Log Dump"
Comox District Free Press
July 3, 1981

"Hearing Could Be Fiery"
Comox District Free Press
July 15, 1981

"MB Pulling Out of Buckley Bay"
Comox District Free Press
July 17, 1981

"Good Citizens"
Comox District Free Press
July 17, 1981

"Bay Rezoning Opposed"
Comox District Free Press
July 24, 1981

"Just A Ploy?"
Comox District Free Press
July 24, 1981

"Rezoning May Endanger Fish"
Comox District Free Press
July 31, 1981

"Log Handling Studied"
Comox District Free Press
August 21, 1981

"CSRD Rescinds Buckley By-law"
Comox District Free Press
September 30, 1981

"Long-Range Policies Needed for Baynes"
Comox District Free Press
October 2, 1981

"Buckley Bay Spurs Policy"
Comox District Free Press
November 13, 1981

"Baynes Sound Getting Plan"
Comox District Free Press
December 4, 1981

VITA

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Title of Thesis/Dissertation

COASTAL ZONE CONFLICT RESOLUTION AND

THE IMPORTANCE OF NEGOTIATION PRELIMINARIES:

THE CASE OF BUCKLEY BAY, VANCOUVER ISLAND

Author


Signature

CATHERINE ANNE CARR

August 26, 1988
Date