

Good Practice in Rural Development

No. 5

Consensus Building

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Foreword

The Scottish National Rural Partnership (SNRP) ¹ is charged with the task of promoting rural development. To do this, it is publishing a range of titles in a series under the heading of '*Good Practice in Rural Development.*' These highlight principles of good practice in a number of aspects of rural development. The good practice notes are intended for the attention of all those involved in rural development, particularly local rural partnerships, as guidance which merits careful consideration. Whether or not to follow the guidance in all cases is, of course, a decision for each local rural partnership or other body to make in their particular circumstances.

This guide is the fifth in the *Good Practice in Rural Development* series and addresses the issue of consensus building as a tool for resolving conflict in rural development work.

A list of other publications in the series is contained in the Annex.

¹ It comprises representatives of The Scottish Office, Scottish Tourist Board, Scottish Natural Heritage, Rural Forum, Scottish Agricultural College, COSLA, Highlands and Islands Enterprise, Scottish Homes, Forestry Commission, Scottish Enterprise, Scottish Landowners Federation, Scottish Council for Voluntary Organisations, National Farmers Union of Scotland, CBI Scotland, and Scottish Crofters Union.

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Executive Summary

Many people working in rural development throughout Scotland will have had first hand experience of conflicts at some time. These disputes are often extremely time-consuming, result in the loss of goodwill, and reduce opportunities for constructive work in the future. This guide aims to assist local rural partnerships, as well as other local agencies and organisations, in dealing with such conflict by adopting a consensus building approach to their local rural development work. It provides practical advice on how active conflicts can be resolved and how conflicts can be prevented from arising.

Consensus building differs from other types of decision making in that decisions are reached by consent: it is in effect, a negotiation in which the parties devise a solution from which they all benefit. Everyone with an interest, and who is prepared to co-operate, is involved; discussion is open and relies on equal contributions from all parties. Care is taken to ensure that the way in which the decision is made is fair, open and builds trust.

Consensus building is often aided by a neutral, independent facilitator, who helps the group to reach a decision. The whole process needs to be tailor-made to local circumstances, based on a set of principles - balance and openness in the terms of reference and the use of information; equal representation; and the authority to make or influence decision making at an early stage.

Two sets of case studies - resolving active conflicts and preventing conflicts arising - are described to illustrate how consensus building principles have been used to good effect, and guidelines for good practice are identified.

Guidelines for good practice in resolving conflicts cover:

- *securing neutrality in initiating negotiations* - assessing the situation and the neutrality of those involved, deciding whether an independent mediator is required
- *choosing a mediator* - who is neutral, experienced and trusted by all the parties involved.
- *deciding on a negotiation strategy* - ensuring that all parties discuss the form the negotiations might take and who should be involved.
- *deciding clear 'ground rules' in advance* - ensuring that everyone is treated equally and their position respected
- *undertaking negotiations* - treating information as a common resource, understanding each others' interests, building trust and agreeing a common goal.
- *implementing agreements* - considering the enforcement and monitoring of the decision

Guidelines for good practice in preventing conflicts cover:

- *clarifying the aims of participation* - establishing clearly why participation is sought and how the decision will be influenced by participation
- *assessing who should be involved* - carrying out a 'stakeholder' analysis to establish who should be involved
- *identifying the desired level and timing of involvement* - assessing who wants to be involved and when. Some people may be content to be informed about what is happening rather than being involved more fully; others may want to contribute at specific stages and not at others
- *selecting the most effective techniques to encourage participation* - to take account of local circumstances, skills and resources.

1. Introduction

Rural development is about achieving several objectives - social, economic and environmental - and sometimes balancing and integrating these objectives has led to conflict and disagreement over the best course of action. Many people working in rural development throughout Scotland will have had first hand experience of conflicts at some time. These disputes are often extremely time-consuming and demanding, requiring much effort and energy to resolve. Some have even been costly, requiring settlement through the courts. The outcome has often been the loss of goodwill, trust and opportunities for constructive and collaborative work in the future. This guide aims to assist local rural partnerships, as well as other local agencies and organisations, in dealing with such conflict by adopting a consensus building approach to their local rural development work. The guide provides practical advice on how active conflicts can be resolved and how conflicts can be prevented from arising in rural development work. It

- draws attention to situations in which conflicts arise;
- describes the approach of consensus building as a method of conflict resolution;
- provides practical illustrations of different approaches to consensus building by examining several case studies. The case studies are divided into two main types: those dealing with conflicts that have arisen; and those where a process was followed in order to prevent conflicts arising;
- highlights pointers for good practice.

It is aimed at all types of local rural partnerships: strategic, area and topic based, because all partnerships will benefit greatly from following a consensus building approach at all stages in their work from general partnership working, to preparing a local rural development strategy and to progressing local projects. The old adage 'prevention is better than cure' is particularly apt.

The guidance is not intended to be prescriptive, nor to be a substitute for statutory requirements such as those involved in the land use planning process or environmental impact assessment procedures. Rather it aims to highlight issues for partnerships to consider and the Annex lists further sources of advice and training.

What is consensus building?

Consensus building is an approach that can be used to:

- intervene in situations where conflicts and disputes have arisen such as a controversial development proposal - *conflict resolution*;
- help prevent conflicts arising in rural development work - *conflict prevention*.

It has been described as "a collaborative approach to making a decision in which the interested parties identify common ground and work voluntarily towards finding a mutually acceptable solution to a contentious problem."²

² Environment Council (1995) Letter of Evidence to House of Commons Environment Committee on The Environmental Impact of Leisure Activities, HMSO:London.

2. Conflicts and Consensus Building

This section describes the situations in which conflicts arise and highlights different approaches to resolving the conflict. It then moves on to explore consensus building as a method of conflict resolution and conflict prevention.

2.1 How conflicts arise

As rural development is about achieving three main goals - social, economic and environmental - a number of sectors are involved in the process, such as employment, housing, transport and conservation, with a corresponding diversity of interests and organisations. Conflicts that have arisen over developments in rural Scotland often, therefore, involve a wide range of different interests and a complex mixture of objectives and aspirations.

Although each conflict is unique, certain common characteristics can be recognised. Conflicts may arise from *misunderstandings* between different individuals and organisations (termed ‘parties’), from their *competing interests* or from their *opposing beliefs*. During a conflict the parties are likely to behave in a way that will harm or thwart the interests of their opponents, often attempting to discredit the other side rather than looking constructively for an equitable solution. Often it is the previous relationships between parties that determines whether they are more likely to resort to conflict rather than co-operation.

Whilst many conflicts contain all of these elements - misunderstandings, competing interests and opposing beliefs - in some cases these differences may be set to one side to reach agreement. Conflict and co-operation can be viewed as ‘two sides of the same coin’ (see Figure 1).

Figure 1: The Anatomy of Conflict and Co-operation³	
CONFLICT	CO-OPERATION VIA CONSENSUS
Elements of Mis/Understanding	
<ul style="list-style-type: none"> • There is uncertainty over a contentious issue which is not fully understood • Information is withheld and used as power • An adversarial approach is taken to the other side • There is a lack of direct and regular communication 	<ul style="list-style-type: none"> • The issue is understood • Information is freely shared • A conciliatory approach is taken towards partners • There is frequent contact and networking between partners
Conflicting Interests	
<ul style="list-style-type: none"> • Each side aims for 'winner takes all' 	<ul style="list-style-type: none"> • Everyone's needs are accommodated
Different Beliefs	
<ul style="list-style-type: none"> • Issues are elevated to matters of principle on which there can be no negotiation 	<ul style="list-style-type: none"> • Differences in beliefs are respected and principles are laid to one side

³ Based on Sidaway. R (1996) *Outdoor Recreation and Nature Conservation: conflicts and their resolution*, Unpublished Ph. D. thesis, University of Edinburgh.

2.2 Approaches to conflict resolution

There are a range of techniques that can be used to settle disputes or conflicts. These range from informal discussion, through to forms of negotiation, and to the legitimate use of power and are set out in Figure 2. The use of power as a way to resolve conflicts is not ideal - it can be costly, time-consuming and parties have little control over the outcome. Similarly, formal procedures, such as arbitration or litigation, can also be costly, and tend to arbitrate in favour of one party at the expense of others, without concern for future relationships. Arguably, these procedures do not actually *resolve* conflicts.

Mediation and negotiation, on the other hand, are based on a voluntary approach to solving the dispute and the decision is made by the parties themselves. The success of these approaches depends mainly on the willingness of the parties to enter negotiations and this is unlikely to be the case where one party is markedly more powerful than the other. Whilst weaker parties may not have the power to make things happen, they may have 'veto power' - the ability to prevent things from happening. Once this is recognised, there may be a basis for negotiation between unequal parties.

Figure 2: The Range of Dispute Resolution Techniques ⁴					
Decision left to chance	Decision made by the disputing parties		Decision made by higher authority		Decision by direct action or force
AVOIDANCE OF THE ISSUE	NEGOTIATION	MEDIATION	ARBITRATION	LITIGATION	UNILATERAL USE OF POWER
Parties unassisted by third party		Parties assisted by neutral third party			Coercion
	Decision made by parties		Third party decision		

Negotiations between competing parties can be undertaken with or without any external assistance from a neutral third party. This third party may be:

- a **facilitator** (who assists by suggesting procedures to establish and conduct the negotiations);
- a **mediator** (who facilitates but also, with the agreement of the disputing parties, takes a more active role in brokering the negotiations); or
- an **arbitrator** (who, in non-binding arbitration, suggests a solution for the parties to agree).

Mediated negotiation is an approach based on consensus building principles and this explored further below.

⁴Based on Moore C W (1986) *The Mediation Process: Practical Strategies for Resolving Conflict* Jossey-Bass Inc., San Francisco, and Slaikeu. K A (1989) 'Systems in the Health Care Industry' in Goldberg S B, Brett J M and Ury W M (Eds.) *Dispute Systems Design: A Special Section of Negotiation Journal* October 1989.

2.3 What is consensus building?

There are a number of methods that are traditionally used by committees and other groups to reach a decision. They may *vote*, in which case a majority decision favours the greater number or the strongest grouping. Alternatively, concessions may be made by one or both sides, without voting, to reach a *compromise* that may not satisfy anyone. Both methods can be used to break a deadlock but often one side gains while the other loses and is likely to feel aggrieved.

The word *consensus* is often confused with compromise. Yet the dictionary definition of consensus is 'general or widespread agreement' and it has a common derivation with the word consent. The phrase *consensus of opinion* implies everyone is in agreement, in harmony and like-minded.

The crucial distinctions between consensus building and other approaches concern :

- *the way in which decisions are reached* - decisions are reached by consent, rather than majority voting and each party holds the power of veto;
- *who makes the decision* - everyone with an interest, who is prepared to co-operate, is involved; and
- *whether a deliberate process of decision making is constructed to achieve and to maintain consensus*- this means in practice that procedures are agreed in advance which secure fairness, open expression and build trust. The way in which a decision is reached becomes as important as the decision itself.

A consensus decision is reached by open discussion and is in effect a negotiation in which the negotiating parties devise a 'deal' from which they all benefit [a so called 'win-win' situation] rather than compromise and lose part of their interest to others. By a process of reaching mutual agreement they gain what they want, although it may not be exactly what they anticipated. Instead of just hard bargaining, negotiation can be co-operative, aimed at recognising mutual interests.

Whilst the conventional procedures of committee working depend on the roles of the Chair (often an authority figure given a casting vote to break deadlock) and a Secretary (often a 'fixer'), consensus building relies on equal contributions from the partners (or parties involved), often aided by a neutral, independent facilitator, who concentrates on helping the group reach a decision. The whole process, particularly who is to be involved and when, needs to be tailor-made to the circumstances of each situation. The later sections of this guide explain how these principles can be applied by partnerships, to assist in their normal working practices and to deal with conflict.

2.4 The pros and cons of consensus building

Whilst the concepts of consensus building may be simple to grasp, it is not always easy to put into practice and it should be recognised that consensus building will not be appropriate for dealing with all controversial situations. Problems can arise from mishandling of the media; outside experts may impede local ownership; or if there are uneven inputs from different partners. Consensus may be difficult to sustain over time, particularly if the group fails to adapt to new events and introduce new partners or if organisations have a high turnover of personnel. The pros and cons of consensus building are summarised in Figure 3.

Figure 3 : The Pros and Cons of Consensus Building

Advantages

- Increased understanding of the issues involved.
- The voluntary and less formal procedures allow the parties to explore the problem and consider a range of possible solutions.
- Improved relationships between the interested parties make it more likely that they trust each other and less likely that they disagree in the future.
- The interested parties have greater commitment to and control of the outcome.
- There are savings in time and money, over the longer term.

Limitations and Constraints

- Deeply held beliefs are non-negotiable and consensus may be difficult to obtain.
- The informal process can be manipulated by markedly more powerful parties.
- The interests of the less powerful need to be safeguarded by legally binding procedures.
- Lack of formal organisation may preclude some interests from being represented in negotiations.
- Reaching consensus is time consuming and may be difficult to sustain over time.

2.5 Common themes in consensus building

To follow a consensus-based form of decision making those concerned must share responsibility for the outcome and help to put it into effect. This, in turn, requires a degree of trust between the 'decision makers' which takes time to develop. Parties entering into a partnership or a negotiation have to be confident of their own position, and often it is those most lacking in such confidence that seek to maintain control and exclude others. There can be a tendency to see community involvement in decision making as threatening or as an abdication of responsibilities, yet so often the implementation of policy is dependent on community support. This reluctance to share power often inhibits the wider applications of consensus building.

Issues of balance, openness and representation need to be considered in following a consensus building approach, including:

- whose objectives and whose agendas are pursued;
- who should be involved - which communities of interest;
- how they are represented and who spokespersons actually represent; and
- whether the process of decision making is open.

Each of these is explored further below.

Whose objectives and whose agenda?

The value of partnership working is widely accepted, although it can be hard work. In developing a joint approach, the skills, knowledge and resources of partners can be shared, helping to spread the load⁵. However, organisations have different agendas and partners tend to be unequal in power and resources. The remit of many organisations may inhibit wholehearted co-operation, particularly if their efficiency is judged by the achievement of targets and performance indicators rather than the development of relationships and processes.

Yet a consensus based negotiation, like a partnership, depends on the identification of common ground and the agreement of joint purpose which entails respect and support for each others' contribution if not full equality between partner organisations. If the negotiation is to be seen to be meaningful, it has to have an impact on policy and influence events.

Who should be involved in decision making?

Stakeholders have been defined as 'persons or interest groups with an interest in what happens, because they will be affected by the outcome or can have some influence over it.'⁶ Consensus building exercises are concerned with identifying stakeholders; their issues and concerns and why their participation in a negotiation exercise is desirable or even essential. As was noted earlier, some interest groups may not appear to be powerful but they may be able to stop things happening (veto power). In many conflict situations, the number of communities of interest is considerable and needs careful analysis. How to analyse who are the stakeholders in certain situations is explained later in the guide.

How are communities of interest represented?

Whilst many communities have active members and representatives, it is not always clear who they represent. They may be well qualified to articulate the views of their interest group but there are often other viewpoints that are not heard. A consensus building exercise needs to identify these views and find ways of representing them.

A representative has an obligation to feed back information to his or her organisation and to make its views known. If the representative is experienced and trusted, this two-way communication may be kept to a minimum but the principle of the representative being accountable to the organisation still holds. Otherwise there is a risk that the representative agrees to a course of action without consulting the organisation, which is then not committed to the agreement.

How open and how involved?

Formal consultation procedures commonly invite discussion on a draft plan or proposal in which the future options are limited to one 'preferred solution'. This often leads to resentment that the public's views have not been taken into account, that consultation has been a tokenistic exercise and was not aimed at reaching consensus building. "*They didn't listen and went ahead anyway*" is a typical comment. Consensus building requires the interested parties to be involved from the outset before the problems have been defined and at each subsequent stage. The distinctions between *consultation* and *public involvement* revolve around the influence that interested parties have over the decision and the timing of their participation.

⁵ The benefits and limitations of partnerships are set out more fully in *Rural Scotland Today: people, perceptions and policies* by Helen McHenry et al (1997) Rural Forum Scotland; and *Good Practice in Rural Development No 1: Effective Partnership Working* by Bill Slee and Patrick Snowdon (1997) The Scottish Office Central Research Unit.

⁶ Wilcox D (1994) *The Guide to Effective Participation*, Partnership Books, Brighton

In summary, for decision making to be seen as legitimate, balanced and open:

- interested parties must participate directly or decision makers must be accountable;
- involvement must be early with all parties having a say in the terms of reference and agenda, and involvement must occur at each step in the process;
- differences in power must be recognised and distinctions made between statutory responsibilities, the ability to influence decisions and veto power; and
- information must be freely available to all parties.

These key issues form a set of conditions which can be used to ensure that a process of decision making encourages and permits consensus building (set out in Figure 4).

Figure 4: Conditions for Consensus in Decision Making⁷	
<i>Terms of reference and agenda</i>	<ul style="list-style-type: none"> • Is there agreement on the purpose and form of the exercise? • Is the agenda balanced to cover the full range of issues or is it pre-empted by a policy or proposition made by powerful interests?
<i>Communities and Representation</i>	<ul style="list-style-type: none"> • Are all the relevant communities of interest represented? • Is the representation of interests evenly balanced at each level of decision making?
<i>Accountability of representatives</i>	<ul style="list-style-type: none"> • How accountable are the representatives to their interest groups?
<i>Authority and Power in decision making</i>	<ul style="list-style-type: none"> • Who holds the power to determine and/or execute decisions and do they welcome participation? • Has authority been delegated to the group to influence or determine policy? • What is the relative power between the partners; is power perceived to be evenly balanced between them?
<i>Information</i>	<ul style="list-style-type: none"> • Is information freely available to all interests? • How objective is the information, i.e. has it been gathered by independent sources? • Is the information coverage of issues evenly balanced?
<i>Openness of and involvement in decision making</i>	<ul style="list-style-type: none"> • Are all phases of the process open to all interest groups? • What is their degree of involvement in each phase?

⁷ Sources: Sidaway R and van der Voet H (1993) *Getting on Speaking Terms: Resolving Conflicts between Recreation and Nature in Coastal Zone Areas of the Netherlands*, Literature Study and Case Study Analysis, Centre for Recreation, Wageningen Agricultural University, Wageningen; and Bryden J, Watson D, Storey C and van Alphen J (1997) *Community Involvement and Rural Policy*, Scottish Office Central Research Unit, Edinburgh

3. Applying Consensus Building

This section of the guide describes how consensus building can be applied by examining a number of case studies. The case studies are divided into two main types:

- **conflict resolution case studies** - those dealing with *active* conflicts; and
- **conflict prevention case studies** - those where a process was followed in order to prevent *potential* conflicts arising.

Even though a consensus building approach may not have been formally adopted in the case studies, they illustrate how consensus building principles (as identified previously in Figure 4) have been used to good effect. Indeed, conscious attempts to incorporate consensus building into decision making are as yet rare.

Pointers for good practice are identified for each case study, and summarised in guidance on how to use consensus building for both conflict resolution (section 3.2) and conflict prevention (section 3.4).

3.1 Conflict Resolution Case Studies

This section describes three case studies which use elements of a consensus building approach to deal with conflicts and disputes that have arisen.

The first example - the Access Forum - is an initiative which aims to reach consensus by a top down approach. A widely supported public declaration of policy is intended to stimulate good practice concerning public access for recreation onto private land.

The second case study explores the work of the *Access Consultative Group* in the Peak District National Park - one of the few examples in Britain of a mediated negotiation using consensus building principles to resolve an environmental dispute. This example could also prove to be of direct relevance to Scotland as the joint preparation of an Access Management Plan could be used in local negotiations about public access in environmentally sensitive situations.

The third case study - *Better Burdiehouse Burn Community Project* - shows how elements of conflict resolution can work in a less contentious situation where a local partnership trust acted as a neutral third party facilitating agreement between the community and the local authority.

Case Study A: The Access Forum

The origins of the Access Forum lie in a local agreement - the Letterewe Accord - and an initiative by the former Countryside Commission for Scotland, which was incorporated into Scottish Natural Heritage's (SNH) policy statement for access *Enjoying the Outdoors*, published in 1994. Previously there had been no formal way in which the key interests in upland access could come together to debate the main issues and to exchange views on each other's concerns and approaches. Following a preliminary meeting in 1994, the initial work of the Forum concentrated on access to open hill ground hoping that dialogue could lead to useful joint working.

The key elements of the Forum's remit⁸ are:

- to provide liaison between the main interest groups in access for open air recreation;
- to debate and, where possible, to seek solutions to broad issues of principle and good practice in access, leaving specific access cases to be resolved locally;
- to work with a commitment to try to resolve the major access issues through dialogue.

Membership of the Forum has been limited to a small number of bodies with a central role in access to the hills in order to:

- facilitate effective working and open dialogue;
- maintain an even balance between the three main sectors of land owning, recreation and the public bodies with a role in facilitating access. No one group should feel that it is in the minority; and
- involve representative groups, which can consult within their own constituencies.

It is intended that the Forum's membership will change over time and a second group has been formed to consider access to water. The groups are chaired by a Board member of SNH, which provides the secretariat of the open hill group, while the Scottish Sports Council services the water group. Each group meets about four times a year with sub-groups, which may involve other bodies, to consider detailed items.

⁸ This description of the Access Forum is based on its *Public Report on Progress for 1996-97*, with additional information provided by SNH officers.

The achievements of the Forum to date have been:

- the signing of the *Concordat on Access to Scotland's Hills and Mountains* in 1996. This respects the interests of both landowners and recreation users of the hills and registers their common interests in the natural beauty and special qualities of the hills;
- a trial 'hillphone' service and leaflets providing messages about stalking intentions on a limited number of estates, combined with surveys of hill walkers' activities and attitudes;
- standard wording for signs to be used by Deer Management Groups and estates;
- a code for hill users and an advisory booklet - *Care for the Hills* - on recreation use with minimum impact; and
- the preparation of policy papers to put the aspirations of the Concord into practice.

Access Forum - Points of Good Practice.

- **Balanced agenda:** a set of principles have been agreed within the *Concordat on Access to Scotland's Hills and Mountains* which respect the major interests.

- **Representation** has been deliberately limited to ease decision making but with an open process of reporting back providing **accountability**.

- **Authority:** terms of reference limited to the development of national policy and measures to influence behaviour and therefore not dealing with individual disputes.

- **Information:** has been widely circulated on the deliberations of the Forum.

Key points

- A deliberate attempt has been made to use elements of consensus building with the adoption of ground rules and the chair acting as facilitator and leader.

Case Study B: The Peak District Access Consultative Group⁹

The present phase of this long standing dispute concerns the possible effects of public access to open country on grouse shooting and on the breeding populations of upland waders. It is complicated further by the renegotiation of the existing access agreements and the designation of the Dark Peak Moorlands as a Special Protection Area under EU environmental directives.

The feasibility of establishing an Access Consultative Group (ACG) was investigated on behalf of the Peak Park Joint Planning Board in a series of pre-negotiation meetings between an independent researcher and the individual stakeholders. These considered the possible remit of the ACG, its size and composition and the procedures under which it might operate. A report was widely circulated by the Board, resulting in agreement that the Group should have nine members with three 'representatives' from each of the landowning, access and conservation interests, and hold monthly meetings under a set of agreed ground rules with the researcher acting as mediator.

⁹ Summarised from *Access Management by Local Consensus* by Roger Sidaway in *Rights of Way Law Review* January 1998, 13.1, pages 7-12.

The ACG met on six occasions and submitted an agreed report to the Board which set out a series of underlying principles for access management planning which respected the interests of access, moorland management, and wildlife conservation. It recommended that a programme of access management plans should be prepared, using a voluntary and collaborative approach, linked to the renegotiation of access agreements and the search for voluntary agreements on new areas.

Subsequently the mediator undertook a series of telephone interviews with members of the ACG to assess the exercise. Most members of the group felt that they now had a better understanding of the points of view of others and that a basic framework for further negotiations had been prepared. There were some reservations about whether basic conflicts had been addressed; whether trust had been established; and whether the management approach was sufficiently detailed.

The strengths of the consensus building approach were its inclusiveness, that it had been fair, and that it had enabled personal relationships to develop. The main weakness was the apparently long timescale. It was also felt that clearer arrangements about how other interested organisations could become involved were needed, as well as procedures for reporting back to member organisations during negotiations.

Although the process was undoubtedly time consuming, this was the first occasion in which representatives of all three interests had worked together. Consensus building with an independent mediator appears to have succeeded where conventional committee working might not have done.

Peak District Access Consultative Group - Points of Good Practice

- **Balanced agenda:** the agenda focused on common ground, future procedures and led to agreement reached on process of Access Management Planning which respects the major interests.

- **Representation** was deliberately balanced between the major interests but limited to ease decision making with an open process of reporting back which provided **accountability**.

- **Information** was made freely available during the negotiations.

Key points:

- A deliberate attempt was made to use consensus building with the employment of an **independent mediator** and the adoption of ground rules using a staged **negotiation strategy**.

Case Study C: Better Burdiehouse Burn Community Project¹⁰

In its first year of operation in 1991, the Edinburgh Green Belt Trust (EGBT) carried out a major landscaping project in the Burdiehouse housing estate in the countryside fringing Edinburgh. The estate had been developed with extensive but featureless open areas. Although the project was successful in landscape terms, the work was undertaken by a contractor and there was little community involvement. Nevertheless some local residents expressed interest in the work and earlier hopes for major tree planting work were revived.

During the Festival of the Environment in 1992 an event was organised to clean up Burdiehouse Burn. This ended with a celebratory gala at the community centre, which attracted over 200 people, and put the idea of community involvement in environmental action firmly on the local agenda. The burn clean-up has become a regular event as part of a lively programme of environmental action, with the annual Gala being marked by the crowning of an Environment Queen.

The Trust has continued to act in a supporting role, helping the community group with small projects and encouraging it to participate in the planning and implementation of larger projects carried out by the local authority. During the development of plans for a community woodland, visits were organised to other woodlands and a series of workshops gave local people the opportunity to develop their own ideas on paper. The Trust's officers have acted as 'honest brokers' between the community groups and various local authority departments - ensuring that community views were heard and incorporated into the final woodland plan.

This lengthy process has produced an outcome acceptable to all, with the community developing the initial concept and planting the trees. Community empowerment has extended beyond environmental issues as local people feel more confident to tackle other issues, and have become more aware of local authority structures and responsibilities - who to contact, what response can reasonably be expected and where to seek support for other initiatives.

Better Burdiehouse Burn Community Project - Points of Good Practice

- The **agenda** has gradually broadened to meet community needs; EGBT's original environmental agenda became the catalyst for the development of a community agenda - regular events and capacity building within the community.
- **Representation** has been limited to activists but attempts have been made to gain wider support by the distribution of information; thereby developing **accountability**.
- **Authority and power**: the community has gained influence and become empowered.
- **Information** is becoming more accessible to all sections of the community.
- An **open process of decision making** has evolved, with the increasing involvement of local people in environmental action.

Key points:

- The presence of an **impartial third-party** (the EGBT officers) who had built up trust within the community over several years and who could then act as mediators with the local authority proved invaluable. This led to the formation of an informal **partnership** between the council and the community.

¹⁰ Based on the *Edinburgh Green Belt Trust Community Handbook* by Tess Darwin and Karen McDonald, (1997), Edinburgh Green Belt Trust, and a leaflet prepared by the Better Burdiehouse Burn community project.

3.2 Guidelines for Good Practice in Conflict Resolution

This section sets out advice on issues to consider in applying a consensus building approach to resolving active conflicts and disputes. It addresses a number of practical issues in using mediated negotiation such as how to start the negotiation process, how to choose a mediator and how to devise a negotiation strategy.

Who takes the initiative in starting negotiations?

Depending on the nature and history of the conflict, which may have soured personal relationships, it may be difficult for the disputing parties to instigate direct negotiations. It is important for partners to reflect on the role they have in a dispute. Conflict resolution is not just a question of expertise, there is the question of neutrality, particularly the inability of an interested party in the conflict to play the role of neutral arbiter or mediator. At this stage the crucial questions for a partnership considering a consensus building approach are:

- *which partners have a stake in the dispute and its outcome?*

Those playing an active role in the dispute rule themselves out as honest brokers but they might decide that negotiation offers a possible solution and want to make an overture to the 'other side'.

- *is there a partner that can act as an honest broker?*

One or more members of a partnership may be sufficiently detached from the dispute to act as a go-between and make informal soundings on the desirability of negotiations. But it is important to double check - is this partner really seen to be neutral by all sides?

- *is there a need for an independent view?*

An independent view might be provided by an organisation outwith the partnership or by an experienced individual. The crucial requirement is experience of how to make a careful and dispassionate assessment of the situation and the likelihood of agreement. At present this combination of skills and experience is rarely found in organisations.

How to choose a mediator

The role of a mediator can be undertaken by an individual or an organisation. The crucial first task of the mediator is to make initial soundings on behalf of the parties but to remain sceptical, questioning the likelihood of an eventual agreement. As a result, there are definite advantages in engaging a neutral third-party with experience of handling other disputes. The final choice of a mediator is, in effect, a consensus decision which can be vetoed by any party. It will depend on whether that individual can build up rapport with all the parties involved, can gain and maintain their trust and whether technical knowledge of the issues or experience of similar previous negotiations is considered essential.

Who pays the mediator?

Complex disputes require a major commitment of time and expertise on the part of a mediator and it is unlikely that this will be done on a voluntary basis. Typically the cost of the exercise is borne by all the parties, or perhaps by an independent foundation, to emphasise the mediator's neutrality. Organisations without the resources to contribute in this way may well agree that others bear these costs, but they should still be satisfied that the mediator is and remains neutral.

Deciding on a negotiation strategy

As suggested earlier, decision making procedures should be purpose-built to facilitate negotiation. In practice, this means that any initial discussions have to cover the form the negotiations might take and who should be involved. This stage of negotiating about negotiating is often called 'talks about talks' or 'getting to the table'. The most effective

approach is to get agreement from the disputing parties on the structure and timing of the negotiations well before the substantive discussions begin.

In effect, negotiations take three stages

- **pre-negotiation** - to establish the form negotiations should take;
- **the actual negotiations** - to obtain agreement; and
- **post negotiation** - to implement the agreement and review progress.

Pre-negotiation discussions - The importance of thorough preparation

The mediator's initial assessment of the situation considers the relationships and power balances between the interested parties in which it is important to ensure that no interests or stakeholders are isolated and ignored. At this stage, the tasks of the mediator are to be certain that negotiations are feasible and, if this is the case, to help to design an acceptable negotiating process. The mediator ensures that each party is aware of any alternative procedures to negotiation, which they could use as fall back positions.

Who are the stakeholders - who should be involved in negotiations?

The size of a negotiating group is a crucial consideration. There is a tendency for the major players to press for a small group on the grounds that this eases negotiation. There is an element of truth in this but there is always the danger that someone - an individual or organisation - who is excluded from the negotiations may exercise 'veto power' at a later stage, such as initiating legal proceedings to overturn an agreement. The options are:

- to establish a large inclusive forum which agrees that separate aspects of the dispute or its solution are negotiated by sub-groups and referred back to the forum for ratification; or
- to establish a small task force to conduct the negotiations but to ensure that the representatives of each sector refer back to umbrella groups during the negotiations according to previously agreed procedures.

Figure 5: Stakeholder Analysis¹¹

Stakeholders have an interest in what happens because they will be affected by the outcome or can have some influence over it. Stakeholders would be identified by asking:

- who will benefit from the proposals?
- who may be adversely affected?
- who may help, or may delay and hinder the initiative?
- who has skills, money or resources they can contribute?
- who ultimately is in a position to decide if this goes ahead or not?

The need for clear ground rules - decided in advance

Proposals are presented on the form negotiations might take, for example, whether decision making is to be a joint responsibility and who is to be represented. If the negotiations are to reach consensus, it is vital that everyone is treated equally and respects the position of others throughout. Thus the issues of recognising and representing interests and the ground rules for negotiation, including equal access to information, have to be considered at the outset. Examples of issues that may be covered in the groundrules are given in Figure 6.

¹¹ Based on Wilcox D (1994) *The Guide to Effective Participation Partnership Books*: Brighton

Figure 6: Issues to be considered in the Ground Rules for Mediated Negotiations

- **terms of reference:** particularly the precise role of an independent mediator or facilitator;
- **decision making:** the use of consensus rather than voting;
- mutual **recognition of the legitimacy** of each party's concerns;
- the **role of representatives** of interested organisations particularly with regard to consulting that organisation during negotiations and reporting back to the forum (according to any agreed ground rule on confidentiality);
- **confidentiality** of any discussions during the negotiations, including deciding who has responsibility for issuing prepared statements and informing the *media*;
- the availability of **information**, giving equal access to all parties;
- the **responsibility for organisation and recording** of meetings;
- time given for **consideration** of any recommendations from the discussions.

Confirming the basis for negotiation

The mediator's findings are presented in a consultative document and, if negotiations are recommended, the parties are asked to confirm their agreement on the establishment of a negotiating group. There is no point in entering negotiations if one or more parties are set on another course of action. It is important at this stage to confirm that the responsible authorities are committed to a process controlled by the participants and how this is to link into existing responsibilities for decision making.

The Negotiation Stage - looking for a win-win solution

The inaugural meeting of the negotiations considers whether it is necessary to vary or agree the recommendations on procedures. Attention then turns to exchanging information, understanding each others' interests, building trust and agreeing a common goal. The group also has to agree the nature of the underlying problem before attempting to develop a range of alternative solutions.

Information should be treated as a common resource at the outset. Much time can be wasted disputing the validity and relevance of data. The limitations of existing information should be revealed and accepted, and joint responsibility taken to fill essential gaps. As with the choice of mediator, any technical expert brought in to assist should be acceptable to the group as a whole.

Some parties may be more 'prepared' than others and time must be allowed for less well informed or less well organised groups to catch up. They may lack negotiating skills or expertise and may welcome some basic training in this regard. Lack of preparation will weaken their case but may also frustrate the other parties who want to make progress.

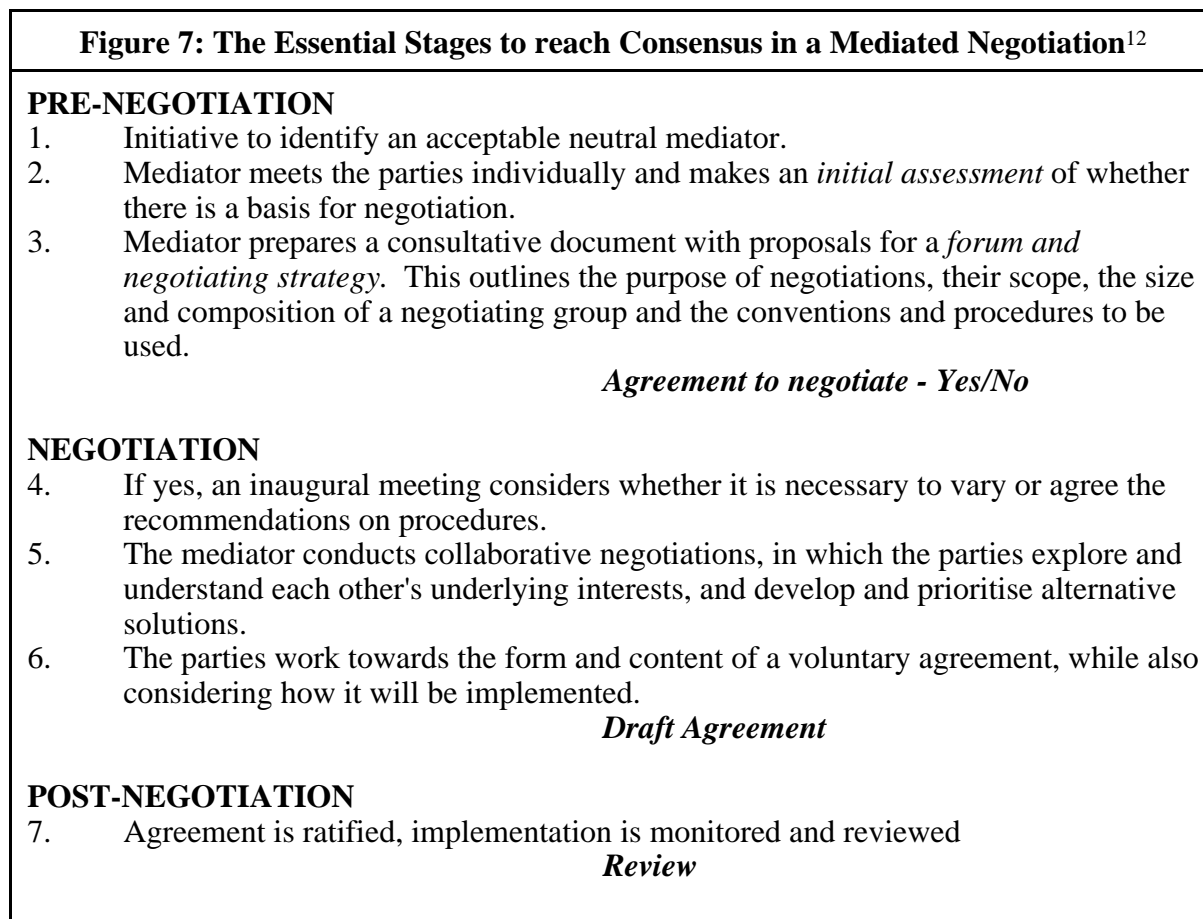
As well as providing procedural assistance, the role of the mediator is to convene discussions which will improve communication between the parties and help them build a constructive relationship. This is done by facilitating contact, improving mutual respect, developing openness and trust, and giving the parties equal status in the discussion. It is particularly important for the group to insist that its members consult their organisations before meetings and report back to them after negotiation, within any agreed ground rule on confidentiality.

In due course, the group has to agree the type and form its recommendations should take, and how they are to be implemented (e.g. in the form of a legally binding agreement), enforced and monitored.

The Post-Negotiation Stage -making it stick

When the agreement has been ratified by all the parties and possibly put in a legally binding form, it is important to have a system of monitoring to keep the agreement under review. This helps to maintain trust between the parties.

The three stages of a negotiation strategy are summarised in Figure 7.



The way in which mediated negotiations meet the criteria for consensus building is set out in Figure 8 overleaf.

¹² Based on Madigan, D., McMahon, G., Susskind, L. and Rolley, S. (1990) *New Approaches to Resolving Local Public Disputes*, National Institute for Dispute Resolution, Washington DC.

Criteria	Pre-negotiation Stage	Negotiation Stage	Post-negotiation Stage
<i>Terms of reference and agenda</i>	Determine the purpose of negotiations	Establishment of common ground Coverage of agenda Search for win-win solution	
<i>Communities and Representation</i>	Identification of Stakeholders and who is to be in negotiating group		All parties concerned in monitoring and evaluation
<i>Accountability</i>	Relationship of negotiations to other groups and wider constituencies (ground rule)	Two way feed-back to constituencies	Time allowed for ratification. (ground rule)
<i>Authority and Power in decision making</i>	Purpose of negotiations and outcome Role of mediator (ground rule) Decision making by consensus (ground rule)	Consideration of draft agreement and how it will be implemented	Monitoring and evaluation of agreement is essential
<i>Information</i>	Guarantee of equal access (ground rule)	New information sought from neutral sources Equal access to information	
<i>Openness of and involvement in decision making</i>	Relationship of negotiations to wider groups (ground rule) Relations with media (ground rule)		

3.3 Conflict Prevention Case Studies

Four case studies are described here to illustrate how a strategic approach to participation can be used to prevent conflict and to highlight the elements of consensus building that contribute to this. This approach might be used in community involvement exercises, preparing a local rural development strategy or in progressing individual project proposals.

The first example covers a community based economic and environmental improvement initiative in Northern Ireland - the *Sperrins Community Tourism Initiative*. The next two examples concern resource management where there are multiple interests - the management of the *Lower Bann* river in Northern Ireland and coastal zone management by a broad partnership - the *Forth Estuary Forum*. The fourth example concerns a UK wide initiative to further the development of sustainable forestry - the *Forestry Accord*.

Case study A: The Sperrins Community Tourism Initiative.

From 1992 onwards, a number of communities in the Sperrin mountains met to discuss tourism development as a means of alleviating their economic and social disadvantages. They joined in partnership with the International Fund for Ireland, the Northern Ireland Tourist Board, the Rural Development Council and the district councils to form the Sperrins Community Tourism Initiative (SCTI). The Initiative set out to create a community based tourism strategy for the area 'from the bottom up'.

As part of the development of the strategy, SCTI devised a 'Poster and Leaflet Programme' with support from the Arts Council for Northern Ireland in which twenty communities took part. Thirty two posters were produced presenting local ideas on the issues confronting local tourism, including the unwelcoming attitudes of landowners to walkers, litter dumping and the poor presentation of the rich archaeological heritage of the area. Two community artists facilitated the process and helped to produce colourful and humorous posters which were exhibited to stimulate discussion in the wider community. Accompanying leaflets set out goals for a series of community tourism themes and posed a set of questions designed to reach consensus on the way ahead.

At the time of writing, comments are being gathered to be placed in a widely circulated newsletter and these will be considered by working groups over a three month period. To date the process has produced:

- a consensus on tourism development among twenty community groups;
- a community level view on the development of tourism for community gain;
- community views on the most important development themes;
- confidence in expressing views on tourism issues; and
- a set of materials to inform and engage the wider community.

The key points to emerge for consensus building were:

- *the preparation of the community for consensus:* The SCTI poster and leaflet programme encouraged a series of communities to think through the issues before they made their contribution, to establish what they really wanted from tourism and therefore what kind of development they would welcome.
- *bottom-up and top-down approaches:* Community consensus, especially across a wide area such as the Sperrins (about 1900 sq. km), takes time and effort and this is certainly slower than an external expert preparing a strategy. But given that community commitment is vital to the success of tourism development, the extended timescale has to be accepted, even when new players appear and stages of the process have to be repeated.

- *the role of facilitators and experts:* The poster and leaflet programme was attractive and interesting. The facilitators were artists with no knowledge of or vested interest in tourism. While this strengthened community ownership, access to technical expertise would have reduced misunderstandings about tourism and which bodies are responsible for it.

Sperrins Community Tourism initiative - Points of Good Practice

- **Agenda:** themes for development were selected and refined by the community via contribution to and feedback on the leaflets.

- Direct **representation** from the community via facilitated workshops.

- **Information** was made widely available in an accessible visual form.

- Developing **community involvement** of the 20 groups, who contributed to the consensus on economic development and sustainable tourism.

Key points:

- the novel form of **independent facilitation** by artists

- the importance of community **preparation**

- the importance of allowing **sufficient time** and not hurrying to meet official deadlines

Case Study B: Lower Bann River Management

The catchment of Lower Bann River extends over almost two-thirds of Northern Ireland's land area and includes parts of the Republic of Ireland. The Lower Bann passes through or by four main settlements and five local authority areas. Navigation on the river is managed by the Rivers Agency, an agency of the Northern Ireland Department of Agriculture. The southern part of the river lies within the Lough Neagh and Lough Beg ASSI and Ramsar site.

The integrated management of recreation and navigation was initiated by the Honourable the Irish Society (HIS), which owns the fishing rights, with the support of the Sports Council for Northern Ireland. The other major recreation activity is water skiing which has operated on a 4 km stretch of the river for 25 years. This conflicts with both jet skiing and angling but there were also potential conflicts between the development aspirations of the rural communities and some of the existing recreation interests.

In 1994, the Rivers Agency convened a two-tier management structure for the river with statutory agencies forming an executive tier (the co-ordinating committee) while the HIS, other recreation, community farming and voluntary bodies were brought together in an advisory committee. The committees jointly convened a study of the tourism and recreation potential of the river in 1996 and undertook extensive consultation with the aim of developing an integrated development strategy.

During the consultation period:

- local authorities considered and responded to an interim report prepared by consultants detailing the issues and opportunities and making outline proposals;
- there was local newspaper coverage inviting responses from those individuals and organisations who had not been contacted directly;
- each known community organisation was contacted and interviewed;

- recreation club members were sampled through direct mail questionnaires;
- meetings were held with recreation clubs and representative bodies;
- patterns of activity on the river were recorded; and
- conservation groups were interviewed.

Both committees then considered a report containing an overall vision, suggested key objectives for the strategy and an outline action programme based on the results of the consultation. A final strategy was prepared by the consultants.

A trial zoning arrangement was tested in 1997, but further controversy was caused by the introduction of charges for access on the west bank by the local authority and a television programme featuring the conflicts. An open meeting was held in November 1997 in an attempt to reach consensus on the management and development of the river. The River Liaison Officer explained the trial zoning scheme and an external facilitator explained principles of good practice from elsewhere, which included:

- mutual respect of interests;
- understanding the requirements of each activity;
- awareness of the concerns of individuals and each group;
- compliance by all parties with the agreed management mechanisms; and
- a regular review of the effectiveness of management.

It was explained that this process differed from the strongest voices 'winning' and that agreement would not be reached at one meeting as participants would need to go back and consult with their organisations. The meeting then divided into groups of 10-12 people which included, where possible, someone from each interest group. This resulted in total agreement on four points while eight were identified for further discussion. A further open meeting has been held which has resolved many of the remaining areas of concern and discussions on these and some new topics are continuing.

Key Issues

- *Getting involvement from the outset and leaving the door open:* Although the early meetings were poorly attended, most interests have been well represented at later stages because they realised that opportunities for economic development were related to river management.
- *Providing opportunities for genuine dialogue:* The open meeting allowed for clear explanation of people's interests, concerns and views on the future without challenge and interruption and this was crucial to the success of the process.
- *Future focused discussion:* Sometimes, there can be no consensus on the past and it is important that the agenda moves on.
- *Statutory support:* Although statutory bodies can choose to ignore people's views, they risk triggering conflict. This happened when charges were introduced for access on the west bank. For the process to be worthwhile, the resource managers must give assurances that the consensus will be acted on and not amended without reference to the wider group.

Lower Bann River Management - Points of Good Practice

- The *agenda* focused on the future
- *Representation* has broadened from initial consultations over the tourism and recreation strategy to include development groups.
- *Authority and power*: the consensus approach must be supported by the statutory authorities.
- *Process of decision making*: an open involving process has allowed people to express their interests, concerns and vision without challenge and interruption.

Key point:

- use of *external independent facilitator* with experience of good practice from elsewhere to run an open meeting

Case Study C: Integrated Management Strategy for the Forth Estuary¹³

The Firth of Forth extends for 96 km from Stirling to the Isle of May and approximately half of the 1,400,000 people living in the wider Forth region live in its coastal communities. The companies and organisations that generate the region's £7.5 billion Gross Domestic Product have changed dramatically over the past 50 years. The large, locally owned manufacturing and commercial companies which shipped products from the Forth ports, have been largely replaced by multi-national companies. The region has been very successful in attracting such companies but has fared less well in generating new local businesses.

The Forth is one of the most outstanding estuaries in Britain for its diversity of habitats, which support a wide variety of flora and fauna. Accordingly various parts of the estuary are protected under International and UK legislation.

The origins of Forth Estuary Forum stem from a seminar sponsored by SNH, RSPB and ICI-Zeneca in 1992, attended by representatives from local authorities, the Forth River Purification Board, Forth Ports Plc. and industry, to discuss the conservation significance of the Forth and the threats posed by development. These representatives formed the core management group for the Forum of 16 member organisations.

The Forum defines its aim as promoting the "wise and sustainable use of the tidal waters of the Firth of Forth", to be pursued by the following objectives:

- to observe common principles of operation in order to obtain and sustain the commitment of the interested parties;
- to improve communication and exchange of information relating to the area of interest, by bringing together representatives of organisations with an interest in the area;
- to collect and disseminate information on all matters relevant to the work of the Forum;
- to encourage joint initiatives among participating organisations and individuals in respect of an area of interest;
- to monitor and review progress of work initiated by the Forum; and
- to create links with national and international estuarine groups to promote good practice and integrated action.

¹³ Based on *Progress Reports* published by the Forth Estuary Forum and the Executive Summaries of the Topic Group reports.

To combine all these objectives and to contribute towards the UK Biodiversity Action Plan and Local Agenda 21, the Forum has adopted the long-term objective of producing a management Strategy by the end of 1998 and is supported by a European funded LIFE project.

The Forum's organisation centres around the core Management Group, but any organisation or individual can participate in the ten topic groups which cover: economic development, marine and coastal pollution, coastal defence, tourism and recreation, heritage, information and research, and awareness and education. Ninety individuals or representatives have participated in the topic groups, which have each produced Topic Papers. These provide information about uses, issues, opportunities, potential and actual conflicts of interest and their implications for estuary management. Each group is chaired by a member of the Management Group.

The work of the Topic Groups is currently being drawn together under themes and their recommendations will provide a series of guiding principles and actions. An overview consultation document which, together with the responses from key interests and communities, will form the basis of a Draft Strategy for action. Both the consultation document and the draft Strategy will be considered at local workshops and community consultations.

Thus, the emphasis is very much on the Forum facilitating discussion and on achieving consensus so that estuary-wide decisions can be taken which benefit the Forth as a whole. With its open membership and terms of reference there is no particular predisposition to any particular standpoint. In marked contrast to estuary wide authorities with statutory powers, the Forum membership does include the main economic, political and conservation interests concerned with the Forth. It can therefore be argued that not having to fulfil statutory requirements gives the Forum considerable flexibility in its organisation and opens a wide range of project possibilities.

Forth Estuary Forum - Points of Good Practice.

- ***terms of reference and agenda***: cover the full range of issues identified after public consultation.

- ***representation***; steering group limited to official bodies, ten temporary working groups represent member organisations, user groups and professional interests

- ***information***: technical information provided to working groups whose reports have been widely circulated. Shared information network using GIS and Internet is being developed. Balanced information coverage

- ***openness and involvement in decision making***: extensive programme of consultation, and newsletters

Key points:

An open consultative process has developed but it is unclear how any conflicts that do emerge within the partnership will be resolved.

Case study D: The UK Forestry Accord

Negotiations between non-government organisations to develop a UK Forestry Strategy were initiated by the Wildlife and Countryside Links in 1994. The concept of an accord developed during negotiations in 1995 between Wildlife and Countryside Link, the Forestry Industry Council of Great Britain and the Institute of Chartered Foresters. A small steering group was established to develop a Forestry Accord modelled on similar agreements in New Zealand and Canada, and the principles of Sustainable Forestry agreed by the Forestry Commission's Home Grown Timber Advisory Committee. The terms and process of the Accord were agreed over a period of 18 months resulting in 70 signatories to the declaration of objectives and principles.

The *Objectives* of the Accord are to :

- establish a consensus about the future values and directions for UK forestry and to forge a wide-ranging partnership for developing the Accord;
- increase the appreciation of the importance and many benefits of forestry, at both the global and domestic level;
- integrate and harmonise the various perspectives from which forestry is viewed in the UK; and to pass on to future generations a robust and diverse stock of well-managed forests offering the best combination of economic, social and environmental benefits;
- help give effect to the statement of forestry principles adopted at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, the Guidelines for the Sustainable Management of European Forests adopted in Helsinki in 1993 and the UK Government's Sustainable Forestry Programme.

The *Principles* of the Accord concern:

- ensuring renewable sustainable land use
- conserving natural resources
- safeguarding heritage and landscape resources
- encouraging productive forestry
- supporting research, education and training; and
- seeking public consultation and involvement.

The Accord is a vehicle to facilitate dialogue, understanding and agreement amongst those involved in forestry in the UK. This has created an evolving process which is viewed by participants as important as the Objectives, Principles and other outputs.

Six national working parties have been established to flesh out each of the Accord Principles, identify and assess the extent of consensus and disagreement and how the Principles could be applied in practice. These working groups have also identified issues which Accord signatories and other parties involved in UK forestry should address.

UK Forestry Accord - Points of Good Practice

- The *terms of reference* have been balanced and agreed in a set of common objectives.
- *Representation* covers all relevant communities of interest (stakeholders) and is balanced between them
- *Accountability of representatives* - the process of reporting back and securing agreement from their constituent organisations during the course of negotiations was encouraged.
- The *process of decision making* has been open and involving, notably by the role played by the working parties which will feed back into the future development of the Accord.

3.4 Guidelines for Good Practice in Conflict Prevention

This section provides advice on how to use a consensus building approach to decision making in rural development work to prevent conflicts from arising. It addresses practical issues such as clarifying the aims of participation, assessing who should be involved, identifying the desired level and timing of involvement, and selecting the most appropriate participation technique.

How can partnerships use consensus building to prevent conflict?

Conflicts can arise if rural development decision making displays the following flaws;

- the stages of decision making are improvised rather than being set out and agreed in advance;
- public involvement is not integrated into each stage of decision making
- there are no clear objectives for involvement at each stage
- individual techniques are used, virtually at random, rather than systematically selecting a combination of techniques at each stage that are most appropriate to the situation.

The first of these flaws can be remedied by preparing a local rural development strategy. Guidance has been published on the logical steps that need to be followed, from planning the process to implementing the strategy¹⁴. The remainder of this section supplements that guidance by addressing the other common failings listed above, and setting the issues of who should be involved and how decisions should be made within the framework of consensus building. Participation should be considered strategically to ensure that it leads to consensus and that conflict is avoided. But as suggested earlier, just how the consensus building approach is to be applied needs to be carefully thought out to suit each individual situation.

How to ensure that participation leads to consensus

Effective public participation is designed around

- having clear *aims* for the exercise;
- identifying the *level of involvement* desired by the interested parties, i.e., discovering who wants to know about, influence or be party to the development decision;
- the *timing* of their involvement throughout the entire process from the initial planning to management stages; and
- using the most *effective techniques* to secure their involvement.

Each of these elements is considered in turn below.

Clarifying the aims of participation

This entails the partners being clear about their intentions, and the purposes of participation, from their point of view. Bearing in mind one of the issues for consensus identified earlier, *authority and power of decision making* - it needs to be clearly established whether the partners intend their authority to take the final decision to be retained, influenced by or delegated during participation. There may be no opportunity for an agency with statutory responsibilities to delegate its powers - in which case the other parties need to understand why the agency is seeking participation. While its remit may not be negotiable, the way it exercises its responsibilities will be. What is important is for all partners, and others invited to participate, to know where the agency stands.

¹⁴ *Good Practice in Rural Development No 3: Preparing Local Rural Development Strategies - Frameworks for Action* by Rural Research Branch and COSLA (1997) The Scottish Office Central Research Unit.

One way of addressing the problem of conflicting agendas is to adopt a twin track approach - the agency declares its agenda and asks existing groups in the community to compare this with their aims. Meanwhile, the agency works with the groups to develop an issue based agenda drawn from the locality and the groups' own experience.¹⁵

The following checklist presents a set of questions that need to be considered at this stage¹⁶.

Figure 9: Some early questions¹⁷
<p>At the start of a participatory process a number of key questions should help you decide your approach:</p> <p><i>Who are you? For example:</i></p> <ul style="list-style-type: none"> • Someone in a position of power controlling funds or other resources. • Someone with influence because you are planning or managing a participation process. • Someone with professional expertise or knowledge. <p><i>What do you want to achieve by working in a participatory style?</i></p> <ul style="list-style-type: none"> • To try to develop plans that meet people's expectations? • To give people a say in the plans. • To give people control over the solutions. <p><i>Who will have the final say over decisions?</i></p> <ul style="list-style-type: none"> • Yourself • A management team • Everyone who gets involved • A political institution or other body <p><i>How ready are people and organisations to work in a participatory way?</i></p> <ul style="list-style-type: none"> • Do they have the desire? • Do they have the skills? • Do they have the authority?

Assessing who should be involved

This entails considering both who should be involved, and who wants to participate in developing the strategy and at what level they wish to be involved. The first of these considerations requires a stakeholder analysis to be undertaken and this process was described on page 14. But unlike a negotiation designed to resolve a conflict, a wider range of community interests is likely to be concerned in a rural development exercise. Figure 10 lists some of the alternative 'communities' which should be considered in designing a participation strategy. Within each of these communities some interests are likely to be central to decision making and some more peripheral. It can be revealing to 'map' these relationships according to the different issues that the development strategy will cover; the most powerful occupying the central area of the map. Indeed in a fully participatory exercise, this mapping exercise forms part of the appraisal undertaken by members of the community during a series of workshops. In that way a consensus emerges on who the key stakeholders are.

¹⁵ This approach is further explained in *New Ideas in Rural Development No 3: Involving Rural Communities - the CADISPA Approach* by Geoff Fagan (1997) The Scottish Office Central Research Unit.

¹⁶ Useful information on the principles of involvement is given in Part I of Department of the Environment (1995) *Involving Communities on Urban and Rural Regeneration - a Guide for Practitioners*, The Department of the Environment.

¹⁷ Wilcox D (1994) *The Guide to Effective Participation*, Partnership Books, Brighton.

Figure 10: The Different ‘Communities’ that can be affected by Rural Development Proposals¹⁸

Proximity	- people who live in the immediate area where development might take place
Economics	- people who expect to gain or lose from development
Consumers Or Users	- people who use or will use the area, e.g., as tourists
Social Issues	- people concerned about rights of minorities and equal access to services
Environmental Issues	- people concerned about the impact of any development on the quality of the environment
Responsibility	- people who have the responsibility take technical or policy decisions regarding development

Identifying the desired level and timing of involvement

The other assessment that can clarify both the desired level and timing of involvement is to position the stakeholders on a 'ladder of participation'. The 'ladder' helps to understand who may want to be involved at each stage of the rural development strategy, remembering that the 'rungs of the ladder' probably overlap rather than form discrete steps. Figure 11 sets out two versions of the ladder demonstrating that participation can vary according to the nature of the exercise. Some people may be content to be informed about what is happening rather than become more fully involved. They may want to contribute to a greater degree at specific stages but not at others. That should be their decision. Others may wish to play a more central role throughout. Using the ladder in this way also helps the partnership to clarify its own aims when seeking participation.

¹⁸ Based on Creighton, J L (1992) *Involving Citizens in Community Decision Making: A Guidebook*, Program for Community Problem Solving, Washington D.C.

Figure 11: Levels of Participation	
Participation in planning¹⁹	Participation in woodland management²⁰
Supporting independent community initiatives: in doing what they want.	Community control: the community is in full control of a scheme and makes decisions regarding resource allocation, use and management. Agency involvement is available, but at the direction of the community.
Acting together: deciding on and forming partnerships to carry out strategies. (<i>consensus building</i>).	
	Full community involvement: The community is undertaking substantial aspects of the programme without significant input from the agency.
Deciding together: providing ideas before a joint decision (<i>consensus building</i>).	Partial community involvement: Members of the community are encouraged by the agency to become involved with 'appropriate' aspects of planning and management.
Consultation: offering options for feedback.	Consultation: Members of the community are encouraged to offer ideas and options that can be incorporated into the scheme, if appropriate.
Information gathering: obtaining important factual information which will improve the quality of the decision.	
Information giving: telling the community what is planned.	Information: telling people what is going to happen without recruiting support or offering the opportunity to comment.
Exclusion: the community is unaware of decisions that are being made.	Agency Control: A scheme provided by the agency or landowner with no actual or intended reference to the community.

¹⁹ Based on Wilcox D (1994) *The Guide to Effective Participation*, Partnership Books, Brighton.

²⁰ Based on Agyeman J (1996) *Involving Communities in Forestry through Community Participation*, Forestry Practice Guide 10, Forestry Commission, Edinburgh.

How to select the most effective techniques to secure appropriate involvement.

Once the appropriate level of involvement has been identified for the various stakeholders, careful consideration should be given to the selection of appropriate techniques to obtain their involvement. A number of special considerations could affect the choice of techniques:

- *the duration of decision-making*: during long periods when technical studies are being considered, brief progress reports can sustain credibility;
- *specialist expertise*: it may be necessary to employ specialist skills to ensure certain techniques are used effectively. These might include facilitation or mediation by a neutral third party; or writers and graphics specialists to present technical information in language the general public can understand;
- *issues of particular public importance*; where large numbers of people or interest groups are involved, cost may become a major consideration in the choice of technique.

A wide range of techniques is available to inform, obtain the views of, consult with and involve interested parties. A brief indication of the techniques that may be considered for different purposes is set out in figure 12. Generally speaking techniques that encourage direct contact are more effective at higher levels of participation. However, several techniques can be used for more than one purpose and, resources permitting, a combination of techniques is more likely to encourage participation by different types of stakeholder and to ensure that particular groups are not excluded from the process than one technique used on its own.

Figure 12: The Range of Participatory Techniques	
Purpose of Involvement (level of participation)	Techniques to consider
Acting together: deciding on and forming partnerships to carry out strategies.	Joint working groups, Advisory groups, Facilitated workshops.
Deciding together: providing ideas before a joint decision is made.	Facilitated workshops, Participatory appraisal, Face to face meetings, interviews.
Consultation: offering options and requesting feedback.	Meetings and interviews, Staffed exhibits, Reports, Social surveys.
Information gathering: obtaining important factual information which will improve the quality of the decision.	Social surveys, Telephone hotlines, Participatory appraisal.
Information providing: telling the community what is planned.	Press releases and briefings, Reports and brochures, Exhibits.

The strengths and weaknesses of various techniques

Informal techniques, such as workshops, manned exhibitions and participatory appraisal, which encourage face-to face discussion, can be more effective than formal public meetings which tend to polarise views. For example, the purpose of any meeting or workshop should be clearly explained to the participants in advance. Large meetings may need to be divided into plenary and small group sessions. Workshops are effective at involving small groups to achieve more precise aims, such as developing, evaluating and prioritising alternatives, and it

may be necessary to use facilitators, who can concentrate on conducting the meeting rather than debating the issue. When a clear outcome or agreement on a contentious topic is required, a neutral person with consensus building or mediation skills is likely to be needed, particularly to make the necessary careful preparation for the event. A brief assessment of the strengths and weaknesses of each technique is given in Figure 13. More detailed assessments of participatory techniques are to be found in a number of handbooks given in the Annex, such as Department of Environment, Transport and the Regions, 1997; and World Bank, 1994; and Agyeman, 1996.

How to ensure consensus is reached

The criteria for reaching consensus can be used to assess whether the process designed for participation in the rural development strategy is likely to prevent conflict. Figure 14 sets out a checklist of considerations which will help partnerships to avoid the usual pitfalls of an improvised process.

Figure 13: An Outline Assessment of Participatory Techniques

Techniques	Strengths	Weaknesses
Joint working groups, Advisory groups	Valuable way of reaching agreement with representative organisations	Terms of reference have to be clear and achievable. Composition has to be representative. Administration can be costly.
Facilitated workshops	Effective way of exchanging information, developing and evaluating alternative proposals	Need to be carefully designed and facilitated by experienced specialists. Costly if they have to be replicated to cover a wide range of opinion.
Face to face meetings and interviews	Provide important information on issues and the extent to which interest groups wish to participate.	Provide limited representation of public opinion. Labour intensive to administer and analyse.
Participatory appraisal	Use of visual techniques particularly effective at encouraging participation by all sections of the community.	Careful consideration needs to be given to the influence community appraisals have on subsequent decision making to ensure false expectations are not raised.
Staffed exhibitions/open houses	Attractive way to present information. May reach beyond interest groups. Staff can obtain feedback.	Requires specialist display skills. Staffing exhibit is time consuming and costly.
Public meetings	Attract general public interest.	Agenda and procedures need careful consideration. Rarely represent the full range of public opinion. Tend to polarise views and discourage participation.
Telephone 'hot-lines'	Convenient way to communicate with relatively large numbers of people.	Impersonal. Staff must be briefed to deal effectively with critical public comment.
Social surveys	Provide a cross-section of opinion to set against views of interest groups.	Cost of obtaining a statistically reliable sample likely to be high.
Reports and brochures	Direct way of conveying a large amount of information economically.	Presentational skills may have to be obtained from outwith an organisation
Press releases	Reach a wide public and can encourage participation.	May be difficult to control unless regular contact maintained with media.

Figure 14: Checklist for Consensus Building in a Rural Development Strategy

Criteria	Problems that can arise	Options to Consider
<i>Terms of reference and agenda</i>	Setting too narrow an agenda	Consider a twin-track approach (see page 25).
<i>Communities and Representation</i>	Excluding vital interests who can influence or delay the final decision by other means.	Conduct a thorough stakeholder analysis (pages 14,25,26).
<i>Accountability</i>	Representatives fail to feedback to their organisations.	Ensure representatives understand their responsibilities (page 6). Establish a policy of open information to ensure information is conveyed to interest groups by other means.
<i>Authority and Power in decision making</i>	Misunderstandings about responsibilities and influence	Clarify: the purposes of participation; the stance of each partner; and the influence participation is intended to have on the final decision. (page 24,25)
<i>Information</i>	Information is withheld	Recognise that interests who contribute information expect feedback. Share information with them (page 15).
<i>Openness of and involvement in decision making</i>	Devising a closed process of decision making which excludes interests until the vital decisions have been made.	Initiate participation at the earliest stages of strategy formulation and maintain it throughout to obtain shared ownership of decisions (page 6).

Glossary

Arbitration - a process of decision making in which a neutral third party takes evidence and devises a solution to the problem. In binding arbitration, the disputing parties agree in advance to abide by the arbitrator's decision. In non-binding arbitration, the arbitrator makes a recommendation for the parties to consider.

Communities of interest - different groups within a community, each of which has its own set of values and views concerning policy and practice in rural development.

Consensus - a decision reached by mutual agreement.

Consensus Building - a negotiation aimed at recognising and respecting common interests and working together for mutual benefit.

Consultation - the level of participation at which people are offered some choices on what is to happen, but are not involved in developing additional options.

Effectiveness - the ability of partnerships to implement their objectives and thereby generate positive results in positive action in the community.

Empowerment - a process through which stakeholders influence and share control over development initiatives, and the decisions and resources which affect them.

Evaluation - a process which reviews the effectiveness of a partnership, including its objectives, policies, administration, management and work programmes. Evaluation should review process in a partnership's operation as well as outcomes.

Facilitation - helping others think through what they want and [how to] organise themselves to achieve it.

Involvement - a level of participation in which people actively participate in defining the problem, possible solutions and take part in the final decision.

Mediation - a process of decision making in which a neutral third party assists the disputing parties to negotiate a mutually acceptable solution.

Participation - a process during which individuals, groups and organisations are consulted about or have the opportunity to become actively involved in a project or programme of activity.

Partners - the individuals who are members of the management boards of a partnership, and, at a broader level, the organisations that are represented in a partnership.

Stakeholders - those who have an interest in what you are or may be doing, because they will be affected or may have some influence.

Annex 1 Sources of Advice and Training

This sample of practitioners involved in conflict mediation is for information only, and should not be interpreted as a formal recommendation of their suitability or quality.

Judith Annett
Countryside Consultancy
Old Forge, Ballyardle
Kilkeel, Co Down,
N. Ireland BT34 4JX

Tel: 016937 63262/ Fax: 016937 64180
Rural community regeneration strategies,
consensus based planning; Training in rural
development and consensus building.

Centre for Dispute Resolution
Princes House
95 Gresham Street
London EC2V 7NA
Tel: 0171 600 5000/ Fax: 0171 600 0501
Mediation services, expert evaluation &
adjudication; Training in mediation, conciliation,
negotiation, & conflict management.

Environmental Resolve
The Environment Council
212 High Holborn
London WC1V 7VW
Tel: 0171 836 2626/ Fax: 0171 242 1180
Consensus building processes, facilitation, conflict
assessment, mediation; Training in facilitation,
process management, & conflict resolution.

Mediation UK
Alexander House
Telephone Avenue
Bristol BS1 4BS
Tel: 0117 904 6661/ Fax: 0017 904 3331
UK wide network for mediation, including
community and environmental work

Innes Miller Mediations
67 Dublin Street
Edinburgh EH3 6NS
Tel and fax: 0131 478 3203
Mediation in agricultural, land use and
environmental disputes.

PDA International
Linton House
164/180 Union Street
London SE1 0LH
Tel: 0171 401 9599/ Fax: 0117 401 9944
Public involvement programmes on environmental
policy, environmental advisory panels.

Rural Forum
Highland House
46 St Catherine's Road
Perth PH1 5 RY
Tel: 01738 634565/ Fax: 01738 638699
Advice on participation and rural development.

SACRO
31 Palmerston Place
Edinburgh EH12 5AP
Tel: 0131 226 4222/ Fax: 225 1024
Short training courses in mediation awareness and
longer training in mediation skills, including
community mediation.

Scottish Mediation Network
27 York Place
Edinburgh EH1 3HP
Tel: 0131 557 2101/ Fax: 0131 557 2102
Advice on a wide range of applications of
mediation.

Roger Sidaway
Research and Policy Consultant
4 Church Hill Place
Edinburgh EH10 4 BD
Tel: 0131 447 9975/ Fax: 0131 452 8267
Consensus building processes, facilitation, conflict
assessment, mediation.

Institute of Ecology and Resource Management,
University of Edinburgh
Darwin Building, Mayfield Road
Edinburgh EH9 3JU
Tel: 0131 650 6439/ Fax: 0131 650 0478
Training courses in environmental consensus
building, conflict resolution & participatory
appraisal.

The Scottish Participatory Initiatives
3 Queen Charlotte Lane
Leith
Edinburgh EH6 6AY
Tel: 0131 555 0950/ Fax: 0131 555 0340
Design & facilitation in participation & conflict
prevention; training in participatory appraisal.

Annex 2 Scottish National Rural Partnership Publications

'Good Practice in Rural Development' Series

No 1: Effective Partnership Working by Bill Slee and Patrick Snowdon (with Robert Gordon, Bill Marshall and Andrew Wells), University of Aberdeen (1997) ISBN: 0-7480-6440-0 £2.50

No 2: Community Involvement in Rural Development Initiatives by Rural Forum and Rural Research Branch, The Scottish Office Central Research Unit (1997) ISBN: 0-7480-6482-6 £2.50

No 3: Preparing Local Rural Development Strategies: Frameworks for Action by Rural Research Branch, The Scottish Office Central Research Unit and COSLA (1997) ISBN: 0748-66107-7 £2.50

No 4: Structures for Local Rural Partnerships by Rural Forum (1998) ISBN: 0-7480-7067-2 £2.50

No 5: Consensus Building by Roger Sidaway, Independent Research and Policy consultant with Judith Annett, Countryside Consultancy and David Rothe, Rural Forum Scotland (1998) ISBN: 0-7480-7068-0 £2.50

No 6: Developing Projects and Securing Funding by Halcrow Fox Consultants (1998) ISBN: 0-7480-7069-9 £2.50

'New Ideas in Rural Development' Series

No 1: Promoting the Development of Effective Information and Advice Services for Rural Areas: A Framework for Action in Scotland by Juliet Harvey, The Scottish Office Central Research Unit (1996) ISBN: 0-7480-5599-1 £2.50

No 2: Action on Scottish Rural Transport - Helping Local Communities Tackle their Transport Problems by Stephanie Herbert, The Scottish Office Central Research Unit (1996) ISBN: 0-7480-5675-0 £2.50

No 3: Involving Rural Communities: The CADISPA Approach by Geoff Fagan, University of Strathclyde (1997) ISBN: 0-7480-6105-3 £2.50

No 4: Community Involvement in Small Scale Tourism Initiatives by Stephanie Herbert, The Scottish Office Central Research Unit (1997) ISBN: 0748-66042-9 £2.50

No 5: Setting up a Wildlife Tourism Initiative by Mary-Ann Smyth, RSK-ERA Ltd. (1998) ISBN: 0-7480-6953-4

No 6: Becoming an Entrepreneur in Rural Scotland by The Robert Owen Foundation (1998) ISBN: 0-7480-7070-2 £2.50

Other Scottish National Rural Partnership Publications

Scottish Rural Transport Action Guide: practical advice on how to address your community's transport needs by Stephanie Herbert, The Scottish Office Central Research Unit (1996) ISBN: 0-7480-5810-9 £5.00

Scottish Rural Services Checklist (1996) ISBN: 0-7480-3148-0 (no charge)*

People, Prosperity and Partnership: Progress report (1996) ISBN: 0-7480-3161-8 (no charge)*

Other Relevant Rural Research Branch Publications

Services in Rural Scotland by Mackay Consultants (1996) ISBN: 0-7480-51190-2 £10

Scottish Rural Life Update: a revised socio-economic profile of rural Scotland by Nick Williams, Mark Shucksmith, Helen Edmond and Andy Gemmell, University of Aberdeen (1996) ISBN: 0-7480-5486-3 £10

Living in Rural Scotland: a study of life in four rural communities by Karen MacNee, The Scottish Office Central Research Unit (1996) ISBN: 0-7480-51191-0 £10

Community Involvement and Rural Policy by John Bryden, Drennan Watson, Catherine Storey and Jeroen van Alphen, The Arkleton Trust (Research) Ltd. (1997) ISBN: 0-7480-6483-4 £5

These publications may be purchased from
The Stationery Office (Cheques should be
made payable to The Stationery Office):

The Stationery Office Bookshop
71 Lothian Road
Edinburgh
EH3 9AZ
Telephone: 0131 622 7050
Fax: 0131 622 7017

Publications marked * are available from:

Mr K Philpott
Rural Affairs Branch
The Scottish Office Agriculture,
Environment and Fisheries Department
Pentland House
47 Robb's Loan
Edinburgh
EH14 1TY
Telephone: 0131 244 3159
Fax: 0131 244 4071

Other Publications

Several publications have been noted as footnotes in the text. In addition, the following publications on conflict resolution and participation may be useful.

Agyeman J (1996) *Involving Communities in Forestry through Community Participation*, Forestry Practice Guide 10, Forestry Commission, Edinburgh.

Baxter S H (1996) *Experiences in Participation: A review of current practice in rural development programmes: a Digest*, Scottish Natural Heritage, Perth

Creighton. J L (1992) *Involving Citizens in Community Decision Making: A Guidebook*, Program for Community Problem Solving, Washington D.C.

Department of the Environment, Transport and the Regions (1997) *Involving Communities on Urban and Rural Regeneration - a Guide for Practitioners*

Madigan, D., McMahon, G., Susskind, L. and Rolley, S. (1990) *New Approaches to Resolving Local Public Disputes*, National Institute for Dispute Resolution: Washington DC.

Moore, C.W. (1986) *The Mediation Process: Practical Strategies for Resolving Conflict*, Jossey-Bass Inc: San Francisco.

Wilcox D (1994) *The Guide to Effective Participation*, Partnership Books: Brighton.

World Bank (1996) *The World Bank Participation Sourcebook*, World Bank:Washington D.C.