Community-based forest resource conflict management

A TRAINING PACKAGE

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ACKNOWLEDGEMENTS

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USER'S GUIDE TO THE TRAINING PACKAGE

INTRODUCTION

This training package examines conflict within forest resource use and community-based forest management and offers strategies for managing it. In forest resource management, conflict in its many forms is inevitable and unavoidable. Most people working in community forestry would say that conflict comes with the territory. Forest resources are central to the social, cultural, political and economic fabric of forest communities.

People have always held many different values and interests in the use and control of forests and forest products. Rapid population growth, increased demands on forest resources, unequal distribution and greater resource degradation have resulted in a growing scarcity of forest products, water and agricultural land. These conditions are intensifying and contributing to the escalation of conflict throughout the world.

New policies of decentralization, devolution and collaborative management fuel conflicts further by transferring a greater degree of decision-making power and influence to local communities, households and individuals. These policies encourage communities to be more involved in decisions affecting their livelihoods and the resources on which those livelihoods are based.

Although these policies are sound and necessary for sustainable forest livelihoods, in practice the introduction of greater power sharing among different user groups is often met with challenges. Collaborative management approaches require a widening of stakeholder involvement. The more people and organizations involved, the greater the chances that conflict will arise among the various stakeholders over specific decisions. Disagreements emerge in most settings: for example, over access rights, boundaries, management objectives, inadequate or misunderstood information, local versus national priorities, and so on.

Differences in geography, social status, education, culture and gender constrain the involvement of the necessary stakeholder groups. In some instances, more dominant groups are not prepared to relinquish authority, and strongly resist changes that undermine their long-held control. Organizations responsible for introducing new policies that require agreements among multiple groups may overestimate the extent to which resource users share an interest. They may also ignore or be unaware of deep-seated divisions that occur among different groups inside or outside the community. Often, the most appropriate means for implementing policies of decentralization and devolution are uncertain, thereby heightening the insecurities and perceived risks of those involved.

In community-based forest management, there is no question about there being conflicts of interest. The challenge is how to address such conflicts in the most effective way possible. There is a clearly expressed need for conflict management approaches that:

◆ recognize the multiple perspectives, values and interests of different stakeholders;

◆ help determine potential effects of conflict;

◆ assist in identifying effective strategies and responses.

In order to support sustainable livelihoods through effective forest management, especially for the most vulnerable members of society, appropriate methods must be developed to address conflicts in a truly participatory and equitable manner. These methods must also anticipate and address potential conflicts before they arise.

This User's guide provides an overview of the conflict management training package and the content of its ten sections. It also outlines some underlying assumptions in the approach to managing community forestry conflict, defines the intended audience and provides some guidance on how to use the various materials contained within the package.

The approach of the training materials to managing conflict

Building on alternative conflict management approaches: The term "conflict management" covers a spectrum of proactive and reactive responses. Conflict management can be sought and achieved through a variety of means – traditional, administrative, legal or, more recently, "alternative" resolution approaches. These training materials review a range of responses to conflict and encourage users to assess which is most appropriate in their situation. The focus, however, is particularly on collaborative methods of alternative dispute resolution (ADR) or alternative conflict management theories and methods. Such methods advocate collaborative solutions to managing conflict and hold great potential for offering participatory and equitable means of addressing community-based forest conflicts.

Emphasis on shared decision-making: These materials approach conflict management as being directed towards forging a process and set of outcomes that are agreeable to all stakeholders. In this context, conflict management leads towards solutions that can be achieved through voluntary and shared decision-making and mutually acceptable agreements. ADR focuses particularly on building collaboration through strategies of conciliation, negotiation and mediation. Such strategies are already common to many traditional cultures and rural peoples. Ideally, in entering an ADR process, the individuals or groups involved in a dispute are participating because they seek solutions of mutual gain. They are there because they want to understand the others' positions and they believe that it is possible to reach an agreement.

Active involvement of affected stakeholders: Achieving sustainable forest management depends on the capability of fully engaging different stakeholders in participatory processes of conflict management. It attempts to initiate and sustain a cooperative approach that has the support of all stakeholders within the community and all interested parties from outside the community. Collaborative approaches to conflict require the active involvement of those who are directly affected, while attempting to account for the views and interests of the widest possible range of opinions. These would include the least powerful or vulnerable groups such as women, the landless, the poor, migrant workers, pastoralists and indigenous peoples.

Conflict management and collaborative management efforts will prove unsuccessful if all necessary stakeholders, including such groups, are excluded from participation. This process requires an enabling political, policy and administrative environment, in which central stakeholders and other interest parties are freely able to identify and express their needs, priorities and concerns. The end result should be greater understanding of the issues and potential opportunities for resolving the conflict.

A community-based approach to conflict: In parallel to community-based forest management, these training materials adopt a community-based framework that operates on the small and local scale. The goals are to work on conflicts within or between communities and contribute to the capacity of a community to interact with external and more powerful interests. This approach aims to empower those living with the forest resources to assert their rights and preferences for resource development so that they have real influence on the decisions that are made.

Building capacity for local communities: These training materials outline a process of empowerment and improved understanding of managing conflicts. The methods are participatory and inclusive, emphasizing capacity building, or the development of society to work for sustainable forest management. Towards building such capacity, this training package aims to help participants in a conflict to gain a better understanding of the issues surrounding a conflict and to plan their response.

ASSUMPTIONS OF THE TRAINING PACKAGE

Although the focus of this training package is on forest resource conflicts, its strategies, methods and tools are generally applicable to other local-level natural resource management situations. The training materials are derived from community-based approaches to forest management. What sets apart such approaches is their reliance on a high degree of participation in problem solving and decision-making. The rationale for promoting participatory approaches is that effective and sustainable resource management is more likely when community members and other interested parties collaborate in making mutually beneficial decisions about local resource use.

These materials use the term "conflict management" in preference to "conflict resolution". Ideally, one should work towards the resolution of each and every conflict; however, providing ultimate resolutions to conflicts is not an easy matter. True resolution may require sweeping political, economic and other changes at the national and even the global level, such as formal recognition of indigenous land rights, land reform, devolution of authority, or the reduction or curtailment of certain economic activities. Obviously, working towards these important foundational

changes is necessary, but generally such issues are beyond the scope of this training package's background materials and training activities. Users seeking more information should consult additional references cited in Section 7.

Our use of the term "conflict management" further assumes that the process of addressing conflicts can be directed in a participatory and equitable manner. Conflict management in this sense does not connote the containment, co-optation or manipulation of conflicts for political or other reasons. On the contrary, these materials refer to conflict management as a process that contributes to highly participatory, equitable and sustainable ways of dealing with conflict. We recognize, however, that alternative conflict management approaches are not useful in some situations. In many cases, powerful interests will not want to reach an agreement and will simply use available mechanisms and fora for negotiation to impose their opinion and priorities on others. Such interests may manipulate alternative conflict management processes for their own benefit.

OBJECTIVES OF THE TRAINING PACKAGE

The training package aims to support diverse and multiple forest user groups to manage conflicts that will inevitably arise in the protection, use and control of forest resources. A related goal is to strengthen participation and, thus, the role and recognition of local stakeholders (forest-dependent communities) in forest management.

To achieve this, the objectives of the training package are to:
◆ increase knowledge about conflict in community-based forest management;
◆ improve understanding of how processes and outcomes of collaborative forest management and conflict are related, and how both need to be planned for and reviewed together;
◆ provide tools and aids for training in conflict analysis, selection of appropriate strategies, negotiation and facilitating resolution processes.

WHO WILL USE THE TRAINING PACKAGE?

These materials are designed for training rather than direct intervention. This package has been prepared primarily for trainers who help people and organizations work collaboratively in community forestry. It is expected that such trainers are already knowledgeable and experienced in community-based forest management.

The trainers' target audience is expected to be forest management practitioners, including forest agency staff, project/programme managers, staff of non-governmental organizations (NGOs); community-based organizations; and development workers who:

◆ act as resource persons to forest resource users who have requested assistance with a conflict or want to develop their skills in mitigating potentially destructive situations;

◆ help local communities become more focused, confident and effective in addressing and anticipating conflict;

◆ are themselves embroiled in conflict or planning interventions that are intended to address conflict; or

◆ are trying to improve the effectiveness of community-based forest management processes.

WHAT IS IN THE TRAINING PACKAGE?

This set of training materials provides background information, training activities, case studies, workshop aids, how-to instructions on workshop design and references to prepare and support trainers in conflict management. The various sections of the training package are divided into two volumes:

Volume 1 (Sections 1 to 8): Sections 1-7 contain theoretical information to ensure the user has sound understanding and knowledge of conflict and conflict management as it applies to community forestry. These sections describe:

◆ a conflict management process map;

◆ key elements of conflict;

◆ how conflict management strategies relate to broader activities of collaborative management;

◆ the theory of conflict analysis;

◆ a review of conflict management options;

◆ guides to developing a management strategy;

◆ techniques for facilitating conflict management;

◆ an annotated bibliography containing a set of useful references on conflict and conflict management.

Section 8 contains four case studies of real conflicts. These case studies may be used in conjunction with Volume 2, the trainer's tool kit.

Volume 2 (Sections 9 to 10): This is the trainer's toolkit for use in the delivery of training workshops for people working in community forestry or involved in forest management-related conflicts. Resources include:

◆ instruction sheets for a range of participatory learning activities;

◆ information on how to design and carry out participatory training workshops.

The training package: map and section summary

Map KEY STEPS IN A COLLABORATIVE APPROACH TO CONFLICT MANAGEMENT

Outlines key steps supporting a collaborative approach to managing forest resource conflicts. A set of notes within the map explain the activities involved and link them to relevant sections of the training materials.

Section 1 AN INTRODUCTION TO CONFLICT IN COMMUNITY-BASED NATURAL RESOURCE MANAGEMENT

Introduces conflict and the many dimensions that influence its visibility, shape and complexity. Provides a brief overview of community-based forest management and the types of conflict that practitioners, organizations and communities confront. Discusses how conflict is normal to human society and a force leading to potentially positive outcomes.

Section 2 COLLABORATION AND CONFLICT

Introduces the concepts of collaboration and collaborative management and their application to community forest management. Outlines key elements and guidelines for enhancing collaboration in planning and managing policy and site-based initiatives. Presents important considerations in moving towards the collaborative resolution of conflicts.

Section 3 ANALYSING CONFLICT

Presents the main objectives and activities of conflict analysis. Emphasizes the relevance of conflict analysis in determining appropriate places for action and ensuring the participation of essential stakeholders. Provides guidelines and useful activities for clarifying the issues, history and origins of conflict, analysing stakeholders' interests and considering issues of cultural diversity, gender and policy.

Section 4 DEVELOPING A STRATEGY FOR MANAGING CONFLICTS

Introduces guidelines for selecting a strategy to manage conflict. Describes different mechanisms and legal orders and their individual strengths and limitations for resolving conflict in collaborative forest management. Introduces a tool for assessing strategies and clarifying the desired outcomes in negotiations. Reviews the benefits and limits of using a third party to support a process of conflict management.

Section 5 NEGOTIATIONS AND BUILDING AGREEMENTS

Identifying areas of common interest between parties, supporting creative approaches to problem solving and establishing realistic agreements are the three main phases of facilitated negotiations and mediation. Discusses these phases, highlighting possible choices and necessary actions for each.

Section 6 ESSENTIAL COMMUNICATION SKILLS FOR FACILITATORS IN CONFLICT MANAGEMENT

Focuses on the practical aspects of facilitating group work and negotiations as part of a conflict management process. Describes the role of the facilitator, communication techniques and possible interventions in addressing tense and difficult situations.

Section 7 FURTHER READING AND REFERENCES

Provides an annotated list of materials and further reading on theory, experiences and methodology in conflict management.

Section 8 CASE STUDIES

Features case studies of community forestry conflicts from India, Nepal, Thailand and Bhutan. The cases provide real-life examples for developing conflict analysis skills and understanding the socio-economic, cultural and political processes involved in conflict management and resolution.

Section 9 TRAINING ACTIVITIES

Provides instruction sheets for participatory activities that are useful in training about conflict management. Activities assist conflict analysis, capacity building, strategy selection, negotiations and agreement building. The training activities in this section support the concepts presented in Sections 1 to 6.

Section 10 HOW TO DESIGN AND FACILITATE A PARTICIPATORY CONFLICT MANAGEMENT TRAINING WORKSHOP

Provides guidelines and helpful hints for designing, organizing and facilitating a participatory training workshop.

HOW TO USE THE TRAINING PACKAGE

This training package has not been produced to provide "*the* answer", "blueprints" or "recipes" for resolving specific conflicts. Nor are the concepts or materials it discusses intended to replace traditional conflict management practices where they still operate and prove effective, or shift people away from legal recourse or political action. The training materials do not directly address situations of violence or cases where a party to a conflict wants to force its view and its solutions on others. Nor do they provide advice on legal remedies, political techniques or economic responses for addressing disputes over forest resources. It is recognized that, in such circumstances, it may be essential to consider other avenues for dealing with conflict, such as hiring a lawyer, direct action or forming political alliances.

Ideally, those who have been trained in managing conflict will be better able to investigate and analyse a conflict. This is an exercise in organizing your thoughts and planning your actions. The process is one of constant review, planning, subsequent action and further learning.

The background materials provide a framework to help the trainer to analyse the issues being addressed. The map introduces key steps in a collaborative approach to managing conflict. The sequence of steps guides direction, but recognizes the process as an iterative one in which crucial activities will be repeated and revisited as the context requires. Each of the sections in Volume 1 provides concepts, key questions and guidelines that act as useful reference points in any community-based approach to conflict management. Sample guide questions may ask the following: Is there a high level of participation by necessary stakeholders? Is there a genuine desire by participants to reach consensus on a position? Do disadvantaged stakeholders have the capacity to interact equitably with other interests involved in the conflict? The reference points function as a means of stimulating discussion and analysis.

Students of conflict management can use the information and training activities to review an issue, investigate new information and re-examine options. For example, when new stakeholders appear, or interests change, conflict managers can go back to the relevant part of the materials for analysis and ideas. Ideally, this would be done repeatedly in a process of analysis, planning, action and reflection, until a desired level of conflict management is achieved.

TRAINER'S NOTE # 1

ADAPTIVE CONFLICT MANAGEMENT

There is no comprehensive recipe for conflict management in forest planning and management. Solutions to conflict will vary with the particular context and must reflect the views of all stakeholders.

This training package is an aid to conflict management, simply providing concepts, tools and activities that may be useful. Ultimately, resolution must be constructed within the specific local context, among real people and their evolving relationships.

A WAY FORWARD

The materials in this training package will provide an introduction to key concepts and methods as a starting point for trainers who are new to conflict management. Being a trainer or resource person in community-based forest conflict management requires a range of knowledge, skills, tools and strategies. The training package alone cannot address all the needs or answer all the questions that will arise. The materials only outline significant themes and provide basic methods and tools for implementing conflict management processes. However, trainers are encouraged to expand their knowledge by reading from the references provided in Section 7.

Conflict management is a growing area with much to be discovered. This package provides a window on to real experiences that occur in community-based forest management. Users of these training materials are encouraged to adopt a learning approach in their application of this work. This means learning from experiences and applying, testing and adapting the tools and guides provided. Trainers and training participants are encouraged to share these lessons with others working in support of community-based forest management.

GLOSSARY OF TERMS USED
IN THE TRAINING PACKAGE

Adjudication	Reliance on a judge or administrator to make a binding decision.
Arbitration	The submission of a conflict to a mutually agreeable third party, who makes a decision.
Arbitrator	A person who has the legal authority to impose a settlement on a conflict or dispute outside of court.
Avoidance	Actions and behaviours aimed at preventing a conflict from becoming publicly acknowledged.
BATNA	Best alternative to a negotiated agreement.
Capacity building	Development of the knowledge, skills, attitudes and resources of individuals, groups or institutions to work effectively and achieve desired outcomes.
Coercion	The use of threats or force to impose one's will.
Collaboration	An agreement among parties to work together.
Community forestry	A situation in which communities and local resource users share in (or hold exclusive rights for) the management of forest and tree resources.
Compromise	An agreement among interest parties in which each side has consciously agreed to trade or put aside some part of their interests in order to reach an agreement.
Conflict	A relationship among two or more opposing parties, whether marked by violence or not, based on actual or perceived differences in needs, interests and goals. Conflicts are a normal part of human interaction, and many conflicts can be managed productively.
Conflict anticipation	Pre-emptive strategies either to prevent conflicts from occurring or to ease the impact of expected conflict.

Consensus	An agreement in which all the interest parties have fully addressed their interests and formulated decisions that meet the approval of each party.
Dispute	A public acknowledgment of conflict among parties.
Facilitator	A third party who is trained to guide meetings. The responsibilities of a facilitator include designing the meeting process, guiding people through the agenda, introducing participatory group exercises (as needed to enhance collaborative work), and helping participants to reach a mutually agreeable conclusion that meets each party's objectives.
Gender	The socially determined characteristics of males and females. (Sexual differences are the biologically determined characteristics.)
Interests	The range of underlying motivations in conflicts: needs, fears, desires and actual or perceived benefits.
Interest parties	The people who have an interest in the issues or resources under discussion.
Mediation	A resolution method that uses a third party to help two or more other parties to negotiate. Mediation is best used when each party is willing to discuss its interests and each agrees to work towards a consensus solution, but not all parties feel confident of their negotiation skills. A mediator lacks the authority to impose a solution.
Mutual gain	A situation in which all stakeholders benefit from a decision, each achieving at least one or more of its desired outcomes.
Negotiation	A focused discussion regarding needs and interests, with the intention of finding a mutually acceptable agreement. It is a voluntary action in which negotiating parties structure the content of their meetings, determine the outcome of their agreements and stipulate the methods for assuring the implementation of their final decisions.

Pluralism   Recognition of the existence of a variety of groups with differing, independent and sometimes conflicting interests, values and perspectives.

Power   The ability to achieve outcomes.

Stakeholder   An alternative word for interest party. A stakeholder is a person, group or institution who/that is affected by or has an interest in an issue or resource.

WHAT DO THE ICONS MEAN?

Quote

An example

Trainer's Note

Definition of a term

Chapter introduction

Cross-reference to other section(s)

Tables

Figure

List of points

ACRONYMS

ADR   alternative dispute resolution

BATNA   best alternative to a negotiated agreement

CBFMP   Community-Based Forest Management Programme

CFUG   Community Forest User Group (Nepal)

CPR   common property regime

DENR   Department of Environment and Natural Resources

DNR   Department of Natural Resources

FAO   Food and Agriculture Organization of the United Nations

FFA   force filed analysis

HFD   Haryana Forest Department (India)

HRMS   Hill Resource Management Societies (India)

IIED   International Institute for Environment and Development

IMR   implementation, monitoring and review

IUCN   World Conservation Union

JFMP   Joint Forest Management Programme (India)

MOU   Memorandum of Understanding

NGO   non-governmental organization

PEC   Program on Environment and Community
             (Cornell University, New York)

PRA   participatory rural appraisal

SWOT   strengths, weaknesses, opportunities and threats

TERI   Tata Energy Research Institute (India)

UN   United Nations

VDC   Village Development Committee (Thailand)

VFCC   Village Forest Conservation Committee (Thailand)

WMNC   Watershed Management Network Committee (Thailand)

WUA   Water Users' Association (India)

WWF   World Wide Fund for Nature

THE MAP OF THE PROCESS

KEY STEPS IN A COLLABORATIVE APPROACH TO CONFLICT MANAGEMENT

Entry point ❶
Some stakeholders decide to take action to manage or resolve conflict

❷ Preliminary analysis of conflict and identification of stakeholders

❾ Evaluation, learning and conflict anticipation

SECTION 5

❿ Information needs and management

⓫ Capacity building

KEY ELEMENTS

⓭ Keeping people informed

⓬ Consensus-based decision-making

❸ Broader engagement of stakeholders

SECTION 3

❽ Implementation of agreements

❼ Negotiation of agreements

SECTION 5

❻ Agreement on strategy for managing conflict

❺ Assessment of conflict management options

❹ Stakeholders' analysis of conflict

SECTION 3

SECTION 3

SECTION 4

A COLLABORATIVE APPROACH TO MANAGING CONFLICT IN COMMUNITY-BASED FOREST MANAGEMENT

1. **Entry Point –** A process for managing a conflict may be initiated by any of the stakeholders. Those who are directly involved in the dispute might initiate it, for example, the villagers arguing over forest access or use. Or, those who are more distant or external to the conflict might start it; for example, a non-government organisation that is working in community development in the area but whose programs are indirectly affected by the dispute.

    Remember that stakeholders can act on the conflict at any stage (latent, emerging or manifest). The time and approach to handling it may be very different depending on at which stage it is.

2. **Preliminary Analysis of Conflict -** The initiating stakeholders undertakes this analysis of conflict to determine who needs to be involved, and the scale and boundaries of the conflict. This sets out an initial strategy for addressing the conflict that they then modify and develop with the input of other stakeholders.

3. **Broader Engagement of Stakeholders –** Attempts are made to engage the other stakeholders identified in the preliminary conflict analysis. Obtaining their interest and willingness to participate may require one or more actions, including shuttle mediation, raising public awareness about the conflict management effort, sharing with them the preliminary analysis of the conflict, etc.

4. **Stakeholder Analysis of Conflict -** Individual stakeholder groups need to carry out their own analysis of the conflict. The level of detail of this analysis and timeframe will vary depending on the intensity, scale and stage of the conflict. This analysis may identify other key stakeholders or stakeholder groups to involve and engaging stakeholders in Participatory Action Research on key issues, etc.

5. **Assessment of Conflict Management Options -** The analysis of conflict assists the stakeholders to assess, weigh and expand the various options available for managing or intensifying the conflict. Stakeholders evaluate then select what they believe is the best response and strategy for achieving their interests. Stakeholder actions could

include – withdrawal, use of force, accommodating other groups interests, compromise, or collaboration. Doing nothing and taking a 'wait and see' approach may also be a chosen strategy.

In deciding on the most suitable set of actions stakeholders consider their options in terms of possible outcomes or impacts, the likely choices of other stakeholders, power imbalances and differences in stakeholder capacity.

Participatory Action Research (PAR) that engages all key stakeholders can be an excellent and non-threatening first stage of taking action to build collaboration. PAR allows stakeholders to jointly explore key issues identified by individual groups in the early stages of conflict analysis and builds shared responsibility in finding solutions to these issues, actions required for implementation and the needs and concerns of stakeholders who come into the process later.

Stakeholders also need to consider the context in which they will act – the appropriateness of using customary approaches to managing conflict, available legal or administrative measures, or the desirability of using existing institutions to mediate or facilitate discussions between groups, etc.

6. **Agreement on Strategy for Managing Conflict –** If a collaborative approach to managing conflict is a preferred option for some stakeholders it will require agreement and support from all parties before it can be initiated.

    As stakeholders enter into a collaborative process, they must agree on the guidelines for this process and what actions and capacities are required to support it. If they have not already done so, they will need to decide whether or not to use a third party, including the role and responsibilities of that third party

7. **Negotiation of Agreements -** Stakeholders negotiate agreements based on the individual and shared needs and interests they have identified. They seek mutual gain agreements. Often agreements are made progressively and incrementally. As one agreement is implemented successfully it demonstrates commitment of the parties, this then provides greater trust upon which to build further agreements.

    With each agreement, stakeholders decide how they will implement and monitor it. In the process of negotiations and in deciding how they

will implement and monitor that agreement, other stakeholders may be identified that need to be included in managing the conflict. Similarly stakeholders may discover new information needs and take action to obtain this information before they can make further agreements.

8. **Implementation of Agreements -** The stakeholders implement and monitor agreements as they are made. Agreements are continually monitored, informing the various parties if they should continue to proceed or modify their strategy or decisions.

9. **Evaluation, Learning and Conflict Anticipation** - Stakeholders evaluate the outcomes and impacts of conflict and the process of managing it. This can occur at pre-determined points specifically set for evaluating the conflict. This may also occur at points within the broader and overall collaborative management process (for example within an evaluation of a forestry programme or as part of a policy review). These evaluations aim to increase stakeholder learning and identify necessary changes to support improved collaboration in community-based forestry.

   By evaluating outcomes, stakeholders can determine how to improve methods and systems for anticipating further conflict. Setting achievable benchmarks or tasks by which to judge progress is an effective way to maintain the motivation of stakeholders. When agreements encounter difficulty or fail, stakeholders may need to revisit the agreements, obtain missing information, identify additional stakeholders, or identify other solutions in support of collaborative management. A conflict management process can therefore be an iterative or continuous cycle that adapts to new questions and changing needs.

KEY ELEMENTS SUPPORTING THE PROCESS

10. **Information Needs and Management** –The availability, management and acceptance of information are significant issues in collaborative approaches to managing conflict. Information plays a pivotal role in understanding conflict and the details of interests, clarifying shared goals and assessing the feasibility of solutions. The process outlined

must allow time for stakeholders to check for and explicitly address information needs and issues. Stakeholders must agree to the information needs, the sources of valid information, and how information will be exchanged and disseminated.

11. **Capacity–Building** – Building sustainable solutions for managing conflict requires evaluating not only the *interests* of stakeholders but also their *capacity to participate effectively in the process.* Participants must evaluate this capacity at various stages. Developing capacity can vary in scale and focus from strengthening institutions and organisations to centring on the needs of specific individuals. Addressing conflict embraces a range of capacities – knowledge, skills, attitudes, organisational structures and logistical support. This is the same set of capacities required for effective participatory forest management and community development.

12. **Consensus-based Decision Making –** Consensus building aims to generate agreements and outcomes that are acceptable to all stakeholders with a minimum of compromise. The intention is to find win-win solutions. In this process stakeholders are encouraged to identify and then meet underlying needs of all parties and be creative in the solutions they explore. Acknowledging the perceptions of others, ensuring good communications, building rapport and trust, and striving to continually widen options are key ingredients in this process.

13. **Keeping People Informed –** Discussions between stakeholders are often carried out by representatives of key groups. An important part of the conflict management process is establishing reliable communication between stakeholder representatives and their constituency so that all who are involved and impacted by the conflict are informed and able to provide meaningful input.

SECTION 1

SECTION 1
AN INTRODUCTION TO CONFLICT IN COMMUNITY-BASED FOREST MANAGEMENT

1.1 UNDERSTANDING CONFLICT

Understanding the many dimensions of conflict is the first step towards managing disputes over forest resources effectively. It is also helpful to explore the lessons learned from past experiences in community-based forest management and to understand where conflict has arisen.

This section considers the different elements of conflict in community-based forest management. It has three objectives:

◆ to provide new and different ways of looking at the conflict that may arise among multiple and diverse groups of forest users;

◆ to introduce important elements of conflict that influence the way it is addressed and managed;

◆ to encourage broader thinking about how conflicts arise in forest resource policy, programmes and projects.

1.2 WHAT IS COMMUNITY-BASED FOREST MANAGEMENT?

This set of training materials addresses conflict in the context of community-based forest management. Because community-based forest management is a concept that is rapidly evolving and is applied to many contexts, it is important to define the term and its use clearly.

In general, the term "forest management" covers all planning and controls over forest resource use. It may involve a wide variety of stakeholders, for example local resource users, relevant government agencies, NGOs and commercial resource companies (see Box 1.1).

Historically, forest management of public, and sometimes private, land has been an activity of the State and its various agencies, established through constitutions, legislation and regulations that largely reject local claims to forest resources. Professionals and bureaucrats lead these activities, deriving options for use based on economic, scientific and planning criteria. Decision-makers then determine use and management strategies through negotiations with the most influential parties in a wider political arena. The gradual globalization of the world economy has, in many areas, reinforced State claims to forest resources. In such instances, this has further facilitated the exploitation of forests by national and transnational companies, to the disadvantage of local forest users (Poffenberger, 1999).

In this process, management decisions sometimes exclude the involvement of communities that continue to be the users and de facto managers of forest areas and whose livelihoods depend on those resources. Frequently, official planners and managers do not have the mechanisms, skills or resources to take into account the range of local views and interests. Too often, in the past, local stakeholders heard about planning arrangements and new management regulations only after those decisions had begun to affect their lives directly.

Over the past few decades, fundamental perceptions regarding the role, rights and responsibilities of communities in forest management have begun to change. *Community-based* forest management has consciously shifted decision-making away from centralized government or corporate entities towards local authorities and resource-user groups. The objective is to empower communities and resource users who have been marginalized from decision-making, so that they develop and manage their resources.

Diverse forces have supported the move towards community-based forest management, including current global trends of democratization and devolution of authority. These trends are fuelled by growing recognition of:

◆ the limits to existing centralized decision-making systems;

◆ the necessary link between the provision of basic human rights and all sectors of development.

Repeatedly, conflicts resulting from the shortcomings and failures of past forest management experiences have taught this lesson.

The basic premise of community-based natural resource management is that access to relevant knowledge about resource management options combined with more inclusive decision-making processes can contribute to more equitable and more sustainable natural resource management. (Chevalier and Buckles, 1999)

1.1.2 Forests, conflict and human rights

Human rights are the inalienable rights of all human beings. They consist of a certain set of basic or core rights without which people cannot gain access to or enjoy other rights. These rights include:

◆ the right not only to life but to a livelihood;

◆ the right to protection from violence;

◆ the right to safe water, food and shelter;

◆ the right to health and education;

◆ the right for both women and men to have a say in their future (Fisher *et al.,* 2000).

BOX 1.1 **WHAT ARE STAKEHOLDERS?**

Conflicts over forests occur at various levels, involving a variety of different individuals, groups and organizations. They take place at the household, community, national, regional and global levels. They range from conflicts among local men and women over the use of trees, to conflicts among neighbouring communities disputing control over woodland, and to villages, community-based organizations, domestic and multinational businesses, governments, international development agencies and NGOs over the use and management of large forest tracts.

In community forest management the term "stakeholders" is used to define:

◆ all those who possess a stake (or interest) in, or

◆ are affected by management of the natural resource or issue concerned

(Borrini-Feyerabend, 1996).

The term can be applied to individuals, communities, social groups or institutions that represent diverse interests, differing social dynamics and relationships of power and influence surrounding an issue.

The term "stakeholder" can also be applied to subgroups based on focus, level of authority, size and interests. The following are some examples of how this can be applied:

◆ *Within communities:* subgroups are based on gender, age, religion, caste or ethnic affiliation, business size or interests, or social ranking (for example, women, youth, chiefs, forest users, traders).

◆ *Within NGOs:* subgroups are defined by scale of operation, constituency or special interests (for example, national NGOs, international conservation organizations, community-based organizations focusing on local human rights).

◆ *Within governments:* subgroups are based on specific departments, location of service, decision-making roles (for example, local forest guards, forest officers, national planning offices, policy-makers).

In classifying stakeholders, there is a risk of seeing any group or subgroup as overly homogeneous. For example, using labels such as "women" or "community" may hide the diverse and often contradictory interests within these groups. For this reason, it is often more useful and accurate to identify stakeholders around an issue, problem or goal.

Section 3.3 will discuss in more detail how to identify and analyse stakeholders in a conflict. Section 9 provides useful activities to help develop skills in stakeholder analysis.

The concept of human rights did not originate from a single society, philosophical perspective, political system, culture or region of the world. However, defining and agreeing on what rights are is a topic of continuous debate. Civil and political rights, often called "first-generation rights", reflect a Western traditional view of the rights of the individual in society. Second-generation rights include rights to basic necessities such as food and shelter, and to social services such as health and education.

According to a Western view, human rights and fundamental freedoms cannot be separated, and the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is thought to be impossible. While not all societies agree on this notion of civil and political rights, most agree that second-generation rights must be realized.

There are a number of declarations and conventions that shape global and national action on human rights. The first common understanding was embodied in the Universal Declaration of Human Rights of 1948, unanimously signed by all members of the United Nations (UN).

Declarations and conventions that are particularly relevant to forest and natural resource management include:

◆ Declaration on the Granting of Independence to Colonial Countries and Peoples, 1960;

◆ General Assembly Resolution Permanent Sovereignty over Natural Resources, 1962;

◆ International Covenant on Civil and Political Rights, 1966;

◆ Proclamation of Teheran, 1968;

◆ Stockholm Declaration of the United Nations Conference on the Human Environment, 1972;

◆ International Covenant on Economic, Social and Cultural Rights, 1966;

◆ Convention on the Elimination of all forms of Discrimination Against Women, 1979;

◆ Moscow Declaration: Global Forum on Environment and Development for Human Survival, 1990;

◆ The Hague Recommendation on International Environmental Law, 1991;

◆ Declaration on the Right to Development, 1986;

◆ Declaration of the Hague, 1989;

◆ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992;

◆ Rio Declaration on Environment and Development, 1992;

◆ Agenda 21, 1992.

The violation of basic human rights in forest use or management is at the root of many conflicts, particularly when more powerful political or economic forces control the management and use of resources that are needed by communities for survival.

It has been said that if we want peace we must seek justice. To understand what justice means, we need to think of the rights of women, children, prisoners, disabled people and all those who are marginalized. Opponents in a conflict may discover that they are committed to similar principles of peace and justice, but have different priorities or ways of achieving them. A rights agenda can form one basis for building a future together. (Fisher *et al.,* 2000).

1.3 THE MANY FACETS OF CONFLICT

Conflict demands attention. In community-based forest management it erupts:

◆ within and among communities;

◆ between communities and governments;

◆ with other community-based organizations, NGOs, commercial interests and other external players.

Conflict in community forestry is not simply the outcome of centralized decision-making or changes to more decentralized forms of governance. It is an inevitable situation in which people have differently defined interests and goals in the use and management of forest resources. Conflicts commonly arise over disagreements of tenure, access, control and distribution of forest lands or products. Even the smallest, most remote communities gaining access to and managing forests under their own tenure and authority are subject to conflict, requiring their members to address disputes in one way or another. Conflict – whether public or private – is a pervasive aspect of forest use and management.

As it emerges, conflict can change significantly in form and intensity. People working in community forestry need to deal with it, yet it is not always easy to address. On close examination, a conflict can have many layers and change continually. It can involve and affect diverse groups of the community and wider political and economic institutions. Conflict is inherently variable, unstable and complex.

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

◆ Conflict is rarely just one event or one dispute between two parties.

◆ The origins of a conflict are often complex and multiple. They are embedded in local cultural systems but are also connected to the wider political economy of which communities are a part.

◆ A conflict is often a sequence of cause and effect events that involve people, resources and decisions.

TRAINER'S NOTE # 2

ADDRESSING COMPLEX CONFLICTS

These training materials describe how to dissect and analyse conflict, then suggest how to address specific aspects of conflict in a rational and planned way. In reality, a major part of conflict runs in the opposite direction: it is fuelled by emotion, history and underlying motivations. This can be confusing and frustrating for people who are new to conflict management. *Training activities #1* and *#2* provide an introduction to this subject and to the multiple factors that should be considered in addressing conflict and that hinder the collaboration of stakeholders in forest management.

1.3.1 Conflict as a constructive force

Many consider the term "conflict" to be negative, something that is "bad" and to be avoided. Certainly, the results of conflict can be a major constraint to community organization and cohesiveness. If conflict is ignored and allowed to escalate, it can prevent positive and needed social change and can lead to further resource degradation. Even worse, it can destroy the long-term cooperation and relationships that are necessary for collaborative forest management. This is particularly true in the case of "unbounded" conflict, which occurs when tensions escalate, relationships erode, geographic scope is broad or undefined, or other groups become involved. Unbounded conflicts can have a long-lasting legacy that does not recover in the short term (Lee, 1993).

Despite its negative connotations, conflict is a normal and common part of social and political life. It is pivotal to how we function as a community and how we relate to outside interests and forces. A collaborative approach to forest management recognizes and maintains a healthy respect for the different and often conflicting values and interests of multiple groups.

Conflict can have constructive and positive outcomes, depending on the way people handle it. Conflict can be an important catalytic force for social change (see Box 1.2). It alerts us to:

◆ inequality;

◆ potential loss or unacceptable impacts;

◆ potential obstacles to progress;

◆ the need or desire of the community to assert its rights, interests and priorities.

Conflict throws unclear issues into sharp focus. If dealt with effectively, conflict can help to identify the source of problems and suggest stable and orderly solutions.

Conflict is an intense experience in communication and interaction with transformative potential. For marginal groups seeking to redress injustices or extreme inequities in resource distribution, conflict is an inherent feature of their struggle for change. (Buckles and Rusnak, 1999)

Conflict can be a creative, constructive force in the community if we develop the skills to analyse and use it in a peaceful and participatory manner.

BOX 1.2 CONFLICT AS A CATALYST FOR CAPACITY DEVELOPMENT

Despite many years of talking to local government about its interests in maintaining forest access, the members of a community of traditional forest dwellers found that they were continually ignored and their grievances not taken seriously. Out of frustration and concern about future livelihoods, they became involved in an intense situation of open conflict requiring political lobbying and civil disobedience. When they initially became involved in the process, they aimed only to gain more political leverage and recognition so that they would be allowed to participate in forest planning activities. In fact, through their involvement in the conflict they developed a range of new skills that increased their capacity to participate more effectively. To be successful in lobby-

ing they learned how to organize themselves better, communicate through the media, work with outside organizations and gain access to information. All of these skills were invaluable ingredients in preparing them to participate better in a collective process.

1.3.2 Potential, emerging and manifest conflict

Sometimes we need to address a conflict before it starts to affect how people act or make decisions. At this stage, conflict is simply a *potential* threat; it lies latent, or hidden, in the fabric of the community or in the community's relations with others. Tensions may build even when people deny that any conflict exists.

In other forms, conflict is *emerging,* becoming increasingly obvious as time goes on. It may begin as a small problem but then starts to grow. It can emerge gradually and steadily, or develop rapidly because of a few significant events. As differences increase and intensify, conflict becomes *manifest*, a full-blown public issue that cannot be avoided. In Box 1.3, a time line depicts some of the events that led to the splitting of an inter-village forest management committee. This example depicts the various stages of conflict. Consider how the committee could have responded proactively in the latent stages to mitigate further conflict.

BOX 1.3 **TIME LINE OF ESCALATING CONFLICT**

Event	Stage of conflict
◆ A local forest management committee composed of representatives from five villages elects to initiate forest management practices over a large area of shared forest. A series of meetings begin to review current and proposed forest practices. Three of the villages dominate participation in the meeting over the other two. ◆ After the first month of meetings, representatives from the two villages that are not actively included in the discussions start to resent the process. They do not feel that they have had an opportunity to express views that are different from those of the other villages.	**LATENT**
◆ At the end of the second month, representatives from one of the marginalized villages stop attending the meetings, excusing themselves because of other work. ◆ The three dominant villages continue to pursue their own interests in meetings and ignore the decreasing participation of the other representatives. ◆ The village representatives who have stopped participating in meetings begin to meet informally with other village members.	**EMERGING**

MANIFEST

◆ A meeting is called between the two dissenting villages. They express dissatisfaction with the decision-making process and with not being listened to. A letter of complaint is written to the committee.

◆ The committee ignores the letter and pushes ahead with the need to confirm new management guidelines. Representatives from the marginalized villages walk out of the meeting. On returning to their villages, they tell their village members that the committee does not respect their membership. Both villages formally withdraw all cooperation with the management committee until it meets their demands to be treated fairly.

These stages in the development of conflict will affect considerations of priorities and the timing of any interventions that may be required to manage the situation. For example, it is often better to accept the cost of investing time and resources now, in order to address potential issues as they are detected, rather than to wait for something to happen. Anticipation of conflict and early intervention are usually more effective than very expensive and time-consuming intervention later on. "Later" may mean "too late".

TRAINER'S NOTE # 3

REMEMBER TO LOOK FOR CONFLICT THAT YOU CANNOT SEE

The source of a conflict may lie somewhere behind the conflict that is currently holding your attention. That is, the immediate issue being addressed may hide a deeper and quite different conflict. For example, people may obstruct effective and equitable resource use activities in order to strike a blow in a completely different conflict concerning other issues or people.

These are conflicts that you cannot see, but that are already actively causing problems. You may have to manage the underlying conflict before finding a solution for the issues that you are addressing on the surface.

1.3.3 Geographic, social and political scales of conflict

Environmental conflicts can link large geographic areas. Conflicts may extend over a large geographic area, as activities in one location affect the integrity of resources elsewhere. Ecosystem interrelationships over a landscape can link people in a common issue, even when they are geographically dispersed. A simple but common example of this is forest felling in the headwaters of a catchment area. This activity increases river siltation and leads to diminished water quality for villages hundreds of kilometres downstream.

There can be a diversity of conflicts in a small geographic area. A range of conflicts may exist within a relatively small geographic area, as multiple characteristics of human society interact with historical, regulatory or ecological parameters. For example, when there are ethnic, cultural and social differences among local resource-user groups, the type of resource conflicts may vary significantly within one watershed (Hirsch, Phanvilay and Tubtim, 1999).

Conflicts move both horizontally and vertically. Owing to its geographic scale, an issue of conflict may easily extend horizontally and cross through various political and administrative jurisdictions, involving local authorities, provincial and national government agencies and other countries. Local conflicts may also extend vertically to the national and global levels, not based on geography but on the special political relevance of the issue. For example, local disputes that rapidly escalate and involve distant groups may be centred on:

◆ a species that is globally endangered;

◆ a forest area of a particular type;

◆ indigenous rights;

◆ other human rights issues.

Similarly, local conflicts may result from broader policy and legal frameworks. Such local conflicts can be linked to stakeholders within various organizations and in different positions of power, who actively influence the development of these policies.

As can be seen from these scenarios, a conflict in forest management can, and usually does, involve multiple groups and subgroups of stakeholders. The design of a conflict management process should ensure that new stakeholder groups are identified at all stages, as the understanding and dynamics of the conflict change. This provides access to groups that had previously been excluded.

Multiple stakeholders can represent high degrees of cultural diversity. They can also have significantly unequal relationships in terms of their power to influence the issues that affect them. This is often a result of wide differences in access to information about resource use and alternative management systems. Clashing groups can have strong interests in

the same issue, but have different ideas on how to act on those interests. Such factors make the concept of stakeholders a complex and dynamic one, but a necessary factor in the management of conflict.

Section 3 discusses at length the identification and analysis of stakeholders in a conflict. This forms an important part of understanding conflict and is central to both building collaboration in forest management and initiating a process of conflict management.

Determining the geographic and political boundaries of a conflict and the relevant stakeholders can be a challenging task. Decisions that are made about the scale and level at which to define and manage a conflict will affect the selection of an appropriate process and solutions. Interventions to manage conflict must use an appropriate scale of planning and resources to address the issues effectively. Identifying opportunities for partnerships with other organizations or agencies, in order to intervene at the required scale, may be part of the conflict management strategy.

1.3.4 Differentiating between conflict within a community and with outsiders

An important consideration in examining a conflict related to scale is to determine whether the differences occur *within* a community, organization or group, or between a local group and *outside* interests.

Local communities are not homogeneous, but composed of various subgroups of stakeholders. The differing interests or access to information of these subgroups often give rise to conflicts about landownership, boundaries and traditional authority within a local community. Conflicts also arise between the stakeholders of a local community and outside groups, such as logging companies, government, NGOs and nearby villages.

There are large differences between these two contexts, and these have an important influence on how conflict management is approached.

Conflict within a local community or group

These conflicts are among friends and neighbours, among and within kinship groups, among neighbouring landowners or resource users, or between landowner and migrant (see Box 1.4). They occur among people who have established social relationships, often when there is an existing level of trust. They erupt within personal relationships and groups that are cooperating to achieve a shared goal. Conflicts can generate considerable emotions among the disputants, affecting their ability to interact with one another.

People who live together have a shared interest in maintaining peaceful and productive relationships with others who live nearby. They also have many options for taking action on a particular conflict because the existing network of relationships can be used to find a solution. However, even when such options exist, conflicts can undermine social relations and sometimes escalate into violence. Because relationships within a community are so intertwined, it may be necessary in some instances to bring in an outside facilitator who does not have a personal stake in the conflict.

Conflict between local and outside groups

Conflicts between local groups and outside organizations can have very different basic parameters (see Box 1.5). Because social networks are not as strong in these conflicts and interests are less likely to overlap, the range of options for an entirely locally based solution can be significantly reduced. It may therefore become necessary to seek conflict management assistance from a third party outside the conflict.

Outside groups have their own reasons for wanting to use or manage resources. Depending on the type and objectives of the outside group, it may not want to protect specific local interests in those resources. Such external groups pursue their own agendas and look to advance their own priorities. For some NGOs or government agencies, the agenda may include helping the local community; for others, it may not.

BOX 1.4 **CONFLICTS WITHIN A COMMUNITY**

Conflict within a community is often characterized by:

◆ personal relationships among key individuals, including the possibility of entrenched animosity among families and individuals;

◆ shared histories;

◆ emotional forces;

◆ arguments about who can validly claim to have an interest in a given resource;

◆ social and cultural definitions of authority and power;

◆ the presence of "invisible conflict";

◆ the influence of local politics and economic relations;

◆ connections to wider political or economic institutions.

For example, a new community institution is formed to oversee forest protection and management. Conflicts emerge over:

◆ recognition of traditional authority;

◆ benefit sharing;

◆ membership;

◆ household representation;

◆ family size and work contribution to the community institution;

◆ individuals' daily dependence on the resources, and their relative power and influence within the larger community group;

◆ more powerful groups in the community trying to control the new community institution for their personal interests;

◆ lack of transparency in meeting procedures;

◆ lack of consensus in decision-making by community institutions.

In some cases, subgroups may form to express their differences in opinion regarding what is good management. Family feuds are brought into the community institution, hindering effective decision-making. Politicization and the formation of rival factions may further divide the community.

In many cases, the outside group may feel justified by policy mandates, scientific technical expertise, resource extraction concessions or other legal and ideological bases for taking control of resources. External interests may have political power behind their interests (whether these be justified or not). In some cases, the outcome can be the marginalization of communities and local resource users. This has been an all too common experience for many local forest-dependent communities that have had their traditional livelihoods prohibited or restricted in top-down decisions by agencies for economic development or conservation purposes.

Of course, the issue can be far more obvious, for example, when outside agencies and groups override local concerns and interests by using intimidation, power and politics. Sometimes communities' responses to such actions are small-scale, individual acts of civil disobedience, such as wilfully violating rules or deliberately sabotaging activities. Not surprisingly, in many places, such responses have been treated by outside authorities as "policing problems" rather than indications of conflict. But local responses can also be more organized and larger-scale, including protests, boycotts or appeals to the government to offer official support to conflict management activities. The stark end-point of this facet of conflict can be war and violence.

BOX 1.5 **CONFLICT BETWEEN LOCAL COMMUNITIES AND OUTSIDE GROUPS**

Conflict with outside groups is often characterized by:

◆ widely divergent world views;

◆ distinctly separate sets of goals and intentions among parties to the conflict;

◆ a greater reliance on formal processes, such as legal systems and government decisions;

◆ a reduced number of options for resolving conflict due to lack of social relationships and a smaller chance that interests overlap;

◆ clear economic interests of different parties in the conflict;

◆ the strong influence of the dominant forces of politics and power operating in the wider society.

For example, when management objectives for a forest area give priority to conservation values over other local uses of forest products, conflicts emerge over:

◆ policy and planning processes that exclude local forest-dependent communities;

◆ boundaries for forest closure and buffer zones that do not blend with traditional subsistence areas and that disrupt local harvesting patterns;

◆ the selection of one village over others to provide local representation on a co-management committee with government;

◆ local fears of loss of cultural identity, which emerge as access rights to symbolic forest sites are denied;

◆ an NGO's provision of financial assistance to one village (as a model of forest protection) over another.

Commonly, the underlying reason for conflict is the inadequate participation of local groups in collaborative management. Such situations become more complex when two or three villages share the same forest patch and have separate community institutions to manage the area.

1.3.5 Balancing resolution and management

These training materials focus on *managing conflicts* rather than on *resolving* them. Ideally, one should work towards a resolution of each conflict. However, providing ultimate resolutions to conflicts is not an easy matter. Sometimes a conflict over forest resources may be entangled in complex and longstanding animosity among community members, families and various other social groups. The task of sorting out such deeply embedded relationships in order to achieve an ultimate resolution of all conflicts of interest may be impossible.

At the other end of the spectrum, some local conflicts may be tied to wider social, economic and political processes. Their resolution may require sweeping reforms at the national or even the global level, such as:

◆ formal recognition of indigenous land rights;

◆ land reform;

◆ devolution of authority;

◆ reduction or curtailment of certain economic development activities;

◆ improved governance and accountability of institutions and decision-makers.

Such broader policy issues and their implementation are beyond the scope of the approaches and activities covered by these materials.

The case studies in Section 8 provide examples of different conflict management strategies such as:

◆ holding frequent and regular management committee meetings at which stakeholders have time to air grievances (Case study 1, Haryana, India);

◆ negotiations of interests among communities, facilitated by the Community Forest User Group (Case study 2, Dhungeshori, Nepal);

◆ use of traditional leaders and elders as mediators following customary management methods for handling internal conflicts (Case study 3, Chiang Mai Highlands, Thailand).

 Section 4.2 will discuss these and other strategies in more detail.

T R A I N E R ' S   N O T E   #   4

RESOLVING VERSUS MANAGING CONFLICT

In theory, in order to resolve conflicts fully, the underlying tensions among conflicting parties must be removed. It can be useful in training to discuss whether this is always desirable or possible in forest management. Some practitioners argue that a certain level of conflict is a positive part of social change, and so it may not be healthy to eliminate conflict through resolution. Rather, we should manage the conflict so that it does not become destructive or violent (Buckles and Rusnak, 1999).

In addition, resolution may not be possible in a community forestry situation in which conflict involves many stakeholders and has many social, political, economic and cultural layers. Collaborative strategies to manage the conflict may be achievable and effective, but resolution, if it requires "an end to incompatibilities", may not occur (Daniels and Walker, 1999).

1.4 LOCATING CONFLICT IN COMMUNITY-BASED FOREST MANAGEMENT

In order to help those who are learning about conflict in community-based forest management to think more concretely about situations that lead to conflict, it is useful to ask them to reflect on their own experiences. Where do conflicts arise?

Although the dimensions and intensity may vary, on the surface most forest conflicts centre around securing access to needed land or forest resources of a certain quality or quantity. Resource users and managers commonly cite disagreements over:

◆ tenure and use rights;

◆ harvest regulations;

◆ competition with other users for a limited resource;

◆ unsustainable use;

◆ unfair distribution of benefits.

1.4.1 Key questions in identifying existing or potential conflict

Underlying issues frequently result from the way community-based forest management is organized and from the inadequacies of a particular collaborative planning and management process. The following paragraphs provide a series of broad yet essential questions related to these structures and processes. These questions provide:

◆ a guide for identifying where conflict may arise in forest management;

◆ a checklist to use when initiating or supporting programmes intended to strengthen more sustainable community use and management.

Have we adequately identified and involved the stakeholders?

Failing to identify and involve the full spectrum of stakeholders limits understanding of these groups' diverse needs and priorities (see Box 1.6). It also ignores local and indigenous knowledge of the management setting.

◆ What happens when these diverse interests are not taken into account in decision-making?

◆ How are the different stakeholders participating: are people merely providing labour or information, are they sanctioning predetermined objectives or are they actively engaged in problem solving and direction setting? How may these differences in level and extent of participation result in conflict?

◆ How can different levels of participation affect stakeholder negotiations, the reaching of consensus on needed agreements or the transparency of the process? How can participation affect agenda setting?

◆ What impacts will participation have on the understanding, agreement and overall compliance of stakeholders to programme or policy objectives?

◆ How will management policies or regulations that fail to take into account local forest resource rights and practices affect the community institutions that currently or historically govern resource use?

BOX 1.6 CONFLICTS ARISING FROM DIFFICULTIES IN IDENTIFYING STAKEHOLDERS

A conservation warden negotiated an agreement so that two local communities could have seasonal access for their livestock to water sources within a national park. The agreement specified who received access, the number of cattle allowed and the responsibilities of community members.

Over time, outsiders migrated into the community in order to gain access to the water sources, and residents listed in the agreement brought in cattle belonging to other communities. In addition, some community members and park staff allowed people who were not part of the agreement to use the corridor for access to grazing areas.

Conflicts arose at different levels. Households that upheld the agreement resented those who broke it. Park officials committed to the project's success were pitted against park officials who colluded with local community members to break the rules. The stakeholder groups – community and park officials – changed over time as interests and concerns within the groups divided.

The difficulty of defining and the failure to re-examine the stakeholder groups over time, coupled with the inability of park officials to regulate resource access, contributed to the failure of this innovative project.

How do we respond to an incomplete information base?

Imperfect information will always be part of the environment in which people involved in forest use and management work. The adequacy, nature and ownership of information are issues at all levels of planning and management (see Box 1.7). So what is an appropriate response?

◆ Do we tap into and build on existing local knowledge systems?

◆ Do we develop mutually understandable systems of learning, particularly when confronting diverse levels of education and training?

◆ Do we proceed with many unknowns and assumptions?

◆ What implicit assumptions are being made about the causes and effects of conflicts and resource problems? What assumptions are we making about what are and are not acceptable resource uses, effective management practices and viable or desirable livelihoods?

◆ What are the consequences when weaknesses in these assumptions surface and activities fail?

◆ Do the methods that we use to gather information invite active participation by the stakeholders? (For example, are we using participatory action research, public input meetings, surveys, focus groups, etc., and how does this affect the usefulness of the information base?)

◆ How do we combine scientific and indigenous knowledge or information?

◆ Who will interpret or validate the data, and how will that affect the analysis and management recommendations?

How do we share information?

Effective sharing of information on policies, laws, procedures and objectives can enhance the success of programmes and reduce conflicts. The availability of information also affects how information is presented.

◆ What happens when adequate information is not provided?

◆ Has the information been prepared with the end users (forest communities) in mind?

◆ Is it accessible and comprehensible for this audience?

BOX 1.7 INADEQUATE INFORMATION SHARING LEADING TO CONFLICT

Villagers destroyed a water piping system because they believed it would reduce the water flow to their community. This destruction occurred despite the fact that hydrological studies indicated that the system would pose no threat to the water supply. The planners and project staff did not effectively communicate this information to the local community.

How narrow or broad are our focus and scale?

Many programmes and projects are designed with a relatively narrow focus, both geographically and conceptually. Interventions that concentrate on a specific site or sector often ignore the wider policy, economic and legal frameworks that influence the achievement of their objectives (see Box 1.8).

◆ How does focus affect the ability to anticipate conflicts in the medium to long term?

◆ Do we have the ability to consider events, policies and economic trends more broadly or to anticipate external threats?
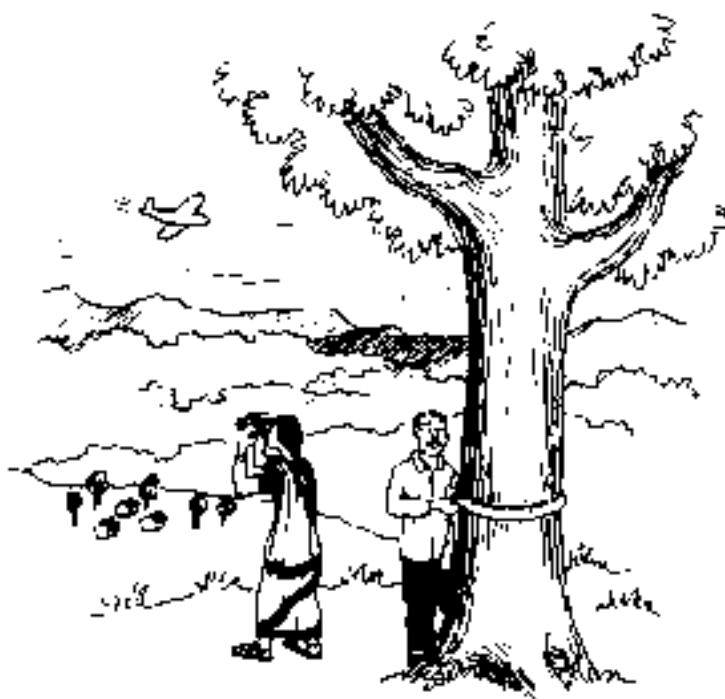
BOX 1.8 **CONFLICT BETWEEN INCOMPATIBLE LOCAL AND NATIONAL DEVELOPMENT OBJECTIVES**

A conservation organization assisted indigenous forest dwellers to establish and develop appropriate non-timber forest products (NTFPs) for sale in overseas markets. Considerable resources were invested over a six-year period to train local people in the procurement, testing and processing of new products and to establish markets. This activity aimed at helping to maintain the area's high biodiversity values and protecting local culture. During the six-year period, there was little communication with the government about the activity. Government officials were located in the capital, did not visit this remote rural area and had shown little previous interest in alternative small-scale enterprises.

In the final year of the project, the conservation organization and local villagers were informed that a major mining operation was being planned over half of their customary forest area. The government development authority had endorsed mining as a primary means to increase export earnings in the national development plan. It fully endorsed the operation and had been working to secure the mining operation over the previous years. When the organization was notified about the government's intent, a major conflict followed.

How well do we coordinate bodies of law, policy and legal procedures?

Most countries are characterized by legal pluralism – the operation of different bodies of formal and informal laws and legal procedures within the same socio-political space (see Box 1.9). Such institutions may be rooted in the nation State, religion, ethnic group, local custom, international agreements or other entities.

◆ To what extent do these bodies of law overlap?

◆ How complementary, competitive or contradictory are they?

◆ What conflicts emerge because there is a lack of harmony and coordination among these different legal orders?

To what extent is planning coordinated?

Despite growing recognition of the need for integrated approaches to natural resource management, many government and other agencies still rely on sectoral approaches with limited mechanisms for cross-sectoral planning and coordination.

◆ What conflicts arise when there are overlapping and competing planning objectives and activities among agencies?

◆ How can we coordinate objectives better?

BOX 1.9 **CONFLICTS FROM DIFFERING LEGAL ORDERS**

An international development agency provided support to rehabilitate and improve a traditional hand-dug well, controlled by a single local clan. The agency insisted that landowners sign legally binding documents to ensure that the improved well was for use by all community members. However, the landholding clan dissuaded others from using it by invoking customary law.

What about the existing institutional capacity?

Too often, insufficient attention and support are provided to building the institutional capacity of government, NGOs and community-based organizations that are essential to sustainable forest management (see Box 1.10). Organizations not only face financial constraints to staff and equipment, they also often lack skills in organizational planning, management and financial accountability.

◆ How is a key local organization's lack of capacity going to influence conflicts with other stakeholders?

◆ To what degree will inadequate capacity among community groups, such as local management committees, make them vulnerable to more powerful and established organizations?

BOX 1.10 **CONFLICTS ARISING FROM POOR INSTITUTIONAL CAPACITY**

As a result of a new national government decentralization policy, the Ministry of Environment created a Local Watershed Management Council for a city that depended on the rural upland watershed area for its potable water supply. This council was responsible for creating, implementing and enforcing a watershed management plan for the entire area. It consisted of representatives from a diverse set of urban and rural stakeholder groups in order to ensure that a range of interests in watershed management were incorporated into the final management plan. While the Ministry provided the council with additional funding to hire land-use planning experts, most of the council members did not have experience of developing watershed management strategies. The council also did not have a skilled facilitator to handle the difficult task of balancing the diverse interests of urban and rural groups. After only a few meetings, the representatives from the rural stakeholder groups walked out of the process in anger, stating that their interests were being ignored in favour of urban concerns and the difficult-to-understand opinions of the specialists.

How adequate are our monitoring and evaluation?

Programmes and projects are often designed without clearly defined monitoring and evaluation components. Without sufficient monitoring, stakeholders may not assess progress accurately or recognize and identify changing situations (see Box 1.11).

◆ How do gathering feedback and monitoring affect the ability to anticipate and respond to conflict?

◆ How will a failure to recognize and promote achievements and important lessons about processes affect the influence of organizations, programmes and projects in the wider arena?

◆ Why is communicating achievements important for maintaining stakeholder support and building needed alliances and constituencies?

◆ What conflicts might emerge if the programme's positive management impacts are not shared?
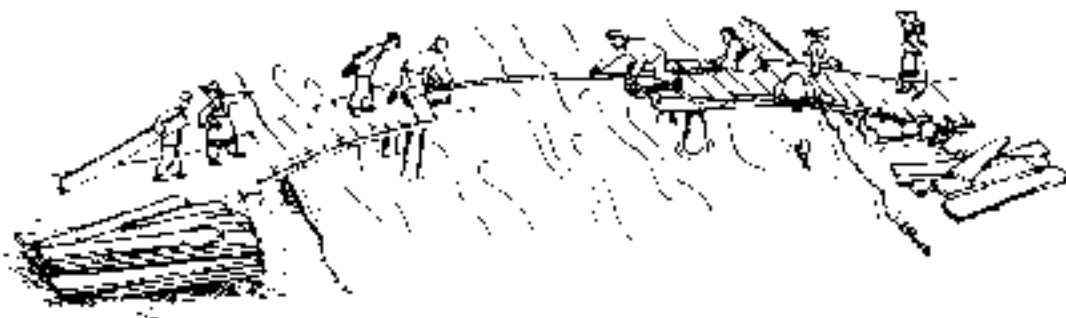
BOX 1.11 **CONFLICTS FROM INADEQUATE MONITORING**

For more than ten years, three villages were caught in sometimes violent conflict over competing claims to a patch of forest land. After several months of trying to convene the various factions, a forest conservation NGO finally convinced them to come to the table to manage the conflict. The people of the three villages were tired of the fighting and were prepared to negotiate, as long as the

final agreement addressed their needs and interests. The NGO began to facilitate the process, but did not first work with the stakeholders to define a clear set of realistic objectives and criteria by which to mark progress. The NGO also failed to highlight small but significant agreements that the three villages had made early in the process. As a result, most of the villagers quit the process after the first four meetings, frustrated that a final solution had not been found.

1.5 SECTION SUMMARY

Section 1 has introduced situations of conflict and some of the considerations in managing conflict in community-based forest management. Sections 2 to 5 will examine most of these concepts, including analysing the causes of conflict, stakeholders and geographic scale; the use of different strategies for managing conflict; and the need to manage conflict in forest management.

The concepts presented in Section 1 will be useful to trainers who are introducing conflict. The following paragraphs give a brief summary of these important considerations. To support the introduction and the discussion of the concepts, trainers are also provided with training activities (Section 9).

Community-based forest management is part of the evolving art of forest management. While there is an appreciation of the interests of multiple parties, in community-based forest management there are conscious aims to ensure that the benefits of forestry are enjoyed by local forest-dependent communities and to strengthen those communities' role in management. This trend is the result of past findings that policy and programmes to manage forests sustainably will not succeed – and often result in conflict – if local communities do not participate in their planning and implementation.

Conflict itself is neither negative nor positive. Conflicts of interest, values and perspectives among forest users are a normal part of society. The outcomes of conflict may be constructive if disputing groups can manage their differences. It is critical to understand that stakeholders in forest planning and management have different views and need effective tools to address these differences.

Conflicts are often complex. Often conflicts over forest use have multiple causes and long histories. They have various stages of development, and may be extensive in terms of geographic, social and political scale. Identifying the various contributing factors to a conflict, understanding how the situation has changed over time and being able to set boundaries are crucial first steps in managing a conflict.

Conflicts over forest use commonly affect a wide range of individuals, groups and subgroups. This fact encourages a pluralistic and collaborative approach to both a forest management intervention and the addressing of conflict. It underlines the need to develop a conflict management process that involves key stakeholders at the outset. Reviewing who these stakeholders are as the dynamics and understanding of the conflict change is equally critical.

Conflict management requires addressing differences among stakeholders. Stakeholders can be very diverse in terms of their cultural backgrounds, political and social power and influence, education, access to information, available time and incomes. The managers of conflict must identify these differences and find ways to make the interactions among groups more equitable. A conflict management process must ensure that marginalized groups can express their interests and influence planning and management. Conflict management strategies will often require parallel processes of capacity building to support full participation.

Seeking to manage conflict may be a more realistic response than seeking to achieve resolution. There are many difficulties in resolving a conflict fully, and these are affected greatly by the complexity and extent of the conflict, underlying emotions, history and other contributing factors. The focus should therefore be on using the range of conflict management strategies that are most appropriate to the situation and stakeholders involved. Establishing mechanisms within management systems for addressing differences and grievances among stakeholders is essential.

Conflict can arise from most parts of the process of community-based forest management. Section 1 provided a set of questions to help stimulate thinking about conflict in community forestry. Conflict managers should ask these essential questions as they design, implement and evaluate field projects, programmes or policy interventions in community forestry. Neglecting to consider these elements can easily lead to new or worsened conflicts. Many other questions will undoubtedly arise as the process progresses. Section 2 discusses how these issues are addressed in forest planning and management.

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SECTION 2

SECTION 2
COLLABORATION AND CONFLICT

This section is about using collaboration as a basis for managing resources and anticipating and handling conflicts. Understanding the fundamentals of collaboration is essential to supporting stakeholders who are negotiating agreements on forest use and management. This section examines collaboration and its relationships to community-based forest management and managing differences among interest groups. More specifically, it:

◆ describes how conflict has given rise to trends of collaborative management and how collaboration can itself be a source of conflict;

◆ identifies important elements of a collaborative process for both community-based forestry and managing conflict;

◆ outlines a process for managing "live" conflicts based on a collaborative approach.

2.1 RELATIONSHIPS BETWEEN COLLABORATIVE MANAGEMENT AND CONFLICT

At the centre of community-based forest management is collaborative management (also referred to as "co-management"). The term "collaborative management" is used broadly, and encompasses a range of activities including participatory forest management, community or social forestry, joint forest management and integrated conservation and development projects (Fisher, 1995).

Collaborative management is applied to management over State, private or customary lands and forests, and to shared management of protected areas.

The collaborative management approach has two main objectives:

◆ managing the use of forests and forest products through negotiating a mutually agreeable set of principles and practices among stakeholders;

◆ establishing processes of sharing power among stakeholders when making decisions over a resource (Ingles, Musch and Qwist-Hoffman, 1999).

In addition to these objectives, there are also certain assumptions that are shared, if not always made explicit:

◆ the strengthening of communities requires increasing local control of resource use and decision-making;

◆ increased involvement of local stakeholders will result in more sustainable livelihoods;

◆ the legitimacy of diverse values is recognized;

◆ development and conservation are not necessarily antagonistic (Fisher, 1995).

In reference to this last assumption, collaborative management recognizes environmental values and the need to use and manage resources in order to ensure ecological sustainability. Linked to this belief is the notion that it is possible to find ways of achieving economic goals without sacrificing environmental standards.

Collaborative management is being tested throughout the world. No single model has emerged or is likely to emerge. Different historical conditions, social and political settings, needs and demands give rise to a diversity of partnership arrangements. These different partnership arrangements are characterized by various degrees of responsibility and power sharing (Fisher, 1995).

2.1.1 From conflict to collaboration and back again

A major catalyst for global trends towards collaborative community-based forest management has been the eruption of conflict when local demands for self-governance challenge centralized government forest management systems. Additionally, in most countries, forestry has been shifting from a narrow focus on timber production towards management that provides for multiple uses, products and values. In this shift of orientation, the top-down planning approaches of the past, which often

relied solely on professional and government expertise and opinion, have become inadequate. Wider and more meaningful stakeholder involvement is required at all levels of decision-making in order to address issues in which there are multiple and divergent views on forest use, access and control.

Collaborative management agreements offer substantial promise for dealing proactively with differences among indigenous peoples, local communities, other stakeholders and State agencies involved in forest use. Differences and conflicts will arise, but a collaborative planning and management process can establish mechanisms that anticipate and manage them more effectively.

Collaborative forest management can be seen as returning greater control to local communities and formally recognizing their management authority. It has most often been initiated by the actions of external change agents, such as national governments, international agencies and NGOs, in response to increasing tensions among local stakeholders. Increasingly, communities are demanding collaborative management as part of grass-roots political movements. No matter how collaboration is initiated or developed, conflict is inevitably encountered.

Pre-existing conflict

Conflicts can have a long history of impact within a given area prior to the initiation of collaborative management activities. This can be because of evolving power relations and rivalries between or among villages, or longstanding poor interactions between local groups and external agencies. There may be a legacy of hostile interactions, suspicions, alliances and failed attempts to reconcile differences.

Such pre-existing conflicts may involve resource competition, scarcity, the inequitable distribution of benefits from forest products, poor involvement of key users in decision-making, and so on. Very often it is these specific issues that have led to a policy change or management intervention prescribing greater collaboration. Throughout the world, collaborative management has been largely initiated in response to conflict and crisis situations.

Other conflicts may also be present, arising quite independently from specific resource or management issues. For example, deep-seated differences in belief systems among culturally or ethnically diverse groups may

exist, preventing these groups from working together in community fora or addressing shared resource issues.

Initiating collaborative management requires that conflicts be identified and addressed. Experience has shown that ignoring differences may eventually lead to conflicts undermining or hindering progress in collaborative management.

Conflict resulting from weakness in collaborative management processes and structures

Collaboration itself necessarily involves change. The objectives of collaborative approaches to management often require:

◆ the examination and transfer of power and authority;

◆ the provision of secure access and tenure to local people;

◆ the review, recognition and, often, formalization of traditional roles;

◆ modified roles for scientists and technical advisers;

◆ revisions to policy and law;

◆ changes in existing institutions or the establishment of new institutions;

◆ changes in use patterns and livelihoods, and often the introduction of new alternative sources of income generation.

Both the *perceived* and the *real* impacts of these activities can easily lead to situations of conflict.

Given this situation, the introduction of collaborative management as part of a policy change or programme intervention requires that adequate attention be given to the conceptual framework and processes that build collaboration among stakeholders. Unfortunately, this is not always the case. Too often, external agents, for example forestry staff, conservation managers or policy-makers, just assume that local stakeholders will collaborate – voluntarily, skilfully and effectively – in whatever form deemed necessary for the desired change.
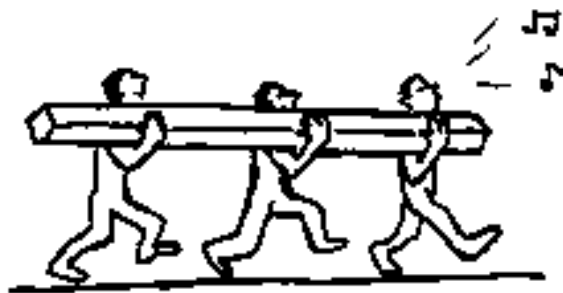
The reality is, of course, quite different. Conflict rather than consensus is likely to be the defining feature of the situations that community forestry addresses (Leach, Mearns and Scoones, 1997). Collaboration is much more difficult to achieve. Forest management issues involve many subgroups of stakeholders with quite different interests and aspirations. Society and natural environments are dynamic, and levels of tension rise and fall with changing patterns of human use.

Without adequate participation or sufficient resources or time for developing an appropriate collaborative framework, emerging conflicts are inevitable. Although there is no single model of collaborative management, the lack of an appropriate framework for shared decision-making on management rights and responsibilities can lead to the complete halting of an initiative.

However, even when the best processes for planning and managing collaborative forest initiatives are in place, conflicts will still emerge. Just as with more centralized systems of management, there will be times when collaborative management works well and others when it looks as though things are collapsing. The expected difference, however, is that in a programme where the key elements of collaborative management have been well developed (for example, where effective systems of monitoring, anticipating conflicts and managing disputes are present) conflict can help draw attention to emerging weaknesses and help to fine-tune and improve collaborative processes, structures or institutions (see Box 2.1).

BOX 2.1 **DHUNGESHORI COMMUNITY FOREST USER GROUP**

Case study 2 in Section 8.5 describes a number of conflicts faced by the Dhungeshori Community Forest User Group (CFUG) in Nepal. These conflicts were varied and included boundary disputes with local farmers and another CFUG, problems of misused money and challenges in leadership.

Although, at the time, these conflicts placed considerable strain on the Dhungeshori CFUG, the group was able to manage the disputes successfully. The case study indicates a number of important contributing factors to this outcome, such as the Community Forestry Programme's establishment of venues for airing grievances and issues, and the engagement of all sectors of the community as participants in the conflict itself. The CFUG's commitment and effectiveness were strengthened in the process, through increased awareness of stakeholders and their rights, responsibilities and benefits in managing the forest.

Conflict resulting from the unanticipated success of collaborative management

A sometimes forgotten component of collaborative management programmes is anticipating success and considering conflicts that may arise from successful management outcomes. Effective community-based forest management often results in increased local capacities, such as:

◆ strengthened local organizations;
◆ the establishment of supportive networks;
◆ partnerships with more powerful groups;
◆ increased knowledge about human rights and legal mechanisms;
◆ improved access to needed information;
◆ development of local skills – including those for problem analysis, planning and organizational and financial management;
◆ improved self-confidence.

Enhanced awareness and capacity can motivate local people to challenge broader and underlying inequities, social structures and policies.

Similarly, the enactment of new policies that result in structural changes, such as the decentralization or democratization of decision-making, allows for wider stakeholder participation, which can result in conflict. At the site level, officers responsible for implementation may resist such policy changes, thereby causing conflicts to erupt when informed local communities become vocal in asserting their rights. It is therefore necessary to plan for the implications of policy reforms, ensuring that key individuals and organizations support implementation and have the capacity to carry it out.
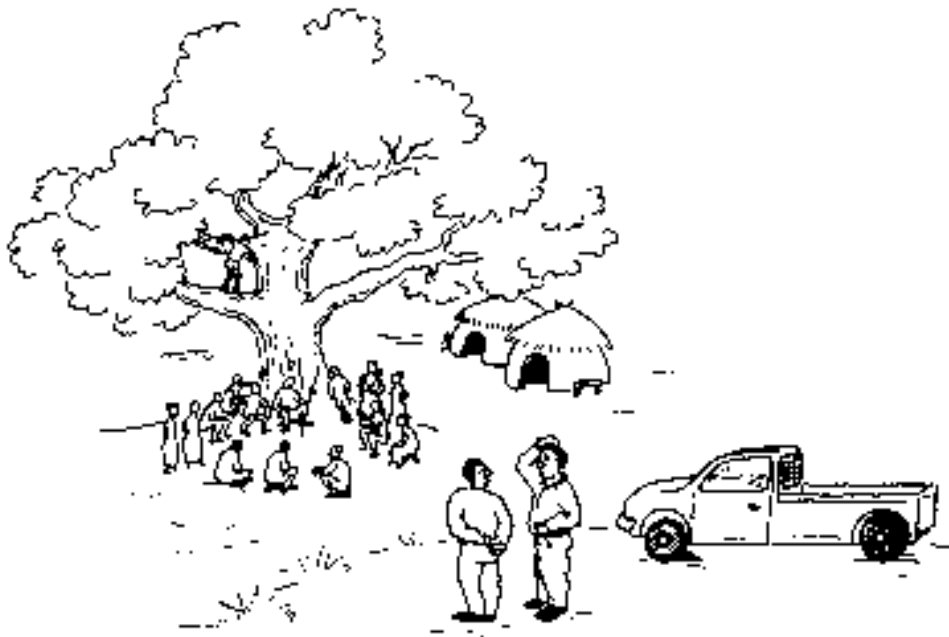
Ironically, another unanticipated consequence of effective forest management is that improved care and use of the resource can generate conflict among interest groups as they struggle over the control of the improved asset. For example, replanting schemes that provide additional fuelwood may raise new questions about the distribution of the resource among families. Where management actions have been effective, collaboration can give way to competition as groups reinterpret their interest in the resource.

2.1.2 Managing conflict: one of a number of processes that support collaborative management

Collaborative management involves a number of processes that help establish and maintain a mutually agreeable set of principles and practices for the management of forest resources. Conflict management is one of these processes. The importance of conflict management within a collaborative management framework varies from situation to situation, depending on the degree or scale of existing or potential conflict.

The strength of collaborative management strategies will have a significant impact on the frequency, size and scale of the conflicts that arise and the overall success of activities undertaken to manage them. Elements of collaborative management strategies include:

◆ the approach to addressing historical concerns and attitudes;

◆ ways of involving stakeholders or building solid working relationships;

◆ processes of sharing information and exploring options;

◆ sharing decision-making;

◆ gaining feedback on changing situations.

Understanding conflict is vital to supporting participatory frameworks for forest management. Understanding is also critical to nurturing an atmosphere in which differences among stakeholders are openly expressed and channelled into creative solutions. For collaborative forest management to be effective, processes and structures must anticipate and respond to differences among stakeholders.

Many conflicts are created in forest conservation and sustainable livelihood schemes because of an overemphasis on achieving immediate and predetermined management outcomes, as opposed to establishing a strong collaborative process that will create sustainable results.

Conflict anticipation and management are therefore critical ingredients of collaborative forest management. It would be meaningless to view these approaches as standing by themselves. They are not to be treated as separate activities, but rather should be fully integrated into a broad frame-

work of collaborative management, building on processes that lead to mutual gain. This requires us to:

◆ encourage and support the best possible participatory processes for planning and implementing a policy or management intervention;

◆ establish effective mechanisms for addressing latent, emerging and manifest conflicts as we become aware of them within the larger planning and management process.

2.2 ESSENTIAL CONSIDERATIONS ABOUT COLLABORATION

The discussion in Section 2.1 highlighted the need to consider carefully what makes collaboration attractive to multiple stakeholders and what is required to make forest collaborative management effective.

2.2.1 What is collaboration?

True collaboration is a process in which two or more stakeholders with different interests in a common problem explore and work through their differences together searching for solutions of mutual gain (Gray, 1989). Under some circumstances, local stakeholders are pressured or manipulated into cooperation. This is not collaboration, but coercion, which creates an environment in which conflict will inevitably emerge.

2.2.2 What motivates people to collaborate?

In community-based forest management there is a challenge to build and nurture a process of collaboration in all stages of designing and implementing an initiative. Similarly, supporting a process for collaborative conflict management requires an understanding of what motivates stakeholders to participate.

Research in this area has shown that, for stakeholders to be willing to work together in managing a forest or to participate in managing a conflict, they need to believe that:

◆ collaboration will pro-duce positive outcomes;

◆ other options for achiev-ing solutions will not serve their interests;

◆ it is possible to reach fair agreements in resource management among multiple stakeholders;

◆ there is capacity among the stakeholders to par-ticipate in collaborative management;

◆ other key stakeholders will agree to collaborate (Gray, 1989).
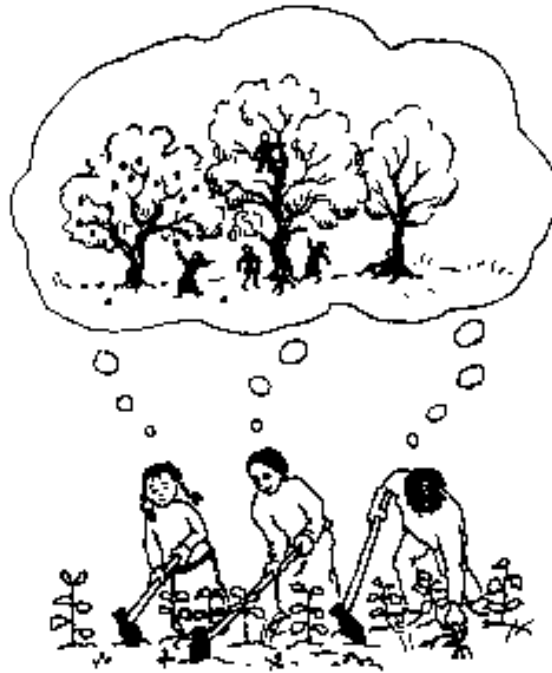
A process that supports sustainable forest management will facilitate stakeholder understanding of, and commitment to, collaboration. The process will be designed to recognize stakeholders' incentives for work-ing together to build understanding and commitment. Establishing an enabling environment for collaboration takes time, resources and the nec-essary mechanisms for bringing people together. Unfortunately, in prac-tice, these prerequisites are too often inadequately considered.

A group's commitment to collaborate hinges on the perception that agree-ment among stakeholders will provide positive outcomes for its mem-bers. Positive outcomes include:

◆ material benefits;

◆ recognition of tenure and use rights;

◆ enhanced cultural identity;

◆ achievement of immediate and long-term interests.

One example of a positive outcome, and a strong incentive to collaborate, is the need to build or maintain key relationships and alliances. There can be powerful cultural norms operating at the local level to bring people together to overcome differences. The web of social relations within a community can oblige disputing parties to work towards a resolution, especially when they are encouraged to do so by family members, neighbours, community leaders or government officials. A challenge to planning and management is to facilitate and nurture a culture of collaboration. An important element in this is identifying the interdependency of stakeholders in order to achieve outcomes that all parties value.

TRAINER'S NOTE # 5

STARTING COLLABORATIVE PROCESSES

It is helpful to emphasize in training that existing conflicts affect decisions about when to introduce collaboration.

Where there are no overt conflicts, there may be a greater willingness to collaborate, particularly if the problem is *shared* and more or less *unilaterally affects all groups.* For example, a situation in which a forest agency, a village community and an NGO acknowledge forest degradation, and all feel the unacceptable impacts on their individual needs, may provide a strong incentive for all groups to collaborate on actions for forest regeneration.

Where conflict is "live" or seen already to exist among stakeholders, finding incentives to collaborate may be more difficult. Opposing stakeholders may fail to define a common problem, lack a perception of shared interest or believe that other methods for resolving conflict are preferable. Determining the likely difficulty of stakeholder collaboration is part of analysing conflict (Section 3) and reviewing workable strategies to address it (Section 4).

Training activities #3 to #6 assist the understanding of what collaboration is and what factors support and encourage its development. These activities also provide insights into the difficulties encountered in initiating collaboration.

2.2.3 What are the key building blocks of an effective collaborative process?

A process for building collaboration in forest management relies on a number of key components and principles of engagement (see Table 2.1). These same components and principles provide the building blocks to community-based approaches to managing and resolving conflict.

Key elements in collaborative forest planning and management include (adapted from Worah, Svendsen and Ongleo, 1999):

1. shared analysis of the situation;

2. stakeholder negotiations and agreements;

3. building capacity for change;

4. partnerships and alliances for implementation;

5. establishing and maintaining processes of collaborative learning;

6. establishing and supporting mechanisms for managing conflict.

1. Shared analysis of the situation with stakeholders. A foundation for ongoing stakeholder participation is the shared collection and analysis of information about the situation. Shared analysis can provide appropriate and timely information for decisions on management actions (including changing policy, negotiating management agreements, designing liveli-hoods, monitoring). This activity needs to be repeated at various points in
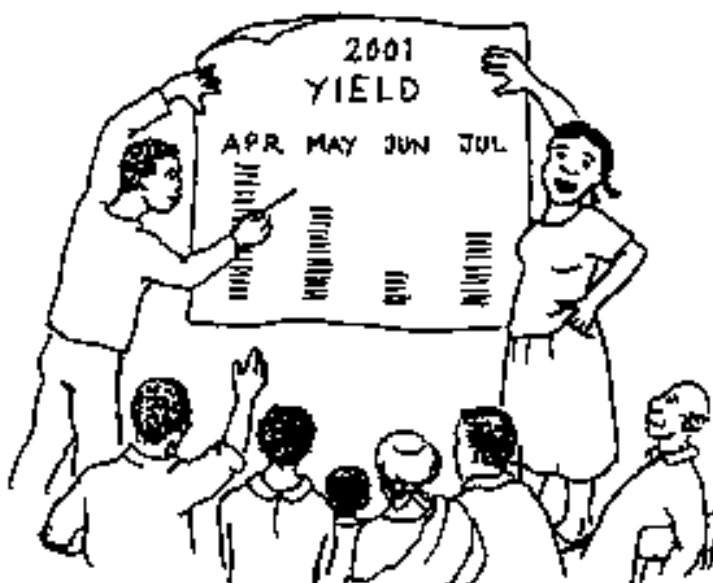
decision-making. Shared analysis builds on local understanding of the current situation and problems. It blends traditional and modern knowledge systems to optimize possible solutions.

Ideally, all stakeholders, particularly local and forest-dependent communities, are involved in determining information needs and designing information collection systems to guide research. A shared analysis of problems can mitigate or prevent major areas of disagreement in later negotiations on management issues. Sometimes constraints on time and financial resources prevent this from being undertaken as thoroughly as the situation requires. In such situations, the cause of the limitations should be examined and creative solutions sought. This activity is crucial to the process of collaboration. Shortcutting the process almost always means increasing difficulties later.

2. Stakeholder negotiations and agreements. The negotiations that take place among stakeholders can be the most crucial aspect affecting the achievement or failure of intervention objectives. Negotiations should lay out the interests, expectations, needs and priorities, strengths and weaknesses of individual stakeholder groups. In community-based natural resource management, an effective process of stakeholder exchange and consensus building does not stop at the point at which an agreement is reached. Instead, it is an ongoing process that evolves and adapts to changing external and internal factors.

Participatory stakeholder identification and analysis sets the stage for effective agreements. The voluntary act of negotiation and obtaining the necessary informed agreements requires that the relevant stakeholder groups understand:

◆ their own dependency and interests with respect to specific resources or resource issues;

◆ other stakeholders and their interests;

◆ how resource issues affect stakeholders differently;

◆ interdependence among stakeholders;

◆ the relative contributions and strengths of each stakeholder.

Stakeholder analysis provides insights into the complex and sometimes unequal relations among different resource user groups with respect to influence, access to resources and information. Used in the design and implementation of both policy and management strategies such analysis

assists us in identifying and anticipating potential conflict. Stakeholder analysis also informs us of capacity building requirements and other needs of weaker and less powerful groups. Stakeholder analysis is critical to identifying existing and potential alliances among groups that can be used to influence outcomes and support compliance with negotiated agreements.

3. Building capacity for change. For stakeholders to be engaged more equitably in the planning, objective setting and implementation of forest management, they must have the knowledge, skills, attitudes and resources needed to carry out these roles. Stakeholder self-assessment of needs should form the foundation of capacity building programmes, and should be planned from the beginning. Providing adequate resources for institutional development and other activities that strengthen a group's ability to participate in the negotiation process is crucial. This is required for supporting the long-term sustainability of any initiative or process.

4. Partnerships and alliances for implementation. Developing broad constituencies, partnerships and alliances for improving the implementation of activities is critical to the success of collaborative management regimes. The strengths of the different stakeholder groups should be recognized and built on. Such alliances and partnerships can help reduce power disparities and inequities among stakeholders, as less powerful groups can draw moral, material and political strength from their networks.

5. Collaborative learning. Systems of monitoring and evaluation are designed collaboratively using locally appropriate methods. Such systems provide a capacity for monitoring impacts, embracing error, learning together, building knowledge and distilling lessons in support of future decision-making. All of these circumstances underline the necessity of creating processes that include stakeholders' involvement in establishing what should be monitored, selecting indicators, collecting and analysing data, jointly evaluating and recommending change. These activities provide a foundation for detecting conflicts before they escalate into serious situations

Partnerships, learning and action are intertwined. Such collaboration will help to ensure that information regarding relevant policies and practices will be both accessible and understandable in local contexts.

6. Effective mechanisms for managing conflict. From the beginning, the design and implementation of any initiative must incorporate mechanisms for anticipating and managing conflict. The case studies in Section 8 show how these mechanisms can be as simple as regular committee meetings at which to discuss growing tensions, or as complex as formal systems of review and mediation. Collaborative planning processes must be thorough and practical in assessing risks and proposing mechanisms to reduce or mitigate them. Such mechanisms ensure that stakeholders deal with potential or emerging conflicts constructively in order to reduce the chances of their escalation. In some contexts, there will be real challenges to doing this; for example, when necessary mechanisms cannot easily be put in place owing to legislative, policy or cultural constraints.

TRAINER'S NOTE # 6

ACKNOWLEDGING AND WORKING WITH DIFFERENCES

In community-based forest management the objective is not to design a process that aims to mitigate conflict completely. Conflict can be a positive and necessary force to level the playing field prior to the more equitable engagement of local stakeholders. Planning and management frameworks should build on the principle that there are real differences among stakeholders in terms of their interests, influence and capacity. The goal is to deal with these differences effectively. Mechanisms must be in place to put forward the differences and address them explicitly and transparently.

Training activity #7 is a useful aid to exploring the process of conflict management. This activity introduces participants to the various steps involved in managing conflict, encouraging them to consider in what order to take them. An effective process highlights the need to check repeatedly the fundamentals, such as stakeholder involvement and power, capacity building and information needs.

TABLE 2.1 GUIDELINES FOR A COLLABORATIVE PROCESS

Guideline	Key elements
1. Establish and maintain a transparent process of collaboration based on mutual respect, shared goals and joint learning.	◆ Makes explicit the relationship between the process and formal decision-making. ◆ Collaboration is not co-opting or manipulating weaker or opposing stakeholders to an agreement. ◆ Requires openness and honesty of objectives, interests and expectations by all stakeholders. ◆ Requires the recognition that errors and misunderstandings are likely to occur, and that these are to be learned from, rather than ignored or hidden.
2. Make participants responsible for ensuring the success of the process.	◆ Allows participants to define the issues. ◆ Focuses on stakeholders' interests. ◆ Facilitates stakeholder ownership and commitment. ◆ Builds a common sense of purpose. ◆ Demonstrates that local stakeholder interests influence the decision-making process. ◆ Views all stakeholders as resource persons.
3. Emphasize constructing and maintaining effective working relationships.	◆ Earns and builds trust throughout the process (through listening, sharing information, joint learning, transparency of agendas and being realistic). ◆ Relationship building takes time. ◆ Public fora and other opportunities exist to foster dialogue and negotiation among all stakeholders.

Table 2.1 continued

	Guideline	Key elements
4.	Be inclusive.	◆ Stakeholder involvement should reflect the diversity of perspectives and demographics. ◆ Stakeholder commitment requires their active participation in all facets of decision-making, including process design, objective setting, implementation, monitoring and review. ◆ Provides multiple fora for different levels of participation.
5.	Build on traditional or local knowledge systems and practices.	◆ Uses systems that are familiar and tested in the particular environmental and social setting. ◆ Supports cultural identity. ◆ Supports traditional or local institutions and authority. ◆ Is logistically possible. ◆ Builds needed local confidence.
6.	Respect and accommodate cultural and other diversity.	◆ Differing perspectives are acknowledged, respected and explored. ◆ Recognizes and respects local rights, knowledge and values (both economic and non-economic) regarding the natural resource. ◆ Adopts participatory processes for natural resource and conflict management that include all local resource users and interests and that empower indigenous peoples, women, the poor and other disadvantaged groups. ◆ Encourages the management of forests and other natural resources for multiple uses to meet the needs and values of diverse users. This gives priority to communities and people directly dependent on these resources.

SECTION

2

Table 2.1 continued

	Guideline	Key elements
7	Foster continual learning and adaptive management.	◆ Is an adaptive response to insufficient information, lack of certainty and limited ability to predict outcomes accurately. ◆ Encourages participants to educate one another. ◆ Requires caution; make assumptions and test them as you go. ◆ Improves understanding and effectiveness over time. ◆ Establishes a learning culture that includes clear communication channels among all relevant actors, with defined feedback and input opportunities related to conflict situations. ◆ Requires an alert mind and openness to change and new ideas.
8	Work on a wider scale.	◆ Supports communities and relevant interest parties in building strategic alliances, coalitions, federations and networks at the local, national, regional and global levels. ◆ Helps identify broader policies and actions that affect management intervention. ◆ Develops a proactive strategy for influencing external threats such as coercion and force by powerful interest groups.
(Adapted from: Gray, 1989; PEC, 1999; Worah, Svendsen and Ongleo, 1999.)		

A map outlining a conflict management process that builds on the key components of collaboration is provided with these training materials. Underlying and woven into this model are the guidelines in Table 2.1, which outline a suggested generic process. When following the map and guidelines, it is important to remember that every conflict management situation is unique and that it may, therefore, be necessary to include additional or fewer components.

2.3 CONSTRAINTS TO COLLABORATION

Before encouraging and supporting collaborative approaches, it is useful to recognize situations that are not conducive to collaboration. Factors limiting collaboration may include (Ramirez, 1999; PEC, 1999):

◆ serious power differentials;

◆ basic ideological differences;

◆ constitutional or legal precedents;

◆ failure to identify a legitimate convenor;

◆ serious representational problems;

◆ feuds, violence and other historical factors;

◆ repeated failure of interventions;

◆ high costs of collaboration (for example, for transportation and meetings), which exclude balanced participation.

Many of these constraints can be addressed if the principles set out in Section 2.2 apply and the time and resources to enhance stakeholder communication and relationships are available.

2.3.1 Relationships of power

One of the most critical factors in determining the likely success of collaboration is the difference in power among stakeholders. In these training materials we define the term power as "the capacity to achieve outcomes" (Ramirez, 1999). Collaboration requires greater time, resources, patience and understanding of stakeholders than other methods do.

Individuals and groups must therefore carefully consider the pros and cons of each possible method (conflict management, going to court, non-action, etc.) to decide whether conflict management is to their best advantage. There must be sufficient incentives for stakeholders to participate in a collaborative process.

TRAINER'S NOTE # 7

POWER AND INFLUENCE CAN EMERGE FROM MANY SOURCES

In training, participants should be encouraged to consider where stakeholders gain power and influence. Power can be derived from many sources, which are explored in *Training activity #15.* Some examples of power are:

◆ physical strength: endurance, violence;

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

◆ control of resources: access, tenure, rights, money, material goods, socio-economic status, political institutions, human resources;

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

◆ ability: capacity, skills;

◆ knowledge: access to traditional knowledge (insider and outsider);

◆ ability to coerce: threats, access to and use of media, family or political ties, mobilization of direct action;

◆ gender;

◆ age.

Collaboration operates on a model of power sharing

Stakeholders who have mutually authorized each other to reach a decision eventually make decisions together. This does not mean that stronger parties must relinquish power, or that all resources are distributed equally. However, underlying collaboration is an agreement among stakeholders that they have approved one another's legitimacy and power to define problems and propose solutions (Gray, 1989).

Major inequities are a deterrent to collaboration. Powerful groups often take unilateral actions and refuse either to negotiate or to collaborate. They may also force weaker parties to agree to a decision.

Groups with little power have every right to be
fearful about how they will succeed in multi-
stakeholder negotiations. Weaker groups risk
loosing much from negotiations in which power
differences are very acute. Negotiation is not an
antidote to inequality. Unless weaker groups
can locate and use points of leverage, negotia-
tion is neither possible nor desirable (Susskind
and Cruikshank, 1987; Ramirez, 1999).

More powerful groups can use agreements to negotiate in order to:

◆ outnumber and outmanoeuvre marginal groups;

◆ consolidate their power base;

◆ legitimize themselves and their actions.

If power relationships among stakeholders are too highly skewed, issues
may not be negotiated until other preconditions have been met. In nego-
tiations, each group must protect its own interests. Without assistance,
less powerful parties have trouble protecting their interest in the consen-
sus building process (see Box 2.2).

TRAINER'S NOTE # 8

FINDING POWER

It is important to emphasize that power in negotiations and conflict
management is dynamic. Weaker parties may be able to find "counter-
vailing power" to attract other, more powerful parties to negotiations
(Gray, 1989). Such power can come from many sources. The challenge
for weaker, disenfranchised stakeholders is to find sources of power
that they can tap into in order to gain legitimacy and access to main-
stream discussions. It is helpful to be creative in seeking alternative
ways of maximizing mutual gains.

Power building tactics for less influential stakeholders include (adapted
from PEC, 1999):

◆ strengthening local organizations;

◆ developing a common vision and goals;

◆ bringing forward "irrefutable" infor-
   mation;

◆ gaining broader legitimacy for their
   interests;

◆ introducing new actors (NGOs,
   media, technical experts);

◆ building new coalitions;

◆ working towards transparency;

◆ democratizing the process;

◆ creating opportunities for leadership;

◆ reinforcing local traditions;

◆ using available legal and institutional resources;

◆ educating people about their rights, responsibilities, obligations, limita-
   tions and accountability;

◆ using tools to analyse their negotiation strength and relative power
   through other non-collaborative measures (see BATNA in Section 4.4).

BOX 2.2 **WHAT IS THE DIFFERENCE BETWEEN POWER AND AUTHORITY?**

In conflict situations, stakeholders commonly ask questions about
the relationship between power and authority. Although these
terms are different, they are similar enough to be confusing.
Authority is granted – formally or legally – through traditional
laws or social groups. It sanctions, and in some cases provides,
some level of power. Power is the ability to achieve an outcome,
possibly derived independently of the approval of any group. It is
useful to consider your own experiences and think of examples in
which:

◆ you have authority but no power;

◆ you have power but no authority;

◆ you can derive power from authority;

◆ both power and authority can be abused.

2.4 SECTION SUMMARY

Section 2 has introduced key principles of collaboration, outlining how they apply to both collaborative management and situations of conflict. The concepts presented in Section 2 will be useful in helping learners to understand where conflict is encountered in community-based forest management. The section also reinforced the need to invest the necessary time and resources into building an effective collaborative process for addressing and managing conflicts. The following paragraphs provide a brief summary of key points covered in this section. To support the introduction and discussion of concepts in training, refer to the training activities in Section 9.

Collaborative management is at the centre of community-based approaches to forest management. Fundamental to collaborative management is the negotiation of agreements among multiple stakeholders and the establishment of processes for sharing power. This more recent alternative approach to forest management offers promise for dealing effectively with multiple views on use, access and control. For many local communities, it provides formal recognition of their longstanding and de facto role in the management of forests.

There is no single model of collaborative management. Collaborative management is being developed and tested throughout the world under diverse historical, social, cultural and political conditions. External agents have commonly led the collaborative management approach, but grassroots movements advocating self-governance and resource security are demanding it more frequently. As it is developed in a range of contexts, it often involves different types of partnerships with varying degrees of responsibilities. It is a dynamic and evolving process.

Collaboration as a response to and reason for conflict. Collaborative management has commonly been initiated in response to ongoing and persistent conflicts among stakeholders over issues of forest use and control. Practitioners involved in initiating or supporting a shift towards collaborative approaches should anticipate conflicts at the outset. Establishing partnerships and formalizing local management systems will also involve change. These changes can, in turn, give rise to new conflicts, particularly when collaborative processes are weak. Successful management outcomes can also be a source of conflict, if changes to or impacts on stakeholders' rights, responsibilities and relationships are not adequately considered and planned for.

Conflict management is one of the essential processes of the collaborative management framework. Conflict management needs to be undertaken within the sound framework of a larger collaborative management process. Without such a framework in place, conflicts can and will repeatedly arise from inherent planning and management weaknesses. Similarly, putting in place effective mechanisms to anticipate, address and monitor conflicts is essential to any collaborative efforts engaging disparate stakeholders.

Community-based forest management requires identifying and building on people's motives for collaborating. Practitioners involved in management cannot assume that people will want to collaborate, or that they have the skills to do so. Section 2 contains a number of guidelines that usually need to be met before people will agree to participate in a collaborative process. These guidelines apply equally to collaboration in both forest management and managing conflicts.

Identifying the building blocks for effective collaborative management. Section 2 presented a number of key elements for establishing or strengthening a collaborative process within community-based forest management. These are useful guidelines for a sound participatory process. They not only encourage stakeholder involvement, but also seek to ensure transparency of process, build capacity and support traditional and local knowledge and practices. These are essential aspects of building a process that will be sustainable.

Understanding the limits to collaboration. Stakeholders may not choose to collaborate. The reasons for not collaborating are wide-ranging, and may involve basic ideological differences, a prolonged history of failed interventions, major power differences among groups, and so forth. Those involved in a conflict management process based on collaboration need to be aware of any factors that could limit or undermine collaboration. In some situations, when these factors exist, weaker stakeholders may decide to seek other interventions to address conflict.

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SECTION 3

SECTION 3
ANALYSING CONFLICT

3.1 WHAT DO WE WANT TO ACHIEVE BY ANALYSING CONFLICT?

Conflict analysis is a learning process to help stakeholders understand a conflict better and decide whether, and how best, to act. In analysing conflict we begin to look at the causes, the context and the people involved. Stakeholders explore key issues to help them determine the most appropriate approach to managing the conflict.

This section will examine the main elements of conflict analysis, which are:

◆ exploring the history and origins of the conflict;

◆ identifying the stakeholders who need to be involved in managing the conflict;

◆ determining the relative power, interests, relationships and motivations of the stakeholders;

◆ probing issues related to cultural diversity, gender and policy.

3.1.1 Key outcomes of conflict analysis

An analysis of conflict stakeholders should seek to:

◆ clarify the range of issues that need to be addressed;

◆ identify the impacts of conflict;

◆ identify and prioritize the causes of conflict;

◆ determine the stakeholders and their interests, needs and views on the conflict;

◆ consider particular contributing factors (i.e. policy, culture, gender);

◆ identify what information about the conflict already exists and what further information is needed;

◆ build rapport and understanding among stakeholders, where possible;

FIGURE 3.1 **KEY QUESTIONS TO ASSIST DECISIONS ABOUT ACTING IN A CONFLICT**

◆ enhance the problem solving and analytical skills of local stakeholders in addressing current and future conflicts;

◆ increase the understanding of linkages between the broader social, political and economic context and forest use conflicts.

Key questions that stakeholders need to ask about the conflict are suggested in Figure 3.1.

In conflict situations emotions can easily overwhelm logic and reason. A primary objective of conflict analysis is to help stakeholders reconsider their perspectives, which are often laden with emotions, misunderstandings, assumptions, suspicions and mistrust. It is important to distinguish these opinions from matters of fact. This transformation of perspective is vital to finding places for collaboration in conflict management. It is an integral step in moving away from rigid and inflexible positions towards exploring possible shared interests. Two important outcomes of analysis are determining what causes are open to negotiation and identifying common needs or goals that can be met through collaboration.

T R A I N E R ' S   N O T E   # 9

CONFLICT ANALYSIS TOOLS

As these materials discuss the various elements of conflict, they will introduce a set of participatory activities (Section 9) for strengthening necessary skills in conflict analysis. Many of these training activities are participatory tools that are common to community-based forest management and have been adapted specifically for use in conflict management. Those involved in conflict can use these tools to examine their situation. The tools include web diagrams, time lines, various mapping techniques and matrices. The training activities presented here are not exhaustive. Trainers in conflict management are encouraged to build continually on the activities provided. Additional training activities are available in other manuals, and trainers are advised to review and use these as needed (for example, see other participatory tools in Davis Case, 1990; Pretty *et al.,* 1995). Building a tool kit of activities and materials for training in conflict management can help address a range of situations and learner's needs.

3.1.2 Who carries out conflict analysis and when?

The process of working towards negotiation can often be difficult to initiate. Whether the groups come together early, in an effort to head off a dispute, or meet only after the dispute has intensified, the problem of getting started is the same. Someone has to make the first move and, unfortunately, there are real concerns and pressures that block that first move. Initiating action can be perceived as a sign of weakness or as implying that the group initiating collaboration fears the outcome. If one group of stakeholders believes that it will get what it wants by using a different approach, such as using pressuring tactics, threats or force, there is not much incentive to convene with others. At the same time, if one stakeholder group is weak or likely to lose through other means, it may have difficulties convincing opposing stakeholders to consider negotiations (Susskind and Cruikshank, 1987).

Analysing conflict requires several important first steps in a conflict management process. These include:
◆ establishing the entry point;
◆ preliminary analysis of conflict and identification of stakeholders;
◆ broader engagement of other involved stakeholders;
◆ stakeholders' analysis of conflicts;
◆ assessment of options.

Analysis of a conflict's causes and stakeholders is a useful first step to establishing an entry point and a preliminary plan of action to engage

other groups in resolving that conflict. An initial conflict analysis can indicate approaches or incentives for engaging other stakeholders and gaining their agreement to participate in negotiation. It must be remembered, however, that the initial analysis of conflict is only preliminary and must be fully developed with the other groups directly involved in the conflict.

On agreeing to explore conflict management options, stakeholder groups begin a participatory analysis of the conflict. This includes the same elements as the preliminary analysis, for example, determining the contributing causes, identifying stakeholders and analysing their interests, etc. What makes this step different from the initial analysis is that it is undertaken by a broader number of involved stakeholders. Ideally, each group of stakeholders will undertake its own analysis, and then use the findings of this analysis in negotiations with other groups. Participatory analysis will, in turn, identify more stakeholders, different perspectives and more of the underlying issues and interests of key groups.

The actual number of different analyses undertaken and the timing of managing conflict are dynamic, largely determined by the complexity and intensity of conflict and the location and number of stakeholders involved. In addition, at any point in the initial analysis of conflict, or in working with other stakeholders, it might be decided to do nothing further towards negotiations until other circumstances have changed.

TRAINER'S NOTE # 10

SUPPORTING THE PROCESS

During training, ask participants to remember the guidelines that support a participatory process from Section 2.4, and consider how they are applied to a process of conflict analysis. In situations where power is concentrated with elite groups, the causes of conflict, stakeholder identification and boundaries will be distorted at the outset if the process is not participatory and transparent (Ramirez, 1999).

3.2 EXPLORING CAUSES OF CONFLICT

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

◆ the origins, levels and issues of the conflict;

◆ the history and chronology of the events;

◆ geographical and temporal relationships;

◆ interrelationships with other conflicts;

◆ prioritization of areas for action.

The individual elements of conflict to be explored depend on the context.

Task 1: Exploring the origins of the conflict. Conflict arises from a sequence of events. It is important to consider a conflict's history and what caused it before making any conclusions about what is happening at present. A crucial starting point in the analysis of conflict is for the groups and individuals involved to define clearly what they think the current conflict is about and the history behind it.

A further aim in exploring the origins of a conflict is to break down an often large, seemingly unbounded and complex problem into smaller elements of conflict causes. These elements can then be examined in more detail and prioritized for action. The origins of the conflict may include a range of discrete events, problems with relationships, policy decisions, tenure and access rights, unclear management processes, clashes in values, and so on.

The task of sorting out the origins of a forest conflict can be time-consuming and challenging. There are likely to be many causes involved, and many views about the importance of each cause. In addition, the causes of forest conflicts may be deeply embedded in other parts of social, economic, cultural and political life. Nevertheless, exploring the origins is a crucial step in working towards an understanding of how to address the conflict appropriately.

Task 2: Verifying perceptions, facts and information needs. A participatory process of exploring a conflict and its causes allows people to make explicit their knowledge of events, their assumptions and their suspicions regarding that conflict. It is unusual that all stakeholders agree on a single history of a conflict. Instead, they may have numerous interpretations of the origins and immediate causes of the conflict. Even within a single group there can be different recollections of facts, or of the sequence and significance of events.

This again reinforces the need to obtain and understand the range of local viewpoints about a conflict. The aim is to work through the different perspectives with all stakeholders, and eventually to identify which "facts" are agreed on, which need to be investigated further and where more information is needed before decisions on actions can be made.

Acknowledging and gaining an understanding of the perceptions of the different stakeholder groups is important for knowing where to begin a process of consensual negotiation. In normal life, and in conflict situations in particular, perceptions rather than objective facts often drive people's decision-making. In a conflict situation it is critical not to begin by challenging a party's perceptions. Rather, it is better to start by appreciating that these perceptions are very real in that they are the cause of real, often physical, effects. Moreover, conflicts tend to carry strong emotions. It is therefore unlikely that argument will change the initial perception, especially if it has been strengthened and validated by a wider group. (Warner, 2001)

TRAINER'S NOTE # 11

USEFUL ACTIVITIES FOR IDENTIFYING CONFLICT CAUSES

Training activities #8 to #11 are useful tools in establishing conflicting groups' different perspectives on the causes of conflict. These tools can serve many important functions, including building rural people's analytical skills in anticipating and managing conflict. Comparing the results of these activities and the often very different views they represent may help to create a dialogue among the groups and individuals involved in the conflict. From these activities, training participants can develop summary lists or tables of agreed facts and agreed information needs. Groups should also record their decisions on how the necessary information will be obtained.

Task 3: Identifying linkages. Mapping the causes of conflict and their sequence can improve understanding of the key linkages among what may appear on the surface to be isolated events. What first seems to be a local dispute may be fuelled by underlying inequalities or decisions made further afield, without the knowledge of remote communities. Government policies on indigenous peoples, longstanding disparities between customary and government tenure systems, national development goals or plans and globalization may appear irrelevant to day-to-day forest management at a remote location. But frequently, these factors are shown to have a significant impact on local disputes. Particularly for rural people, being aware of the linkages between the broader policy setting and their own livelihoods can be extremely enlightening and vital to their empowerment. Figure 3.2 provides an example of how a community group might analyse the root causes of a conflict.
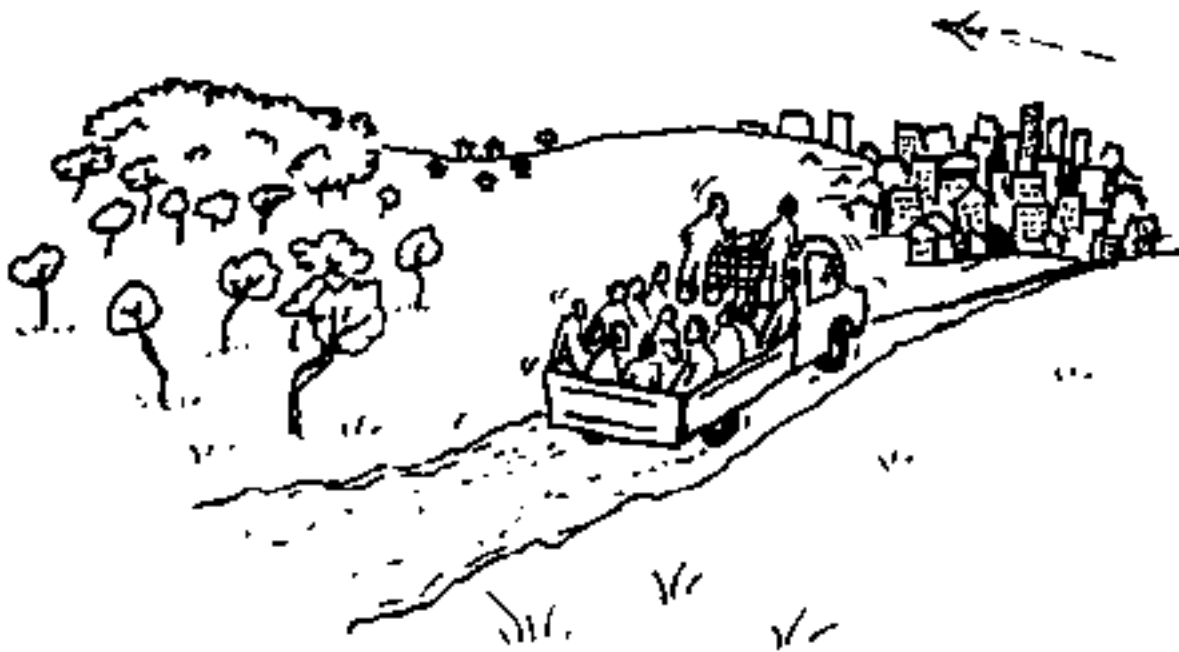
FIGURE 3.2 **AN EXAMPLE OF A ROOT CAUSE ANALYSIS**

Opposite is a simplified root cause analysis of a conflict, which was prepared by a rural community group that was taking action to halt forest logging by an overseas timber company. On the surface, the focus of the conflict was between the two groups. The diagram draws attention to a number of other stakeholders and subgroups that were involved in the conflict or whose support was needed in finding solutions to the conflict. It identifies a number of places for possible action in managing the conflict and in improving the collaborative management process. For the local community, the diagram also links broader political and policy decisions to impacts in their area.

The causes of conflict listed here reflect the biases of the local group. In discussion of the diagram, the group conceded that all the listed causes might not be factual. However, the diagram provided a framework for investigating the various causes further, for collecting information and for determining which were and which were not true factors contributing to the current conflict. The diagram helped the group to decide at what scale it needed to act in order to manage the conflict in the short term. It also indicated what actions the group needed to take in order to anticipate and address possible conflicts in the future.

Conflict: Indigenous community (IC) group takes action to halt logging operation on forest land

Additional forest damage from removal of extra trees at request of neighbouring clan

Neighbouring clan lack understanding of good forest management

Insufficient forest management extension

No access to NGO forest conservation

Neighbouring clan has no customary management rules for timber

No forest agency community education available

Timber harvest is non-traditional use of forest

Insufficient funding of government

Little interest or low priority of forest agency officers

Damage to spiritually important sites

Plant operators not aware of spiritual sites

Sites not marked on logging plan

Local clan did not inform forest agency of spiritual sites

Local clan did not understand reason for giving this information

Inadequate consultation by forest agency officers

Little interest or low priority of forest agency officers

Inadequate training of forest agency officers

IC unhappy about pollution of river and water source

Dispute over legality of agreement of timber concession

Forest agency logging guidelines inadequate to protect resource base

Plant operators breaking rules of logging agreement

Incorrect customary tenure-holders and resource users signed logging concession

Forest agency guidelines not designed to protect resource interests of land-holders use rights

Inadequate supervision of operators by forest agency

Plant operators do not worry about damage to resources

Local authority provided wrong advice to forest agency on who the correct tenure-holders and resource users were

Low level of participation and consultation with forest users before timber agreement determined

Inadequate forest agency requirements about consultation process with tenure holders and resource users

Forest agency has no access to technical information

No political will for enforcement of forest agency guidelines

Company has no code of practice or education on environmental impacts

Inadequate procedures for checking tenure and resource users

Local authority with poor knowledge of customary authority

Signatories encouraged by logging company not to consult other resource users

Forest agency short of trained staff

Company with no interest in educating plant operator

Local authority composed of young local people not educated in customary authority

Timber company interested in completing contract quickly and quietly

Lack of funds for salaries and operations

Lack of staff training in enforcement of guidelines

No requirements from forestry

Reductions in government expenditure

Insufficient funding of government

Local young people educated outside of area and never learn traditional knowledge from elders

Insufficient funding of government

Insufficient timber royalties being directed back into operation of forest agency

Insufficient timber royalties being directed back into operation of forest agency

Task 4: Determining priorities. The purpose of examining the causes of conflict is to provide a focus for taking action. Where conflict has multiple contributing causes, it is unlikely that all of those causes can be tackled or addressed simultaneously. This situation requires that priorities be established.

There are no set rules for establishing priorities. However, an important aspect of conflict analysis is to identify the most significant causes of conflict. One way to do this is to break down larger causes into their corresponding issues and rank these issues in terms of significance. It is also useful to distinguish which issues are:

◆ *immediate*, requiring urgent action;

◆ *underlying*, presenting significant obstacles for lasting peace, and perhaps needing to be addressed over a longer time period.

Ultimately, the groups involved in the conflict will have to construct their own criteria for determining priorities for action. They may decide to focus on the issues that most immediately affect the conflict now, or they may decide to tolerate a certain level of what appears to be localized conflict in order to focus on the underlying issues of that dispute. Again, determining linkages and identifying some of the roots of the conflict are valuable.

In determining priority areas for action, it is also essential to consider the relative ease of addressing the issue and the capacity and skills of the groups involved. To determine these factors, it is helpful to examine the individual issues in more detail.

Inevitably, the successful management of a conflict may require both short- and long-term strategies. For example, stakeholder groups may agree to a set of short-term actions to address an urgent issue, with the immediate aim of preventing further escalation and offsetting potential outbreaks of violence. The local conflict may continue to reappear, however, if fundamental structures or processes are not addressed. Complete resolution, or prevention of recurring conflict, may be part of a wider strategy that includes building alliances with other stakeholder groups to change and improve policies, laws and institutions in support of community-based forest management.

Short-term strategy: separate the combatants

Long-term strategy: make them negotiate towards an agreement

TRAINER'S NOTE # 12

BE OPEN TO DIFFERENT CONCLUSIONS

In training, it is helpful to remind participants that analysis of a conflict can identify causes and possible outcomes that were not expected or foreseen at the outset. For example, after examining the conflict, stakeholders may find that:

◆ the set of issues that has attracted most attention may not be the issues that they want to focus their efforts on because the real issues may involve a different set of stakeholders and actions;

◆ some of the conflict issues may be totally outside the control or influence of local groups, who may not be able to act at the appropriate time;

◆ after the analysis, groups may decide that the conflict is not a wise use of their time or resources and that they have other priorities.

The ability to reach unpredictable conclusions is the strength and value of using participatory tools to draw on the knowledge and experience of many individuals.

Examining the issues contributing to the conflict in more detail

Prioritizing requires a more detailed examination of the specific issues that give rise to conflict. Issues usually fall into one of five general categories (see Table 3.1):

◆ problems with information;

◆ conflicting interests;

◆ difficult relationships;

◆ structural issues;

◆ conflicting values.

Thinking about the types of issues involved in a conflict provides insights into what might be required to manage that conflict. Such thinking can also indicate how difficult it is going to be to address the issue. In reality, the categories of issues can overlap, and the user should be cautioned not to become anxious if there is not a "clear fit". What is important is using the categories as tools for thinking more systematically about each of the contributing causes of conflict.

TABLE 3.1 **TYPES OF ISSUE THAT CONTRIBUTE TO A CONFLICT**		
Type of issue	**Elements**	**Points to remember in managing such conflicts**
Conflicting interests	◆ Conflicts over differing needs and desires, sharing of benefits and resource use ◆ Include perceived and actual competition of interests ◆ Conflicts can emerge from a perceived or actual lack of shared interests	✔ *Identify common or shared interests* ✔ *Underlying needs can often be satisfied in more ways than are at first obvious* ✔ *Clarify whether interests are real or perceived*
Information issues	◆ Conflicts caused by lack of information or differences in interpretation of information ◆ Can be linked to differing methods of assessing, evaluating or interpreting information ◆ Poor communication (listening or expression) or miscommunication among disputing parties	✔ *Reach agreement on information needs* ✔ *Reach agreement on how information can be obtained and verified* ✔ *Reach agreement on criteria for evaluating or interpreting information* ✔ *A third party may improve communication* ✔ *Encourage transparent decision-making*
Difficult relationships	◆ Differences in personality and emotions, as well as misperceptions, stereotypes and prejudices ◆ Incompatible behaviours (routines, methods, styles), differing expectations, attitudes and approaches to problem solving ◆ History of conflict and bad feelings among the parties	✔ *Identify the specific difficulties, encourage conflicting parties to avoid generalizations in stating their difficulties with one another* ✔ *Aim to build positive perceptions and solutions* ✔ *Emphasize fair ground rules to be followed by all parties* ✔ *Work to realign or build relationships, fostering care and willingness on the part of the participants*

Table 3.1 continued

Type of issue	Elements	Points to remember in managing such conflicts
Structural issues	◆ Differing ideas regarding appropriate management processes, rules, roles and power; can apply to meeting committees or organizations ◆ Perceived or actual inequality or unfairness concerning power, control, ownership or structures that influence access to or distribution of resources ◆ Factors that hinder cooperation, such as decision-making structures and responsibilities, time constraints, geography or physical settings	✔ *Help disenfranchised groups to understand their own and other parties' perceptions of the conflict* ✔ *Gain agreement on shared review of specific grievances – e.g. too much bureaucracy, poor representation* ✔ *Aim to transform conflict into a force for social change so solutions are sustainable in the long term*
Conflicting values	◆ Differences among cultural, social or personal beliefs or different world views and traditions ◆ Can include different goals, expectations or assumptions that reflect personal history and upbringing	✔ *Frequently the most difficult to change* ✔ *Some differing human values may be non-negotiable* ✔ *Focus on interests or shared goals and avoid focusing on resolving differing values* ✔ *Require a long-term strategy that builds respect and supports the sharing and understanding of values among stakeholders*

Adapted from: Moore, 1996; Warner, 2001.

An example of conflict analysis using the five categories (see Table 3.2). One local village heard that the district forest office and the CFUG had decided to restrict access to an area of forest in order to protect an endangered bird species. The district forest officers had convinced the CFUG that the restriction of access was necessary to protect one of the few remaining nesting habitats for the bird and to stop poaching by hunters. Male hunters in the village disagreed that the bird was in any danger, as they still saw many in the forest. Women villagers were angry because the proposed closure affected an area that was important for the collection of housing materials and traditional medicinal plants. All the villagers feared that they would no longer be able to collect local bird feathers for use in traditional ceremonies. Both the women and the hunters in the village saw the conflict as centring on gaining continued access; the forest office saw it as a conflict of unsustainable resource use within the region.

TABLE 3.2 EXAMPLE OF AN ISSUES ANALYSIS TABLE

Type of issue	Description of the issue	Analysis of issue
Conflicting interests	Women need to collect forest materials and medicine plants The CFUG wants to stop the poaching of wildlife	◆ *Perceived difference* in interests related to use of the forest (wildlife versus supporting local livelihoods) ◆ *Perceived threat* of the CFUG and the forest office restricting access to needed resources
Information issues	Villagers have no access to information on the proposed restriction Hunters question how the bird is endangered	◆ Lack of information provided by the CFUG to the village on the proposed restriction ◆ Validity of information needs to be confirmed

Table 3.2 continued

Type of issue	Description of the issue	Analysis of issues
Difficult relation-ships	Previous bad relationship between the CFUG chair-person and the village	◆ Suspicions that the CFUG chairperson from another village is sup-porting forest office interests over this vil-lage's interests (as retali-ation for a past dispute)
Structural issues	Consultation with vil-lagers on forest use	◆ The forest office and CFUG did not consult the women or hunters before making the proposal
Conflicting values	The significance of local bird feathers in traditional ceremonies	◆ Forest officers' lack of appreciation for the cer-emonial importance of bird feathers in deter-mining relationships within villages

Proposed actions that emerged from the conflict analysis:
◆ check with forest officers and the CFUG to see if the proposal is true.
◆ forest officers to provide and explain information on the birds and the significance of the area;
◆ women to negotiate primary the area of interest: securing access to nec-essary forest materials and medicinal plants;
◆ need to educate forest officers on the value of traditional bird feathers;
◆ other long-term actions: change consultation process and make chair-person more accountable to entire constituency of the CFUG; village rep-resentative to meet with chairperson.

TRAINER'S NOTE # 13

FURTHER ANALYSIS OF ISSUES

Training activity #12 assists stakeholders in a more detailed analysis of issues, prioritizing their importance and determining the ease or diffi-culty of addressing them.

Thinking about gaps and differences

Considering whether an issue arises from a "gap" or a "difference" is useful when selecting the most effective way to deal with that issue.

A *gap* is an absence or lack of information, common interest, relationship, structure or values. A *difference* is the presence of contending, differing or competing views regarding information, interests, structures, relationship or values:

◆ If an issue emerges because of a gap, it can be resolved by filling the gap.

◆ If an issue is about differences, discussions will focus on finding ways to accommodate those differences.
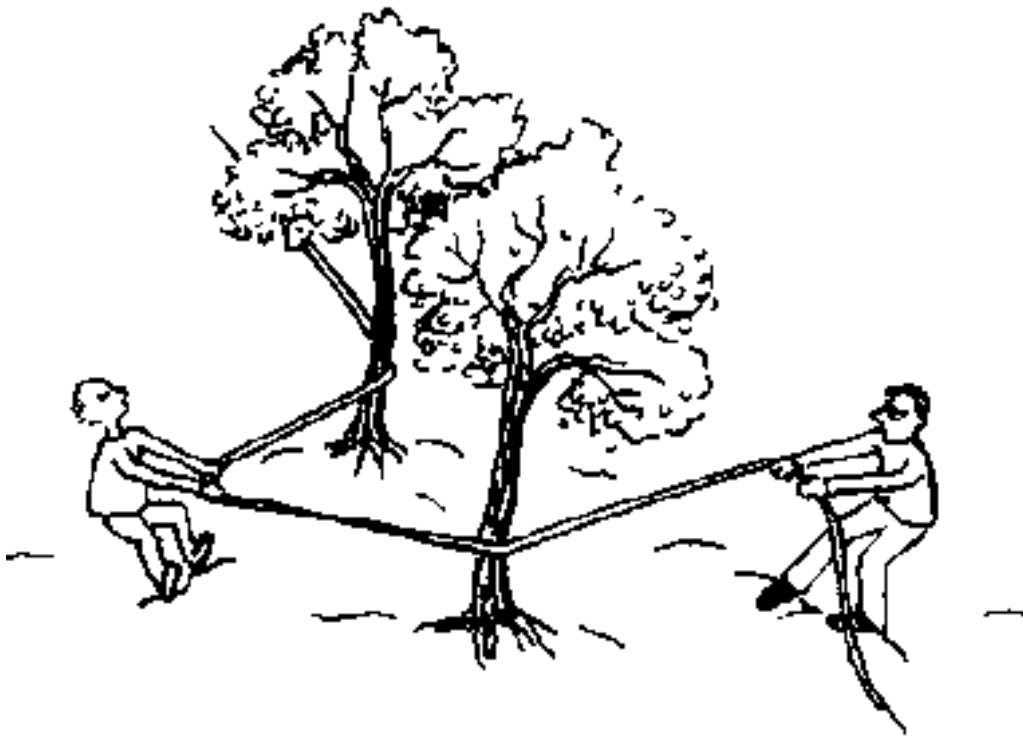
It is important to remember that the dynamics of an issue can change depending on the way the issue is addressed. For example, an issue can arise from a gap but, even when the gap has been filled, a difference among the groups concerned may emerge (see Box 3.1).

BOX 3.1 **GAPS AND DIFFERENCES: A CASE FROM NEPAL**

The case study from Dhungeshori, Nepal (Section 8.5) outlines a boundary dispute between farmers and a CFUG. A primary cause of the dispute was inadequate information on the location of the boundary between State forests and private lands (a gap). In the process of demarcating the boundary, the local CFUG ignored technical concerns about the accuracy of the boundary and used its authority to push for boundary setting by forest office staff. The CGUG paid inadequate attention to gaining agreement from the farmers on how the boundary would be determined. This resulted in an escalation of the dispute over "differences" on the boundary location and, later, an increased effort by all stakeholders to bring forward negotiations to resolve the conflict.

TRAINER'S NOTE # 14

WHAT TOOLS TO USE AND HOW MUCH INFORMATION TO COLLECT

Frequently asked question in training are: What participatory tools should be used? and How much information should be collected? Once again, there are no easy answers to this, no recipes and no set steps (see Box 3.2). When deciding what type of information to collect or which tools to use, however, it is helpful for stakeholders to distinguish what they *need* to know in order to manage the conflict from what it would "be nice to know". The reality of working on a live conflict is that the people involved often have very limited time, resources and patience. We recommend confining the conflict analysis to activities that will pinpoint key answers and provide more immediate assistance with direction setting and action. This requires making the most of points of agreement on facts, probing further when there are questions of fact, and listing specific questions related to finding achievable solutions.

BOX 3.2 USING AND LINKING PARTICIPATORY CONFLICT ANALYSIS ACTIVITIES

A community forest management group was concerned about an ongoing forest boundary dispute among three neighbouring villages. The forest management group worked with the three villages and facilitated their use of participatory activities to analyse the conflict.

Initially, the activities selected for use were *Root cause analysis* and *Conflict time line (Training activities #8 and #9)*. The results of these activities showed that the head of one village had died a few years earlier and the new head was not able to negotiate as effectively with the other village heads. Difficulties in communication among the village heads over a series of issues followed, and resulted in two years of increased encroachment disputes.

Examining conflict issues *(Training activity #12)* helped the groups to agree that their primary problem began with changes in relationships, and that these changes led to clashes among the communities' interests. They also agreed that they first needed to improve relationships among the village heads so that they could then discuss and try to manage the differing interests.

While the groups were considering how stakeholders were affected by the conflict in the area *(Training activity #13)*, they discovered that a new school was being proposed for the whole area and they all wanted to achieve this goal. They recognized that, if their resource dispute continued, the school might not be built because it required the collaboration of all the villages. The need to work together on the school provided incentives to all groups to resolve their differences.

SECTION 3

3.3 IDENTIFYING AND ANALYSING STAKEHOLDERS

As a conflict becomes more clearly defined, the range of stakeholders in that conflict becomes increasingly apparent. At the same time, the relationships of those stakeholders to the issues and to one another also become clearer. In a process directed at managing conflict, an analysis of stakeholders will determine:

◆ who the stakeholders are;

◆ to what extent each group of stakeholders is affected by the conflict;

◆ who is most affected, and should therefore be directly involved in managing the conflict;

◆ the relative power and influence of different groups on the issues;

◆ stakeholders' interests and expectations;

◆ the possible different stakeholder responses to the conflict;

◆ relationships among stakeholder groups;

◆ likely difficulties that stakeholders will have in working together;

◆ the potential contributions of each group towards managing the conflict;

◆ to what extent individuals' and groups' interests overlap with those of other individuals and groups.

TRAINER'S NOTE # 15

OTHER STAKEHOLDERS

As discussed in Section 2.2, identifying and analysing stakeholders is not a one-off activity, but one that has to be repeated at various phases of a conflict management intervention. As a conflict or its resolution evolves, different groups and subgroups come into play, and the properties of these different groups will change (for example, their level of dependency, influence, interests, roles and alliances). Training should reinforce this point. Identifying and analysing stakeholders should be repeated at various stages of a conflict management process.

Identifying stakeholders can be done through a range of participatory tools, including drawing up simple lists, Venn diagrams, sketch maps, conflict time lines and role plays, and analysing other activities that outline the causes of the conflict. Specific training activities on stakeholder identification include *Training activities #13 and #14.*

3.3.1 Who are the stakeholders?

Gaining recognition and agreement on which stakeholders are involved and the legitimacy of their involvement is essential to collaboration. Different stakeholders often hold varying views on who has a legitimate stake and whom it is most important to consider in managing a conflict. The challenge in collaborative approaches to conflict management is building communication and trust among groups. This requires increasing mutual recognition and respect for the interests, needs, motivations and roles of all stakeholders. Participatory activities supporting stakeholder identification and analysis are essential to this.

TRAINER'S NOTE # 16

QUESTIONS OF LEGITIMACY

An important question of debate that often arises in training is: Who are the legitimate stakeholders? You may want to remind those who are having difficulty with this notion that establishing the legitimacy of a stakeholder does not mean that all the other stakeholders necessarily have to agree with the interests of that stakeholder. Similarly, the legitimacy of a stakeholder does not infer greater priority to the interests of that stakeholder over the others. All that is being asked is that each group acknowledge that the other groups have an interest in, or are affected by, the outcomes of the conflict.

Whose interests are given priority will be determined within the dynamics of the conflict management process. Collaborative approaches to managing conflict attempt to make this decision process as equitable as possible. However, the identification and analysis of stakeholders merely identifies factors about the different groups that must be considered in processes of negotiation. The structure and dynamics of negotiations and the intent of the groups involved will strongly influence how equitable the final outcome will be.

3.3.2 Stakeholders and power

Central to stakeholder analysis is distinguishing the relative power that different groups have to influence the direction or resolution of a conflict. As discussed in Section 2.3, conflict is frequently about power or relationships among groups with unequal power. In these training materials we define the term "power" as "the capacity to achieve outcomes". This includes the ability to make or prevent change. Power can be derived from many sources: control of resources, role in decision-making processes, control of information, leadership, wealth, legal status, and so on. It is derived from stakeholders' relationships with other groups and from the structures within which the power operates (Ramirez, 1999).

TRAINER'S NOTE # 17

DIFFERENT WAYS OF LOOKING AT A STAKEHOLDER

Stakeholders can be identified as those groups that are *affected by* the outcome of a conflict, as well as those who *influence* the outcome. For many new to stakeholder identification, these two ways of looking at stakeholders can be confusing. *Training activity #13* is particularly useful for clarifying this relationship, treating both aspects separately and then comparing them.

Figure 3.3 provides an example of how different groups of stakeholders can have stakes of different sizes. The size of a stake depends on whether it is being measured in terms of how affected stakeholders are by the outcome of a conflict, or in terms of stakeholders' power to influence that outcome. In Figure 3.3 the conflict involved the forest users of a village (village A), the staff of a government forest agency and members of a conservation NGO. It centred on a proposed decision to prohibit the harvesting of rattan in a forest reserve. The two organizations believed that the harvesting of rattan by village A was degrading the biodiversity of the forest reserve. Figure 3.3 illustrates how the members of village A viewed the stakeholders to this conflict. It presents how they defined the different stakeholders, their views on how affected those stakeholders were by the outcome of the management decision, and their own relative power to influence that decision.

The women of village A, who traditionally harvested, processed and sold the rattan, were seen as being the group that was most affected by the proposed decision, yet they had the smallest input into decision-making processes. Both the chief and the other men of village A felt disadvantaged by a prohibition on rattan because they predicted a reduction in overall family income. They were seen to be more powerful than women because they had participated in some of the consultation meetings held by the forest agency. They had significant fears about the affect on the village children, as the money generated from sales of rattan craft was a main source of income to pay annual school fees.

On the other side, the men from a neighbouring village (village B) did not collect or use rattan, but were seen to be more influential than any person in village A was. People of village A accused the men of village B of pro-

viding incorrect information about rattan harvesting to the forest agency and conservation NGO in order to gain greater support for an alternative income-generating project. The conservation NGO, which was providing technical advice on management of the reserve, and on which the government forest agency relied for financial support, was seen to be the most influential in determining the decision. The people in village A did not understand the NGO's concerns about biodiversity, nor how an organization that is composed of people living far away would be greatly affected by the rattan issue.

FIGURE 3.3 **DIFFERENT VIEWPOINTS:**
AFFECTED STAKEHOLDERS AND STAKEHOLDER POWER

As explained in *Training activity #13*, the size of a stakeholder's circle and its proximity to the issue indicate the extent to which that stakeholder group is considered to be affected by the outcome of the conflict. The size of a stakeholder's triangle indicates the relative power that the stakeholder group is perceived to have on the final management decision. The proximity of stakeholders to one another indicates the relationships and alliances among the groups. In the case of marginal groups, reviewing their sources of influence may indicate new ways of strengthening a limited but already existing power base.

TRAINER'S NOTE # 18

AIDS TO LOCAL EMPOWERMENT

Participatory tools that show the relative power of different stakeholders are often instrumental in raising the consciousness of rural communities about the wider context in which they live. In addition, identifying and analysing the sources of power can be crucial to developing strategies for local empowerment in conflict situations in which there are significant power differences among stakeholders (see *Training activity #15*).

The increased lobbying by consumers in developed nations regarding the practices of various extractive resource industries, such as the timber, mining and oil industries, provides a useful example of levelling of the playing field. In the past, there were many instances of corporations involved in unsustainable practices aggressively influencing national development decisions in their own favour. Such persuasion resulted in remote and often indigenous forest-dependent communities having little direct leverage on decisions that may have undermined their environment and livelihoods.

The sources of power for many of these corporations were their public image as contributors to national development and the wealth that they obtained from the sale of forest products. Many community organizations have found that the edges of power for such companies are the consumers of forest products. This is particularly true when the product sold is closely linked to the company's name. Another edge of power is the credibility of a company's image as a good corporate citizen. When corporations are not willing to listen to local interests, it has proved useful for the communities concerned to form alliances with other larger national or international organizations. Such groups can inform consumers and the wider public of a company's unfair dealings. Increasingly, this has caused large corporations to recognize the need to negotiate their interests with other, previously less powerful, stakeholders.

3.3.3 Prioritizing stakeholder involvement

A main objective of stakeholder analysis is to determine which groups need to be involved directly in actions to manage the conflict. The initial process of stakeholder analysis often results in a long list of stakeholders that are to some degree affected or influenced by the outcome of a conflict. For practical reasons, this list may need to be streamlined to include essential players only. On the other hand, wider involvement provides a richer information base and a more comprehensive understanding of the causes and perceptions of problems and impacts.

There are no easy answers! There are always challenges in deciding the appropriate balance and selection of stakeholders. A main area of discussion and likely argument is how to define whom the key, or primary, stakeholders are. To assist this decision, stakeholder groups must define and agree on criteria for identifying primary and secondary stakeholders. To a large degree, such criteria are dependent on the goals and desired outcomes of the conflict management process. Assuming that the goal of managing conflict in community forestry is to work towards fair and equitable resolution:

◆ *primary stakeholders* are those who are most affected by, and dependent on, the resource or the solution to a conflict;

◆ *secondary stakeholders* are those who are more indirectly or less affected by the outcome of a conflict.

Distinguishing between the two often requires consideration of the alternative options available to each stakeholder group if its interests in the outcome are not met. If collaboration and an effective management process are desired, then groups with a great deal of power and authority to affect or block the outcome must be included as primary stakeholders. Without their involvement, such stakeholders may be unlikely to accept solutions or support implementation.

Secondary stakeholders may play key roles in managing conflict:

◆ in *information gathering and analysis,* by providing a technical support role, providing access to or advice on information or participating in canvassing views on possible solutions or the acceptability of various outcomes;

◆ in *advocacy,* by working alongside a weaker party in an advocacy role to build a transparent process or turn the wider political arena towards greater equity;

◆ as *intermediaries,* by acting as facilitators or mediators among other conflicting groups;

◆ in *monitoring and enforcement,* when agreements have been concluded, by helping to seek enforcement of those agreements if they are breached.

A range of tools is available for involving secondary stakeholders in a way that is appropriate and effective, but less intensive than involving them directly in formal negotiation fora. Examples include focus group meetings, advisory or working groups, charettes, surveys or interviews, and community meetings. These tools are defined and described in Box 5.4.

3.3.4 How do different stakeholders respond to conflict?

In order to reach a better understanding of the stakeholders involved and their willingness to collaborate, it is worthwhile considering their possible responses to conflict. The ways in which people (even those from the same community or organization) respond to conflicts vary considerably but, although the specific strategies may vary, people generally rely on the same basic modes to handle conflicts. They can decide to:

◆ take separate action;

◆ come together to make a joint decision;

◆ defer to a decision that is controlled by a third party, such as a court or an administrative officer.

Ways of handling conflict may be formal or informal, violent or peaceful, equitable or inequitable.

The action selected is based on the individual's or group's overall approach to conflict. For example, do individuals or groups (see Table 3.3):

◆ use force and coercion to obtain their interests over others?

◆ withdraw or avoid the conflict?

◆ accommodate the interest of others over their own interests?

◆ compromise and make sacrifices to arrive at a mutually agreeable outcome?

◆ collaborate and seek a solution of mutual gain?

TABLE 3.3 **CHARACTERISTICS OF DIFFERENT RESPONSES TO CONFLICT**	
Response	**Some characteristics**
Force	◆ One group attempts to impose its interests over others. ◆ Can involve multiple forms of coercion, including violence, threats, harassment, intimidation, use of supernatural powers, peer pressure, economic and policy sanctions and pressure through mass media. ◆ May surface as frustration, anger or other emotions peak or as basic rights are at stake. ◆ May be part of a larger strategy by the less powerful to level the playing field or gain greater authority. ◆ Results in a win-lose situation. ◆ Pitfalls: being closed off from information, conflict escalation, and retaliation by losers.
Withdrawal	◆ Avoids or neglects the interests of both groups. ◆ Can involve postponement of decisions, retreat or use of delaying tactics. ◆ May be used as part of a larger strategy while gathering more support or information; when the issue is trivial or of passing importance; when confrontation has a high potential for damage; or when others can resolve the conflict more effectively. ◆ Results in a lose-lose situation, if used in isolation. ◆ Pitfalls: own ideas and concerns do not get attention.

Table 3.3 continued

Response	Some characteristics
Accommodation	◆ Promotes the other group's interests over one's own. ◆ Attempts to preserve the status quo at the expense of one's own interest in maintaining relationships. ◆ The dominant group may to some extent accommodate the subordinate group's interest, but it may be a form of co-optation rather than partnership. ◆ May be part of a cultural preference to maintain relationships; may be used as part of a goodwill gesture or when an issue is more important to others, when one is wrong, when one is outmatched and losing to a competitor, or to allow for a legitimate exception to rules. ◆ Results in a lose-win situation, particularly in cross-cultural situations. ◆ Pitfalls: own ideas and concerns do not get attention, possible loss of respect, influence and recognition.
Compromise	◆ Both groups make a sacrifice to achieve a mutually workable solution. ◆ Both must give something up in order to gain something else. ◆ Results in a sort of "win-win-yet-lose-lose" situation. ◆ May be used when interests are only moderately important, to achieve temporary settlement, or to avoid mutually destructive power struggles. ◆ Pitfalls: loses sight of values or objectives and detracts from the merits of issues.
Consensus/collaboration	◆ Aims to satisfy the needs and concerns of all involved stakeholder groups. ◆ Can involve processes of negotiation, facilitation and mediation. ◆ People focus on goals and work towards an outcome using objective criteria. ◆ Takes time and major effort so that all groups are actively and equally involved in the process. ◆ Results in a win-win situation. ◆ Used when it is important that all groups are committed to the resolution. ◆ Pitfalls: takes time and energy; trust and openness can be taken advantage of.

For forestry, and particularly in community-based forest management, consensus building and collaboration with government agencies may not always appear possible in the short term. In many places in the world, a certain level of compromise with the government has been necessary in order to obtain forest management agreements that are favourable to local communities and are implemented on the ground. In such settings, collaboration may not be a feasible alternative at the outset, and compromise may be a more attractive and immediate reality. As in all of the strategies, it is important to be mindful of the pitfalls.

TRAINER'S NOTE # 19

RECOGNIZING DIFFERENT STRATEGIES FOR MANAGING CONFLICT

Unlike other strategies, collaboration seeks to achieve some degree of mutual gain for all of the stakeholders who are directly involved. This is commonly referred to as a win-win situation, which is essential if relationships among stakeholders are to be maintained in the long term for effective forest management. Again, the response selected is greatly affected by the relationships of power among the stakeholders, the resources available to them and cultural preferences for handling conflict.

Training activities #16, #26 and #27 help stakeholders to investigate the ways in which they have addressed conflict in the past, and the characteristics, advantages and disadvantages of different approaches.

3.3.5 Defining stakeholder interests

For opposing stakeholders to switch from rival to collaborative mode, they need to understand:

◆ how they interrelate or are interdependent; and

◆ that they have more to gain from collaborating than from competing.

To help this shift in thinking, stakeholders will need to see collaboration as a form of opportunity. Finding such opportunities requires the creation of an environment in which it is safe to talk about the differences among

groups. A process that encourages collaboration will try to unfreeze these differences, loosen them up and create insights that actually transform increasingly diverging forces into driving ones. This is done by determining the true interests and underlying motivations of the different stakeholders and working to satisfy those interests.

In practice, stakeholders need to identify and distinguish their positions, interests and needs. They also need to consider the likely interests and needs of the other groups. In such an analysis, helping stakeholders to recognize the difference between positions and interests is crucial:

◆ *Positions* are what people in a conflict say they want.
◆ *Interests* refer to what people really need or fear and what motivates them.

Interests are the silent movers behind positions and are often felt as very vocal demands (Fisher and Ury, 1991). Some specialists in conflict management have found it useful to use the analogy of an onion and its layers to describe the relationship of positions, interests and needs (Fisher *et al.,* 2000). The outer layer of the onion can be thought of as the public positions of the various opposing groups – what they say and do. The second layer is their interests – what they want to achieve from a particular situation. Finally, in the core are the most underlying motivations – the needs that must be satisfied.

In trying to manage conflict through a collaborative process, it is essential to shift the focus of the conflicting groups from their positions to their interests. This is not always easy. At least in its initial stages, a conflict is usually defined by the positions or demands of stakeholders. Some of the advantages of interests over positions are summarized in Table 3.4.
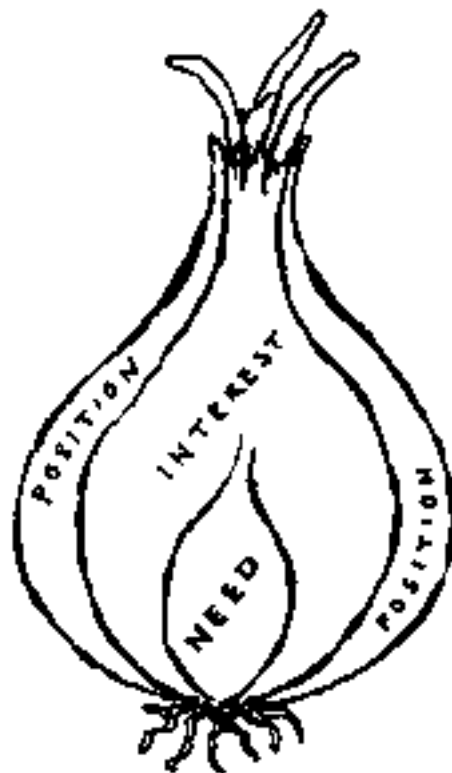
TABLE 3.4 COMPARING POSITIONS AND INTERESTS

Disadvantages of holding to a position	Advantages of focusing on interest
◆ Is concrete. ◆ Lacks flexibility. ◆ Has a single outcome. ◆ Is minimally negotiable. ◆ Demands results in the short term. ◆ Is closed to new options.	◆ Is a broad concept that covers a range of underlying motivations. ◆ Has several possible outcomes. ◆ Encourages maximum discussion. ◆ Suggests long-term approaches to meeting needs. ◆ Is flexible: understanding the interests behind certain positions assists in identifying alternative options or solutions.

Adapted from: PEC, 1999.

TRAINER'S NOTE # 20

GETTING TO INTERESTS: ASKING "WHY?" AND "WHY NOT?"

Positions are likely to be concrete and explicit, whereas interests are frequently "unexpressed, intangible and inconsistent" (Fisher and Ury, 1991). Distinguishing the difference between the two and finding the underlying motivations or interests of groups is often difficult.

Training activity #17 offers practice in examining interests over positions. A further, simple, but often helpful guide is to examine each position that is put forward and ask "Why?". Keep asking "Why?" until the list of interests comprehensively covers both needs and fears. Conversely, ask the question "Why not?" – what reasons does one group have for not meeting the demands or interests of the other.

SECTION

3

Focusing on inflexible, immediate and often entrenched positions reduces creativity and narrows the exploration of possible solutions to conflict. As Figure 3.4 suggests, interests are frequently multiple, and some are likely to be compatible and shared by the groups. Once their interests have been articulated and differentiated from their positions, conflicting stakeholders have a foundation for entering into *principled* or *interest-based* negotiations (see Section 4.2.3 on differences in negotiation styles). The aim of these negotiations is to find interests that are held in common and from which all can derive shared benefit.

FIGURE 3.4 **IMPROVING OPPORTUNITIES FOR COLLABORATION: MOVING FROM POSITIONS TO INTERESTS**

POSITION

POSITION

PARTY A

PARTY B

INTERESTS

MUTUAL
INTERESTS

INTERESTS

Source: Grzybowski and Morris, 1998
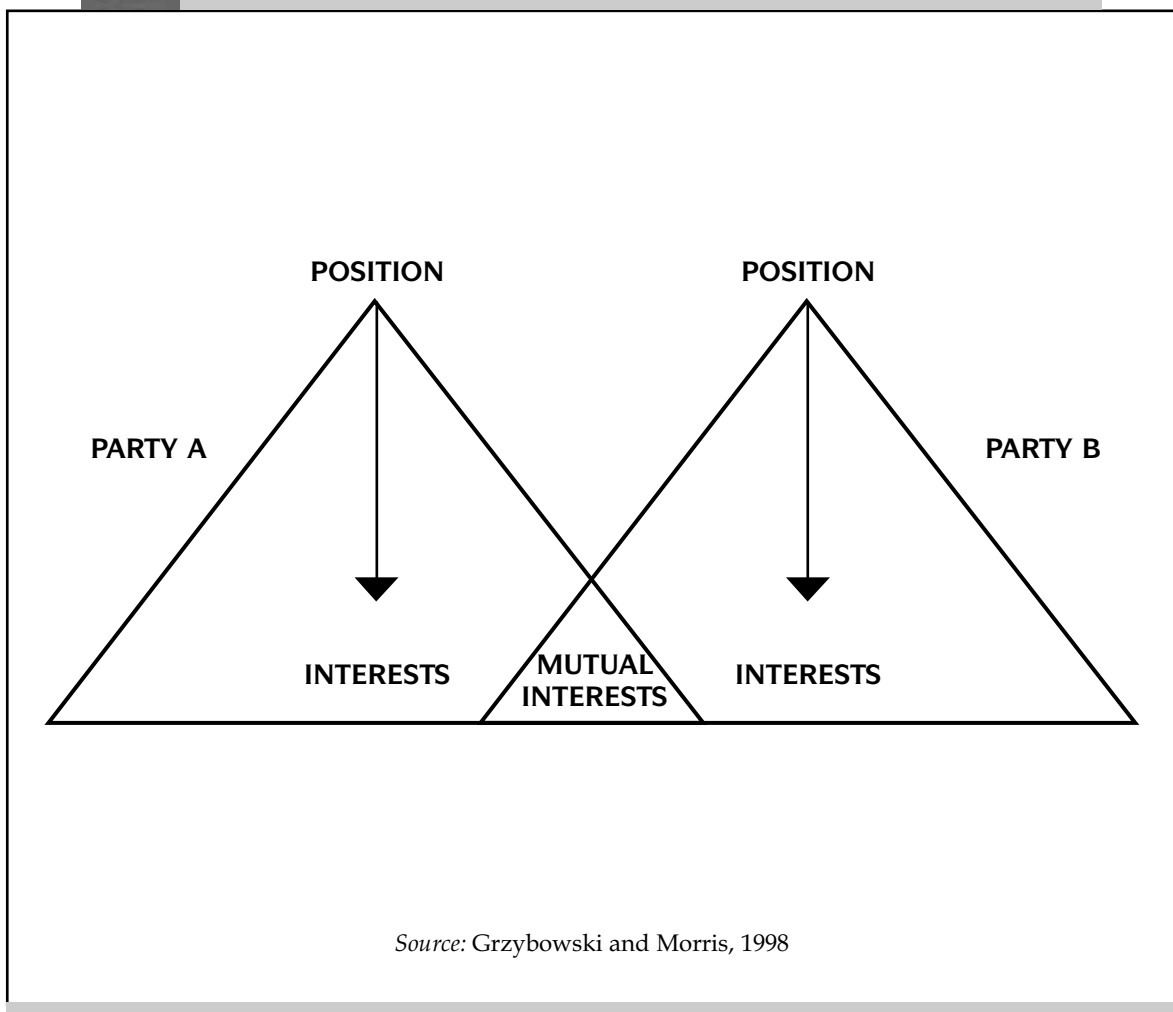
The basic problem in reconciliation is not conflicting positions, but in the conflict between needs, desires, fears and concerns. Understanding the differences between positions and interests can lay the groundwork for more effective negotiations. (Fisher and Ury, 1991).

TRAINER'S NOTE # 21

SHIFTING FROM POSITIONS TO INTERESTS TO CREATE NEW OUTCOMES

An example of applying the notion of the onion layers of positions, interests and needs in a community forest dispute is provided in Figure 3.5. At the centre of this example are two groups, a community-based organization and a government conservation agency, which have come to an impasse over the future use and management of a forest reserve. The organization, which represents the needs and interests of indigenous forest users, was lobbying the government to reverse the tenure of the area and put it back under customary control. The public position of the conservation agency was to maintain the reserve and stop all use of it. These positions allowed little room or scope for negotiations. Negotiations based on the interests of the groups, however, allowed new options to arise. Using this or another similar example (see Box 3.3), work with training participants to try and come up with what might be mutually satisfying outcomes based on the interests and needs listed.

FIGURE 3.5 **APPLYING THE ONION TO A CONFLICT IN COMMUNITY FORESTRY**

Local community-based organization representing indigenous forest users

Forest conservation agency

POSITIONS
What we say we want

INTERESTS
What we really want

NEEDS
What we must have

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

- Continued forest access by indigenous communities
- Improved sources of local income
- Involvement of communities in forest management decisions

- Food security
- Recognition of local cultural values and customary use of the forest by government
- Indigenous people with money to meet basic family needs

- No use of forest reserve by indigenous people
- Forest reserve protection is maintained as is

- Maintain influence in forest reserve management
- Reduce impacts of forest harvest
- Reserve management decisions are based on scientifically sound management principles
- Ability of agency to enforce management guidelines

- Long-term protection of forest biodiversity
- Continuation of funding for forest programmes
- Retain agency reputation in forest conservation

Adapted from: Fisher *et al.* 2000

BOX 3.3 **AN EXAMPLE OF HOW IDENTIFYING A COMMON INTEREST MAY LEAD TO RESOLUTION AGREEMENTS**

Two officers in the Department of Forestry had an ongoing conflict about their respective responsibilities in managing lowland and upland areas of a particular forest catchment. Both individuals insisted that they should have the responsibility to oversee the lower valley region. Work in the lower valley was generally less tiring and closer to the officers' residences, and resulted in greater public recognition.

A third party was asked to provide assistance and began by requesting both officers to identify what the known needs were for the whole region before going into their own specific demands. As the regional issues were discussed, both officers realized that, in focusing on what they individually wanted, they had failed to address broader shared management needs for the region. Their final agreement was to monitor both the valley and the upland regions jointly. Once they could both agree on the overall issue, they began to discuss how to integrate their mutual responsibilities with their specific interests and needs.

3.3.6 Stakeholder relationships

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

◆ relationships to the resource base – rights, responsibilities and returns or benefits gained from the forest resource;

◆ relationships with each other – individually, in partnerships, or as part of larger alliances.

Stakeholder power and capacity are heavily influenced by both sets of relationships. Rights of access and control, and the benefits gained from the forest, often define stakeholders' roles and power in relation to management. Similarly, alliances with other groups, networks and collective

action can be an important bargaining tool, and a means of striking new and necessary institutional arrangements (Ramirez, 1999).

It may be very important to consider how these relationships have changed over time and what is desired for the future. For example, an examination of the past and present use rights of local forest users may show the erosion of control over forest-based livelihoods. Similarly, outlining the preferred rights, responsibilities and benefits for forest management can help articulate the desired outcomes from the conflict.

TRAINER'S NOTE # 22

CHARTING THE 4Rs

A valuable activity for analysing stakeholder power and interests is to chart the *rights*, *responsibilities* and *returns* for all involved stakeholders in relation to the use of the forest. *Relationships* among stakeholders can also be charted or mapped in order to assess the degree to which they are positive or problematic. Positive interactions can indicate opportunities to build support and alliances for use in conflict management. Difficult relationships may indicate links to the current conflict. *Training activity #18* provides a method for doing this.

Figures 3.6 and 3.7 show the outcome of an analysis of stakeholder relationships (both with the forest resource and among themselves) in a conflict that developed among local indigenous communities, the government and commercial interests over a proposed timber concession.

FIGURE 3.6 **ANALYSIS OF THE RELATIONSHIPS BETWEEN STAKEHOLDERS AND FOREST RESOURCES**

Stakeholder	Rights	Rank	Responsibilities	Rank	Returns	
National forest agency	Supervision Management	4	Administer timber concession Ensure annual national cut is achieved Implement biodiversity strategy to meet international commitments[2]	3	+ Royalties and logging income + New road into area − Weakened biodiversity protection in forest site	4
National Department of International Affairs[1]	No rights exclusive to forest area (but powerful government office)	1	National security Immigration control	3	+ Improved access to the border	4
Timber company	7-year exclusive lease on 50 000 ha of forest	5	Road construction[3]	3	+ Expected timber sales and profit	5
Village A	Unrecognized customary forest use rights	1	Continued role in day-to-day management (fire management, controlling forest entry by migrants)[4]	5	− No further access to needed forest products	1
Village B	Unrecognized customary forest use rights	1	Continued role in day-to-day management (fire management, controlling forest entry by migrants)	5	− No further access to needed forest products	1
Village C	Unrecognized customary forest use rights	1	None	0	+ Increased revenue from sale of produce	3
Migrants	None	0	None	0	− No further access to needed forest products	1
National research institute	Research permit	3	Inform government of biodiversity inventory Assist forest agency with biodiversity management	3	− Inventory stopped, leaving gaps in national forest database − Weakened biodiversity protection	0

Figure 3.6 continued

Stakeholder	Rights	Rank	Responsibilities	Rank	Returns	Rank
Conservation NGO	Research permit	3	Inform government of biodiversity inventory Assist forest agency with biodiversity management	3	− Inventory stopped, leaving gaps in national forest database − Weakened biodiversity protection	0
Development NGO	None exclusive to forest site (but empowered under government health programme)	3	Improvement of local livelihoods	4	− Increased pressures on local livelihood support	1

Notes:

1 Many of the villagers initially saw all the interests of the government as being represented by the national forest agency. In preparing the matrix they realized that they needed to engage the Office of International Affairs as well as the national forest agency. These two government departments had quite distinct interests, authority and strategies.

2 Despite the national forest agency having a number of formal (legal) responsibilities to manage the forest sustainably, it was given a lower ranking (for responsibility) because of its inability to carry out duties. The effectiveness of the forest agency in all responsibilities hinged on the support of various partnerships (for example with communities, the research institute, the timber company).

3 In discussion of the matrix, it was pointed out that the company had a low level of responsibility in terms of ensuring that the harvest was sustainable or that it provided for future local needs. It was also feared that constructing the road would open the area up to more settlers from other areas, and would not control the migrants as intended.

4 The forest agency acknowledged that it would continue to need the assistance of local people in forest area management.

5 In discussion of the matrix, the local villages opposing the logging decided to enlist the support of the research institute and conservation NGO, as these two groups had some formal rights to the area and their interests were potentially threatened.

Ranking of stakeholders according to respective 3Rs weight

Rank	Greatest rights	Most responsibilities	Most benefits
1	Forest agency	Villages A and B	Timber company
2	Timber company	Forest agency	Forest agency
3	Research institute/ conservation NGO	Research institute/ conservation NGO	Village C

FIGURE 3.7
ANALYSIS OF THE RELATIONSHIPS AMONG STAKEHOLDERS
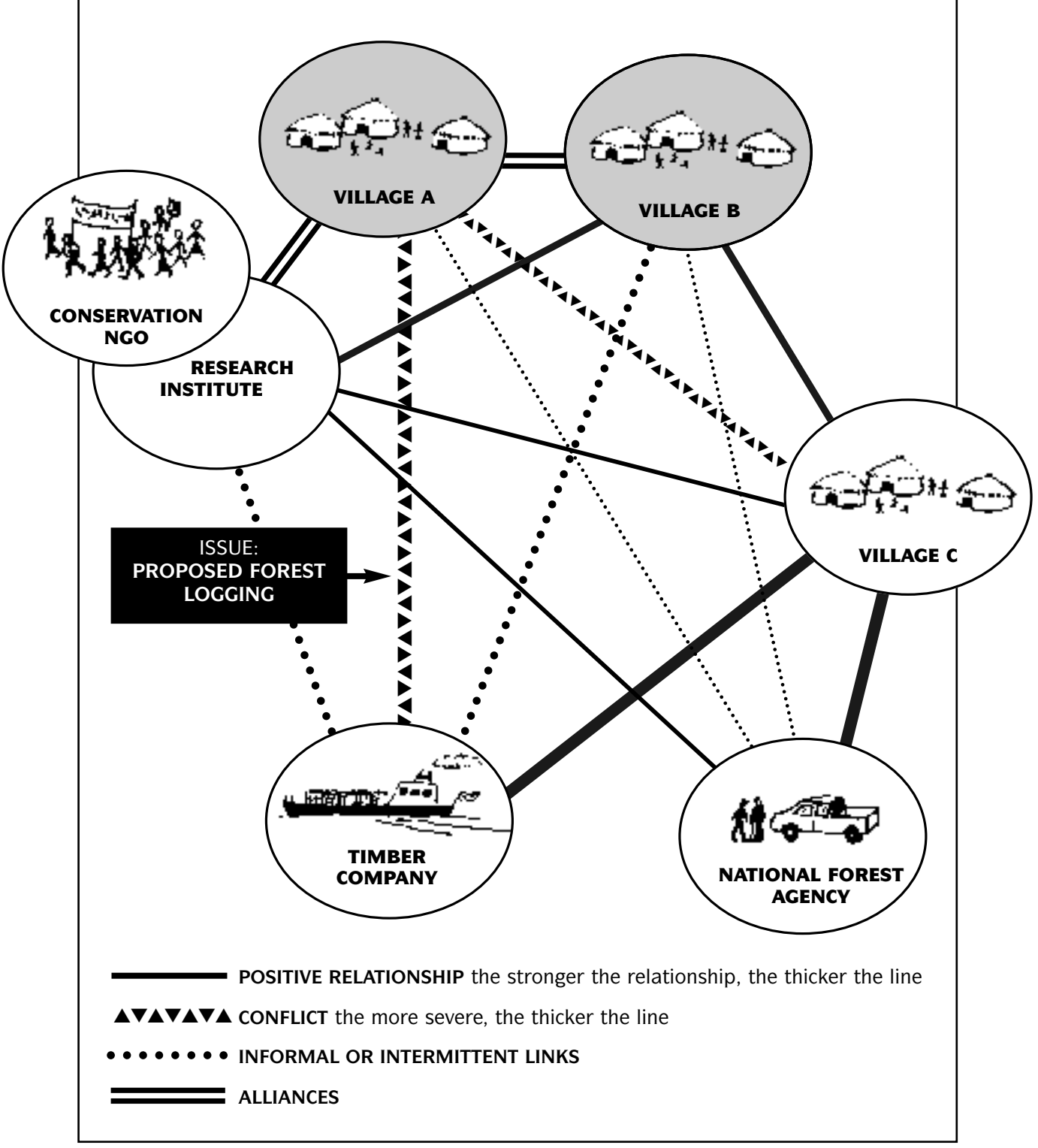
Figure 3.7 continued

ANALYSIS OF RELATIONSHIPS SHOWN ON THE MAP

Issue: **Timber company to harvest a forest area that is the primary use area of villages A and B.**

VILLAGE A

◆ Alliance with research institute, conservation NGO and village B.

◆ Major conflict with logging company's interest to harvest forest area.

◆ Minor conflict with village C about supporting company's proposal.

◆ Past relationships with forest agency have been good.

VILLAGE B

◆ Alliance with research institute, conservation NGO and village A.

◆ Strong kinship ties with village C.

◆ Very little interaction with forest agency or logging company.

VILLAGE C

◆ Logging company says it will purchase produce from village C in exchange for support of logging proposal.

RESEARCH INSTITUTE/CONSERVATION NGO

◆ Good relationship with forest agency through shared work on forest bio-diversity strategy.

◆ Partners with all villages in undertaking forest inventory work.

◆ Some contact with timber company, but interaction so far has been poor.

POSSIBLE ACTIONS (TO STRENGTHEN THE INFLUENCE OF VILLAGES A AND B)

1. Use the alliance to lobby the forest agency and external stakeholders.

2. Village B acts as intermediary between village A and village C in order to renew and strengthen ties.

3. Research institute to present concerns of villages A and B to forest agency.

4. Research institute to explain concerns of logging impacts to village C.

3.4 OTHER IMPORTANT CONSIDERATIONS IN CONFLICT ANALYSIS

In community-based forest management, conflict situations often emerge or are greatly influenced by issues of cultural diversity, gender or policy.

3.4.1 Considering culture

Cultural differences or lack of understanding about another group's culture are often a cause of conflict. Conflicts across cultures quickly reveal the norms, values, rules and expectations that have been shaped by their members. A key challenge in community-based forest management, which frequently draws together a broad spectrum of cultural groups, is increasing understanding of the different cultural influences that stimulate conflicts.

Culture is the set of norms, beliefs, institutions and behaviours that people acquire as members of a particular society or population. We usually do not think about our own culture because it is so much a part of our everyday life that we take it for granted. However, we often become aware of culture when we interact with those who possess different values and practices than our own.

Although cultural norms are widely shared, it is important to bear in mind that individual variation always exists. Not all groups or individuals within a particular society or population will hold or behave according to a single set of values. Moreover, significant social divisions may exist within the culture based on gender, age, relative material wealth, occupation, or some other variable.

People often feel that their cultural norms and practices are the best and correct ones. It is also commonplace for people to feel that the members of other cultures possess inferior norms and practices. Judging another culture solely in terms of one's own culture is known as ethnocentrism. We have learned through long experience that ethnocentrism can be very harmful in both community-based natural resource management and in conflict management. Instead, one should avoid superficial judgements and exercise tolerance as much as possible. (Ember and Ember, 1999)

The failure to account fully for cultural differences in the way that forests and resources are valued can significantly contribute to stakeholder difficulties in building management agreements.

For example, indigenous communities often place non-economic values on forests which are tied to traditional belief systems involving religious rituals, sacred sites and historic hunting and collection areas. Government officers or commercial interests may not appreciate the significance of these linkages to ancestral lands. Their views on forests or trees may be shaped by quite different cultural influences, and may stress economic values and goals. In the process of negotiating forest agreements, such concerns may be ignored or undervalued, threatening traditional knowledge systems and patterns of use, or destabilizing negotiated outcomes among the stakeholders.

BOX 3.4 **CHARACTERISTICS OF CULTURAL DIFFERENCES**

Features to consider when identifying or describing culture:
- ethics;
- beliefs about conflicts;
- control, order;
- competition versus cooperation;
- hierarchy of needs and interests;
- time and place;
- process versus task;
- individual versus group or community;
- values attached to possessions;
- status;
- gender and sexuality issues;
- spiritual beliefs and practices;
- spirituals, music, art;
- expression – individual and group;
- spontaneity;
- verbal and body language;
- written versus oral language;
- communication style;
- emotional, mental, physical and spiritual expression and emphasis;
- gender roles;
- views of children and elders;
- definitions of family and family values.

Similarly, culture plays a central role in influencing the ways in which different groups engage in and respond to conflict. Conflicts in community forestry link multiple stakeholders who often know very little about one another. This lack of cultural knowledge can pose a challenge. Not only can there be significant value differences, but spoken language, communication style and assumptions about conflict and resolution may also differ greatly. Analysing conflict sensitively and keeping in mind the role of culture in influencing the behaviour of all stakeholders will improve competency in preparation for collaboration.

TRAINER'S NOTE # 23

TAKING CULTURE INTO ACCOUNT IN MANAGING CONFLICT

Exploring cultural differences plays an important part in analysing conflict. *Training activities 19 and #20* provide opportunities for participants to learn about the various elements of culture and how they influence people's perspectives of conflict and managing conflict.

3.4.2 Considering gender

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

◆ has access to and uses a specific forest resource;

◆ has and controls traditional or other local knowledge;

◆ receives benefits from forest resources, management decisions, income-generation projects and training programmes;

◆ has authority and participates in decision-making;

◆ needs to be supported in order to improve sustainable livelihoods for the whole of the community.

All of these are vital elements to consider in designing and implementing successful community forestry initiatives.

What is meant by gender?

Sex identifies the biological and physical differences between women and men. It refers to whether people are born female or male.

Gender is socially constructed; it is formed around the social and cultural perceptions of male and female traits and roles. Gender identifies the social relations between men and women. It refers to the expectations that people have of someone, simply because they are male or female (Williams, 1994). Gender as a term does not refer to women only – it refers to both men and women.

Gender analysis is the systematic examination of the roles, relationships and processes between women and men. Gender roles show how labour is divided between men and women depending on the tasks they are involved in (see Box 3.5). Both men and women play multiple roles, and these often differ from one society to another, or within a society.

BOX 3.5 **EXAMINING GENDER ROLES**

Gender roles are socially constructed and influence or allocate activities, responsibilities and decision-making authority to groups of people. Social factors that underlie and sometimes reinforce gender differences include customary or religious practices, ethnic or cultural attitudes, class or caste, the formal legal system and institutional arrangements (European Commission, 1998).

The *reproductive role* includes a range of activities related to child-bearing and child-rearing responsibilities, and domestic tasks required to guarantee the well-being and maintenance of the labour force (not just children but other members of the household as well).

The *productive role* refers to work done for pay in cash or in kind. This role includes market production with an exchange value, and

subsistence and home production with actual use value or potential exchange value. In relation to forest use this can include timber and non-timber forest product collection and processing, cultivation, hunting or handicrafts.

The *community managing role* refers to activities done at the community level, as an extension of the reproductive role. This is voluntary, unpaid work aimed at maintaining the well-being of the whole community. For example, work involved in the maintenance of communal water sources, on forestry plots and on school committees.

The *community politics role* refers to activities undertaken at the community level, often within the framework of policy-making or politics. This work is often paid – either directly or through status and power.

Source: Moser, 1993; Von Kotze and Holloway, 1996.

Conflict and gender

Conflicts within community forestry often arise from imbalances in gender roles, relationships or processes. Rural women are usually at a greater disadvantage than men, as they commonly:

◆ have lower social, economic and legal status;
◆ have fewer opportunities for gaining access to technical education and training, credit, markets and funding;
◆ lack input into planning and decision-making processes;
◆ lack tenure rights to land, trees, water and other forest products;
◆ receive proportionately fewer returns from forest resources.

These imbalances place real constraints on women's participation in, and ability to benefit from, community-based forest management.

In general, around the world, women are poorer than men. Their poverty arises from the roles they are assigned and the limits placed by societies in their access to and control of resources. Women are disproportionately employed in unpaid, underpaid and non-formal sectors of economies. Inheritance laws and traditions, marriage arrangements, banking systems and social patterns that reinforce dependence on fathers, husbands and sons all contribute to their unfavourable access to resources and their lack of power to change things. The health dangers that result from multiple births can contribute to interrupted work and low productivity. Traditional expectations and home-based responsibilities that limit women's mobility also limit their opportunities for political involvement, education, access to information, markets and a myriad of other resources....

Understanding these linkages makes it clear that women are vulnerable not because it is in their physical nature to be weak but because of the arrangements of societies that result in their poverty, political marginalization, and dependence on men. (Anderson, 1994, in Williams, 1994)

Conflicts can result from management actions and forest uses that maintain discriminatory roles, often increasing women's work and responsibilities without a corresponding increase in authority, rights, income or opportunities to influence decision-making.

A few examples of how gender differences can affect community-based forest management and give rise to conflict are listed in the following paragraphs.

1. **Adding to a full workload:** On average, within a rural community, the workday of women is commonly two to three hours longer than that of men, and may consist of several additional sets of activities (see Figure 3.8). Many of the roles carried out by women are done simultaneously: for example, women often care for children at the same time as working in gardens, cleaning the house, cooking, etc.

FIGURE 3.8 **WHAT'S IN A DAY?**

Examples of two daily activity charts done by villagers to compare roles and time availability of men and women.

MEN'S DAY

MEALS AND REST
3 HOURS

MEETINGS
2 HOURS

LIVESTOCK CARE
2 HOURS

SLEEP
8 HOURS

FIELDWORK
4 HOURS

HYGIENE
1 HOUR

MARKET
SELLING
4 HOURS

WOMEN'S DAY

SLEEP
4 HOURS

CHILD DUTIES
1 HOUR

WOOD COLLECTION
3 HOURS

WATER COLLECTION
2 HOURS

ATTEND TO
ELDERLY PARENTS
1 HOUR

GARDEN WORK
3 HOURS

COOKING
4 HOURS

FIBRE COLLECTION
2 HOURS

MEALS
AND REST
2 HOURS

HYGIENE
1 HOUR

CLEANING
1 HOUR
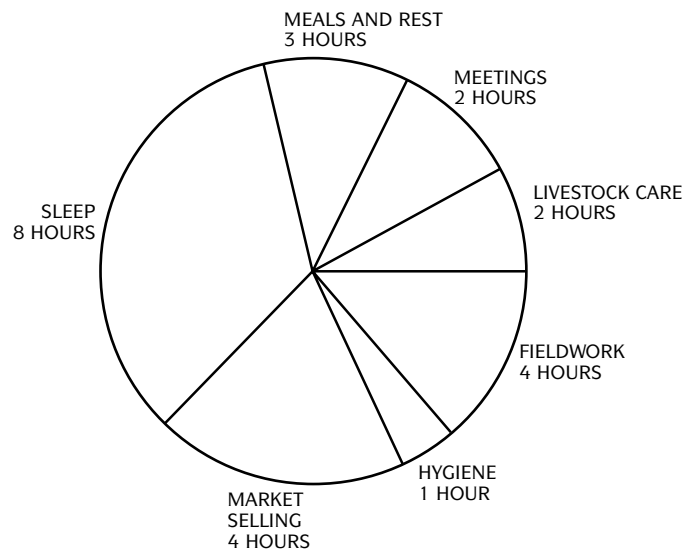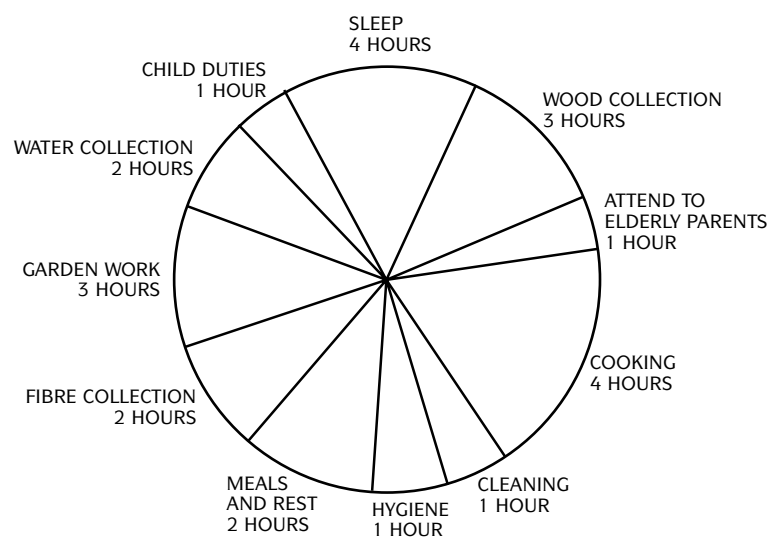
The design and implementation of community forest income-generating initiatives and management decisions do not always consider women's activities, time availability or needs. This can result in an increase in women's labour and workload. Women's inability to accommodate additional work can create tensions and conflict within households and at the village level. Similarly, women may not be able to participate in working groups, meetings or specific forest-related events when these have not been planned to fit in with women's daily chores and responsibilities. They may become discouraged and choose not to participate, further decreasing the success of the initiative.

A lack of equality in the traditional roles of women and men has intensified as modern technologies and social changes reach the village level. For example, men may take on jobs in cities, leaving women with dramatically increased household and subsistence responsibilities.

2. **Erosion of women's role in decision-making:** Traditional resource decision-making systems are often informal and allow women to make some input into day-to-day decisions about the use and care of forest products. Similarly, some indigenous resource management systems give women extensive management authority, based on kinship or age, over specific trees or forest products.

The establishment of more formal systems of collaborative management using public fora dominated by men can ignore or erode women's authority and involvement in decision-making. In some countries, there are legislative requirements for the representation of rural women on community forest management committees or user groups. Too often, however, women lack confidence, are unaccustomed or fearful of interacting with men, or are subject to traditional rules and customs that limit any meaningful participation in such fora. Providing women with an opportunity to participate in representative decision-making processes often requires change in other traditional relationships, or additional education and skill development that are not always available.

3. **Changing roles:** Gender roles and relationships are dynamic and changing. Changes can occur suddenly, in response to war, famine and natural catastrophe, or gradually, over time. Changes can be perceived as opportunities or threats by both women and men, and as a source of conflict (Fisher *et al.*, 2000). Conflicts can also arise from the forceful actions that men and women take to address imbalances in the roles or processes affecting women's lives. Such conflicts can be highly visible, particularly between generations, as educated youth openly challenge traditional roles. Commonly, however, conflict lies latent as women examine responses to it, often using a range of indirect strategies. Although not always visible, women's difficulty in expressing disagreement can steadily erode or undermine the sustainability and effectiveness of community forestry initiatives.

Responding to gender differences

The following are some important guidelines to consider in anticipating, analysing and addressing gender-related conflicts in community-based forest management.

◆ **Women do not compose a uniform group of stakeholders.** Definition of the different stakeholders in a conflict takes account of the fact that both men's and women's roles, interests and priorities (and therefore relationships to the conflict) are influenced by a range of factors. These might include social position, wealth, education, religion, ethnicity and the type of paid or unpaid work they do. Although men are frequently identified and analysed as stakeholders in relation to their roles and interest in forest use or management (for example, as farmers, forest hunters, carvers, merchants, committee members), women often are not. In stakeholder analysis it is important to identify relevant subgroups of women, based on their roles and interests (for example, fuel collectors, farmers, market sellers, weavers).

◆ **Men and women both need to be involved in analysing conflict.** Because of their different gender roles and responsibilities, men and women have different experiences and needs. This means that they may have different perspectives on a conflict. Both men and women should be involved in analysing the causes and impacts of conflict, identifying appropriate strategies and workable solutions, and monitoring agreements.

◆ **Gender analysis assists anticipating conflicts**. Gender analysis undertaken early in the design process of a community forestry initiative can identify circumstances that might lead to conflict. Likely impacts on men's and women's activities, time, decision-making structures, institutions, and so on, can be identified, and actions to prevent or mitigate these impacts can be taken.

◆ **Addressing conflicts associated with gender issues usually requires a range of actions at multiple levels, often over long time frames.** Gender conflicts are complex. Gender inequalities are not usually confined to one aspect of a woman's life, but affect her at various points within each of the multiple roles she performs. Meaningful participation for women in forest use and management is only achieved when a range of changes are supported, including changes in institutional structures, social and cultural attitudes, education, available time, work tasks and access to credit and funding. These changes may need to take place in the home, within the communities and within interacting agencies, and therefore require multiple strategies.

◆ **A human rights-based approach can be useful in dealing with forest conflicts.** Notions of gender equality can be founded on a human rights-based approach to development. Men and women may have different roles, but both need to be assured of their basic human rights. As with men, rural women need secure access and rights to forest resources and land. For both, this is a key factor affecting their social and economic status. Being able to influence forest planning and management more effectively and fully therefore provides a basis for affecting crucial decisions regarding food security, well-being and future livelihoods.

TRAINER'S NOTE # 24

BUILDING GENDER AWARENESS IN CONFLICT

Analysis of the gender impacts on conflict builds on the results of a range of participatory tools, such as social maps, gender-specific seasonality charts, daily activity calendars, preference ranking charts, and so on. In training, emphasize that participatory tools are not inherently gender-sensitive. Such tools are only useful when there is good, gender-sensitive facilitation. This requires that the facilitator be able to

help both women and men together to examine their roles and relationships, and how these support or constrain their livelihoods. It is also necessary to consider the choice of methods used, and to recognize that the timing, duration and location of activities do not automatically ensure equal participation.

Training activity #21 aims to increase understanding of why it is important to consider gender in community-based forest management, and provides frameworks that are useful for undertaking gender analysis. *Training activity #22* is useful in identifying gender-based conflicts.

3.4.3 Impacts of policy

Inadequate or contradictory policy and law frequently cause conflicts over forest use and management. Poorly designed or disjointed national forest policy can block decisions and actions at local levels and result in unintended consequences (Poffenberger, 1999; Tyler, 1999; Suryanata *et al.*, 2001). Similarly, incentives to collaborate can be weakened when governments fail to reform key policy areas, such as tenure or use rights. Such failure can reduce resource security for local people, maintain unequal power relationships and undermine trust in government or political processes.

Policy basics

The term "policy" in its broadest sense can refer to programmes, strategies, plans and their implementation resulting from public (State) or collective decision-making (Thomson, 2000). International treaties, conventions and agreements, national and state legislation and local authority regulations are the legal expression of policy.

Policy can be generated at the international, national, provincial, district and local levels. The decisions on legislation, regulation, resource allocation and spending that most affect community-based forest management initiatives are usually made at the national and provincial levels (depending on the degree of decentralization). However, it is important to recognize how policy generated at all locations affects community forestry, and how the policies generated at levels affect one another and are coordinated. International agreements, for example, commonly influence the direction of national policy.

A sound, equitable and consistent policy and legal environment is fundamental to strengthening communities as forest managers and maintaining collaborative partnerships. Providing effective support requires paying attention to the following aspects of policy process, content and coordination (Thomson, 2000):

◆ *Policy process:* the process in which policy is formulated, implemented and evaluated. Policy that is supportive and friendly to community forestry must be participatory and involve local stakeholders in its formulation, monitoring and review. Who participates, how and at what stage are crucial issues. The strength of this process will greatly influence both the content of the policy and coordination with other agencies for providing needed inputs (see Figure 3.9).

◆ *Policy content:* the objectives, actions, structures, requirements and mode of delivery. Policy aimed at strengthening communities as forest managers should consider and be adaptive to local conditions. It should be built around accurate information of local stakeholders' needs and goals, constraints, traditional institutions and practices and capacities for implementation.

FIGURE 3.9
RELATIONSHIPS AMONG DIFFERENT ASPECTS OF POLICY

THEN CONTENT CAN

◆ disempower
◆ weaken community governance
◆ be locally unacceptable
◆ not respond to situations of the most vulnerable groups
◆ maintain power imbalances

IF POLICY PROCESS IS WEAK

◆ centralized "top-down" approach
◆ non-participatory of primary stakeholders
◆ non-inclusive of other agencies or sectors

THEN IMPLEMENTATION CAN LACK COORDINATION

◆ reflect narrow sectoral focus
◆ fail to provide all requirements for improving community management
◆ increase opportunity for contradictory policies

◆ *Policy coordination:* linkages to other policy and legislation, or supporting agencies at different levels of government, internationally or within other sectors. Community forestry initiatives frequently aim to be holistic in attempts to support rural livelihoods. Implementing community forestry programmes requires a range of actions and support from other agencies in extension, education, health, income generation and natural resources.

Problems can arise and weaknesses surface at each of these levels. Examples of problems that are frequently encountered within community forestry and that contribute to conflict are described in Table 3.5. Any one conflict may display one or all of these problems, as they are linked and often overlap. Identifying where the problem is generated and how it affects other levels is crucial.

TABLE 3.5 **COMMON PROBLEMS OF POLICY AND LEGISLATION THAT RESULT IN CONFLICT**

Problem	Key elements
PROCESS	
1. *Lack of participation of local stakeholders in policy formulation*	◆ Forest policy is formulated in centralized decision-making systems (often in national capitals). ◆ The district or local agencies and communities that are responsible for implementation and enforcement are not involved. ◆ There is limited input of information on local needs, conditions, constraints or development objectives. ◆ The resulting policy and legislation may not be locally effective or acceptable. ◆ Policy may contradict or not address local priorities. ◆ Few opportunities for community-based initiatives to share learning and needs "upwards" with policy-makers, further reduce local stakeholders' influence on the direction or content of policy planning.
2. *Lack of participation in processes of monitoring or review*	◆ There is inadequate feedback into the local problems encountered, and policy issues continue to be repeated in other areas. ◆ Local authorities or communities lack opportunities to become aware of the difficulties or perspectives of the government. ◆ It stifles learning and innovation in policy formulation.
3. *Too much new policy or legislation at one time impeding implementation and quality*	◆ A rapid succession of community forestry initiatives, combined with national democratization or devolution processes, results in a logjam of new legislation and policies. ◆ When this occurs, the instruments are often put out in piecemeal fashion without sufficient development. ◆ Often lacks coordination with other policies or agencies, causing the overlap of authority and the duplication of requirements.
CONTENT	
4. *Forest policy or legislation does not provide for secure tenure or clarify tenure arrangements*	◆ Existing tenure systems may reflect historical inequities due to wealth, political power and ethnic differences, or they are prejudiced to encourage large-scale commercial activity or capital investment. ◆ There is political resistance to changing these arrangements in order to incorporate the interests of indigenous, landless or other marginalized groups. ◆ Actions to introduce new and fair policies are perverted by the political or material interests of national elite groups. ◆ There are insufficient legal models for recognizing communal property regimes. ◆ The government chooses to maintain uncertain community resource tenure owing to pressure from elite groups or other political mandates.

Table 3.5 continued

Problem	Key elements
CONTENT	
5. *Policy or regulations are inflexible and non-adaptive to local contexts*	◆ Government policy is implemented in a rigid manner and not adapted to local economic, cultural or social conditions. ◆ Geographical distance, low literacy or numeracy levels and lack of public information restrict the involvement of and benefits to community members from well-intentioned policy or programme initiatives. ◆ Imposed organizational structures, too many bureaucratic procedures and complex licensing requirements are cumbersome or poorly understood by local people. ◆ Newly introduced management requirements complicate and escalate conflict among villages instead of resolving issues of forest use and control.
6. *Policy introduces new structures that weaken traditional and local authority, institutions and practices*	◆ The introduction of new decision-making structures or institutions weakens community governance. ◆ Traditional or other existing local management systems are disregarded or overridden. ◆ New structures undermine local leadership. ◆ Creates tension and resentment among community members. ◆ Erodes systems that also serve to mediate conflicts within and among communities.
7. *Lack of clarity within policy on changed roles, responsibilities and duties*	◆ Government policy is not clear regarding the changed roles and duties of village, district, provincial and national authorities. ◆ Lack of clarity may be due to a lack of or poor communication between those who make and those who implement policy. ◆ These aspects need to be clarified, but often are not, resulting in confusion and a range of disputes.
8. *Policies introduce new roles for government without adequate support and capacity building*	◆ Forest policies promoting greater stakeholder involvement and participation involve changed roles for government officials. ◆ The historical roles of forest officers include collecting and analysing data on the forest and resource use, planning for and administering State resource tenures, and setting the direction of, and making decisions on, management. ◆ Community-centred approaches require new roles that are facilitative, rather than directive, and a new range of skills and attitudes that understand and support participatory processes. ◆ The significance of this change in roles is often underestimated, but requires a major shift in attitudes and skills. ◆ When this support is not provided, local authorities are frequently overwhelmed by the policies and can block their implementation.

Table 3.5 continued

Problem	Key elements
COORDINATION	
9. *Collaborative man-agement delivered in a limited and piece-meal manner*	◆ Collaborative systems of forest management require major changes in attitudes, structures and capacities at all levels and across agencies. ◆ Policy and programme initiatives that are supportive of commu-nity-based forest management are frequently treated with caution by politicians and governments – too frequently they are looked on as field experiments that are expected to perform or fail in the short term. ◆ Political commitment, access to adequate resources and training, and a realistic time frame are required to support this change fully.
10. *Policy effectiveness hindered by narrow institutional goals and inadequate coordination*	◆ The agency's narrow institutional goals often give rise to inade-quate policy or programmes ◆ A narrow policy focus neglects critical elements of integration, coordination or the needs of other resource users. ◆ An uncoordinated approach can result in the formulation of poli-cies that contradict each other. ◆ A policy reform may provide for one level of need, but implemen-tation is hindered by the lack of other policy changes or the lack of contribution from other departments or agencies. ◆ Even with more authority and control, local stakeholders remain handicapped without additional technical support or extension programmes from other agencies.
Sources: Poffenberger, 1999 ; Tyler, 1999 ; Suryantata *et al.,* 2001.	

Conflicts over tenure

One of the most contentious policy issues in community forestry and collaborative management is security of tenure in forest land and resources. The absence of secure tenure for the communities involved in forest management is a characteristic feature of community-based forest management. This issue is considered to be a primary source of conflict and resource degradation (Fisher, 1995; Bojang, 2000; Poffenberger, 1999; Tyler, 1999).

BOX 3.6 **UNDERSTANDING TENURE**

Tenure is a system of mutually recognized claims to land, water and resources. It is frequently seen to be the same as ownership, but it is not (Fisher, 1995). For example, many forms of customary tenure by indigenous people do not ascribe rights of ownership to land, but view the tribe as "custodian", holding rights of management and control over an ancestral estate. Nomadic groups often seek tenure over land, but only for the purpose of moving through that land during specific seasons of the year.

Rights can be classified as de jure tenure and de facto tenure. The former is endorsed by the State and, in theory, the State supports de jure claims. The latter is that which occurs in practice, but is not sanctioned by the laws of the State (Fisher, 1995).

Central to the tenure issue is the predominance of common property regimes (CPRs), which are widely held throughout the world by indigenous people over their traditional lands. These tenure systems are fundamentally resource management systems characterized by a limited or defined membership that regulates use of and access to forests and land by its members and others (Bruce, 1999; Forni, 2000). CPRs are extremely variable in form and in the rules under which they operate. For many indigenous peoples, the maintenance of CPRs is pivotal to conserving cultural values and achieving greater political and economic autonomy (Bruce, 1999).

Tenure security is fundamental to achieving local participation. Many local stakeholders will not begin to negotiate or collaborate with the government until some actions have been taken towards providing them with security of use and management rights. In many countries, rights of access to and harvest of non-timber forest products are provided, but legal recognition of traditional CPRs, or rights to forested land and trees, are frequently withheld. Reasons for this include (Bruce, 1999; Poffenberger, 1999):

◆ political unwillingness due to opposing groups within the society, corruption or pressure from influential elite groups;

◆ national governments that are focused on the privatization of production and the primacy of the individual over collective action often do not understand CPRs, or see them as impeding development;

◆ government reluctance to hand over State-claimed forest lands to communal interest;

◆ a lack of legal mechanisms or models to provide a legal base for CPRs and institutions;

◆ poor integration and conflict of national law with customary law, leaving little opportunity to secure CPRs.

Addressing policy conflicts

Conflicts related to policy can significantly alter the strategies for managing conflict by widening the scale of stakeholder involvement vertically and horizontally, extending time frames and requiring a range of integrated approaches. Strategies are likely to shift direction at various points as groups interact, alliances are built and power bases change.

Addressing policy conflicts often requires involvement in the larger political arena and lobbying for changes in issues of policy process and content. Policy reform requires that communities, as well as forest- and land-related government agencies, assume genuine leadership roles. Policy change to meet the challenges of community forestry requires political willingness to grapple with a range of complex and emotionally sensitive issues of land, wealth and equity. It also requires new innovative models for blending traditional and national systems of governance and, in some cases, legal challenges to existing bodies of law, both within a country and internationally.

Efforts should aim to (Tyler, 1999; Thomson, 2000):

◆ gain political commitment to support reforms and provide necessary resources for implementation;

◆ obtain a balance of decision-making power between the grassroots and national levels;

◆ establish mechanisms for a more inclusive formulation and review process that allows input to extend down to the household level;

◆ establish mechanisms for improved coordination within or among agencies so that all are informed, involved and supportive;

◆ construct policy so that it includes mechanisms to adapt to local conditions;

◆ make policy and structures accountable and responsible to both the government and the public;

◆ make policy responsive to groups of society that are less capable of lobbying on their own behalf.

TRAINER'S NOTE # 25

IDENTIFYING CONFLICTS RESULTING FROM POLICY

In these training materials we highlight the need for stakeholders to examine the root causes of conflict. We also introduce the "4Rs", which assist stakeholders in analysing rights and responsibilities in relation to forests and forest products. Issues that arise in these activities commonly link to weaknesses or problems of policy and law. *Training activities #23 and #24* allow stakeholders to explore specific policies within their region or area. From these analyses, actions are suggested on how to influence needed long-term changes constructively.

3.5 SECTION SUMMARY

Section 3 has outlined the main steps and activities of conflict analysis. The concepts and tools presented will be useful in understanding how to initiate a process of conflict management, identify its many driving forces and then nominate and select possible actions to manage it. Below is a brief summary of the key points covered in this section. To support the introduction and discussion of concepts in training, refer to the training activities in Section 9.

Conflict analysis is a key step in initiating conflict management. Starting a process of conflict management can be difficult. Several of the opposing parties may wish to end the conflict, but may be reluctant to risk making the first move. Conflict analysis allows stakeholders opportunities to begin the process in a non-threatening way. It can also quickly point to other stakeholders who may further support peace-building actions.

Conflict analysis helps identify issues for action. Conflict analysis is about breaking apart a large and complex problem into pieces that are amenable to analysis and action. As the individual causes are distinguished, the stakeholders' perceptions of events can be explored, and further information needs identified. Ultimately, parties to conflict can better identify which contributing causes are most significant, require immediate action or need to be addressed in the long term.

Identifying underlying causes can guide the selection of appropriate strategies to manage conflict. Underlying most conflicts are issues related to interests, ideology, relationships, information and structural inequalities. Classifying and prioritizing the various causes of conflict can assist in determining appropriate responses. Some types of conflict are more readily addressed than others. As a result of analysis, stakeholders may decide to ignore some conflicts or delay action, redirecting their efforts to other issues.

Conflict analysis identifies and involves the stakeholders. Distinguishing those stakeholders who are affected by a conflict and those who influence the outcome is essential. A further critical task in conflict analysis is helping stakeholders to examine and understand their and others' interests and expectations, relative power and responses to conflict. This also includes an analysis of their interactions, their relationships and ways in which they can work together to manage conflict.

Conflict analysis helps stakeholders shift their focus from individual positions to potentially shared interests. Shifting opposing parties from entrenched and fixed positions to finding common interests is fundamental to collaborative approaches. Guidelines are provided on how to do this, and on how to use common interests to build agreements.

Culture is important in creating and managing conflict. Culture affects how people use, acquire access to and value forest resources. It also influences communication styles and preferences for handling and managing conflicts over forest resources. Cultural differences are common in multistakeholder forest resource conflicts. This section highlights the need for those involved in conflict situations to learn how to work with cultural differences and build understanding among groups.

Gender differences can give rise to conflict and must be assessed and addressed. In most societies, the roles, rights and responsibilities of men and women are markedly different. These differences significantly affect the ways in which men and women use and value forests, and the extent to which they are involved in community-based forest management. Inadequate attention to gender differences will result in conflicts within and outside the community. People involved in managing forests should be sensitive to these differences, and anticipate and address gender-based conflicts.

Conflict analysis examines the impacts of policy and legislation. A supportive policy environment and legislation are required in order to enable effective and equitable collaboration among stakeholder groups. If these are lacking or poorly implemented, conflicts within community forestry activities are likely to occur. A range of problems and reasons for inadequate policy support are discussed in this section. Stakeholders involved in conflict are encouraged to analyse wider policy impacts. Introducing new policies and legislative changes is often an outcome of a long-term approach to managing conflicts.

3.6 REFERENCES

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SECTION 4

SECTION 4
DEVELOPING A STRATEGY
FOR MANAGING CONFLICTS

4.1 DIRECTION SETTING

This section examines how to develop a strategy to manage conflict. It explores:

◆ the possible responses and options that stakeholders may have in managing a conflict;

◆ factors that affect the selection of a particular strategy;

◆ approaches and tools that are useful in making decisions about which direction to pursue.

Setting direction and outlining plans of action occur at different stages of managing conflict. As described in Section 3, a preliminary conflict analysis at the outset can help the initiating stakeholders to understand the different interests and relationships involved. It can also help determine a provisional strategy for expanding the engagement of other stakeholders in conflict management.

The next step is working towards a mutually agreeable strategy that gains the support of all stakeholders. This step is usually difficult. It is often the case that stakeholders do not support the adoption of a collaborative or consensus building approach to managing conflict. Perceptions of the key issue or issues may differ widely. Many people suspect that conflict management strategies based on collaboration are only a way to undermine power rather than to build supportive working relationships.

At this point, stakeholders participate in a broader conflict analysis and determine whether they wish to proceed further, as described in Section 3. At the same time, key stakeholders individually consider their possible responses to the conflict and their preferred strategy for managing it (see Figure 4.1). To assist this process, stakeholders outline their interests and directly state what outcomes they want in relation to those interests. This

builds on their ongoing analysis of conflict causes, existing and desired relationships among stakeholders, and the interests, incentives to negotiate and capacities to participate of both themselves and other stakeholders. Before a collaborative process can emerge, groups need to decide that working towards an agreement based on mutual gain is the best choice for obtaining an acceptable outcome.

Even if initially individuals or groups agree to collaborate, after they have started examining the conflict they should reconsider or reconfirm their agreement to use consensus building approaches.

FIGURE 4.1
SOME KEY QUESTIONS IN SELECTING A STRATEGY
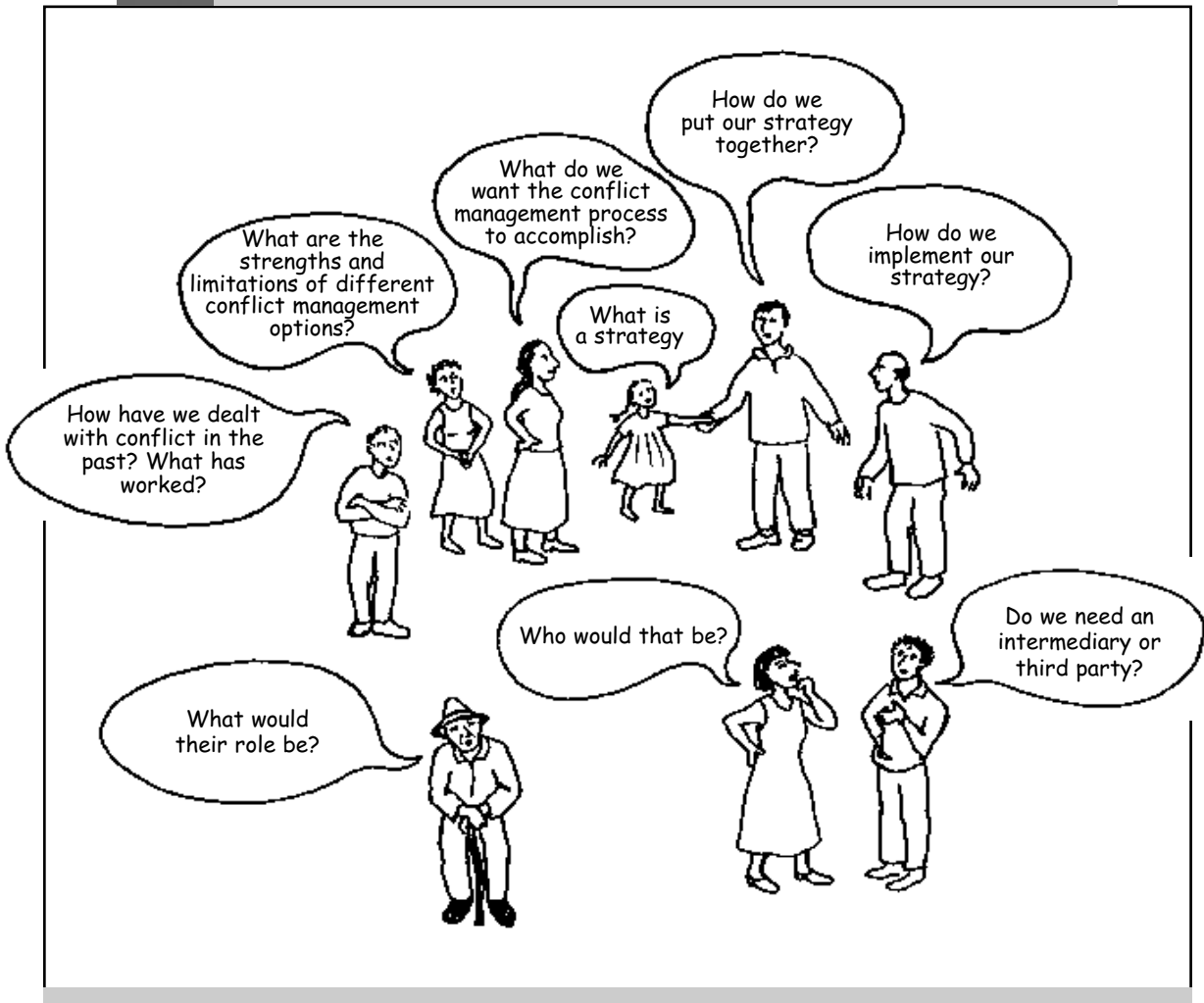
4.2 CHOICES IN CONFLICT MANAGEMENT

As discussed in Section 3.3.4, people choose to respond to conflict in vary-ing ways. Some withdraw from the conflict and refuse to acknowledge the dispute, while others may adopt various strategies to address it. When stakeholders publicly acknowledge the dispute and are interested and willing to address it, they may then:

◆ decide to accommodate and concede to the other group or groups;

◆ compromise; or

◆ work to manage the conflict collaboratively.

These training materials promote the third approach as a strategy in which all stakeholders potentially work for mutual gain. Collaborative solutions can be stronger, and their final result more acceptable, because stakeholders assess a range of views and are confident that they will get more from this type of agreement than they would from a unilateral action (such as the use of courts, coercion or withdrawing from the situa-tion). Stakeholders must balance the potential benefits and risks so that they can feel more confident that their interests will be met at the bar-gaining table rather than away from it (Susskind and Cruikshank, 1987).

TRAINER'S NOTE # 26

BRINGING DIFFERENCES TO THE FOREFRONT

Remember that the absence of obvious public disputes over forest use or resources does not mean that conflicts do not exist. Grievances are often allowed to smoulder for various reasons: fear, distrust, peer pressure, cultural differences, financial constraints and exclusion from certain dis-puting procedures, or strategic reasons (for example, one stakeholder group may wait for more favourable circumstances to pursue its case).

In instances where latent conflict exists, participants should be encour-aged to create ways to air grievances constructively. Examples include facilitated public or community meetings, special sessions of village forest management committees and semi-structured discussions with representatives or leaders of various stakeholder groups. Once the issues have been identified, the process of managing the differences can begin.

Stakeholders should understand that they have a number of choices for how they can manage a conflict. Communities regularly use either their own customary practices or the laws and administrative procedures for addressing conflict. Alternative conflict management has emerged as another approach – which is often sanctioned by governments and communities – for addressing conflicts.

In this section, we will assess the strengths and limitations of each of three different frameworks or "legal orders" for addressing forest management conflicts:

◆ customary practices;

◆ legal or administrative strategies;

◆ alternative conflict management approaches.

Although these materials focus on alternative conflict management, it is important to be aware of the full range of options that are open to stakeholders. Additionally, although the frameworks are treated separately, they do not always exist as discrete or closed systems, and may overlap. They can be complementary or competitive, and at times even contradictory.

4.2.1 Customary systems of managing conflict

A vast number of local-level strategies and techniques for managing conflict over forest resources have evolved within communities. There are many cross-cultural similarities in how people handle conflicts. Negotiation, mediation and arbitration are common practices in communities throughout the world (see Sections 4.2.2 and 4.2.3 for a discussion of these terms). People use other means as well, including coercive measures such as peer pressure, gossip, ostracism, supernatural sanctions and violence (or the threat of it).

Indigenous knowledge is interpreted as local knowledge as well as knowledge that is shaped and delimited by the distinctive characteristics of a particular place. Indigenous knowledge has two characteristics: (i) it is a product of a long process of adaptation to a particular environment; and (ii) it applies to a small, relatively homogenous group. Indigenous knowledge is a form of common wisdom that allows communities to carry out their everyday activities and to resolve conflicts in a manner that maintains the local community balance. This knowledge

is applied for different things, but does not define strict rules by which the community is to operate. Instead, it is a set of ideas and tools that different individuals can use or draw from depending on the situation and their own knowledge.... Local dispute resolution mechanisms are part of indigenous knowledge. (Castro and Ettenger, 1997)

Traditional knowledge systems and local mechanisms for managing conflict are integral to supporting the group or culture in which they develop. These approaches are culturally appropriate and maintain the power dynamics and relationships of the community concerned. They are often characterized by the building of relationships with kin, neighbours and various subgroups as part of the conflict management process. Bargaining, exchange and compensation may play key roles, but often the underlying principle of negotiation is to move towards a consensus. Negotiation-based processes are generally more accessible to local and traditional peoples, building on their available time, their language and their resources.

Although there are some distinct advantages of customary practices, it is also necessary to recognize that these practices are not perfect. Not all conflicts within a customary setting end in harmony. There are no guarantees that settlements will necessarily be long-lasting (Castro and Ettenger, 1997). Traditional systems do not ensure fairness and they can maintain the status quo to the disadvantage of subgroups. Such practices

may not provide an equitable opportunity or forum for some groups, such as women, certain castes and ethnic minorities, to express their grievances.

Local knowledge and practices evolve and change over time in response to the shifting social context. An array of social, political and economic factors may undermine the ability of traditional power and authority to enforce agreements.

The increasing heterogeneity of rural or indigenous communities – which is caused by cultural change, intermarriage, education and population movements – has, in many cases, eroded the social relationships that supported customary conflict management, for example, where educated youth are no longer willing to accept traditional autocratic decision-making styles. In such instances, change or rebellion against traditional power holders may not necessarily be negative, especially if it encourages greater pluralism. However, such change will have an effect on the use and impact of customary resolution methods.

Finally, customary practices for managing conflict emerge to address disputes *within* the culture or group they support. They are not designed to manage conflicts with *external* organizations, companies or communities, which are common in community forestry disputes (see Box 4.1).

TRAINER'S NOTE # 27

HOW APPROPRIATE ARE LOCAL OR CUSTOMARY PRACTICES?

Conflict management trainers should stress that each local or customary situation must be evaluated on its own merits. It is important to ask:

◆ In what type of conflict situations do local or customary practices work best?

◆ Where do local or customary practices not work as well?

◆ How can local or customary practices be strengthened and expanded?

Training activities #28 and #29 give training participants an opportunity to explore various customary practices and their appropriateness for managing different types of conflict.

BOX 4.1 **WHEN CUSTOMARY CONFLICT MANAGEMENT SYSTEMS DO NOT WORK AMONG COMMUNITIES**

In northern Thailand, boundary conflicts arose between two ethnic groups, the Karen and the Hmong, over different uses of a forested watershed. The Karen, who are generally perceived as being more conservation-oriented, maintain traditional beliefs that encourage forest protection. The Hmong are more oriented to growing commercial crops for outside markets. Conflict emerged when the Hmong wanted to expand their area of land clearing on to forest land that is protected by the Karen. The two ethnic groups have their own mechanisms for resolving conflicts among their own group members, but found these styles of negotiation inappropriate for working with each other. Difference in language was also an obstacle. Both groups had to speak in lowland Thai, in which they found it difficult to express their interests accurately. Frustration at not being able to negotiate easily increased the tensions.

4.2.2 National legal systems

Legal systems governing forest management differ from nation to nation. All, however, are based on legislation, policy and regulatory and judicial administrative orders. The main strategies for addressing conflicts are:

◆ *arbitration:* submitting a dispute to a mutually acceptable third party who renders a decision;

◆ *adjudication:* passing the dispute resolution process to a judge or administrator who has authority to impose a binding decision.

Both legal systems give authority and responsibility for the decision and outcome to an officially designated and sanctioned third party.

In some instances, stakeholders prefer to seek a legally enforceable settlement. However, legal and administrative systems can be inaccessible and intimidating environments for groups who are poor, have low levels of lit-

eracy or live in remote locations. Procedures are generally adversarial and promote only a win-lose outcome. The procedures, language and rigidity can be in serious contrast to local practices.

Some nations' legal systems increasingly take into account the local customs, tenure systems, culture and religions of different social or ethnic groups. They are trying to adapt and blend aspects of customary systems into administrative conflict management practices.

4.2.3 Alternative conflict management

The field of alternative conflict management (also referred to in these materials as alternative dispute resolution [ADR]) addresses forest conflicts through the promotion of collaborative decision-making (Pendzich, Thomas and Wohlgenant, 1994). It arose, in part, as a way to provide lower-cost, flexible, timely and participatory conflict management mechanisms. It also developed as a response to the adversarial style of managing conflicts used by legal systems and other modes of resolution. The field draws on the conflict management strategies that some communities have long used to settle their disputes.

Collaborative approaches aim to help disputing stakeholders to reach mutually acceptable agreements. The goal is to seek long-term mutual gain for all stakeholders. As much as possible, this approach seeks agreements that address, at least to some extent, the interests of each of the various stakeholders.

Specifically, alternative conflict management interventions seek to:

◆ improve communication and information sharing among interest groups;

◆ address the causes of conflict in a voluntary and collaborative manner;

◆ transform conflict into a force that promotes positive social change;

◆ build the capacity of communities to manage conflicts;

◆ limit the destructive force of future conflicts.

The following are the main strategies for addressing conflict:

◆ *Conciliation,* in which a third party communicates separately with the disputing parties to reduce tensions and create an acceptable process for resolving the dispute.

◆ *Unassisted negotiation,* which refers to a voluntary process in which parties meet face-to-face, without a mediator or facilitator, to reach a mutually acceptable resolution of the dispute.

◆ *Facilitation,* in which a facilitator supports a process of voluntary negotiation among two or more groups in a non-partisan manner. Using a facilitator can be particularly useful when multiple groups of stakeholders are involved in a conflict. The facilitator focuses almost entirely on the process and logistics of bringing stakeholders to negotiations and ensuring that stakeholders agree to and abide by the process. When facilitators act as moderators in negotiation meetings, they focus on enhancing communications among the groups and supporting an equitable exchange of views. Facilitators rarely volunteer their own ideas on solutions or become involved in the substantive content of discussion beyond synthesizing and summarizing viewpoints.

◆ *Mediation* is a process of assisted negotiation for two or more conflicting groups supported by a third party. In addition to ensuring that the different stakeholders agree on the process and logistics, the mediator can have considerable influence in bringing the disputing groups to negotiations and putting forward possible solutions. Unlike facilitators, mediators may put forward their own views on the likely acceptability of solutions in order to help stakeholders identify mutually acceptable solutions (Pendzich, Thomas and Wohlgenant, 1994). Mediators, however, have no power to render a decision. Their primary role is supporting the confidential exchange of views and information among the stakeholders.

Recognizing differences in negotiation styles

It is important to recognize that there are differences in how parties see and participate in negotiations. These materials, which focus on collaboration, advocate *principled* or *interest-based* negotiations.

Principled negotiation examines stakeholders' needs and interests and looks for mutual gains. This approach is highly collaborative, and presumes that the parties have the necessary goodwill and that communications have not broken down. It is often developed through conciliation. Principled negotiations are seen to be particularly important when the concern is to strengthen long-term working relationships (Doucet, 1996).

Other types of negotiation include *hard* and *soft negotiation* styles. The former often relies on the use of more coercive strategies to get each side to make concessions and reach agreement. It is particularly applicable when one conflicting party has taken up an extreme and inflexible position. Hard negotiations tend to be antagonistic and adversarial. Outcomes tend to be compromises rather than mutually satisfying agreements.

Soft negotiation can go to the other extreme, by placing emphasis on gaining an agreement without generating any disagreement. Sometimes this means that concessions are given too easily, and difficult issues that may provoke disagreements are avoided. More powerful stakeholders may use soft negotiation to increase rather than to moderate their demands. Outcomes tend to be accommodation.

Do alternative conflict management approaches work?

A number of factors influence the potential effectiveness of alternative management approaches. The key requirement is that stakeholders be committed to working out a solution through a collaborative decision-making process based on discussion, joint learning and persuasion. They must accept that, in the end, each stakeholder can only obtain what others involved in the negotiations are prepared to allow (Gulliver, 1979).

Another significant factor determining effectiveness is the extent of power differences among stakeholders, as discussed in Section 3. It can be counter-productive if only certain groups have power to mediate their differences and if the causes of conflict that result from the interests of

more powerful elite groups are ignored (Buckles and Rusnak, 1999). Other considerations include:

◆ cultural or social willingness to acknowledge a conflict publicly;

◆ administrative and financial support for negotiated solutions;

◆ the availability of trained mediators and facilitators;

◆ the urgency of resolution (gaining willingness of the stakeholders to negotiate and organizing negotiations may take considerable time).

TRAINER'S NOTE # 28

EVOLVING PRACTICES

As the principles of ADR are increasingly incorporated within multi-stakeholder land and environmental disputes, the process for building consensus has evolved. The strategy selected for building consensus may incorporate any of the process models presented in Section 3.3 that aim to widen stakeholder involvement.

Similarly, some believe that in recent years, with the widespread use of ADR approaches globally, too much emphasis has been placed on the role of mediators and conflict management professionals. The strengths of these approaches need to be blended and balanced with local systems. An overreliance on external experts can result in "the neglect of processes that lead to enhanced capacity to manage recurring conflicts" (Buckles and Rusnak, 1999).

TABLE 4.1 **THE STRENGTHS AND LIMITATIONS OF DIFFERENT SYSTEMS OF CONFLICT MANAGEMENT**

Conflict management system	Strengths	Limitations
Traditional and customary	◆ Encourages participation by community members and respect of local values and customs. ◆ Provides familiarity and past experience. ◆ Can be more accessible because of low cost, use of local language, flexibility in scheduling. ◆ Decision-making is often based on collaboration, with consensus emerging from wide-ranging discussions, often fostering local reconciliation. ◆ Contributes to a process of community self-reliance and empowerment.	◆ Not all people may have equal access to customary conflict management practices owing to gender, class, caste, ethnic or other discrimination. ◆ Courts and administrative law have supplanted local authorities that lack legal recognition. ◆ Communities are becoming more mixed, resulting in weakened authority and social relationships. ◆ Often cannot accommodate conflicts among different communities or between a community and the State.
Legal and administrative	◆ Officially established with supposedly well-defined procedures. ◆ Takes national and international concerns and issues into consideration. ◆ Judicial and technical specialists are involved in decision-making. ◆ Decisions are legally binding.	◆ Often inaccessible to the poor, women, marginalized groups and remote communities because of cost, distance, language barriers, political obstacles, illiteracy and discrimination. ◆ May not consider indigenous knowledge, local institutions and long-term community needs in decision-making. ◆ Judicial and technical specialists often lack expertise, skills or interest in participatory natural resource management.

Table 4.1 continued

Conflict management system	Strengths	Limitations
Alternative conflict management	◆ Promotes conflict management and resolution by building on shared interests and finding points of agreement. ◆ Processes resemble those already existing in many local conflict management systems. ◆ Low-cost and flexible. ◆ Fosters a sense of ownership in the solution and its process of implementation. ◆ Emphasizes building capacity within communities so local people become more effective facilitators, communicators, planners and handlers of conflict.	◆ May encounter difficulties in getting all stakeholders to the bargaining table. ◆ May not be able to overcome power differences among stakeholders so that some groups remain marginalized. ◆ Decisions may not always be legally binding. ◆ Some practitioners try to use methods developed in other countries and settings without adapting them to local contexts.
Adapted from: Matiru, 2000.		

4.2.4 Mix, match, modify or adapt?

Attitudes towards different frameworks for addressing forest management disputes vary among individuals, among groups and across cultures. Local stakeholders who are developing a management strategy should be able to:

◆ recognize different responses to conflict;

◆ clarify how they personally respond to conflict and how their responses fit with the cultural, financial and social resources, the leadership and conflict-management capacity, the time constraints and other stakeholder concerns;

◆ reflect on their past experiences using other conflict management or resolution strategies;

◆ identify what they feel are the strengths and weaknesses of different conflict management approaches.

Community-based forest management requires the continual integration of knowledge systems and the recognition of established practices and institutions. Conflict management has a similar aim. In principle, indigenous and local community approaches should be incorporated as much as possible into conflict management approaches in order to benefit from the strengths listed in Table 4.1. Strengthening these approaches, and adapting them where necessary, in order to address the complexities of natural resource conflicts effectively is a challenge.

Decisions on the appropriate process can be complex, as shown in Box 4.2. In selecting an appropriate process, stakeholders often weigh the benefits, costs and risks of participating in different management fora. Similarly, the three frameworks for managing conflict described in Sections 4.2.1 to 4.2.3 may:

◆ coexist independently in a given location;

◆ be complementary and used in sequence;

◆ be mixed and integrated into a single institution (Chevalier and Buckles, 1999);

◆ contradict one another.

A comprehensive plan that examines all contingencies is rarely outlined at the beginning. Instead, a path is determined, tried and re-evaluated, based on the acceptability of the outcome.

BOX 4.2 **FACTORS THAT STAKEHOLDERS CONSIDER IN CHOOSING THE MOST APPROPRIATE CONFLICT MANAGEMENT STRATEGY**

People choose one strategy over another based on a range of factors, including:

- preferences for and familiarity with certain practices;
- their interest in maintaining a relationship with the other groups involved;
- the levels of trust among groups;
- their knowledge and understanding of the options;
- the urgency and need to manage or resolve the conflict;
- their perceived chance of success, contrasted with the risks associated with losing;
- the choices of other involved stakeholders and the power of opposing groups to force through their own agendas;
- the availability and transparency of information;
- the perceived fairness and honesty of the proposed process;
- changing circumstances surrounding the dispute, such as intensification of conflict or outbreaks of violence;
- the persuasion or influence of intermediaries who help stakeholders to see opportunities and advantages in negotiation;
- the availability of time (including seasonal considerations in terms of labour and employment, income flow, transportation networks, and so on);
- the relative cost-effectiveness, including the financial and transaction costs of pursuing the conflict and the potential costs associated with losing;
- the desirability of legal enforcement of a decision (for example, the need to have a legal ruling or court decision to ensure that it is followed).

We must keep in mind that communities use of a plurality of fora may create checks and balances that a single conflict management system may not generate. (Chevalier and Buckles, 1999)

BOX 4.3 COMBINING CONFLICT MANAGEMENT APPROACHES

In one African country, the tribal elders have traditionally used conflict management approaches to mediate disputes among local forest users. This practice continues. In cases where disputants come from several tribes or villages, they have the option to take their case to the local community forest management committee. These committees have recently been established under new forestry legislation to support and formalize collaborative management arrangements among forest users.

If the dispute involves other more powerful external stakeholders, such as industrial timber companies, the parties may proceed to either subregional or national arbitration committees. The arbitration committees are composed of government and technical experts who have authority to make a third party decision. However, as compliance with such decisions is voluntary, members of the arbitration committee mediate and work to bring the parties to a mutually satisfactory agreement.

TRAINER'S NOTE # 29

**REALITY CHECK: NOT ALL PEOPLE
HAVE ACCESS TO ALL CONFLICT MANAGEMENT OPTIONS**

Gender, class, age and other fac-
tors may restrict the options of
certain groups and individuals.
Seasonality, through its influ-
ence on labour patterns,
resource availability and income
flow, can also affect people's
ability to act. Participatory
processes of conflict manage-
ment, performed at strategic
times, need to offset such biases
deliberately in order to ensure
that the full range of stakehold-
ers is involved.
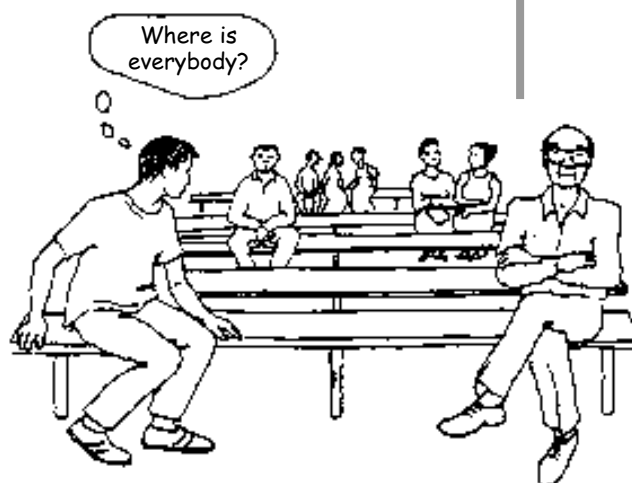
4.3 BUILDING CAPACITY
FOR MANAGING CONFLICTS

In order to build sustainable outcomes in managing conflict, it is crucial
to ensure that both the interests of stakeholders and their capacity to par-
ticipate effectively shape the selection of an appropriate strategy.

Building the capacity to participate effectively is a multi-dimensional
activity. It can vary in scale and focus, from strengthening institutions and
organizations to centring on the needs of specific individuals. Capacity to
address conflict involves a range of competencies – knowledge, skills, atti-
tudes, organizational structures and logistical support. These are the same
set of competencies required for effective participatory forest manage-
ment and community development.

Important elements of capacity:

● access to, and the ability to understand, information;
● group leadership and decision-making mechanisms;
● organization planning and management skills;
● communication and negotiation skills;
● communication systems within the group and with networks of supporting partners;
● problem solving and analytical skills;
● self-confidence;
● availability of time;
● financial resources;
● transportation;
● technical knowledge of an issue (i.e. about policy, legislation, sustainable livelihood development).

Individual stakeholder groups need to assess their own capacity to follow a specific strategy or course of action. On the basis of such self-assessment, they can then decide whether they can acquire the necessary skills and resources or will have to follow a different path.

TRAINER'S NOTE # 30

TOOLS TO ASSESS CAPACITY

Training activities #25 to #27, #30 and # 31 can assist local community groups to examine different conflict management strategies. Through these activities, groups can decide which approach is most appropriate, based on their past experience, attitudes and skills.

Section 3.3.2 outlined a number of suggestions for increasing the influence and power of more marginalized stakeholders. *Training activities #34 to #41* can help in situations where groups are inexperienced in negotiation or mediation and unsure of the required steps and skills

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4.4 BEST ALTERNATIVE TO A NEGOTIATED AGREEMENT (BATNA)

The process of determining the optimum strategy for any group is not straightforward. It requires consideration of a range of factors – practical, social, cultural and contextual. Researchers in alternative conflict management have developed the best alternative to a negotiated agreement (BATNA) as a guide to help individual stakeholders understand a conflict and confirm or reconsider their desire to negotiate (Fisher and Ury, 1981) (see Boxes 4.4 and 4.5).

BATNA is a guideline to help a group analyse how best to address their interests (see example in Box 4.6). A BATNA:
◆ builds on the lessons of a participatory stakeholder conflict analysis;
◆ clarifies the key components of the conflict;
◆ asks what alternatives stakeholders could use if the forum they initially choose does not meet their interests.

These points assist people in considering what would make a less than favourable agreement and where they can strengthen their power to achieve their interests. Once they address these questions individually, they anticipate the BATNAs of other stakeholders.

With a BATNA, a group entering into a conflict management forum will have far greater confidence in the discussions. It will have identified clearly what issues are negotiable, what power it has to achieve its interests, and what alternative course of action it can take if the discussions are not successful (Fisher and Ury, 1981).
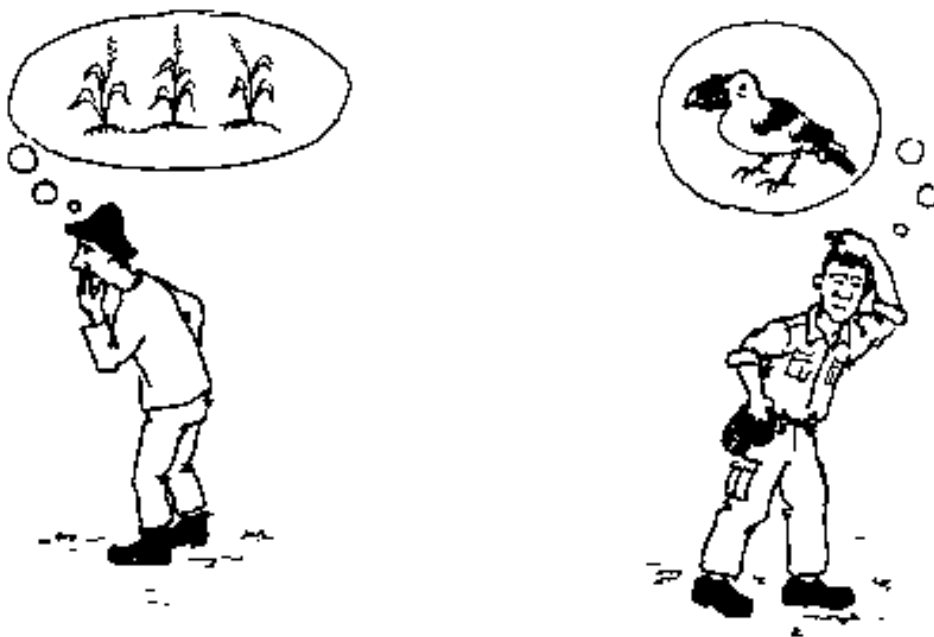
BOX 4.4 **BATNA GUIDELINES**

Review the conflict:
- What are the central issues in this conflict?
- Who is involved?
- What kind of outcome do I hope to achieve?
- Which conflict management method would best help me reach that objective?
- What are the potential outcomes with that method:
  - the best outcome?
  - the minimal outcome?
  - the worst outcome?

Assess the alternatives:
- Are there any issues that I am unwilling to negotiate?
- What alternatives do I have to satisfy my interests if we do not reach an agreement?
- What would be the best alternative?

Strengthen the BATNA:
- What can I do to achieve my interests?
- Will any additional resources be required?
- Will I need extra time or financial support?

Consider the other parties' BATNA:
- What do I think that their key interests might be?
- What might they do if I do not reach an agreement?

BOX 4.5 **KEY POINTS IN APPLYING A BATNA**

- Stakeholders base their estimates of best, worst and minimal outcomes on their *interests*, not on their *positions*. As discussed in Section 3.3, negotiations should focus on the interests and needs of stakeholders, rather than on inflexible positions. Stakeholders have fewer opportunities to identify solutions for mutual gain if they rigidly stick to the predetermined outcome that a position represents.

- Each group needs to calculate its preferred outcomes so that it can compare the advantages and disadvantages of different approaches.

- The proposed negotiation has to offer a "better than BATNA guarantee" to all the groups involved (otherwise not all of them may come to the table).

- Calculations of different outcomes may be tricky. You need to balance what you want or fear and the expected value of each proposed outcome.

- Best, minimal and worst outcomes are affected by attitudes to risk taking:
  - If you are a big risk taker, you may set your outcomes by anticipating that you will get everything you want.
  - If you do not like to take risks, you will probably set outcomes according to what you are willing to lose.

- In calculating an outcome, you have to imagine and anticipate what the other groups are going to do. What are the other stakeholders' options and motivations? This affects every other stakeholder's estimate of desired outcomes. It also emphasizes the need to spend time analysing and understanding the conflict from the perspective of all stakeholders.

- It is not possible to take away all uncertainty, no matter how good the information.

Adapted from: Susskind and Cruikshank, 1987.

BOX 4.6 **AN EXAMPLE OF A BATNA IN PRACTICE**

The Department of Natural Resources (DNR), concerned about the potential long-term effects of certain farming practices on land bordering a sensitive forest conservation area, declared that it was establishing a buffer zone around the park. This policy meant that people would be prohibited from cultivating the land, and anyone living on it would have to move. The farmers who cultivated the land protested because their families had farmed and lived on that land for generations. They did not hold title to the land, but had paid property taxes to the government, held tax documents for many years and felt that it was illegal for the government to evict them.

The DNR considered its decision to be non-negotiable, but lacked the financial resources to hire more than two rangers to enforce its declaration. The farmers understood this and refused to move, continuing their farming as before. On several occasions, the conflict escalated into violence between the rangers and the farmers. Concerned, the governor of the region offered to help the DNR and the farmers negotiate an agreement. When both groups initially refused to negotiate, the governor asked each to consider its BATNA.

The farmers felt that their central interest in the conflict was land and resource use security. They considered the potential outcomes as follows:

- *The best outcome:* each farmer receives land title certifying his or her ownership and right to use the land in dispute indefinitely.
- *The minimal outcome:* the DNR promises that farmers can continue living on and cultivating the land.
- *The worst outcome:* the DNR evicts the farmers from the land.

The farmers considered their BATNA to be continuing to farm on the land and hoped that the DNR would not obtain the resources to enforce its buffer zone declaration. This would only add to their insecurity, so they agreed to negotiate with the DNR on condition that their interest in land and resource use security was protected.

The DNR officials were most concerned about the protection of a forest area containing a wide range of rare, sensitive plant species. They ranked the potential outcomes with negotiation to be:

- *The best outcome:* a buffer zone protects the biodiversity and health of the forest area.
- *The minimal outcome:* the farmers agree to practise conservation farming methods in order to protect the forest area.
- *The worst outcome:* the farmers continue to cultivate as they have been, using what the DNR considers harmful farming practices.

The DNR knew that its BATNA was to maintain its buffer zone policy, but recognized its low capacity to enforce the current declaration and feared further violence against its rangers. The agency therefore agreed to negotiate with the farmers, as long as the forest area was protected.

Six months later, the governor who had facilitated the negotiations was pleased to announce that the parties had come to a solution. The DNR modified its buffer zone policy to allow those families currently living in the area to remain on the land, with title, as long as they met certain minimum conservation standards, with strict penalties if they failed to abide by the agreement. In order to avoid further stress on the environment, no new families could move on to the land. By the final agreement, a committee of DNR officials and the original farmers would form to help the DNR enforce its policies.

TRAINER'S NOTE # 31

PRACTISING USING A BATNA

Training activity #32 is useful in assisting decisions and preparations for negotiation. It outlines a process for developing a BATNA and gives participants an opportunity to use this tool in simulated negotiation.

4.5 BRINGING OTHER STAKEHOLDERS TO THE TABLE

The voluntary participation of all key stakeholders is fundamental to a collaborative approach to managing conflict. A group's decision to negotiate is only effective if the other parties also feel that it is in their best interest to do so. There can be many situations in which people choose not to negotiate, such as when there are severe power differences among stakeholders, outstanding fears, major difficulties in communication or polarized positions of opposing parties. A commonly asked question is: How do you bring other stakeholders to the negotiating table if they are resistant?

1. Strengthen consensus building. Consensus building is not limited to bringing stakeholders to agreement on one issue or part of a dispute. Consensus building is an ongoing process that builds on and binds a series of understandings and agreements among stakeholders. It establishes an enabling atmosphere for seeking mutual gain and creative solutions to conflict. Essential elements of consensus building are contained in Section 2.2 (Table 2.1: Guidelines for a collaborative process).

2. Identify the widest range of possible stakeholder interests. These materials emphasize the need to identify and focus on stakeholders' underlying interests, rather than on inflexible and extreme positions. Identifying the widest range of needs and presenting constructive ways in which these might be met through negotiations can be a powerful incentive for engagement.

Furthermore, interests or needs should not be limited to the substantive issues surrounding conflict that seem especially intractable – for example, the need to harvest certain forest resources or to change a management ruling, or value differences. Instead, stakeholders should focus on needs that are related to the impacts of conflict or to a future vision or goal. With the former, for example, the need to reduce conflict and increase peace may be a central but overlooked interest of an opposing group. Stakeholders may be weary of the disruption of daily life that has resulted from the dispute and want to focus on other activities. Similarly, stakeholders may want to move forward when reminded of the impacts of violence, the financial costs of conflict and, possibly, the damage to their public image or legitimacy. Having confidence that this need will be met can be very persuasive, particularly after a protracted conflict.

3. Build the power of less influential stakeholders. Levelling of the playing field is considered essential to ensuring that negotiations are fair and equitable for all concerned. Additionally, increasing the relative power of marginalized groups is crucial to engaging more powerful stakeholders who are resistant to negotiations. When stakeholders feel that they can take unilateral action or force an outcome in the direction that they want, they are less inclined to negotiate. As discussed in sections 2.3 and 3.3.2, identifying the levels of power and the sources of this power is crucial. Methods for building power to bring stronger, opposing parties towards negotiations include:

◆ use of media;
◆ establishment of information networks;
◆ formation of political alliances;
◆ building of coalitions of supportive stakeholder groups;
◆ building of internal leadership within weaker groups.

4. Build legitimacy. Some groups may dismiss involvement in negotiations by using the argument that the other stakeholders do not hold legitimate interests. Such attacks on another group's legitimacy can come in many forms. An opposing group may claim that another group is not a key stakeholder. For example, an international conservation organization may be said to be too remote to the conflict site, or it may be claimed that migrants have not resided in an area long enough. Some groups may accuse others of being too narrow in their interests and of failing to consider broader nation-building needs or goals. A particular group may be seen as representing only a small minority of interests. Some actions to address these situations include:

◆ widely disseminating information explaining why each group's interests are legitimate;
◆ gathering recognition (possibly via petitions or surveys) that indicates a broad base of support;
◆ seeking other influential and credible individuals or organizations who will testify to legitimacy.

5. The negotiation process needs to be fair and trusted. Some weaker stakeholders avoid engagement in negotiations because they do not trust the process to be fair. In order to build trust in the process, actions are required that make the process transparent and open to public scrutiny, for example, through using the media, gaining support from an observer

NGO, obtaining agreement on the ground rules and revisiting as necessary, or finding a trusted third party. At the same time, building stakeholders' capacity to participate is crucial. Increased confidence from understanding the negotiation process, knowing one's alternatives and preferences, and having skills to negotiate and access to sound information can lead to greater capacity and, therefore, a more fair process.

6. Use conciliation. As pointed out earlier, a key third party role is to start negotiations. Conciliation often plays an important role in identifying negotiation incentives with each group of stakeholders.

Stakeholders often enter into a process of conflict management when they have been encouraged by another stakeholder group that has a great deal of influence over them or on which they depend. Such influential groups may act overtly in this capacity or play highly effective roles in conciliation.

4.6 DO YOU NEED AN INTERMEDIARY?

Negotiation and the building of a collaborative process often involve the use of an intermediary or third party to help conflicting parties to find agreement. Alternative conflict management encourages the involvement of third parties when there are significant power differences among the parties. Traditional practices for resolving disputes also commonly rely on local people to play key mediating roles. All the parties must discuss and evaluate several factors in deciding whether to involve a third party.

The following are key questions to consider in deciding whether to use a third party:
◆ What is the process we are following for building consensus?
◆ What are the advantages and disadvantages of involving a third party?
◆ What will the third party's role be?
◆ Who should the third party be?
◆ Is this person biased?
◆ What is the third party's background?

4.6.1 Selecting a process

As discussed in Section 4.2.3, there are several different options for bringing stakeholders together in joint decision-making: unassisted negotiation, facilitation and mediation.

Unassisted negotiation is preferred when*:*
◆ each stakeholder group is willing to discuss its interests and agrees to work towards a solution of mutual gain;
◆ all stakeholders are confident of their negotiation skills.

Facilitated negotiation is preferred when:
◆ the conflict issues affect many people;
◆ the majority of stakeholders are willing to participate in managing the conflict;
◆ not all stakeholders feel confident of their negotiation skills;
◆ all stakeholders agree that a third party's skills would ensure a fairer process.

Mediation is preferred when:
◆ stakeholders are willing to discuss their interests, but need greater support in working towards a solution of mutual gain;
◆ not all stakeholders feel confident of their negotiation skills, particularly because there are different levels of authority and power;
◆ all stakeholders agree that a mediator's skills would ensure a fair process.

> BOX 4.7
> **DIFFERENT KINDS OF THIRD PARTY ASSISTANCE**
>
> **Procedural assistance:** both facilitators and mediators may pro-
> vide procedural assistance to the communication process among
> the stakeholders. Such assistance can range from facilitating joint
> brainstorming to assisting the exchange of information among
> opposing groups. When providing procedural assistance, facilita-
> tors explicitly do not involve themselves in the substantive issues
> and do not suggest solutions or negotiation positions. The respon-
> sibility for both designing solutions and reaching agreement
> remains with the groups involved.
>
> **Substantive assistance:** mediators can also involve themselves in
> fashioning solutions; that is, they can provide substantive assis-
> tance. In this case, the parties ask the mediator to share greater
> responsibility for identifying possible solutions. The parties, how-
> ever, maintain direct communication among themselves and
> retain the authority to determine what constitutes an agreement.
>
> *Source:* Rijsberman, ND.

Advantages of a third party. One of the most common reasons why unas-
sisted groups fail to begin negotiation or to produce a satisfactory result
is an imbalance of power among stakeholders. Using a facilitator or medi-
ator is often the key to helping negotiations to advance (see Box 4.7). It is
similar to the presence of a referee to enforce the rules in a sports contest.
It can provide confidence to weaker stakeholders and it may also help to
level the playing field significantly (Susskind and Cruikshank, 1987).

In this regard, the third party has the responsibility to:
◆ play a catalytic role in moving the process along and building trust
  among the stakeholders;
◆ assist disputants in defining the conflict issues that they seek to resolve,
  and in selecting an appropriate conflict management forum;
◆ help the stakeholders to design a relevant process to guide their communica-
  tions during the negotiations and assist them in reaching their defined goals.

Disadvantages of a third party. A third party changes the dynamics of the conflict for the stakeholders. Some groups feel that involving a third party makes the dispute too public, and they are hesitant to do so. Some people, particularly powerful stakeholders, may also strongly resist inviting the intervention of a facilitator or mediator. The presence of a third party may raise questions that require stakeholders to rethink their negotiation strategy.

Who can best act as a third party? Linked to weighing the advantages and disadvantages of engaging a third party and defining his or her role is the critical question of who it should be. Who is most appropriate depends on the context; the selection must fit the nature and setting of the conflict.

Traditional or not? In most traditional settings, there are people who have been established as mediators to help resolve local conflicts. Mediators are trusted and respected by all the individuals or groups. They can be part of the immediate social network, for example a village leader or elder, or they can be independent, such as a religious or political leader who is asked to help mediate rights between two communities. Traditional mediators often do not have authority to impose settlement, but focus on promoting ongoing dialogue among the groups. They can play a crucial role in persuading the different stakeholders to find a mutually acceptable solution.

Neutral conflict managers use the alternative conflict management practices of mediation and facilitation. These people are trained to provide impartial assistance to disputants in designing their negotiation strategy. They are increasingly called on to assist in conflicts when traditional systems are unable to handle the conflict's complexity. Acting as a facilitator or mediator requires experience and training in conflict resolution methods and good communication skills.

TRAINER'S NOTE # 32

NEUTRAL OR TRUSTED?

Alternative approaches to conflict management frequently emphasize the need to identify a neutral third party to mediate or facilitate. "Neutral" often refers to an outside person who is not a primary stakeholder in the conflict and who can work fairly and objectively for all the groups involved.

When working in rural communities there can be real limitations on the availability and desirability of a true neutral or outsider. Community forestry activities often occur at remote sites where locating a trained outsider is difficult, if not impossible. More important, local people may not have a relationship with outsiders, whom they often view with suspicion. Community members may not always understand that outside people take on the third party role as part of their work and do not have a hidden agenda.

The ability to work with stakeholders effectively in order to support collaboration requires trust. For many, such trust comes only when there is a pre-existing relationship – be it through kinship or familiar and positive past interactions.

Stakeholders can make more informed decisions about the use of a third party by reviewing their past use of third parties, exploring the strengths and limitations of different negotiation processes and identifying who might best fill the role. *Training activities #27 to #29 and #33* can support this analysis.

4.7 SECTION SUMMARY

Section 4 has outlined different approaches to managing conflict and presented a generic process for developing a conflict management strategy. The following is a brief summary of the key points covered in this section. To support the introduction and discussion of concepts in training, refer to the training activities in Section 9.

There are different contexts for conflict management. Section 4 considered three different frameworks, or legal orders, for conflict management: customary, legal and administrative, and alternative approaches. The contexts, strengths and weaknesses of each were presented.

Conflict management strategies are adaptive and dynamic. In determining an appropriate strategy, there are no recipes. Similarly, it is not necessary that only one approach be used. A process of managing conflict may combine a number of approaches sequentially. Conflict management may require the use of different approaches aimed at different stakeholders in a multi-stakeholder conflict. Stakeholders should choose and adapt a strategy that fits the social, cultural and political context. The strategy should also be consistent with the number, preferences and resources of the stakeholders, the power differentials, the stage and history of the conflict, and levels of trust.

Aim to build on and strengthen existing and familiar practices. As with many aspects of community-based forest management, there are real advantages to conflict management approaches that build on what already exists. Marginal and forest-dependent communities, in particular, may be intimidated by unfamiliar fora and may require greater resources. They may also fear that involvement will further weaken their power base. The use of existing approaches may require adaptation to make them more equitable or accommodating to outside cultural groups, organizations or stakeholders.

Strategy selection can be assisted by BATNA. This section introduced BATNA, a tool that those considering negotiations can use to help them determine whether and how best to pursue their interests. BATNA analysis builds on the outcomes of conflict analysis discussed in Section 3. As will be seen in Section 5, the decisions from a BATNA analysis guide negotiations among stakeholders.

There are important considerations in choosing an appropriate third party. Use of an intermediary or third party is often required in order to start and support the negotiation process, particularly when multiple stakeholders are involved. This section reviewed the questions to address when selecting a third party. Intermediaries may come from the local or traditional social setting or from outside the community. The selection and role of a particular mediator is defined by the conflict context.

4.8 REFERENCES

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SECTION 5

SECTION 5
NEGOTIATIONS AND BUILDING AGREEMENTS

5.1 SOME FUNDAMENTALS

This section examines how to bring people together, through the use of a third party, to find a mutually beneficial way forward. The assumption is that stakeholders have agreed to participate in interest-based negotiations.

The objectives of a negotiation process are to:

◆ develop agreements that are beneficial to all parties;

◆ nurture a collaborative, mutually supportive relationship for ongoing problem solving;

◆ focus on interests over positions in the approach and activities;

◆ find ways to meet the specific interests and underlying needs of all stakeholders in the dispute;

◆ obtain commitment from the constituents of the groups;

◆ decide on how to monitor the agreements.

The parties pursue these objectives through a process of negotiation that may require one or more meetings and that uses a variety of possible fora. Although paths within negotiations sometimes meander, the process is characterized by three main stages marked by specific activities and milestones (see Table 5.1).
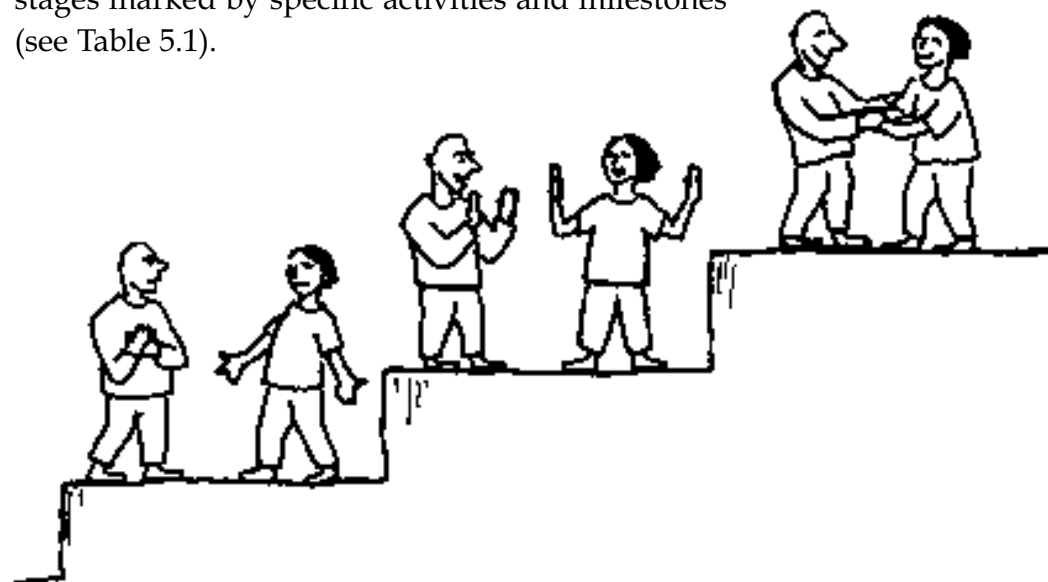
TABLE 5.1
MAJOR STAGES IN THE NEGOTIATION PROCESS

Stage and main activity	Milestones
1. Clarify and increase understanding of each group's interests.	Identify and agree on one or more shared interests on which to build collaboration.
2. Expand options that might provide mutual gain.	Develop a list of options to explore for feasibility.
3. Prioritize options and build consensus on acceptable options for managing critical issues.	Confirm a final agreement and plan for implementation and monitoring.

TRAINER'S NOTE # 33

PUTTING NEGOTIATIONS INTO CONTEXT

Negotiations of any form are not a mechanical process, nor are they necessarily easy. No matter how thoroughly or early you prepare, high levels of tension, frustration and emotion frequently prevail. People may enter the process with great fear and trepidation. There may be a lot of uncertainty and anger towards other parties, and this may only come to the forefront when groups meet face-to-face. Anger and resentment may be focused or unfocused, specific or generalized.

Similarly, those who are politically marginalized and highly dependent on the forest resource may feel that their group, or they themselves, are at immense risk. The negotiations may incorporate both their hopes and their fears regarding protecting their families, friends, livelihoods and culture.

While some people may display willingness and commitment, others may posture, deceive or test relationships. This may colour the entire proceedings, causing some people to reconsider their commitment or react negatively.

For all sides, the stakes are usually high and the outcomes significant. Understanding these realities is essential. Those supporting this process must understand how serious these negotiations are for the groups involved.

There are no set designs or recipes for this process. The process and substance of negotiations must conform to the needs and context of the situation at hand. Facilitators can provide a set of guidelines and encourage flexibility. In moving through negotiations, you should try to follow a series of logical steps, yet be sensitive to the dynamics of group interactions, issues and participation. Ultimately, facilitators or mediators in such processes will need to select the strategies and tools that fit their own personalities and the particular circumstances.

5.2 CONFIRMING THE PROCESS

The organization of consensus building processes can follow a number of formats. The resolution of disputes that involve only a single issue or two parties may require only a single meeting and a few hours. People from a common background may also move more quickly through the issues.

More complex issues involving multiple stakeholders may require a series of meetings. It may take many months to address all the issues. If complex value differences, relationship issues or underlying interests are involved, collecting additional information or reaching consensus may require more time and be less predictable.

Regardless of which meeting process is selected, facilitated negotiations or mediations need to be designed in ways that:
◆ build participants' ownership of the process, and their faith and trust that the process will work;
◆ allow the groups involved to be responsible for setting the number of meetings, finding suitable meeting places and defining the specific agenda items;
◆ are sensitive to culture, gender, power and other relevant social dimensions. This requires deliberately overcoming the biases that are inherent to power differences in order to provide a level playing field.

The design of negotiations must take into account the conflict issues and the number of stakeholder groups. You can estimate the number, types and timing of meetings by analysing the groups involved, the dynamics among groups, the number of issues that need to be covered and the potential difficulties that may arise in overcoming them.

BOX 5.1 USEFUL QUESTIONS IN DESIGNING AN ALTERNATIVE CONFLICT MANAGEMENT PROCESS

The following is a list of questions that can be helpful as stakeholders assess how best to address a conflict. These questions are not presented in any particular order of importance:

- What is the conflict?
- How long has the conflict been going on?
- How have the stakeholders tried to address the conflict in the past (if at all)?
- How many groups of stakeholders are involved? Who is involved?
- How will the stakeholders be represented?
- Are any stakeholders not represented who should be? (If so, how should they be integrated into the negotiations?)
- How far can people travel? (At what cost?)
- How much time do people have to attend meetings?
- Is an appropriate meeting place available?
- Are there any time limitations that may affect when the meetings are held (for example, farming or harvesting schedules, religious or other kinds of holidays, political or official deadlines)?
- Will private meetings, task committees, field trips and/or community meetings be needed?
- How do the different stakeholders want to present their differences?
- Can visual documentation (such as photos, drawings and pictorial maps) be made to aid stakeholders with lower literacy levels and to counterbalance formal information (such as printed maps and published materials)?
- What materials (if any) does the facilitator require?
- Will people need time between meetings to debrief the other members of their groups?

TRAINER'S NOTE # 34

DESIGNING THE NEGOTIATION PROCESS

In the case study of the Chiang Mai Highlands, Thailand (Section 8.6), a second conflict occurred when inadequate attention was given to many of the questions outlined in Box 5.1. This case highlights the specific problems associated with stakeholder representation, the support roles of various external groups, venue selection, the lack of a facilitator and the lack of clear procedures.

Training activities #34 to #41, #45 and #46 outline a number of role plays and experiential activities that are useful for building familiarity and skills in negotiation.

TRAINER'S NOTE # 35

DESIGNING THE NEGOTIATION PROCESS

Questions are commonly asked about the advantages and disadvantages of traditional versus introduced meeting settings in situations in which there are significant ethnic or cultural differences within or among communities.

Traditional meetings are normally held among people of a common culture for a specific purpose. They follow cultural rules of discussion and decision-making. There is often an element of consistency and reliability in traditional meetings. Local people are familiar with the process, know their roles and may be better able to predict how the meeting and decisions will evolve. At the same time, local inequities also come into play at traditional meetings. For example, the meeting may not allow the poor and women to speak or be represented.

In cross-cultural settings in which different groups do not share common procedures for holding meetings, nominated representatives commonly meet in a more neutral setting. People interacting among or across cultures must usually adapt or conform to new meeting contexts, unless there is a conflict in interest. In such cases, the meeting site may become very important.

In many settings, cultural diversity is less important than wealth or power diversity. Who convenes the meeting, where it is held and what is on the agenda determine who has the power to control the meeting.

The Thailand case study (Section 8.6) provides good examples of preferred meeting settings, based on the cultural composition of the groups involved in the dispute. For example, the Karen had their own systems of managing conflict that were said to be effective for dispute within their cultural group. To settle conflicts with others, however, more external settings and neutral third parties were selected.

Warner (2001) has outlined a checklist for systematically examining traditional or indigenous conflict management practices (Table 5.2). This checklist can assist the facilitator and stakeholders in determining the

appropriate type of negotiation, the status of the facilitator, the meeting format, the process of dialogue and procedures for reaching agreement. The questions and choices listed ask stakeholders to assess frequency of use, familiarity, cultural appropriateness and local acceptability. This information is compared with the needs of the current conflict situation and specific stakeholders in order to identify further the strengths and weaknesses of existing practices. It may also be used as a tool for assessing and adapting the local system, for example, in identifying possible ways to make resolution processes more equitable or effective.

TABLE 5.2 **CHECKLIST FOR ASSESSING AND ADAPTING EXISTING NEGOTIATION PRACTICES**		
Attribute	**Key questions**	**Possible choices**
1. Type of negotiation	a) Direct person-to-person?	◆ Stakeholder representatives ◆ All interested stakeholders
	b) Third party?	◆ Legal representative ◆ Government representative or officer ◆ Forest management committee ◆ Respected community member ◆ Council of elders ◆ Elected leaders ◆ Kinship-based leaders
2. Preferred status of facilitator/s	a) Neutral or impartial?	◆ Insider ◆ Outsider
	b) Partial?	◆ Insider ◆ Outsider
3. Meeting format	a) Individual negotiations with conflicting stakeholder groups? b) Individual negotiation followed by joint negotiations? c) Joint negotiations involving all conflicting stakeholders?	

Table 5.2 continued

4. *Process of dialogue*	a) Eligibility?	◆ Prioritized by status ◆ All eligible
	b) Structure?	◆ One person at a time ◆ Overlapping speakers ◆ Multiple small discussions
	c) Communication style?	◆ Direct and confrontational ◆ Indirect and non-confrontational
	d) Participation of stakeholders not involved in conflict?	◆ None ◆ Observers ◆ Advisers ◆ Process recorders ◆ Implementation monitors ◆ Implementation evaluators
5. *Reaching agreement*	a) Process?	◆ Judgement ◆ Consensus ◆ Arbitration ◆ Panel of peers
	b) Decision format?	◆ Verbal ◆ Third party verification ◆ Legally binding ◆ Written (e.g. Memorandum of Understanding [MOU])
	c) Enforcement?	◆ Legal enforcement ◆ MOU enforceable under contract law ◆ Constitutional fines and punishments ◆ Peer/social pressure

Adapted from: Warner, 2001.

5.3 STARTING NEGOTIATIONS

In supporting negotiations, the first major phase of work centres on improving the different groups' understanding of the conflict and the various interests and on points of common interest. From the beginning, it is essential to create a supportive, open and respectful atmosphere for the disclosure of feelings and information.

5.3.1 Agreeing on the ground rules

In order to assist the negotiating process, ground rules should be established that all parties agree to. Important elements of ground rules include:

◆ paying attention to introductions and roles;

◆ clarifying negotiation objectives;

◆ ensuring that all parties participate fully;

◆ clarifying confidentiality within the meeting;

◆ coming to agreement on rules for communications;

◆ refining the agenda to focus on the priority issues of the different groups;

◆ gaining a commitment to reach an agreement.

A risk of conflict management procedures is that they may allow a powerful stakeholder to capture the process and use it to coerce the other stakeholders to accept its position, under the guise of a democratic-looking procedure. This can only be prevented by creating conditions that are favourable to fair settlement as a precondition of the conflict management process. In particular, it is essential that stakeholders involved in a conflict resolution/consensus building process agree on the mandate of the group, identify issues that are on the table for discussion and those that are not, set clear ground rules (especially on the kinds of unilateral action that stakeholders can take away from the table during the process) and set clear decision rules (what happens of the group cannot reach consensus on an issue). (Rijsberman, ND)

Introductions and clarifying roles

From the outset, it is crucial to build rapport between the groups and the facilitator or mediator and confidence in the negotiation process. During introductions, the roles of the facilitator or mediator and the participants need to be discussed and clarified (see Table 5.3 and Box 5.2). In general, the facilitator or mediator will guide the meeting and keep participants focused on the agenda items. He or she periodically introduces collaborative activities to assist the participants in defining their issues and developing possible solutions.

TABLE 5.3
THE ROLES OF PARTICIPANTS AND THIRD PARTIES

The role of the participants is to:	The role of a third party is to:
◆ present their interests; ◆ share relevant information that pertains to their interests; ◆ be fully involved in the design of the final product of their work.	◆ assist the participants in meeting their objectives; ◆ help them to reach decisions on their agenda items; ◆ moderate the sharing of information.

BOX 5.2
INTRODUCTIONS TO NEGOTIATIONS: AN EXAMPLE

"Good morning. My name is Sadhana Yadav, and I will serve as your facilitator to assist you in discussing the issues that have brought you to mediation. I work with the Nepal Mediation Committee and have a background in helping people design their own solutions to situations that they would like to change."

"As I have explained to each of you separately, mediation is a voluntary process. You have elected to come here because you want to see if you can personally find solutions to issues about uses of

the forest that concern you. I have worked in similar situations where there are differences in the use of and access to forest areas. These differences are common. You have said that you would like to discuss your future relationship and ability to work and share management of the forest area. That you have agreed to come together to seek resolution of these issues is very encouraging."

"My role is only to assist you in meeting this goal. I do not have the authority to make decisions for you, nor will I attempt to do so. I will stay out of the specific substance and content of your discussions. My role is to guide you on procedures for how you may best talk through your issues."

"If you reach an agreement, we will document it. This agreement can become legally binding – for example forming a part of the forest management agreement – if it involves tenure issues covered by law. Or it may be left as an informal agreement. This is up to you. If you want to make your settlement legally binding, you may want to consult the forest officer or a lawyer at the end of mediation."

"If you do not reach a settlement, you are free to pursue other means that you feel are appropriate for resolving your conflict. You do not lose any of your rights to go to court if you use mediation and are unable to reach an agreement."

Specific guidelines on facilitation are presented in Section 6.

Help develop trust

People generally do not trust one another at the beginning of a conflict management process. A key role of a third party is to help to build trust – by clarifying interests and establishing a mutually defined system of accountability. In particular, the facilitator will work to foster trust among the parties by:

◆ clarifying assumptions: asking each side why a person did or said something; asking each to explain its stake; giving each party a sense of what motivates the other(s);

◆ opening up discussion on how to create trust in the negotiation process;

◆ establishing a series of checks to assure that trust endures throughout the negotiation process;

◆ asking participants to describe what connotes trustworthy behaviour and to identify where there has been trust in the past and what eroded it (at this point, any assumptions about trust in their past relationship can be explored fruitfully);

◆ building agreements steadily, and checking each person's confidence that individually or as part of a group he or she will be able to follow through with any changes;

◆ assessing the consequences of breaking trust (in the short and long terms) and reiterating – in the agreement – promises regarding future actions and the consequences if those promises are not kept and the trust is broken;

◆ reminding stakeholders that trust is a given, until it is broken, when it must be earned back.

T R A I N E R ' S   N O T E   # 3 6

THE ONGOING JOB OF TRUST BUILDING

In training, remind those who will be supporting negotiations that building trust must continue throughout all phases of negotiation. *Training activity #34* addresses the issue of trust and how to improve communication and working relationships among groups.

Opening up paths of communication

The facilitator may need to work with the participants to generate a tool known as a *communications agreement*. This tool's function is to build cooperation among the parties in order to create and maintain a setting that is conducive to achieving agreements (see Box 5.3).

It should be made clear that all parties must be allowed to be heard. It is also important that threatening and intimidating statements and behaviour are contained. The moderator or facilitator must be sensitive to the complex ways in which threats are made. This is especially challenging when the facilitator comes from another cultural background, or simply does not understand local relationships. A mediator should pay close attention to what is happening outside the proceedings.

The facilitator should reinforce these guidelines as the meeting progresses.

BOX 5.3 **A COMMUNICATIONS AGREEMENT**

- Respect the other parties when they are speaking.
- Do not ask questions or make comments until the other person has finished.
- Focus on the issues, and be considerate of the people with whom you are negotiating.
- Private meetings may be held periodically for clarification and review.
- The goal is to formulate an integrative solution that is acceptable to all parties.

Refining the agenda

Although a broad agenda will have been prepared prior to the meeting, the parties should revisit it at the start and refine it to ensure that it includes all the issues that they want to discuss. Facilitators often encourage each person to introduce one issue at a time, until everyone has included everything that they wish to discuss. This approach gives everyone a chance to speak from the beginning. Since many people will have similar concerns, this may give people their first introduction to the similarities in their interests and allow all concerns to be presented.

5.4 FINDING COMMON GROUND

It is assumed that much of the analysis of the conflict and the stakeholders has used BATNA or similar tools prior to the negotiation (see Section 4). The facilitator may then explain that negotiations will expand this analysis of each group's interests. The aim is to develop a *common understanding* of the conflict, its origins and dynamics. The individual groups will present their analyses as issues are addressed. The facilitator may draw on any of the conflict analysis activities, whether they have been used previously or not, in order to assist participants in discussing their issues and interests.

Developing a *common goals statement* is an effective way of helping parties to focus on their interests, rather than their positions, and to explore similarities instead of differences. After individuals have presented issues and discussed their underlying interests in each, the facilitator will request the participants to focus on the list and combine the issues and interests into a few common categories. From each category, the participants may then begin working together to formulate a concise common goals statement that integrates all the central points (Kiser, 1998). This statement contains the objectives that they will pursue.

An example of a common goals statement is provided in Figure 5.1 (right-hand side). In this example, negotiations between two communities were facilitated in order to determine a mutually acceptable boundary. All the issues were merged into three categories: boundary, access and resource use issues (left-hand side). The group agreed that the common goals adequately addressed all of their common interests. Reaching agreement on how to achieve the common goals then became the focus of negotiations.

FIGURE 5.1 **AN EXAMPLE OF DEVELOPING A COMMON GOALS STATEMENT**

Central interests/issues	Common goals
● Fear that a formal boundary will not be established fairly. Key question: should the boundary be measured from the middle of the river or from the riverbank?	1. We will develop an agreement that determines a formal boundary between our two communities, given the changing nature of the river.
● Both communities rely on access to a forest patch, one for grazing, the other for cultivating toxic plants used in religious ceremonies. Each group's use of the patch, however, detracts from the other's.	2. We agree that we must find a solution that allows both of our communities regular access to the forest patch, as it serves important functions in both communities.
● An upstream community has been overcutting its timber resources, which has contributed to floods that change the way the river flows.	3. We recognize that we must invite the upstream community to participate in some way, since its resource use practices are contributing to the problems that we are having today.

TRAINER'S NOTE # 37

MORE ON SHARED INTERESTS

Remember that in almost every negotiation stakeholders will have more than one interest. Most groups have multiple interests from which you can try to identify common interests on which to build collaboration. It may be helpful to remind stakeholders in negotiations that they need to understand the interests of the other groups, as well as their own.

Even when there are common interests, each group usually has a set of specific interests that it does not share with others. In some instances, there will be no shared interests at all. Specific interests must not be sidelined. Instead, stakeholders should identify them in the conflict analysis so that they can seek creative solutions in negotiations.

5.5 EXPANDING OPTIONS

Once points of common interest have been agreed, the focus shifts to identifying and exploring creative solutions to meet those interests. The aim here is to identify the widest range of possible solutions or actions.

TRAINER'S NOTE # 38

**THE FACILITATOR'S ROLE IN CREATING
A MORE OPEN ATMOSPHERE FOR FINDING NEW OPTIONS**

Conflict, intense emotions and frustration may result in a fixed and entrenched set of demands. In negotiations, however, the stakeholders must look hard for new solutions. An essential role of the facilitator is, therefore, to encourage wider perspectives. This can be helped by:

◆ encouraging stakeholders to consider all the options that come to mind, even if they may seem unreasonable, impractical or less than desirable on the surface;

◆ emphasizing that stakeholders will assess the desirability and feasibility of options at a later stage;

◆ clarifying that, at this stage, the different groups are in no way committed to any of the options put forward;

◆ reminding the groups that together they possess a greater capacity for creativity, and that tapping this creative power can change their rival positions into new opportunities for positive change.

For a variety of reasons, some participants may still have extreme difficulty in switching from a relatively narrow and fixed focus to thinking more creatively about solutions. If this is the case, *Training activities #42 and #43* can be valuable in helping to open up thought processes. *Training activity #42* encourages individuals to examine blocks in their creativity in a non-threatening way.

5.5.1 Strategies for developing options

Brainstorming is a method for generating potential solutions and encouraging creative thinking. Participants can imagine options either by focusing on one issue at a time or by combining several issues into groups of common themes.

Additionally, they can develop options by tapping into the different group dynamics and gaining support from outsiders. The following are some examples (see Box 5.4 for more ideas):

◆ All parties can work together as a large group to develop options.

◆ Smaller working groups of diverse stakeholders can develop options for specific issues.

◆ Smaller working groups, each composed of only one interest party, can develop options that address the interests of all stakeholders.

◆ Participants may invite others who have resolved similar issues to provide ideas for solutions.

◆ Outside resource people with relevant expertise may be invited to the table to suggest options. Ideally such people should be able to provide a full account of how options have faired in the past (PEC, 1999).

BOX 5.4 **MECHANISMS TO SUPPORT THE EXAMINATION AND ASSESSMENT OF OPTIONS**

Various processes can help address a particular conflict issue and identify and assess options for negotiations. These processes are often combined to increase the involvement of both primary and secondary stakeholders.

Focus group meetings: led by a skilled facilitator, a small number of people are brought together in a confidential setting to discuss an issue. The facilitator works through a series of questions and gets reactions from the group. Focus groups involve relatively low-cost, semi-structured and small but specific group consultations to explore issues, attitudes and preferred solutions to a conflict. For example, a forest user group may meet to discuss alternative solutions to a particular resource conflict.

Task force/working/advisory groups: a subset of citizens, committee members or representatives of one or more organizations have the specific task of investigating an issue, providing information or identifying possible solutions to a conflict. The task force or working group reports its findings to a plenary meeting of other members of the organization. These groups are generally useful when long-term involvement is needed or when complex information must be processed.

Accordion process: involves moving between a steering committee and a number of working groups or task forces addressing particular issues, geographic areas, interest groups, etc. Each of these smaller groups contains at least one member of the steering committee, who oversees the overall process. This type of process might be interspersed with open community meetings to increase public involvement.

Shuttle mediation: mediators go back and forth among opposing groups, assisting them in developing options in which they have an interest. Confirming agreements on specific issues may first require a significant number of separate meetings and the exchange of private messages between conflicting groups. Negotiations frequently rely on the mediator's capacity to identify shared interests or situations of mutual gain, and inform the various stakeholders of these opportunities.

Community meetings: can take many forms, depending on the need, and can apply to a range of contexts, from small villages to large urban settings. Facilitated well, they can be an excellent opportunity to obtain the viewpoints of the local community on a particular issue, or to gauge its acceptance or rejection of possible solutions. By creating a forum for two-way communication and incorporating participatory methods, the attitudes and perspectives of other members openly influence negotiations among conflicting stakeholder groups within this setting.

Charettes: the design or planning of charettes involves intensive visioning sessions, which often take place in a retreat setting, at which stakeholder groups address a particular issue or set of issues. Charettes are often used for design issues that need substantial illustration and so may involve input from graphic artists, architects or other design professionals.

Presentations and public hearings: a combination of information about the background, process and proposed solutions of the con-flict can be presented to influential people, policy-makers or other hard-to-reach individuals or organizations. Facilitators should obtain stakeholders' feedback on these options and, where possible, help identify concrete actions that the stakeholders can take to fur-ther resolution. Public hearings are formal presentations at which officials present statements of positions, opinions or facts. While hearings can help agencies meet legal requirements and provide a formal record of consultation, such meetings can be intimidating to marginalized groups.

Displays: visual and informative displays of the issue can be set up in public places such as community squares, markets or schools. The peo-ple who visit the display can be canvassed to obtain their views on both the impact of the conflict and the acceptability of proposed solutions.

Interviews and surveys: a variety of methods can be used, with interviews being either formal or semi-structured. This approach allows for a systematic sampling of diverse stakeholders. Depending on how they are structured, interviews and surveys can require skilled designers and organizers. A large amount of infor-

mation about an issue or solutions can be generated fairly quickly. The stakeholders involved must ensure that they have sufficient capability to handle and analyse the date collected. The information is generally kept confidential or anonymous.

Adapted from: Fisher *et al.,* 2000; PEC, 1999; Rijsberman, ND; Godschalk *et al.,* 1994.

5.6 THE ROLE OF INFORMATION

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

For example, referring back to the two communities that were involved in a boundary dispute (Figure 5.1), their common goal statement number 1 was: "We will develop an agreement that determines a formal boundary between our two communities, given the changing nature of the river."

The parties had to answer a number of questions before they could make a decision:

◆ What is a "formal" boundary?
◆ How should the group derive the information that determines what "formal" means?
◆ What does "the changing nature of the river" mean? (Does it mean that the riverbanks change every year, every few months or only periodically? Does the river change completely?)
◆ What mechanisms do the groups have to accommodate the changing nature of the river?

Table 5.4 identifies common problems related to information gathering and analysis and suggests possible solutions.

TABLE 5.4 INFORMATION PROBLEMS AND POSSIBLE SOLUTIONS	
Problem	**Possible solution**
Information is incomplete, inaccurate, or both, making it unreliable and of little use.	It is impossible to achieve complete information, but try to get enough valid, reliable, accurate and cross-checked data.
There is too much information.	Prioritize information needs and target the information that meets those needs.
The information is too complicated and difficult to understand.	Have a resource person interpret the information, translating it into lay terms or the appropriate language.
There are different or conflicting interpretations of the same information.	Obtain other independent views or interpretations of the information.
Different groups see their own information as most accurate. For example, professionals may have an "elitist perspective" in which technical information dominates over local or traditional knowledge systems.	Acceptance of opposing groups' information is frequently an issue. The facilitator should help the group to see the strengths and weaknesses of all systems of knowledge.
Information may be purposely biased to cover hidden agendas.	A certain level of transparency should be encouraged. The interests of individual groups and the common goals should be reviewed.
The costs (staffing, time, materials) of collecting the necessary information may be high or unrealizable.	Brainstorm possible ways to meet these needs with the overall group. If it is impossible to obtain adequate information, ask the parties to decide how they want to alter their common goals or negotiations accordingly.
Adapted from: PEC, 1999.	

There is a need to present information in a way that illuminates how it relates to the interests of the parties, and vice versa. At the same time, parties will always want to present information in a manner that makes their own case sympathetic and convincing. Stakeholders must agree on the relevance of their information and decide what is an acceptable balance of information. The facilitator can assist the participants in their discussions by returning to participatory activities that classify information issues or chart information needs (for example, see Box 5.5, or by using root cause analysis presented in Section 3.2). Other actions include:

◆ seeking outside/neutral technical expertise;

◆ making sure that all parties are involved in identifying information needs;

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

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

BOX 5.5 MERGING INFORMATION FROM DIFFERENT KNOWLEDGE SYSTEMS

A forester and a community representative are negotiating small-scale timber extraction and replanting costs. They may agree to use a combination of the forester's State statistics and the community's traditional record-keeping practices for their region. Through discussions on their different methods of record keeping and analysis, and by agreeing to combine these two different sets of information, each party aims to understand better how the other side calculates the costs. This agreement also ensures that there will be a fairer balance of information.

5.7 ESTABLISHING AGREEMENT

The third stage of negotiation aims to help the disputing stakeholders move from a potentially long list of options to a set of realistic agreements that they will commit to. For this to happen, the following steps need to be taken:

◆ Develop a mutually acceptable set of criteria for assessing options.
◆ Prioritize options based on these criteria (it is assumed that the criteria will reflect the feasibility of the option and its acceptance by all parties).
◆ Confirm a level of consensus on acceptable options.
◆ Confirm arrangements for implementing and monitoring agreements.
◆ Draft a written agreement.
◆ Allow review by constituents.
◆ Reach final agreement.

In reaching agreements, the third party is critical in helping the negotiating groups to identify, and then build consensus around, the most promising options for mutually satisfying outcomes.

5.7.1 Evaluating and prioritizing options

Generating a set of criteria for prioritizing options can assist the process of deciding which alternatives are most likely to be satisfactory to all groups (see Box 5.6). The type of criteria may vary and can be:

◆ livelihood- or needs-based;
◆ technical;
◆ political;
◆ value-based.

The criteria should:

◆ cater to the desired outcomes of the negotiation process;
◆ be relevant to the identified interests;
◆ fit within the context of the issues being resolved.

TRAINER'S NOTE # 39

PRACTICE IN ASSESSING OPTIONS

In prioritizing options, alternative solutions are reviewed to highlight uncertainties, benefits, risks and assumptions. *Training activities #44, #45, #47 and #48* provide practice in identifying possible solutions to conflicts and discussing and identifying underlying values or stakeholder benefits and risks.

In complex negotiations, information plays a critical role in prioritizing options. Scientific and economic data may need to be reviewed. Options may need to be checked in terms of location, quantities, timing, costs, and so on. The technical, economic or political feasibility of options may also require further investigation. At times, the need to obtain further information in order to assess options may appear to some groups – rightly or wrongly – as the delaying tactics of others. If such suspicions arise, try as much as possible to establish from other sources the need for the information and its bearing on decision-making.

BOX 5.6
ESTABLISHING CRITERIA TO ASSESS OPTIONS

A government mandate to conserve a number of rare and endangered animal species led to the proclamation of a forest area as a protected area. Fear of human disturbance to the forest initially led the agency in charge of management to prohibit all use of the site by four neighbouring communities. All of these communities had traditionally used the forest area for the collection of plant material and hunting. After five years, the agency had found it impossible to enforce its guidelines and stop poaching and plant collection. Not only were the guidelines ineffective, but conflict and bad relations had also developed between the communities and the agency. These bad relations began to affect other activities inside the protected area (for example, the construction of needed tourism infrastructure, the obtaining of local government support).

An NGO was asked to facilitate negotiations between the communities and the agency. After discussing the interests of the different parties, it decided that a common goal was to revise the management rules that applied to the site. During brainstorming on management approaches, a number of existing and possible new management guidelines were listed. To assess these options, the stakeholders agreed to the following criteria for decisions on new management guidelines. They:

◆ will be fair to all groups;

◆ will be open and invite the opinions of all local stakeholders;

◆ will incorporate and build on traditional knowledge of the forest;

◆ will recognize local people's past use rights and patterns of harvest;

◆ will be based on sound ecological and forestry information;

◆ will provide protection for threatened, endangered and rare species;

◆ can be jointly monitored with the local communities;

◆ can be enforced.

5.7.2 Reaching agreement

At some point, when those participating in the negotiations are beginning to show some satisfaction with the information base and overall assessment of the options, consensus on the most promising solutions is sought. Again, there is no single way for agreement to be established. Different approaches to reaching agreement include (adapted from PEC, 1999):

◆ *obtaining agreement in principle,* by developing a generally acceptable framework, then gradually working through the specifics.

◆ *working towards incremental agreements,* by negotiating one issue at a time and integrating each agreement with those that have already been made;

◆ *development of agreement packages,* by combining issues in ways that provide balance and reaching agreement on several or all issues at one time.

The goal of consensus is to reach an agreement that all participants can support. Individual levels of enthusiasm will vary, but all groups must accept that the agreement is the best that they can achieve together.

5.7.3 Implementation considerations

Once there is agreement on a way forward, the parties must consider the details of implementing that agreement. Key questions that need to be discussed and confirmed include:

◆ How will the stakeholders ensure that the agreement will be acted on?

◆ How will they handle any unexpected results from the agreement?

◆ What monitoring mechanisms will be established to ensure compliance to the agreement?

A checklist for implemetation and monitoring of agreements is presented in Box 5.7.

TRAINER'S NOTE # 40

DEVELOPING AN IMPLEMENTATION PLAN

As part of their overall agreement, stakeholders must agree to the details of implementation, monitoring and assessment. Adequate attention needs to be given to the roles and responsibilities of groups or individuals, time frames, resources, transparency and communication processes. Practice in developing an implementation plan that considers these factors is provided in *Training activity #49.*

BOX 5.7
CHECKLIST FOR IMPLEMENTATION AND MONITORING

Roles and responsibilities of the various parties:
- Who will be responsible for implementing the various components of the agreement?
- What specific responsibilities will they have?
- How will we ensure that these roles and responsibilities are met?
- What backup support should be in place in case there is a problem, such as someone is unable to finish a task?
- Is there any legal backing?
- Are local or other authorities involved?

Processes of communication:
- How will we keep one another informed about the progress we are making?
- Will we schedule periodic meetings, telephone calls or something more formal, such as a newsletter or fact sheet?
- How will we handle other people's input and responses?
- What if someone disagrees with our approach?

Transparency and flexibility:
- What mechanisms or procedures need to be put in place to ensure that there is transparency in how our agreement is carried out?
- Would revolving duties among stakeholders be worthwhile?
- Should we consider having an independent person to serve periodically as an outside assessor?
- Are we willing to be flexible about certain components of our agreement? Are there any areas where flexibility has no role?

5.7.4 Areas of disagreement

The following are major obstacles that can emerge at any stage in the design of a collaborative agreement:

◆ *Reluctance to commit:* disputing groups or individuals may begin to express apprehension about having to commit to an agreed change, and may return to their original positions in order to avoid having to comply with some of the proposals.
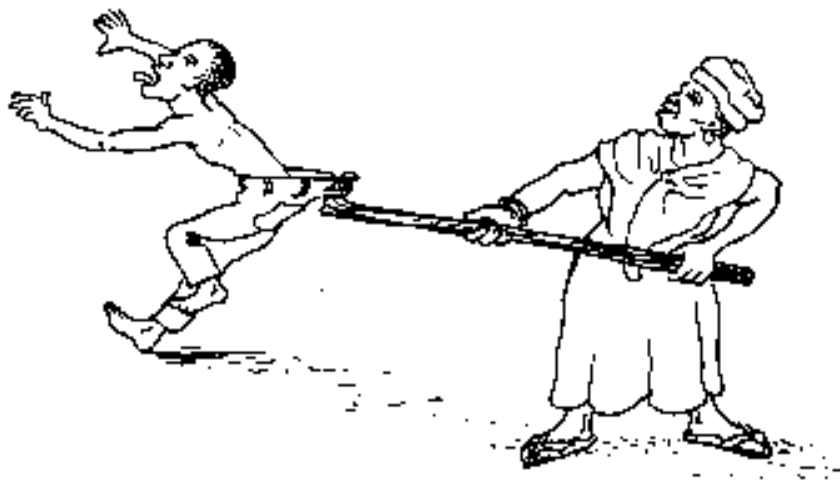
◆ *Surfacing differences:* people may start to differ over specific details. In this case, a facilitator may want to use guiding questions to bring hidden fears and perceived obstacles to the surface. Another helpful response is to allow time for the different groups to discuss how to accommodate resistance to agreements on certain issues.

◆ *Assumptions that there must be only one solution:* this is a natural tendency when people are accustomed to win-lose problem solving.

◆ *Time constraints on negotiations:* the time available to move the process forward may be cut, undermining crucial steps such as a more thorough exploration of the options.

◆ *Failure to consider the long term:* one group of stakeholders may focus on short-term interests and options and continually ignore the long-term impacts to the other groups.

Other outstanding issues may continue to be a source of disagreement among user groups. These issues can be placed on a separate list, and when agreements for the rest of the issues have been addressed, the facilitator may redirect the parties to that list and ask for a decision on how to handle their remaining issues. Options for handling remaining issues include the following:

◆ Participants work through the issues and decide on fair criteria for addressing each. For instance, the groups may decide that they need more information before they can make a final decision and, if so, they must agree on where to find that information.

◆ If people find that they are still having significant disagreements, the facilitator can request them to revisit their BATNAs.

◆ Participants agree that these are outstanding issues and, for the time being, they have no solution and are not going to address them.

The facilitator can explain each of these options as possible ways to deal with remaining issues, or he or she can ask stakeholders whether they have additional suggestions.

5.7.5 Drafting the final agreement

Now it is time to draft a final agreement! There are several methods to assist the parties in drafting their actual agreement. They may choose to:

◆ write the draft collaboratively;

◆ have a third party draft the preliminary agreement, then the various stake-holders will rewrite the final draft, either in a joint session or in turns;

◆ use a combination of these two options, whereby some components of the agreement are drafted by the disputants, others are drafted by the facilitator and all the sections are finalized by all the groups.

The final agreement usually consists of the following three parts:

1. an introduction and background to introduce the participants and the central issues that were being negotiated;

2. an outline of the resolutions that the groups created for each of the issues;

3. an implementation, monitoring and assessment plan.

Use the guidelines in Box 5.8 to check the agreement for honesty, acceptability and likely success.

BOX 5.8 CHARACTERISTICS OF A DURABLE AGREEMENT

Is it honest?

- Is it based on the best available and jointly developed information?
- Is it built on realistic considerations of capacity and costs?
- Do all stakeholders assure that they will implement their parts?
- Has it been developed with the full involvement of all key stakeholders?

Is it acceptable?

- Does it resolve the grievances that gave rise to the dispute?
- Does it acknowledge past problems and address them?
- Does it meet the underlying interests and needs of the primary stakeholders?
- Has it been arrived at by a process that was perceived as fair to all?

Is it workable?

- Does it provide benefits (incentives) for all the implementing parties?
- Does it avoid disadvantaging excluded parties?
- Does it recognize possible problems or changes in the future and include mechanisms to deal with future change, or acknowledge a need for renegotiation?
- Does it build working relationships among parties through its implementation?

Source: Godschalk *et al.,* 1994.

SECTION
5

The following are two further tasks that need to be completed as part of finalizing the agreement

Confirming the agreement(s) with a larger constituency: in negotiations involving representatives of groups or organizations, the representatives need time to confirm the agreement and support of other members. If government or public officers have been involved, they may need the agreement of, and authority from, their superiors or agencies in order to act further, for example, in situations in which some change in policy and administrative practice is required. If negotiations are to be completed in one meeting, the facilitator can call a break to allow representatives to discuss the agreement with other group members who are not participating directly in the meeting. In negotiations that are ongoing over many days or months, discussion with constituents will probably occur continuously or at various critical points. Before final agreement, however, full member support and commitment need to be confirmed. If splinter groups have emerged, the document needs to clarify who is and who is not party to the agreement.

Making public the agreement: a final point of discussion for negotiations is to what extent the stakeholders want to make their agreement public. The final agreement may be enacted through a formal signing in front of witnesses. Alternatively, if the agreement affects many people, they may consider holding a more public forum. Some groups enter their agreements into the legal system in order to bind their decisions formally, while others elect to announce their agreements to the public at local council meetings or through the media.

TRAINER'S NOTE # 41

A MIXTURE OF THOUGHTS AND EMOTIONS

As an agreement reaches its conclusion, participants may experience a range of feelings: they may be satisfied with the work they have accomplished, or tired, frustrated, uncertain and still angry from the original dispute. It is important to be realistic. Although you are working for improved relations among stakeholders and the commitment to follow through on collaborative agreements, negotiations can leave behind a range of bad feelings. An array of associated actions may be needed to mend relationships.

On a more optimistic note, when negotiations have been effective, stakeholders may express appreciation for the conflict management process. Many groups or individuals will derive satisfaction from the management of differences that have been disrupting their lives and their achievement of other goals for too long. They may have improved their knowledge about how a range of issues affect them, and now have greater respect for one another's interests.

5.8 SECTION SUMMARY

Section 5 has provided a more detailed examination of the negotiation process. It has outlined how to assist stakeholders in moving through various stages of negotiations – from setting negotiation objectives and establishing shared goals, to finalizing and monitoring agreements. The following is a brief summary of the key points covered in this section. To support the introduction and discussion of concepts in training, refer to the training activities in Section 9.

The negotiation process builds a series of agreements. Central to the negotiation process is the obtaining of a series of stakeholder agreements, with each agreement building on the outcomes of the previous one. Negotiation begins with stakeholders agreeing to negotiate. Once that has been achieved, stakeholders build agreements on issues of discussion, rules of communication, common interests and shared goals, criteria for assessing options, possible solutions and, then, final decisions. All the stakeholders also agree on and confirm the means of implementing, monitoring and evaluating conflict management actions.

Identify ways to strengthen existing negotiation practices. Strengthening local institutions and practices is a common thread throughout these training materials. Section 5 presents a checklist to assist facilitators and stakeholders to examine local or indigenous conflict management practices systematically. This checklist can assist in the evaluation of these practices in order to identify strengths and weaknesses, or to increase understanding of the practices by outside groups. It may also be used as a tool for assessing and adapting local systems, for example, by identifying possible ways to make resolution processes more equitable or effective.

Conflict management requires the building of trust among multiple and diverse stakeholders. A key role of a third party is to help build trust among stakeholders throughout all phases of negotiation. Clarifying interests, establishing a mutually defined system of accountability and checking to ensure that trust endures throughout the negotiation process are important. Building agreements steadily, and ensuring that each person has confidence in the agreements being made, are also crucial. As agreements are concluded, it can also be useful for all involved to consider the consequences of breaking the trust in the short and the long terms.

Agreements are built on common goals. Section 5 has provided guidelines on how to shift the focus of stakeholders from individual positions to identifying underlying needs and interests. In negotiations, the parties examine these interests further, and attempt to reach agreement on where they overlap and are shared. The shared interests can then be used to establish common goals. As these goals are agreed on, they will provide both direction and targets for negotiations.

Building agreements requires new and creative solutions. For many individuals, one of the most challenging aspects of negotiations is identifying workable and mutually beneficial solutions. To assist this, stakeholders are encouraged, initially, to try to identify the widest range of possible solutions or actions, without judging their desirability and feasibility. To help them in this creative process, groups are reminded that they are in no way committed to any of the options put forward; evaluation will come at a later stage, following a mutually agreed set of criteria.

The availability, management and acceptance of information are significant issues in negotiations. Information plays a pivotal role in defining interests, clarifying shared goals and assessing the feasibility of solutions. Identifying information needs is one of the first tasks in conflict analysis, and is instrumental in selecting an appropriate strategy for addressing conflict. Within negotiations, the relevance and validity of information will be carefully scrutinized; its usefulness will depend very much on its acceptability to all parties. Section 5 outlines a number of common problems related to information gathering, analysis and presentation, and suggests possible solutions.

Use agreed criteria to identify and prioritize options. To move from a list of possible options to a realistic agreement requires establishing criteria for assessing those options. Such criteria can be based on a range of needs, including livelihood needs, technical considerations, political mandates and values. Whatever the criteria, they need to be agreed on and relevant to stakeholders' interests and the context of the issues being resolved.

Reaching agreement is part of an ongoing process. If negotiations are successful, agreements will be established among the various stakeholders. Parties can reach agreements in principle, working out the specific details over time, incrementally and issue by issue, or as part of a larger package. Whatever form the agreements take, stakeholders will need to confirm how they will implement and monitor them. Furthermore, they must determine how to handle any additional issues that they have not been able to resolve.

SECTION 5

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SECTION 6

SECTION 6
ESSENTIAL COMMUNICATION SKILLS FOR FACILITATORS IN CONFLICT MANAGEMENT

Many of those involved in community forestry conflict situations may find themselves at one time or another acting as third parties facilitating negotiations among disputing groups. This section aims to support that role by examining the practical aspects of facilitating meetings and negotiations in a conflict management process. To assist skills development in this type of facilitation, the section presents guidelines for addressing the many challenges that can arise among the parties during negotiations.

TRAINER'S NOTE # 42

FACILITATOR TRAINING

Good facilitation skills are most thoroughly learned through observation of other trained facilitators and through experience. The information in this section is not intended to replace those sources, but instead provides an introduction to facilitation and basic skills development. For those who have previously facilitated negotiations, the information provides an opportunity to reflect on that experience.

6.1 ROLES AND RESPONSIBILITIES OF FACILITATORS

Throughout a negotiation process, a facilitator is challenged to help the participants stay focused on the substantive components of that process, while ensuring that the process itself is fair and collaborative. This requires simultaneous:

◆ monitoring of emotions and communication among individuals;

◆ intervention, when necessary to enhance the process and outcomes;

◆ understanding of what is happening outside the negotiation process that may be affecting the behaviour or attitudes of key stakeholders.

Box 6.1 lists many of the requirements of an effective facilitator. Facilitation in conflict management is different from routine meeting facilitation. Although they share a number of interventions, the dynamics of the two fora are quite different. In conflict management facilitation, there is often a greater intensity of interaction among stakeholders and more "difficult behaviour" to overcome in trying to establish mutual agreement. In practice, negotiations are most often emotionally trying. Negotiations are often likely to intensify emotions rather than reduce them, particularly in their early stages. In meetings that bring together the opposing stakeholder groups, it is likely that at various points many people will demonstrate a range of behaviours that can potentially halt the process. Difficult behaviours that are commonly observed include unwillingness to cooperate, dominance, obvious anger, posturing and withdrawal. Encouraging the disputants to move forward in negotiations and not to become blocked or disrupted by escalating tensions requires skilled facilitation.

BOX 6.1 **THE ROLE OF A FACILITATOR**

An effective facilitator in conflict management:

- helps make participants aware that they are *in charge* of the process and *responsible* for outcomes;
- assists communication among participants;
- sets the tone of discussion;
- assists the group in finding common ground and identifying positive solutions;
- remains objective;
- listens;
- is gender-, culture- and power-sensitive;
- monitors participation and acts to enhance it where necessary;
- protects members of the group from attack by others;
- helps the group to focus its agenda;
- controls the flow and pace of questioning and information brought before the group;
- introduces and summarizes, as necessary, to help the group make connections between sessions and stay on track;
- is alert to signs of confusion, frustration and resistance, and intervenes to resolve these difficulties;
- helps the group to chart its course and accomplish its goals.

Adapted from: Worah, Svendsen and Ongleo, 1999; Warner, 2001.

6.2 LEARNING COMMUNICATION SKILLS

Communication is fundamental to every human interaction. Talking, listening, reading, writing and physical gestures are all forms of communication. Conflicts may arise or escalate as a result of poor communication and differences in communication styles. Negotiating multiple interests in forest management requires supporting effective communication among groups.

6.2.1 Different communication styles

When meetings and negotiations involve people from different cultures, ethnic backgrounds, social rankings or geographic areas, it is important to consider the likely impact of these factors on negotiation processes. Rather than ignore such diversity, an effective meeting process will acknowledge and respect these differences.

Differences in communication styles may result from differences in:

◆ age;
◆ gender;
◆ socio-economic status;
◆ education;
◆ culture;
◆ language.
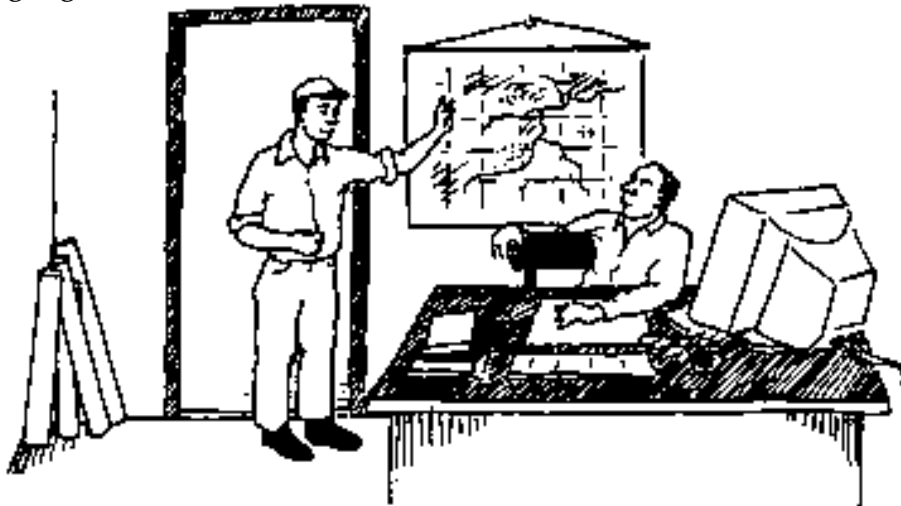
In cases in which cultural differences are significant, it may be best to provide meeting time to explore the cultural aspects of communication and process before working on the specific conflict issues. Establishing mechanisms that bridge cultural differences in advance may be essential to the outcome of negotiations.

A facilitator will want to be aware of, and sensitive to, the social norms of the people in dispute, taking into account cultural and socio-economic differences. The following specific aspects of cultural and socio-economic diversity may affect negotiation sessions.

Patterns of communication:

◆ language;

◆ gestures;

◆ eye contact;

◆ vocal inflections;

◆ familiarity;

◆ reliance on written or oral formats;

◆ normal protocol for who speaks and in what order.

Views on time. Groups may treat time differently. For some, time lines may be a significant factor and there is constant pressure to carry out tasks according to schedule. In other cultural or geographic settings, attitudes to time may be more relaxed, the pace slower and other features of life take priority over meeting set deadlines.

Use of space. Each group also has rules and norms concerning the appropriate use of space. Most cultures have a certain preferred distance between individuals when they are talking or sitting.

Ways of meeting obstacles. Culture can also influence the way in which a group meets new or unexpected obstacles. For example:

◆ Do group members usually work to remove obstacles, or do they avoid them?

◆ How do they look for ways to overcome obstacles?

◆ How do group members interact with others in the group or with outsiders when problems arise?
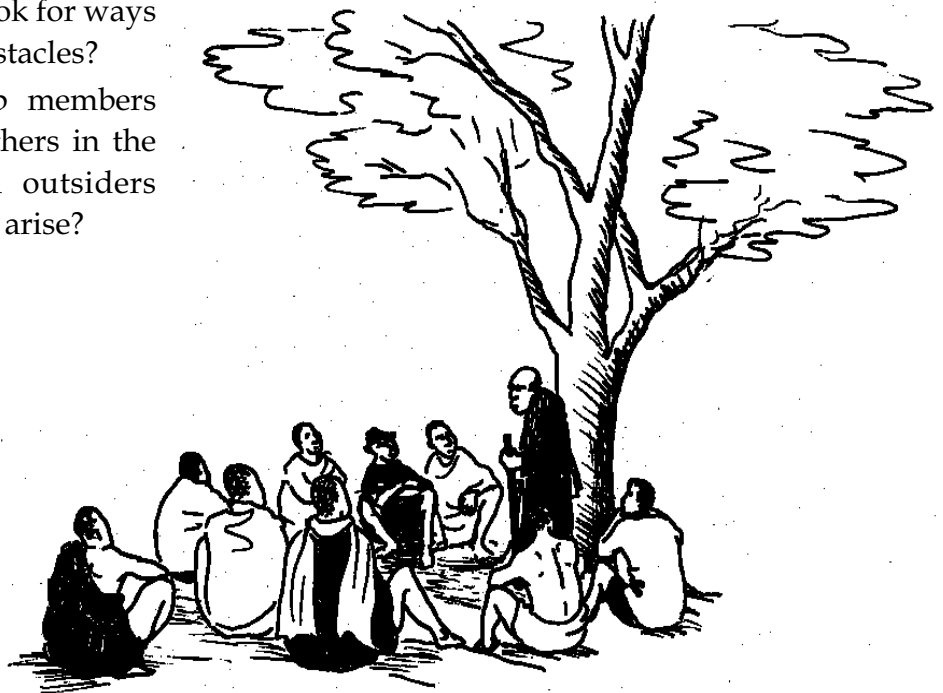
TRAINER'S NOTE # 43

CONSIDERING A FACILITATOR'S OWN CULTURE

In training, it is important to remind those who will act as facilitators that they need to recognize the influences of their own culture when facilitating meetings and interacting with people from other cultures. A facilitator's own values, behaviour, attitudes and customs can lead to misunderstandings. It is important that facilitators acknowledge the affects of their own cultures within a process and, when necessary, explain and clarify their cultural approach to working within other cultures.

Some hints for facilitating negotiations when there are differences in culture or socio-economic status are presented in Box 6.2.

BOX 6.2 **FACILITATION HINTS IN SITUATIONS OF CULTURAL AND SOCIO-ECONOMIC DIVERSITY**

Think about the impact of cultural and socio-economic differences on behaviour, especially communication. Be willing to adapt your own communication style to promote cross-cultural understanding.

● Consider a person's response to a situation from his or her own point of view rather than your own.

● Learn to deal with ambiguity, including approaches that are very different from your own.

● Understand that biases and stereotypes get in the way of other interactions. In discussing cultural or socio-economic differences, emphasize the need to help people get beyond stereotypes rather than reinforcing them. Be prepared to point them out when they occur.

● Carefully observe the behaviour of others before reaching conclusions. Your initial impressions of a person's style of communicating may not be accurate. In some cultures, for example, speaking directly and forcefully may be the common way to

express opinions while, in others, this behaviour may indicate anger. Through observation, you may become better able to determine how a particular person communicates.

- Demonstrate a willingness to challenge your own assumptions about culture to help others challenge theirs.
- Ask questions about what is going on when you suspect that cultural differences might be promoting misunderstanding.
- Remember the three cardinal rules of dealing with multi-cultural situations: patience, patience and patience.

Differences in communication style may block people from listening. When people hear views or experience behaviours that are different from their own traditional ways of communicating, they may become confused, anxious or angry. Some people will not hear or pay attention to what is being said if they are uncomfortable with the way in which it is being communicated. For example, some individuals may be nervous or have poor language skills, and therefore speak in broken sentences or be repetitious. Others may exaggerate, distort or put forward unfounded claims. Some refuse to respond to a person who interrupts. The result in such situations may be that some individuals will become impatient or rude or will ignore the substance of the ideas being expressed, no matter how valuable those ideas are. In such cases, the facilitator has an important role in accurately transforming the content of what is being said into a more acceptable style.

Differences in communication also lead to escalating emotions. One person may take another's opinion as a criticism or insult. This may lead the others to respond with a defensive criticism or another insult. As tensions increase, people may stop communicating directly with one another, even bringing in additional people to support their side. By this point, the conflict has escalated beyond the original source of the misunderstanding. Such a negative spiral of communication only serves to increase the misunderstanding among individuals and the groups they represent. The longer the cycle of miscommunication, the more problems emerge.

6.2.2 Effective communication

Learning and demonstrating good communication skills are essential to effective facilitation. Good communication practices ensure that people's needs and interests are being heard and addressed.

Fundamental to good communication is "active" listening. Active listening entails listening to the content of the dialogue, as well as the tone and physical gestures that people use to express their interests. It also means that the people speaking are confident that they are being heard. Facilitators may use a variety of techniques to ensure that those speaking know that they have been heard and that the group hears what the speaker is saying (Kiser, 1998). Box 6.3 outlines some guidelines for active listening.

BOX 6.3 **GUIDELINES FOR ACTIVE LISTENING**

- Be silent when silence is appropriate.
- Be fully attentive to what you are hearing.
- Listen completely, until the speaker has finished speaking.
- Do not interrupt.
- Do not prepare a counterstatement until the speaker has completely finished.
- Do not assume that, once you have heard the first part of a speaker's message, you have fully understood the complete message.
- Pursue or expand points of substance.

A facilitator must also be able to *focus discussions* in order to move negotiations ahead successfully. The main objectives of focused discussion are:

◆ establishing and maintaining a clear sense of direction;

◆ using good facilitation techniques;

◆ balancing status;

◆ supporting the communication skills of the individuals involved;

◆ maintaining a sound group memory.

The key steps in a focused discussion are:

1. Introduce discussions:

◆ ensure that stakeholders understand the purpose and rationale for discussions.

2. Keep discussions on track:

◆ follow the agenda that was agreed;

◆ take notes or use a recorder and refer to what has been covered.

3. Assist the flow of discussions:

◆ assist individuals who get "stuck" or have difficulty expressing themselves;

◆ moderate discussions so that no individuals or group dominates the discussion.

4. Keep stakeholders focused:

◆ remind stakeholders of the objectives that they have set and where they are;

◆ manage multiple or different viewpoints;

◆ summarize.

5. Address disagreements:

◆ acknowledge and assist stakeholders in exploring multiple paths and options;

◆ address one issue at a time;

◆ avoid reacting to unintentional remarks;

◆ use power balancing techniques.

6. Address differences in participation levels:

◆ be sensitive to underparticipation;

◆ use methods to gain greater participation;

◆ be alert to and address overparticipation or dominance.

7. Bring discussions to a close:

◆ pause and recollect what has transpired;

◆ rearticulate points of decision;

◆ ensure that the next steps are clear.

8. Affirm the work of the stakeholders.

TRAINER'S NOTE # 44

IMPROVING FACILITATION SKILLS

Building skills in communication and facilitation is an important component of training in conflict management. *Training activities #50 to #55* help participants to explore and practise active listening, and provide specific interventions and techniques to aid focused discussions.

6.2.3 Building confidence

Conflict situations can be threatening to some people's self-respect, dignity, honour, reputation or pride. This, in turn, can erode an individual's confidence and reduce his or her ability or willingness to engage fully in negotiating agreements. In some instances, individuals may require communication interventions in order to protect their confidence and ensure that they can interact with others. Appropriate use of the

following communication strategies can help establish and maintain respect for all individuals:

◆ Use courteous language and a polite tone of voice.

◆ Make sure that all processes and activities are fully and clearly explained.

◆ Encourage questions when people are confused.

◆ Use culturally and gender-appropriate humour.

◆ Focus on the issues and avoid blaming or criticizing individuals.

◆ Avoid using judgemental language.

◆ Take notice of and attend to practical needs during the meeting.

◆ Find ways to acknowledge or take responsibility for past acts, including possible restitution or compensation.

◆ Find ways to allow people to change their minds without having to back down from their primary interests.

6.2.4 Non-verbal communication

As mentioned earlier, people communicate not only through language but also through non-verbal means, such as eye contact, sitting posture, facial expressions and hand gestures. Non-verbal communication plays a significant role in indicating the underlying feelings or emotions behind the words (see Box 6.4).

Clarifying the difference between the words and the non-verbal behaviour is an important part of a facilitator's work. It encourages everyone to honour their own interests and be more conscious of their non-verbal communication. It is the facilitator's job to be aware of the rising or conflicting emotions that are signalled by non-verbal communication, noting whether the behaviours are assisting or impeding negotiations.

BOX 6.4 **WHERE WORDS AND GESTURES DO NOT TELL THE SAME STORY**

Two groups have been negotiating the final points in their agreement, but one issue has been particularly difficult for them. Finally, a person representing one of the groups agrees to accept a condition that the other group had been insisting on. However, the facilitator notes that the person's hands are clenched and they are looking down at the floor. The facilitator intervenes with a clarifying question: "You say that you will agree to this point, but it would appear that you have some reservations. Is there some part of the agreement that is not completely acceptable?".

6.3 THE ROLE OF A RECORDER

Commonly, a person will take the role of the recorder in negotiations (see Box 6.5). The recorder plays a significant role in documenting the participants' discussion and assisting them to:

◆ categorize;

◆ prioritize; and

◆ integrate their interests into a final product.

The ability to capture, record and display group discussions quickly serves a number of important functions (see Box 6.6):

◆ by recording individual contributions and group agreements, it helps keep the group focused on their task;

◆ by recording the essence of ideas, rather than all of the words, it protects the group from overload;

◆ by capturing everyone's ideas, it encourages participation and balances status;

◆ by capturing ideas, issues and events, it provides a visual memory of the process, progress and outcomes.

BOX 6.5 **PRINCIPLES FOR RECORDING**

The role of the recorder is explained and agreed on by the larger group. The recorder works:
- with the facilitator;
- captures key ideas and the essence of what is said;
- uses the speakers' own words when possible;
- treats all ideas and comments equally;
- puts energy into using a range of recording techniques;
- listens for high-priority words;
- makes corrections non-defensively;
- asks for clarification when confused.

Group members are responsible for checking accuracy.

BOX 6.6 **RECORDING HINTS**

- Print clearly.
- Use letters that are large enough to be seen from the back of the room.
- Make thick-lined letters.
- Alternate colours in lists.
- Avoid the use of red or light colours for text.
- Use bright colours to highlight.
- Use a range of techniques to capture ideas, information, relationships, direction and agreements – for example, lists, matrices, maps (context and process), diagrams, organizational charts, flow charts, graphs, time lines, groupings and calendars.

● Use symbols – bullets, stars, borders, circles, arrows, etc.

● Use a variety of lines – solid, dashed, dotted, etc.

● Leave space – keep margins and areas for additional comments or notes.

● Do not crowd the bottom of the page.

● Title and number each page.

● Prepare before the meeting – ensure that you have all the necessary materials and that the tape is cut.

● Post completed charts so that the group can view them.

● Make information accessible to stakeholders after the meeting is finished.
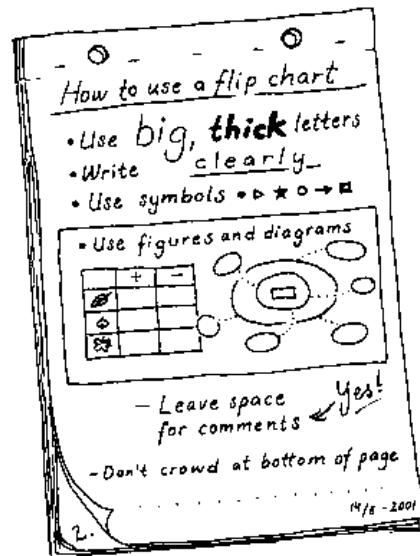
TRAINER'S NOTE # 45

TRAINING IN RECORDING SKILLS

The job of a recorder is not easy. Recording requires the use of many skills at the same time: active listening, writing legibly, creative presentation and synthesizing stakeholders' comments. To be skilled at recording requires a solid understanding of the role and practice of recording.

Training activity #56 provides learners with both theory and practice in developing these skills.

6.4 INTERVENTIONS WHEN DIFFICULTIES ARISE

A facilitator can also draw on a variety of other interventions when difficult behaviours surface. The facilitator may have the group revisit their agreements on meeting process, organize private meetings, or use a variety of power balancing techniques.

TRAINER'S NOTE # 46

IDENTIFYING AND ADDRESSING DIFFICULT BEHAVIOUR

As a facilitator, it is not necessarily easy to identify and address difficult behaviour effectively. Turning around increasingly tense situations and moving them forward to collaboration often requires considerable thought and practice. *Training activities #57 to #59* support learning and practice in this area. They have been designed to assist understanding of difficult behaviour and develop improved facilitation skills to address it.

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1. **Revisit agreements:** When difficult behaviours emerge, a facilitator may revisit earlier agreements on conduct or group objectives. For example, you can refer to:
   ◆ the communications agreement; or
   ◆ the agenda.

   If one or more individuals is/are behaving outside of previously agreed limits, it is the facilitator's job to draw attention to those agreements. The facilitator may ask an individual to consider whether his or her behaviour fits into the framework of acceptable communication. For example, if a person or a group's emotions are significantly affecting the time schedule, that person or group should consider how this will
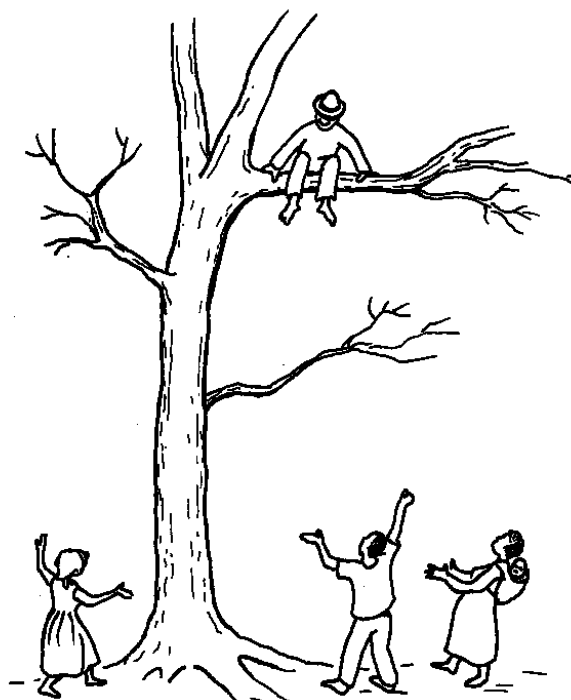
influence the process. Changing the agenda requires the agreement of all the other participants. If everyone agrees, the facilitator should adjust the time schedule to focus discussion on resolving the particular issue that provoked the difficult behaviour.

TRAINER'S NOTE # 47

ENCOURAGE INDIVIDUAL AND GROUP RESPONSIBILITY

In training, it is useful to remind participants that it is always best to let the individual, and then the group, take responsibility for correcting difficult behaviour. This is particularly important at the beginning of a resolution process because it encourages participants to maintain collaborative problem solving. Periodically throughout the course of meetings, a facilitator may note that, as new and particularly controversial issues emerge, people slip back into their familiar behaviour patterns, which may provoke a renewed cycle of negative responses.

2. **Private meeting sessions.** Mediators frequently use private meetings to diffuse emotions, clarify misunderstandings and reconsider mediation approaches in a private setting. Separating the disputants and discussing the emotional content privately provides the mediator with an opportunity to help the group or individual to identify the underlying issues. It also provides time to consider a more effective way of presenting concerns.

Private sessions should be used:
◆ when there are problems with the substantive issues;
◆ to diffuse emotions, clarify misunderstandings and reconsider underlying issues and interests;
◆ to gather new facts;
◆ to develop new settlement options;
◆ to refocus and reflect on short- and long-term goals;
◆ to reassess BATNAs;
◆ to consider alternative options or solutions;
◆ to retain commitment to and involvement in the mediation;
◆ to provide new ways of presenting concerns.

The following are guidelines for conducting a private session:

◆ Review the confidentiality of the discussion.

◆ Ask open-ended questions to initiate the conversation.

◆ Review the original list of issues and concerns, and add any new ones.

◆ Use active listening, clarifying questions and summary statements.

◆ Ask how participants think the other groups view their interests.

◆ Evaluate the strengths and weaknesses of proposals.

◆ Focus on finding ways to loosen fixed positions and encourage forward movement.

◆ Propose integrative solutions to stimulate creativity.

◆ Close the session with a reminder of confidentiality, unless there are specific points that participants would like to raise during the joint session.

◆ Finally, ask participants whether they have any particular points that they would like communicated to the other groups.

TRAINER'S NOTE # 48

BALANCING PRIVATE MEETINGS

It should be emphasized in training that private sessions offer a significant opportunity to reduce escalating tensions. Whenever a private session is held with one group, similar sessions should be held with the others. This ensures that all sides have an equal opportunity to explain their feelings and reactions to what is happening. It also allows the groups to hear and consider in private the perspectives of others. *Training activity #41* provides practice in holding private meetings.

3. Power balancing techniques. Facilitation techniques to help balance power in negotiations include:

◆ recommending to participants who appear disadvantaged by inadequate information at joint meetings that they go back and gather the additional information they need, which might include historical perspectives, personal views and traditional knowledge;

◆ encouraging information flow, in order to empower the process and the individuals involved, and clarifying how much information will be shared;

◆ monitoring communication among stakeholders, in order to assess the non-verbal and verbal indicators that signal when one group may feel intimidated, cornered or disempowered in some other way, and then taking appropriate action;

◆ ensuring that all individuals have time to speak and fully express themselves and, if people are speaking for widely different lengths of time, monitoring the way this is received by others;

◆ demonstrating communication with and respect for all participants by listening and reflecting on their inputs;

◆ altering the physical setting – seating arrangements, table shape, room size and the availability of private meeting space can all affect the outcome of negotiations;

◆ as much as you can, being aware of what happens outside the formal sessions, after the negotiations.
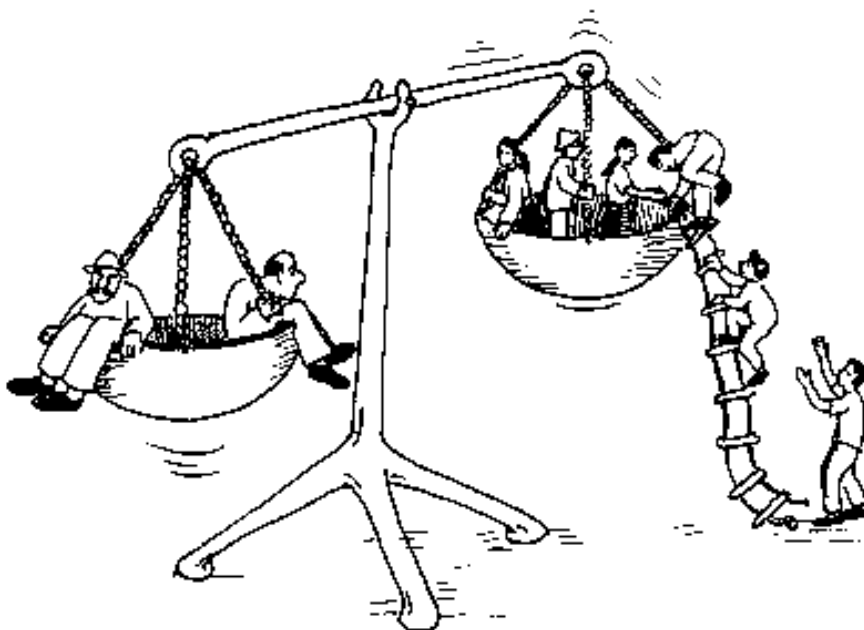
6.5 WHAT TO DO IF THE PROCESS BREAKS DOWN

There is always the risk that emotions, tensions, frustrations, etc. will continue to escalate and threaten the negotiations. Sometimes some or all of the parties are unwilling to renegotiate their positions. In such cases, the facilitator should ask them to consider what other options they may have. One option is to avoid discussion of a particular issue, another is to reassess the BATNAs and identify other alternatives. The facilitator may also want to remind the disputants that it is their responsibility to determine the outcome.

If emotions continue to obstruct the discussion, and none of the interventions have been successful in changing the behaviour, a facilitator may ask the participants to take a break or, if necessary, may simply close the meeting. At this point, it is useful for the facilitator to reiterate that his or her purpose is to assist all parties in the resolution process and to help the disputants to overcome difficult moments in order to reach a final agreement in time. If such an action is taken, the facilitator should conclude the meeting, encouraging the participants to consider how they wish to proceed at the next meeting.

If the parties have determined that they are unable or unwilling to work together to meet previously agreed objectives, the facilitator may also ask them whether they would like to cancel negotiations formally. It is acceptable that one or more parties decide they would prefer to proceed with a different option. This is their process.

6.6 SECTION SUMMARY

Section 6 has presented the responsibilities of a facilitator and useful facilitation skills to assist communication among stakeholders in negotiations. The following is a brief summary of the key points covered in this section. To support the introduction and discussion of concepts in training, refer to the training activities in Section 9.

The role of a facilitator requires the balancing of multiple responsibilities. The facilitator is challenged to help all participating stakeholders to stay focused on the substance and content of the negotiation process, while ensuring that the process is fair and builds collaboration. This requires the monitoring of participation, emotions and communication, while keeping discussions on track. These skills are best developed through practice.

Facilitating conflict management is different from meeting facilitation. There are important differences between facilitating routine meetings and negotiating agreements among opposing stakeholder groups. Negotiations frequently involve a series of intense meetings, and regularly involve periods of a high level of emotion, posturing and other difficult behaviours. Within negotiations, sensitive issues are raised, leaving many parties feeling vulnerable. As negotiations are voluntary, this can erode stakeholders' interest in participating. In response, the facilitator must often intervene to reduce perceived threats and support a more open atmosphere.

Facilitators need to work effectively with a range of communication styles. Cultural, age, gender and socio-economic differences all affect the communication styles of different stakeholders. These differences can significantly block or impede communication. When differences surface, the facilitator needs to build communication bridges between groups, fostering understanding and acting to improve communication. Failure to do so may lead to escalating emotions and a collapse of the negotiating process.

Facilitators use a range of communications techniques. In order to be effective communicators, facilitators need to be active listeners and skilful in focused discussion techniques. Facilitators also need to be aware of participants' body language and should use their own non-verbal language effectively. Measures to improve both verbal and non-verbal communication are introduced in Section 3 and linked to a series of skill development activities in Section 9.

Good recording can greatly support negotiations by improving group memory. Quality recording assists negotiations by capturing and displaying what is being discussed and agreed, helping participants to stay on track and reach targets. Details of information needs, possible solutions, new stakeholders or future actions may be introduced and captured for later follow-up. By mapping discussions, participants can view their

progress and respond accordingly. This section provided a range of techniques that are useful to improving recording skills.

Facilitators intervene when difficulties arise. All the parties involved in negotiations need to feel that their key interests will be served by participating. Maintaining equity and balancing power in negotiations are therefore essential. Often these require significant intervention by the facilitator to ensure that the issues of weaker parties are addressed. At the same time, the facilitator has to help more dominant and powerful stakeholders understand why doing so is beneficial to both reaching an agreement and their interests.

6.7 REFERENCES

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McCall, I. & Cousins, J. 1990. *Communication problem solving: the language of effective management.* Chichester, UK, John Wiley and Sons

Mead, R. 1990. *Cross-cultural management communication.* New York, John Wiley and Sons.

Warner, M. 2001. *Complex problems, negotiated solutions: tools to reduce conflict in community development.* London, ITDG Publishing.

Worah, S., Svendsen, S. & Ongleo, C. 1999. *Integrated conservation and development: a trainer's manual.* Godalming, UK, WWF UK.

SECTION 7

SECTION 7
FURTHER READING AND REFERENCES

Adler, P., Barrett, R., Bean, M., Birkhoff, J., Ozawa, C. & Rudin, E. 2000. *Managing scientific and technical information in environmental cases: principles and practices for mediators and facilitators.* Washington, DC, RESOLVE/United States Institute for Environmental Conflict Resolution/Western Justice Center Foundation. 78 pp.

Keywords: theory, practical guidelines, managing scientific information.

This document provides a set of key principles and practices for addressing the unique challenges of managing scientific and technical information in environmental conflicts. The authors present a comprehensive set of issues that facilitators and mediators must confront in the process of incorporating scientific information into collaborative decision-making. They then offer "rules of thumb" for "using science wisely" and negotiating among a diverse set of stakeholder values, interests and knowledge bases. This sourcebook is a useful supplement to the conventional methods and procedures taught in training courses on mediation and consensus building.

Full text available at: www.resolv.org/resources/pubs/default.htm

Bingham, G. 2000. What is consensus-building and why is it important for resource management. Washington, DC, RESOLVE.

Keywords: overview, practical guidelines.

This article explains briefly, yet comprehensively, how consensus building is an effective approach to resolving resource management conflicts. The author describes the elements of effective consensus processes and the primary dimensions of resource management conflicts that facilitators will confront.

Available at: www.resolv.org/resources/articles/whatis.htm

Borrini-Feyerabend, G. 1996. *Collaborative management of protected areas: tailoring the approach to the context.* Gland, Switzerland, IUCN. ISBN 2-8317-0350-6. 67pp. (Versions in English, French and Spanish available)

Keywords: overview, case studies, practical guidelines.

Collaborative management of protected areas describes partnerships in which various stakeholders agree to share the management functions, rights and responsibilities for a territory or a particular governmental agency. It offers a broad definition of the approach and provides a number of examples of how it has been specifically tailored to different contexts. It reviews the assumptions, consequences, benefits, costs and potential drawbacks of collaborative management, and then outlines a collaborative management approach that an agency in charge of protected areas could pursue.

Buckles, D. (ed.). 1999. *Cultivating peace: conflict and collaboration in natural resource management.* Ottawa, Ontario, Canada, International Development Research Centre/World Bank. ISBN 0-88936-899-6. 300 pp.

Keywords: case studies, theory.

This collection of essays and case studies presents experience in managing conflicts related to forestry, coastal areas and land use in the developing world. Ten case studies from Latin America, Africa and Asia highlight the promise and challenges of moving from conflict to collaborative forms of natural resources management. *Cultivating peace* also includes essays that draw on cases on the following topics: cultural aspects of conflict management; society and the use of stakeholder analysis; peace and conflict impact assessment; and policy dimensions of conflict management.

Versions in English, French and Spanish available at:
www.idrc.ca/acb/showdetl.cfm?&did=6&product_id=394&catid=15

Center for Women's Resources. 1999. *Learning guide for women leaders: a special course on conflict management and negotiations.* Quezon City, the Philippines. 61 pp.

Keywords: training course, manual for trainers, training activities.

The Center for Women's Resources developed this training module with the aim of enhancing women leaders' capacity to understand and manage

conflict situations within their organizations, families and communities. The *Learning guide* consists of five sections: analysing conflicts and actors; power dynamics; conflict management; strategies for working with the various actors; and negotiation tools. It provides a number of case studies, role plays and other synthesizing activities.

Deutsch, M. & Coleman, P.T. (eds). 2000. *The handbook of conflict resolution: theory and practice.* San Francisco, California, USA, Jossey-Bass. ISBN 0787948225. 649 pp.

Keywords: theory, practical guidebook.

This handbook, which is a compilation of essays by theorists, practitioners, researchers and trainers, explores topics such as developing and repairing trust, justice, power relations, communication, aggression, working with conflict and culture, creativity and internal and social processes for problem solving, decision-making, and conflict resolution. The handbook offers directions for developing constructive solutions to challenging interpersonal, intergroup and international conflict.

Emerson, K., Movius, H. & Merideth, R. 1999. "Trouble in Tortuga!" A role-playing simulation game for teaching environmental conflict resolution techniques. Tucson, Arizona, USA, Udall Center Publications.

Keywords: training activity, role play.

"Trouble in Tortuga!" provides a role play with exercises to use as part of a training on environmental conflict resolution methods and tools. This fictional case features conflict around ranch and land use issues.

Available at: udallcenter.arizona.edu/publications/workingpapers.html

Fisher, S., Abdi, D.I., Ludin, J., Smith, R., Williams, S. & Williams, S. 2000. *Working with conflict: skills and strategies for action.* London, Zed Books for Responding to Conflict. 224 pp.

Keywords: practical guidebook, case studies.

Working with conflict is a sourcebook for people who work in a context of conflict and violence. It was compiled by Responding to Conflict, an organization that has collaborated with and assisted conflict resolution

practitioners from around the world. The book is divided into four sections: a guide to understanding and analysing conflict and its causes; strategies for addressing conflict and affecting change; strategies for intervening directly in conflict and addressing its consequences; and skills for evaluating the outcome of interventions and learning for improvement. This sourcebook includes examples from around the world and a list of related resources.

Glasl, F. 1999. *Confronting conflict: a first-aid kit for handling conflicts.* Gloucester, UK, Hawthorn Press. ISBN: 186989071X.

Keywords: theory, practical guidebook.

Confronting conflict presents examples, exercises, theory and techniques for analysing the symptoms, types and causes of conflict, whether personal, structural or environmental. The author suggests methods for understanding how temperaments affect conflicts and how to reduce conflict by changing behaviour, attitudes and perceptions. He advocates developing considerate confrontation methods by seizing "golden moments" and strengthening empathy.

Isenhart, M. & Spangle, M. 2000. *Collaborative approaches to resolving conflict.* Thousand Oaks, California, USA, Sage Publications. 256 pp.

Keywords: theory, practical guidebook, conflict resolution approaches.

Collaborative approaches to resolving conflict describes the major approaches to managing a broad range of disputes, including negotiation, mediation, facilitation, arbitration and judicial processes. Each approach is illustrated with recent cases showing problems that can occur and how to respond most appropriately. This book provides a tool kit for deciding which approach is best suited for different types of conflicts.

Jeffery, R. & Vira, B. (eds). 2001. *Conflict and cooperation in participating natural resource management.* London, UK, Macmillan Press. ISBN 03337 9277 7. 264 pp.

Keywords: case studies, theory.

This book reports a variety of ways in which local stakeholders around the world have been involved in natural resource management. The

authors critically study what they call the "new orthodoxy" of collaborative management through analysis of detailed case studies from around the world. The book presents limits to the participative approach as well as ways in which it can be improved and adapted appropriately to new contexts.

Mayer, B.S. 2000. *The dynamics of conflict resolution: a practitioner's guide.* San Francisco, California, USA, Jossey-Bass. ISBN: 078795019X. 263 pp.

Keywords: theory, practical guidebook.

The dynamics of conflict resolution describes how successful mediators, facilitators and negotiators can draw on their internal creative process to manage and resolve conflicts. The author emphasizes the need to move beyond the question of how to *do* conflict management to learning how to *think* about conflict and its resolution. He presents practical ideas to assist people to understand conflict and then to manage it, providing lessons on ways to link conflict management tools and methods, personal skills, substantive knowledge and core values.

Merideth, R. & Yaseen, R. 2000. Using role-play simulations to teach environmental decision making and conflict resolution techniques. *Environmental Practice: Journal of the National Association of Environmental Professionals,* 2(2): 139-145.

Keywords: guidebook for trainers, training activities, education theory.

This article provides guidance for trainers, government officials, environmental practitioners and trainers on using role play techniques to instruct adult audiences in environmental decision-making and conflict resolution techniques. The authors discuss how environmental role plays can serve as alternative methods to instruct about the range of scientific, social, cultural and political issues present in a particular environmental conflict, as well as the complex dynamics of group decision-making processes. After discussing their experiences of creating and enacting role play training exercises, the authors present 12 steps to designing and developing role play simulations.

Moore, C.W. 1996. *The mediation process: practical strategies for resolving conflict.* Second edition. San Francisco, California, USA, Jossey-Bass Publishers. 430 pp.

Keywords: practical guidebook, theory.

The mediation process outlines the broad field of dispute resolution and provides a comprehensive, step-by-step sequence of activities that can be used by practitioners in approaching a broad range of conflict contexts. It pays particular attention to the different roles of mediators; variables influencing the success of mediation (e.g., power imbalances); and the 12 stages of mediation.

Rothman, J. 1997. *Resolving identity-based conflict in nations, organizations, and communities.* San Francisco, California, USA, Jossey-Bass Publishers. 195 pp.

Keywords: theory, practical guidebook.

This book defines and addresses identity-based conflicts that take place within and between national, organizational and community groups. The author presents a four-part framework he calls ARIA (antagonism, resonance, invention and action). By bringing antagonism, or buried anger, to the surface, seeking points of common interest, inventing creative solutions and planning a joint agenda for action, disputants in interest-based conflicts can use conflict as an opportunity for growth. The book includes a series of tools for conflict assessment and analysis, as well as a prototype for a two-day ARIA workshop.

Slaikeu, K.A. 1996. *When push comes to shove: a practical guide to mediating disputes*. San Francisco, California, USA, Jossey-Bass Publishers. 301 pp.

Keywords: practical guidebook, training activities.

This is a general primer on the mediation of interpersonal and intergroup disputes. The author introduces a five-step model that uses a combination of caucuses, interviews and joint meetings for every mediation event, drawing from three foci during each phase: awareness/empowerment; understanding/recognition of interests, facts and proposed solutions; and agreement/reconciliation. It covers a basic introduction to getting the parties "to the table" and, once there, to resolving or managing disputes. This

primer uses case material and diagrams throughout to illustrate the principles of mediation in a wide range of contexts. Each chapter contains exercises and activities, including role plays, to help put the concepts into practice, as well as several resource chapters reviewing communication skills, sample ground rules for meetings and ethical standards.

Smock, D. (ed.). 1999. *Training to promote conflict management: USIP-assisted training project.* Washington, DC, United States Institute for Peace. 57 pp.

Keywords: case studies (conflict management training programmes).

Training to promote conflict management provides a set of tools for conflict analysis, conflict prevention, negotiation, third party mediation and coalition building. The booklet presents USIP-sponsored conflict management training projects from a broad range of contexts and regions, and shares lessons learned from these projects.

Susskind, L., McKearnan, S. & Thomas-Larmer, J. (eds). 1999. *The consensus building handbook: a comprehensive guide to reaching agreement.* Thousand Oaks, California, USA, Sage Publications. ISBN: 0761908447.

Keywords: practical guidebook.

This handbook serves as a reference guide to help non-profit organizations, corporations, public agencies and communities work together more effectively in a way that addresses everyone's primary interests and concerns. It contains three sections: a short guide summarizing the essential steps and procedures involved in building consensus; "how to" explanations for reaching agreement, including definitions, phases, facets and forms of consensus building; and numerous case studies illustrating the variety of contexts in which stakeholders can successfully employ consensus building.

Tillett, G. 1999. *Resolving conflict: a practical approach.* South Melbourne, Victoria, Australia, Oxford University Press. ISBN 0-19-551151-4. 248 pp.

Keywords: practical guidebook, training activities.

In *Resolving conflict,* Gregory Tillett presents a practical guide for resolving conflicts. He outlines a range of approaches, developed from both academic research and real-world practice, for transforming destructive con-

flict into a force for creative, positive change. In addition to a discussion of the meaning, benefits and challenges of conflict and its management, the book contains practical skills and exercises for working through conflict and how to overcome obstacles in the conflict management process. It suggests a number of tools for trainers, including role plays, games, case studies and other activities. Chapter 14 discusses the particular issues that arise in environmental and technical conflicts.

Ury, W. 1999. *Getting to peace: transforming conflict at home, at work, and in the world*. New York, Viking Penguin. 250 pp.

Keywords: practical guidebook, theory.

Writing in a conversational style, in *Getting to peace* William Ury presents an alternative to coercion for handling serious differences when negotiation is not enough. He emphasizes the existence of the "third side" – the community – in all disputes, which serves as a "container" within which conflict can gradually be transformed from confrontation into cooperation. In the book he examines the historical roots of conflict and offers ten practical roles that people can play to help themselves and others get to peace.

Warner, M. 2001. *Complex problems, negotiated solutions: tools to reduce conflict in community development*. London, ITDG Publishing. ISBN 18533 9532 3. 120 pp.

Keywords: practical guidebook, case studies, training activities.

This book suggests strategies, principles and tools to reduce development-induced disputes and interpersonal conflict as obstacles to achieving sustainable rural livelihoods. It promotes consensual win-win negotiation and conflict management processes that fit with local customary and legal approaches. It provides a way to analyse the complexity of conflict situations in rural environments, offering a guide to designing practical conflict mitigation and prevention strategies. Case studies from around the developing world illustrate key principles and tools of consensual negotiation. More than 20 group and individual exercises are included for training purposes.

Warner, M. & Jones, P. 1998. Assessing the need to manage conflict in community-based natural resource projects. *Natural Resource Perspectives,* No. 35 (July). London, Overseas Development Institute.

Keywords: theory, practical guidelines.

This article discusses the role of conflict management assessment in community-based natural resource projects, particularly in the rural areas of developing countries. The authors present an assessment framework, within which they set forth the advantages of managing conflict through a consensual win-win process of stakeholder negotiation. The article describes the causes of conflict in community-based natural resource management, distinguishing among different types of conflict and presenting scenarios and options in conflict management.

Available at: www.odi.org.uk/nrp/35.html

Wondolleck, J.M. & Yaffee, S.L. 2000. *Making collaboration work: lessons from innovation in natural resource management*. Washington, DC, Island Press. 277 pp.

Keywords: case studies, practical guidelines, theory.

Making collaboration work provides a framework for understanding lessons learned from a diverse set of collaborative resource management efforts and settings in the United States. The book draws on ten years of research into experiences of working across boundaries to resolve or manage resource-based conflicts using a variety of approaches, from formal dispute resolution to public-private partnerships. The authors present eight themes, or lessons, that they consider critical to successful collaboration and problem solving, describe barriers and suggest a set of implications for policy-makers, natural resource managers, non-governmental groups and communities trying to find a better, more productive mode of civic interaction. The book includes a primer for agencies considering collaborative approaches and a guide to getting started for individuals.

Yarde, R., Merideth, R. & Moodie, S. 1999. "Conflict on the Culebra!" A role-playing simulation game for teaching environmental conflict resolution techniques. Tucson, Arizona, USA, Udall Center Publications.

Keywords: training activity, role play.

"Conflict on the Culebra!" provides a role play with exercises to use as part of a training on environmental conflict resolution methods and tools. The focus of this fictional case is a watershed-based controversy.

Available at udallcenter.arizona.edu/publications/workingpapers.html

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SECTION 8

SECTION 8
CASE STUDIES*

8.1 INTRODUCTION

A case study is a training tool to develop analytical skills by drawing examples from real life. Case study exercises concentrate on probing and understanding the complexities of particular situations. This section provides detailed accounts of conflicts and conflict management processes related to community forestry in India, Nepal, Thailand and Bhutan. Each of the cases is based on materials prepared by authors from those countries who have long experience in dealing with natural resource conflict issues.

Each case provides an overview of events, allowing you to identify and analyse the significance of the events, people and circumstances that influenced the situation. The cases also furnish information about conflict management processes, including motives, goals, strategies, ongoing adaptations and the evaluation of outcomes. All the cases consider the role of outsiders as facilitators, mediators, arbitrators and other actors in community-based conflict management processes.

* Section 8 includes four conflict management case studies from Asia.   For additional natural resource conflict management case studies from other parts of the world refer to the forthcoming FAO publication entitled "Power, Participation and Protected Areas: Natural Resource Conflict Management Case Studies" FAO 2003.

The cases can be treated separately, but they can also be compared and contrasted. It is important to understand more than just *what* happened or *how* it happened in each case. You need also to consider *why* it happened: what led people to select particular options, what motivated them, what constraints did they perceive or encounter? The process of analysing the cases may resemble detective work. You should consider possible scenarios when examining how a conflict came about and what people did about it. You are encouraged to draw from your knowledge and experiences to analyse the conflicts and the conflict management processes. How do the events, persons and processes portrayed in the case studies compare (or contrast) with situations that you are familiar with? As you and other participants discuss the cases, it will become clear that multiple interpretations are possible for most situations. The clearest understanding often emerges through the weaving together of multiple views.
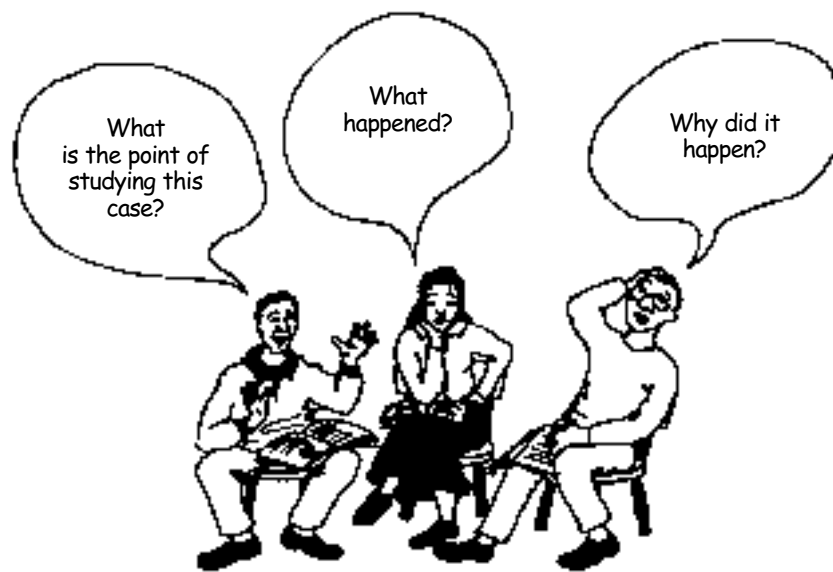
8.1.1 Why use case study exercises?

Case study exercises can be used to build or strengthen conflict analysis skills. They can also help you to identify the constraints and opportunities that are faced in designing and implementing conflict management and resolution processes. The cases allow you to move away from simply seeing a conflict as a one-off occurrence requiring an immediate solution. The case study exercises demonstrate the need to analyse a conflict thoroughly before acting to address it. The cases also encourage the careful weighing of multiple options in managing or resolving conflicts.

8.2 EXERCISE DIRECTIONS

The goal of case study exercises is to encourage training participants to discuss the cases in a thoughtful and thorough manner. Participants must have the opportunity to read the entire case, and time to reflect on it. Given the length of the studies, it is advisable to ask them to read them before attending the discussion session. A rushed reading of the cases will undermine participants' ability to understand and analyse the materials thoughtfully.

The cases are best discussed in small discussion groups in which all participants have ample opportunities to share their views. Thus, it may be necessary to split large gatherings into smaller groups in order to facilitate discussion. The trainer or facilitator should provide direction and guidance for the discussion, but in a way that allows ample time for participants to discuss their views about the materials. Each case study is preceded by questions to serve as the focal points for discussions.

Facilitators can follow the following procedures in carrying out the case study exercises. These are not the only way to conduct such exercises, but are provided as potentially useful techniques. Again, what is important is fostering a setting in which participants have the opportunity to reflect thoughtfully and exchange ideas about the cases.

8.2.1 Step 1

Introduce the case study as an active learning method. A key point is that each case is only a piece of a story, an interpretation of what occurred, and not a full history. The purpose of engaging in case study analysis is to sharpen problem solving skills. Participants gain an appreciation of the need to assess probable causes and determine what additional knowledge is needed in order to design a conflict management strategy. They also learn to recognize the importance of evaluating different options in deciding which strategy to pursue.

8.2.2 Step 2

When opening the discussion of a particular case, reviewing the content helps determine whether all the participants have understood the materials (and how well they have read them).

Rather than simply opening with the broad issue of what happened, provide a series of guiding questions, as listed in Box 8.1.

BOX 8.1 **"WHAT HAPPENED?" QUESTIONS**

- What were the issues in the case?
- What was the conflict about?
- How did the conflict manifest itself?
- Who emerged as the opposing parties in the conflict?
- Who were the other stakeholders or interest parties?
- Was there a level playing field for the conflicting parties, or did circumstances favour one group over others?
- How did the parties seek to resolve the conflict?
- What particular conflict management or resolution strategy did they use?
- Did the community members seek help from outsiders? (Or did outsiders intervene?)
- What resources were expended in the conflict management/ resolution process?
- What was the outcome of the conflict management/resolution process?
- Overall, how effective was the author's presentation of the case study?
- Did any information seem to be missing that might have helped you to understand the case study better?

8.2.3 Step 3

Having first reviewed what happened, the bulk of the discussion time should then be used to consider the more important issues of why it happened, and what alternative actions and processes were possible. In addition, participants should explore the broad lessons learned from the case study and how these relate to (or contrast with) the circumstances and situations that they themselves have faced.

The questions in Box 8.2 can be useful in fostering discussions to analyse what happened.

BOX 8.2 ANALYSIS QUESTIONS

- Why did the conflict arise?
- Did it have a single cause or multiple causes (and how is this determined)?
- Was the conflict an isolated or anomalous incident?
- Could the conflict have been anticipated?
- What was the role of power or power relationships in the conflict?
- Is a level playing field necessary to resolve conflicts?
- What was the role of culture or gender in the conflict?
- Why did the conflict parties seek to resolve their conflict?
- Why did the conflict parties pursue their particular conflict resolution strategy?
- What other conflict resolution options were (or might have been) available?
- Were sufficient resources available for addressing the conflict?
- If you had been consulted by the parties in the conflict, what conflict resolution strategy would you have recommended?

- If the parties used negotiation, what factors contributed to their success or failure?
- How would you have conducted negotiations in the case?
- Was the conflict adequately addressed by the selected conflict management/resolution processes?
- Was the conflict resolved or simply managed?
- What are the three main lessons to be learned from this case study?
- In your experience, have you met with a similar conflict or conflict management/resolution process?
- Comparing this case with other cases that you are familiar with, what conflict management or resolution processes seem to work best?

These questions can also be given to subgroups of the participants to discuss on their own. After a specified time, all the subgroups can reconvene and exchange their views. Then it might be possible for the group as a whole to reach consensus about the answers.

8.3 ALTERNATIVE USES OF THE CASE STUDY ACTIVE LEARNING APPROACH

8.3.1 Role playing

An alternative method for exploring the cases is to generate group findings through role playing. In this method, the trainer asks each group to assign the character roles from the case study, and develop a script that addresses their conclusions.

Provide 15 minutes per group presentation. Guiding points to the script development include:

◆ Identify the individual characters and their involvement in the conflict.

◆ Develop a scene in which the characters interact, either in discussion or in a conflict situation, highlighting their interests and underlying concerns.

◆ Include a summary scene that explains the group's findings or proposed outcome.

8.3.2 Resolution design and application tool

Any conflict situation can be developed as a case and used as an analysis exercise, or as a resolution component. If stakeholders are to develop a conflict case as part of a facilitated resolution meeting, a case study development forum can be initiated at which to develop ideas and provide a structure.

The purpose of such a forum is to provide time for the various participants to weave their different stories together in a single version representing all the issues that led to the conflict. A basic format for guiding the case study development forum includes the following steps:

◆ an introduction to the background information on the conflict, such as the social and physical environments and the wider institutional, political and economic setting;

◆ a summary of the conflict, including the stakeholders, basic issues and any underlying needs and concerns;

◆ identification of conflict management or resolution strategies, including communication and negotiation practices;

◆ documentation of the results to date and any recent or outstanding issues.

8.4 CASE STUDY 1:
JOINT FOREST MANAGEMENT
AND CONFLICT IN HARYANA, INDIA

by V. Varalakshmi

8.4.1 Case study guidelines

Background

The Joint Forest Management Programme (JFMP) in India represents one of the world's largest attempts to promote state-local natural resource co-management. Such collaborative arrangements are seen as a way to address proactively the conflicts that are inherent to centralized state management of forests and other resources. The change to more collabo-

rative and decentralized styles of resource management, however, has generated new forms of conflicts and intensified some old ones. This case study briefly reviews some of the experiences with conflict and conflict resolution processes in Haryana, India. It is based on materials prepared by V. Varalakshmi of the Tata Energy Research Institute, New Delhi.

Study questions

1. Did the JFMP represent a major departure from forest policy in Haryana?

2. What factors seem to contribute to the development of a collaborative arrangement between communities and government natural resource management agencies?

3. What are the Hill Resource Management Societies (HRMS) and what is their role?

4. What were the major sources of conflict in the societies?

5. Could the conflicts have been anticipated?

6. What were the chief means of conflict management? Were they successful?

7. What do you think is the long-term outlook for conflict in the JFMP?

8.4.2 Introduction

The Haryana JFMP operates in the Shivalik range along the foothills of the Himalayas. This area contains most of the state's limited forest resources. Much of the forest land is under Haryana Forest Department (HFD) ownership, but some of it is managed collectively by villagers or controlled by *panchayats*, the local-level institution for self-governance in India.

The Shivalik forests have become highly degraded, reflecting the immense pressure of the region's human and cattle populations, as well as the limitations of centralized resource management. The removal of trees for timber and fuelwood, combined with heavy grazing, has left hills barren and hardly able to provide the subsistence needs of the people and their livestock. The landscape is marked by rock outcrops, deep gullies and chasms.

By the early 1970s, Sukhna Lake, a reservoir created in 1958, had lost nearly 60 percent of its storage capacity owing to silt from erosion. Water

authorities in nearby Chandigarh, the capital city of Haryana, spent large sums dredging the lake, but they could not halt the problem. Technical experts identified Sukhomajiri village in the Sukhna watershed as the main source of silt. A series of soil conservation and water harvesting structures were built to decrease erosion. Villagers were able to use these structures for irrigation. This first project acted as a catalyst for HFD to elicit local cooperation in regulating forest use to decelerate land degradation. Villagers formed a Water Users' Association (WUA) to protect the watershed and to manage the reservoir.

This initial project highlighted the importance of involving villagers in the management of forests and providing them with alternative sources of livelihood to reduce their dependence on forests. With a dramatic regeneration of vegetation in the pilot watershed, as well as increased fodder and farm production, the local population became more receptive to HFD's advice. People became more willing to collaborate with officials in forest management as they saw how the new measures enhanced their interests. The villagers and the staff of HFD and other agencies combined their skills, knowledge and resources to establish a process for collaborative resource management. During the 1970s and 1980s, this process was extended to other villages in the region, albeit in an unstructured and informal manner. Thus, forms of participatory forest management were practised in the region before the formal onset of the JFMP.

8.4.3 The JFMP in Haryana

In June 1990, the Indian Government issued an order encouraging villages and NGOs to become involved in the regeneration and management of degraded forests. The Haryana State Government followed this by implementing the JFMP involving HFD and NGOs such as the Tata Energy Research Institute (TERI). By 1997, the JFMP had spread to more than 60 villages, involving 60 000 villagers and protecting and managing nearly 16 000 ha of forest.

 The JFMP uses participatory and facilitative processes to link people and officials to the co-management of particular forest areas in Haryana. The programme acknowledges the existence of diverse forest users, and attempts to protect their interests through negotiations and consensus agreements. Officials attempt to take into account local historical, cultur-

al and economic linkages with specific forest areas when granting co-management rights or concessions to communities. They also consider customary forest use by residents of more distant villages in such agreements.

The programme supports the sustained collaboration of communities and HFD in managing forest resources. It attempts to provide for the basic needs of disadvantaged and resource-poor households. The JFMP offers four products at low cost: irrigation water from small dams, bhabbar grass for rope making, fodder grass, and bamboo. Long-term resource use agreements and permanent benefits are important factors contributing to the programme's success. These material incentives are also crucial to sustaining community interest in resource management, while ensuring continued restoration and development of degraded sites. The programme has contributed to higher farm output through expanded irrigation, lower fodder prices and increased non-agricultural earnings from sales of bhabbar grass and bamboo items. It has also generally improved the status of local forests and grasslands. The ongoing support of communities and officials for the JFMP indicates its success in meeting a range of needs.

8.4.4 The HRMS

HRMS were formed at the village level specifically for JFMP implementation. This new institution emerged from organizational constraints within the local administrative bodies, the *panchayat*. The inherent strength of the HRMS is that their membership is deliberately formed to include a balanced representation of village subgroups. Their mandate is to link the village and HFD in a partnership to manage forests.

The membership of an HRMS consists of all the adult men and women from all the households in a hamlet, village or group of villages located within or near a particular forest area. The boundaries of the HRMS do not necessarily coincide with those of the *panchayat*. HRMS members enjoy usufruct rights in the forest areas demarcated for protection and management by their group. People from outlying areas whose livelihoods and subsistence needs have traditionally relied on forest produce from these areas are also considered members of the general body of the HRMS.

Each HRMS holds an annual election to nominate its managing committee. Each committee has seven to nine members (depending on the village's size), including at least two women. The number of women is higher in areas where they play major roles in collecting, using or processing forest products. In some cases, women outnumber men on the committee. The management committee must also include at least one person from officially designated scheduled castes and tribes or from the poor.

Individual HRMS derive funds from membership fees and charges levied for harvesting fodder, bhabbar grass, bamboo and water. HFD has a separate co-management agreement with each HRMS. Revenue earned over the annual lease that is due to HFD is deposited in the local HRMS account. In many cases, communities have used these surpluses for installing new infrastructure, such as schools, meeting halls, roads or pipelines. They have even been used to help support the development efforts of local *panchayats*.

Strengths of the HRMS

A primary achievement of the JFMP has been that the HRMS often attain a high level of local involvement in decision-making and management processes. Factors that have contributed to widespread support for the HRMS include the following:

◆ HRMS membership consists primarily of people living in villages that are close to the forest. HRMS' small scale and proximity to the resource facilitate communication and interaction among their members.

◆ A set of mutually agreeable norms and procedures – both formal and informal – confers equal rights and responsibilities to all members, including minorities and women.

◆ Major decisions are made in a participatory manner, and all records are accessible to members for reference and cross-checking.

◆ All members, including the village community and HFD, design and agree on rules and penalties. Non-adherence to these rules can result in suspension or termination from the HRMS:

◆ The HRMS are registered within the Societies Registration Act of 1860, and thus have an independent legal status to enter into and terminate agreements with HFD.

◆ The HRMS receive institutional support through working groups, established at the state, division and range administrative levels, to link the grassroots with wider policy-making bodies. These working groups consist of HRMS representatives, forestry officers, TERI staff and other concerned parties.

Conflicts

In spite of the organizational strengths of the HRMS, conflicts still arise within groups and among neighbouring communities. These conflicts occur in part because of the complexity and diversity of stakeholders, both within and across villages, and their differing interests regarding resources use. The community's socio-economic profile and local commitment to participation in HRMS deliberations influence the specific origins and nature of conflicts. The term "conflict" often implies an adverse or negative situation, but some conflicts have resulted in improved relations among members by increasing local involvement in HRMS affairs. Typical conflicts in the region include the following:

◆ *Forest area demarcation:* the establishment of an HRMS, particularly the marking of boundaries, can spark conflicts with neighbouring villages

that have rival claims to the area. At times, a community may stake a claim in the forests without formally establishing an HRMS, thereby generating conflict with its neighbours and with HFD.

◆ *Ambiguity in role definition:* any ambiguity in key HRMS roles and relationships can produce conflicts that threaten the smooth functioning of the groups. Conflicts arise if management committee members manipulate or do not adhere to group policies, or if they neglect their official duties. Differences in understanding and/or interpreting rules, regulations or conditions agreed earlier may also lead to conflicting situations among two or more parties in the HRMS.

◆ *Financial issues:* lack of transparency in financial transactions is a frequent reason for intra-HRMS conflict. Although HRMS by-laws require that all decisions about allocating funds over Rs 250 be approved by majority vote in general assembly meetings, management committees sometimes ignore the rule. In several such cases, the committee members made bad investments, and the resulting financial loss added to the conflict.

◆ *Subletting of leases:* conflicts occur when HRMS members sublet to private contractors for the harvesting of forest products and grass without holding an open auction, or without prior discussion at a general meeting. Other lease issues include offering dam water to contractors at below market rates.

◆ *Non-payment of dues:* the non-payment of dues (water charges, fees, etc.) by HRMS members generates conflicts. The outgoing management committee is required to collect all outstanding payments before an election, and this often causes friction between the non-payees and the office bearers. The latter have been known to forego collecting payments from their relatives and close friends, thereby inviting criticism from, and conflict with, others.

◆ *Power struggle:* the organizational structure of the HRMS aims at ensuring equality among members. This arrangement often entails challenging the established social order based on the dominance of one group over another. The potential loss of power wielded by local elite groups can cause them to resist the JFMP. The potential losers and winners from the programme sometimes jostle over control of the HRMS and its various facets.

◆ *Decentralization and leadership issues:* local political leaders sometimes feel threatened by a perceived loss of power from the decentralized and

democratic decision-making process of the HRMS. This perception, in turn, causes leaders to erect walls of resistance against the new social order. Leaders can become unwilling to abide by the decisions taken by the majority, thereby causing tensions and conflicts.

◆ *Benefit sharing:* disagreements about benefit sharing from local common property resources can provoke conflicts. Tension can arise when the customary rights of local forest users clash with the HRMS mandate. Longstanding user rights of villages within and near forest areas in Haryana are not uniform. Nevertheless, the rules and regulations applicable to all HRMS are the same. People may disregard the norms of the HRMS in order to enhance their own access to forest resources, resulting in conflict. Inequities in benefit sharing, at the expense of the poor, also generate discontent and discord within the HRMS and its community.

◆ *Resource management and utilization:* conflicts over resource management arise when stakeholders have differing objectives. For instance, one source of income for the HRMS is pisciculture (fish farming), which requires a minimum level of dam water. The management of pisciculture is contracted, generally for five years, to the highest bidder at an open auction. However, all the water in the dam must be drained periodically for irrigation purposes, and this kills the fish. This situation creates a financial conflict between the HRMS and the contractor, who cannot pay the leasing fee because of the loss of the fish. Villagers also clash with HFD field staff over the control and operation of forest resources.

◆ *Overlapping and competing jurisdictions*: a source of potential conflict is the recent constitutional change that empowers local authorities in the *panchayats* to assume responsibility for village forest areas, minor forest products, small-scale irrigation, watershed management and other activities controlled by the HRMS. This situation currently appears stable owing to the amiable working relationships between many *panchayats* and the JFMP, but the potential problem of overlapping and possibly competing jurisdictions still exists.

8.4.5 Conflict resolution mechanisms

The HRMS possess their own conflict resolution mechanisms. Their partner institutions, HFD and TERI, which has been a facilitating agency since 1990, support these mechanisms.

The most effective mechanism for managing existing or potential intra-village conflicts is the holding of frequent and regular meetings of the general HRMS membership. Negotiations among members often resolve both intra- and intervillage conflicts. HFD and TERI staff play a neutral facilitative role at these meetings, generally guiding them and serving as mediators when needed.

Most intra-HRMS disputes are resolved through fact-finding exercises that collate information from all parties related to the issue and prepare and discuss a summary. Disputants then negotiate mutually acceptable and binding solutions. While the same mechanisms are applied to inter-village conflict, the assistance of HFD and TERI are regularly sought for facilitating such meetings and, later, for mediating the negotiation process.

TERI and HFD organize training courses for HRMS general members and managing committees in order to clarify their roles and obligations in an attempt to avoid role definition conflicts. HRMS members are taught how to draft and maintain a constitution, by-laws, registration certificates and the formal agreements they make with HFD. The societies also receive training on how to keep registers for membership, water use, fodder and fuel use. In addition, training covers how to manage financial accounts, including cash books, receipt books, bank records, audits and annual reports.

The general body meetings handle all issues concerning the HRMS, and have a goal of involving a cross-section of the community. This broad-based involvement has expanded the concept of widespread participation in community affairs, whereas previously only a few officials and leaders handled local matters. In many villages, HRMS membership has sparked a new attitude, which is demonstrated by enhanced support and improved capacity to address community needs.

8.4.6 Sources

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8.5 CASE STUDY 2:
LEARNING TO RESOLVE CONFLICTS IN COMMUNITY FORESTRY: A CASE STUDY FROM DHUNGESHORI, NEPAL

by Hari Lal Paudel

8.5.1 Case study guidelines

Background

Nepal has emerged as a global leader in the decentralization and devolution of authority over forests to the local level. Recent policy changes allow national forest lands to be handed over to communities for man-

agement through local forest user groups. As in the case of the JFMP in India, this new policy not only increases local participation in decision-making, but also serves as a form of proactive conflict management. At the same time, however, the innovative policy has itself become the context for conflicts. This case study is based on materials prepared by Hari Lal Paudel of the Nepal Swiss Community Forestry Project, Kathmandu, Nepal.

Study questions

1. What have been the major causes of conflict in the Dhungeshori CFUG?

2. Who are the stakeholders in these conflicts?

3. What resolution methods have been used to resolve the conflicts?

4. Was the assistance of outsiders necessary in managing the conflicts?

5. Has conflict hurt or benefited the CFUG?

8.5.2 Introduction

Nepal's private forests were nationalized in 1956, but this policy proved ineffective because of a lack of popular support. Large forest areas have been destroyed over the last three decades. In the 1980s, forestry officials began to seek innovative strategies involving local participation to address the problem of deforestation. In 1989, the Government of Nepal approved a new Forestry Sector Master Plan with participatory forestry as its centrepiece. A key aspect of the new plan is the decentralization and devolution to the local level of authority over some State forests through officially recognized CFUGs. The primary task of forestry field staff has become the provision of technical assistance to communities, particularly to the CFUGs. By 1997, 5 316 CFUGs were managing 352 326 ha of forest.

The Community Forestry Programme is considered to have been quite successful by global standards. Success and conflict, however, go side by side. This case study focuses on a series of conflicts faced by a CFUG in Dhungeshori village in Dolakha district, located 160 km east of Kathmandu, the country's capital. It is a small village, with 174 residents. Despite its low population, Dhungeshori is socially diverse, containing members of different castes and ethnic groups. The forestry conflicts that occurred in Dhungeshori are typical of those experienced by other communities in their initial years of participatory management. Conflicts

often emerge over boundary conflicts, misuse of financial funds, intra-boundary disputes and leadership struggles.

The Dhungeshori CFUG was formed in March 1992. It consists of all community members. An elected committee composed of 15 representatives oversees the daily management responsibilities. The government officially handed over 70 ha of forest to the village in July 1994. This land included 10 ha of natural pines and 15 ha of plantations, with the rest consisting of oak woodland. In less than two years, Dhungeshori CFUG had imposed grazing controls on the entire parcel, established an additional 11 ha of plantations and set up a 1 ha demonstration plot. In 1995, the group received first prize for its excellent forestry planning and management, out of 54 CFUGs operating in Dolakha.

8.5.3 CFUG conflicts and their resolution

Despite its fine performance, the Dhungeshori CFUG has experienced a range of conflicts. Instead of undermining the confidence and capabilities of the CFUG, however, the conflicts and their management have served to strengthen the group's commitment. The conflicts also helped to define the rules and incentives that needed to be developed in order to meet local long-term goals. The following paragraphs describe a series of conflicts that the Dhungeshori CFUG faced and resolved during its first years.

Encroachment of community forestry lands by nearby farmers
A cadastral survey documented the boundaries between State forest and private lands in 1989. Afterwards, some farmers with adjacent holdings extended their fields into the forest by clearing small parcels and planting crops. They continued to do so on a small scale for several years. The Department of Forest Operations surveyed the land again when the local CFUG committee took over management of the State forests in 1992. The forestry staff and committee members discovered that the 1989 boundaries were not clearly demarcated. The survey team used their own judgement in placing the boundaries on the CFUG management map. During this survey, however, no permanent signs or markers were used to demarcate the boundaries physically.

The forestry staff who had helped the CFUG to map the boundaries were subsequently transferred from the region. The incoming staff were not informed about the boundary survey. Meanwhile, the CFUG committee also changed its membership. The result was that neither the new foresters nor the new committee members were aware of the two previous forest surveys.

The new committee resurveyed the boundary line and found some encroachment, an issue it raised at the next CFUG assembly. The membership agreed to a series of actions for dealing with the farmers. They formally noted the boundary transgressions and requested that the farmers halt their actions. If the farmers ignored this request, the CFUG decided that it would seize the encroached land and fine each violator Rps 500.

The Dhungeshori CFUG then asked the forestry staff to mark the community forest boundaries on a map. The foresters agreed, but they soon observed that no clear reference points existed. Their survey equipment also turned out to be unreliable. The boundaries could not be clearly and accurately determined.

The CFUG decided to plant tree seedlings on the land under dispute. This action caused further conflict between the group and the farmers, who persisted in their claim to the land. The CFUG general assembly decided to resolve the issue through negotiations, in the hope of reaching an equitable settlement and improving relations with neighbouring land users. Some farmers were unwilling to participate, however, so the negotiations proved unsuccessful.

In response, the CFUG members proposed that a neutral representative be selected to mediate the group conflict. The conflicting parties agreed to ask the district forest authority to resolve their issues. The forest authority called a meeting of the two groups' representatives and proposed solutions for sharing the land under conflict. Everyone agreed that the forest authority should mark the boundary between the private land and the community forest. This settled their conflict.

Conflict over misused money

During its first year, the Dhungeshori CFUG received a grant from the Nepal Swiss Community Forestry Project to establish a tree plantation. The executive committee asked all the members to work together for a few days to establish the plantation, promising to pay everyone for their labour.

The community obtained Rps 20 000 for the project, but the CFUG leadership – the chairperson, secretary and treasurer – misinformed the members about the size of the grant. They first reported only Rps 5 000, then Rps 7 000, as the total funds available. The committee then proposed splitting the grant into small portions, giving equal payments to each CFUG member. The remaining funds were divided among the committee's ten members. Three executive committee members opposed the plan and refused their portions of the money. Many CFUG members complained about the plan's unfairness when they heard about its procedures for dividing the funds.

Forestry and Nepal Swiss Community Forestry Project staff who worked regularly with the Dhungeshori CFUG became aware of the conflict over the division of funds. The foresters and project staff gathered information from local authorities and the CFUG members about the issue. Several informal discussions were held with the conflicting parties. Finally, a CFUG committee meeting was held to document the case officially and establish a mechanism for resolving the conflict. The committee agreed that the grant had been misused, and called for a CFUG general assembly. The committee also decided that all the executive committee members should refund the misused money, a total of Rps 8 236, before the CFUG assembly convened. By the time the general assembly met, the committee members had repaid their obligation. The CFUG membership decided to replace the existing executive committee.

Boundary conflict between two CFUGs

In 1994, the people of Saunepkha, a community adjacent to Dhungeshori, formed their own CFUG. The members of both CFUGs customarily had open access to forest resources in the region, and no clear boundary line demarcated their respective territories. The forestry staff who had worked with Dhungeshori CFUG to establish its boundaries had just been transferred out of the region. The Saunepakha CFUG surveyed its area and included part of the Dhungeshori forest on its map. When the Saunepakha CFUG began to protect its forest, conflicts immediately arose with people from Dhungeshori. Both groups claimed rights to certain forest patches set aside for oak regeneration.

The two groups raised the boundary issue at a CFUG networking workshop. The workshop members suggested that the communities resolve the conflict by negotiating with each other in the presence of forestry staff. The assemblies of both CFUGs authorized their leaders to negotiate and resolve the problem by determining a compromise boundary line.

The representatives of the two CFUGs met on several occasions over more than a year to discuss the issue, but they could not reach a mutually acceptable solution. The forestry staff then called a meeting with representatives from both CFUGs to deal with the case. The conflict was finally resolved when both conflicting parties agreed to a boundary demarcated by the government forest authority.

Leadership conflict

In 1996, a leadership conflict emerged between the chairperson and the secretary of the Dhungeshori CFUG. The chairperson was very active in the CFUG and had a good reputation among the membership. He was also a strong supporter of a political party in the community. A local election came up, and the chairperson decided to run for office. The CFUG secretary also chose to run as another party's candidate. Their political rivalry spilled over into CFUG affairs.

In November 1996, the CFUG met to review its past activities and finances. During the general assembly, the secretary accused the chairperson of unfairly punishing several forest users and paralyzing the interests of some executive committee members. The secretary proposed a no-confidence motion against the chairperson, charging that he regularly made decisions without consulting other executive committee members. The assembly rejected the motion.

The forestry and project staff decided to intervene in the conflict between the two CFUG leaders. They talked individually to the executive committee members, asking if the chairperson had consulted them in making decisions. Each person stated that all decisions had been made jointly. In the meantime, some forest users who supported the secretary's political party collected signatures from executive committee members who agreed to resign from their posts in support of the no-confidence vote. The secretary's supporters wanted to force the chairperson to resign, since a provision in the CFUG operational guidelines specified that the existing executive committee must be dissolved if two-thirds of its members resigned. During the signature drive, some committee members reported that they had signed under duress. The petitioners had made political threats against them. Nevertheless, the resignation list was presented at an executive committee meeting, and an assembly meeting was convened in late December to resolve the issue.

As this and other conflicts unfolded, the disputants sought support from all sectors of the village, including traditionally disadvantaged groups such as the so-called "untouchable" castes. The ideas and interests of these groups received attention because the conflicting parties recognized that every vote counts, and that any one vote might be decisive in the final result.

During the December assembly, the forestry and project staffs facilitated the meeting by introducing ground rules for discussion. All conflicting parties were asked to present their views, then the issues would be open for discussion. The executive committee members all requested that the chairperson not serve again in order to resolve the problem. However, they acknowledged his significant contributions to the CFUG. The chairperson agreed to stand down, provided that he could recommend his own successor. His nominee proved acceptable to all members, and a new committee was formed by consensus of the assembly.

8.5.4 The impacts of conflicts and conflict resolution processes

While these conflicts were at their height they often had a negative impact on CFUG cohesion. This situation was reflected in a decreased number of regular meetings, declining attendance, less effective forest protection and reduced overall participation in CFUG activities. A strain in group relations was also displayed during the conflict resolution process itself. In each conflict, the parties initially used negotiations to seek a resolution. This strategy failed to provide a consensus solution. The disputants needed outside assistance to mediate or arbitrate their concerns.

Ironically, conflicts helped to strengthen the long-term extension and participation components of community forestry in Dhungeshori. The process of negotiation – although it proved unsuccessful in providing a resolution – made community members aware of key issues and diverse stakeholder interests. The conflicting parties and the rest of the village became drawn into discussions regarding their rights and responsibilities in managing the community forest. Similarly, the conflicts increased the creativity and linkages among CFUG members. Conflict parties seeking to rally support engaged many sectors of the communities as participants. These conflicts compelled the newly elected executive committee to be more dynamic, active and democratic. As a result, CFUG members now see these conflicts as having helped to develop a better leadership style.

8.6 CASE STUDY 3:
SUPPORTING LOCAL MECHANISMS FOR CONFLICT RESOLUTION IN THE CHIANG MAI HIGHLANDS, THAILAND

by Vitoon Viriyasakultorn

8.6.1 Case study guidelines

Background

Thailand is seeking to increase local participation in protecting and managing forest resources in order to combat deforestation. The watershed protection project in the highlands of Chiang Mai Province in northern Thailand exemplifies the sort of collaborative efforts that are now getting

under way throughout the country. As in the India and Nepal case studies, the promotion of popular participation is often complicated by local conflicts. Such conflicts can be especially complex when they involve members of different ethnic communities. This case study examines two conflicts in a multi-ethnic setting in northern Thailand. It is based on materials prepared by Vitoon Viriyasakultorn of RECOFTC, Bangkok, Thailand.

Study questions

1. What are the underlying causes of conflicts in both situations?
2. What conflict resolution strategies were used in both situations?
3. What went wrong in the resolution process in both situations?
4. In both conflict situations, who played a major role in assisting the negotiations?
5. What was the role or influence of culture in the conflicts and their resolutions?

8.6.2 Introduction

Thailand has experienced rapid and widespread deforestation in recent years. One response from the government has been to set aside areas as forest reserves, parks, wildlife sanctuaries and protected watersheds. The goal of conserving resources by imposing land use controls is not easily attained, however. Such areas are often occupied by villagers, including ethnic minorities, who depend on forest resources for their livelihood. Conflicts can arise among different stakeholders – communities, government officials and NGOs – as a result of policies aimed at mitigating deforestation. Some villages have lost their forest access or experienced relocation (or the threat of it) as a result of conservation efforts. Controversies also arise over the boundaries of protected sites.

Resource conflicts can be found throughout Thailand, but they occur particularly frequently in the north, where forest resources remain plentiful. This case study explores land use and boundary disputes involving three northern ethnic groups: the Karen, the Lua and the Hmong. These groups traditionally practise swidden agriculture in upland forests. Swidden farming, also known as shifting cultivation, is a land use practice that is often misperceived by outsiders. Quite often, swidden farmers and other

ethnic groups are blamed as the major cause of deforestation. Although tribal people do contribute to forest clearance, it is important to remember that their farming practices are often environmentally sound. The conflicts covered in this case study arose in the context of a watershed protection project.

8.6.3 The site and the project

Several Karen, Hmong and Lua villages are located in Mae Tum and Mae Suek watersheds in Mae Chaem District, Chiang Mai Province. CARE International, an NGO, has worked on forestry issues in the province since the early 1980s. In 1994, with the support of the Royal Forest Department and financial assistance from DANCED, Denmark, CARE launched a watershed protection project in Chiang Mai and a neighbouring province. It targeted highland areas that serve as the source of many important streams. The communities in these watersheds are situated either in national forest reserves or at officially designated conservation areas. Currently, the project covers 81 villages, consisting of 2 823 households with a total population of 14 892. This case study will discuss conflicts involving only a few of the project villages.

The overall objective of the project is to rehabilitate and conserve the natural resources of watersheds through sustainable community-managed practices. Three immediate objectives are:

1. to improve the community's capacity to protect, rehabilitate, conserve and manage watersheds;
2. to provide alternative income sources in order to reduce pressure on the forest;
3. to enhance the community's capacity to communicate with government offices for development assistance.

In many cases, several villages are located in the same watershed but are governed by separate administrative units. Villages in the same watershed are in frequent contact, regardless of their administrative organization. Their relationships may be either positive or negative, depending on their farming methods and how they affect the other villages' practices. In order to work more effectively, most northern highland projects use the watershed as their working unit, instead of using administrative boundaries.

To help achieve the project objectives, CARE encouraged the participating villagers to set up the following two types of committees.

Village Forest Conservation Committees (VFCCs)

Every village in Thailand has a Village Development Committee (VDC) to take care of development activities in the village. The VDC is an official administrative unit under the Ministry of the Interior. As part of the project, CARE established VFCCs in all settlements. The VFCCs' functions are to coordinate activities related to land demarcation, the development of watershed management plans and the formulation of rules and procedures for resource protection. In most communities, the same people are members of both the VDC and the VFCC. The size of the VFCC ranges from five to 20 members.

Watershed Management Network Committees (WMNCs)

The WMNC brings together communities located in the same watershed or micro-watershed. The WMNC includes representatives from all the VFCCs in the area. The number of VFCC members represented varies according to the size of the village, but usually ranges from three to seven people. The major objectives of the WMNC are:

1. to resolve conflicts between villages in the same micro-watershed and in different micro-watersheds;
2. to coordinate and negotiate with neighbouring villages, other WMNCs and government agencies (for example, national park officials);
3. to obtain the endorsement of micro-watershed management plans from local government officials.

Initially, the project sought to formulate relatively small WMNCs, each consisting of three to five villages. The number depended on how ready local people were, since the project did not start working in all areas at the same time.

8.6.4 The people and their indigenous conflict resolution strategies

The communities living in the project watershed are from the Karen, Hmong and Lua ethnic minorities. They are distinguished to varying extents from mainstream Thai culture by customs, dress, language and religion. In many cases, their occupation of the northern Thai forest dates back many hundreds of years. They claim their territory through aboriginal or first-clearance rights. From the perspective of the country's forestry laws, however, they are actually illegal occupants of State lands.

The Karen

The Karen are the largest ethnic minority in Thailand. Their settlements are generally found in uplands above 500 m in elevation. They traditionally relied on rice and vegetables grown in swidden plots for the bulk of their subsistence, but many Karen are now engaged in cash cropping in response to opportunities from both domestic and export markets. Others have dropped out of farming owing to poverty, the need for additional cash income or drug addiction. Such farming families have sold or let their lands, usually to Hmong neighbours. Some Karen obtain employment as day labourers on Hmong farms.

In Thailand, the Karen have a reputation as a gentle and compromising people. Their traditional leaders and elders normally play the role of mediators when a conflict occurs. Disputes among the Karen themselves are generally handled by their own customary conflict resolution mechanisms, but the Karen seem to have difficulty dealing with conflicts involving outsiders who have more forceful negotiation styles, including government authorities and some other ethnic groups.

The Hmong

The Hmong or Meo are the second largest ethnic minority in Thailand. In the past, they generally practised swidden agriculture in forest areas. Some Hmong also grew opium as a cash crop. Now they are compelled to settle permanently, using intensive agricultural practices introduced by the Narcotics Control Programme. At present, their households often engage in rice and commercial vegetable growing, including cabbage, Japanese onions and carrots. In many cases, Hmong farmers use chemical fertilizers and insecticides on their cabbage fields, causing conflicts with lowlanders who are concerned about the contamination of water and soil.

Although the Hmong cling closely to their cultural identity – for example, commonly wearing traditional dress – they are quick to adopt modern technology. Examples include not only farm chemicals, but also pick-up trucks to take their produce to distant markets, such as Bangkok. The Hmong also possess a reputation for being experienced traders.

The Hmong retain strong kinship ties. Extended kinship groups known as *sae,* or clans, often provide the framework for handling conflicts within Hmong society. The elders of each clan will try to resolve any disputes among family members. Each clan tries to keep its internal disputes from public view, since such publicity would cause a loss of face. If a conflict occurs between people from different clans, the disputants will look for a suitable person from another *sae* to serve as a mediator. It is customary for the disputing clans to avoid face-to-face negotiations. Instead, the mediator will communicate with the disputants separately, although the two groups will stay close to each other so that they can exchange information and views quickly. Mediators sometimes receive payments for their services, especially in cases involving cash compensation to one of the parties.

The Lua

In some places, it is difficult to distinguish the Lua from other Thais because of years of intermarriage. However, original Lua still live in Chiang Mai Province. Many Lua households still practise traditional swidden agriculture, although they have modified such farming systems over time. Today they grow upland rice, maize and vegetables, and raise cattle, pigs and chickens. Like the Karen, the Lua possess a reputation as a peaceful people. Their elders and local leaders serve as mediators and facilitators when conflicts occur in their community.

Conflict 1: The people of both Mued Long and Sae Do Sa villages claimed the right over a piece of forest and agricultural land of about 300 rai that had been used as the boundary between the two villages.

Mued Long is a Lua village and Sae Do Sa is a Karen village, both situated in the Mae Tum watershed. CARE has worked in both villages since the beginning of the project. Each village has a VFCC. Historically, Mued Long village had used the disputed land, but it had let Sae Do Sa village use this territory for years without taking any action. However, when Sae Do Sa villagers caused fires in forest that is protected by Mued Long village, the latter decided to claim the land back.

Attempts to resolve the conflict got under way in 1994. Several meetings were held, with the VFCC members serving as representatives for each community. CARE project staff attended the meeting as observers. The following is a summary of the meetings and the negotiation process:

◆ *Meeting 1:* The first meeting was held at Sae Do Sa village. The VFCCs of both villages served as negotiators for each side. They reached an agreement, specifying that Sae Do Sa villagers could continue to cultivate the parcel, but that they must control fires from their fields. On returning to Mued Long village, the VFCC members announced the agreement, but traditional community leaders refused to accept it. The leaders insisted that their village must retain ownership over the land.
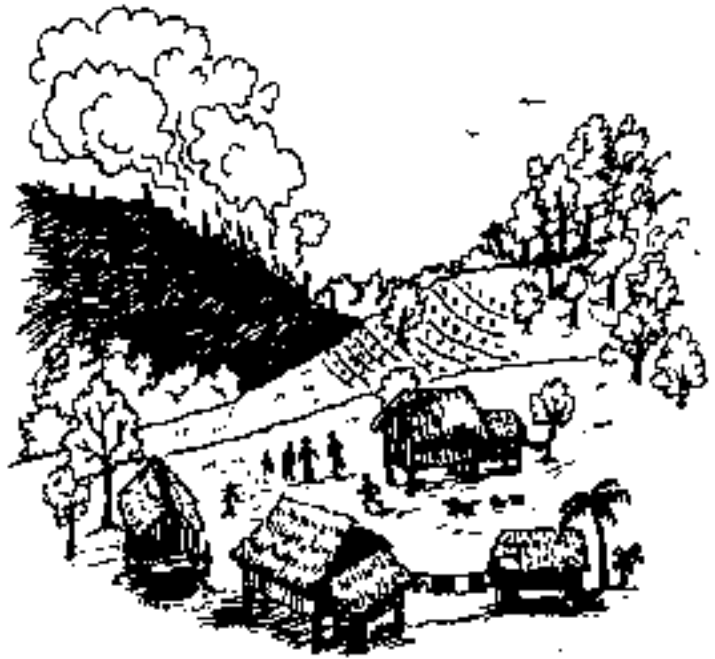
◆ *Meeting 2:* The VFCC members from both villages decided to hold another meeting, this time at Mued Long village. Again, the traditional leaders of Mued Long demanded that their village retain exclusive control of the land. They argued that Mued Long villagers had long protected this forest parcel. The VFCC negotiations failed for the second time.

◆ *Meeting 3:* The VFCC representatives now looked for a neutral place for the third meeting. Mae Hae Tae village was selected for the third meeting. The leaders and villagers of Mae Hae Tae village also participated in the negotiating meeting. Again, the negotiation was not successful. The representatives from the two villages in dispute refused to alter their positions.

◆ *Meeting 4:* This time the Mae Tum WMNC was involved, since the VFCCs could not bring the disputants to an agreement. The meeting included 36 members from Mae Tum WMNC and representatives from both Mued Long and Sae Do Sa villages. After much discussion, the

committee and villagers decided to walk through the area and clarify the boundaries together. After the meeting, they did so, agreeing that the area would be used by both villages. They put up a signboard stating that the area belongs to both Mued Long and Sae Do Sa villages. The negotiations also produced an agreement that Sae Do Sa villagers must control fires in their fields, and that they are obligated to assist Mued Long villagers in protecting the forest.

Conflict 2: Nine Hmong families encroached on the conservation area in the Mae Tum watershed, causing a land use conflict between Tum village and Pui Nuer village.

In 1990, a conflict occurred in Pang Hin Fon subdistrict when three Hmong families from Pui Nuer village cleared forest in the Mae Tum watershed for cabbage plots. They had not obtained permission from Tum village, a Karen community that viewed the area as under its sphere of influence. The three Hmong pioneers were later followed by six additional families, who extended the land under cultivation.

Representatives from Tum village talked to the Hmong families, who claimed that their parents had traditionally used this land. The Tum villagers subsequently brought the issue before the Pang Hin Fon subdistrict council, the local administrative body. Since Pui Nuer is located within

the subdistrict, it already had representatives on the council. The councillors decided to help with the negotiations, but their efforts failed to produce a mutually acceptable agreement.

The council sent the dispute to district officials for resolution. It was felt that the district administrators had more authority to deal with the problems. These officials could supposedly compel the Hmong families to halt their encroachment because they were occupying national forest lands. This attempt to shift conflict management duties to a higher administrative level proved fruitless, however, because district officials sent the appeal back to the Pang Hin Fon council for reconsideration.

The land under dispute was part of the CARE watershed project, and its staff proposed that the Mae Tum WMNC assist in the negotiations. It organized a meeting in April 1997 at the site of the area under dispute. About 50 people participated, including Mae Tum WMNC members, the Hmong families and their supporters, CARE field workers and a forester from the local Watershed Protection Unit.

The negotiation process: The meeting started on 4 April 1997. A CARE worker and the forester coordinated the meeting. Bringing all the Mae Tum WMNC members to the area was difficult because they came from more than ten villages, some of which were quite distant. Most committee members did not have their own vehicles, so CARE and the Watershed Protection Unit provided transport. The participants, except for the Hmong families, first met at the Watershed Protection Unit before heading to the meeting. Some committee members were unable to attend, including the WMNC chairperson and his assistants. Others who showed up were not prepared to negotiate. Most of the committee members who came were young people who lacked experience in negotiations. The head of Mae Tum village, who is also the secretary of the WMNC, assumed the leadership role. Still, the meeting at the WMNC did not include a discussion of negotiation strategies.

The negotiations got under way on a sunny late afternoon. The site's physical characteristics made it difficult to find an appropriate place for 50 people to sit for discussions. The committee decided to hold the meeting at the curve of a narrow road where the sunlight was reduced. Nevertheless, conditions were such that people along the curve had difficulty hearing the different speakers.

No one was officially appointed as facilitator. The head of Pui Nuer assumed these duties, opening the meeting by introducing the issues for discussion. He also spoke on behalf of the Hmong families, since they came from the same village. The Mae Tum head represented the WMNC in the discussions with the Pui Nuer head and the Hmong families. CARE staff and the forester took notes and drafted an agreement, but they did not intervene in the negotiations.

Many arguments occurred between the parties. No clear procedure existed for letting participants give their views and opinions. The Hmong representatives appeared more forceful in presenting their demands. Both the Hmong and the Karen used the Thai language in the negotiations. However, the Hmong talked faster and had more opportunities to present their views.

The resolution process: The Hmong families strongly defended their rights to the land, claiming that their parents had used the parcel and then left it fallow to regenerate. The WMNC members felt that the land now fell under their protection for watershed conservation. Many committee members, however, had difficulties dealing with the Hmong's negotiation style. In addition, they felt unable to reach any decision because the committee chairperson was absent. The WMNC finally agreed that the nine Hmong families could continue using the land, but must not expand their fields. The head of Pui Nuer agreed with the proposal and told the Hmong families that they must accept the conditions. If not, he would refuse to assist them in future conflicts. The agreement was recorded by CARE staff and signed by both parties.

After the signing took place, the villagers, CARE staff and the forester walked together along the boundary to demarcate it by painting trees as markers. This action was aimed at ensuring that the Hmong would not expand their agriculture beyond the agreed site.

8.7 CASE STUDY 4: *SOKSHING* **CONFLICTS IN BHUTAN**

by Lam Dorji
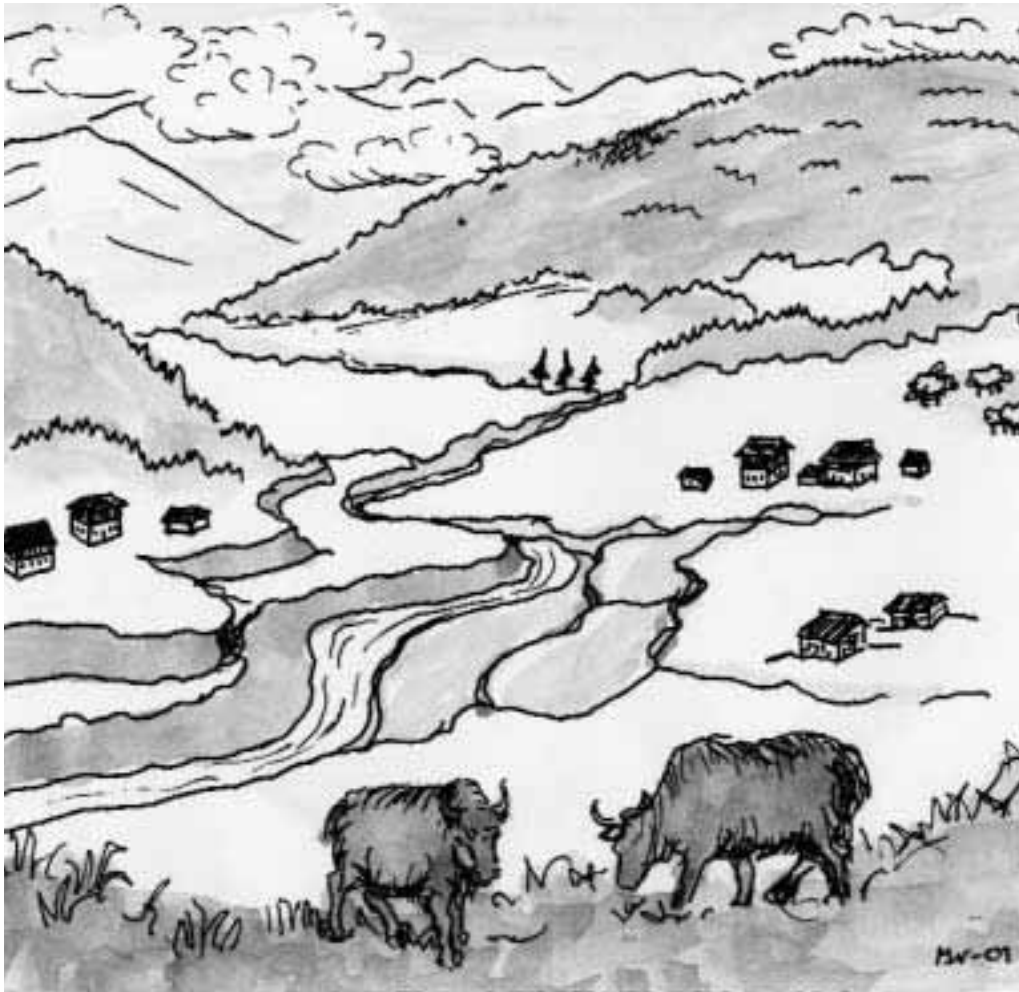
8.7.2 Case study guidelines

Background

Conflicts over forest resources can occur among long-term neighbours in small, homogeneous rural communities. This case study describes such a conflict in the Himalayan kingdom of Bhutan. The neighbours were competing over the rights to *sokshing* – forest plots located near settlements. Although all forests are owned by the government, use rights to *sokshing* are allocated to individuals and families. This case study differs from case

studies 1 to 3 in several ways, including the substantial role played by administrative arbitrators and courts in attempting to resolve the conflict. It is based on materials prepared by Lam Dorji of the Royal Society for the Protection of Nature, Thimphu, Bhutan.

Study questions

1. What are the main causes of the conflict?
2. Why do you think that Sonam withdrew his court case against Zangmo in favour of using an arbitration process?
3. How would you differentiate arbitration from negotiation?
4. What would have been some of the possible implications to community forestry in Bhutan if the governor's actions had been fairly implemented?
5. Why did Zangmo persist in pursuing her case?
6. If you had been a neutral in this case, what steps would you have taken to resolve it?
7. Could this conflict have been prevented? If so, how?

Introduction

Bhutan is a small Himalayan kingdom that has opened itself to the outside world since the 1960s. More than 70 percent of the country is covered by forest, and it is official policy to retain extensive tree cover for environmental protection. The Forestry Services Division of the Ministry of Agriculture is responsible for managing forest resources. The government retains ownership of all the nation's forests. Forest lands immediately around settlements, however, are registered as *sokshing* to individual households. Every community has an internal agreement specifying their local *sokshing* boundaries in order to prevent encroachment by others. Households possess use rights to the trees in the *sokshing*, but they hold no legal rights to ownership. In addition, *sokshings* are not formally mapped because the government does not set the boundaries. Only His Majesty the King possesses the authority to issue a written order, or *kasho*, granting government land, including forest, to an individual.

As Bhutan modernizes, conflicts over natural resources are becoming increasingly common. Such conflicts occur mostly between communities and households over land encroachment or unauthorized use of resources. People are liable for a fine or legal action if the owner of the land lodges a complaint, or if they are caught by forestry personnel.

There are both traditional and contemporary methods for resolution. Traditional conflict resolution methods usually involve village elders and heads who assist disputants in negotiating their interests. Failure to resolve a conflict through negotiation ultimately brings people to request a legal resolution. Guided by the kingdom's laws and regulations, legal processes can be conducted at various levels. Unsatisfied parties can file a case that has remained unresolved at the village at a district court. Similarly, if any of the parties is unhappy at the district level, and genuinely feels the need for further inquiry, the case can move to the High Court. A party who is still unsatisfied with the High Court's decision, has the final option of appealing to the King for justice.

If the case reaches the King, it is handed over to the Royal Advisory Council, which consists of the people's elected representatives. The councillors conduct an investigation and report their decision to the King for his action. When the King renders a decision, the Royal Advisory Council declares the resolution through the High Court.

8.7.3 The conflict in Chang Village

Chang village consists of 20 households. The community has a reputation for educating its young. Many of the villagers grow up to become officers in the government or obtain good positions in the private sector. The village's pattern of forest access also reflects the legacy of its past. Only eight families have forest land registered in their names. The other families possess no *sokshing* owing to their ancestors' inability to pay the high taxes imposed in the past. In the past, at least, having a *sokshing* indicated the prosperous status of a family.

The village also had a reputation as a harmonious place. Its elders have customarily played an important role in ensuring good relations within the village, exercising leadership and drafting agreements. The rest of the village traditionally complied with their decisions, even when they did not understand the details, because they trusted in the wisdom and fairness of the elders. Nowadays, less harmony and consensus exist in the community. People increasingly question one another's views and acts concerning community issues. This change in culture and social relations has fostered the rise of conflicts.

In early 1995, a woman named Zangmo discovered that someone had cut trees and cleared land in her *sokshing*. On inquiry, she discovered that it had been a local man named Sonam, an officer with the Royal Body Guard, to do so. Zangmo reported the act to local forestry officials, who claimed not to know that the land belonged to her. Rather, they informed her that Sonam claimed to possess the area through Royal Command. He had sought and obtained their permission to convert the parcel into agri-cultural land.

8.7.4 Appealing to higher authorities

Zangmo went to the district governor, stating that the King could not authorize Sonam to use her forest. She threatened to approach the King directly, if necessary. Meanwhile, Sonam responded by filing a case against her in the district court. Before she could respond, Sonam offered to submit the case to arbitration. Although Zangmo did not understand why Sonam wanted to use an arbitration process, she agreed and the court case was withdrawn.

The district governor and his councillors served as the arbitrators. They visited the site several times. The governor ruled in Sonam's favour based on:

◆ boundary information supplied by the village elders;

◆ the Royal Command issued to Sonam entitling him to convert 7 acres of *sokshing* into agricultural land;

◆ Zangmo's land record, which showed only 0.6 acres of *sokshing*, while she claimed about 6 acres;

◆ The fact that *sokshings* legally belong to the government;

◆ Zangmo's lack of formal rights over land registered as *sokshing*.

The decision resulted in Zangmo surrendering almost half of her *sokshing,* since the boundaries were drawn even further inside the plot than was the originally contested borderline.

The governor sent the agreement to Zangmo to be signed. She refused to do so, arguing that the decision was unfair because:

◆ the village elders were relatives of Sonam and gave the governor a biased interpretation of the boundary;

◆ throughout the country, it is common practice that registered forests actually include a larger use area than is contained on the official land record (and such differences are often noted in the village internal agreement);

◆ Sonam had taken advantage of his relations to the Home Minister, under whom the governor serves;

◆ the governor was using his political power to force Zangmo to sign a biased agreement.

In addition, Zangmo argued that Sonam only converted forest to farm-land on her section of the *sokshing*, rather than on his own land. She revealed that the land Sonam registered for conversion was under his mother's name and covered 7 acres in three separate parcels. He had yet to clear any of this land. Zangmo noted that the governor had not questioned Sonam's failure to do so. She argued that Sonam's sole interest was to obtain her land.

Zangmo asked the governor to direct the case to the district court. The governor denied her request. Instead, he sent the same agreement to Zangmo for her signature. Again, she returned it unsigned, attaching a letter expressing her dissatisfaction with the outcome.

Meanwhile the Home Minister ordered the governor in March 1996 to measure Zangmo's *sokshing* as stated in the land record. The governor and other officials went to the site and marked new boundaries. Although Zangmo's family felt that the survey was biased, they agreed to surrender 2.4 acres of land. They did so because of the tremendous time, energy and complications that changing the survey would have involved.

8.7.5 The re-survey: the conflict intensifies

Shortly after the demarcation, Sonam's mother asked the governor to re-survey Zangmo's land. The governor immediately consented to the request and ordered the surveyors to recalculate Zangmo's *sokshing*. The decision upset Zangmo's family, who warned the governor in an application that the previous agreement would collapse. There were two important reasons for their anger:

Biased arbitration: the governor's decision appeared unfair because it involved an exceptional action. No *sokshings* need to be measured or mapped in Bhutan unless they are slated for conversion. If demarcation is to be implemented, it should be carried out on an equal basis involving all the *sokshings* in a village.

Differing values: the actions of Sonam's family showed that it put the value of owning more land ahead of the value of maintaining harmonious relations in the village. His mother insisted on the measurement to deprive Zangmo of even more of her land. She hoped that the survey would limit Zangmo's *sokshings* to only 0.6 acres, with the rest being declared as gov-

ernment land. In contrast, Zangmo had agreed to relinquish part of her holding for the sake of ending the conflict. She put a higher value on maintaining social relations with a neighbour than on material wealth. The two parties clearly possessed different values and priorities.

Zangmo's rejection of the proposed re-survey met with a stern response. The governor stated that the measurement and possible reallocation would take place whether she participated or not. He informed Zangmo of the exact time and date of the survey. Not seeing any point in agreeing to what she believed were unfair terms, Zangmo did not participate.

Sometime later, a new land agreement arrived, along with a map delineating the new boundaries for Zangmo to sign. Her *sokshing* had now been divided as shown in Table 8.1

TABLE 8.1 **ZANGMO'S AND SONAM'S** *SOKSHINGS*	
Name	**Area (acres)**
Sonam	1.20
Zangmo	0.60

In response, Zangmo submitted another application refuting the biased decision of the governor. Having failed to arbitrate the land dispute, the governor now ordered Zangmo to serve a month's imprisonment for defying his authority.

8.7.6 Further appeals

Zangmo felt completely frustrated by the administrative arbitration process. She submitted a new application to the district court to seek a legal solution to the problem. The application was refused. The judge did not view the case as a task of the governor.

Sonam felt confident of the support of local authorities, including the governor. He started to construct a shed within the disputed area. Zangmo's family promptly demolished the structure. Sonam's sister reported the act to the police, who forwarded the case to the court. This time the court had no option but to accept the case within the legal system. The district court, however, decided in Sonam's favour. The judge sentenced Zangmo to six months imprisonment and levied a Nu 1 000 penalty. Still believing firmly that she was right, Zangmo refused to accept the verdict.

She appealed to the High Court, which took the case. The judges demanded more specific information about the village boundaries. Sonam and his relatives misrepresented the boundary markers during the court's site verification procedures. Because the majority of verifying households were Sonam's relatives, this manipulation was not detected. The judges accepted the misinformation as correct. The High Court ruled in Sonam's favour in May 1997, determining that no basis existed for Zangmo's case. They also ordered her to serve one year's imprisonment and to pay Nu 2 000 as a penalty.

8.7.7 Seeking a final resolution

Zangmo was disappointed by the court's decision, but she remained adamant about pursuing her interests. Her determination was bolstered by the knowledge that two landmarks had been interchanged by Sonam's supporters to deceive the surveyors and judges. She insisted on presenting her case to the King – the highest authority in the country.

Her application led the local forestry official to order Sonam to halt all work unless he could obtain permission for land clearance from the Ministry of Agriculture. Such permission would ensure that Sonam's actions were not illegal. He ignored the request.

The King asked the Royal Advisory Council to resolve the issue. Their main task consisted of verifying the location and names of the landmarks.

Seven families with *sokshing* in the area were called before the councillors. Six of them identified the high elevation landmark as *Tinchenpo* and a lower landmark as *Gemsarpo*. Only one household positioned *Tinchenpo* as the lower landmark. The councillors had each family sign a declaration acknowledging that providing false information could result in imprisonment.

To show that Sonam and the six households furnished false information, Zangmo produced a document from a few years earlier related to a land case. The entire community had donated 1 acre from *Tingchenpo* to a woman named Tashi. The district court had prepared the document, and all the local households had signed it. At that time Tashi had to measure and map her parcel before it could be registered. The land records and the map clearly showed that *Tingchenpo* was positioned as the lower landmark. This information supported the view of the single household, and it clearly showed that Sonam and his supporters had misled the High Court and the Royal Advisory Council.

The term of the Royal Advisory Council ended before it could reach a decision. The new councillors assumed responsibility for the case. They again conducted an investigation involving the same households. Again, the views of each family were taken regarding the location of the landmarks. No final decision has yet been announced. Although it appears that the Royal Advisory Council is sympathetic to Zangmo's interests, there has been some debate between the councillors and the judges of the High Court. It is not clear how this issue will be resolved.