A PERSPECTIVE ON PEOPLE AND CONFLICT IN LAND MANAGEMENT PLANNING

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SUMMARY

The transformation of concern for the environment into political issues has led to the establishment of Public and Corporate Conservation Agencies. While focusing their attention on biophysical issues, many such agencies have neglected to come to terms with the public conflict which gave rise to their existence. New attitudes and approaches to public planning are required. A framework for principled negotiation is outlined.

INTRODUCTION

At the last fire management symposium I attended, one speaker commented in all seriousness that if it were not for the public their job of fire management would be straighforward. Of course the comment was enormously funny at the time, but I believe it exposed an underlying misconception about the nature of planning and management of public lands.

In this paper I put forward a case that "the public" and "conflict" are a fundamental part of any management planning process. I believe that tools and skills for resolving conflicts and negotiating issues are as important to fire management and planning as maps, computers and fire sticks.

Why Allow Public Participation in Planning?

The short answer to this question is: because we have to by law. So why is there a law? There is no short answer.

I would like to briefly examine the historical social process which brings into existence public Resource Management Agencies with an obligation to involve and consult people. In the last few decades there have been three recognisable stages in the evolution of the conservation issues (Downs 1972).

Recognition

In the 1950s the first environmental alarm bells began to sound. Rachel Carson's book "Silent Spring" drew attention to environmental degradation from pollution and pesticides (Carson 1952). Over the following years more and more issues were recognised and exposed and there was a growing public awareness that all was not well; the welfare of the natural environment was at risk.

Reaction

In the 1960s and 1970s there was a stage reaction. Public groups targeted key industries and issues and directly protested and obstructed development. Governments and development corporations were caught largely unprepared. There was considerable general public interest in environmental issues, a growing public concern that something should be done. Conservation became a political issue.

Institutionalisation

In response to growing concerns over conservation issues governments established environmental agencies such as Environmental Protection Authorities, Soil Conservation Commissions, Fisheries and Wildlife Agencies and Departments of Environment and Conservation to attend to the problems. Our society now pays attention to environmental problems and invests resources to solve them.

It follows that any protest from people or groups concerned about degradation of environmental quality seems less legitimate. After all, there are expert agencies dealing with the problems. Eventually public groups are even invited to be involved on advisory committees and to review plans. I am sure most of us recognise these phases.

It is worth taking a look at the implications of these changes from both the point of view of the conservation movement and from the government agencies.

Perspective I : *Institutionalisation from the Conservative Side*

In the last decade and a half Australia has seen exponential growth in expenditure on official and corporate conservation agencies. On the other hand growth in expenditure and in human resources in the organised conservation movement has been at best moderate.

There has been a phenomenal increase in the number and complexity of issues, and in the number of plans, legal documents and institutional processes to be attended to. By whom? By "the public," and thus representatives of the voluntary conservation movements. In spite of these difficulties the conservation movement has remained responsive, effective and analytical on most major issues. Clearly, however, under these circumstances the movement is forced to react to some issues without adequate analysis or investigation.

To overcome these problems it may be desirable that we in Australia take the Canadian example and provide more substantial funding for public and conservation groups. This may in the long run actually decrease conflict rather than increase it as decisions will be made in a more conciliatory and equitable climate.

It is often claimed that the only time agencies hear from "the public" and conservation groups is at the end of the planning process when they are being critical and unappreciative. The above description hopefully clarifies why this

might happen. I also suggest that we have to look more closely at how the agencies approach the planning and public involvement process.

Perspective II : *Institutionalisation from the Agencies' Side*

Environmental problems can be institutionalised, but they don't go away. Public agencies now have the job of managing the conflict as well as the resources, all in a difficult climate.

Agencies have traditionally focused on the biophysical system. After years of investigation into the dynamics of biophysical systems, and just when they begin to understand how these systems may be managed, they are confronted with resounding social and economic issues.

Agencies have seldom investigated what people (including land users, interest groups and their own staff) think, believe, hope and expect about the management of the land. What do people want from their parks and reserves? What responsibilities do we have to future generations? Who best represents the various issues and interests?One could argue, however, that it is the beliefs, perceptions and underlying hopes and fears of people which are the management problem. After all, if no-one in society cared about the bush there would be no need for a management agency.

To answer my original question: Government agencies are required by law to allow public participation because the underpinning political reason for their existence is to resolve conflicts of interests in the use of public resources. Fire management in natural areas is no different.

Conflict Resolution and Negotiation

If agencies are to facilitate public participation in decision making then it is important for them to develop an underlying philosophy about the nature of public planning.

Many public debates over conservation issues end up being time consuming, frustrating and conflict-centred. There is often considerable animosity between various interest groups and the management agency. Lines of communication are poor or non-existent and various factions and the agency bargain from strongly-held positions. This is not a climate in which creative solutions can be designed to resolve the substantive issues involved in the conflict. It is certainly not a climate in which decisions are made efficiently.

For some time I have been interested in decision-making procedures in small groups, and have been looking for procedures and tools to resolve large multi-group conflicts such as those which develop around conservation issues. Fisher and Ury (1986) outline a framework aimed at making negotiation between groups more effective and efficient. They suggest that any method of negotiation should produce: "a wise agreement if agreement is possible. It should be efficient. And it should improve or at least not damage the relationship between the parties. (A wise agreement can be defined as one which meets the legitimate interests of each side to the extent possible, which resolves conflicting interests fairly, which is durable, and which takes community interests into account.)" (p 4).

It is my belief that many of the ongoing conflicts, including those relating to the use and management of fire on natural lands, have resulted from management agencies and interest groups arguing over "positions". As more attention is paid to positions, less attention is paid to the underlying concerns of parties. As a result, many plans and agreements simply represent a mechanical splitting of the difference between final positions rather than solutions carefully crafted to meet the legitimate interests and concerns of the parties.

These ad hoc, splitting-the-difference solutions will most likely produce ecologically unsound management. Since undesirable management decisions arise out of inefficient and inappropriate decision making processes it is worth examing those processes more closely.

Arguing Over Positions is Inefficient

Bargaining over positions creates incentives to stall settlement. To improve the chance that a settlement goes your way you choose an extreme position, hang on stubbornly to it, deceive the other side as to your true views, and you make small concessions (only when necessary) to keep the negotiation going. The more extreme the positions and the smaller the concessions the more time and effort it takes to find out if agreement is at all possible. Clearly such a frustrating process will lead to a sense of mutual disrespect, to poor relations and thus to greater difficulty in reaching lasting mutually beneficial decisions. If an agreement is reached by a series of reluctant concessions and compromises "the losers" (possibly even both sides) may be on the look out for any opportunity to renegotiate. There will be a lack of commitment to the decisions and thus difficulty in implementation. Anyone who has been involved in planning or management will recognise some of these symptoms.

Standard approaches and attitudes to negotiation are not providing a satisfactory means for resolving complex natural resource management problems involving many interest groups. If we are to move towards more efficient and effective ways of planning societies' use of resources we have to establish a better general understanding of how decisions are made.

Negotiation takes place on two levels; firstly on the level of substance relating to basic issues and concerns, and secondly at the level of procedure where the processes for resolving issues and concerns are dealt with. In many situations negotiation procedure is implicit rather than explicit. For effective negotiation both levels must be attended to. The underlying issues and concerns must be clearly established, and fair procedures for resolving those issues developed. If a procedure is perceived to be unfair a lasting solution is impossible.

Principled Negotiation

Fisher and Ury (1986) outline four fundamental elements of the "principled negotiation" procedure. These are not intended as a formula for public participation, but rather provide a way of thinking about our approach to decision making and conflict resolution.

Separate the people from the problem

Negotiation takes place between human beings with different beliefs, perceptions and aspirations. We all know how hard it is to deal with problems without misunderstanding each other. My experience in working for both government agencies and in the conservation movement is that there is often mutual mistrust and stereotyping. Stereotyping conservationists, foresters, bureaucrats and politicians tends to provide a convenient distraction from the issues. Even worse, however, the stereotype characteristics become mixed up with the issues. Consider the implications of these stereotypes underpinning the planning process for a National Park Fire Management Plan.

(a)   Conservationists oppose burning the forest. They have nothing better to do with their time than to disrupt our work.

(b)   All forest officers are insensitive to the bush. They are primarily concerned with making sure logging companies are happy.

(c)   All farmers are pyromaniacs and want to see the bush burnt

All of these beliefs and misconceptions stand in the way of clear thinking about the actual problems. Before working on substantive issues it is important to disentangle the "people issues". Figuratively speaking the participants should see themselves as working side by side attacking the problem and not each other. It would help enormously if those participating in the negotiation made an effort to put themselves in the shoes of the other side and tried to appreciate their perception of the problems.

Focus on Interests, Not Positions.

There are serious problems with focusing on people's stated position when the object of negotiation is to satisfy their underlying interest. The basic problem in a negotiation lies not in conflicting positions but between each side's needs, desires, concerns and fears. Thus, a position is something you decide on but your interests are what cause you to decide.

A bargaining position often obscures what a person really wants. Compromising between positions is therefore unlikely to lead to a solution which takes care of the interests which led to those positions

Consider the following example:

A National Park Neighbour::
Position: "The park" should be prescribe burned.
Underlying   Interests: Concern for the safety of family and family home.
Belief: Broadscale prescribed burning offers the only sure protection against a wildfire burning their house down.

Clearly, arguing over the ecological costs and benefits of fire will not solve this person's problems.

Generate options before deciding what to do.

Many planning processes involve generating options, deciding on the best solutions and presenting a *fait accompli* management plan for public comment.

Unfortunately even the wisest planner would not be able to account for all of the possible interests. More importantly, however, the generation of alternative solutions to problems is a fundamental part of conflict resolution and decision making. It is a process which all parties must be involved in if they are to feel committed to the final decision.

Time should be set aside to invent options for mutual gain before trying to reach agreement. The options should try to dovetail differing interests. People generally believe that differences between parties create problems, yet differences can also lead to the solution.

Agreement may only emerge as the participants begin to understand other parties' needs and when creative options are generated to accommodate genuine interests. Consider the relationship between wildflower pickers who may want an area regularly burned, and the need for rotational burning for protection in some places.

Insist on Objective Criteria.

However well one understands people's interests and however many ingenious options are invented, one may still be confronted with conflicting interests. The bottom line on any conflicting issues must be the criteria used to make the decision.

While parties may not be able to agree on any particular option, they may be able to establish suitable criteria for resolving the issue. Such criteria should represent fair standards which are independent of any parties' will and which apply to all sides. Standards may be derived from precedent, independent scientific judgement, costs, or even what a court would decide.

Agreement on what criteria should be used to make a decision is a fundamental part of the conflict resolution process. If parties mutually agree on what criteria can be used to resolve an issue, an acceptable solution can be generated independent of bargaining position. In the case of a reserve neighbour concerned about the safety of their family and home, they may be happy to use "independent scientific judgement" about risks and hazards to people and buildings in wildfires, as a basis for planning future management.

CONCLUSION

Growing public awareness of conservation issues and the emergence of an organised conservation movement have lead to the establishment of government conservation agencies. Most of these agencies define their purposes almost entirely in biophysical terms, but more recently they have been required by law to facilitate public involvement in management and policy decisions.

The exponential growth in expenditure on Corporate and Public Conservation Agencies has resulted in a proliferation of planning procedures and documents bringing considerable pressure to bear on public voluntary conservation groups with only limited resources. Land management planning exercises often become David and Goliath contests of will power, while many of the substantive issues and concerns are neglected or glossed over.

Conflict is a feature of natural resource management. Decision making and planning is slow, uncertain and often circular as decisions are made, remade and renegotiated. New models and attitudes are needed to negotiate solutions which deal more openly with the underlying issues and concerns of both agencies and interest groups. Methods of "principled negotiation" should be incorporated into the overall approach to public participation. Without these changes it will not be possible to make durable and meaningful decisions about the future management of public lands.

The first steps towards more effective public participation must embrace general education about the nature and purpose of public planning, and also about the nature and purpose of effective conflict resolution and negotiation. These must be followed up by concerted efforts to develop and use negotiation and communication skills in day to day planning and decision making.

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