



ACR Environment and Public Policy Section Newsletter

April 2005

Letter from the Editor

¡Saludos! to our colleagues in the EPP Section of ACR, from your Communications Committee.

As editor and chairman of the Communications Committee for 2005, I would like to see the newsletter become an avenue for exploring issues and trends in our varied fields of conflict resolution, and a forum for dialogue about the EPP Section and its activities. We expect to publish four issues, roughly every three months, during the year.

We will continue to publish profiles of programs, people, books and resources reviews by Carie Fox, all focusing on the less-known and most relevant topics for EPP members.

A couple of new, occasional features will be added: Due to the unexplained disappearance of our sense of humor, our Comedy Club Section this quarter is being replaced by the Poetry Corner. For the summer edition, our Kitchen Klatch will feature a favorite recipe or two. We all know that food makes most meeting participants happier, so what's your favorite recipe for good, cheap and easy meeting food?

On behalf of Mary Orton, Cindy Cook, Catherine McCracken, Forsyth Kineon and Nick White, and contributor Carie Fox, I would like to invite you to send me any thoughts or suggestions on how to make your newsletter better.

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Program Profile

USIECR Helps Agencies Resolve Environmental Disputes

The U.S. Institute for Environmental Conflict Resolution (Institute) was established by Congress in 1998 with the passage of the Environmental Policy and Conflict Resolution Act to assist parties in resolving environmental conflicts around the country that involve federal agencies or interests.

As a neutral place within the federal government, any federal agency, or anyone involved in an environmental conflict with a federal agency, can call on the Institute for confidential assistance. The Institute's primary objectives are to:

- Resolve federal environmental, natural resources, and public lands through assisted negotiation and mediation;
- Increase the appropriate use of environmental conflict resolution (ECR) and improve the ability of federal agencies and other interested parties to engage in ECR effectively; and
- Engage in and promote collaborative problem solving and consensus building during the design and implementation of federal environmental policies to prevent and reduce future environmental disputes.

The Institute accomplishes these objectives through a number of program initiatives and by providing a range of ECR services in five sectors:

- Protected Areas and Resources
- Public Lands and Natural Resources Management
- Energy, Transportation and Environmental Quality
- Litigation and Administrative Proceedings
- Native American and Alaska Native Environmental Program

The Institute, which began operating as part of the Morris K. Udall Foundation in 1999, is located in Tucson, Arizona. The Morris K. Udall Foundation was established by Congress in 1992 as an independent federal agency, providing scholarships and fellowships to students who are pursuing environmental studies, and to Native American and Alaskan-native students pursuing careers in health care and tribal public policy.

Morris K. Udall served in the U.S. House of Representatives from 1961 to 1991, championing the enactment of numerous federal environmental laws and consensus building. In addition to sponsoring the Institute, the Udall Foundation supports a policy research and education program at the University of Arizona's Udall Center for Studies in Public Policy. The Institute is funded by Congress and fees paid by public and private sector clients.

Kirk Emerson, the Institute's Director, and Lynne Gillette, the Institute's Operations Director, oversee the Institute's programs and a professional program staff of about 16 people. The Institute provides direct services ranging from preliminary consultations to convening and conflict assessment, process design and guidance, assisted negotiation and mediation, and dispute system design and evaluation.

Much of the Institute's work is sub-contracted to qualified practitioners. The Institute assists parties by providing them with panels of qualified practitioners through the National Roster for Environmental Dispute Resolution and Consensus Building Professionals (Roster of ECR Practitioners). Currently there are over 250 practitioners on the Roster (with at least one practitioner from 42 U.S. states and two Canadian provinces). The Institute continues to recruit practitioners for the roster, with particular focus on diversity of professional services, backgrounds, and geographic distribution. To be added to the Roster, practitioners must have served as a lead neutral in a collaborative process for at least 200 case hours in two to ten environmental cases, and

accumulate a total of 60 points across three categories of additional experience and/or training. The roster includes a sub-roster of transportation mediators and facilitators, developed with the support of the Federal Highway Administration, comprising roster members with experience in environmental review of transportation projects

The Native Dispute Resolution Network is a new referral and education resource composed primarily of Native practitioners, as well as others, who build collaborative capacity through bridging Native and non-Native practices and cultures. Network members address environmental, natural resource, and public/trust lands issues where American Indians, Alaska Natives, Native Hawaiians, and federal agencies are primary parties and engage in skill sharing.

In addition to the professional service projects, the Institute has a variety of programs to increase and improve the use of ECR by public agencies, private organizations, and interest groups. Among these are:

- Demonstration and pilot projects conducted in partnership with public and private sector entities;
- A national conference program (see additional details below) and the hosting of workshops, including advanced ECR training;
- A science and technology resource network to enhance users' access to needed scientific and technical information and expertise;
- Innovation in practice models to enhance the field of ECR;
- Evaluation initiatives to assess the efficacy of ECR and the performance of the Institute;
- Public information and outreach to the general public, ECR practitioners, legal community, federal agencies, public and private interest groups, and the media.

More information on the Institute can be found at www.ecr.gov. The roster manager is Joan Calcagno, who can be reached at roster@ecr.gov

Thanks to EPP Communication Committee member Catherine McCracken and USIECR Joan Calcagno for preparing this profile.

Registration open for May 24-26, 2005 USIECR Conference

**ECR2005: "Pathways to Successful Environmental Conflict Resolution (ECR)"
May 24 – 26, 2005**

Hilton Tucson El Conquistador Golf & Tennis Resort - Tucson, Arizona

Sponsors: U.S. Institute for Environmental Conflict Resolution of the Morris K. Udall Foundation, Udall Center for Studies in Public Policy of The University of Arizona, U.S. Department of the Interior, U.S. Environmental Protection Agency, U.S. Department of Transportation Federal Highway Administration, U.S.D.A. Forest Service.

The conference will focus on how to:

- enhance the effectiveness of ECR processes through better understanding of ECR principles and practices (particularly in challenging contexts);
- engage multiple governments, parties and affected communities; and
- encourage innovation and new applications.

More than 450 participants are expected and the conference offers 11 pre-conference training-day workshops and over 48 dynamic, interactive panel sessions, and roundtable discussions. Additional information and advance online registration is open now at www.mediusevents.com/ECR2005 with advance registration rates available through **April 15, 2005**. To obtain special room rates reservations must be secured by **May 2, 2005**.

*Special note: An Association for Conflict Resolution Environment and Public Policy Section business meeting will be held over lunch at the conference hotel on Wednesday May 25. An email will be sent to EPP Section members announcing final details when available.

Member Profile

Crossing Borders: Building Capacity in Latin America

By Nick White

During the mid -1990's Merrick Hoben was living and working in South America, focusing on environmental conservation issues. Merrick's work interests were on the science of environmental conservation and on implementing practical conservation management techniques such as low impact logging by using water buffalo to remove trees. While this was gratifying work, Merrick observed many important environmental conflicts that were not being effectively addressed.

After a fortuitous encounter with Todd Barker (American ADR practitioner) who was on vacation in Latin America and some soul searching, Merrick decided to return to school and



study environmental conflict resolution. Based on Professor Steve Yaffee and Julia Wondolleck's work on environmental collaboration, Merrick decided to pursue M.S. at the University of Michigan's School of Natural Resources & Environment. His time in graduate school allowed Merrick to study the elements that helped diverse stakeholders manage natural resources through community based collaborative processes.

For the last six years Merrick has worked with the Consensus Building Institute (CBI) and reconnected with his passion for Latin America. Much of Merrick's focus has been on capacity building around public policy and natural resource issues. CBI's interest in improving the theory and practice of consensus building has allowed Merrick to engage in teaching and practice. Merrick has worked with Latin American universities to help local ADR practitioners to build on their existing skills and to expand their skill base. In addition to working with CBI, Merrick has been active with EPP in a variety of ways over the years, currently he volunteers on the EPP Interim Leadership Council.

While helping parties address specific conflicts as a mediator and facilitator has been rewarding, Merrick has also enjoyed moving beyond strictly intervention in conflicts. For example, mining is an important part of the economy in some parts of Latin America yet the extraction process can have significant community and environmental impacts. Merrick has helped both the extractive industry and affected communities develop conflict assessment skills, become wise consumers of different decision making processes, and learn how to develop consensus building processes when appropriate.

Another capacity building activity that Merrick is currently engaged in is the development of a South American dispute resolution practitioners network focused on environmental security and public policy conflicts in the Andean region. This work is being carried out with a leading partner in the field – Fundación Futuro Latino-Americano based in Quito, Ecuador.

Merrick's life has become increasingly busy since he lives in Washington, D.C. with his wife and his work often takes him to Latin America. In spite of his busy life, Merrick still finds time for some other pursuits. Merrick is a member of the US Chess Federation playing online as well as in tournaments. Yet, Merrick is not one to sit around for long; Merrick and his wife, (Diana Bermudez, Ph.D. student at George Washington University) are active in Washington, D.C.'s international community and can often be found Salsa and Merengue dancing.

When asked about his insights into the field, it is clear that Merrick believes in the potential contributions that the field can make, but he is also concerned about how the field is evolving in the U.S. Even today, fundamental concepts of practice are not agreed upon, and much still needs to be done to define best practices in the field. This is true of assessment,

joint fact finding, and managing multi-stakeholder dialogue.

Moreover, he says, since the Hewlett Foundation has stopped funding the field of conflict resolution, many organizations have to stretch further to both make revenue and carry out a reflective practice. Will there be time and resources for practitioners to be reflective and systematic, or will the field move towards a consulting firm model where there is little time to engage in research and writing?

Merrick's energy and passion for his work are evident. If Merrick and his work could be described in two words, they would be: crossing borders. While Merrick is often crossing political and cultural borders he is helping others cross the borders of policy-science, environment-economics, and adversary-collaboration.

For more information:

Consensus Building Institute (CBI) -

<http://www.cbuilding.org/>

Fundación Futuro Latino-Americano -

<http://www.flla.net>

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Resources Review

An Overview of Materials from Game Designers Including Bernie DeKoven's Junkyard Sports

By Carie Fox

Players who normally use canes, crutches, or wheelchairs do not have to abide by the one-foot rule. Hence, they have an extra strategic value to their team. You may need to point that out. – Bernie DeKoven: "One-Foot Football" in Junkyard Sports

Mediators have a lot to learn from game designers. There's the obvious: when we are overt trainers, it makes sense for us to study best practices in adult teaching, and this is an area where game designers excel. When we as mediators are "covertly training," we can use some of the gamers' designs as icebreakers or energy-builders, while incidentally teach a great

deal about collaboration. But would we actually use games as a working part of a mediation? I challenge you to consider the possibility, and offer a few web opportunities from which you may freely and gleefully borrow. (See *links below*.)

In addition to useful tips and tidbits, game designers challenge us at a deeper level. Mediators often put a lot of content into games. The standard role play is the perfect example. By contrast, many game designers eschew designing content; they design the overall structure and allow the players to co-create the content and substructures. (This approach is part of what made the Bean/Eng/Fisher assessment game at the EPP Portland meeting so brilliant.) Thiagi's website, cited below, is a good source of information on content-reduced design.

Likewise, while game designers share our passionate commitment to creating a safe environment, they seem to be at the center of attention much less frequently than we are in many of our designs. There are obvious structural reasons for this, but reading their work makes me wonder whether mediators need to be the focus of attention quite as much as we tend to be. Greenaway, whose website address is below, is particularly good on this issue.

I was turned on to game designers when I chanced across Bernie DeKoven's book, *The Well-Played Game*. In the continuum of game designers, DeKoven appears to be as far from mediation as possible. Unlike some of the other game designers, Bernie's specialty is *sports!* And I am no sportsman!

I was hooked because Bernie's description of the well-played game resonated to a concept in mediation which might be coined the "well-engaged conflict." Sometimes we want to eliminate conflict, and sometimes we want to resolve it, but sometimes we want it to shine in all its potentiated glory. Bernie describes something parallel to that, from the perspective of *play* (see the sidebar for the link to an excerpt). He inspires me.

I was disappointed, then, when I got Bernie's newest book, *Junkyard Sports*. I initially took this

book as a mere compilation of games such as "ad hoc golf soccer" or "wheelchair doubles basketball," which I am ashamed to say I found boring. But I had missed the point. The last thing this book should be is a new set of static games; instead, it provides starting points for co-creation, a context in which one engages people as much in the design as in the play. Thus, at both levels, his approach really does emphasize "fun and creativity, teamwork and leadership, inclusion and adaptability, compassion and acceptance, humor, playfulness, and community," as Bernie says in the introduction to his book.

Bernie writes that each game in his book "is really a collection of innovative principles." In "trash basketball," he suggests a rule that the person who commits a foul becomes the referee. "Well!" I thought. "That's great for sports, but no way that would work in mediation." Which really meant "What, me give up control?" True, this is a move I am unlikely to make the first session of a mediation. But what about the 10th meeting in a reg-neg? Sometimes? Under some circumstances? Yes. I think it could be very effective. The decision about whether I would then role-play the new referee's old role, or step to the background, I will leave for the moment.

If our mediator approach in some ways runs the risk of disenfranchising parties, if it fails to address problems of learned helplessness and other subtle imbalances, if its earnestness feeds the existing dynamic... if any of these things is true, then we have something to learn from game designers at a deep level. If none of these things is true, then, well, I still recommend the ice-breakers.

"Start out with a football, if you want. But do consider using a sock ball. A wet sock ball has some fascinating properties." - Bernie DeKoven

Anyone for a game of pool football?

From Carie Fox, a mediator practicing in Portland:
"My intention in these book reviews is to shine a light on disciplines other than mediation, which might be useful to the mediator. I would love to hear your thoughts." Write to her at cf@foxmediation.com.

Additional Links

- <http://www.thiagi.com/pfp.html> is my favorite e-zine. As well as providing his own excellent design ideas, Dr. Sivasailam "Thiagi" Thiagarajan features respected designers, including:
- Roger Greenaway, whose discussion about designing by numbers (pairs, three-somes, groups of eight, and so forth) has been extremely helpful. The URL is <http://reviewing.co.uk/articles/reviewing-by-numbers.htm>. An example: when you want people in a large group to talk in pairs, and are worried about one party dominating the time, have them walk somewhere. Person A talks until s/he is done, then, as they walk back, it is Person B's turn.
- Dennis Meadows (the author of *Limits to Growth*) has an interesting site for those in the environmental field. On his website, <http://www.unh.edu/ipssr/Lab/playbook.html>, he has a series of simulation games illustrating systems principles. If you want something that doesn't require software, check out Thiagi's latest e-zine, in which Meadows describes a "tragedy of the commons" game using M & M's.
- The North American Simulation and Gaming Association's website, <http://www.nasaga.org/>, has a wonderful resource, though very oriented towards computer games. Check out their inviting chat room.
- If you are interested in using technology for learning, try Patti Shank's website, <http://www.learningpeaks.com/>.
- Excerpts of DeKoven's *The Well-Played Game* can be found at <http://www.deepfun.com/walking.htm>. There is a thoughtful discussion of responses to the September 11 attacks at <http://www.deepfun.com/9-11.html>.

Program profile

Resolving Conflict Through Leadership

By Tanya Denckla Cobb and Mary Lou Addor

Imagine the scene: Senior managers from electric power companies mingling with state air quality regulators, engaged in friendly chat with a leading conservation group leader. After the friendly coffee-break conversation ends, the participants are intently listening to one another as the subject turns serious.

The scene is real, and is replicated year after year in the Natural Resources Leadership Institute (NRLI), which brings people together from across the natural resources spectrum to learn about collaborative problem-solving and facilitation as leadership. In an article in an upcoming edition of *Conflict Resolution Quarterly (CRQ)*, five faculty members with two NRLI programs in North Carolina and Virginia report why and how NRLI works, reviewing ample evidence of the relevance and benefits of NRLI to environmental conflict resolution. (*The authors of the CRQ article include the authors of this article, as well as Frank Dukes, Mike Ellerbrock and Steve Smutko.*)

The NLRI originated in North Carolina, and others have been created at universities in Kentucky,

Arkansas, Florida, Maryland, Virginia, Alaska, the Pacific Northwest and Indiana, and by the Montana Consensus Council.

The authors know from their firsthand experiences facilitating the Leadership Institute Fellows how powerful and transformative the NRLI experience can be. Whether 15 or 30 participants, the NRLI hallmark is to bring together natural resource and environmental leaders who rarely have an opportunity to interact "off-line" in an informal manner away from the heat of a particular issue.

The NRLI program typically provides structured interactions through three different curriculum components: 1) leadership development (personal, professional and relational); 2) collaborative problem solving for conflict resolution, decision-making and facilitation; and 3) knowledge and insight of natural resources and environmental issues and policy framework. In each component, interaction occurs through mini-lectures, small group exercises and discussions, role-plays, stakeholder panel discussions, expert guest speakers, field trips, team-building exercises, group meals and socializing.

Participants are drawn from industry; local, state, and federal government; environmental and conservation organizations; academia; and civic

organizations. They also include individual citizen activists. This multi-sector approach is intentional and critical to ensure a cross-fertilization of perspectives and experiences. In fact, it is not unusual to find in the same class individuals who have an antagonistic history with each other through many years of working opposite sides of the same issue, whether in the courts of public opinion or law.

The NRLI sessions begin with a kind of ceremonial dance as people warily explore each other's opinions and positions, and develop their respective paths of self-awareness. This behavior is in stark contrast to behavior at the NRLI "graduation," characterized by heartfelt testimonials of new attitudes, insights, and relationships, as well as lives transformed and friendships begun.

What is it about the NRLI that breaks through relationship barriers of affiliation, position and authority to create understanding, empathy and authentic caring? How does it break through decision-making barriers of hierarchical thinking to sharing information, and balancing advocacy with inquiry?

It may be a tall order for people with opposing views to find areas of agreement, but that need not prevent them from creating mutual interest about each other's beliefs. A basic tenet of the NRLI model is that repeated interactions, within and outside NRLI, can lead to numerous points of understanding, causing relationships and decision-making frameworks to evolve over time. Another is that learning is necessary for change, and therefore is fundamental to the capacity-building element of NRLI. For instance, collaborative problem-solving strategies that are learned and practiced in the work sessions can be readily applied to analogous site-specific problems if participants have the time and encouragement to consider and strategize over alternatives. Many examples over the years demonstrate that NRLI participants have done just that – adapted and applied their learning to facilitate collaborative problem-solving in contentious and complex situations.

To learn more about the NRLI, watch for the upcoming 2005 CRQ article, "Linking Theory to Practice: A Theory of Change Model of the Natural Resources Leadership Institute." For more information, contact Mary Lou Addor (Mary_Addor@ncsu.edu or visit www.ces.ncsu.edu/NRLI) and Tanya Denckla

Cobb (tanyadc@virginia.edu or visit www.virginia.edu/ien/VNRLI_home.html).

Correction

In her byline story in the June 2004 EPP newsletter, contributor Kristin Clay was misidentified. She is the World Wildlife Fund's Senior Program Officer for East Asia.

Poetry Corner

The Way It Is

There's a thread you follow. It goes among things that change. But it doesn't change. People wonder about what you are pursuing. You have to explain about the thread. But it is hard for others to see. While you hold it you can't get lost. Tragedies happen; people get hurt or die; and you suffer and get old. Nothing you do can stop time's unfolding. You don't ever let go of the thread.

William Stafford