

APPENDIX

GENERAL CONFLICT RESOLUTION GUIDELINES FOR PROTECTED AREAS MANAGEMENT

Background

Competing demands for use of and resources in protected areas will always lead to some form of conflict. The extent and duration of the conflict usually depends on the ability of the protected areas management agency to manage such conflicts. In Belize, the range of identified conflicts result from uses of protected areas resources by communities with customary rights or access, illegal large-scale harvesting of timber, other forest products and fish, and poorly regulated visitor use of some protected areas.

The various aspects of conflicts and their management outlined in this chapter are adapted from Hart and Castro (2000), and are intended to help stakeholders develop a better understanding of the use of conflict resolution as a tool in protected areas management.

Why Do We Have Conflicts Related to Protected Areas?

Conflicts in protected areas management are often based on competing demands, rights (customary or legal), power imbalances and access to resources. Conflicts will develop or intensify if a new management regime is introduced for the area that is inconsistent with traditional resource use, and through misunderstandings and a lack of communication on the need for and objectives of programmes or projects designed for the area. Conflicts will arise if resource users are excluded from participation in the planning and management of protected areas or are powerless to ensure that they are consulted. Contradictions between stated policy and practice, as well as ambiguous laws and inconsistent or uncoordinated planning, management or programme interventions will invariably lead to conflicts.

Who are Involved in Conflicts?

Conflicts often involve the state agency or NGO with responsibility for managing the protected area and the resource users (fisherfolk, farmers, hunters, gatherers, etc) in or adjacent to the site. However, conflicts may also arise between state agencies, between NGOs or CBOs, with private or commercial interests, within a community and between communities, as well as any combination of these groups/agencies. Most conflicts tend to have multiple stakeholders with each stakeholder group having factions with varying interests or different agendas. Generally, the greater the power and knowledge gap among stakeholders, the greater the chance of conflicts arising out of natural resource usage.

What are the Signs That Conflicts Exist?

The nature of conflicts are variable and may involve non-violent activities such as illegal harvesting of forest or marine products, refusal to cooperate with the management authorities, active street/town protests, open disputes or sabotage and violence. Sometimes the signs of conflict are not immediately detected, either as a strategy or because of fear, distrust, peer pressure, financial constraints, and exclusion from or the inability to influence conflict resolution processes.

What are the Major Conflict Management/Resolution Strategies?

The following approaches outline the major strategies that have been in use:

- Avoidance: Acting in ways to keep a conflict from becoming publicly acknowledged. This approach provides little practical relief and will eventually aggravate the situation.
- Adjudication: Relying on a judge or administrator to make a binding decision. This results in a win-lose situation, but hostility and restricted cooperation is likely to continue.
- Mediation: Using a third party to facilitate the negotiation process (a mediator lacks the authority to impose a solution). The proposed solution may not completely satisfy one or both parties and therefore the solution may not be implemented either partly or completely.
- Negotiation: Following a voluntary process in which parties reach agreement through consensus. This often provides for a win-win situation and is likely to provide the most appropriate solution with support from all parties.
- Arbitration: Submitting a conflict to a mutually agreeable third party, who renders a decision. Before the arbitration process begins, all parties need to agree to abide by whatever decision is made by the third party. Some residual conflicts may be evident since all members within a party may not necessarily agree or support the final decision.
- Coercion: Threatening or using force or incentives to impose one's will. The use of threats or force may be a short-term solution and could breed further hostility or cause one or more parties to the conflict to be more discreet in their activities. The use of incentives can offer a more equitable solution but when the incentives run out or are terminated, the conflict may re-emerge.

How Could We Prevent or Minimise the Risk of Conflict?

Protected area staff will need to manage the process of changing beliefs, attitudes and the behaviour of people through voluntary engagement of these stakeholders via communication, education and public awareness. The use of strategic communication can directly influence the social environment of stakeholder groups to stimulate desired changes in behaviour. Key principles and approaches for strategic communication (Hesselink, 2004) include:

- Engaging stakeholders and opinion leaders;
- Developing partnerships;
- Building capacity in organisational management and communication skills;
- Focusing on positive word of mouth and reputation; and,
- Conducting thorough monitoring and evaluation.

These approaches demand a lot of time and face to face contact. Opinion leaders should be identified through formal and informal meetings of the stakeholder groups. Opinion leaders may not necessarily be the official representatives of the group, but they often have considerable influence and are usually well informed of the activities and issues of their group or community. Partnership with the opinion leaders and the official village leaders as the core of multidisciplinary teams should be used to explore issues.

Focus groups comprising of about six to ten persons from the stakeholder group could also be encouraged to meet with a skilled moderator or communications expert knowledgeable on the issue be discussed. Consultants should be used to build the capacity of the protected areas staff in communication skills and to engage in negotiation and mediation. Focus groups are part of the process that is used to get more detailed information, opinions, values and motives as well as a means of developing trust. It can also identify the leverage point for change or win-win outcomes and will contribute to planning further interventions.

Part of strategic communication involves focusing on changes that will generate positive word of mouth among stakeholder groups. Creating satisfaction in the engagement process that leaves stakeholders with a sense of success will encourage more persons to join in this participatory communication. This helps in building trust and enhancing the reputation of the protected areas staff.

Monitoring and evaluation of the outcome of the engagement of stakeholders and the follow-up activities are essential to identifying further problems and solutions. This should also be conducted in a participatory manner with the stakeholders or focus groups.

Strategic communication therefore requires that protected areas staff change their traditional major focus of enforcement of conservation regulations to a more people centred, relationship management orientation.

How Do We Manage or Resolve Existing Conflicts?

Mechanisms for participatory conflict management and resolution are based on negotiation and mediation and have been referred to as alternative conflict management (i.e. alternative to national legal systems based on adjudication and arbitration). The objectives of alternative conflict management (Hart and Castro, 2000) are to:

- Improve communication and information sharing among interest groups;
- Address the causes of conflicts in a collaborative manner;
- Transform the conflict management process into a force promoting positive social change;
- Build capacity of communities to manage their conflicts; and
- Limit the occurrence and intensity of future conflicts.

The strategic communication approach could be used. Selecting a skilled negotiator and defining the conflict is usually the first stage. The key preliminary questions that need to be answered are:

- Who are the parties to the conflict?
- Are they willing to participate in negotiation?
- Can credible spokespersons for the parties in the conflict be identified?
- What are the boundaries to the conflict?
- What is the problem and can it be defined by mutual agreement?
- What are the causes of the problem?
- What are the interests of the parties?
- What are the hidden agendas?

The skilled negotiator will need to engage the stakeholders to establish the method agenda and deadline for negotiating a mutual agreement.

What Are Some of the Rules and Techniques in the Negotiation Process?

The concept of tolerance is fundamental in the negotiation process. Engaging in dialogue is expected to be neutral, fair and democratic, sharing an identification of the objectives of the process, and securing commitments leading to win-win outcomes. Some of the rules and techniques that could be used in the negotiation process (MBRS 2004) include the following:

- Don't negotiate principles; positions make the process difficult; it is easier to progress based on interests.
- Don't try not to lose, but to give in as little as possible.
- Don't concentrate on differences but rather on points of convergence.
- Make brief summaries of what you hear the speaker saying every so often.
- Emphasize and enlarge achievements and agreements even though they appear to be simple.
- Establish the point or points of interest of each party.
- Determine a methodology to follow.
- Build scenarios and alternatives as far as possible.
- Make an effort to listen to the speaker before listening to yourself.

- Give credit to all parties.
- When you get stuck, take a break or change the subject.
- Make a list of possible solutions with an analysis of advantages and disadvantages.
- Determine the best solution and get commitment from all parties to implement it.

How Can Protected Areas Staff Make Best Use of These Guidelines?

Protected area managers are often trained in the biological sciences and have little or no specialised training in the social sciences, especially in terms of human behaviour, managing inter-personal relationships, public relations, rural development, etc. Protected areas staff should get relevant training that helps them to develop a sound understanding and knowledge of conflict and conflict management as it applies to natural resources or protected areas management. A typical course of training will include the following elements:

- The conflict management process
- Key elements of conflict
- How conflict management strategies relate to broader activities of community-based or collaborate management
- Theory of conflict analysis
- Review of conflict management options
- Guides to developing a management strategy
- Techniques (including communication skills) for facilitating conflict management
- Design and implementation of participatory training workshops

In the absence of such specialized training, protected areas staff with appropriate interpersonal skills could use the guidelines in the field. However, a role playing exercise with volunteers from among the staff should first be tried, to ensure that persons get some practice in using and understanding the guidelines.

Conclusion

Strategic communication begins when we stop focusing on explaining the importance of protected areas and biodiversity conservation (by providing scientific information) and trying to convince people to act accordingly. Instead, protected areas managers have to start seeing the issue as how to introduce an innovation among a large group of potential ‘customers’, in order to motivate them to a new behaviour. Managing change is undoubtedly at the core of protected areas management. With continuous change comes the need for continuous learning at the individual, organisational, and social levels. Strategic communication is the means by which change can be managed, and building the capacity of protected area management in the field is essential (Hesselink, 2004).