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Multistakeholder Processes: Activist Containment versus Grassroots Mobilization¹

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During the 1980s and 1990s, governments discovered multistakeholder processes as an effective tool for dealing with difficult issues such as land-use conflicts. In 1991, at the height of “the war in the woods” between environmentalists and logging interests in British Columbia, the provincial government organized a multistakeholder process, the Commission on Resources and the Environment (CORE), to bring various interests together in an attempt to resolve land-use conflicts related to logging.

This chapter begins by briefly explaining the social context of the CORE process as well as the structure of, and participants in, the process. I then isolate the elements of an effective multistakeholder process. I evaluate CORE by applying these elements to my participant-observer research conducted over a five-year period. The chapter concludes with a series of recommendations for activists to consider before deciding to participate in alternative dispute resolution or multistakeholder processes.

The Social and Political Context of CORE

Historically, the BC economy has been dependent on the exploitation of natural resources, especially logging, mining, and fishing. Ninety-four percent of the forest land base in the province is publicly owned Crown land. Since the mid-1940s, Crown land in British Columbia has been leased to forest companies that are allowed to cut at rates set by the provincial forester (see the discussion of tenure arrangements in the province in Chapter 2). By the 1970s, public awareness of the amount and type of logging taking place had grown enormously. Damage to the environment attributed to logging included loss of old-growth ecosystems, destruction of fish habitat from landslides and siltation, and overcutting of timber. These problems were officially recognized by the provincial government’s Royal Commission on Forest Resources in 1976 (Pearse 1976). Furthermore, many believed that government management of forest

practices was ineffective in protecting resource values such as fisheries and recreation. Critics maintained that contemporary practices were effective only in supporting the economic goals of large, integrated forest companies (Pinkerton 1993: 34).

Increasing awareness of forest practices and their consequences prompted new forms of political activism. They included mass protests, tree climbing to prevent logging, and blockades of public and logging roads. By the late 1980s, conflict and acrimony around forest practices had escalated to such an extent that many were calling it “the war in the woods,” said to be fought “valley by valley” and pitting preservationists against resource extractors.

A more aware public demanded a voice in decisions about how much and what kind of logging took place in the remaining pristine watersheds and in the establishment of long-term land-use planning. Government officials, alarmed by the deepening polarization, sought different ways to deal with the discord and looked to nonhierarchical ways of making land-use decisions. Consensus processes were seen as alternative forms of dispute resolution. They were being used in many forums, including disputes involving uranium mining in Colorado, conflicts between highway interests and transit system advocates in New York City, logging battles in Montana, and disputes among timber, fish, and wildlife interests in the State of Washington. In 1991, the New Democratic Party (NDP) won the provincial election in British Columbia, and one of its first items of business was to address the high level of conflict between two key constituencies – environmentalists and loggers. In 1992, the NDP government established the Commission on Resources and the Environment (CORE), with a mandate to develop a provincial land-use strategy.

Research Methodology and Involvement

When I began this research, I was director of the T. “Buck” Suzuki Environmental Foundation, an organization that undertakes environmental work related to fish habitat and water quality. The foundation works closely with the commercial fishing community, particularly with members of the United Fishermen and Allied Workers Union (UFAWU). As part of my assigned work, I participated as one of the fishery representatives on the Vancouver Island CORE, one of three BC “hot spots” that became the subject of a CORE process. I reported to the members of the Commercial Fishing Industry Council (CFIC), a federally sponsored umbrella organization representing vessel owners, processing companies, organizations involved with various gear types, and UFAWU, which represents both fishers and shore workers. Much of the information contained in this chapter is based on my participant observation, both indirectly through field interviews during the year in which the process occurred and directly

through formal interviews with representatives from each sector following conclusion of the process. The indirect observations include the above-mentioned contacts as well as discussions with people from NGOs and fishing groups and individuals who had chosen not to participate in the process. I received all minutes of CORE meetings, newsletters and other written material on CORE, and an extensive file of newspaper clippings.

This study analyzes the extent to which in multistakeholder processes the stated intention of “empowerment” – granting equal authority and power to participants who in reality are not equal in terms of financial resources, education, public influence, formal position, social class, control of land, and control of production – can be realized. The chapter examines critically whether there can be “shared decision making” given power imbalances among participants in the process.

On one side were forest companies with legally entrenched rights to the land. On the other side were various interest groups with weak or non-existent power bases from which to affect the negotiations. I wanted to examine this model of consensus negotiation, which included both powerful and powerless groups seen by the government to have legitimate interests or stakes in the issue. Could multistakeholder consensus negotiations really bring all interests together and encourage them to engage in rigorous, substantive debate about their differences? Or would the fact that the government had initiated and structured CORE serve to contain debate and keep the conflict out of the media? Using the interest-based stakeholder model also meant that the public (nonaffiliated individuals not formally associated with interest groups) was excluded from the discussions. I wanted to analyze what this exclusion meant in terms of the claim that the CORE model provided a more inclusive forum than did traditional forms of dispute resolution.

I also wanted to examine the intentions of participants and their stated and unstated goals. One question was whether some individuals engaged in CORE with the intention of gaining greater understanding and finding common ground, while others participated only to achieve strategically predetermined goals. How would consensus negotiations be affected when participants with different intentions took part?

Participants in the CORE process expressed different value systems and world outlooks, and I wanted to discover if consensus was even possible among people with such different perspectives. Could a consensus-based roundtable process contribute to a shift in values as a result of contact between groups that wouldn't normally have contact with one another?

I also had a pragmatic reason for undertaking this study. Simply put, should environmental organizations participate in roundtable consensus forums at all, or should they concentrate their efforts in other arenas, such as grassroots organizing, direct political lobbying, public education, and

media campaigns? Which approach would be more beneficial to groups like mine, the T. "Buck" Suzuki Environmental Foundation?

The Structure and Content of CORE

In 1992, Premier Mike Harcourt announced that he was setting up CORE as an alternative dispute resolution process. It was touted as a new way to make land-use decisions. The government appointed the provincial ombudsman, Stephen Owen, as commissioner, and he then assembled a staff predominantly of lawyers and planners. This staff determined that CORE would be a mediated, multisectoral, interest-based consensus negotiation.

Participation in CORE would occur through "sectors," meaning that each seat at the table would be allocated to a major stakeholder or government group with an interest in the outcome of land-allocation decisions. The sectors would not necessarily be pre-existing groups; in some cases, they would consist of organizations that had never worked together. Nor did they represent purely geographical areas. The prime criteria for selecting sectors would be "effectiveness" and "inclusivity" (CORE 1992: 10). The view was that too many groups or individuals sitting at the table would make it ineffective, yet all major interests had to be represented. Staff produced guidelines stating that "participant groups should structure themselves so as to have a broadly representative voice, effectively including every element of their constituency" (CORE 1993: 3). The process by which sectors gained a seat at the table was neither clear nor consistent. Some groups were invited to form a sector, while other sectors with less clearly defined constituents took longer to organize themselves and gain a seat at the table. The sectors that ended up at the CORE table were agriculture, conservation, forest employment, forest independents, forest managers and manufacturers, fishery, general employment, local government, mining, outdoor recreation, provincial government, social and economic sustainability, tourism, and youth. That the provincial government was to constitute a sector was predetermined by CORE staff. This decision caused many problems.

The government representative was a prominent NDP lawyer on contract to cabinet to attend CORE meetings and report to cabinet. He was the only government spokesperson at the table, although he would consult with technical staff from the Ministries of Environment, Forestry, and Municipal Affairs. Provincial government was a problematic sector insofar as the representative spoke for the government's interests at the table at the same time that he was reporting to cabinet, which was responsible for making decisions based on the outcome of the negotiations. The government sector's anomalous position is reflected in its interest statement: "Government has a unique three-faceted role at the Table in that it participates as a Sector with interests in the negotiation, is responsible for

review and approval of the Table's recommendations, and must develop, fund and implement the final determination (plan)" ("Government Interest Statement," CORE 1994).

The government sector representative's job included "improving public understanding of the objectives and impacts of new resource initiatives, such as the Protected Areas Strategy" ("Government Interest Statement," CORE 1994), as well as being a conduit to cabinet for recommendations coming from the table, such as the strategy for economic transition. Yet the representative was also an active negotiator at the table.

Participants were informed that interest-based representation and agreement by consensus would be intrinsic to the CORE process. CORE materials defined what was intended as, "literally, 'feeling together,' the process of coming to a communally acceptable agreement through group participation in formulating the outcome" (CORE 1992: 40).

A number of sensitive issues were excluded from the agenda. They included clear-cutting practices and the land tenures on Crown land of multinational forest companies. Also, some geographical areas within the regional boundaries were arbitrarily excluded: north and south gulf islands, south and midcoast forest districts, and Clayoquot Sound.

After nearly a year of two-to-three-day-long monthly meetings, the government-imposed deadline of 23 November 1993 arrived without consensus on many major issues. It was left to the CORE commissioner to prepare his own recommendations to cabinet. Following the release of his report, the logging community responded negatively by holding mass-protest rallies characterized by yellow ribbons and "No to CORE" signs. Despite hundreds of hours invested by volunteers, CORE did not produce an agreed-upon land-use strategy that various communities could live with. Many believed that the significant decisions were made elsewhere.

The Alternative Dispute Resolution Literature

What went wrong with the Vancouver Island CORE? To answer this question, examining CORE in the context of alternative dispute resolution (ADR) scholarship is critical. The scholarly literature on ADR reveals conditions that make for effective multistakeholder ADR processes. From this literature review, we can gather criteria with which to measure the effectiveness of CORE.

While ADR is not a panacea for resolving difficult land-use issues, it has worked in many situations. Lawrence Susskind enumerates four principles – "fair, efficient, wise and stable" (cited in Bowering 1992: 5) – that should be applied in judging the success of ADR. First, at the conclusion of a successful process, all parties should feel that they were treated fairly (Susskind, cited in Bowering 1992: 5; Cormick 1987: 41). Second, the process should be efficient in terms of both time and money and ensure

that potential advantages to all participants were not left unclaimed. Third, the agreement reached should be stable. And fourth, according to Susskind, there should be a “wise design, a wise development package,” which means that, when we look back on the process in the future, we will consider it to have been a good one (cited in Bowering 1992: 5).

There are situations in which ADR is difficult to apply. An important caveat to the use of ADR in British Columbia is the reality that most disputes are played out on Crown land. As Gunton and Flynn (1992: 15) point out, “The application of ADR to crown land is particularly challenging. Crown land planning often involves many parties, the issues are poorly defined, there is often an incentive for some parties to avoid a decision in order to maintain the status quo and there are often fundamental value differences.”

To be successful, ADR must meet a number of criteria. Five themes predominate in the literature.

1. The Process Must Be Designed by the Participants

A point frequently made is that the process must be designed by the participants. For both the British Columbia Round Table on the Environment and the Economy and the National Round Table, the point has been made that “it is critical that all parties have an equal opportunity to participate in designing the process” (National Round Table on the Environment and the Economy [NRTEE] 1993: 8). This process should include developing a “structure for how the process will work, including meeting formats, working sub-groups, caucuses, and ground rules” (NRTEE 1993: 77, 14). Susskind agrees that the process should be “ad hoc”: “there should be room in each situation for the participants to design the dispute resolution process they prefer” (Susskind and Cruikshank 1987: 77). And Cormick adds that, “generally, if those who are expected to use a dispute settlement process do not see the need for such a mechanism or are not involved in its design and implementation, it is unlikely to work ... Evidence suggests that the least promising way to develop a system is to import it from elsewhere” (1987: 41).

2. The Agenda Must Be Determined by the Participants

Participants must also develop the agenda in order to feel that they have been treated fairly and to improve the chances of achieving a stable agreement at the conclusion of the process. If an agenda has been predetermined, Amy cautions, the process may be used to legitimize and implement policies and decisions that have been made elsewhere. He points to a US government report that encouraged federal officials to use “conflict management tools like conciliation, facilitation and mediation ... to avoid regulatory stand-offs and move opponents to mutually acceptable settlements” (1987: 151). This report raises the possibility that an ADR can

be used as a management tool rather than as a participant-run process: conflict management “should not be confused with the requirement for public participation. The key word is management. In cases where public groups are fighting with the Federal government, better conflict management means better control over the participation process ... At the outset, the mediator requires the agency to outline its specific constraints – regulatory, political, economic – under which it must operate and within which any final agreement must fall” (Amy 1987: 151-52).

This statement raises the question of differences in definition between facilitation, mediation, negotiation, and management. Facilitation involves assisting parties in the process of achieving a goal. Although mediation is often thought of as an alternative to traditional adversarial approaches, Amy reminds us that this is misleading. Rather, mediation is best understood as an extension of adversarial politics, not a substitute for it (1987: 68). Mediation involves bringing conflicts to the surface and striving for a power balance among disputants. Negotiations are held as part of the mediation process. Management of conflicts, on the other hand, involves control so as to keep certain agendas and points of view submissive. It is important that participants have a keen sense of the kind of process in which they are involved. Participants brought different experiences and definitions to the CORE process, and this diversity caused problems since different definitions reflected different intentions.

By setting the parameters of what can be discussed, the process managers determine what is negotiable. “In essence, the government controls the agenda of the negotiations and predetermines the outcome. In practice this means that although an agency may be willing to grant concessions on details, the basic policy decisions remain nonnegotiable” (Amy 1987: 152). Bachrach and Baratz (1963) call this process “nondecision-making,” which they define as “the practice of limiting the scope of actual decision making to ‘safe issues’” (632). By limiting the agenda to “safe issues,” the process managers ensure that fundamental values and policy issues are not discussed, even if the participants want such issues to be addressed. This narrowing of the issues leads to both an unfair and an unstable outcome.

3. Participation May Be Inclusive or Restricted

Opinion is divided on whether ADR should be inclusive or involve only those with certain kinds of power. Those in the former camp include Cormick, Susskind, and the National Round Table, who say that a guiding principle of consensus processes is that “All parties with a significant interest in the issue should be involved” (cited in Doering 1995: 2). The Environment Canada document *Working in Multistakeholder Processes* goes further to ensure broad public participation: “Invitations can be sent

directly to all known interests asking them to attend and pass on the invitation [to the first meeting] to others. Media such as radio and local television can be used to publicize the meeting. Newspaper advertisements should be run ... posters distributed to public areas such as libraries [and] schools ... or an invitation sent to every household using a flyer delivery service" (Canada 1994: 53).

On the other hand, some students of ADR recommend that only stakeholders who have power or influence to undermine any decision that might be made should be included (British Columbia Round Table on the Environment and the Economy 1991: 22; Flynn 1992: 31). Mediator Harold Bellman argues that participants' access to a dispute resolution process be based on how much power the participants have outside the process: "One of the reasons that mediation works is that it is usually limited to people that have some impact on the situation. I don't ask people who don't have clout to participate in the mediation. This is not public participation, this is cloutful people's participation. That's a real important difference. I don't have anything to do with people without power because they can't affect what I'm doing" (cited in Amy 1987: 134).

If the process managers adopt an inclusive approach to participant involvement, then there is a greater chance that the public – nonaffiliated individuals who have a general interest in the dispute – will have input into the decision. However, given that ADR usually relies on stakeholder interest groups, broader outside interests are excluded from the process. The result may be decisions that are not fair, efficient, or wise. It may be good for the stakeholders but not necessarily for the public interest (Gunton and Flynn 1992: 15). Amy makes the point "that a good mediated agreement almost always satisfies those parties in the negotiations – with little references to the public interest" (1987: 137). Clearly, there is a problem with equating negotiators' actions and interests with the public interest.

Whether the process is formulated according to an inclusive model or a power-broker model, the issue of equality among the participants remains central to an effective and successful program.

4. Funding and Other Resources Must Be Provided to Participants

Inequality is inevitable in the financial resources available to industry and to NGOs. Both the British Columbia Round Table on the Environment and the Economy and the National Round Table of the same name state that participant funding must be provided to stakeholders who need it. As Darling comments with regard to financial resources in the Clayoquot Sound Sustainable Development Task Force, "without such financial assistance, the volunteers (whose involvement was critical to the outcome of the process) were constrained from effective and sustained participation. Funding assistance would also have served to help 'level the playing field'

and address power imbalances" (1991: 38). The public at large, as well as certain interest groups, will be disadvantaged in a process such as CORE because of unequal financial resources. Brenneis and M'Gonigle point out that "the general public lacks sufficient resources to participate on an equal basis with affected business interests, necessitating the provision of intervenor funding as a prerequisite to equitable participation in the evaluation of a complex problem" (1992: 9).

There will also be disparities in other resources, including time available, number of individuals involved, friendships and professional relationships, legal rights, access to politicians and bureaucrats, knowledge, negotiating experience and skills, and political power – the influence and power that an individual or group holds outside the process (Cormick 1987; Gunton and Flynn 1992; Wilson 1995; Wondolleck 1988). Susskind considers imbalances in knowledge and skills to be more problematic than imbalances in political power. He suggests that, with regard to the power imbalance, political alliances within the negotiation process can benefit weaker groups, thereby levelling the disparity in power: "Negotiation is not an antidote to inequality. Groups can be, and sometimes are, outnumbered or outmanoeuvred ... On the other hand, we maintain that power in negotiating is dynamic, and that political power away from the bargaining table is not necessarily a good predictor of what will happen once negotiations begin. Coalitions can form, tipping the scales in unexpected ways" (cited in Bowering 1992: 135). On the other hand, writers such as Cohen caution that mediation may be inappropriate "where there is an incorrecable power imbalance" (cited in Lane 1996: 203).

Power balance in a negotiation is also important so that the disputants will participate voluntarily. As Amy points out, "in environmental mediation, the question of voluntariness is a crucial one" and "one of the few institutional safeguards that help to ensure the fairness of the process" (1987: 146, 147). If groups join the process because they believe that they really don't have any other options, then the result will be neither fair nor stable, and the negotiations can become distorted because they have not been undertaken in good faith. As Darling points out, "The process must allow the parties to discuss first with their constituents and then with each other the purpose and desirability of negotiation, their willingness to join the process and the need to involve a mediator. This is fundamental. One of the reasons these processes have failed in the past is that we have forced parties to participate, then we find that they are unable to actually join in a consensus later on" (cited in Roseland 1993: 32).

More important is the incentive that equal power provides for coming to the negotiating table. If, by using their equal power outside the process, the parties have become locked into a stalemate in which each can stymie the other from achieving its goals, then ADR becomes an attractive possi-

bility (British Columbia Round Table on the Environment and the Economy 1991; Flynn 1992; National Round Table on the Environment and the Economy 1993).

However, for participants with unequal power, the pressures to participate are often subtle. When a process is mandated by the government, participants may think that their lack of participation could disadvantage them in future policy decisions or that they will lose public credibility. Amy warns that “outside political pressure can often make it difficult for environmentalists to oppose a mediation effort even when they believe it may be a waste of time” and “that the political pressure to be reasonable can induce environmentalists to stick with a mediation effort even when it is not working” (1987: 177). Gunton and Flynn argue that “successful ADR therefore requires an equitable distribution of power, an assumption rarely validated” (1992: 15).

Why would a group with more power than the others invest its time and energy in the negotiations? Amy suggests that it might engage in mediation even when it has alternatives because through mediation its objectives “would be granted a degree of political legitimacy that would be hard to obtain otherwise” (1987: 149).

5. Differences in Values and Goals Must Be Addressed

Even if ADR meets the criteria discussed in the literature, there is a fundamental issue to address. One tenet of ADR is that there are no right or wrong positions. Auerbach suggests that much of the historical support for consensual dispute resolution has come from tightly knit groups with communitarian values such as Quakers and Puritans. These groups shared values and goals, and “the framework for resolving disagreements was mutual and consensual, not adversarial” (cited in Amy 1987: 83).

However, in the case of environmental conflicts in multistakeholder groups in which communitarian values are not present, ADR can work only when ethics and values are parked at the door. The consensus process frames disputes as being value-free.

Lane states that “it is critically important that the mediator refrain from judging the legitimacy of points raised by the parties” (1996: 201). Portraying environmental disputes, for example, as amoral interest conflicts allows the negotiating forum to accommodate as many interests as possible in reaching a compromise. As Colosi explains, “The mediator’s job is to get negotiators to doubt perceptions that block agreement. Those perceptions might be a view of an issue, an understanding of the impact of a proposal, a problem definition, an assumption, or a value ... In this sense environmental mediation is not simply a way of resolving environmental conflicts, it is also a way of redefining the way we think about them” (cited in Amy 1987: 163-64).

While there is the notion in ADR that all parties' views are equally valid, there is also a contradictory notion recognizing that there cannot be a negotiated agreement when fundamental value differences are at stake (Amy 1987; Susskind and Cruikshank 1987; Wondolleck 1998). As a result, Susskind argues, ADR should be restricted to distributional issues (as opposed to fundamental value questions or issues of basic human rights) (Susskind and Cruikshank 1987: 77).

The reality that fundamentally different values and goals exist among participants is often ignored in consensus processes. One CORE participant made this clear: "When you run into a situation where one of the negotiators is a Christian and the other is a lion, the lion says, 'My interest is in eating you,' and the Christian says, 'My interest is in staying alive,' then you have to go a long ways into generalizations before you find common ground" (personal interview).

Bellman makes the important point that "environmental mediation is not an encounter session but an intensely adversarial and combative process, where each side tries to get the most for itself and only compromises when it is forced to" (cited in Amy 1987: 86). Amy also emphasizes "that you can't have consensus among people with different world views" (1987: 184).

From my experience and research, I also conclude that consensus is difficult, if not impossible, to achieve among participants with different value systems. Mansbridge warns how the claim that people have common interests can mislead the less powerful into collaborating with the more powerful in situations beneficial to the latter (Amy 1987: 171). This is why activists engaged in multistakeholder consensus processes must strategically evaluate whether common goals among participants exist. Activists must also evaluate their power base relative to those of others in the process. Even if the consensus process appears to contain the right elements, it may still be significantly unequal.

Although there are no easy solutions to equalizing power among participants in consensus processes, with an awareness of power imbalances participants can better address the problems inherent in such multistakeholder processes.

An Evaluation of CORE

A comparison of CORE with the five themes found in the literature suggests four significant conclusions.

The Agenda, Structure, and Membership Were Predetermined

Because the CORE process had a preset agenda, a predetermined structure, and preferential treatment given to some sectors, many potential participants withdrew, limiting the inclusiveness of the exercise. Friends of

Clayoquot Sound, Greenpeace, and the Western Canada Wilderness Committee chose not to participate for these reasons. Since CORE was a process essentially intended to bring environmentalists and the forest industry together, the fact that these influential environmental groups remained outside was significant. The pre-established conditions restricted full debate.

As Britell points out, "manipulation of citizens' committees begins with the selection of participants" (1992: 21). CORE staff actively invited and assisted the participation of some sectors, while other sectors had to struggle for seats at the table. The "brown" sectors (forest managers and manufacturers, mining, forest employment, and forest independents), and the "green" sector (conservation), were invited to the table at the beginning, and their participation was actively supported by CORE staff (as reported by participants from forest employment, forest independents, and conservation). Other sectors, such as fishery and social and economic sustainability, were given little encouragement to be involved.

Furthermore, that CORE was structured as an interest-based multisectoral forum had been predetermined with no consultation with those who would be involved. When such critical questions are determined outside the process, it is not a self-governed one. Citizens invited to engage in a forum in which the parameters have already been firmly set should be sceptical about the potential for future self-governance in the process. Moreover, any group engaged in a multisectoral forum must closely determine if its participation is considered by the process managers as essential or whether it is included for the disingenuous purpose of making the process look inclusive. This determination will provide strategic information about how to engage in the forum. The group might decide to withdraw if it suspects that the main reason for its involvement is to provide legitimacy to what is essentially a two-party negotiation.

The Playing Field Was Not Level

The assumption inherent in the notion that a roundtable consensus process creates a "level playing field" must be addressed. There are two main components to this myth. The first is that people with vastly disparate power bases, resources, and cultural capital will become equals because, "for a defined period of time on the issues that the participants have agreed to address, they participate as equals" (British Columbia Round Table on the Environment and the Economy 1991: 4). While no process can assume responsibility for creating equality, to ignore inequities in power, resources, cultural capital, and financial support is to ensure that disparities will affect the final outcome of the process. As one participant said, "The problem with the consensus process is that usually it's the vested interests which have the most power and the most ability

to participate, so inevitably their views tend to dominate, and the status quo tends to be perpetuated" (personal interview).

Prior to CORE's beginning, staff decided that multinational forest companies would be included at the table and that the Crown land tenure system and logging practices – by far the two most significant factors in determining land use – would be off-limits for discussion. The extreme power imbalance stemming from the companies' rights to the land undermined any potential for equality in the process. As one conservation sector representative pointed out,

The forest companies have legally entrenched rights, and that's the tenure system, and the whole idea that every piece of wood in British Columbia has got some company's name on it ... They had more power at the CORE table than other sectors because of the legal rights, and they operate with a completely different mind-set because the fiduciary duty of a board of directors of a corporation is to make a profit for its shareholders. And with that legally bound mandate and fiduciary duty, they have no other way to operate when sitting at a table that tells them "You're going to lose. We're taking from you." So [in the case of] industry, [the] best strategy is to not change. (personal interview)

Rather than being lulled into some degree of misguided confidence that they are being treated equally, people engaged in consensus negotiations need to evaluate critically the strengths and resources of other participants against their own strengths and resources in order to maximize their own effectiveness.

The second component of the "level playing field" myth is that fundamentally opposing views can be accommodated. Even if all parties are somehow treated equally, there is an inherent contradiction in consensus negotiations that people with fundamentally opposed views can agree on substantive issues. Both consensus negotiation and the mediation model assume that the participants have common values and goals as well as equal resources. The lack of commonality in values and resources among the CORE participants was expressed this way: "After going through this process, I don't think people with very different values and interests can actually engage in a consensus negotiation because what the different parties had was so different. The conservationists didn't have the same power base or resources as the forest majors did ... It's an uneven power balance, and you don't have shared values and beliefs. One group values money and their lifestyle, and the other group values the environment" (personal interview).

Another representative made the important point that consensus requires community. Mediation can work in family or neighbourhood

disputes – situations in which participants usually share common values and outlooks and in which all the players fundamentally want to solve the conflict to maintain the relationship. Once the hope of common ground and common goals vanishes, the consensus or mediation process will likely dissolve. The consensus process then becomes a strategic negotiation, and many people involved in CORE believed that participants were engaged in strategic rather than communicative action throughout the process. One participant expressed it this way: “It was a while before I realized that negotiating was being done at the table. I think when I realized that it became much easier for me to deal with whatever happened. It became more like a contract negotiation than a consensus procedure” (personal interview). And one of the labour representatives said that “This is about cutting a deal, and anybody who wants to cut a deal come on down and we’ll roll in the muck together a bit” (personal interview). It is essential that people engaged in any multistakeholder process assess whether the discussion is communicative action and mutual problem solving or hardball strategic negotiation. If the latter, then the participants must have the skills to operate effectively in such a forum, and organizations should fund and send representatives with skills in negotiation.

Nor was the playing field level for the handful of women who participated. The monthly two-to-three-day meetings away from home made participation difficult for women with families, women who, for the most part, are still primary caregivers. The discursive style of the proceedings may also have contributed to gender underrepresentation, but that is a topic for further investigation. One of the female participants described the style of communication at the table this way: “Sometimes some women participants were at a disadvantage because the men sitting around the table were more practised at positioning and at bluffing. There’s a different way of approaching the negotiation. Men are more practised at bluffing and blustering” (personal interview). The disproportionate male presence at the table may have been because, as one participant said, “most decision makers in society are male, and that’s a reality – the table reflected society in that way” (personal interview).

Debate about Substantive Issues Was Contained

A third reason for the lack of success of the Vancouver Island CORE was the constraint placed on debate about substantive issues. Most participants agreed that the deliberations had been designed by staff and facilitators to be “too process oriented” at the expense of forthright engagement in the contentious issues. The preset agenda, predetermined structure, and lack of equality among participants certainly contributed to this containment and may have preordained CORE’s ultimate failure. The way that the

process managers handled conflict was also a key factor in the participants' inability to grapple with and resolve quarrelsome issues. Britell's observation that "managers or facilitators choreograph meetings so that peer-group pressure smothers substance" (1992: 21) was borne out in the Vancouver Island sessions.

One representative expressed his frustration at the lack of substantive debate this way: "These guys [the facilitators] embarked from the assumption right from the beginning that they didn't want us to engage on the major issues because we might blow apart. But at some stage that becomes totally counterproductive. We spent a gazillion meetings talking about the vision statement, a gazillion meetings talking about the participation agreement. A gazillion extremely boring sessions trading interest statements back and forth. We wasted up half a year on that. The facilitators made the assumption that, if they let us engage on the tough stuff, we would have a fight and blow up" (personal interview). Another representative reflected the same concern in a comment about the amount of time spent on issues of process: "The process could have been improved by getting the facilitator to take a more active role in forcing the pace of things and forcing the table to spend more of its time dealing with substantive issues rather than wasting so much time on insubstantive issues. That was one of my main complaints, because we spent more than 90 percent of our total table time dealing with things that were not really consequential" (personal interview).

Government-set deadlines also contributed to the table's inability to work through areas of disagreement. It is essential that participants actively engage in a discussion of differences between them if conflict resolution is to occur and that they assess and set their own realistic time line for completion of the tasks.

The Role of the Public Was Lost

A successful land-use plan depends on public support. In the case of the Vancouver Island CORE process, little support was forthcoming because the public was not involved. The interest-based sectoral structure of the multistakeholder forum precluded public involvement, and little was done by CORE staff to inform the public as the discussions proceeded. The CORE table's Policy and Procedure Agreement permitted the media to observe meetings, but there was no attempt to reach out and involve the nonaligned public through the media or any other forum. The lack of government and staff initiative in this regard was frequently mentioned. As one representative said,

The public's inclusion in this process was deficient. The public should have been invited to the process more vigorously. It was the responsibili-

ty of CORE and the government, which was after all basically funding this, to reach out to the public more energetically. The fact that, after the process was completed, many, many people in all sectors did not know what CORE's initials even stood for was astonishing to me. Each of the sectors had a responsibility to inform their sectors; wherever they could, they did. But in general there should have been eyes on the process, and there weren't. (personal interview)

Sectors were expected to communicate with their constituencies. In many cases, however, sectors were loosely defined coalitions that had never worked together before, and their extremely limited resources meant inadequate communication. Many put their efforts into involvement at the table, leaving little time and energy to communicate with others. This is another reason why the lack of adequate intervenor funding seriously compromised the outcome.

CORE lacked communications and media expertise. CORE staff had resource managers, planners, and lawyers. To its credit, CORE did not undertake a manipulative strategy of communication that could have put a falsely optimistic "spin" on the proceedings; nevertheless, a communications program could have helped to bring the public into the process. Regular contact through local newspapers and community cablevision could have provided citizens with information about the issues and the players. This approach might have motivated some citizens to enter the discussions by joining a group. Moreover, had there been some effort to encourage major media to cover CORE, there might have been wider debate and greater public acceptance of the recommendations. One representative said that in future processes there should be an effort "to raise the profile of the land-use debate away from the special interest groups and up into the public domain so it becomes sort of a main street item that people are talking about" (personal interview). Because the public was not involved in the process, there was little understanding of the complex issues and scant political will to support recommendations flowing from the deliberations. The result was that each sector took its own viewpoint to the public and to the politicians by means of staged media events after the table was dissolved. The war in the woods continued in the media.

Should Citizens Participate: Containment or True Decision Making?

Given that they can squander their limited resources, personnel, and time, citizens' groups have to think deeply before entering consensus negotiations. This study concludes that most consensus negotiations, including Vancouver Island CORE, contain debate and dissension rather than contribute to conflict resolution. As Britell has noted, "Land management agencies are making concerted efforts to undercut opposition to unpopular

logging plans by getting the public more involved in planning. Agency managers have learned the value of the appearance of 'public' approval and how easy it is to get. Timber-plagued politicians are learning too, that negotiating groups are a media-friendly way to duck difficult decisions" (1992: 19).

Aware of the dangers of being contained and manipulated, potential participants must decide if conditions are present to allow some progress to be made; if those conditions are not present, they must recognize a futile containment exercise for what it is. They must further determine if process decisions are being made outside the group and if the real decision makers are participants at the table. Britell has observed that "Citizens' work groups are, almost without exception, negotiating sessions of a peculiar type: they are 'negotiations with agents with limited authority.' Negotiations of this kind present the problem that if you make concessions they are gone forever, but any gains you make can be overturned by higher authorities" (1992: 21).

In the case of CORE, decision makers were not at the table, although Commissioner Stephen Owen frequented meetings of and received reports from his staff. Since no agreement was reached at the table, Owen wrote his own report and passed on his recommendations to cabinet. The release of his report was followed by well-publicized, yellow-ribbon mass rallies and behind-the-scenes lobbying of politicians, no doubt influencing the decisions ultimately made by cabinet. Many CORE participants would echo this warning from Britell after their involvement: "Be alert for 'negotiations' which just run out the clock. By the time you realize your efforts are futile, you may have wasted the time you could have used to mobilize public opinion" (1992: 21). As a CORE participant admonished,

Now that this CORE process is over, you should get out there and lobby like hell. You can believe that conservation will be out there lobbying, the majors are going to be leaning on the forestry doors, so we better get out there and lobby the government and the public for all of the things that we wanted in CORE. Even after all the time that we have spent in this process, we still have to do what we were doing in the first place, which is lobbying and public education. We could have saved ourselves thousands of hours and the government a couple of million dollars. (personal interview)

Such comments reflect the recognition by many participants that in the end CORE was not an essential forum for influencing key decision makers; rather, key decision makers were (and are) influenced through lobbying and media campaigns outside the process. This study and my nonrelated work experience lead me to the conclusion that media cover-

age and polling results are still the most compelling sources of advice for politicians.

How Citizens Can Participate

While experience and analysis of the CORE process have convinced me that citizen groups should be very sceptical about participation in multi-stakeholder forums, such processes will continue to be part of political life. Thus, it is important that myths of equality and conflict resolution be exposed so that citizens can create more inclusive shared decision-making strategies to deal with contentious issues in our society.

Multistakeholder negotiations are risky, and their results must be carefully and constantly weighed against the time and effort expended to achieve those results. However, while the conditions that promise a successful outcome rarely occur, a group may still choose to participate because it has other goals to achieve. It may decide that participation is necessary to enhance its credibility. As the youth sector representative at the Vancouver Island CORE process said, "As far as cost/benefit, I don't really think it's the most effective thing for groups to do, although I do think there needs to be people engaged in these types of activities. For youth, when there's young people getting arrested in Clayoquot, we'll be able to say we did participate in negotiating processes, and we found out what the real problems were" (personal interview).

Another reason for participating is to build a public record. Experience has shown Britell that negotiations present opportunities to build administrative records that agencies and judges cannot ignore. Some negotiations make available internal agency documentation that would otherwise be very difficult to obtain and that can become the basis for a lawsuit (1992: 23).

If citizens do decide to participate in a multistakeholder process, they can achieve the best results if they follow a disciplined course of action. They must use experienced negotiators, develop strategic goals, and make alliances to meet those goals. They must continually assess their own and other participants' strengths and weaknesses. As Britell says, "Too often, grassroots activists are emerging from advisory boards and work groups without even their slingshots intact. It doesn't have to be so. A clearer understanding of the nature of these negotiations, and careful attention to principles and details, can cut the odds environmentalists face in negotiations with land management agencies and extractive industry" (1992: 19).

Participants can increase their chances of influencing negotiations in a number of ways. They should keep the process managers to task; establish clear, task-oriented agendas; determine who are the bureaucratic and political decision makers; and insist that they attend the meetings. Participants should not allow time to be wasted on endless presentations and process items. They should ensure that official minutes are kept of meetings and

that minutes be signed by participants who agree with their content and tone. They should ensure that clearly specified issues are addressed and that nonbureaucratic language is used. They should hold specific individuals accountable for undertaking tasks between meetings. Finally, they should create opportunities to have supportive scientific evidence written into the official minutes.

Overall, raising public awareness, mobilizing, grassroots organizing, lobbying government, and undertaking media work produce longer-lasting results than participating in consensus negotiations. Politicians make decisions based on electoral calculation. As one participant, who had been a municipal politician, said,

The elected officials, particularly those on the government side of the house, and certainly cabinet, the key committees in cabinet making the hard decisions, are the ones that have to be made aware of what is going on and what the people's concerns are, and they have to be expected to respond, and if they do not I guess their tenure in government is in jeopardy. I'm not talking about three or four people writing or faxing here. I'm talking about a massive movement here. And having been involved in, albeit local, politics for some time, I know the value of hearing from people. There's nothing like a whole bunch of phone calls or letters or people screeching into your driveway to get your attention. (personal interview)

Dominant interests gain the most when a process is framed as consensus. Hence, it is often more useful for citizens' advocacy groups to continue their education and advocacy work through public forums and the media than to funnel their time and energy into multistakeholder processes such as CORE, which serve to contain rather than facilitate debate over how land should be used.

Note

- 1 Research for this chapter comes from Mae Burrows, "Consensus Negotiations: Conflict Resolution or Containment?" MSc thesis, School of Communications, Simon Fraser University, Burnaby, BC, 1996.

References

- Amy, Douglas. 1987. *The Politics of Environmental Mediation*. New York: Columbia University Press.
- Bachrach, Peter, and Morton Baratz. 1963. "Decisions and Non-Decisions: An Analytical Framework." *American Political Science Review* 57: 632-42.
- Bowering, Ann (ed.). 1992. *Working Together: New Ways of Resolving Local Development Disputes*. Proceedings of a conference, 10-12 April, University of Victoria Institute for Dispute Resolution.
- Brenneis, Kim, and Michael M'Gonigle. 1992. "Public Participation: Components of the Process." *Environments* 21(3): 5-11.

- Britell, Jim. 1992. "Negotiate to Win." *Whole Earth Review*.
- British Columbia Round Table on the Environment and the Economy. 1991. "Reaching Agreement: Volume 1 Consensus Processes in British Columbia and Case Synopses and Case Studies," Victoria.
- Canada. 1994. "Evaluation and Interpretation Branch Ecosystem Conservation Directorate and Stakeholder Relations Branch Response Assessment Directorate, Environment Canada. Working in Multistakeholder Processes," Ottawa.
- Commission on Resources and Environment (CORE). 1992. "Orientation Materials: Shared Decision-Making for British Columbia," Victoria.
- . 1993. "Regional Planning Guidelines: Making Regional Land Use Decisions within a Shared Decision-Making Context," Victoria.
- . 1994. "Vancouver Island Land Use Plan Volume III," Vancouver Island Table Report, Victoria, British Columbia.
- Cormick, Gerald W. 1987. "The Place of Negotiation in Environmental Assessment: A Background Paper Prepared for the Canadian Environmental Assessment Research Council," Hull, PQ.
- Darling, Craig. 1991. "In Search of Consensus: An Evaluation of the Clayoquot Sound Sustainable Development Task Force Process." Unpublished paper, University of Victoria Institute for Dispute Resolution.
- Doering, Ronald L. 1995. "Evaluating Round Table Processes." In *The National Round Table Review*. Ottawa: National Round Table.
- Flynn, Sarah Greig. 1992. "The Timber/Fish/Wildlife Agreement: A Case Study of Alternative Environmental Dispute Resolution." MSc thesis, Simon Fraser University, Burnaby, BC.
- Gunton, Thomas, and Sarah Flynn. 1992. "Resolving Environmental Conflicts: The Role of Mediation and Negotiation." *Environments* 21(3): 12-21.
- Lane, Patricia. 1996. "Mediation: What's New?" *Advocate* 54(2): 197-207.
- National Round Table on the Environment and the Economy. 1993. *Using Consensus Processes to Promote Sustainability: Working Together for Our Common Future*. Ottawa: Canadian Round Tables.
- Pearse, Peter. 1976. "Timber Rights and Forest Policy in British Columbia," Report of the Royal Commission on Forest Resources. Victoria: Royal Commission.
- Pinkerton, Evelyn W. 1993. "Co-Management Efforts as Social Movements: The Tin Wis Coalition and the Drive for Forest Practices Legislation in British Columbia." *Alternatives* 19(3): 33-38.
- Roseland, Mark (ed.). 1993. *From Conflict to Consensus: Shared Decision-Making in British Columbia*. Proceedings of a symposium, 5 March, Simon Fraser University Harbour Centre Campus, Vancouver.
- Susskind, Lawrence, and Jeffrey Cruikshank. 1987. *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. New York: Basic Books.
- Wilson, Anne Evelyn. 1995. "Shared Decision Making in Public Land Planning: An Evaluation of the Vancouver Island Regional CORE Process." MSc thesis, Simon Fraser University, Burnaby, BC.
- Wondolleck, Julia. 1988. *Conflict and Resolution: Managing National Forest Disputes*. New York: Plenum Press.