

**Making Peace and  
Decisions in the  
Salmon Fishery**

**Advance Materials**

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## INTRODUCTION: The Program and Our Approach

### Purpose and Scope

The intent of this Program, and the companion Guidebook, is to deepen our understanding of how we can work more effectively together in making decisions that affect salmon, and in doing so building a better future for salmon and each other.

This program is designed to explore together some of the most challenging decisions faced by all parties in the fishery- challenges which arise out of conflicts which arise out of intensely felt values , and which reveal, test, and shape the internal tensions and responsibilities of individuals and organizations.

The Program is shaped and delivered to speak to a broad range of situations- from interpersonal conflicts on the riverbank to difficult managerial challenges in the fishery at head office. The program will explore how the concepts, guiding principles, and steps to dealing with them are essentially the same, adapted as appropriate to the situation.

In that sense, although the metaphor is imperfect, it might be said that this program begins with Music 101, understanding the scales as a foundation for music played in many different ways and places and with different instruments for different audiences, but all with a common underpinning. And through the Program we will go on to explore different players, places, and venues within the fishery context, and how what happens” here” can quickly rebound “elsewhere” .However, our experience suggests that the lessons that can be drawn can be adapted for many different uses, from simple conflicts between two friends to complex emotionally intense multi party conflicts, and from developing plans for a family vacation to developing plans for managing complicated issues like fisheries.

Exploring the nature and dynamics of interactions between individuals, and among multiple players with different goals and concerns across sectors, among governments and among diverse communities will be done by building up from, not downloading upon, situations that are not real, but could be...the vignettes that accompany these materials will provide a base on which to anchor and build our discussions, and we will continue to grow and develop them over the course

A primary goal will be to develop perspectives, tools and strategies that leaders and managers of communities, First Nations, interest groups, unions, corporations governments can put to use in responding to conflicts on the ground and challenges in the boardroom to build effective working relationships at the intersection of complex issues and relationships.

Examples of the topics covered include:

- Understanding responsibility and relationships
- Recognizing power and values
- Turning differences into assets

- Creating clear expectations as a foundation for effective working relationships
- Developing capacity to anticipate issues
- Implement proactive processes to prevent and respond to conflict
- Recognizing and valuing relationships as assets
- How and when to use participant driven collaboration effectively within organizations and with external interests.
- Creating sustainable outcomes through sustainable relationships

The expectation is that participants will develop additional lenses to look at relationships inside and external to each group or organization. Participating in this program may seem like learning a new language, or a new way of looking at relationships for some – but for everyone it will hopefully come to resonate as finding new ways of applying old skills.

This program is delivered in a dialogue format. The program leaders will employ a variety of techniques and approaches in leading discussions around concepts, tools, and skills. Their approach is based on sharing and debriefing “hands on” experience and “real life” learning of the participants and the instructors.

A mix of techniques will be employed in applying the concepts, with a “what worked, what didn’t work” analysis. Some Role Plays will be used to deepen the learning experience building from shorter to longer role-play situations dealing with increasingly complex fact patterns. The role-play experiences - while realistic and relevant - are most effective if they are related to but do not specifically mirror substantive issues currently being faced by the participants.

Participants will be provided with tools specifically designed to encourage and assist them in translating this experience into practical application "on the job" and “in the community”. These will be included in the Workbook and will be useful reminders well after the course is completed.

## Key Strategic Lenses

Some of the strategic lenses that will be opened in this program include:

### **1. Relationships As An Asset**

Investing in developing a relationship, and in the continuing attention necessary to preserve and enhance it is to build an asset, and manage risk.

### **2. Clarity of Expectations**

Clear expectations as to the purpose and way we engage, make decisions and of the roles and responsibilities we have as participants, are the platform for productive exchanges and trusting relationships with others, within organizations and beyond organizations.

### **3. Managing At The Edges**

Identifying and engaging external organizations and groups which influence the organization's choices and possible outcomes, and developing the internal competencies to do so effectively, will be critical to success.

### **4. Process For The Purpose, and The Players**

Engaging participants in designing and building a process to fit the players and the purpose – whether a problem or an opportunity – as opposed to force-fitting the purpose into a process is critical to the effectiveness of realizing sustainable outcomes and relationships.

### **5. Safe Places For Difficult Conversations**

Whether building and enhancing relationships or restoring those in difficulty, empowering individuals and empowering an organization by empowering individuals requires creating comfortable places for uncomfortable conversations.

### **6. Strength Through Diversity**

What you see depends on where you stand, and the depth of the individual or organizational vision and the commitment to fulfill it will be stronger and more creative if molded within a diversity of values and experience, perspectives and histories.

### **7. The Power (and Limits) of Consensus**

Reaching outcomes that “everyone can live with” - building consensus starts with the right to say no. This requires us to understand each partner's interests within the context of our own interests and to reach mutually acceptable outcomes where preferable to any other alternative. When consensus cannot be achieved, the basis for pursuing other alternatives is clear.

### **8. Sustainable Outcomes Through Sustainable Relationships**

Predictable responses, timely actions, and being given the “benefit of the doubt”, are elements of a sustainable relationship; the outcome of a relationship not well managed are uncertain reactions, potential resistance, and “assume the worst” presumptions.

### **9. Conflict is Opportunity**

Conflicts generate energy, often-enormous energy. This energy can be destructive or constructive. The process used to deal with conflict enormously influences how the energy within conflict can be constructively engaged in ways that provide an invaluable opportunity to forge innovative solutions and improve relationships.

### **10. “A Good Way to a Good Place”**

The “way “ we choose to work together and resolve differences which may be standing like rocks on the road in front of a decision is a critical factor in whether we are able to reach a “place” where we all agree we want to be.

Some of these lenses will seem counter intuitive, but all are essential and derived from widespread experience in addressing complex public issues in conflicts from across backyard fences to across international borders.

**What follows below are:**

- **Vignettes/stories** that we will be using to ground the discussions on Day 1 and 2.
- Extracts/ example from the materials which will be provided during the Program - we will be providing a full set of materials during the course, and will be using these as a resource handbook to complement the interactive discussions. These will support the program with the expectation that they will have been reviewed during the interim between this session, and Phase 2 of the program in February.

Additional vignettes, exercises, and resource materials will be used during the Program.

## VIGNETTES

These vignettes have been written to support the program’s “interactive sessions”, which is when participants will be split into small discussion groups and asked to do a certain task (you will be told what at the session!). The purpose is to involve participants in issues and dynamics that are deeply familiar to them, and building out of their own experience, find new and different ways to think about how to approach them.

**DISCLAIMER!! While all of the following scenarios draw from real situations, they are not actual accounts of specific situations. Some creative license has been used to expand certain points.**

### Discussion Group 1: Fall First Nations/DFO Dialogues

At the annual Fall Dialogue Sessions typically held between DFO and First Nations as part of their bilateral consultation process, the following exchange took place immediately after the meeting opened.

*How come we just got this material today? I haven't had a chance to read it so don't know what it is all about?*

Sorry about that, but it has been impossible to get everything done. This itinerary got sprung on us and there just wasn't the time to get ourselves as organized as we should have been...

*I understand you guys are busy but so am I. I'm not sure why I should bother to stay here if I have not been able to look at this stuff first and discuss it with some of the other guys? Its just another bloody waste of time, as whatever we hear here we won't understand, and even if we do, we will have to go back and discuss it back home.*

Let's do the best we can. We have a pretty good power point here, and I think we should be able to take you through this quite quickly and understandably. I hear you, but hopefully we will be able to take you through this presentation and then you will be able to ask questions with some better information.

And Harvey, your biologist, isn't he able to help you with this? Where is he anyway? I haven't seen him yet.

*Harvey should be here soon, I tried calling him earlier but he didn't answer and I don't know where he is .....*

But Harvey never shows up. A lengthy presentation with graphs and power points follow. Some tough questions are put; some are answered on the spot, but for several others there is a promise to follow up after some more digging and talking to the scientists. A couple of people in the room aren't satisfied and continue to ask pointed questions about what is going to get done about the recreational fishery taking all the fish.

*Nobody gave us any sense that this meeting was going to involve all this technical stuff. I thought we were coming here to discuss the big picture issues around specific challenges that we are facing around this mixed stock fishery on the coast and the low returns to our territory. A lot of guys are going to be off the water this year, and many won't have their food fish up river. Now all this last minute technical stuff – what are you trying to do? Sideline us all?*

Another participant says:

*Follow-up is all fine and good, but can you give me a date when I will hear back from you guys and get a chance to ask any other questions? And how will that information I told you about the returns that seem to be in error on these charts be included and when?*

We're not sure exactly when we will get back to you but we will do our best to get an answer soon. I'm frustrated that one of the key people we need to work with on better information isn't here. However be patient with us as we are now on the road for almost three weeks on these dialogues.

*I got to go home, and my people are going to want a report. What kind of a report can I give them – some fancy power point that has a bunch of errors in it is just going to piss everyone off. I'm not waste any more time at these kinds of meetings if this is the way we get treated.*

I don't want this process to break down, but I don't think it is only us who dropped the ball here today.

A number of key First Nations participants decide to leave, and the meeting breaks down. DFO staff return to their office and inform their superiors of the toss-up, and the same happens for some First Nations. What follows is the meeting you are writing the briefing for.

## Discussion Group 2: First Nation/Angler dispute leads to charges

Elmer and John, two local anglers sitting in a restaurant after a day of salmon fishing overheard at the next table a conversation between two young First Nation men, Peter and Gary, from the local First Nation community.

*Peter say angrily ... those sporties are like dogs with a bone after early timed Chinook, when that is the backbone of the food fishery for a lot of our communities. DFO keeps shutting us down for any openings, or when they allow them, it is only for a few hours. Enough is enough; we need to stand up for our rights...its all crazy.*

*Gary agrees ... you're right its crazy. DFO says it is working to a 50% reduction, but last year it was only 39%. So why aren't they playing catch up ball this year and managing for a 61% reduction? That never happens. And why are we the ones left carrying the bag and all the burden of making sure the stocks don't all die off? Just last week your grandmother Molly came*

*into the band office. She wanted a Chinook and I had to tell her that because of the low status of the stocks, the tribal authority had decided to stop fishing. I felt like a bloody hypocrite in talking to Molly, as I knew that there were sporties fishing as I was saying she couldn't have any fish for her freezer.*

*Peter says ...yeah and just this morning I saw a guy fishing ...and it seemed to me he was taking more than one.*

When Peter and Gary get up to leave, Peter sees Elmer and John and recognizes Elmer as the guy he had seen on the river that day with his wife packing off more than one salmon. He turns to Elmer, and says:

*Hey you're that guy I saw out on the river with a rod. You better get your ass out of here or there could be trouble, big time.*

Elmer is ready to fight, but John pulls him back into the chair and tries to cool him down.

*John says....Something's got to change. We can blow up at each other but it won't solve anything. What it is going to take to live together on this river? ...That's my question, and how do we get started in better way. What can we get DFO to do?*

*Elmer responds still mad ... 'you know damn well no one cares what DFO says ...do you think those commercial guys honestly count their fish, or that the First Nations really stop their own people from fishing? Its all a crock and no one, even DFO, do what they say ...it's a farce everyone just takes what they can get away with...*

The next week two charges are laid.

1. Peter, the grandson of Molly, is charged with illegal fishing when he was found in his boat with 2 chinook and without First Nation authorization.
2. Elmer is charged with assaulting Dick, a Fisheries Officer, and another angler named Marvin. Marvin is a volunteer helping ensure the recreational fishery is carried out in accord with the principles established by the local Sport Fishing Advisory Committee. The FO was investigating information that Elmer would not stop fishing when asked to do so by Marvin who knew Elmer had already taken one more than the limit. Elmer had harvested a chinook that morning and was out fishing again in the afternoon when approached by Dick and Marvin.

Marvin is frustrated about the impact the incident is going to have on the reputation of the recreational angling community and local businesses, and knows that charges like this in the past have never gone anywhere. He feels there has to be another way and that unless we solve the problem directly with First Nations communities, fights are going to continue. He'd heard about a different way, and he calls the lawyer and the local C&P Office to see if they could try something different.

What Marvin hears back is: *It's in the hands of the court now, there's nothing we can do about it.*

Marvin isn't satisfied with this response so he takes it up even higher. What follows is the meeting you are writing the briefing for.

### Discussion Group 3: Local Watershed Roundtable break-down

A local watershed fishery has the usual collection of players and interests. Historically it has been plagued by protests, confrontation, and inadequate monitoring by all groups with a lot of suspicion and finger pointing in each other's directions. The result has limited the ability to fully develop benefits in each respective fishery (ie. First Nations, recreational, commercial). One discussion over coffee between a couple of the key players about how to work things in a better way leads to more discussions and soon they decide to connect with other groups and the local DFO manager. A local roundtable is formed.

The participants decide to tackle the issue across the table, and they make a lot of progress after considerable discussion. The result is a sharing of TAC and fishery implementation rules that everybody can live with, and while each sees itself as having made a compromise, much better relationships and better run fisheries result.

After a couple of good meetings, one participant suggests they develop some Terms of Reference and put down on paper what they're trying to do, and how they are going to operate as a group so everyone is clear on "how business will get done".

*Everything is fine now, but I want it in black and white that we are going to get all the information we need to have, and that if we run into problems we know how we are going to try to deal with them. Let's not forget we have been fighting for years; this thing could just fall apart with the first sign of trouble.*

A couple of other players push back and say they don't want more paper or get bogged down in stuff that doesn't really matter.

*One of the things that's working well here is we're actually talking directly to each other and getting stuff done. We get enough of that process TOR bullshit at other meetings and I've never seen any good come from it. Can't we just focus on action?*

Reaching some understandings on how the Table is to operate is dropped like a "hot potato". A couple of seasons pass well enough.

One year, TAC is very low, which is something the roundtable hadn't encountered yet. According to the DFO manager's interpretation of the Allocation Policy there is not enough TAC for a commercial opportunity by any sector. This is "announced" by the manager at a preseason meeting.

*One of the fishing groups says....Wait a minute here. This is the first we've heard of this. Why haven't we seen any information on this before? Surely you knew something like this was coming down? I don't appreciate being delivered what sounds to me like an ultimatum.*

Another participant says....*I agree, this isn't how this table operates.*

*"What do you mean? If this table isn't about making the hard choices when it comes to saving the fish, what the hell is it all about anyway?"* is the next thing that is blurted out.

*"This isn't about fish. This is about politics. Somebody up top is giving orders. Don't kid yourself."*

Tensions rise rapidly. The meeting breaks down with demands for alternative arrangements, and threats of protest fisheries. The meeting ends abruptly; people leave.

After the meeting, the DFO manager tells his colleague, the local biologist:

*I just can't win with these guys, people get pissed off when all I'm trying to do is save the fish. I'm just doing my job – nothing more and nothing less. Conservation comes first. Period. When that is under risk given the returns expected I'm duty bound to do what it takes to protect the run. It is not a matter for discussion. It is time for decision. There is no win here – if I don't close things down people would be on my case post season for not having done so, but if I do, everyone is still pissed off. All the work I've put in to make this roundtable thing work — has been for nothing... pats on the back from RHQ when things are going fine, but no doubt with this state of affairs people are going to be on my back when all hell breaks out here in the next few days. Where are these guys coming from with "not the way things are done here". That's the last time I'm going to try something like that again – what a waste of time!*

The biologist says... *I know, I just don't get them either. Surely if you want to fish, you're for the fish, right? I find that whenever I start talking about benchmarks and limit reference points people's eyes glaze over and when I even use the word "conservation", people freak out and end up just trying to protect their own.*

The next day the manager gets a call from C&P saying there is an illegal fishery underway and he didn't understand – wasn't there supposed to be a roundtable that avoided these things? The manager explains what happened and C&P says this sounds like where things were 5 years ago...

*Couldn't we have done this in a better way to have avoided this, or at least given everyone a chance to help sort it out before 'war on the water'. Somebody could get hurt out there, and then this thing is going to get real messy. The big guns in Ottawa are going to hear about that in the newspapers, and they will be all over us.?*

The manager looks through him and says *"If you are so damn smart why weren't you here to help me with this group?"*

*Well, nobody asked me.*

As predicted, senior management hears about from all groups and a lot more people are drawn in with plenty of hard feeling and cynicism to go around. What follows is the meeting you are writing the briefing for.

#### **Discussion Group 4: The balance between flexibility and consistency**

DFO and the recreational sector have “negotiated” a common vision for the recreational fishery, which includes a variety of principles including the need to take into consideration the needs of the recreational fishery when planning commercial fisheries. Two recreational fishers are at a local Rotary Club luncheon having returned earlier in the day from an SFAB weekend meeting. As they are leaving, they engage a manager from the local DFO office in this conversation:

*How come things seem to work differently in one area from another? We can't figure out why how things can work out smoothly in one place and in another face all kind of roadblocks.*

What's on your mind? I'm not quite sure I know what you are driving at.

*Well, take Lonesome Strait where a small area was closed off for a recreational fishery in the middle of the commercial chum fishery. The two fisheries co-existed in the same time and general area. It worked out for everyone.*

That did work.

*Well, how come we can't do something along those lines in other areas, maybe not exactly the same but trying to wiggle and jiggle here and there so that everybody comes away with something?*

I'd love to be in that situation, where the different groups have a local roundtable to help plan their fisheries in a coordinated way with DFO. But as you know, that's not how it works here!! Plus, there are some really strong and respected leaders up there that keep people in line. Also, it's not that easy to make good ideas happen on the ground. Different situations exist in different places and different managers have different approaches and styles. There can be a lot of heavy pressure from the other sectors. Sometimes it is the commercial guys. Sometimes the First Nations. Or both. So it just depends.

*Is that good enough? There are lots of situations outside the fish world where things are happening in lots of places with different people but there are still standard ways of doing things. Take these big international corporations doing business all over the world. They have to have consistent practices or they are put under an international microscope, and soon onto the front pages.*

I think we are pretty much there for the most part within the Department. There are exceptions I guess. Hiccups happen everywhere. Sometimes it's a new guy, or somebody up high doesn't get it and starts meddling. But on the whole I think our guys are doing a pretty good job on consistency. Fish and fishing is different than anything else. You got to remember that.

*That's no excuse. Ottawa is always talking about having national standards, from healthcare to fish, but it seems when these standards reach real people, it's a whole different story. I don't think those guys up there know what the hell goes on out here. Maybe that's what's scrambling us all up out here. We need our own way of doing business on this coast –one way of doing business.*

There may be some truth in that but its not that easy. Take steelhead. That involves the province as well, and decisions taken by the province have implications for other fisheries. And most of the big decisions around habitat come out of provincial and municipal decisions. And these First nations have all kinds of rights that are court protected. So there's more players in here than just DFO, and a lot more to this than just blaming Ottawa.

*Maybe they are, but there are a lot of folks out there who don't see it that way. If there is a good news story here then the problem is getting it told. If it is not a good news story we better get to the bottom of it and sort it out. I think we need to try to get this conversation on the table with everyone else. This fishing world is all changing, and unless we start talking this thing out pretty soon there isn't going to be any fish to talk about. How can we do that? Are you open to helping getting something like that going inside the department? You guys have the clout. Who else would we need to get involved from the get go?*

The DFO person takes the suggestion seriously and what follows is the meeting you are writing the briefing for.

## EXTRACTS FROM COURSE MATERIALS

### The Nature of our Shared Challenge

Managing our resources, whether it is in the sea or on the land, is all too often challenged by conflict. Familiar players campaign for greater access or greater protection of the resource, and governments respond with decisions based on technical analysis, policy prescriptions or political logic. Everybody knows the place where everybody is pointing fingers at everyone else. Disputes cycle forward from one year to the next, diminishing our ability to respond and adapt at the same time as uncertainties in the natural world are growing, and increasing the depth of the social and economic disruption that comes with these realities. Many of the decisions we face, especially around land, resources, and the

environment, demand that we find ways to listen to opposing points of view, and find ways to accommodate deeply held and differing values.

The terms sustainability and sustainable development embrace the concept that environmental, economic and social needs are complex and require integrated decision-making. More than ever, we understand how decisions made today affect the quality of life for future generations. People are demanding more meaningful input to decisions that directly affect them or the place where they live. Conventional decision making mechanisms tend to exclude rather than include diverse interests and do not cope well with the complexity that issues of sustainability present.

Increasingly, the response has been to search for ways to more meaningfully involve those with a stake in these challenges in decision making around them through collaborative processes driven by the participants themselves.

Conventional wisdom is rooted in an authority driven view of the world which builds from the given of final ministerial (or delegated) authority. It's constitutional, it's not negotiable. A Minister, typically through a delegated authority, drives out the mandate on what he or she is obligated to deliver, and in doing so often engages in a series of extensions beyond the departmental structure into different communities of interest through formal consultation and advisory processes. (The point has been made that no other department of the Government of Canada is as extensively involved with its constituencies as DFO.) Another overriding and fundamental consideration stems from the constitutionally protected right of First Nations interests in the fishery.

The architecture of decision-making must be built in a fashion that is alive and attentive to these realities. In the face of these realities:

- Can participant driven processes based on collaboration coexist with authority driven structures?
- Are institutional changes necessary to make co-existence possible, or can we work within the existing legal framework?
- Do we need new structures?
- Or do we simply need to fine tune what is already in place?
- Or can we do both at once?
- What confidence can participants in collaborative efforts have that the Minister will recognize their efforts and adopt any outcomes they reach?
- How do the bilateral obligations with respect to First Nations work in an effective, smooth way, with multi-lateral environments in which aboriginal rights and interests exist with all other

communities of interest around common issues where all have a reciprocal interest in finding good and effective ways of working with each other?

These are the questions collaborative initiatives in many different settings and jurisdictions have faced. Their experience informs and enriches our ability to address these questions

The forces that are starting to reshape the face of decision making is one where, not only are non-governmental participants demanding a greater role and responsibility, governments themselves are recognizing that *“we can’t do the job alone” – “we need to work with those people who have a “stake” in one way or another, who bring history, rights, mandates, economic, cultural, social or environmental perspectives , all underpinned by an interest, however diverse it may be, in the resource. And we need to find a way to engage them, as participants together, in attempting to work through how we’re going to do business together. This is better than talking to each of them separately, because if people hear each other directly, they may be able to reach better and more informed judgments.”*When used in appropriate situations, there is a broad body of experience across North America and elsewhere in the world that collaborative processes can reward expenditures in time and effort by generating creative and lasting solutions to complex problems.

In considering the potential for collaboration initiatives and authority structures to co-exist it is essential to understand the distinction between what might be described, for present purposes, as an “ultimate recommendation developed through some form of collaborative effort “ and a “final decision made by a Minister, or someone she/he legally delegates to do so”.

On a wide range of matters only the Minister, or the Cabinet, can make a “final decision” within the constitutional architecture of Canada, provided it is done so in a manner that respects other constitutional and legal rights that may be affected, and specifically in a fisheries context, aboriginal rights are central . However, an “ultimate recommendation” becomes in practical terms the “effective decision” for, as a practical matter, it would be highly unlikely for the Minister not to embrace any outcome /decision agreed upon by all the various players and interests and the responsible public managers. Whether the ultimate recommendation has the persuasive strength to carry into the effective decision really depends on whether it is backed by the power of a single voice – reflecting an outcome that everyone can support or if not actively support, not oppose - often referred to as reaching a “consensus”- , or remains simply a collection of individual voices.

But for such expectations to be fulfilled clear expectations are required as to the role of the manager, for introducing collaboration in one form or another into conventional decision making processes transforms the public manager’s role into that of a “partner “ whose goal is to build agreement around an outcome, as opposed to dictating it, subject always to constitutional realities. And any such realignment has implications not only with respect to the manager, but also much more broadly to the way in which the authority structure operates both below and above him or her.

There is a further underlying reality. Much of the decision making involved in the management of the fisheries, and in resolving differences that arise in the course of operations, do not require the exercise

of Ministerial authority. The practical challenge is not how to reconcile constitutional obligations and participant driven decisions, but rather how can we work together most effectively as managers, harvesters, interest based advocates, communities, and concerned citizens to best manage the fisheries in the best possible way in our day to day activities, whether in building long terms fishery management plans or determining openings in season.

## Relationship and Conflict

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*“Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the roar of its many waters. The struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle.”*

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Frederick Douglass, 1863

Relationships and conflict are inextricably intertwined.

A good relationship has the capacity to process and withstand a good deal of conflict.

We see conflict in every relationship that we are a part of. It occurs in families and the organizations where we work. It occurs in where we play and where we worship. Our political processes are based on the assumption of continuing stress and challenge between the administrative, legislative and judicial branches of government.

But, somehow, when conflict affects us personally, especially if someone else is challenging what we believe, what we control or how we do things, conflict doesn't seem quite so desirable.

## Turning Differences into Assets

**Sources of Conflict** Our assumptions regarding what causes conflict in general or in a particular dispute have a lot to do with not only how we view conflict but with how we try to settle it. There tend to be three general views of what covers conflict.

**Problems of Communication...**Some tend to view all conflicts as a communications problem. Simply stated, this seems to be based on the assumption that if only we could express ourselves clearly and openly we would discover that the conflict really doesn't exist.

**Problems of Information and Understanding...**Others view conflict as essentially a problem in understanding, particularly where technical matters are involved. “If only people understood what I am trying to do and why it is good for them, they wouldn't be opposed.” From this perspective what is needed to settle conflict is a combination teacher and sales person—the only problem is to get them to listen.

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### The Wisdom of Huck Finn

*Did you want to kill him, Buck?"*

*"Well, I bet I did."*

*"What did he do to you?"*

*"Him? He never done nothing to me."*

*"Well, then, what did you want to kill him for?"*

*"Why nothing - only it's on account of the feud."*

*"What's a feud?"*

*"Why, where was you raised? Don't you know what a feud is?"*

*"Never heard of it before - tell me about it."*

*"Well," says Buck, "a feud is this way: A man has a quarrel with another man, and kills him; then that other man's brother kills him; then the other brothers, on both sides, goes for one another; then the cousins chip in - and by and by everybody's killed off, and there ain't nor more feud. Buts it's kind of slow, and takes a long time."*

*"Has this one been going on long, Buck?"*

*"Well, I should reckon! It started thirty years ago, or som'ers along there. There was trouble 'bout something, and then a law suit to settle it; and the suit went agin one of the men, and so he up and shot the man that won the suit - which he would naturally do, of course. Anybody would."*

*"What was the trouble about, Buck? - land?"*

*"I reckon maybe - I don't know."*

*"Well, who done the shooting? Was it a Grangeford or a Shepherdson?"*

*"Laws, how do I know? It was so long ago."*

*"Don't anybody know?"*

*"Oh yes, pa knows, I reckon, and some of the other old people; but they don't know now what the row was about in the first place"*

*- Mark Twain, The Adventures of Huckleberry Finn*

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**Problems of Trade-Offs...**The third general perspective is that everything is a matter of trade-offs. The real question is who gets what—and in its purest form, there is always a limited pie. Purchasing a rug in a street market and some labor negotiations are typical of the approach to dispute settlement that is likely to be followed by those who have this perspective.

Disputes may well have several causes...each of these perspectives is right—and wrong. Every dispute is likely to have problems of communication, information and understanding, and equity or trade-offs. Unfortunately, to focus on one problem exclusively is as likely to make things worse as it is better. Bad communications are likely to be in someone's best interest if they are convinced that they are likely to get the short end of any trade-offs. No one is going to accept more technical information from a source that they suspect is interested in building an unattractive facility in their backyard.

To further complicate matters, most disputes involve individuals who have different perceptions of what is causing the conflict. This can lead to a new set of disputes over the appropriate means of seeking to address the differences that divide them.

The challenge is to approach disputes in a manner that makes it possible to address all of these issues simultaneously. A Collaborative approach designed and driven by the participants is one such approach. To have integrity as a mutual and jointly owned process, all participants must be and see themselves as being equal partners within the process seeking to find a solution—no one will impose their will on anyone else so long as the process continues. Because it entails face-to-face exchanges, it is possible to deal directly with the various elements that are hindering effective communication. And, as the participants begin to reach agreement on the nature of the problem which they are addressing and to develop some assurances of the parameters of any agreement, it becomes "safe" to exchange and accept technical information and "facts."

## Valuing Differences

Effective relationships are based on exploring and finding ways to work together effectively in spite of differences—not eliminating differences. While the potential to more effectively achieve individual and mutual interests jointly rather than individually

*The goal is not to eliminate differences, but to understand and respect them, and explore how people can live and work together in spite of their differences,—putting in place bridges across the river, not trying to pull the banks of the river together - listening and talking, not preaching and converting. Often it is the fact of the difference, and that people share different values, which makes it possible to reach an agreement because what is important to one side may not be as important to the other. Everyone has “their reasons”, and once you understand them reasoning together can take you down a different road. Partnerships are not based on eliminating differences, but on accepting them*

creates the opportunity, it is finding ways to live with differences that represents the greatest challenge. Effective relationships must have the capacity to respond to changing circumstances, the evolving needs and goals of the parties, differences in values and perspectives, and, inevitably, disagreements. That capacity will exist where each of the partners considers that its own self-interests are best served by understanding and addressing the interests of the other party and when the relationship is seen and valued as an asset that requires ongoing and explicit attention and investment. Success is measured in terms of how well the essential needs of the parties are met, and continue to be met.

Respect and understanding begin by accepting that differences are real. A common and beguiling notion is that differences are illusory, that basically everyone really wants, needs, and values the same thing—and often that thing is money. Successful salespeople, no less than managers operating in world markets, know that appreciating and respecting personal and cultural differences can make or break a deal.

Parties can differ in several important ways. First and most fundamentally, they differ in their values and interests. In sustainability disputes, developers may place high value on what they define as “progress,” a measurable economic improvement. An environmental group may see the integrity of natural ecosystems as the most fundamental value. Clarifying these differing values and interests can make all parties more tolerant of their differences.

Parties may also hold differing beliefs—their own set of explanations and predictions—about the facts and issues. Indeed, parties frequently disagree on what the main facts and issues are – “*you have your facts, I’ve got mine!*” In complex situations, these differences may not be obvious, but with time, the parties can look at the information together and agree the truth probably lies somewhere in the middle. But this cooperation will only be possible when each party understands the other’s perspective and the basis for it.

Parties can differ in the circumstances shaping their perspectives and abilities. They have different constituents to represent, different reporting requirements, different resources to call upon, and

different skills to employ. All differences must be appreciated, respected, and accommodated to ensure agreements encompass all interests fairly.

In many disputes, the parties also differ culturally. Parties from differing cultural backgrounds introduce more than the usual differences in values, interests, beliefs and circumstances. Even the most ordinary issue can ignite cultural conflict based on painful historical events. A gesture of friendship in one cultural context may be seen as an insult in another. What is important for one party may be trivial to someone else. Cross-cultural misunderstandings heighten tensions and reduce the possibility of agreement.

An awareness of how significantly parties can differ in values, interests, beliefs, circumstances and culture contributes enormously to creating good working relationships. Such awareness, combined with tolerance of and respect for differences, makes building consensus possible.

## Focus on Interests of All Parties

Central to effective collaboration is building agreements between conflicting or competing interests—not to defeat or overpower. A critical participant skill is the ability to focus on the need to find areas of mutual interest and to remember that the real measure of “success” is how well those interests are met. Indeed, it is often in the self-interest of each participant to help ensure that all participants achieve their essential interests if the agreements reached are to be stable. One of the basic concepts that underlie such a perspective is a focus on the “interests” or basic concerns and needs of the parties rather than the “positions” or the particular means of satisfying those needs that a party may independently devise. Careful discussion of the issues will often reveal that while interests may not be the same, they are not necessarily contradictory and that there may be means of achieving those interests that are less onerous or even **positive for other parties**.

Nevertheless, while the purpose is to find agreement, the participants need always be aware they neither must nor should reach agreements that do not meet their essential needs or responsibilities.