

ENGAGING YOUR COMMUNITY

The Discussion Leader's Guide to Public Issue Dispute Resolution and Participatory Decision-Making

Volume 2

COMPLEXITIES OF PUBLIC DISPUTES

A number of factors make public disputes more complex than most private disputes. These factors include¹:

1. Multiple, overlapping issues
2. Representation
3. Data uncertainty
4. Shifting landscapes
5. Media involvement
6. Links to formal processes

1. Overlapping Issues



Public disputes often involve multiple, interrelated issues. The number of issues tends to increase as the number of parties increases. In a negotiation, parties tend to link issues in order to form a basis for give-and-take.

While linkage between issues can be real and inevitable, a general rule of thumb is to separate issues when possible. Separating issues can simplify overwhelming complexities and allow participants to make small accomplishments when tackling large problems.

A dispute over substantive issues can often be masked by disputes over data, relationships, values and power (structure). Each of these other conflicts should be handled in turn before the substantive issues can be effectively resolved.

2. Representation



Each problem-solving body should have firm but permeable membership. In other words, rather than being

"sort of" open, groups should have clear provisions for adding new members. In addition, all decision-making bodies should be representative of diverse interests with

representatives asked to represent their group's interests, not their group.

Groups to be Represented

- Those who are affected by a possible decision
- Those who can affect the decision, even after it is made
- Those with the authority and resources to carry out the decision

Methods for Choosing Representatives

- Specified number from each group or interest chosen by that group
- Invitation only by the initiating committee
- Consultation with a broader group
- Representation adjusted as necessary by consensus in the early phases

3. Data Uncertainty



Information is most useful when it is commonly created and helps to develop a mutual body of knowledge that a group can use to

evaluate options. Information, however, can also be a source of contention when it is used as a tool to support a specific position.

When data is presented, it may be helpful to ask:

- Who prepared it?
- What assumptions were made?
- Is it appropriate to the issue at hand?
- Is the level of data organization consistent with the parties' ability to analyze it?
- Are data mutually understood?

4. Shifting Landscapes



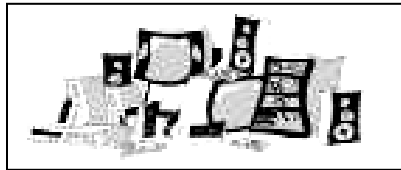
A group working in a public conflict resolution process has to be aware that it is working in a shifting landscape

political landscape. A new election, for

example, might change the membership and political balance of a decision-making body in the middle of a process. Changes of this sort can occur after a process is concluded, making implementation difficult.

In public disputes, these changes should be anticipated, and candidates for key offices should be briefed on the justification, process, and progress of ongoing processes. When necessary, negotiations should be planned to avoid decisions at particularly unstable times. Implementation plans should permit reopening of discussions (rather than abandoning the agreement) when change occurs.

5. Media Involvement



The role of the media is complex. In private disputes, information

can be shielded behind closed doors and court orders. In public disputes, members of the media have a responsibility to report information about decisions that affect the public.

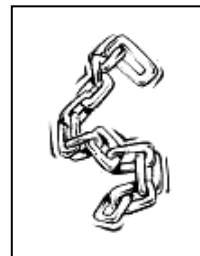
Understand that the media wants to play a constructive role in their communities. Although the media pose as neutral recorders, they may also filter, amplify, and adjudicate. Here are some suggestions for working with the media during a public conflict:

1. Treated with respect, the media can be helpful and cooperative partners in a collaborative process. Once the need for discretion is explained, the media usually will cooperate by keeping the public informed.
2. A group should decide early on how they will deal with the media. For example, will a group use a single spokesperson or a committee to oversee media contact? All communication with the media should be honest.
3. The earlier the media is involved, the better.
4. Often, the media is most cooperative when it is invited to participate in collaborative problem solving processes as a convenor, definer, or a decision-making party.

5. In contrast, the media is least cooperative when it believes that secret processes are being held to escape public scrutiny, to devise illegal deals or to thwart the public interest.
6. The media finds conflict resolution a much less interesting story than conflict. When the media sees that progress is being made, they are more likely to remain in the background and take your word for what's going on.

In public disputes where all affected persons are not directly involved, the media plays a key role in communicating between representatives and their constituencies, as well as between decision makers and the public.

6. Links to Formal Processes



When groups resolve a public dispute through a collaborative process, the agreement is often drafted as a set of recommendations and presented to an elected decision-making body. If the recommendations are to be successfully adopted, they

must contain no "surprises." Collaborating groups can avoid surprises by developing and maintaining communication linkages with the public decision-making body. Here are three common linkage techniques:

1. Bring members of the decision-making body into the process as active participants.
2. Hold public meetings and cooperate with the media to report on progress and generate public support for the process.
3. Submit periodic formal reports to the decision-making body to confirm approval of preliminary decisions and to assure support for the final product.

¹ The ideas presented here on complexities of public disputes are adapted from the work of the Susan Carpenter and W.J.D. Kennedy in *Managing Public Disputes*, San Francisco: Jossey Bass, 1988.

Prepared by
L. Steven Smutko
Department of Agricultural and Resource Economics
Simon Garber
Department of Sociology and Anthropology

North Carolina State University
Raleigh, NC 27695



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