CONFLICT MANAGEMENT AND CONSENSUS BUILDING

FOR INTEGRATED COASTAL MANAGEMENT

IN LATIN AMERICA AND THE CARIBBEAN

Frank Rijsberman, editor

RESOURCE ANALYSIS

DELFT, THE NETHERLANDS

FOREWORD

On June 17, 1998 the Bank's Board of Directors favorably considered a new Strategy for Coastal and Marine Resources Management. The Strategy provides new directions for Bank activities in coastal and marine areas in Latin America and the Caribbean, a region endowed with a unique and valuable maritime heritage. The strategy calls for a renewed, more integrated approach to investments and non-lending services aimed at improving the quality of life of communities dependent on coastal resources and helping coastal states attain sustainable development from the headwaters of coastal watersheds to the outer limits of their exclusive economic zone.

One of the strategy's fundamental elements is the promotion of processes for avoiding and resolving conflicts in the coastal zone. Coastal management often calls for reconciling divergent objectives among competing sectors. The capacity to resolve resource conflicts is one of the key elements of coastal governance. Although the strategy paper gives appropriate attention to conflict resolution techniques available to resource managers, it also recognizes the need to disseminate more specific good practices and lessons learned in the region. This paper, financed with resources from the Netherlands Environment Technical Cooperation Trust Fund, aims to partly fill that void. It provides an impressive summary of conflict management issues and options in the challenging cultural, ecological, economic and social context of Latin America and the Caribbean. It does so with three case studies in Central America where the effects of Hurricane Mitch in 1998 have had a major impact on communities living in coastal areas.

This report's lessons and recommendations to the Bank will be of great use to practitioners in the field and to the Bank. Hopefully, it will assist in the promotion of the application of consensus building and dispute resolution processes for achieving sustainable development.

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EXECUTIVE SUMMARY

This paper examines how methods and techniques that explicitly address "conflicts" (referred to here as conflict management) can contribute to the resolution of coastal conflicts, particularly in Latin America and the Caribbean. Coastal conflicts are defined as situations or circumstances where strong and persistent divergence of positions (needs, values, etc.) among users and other stake holders presents an obstacle to managing a specific coastal area.

Conflict management—or conflict resolution, consensus building, alternative dispute resolution—is a well-developed field that has found application, and produced positive results, in situations that range from international disputes to differences between landlords and tenants. However, to date it has been used very little in an area noted for conflict and one in which there is a potential for the productive use of conflict management techniques—the management of natural resources in general and coastal resources in particular.

Dealing with conflicts has been called the greatest challenge facing integrated coastal management because of the multiuse setting of coastal systems and because most of these systems are a mosaic of "rights" (property rights, fishing rights, use rights) and usually involve common property resources as well. Almost any significant development of a coastal zone, be it for tourism, harbors, aquaculture, or residences, is likely to infringe on the rights of others and lead to conflicts. The sector-based legal frameworks, institutions, and management systems in rural or urban areas are not noted for their effectiveness in dealing with cross-sectoral, multiuse conflicts of coastal areas. This was one of the factors that led to the development of integrated coastal management (ICM) approaches to resource use.

Many coastal zones are currently characterized by emerging and unresolved conflicts. In coastal systems, conflicts that appear to be not handled very well by the existing, evolving institutions are caused by a variety of factors. Among them are:

- Large-scale interventions by external investors
- Rapid or sudden development of a new economic opportunity such as tourism or aquaculture
- Slow buildup of a factor that is considered to reach a threshold; for example, an influx of immigrants, a gradual increase in pollutants, or the loss of wetlands
- Changes in a society's perception of how resources ought to be managed, as in "integrated management" concepts, which may be introduced in a coastal area by outside actors

Coastal conflicts in the Latin American and Caribbean region typically involve (1) rapid change in land use in the coastal zone, for tourism, housing, or aquaculture, for instance; (2) fishing or overfishing; and (3) nature conservation or marine park issues. Under these dynamic situations, new, nontraditional uses tend to conflict with traditional uses of coastal resources. For example, there are (1) conflicts between artisanal fishers and industrial aquaculture over the use of estuaries in Ecuador (Esmeraldas); conflicts over beach access between artisanal fishers and seasonal tourists in Northeast Brazil; (2) conflicts over priorities for use of fresh water for tourism or agriculture in Tobago; (3) conflicts over reef fisheries in Montega Bay, Jamaica; (4) conflicts over the nontraditional sea cucumber fisheries in the Galapagos Islands and tourism operations; and (5) conflicts over port expansion and coastal tourism (Northeast Brazil-Recife).

Unfortunately coastal zone project planners and managers have had little or no training in conflict management techniques. Thus they are usually at a loss in dealing with the diverse groups and the often volatile reactions that characterize coastal management projects. This study argues that conflict management, starting with a careful analysis of potential conflicts in the early stages of project preparation, should become an explicit component of integrated coastal management. Conflict management techniques should become part of the toolkit of coastal managers.

A brief overview of the basic principles and techniques of conflict management is given in order to provide some understanding of how they can be used in planning and implementing IDB coastal zone projects. Case studies are described for three geographic areas in which some form of conflict management and/or resolution was used, with varying degrees of success. These areas are (1) the Bay Islands in Honduras, where conflicts exist among development of tourism, traditional fisheries, and the establishment of a marine protected area; (2) the Gulf of Fonseca, where there are conflicts among artisanal fisheries, aquaculture, and the conservation of estuarine ecosystems; and (3) the Atlantic coast of Nicaragua (Pearl Lagoon area), where there are conflicts over the demarcation of communal lands and between fishermen and fisherwomen.

Each case provides valuable lessons on what does and does not work in coastal zone disputes, and the limits and risks of different techniques. This information is used to formulate suggestions for developing skill in conflict management techniques and incorporating conflict management into the IDB project cycle.

Conflict Management Techniques

Conflict management follows an ordered, structured approach in which the first step is an assessment, among other things, of the scope, nature, and stage of the conflict. The assessment process also identifies the source of the conflict—whether it has its origin in data or facts, in divergent needs or interests, in conflicting values or beliefs, or in incompatible relationships.

A basic premise of conflict management is that the people affected—the stake holders—should be fully involved in the resolution process so they can develop an effective method for dealing with their differences. It is the relationships among these stake holders, and their interests that conflict managers must address. These relationships can range from a basic agreement on objectives but conflicting interests, to situations where one of the stake holders is powerful enough to coerce the other to acquiesce to them. This latter situation is not uncommon in Latin America, given its political history, and is among the most difficult to address.

Conflict management techniques can be viewed as a continuum of increasingly directed interventions that move from a stage in which all initiatives and authority reside with the parties in conflict to eventual intervention by a third party. In addition to consensus building (which is often linked to participatory planning methods or stakeholder participation), these techniques, moving from the least to the most directive, are relationship building, procedural assistance, substantive assistance, advisory nonbinding assistance, and binding assistance.

No one approach is effective in all cases (and indeed more than one may be used). The choice of technique should be based on the information obtained in the conflict assessment. The first four of these methods are attractive for coastal management because these conflicts very often involve multiple parties and multiple issues. These are the approaches recommended by the conflict management literature.

General Conclusions from the Case Studies

- Meaningful stakeholder consultation and participation will reduce conflicts through better project design.

  In several of the conflicts evaluated for this paper, the approach to resolution was dominated by experts and there was no effective consultation with stake holders (Pearl Lagoon fisherwomen) or a local nongovernmental organization that has significant relevant experience (Bay Islands marine park). In both cases better consultation would have improved project design.

- Use participation to design better projects, not as an end.

  It appeared that in some instances in the case studies, consultation was an objective rather than a means to improve the project. Where this consultation was meaningful and instituted early (the

PROGOLFO project), it avoided conflict in the implementation stage. In general, consultation and participation should be used to design better projects. However, this does not preclude situations in which the management of conflicts in itself can be identified as the objective for specific Bank-supported interventions. PROGOLFO also shows that despite the attention paid to consultation, the risks for conflicts will not disappear, and there will be a continuous need for conflict management throughout and after completion of a project.

- Prepare the conflict management techniques early and continue throughout the project cycle and beyond.

As shown by the Bay Islands case study, it is difficult to incorporate the results of consultation once the design is well under way. It is important to involve stake holders as early as possible in the design phase and continue with conflict management techniques throughout the project cycle and beyond. In a consultation process, the different stake holders are encouraged to express their views about the proposed project and to focus on how the project would affect them. Conflict management processes, on the other hand, focus on the relationship between stakeholders and on possible changes in those relationships as a result of a certain project. Since these relationships are always dynamic (and exist with or without a project), it is crucial that conflict management processes be continuos (and do not stop once the project is approved) and address underlying issues and causes of conflicts. It should be recognized that a single project, no matter how extensive its conflict management component, will in all likelihood not be able to resolve all the conflicts that may exist in a coastal area. However, it is imperative that project proponents fully understand the existing and potential conflicts and that they try to work toward solutions considered fair and equitable to all stake holders, especially for the poorest segment of coastal communities.

- The choice of mediator and methods is critical to successful conflict management.

An important issue is the choice of a proper conflict management method and mediator. As demonstrated in the land demarcation case in Pearl Lagoon, the use of an intensive consultation method, carried out by a local person who is accepted by all stake holders, can avoid conflicts.

The IDB and Conflict Management

While the IDB has experience with mediation and arbitration for commercial and labor disputes, it has not really been involved yet in the "softer" types of conflict management (i.e., those not involving mediation) that are appropriate for the multiparty, multi-issue conflicts common in integrated coastal management. Inexperience in this latter area may be caused by several factors:

- Lack of recognition of the importance of ICM conflicts as an issue in itself
- Lack of knowledge on how the different procedures relate to specific conflicts
- Lack of an analysis of the effectiveness of the procedures
- Lack of a clearly defined role for the IDB

The IDB's Eighth Replenishment report and other more recent Bank documents have emphasized the importance of involving stake holders in IDB projects and prepared the ground for systematic promotion of community consultation and increased disclosure of project documents earlier in the process, and to more stake holders. These developments can provide a platform from which the Bank can move into conflict management for coastal zone projects.

However, there are several concerns that relate to the operations of the IDB in the field that need to be addressed if a new IDB policy is to be developed that explicitly takes conflicts into account. One is community consultation. It will take time to internalize and adopt this concept throughout the Bank. In addition,

the implementation of the participatory process is the primary responsibility of the borrower and it will take more time for this concept to become actual practice in Latin America.

The second is the tendency for multilateral organizations like the IDB to use expert opinion to find solutions to problems or conflicts. This is explained by the fact that one of the main products in support of lending by the development banks has always been technical assistance, but it does not encourage planners to take stake holders into account. Allied with this concern is the fact that the IDB may play a dual role in the project cycle. It is involved as a neutral, outside party offering its technical assistance to the borrower and at the same time can be perceived as a party interested in obtaining approval of the project.

Suggestions for Future Action

There are a number of ways that the Bank can support the development and use of conflict management methods in its projects.

Capacity Building

The Bank can work to increase awareness among its own staff and coastal managers in borrower countries of the importance of managing the conflicts that arise in ICM projects. Within the coastal countries, the skills for effective negotiation should be developed through training, by working with networks that focus on conflict management, or by establishing centers that act as focal points for creating this capacity. This capacity building should take into account the desirability of using facilitators from the region and include training in facilitation techniques.

Finally, capacity-building efforts should include an element that addresses the role of local governments in acting as a bridge between national agencies and stake holders. Currently most local governments in Latin America lack the resources and capacity to fill this role effectively.

Integration into Bank Activities

Bank conferences and workshops provide opportunities to address potential conflicts and the ways they are handled in the Bank. The preparation of country papers can be used to identify large-scale conflicts and/or determine whether certain types of interventions are liable to be contentious.

While community consultation during the preparation and analysis of a project is the responsibility of the borrower, the Bank's team often actively participates in designing this process. They should be aware of the importance of the timing and content of the consultation for the acceptance and success of a project. Not only should stake holders be involved as early as possible in the design phase, they should be able to see how their input affects the design.

Conflict Management Procedures

When appropriate, projects should have conflict management procedures built into the execution stage that focus first on conflict prevention and second on effective management of the conflicts that do arise. Agreement on procedures to appoint mediators, as well as procedures for arbitration, are cost-effective mechanisms to prevent escalation of conflicts at this stage. In the longer term, project execution procedures that focus on "partnering" rather than on the more traditional adversarial approaches deserve attention.

When conflicts do arise, or if their nature changes (projects may bring in additional stake holders as they progress), it is important that the project design have sufficient flexibility to deal with the changing situation and/or include a specific component that allows for continued conflict management, such as the establishment or support of a conflict management center. In certain cases it might be necessary to revisit the conflict analysis carried out for project preparation and consider alternative approaches and methods.

Conflict management cannot resolve all disputes—it can only ensure that the parties in a conflict do not persist in holding differences that are the result of misunderstanding and that have no basis in reality. It requires financial, time, and opportunity costs that cannot always easily be shown to be justified because it may be difficult to prove that they averted a conflict. On the other hand, the potential benefits of conflict management are significant. The favorable outcome of multiple-use coastal zone development projects, where the objectives of fisheries, tourism, and environmental protection are expected to be obtained in conjunction, may depend on effective conflict management.

1. INTRODUCTION

Dealing with conflicts has been called the greatest challenge facing integrated coastal management (Davos et al., 1997) because of the typical multiuse setting of coastal systems and because most coastal systems are a mosaic of "rights" (property rights, fishing rights, use rights) and usually involve common property resources as well. Almost any significant development of a coastal zone, be it for tourism, harbors, aquaculture, or residences, is likely to infringe on the rights of others and lead to conflicts. The sector-based legal frameworks, institutions, and management systems in rural or urban areas are not noted for their effectiveness in dealing with cross-sectoral, multiuse conflicts of coastal areas. This was one of the factors that led to the development of integrated coastal management (ICM) approaches.

While the history of development of coastal zones is marked by contentious opposition, litigation, protracted public debate, and even sheer defiance (Davos et al., 1997), coastal managers are not trained, and do not usually possess the tools, to manage such conflicts. This study argues that conflict management methods, starting with careful analysis of potential conflicts in the early stages of project preparation, should become an explicit component of integrated coastal management. Conflict management techniques should become part of the toolkit of coastal managers.

Conflict management—or conflict resolution, consensus building, alternative dispute resolution—is a well-developed field, but it has not been applied much to the management of natural resources in general and the management of coastal resources in particular. Coastal managers come from diverse fields (biology, oceanography/hydrology, coastal engineering, and geography), but mostly have a natural science or engineering background. Such professionals tend to have a limited knowledge of conflict management techniques, with the exception of some groups of planners and geographers. A review of the subject matter of the (hundreds of) papers presented at a major coastal zone conference series in the period 1989–1997, for instance, shows an increasing interest in more multidisciplinary, management-oriented subjects rather than conflict management. Many of these papers describe coastal conflicts, but hardly any deal with applications of conflict management techniques.

This paper examines how methods and techniques that explicitly address "conflicts" (referred to here as conflict management) can contribute to the resolution of coastal conflicts, particularly in Latin America and the Caribbean. Coastal conflicts are defined as situations or circumstances where strong and persistent divergence of positions (needs, values, etc.) among users and other stake holders presents an obstacle to managing a specific coastal area.

The underlying theme in most conflict management approaches is the idea that the people affected, the stake holders, should be involved in the resolution of conflicts through structured, organized processes. This paper examines the nature of this participation in several coastal zones and marine resource disputes in Central America. Three case studies are assessed in detail to analyze if and how conflict resolution mechanisms are being applied and how effective they have been. The case studies are (1) the Bay Islands in Honduras, where coastal conflicts exist among development of tourism, traditional fisheries, and the establishment of a marine protected area; (2) the Gulf of Fonseca, where coastal conflicts exist among artisanal fisheries, aquaculture, and the conservation of estuarine ecosystems; and (3) the Atlantic coast of Nicaragua (Pearl Lagoon area), where there are conflicts between fishermen and fisherwomen, and over the demarcation of communal lands.

Readers who are interested primarily in the application and results of the conflict management methods may wish to skim the description of the cases and focus on the sections analyzing the results. In each case, the failures and successes of the methods used—and the reasons for them— are examined with a view to improving the transparency of the conflict management process, the effectiveness of stakeholder participa-

tion in project designs, and not least, ensuring the implementation of projects that meet local needs as well as those of sponsors and central governments.

Chapter 2 provides some background on ICM and Chapter 3 describes the concepts behind conflict management and the approaches and methods used.

2.   INTEGRATED COASTAL MANAGEMENT AND CONFLICTS

Concepts

Integrated coastal management is understood here as an approach that has been developed over the past 10 to 15 years to address the issue of how the coastal zone can be used and developed in a sustainable manner, with the participation of all stake holders. It analyzes the complex relations in the socioeconomic, institutional, cultural, and bio-geochemical systems that jointly form the fabric of a multiuse coastal resources system. Based on a thorough understanding of these systems, ICM involves the development and implementation of methods and tools that can improve the planning and management processes for a coastal zone. It is a continuous and dynamic process that brings together governments and communities, science and management, and sectoral and public interests in the preparation and implementation of an integrated plan to protect and develop coastal systems and their resources (Brown, 1997).

Reviewing the history of integrated coastal management in theory and practice, Olsen and Tobey (1997) warned that there is a plethora of conceptual papers and well-intended policy statements, but precious little progress in the field. More forcefully, the head coastal liaison of Environment Canada and president of Coastal Zone Canada recently wrote:

I think we have heard enough times about the importance of Chapter 17 of Agenda 21, the Organization for Economic Cooperation and Development (OECD) recommendations, and the Law of the Sea Convention. … While these are certainly fundamental benchmarks for the steps we need to take to progress, isn't it about time we go that one step further and actually start to debate the ways and means of securing some commitments and turning these prescriptions into action? (Hildebrand, 1998).

Many international organizations have published coastal management guidelines in recent years. These include the World Bank (Post and Lundin, 1996), the International Commission for the Conservation of Nature (IUCN) (Pernetta and Elder, 1993), the United Nations Environment Programme (UNEP) (1995), and the Intergovernmental Oceanographic Union (IOC) (1977). Several organizations have also published more extensive texts on how governments should develop integrated policies for coastal zones (e.g., OECD, 1993; IPCC, 1994). Handbooks have even begun to appear, such as the encyclopedic works by Clark (1996) and Brown (1997).

Although ICM has become widely accepted over the past 10 to 15 years, it has not yet been implemented in many places. Only a few countries in Latin America have any significant experience with this approach.

The operational goals of integrated coastal management usually focus on:

- Overcoming resource allocation conflicts associated with sectoral management
- Preserving the productivity and biodiversity of coastal ecosystems
- Promoting equitable and sustainable allocation of resources among stake holders (Post and Lundin, 1996)

The emerging consensus on the principles of effective coastal management, as reviewed by the IDB in its recent ICM strategy paper (IDB, 1997c), relate to:

- Local and national ownership of programs

Key features of ownership are government endorsement and active involvement in the process, and a broad stakeholder participation with open dialogue among users. Ownership has to reside within several constituencies representing the different sectors involved.

- Stakeholder participation in all phases of programs
Public education and consensus building need to be important components of any initiative in coastal management programs as a step in creating genuine accountability among all stake holders.

- Strategic decision-making
Spending time defining and confirming problems helps ensure that a program is focused on problems important to stake holders and that management solutions yield relatively immediate and measurable benefits.

- Integrated planning and management approaches
Integrated approaches are needed in two dimensions: (1) integration between local resource users and natural resource management agencies (the so-called two-track approach) and (2) a combination of good science and good governance.

- A precautionary approach to management
This principle recognizes that living marine resources and coastal ecosystems are poorly understood and their responses to human-induced pressures are highly uncertain; therefore limits to their use should be established.

Types of Conflicts

The key role of conflicts in the management of coastal resources has long been recognized. As early as 1975, a conference explored ways and means to resolve the conflicting uses of coastal waters and coastal zones (Sibthorp, 1977). This conference had the same structure as many other subsequent meetings and publications on coastal zone management in that it described and dis-cussed each of the (subsectoral) uses and their conflicts, but explored only scientific and technical (substantive, not process-oriented) solutions for resolving them.

An important cause of coastal conflicts is the common property and/or open access nature of a resource, which leads to conflicts over allocation. Sectoral management approaches, which do not take into account the dynamic nature of the coastal system with its many multiple-use values, compound the problem.

According to MacNaughton and Brune (1997), conflicts over sustainable development share certain elements that are not necessarily present in other disputes:

- Multiparty dynamics
- High levels of scientific uncertainty
- Huge economic stakes with high perceived economic upside risk and high perceived environmental downside risk
- A transnational character, with associated procedural and enforcement challenges

Clearly, these elements are also typical for coastal zone and marine resource disputes, which are viewed as a subset of sustainable development conflicts. In addition, coastal management conflicts have a few characteristics that are typical though not unique to them:

- Coastal conflicts that exceed the local scale virtually always involve, at a minimum, a host of overlapping sectoral or subsectoral institutional interests.

- Power imbalances are common, because on one hand the national government typically acts as the owner of marine resources, and on the other, local communities are involved that formally or infor-

mally have been using the resources for many years. In addition, the typical involvement of a host of government agencies also tends to complicate the power structure.

- Coastal conflicts usually have elements of common property or open access resource issues, or both.

Many coastal zones are currently characterized by emerging and unresolved conflicts. In coastal systems, conflicts that appear to be not handled very well by the existing, evolving institutions are caused by a variety of factors. Among them are:

- Large-scale interventions by external investors
- Rapid or sudden development of a new economic opportunity such as tourism or aquaculture
- Slow buildup of a factor that is considered to reach a threshold; for example, an influx of immigrants, a gradual increase in pollutants, or the loss of wetlands
- Changes in a society's perception of how resources ought to be managed, as in "integrated management" concepts, which may be introduced in a coastal area by outside actors

Coastal conflicts in the Latin American and the Caribbean region typically involve (1) rapid change in land use in the coastal zone, for tourism, housing, or aquaculture, for instance; (2) fishing or overfishing; and (3) nature conservation or marine park issues. Under these dynamic situations, new, nontraditional uses tend to conflict with traditional uses of coastal resources. For example, there are (1) conflicts between artisanal fishers and industrial aquaculture over the use of estuaries in Ecuador (Esmeraldas); (2) conflicts over beach access between artisanal fishers and seasonal tourists in Northeast Brazil; (3) conflicts over priorities for use of fresh water for tourism or agriculture in Tobago; (4) conflicts over reef fisheries in Montega Bay, Jamaica; (5) conflicts over the nontraditional sea cucumber fisheries in the Galapagos Islands and tourism operations; and (6) conflict over port expansion and coastal tourism (Northeast Brazil-Recife).

In Curaçao, the conflicts involve both conservation of resources and overexploitation. The government as well as nongovernmental organizations (NGOs) wants to protect a large tract of the coastal zone (in Oostpunt, the eastern tip of the island) and have proposed zoning for environmental protection. The undeveloped state of the coastal zone has also left the reef here in a condition that is close to pristine, but the private owner of the land is prepared to protect his rights to development at gunpoint. On the reef in the Curaçao marine park, overfishing and (illegal) spearfishing have removed virtually all-sizable fish, and enforcement of fishing regulations is very difficult and leads to disputes.

In dealing with open access or common property resources, such as beaches or fishing grounds, ICM is often, though not always, about *collective* action to sustain a *common* interest. As such, its advocates face the challenges typical of all common property and open access resource issues, which are well described in the literature. In dealing with such conflicts, ICM depends on the cooperation of a wide range of stake holders for its effective implementation, while at the same time it undermines their willingness to cooperate by putting the self-interest of different groups against each other and against the collective interest of all stake holders.

Criticism of the approaches used to date in ICM often centers on their top-down, centralized, government-heavy character, stemming from the fact that they are *outcome-oriented and expert-driven* (Davos et al., 1997). Integration, in these approaches, stands largely for horizontal (across sectors) and vertical (across levels) integration of government agencies. Davos et al. state that they reduce the role of the "real" private stake holders to that of giving advice at best, which is a passive approach to consultation but does not contribute to conflict management. In a *process-oriented* approach, stake holders participate in decision making itself in a meaningful way (a participatory approach).

Many organizations working in coastal zones have adopted participatory approaches, but often in the limited sense of consultation procedures within an outcome-oriented, expert-driven approach. This consulta-

tion occurs at stages in the management process when experts have already designed the project alternatives or management interventions. Such participation is not likely to be a major factor in building consensus, preventing conflicts, or resolving conflicts. Meaningful and early participation in coastal management, however, is likely to play a significant if not dominant role in ICM in terms of both prevention and resolution of conflicts. This will have to include early contributions from all stake holders in the design of project or program objectives as well as in the design of project alternatives or management interventions and their implementation. Although it is not explicitly linked to conflict management, the same conclusion is drawn in the IDB *Resource Book on Participation* (IDB, 1997) and the community consultation paper (Schwartz and Deruyttere, 1996).

Factors Affecting Conflicts

Institutions in Latin America and the Caribbean

The cultural and institutional environment in which a society operates influences how its members view conflict and how they respond to it. A key part of successful conflict management in Latin America therefore involves understanding cultural attitudes toward conflict in this region, and, in particular, a political past that has shaped the institutions for dealing with conflicts.

An understanding of power balances and how they operate is of fundamental importance in planning for conflict resolution in Latin America. Until recently, many of the countries in the region were led by a powerful political elite. In such a situation there is little incentive for either the powerful or the unempowered to engage in negotiation over an issue, since the powerful party can use coercion to achieve a solution that is closer to its own interests. Conflict management approaches will work only if the outcome of the negotiation process is better than the best alternative for all parties involved. If a party perceives its own best alternative to be superior to the outcome of a conflict management process, then it has no incentive to participate.

In the recent past in Latin America, some of the stake holders were so much more powerful than others that there was limited scope for negotiated settlements of conflicts. This institutional context is changing significantly as a result of democratization in the region. Institutions have become invested with legal powers, and the public has been invited to become more involved in the decision-making process. The procedures and instruments used in a more democratic process are slowly being implemented.

Nonetheless, the attitude of stake holders in Latin America is greatly influenced by their recent political history. Central government institutions and formerly powerful stake holders have not always changed their ways. Too often the formal institutions see public participation in project development as simply an obligatory step without significant consequences. In other words, they may use, or rather misuse, the process of stakeholder participation to force a predetermined solution more gently. Less powerful stake holders may be suspicious of, or cynical about, the new opportunity for discussion and may use it to bring up old grievances that are not necessarily related to the issues being discussed.

Another way of describing the recent developments is that in general, many central governments in the region have moved from being monopoly actors to being partners in, or regulators of, organizations and institutions in the private sector. Such governments have had to give various assurances to private organizations and include arbitration provisions in contracts or laws. This more positive attitude toward arbitration is relatively new for governments that have traditionally been unreceptive to (international) arbitration. In addition, judges, lawyers, government bureaucrats, and other key actors must change their attitudes and become more accepting of arbitration. As an example of this, Peru has added an article to its constitution clearly stating that arbitration is an acceptable manner of conflict resolution.

Institutionally speaking, Latin America is also influenced by the importance of traditional and indigenous institutions. At a local level these institutions form a legitimate representation of the community, but they often lack the means to represent it effectively at higher levels.

Natural resource management in general, and coastal zone management in particular, has not been an important political focus in most Latin American countries. International and multilateral donors have had a significant influence on the projects being developed in this area. This has often led to situations in which projects are designed to meet the cultural and political objectives of an outside agency, creating a mismatch from the start. A serious problem in the region, which depends at least partly on international funding for improving the management of natural resources, is the nonacceptance or incomprehension of national reality and the ensuing need to change the planning and implementation process to take national interests and cultures into account.

Cultural Aspects

Culturally there are specific characteristics of the region that should be accounted for in choosing and implementing conflict management methods and approaches. One indication of the cultural differences between the Western notion of conflicts versus the Latin perspective can be seen in the colloquial use of conflict terms in the region. The Spanish language contains many terms that refer to conflict; each carries a different nuance and connotation and may elicit a different response (FAO, 1994). Conflict management techniques in Latin America must include an analysis of the roles played by the terms currently used to describe levels and intensities of conflict (FAO, 1994). For many Latin Americans, the word "conflict" (*conflicto*) implies a destructive and often violent interaction between parties. For others, the word refers to a deeply ingrained, complex problem, linked to the profound economic and political crises of recent years in most countries of the region. Like the symptoms of a disease, disputes or conflicts may be manifestations of intractable problems in society. In the Latin American experience, the resolution of a conflict may be ambiguous. The experience of many communities has shown that often resolution of one conflict or problem merely uncovers another issue that in turn needs to be addressed. Problems and issues are "nested" within each other, and the resolution of one creates the conditions for another to emerge.

In a community forestry project that looked at conflict management in Latin America (FAO, 1994), an empirically based Latin American approach to the resolution of conflicts was seen as more likely to consist of a repetition of patterns, cycles, and links between issues rather than a clear resolution of a conflict. For these reasons, and because of the dynamic and subjective nature of conflict, conflict management strategies in Latin America may be more usefully thought of as strategies for productively managing, rather than resolving, disputes.

The choice and implementation of conflict management methods should be influenced by the fact that within Latin communities, seniority—both in terms of age and in terms of knowledge—is highly respected and not easily challenged (Lederach, 1992). Another cultural element to be taken into account is the tendency in the region to take matters under discussion very personally—there is not the separation of business and personal issues that is more dominant in other cultures. Substantive issues tend to be linked to the persons who are either for or against them. This can lead to conflicts that evolve into a stalemate, which can last as long as the leaders remain in place (Lederach, 1992). Likewise, discussions and viewpoints in Latin America tend to be affected by the need to maintain social networks. This implies that the person representing a certain social group might not necessarily act according to the best interests or objectives of this group (Lederach, 1992).

In the long term, the formal institutions may increase their capability to deal with coastal conflicts, but in the short term, explicit conflict management approaches will have to be built into coastal management projects and programs. In addition, the evolution of coastal institutions may itself be a subject for coastal management interventions, for example, the development of improved capacity for conflict management. Other

coastal management interventions may have as a goal the resolution or cost-effective management of long-standing coastal conflicts in complex areas. Examples of such ICM projects can be found around the Gulf of Fonseca, where persistent conflicts have long prevented any form of sustainable coastal management.

Conflict Management

While conflictive situations are, generally speaking, unavoidable, contracts do have a cost. Even if the final outcome—the project that is developed, or the resources that are managed—is the same with or without conflict, conflicts increase transaction costs considerably. These increased costs may consist simply of increased project preparation time, or the time and energy of resource managers that would have been more productively spent on other activities. In addition, conflicts can easily lead to suboptimal solutions in the form of investments that are not made (with associated opportunity costs) because of unresolved conflicts. The costs may also take the form of resource overutilization, overexploitation, and subsequent degradation owing to a failure to agree on the wise use of open access resources. The former is often the case on land in coastal zones, where disagreement among stake holders can prevent implementation of potentially beneficial developments. The latter is typical of problems in coastal waters, with fisheries for instance, where failure to achieve viable management can, and often does, lead to the collapse of fish stocks.

Conflict management is not always needed. All societies develop institutions to deal with conflicts, including formal systems with written laws upheld by courts, as well as informal norms and traditions guarded by village elders or headmen. It is also true that individuals can carry out multiobjective bargaining without assistance. However, as the number of stake holders grows and as the issues become more complex, more of these negotiations break down, leading to long-term conflicts, hardened positions, and a general lack of cooperation.

The benefits of conflict management will depend on the type of project and the type of conflict. Conflicts can either be preexisting (and can even be a primary cause of ICM problems) or result from planned interventions and/or development projects. In a coastal zone, construction of a major international seaport will probably always displace other uses, and conflict management may not be able to affect those conflicts significantly. On the other hand, the favorable outcome of multiple-use coastal zone development projects, where the objectives of fisheries, tourism, and environmental protection are expected to be realized in conjunction, may depend on effective conflict management.

The benefits of conflict management, both as part of project preparation and as a component in its execution, can include the following:

- Effective community consultation, early on in the project cycle, not only creates ownership for the project, but also plays an important role in preventing conflict. Conflicts that occur during project preparation are costly in terms of delays as well as in projects that are not approved as a result of conflicts among the stake holders.
- When conflict management is an explicit element of project preparation and/or a project component, the projects or programs can contribute to resolving preexisting conflicts among stake holders and/or can anticipate the emergence of new conflicts.
- Effective conflict management during project execution can prevent delays during execution as well as suboptimal project performance caused by conflicts among the stake holders.

It should be noted that the greater part of the conflict resolution literature deals with international conflicts, international treaties, and commercial and labor disputes. Manage-ment of environmental conflicts is a more

recent branch of the profession, but often focuses on global or international issues (e.g., Susskind, 1994). There are some authors who focus on environmental issues in public policy (e.g., Gamman, 1994), but on

the whole the literature that deals with such issues is scattered over a range of journals, and is not easy for coastal managers to find. Sorensen and McCreary's well-known text on coastal management institutions (1990) does contain a brief section on managing conflicts, particularly through mediation, and this same text is the source for a brief section on conflict resolution in Clark's (1996) ICM handbook. On the whole, however, conflicts are more described than dealt with in the ICM literature. The next chapter provides a framework for choosing and applying conflict management methods to ICM projects.

3.   CONCEPTUAL FRAMEWORK FOR CONFLICT MANAGEMENT IN ICM

Conflict Management: An Introduction

Conflict management is about helping people in conflict develop an effective process for dealing with their differences. A classic book on conflict management opens with:

All societies, communities, organizations, and interpersonal relationships experience conflict at one time or another in the process of day-to-day interaction. Conflict is not necessarily bad, abnormal, or dysfunctional; it is a fact of life (Moore, 1986).

The problem lies in how conflict is managed. The approach to conflict management that Moore and many others in the field propose recognizes that the parties in a dispute have different and frequently opposing views about the proper solution to a problem, but acknowledges that each group's views, from the group's perspective, may be both rational and legitimate. Thus, the goal of people working in conflict management is not to avoid conflict. Instead, the focus is on developing the skills that can help people express their differences and solve their problems in a collaborative way.

The general reason for attempting a voluntary, collaborative approach is that it is often very costly, if it is at all possible, to resolve disputes through the courts (because both sides have to hire lawyers and other outside experts) and such proceedings can lead to substantive delays or outcomes that are unsatisfactory to at least one of the parties involved. While the judicial system is specialized in finding legal, fair, and equitable solutions that fit the legal framework and are well grounded in precedents, where possible, it is not necessarily very good in finding creative solutions that best fit the interests of all parties. In other words, the purpose for using alternative approaches to resolve disputes is that they may be faster, cheaper, and more effective than legal procedures. In other situations, where legal action may not be an option, the alternative of not finding a solution at all may also be costly, if only in terms of opportunities lost.

The emphasis on the word "voluntary"—or mutually agreed upon—refers to the fact that conflict management approaches will work only if all parties to a conflict are convinced that they will be—or at least may be—better off by participating in resolution attempts than they would be otherwise. This implies that as long as one of the parties involved feels that it can force its own solution, or could obtain a total victory at acceptable costs through the courts, or would actually benefit from a stalemate (no action), conflict management approaches will not work.

In conflict management terminology, this concept is referred to as BATNA, the best alternative to a negotiated agreement. As long as any of the parties in a conflict perceives its BATNA to be superior to participation in a conflict management approach, it may refuse to participate in such a process. One party's decision not to participate does not necessarily mean that conflict management is impossible. It depends on whether that party controls resources that are essential to dealing with the conflict or has effective "veto power" over an agreement that the other parties might reach. In any case, conflict analysis should carefully analyze the BATNAs of the affected parties. On the other hand, where parties in a conflict have fought long and hard, but have reached a stalemate, the time may well be ripe for a more collaborative approach that works to convince the parties that it is in their own self-interest to participate in a mediated discussion.

In this paper, conflict management is used as an overarching term for both conflict prevention, or consensus-building approaches, and conflict resolution approaches. The latter group is also often referred to as alternative dispute resolution (ADR). For some authors, ADR is typically linked to the approaches developed in the United States, where it is relatively common, while for others it is synonymous with conflict resolution. The broad definition of conflict management used here includes the full range of methods and approaches.

There is an extensive literature on conflict management technologies and approaches that can be consulted. A basic reference (Sandole and van der Merwe, 1993) is based on the experience of the staff and participants at the Institute for Conflict Analysis and Resolution at George Mason University in Fairfax, Virginia. The Society of Professionals in Dispute Resolution is composed of practitioners in this field. The U.S. Congress recently recognized the contribution of conflict management in resolving environmental issues by authorizing the Morris K. Udall Foundation to establish the U.S. Institute for Environmental Resolution. This institute is to assist the government in implementing the assessment provisions of the National Environmental Policy Act and to provide mediation in environmental impact assessment (EIA) disputes.

This report contains a broad overview of conflict management approaches as way of introduction. The glossary following Chapter 9 defines the terms used in this discussion.

Conflict Assessment

A crucial first step in any conflict management approach is an assessment of the conflict, which is not unlike an analysis of stake holders in a community consultation approach. The central idea is that an analysis of a particular coastal conflict in terms of the factors to be discussed later will provide insight into the appropriateness of alternative approaches to its management. That is, the assessment will provide guidance as to whether a particular approach is more or less suitable and may also be helpful in determining whether a particular approach is likely to be successful.

There are four main factors that need to be analyzed in determining the scope, nature, and stage of an ICM conflict:

- Characterisation of conflict and stake holders. This factor relates to the type of conflict encountered, the number of stake holders, and the relationships among them. It looks at the nature and origin of the conflict as well as the balance of power among the parties.

- Stage in the project cycle. This factor recognises that conflicts at the project identification stage—when the focus is on identifying and evaluating options—are likely to require different approaches than conflicts that relate more narrowly to the implementation of a project, such as interpretation of contracts. Not all conflicts need to be clearly linked to a project cycle, but for the purposes of this discussion we will focus on those that arise during the early stage of a project cycle. It should also be recognised that projects may attract additional stake holders, in which case it might be necessary to reassess the previous conflict analysis and the approaches adopted. This requires that the project design be flexible enough to deal with the changed circumstances and/or include a conflict management component.

- Stage in the conflict process. Conflict assessment is intended to be helpful in determining whether a conflict is at a point at which interventions may be accepted.

- Legal and institutional context. The existing institutions (formal and informal, government as well as traditional or tribal) and the manner in which conflicts are resolved through those institutions are also likely factors in determining the applicability of conflict management approaches. This may refer to formal legal doctrines that are dominant in certain regions of the world, such as the Calvo doctrine used to be in Latin America, as well as to cultural attitudes such as the importance of "saving face."

An analysis of these four factors is intended to increase insight into the nature, scope, and stage of ICM conflicts, as well as the environment in which these conflicts arise and are dealt with. In this respect the first three factors can be thought of as *endogenous* to the conflict, describing the conflict itself, whereas the fourth factor is *exogenous*, describing the context of the conflict.

Of the three endogenous factors, the first can be thought of as static, whereas the other two are dynamic or time dependent. That is, the first factor is thought of as describing the nature of the conflict and the stake holders involved in terms that are likely to remain constant throughout the conflict, whereas the other two are likely to change over time.

Typology of Conflicts

The first factor in conflict assessment relates to the sources, levels, and types of conflicts confronted by coastal communities and the relationships among the parties to the conflicts. Identifying the sources of conflict allows concerned groups to address the underlying causes of a problem, rather than merely its symptoms. Determining the so-called level, or levels, at which a conflict takes place involves analyzing whether there are clear objectives, which parties or stake holders are involved, what their relative power in the conflict is based on, and what alliances may be possible. Finally, an examination of both the causes and levels of conflicts may suggest a useful typology as an indicator for conflict management interventions.

Generally speaking, conflicts can be categorized into four groups (Priscoli, 1990; Moore, 1987), based on the central critical situation or cause of the conflict at issue, as follows:

- Data or facts. Conflicts over data or facts are familiar to scientists or engineers. These types of conflicts can be resolved in an objective way by obtaining additional data, carrying out more studies, etc. Examples related to coastal management are conflicts over fishing quotas among countries, where solutions are based on an assessment of the available fish stock. To this end, committees of scientists have been established for most important fish stocks to first develop joint (scientific) assessments of the available resource and then pass on recommendations on fishing quotas to the political levels. (Relying exclusively on a biological assessment of stocks, however, does not take into account the economic, enforcement, and political issues involved and may in fact result in overexploitation.)

- Needs or interests. Conflicts over needs or interests are at the heart of every planning conflict. Such conflicts may occur over sharing the benefits of projects, choices in the allocation of resources, or the financing of external costs. This type of conflict is the focus of conflict management approaches. Examples include:

  − Commercial fishing fleets competing with local artisanal fishermen for the same fish stock
  − Conservation projects (e.g., the establishment of a marine protected area) that conflict with alternative uses of the same area (fishing, tourism)
  − Tourism, residential, or harbor development projects that displace the current users of the same area
  − Aquaculture development that utilizes fresh water and land resources, degrades water quality through discharges, and thereby negatively affects other users

- Values. Conflicts over values, where values can be defined as deeply held beliefs, are not amenable to negotiation or other conflict resolution techniques (MacNaughton and Brune, 1997; Priscoli, 1990); this is likely to have a counterproductive effect. Rather, what can be done is to see which parts of the conflict can be reformulated or reworked into (negotiable) conflicts of interests, in order to minimize the true conflicts over values. Here the only solution may be to agree to disagree. The most common, or at least well-known, value conflicts are between people who want to develop coastal resources for immediate, economic benefits (tourism) and people who want to conserve those same resources for fu-

ture generations (by establishing marine reserves). Value conflicts can also dominate when different ethnic or cultural groups are involved.

- Relationships. Conflicts over relationships (e.g., those caused by personality conflicts between representatives of stakeholder interests) are common (and should be distinguished from the other types), but they are relatively easily resolved through, for instance, mediation by neutral third parties. In Latin America, where substance and persona are often closely linked, these types of conflicts are a characteristic of many disputes. Once leaders have staked their personal reputation on a certain project proposal, businesslike negotiation may become impossible.

With respect to the clearness of solutions, conflicts can be defined as simple or complex, or alternatively, well defined or ill defined (also called "fuzzy"), as follows:

- Well-defined conflicts have sharp boundaries and the constraints are sharp and well defined. Typically, clear solutions to the problem exist.

- Ill-defined conflicts, on the other hand, have unclear objectives; important variables are not quantifiable and the values held by the parties in the conflict may not be clearly defined. As a result, it may be very difficult to identify feasible solutions.

Conflicts may also contain aspects of both well- and ill-defined problems. Generally speaking, well-defined conflicts can be viewed as a subset of ill-defined or fuzzy conflicts.

Relationships among stake holders can be classified as unitary, pluralist, or coercive:

- A unitary relationship refers to conflicts where a (probably small) number of stake holders have similar values. The parties to the conflict are likely to agree on objectives, but may still have conflicts of interest.

- A pluralist situation, on the other hand, is a situation where stake holders do not agree on the underlying values, or do not share each other's value systems. In a pluralist situation, none of the stake holders dominates, however, and therefore the parties to the conflict have to reach a compromise on objectives and values.

- A coercive relationship among stake holders describes a situation in which the parties do not share a common value system, but one of the stake holders is powerful enough to make its own value system dominant (and coerce the other stake holders in accepting it). As noted earlier, whenever one party is much more powerful than the others—as used to be the case very often in the region —there is a coercive relationship among the stake holders.

The balance of power among the parties involved is an important issue in all conflicts and in the application of conflict management techniques. Imbalances of power are not conducive to an even-handed negotiation climate. Stalemates and long-drawn out procedures are more likely and the need for an external party to facilitate or mediate is likely to increase as imbalances grow. At the same time, as power balances become more uneven, less powerful parties may be coerced into accepting the best alternative to a negotiated agreement of the powerful party. Unfortunately, imbalances of power are the norm rather than the exception and are likely to be an important element in most conflicts. This implies that in situations where there are considerable power imbalances, conflict management approaches will need to include (or be preceded by) safeguards to guarantee the weaker party a fair deal.

Using the conflict typology of this section, it is likely that ICM projects will lead to ill-defined conflicts with pluralist or coercive relationships among stake holders. Coastal management conflicts are usually multi-issue, multiparty conflicts as well, which adds to the complexity of dealing with them. The management approaches that are appropriate—consensus building, relationship building, and procedural and sub-

A				C	B
Consensus building	Relationship building	Procedural assistance	Substantive assistance	Advisory nonbinding assistance	Binding assistance

stantive assistance—leave the responsibility for identifying and negotiating resolutions as much as possible with the stake holders themselves. The assessment process will indicate situations where outside assistance should be as "local" as possible and where heavy emphasis should be placed on procedural rather than substantive assistance.

The Continuum of Techniques

It is quite common in the literature to present conflict management techniques on a continuum of increasingly directive interventions. The continuum moves from an extreme that leaves all initiative and authority with the parties themselves toward increased involvement and eventual interventions by third parties that provide assistance. This continuum is shown in Figure 1. The involvement of third-party assistance increases from point A to point B.

At point A, the parties to the conflict negotiate a resolution without assistance, as is the case for a host of everyday conflicts, large and small. At the other extreme, point B, the parties hand over their case to a third party (e.g., a judge), who evaluates the case and makes a decision that is binding on the parties. Between these points there is a range of techniques that generally all have some elements of relationship building, procedural assistance, and substantive assistance or advice giving, but with major differences in emphasis.

A crucial point in the continuum is point C (Priscoli, 1996). Going from A to B, the parties to a conflict gradually give over the power and authority to settle the conflict to outside parties. Roughly at point C the power to resolve the conflict moves into the hands of outside parties. This is crucial because different relationships and communication patterns are established to the right than to the left of point C. To the right of point C—third-party decision making by judges, juries, expert panels, or arbiters—the primary communication is between the parties and the third-party decision-maker. Each party presents its own case as well as possible and to the detriment of the other party as much as possible. Information is legitimately withheld and creative, new win-win solutions are not very likely. It is appropriate that society has decided to resolve some types of conflicts, such as criminal cases, exclusively through approaches that are in point B. For labor and commercial disputes, approaches to the right of point C are a cost-effective alternative to the judicial system. However, these types of methods are less well suited to dealing with multiparty, multi-issue conflicts.

To the left of point C, parties are assisted to communicate directly with each other, jointly diagnose problems, create alternatives, and buy into agreements.

It may appear obvious that procedures to the left of point C should be attractive for coastal management, where conflicts are complex. And indeed, this is what much of the conflict management literature recommends. The essence of the main groups of approaches is outlined below.

- Consensus building or conflict prevention. This group of approaches, which are often linked to participatory planning methods or stakeholder participation, fo-cuses less on the resolution of a specific conflict than on fostering a cooperative (planning) process for complex, multi-issue, multiuser situations.

The name consensus building should not be understood to imply that these approaches are suitable only when there are no conflicts of interests among the parties. In fact, these methods often work well even when the stake holders disagree strongly with each other. Consensus-building methods are appropriate in early—strategic—stages of the planning process, to develop directions or strategies that are supported by a large number of stake holders.

- Relationship building. A relatively "light" form of intervention is when outside facilitators arrange some activities to (re-) build a working relationship among the parties where this does not exist or has deteriorated during the conflict. This leaves the responsibility for the conflict resolution process (i.e., identification of solutions and negotiations to achieve them) to the parties themselves.

- Procedural assistance. Facilitators or mediators may assist the communication process among the parties in conflict. This procedural assistance can range from joint brainstorming sessions to transmitting information back and forth. When providing such assistance, the facilitators explicitly do not involve themselves in the substantive issues, and do not suggest solutions or negotiating positions. The responsibility both for designing solutions and for finding agreement remains with the parties in conflict.

- Substantive assistance. Mediators can also involve themselves in fashioning solutions, that is, they can provide substantive assistance as well. In this case the parties share with, or turn over to, the mediator responsibility for identifying the solutions, but maintain direct communication among themselves and retain the authority to determine what constitutes an agreement.

- Advisory nonbinding assistance. This type of assistance, which is often in the form of arbitration or expert panels, shifts the bulk of the authority over the conflict (i.e., determining a solution and recommending what is "fair") to outside experts. The communication is between the arbiter/panel and the parties. The parties retain the power to accept or reject the recommendations.

- Binding assistance. Binding assistance, through arbitration or judgement, passes authority for resolving the conflict completely over to the outside party.

The term "outside experts," as used here, refers to parties not involved in the conflict; it does not refer to "outsiders" such as international experts. Outside, or external, parties should not be stake holders in a conflict and should be accepted by all sides as sufficiently neutral. In fact, in most cases there are many advantages if the "outside" facilitator or expert knows the culture of the area and the background of the conflict well and if the parties in conflict respect that person or institution. That is, usually "local" facilitators, if they are sufficiently detached from the conflict to be accepted as neutral, would be more suitable than "non-native" experts. Situations are also imaginable, of course, where an international outsider may bring to the conflict experience from elsewhere or an impartiality that makes him or her more acceptable than a local person.

At the proactive end of the continuum of techniques, there is the objective of fostering productive communication and collaboration among diverse interests and addressing the underlying causes of conflict before the outbreak of serious confrontation. This employs "tools" such as conflict anticipation and collaborative planning (together with the cultivation of alliances and mobilization of support), in order to effect change at the policy level (these are also called consensus-building techniques). At the reactive end of the continuum are approaches to managing conflict that involve such tools as negotiation, mediation, and conciliation, where the objective is to address conflict after it has erupted (Anderson et al., 1996).

Conflict Stage and Intervention Method

A conflict is a dynamic phenomenon. Typically it progresses from initiation to escalation, controlled maintenance, abatement, and termination/resolution (Sandole and van der Merwe, 1993). There are gener-

ally four stages to every conflict. These are shown below with the most appropriate management intervention.

- Potential or dormant conflicts (consensus building / relationship building)
- Erupting conflict, with positions being developed (range of options, depending on nature of conflict and relationship among parties)
- Evolving conflict
  - evolving toward a stalemate (mediation or arbitration)
  - evolving toward resolution/abatement (no assistance or facilitation)
- Resolved conflicts (depends on situation)

Parties to a dispute must first decide whether to seek resolution to a conflict through a nonconsensual process or through more collaborative means. Once the decision has been made to use alternative conflict management processes, the parties must decide on which approach to employ. No single approach is effective in all cases. The circumstances of conflict and therefore the obstacles to agreement vary from one case to another. As discussed earlier, disputes may involve many parties or only a few; the problem may be more or less urgent; the emotional investment of the stake holders may vary; the public interest may or may not be at stake; and the factors involved may be well understood or more uncertain. Gaining expertise in conflict management includes learning about the specific advantages and disadvantages of the various strategies, and assessing which one is best for addressing a particular conflict situation (FAO, 1997).

It is important to recognize that although there are considerable differences among the approaches that can be employed, there are also important overlaps. Most approaches will involve some element of relationship building, procedural assistance, and possibly substantive assistance or advice as well. The use of conflict prevention, or consensus building, approaches—on one side of the continuum—does not imply that there have not yet been conflicts between the parties. Similarly, the use of arbitration—on the other side—does not imply that it will not be more effective if the arbitrator manages to get the parties to cooperate as much as possible.

When neutral parties are used, much will depend on the qualities and experience of the person or persons chosen. This implies that the choice of method will not be independent of the outside party employed.

Legal, Institutional, and Cultural Contexts

Resolution and management of conflicts has been practiced ever since people lived together. Therefore, experience exists that should be respected. The recognition of traditional ways of managing conflicts will contribute greatly to the effectiveness of the method chosen. In general, the following customs can be distinguished: (1) deference to seniors, or people with knowledge, (2) management via tribal hierarchy structures and management traditions, and (3) acceptance of third-party involvement. Depending on the involvement of other stake holders, relationship building and procedural assistance might be necessary, but should respect the traditional organization.

Attitudes toward compromise, consensus, or mediation vary. In some societies, reaching a consensus or a compromise by listening to other stake holders implies losing face. In these cases, alternative methods will either be ineffective or require more effort in relationship building. Another issue in applying conflict management methods may arise when arbitration from outsiders is not accepted. This implies that methods such as procedural and substantive assistance, as well as nonbinding and binding arbitration, can be less effective than usual, unless well-accepted local conflict managers can be found.

Limits and Risks of Conflict Management

The process of consulting with communities as part of conflict management carries risks of its own. Consulting with affected community groups raises their expectations about their involvement in the develop-

ment process. If this consultation is not a genuine effort, when the community members realize it is a show, they will become bitter and may be unwilling to participate in future projects (Schwartz and Deruyttere, 1996).

Also, as with community consultation, explicit conflict management entails initial financial, time, and opportunity costs that cannot always be shown to be effective because it may not be possible to prove that such expenditures prevented conflicts that would have delayed a project. The costs of conflict prevention and consensus building overlap to a certain extent with those of community consultation; for example, stakeholder analysis and identification of appropriate representation will be necessary for both. The conflict management process can be very demanding of time and resources, and divert these from other projects, including some that may have greater potential for mobilizing opposing forces. This is particularly true when the conflict relates to fundamental issues of principle that are not open to compromise.

As indicated, a risk of conflict management procedures is that they may allow a powerful stakeholder to capture the process and use it to coerce the other stake holders to accept its position, under the guise of a democratic-looking procedure. This can only be prevented by creating conditions that are favorable to fair settlements as a precondition of the conflict management process. In particular, it is essential that stake holders involved in a conflict resolution/consensus building process agree on the mandate of the group, identify issues that are on the table for discussion and those that are not, set clear ground rules (especially on the kinds of unilateral action that stake holders can take away from the table during the process) and set clear decision rules (what happens of the group cannot reach consensus on an issue).

Stakeholder groups, especially at the community level, often do not have as much relevant substantive expertise or skills for complex, multisided negotiations as those in industry and government with whom they are often negotiating. Also, the potential for representatives to lose touch with their constituencies as agreements are being worked out is considerable (Crowfoot and Wondolleck, 1990; Bidol et al., 1986).

Another risk is that the process of conflict management may bring out latent disputes that might have remained under the surface, at least temporarily. Conflict management might, for instance, reveal interagency conflicts that would have remained hidden if a single agency had been allowed to determine the agenda.

A limitation of conflict management is that it cannot resolve all disputes. Conflict management can only ensure that all alternative options are explored and that the parties in a conflict do not persist in holding differences that are the result of misunderstanding and that have no basis in reality. Some practitioners of conflict management promote the view that environmental disputes are simply the result of misunderstanding and miscommunication, rather than recognizing the deeper underlying conflicts of interest and values. However, in cases where the conflicts in values are real and no compromise solutions are possible, or some parties are unwilling to accept compensation for damage incurred by a project that would bring major benefits to another party, then there are limits to what conflict management can achieve.

Preconditions for Successful Conflict Management

As with community consultation, the first precondition for success is a favorable policy environment. The Bank and other multilateral organizations respect the sovereignty of the borrower and do not have a mandate to involve themselves in "internal" conflicts. This implies that the IDB can have an active role in conflict management only if the borrower shares the objectives of such an activity.

A second precondition is that the balance of power among the stake holders involved in a conflict must not be too uneven. If a particular stakeholder is able to coerce the others, or if the conflict management process cannot be designed to protect stake holders' rights, then any attempt is likely to fail. The balance of power may be redressed if there is genuine political will to do so on the side of the borrower. This could be done by aiding the weaker party in its representation (similar to the right of an indigent defendant to a lawyer in

a court of law) through training or the employment of independent (binding or nonbinding) arbitration. In general, an independent mediator can have a neutralizing effect, to a degree, by ensuring fair rules of discussion and negotiation.

Experience shows, however, that there are a variety of strategies that can address power balance problems and help empower community and stakeholder groups. Skills tend to be learned relatively quickly by engaging in the process itself. Facilitators can contribute to this by adopting a forthright posture of protecting the weak, and community groups may employ a strategist to help them through the process. Programs that provide training for stakeholder representatives, such as the U.S. Environmental Protection Agency's 8-hour training sessions for its Negotiated Rulemaking Project (Sirianni and Friedland, 1995) could serve as models for similar courses in Latin American countries.

4.   CASE STUDY: BAY ISLANDS, HONDURAS

Current and Possible Management Conflicts

The Bay Islands constitute a province (department) of the Republic of Honduras located in the Caribbean Sea on the north shore of the country. This province is composed of three main islands (Roatán, Guanaja, and Utila) and several small keys and islets.

Historically, the Bay Islands have had an English culture, being originally colonized by British settlers during the 1800s. Although the population has been traditionally English speaking, there are also other cultures present. As far as the main stake holders are concerned, there are several community types that can be easily identified. These are white settler descendants (Roatán, Guanaja, and Utila), black Garífuna communities, ladino immigrants, North American expatriates, new tourism investors, and government representatives. All these groups interact, depending on the political circumstances and the investment opportunities that arise.

Economically, the Bay Islands traditionally have been a fishing community, having over many years dedicated themselves to the industrial fishery of lobster (*Panulirus*), shrimp (*Peneaus*), and conch (*Strombus*) for the export market, mainly the United States. This activity started in 1960 with the organization of Honduran companies based in the Bay Islands. It grew very quickly during the 1960s and as a result during the late 1970s there was a visible decline in production (Perfil Ambiental de Honduras, 1989); this amounted to 50% between 1974 and 1983 (Halcrow, 1983).

During this time, an interest in the international tourism industry started developing in the islands. Things were quiet between 1970 and 1980, but by the mid-1980s there was a marked national interest in this industry. During 1982[1] the Honduran congress established four tourism zones in the country, the Bay Islands being one of the important ones. During the 1990s the congress approved a law to promote this industry and provide incentives for tourism.

An important issue that is related to the protection of the coral reef and oceanic resources on the islands is waste management and sanitation. Today the Bay Islands do not have a system in place that can adequately take care of the waste generated by all the activities mentioned. Based on electoral censuses, the population of the islands was estimated at close to 50,000 in 1996, a doubling in 4 years (R. Merren, per-

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[1] Ley para el Establecimiento, Planificación y Desarrollo de Zonas Turísticas en el Acuerdo No. 312 de Noviembre, 1982.

sonal communication, 1998[2]). This growth has resulted in a need for improved water and sanitation as well as resource management in general.

Sir William Halcrow and Partners were hired in 1981 to prepare a study to determine the capabilities and limitations of the system to support and promote tourism on the Bay Islands. Out of these and other initiatives to prepare a master plan for tourism in the Bay Islands, it became increasingly clear that the real need was for an environmental management program. In 1991, the IDB and the United Nations Development Programme (UNDP) supported the preparation of studies by the Commission for the Bay Islands. A second set of complementary studies headed by a Central American team (together with the Central American office of IUCN) began a consultation process on the islands in 1993. These activities resulted in the approval in 1995 of the IDB-supported Bay Islands Environmental Management Project.

This IDB-funded project is probably a very good example of coastal zone conflicts because it addresses different interests and stake holders in the Bay Islands. Here three main elements can be identified: fisheries issues related to resource management, tourism issues related to different resource uses and interests, and conservation issues that bring the other two issues together into a set of proposals to address the resource management issues, including water and sanitation.

Issues

Fisheries

The general decrease in fisheries throughout the Honduran Caribbean, both in the artisanal and industrial sectors, has led to increased pressure on the fisheries resource by local artisanal as well as industrial fishermen. This increase is obviously intended to maintain acceptable levels of profit. A good example can be drawn from the keys off Utila, where fin fish are traditionally captured using simple line equipment, fish traps, and spear guns. The use of multiple types of fishing equipment and methods has led to conflicts among fishermen competing for the same resource. The only consensus is that captures have decreased significantly. There are no data that can be used to evaluate the extent of the problem and to establish some standards. Biological and oceanographic data are also lacking, making it even harder to estimate the size of the problem. No control has ever been established for the number, size, or destinations of the boats in the artisanal sector, further complicating the issue.

The presence of the fisheries authorities on the islands has been rather scarce and this has led to lack of control in all fishery operations there. In the past, there have been several sporadic attempts to put government observers on the industrial boats during their fishing operations, but no regular program has been established, and the amount of data collected does not reflect the problem that exists. Because of this, the data are partial and segmented, making it difficult to draft regulations that make sense from a resource management perspective.

The same is true for the artisanal fishery. Because this kind of fishing is generally done by individuals to obtain subsistence, it is difficult to collect statistical information. There are two main types of artisanal fishery. One is the subsistence fishery carried out mainly by the people close to the shore, mostly in the reef lagoons and close to the reef wall. They fish here mainly because the reef protects the small craft from the rough seas. The other type is done by somewhat larger boats that can go further out in the ocean. However, these boats can stay at sea only a day or two at most. This kind of fishery is done by the fishermen located mainly in Utila. In both cases, activities to protect or conserve the reef and its resources, which imply restrictions on the access or use of these resources, create an issue among the different actors involved.

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[2] Correspondents are identified in full at the end of the list of references.

Tourism

The tourism sector on the Bay Islands has been a relatively small component of the economy until very recent times. As mentioned, it was the law providing incentives for these investments that opened up this sector on the islands. The ensuing activity has resulted in changes in the communities and people in different ways.

Before tourism became an important sector, most of the traveling and transportation between the islands and within the islands was done using a well-established water transport system. Once tourism became an economic interest, things started changing very quickly. First, a good road was needed to transport the tourists. Then, once the flow of tourists started, a new airport was needed. Both of these became a reality in a short time (1990–1995).

There are several important physical factors that affect the tourism industry. Roatán, the largest of the islands (approximately 45 km long by 3 km wide), has very little beach area. Most of the coast is rough, consisting of reef and mangroves. The only beaches of any significance are located in the westernmost end (West End and West Bay) of the island and near the easternmost side (Port Royal and Camp Bay). Potable water is very scarce; there is no surface water and most of the supply comes from wells. Although they have been mentioned in several studies in the past, these factors have not been adequately considered in planning, and the tourism industry has grown without regard for them.

Even though tourism in this area is not oriented to sunshine and beaches, but to clear water and beautiful reefs, conflicts have arisen. One of the main conflicts has been the alienation of the island communities by the relatively large resorts. This alienation has occurred in several ways. Among the most visible are the pressure and displacement of traditional community lands, fishing sites, and access to ocean resources. Since the tourism sector is selling beautiful scenery to the tourists, the operators believe that they have to keep the fishermen, communities, and lifestyle of the Bay Islands away from the tourists. As a result, the rest of the inhabitants do not share the economic benefits of the tourism sector. This conflict has been building since 1993. Today, hotels and resorts have an estimated 1400 rooms and it is anticipated that by the year 2000 this number will reach 2000.

One sector that appeared on the scene in 1997 is the Caribbean cruise industry, which is now landing ships on Roatán. In 1997 two boats a week were landing on the island and an estimated 200 to 250 tourists from these boats were taken to the western side of the island for a day of recreation (sea kayaking, snorkeling, sun bathing, barbecues, and horseback riding). Given the small size of the islands, these tourists are competing for a resource (the beaches) that is very limited. At the same time, the tourism industry encourages the immigration of nonislanders, who run the cruise tourism facilities.

Conservation

The issues related to conservation are many and varied, but an important one is the organization and implementation of a marine protected area for the Bay Islands. The history behind this issue stems from the fact that in 1990, a municipal marine protected area called Sandy Bay was declared a marine park. This was an initiative by a local NGO organization called the Bay Islands Conservation Association (BICA). This group has the support of several important investors and tourism operators that cater to the international diving community. The idea was to protect the reef system from overfishing and related threats. One approach used to control poaching and illegal fishing was to try to include local fishermen in the protection scheme, changing use patterns among local residents.

Even though incorporation of local fishermen did occur, obviously this did not include all of them, and resentments and conflicts arose from this situation. In addition, since the fisherman acting as guards came from the same families and were friends of the fishermen who were not incorporated in the protection scheme, it was very difficult for the converted fishermen to do a good job of stopping illegal fishing. This

prompted the promoters and managers to bring in people from outside the community, which further aggravated the issue.

The marine protected area received the support of all the local residents who were involved with tourism in any way (hotel owners, dive shops, etc.). This reflects the way the social system is organized on the islands. In general, the "white" English-speaking part of the community is the affluent section of society. Therefore, when restrictions on resource use are established, with a "conservation" title on them, the immigrant and black communities see this as a socioeconomic form of oppression. These communities feel that they are not receiving any benefits from "conservation" because tourists and tourism operators are the only ones using the resource and obtaining income from it. Different members of the communities expressed this view during the public consultation part of the IDB environmental study carried out to prepare the feasibility study for the Bay Islands Environmental Management Project (Bioconsult and ORMA /IUCN, 1994).

Water Supply

As mentioned earlier, the Bay Islands have not been a major center of attention for the central government, and the local governments have only recently been able to strengthen their capacity. Because of this, water supply and sanitation have received more attention only since the 1990s. This was mainly because of the risk posed to tourism activity, especially after a cholera outbreak in the country.

In the past, water has been provided by wells drilled by a local company. These wells have been drilled on private property without any kind of regulation. This was acceptable because the population was small. As the population grew, and demand for water increased, the number of wells increased also, and this has put a lot of pressure on the aquifers.

For more than 15 years now, since the study done by Halcrow and Partners, a demand has existed for a study to determine the capabilities of the freshwater aquifers of Roatán (Halcrow, 1983). There is anecdotal evidence of salt intrusion in some of the new wells and also in some of the older ones. Even though there is a precipitation regime of almost 3000 mm/year, this resource is scarcely used. Very few systems are in place to harvest rainwater for household consumption. One notable exception is the French Harbor Yacht Club (a hotel), which has a collection system and stores water during the rainy season in a large underground container for use by the hotel.

Sewerage and Sanitation

In terms of sewerage and sanitation, until recently the problem in the islands has been relatively innocuous considering the size of the population. As population grew in all the islands, the disposal of both sewage and solid waste became a problem. Because Roatán is a larger island, the problem was not very noticeable, owing to the population spread and the diluting power of the ocean. The other islands, especially Guanaja, which have a more concentrated population (although not necessarily a larger one), present a different situation. Here the houses and the outhouses are constructed directly over the water. In fact, most of the city is constructed over the water.

The IDB-funded project includes a strong component of water supply and sanitation, consisting of:

- A hydrogeologic study to determine the size and capacity of the freshwater aquifers for the island of Roatán
- Construction of a potable water supply and a sewer system for the three main towns on Roatán (Coxen Hole, French Harbor, and Oak Ridge). (Because these towns are inland, construction of water and sewer systems is considered feasible. Such systems would be too expensive for the users on Utila and Guanaja because of the way the towns grew.)
- Construction of a sanitary landfill for the island of Roatán for solid waste disposal

A necessary element of this construction is the need for tariffs to support the water and sewer system. However, most of the townspeople are not in agreement with the idea of tariffs. Even though there have been meetings and presentations regarding the water and sewer construction and the resulting costs to the islanders, most people do not agree with the idea of tariffs and user fees, partly because they have no past experience of them.

The persons most interested in the project are the tourism operators (restaurants, hotels, resorts, etc.) and those who have been exposed to such services in other places (expatriates, higher-income families). For them, the resulting tariffs and user fees that are to be introduced as part of the project are not necessarily a major concern because these costs can probably be passed on to tourists and visitors.

Eventually, after a couple of presentations and meetings, such as those held in Oak Ridge and Coxen Hole in 1995 (although it is not clear whether there was sufficient representation of all the parties involved), the townspeople "accepted" the need for a tariff, but no specific amounts or numbers were presented. To make the system self-sustaining, the tariffs must be relatively high, considering the income of the townspeople. The amount for the water and sewer tariffs has not been decided upon or presented.

Existing Legal and Institutional Management Structures

On March 30, 1982, the Ministry of Culture and Tourism (SECTUR), acting under Decree No. 087, which promulgated the law for establishing, planning, and developing tourism zones, declared the Bay Islands a tourism zone. The Superior Council for Economic Planning (CONSUPLANE), also acting under the same decree, ratified the declaration. This decree transfers to SECTUR the power to regulate all tourism activities within the zones declared. The Bay Islands are also under the institutional jurisdiction of the Honduran Tourism Institute.

Despite these declarations of the islands as a tourism (economic development) zone, a good deal of conservation and resource protection legislation has been passed over the years, culminating in the zoning of almost all the islands as a marine park:

- 1961: the Forestry Reserve of Guanaja was declared to protect the only pine forest present on the islands
- 1988: the municipal reserves of Turtle Harbor in Utila and Sandy Bay in Roatán were created
- 1990: Decreto Ejecutivo Dos was enacted; this presented regulations for construction, development, and in general any kind of civil works project on the islands; with this piece of legislation, mangroves were declared protected and environmental studies were made mandatory
- 1997: legislation (Decreto No. 005-97) was passed, declaring most of the territory of the Bay Islands a marine park and establishing general zoning with different levels of restrictions on resource use. The law also created the institutional structure for the management of the marine park and for recovering costs through user fees. These fees are to be levied and managed by the four municipalities. (This was established in fulfillment of the loan preconditions for the IDB project for the Bay Islands.)

In the case of Roatán and Guanaja, the whole perimeter of the islands was included within the boundaries of the marine park. In the case of Utila, the park boundary had to be negotiated because the fishermen did not approve the establishment of the whole place as a marine park, independently of the zoning scheme. Negotiations were undertaken to select areas that would not adversely affect the local fishermen.

The Honduran forestry office also has an office on the islands and they are responsible, on the central government side, for managing the system of protected areas of the department. This office has little local presence, having one or two technical people who do not have very much transportation and logistics support. This office and the local environmental NGO, the Bay Islands Conservation Association, have a signed agreement to do conservation work together.

Conservation organizations have been in place since 1988. One that is strictly dedicated to conservation, the Bay Islands Conservation Association, is a grass-roots organization started by concerned citizens of the islands; it does work in all three islands. The organization has legal standing and representation and has national and international support for its projects. Another organization that worked on the islands up until 1996–1997 was the Asociación de Pro-Desarrollo de Islas de la Bahía (APRODIB). This organization had projects related to community development (water supply, small sewer works, reforestation projects, watershed protection, and community support). This organization no longer exists and this part of the work on the islands has been left pending or holding.

Over the years, several pieces of environmental protection legislation have been drafted. The most recent (for the marine park) did not fully consider already existing legislation. Thus, the integration and management of the marine park area, as a whole with its components (small reserves) is not quite clear. The Bay Islands Conservation Association projects are for particular protected areas, mainly Turtle Harbor and Sandy Bay. It is preparing management plans for these areas, but these plans are not being integrated with the marine park as a whole (I. Brady, personal communication, 1998).

The investors and tourism operators at large have organized themselves into an association that attempts to represent their views before the rest of the country. This association generally has fully supported the environmental organizations of the islands in the past. It is only quite recently that there has been a break in the relationships, owing to differences related to the management of the Sandy Bay Marine Reserve.

Conflict Resolution Methods Applied

Description

So far the methods of conflict resolution applied have been basically surveys, open public meetings, and direct negotiation. In the past, the municipal governments mostly received their instruction from Tegucigalpa, without local input. This can be seen in several actions: (1) the establishment of a development commission that is directly dependent on the presidential office, giving this office the authority to stop, requisition, and fine private citizens and corporations for not following environmental rules established by this same commission; (2) the extraction of construction material from private property without the owner's permission in order to maintain an airport runway; (3) construction of a wharf on Roatán without license and permission from the local authority. There are many more examples available.

Until recently, no public consultation to obtain support for public works and decisions had been tried. The IDB project is probably the only example where consultation of some kind has taken place on the Bay Islands. The consultation was done in two ways. The first method was by sample surveys. During the development of the feasibility study in 1994, surveys were prepared and used for the sanitation and natural resources components. These surveys were intended to gather information on the willingness and capacity to pay for the services provided and to collect information on resource use by the different communities. It was conducted through direct interview by several interviewers at the same time.

In the case of natural resources, the approach was similar but more indirect. The survey prepared and applied was oriented to finding out information about fishing sites, types of resource use, and cultural views on resource use. This survey was conducted in several communities, including Punta Gorda, French Harbor, Oak Ridge, Coxen Hole, Flowers Bay, Sandy Bay, West End, Mount Pleasant (Los Fuertes), and Barrio El Swampo.

The other method used was public meetings in which the municipality provided space and time to present the IDB project and its objectives. Meetings were held in Coxen Hole and in Oak Ridge, with variable attendance. Even though the objective was to gather together the majority of interest groups, this was seldom the case. The only group that was approached directly and separately was the hotel owners association,

because of the level of possible antagonism that might be present if this group attended a meeting with the rest of the population.

Finally, the last method used was direct negotiation and this was done only in the case of Utila, where the fishermen demanded that their opinion be considered in establishing the boundaries of the marine park. Since this group has no other type of income now or in the near future, their views were manifested openly and strongly.

Expected and Actual Results

The application of the above "methods" was meant to address in some way public opinion regarding a specific project, in this case the Environmental Management Project for the Bay Islands. Since the project is a response to a request expressed by the government of Honduras regarding the future of the Bay Islands, its orientation was meant to address basic needs like sanitation and water supply in a community that is considered to have great potential for future tourism development. The concerns about environmental protection are a result of the expression by concerned citizens of an imminent problem with the ecology of the islands and its future as a foreign currency-generating area of the country.

These concerns are superimposed on a cultural and socioeconomic situation that was not fully considered. The conflict arising from traditional resource uses and the more recently introduced uses have surfaced as part of the promotion and preparation of the IDB project. No conflict resolution methodology was in place during this process and the result is that most of the issues have not been addressed (fishery resource use, tourism development, and conservation matters).

It was expected that in the surveys and the public meetings people would show support for the project and would urge the local authorities to move quickly to execute it. Since the project is intended to protect and conserve the resources of the Bay Islands by allowing for their sustainable use, it was expected that the general public would embrace it as something positive.

To obtain approval and fulfill the preconditions for the loan, the Honduran government had to decide on certain issues. Most of these (marine park, water and sewer tariffs, and project management units) were decided unilaterally and with little consultation by the central government, with some participation from the local governments. The first disbursement of the loan took place in January 1998, but most of the people in the Bay Islands still do not know about this project. Likewise, the marine park has officially been declared, but still most stake holders seem to know little about its status or understand its consequences.

Reasons for Failure

A number of reasons can be offered for the failure to obtain public awareness and support for the IDB project. Among them are:

- A lack of sufficient training and education for public authorities and project promoters on how to communicate effectively with the public and on managing relations with the public in general

- A lack of recognition and understanding of the existing cultural differences among the different sectors of the community of the Bay Islands and the reasons for their existence

- An attitude of emphasizing the perceived benefits to the different sectors of the community instead of entering into a dialogue about their needs. This relates directly to the establishment of restrictions on resource use and the introduction of sanitation practices and public works for which people do not necessarily see an immediate need.

- Lack of experience in identifying conflicts and using standard or established methods to deal with them. Conflicts tend to be handled by either ignoring their existence or by assuming that once things are done, people will recognize their benefits.

- Insufficient experience in bringing together people from different backgrounds and interests to work on a single issue like the case of the protected areas. The short time spent dealing with these matters, which are directly related to management decisions, has not been sufficient to understand the implications of bringing different interests together. This relates mostly to protected areas, where even though everyone shows an interest in working for this, the reasons they do so are not necessarily the same (e.g., hotel owners, fishermen, conservationists, townspeople).

Alternative Methods for ICM Conflict Resolution

Steps to resolve conflicts should be taken slowly and carefully. Several attempts have failed in Latin America because of opening up processes too quickly so that the public did not understand their obligations or duties before they understood their rights in a process like this. Some ways to inform the public and encourage useful discussions are described here.

Suggestions

Information Workshops

This type of "method," in which the public is informed by participating in discussions and revisions of documents that have been prepared specifically for their review, has provided relatively good results. As these have been implemented more and more, they have demonstrated definite promise for the resolution of specific conflicts. This method has been tried for discussion of issues in management plans for protected areas, the development of EIA terms of reference, and discussions of EIA results. Even though these efforts have not been totally successful, mainly because of insufficient time to study the material, it is a process that the public is familiar with and is willing to use.

Within this type of approach, different uses of group dynamics have been tried. For example, ZOPP methodology (problems, objectives, actions, and responsible parties) is of German origin and has been tried with good results. SWOT analysis (strengths, weaknesses, opportunities, and threats) is another approach that has been successfully applied to specific situations. These are good instruments to use with group discussions for a variety of topics, including and especially ones dealing with conflict situations.

Group dynamics approaches should in general be implemented by totally objective persons, meaning that they must not be from the region or related to the conflict in any way. There are NGOs that could do this kind of work. Again, it is very important to have a third party involved in this type of arrangement to try to present an objective view of the situation to the people attending the event or events.

Public Surveys

This method is a traditional one and has been used in the past with variable results, depending on the design of the survey. The problem with this type of approach is that the public is indicating their feelings in a very personal way. This can work either way; the respondents can be totally honest or totally dishonest, and the interpretation of the results can be tricky.

Survey instruments have to be used with professional and objective efficiency because the result is an interpretation of data gathered from interviews or questionnaires. If no previous experience in interpreting surveys exists, it is important to obtain recognized local professionals to do the work.

In a few cases, public surveys on the islands have involved getting people together for discussion. However, since a lot of the conflicts and problems in the coastal areas, especially the one in the Bay Islands, have to do with cultural differences, it is not advisable to get groups together for discussions, at least not in the initial stages of things. As the literature indicates, when values are at stake in a conflict, it is very difficult to reach agreements. Therefore it is important while determining the issues at stake and the positions that groups have on them, not to have people adopt a negative view from the very beginning.

Information Bulletins

Traditionally, as has been said, because of poor training in communication by public authorities, the public does not know about actions or projects in their area of interest until the project is to be built or has already been approved by all the authorities involved. This alienates the affected or interested public because they have not been considered. One of the main causes has to do with information sharing. Short, well-done bulletins could help to alleviate this situation.

These bulletins could be educational or just informative. They should be issued on a regular basis so the public feels involved or at least informed. When this is not done, the public may react negatively and strongly, as they did in a forestry project in Honduras, ultimately forcing the cancellation of the project. In Costa Rica the public also reacted negatively to limitations on resources and land use for a wildlife refuge. If information on the ideas and actions proposed had been open and available, perhaps the situation would have been different or at least easier to resolve.

Ad hoc Review Committees

The establishment of *ad hoc* committees that include representatives of the involved parties can help in bringing the public in on the side of negotiation. Even though there is little experience with this process in the Latin American region, it has been tried with some success in the past. It is similar to an arbitration-type approach in which a review committee has the function of overseeing the implementation of accords or agreements between parties. Experience in the U.S. suggests that *ad hoc* committees formed at the design stage of a project or program are far more effective in building relationships and "social capital" that can be used to deal with disputes during implementation than committees which are formed late in the game (Van der Wansem, personal communication).

The critical element here is the credibility of the committee. In the past, committees or commissions established with different objectives have failed because they have taken sides with one of the parties involved. It is important that the committee address specific issues that have been determined to be of interest to the parties and not get diverted to side issues. Some of these attempts have failed because the committee thinks that it must resolve everything, and this derails the whole effort.

Expected Results and Risks

The results that could be expected from the application of the conflict resolution elements discussed here would be at the least an early public involvement in the project cycle. By keeping the public informed on what is happening, it may be possible to change a situation of outright objection to one of participation and support. When it is time to meet with stake holders, there is a better chance that the opinions and interactions of public groups with the project promoters will be on relevant and outstanding issues—and that they will work to achieve a common ground for discussion.

Building an informed public takes time, however; sometimes it could take a generation, and it is not an easy process. Nevertheless, in the long term, there is the potential for a change of attitude toward the establishment of projects, development activities, or decision making.

In the Central American region, the creation of protected areas has been a source of long and unfruitful conflicts. Even though protected areas have been established "on paper," very few of them are functional in the real world. In the case of Honduras, almost all the areas under protection have people living within them. The use of the land has not changed, population growth has not been addressed, resources are still used without any regulation, and, with few exceptions, there is no institutional presence to ensure protection for the areas.

5.   CASE STUDY: GULF OF FONSECA

The Gulf of Fonseca, located between Nicaragua, Honduras, and El Salvador, is very rich in estuaries, lagoons, and mangroves. Until 1973 these areas were used for traditional fisheries, salt production, and the extraction of wood and tannin for domestic use. Since the middle of the 1970s, pressure on the gulf resources has been growing rapidly, with the introduction of aquaculture activities focused solely on the production of shrimp.

Owing to the rapid deterioration in living conditions in the inland area, which is mainly agriculturally oriented, a growing migration to the coast has been a marked characteristic of the social development of the area in recent years. It is estimated that the population of the gulf area is about 1 million. This population depends directly on marine and estuarine resources for their subsistence. In Honduras, this is the most densely populated region of the country.

Since 1984, the major development in the gulf has been the growth of shrimp farming, and a rapid increase in agricultural production of nontraditional export products, such as watermelons. The institutional structures related to the gulf are weak, which is illustrated by the absence of any sort of coastal zone management plan in any of the three countries. In this area, sectoral, local, and international conflicts have been developing over a number of years. Local NGOs, international donors, and central governments play a significant part. Two main conflicts are discussed here—the trinational PROGOLFO project and conflicts between commercial fishermen and shrimp farmers in Honduras.

Trinational PROGOLFO Project

In spite of a recent ruling by the International Court of Justice in The Hague, El Salvador, Honduras, and Nicaragua have not been able to agree on a clear demarcation of their national boundaries in the gulf. This lack of clear geographical boundaries has led to fisheries disputes over the years.

Through creation of the Proyecto del Ordenamiento del Ecosistema del Golfo de Fonseca (PROGOLFO) project, which is intended to promote a cooperative approach to sustainable use of the gulf, the Danish Agency for International Development Assistance (DANIDA) has responded to the growing interest of both international and national institutions in the area. Two of the main conditions for approval of the project by DANIDA were (1) a high level of direct participation by the stake holders and (2) the prior commitment of all three central governments. In the first phase, PROGOLFO would start with the compilation of data and the creation of an institutional structure through which policy decisions could be made on a local, regional, and national level. IUCN was selected as the contracting agency.

Conflicts arose during the preparation of the project, which was done in a participatory way by holding consultations with public sector and civil society representatives in all three countries. The following complications arose:

- The national situation in Honduras excluded the possibility of involving all stake holders in the discussions and implementation of the project.
- The choice of location of the headquarters of the project and the nationality of the project leader led to protracted discussions.
- None of the three countries was prepared to accept the condition of openness of information. The area is of great geopolitical and economic importance to all, and the exchange of information could significantly affect the position of each country in future negotiations.
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- DANIDA demanded clear signs of commitment: the three countries each had to assign a country representative to the project.

During preparation of the project, institutional changes have occurred in all three countries, complicating the advancement of the project through the loss of institutional memory.

Conflict Management

The Central American Commission of Environment and Development (CCAD) played a significant part in solving the more institutional and political conflicts of the project. The mediation of the CCAD resulted in the choice of a neutral project leader, who is a resident of none of the three countries. Headquarters will rotate among the countries.

Given the institutional problems during the preparation phase, the IUCN embarked on an active process of negotiation. They made sure that all problems were identified, but avoided discussions related to political or cultural circumstances. They focused the discussion strictly on the objectives of the project. This made it possible to agree on an initial phase of 3 years.

During these negotiations, the IUCN adopted a policy of total openness of information. This is very costly and time consuming, but avoids suspicions and hidden agendas on the part of stake holders. DANIDA functioned as a direct party in the negotiations. At several moments during the preparation phase, DANIDA threatened to withdraw project finances. This led, among other things, to the appointment of country representatives.

Results and Future Management

The mediation of CCAD and the choice of a project leader from outside the three countries made it possible for the project to continue as planned. However, the lack of knowledge of the local situation and history by this key person might lead to serious conflicts in this politically sensitive project. The serious efforts during the preparation phase resulted in a project organization that is, at least on paper, meeting DANIDA's conditions of participation. Time and finances were dedicated to a proper preparation.

However, there is a contradiction between the existing institutional structures, which are essentially sector and nationally oriented, and the demand for an integrated, trinational approach by PROGOLFO. This is likely to lead to conflicts between institutions and the project organization.

Likewise, the lack of a tradition of participation by all major local and national stake holders might imply that agreements and intentions signed on paper cannot be translated into concrete actions in the field. No explicit provisions have been made for training or awareness-raising regarding the participatory process, although this might be one of the main keys to future success. The latter problem has already been manifesting itself: One year after initiation of the project, there are still major difficulties in concretizing the first steps of compilation of data. On the other hand, regional trinational platforms have been created, and meetings are held on a fairly regular basis.

Conclusions

A considerable amount of time and money has gone into the preparation of the project. This has resulted in the solution of institutional conflicts and the creation of a project organization that meets most demands of all stake holders, including those of the financing agency. The major challenges for all involved will be time and patience. As demonstrated during the preparation phase, negotiation and mediation take time, and require a considerable effort by all those involved. In the future, considerable attention will have to be paid to maintaining the participatory process and making it grow into a system that is capable of meeting the desired results.

The PROGOLFO initiative is an extremely interesting case for all donors interested in stimulating stakeholder participation. It shows that positive results are possible, given the willingness to invest. On the other hand, it also shows that complex issues will need constant conflict management, varying from direct

negotiation to training. Finally, it shows that the donor itself should be considered one of the main actors in the process.

Conflicts between Fishermen and Commercial Shrimp Farmers in Honduras

Shrimp farming has been developing rapidly in the Honduran part of the gulf. In an atmosphere of clear institutional incapability of managing or even influencing the situation, the conflicts between fishermen and shrimp farmers have been evolving over the years, and are now at a critical stage. The conflicts can be divided between direct-use conflicts—which can access and exploit the marine resources—and indirect conflicts such as the rights of both groups to make use of the environment. The most important points are:

- The number of disputes over the use of the estuarine areas is increasing. These disputes are focused on the accessibility of the land claimed by the shrimp farmers. Access has been denied to local fishermen, for whom the use of the estuarine areas is of essential importance.

- The water quality has deteriorated rapidly. This is caused by the number of shrimp farms allowed in a concentrated area, growing population pressure, and the influx of polluted water from agricultural areas upstream. The deteriorating water quality affects the fish stock negatively.

The representatives in the shrimp farmers' organization, the ANDAH, do not seem prepared to discuss matters with a representative of the fishermen. On the other hand, the representative in CODEFAGOLFO, which represents environmental interests and fishermen, is a very political figure, who portrays the activities of the shrimp farmers as capitalist and unfair. Several complaints have been sent to central government institutions. Several murders of traditional fishermen in the areas of farms have been reported, as well as a significant number of cases of violent destruction of private farming property. Violent confrontations between the two groups are getting ever more frequent.

The national government has not been able to react adequately. A demarcation of the area is not even available. The shrimp produced is one of the major expert products of the country, and institutional responsibilities are not clearly defined, nor is the law capable of responding to the specific situation in the gulf. Environmental impact assessments, for example, are based on the economic activities of individual farms, whereas the cumulative pollution of the gulf is a major problem for all parties involved.

The municipalities have not played a major part in the conflict. Their passivity—or lack of involvement to date—has made them potentially powerful players who are not, however, being taken seriously by either of the parties involved.

Approach

Government institutions have not been able to play a crucial role in the management of the conflicts. Individual actions are met by antagonism from either of the two parties. Coordination between institutions has been slow. Even more so, public actions undertaken in the area have led to a polarization of the stake holders, rather than bringing them together.

The institutional structure does not permit any effective arbitration in the area. There is no clear distribution of government tasks. Several instruments, especially environmental impact assessments, have been used to assess the concessions to be given out instead of ensuring a sustainable use of the entire system. Also, the system to enforce rules and regulations is weak. As far as the case study team knows, no effective attempt has been made to approach the two main stake holders in a collaborative effort.

It should be noted that management of this conflict on a local scale could prove to be impossible. The position and character of the leadership of both parties might form an important factor in the development of the conflict. If one of the leaders has more to gain by a continuing conflict, a solution might be found only if the leadership changes.

This relatively grim local scene could, however, be influenced positively by the involvement of international fora. Both key players, that is, ANDAH and CODEFAGOLFO, have created alliances with international organizations. CODEFAGOLFO has been able to become a leader in the international drive for a green label for shrimps produced from aquaculture, while the producers have been incorporated into the Global Agricultural Alliance (GAA). On an international level, these organizations are now facing each other in what might become an effective negotiation process.

Conclusions

The late and still ineffective reaction of the central government has been leading to polarization between the fishermen and the shrimp farmers in the Honduran part of the gulf. This conflict is seriously jeopardizing one of the major sources of income and employment in the region and one of the main export crops of Honduras. At the moment, it seems as if only international arbitration and pressure can stop the continuing escalation.

Given the antagonism between the two main stake holders, and the fixed positions of their leaders, it seems unlikely that direct negotiation between the parties is an option for conflict management. Likewise, a mediation process might be difficult to start because it will be difficult to find a mediator that would be accepted by both parties.

The involvement of powerful international representative organizations might provide an alternative to an impasse in which local and national organizations have proven to be ineffective. Even if this conflict can be managed in the short run, there is still an urgent need to develop institutional structures and a proper set of tools to support the decision-making process. Without these structures, and given the complicated nature of this particular coastal zone, future conflicts over resources in the gulf are unlikely to be manageable.

6. CASE STUDY: PEARL LAGOON, NICARAGUA

The Caribbean coast of Nicaragua is a complex mosaic of coastal ecosystems and interrelated rural communities. Most of the people who live in this region use the natural resources of the terrestrial and marine ecosystems to meet their subsistence needs. In view of this, the autonomy process (decentralization) of the Caribbean coast gives local residents the right to manage and obtain benefits from the use of these resources. One of the most fascinating zones is the Pearl Lagoon basin. Pearl Lagoon is an extensive zone divided into several small communities delimited according to economic and social relationships and the traditional division of communal land (CIDCA, 1987).

Although the situation in the communities of Pearl Lagoon has been affected by the civil war, hurricane Joan, and the state of the economy, this zone is still considered to be the most pristine stretch along the Caribbean coast of Central America (CIDCA, 1989; Christie, 1996).

The fishery system of the Pearl Lagoon basin consists of a series of lagoons and a continental shelf endowed with small coral keys. The ecosystems of fresh and salt water provide a great variety of aquatic resources favorable for exploitation (APSNICA, 1989; INDERA, 1992). Traditionally, small-scale fishing production has been the main economic activity and most fishing is based on artisanal techniques. However, there is only a small dependable market, especially for the fish caught in the lagoon. Contrary to the rest of the Caribbean coast, in Pearl Lagoon fishing is not considered solely a masculine activity and women are very active in fishing.

Aside from fishing, the communities around Pearl Lagoon also practice agriculture. Although each community has legal rights to its land, the land tenure history is very complex and confused. On the one hand, even when the land in this zone is considered communal, some communities never received land titles or the

titles have been misplaced. On the other hand, nonindigenous groups (e.g., mestizos) constantly put pressure on these lands. A serious environmental problem caused by the encroachment of mestizos on communal land is their migratory agricultural system. In addition to converting natural areas to agricultural land, such practices are not sustainable and have a great impact on the aquatic ecosystem of the area because they produce polluting runoff.

This case study assesses two conflicts involving natural resources. The first study involves gender-based economic inequities in the harvesting and marketing of fish by women. The second study is on the use and ownership of communal lands by indigenous communities.

These studies are based on the available literature and interviews with the target groups and professionals working in the study area, as well as institutions carrying out projects and programs in the area. The authors also have many years of research experience in the Pearl Lagoon basin.

Fishermen vs. Fisherwomen

In the Pearl Lagoon area, contrary to the rest of the Caribbean coast of Nicaragua, women actively participate in the fishery. Despite this, the economic benefits they obtain from their work are less than those of the fishermen because gender-based ideologies do not allow the women to widen their participation in the socioeconomic activities related to the fishery. Owing to the diverse jobs that women perform, there are close relationships between domestic work and productive work. Thus, in the Pearl Lagoon area, productive work is seen as an extension of domestic tasks since the economy consists largely of family units.

As a result, the participation of the women in the fishery is quantitatively and qualitatively different from that of the fishermen regarding tasks, fishing gear, and ownership of the means of production. Women's role in the commercialization of their catch is limited to selling fish and shrimp within the community and cleaning and preparing the products to be exported. Most of the marketing and trading that would yield higher prices (i.e., for export) is beyond their control.

Institutional Structures

Ayuda Popular Noruega

Ayuda Popular Noruega (APN), a Norwegian NGO, has been working in the Pearl Lagoon area for a number of years and has functioned both as donor and executor of all projects implemented in the area. This means that APN had its own personnel (all living in Managua, some foreigners) controlling the entire process of the projects, from the development of the idea to the operation of the project.

In the late 1980s a study was done on gender differences in fishing activities in the Pearl Lagoon area. The results provided basic analytical criteria for the elaboration of fishery development projects and promoted the active participation of women in the development and benefits of these projects (Gordon et al., 1993). APN, interested in helping fisherwomen, decided to establish a women's fishing cooperative in Orinoco. The cooperative was administered by Mauramartha Zeas, a former APN worker, who resided in Managua and occasionally came to Orinoco to monitor the project. The cooperative was provided with an infrastructure that would serve as a meeting place for the members as well as for storing the products caught by women.

APN also provided fishing gear and production means to members of the fisherwomen's cooperative, including canoes (to fish in the lagoon), fishing lines and hooks, gill nets, and shrimp nets. A large, well-equipped boat to buy fish products from other communities around Orinoco and transport these to the fishing industries in Bluefields was budgeted in the project. However, APN hired a boat from a local organization in Bluefields, which visited Orinoco regularly, and in the meantime trained women to manage the cooperative. At present, APN has had some changes in its personnel and there have been serious organizational problems inside the cooperative.

CIDCA/CAMP-Lab

CIDCA is a Center for Research and Documentation of the Caribbean coast of Nicaragua. One of its research projects, known as CAMP-Lab, is based in the Pearl Lagoon area. CAMP-Lab bases its work on a participatory action research methodology. CAMP-Lab considers the direct involvement of the people in research that in any way will affect their communities as essential for a positive outcome of a project. Also, this method has helped to develop a sense of ownership by the people. CIDCA/CAMP-Lab holds workshops directed to both men and women and is especially careful to have women participate in all promoted activities. CIDCA as a whole support projects within the Pearl Lagoon basin that use participatory action methodology and take gender participation into account. It is worth mentioning that both CIDCA and CAMP-Lab are directed by natives of the Caribbean coast.

DIPAL

The project Integral Development for Artisanal Fishing in Pearl Lagoon (DIPAL) is financed and executed under a bilateral agreement between the governments of Nicaragua and the Netherlands. DIPAL's official counterpart for Nicaragua is MEDEPESCA, the Ministry of Fisheries. Based in the Pearl Lagoon basin, DIPAL's main concern is to formulate a management plan for the hydrobiologic resources of the basin. According to DIPAL, the management plan will be presented to the people from the basin and guaranteed by the appropriate authorities. Unfortunately, DIPAL has been using a top-down strategy in its attempt to put together the management plan.

DIPAL also has a leasing program that is coordinated with the *acopiadora* Mar Caribe (see next section). This program is directed to fishermen—there are no women involved. DIPAL also offers different types of training to the fishermen, but again, no women from any community are involved.

Conflict Resolution Methods

The fishing conflicts in the Pearl Lagoon basin revolve around economics rather than the resource base itself. The most common methods used to solve these conflicts are (1) creation of commercial links between the regional government and communities around the basin, (2) construction of ice houses to store fish and the associated processing centers (*acopiadora*s), (3) creation of fishing cooperatives, (4) provision of means of production to fisherpeople, (5) workshops.

Until 1950, fishing was a subsistence activity on the Caribbean coast of Nicaragua (White, 1993). Although by the mid-1950s fishing emerged as the most important economic activity, for communities in the Pearl Lagoon basin it continued to be mainly a subsistence activity. During the first years of the Sandinista government, an institute for fishery (INPESCA) was created to address the lack of a market for fish products. INPESCA regularly sent boats to the Pearl Lagoon area to buy fish (APSNICA, 1989). However, by the mid-1980s, when the civil war was at its peak, the boats stopped coming to the area. Later on, intermediary buyers, mainly from the Pacific region, came to the communities and traded fish products for a while. The local people complained that they were not paid enough for their products, so the Sandinistas organized the fisherpeople in cooperatives in order to set up small storage centers. After sufficient amounts of products had accumulated, the cooperatives sold their products to fishing industries in Bluefields. These government *acopiadoras* did not work for long, mainly because they were incapable of storing great quantities of products and by the time their representatives reached the commerce centers in Bluefields, they had spent more money on travel expenses than they got for selling the products.

Recently a private storage center, Mar Caribe, was established in the area in answer to the lack of market for fishery products. Currently it is the only *acopiadora* in the Pearl Lagoon area. It buys and processes shrimp, lobster, scale fish, and blue crab, which are exported to different countries, but mainly the United States. The women who work in this *acopiadora* spend 8 hours a day standing and cleaning the fish and preparing it for export. The *acopiadora* provides the fishermen (but not the women) with ice, fuel, and

some fishing gear so that these same fishermen come back to sell their product to the *acopiadora*. Mar Caribe also serves as a link between DIPAL and the fishermen: DIPAL leases fishing gear and other production means to fishermen through Mar Caribe.

Expected and Actual Results

For a while the result of having a regular market for fish products was positive in the Pearl Lagoon basin. The economy of the communities was no longer at a standstill and for the first time in years fisherpeople felt motivated to invest more time in fishing activities, their main source of income. However, this process was disrupted during the civil war. On the one hand, fishers could not go out to the lagoon to set their fishing nets, fearing they would be attacked by "bushmen." On the other hand, even when they set out the nets, it was not certain that the boats would come to buy their catch.

Following the country's economic crisis and the overexploitation of fish products, people again started fishing mainly for subsistence, and would fish for commerce purposes only now and then when boats came to the area. This was the case until recently, when Mar Caribe was established, and fisherpeople are now trading their products regularly.

The fisherwomen's cooperative established by APN, according to a CIDCA study (White, 1993, 1994), until now has not been able to function optimally. A result expected by APN was that women would be able to change the traditional gender inequalities of fishing cooperatives. However, APN did not consider some key recommendations of CIDCA (1989). For example, it was recommended that fisherwomen and fishermen not be separated, based on the fact that fishing has been traditionally shared among all members of a family (White, 1993, 1994). While strengthening the organizational aspect of the cooperative, APN did not foresee the commercialization (i.e., marketing of produce) issue, which could have been determined with a profitability study. In addition, although White (1993) recommended including training in any project directed to women, it was not until there were organizational problems within the cooperative that APN started training women in business administration and organizational issues.

In addition to all the problems with the fisherwomen's cooperative, there is that of the selling of products—assuming the cooperative is functioning. Although interviewees, mainly from the cooperative, stated that it is very time consuming to go to the *acopiadora* to market their products, their main problem is the same as that of the men: low prices. According to the cooperative's coordinator, if APN were not so strict about not involving men in the fisherwomen's cooperative, then trading the catch would be an easier and more effective task. This is based on the fact that women have other responsibilities than fishing (e.g., agriculture, domestic chores). However, interviewees confirmed that the *acopiadora* does not include women in the distribution of fishing gear or its leasing program.

Reasons for Failure

There is obviously a need for better coordination and monitoring of projects in the zone. Because of poor communication, local leaders are not well informed on the status of projects planned for their communities, and so they are unable to keep people informed (APSNICA, 1989). Nongovernmental organizations often do not know what each one is doing, and at the local community level it is even harder to keep all the players straight. There also does not seem to be any mechanism for monitoring how a project is proceeding. So in some cases the regional government may think that a need or problem of a community has been solved because an NGO has agreed to do a project. In reality, the project may never have come to fruition and the community has been left stranded, cut off from any other resources. These problems seemed to be particularly acute in fishing projects, perhaps because there are no mechanisms by which the regional government can track projects and make substitutions or give assistance.

The operation of fishing cooperatives should be strengthened to improve their functioning. Currently these cooperatives are more similar to unions. Perhaps in the future they could develop relations with other fishing cooperatives around the country as another means of establishing commercial links.

Some development workers argued that the participation of local people in researching the problems to be addressed would prevent them from feeling alienated by perceived rudeness or patronage. It would also provide insights and information normally unavailable to outsiders and promote communication between outside researchers and community members. However, there are also other development workers who do not think it is necessary to involve the people in development programs or projects. The reason given for this view is that community members are not aware of their needs or are not able to prioritize their immediate needs. The people's priorities are not necessarily the priorities of development agencies, however.

After watching many projects fail, development workers feel that the core of the failure lies in the lack of participation by the people that the project was designed to help. Often local people responded by ignoring or sabotaging projects that they felt did not answer their needs. Development practitioners realized that they need to focus on problems relevant to people's struggles of daily life and to include them in the process of identifying problems and devising solutions (Nickerson, 1995; Fortmann, 1992).

In the particular case of the women's fishing cooperative in Orinoco, although the infrastructure is still available for the organization and women still consider themselves members of the cooperative, it is clear that the cooperative is very disorganized. Although women wanted to receive the benefits offered by APN, this organization did not have a clear idea of the cultural issues of fisherpeople in Orinoco. APN appears not to have taken into account the recommendations in White (1993, 1994) concerning an enhanced relationship between international NGOs and the community, and the exclusion of fishermen in a community where fishing activities are shared between women and men.

Demarcation of Indigenous Communal Lands

The conflict over communal lands can be traced back to the time known in Nicaragua as the "re-incorporation of the Mosquitia" when the British were forced to leave the East coast of Nicaragua, permitting its integration with the rest of the country. At the end of the British occupation, the Harrison–Altamirano treaty (1905) was signed between the British and the Nicaraguan government (Hale, 1987). This treaty stated that the indigenous and Creole communities would receive a collective title for their communal land as defined by the government. The rest of the land would be considered national. In practice, few communities received land titles. This made it possible for influential people from the Pacific to gain access to land on the Caribbean coast, thereby becoming landlords in this area. They claimed that the indigenous communities did not see the need for legalizing their land or for setting up borders between communities.

The communities involved in this struggle for communal land demarcation have been settled along the Pearl Lagoon basin for hundreds of years. Several of them are recognized in the Harrison–Altamirano treaty. Their demands are based on historical rights and on the autonomous law that confirms indigenous claims to land rights. The indigenous people view land demarcation as the only way to obtain what is seen as rightly theirs, to protect their property from the invasion of foreign groups (mestizos), and finally to be able to carry on the sustainable management of their resources.

Main Stakeholders

Indigenous Groups

The indigenous communities settled around the Pearl Lagoon basin can trace their ancestors as far back as the first settlers that settled this part of the country. This gives them the right to think of the stretch of land they occupy as theirs. It assists them in claiming historic land ownership and is the reason they are willing to defend it. One of the demands of the indigenous people is to have the control over their land and natural

resources that would enable them to benefit from their exploitation. They also argue that decisions concerning the economic development of their communities should be made by them and not, as traditionally has been the case, by people living in the central and Pacific region of Nicaragua.

The indigenous communities are organized and their leaders see the need to carry out demarcation of their land. To contribute to this process, the communities are ready to make an intercommunal agreement and to collaborate with other entities involved in the land question. By doing so, other conflicts would be avoided and the demarcation process could be consensual (indigenous community leaders, personal communication).

Mestizos

The mestizos emigrated to the Caribbean region and brought their particular way of working the land: slash-and-burn agriculture. They also cleared the woodland for extensive cattle grazing. These systems are not sustainable for the type of soils in the Caribbean region. Some mestizos are considered land traders, meaning they clear and plant an area of land and sell it as improved land, then move on to another patch of land where they start the cycle. This activity is a means of survival for those who practice it. The fertility of the land and the facility of access make it very enticing for mestizos to continue invading the territory, thus contributing to the advancement of the agricultural frontier. The mestizos feel that they belong to the region and that the land is there to use so they are entitled to it (T. Fonseca, personal communication).

Existing Management Structures

Communities around the Pearl Lagoon basin are governed by a locally elected community council, except for Pearl Lagoon, the most populous community in the zone, which is governed by a mayor elected at the regional level. There are also church councils that are considered very influential in getting projects accomplished in the communities.

Since all open land is held communally, there is not a permanent representative of the government's Institute for Land Reform (INRA) in the zone. However, the various perceptions of community boundaries and land ownership around Pearl Lagoon are obviously relevant for the future development of the zone, which is constantly threatened by outsiders (especially the mestizos). INRA-RAAS, the local branch of INRA, which is headed by a local mestizo, has been designated by the central government as the organization in charge of the demarcation.

There are two other government organizations involved in the conservation of natural resources and the protection of indigenous rights. These are the Ministry of Natural Resources and the Environment (MARENA), and the Ministry of Fisheries (MEDEPESCA). Both institutions are headed by local mestizos. According to a decree (16-93), these two institutions were given the tasks of designing and implementing rational exploitation and conservation policies for natural resources (DIPAL, 1997). MARENA does not have a direct involvement in land demarcation. This ministry issues permits for exploitation of natural terrestrial resources on both national and communal land. However, to give permission in communal land, MARENA needs the communities' permission or *aval*. The communities feel that land demarcation will stop this ministry from viewing their land as national land and will enable them to collect the taxes on resource exploitation.

Methods Used to Resolve Land Conflicts

The methods used in the land demarcation conflict are (1) implementation of the autonomy law; (2) agrarian reform; (3) mediation through third parties, in this case consultants and, to some extent, research centers such as CIDCA.

After a long battle between the army and an indigenous movement in which the latter claimed rights over the land and natural resources of the Caribbean region, the state granted territorial autonomy and created federal arrangements as a conflict-regulating practice: The autonomy law, approved by the national assembly, granted joint decision-making between the central government and local groups on issues related to the land and natural resources in the area and provided some degree of economic independence (Estatuto de Autonomía, 1987).

The agrarian reform legislation specifically recognizes the rights of indigenous communities to their communal land. It also recognizes the communities' rights to use national land they have been occupying. In some cases, the communities subscribed to agreements with INRA. However, in some cases these were not legally documented. In these cases the titles that were given out only reconfirmed the ones given in 1905.

In addition, there were conflicts between the state and the communities concerning the taxes to be paid for the exploitation of natural resources found on indigenous land. In other cases, indigenous lands were alienated in order to establish military bases (Howard, 1993).

A last method regarding this particular conflict was INRA's engagement of a mediator or third party. Currently a consultant group is working on a diagnostic phase for the indigenous communal land. This group is also acting as a third party or mediator in the land demarcation conflict. Their main role is to compile the views of the communities and talk with both these and government institutions involved in the demarcation process to determine what is negotiable. The results will be used to assess the overall situation and smooth the way for negotiations. It is important to mention that proposed solutions are being offered by the communities, who are willing to negotiate based upon these proposals.

Expected and Actual Results

With the implementation of the autonomy law, the state intended to end the conflicts over communal land. This issue has been one of the most controversial struggles of indigenous communities in the Caribbean region. The communities expect to:

- Have the right to define their communal borders, determine who will exploit and benefit from their resources, and how this will be done
- Be able to name Caribbean delegates to the different ministries in the region
- Benefit from the taxes received from the companies in the region
- Be able to define their own resource concessions as stipulated in the autonomy law

By implementing the autonomy law, the government has managed to reduce the level of continuing conflict in the zone. This law also permitted the implementation of regional governments in the Caribbean region and gave them a certain amount of control over decisions concerning the exploitation of natural resources. The indigenous communities got the right to approve or disapprove concessions to exploit resources in their communities.

The indigenous communities expected INRA to extend legal land titles, respecting the Harrison–Altamirano treaty, but also to take into account the expansion of the communities when issuing extended legal land titles during the demarcation process. INRA, as a government institution, is expected to solve, insofar as possible, the land problem. They have to do this not only for the indigenous communities but also for the emigrant mestizos from the central and Pacific region of Nicaragua.

Both parties, government and indigenous communities, have high expectations for the results that will come out of the analysis being carried out by the consulting group. According to G. Rodriguez. The results of this study will finally make it possible to begin visualizing the end of this conflict. In addition, it is expected that the results will enable the government to take steps to prevent conflict by drawing up a negotiation strategy based on the problems identified in the study. The communities expect that now the govern-

ment will seriously take their opinion into account whenever they decide to go ahead with land demarcation and that they will be able to reach a final agreement.

Reasons for Failure

In the case of the communal land conflict, one of the reasons the implementation of the autonomy law has not been completely satisfactory is that it is focused mainly on providing an absence of hostilities. Yet, if a conflict resolution is to be a durable agreement that satisfactorily deals with the underlying issues, the parties involved should move toward more positive solutions.

The necessity to define and legalize communal lands is still an important and vital issue for the communities involved. The regional council presented the past government with a draft for implementation, but this was filed away and the current government has still to review the proposals. Some persons question, therefore, whether the autonomy law is meant to be enforced or is only a panacea.

When land reform law came into effect, the communities reacted strongly against it, suspecting that the government was taking away their land to give it to the mestizos. Since land reform has been implemented, INRA has been issuing titles to campesinos (mostly mestizos) without going into the field to confirm the location of the land. In some cases they were issuing titles within protected areas. INRA is qualified to issue titles but is not legally mandated to carry out the demarcation process. To counteract this, the government is drafting a law known as the demarcation law of indigenous land.

Alternative Methods for Conflict Management

The following suggestions are based on some of the interviews, ideas by the authors, and the literature review carried out for this project.

- Community consultation and participatory planning. The communities in the Pearl Lagoon area harbor considerable antagonism against development workers, considering them vehicles of oppression. Communities want to have control over whatever programs or projects are implemented in their area. As more and more funds are channeled into indigenous issues, development organizations should use participatory methods to investigate communal traditional knowledge concerning the management of natural resources in the area.

  Getting local people involved in programs and projects as early as possible—at the idea stage—will give them ownership over the process and an opportunity to be involved in finding appropriate solutions; it will also lead to a better understanding of the origins of the problems to be addressed. In addition, with participatory methods, the people can develop the skills critical for addressing their environmental problems. Development workers can use this method to gain insight into the communities and how they function, as well as to help the people envision future management strategies.

  Although participatory methods are the key to success, it is also true that giving power to the people or sharing power with them can make the project implementation process difficult to carry out, given all the limitations of the impoverished communities in the study area.

- Mediation. Owing to the mistrust between communities and government institutions, there is a need for substantive assistance in order to reach a consensus. A third party or mediator needs to be involved in assisting with a PRA approach. The utilization of local experts or expatriate experts who are respected by the local people permits the communities to be able to voice their opinion to the government through someone accepted by all parties involved. The parties should be helped to create alternatives and be ready to sit down and negotiate and, it is hoped, reach a satisfactory agreement for all involved. There is a fear that none of the alternatives proposed by the communities will be accepted by the party with the power to make the ultimate decision. This tends to make the communities feel used and aggravates the conflict.

- Training workshops. In order for people in the communities to have the opportunity to manage their resources in a sustainable way, and to make rational decisions on the development of their communities, they must be given the tools that will allow them to avoid total dependence on the governments (municipal, regional, central). They also need to understand the interrelation between government and communal entities.

  Ongoing training has little or no risk if it is planned jointly with the beneficiaries (indigenous and mestizo communal leaders and government representatives) to ensure that the main problems defined by the parties are addressed. It is expected that after the training there will be a better assessment of the role each party play in decision making.

7.   LESSONS LEARNED FROM THE CASE STUDIES

During this study, especially during the analysis of conflict management cases, it became clear that while numerous cases are known, they are not very comparable. Triggered by the need for a better insight into the conflicts, CEDARENA (an NGO based in Costa Rica) established a conflict management network, the Red Mesoamericana de Manejo de Conflictos Socioambientales, which as a first step will start the documentation of conflicts in Central America.

The Bay Island marine park is used in this chapter as a reference for evaluating the assessment process. While this case study has provided a framework for a theoretical analysis of the applicability of conflict management techniques, the true test of their effectiveness for coastal issues will be their use and success in the field.

There are basically two questions that can be asked about the conflict management methods employed in the Bay Island case. First, did the assessment procedures provide an effective way to analyze the conflicts, and did they assist in the choice of an appropriate management approach? Second, what are the lessons learned for the application of conflict management techniques to coastal resource disputes in Latin America and the Caribbean?

Conflict Assessment

Bay Islands

In evaluating the marine park controversy, first a team of local consultants assessed the conflicts with the help of the framework described in Chapter 3, relating every characteristic to the most appropriate method of conflict management. This provided the information shown in Table 1 for the Bay Island marine park.

Discussions during the assessment process helped the team members to obtain a better understanding of the character of the conflict and made it easier to choose an appropriate approach to management. The following conclusions are considered typical for the results of such an analysis.

- The creation of the marine park involves numerous stake holders, ranging from the fishermen and the tourist developers to the municipalities, the IDB, and central government institutions. Values as well as interests differ among the groups, some of which aim at conservation, others at maintaining current uses or allowing for a new development of the marine resources. Although institutions on a local as well as on a national and international level are involved the core of the problem lies between different communities and between the communities and private developers (i.e. the tourism sector).

- Although problems have been detected in the approach of the IDB Bay Islands environmental management project during preparation and negotiation phases, the conflict will probably deepen in the implementation phase, which is starting. At this point the conflict has not yet erupted, but the stakes are clear and problems are expected to arise in time if no preventive measures are undertaken.

- The institutional and legal context creates ample opportunities for the implementation of conflict management techniques. The legal system in itself is not evaluated positively by the majority of the stake holders, and they do not have any previous experience or clear preference for methods of consensus building. From past experience, among others, with the creation of a protected area in the center of

Table 2. Conflict Analysis for Marine Park

Factor	Assessment
Character of Conflict	
Type of problem	Ill defined
Type of conflict	Among communities and community – private sector
Type of stake holders	Pluralist
Stage in Project Cycle	Negotiation
	Implementation
Stage in Conflict Cycle	Potential/dormant
Legal and Institutional Context	
Legal system	Adversarial
Institutions involved in conflict management	Legal system
Tradition in conflict management	No previous experience
General attitude	Positive toward consensus building

Roatán, it is assumed that stake holders are willing to cooperate and to reach a compromise.

General Conclusions from the Case Studies

Although each case has its own characteristics (e.g., the high level of antagonism between stake holders in the Honduran part of the Gulf of Fonseca, or the continuing geopolitical struggle between the three countries bordering the same area), some general conclusions can be drawn.

- Meaningful stakeholder consultation and participation will reduce conflict through better project design.

  In the conflicts involving an international donor agency (i.e., the Bay Islands marine park and sanitation projects, the Pearl Lagoon women's cooperative) there appears to have been an expert-dominated approach. Donor agencies actively promoted their points of view, both those related to the problem as well as those related to the most appropriate solution. With the exception of the PROGOLFO project in the Gulf of Fonseca, the donors have not consulted stake holders effectively. Either the timing of the consultation or the composition of the stakeholder groups was less than optimal.

  The marine park in the Bay Islands illustrates the lack of effective consultation with the local NGO, which has significant experience in managing marine reserves. Consultation with these experts during project preparation might have led to another design or method to create the park (e.g., through local research and determination of the most optimal way to create and manage the park instead of by a government decree).

In the case of Pearl Lagoon, the results of the stakeholder consultations, as well as the results from an in-depth investigation by local specialists, did not appear to affect project design.

- Use participation to design better projects, not as an end.

There is the impression from the case studies that in some instances participation and consultation as a form of conflict management were instituted more as an objective rather than as a means to an end. In general, consultation and participation should be used to design better projects. However, this does not preclude situations in which the management of conflicts in itself can be identified as the objective for specific Bank-supported interventions. In any case, the composition of the groups of stake holders and the methodologies chosen should take into account *all* the stake holders involved. Also, the choice of other methods (e.g., those taking into account the general character of meetings) might significantly influence the effectiveness of the meetings and lead to better results.

The PROGOLFO case demonstrates the potential benefits of consultation. Conflicts in the implementation phase were avoided by discussing project characteristics with the direct participants in the project. This case also demonstrates that a proper consultation process demands time, money, and the willingness to adopt some of the suggestions made by the stake holders. However, PROGOLFO also shows that despite the attention paid to consultation, the risks for conflicts will not disappear, and there will be a continuous need for conflict management throughout and after completion of a project.

- Conflict management techniques should be prepared early and continue throughout the project cycle and beyond.

In order to improve the effectiveness of the conflict management, it is important to start as early as possible in the design phase and continue conflict management techniques throughout the project cycle and beyond. As shown in the Bay Islands cases, the results of consultation initiated in a later phase will be difficult to incorporate, among other reasons because of pressure to finalize preparations.

The case studies also show how conflict management differs from more traditional consultation processes. In a consultation process, the different stake holders are encouraged to express their views about the proposed project and to focus on how the project would affect them. Conflict management processes, on the other hand, focus on the relationship between stake holders and on possible changes in those relationships as a result of a certain project. Since these relationships are always dynamic (and exist with or without a project), it is crucial that conflict management processes be continuous (and do not stop once the project is approved) and address underlying issues and causes of conflicts. It should be recognized that a single project, no matter how extensive its conflict management component, will in all likelihood not be able to resolve all the conflicts that may exist in a coastal area. However, it is imperative that project proponents fully understand the existing and potential conflicts and that they try to work toward solutions considered fair and equitable to all stake holders, especially for the poorest segment of coastal communities.

Thorough preparation for the consultation process is crucial for its success. It should be ensured that all stake holders are represented and that proper information about the issues at stake is provided before a meeting. Furthermore, the character of the process should be clear to all involved, in order to focus discussions. This will avoid frustrations in a later phase by ensuring that expectations about the effects of the discussions on the final project design are not too high.

- The choice of mediator and methods is critical to successful conflict management.

An important issue is the choice of a proper conflict management method and mediator. As demonstrated in the land demarcation case in Pearl Lagoon, conflicts may be avoided by selecting an intensive consultation method, carried out by a local person who is accepted by all stake holders.

Another illustration is the fisheries conflict in the Gulf of Fonseca. Given the polarization of the conflict and the characteristics of all involved, including the public sector, initiatives on a local or national level are expected to have a low rate of success. On the other hand, international involvement created a potential for indirect negotiation.

The design of the consultation in both Bay Island cases seems to have been a suboptimal choice. An early consensus-building effort might have avoided conflicts in the implementation phase, because design of the project and its organization might have been more adapted to the local situation and management potential.

8. THE IDB AND CONFLICT MANAGEMENT

IDB Policies Related to Conflict Management

Stakeholder participation has become an important theme at the IDB and other development institutions. This has led to recent publications on changing the policies and procedures of the Bank, particularly the *Resource Book on Participation* (IDB, 1997a) and the concept paper, *Community Consultation, Sustainable Development and the IDB* (Schwartz and Deruyttere, 1996). The IDB recognizes that the participation of all stake holders in all stages of project design and execution is an essential element in the development of ownership for projects and—often implicitly—is a means to reduce the costs of conflicts downstream.

The *Report on the Eighth General Increase in the Resources of the Inter-American Development Bank* (IDB, 1994)—the overall policy framework of IDB—emphasizes the importance of participation by all stake holders as a leading principle for IDB operations:

The sweeping economic reforms being implemented in Latin America will achieve the desired results only if they take place within a more integrated society in which factors of exclusion are being reduced so that all groups can be involved in and benefit from modernization of the productive sectors. A more integrated society can only enrich this process through the creativity and support of a large number of economic agents concerned with its success (IDB, 1994).

The Eighth Replenishment mandate has prepared the ground for systematic promotion of community consultation, with the objective of increasing community participation in development projects and strengthening democratic governance. The mandate suggests several actions (IDB, 1994). The IDB could, for instance:

- Facilitate dialogue between civil society and the government through their country offices
- Promote more flexible project execution, especially of social projects, to reassess project activities and objectives in the light of continuing consultation
- Broaden public access to Bank information and create feedback mechanisms for citizen input
- Expand and institutionalize analysis of stake holders, especially for projects affecting poor and marginalized people
- Prepare guidelines for community consultation and participation

The Eighth Replenishment also states that:

[A] significant effort must be made to establish efficient, institutional mechanisms to address environmental matters, which entails the coordination of the decision-making process and the promotion of the participation process through local public and private organizations (IDB, 1994).

The Bank expects borrowers to conduct a consultation process, for all the projects which may have a significant negative impact, that is designed to elicit informed opinions from affected communities and other local parties having a legitimate and direct interest in an operation (IDB, 1994).

Since 1994 the IDB has worked on a shift in operational policies that has, for instance, resulted in the publication of two key documents: The *Resource Book on Participation* (IDB, 1997a) and the concept paper, *Community Consultation, Sustainable Development and the Inter-American Development Bank* (Schwartz and Deruyttere, 1996). The importance of participation had been recognized earlier in, for instance, the "Strategies and Procedures on Sociocultural Issues related to the Environment" (IDB, 1990). This document states that "community consultation and participation in all stages of project design and execution is essential for successful project execution and outcome" (IDB, 1990).

A related issue is the Bank's policy on disclosure of information. The Eighth Replenishment mandate also prepared the groundwork for increased disclosure of documents earlier in the process and to more stake holders. This is leading to a more transparent project development process and an increase in the opportunities for stake holders to become involved early on.

Even though conflict management itself is not a common concept used explicitly within the IDB, there is recognition in recent publications that conflicts are important. Conflict management—in the sense of conflict prevention—is seen as an activity that is implicitly undertaken during a participatory process. Conflict management techniques are also explicitly recognized as useful, but have not been applied very often to the environmental sector. To date, most applications of conflict management within the IDB have focused on the use of arbitration and mediation for labor and trade-related conflicts.

The objectives for stakeholder participation given in the IDB *Resource Book on Participation* (IDB, 1997a) do not explicitly include conflict management. These objectives are:

- Design of efficient projects
- A high level of ownership
- Assurance of equity objectives
- Respect for human rights and democratization
- Stimulation of good governance

Implicitly, however, the ownership objective is closely linked to conflict prevention. Also, it is recognized in the *Resource Book* that "participatory methods may increase up-front costs and take time, but demand-driven participatory processes can build a sense of shared goals. This can facilitate and reduce the costs of conflict resolution downstream" (IDB, 1997a). A discussion of training needs related to the use of participatory techniques also mentions the need for conflict management as a part of the curriculum (IDB, 1997a).

In several projects directed to capacity building for legal institutions in Latin American countries (in particular, those projects supported by the multilateral investment funds or MIF), the development of conflict management centers and the strengthening of conflict management capacity is included as a component of the project. In these cases, conflict management focuses on labor, commercial, and violence issues. It is not expected that these centers will have activities related to consensus building and conflict prevention, or to noncommercial environmental conflicts.

A recent trend that will also be indirectly relevant to conflict management is the increased emphasis on good governance. This implies that the Bank will put stricter requirements on borrowers to comply with consultation procedures and prevent corruption, for instance. In a region where the balance of power among stake holders is of crucial importance to conflict management, this is likely to improve the chances that conflict management approaches can succeed.

IDB Experience Related to Conflict Management

The developments in IDB policy described above are relatively new. The *Resource Book on Participation* and the *Community Consultation* paper are not (yet) formal IDB policy. The IDB does have experience with mediation and arbitration for commercial and labor disputes (i.e., the type of approaches to the right of point C in Figure 1). This experience is partly the result of recognizing the costs of those kinds of conflicts.

The IDB has not really been involved yet in the types of approaches to the left of point C in Figure 1, the "softer" approaches one might say, that are considered appropriate for complex multi-issue, multiparty conflicts common in ICM. This may be caused by several factors:

- Lack of recognition of the importance of ICM conflicts as an issue in itself
- Lack of knowledge on how the different procedures relate to specific conflicts
- Lack of an analysis of the effectiveness of the procedures
- Lack of a clearly defined role for the IDB

There are several concerns that relate to the operations of the IDB in the field that need to be taken into account if a new IDB policy is to be developed that explicitly takes conflicts into account.

Experience with Community Consultation

The two IDB publications dealing with community consultation that are discussed earlier [i.e., the *Resource Book* (IDB, 1997a) and the *Community Consultation* paper (Schwartz and Deruyttere, 1996)] are excellent but quite recent. The internalization and adoption of such new concepts throughout the institution takes time. In addition, the implementation of the participatory process is the primary responsibility of the borrower. It will take more time before these concepts have become actual practice throughout the region. In the (limited) review carried out for this study, people who have participated in consultations for IDB projects expressed a concern that the consultations are not always considered fully in the final design and organization of the project. This is one of the risks of beginning to implement community consultations.

Negative comments from participants may be caused by:

- The relative inflexibility of the project cycle and the significant pressure on staff to complete the project preparation phase on time
- Possibly insufficient understanding of the real character and implications of participation and community consultation on the part of some involved at the IDB or the borrower's project preparation staff; this is partly due to a lack of experience with the procedures
- Ineffectiveness of the consultations owing to a misunderstanding of the character and goals of participatory activities on the part of the stake holders, many of whom have little experience with democratic processes

Expert Bias

Davos et al. (1997) conclude that ICM projects in general are expert driven and outcome oriented. A recent review of World Bank practice (World Bank, 1997) concluded that multilateral organizations also tend to have a bias toward solutions to problems or conflicts that are based on expert opinion. The standard solution to a problem is to have an expert staff member or a consultant recruited for the purpose study the issue and propose a solution. Issues are often defined as "technical" problems having to do with water quality, poverty, or public health, for example, and solutions are defined in terms of "fundable" (often, though not always, physical) interventions. Given that one of the main products in support of lending by the development banks has always been technical assistance, this is very understandable.

Consultants and staff members can and do consult with stake holders, but the terms of reference of their assignments usually create high expectations for rapid identification of well-defined solutions. In the World Bank review, it was concluded that in most cases World Bank staff and external (international) experts defined the terms of reference (ToR) for the consultative process. The nature of the consultations following the terms of reference and results then "tends to be to convince affected people and other stake holders of the validity and wisdom of the choices already made" (World Bank, 1997).

The IDB as Stakeholder

An issue that complicates the IDB's role in conflict management is that the organization may wear two hats in the project cycle. The IDB is involved in project preparation as a neutral, outside party offering its technical assistance to the borrower. The IDB may also be involved, or be perceived to be involved, as a party interested in obtaining approval of the project under preparation. This may link the Bank to the proponents of projects. This situation is further complicated by the fact that there can be differing views, even within the Bank. Different parts of the IDB may hold distinct views on conflicts underpinning a project, depending on the nature of their relationship with executing agencies, what they consider to be the benefits and costs of a project, or whether they have a stronger or weaker stake in project approval. However, this diversity of opinions can actually be helpful in identifying conflicts related to projects.

9. SUGGESTIONS FOR FURTHER ACTION

Development of Conflict Management Capability

Conflicts among users are an important constraint on the sustainable development and use of coastal resource systems. These conflicts need to be addressed more explicitly, and coastal managers need to have the tools to manage them. There are a number of ways these tools can be provided and implemented.

Capacity Building

Bank staff as well as coastal managers are insufficiently aware of the importance of conflicts for ICM projects or the methods and techniques available to manage the conflicts. Capacity building for conflict management would have to include Bank staff and coastal managers in borrower countries, as well as the stake holders in ICM projects. As demonstrated by repeated examples, local communities in Latin America are often not at a point where they can negotiate with powerful interest groups such as government agencies, parastatals, industries, or multinational corporations (FAO, 1994). Therefore, capacity building for conflict management needs to include the development of the community skills necessary for entering into a negotiation.

Capacity building can take several forms. In addition to the traditional training, seminars etc., the IDB could work with networks in the region that focus on conflict management (such as the conflict management network at CEDARENA, see Section 7.1), or it could support centers in the region that would act as focal points for capacity building.

Local Facilitators

For conflict management techniques to be accepted, it is important that they be relevant to the region. For this reason the facilitators, mediators, etc. should originate from the region or at least have extensive experience in the region. Capacity-building programs should take into account the need for professional facilitators from the region.

Local Government and Conflict Management

Local governments often still lack the resources and capacity needed to function as a bridge between national agencies and stake holders in projects. For ICM projects, the local governments are likely to be responsible for key components of project execution. It is at this level, however, that capabilities in effective conflict management are relatively weak. The IDB could take this into account in its capacity-building program as well as in the development of pilot projects dealing with conflict management in ICM.

Integration into Project Cycle

Conflict management can play a different role in the different stages of the project cycle, as outlined here.

- Policy and strategy definition. Bank conferences, seminars, and workshops held to discuss new ideas and examine its own role are increasingly open to direct participation by a range of stake holders. These meetings may also be used as an opportunity to more explicitly address potential conflicts and the process through which these are dealt with in the Bank.

- Country programs and project identification. During the preparation of country papers, the operational strategy for a country is defined together with the priorities for financing. At this stage it will generally be too early to identify individual conflicts other than major large-scale, possibly international issues. Major conflicts may be identified as the objective for specific Bank-supported interventions, such as that related to the Gulf of Fonseca. For other priorities, it can be determined at this stage whether certain subsectors or types of interventions are likely to be particularly contentious or conflict prone, based on past experience.

- Identification and orientation. Project identification and orientation may include a rapid social assessment, but the process does not normally involve extensive community consultation (Schwartz and Deruyttere, 1996). This is, however, an essential stage from the perspective of conflict prevention. Few projects are completely "new" in the identification stage. Dormant conflicts of interest are likely to erupt. Parties may try to dominate or take over the project identification procedure to direct or prevent certain solutions in order to capture perceived future benefits. It is at this stage that a conflict analysis or assessment is essential in providing appropriate conflict management inputs for the next stage. The conflict analysis should identify all stake holders, past and potential conflicts among them, relationships among stake holders, and the balance of power in relation to the identified project. Conflict analysis or assessment during project identification could become an important tool for all projects where conflicts are a significant risk. The design of the conflict management process during project preparation and analysis should be based on this conflict analysis.

- Preparation, analysis. Community consultation is part of the project preparation process and is the responsibility of the borrower. However, the Bank's project team is often actively involved in designing the consultative process (Schwartz and Deruyttere, 1996).

  Building on the analysis done in the project identification stage, further work during project preparation and analysis is crucial for conflict management. The timing and content of the community consultation that is part of this stage can play an important role in either creating or preventing conflicts. Many projects, including ICM projects, are first designed by outside experts and then presented to the community for consultation. This is what Davos et al. (1997) refer to as an expert-driven, output-oriented approach. Potential conflicts may then already have been created in the project design, or opportunities to address dormant conflicts may have been missed. Community consultation at this stage seldom leads to a project reorientation or redirected design; only details of the project design may be affected.

  Consultation that actively addresses conflict prevention or reduction will need to involve stake holders early in the project design phase and clearly show them how their inputs have affected the resulting

project. The type of conflict management approach that is most effective depends partly on the existing relationships among stake holders, but the focus is on consensus building and relationship building.

A second task related to conflict management during project preparation is to design conflict resolution procedures that will govern the project's implementation. Anticipating conflicts during project implementation (e.g., through agreement over appointment of mediators or mutual acceptance of arbitration) can significantly increase a project's capacity to deal with them.

- Negotiation and approval. If the previous stages have been concluded successfully, without spilling over into this stage, negotiation can focus on the conflicts of interests among the stake holders, with an emphasis on procedural assistance to overcome power imbalances.

- Project implementation or execution. Assuming a project is approved, its implementation is, in principle, covered by contracts and agreements. The communication processes have been designed, and stakeholder participation takes place as described in the project document. Conflicts that arise during this phase are more likely to be sharply defined and involve a smaller number of parties. The emphasis of conflict management approaches at this stage is on mediation and arbitration, rather than consensus building.

Project documents should have conflict management procedures built into the project execution stage that focus first on conflict prevention and second on effective management of the conflicts that do arise. Agreement on procedures to appoint mediators, as well as procedures for arbitration, are cost-effective mechanisms to prevent escalation of conflicts at this stage. In the longer term, project execution procedures that focus on "partnering" rather than on the more traditional adversarial approach deserve attention.

In case conflicts do arise or if their nature changes (projects may bring in additional stake holders as they progress), it is important that the project design have sufficient flexibility to deal with the changing situation and/or include a specific component that allows for continued conflict management, such as the establishment or support of a conflict management center. In certain cases it might be necessary to revisit the conflict analysis carried out for project preparation and consider alternative approaches and methods.

- Monitoring and evaluation. In projects that are unable to deal with conflicts internally, monitoring or evaluation missions can be the ultimate option for managing conflicts. Such missions then may either choose or be instructed to act as mediators among the parties in conflict, or they may propose solutions and act as arbiters.

GLOSSARY

Advisory nonbinding assistance. This type of assistance, which is often in the form of arbitration or expert panels, shifts the bulk of the authority over the conflict (i.e., determining a solution and recommending what is "fair") to outside experts. The communication is between the arbiter/panel and the stakeholder parties, who retain the power to accept or reject the recommendations.

Alternative dispute resolution (ADR). This refers to a variety of collaborative approaches that seek to reach a mutually acceptable resolution of issues in a conflict through a voluntary process. Such approaches were developed as alternatives to adversarial or nonconsensual strategies, such as judicial or legal recourse, unilaterally initiated public information campaigns, or partisan political action. All of these latter strategies might also be appropriate and legitimate means of addressing disputes, depending upon the context. Alternative conflict resolution approaches complement these more adversarial strategies, and broaden the range of tools available to communities and interest groups who are involved in conflict (FAO, 1994).

Arbitration: This is a process that involves the submission of a dispute to an arbitrator (anyone who is mutually agreeable to the parties involved), who renders a (binding or advisory) decision after hearing arguments and reviewing evidence (NIDR nd).

Binding assistance. Binding assistance, through arbitration or judgment, gives an outside party complete authority over the conflict.

Collaborative planning: This is a process in which the parties involved agree to work together in anticipation of a conflict, and work collaboratively to plan and manage ways to avoid the conflict (NIDR nd).

Conciliation: This is an attempt by a neutral third party to communicate separately with disputing parties in order to reduce tensions and reach agreement on a process for resolving a dispute (Pendzich et al., 1994).

Conflict anticipation: This consists of the identification of disputes at their early stages of development, targeting and educating potential interest groups, and attempting to develop cooperative responses to the future problem, thus avoiding or lowering the destructive effects of conflict (CDR Associates, 1986).

Conflict management. This is a multidisciplinary field of research and action that seeks to address the question of how people can make better decisions collaboratively. It is an approach that attempts to address the roots of conflicts by building upon shared interests and finding points of agreement that accommodate the needs of the various parties involved (Anderson et al., 1996).

Consensus building or conflict prevention: This is a process leading to an agreement (or synthesis) that is reached by identifying the interests of all concerned parties and then building an integrative solution (CDR Associates, 1986). This group of approaches, often linked to participatory planning methods or stakeholder participation, focuses less on the resolution of a specific conflict than on fostering a cooperative (planning) process for complex, multi-issue, multiuser situations.

Focus group meetings. These are relatively low-cost, semistructured, small group (four to twelve participants plus a facilitator) consultations used to explore peoples' attitudes, feelings, or preferences, and to build consensus. Focus group work is a compromise between participant observation, which is less controlled, lengthier, and more in-depth, and preset interviews, which are not likely to attend to participants' own concerns.

Mapping. This is a generic term for presenting in pictorial form baseline data on a variety of indicators. This is an excellent starting point for participatory work because it gets people involved in creating a visual output that can be used immediately to bridge verbal communication gaps and to generate lively discussion. Maps are useful as verification of secondary source information, as training and awareness-raising tools,

for comparison, and for monitoring change. Common types of maps include health maps, institutional maps (Venn diagrams), and resource maps.

Mediation. This consists of the use of a neutral third party in a negotiation process, in which a mediator assists those in a conflict situation to reach agreement, but has no power to direct the parties or attempt to resolve the dispute (Pendzich et al., 1994).

Needs assessment. This is a tool that draws out information about people's varied needs, raises participants' awareness of related issues, and provides a framework for ranking the needs. This sort of tool is an integral part of gender analysis to develop an understanding of the particular needs of both men and women and to do comparative analysis.

Negotiation. This is a voluntary process in which parties meet face to face to reach a mutually acceptable resolution of a conflict (Pendzich et al., 1994).

Participation. Development practitioners use a wide variety of different methods, tailored to different tasks and situations, to support participatory development. Methods that have been used in different development situations to achieve various objectives include workshop-based and community-based methods for collaborative decision making, methods for stakeholder consultation, and methods for incorporating participation and social analysis into project design.

Participant observation. This is a fieldwork technique used by anthropologists and sociologists to collect qualitative and quantitative data that lead to an in-depth understanding of peoples' practices, motivations, and attitudes. Participant observation entails investigating the project background, studying the general characteristics of a beneficiary population, and living for an extended period among beneficiaries, during which interviews, observations, and analyzes are recorded and discussed.

Preference ranking. Also called direct matrix ranking, this is an exercise in which people identify what they do and do not value about a class of objects (for example, tree species or types of cooking fuel). Ranking allows the participants to understand the reasons for local preferences and to see how values differ among local groups. An understanding of preferences is critical for choosing appropriate and effective interventions.

Procedural assistance. Facilitators or mediators may provide procedural assistance to the communication process among the parties in conflict. These can range from joint brainstorming sessions to parlaying information back and forth. When providing procedural assistance, the facilitators explicitly do not involve themselves in the substantive issues and do not suggest solutions or negotiating positions. The responsibility both for designing solutions and for finding agreement remains with the parties in conflict.

Relationship building. A relatively "light" form of intervention is when outside facilitators arrange some activities to (re-) build a working relationship among the parties, in cases of conflict where this does not exist or has deteriorated during the conflict. This leaves the responsibility for the conflict resolution process to the parties themselves, that is, identification of and negotiation over solutions.

Role-playing. This form of participation enables people to creatively remove themselves from their usual roles and perspectives to allow them to understand choices and decisions made by other people with other responsibilities. Ranging from a simple story with only a few characters to an elaborate street theater production, this tool can be used to acclimatize a research team to a project setting, train trainers, and encourage community discussions about a particular development intervention.

Stakeholders. People who may, directly or indirectly, positively or negatively, affect or be affected by the outcome of projects or programs. This means that stake holders are likely to outnumber project users (IDB, 1997).

Substantive assistance. Mediators can also involve themselves in fashioning solutions, that is, they can provide substantive assistance. In this case the parties share with or turn over to the mediator the responsibility for identification of the solutions, but maintain direct communication among themselves and retain the authority to determine what constitutes an agreement.

Surveys. These consist of a sequence of focused, predetermined questions in a fixed order, often with predetermined, limited options for responses. Surveys can add value when they are used to identify development problems or objectives, narrow the focus or clarify the objectives of a project or policy, plan strategies for implementation, and monitor or evaluate participation. Among the survey instruments used in Bank work are firm surveys, sentinel community surveillance, contingent valuation, and priority surveys.

Village meetings. Meetings have many uses in participatory development, including information sharing and group consultation, consensus building, prioritization and sequencing of interventions, and collaborative monitoring and evaluation. When multiple tools such as resource mapping, ranking, and focus groups have been used, village meetings are important venues for launching activities, evaluating progress, and gaining feedback on analysis.

Workshops. These are structured group meetings at which a variety of key stakeholder groups, whose activities or influence affect a development issue or project, share knowledge and work toward a common goal. With the help of a workshop facilitator, participants undertake a series of activities designed to help them progress toward the development objective (consensus building, information sharing, prioritization of objectives, team building, and so on). In project as well as policy work, from preplanning to evaluation stages, stakeholder workshops are used to initiate, establish, and sustain collaboration.

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