
Assessing the State of Conflict Assessment

April, 2008 Todd Schenk CBI Reports

CBI recently reviewed over 40 conflict assessment reports from around the world on behalf of an organization hoping to advance public sector dispute resolution in Japan. Our study revealed a wide variety of approaches.

Many mediators and consensus builders have incorporated conflict assessment in their toolkits for identifying parties and issues, and designing collaborative processes. While methodologies differ, most practitioners follow a process similar to that outlined in [How To Conduct a Stakeholder Assessment](#). CBI [recently reviewed](#) over 40 conflict assessment reports from around the world on behalf of an organization hoping to advance public sector dispute resolution in Japan. Our study revealed a wide variety of approaches.

The assessment reports we reviewed range from eight to eighty-six pages, are based on ten to one hundred and ninety-eight interviews, cost from two thousand to one hundred and fifty thousand dollars, and were typically contracted independently of full-blown mediation processes. The assessments fell into a several topic areas: education, energy, environment, industry, land use/municipal affairs, resource management, and transportation.

Initiating the Assessment

The sponsors initiating and often funding assessments ranged from government agencies to Indian tribes. In most cases a sponsor, which was one of the primary stakeholders, hired an assessor, defined the conflict assessment process with the assessor, and suggested the first round of people to be interviewed.

However, in some cases a core group of stakeholders formed beforehand to hire the assessor and weigh-in on the process from the early stages. An example is the Federal Outdoor Advertising Control Program case,(1) in which a core group of representative stakeholders, called the

Assessment Resource Group, was formed at the beginning to represent diverse interests and help guide the process.

In other cases an independent organization initiated the process. For instance, in the case of Barriers to and Opportunities for Mutual Gains Negotiation and Conflict Resolution in Land Use Decision-making on Martha's Vineyard Island Regional Case Report,(2) the Lincoln Institute of Land Policy and CBI initiated the assessment "to better understand the specific barriers to local officials in using mediation and, prior to the dispute, the principles of collaboration and mutual gains negotiation, to prevent disputes or at least resolve or manage them early."

Interviews

In most of the cases we examined, the assessor asked an initial set of stakeholders to recommend others that should be contacted; this process was repeated until all relevant parties were identified. Interviews were typically conducted one-on-one to support confidentiality, allowing parties to be freer in their comments, and to avoid the arguing and reactive commenting that might happen in a group interview session. Interviews were also usually conducted in-person, which served to make the interviewees more comfortable, facilitate interactivity, and give the process a greater air of importance.

The number of people interviewed in assessments varied widely, but the number of interviewees did not always correlate to the comprehensiveness of the assessment. Some assessments involved shorter interviews—often in the 20-minute range—with more stakeholders, while others involved more intensive interviews with a smaller group. Only 20 people were interviewed within the very complex Situation Assessment and Recommendations for Government-to-Government.

For example, in Consultations between Interior Alaska Tribes and the U.S. Department of Defense on Military Impacts in Interior Alaska process,(3) the interviews ranged from two to eight hours in length. The reasons for choosing one approach over the other seem to include stylistic and sponsor preferences, the cohesion of stakeholder groups, and the nature of the situation.

Additional Tools

In some cases, other tools were used to collect information. The Federal Outdoor Advertising Control Program assessment included focus group discussions with 50 invited stakeholders; 'public listening sessions' with over 200 individuals in attendance; and a Federal Register docket through which approximately 1,800 comments were submitted. Telephone surveys, web-based questionnaires, and literature reviews (including case studies) were used in other assessments. In some cases, the interviewing phase was followed up with a clinic or workshop.

These additional interventions confirmed and expanded upon the issues identified, and provided opportunities to further flesh out designs for the subsequent collaborative processes, which is particularly important in cases in which a longer-term and more substantial standing committee is planned.

Standards

While there are no concrete standards as to how conflict assessments are conducted, the scopes were bounded in some cases by external rules and regulations. Most assessments conducted for federal agencies are, for example, subject to the government's Negotiated Rulemaking Act of 1990. This statute is not overly prescriptive, but does include some procedural recommendations, including timelines, proper representation, and the requirement that the agency publish its intentions and collect comments via the Federal Register.

Issues Versus Process

Most assessments both examined the perspectives held by the various stakeholders and considered the viability and potential structure of a mediation process. Some, however, focused more on one or the other.

The State of the Carbon Cycle Report(4) focused exclusively on collecting input from stakeholders for the preparation of a larger report. By contrast, the BLM Resource Management Plan Amendment for Otero Mesa(5) assessment did touch upon stakeholder issues, but primarily assessed the

feasibility of a mediated process and outlined potential alternative systems for the management of oil and gas resources in the area.

The processes that assessments recommended varied widely. Some assessments focused on particular one-time or limited scope issues and thus prescribed ad hoc committees to engage in mediation then dissolve. Other assessments were conducted around broader concerns or sets of issues that cannot be resolved but rather need to be managed indefinitely; these assessments tended to prescribe standing committees with indefinite or much longer-term mandates.

In most cases, the assessor initially compiled a draft assessment report, which anonymously summarized the interview findings, and distributed it back to those who were interviewed for their review and feedback. Then, once the report had been updated in light of any clarifications, it was usually given to the sponsor and often, though not always, publicly disseminated without further editing. Through this process, the assessor aimed to accurately reflect the range of feedback collected.

It is important to note that while most assessments recommended some form of mediation—often with caveats and warnings of potential roadblocks—many did not. The BLM Resource Management Plan Amendment for Otero Mesa is an example of a case in which the assessors recommended against a mediation process at the time.

Conclusion

Conflict assessment, as a distinct practice from the broader consensus building process, provides an effective way to ensure that the issues and players are identified, assess the feasibility of proceeding with mediation or other consensus-building interventions, and consider whether or not the assessors are suitable as mediators, should a process proceed. Particularly in more extensive multiparty disputes, a conflict assessment provides an invaluable way to avoid problems such as overlooked stakeholders or issues and the ineffective use of resources in subsequent interventions, and is therefore a good investment.

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Notes

1. Prepared by the Osprey Group for the U.S. Institute for Environmental Conflict Resolution.
2. Jointly initiated by the Lincoln Institute of Land Policy and CBI.
3. Prepared by DCH Consulting and the University of Alaska Anchorage's Resource Solutions, for the U.S. Institute for Environmental Conflict Resolution.
4. Prepared by CBI for the federal government's Climate Change Science Program.
5. Prepared by RESOLVE for the U.S. Institute for Environmental Conflict Resolution at the request of the Bureau of Land Management's Resource Advisory Council.