

**Principles Of Environmental Conflict Resolution**  
**76671 - EVPP 682; 74952 - CONF 682**  
**course ID: XLS9Y201170**

**Semester:** Fall 2011  
**Class Time:** Mondays, 4:30 – 7:10 pm  
**Location:** Founders Hall 320  
**Instructor:** Frank Dukes, Ph.D.  
**Office Hours:** Tuesday 11:00 pm to 1:00 pm (Truland 501)  
**Tel:** 703-993-8971  
**E-mail:** edukes@gmu.edu

**PRE-REQUISITE:** CONF 501 or 502 or permission of the instructor

**COURSE DESCRIPTION:** This course explores the nature and characteristics of environmental conflict and efforts to manage, resolve or transform it. We begin by examining how contemporary environmental conflict manifests itself and is addressed through private and public processes, before turning to the range of deliberative processes encompassed by the term “environmental conflict resolution” or ECR. Four guiding questions will continue throughout the course as we examine environmental choices and conflict: Who benefits? Who loses? Who gets to decide? Who is left out?

While ECR processes are by no means appropriate in all circumstances, this course does propose that public environmental decisions are generally better when developed by processes that are inclusive of diverse views, transparent and inviting to those such decisions affect, and responsive to participant needs. Such processes need to encourage behavior that builds relationships of integrity and trust and decisions that are creative, effective and legitimate. Communities can only be sustained ecologically, socially, and economically with informed, legitimated participation by citizens actively engaged in public life. People yearn for accessible forums and processes to engage one another productively and safely, to speak of their own concerns, needs and aspirations, and even to learn the real needs of their neighbors. Such caring can engender conflict, which may be harmful, but authentic discursive processes provide an opportunity to transform civic disarray into civic responsibility.

Students will develop a capacity to assess the strengths and weaknesses of ECR processes while learning about best practices for preventing, preparing for, and addressing environmental conflict.

**Course Conduct:** Much of environmental conflict is created or exacerbated by institutional structures and processes that deny needs and voice unnecessarily. Because I do not want your learning experience to be similarly harmed, we will conduct this class as though you are partners in, and at least partly responsible for, not only your own learning but that of your classmates as well. In other words, I’m asking you to consider knowledge a common resource, and like other common resources one that can be abused if selfishness, laziness

or more well-meaning but similarly harmful interests interfere.

**Readings (books):**

- O’Leary, Rosemary and Bingham, Lisa eds., *The Promise and Performance of Environmental Conflict Resolution* (Washington, DC: Resources for the Future, 2003).
- Auerbach, Jerold, *Justice Without Law?*, (Oxford University Press, 1983).
- Dukes et al., *Community-Based Collaboration: Bridging Socio-Ecological Theory and Practice* (University of Virginia Press, 2011 – available early September)
- *Collaboration: A Guide for Environmental Advocates* (to be distributed without charge in class).

**COURSE OUTLINE:**

This course will have three related tracks.

*Environmental Conflict Resolution Theory:* We will examine the larger forces driving environmental conflict in our society and the development of conflict resolution tools as well as the “collaborative governance” movement. This track includes:

- The Domain of Environmental Conflict
  - \* Societal changes
  - \* Themes of governance
  - \* Sources of conflict
- The Conflict Resolution Response
  - \* The range of ECR processes
  - \* The growth of institutional capacity
- Consideration of the Response
  - \* What has been accomplished?
  - \* What should be done?

*Skills* While this course is not a training, a second track will involve the practice of environmental conflict resolution. This track includes:

- Assessing environmental conflict and collaboration;
- Building shared expectations for effective, principled work;
- Designing effective ECR processes.

*Cases* The third track is the study of specific environmental disputes and efforts used to address those problems. This track includes:

- Attributes of environmental disputes;
- Assessing such disputes (case analysis).

The primary learning tools will be readings, class lectures and discussions, exercises (e.g., simulations), and interaction with classmates, parties to disputes and negotiations, and other invited guests. Your primary requirements to take advantage of these opportunities are attention, initiative, risk and consistent work.

**GENERAL:**

- Attendance and participation in class is very important. Please show up on time, but if you are late don't let that stop you from participating once you arrive. And **please let me know in advance if you will miss a class**. Assignments may be modified on a weekly basis, and you will need to make appropriate arrangements.

- *Collaboration: A Guide for Environmental Advocates* will be distributed free to the class.

### **GRADED ASSIGNMENTS:**

- **An ongoing diary** combining your analysis of reading assignments and class discussions. These will be in the form of a blog and will include reflections and discussion with your fellow students and myself. **(40%)**.
- **Active class participation (30%)**.
- **Group assignment** – either designing a simulation or similar exercise, with circumstances to be negotiated in class. **(30%)**.

### **GRADING:**

An A is offered for outstanding work; a B is given for work that is truly satisfactory; a C is unacceptable for graduate participants.

Grading will be based on:

*40%: An ongoing diary of reflections based upon course readings, class discussions, and student experiences.*

The journal will have three parts:

- 1) **Reading Reaction:** Each week 1 or 2 students will prepare questions for the class based upon the readings assigned for that week. You will do so no more than two times during the course of the semester. See if you can make connections between the readings and your interests, thinking about how they best fit together, and identifying where the discrepancies are:
  - Which aspect of the readings resonated most with you, and why?
  - What else seems important: quotes, images, ideas?
  - What questions should the class explore?

These reflective questions should be posted to Blackboard by 5 p.m. each Sunday before class.

- 2) For 10 classes beginning with class two (classes 2-11), you will keep a post-class journal of your reflections about the course. You will begin this by recording during each class: 1) the key lessons you have learned, and how you may apply that learning; 2) any items you are confused or doubtful about; and 3) questions that peak your curiosity. We will take time at end of most classes to share those, and then you will post your own thoughts as a post-class blog. This journal will be posted on Blackboard. Your journal is a place to try out and explore ideas concerning course readings, lectures, and discussions without worrying

about being evaluated. It is a place to experiment and to ask yourself, "How accurately can I explain or describe my/this idea?" The point of the journal is to develop a regular, habitual practice of figuring out what you think of the course materials and your participation in class. If you add to your journal consistently and regularly, you'll find that your thinking and your ability to make connections will deepen.

You may also reflect back on the readings and class discussions and activities synthesizing what you take away. What else seems important: quotes, images, ideas? Have you changed your thinking at all on the basis of the class? Have you understood some of the readings in a different light? Are there ideas that were generated in class that you will want to think about more fully? This is a brief assignment; it should be about 400-500 words long. By 5 p.m. on Thursdays after class, post those.

While the content will not be graded, your completion of these two reflective pieces and 10 post-class writings constitutes 24% of your grade. You are allowed two late entries, after which each late assignment counts 1 point deducted from your grade.

3) You will have **two summary reflections, worth 8% each**, during the semester. The first is due October 18 at noon. Look back at your journal and, in a 1,200-1,500 word essay, reflect on the readings and discussions to date. Identify major ideas, themes, and threads and analyze how they have developed over the course of this semester. What is their significance for you so far? This is not a summary of what you have read, but an exploration of what you are learning.

Then by noon on December 12 part 2 of your journal and reflections will be due. It will be based on all the readings and class discussions, following the guidelines above. The reflections should also be 1,200-1,500 words, and will include: What have you learned about environmental conflict resolution? What have you learned about working in groups? What have you learned about yourself? How do your insights connect to your life, your personal values and convictions? What challenges do you find now either concerning environmental conflict resolution, your work or your beliefs? How will you address those challenges in the future?

Each of these two submissions will be graded as follows:

<b>0 - F</b>	Did not complete assignment, or no apparent effort or thought.
<b>4 - C</b>	Completed assignment. Demonstrates adequate preparation: knows basic facts, but does not show evidence of trying to interpret or analyze them.
<b>6 - B</b>	Satisfactory effort. Demonstrates good preparation: knows case or reading facts well, has thought through implications of them. Offers interpretations and analysis of case material (more than just facts) to class.
<b>8 - A+</b>	Demonstrates excellent preparation: has analyzed material exceptionally well, relating it to other readings or material (e.g., course handouts, discussions, experiences, etc.). Offers analysis, synthesis, and evaluation of readings and case material, e.g., puts together pieces of the discussion to develop new approaches that take the class further.

I do give weight to organization, writing style, and mechanics, as well as demonstrated understanding and presentation of issues.

**30%: Class attendance and active participation.**

Active participation in class discussions, assignments, and exercises is expected from each student.

Beginning with class #2, I rate your participation for each class on a scale from 0 (lowest) through 10 (highest), using the criteria below. While your participation is important for any class you take, this class by its experiential nature requires considerable involvement, including interaction with your classmates.

We each learn from what you offer to the class. I encourage you to strive for a “10” for your own and others’ benefit.

**Participation Grade Basis:**

- 0** Absent or without contribution.
- 4** Demonstrates very infrequent involvement. Present, not disruptive. Tries to respond when called on but does not offer much. (D)
- 6** Demonstrates occasional involvement. Offers straightforward information (e.g., straight from the case or reading), without elaboration or very infrequently (perhaps once a class). Does not offer to contribute to discussion, but contributes to a moderate degree when called on. (C)
- 8** Demonstrates consistent ongoing involvement. Contributes well to discussion in an ongoing way: responds to other students’ points, thinks through own points, questions others in a constructive way, offers and supports suggestions that may be counter to the majority opinion. (B)
- 10** Demonstrates ongoing and very active involvement. Contributes in a very significant way to ongoing discussion: keeps analysis focused, responds very thoughtfully to other students’ comments, contributes to the cooperative argument-building, suggests alternative ways of approaching material and helps class analyze which approaches are appropriate, etc. (A+)

**NOTE:** Missing a single class will not cost any overall grade slip (e.g., from an A- to a B+ or B to B-). Missing two classes likely means dropping at least half a grade, depending upon your other grades.

**30%: Group Simulation Design or agreed alternative**

In small groups, you will design a simulation or an agreed alternative. By Sunday, Oct. 30 your group will turn in a proposal with the following requirements:

- 1) Identify your specific objectives for the project, including what you want to learn and what impact you want to have;

- 2) Develop a covenant for how you will work with one another in your project group, using the worksheet format handed out in class, and including how you will hold one another accountable;
- 3) Identify information and/or other resources that you know you will need to conduct the project;
- 4) Develop criteria by which you will evaluate your success upon completion of the project. These criteria should be based upon 1 and 2 above.

Project essentials for your group's class presentation, to be presented by the final class on Dec. 5:

- 1) Your covenant stating how you would work together with one another on this project, and your thoughts about ways in which you did hold one another accountable for that agreement and how well your covenant guided your group's process;
- 2) A situation assessment that identifies key issues, stakeholders, goals/objectives and processes related to your simulation;
- 3) A set of roles identifying realistic interests and concerns of various stakeholders;
- 4) An evaluation protocol that (if this simulation were real) would assess whether and how those goals and objectives were accomplished by your suggested process.

-----  
**Course Schedule** - Note: this should be understood as a description of the course sequence rather than a locked calendar, as the actual course content and assignments may vary by student interest, guest schedules, and current events.

### **Class 1: What is ECR? Course Goals and Outcomes** **August 29**

- Introductions and student goals: Who are we, and what do we want to achieve?
- Course overview.
- Introduction to environmental conflict resolution and collaboration
  - What do we mean by environment? What do we mean by conflict? What do we mean by resolution? What other terms are useful?
  - What is environmental conflict about: community perspectives, economic perspectives, public interest perspectives, governing perspectives?
- Four guiding questions: Who benefits? Who loses? Who gets to decide? Who is left out?

*Assignments for Class 2 (Sept. 12 no class on Sept. 5, Labor Day):*

Read:

- O'Leary/Bingham *Promise and Performance*, G. Bingham "Foreword," and Chapter One, Emerson, Nabatchi, O'Leary & Stephens, "The Challenges of ECR".
- Dukes, "Integration in Environmental Conflict."
- Dukes / Firehock, *Community-Based Collaboration*, Chapter One, Firehock: "The Community Based-Collaborative Movement in the United States"
- Write: Letter for an "A"

### **Class 2: Understanding ECR, and How We Will Work** **Sept. 12**

- How will we organize and conduct ourselves to accomplish our goals as individuals and

as a class? By what indicators will we measure our success? [N.B.: If you can think of a better way to measure individual achievement that enhances your learning and does not unduly increase my workload, I am open to that.]

- The landscape of environmental conflict: media/topic (air, water, waste, land use, health, recreation, resource use, protected areas, energy, climate, marine, coastal, urban), level (neighborhood, community, region, bio-region, local/state/federal/regional/international, watershed), arena (private, judicial, administrative, legislative, media).
- The challenges of ECR.

*Assignments for Class 3 (Sept. 19):*

Read:

- Auerbach, *Justice Without Law*.

### **Class 3: The Context: Whose Responsibility Is This?**

**Sept. 19**

- The structure of environmental conflict. The American experience with informality.

*Assignments for Class 4 (Sept. 26):*

Read:

- Innes, J. E. and Booher, D. A. "Reframing Public Participation: Strategies for the 21st Century."
- Money Point Revitalization Plan; Money Point situation assessment.

### **Class 4: Case Study in ECR: Assessment and Consensus Building for Money Point**

**Sept. 26**

- A new goal for public participation?
- Conducting a situation assessment.
- Revitalizing Money Point – case study.

*Assignments for Class 5 (Oct. 3):*

Read:

- O'Leary/Bingham, Ch. 2: Birkhoff & Lowry, "Whose Reality Counts?"; Ch. 14: Brodgen, "The Assessment of Environmental Outcomes."; Ch. 15, Colby, "Economic Characteristics of Successful Outcomes"; and Ch. 4, Coglianese, "Is Satisfaction Success?"

### **Class 5: Goals of ECR: "If you don't know where you want to go, how do you know if you got there?"**

**Oct. 3**

- Beginning with the end in mind.
- Evaluation and assessment.

*Assignments for Class 6 (Oct. 11 - Tuesday):*

Read:

- McCloskey, J. Michael. "The Skeptic: Collaboration Has its Limits." *High Country News*. 28 (9), p. 13. 1996.

- Dukes, “Guide”, 1-12
- Dukes/Firehock/Birkhoff, Ch. 6, Leach, “Building a Theory of Collaboration”

### **Class 6: Who Needs ECR? Criticism, Responses and Possibilities**

#### **Oct. 11 (NOTE: Tuesday, not Monday)**

- Things fall apart: what goes wrong during ECR.
- Why ECR advocates are (often) wrong.
- Why the critics are (mostly) wrong.

#### *Assignments for Class 7 (Oct. 17):*

##### Read:

- O’Leary/Bingham, Ch. 3, Beierle & Cayford, “Dispute Resolution as a Method of Public Participation.”
- Bellman, “A Guide to Case-Specific Process Selection.”
- Dukes, “Guide,” 13-27.

### **Class 7: Comparing Processes: Fitting the Forum to the Fuss**

#### **Oct. 17**

- Best practices.
- Cases of ECR: local, state and national examples.

#### *Assignments for Class 8 (Oct. 24):*

##### Read:

- “Towards an Environmental Justice Collaborative Model: An Evaluation of the Use of Partnerships to Address Environmental Justice Issues in Communities.”
- “Towards an Environmental Justice Collaborative Model: Case Studies of Six Partnerships Used to Address Environmental Justice Issues in Communities.”

### **Class 8: Environmental Justice: A Collaborative Approach?**

#### **Oct. 24**

- Two Americas.
- Using ECR to address environmental injustice.

#### *Assignments for Class 9 (Oct. 31):*

##### Read:

- O’Leary/Bingham, Ch. 6, d’Estrée, “Achievement of Relationship Change”.
- Dukes, “Public Conflict Resolution: A Transformative Approach.”

### **Class 9: Is Environmental Conflict Transformation Possible? And Does It Matter If It Is?**

#### **Oct. 31**

- The transformative ideal.
- Global warming, climate change and radical environmental transformation: is ECR irrelevant?

#### *Assignments for Class 10 (Nov. 7):*

##### Read:



- O’Leary/Bingham, Ch. 8, Leach & Sabatier, “Facilitators, Coordinators, and Outcomes.”
- Dukes, Glavovic and Lynott, “Training and Educating Environmental Mediators: Lessons From Experience in the United States.”

### **Class 10: The Third Party: Welcome Guest or Skunk at the Wedding?**

**Nov. 7**

- What do mediators or facilitators do?

*Assignments for Class 11 (Nov. 14):*

Read:

- O’Leary/Bingham, Ch. 11: Berry, Stiffler & Dedekorkut, “State Agency Administrative Mediation,” and Ch. 12, Kloppenberg, “Court-Annexed Environmental Mediation.”

### **Class 11: Capacity Building for ECR: Part One, State Offices and Universities’ Role in Collaborative Governance**

**Nov. 14**

- State offices promoting environmental conflict resolution.
- Universities – the University Network for Collaborative Governance (UNCG)

*Assignments for Class 12 (Nov. 21):*

Read:

- O’Leary/Bingham, Ch. 9: Rowe, “Evaluation of EDR Programs”; Ch. 10, Emerson & Carlson, “An Evaluation System for State and Federal Conflict Resolution Programs;” and Ch. 13, O’Leary & Raines, “Dispute Resolution at the U.S. EPA.”
- Dukes/Firehock/Birkhoff, Ch. 5: Walker and Senecah, “Collaborative Governance”

### **Class 12: Capacity Building for ECR: Part Two, Government Agency Capacity**

**Nov. 21**

- Examples: CADR, EPA.

*Assignments for Class 13 (Nov. 29):*

Read:

- Addor, Cobb, Dukes, Ellerbrock & Smutko, “Linking Theory to Practice: A Theory of Change Model of the Natural Resources Leadership Institute.”
- Dukes/Firehock/Birkhoff, Ch. 4: McDermott, Moote, and Danks, “Effective Leadership”

### **Class 13: Capacity Building for ECR: Part Three, Leadership**

**Nov. 28**

- Building collaborative capacity within and across sectors.

*Assignments for Class 14 (Dec. 5):*

Read:

- O’Leary/Bingham, Ch. 16: Bingham, Fairman, Fiorino, and O’Leary, “Fulfilling the Promise of Environmental Conflict Resolution.”
- Dukes/Firehock/Birkhoff, Ch. 7: Dukes, “The Promise of Community-Based Collaboration”

## **Class 14: What Now?**

**Dec. 5**

- The future of ECR: current trajectory vs. desired path.
- Simulations/final presentations.

### **Instructor Biography:**

As Director of the Institute for Environmental Negotiation (IEN) at the University of Virginia, and the Environmental Conflict Resolution Initiative at George Mason University, Dr. Dukes designs dispute resolution and public participation processes, mediates and facilitates, teaches and trains in the areas of public involvement, mediation, negotiation, and consensus building, and conducts research. He has worked at local, state, and federal levels on projects involving environment and land use, community development, education, health, and racial and ethnic diversity. He also has helped initiate and is core faculty of the Virginia Natural Resources Leadership Institute, a year-long program that brings together representatives from industry, non-governmental organizations, public agencies, and communities to develop collaborative leadership around environmental issues.

As part of IEN's "Collaborative Stewardship Initiative," he initiated the "Community-Based Collaboratives Research Consortium" seeking to assess and understand local collaborative efforts involving natural resources and community development, and the "Best Practices Guidance Project" resulting in the publication of *Collaboration: A Guide for Environmental Advocates* in partnership with The Wilderness Society and the Audubon Society in July of 2001.

His book *Resolving Public Conflict: Transforming Community and Governance* (Manchester University Press and St. Martin's Press, 1996) describes how public conflict resolution procedures can assist in vitalizing democracy, by engaging citizens productively in civic and community affairs, by aiding public entities in developing a responsive governance, and by enhancing society's capacity to solve difficult public problems. With two colleagues he is co-author of *Reaching for Higher Ground in Conflict Resolution* (Jossey-Bass, 2000), which describes how diverse groups and communities can create expectations for addressing conflict with integrity, vision, and creativity.

He received a B.A. from the University of Virginia and an M.S. and Ph.D. in Conflict Analysis and Resolution from George Mason University. He was previously operator of a piano restoration business for over 10 years in Albemarle County. He is a founding member and past chair of the Community Mediation Center of Charlottesville-Albemarle. He also serves as advisor to and trainer for University Mediation Services. He is formerly co-chair of the Environmental/Public Policy Section of the international Association for Conflict Resolution. He has two children. His wife, Linda Hankins Dukes, teaches reading to elementary school students.

### **Bibliography of Readings:**

- Addor, Mary Lou, Tanya Denckla Cobb, E. Franklin Dukes, Mike Ellerbrock, and L. Steven Smutko. "Linking Theory to Practice: A Theory of Change Model of the Natural Resources Leadership Institute." *Conflict Resolution Quarterly*, 23, no. 2 (2005): 203-23.
- Auerbach, Jerold S. *Justice without Law?* New York: Oxford University Press, 1983.
- Bellman. "A Guide to Case-Specific Process Selection." In *The Dialogue Forum Reflections*, 1-29. Vancouver: Simon Fraser University, 2005.
- Dukes, E. Franklin; Firehock, Karen E.; Birkhoff, Juliana, eds. *Community-Based Collaboration: Bridging Socio-Ecological Theory and Practice*. University of Virginia Press, 2011.
- . "Integration in Environmental Conflict." *Conflict Resolution Quarterly* 19, no. 1 (2001): 103-15.
- . "Public Conflict Resolution: A Transformative Approach." *Negotiation Journal* 9, no. 1 (1993): 45-57.
- Dukes, E. Franklin, and Karen Firehock. *Collaboration: A Guide for Environmental Advocates*. Charlottesville, VA: Institute for Environmental Negotiation, The Wilderness Society, National Audubon Society, 2001.
- Glavovic, Bruce, E. Franklin Dukes, and Jana Lynott. "Training and Educating Environmental Mediators: Lessons from Experience in the United States." *Mediation Quarterly* 14, no. 4 (1997): 269-92.
- Innes, Judith E., and David E. Booher. "Reframing Public Participation: Strategies for the 21st Century." *Planning Theory & Practice* 5, no. 4 (2004): 419-36.
- McCloskey, J. Michael. "The Skeptic: Collaboration Has Its Limits." *High Country News* 28, no. 9 (1996): 7.
- O'Leary, Rosemary, and Lisa B. Bingham, eds. *The Promise and Performance of Environmental Conflict Resolution*. Washington, D.C.: Resources for the Future, 2003.
- U.S. Environmental Protection Agency, Office of Policy, Economics, and Innovation. "Towards an Environmental Justice Collaborative Model: An Evaluation of the Use of Partnerships to Address Environmental Justice Issues in Communities." Washington, D.C., 2003.
- . "Towards an Environmental Justice Collaborative Model: Case Studies of Six Partnerships Used to Address Environmental Justice Issues in Communities." Washington, D.C., 2003.

---

## Other Important Matters

### *Honor Code and Plagiarism:*

All George Mason University students have agreed to abide by the letter and the spirit of the Honor Code. You can find a copy of the Honor Code at [academicintegrity.gmu.edu](http://academicintegrity.gmu.edu). All violations of the Honor Code will be reported to the Honor Committee for review. With specific regards to plagiarism, three fundamental and rather simple principles to follow at all times are that: (1) all work submitted be your own; (2) when using the work or ideas of others, including fellow students, give full credit through accurate citations; and (3) if you are uncertain about the ground rules on a particular assignment, ask for clarification. If you have questions about when the contributions of others to your work must be acknowledged and appropriate ways to cite

those contributions, please talk with the professor.

ICAR requires that all written work submitted in partial fulfillment of course or degree requirements must be available in electronic form so that it can be compared with electronic databases, as well as submitted to commercial services to which the School subscribes. Faculty may at any time submit a student's work without prior permission from the student. Individual instructors may require that written work be submitted in electronic as well as printed form. ICAR's policy on plagiarism is supplementary to the George Mason University Honor Code; it is not intended to replace or substitute for it.

***English Language Institute:***

The English Language Institute offers free English language tutoring to non-native English speaking students who are referred by a member of the GMU faculty or staff.

For more information contact 703-993-3642 or [malle2@gmu.edu](mailto:malle2@gmu.edu).

***The Writing Center:***

The Writing Center is a free writing resource that offers individual, group, and online tutoring. For general questions and comments please contact us at [wcenter@gmu.edu](mailto:wcenter@gmu.edu) or call: 703-993-4491.