“Farmer A” vs. “Farmer B”: Can We Settle These Disputes Locally

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Context for Conflict
Agricultural Intensification
Rural Non-farm Residents
Environmental Awareness
The Dirty Dozen - Sources of Conflict
(Carter and Owen, 2000)

- 1) Air pollution
- 2) Water pollution
- 3) Waste management
- 4) Chemicals
- 5) Land degradation
- 6) Wildlife & fish protection
The Dirty Dozen - Sources of Conflict

(Carter and Owen, 2000)

- 7) Biodiversity
- 8) Resource management
- 9) Public access
- 10) Zoning and planning
- 11) Unkempt farmsteads
- 12) Aesthetic despoilment
BILL 81 (Sect 6.2.z.2)

“providing for the establishment and operation of local committees to assist in the doing of any prescribed matters including mediation of disputes in connection with the management of materials containing nutrients on lands.”
Alternative Dispute Resolution Continuum

- Arbitration
- Mediation
  - "Assisted Negotiation"
  - Mediation Committees
- Conciliation/Neutral Fact Finding
- Med-Arb
- Administrative Tribunal
- OMB/NFPPB

Unassisted Negotiation
Facilitation
Types of Committees

- Nutrient Management Plan Review Committees
- Agricultural Advisory Committees
- Mediation Committees
Existing Mediation Committees

- Perth County Agricultural Review Committee
- Oxford County Agricultural Advisory Committee
- Huron County Farm Mediation Committee
- Norfolk Irrigation Advisory Committee
Committee Members:

- Commodity Groups
- OFA
- CFFO
- County Councillors *
- OMAF
- Huron Farm Envt’l Coalition
- Huron S&CIA
Hu ro n F ar m E n vi ro nm e n t al Me di a ti on Co m mi t ti e e P roce ss

- n e i gh b o u r h a s c o n c e r n e l a n d t o n u t r i e n t m a n a g e m e n t

- w r i t t e n a n d s i g n e d c o m pl ai nt r e c e i v e d b y m u n i c i p a l c l e r k

N o t i fy M O E

- M OE r e v i e w - d o e s th e c o n c e r n v i o l a t e p r o v i n c i a l l e g i s l a t i o n ?

y e s

F o l l o w M O E P r o t o c o l s

n o

n o t i f y C o m m i t t e e C h a i r m a n / V i c e C h a i r m a n

I f a f t e r i n v e s t i g a t i o n b y M O E n o i n f r a c t i o n o f l e g i s l a t i o n - c o m p l ai n t m a y b e s e n t t o C o m m i t t e e C h a i r

C o m m i t t e e C h a i r m a n m a k e s a 3 p e r s o n r e v i e w g r o u p ( c o m o d i t y s p e c i f i c)

R e v i e w G r o u p m e e t s o n s i t e w i t h f a r m e r

- m i g h t t h e c o n c e r n v i o l a t e p r o v i n c i a l l e g i s l a t i o n ?

y e s

n o t i f y M O E i m m e d i a t e l y

n o

- p r o c e e d w i t h r e v i e w

p r e p a r e r e p o r t a n d r e c o m m e n d a t i o n s t o b e s e n t t o T w p . , f a r m e r a n d c o m p l ai n a n t

r e v i e w g r o u p t o d e t e r mi n e i f a n y f u r t h e r f o ll o w u p a c t i o n
Huron Farm Environmental Mediation Committee Process

neighbour has concern related to nutrient management

- written and signed complaint received by municipal clerk

Notify MOE

- MOE Review - does the concern violate provincial legislation?

  yes  no
- MOE Review - does the concern violate provincial legislation?

- yes
  - Follow MOE Protocols

- no
  - notify Committee Chairman / Vice Chairman

If after investigation by MOE no

- infraction of legislation - complaint may be sent to Committee Chair
  - Committee Chair strikes a 3 person review group (commodity specific)

  - Review Group meets on site with farmer

  - might the concern violate provincial legislation?

- yes
- no
- might the concern violate provincial legislation?

-yes

  notify MOE immediately

-no

  -proceed with review

  prepare report and recommendations to be sent to Twp., farmer and complainant

review group to determine if any further follow up action

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Levels of Complexity in Resolving Conflict

- Conflict (Event, Incident)
- Hidden Agendas
- Desire/Ability to Negotiate
- Personal Connections
- Local Politics
- Bureaucracy
- Institutional Constraints

Visible Conflict
Below the surface
Issues to Consider in Establishing Mediation Committees

- Role Definition
- Procedural Framework
- Members/Representation
- Personal/Professional Risk
- Training
- Public Education
- Relationship to County/Region
- Funding
“The most valuable aspect of conflict is the energy that it generates and conflict management is not an attempt to suppress the energy but to use it constructively.”

(Sherman and Livey, 1992)