

**COMMUNITY-BASED STRATEGIES FOR RESOLVING
AGRICULTURAL AND LAND USE CONFLICT**

**TRAINING RESOURCE MATERIALS
FOR
LOCAL ADVISORY COMMITTEES**



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This manual will help to provide planners, municipal councilors, farmers and others with an understanding of the key considerations in creating a Local Advisory Committee to respond to issues of conflict related to agriculture. For further information please contact:

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The cottagers arrived in broad daylight. It was a sultry summer day and they were angry. They cursed the farmer's children and left as quickly as they had arrived. The farmer, equally angry, cursed his neighbours. This cycle of conflict was erupting into open hostility. Would it escalate or could it be resolved and, if so, how?

The Local Advisory Committee arrived the following day to a barrage of accusations by the cottager. A visit to the farmer set the record straight - he'd only been in Canada a few years, spoke limited English, and had no appreciation of the value of long weekends to urban folk. So, he'd spread manure whenever it was convenient and this had his cottage neighbours fuming. When the Committee left, both neighbours had a better understanding of the other and the farmer had agreed not to spread on long weekends. Perhaps now the two might even talk once in a while ... who knows!

INTRODUCTION.....	1
Purpose of Manual	1
Rural/Agricultural Conflict	1
Local Advisory Committees	2
WORKSHOP GOALS	4
TEN STEPS FOR CREATING A LOCAL ADVISORY COMMITTEE	5
Local Advisory Committees across the Province.....	7
Future Considerations for the Committee	7
PART 1: ON THE NATURE OF CONFLICT	9
What is Conflict?.....	9
Causes of Conflict.....	10
<i>Three Levels of Conflict</i>	12
Downward Spiral of Conflict	15
Conflict - Advantages and Disadvantages.....	18
<i>Disadvantages of Conflict</i>	18
<i>Advantages of Conflict</i>	19
PART 2: RESOLVING CONFLICT - UNDERSTANDING PERSONALITIES	20
Conflict Resolution Self Evaluation	21
PART 3: STRATEGIES FOR RESOLVING CONFLICT	36
Responding to Conflict	36
Approaches to Conflict.....	38
Alternative Dispute Resolution	40
Positions and Interests.....	44
BATNA.....	48
A History of Local Advisory Committees	52
<i>An Ontario Example of Alternate Dispute Mechanism</i>	53

ADR Approaches for Local Advisory Committees.....54

Five Steps to Reach a Win-Win Situation in Mediation/Shuttle Diplomacy.....56

Shuttle Diplomacy on the Ground.....57

When to use Semi-Formal Mediation?61

Shuttle Diplomacy and Semi-Formal Mediation: Considering Your Options61

PART 5: COMMUNICATION IN CONFLICT RESOLUTION63

Layers of Complexity63

Verbal and Nonverbal Communication65

Key Communication Skills.....66

Observing.....67

Listening68

 Active Listening.....68

Speaking69

 Asking Questions.....70

 Paraphrasing.....70

Other Communication Issues.....71

Perception vs. Reality.....71

Biases72

Emotions72

Barriers to Communication74

Six Barriers to Communication74

PART 6: ROLE PLAY - “AND IN THIS CORNER, WE HAVE...”78

RESOURCE MATERIALS84

Appendix 1: Key Trends in the Rural Community and in Agriculture.....85

Appendix 2: Economic Benefits of Agriculture97

Appendix 3: A Focus on Mediation..... 107

Appendix 4: Nutrient Management Regulation and Local Advisory Committee Protocols..... 112

REFERENCES124

SECRETS CARDS.....127

Introduction

Purpose of Manual

This manual provides direction and training materials for municipalities and/or communities looking to set up a Local Advisory Committee to deal with agriculturally related conflict. It offers a hands-on approach to dealing with conflict resolution. As well, it provides an overview of various alternative dispute resolution concepts and approaches, and focuses on their applicability in a rural, agricultural and municipal context.

Rural/Agricultural Conflict

For many municipalities conflict is a common occurrence - between neighbours living in the community and between ratepayers and the municipality. While conflict cannot always be resolved to everyone's satisfaction, it is desirable to try to manage and resolve it. Individuals and organisations are recognising that, by increasing their understanding of the negotiating process and by using specific skills, they can achieve better outcomes for themselves and others.

In many rural communities the intensification of agriculture, in combination with a number of other trends (including increasing numbers of non-farm neighbours), has contributed to a heightened level of conflict. In particular, the trend towards larger farms with liquid manure systems has made environmental conflict resolution more important than ever. It includes concerns from farmers and non-farmers alike towards other farmers and towards the municipality itself (why don't you do something about the odours from Farmer John's farm!).

In Ontario, this has led to the Farming and Food Production Protection Act, which has a specific mandate to deal with nuisance complaints related to dust, flies, light, noise, odour, smoke and vibration. More recently, there has been the Nutrient Management Act (Bill 81), which recognizes the need to deal with agriculturally related conflict and, in the protocols, suggests the use of Local Advisory Committees in this role. Details of these committees, their structure and mandate will be discussed later in the manual. But first, here is an initial introduction.

Local Advisory Committees

Local Advisory Committees (LACs) offer a community based approach to dealing with local conflict. They provide an alternative to legal action. In this, they are less expensive, less confrontational, and less destructive to community relations.

In spite of these many advantages, it should be acknowledged that LACs are not going to work in every situation. There will be some conflicts that, due to the circumstances, context, or personalities, cannot be successfully mediated by a LAC. As well, it is important to recognize that conflict resolution is a profession with a large body of resources and training available. LACs must be sensitive to what is within their abilities and what requires more professional approaches. Ultimately, these committees are about community members working in a peer context to resolve local issues that might arise and which are related to various agricultural practices.

This manual provides key skills in communication and the resolution of conflict. The manual is broken into the following six sections: On the Nature of Conflict, Resolving

Conflict: Understanding Personalities, Strategies for Resolving Conflict, Conflict Resolution for LACs, Key Communication Skills, Role Play: “And In This Corner, We Have...”. As well, there is an initial overview of the “Ten Steps to Creating a Local Advisory Committee” and, in the appendices, various supplementary resource materials. While written to be delivered by a facilitator, the material is complete in and of itself and can serve as a valuable resource both to individuals and to groups.

Before the committee takes this training, it would be advantageous to review the document “Ten Steps to Creating a Local Advisory Committee”, by Dr. Wayne Caldwell and Jennifer Ball, available through OMAF and at www.waynecaldwell.ca.

Introductory Questions (optional):

The following questions may be used by the facilitator for introductory purposes:

- Who are we?
- Why are we here?
- What is a Local Advisory Committee (LAC)?
- Does your community have an LAC?
- Can anyone give a specific example of conflict in your community?

Workshop Goals

The text, exercises and other resource materials have been designed to enable the participant to:

- learn the steps for creating a Local Advisory Committee
- understand the nature of conflict
- have an appreciation of a variety of alternative dispute resolution techniques
- understand and experience the use of techniques in dealing with difficult people
- participate in a hands-on learning opportunity
- have reference materials that are an ongoing resource

Learning Objectives:

As we go through this workshop, continue to:

- reflect on why you are here
- ask questions
- make sure we address your specific interests/areas of concern

Ten Steps for Creating a Local Advisory Committee* **(30 min)**

The following outlines ten steps that the municipality has likely considered in establishing your committee. Take note specifically of Steps 5 and 6, which are the focus of this manual and workshop.

Step 1: Is there a need for a Local Advisory Committee (LAC)?

The first step is to consider the need for a LAC.

Step 2: Becoming Familiar with Bill 81 – The Nutrient Management Act

The municipality needs to be familiar with the Nutrient Management Act and the role of LACs in the context of this legislation.

Step 3: Who should be on the Committee?

The regulation identifies the general composition of a LAC. Beyond this, however, municipalities need to carefully consider who will serve on the Committee.

Step 4: Establishing the Committee

- Upper Tier or Lower Tier? Which level of municipal government should establish a LAC?
- Passing a by-law – What are the key considerations in passing a by-law?

Step 5: Deciding upon approaches to governance

Once a LAC has been established, how will it approach its responsibilities?

* Note to Trainer – See the document “10 Steps to Creating a Local Advisory Committee”, by Dr. Wayne Caldwell & Jennifer Ball, for a more detailed discussion of each of these steps.

Step 6: Mediation – What are the Options and How to Conduct a Successful Mediation

Mediation is one of the key responsibilities. A number of directions need to be established early in the process to ensure fairness, consistency and success.

Step 7: Education and Awareness Building – Evaluating the Options

LACs also have responsibility for helping to inform the community. A number of key directions need to be established.

Step 8: Getting some Training

The LAC needs to be appropriately trained particularly to carry out its responsibilities related to mediation.

Step 9: Ongoing Monitoring and Evaluation

How will the municipality monitor and evaluate the success of the LAC?

Step 10: First Steps – The Committee is formed – Now What?

Once the LAC is established, it is important to communicate this to the community.

Local Advisory Committees across the Province

Every committee is subject to the Nutrient Management Act Regulation and Protocols (see Appendix 4). However, not every committee will be the same. There will be differences by necessity depending on the:

- geographic area
- make up of the community (cottage areas? types of agriculture? local histories?)
- involvement of farmers and non-farmers
- relationship of the committee with various agencies (e.g. OMAF, MOE, Conservation Authorities etc.)

Future Considerations for the Committee

This manual reviews approaches to mediation (*Step 6*). However, at a later date, the committee will need to further discuss the following questions:

- How to engage both farm and non-farm members of the committee?
- How will monitoring and evaluation be done? (*see Step 9*)
- What next steps need to be taken to communicate the committee's existence/role/mandate? (*see Step 10*)
- How to develop an education and awareness strategy? (*see Step 7*)

A Warm Up Exercise:**(20 min)****The scenario:**

The Canadian Federation of Agriculture (CFA) has decided to cover the expenses for one individual to travel to North Carolina for two weeks to study "Large Livestock Operations" (value of \$2500). Mistakenly, however, they have issued letters to two of you confirming your participation. Both of you applied for the opportunity and were chosen for quite different reasons - Person A is a 50 year old Farmer of a large dairy operation who also sits on municipal council; Person B is a 28 year old hog farmer who is active as a volunteer with the county pork producers board. In recognition of this mistake they have identified two options to decide who should go: you can sit down and try to negotiate a solution between yourselves or an arbitrator will be asked to review the issue and decide.

Option 1- Negotiation - half the participants to divide into groups of two and attempt to negotiate a solution to this problem. Arrange yourselves alphabetically- person A and person B. CFA has agreed that they will accept whatever solution you arrive at provided that it doesn't cost any additional money and is legal. You have 5 minutes in which to attempt to reach a solution.

Option 2- Arbitration - half the class to divide into groups of three - arrange yourselves alphabetically - person A; person B and person C (the arbitrator). The arbitrator must decide between the two individuals and has established the following time frame to allow you to explain why you should be chosen:

Person A - 1 minute

Person B - 1.5 minutes

Person A - .5 minutes

Based on these discussions the Arbitrator will, with reasons, choose one of the candidates- she/he has the right to establish conditions, but basically it is her responsibility to choose one individual over the other. In terms of the selection process the only stipulation that CFA has provided is that the successful candidate will be the one that the Arbitrator feels will most benefit Canadian farmers.

consider compromising. These types of conflict can spiral out of control.

It is helpful to determine where a particular situation lies on this continuum in order to determine what approach to take in trying to resolve it.

The manual focuses on disputes and conflicts between rural neighbours – complaints against individuals or a specific farm operation. It is better to deal with a dispute before it escalates into a more intense and complicated conflict.

Causes of Conflict

Conflict can be both unpredictable and difficult to understand. The following 2 stories are based on actual circumstances and are intended to stimulate discussion concerning the nature of conflict.

Exercise:

(10 min each)

Read the following two stories and discuss the questions following each.

Story 1: Driving through rural Manitoba, we stop and get out in a small town. We look around and see several large barns in close proximity to the town. From the coffee shop talk, we find that no one's very concerned about the closeness of these barns nor have they ever been. Life goes on quite normally.

We continue on our drive and later stop at another small community. Here only one large barn can be seen in the area, with thousands of acres of cash crops surrounding. However, the opposition to this one barn is evident everywhere - signs posted on lawns, newspaper headings, loud angry debates in the local bar.

- What are the factors causing such conflict?
- Why is one community's reaction so different than the other community?

Story 2: There are two different communities. In one, there's a farmer whose fence is continually falling down; his cattle constantly have to be rounded up at the neighbour's property. Yet, the local Fence Viewers have never heard of the situation.

Down the way, there's another farmer who is meticulous about keeping his fences in good shape; he checks them regularly and makes all necessary repairs. In the last five years, there's only been once when his cows got out and into the neighbour's lot. But the Fence Viewers were called out immediately. The uproar and controversy this caused made the front page of the local paper.

- What causes one of these situations to explode so quickly?
- What causes one person to react so strongly to a situation while another person responds with a friendly phone call?

Three Levels of Conflict

Conflict is rarely caused by one single factor. It is embedded in a context, whether it is global, local or personal. International market forces may impact livestock production in a local community resulting in several farmers deciding to expand or alternatively they may be forced into bankruptcy. This is an example of how these three levels are interconnected (figure 1).

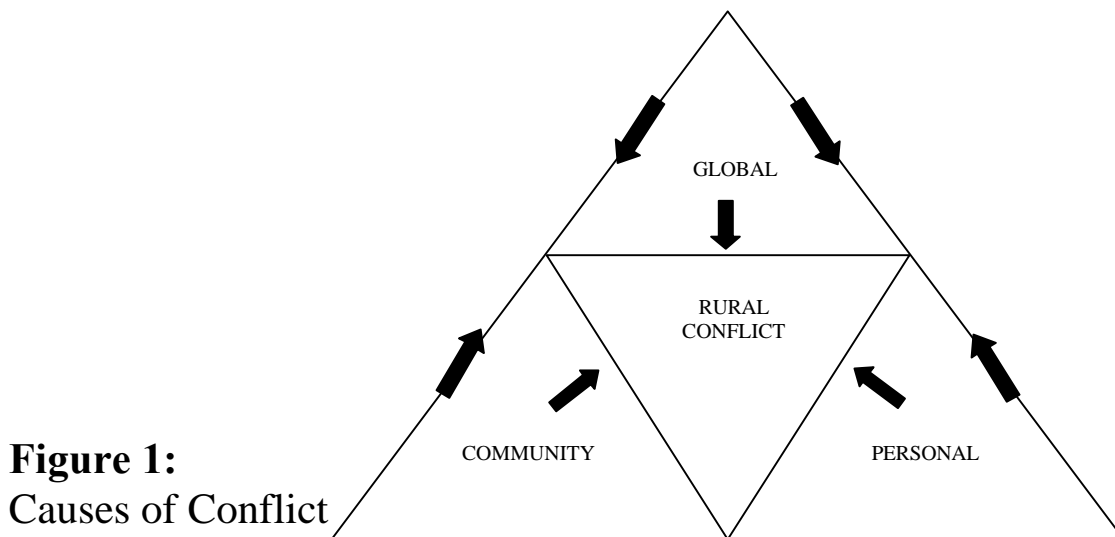


Figure 1:
Causes of Conflict

Global Level

Our world is increasingly interconnected. Events – natural and human-made - in one country have direct effects on businesses and ways of life in another country.

For example, if we consider the following two questions we can easily see the connections between individuals in Canada and the global context.

How does war in the Middle East affect the economy of the USA?
How does the destruction of the banana crop due to an unexpected cold spell in South America affect prices in our supermarkets?

(Briefly discuss these questions.)

Many Canadian farmers need to compete globally. To do so, they must achieve economies of scale. This has meant increased specialization, larger and more intensive farms, as well as a clustering of production in certain regions.

In summary, global trends, including the international market, contribute to a number of related trends that significantly affect agricultural production. Some of these trends that have caused local controversy include:

- increased specialization of farm operations
- larger, more intensive farms
- clustering of production in certain regions

Rural Community Level

In rural communities, conflict is often caused or enhanced by:

- the influx of many non-farm residents, often looking for the benefits of country living yet carrying a different set of values
- increased intensification of agriculture with its various perceived benefits and risks
- the desire of some farmers to continue with more traditional farming and thus to be opposed to changing technology or the expansion of what are perceived to be more corporate scale operations (related trends may include increasing land values that can only be afforded by the expanding farms)
- a general increased awareness of the environment and the shared societal value of natural resources

Many different issues can spark debate in the rural community and in turn, lead to conflict. In Ontario, the following “Nine Nasty Nuisances” are often identified as sources of conflict in

hearings of the Farm Practices Protection Board, the Ontario Municipal Board and in the media:

Nine Nasty Nuisances

1. Air pollution – odour, dust or noise
2. Water pollution – ground and surface water (including beach closures)
3. Manure application – handling, transport and disposal
4. Land degradation – poor management leading to erosion, compaction, salinization, or contamination
5. Chemicals – fertilizers, herbicides and pesticides
6. Land use planning – residential development in proximity to farms, protection of wetlands and wooded areas.
7. Habitat protection – protection of natural areas for wildlife, fish and open green space for people
8. Trespassing on private land
9. Aesthetics – poorly maintained farms and other rural properties (scrap yards, gravel pits, etc.)

Personal level

Different people react differently to different circumstances. Underlying all the external causes of conflict, are peoples' reactions. These stem from individual and collective:

- needs
- values
- perceptions
- opinions
- aspirations

When these are threatened – or perceived to be threatened – conflict often arises.

Discussion Question:

Give an example of how global, community and personal issues are interconnected and can contribute to conflict in your community.

Downward Spiral of Conflict

Conflict often follows a number of predictable stages. At the outset a single issue may contribute to the emergence of a problem that under the right (or wrong!) circumstances quickly spirals out of control. The following diagram identifies key stages in this process (figure 2).

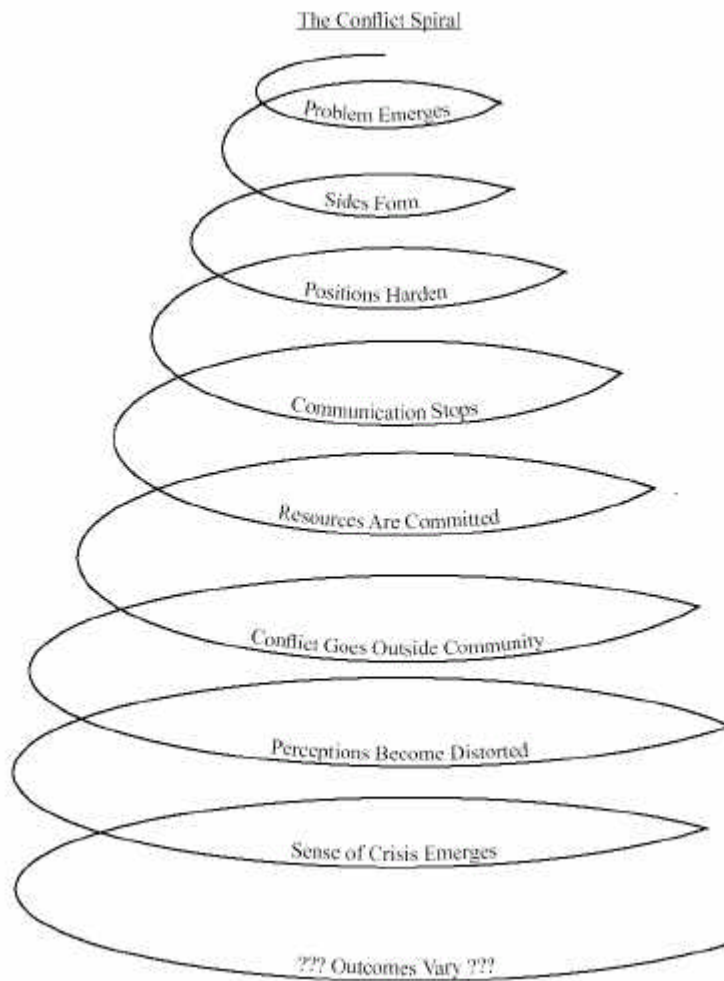


Figure 2:

The Downward Spiral of Conflict

Stage 1 *Problem emerges*

An issue or sometimes a routine circumstance, combined with two different and contrasting perspectives on an issue, leads to the emergence of a “problem.”

Stage 2 *Sides form*

Increasingly, as the problem unfolds people begin to take

sides. Sometimes this may be one individual versus another or it may be a group of citizens in opposition to a position or an individual or a group.

Stage 3 *Positions harden* People become entrenched in their positions. They increasingly believe that their view is the right perspective on the problem and the contrasting point of view is wrong.

Stage 4 *Communication stops*

“They are wrong and there is no point in speaking to them.” This sentiment can often lead to the stopping of informal discussions

between neighbours. Increasingly, the conflict is not discussed thus minimizing the chances for resolution.

Stage 5 *Resources are committed*

Increasingly, the issue may become quite secondary to winning the dispute. What resources are required to win “this battle” – do we need a lawyer, perhaps an expert to demonstrate that we are correct in our position. Securing resources to defend a given position frequently occurs at this stage.

Stage 6 *Conflict goes outside community*

Since there is no longer communication between the disputants and resources have been secured to defend a given position, how can the issue be resolved? Perhaps a municipal council, government tribunal or court of law (lawsuit) can intervene.

Stage 7 *Perceptions become distorted*

Increasingly irrational, the heat of the conflict leads one side to see the other’s position as far-fetched, unreasonable, and driven by some unethical or even ‘evil’ mandate.

Stage 8 *Sense of crisis emerges*

Disputants now see this as a crisis. In some contexts this could lead to violence. In most community situations, this stage is dominated by anger, resentment and a sense of urgency that the issue must be addressed **now**.

Stage 9 *Outcomes vary*

The question is “how is the issue resolved?” Outcomes can vary significantly; internationally, wars may happen; locally, lawsuits may result in a win-lose situation or perhaps, at some point, a process was invoked that has a reasonable chance of creating a win-win situation.

Conflict - Advantages and Disadvantages

Conflict is not inherently bad. In fact, in many instances it can have a very positive outcome. The challenge is to recognize these positives and to try to resolve conflict in a way that leads to positive change.

“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)

Discussion Question:

What positive results are there from conflict?

Disadvantages of Conflict

- damaged relationships
- trust broken and difficult to rebuild
- long term negative effects on individuals and community
- residual negative feelings that can feed future conflicts
- low-level, simmering conflict drains individual and community vitality

Advantages of Conflict

- facilitates a better understanding of the issues
- can lead to self-awareness about how we handle conflict
- enables learning and understanding of other people, their beliefs and values
- creates opportunity for new ideas and alternative solutions
- creates choices
- encourages personal and social change
- underscores the benefits of democracy

“...a third mind is always created when two people engage in a discussion.” (Pruitt and Rubin, 1986)

Part 2: Resolving Conflict - Understanding Personalities

At its most basic level conflict is between two or more people. The chance of a conflict escalating or being amicably resolved is fundamentally tied to the success with which communication occurs. Communication is, however, influenced by the ability of people “to get along” which in turn is often a function of personalities. This section is geared to help provide a better understanding of personality – our own and that of others and how this relates to conflict and its resolution.

Conflict is often enhanced by a dilemma:

“The Dilemma”

- No two people think alike on everything.
- No two people feel the same way at all times within a relationship.
- No two people want the same things or want them at the same time. People operate from different timetables.
- We are, in fact, autonomous, different, and unique beings.
- Yet we are, at the same time, dependent on others. We need them to help us get many of the things we want (or not prevent us from getting them). We are also dependant on others to validate our existence and worth. (*Virginia Satir in Mayer, 1995*)

In light of the above ‘dilemma’ that each of us lives with, we are wise to look at ourselves, to understand what skills we have, and what skills we need to develop to enable us to get along with others.

Each of us has different personality traits that allow us to be more or less successful in responding to conflict. For example, in response to the following questions, we are likely to give quite different answers:

- Do you enjoy conflict?
- Do you enjoy conflict sometimes?
- Are you scared to death with conflict?

Despite our responses we all at times must deal with conflict.

This section is aimed at helping us to better understand how we manage communications between individuals and how we deal with conflict (do we try to avoid conflict, compete with others, accommodate others' wishes, or compromise?). What is your personal strategy? What strategies and options should we adopt? How do we relate to others and how can we manage our approach to conflict to take advantage of our own personal strengths and overcome our weaknesses. The following exercise is intended to help you answer some of these questions.

Conflict Resolution Self Evaluation

The goal of this exercise is to allow participants to develop an understanding of their own personality style and what this means for conflict resolution. Participants will be able to assess themselves, discover what type of conflict management style they are, and find out how other people with other styles relate to them.

This is an introduction only. Participants may not be interested in sharing their "style" and confidentially should be respected. We need all these styles in this world and there is not one style better than another. What is important is how other people see and react to the different styles.

TIME:

Approximately 45 minutes

OBJECTIVES:

- to help participants better appreciate their role in conflict management.
- to help participants identify their own strengths and weaknesses in dealing with conflict.
- to explain how the different conflict styles are perceived by others.

RESOURCES REQUIRED:

- i. handouts - styles worksheet (attached)
- ii. overheads

TRAINER:

Note: It is very important to use the self-assessment tool, as people are interested in "where they fit." The questionnaire is based on "work" situations but is applicable in this context. Participants may not be too eager to share the results because of the negative context attached to some of

the styles. For this reason, it is better to discuss as a large group but not share the individual results. All styles are necessary and all have positive and negative aspects.

A. (10 min)

Before session begins put the four different styles posters on the wall around the room. As people come into the room ask them to go to the style that they think best represents their characteristics. As a group, decide on three main characteristics of the style they think they are.

B. (5 min)

Have the group take their chairs. Ask the group for the characteristics of their style and write them on the flipchart as they are said.

C. (10 min)

Ask the group to complete the styles assessment sheet (Be sure to explain that the examples are workplace situations but they need to be that way so that the choices will work). When the participants have almost completed the sheet then refer to the scoring at the end of the sheet. Have everyone total their scores and decide what "style" they are.

D. (15 min) Processing

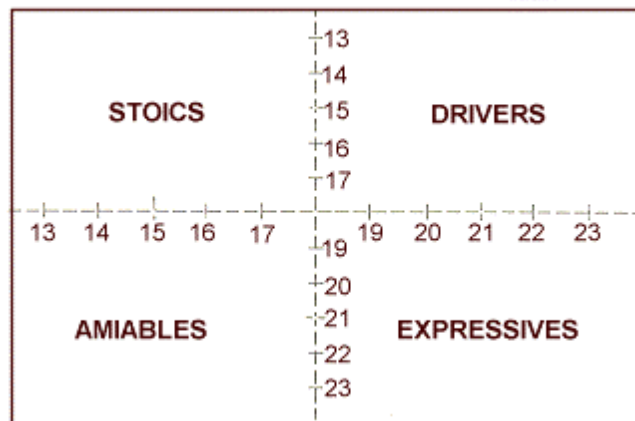
This model of conflict management looks at assertiveness co-operation level. This is just one model but it helps us to recognise the different styles and how to relate to them. You will probably be able to identify individuals in your group as we discuss the different styles. What is very interesting is where you fit into the chart. How you see yourself is not necessarily the way that others see you. We will take a look at the four different styles and talk about the characteristics.

INTERACTIVE STYLE SCORING GRID:

The *horizontal* axis measures *assertiveness* (the degree to which behaviour is forceful and direct). The higher the score, the higher the assertiveness.

The *vertical* axis measures *sensitivity* (the degree to which behaviour is based on caring for people and their feelings). The higher the score, the higher the sensitivity.

The interactive style is indicated by the subquadrant in which the two lines intersect.



KEY: ST = Stoic
 DR = Driver
 AM = Amiable
 EX = Expressive

WORKSHEET INTERACTIVE STYLES INDICATOR:

Instructions

- Circle the number of the statement in each of the following pairs that best applies to your behaviour.
- Do Both Assertiveness and Sensitivity.

Assertiveness

1. *Moves slowly and deliberately*
2. *Moves rapidly.*
1. Speaks slowly and softly.
2. Speaks quickly, intensely, and often loudly.
1. *Leans backward, even when making a request or stating an opinion.*
2. *Sits upright or leans forward, when making a request or stating an opinion.*
1. Is tentative in expressing opinions, making requests, and giving directions.
2. Is emphatic when expressing opinions, making requests, and giving directions
1. *Is rarely confrontive.*
2. *Is sometimes confrontive.*
1. Lets others take the interpersonal initiative.
2. Takes the interpersonal initiative.
1. *Is “ask oriented”.*
2. *Is “tell oriented”.*
1. Decides slowly.
2. Decides quickly.
1. *Avoids risks.*
2. *Takes risks.*
1. Exerts less pressure for decisions.
2. Exerts more pressure for decisions.
1. *Has little eye contact.*
2. *Has intense and consistent eye contact.*
1. Avoids conflict situations.
2. Is challenged by conflict situations.

Stop:

Sum the numbers circled and record this score on the *horizontal* axis of the Interactive Style Grid. Draw a *vertical* line through the score.

Sensitivity

1. *Limited use of gestures.*
2. *Gestures frequently.*
1. Moves rigidly.
2. Moves freely.
1. *Has little facial expressiveness.*
2. *Has marked facial expressiveness.*
1. Seems serious.
2. Seems playful.
1. *Appears reserved.*
2. *Appears friendly.*
1. Is guarded in the expression of feelings.
2. Is free in the expression of feelings.
1. *Focuses more on facts.*
2. *Focuses more on feelings.*
1. Appears more task oriented than people oriented.
2. Appears more people oriented than task oriented.
1. *Is less interested in small talk, anecdotes, and jokes.*
2. *Is more interested in small talk, anecdotes, and jokes.*
1. Makes decisions based more on facts than on emotions.
2. Allows feelings to have a greater influence on decision making.
1. *Is disciplined in the use of time.*
2. *Is carefree in the use of time.*
1. Supervises in a disciplined manner.
2. Supervises in a personal manner.

Stop:

Sum the numbers circled and record this score on the *vertical* axis of the Interactive Style Grid. Draw a *horizontal* line through the score.

Summary Sheet 1: ***Stoic (Less assertive and less sensitive)***

Less assertive behaviours:

- Talks and gestures infrequently.
- Tends to ask questions rather than give directions.
- Speaks softly, but carefully, in a well-planned manner.
- Expresses ideas more tentatively, and often will qualify ideas.
- Tends to be less forceful (lean backward) when talking.
- Avoids risks; stresses quality.
- Emphasizes “do it right the first time” philosophy.
- Makes decisions more slowly.
- Exerts little pressure for decisions.

Less responsive behaviours:

- Shows little body movement, and more rigid gestures.
- Has facial expressions and voice that “tell” little.
- Task oriented.
- Fact oriented.
- Disciplined about time.
- Serious; detached from feelings.
- Avoids small talk and storytelling.
- May prefer to work alone.

Other clues:

- Conventional, tasteful, organized, and formal office.
- Conservative and proper dress.
- Prefers to be planned, decided, and orderly.
- Bases judgments more on logic than on personal values.
- Gives more attention to ideas and things than to human relationships.

Positive group qualities:

- Is logical, thorough, serious, systematic, and prudent.

Negative group qualities:

- May be nitpicky and inflexible.
- May neglect and hurt others' feelings without knowing it.

Summary Sheet 2:

Amiable (Less assertive, more sensitive behaviour)

Less assertive behaviours:

- Talks and gestures infrequently.
- Walks and gestures more slowly.
- Leans back when talking.
- Encourages others to express opinions.
- Tends to be quiet in meetings; may express ideas after others have spoken.
- Presents ideas that synthesize previous ideas.
- Expresses proposals tentatively.
- Decides more slowly, with less pressure.

More sensitive behaviours:

- Decides things based on personal feelings and human values.
- People and work group-oriented.
- Predicts feelings and shows concern with how people will respond to change.
- Prefers one-to-one interaction; may avoid being alone or in large groups.
- Upset by arguments and conflict; values harmony.
- Strives to please people and gain praise.
- Has friendly facial expressions; relaxed posture.
- Is flexible with time.

Other Clues:

- Has “homey” office.
- Dresses informally, but tastefully.
- Does mental work by talking and working with people.

Positive group qualities:

- Is supportive, loyal, cooperative, diplomatic, patient.

Negative group qualities:

- May be too conforming and permissive.
- Reluctance to express important facts or feelings may inhibit action.

Summary Sheet 3:

Driver (More assertive and less sensitive)

More assertive behaviours:

- Moves quickly.
- Directs energy toward task.
- Leans forward to make a point.
- Tells others what to do; is “should”-oriented.
- Speaks rapidly, intensely, forcefully, loudly.
- Uses eye contact to make a point.
- Has strong opinions, and wants to be right.
- Speaks directly “to the point.”
- Willing to take risks.
- Decides quickly.
- Exerts pressure to decide.

Less sensitive behaviours:

- Shows few facial expressions.
- Exhibits controlled body movements.
- Uses few gestures.

- Fact, task, and result-oriented.
- Is pragmatic.
- Plans often, with things settled and decided ahead.
- Uses time effectively.
- Engages in little small talk.
- Prefers to work alone, or direct others.
- Interacts with others briefly and abruptly.
- Needs to prove him or herself.

Other clues:

- Functional and sparsely decorated office.
- Conservative, neat, and functional dress.
- Finishes one project before starting another.

Positive group qualities:

- Independent, candid, decisive, pragmatic, efficient.

Negative group qualities:

- Can be intimidating or overwhelming.
- Occasionally arrogant, domineering, and unfeeling.

Summary Sheet 4:

Expressive (More assertive and sensitive)

More assertive behaviours:

- Displays fast-paced motions and gestures.
- Exudes high energy.
- Tends to speak more loudly than others.
- Speaks rapidly and with much expression.
- Expresses opinions strongly.
- Takes risks.
- Decides quickly.
- Exerts pressure to decide.

More sensitive behaviours:

- Shows free-flowing gestures.
- Uses eye contact and facial expressions.
- Uses voice to express opinion.
- Uses language dramatically.
- Is fun-loving, playful; likes action and variety.
- Tells anecdotes and stories; initiates small talk.
- Is flexible and avoids fixed plans.
- Is people oriented.
- Opinionated.
- Intuitive.

Other clues:

- Open, colourful, bold, and possibly disorganized office.
- Original and flamboyant dress.
- Spends leisure time with other people.
- Uses imagination and often finds new solutions to problems.

Positive group qualities:

- Is outgoing, enthusiastic, persuasive, fun-loving, and spontaneous.

Negative group qualities:

- May be overbearing and domineering.
- Impatient with details.
- Starts many projects, but has trouble completing them.
- May neglect routine assignments.

Emphasize the Other's Style (To appreciate style and to react)

With Amiables:

Be relaxed and moderately paced.

Speak softly; do not come on too strong.

Be genuine; make person-to-person contact, when possible.

Invite conversation and listen carefully for doubts, fears, or misgivings.

Encourage decisions, but be patient.

Offer your support and cooperation on shared goals.

Maintain contact and follow-up.

Listen for hidden messages in humour.

With Stoics:

Be on time; get down to business; and depart quickly.

Be prepared – do your homework.

Stand up to stoics without fighting or arguing.

Get their attention – calling them by name or standing deliberately.

Maintain eye contact.

Be specific, clear, and brief. State your opinions forcefully.

Present your proposals logically and focus on results.

Provide a limited number of options and pros and cons of each.

With Expressives:

Show energy spontaneity.

Allow for small talk and socializing.

Avoid becoming dogmatic (they like to argue, frequently on both sides)

Relate to their dreams and aspirations.

Show how prominent and respected people support your ideas.

Focus on the whole picture and how facts fit together.
Balance “having fun” with “getting things done.”
Concisely state and restate agreements and action plans.

With Drivers:

Pace yourself moderately; do not be overly forceful.
Attempt to be more formal in behaviour.
Be prepared, systematic, and logical.
List pros and cons – with alternatives to each.
Point out which approach is best; emphasize the low risk involved.

TIP Sheet - Style Strategies

The following suggestions are intended to help you work with this information – better understanding your own style, and that of others. To improve interaction accenting common behaviour, de-emphasize your own style, or emphasize the other person’s style. Assertiveness may be easier to increase or decrease than sensitivity.

De-emphasize Your Style

If you are a driver, listen;
If you are an expressive, restrain;
If you are an amiable, take a stand;
If you are stoic, stretch.

Be More Assertive (stoics or amiables interacting with drivers or expressives):

1. Lean forward; hold head erect; speak, move, and decide more quickly.
2. Increase intensity of voice and eye contact.
3. State ideas and proposals positively and directly, perhaps giving your opinion before asking for advice or feedback.

4. Voice disagreements and face conflict more openly.

Be Less Assertive (drivers or expressives interacting with stoics or amiables):

1. Relax; speak, move, and decide more slowly.
2. If expressive, reduce volume; if drive, reduce intensity.
3. Do not invade the person's space; break eye contact, if necessary.
4. Pause when speaking to allow the other person to respond. Ask open questions. Disagree tactfully. Provide assurances.

Be More Sensitive (drivers or stoics interacting with expressives or amiables):

1. Relax; use more gestures; and increase facial expression.
2. Tune into your own feelings and those of the other person. Let your emotions show. Limit references to facts and logic.
3. Use a lighter touch. Be less formal, more personal, and more fun.
4. Show concern for the effects of your actions.

Be Less Sensitive (amiables or expressives interacting with drivers or stoics):

1. Avoid touching. Expressives should restrain gestures.
2. Do not overdo stories, jokes, and small talk.
3. Be systematic, precise, and results oriented. Opinions, intuition, and testimonials carry little weight.
4. Get to the task; stick to it; and move on when finished.

Exercise: PUZZLES

(20-25 min)

Divide the main group into groups of about 5-7. Give each group a jigsaw puzzle to put together (puzzle should be about 50-200 pieces). The task is to assemble the puzzle as quickly as possible in competition with the other groups. Group members may discuss strategy and approaches to assemble the puzzle. The facilitator will give you no more than 10 minutes to assemble the puzzle. One person from each group is designated the “Observer” – they do not participate but rather watch the rest of the group assemble the puzzle. Their job is to note HOW the puzzle gets put together – who does what, when, and how.

Afterward, in the main group, debrief the Observers’ observations and see how these relate to the characteristics of each personality type. Are they consistent? Were participants aware of their personal style of being, problem solving, interacting? How did the observations compare with the personality test results?

Part 3: Strategies for Resolving Conflict

Responding to Conflict

There are many different approaches to managing conflict. All of these approaches have strengths and weaknesses; they are more useful in some situations and less useful in others. By learning about a variety of approaches, you will be able to identify which to use in any particular situation.

Below are five different ways that people use to of approach conflict (Thomas-Kilman Conflict Resolution Model) (figure 3). No one approach is always right. Each of these behaviours can be used positively or negatively depending on the type of conflict and the circumstances surrounding it. It is up to you to decide which approach is best for which situation.

Avoid

- walk away from situations of conflict
- you don't care if you win or lose

Accommodate

- give in to the other person's concerns/demands
- you relent and let the other person win

Compete

- there is a certain rivalry
- you must win as there is only one 'right' way in your mind

Compromise

- both parties give some to get some
- you accept that both will win and lose

Collaborate

- work together to find the best possible solution for both parties
- you both win (though not in the way you originally thought!)

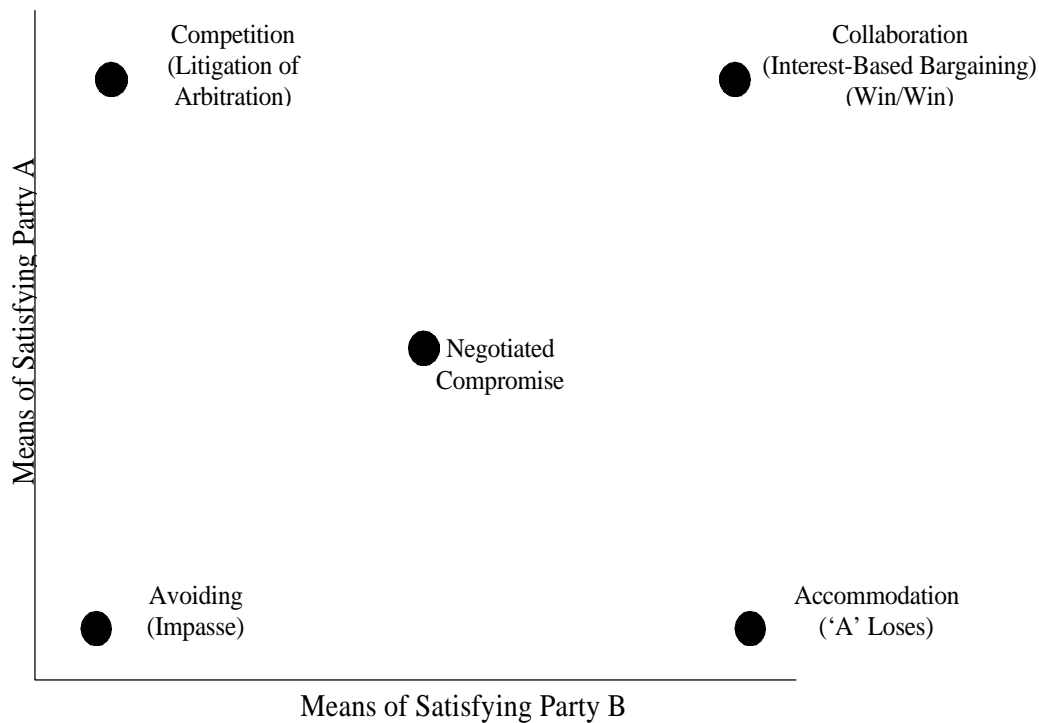


Figure 3: The Thomas-Kilman Model to Resolving Conflict

Exercise:

(10 min)

In groups of 3-4 identify common situations of conflict. These may range from children in a schoolyard competing to win a game of soccer to a dispute over an international border. From the above list (avoid, accommodate, compete, compromise, collaborate), decide which approach is best. What would the outcome be if another approach were used?

Situation	Approach
1.	
2.	
3.	
4.	

Approaches to Conflict

Over the centuries conflict has been resolved in a variety of ways. Even today conflict tends to be resolved using these same basic strategies (figure 4). These strategies include:

Power

- force and knowledge
- the ‘strongest’ usually wins (or if I have enough)

Rights

- standards of fairness or behaviour (legislative/courts)
- the one with the most money/resources often wins

Interests

- underlying needs, desires, concerns, fears, hopes often at the root of the visible conflict
- the underlying interests of both parties inform the final, agreed upon resolution

If conflict is resolved using power or rights alone, the resolution is likely to be inadequate; one of the parties will feel unfairly represented and that there has been an imbalance in perspectives. Whereas, using interests to understand what is actually going on in the conflict enables both parties to feel that their needs have been heard and hopefully addressed.

Although this manual will focus on understanding interests, it is important to realize that power, rights, and interests are not mutually exclusive. Interests exist within a context where people have certain rights and where there are often differences in levels of power. Understanding the context of a conflict is as important as understanding the underlying interests – the two are intricately linked.

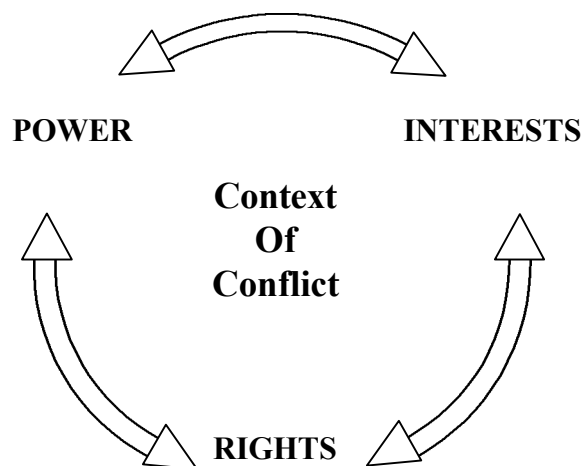
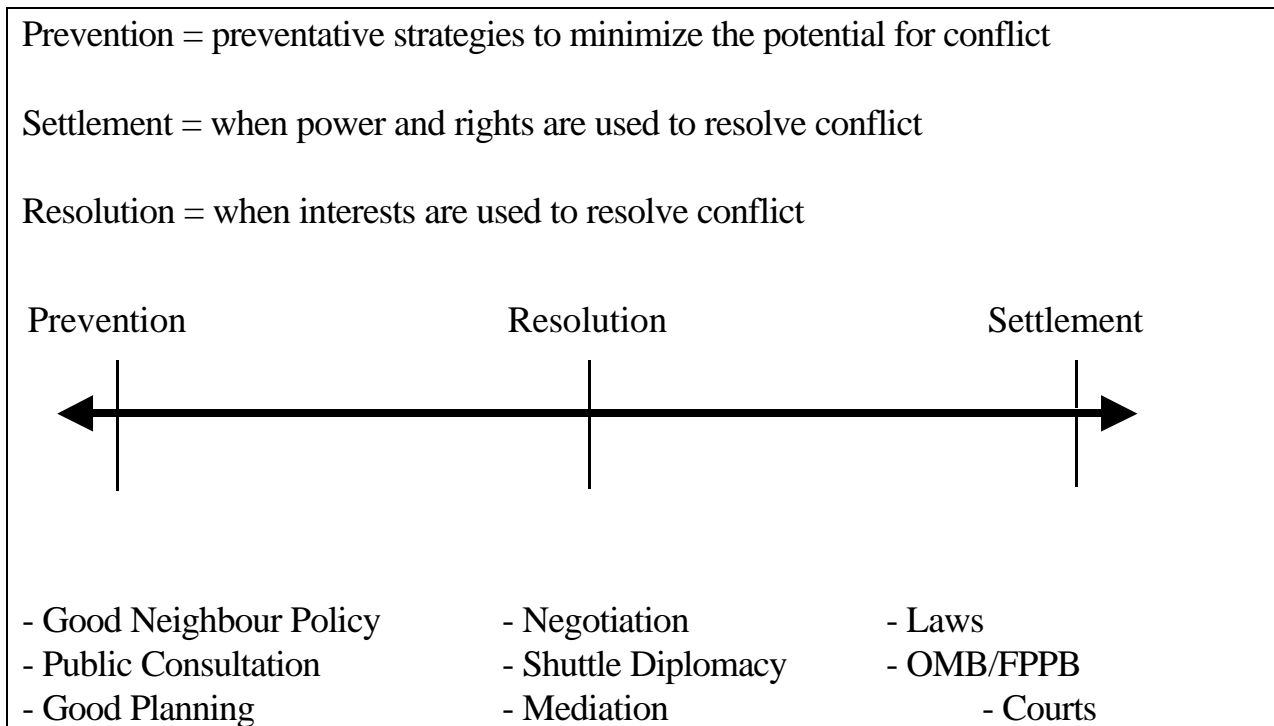


Figure 4: The Context of Conflict

The Prevention- Resolution-Settlement Continuum



People respond to conflict in a variety of ways. Many of these responses are not very obvious but they are crucial in preventing conflict from escalating and becoming visible. At the opposite end of the spectrum, the most common way of responding to open conflict is through legal means (using power and rights). Outside of the law, there are also socially unacceptable ways of handling conflict such as through violence and even war.

This manual focuses on interest-based responses to conflict aimed at resolution. Negotiation and Mediation are examples of interest-based approaches.

Alternative Dispute Resolution

In the recent past, a court of law was the venue where personal, business, and environmental conflicts were settled. Now, with ever-increasing frequency, one of the first steps in resolving a dispute is a more efficient and cost effective process known as alternative dispute resolution. The ‘alternative’ in alternative dispute resolution implies an alternative to litigation. The generally accepted alternatives include negotiation, mediation, arbitration, and administrative tribunals. Figure 5 illustrates the range and overlap of various alternative dispute approaches.

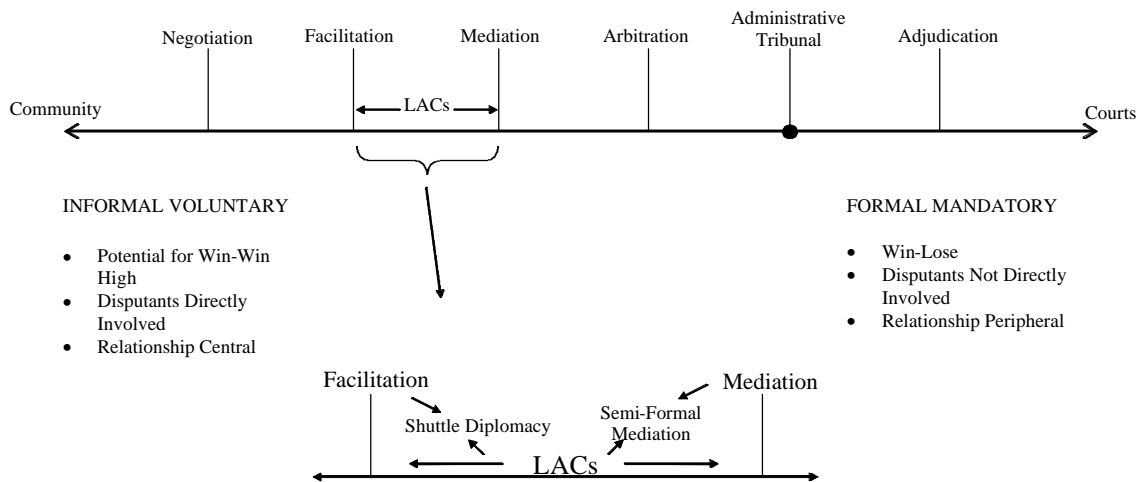


Figure 5: Conflict Resolution and Alternative Dispute Resolution

Negotiation of a dispute is when the parties meet to exchange information about needs and interest between individuals, teams or groups with a goal of reaching mutually acceptable agreements. The negotiating parties have a direct stake in and are affected by the outcome of the negotiation. They meet directly or through representatives; the parties control the process and the dispute need not be resolved on legal positions.

Facilitation refers to various types of dispute resolution methods that bring in a “neutral” person with special

qualifications from outside to help play a major role in the resolution process.

The *facilitator* is voluntarily chosen by the negotiating parties to make the course of the negotiation run smoothly. The facilitator aims at assisting the parties to have productive meetings by managing the logistics and the format of discussion so that the parties can focus on substantive issues. The facilitator helps set the agenda, suggests ground rules, keeps the discussion on track and makes suggestions on effective process actions. Facilitation is used when the parties need some assistance managing discussion. The facilitator does not have a stake in the outcome of the process. While there are strong similarities to a mediator, the facilitator is likely to have a “softer” role in the process.

Shuttle Diplomacy is another form of Facilitation in which the parties in dispute are not brought together in one location. The facilitator(s) goes between the two parties, listens to each side’s issues and concerns, and, by shuttling back and forth, is a channel of communication to explore possibilities for resolution. Other aspects of Facilitation and Mediation also apply to shuttle diplomacy. This will be the primary approach to mediating conflict used by Local Advisory Committees.

Semi-Formal Mediation is a less formal type of Mediation. The disputing parties come together to discuss their conflict and are assisted by a neutral third party, either an individual or sometimes more than one person. These facilitators/mediators are often community members who have received a certain level of training but they are not professional mediators. Despite the absence of professional qualifications, these community members are able to help disputants find common

ground that can help to resolve an issue. In a semi-formal mediation the basic steps of mediation are followed to create a safe and open discussion with the goal of finding a mutually acceptable resolution. This approach to resolving conflict may be used periodically by LACs - particularly where there is some advantage in bringing the two parties together (for example to physically look at a specific issue or to hear from an outside expert).

Mediation involves two or more people coming together to work out a solution to their problem. A mutually agreed upon objective third party, called a mediator, facilitates the process of resolution. A mediator is trained to help parties identify common ground but does not have a stake in the outcome of the mediation. Unlike a judge or arbitrator, the mediator does not take sides or make decisions. The mediator's job is to help the disputants evaluate their goals and options and find their own mutually satisfactory solution.

The mediator ensures that all participants in a mediation get to speak and be heard, helps define the issues, emphasises common goals, keeps discussion focused, facilitates discussion of all options and reduces fault finding. During the mediation session, the mediator is responsible for keeping things orderly, fair, and moving forward. The mediator may advise, counsel, and assist the parties on ways to come to agreement but does not tell the parties how they should conduct their business or personal affairs. The mediator does not advise on legal matters or advise/assist parties in determining their legal rights.

In a more formal mediation the mediator not only manages the discussions but also assists in analyzing the dispute, collecting data, designing the negotiation process, building constituent terms, and developing support for agreements.

The challenge for the mediator is to transform the parties from a win/lose mindset to an all gain mindset. The mediator has no power to impose a decision, but only the authority voluntarily bestowed by the parties.

Arbitration is a binding process in which an outside third party (the arbitrator) decides issues between or among parties. With arbitration the process is still within the control of the parties and it can be tailored to meet their need. There should be rules governing the process for procedural safeguards but the decision is binding on the parties.

The arbitrator reviews the facts of the case and makes a settlement decision. It differs from mediation in that the neutral third party is not just charged with helping to reach agreement but in fact decides the form of the agreement. Binding arbitration requires that the parties accept the arbitrator's decision. This is mostly used in labour/management disputes – but rarely in land use or planning disputes.

Administrative tribunals such as the Normal Farm Practices Protection Board or the Ontario Municipal Board are established under provincial statute to resolve disputes in a specific subject area. They are generally more formal, the statutes set the procedural rules and the parties have limited control of the process.

Positions and Interests

The goal of Alternative Dispute Resolution is to arrive at some mutually agreeable solution that satisfies the needs of the constituent groups and ideally can be labelled as a win/win

situation. Part of this is appreciating that when conflict is identified people usually start out with conflicting positions (Figure 6) (Person A raises hogs for a living and Person B doesn't like the odours), however there are often interests that are held in common and can be agreed on (both agree that food production is essential and that manure should not be spread near watercourses). The challenge through ADR is to find these areas of common ground that are a good starting point on the road to dialogue and a win/win resolution.

What is a position?

- what a person feels they need
- the stance a person takes when feeling threatened
- 'all or nothing'

(Example: My final offer for that used car is \$13,000.)

What is an interest?

- why a person feels they need something – the broader reasons behind their need
- needs, desires, concerns, fears, hopes
- what is underlying their position – the root

(Example: I need a car to get to work.)

How do they differ?

A position allows for very little if any room to negotiate. There is a specific outcome expected and nothing else is acceptable. However, often the outcome is limited by the person's imagination and ability to come up with solutions. The solution they are demanding is the only one that they think will solve their problem.

Interests offer the rationale or reasoning behind why a person is demanding something or taking certain action. Such reasons are often unknown to the person themselves

until someone asks them and they become more self-aware. Brainstorming engages imaginations in coming up with different alternatives that still meet the underlying needs.

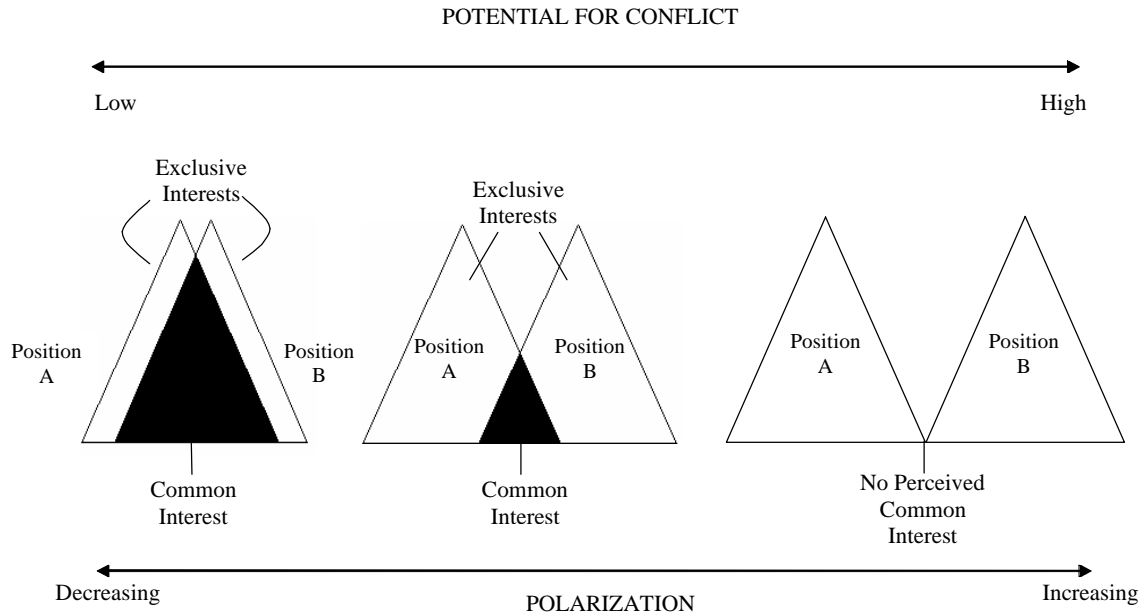


Figure 6: Positions vs. Interests

Conflict often comes with a sense that there are no common interests (at the far right of the continuum).

ADR is about finding the common interests to build solutions (at the middle of the continuum).

Moving from positions to interests expands solution potential.

The story is told of a brother and sister fighting over the last orange in the fridge. Their mother is working in the next room and trying to stay out of it. Voices get louder with the name-calling, while claims of needing that particular orange more and more exaggerated. Finally, in complete exasperation, the mother goes into the kitchen, takes the orange from her son and, with one swift slice, cuts it in half, giving an equal portion to each child. Now, how difficult was that, she wonders.

The girl proceeds to peel her half to grate the rind for a cake she is in the process of making. Her brother peels his and eats the fruit that is his favorite. They each wanted or needed the orange for different reasons.

Each had made assumptions about what the other had wanted the orange for and, without asking any questions to clarify the other's intent, they ended up locked into positions and thus into an ever intensifying argument. How much energy might have been saved if they had taken a moment to find out why exactly the other person wanted the orange so badly.

Exercise:

(10 min)

Divide the room in half with one side taking on the perspective of the insurance company and the other taking on the perspective of "my brother" in the following scenario.

My brother was recently driving and hit a deer. Fortunately, no one was hurt (except the deer). However, there was significant damage to the car. The insurance company became involved in determining the extent of the damage and provided a quote completely unacceptable to my brother. Several heated phone calls have since ensued.

What are the two respective *positions* of the parties?

What are the *exclusive interests* (*interests held exclusively by one party only*)?

What are the *common interests** (interests shared between the two parties)?

Discussion Question:

Can you think of any situation where there might be no areas of common interest?

Advantages of Interest Based Conflict Resolution

Interest based conflict resolution has the potential to achieve an all-gain or win-win result. It also has the potential to improve relationships between neighbours and address and resolve underlying issues. If neighbours are engaged in this process, there is also the expectation that the conflict is less likely to reoccur – not to mention that they will have spent much less money than if they had pursued the conflict in the courts.

BATNA*

The concept of BATNA or “Best Alternative To A Negotiated Agreement” can be an important tool to help negotiate a resolution to conflict.

Ask yourself, “What would happen if I did not negotiate? What is my alternative if I don’t negotiate?” The answer is your BATNA. It is the standard against which to measure both the advantages of negotiating as well as the losses or benefits of any particular option in the agreement. By

* For a thorough review of the concept of BATNA, see “Getting to Yes: Negotiating Agreement Without Giving In”, by Roger Fisher and William Ury, pp.97-106.

figuring out your BATNA, you can determine how important it is to you to agree to negotiate and what you have to lose and to gain by being part of such a process.

While you may choose to use the BATNA principle for yourself, as a member of the Local Advisory Committee, you might also have opportunity to help disputants to understand their BATNA. This can assist the two parties in deciding whether it is in their best interest to negotiate, what is at stake if they don't negotiate, and what is important to them to include in their negotiated agreement.

For example, a beef farmer recently sold cattle that had been pregnancy checked with the expectation that they would calve in the summer. Fall arrived and a number of the cows had still not given birth. Discussions ensued between the two farmers - the farmer who purchased the cows wanting a rebate and the farmer who sold the cows feeling that the transaction was over with. It is easy to see how this issue could end up in court. For both farmers, they needed to consider how far they would push the issue and how the other farmer would react. After considering their "Best Alternative to a Negotiated Agreement", they were able to agree to a financial settlement that both parties agreed to – less than the original amount demanded but more than what the other farmer had ever planned to pay out. This is a good example of how considering the alternatives to negotiation can lead people to willingly negotiate.

A second example can be drawn from Ontario where issues of drought can lead the Ministry of Environment to issue an order prohibiting the pumping of water from rivers and streams for the purpose of irrigation. In several watersheds, committees have been organized to help mediate disputes

between farmers over water use (for example Farmer A is pumping water and not leaving sufficient capacity for Farmer B to irrigate his/her crops). In this instance, the Irrigation Advisory Committee would work with the farmers to help them realize that, if they cannot manage the water within their watershed, one of the alternatives includes stopping everyone from using water for irrigation. This would be a most undesirable BATNA thus again encouraging negotiation towards a workable solution.

Exercise:

(10 min)

The LAC is called out to investigate an odour complaint from a wealthy cottager about a farmer who is spreading manure on the adjacent field.

Use the following flowchart (figure 7) to determine the BATNA of the cottager and farmer. Decide what the negotiated agreement might mean for each one. Then determine what the alternatives - both positive and negative - are if they don't negotiate.

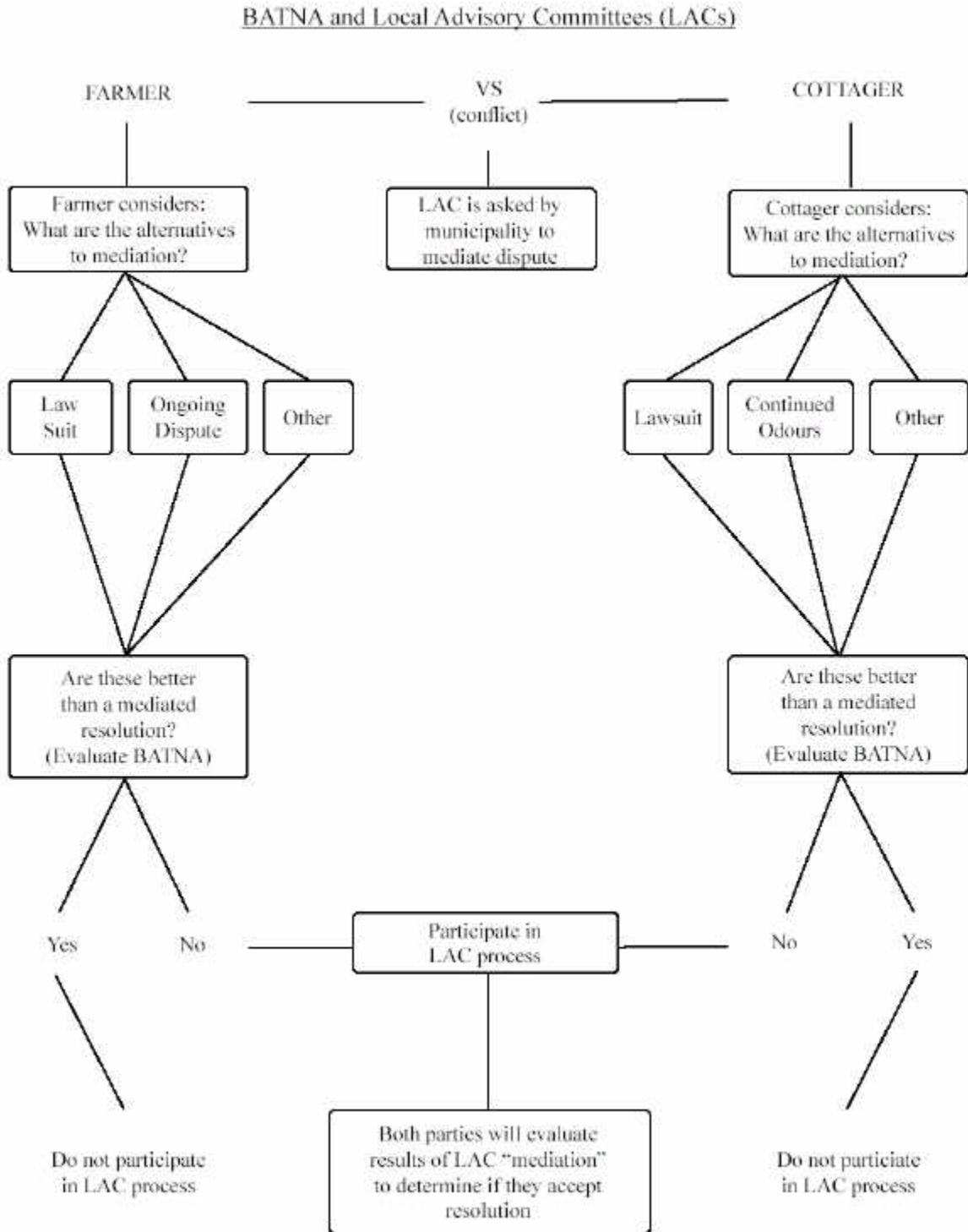


Figure 7: BATNA and Local Advisory Committees

Part 4: Conflict Resolution for Local Advisory Committees

A History of Local Advisory Committees

The legislation (Bill 81) paved the way for the creation of Local Advisory Committees in Ontario. These committees were identified in the regulations as a way of resolving agriculturally related conflict. The decision to include them reflects the successes occurring in the Counties of Huron, Perth, and Oxford where such committees are already active. As well, it reflects the success of similar initiatives in other jurisdictions such as Alberta's "Farmer's Advocate" and in Manitoba, the Peer Advisor Program and the "Livestock Facilitated Community Consultation".

Environmental conflicts in farming can range from odour, noise, or dust complaints, to lagoon spills. In many cases, even if environmental laws are violated, there are opportunities for conflict resolution to help in achieving workable compromises and solutions that all parties can live with and trust.

Often conflict is of relatively low intensity and, if headed off at an early stage, there's opportunity for it being win-win, with the hope of better community relations. This is a better alternative than ending up before the courts or not being dealt with at all.

*An Ontario Example of Alternate Dispute Mechanism**

In Huron County, the “Huron Farm Environmental Mediation Committee” was formed in 1999 with the mandate to help local and provincial governments “...in resolving environmental complaints between farmers and neighbours, where no law has been broken...”. The committee was created specifically as a form of peer review for farmers and Committee composition includes representative of the farm community as well as county councillors.

Complaints are typically channelled through the clerks of local municipalities to the Ministry of Environment (MOE) before they reach the committee. Since its formation, the Huron Committee has responded to approximately 13 different complaints. Of these, approximately 11 have been successfully resolved, 1 was outside their mandate, and 1 could not be resolved.

Following are reflections by members of existing LACs:

- “More people are realizing that with cool heads and common sense, they can stay away from lawyers.”
- “It’s always best to have it (a LAC) in place before you need to use it.”
- “Committees should have formal training in nutrient management issues as well as mediation.”
- “There needs to be criteria and a selection process of those to be on the committee (especially for non-farm members). You have to be careful how many

* Of interest, similar approaches are being used in Manitoba.

non-farm members there are and of the role they play on the committee. Start the process and it will evolve.”

- “An education process is necessary (for example, how to be a good neighbour, a list of ways to deal with specific situations). There needs to be a mechanism for education for rural non-farm people. This might reduce the need for mediation and the role of the committee might change over time.”
- “There must be buy-in – from council and farmers and the public.”
- “It is very important that the committee be at the County level not at the municipal (level). The commitment of the commodity groups is greater at the County level.”
- “We have never had a person who hasn’t been willing to give their side of the story.”
- “The farming community welcomed the mediation committee. This was because it was set up so the farming perspective is well represented; there is representation from all sectors.”

ADR Approaches for Local Advisory Committees

Local Advisory Committees have a range of approaches available to choose from when dealing with situations of conflict related to agricultural. Certain approaches relate to specific types of complaints and conflicts while others relate to broader activities in the community, which actually prevent conflicts.

Reactive Approaches to Conflict (attempts to resolve conflict after it has occurred)	
Approach (2 key options)	Situation/Issue
Shuttle Diplomacy (panel of three meeting separately with two parties) (gather facts from municipality, disputants, drive by site, etc.)	Shuttle diplomacy is likely to be the primary method that LACs use to resolve conflict. It has potential application for most disputes.
Semi-formal Mediation (calling in outside expert – i.e. Technical Review Committee, OMAF/MOE rep) (gather facts from municipality, disputants, drive by site, etc.)	Semi-formal Mediation implies a joint meeting of the 2 disputants, however, particular sensitivity is required in bringing the 2 parties together. This might occur when an outside expert is to be involved or when there is a need to look at a given issue on site with both parties present.
Precautionary Approaches to Prevent Conflict (preventing conflict)	
Approach	Situation/Issue
Nutrient Management Education (informal and formal)	Where there is a perceived need to educate people about matters related to the management of materials containing nutrients the committee may organize such activities.
Awareness Building (community outreach, Best Management Practices, Good Neighbour Policies)	Where there is a perceived need to educate people about matters related to the management of materials containing nutrients the committee may organize such activities.

ADR Approaches for Local Advisory Committees

Five Steps to Reach a Win-Win Situation in Mediation/Shuttle Diplomacy

Step 1 - Clarify issues and interests

(Does each party understand the underlying interests that they have and the interests of the other parties?)

- Your responsibility is to determine what the issues are and what the interests are of the party that has raised the concerns (i.e. Is the complainant a neighbour? Is the issue a concern of safety?)

Step 2 – Review the available information

Is new or additional information required? Is there new information since the complaint was made?

Step 3 – Explore options

- What is the common ground between the complaint and the complainant? Is there potential for agreement or compromise?
- What types of solutions might potentially be used in dealing with the complaint? What is feasible and what is financially and technically possible? Will it have the desired outcome? Is it likely to be perceived in a positive way by neighbours?
- Conversely, is the complaint not founded? And do you have adequate information to properly explain that to the person that has raised the complaint?

Step 4 – Use objective criteria to seek settlement

- Remember your responsibility as mediator/go between is to not necessarily side with either party but rather establish criteria that allows you to come to an appropriate win-win situation (i.e. Is there an odour

problem? Is there a potential water quality problem? Are there other irritants that exist that can be responded to?)

- Make sure that the solution can be implemented.
- Make sure that the parties understand how it will be implemented.

Step 5 – Report the results

- It is advisable to accurately record the results of a mediated decision. By recording the agreement in written form, this helps to ensure that both parties know what has been agreed to and establishes a ‘paper trail’ should the agreed to solution require review at a future point.

Shuttle Diplomacy on the Ground

As discussed earlier, shuttle diplomacy is likely to be the mechanism used by most LACs in response to a conflict episode. With shuttle diplomacy, the LAC will go between the two parties, listening to each side’s issues and concerns and, by shuttling back and forth, the LAC will serve as a channel of communication to explore possibilities for resolution. In most instances, the Committee will simply receive comments by phone from the complainant, which will be followed by a visit to the neighbouring farm, with follow-up visits only as required. The LAC will ask any further questions of the complainant and ask any further questions of the farmer. The LAC will then, work out options with the farmer or conversely explain to the complainant that the farming practices are appropriate. Options will be reviewed with the complainant so they understand. And finally, a report will be prepared.

A more detailed explanation of this process is reviewed in the document “Ten Steps to Creating a Local Advisory Committee” and is provided here for further clarification:

COMMITTEE ACTION: (the following is intended to compliment the Provincial Protocols for Local Advisory Committees. These should also be provided to every Committee member)

- all complaints/inquiries reviewed by the Local Advisory Committee are to be either in writing to the Clerk of the local municipality, the Clerk of the County of _____, or referred to the Committee by the Ministry of Environment. If the municipality receives a complaint it will first assess whether it is a spill or violation and if it is or the municipality is not sure it will be referred to the Ministry of Environment. Once a complaint is received and it is determined that it is not a spill or violation, the Clerk will notify the Committee Chairman or Vice Chairman immediately in order that the Committee can initiate its review process. In the event that the Chairman or Vice Chairman can not be reached, one of the other Committee members should be notified.
-
- upon notification of the complaint, the Chairman or Vice Chairman will strike a panel consisting of not more than three of the representatives noted above. It will be the responsibility of this review group to meet on-site with the operator of the farm operation in question to review and discuss the complaint and/or inquiry. The panel may also meet with the complainant to better understand the issue.
- either during or after its on-site meeting with the farm operator, the review group will prepare a brief report outlining its findings and conclusions in respect to the complaint and/or inquiry. Copies of the report are to be provided to the farm operator, the complainant/inquirer, the host municipality, and the County of _____ Planning and Development Office.
- the findings and conclusions of the review group will take into consideration the issues of good farm management practices and proper land stewardship.
- if during its review, the review group determines that the subject matter should be dealt with by the Ministry of the Environment, the Committee will stop the mediation and immediately refer the issue to the Ministry of Environment.
- At the conclusion of the mediation the mediator's involvement ends.
- the Committee may develop a standard form to be used by the Clerk when forwarding a complaint to the Committee. Such standard form may include a check-list to assist in gathering data on the complaint.
- the Committee may prepare and adopt a more detailed procedural guideline for dealing with complaints.

The following flowchart (figure 8) builds upon the process set out in the protocols and reviewed above. Here are the steps the committee might follow after receiving a complaint:

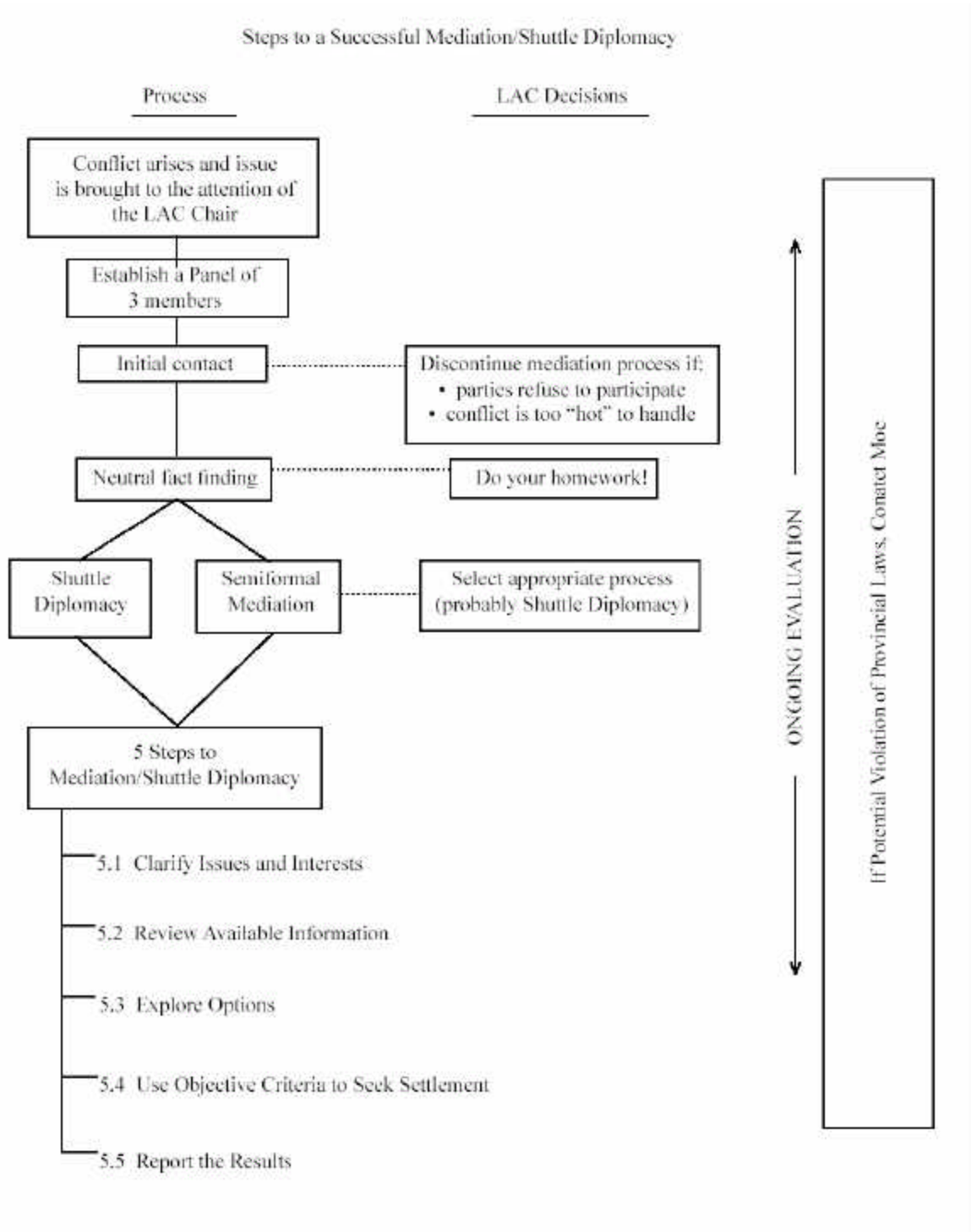


Figure 8: Steps to a Successful Mediation/Shuttle Diplomacy

When to use Semi-Formal Mediation?

While in most instances shuttle diplomacy has a number of advantages (it helps to minimize the animosity that might occur when the two parties are brought together), there may be times when a sit-down mediation is appropriate. In this instance, the LAC will serve as a neutral chair exploring the issue, positions and interests with the goal of finding an acceptable resolution. Situations where a sit-down mediation would be advantageous include situations where:

- there are numerous issues to discuss and both parties would benefit from talking face to face with members of the committee to assist
- disputants are willing to negotiate and the complexity of the issues make it advantageous to have the two parties together

Depending on the personalities involved and the specific issue, the committee may wish to engage someone with formal mediation training whether from OMAF, the MOE or the larger community.

Shuttle Diplomacy and Semi-Formal Mediation: Considering Your Options

The following exercise (option 1 or 2) is intended to encourage the Committee to discuss how they would approach complaints or specific issues- what kinds of issues might the Committee address and how should these issues be approached. If time permits complete both Option 1 and 2.

Exercise: Option 1

(10 min)

1. Can you think of examples of complaints that are appropriate for the Committee to review?
2. Can you think of examples of complaints that are not appropriate for the Committee to review?

Exercise: Option 2

(15 min)

Scenario #1

The establishment of a large swine operation in Paradise Township has created a critical and observant group of concerned neighbours. One neighbour believes that the livestock operator is not spreading manure according to sound management practices. The neighbour contacts MOE with his concerns but through discussions the MOE contact realizes that, while the farmer might want to consider a Good Neighbour Policy, there are no apparent environmental problems or contraventions of the Nutrient Management Plan. The complainant is informed that the MOE will not respond at this time but that the MOE will contact the Local Advisory Committee asking them to review the issue.

Scenario #2

New rural residents locate to an area close to land used for manure spreading by a large livestock operation. They are not impressed by the odour and feel that efforts should be made to reduce the impact on their property. Their complaints to MOE, OMAF and the local Township Reeve fail to produce a response. In frustration, Eve and her husband Adam ask the MOE to request a visit from the Local Advisory Committee.

Part 5: Communication in Conflict Resolution

Layers of Complexity

Conflict is rarely only about the specific event or circumstance involved in the complaint. Inevitably, when LAC members meet with landowners and hear their perspective, their ‘side of the story’, the underlying layers of the conflict begin to expose themselves.

Conflict is like an iceberg (figure 9) where what is visible above the surface is rarely an accurate reflection of the depth and layers of what is underneath. Below the surface often lie:

- hidden agendas – something else the person wants but the expressed conflict represents a more ‘acceptable’ way to express it
- varying levels of desire and ability to negotiate to resolve the conflict
- personal connections (i.e. a previously denied application, family break-up, family death or illness, financial crisis, incompatible personalities, etc.)
- local politics
- bureaucracy (i.e. a person’s alienation from the process)
- institutional constraints (i.e. municipal, jurisdictional and financial limitations)

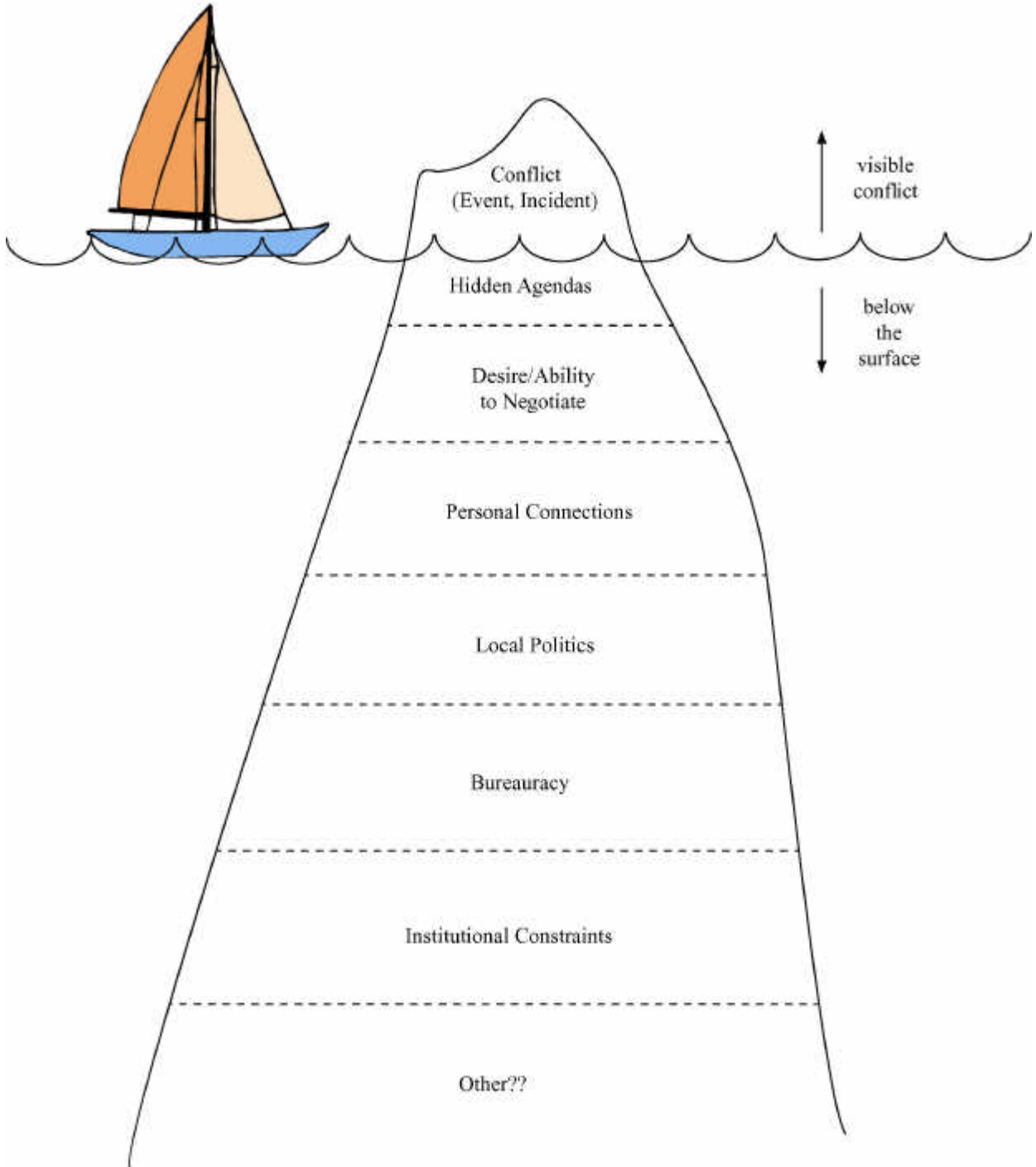


Figure 9: Conflict as an Iceberg

It is important to be aware that there might be some underlying issues in a conflict. But how do we identify these issues? How do we get at what is really bothering a

person? The only way is through communication – effective communication! It’s about what we say, when we say it, how it gets said, how we listen and what we understand from the other person.

Verbal and Nonverbal Communication

First of all, in communication we must deal with both what is said and what is not said. We all do this already in our interactions with others but we might not be very conscious of it...or some of us are more conscious of it than others...either way, we can all afford to improve on these skills.

What are some forms of nonverbal communication?
(body language, tone of voice, silence...etc.)

Exercise:

(5 min)

In pairs, have one person tell the other person about a vacation they’ve been on. Then reverse roles. Reconvene the main group.

What was said that wasn’t verbally said? How was this communicated?

It is said that nonverbal communication is almost 80% of all of our communication. So, even without saying any words, we’ve said almost all of what we are going to say! What does this tell us? That we need to pay close attention not only to what we say nonverbally to other people but also that we need to be good at reading what they are saying back to us. Also, there is much potential for signals to get crossed and for there to be some serious misunderstandings.

Basics of Reading Body Language: Non-Verbal Communication*

<p>tension/ nervousness</p> <ul style="list-style-type: none"> • less frequent eye contact or blinking • clenched hands/ sweaty palms • nail biting • cigarette smoking • fiddling with coffee cup, paper clips, etc • rubbing one’s head or back of neck • sighs • unsteady voice • hands covering mouth when speaking • shifting seating position 	<p>boredom</p> <ul style="list-style-type: none"> • drumming on table • clicking a ball point pen • head in hand and dropping eyes • doodling • glancing at watch • blank stare, fixed eyes • foot jiggling
<p>acceptance/friendliness</p> <ul style="list-style-type: none"> • moving closer to another person • frequent adjustment of clothes or hair • slight nodding of head • relaxation, removing glasses, a slight smile • unbutton or take off coat 	<p>defensiveness</p> <ul style="list-style-type: none"> • arms tightly crossed at chest • gripping or fist like hands • tightly crossed legs • tense expression on face • more frequent eye contact
<p>anger/frustration</p> <ul style="list-style-type: none"> • squinting eyes • clenched fists • pounding table • elevated tone of voice • shaking hand • arms crossed • high colour in face • throwing things down on table • pursed lips 	

* amended from Ontario Agricultural Training Institute, 1998

Key Communication Skills

There are some key skills to help us communicate more effectively – so that we are better understood and so that we understand others better.

Observing

How good are you at observing?

Exercise: Mirroring and Observation Skills

(5 min)

In pairs, one person is to copy whatever the other person does. After a minute or so, switch roles.

The point of the exercise is to see how well you are able to mirror the other person and therefore how well you observe other people. What specifically was easy or challenging about this? How would you rate your observation skills?

Observing involves quietly and unobtrusively watching the cues that the other person is usually unconsciously giving you.

- *What is their facial expression?*
- *How are they standing or holding their arms/hands?*
- *Are they speaking loudly or softly?*
- *What kind of words are they using?*
- *Is there anything interesting about the clothes they're wearing?*
- *Do they have an accent?*
- *What about the things in the room – if you're in their house – do they tell you anything about the person's life?*

These are just a few of the types of things we might be looking for when someone is talking to us. Anything can be a clue to tell us something more about what is going on for this person behind the words they are saying. One of our challenges is to learn the meaning of these silent messages

for the different people that we interact with. Sometimes we take this information in quite unconsciously and other times we might have to ask to make sure we got the right message – we do have to balance our observing with not assuming that we know the full meaning. What we see or smell or intuit needs to be combined with what we hear.

Listening

Many of us have been told that hearing is not necessarily listening. So, what is listening exactly? What makes it different from hearing?

Listening is about hearing not just the words being spoken but also the meaning of the words being spoken. To do this it is important to give our attention to the person speaking, to let them know that we have heard what they are saying. This type of listening is referred to as ‘active listening’.

Active Listening

To listen actively in a conversation first and foremost means paying attention – giving someone your undivided attention, without thinking of something else or without trying to do something else at the same time. An active listener:

- shows genuine interest
- uses their own body language to show they are interested and paying attention
- pays attention to both the verbal and nonverbal communication of the speaker
- encourages the speaker to say more or give more information by using unobtrusive but encouraging sounds

or words (i.e. really? Hmm..., unhuh, tell me about that...)

- does not interrupt with their own stories or too many questions; hears the person out
- makes mental note of the main ideas
- clarifies (who, when, where, why, how) and confirms understanding

Important to Remember: A person will keep going over and over the same story or point until they feel they have been heard (not until you feel they have been listened to). So, if you're hearing the same thing repeated again and again, check yourself to see if you are really listening and if you are letting them know you are listening.

Exercise:

(5-10 min)

a) Ask for two volunteers. In front of the main group, one person is to talk about anything of interest to them while the other person models poor listening skills. After a few minutes, ask the group to point out/list the poor listening behaviours and how they affected the communication process (e.g. interrupting, not facing speaker, no eye contact, talking about self, looking at watch, tapping foot, not asking questions, etc.)

b) With two new volunteers, have one talk on a topic of their interest while the other models good listening skills. After a few minutes, ask the group to point out/list the positive listening behaviours and how they affected the communication process. (e.g. facing speaker, asking open-ended questions, paraphrasing, eye contact, positive prompts, etc.)

Speaking

Most obvious in communication is speaking, our verbal exchanges of words. We all know the power of words and

the way we choose to say them. What a difference between a comment made with genuine interest and one tinged with sarcasm. For example, use different tones to ask this question, “So, what’s your problem?”

In conflict, words get thrown around carelessly while others are aimed carefully and thrown like pointed weapons. As intermediaries, LAC members will need to use their own words carefully in order to understand what lies underneath the conflict. They will need to ask a lot of questions and possibly to paraphrase what they have heard.

Asking Questions

Generally questions allow us to gather information in order to better understand a person’s perspective on a particular issue. There are generally two types of questions:

Closed Questions – These can be answered with a ‘yes’ or a ‘no’ (e.g. Are you angry?).

Open ended Questions – These cannot be answered simply with a yes or no. They require answers with more of an explanation. (e.g. What makes you angry about this situation?)

Paraphrasing

We paraphrase when we briefly restate what someone has said. This can be done subtly so it doesn’t take away from the conversation. Paraphrasing should include both the facts and feelings of what was said (e.g. So, you’ve noticed your neighbour out spreading close to your lot line...and it

annoys you?). Be sure what you're reflecting back is accurate and objective, not mixed in with your own feelings.

Most importantly, paraphrasing lets the speaker know that they've been heard and understood. It also allows the speaker to correct you if you've misunderstood something they've said. Through this process, a certain empathy and trust develops which facilitates ongoing interactions.

Other Communication Issues

Although there are numerous other aspects to communication that could be explored there are three additional items that are particularly important to the work of LACs.

Perception vs. Reality

What a person believes about a situation is their perception but it is also their reality. Perceptions differ between people and so do their realities. However, all must be seen as valid or a person will feel misunderstood and likely walk away from a negotiation.

In conflict resolution, it is important to try to understand the different perceptions or points of view. Remember, understanding a point of view does not mean you agree with it! It does however mean you are better able to help find solutions that make sense to the way that person sees things.

Exercise:**(2 min)**

Can you think of a situation where someone else saw an issue so fundamentally different from you that you were left in disbelief? (differing perceptions and reality)

Biases

Everyone has some bias. As well, everyone has at some time experienced bias against him/herself. In conflict resolution, it is important to acknowledge that bias or prejudice (perhaps towards a certain livestock type) may be present. However, it is also important that we continue to create a safe and respectful environment for open discussion. Good communication skills become essential in such situations.

Emotions

Conflict inevitably evokes a range and varying intensity of emotions. Different people have different ways of handling or responding to conflict and some may be angry, frustrated, quietly fuming or hostile, feeling threatened, depressed, in despair or fearful.

As intermediaries, it is important to recognize and try to understand these emotions. It's also important to be aware of the feelings they stir up personally and to not react to the other person's outbursts; reacting will only intensify the situation, making the person feel more misunderstood and threatened. Who or what might the person be reacting to? Could they be reacting to past grievances or trying to get revenge?

Once a person has ‘let off some steam’ while being quietly listened to, they may be more able to talk rationally and to discuss solutions. Also, by not reacting and communicating respect and understanding, it may be possible to diffuse some of this emotion.

In particularly difficult emotional situations, try these steps*:

Step 1: Receive: listen and say nothing for the moment – give the other person space to discharge emotions – respect the other person’s communication

Step 2: Notice: be aware of your own reaction

Step 3: Centre: tune into yourself – breathe deeply

Step 4: Listen Again: ask yourself what you are picking up from the communication – separate feeling from content – strain out what is valid and let at least some abuse pass you by

Step 5: Reflect Back: reflect both feelings and content (paraphrase) – “let me check with you if...”, “is what you are saying...”

Step 6: Clarify and Explore: what are the other person’s needs and concerns – explore what is behind the words being used – ask questions to shift the focus from anger to exploring the issues

Step 7: Identify Next Steps: acknowledge needs and concerns – consider the next step e.g. develop options, make an “I” statement, take time out

* adapted from UNICEF, 1997

Barriers to Communication

There are a number of recognized barriers to open and forthright communication. Given the role of LACs, it is important that we not only be aware of these barriers in others but that we also look for them in ourselves. Where we notice these barriers “in action” we need to be thinking about strategies to address them. For example, if someone is not listening, one could suggest to that person “I’m hearing a number of important points being raised, let’s jot some of them down on paper so that we don’t lose them.” Or if someone is resistant to change, it may help by saying “This idea of Tom’s is quite different from how we normally address these issues but, before we throw the idea away, let’s objectively think for a moment about what are the advantages and disadvantages of this approach.”

Six Barriers to Communication

- resistance to change
- focus only on own thoughts so not open to others ideas
- selective listening – hear what you want to hear
- hidden assumptions
- having to be right or to win
- suspicion and insecurity – suspicion of others motives leads to being cautious and secretive in communication

Self-awareness is a critical component of communication. The more we understand ourselves, our particular styles and ways of communicating, as well as our personal barriers, the better we will be at learning to observe, listen, and speak effectively in our interactions. None of us has arrived; we all must become more aware of and continue to improve our communication skills.

NOTE: How we communicate is directly related to our personality type. It may help, at this point, to refer back to the personality test and note how your personality influences your way of communicating.

We **would like to** conclude this section by providing 4 “Tip Sheets” for Local Advisory Committees. These Tip Sheets are intended to be a constant reminder of things to do when conducting a mediation (shuttle diplomacy). These “Tip Sheets” include:

- **Do’s for Local Advisory Committees**
- **Don’ts for Local Advisory Committees**
- *Healthy Ways to Reduce Conflict*
- **Important Things to Remember**

Do’s and Don’ts for Local Advisory Committees

Do’s	Don’ts
<ul style="list-style-type: none"> • listen before you speak • avoid being judgmental • be open to all points of views • use open questions • ask clear direct questions • acknowledge the limits of your mandate • clearly explain your role when meeting others • clearly explain options to people if 	<ul style="list-style-type: none"> • don’t become argumentative • don’t rely on questions that only require yes or no answers • don’t be judgmental • don’t allow yourself or your committee to become involved where you have no authority or jurisdiction • don’t come to conclusions until you have heard all the information • don’t make decisions or

<p>you are unable to come to a resolution</p> <ul style="list-style-type: none">• involve government when appropriate• seek more information when required	<p>recommendations in the absence of required information</p>
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10 *Healthy Ways to Reduce Conflict*

- Focus on problems not personalities
- Separate people from problems
- Speak to be understood
- Prepare
- Invent options for mutual gain
- Seek win/win
- Put yourself in their shoes
- Welcome differences in opinions and ideas
- Try to achieve self solving of problem

Important Things to Remember

- Almost always, the complaint will be legitimate to the complainant.
- All parties have an interest in the issue (and these may be different).
- Lack of effective communication is the principal evil of all conflict.
- Ideally, all parties need to win, but this will not occur.
- Confidentiality is essential.
- Situations are unique and require the willing participation of each party.
- Allow parties to determine solutions – you'll get better commitment.

Part 6: Role Play - “And In This Corner, We Have...”

The purpose of the role-play is to apply principals of shuttle diplomacy, to understand the process and to learn by doing. This will also allow you to identify some of the strengths and weaknesses in the shuttle diplomacy process and to evaluate your own personal style.

This role-play explores the scenario of a farming practice being conducted in proximity to Rice Lake. A farmer is applying manure on his land, on periodic weekends throughout the summer. This practice has come under scrutiny by a neighbouring landowner.

Instructions:

- Read the scenario and divide into groups of 7-9 (5 minutes)
- Assign Roles (5 minutes)
From seminar participants assign the following 8 roles (The farmer and complainant may invite another 3-4 people to participate):
 - Farmer and spouse (spouse optional)
 - Complainant and family member (family member optional)
 - Ministry of the Environment Representative
 - Reeve and Member of Local Advisory Committee
 - Local Advisory Committee Chair
 - Dairy farmer who sits on the Local Advisory Committee
- Prepare for shuttle diplomacy between the farmer and the complainant (10 minutes)

Allow the individual parties to prepare for the role-play (in addition to the information concerning the characters listed, the characters are also given “secrets” that only they know).

- In one corner/area of the room, have the farmer and in the other corner/area have the complainant (figure 10). Begin with some dialogue/interaction between the disputing parties to set the scene regarding the conflict. (5-10 minutes)
- Role-play the process of receiving the complaint, forming a panel, and meeting with the parties, etc. (30 minutes). Principles of conducting a shuttle diplomacy/mediation as presented in this manual should be used by the committee Chair. (While in reality the two parties would not hear the respective discussions between the LAC Panel and the other party, in this situation they are invited to “eavesdrop” - it should help with the understanding and perhaps add some fun to this exercise!) The objective of the role-play is to find a mutually agreed to solution.
- Reflections - Dismissing your roles in the role-play, please discuss what occurred and what you learned from the shuttle diplomacy experience. (15 minutes)

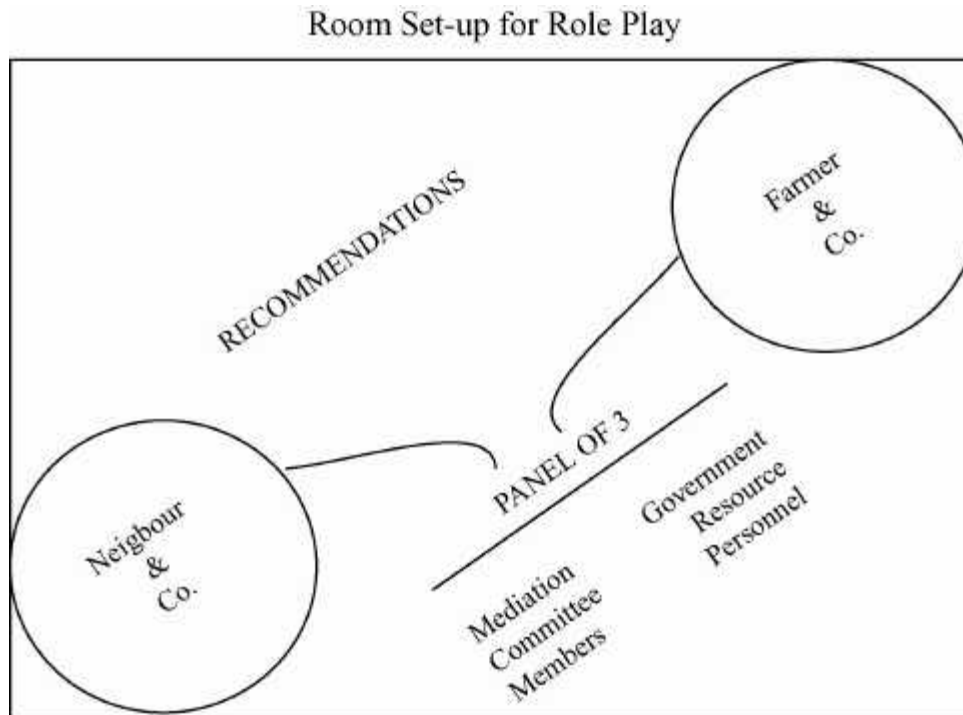


Figure 10: Suggested Room Set-up for the Role Play

The Role-play: Character Summaries (also see Secrets Cards)

Role of the Farmer and spouse (spouse is optional)

- You are a dairy farmer milking 60 cows with a liquid manure system.
- You are applying manure throughout the summer because you have inadequate storage capacity and you are not currently subject to the regulations under the Nutrient Management Act (6 months). With the wet spring, you were unable to spread manure in the spring and forced to apply manure on hay and cropland throughout the summer.

Role of the Complainant and family member (family member is optional)

- You own the adjacent property to the farm and are a rural, non-farming, landowner.
- You note that a neighbouring farmer has been applying manure on a regular basis throughout the summer and you are concerned that it is contaminating surface water that may be affecting your well. As well, the odour from the manure spreading is constant.
- You have a couple of ‘heated discussions’ with your neighbour and eventually complain to the municipality.

Role of the Reeve

- You may receive complaints submitted by a complainant from the community concerning water quality and odour.
- You should follow through with the Ministry of Environment.
- You sit on the Local Advisory Committee.

Role of the Ministry of Environment

- Your responsibility in this process is that you may receive a complaint from a rural landowner, or alternatively, from the municipality via the Clerk.
- Should you receive a complaint, you need to determine whether it is a violation of legislation, and if not, then you may forward it to the municipality or the Chair of the Local Advisory Committee.
- Act as resource to Local Advisory Committee

Role of the Dairy Farmer and Non-farmer who sit on the Local Advisory Committee

- As a Committee Member, you are there to assist the Chair- ask questions where appropriate, listen and help to

identify options. The Dairy Farmer provides some credibility and expertise when meeting with the farmer and the non-farmer helps provide a different perspective.

Role of the Chair of the Local Advisory Committee

- As the Committee Chair, you may receive a complaint from either the Ministry of the Environment concerning the dairy farmer and the potential contamination and the application of manure on a farm or from the Township. You will address concerns involving water and air quality.
- Your responsibility is to put into effect the procedures, which have been established by the provincial protocols to deal with complaints.
- You will need to establish a review group and ensure that the process is followed until its conclusion.

Strategies for Playing “And In This Corner We Have...”

"And In This Corner We Have..." is a group problem solving game in which up to eight players are given secret instructions and assigned different roles to try to resolve an issue the best way they can. If the players can all agree on the solution to the challenge within the allocated time everyone wins.

RESOURCE MATERIALS

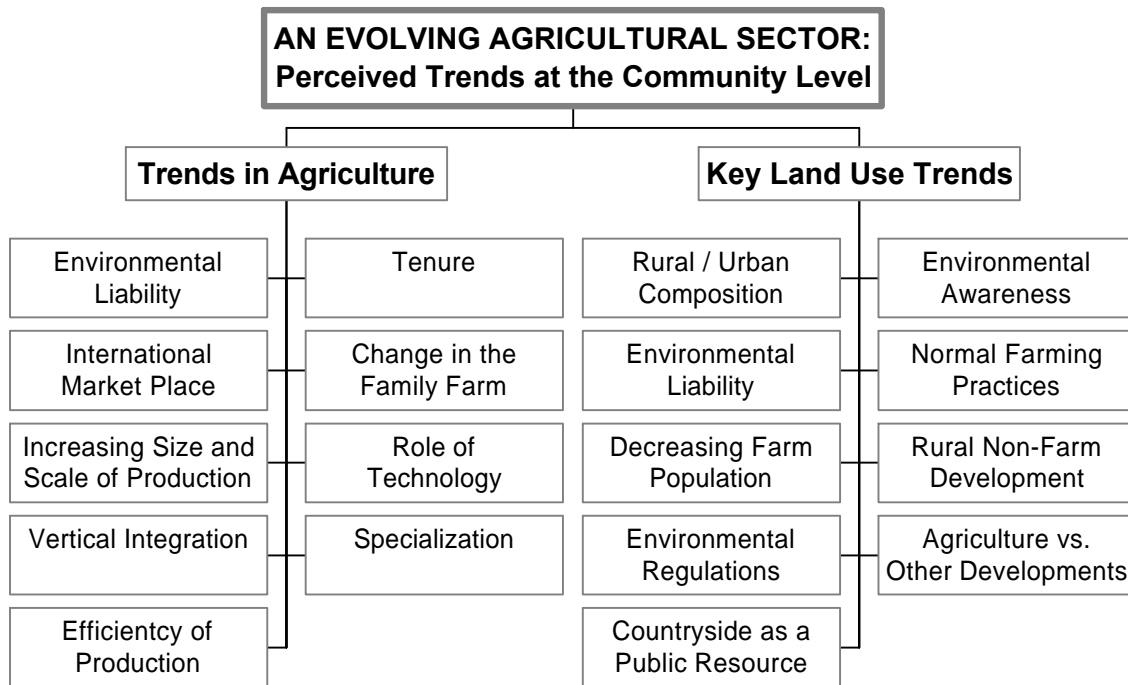
Note to Trainer:

Resource Materials are provided as further reference for the participants. They are not intended to be reviewed in detail during the workshop.

Appendix 1* : Key Trends in the Rural Community and in Agriculture

For those who have little or no agricultural background, this section provides an overview of the most significant current trends affecting rural communities and agricultural production. It is the impacts of these trends that create the potential for conflict between individuals and within a community. This flowchart helps to understand the connections and relationships between the various trends.

FIGURE 1: The Trends in the Rural Community



Key Land Use and Demographic Trends¹ (see Figure 1)

* Appendix 1,2, and 3 are adapted and updated from *Rural Planning and Nutrient Management*, by W. Caldwell, M. Toombs, R. Knight, and J. Turvey, 2000.

¹ Material for this section has been drawn from

i) Caldwell, W.J & M. Toombs. Rural Planning, The Community & Large Livestock Facilities: An Across Canada Checkup. A paper presented at the Canadian Institute of Planners National Conference, Montreal, Quebec, 1999.

Rural/Urban Composition: At the national and provincial level, the rural community is a decreasing component of the country's population. Across Canada and largely since the end of the Second World War, there has been a continuous shift in the residency of the population from rural to urban. The result is that within Ontario in 1991, for example, only 18% of the province's population was classified as rural and only 2.1% was classified as farm. In 1941 27% of Canada's total population lived on farms compared to just 3% in 1996. (Thibault, 1994).

Decreasing Farm Population: While there has been population growth in many rural areas the farm population has generally decreased both in absolute numbers and as a proportion of the total rural population. These trends are evident within the most pronounced agricultural areas. Those Counties and Regions located in southwestern Ontario that comprise the heart of Ontario's agricultural industry include 52% of Ontario's census farm area. They received 67% of the total value of all sales. Within this key area the rural non-farm population increased by 50,123 while the farm population decreased by 6,410 (1986-1991). This shift in the rural farm and non-farm population is accompanied by a corresponding increase in the potential for conflict between these groups.

The Growth of Rural Non-Farm Development: Related to the previous demographic trends is increasing urban development in rural areas. Table 1, for example, provides information on the number of applications to create new lots within key agricultural areas of Ontario. While these figures represent applications and not approvals they are an indicator that there has been significant activity leading to the creation of new lots. This rural non-farm development raises the probability of

ii) Caldwell, W.J. . The Community and Evolving Agricultural Sector: Coping With Change a Municipal Perspective. Proceedings from the Nutrient Management Planning Conference, Niagara Falls, 1999.

conflicts with agriculture, changes the farm/non-farm composition of communities and by virtue of a higher population density may contribute to issues of nuisance and corresponding policy restricting certain farm practices.

Table 1: Severance Applications Received by Ontario Ministry of Agriculture, Food and Rural Affairs²

County/ Regional Municipality	Total number of applications 1983-1992	Total applications per 1000 acres	Change- Rural Non- Farm Population (1986-1991)
Brant	943	4.2	-1131
Bruce	905	0.9	5188
Dufferin	1303	3.5	3358
Elgin	1415	3.0	1287
Essex	2649	5.8	1677
Grey	6903	6.2	6935
Haldimand- Norfolk	3759	5.4	6319
Huron	591	0.7	1375
Kent	1112	1.8	1108
Lambton	1297	1.9	3199
Middlesex	1205	1.5	1926
Niagara	2716	6.1	8878
Oxford	840	1.7	1324
Perth	621	1.1	974
Waterloo	1126	3.4	1105
Wellington	3187	4.9	6601
Total	30572	3.1	50123

The Countryside as a Public Resource: While agricultural areas of North America are predominantly in private (vs. public) ownership, there is a view held by some in society that the countryside is a common or public resource. While many farmers would disagree with

² Caldwell, W.J., 1995. Rural Planning and Agricultural Land Preservation. *Great Lakes Geographer* 2(2). This table is based on the total number of severance applications circulated by local municipalities and received by the Ontario Ministry of Agriculture, Food and Rural Affairs. It should be noted that the data does not distinguish between farm and non-farm severances, nor does the number of applications equate to approvals. There is no provincial database documenting the creation of rural, non-farm lots. Efforts are underway to develop a provincial database of severance activity.

this view, with generally 2% of the total population there is the probability that over time legislation and local by-laws will increasingly reflect this perspective. This is particularly true for those ubiquitous resources such as air and water that transcend private property and which clearly are public.

Agriculture versus Other Development: Many municipal officials seek certain levels of development within their community. As outlined within Table 1, the development of non-farm lots is a common occurrence in much of rural Ontario. Often, however, agriculture is not valued to the same extent as other forms of development such as residential or commercial. As a result, policies are often implemented that favour non-farm development. In many instances this can be to the detriment of on-going agricultural activity.

Normal Farming Practices: Historically the concept of “normal farm practices” has helped to provide farmers with protection from harassment from neighbouring property owners. This protection can exist within legislation and within the courts as a means of acknowledging that certain farm practices have environmental implications as a normal consequence in the production of food (Penfold, Mathews, Flaming and Brown, 1989). The result has been the continuance of certain farm practices, particularly related to manure handling and disposal, that might be construed as normal, but which may not be in the best interest of the environment.

Environmental Awareness: Society has become increasingly aware and concerned with issues that contribute to the degradation of the environment. This environmental awareness contributes to the public being much less accepting and tolerant of issues related to agriculture and the environment.

Environmental Liability: Related to increased environmental awareness is an increasing liability that potentially exists as a result of

air or water contamination from agricultural practices. The potential for nuisance suits, and accidents or poor management that contaminate surface or ground water are likely to lead farmers and their insurance companies to be increasingly careful in the establishment and maintenance of livestock facilities. Issues related to environmental liability will likely lead municipalities to more rigorously enforce and develop by-law provisions that pertain to the establishment and management of livestock facilities.

Elected Officials and Environmental Regulations: With changes in society, demographics, political influence and the composition of the rural community, elected officials are increasingly willing to establish, implement and enforce environmental regulations and to not come to the defense of farmers where an issue or complaint might develop. Issues related to the land base available for manure disposal, the proper use of manure and nutrient components, the type of manure storage, the distance to non-farm uses, the methods of manure disposal, and the size and type of livestock operations are examples of issues, which increasingly concern elected officials.

Key Trends in Agriculture

Figure 1 identifies a number of trends that have had a profound impact on agriculture and the way it is perceived within society. Since the end of the Second World War there has been increasing industrialization in the nature and scale of agricultural production. Over this time agriculture has moved in the direction of larger, specialized, more efficient and more intensive operations. In an attempt to find increasing efficiencies and in response to the cost price squeeze, farmers find that net returns per unit of production are decreasing - dictating larger and larger operations. Between 1951 and 1991, for example, the total number of dairy farmers in Ontario dropped from 40,000 to 9,757. During the same time the number of pork producers dropped from 93,564 to 8,940 (Surgeoner and Grieve, 1995). Specialization has also affected the way in which the farm unit is perceived within the community. Larger “single industry” production units (with geographic concentrations) have meant that it is easier to focus on those sectors and practices in agriculture that are potentially damaging to the environment.

This move to larger, more intensive operations is accompanied by a trend towards a vertically integrated approach to agricultural production. Increasingly, the elements of production, marketing, financing, and processing are linked together. In the livestock industry for example, there are strong linkages between each of these components. The result, at the community level, is that there is less willingness to accept the individual management decisions that are made by these corporate farms. The perception is that decisions at this level will not reflect the same stewardship or community based ethic of individual family farmers. Whether this perspective is correct or not is a point for debate- but many farm and non-farm individuals hold the perception. The resulting perception is that there is disconnectedness between agriculture, the farm, and the rural community (Toombs, 1996).

For both corporate and family farms there is a reality to production. Farming is a business competing in an international market place. In order to remain competitive in this market farmers are required to evolve, change and adapt their approach to production as in any other business. The results, in some instances, are decisions that others within society find difficult to support. Related issues include the continued adoption and reliance upon technology and issues related to tenure. Some within society believe that those systems that rely on technological control are more at risk than traditional systems that rely solely on human involvement. For example, the traditional stack of manure sitting behind the barn is often viewed as less environmentally offensive than a large liquid system contained within a concrete facility and applied using modern technology.

The approach to the ownership and management of land has also changed within the rural community. Today much less of the land base is controlled by individual resident farmers. There is a much higher proportion of non-farm ownership, absentee owners and a tendency for corporations to own large land holdings. Some believe that this tenure system is much less concerned with the community and an environmentally responsible approach to land stewardship.

Within agriculture itself there are a range of economic and environmental issues. While there are many positive economic spin-offs associated with agriculture, there are many related economic issues that drive agriculture and influence the individual decisions made by tens of thousands of farmers across Canada. Likewise farmers must respond to a whole range of environmental issues and concerns. Figure 2³ identifies some of these key issues and helps to establish some of the connections between economic and environmental issues. From the perspective of the individual farmer it is difficult to think of

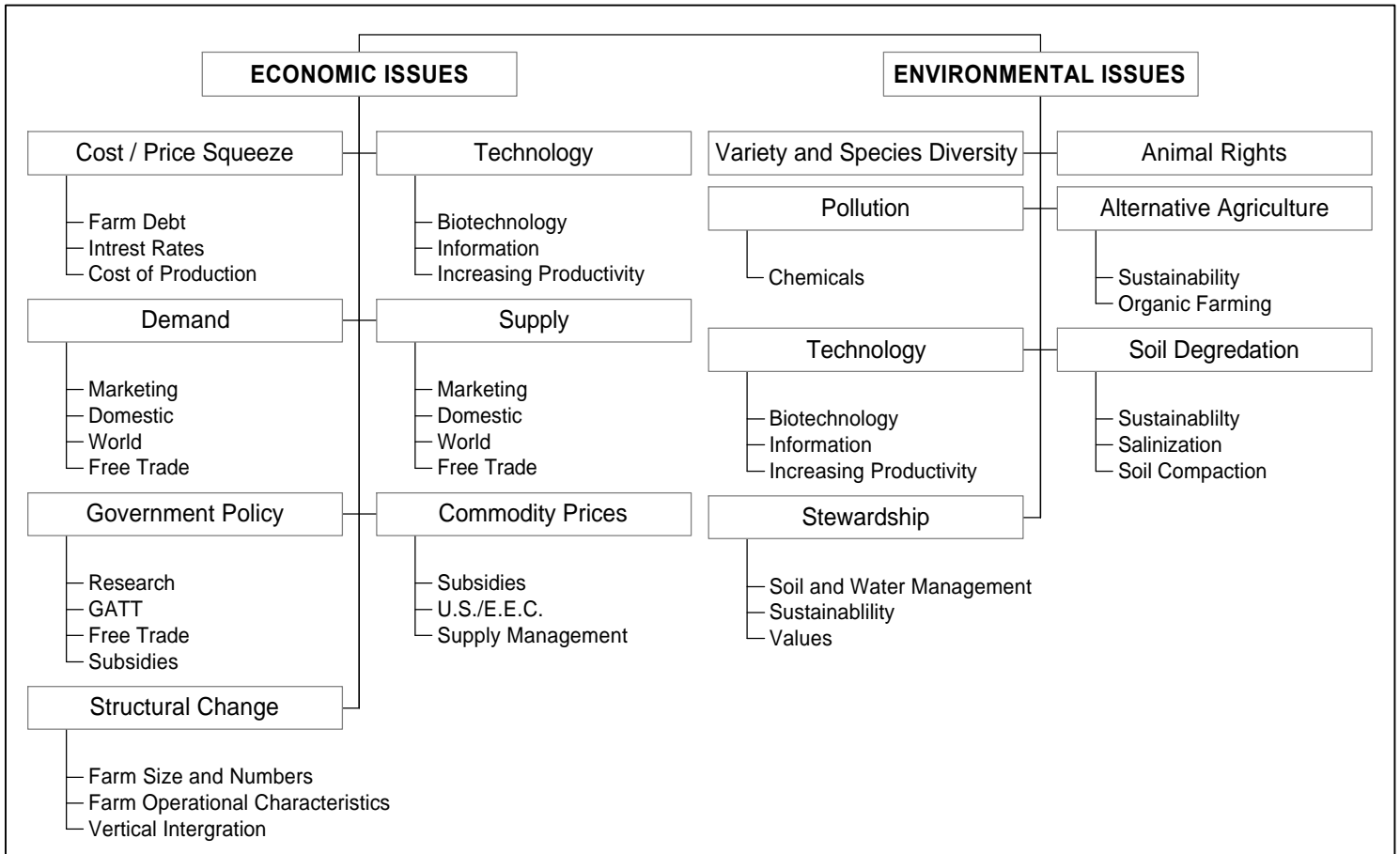
³ W.J. Caldwell, "Consideration of the Environment: An Approach For Rural Planning and Development." Journal of Soil and Water Conservation. Volume 49, Number 4, 1994.

environmental issues in the absence of the economic forces that are the reality of modern agriculture.

These trends in agriculture and in particular the move to larger, more intensive livestock operations has contributed to a number of community and public concerns. The issues and concerns are both *perceptual* and *real*. Perceptual issues may not have any real or scientific basis but are perceived as real by the public and in turn may generate political support leading to political action. As a result, certain legitimate and environmentally benign practices may be challenged because of the public's negative perception or lack of tolerance. There may not, for example, be any scientific argument against the storage of liquid manure in an open concrete facility or with the proper application of liquid manure, or with a livestock farm on a small acreage; however, these issues are real to many people and in turn may lead to local or provincial government action. Second, there are many *real* issues associated with livestock production. In addition to the effects on air quality, as the size and scale of livestock facilities increases so too does the potential magnitude of a spill leading to the contamination of ground and surface water.

One can conclude that there are three general concerns associated with large livestock operations-environmental, economic and socio - political.

FIGURE 2: Major Issues Driving Agriculture

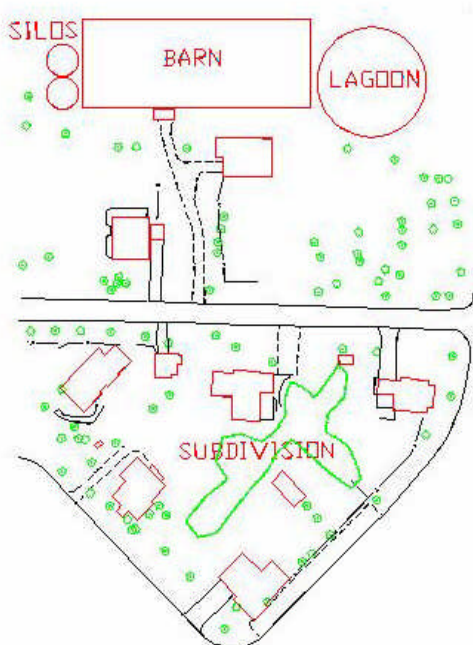


Environmental concerns include issues related to odour, stewardship, and water quality. While odour is an expected by-product of livestock farming - the concentrations of livestock odour and the ability to single out individual farms or livestock types (example hogs) in combination with community trends such as non-farm growth contribute to the prominence of this issue. Concerns over water quality relate to both surface and ground water. The impact of agriculture on water quality is a heated issue within many rural communities.

While the magnitude of the problem is often debated, issues related to manure spills and the occurrence of non-point source contamination is clear evidence of the negative impact agriculture can have in these areas. In the U.S. earthen manure lagoons and a number of recorded

“catastrophic spills” have brought much bad press (Henderson, “Noxious Neighbours”, *Planning*, 1998). In Ontario, attention has been more focused on issues of manure handling and application and the corresponding impact on surface and ground water (Livestock Manure Pollution Prevention Project, 1998). While the science in this regard is mixed, logic dictates that liquid manure, poor management, and high concentrations of livestock are a concern.

Economic issues are closely related to environmental concerns (Figure 2). Odour in particular can have an impact on real estate values. While the issue can be exacerbated by significant non-farm development it is not exclusively a farm vs. non-farm issue. In Huron County, within southwestern Ontario, for example, significant debate has occurred over the last few years and has involved farmers, non-farmers, cottagers and urbanites. Property value issues, while notoriously difficult to prove can be exceedingly emotional and challenging to respond to. Municipalities have often responded with strong agricultural policies to prevent the establishment of non-farm uses, separation distance criteria to separate farm and non-farm uses, but in many instances municipalities have been pressured to attempt to restrict the size, and type of livestock operation.



Socio-political issues, like economic issues can be very difficult to deal with. Opposition to large livestock barns often sounds like “NIMBYism” (not in my back yard) and can lead to intense emotional debate and conflict between neighbours. The debate can pit one sector of the community against another, raises fundamental questions about how we want our communities to evolve and can lead to questions

concerning the role of agriculture in the community. This emotion can complicate the best intentions of involving the community in policy development, implementation and on-going monitoring.

Some Additional Trends Affecting Agriculture

A number of additional and on-going trends also affect agriculture. While some have a discernable economic impact, the economic impact of other issues on agriculture may not emerge until some future point. The following trends and issues are amongst the many challenges facing agriculture. This should not be considered an exhaustive list of issues.

‘Offshore Money’. A great deal of controversy can arise from the arrival of ‘offshore’ money into a farming community. This could be money from foreign countries, or another farming community within Ontario. Often this influx of money changes many of the pre-existing rental patterns and agreements that may have been in place in the local community. For many farm communities, there is a sense of ‘outsiders’ taking over.

Assessment Value and Property Taxes. For municipalities, changes in property assessment values can make agricultural development less attractive than other types of land uses such as residential, industrial, or commercial. This is especially true for municipalities who are looking for increased revenues to compensate for the costs of ‘downloaded’ services. This has also led to some concern regarding the potential for increased property taxes. Many landowners also expect more services for their increased property taxes, which may include increased regulation and control over agricultural practices.

Municipal Re-structuring. Related to the above issue of demographics, municipal re-structuring is a challenge to the farming community. Many rural townships in Southern Ontario have

amalgamated with urban communities and small villages. This has meant that the farming community's concerns must compete with urban issues and as a result, comprise a smaller component of the municipal agenda.

Scientific/genetic research is at the forefront of the public interest in food production. 'Dolly the Sheep' is certainly only the beginning of the debate. For the farming community there are numerous issues surrounding biotechnology. For some there are concerns regarding economics, for others there are concerns regarding biology and the environment. In the coming years, there is likely to be an increased use of genetics in agricultural production. This may bring economic benefits in the form of greater yields, and reduced pesticide and fertilizer costs, which may increase other production costs to the agricultural operators.

Trade Agreements and Globalization. There are a number of national economic trends that affect the agricultural community. Canada is a trading nation, and the many trade agreements with other nations have a noticeable effect on agriculture in Ontario. Global economic restructuring will continue, and Canada's economy is more 'open' than it has ever been. Rural communities dependent on a specific resource commodity are more susceptible to volatile market conditions, than perhaps ever before. Despite increased trade, Canada is becoming increasingly dependent upon a limited number of markets for its products.

The structure of the economy continues to adjust. Fewer individuals are employed in primary resource extraction and production, and other sectors of the rural economy also face challenges. Despite this change however, agriculture continues to be a key component of the national, and provincial economy and for many rural communities agriculture remains a dominant force in the local economy. This shall be explored in further detail in the following module.

Appendix 2* : Economic Benefits of Agriculture

In order to effectively deal with conflict in rural areas, it is important to have an understanding of modern agriculture. Agricultural land use is a dominant feature across most rural municipalities in southern Ontario. Agriculture is also a key component to many rural economies, producing great benefit to the local community through increases in sales and job creation. However, many individuals in Ontario's society are several generations removed from modern primary agricultural production. Many of their thoughts on agriculture reflect historical experience and not the modern reality.

The following section focuses on the economic contribution of agriculture to the local economy. It considers direct employment on the farm and the many multiplier effects that agriculture has within the rural economy.

Direct Economic Benefits of Agriculture to the Local Community

“There is an alarming lack of awareness and understanding on the part of the General Public regarding the vital role that agriculture is playing in the total economy of the province.”

The previous statement was spoken by Lloyd Reed at the “Countryside in Ontario Conference” held at the University of Western Ontario in the mid-1970's. It is an interesting statement because it provides us with the sense that the economic benefits of agriculture are in part misunderstood by the general public. Contrast the previous statement, with a similar concern reflected in the introductory section of the

* Appendix 1,2, and 3 are adapted and updated from *Rural Planning and Nutrient Management*, by W. Caldwell, M. Toombs, R. Knight, and J. Turvey, 2000.

Economic Impact of Agriculture Study done for the Counties of Prescott, Russell, Stormont, Dundas and Glengarry in 1998.

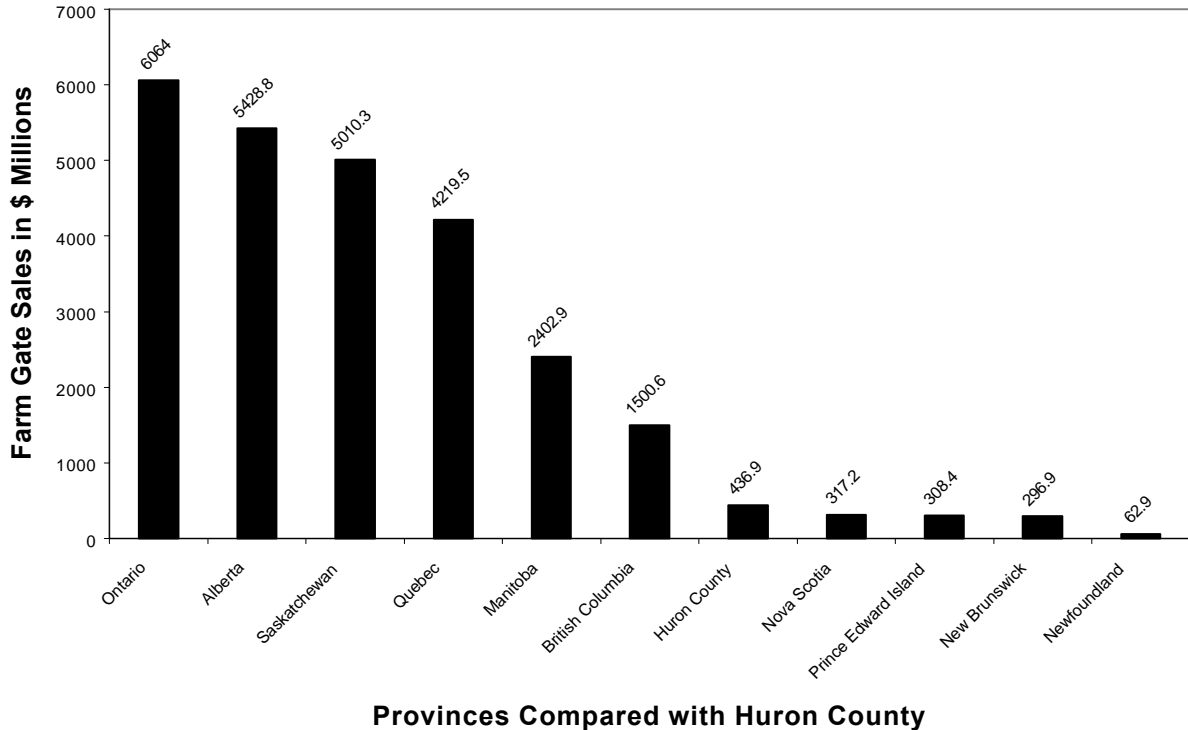
“By ignoring the size and importance of agriculture beyond the farm gate, the impact of agriculture in the local economy was under emphasized.”

These statements are perhaps a reflection of a popular belief that agriculture is on the decline. Over the past 50 years, the number of people living on farms in Canada has declined. It has often been perceived that the importance of agriculture in rural areas is being replaced by other sectors. This perception has been borne from studies of direct employment data, and has ignored the multiplier impact of agriculture in the total economy. Despite the fact that the number of direct jobs in agriculture has declined, the value and volume of production has increased. This is associated with an increase in the productivity of farm workers and more capital-intensive farm operations.

A quick review of the Economic Impact of Agriculture Study, completed for the County of Huron in 1998, provides interesting insight into the direct impact of agriculture on the local economy. Farm Gate Sales in Huron County comprised 7.2% of the Total Farm Gate Sales reported for Ontario in the 1991 Census. This amounts to \$436 million dollars in Total Farm Gate Sales, a significant impact on the local economy. The amount for Huron County is greater than the total value of Farm Gate Sales reported for each of the Atlantic Provinces, as shown in Chart # 1.

Chart # 1 – Value of Farm Gate Sales: Huron County Compared to Provinces – 1991

Source: Economic Impact of Agriculture on the Economy of Huron County - 1998



Across Ontario, the value of total Farm Gate Sales has continued to rise and represents a significant contribution to local economies, outlined in Chart # 2.

Chart # 2 - Total Gross Farm Receipts, dollars

Source: Statistics Canada – Census of Agriculture

REGION	1981	1986	1991	1996
Southern Ontario	\$1,976,509,000	\$2,322,735,227	\$2,702,639,000	\$3,383,354,632
Western Ontario	\$1,677,725,000	\$1,922,457,927	\$2,364,852,000	\$2,661,259,194
Central Ontario	\$ 507,529,000	\$ 611,240,190	\$ 731,375,000	\$ 782,072,882
Eastern Ontario	\$ 443,573,000	\$ 542,582,409	\$ 733,984,000	\$ 800,003,735
Northern Ontario	\$ 86,333,000	\$ 112,651,008	\$ 138,602,000	\$ 151,786,040
Total - Ontario	\$4,691,669,000	\$5,511,666,761	\$6,671,452,000	\$7,778,476,483

Southern Ontario includes Brant, Elgin, Essex, Haldimand-Norfolk, Hamilton-Wentworth, Kent, Lambton, Middlesex, Niagara, and Oxford. Western Ontario includes Bruce Dufferin, Grey, Halton, Huron, Peel, Perth, Simcoe, Waterloo, and Wellington. Central Ontario includes Durham, Haliburton, Hastings, Muskoka, Northumberland, Parry Sound, Peterborough, Prince Edward, Victoria, and York. Eastern Ontario includes: Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Lennox and Addington, Ottawa-Carleton, Prescott, Renfrew, Russell and Stormont. Northern Ontario includes Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Rainy River, Sudbury, Thunder Bay, and Timiskaming.

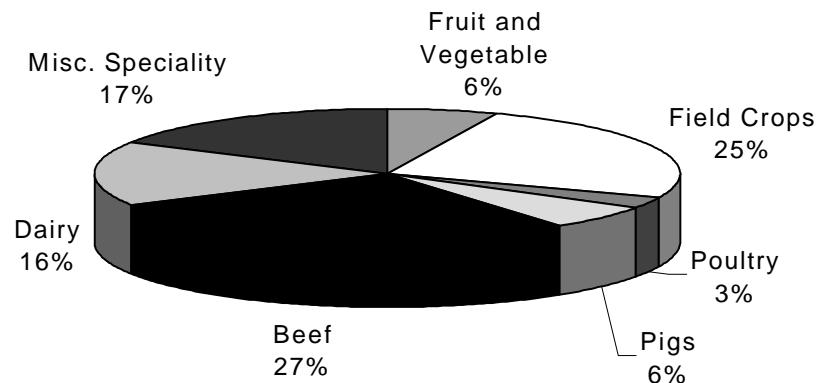
The Farm Gate Sales across Ontario have continued to rise, and reflect a very diverse range of products and commodities. Chart # 3 classifies Ontario's farms by major product for the 1991 Census.

A number of studies have developed in the last few years, which have tried to measure the economic impact of agriculture on the local community. These studies have focussed on primary agriculture, and on agriculture beyond the farm gate – the feed manufactures, the veterinarians, the trucking companies, and others. Studies have been completed for the following counties: Huron, Prescott, Russell, Glengarry, Stormont, and Dundas. Other studies are currently under way around the Greater Toronto Area, and in Perth and Lambton Counties.

A review of these studies provides a brief overview of some of the true economic impact that agriculture has on the local community.

Chart # 3 – Ontario Farms Classified by Major Product, 1991 **(Farms with sales greater than \$2,500)**

Source: Economic Impact of Agriculture on the Economy of Huron County – 1998



Indirect Economic Benefits of Agriculture to the Local Community

The trend of decreased direct farm employment, as noted in the previous section, has reached the point where the number of jobs in the service sector now exceeds the number of jobs in agriculture in many rural communities across Ontario. For many communities, this change has signalled that agriculture was a ‘dead or dying’ industry and therefore strategies for future economic growth and development focussed on attracting services and other job-producing sectors that did not focus on agriculture. However, increasingly this view has been criticized for overstating the decline of the agriculture sector.

A number of counties across Ontario wanted to look at the broader role of agriculture in their economies, and approached the University of Guelph to assist them with this work. The result has been numerous studies,

which examine the Economic Impact of Agriculture. Following are results from two of these studies: one study completed for the County of Huron, and the other completed for the Counties of Prescott, Russell, Stormont, Dundas, and Glengarry (PRSD&G). These studies examined farm sales and jobs and determined the multiplier effects of agriculture on the local economy.

Agricultural Sales and Multipliers

The economic studies completed in Eastern Ontario and in Huron County indicate that the impact of farm sales goes beyond farm gate receipts. The impact of farm sales should also include the sales that are made by agriculture related businesses. From the Economic Impact Study for the County of Huron, there was approximately \$2 billion in revenue from agriculture and agriculture related businesses, in 1996. Approximately \$512 million of this revenue represents farm gates sales. (This does not take into consideration the nearly \$2 billion in sales by agriculture related businesses in Huron County to areas outside of Huron County!) Agriculture related businesses were found across the County in many locations, and in almost every industry.

Agriculture has connections to businesses in the mining, manufacturing, construction, transportation, communication, wholesale trade, retail trade, real estate and insurance, business service, accommodation, food and beverage, other service industries, and agriculture and related services. In other words, nearly every The entire rural economy is connected to agriculture. The survey and study of agriculture related businesses found that many would be considered 'small businesses' and had total sales under \$500,000. Of all the businesses studied, 67% of total sales were attributed to agriculture. Table 1 indicates agriculture-related businesses by industry, and percentage of total sales to agriculture.

Table # 1 – Sales Generated by All Huron County Agriculturally Related Businesses

Source: Economic Impact of Agriculture on the Economy of Huron County – 1998

Industry	% of Sales to Agriculture
Wholesale Industry	88 %
Manufacturing Industry	70 %
Transportation Industry	68 %
Retail Industry	50 %
Agriculture and Related Services Industry	82 %
Construction Industry	50 %
Mining Industry	30 %
Real Estate and Insurance Agents Industry	47 %
Business Service Industry	48 %
Other Service Industries	44 %
Total Agriculture Related Sales	\$ 3.5 Billion
Sales in Huron County	\$ 1.5 Billion
Sales in Ontario (outside of Huron County)	\$ 1.2 Billion
Sales outside of Ontario	\$ 785 Million

Job Creation and Job Multipliers

The studies completed in PRSD&G and Huron County show that strength of the agricultural economy plays an important role in job creation at the local level. There are three types of jobs supported by agriculture: direct employment, indirect employment, and induced employment. Direct employment includes jobs such as farm owners, operators, and labourers. Indirect employment involves those jobs that are created when agriculture purchases products and/or services from other industries in order to

conduct business. This type of employment can also be generated by the sale of agricultural products to other industries as well. There are many examples, from Veterinarians to Plumbers, and from Store Clerks to Financial Advisors, etc. etc. Induced employment involves those jobs that are created in service sector fields such as Education, Health, and Government Services, which are supported by services purchased by agriculture employees.

In the Economic Impact of Agriculture Study for PRSD&G, it was found that approximately 19% of all employment is agriculture related. This employment forms a significant building block for other employment in the local economy. In 1991, the agriculture sector in PRSD&G contained 6,460 employees. By the 1996 Census, this had declined to 5,955 employees, following a province-wide trend.

While it would appear from this data that the agriculture industry was diminishing in terms of available employment, the PRSD&G study attempted to measure the job multiplier effects associated with agriculture. An extensive study of businesses in PRSD&G with linkages to agriculture was undertaken. Businesses with linkages to agriculture were defined as those businesses that bought or sold directly products or services to local farm businesses. Sales to farm families for personal consumption were excluded.

In the study, 302 businesses were surveyed as a reasonable proxy for the estimated 1,117 agriculture related business in PRSD&G. From this sample, it was estimated that there was the equivalent of 4517 full time jobs in agriculture related businesses that existed as a direct result of the agriculture industry. Of these 4517 jobs, all but 381 were located in PRSD&G.

The number of induced jobs created by agriculture was calculated as follows: the total jobs in PRSD&G's two primary production industries (agriculture and manufacturing) were added together, and divided by the

number of jobs in the education, health, and government sectors. This yielded a multiplier effect of 0.71. In other words, 71 induced jobs were supported for every 100 jobs related to agriculture.

Table 2 summarizes the estimated jobs created by agriculture, and the job multipliers, from PRSD&G. While this example reviews a specific area of Ontario, other studies being conducted throughout the province are producing similar results. Agriculture has a diverse and broad impact on the job market in the local community, which reaches far beyond the farm gate.

Table 2 – Direct, Indirect, and Induced Employment Attributed to Agriculture in PRSD&G

Source: Economic Impact of Agriculture on the Economy of Prescott, Russell, Stormont, Dundas and Glengarry Counties - 1999

Direct Employment	55 jobs
Indirect Employment	16 jobs
Induced Employment	15 jobs
Total Employment Attributed to Agriculture	7,886
Multiplier – 2 jobs off the farm, for every job on the farm	

Agri-Tourism

In recent years, tourism is becoming better recognized as a growing segment of the economy in rural Ontario. To respond to the growing interest in rural Ontario, an increasing number of projects have attempted to address and ‘tap’ into this demand. Numerous projects have emerged which promote the connection between Agriculture and Tourism. Some of these projects are large scale and can involve entire communities or counties, including farm tours, farmer’s markets, and promotional and marketing activities. Other projects are small scale and focus on the efforts of one agricultural operation, including the establishment of a Bed

& Breakfast, Hay Rides and ‘Petting Zoos’ at ‘Pick your Own’ operations, and ‘Haunted Barns’, etc.

Agri-tourism not only improves the economic vitality of the local community, agricultural operators, and rural businesses, but it also has the bonus of providing an opportunity for the agricultural community to educate and increase the awareness of agriculture to the general public, particularly the urban population.

There are numerous examples of agri-tourism across Ontario. In Perth County, a local initiative called the Agri-Tourism Pilot Project focussed on developing motor-coach tours to various farm operations.

Many of these motor-coach tours were originally drawn into the area for the Stratford Festival. However, the various partner agencies wanted to examine means of retaining these tourists in the community for longer periods of time. The economic benefits of this Agri-tourism link include an additional \$3000 to \$5000 spent in the community per day, for each additional motor coach full of tourists. In a one-year span, this project was able to attract 18 motor-coach tours of various farm operations.

Another example of a large-scale agri-tourism project can be found in Renfrew County. A partnership has been formed between the Ottawa Valley Tourist Association and a number of Renfrew County rural organizations. This group has spawned a number of new initiatives including advertising, a marketing plan and an Internet site. The initiatives promote the region’s rural events, fairs, and farmer’s markets.

Agri-tourism projects can also be small scale in nature, focused at the level of a local agricultural operation. A good example of this type of project would be the operation of a ‘Bed and Breakfast’ on the farm property. While these types of small-scale initiatives are likely to bring

increased revenue into the community, especially for their operators, they can also bring some potential for conflict with neighbours over issues such as signage, traffic, trespass, and noise.

Appendix 3* : A Focus on Mediation

The Local Advisory Committee will most often use Shuttle Diplomacy to resolve situations of conflict. However, there may be some instances when it would be more beneficial for the disputing parties to be in the same room to discuss the issues with the assistance of a third party or mediator. The committee may decide to use a mediator from among its own members or may involve an outside mediator from OMAF or MOE. A formal mediation is quite different from the informal technique of shuttle diplomacy.

The following outlines a number of components to the mediation process:

A) The Mediator's Objectives:

At the outset the Mediator will have two key objectives:

1) Understanding:

The mediator will need to ensure that the parties understand:

- what mediation is
- that mediation is a preferred alternative to arbitration or tribunals (ex. OMB-procedures, time & cost)
- if mediation fails, all options (Best Alternative To a Negotiated Agreement)
- there are potential benefits to a mediated settlement process (control, cost and time, creativity, quality).

2) Settlement

The mediator will strive for a settlement between the parties:

- that serves their interests
- that is fair
- that is likely to be ratified (i.e. by council, Boards, others with authority to settle)

* Appendix 1,2, and 3 are adapted and updated from *Rural Planning and Nutrient Management*, by W. Caldwell, M. Toombs, R. Knight, and J. Turvey, 2000.

-that serves the public interest

Common Mediation Procedures and Techniques

The Mediator will employ a number of common mediation procedures, techniques and process. The following outlines some of the key components:

B). Setting the Agenda

The mediator will set the agenda; seek agreement from the parties; set the format for the meeting and establish time frames.

C) Common (Getting to Yes) Principles

The mediator will ask certain questions and seek certain results. For example:

- Are all the parties present? Who can speak for each party? Clarify the role of each person attending (principal, advisor, representatives, etc.).
- Seek mutual gains potential: is there shared interest in settling and avoiding arbitration or tribunal such as an OMB hearing? Specify the reasons/ interests. What are the implications (costs/ benefits) of a hearing?

D) The Mediation

The mediator will need to pursue certain general questions. For example:

- Clarify issues and interests; each party is asked to briefly explain their position and concerns; the mediator probes for interests and clarification; does each party fully understand the others position? (underlying interests)
- Review information: is there “new” information to share? Is further information required, which the parties can agree to obtain? Does each party have adequate information to support their position?
- Explore options: Is there common ground? Areas of agreement? Is there a common interest in resolving any/or all of the issues? Are there conditions under which the parties might find partial or full agreement?
- Use “objective criteria” to seek settlement.
- Document the conclusions.

E) Opening the Mediation

- Introductions (the parties may have never met)
- What mediation is (an efficient process for face-to-face collaborative problem-solving and negotiations)
- Explain the “without prejudice” basis for proceeding
- How it works: for example in 2 hours we will:
 - a) define the issues and potential for mutual gain
 - b) exchange information

- c) clarify interests
- d) seek solutions
- e) confirm agreement, if any.

F) Closing the Mediation

- If there is agreement, ensure it is documented and signed by the parties. It is essential that the parties are clear as to the appropriate next steps.
- If there is partial agreement, (reduced concerns) or is unsuccessful- the concerns in some instances may proceed to an arbitration or administrative tribunal (example OMB or Farm Practices Protection Board) with the report of the mediator for a possibly streamlined process.
- If there is no agreement, at least ensure parties understand the reasons, ensure that they feel they have adequate opportunity to negotiate.

G) What If?

- Confidentiality becomes an issue: the resolution must be mutually agreed upon; is there common interest in keeping the proceedings confidential from public record?
- Parties are clearly negotiating in bad faith: break off the mediation if delay is the only purpose.
- A party is clearly acting against his/her own interest: point it out, advise the party to seek outside advice; try to re-schedule the mediation.

H) Avoiding a Breakdown

- Remind parties of the alternative
- The risk of losing before a tribunal
- Refocus on parties needs (maybe you missed something)
- Take a break – try one more meeting
- Make the pie bigger
- Be prepared to terminate
- A lot of time has been spent – capture the effort
- Use of group dynamics

I) Responsibilities

- Ensure informed, free choice
- Lay the basis for future discussions
- Are the solutions workable?

J) Forms of Agreements

- Contract
- Letters of Intent
- Memorandum of Agreement

- Use of legal documents (i.e. plan of subdivision, subdivision agreement)
- Verbal agreement “handshake”

K) IDEAS TO CONSIDER

- Discuss solutions throughout process
- Transition – test each proposal with parties as they develop
- Use of deadlines “the ticking clock”
- Be tough on issues – Soft on People (maintain trust)
- Don’t try to mediate values or ideology
- Restate agreement points – clarify
- Use of a single text agreement – Write it down
- Emphasize the agreement “package”
- Recognize that parties may need to ratify with host group
- Attend to detail – Who, what, when, use of follow through dates

L) HINTS ON CLOSING

- Make sure the solution can be implemented
- Make sure the parties understand how it will be implemented
- Give all involved some time to think about the agreement
- Provide in writing to all parties an explanation of what has been agreed to
- If partial agreement has been reached, provide a reporting letter, written to summarize and move the process forward; this will often help to resolve issues later
- If it is difficult to visualize the solution attempt to make it more real- in the case of objections over a proposed building, for example, ask the applicant to make the application more real by marking the extent of the enlargement with stakes or building a frame to show the location of the change, any means to help understand the implications
- Don’t hesitate to give qualified advice in a reporting letter if one party appears to be acting unreasonably or seems to not understand the process or the implications of their actions
- If possible, avoid long complicated agreements that require interpretation
- Ensure that all parties who are affected by the solution are represented at the table
- Recognize when there is little hope of closure - end the mediation (that may have an effect in itself).

M) POST SETTLEMENT

- Expect problems post agreement
- Monitoring the agreement and follow through by parties
- Follow up meeting?
- Goodwill, problem solving, “Let’s do business again?”

Appendix 4* : Nutrient Management Regulation and Local Advisory Committee Protocols

Nutrient Management Act Regulation - July 2003

Local Advisory Committees - Mediation, Education and Consultation

Like many communities across Ontario, your municipal, county or regional government may already have a local advisory committee in place. A product of local nutrient management by-laws, these committees give farmers and other community members an opportunity to resolve some problems at the community level – without the need of provincial authorities.

Some of the issues that local advisory committees can address are neighbour disputes, and concerns regarding the timing of nutrient application.

Municipalities interested in forming a local advisory committee can look to the Nutrient Management Act's regulation and protocols for a model. The new legislation enables local advisory committees to be involved in:

- mediation and conflict resolution
- nutrient management education, and
- consultation with the municipality.

The regulation and protocols also address the membership of the local advisory committee, in that the majority of members of a local advisory committee must be farmers or farm representatives. The committee must also have at least one non-farmer and a representative from the local municipality (either staff or council member).

Mediation

Mediation and conflict resolution will most likely be the primary focus of a local advisory committee. You can look up the regulation and

* The Regulation and Protocols are excerpted from Bill 81.

protocol for a model to conduct mediation, but here's a brief outline of the process.

The mediation process begins in one of two ways:

- complaints received by the municipality, or
- incident reports received by the Ministry of the Environment (MOE) or matters reported to the Ontario Ministry of Agriculture and Food (OMAF).

Complaints Received by the Municipality

The local municipality may receive written complaints regarding a nutrient management issue. Once the complaint has been checked to make sure that it does not involve a violation of the Nutrient Management Act or other legislation, it's sent to the chair of the local advisory committee.

Complaints Received by the Ministry of the Environment

Written incident reports involving nutrient management may also be filed with the MOE. When the ministry receives such a report, staff may choose to investigate the matter themselves or refer it to the local advisory committee.

If the incident does not involve a violation of the Nutrient Management Act or other legislation, the province can refer the matter to a local advisory committee.

The ministry can also refer matters that may involve a violation of the Act, where the violation is something that would not have an environmental impact and would be more appropriately handled by the local advisory committee. These violations are very often issues between neighbours. They could also be minor violations, such as a small deviation from a nutrient management plan or other administrative failing.

If the province determines that a matter should be referred to the local advisory committee, the ministry must ensure that the person who complained does not object to having the committee involved. After permission has been obtained from that person, the matter is sent to the committee chair.

Mediation Process at the Committee Level

- After the committee receives the complaint or report, the chair will form a panel to conduct the mediation.
- A panel of three people who have knowledge of both nutrient management and the mediation process will conduct mediations.
 - Where one of the committee members is involved in the same or a similar type of farming as the farm involved in the complaint, they should be included on the panel.
 - The panel should also look to OMAF for information related to nutrient management practices and farm operations.
- If, after investigating the matter, the panel finds no basis for the complaint or report, they will end the mediation.
- If they find a basis for the complaint or report, they will meet with the farmer and the person who made the complaint to attempt to reach a resolution of the matter. The panel will provide recommendations to the parties that could resolve the dispute.
- If either of the parties is not satisfied by the outcome of the mediation, they may pursue other options – including contacting the municipality directly, or pursuing a hearing with the Normal Farm Practices Protection Board.

Confidentiality and When to Stop Mediation

Mediations are confidential and information disclosed during mediations cannot be used to prosecute individuals.

To protect the confidential nature of the process, the panel must stop mediation if it appears that the matter they're investigating is more serious than originally thought. If mediation uncovers a larger problem, it may become necessary to notify the MOE.

The protocols detail the stop-mediation procedure in such a case.

Education and Consultation

A local advisory committee can and should also play a role in public education and advising the municipality.

The committee's education role is largely related to its ability to further an appreciation and understanding of agriculture's contribution to the community.

A local council may have specific questions about nutrient management in its municipality. A local advisory committee is permitted to provide input to council on issues such as building permits and site plan issues. However, the committee is not permitted to evaluate nutrient management plans or strategies.

Forming a Committee in your Municipality

Local advisory committees are established at the municipal level. If your municipality does not have a local advisory committee, contact your municipality to encourage them to establish one. Let your municipality know that you support the idea that some issues can and should be resolved at a municipal level. Show your support by volunteering to become a committee member, and encouraging others to do the same.

If your municipality already has a local advisory committee, and you would like to participate in the process, contact your municipality to see what's possible. Encourage your municipality to continue its current local advisory committee under the Nutrient Management Act.

Customizing Your Committee

Local advisory committees are designed as a tool to deal with local issues. That's why there's some flexibility to accommodate circumstances in your municipality. As long as your committee follows basic requirements with respect to committee composition and procedures, there's room to develop and customize your committee to maximize its effectiveness.

If your municipality expresses an interest in establishing a local advisory committee, and you're interested in becoming a member, you can request special training, which will be made available over the next two years.

Ontario Regulation 267/03
made under the
Nutrient Management Act, 2002

PART XII
LOCAL ADVISORY COMMITTEES

Definitions

115. In this Part,

"committee" means a local advisory committee.

Establishment of committees

116. (1) A council of a municipality may, by by-law, establish a committee to address nutrient management issues in the municipality.

(2) The council shall appoint the members of the committee who shall consist of not fewer than five persons.

(3) The members of the committee shall be residents of the municipality and the council shall ensure that they have knowledge of nutrient management practices.

(4) A majority of the members of the committee shall be persons who are farmers or who represent an agricultural operation located in the municipality.

(5) At least one member of the committee shall be a person who is not a farmer or a representative of an agricultural operation.

(6) At least one member of the committee shall be a member of the council or an employee of the municipality.

Operation of committees

117. (1) The council of the municipality that establishes a committee shall appoint a chair and one or more vice-chairs from among the members of the committee.

(2) The committee shall adopt rules of procedure to facilitate its activities and the rules must be consistent with the Local Advisory Committee Protocol.

(3) The members of the committee shall follow the rules of procedure that apply to the activities of the committee.

Mediation

118. (1) A member of a committee may mediate disputes in connection with the following matters that involve the management of materials containing nutrients on lands if the council of the municipality that established the committee is satisfied that the member has knowledge of mediation practices:

1. Matters that a resident of the municipality reports to the municipality and that do not amount to a contravention of the Act, the *Environmental Protection Act*, the *Ontario Water Resources Act* or the *Safe Drinking Water Act, 2002*.

2. Matters that are reported to the Minister of Agriculture and Food or the Minister of the Environment and that either of those Ministers refers to the committee.

(2) The Minister of Agriculture and Food and the Minister of the Environment may delegate, to persons whom they authorize, their power under paragraph 2 of subsection (1) to refer matters to a committee.

(3) The Minister of Agriculture and Food, the Minister of the Environment and their authorized delegates may use their statutory discretion when referring matters to a committee.

(4) If a member of a committee who is assigned to mediate a matter in dispute under this section has, either on his or her own behalf or while acting for, by, with or through another, has a pecuniary interest in the matter, whether direct or indirect as described in section 2 of the *Municipal Conflict of Interest Act*, the member,

(a) shall, before beginning to mediate the dispute, disclose to all parties the interest and the general nature of it; and

(b) shall not proceed to mediate any question in respect of the matter unless all parties agree to having the mediation proceed.

(5) If a Director or a provincial officer advises a member of a committee who is mediating a matter in dispute under this section that

the matter involves a contravention of the Act, the *Environmental Protection Act*, the *Ontario Water Resources Act* or the *Safe Drinking Water Act, 2002*, the member shall suspend the mediation until the alleged contraventions have been dealt with in accordance with the applicable legislation.

(6) Subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable legislation, a member of a committee who conducts a mediation under this section shall do so on a confidential basis.

(7) A member of a committee who acts as a mediator of a dispute under this section shall not provide advice that might be regarded as legal advice to any of the parties to the dispute or their representatives.

(8) The outcome of a mediation of a dispute under this section does not relieve any of the parties to the dispute of the responsibility to comply with the requirements of any Act that governs the management of materials containing nutrients.

Education

119. A committee or its members may engage in activities designed to educate people about matters related to the management of materials containing nutrients and for that purpose may consult with representatives of the Ministry of Agriculture and Food and the Ministry of the Environment regarding the presentation and content of educational seminars.

Consultation

120. (1) In carrying out its powers or duties, subject to subsection (2), a committee or its members may consult with representatives of the municipality that established the committee with respect to issues related to the management of materials containing nutrients, including site plan or building permit issues.

(2) A committee or its members shall not participate in any way in evaluating, approving or endorsing nutrient management strategies or nutrient management plans.

Reports to clerk of municipality

121. The by-law of the municipality that establishes a committee may require the chair of the committee to provide reports about the committee's activities to the clerk of the municipality at the times that the by-law specifies

Local Advisory Committee Protocol

For the Regulation made under the *Nutrient Management Act, 2002*

General

Local Advisory Committees (LAC) are committees set up at upper tier municipal levels, and occasionally lower tier, to deal with complaints and concerns regarding agriculture. The membership of the LAC has been outlined in Regulation 267/03, made under the *Nutrient Management Act, 2002*. LACs will not deal with incidents or complaints related to contraventions of environmental or agricultural legislation, such as the *Nutrient Management Act, 2002*, or the *Environmental Protection Act*. The Ministry of the Environment may refer complaints that are local in nature and minor to a LAC for resolution.

LACs can consult with the Ministry of Agriculture and Food (OMAF) and the Ministry of the Environment (MOE) as appropriate, if they have questions regarding the *Nutrient Management Act, 2002*, and its application. The Ministries are a resource to help the LACs and will attempt to provide technical guidance and assistance where possible.

Should a LAC determine, through the course of its mediation responsibilities, that an incident or complaint relates to the contravention of any legislation, the LAC will stop mediation and refer the incident to the appropriate agency.

Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56 as amended, LAC mediations and any reports generated from such mediations, are confidential.

A LAC mediation does not prevent administrative or enforcement procedures from being carried out under provincial or other legislation.

General Procedure

Description of the General Procedure for Handling Nutrient Management Incident Reports

Complaints may be received by municipalities, the Ministry of Agriculture and Food (OMAF) and the Ministry of the Environment (MOE).

Complaint Received by OMAF or MOE

If a complaint is received by either the Ministry of Agriculture and Food or the Ministry of the Environment, MOE will determine if the incident should be referred to the LAC. If MOE determines the complaint is related to an incident is of the type that normally should be referred to the LAC, the citizen filing the complaint will be notified and asked if s/he will permit the incident report to be referred to the LAC. If the citizen filing the complaint does not permit the incident report to be referred to the LAC, the citizen will be notified that the incident report file will be closed. If the citizen filing the complaint will permit referral to the LAC, a written complaint report will be forwarded to the municipality by MOE, which in turn, will be referred to the LAC to be dealt with according to the LAC mediation process outlined below.

If it is determined that the incident is a violation of the *Nutrient Management Act, 2002*, is a spill or could have serious impact on the environment or human health, MOE will follow internal procedures for assessing and responding to the incident. If the violation warrants Ministry response, MOE will proceed with abatement and/or enforcement responsibilities. If it is decided that the incident does not warrant Ministry response, nor should it be referred to the LAC, it will be documented and filed, or in turn referred to the appropriate agency for further action.

Complaint Received by Municipalities

If the municipality receives a complaint from a citizen, the municipality will assess whether it is a spill or a violation of the *Nutrient Management Act, 2002*. If the complaint does not involve a spill or violation, a written complaint report will be forwarded to the LAC. The LAC will then follow the process below. If the complaint does involve a spill or violation, or if the municipality is unable to determine whether a spill or violation has occurred, the matter is to be referred to MOE and the process should be followed as described above.

Local Advisory Committee Process

- After the LAC receives a complaint report, the Chairperson or Vice chair shall assign a 3- person mediation panel to investigate the incident. At least one member of the mediation panel shall be from the same or a similar agricultural operation as that referred to in the complaint report.
- The panel will then investigate the matter.
- If at any time during the mediation, it is determined that a violation or spill has occurred, the mediation shall be terminated in accordance with the stop mediation procedure.
- If there are no violations and the report raises valid issues, the panel will meet with the parties to reach a resolution.
- At the conclusion of the mediation, the panel will provide its recommendation(s) to the parties for the resolution of the matter.
- The panel's involvement ends. The panel then files the results with the LAC.
- If either of the parties is not satisfied with the outcome of the mediation, they may request a hearing by the Normal Farm Practices Protection Board or request that the matter be referred to the municipality for further action as appropriate.

Stop Mediation Procedure

If at any time during the mediation, it is determined that the incident involves a violation or spill more serious than the original matter

referred to the Local Advisory Committee, the mediation is to be terminated in accordance with the stop mediation procedure.

- The mediation process immediately stops.
- The panel shall not discuss the complaint further with any of the parties.
- The panel advises the parties that they must report the issue to MOE.
- The panel contacts the MOE, forwards the original written complaint report and briefly describes the reason for stopping the mediation.
- At that point, the panel's involvement is complete. If MOE investigates the incident and determine that a violation did occur, the panel will not be consulted for further investigation or prosecution of the farmer.

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Secrets Cards

The following are to be copied in advance of the seminar- and circulated to appropriate seminar participants

Secrets card

Farmer and Spouse.

Unfortunately, you spent a little bit too much time at the horse races over the last several years and, while your farm appears prosperous, the truth is that you have no spare cash. You do however, want to get along well with your neighbors because your daughter has expressed an interest in taking over the family farm. In fact, given the current trends it is likely that she will need to expand the dairy operation and, given your relative proximity to your neighbours, it is likely that a minor variance will be required for separation distances. Based on your personal circumstances you do not want to spend any money, however, you will be prepared to alter your management practices if it satisfies your neighbors. If you want to and there are extra people in the room without roles in the role play, feel free to adopt a couple of them as your children. Your spouse does tend to be somewhat excitable...

Secrets card

Complainant and Family Member

You are a retired hog farmer however no one else knows this. From your point of view, all the farmer needs to do is build a new manure storage structure to provide a guarantee that he will not be spreading during the summer months. Your daughter plans to get married next summer and you really want to see the situation improved by then. Your family member is vegetarian and has serious allergies.

While you're prepared to participate in this mediation, you're concerned that the Chair of the Local Advisory Committee, who is also a farmer, may not be neutral in this process.

If you want to and there are extra people in the room without roles in the role-play, feel free to identify one or two of them as your obnoxious cousins who are visiting from Toronto.

Secrets card

Ministry of Environment Representative

This is the first time that you have been contacted by the complainant. However, you have been contacted by the neighbour on several occasions. To the best of your knowledge there is no infraction of provincial legislation however, you acknowledge that there is an issue with odour during the summer. You wish that the farmer and his spouse would simply build 240 days storage. You find that these petty little issues are a waste of your valuable time and you would like to see the Local Advisory Committee handle these types of complaints. You note that the farm is not yet subject to the Nutrient Management Act and its regulations. You noted the last time you visited the neighbors house there was a distinct smell of sewage and a patch of green on his front lawn. In fact, the neighbor has been a pain in your side and while you believe that the right solution needs to occur, your observations are that, all in all, the farmer has been fairly responsible in spreading his manure.

Secrets card

Reeve and Member of Local Advisory Committee

The Local Advisory Committee has been newly established and you would like to see it be successful. In particular, there have been numerous complaints from other non-farm residents and you are hopeful that this group will take some of these issues away from the council table. The farmer has been in the township for many years, however you have heard that he may be experiencing financial difficulties. As the clerk you plan to retire to a newly severed rural property in three years and as the Reeve you plan to run for reelection. You want to make everyone happy and for every creative solution that you can introduce to the discussions you're guaranteed three extra votes in the next election.

Secrets card

Local Dairy Farmer on Local Advisory Committee

As the dairy farmer representative on the Local Advisory Committee you will be involved in these discussions to help determine if there is an issue and if there is a reasonable solution. More on your mind however, is that next Wednesday you're going to Florida for a week and you really want this issue to be resolved by then. In fact, if you can get finished early, your son who will be looking after the chores has agreed to let you get away a couple of days early. You're also of the opinion that all farmers should be doing everything possible to farm in an environmentally friendly way. This has been your approach and you do not have much tolerance for others who are not of the same opinion.

Secrets card

Chair of Local Advisory Committee

You are doing this for all the right reasons. You want to see that farmers get along well with their neighbors, that they are using sound management practices and you believe that you can help. You recognize that your authority is advisory only. If, however, you cannot get agreement between the complainant and the farmer you're afraid that the municipality will not be supportive of this approach and that these kinds of issues will end up in the courts.

In your role, you need to select and chair an appropriate shuttle diplomacy approach. The panel will consist of yourself, the Reeve, and the local dairy farmer. The Ministry of Environment will act as a resource to the committee. You however, should think of yourself as taking the lead. You may wish to use "five steps to reach a win-win situation".