

11.201, Gateway: Planning Action
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Lecture 10

Planning needs some kind of mechanism for

- 1) developing a legitimate and popular mandate
- 2) Blending forms of useful knowledge (Local Metis Versus Rational Codified knowledge)

We want planning to be a means of developing effective policy and implementation strategy. "Co-producing" is crucial.

Towering Dilemma Case:

How would you tackle this case as a planner?

Questions asked in class:

What was the dispute all about?

How to approach decision making?

How to assess success/failure of a resolution?

Remember, you are not asking what the "right management plan" is.

What was the institutional context for resolving this conflict? Was this a regional management issue?

Answer: The National Park Service was involved in this issue. The plan involved management of a land resource. The goal was to enhance the way they managed a resource: Land

Deb Riggett was at the heart of creating this plan.

The dispute was a distributional dispute because it involved distribution of the use of a land resource.

- 1) Native Americans believed the site to be sacred.
- 2) Climbers valued the site for recreational purposes
- 3) Environmentalists valued the land because of its rich ecosystem and wildlife. The site had nesting areas for raptors.
- 4) Professional climbing guides made a profit from the land.

Indians conducted religious ceremonies during the month of June. They were offended because climbers didn't respect their beliefs. They complained that climbers used offensive language which tainted the sacred nature of the site.

Since government had to deal with the issue of religion, this case is not just an example of distributional problems, but also constitutional problems.

There was a huge debate over whether the park was meant solely for recreational purposes, or if it was meant to be respected for its intrinsic value. The park service was definitely a stakeholder in this case.

Planning question: is there a template for working such issues out?

There were cases in the past where religion has been at the center of a planning problem. "Christian Worship Facilities" have been offered protection by the government, for example.

Susskind argues that agencies enforce the law, but their ability to resolve conflict based on law is limited. Often, efforts to resolve conflicts end in impasse. Courts and judicial remedies are desirable, but they only evaluate conflicts based on their interpretation of the law (legal vs. illegal). Government is essential, but institutions are inadequate. They need consensus building tools by which all possible stakeholders are identified, information is made available to all, and the process of discussion is informal.

Remember that consensus building tools supplement government institutions, they do not supplant them. Government institutions are important to hold actors accountable.

One of the reasons why conventional public hearings result in impasse is the use of "Advocacy Science", where experts are "for hire". Opposing groups hire technical experts to project different interpretations for the same scientific information.

Types of dispute:

1) Conflicts over data (e.g. Facts on ground)

For example, there were debates over the buffer area that raptors would need.

Climbers turned to scientific information to make a point.

Other examples:

Is global warming caused by human activities?

1) In order to avoid Advocacy Science, MIT and other institutions have developed a Joint Fact Finding Process. Answers to questions will be determined jointly.

2) Another approach to problem solving is the interest based approach. The goal of this approach is to "make the pie bigger" rather than have a win-lose situation.

3) Conflict over values should not be confused with conflicts over interests.

For example, the Indians consider the rock to be sacred, and expect others to respect their values. Climbers confused the values of Indians for interests when they asked the Indians to shift their ceremonies in June to winter. Note that individuals could strategically project their interests as values in order to get what they want.

For example, the climbers claimed that they derived spiritual value from the mountain, whereas they probably had recreational interests.

Lakota have many resolutions:

- 1) History: Wounded knee battle site, where many Native Americans were gunned down by settlers, under the idea that if you remove opposition from the Native Americans, only territory remains to be settled among themselves. Considering this history, it is important to acknowledge the difficulty in getting Native Americans to sit in a meeting and expecting them to hear others criticize their beliefs.

What was Deb Riggett's process in handling this situation?

She created a series of options and distributed this information to the people. Based on comments from the people, future steps were taken.

What is the role of public hearings in the planning process?

Public hearings are part of institutional design. They have strengths and weaknesses. If the interaction in hearings is more like positional bargaining, opposing parties come with pre-formed ideas of what they want with a goal to get as much as they want. Their demands are not flexible. There is a facilitator, but usually, this type of bargaining is too structured and inflexible. The person who chairs the meeting is not a facilitator. There is limited time for each party to make their strongest point. Often, it is government that chairs. Such forms of interaction tend to polarize stances further, and place parties against each other. Political bargaining involves compromise.

Deb Riggett had to make a decision in limited time. In political bargaining, it is the governmental agency that makes the final decision.

There is skepticism about public hearings, and the extent to which the input of stakeholders is taken into account. However, Susskind argues that public hearings can put new alternatives on the table which might not have been thought of prior to the hearing. In truth, most arguments tend to occur outside of the meeting.

The mechanism to hold public meetings is not enough to look at all alternatives, because better organized groups can win arguments.

Were the options provided in the draft viable options?

We do not know of the process that led to the creation of those options. But we can comment about the list. The list had 2 extreme scenarios (no climbing at all versus no restriction on climbing). In a way, this was effective because it led to a moderate middle.

The issue of disparity of Power:

Question:

Is it always necessary to take history into account while attempting to resolve conflicts?

The Park Service has decision making power in this situation. From the point of view of the Native Americans, they are being told what to do on a piece of land that they think they are entitled to have because of their historical affiliation with the land.

The general belief in class was that historical acts of injustice MUST be taken into account when we evaluate new dilemmas, not necessarily to correct historical wrongs, but to make them more open so that they are acknowledged. Often, there is an outright denial of past offenses, which is not acceptable. For example, the religious affiliation of the Native Americans to the tower was questioned.

Not considering historical inequities is assuming that everyone is on a level playing field. It denies that problems do exist, and leaving out these inequities makes it harder to reach a consensus. It should be remembered that bringing out inequities should not be a manipulative strategy. Mediators working on conflicts have said that sometimes, painful histories need to be dealt with. From the point of view of

stakeholders, it is important to them that they be heard. They want to be able to express their standpoint through narrative.

Conclusion:

How do we know if Consensus Building works?

The C.B process can be evaluated:

- Based on stakeholders opinion about whether they were listened to or not.
- Based Sustainability of the relationship between parties after the process.
- Based on whether the outcome reflected interests versus positions

Recommended Readings:

Dealing with Deep Value Differences – By Lawrence Susskind in Consensus Building Handbook