

The role of conflict management skills in sustainable development in PNG

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Abstract

Conflict is inherent in life, and performs roles ranging from driving evolution to highlighting the costs and benefits of development. Interpersonal, interclan, intercommunity and interregional conflict has been a part of PNG culture since original settlement. These conflicts have become more widespread with increasing population and more complex since large scale resource developments were initiated in the 1960s and especially since the resource development boom that started in the current century.

Conflict can ensure that resource developments serve the local, regional and national sustainability objectives by highlighting local views, beliefs and needs that might otherwise be overlooked. However, conflict can also hinder developments that could deliver benefits, unless the conflict is effectively managed and resolution of some type is achieved. In short, conflict can play a positive role in achieving sustainable development or a negative role in reducing the benefits that PNG could receive from its natural endowment. Governance is the critical factor that enables conflict to become a positive element in society.

The Resource and Environment Conflict Resolution (RENCOR) course in UPNG's Bachelor of Sustainable Development (BSD) program explicitly addresses the potential positive and problematic roles that conflict can play in achieving sustainable development through a new mandatory course on conflict resolution that aims to increase students' understanding of governance and the role it can play in moving from conflict to consensus. The intent of this course is to enable students to understand potential or actual conflict situations and practice the skills necessary to minimise the destructive effects of conflict and use the beneficial aspects of conflict to support sustainability.

The RENCOR course focuses on six key factors: (1) understanding resource development processes and the perspectives of each actor concerned with resource development: proponent, national and state government, landowner and potential employees; (2) recognizing the sources and nature of conflict likely to be generated by different resource development types or between different resource development types; (3) identifying types of information useful for exploring and understanding conflicts, including environmental, economic and social impact assessments; (4) the role and utility of legislative and mediation conflict management processes leading to agreed governance principles and outcomes; (5) the challenge of effective communication between interested parties to the conflict and the role of a conflict

management facilitator; and (6) the need for ongoing effective governance and management of agreements to ensure that conflict does not arise during the development period.

Over all of these factors, the PNG Way, as stipulated in the Constitution and StaRS, provides a framework for harmonising conflict situations and promoting sustainable development in PNG.

Introduction

Sustainable development was first introduced in global and national policy debates through the World Conservation Strategy (IUCN, 1980). The Strategy stated that achieving sustainable development would require an alignment of development and conservation: *'Development and conservation operate in the same global context, and the underlying problems that must be overcome if either is to be successful are identical,'* (ibid, section 20.1). Thus, at its inception, the concept of sustainable development was cast in terms of overcoming problems and finding alignment between potentially competing values, interests and demands.

The UN-established Global Commission on Environment and Development (GCED) reported through 'Our Common Future' (UN, 1987) that there was a need to find a way for development to occur so as to improve human wellbeing (eg through health, education and other means) while ensuring that environment systems remain healthy. The GCED defined sustainable development as development that meets *"the [human] needs of the present without compromising the ability of future generations to meet their own needs,"* (ibid p.8). The GCED stated that the pursuit of sustainable development requires:

- *'a political system that secures effective citizen participation in decision making;*
- *an economic system that is able to generate surpluses and technical knowledge on a self-reliant and sustained basis;*
- *a social system that provides for solutions for the tensions arising from disharmonious development;*
- *a production system that respects the obligation to preserve the ecological base for development;*
- *a technological system that can search continuously for new solutions;*
- *an international system that fosters sustainable patterns of trade and finance; and*
- *an administrative system that is flexible and has the capacity for self-correction,'* (ibid section 81, Chapter 2).

It is notable that only one of these factors is focused directly on environmental protection, and three relate to economic, social and technology systems. Most pertinent to UPNG's Bachelor of Sustainable Development (BSD) program and the Resource and Environmental Conflict Resolution (RENCOR) course, three of the seven factors are specifically concerned with issues of governance:

- a political system that secures effective citizen participation,
- a social system that provides solutions to tensions, and

- a flexible and self-correcting administrative system.

This significant focus on governance as a key factor for achieving sustainable development is reflected in more recent sustainable development policies, including the 2000 Millennium Declaration, as governance *'enables the achievement of a range of critical development objectives'* (UNDP 2014, p.2). The need for sound decisions and decision-making processes relating to resource development is broadly acknowledged as contributing to and benefiting from 'good governance' (eg. Ashton 2004).

The governance is also recognised in PNG's National Strategy for Responsible Sustainable Development policy (StaRS) (DNPM 2015). StaRS has 21 guiding principles, of which the sixth is directly concerned with governance: *"Inclusive, democratic, participatory, accountable and transparent governance"*. These qualities provide a framework for the RENCOR course.

Governance, as used here, is concerned with "the processes of interaction and decision-making among the actors involved in a collective problem that lead to the creation, reinforcement, or reproduction of social norms and institutions," (Hufty 2011). Governance has been described as 'good' when it conforms with several qualities: openness, participation, accountability and coherence (Ashton 2004).

Conflict, arising generally from a lack of some attributes of good governance, can become a serious challenge or even barrier for location-based resource developments in PNG. This is due to factors underlying the social and economic context in PNG, including the relative poverty and limited options available to most rural residents, the nature of land tenures and rights, the lack of clear formal land titles, and the strong link for most Papua New Guinea citizens to the land of their families and forbears. These and similar factors generate keen interest in gaining benefits from developments, difficulty in identifying clearly, formally and in registered titles who the local beneficiaries are, and the likelihood that some beneficiaries may have live in urban areas away from the resource development zone for extensive periods, even over several generations.

Conflict management processes can help sustainable development occur by reducing the likelihood that development proposals will be poorly informed, and that operating projects will be disrupted by conflicts. Using locally-based, transparent processes can guide the achievement of resource development assessment and agreements before a proposal has been approved and a project has commenced and can ensure monitoring, evaluation, review and enforcement are part of the agreement and ongoing management and oversight of a project.

UPNG's BSD program provides extensive and sound training about the fundamental substantive elements of sustainable development: environmental management, economics, social sciences and governance. This paper outlines how the new BSD RENCOR course augments this program by introducing

students to core concepts relating to conflict management that will support their sustainable development practice on graduation.

Fundamental to the RENCOR course are the positions that (a) wherever possible conflicts should be managed through processes and to outcomes that are transparent and acceptable to all parties, and (b) the management process should avoid disputes and conflicts being resolved through court processes and violence if at all possible. For this reason, the practical approach in the course is that resource-related conflicts should be managed through mediation and negotiation.

In addition, the RENCOR course views conflict management as a skill that cannot be taught but rather as a skill that can be learned through exposure, experience, review and reflection (sensu Wildavsky's description of policy, Wildavsky 1979). For this reason, the program comprises a robust combination of theoretical training and practical exercises covering six key areas, set out as the substantive sections of this paper. These areas of the course train students to explore six issue areas:

- How is this resource activity carried out in PNG? What stakeholders are involved or concerned?
- What types of conflicts are likely to be generated by the resource activity?
- What kinds of information might be useful for exploring or resolving the conflicts?
- What roles might legislative or mediation processes play in resolving conflicts about resource development?
- How can the communication challenges be addressed?
- How can an agreement, once reached, become durable or sustainable through time so further conflicts do not arise.

1. Understanding resource development processes

When natural resources are developed a wide range of benefits and costs is generated. Conflict can and often does arise over the allocation of these benefits and costs. Thus the first step in a student's learning about managing or resolving resource-development-related conflicts is to understand the resource development process, the stakeholders involved and their perspectives (needs, expectations and hopes).

PNG is blessed with a wide range of natural resources, whether defined broadly:

A resource is anything obtained from the living and non-living environment to meet human needs and wants. It can be applied to other species, (Miller 2007, page 31).

or narrowly:

Resources exist purely because individuals or wider society want them to. Once an object or collection of objects is deemed to be of use to satisfy a need or want in society, it becomes a resource. (Christoe, 2008, page 29)

The UPNG BSD course focuses on natural resources, as listed in Table 1 (below).

Table 1: Important natural resources of PNG.

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|---|
| <ul style="list-style-type: none">○ Agricultural land (food production, soil)○ Forests and other vegetation (wood, clean water, food, medicines, cultural materials, tools, etc)○ Animals (terrestrial or aerial, aquatic, fish for food, tools, cultural materials, etc)○ Minerals (gold, copper, other)○ Oil and gas○ Space and its content (space, air/atmosphere, wind, climate)○ Energy (heat, electricity, solar, nuclear, wind, tidal, current, geothermal)○ Scenic resources (aesthetic)○ Water (surface, underground atmospheric)○ The sea and seabed (sea water, ocean floor, and subsoil) |
|---|

Resource development can be promoted by private sector rights holders (eg mining tenement holders), national and provincial governments, landowner groups or businesses seeking to use a resource for profit (eg tourism, fisheries). Other people and groups quickly become interested when a development is proposed, including potential employees or contracting firms.

In PNG, all of these stakeholders will seek to be involved in the resource development process, a process that is complex, lengthy and iterative even in well-regulated societies. In PNG, the resource development process has been complicated by the relationship between communities and their land (common to Melanesian societies), the ownership of many resources lying with the national government, instances of land title fraud, poor transport and other infrastructure and a tendency to resort to violence for resolving disagreements.

The RENCOR program starts by educating students about the challenges faced by each of the primary stakeholders when a resource development is proposed.

- Developers and investors seek simple, direct pathways from resource discovery and delineation to development, production and profit. They are concerned and dissuaded by factors that will affect the timing of approvals and production, increase the cost of establishing the resource operation, place the operation at risk once it is producing, or damage the company's reputation. They will generally be keen, or at least willing, to provide benefits in exchange for receiving rights to exploit or use a resource.
- PNG's communities have a relationship to their land that extends into the deep past, but is frequently not formally or precisely defined in terms of

fixed geographic boundaries. Many of PNG's communities have limited access to jobs or other income generating activities and have very limited access to services such as education and health care. They thus face losing or altering their ancestral lands and resources (eg forests) in exchange for receiving employment and royalties and better health and education services. Decisions about this trade-off can generate conflict within a community or family (see Box 1, below).

- The PNG government claims ownership over all minerals and petroleum, fisheries, and under sea resources. Government export approval is required for resources that are not owned by the PNG government, such as forest or agriculture products. Owners of land where these resources are found or grown dispute this role of government. Landowners do not accept this if resources are found under their land, but support it if no resources are found in their area. Disputes complicate the already complex resource development process.

Box 1: Conflict over forest development

To the traditional landowners of PNG, the forest can be seen as a means to provide access to services within their community for their family. Their economic incentive is to better the community, and eventually the wider society.

The customary resource owner groups and stakeholders involved in resource development each have their own vested interests that influence how they believe the project should, or should not, occur. Their values are moulded by variances in economic position and power, social inequities in who gets what, why and how much in combination with differences in political considerations and influence. These differences in values also spur inter-group discord and conflict.

(Adapted from Christoe 2008)

The differences between traditional activities and industrial resources processes are summarised in Table 2 with agriculture development being a typical example. Other resource sector developments are similarly complex, and involve similar processes and stakeholders.

Table 2: Resource development processes and stakeholders: Agriculture

Traditional Agriculture	Industrial Agriculture
<p><u>Activities:</u></p> <ul style="list-style-type: none"> • Use traditional land • Grow traditional food • Use traditional methods • Use most of the produce within the household • Sell a little produce in local markets 	<p><u>Activities:</u></p> <ul style="list-style-type: none"> • Identify agricultural resource – soil & climate • Get landowner approval to use land • Get licence to use land • Get licence to export • Build harbour • Build roads

<ul style="list-style-type: none"> • Use the small income on core essentials • Little or no waste. <p><u>The key interests are:</u></p> <ul style="list-style-type: none"> • Customary landholders • Neighbours • Local shopkeepers • Other sectors. 	<ul style="list-style-type: none"> • Find and train contractors and work force • Prepare area and plant • Maintain, harvest and transport • Process goods produced • Deal with waste. <p><u>The key interests are:</u></p> <ul style="list-style-type: none"> • Customary landholders • Licence givers (Licensing authority) • Agriculture produce buyers • Agriculture companies • Local and incoming contractors • Local and incoming workers • Local and incoming secondary businesses • Local residents and new settlers • Transport providers – local, port, international • Other sectors that may be affected
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2. Recognising the sources and nature of conflict likely to be generated by resource development

The first section of the RENCOR course is about understanding the resource development process and the key stakeholders. The second section of the course is about identifying likely sources and types of conflict.

The course emphasizes the need for sustainable development practitioners to explicitly consider why stakeholders may oppose a resource proposal and how stakeholders may become dissatisfied with a resource activity, rather than not addressing conflict until it occurs. Anticipating potential conflict requires (a) an understanding of PNG's resource development history, that is, past and current resource proposals and conflicts that were associated with them, and (b) the nature and context of the particular resource proposal or activity one is dealing with and the perspectives of stakeholders of that resource proposal or activity.

Identifying potential conflict through an explicit process has several benefits for management of the project: (a) the process is transparent, contributing to a sense of sound governance, and (b) the list of likely conflict areas is exhaustive, contributing to reducing unexpected disputes and conflicts.

Conflict arises as a result of differences of perception, interests and values held by different people or organisations. Conflict generated by resource development proposals or activities may thus emerge:

- (a) through honestly held but mistaken or different understanding of the nature or impacts of the proposal or activity, or agreements pertaining to it that set out the responsibilities and benefits for each stakeholder;
- (b) through concerns about how a stakeholder's interests (generally but not always only financial) are being or may be affected,
- (c) through possible contravention of a deeply held belief or value, such as would occur if a site having cultural or religious value were detrimentally affected.

Conflict can also be characterized in terms of how closely the stakeholder is geographically linked to the resource proposal or development. Conflict can occur when stakeholders living in differing areas disagree about the management, impacts or benefits of a proposed or operating resource project:

- (a) upstream / downstream conflicts can occur where projects have off-site impacts, such as, literally, downstream, where a forestry or agricultural project generates silt-laden stream flow that affects communities downstream or even near shore ocean areas valuable for fisheries;
- (b) local / regional / national conflicts can occur where residents close to or immediately affected by a development site who are directly impacted by its presence and operation, feel that the benefits of the development are not being adequately delivered to their area, while the regional or national governments are keen to gain the benefits of the development such as through infrastructure, employment, foreign exchange, taxes or royalties;
- (c) associated social change conflicts can occur where the employment and other benefits from a development are not gained by long-term local residents but by people who move to the development zone in search of employment, income or business opportunities.

Resource proposals and developments in PNG arising from these factors generate a broadly similar set of potential conflicts, mainly around:

- Landowners wanting the benefits of resource developments but not understanding all of the implications (a) of economic development for their communities, or (b) of the biophysical scale or impacts of development;
- Poorly defined or disputed rights to land or resources;
- Development attracting people and organisations from other parts of PNG or overseas, generating resentment, social conflict, and social problems associated with new residents in a formerly isolated area;
- Social problems resulting from increased wealth, such as alcohol use;
- Actual on-site changes and impacts that are required for the resource development;
- Off-site impacts for infrastructure (roads, pipelines, harbours, etc); and
- Formal or informal licence requirements by governments and government officials.

The potential for conflict is already evident from the differing perceptions and expectations of the principal stakeholders. The circumstance becomes yet more challenging when remote communities with limited experience of industrial development and government intrusion are asked to negotiate about changes well beyond their experience, comprehension and imagination.

Many BSD and RENCOR students have some understanding of this complexity from their own experience from village life or resource-related activities, so the objective of this aspect of the course is to help them appreciate the full range of interests likely to be involved in the assessment, agreement to and ongoing

management of a resource development in PNG. This includes understanding the perspectives and risks faced by resource proponents and the potential benefits to local, regional and national services and social well being resulting from resource development.

Conflicts can also be generated between sectors. For example, a hydroelectric dam may reduce nutrient levels in the release water that damages downstream fisheries, or reduced flow could affect agriculture or town water supplies. Similarly, logging could increase stream sediment content and result in sedimentation downstream, affecting fish and other organisms in the stream. Flooding patterns could be changed over a large area or out to sea affecting marine life and coral reefs, degrading local nutrition levels and tourism potential.

3. Identifying types of information useful for exploring and understanding conflicts, including environmental, economic and social impact assessments

Decision theory suggests that better information will tend to support better or sounder decisions, and contribute to reducing conflict about those decisions. Where decisions are location-based and linked to cultural values, the type of information and how it is communicated requires considerable thought. Here, the BSD RENCOR course is grounded in PNG culture, or, rather, cultures.

High quality objectively generated and independently verifiable information will help resolve some conflict types, such as those relating to the nature of impacts and benefits a resource development is projected to deliver or is delivering, such as environmental and economic impacts or employment. RENCOR students learn and practice the identification of information types that would contribute to an adequate set of objective information for assessing a resource project, and the role that such information can play in avoiding, managing or resolving conflict. RENCOR students also learn to identify the types of information each stakeholder will see as relevant to its interests, and how this information can contribute to a full and vigorous discussion between the stakeholders. This includes not only the financial information likely to be of greatest interest to a project proponent, but also cultural and belief-related information important to land owners.

The RENCOR course also covers the need to ensure that objective and independent information is clearly and appropriately communicated to and understood by resource owners. This is the case even for the most basic of information, such as:

- i) Reports from governments, consultants, NGOs, donor agencies;
- ii) Policy documents, such as relating to land ownership and titles;
- iii) Plans for development of resources;
- iv) Project proposals for developments in communities; and
- v) Documents for signing by landowners.

Conflicts may be exacerbated if information of this type is not carefully and fully communicated in ways that are appropriate and effective for the people and community of interest. Capacity building is likely to be required to ensure that local stakeholders are able to become fully informed about the proposals they are being asked to consider. This is fundamental to the principle of prior informed consent.

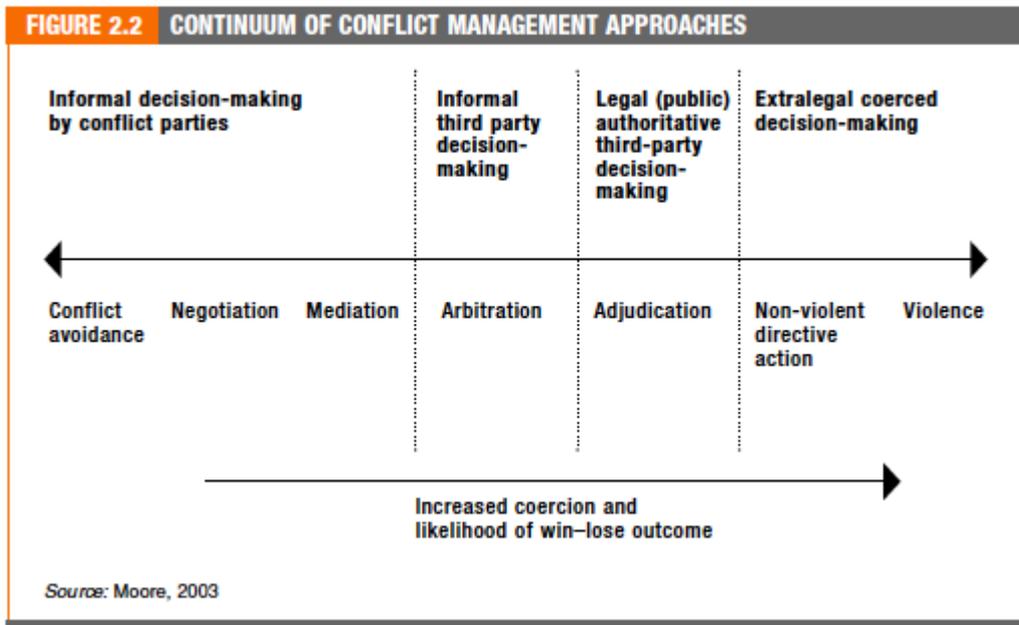
However, other types of conflicts, such as those relating to how cultural values or deeply held beliefs may be impacted, or how those concerned with such values and beliefs may be affected by those impacts, are highly personal and subjective. For these types of concerns objective information would be of limited value. Concerns and conflicts that are based in cultural values or beliefs require a transparent and respectful process of discussion that leads to mediation and negotiation between the affected parties.

4. The role and use of legislative and mediation conflict management processes

Stakeholders can resolve conflicts through a range of mechanisms, as shown in Figure One (below). Traditionally, the options have been violence, formal court processes or avoidance. None of these options is sustainable or leads to sustainable development or sustainable agreements. Formal litigation in court is by far the most expensive, time consuming and most stressful process of conflict or dispute resolution with a forced or false sense of finality. Violence imposes costs or other types, and similarly does not result in a durable agreement. Avoidance puts off the date of conflict.

The RENCOR course seeks to enable students to recognise the benefits of using negotiation and mediation approaches to resolving conflicts rather than court or similar formal procedures (due to cost and time delays) or conflict (because this rarely resolves conflicts but tends to exacerbate and extend conflicts).

Figure One: Continuum of Conflict Management Approaches



The PNG Government promotes the use of court-connected mediation for conflict resolution generally and especially for resolving conflicts associated with resource developments. To this end the Government created a Court Connected Mediation track under the Civil law track in 2010, and has promulgated Alternative Dispute Resolution (ADR) Rules. This approach is in line with well-established international approaches such as "community-based natural resource management" for sustainable harvesting or sound or at least well-informed decisions about allocation and use of resources by those communities that are closely associated with or who own the resources.

In PNG mediation is already highly regarded by those who have used it as a mechanism to address conflicts, Respondents to a recent survey (Hassall 2005) said that mediation raised their trust and confidence in the court system overall, and they urged Courts to direct more conflicts to mediation, viewed mediation as safe, secure and user-friendly, and was much less costly than using formal court processes.

Some of the unexpected but positive outcomes of using mediation included (Murphury 2013):

- the first face-to-face meetings occurring between different stakeholders;
- disinformation or misinformation being dispelled;
- the 'social licence' between land owners and developers being improved;
- landowners gaining a sense of ownership over the dispute and its resolution;
- participants learning techniques and methods for resolving future disputes.

Formal court processes and mediation processes have certain fundamental features in common:

- impartiality on the part of judges and mediators;

- fairness in the process and the distribution of information to avoid surprises;
- equal opportunities for all parties involved in a dispute to be involved in the processes and for their positions, arguments and interests to be taken into account;
- prompt resolution to limit costs;
- resolution of all disputes between the parties.

However, mediation performs better on all of these features than do court processes and its value is recognized more broadly as mediators, lawyers and stakeholders gain more experience with mediation (Young 2006). PNG's courts currently intend to dispose of 60% of outstanding cases shifted to mediation.

Mediation requires the services of a trained, experience and knowledgeable professional mediator. The RENCOR course enables students to understand the role of mediation and of mediators so this approach and these service providers can be used as necessary to achieve a durable agreement that leads to sustainable development for the communities who own the land or resources that are the subject of the development proposal.

5. The challenges of effective communication between interested parties to the conflict and the role of a conflict management facilitator

Communication on any topic in Papua New Guinea can be a challenge because of the great diversity of languages and cultures, the highly dissected geographical terrains and the isolated people and communities found in many rural and remote areas of the nation. Throughout PNG, different people have their own forms of communication. Some communicate by shouting from one mountain top to another hilltop, others communicate through conch shells or kundus and drums, while some use the moon and the stars to vent loud whistles and mouth slapping to indicate a canoe sailing by. Even modern communication is affected by these long-standing cultural practices.

Information was transmitted through word of mouth in almost all rural communities before the introduction of mobile telephones. For example, islanders would sail from one island to another passing on information orally. Highlanders and mainlanders would walk down the steep hills and mountains to the valleys to relay information by word of mouth.

Even recently, the types of information relayed on the islands would be either an announcement of a patrol officer who was doing his governmental visitation, a priest on church spiritual programmes or nurses on clinical rounds. The messages might advise people to go to the district office to collect their mail (often financial support) from relatives who were working in Port Moresby. Frequently, people travelled from one destination to another to inform their clans of a new birth of a child or news of a dead relative. Some types of information for the islanders would be the famous Kula Trade plans, as well as

the cultural feasting, that were often celebrated if the harvest of yams was bountiful.

The types of information pertinent to resource development in rural or remote communities may seem very different in many ways from these long-established culture-related information types. Yet the communication mode needs to appreciate long-standing cultural practices and norms.

Resource-related information is, at best, stated objectively, developed independently, often in highly technical language, and written in dense reports with figures that require considerable experience. All of these characteristics of project-related information are different from the dominant oral tradition of information transmission about personal, family and cultural matters. It is therefore very challenging to communicate critical information accurately, clearly and openly to the resource owners, who may be elders in a village or community. Lack of such understanding often generates conflict within communities, concern or opposition to a proposal and dissatisfaction during the implementation of a project.

There are other challenges that impede effective transmission of information for and about environmental, economic and social impact assessments, and that therefore contribute to conflict, including:

1. Illiteracy;
2. Limited or no local understanding of issues in resource development;
3. Scarce resources of tools for communication (mobile phones);
4. No network for communication within the community;
5. Channels of communication;
6. Distance and geography;
7. Transportation;
8. Funding; and
9. Cultural perceptions.

Extending this challenge of clearly communicating information to stakeholders, Papua New Guinea has the greatest diversity of languages and cultures of any country in the world. In a single province, there could be more than ten languages, variations of Tok Pisin, and in some places limited knowledge of English. A sustainable development practitioner needs to develop and practice a high level of cultural sensitivity, and guide the actions of a resource developer and government officials to ensure that they also act in culturally appropriate ways:

Culture is an essential part of conflict and conflict resolution. Cultures are like underground rivers that run through our lives and relationships, giving us messages that shape our perceptions, attributions, judgments, and ideas of self and other. Though cultures are powerful, they are often

unconscious, influencing conflict and attempts to resolve conflict in imperceptible ways. (LeBaron 2003, p.1)

Conflicts that arise during the resource development process, that is, after approval and perhaps even after production has commenced, often result from resource owners not having been adequately informed or not adequately understanding important information that could affect their land or communities. Students learn that resource or land owners who are not well engaged in the resource proposal process and thus are not well informed about the project and its project benefits and impacts may experience feelings of exclusion, passivity, alienation, and anxiety. Where there is no adequate means of exploring and resolving these feelings, overt conflict could result.

The role of a conflict management facilitator is of the utmost importance in resource development. RENCOR students are taught to value and to develop four key skills to improve or become effective communicators:

*Become an engaged listener,
Pay attention to nonverbal signals,
Keep stress in check,
Assert yourself,*
(Robinson et.al., 2016, p.2)

6. The role of ongoing and effective governance to ensure agreements endure and conflict does not arise

Once a resource development agreement has been completed between the primary stakeholders (land or resource owner, project proponent and government officials and agencies), a need for sound management arises to ensure compliance with the requirements of legislative and regulatory activities, and that commitments set out in the agreement are met by all parties.

RENCOR students learn that ensuring that an agreement endures must be a priority of the resource development process. Characteristics of a durable agreement include that it be honest, acceptable and workable, as elaborated in Figure 3 (below):

Table 3: The characteristics of a durable agreement

<p><i>Is it honest:</i></p> <ul style="list-style-type: none">• based on best available and jointly developed information?• built on realistic considerations of capacity and costs?• having the assurance of all stakeholders that they will implement their parts?• developed with the full involvement of all key stakeholders?
<p><i>Is it acceptable:</i></p> <ul style="list-style-type: none">• resolving the grievances that gave rise to the dispute?• acknowledging past problems and addressing them?• meeting the underlying interests and needs of the primary stakeholders?

- arrived at by a process that was perceived as fair by and to all?

Is it workable:

- providing benefits (incentives) for all implementing parties?
- not disadvantaging an excluded party?
- recognizing possible problems or changes in the future, and including mechanisms to deal with these, or acknowledging the need for renegotiation?
- building working relationships among parties through its implementation?

Source: Godschalk et al, 1994.

Thus it is critical to the durability of the agreement that several key management issues be resolved before development commences:

- How will all stakeholders ensure that the agreement will be acted on and complied with? What does non-compliance comprise? What enforcement mechanisms will be used? Who will initiate them?
- Does the implementation of the agreement require the formal involvement of specialists or groups, such as administrators, leaders of resource user groups, and community political leaders? Who will they be and how will they be paid?
- How will the parties manage any unexpected results from the agreement?
- What monitoring mechanisms will be established to ensure compliance with the agreement?
- Are there local neutral or trusted monitors?

Box 2: Case study: Forestry Resource Development Process

Forest resources in PNG are owned under traditional titles by local landowners and communities, but harvesting and marketing are controlled under national legislation (Forestry Act).

Within communities there are multiple user rights claims to forestry resources, complicated by broader struggles over clan identity and legitimacy of claimants' rights. Long-standing communal disputes may indicate latent tensions, that could result in resource use conflicts escalating easily and rapidly.

These issues are exacerbated by the fact that customary and modern systems of land rights exist side-by-side and may compete for authority in issuing rights to the resource. The government role is to ensure a developer obtains the necessary permits to log the area and export the product, whereas the local communities and their members need to legitimate and register their claims to ownership of the forest resource.

All of these roles and objectives can be subject to drives by individuals to maximise personal interest. As the worst case, individuals seek to gain all or most of the benefits of a forestry project for themselves to the loss of the local community and the government.

The key issues illustrated by this conflict are likely to include the following:

- Competition over ownership of the resource, that can escalate into conflict.
- A lack of leadership and recognition of community objectives within affected communities.
- Reticence by government development agencies and developers to involve themselves in projects because of potential institutional fallout.
- Collaborative, community-based forestry management requires the resolution of individual rights claims.
- As stakeholders shift their negotiating frames from positional to interest bargaining at different time frames, other parties and the mediator need to be nimble in their responses.

The role of an independent professional mediator is to ensure a fully inclusive, transparent assessment and approval process is used to ensure that all stakeholders are engaged in developing a resource development agreement, or are engaged in a decision to decline this proposition. Facilitation of this process requires careful planning, command over a range of resource development issues, communication and conflict management skills and tools, and considerable patience.

Once an agreement has been finalised, the content must be clearly understood by all stakeholders, and the commitments need to be delivered. Independent monitoring and evaluation will be essential. Goals and targets need to be stated clearly in terms that enable them to be assessed and evaluated.

Allegations of corruption overlie the process and become known throughout PNG, generating uncertainty and concern about future development proposals, and costs or delays for the communities, government, and investors.

Conclusion

The RENCOR course introduces students to a wide range of knowledge and skills that are essential for a sustainable development professional.

These include the capacity to recognise that a resource development proposal or project will involve a wide range of stakeholders, to identify or search for those stakeholders, and to ensure that they are fully engaged in processes and decisions that may affect their interests or values. They also include a capacity to appreciate the different perspectives that stakeholders will have with respect to many issues pertinent to the resource development, and that for an agreement to be sustainable, in terms of enduring though future unforeseen events, all stakeholders need to have been fully informed about the nature of the development and its implications, and this is likely to require capacity building for a least some of the stakeholders.

Students will come to understand that because each stakeholder has a personal or group interest in a resource development proposal, conflicts should be expected rather than being a surprise. They also learn that by anticipating conflicts and carefully managing the resource proposal process, conflict is less

likely to result in violence or court proceedings, but can rather be addressed through mediation.

Students will also learn that a range of specialist skills will be required for achieving a sustainable agreement, including negotiation, mediation, process and capacity building skills. Moreover, communication will pose significant challenges where resource proposals affect people from communities with limited understanding of technical English or who do not share a common language.

The RENCOR course thus provides a short but useful introduction for BSD students to decision and policy sciences as they apply to the development or management of natural resources. This introduction will enable a graduate who is knowledgeable about environmental science, economics and social processes to integrate this knowledge and apply it to problems and opportunities he or she is likely to experience in PNG's resource development or management sector.

Finally, RENCOR students also learn that sustainable development is a normative process and outcome, with moral and ethical issues playing important roles in ensuring that the resource development process contributes to sustainable development in PNG.

Fair and effective governance is critical to ensuring that development benefits both people and natural resource sustainability. Good governance should entail processes, decisions and outcomes that sustain natural resources alleviate poverty and improve the quality-of-life of local people and that contributes to achieving imperative national goals and directive principles under PNG Constitution that embrace "PNG Ways – Em Mi Yah".

Box 1. page 5 is a quotation.

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