

## Finding Solutions to Conflicts Between Agriculture and the Environment

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Various policy instruments have been used in an attempt to encourage stability in the agricultural sector while simultaneously mitigating the aggregate negative externalities of intensive production. These policies generally aim to directly or indirectly manipulate the technology used by producers. Over time, shifting policy goals and implementation methods have also generated differing, and sometimes contradictory, implications for the relative rights of producers and other social groups. Producer anxieties over potential property rights changes and insistence by environmental groups for quick action against negative externalities have often led to disputes about the appropriate relationship between agricultural and environmental policy objectives. This increasingly visible involvement of agriculture in environmental disputes has driven a search for alternative ways of resolving conflicts between agricultural and environmental concerns.

Alternative dispute resolution mechanisms are usually characterized by a formal, consensus-building process that may encompass direct negotiations, mediated negotiations, and/or arbitration arrangements (Gunton and Flynn). Although formal

arbitration has rarely been used in an agricultural/environmental context, experiments with negotiation are as old as political policy-making. More recently, negotiation has been used to resolve conflicts in the post development, policy implementation process (Kirtz).

The economic rationale for negotiating agricultural/environmental conflicts can be traced to the institutional economist John R. Commons. Commons advocated negotiated regulation for ensuring that an economic system yielded satisfactory solutions to joint public-private

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resource use problems. Commons' approach was based on a notion of reasonable value, which he defined "not as a metaphysical entity discoverable through abstract logic, but an imperfect compromise to be reached through an administrative process" (Ramstad). While Commons promoted negotiated resolutions on efficiency and equity grounds, modern advocates also suggest that negotiations result in easily implemented and enforceable policy because they generate solutions that satisfy at least part of each interest group's objectives (Bacow and Wheeler; Susskind and Cruikshank).

### The Nature of Conflicts

The environment can be viewed as a scarce resource, with differing social philosophies and economic self-interests competing for its use, option, and existence values. As a result, many social problems involving agriculture and the environment arise from indeterminant or disputed environmental property rights. Conceptually, these joint agricultural/environmental policy conflicts often evolve through three distinct phases. Conflicts initially emerge as negative experiences that are transformed into perceived injuries, only later to become grievances used to confront the parties responsible for the perceived injury. These three phases have been termed "naming" (the perception that something has become a harmful experience), "blaming" (the identification of the source of the harm), and "claiming" (communication of the grievance to the person believed to be responsible) (Felstiner, Abel, and Sarat). A similar conceptualization of the disputing process provided the motivation for the work of Commons.

Commons began with the assumption that there were no static natural processes through which to coordinate social interactions. Instead, the existing rules governing social interactions were considered the result of a complex series of decisions by a society to organize in a particular way. This economic framework suggests that the outcome of market-based economic

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interactions is dependent on a dynamic process of adjusting property rights, entitlements, and other economic rules. This concept of a structurally dynamic economy explicitly recognizes that the strength of a capitalist society comes from its ability to adjust to the changing preferences of its members and the physical or cultural conditions that surround them.

Given the role of property rights adjustments in Commons' theory, it is not surprising that he advocated a process of negotiation to reduce transactions costs and arrive at efficient and distributionally just resolutions to policy conflicts. But to accomplish these objectives, Commons believed that negotiation had to be a process through which all interest groups could be engaged fairly and equitably, an ideal that can be difficult to attain when there are competing agricultural and environmental policy perspectives. Farm groups are typically concerned about the apparent bureaucratic and arbitrary nature in which environmental policies are implemented, at times without providing for economically viable production alternatives. Environmental groups point to continuing difficulties in achieving environmentally sensitive agricultural policy because of blocking coalitions in the agribusiness community. At stake in this conflict is a delineation of agricultural/environmental property rights that imposes a polluter-pays principle on agricultural operations.

### Issues in Negotiations

Because conflicts between private and public interests occur at the level of the individual, Commons believed that potential solutions must be generated with the individuals' explicit or tacit approval. Thus, Commons rejected the existence of public interest and decision-making processes that were separable from the specific interests of individuals and well-defined social groups. Instead, he emphasized that truly enforceable resolutions could be obtained only

through compromise between special interest groups with stakes in solving the existing problem. To Commons, the efficiency question concerned how to accomplish this compromise in a timely and cost-effective manner.

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transaction costs include the costs associated with setting up contracts, policing agreements, and obtaining information. In reality, it is the process of delineating public and private rights that leads to large contractual, policing, and information costs, especially if litigation is required or the groups involved are slow to accept the final delineations. But, if cooperatively brokered, negotiated agreements have the potential to reduce litigation and other transaction costs embedded in conflict resolution. Further, negotiated agreements may prevent the establishment of static, restrictive regulations that preclude mutually beneficial solutions generated by technical change.

Although motivated by transaction efficiency, Commons also realized that the success of a negotiated approach to conflict resolution depended on the distribution of bargaining power among interest groups. Equal bargaining power, and especially the lack of undue coercion, was considered an essential element of negotiations. The more equitable the negotiation processes, the more likely its outcome would approach that of a bargain between parties with equal economic power. The resulting public policies should, in a broad sense, represent the appropriately weighted public interest because the interest groups participate

in a quasi-market by using their votes in negotiations to influence policy outcomes.

To be successful, negotiation must be managed based on four key principles (Ury). First, the conflict problem needs to be separated from the individuals involved so that the issues are attacked, not the individuals. Second, negotiators must be reminded to focus on the ultimate interests of opposing groups, not on their public positions. Only by having all participants understand the objectives of each group will there be opportunities to recognize and develop potential compromise solutions. This understanding directly affects the third principle, which requires that negotiators focus on options for mutual gain. Lastly, negotiations must be based on objective information and criteria whenever possible, for getting agreement on the criteria used to decide is often easier than getting agreement on a decision itself.

### A Potential Role for Land Grant Scientists

Perhaps the most important way land grant scientists can participate in negotiated agricultural/environmental conflicts is by serving as providers of objective information and analyses. Information is critical to the negotiation process, and land grant institutions have proved adept at developing knowledge concerning the functioning of agricultural and environmental systems. In addition, the Extension Service components of these institutions have a history of providing this knowledge to the public in an easily understandable form. However, participation as information providers requires that land grant institutions be perceived as neutral to the conflict and capable of supplying information within a short time frame.

The public perception of neutrality is important because the knowledge base upon which negotiations depend must be recognized as objective and authoritative by all the opposing interest groups. Effective participation

by institutions and individual scientists will be at least partly determined by the amount of past public or political advocacy conducted in the interests of agriculture. Competing with the land grant institutions for the role of information provider will be the myriad non-land grant institutions of higher learning. Some of these alternative sources will encounter credibility problems due to past environmental advocacy, but many are perceived as objective sources of information. Thus, land grant institutions that wish to be widely recognized as sources of information for negotiation must cultivate a public image of objectivity even as they strive to serve the agricultural community that is the base of their financial and political support.

While agricultural/environmental conflicts may develop over many years, the opportunities to negotiate solutions typically occur unexpectedly and with a sense of urgency. The imminent start of negotiations is not the time to begin research programs aimed at creating the necessary information base. Instead, agricultural scientists need to be aware of emerging agricultural/environmental conflicts years in advance and conduct research programs that will supply the necessary information when it is needed in the future. This long-run, sustained view of agricultural research has been a historical strength of the land grant system. But recent moves toward expanded private/public partnerships in agricultural research raise the danger that research priorities might

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become progressively influenced by short-term, profit-seeking behavior. Short-term objectives may not only divert resources from the long-term research programs necessary for developing the information needed by agricultural/environmental negotiators, but also contribute to the perceived ties between land grants and agricultural interests.

Given their unique mission, land grant institutions may have some difficulty cultivating the objective image necessary to be widely recognized as viable information providers to the negotiation process. However, individual scientists and research teams within the institutions can cultivate a reputation for objectivity by conducting research programs that systematically examine all facets of joint agricultural/environmental problems. To the extent that they are successful in this task, individual scientists can probably fill the roles of mediators in the negotiation process. Mediators should be intimately familiar with the agricultural/environmental conflict in question, not only from a technical perspective but also in terms of knowing who the relevant interest groups are, what their ultimate objec-

tives might be, and how they might be persuaded to join in negotiations. Taken together, these qualifications suggest that potential mediators within the land grant system will come from the ranks of experienced and active scientists. Failing perceived objectivity, both land grant institutions and individual scientists could have a role in developing the strategic and tactical negotiating strategies of a specific interest group. ■

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