

THOUGHT LEADERSHIP

To Retreat or Not Retreat? That is Not Even a Question.

Wrestling with complex questions around sea level rise, community engagement, and adaptation



Carri Hulet
Senior Associate

In December 2015, CBI hosted *Community Transformation at the Water's Edge*, a workshop designed to wrestle with an important question:

In the face of rising sea levels and increasingly volatile storms, why is the option to retreat from the water so difficult to explore?

In CBI's work helping communities develop climate adaptation strategies and plans, we have found that people in cities and towns, both large and small, seem unable or unwilling to discuss managed retreat from the water's edge. It is clear from the recently produced adaptation plans for New York City and Norfolk, Virginia, for example, that "retreat is not an option." The phrase sounds powerful and defiant, but is it achievable? Anyone who has seen a map or graphic showing even the most conservative estimates of sea level rise knows that many places that are currently land will eventually be under water. No one wants to talk about leaving their homes, businesses, and neighborhoods, but at some point, if we are to have well informed discussions we need to tackle the elephant in the room.

The *Community Transformation at the Water's Edge* workshop launched a long-term CBI initiative to explore why and how local communities might openly and productively talk about retreat among their set of adaptation options.

Going into the Meeting, We had a Few Hypotheses about Why People Avoid this Topic:

- 1. Deep emotions** There are serious emotional and psychological considerations for real people living in affected communities, including loss of home, family, memory, connection, and community, to name a few. Our public discussions rarely provide a safe and productive environment that would allow such difficult topics to surface.
- 2. Data uncertainty** It is extremely challenging for people at the local level to obtain, let alone sort out which data and information are relevant, or how to use the data in a practical sense (i.e. choosing an appropriate timescale,

- weighing the costs and benefits in context of uncertain risk, etc.).
- 3. Financing questions** There are extremely few tools or institutions to assist property owners and municipalities with the necessary and complex task of funding and financing managed retreat.
 - 4. Social justice and human rights issues** The impacts of severe weather and sea level rise are unevenly distributed. Communities with fewer resources to adapt are hit harder.



Photo Credit: David Astley

To address this complexity, we invited a diverse group of 30 thinkers and doers on climate action to meet together for a one-day workshop in Boston. The participants included residents of coastal communities; a grief and loss counselor; local, state, and federal government representatives; climate scientists; planners; artists; adaptation finance administrators; policy mediators; and others. Our intention was to bring together a group that went

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beyond the “usual suspects” of policy experts and government officials in order to explore new ways of talking and thinking about climate change adaptation and the possibility of managed retreat.

We designed the workshop to tap into the creativity and emotional connection necessary to open new doors on this question. We knew that presentations and discussions would not do the job, so we experimented with non-standard modes of engagement. For example, we asked participants to draw rather than write their reflections on the case studies they read in preparation for the workshop. As the group discussed these images we learned more about each others’ perspectives and experiences than we would have through regular discussion. We also set up a camera in the room and encouraged participants to share their emerging ideas on video in an off-the-cuff manner.

The workshop offered a broad range of views on the challenges associated with discussing retreat, as well as some possible approaches to tackling them. For example, the group explored the parallels between end-of-life planning and planning for the end, relocation, or transformation of a community. The group noted that a whole industry has developed around end-of-life planning because industry techniques and approaches are helping people take on tough, but necessary conversations about an inevitability we all face.

The highlight of the day came when actress and playwright Anu Yadav performed three short excerpts from a one-woman play she wrote after spending a few years working closely with a community of Baltimore public housing residents facing relocation. As Anu embodied different characters, from residents to the director of public housing, workshop participants were able to step into the shoes of those individuals, making immediate connections between the personal experience of those involved in a story of displacement in Baltimore and that of people facing the displacing effects of rising seas, stronger storm surges and increased flooding.

Next Steps

CBI has formed an ongoing work group of interested workshop participants to meet via teleconference every two months to dig deeper into some of the topics we could only touch on at the workshop. These topics include:

- **Practical solution generation** – solutions, ideas, programs, strategies, tools and resources communities are currently using.
- **Language** – what terms should be used when dealing with retreat? “Escape?” “Transform?” “Relocate?” Etc.
- **Leading community conversations** – facilitating community-based, public conversations about retreat and risk management
- **Arts** – how can arts and performance help people engage with the topic of retreat?
- **Real world challenges** – discussion of challenges, needs, and problems in order to collectively problem-solve.
- **Leadership** – fostering and finding community leaders.

As we continue to engage this question, we expect to craft our efforts around these three key areas of focus that emerged from the day, with the cross-cutting theme of social justice and equity woven throughout all three:

- Improve existing tools and institutions that fund and otherwise support retreat
- Design processes that engage real people in real ways (hearts, minds, and hands)
- Build social capital so communities are better equipped to make collective decisions

We welcome ideas, suggestions, and hard questions from our network of colleagues and clients. For more information, please contact Carri Hulet at chulet@cbuilding.org.

The Consensus Building Institute (CBI) is a not-for-profit organization created by leading practitioners and theory builders in the fields of negotiation and dispute resolution. CBI works with leaders, advocates, experts, and communities to promote effective negotiations, build consensus, and resolve conflicts.

Managing Directors

David Fairman
Patrick Field

Founder and Chief Knowledge Officer

Lawrence Susskind

Consensus Building Institute

100 CambridgePark Drive, Suite 302
Cambridge, MA 02140
Tel: 617.492.1414 • Fax: 617.492.1919
Email: cbi@cbuilding.org

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Natural Resources on Indigenous Lands, and the Growing Transparency Movement

Using transparency to advance indigenous people's economic development



Patrick Field
Managing Director

Across mineral rich and developing regions of the world, substantial natural resource wealth rests with Indigenous and tribal communities. And yet, throughout the world, Indigenous Peoples have historically suffered disproportionately from negative impacts of extractive activities in their territories: lack of consent, control, recognition, and benefit, and even outright theft and violence.

The global transparency movement has the potential to play a part in changing that past for the better by supporting Indigenous Peoples' greater participation in resource decision-making on their territories and in their countries. Used robustly, transparency can empower Indigenous Peoples to hold governments, including their own Indigenous governments, and companies to account for the payments made and received for resources and harness the development of their lands for their peoples' own needs and wants.

To better understand how increasing transparency globally might affect Indigenous Peoples, we undertook a report, *Preliminary Inquiry into Indigenous Peoples' Participation in Extractive Industry Transparency Initiative Multi-stakeholder Groups: What are the Present Experiences, Potential Benefits and Challenges?* We wanted to learn more about the challenges and successes for Indigenous peoples seeking good governance of natural resources through engaging with EITI, the Extractives Industries Transparency Initiative. We asked: has EITI shaped the ability of Indigenous Peoples to influence decisions about natural resources on ancestral lands? This initial and preliminary inquiry is meant to provide a snapshot of what growing natural resource transparency means for Indigenous Peoples in three distinct regions: Philippines, Guatemala and the USA.

The Global Transparency Movement and EITI

The Extractive Industries Transparency Initiative has led efforts to mobilize governments, industry and civil society to advance the transparency agenda. The EITI, which almost 50 countries are now working to implement, enhances citizen access to reliable and useful information regarding how much their governments are getting from the extraction of finite oil, gas and mineral resources. EITI implementation has two core components. First, transparency – oil, gas and mining companies disclose their payments to governments, and government discloses its receipts, which are audited and published. The second

component is accountability – a multi-stakeholder group (MSG) with representatives from government, companies and civil society oversee the process and communicates the findings of the EITI report, promoting reform efforts in the country. Greater transparency improves accountability and encourages better management of these finite resources for the benefit of citizens.

What We Learned – Cross Cutting Themes and Recommendations

In spite of legal, cultural and historical differences in our three study countries, we identified five key commonalities.

1. Legal contexts shape how Indigenous peoples can utilize EITI

The legal structures governing Indigenous land rights, title, royalty payments, rents and benefit sharing differ

vastly between and within EITI implementing countries, shaping and constraining how EITI can be implemented in a given country. Because of the disparity in legal requirements and protections for IPs in EITI implementing countries, ideas on how to make EITI useful for Indigenous Peoples must be tailored to that country's legal context.

2. Support is needed for Multi-Stakeholder Groups to target outreach strategies to Indigenous Peoples

Information about the EITI process and the data from the reports themselves are not reaching enough Indigenous communities and tribal peoples. Based on our findings, we think EITI can better serve IPs through resourced, tailored outreach, as the Philippines MSG has recently begun to do.

3. There is a need for consistent and 'legitimate' IP representation in EITI Multi-Stakeholder Groups

IP representation on MSGs must be formalized and fulfilled. Our interviewees concluded that IP MSG representatives must come from peoples and regions directly affected by the extractive industry to be effective in conveying an Indigenous community perspective – currently, this occurs in some MSGs but not others.



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4. The case for building an Indigenous Peoples' EITI Network and Caucus

There is a need for a network for IPs in EITI implementing countries to exchange information, share good practices, discuss challenges and explore solutions. Both national IP EITI in-country caucuses and an international network would better enable Indigenous EITI MSG participants to shape decision-making about natural resources. This has the potential to position Indigenous communities to share equitably in both the decision making process and the potential benefits from the exploitation of natural resources on ancestral lands.

5. The potential power of subnational EITI Multi-Stakeholder Groups

Based on our research, we see sub-national MSGs as worthy of further exploration. Even if Indigenous Peoples' representatives participate actively and effectively on national MSGs, it is not clear, at this stage, that the impact on Indigenous Peoples will be direct and meaningful. Thus, a single Indigenous community could seek to implement EITI, commensurate with the scale of their population and extractives revenue, and/or numerous or all Indigenous Peoples' across an entire nation could seek to create a subnational, Indigenous-specific EITI process. Sub-national approaches would highlight the complex historic and present issues, allow greater participation by Indigenous Peoples, their leaders, and their governments, and allow greater focus on the specific context, revenues, arrangements, and means of transparency.

Conclusion: Indigenous Participation in EITI Multi-Stakeholder Groups has Great Potential but Needs Extensive Commitment and Work for that Potential to be Fulfilled

If employed effectively, improved transparency could position Indigenous Peoples to ensure governments and companies provide them a fair share of the revenues from extraction on Indigenous lands. EITI's MSGs make contributions to fostering stability and good governance through enabling dialogue. More space is provided for civil society to voice their concerns, and together with governments and companies, relationships improve and trust is built between parties.

However, the promise of increasing transparency as a vehicle to reduce poverty for IPs has not yet been realized. There is much work to do to include Indigenous Peoples' in national MSGs and the overall international EITI governance, as well as utilize EITI's process and products to engage and inform Indigenous Peoples. With greater engagement, IPs can use EITI processes to shape the laws, rules, and processes that affect revenue flows to them.

Comments, corrections, or additions are welcomed and may be emailed to Patrick Field, CBI Managing Director, at pfield@cbuilding.org

CBI Staff Promotions

We are delighted to announce promotions at CBI for two of our many talented staff as of January 2016.



Ona Ferguson is now a CBI Senior Mediator. Ona has been at CBI for twelve years, starting out as an intern from the Yale School of Forestry and working her way from CBI Associate to Senior Associate to Senior Mediator. Ona has built a strong practice in oceans and coastal planning, managing interdisciplinary technical teams, and climate change.



Tushar Kansal is now a CBI Senior Associate I. Tushar has been at CBI since 2012, first as a MIT graduate student intern. Tushar is in our Washington, D.C. office and has worked on projects ranging from Indian gas and oil, to local response to hydraulic fracturing, and offshore wind oceans planning.

CBI Welcomes New Staff



Elizabeth Cooper, a master's student at the University of Massachusetts Boston, is CBI's 2016 *Lawrence Suskind Fellow*. She is conducting a study of stakeholder engagement in natural gas development and contributing to research around renewable energy siting conflict.



Julia Golomb is a part-time CBI associate assisting Gina Bartlett in San Francisco with projects that include facilitating a multi-stakeholder sustainable groundwater management planning process. A former CBI intern, she holds a Masters of Environmental Management from Yale University.



Cici Vu, CBI a former classmate of Eric Roberts' at the University of Michigan, is working part-time from NYC with Bennett Brooks on an EPA project to help local land use managers determine how to incorporate ecosystem services into coastal resilience planning.

Envisioning a Better Tomorrow for Yemen

Exchanging views and elaborating recommendations to repair infrastructure, institutions and a torn social fabric



Michele Ferenz
Senior Mediator



David Fairman
Managing Director

Largely in the shadow of the world’s attention, Yemen’s 26 million people are suffering the deadly repercussions of an Arab Spring gone tragically astray. The country still reverberates with distant memories of

ancient glory, but developmental progress in modern Yemen has long been stymied by a daunting range of challenges, from a clientelistic, and often absent, state to extreme water stress.

Grievances over lack of voice and opportunity sparked street protests in 2011, putting an end to the 30-year rule of former President Ali Abdullah Saleh. When the subsequent transition process foundered, Yemen descended into a battleground between sectarian, tribal and wider regional forces, resulting in thousands of civilian casualties, an acute humanitarian crisis, and the virtual stoppage of economic activity.

Caught in a downward spiral of fear and privation, ordinary Yemenis are struggling to hold out hope. “Even before the war, life in Yemen was difficult because of the political situation,” Abdo Seif, Adviser at the United Nations Development Programme (UNDP), recently said in an agency report. “Now life has become almost impossible with constant airstrikes and ground fighting. Prices for basic commodities have increased and medicine is becoming rare. If the embargo is not lifted, we will get closer to a famine. I have three children, who see the war as punishment.”

The United Nations is leading efforts to seek a durable truce among the warring parties. In parallel, it teamed up with the World Bank and the European Union to convene a technical dialogue among a broad cross-section of Yemeni and international stakeholders to collaboratively identify how best to address



Photo Credit: Malak Shaker, USAID/YMEP

immediate priority needs as well as the underlying causes of the conflict. CBI led a team of six facilitators in the design and management of this *Consultative Meeting for Yemen*, held in early October 2015 in Cyprus.

Over the course of three days, more than 120 participants from the civil service, the private sector, citizen’s groups and the international community, exchanged views on the current and likely future state of Yemen, and jointly elaborated recommendations not only for improving life-saving interventions, but also for rebuilding the country’s infrastructure, institutions and torn social fabric, where possible. The result is an enumeration of key requirements – such as fuel provision for water treatment, mobile clinics, mine removal, and human rights monitoring – along with guidance on how to ensure that such responses lay the foundation for a sustained recovery, first and foremost through systematic involvement of local institutions and leaders, especially women.



Photo Credit: Mercy Corps

A key facilitation challenge was creating sufficient space for wide-ranging discussions while weaving a common thread, and for respectful disagreements while maintaining a constructive forward momentum. Applying Chatham House Rules and organizing much of the proceedings in six working groups, covering the full spectrum of sectors from essential social services to various key aspects of the economy and governance, went a long way towards meeting the twin objectives of efficiency and authenticity. Though participants at times expressed strong pain and anger, the large and diverse group built a strong sense of shared purpose anchored in the imperative to reverse Yemen’s course.

Send your comments or questions to Michele Ferenz at mferenz@cbuilding.org; David Fairman at dfairman@cbuilding.org

CBI in Action || A snapshot of recent and ongoing work

ENERGY, ENVIRONMENT & LAND USE

More information: Patrick Field, pfield@cbuilding.org.

>> **Managing California Groundwater** Bennett Brooks finished up the most recent stakeholder dialogues for the California Water Foundation on groundwater management implementation, preparing findings for submittal to the State that include key recommendations related to data coordination and transparency, stakeholder engagement, state intervention and adaptive management. Gina Bartlett and Tushar Kansal facilitated workshops in four locations throughout the State of California for the State Water Resources Control Board, the state's water regulator. Afternoon technical sessions were geared to local public agencies and community leaders, and evening sessions were designed for the general public. Tushar conducted outreach with local agriculture, environmental justice, and civic associations. The sessions were well attended in person, and included an additional 500 people participating via web case in Sacramento.

>> **Tribes and Wetlands** Doug Thompson is working through the U.S. Institute for Environmental Conflict Resolution, and partnering with Lucy Moore from Santa Fe, to increase the capacity of tribes in the western U.S. to address wetland issues. The project has both a Southwest and Rocky Mountain component, focusing on the differing needs of each region concerning wetland protection issues.

>> Protecting Marine

Mammals Bennett Brooks continues work on various National Marine Fisheries (NMFS) related activities including finishing up summary from August Sea Turtle workshop; launching Research Work Group for False Killer Whale Team; preparing for Bottlenose Dolphin webinar in early November; and getting ready for three-day meeting of the Pelagic Longline team in early December.



>> **Ocean Planning in the Northeast** Ona Ferguson and Patrick Field along with several other CBI staff have been involved in ongoing Northeast Regional Ocean Council activities, including a Stakeholder Forum in October that Dory Dinoto planned for with grace and expertise; chapter two drafting of the Regional Ocean Plan by Toby Berkman to capture the host of engagement and activities conducted across ports, aquaculture, energy, fishing, boating and others; and securing a strategic communications firm and writer to support writing and dissemination of the Plan during the next phase of public meetings happening in June 2016.

>> **Smith Island Vision Plan** After much work from Catherine Morris and Tushar Kansal, the Plan was adopted as part of County Master Plan in February – the last formal step in the process. The town of Crisfield, MD, where the ferry for Smith Island leaves from, has asked when they are going to receive the same level of attention as Smith Island.

SOCIAL POLICY & CULTURAL RESOURCES

More information: Stacie Nicole-Smith, stacie@cbuilding.org.

>> **Preserving Historic Structures in National Parks** Stacie Smith is wrapping up the first phase of the Isle Royle Section 106 consultation for the National Park Service. The case involves historic structures, ownership, use and tenure of the structures and the way forward within this remote park. The project involves an in-person kick-off meeting to design the assessment, then an assessment, followed by a meeting to review findings and design the process.

>> **Solutions Journalism Network** David Fairman along with Allan Cohen, co-facilitator for Ed Reimagined, is planning a 2-day *Reimagining Journalism* retreat

convened by Solutions Journalism Network, whose head David Bornstein

learned about CBI when he wrote a *NY Times Fixes* blog post on Ed Reimagined.



INTERNATIONAL DEVELOPMENT

More information: David Fairman, dfairman@cbuilding.org.

>> **Facilitating Long-term Energy Planning in Chile** David Plumb's nine months of work with a 26-member, multi-stakeholder steering committee enabled the group to reach consensus on a *2050 Energy Road Map for Chile*, along with specific goals and proposed strategic transformations for the sector. The effort was widely praised as an innovative approach to building broad-based support for long-term public policies. The Energy Ministry convened the process and the minister chaired the group.

>> **UNDP's Global Grievance Mechanism** David Fairman is working with UNDP's Stakeholder Response Mechanism (SRM, global grievance mechanism for UNDP which CBI co-designed) on review of eligible complaints. Michele Ferenz, Eric Roberts, and David Plumb are helping to develop online training tools on the SRM for use by UNDP staff.

>> **Sustainability Challenge Foundation** David Fairman is co-directing the International Program on the Management of Sustainability this June with Mieke van der Wansem at Tufts Fletcher School of Law and Diplomacy. Bill Moomaw is stepping out of the Faculty Director role, but will stay on the faculty. SCF is reinvigorating Board leadership with a new Board President Yvo de Boer, the former head of the UN Climate Change Secretariat and now head of the Global Green Growth Institute in Seoul.

>> **Transmission Citing in Nepal** Michele Ferenz and Toby Berkman spent two weeks in Nepal with Michael Brown, of the CBI Global Network, studying challenges and conflict faced by the World Bank and Nepalese government around building high transmission lines in Nepalese communities.

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CORPORATE-COMMUNITY ENGAGEMENT

More information: Merrick Hoben, mhoben@cbuilding.org.

>> **Honduras Palm Oil and Land Conflict** Merrick Hoben is working to resolve violent land disputes centered on a large palm oil plantation in the Aguan Valley of Honduras, and to create a long-term roadmap for regional justice, security and development. The government of Honduras announced its commitment in principle to the roadmap that CBI developed with a wide range of stakeholders. CBI's work on this case is supported by the World Bank's International Finance Corporation, which has financed investment in palm oil plantations in the Aguan.



Photo Credit: Lon&Queta

CORPORATE AGREEMENTS

More information: David Fairman, dfairman@cbuilding.org.

>> **Business Negotiations in an Asian Context** David Fairman and Toby Berkman have developed a cross-cultural business negotiation curriculum, with help from members of our Global Network and other senior consultants including Andrew Lee in China, Ashok Panikkar in India, Dong-Young Kim in South Korea, Masa Matsuura in Japan, and Horacio Falcao in Singapore. Our client, Asialink Business, is a public-private partnership to build Australian business capabilities for work in and with Asian business counterparts. David delivered two-day trainings in Melbourne and Sydney, and they were well received.

>> **Pfizer Negotiation Workshops** Patrick Field and Toby Berkman completed a mock negotiation coaching workshop with Pfizer in Belgium, with a core team seeking to secure reimbursement for an adult vaccine. Pat and Toby will continue to work with Mercer Corporation in 2016.

>> **CorpU** David Fairman is working with Toby Berkman on revisions to CorpU online courses and development of new material on global supply chains.

ORGANIZATIONAL GOVERNANCE & STRATEGY

More information: Patrick Field, pfield@cbuilding.org.

>> **BSSE Strategic Planning** Doug Thompson is working with the Bureau of Safety and Environmental Enforcement. The project involves visioning, strategic thinking, and operational planning. The leadership of BSSE, a new organization cobbled together with staff from other parts of DOI, seeks to develop a coherent and shared vision that can be understood and embraced both internally and externally and design some specific communication approaches so the various parts of the Bureau work synergistically, rather than in isolation. Doug will be working with internal ADR neutral Robert Fisher.

Community Transformation at the Water's Edge Workshop

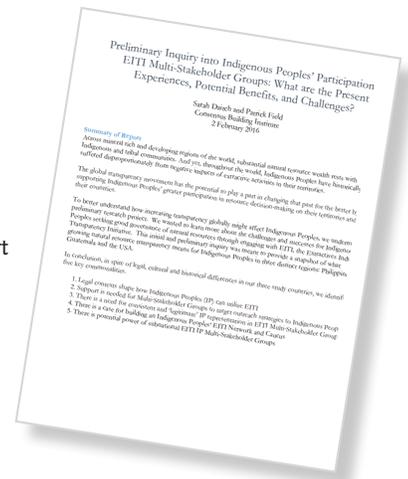
In December, several CBI Staff facilitated an extremely rewarding Community Transformation at the Water's Edge Workshop with 30

participants representing state and federal agencies, local communities, relief workers, artists, funders, and others with expertise on the topic of climate-induced retreat. The highlight of the day was a performance by Anu Yadav, an actress who transformed the experiences of community members who were relocated from a public housing community into a deeply moving series of monologues. Her performance helped the workshop participants connect emotionally with the lived experience of climate retreat, and led to open, generative conversations. We are following up on several new opportunities and connections that came from the workshop.



EITI Report

Patrick Field along with Sarah Daitch of Daitch Associates, published a preliminary report on Indigenous Peoples' participation in EITI Multi-Stakeholder Groups. The report was an attempt to learn more about the challenges and successes for Indigenous Peoples seeking good governance of natural resources through engaging with EITI.



CBI Has Moved! Since our last issue, we moved our main office to 100 CambridgePark Drive in Cambridge, Mass. Our new office has parking for visitors, a state-of-the-art video conferencing system, and access to conference rooms for larger events and meetings. Our Washington, DC office also moved to new a new space at 1875 Connecticut Ave NW in Washington.

Along with our staff based in Cambridge and Washington, D.C., our staff in New York City, San Francisco, and Santiago, Chile continue to provide consensus building, collaboration and conflict resolution services across the US and around the world.



100 CambridgePark Drive