U.S. Institute for Environmental Conflict Resolution
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ECR Performance Evaluation: An Inventory of Indicators

October 2006

Available electronically at:
www.ecr.gov

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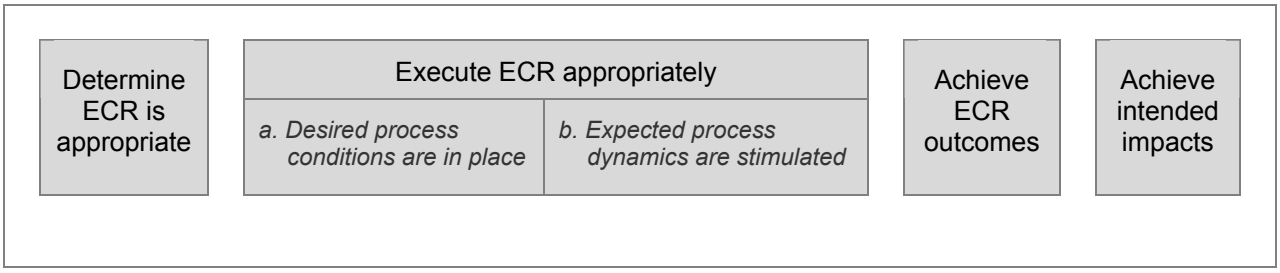
Section I: Introduction

This is an inventory of performance indicators for the evaluation of environmental conflict resolution (ECR). It has been created as a design tool for those working to evaluate ECR to assess performance and improve practice. Over 300 indicators are drawn from research and evaluation literature on ECR, and to a lesser extent, Alternative Dispute Resolution (ADR).[1]

The indicators are organized into four basic categories of effective use of ECR (Table 1). The categories span the life cycle of ECR: the initial determination that ECR is appropriate, the effective execution of ECR, and the achievement of intended results (outcomes and impacts).

Table 1. Evaluation categories that cover the life cycle of ECR.



Evaluation designs that encompass elements of all four categories can be used to report on *what* is achieved, understand *how* ECR practices contribute to these achievements, provide insights into *why* achievements meet or fall short of expectations, and determine *when* ECR is most effective so that future applications are improved.

[1] The inventory of evaluation indicators is based on a 2004 literature review of conflict resolution performance indicators conducted by Dr. Julie Macfarlane and Dr. Bernard Mayer on behalf of the U.S. Institute for Environmental Conflict Resolution with the financial support of the William and Flora Hewlett Foundation. The original inventory has been updated and expanded to include assessment and program indicators.

Section II: Inventory of Indicators

ECR is determined to be appropriate

Assessment/screening factors

Appropriate assessor/practitioner conducts the assessment *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Key issues and process alternatives are explored *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Key issues and process alternatives are considered in the assessment recommendations *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Key parties to the situation/controversy are interviewed *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Are cases being sent for alternative dispute resolution at the appropriate dispute stage? (*Scharf, 2000)*

Do participants feel that appropriate types of cases are being handled in the program? *(Scharf, 2000)*

Do participants or non-participants feel that the criteria for which cases are eligible for alternative dispute resolution are fair? *(Scharf, 2000)*

Appropriate conditions for assisted negotiation

Parties to the situation/controversy are willing to negotiate on key issues *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Parties feel proceeding with assisted negotiation is appropriate for the situation/controversy *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The situation does not involves existing rights that cannot be negotiated or bargained *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The situation does not involve fundamental values to one or more parties *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The situation does not involve irreconcilable positions of the parties *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Disagreements over information are not at the heart of the situation/controversy *(U.S. Institute for Environmental Conflict Resolution, 2005)*

There are no known barriers to addressing the issues or resolving the controversy with assisted negotiation *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Issues sufficiently ripe to be addressed *(Dedekorkut, 2004)*

Agreement on the scope of the collaboration *(Dedekorkut, 2004)*

ECR is executed appropriately

Process conditions

Appropriate participants are involved

Inclusive of all parties with a significant interest in the issues *(Harter, 1982; Talbot, 1983; Susskind, 1983; Riesel, 1985; Susskind, 1985; Hamilton, 1991; Melling, 1995; Susskind & Field, 1996; Innes, 1996; Cormick, 1997; Innes & Booher, 1999; Susskind et al (Innes), 1999; Susskind et al., 2000; Andrew, 2001; Leach & Pelkey, 2001)*

All key affected/concerned interests needed to successfully reach agreement were involved in the process *(U.S. Institute for Environmental Conflict Resolution, 2005)*

All affected stakeholders were included *(Dedekorkut, 2004)*

Genuine offer to all potential parties participate *(Todd, 2001)*

Include stakeholders from state or federal agencies *(Sachs, 1982; Hamilton, 1991; Leach et al., 2002)*

The affected stakeholders must be relatively few and readily identifiable *(Susskind and Cruickshank, 1987; Harter, 1982)*

Involve the smallest group possible while representing all the parties *(Talbot, 1983; Hamilton, 1991; Leach & Pelkey, 2001)*

With effective facilitation very large groups can be involved in negotiations *(Priscoli, 1987)*

Agreements are more difficult to reach where decision-makers not present at the table and the group is limited to making agreed recommendations (public agency decision-makers therefore important participants) *(Bingham, 1986)*

Critical to get key stakeholders with decision-making authority to come to the table *(Riesel, 1985; Bourdeaux, 2001; Susskind et. al., 2000)*

Maintain representation of constituents interests (Cormick, 1986);

Ensure accountability of all parties to their constituencies *(Cormick, 1997; Bingham, 1986)*

Ensure party representatives are “real leaders” to their constituents (*Cormick, 1986)*

The representatives at the table have sufficient authority to make commitments on behalf of their organizations *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the participants, as a group, represent an appropriate balance of all affected concerns *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Wide representation and participation *(*Measure of success articulated by a respondent - *Florida Planning and Development Laboratory, 2004)*

Ensure representatives have clear and credible means of communicating with and accounting to their constituents *(EPA, 1999)*

All parties had equal power to affect the collaborative process and its outcomes *(Dedekorkut, 2004)*

Nurture credible leaders and credible key spokespersons in all stakeholder communities *(Susskind and Field, 1996; Leach & Pelkey, 2001)*

Bottom-up leadership is important for bringing local knowledge to bear on technical matters *(Leach & Pelkey, 2001)*

There may be an important role for a credible "broker" (who may or may not be an actual participant, may or may not be neutral) who first raises the possibility of negotiation/ mediation with the parties and persuades them to commit to the process *(Dotson, 1983)*

Participation by creative, co-operative, or committed individuals is important *(Leach & Pelkey, 2001)*

There was proportional representation among parties *(Dedekorkut, 2004)*

Parties are motivated to resolve the *dispute (Harter, 1982: Talbot, 1983: Dotson, 1983; Priscoli, 1987; Innes & Booher, 1999)*

Appropriate mediator is engaged/Mediator skills and practices add value

The participants endorse the mediator/facilitator as appropriate *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Mediators must be non-partisan and independent *(Talbot, 1983; Cormick, 1986; Hamilton, 1991; Susskind et al., 2000; Andrew, 2001)*

Avoid using in-house neutrals who have limited credibility as neutrals *(O'Leary, 2001)*

Appropriate mediator/facilitator is one who has the skills and experience (e.g., experience with the type of case, experience with the substantive issues of the case) needed to guide the process *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The mediator must ensure that all concerns are taken seriously *(Innes, 1996)*

The mediator should be skilled in overcoming impasse (Susskind et al., 2000)

The mediator must be flexible in adapting the structure of the negotiation process to the parties needs *(Dotson, 1983, Cormick et al 1997)*

The mediator should be able to differentiate between questions of equity and issues surrounding the facts or science *(Cormick, 1986)*

The mediator should keep relevant officials apprised of what is going on *(Susskind et. al., 2000)*

Mediator should create an atmosphere in which the parties could become more familiar with each other and facilitate interaction and communication between them *(Susskind et. al., 2000)*

Mediator should try to remove emotions from the situation and keep things fact focused *(Susskind et. al., 2000)*

Mediators must be non-partisan but can be activist i.e., have an interest in a good outcome *(Susskind & Ozawa, 1983)*

An "activist" mediator may bring special strengths framing possible outcomes that meet particular needs and reach for these, sometimes empowering weaker parties via access to information *(Forester & Stitzel 1989, Forester, 1999)*

Facilitators must be perceived as neutral, but may historically have played a non-neutral role *(Priscoli, 1987)*

There is a danger that a mediator with expertise in the disputed field will introduce bias to the process *(Hamilton, 1991)*

The facilitator must be perceived as effective and neutral yet need not be chosen by the negotiators and may be an agency person *(Schneider & Tohn, 1985)*

Adopt a mediator's "credo" for ethical process considerations (Susskind & Ozawa, 1983)

Mediator should take control of the process, establish groundrules and clearly define each participants' role *(Riesel 1985; Bingham 1986; Susskind 1999, EPA, 1999; Susskind et. al., 2000, Dukes, 2000)*

Effective use of private caucus with groups to hear their concerns *(Susskind et. al., 2000);* there must be confidentiality of conversations between the mediator and the parties *(Hamilton, 1991)*

The mediator should facilitate joint fact-finding *(Susskind et al., 2000)*

Attention must be paid to potential inequalities arising from cultural differences and differences in power *(Harter, 1982; Hamilton, 1991; EPA, 1999; Susskind et. al., 2000)*

Mediators should have good substantive knowledge and the ability to be strong process managers (especially in relation to handling lawyers) *(Forester & Stitzel 1989, Forester, 1999; Bourdeaux, 2001)*

Planners have many necessary skills to intervene in ECR, including substantive knowledge and experience *(Forester & Stitzel 1989, Forester, 1999)*

Ensure that stakeholders should have time to familiarize themselves with all the issues *(Susskind et. al., 2000)*

Mediator has personal incentive to achieve settlement (ie. market themselves based on their success rate) *(Sipe, 1998)*

Mediators were available during crisis points in decision making *(Dedekorkut, 2004)*

There was effective leadership of the collaboration process *(Dedekorkut, 2004)*

The mediator/facilitator made sure the participants had a realistic work plan and timeline for the process *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the mediator/facilitator helped the participants manage technical discussions effectively *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The mediator/facilitator was fair and unbiased *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The mediator/facilitator made sure the participants were effectively engaged and ensured all participants concerns were heard and addressed *(U.S. Institute for Environmental Conflict Resolution, 2005)*

When things got tense, the mediator/facilitator helped the participants move forward constructively *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the mediator/facilitator ensured that no one dominated to the detriment of the process *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the mediator/facilitator was useful in helping the participants to document our agreement(s) appropriately *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the mediator/facilitator assisted the participants in making sure that options for addressing the issues or resolving the controversy are implementable *(U.S. Institute for Environmental Conflict Resolution, 2005)*

At the conclusion of the process, the participants report they would recommend the mediator/facilitator to others in a similar situation without hesitation *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Participants have the capacity to engage

Parties had the necessary professional and technical capabilities *(Dedekorkut, 2004)*

Parties committed resources to the collaboration (money, labor, equipment, or materials) *(Dedekorkut, 2004)*

Strong commitment to devoting the required time and energy into the process *(*Measure of success articulated by a respondent - *Florida Planning and Development Laboratory, 2004)*

Participation is feasible financially for these parties *(Colby, 2000; Kloppenberg, 2002; Leach & Pelkey, 2001)*

The participants had the time, skills, resources, and access to needed information to participate effectively in the process *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Relevant, high-quality and trusted information is incorporated

Ensure stakeholders have access to technical information *(Susskind & Field, 1996; EPA, 1999)*

Ensure all stakeholders are equally empowered and fully informed *(Cormick, 1997; Talbot, 1983; Innes, 1996; Leach & Pelkey, 2001)*

Ensure open sharing of information *(Cormick, 1986; Riesel, 1985; Talbot, 1983)*

Ensure that resources available to support joint fact-finding *(Schneider & Tohn, 1985; Susskind, 1985; Bingham, 1986; Susskind & Field, 1996)*

Ensure that trusted information is available *(Susskind & Field, 1996)*

Employ scientific expertise where appropriate to establish "facts" *(Cormick, 1986; Leach & Pelkey, 2001)*

It is important to use scientific and technical expertise to educate on the issues, rather than for experts to present fixed positions *(Nash & Susskind, 1987)*

Separate the roles of technical experts and political decision-makers *(Susskind & Field, 1996)*

Presence of lay people and technical experts makes consensus building more difficult *(Leach et al., 2002)*

Assume that information is rarely "value-free" and unarguable *(Susskind, 1983)*;

Accept validity of experiential, subjective, and socially shared knowledge *(Innes, 1996)*

Best science based *(*Measure of success articulated by a respondent)*(Dedekorkut, 2004) 2004)*

Stakeholder co-operation is necessary to achieve the comprehensive and systematic data collection necessary to resolve conflicts *(Brogden, 2003)*

Incorporate high-quality information of many types and ensure agreement on its meaning *(Susskind et al (Innes), 1999; Innes & Booher, 1999)*

Participants worked effectively to identify information needs *(U.S. Institute for Environmental Conflict Resolution, 2005)*

All participants had full access to relevant information they needed in order to participate effectively in the collaborative process *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Participants understood all important information and data used in the process *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The validity of the information used in this process was accepted by all the participants *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The process helped you gain a more complete understanding of the issues in this case/project *(U.S. Institute for Environmental Conflict Resolution, 2005)*

If needed, resources were available to obtain expertise/technical information for this case *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Experts were used to educate participants in the collaborative process on the relevant issues *(U.S. Institute for Environmental Conflict Resolution, 2005)*

In general, the relevant information was understood by the participants (i.e., it was not too complex) *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Participants worked to ensure agreement on the meaning of relevant information *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement took full advantage of relevant information (scientific, economic, cultural, legal, etc.) *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Other categories: clear role for government, political support and funding

High level support and legitimation for the negotiation/mediation process must be sought and obtained from the larger political and legal system *(Sachs, 1982, Dotson, 1983; Susskind & Field, 1996*); and within the oversight agency (eg EPA) *(Hamilton, 1991; O'Leary & Raines, 2001)*

Ensure participation of appropriate agency *(Harter, 1982; Hamilton, 1991; O'Leary & Raines, 2001)*

Training in collaborative problem-solving should be provided for federal officials *(Sachs, 1982)*

Government should not be able to use ADR coercively or to force through an agenda *(Melling, 1995)*

Collaborative problem-solving techniques should be entrenched within the institutional framework of these agencies via revised administrative and legislative procedures *(Sachs, 1982)*

Neutral outside government dispute resolution centers should be established to match intervenors to disputes *(Sachs, 1982)*

Agency personnel can also be used as third parties where appropriate *(Schneider & Tohn, 1985).*

Strong agency support *(Dotson, 1983)*

Available political support and funding were sufficient for this collaborative planning process to succeed (Dedekorkut, 2004)

Process dynamics

Participants communicate and collaborate

Parties to the collaboration were committed to the collaboration *(Dedekorkut, 2004)*

Stakeholders must be able to establish channels of communication to enable problem-solving *(Susskind & Cruickshank, 1987; Susskind & Field, 1996; Susskind et al., 2000)*

Good interpersonal relationships and mutual trust is *important (Leach & Pelkey, 2001; Susskind et. al., 2000)*

Parties must perceive interdependence and be constrained from acting unilaterally *(Priscoli, 1987; Susskind & Cruickshank, 1987; Hamilton, 1991)*

Stakeholder co-operation is necessary to achieve the comprehensive and systematic data collection necessary to resolve conflicts *(Brogden, 2003)*

Participants must be willing to move from a competitive to a collaborative mode *(Susskind et. al., 2000)*

Participants must be patient *(Leach et al., 2002)*

Parties must remain mindful of their conflicting self-interests *(Hamilton, 1991)*

Public consultation must empower participants i.e. produce a greater sense of self-worth, security, self-determination and autonomy *(Bush & Folger; Kelly, 1995)*

Collaboration should promote greater knowledge, new interpersonal relationships and mutual understanding *(Leach et al., 2002)*

Lines of communication were open among the parties *(Dedekorkut, 2004)*

The process must keep participants engaged, active and learning *(Susskind et al (Innes), 1999)*

Willingness to seek solutions *(*Measure of success articulated by a respondent - *Florida Planning and Development Laboratory, 2004)*

The general willingness of everyone to see something get done *(*Measure of success articulated by a respondent - *Florida Planning and Development Laboratory, 2004)*

A dialogue process enables the development of hypotheses and the implementation of plans for future environmental management *(Brogden, 2003)*

The process must encourage challenging assumptions and thinking “outside the box”; encourage challenges to the status quo and creative thinking *(Susskind et al (Innes), 1999; Innes & Booher, 1999)*

All participants continued to be engaged so long as their involvement was necessary *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The participants kept their members/constituents informed *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The participants worked together cooperatively and sought options or solutions that met the

common needs of all participants *(U.S. Institute for Environmental Conflict Resolution, 2005)*

During the process, the participants followed the ground rules and worked together in a manner that facilitated balanced inclusion of all affected participants/concerned interests *(U.S. Institute for Environmental Conflict Resolution, 2005)*

As a result of the process, trust was built among the participants *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Participants understand each other's views and perspectives

Enable effective communication which enables the participants to learn about and better understand the positions of others *(Bourdeaux, 2001)*

Promote insight into the interests and positions of others and ultimately, the interests of all stakeholders. *(Buckle & Buckle, 1986, Susskind et al 2000)*

The participants gained a better understanding of each other's views and perspectives *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The participants came to understand each other's perspectives *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Participants' understanding of the issues improves

Stakeholders should gain knowledge and understanding from participating in the process via a process of mutual education, and this should be shared with others beyond the immediate negotiating group *(Susskind, Innes, 1999, Priscoli, 1987)*

Collaboration should promote greater knowledge, new interpersonal relationships and mutual understanding *(Leach et al., 2002)*

The participants gained a better understanding of the issues of focus in the case (i.e., scientific, legal, economic, cultural and other) *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Parties believe the agreed upon solutions are consistent with scientifically accepted understanding of the problem *(Dedekorkut, 2004)*

Participants narrow and clarify the issues in dispute

The process helped the participants identify and clarify the key issues that had to be addressed to resolve the conflict *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Define each new issue as a separate problem, leaving an existing cooperative arrangement in tact *(Cormick, 1986)*

Collaboration has resolved the real issues of concern to all parties *(Dedekorkut, 2004)*

Alternative forums are identified for issues that are better dealt with in other forums

The process helped the participants identify appropriate alternative forums for dealing with issues that could not be handled through the process *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Outside rulings may sometimes be necessary in order to move forward from impasse *(Bingham, 1986)*

ECR outcomes

Agreements

High quality agreements

Agreement is achieved on all, most or some key issues. In cases where agreement is not reached, progress is made toward solving the problem or resolving the conflict *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Produces high-quality agreement *(Innes & Booher, 1999*)

Final settlement reached *(Andrew, 2001)*

The results must be readily acceptable to the parties (*Susskind & Ozawa, 1983; Hamilton, 1991)*

The extent to which parties view the outcomes of collaboration as equitable *(Dedekorkut, 2004)*

Stakeholders must construct the agreement themselves *(Susskind et al., 2000)*

The results should maximize joint gains *(Susskind & Ozawa, 1983)*

The results should take past precedents into consideration *(Susskind & Ozawa, 1983)*

The agreement should be feasible in political, social and economic terms *(Susskind et al (Innes), 1999; Hamilton, 1991)*

The agreement results in flexible practices and institutions which can respond to future change *(Susskind et al (Innes), 1999)*

An agreement should meet the interests of all stakeholders *(Susskind et al; Innes, 1999)*

Written agreement achieved by consensus that meets everyone's interests and settles key issues *(Todd, 2001)*

The agreement should end stalemate *(Susskind et al; Innes, 1999)*

The agreement should produce widely new information and analysis and include creative ideas for action *(Susskind et al; Innes, 1999)*

Agreement addresses underlying issues not just monetary compensation *(Susskind & Field, 1996)*

Ensure a stable agreement *(Susskind & Ozawa, 1983)*

Production of a written agreement is critical *(Susskind, 1985; Todd, 2001)*

How practical and workable is the agreement? How just and fair is the agreement to (a) participants? (b) those not participating in mediation? *(Susskind & Cruichkshank, 1987)*

How stable and durable is the agreement? *(Susskind & Cruichkshank, 1987)*

How wise is the agreement? ("prospective hindsight") *(Susskind & Cruichkshank, 1987)*

Effective translation of general principles into a specific written *agreement (Susskind, 1985; Sipe & Stiftel, 1995; Sipe, 1998; Todd, 2001)*

Means of implementing the final agreement must be available and acceptable to the parties *(Priscoli, 1987; Talbot, 1983; Harter, 1982)*

Agreement should include monitoring procedures and roles of the parties in monitoring *(Susskind & Ozawa, 1983; Leach & Pelkey, 2001; Hamilton, 1991)*

Integrate procedures to protect those directly affected by the outcome (Susskind & Ozawa, 1983)

Anticipate and plan for issues of compliance including the use of various enforcement mechanisms *(Susskind, 1983; Leach & Pelkey, 2001; Sipe, 1998)*

It is often necessary to rely on peer pressure and moral authority to enforce agreements *(Leach et al., 2002)*

It is more difficult to implement policy agreements than site-specific agreements *(Bingham, 1986)*

Clearly documented protocols are needed for ongoing implementation and future evaluation *(Colby, 2000)*

Resources must be available to support administration and future case development *(Kloppenberg, 2002)*

Extent to which parties feel they impacted the substance of the plan *(Dedekorkut, 2004)*

Degree of consensus *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

Plan is accepted by groups not involved in planning *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

All that participated signed off on the plan *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

Extent to which each participants' goals/needs were considered and incorporated/addressed *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

Whether the outcomes resolved the real issues in dispute (e.g., controversy basically resolved, whether it lays the groundwork to fix the problem) *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

The agreement takes account of the participants' interests and deals effectively with key issues *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The participants understand the terms of the agreement *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement includes responsibilities and roles for implementation *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement contains a mechanism for assuring the participants will know when the agreement is implemented *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement contains clear and measurable standards or objectives to be achieved *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement contains provisions for monitoring if standards or objectives are achieved *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement specifies ways the agreement can be changed/modified if things don't go as planned *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement can be carried out and will last to meet its purpose *(U.S. Institute for*

Environmental Conflict Resolution, 2005)

The agreement is flexible enough to respond to changing conditions that might occur, and the participants have built strong enough relations to ensure the agreement will last *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement includes ways to ensure that participants will know when the agreement is fully implement have been addressed in the agreement *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement contains clear and measurable standards or objectives to be achieved (so it can be determined if the agreement is accomplishing its objectives) *(U.S. Institute for Environmental Conflict Resolution, 2005)*

A plan for monitoring implementation is included in the agreement *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement provides workable means for adapting to important unanticipated circumstances or changes in conditions *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement addresses the resources needed for its implementation. *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Legal requirements have been addressed *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement is implementable *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Agreement includes conditions under which the participants will reconvene *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement includes reponsibilities and roles for implementation *(U.S. Institute for Environmental Conflict Resolution, 2005)*

In your opinion, is the agreement likely to be durable? *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement meets more of the parties interest than would otherwise have been met without the collaborative process (*U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement took full advantage of relevant information (scientific, economic, cultural, legal, etc.) *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Agreement implementation

Agreements are implemented (*U.S. Institute for Environmental Conflict Resolution, 2005*)

Plan goals are realistic and can be expected to be achieved *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

Willingness of participants to abide by and implement the plan developed by the collaboration *(Dedekorkut, 2004)*

Whether the recommendations get used *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

The participants enacted the terms of the agreement (i.e. next steps as defined in the

agreement are on track) *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Cost-effective implementation should plan for both direct and indirect transaction costs *(Colby, 2000)*

The extent to which the agreement has already been implemented *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which you are confident that over time the agreement will be implemented *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which carrying out the agreement has been problematic *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Durable agreements

Outcomes need to be feasible and sustainable under the agency's legislative mandate *(Fiorino, 1988)*

Durable agreements depend on procedural, psychological and substantive satisfaction *(Priscoli, 1987)*

Durable agreements encourage joint responsibility-taking *(Susskind & Field, 1996)*

There should be provisions for renegotiation *(Todd, 2001)*

A summary publication is critical to the continuation of the process *(Nash & Susskind, 1987)*

Ensure a stable agreement *(Susskind & Ozawa, 1983)*

The resulting document is still the guiding document (5 years later) *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

Lack of backsliding on issues previously resolved *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

The participants remain committed to the agreement and have built a strong enough relationship with each other to ensure that next steps are carried out as planned *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The agreement is flexible enough to respond to changing conditions that might occur *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the participants have been able to work together to carry out the agreement as planned *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the participants will be able to work together on continued implementation *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the participants will be able to work together to deal with changing conditions that might occur *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the agreement has already helped or likely will help resolve related problems that may arise in the future *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Working relationships

Build trust among parties

Increased level of trust and understanding among parties *(Todd, 2001)*

Provides the opportunity for building trust in public institutions *(Beirle, 2003)*

Trust is built among the participants *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Improved capacity of participants to work together productively

Improved social capital and problem-solving capacity among these parties *(Colby, 2000)*

Development of good personal working relationships essential to both the success of this process and future negotiations *(Susskind & Ozawa, 1983; Schneider & Tohn, 1985; Susskind, Innes, 1999; Susskind et. al., 2000)*

Results in learning and change in and beyond group *(Innes & Booher, 1999)*

Better knowledge of options open to them *(Buckle & Buckle, 1986)*

Enable better future relationships and communication in conflict situations *(Bingham, 1986; Susskind et al., 2000)*

Increased ability to negotiate in the future *(Buckle & Buckle, 1986)*

Increased tools to use in other processes *(Buckle & Buckle, 1986)*

The results must appear fair to the community *(Susskind & Ozawa, 1983)*

Participants' ability to work together cooperatively to solve problems and resolve conflicts for this case is improved *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which participants built trust *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the participants have been able to work together to carry out the agreement as planned *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the participants will be able to work together on continued implementation *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The extent to which the participants will be able to work together to deal with changing conditions that might occur *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Continued collaboration for ongoing efforts *(*Measure of success articulated by a respondent - *Dedekorkut, 2004)*

Where ongoing relationships are important, to what extent relationships are improved *(Scharf, 2000)*

Nature of relationships between parties: Does the use of alternative dispute resolution improve or otherwise change the parties' perceptions of one another? Is there a decrease or increase in the level of conflict between the parties? Are the parties more or less likely to devise ways of dealing with future disputes? Are the parties able to communicate more directly or effectively at the conclusion of the ADR process and/or when new problems arise? *(Scharf, 2000)*

Other benefits

Participant satisfaction

Participant satisfaction with (a) process (b) outcome *(Andrew, 2001; U.S. Institute for Environmental Conflict Resolution, 2005)*

Ensure stakeholder satisfaction with level of consultation *(Susskind & Field, 1996)*

There are procedural, psychological and substantive elements to satisfaction *(Priscoli, 1987*)

Parties' satisfaction with the process and outcomes, including the quality of the neutral *(Scharf, 2000)*

Participants' satisfaction with outcomes: Are participants satisfied or unsatisfied with the outcomes of cases in which alternative dispute resolution has been used*? (Scharf, 2000)*

Participants' willingness to use alternative dispute resolution in the future: Would participants elect to use alternative dispute resolution in future disputes? *(Scharf, 2000)*

Satisfaction --- Participants' perceptions of fairness: What are participant perceptions of access to alternative dispute resolution, procedural fairness, fair treatment of parties by neturals, etc.? *(Scharf, 2000)*

Satisfaction --- Participants' perceptions of appropriateness: What are the participant perceptions of appropriateness of matching decisions (i.e. matching of particular process to particular kinds of disputes or specific cases)? *(Scharf, 2000)*

Satisfaction --- Participants' perceptions of usefulness: What are participant perceptions of the usefulness of alternative dispute resolution in the generation of settlement options, the quantity and reliability of information exchange, etc.? *(Scharf, 2000)*

Satisfaction --- Participants' perceptions of control over their own decision: Do participants feel a greater or lesser degree of control over dispute resolution process and outcome through the use of alternative dispute resolution? Is greater control desirable? *(Scharf, 2000)*

Informed public actions/decisions

Provides input from the community to local government *(Susskind et. al., 2000)*

Educates and informs the public *(Beirle, 2003)*

Incorporates public values into decision-making *(Beirle, 2003)*

Ensure joint problem-solving and broad based public input into decision-making wherever possible *(Susskind & Field, 1996)*

Inform environmental plans and decisions with all available information and perspectives *(ECR Policy Memo, 2005)*

ECR impacts

Impacts on the conflict landscape

Level of public controversy has diminished as a result of dispute resolution effort *(Todd, 2001)*

Impasse was broken, a crisis was averted, conflict didn't escalate, process resulted in timely decisions and outcomes, etc. *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Impacts on the physical environment

Permits are issued, restoration and delisting of the river, achievement of clean-up goals, remediation of high levels of PCB, increase number of acres of protected habitat, acreage of protected land, achieving conservation and management goals, etc. *(Dedekorkut, 2004)*

Outcomes should contribute to the sustainability of natural and social systems *(Susskind et al (Innes), 1999, Todd 2001)*

Impacts on environmental management

Reduce backlog of older cases *(Ohio State University College of Law, 2000)*

Reduce case disposition time *(Ohio State University College of Law, 2000)*

Expedite particular category of cases *(Ohio State University College of Law, 2000)*

Increase "pre-event" dispositions (i.e., prior to judicial interventions, etc.) *(Ohio State University College of Law, 2000)*

Average savings and overall (i.e., agency) cost savings *(Air Force 2006)*

Resolve disputes at the earliest stage feasible, by the fastest and least expensive method possible, and at the lowest possible organizational level *(Air Force 2006)*

Number of settlements achieved through the use of mediation vs. traditional dispute resolution processes *(Scharf, 2000)*

Number of cases going beyond mediation steps (result in greater/fewer number of investigations, further litigation activities, etc.) *(Scharf, 2000)*

Rate of compliance with settlement agreements (Does the use of alternative dispute resolution result in greater or lesser levels of compliance with settlement agreements?) (*Scharf, 2000)*

Rate of dispute recurrence (Does the use of alternative dispute resolution results in greater or lesser levels of dispute recurrence, i.e., recurrence of disputes among the same parties?) (*Scharf, 2000)*

Size of case inventory (Does the use of alternative dispute resolution result in an increase/decrease in case inventory?) (*Scharf, 2000)*

Timing of dispute resolution (Does the use of alternative dispute resolution affect the stage at which disputes are resolved?) (*Interagency Scharf, 2000)*

Level at which disputes are resolved (Does the use of alternative dispute resolution have any impact on where and by whom disputes are resolved?) (*Scharf, 2000)*

Management perceptions (e.g., how does the use of ADR impact upon allocation and use of management time and resources, does ECR ease the job of managing?) *(Scharf, 2000)*

Public perceptions: Is the public satisfied with alternative dispute resolution? "Public" may be defined differently, depending on the particular program/setting involved. *(Shcarf, 2000)*

Resource efficiency and improved results

Resource efficiencies

The process should be efficient in terms of time and money *(Susskind & Ozawa, 1983; Todd, 2001)*

Time will be saved using ADR compared to conventional processes *(Andrew, 2001)*

The time it takes for a case to be resolved through ADR as compared to traditional dispute resolution processes *(Scharf, 2000)*

Is the use of ADR more or less costly than the use of traditional means of dispute resolution? (Cost may be measured in staff time, dollars, or other quantifiable factors) *(Scharf, 2000)*

Are disputes resolved more or less quickly using ADR, compared to traditional means of dispute resolution? Such factors as administrative case processing, participant preparation, dispute resolution activity timeframes, and/or days to resolution may be considered. *(Scharf, 2000)*

The amount of financial savings (or costs) to the agency, including staff time, dollars, or other quantifiable factors, by resolving cases through ADR as compared to traditional dispute resolution processes *(Scharf, 2000)*

The agreement should compare favourably with other alternatives in terms of costs and benefits *(Susskind, 1983; Buckle & Buckle, 1986; Sipe & Stiftel, 1995; Susskind et al (Innes), 1999)*

Fair distribution of costs among parties, and ongoing incentives to comply with outcomes *(Colby, 2000)*

Participants felt the process was quicker and cheaper than the most likely alternative in the absence of the collaborative process. If the process took more time and/or financial resources, the participants felt the extra costs and time were worth the investment. *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Save judicial resources (i.e., time spent on motions, hearings and trials) *(Ohio State University College of Law, 2000)*

Reduce litigation costs *(Ohio State University College of Law, 2000)*

Average savings and overall (i.e., agency) cost savings *(Air Force 2006)*

Resolve disputes at the earliest stage feasible, by the fastest and least expensive method possible, and at the lowest possible organizational level *(Air Force 2006)*

Reduce delays project and resource planning processes *(ECR Policy Memo, 2005)*

Reduce implementation time for environmental protection measures *(ECR Policy Memo, 2005)*

Reduce appeals to environmental decisions *(ECR Policy Memo, 2005)*

Fewer human resources devoted to disputes *(FERC, 2005)*

Extent to which the plan has or will produce joint gains for the parties *(Dedekorkut, 2004)*

The degree of efficiency of the decision making process in terms of the financial resources and time required of the parties *(Dedekorkut, 2004)*

Participants felt the benefits outweighed the costs *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Improved results (outcomes and impacts)

Find the *best* forum for resolving the presented and underlying issues *(Ohio State University College of Law, 2000)*

Participants judge outcomes to be *better* than their alternatives *(Bingham, 1986; Buckle & Buckle, 1986)*

Results in institutions and practices that are flexible and networked, permitting the community to be *more* creatively responsive to change and conflict *(Innes & Booher, 1999)*

Participants felt the process was *more* responsive to their needs *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The participants felt the process was *more* effective in building trust among the participants and in solving the problem or resolving the dispute *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The participants felt the decisions *better* matched the interests of the participants *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The process led to a *more* informed public action/decision *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The process likely *increased* the participants' commitment to the outcome *(U.S. Institute for Environmental Conflict Resolution, 2005)*

The process will *reduce* the likelihood of challenges *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Does the use of alternative dispute resolution result in a *greater/fewer* number of litigation activities? *(Scharf, 2000)*

Does settlement agreement reflect *more* “creative” solutions? *(Scharf, 2000)*

Does the use of alternative dispute resolution result in *greater or lesser* levels of compliance with settlement agreements? *(Scharf, 2000)*

Does the use of alternative dispute resolution *improve* or otherwise change the parties’ perceptions of one another? *(Scharf, 2000)*

Is there a *decrease or increase* in the level of conflict between the parties? Are the parties more or less likely to devise ways of dealing with future disputes? *(Scharf, 2000)*

Are the parties able to communicate *more* directly or effectively at the conclusion of the ADR process and/or when new problems arise? *(Scharf, 2000)*

Does the use of alternative dispute resolution result in *greater or lesser* levels of dispute

recurrence, i.e. recurrence of disputes among the same parties? *(Scharf, 2000)*

Increased ability to assist regulatory agencies *(Buckle & Buckle, 1986)*

Alternative processes would not worked *as well* in settling dispute *(Todd, 2001)*

Results in *more* informed public actions/decisions (U.S. Institute for Environmental Conflict Resolution, 2005)

Participant endorsement of ECR as a preferred alternative

Participants' first choice would be to use this type of process again for similar situations *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Participants would recommend this type of process to others in a similar situation without hesitation *(U.S. Institute for Environmental Conflict Resolution, 2005)*

Participants feel they would not have progressed as far with any other process of which they are aware *(U.S. Institute for Environmental Conflict Resolution, 2005)*

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