SLIDES: Introduction to Constructive Engagement in the Oil and Gas Industry

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Citation Information

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.
1. Understand stakeholder roles in constructive engagement (communities, industry, government, advocacy groups)
2. Explore constructive engagement—the concept and the challenges
3. Identify 6 practical tools and skills for successful engagement
4. Draw lessons and conclusions for addressing challenges, identifying gaps and implementing new initiatives
What is Constructive Engagement
Constructive Engagement is Different From

- Public relations
- Public hearings
- Public advocacy
- Lobbying
- Employee volunteerism
- Philanthropy and charitable contributions
- Voluntary Principles
Constructive Engagement Processes

Forums
- Good neighbor agreements
- Community advisory committees (company sponsored)
- Independent / free standing CE organizations
- Participatory studies (EIS/EA, baseline development or others)
- Participatory monitoring or oversight committees
- Grievance resolution systems and procedures
- Multi-level interrelated/network of CE efforts

Processes
- Informal talks
- Stakeholder negotiations
- Formal mediations
- Formal problem-solving
- Grievance mechanisms/procedures
Examples of Constructive Engagement Processes on the Western Slope

- Garfield County’s Energy Advisory Board
- The Rifle/Silt/Newcastle Community Development Plan
- Genesis Palisade/Grand Junction Watershed Agreement
- Community Counts
- Individual company processes
- Government agency initiatives
- Other examples???
What Challenges Must be Met for Successful CE

- A clear *purpose* (scope of issues, level of decision making, time span)
- A credible means of *initiating* the process
- Appropriate *participation*
- Adequate *resources*
- Mechanisms to address *power issues* among stakeholder groups
- Sometimes—attention to a *history of conflicts*, problematic personal or organizational relationships
- Sensitivity to *cross-cultural issues*
Challenges for Communities

• Limited time
• Funding and resource needs
• Developing technical expertise
• Distinguishing genuine CE efforts from public relations gestures
• Accountability to constituents
• Community organizing versus constructive engagement
• Dealing with in-group conflict
Challenges for Companies

- Opening an issue for public scrutiny
- Sharing sensitive information
- Assessing the credibility of community members
- Empowering a CE structure
- Funding the process
Challenges for Government

- Role as convening authority
- Roles of individual agency representatives
- Government funding
- Government as regulator, enforcer and negotiator
- Sunshine versus confidentiality
- Representing the general public
Challenges for Environmental Advocacy Groups

- Limited time, funds and resources
- Different skill set required for legal advocacy versus collaboration
Cautionary Tales—Pitfalls of CE

- Power inequities
- Time and resources required for CE
- Timeliness
- No guarantee of a successful outcome
- CE can be abused
Six Skills for CE
1. Assess and respond to both hazard and outrage
2. Harness the power of aikido
3. Understand interests and the Triangle of Satisfaction

- Tangible, measurable outcomes or results
- How we want to be treated
- How we want to feel about ourselves and the other persons

- Our desires for participation
- Our preferred processes and pace for thinking through issues and making decisions
4. Use technical work/joint fact finding to resolve conflict and build trust
5. Stakeholders are wise in resolving conflict. Ask them.
6. Develop a local level grievance mechanism

“Speak Out”

“Let’s Talk”

“Now You’re Talking”
GRIEVANCE MECHANISM BLUE PRINT

RECEIVE AND REGISTER GRIEVANCE

SCREEN AND ASSESS

Decide, communicate decision

- REJECT COMPLAINT
- ACT TO RESOLVE LOCALLY
- REFER AS APPROPRIATE

Choose local approach

- COMPANY PROPOSES SOLUTION
- DECIDE TOGETHER
- DEFER TO 3rd PARTY
- UTILIZE CUSTOMARY APPROACH

To strengthen resolution

- Increase capacity of key actors
- Use 3rd party mediation

Feedback and learn

- Track and document
- Implement approach

Resolved? Not resolved?

Revise approach
Lessons and Conclusions to Address Challenges, Gaps and New Initiatives
For More Information

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