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# Resolving Environmental Disputes: A Decade of Experience

*Gail Bingham*

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**Gail Bingham : Resolving Environmental Disputes: A Decade of Experience** before purchasing it in order to gage whether or not it would be worth my time, and all praised Resolving Environmental Disputes: A Decade of Experience:

Book by Bingham, Gail

This book presents an extensive study on negotiation, mediation, consensus building, policy dialogs, and other voluntary cooperative approaches to resolving environmental disputes. Approaches such as litigation, administrative procedures, and arbitration are not included because they do not involve the goal of consensus among the parties. The text is divided into five sections. The first section details the growth of the environmental dispute resolution field. The author examines the types of disputes that have been mediated (land use, resource management, water resources, energy and air quality, and toxics) and the various parties (government agencies, private corporations, and environmental groups). Surprisingly, federal and state agencies and local units of government were involved in the largest percentage (82 %) of the cases studied. In the second section, the author examines the success rates of the environmental dispute resolution processes. Defining "success" is difficult because it involves the intangible factors of satisfaction of the parties and the stability of the agreement. The study measured the "success" by first determining what the parties were attempting to do (i.e., to reach a decision or to agree on a recommendation) and then looking at

whether the objective was achieved. Of the 132 cases studied, an agreement was reached in 103 (78 %). The third section covers factors affecting the likelihood of success, including party-related factors, process- and context-related factors, substance-related factors, and others. In the fourth section, the efficiency of the environmental dispute resolution processes is compared to litigation, covering the factors of delay, duration, and costs. The author notes that the delays caused by litigation can actually be used as an incentive for implementing mediation to solve the dispute. In the final section, the author gives us her thoughts on the future of dispute resolution in the areas of funding and the role of the mediator. The author advocates the creation of institutional mechanisms to encourage the use of environmental dispute resolution processes. Appendix includes fifty selected case studies. Bibliography. Index. Recommended for special collections and for law libraries. -- From Independent Publisher