THE CONSENSUS BUILDING HANDBOOK

A Comprehensive Guide to Reaching Agreement

Editors
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The Consensus Building Institute
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used, in particular, in highly technical matters in which stakeholders have very unequal levels of scientific knowledge and capabilities.

2. In inquiring about the history of a situation or conflict, the assessor should ask interviewees whether or not the press has covered the issue in the past or is likely to if a consensus process moves forward. Chapter 11 describes in detail how a mediator, during a conflict assessment process, should consider issues relating to the potential coverage of a consensus building effort by the media.

3. Moore (1986, pp. 90-94) includes a thorough and very useful discussion of the types of questions that can be used in these interviews.

References


CHAPTER 3

DESIGNING A CONSENSUS BUILDING PROCESS USING A GRAPHIC ROAD MAP

David A. Straus

Imagine how a corporate executive or government official would react if approached by a consultant with the following proposition: "I'm organizing a consensus-based process to build agreement on an issue I know you care a lot about. We're not really sure who will be involved in the process, how much time it will take, or how we're going to get to agreement, but we're ready to dive in and get the discussions started. Can we have your commitment to participate fully?"

Any reasonable person would refuse to become involved in such an ill-defined and poorly planned process.

But the opposite case is also problematic. If detailed, step-by-step procedures for reaching agreement are designed in advance by a consultant, potential participants may feel that a cookie-cutter method is being imposed on them, and as before, they may refuse to take part.

Stakeholders need a way to jointly plan a consensus building process that is appropriate to their situation, so that they "own" the process and feel comfortable participating in it. They need to work together to figure out where they are going and how they are going to get there. They need a map.
This chapter is about the power of a graphic road map (or process map) as a tool for designing a consensus process. It is also about the value of having a subset of stakeholders form a process design committee (PDC) to develop such a map. It is written as a guide for the process design phase of a consensus building effort. The first section describes the process design phase and introduces the case example used throughout the chapter. The second section discusses the concept of a PDC—its benefits, its purpose, the role of a process consultant, guidance on who should participate, and so forth. The third section introduces graphic road maps and describes their benefits. The remainder of the chapter outlines the steps a PDC should follow to design a consensus-based process using a graphic road map.

■ The Process Design Phase

Consensus building and collaborative planning processes typically have four major phases (see Figure 3.1).

The start-up phase begins when one or more leaders within a community or organization (1) acknowledges that a problem exists beyond the power of a single individual to solve and (2) decides to explore the possibility of bringing together people with diverging views of the problem to try to solve it. The end result of this phase is often a decision to hire a consultant to assist with the next phase.

The process design phase involves determining whether or not a consensus-based process will succeed, who should be involved, and how to proceed. These tasks may be taken up by a consultant, who conducts a conflict assessment and brings recommendations for a proposed process design (including, perhaps, a process map) back to a larger group of stakeholders (see Chapter 2). We recommend, however, that the work of conflict assessment and process design be performed by a subgroup of stakeholders—a PDC—with the support of a consultant or facilitator.

In the consensus building phase, stakeholders convene in a series of meetings to build consensus step-by-step, from creating a common understanding of a problem to coming to agreement on a solution. In an organizational setting, this phase is typically called planning, because participants are trying to reach consensus on a course of action—a strategic plan, a downsizing plan, or a budgetary plan, for example.

In the implementation phase, the agreements reached in the consensus building phase are put into action. A representative group of stakeholders may need to monitor implementation to ensure that an agreement is faithfully and effectively carried out. Implementation is often performed by a single organization, public agency, or corporate department.

The phases of consensus building in Figure 3.1 become increasingly concrete and operational from left to right. This progression can be described as follows: The start-up phase involves initiating an approach to process design, or "planning to plan to plan"; the process design phase involves determining how to conduct a consensus-based process, or "planning to plan"; the consensus building phase involves reaching agreement on actions to take, or "planning to do"; and the implementation phase involves taking action, or "doing."

To illustrate how a process design phase can be completed using a design committee and a graphic road map, this chapter refers periodically to a large-scale consensus building effort called the Newark Collaboration Process. This effort was convened in 1984 to conduct a comprehensive planning process for Newark, New Jersey, a city that had been torn apart by race riots in the 1970s and was often used as a dramatic example of urban decay. The city was plagued by high crime rates, poverty, continuing racial tensions, and poor-quality schools, among many other problems. In addition, community leaders were often at odds. Those in the nonprofit, social service fields felt that business leaders were not doing enough to invest in the community and
provide jobs, while business executives felt that nonprofit leaders were ineffective and unable to deliver on their vision for the city. Trust in the local government was also low.

Newark was home to the headquarters of the Prudential Insurance Company of America, which was actively considering abandoning the city. Prudential executives were concerned that they could not attract or keep high-quality talent; employees and prospective hires simply did not want to live in or near Newark. Before making the relocation decision, however, company officials decided they should work harder to reverse Newark’s downward spiral. Alex Plinio, then vice president for community affairs, was tapped to lead Prudential’s efforts to help the city. Plinio began by talking one-on-one with a number of leaders in Newark’s business, government, and nonprofit sectors and inviting them to a meeting to discuss what might be done to save their city. Many expressed an interest in attending.

Plinio realized, however, that he could not both convene and facilitate the meeting without appearing to control the process. Through an intermediary, he contacted my organization, Interaction Associates, and contracted with us to facilitate the meeting. We also agreed to serve as process consultants through at least the process design phase, if local leaders agreed to proceed in that direction.

Approximately 60 leaders, including the mayor of Newark, attended the meeting. They discussed the many critical problems facing the city, noted that the adversity among community leaders was hindering attempts to resolve the problems, and agreed, at a minimum, to explore how a more collaborative, consensus-based planning process might help. They selected a PDC from among the stakeholders present. The committee agreed to meet several times and return to the large group with a proposal for a consensus building process. This chapter will explore in some detail the ways in which this process design phase unfolded.

- The Process Design Committee

A PDC like that used in Newark has numerous benefits that spill over into an ensuing consensus building process. A PDC must be set up and run properly, however, to be most effective.

Benefits of a Process Design Committee

“"We believe strongly that a consensus building effort should not be designed by an outside party." We believe strongly that a consensus building effort should not be designed by an outside party. It is imperative that stakeholders themselves plan it, with the assistance of a process consultant, if necessary. The benefits of a PDC far outweigh the additional time this endeavor may take.

First, the use of a PDC ensures that the principles guiding a consensus-based effort are consistent from the beginning. When diverse stakeholders work together to outline their own consensus process, collaboration is being modeled from the start. Group members learn, before committing to seek a consensus agreement, the skills and behaviors they need to reach such an agreement. Stakeholders are more likely to buy into the concept of consensus building if they have seen how it works than if it is described to them by an outside party.

If Interaction Associates had presented a completed process design proposal to the group of 60 leaders in Newark, we would surely have met with strong resistance. The participants had not previously participated in a consensus building effort, did not trust one another, and probably would not have trusted us—the outsiders—as process experts. Even if they had accepted our proposal, they would have had little ownership of the ensuing effort and therefore may not have been committed to seeing it through to completion. In a planning effort in Denver, for example, in which the process design was driven by the staff of a downtown business association and outside consultants, participants resisted implementing the design for six months. Ultimately, they redesigned the process themselves.

A second benefit of collaborative design is that a core group of stakeholders—the design committee members—learns about the various methods of planning and resolving conflict. This enables them to choose an approach that is appropriate to their situation and the culture of their constituencies. The members of a PDC can also help to educate their constituents about consensus building.

Members of the Newark PDC became strong advocates for the principles of consensus building, and in many ways they were more effective in educating their fellow stakeholders than we, as consultants, could have been. Committee members also came up with innovative ways to build credibility for the consensus build-
ing effort. For example, they recommended holding large community meetings—an important feature of the final design—in different parts of the city. Each meeting was hosted by a different community organization, thereby encouraging a wide diversity of residents to attend and enabling participants to learn about neighborhoods other than their own.

A PDC also helps to create a sense of ownership in an ensuing consensus building process. Members of a PDC feel responsible for the success of a process because they designed it themselves. Those in the larger community or organization are likely to accept as legitimate a process that has been recommended by their peers.

In Newark, members of the PDC crafted an elegant and compelling proposal for a consensus building process. They presented it to the group of 60 with so much enthusiasm that it was accepted with little debate. The PDC created such a groundswell of support, in fact, that business leaders tried to outdo each other in providing funding for the process, and they worked together to seek additional contributions from local foundations.

Finally, the process design phase is a test of the viability of consensus building itself, especially in high-conflict situations. If a group can reach consensus on the design of a process, members may begin to believe they will reach consensus on a solution to the problem itself. During PDC meetings, stakeholders constantly test each other and the collaborative process: “Do I trust your intentions and commitment?” “Will we ever be able to agree on anything?” “Is this facilitator skillful enough to handle our group?” “Can consensus building work here?” As a PDC moves toward consensus on a recommended process, members become confident that consensus may be possible on the tougher issues that lie ahead.

In Newark, these tests began during the first PDC meeting. The trust level among participants was so low that the community groups refused to begin work on the process design until the business sector demonstrated its commitment to the city. After a lot of heated exchanges and hard work, the PDC agreed on three short-term projects that would demonstrate the willingness of all sectors to commit resources to the city and work collaboratively. These projects included a summer employment program for youth, progress on a low-income housing project that had been stalled, and the cleanup of a main street that connected the city to the airport. The projects were presented to the group of 60 for its approval, and then undertaken immediately. The fact that PDC participants could negotiate with each other, make agreements by consensus, and produce results fueled their belief in the power of collaborative action.

It should be noted that the Newark case presents an extreme example of distrust and antagonism within a PDC. Usually, the experience of working through conflicting ideas about the elements of a process design (e.g., how long an effort should last, who should be involved) is enough to demonstrate to PDC participants that they may be able to reach agreement on larger issues. Short-term demonstration projects are generally not required!

The Role of the Process Consultant

Ideally, a PDC should operate with the assistance of a process consultant. This term probably warrants some explanation. In our consulting practice, we make clear distinctions among levels of competency, from the most basic skills in meeting facilitation to the highest-level skills of process consultation. A process consultant must be able to coach senior executives and community leaders in facilitating leadership; design complex, multilevel intervention processes; and lead a team of consultants and trainers to support an intervention.

In a PDC, for example, a process consultant must play the roles of facilitator, recorder, educator, process design expert, and advocate. Because norms are being set in a PDC for how meetings will be conducted throughout the rest of the intervention, the often-contentious PDC sessions must model the best practices of effective, facilitated meetings. If a process consultant is working alone, he or she must function as a recorder and capture participants’ comments on flip charts or butcher paper. Because PDC members are not typically knowledgeable about alternative planning or consensus building approaches, a consultant must also serve as educator, by presenting the basic principles of consensus building as guidelines for a design session, and as an expert, by laying out the advantages and disadvantages of different approaches. The consultant must also lead the committee through the step-by-step construction of a process map. Finally, if members of a PDC get discouraged about the likelihood of completing
a consensus building process, a consultant may need to serve as an advocate and cheerleader for the power of collaborative action, by describing how others have tackled equally difficult problems. (It should be noted that many senior-level dispute resolution practitioners who call themselves facilitators or mediators do have all of these skills. We simply believe process consultant is a more accurate label.)

Given the multiple roles a process consultant must play, we recommend, if possible, that at least two consultants work as a team: One person can serve as the facilitator and recorder and the other as the process expert and educator. If a consulting team is not possible, then it is helpful for the consultant to be very clear about when he or she is playing which role. For example, a consultant might say, “OK, now that you have agreed on the components of the final report, let me step out of my facilitator role to talk about how other process design committees have approached the task of designing a process road map. . . . Now I am moving back into my facilitator role. How would you like to proceed?” This conscious demarcation of changing roles will prevent committee members from becoming confused and will teach them about the importance of separating process from content.

The Charter of a Process Design Committee

The purpose of a PDC is to recommend the steps that the larger community, group, or organization might take to build consensus on the issue or problem at hand. Specifically, a PDC is expected to answer the following questions.

1. What are the key decision points in the consensus building process?
2. What are different tasks and types of activity that should occur?
3. What might a graphic road map of the process look like?
4. Who is going to be involved and how?
5. How will the overall process be managed (e.g., by a steering committee; with the help of designated, internal staff)?
6. Who will serve as internal staff (i.e., to do logistical and administrative work, coordinate work group meetings)?

7. How will final decisions be made?
8. How will information be gathered, stored, and disseminated?
9. What kind of process consulting and facilitation services are needed, and how will they be acquired?
10. What kinds of technical experts will be needed, and how will those services be acquired?
11. What kinds of training do participants need?
12. What communication tools and opportunities will be needed to update the larger community on the effort? What kinds of tools will be needed to support communication among participants and between participants and their constituencies?
13. How much will the effort cost, and how will the necessary resources be obtained?

In our experience, a PDC can answer these questions in three to four 3-hour meetings. Sometimes additional subgroup meetings are needed to interview prospective staff or to conduct fund-raising activities.

Who Should Take Part in a Process Design Committee?

The question of who should participate in a PDC—who should be chosen to represent the broader set of stakeholders—is less critical than the issue of representation in a consensus building phase. After all, the focus of the PDC is process, not content—the committee is formed to plan a road map, not to resolve a problem. Also, a PDC only makes recommendations; the complete set of stakeholders (or the senior executive[s], in an organizational situation) must review, modify if necessary, and approve the recommendations. Nonetheless, it is important to form a PDC that is credible to all stakeholder groups. Therefore, what is needed is a group of people who are broadly representative of the competing interests and, more important, are willing to work collaboratively to design a process that will include a much larger set of stakeholders. We like to think of representatives as those people who represent points of view and interests, not specific organizations or numbers of people. Therefore, if several groups
generally have the same interests or points of view, one person may be able to represent all of them on a PDC.

We suggest that a PDC include 7 to 15 members, because that is generally considered the most efficient size for a problem-solving group. If stakeholders distrust each other and are wary of the concept of consensus building, however, many more may insist on being involved. In the Newark Collaboration Process, about 40 people volunteered and insisted on participating in the PDC, including the mayor. In cases like this, it is advisable to go with a larger group rather than forcing volunteers to drop off. While facilitation may be more challenging and subgroups may need to be formed, allowing for a large PDC proves to stakeholders that the process is in their hands, and it enables more people to become educated about and experienced in consensus building.

**Forming a Process Design Committee**

PDCs can be formed in a variety of ways. If the setting is a single, hierarchical organization, the senior management team typically serves as the PDC during the process design phase—sometimes called the engagement phase by management consultants. If the senior managers are too busy or cannot meet frequently enough, they may appoint midlevel managers or other employees to a PDC. (Serving on a PDC is a wonderful development opportunity for promising middle managers and up-and-coming leadership talent.) This group may be asked to serve as a steering committee during the consensus building phase as well. A PDC’s legitimacy in this situation results from the “blessing” of senior management and a conscious effort to include representatives of all the major divisions or functions of the organization.

In the public sector, building legitimacy for a PDC is more difficult. In our experience, a consensus building process is usually initiated by the leader of a government agency or private sector organization who begins to explore with leaders of other organizations whether there is interest in working collaboratively to resolve a specific issue. This exploration gathers momentum during the start-up phase until there is a critical mass of interest, at which point several questions arise: Who should be involved in the effort? How should it work? Who should facilitate it? Who should pay for it? A PDC, assisted by a process consultant, is often suggested as a way to help answer these questions.

There are several ways to organize and gain broad-based support for a PDC in a public sector context. One approach is to have the leaders involved in the start-up phase convene a large meeting of all the interested parties. (A group of up to 300 people is workable.) In Newark, Alex Plinio from Prudential, with the support of the mayor, served as the convenor and invited other stakeholders to take part in this organizational meeting. In other cases, a letter of invitation may go out with the signatures of several leaders representing different sectors and interests. The meeting should be as widely publicized as possible and open to anyone who wants to attend. After all, the power of a collaborative effort comes from inclusion, not exclusion. The point of this meeting is to create as large a group of stakeholders and concerned citizens as possible to test consensus and build legitimacy—first for the formation of a PDC, second for the PDC’s recommendations, third for the recommendations of any consensus building group that is formed, and, ultimately, for a final agreement.

During the first meeting, participants may identify a key stakeholder group that the convenors neglected to invite. It is important that the convenors not get defensive in this situation. They should, rather, apologize and keep asking who else should be involved. After the first session, the convenor can invite representatives from the missing groups to attend the second meeting.

The first two- to three-hour session should be designed as a task-oriented conference. If there are more than 30 or so participants, the problem-solving work should be done in small subgroups of 10 to 20 people. Community members can be trained to facilitate these breakout sessions. Participants in the small groups should be asked to brainstorm the key issues they believe a consensus building process could take up. When each subgroup reports its ideas back to the full plenary group, common themes should begin to emerge, around which a general consensus on key issues can be built. The consultant should then ask participants whether or not there is support for at least exploring how a consensus building process could work. For example, the facilitator can ask, “Are there any objections to working together to investigate how a consensus building process might be used to
resolve these issues? If an overwhelming number of participants respond affirmatively (and they almost always do), then the convenors or facilitator can talk to the group about the role of a PDC. They can, for instance, present a draft charter of a PDC; emphasize that the group is to work on process, not content; and explain how a PDC makes a recommendation back to the full plenary group for approval. The facilitator can also suggest an optimal size for the PDC, make a list of the major categories of stakeholders on a flip chart (emphasizing the need for broad representation), and then ask for volunteers. Finally, he or she can ask the group to review the proposed membership, check for completeness, and give the newly formed PDC its blessing.

Another approach to the formation of a PDC is the "snowball" technique. Using this method, the initiating group from the start-up phase keeps adding membership until it feels it has enough credibility to begin the task of process design. The self-selected PDC then convenes a larger group representing all possible interests to seek approval of its design and to launch the consensus building phase.

One final method for forming a PDC is for a convenor to contact key stakeholder groups individually and ask them to appoint a member to a PDC. This approach can work if there are a limited number of legitimate, organized parties in a dispute or situation. It may not be the best choice, however, if there are scores of groups who may want to be involved or will feel left out if not given a chance to volunteer.

The Graphic Road Map

A graphic road map is a visual representation of the flow of face-to-face meetings and other activities that take place in a consensus building process. In such a map, meetings are indicated by symbols (usually circles) and the flow of information is represented by connecting lines. Time, by convention, flows from left to right. For example, a conference that starts with a plenary session, then breaks into three subgroups, and then reconvenes as a large group is shown in Figure 3.2. Times or dates can be written above the circles, agenda items below (see Figure 3.3).

A more complex process road map is constructed like a game board. (See Figure 3.4, a road map for a hypothetical planning effort in a hierarchical organization.) The major phases of the project are laid out across the top of the graphic from left to right. Phases are the steps that need to be taken or agreements that need to be built as the process moves toward consensus. In the example shown in Figure 3.4, the phases include educating the participants about the problem, developing a vision of what the organization might look like if the problem is resolved, assessing the organization’s needs, and so forth. There are many possible pathways or sequences of phases for any problem-solving effort. The results...
The major tracks of activity (or levels of involvement) are presented in horizontal bands. In our example, there is an approval track, because the senior management committee and the CEO must approve the final decisions. There is also a steering committee to manage the effort. Much of the work is going to be done in task forces, with an outreach effort that will include meetings with the full range of stakeholders during the needs assessment and evaluation phases.

Symbols for meetings and other activities are placed on the “game board” with connecting lines showing their interdependencies. Other symbols can be used to indicate the release of a report, a celebration, or one-on-one interviews. In this graphic road map, the key to the symbols lies at the very bottom.

**Why Use a Graphic Road Map?**

The power of visual representation and imagery as a collaborative communication medium and learning tool is often underestimated. Our own experience and numerous studies in the field of cognitive psychology confirm the ancient adage “A picture is worth a thousand words” (Arneheim, 1969; McKim, 1980). Facilitators, for example, can present a detailed verbal or textual approximation of the process map, but many individuals will be perplexed by the number of tracks and phases, meetings, and other activities necessary to obtain consensus. It is difficult to follow and retain such a huge amount of interrelated information. A map provides a clear way to present this information. It can be used to demonstrate the flow of sessions in a single event (such as a conference); a series of meetings over time (as in a task force project); or a complex, multitrack process (such as a large-scale consensus building effort or organizational intervention).

The process map is a wonderful design tool, much like an architect’s drawing for a building. It helps people visualize a process, identify potential problems, and gain a sense of assurance that the consensus building phase will be managed in an organized, methodical manner. In addition, a graphic road map
• educates key stakeholders and constituent groups about consensus processes;
• builds support for an effort by demonstrating commitment to thoughtful planning and collaboration;
• illustrates visually how different sets of stakeholders will be included in a process (i.e., via the various tracks);
• illustrates for key decision makers and resource providers, in a single graphic, the entire flow of a project from start to finish, including the phases, when and how people will be involved, what meetings will be organized, and so forth;
• enables latecomers to quickly understand the flow of a process;
• schedules critical meetings on a common calendar and provides a focal point for resolving complicated issues of sequence and timing;
• reminds individuals of what needs to be done by a certain time;
• orients people toward the broader context and purpose of a meeting or activity;
• facilitates the management of multiple tracks of concurrent activities;
• serves as a "working hypothesis" from which a group may consciously choose to deviate;
• provides an overview, to help a steering committee contemplate the many process issues involved in a collaborative effort;
• acts as a scaffold on which to hang and move new and changing ideas; and
• documents what occurs in a project, thereby serving as a historical record.

Typical Agenda Flow for a Process Design Committee

The work of most PDCs follows a fairly predictable flow. Figure 3.5— itself a type of process map—displays a typical PDC agenda, which may be implemented over one or more meetings. The following sections describe each major task within this sequence of agenda items. We will skip over the typical start-up activities, which include welcoming the participants, introductions, reviewing roles, discussing expectations, reviewing and revising the agenda, and establishing ground rules.
**Agreement on Principles of Collaboration**

Consensus building comes in myriad forms. Each process consultant, depending on his or her training, background, and area of expertise, takes a somewhat different approach to consensus building and operates with a unique set of underlying values, assumptions, and principles. We have found that when we work as process consultants with a PDC, it is helpful to present our own assumptions and principles at the beginning of a process design activity (see Figure 3.6 for our preferred set). We then ask participants to review and revise them as needed. This presentation, and the discussion that follows, helps participants to externalize their own implicit ideas about consensus building and enables them to build agreement on a set of principles appropriate to their situation. For example, they may agree to most of the principles in Figure 3.6 but also want to add one that says that the consensus process must be completed before the next election. Early agreement on principles helps to boost people’s confidence that they can work together, and the principles themselves serve as design specifications for building an effective process road map.

**Agreement on the Scope of the Problem**

Members of a PDC need to decide what the general scope of their discussions will be. It is important that they not get bogged down in an argument over different interpretations of “the problem,” but rather strive to think in broad terms. A PDC may agree, for example, to focus on “the downtown area, not the whole city” or “elementary education, not high school education.” The task is to agree on a general statement of the issue or conflict to be resolved.

**Agreement on the Form of the Final Product**

It is also important for a PDC to agree on what kind of product it expects a consensus building group to develop. Obviously, the members should not try to solve the whole problem at once, but they can develop a common understanding of the probable form of the final product. For example, they should be able to decide whether a consensus building group should strive for a one-page settlement agreement, a detailed final report with recommendations for a decision-making body, an oral presentation to the board of directors, a newsletter to send to the public, or some other outcome. If the final product is to be a major report or presentation, a PDC can also try to specify its major sections. The more specific it can be in describing what success will look like, the easier it will be to design a process to get there.
Agreement on Key Stakeholders

The PDC must also identify all the key stakeholders critical to the success of a consensus effort. One way to do this is to first review a definition of stakeholder and then brainstorm all the possible categories of people or viewpoints that should be represented. A PDC should be encouraged to look at potential stakeholders through a variety of lenses: power to block, power to make final decisions, vitally affected, relevant expertise, and so forth. The members should also ensure that the list of stakeholders that emerges includes the full range of possible viewpoints and appropriate geographic, racial, and gender representation. The categories of stakeholders (e.g., local elected leaders, state agency officials, small business representatives) can then be displayed visually as large circles on a flip chart. After all relevant categories have been listed, clarified, and agreed on, members can brainstorm the names of people who might be good representatives of each category; they can write the names within the appropriate circles on the flip chart.

Ultimately, the groups and people named in each category must determine what their level of involvement in a consensus process needs to be. For example, in a strategic-planning process in a hierarchical organization, the president may have fall-back decision-making power (in the event a group fails to reach consensus), the executive committee may be charged with reaching consensus, the division leaders might give their input to the executive committee, and everyone in the organization may simply need to be aware of the process. In an public, multiparty consensus building effort, the levels of involvement may not be so clear-cut, but there are probably certain individuals and groups whose active participation or support is critical. In an educational reform process in Newark, for example (a follow-on to the Newark Collaboration Process), the superintendent and the school board were critical decision makers; the support and involvement of the teachers union, the Parent-Teacher Association, and the mayor were essential for a meaningful consensus; and many other groups and individuals had a vital interest in being involved. Most consensus building efforts have several levels of involvement or “tracks of activity,” in recognition of the fact that different stakeholders have different incentives and constraints governing their involvement.

Agreement on Phases

“Consensus building does not occur at the end; rather, it is reached by building on a series of agreements.”

Once potential participants have been identified, it is time to begin building a graphic road map. The first step in building a map is to define the key phases of a proposed collaborative process. Consensus building does not occur at the end of a process; rather, it is reached by building on a series of agreements along the way. These agreements, in fact, can be said to define the individual phases of problem solving. Thus, the naming and plotting of specific phases is not an exercise in “wordsmithing,” but a major component of designing a process. The objectives of this part of the design are to define the phases and clarify the basic agreements that should emerge from each phase.

It is important at this stage to emphasize that there is no single, “right” way for a consensus effort to proceed. PDC members should develop a logical sequence of events and activities that is appropriate to their situation.

The phases may follow the traditional “steps” of problem solving, which include sharing perceptions, defining and analyzing the problem, generating alternative solutions, evaluating the solutions based on an explicit set of criteria, and decision making. Or the members may choose some variation on this concept. A group could begin by exploring a common vision of the future, for example. A PDC must decide which pathway and what sequence of phases is best suited to its specific issue and context.

At this point, it is helpful to lay out what we call the game board—the horizontal and vertical axes on which the map is plotted. As we saw in the sample process map (Figure 3.4), the horizontal axis contains the sequence of phases. In that case, after an “education” phase, the PDC chose to build agreement on a “vision” before looking at “needs” and then “problems.” The game board can be plotted on a long stretch of butcher paper that has been taped to a wall. A border should be drawn across the top and down the left-hand side, several inches from the edge of the paper, on which the phases and tracks can be labeled (see the heavy line in the sample process map). Rather than writing directly on the chart at first, it is often easier to write the proposed phases on large Post-it® notes, which can be changed around until the PDC has come to some agreement and has determined how much room is needed on the paper to plot the meetings.

In the Newark Collaboration Process, the PDC chose to have a task force organize all the issues generated in the large commu-
nity meetings and propose a limited number of issue-focused task forces (see Figure 3.7). The next phases involved convening the task forces, which proceeded to define and analyze their problem areas and generate alternative strategies. At the end of each phase, each task force reported its findings to the large community group of stakeholders. The final phases involved organizing the work of the task forces into coherent alternative plans or scenarios, evaluating these alternatives, and then building consensus on one comprehensive plan.

Agreement on Tracks of Activity

Tracks of activity are parallel work processes focused on different objectives and often demanding different levels of involvement on the part of participants. Each track represents a "container" for a sequence of meetings related to one aspect of a consensus process and serves as a locus of problem solving or dispute resolution. For example, in our sample process map in Figure 3.4, the four tracks are labeled on the left-hand side: approval committees, steering committee, task forces, and outreach. Each track is made up of a series of meetings of a different group (or groups) with a specific role and task.

In the Newark Collaboration Process (Figure 3.7), the tracks are also indicated in the left margin: the longest, the Newark Collaboration Group track, included the activities of the Steering Committee (which became the Executive Committee) and the periodic large community meetings. The Communications track was created to house all the publicity work that was required to make the effort visible to the public; the specific programs track was created to manage the short-term projects that spun out of the effort; the comprehensive planning track included all the activities of the task forces (in which the actual planning took place); and the public participation track included the outreach and local neighborhood meetings.

To determine what tracks are needed, a PDC needs to answer questions such as the following.

- Should there be a steering committee responsible for managing the consensus building process, and, if so, how should its members be selected?
Who will need to ratify or implement the recommendations of a consensus building group? How many times should these decision makers be involved along the way?

Who will do the actual work? Will task forces need to be created? If so, how many should be organized?

How many other tracks of activity are required? Will there need to be an outreach track (local neighborhood or organizational unit meetings), a fact-finding track, a track to handle short-term issues and to produce immediate results, or a communications track to work with the media and the public?

Bandwidth is a term used to describe the number of tracks required to implement a consensus building project. Ideally, the bandwidth should be narrow enough to make the process manageable and efficient, but wide enough to ensure that opportunities exist for key stakeholders and constituents to be involved in meaningful ways. It is a great challenge to assess how much complexity a particular community or organization can support. In some situations, time constraints or the nature of the community or organization will dictate a comparatively simple process with a narrow bandwidth. For example, a rapid change in the market environment or an offer to be acquired might force an executive committee or board to meet several times behind closed doors to reach a consensus decision. In cases such as these, speed and confidentiality are essential, so the bandwidth is very narrow (and the process is probably designed by the executive committee itself, not a separate PDC). On the other hand, a citywide visioning process, if it is to be meaningful, may require the broadest possible participation with many tracks of activity.

There are trade-offs involved in either case. It is true that a small number of stakeholders can accomplish a great deal and move quickly if they do not have to keep checking in with others. But too few tracks may lessen the possibility of building broad-based consensus, because the larger community feels left out. On the other hand, while a wide bandwidth may help to ensure buy-in, we have seen consensus building efforts collapse under the weight of their own bureaucratic structure—they become too elaborate to manage with limited staff resources. In general, the number of tracks should be limited to keep efforts from becoming too diffuse and complex.

The following is a discussion of some of the most common tracks in consensus building efforts.

Management Track

Consensus building processes are often quite complex and require some kind of management or steering function. A steering committee acts as a sort of process management group; it coordinates the activities of various tracks, monitors their progress, makes corrections as needed, and organizes the reports of subcommittees for presentation to decision makers or the larger community. This committee ought to include, at a minimum, the chairs of any task forces or subcommittees and, at least informally, the subcommittee facilitators. The process consultant should advise and facilitate the steering committee. A PDC may evolve into a steering group, although sometimes its membership needs to be expanded for this purpose.

Due to the amount of staff work that may be required to support a consensus process, it is often necessary to appoint or hire someone to be a process manager: a person who provides staffing support and logistical coordination throughout a project’s life. The process manager, who may first be appointed to help the PDC and then go on to work for any consensus building group that forms, is responsible for all the coordination, scheduling, subcontracting, logistics, and communication necessary to keep the tracks of activity moving forward in alignment. Process managers are also useful for coordinating the activities of the process consultants and facilitators. They typically report to a steering committee.

The person who is chosen to be the process manager ought to have the respect of all stakeholders and be knowledgeable or able to quickly learn about both consensus building and how the organization or group functions. In intraorganizational consensus building, the process manager is typically an up-and-coming leader who is, most important, knowledgeable about the organization. As a result of serving in this role, such individuals often receive valuable training, are more quickly promoted, and gain exposure and access to many people and parts of the organizational structure. In a public sector or multiparty effort, a process manager is often hired to serve as an executive director of the project on a time-limited contract. In some cases, a consulting or nonprofit firm may agree to assume the process management as
well as the facilitation role. In these situations, however, the process management function is usually handled by someone other than the facilitators. If a process is supported and run entirely by outside consultants and facilitators, it is less empowering for the participants and can become quite expensive.

**Decision-Making Track**

In some consensus building situations, all the key stakeholders, including those with the power to make final decisions, can be assembled in a room for a facilitated problem-solving session. If consensus can be reached, the decision makers have the authority to make commitments on the spot. A good example of this scenario is a meeting of a manager and all her direct reports working collaboratively on a departmental issue. If the group (including the manager) reaches consensus, then the manager can implement the decision knowing she has the full support of her people.

In many consensus building efforts, however, the final decision makers cannot all assemble in a room at the same time. Any consensus reached must be approved by them, and they generally reserve the right to agree or disagree with it. Check-in and ratification procedures will differ for each consensus process, and PDC members must determine what is appropriate for their situation and indicate it on the graphic road map.

In hierarchical organizations, consensus decisions typically must be approved by a senior executive, management committee, or board of directors. These decision makers generally authorize the formation of a consensus process and charge the group with returning to them with a recommendation, although they retain final authority on the matter. In these cases, meetings should be held in each phase of a process with the executive committee or the CEO, to get their approval for the work that has gone on so far and to enable them to preview the work still to come. The approval committees track in our sample process map (Figure 3.4) shows this kind of check-in and approval process; task forces complete each phase of their work and their recommendations pass through the steering committee and on to the executive committee and CEO for approval and final decisions.

In a public sector effort, final decisions usually need to be ratified by elected bodies or government agency officials. Their "proxy" can rarely be delegated to a representative. Decisions made by a consensus building group must be passed back to the agency or legislative body for approval and implementation. Sometimes an ad hoc group with an officially appointed and limited membership is charged with seeking consensus; for example, a government entity may form an advisory body or task force to build consensus on a specific set of issues. But in many visioning processes or community-planning projects, consensus is built in large, often open, public meetings that are not officially sanctioned or organized by a particular government entity. In this case, stakeholders carry forward any plan or proposal approved by the "vast majority" of participants to the relevant public and private sector entities and lobby for its implementation. In the Newark Collaboration Process, consensus was tested in bi-monthly meetings of all the stakeholders and interested individuals; at times up to 300 people were in attendance. In a hierarchical organization, consensus decisions flow up to the top for approval, while in these types of public sector processes consensus is built and approval sought by flowing "out" to as wide a group of participants as possible. The broad-based support that results helps to ensure agreements will be approved and implemented by relevant government bodies and other groups.

The decision-making track of a graphic road map also indicates, implicitly, the "fallback" decision mechanism: the person or group that will make the decision if a consensus building group fails to reach agreement. In hierarchical organizations, the fallback is always up the chain of authority. If the manager and her direct reports don't reach consensus, the fallback is to the manager. In a horizontal organization, such as a board of directors, the fallback is often to a majority vote. In a public consensus building process, the fallback is typically to a government entity (as in the case of a regulatory negotiation) or to the status quo (as in a community-planning process, in which no specific action is taken if a group does not reach agreement). In any consensus building process, it is critical to identify the fallback decision-making process, if any exists, so participants are clear about what will happen if they cannot reach consensus.

**Spin-Out Track**

Consensus building can take months, even years. Few groups are able to sustain a long-term effort without some tangible evidence that what they are doing makes a difference. It is also
hard to maintain the confidence of the larger community or organization without some interim results. Sometimes partial solutions come up in a process that lend themselves to immediate action. Although these are only “quick fixes,” not substitutes for the long-term goal, they can have an energizing effect on participants and provide external observers with evidence that an effort will, indeed, have an impact. Subcommittees and working groups should make recommendations about interim activities as the ideas arise. In response, “quick-fix task forces” can spin off on an ad hoc basis to refine and implement the ideas.

One example of a successful quick fix took place in a planning process for a school system in California. Early in the process, the lack of doors on the stalls in the boys’ bathrooms was identified and agreed on as a problem. The solution was obvious, the principal acted, and doors were installed. A small success, a large impact. It offered evidence that community involvement could produce real results.

The Newark Collaboration Process provides another example. As mentioned previously, the PDC was not willing to proceed with process design until some short-term projects were negotiated and initiated. Thus, the spin-out track (labeled specific programs on Figure 3.7) began even before the comprehensive planning track was launched.

**Task Force or Planning Track**

In most complex consensus building processes, the work of defining and analyzing issues and generating solutions is delegated to task forces (also called subcommittees or work groups). These groups, which are made up of stakeholders representing diverse points of view, are given access to staff and technical resources and are charged with bringing back consensus-based recommendations to the steering committee or plenary group. The challenge for a PDC is to decide how many task forces will be required, how to divide up the issues, and how to support and coordinate the activities of the task forces so that their work is complementary. Examples of a task force track can be seen in the Newark Collaboration Process map (Figure 3.7) and the sample process map (Figure 3.4).

**Outreach Track**

The more people who feel included in a process and who can support its outcome, the more powerful and effective it will be. In most cases, however, many people with an interest in a process cannot participate actively, either because they do not have the time or inclination or because the process cannot accommodate everyone. Therefore, it is important to create a track of activity that offers nonparticipants some alternative, less intensive way of being involved or kept informed. We call this the outreach track. It can include meetings in a specific region or neighborhood, meetings of a single category of stakeholders, community-wide presentations, briefings, surveys, media events, and one-on-one interviews. The challenge for a PDC is to decide what kinds of outreach will be most effective for the situation at hand, and at what points these activities will be most effective.

**Drafting and Agreeing on a Detailed Process Map**

Once a PDC has agreed on phases and tracks and has written them on the horizontal and vertical axes of the game board, it is time to plot the meetings and other activities. To do this, the PDC must estimate the number of meetings that will be required to accomplish each phase on each track, make sure the flow of work is logical, and plot any events and meeting dates that are fixed or given. The challenge is to design a process that will accomplish all the tasks in a limited amount of time, without overloading the system.

Initially, meetings can be indicated on a map with Post-it notes. It is often helpful for a group to work phase by phase, estimating the number of meetings that will be required and debating how frequently certain groups will be able to get together. Ultimately, they will need to either redraw the completed map neatly by hand on standard size paper or plot it on a computer graphics program (e.g., ClarisImpact, ClarisDraw, MacDraw Pro, Aldus Freehand). It is helpful to use a computer program that can construct a map in “layers,” keeping the core grid of phases and tracks, the symbols representing meetings and other activities, and the text all on separate “levels.”
As a PDC plots the meetings, members are forced to become realistic about how often certain groups can meet, how they will work around holidays and vacations, and how they are going to meet deadlines. Sometimes, to accommodate time and resource limits, a road map may have to be shortened or simplified. The ensuing debates over this balancing act (efficiency vs. comprehensiveness) are healthy and educational.

In all likelihood, a PDC will focus on the first phase, looking one or two months out, and the rest of the map will be rather sketchy. This is normal. Any management or steering committee that is subsequently formed must continually revise the road map as the process proceeds. To complete the process design phase, it is necessary to create a road map that looks “doable,” clearly includes the appropriate stakeholders, and seems to flow logically, phase by phase. Once approved by the larger community or management group, specific work plans, agendas, and dates will need to be developed for each meeting and activity and continually revised as needed.

Other Agreements for the Process Design Committee

Once a process road map has been sketched out and agreed to in principle, the PDC, to complete its charter, must develop recommendations about staffing, process and technical consultants, funding, and publicity. Most of these issues are discussed at length in other chapters (see, in particular, Chapter 5 on facilitation, Chapter 9 on the use of technical experts, and Chapter 11 on dealing with the media). We only want to point out here that one (or more) of these issues may be challenging enough that the PDC may need to set up a subcommittee to address it. The final report of the PDC must cover how all of these issues will be addressed.

Building Support for the Proposed Process Design

At the end of the process design phase, PDC members should prepare a written report summarizing their proposed design and including a copy of the graphic road map. Their final task, then, is to invite all key stakeholders to a meeting, at which a decision will be made about whether or not to undertake a consensus building effort. Ideally, this broader set of interests will support the process design and commit publicly to participate in the consensus process.

At the meeting, PDC members should distribute the report and present the process map, the proposed process design, and the assumptions and reasoning that went into both. We believe it is important for PDC members themselves to present their work, assisted by a consultant if necessary. This allows a PDC to own and understand the process design more fully, and the resulting presentation is usually more credible and convincing than one given by any consultant.

When the PDC makes its presentation, it is important not to overwhelm the audience. For those who haven’t participated in the process of building the road map, the final graphic—with all its circles and lines—can be daunting. Sometimes it is advisable to reveal the design gradually, presenting the phases first, then the tracks, and finally the meetings. The computer graphics programs can produce drawings that incrementally reveal the building blocks of the road map, layer by layer. The use of highlighting and color can also help to make the road map readable.

Conclusion

Over many years of designing and facilitating consensus building efforts, we at Interaction Associates have come to rely on a carefully planned process design as the key to a successful consensus building effort. The Newark Collaborative Process is a case in point—it was successful in part due to the well-designed process developed by the PDC. That process produced many positive results, both directly and indirectly. Investments in excess of $2 billion were made in Newark to develop its commercial and industrial base. More than 7,000 units were added to the city’s housing inventory. A nationally recognized recycling program was developed. The Newark Education Council and Newark Literacy Campaign were created to improve education. For its outstanding work, Newark received the National Civic League’s prestigious All-American City Award in 1991.
As the Newark case illustrates, graphic road maps are an invaluable tool for managing large complex efforts and for orienting people in a multilevel process. They render the conceptual and procedural complexity inherent in large consensus building efforts less daunting. A PDC's careful planning of the graphic road map communicates a hopefulness and a "can-do" spirit that is contagious; it often shapes the attitudes of those who participate in the ensuing consensus building process and sets a group on the right course.

Notes

1. It should be noted that process mapping is a useful design tool, whether used by an individual or a group.
2. For further information on the Newark Collaboration Process, see David Chrislip's book on collaborative leadership (Chrislip & Larson, 1994).
3. We define stakeholders as all those people or groups affected by an issue or conflict, with the power to make the decision or block the decision, or with relevant expertise.

References


CHAPTER

4

CONVENING

Chris Carlson

When someone convenes a meeting, he or she typically finds appropriate meeting space, invites people to attend, and perhaps drafts an agenda. In a consensus building process, however, which may involve multiple meetings over the course of weeks, months, or years, convening is a more complex task. In this context, convening typically involves

1. assessing a situation to determine whether or not a consensus-based approach is feasible;
2. identifying and inviting participants to ensure that all key interests (i.e., stakeholders) are represented;
3. locating the necessary resources to help convene, conduct, and support the process; and
4. planning and organizing the process with participants, or working with a facilitator or mediator to do so.

It may be helpful to think of convening as Phase 1 in a consensus building process, which is followed by Phase 2, the actual negotiating or consensus building phase. Phase 2 begins only after the

Members of the Critical Issues Committee of the SPIDR Environment/Public Disputes Sector provided the framework for this chapter based on their work describing convening and their many insights into how to carry it out. They also produced the report Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes, which is described herein. Thank you to the Udall Center for the Fellowship that enabled me to begin work on this chapter. Thanks also go to Jim Arthur and Lee Moore for reading drafts, contributing material, and straightening out my thinking.
convening stage is completed, when a decision is made to proceed.\(^1\)

This chapter describes how to convene a consensus building process. It begins by describing the people and organizations typically involved in convening and the roles each one plays. The second section provides two examples of convening: one in which the convening phase was handled appropriately, and one in which it was not. The next four sections describe and provide guidelines for carrying out the four steps involved in convening: assessing a situation, identifying and inviting participants, locating the necessary resources, and planning and organizing the process. The final section describes special challenges that arise when government agencies serve as convenors.

**Roles**

A number of different actors are involved in the convening stage, including sponsors, convenors, neutrals, stakeholders, and participants.

_Sponsors_ are individuals or organizations that endorse and support a consensus building process, often by providing financial assistance.

The _convenor_ is the person or organization that initiates a consensus building process and that carries out the convening steps (or oversees how they are carried out). Often, because of the complexity or contentiousness of a situation, or due to lack of trust or credibility, a convenor may decide to use a professional neutral to carry out the convening steps.

The _neutral_ is the facilitator or mediator who works with the convenor and other participants during the convening stage. Often, but not always, the neutral who assists with convening goes on to facilitate the consensus building process. A facilitator is a person who has experience leading large group meetings, including planning and using a variety of processes to assist groups in joint decision making. A mediator is skilled at handling conflicts and disputes and assisting people who are in conflict to reach resolution. Some people have both facilitation and mediation experience; however, they may identify themselves by one term or the other. For simplicity’s sake, this chapter will refer to them both as neutrals.

The _stakeholders_ are the key individuals, groups, and organizations that have an interest in the issue at hand. They may be responsible for seeing a problem resolved or a decision made; they may be affected by a problem or decision, or they may have the power to thwart a solution or decision. Stakeholders need to be consulted as part of a conflict assessment and engaged in selecting participants.

_Participants_ are stakeholders who take part in consensus-based negotiations. Often, particularly in processes involving public issues, participants represent other individuals with similar interests and concerns. They are thus sometimes called _representatives_.

**The Importance of Convening: Two Examples**

"The parties who serve as convenors need to be viewed as credible and fair-minded."

How the convening steps are carried out, and who carries them out, can have an impact on whether or not a consensus process will be successful. The parties who serve as convenors, whether they are government agencies, private corporations, nonprofit organizations, or individuals, need to be viewed as credible and fair-minded, especially in those cases in which issues are contentious or parties are distrustful of each other. At the community level, consensus processes are often sponsored and convened by a local leader, an organization, or a steering committee made up of representatives of different groups. At the state and federal levels, government agencies or officials often serve as sponsors, and sometimes as convenors. Let us look at two examples illustrating the importance of effective convening—one convened by an individual, the other by a federal agency.

**A Community Collaboration Gets Off on the Right Foot**

In the first example, a divisive conflict over logging practices and their impact on endangered species was under way in a rural community in southern Oregon. By the early 1990s, there had been numerous skirmishes between environmental interests and timber industry supporters over logging in the Applegate Valley. In 1992, the listing of the northern spotted owl on the federal endangered species list led to an injunction prohibiting logging on federal lands. There were bitter and sometimes violent pro-
success, and Interior Secretary Bruce Babbitt dropped in on one of the partnership meetings. What he saw fit nicely into the administration’s plans for resolving the spotted owl issue: Getting communities involved in working out how federal policies could be implemented locally. The federal government decided that there were 10 communities in which it wanted to stimulate similar partnership efforts.

However, when the federal agency tried to convene local groups and get them to form partnerships, it failed. In each case, stakeholders attended one or two meetings, but were not willing to commit to a longer-term, consensus building process. One probable reason for the failure was that the agency’s attempts were made unilaterally, without consulting local stakeholders about what should be discussed and what it would take to make the discussions “safe” for participants, among other things. When the federal government organized meetings, stakeholders came, but they participated only grudgingly. They felt compelled to be there to protect their interests.

When asked, the participants revealed a variety of concerns about how the process had been planned and convened by the federal government. They were concerned, for example, about the federal government’s motives, the balance of power at the table, and the availability of resources to enable all groups to participate on an equal footing (KenCairn, 1997). Because these questions were not addressed during the convening stage, the groups were ultimately unable and unwilling to form partnerships to work toward consensus on watershed management. Genuine partnerships result from people agreeing to come together voluntarily, not because they feel coerced into participating by a government agency.

What made the difference in these two cases? The difference was not in who carried out the convening role. Federal agencies can convene processes just as successfully as individual community members. The difference in this case lay in how the convening role was handled. Some of the problems in the second case might have been avoided if the federal agency had followed the appropriate convening steps, including conducting a conflict assessment to learn how to plan the process so that all stakeholders would be willing to participate. By using a neutral to assist, the federal agency might have learned of the parties’ concerns about power imbalances and identified ways of addressing them.

A Federal Agency Convenes a Similar Process That Fails

Our second example came about as a result of the Applegate Partnership. Federal officials caught wind of Applegate’s
Successful convening requires, among other things, a determination of whether the right conditions and incentives are present for the parties to want to participate.

We will now look closely at the four steps involved in successful convening.

**Step 1: Assess the Situation**

The convener should begin by determining if it makes sense to initiate a consensus building process. There are two parts to this assessment. The first is an *initial screening*, and the second is an *external assessment* made in consultation with other stakeholders. This chapter focuses on the initial screening, which is conducted internally by the convening organization to determine whether there is enough support and commitment within the organization to move forward with an external assessment and the other convening steps. (External assessments are described in detail in Chapter 2, on conflict assessment.)

In the initial screening, the convener needs to identify what he or she wants to accomplish, clarify and frame the issues to address, examine the context, and determine the kind of mandate or authority he or she has to convene a decision-making process. This requires considering, from the outset, how any consensus agreement will be formally adopted and implemented. The convener needs to identify who must be consulted to ensure legitimacy and to ensure the necessary linkages to formal decision making. The convener also needs to identify the resources that will be needed, as well as the obstacles that must be overcome to convene a successful consensus building process.

An external assessment helps to determine how other stakeholders view the issues and ensures that joint negotiations are feasible. It also provides an opportunity to educate stakeholders about the nature of the process. Based on interviews with key parties, the convener learns whether or not the stakeholders are willing to participate or if they have better alternatives.

In the Applegate example, the convener was a local environmentalist who had already established his credibility in the community. His initial screening, based on firsthand experience, was that the time was right to propose a consensus building approach to develop a watershed plan. He conducted the external assessment by taking his proposal to stakeholders, discussing it, and securing their agreement to meet. In the second example, the federal agency served as the convener. The agency made an initial screening and decided it had a mandate from the administration to foster local partnerships as a part of the president's forest plan for the Pacific Northwest. Unfortunately, the agency failed to conduct an external assessment, a consultation with the other stakeholders, to see if the key players were willing to participate.

It is perfectly reasonable for a convener to carry out the convening steps, including making the external assessment, without outside, professional assistance, as in the Applegate example. This is most likely to be effective if the convener is known, trusted, and credible in the eyes of all the stakeholders, and it is more likely to work at the local or community level. The convener may need assistance from a neutral when the convener is not known or trusted by other stakeholders, or there is past history or power imbalance between the convener and other stakeholders. If a convener is not trusted or seen as credible in the eyes of stakeholders, stakeholders will not likely provide candid answers to the questions that must be asked as part of the external assessment. Had the federal agency in the second example used a neutral to assist it with the external assessment, it probably would have gotten the answers needed to determine whether or not to proceed.

The remainder of this section provides detailed guidance on how to carry out an initial screening, including how to secure the assistance of a professional neutral to conduct an external assessment and how to reconfirm the convener's commitment before proceeding.

**Guidelines for Carrying Out the Initial Screening**

The initial screening helps the convener to determine at the outset whether it is appropriate to undertake the other convening steps, or whether some other process would be more appropriate given the issues and situation at hand. The convener begins an initial screening by determining what he or she wants to accomplish, and then by exploring the issues, context, stakeholders, obstacles, and resource needs that must be addressed to determine whether or not to propose the use of a consensus building approach.
process. When the convenor is an agency or organization, a staff member gathers the information and discusses it with the leadership to determine whether or not to proceed. Sometimes the initial screening can be done more effectively with some guidance from an experienced neutral. The following are the major items to examine as part of an initial screening.

**Determine What the Convenor Wants to Accomplish**

One of the central reasons for conducting an initial screening is to clarify the convenor’s goals and objectives. To do this, convenors must ask themselves a number of questions about why they might want to gather diverse stakeholders together. Do they simply want to solicit information from stakeholders? Are they seeking to provide stakeholders with information about a decision that has already been made, to win support for it? Is the motive to de-escalate a conflict, consult with others, or seek advice? Do the leadership and staff of the convening organization have doubts about using a consensus building approach? Do they believe that taking part in a joint decision-making process will mean forfeiting their authority and responsibility? Are they likely to resist, stall, or prevent implementation of any agreement that is reached? Can the convenor make a unilateral decision that will likely be supported by all and easily implemented? If the answer to any of these questions is yes, the convenor probably should not convene a consensus building process. Consensus building takes time and financial resources and should not be undertaken unless the convenor is legitimately seeking and comfortable with supporting a broad-based agreement.

Consensus building can satisfy many kinds of objectives. It can be used to develop sound decisions that have the support of a wide range of stakeholders. It can be used to solve problems that affect multiple organizations and individuals—problems that no single person or organization could solve alone. It can build effective working relationships, which are necessary to ensure the implementation of a decision. It can also be used to develop recommendations for a government agency or legislative body to consider implementing, although it is best if that agency or legislative body supports the process from the beginning and indicates that it will implement any agreement reached. If those at the convening organization are willing to share control over how a decision is made or an issue is resolved, and their objectives are compatible with a consensus-based approach, it may be appropriate for them to initiate a consensus building process.

**Identify the Issues**

At the outset, convenors need to identify and define the issues that need to be addressed. During the external assessment, they must then test whether or not stakeholders are willing to come to the table to discuss those issues. The entire consensus building process can be significantly expedited if the issues are framed in a way that makes sense to all parties and gives them an incentive to reach agreement.

The convenor must determine how complex the issues are, whether they are linked to other issues, and whether they are well-enough defined. If the issues are not clear and well-developed, it may take considerable time to clarify them.

The convenor must also consider the following questions: Is information about the issues known and readily available to the stakeholders? Will the convenor benefit by gaining additional insights into the issues and potential ways of approaching them from other stakeholders? Will negotiations over the issues be likely to produce better, more durable outcomes than can be achieved through other means?

Are the issues controversial? This is often the chief factor that propels a convenor toward the use of a joint decision-making approach. The convenor must determine what is at the root of the controversy. If the convening agency is the source of the controversy, it may be best for a neutral to carry out the convening phase.

Are the issues ripe for decision? In other words, is there a shared perception that something needs to happen? Consensus building is more likely to succeed if there is general dissatisfaction with the existing situation than if some stakeholders are benefiting from the status quo.

Is the timing favorable? Can a reasonable timetable be set? Are there deadlines that will help or hinder the process? It takes time to exchange information, identify issues, develop proposals, and build agreement, especially when there are multiple parties involved. As part of the assessment, the convenor and all other
potential participants must be realistic about the amount of time needed to accomplish the goals of the consensus building process.

The initial screening is just the first step toward issue framing. Throughout the convening phase, especially during the external assessment, other stakeholders will have an opportunity to express their views about how the issues should be framed. The convenor needs to be receptive to how other stakeholders view the issues. Stakeholders will have ideas about how the issues should be framed, whether other issues need to be addressed, and which issues they think should or should not be included for discussion. Stakeholders may have very different ways of viewing the issues. What looks like an endangered species issue to one party, for example, may look like an economic survival issue to another. Part of the convenor's task is to determine whether the issues can be framed so that parties can agree to work collaboratively.

If the convening organization attempts to control the issues placed on the table, it risks the possibility that other stakeholders may not take part in the process because their concerns will not be addressed. In one convening process in which I was involved in Ohio, a government agency was very interested in reaching an agreement with stakeholders, but was unwilling to consider the issues a key stakeholder group wanted to address. Stakeholder group members told the neutral that they were more likely to achieve their goals by going to the legislature than by negotiating with the agency. Members said they would be obliged to attend the meetings to protect their interests, but they would try to block any agreement. The agency decided not to go forward with a consensus building process and, in so doing, saved itself from what promised to be an unproductive expenditure of time and resources.

Examine the Context

In an initial screening, the convenor must also examine the context in which a potential consensus building process would take place. Will the process occur within an organization, a community, or a government? What is the convenor's mandate to engage other stakeholders and to implement the results? Is there someone who has to give "permission" for the convenor to proceed with a consensus building process? Who is responsible for formalizing and implementing the agreement reached through the process, and do they support the use of this approach? If a legislature or government agency must ratify an agreement, for example, it may be important to seek its support for or participation in the consensus building process.

In the example above, the stakeholders believed they were likely to be more successful with the legislature than they would be in dealing with the administrative agency. The convenor could have consulted with legislators to learn whether or not they would support the use of a consensus building approach. If they were supportive, the reluctant stakeholders might have felt compelled to take part in the process.

Identify Other Stakeholders

Who is involved and affected by the issues? Who will need to implement any agreement that is reached? Who could potentially block implementation of an agreement? The convenor must identify the key groups and individuals who meet these descriptions. Once the key parties are identified, they will need to be interviewed during the external assessment.

Does the convenor already know that certain stakeholders are unwilling to participate? If it is known with certainty at the outset that a key stakeholder will likely refuse to take part in joint discussions, then the convenor should consider using another approach to reaching a decision.

What is the past history of relationships among the convening agency and the other stakeholders? What is the balance of power among the parties? What implications do the power dynamics have for whom, or how, the convening is carried out, or the process is facilitated? How will these factors influence what needs to happen in the convening phase to get people to the table? What will need to be done to establish the credibility and impartiality of the process in the eyes of other stakeholders? Convenors must consider each of these questions carefully during the initial screening.

Identify the Potential Resource Needs

A convenor should do a cursory assessment to determine whether or not resources are available to support a process. Key resource needs will likely include information, process expertise or facilitation assistance, and staff support, as well as funding to
cover the associated costs. Resource needs can be significant, and a convener must anticipate as many of them as possible and make a realistic appraisal of whether and how they can be met. The convener is responsible for finding ways to meet these needs. If it appears from the outset that they cannot be met, then the convener should not convene a process. Alternatively, the convener can consult other stakeholders during the external assessment to find out about their resource needs and gather ideas about how to meet them all.

Identify the Obstacles

By now, the people doing the initial screening should have a good sense of the nature of the obstacles that must be overcome before convening a consensus-based process. If significant obstacles have been identified and the convener has real doubts about whether they can be overcome, it is better not to move forward with the other convening steps. When the convener is an agency, organization, or committee, its leaders need to be informed about the results of the initial screening and consulted about whether or not to proceed.

When internal support for a process is weak, and yet a decision is made to move forward, a host of negative consequences may follow. The process may begin, only to be abandoned when things don’t proceed as planned. Stakeholders may come initially to protect their interests, but later leave, causing the process to be fatally weakened or terminated. The process may produce an agreement, only to have the convening agency fail to implement it. These kinds of results produce skepticism about consensus building processes and reduce the chances of success for future efforts. When conveners can decide, based on the initial screening, that it does not make sense to use consensus decision making, they save themselves the frustration and negative side effects of investing their time and energy in a process that is doomed.

Guidelines for Determining Who Should Carry Out the Convening Steps

Before proceeding with an external assessment (i.e., consulting other stakeholders about how they view the situation), the convening organization should determine whether it can effectively carry out the remaining convening tasks, or whether these should be handled by a neutral party. If the convener expects to hire a neutral to facilitate any consensus-based process that goes forward, it is useful to get the neutral involved at this stage. By conducting an external assessment, a neutral can gather the information needed to design a process and can begin to establish credibility with potential participants. This section discusses the conditions under which a neutral is needed to ensure impartiality or to provide process expertise, how stakeholders should be involved in selecting a neutral, and how to find and select a neutral.

When a Professional Neutral May Be Helpful

When the issues are complex or contentious, when many parties are involved, when there is a history of distrust between the convener and other parties, when this is a first effort to use consensus building, or when past efforts to resolve differences have failed, it may be problematic for the convener to carry out all of the convening steps.

The convener’s goal is to use the external assessment as a means of understanding the situation from the perspective of each of the stakeholders. Typically, stakeholders will give more candid assessments to an impartial, disinterested person than they will to an interested party. Often, to learn about the stakeholders’ underlying interests and concerns, the convener must keep the discussions confidential. Stakeholders need to believe a convener’s assertion that he or she can maintain confidentiality. In considering using an internal staff person to conduct a conflict assessment, the convener needs to ask, “Is it likely that participants will regard this person as unbiased and capable of keeping confidences?” If the answer is no, then the convener needs to consider using an outside neutral.

When a situation is particularly contentious or parties are not experienced negotiators, a neutral may be needed to describe the process in sufficient detail to make them comfortable enough to participate. Let’s turn to an example of how a neutral was selected to help establish credibility for a proposed use of a consensus building process. Chelsea, Massachusetts is a city of 28,000 people, located just north of Boston, and made up of very diverse
immigrant groups. Chelsea was $10 million in debt and had been placed in receivership as a result of financial mismanagement and corruption among municipal officials. The city was required to develop a new city charter, and after one failed attempt, the legislatively appointed receiver decided he needed help. Because of the complexity of the issues, the number of parties, and the past history, he wanted a neutral to assist with the convening stage. The neutral was asked to determine whether a consensus process could be used to develop a proposal for a new city charter that would be put before the public for a vote.

The receiver involved some members of the city council in selecting a neutral. They solicited proposals from prospective neutrals and selected one after interviewing the candidates.

After the neutral was selected, she interviewed community leaders to learn how they viewed the situation in Chelsea. She not only gained the information she needed to convene the consensus building process, she also established relationships with people who were suspicious of outsiders. These interviews helped establish her credibility and enabled her, as an outsider, to facilitate both the convening stage and the process itself. The convening stage was effectively carried out and laid the groundwork for a successful process. (See Case 3.)

Now let us contrast Chelsea’s approach to use of a neutral with what happened in Catron County, New Mexico. Catron County has gained national notoriety as the leader in the “county rights movement.” It is the largest county in New Mexico, more than 2,700 square miles, 80 percent of which are federal lands. Ranchers and loggers in the region have been dependent on public land for their livelihoods for three generations. Like many rural western communities, Catron County faced dramatic changes during the past decade because of environmental pressure to restrict logging and grazing. Conflict was steadily escalating among environmental groups, the Forest Service, county government, ranchers, and timber industries. Lumber mills had closed. Lawsuits and counterlawsuits were filed. Tensions were running high, and fears of violence lurked just below the surface.

Out of concern for the physical and emotional health of the community, the only physician in the county decided something needed to be done. He was seeing increasing numbers of patients with symptoms of anxiety, depression, and drug and alcohol abuse, and a rise in family violence. He asked the New Mexico Center for Dispute Resolution for assistance. The center recommended that he sponsor a process to bring people together to begin discussing the issues that divided them. The center further recommended that the doctor play the convening role, because local residents would be very suspicious of outsiders trying to play that role. The center did provide assistance to the convenor in the convening stage and trained facilitators to conduct the process. (See Case 13.)

Invoking Stakeholders in Selecting a Neutral

A neutral who is chosen to play a convening role should ideally be chosen by all stakeholders. In practice, if the neutral is needed at the front end of the process to assist with the convening steps, it is not feasible to involve all stakeholders in the selection since they have not yet been identified.

Convenors have developed a variety of ways to address this problem. In some cases, a convenor has formed a selection committee made up of a group of people highly respected by stakeholders and the public. In other circumstances, the convenor has involved a small group representative of diverse stakeholders in the selection. When a selection committee is not feasible, convenors often contract with a neutral for Phase 1 (the convening phase) and then allow the negotiating group that forms to choose its own neutral for Phase 2 (the consensus building phase).

Other convenors have turned to public policy dispute resolution centers for advice. These centers provide rosters of or references to qualified neutrals and can help in the selection of a neutral whose experience matches the convenor’s needs. In all these examples, the convenors’ actions help ensure participants that the neutral assisting with the convening steps is impartial, independent, and accountable.

How to Find and Select a Neutral

To make a determination about a practitioner’s competence, it is important to gather information about the neutral’s background, training, and past experience. The level of experience, sometimes referred to as “fly time,” is the most important factor in determining competence. Experience should be relevant
to the context in which the convening will occur. Has the person done work in similar situations? With similar parties and issues? What have been the results? What do the people who were involved in those processes say about his or her competence?

There are a number of ways to go about selecting a neutral whose background and experience are suitable. There are several sources to turn to for assistance in finding qualified neutrals with experience in assessing, planning, and facilitating consensus building processes. Several states have offices or centers for conflict resolution that keep rosters or resource lists of approved professionals. They can be asked for advice about how to go about finding a neutral. The Society of Professionals in Dispute Resolution (SPIDR) and the International Association for Public Participation (IAP2) also maintain lists of neutrals.

In addition to seeking information about competent neutrals from these sources, a convenor or selection committee can send out a request for proposals (RFP) describing the situation and soliciting proposals and references from neutrals. Then, the selection committee can review these materials to determine which individuals seem most promising. Another approach is for a selection committee to identify criteria for choosing a neutral, identify possible candidates, review résumés and references, interview the most promising candidates, and make a selection based on the criteria. Other suggestions are contained in Chapter 5 on the use of facilitators, mediators, and other professional neutrals.

Reconfirm the Convenor’s Commitment before Proceeding

Once an initial screening has been done and a conflict assessment has been completed, the information gathered is used by the convenor, in consultation with the neutral, to make a “go” or “no go” decision.

At this stage, it is important to reconfirm that the convenor is still committed to using the process. These commitments need to be reconfirmed because, after the assessment, the issues may be reframed, the potential participants will be known, and resource needs and other requirements will be more fully understood.

If the decision is to go forward with a consensus building process, other stakeholders should be informed. This can be done as part of the effort to select participants and secure their commitment to participate. Based on the assessment, before approaching potential participants, a proposed plan should be developed for the process including an initial description of the issues to be addressed, a time line, and a “map” of how the process will unfold. This should be shared with potential participants so they can decide whether or not to participate.

- Step 2: Identify and Engage Participants

“A bedrock principle is that everyone with a stake in the decision should be represented at the table.”

The legitimacy of consensus building processes, which are often used as adjuncts to more traditional democratic forums, depends on whether they are viewed by stakeholders and the public at large as representative of all interests and points of view. A bedrock principle of consensus-based processes, therefore, is that everyone with a stake in the decision should be represented at the table. This principle helps to ensure that any consensus agreement reached will be seen as legitimate by all relevant parties and have broad support when implemented.

The convenor must determine how to achieve representative and inclusive participation. However, stakeholders themselves should be involved in deciding who should be at the table. The convenor should not assume that he or she is in a position to name the participants.

In the Applegate example, the people invited to the organizing meeting named 18 representatives of the various interest groups as participants. In the second example, the federal agency apparently made a unilateral decision about who would be invited to participate. When convenors make that kind of decision they take a big risk. Others will not likely agree with their selection of representatives.

This section describes detailed guidelines for ensuring appropriate and complete participation in a consensus building process.

All Interests Must Be Adequately Represented

Because consensus decision-making processes have such potential power, they should be used only when people representing key interests can be identified, want to participate, and have the
resources to participate effectively. Determinations about representation are easiest when stakeholders are obvious and they are prepared to participate. Reaching agreement during negotiations may be difficult, but at least there is no question about the legitimacy of the forum and the process.

Recent subjects for negotiated rulemakings in Washington State met the "inclusiveness" test by being limited in scope. One negotiation involved the liability of construction contractors for the actions of their subcontractors. The parties were clearly defined business interests and a state agency. Another negotiation addressed the level of expertise needed to design small sewerage and water systems. In addition to septic system installers and licensed engineers, representatives of state and local health departments and the state engineering board were at the table. A third case involved storage of pesticides on farms (Jim Arthur, personal communication, September 1996). It could be argued that these three negotiations left out homeowners, clients of contractors, and consumers of apples and wheat, but these parties were considered to be represented by the public interest mandates of the convening agencies.

Representation becomes more problematic when the issues affect a larger segment of the population and not just a subset of identifiable interests. If some interests are obvious but others are not so clear, or if the interests are clear but some are disorganized or lack sufficient power, time, or money to participate, there are real dilemmas to be confronted about whether it is appropriate to convene a collaborative process.

A convening agency may be tempted to invite someone whose views it expects will be representative of diffused interests—a "generic farmer," for example. But that approach may not work when the goal is to develop agreements that can be implemented. Being "representative of" is not the same as "representing." The structural linkages essential for the generic farmer to speak for and be advised by the farming community may be missing.

Nor, as a general rule, is it part of the neutral's role to help establish these linkages, to help "organize the farmers." In some circumstances that may be appropriate, but only with the approval of the other interests and the convenor. Neutrals performed this function during negotiations between the oil industry and commercial fishermen operating in the Santa Barbara Channel in California. The oil industry and participating state and federal agencies approved of the neutrals undertaking this task because they wanted to negotiate an agreement with the fishermen. The fishermen agreed to organize and negotiate because they knew that if they did not come to the table, they had little hope of preventing oil operations from being conducted in sensitive fishing grounds (Jim Arthur, personal communication, September 1996).

Sometimes the task of organizing an interest group can be assigned to an actor in the process, someone who is neither the convenor nor the neutral. In Seattle, for example, numerous communities were concerned about noise at the Seattle Airport. Most were municipalities, but as an "interest" they were not organized. Furthermore, they were in a sense competitors because they each wanted to avoid being in the flight path to the airport. As part of a mediated negotiation to reduce noise, the convenor arranged for someone to help these communities negotiate among themselves and then prepare for the dialogue with other interests (Jim Arthur, personal communication, September 1996).

The burden of ensuring that key parties have the ability to participate effectively falls most heavily on the convenor. One option is to provide training in how the process works. The convenor may need to establish support systems—expertise, information resources, or financial support—to enable participants to get to meetings or to communicate with their constituencies.

On the other hand, some parties may be wary of negotiating, even if assistance is provided. They may fear co-optation, or the potential for co-optation, if pressed to participate. Sitting down to negotiate with government agencies, interests with far greater resources, or with a group that is primarily representative of the dominant culture can be formidable. Environmental and other public resource issues increasingly intersect with issues of social and political justice. When these factors are combined with cultural differences, there are some very real challenges to designing and managing a consensus building process.

Involving Stakeholders in Identifying and Selecting Participants

The external assessment provides an opportunity to identify the stakeholding interests that need to participate. Repre-
sentatives should include those who can implement an agreement, or block it, as well as those who are affected by it. As part of the conflict assessment, stakeholders are asked for their opinions about who should be at the table. They can also be asked about the criteria that should be used to select participants.

The process of selecting participants can be handled in a number of ways. These suggestions are listed from the least to the most inclusive. (In all cases, participants should have the opportunity to review, add to, and ratify the makeup of the negotiating group during the first meeting of any consensus building process.)

First, based on the external assessment (in which all stakeholders are asked for their thoughts on who should participate) the convenor can draw up a list of potential participants and submit it to stakeholders for their review and consent. Participants should be selected by the convenor in consultation with their respective interest groups or organizations.

The convenor should ask if those who have been selected are willing to participate. If a stakeholder has serious reservations about participating, sometimes the convenor can find ways to overcome those reservations. If a key stakeholder group is not willing to participate, the convenor should explore with the other parties whether another group representing the same interests would be an acceptable substitute. If this is not acceptable, the convenor should ask the sponsor and other parties to decide whether they want to proceed in the absence of a key stakeholder. If key stakeholders are not willing to participate, that is a signal that a consensus process may not be appropriate, at least at that point in time (Thomas-Larmer, 1998).

In Catron County, New Mexico, the sponsor invited an initial group of 20 people to an organizational meeting. The group was chosen to include ranchers, Forest Service representatives, environmentalists, representatives of county government, church and community leaders, and the mayor. At the meeting, those present suggested others who needed to be included. With these additions and changes, the participants continue to serve as the nucleus of the Catron County Citizens Group. They are working together to build understanding and manage the conflicts in their community.

Second, a small, representative group of stakeholders can develop criteria and name the interests or individuals who need to be represented in the process. This was the procedure used to select participants in Chelsea, Massachusetts. At the conclusion of the conflict assessment interviews, there was a list of 70 potential participants. The convenor and neutral decided the list needed to be reduced to about 20. Three of the most highly regarded people in the community were selected to help make the choices. This selection committee identified criteria for membership on the charter preparation group, and then chose 20 members. Their criteria for making the choices were as follows: Individuals must have the ability and willingness to operate by consensus and be able to take a long-term view of the city rather than focus on a narrow agenda, participants should be ethnically diverse, and participants should be people respected throughout the community.

The selection committee had to make tough decisions about how to involve politicians and how to represent the ethnic diversity of the community. When the committee completed its work, the list was published in the local paper and the public was asked to call if an important point of view was missing. There were no calls.

Finally, a convenor can bring together all stakeholders and assist them in choosing participants through a process of criteria development and self-selection. A consensus building effort in South Carolina in which I was involved illustrates how a large number of stakeholder groups can be helped to select their representatives. In Charleston County, a group was convened to decide on a plan for building parks and recreation centers. The city of Charleston formed a community “team” to represent their interests in the countywide discussions. A neutral helped the city to identify 250 organizations to invite to a meeting to determine who should represent the stakeholding interests in the community. The meeting was also widely publicized through the media. At the meeting, attended by over 100 people, the convenor described the purpose of the process. Then the audience was asked to suggest criteria to use in determining who should be at the table. The audience suggested geographic representation, gender and racial balance, knowledge of community affairs, communication skills, and ability to marshal other citizens.

After they had agreed to the criteria, they were divided into small groups representing different stakeholding interests—environment, sports, tax reduction, and so on—and each was asked to nominate people for consideration who would meet the
criteria. After the nominations were made and the names listed on poster paper around the room, those present were asked to briefly describe their qualifications and interest in serving, while others were asked to speak for nominees who were not present. The convenor asked whether the nominees adequately represented the range of interests in the community. No discussion was expressed. Each attendee was given five colored “dots” and asked to vote for five candidates of his or her choice. The seven persons who received the most votes were selected as members of the community team.

A word about the role of a convening agency or organization as a participant: Convenors need to ensure that they are appropriately represented at the table and are prepared to support their representative(s) and to speak with one voice throughout the process.

- Step 3: Locate the Necessary Resources

A convenor’s third step is to identify the kinds of assistance (and resources) needed to carry out a process and to ensure that those resources are available.

One of those resource needs may be assistance with convening and facilitation. As discussed previously, a neutral will need to be chosen and funds found to pay for neutral services.

The convenor is responsible for seeing to it that resource needs can be met before undertaking Phase 2. In addition to assistance with convening and facilitation, resource needs may include gathering and preparing information, finding and consulting with experts, preparing or assisting some or all of the parties to cover the costs of their participation, and providing staff assistance to help manage logistics. If these needs exist, funds must be raised to cover them. And participants will need to be comfortable with whatever strategy is adopted to meet the needs.

Guidelines for Ensuring That Resource Needs Can Be Met and That the Group Is Consulted about How to Meet Them

Convenors need to ensure that sufficient resources are available to support the process from its initiation through the implementaiton of an agreement. Convenors need to determine what allowances they will need to make to meet evolving resource needs as they emerge.

In the course of the convening process, the following kinds of resource needs may be identified: the training and preparation of participants, information needs, mechanisms for public outreach, the costs of conducting and participating in the process, and staff and logistical support.

Participant Preparation

Even when participants agree to come to the table, they may only have experience with traditional ways of negotiating and making decisions. People tend to slip back easily into familiar patterns of behavior. Joint training or at least an orientation session has proven very beneficial, especially when participants have never before been part of a consensus building process. An interest-based approach to negotiation and the use of consensus decision making are new concepts for many people. Learning how these approaches work will help participants function more effectively and shorten the time it takes to achieve results.

For example, in Hampton, Virginia, participants were about to begin a consensus process to resolve a dispute over the location of a highway. A training session introduced them to the principles of collaborative problem solving. A videotape depicting an actual process was used to illustrate how they might proceed. Simulations were used to engage participants in trying out these new concepts. Based on two days of training, the group was able to move forward and resolve the controversy (Plotz, 1991).

Another approach to preparing participants is to rely on peers who have participated in similar processes. For example, in helping a state agency representative to prepare for a dialogue on a contentious health care issue, another agency staff member who had been extremely effective in that same role (on another issue) met with his colleague to describe his experience.

Orientation and training can be carried out as part of an initial organizing meeting. The orientation or training can be done by the neutral, the convenor, or experienced participants from other consensus building efforts. Information about training is available from the same resources identified above as sources of information about how to locate neutrals.
Providing Information to Participants

Sometimes the technical nature of issues requires the convenor to work with the group, prior to holding any meetings, to gather and exchange information so that all participants have what they need to prepare themselves for the discussions. The convenor(s) may be able to supply the necessary information. However, participants may need additional technical help beyond what the convenor can provide. If a key party lacks sufficient staff or other resources, it may be important to provide them with organizational or technical assistance.

Convening may mean finding additional resources, or finding help to finance everything from information collection to expert advice. Members of the group need to agree on how these resources will be provided and how costs will be covered.

Creating Mechanisms for Outreach to Constituencies and the Public

Convening a consensus building process may require ways of communicating with a wider public beyond those who can be directly involved to make sure that an agreement will be supported by the constituencies of those around the table. It may mean building partnerships with the media or others to achieve broad dissemination of information and to solicit the views of the public. Sometimes, as in the Chelsea case, the media can be an important resource for reaching the wider public to establish the credibility of the process. In Catron County, the Citizens Committee relied on its partnerships with a weekly newspaper to distribute its mission statement to every mailbox in the county. (See Chapter 11 for more on working with the media.)

Convening may also mean assisting some stakeholder groups in determining how to communicate with their constituencies. Especially in situations where groups are diffuse or unorganized, they may not have a regular means of communication. This can be problematic since they all need feedback from their constituents. A convenor can provide assistance in helping stakeholder groups think through these kinds of issues and develop plans to address them. Sometimes newsletters can be helpful. Sometimes special briefings can trigger the necessary feedback.

Costs of Conducting the Process and Enabling Participation

In addition to contracting with the neutral, gathering information, and communicating with the public and various constituencies, there may be other costs associated with initiating a process, for example, support for the preparation of materials, agendas, meeting notices and summaries, as well as logistical arrangements for meeting space and meals. Some participants may need financial support to travel to and attend meetings, including help with child care. Some groups with representatives at the table may need money to support their efforts to communicate with their constituents.

Finding Ways to Fund Consensus Building Processes

Most consensus building processes are funded by one or more of the following sources: foundation grants, government contracts, or contributions from individuals, charitable groups, or corporations. The convenor needs to be thinking about potential sources of funding as well as other ways of meeting resource needs (such as acquiring in-kind contributions of services).

When the convenor is a government agency or private corporation, it is often prepared to provide the necessary resources. When the convenor is a community steering committee or a nonprofit group, it may be able to attract foundation support or contributions from other charitable groups. When the convenors are both public and private entities, funds may come from all these sources, including in-kind contributions. Whatever the case, participants should understand how the costs will be met and agree to the mechanisms by which decisions about the use of money will be made.

Even when a convenor can pay for everything, there may be difficulties. For example, there may be a perception that the group providing the funding controls the process. If this is the case, steps must be taken to overcome this perception. A steering committee can be created to approve and manage all contributed funds. Sometimes participants can work out cost-sharing agreements, or they may decide that some will contribute in-kind support while others contribute money.
Ultimately, the convenor must find a way to meet the relevant resource needs as part of the convening effort. If the convenor does not have access to the necessary resources, he or she must develop a funding strategy. This involves, first, identifying the resource needs. Second, the convenor should identify potential sources of funding. The context, the issues, and the potential participants are key factors to examine as the convenor searches for likely sources of support. Some sources of support are available only in particular geographic contexts, communities, states, or regions. Others are only available depending on the issue under discussion.

Let us examine some ways to go about identifying potential funding. At the local level, the United Way, chambers of commerce, or a community foundation may be able to help support a consensus building effort. At the state or national level, the Council on Foundations provides a number of ways to readily access their information about foundations and the issues and groups they are interested in supporting. Federal and state agencies may have suggestions as well; state and community centers for dispute resolution may also be able to offer funding advice.

The next step in formulating a funding strategy is to make a list of potential supporters and identify who among the convenors and stakeholders can assist in contacting those individuals and organizations. It may be that different sources can be approached about funding different segments of the process. An agency might be able to support the training, for instance, or a foundation may be able to provide funds for a public information effort. A newspaper might be willing to carry information about the process, and some of the participants (or the convenor) may be able to offer in-kind staff or logistical support.

Once a funding strategy is developed, it should be shared with all stakeholders. Usually, stakeholder groups will be knowledgeable about possible funding sources. They also need to agree to how the funds will be managed once they are secured. As described above, steering committees, selected to be broadly representative of the group, can be formed to oversee the expenditure of funds. Where convenors are themselves representative of the diversity of the group, the group may agree that the convenors can play this kind of role.

■ Step 4: Plan and Organize the Process

Once a decision is reached to move forward, the final step is to organize the process. When the assessment is completed, participants selected, and resource needs identified, the convenor will have the information necessary to plan the process. If the decision has been made to employ a neutral to carry out the convening stage, the neutral will lead the planning and organizing activities. Once participants are identified, the convenor will be able to involve other participants.

One of the key reasons convenors decide to initiate a process is to ensure implementation. Steps must also be taken to link the informal or ad hoc collaborative process with the formal mechanisms of decision making. Those who will be responsible for implementing the agreement must be part of the process. At the very least, they must be kept informed, or else support for whatever agreement is reached may not be forthcoming. Planning should include ways to ensure ongoing communication with those who are key to implementation.

The other activities involved in planning and organizing a process are discussed at length in Chapter 1, on choosing appropriate consensus building techniques and strategies; Chapter 2, on conducting a conflict assessment; and Chapter 3, on designing a consensus building process using a graphic road map.

■ Special Challenges to Convening for Government Agencies

"Government convenors face some special challenges and barriers." Government convenors face some special challenges and barriers in introducing new ways of reaching agreement. Because public mistrust in government is high, processes convened and facilitated by government are sometimes viewed by the public as a form of co-optation, especially when the issues have already been framed by government, and the participants and neutral are selected by a government agency. Government officials need to deal with these perceptions during the convening stage. The following suggestions point out some ways government agencies can demonstrate their intent to ensure that a consensus-seeking process is open and impartial.
Government agencies can begin by clarifying their objectives in convening the process and stating their commitment to implement the outcomes. The authorized decision maker, either the administration or the legislature, should be prepared at the outset to endorse the consensus-seeking process. An endorsement should be preceded by careful consideration of whether the agency or legislature is really committed to using a consensus-seeking approach, including its willingness to share control over the process.

To undertake a consensus building process, policy makers need to believe the issue is of high-enough priority for them to give their time and attention to creating a useful and implementable outcome. If leaders are aware of obstacles that could stand in the way of implementing a negotiated agreement, they must address those obstacles and offer incentives that make it worthwhile for all the appropriate stakeholders to participate.

When leaders show visible support, including consistent involvement in meetings and substantive discussions, participants will be reassured that their investment of time and resources is worthwhile. If leaders do not provide such support, caution should be exercised in initiating a consensus building process. Without the support of the key convening groups, the likelihood of success is greatly diminished.

To live within their statutory responsibilities, government policy makers need to identify the form an agreement should take to make it easy to implement. For example, in Chelsea, the city government was clear that if the group reached consensus on the elements of a new charter, the city would adopt that language and put it on the ballot.

How can government convenors overcome participants’ lack of trust or fears of being co-opted? When agencies act openly and transparently, clearly stating the purposes for convening a consensus-seeking process and involving other stakeholders every step of the way, their actions will go a long way toward establishing the credibility of the process. When they abide by the ground rules adopted by all the parties, they demonstrate that they are willing to level the playing field. And finally, when they demonstrate their commitment by implementing the outcomes of the agreement, the congruence between their talk and their action will establish their credibility and overcome concerns about co-optation (SPIDR, 1997).

■ Conclusion

All in all, careful convening is critical to the success of a consensus building process. It takes more than checking off the convening steps. It is how well the steps are carried out that enables the convenor to lay the groundwork for an effective, legitimate, and credible process. A thorough and impartial convening paves the way to success.

■ Note

1. Note that Chapter 3, on designing a consensus process, uses the terms startup phase and process design phase. The term convening, as used in this chapter, comprises both the start-up and process design phases as defined in Chapter 3.

■ References

CHAPTER

5

THE ROLE OF FACILITATORS, MEDIATORS, AND OTHER CONSENSUS BUILDING PRACTITIONERS

Michael L. Poirier Elliott

Conflicts grow out of diverse values, perceptions, and interests that exist within a community or organization. Examples abound. In Chelsea, Massachusetts, a long-submerged conflict over corrupt local politics erupted when the city government was put into receivership. In Atlanta, Georgia, historic preservationists repeatedly battled developers, disrupting redevelopment but failing to preserve historic properties. On the Haida Gwaii islands in British Columbia, a native people struggled with the provincial government over the future of their community. And in Hartford, Connecticut, affordable housing advocates clashed with local communities over the distribution and availability of lower-cost housing throughout the region.

In each of these communities, existing institutions were incapable of resolving the conflicts. Also, the disputants lacked the productive working relationships necessary for constructive decision making and problem solving. Impasse resulted. Despite this impasse, however, all four communities successfully resolved their disputes. Moreover, the residents of Chelsea and Haida...
Gwaii forged substantially stronger communities out of their efforts to build consensus.

The communities and the disputes in these cases differ a great deal; each story is unique. Yet the cases share two important elements. In each, the disputants chose (sometimes after much coaxing) to seek consensus solutions. Equally important, all four communities sought help from mediators.

Practitioners skilled in mediation and consensus building are frequently found at the center of visioning, decision making, and dispute resolution processes within communities and within organizations. Resolving conflict requires skill, communication, and trust. Experienced practitioners help stakeholders to build consensus by identifying existing barriers to effective negotiation and communication, assessing the structure and extent of a dispute, designing and implementing dispute resolution processes, and helping parties to develop options and reach consensus. In addition, practitioners help to build working relationships among diverse stakeholders, thereby encouraging communication across lines that traditionally divide disputants.

Consensus building requires its practitioners to promote dialogue under conditions of conflict, where communication and trust are weak. Consensus processes are therefore usually designed and implemented by trained individuals who bring experience and ability to the task at hand and seek to protect the impartiality and credibility of the process in the eyes of all parties. As can be seen in Chelsea, Atlanta, and Hartford, these individuals are most frequently professional mediators, facilitators, or dispute systems designers, affiliated with organizations that have no direct stake in the conflict or its resolution.

Yet, given the variety of conflict, occasions exist when an involved party, even one with a vested interest in the outcome, may serve effectively as a mediator. In Haida Gwaii, the consensus process was promoted and implicitly mediated by a planning consultant hired by federal and provincial agencies to act as their community liaison. The agencies, as the legitimate authorities designated to implement the program under dispute, designed a traditional planning process. They were to hand down decisions after receiving community input. These agencies did not envision convening a consensus building process when they appointed the community liaison, although he was a trained mediator. The liaison, therefore, was doubly suspect. To the local communities, he represented the interests of the “outside” agencies. To the agencies, he was potentially undermining their planning authority by promoting consensus building. Nonetheless, he worked effectively to bring parties to agreement and, in the process, transformed their views of each other.

In this chapter, we explore the use of facilitation, mediation, and dispute systems design in building consensus agreements. We focus on the involvement of experienced practitioners in this process, examining the core activities conducted by these practitioners, the conditions under which professional practitioners are needed, and how best to select such individuals when the need exists. Three of the four cases we use to illustrate these points—Chelsea, Hartford, and Haida Gwaii—are more fully described in Cases 3, 4, and 10, respectively. The Atlanta case is described in detail in an article in the *Journal of Architectural and Planning Research* (Elliott, 1999). Because these cases all involve the use of consensus building practitioners in public settings, the chapter necessarily focuses more on public sector than private sector conflicts. The wisdom and guidance it contains, however, are certainly applicable to the use of practitioners in intraorganizational and other private settings. (The use of dispute resolution practitioners in intraorganizational settings is also discussed in Chapter 16.)

- *Use of Convening, Facilitation, Mediation, and Dispute Systems Design in Consensus Building*

This section explores the functions that convening, facilitation, mediation, and dispute systems design play in a consensus building process. It begins with a discussion of how consensus building efforts typically get started and the barriers to reaching agreement that can arise in the process. Next, the section describes in general terms the activities involved in convening, facilitation, mediation, and dispute systems design, and how these activities help disputing parties overcome the barriers to reaching agreement. Finally, the section sets forth a model of consensus building that is used in the following section to help us understand the specific tasks of consensus building practitioners.
Entry into Consensus Processes

In consensus building processes, participants seek to reach decisions through discussion and negotiation for the purpose of arriving at a mutually acceptable agreement. Consensus processes gain legitimacy by involving those directly affected by a decision in the process of developing the decision, by conducting their dialogues in an open and inclusive manner, and by searching for agreements that speak to all the interests involved. In most cases, the negotiations are conducted face-to-face, in groups that represent the range of interests involved.

While some communities and organizations incorporate consensus building into their everyday decision making, most do not. Rather, they enter into consensus processes—and seek the help of consensus building practitioners—when current conditions become unacceptable or when members develop a greater desire for participatory control over decision making. Motivations to enter into a consensus process and seek trained assistance vary, as can be seen by our four examples.

**Chelsea.** With its corrupt local government in state receivership, Chelsea residents were cynical, apathetic, and deeply frustrated with the status quo. Citizens distrusted existing government institutions (local and state) and had little experience in working with each other. The issues were complex and difficult to discuss. The consensus process, initiated from outside the community, offered a seed of hope that was nurtured and grew.

**Atlanta.** In Atlanta, historic preservation disputes were longstanding and recurring. Disputes about both preservation policy and the fate of specific buildings repeatedly escalated. Conflicts pitted the Urban Design Commission, the city council, and the mayor’s office against each other. A particularly difficult deadlock involving preservationists, developers, and political leaders led disputants to seek an alternative. The consensus building process was initiated through direct negotiations between developers, historic preservationists, and city administrators.

**Haida Gwaii.** On Haida Gwaii, 150 years of antagonism between the native Haida people and the descendants of European settlers kept these communities apart. Despite a common island home, the communities were sharply divided and knew little about each other’s culture. When faced with a federal and provincial initiative to invest $34 million Canadian in local economic development, however, the shared interests of these residents evolved into a mediated dialogue. The process leading up to the dialogue required considerable trust building among the various communities, and between the communities and the federal and provincial agencies.

**Hartford.** Local governments throughout the Hartford metropolis grappled with a lack of affordable housing. State legislation enabled regional compacts, through which communities would commit to supply a specified number of affordable housing units over a five-year period, but only if all communities within the region consented to the agreement. With each local government retaining autonomy over the issue, a regional compact could only emerge from a consensus process. With state support, the communities hired a team of mediators to manage the process.

What do these stories tell us? Communities often enter into consensus processes indirectly, only after trying more conventional approaches to resolving conflicts. Stakeholders may be skeptical that consensus is even possible, because relationships among them are often strained and the issues are typically complex. Yet frustration with the status quo, combined with the costs of ongoing conflict, provide powerful incentives to participate in consensus processes. For stakeholders who are actively involved in a dispute, consensus processes offer a particularly useful forum for focusing on and resolving the issues. In some communities, a tradition of collaborative decision making and a desire to promote civic engagement further motivate disputants to seek consensus.

Barriers to Consensus Building

These stories also suggest reasons why consensus building may prove difficult. In each case, barriers to consensus building exist. We can summarize these barriers as follows.
Institutions. Existing institutions are unable to resolve the conflict, either because the institution is itself a participant in the dispute (in Chelsea it was the source of the dispute) or because traditional institutions do not provide a forum for the resolution of nontraditional conflicts.

Deadlock. The positions of disputants have become inflexible, and disputants have little experience working with each other and lack the trust needed to proceed.

Escalation and positional bargaining. Hostility, distrust, bias, concealment, or unwillingness to communicate preclude negotiations or dialogues. Also, behaviors that contribute to positional bargaining, threats, accusations, or unreal expectations sidetrack dialogues after they are initiated.

Communication. The lack of clear communication channels among conflicting stakeholders contributes to misperception and divergence.

Complexity. The number of issues or parties to a dispute prevents participants from effectively addressing their concerns. Also, the dialogue process may become inefficient or inequitable, leading to frustration and disengagement.

Ambiguity. The rights and responsibilities of the various participants remain undefined or disputed, contributing to confusion over how best to proceed with consensus building.

Thus, consensus building requires that participants overcome a number of barriers. To work together effectively, the parties must organize their efforts and repair their relationships. They must at least convene a process of participation and facilitate meetings. In almost all cases of community consensus building, mediation between the parties over goal setting, fact-finding, options, communications, and relationships must also take place. If the conflict is structural and recurring, parties may also become involved in dispute systems design.

"Consensus building practitioners typically fulfill four fundamental functions in a collaborative process: convening, facilitation, mediation, and dispute systems design."

Consensus building practitioners, then, typically fulfill four fundamental functions in a collaborative process: convening, facilitation, mediation, and dispute systems design. These activities may be conducted by a single person or team, so that the person who performs the convening tasks also facilitates the meetings, mediates the disputes, and, if needed, designs systems for resolving future disputes. Or different individuals may perform each function.

It should be noted that professionals in the consensus building field hold differing opinions and preferences about what the practitioners who perform these various functions should be called. People who have expertise in both facilitation and mediation, for example, may refer to themselves as either facilitators or mediators or both. Also, as discussed in Chapter 4, the term convenor is typically used to describe the organization or person who initiates a consensus building process—often a government agency or another stakeholder. But the tasks involved in convening are often carried out by a dispute resolution practitioner, who may thus also be referred to as a convenor. To minimize that confusion, we avoid using the word convenor to mean a consensus building practitioner in this chapter. We do use the terms mediator, facilitator, and dispute systems designer when speaking of someone with the specific expertise or performing the specific functions suggested by those terms. And we use the term practitioner generically, to mean someone with any or all of these skills who performs any or all of these roles.

Convening

Convening is the initiation and design of an appropriate consensus building process in a particular context. During the convening phase, practitioners typically help disputants assess the sources and characteristics of the conflict, the relationship between the parties, the barriers to resolution, and the issues that need to be resolved. (See Chapter 2 for more on these conflict assessment activities.) They may also work with disputants to identify parties with a stake, design an appropriate decision-
making process (including ground rules of conduct, a timetable, and an overall agenda), ensure appropriate representation of the stakeholders, build the capacity of parties to engage in meaningful negotiations, facilitate more effective communication, and initiate the process. Through these activities, the practitioner helps build the capacity of the participants to solve problems and resolve differences effectively.

The convening phase, while generally essential to a well-functioning consensus process, varies in its implementation. It often takes considerably more work than disputants first envision. In Atlanta and Hartford, the disputants sought to implement a consensus process, were willing to work with other parties, and organized themselves sufficiently to hire mediators to assist them in their efforts. In convening the process, the mediators interviewed a wide spectrum of stakeholders and designed a consensus process that was intended to comprehensively describe the activities and ground rules to which the participants were committing themselves. The mediators worked with disputants to select participants, set ground rules, and establish a work plan. The mediators put considerable emphasis on working with participants both to ensure participant commitment to the process and build patterns of cooperation before bringing the parties together for face-to-face dialogue and negotiations. Hence, even though conditions were already ripe for initiating a consensus process, the convenings each took about two months and constituted about 20 percent of the total work conducted by the mediation teams.

In many ways, Haida Gwaii represents an extreme example of convening. The community liaison spent eight months brokering the start of an unofficial negotiation between the Haida people and the local townships. The federal and provincial agencies knew little of these exchanges and initially did not support a consensus-based process. The community liaison worked within a mediation model, but without ever being hired to mediate the dispute. Convening consisted of a series of relationship-building activities, including sharing personal stories and hopes for the future. Each activity was designed to increase the understanding of parties separated by a wide cultural divide. Over time, a level of trust grew out of these discussions, paving the way for more focused dialogue over the management of the economic development funds.

Faced with widespread skepticism, the Chelsea mediation team also engaged in an elaborate convening process. Like Haida Gwaii, the mediators designed the convening to build community support for consensus building. In this case, issues of cross-cultural understanding were less important than building the capacity for civic engagement. Forty-five community meetings, newsletters, a survey questionnaire, a telephone hot line, and television programming were all tools for increasing community awareness of and interest in the process. The mediators even developed a process for selecting the 18 participants in the Charter Preparation Team that was specifically designed to support the legitimacy of the team members selected.

Facilitation

Facilitation is the impartial management of meetings designed to enable participants to focus on substantive issues and goals. Facilitators develop an agenda for each meeting, enforce ground rules of conduct, promote interaction and communication during meetings, and bring issues to closure. A facilitator remains neutral concerning the content of the group's work and typically has no decision-making authority within the group (Doyle & Straus, 1982; Schwarz, 1994).

Consider a group of individuals who must work collaboratively together, either for a single meeting or over a period of time. What conditions tend to increase the effectiveness of such a group? Successful teams typically have the following characteristics:

- Members are committed to a clear goal.
- The team is organized to achieve specific results, within a collaborative climate.
- Team members are technically competent, capable of collaborating effectively, and motivated to contribute.
- Members of the group take on leadership responsibilities that are consistent with the objectives of the group and the desires of group members.
- The group receives external support and recognition from the organizations and communities within which they function. (Larson & LaFaro, 1989)
Examining the four cases for conformance to these elements, not a single one of the negotiating groups can be characterized as "likely to succeed" at the start of their consensus processes. Chelsea was perhaps furthest from the ideal. The community lacked the capacity to self-organize. Its leadership was dysfunctional, and its participants were disempowered. The mediator developed specific strategies to promote the capacity of the community to govern itself, to engage its citizens in productive team settings. The mediator trained local residents to facilitate public forums. These residents would not have known how to convene a process and would have been lost in efforts to mediate a dispute. Not until they had facilitated complex meetings, such as those held by the Charter Preparation Team (the core consensus building group). But they successfully ran the 45 community meetings and in the process gained skills that would help them participate effectively in the overall process.

At the same time, in each of the four cases cited, the negotiating groups substantially improved in their functioning over time. They improved in part because effective facilitation tends to breed effective teams. Participants who feel empowered to contribute ideas and influence the outcome of a process, and who perceive a facilitator to be evenhanded and neutral, generally become more committed to the collaborative effort, developing leadership within the group and a respect for their fellow negotiators.

Mediation

Mediation is the intervention by an impartial party into a negotiation or dispute. It is designed to help the disputing parties resolve their differences in a voluntary and mutually acceptable manner. Mediations are structured negotiations, in which a mediator assists participants in negotiating more effectively. Mediators use various forms of interaction—including plenary sessions of all participants, caucuses, work groups, and one-on-one discussions—to clarify interests, improve communication and cooperation, strengthen relationships, and help parties generate options and reach consensus.

Like a facilitator, a mediator must remain neutral concerning the content of a group's work and has little or no decision-making authority within a group (Carpenter & Kennedy, 1988; Gray, 1989; Moore, 1996). However, because mediation seeks to enhance negotiations, a mediator works explicitly to manage not just the interactions that occur within meetings but also the dynamics that occur outside meetings. As a consequence of this deeper involvement in negotiations among disputing parties, the effectiveness of a mediator depends even more on legitimacy and trust than does the effectiveness of a facilitator. A mediator works across conflicting perspectives and interests and shapes both process and group identity. As a consequence, mediator selection is itself often conflictual.

All four case studies involve mediation. Yet they focus on different activities because the needs of the communities differed. In Hartford and Atlanta, mediation supported explicitly interest-based bargaining. The techniques and tools used by the mediators were primarily designed to explore interests systematically and in depth, encourage joint fact-finding, generate and explore options, and bring closure to the negotiations. In both cases, because the issues were particularly complex, mediators used a single negotiating text to help focus the discussions. The text documented all agreements and disagreements and was repeatedly revised to reflect new thinking. Technical experts perceived by both sides to be neutral helped the parties develop common understandings and conduct analyses.

In Haida Gwaii, mediation supported an explicit relationship-building process, in which interest-based bargaining was secondary. The techniques and tools used by the mediators in this case were designed to explore cultures and stories, share identities, and construct a forum for interaction and community building. The motivation behind this process grew from an interest in the $38 million development fund, but for the Haida at least, an interest-based process would have led nowhere under the conditions of mistrust and alienation that characterized the relationships at the start of the process.

Dispute Systems Design

Dispute systems design is a process for devising institutions, organizations, and dispute management procedures that promote consensus building across a wide range of recurring issues. Prac-
tioners adept at dispute systems design diagnose systems to determine causes of recurring conflict, design systematic interventions to promote conflict prevention or dispute management, implement and test these interventions, and make readjustments based on feedback from implemented programs.

Dispute systems designers carefully examine the effectiveness by which an entire class of conflicts is managed and work to improve the effectiveness of the dispute resolution systems at resolving differences. Dispute systems design views the management of conflict as a core function of any organization or social system. Typical responses to conflict—that of flight or flight—tend to accentuate problems over time and reduce the capacity of social systems to resolve differences productively. Dispute systems designers seek to reconfigure the set of procedures, incentives, resources, and skills available within the social system, such that particular classes of disputes will be more effectively resolved. The design can focus on improving dispute management within a single organization (such as the procedures used by a university system to resolve disputes within each of its colleges) or across a range of institutions working to resolve a specific class of disputes (such as efforts to improve management of land tenure disputes in Nicaragua) (Costantino & Merchant, 1996; Ury, Brett, & Goldberg, 1993).

Consider two examples of dispute systems design. In 1996, the Board of Regents of the University System of Georgia passed a dispute resolution initiative. The board had become increasingly concerned about the escalation of conflicts between faculty, staff, administrators, and students in the 34 colleges and universities under its management. It was particularly disturbed that such conflicts were not being resolved within the units, but rather were being appealed for review to the board or to the courts. As a result, the board required all units to review and revise their dispute management procedures and made changes at the system-wide level to support more effective dispute management.

In Nicaragua, the dispute system that needed to be revised was not based within a single organization, but rather in a series of interconnected policies, laws, and institutions. Multiple owners claimed 20 percent of all land in the country, each with a legal basis to the claim. The problem emerged both in the Somoza regime, during which ownership of land was concentrated into the hands of the ruling elite, and during the 1980s, when the Sandanistas sought through land reform to reallocate land among the poor. Because of the way the various laws were written, legal claims to much of the land could be made by both the original owners and the new owners. Given the scale of the problem, litigation to clarify landownership claims would have absorbed Nicaragua’s entire court system for 10 years. Moreover, until land title was clarified, banks would not lend money for development, thereby blocking economic activity in a significant portion of the country. The work of the dispute systems designer, then, was to identify disputes that were amenable to more streamlined resolution and to develop procedures for resolving these disputes more efficiently. The dispute system that was developed is now in the process of being implemented.

Dispute systems designers seek to alter existing procedures and patterns of relationships, such that these procedures and relationships

- promote the legitimate interests of disputants,
- maximize the potential joint gains between disputants while protecting the public or communal interests,
- resolve conflicting interests fairly by including the full range of legitimate interest groups and informing and empowering those groups to make wise decisions,
- produce agreements that protect outside interests and set good precedent for future decision making,
- function effectively within the context of existing legislative or administrative authority and responsibility,
- generate agreements that are durable and implementable,
- reach agreements efficiently when agreement is possible, and
- stabilize or improve relationships between the parties to the dispute.

The dispute systems designer works with specific clients but in ways that intricately involve multiple parties. The implementability of a resulting design will greatly depend on its acceptability to the various parties. As such, the designer combines the skills of a mediator with that of an organizational development specialist and systems analyst.
Substance, Relationships, Processes: A Model for Understanding the Role of Practitioners

As we have seen, dispute resolution practitioners can play a variety of roles in the construction of consensus. The complexity of the issues, the diversity of participants, and the duration of the process all influence which roles are important in a particular consensus building effort. Yet all of these roles involve managing three core elements that underpin consensus building efforts: concerns about substance (what underlies the conflict?) and relationships (who is in conflict?) in the context of a dispute resolution process (how will stakeholders work out their differences?).

This section provides an overview of the interactions between the substance of a dispute, the relationships between disputants, and the process choices available. The use of consensus building practitioners is, after all, inextricably linked to the choice of the dispute resolution process. By gaining a better grasp of these three core elements of consensus building, we can better understand the specific tasks practitioners must undertake.

Substance

Substantive issues are the core of almost all complex, multiparty conflicts. Stakeholders are typically concerned with the outcomes of a decision-making process, and how those outcomes will affect either the stakeholders themselves or some other group of concern. What historic structures will be protected in Atlanta? How will affordable housing be provided across the Hartford region? What form of government will Chelsea adopt?

In any particular context, each stakeholder "frames" the dispute by developing a working theory about the substantive issues of importance and their value. The stakeholders are engaged in a process of sense-making whereby they each seek to order a potentially confusing array of characteristics, perceptions, interests, and values. Each participant then uses this frame to interpret the events and characteristics of the dispute (interpretive frames) and to value potential outcomes (goal frames).

The frames used by disputants can differ overtly. Compare the Haida conception of the living environment, for example, with the European conception of utilitarian property. In Chelsea, "good government" was an oxymoron to many disillusioned residents. Actions taken by the state to promote good government were first interpreted by residents as efforts to undermine local autonomy and oppress the less powerful.

In other cases, these frames differ subtly. All participants in the Atlanta process declared themselves in favor of protecting historically significant properties, but they differed in their conception of "historically significant." Likewise, all participants shared a belief that historic buildings must provide a "reasonable rate of return" to their owners, but differed in what this meant and in their sense of how often developers faced a problem in this regard. In a development dispute, one disputant may focus on community and change, another on environmental integrity and aesthetics, and yet a third on private property rights and the value of growth. The consensus building practitioner does not seek to change the values and interests held by the participants, but rather to clarify them and to assist participants in reexamining how their values and interests might be best met.

The give-and-take of consensus building is built on the capacity of the participants to work together to design a jointly created agreement in the face of perceived or actual competition over the content of the dispute, complicating perceptions about that content, and distinct interests and values. Progress is usually not built on efforts to conform all participants to a single, shared sense of the nature of the dispute and its characteristics, but rather by building options that meet each participant's interests and values. While stakeholders will differ in their interpretation of substantive issues, and on the value afforded them, an effective resolution depends in part on the capacity of stakeholders to work within a compatible, general framework of understanding. By focusing on interests and the development of integrative options based on objective criteria, a practitioner helps parties to identify the characteristics of importance and the range of possible solutions. While perceptual differences may not be easily resolvable, they can be understood and communicated as a basis for consensus building. To reveal core perceptions, practitioners use techniques such as joint fact-finding, structured data queries that help expose differences in assumptions and perceptions, and storytelling.
Relationship

Relationships and social dynamics are central to consensus building (Kramer & Messick, 1995). Consensus building can help members of a community, group, or team construct a better sense of how they can best resolve differences, make decisions, and work together to enhance their basic interests and values. When most successful, consensus building promotes social learning, whereby a community not only resolves an immediate conflict but also learns how to better manage disputes in the future.

Problems associated with relationships can be divided into two types: interpersonal and structural. Interpersonal problems emerge from distorted communications, stereotyping, strong emotions, and destructive behaviors. These patterns may be unintentional or they may be the result of strategic choices. In either case, they distort the ability of stakeholders to understand each other and to act with a clear understanding of the values, interests, or perceptions held by other disputants.

Consensus building is fundamentally a communicative act, and consensus is frequently built on efforts to improve communications. Mediation and facilitation practitioners work with participants to establish ground rules that promote constructive dialogue. In Chelsea, mediators and participants agreed to assign three individuals the responsibility of acting as spokespersons for the process. Such a ground rule, developed jointly by participants within the process, helped to forestall negotiating through the media in favor of direct negotiations. Facilitators also structure communication within a meeting, by encouraging brainstorming when ideas need to be generated but not when negotiating the final details of an agreement. Practitioners can also use caucuses and interviews to create safe havens for exploring issues.

Structural problems emerge from the social configuration of power, rights, and identity. Power, built on unequal control over resources, authority, expertise, or position, can fundamentally alter the capacity of disputants to work together. Power-based disputes involve the use of force, explicit or implied, to gain acquiescence by opposing groups, against the will of those groups (Kritzek, 1994). Until the state took the city of Chelsea into receivership, disputes were based on power.

Rights involve the use of independent standards to resolve differences. These standards may be legal or contractual, or they may emerge from accepted norms of behavior. Conceptions of justice may go beyond socially defined rights. Conceptions of justice may involve claims to rights that are not widely accepted. Rights-based disputes involve an appeal to higher authority, and frequently inhibit communication because they are often associated with highly emotional differences over principles and values. In Hartford, initial opposition to an affordable housing accord was linked to the right to self-autonomy shared by all jurisdictions in the region.

Identity (Rothman, 1997) involves the interpretive dynamics of culture, history, values, and beliefs. These dynamics are fundamentally psychological and social, growing from our sense of who we are, who constitutes our communities, and what this implies concerning our relationship to people both within our communities and outside. Identity-based disputes involve our construction of community, our fundamental conceptions of relationships. In Haida Gwaii, identity formed the core barrier to consensus building between the Haida and local communities, and between all residents of Haida Gwaii and the federal and provincial officials with authority over the development fund.

Structural impediments to communication are more difficult for practitioners to help groups overcome than interpersonal impediments, largely because consensus building rarely seeks to explicitly alter the structural configuration of power, rights, and identity. The status quo almost invariably works to the advantage of some groups over others, and in the absence of a painful stalemate, the dominant groups have little incentive to promote fundamental change. Yet in our cases, we also see examples in which mediators help parties to overcome structural impediments. In Chelsea and Haida Gwaii, in fact, the consensus building process transformed the relationships themselves, promoting not just satisfaction and settlement but also empowerment and recognition (see Bush & Folger, 1994).

Process

Issues of substance and relationships are brought together within the context of a specific consensus building process. Practitioners may design and manage a participatory or conflict resolution process in very different ways, depending on the foci
example, the objective is information sharing. Communication is one-way: first as public officials present findings (one way from officials to the audience), and second as attendees present their comments (one way from participants to either the officials or, more likely, to the media). In many ways, these interactions are highly scripted, meaning that they are patterned forms of interaction, in which little effort is made to enter into meaningful dialogue. As such, the communication is stylized and rhetorical.

In Haida Gwaii, the federal and provincial officials originally designed a public participation process that was top-down, with little opportunity for dialogue.

**Interational, communicative.** Teams, organizations, and communities frequently seek to develop processes that allow not only for the sharing of knowledge and experience but also for the social creation of new ideas and understandings. In processes such as these, participants focus on acquiring knowledge, solving problems, making decisions, or visioning a desired future. At their most interational, these processes develop consensus around the resolution of particular issues or the management of particular relationships. The process of interaction between the participants is thus more complex than in a stylized process as described above. Participants in interational, communicative processes enter into a dialogue over concerns, interests, and options, seeking to improve both problem solving and relationship building. These processes require considerably more management than do simpler processes. The Atlanta and Hartford cases are examples of higher-order interational, communicative processes, because while the processes resolved particular substantive problems through consensus, they did not seek to fundamentally alter the manner in which power, rights, or identity affected community relationships or problem solving in the future.

**Dyrmic, transformative.** Groups may also come together not only to seek agreement on an immediate problem but also to build community out of conflictual relationships and solve the underlying causes of conflict. These groups are involved in the fundamental work of relationship building and community problem solving. Processes such as these require clear articulation and communication, and even more effective listening. Processes must be structured to overcome deep-rooted barriers that grow
Core Tasks of Consensus Building Practitioners

What are we to make of this plethora of possible participatory and consensus building processes? First, whatever the scale of intervention, consensus building activities are built around the triple demands of substance, relationship, and process. Second, consensus building practitioners must carry out a number of specific tasks relating to each of these three demands if consensus building processes are to be successful. This section discusses some of the core tasks in detail.

It is important to note first, however, two key principles that underlie all these tasks: neutrality and accountability. Only a practitioner who is perceived as neutral will be able to gain the trust and confidence of all participants. Trust and confidence are essential, because effective intervention frequently requires the confidential exchange of information and ideas, and because a practitioner must often probe, test, and challenge parties in their efforts to make sense of a conflict and its resolution. A participant who believes that a practitioner is seeking to promote a certain viewpoint will be less forthcoming than one who perceives him or her as substantively neutral. Similarly, practitioners must be accountable to stakeholders, convenors, and resource providers. Accountability implies standards of professional practice, standards that the parties accept and to which the practitioner is willing to commit.

Yet pure neutrality is in fact difficult to achieve and impossible to verify. Practitioners may, rather, promote the legitimacy of a process (Society of Professionals in Dispute Resolution [SPIDR], 1997) by taking specific steps to

- ensure the representation and effective participation of key stakeholders,
- refrain from advocating for any particular perspective on substantive issues,
- protect the confidentiality of all private communications with participants,
- develop and enforce ground rules that are acceptable to the participants,
- clarify how decisions will be made and by whom within the process, and
- structure and implement a process that is accountable and fair.

So what are the specific tasks mediators and facilitators need to undertake to promote the legitimacy of a process in this way and help a group reach consensus? How can practitioners help “create the organization” by linking disparate stakeholders into a functioning consensus building team? We will now examine in more detail the work conducted by consensus building practitioners to address issues of substance, relationship, and process (Susskind & Cruikshank, 1987).

Substance

Map Stakeholder Interests

To be effective, a practitioner must understand the concerns and interests of stakeholders. The design of a consensus-based process therefore begins with an assessment of the nature of the conflict. Practitioners conduct conflict assessments by interviewing key stakeholders and collecting other forms of data. The interviews should identify stakeholder groups, possible representatives who may take part in a process, and the relationships that exist between the parties. With this knowledge, a practitioner can determine how best to promote negotiations and collaborative problem solving, as well as identify strategies for helping
stakeholders explore their own interests, understandings, and perspectives.

*Establish a Work Plan or Agenda*

Consensus building, whether developed within a single meeting or in a complex, collaborative problem-solving process, requires a significant commitment on the part of participants. In addition, the issues associated with a complex dispute may not be clearly demarcated. Practitioners develop work plans (or agendas, in a single-meeting situation) to delineate the length of time a process or meeting will take, the level of commitment required of participants, the issues that are open for negotiation, and the activities needed to resolve the dispute. A practitioner must ensure that the issues presented for discussion deal effectively with the interests and goals of the participants. Early in a process, participants must discuss and come to agreement on the issues that will be up for negotiation.

In formulating a work plan, a facilitator or mediator often must prioritize the activities that are needed to resolve the dispute. If the future impacts of options being considered are highly uncertain, then joint fact-finding may be necessary. If different stakeholders have radically differing concerns, then detailed exploration of interests becomes essential. At the same time, a practitioner should ensure that a work plan can be altered as new information, issues, or tasks are identified.

*Create a Climate for Joint Fact-Finding*

Any consensus building process, short or long, involves a process of opening up issues, exploring them, and then resolving them. These phases are not distinct, but they are sequential. Issues cannot be resolved until they are clearly delineated. While the natural inclination of most participants is to spend little time on problem definition, it is absolutely essential that they clearly understand the dimensions, characteristics, and perspectives that give shape to a problem before seeking to develop solutions.

Facilitators and mediators typically devote initial meetings in a consensus process to identifying and creating a common under-
Before evaluating alternative packages, a mediator helps participants develop criteria for evaluation. Criteria that link jointly shared goals (such as fair-share distribution of affordable housing in Hartford) with objective standards (such as the increase in affordable housing as a percentage of households created within a community) work most effectively. Criteria promote openness by making options more concrete. Specific criteria help participants identify packages that best meet the underlying interests of the various stakeholders, and to openly discuss trade-offs among the options.

**Jointly Assess the Impacts of Alternatives**

Once participants eliminate clearly unacceptable options, they can further analyze the most promising options. In this stage, mediators help to organize task groups or identify independent experts to assist the participants in evaluating the likely consequences of proposed alternatives. This evaluation is iterative. A mediator uses the results of these assessments to challenge participants to redesign proposed options or to design entirely new options to better meet their collective needs. New designs, in turn, may need to be assessed for their potential impacts. A mediator must manage this process closely, ensuring that experts present their findings to participants in a timely and easy-to-understand manner. To do this, a mediator needs sufficient understanding of the issues under dispute to reasonably assess the analyses.

**Reach Agreements in Principle**

As participants refine their assessments of how proposed options affect their own interests, mediators and facilitators must help them to alter the options. Participants thereby seek to increase benefits to multiple stakeholders by identifying opportunities for joint gain, or seek to redistribute the costs and benefits among the stakeholders. Because issues within a dispute are often highly interconnected, the negotiators must merge specific alternatives into a comprehensive package. A mediator may then help participants organize this package by creating a single negotiating text: a document that describes the key issues and associated options for resolution, with areas of agreement clearly defined and areas of disagreement presented for further discussion.

Mediators construct a single negotiating text in several iterations. Early in a consensus building process, the text may consist of general statements of principles with which participants agree, as well as areas of disagreement that participants identify as important and in need of resolution. Mediators draw these statements primarily from the group memory: the notes taken during meetings on a flip chart by a member of the facilitation team. This allows participants to confirm the accuracy of the record. A mediator may also incorporate into the single text any ideas or possible agreements that he or she believes to be possible based on private conversations with participants.

Each participant (or, more efficiently, each team of like-minded participants) then reviews the document for clarification and refinement. To deal with particularly difficult issues, a mediator may organize task groups, hold caucuses among negotiators with similar interests, or discuss issues with participants in private. A mediator incorporates all new agreements and refinements into the single text, which is then reviewed by all participants.

The document thus becomes increasingly specific. The level of detail in a single negotiating text may vary. While some issues may be resolved in final form, other agreements may not be fully developed. If a consensus process is successful, the negotiators eventually develop a comprehensive package for resolving the dispute as a whole. By organizing the process around a single text, mediators improve participants' understanding of the issues and increase the efficiency of a negotiation.

**Promote Implementable Agreements**

Too often, participants consider their work complete after they resolve the substantive issues under negotiation. Many agreements unravel after they are reached, however, because participants give insufficient attention to how agreements will be implemented. A mediator helps to ensure that participants create a workable implementation plan.

Most agreements that resolve complex disputes require some legal, procedural, or administrative action to be implemented. Perhaps legislation must be enacted, new policy guidelines instituted, staff reallocated, or additional financial resources pro-
vided. A mediator should help participants identify these actions and develop ways of ensuring that they are carried out.

Participants must also identify the individuals who will carry out the implementation tasks. A mediator can help a group to develop a time line charting when certain tasks must be accomplished and by whom. If implementation will require significant coordination of tasks and individuals, a mediator will help participants establish an organizational structure for overseeing implementation. A small implementation advisory group, with representatives from each of the major interest groups, can be an effective way of ensuring that the tasks are accomplished. A mediator may be retained to help this group resolve future difficulties, though often this is not necessary.

Participants also need mechanisms for monitoring progress during implementation. These mechanisms should identify deadlines that are missed or slippage that occurs in an implementation schedule before it is too late to rectify the situation. An advisory group can use this information to help its members shepherd the implementation of an agreement through to completion. A comprehensive implementation plan will also specify criteria for measuring compliance with the terms of the agreement. These criteria, when coupled with a monitoring plan and procedures for resolving unexpected problems with or violations of the settlement agreement, greatly enhance the likelihood of successful implementation.

**Evaluate Outcomes**

Ideally, an implementation plan will also identify a method for evaluating the outcomes of an implemented agreement. An evaluation will help to determine if the intent and objectives of the original agreement were met. If an agreement was provisional or contained contingencies, an evaluation may alter the policies to be implemented. An evaluation may also prompt a renegotiation of specific provisions in the agreement.

**Relationship**

**Facilitate Effective Communication**

From the outset of a consensus building process, a practitioner will seek to promote more effective communication among disputants. Parties to disputes, particularly those involving complex issues and multiple parties, typically engage in strategic or emotional discourse. This discourse is rarely intended to provide a meaningful exchange of information about perspectives, goals, and interests. Rather, it is intended to shape perceptions and alter power. The presence of an intractable dispute, however, indicates that such discourse has not achieved its purpose and that participants need to communicate more openly and directly.

The transition to a more open pattern of communication is frequently difficult. Patterns of concealment breed distrust, which in turn build expectations of further concealment and deception. Yet, if a conflict is to be resolved in a manner satisfactory to all parties, a more thorough understanding of facts, analyses, perspectives, and interests is essential.

A mediator promotes improved communication during the convening phase both through personal conversations and the management of relationships between stakeholders. A mediator builds a personal rapport with participants during convening interviews. These interviews, which are designed to assess the conflict and existing relationships, provide a vehicle for opening dialogue between the mediator and each party.

During a negotiation, issues of personality, precedent, positions, power, and pride can have profound effects. A mediator who understands these potential interrelationships will be better prepared to design processes that compensate for these difficulties and to respond more proactively to the dynamics of a negotiation process.

**Ensure Appropriate Representation of Stakeholders**

The power of negotiation to fashion wise and sustainable solutions grows out of its ability to bring divergent interests and perspectives into commonality. One of the first tasks of a process convener is therefore to identify the individuals and groups whose interests are at stake or whose agreement may be necessary to resolve the dispute.

Practitioners conducting convening tasks must identify and interview major stakeholders to assess the structure of a conflict. Stakeholders include groups and individuals who may be affected by the outcome of the process, who can scuttle an agreement whether or not they participate, or who can block implementa-
tion of an agreement. Interviews with stakeholders allow a practitioner, in conjunction with the interested parties, to more thoroughly determine who should be represented at the table.

The task of selecting representatives to engage in direct negotiations is difficult but extremely important. For meetings involving more than 20 people, facilitators must use structured procedures for maintaining order. These procedures may significantly inhibit communication, flexibility, and creativity. Facilitators often, therefore, try to limit direct negotiations to 20 or fewer individuals. Thus, many more individual stakeholders exist than can effectively participate around the negotiating table.

To cope with this problem, facilitators and mediators often establish negotiation teams—groups with shared interests—and help them to jointly select representatives. The practitioner may also design a process to include broader participation, in which individuals not actively engaged in negotiations may nonetheless participate in a process. This can be accomplished by incorporating workshops, resource groups, and education programs into consensus processes. Practitioners also work to ensure that representatives are open to scrutiny by those individuals and groups that they represent and are capable of obtaining the assent of those groups if necessary.

In selecting participants for a public process, a practitioner should give special care to creating opportunities for the involvement of elected and appointed officials and members of community groups. Officials (e.g., mayors, city council members, and legislators) have a dual role in public dispute resolution processes. On the one hand, they are stakeholders, with clear interests in the negotiation. On the other hand, they represent the citizenry and cannot abdicate their legislative or executive responsibilities. Ultimately, most public policy decisions that emerge from a dispute resolution process will require their approval. Practitioners must therefore help government representatives examine and clarify their roles before engaging in a collaborative decision-making process.

Selection of community group representatives may also be problematic. Community groups (including public interest groups, neighborhood associations, and nonprofit business associations) are usually self-organized and represent a particular perspective within the community. As voluntary organizations, however, they typically have no mechanism for holding their members accountable. Moreover, they may claim to speak for a wider group of residents or interests than they in fact do. During development-related disputes, in particular, it is not uncommon for splinter groups to form out of previously cohesive community groups. Practitioners therefore seek to identify the full range of interests and viewpoints that exist in a community or organization and ensure that appropriate groups represent those interests.

**Manage Face-to-Face Negotiations**

While the convening phase includes many aspects of negotiation, these discussions generally occur one-on-one with a practitioner or in small groups. By bringing together all representatives for face-to-face discussions, mediators and facilitators formalize a process and obtain participants' commitment to negotiate.

In a first meeting, a mediator or facilitator typically introduces participants to each other, provides an overview of their interests, reviews what has already been accomplished, and finalizes both the work plan (or agenda) and the details of the negotiation process. A practitioner also uses the first meeting to formalize the ground rules of a process. While the mediator frequently proposes a set of ground rules, these rules will effectively guide the group's conduct only if members of the group find them acceptable. All participants must therefore review the ground rules, to ensure that they enter into negotiations with shared expectations concerning the "rules of the game" and the process of negotiations.

Typically, ground rules cover three facets of the negotiation: the process (e.g., decision-making procedures, communication with the press, attendance at meetings), the agenda (e.g., range of issues to be addressed, the introduction and use of data, the time line), and behavior (e.g., prohibition on personal attacks, rules for governing information exchange). In particular, ground rules will likely clarify the following.

**The roles of and relationships among participants.** Many complex negotiations involve a core group of decision makers (often called a steering committee) as well as other groups of interested parties who may play subsidiary roles (such as technical work groups or citizens advisory groups). A support staff, either vol-
Discussion of these and other options, while they need not be
developed before the negotiations begin, will nonetheless provide
participants with a fuller sense of how negotiations might
proceed.

The existence of reasonable deadlines. Deadlines create an incen-
tive to negotiate seriously and efficiently. If no fixed deadline
exists, deadlines can usually be created based on the legislative
agenda or other circumstances. Deadlines that do not provide for
sufficient time are to be avoided, however, since they reduce both
the legitimacy of the process and the creativity used in problem
solving. The ground rules should specify the expected length of
time of a process and note any fixed deadlines.

Build the Capacity of the Parties to
Engage in Meaningful Negotiation

In complex, multiparty disputes, in particular, participants
may have little negotiating experience, few resources to engage
in technical analysis, or little power to bind other individuals
whom they represent in an agreement. If the negotiations are to
be meaningful, a mediator may need to build parties’ capacity to
negotiate. In particular, technical assistance is frequently pro-
vided to encourage more realistic expectations and to set the
framework for negotiations. A mediator may also help parties to
engage in vertical team bargaining, in which stakeholders with
similar interests (and their representatives) negotiate among
themselves to develop a clearer vision about the options that are
acceptable and why.

Process

The process emerges from the context. Practitioners focus on
cravings of substance and relationship to help define how a
process should be structured, what issues should be dealt with
and when, and what interventions are likely to be of greatest
import. In working with participants, practitioners seek to model
behaviors that will be useful once a consensus building process is
initiated. Disputants can often develop agreements on process
before they are able to make progress on substance or relation-

untary or paid, might also be available. Community and interest
groups not directly involved in the negotiations may also have
some role to play. The relationships among all of these types of
stakeholders must be clearly understood and set forth in the
ground rules.

The latitude and authority afforded to a mediator or facilita-
tor. Typically, facilitators and mediators help groups of partici-
pants make substantive decisions and do not actively engage in
these decisions. On issues of process, however, a neutral party’s
role may vary widely. While some processes provide a mediator
with considerable discretion (such as control of a fact-finding
budget), other processes restrict the mediator in terms of budget,
staff, and involvement. The mediator’s or facilitator’s roles and
responsibilities should be set forth in the ground rules.

The openness of the process to outside scrutiny. In public pro-
cesses, a coherent policy for communicating with the press is
necessary. Furthermore, sunshine laws in many states specify the
degree to which policy negotiations must be open to the public.
When participants are negotiating issues of public policy or
community interest, the process must be accountable and open
to scrutiny. An excessively “public” negotiation, however, can
reduce creativity by increasing the reticence of participants to
present new ideas and openly discuss alternatives. Hence, such
openness tends to promote positional bargaining at the expense
of joint problem solving. Sometimes, this tension can be managed
by holding both public forums and private meetings. Ground
rules should include guidance regarding participants’ dealings
with the public and the press. (See Chapter 11 for more on dealing
with the media.)

Options for enhancing meetings and communications. Steering
committee meetings, while essential, are often not sufficient for
resolving disputes. Typically, groups of stakeholders with similar
interests (e.g., the neighborhood conservation interests or the
development interests) may wish to meet to discuss joint con-
cerns. Work groups may need to be established to examine
particularly difficult issues. The mediator may promote shuttle
diplomacy, in which he or she transmits information between
groups. A single negotiating text may be used to focus debate.
ships. In addition, practitioners seek to build shared commitment to the process, to prepare the participants for the cycle of opening up, dealing with, and resolving their differences. Finally, a practitioner seeks to match resources (time, money, and political will) to the design of a process. (See Chapters 1-4 for more information on various aspects of process design.)

**Selecting a Consensus Building Practitioner**

Consensus building and conflict resolution are normal social activities. In the process of social discourse and interaction, disputants regularly employ the skills and behaviors necessary to manage conflict. Under some circumstances, however, this normal process of social decision making breaks down. We are neither able to make a decision on our own nor able to effectively reach a joint decision with others whose support or acquiescence we need. Under these conditions, we may seek help from someone with consensus building expertise.

Consensus building practitioners are not licensed or certified. Hence, anyone can offer his or her services as a facilitator, mediator, or dispute systems designer. For those seeking consensus building assistance, this section provides guidance regarding the places such expertise can be found and the skills and experience that are desirable.

**Internal versus External Assistance**

Stakeholders involved in a dispute may look for assistance either within one of their own organizations or from an outside organization. For example, if officials at the U.S. Environmental Protection Agency (EPA) were involved in a dispute with other parties, they could seek mediation expertise from trained mediators either within the EPA itself, within an allied organization or institution (e.g., the Department of Interior or the Council on Environmental Quality), or from an independent organization (e.g., a nonprofit or for-profit dispute resolution organization).

In any particular situation, then, where is the best place to look for a consensus building practitioner? Let us look at the advantages and disadvantages of selecting consensus builders from each of these three sources (internal to a stakeholder organization, from an allied organization, from an independent organization). For facilitators and process designers, there are three major characteristics along which we can examine these relative advantages: ability to understand the context, ability to design and manage the process, and impartiality. For mediators and those involved in convening, we can add a fourth: ability to handle sensitive information. Table 5.1 presents these observations.

What can we conclude from this table? In general, an organization seeking to resolve a dispute through consensus building must make a trade-off between expense and ease of access, on the one hand, and impartiality, capacity to deal with sensitive information, and possibly skills and objectivity, on the other. As issues of confidentiality and impartiality increase, the need to go outside a stakeholding organization also increases.

In most situations, then, mediators and those assisting with convening tasks should come from outside a stakeholding organization. Facilitators may more often be drawn from within an organization. This is particularly true when disputes spring from within a single organization, the issues are relatively clear and demarcated, the facilitator has no interest in the outcome of a decision, and the roles and responsibilities of the facilitator are clear and well understood by participants (Schwarz, 1994, p. 238).

Practitioners who come from outside a stakeholding organization can be either community based or professionally based. Community-based practitioners build on a social network that lends legitimacy to a mediation effort. Such consensus builders can emerge from ongoing relationships (a neighborhood elder), local leadership positions (a local political leader or planner), or structured institutions (a neighborhood dispute resolution center). Often, they work as volunteers or are paid to conduct work other than mediation.

Professional neutrals, on the other hand, build on expertise and adherence to a professional code of practice. They serve at the pleasure of the parties, place a high value on both neutrality and impartiality, and work to help parties fashion a consensus solution to their own problem. They are almost always paid to work in this role.
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Inside the Organization</th>
<th>An Allied Organization</th>
<th>An Independent Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to understand the context</td>
<td>High accessibility to organization’s values, history, and dynamics; insider’s perspective; potential biases from internal perspective</td>
<td>Presumed shared values; general understanding of history and dynamics; potential unwillingness to test assumptions</td>
<td>Greater likelihood to test assumptions held by people from within organizations; more objective perspective; outsider’s perspective; can work more effectively across organizations</td>
</tr>
<tr>
<td>Ability to design and manage the process</td>
<td>Least expensive; potential acceptance by stakeholders from within the organization; access to groups early in the process; larger group demands on consensus builder; greater likelihood of rejection by stakeholders from outside the organization</td>
<td>Less expensive; ease of initiating; reasonable distance from group; competing demands on consensus builder’s time for other projects; possibility of distrust growing out of organizational competition</td>
<td>Most expensive; usually initiated after problem becomes more serious; clearest delineation of the role of the consensus builder; possibly more fully developed consensus building skills</td>
</tr>
<tr>
<td>Impartiality</td>
<td>Potentially high within the organization, presuming consensus builder has no substantive interest in the outcome; potentially subject to authority within the organization; likely to be perceived as partial by stakeholders outside the organization</td>
<td>Mixed, depending on how participant organizations perceive the hosting organization</td>
<td>Highest, particularly if consensus builder is selected by participants in the process</td>
</tr>
<tr>
<td>Ability to handle sensitive information</td>
<td>Potentially the least likely to reveal information to parties outside the organization, but most likely to reveal information to others within the organization</td>
<td>Potential organizational pressure to use sensitive information strategically to the advantage of the host organization</td>
<td>Highest incentive to maintain confidentiality, and least organizational pressure to reveal information</td>
</tr>
</tbody>
</table>

In community- or ethnically based conflicts, in particular, a trusted local elder or leader may be the best choice. But this model is inherently limited to communities that share common leaders who are widely trusted. Institutionally based voluntary mediators and facilitators may be able to work across community lines, but time, experience, and other resources often limit their applicability.

The greater the complexity of substantive issues, relationships, or process, the more pronounced the need for an independent, professional facilitator, mediator, or process designer. In any given situation, the complexity of the substantive issues increases as the number of issues, the technical complexity of issues, and the number of diverging perspectives and interests increases. The complexity of relationships is affected by the number of parties, the history of antagonistic perspectives, and weak patterns of communication. The complexity of a process is increased by the need to protect confidentiality, neutrality, legitimacy, trust, and accountability; by the need for a long-term process with multiple meetings; and by the degree of integration between negotiating issues and the larger policy-making processes.

These conditions, in and of themselves, may not require an independent, professional practitioner. However, they frequently lead to conditions in which parties have difficulty communicating and negotiations either cannot commence or become deadlocked. Particularly in complex organizational or public policy issues, professional facilitators and mediators are often able to identify existing barriers to negotiation and effective communication and to develop processes that enable a dispute to be resolved.

During a process, a practitioner frequently intervenes to keep discussions on track. These interventions, while decisive to the resolution of conflicts, can be seen by parties as potentially serving the strategic interests of other parties. Participants’ trust in a mediator therefore will likely be tested during a process. To maintain legitimacy, mediators must work to keep a process (and what they are doing in the process) transparent and accessible to participants. Equally important, practitioners are usually selected or approved by the participants in the mediation process and serve at the pleasure of the parties as a group.
How to Find Qualified, Professional Practitioners

When a professional neutral is needed, then, how can one best be selected? The most common system for identifying professional practitioners for consideration is the use of rosters run by various state offices of dispute resolution, or by other state or federal agencies. These offices and agencies rarely certify the qualifications of the mediators on the roster. Rather, they serve as information services, promoting more informed choice among disputants. Rosters thus work best when supported by an informed staff capable of helping disputants understand their core needs, develop criteria for selecting a good neutral, and identify individuals on the roster who meet those criteria.

While drawing from a roster creates the opportunity for parties to a dispute to mutually select a mediator, the process poses several challenges. In real-life conflicts, disputants are frequently pressured by time, budget, and resource constraints. The selection of a practitioner from a roster may itself require building consensus among disputants, which can be time-consuming and contentious. It may require considerable guidance by a convenor.

Practitioners may also be identified and secured via special contracts at federal or state agencies. Under “sole source, indefinite deliverable contracts,” as they are called, an agency makes an agreement with a prime contractor who develops and manages a long list of qualified subcontractors. Such contracts help to ensure that mediation and facilitation services can be obtained quickly and reliably. The prime contractor frequently works with the agency on each project to clarify process goals and identify an appropriate neutral. While this facilitates the process of neutral selection, it usually does not extensively involve all stakeholders in the selection process. Moreover, the practitioner is often paid exclusively by the lead agency, thereby potentially confusing the relationship between the practitioner and the convenor and raising questions of neutrality with other stakeholders.

Professional practitioners can also be identified through a request for proposals (RFP). RFPs can provide selection teams with a great deal of flexibility in their search. Traditional RFPs, however, which request a proposal for a process design and an estimate of total costs and then award the contract to the lowest qualified bidder, are inappropriate. A dispute resolution process must be designed based on the context of the dispute, which can be determined only through extensive discussions with stakeholders and cannot be adequately discerned from a description of the conflict in an RFP. Likewise, total cost estimates for a process are impossible to determine before conducting a conflict assessment and process design. A practitioner’s rate structure will provide a more meaningful indicator of potential cost. Generally, an RFP should request information on the experience, knowledge, and style of intervention typically used by the practitioner, as well as references from parties involved in previous interventions.

Other resources for finding mediation and facilitation candidates include professional organizations, the Internet, and publications. SPIDR and the International Association of Public Participation (IAP2) are two particularly active organizations, with SPIDR focusing on convening, mediation, and dispute systems design services and IAP2 focusing on convening and facilitation services. Membership in both organizations is subdivided by area of practice specialization. On the Internet, the Mediation Information and Resource Center (at http://mediate.com) provides extensive information on mediation and lists mediators who pay to register with the center. The newsletter Consensus, published by the MIT-Harvard Public Disputes Project, not only provides extensive information on consensus building and conflict management practice but also contains practitioners’ advertisements, listed by geographic region.

Specific Characteristics to Look for in Selecting a Facilitator or Mediator

Someone seeking the services of a professional consensus building practitioner should look for a person with the following characteristics.

Experience in managing complex organizational or public policy issues is the best predictor of a practitioner’s skill. Look at a practitioner’s history as a professional neutral and his or her experience working on similar issues. Ask for, and call, references. Ask a practitioner to explain his or her general experience, as well as experience with situations similar to yours. Have the practitioner describe his or her involvement in these processes, how the process was managed, and the outcomes.
Look for evidence of the process skills needed to manage complex organizational or public policy consensus building. Key skills include interviewing, process design and management, meeting management, handling confidential information, and bringing processes to a close. In an interview, ask practitioners to describe the processes they usually use in situations similar to yours, why they use those approaches, and what they would recommend in your situation. Ask them to share advice on how best to proceed in your situation. Look to see whether they ask good questions and grasp the situation quickly.

A capacity to understand and communicate clearly on the substantive issues in dispute will assist a practitioner in resolving that dispute. What is needed is the capacity to analyze complex problems, a general understanding of the issues under dispute and the language used to describe those issues, and (if applicable) the ability to deal with complex facts and technical analysis. Ask practitioners to describe their substantive background and their experience with the issues under dispute. If the practitioner lacks the knowledge needed to understand the dispute, ask the practitioner to describe how he or she intends to gain this knowledge.

The capacity to work with a broad array of stakeholder groups is extremely important, but difficult to evaluate. Look for the use of neutral and impartial language, sensitivity to participants’ values, and effective listening skills. Ask practitioners to relate stories about working with participants from other processes. If cultural differences will be important, ask for experience in cross-cultural dialogues. Look for practitioners who appear to be patient and flexible. Look for dispute management styles that are consistent with the expectations of the participants.

Training in dispute resolution techniques is useful, but is no substitute for experience. Increasingly, young mediators and other practitioners receive graduate education in dispute resolution. Look for programs that effectively incorporate internships and other forms of practice-based experience.

The acceptability of a practitioner to all stakeholders is an important determinant of success. Look at practitioners’ previous work experience and institutional affiliations. Are there any conflicts of interest? Will they be perceived as favoring one set of interests over another? Ask them to describe any code of ethics or conduct to which they subscribe.

Finally, consider the cost of services, the availability of practitioners within the time frame needed, and the capacity of practitioners to manage the logistics of a process. Ask practitioners how they charge for services, and what you can do to reduce costs. Have them describe the logistical arrangements that they think are important in your situation, and how they will manage those arrangements.

Organizing the Selection Process

Ideally, the participants in a process will select their own mediator. Such a selection process is rare, however, because participants are typically chosen only after a practitioner conducts a conflict assessment, and in most cases the practitioner is hired to both convene and mediate or facilitate the process. While some convenors hire a practitioner to initiate the process and then select a separate mediator to conduct the process, this arrangement has drawbacks. The practitioner who carries out the conflict assessment builds a rapport with participants and becomes well educated on the issues in dispute and the interests of the various stakeholders. A mediator brought on only to mediate the process will have to quickly get up to speed on these important items.

Sometimes, a small but diverse cross section of stakeholders will jointly design a selection process. While not all participants are involved in the selection, representatives of their interests are. This process has clear advantages. The practitioner is subject to the direct scrutiny of key parties, thereby enhancing his or her legitimacy in the eyes of other stakeholders. Practitioners can be interviewed by a group, which provides a more realistic setting within which to evaluate their skills and sensitivities. The committee generally selects the practitioner based on a consensus decision of the group, thereby building up a pattern of agreement between the disputing parties.

In many situations, a practitioner is selected by one of the parties involved in the dispute. Typically, this is the convenor or the public agency responsible for making the decision. While this offers considerable flexibility and efficiency in initiating a process, it has inherent drawbacks. Participants may question the legitimacy and neutrality of the practitioner. Following the con-
vening process, then, participants should be afforded an opportunity to raise questions and concerns they may have about the practitioner, and to change practitioners if appropriate.

**Conclusion**

Techniques used by consensus building practitioners allow for an understanding of the issues at conflict, a clear identification of the underlying interests, improved communication, and an accommodation of the public good. Yet the use and availability of facilitators, mediators, process designers, and other practitioners remains context specific. By describing conditions that affect the use and appropriateness of various types of consensus building neutrals, this chapter seeks to equip organizational and community leaders with the skills necessary to initiate these nonadversarial approaches to decision making. While there are no guarantees of success, organizational and public policy disputes are increasingly resolved through mediation and consensus building. As the trend toward participatory management and policy development continues to grow, these techniques are likely to become even more integral to decision making.

**Note**

1. The author was involved in both of these cases as a dispute systems designer or evaluator.

**References**


