Stakeholder Collaborative Processes for Consensus Building on Planning Issues

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Conflict is an inevitable component of most planning processes. How well such conflict is managed can be the difference between stalemate and progress in many instances, particularly where a number of stakeholder groups with disparate interests and objectives have mobilized around an issue. This article discusses the use of neutrally facilitated collaborative processes, also known as a consensus or multi-stakeholder groups, for consensus building on planning issues. Though not appropriate in all situations, stakeholder collaborative processes can be particularly useful in addressing conflict when organized stakeholder groups are at odds over well-defined issues. In the sections that follow, we discuss (1) stakeholder collaborative processes as a form of public participation, (2) when stakeholder collaborative processes are most appropriate, and (3) how a stakeholder collaborative group may be established and facilitated. Additional resources are referenced at the end of the article for readers who wish to explore this subject further.

Collaborative Processes as a Form of Public Participation

As illustrated in Figure 1, forms of public participation commonly used by planners can range from merely informing the public of an agency's decision to full empowerment, with forms that allow for varying degrees of public impact between these two extremes. In some cases, such as routine administrative site plan reviews, there may be no need for public participation; simply making the information available to the public via public records or notices might be appropriate. Other situations, such as relatively non-controversial zoning applications, may call for public hearings to receive comments. As the potential impact upon stakeholders increases, or as active or mobilized groups with competing views emerge, public education and dialogue becomes more important.

Stakeholder collaborative processes are a step beyond public involvement as they involve the participants in dialogue, education, and understanding of opposing positions. Such processes provide a structure within which stakeholders may negotiate amongst themselves to develop recommendations that represent their combined interests, most often through a consensus-building process. These recommendations may then be presented to the final decision maker, typically a governing body or planning agency. In some situations a representative of the final decision maker may participate as one of the stakeholders, bringing the interests of the final decision maker into the negotiation process.

Figure 1: The Spectrum of Public Participation

Type of Public Participation	Goal of Participation	Promise to Public	Example Tools
Inform	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, and/or solutions.	We will keep you informed.	Fact sheets Web sites Open houses
Consult	To obtain public feedback on analysis, alternatives, and/or decisions.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	Public comments Focus groups Surveys Public meetings
Involve	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	Workshops Deliberative polling
Collaborate	To partner with the public in each aspect of the decision including the development of alternatives and identification of the preferred solution.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	Citizen Advisory Committees Consensus-building Participatory decision making Charrettes
Empower	To place final decision-making in the hands of the public.	We will implement what you decide.	Citizen Juries Ballots Delegated decisions

(IAP2 2000)

When is a Stakeholder Collaborative Process Appropriate?

Planners commonly encounter situations in which multiple stakeholders with seemingly intractable positions oppose one another, making the notion of consensus seem naïve. Situations such as these may be ideal for collaborative processes. For example, a number of wireless telecommunications carriers may seek to provide coverage in residential and environmentally sensitive areas, leading to opposition by residents and environmentalists. Alternatively, the development of a growth management plan may lead to controversy among suburban residents opposing infill, homebuilders seeking to retain developable land, environmentalists, and a multitude of others.

While there is no silver bullet for such situations, a well-facilitated collaborative process can sometimes lead to a surprising degree of consensus, or at the very least a more complete understanding among stakeholders of one another's positions. While a

stakeholder collaborative process does not guarantee consensus, the failure to attempt such an approach all but guarantees that there will be no opportunity for consensus.

Before establishing a stakeholder collaborative, it is important to determine whether it is the most appropriate form of public participation for the issue at hand. Much depends upon whether the final decision maker (e.g., planning commission, governing body) is willing to buy into the results of the process and provide sufficient time and (if they are funding the process) resources for the process to play out. A stakeholder collaborative process is a form of negotiation. Therefore, the issues must be negotiable among stakeholders, including the final decision maker. The final decision maker should also consider whether it is willing to share control over the process. As discussed below, it is important for participants in a collaborative to have control over the ground rules of the process, including agreement on how consensus will be defined and determined. Having representation from the final decision maker in the stakeholder collaborative may be essential to address these issues.

Checklist for Determining Whether a Collaborative Process is Appropriate

- ✓ The issues are of high priority and a decision is needed.
- ✓ The issues are identifiable and negotiable. The issues have been sufficiently developed so that parties are reasonably informed and willing to negotiate.
- ✓ The outcome is genuinely in doubt.
- ✓ There is enough time and resources. Time is needed for building consensus among conflicting interests, and resources are needed to support the process.
- ✓ The political climate is favorable with leadership support for the process and appropriate timing with regard to elections and other issues.
- ✓ The decision-making agency is willing to use the process.
- ✓ The interests are identifiable. It will be possible to find representatives for affected interests.

(SPDR 1997)

Establishing and Facilitating a Stakeholder Collaborative Group

In establishing a collaborative group it is essential that all key stakeholders be identified, and that effective representatives of those stakeholders are offered the opportunity to participate. Balanced and inclusive representation is important for reasons of legitimacy, equity, and diversity of ideas. Furthermore, a collaborative group with diverse representation is likely to be seen by the elected officials, the public, and the press as more legitimate. Many collaborative groups fail because of poorly designed processes that fail to include key stakeholders. Collaborative groups also require fair and effective processes. The group should have considerable say in the design of the process, including determining their own representation (e.g., for presenting outcomes to the public), identifying appropriate sources of information, determining how decisions are made, and selecting a mediator or facilitator.

The following is a list of key elements that will generally be a part of a successful collaborative process. These elements are illustrated with a specific example of a stakeholder collaborative group, the Maryland Smart Growth Collaborative that was formed in 2002 to develop recommendations to the incoming governor on the state's growth management policies.

Neutral Facilitation

The use of a neutral facilitator, who should ideally be a third party assigned to the project *prior* to the formal convening process, is essential. A neutral, third party facilitator conducts the convening process, helps design the structure of the process, keeps discussion on track, and encourages full participation by each participant. In the case of the Maryland Smart Growth Collaborative, the facilitators were also able to hold valuable "off-line" discussions with participants between meetings about any issues that arose or improvements that could be made. These interactions kept the facilitator aware of all issues and dynamics and provided valuable information in determining how to proceed. Collaborative participants also requested that the neutral facilitator prepare a draft set of recommendations based upon the group's discussions, providing a starting point for the development of the group's recommendations.

Best Practices for Government Agencies: Do's and Don'ts for Facilitators or Mediators in Agreement Seeking Processes

Facilitators or mediators should:

- Advocate for principles of collaboration, including fair representation;
- Protect the confidentiality of private communications;
- Develop ground rules supported by all participants, and enforce them impartially;
- Address actions of bad faith or perceived bad faith;
- Advise the parties when the process is not meeting its objectives;
- Disclose any continuing or frequent contractual relationships with any of the participants;
- Withdraw if the group no longer supports their role; and
- Withdraw if the sponsor persists in controlling the process.

They should not:

- Participate in processes that are intended to circumvent legal requirements or whose purpose has been misrepresented;
- Advocate for any participant's position;
- Allow the sponsor or funding agency to control the process through them; and
- Engage in other types of contracted services with the sponsor or agency while facilitating an agreement-seeking process.

(SPIDR, 1997)

Undertaking a Convening Process

Once a neutral facilitator has been identified, the next step in establishing a collaborative group is to identify a wide range of stakeholders who represent key interests in the issue being addressed. In the case of the Maryland Smart Growth Collaborative, stakeholders ranging from developers and homebuilders to environmental activists, citizen organizations, and historic preservationists were included. As discussed above, ensuring that the views of diverse groups are included in a process is critical to its ultimate success. Getting "buy-in" on a consensus agreement by ensuring that each stakeholder is an active participant in the process gives the result more credibility to political leadership.

By having a neutral third-party facilitator make the initial contact with a group of stakeholders, participants can see that the process will be open and unbiased. It is good practice to develop a set of interview protocols to guide these discussions and ask questions such as:

- What are your interests in the issue?
- Have you participated in any similar efforts?
    - If so, was it a positive experience?

    - If not, what could be improved?
- Would you be willing to dedicate the time to participate in a process?
    - If not, would you like to be kept apprised of progress?

A neutral facilitator with no stake in the outcome will be able to contact potential stakeholder participants and discuss the issues fully and openly. Neutral facilitators should also able to offer the promise of confidentiality – that if an individual wishes to make a statement or state an interest and yet not have that viewpoint attributed to him or her, the facilitator will respect that request. The combination of neutrality and confidentiality may also enable the facilitator to elicit a great deal of information about who else should be contacted for more diverse representation.

In the case of the Maryland Smart Growth Collaborative, many prospective participants were initially concerned that the wide disparity of the interests likely to participate in the Collaborative would leave no chance for consensus on anything of substance, making participation a waste of time. While the facilitators obviously could not promise that there would be consensus on anything, they did promise that participation would at the very least inform parties of the issues and that the process would enable everyone to begin to understand where various stakeholders stood on the substantive issues. It was also pointed out that participation offered at least the opportunity for consensus. Further, the participants recognized that if a group were convened, it would be important to craft a policy agreement for the governor and legislature that was developed by a group representing a diverse set of interests.

Identifying Potential Obstacles to Success

It is also critical to identify any potential obstacles to success that could impede progress early in the process. Gathering this information helps facilitators address sensitive topics appropriately or use institutional knowledge of an issue or events to make decisions about the approach to facilitation. For example, during the facilitators' initial contacts with the Maryland Smart Growth Collaborative stakeholders it was revealed that some stakeholders had been involved in previous efforts to convene a group to focus on Maryland's smart growth issues. By most accounts these efforts were disorganized and unfocused, discouraging some from participating in the collaborative being formed. When the reaction of stakeholders to previous efforts was heard, it was clear that the success of the effort would depend on making this experience a different one. Knowing about past successes or failures, facilitators can often address issues by developing a clear set of ground rules and operating principles.

Using a Consensus-Driven Process

A consensus-driven process can add weight to the final recommendations or, if consensus is not reached, at the very least lead to a more complete understanding of one another's positions among participants. However it can also alleviate many potential participant concerns about process. For example, many participants in the Maryland Smart Growth Collaborative were concerned that their viewpoint or interest would be overwhelmed and that they would be "outvoted." Several participants indicated that they would participate only to the extent that the requirement of consensus (and a clear

definition of what consensus really meant in practice) was made a part of the ground rules and clearly understood from the beginning.

Ground Rules and the Path to Consensus

During the initial meetings of a collaborative group it is important to seek consensus on a clear set of ground rules. Accomplishing this simple task may be critical to any future progress. The ground rules should clarify the path for moving forward so that everyone is operating from the same set of process assumptions. Members should understand why and how a collaborative was convened, how the group will function and make decisions, what issues they will be discussing, and where various stakeholders stand on the major issues. For example, at the first meeting of the Maryland Smart Growth Collaborative, the members closely questioned the ground rules drafted by the facilitator, including the meaning and definition of the rule that "the Collaborative would make all decisions by consensus." After extensive discussion, this ground rule was understood by everyone to mean that any single interest had the power to block agreement on an issue and, therefore, any recommendation from the collaborative as a whole would be based only on full agreement.

Political Leadership and Timing Affects Outcomes

The political environment can either make or break the success of a collaborative. Proposals are likely to have a greater chance of success when political leadership buys-in to the collaborative as a legitimate source of negotiated recommendations among the leadership's stakeholders. Without the buy-in of political leadership, the relevancy and weight of a collaborative group's recommendations may depend upon whether political winds are blowing in support its recommendations. Continuity through political administrations can also affect outcomes. For example, Maryland's 2002 gubernatorial election had a significant impact on the work of the Maryland Smart Growth Collaborative. In November, Maryland elected its first Republican governor, Robert L. Ehrlich Jr., in 34 years. The previous governor, Parris Glendening, was the political figure in the state most closely associated with promoting smart growth policies and it was not clear if the Collaborative would be supported by the new administration. On some issues, the beginning of a new political administration might be the time to seize the opportunity to provide recommendations from a broad-based group that will have legitimacy with either political party. However, there were also challenges posed by the timing of a dramatic change in the political party leading the state and uncertainty regarding the new administration's commitment to the past smart growth approach. The ultimate outcome of this process is still to be determined.

Conclusion

Collaborative processes using neutral, third party facilitators can bring together a diverse group of stakeholders who appear to have diametrically or intractably opposed positions, and reach agreement on a set of robust policy recommendations. To be successful, it is important to (1) ensure that such a process is appropriate for the planning issue at hand, including buy-in from the political leadership and/or decision-making agency; (2) ensure broad stakeholder representation through a convening process; (3)

assign a neutral, third party to facilitate the process; (4) use a consensus-driven approach; (5) identify and address obstacles to success early in the process; and, (6) establish clear ground rules and expectations for the process at the initial meetings. Collaborative processes do not eliminate conflict, but they can assist the planner in managing the conflict that commonly arises in any number of planning processes. Moreover, by creating a mechanism among stakeholders for dialogue and understanding, a successful collaborative process can have benefits that extend to future situations where conflict may arise.

Bibliography

Society of Professionals in Dispute Resolution (SPIDR) Environment/Public Disputes Sector Critical Issues Committee. "Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes." 1997. (Available online at http://www.acresolution.org/research.nsf/key/EPPbestpractices)

International Association for Public Participation (IAP2). "IAP2 Public Participation Spectrum." 2000. (Available online at http://www.iap2.org/practitionertools/spectrum.html).

Additional Resources

Association for Conflict Resolution
http://www.acrnet.org/

United States Institute for Environmental Conflict Resolution
www.ecr.gov

Mediate.com Public Policy Section
http://www.mediate.com/consensus/index.cfm