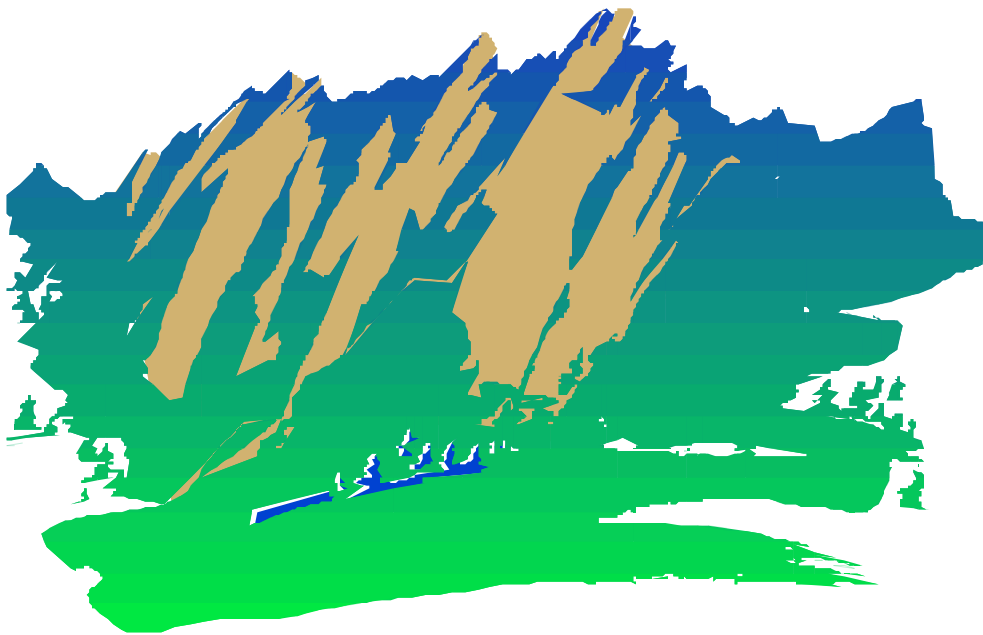


Effective Collaborative Processes on Sustainable Development and Environmental Policy



The Boulder Principles

A Work-In-Progress

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The participants in the workshop and meetings who produced this document are clear that it should be considered a work-in-progress. Reflections on application of the principles or suggestions for improvement are welcome from all interested individuals and groups.

Please send comments to:

Peter Woodrow or Suzanne Ghais

CDR Associates, 100 Arapahoe Avenue, Suite 12

Boulder, CO 80302

or e-mail:

pwoodrow@mediate.org or sghais@mediate.org

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The Boulder Principles for Effective Collaborative Processes on Sustainable Development and Environmental Policy

INTRODUCTION

This document arises from two meetings on collaborative processes in international public policy development. The meetings were held June 30–July 1, 1997 and February 20, 1998, in Boulder, Colorado. The meetings were cosponsored by the Council of Great Lakes Industries, US Council for International Business, and the US Environmental Protection Agency. Boulder-based CDR Associates facilitated the meetings. The principles which follow reflect the thinking of the participants. A case study recounting the experience of the group in generating and refining the principles, including a list of those who participated, is provided in Part III.

Participants in the meetings were invited to engage in a facilitated process with the goal of developing provisional agreements regarding:

- The *principles* which should guide effective practice of international public policy dialogues.
- *Procedural guidelines* for international public policy dialogues.

A key aspect of the meetings was the involvement of people with varied interests and experience. The participants recognized their own diversity as a strength of the workshop. Participants included representatives of industry, academia, the scientific community, indigenous tribes, NGOs, and government. So far, only representatives from the United States and Indian tribes have contributed. Extension of the dialogue to Canada and Mexico was identified as a necessary future step. All participated as *individuals*, so their contributions should be regarded as their personal views and not necessarily those of the organizations with which they are affiliated.

Collaborative processes on sustainable development and environmental policy issues must involve a broad range of stakeholders, such as international organizations, national governments, states or provinces, municipalities, indigenous or tribal groups, industry representations, organizations representing broad community interests, minority groups, and environmental perspectives. Such processes are a fairly new and quickly evolving enterprise, and we have much to learn from each other about how these processes can be made most productive. Continual learning and exchange of ideas and experiences are important.

Collaborative processes regarding environmental policy and/or issues of sustainability comprise a wide range of activities. Collaborative processes include, but are not limited to the following:

- Traditional public *hearings*, in which officials gather comments and suggestions regarding a proposed policy.

- Public involvement efforts designed to engage the general public and/or specific advocacy groups in a series of *dialogues*, aimed at informing designated decision makers who retain control over enunciation of policies.
- Preliminary or *exploratory discussions* held among potential parties—held in order to determine the scope and feasibility of formal negotiations.
- *Consensus-building processes* within a diverse stakeholder group which has been asked by a specific government agency or body to provide *recommendations*—which the agency may accept and implement or not.
- *Negotiations* among a diverse stakeholder group which has been given the authority to make *decisions* regarding certain policies or their application in specific instances.
- *Negotiations among sovereign entities* (such as national or tribal governments) with the aim of crafting *agreements* on a broad or narrow set of issues.

While the initial focus of the group was on international discussions within North America regarding sustainable development and environmental policy, as the documents evolved, the group realized that the principles apply as much to forums for discussion within the United States as to those across international borders. In addition, while these principles reflect this group's experience, they need to be examined by colleagues in other countries.

The general principles and specific suggestions below constitute this group's best thinking as it developed through vigorous dialogue at the meetings. Others involved in development of public policy should consider them as informed suggestions, not as absolutes. They should also be considered a *work in progress* which may not apply equally in every situation. The drafting group also asserted the need to test these principles in practice and further refine them based on experiences in a variety of groups and settings.

PRINCIPLES AND IMPLEMENTATION SUGGESTIONS

Each section below includes a statement of a general principle or principles, followed by specific suggestions regarding how the principles might be implemented. Additional procedural advice is provided in *Part II: Guidelines for Conducting Effective Collaborative Processes*.

Establish an Ethical Base for Collaborative Processes

Collaborative processes regarding environmental issues should be grounded in an understanding and application of ethical principles. Ethics is the collection of thinking and practices by which humans try to work together in ways that promote equity and justice. Discussions of sustainability and the environment seek equity and consider the interests of unrepresented parties, such as future generations. An ethical approach implies both an acceptance of responsibility for our

natural world and a commitment to searching together for ways to pursue economic activities while sustaining the earth.

An ethical approach to dialogue will engage us in a cooperative struggle. In its most profound and ideal form, an ethical process enables each of us to see the world from the perspective of all other participants, to stand for a moment in their shoes, and to recognize our common humanity. When this occurs, we may find ourselves propelled into processes of change—accompanied by excitement, opportunity and risk. While some may strive to attain this transformational ideal in all circumstances, we know that, at the very least, we must treat each other as equals and with mutual respect, as we work towards agreements that acknowledge the needs and interests of all parties.

Implementation Suggestions

1. Different types of processes may require different levels of commitment. Early exploratory dialogues may be undertaken without any guarantees regarding outcomes, change or the authority to negotiate. If dialogues proceed to more formal negotiations regarding specific conditions or policies, such questions become more important, and require a commitment by all parties to seek agreements regarding maintaining, changing, or restoring environmental conditions.
2. Ethical negotiations, undertaken in good faith—and which move beyond dialogue—may induce change in ourselves and in others. We must enter negotiations open to the changes in ourselves which may ensue. We must not waste each other's time by negotiating without full authority to make commitments or decisions or by engaging in discussions without openness to change.
3. Negotiations should not force upon any participant impossible choices, such as between a job and concern for the environment.
4. At a minimum, ethics requires a renunciation of violence as a means to obtain our ends.
5. Ethics demands knowledge of and respect for the views, needs and interests of all participants in collaborative processes, who should represent all those whose lives and environment will be affected by the policies or actions being discussed.
6. Participants should listen attentively in order to understand all stakeholders' viewpoints and motivations.
7. Participants should recognize that people communicate in quite different ways and seek ways to accommodate such differences.
8. All participants must work to ensure respectful and constructive communication. A mediator/facilitator, if one is present, will carry particular responsibility to promote such communication.

Promote Participation by All Affected Parties

Participation is a crucial issue. Who sits at the table and how they get there is a major ethical question. All parties potentially affected by prospective policies or actions should be represented in a forum designed to discuss or negotiate them. Creating opportunities for constructive participation by less influential but equally concerned groups is essential.

Implementation Suggestions

1. Representatives must be prepared to identify whom they represent, how that represented group will be affected, and what commitments the representative can make on behalf of those represented. Individuals presenting themselves as representatives must, in fact, represent an identifiable constituency and, in the course of deliberations, actively seek input from that constituency.
 2. Decision makers seeking stakeholder input or consensus recommendations must remain genuinely open to the products of collaborative processes, not just seek ratification of a predetermined policy and/or position.
 3. Early in its life, the group must establish explicit understandings regarding how they will make decisions (if they will make decisions at all). If by voting, by what majority? If by consensus, what is the group's definition of consensus? Will the group have a voting fallback to consensus? What will happen to minority views in either voting or consensus processes? Clear and accepted understandings regarding decision making will help to avoid misunderstandings and unproductive power struggles. Periodic revisiting of such understandings may also prove helpful.
 4. Consensus is often the preferred method of decision making in collaborative processes. In consensus decision making, in order to reach agreements the participants must identify and seek to meet the interests of all parties. Within consensus processes, issues regarding the number of representatives present or the relative power of the parties become less important, although overall participation remains crucial. Voting, on the other hand, often forces participants to accept or reject a single proposal or to make a choice among few alternatives.
 5. Funds should be secured to ensure full participation of all key stakeholders in formal negotiations. Wealthier participant groups may need to contribute resources to enable others to participate. For example, participants with fewer resources and/or special needs, should be provided with:
 - a) compensation (for those who are not paid for the time devoted to participation in collaborative processes),
 - b) travel and lodging costs,
 - c) translation of important documents and simultaneous translation of meeting discussions, if needed, and
 - d) physical accessibility to meetings and materials.
1. Some participants (such as representatives of community groups) may need more time to consult with their constituencies; this should be factored into the time schedule.

2. Participation requires active engagement in a multi-directional dialogue, in defining the parameters for discussion, and in setting the agenda for specific meetings. Potential participants should be provided an opportunity for involvement beyond merely being informed about the progress of discussions. (Note: In hearings or other input processes, participants may be less involved in determining parameters or agendas—as opposed to direct stakeholder negotiations where such involvement is needed.)
3. As a result of multiple demands on resources and for other reasons, some stakeholder groups may choose not to participate directly or actively in certain dialogues or negotiations, but rather to monitor discussions. If such stakeholders later decide to increase their participation, they bear a responsibility for informing themselves regarding technical information and progress/decisions already made, in order to avoid forcing the group to repeat discussions already held.
4. The general public—those not affiliated with specific stakeholder groups at the table—should be provided opportunities to offer input by a variety of means, such as through public meetings, writing, phone or electronic media (the Internet).

Create an Atmosphere of Trust

Trust is an important goal, as a means towards making collaborative processes successful. However, trust may take a long time to develop. Abiding by the principles below will help to promote trust. Trust will also be promoted through establishment and adherence to group process norms. (See *Part II: Guidelines for Conducting Effective Collaborative Processes.*)

Implementation Suggestions

1. Show respect for all participants and their viewpoints.
2. Identify and work to remove barriers to trust.
3. Build on existing positive relationships.
4. Create opportunities for informal relationship building.
5. Provide adequate time for presentation, discussion and positive resolution of divisive concepts and viewpoints.
6. Ensure relatively equal opportunities for speaking without interruption.

Support the Needs of Diverse Cultures

In order to provide an open and congenial atmosphere for discussions, the needs and requirements for various cultures to participate in collaborative processes should be recognized and actively supported. Such cultures include corporate, institutional, ethnic, regional or national cultures, as well as cultures associated with particular ideologies, philosophies, religions or professions.

Implementation Suggestions

1. Group members and their facilitators should seek to identify when cultural differences may be influencing the process.
2. Participants should commit themselves to an ongoing process of mutual education regarding culture during collaborative processes. This may involve, but should not be limited to, cross-cultural workshops at the beginning of a process.
3. Participants should work during discussions to establish common definitions of key terms.
4. A bi-cultural intermediary (facilitator, mediator team) can be a helpful bridge builder, but should not speak on *behalf* of one culture to the other.
5. Different cultures mean different things by silence or various forms of verbal challenge. It should not be automatically assumed that silence implies consent or that a verbal challenge denotes inflexibility.

Provide Transparent and Accessible Processes

Both the process and the substantive issues of collaborative processes should be transparent to participants and their constituencies.

Implementation Suggestions

1. From the beginning, the agency or group initiating the collaborative process must clearly articulate the issues under discussion, the goals of the process, and the anticipated products—and seek agreement regarding these parameters from the participants, revisiting these issues as needed.
2. The initiating, hosting, or convening entity should make clear:
 - a) how participants were chosen;
 - b) what will happen to participants' input;
 - c) who is driving the process, such as government, NGOs, or industry; and
 - d) who has the authority to make decisions and/or enter into agreements on behalf of their organizations or constituencies.
1. Early in its life, the group should jointly establish ground rules or procedural guidelines, and support each other and the facilitator in following them.
2. As the collaborative process develops, the status, results or outcomes must be recorded and made accessible to all participants.

Note: Additional, practical suggestions regarding how to structure and implement collaborative processes, including sample group ground rules, are provided in ***Part II: Guidelines for Conducting Effective Collaborative Processes.***

Make Technical Information Accessible and Available

Technical information (including, but not limited to, scientific, engineering, medical, economic, financial, and/or legal information), can provide an important foundation for decision making regarding environmental policies and sustainable development. However, the process of generating, compiling and analyzing information must be balanced by a recognition that there will always be significant uncertainties. Determining what should be done with scientific or technical information is a political decision involving value judgments. While collaborative processes must consider sound scientific evidence or technical information, participants must avoid devoting too many resources to gathering information or giving it disproportionate weight.

Implementation Suggestions

Experience regarding the interaction between collaborative processes and technical information suggests several guidelines:

1. The participants in collaborative processes should drive the technical process and determine the questions they want answered. Technical experts should help define the key questions in dialogue with the participants in the collaborative process, and the interest of scientists in pursuing scientific inquiry should be secondary to the needs of the policy makers.
2. The process of generating, compiling and analyzing technical information must be coordinated with collaborative processes, avoiding the twin pitfalls of either getting too far ahead of policy development or becoming seriously delayed and causing impediments to decision making.
3. Participants should identify, early on, the information they think they will need to make informed decisions. At the same time, participants must recognize financial and time constraints on developing new science and seek to make decisions or set policies based on the best answers that can be provided with existing information, when necessary.
4. Technical information of all types must be translated and presented in terms understandable to lay persons—in order to provide a level playing field regarding understanding of and access to information. In return, participants should be expected to do their homework by reading the crucial technical reports or attending technical briefings. Facilitators (whether internal to the group or external) have a responsibility for helping all participants gain basic competency with regard to technical information.
5. The initiating agency/organization and the participants must find an appropriate balance in allocating funds among technical assessment processes, public involvement and skilled facilitation.
6. At the start of deliberations, participants should indicate what information they already have available, recognizing that other participants will not always trust the neutrality of such information. The group may need to identify jointly means for obtaining and analyzing objective information.

7. “Gross” or summarized technical information may ignore or discount the potential effects of policies or actions on key stakeholder populations, geographic areas or other endpoints. Efforts should be made to assess such effects in order to provide adequate support to informed decision making.
8. Economic and financial assessments should include—or at least acknowledge—all costs and benefits in equal terms, insofar as possible. For example, analysis should include “true costs,” such as depletion of natural resources and the effects on health, and appraise the potential application of innovative technologies that reduce energy and resource consumption, water use, etc.
9. In discussions of complex environmental and ecological systems, we must acknowledge the limitations of science. Particularly when examining cumulative or synergistic risks to health or ecological integrity, existing scientific assessment models may prove inadequate for the foreseeable future. A group engaged in policy development must be comfortable with the fact that science cannot confidently answer key questions of risk.

Recognize the Interests and Knowledge of Indigenous Peoples

In the North American context, many indigenous peoples are affected by policies and actions regarding the environment and sustainable development. As affected parties, they have a right to a place at the table.

Implementation Suggestions

1. Within the United States and Canada, the sovereignty of tribes and First Nations has been recognized under law and must be respected within collaborative processes.
2. Indigenous peoples located within the borders of nations should be offered opportunities to articulate their own perspectives, rather than depend on others to represent them.
3. The importance of natural resources to tribal ways of life and the potential contributions of traditional knowledge should be considered in discussions of natural resources and sustainable development.

Monitor the Effects of Decisions and Follow-up Regarding Implementation

Dialogue and negotiated agreements are of little value without follow-up and implementation. Some balance must be struck between holding parties accountable to follow through on their commitments and allowing flexibility in how agreements are implemented.

Implementation Suggestions

1. Establish clear goals for implementation, including specific, observable, measurable actions to be taken.

Principles for Effective Collaboration Processes

2. When a group engaged in collaborative processes makes a group decision, state clearly whether agreed-on goals represent binding or voluntary commitments or recommendations to another authority.
3. Incorporate appropriate flexibility regarding methods used to achieve goals.
4. Set up mechanisms for modifying agreements as circumstances change.
5. Include provisions in agreements for how to monitor implementation. Who/what group will perform monitoring functions and at what time intervals? What will they use as measures? How will monitoring information be reported and who will have access to it? What will be the consequences or actions taken if agreements are not followed?

Guidelines for Conducting Effective Collaborative Processes

INTRODUCTION

Part II provides a set of guidelines for how to conduct successful collaborative processes, based on the general standards articulated in the Boulder Principles for Effective Collaborative Processes on Sustainable Development and Environmental Policy. It covers considerations regarding whether and how to use consensus decision making, suggestions for group norms and procedural guidelines for collaborative processes, a discussion of the facilitator's role, and a bibliography listing works that provide detailed process guidelines for collaborative processes.

CONSENSUS AND OTHER DECISION-MAKING PROCESSES

Consensus decision making is a powerful way to make the best decisions, incorporate the greatest variety of perspectives, and obtain the maximum amount of buy-in from all participants. However, there are other methods of group participation in decision making that may require less time and intensity of effort. The following guidelines will help you decide when a consensus process is worthwhile, and when a lesser form of participation will be adequate.

Decision-Making Methods Compared

Three types of decision processes are explored below: unilateral decision making with input, voting, and consensus.

Unilateral decision making with input. This refers to a decision maker invites participation by requesting information or advice before making a decision. With more information provided from more sources, new perspectives can be considered—which increases ownership of the final decision. This process is effective when the decision maker wants to maintain final authority or control of a decision, but feels that additional information will improve the quality or acceptability of the outcome.

This process is dangerous if the leaders involved are not truly interested in other people's ideas and suggestions. The process is also troublesome if there are widely diverging opinions that cannot be reconciled by a command decision.

Delegated authority. When a group operates under delegated authority, the number of people involved in decision making expands. This allows the interests of more people to be taken into consideration and increases potential ownership of the decision.

Groups working under delegated authority run into trouble when their authority to decide is not clear (i.e., the parameters are not certain), their internal decision-making processes are confused, or those who granted them authority decide to take it away. Such groups can also encounter the same difficulty as a person making a decision with input, particularly if they solicit input from people outside the group and must then make difficult choices among contradictory positions.

Voting. Voting allows more people concerned with an issue to participate in making a decision. Formal voting is generally a win-lose process in which the will of the majority is imposed upon a minority. However, the win-lose impacts of voting can be mitigated by increasing the percentage of votes needed for a decision from a simple majority (51%) to two-thirds or higher. Many groups also minimize the adverse impacts of majority rule by avoiding any formal votes until proposals meet as many participant concerns as possible.

Consensus. Consensus is a process through which a group makes a decision that all members can support. In a consensus-building process, people who will be affected by a decision try to develop integrative solutions that meet as many of their individual and collective interests as possible. This requires the group to consider the interests of all participants—and sometimes even groups or individuals who are not present (such as future generations or other unrepresented parties).

When all participants accept a proposal they have reached a consensus decision. However, consensus does not necessarily mean unanimity—in which all participants agree with every point of a proposal or feel equally good about the decision. It does mean that the agreement is the best one for the group as a whole, if not for each individual group member.

Consensus has many potential benefits:

- Group decisions may really be better, more complete, or richer than that of a majority or a small group or individual with power to impose a decision.
- Multiple ideas can be gathered and synthesized, rather than simply picking the best.
- Working collaboratively on decision making encourages openness and discourages private “deal making.”
- People may feel they have been persuaded, rarely coerced.
- If people buy into a decision, they will work to carry it out.
- Working together and reaching agreement is an empowering process, encouraging people to work together in the future.

Consensus is particularly powerful when there are no majorities possible or when the active support of all significant interests groups is needed to move forward.

When poorly conducted, a consensus process can lead to decisions that are merely the least common denominator among the parties, weak compromises that satisfy only their minimal interests. However, when consensus is run well, the participants have an opportunity to craft superior agreements—agreements that go beyond compromises that merely split the difference or impose majority rule. Consensus decisions can often produce solutions that creatively deliver more individual and collective benefits than the participants could have foreseen.

WHEN SHOULD CONSENSUS BE USED?

Consensus is not appropriate in all decision-making situations. Experience shows that it is particularly effective in circumstances such as the following:

1. When no single individual or group of individuals has the authority or power to make a unilateral decision, or when a unilateral or adversarial decision-making process has not worked.
2. When no one individual or group has adequate knowledge or information to make an informed or wise decision.
3. When highly divergent views must be reconciled in order to move forward.
4. When agreement among participants is essential, or when there is a risk that a highly unpopular decision might lead to costly divisiveness.
5. When strong cooperation and support will be needed to implement an agreement.
6. When seeking an integrative and elegant decision.

When should consensus not be used? Consensus-building procedures probably should not be tried when:

1. A decision has already been made, so that a consensus-building effort would be a sham.
2. Adequate information is available or more input is not desired.
3. Additional data will only confuse or obscure the situation, or additional information collection will only delay a decision and will not substantially improve its quality.
4. It is clear that concerned parties who need a decision or must resolve a dispute can decide on their own.
5. Crucial parties refuse to be involved in decision making, for whatever reason.
6. An issue is not important enough to merit the time, energy or expenditure of resources required to complete a consensus process.

HOW TO BUILD CONSENSUS

Most consensus processes use some type of problem-solving steps to build agreements. The following steps are a general framework for problem solving (although the group may choose to follow another model, most problem-solving models include these steps in some form):

1. Define the general problem or problems, list specific issues that must be addressed
2. Select one or more issues to work on and/or organize the issues in order of priority
3. Identify the interests/needs of all parties/stakeholders and develop (based on these needs) criteria for evaluation of options
4. Generate multiple options that address each issue/problem
5. Evaluate the options by applying the criteria and/or according to their ability to satisfy interests
6. Select an option, elicit concerns and/or suggestions for expansion/improvement, refine it
7. Test for acceptance and, as much as possible, address continuing concerns
8. Continue to test for acceptance and address concerns until consensus is reached

Important features of consensus-building processes include:

- Reaching an agreement occurs after a sequence of problem-solving stages has been almost completed. Participants will have defined the problem, selected one or more issues, identified interests, generated some settlement options, and assessed the capability of the options to meet the stated needs of the group.
- To reach consensus, there is a need for the presentation and discussion of diverse viewpoints so that people have had an opportunity to talk and to listen carefully for agreements and differences.
- In order to be certain that the group agrees, someone must test for agreement. Testing for agreement means restating what you think the group agrees to, and seeking a response indicating approval or disapproval. Agreement should be tested as soon as a decision seems to be emerging. Frequent testing helps avoid long delays in decision making and clarifies disagreement.

BUILDING PROCEDURAL GUIDELINES

Written procedural guidelines can help a collaborative process go smoothly. Not only can someone point to the guidelines in order to enforce them, but the very act of writing them forces

the group to make clear procedural decisions in order to avoid confusion or procedural disputes later on.

Procedural guidelines can be more or less comprehensive. On one end of the spectrum, you might have a few simple guidelines about how participants behave during meetings. These are often called *ground rules*. At the other end, guidelines may put the entire process design into writing. They are then often called a *charter*.

Sample Ground Rules

Following is a sample list of ground rules addressing participants' behavior during meetings.

1. Disagreement in discussions and negotiations is often inevitable and can be constructive. In this dialogue, *discussion should be focused on the issues involved, rather than perceptions of motives, relationships and personalities.*
2. It is absolutely crucial that *everyone have a chance to be heard and to hear others.* Therefore, side conversations or interruptions while someone is speaking should be avoided.
3. In order to give everyone a chance to talk, participants should *be sensitive about the length of comments and encourage equal participation* from all group members.
4. *Once an agenda has been agreed upon, it is important to stick to it in terms of both time and topic.* If it appears that the agenda should be changed, this should be done by a decision of the whole group.
5. Meeting participants will often have strong opinions about the items under discussion, but it is important to *remain open-minded about proposals, ideas, concerns, etc.,* while different points of view are being presented and discussed. It often helps to *stay focused on the underlying concerns or interests that need to be addressed* rather than on whether any particular proposal is "good" or "bad." This makes it easier to evaluate the ideas that are presented in a productive way.
6. In general, each group member should work to *create an open and frank dialogue, that allows for a full and respectful exploration of similar and different points of view.*
7. In order to maximize the productive time available, people should also *avoid repeating points* that have already been adequately made by oneself or others.

Building a Charter

A more complete set of procedural guidelines (charter) addresses more than just participants' behavior in meetings. Any collaborative process lasting more than a day or so should have a charter. Charters answer questions such as the following:

1. What is the purpose of the process?
2. What level of decision-making power does the group have?
3. What issues will be addressed?
4. What issues will not be addressed?
5. How long will the process continue?
6. When will meetings be held?
7. How are participants identified, and how can group composition change?
8. What happens if participants miss meetings?
9. How open or confidential are the discussions?
10. How open or restricted is meeting participation?
11. How will journalists and mass media be handled?
12. How will a record of meetings be kept?
13. How should participants conduct themselves during meetings?
14. How are participants to communicate with their constituencies?
15. How will decisions be made—consensus or voting? What is the definition of consensus?
16. If decision making is by consensus, what happens when consensus cannot be reached?
17. What will be done with the group's input or product?
18. How can the guidelines be changed?

At the end of Part II is a sample charter that addresses most of the above questions. It is the actual charter from the Rocky Flats Future Site Use Working Group. Rocky Flats is a former nuclear weapons manufacturing facility outside of Denver, Colorado. The Future Site Use Working Group was charged with recommending future uses for the site after it ceased weapons production.

USE OF A NEUTRAL FACILITATOR

A facilitator is an impartial person or team who has been asked by meeting participants to design and implement an effective group problem-solving process. Having a facilitator manage the process of a meeting enables participants to increase their focus and energy on the substantive issues under discussion, and allows the chairperson to take a leadership role on the issues rather than leading the process.

Facilitators play important roles before, during, between, and after meetings. The visible part of the facilitator's role is managing meetings: helping the group to work together efficiently and avoid non-productive discussions. However, perhaps the more important role of a facilitator occurs before meetings begin: helping to design the process, drafting initial procedural guidelines, identifying stakeholders, and getting participants to the table. Between meetings, facilitators may draft meeting summaries, and may conduct informal problem solving such as talking with participants about their concerns or coaching them on raising difficult issues. After meetings have ended, the facilitator may help participants interpret the group's decisions to constituencies, to the formal decision maker, and/or to the public.

Hiring a facilitator is a worthwhile investment if a complex process needs to be designed, if there is a high level of conflict, or if there is simply a large number of participants. A group may not need a facilitator if they are already comfortable working together and can continue to do so productively, or if there is a chairperson who can successfully juggle the roles of managing the process and participating in substantive discussions.

ANNOTATED BIBLIOGRAPHY

Carpenter, Susan L. and W.J.D. Kennedy. *Managing Public Disputes: A Practical Guide to Handling Conflict and Reaching Agreements*. San Francisco: Jossey-Bass, 1988.

This is a practical guide to resolving public disputes, including how to analyze a conflict, design a process using any of several different levels of public involvement, and conduct that process. The target audience is officials in government agencies whose jobs include making difficult decisions on controversial issues, but the book is equally helpful for participants and third parties in public dispute resolution activities.

Consensus Building Institute, (Lawrence Susskind, *et al*, editors), *Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications, forthcoming, Spring 1999.

This will be the first comprehensive guide to "best practices" in consensus building in many settings. A short guide to consensus building is followed by seventeen chapters by well-known professionals in the field, and twenty case studies illustrating applications of consensus decision making in a variety of situations.

Cormick, Gerald, Norman Dale, Paul Emond, S. Glenn Sigurdson and Barry D. Stuart, *Building Consensus for a Sustainable Future: Putting Principles into Practice*. Ottawa, Ontario: National Roundtable on the Environment and the Economy, 1996.

Itself the product of an ambitious consensus process on environmental negotiation, this book lays out and thoroughly explains the principles that make consensus-building processes successful, as well as specific actions to implement

those principles. The target audience is anyone involved in such processes, including mediators or facilitators. The content is clear, thorough, and persuasive.

Crowfoot, James E. and Julia Wondolleck. *Environmental Disputes: Community Involvement in Conflict Resolution*. San Francisco: Island Press, 1991.

This is a guide to negotiation and mediation of environmental disputes, written for the target audience of environmental and community activists, but also valuable for other stakeholders. Rather than simply advocating negotiation, it helps readers identify costs and benefits and decide whether negotiation makes sense for different situations. The bulk of the book is in-depth case studies.

Fisher, Roger, and William Ury, *Getting to Yes*. Boston, Massachusetts: Houghton Mifflin Publishing Company, 1981.

This has become known as the Bible of “principled” or “interest-based” negotiation. It is a short, easy read and very practical. Although the book fails to credit authors whose ideas it incorporates and avoids some areas such as power imbalances, it is a must-read for negotiators who want a positive working relationship with other negotiators as well as favorable outcomes for themselves and their own constituencies.

Susskind, Lawrence, and Jeffrey Cruikshank. *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. New York: Basic Books, 1989.

This book discusses the use of consensus processes (negotiation, mediation, etc.) in public disputes. Its special contribution is its examination of American democracy and how public participation and stakeholder negotiations fills in gaps or makes up for weaknesses in our democratic system.

U.S. Bureau of Land Management, *Natural Resource Alternative Dispute Resolution Initiative: Strategic Plan and Tool Kit*. Washington, DC: U.S. Bureau of Land Management, 1997.

This guidebook thoroughly covers the use of alternative dispute resolution (ADR), with special attention to applications for environmental disputes with which the Bureau of Land Management might be concerned. Topics include deciding when ADR is appropriate, procuring neutrals, convening, consensus building, ground rules, case studies, and other practical resources. Both this and the guidebook below are aimed at agency personnel but contain a great deal of material useful to others.

U.S. Department of the Interior, Bureau of Reclamation, *Conflict Management Guidebook*. Washington, DC: Bureau of Reclamation, 1998.

This comprehensive guidebook covers environmental as well as employment and contractual disputes. Topics include an overview of conflict prevention, management and resolution; interest-based negotiating, convening and process design, partnering, facilitated negotiations, mediation, and selecting neutrals. The focus is on practical guidance, with special attention to issues affecting U.S. government agencies. There are also helpful appendices, such as brief case studies, summaries of relevant law, and references.

Other Recommended Reading

Bingham, Gail, *Resolving Environmental Disputes: A Decade of Experience*. Washington, District of Columbia: Conservation Foundation, 1985.

Chrislip, David D. and Carl E. Larson. *Collaborative Leadership: How Citizens and Civic Leaders Can Make a Difference*. San Francisco: Jossey-Bass, 1994.

Creighton, James L., *BPA Public Involvement Guide*, Portland, OR: Bonneville Power Administration, U.S. Department of Energy, 1985.

Potapchuk, William R. *Building the Collaborative Community: How Citizens and Civic Leaders Can Make a Difference*. Washington, DC: National Institute for Dispute Resolution, 1994.

Potapchuk, William R. and Caroline Polk. *Pulling Together: A Planning and Development Consensus-Building Manual*. Washington, DC: Program for Community Problem Solving, 1994.

Shaftoe, David. *Responding to Changing Times: Environmental Mediation in Canada*. Waterloo, ON: The Network: Interaction for Conflict Resolution, 1993.

Susskind, Lawrence and Patrick Field. *Dealing with an Angry Public: The Mutual Gains Approach to Resolving Disputes*. New York: Free Press, 1996.

Susskind, Lawrence. *Environmental Diplomacy: Negotiating More Effective Global Agreements*. New York: Oxford University Press, 1994.

U.S. Environmental Protection Agency. *Clean Air Act of 1990: Primer on Consensus-Building*. Washington, DC: U.S. EPA, Office of Air and Radiation. (Order number EPA450K92004, call 202/260-7400)

SAMPLE CHARTER

The sample group “charter” provided below was developed by the Rocky Flats Future Site Use Working Group to guide group process and decision making. The charter includes the working agreements that the group used to conduct their meetings and arrive at consensus recommendations to the Department of Energy regarding the future uses of the former nuclear weapons facility. *Note: The actual names of participants have been deleted from this version of the document.*

**FINAL CHARTER:
ROCKY FLATS FUTURE SITE USE WORKING GROUP
September 8, 1994**

Background

In 1991 the Secretary of Energy announced that Rocky Flats' nuclear weapons production would be discontinued. Later that year the Rocky Flats Local Impacts Initiative was formed. The Initiative's goal is to formulate a strategy to transform changes at the Rocky Flats plant into economic, socioeconomic, educational, land use, environmental, and infrastructure advantages. A component of the Initiative's mission is to convene and coordinate an inclusive planning process to provide direction regarding possible future uses and policies.

Concurrently, the Department of Energy is now requiring all DOE sites, nationally, to involve stakeholders in future use planning. At the Rocky Flats site this process will be guided by the Rocky Flats *Future Site Use Working Group* (Working Group), comprised of key representatives of the community (Rocky Flats employees, environmental and peace-making groups, economic development interests, landowners, neighborhoods, city and county governments), government agencies (Department of Energy, Environmental Protection Administration, Colorado Department of Health), and other stakeholders.

Purpose

The Future Site Use Working Group is charged with developing long-term future use options for the Rocky Flats site. DOE, EPA and CDH will use the long-term future site uses as input into their clean-up decisions at the site. The future use options are also available for use as input into planning and development decisions by local governments*, economic development agencies, and surrounding land owners.

"Long-term" will be viewed in two ways:

1. The Working Group will look into the long-term future and attempt to develop a plan for uses that may not be in place for 10, 20, 50 years or even longer. Specific time frames will be discussed as levels of contamination and clean-up potentials are identified.
2. The Working Group will evaluate and make recommendations regarding interim uses where appropriate. The Group will study proposed near term uses that have significant long-term consequences.

DOE has established an internal Site Use Review Board to examine and make recommendations to the Plant Manager about immediate site use decisions. The Site Use Review Board will inform the Working Group of proposed changes in use at each Working Group meeting. The Working Group will evaluate and make recommendations to the Site Use Review Board on those changes that could have significant long term impacts.

The Group will analyze and refine desired options, using typical constraints such as topography, flood plains, flora and fauna, soils, environmental status, potential health effects, existing infrastructure, social acceptability, and legal rights. Clean-up implications for each future use option will be explored and will be used to guide recommendations.

The Group will strive for consensus recommendations regarding future use options to present to the agencies and other decision makers responsible for implementation.

Where consensus recommendations are not possible, alternative options and analyses will be documented in the Working Group's final report.

Role of Working Group Members

The Working Group represents a broad spectrum of interests and stakeholders through the appointment of two delegates (co-delegates) to each of approximately fifteen "seats" at the table, each of which represents a stakeholder group. Only one delegate will participate, or sit at the table, at any one time, although both will be welcome to attend all meetings. To assure consistency and continuity, it is crucial that both co-delegates are fully aware of all Working Group activities, and that one is in attendance at every meeting.

Constituent Representation Through Co-Delegates and Coalitions

The co-delegates will be expected to represent (1) themselves, (2) organizations to which they belong or by whom they are employed, and in some instances (3) coalitions of constituent groups. Initial recommendations regarding stakeholder groups and co-delegate representation were made by CDR Associates with subsequent Working Group approval. (See description of convening process in Attachment A.)

Stakeholder Groups and Participants

The following are the stakeholder categories and the specific individuals who carry the credibility and the authority necessary to make this process successful *and* who are willing to facilitate their own coalition of constituents. The relatively small number of seats at the table is essential for this is to be an efficient and workable process.

- Economic Interests: A. Bbbbbb (NW Metro Chamber of Commerce), C. Dddddd (Jefferson Economic Council)
- Environmental Interests: E. Ffffff (Sierra Club), G. Hhhhhh (At large representative of environmental interests)
- Peace and Health Interests: I. Jjjjjjjj (Rocky Mountain Peace Center), K. Llllllll, MD (Physicians for Social Responsibility)
- Rocky Flats Workers/Steel Workers Union: M. Nnnnnnn, O. Ppppppp
- Rocky Flats' Neighboring Homeowners/Homeowner Associations: Q. Rrrrrrr, S. Tttttt
- Major Adjacent Landowners: U. Vvvvvv (Church Ranch), W. Xxxxxx (Director of Operations, Western Aggregate)

Local Governments (tentative co-delegate assignments)

- Arvada: Y. Zzzzzz, Z. Aaaaaa, Y. Bbbbbb (City Council Members)
- Boulder County and the City of Boulder: X. Ccccc (County Commissioner), W. Dddddd (Boulder City Manager)
- Broomfield: V. Eeeeeee, U. Ffffff (City Council Members)
- Jefferson County: T. Ggggggg (County Commissioner), S. Hhhhhh (Planner)
- Superior: R. Iiiiiiii, Q. Jjjjjjj (City Council Members)
- Westminster: P. Kkkkkk (City Council Member), O. Llllll (Planning Director)

The following agencies will each have a seat at the table for the purposes of providing input and responding to recommendations:

- Department of Energy, Rocky Flats Plant: N. Mmmmmm (Planning, Rocky Flats Plant) and A. Zzzzz (Environmental Restoration, Rocky Flats Plant)
- Environmental Protection Agency: B. Yyyyy (Section Chief, Rocky Flats Team) and C. Xxxxxxx (Regional Project Manager, Rocky Flats Team)
- Colorado State Department of Health: D. Wwwwwww (Manager, Rocky Flats Program Unit) and E. Vvvvvvv (Geologist, Hazardous Materials Management)

Autonomy

The Working Group must have the level of autonomy that will allow it to deliberate without undue influence by any one group and with the assurance that their final recommendations will be transmitted directly—without changes—to all stakeholder groups. (See Attachment B for full statement on autonomy.)

Citizens Advisory Board (Site Specific Advisory Board) and the Rocky Flats Local Impacts Initiative

Every effort will be made to avoid duplication of efforts and, rather, to build upon the work and wisdom of others. In this context, it is crucial for the Citizens Advisory Board (CAB) and the Rocky Flats Local Impacts Initiative (RFLII) to be closely connected with this Working Group.

The CAB's support and commitment was obtained at the April 7, 1994, CAB meeting. The CAB has had an opportunity to review the draft charter and hear from the four CAB members who are potential Working Group members. The four CAB members will not represent the CAB, but will represent the interest groups as stated under Stakeholder Groups and Participants.

The Working Group and the four CAB members will maintain on-going contact with the CAB so that the CAB's perspective is taken into account throughout the process and so that the CAB can review and comment on the Working Groups' recommendations.

The Working Group and Working Group members who are also members of RFLII will maintain on-going contact with RFLII to assure that RFLII's perspective is also taken into account throughout the process.

Role of Local Impacts Initiative Staff

RFLII staff will act as liaison from the Working Group to the Initiative, for fiscal and logistical purposes.

Colorado Department of Health, the Environmental Protection Agency, and the Department of Energy

CDH, EPA, and DOE representatives will provide information and raise issues which they believe are important for the group to consider. They have each indicated their support for the process as well as their commitment to serious consideration of the Working Groups' recommendations. Copies of the agencies' commitment letters are found in Attachment C.

Facilitators (CDR Associates)

Throughout the process, the facilitators from CDR Associates will play an impartial and neutral role, both in regard to the substantive issues under discussion and toward the parties participating in the collaborative planning process. In addition to facilitating Working Group meetings, coalition meetings (as requested) and public outreach events, the facilitators will prepare meeting summaries. CDR will also coordinate speakers and independent technical experts requested and selected by the Working Group.

General Ground Rules/Guidelines for the Process

The Working Group co-delegates have adopted the following guidelines. They each agree to:

- Commit to the process and each Working Group meeting
- Be clear about individual and group interests
- Be open to new information regarding the site and other relevant issues
- Listen to others' concerns and generate collaborative options
- Cooperate between interest group representatives as well as with coalition members
- Adhere to established agenda, adding new items only with the group's approval
- Start and end meetings on time
- Not conduct side bar discussions
- Turn off cellular phones and beepers
- Authorize the facilitators to keep meeting on track and to enforce guidelines
- Keep technical information as clear as possible

Guidelines for Linking With the Press

The Working Group co-delegates have adopted the following guidelines for linking with the press:

- Co-delegates are free to speak individually with the press as a representative of an organization or constituency, but not in reference to the Working Group process.
- Co-delegates will refrain from commenting in any way that might undermine the Working Group process.
- If the Working Group decides that there is a need for the Group to communicate with the press, the Working Group members will designate a spokesperson(s).

Input from and Information to the Public

This Working Group is intended to be representative of the public through the co-delegates' own organizations or affiliations, as well as through their work with coalitions of groups. All Working Group meetings are open to the public and processes are in place for observer input at each meeting, depending upon meeting format.

To assure full public understanding of and access to the process, several specific public meetings will be held at key points in the process. Further, summaries of Working Group meetings will be available to keep the public informed. Finally, the Working Group may design other creative mechanisms to interact with the public. (See Attachment D which outlines the Working Group's proposed schedule.)

Projected Meeting Schedule and Process

Attachment D outlines the Working Group's proposed schedule. Those committing themselves to this Working Group should expect to focus on these issues for approximately one year. Plenary meetings will occur on the average of once a month, in the evening, for nine months, and several meetings will be in a longer, more extensive retreat format. Small focus group meetings may occur more frequently than once a month, as determined by the Working Group.

The Process of Collaborative Policy Making: A Case Study of Stakeholder Dialogue

INTRODUCTION

In today's global society, numerous binational or multinational organizations shape public policy through international treaties and agreements. Nowadays, nongovernmental organizations (NGOs), specialized stakeholder committees or *ad hoc* forums often provide input into international agreements. Since environmental challenges do not respect political boundaries, and since environmental policies tend to require broad-based political consensus, they have become a focus for collaborative international processes.

These new environments for international dialogue and negotiation offer opportunities to engage a broader spectrum of interests, but lack clearly defined ground rules. Who should be included in the process? Do all parties have equal rights? How can equitable treatment of issues and concerns be assured? Is the aim to reach consensus or a majority decision? How will input or recommendations be used by decision makers? Without answers to questions like these, participants may feel that they invest valuable time without a clear understanding of how their input will influence policy. Such ambiguity can frustrate both government policy makers and formal negotiators, as well as other stakeholders participating or influencing the process.

Recently, a group of stakeholders experienced in emerging binational or multinational policy-development forums took part in a dialogue to define the principles that should guide collaborative processes for public policy making. The process of this dialogue itself yielded lessons that may be useful to others engaged in such processes, especially on environmental issues. This case study chronicles the process used in convening and conducting the dialogue, the elements of the dialogue that worked best and those that could be improved. (The product of the dialogue—a draft set of principles to guide collaborative processes for international public policy development—is a separate report.) This dialogue process, with the suggested improvements, can be used by others seeking to participate in public policy creation.

CONVENING AND PLANNING

The dialogue was cosponsored by the Council of Great Lakes Industries, the U.S. Council on International Business, and the U.S. Environmental Protection Agency. The original focus of the dialogue was international policy negotiations within North America. The sponsors engaged the services of CDR Associates, a consulting organization specializing in conflict management and collaborative decision making, to help convene and facilitate the dialogue. To keep the event logistically and financially feasible, the group was limited to U.S.-based participants. The

sponsors and CDR identified an initial group of participants, who in turn helped locate others. The crucial criteria for assembling the group were the relevant expertise of individual participants and the diversity of the group.

During an initial meeting, this group was asked to articulate principles to guide the conduct of international environmental negotiations. To be useful, any such guiding principles must survive the scrutiny of the various participants in such negotiations, including industry representatives, government officials, academics, tribal groups, and environmental advocacy organizations. The need for diversity had to be balanced against the constraints of group size and funding. The organizers felt that keeping the group small would enable each participant to engage fully in meaningful discussion. In order to guarantee diversity of participants, including groups with fewer resources, some participants from industry contributed funds to cover expenses of others. Significant diversity was achieved with respect to age, gender, ethnicity, geography, and regional versus national focus, as well as stakeholder sector.

Identifying the critical participants and receiving their commitment to participate was slow at the outset, but became easier as more people agreed to attend. As the number and diversity of participants expanded, interest and credibility grew to the point where people began nominating themselves to participate. The final group size was 26, including representatives of industry groups, indigenous tribes, North American international organizations, state and federal agencies, and NGOs, as well as scientists and environmental justice advocates. Most participants had been involved in international environmental negotiations of some sort.

THE FIRST MEETING

Since many participants had to volunteer time to participate in the dialogue, the sponsors decided to hold the meeting in an attractive locale—CDR's home town of Boulder, Colorado. The initial meeting was held on June 30 and July 1, 1997, a Monday and Tuesday (a day and a half long), so that participants could spend the weekend in Boulder, if they wished, and avail themselves of local attractions.

CDR prepared and distributed a draft of the meeting's purpose (in terms of desired outcome) and proposed agenda in advance. However, both the purpose and the agenda were left subject to negotiation throughout the meeting, so that participants could take ownership for both.

The facilitators were charged with managing the agenda, ensuring that all who wanted to speak had a chance to do so, keeping a record of the proceedings, and helping the group move towards agreement—though, as it turned out, one and a half days was insufficient for the group to reach any final, substantive agreements. The facilitators summarized participants' statements on large flip charts, which served to demonstrate that participants' points were heard and understood, as well as to keep a record which participants could correct as discussion proceeded.

Meeting Overview

The agenda, as it actually unfolded, went as follows. On Monday morning, all participants described their backgrounds and their hopes for the meeting. Goals included learning; producing a useful, tangible product; and making the meeting a good example of an international policy dialogue. There was next a lengthy discussion of the potential product of the meeting: Was one needed? What would its content be? To what use would it be put? The group finally proceeded without a final conclusion on this, but with the possibility in mind of a product that would articulate principles or guidance on international policy negotiations, that could be helpful to others. All agreed that they could sign any such document as private individuals, not as official representatives of any organizations.

Next, three participants presented case studies of international environmental negotiations, followed by questions and discussion. Cases included negotiations between the federal environmental agencies of Canada and the U.S. on cleanup of the Great Lakes; discussions among the ten Mexican and U.S. border states on environmental issues; and regular U.S.-Canada negotiations on salmon fishing which involved Indian tribes and First Nations. The case studies helped form a common base of information from which important concerns and lessons could be drawn.

Monday afternoon, the group split into five groups to address the categories of issues raised by the case studies and subsequent discussions. The following were the categories:

1. Relationships/Trust
2. Resources and Logistics
3. Language and Culture
4. Participation—Levels/Scale
5. Follow Through/Implementation
6. Institutional Fora
7. Science/Technical Data/Assessment
8. Processes/Purposes/Goals
9. Leadership
10. Formation of Dialogue Groups, Representation and Decision-Making Model
11. Ethics/Values
12. Needs Identification (What problems need to be solved through dialogue?)

Each small group generated a list of principles, considerations, and observations related to two or three topics. At the end of the day, results were presented to the full group.

On Tuesday morning, as it became apparent that time was running out, the group discussed how to focus the remainder of the meeting. They agreed to focus on one cross-cutting topic in depth: ethics—especially in regard to the means, structures, and constraints of equitable and effective

participation. The ethics discussion enabled a thorough exploration of one important, overarching topic.

Finally, the group discussed next steps. The only *final* product from the first meeting, it was agreed, would be a simple meeting summary for distribution to participants only. More importantly, the group discussed how best to draft and finalize a set of principles or recommendations that had begun to emerge from the dialogue. It was agreed that a document would be drafted, and a small but diverse editorial board (ten participants volunteered for this) would edit it. The resulting draft would be sent to all participants in advance of a planned follow-up meeting, the purpose of which would be to finalize this document.

Struggles

While the process above may sound as though it flowed perfectly smoothly, it was in fact arduous and contentious. Certain topics generated particularly heated discussion. The first was not even a substantive issue but rather a procedural one: what should be the product of the meeting, and how should it be used? Some participants were keen to develop a concrete set of recommendations and distribute them widely. Others had various reservations about this—most did not want to sign such a document on behalf of their organizations; some were concerned about the arrogance of making prescriptive “recommendations to the world;” and others felt the value of the process lay in the dialogue itself, not in any product. The group did finally reach a tentative agreement to produce a set of principles with certain disclaimers. Meanwhile, participants were frustrated about the amount of time and energy already spent before even beginning any substantive discussion.

Another intense exchange occurred around the value of scientific and technical information in environmental policy making. Some participants stressed the importance of knowledge arising from formal scientific research, and the need to appreciate the relative certainty—rather than absolute certainty—that science often produces. Some expressed doubt as to whether science is advanced enough on some environmental issues—such as risk assessment—to carry significant weight. Others questioned whether science can ever be as pure and impartial as it is purported to be, and whether it can be used for or against certain groups. Others expressed doubt about the validity of the scientific method itself, indicating that it is an ideology and, therefore, not superior to other ways of understanding the world, including, for example, traditional indigenous knowledge.

The group also discussed the *role* of scientific and technical knowledge in environmental policy making. All seemed to agree that technical information should serve policy making, not drive it. Still, they struggled to define how. How can policy makers or stakeholders integrate complex information from different disciplines? How can that information be made accessible to all? How do negotiators or participants in policy making proceed in the absence of adequate scientific information? These questions were not definitively answered.

Another topic that generated significant heat was ethics. While all agreed that policy-making processes should be ethical, some participants persuaded the group to make it a priority subject. Others expressed irritation at the implication that some groups are more ethical than others. There was not a single core tension or disagreement during the ethics discussion, but because ethics relate to so many aspects of negotiation and other collaborative processes, participants expressed a wide variety of strongly-held convictions, many stemming from bitter past experiences.

Finally, the group engaged in considerable discussion over the fact that this group was entirely U.S.-based. All agreed this group should not impose its conclusions or its frameworks on Mexican and Canadian counterparts. Some thought it best to invite Canadians and Mexicans to the follow-up meeting, while others thought it best to allow Mexico and Canada to hold similar meetings on their own, and then to convene a meeting of these three groups. Practical considerations (group size and cost, as discussed above) limited the possibility of expanding the group for the follow-up meeting.

ASSESSMENT OF THE FIRST MEETING

Following the first meeting, participants completed evaluation forms on the process. Comments included the following:

Positive Comments

- Excellent list of participants
- Principles can be applied very broadly
- Meeting location & time were great; hospitality
- All critical points were captured
- Focused on excellent topic
- Small group (breakout) sessions were good
- Case studies were good
- Open & substantive dialogue
- Good agenda
- Excellent, cautious approach in seeking agreement
- Participants continuously encourage each other to leave personal baggage at the door

Suggestions for Improvement

- Allot more time for such an ambitious agenda
- Quieter & better climate-controlled meeting room needed
- Reduce time spent on individual agendas/baggage (a difficult balancing act)

- Assure all points are captured
- Clearer, cleaner focus—state specific questions to be answered
- Encourage active, more balanced engagement of all participants through stricter facilitation
- Could use more small-group sessions
- Allow more time for case studies & discussion of them
- More practical, as opposed to philosophical, discussion
- More background reading before the meeting

The group was pleased at the opportunity to voice their views and learn from each other about their experiences with international public policy negotiations and ideas about how to improve them. On the other hand, a great deal of time was spent on procedural issues, such as what would happen to the “product” and how the next meeting should take place. There was also frustration at the breadth of focus and the tendency to talk in abstract terms.

While better planning, stricter facilitation, or other changes suggested by participants would have solved some of these problems, much of this frustration was inevitable. The group was dealing with a cutting-edge subject—stakeholder participation in collaborative international policy-making processes—with many subtopics. Furthermore, as several participants pointed out, such concerns are likely to be typical of international stakeholder processes. The diversity of participants, which was such a strength of the meeting, also meant that time was needed for participants to express their viewpoints, listen to others, and begin to agree on common terminology for addressing the issues.

FOLLOW-UP MEETING

Between Meetings: Development of Draft Principles

As plans for a follow-up meeting took shape, the facilitators drafted a preliminary set of principles. Although the group had generated considerable raw materials during their first meeting, they had not produced or approved any documents. In order to move the process forward, the facilitators drew on the group’s ideas and drafted a “principles” document for further consideration by the group. One participant also wrote a short essay elaborating on the ethics topic, and the facilitators adapted and incorporated portions of it into the draft principles document. In addition, the group decided to produce a description of this dialogue process, which evolved into this case study. The draft principles and the case study were distributed to the subgroup for comments shortly before the follow-up meeting.

The aforementioned method of developing the principles document reflects the use of an active style of facilitation. The facilitators drafted the principles document at a point when the group was dispersed and had not had an opportunity to determine what should go into the document. They also extracted and modified portions from the ethics essay. These actions had the benefit of

accelerating the process but the drawback of reducing participants' direct involvement at that stage. Facilitators pursuing a more passive approach might have waited until after the group had met to discuss the shape and content of a document before drafting anything, and might also have left the ethics piece untouched until the entire group could discuss it. In any case, participants had several opportunities to comment on and modify drafts in moving towards consensus.

Second Meeting Overview

The purpose of the second meeting, held February 20, 1998 in Boulder, was to finalize the principles document and decide how the document would be used. The first task was to get specific agreement on the product. This topic veered into the question of the scope and parameters of the discussion, as reflected in the title, which in its draft form was "Principles for International Negotiations on Questions of Sustainable Development and Environmental Policy." For example, were we talking about actual negotiations, or stakeholder participation to influence negotiations? Were we talking only about international forums, or domestic too? The group agreed to address the broader term of "collaborative processes" (seen as incorporating a range of processes, including formal negotiations). The group also decided that the principles were applicable to U.S. domestic processes, and potentially to international processes beyond North America.

Next, the facilitators elicited from all participants a list of their concerns with and suggested changes to the draft principles document, holding off any debate or detailed discussion of these concerns. Comments ranged from minor editorial changes to significant differences of opinion. However, considering the range of topics addressed in the document, the number of serious, substantive changes was small. The group had come a long way towards consensus since the first meeting.

Next the group agreed on a list of critical issues, or "deal breakers," that would have to be hammered out to develop a consensus document. These were:

1. A statement in the ethics section that participants must enter negotiations open to change in themselves
2. Scope and parameters of our recommendations (whether international only, whether "negotiations" or something broader, etc.)
3. Scientific and technical information—many thought this section of the draft needed strengthening
4. Terms in the ethics section, such as "fairness" (some wanted to substitute "equity") and "love" (some preferred "respect")
5. Whether the ethics section should be extended to include ethical treatment of the planet and of nature, not only treatment of people
6. Consensus and voting: Do we want to advocate for consensus over voting? Do our principles apply equally to consensus and voting procedures?

The bulk of the afternoon was spent working on these issues, mostly on issues #1, #3, #4, and #5. The group achieved agreement on most points, and on others, they agreed that this case study would describe the ongoing tensions. The group also revisited the question of next steps.

Emergence of Consensus

On some of the issues that had been contentious in the first meeting, opinions began to converge during in-depth discussion in the follow-up meeting. For example, on the issue of scientific and technical information, the group agreed on points such as the following: technical experts should interact with stakeholders from the beginning of a process to determine what information is needed; the limits of science should be acknowledged, but it should also be clear what *is* known with certainty; technical information should be made comprehensible and accessible to all stakeholders; and while experts can have biases, stakeholders should seriously consider points on which a preponderance of experts agree.

The group also came to clear agreements regarding next steps. Many expressed concern that these principles, though they made sense to them in light of their own experiences, needed to be tested and put into practice in international settings before the group could endorse them with complete certainty. Participants suggested a number of processes for obtaining input beyond this group and for testing the principles. They finally arrived at a plan to complete their own work and release the documents with disclaimers making clear that it is a work in progress, subject to testing and refinement. They also asked the facilitators to produce a brief set of practical techniques for conducting effective collaborative processes in accordance with the principles. Finally, participants agreed to be on call if at some future date the group wanted to reconvene and reassess the principles in light of further experience.

More Struggles

While consensus emerged easily on some points, there were numerous points of strenuous debate and struggle to find common ground. The central debate focused on ethics.

One issue was a statement in the draft principles that “ethical negotiations may induce change in ourselves and in each other.” Some participants wanted to strengthen this language to say that ethical negotiations *will* induce change—in other words, that it is unethical to negotiate without any intention of changing one’s position or changing the situation under discussion. Other participants contended it was acceptable to engage in negotiation in order to protect a currently-held position or an existing situation. The issue seemed to be settled when a distinction was made between “exploratory discussions” and formal “negotiations.” The group seemed to agree that it was acceptable to enter exploratory discussions without any commitment to change, but if one entered *negotiation*, one must indeed expect to be changed. The tension may arise from a deeper

structural conflict between the more and the less powerful: the less powerful want change; the more powerful support the status quo.

Another subject of arduous discussion was a statement in the ethics section that “we approach [negotiations] as acts of love of neighbor.” Some read the phrase “love of neighbor” as being Christian oriented, which would be contrary to the norms of inclusion expressed elsewhere in the principles. Moreover, while some supported use of the word “love,” others were ill-at-ease with it, saying love cannot be a precondition for negotiations. The group finally accepted substitution of “love” with words such as “respect” and “compassion,” but some only reluctantly.

Finally, another major point of contention was a proposal that the ethics section be expanded to address ethical treatment of the earth and nature, not only ethical treatment of people. The participant proposing this stated a belief that nature should be treated with a degree of respect equal to that accorded humans. This, of course, brought out differences of values and world views. Interestingly, those who most vocally opposed this proposal actually agreed with the underlying belief, but were opposed to presenting it as a *precondition* for negotiation, as some potential negotiators might not accept it. It was also feared that such a stance could impair the credibility of the rest of the principles document. Participants finally agreed not to adopt the proposal, but again, some only reluctantly.

KEY LEARNINGS FROM THE PROCESS

This case study yields some important lessons, both from how the dialogue went well and how it might have been improved. From the many twists and turns in the formation and interaction of this dialogue group took, a few key lessons can be articulated:

- *Diversity* was a crucial attribute of the group. Participants with different viewpoints and backgrounds learned from each other, and the diversity gave credibility and strength to the conclusions the group reached by consensus.
- Participants were at *liberty to be candid and challenging*. All participants endeavored to express their views sincerely and directly, in a way that maintained respect for others. The frankness enabled the group to grapple with, and usually resolve, difficult issues.
- *Patience and stamina* proved to be virtues, as the discussion seemed at times contentious, time-consuming or frustrating. By sticking with it, the group achieved powerful consensus conclusions.
- The group showed tremendous *respect for process requirements*. Many dialogues and negotiations flounder because participants devote their attention entirely to substantive issues, without considering the best process for handling those issues. This group cooperated with the facilitators to attend to painstaking procedural matters, such as what

the product of the dialogue would be, and what are the parameters of the subject. Such procedural clarity served to make the substantive discussions more productive.

- Participants *made the best of the resources available*. Participation of Mexican and Canadian counterparts, more meeting time, and other changes might have improved this dialogue, but it may be better to hold an imperfect dialogue than none at all.

CONCLUSION

This dedicated group struggled, strained, and finally succeeded in an ambitious task: articulating a set of principles—acceptable to diverse stakeholders—on the conduct of collaborative processes for addressing environmental and sustainable development issues. Such processes are fairly new, particularly in the international arena, and will no doubt continue to evolve. The members of the group had both a recognition of the value they could provide in sharing their wisdom with others, and the humility to refrain from declaring the principles absolute and definitive. It is their hope that others will build on their wisdom by drawing on an expanded set of experiences.

LIST OF PARTICIPANTS

INTERNATIONAL PUBLIC POLICY DIALOGUES Workshop on Developing Effective Collaborative Processes

Those listed below participated in the workshop on June 30-July 1, 1997, and in subsequent meetings or processes to refine the group's products. All participated as individuals. The listing of organizations is for identification purposes only and does not reflect endorsement of these principles.

Werner Braun
Dow Chemical
Midland, MI

Maria Elisa Christie
TNRCC/WGA
Office of Border Affairs
Austin, TX

Chris Cowan
The Procter & Gamble Co.
Cincinnati, OH

Dr. Ely Dorsey
Howard University School of Business
Washington, DC

Adam Greene
U.S. Council for International Business
New York, NY

Michael Gregory
Arizona Toxics Information
Bisbee, AZ

John Godec
Motorola SPS
Phoenix, AZ

Gary Gulezian
Great Lakes National Program Office
U.S. EPA Region V
Chicago, IL

Bob Hardaker
U.S. EPA
Washington, DC
Earle Havens
Yale University
New Haven, CT

Dale Humbert
Society of Environmental Toxicology and Chemistry
Midland, MI

Lonnie Hurst
Motorola SPS
Phoenix, AZ

George Kuper
Council of Great Lakes Industries
Ann Arbor, MI

Tom Martin
Asarco, Inc.
El Paso, TX

Raphael Metzger
National Coalition of Hispanic Health and
Human Services Organizations
Washington, DC

Jeanette Moorehouse
Public-Private Ventures
La Jolla, CA

Paul Orbuch
Western Governors Association
Denver, CO

Jerry Pardilla
National Tribal Environmental Council
Albuquerque, NM

A Case Study of Stakeholder Dialogue

Kathy Prosser
The Keystone Center
Keystone, CO

Dr. Jurgen Schmandt
University of Texas & HARC
The Woodlands, TX

Jerry Schwartz
American Forest & Paper Association
Washington DC

Dr. Bill Taylor
Michigan State University
East Lansing, MI

Terry Williams
Fisheries & Natural Resources
Tulalip Tribes
Marysville, WA

John Wirth
North American Commission for Environmental
Cooperation/JPAC
Stanford University
Santa Fe, NM

FACILITATORS:

Bernie Mayer
CDR Associates
Boulder, CO

Peter Woodrow
CDR Associates
Boulder, CO

Suzanne Ghais
CDR Associates
Boulder, CO