

What Do We Mean by Consensus?

Some Defining Principles

THROUGHOUT THE WEST, a growing number of communities and government agencies are experimenting with different ways to solve natural resource problems cooperatively. For whatever reason, many of these processes are referred to as “consensus processes.” While I support any process designed to get people with diverse viewpoints to sit down and work out their problems, I am increasingly concerned that a variety of efforts designed to bring together people with diverse viewpoints are mistakenly included in this category. ¶ These other processes—collaboratives, coordinated resources management, watershed planning, ecosystem management, facilitation, and mediation—may indeed be useful, depending upon the expectations of the participants. But referring to these as consensus processes, whether or not they actually involve the use of consensus, often misleads and confuses people.

where is replete with examples of the use of coercion. A great deal of legislation and regulation is coercive, in that both often impose some type of action and associated cost upon others. But other power-based procedures are equally coercive. Civil disobedience, strikes, elections, and citizen

In this short essay, I would like to help clarify what is and is not a consensus process and to suggest where consensus fits into the menu of approaches to make public decisions and foster community-based conservation.

To begin, let me suggest that there are four basic approaches to making public decisions and resolving public disputes.

The first approach is to *determine who is more powerful*. Power in this sense is simply the force of coercion: the ability to make others do something they don't want to do.

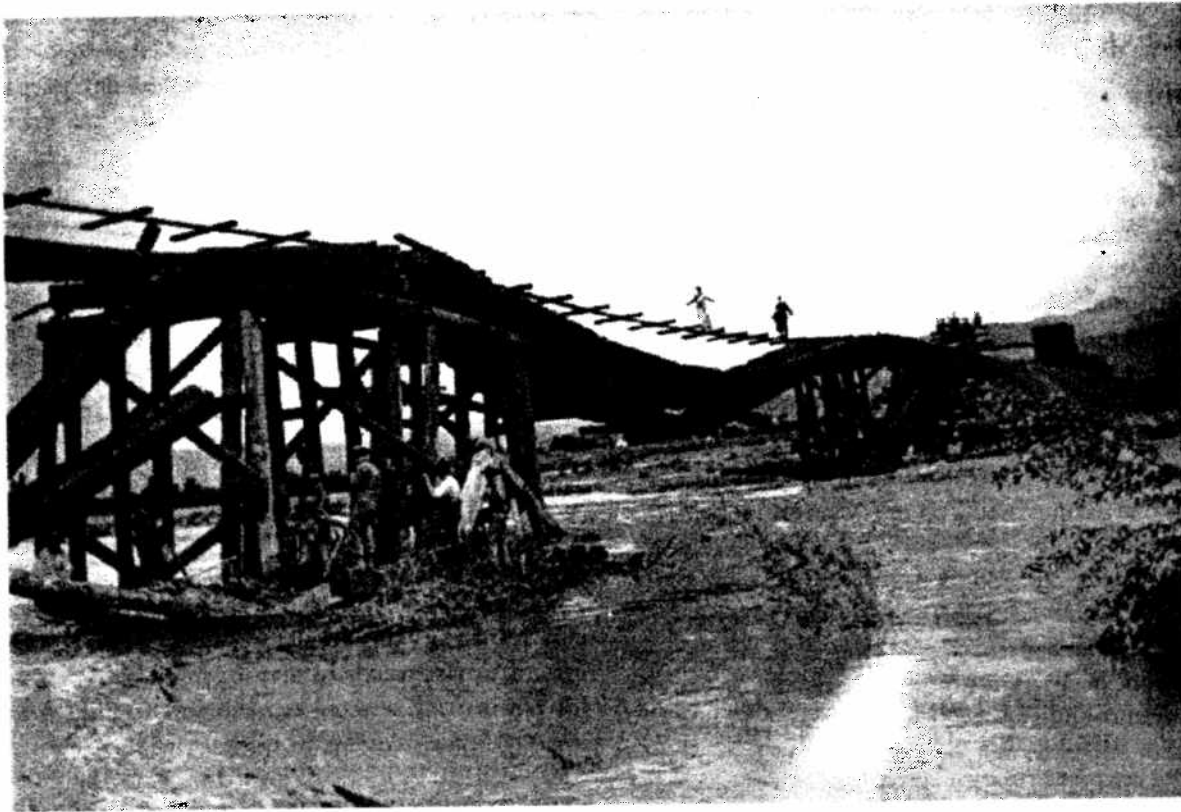
Natural resource politics in the West and else-

initiatives are all examples of ways in which we try to solve problems, keep bad things from happening, or provide for planning and foresightful behavior through the use of power.

A second approach to making public decisions is to *determine who is right*. In this context, we usually rely upon some independent, legitimate, and fair standard to determine rights or rightness. Some rights are formalized into law or contract. Others are generally accepted standards of behavior, such as reciprocity, precedent, equality, or seniority. Rights, however, are rarely as clear as they may seem.

The underlying problem of instream flow protec-

by MATTHEW J. MCKINNEY



CONSENSUS BUILDS ONE STEP AT A TIME. THE 1911 FLOOD IN MISSOULA, MONTANA.

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tion, which I refer to later in this essay, is a good example of how a rights-based procedure works. In this case, farmers and ranchers have senior water rights that allow them to divert water out of a stream, which often hurts the fishery resource. While conservationists and others may complain about dewatering, they have few if any rights to keep water in the stream. Decisions on the legal allocation of water rights often involve a third party, such as a court or an administrative agency, with the power to hand down a binding decision.

Rights procedures, much like power-based procedures, are adversarial in nature and tend to result in winners, losers, and impaired relationships among the parties. In both cases decisions are made, but the underlying problems are rarely resolved and the losers do not "go away."

A third approach is to *involve the public*. Public involvement often starts by informing and educating citizens about a proposed decision or action through press releases, videos, public service announcements, and public meetings. These tools tend

to be unidirectional: they tell citizens what is happening but do not provide an opportunity for citizens to respond. They rarely, if ever, allow citizens to provide information or contribute to the education of all affected parties, including government agencies.

The input and advice of citizens may be necessary to develop effective public policy, but they are rarely sufficient to build agreement among diverse interests. Because of the diversity of viewpoints expressed during public involvement processes, government officials typically receive competing, conflicting ideas on what to do. It is then up to them to make the necessary trade-offs among competing viewpoints and to render a decision. As we all know, citizens tend to challenge both the process and the outcomes of most public involvement processes.

The gridlock and acrimony now rampant among communities, agencies, and legislatures demonstrate the need for a fourth method to supplement the existing approaches. This is where *consensus processes* come in.

Key Ingredients for Consensus

WHILE NO CLEAR MODEL EXISTS for building consensus, there seem to be at least seven key ingredients for success. These not only provide a road map for how to design and manage a successful consensus process but also serve as defining principles. Think of them as benchmarks for determining what is, and is not, a consensus process and how consensus processes differ from other forms of public consultation.

① Agree on the Purpose

The first thing to realize about consensus processes is that people need a compelling reason to participate—they must agree on the need to change the status quo. They also need to agree that a consensus process is the best approach in that situation. This suggests that consensus processes are not a panacea to public decision making and that under certain circumstances other public involvement or dispute resolution methods may be more appropriate.

In 1994, after nearly thirty years of conflict and debate on how to maintain and enhance stream flows in Montana for fisheries, individuals and organizations representing farming, ranching, recreation, and wildlife interests came together to seek agreement on how this issue might be resolved. The participants seemed tired of fighting; all of them realized that they might get something from a consensus process that they had not been able to get through legislative, administrative, or judicial processes. After nearly a year of negotiations, with the assistance of the Montana Consensus Council, the participants agreed on a bill that easily passed the 1995 legislature—to the amazement of nearly everyone.

② Ensure that the Process Is Inclusive

All of the individuals and organizations affected by or concerned with the issues being addressed should be involved in the consensus process. This includes parties affected by any agreement that may be reached, those needed to successfully implement an agreement, or those who could undermine one if not included in the process. These individuals and organizations should participate voluntarily.

Before convening the instream flow negotiation, I spent several months visiting with those interested in the question of instream flows. The objectives of

our conversations were to clarify the interests of the different parties, determine if they wanted to participate in a consensus process, and identify other “stakeholders.” Interestingly, the participants quickly agreed that, while both the legislature and state agencies would more than likely be needed to implement any agreement, they were not welcome at the table. The participants feared that having legislators and bureaucrats involved at the outset would unnecessarily politicize the conversation and create artificial administrative barriers to innovative solutions.

In several other projects I am involved with, the core participants—citizens and advocacy organizations—are likewise opting out of including politicians and agency personnel. I’m not entirely sure what to make of this trend, except to note that it cuts against any notion of absolute inclusiveness. In certain situations, there may be legitimate reasons for not inviting selected stakeholders to participate directly in the consensus-building process.

③ Allow Participants to Design the Process

One of the key defining characteristics of a consensus process is that the participants design and manage it. This principle, more than any other, distinguishes a genuine consensus processes from other types of public decision making. Participants must be free to design a process that fits the specific needs of their situation. They should select their own representatives, define the issues in their own terms, and develop appropriate ground rules to govern the conversation.

Legislatures, state and federal agencies, and local government bodies cannot and should not force people with diverse viewpoints to participate in consensus processes. Such mandates are contrary to the basic idea that consensus processes are “voluntary.” Government authorities may suggest the use of consensus processes to address particular issues, but if the stakeholders are not interested or are not given the freedom to design the process, it is not, in the pure sense, a consensus process. In this respect, most of the advisory committees and task forces appointed by government officials are not genuine consensus processes.

One of the key steps is to agree on *what* consensus will mean, and *who* qualifies as a “consensus

builder." I am currently involved in a project on wilderness and federal lands in which the participants agreed to the following definition of consensus:

Each participant is committed to seeking consensus (or agreement). Consensus is reached when the participants agree on a package of provisions that address the range of issues being discussed. The participants may not agree with all aspects of an agreement; but they do not disagree enough to warrant their opposition to the overall package. Each organization:

① Has the ability to disagree with any proposal, but assumes a responsibility for providing a constructive alternative that seeks to accommodate the interests of all participants;

② Is committed to implementing agreements that are reached; and

③ Will maintain their values and interests.

For purposes of this dialogue, agreement is defined as agreement among the participating organizations.

This decision rule implies that consensus processes do not require participants to compromise their values and interests, and that each participant has a *right* to veto any proposal made during the conversation, but assumes a *responsibility* to provide an alternative proposal that seeks to accommodate the interests of all participants.

④ Encourage Joint Fact Finding

By gathering, analyzing, and interpreting data together, participants build a common understanding of the situation. Everyone is encouraged to share his or her unique interpretation of the information and all should have equal access to it. Building a common understanding seems to be a prerequisite to building agreement.

⑤ Insist on Accountability

To ensure success, the participants in a consensus process must respect the forum they have jointly created and assume a sense of obligation to maintain its integrity. At the same time, it is absolutely essential that participants report to their constituencies in a timely and consistent manner, and relay the concerns of their constituents to the other members of the forum. The goal of a consensus process is not to reach agreement among the negotiators per se, but among

the constituents they represent. This principle also suggests the need to keep the public informed of major accomplishments.

⑥ Develop an Action Plan

Ultimately, the participants must commit to a plan of action. This includes identifying roles and responsibilities to implement the agreement, designing a strategy to monitor and evaluate the agreement, and planning to reconvene the group under specified circumstances.

As the agreement on instream flows began to take shape, the participants worked to ensure that the agreement would be accepted by the legislature. They identified who should lobby which legislator, the order of testimony during committee hearings, and even the content of the testimony. They also agreed to form a working group to monitor implementation of the new law. The working group, with the assistance of the Montana Consensus Council, has produced a brochure explaining the new instream flow law. Trout Unlimited, one of the organizations that negotiated the agreement, is pursuing several water leases to maintain fisheries in Montana and has already learned a great deal about the process of changing water rights from historical uses to instream flows. If and when a problem emerges, we have a built-in mechanism to reconvene in order to find a solution.

⑦ Find the Right Facilitator

Another important ingredient to the success of consensus processes is the need to find an impartial facilitator who is acceptable to all participants. An effective facilitator contributes three important services:

*First, the facilitator can help people assess the situation, design an appropriate forum, coordinate meetings, document agreements, and support the action plan. Second, with no stake in the outcome, the facilitator can help legitimate the process, improve communication among participants, and ensure enforcement of ground rules designed to equalize power. Finally, a facilitator should also contribute to the integrity of the process by identifying unrepresented interests that emerge during the building or implementation of any agreement, and suggest ways to incorporate such interests.

Why Use Consensus?

AS CONSENSUS PROCESSES CONTINUE to emerge and are shaped by those involved in them, critics of the effort have leapt to the fore. There are those who claim that consensus processes simply do not work and are inherently biased. The Oregon Natural Resources Council, for example, maintains that such processes "include interests which benefit from the status quo, and therefore have little or no desire to change." The ONRC goes on: "Our participation is sought most to co-opt us into a process where it is assumed we would lay down our legal and other weapons to talk in good faith."

The Montana Environmental Information Center claims that consensus processes are "fundamentally undemocratic, for the process grants tyrannical power over the majority to the minority."

In what must be one of the broadest and most scathing indictments of consensus-based approaches, former British Prime Minister Margaret Thatcher has said that: "Consensus is the process of abandoning all beliefs, principles, values and policies in search of something in which no one believes, but to which no one objects."

For those who genuinely feel that their issues will fare better before the courts, the legislature, or some other avenue more familiar to the adversarial processes of governance, I suggest that they seriously consider four questions:

☛ First, what are the likely costs—the time, money, and emotional energy—in relying on one process relative to another?

☛ Second, how satisfied are they likely to be with the outcome of a particular process?

☛ Third, how will the use of one process over another impact their relationships with other affected parties? Do those relationships matter in the long run?

☛ Finally, what is the chance that the issue will actually be resolved through one process or another?

When properly used in appropriate situations, I propose that consensus is generally less costly than determining who is right, which in turn is less costly than determining who is more powerful. Consensus is also more effective than traditional public involvement processes when the goal is to seek agreement on public policy. In my experience, consensus approaches tend to produce more satisfactory outcomes, reduce costs, build relationships, and minimize recurring disputes.

But here's the thing: A consensus process is appropriate when all of the stakeholders

believe that they are likely to get something through consensus that they are not likely to obtain from any other arena. Without this conviction, efforts to create consensus are likely to fail, and those who might toy with the idea of entering into discussions aimed at building agreements would probably be better off relying on the more adversarial venues.

Plenty of suspicion about the nonadversarial abounds, and it appears to me that we need to further clarify, discuss, and seek a common understanding of what is and is not a consensus process, and to distinguish these processes from other approaches to public decision making and community-based conservation. The principles presented above may provide a place to begin this conversation. Additional defining principles are likely to emerge from the experiences of others. **C**

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