Assessment of Collaboration and Consensus Building Needs and Opportunities in Wyoming

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INSTITUTE AND SCHOOL FOR
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About the Institute for Environment and Natural Resources...

The mission of the Institute for Environment and Natural Resources at the University of Wyoming is to advance effective decision making on environmental and natural resource issues by promoting and assisting collaborative, informed approaches that sustain both the economy and the environment.

Institute work is consistent with three core values:

- Collaborative problem solving on environment and natural resource issues;

- Balance among diverse points of view with acknowledgment of the fundamental rights of Americans; and

- Respect for transdisciplinary research and the best available information.

The Institute strives to empower citizens and communities with accurate and unbiased scientific, technical, and socioeconomic information that can assist in formulating effective, collaborative solutions to complex natural resource issues.

The Institute is supported by funds from The William and Flora Hewlett Foundation and other private donors.

About Homeland...

Andrea Brandenburg is the founder of Homeland, an organization dedicated to promoting sound, locally-made decisions.

Her interest in assisting communities develop better ways to meet their current and future challenges successfully began when she realized that many opportunities exist to create unproductive conflict, yet few opportunities arise for people to proactively influence the decisions that impact their lives. This often results in lost jobs, eroded relationships, and public policies that rarely solve problems.

To address these critical concerns, she designed and completed a graduate program in natural resources to refine her research, teaching, and dispute resolution skills. Since then, she has gained a wealth of real-world experience as an educator, researcher, policy analyst, facilitator, and mediator. Through her work, Andrea is dedicated to promoting the understanding, evolution, and practice of effective participatory democracy.

Andrea is originally from Montana and now makes her home with Tony Malmberg on the Three-Quarter Circles Ranch outside of Lander, Wyoming.

TABLE OF CONTENTS

SUMMARY

As part of continuing work on evaluating and advancing effective collaborative processes, the Institute for Environment and Natural Resources (IENR) at the University of Wyoming conducted an assessment to survey the opinions of Wyoming citizens about whether opportunities for collaboration and consensus building should be enhanced in Wyoming. The purpose of the final report from this assessment is to discuss the issues related to consensus building and collaboration, as well as offer a series of next steps intended to use the existing wealth of knowledge, skills, and resources present in Wyoming to meet the identified needs.

This report is a culmination of what we heard from the nearly 300 people who participated in at least one phase of this assessment. Contributors offered the following needs, opportunities and issues:

1. A broad-based will to build better ways to make public decisions exists in Wyoming and most, but not all, of the participants in this assessment see collaboration and consensus building as ways to potentially improve decision making;
2. There is a need for better decision making within groups;
3. People identified a need for "participant training" in consensus, collaborative, and community decision-making processes;
4. There is a lack of awareness about, and unequal distribution of, available consensus-building, collaboration, facilitation, and mediation resources in Wyoming;
5. There is a need for the public to become better informed on environmental and natural resource issues; and
6. Skepticism about collaboration and consensus building, as well as the individuals and organizations that promote this form of decision making, must be addressed.

To address these issues, IENR may fill an appropriate function as a support mechanism for collaboration and consensus-building enterprises related to environment and natural resource issues within Wyoming. IENR's practical priorities will be:

1. **Support and Awareness**
    Coordinate with other public and private practitioners to advance innovation and mutual respect in the field while building people's capacity to collaborate successfully. Realizing that the early steps of collaboration are often the most difficult to coordinate and fund, IENR will work with others to offer consultation on situation assessments and process design.

2. **Training and Education**
    Promote understanding and practical application of collaboration and consensus-building processes, and understanding of environmental issues, laws, and regulations. Create learning opportunities for participants of existing collaborative groups, facilitators, community members, elected officials, agency personnel, university and community college students, and youth.

3. **Scientific Resources, Research, and Publications**
    Provide reliable scientific resources, process design assistance, and technical expertise to collaborative and consensus-building groups. Support research to monitor and evaluate

collaborative processes. Create an agreement building clearinghouse to effectively disseminate information.

INTRODUCTION

The issues surrounding natural resources and the environment in Wyoming today are increasingly complex, challenging, and often divisive. Typically, these issues involve a wide array of people with different backgrounds, lifestyles, and values, who all want a voice in the decisions that impact their lives. In response to these challenges, there is a broad based and growing recognition in Wyoming that public decision-making processes need to be supplemented with approaches that allow for more inclusive representation, access to information, and a shared ability to influence and make decisions. By creating better ways to make decisions as communities, there is hope we can use conflict productively, focus on shared goals, build agreement, and create implementable and long-lasting solutions.

Across the West, numerous efforts have been springing up aimed at giving people more information about and involvement in decisions that affect their lives. The developing practice of collaborative problem solving shows promise in reducing some of the conflict that often surrounds natural resource issues. In Wyoming and many other states, for example, the Coordinated Resource Management (CRM) program has been demonstrating that people with diverse points of view can work together toward goals such as improving habitat conditions along streams and rivers.

At the same time, the Board and staff of the Institute for Environment and Natural Resources (IENR) at the University of Wyoming have been involved in a number of discussions about collaboration and consensus building in Wyoming. In general, the opinions heard have ranged from support for a Wyoming "consensus council," similar to those in Montana or North Dakota, to an apprehension about institutionalizing the process in any new or existing organization. In 1996, IENR surveyed selected Wyoming citizens about their opinions on environment and natural resource issues and their experiences with consensus building (survey results available on request from IENR). Responses to the survey's quantitative questionnaire revealed that the conflicting needs and expectations of various natural resource constituencies is an important obstacle to resolving difficult issues.

Within Wyoming, forms of collaboration have been used to supplement other ways to make public decisions, such as in developing community vision statements or land-use management plans, and in addressing conflicting interests over natural resource management issues. Participants in this assessment mentioned many providers, conveners, and examples of collaboration and consensus building.[1] People also noted many informal negotiations,

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[1] Participants in the assessment had many different descriptions of the processes they had experienced, and the words "consensus" and "collaboration" were often used interchangeably. The following brief definitions are included here to help clarify the terms.

Collaboration focuses primarily on information sharing and joint fact-finding. Different objectives include: to exchange information, improve communication, and facilitate education among people with diverse viewpoints; to identify issues, concerns, and interests; to develop options; to develop recommendations; and to seek agreement or consensus. *Consensus* is a way to make decisions and generally means that participants in a group agree to support

mediations, and conflict resolution processes along with several CRM groups and community planning efforts throughout the state. While becoming common elsewhere, to our knowledge, a formalized consensus process has not been used to inform or create legislation or administrative rules in Wyoming.

Given all these developments and as part of continuing work on evaluating effective collaborative processes, Andrea Brandenburg conducted personal interviews for IENR to gain a more in-depth assessment of the opinions of Wyoming citizens about whether opportunities for collaboration and consensus building should be enhanced in Wyoming. The purpose of this document is to summarize what IENR learned from the assessment, as well as offer a series of recommended next steps intended to use the existing wealth of knowledge, skills, and resources present in Wyoming.

While this assessment builds on the previous work of IENR and on interactions with the Wyoming Governor's office, the Western Governors' Association, the Policy Consensus Initiative in North Dakota, and the Montana and North Dakota Consensus Councils, it is important to note that there have been no predetermined outcomes to this assessment and IENR has not been an advocate for any particular interest or outcome.

ASSESSMENT APPROACH

This assessment was designed to model the strengths of consensus building. That is, rather than assuming that opportunities need to be enhanced in Wyoming and then simply transplanting ideas and organizational designs from elsewhere, we opted for a highly participatory approach that would lead to recommended next steps that reflect Wyoming. The assessment involved three phases of inquiry that built upon each other to incorporate the diversity and complexity of opinions in Wyoming.

Phase one involved identifying some of the people who have been active or have expressed interest in collaborative problem solving and consensus building in Wyoming. We informally discussed the proposal with these people, and sought their assistance in defining the scope of the assessment and in identifying additional people to be interviewed in phase two. This initial phase allowed us to benefit from the knowledge of others by identifying, describing, clarifying, and incorporating their interests and concerns into the assessment design.

Phase two involved conducting informal interviews that allowed people to express their views. Strategic questions were used to enhance creativity and the development of ideas. Specific questions included: (1) What approaches are available to you in creating or influencing public

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the group's decision, even though each individual in the group may not necessarily agree with every aspect of the decision.

Practitioners are beginning to use the term "agreement building" to encompass collaboration and consensus building, and you will see this term in places in this document. Further discussion of the characteristics of public decision making and the philosophy and techniques of collaboration and consensus building can be found in ***Building Agreement on Public Decisions in Wyoming: An Introduction to Collaboration and Consensus***, which is available on request from IENR or can be viewed on IENR's website (www.uwyo.edu/enr/ienr.htm).

policy in Wyoming; (2) How would you describe your experience in negotiating with other interest groups; and (3) Can you offer suggestions on ways to improve decision making and problem solving in the state? Interviews continued until we heard no substantially new ideas or information.

A *Working Document* was written based on the confidential contributions of forty-three individuals representing agriculture, oil and gas development, resource development, environmental interests, business, wildlife protection, outfitting, tribal interests, labor, health and human services, community activists, private facilitators and mediators, educators, and representatives from local, state, and federal agencies.

Phase three consisted of distributing the *Working Document* to approximately 750 people from all walks of life, to spur discussion and seek contributions from a broader range of people than logistically could be interviewed during the second phase of the research. Contributors were invited to send written comments, e-mail, or call with their ideas and concerns. Many individuals and groups were interested in meeting and talking about the ideas more fully, and all such requests were honored.

In the following sections, statements in quotation marks are the recorded words of participants. To respect confidentiality, no names are associated with these quotes. In addition, instead of providing a list of collaborative activities in the state, we chose to not directly reference any process, group of participants, conveners, or facilitators. This assessment's purpose was not to evaluate existing processes or organizations. Rather, it provided the people of Wyoming with an opportunity to identify and discuss the needs, opportunities, and issues related to collaboration and consensus building.[2]

This report is a summary of what we heard from the nearly 300 people who participated in at least one phase of the assessment. This assessment was not intended to be quantitative. By allowing people to explore ideas rather than reacting to a formal questionnaire, we attempted to gain a more in-depth, qualitative understanding of the diversity of views held by Wyoming citizens.

NEEDS, OPPORTUNITIES, AND ISSUES

The overriding theme that we heard from nearly every participant in this assessment was that decision making on natural resource issues should be inclusive, fair and democratic. Many people saw collaboration and consensus building as ways to improve participatory democracy. But as one person stated:

> *"Equality and democracy are something that we are still learning how to do. I think its fair to say that they are goals that we need to be reminded of. We haven't achieved them to anyone's standards. But if you can help us strengthen*

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[2] The absence of references thus should not be seen as a lack of recognition. We invite all to contact us and welcome your process or service description to be included in the Community Toolbox, facilitator/mediator database, and compilation of case studies contained on the IENR website at www.uwyo.edu/enr/ienr.htm.

*equality and democracy in our political system through better processes we will
all be better off."*

Other people, while recognizing some of the potential benefits of these approaches, expressed concerns that need to be addressed. Some of these concerns stem from people's diverse experiences with collaboration and consensus building. When people were questioned specifically about processes in which they had been involved, it became apparent that few processes followed the guidelines for successful collaboration (see, for example, the following *Guiding Principles for Successful Agreement Building*).

Guiding Principles for Successful Agreement Building

The strength of an agreement building process comes from its flexible, inclusive, voluntary, and participant-driven nature. All parties must be supportive of the process and willing to invest the time necessary to make it work. Experience points to certain characteristics that are fundamental to successfully building agreement. These guiding principles do not represent a comprehensive "how-to," but are intended to build awareness and clarify the best practices for successful agreement building.

Assess the situation.
The first step is to analyze the situation and determine the best approach to address the issue. The objectives of a situation assessment are, first, to comprehensively determine the variety of values and viewpoints related to a particular issue; and second, to develop a common understanding of the issue's substance, the needs and interests of the parties, and the consequences associated with different ways for resolving the issue. The assessment also sheds light on areas of potential agreement and opportunities to improve the situation that might otherwise go unnoticed. Conducting a situation assessment typically involves the use of someone who is impartial to review appropriate documents and interview people representing different viewpoints.

Agree on the purpose.
People need a compelling reason to participate. All participants should agree that agreement building is the best way to improve the situation. Everyone should understand the scope of the work being proposed, as well as the group's level of decision-making authority. Ensure that people's expectations are in line with reality concerning what the process can accomplish.

Ensure that the process is inclusive, not exclusive.
All those who can affect the outcome or its implementation, or who could be impacted by the outcomes, should be involved from the process design phase. It is imperative that participation not be limited to those who have an immediate financial interest, but rather involve all of those who are concerned. Inclusion of all those interested should take precedence over concerns about group size. Acknowledge and respect the interests and concerns of others. Allow all participants a chance to be heard and to exchange ideas.

Allow participants to design and drive the forum.
Participants should select their own representatives, define the issues, and develop appropriate ground rules. Trust in the process must be built from its inception. If certain people are excluded, the process will lack trust and credibility from the outset. Each process should be designed to meet the specific needs of any given situation and should be flexible. Anticipate that everyone will learn more about the issues and other participants' perspectives as the process unfolds.

Secure adequate financial, technical, and training support.
In situations of high conflict or stakes, a highly-skilled facilitator who is viewed by all interests as fair and competent will greatly improve the chances of success. Choose an impartial facilitator who is credible to all participants and who can ensure that participants share power among themselves during the agreement-building process without relinquishing their decision-making authority. Groups should secure adequate and sustainable funding to support the process. Process costs vary but typically include the services of a facilitator or coordinator, copying and mailing, staff time, travel expenses for participants, technical support, and specific project expenses.

Encourage cooperative learning.
Build a common understanding of the issue by identifying existing sources of information and data. Ensure equal access to relevant information. Agree on the sources of technical support. Gather, analyze, and interpret data by

working together so as to gain commitment to the baseline information. Base decisions on reliable, accurate and unbiased information.

Insist on accountability.
Participants are accountable to the process they created, as well as to those whom they represent. Keep the public and other decision makers informed of progress. Act in a trustworthy fashion at all times.

Implement and monitor the agreements.
Clarify the participants' commitment to action. Identify roles and responsibilities. Design a monitoring and evaluation strategy.

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The Principles were compiled from the following sources:

Brandenburg, A.M. and K.M. Blatner. 1998. Moving Beyond Mandated Public Participation: Principles for Building Agreement on Public Land Natural Resource Issues. Paper presented: Rural Sociological Society Annual Conference, Portland, OR.

Paulson, D.D. and K.M. Chamberlain. 1998. Guidelines and Issues to Consider in Planning a Collaborative Process. Final Report to the Institute for Environment and Natural Resources, University of Wyoming, Laramie.

Round Tables on the Environment and Economy in Canada. 1993. Building Consensus for a Sustainable Future: Guiding Principles. Ottawa, Canada.

Society of Professionals in Dispute Resolution. 1997. Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes.

Wyoming Department of Agriculture. 1997. CRM Guidelines. Wyoming CRM: Enhancing our Environment.

That is, processes convened in the name of "consensus" most often did not: (1) include everyone; (2) allow participants to design the process and select their own representatives; and (3) implement agreements in good faith. In some cases, people's experiences with poorly designed, ineffective, and unfair processes have resulted in a lack of acceptance of collaboration altogether. In other cases, opinions on collaboration depend on people's expectations of the processes rather than their direct experience with them.

Another factor that influenced people's opinions about collaboration and consensus building was their approach to conflict. For example, if the leader of an organization is a person who tends to be adversarial, often the organization also tends to be adversarial and non-collaborative. One respondent called this phenomenon "process monoculture" and noted the tendency for groups to favor only one or two ways to affect public policy, typically litigation or lobbying.   This leads to few people and groups reasonably assessing all the risks involved when choosing how to influence or create public policy.

Many members of interest groups with varying agendas confirmed that truly functional and mature organizations are aware of: (1) the full menu of public processes available to them; (2) how to choose the best process according to the risks involved in reaching a desirable outcome; and (3) the individual strengths of the diverse people who make up their organization. As one contributor stated:

> *"If someone is prone to negotiation and cooperation they should be viewed as a resource when a particular issue calls for collaboration. On the other hand, if someone is exceptional at persuasion they may be best suited for the fights that come our way."*

The strongest views and concerns about collaboration and consensus building did not come from one interest group or another. In fact, dislike of the process was correlated with extreme disdain

for "the other side." In other words, those who expressed the most distrust for "the other side" certainly agreed that they did not want to sit down at any table together. Moreover, while no groups had an anti-collaboration policy, their members, staff, and boards varied significantly among each other in opinion regarding the merits of collaboration.

Despite the variety of strong opinions related to consensus building and collaboration, all of the contributors stated their desire to find better ways to make public decisions. Moreover, nearly everyone requested that we explore the possibility of enhancing collaboration and consensus building as one way to accomplish this goal. This exploration will include finding ways to address the skepticism some people have for collaborative approaches.

Participants in the assessment identified the following needs, opportunities and issues:

1. **A broad-based will to build better ways to make public decisions exists in Wyoming and most, but not all, of the participants in this assessment see collaboration and consensus building as ways to potentially improve decision making.**

Participants noted that it is increasingly difficult to make decisions concerning land use, resource allocation, endangered species protection, ecological preservation, economic development, education, health care, and other public issues. Officials voiced concerns that they are frequently unable to offer proposals or take action without public protest. Individuals and groups affected by policy and management decisions are often frustrated by both the decision-making process and its outcomes.

When asked specifically why some believed in the potential of collaboration and consensus building as one way to potentially improve decision making, interviewees noted that if appropriately designed and used, these forums can:

- improve working relationships, promote civility, and build community;
- enrich the discussion and clarify underlying issues;
- identify options for dealing with disagreements;
- foster respect for and a better understanding of different values and ideas; and
- lead to better informed, more creative, balanced, and enduring decisions because of the shared commitment to the process and the results.

When asked if collaboration and consensus-building opportunities should be enhanced, responses included:

> *"Definitely!! We must continue the transition from traditional top-down public-policy decision making/implementation to 'customer-based' processes. Failure to recognize that citizens are demanding more individual (as opposed to representation) input in the process will create greater consternation and divisiveness in the final product. The end result in utilizing the traditional, non-consensus methodology will be inefficient AND ineffective policies, as well as a hardening of 'positions' rather than seeking solutions to resolve all parties' interests."*

"If consensus and collaboration can move us toward this end [better decisions]*, then we should develop it as an available tool."*

"If you can show me a process that is fairer, faster, and cheaper, sign me up."

"Yes -- many of the issues in Wyoming are addressed in a confrontational manner --- land-use planning, public access, environmental issues -- with little chance of resolution. Delay and animosity are the principal products."

"Yes, [collaboration and consensus building offer] *improved alignment between levels of government and agencies; better decisions applied to Wyoming circumstances; a broader basis for learning through experience; and bring various public values together in equitable ways."*

"Definitely, Wyoming is one of the best remaining 'laboratories.' Not too populated nor structurally complex. Great people and important resources needing stewardship.'

"Yes [consensus building should be enhanced because we are seeing] *increased militancy within many groups, and the expense and unpredictability of judicial resolutions. The consensus process strengthens the decisions reached."*

"Yes. Issues will continue to be divisive and more and varied groups are becoming involved. It is no longer acceptable to hire gunfighters and 'clear the range.'"

"[Yes, because] *many avoid consensus to protect their ignorance. It is easier than learning."*

Others pointed to the importance of enhancing local, community decision making, like these participants:

"Many feel that 'public policy' is formulated far away from Wyoming and that 'one-size-fits-all' solutions do not always solve local problems, or even address them in a meaningful way."

"I really believe in the old saying 'Think globally. Act locally.' We need to take responsibility here at home and make some good decisions on the issues that impact our lives."

"We need to find better ways to have a meaningful voice in the issues that impact our lives, our community, and our state. I know that we need change but I want Wyoming to stay unique."

Several interviewees noted the potential for collaborative approaches to address conflicts and build support for decisions:

"The way we typically make decisions excludes rather than includes all interests. We rely on 'majority rules' or a governmental official unilaterally deciding what to do and call it democracy. Think about what this really means to the so-called minority. I think many of the tough issues we face here in Wyoming require processes that reconcile competing interests, forge new cooperative partnerships, and explore new solutions."

"If people help mold the policy, then they support it more."

"It is much better to work together as a group to accomplish goals than individually. When a disagreement or problem occurs it is beneficial for all parties to discuss the problem and reach a conclusion."

"I see consensus building as one of the few strategies that might lessen the divisiveness that exists among various groups over significantly relevant issues such as public lands and hunting."

"Consensus building is one tool to use to help ensure an issue is resolved and the resolution is something that all parties can live with. It's not the only answer but it provides an additional tool."

2. There is a need for better decision making within groups.

Many individuals noted frustration with how interest groups make decisions. People may feel reluctant to speak up in meetings; not because they don't have informed opinions regarding the issues at hand, but because they don't know if they are "in order." This excludes some from becoming productive members of the group and was cited as a possible reason for problems in recruiting people to join the group. Though rules of order are supposed to keep meetings running smoothly, respondents noted that an enormous amount of time can be spent discussing the logistics of the process, rather than having a productive dialogue.

Contributors to the assessment also noted that while some of the state's boards, commissions and advisory groups are good examples of successful collaboration at work, most could improve the ways in which they make decisions and pointed to consensus building as one way to do this. The following comments reflect the common sentiments heard about this issue during the assessment:

"The state's boards and commissions are supposed to enhance participatory democracy – a core value of Wyoming. Unfortunately they tend to be the Big Boys' Clubs. So there are two problems that need to be addressed: (1) the appointment process; and (2) the decision-making process. If these issues aren't addressed we will simply maintain the status quo."

"The appointment of the members of our boards and commissions is supposed to be fair and include all points of view. But I wonder – do they really think they are representative. Do they really think Wyoming is so narrow?"

"I had so many frustrating times while serving. It seems that on any one particular topic you have to 'ride the brand' or shut up. It's not about courage to stand up for what you believe. It's knowing that if you don't agree with what the others want then they won't support you on the issues you really care about. The results end up just being predictable rather than innovative."

"I wonder if there is a 'broad-based will to reach consensus' or rather a perception that this is another tool to delay or obstruct a decision that is counter to a particular group's interest. In many of the boards and commissions I am familiar with, an answer which follows intensive public input and reworking still gets the response 'you didn't answer us.'"

Individuals who are representatives for their organizations in collaborative processes, but whose organizations do not make cooperative decisions, have their frustrations compounded. They note that their constituents do not seem to understand the negotiation process and the fundamentals of consensus building. This leads to alienation from the group and ambivalence about the collaborative process as a legitimate form of policy development. As one respondent noted:

"It is so difficult for me to go back to [my group] *and explain what we have been doing, and what we have gained for the larger good – while holding on strong to what we believe in. I just think most of them are so blinded by their positions that all they think I do is compromise. But I really think I'm actually doing something to get some needed work done."*

Conversely, some said that many decisions within their own groups are reached by what is essentially consensus, instead of voting, because:

"We cannot afford to alienate people within our organization."

Those who have experience with collaborative decision making see the opportunity to extend the practice of consensus building beyond their group and into their communities and our policy-making arenas.

3. **People identified a need for "participant training" in consensus, collaborative, and community decision-making processes.**

Many contributors to this assessment, whether citizens, elected officials, or agency personnel, noted they wanted to be able to learn the skills needed to be an effective participant in consensus-based, collaborative, and community decision-making processes.

"As we human beings become increasingly connected through information technology and population growth/mobility, as a global society it becomes ever more essential and urgent for us to acquire skills which deal with complex issues involving diverse perspectives. Our current level of sophistication and understanding of these skills/processes in Wyoming is minimal."

> *"...participant training is very important and should be emphasized. People must feel comfortable and not be afraid of having to give up too much or they will not participate and any decisions will not include their wishes and feelings."*

Though many workshops are available for facilitator or mediator training, none to our knowledge are available to help people: (1) effectively assess the risks and benefits of participating in a consensus process; (2) design a process as a participant; (3) represent their interests adequately; (4) negotiate the terms of an agreement; and (5) implement and monitor the results.

While some of the facilitator or mediator training sessions may include the skill development exercises needed to be an effective participant, it is done only indirectly. Additionally, these training sessions tend to be exclusive (by invitation only) and can be very expensive.

When asked what the participant training should "look like," two people summarized the general opinion well:

> *"I learn best by doing. We have plenty of pertinent issues and real-life situations to deal with. I don't think we have the luxury to pretend* [with simulations and role-playing]. *Let's get on with solving problems. We will learn as we go along."*

> *"I like the 'hands on' approach. I have been to a number of workshops and training seminars, but putting your feet to the fire is the only way to get true experience."*

Most of the practitioners responding to the *Working Document* maintained that they were indeed offering training. Others did not think training could be accomplished without role playing and noted their concerns with training sessions that deal with real-life issues. As one practitioner stated:

> *"I can certainly understand people's frustration with 'traditional' role-play training; not all personality types and learning styles are comfortable with that technique, and adults, in particular, tend to learn more quickly by 'doing.' However, a training session using a real-life and current issue could very easily turn into a real-life consensus decision-making session, and many issues cannot be resolved, trust built, etc., in a 1-day or 2-day meeting."*

Another problem with training was captured well by the following statement:

> *"The common perception is the other person needs assistance with consensus building,* [but] *not me. Unless one will accept their own deficit, they will not avail themselves of training."*

Finally, others (primarily agency personnel and the staff of interest groups) stated that they want to just get on with the business:

> *"I don't want to attend workshops or training clinics. I am tired of them! ...I do not have the time and energy for workshops. But I try to resolve contentious issues every day. How can you help me."*

This statement attests to the fact that many people are inundated with "new and improved" ways to deal with the public.

Given these apprehensions and cautionary notes, there was still an overwhelming desire for some kind of participant training. Contributors commented that workshops should be at times, places, and costs that will be truly accessible to all. It appears that comprehensive and applied training would help many people feel more confident about engaging in agreement-building processes.

Also, noting the relationships that alternative dispute resolution, collaboration, and consensus building have with improved working relationships, civility, and healthy communities, many contributors observed that the needed skills should be learned at a young age:

> *"Consensus building needs to be integrated into school curriculum and youth need to be an equal partner on consensus-building teams.*

> *"Projects oriented towards training young people and students have potential to improve consensus skills in the next generation of leaders. The key to this is to instill the notion that it is okay to "agree to disagree" and to not demonize one's intellectual opponents. Courses emphasizing reasoning skills and how to track down available information to make more informed decisions would be helpful too."*

Contributors to the assessment informed us of many more existing efforts to enhance conflict resolution and decision-making skills with young people. But while there are many creative teachers, youth leaders, and parents doing their part to make Wyoming's future citizens better equipped to solve problems, support and integration of such efforts is lacking. Practically speaking, we were encouraged to avoid preempting existing efforts and to avoid giving teachers, parents, and leaders, any more to do. As one person stated:

> *"Develop activities that teachers can easily integrate into existing curricula rather than developing a 'stand alone' program."*

There were also those who expressed concern about the idea of teaching children dispute resolution, consensus building, and collaboration skills.

> *"[I'm concerned] especially in developing youth skills. I'm quite skeptical of the intent. There could be anywhere from a John Birch to an Earth First! bent. My main concern is that it truly reflects an unbiased, non-partisan approach. Though we've had business classes in school forever, there has been considerable flap over environmental courses."*

> *"While 'teaching consensus' sounds good, we are very concerned about the recommendation...to teach the existing model to children. We think it is wrong to promote a flawed process."*

Other teachers realized that integrating agreement building could be as simple as replacing voting with negotiations where all values were appreciated and integrated into the decision.

4. **There is a need for the public to become better informed on environmental and natural resource issues.**

Contributors noted a need for ways to provide the public with access to information because "informed decisions require informed decision makers." This would assist in giving all parties an equal opportunity to participate effectively. In terms of substance, respondents added:

> *"...there can be a need for a serious education program both to build better scientific understanding (a foundation for environmental issues), and appreciation of the points of view of others."*

> *"Consensus building on public policy can only be enhanced when all the participants are very knowledgeable in the area of public policy to be looked at. Too many times participants have only an opinion with little or no real knowledge of the subject."*

> *"I think one of Wyoming's biggest problems is the difficulty in getting adequate and up-to-date information, either economic or statistical, addressing the problem involved. The best decisions can be made by people with the best information. If consensus can be developed with the proper information on the problem addressed, we can take a major step in problem solving. What is wrong today is that a good deal of information that is received is so sketchy that the average Wyoming citizen is 'against it' mainly because he is not informed."*

> *"People need an intricate understanding of systems in order to successfully make consensus decisions."*

> *"Through the process of consensus building itself, there could be more and better education in the principles of natural resource management and resource sustainability."*

> *"It is important to be aware of and understand the interlocking nature of the many Federal statutes, laws, and regulations and how they impact the state and local level."*

> *"I am for any process which will bring about a more enlightened citizenry in regard to natural resource use and management, sustainability, and the importance and value of ecosystems."*

5. **There is a lack of awareness about, and unequal distribution of, available consensus-building, collaboration, facilitation, and mediation resources in Wyoming.**

A wealth of knowledge, skills, and abilities are present within Wyoming to meet the needs and opportunities for building consensus on public policy in the state. For some of us, it may seem easy to get what we need at any given moment by simply getting on the internet. For example, anyone can log onto the IENR website (www.uwyo.edu/enr/ienr.htm) and find a list of facilitators and mediators, as well as a "Community Toolbox" listing regional and statewide resources. Still, virtually no contributor knew about these or other resources available to them. And many of those who could locate, for example, the name of a facilitator, did not know how to evaluate the person's qualifications.

> *"It's really hard to get a facilitator that is qualified to do the job right. When you happen to find the assistance you need, you can't afford it."*

Again, practitioners and conveners did not agree that there is a lack of awareness about available collaboration and consensus-building resources. As one person said:

> *"There is an enormous amount of information available on consensus building. Why create another clearinghouse?"*

But those who did not see a need to improve the dissemination of resources did not give any suggestions on how to address the needs identified by virtually every citizen participant.

Another pervasive problem noted by those in active collaborative groups is a lack of funding for such endeavors. Process costs include the services of a facilitator or coordinator, technical support, copying and mailing, staff time, and travel expenses. These people captured the common sentiment:

> *"While funds may be available to do projects, the groups lack the expertise or time to do the grant writing, accounting, and report writing to secure these funds. Consequently everybody agrees to do something but nothing gets done because of financial and human time limitations. Solve this problem and consensus management will be more widespread and accepted. All the interpersonal communication training in the world won't solve this problem!"*

> *"...funding and compensation is necessary for participation. Most consensus building meetings are over represented by 'agency' people. Their agenda and opinions are set beforehand. They dominate meetings...the problem for the common individual to find time and resources to participate is hard to overcome."*

Many people noted that they do not know how to get funding and must depend primarily on volunteer time and energy. The volunteer spirit still keeps many of Wyoming's social structures intact. However, many households have two wage earners and people often hold more than one job, making it difficult for them to participate in collaborative approaches to solving problems and making decisions.

6. Skepticism about collaboration and consensus building, as well as the individuals and organizations that promote this form of decision making, must be addressed.

Though almost all contributors stated their desire for improved public decision making and many see the potential for collaboration and consensus building to help accomplish this, there is skepticism about these approaches that needs to be addressed. As noted earlier, few people have participated in what they consider to be fair, efficient, and effective collaborative or consensus processes. For some people, these experiences are transforming the "willing to try anything" attitude into suspicion. The concerns we heard can be summarized as follows:

- Many processes are designed to give people something to feel good about and reduce conflict in the short term. This results in a false sense of confidence, where people feel positive about their decisions while they have done very little to solve the original, underlying problem.

- Many collaborative and consensus processes fail to address critical concerns of pervasive power imbalances and mistrust that result from economic, social, and political standing.

    Concerning these two issues, contributors noted:

    > *"We have experienced six weaknesses within the model, which have thus far made the process unworkable. The consensus processes we have participated in have:*
    > – *promoted domination of the working committees by financially vested 'special interests;'*
    > – *failed to find agreement about fundamental questions like 'what is the problem to be solved;'*
    > – *prioritized short-term, 'feel good' dialogue over long-term problem solving;*
    > – *failed to assign value to a wide range of services provided by fully functioning ecosystems;*
    > – *improperly limited the definition of "community;" and*
    > – *failed to give equal consideration to passive-use (i.e., preservation) values."*

    Even with efforts to "level the playing field" through education and social or economic opportunities, those who participate actively in these sorts of collaborative processes differ greatly in experience and skill. Moreover, these differences in background, experience or skill create power imbalances that even the best facilitator may have difficulty overcoming. Factors that influence power imbalances include differences in access to resources to address conflict, and formal decision-making authority. Less tangible factors include socializing, meeting, and communicating skills.

    > *"Those that are in the political system and agency people just seem to dominate the whole process. Even our facilitator is intimidated."*

"Meetings should be publicly open, professionally facilitated, and provide public availability of all meeting discussions. More than this, the collaborative process needs members who are more representative of the public and who can speak for those who cannot speak for themselves (e.g., endangered species). But often these people are not motivated to come forward, while the financially-vested ones are. This is one of the central deficiencies of the consensus model which needs to be corrected."

Tribal representatives recognized power imbalances as a significant barrier to their effective participation in collaborative and consensus processes. Many of the Arapaho and Shoshoni contributors contend that they are under represented in all political processes in Wyoming. In addition, they note some irony in the growing use of consensus and collaboration in the dominant culture.

"I have been watching this resurgence of consensus building with interest. It's funny. Now that whites have made us change our decision making to look like theirs with voting and debate and all that, they are realizing the way that we used to make decisions [using consensus] *is pretty good."*

Another aspect of imbalance relates to people's ability to participate. Some contributors felt that enhancing the opportunities for collaboration would not necessarily mean that people would be willing and able to participate:

"Most people quietly go about their lives grumbling about public policy and decisions made, but not taking or having the time to get involved. The demands of job and family do not allow involvement by most 'common' folks. You can enhance and provide more opportunity, but participation will not increase."

Another way that power issues become important is through the authority to make decisions, and some people question the possibility of using consensus building and collaboration because of the different levels of decision-making authority. For example, some used the Greater Yellowstone Area bison and brucellosis issue to illustrate that there are not only conflicting agency directives among the federal agencies involved (in this case, the National Park Service and the Animal and Plant Health Inspection Service) but states' rights and responsibilities are up for interpretation.

"We still have too many agencies with opposite missions focused upon the same population, resource, or issue. Until we have some level of consensus or cooperation between agencies, we will continue to have confrontation within the population groups of the state."

Others noted that they could not pursue consensus building in their area because "local government officials are so hung-up with being in control."

"We came to a consensus among diverse interests on county planning and brought it to the commissioners. Since it wasn't their idea, even though it was all *of their constituencies, they didn't pass it and went on with business as usual. This happens all around the state."*

16

> *"A top priority project would be to get county leaders (more than just elected officials), to get together to discuss differing needs within counties. I am particularly concerned about regional differences in needs, and consequent responses."*

Concerns about power and authority are combined with an increase in governmental requests for citizens to participate in agreement-building processes. In some situations, citizens perceive that the efforts lack integrity and that, in general, many of these processes are becoming diluted or over-used as an excuse for governmental inaction. These quotes are representative of many people's experiences and lack of trust for governmental agencies:

> *"They get us together and want us to come to consensus. We work hard to solve the problem, then because we didn't come to their pre-determined idea of a solution they do what they want to anyway."*

> *"If the federal government is involved you can't trust them to stick with any deal – we may have consensus here, but they may then have to break it due to some national political pressure."*

> *"Federal agencies offer many opportunities to build consensus and are forced (they say) by law to not consider the alternatives proposed. So, therefore, all the work done by the committee is for naught. It seems to be a way the agency uses to placate the public."*

Related to power imbalances and mistrust of state and federal agencies is the pervasive lack of trust many citizens have for each other. Many see these mistrust issues as a barrier to collaboration that cannot be overcome. But others feel that working together is the only way to build back the trust needed to solve our most pressing problems in Wyoming.

- Consensus building and collaboration are not always appropriate and should not be misused.

Some contributors acknowledge that there is a need for better problem solving within groups and communities, but they are not convinced that consensus building is the right model to achieve this goal:

> *"Consensus is a laudable goal, but may not always be possible in resource conflicts. Too often resource issues go beyond the immediate concerns for lands, waters, and wildlife. Conflicts are based on fundamental differences in how people view the relationship of humans and the environment and the willingness of people to accept limitation on their behavior for the 'common good.' Failure to recognize the core value differences between commodity 'users' and 'savers' will impede most attempts at true consensus building."*

> *"Consensus isn't a one-size-fits-all bandage. We risk diminishing its effectiveness by overusing it. It should be applied only when it has a good chance of success."*

- Lack of technical and financial support is often a barrier to effective collaboration.

Practically speaking, adequate technical and financial support for existing consensus and collaborative groups could revive many people's faith in the processes. As one person noted:

> *"Often the resources, particularly good scientific data that everybody can buy into, are not made available to these groups. Not only do they lack financial resources for simple things like mailings, but also consultants are way out of their reach. So they are expected to make good decisions without the resources to do so."*

Part of this support includes the services of professionals trained in alternative dispute resolution, collaboration, mediation, facilitation, or consensus building. Those who offer these services should be clearer about the types of assistance they offer, what their clients should expect from them, and their code of professional conduct.

Many contributors attributed their skepticism to poor facilitation. While there were some that noted that facilitators often are the "scapegoats" to a process gone wrong, others simply said that there is a "lack of trained, qualified, and impartial facilitators."

> *"Adequate training for facilitators is essential to the success of the process. So advanced facilitator training is a must."*

> *"I feel very strongly that those who teach and facilitate understand the difference between consensus and compromise. No one should ever be pressured to compromise their beliefs and principles, because they will not be supportive of the group's decisions or the process. Rather, groups should look innovatively for new ideas and solutions."*

> *"Many (some) 'practitioners' whom I have seen in practice…are focused on process at the expense of results/consensus – new models needed/training needed."*

> *"What we need are professionals to be clear about the services that they are providing. Those who offer these types of services should: (1) create a personal or organizational mission statement; (2) develop and utilize a guide for selecting projects consistent with their missions; and (3) adopt professional codes of conduct. This information should be made available to potential clients and clients should take the responsibility of not hiring anyone that doesn't offer this information."*

> *"Training alone does not make a mediator, most of it is natural – you've got it or you don't. I am a firm believer in co-mediation, thus giving the new mediator confidence and experience."*

Beyond private practitioners or individuals within organizations, there was discussion about the organizations that promote this type of work:

> *"... although I truly believe some of the current efforts are tainted by political agendas – we cannot afford to have…consensus-building leaders being dubbed as 'cow sluts' or 'fishheads.' And whether some would like to admit it or not, they currently are."*

When asked if a new, impartial organization should be created, some contributors said "yes" because the needs and opportunities to collaborate and build consensus will not be met unless a new "effective, trusted, staffed, adequately funded, and centrally promoted organization" (e.g., a consensus council or office of dispute resolution) is created. Most respondents, however, were reluctant to "institutionalize" collaboration, noting that:

> *"There is not a place in the existing governmental structure that could provide the impartial atmosphere needed."*

> *"The not-for-profit sector has not been all that successful in other arenas that provide state-wide services because there are too many miles between too few people. They end up getting caught up in their own community or county and forget that Wyoming is bigger."*

Yet, while people were skeptical about the existing organizations in Wyoming, they also seemed to be open to accepting that they may be transformed and improved:

> *"Why not utilize the resources we have, improve the services, and get some work done."*

> *"I believe that consensus-building opportunities could be enhanced in Wyoming but I would like to see this process occur through one of the existing entities…. Why create another bureaucracy to solve the problem without solving the problem."*

All of these concerns point out that if we are to realize the benefits of collaborative approaches for improving public decision making, it is imperative that practitioners, conveners, promoters, and participants address the misuse of collaboration and the skepticism that can result from its misuse. While collaboration is not a panacea and not always appropriate, it can be an invaluable tool for improving many complicated environmental, economic, and social situations.

NEXT STEPS

The following next steps attempt to offer a balance of all the valuable insights that we heard during this assessment about collaboration and consensus building. As noted, a wealth of knowledge, skills, and abilities exists within Wyoming to meet the needs and opportunities for agreement building in the state. However, existing resources generally are not well coordinated. We also learned that there is significant skepticism about using collaborative approaches that needs to be addressed. IENR and others may serve valuable roles as support mechanisms for

agreement-building enterprises related to environment and natural resource issues within Wyoming. And by supporting research and monitoring of collaborative approaches to problem solving, IENR can help advance our knowledge about how and when agreement building can be used effectively, as well as when it is not appropriate.

Several recent developments indicate that the field of collaborative problem solving is growing and receiving attention at the state and federal level. The Western Governors' Association, for example, has developed the "Enlibra Principles for Environmental Management" that include an emphasis on using collaborative approaches. And the U.S. Forest Service has issued proposed new regulations for forest planning that include a focus on collaborative approaches to natural resource management. Thus the opportunities for using and evaluating agreement-building forums are increasing, as is the need for providing reliable scientific resources and information to the public.

In these next steps, we focus primarily on the role that IENR may take to move forward and assist in meeting some of the needs and opportunities identified in this assessment, while addressing the concerns, barriers, and criticisms. Many of these steps are already being implemented or are in the planning stages. As we proceed, we will continue to work with other organizations to gain from their perspectives and experience in collaboration and consensus building.

1. **Support and Awareness**

Coordinate with other public and private practitioners to advance innovation and mutual respect in the field while building people's capacity to collaborate successfully. Provide support and assistance, especially for the early stages of collaborative processes.

The Practitioners' Roundtable

The Roundtable brings together public and private practitioners to strengthen networking and efficient use of resources, as well as create a forum that advances innovation and mutual respect in the field. This group of process experts will have an opportunity to share their experiences and coordinate activities such as a mentoring program for new practitioners, facilitator training, publications, and resource exchange.

The first meeting of the Practitioners' Roundtable was held in April, 1999. We anticipate that one to two meetings will be held each year, in person when possible or by conference call sponsored by IENR. Also, IENR has established an internet listserve to enable communication between meetings. The listserve is open to anyone interested in alternative dispute resolution, collaboration, and consensus building. To join the listserve, send an email message to majordomo@uwyo.edu with the message: subscribe roundtable-l (please note that the last character is the letter "ell," not the number one).

Start-up Initiative

Realizing that the early steps of collaborative processes are often the most difficult to coordinate, IENR will work with others to offer situation assessments and assistance with

process design. Coordination with others who may wish to participate in offering these services will be facilitated through the Practitioners' Roundtable.

2. Training and Education

Promote understanding of the practical application and the strengths and weaknesses of agreement-building processes, and understanding of environmental and natural resource issues. Create learning opportunities through training, clinics, and conferences for any interested parties. This would include participants of existing collaborative groups, facilitators, community members, elected officials, agency personnel, university and community college students, and young people.

Conferences

Work with other individuals, organizations and state agencies in holding conferences, forums, workshops and seminars. In these settings we can increase awareness of the existing resources available in Wyoming, explore topics such as the options available for involving citizens in public decisions, and build common understanding of natural resource issues, laws and regulations.

Participant Training

To meet the need for participant training, improve decision making within groups, and address the skepticism about collaboration and consensus processes, IENR will develop a curriculum and sponsor a series of clinics that focus on putting the *Guiding Principles for Successful Agreement Building* into practice.

Using professional consensus-building practitioners from the private and public sectors and UW faculty as trainers, the clinics will focus on learning when and how to use collaboration and consensus processes to build understanding and agreement on public decisions. Participants would develop practical skills in resolving public disputes by participating in and evaluating consensus-building forums that would address aspects of current issues of concern to the participants. During a clinic, participants would be introduced to:

- Available options for involving citizens in public decisions and resolving public disputes;
- Evaluating when it is appropriate to convene a consensus-building forum;
- Step-by-step processes for designing and coordinating such forums;
- Tools to improve the process, including communication and negotiation skills, facilitation tools, techniques to break impasses, and assessing when an impartial facilitator or mediator is needed;
- Implementing and monitoring agreements; and
- Evaluation criteria for successful collaborative processes.

The clinics would first be offered to existing collaborative groups upon request. Facilitators and mediators would be encouraged to attend these clinics so that they could both share their experiences and broaden their perspectives by exposure to the participants' point of view.

In addition, IENR will seek suggestions for issues that could benefit from resolution by collaboration or consensus building. Impartial coordinators from the private sector would work with those who proposed the issues and conduct situation assessments. If a given issue appears suitable for collaboration, participants would use the clinic to design their process and to learn skills for making it successful.

Short Courses

In partnership with UW's School of Environment and Natural Resources, IENR will offer short courses and outreach for professional development. Potential courses would be related to:

- practical applications of collaborative approaches;
- current natural resource issues;
- review of key laws and regulations, such as the National Environmental Policy Act, the Clean Water Act, and the Endangered Species Act;
- review of new technologies that influence how regulations are applied; and
- practice in interdisciplinary agreement-building skills.

These courses would be designed for federal and state agency personnel, local government, members of non-governmental organizations, and any other interested citizens. Instructors would include faculty from UW, UW/Casper College and community colleges, and professionals in the field.

3. **Scientific Resources, Research, and Publications**

Provide reliable scientific resources and technical expertise to agreement-building groups. Conduct objective research to help fill knowledge gaps on the use of collaborative approaches. Create a clearinghouse to effectively disseminate information.

Scientific Resources

There is a wealth of reliable natural, social, and economic scientific resources, process design assistance, and technical expertise available through UW, state agencies, and private organizations and consultants. IENR will coordinate the transfer of information to agreement-building groups upon request.

Research

Using UW faculty and graduate students, IENR will support research and assist in efforts to: (1) track the progress and outcomes of current collaborative processes in Wyoming; (2) collect data and case studies on collaborative processes nationwide; (3) conduct post-collaborative process analysis on projects initiated by IENR; and (4) address the concerns about collaboration that we heard during this assessment. Research results will be included in the information clearinghouse described below.

<u>Agreement Building Information Clearinghouse for Wyoming</u>

To help address the need to make known existing resources, IENR will update, expand and make available in other media the information displayed on the IENR website (http://www.uwyo.edu/enr/ienr.htm). If made more widely available, the Community Toolbox and the Alternative Dispute Resolution Facilitator Database at this website can assist in encouraging effective collaboration and consensus building within the state.

To supplement this information, a *Guide for Selecting an Agreement Building Coordinator* will be created. The guide will describe realistic expectations for collaboration and consensus-building processes and provide guidelines for accountability from professional facilitators, mediators and agreement-building coordinators.

In conclusion, we would like to thank everyone who participated in this assessment. We look forward to working with other individuals and organizations in Wyoming as we address environmental and natural resource issues, with a focus on providing information, training, and practical experience with collaborative and other approaches for building agreement.