

PLANNING AND CONSENSUS

*John A. Folk-Williams
President
Western Network
1215 Paseo de Peralta
Santa Fe, New Mexico 87501*

I have been asked to speak about two subjects that don't get very good press: planning and consensus. Planning is often thought of as something hopelessly academic or dangerously socialistic. Consensus is thought to be wildly impractical, clearly inefficient or simply impossible. I hope that by linking the two, we might be able to see some good in them. In fact, I think the combination is powerful, not at all impractical and actually a key to some important changes going on in our governmental system.

Planning can be thought of as a process for discovering goals and generating options to meet them. In the last several decades we've seen some dramatic changes in our approach to planning. In the 1920s, 30s and 40s, planning was done on a grand scale in the water resources field. Either because of an excess of prosperity or sheer desperation, people had faith that government could predict the future, that the future would submit to our designs and that whole river basins could be engineered for social betterment. There were sweeping plans, such as Pick-Sloan which called for 107 water projects, the irrigation of millions of acres, the generation of millions of watts of electricity - all having a dramatic impact on a region comprising one sixth of our country. And that plan was enacted into law. There were others as well, for the Tennessee Valley and the Columbia basin, most memorably.

These plans are known in the field as "rational." It was mind over matter in those days, and there was a fearless conviction that planning from the top down could really solve the big problems in society. In the last few decades that has changed, and I think the change has to do with a loss of a feeling of certainty. We're not so sure about the future, we're not sure government will help us, and we're not sure the resources will be available. There is a multitude of interests trying to influence government, and to

meet these interests planning has become more reactive and adaptive. Smaller projects for local areas, incremental changes, step by step movement are the order of the day. It's less imperial, more human scale.

And that sets the stage for looking at consensus. This word has two common meanings. Popularly, it refers to broad acceptance of a policy or plan. There is no formal way to measure this. We use opinion polls and surveys, but mostly we know that something is widely acceptable if no one invests the time and energy to fight it. But there is a more formal meaning of consensus that I want to concentrate on here. It means a form of decision-making based on the achievement of unanimity. Everyone in the process agrees.

That sounds tough to do, but there are some powerful reasons for using consensus. The key to the process is that the rights of every participant are protected. No one will be compromised or railroaded; their consent has to be won. The obverse of this, of course, is that each participant has a veto over the decision. The process tends to work best in two contexts: one, where everyone shares common values and can reach agreement over specifics relatively easily - everyone speaks the same language; the other, where there are such sharp differences in values that no one trusts a decision of the majority to take into account the needs of the minority.

Consensus processes can't be used indiscriminately. They only work when there is a certain balance of power among the communities and institutions represented. Each party has to recognize that every other party is essential to the decision. It's like the pieces of a puzzle. You don't have what you're looking for if you leave something out. Each party in the process is there because they have some degree of power to frustrate the outcome if their needs are overlooked. You aren't invited

into a consensus process, you compel the attention of other parties by building your power to the point where you cannot be overlooked.

What are some of the reasons consensus has more prominence now as a form of planning and decision-making? There are several factors that have to do with changes we can see in the functioning of government.

This is a time when people don't want or trust government to do things to them or for them without their involvement, at least when critical community issues are at stake. They want to be part of the process because they do not believe government will protect their interests. Lois Gibbs, an organizer working on issues of hazardous waste, puts it this way: that government policies at present give a message to communities - "organize and raise hell and you'll have input - sit back, behave yourselves and you'll be ignored." The number of players with political clout is increasing.

Responding to this trend, government, bombarded with pressures from different interests groups, doesn't make the hard decisions it once did routinely. The strategy of Congress is to respond to demands for changes in decision-making by creating a general equivalence of values. Agency after agency is required to keep extending the list of values or factors it must take into consideration, but there is little guidance in how to balance one against another. There is thus a recognition of the need to broaden the basis of decision-making but no clear process on how to accomplish this.

Because so many groups are politically active, power is more fragmented than before. Instead of the sort of monolithic control of water resources that once prevailed, power over decisions tends to be shared among several agencies and constituencies. That means that each one has to involve others to achieve some kind of coalition of consensus supporting specific actions. As Jesse Jackson put it at the Democratic convention, each constituency has a small patch, and all the pieces need to be woven into a single quilt that is greater than the sum of its parts. Recognition of the limitations of power leads people to try to forge new consensus.

To move from any plan to real action takes a lot of public support. So many plans sit idly on shelves because their authors were too remote from decision-making. A consensus process can help build broad support for the implementation of plans and ensure that they take on real life in the political process. It can also help generate new ideas for meeting diverse needs, ideas that might not emerge

from a process lacking participation by all affected parties.

Consensus building also helps groups focus on their long-term relationships. In the field of water resources, the nature of the relationship among institutions and communities is often just as important as the immediate planning issue. If a foundation of good communication has been created, solving specific problems is much easier. A consensus process, which forces attention to basic problems of trust and communication, makes it possible to deal with relationship issues.

There are certainly drawbacks to consensus processes as well. Perhaps the principal problem is that they are expensive, or "resource intensive," as we say in bureaucratic language. It takes a great investment of time, energy, funds and staff, often over an extended period of time, to complete a planning process based on consensus. So it cannot be used for trivial issues but only those for which it is clearly important for all concerned to make the necessary investment.

When groups lack the resources to take full part in such a process but are still important to the outcome, this becomes a problem for the group as a whole. Government agencies, in particular, need to begin thinking about making funds and technical resources available to groups whose consent is important but who have trouble sustaining involvement in a complex process.

What does a consensus process look like? What are its essential steps? Let's briefly review what goes into it.

Goals

Perhaps the crucial point for each and every person or group thinking about consensus-building is having a clear understanding of what they want. Without goals, there is a really no way to measure success or failure, and without advance understanding of what is desired, great frustration can be created for all concerned. Proposals will be met with confused responses. Parties give unclear signals to each other about the value of different dimensions. And the process can simply break down until all sides clarify what they are really bargaining for. But it's no easy process to establish goals. Each party is usually more than one person, and that means that internal consensus must be developed - a balance achieved among the different interests of a single institution or community. Each party needs to establish its own process, not just for defining goals but for revisiting and reevaluating them as the

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process unfolds. Very likely, new information generated by the process will change attitudes and reveal new possibilities. So goal-setting is not something that happens only once; it is really an internal process for staying in touch with the varied concerns of one's own community of interest.

Parties

It is important to identify every party who would be affected by the issue and every party that has some authority to help implement a consensus decision. Without the involvement of these groups, agreement among a limited number of parties could be completely frustrated by those who were not a part of the process. The essential point is that each party has to convince the others that it has the power to interfere in the decision if its interests are not dealt with. No one can give you a place in a consensus process. You demonstrate your power to the others through litigation, political action, media work and other strategies. If you do not have that power, others will not feel the need to deal with you.

Process

Once the parties have been identified, they need to meet with each other to define goals for the process and ground rules. This is an essential step to make sure that everyone understands what the outcome of the process is going to be - will it be a written agreement, a decision by an agency, a proposed bill, a contract? Not only the form of agreement but its substance should also be agreed upon. What are the concrete achievements to be expected of the process? A clear deadline should also exist, that is, a time beyond which definite costs will be imposed on the parties if they do not arrive at a consensus agreement. The process itself should be designed carefully to meet the needs of all parties, and representation of all the interests at the table requires great attention. How many members of each party should be involved? Can some parties be represented indirectly? Each party must specify the scope of its negotiating authority. At what point in the process must negotiators return to their constituents for ratification - what are the limits of authority of the people at the table?

Issues

When these procedural issues have been taken care of, the parties can identify the key issues. This

part of the process involves an attempt to get beyond the publicly stated positions of each side to understand the interests that each is trying to meet. Only when those underlying interests are understood can an agreement be crafted capable of meeting the needs of all parties and forming the basis of a consensus decision.

Information

As issues are identified, the need for technical information will become apparent. This is a crucial phase in building consensus. Typically, information is obtained by individual parties and introduced in the process to prove or disprove the contentions of one side or another. This approach means that technical information will be viewed only as an adversarial tool. It is possible to introduce it as a tool for the entire process, serving the needs of all parties, but only if the group as a whole can agree on the need for information and on a provider who is trusted by all to handle it in a helpfully impartial way.

Options

Perhaps the most exciting part of the process is generating options to meet the needs of the parties. If the preceding steps have worked well, the interests of each side, the issues it is concerned with and the information needed to solve problems will be before the group as an agreed upon baseline capable of yielding solutions. Rather than have each side put forth its own proposal, it is helpful if the group can agree to work on a single proposal as the basis of meeting all needs. That way it is easier to avoid the polarization that arises when each side defends its proposals against all others.

Agreement

The selection of one option as best suited to meet the priorities of all parties is an important moment, but the agreement must be carefully drafted so that there is a concrete text embodying all elements of the consensus decision. The agreement should be such that it fosters long-term relationships and gives attention to the need for orderly dispute resolution mechanisms in the future.

Implementation

After consensus has been reached by a group, very likely constituent agencies and communities will

have to ratify the agreement. If the interests of those groups have been well represented, this should be no problem. If they have not, then the agreement will, in effect, be renegotiated in the arena of ratification, which could be a state legislature, a tribal council, the Congress of the United States, or a combination of many different agencies. Implementation of the agreement itself will also depend on cooperation by these groups so it is essential that the agreement have clear mechanisms for funding and be based on established authorities or else provide for a joint approach to a legislative body to secure these.

Monitoring

Agreements arrived at by consensus will not be static because the needs of the parties will evolve over time. It is important to monitor the process of implementation to identify issues overlooked during negotiations that might require revisions to the original agreement or the use of dispute resolution mechanisms. Usually good relations among the parties are a key element in implementation, and monitoring can help sustain dialogue to provide early warning of problems. Monitoring also brings each party back to a consideration of their goals for the agreement. As these are altered in light of new circumstances, new needs relating to the agreement may also be defined.

In New Mexico, there are further special considerations that should be mentioned. Most important, consensus processes often occur with groups of different cultural backgrounds. These can be ethnic differences between Indians, Hispanics, Anglos, Blacks; regional differences between agricultural and urban communities or institutional differences stemming from the fact that many professionals spend their careers in large agencies that provide a distinctive way of thinking and approach to values that may clash with those of other agencies or communities.

These differences are especially important if there has been an issue of dominance among the groups, if one has had power over others, or there is a perceived history of unfair relations among the groups. There can be a legacy of hostility and resentment about differences in power which can color everything that goes on in the process, though it may never be a subject that is on the table. That kind of background can undermine a process because of the deeply rooted suspicion and mistrust that guide participants. It has to be possible, under these conditions, to get that hidden feeling out in

the open. The process will not undo past history, but participants can at least acknowledge that this has affected contemporary relations, that the feelings are valid and that they are a part of the current reality. If such feelings cannot be expressed, it is likely that continuing suspicion will make real agreement quite difficult, if not impossible.

In New Mexico, one also has to deal, as in many western states, with a complex interaction of many levels of jurisdiction in responding to water issues. Federal and tribal governmental units have as much involvement as state agencies and the local entities created under state law. A consensus process can very likely not get underway if the parties are trying to focus on jurisdictional issues solely. Often, these disputes arise from a direct competition over the governmental authority to exercise certain powers and may have to be resolved through litigation.

Generally, it takes some overriding policy goal concerning water to put the jurisdictional issues into perspective. If the different levels of government can agree that cooperation on water for the purpose of joint economic development is the top priority, for example, then the jurisdictional issues will not be allowed to undermine that policy decision. It is important not to take as the subject of a consensus process, especially regarding planning for water resources, something which is essentially a legal dispute that can only be solved in the courts.

To summarize, this is a time of change in the way government makes decisions. The trend is toward more public involvement and the consideration of values that have never been part of the process before. Making decisions by consensus is probably not the final answer - it is, as I have said, a process requiring a great investment of time and energy - but it is an important tool right now that can help build productive relationships, especially in the context of planning. Planning through consensus may just help rebuild trust in public institutions. It can certainly accustom those institutions to dealing with the public in a positive way. The use of consensus is not something impossible or academic. It is intensely political and intensely practical.