Part Three

Literature Review

Government, businesses, and citizens are starting to address complex issues in more collaborative ways. A new civic culture is emerging that requires all parties to understand and accept the interdependence among stakeholders, the value of collective responsibility, and the power of joint decision-making. There are two fields of scholarly literature to which this research study will contribute. One field deals with the promise and process of collaboration—mutual gains negotiations, “getting to yes” principles, and the consensus building process. This field illustrates the structure in which collaboration occurs, outlining the vision and goals for collaboration and distinguishing it from conventional positional bargaining. The other field of literature deals with the key players in collaborative processes (facilitative leaders, facilitators, and mediators) and the skill sets they offer in various stages of the collaborative process. Each player has a unique but complementary role in collaboration and consensus decision-making. Understanding these roles and how they overlap is critical to determining how they intersect with various collaborative processes, and how government officials should respond to future calls for more collaborative actions.

There is a gap in the scholarly literature. Although a great deal of research has been conducted about the process of collaboration, little has been done about the need for facilitative leadership in consensus-building. The need for a facilitative leadership role in the CSI consensus-building process was clearly demonstrated as stakeholders reached the decision-making stage. Some EPA officials, acting as DFOs, achieved this transformational leadership role while others were stymied. What caused this lack of progress and the attempts of scholarly literature to explain some of these limitations will be explored in later sections of this dissertation.
Chapter 6: The Case for Collaboration

A. Overview

   Collaboration is a group problem-solving process. It is the foundation on which group consensus-building is based. Collaboration is an easily understood term because it generally means that two heads are better than one. Gray (1989) defines collaboration as “a process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible” (p. 5).

   This chapter explores various aspects of the collaborative process: it outlines the overall structure of the collaboration process, identifying its key features; it describes several key approaches leading to successful collaboration (mutual gain negotiations and “getting to yes” principles); it summarizes how building trust among parties is part of social capital formation; and finally, it looks at consensus-building and the model Susskind (1999) has developed that is used as an analytical framework for this study.

B. The Promise of Collaboration

   Collaboration is a process not an event (Hord, 1992). It involves the creative integration of needs among different parties. Follett (1924) pointed out that constructive conflict among parties is best resolved, not by one side dominating the other (hierarchy) or by compromise between the two (market), but by the creative integration among the needs of different parties. She observed that:

   *Domination, obviously, is a victory of one side over the other. This is not usually successful in the long run, for the side that is defeated will simply wait for its chance to dominate. The second way, that of compromise, we understand well, for that is the way we settle most of our controversies—each side gives up a little in order to have peace. Both these ways are unsatisfactory. In domination, only one way gets what it wants; in compromise neither side gets what it wants...Is there any other way of dealing with difference? (p. 65)*

   Follett believed there was a third avenue through which conflicts among parties could be resolved—the way of integration. She argued that this approach could include both what A wishes and B wishes—a way in which neither side had to sacrifice anything. She stressed that if parties agree to compromise, the conflict will not be resolved and it will surface again and again in some other form. “In compromise, we give up part of our desire, and because we shall not be content to rest there, sometime we shall try to get the whole of our desire... (p. 66). Integration, according to Follett, involves invention “...and the clever thing is to recognize this and not to let one’s thinking stay within the boundaries of two alternatives which are mutually exclusive. In other words, never let yourself be bullied by an either-or situation...find a third way (p. 67)
One of the significant contributions of Follett’s work is that she explains why collaboration is important—why it is useful and sometimes necessary to find an integrative way. Mintzberg et al (1996) noted that collaboration avoids unnecessary compromise or domination, and permits use of integration and synthesis to invent third ways, “rather than solidifying alternatives and locking out of win-win situations” (p. 61).

I. Collaborative Features

Collaboration is a structured process. Gray (1989) suggests that collaboration involves joint decision-making among key stakeholders. She identifies five essential features of any collaborative process, contending that each of these features are interrelated and collectively establish a collaborative framework.

Collaboration implies interdependence. Collaboration establishes a give-and-take among stakeholders that is designed to produce solutions that none of them working independently could achieve (Gray, 1989). Sometimes the best collaboration may be that least realized as collaborative. Mintzberg et al (1996) emphasizes this point in observing that people do not always realize, at least overtly, what they learn from each other; sometimes, not even that they learn from each other. Nevertheless, he strongly believes that people do learn from each other and this associative learning is part of our societal interdependence. In a structured collaborative process, stakeholders need to become mutually dependent to allow the synergistic power of the process to emerge. There is power in face-to-face communication among stakeholders. It builds collaboration because it allows for verbal as well as nonverbal communications and, according to Mintzberg et al (1996), it facilitates the delicate process of integrating ideas and energies.

Solutions emerge by dealing constructively with differences. Collaborative agreement is possible, precisely because interests differ (Fisher, Ury, and Patton, 1991). These scholars also note that “behind opposed positions lie shared and compatible interests, as well as conflicting ones” (p. 42). The key to finding solutions is to determine how to “unlock the constructive confrontation of differences” (Gray, 1989, p. 13). To address stakeholder differences, the interests underlying positions must be understood. Once basic interests are understood, there can be a understanding of how to address the problems. Because collaborative processes have the potential power to uncover the root causes of many differences, they can be used most effectively when stakeholders are willing and able to participate effectively.

Collaboration involves joint ownership of decisions. Joint ownership means that the participants in a collaboration are directly responsible for reaching agreement on a solution. Unlike litigation or regulation in which intermediaries (i.e., courts, regulatory agencies, and legislators) devise solutions that are imposed on the stakeholders, in collaborative agreements “the parties impose decisions on themselves” (Gray, 1989, p. 13). In a facilitated collaborative process, as CSI, the stakeholders agreed to their meeting agendas, decided what issues would be addressed, how the issues would be deliberated, and what consensus could be reached. There are
significant benefits accrued by engaging stakeholders in collaborative decision-making. The 1997 Presidential/Congressional Commission on Risk Management, for example, found that:

Involving stakeholders in a collaborative process develops the understanding needed to make better decisions; improves the knowledge base for decision-making; and can reduce the overall time and expense involved in decision-making (p. 18)...stakeholders should be given credit for their roles in a decision, and how stakeholder input was used should be explained. If stakeholder suggestions were not used, it is incumbent on the convening authority to explain why they were not used as part of the collaborative process (p. 16).

Illustrating the benefits of joint decision-making was a continual challenge for EPA Designated Federal Officers (DFOs). CSI stakeholders were wary of the value of joint decision-making believing that it could lead to co-optation. A key facet of CSI case study is the attempt to identify what techniques were used by DFOs to convince stakeholders about the power of joint decision-making in the CSI process.

Stakeholders assume collective responsibility for future direction of the domain. Collaboration causes a form of self-regulation to develop among participants. Trist (1983) refers to this as self-regulation of the problem domain. Gray also acknowledges that during collaboration a new set of relationships among stakeholders is negotiated as they address the problem at hand. The process of collaborating essentially “restructures the socially accepted rules for dealing with problems of this type” (p. 14). Recognizing the collective responsibility of all stakeholders in environmental protection has become increasingly important as a next generation system of environmental protection unfolds. The 1997 National Environmental Policy Institute (NEPI) report notes that:

The environmental field has been one of the fastest changing fields in the past 25 years. The knowledge, capabilities, and willingness of stakeholders to take on new roles have also improved rapidly. EPA has been both a beneficiary of these changes and a change-agent itself. In one sense, EPA represents a massive social experiment in behavior modification on the part on the Federal government—and a relatively successful one at that. However, it is fair to say the relationships between EPA and its stakeholders have not kept pace with these changes. Vestiges of old attitudes and stereotypes still abound. Relationships between EPA and its stakeholders in environmental policy have to be consciously developed...The purpose of these changed relationships is not to make it easier for EPA to get along with its stakeholders, but to improve the performance of the overall system for environmental protection in which EPA is a key player (p. 28).

CSI was promoted as a fundamentally different approach to environmental protection. DFOs were viewed by CSI stakeholders as the prime movers of the CSI collaborative process and prognosticators of how to achieve its goal of cleaner, cheaper, and smarter environmental
protection. A key issue explored within each of the case studies is the manner in which DFOs encouraged stakeholders to assume the collective responsibility for their actions within workgroup projects and activities.

**Collaboration is an emergent process.** Collaborations are complicated relationships that have to be understood, planned, and nurtured. Building relationships and interpersonal networks to address common interests is a dynamic and sometimes unstructured process. The supple and malleable nature of a collaborative approach sometimes is the source of its energy. Collaborations can be structured but they also need to be flexible and elastic in their evolution. Mintzberg et al (1996) notes that collaboration cannot be a hardened structure, a “done deal,” in theory or practice. Collaboration is an iterative process—not a static event. Gray (1989) notes that collaboration may be thought of as a temporary and evolving forum for addressing a problem, arguing that collaboration is a means to an end, not an end itself, and the dynamic nature of the process needs to be nurtured and cultivated.

**C. Mutual Gains Negotiation**

Mutual gains negotiation, so called because it seeks “all-gain” rather than “win-lose” solutions to group problem-solving, offers one of the most useful approaches for managing collaborative interactions. Susskind and Cruikshank (1987) suggest there are basically two approaches to negotiation:

(1) The “zero-sum” approach, which assumes there are only limited gains available. Whatever one group wins, the other group loses. Thus, the “pluses” on one side are balanced out by the “minuses” on the other side, yielding a total of zero—a “zero sum” (1987, p. 85). This approach reflects conventional wisdom about negotiation that assumes “you get what you want by making sure the other side doesn’t get what they want” (Susskind, Training Seminar, 1998, p. 5).

(2) The other basic type of negotiation—integrative bargaining—calls for different tactics. In this type of negotiation, the parties search for things to trade. If they can find enough items they value differently, they can make a deal that exploits those differences, and all will gain. The key factor—the element that makes integrative bargaining work—is the availability of items that the disputing parties value differently. These must be integrated into a package (Susskind and Cruikshank, 1987, p. 86). This integrative approach is similar to what Mary Parker Follett called finding the “creative integration” among the needs of different parties.

The mutual gains negotiation builds on the integrative approach. The gist of the mutual gains negotiation, according to Susskind (1998, p. 5), is to “to get what you want by making sure the other side’s needs are met—at the lowest cost to you.”

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I. Mutual Gains Principles

The mutual gains approach sounds simple but it represents a profound shift from traditional ways of negotiating. Susskind and Field (1996) illustrate the significance of this change in direction by offering six mutual gains principles that should guide this type of negotiations.

**Acknowledge the concerns of the other side.** Trying to look at the issue from the standpoint of others is an insightful and useful practice. Unless parties appreciate the needs and concerns of contending stakeholders, they will be stuck in the zero-sum bargaining game. “Indeed, it is only by taking a step back from one’s own interests, and walking a mile in the other side’s shoes that the underlying interests (as opposed to positions) can be identified” (Susskind and Field, 1996, p. 38). Bazerman and Neal (1992) elaborate on this point, adding that “in a negotiation, if each side understands and can explain the viewpoint of the other, it increases the likelihood of reaching a negotiated resolution” (p. 102).

**Encourage joint fact-finding.** In a collaborative process, stakeholders need data that is believable to all parties. Susskind (1999) warns that “if left to their own devices, participants in a consensus building process will produce their own versions of the relevant facts (or technical data) consistent with their definition of the problem and their sense of how the problem or issue should be handled” (p. 28). This leads to, what Susskind identifies as, “adversary science.” Ehrmann and Stinson (1999) add that “in negotiations in which adversary science prevails, coalitions form behind technical experts or interpretations. Each side seeks to discredit the data offered by others” (p. 379). Moomaw (1999) points out that adversary (or advocacy) science is based on a debate model favored by lawyers, since its premise is to bolster a particular side of an argument.

Joint fact-finding offers an alternative to the process of adversary science. In joint fact-finding, stakeholders with differing viewpoints and interests work together to develop data and information, analyze facts and forecasts, develop common assumptions and informed opinions, and, finally, use the information they have developed to reach decisions together (Ehrmann and Stinson, 1999, p. 376). The disadvantage of exclusive, rather than inclusive, fact-finding is credibility. Information and data that are suspect will be subject to scrutiny and rejection by uninvolved parties. Susskind and Field argue that “…gathering data, analyzing data, and drawing conclusions together” ensures all parties will defend it (p. 39). They caution that this type of fact-finding is a frightening proposition for someone who wants to control the outcome, but in today’s world of a skeptical public “joint fact finding is far more likely to lead to believable findings” (p. 39).

**Offer contingent commitments to minimize impacts if they do occur; promise to compensate knowable but unintended impacts.** Up-front contingent commitments ensure those at risk that they will be held harmless, in the event of adversity. In a collaborative process, another way of describing this principle is the need to stand behind promises made that may lead
to unanticipated results. It is often difficult for government officials to offer contingent liabilities to stakeholders because of the unknown consequences of those commitments. Most parties participating in a collaborative process with government officials recognize this limitation; nevertheless, they want a good faith effort on the part of government stakeholders to balance commitments among all stakeholders. In CSI, EPA senior managers and DFOs were routinely challenged about the need to balance cleaner, cheaper, and smarter requirements within collaborative projects and consensus recommendations. A question DFOs often faced, as project managers, was how to quantify these requirements within collaborative projects.

Accept responsibility, admit mistakes, and share power. Appyling mutual gains theory requires all participants, including the convening authority, to act responsibly and in the interests of the stakeholders (Susskind and Fields, 1992). Admitting mistakes and sharing power is often difficult and uncomfortable for those accustomed to controlling outcomes. The mutual gains approach is based on conducting a credible, open process. Chrislip and Larson (1994) point out that at the beginning of almost any collaborative process there is suspicion and cynicism. Participants ask themselves and others a lot questions: “What is really going on here? Who is really behind this? What strings are being pulled? Have the decisions already been made? Whose interests are being served? (p. 79). To address these questions requires stakeholders to view all participants as their peers and be willing to work in the common interests of the group. Burns (1978) sees this new form of power sharing as “transforming” rather than “transactional” leadership. “The transforming leader looks for potential motives in followers, seeks to satisfy higher needs, and engages the full person” (1978, p. 4). Leaders and followers, in Burns’ mind, are peers—they simply play different roles.

Act in a trustworthy fashion at all times. Susskind and Field (1992) view the concept of trust as elusive. What is it? How can it be created? Does it differ from situation to situation? They believe that trust, or the lack of it, relates primarily to expectations. Thus, to inspire trust one must shape expectations; or one must “say what one means and mean what one says” if one wants to hold on to the trust that has been built or build more (1992, p. 40). Speaking the truth is the best policy. Even Will Rogers was reported to have said “if I always tell the truth I don’t have to have a good memory.” Susskind and Fields add that it also is crucial to mean what one says; that is, one should never make promises one does not intend to keep. Nor should one ask for commitments one knows that others will be unable to honor. They caution that not only are reputations ruined by exaggerations and misstatements that must be retracted or contradicted later, “but trust, once lost, is almost impossible to regain” (p. 40).

Focus on building long-term relationships. Short-term aims usually negate long-term gains. Collaborative negotiations are built on a belief and willingness among parties about the benefits and value of mutual cooperation. Treating each other as peers, working together cooperatively, and in the common interests of stakeholders is tantamount to building long-term relationships. Susskind and Fields point out “while the costs of not paying attention to long-term relationships may not, in the short term, be obvious, over time disgruntled customers, frustrated constituents, and an angry public can and will go elsewhere” (p. 41). For regulatory agencies,
disgruntled and dissatisfied stakeholders result in time-consuming law suits and gridlock. Another reason for building long-term, as compared to short-term, relationships is the confidence among the parties that “we are in this together.” If parties feel that the commitment is short-lived, they may be less willing to participate fully and less concerned about the future implications of their actions.

II. “Getting to Yes”

Most negotiations are faced with the same question: what is the best way for people to deal with their differences? Fisher, Ury, and Patton (1991) suggest a “getting to yes” methodology that attempts to address how people can collaboratively deal with their differences. As an anecdotal prelude to the dilemma that most squabbling parties face, they recount Mary Parker Follett’s story of two men quarreling in a library:

Two men were sitting in the same room in a library. One decides that he wants to open a window in the room, while the other wants to keep it closed. They bicker back and forth about how much to leave it open: a crack, halfway, three quarters of the way. No solution satisfies them both. A librarian enters. She asks why he wants the window open: “To get some fresh air.” She asks the other why he wants it closed: “To avoid the draft.” After thinking a minute, she opens wide a window in the next room, bringing in fresh air without a draft (Fisher, Ury, and Patton, p. 40).

This story clearly illustrates that sometimes parties are so deeply engaged in their quarrelsome debates that they cannot step outside the process to consider other options. Fisher, Ury, and Patton argue that using the “getting to yes” approach will, at the very least, ensure other options will be considered. There are five elements in the “getting to yes” approach:

1. **Know Your Best Alternative to a Negotiated Agreement.** The primary reason one negotiates is to produce a better result than could be obtained without negotiating. Key questions parties often ask about a negotiation process are: how can we achieve a better result; or, what are the alternatives? To determine how serious a party is when negotiating an issue, it is useful to know their “Best Alternative To A Negotiated Agreement” (BATNA). Fisher, Ury, and Patton (1991) point out that this is the standard against which any collaborative negotiation has to be measured. It is the proverbial “bottom line” negotiating parties use to determine if they will remain at the table. Negotiations hinge on this concept. “No party would choose to be part of a negotiation if what it can obtain away from the table is better than what it is likely to get by negotiating” (Susskind and Cruikshank, 1987, p. 81). Conversely, “if a party sees an opportunity to get more than its BATNA through negotiation, it has ample reason to stay at the table” (1987, p. 81).

   Basically, BATNA is a threshold concept. Stakeholders have to believe they are going to get more, if they participate more, rather than less or not at all. By analyzing the consequences of “no agreement, each bargainer establishes the threshold value (their BATNA) that he or she
needs” (Raiffa, 1982, p. 45). According to Fisher, Ury, and Patton, the BATNA can protect participants from accepting terms that are too unfavorable, or from rejecting terms that would be in the participant’s interest to accept. “Your BATNA not only is a better measure but also has the advantage of being flexible enough to permit the exploration of imaginative solutions. Instead of ruling out any solution which does not meet your bottom line, you can compare a proposal with your BATNA to see whether it better satisfies your interests” (Fisher, Ury, and Patton, 1991, p. 100).

(2) Focus on Interests, Not Positions. Positional bargaining is the antithesis of mutual gains negotiations. Often parties argue over positions rather than explore the interests that create those positions. Susskind (1999) points out that “demands and positions are what participants say they must have, but interests are the underlying reasons, needs, or values that explain why they take the positions they do” (p. 6). In a negotiation, parties need to explore each other’s interests. Participants need to express their concerns and goals while learning the concerns and goals of others with regard to each of the issues that is the focus of the group’s work. The object is to understand not only each other’s positions (answers to the question “what do you want?”) but also each other’s interests (answers to the question “why do you want that?”) [McKearnan and Fairman, 1999, p. 330]. Susskind (1998) suggests that in mutual gains negotiations, one needs to “analyze your interests and theirs; communicate your interests explicitly; listen, discover their concerns and needs; and trade across differences” (p. 8). Once parties understand each other’s interests, and can value and prioritize the differences across these interests, they are in a more useful position to negotiate effectively. In a negotiation, if each side understands and can explain the viewpoint of the other, it increases the likelihood of reaching a negotiated resolution (Bazerman and Neal, 1992). Fisher, Ury, and Patton (1991) echo these sentiments noting that “for a wise solution reconcile interests, not positions...remembering that figuring out their interests will be at least as important as figuring out yours” (p. 40-44).

In an effort to identify each other’s interests, Fisher, Ury, and Patton recommend asking “why” and “why not” questions. Asking “why” a stakeholder holds a certain position may uncover the interests underlying that position. Going still further, asking “why have they not been able to satisfy their interests” may disclose ancillary issues that support their concerns.

(3) Invent Options for Mutual Gain. Successful negotiators need to create value in the deliberation process (Fisher, Ury, Patton, 1991; Susskind, 1998). Creating value offers the potential of generating a larger number of possible solutions to a problem. Conventional negotiations often are viewed as fixed sum games; one party’s gain is normally viewed as the other party’s loss. Recalling that BATNA is the threshold for each party’s willingness to participate, mutual gains negotiators need to build on these borderlines to find opportunities for adding value to the process. Generating options and packages that “make the pie larger” (i.e., offer more options from which to choose solutions) is the goal in this process. Brainstorming options among participants is one of the major popular methods of expanding the pie. The key is “to invent or propose without committing”and “separate inventing from deciding” (Fisher, Ury, and Patton, 1991, p. 105; Susskind and Cruikshank, 1987, p. 132). Inventing options without
committing liberates participants to think creatively. By stating ideas as “what ifs” and responses as “maybe ifs” participants build and maintain a spirit of creativity and joint problem-solving (McKearnan and Fairman, 1999).

Good communication is a significant source of negotiating power. Susskind and Cruikshank also found that face-to-face communication among parties about options is useful because it allows participants to make suggestions without making firm commitments; and, the opportunity to collectively generate options frequently allows parties to reach compromises that would not otherwise have been possible.

Looking for common interests among parties is important for “getting to yes” negotiating agreements. Trading or packaging shared interests often provides a useful way of inventing options for mutual gain. For example, parties may find things to trade that they value differently. Fisher, Ury, and Patton (1991) recommend keeping three issues in mind when trying to identify shared interests among negotiating parties: first, shared interests lie dormant in most negotiations. Clearly, parties share some interests in agreeing to participate in joint negotiations; the key is to identify these common interests. In CSI, for example, stakeholders shared a common interest in protecting the environment—otherwise they would not have participated in the process. The key question was how each stakeholder group valued the environment and what were their primary interests in participating in the CSI process.

The second issue raised by Fisher, Ury, and Patton about shared interests was the need to be explicit about them and for parties to formulate them as a shared opportunity. Frequently, stakeholders offer vague references to common interests but are not specific about what those interests are or the potential for sharing those interests with others. The last issue raised by Fisher, Ury, and Patton is the need for parties to stress their shared interests in negotiations. Finding common ground around which parties can negotiate allows negotiations to go smoother and be more amicable.

(4) Insist on Objective Criteria. To “get to yes” in a negotiating agreement without giving in, parties need to use fair standards to divide joint gains. Even though a group may have developed a package that meets the interests of all stakeholders, the availability of more than one option within that package may create difficulties for the group. Establishing standards or criteria for “dividing the pie” is important. Trying to resolve conflicts by positional bargaining (e.g., talking about what one is willing and unwilling to accept) is costly and inefficient. “No negotiation is likely to be efficient or amicable if you pit your will against theirs, and either you have to back down or they do” (Fisher, Ury, and Patton, 1991, p. 81-82). “Getting to yes” requires parties to behave in ways that build trust and cooperation. They have to strive for ways to choose among possible options by maintaining a creative mode and ensuring that “no one feels taken.” The most effective way to reach this point is to negotiate on some basis independent of the any participant’s interests (that is, on the basis of objective criteria). Susskind (1998) recommends that objective criteria may include scientific judgment, reciprocity, cost effectiveness, equal treatment, and judicial opinion. When distributing value in a mutual gains
negotiation, participants often ask themselves if it will be possible to sell this to their organization and constituents. The best way to rationalize an agreement is to argue its merits on an agreed-upon, objective criteria.

“Cleaner, cheaper, and smarter” environmental protection was the principle criteria that most CSI participants used in judging their work. One of the persistent problems DFOs had to grapple with throughout the CSI process was how to satisfy stakeholders concerns about whether CSI projects and recommendations had to meet all three criteria of cleaner, cheaper, and smarter environmental protection. Some stakeholders thought that industry was only interested in cheaper solutions, environmentalists in cleaner solutions, and state and local governments in smarter solutions. Many stakeholders believed that CSI projects and recommendations could only meet two of the three criteria at best. Yet, the belief among CSI advocates was that projects should meet all three criteria.

(5) Separate the People From the Problem. Successful negotiators must be able to separate the message from the messengers. Positional bargaining places relationships and substance in conflict. Negotiators need to separate relationships from issues, recognizing that people have emotions, deeply-held values, and different backgrounds and viewpoints (Fisher, Ury, and Patton, 1991, p. 19). Every negotiator has two kinds of interests: those relating to the substance of the issues under consideration, and those involving the relationship with participants (p. 19-20). Unfortunately, relationships tend to become entangled with issues. Framing a negotiation as a contest of will over substance is counterproductive. Adapting the attitude that “I will only do it this way because I never have to deal with you again” is both short-sighted and ill-advised.

Fisher, Ury, and Patton argue that dealing with relationships should be based on “accurate perceptions, appropriate emotions, clear communications, and a forward-looking, purposive outlook” (1991, p. 21-38). Having an accurate perception means putting oneself in another person’s shoes and trying to understand his/her position from that standpoint. Discussing each other’s perceptions and giving parties a stake in the outcome by making sure they participate in the process are effective ways of dealing with the needs and concerns of contending stakeholders.

Maintaining appropriate emotions means recognizing and acknowledging feelings (theirs and ours) and not over reacting to emotional outbursts. Using symbolic gestures, such as a legitimate apology or an acknowledgment of error, can alleviate some of the stress and anxiety associated with emotions. “Getting to yes” negotiators need to listen actively and acknowledge what is being said, speak to be understood, and speak for a purpose. Parties need to believe that a useful and worthwhile outcome will result from the collaborative process and that they can participate fully and openly in its execution.
D. Building Social Capital

Building trust among parties is an integral part of mutual gains negotiation and “getting to yes” agreements. Building trust among parties also is part of social capital formation. Putnam (1993) defines social capital “...as features of social organization, such as networks, norms, and trust, that facilitate coordination and cooperation for mutual benefit” (p. 35-36). He cites Albert O. Hirschman, a social philosopher, who calls social capital a moral resource: “a resource whose supply increases rather than decreases through use and which (unlike physical capital) becomes depleted if not used” (Putnam, 1993, p. 38). Gray (1989) points out that collaboration often creates a form of self-regulation among participants. Potapchuk and Crocker (1999) echo this sentiment, noting that implementing collaborative agreements is different from implementing conventional agreements because intangible factors of trust, reciprocity, and mutual support are involved. They suggest it is important to spread not only ownership among stakeholders in these agreements but to distribute the responsibility for managing implementation as well.

Building healthy stores of social capital among stakeholders is closely connected to the successful implementation of collaborative agreements. In citing Putnam (1993), Potapchuk and Crocker note that Putnam has revolutionized thinking about the importance of constructive social relationships in building collaborative. Putnam points out that:

“Networks of civic engagement foster sturdy norms of generalized reciprocity—I will do this for you now, in the expectation that down the road you or someone else will return the favor...Networks of civic engagement also facilitate coordination and communication and amplify information about the trustworthiness of other individuals...Finally, networks of civic engagement embody past success at collaboration, which can serve as a cultural template for future collaboration” (1993, p. 36).

E. Producing Consensus

Consensus-building is a complex process. It requires close adherence to the principles and practices of mutual gains negotiation and “getting to yes” agreements, but it also requires the intangible bonds of social capital. To produce consensus, critical interpersonal respect and trust must exist among parties, thus increasing the potential for working effectively towards mutually acceptable agreements. At a minimum, parties must trust that the process in which they are participating is fair. One of the most formidable hurdles in consensus-building is reaching agreement among participants about what consensus means. There are a variety of definitions about consensus in the literature. Gray (1989) defines consensus as occurring when “parties agree they can live with a proposed solution, even though it may not be their most preferred solution” (p. 10). Susskind (1999) argues that consensus has been reached “when everyone agrees they can live with whatever is proposed after every effort is made to meet the interests of all stakeholding parties” (p. 6). EPA melded these two concepts into its own definition of consensus for CSI: “Consensus will be considered reached when all Council members at the
Consensus-building is one of the highest forms of collaboration because it seeks to achieve as much unanimity as possible among participants. Agreements made by consensus are often more creative and more readily implemented than decisions made in more traditional ways, because people are more likely to support an agreement they had a hand in shaping (Susskind, 1999). One of the principal aims of consensus-building is to solve otherwise intractable problems (Sabel, 1999). Consensus-building offers an opportunity for all interested stakeholders to come together in a collaborative process that will allow them to focus their energies on the substance, from which a mutually beneficial solution may result. McKearnan and Fairman (1999) argue that participants need to be well prepared to understand the substance in seeking consensus. They need to know the issues to be discussed; develop an initial sense of their interests on each issue; consider options that satisfy their interests and those of other stakeholders; reach a preliminary assessment of their best alternative to a negotiated agreement (i.e., BATNA); and, based on the assessment of their BATNA, make a preliminary attempt to define their minimum requirements for agreement (1999, p. 329). Exceeding one’s BATNA is one way to measure success in consensus-building.

Having a clearly defined process is critical in consensus-building. The power of consensus-building is the combined ability of participants to focus their efforts on problem-solving. In the absence of a clearly defined process, participants become confused and mistake process for substance. Susskind (1999) argues that a clearly defined and accepted consensus-building process is necessary “so that participants can bring all their energies to bear on the substance” (p. xvii). Susskind cautions that parties sometimes confuse the consensus-building process by using Robert’s Rules of Order as a parliamentary voting scheme for achieving consensus. Consensus decision-making empowers each party to express interests and participate in decision-making by communicating and attempting to satisfy their interests. Voting, by contrast, emphasizes the opportunity to express a position (“for” or “against”) on an issue, rather than interests and needs that may underlie those positions.

Susskind (1999) recommends using a five-step consensus-building process that builds on mutual gains negotiations, “getting to yes” agreements, and establishing trust, respect, and cooperation (i.e., social capital) among participants. He calls these five steps his “Short Guide to Consensus-building” (1999, p. 4). The consensus-building process, as proposed by Susskind, provided a framework for analyzing CSI case studies. It was selected as the most useful lens through which to review these case studies because it incorporated all of the relevant literature in conducting “win-win” negotiations and how to build lasting relationships among previously adversarial stakeholders. The five steps Susskind identified for consensus-building include: convening, clarifying responsibilities, deliberating, deciding, and implementing agreements.
Although he did not suggest that these steps should be followed sequentially, it is an ordered process.

(1) **Convening.** When a person convenes a meeting, he/she typically schedules the meeting date and time, finds an appropriate space, invites people to attend, and prepares an agenda. A convenor has administrative and substantive responsibilities. For consensus-building or any other kind of meeting, convening is normally the first stage in the planning process—thus, a convenor is defined as the person or organization that initiates the consensus-building process and carries out its initial steps (Carlson, 1999). For consensus-building, convening is complex because multiple meetings over a long period of time are expected, more intense interpersonal relations among participants are anticipated, and detailed substantive negotiations about issues are desired. Convening a consensus process usually involves at least four steps: (1) assessing a situation to determine whether a consensus-based approach is feasible; (2) identifying and inviting participants to ensure that all key interests (i.e., stakeholders) are represented; (3) securing the necessary resources to support the process; and (4) planning and organizing the process with participants, or working with a facilitator to do so (Carlson, 1999; Susskind, 1999; Moore, 1999).

Government convenors face special challenges and barriers (Society of Professionals in Dispute Resolution, 1989). Carlson (1999) points that when public mistrust in government is high, consensus processes convened by the government are often viewed by potential participants as a form of co-optation. He found this is especially true when the issues to be discussed have already been framed by the government, and the parties and facilitator are selected by the government. If government convenors are to overcome participants’ lack of trust or fears of being co-opted, the Society of Professionals in Dispute Resolution (SPIDR, 1989, p. 9-10) recommends several actions: first, government convenors need to act openly and transparently, clearly stating the purposes of the consensus-building process and involving stakeholders closely in its execution; second, government convenors need to establish meeting/process ground rules, to which all parties agree, and these ground rules need to be adhered to closely; and finally, government convenors need to demonstrate their commitment to the consensus process by implementing the outcome of the parties’ agreements. SPIDR states the “congruence between government talk and their action” needs to establish their credibility and overcome any concerns among parties about their co-optation. This approach builds trust, respect, and cooperation among participants with the government, and reinforces the Susskind and Field (1994) suggestion that trust building is based on expectations “saying what we mean and meaning what we say.”

Convening is decisive in consensus-building because it sets the tone and expectations among stakeholders for that which will follow. Moore (1999) suggests that an intentional, structured, and carefully planned convening phase needs to be initiated prior to inviting stakeholders to participate in a dialogue because “otherwise the entire process is undermined” (p. 6). He believes that effective convening should include an articulation of “clear mutually agreed upon goals for a dialogue” (p. 7). The best way to create these goals is to understand, in detail,
the contentious interests among stakeholders. Susskind (1999) argues that convenors should document stakeholder interests in a “conflict assessment” (i.e., a document that “spells out what the issues are, who the stakeholding interests are, where they disagree, and where they might find common ground”) (1999, p. 10). Susskind recommends that a conflict assessment be prepared by a neutral outsider based on confidential interviews with key stakeholders.

One of the early criticisms of the CSI process was the limited time available to conduct the convening phase, after the initiative was initially announced by EPA. How the DFOs handled the CSI convening phase, given the political environment in which the initiative was created, will be addressed later.

(2) Clarifying Roles and Responsibilities. Choosing the appropriate techniques and strategies for conducting a consensus-building process is predicated on clarifying roles and responsibilities among key players. Consensus-building comes in myriad forms; however, regardless of the form consensus-building takes, there are distinct roles among participants that need to be recognized. A number of different players are involved in consensus-building including sponsors, convenors, neutrals, leaders, stakeholders, participants, recorders, and technical advisors.

(a) Sponsors. Sponsors are individuals or organizations that endorse and support a consensus-building process, often by providing financial assistance (Carlson, 1999). Sponsors can offer legitimacy to a process (such as CSI where EPA was interested in supporting a national environmental policy dialogue on creating a new system of environmental protection). Sometimes a sponsor may be an interested party who is not directly involved in a negotiation, such as a town council or a county’s board of commissioners (Carpenter, 1999). In some cases, multiple sponsors are desirable to represent the full range of issues to be discussed; otherwise, participants may find that a single sponsor is aligned with one point of view and unable to accept or negotiate various options.

(b) Convenors. A convenor, as noted above, is the person or organization who initiates a consensus-building process and carries out the convening steps. The primary role of a convenor is to invite stakeholders or their representatives to participate, document their interests in participating, and provide meeting logistical support. A good convenor adds an air of legitimacy to the process and motivation to participate (Carpenter, 1999). Sometimes, due to the complexity or contentiousness of an issue, or due to lack of trust or credibility, a convenor may decide to use a professional neutral to carry out the convening step (Carlson, 1999).

(c) Neutrals. A neutral outsider is an independent professional with training and experience as a convenor, facilitator, or mediator, used to assist stakeholders in the design and management of a consensus process. In general, neutrals focus on the process so that group members can focus on the substance (Straus, 1999). Frequently, if a neutral is used
to assist in convening, he/she also facilitates the consensus-building process (Carlson, 1999: Susskind, 1999). A facilitator is a person who has experience leading large group meetings, including planning and using a variety of processes to assist groups in joint decision-making. The role of a facilitator is that of a neutral, non-evaluative, non-contributing process guide (Straus, 1999). A mediator is skilled at handling conflicts and disputes and assisting people who are in conflict to reach resolution (Carlson, 1999). More information on the differences between facilitator and mediator roles is provided in Chapter 7.

(d) Leaders. The role of a leader is to keep a consensus group focused on its process and substantive tasks. Leaders are sometimes looked to for guidance in a meeting when a consensus group is unsure of how to proceed or how a potential solution would be perceived by others. Leaders also may be helpful in reminding a group of its objectives and the importance of meeting them (Straus, 1999, p. 301-302). Sometimes the meeting chair or convenor of the group assumes the leader role. For purposes of this research study, a further refinement of the leader role is undertaken: it is useful in consensus-based processes to distinguish between positional (i.e., hierarchical) leadership and collaborative leadership. Chrislip and Larson (1994) argue that the primary role of collaborative leaders is to promote and safeguard the collaborative process (p. 138). Facilitative leaders are collaborative leaders who work primarily in group facilitation. Facilitative leaders are different than either facilitators or mediators. Facilitative leaders perform facilitation and mediation tasks, but they are not impartial group participants.

(e) Stakeholders. People who have a stake in the process or issues under consideration are called stakeholders. Chrislip and Larson (1994) point out that the term stakeholder originally “meant a person entrusted with the stake of bettors. Later meanings were derived from marking out land claims with wooden stakes—the claimant becoming the stakeholder” (p. 64-65). More recent usage defines a stakeholder as one who is affected by or affects a particular problem or issue. Carlson (1999) defines stakeholders as the “key individuals, groups, and organizations that have an interest in the issue at hand” (p. 171). Straus (1999) defines stakeholders as “people or organizations who are responsible for a decision or problem, will be affected by the outcome of an agreement, have the power to block it, or have information or expertise relevant to the discussions” (p. 293-294). Susskind (1999) defines stakeholders “as persons or groups likely to be affected by (or who think they will be affected by) a decision—whether it is their decision to make or not” (p. 12-13). Susskind also talks about “circles of stakeholders,” individuals or groups that want or ought to be involved in decision-making, but at different levels of intensity. “Some stakeholders may be involved in a core negotiating team, others may have their interests represented on that team, and still others may choose to observe the process from the sidelines” (1999, p. 13). In CSI, there was a large number of stakeholder groups represented in each Sector Subcommittee and workgroup.
Participants. As a result of the large number of interests usually being considered in a consensus deliberation, there are often differences between the number of stakeholder interests and participants. Carlson (1999) defines “participants as stakeholders who take part in consensus-based negotiations” (p. 171). He draws a further distinction noting that frequently in processes involving public issues, participants represent other individuals with similar interests and concerns. Thus, participants are sometimes called representatives. Similarly, McKearnan and Fairman (1999) note that “for convenience, we refer to all the individuals and constituencies whose interests are represented in a consensus-building process as stakeholders. We call the individuals and representatives who are actively involved in deliberations and negotiations the participants in the process” (p. 329).

Recorders. Record-keeping and meeting summaries are important parts of the consensus-building process. Consensus-building is a means to an end, not an end in itself. Consensus-building is an iterative process, so maintaining a record of what happens is required. The role of the recorder is essential because he/she may capture key ideas on a flip chart (as an aid to a neutral or leader), but more importantly he/she takes meeting minutes and summarizes meeting activities. Recorders serve as consensus group memory tools. Participants frequently refer to them as “holding the institutional memory” of the consensus-building process.

Resource and technical advisors. Consensus-building is process intensive. It requires considerable administrative and logistical support for participants, as well as technical support to sustain substantive dialogue. Sometimes, convenors assume resource manager or advisor roles since they are responsible for providing administrative and logistical support for the consensus process. However, because planning and scheduling multiple meetings, as well as providing travel and administrative support to participants, is a detailed and time-consuming process, convenors may ask others to assume this responsibility.

When technical issues are central to a debate and negotiations, it is often helpful to invite technical advisors to participate. These advisors possess expertise in areas in which stakeholders are conducting substantive discussions. Carpenter (1999) points out that it is not uncommon for participants “to want a government scientist present, even when that agency is a stakeholder at the table” (p. 95). The person designated as a technical advisor needs to be acceptable to all participants. Carpenter also notes that technical advisors are usually expected to be present at all general consensus group sessions to answer questions that might arise from participants who were not available during the technical deliberations.

Observers. Active participation in a consensus process is usually limited to designated representatives due to the large number of stakeholder issues involved and the requirement to focus substantive deliberations. This is especially true in public policy
consensus-building processes, such as CSI. However, holding open, public meetings does allow individuals to observe and participate on an “as requested” basis. Observers preserve the integrity of the consensus-building process by minimizing charges of “decisions being made behind closed doors.” Observers also maintain the legitimacy of the process because they can learn and watch first hand how consensus is being formed around issues in which they may have an interest.

Given the wide range of roles within the consensus process, it is essential that the convening authority understand its function and responsibility, as well as those of other parties in the process. For EPA, CSI presented a wide spectrum of new roles (such as facilitators, mediators, and facilitative leaders) that the agency had not in the past needed to address. In addition, there were resource issues, such as how many meetings would be conducted, how meeting agendas will be established, and who will decide on the “ground rules” for conducting these meetings. All of these details were significant in establishing some of the process issues that surrounded the creation and implemented of CSI. How these questions were addressed and who was responsible for assuming these various roles and responsibilities will be discussed later in this dissertation.

(3) Deliberating. The core of most consensus-building revolves around effective dialogue among parties. At this stage in the process, participants need to engage in the willful pursuit of open and constructive discussions about their interests. Framing a negotiation as positional bargaining or a “contest of will” polarizes the deliberation process. Fisher, Ury, and Patton (1991) point out that arguing over positions not only endangers relationships, but is inefficient and produces unwise agreements. Stakeholder positions must be separated from stakeholder interests. Stakeholders need to engage in active listening, disagree without being disagreeable, and strive for transparency in their deliberations (Susskind, 1999, p. 44-45). There has to be some willingness among stakeholders to analyze problems jointly, identify and separate the issues involved, and frame these issues for resolution or decision-making. Moore (1999, p. 12-13) stresses that if dialogues are to result in superior outcomes participants need to be committed to working toward elegant solutions that will maximize benefits for all concerned. To achieve this outcome requires building high expectations and preparing parties to engage in effective consensus-building. Gray (1989) elaborates on this point, noting that in a collaborative process, stakeholders must assume some collective responsibility for their deliberations and in so doing they can restructure the rules for dealing with problems.

Consensus-building creates a self-organizing learning system, which helps to build capacity among participants in terms of knowledge, relationships, and strategies for addressing common problems (Innes, 1999). In the deliberation phase, consensus-building often is tested when participants try to consider the views of absent stakeholders. Sometimes stakeholders are absent due to their inability to be in several places at one time, or they may be absent because of the inability to include their narrow interests or expertise in broader deliberations. Regardless of the circumstances, consensus-building participants occasionally ask “who’s missing” as deliberations unfold and begin narrowing toward several options. Laws (1999) suggests that one
means for participants to continue deliberations in the absence of key parties, particularly if those parties participated in earlier deliberations, is to use “perspective taking” as a remedy (p. 266). Having several different participating stakeholders suggest how an absent member might respond to an issue provides a variety of perspectives that may simulate an actual response or, at least, allow participants to share in their collective misinterpretation of their interests.

CSI deliberations were challenging because of the various levels of consensus-building (workgroups, Subcommittees, and the CSI Council) as well as the difficulty in having all five stakeholder groups adequately represented in key deliberations. The response by DFOs to these challenges should be instructive relative to this stage of consensus-building. What DFOs did to ensure that workgroup deliberations were not thwarted by Council advisements, and how they made certain that under-represented groups (such as environmentalists) participated in key deliberations are issues that will be addressed as the three Sector Subcommittee case studies are analyzed.

(4) Deciding. In consensus-building, people who will be affected by a decision work together to develop a solution that meets as many of their individual and collective interests as possible (Moore and Woodrow, 1999). Reaching agreement represents a significant milestone in consensus-building because it signifies that participants have achieved a common goal. However, unlike conventional “command and control” approaches to decision-making, consensus-based methods for making decisions are not linear. Potapchuk and Crocker (1999) note that: “sometimes, new stakeholders or issues are added halfway through a process, making it necessary to ‘loop back’ and repeat earlier stages. In other instances, the process may be ‘uneven’ with some stakeholders enjoying success working through some of the issues, while others remain stuck” (p. 531-532).

All aspects of consensus-building are interrelated. Before the process starts, participants need to know the ground rules and the players. Potapchuk and Crocker (1999) liken consensus-building to a chess match. “In chess, the deciding move often comes a dozen turns before checkmate. The same is true in consensus-building, and it can be difficult, if not impossible to recover from a poor opening. By the same token, the game is won not by a single move alone but by a well-conceived and well-executed strategy” (p. 532). Regardless of the difficulties, consensus decision-making represents the cumulation of many steps in consensus process—getting all the stakeholders to the table, focusing on their interests and conflicts, clarifying roles and responsibilities, and deliberating issues in a fair and equitable manner.

Many participants in collaborative dialogues are not familiar with consensus as a means to make group decisions. To engage successfully in the process, they need orientation in how consensus works and strategies that can be used to reach collective agreements (Moore, 1999; Susskind, 1999). The manner in which consensus is defined and implemented plays a critical role. Consensus decision-making can be based on either the minimal level of agreement possible among participants (i.e., the lowest common denominator) or superior integrative decisions that maximize benefits for all concerned.
CSI stakeholders struggled with a working definition of consensus for nearly two years. Some of this uncertainty was to be expected. The ground rules that were adopted by various Sector Subcommittees differed; and, several Subcommittees had their initial consensus recommendations rejected by the CSI Council. The manner in which DFOs operated among the workgroups and Subcommittees to counter their criticism that the CSI Council was trying to “re-consensus” the Sector Subcommittee’s consensus process will be explored later in this study.

(5) Implementing Agreements. The power of consensus-building agreements lies in their ability to endure because stakeholders have a vested in their success. Consensus-based agreements do not suffer from the “not invented here” syndrome because of the inclusive nature of the process. Potapchuk and Crocker (1999) argue “the underlying logic is that for an agreement to be durable and implementable, stakeholders must develop a deep and shared understanding of the situation, build new relationships characterized by trust and reciprocity, and generate sufficient commitments from individuals and the institutions they represent” (p. 541-542). They recommend that a strategy that capitalizes on the process helps to establish a foundation for successful consensus-agreement implementation.

Gruber and Innes (1994) describe the interaction among intellectual capital (group understanding), social capital (relationships), and political capital (clout) as a mechanism that can undergird consensus agreement implementation. They suggest that a unique intellectual capital is generated as stakeholders reach a group understanding about how a problem is to be solved. A consensus agreement is the product of this group solution. The interpersonal relationships that were developed as this agreement was being generated is the “glue” that binds stakeholders together. The combination of a multistakeholder solution with the network of stakeholders who created it, often provides sufficient political clout to ensure that the agreement will be implemented. Gruber and Innes caution, however, that political capital is elusive and subject to change. They recommend that stakeholders secure commitments from as many leaders as possible to ensure balanced support.

The need for joint learning in successful consensus-building has been noted by many scholars (Potapchuk and Crocker, 1999; Dukes, 1996, Lederach, 1995; Senge, 1990). These authors agree that if new data is used solely to support previously held positions, the consensus-building effort has not yet built sufficient intellectual capital to move forward. However, if a qualitative shift in stakeholder views occurs, as their opinions change with judgment, then group understanding is advanced. Yankelovich (1991) defines these terms more clearly. Opinion, he asserts, is a snapshot of what a person is thinking at a particular point in time. Judgment only emerges after deliberation, when ideas and assumptions have been tested and reexamined.

As noted earlier, Putnam (1993) has revolutionized ideas about the importance of constructive social relationships (i.e., social capital) in building agreements. Potapchuk and Crocker (1999) believe that building healthy stores of social capital among stakeholders is intimately connected to the successful implementation of consensus-based agreements. The relational dynamics that stakeholders establish, as the consensus process matures, build strands
of mutual trust and cooperation that bond stakeholders to each other and to their collective products. Putnam (1993) argues that social capital undergirds consensus-building by: building a quid pro quo among stakeholders, establishing the trustworthiness of individuals, and creating a foundation for future collaboration.

There is no single recipe for building the kind of social capital that leads to strong relationships among stakeholders. If stakeholders have firm adversarial relations prior to consensus-building, close attention needs to be paid to the root cause of those differences and the need to identify common, unifying interests. Clearly, the need to use neutral facilitation and mediation intervention in such dialogues is paramount so stakeholders do not fear that one side will gain the upper hand. Conversely, if stakeholders have little prior knowledge and exposure to one another, an educational process about “who we are” and “why we are interested in this dialogue” is useful to create a balanced foundation for relation-building.

Building political capital into a consensus agreement may be the most important facet of its potential for implementation. Who is interested in seeing the agreement implemented and how it will be supported are just two of the attendant complex and vexing questions. Empowering stakeholders or their constituencies to take action and build accountability into the consensus process is one approach toward building political capital. Another approach, which EPA used in the CSI process, was to engage senior political leaders directly in the consensus process.

Potapchuk and Crocker (1999) caution that significant stores of social, political, and intellectual capital are not a substitute for a well-crafted written document. They advise strongly that groups should always strive to prepare documents that not only specify the commitments that participants are making to each other, but also spell out who has to do what and by when to ensure implementation.

CSI Sector Subcommittees generated nearly thirty different consensus recommendations that addressed a variety of environmental regulatory issues from rule writing to the way in which research should be planned on a national basis. Some DFOs were an integral part of implementing a recommendation, while others tried to “find homes for Subcommittee recommendations.” The underlying reasons for this difference among DFOs in dealing with implementation issues and how stakeholder satisfaction with the consensus process was affected are issues that will be addressed later in this research study.
Chapter 7: Role Orientations for Effective Collaboration

A. Overview

Conducting effective collaboration with stakeholders will require a variety of new skills for government officials. Collaborative decision-making requires more “people skills” than conventional approaches. Rather than taking unilateral, decisive action, collaboration requires leaders to promote and safeguard the process. Chrislip and Larson (1994) argue that the power of position is of little help in the collaborative world of peers, nor are the traditional hierarchical, political, and confrontational models of leadership. They point out that those who lead collaborative efforts—transforming, facilitative leaders—rely on both a new vision of leadership, and new skills and behaviors to help individuals and organizations realize their goals, solve problems, and obtain results.

This three-part chapter focuses on the skills and behaviors that are needed in collaboration and consensus-building. It will review the literature on collaborative and facilitative leadership and the different modes in which these leaders function; analyze the role of facilitator as a meeting manager and contrast this function with a mediator, as well that of a facilitative leader; and elaborate on the role of a mediator, reviewing Honeyman’s (1988, 1990) model for measuring mediation competency. This model is used as part of an analytical framework to review practitioner skills and behaviors in consensus-building. The chapter concludes with a summary of the contributions to the literature that should be provided by this research study.

B. Skills for a New Kind of Leadership

Leadership plays a critical role in sustaining collaboration. Ray (1999) defines leadership as “a series of behaviors that enable a group or organization to accomplish commonly desired goals” (p. 1). He notes that one of the purposes of leadership is to enable all organizational members to choose to move in a common direction and to accomplish their organizational tasks successfully while learning from the tasks and growing as people. Bass (1990) offers a more structural dimension to leadership, suggesting that “leadership is an interaction between two or more members of a group that often involves a structuring or restructuring of the situation and the perceptions and expectations of the members” (p. 19).

Despite the philosophical agreement about what is leadership, there are practical differences between positional leadership and collaborative leadership. Positional leadership is associated with being at the top of a functional structure or the designated leader (for example through legislative authority) of a regulatory process; collaborative leadership is leadership of the process as opposed to advocacy of a particular point of view (Chrislip and Larson, 1994). Ryan (1996) notes that collaboration requires a different kind of leadership: “it needs leaders who can
safeguard the process, facilitate interaction, and patiently deal with high levels of frustration” (p. 123).

Leadership is best understood as a field of interaction—the relationship between leaders and followers. It is not so much personal as it is interpersonal. Quantum theory asserts that to know nature, you must view it as a series of interconnected fields (Blank, 1995). Traditional management paradigms have imposed a simple and orderly vision of leadership on a world that is, in reality, turbulent and filled with complexity. The nonlinear dynamics of quantum theory offers a better model for viewing transforming (i.e., collaborative) leaders than is possible in classic Newtonian scientific explanations. Traditional leaders use the classic physics concepts of force and pressure to control people’s behavior; transforming leaders use the quantum physics concept of interaction, which occurs as a result of a spider-web of relationships that link forces together, to influence people (Blank, 1995, p. 211-212). Burns (1978) defines the transforming leader “as someone who looks for potential motives in followers, seeks to satisfy higher needs, and engages the full person” (p. 4). He contrasts this form of leadership with transactional leadership, which involves exchanging one thing for another—force with a directed response. Collaborative leaders realize that their influence does not rely on force but dwells in what Margaret Wheatley (1992) calls a “medium of connection.” Leaders gain followers through influence based on interactions beyond formal authority—they foster trust and mutual respect, so they attract followers. No one can force others to follow willingly (Blank, 1995). Burns adds an ethical dimension by suggesting that the interaction of leaders and followers allows both to satisfy their needs “while raising (transforming) each other to higher levels of motivation and morality” (1978, p. 20). Leaders and followers, in his mind, are peers—they simply play different roles.

Using collaborative approaches to solve problems is unique and requires fresh leadership skills. Chrislip and Larson (1994) suggest three reasons for this phenomenon (p. 129-130). First, collaborative efforts cross many boundaries, with participants coming from both the public and private sectors, as well as from the general public. Participants do not come from a single organization or professional discipline—they are heterogeneous. Traditional leaders normally deal with more homogeneous groups. Second, strategies for getting results in situations demanding collaboration are unclear even though problems are self-evident. There are urgent problems, but they are so complex that there is little agreement about how to proceed. The current system of environmental protection offers a vivid example. Most public and private organizations strongly support protecting public health and the environment, yet EPA is subject to more than six hundred lawsuits at any one time. The current legislative fragmentation within our environmental regulatory system, coupled with the rising costs of protecting the environment, has resulted in adversarial legalism and gridlock. There is no agreement among environmental stakeholders on the problems themselves, on possible solutions, or even on how to move ahead.

Finally, leadership in collaborative initiatives relies less on content or subject-matter expertise than on positional leadership approaches. Collaborative leaders rely on the group to work with the content and substance of the issues; their task is to ensure that the process is
constructive and leads to results—not to impose their own answers to collective issues. The issues in question can only be answered through group agreement. For example, in the context of this research study, such questions might include: what do we want the next generation system of environmental protection to be; how can we create new roles for government officials; and what will be the relationship between the existing and the new system? The answers are not easy and will have to emerge from the interaction among interested environmental stakeholders. This was the challenge for CSI, its stakeholder groups, and the DFOs.

I. Collaborative Leadership

Collaboration works best when leaders are convinced that problems can be solved by working together with the appropriate stakeholders. The collaborative leader’s role is to convene, energize, facilitate, and sustain the process of solving problems. To effectively solve problems, Chrislip and Larson (1994) identified four principles of collaborative leadership (p. 138-140).

(1) Inspire Commitment and Action. Collaborative leaders catalyze others to create visions and solve problems. They create new structures for problem-solving through building alliances, partnerships, and forums among interested stakeholders. Basically, collaborative leaders bring people together, help them work on problems collectively and constructively, and keep them working until mutually agreeable results are achieved. Thus, one of the distinguishing features of collaborative leaders is that they inspire stakeholders to believe in the group process and collective action.

(2) Lead as a Peer Problem-solver. Collaborative leaders need to develop a problem-solving template. Sparrow (2000) argues that problem-solving is a professional skill that takes years to master. He suggests that problem-solvers should follow a five-stage process. They should help nominate potential problems for attention; define the problem precisely; determine how to measure impact; develop interventions; and implement plans, with periodic monitoring, review, and adjustment (p. 142-153). Collaborative leaders must be active and involved in problem-solving; yet the process has to open and flexible to stakeholder inputs.

(3) Build Broad-Based involvement. Collaborative problem-solving is difficult because it is inclusive, not exclusive. It involves having dialogue with multiple stakeholders, many of whom have different values and interests. The goal of collaboration is to include the full community of stakeholder interests, regardless of the diversity of views. Collaborative leaders need to make a conscious and disciplined effort to identify and bring together stakeholders because, not in spite, of their points of view. As noted earlier, the power of collaboration is the quantum nature of relations among stakeholders—the field of interaction of broad-based involvement.

(4) Sustain Hope and Participation. Frustrations are inevitable in any public dialogue, but they are especially tenuous in a collaborative process. Stakeholders have to “stay at the table” to
get things done. “Getting to yes” agreements are possible because of stakeholders differences—not in the absence of them. Collaborative leaders have to build confidence and trust among stakeholders that synergistic solutions are not only possible but desirable. Stakeholders have to trust one another and believe in collective judgment. Collaborative leaders have to convince participants that their input is valued and mutual gains can be achieved. They have to bolster stakeholder aspirations for finding joint solutions to extraordinarily complex problems.

II. Facilitative Leadership

Facilitative leadership is a derivative of collaborative leadership. It is a structured form of leadership that relies on the group facilitation process. Facilitative leadership is not a novel concept—it has been practiced in a number of public and private sector settings. It has been used in the educational field (i.e., Conley and Goldman’s 1994 “how school principals can lead without dominating”); in business and non-profit organizations (i.e., Moore’s 1999 “collaborative problem-solving within organizations”); and in local government (i.e., Svara’s 1994 “the facilitative model in council-manager government”). In facilitative leadership, the emphasis is on cooperation and a “power-shared” world. Rees (1991) identifies a range of facilitative leadership skills such as “helping groups solve problems, listening, communicating, developing team capacity, coaching, motivating, and inspiring” (p. 14-15). He views a facilitative leader’s role as one of asking questions, directing the group process, teaching, building consensus, sharing in goal-setting, sharing in decision-making, and empowering others to get things done (p. 21). This non-authoritarian leadership requires a new style of management philosophy, which views leadership in terms of service rather than power. Greenleaf (1977) defines the servant-leader as “one who wants to serve, to serve first... that person is sharply different from one who is leader first” (p. 13). Servant leadership requires acceptance of others as peers (Chrislip and Larson, 1994). Greenleaf views the central ethic of leadership as foresight—the ability to see how things might be in the future and to act now to move in that direction. Facilitative leaders must have the ability to see a new way of moving forward—a way that meets the needs of all stakeholders while accepting them as peers. Stakeholders will respond positively to those leaders who have the credibility and integrity to serve the process. Facilitative leaders are servants of the group, helping stakeholders do their work (Chrislip and Larson, 1994).

Facilitative leaders operate from a unique set of core values. Blank (1995) argues that leaders create shared meaning with followers by performing actions that match the followers values. The better the match of values, the more effective the transfer of meaning and the greater likelihood the followers will support the leader. People process information though their core values, and those values affect the creation of meaning. Value serves as a filter through which information is translated and evaluated (Blank, 1995, p. 150-151). Schwarz (1994) suggests that a facilitative leader works from a set of core values consistent with “the concepts of empowerment, commitment, collaboration, learning, and partnership” (p. 251). Each of these concepts builds on core values inherent in group facilitation. Facilitation, according to Schwarz, is based on three interrelated core values—valid information, free and informed choice, and

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internal commitment to those choices. Schwarz draws on the work of Chris Argyris and Don Schon (Argyris, 1970; and Argyris and Schon, 1974) in deriving these core values. Table 7-1 summarizes these core values.

Table 7-1. Core Values Guiding Group Facilitation

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<th>Core Value</th>
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| Valid information                | ✓ Participants share all relevant information  
|                                  | ✓ Participants share information in a way that others understand it.  
|                                  | ✓ Participants share information in a way that others can independently validate it.  
|                                  | ✓ Participants continually seek new information to determine whether previous decisions should be changed.  |
| Free and informed choice         | ✓ Participants define their own objectives and methods for achieving them.  
|                                  | ✓ Participants are not coerced or manipulated.  
|                                  | ✓ Participants base their choices on valid information.  |
| Internal commitment to the choice | ✓ Participants feel personally responsible for their decisions.  
|                                  | ✓ Participants find their choices intrinsically compelling or satisfying.  |


Schwarz argues that these core values create a reinforcing cycle. Participants in a group process need valid information to make an informed choice. When participants make these choices they become internally committed to them. If participants are committed to their decisions, they take responsibility for seeing that they are implemented effectively. Finally, participants who appreciate valid information continually seek new information to determine whether their decisions remain sound or should be changed (Schwarz, 1994, p. 8).

Schwarz further distinguished facilitator from facilitative-leader functions relative to these core values (p. 254-256). Facilitators ensure that valid information is shared among participants, while a facilitative leader ensures that a healthy dialogue among participants takes place without retribution. Facilitators ensure that participants can make free and informed choices, while facilitative leaders use these choices to share power and make joint control possible. Schwarz notes that making decisions by consensus ensures that everyone involved maintains free and informed choice. It does not, however, ensure that everyone (including the facilitative leader) will get all they want, all the time. Finally, facilitators ensure that parties have an internal commitment to their choices, while facilitative leaders build on these commitments by
serving as partners in the implementation process to help parties honor their commitments and work through problems. In essence, facilitators are not responsible for why a group comes together or what a group decides, but they are responsible for helping the group realize how they can reach creative solutions; a facilitative leader is responsible for why a group is assembled, how they are going to reach decisions, and what they decide to do.

III. Leadership Modes

The facilitative leader understands group dynamics and enhances communication within a group by developing shared understanding (Ray, 1999). The facilitative leader has a unique communication style that effectively opens and maintains an active relationship-building atmosphere among group members. Facilitation is a respectful way of interacting among peers and allowing those peers to achieve common goals. Facilitative leaders function in a number of different modes that encourage communication and relationship-building. Ray (1999) suggests five different modes that outlines a wide spectrum of facilitative leadership skills and behaviors from a change agent to a conflict manager (p. 22-34).

(1) Enabler of Change. Facilitative leaders use influence rather than direct power to make changes or implement actions. Ray (1999) suggests that an enabler of change articulates the vision for a group and communicates the reasons and purposes for change to all participants (p. 22). Once a future vision is defined and accepted by the group, he argues that a change model outlining the gap between present and desired future behavior is needed. Defining this gap, understanding the reasons for the change, and agreeing on opportunities to apply these new approaches is a continuing challenge for facilitative leaders. They need to understand the dynamics of the change model. Ray cites Mauer (1996) who describes the resistance to change as having three levels (p. 26-27). The first level involves resistance to the idea itself, which may result from lack of understanding or a desire to maintain the status quo; the second level involves deeper issues such as lack of trust and respect among participants; and finally, the third level involves more historic animosity or conflicting values and vision.

The challenge DFOs faced within the CSI process was resistance to change at all three levels. Stakeholders asked: what does cleaner, cheaper, smarter environmental protection really mean; how can I trust someone who only uses “citizen suits” to get my attention; and, if industry officials agree that regulatory reform means more flexibility, why won’t they share more environmental data with the public?

(2) Respectful Communicator. Facilitative leaders are the fulcrum of interactions within a group, so they need to demonstrate and maintain respectful communications among all participants. The respectful communicator “talks in the language of the participants taking care that the message is understandable and understood” (Ray, 1999, p. 22). Facilitative leaders need to possess both verbal and nonverbal communications skills. What they say is as important as how they say it—head nods, facial expressions, vocal expressions, and gesturing are all important.
“Proxemics” is a component of nonverbal communication that Ray identifies as significant. Proxemics involves the personal space that people require and give to others and the movements that people make toward or away from one another (Ray, 1999, p. 50). People often operate within a communications comfort zone and facilitative leaders need to understand how easily group participants can “get in each other’s faces” and deal with the amount of personal space given or demanded in a group process. A striking illustration of the significance of nonverbal communication was raised at an early CSI Council meeting when the neutral facilitator took off her shoes and started moving within the U-shaped table of participants. The facilitator did this to portray what she perceived as the informality Council members needed to resolve a difficult and tension-filled discussion. Her communication style backfired—members were put off by her casualness and the perceived invasion of their personal space. Eventually, she was asked to not continue as the Council meeting facilitator because of her inability to gauge and direct stakeholder actions.

The single most important communication skill that organization members need to develop and facilitative leaders need to demonstrate is listening. Listening involves verbal and nonverbal skills. All communication skills are rooted in one’s listening ability. Verbal listening is demonstrated by identifiable behaviors. Ray categorizes verbal behaviors as neutral encouragement, restatement, reflection, clarifying, paraphrasing, summary statements, and open-ended questions (p. 56-57). Each of these categories is a differ way of encouraging a person to speak and to demonstrate that one is listening. Nonverbal communications, such as head nods or facial expressions also signal that one is listening. The goal for leaders is to communicate through verbal and nonverbal skills that they are listening and have a shared understanding of a person’s issues and interests. In CSI, DFOs often were challenged to demonstrate listening skills: did they listen to an environmental justice representative’s concern and were they able to distinguish that concern from other environmentalist interests; or, did they listen to too many industrial arguments about cheaper and smarter ways to achieve superior environmental performance, and were they willing to forego cleaner goals as well?

(3) Developer of Participants and Teams. Facilitative leaders need to foster and encourage teaching and learning from one another in a group process. The facilitative leader understands that the learning organization requires a cadre of learning individuals (Senge, 1990). To be an effective developer of participants and teams, facilitative leaders have to be sensitive to the needs, values, and experience of others. Ray suggests that facilitative leaders need to look at participant experiences and relationships as group learning opportunities. Learning from others requires that one respect the needs, abilities, and knowledge of others. Ray cites Block (1981) who suggests that respect is demonstrated and gained by encouraging dialogue with others even though one may disagree with their positions. The facilitative leader must demonstrate respect for a variety of opinions in order to create consensus for action. Learning from one another shows that respect (Ray, 1999, p. 62).
Teams go through predictable stages of development and evolution as they strive for collective learning and group consensus. Facilitative leaders need to understand and nurture the group dynamics associated with these stages. Scholtes et al (1996) suggest that as a team matures, members gradually learn to cope with the emotional and group pressures they face. As a result, teams normally go through stages of team growth, they call “forming, storming, norming, and performing” (p. 6-4 to 6-8).

When a team is forming, members cautiously explore the boundaries of acceptable group behavior. This is usually a period of high excitement, anticipation, and optimism. There is pride in being chosen for the team, as well as suspicion, fear, and anxiety about the job ahead. To build trust and confidence during the forming stage, team leaders need to help members get to know each other; provide clear direction and purpose for the team tasks; and involve members in developing plans, clarifying roles, and establishing ways of working together.

Storming is probably the most difficult stage for the team because it is the point at which members realize the task is different and more difficult than they imagined. Members can become testy, anxious, and overzealous. At the storming stage, team leaders need to resolve issues of power and authority (i.e., not letting one person’s power or position suppress another’s contributions); develop ground rules about members’ conduct; and allow the team to become more independent.

During the norming stage, members reconcile competing loyalties and responsibilities. They accept each other as team members. A sense of team cohesion, and common spirit and goals begins to emerge. In the norming stage, the team leader needs to use fully all of the available team members’ skills, knowledge, and experience. The leader needs to encourage and acknowledge members respect for each other and encourage members to work collaboratively.

In the final stage of performing, teams have settled their relationships and expectations. They begin performing—diagnosing and solving problems, and choosing and implementing changes. At last, team members have discovered and accepted each other’s strengths and weaknesses, and learned how to work together in a collaborative process. In the performing stage, to build openness to change, team leaders need to update the team’s methods and procedures to support cooperation; help the team understand how to manage change; and be an advocate for the team with other groups and individuals. Team building was an evolutionary process for CSI Sector Subcommittees and workgroups. Many DFOs acknowledged that it took CSI teams “not months but years” to evolve to the performing stage of group dynamics. Why it took so long and some of the techniques DFOs used to coax CSI teams through the stages of group dynamics will be explored more fully in the CSI case studies.

(4) Master of Problem-solving Tools. Facilitative leaders are not problem-solvers; rather they are facilitators of the problem-solving process. They need to focus on the use of problem-solving tools rather than trying to solve the problem per se. As noted earlier, collaborative leaders need to develop a problem-solving template. Facilitative leaders must move to a deeper
level of involvement by educating group participants on tools that can be used in the various stages of the problem-solving process. Ray (1999) suggests using different tools at each stage of the process (p. 102-125). In the problem definition stage, he recommends that a variety of tools can be employed from open-ended brainstorming to more structured process-mapping techniques. Each of these tools is used to clarify the problem the group is trying to address. Many problems that are nominated for consideration will not make it past the first stage, because of limits on available resources or group expertise; therefore, each problem must be defined precisely and, in turn, be prioritized. Ray recommends using prioritization tools, such as multi-voting (where winners are determined by the highest number of votes cast within a group), payoff matrix (where implementation of a problem solution is weighted by its payoff or benefits), or the Nominal Group Technique (which is a “round robin” voting-ranking process).

The outcome of the problem-definition stage is a definitive list of problems (or a single problem) that a group has elected to analyze. In the problem-analysis stage, groups begin to dissect a problem to determine how to solve it. Ray recommends that facilitative leaders offer groups tools such as force-field analysis (where driving and restraining forces affecting a problem need to be identified and diagramed), and cause-and-effect diagrams. Fishbone or Ishikawa diagrams (Evans and Lindsay, 1996) is another name for cause and effect diagrams. These tools attempt to organize the potential relationships between a problem and its causes. Groups often jump to conclusions, assuming they know the cause of a problem before a full analysis is completed. These tools help group members determine if they fully understand causality in problem definition. The selection stage of the problem-solving process is similar to the problem-definition stage. At this point, groups use some of the same ranking tools (brainstorming) to select the problem on which they will focus. In the final stage of the problem-solving process, where interventions (possible solutions) and implementation of these solutions are advocated, groups need to be able to outline the steps necessary to implement their efforts. To allow periodic monitoring, review, and adjustment of their activities, Ray recommends that facilitative leaders encourage groups to plot or chart their efforts. This allows groups to understand the sequencing of their proposed actions, as well as to identify the incremental commitments by stakeholders in the process. This will help identify who will aid in getting the problem solved and his/her specific responsibilities.

Problem-solving teams themselves may not always understand the broader implications of the problem they are trying to solve or the solution they are proposing. In The Fifth Discipline, Peter Senge points out that “solutions that merely shift problems from one part of a system to another often go undetected because...those who ‘solved’ the first problem are different from those who inherit the new problem” (1990, p. 58). This is a recurrent theme in environmental problem-solving because media specific (i.e., air, water, or solid waste) problem solutions, cause multimedia problems. Although CSI advocates tried to avoid this issue by promoting sector-wide, multimedia problem-solving, CSI stakeholders routinely became entangled with addressing the multiple goals of cleaner, cheaper, and smarter environmental protection in their problem-solving efforts. DFOs initiated some novel problem-solving techniques to enable stakeholders to address these multiple CSI goals.
Manager of Conflict. Dealing with conflict is an inevitable consequence of the collaborative process. Facilitative leaders need to develop a structured management approach for dealing with conflict. Fisher, Ury, and Patton’s (1991) techniques for “getting to yes” agreements offers one procedural approach for dealing with conflict. Ray (1999) incorporates their techniques into a seven pronged conflict management model (p. 136-138). The first two components (relationships and communication) are what he calls environment setting. Relationships are critical to the possibility of solving a conflict and to the ability to get work done. Perceptions of trust, respect, fairness, and openness all describe the health of the relationship and the potential conflict management environment. Relationships are defined by communication—if people feel respected by the way someone communicates with them, verbally and nonverbally, they will be able to deal productively with each other’s conflicts. The converse also is true. He calls the next three components, the problem-solving steps of conflict management. First, as Fisher, Ury, and Patton urge, parties need to agree on objective criteria for success. Next, the needs and interests that underlie the battling positions need to be examined. Focusing on interests, not positions, allows participants to get to the root cause of their disagreements. The third problem-solving action step is to invent options for mutual gain. Options include all of the possible ways to meet both parties’ interests, without compromising each other’s interests. After the problem-solving steps, two other components remain. The two final steps are to determine the level of commitment to the solution by the parties and to develop, if necessary, what Fisher, Ury, and Patton call your BATNA (Best Alternative to a Negotiated Agreement). The BATNA only comes into play if an agreement cannot be reached. If parties cannot come to an agreement, expressing their BATNA allows each party to know what to expect from the other.

As a manager of conflict, the facilitative leader needs to be flexible in choosing a conflict management style. Ray references the Thomas-Kilmann Conflict Mode Instrument (1974) to illustrate five different conflict management styles—competing, collaborating, compromising, avoiding, and accommodating. Each of these styles have some positive and negative impacts on team dynamics. Figure 7-2 outlines these styles. Ray relates these conflict management styles to different styles of facilitative leadership (1999, p. 142-144).

The competitive facilitative leader is highly assertive and works independently, limiting team involvement. He/she will use the traditional approach to dispute resolution believing that win/lose situations are inevitable, and that a superior solution may not evolve from the team process. The problem with a competitive leader is that he/she “steam roll” other team members, and damage future relationships.
The collaborative facilitative leader is highly assertive but values teamwork and group participation. He/she knows when to bring the team together for synergistic problem-solving. The collaborative leader, as noted earlier, tries to involve as many participants as possible in the problem-solving process, supporting team commitment and action, solving problems, building broad-based involvement, and sustaining hope and participation. The problem with this style of conflict management is that it takes more time than some other styles and can create a backlash due to time pressures of participants.

The compromising facilitative leader is at the midpoint of the assertiveness and teamwork scales in Figure 7-2, so he/she knows when to “split the difference and reach settlement.” This conflict management style may be the most time-efficient style of all five, but results in the “lowest common denominator” results. Consensus-building processes often are criticized because they result in the lowest common denominator outcomes. Consensus often means that the agreement reached is not the first choice of some participants but it is an agreement that everyone can live with.
The avoidance facilitative leader is low on the assertiveness scale and prefers to work alone. This leader is not one who does not take action, but one who likes to thoroughly consider the issue. Unfortunately, the avoiding leader usually takes more time than any other style. The positive aspect of this management style is that the leader does not jump into a conflict situation when it may resolve itself. In a bureaucracy, this is the most prevalent management style. This results from organizational reinforcement of leaders who do not take rash actions.

The accommodating facilitative leader is low on assertiveness with a strong desire to work with team members. Generally, these leaders are more interested in relationship building than resolving conflicts. He/she is more interested in the means than the ends of dispute resolution. The problem with this conflict management style is that the accommodating leader may feel taken advantage of and negative toward others after the conflict discussion. He/she also may accept a less than optimal solution for the sake of the relationship.

Regardless of the management style used, collaboration, as noted earlier, can be the constructive management of differences. It is a process through which parties who see different aspects of a problem can constructively explore what is possible. Facilitative leaders need to guide the conversational interactions among collaborating parties as they try to define a problem, agree on recommendations, and design action steps. This is negotiation.

C. Facilitator

“Facilitation is the impartial management of meetings designed to enable participants to focus on substantive issues and goals” (Poirier Elliott, 1999, p. 207). Effective facilitative leaders use facilitation skills to help parties communicate, build relations, and reach consensus agreements. The term facilitator means, literally, “one who makes the process easy.” Susskind defines facilitation as “meeting management skill...when several people are involved, especially if they don’t know each other or they disagree sharply, getting the ‘talking-listening-deciding’ sequence right...is the facilitator job” (1999, p. 7). A facilitator develops an agenda for a meeting, ensures ground rules of conduct are developed, promotes interaction and communication during meetings, and brings issues to closure. A facilitator remains neutral concerning the content of the group’s work and typically has no decision-making authority with the group (Doyle & Straus, 1982; Schwarz, 1994).

Facilitation and mediation often are used interchangeably, and while there are similarities between the two, there are also important differences. Susskind (1999) argues that the key distinction between the two is:

*Facilitators work mostly with parties once they are at the table, while mediators do that as well as handle the pre-negotiation and post-negotiation tasks. Also, mediators tend to be called on in particularly conflictual situations. In addition, some facilitators do not necessarily strive for agreement as mediators always do, but rather seek to ensure productive deliberation (p. 9).*
Schwarz (1994) noted that facilitation and mediation are similar in that both involve intervention by a third party who is acceptable to the parties and who has no decision-making authority. Both seek to help groups reach decisions that are acceptable to all members, and both share many of the same skills and techniques but apply them in different situations and sometimes to accomplish different objectives (p. 12). However, Schwarz echoes Susskind’s belief that facilitation and mediation have different objectives. Mediators try to negotiate a settlement to a conflict; whereas facilitators try to improve the process for solving problems and making decisions to achieve group goals and objectives.

Facilitators contribute to consensus-building but are not the sole determinants of the consensus process. Straus (1999) argues that an “effective facilitator always remembers that the job of reaching consensus belongs to the group, not to the facilitator” (p. 307). He also points out that an effective facilitator knows that diversity of opinion and conflict are useful in working toward consensus. The most useful tools a facilitator possesses is what Straus (1999) calls “preventions” and “interventions” (p. 310). He defines preventions as actions a facilitator takes before and during meetings to avoid potential obstacles to success. Interventions are defined as actions a facilitator can take to help get a group back on track during a meeting, after difficulties have occurred. According to Straus, the most skillful facilitators rely primarily on preventions; in a way, he adds, this makes their facilitation “invisible” (1999, p. 311).

Facilitative leaders are different than facilitators and mediators. Facilitative leaders perform facilitation and mediation tasks, but they are not impartial group participants. As group-process leaders they perform various discretionary roles. Table 7-1 illustrates some of these roles.

### Table 7-2. Differences Between Facilitator/Mediator and Facilitative Leader

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Facilitator/Mediator</th>
<th>Facilitative Leader</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group membership</td>
<td>Third party</td>
<td>Leader of group</td>
</tr>
<tr>
<td>Involvement in substantive issues</td>
<td>Neutral</td>
<td>Deeply involved</td>
</tr>
<tr>
<td>Use of expertise</td>
<td>Process expert</td>
<td>Content and process expert</td>
</tr>
<tr>
<td>Decision-making authority</td>
<td>None</td>
<td>Yes, used as necessary</td>
</tr>
</tbody>
</table>


Interaction Associates (1999), a business and government consulting organization that conducts facilitative-leadership training, endorses Schwarz’s distinction between facilitative leaders and facilitators/mediators. Interaction Associates adds that facilitative leaders have several functions—they are accountable for results, usually have a stake in the outcome, have
content expertise, and are either the decision-maker or one of the decision-makers in the collaborative process. Neutral third parties, such as facilitators or mediators, have none of these functions. In studying city mayors as facilitative leaders, Svara (1994) found that they are facilitators in that “they tend to the process of interaction and leaders in that they tend to the purposes (i.e., formation of policy) toward which the efforts are directed” (p. 6). In other words, he found, like Schwarz, that facilitative leaders are both means and ends oriented.

D. Mediator

Mediate means “to come between,” or in a collaborative context, to come between group members to resolve a conflict. Moore (1986, p.14) defines mediation “as the intervention into a dispute or negotiation by an acceptable, impartial, and neutral third party who has no authoritative decision-making power to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute.” A mediator is trained to help parties negotiate productively, while facilitators are trained to help groups hold productive meetings (Carpenter, 1999, p.94).

Mediators use various forms of interaction—including plenary sessions of all participants, caucuses, work groups, and one-on-one discussions—to clarify interests, improve communication and cooperation, strengthen relationships, and help parties generate options and reach consensus (Poirier Elliott, 1999, p. 208). Mediators work with parties both within and outside meetings. Because of this deeper and closer relationship with parties, the effectiveness of a mediator depends on legitimacy and trust even more than in the case of a facilitator. Poirier Elliott points that a mediator works across conflicting perspectives and interests, and shapes both the process and group identity.

The Society of Professionals in Dispute Resolution (SPIDR,1989), an independent professional association composed primarily of mediators and arbitrators, recommends that a mediator first needs to demonstrate his/her skill as a neutral and impartial representative toward issues and parties before he/she can assume the larger task of resolving disputes. They recommend that skills for competent performance as a neutral include:

The ability to listen actively; the ability to analyze problems; the ability to use clear, neutral language in speaking and writing; sensitivity to strongly felt values of the disputants; the ability to deal with complex factual materials; the ability to create and maintain control of a diverse group of disputants; the ability to identify and separate personal values from issues under consideration; and the ability to understand power imbalances (p. 9).

Mediators need to build on these basic skill levels and try to forge working relationships and agreements among participants. SPIDR recommends that mediators need:

The ability to understand the negotiating process and the role of advocacy; the ability to earn trust and maintain acceptability; the ability to convert parties’
Christopher Honeyman (1988, 1990), a mediator and administrative law judge for the State of Wisconsin, found that a mediator’s basic talents can usefully be distinguished as five different types of skills: investigation, empathy, invention, persuasion, and management of the interaction. He argues that mediators need these skills because these skills highlight the sequence of actions or activities encountered in resolving a dispute. Dispute resolution was a consistent theme that DFOs had to address in CSI. A mediation competency model, based on Honeyman’s five skills, was adopted in this research study to provide a finer, more detailed analysis of the specific skills that DFOs used in the CSI consensus-building process. Following is a brief description of each of these skill sets (Honeyman, 1988, p.153-55, and 1990, p. 27-31) and some questions DFOs faced in trying to adapt them in the CSI process.

(1) Investigation. Mediators need to understand the negotiating process and the role of advocacy. They also need to identify and seek out relevant information pertinent to the stakeholder issues in dispute. Mediators need to ask relevant and insightful questions, understand the underlying causes for dispute, and probe the interests behind stakeholder positions. They also need to screen out irrelevant issues and help to convert stakeholder positions into applicable needs and interests.

Poirier Elliott (1999) points out that any consensus-building process, involves multiple phases—opening up issues, exploration, and finally resolution. These phases are not distinct—they are sequential. Issues cannot be resolved until they are clearly defined. Poirier Elliott cautions that most participants spend too little time on problem definition; however, it is essential that participants clearly understand the dimensions, characteristics, and perspectives that give shape to a problem before seeking to develop solutions. It is the investigation task for the mediator to determine: those who are concerned about this problem and their interests, and how those interests are reconciled with those of other participants.

In CSI, DFOs had to balance external stakeholder interests (industry versus environmentalists, and national versus local community concerns) with differing EPA interests (headquarters versus regional offices). DFOs had to actively inquire and listen to parties. They had to separate understanding stakeholder arguments from judging and responding to them.

(2) Empathy. The term empathy is defined as showing understanding and respect for the views, values, and emotions of someone else. In a negotiation, McKearman and Fairman (1999) caution that empathy is not a substitute for meeting interests, but it enhances the likelihood that participants will be able to maintain good working relationships even if they cannot reach
agreement. Mediators need to avoid the appearance of bias for or against individual stakeholders. Mediators need to have a “conspicuous awareness” and be considerate of the needs of others. They have to foster working relationships with stakeholders based on their (the mediator’s) actions and attitudes. They have to ask tough questions, but do so in a sympathetic manner. They need to listen politely to others and respond with understanding.

Mediators need to be assertive without damaging relationships. They need to disentangle relationship issues from substantive issues and work on them in parallel. According to Moore (1999), mediators need to be “soft on the people” but “hard on the issues” (p. 5). Mediators must avoid personal judgments. They need to acknowledge some merit in what opposing parties say or do, and in doing so they must be open, polite, courteous, and objective. Mediators have to know the purpose of the negotiating session in terms of some product that is reasonable to expect. For example, mediators may focus on one or two points such as the strength of a participant’s BATNA, the necessity of meeting a participant’s interests, or a participant’s adherence to a particular standard of legitimacy unless and until some other standard is at least equally fair.

In CSI, DFOs were faced with considerable distrust and skepticism among CSI stakeholders. Each stakeholder group was wary of EPA’s motives in bringing everyone together in a consensus-building process. DFOs had to emphasize with stakeholder groups but adhere to CSI. Recurring mediation questions, which DFOs raised with stakeholders included: what “cleaner, cheaper, and smarter” environmental proposals can be made in the face of your reservations about other stakeholder interests; how can we reduce emotional discourse while promoting substantive dialogue; why can’t you live with particular elements of the agreement-seeking package; and how can we “invent options” to bridge the gap?

(3) Inventiveness and Problems Solving. “Inventing without committing” is essential in mutual gains negotiations and “getting to yes” agreements. Mediators have to avoid making commitments to solutions early in the negotiation process. They have to be temperate, ensuring that participants proceed deliberately through the problem-solving stages before reaching possible solutions. Mediators need to create an environment within which participants can build substantive and innovative proposals. They have to establish and ensure objective criteria for decision-making.

CSI was an open-ended environmental policy forum. No time period was established to complete negotiations nor specific regulatory or non-regulatory issues for stakeholders to debate. With “everything on the table,” DFOs had to focus stakeholders on objective problem-solving and work through impasses with invented or reinvented options. They had to ensure that the problem was defined clearly and of interest to the majority of stakeholders. Routine questions included: how can we make the pie larger, and how can we create as much value as possible to ensure that whatever value is created can be divided in ways that take into account all relevant considerations?
(4) Persuasion and Presentation. Mediators need to be persuasive without showing favoritism. They need to demonstrate confidence and objectivity throughout the negotiation process, and they need to communicate it through verbal and nonverbal skills. Verbal expressions, facial gestures, and other “body language” can have positive as well as negative effects in communicating with argumentative participants. Mediators need to speak clearly in ways that promote listening. They need to use short, clear statements. They need to remain articulate, enthusiastic, and unflustered.

Mediators need to know the delicate balance between being persuasive without being “too pushy.” Often in a consensus negotiation, parties need to be pressured to settle on a deal that is less than ideal. The uncertainty about how to reach closure on issues was frustrating to many CSI stakeholders. DFOs were faced with issues such as: how to reach consensus on issues that do not meet all of CSI’s goals; how to present Sector Subcommittee recommendations to the CSI Council in a manner that will ensure their endorsement; and how to define success after two years of dialogue about a problem.

(5) Interaction Management. As noted earlier, mediators use various forms of interaction among participants to clarify interests, improve communication and cooperation, strengthen relationships, and help parties generate options and reach consensus. Relationships and social dynamics are central to consensus-building (Kramer and Messick, 1995). Consensus-building can help members of a group or team achieve a better sense of how they can best resolve differences, make decisions, and work together to enhance their basic interests and values. Poirier Elliott (1999) notes that problems associated with relationships can be divided into two types: interpersonal and structural. He defines interpersonal problems as those that emerge from distorted communications, stereotyping, strong emotions, and destructive behavior. Structural problems are those that emerge from the social configuration of power, rights, and identity. Mediators have to deal with relationship-building among stakeholders; and they have to manage their interactions to ensure that participants feel recognized, empowered, and part of the resultant outcomes.

Mediators need to maintain control over the discussion and dialogue process. They need to prevent bullying and ensure equal opportunities for everyone to speak. They must have the ability to respond constructively to strong emotions, personal attacks, and pressure tactics (Honoroff, Matz, and O’Connor, 1990). Mediators also must be able to employ what Honeyman (1990) calls a sense of effective distraction. They need to sense rising tensions among participants and have the ability to diffuse or disarm these situations effectively. Mediators should have the skill to convert hostile participant positions into productive needs and interests, as well as the ability to redirect participants away from negative or otherwise unproductive discussions to effective strategies for resolving the dispute.

Some stakeholder groups within CSI had difficulty conforming with the consensus- and team-building aspects of the CSI process. In some cases, it was a single individual that displayed disruptive behavior; in other cases, it was an entire stakeholder group. DFOs had to address
recurring issues such as what is underlying a stakeholder’s problem; who is in conflict with what issues; and how stakeholders can work out their differences.

E. Contributions to the Literature

The promise of collaboration and the call for a new kind of leadership in environmental management form the basis for this research study. The two fields of literature reviewed in this section of the dissertation help to establish the scholarly foundation for building a new model of public administration action. Unfortunately, there is a “gap” in the scholarly literature about the role of facilitative leadership in consensus-building. Moore (1999) is the only contributing author in the *Consensus-building Handbook* to acknowledge that leadership roles at all levels are changing, particularly as consensus-based procedures are being implemented to resolve disputes and make decisions. Many scholars recognize the value of facilitators and mediators in consensus-building, even distinguishing between these roles and facilitative leadership, but they have failed to recognize the transformational leadership that groups need as they strive to reach consensus.

This research offers five propositions that should narrow the discrepancy between facilitative leadership and consensus-building. These propositions illustrate the parallels between the two fields of research as well as the cumulative roles facilitative leaders play in consensus-building. Following is a brief summary of these propositions and how they relate to the CSI case studies.

Facilitative leadership and consensus-building are consistent in several ways. First, facilitative leaders embody the creation and management of tension within groups, while the consensus-building process offers a means for managing dissent. Facilitative leaders purposefully encourage “dynamic tension” within groups by creating what Conley and Goldman (1994) call the “discrepancy model”—the difference between “what is” and “what could be.” The consensus-building process offers a procedure through which groups can reduce their dissent, in the hope of solving mutually-defined problems. Many public officials have heard of mutual gains negotiations but they do not appreciate the principles that underlie this approach. “Getting to yes” techniques offer a way to think creatively and find a means for satisfying stakeholder interests while creating additional value in solving problems. There was a dramatic difference, for example, between the problem-solving efforts within the CSI Automobile Sector Subcommittee and the Metal Finishing Sector Subcommittee.

A second parallel between facilitative leadership and consensus-building is the means they use to achieve results. Facilitative leadership is the opposite of positional leadership, just as mutual gains negotiation is the reverse of positional bargaining. Two styles of leadership and negotiations are characterized in this research effort. One is an authoritarian style with command and control communications; the other style is collaborative—where leaders view power as being shared, and communications as open and integrative. Mutual gains negotiation builds on integrative bargaining. This integrative approach is what Mary Parker Follett calls finding the
“creative integration” among the needs of different parties. Historically, the environmental regulatory process has been characterized by a broad deference to EPA leadership, expertise, and discretion. Across all of the CSI Sector Subcommittees, EPA officials had trouble “letting go” of control in the consultation process; thus, consensus-building was stymied, in some cases for more than a year, in the CSI process.

A third way of correlating facilitative leadership with consensus-building is recognizing the cumulative effect of a facilitative leader’s role orientations. Facilitative leaders guide from the middle—their influence is earned not endowed. Consensus-building processes involve more role-playing responsibilities than conventional group meetings. Being a facilitative leader covers all phases of consensus-building from convening stakeholders to implementing agreements; yet facilitative leaders play different roles as these phases evolve. Facilitators are expected to help groups hold productive meetings, while mediators help parties negotiate productively. Facilitative leaders perform facilitation and mediation tasks in consensus-building but they are not impartial group participants—they are process and substantive experts. The lack of familiarity with the consensus-building process and the “learn as you go” role orientations assumed by many DFO team members, limited their ability to achieve a facilitative leadership role.

A fourth means of integrating facilitative leadership into consensus-building is the realization of how shared values and shared meaning are created. Facilitative leaders operate on a unique set of core values which Schwartz (1994) identifies as empowerment, commitment, collaborative learning, and partnership. Blank (1995) points out that transforming leaders create shared meaning with parties by performing actions that match the parties’ values. The better the match of values, the more effective the transfer of meaning and the higher the probability of group cohesion with the leader. Consensus-building offers an opportunity for groups to create shared meanings through debate and deliberations, as well as providing the means for parties to learn from each other, about the issues, and about the options. In CSI, EPA officials tried actively to promote the learning experience because of the heavy value-laden stakeholder groups involved in the consensus dialogue.

A fifth and final proposition for integrating facilitative leadership with consensus-building is the active engagement among all parties by creating new expectations and obligations. Facilitative leaders often are viewed as visionaries and pioneers of innovation; however, implementing consensus-based agreements is difficult. Intangible factors of trust, reciprocity, and mutual gain are involved. Putnam (1993) suggests that stocks of social capital (such as trust, norms, and networks) if successfully built, can be self-reinforcing and cumulative. The CSI process sought to create social capital among stakeholders that was manifest in consensus agreements. Yet, most CSI consensus-building efforts ended with agreement among stakeholders on consensus recommendations. The Metal Finishing Sector Subcommittee was one of the few CSI groups that actively involved all parties in the implementation of the Strategic Goals Program.