# Consensus Building in **Asia**

*A Network of Academics and Practitioners*

# COLLABORATIVE Process:

## A short guide for decision-makers in starting politically acceptable and practically meaningful participatory dialogues

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Please credit the template when making your own country- or organization-specific convener's guide

## CBAsia working group

# USING COLLABORATIVE PROCESSES TO GAIN VALUE AND LEGITIMACY

Should you use a collaborative process? Avoiding meaningful and effective engagement with citizens is risky. Trust in government and public corporations is declining everywhere around the world. Stakeholders increasingly expect to meaningfully and effectively engaged and they recognize and resent ineffective consultation.

Unfortunately, most current public participatory processes are poorly designed and lead to poor decisions, incomplete projects, and unhappy people. You can do better.

A well designed collaborative process can accomplish much more than venting anger. It can produce good data, provide viable options for decision-making, manage stakeholder expectations, and provide political legitimacy.

We recognize that officials have many legitimate reasons to be hesitate. The techniques for consensus building, public mediation, and public participation are often new and untried. Officials likewise have little experience to guide them on when and how to use collaborative processes beyond basic consultation.

**This guide provides both the key questions officials should be considering and our answers to them.**

If you are already convening a process, we also provide a CBAsia Best Practice Guide for process design and management at the following website:

http://cbasia.org/resources.html

# WHO WE ARE

We are skilled process managers and academics who have extensive experience designing, implementing, and researching collaborative processes in North America, Southeast and East Asia.[1] The contents of this guide were produced through two face-to-face collaborations among practitioners from around Asia and North America. Workshops were held in Tokyo, Thailand, and Vietnam as well as through an online dialogue.[2] More information and resources can be found on our website at:

http://cbasia.org



Stakeholders negotiate on possible improvements to a highway intersection (Tokushima, Japan) [Photo provided by Masa Matsuura]



Delightful expression after reaching consensus about petrochemical plant (Rayong, Thailand) [Photo provided by Vanchai Vatanasapt]

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[1] CBAsia was founded by Dr. Masa Matsuura, Meiji University, Japan; Dr. Dong-young Kim, KDI School of Public Policy and Management, South Korea; and Dr. Boyd Fuller, Fuller Negotiation and Fellow at the Norman Paterson School of International Affairs, Carleton University, Canada.

[2] We used Pax Republic's online forums. See their website for more information: https://www.paxrepublic.com/

# Table of Contents:

Engaging local planning officers on low carbon scenarios
(Kuala Lumpur, Malaysia) [Photo provided by Ho Chin Siong]

# WHAT IS A COLLABORATIVE PROCESS?

The main purpose of a collaborative process is "collaborative process." It helps decision-makers work with parties who have strong opinions about an issue, policy, or planning decision. In some cases, constructive dialogues can lead to mutually acceptable recommendations among stakeholders about how decision-makers might proceed. In others, stakeholders may not reach such an agreement, but the collaborative process can still increase mutual respect among the parties, produce more legitimate information for decision-making, and reduce the intensity and scope of disagreement.

You may use the naming as you like to fit in the context; study group, deliberative committee, working committee, and so on. Choosing the right name can manage the expectations of all the constituencies – official, interest groups, and the larger public. Some parties may be more willing to participate in a study group, for example, than a consensus building group.

## What Does It Look Like?

Collaborative process can have many forms. The most common is people sitting around a table listening and talking to one another. The discussion can be passionate, and as the dialogue continues, parties learn to channel their passions towards the projects they choose to undertake. The parties may also move around as they go on field trips or participate in workshops in which they walk around viewing presentations by each other and other parties. They may use interactive theatre or planning diagrams and maps so that they are working with more physical representations of the issues and situation. There is no one universal process for multi-stakeholder processes.

Typical names for such processes include mediation, negotiation, dialogue, workshop, joint fact-finding panel, and many others. Choosing a name and a purpose is a very important and strategic choice. Each situation requires a careful and strategic analysis to determine what the best outcome might be (an agreement, a set of facts, an exchange of information, etc.) and how to achieve it. Skilled process managers use a number of best practices and guidelines in designing them for each situation. We have produced a report of these, which can be found at on our CBAsia website.[3]

## What Are the Possible Outputs?

Collaborative processes can reach agreement, but agreement is not always possible nor desirable. Other outcomes can aid decision-making quality, narrow and focus disagreement, and improve government legitimacy. If done properly, collaborative process's various outputs can benefit government decision-making and legitimacy.

Typical outcomes include: 1) an impartial assessment of the key issues, stakeholders; 2) a problem definition and vision for the future; 3) a joint fact-finding report deemed legitimate by stakeholders; or 4) consensus recommendations by stakeholder representatives to decision-makers. In addition to improving government decision-making quality and legitimacy, a collaborative process can 1) improve relationships among stakeholders and between stakeholders and government; 2) reaffirm the legitimacy of government; and 3) improve stakeholder self-sufficiency, thus freeing up government resources for other work.

More information about each of these outputs and how they specifically benefit government decision-making and legitimacy can be found in our online Appendices at:

http://cbasia.org/resources.html

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[3] The website is http://cbasia.org/. The report is called "Best Practices for Consensus Building and Other Participatory Processes in Asia."

# ROLES OF PEOPLE INVOLVED IN THE COLLABORATIVE PROCESS

Table 1: Roles in Collaborative Processes

| | |
|---|---|
| **Convener / Sponsor** | A convener is the one who invites the different parties to meet. |
| **Funder** | The people, agencies, or other organizations that provide funding for a collaborative process. |
| **Process Manager** | The person who designs and manages the process, including, for example, its budget, meetings, expert panels, and group interactions with the media and other interested outsiders. |
| **Member** | A person participating in the group who either speaks for (i.e. formally represents) a particular entity (an organization, community, or other group) or speaks about the perspectives of one or more groups (but does not officially represent them). |
| **Executive Committee** | Sometimes, a few select leaders from the group will work together with the process manager to manage some aspects of the process. For example, they might manage the budget together to ensure transparency. |
| | |
| **Expert** | Sometimes, experts may educate members or work with them in a joint fact-finding process to develop better information. |
| **Observer** | Sometimes, parties will observe the meetings, but will not have a say in the group's decisions. |
| **Staff** | Sometimes, staff may be present in the meeting. Most often, they will be brought in by the convener and process manager to aid the deliberations. |
| **Constituency / Client** | Members of a collaborative process usually have relationships with particular constituencies. Their support is essential for the process' outcomes to be helpful. Process managers must keep them engaged strategically. |
| **Meeting Facilitator** | Sometimes, meeting facilitators, aside from the process manager, is needed to moderate the meeting most efficiently and effectively. |
| **Arbitrator** | Sometimes, a collaborative process may ask a judge or other expert to listen to the evidence from all sides and render a judgment. This can be for the entire set of issues under discussion or only a few issues that stakeholders are unable to make progress on. |
| **Media** | The media (reporters) often take an important role in communicating to the general public. |

# HIRING PROCESS MANAGERS FOR COLLABORATIVE PROCESS

Skilled process managers can provide a lot of services. Choosing the right one, the services they provide, and managing their work throughout the process is crucial.

## What Can They Do for You?

- Choose the right collaborative process purpose and process.
- Manage the dialogue to improve its effectiveness and efficiency
- Act as an impartial witness to encourage civil behavior
- Organize the communications between the process, the convener, and interested outsiders.

- Ensure that emerging products are checked for political, legal, and social feasibility.
- Manage difficult parties in and outside the process.
- Monitor implementation of recommendations
- Take the blame if things go wrong.

## Choosing and Managing Your Process Manager

In choosing your process manager, remember that not all process managers are as equally skilled. Some are better at reaching agreement, for example, while others might be more suited for joint fact-finding or other outcomes. Match your process manager to your purpose.

## Figure 1: Process Map Examle.
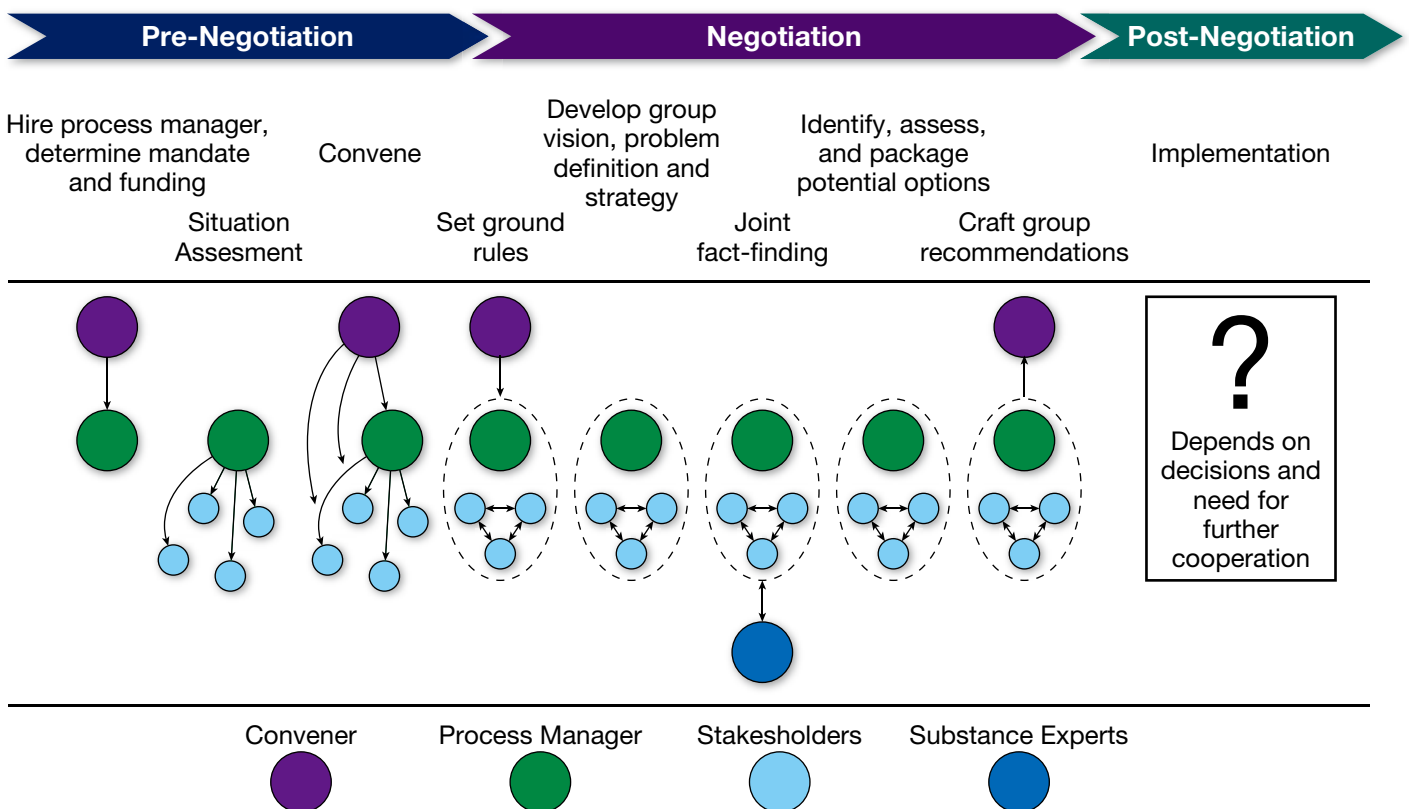


Luckily, a skilled process managers will also help you manage them. There should be clear guidelines about how process managers are paid, how they will be free of influence by you or any other party, and so on. When you hire a process manager, make sure the process to ask for his past project experiences.  If you don't know whom to hire, you should contact project managers who seem to have been successful in hiring good process managers for similar projects.

For more information on managing process managers, see our online resources at: http://cbasia.org/resources.html

## When to Use a Collaborative Process and Why

| When… | WHY |
|---|---|
| When your proposal is blocked and protested by stakeholder groups. | Ignoring their oppositions could be a major long-term risk to your proposal in its implementation.  Sometimes you have to go slow to go fast. |
| You want to build a strong organizational identity. | The process will allow parties to share information, build relations, clarify misunderstandings, and develop useful outcomes supported by the parties. |
| You need significant political support or resources from others. | Involving others in a collaborative process means that they know the quality and legitimacy of the outcomes as well as what resources other parties are committing. |
| When a decision is too complex to easily explain to others or for one expert to have mastery over. | Many problem-solving efforts cover issues that go far beyond the knowledge of any one expert. Being able to integrate the knowledge of various experts and local communities not only means better information, but also more political legitimacy should errors be made. |
| When the science is contested. | Stakeholders often disagree about the facts and ideas related to high stakes issues. |

## When Not to Use a Collaborative Process and Why

| When… | WHY |
|---|---|
| A decision needs to be taken immediately (e.g. an ongoing disaster or crisis). | The process will take too long unless the group has special training for making quick analysis and decisions. |
| Stakeholders are unwilling to participate. | Any product will be undermined when people discover that the group was forced together. |
| Stakeholders cannot commit to the full duration of a process. | Representatives can change during a collaborative process, but the groups they represent need to stay engaged continually. Otherwise, they may come in later and complain that the group's work is not right or legitimate. |
| When a decision has already been made and collaboration would be fake. | Many participation processes already occur like this and informed stakeholders know it. This is one of the reasons why governments are losing the trust of the public. |
| When you cannot provide clear information on how the collaborative process's products will be used. | An agency sponsoring a collaborative process may lose legitimacy as the participants feel that their work is being wasted. |
| When the parties cannot agree on the collaborative process' purpose. | If the parties cannot agree on what they will achieve, the process cannot succeed. |

## Process Maps: Possible Stages and Durations for a Collaborative Process

When processes are convened and designed, they look at much more than the meeting agendas and timing. Sponsors and funders have to be finalized. The situation has to be researched and analyzed. The convener should choose a process manager and the desirable members of the collaborative process (as identified by the situation assessment) need to be invited. And much more.

A process map helps identify the different steps, the activities and parties involved in each, and a sense of the project's duration and required resources. A process map diagram provides the overall structure and looks like the diagram in Figure 1 on the next page

More sample process maps with attached descriptions can be found at CBAsia's website at http://www.cbasia.org/resources.html. Note that there are many different kinds and the right choice depends on your objectives and resources.

### Table 2: 7 Most Common Risks to Collaborative Dialogue

| Risk | Description | Sample Management Strategies |
|---|---|---|
| 1. Lose control of decision-making and its impacts. | A decision-maker may worry about losing control of decision-making. | ☐ Officials and process managers can manage expectations at the beginning. For example, they should make it clear from the beginning that the final decision remains the government as dictated by law. |
| 2. Officials may lose face. | Passionate stakeholders may attack government officials when they are in the room. A failed process may cause harm to the reputation of involved officials. | ☐ Skilled process managers establish ground rules for how participants will conduct themselves and hold them accountable.<br>☐ A conflict assessment is crucial for identifying what process and what outcomes are viable, thus reducing greatly the chances of failure. When a final agreement is unlikely, a collaborative dialogue that produces other products still builds legitimacy while avoiding failure. |
| 3. Disagreement becomes worse and more emotional. | Sometimes, if the collaborative dialogue is not managed well and does not produce its intended products, conflict among stakeholders and government may worsen. | ☐ Before a collaborative dialogue is started, a conflict assessment can assess it is possible and, if yes, what are the best outcomes for it to seek and what process design can get the parties there.<br>☐ Having an outside process manager run the meeting means that officials can blame them when things go wrong. |
| 4. The process may be unproductive and uniformed. | Sometimes, stakeholders come to meet only to leave the dialogue more divided and more frustrated than before. | ☐ A skilled dialogue process manager can design a productive dialogue and guide participant's behaviors. |
| 5. Outcomes are not feasible, politically or technically. | Sometimes, a poorly designed process can lead to outcomes that cannot be used because of technical errors or political limitations. | ☐ Engage one or more advisers who ensure the group is working with the best information.<br>☐ Engage in joint fact-finding to narrow down factual disagreements and uncertainty. |
| 6. Collaborative process makes the problem more visible and controversial. | Sometimes, stakeholders may not really care about the issue or even know there is one. Starting a collaborative dialogue can make an unimportant issue into an important one. | ☐ A conflict assessment can identify the strength of stakeholders feelings about the issue as well as the nature of their disagreement. This information can give a better idea of a) how much stakeholders really care about the issue and b) how easy or difficult it will be to make progress. |
| 7. Difficult Influencers. | Powerful people inside or outside the process may harm the collaboration with their influence by reducing the quality and legitimacy of the process' outcomes. | ☐ Motivate their positive contribution.<br>☐ Choose the right role for them so that their contributions are more positive.<br>☐ Find a co-sponsor or other partner who can influence their behavior.<br>☐ Implement ground rules which guide and constrain behavior in the deliberations. |

## MANAGING POTENTIAL RISKS

Bringing stakeholders together also poses risks for officials, government departments, and, much more rarely, society as a whole. In many cases, not convening some kind of collaborative process also carries risks. Skilled experts can help officials identify these risks, assess their scope and magnitude, and manage them.

There are seven important risks that need to be analyzed and, if necessary, managed. Sometimes, a clear analysis of the risks can also identify when a collaborative process will be unproductive, thus saving resources and reputation risks from failure.

The seven most common risks are:

1. Loss of control
2. Disagreement gets worse
3. Unproductive and uninformed process.
4. Recommendations/outcomes are not feasible, politically or technically.
5. Makes an unknown problem into a visible one.
6. Officials may lose face or legitimacy
7. Difficult Influencers –
   a. As members of the process.
   b. As outsiders who influence process members or decision-makers.

Skilled design and process management reduces the likelihood of a process being unproductive or inflammatory. Effective collaborative processes provide stakeholders ways of cooperating by focusing and working with their disagreements, rather than fighting about them. A skilled process manager can also help government officials manage their participation in the process so that their reputation and authority is protected while keeping stakeholders informed about the realities of what government can and cannot do. Finally, where officials or others have potential conflicts of interests, skilled process managers can help them strategies so that their non-government interests are represented effectively while the official maintains his or her legitimacy.

The table on the next page provides a list of the most common risks, a description of each, and sample management strategies that process managers can apply to manage them.



Public hearing for water quality improvements (Phitsaunlok, Thailand) [Photo provided by Chalat Pratheuangrattana]



Participants explained their ideas at a strategic planning session (Chiang Mai, Thailand) [Photo provided by Udomchoke Asawimalkit]

# A CHECKLIST AND COMMON MISTAKES TO AVOID

Mistakes are easy to make when bringing stakeholders together for a collaborative process. Unfortunately, these mistakes can make things worse by harming relationships, producing low quality outputs, and reducing the legitimacy of officials and the government.

Many mistakes can be avoided or mitigated by working with a skilled process manager right from the beginning. Here is a short checklist of common mistakes to avoid.

| Checklist | Common Mistakes to Avoid |
|---|---|
| **Before the collaborative process starts** | |
| ☐ Establish funding for the process that is impartial. | ☐ Not creating structures to isolate the funding from influence.<br>☐ Using your control of the funding to influence the process. |
| ☐ Get skilled and impartial help to assess the situation. | ☐ Seeking someone comfortable to run the analysis and process. |
| ☐ Determine whether a collaborative process will add value and with what purpose. | ☐ Rushing ahead with a collaborative process at the wrong time, for the wrong purpose, or with the wrong people.<br>☐ Having an unclear purpose for a collaborative process. |
| ☐ Determine whether you have the resources and mandate to support a collaborative process. | ☐ Starting a process that you cannot support adequately. |
| ☐ Invite stakeholders who represent the wide range of viewpoints. | ☐ Only inviting stakeholders whose viewpoints you are comfortable with. |
| ☐ Discuss and vet the purpose of the collaborative process with stakeholders. | ☐ Pushing the collaborative process ahead with a purpose that is only legitimate in your eyes. |
| ☐ Clarify the roles of all parties, including the process manager and yourself. | ☐ Acting against expectations. |
| ☐ If you have private interests at stake, find another to representative for that viewpoint. | ☐ Confusing your role in the process.<br>☐ Pushing a secret agenda. |
| **Managing your role** | |
| ☐ Keep to your stated role. | ☐ Secretly pushing your personal interests. |
| ☐ Share information about the capacity and limitations of government departments to help guide collaborative process towards feasible outputs. | ☐ Letting stakeholders have unrealistic expectations of what government can do. |
| ☐ Keep and maybe involve other government actors as necessary. | ☐ Developing solutions that other departments will block. |
| **During the collaborative process** | |
| ☐ Keep your commitments regarding achieving the purpose of the collaborative process and the resources for it. | ☐ Providing false assurances of your commitment.<br>☐ Trying to push certain outputs.<br>☐ Not providing the promised resources.<br>☐ Not having the patience to let the collaborative process finish its work. |
| ☐ Help stakeholders be informed about new and evolving developments in government policy and procedures. | ☐ Letting stakeholders develop ideas that are uninformed and unrealistic. |
| ☐ Help stakeholders test their evolving outputs with the realities outside the room. | ☐ Letting stakeholders build unrealistic expectations of what will be done with their outputs. |
| **After the collaborative process** | |
| ☐ Follow through on your promises. | ☐ Not following through on promises.<br>☐ Trying to meet unrealistic expectations of stakeholders.<br>☐ Not informing other related government departments of outputs. |

**Managing Risks with Skilled Process Managers**

These risks can be managed, especially with assistance from a skilled facilitation process manager. Process managers use conflict assessments, manage the conversational norms, build relationships with parties in and around the dialogue, and a host of other techniques to reduce risks and bolster the potential gains.

A skilled process manager can also help government officials manage their own participation in the process so that their reputation is protected while keeping stakeholders informed about the realities of what government can and cannot do. Finally, where officials or others have potential conflicts of interests, skilled process managers can help them strategies so that their non-government interests are represented effectively while the official maintains his or her legitimacy.

For more strategies, see our online resources at:

http://cbasia.org/resources.html

## SELECTING AND INVITING PARTICIPANTS

Collaborative process sounds promising to many, but it can also be seen with great suspicion. Stakeholders may mistrust government or each other and of "consultation" as a process. Similarly, not all potential participants are good participants. Some may lack the patience or desire to engage productively in collaborative process.

The conflict assessment is the first means by which stakeholders and participants can be identified. A skilled process manager, preferably an impartial party, meets with the various stakeholders and conducts initial background research. They then determine whether a collaborative process can succeed and, if it can, what output is best to seek, which parties could be invited, and what the process might look like.

More information on conflict assessment and convening can be found on our online resources at:

http://cbasia.org/resources.html

## RESOURCES AND CAPACITIES YOU NEED

The good news is that you and your organization do not need to do it alone.

Conflict assessments done by skilled, impartial professionals provide an essential start. It not only provides key information, it also shows your willingness to learn more about the conflict, the stakeholders, and the nature and scope of their disagreement and hopes.

Afterwards, there are four categories of resources and capacities that need to be present: financial, technical, human, and social. When all of these are sufficiently provided and impartial, collaborative process are much more likely to be successful. For example, financial resources provide the means for joint fact-finding, staff, and good meeting spaces. Technical resources aid in generating good information while social resources mobilize participation and human resources means getting the right

people for the right jobs.

More information on the different kinds of resources and capacities you will need can be found on our online resources at: http://cbasia.org/resources.html



Task force meeting for sustainable development of Hanoi's Old Quarter (Hanoi, Vietnam) [photo provided by To Kien]

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