OVERVIEW OF MULTI-STAKEHOLDER CONSENSUS BUILDING

Consensus building is a way to structure and facilitate the process of multi-stakeholder, multi-issue negotiation, using several steps and tools:

1. identifying stakeholders, assessing their interests, capacities, and potential for reaching consensus-based agreements;

2. determining whether to proceed with a consensus building process, and starting the process with clear goals, ground rules, work plan and timetable;

3. using joint fact finding to resolve technical and factual questions and help the group focus on the development of feasible options;

4. managing the process of deliberation among those stakeholders to maximize the chances for reaching agreements that are technically sound and politically acceptable;

5. promoting consensus agreements where possible, and enabling near-consensus alternatives when full consensus is not possible;

6. providing opportunities for stakeholders to revisit and revise their agreements as necessary during the implementation phase.

Below is a more detailed description of the six steps of consensus building.

Step 1 — Initiate a Consensus Building Process Using Stakeholder Assessment

First, stakeholders must be brought together by a convenor. In multi-stakeholder negotiations, convenors can help resolve conflicts and build consensus by initiating and supporting a multi-stakeholder process. In this context, a convenor is an individual or agency with

- ❑ a stake in an issue or situation (it may have well-defined interests or a more general involvement with the issue area, region or nation);
- ❑ a desire to bring other stakeholders to make progress on the issue/situation;
- ❑ resources (financial, technical and/or logistical) to invest in bringing stakeholders together;
- ❑ enough legitimacy/authority in the eyes of other stakeholders so that they are willing to consider working together under its auspices.

In the field of international development, intergovernmental agencies like UNDP frequently play a convenor role, e.g., in bringing together government and international agencies to build agreement on development priorities, design and implement programs. Public officials, NGOs and foundations can also play convenor roles when they meet the criteria listed above.

Once a convenor has decided to try bringing the key stakeholders together, it is advisable for that convenor to conduct or commission an assessment to help determine whether and how to proceed with a consensus building process.

The goals of the assessment are to:

- ❑ clarify the key issues;
- ❑ identify groups with an interest in those issues:
- ❑ learn the concerns and interests of the stakeholders, and assess their incentives and capacities for building consensus;
- ❑ identify areas of potential agreement and conflict among the stakeholders;
- ❑ suggest a plan for the consensus building process (including its goals,   ground rules and work plan).

The assessment (sometimes called a "stakeholder-," "issues-" or "conflict assessment") is a tool not only for gathering information, but also for building trust and for helping to design a process that maximizes the likelihood of reaching a broad consensus on the most important issues at stake. For UNDP, such an assessment may be helpful when engaging with a broad range of stakeholders - national government counterparts, local government representatives, groups from civil society, etc. - who may not be aware of each others' interests and concerns, or who may have very low levels of trust or comfort with each other.

The main technique used in the assessment process is direct interviews with individual stakeholders. It can be quite difficult for a convenor to get full and frank responses to the assessment questions by interviewing stakeholder representatives. Convenors usually are not perceived as impartial on the issues, both because they often have specific substantive interests and because they may have resources that other stakeholders want to use for their own ends (e.g. funding, decision-making authority, international legitimacy). For this reason, it may be useful for a convenor to commission a professional who specializes in inter-group facilitation, conflict resolution and consensus building to conduct the assessment.

An assessment can be short and informal (off-the-record conversations with a few individuals, followed by an oral report to the convenor), or extensive and structured (many semi-structured interviews using a written protocol, generating a written report that is shared with all interviewees). Whatever form the assessment takes, it is important for the convenor (or the independent assessor if one is used) to provide a summary of the assessment (written and/or oral) to those who have been interviewed, and to propose next steps based on the assessment.

As noted above, the assessment report should indicate the assessor/ convenor's understanding of the key issues, the main stakeholders and their views on the issues, areas of agreement and disagreement, and the potential for resolving some or all of the disagreements through a consensus building process. If it seems likely that some or all issues can be resolved through consensus building, the report should also suggest possible goals, ground rules, participants and work plan for a consensus building process.

Step 2 - Decide Whether or Not to Proceed

After the stakeholders have reviewed the assessment, the convenor should hold one or more organizational meetings so that stakeholders can consider and modify the process that has been proposed, and determine whether they want to participate. Depending on the outcome of the initial meeting(s), the convenor and other process sponsors may or may not choose to initiate a consensus building process. Those considering whether to sponsor and/or participate should ask whether the proposed process will meet the following requirements:

- include participants representing the full range of stakeholding interests, particularly those whose cooperation is essential for success;

- begin with agreement among those participants on some overarching goals and ground rules for the process;

- have sufficient resources (time, funding, technical assistance, neutral facilitation) to promote constructive and well-informed deliberation among the stakeholders;

- have a clearly defined relationship to governmental and intergovernmental decision making (e.g. purely advisory vs. agenda-setting for decision-makers vs. empowered to make some decisions).

If these requirements are met and key stakeholders decide to proceed with a consensus building process, the convenor and participating stakeholders should move ahead with the selection of a mediator or facilitator, and setting up a first meeting of stakeholders, to review, revise and seek agreement on the goals, ground rules, work plan, and cost-sharing.

If there is a decision to proceed, one of the group's first tasks should be to set ground rules. Clear, agreed ground rules can make a very substantial contribution to the work of the group, by ensuring that all participants have the same understanding of their roles and responsibilities, and by creating an environment for productive discussion, negotiation and consensus building. Ground rules should also include guidelines on how the group will conduct meetings and discussions, on when and how group participants will communicate with others about the group's work, and on how conflicts among group participants will be resolved.

We recommend that the assessor or the group facilitator (if they are not the same person/organization) draft ground rules for the group to review, modify and agree on at its first meeting. In general, ground rules should address the following:

- ❑ **Goals of the group:** preferably in the form of an agreed goal or mission statement;

- ❑ **Relationship between the group and sponsors/convenors:** accountability of the group to sponsors/convenors; reporting from the group to sponsors/convenors; specific forms of support to be provided by sponsor(s) convenor(s) to the group (e.g. funding, technical/consultant assistance), etc.

- ❑ **Membership in the group**: selection, duration, rotation, etc.

- ❑ **Members' responsibilities**: representing and communicating with their organizations/constituencies; attending meetings; providing information and other resources; participating in a constructive manner; etc.

- ❑ **Organization of group meetings**: who is responsible for preparing and circulating meeting agendas and background materials, chairing/facilitating meetings; drafting meeting summaries; providing logistical support to meetings; etc.

- ❑ **Responsibilities of the facilitator** (if used): facilitating the process as a whole and individual meetings; providing meeting summaries/action points; assisting in resolving disagreements; helping to resolve questions about the interpretation of ground rules; confidential communications with group participants; etc.

- ❑ **Guidelines for group discussions and negotiations**: for example, participants to speak in turn, as recognized by the chair/facilitator, without interruption, for no more than X minutes; all participants to make an active effort to understand and respond to each others' concerns; negotiations to be conducted using a mutual gains approach; etc.

- ❑ **Conflict resolution procedures and decision rules**: responsibility of participants to identify potential conflicts and to let other participants know their concerns; responsibility of all participants to work in good faith to respond to concerns; use of the facilitator or other sources of assistance to resolve conflicts; goal of achieving consensus; use of other decision-making procedures when conflicts cannot be resolved by consensus. (See discussion of decision rules below.)

- ❑ **Communication with the media and the public:** who is responsible for providing public information about the group and speaking on behalf of the group; procedures for reviewing and approving public information materials and public statements; opportunities for members of the public and the media to observe and comment at meetings, etc.

- ❑ **Access to and use of funding available to the group**: sources of funding for the group; agreed uses for funding; procedures for using funds, etc.

- ❑ Any other issues that group participants feel it is important to address in the ground rules.

Once the group has drafted a set of ground rules that all participants can support, the participants should review the draft ground rules with their organizations/constituencies. After that review is complete, all of the group's participants should formally agree to the ground rules. Potential new participants should receive and review the ground rules before joining the group. New participants should have the option to ask the group to consider changes or additions to the ground rules.

Step 3 - Initiate a Joint-Fact Finding Process to Handle Complex Scientific and Technical Questions

This step helps participants agree on the information they need to collect and how gaps or disagreements among technical sources will be handled. Joint fact finding is a process to help stakeholders build a shared understanding of technical and scientific issues and their implications for policy. It can also help resolve disputes about scientific and technical methods, data, findings and interpretations.

Joint fact finding has developed as a response to the common problem of "dueling experts" in policy making. For example, several stakeholder groups-- international agencies, national NGOs, government agencies--may disagree about the effectiveness of a particular approach to deal with a development challenge - for example, raising female school enrolment by providing schools with an incentive payment for each female enrolled. Each group brings forward a development or education expert to support its point of view. Each of the experts claims to be neutral and objective in presenting "the scientific evidence" on the impact of the intervention. The experts never meet with each other and the stakeholders for a systematic review and discussion of the evidence. Instead, they appear separately to defend their work and criticize the assumptions, methods and findings of other experts. The stakeholders who are not technical experts quickly become frustrated and decide that there is "no right answer" to the question. The likely outcome is a program based on a political compromise within the "range" of arguments presented by the dueling experts.

In a joint fact finding process, the stakeholders work jointly to
- ❏ define the scientific/technical questions to be answered;
- ❏ identify and select qualified resource persons to assist the group;

And then, in collaboration with the resource persons:
- ❏ refine the questions;
- ❏ set the terms of reference for scientific/technical studies;
- ❏ monitor (and possibly participate in) the study process;
- ❏ review and interpret the results.

If stakeholders are able to accomplish these steps jointly, they can dramatically reduce the amount of time and effort spent on debating scientific issues; build a shared understanding of the range of uncertainty where there are not definitive factual answers; and create a firm scientific/technical foundation for the standard that they recommend.

Step 4 - Deliberate

This is the stage of a consensus building process where individuals can make major contributions to achieving agreed goals by using the Mutual Gains Approach: preparing effectively, focusing on interests, exploring options without committing, and developing shared criteria to guide decision-making (see separate document on The Mutual Gains Approach to Negotiation). To encourage all participants to use a mutual gains approach, it may be useful to offer a short (1/2 day to 2 day) training in mutual gains negotiation to all participants at the beginning of the process.

In addition to individual use of mutual gains strategies, the group can also make deliberations more productive by using skilled facilitation and single text drafting.

Skilled Facilitation: A qualified facilitator is one of the more important resources in consensus building. The facilitator is responsible for creating a climate conducive to joint investigation of issues, productive dialogue, and relationship building among participants. The most effective facilitators are able to work both on the specific tasks of the group and on group dynamics-- building a sense of shared purpose, positive working relationships and camaraderie.

Facilitators can do more than just run a good meeting, however, if engaged early in the process. If the facilitator enters the process either as the assessor, or as the facilitator of initial stakeholder meetings to discuss the results of the assessment and plan the process, then s/he can provide substantial help in process design and process management. In the deliberation phase, facilitators can promote the legitimacy and effectiveness of the process by:

❑ encouraging effective representation and participation of key stakeholders, by encouraging and assisting all participants to regularly update their organizations/constituencies;

❑ helping the group meet its agreed goals as efficiently as possible, through careful management of the work plan and agendas for individual meetings;

❑ identifying resource needs (e.g. funding for consultants, training on technical aspects of forest management or certification) and helping the group to meet those needs;

❑ helping the group with the process of joint fact-finding, including identification of information sources and experts, and facilitating the process of reaching agreement on questions, methods and interpretation of data (see the subsection on joint fact-finding above);

❑ helping individual participants and the group as a whole with essential steps in the negotiation process, including consideration of each participant's core interests, the creation of options and proposals on specific issues, the development of package agreements, and the crafting of final decisions in light of agreed goals, principles and criteria;

❑ identifying and helping to resolve conflicts among participants, acting as an impartial mediator and problem-solver.

Because facilitation can provide substantial benefits, we recommend using a well-qualified neutral facilitator when resources allow. Three qualifications are essential:

❑ demonstrated experience and skill in assisting multi-stakeholder groups to reach agreement on complex issues;

❑ a basic understanding of the substantive issues involved (e.g. rural development, urban informal settlement);

❑ impartiality with regard to the interests of the stakeholders involved in the process, and with regard to the specific issues to be discussed and negotiated.

Generally, convenors take responsibility for identifying and contracting with facilitators. It is advisable for the convenor to confirm that the facilitator is acceptable to all participating stakeholder groups, and to set up a procedure for participants to raise and address concerns about the facilitator's performance and/or impartiality.

Single text drafting: When a group is trying to reach agreement on a complex set of issues that will require organizational commitments and potentially legal, regulatory and/or policy changes, it is very useful to use a single text approach to create a unified document reflecting the group's shared understandings and agreements. For example, a group working on a comprehensive urban development strategy might have a framework document covering housing, infrastructure, commercial and industrial development, environment and land use. The document can cover a wide range of issues, and much of the work on these issues can be done in subcommittees, small group workshops, etc. On each issue, the single text can include multiple options that the group has under discussion at any given time. By showing multiple options side-by-side, the single text approach can encourage creative "mixing and matching" of options within and across issues.

By compiling points of agreement as well as unresolved issues in a single text, the group can continuously monitor its progress in a concrete way, and also explore trade-offs across issues. The single-text approach also helps groups to hold off on making final decisions on individual issues until the full range of issues is explored and resolved.

Step 5 - Seek Agreement

After the group has gone through the process of joint fact finding, clarifying interests, brainstorming to invent options, and developing multiple proposals for each possible clause, it will still need to reach agreement.

It is important to clarify what we mean by a "consensus agreement." A consensus agreement is one that all participants can accept or "live with." Ideally, the group consensus will reflect strong support from all stakeholders. However, not all stakeholders need to strongly support all elements of the agreement for the group to reach consensus, defined as "no dissent."

We recommend that consensus building groups seek—but do not require-- unanimous agreement of all participants within the time frame set at the outset of the process in order to complete the group's work. If unanimity cannot be achieved, it is very important that the group as a whole is not "held hostage" to one or a small number of participants who might use a unanimity requirement to block agreement and implementation. It is also important to ensure that representatives have checked with their constituencies before indicating whether they can support the final package.

The way that a group deals with outstanding issues and dissatisfied participants at the end of a process can make a big difference in whether the group is able to reach consensus.
On issues where the group cannot easily find a solution that satisfies all participants, the group should pursue the following strategies described in detail in Module 4:

❑ seek wise trade-offs;
❑ create contingent agreements;
❑ use agreed standards of fairness/objective people to make decisions.

In some cases, despite the group's best efforts, it is not possible to reach a full consensus, that is, an agreement that all participants can "live with." If it is not possible to achieve consensus, then there are several options for reaching decisions:

❑ Voting, perhaps with the requirement that a super-majority (e.g. 2/3) of participants support the proposed agreement.

❑ If the group is providing recommendations rather than making decisions, provide a report that explicitly distinguishes recommendations on which there is full consensus, recommendations on which a majority or supermajority of all stakeholder groups agree, and recommendations on which there is no (super)majority agreement.

❑ Referring the issues in dispute to an independent individual or group that is recognized as competent and legitimate by all group participants, and seeking a non-binding recommendation or a binding decision on how to resolve the issue.

Step 6 – Implementation, Monitoring and Revision

At the end of a consensus building process, stakeholders are asked to endorse the final recommendations. It is extremely important to devise a means of holding the parties to their commitments. Some agreements can be nearly self-enforcing, because they are closely aligned with the interests of all stakeholders and no additional resources are needed to implement them. Others may require legal or regulatory changes, additional resources and/or organizational capacity building to be fully implemented. It is very important for the group to specify the steps that will be taken and who must take them to ensure that the agreement will be formalized and implemented.

Often, the results of a consensus building process are advisory and must be reviewed and adopted (partially or in full) by a set of elected or appointed officials. If there has been clarity from the beginning of the process about the relationship between the group consensus building process and final decision making, there should be no surprises at this stage. However, in some cases political and institutional forces beyond the control of the group, and beyond the control of the decision makers themselves, may cause serious problems. For example, a group could reach agreement on a plan to substantially expand the availability of primary health care facilities in rural areas, with the understanding that the plan would be incorporated in to the Ministry of Health's budget submission and the country's next medium term development plan. In fact, a change in government after the process began might lead to a change in health minister, and a reduction in the Ministry's commitment to primary health. Or, even if the Ministry remained strongly supportive, there might be changes in the national legislature that made it difficult to gain budgetary appropriations for the program.

When the results of the process cannot fully bind political or institutional leaders, it is very

important to use whatever sense of common identity and common goals has been built in the group to develop a strategy for influencing decision makers. That strategy might include face-to-face meetings between a number of group participants and senior government officials; formal submission of group recommendations to the appropriate body, accompanied by media coverage, and/or dialogue with international aid agencies to encourage them to make the program a priority in their dialogue with government.

Even where adequate resources (financial, political and organizational) are available to support implementation, periodic monitoring and review are essential to assess whether implementation is achieving the group's goals, and to respond to new information and circumstances. In the international development context, there are well-developed procedures for overseeing the implementation of projects and programs. However, monitoring of implementation sometimes becomes a relatively mechanical review of project activities by funders and implementing agencies, with limited assessment of whether the activities are achieving the underlying goals of the project, and limited involvement of other stakeholders. Ideally, monitoring systems should be joint (i.e. involving representatives of all key stakeholder groups), and should periodically seek to assess the extent to which the agreed actions are achieving their underlying goals. In this sense, monitoring can be understood as a continuation of joint fact-finding (cf. section on joint fact finding above).

If the agreement included contingent commitments, then monitoring of those contingencies is essential, as a trigger for further action. For example, if an NGO said that it could only support the agreement if new credit facilities reached the poorest farmers, it would have a strong interest in monitoring implementation to determine whether that requirement was being met. If monitoring raised serious questions, the monitoring findings might trigger a review of credit facilities and outreach, and/or a revised strategy for use of funds to benefit poor farmers.

Finally, whether there are contingent agreements or not, it is a good idea for any agreement reached by a consensus building group to include a mechanism by which participants can be re-assembled if there is a change in circumstances, a failure on the part of some participants to live up to their commitments, and/or a new opportunity to achieve joint goals through a different strategy. Periodic meetings of the stakeholders can promote stronger long-term relationships, and reduce the risk that some representatives perceive others to be unresponsive if difficulties do arise.

Frequently Asked Questions

1. What are the primary reasons to use a multi-stakeholder consensus building process?

Multi-stakeholder consensus building is particularly useful in situations where there are many stakeholders, multiple issues, and enough interdependence among the stakeholders so that they have an interest in cooperating to resolve some or all of the issues. In these situations, consensus building can help

❑ clarify the stakeholders, the issues, and the potential for joint gains (through an assessment process);

❑ ensure that stakeholders are effectively represented (through identification, outreach and support for stakeholder representatives);

❑ ensure effective use of time and resources (through clear and agreed goals, ground rules and work plan, and clear linkages to authoritative decision making bodies);

❑ build stakeholders' shared understanding of complex factual and technical issues (through joint fact-finding); and

❑ promote a mutual gains approach to negotiation and decision-making (through clear ground rules and decision rules and effective facilitation).

2. *Under what circumstances might it be inadvisable or infeasible to use a multi-stakeholder consensus building approach?*

Multi-stakeholder consensus building may not be advisable or feasible when

❑ Some key stakeholders will not participate, either because they can get what they want on major issues without the support of other stakeholders (i.e., their BATNAs are better than what they could most likely achieve through a multi-stakeholder negotiation process), or because they cannot be convinced to work with the convenor and other stakeholders due to deep antagonism or mistrust.

❑ Resources available are insufficient to ensure full and effective participation, joint fact finding and deliberation. For example, it may be necessary to decide how to respond to an outbreak of disease or a national currency crisis in a very short amount of time, and it may not be logistically possible to organize key stakeholders and provide a forum where they can share information and negotiate agreements within the time required for a decision.

❑ Stakeholders cannot reach agreement on the primary goals for consensus building, on ground rules or decision rules, or on the extent to which agreements reached through consensus will bind their organizations.

❑ What are the main advantages of using qualified, independent assessment and

facilitation for consensus building? What qualifications are most important for an independent assessor/facilitator?

The main advantages of using independent assessment and facilitation are the potential to provide the stakeholders with a shared understanding of their interests and concerns on key issues (through the assessment process); encourage participation in a consensus building process (by reducing distrust that the process will be controlled by a particular stakeholder or coalition of stakeholders, and by working with individual stakeholders to ensure effective representation); and promote more effective communication and collaboration (through process design, meeting facilitation and conflict mediation).

The primary qualifications for an assessor/facilitator are demonstrated experience and skill in working with multi-stakeholder groups on complex issues; enough understanding and knowledge of the substantive issues to be fully engaged in the participants' conversation; and a commitment to impartiality, continuously demonstrated during the process.