

IMPLEMENTING  
CONSENSUS-BASED  
AGREEMENTS

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- *William R. Potapchuk*
  - *Jarle Crocker*

Stories told by mediators about past consensus building processes can sound remarkably like Martha Stewart reminiscing about last month's formal dinner party. Both talk about the importance of planning ahead, the difficulty of deciding who to invite, the need to have a shared understanding of the proper rules of behavior—even the quandary of how to “divide the pie” after a long discussion around the table. But chances are, neither the mediators nor Martha talks much about what happens after the meeting, or the party, is over.

That's because the aftermath often isn't very pretty. For Martha, there's the stack of dirty dishes in the sink and the problem of how to get the merlot stain out of the white loveseat. For the mediator, there's the problem of putting the agreements into practice. Indeed, the implementation of consensus-based agreements is often beset by challenges. Sometimes, after they leave the table, stakeholders find that they have divergent interpretations of what their agreement means. Other stakeholders may find that those they represent—their constituents—aren't at all happy with the outcome, putting everyone in a tight spot. Or

a consensus building group may find that a funding source, which they were sure would help them see the deal through, has other priorities.

With the success of collaborative processes increasingly evaluated by the tangible results they produce, it's essential to think about how to "make the deal stick." The purpose of this chapter is to take up the challenges relating to implementation and provide prescriptive advice for overcoming them. (For advice about merlot stains, call Martha.)

Evidence of the challenges of implementing consensus-based agreements abounds. In the business world, a sobering study of corporate strategic-planning processes found that during the heyday of such initiatives in the late 1980s, fewer than 3 percent of the resulting plans were actually implemented (Westley, 1995). A significant problem in assessing the implementation of mediated and facilitated agreements in complex public policy issues is a lack of rigorous evaluation studies, questions about how to define success, and trouble quantifying results that are often highly qualitative in nature (Sipe, 1998).

One explanation for the difficulty in assessing the issues surrounding implementation is that consensus-based processes are being applied to a growing array of economic, social, and environmental issues. The use of a neutral party to mediate disputes was initially developed to assist labor-management negotiations in the 1950s (Burton, 1990). In those first cases, the stakeholders were easily identifiable, the issues clearly defined, and the authority for implementing agreements already established by law. Today, consensus-based processes are applied to everything from formal regulatory negotiations involving federal agencies to community "visioning" initiatives involving hundreds, and sometimes thousands, of participants.

### ■ *The Challenge of Implementation*

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To frame the discussion that follows, it is helpful to build a simple typology of consensus-based processes that shows how the challenges of implementation grow with the complexity of the issues being addressed. A tight interdependency exists between the scope of problems tackled and the number of stakeholders involved. The wider the net is cast, the more individuals, organiza-

tions, and institutions will have an interest and stake in participation. In turn, implementation of agreements becomes more complicated as a greater number of stakeholders, policy arenas, and decision-making processes are woven together. This is illustrated in Table 14.1.

Two critical dilemmas for the implementation of consensus-based approaches to handle contentious issues cut across all of the processes illustrated in this table. The first core issue is that while new ways of making public decisions continue to spread in use and popularity, the mechanisms for their implementation are usually found in traditional institutions and processes. Consensus-based processes are often employed when there is a need to convene diverse stakeholders that do not often sit at the same tables, forge connections among related policy arenas that are otherwise isolated, and address the “soft” issues, such as the quality of relationships among stakeholders, often all shortcomings of the organizational infrastructure. However, because collaborative processes are often not institutionalized, the burden of implementing consensus-based agreements usually falls on these same “status quo” mechanisms. When addressing relatively straightforward situations, this is often not a problem. For example, in the facility-siting issue characterized in Table 14.1, the expectation for implementation, should an agreement be reached, is that the regulatory authority will grant the appropriate approvals and the institution proposing the facility will build it—a very reasonable expectation.

Imagine, in contrast, the coastal zone management dispute. Multiple municipal governments have land use authority and manage their own section of the coastline. The counties may manage the landfill and the roads, while the state Parks Department manages the public beaches, and the state Department of Natural Resources manages the sections of the coastal area preserved for wildlife. All of these entities could have an implementation role, and some may be able to shoulder the responsibilities more ably than others. In this case, like many others, the impetus for collaboration comes from the recognition that traditional mechanisms for making public decisions are not designed to address complex relationships among diverse stakeholders and intermeshed issues. However, the irony is that after consensus-based agreements have been reached, it is often these same institutions that play a significant role in implementation.

TABLE 14.1 Typology of Consensus-Based Processes

<i>Example</i>	<i>Problem</i>	<i>Stakeholders</i>	<i>Agreement</i>
Facility siting	Single issue in one problem area	Clearly defined and somewhat limited in number	Defined parameters for implementation characterized by clear problem definition and linkages among stakeholders
Urban water management conflict	Small number of issues in two or three problem areas	Clear core group of primary stakeholders, with unclear larger group of secondary stakeholders	Partially defined parameters for implementation characterized by complex linkages among individual issues and stakeholders
Coastal zone management plan	Many issues in many problem areas	Unclear number of primary and secondary stakeholders	Undefined parameters for implementation characterized by complex linkages among individual issues, broader problem areas, and multiple, often unconnected decision-making processes

The second core issue lies in the nature of what makes consensus-based agreements differ from those produced by “business as usual” public policy. At its best, collaborative decision making not only produces tangible policy outcomes but also less easily defined results such as new relationships among stakeholders, novel and shared understandings of the problems being addressed, and more constructive norms of behavior for individuals, organizations, and communities. Indeed, it is often these intangible factors of trust, reciprocity, and mutual support that hold agreements together (Putnam, 1993b). Successful implementation of agreements depends on creating fertile soil for these outcomes to grow and flourish, something that is not easily captured through implementation tips, memorandums of understanding, contracts, and other types of “paper” agreements. This dilemma can be especially acute in addressing environmental issues where individuals and organizations need to change ingrained behavior to make progress on an issue. In these instances, agreements need to go beyond specific policies to include a community “ethic” about how individuals, the private and public sectors, and others will interact with local and regional ecosystems (John, 1994).

The remainder of this chapter looks at the ways that facilitators, mediators, and stakeholders engaged in consensus-based collaborative processes can skillfully navigate a course that ends with the successful implementation of their agreements. The typical mediated decision-making process can be divided into three stages: prenegotiations, or getting the parties to the table; negotiations, the actual deliberations; and implementation, putting the outcomes into effect (Susskind & Cruikshank, 1987). The implications for implementation at each stage will be discussed, detailing the potential pitfalls that can occur, with an accompanying discussion of how to address the challenges that arise.

Before we begin, there is one important lesson to impart, perhaps the most important in this chapter. Consensus-based methods for making decisions are not linear. 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. Because the stages of the process and

stakeholders are interconnected, many problems with implementation occur because of poor process design, well before any agreement is signed. In a chess match, 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. The following suggestions should be taken in this light—not as individual actions, but as a collective strategy for achieving success.

### ■ *Before the Party Starts: Getting to the Table*

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Whether it's a dinner party, chess match, or consensus building negotiation, the opening can set the tone for the entire course of events. Problems that arise in this stage are especially difficult to address at the time stakeholders in a collaborative process are discussing implementation. If the negotiations are not initially derailed because of poor process design, land mines may not be uncovered until the stakeholders move to put their plans into action, and by then, it is often too late to undo the damage.

“Many an implementation plan falters because the right people were not at the table from the beginning.”

Many an implementation plan falters because the right people were not at the table from the beginning. In some instances, this may happen because not enough planning and effort has gone into encouraging stakeholders to participate, making it difficult to achieve the “critical mass” necessary to leverage significant change. Another common problem is that participants are drawn from a lineup of the “usual suspects”—stakeholders picked because of their “insider” status or because they wield significant power or influence. Agreements that fail to reflect the authentic diversity of a community or organization are likely to fail flat.

Another question that should be addressed at the outset is how a proposed consensus building process should connect with other collaborative efforts, policy arenas, and events that can affect the results. Perhaps the ultimate horror of the host or hostess is to find out the night before the gala that two other parties have been scheduled for the next evening. The same is true for a mediator or facilitator. To take a worst-case scenario, the implementation plan resulting from a difficult regulatory negotiation can be annulled by the results of a parallel, but disconnected, legal decision that voids the agreement. The fol-

lowing are three basic principles that, taken together, offer an effective approach to getting a consensus building process up and running in a way that will address common implementation problems before they begin.

### *Focus on Issues of Representation and Participation*

When thinking about whom to invite for a dinner party, a host will usually start with a list of friends who know each other, get along, and generally enjoy spending time together. Determining whom to involve in consensus building efforts is not so straightforward. Issues of representation and participation that most directly affect implementation are discussed below.

Perhaps the most common misstep made in representation is to involve only traditional stakeholders, under the assumption that they will make enlightened decisions that are in everyone's interest and that those decisions will therefore enjoy broad support. Unfortunately, even the most thoughtful and equitable agreement can collapse if it is tainted by the perception that it was made by an "inner circle" of stakeholders. Add the politics of race, class, and gender to the mix, and the difficulties that can result from failing to assemble a diverse group of stakeholders should be clear.

This lesson about the importance of representation is illustrated well by Case 12 in this volume, which describes a community strategic-planning process in "Middletown." In the initial stages of that process, stakeholders were limited to a small group drawn primarily from elected local officials. The implementation plan that initially emerged from this process called for significant actions to be taken by a wide range of nongovernmental organizations. Not surprisingly, those groups lacked the buy-in essential to motivate a reallocation of their already scarce resources. As a result, the first plan withered on the vine without the support of the stakeholders required to take action. Had the implementing organizations been at the table, they might have been able to structure a plan that would have achieved the same goals but more accurately reflected the capacities of the relevant organizations. The result might have been somewhat less ambitious, but such a plan would ultimately have been more successful because the stakeholders were committed to its implementation.

Similarly, it is important to address the issue of which people in each organization or system are considered representative. Common wisdom is to seek the most senior persons to ensure that the representatives can make commitments on behalf of their organizations. Indeed, this rule of thumb has become the norm in public policy consensus building. However, some observers have begun to challenge this approach to representation. Westley (1995), in an analysis of multiple environmental policy-making processes, argues that “many middle- and lower-level managers are deliberately excluded from the rich face-to-face discussions that forge the backdrop, the meanings, and the frames for policy discussions.” He goes on to note that this exclusionary practice limits overall organizational learning, blocks innovation, and fails to address implementation. For example, in a national policy dialogue focused on the actions and programs of a federal agency, successful implementation may depend on the involvement of a representative from a regional office and the creation of a mechanism to solicit input from other regions, not solely the involvement of senior officials at headquarters. Especially when dealing with situations where successful implementation will require changed behaviors at all levels of an implementing agency, a greater number of perspectives at the table can lead to more responsive implementation plans. The more varied the views on the issue taken into account and the more different the definitions of the problem considered, the greater the chance that the actions that result from deliberations will share the support of a wide group of internal stakeholders. As a general rule, the higher the level of participation among those directly affected, the greater the legitimacy of the agreement, and hence the greater the chance of successful implementation.

Involving people from all levels of a stakeholder organization can create new issues such as the need to create “safe space” for those lower-level individuals who may feel (or actually be) vulnerable if they do not toe the party line. Furthermore, an increase in the number of representatives can make a process more unwieldy. The tiered process discussed below is one strategy for addressing this dilemma. Other models of large-scale processes have also been developed that involve hundreds or thousands of individuals. Initially used within organizations, these approaches have begun to be adapted to public policy contexts (Bunker & Alban, 1997; Emery & Purser, 1996; Weisbord & Janoff, 1995).



It is also important to attend to concerns about diversity. Participants in a consensus building process should reflect as much as possible the broader racial, gender, and class makeup of all stakeholders—those in decision-making positions, those responsible for implementation, those who may be affected by the agreement, and those who can block its implementation. One technique that can be used to address diversity issues is to imagine what groups or individuals affected by decisions that emerge will say. How will they perceive the stakeholders sitting around the table? Will anyone share or speak for their needs and interests? Are there representatives included who look like them? More important, process managers should ask individuals from the different stakeholder communities to assess all decisions about representation.

Closely related to questions about diversity and representation is the fact that there are often multiple sets of stakeholders who agree to be included. It is often advisable to build multiple “tiers” of participation, especially when it is anticipated that any resulting agreement will require a new way of thinking or behaving on the part of key stakeholders. A tiered process uses different methods to engage ever-widening circles of stakeholders, albeit in different ways. Primary stakeholders, or those most deeply involved, generally require intensive relationship building, including opportunities for face-to-face exchanges among the parties that further mutual education and encourage collaborative problem solving.

Work with secondary stakeholders often depends on the distribution of information and makes ample time for these stakeholders to provide input to their representatives. Crafting connections to the general public requires a media strategy, and perhaps techniques such as focus groups and opinion polls, to generate feedback and build the political will for change. (See Chapter 11 for more on developing a media strategy.)

Figuring out who needs (and wants) to be at the table is one thing; getting them there is something else altogether. Many consensus building horror stories start out with the mediator or facilitator talking about how a collaborative process was publicized throughout the community (in many languages, no less), and a diverse set of stakeholders struggled to develop a joint plan of action. As soon as the draft plan is announced, new stakeholder groups emerge and criticize the effort for not reflecting their

interests and perspectives. At this point, the storyteller usually laments, “What went wrong?”

The reasons stakeholders choose not to participate, even in collaborative processes that directly affect them, are legion. For traditionally disenfranchised groups, past discrimination has led them to believe their voice simply will not be heard. Senior-level managers and elected officials claim they are too overloaded to participate—until someone makes a decision that traverses their turf. For everyday citizens, calls to participate in time-consuming and often highly complex processes fall on deaf ears. However, as soon as an agreement is reached to site a facility next door, participation in local politics (and in opposition to the carefully crafted implementation plan) suddenly becomes a burning interest.

There are two rules of thumb that convenors and facilitators ought to keep in mind. First, make it easy for stakeholders to say yes, and hard to say no, to invitations to participate. Hold meetings in places that are convenient and accessible. Explain the benefits of participation and why each person’s contributions are important. Most important, make direct and personal contact with groups and organizations being recruited. Second, engage the stakeholders on their own terms. Especially in culturally diverse settings, be attentive to the appropriateness of the location of meetings, cultural assumptions about how decisions ought to be made, and how current issues are perceived through the lenses of past history. Also, remember that different stakeholders have a wide range of skills, knowledge, and capabilities. Make sure to provide the appropriate technical information (written in accessible terms), relevant training, and other resources that will help stakeholders work as equal partners. Finally, when new stakeholders emerge, work with previously identified stakeholders as well as the newcomers to jointly establish a path for moving forward.

### *Spread Ownership of the Process*

At a proper dinner party, as Martha Stewart could attest, the guests should have as little responsibility as possible for planning, setting up, and taking care of the resulting mess; these are the jobs of a good host or hostess. In collaborative decision making, the opposite is true.

The perception of who “owns” a decision-making process and the results it produces will emerge from each and every communication and the way day-to-day activities are managed. All too often, institutions and governmental entities with significant levels of authority and power believe it is their right to dictate how the work of the group should proceed. The implicit message that other stakeholders often take away is that their views about participation do not count. Furthermore, these stakeholders often perceive that the process belongs to the initiator or convenor, not to them. Addressing questions of ownership can be critical to developing a solid commitment that will lead to implementation.

The importance of spreading ownership among stakeholders is well documented in the case of Chattanooga, Tennessee’s Vision 2000 initiative (Case 11). In Chattanooga, an important source of early financial support for the community’s work was provided by the local Lyndhurst Foundation. However, one of the foundation’s concerns was that the visioning process be owned by the community. Rather than specifying funding details or issuing elaborate operating guidelines, Lyndhurst provided the majority of the operating budget for Chattanooga Venture, a diverse board of 60 people drawn from all over the city, to use in catalyzing the visioning process.

From the very beginning of the Vision 2000 initiative, groups and organizations from all sectors of the community shared responsibility for the design of the process. It should be no surprise that the resulting broad-based ownership of the final vision translated directly into a successfully implemented action plan. One evaluation of the Vision 2000 initiative found that the process created almost \$800 million in new investments (or \$2,778 per county resident), 223 new projects and programs, 1,381 new permanent jobs, and more than 7,300 temporary construction jobs (U.S. Department of Housing and Urban Development, 1993).

Several actions can be taken to create an atmosphere of joint ownership, encouraging all stakeholders to play a vital role in all stages of a collaborative process. First, include participants in the initial stages of process design. Remember, ownership of the process leads to ownership of the results. Many manuals on process design counsel that an important first step of consensus building is the creation of a small initiating committee of stake-

holder representatives to work with all participants on issues of process design that can nurture ownership (Godschalk, Parham, Porter, Potapchuk, & Schukraft, 1994; National Civic League, 1997). Second, distribute the responsibility for managing the process among the stakeholders. If one organization provides most of the funding, look for “in kind” contributions from others to show support (and therefore ownership). Even largely symbolic moves, such as developing a letterhead listing all participating stakeholder groups (much as a board of directors is often listed on organizational letterhead), can contribute to a sense of shared ownership.

### *Understand the External Environment*

There are several important rules for making sure consensus building efforts do not run afoul of forces at work in the larger political setting.<sup>1</sup> As any successful facilitator or policymaker can confirm, the first step is to identify potential political “land mines.” These can include everything from internecine disputes among departments that make collaboration difficult to “turf” issues that divide stakeholders. In communities, classical political land mines often involve past events that still divide residents or create resistance to even talking with the opposing “side.” In some instances, these may be issues or events that fall outside of the problem areas and stakeholders directly engaged by the process.

As part of a conflict assessment, the mediator or facilitator may want to interview stakeholders who are knowledgeable about the political terrain. (See Chapter 2 for details on conducting an assessment.) If the subject of the process is inherently “political,” the neutral may want to encourage stakeholders to build in a discussion of political considerations as an early agenda item. These discussions are often most successful when they are conducted as a *force-field analysis*, in which participants seek to understand the forces for change and those opposed to change. Participants may also “map” the decision-making process, understanding the roles of key committees and caucuses. Analysis that focuses on each stakeholder’s expression of is or her favorite (or least favorite) legislator can create more conflict and hard feelings.

A second suggestion is to engage officials from the outset. This does not necessarily mean directly inviting them to the table, although that might be appropriate in certain situations. Rather,

it helps to build a constituency among elected officials, top-level management, and others for any agreement that emerges. Just as important, a diverse group of stakeholders committed to a consensus building process can form a powerful constituency that ensures their implementation plan stays on the political “map” in spite of changes that occur in political leadership.

Changes in the broader political environment can have significant effects on implementation. In Loudon County, Virginia, a set of stakeholders learned this lesson the hard way. Loudon, a fast-growing county that is home to Dulles Airport and a beautiful rural landscape, used an intensive, yearlong consensus building effort to prepare a new zoning ordinance. (The process was facilitated by the lead author of this chapter.) Prompt implementation hopes disappeared as, in rapid succession, the county administrator was fired, the assistant county administrator for development left, the planning director resigned, and seven of the eight members of the board of supervisors were defeated at the polls. (These changes were unrelated to the consensus-based process.) Several individuals from the consensus building group, in partnership with staff, persevered, leading to the adoption by the planning commission and board of supervisors of the consensus-based document two years later. However, many other agreements are not able to move forward when there are dramatic changes like these in the political environment.

Several strategies can be used to address such challenges. The best strategy is to schedule the consensus building effort so that it does not overlap with major elections. When that is not possible,

- engage incumbents and their opponents (through briefings, at a minimum, and in some circumstances by seeking commitments to support the consensus building process);
- engage key publics or constituent groups in building a broad-based political support for an agreement that can withstand changes in political leadership; and
- slow the process down during electoral season and then adjust it, as necessary, based on the results.

A second challenge is alignment. Often consensus-based processes cut across multiple policy arenas. In these instances, implementation can be stymied by related decisions of other policy-

making bodies; they can also be disrupted by conflicts that spill over from other arenas.

Decision-making forums are *aligned* when their processes and results are coordinated, working to support and strengthen each other. For example, the past decade has seen a groundswell of human services “systems reform” initiatives (at all levels of government) that seek to promote interagency collaboration through pooled funding streams, staff “teams” drawn from different organizations, and greater community involvement in shaping policy (Schorr, 1989, 1997). In practice, this can be extremely difficult to achieve. Often decisions or actions made in different policy arenas are simply unconnected. As in the following example, agreements may call for actions, and at the same time, the parties may not have the authority or capacity to ensure compliance.

The difficulties that beset the implementation of the San Francisco Estuary Project (Case 5) demonstrate the problem of alignment quite nicely. In that situation, a large number of stakeholders were also engaged in three other multistakeholder policy dialogues to negotiate water policy at the regional and state levels. Furthermore, one of the key strategies—developing zoning tools to protect streams and wetlands that are part of the San Francisco Estuary—required action by 111 local governments in the 12-county region. Of the 111 jurisdictions, only 18 had existing provisions that addressed these issues. The consensus recommendations of the land use work group were adopted unanimously by the San Francisco Estuary Project’s management committee (unlike other recommendations), but the structure of existing institutions blocked further action. Despite the clarity of the agreement, the stakeholders did not have an institutional or legal strategy worked out to ensure that all 111 municipalities amended their zoning ordinances to reflect the new agreement. While there were notable moves toward multijurisdictional cooperation, including the organization of educational activities by the Association of Bay Area Governments and the creation of an implementation committee to drive priority implementation projects, the sad fact is that many of those 111 jurisdictions did not put plans in place that reflected the consensus agreement. Many at the table were strongly opposed to creating a new regional regulatory framework or empowering an existing regional entity to take responsibility for implementation.

Sometimes, political decisions in other policy arenas can disrupt implementation. In 1991, the Atlanta Regional Commission and a core group of leaders convened a 10-county regional visioning process, Atlanta 2020. During the deliberations, the commission approved a controversial limited-access highway around Atlanta, angering many stakeholders who felt they were not adequately consulted about the decision. As a result, the credibility of the visioning process was damaged, eventually leading to an action plan that lacked the necessary support for implementation (Helling, 1998). Attempts at meaningful participation on one issue can be undermined when politics as usual is the dominant practice in other, related policy arenas. Often, leaders can be coached to recognize this phenomenon, but sometimes they can learn it only via the “school of hard knocks.”

### ■ *A Menu for Success: At the Table*

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The implementation of consensus-based agreements often hinges on whether stakeholders can translate their new shared commitments back into the work of their “everyday” organizations. Success in this regard depends on developing strategies when stakeholders are at the table that create durable agreements that can withstand challenges to implementation.

Many mediators believe that the relationships created among stakeholders can provide a lasting foundation of trust that undergirds implementation. While many accept such statements as intuitively true, a more complete analysis is essential to understand why relational dynamics really work. A variety of scholars and practitioners, building on the concept of social capital, have begun to delineate the different types of “capital” that can be created by public processes (Podziba, 1998; Potapchuk, 1996; Potapchuk, Crocker, Boogard, & Schechter, 1998). Gruber and Innes’s work, which is among the most compelling, describes the interaction between *intellectual capital* (group understanding), *social capital* (relationships), and *political capital* (clout) (Gruber, 1994; Innes, Gruber, Neuman, & Thompson, 1994).

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 commit-

ment from individuals and institutions. If these conditions are met, resulting agreements will not only reflect the collective interests of the group but also be able to withstand challenges to implementation that may arise. Therefore, a strategy that “capitalizes” the process helps to establish a foundation for implementation.

### *Building Intellectual Capital*

Clear and regular communication between representatives involved in deliberations and their constituents, conducted in a way that promotes shared understanding, is a primary element of most consensus building processes. Failure to build that understanding can cause problems ranging from misperceptions of the consensus building process to outright conflict that can hamper implementation. Building effective networks of communication that contribute to the development of intellectual capital is critical for two reasons. First, the constant conversation among participants promotes continued learning about each other and the issues under discussion. Second, conversation is a core component of building social capital, as discussed below.

The need for joint learning in successful consensus building has been noted by many authors (Dukes, 1996; Lederach, 1995; Senge, 1990). They also point to the role that fresh information plays in producing shared understandings. If new data are used solely to buttress already held positions, it suggests that a consensus building effort has not yet built sufficient intellectual capital to move forward collectively. Yankelovich (1991) uses related terminology; he suggests that one can recognize the qualitative shift in discourse as participants move from *opinion* to *judgment*. Opinion, he asserts, is a snapshot of what a person is thinking at a particular point in time. Judgment only emerges after deliberation, when one’s ideas and assumptions have been tested and reexamined.

Strategies designed to promote shared understanding may only be effective if they reach beyond those at the table to foster dialogue among all those whose views differ. For example, there is always a danger that support among immediate representatives for an agreement will not translate into support among their constituencies. In other words, the intellectual capital created



among the representatives at the table does not always translate well for those not directly involved. Often, the communication within a core group of representatives is not replicated in the broader circle of stakeholders. Presented with a final agreement for their approval, the larger constituency may criticize or reject the agreement, because they did not develop the deeper understanding that those at the table were able to attain. (See Chapter 6, on representation, for more on this problem.)

Sometimes the challenge is rooted in the way individuals express themselves. A problem with communication among stakeholders was one characteristic highlighted in the San Francisco Estuary Project process. In that case, a working group of scientists and policymakers found they rarely spoke the same language or shared similar assumptions about environmental and political issues. This kind of miscommunication can confound the strong agreement necessary to ensure action. In these situations, facilitators or other process managers may be needed to “translate” among different groups of stakeholders. In some instances, it may be advisable to engage outside experts to educate stakeholders on technical issues. Another approach is to identify “boundary crossers” in each group who can do the translating. These tend to be individuals with professional identities that straddle different “worlds,” such as a forester working for a logging company who also used to be an employee of the state Department of Environmental Quality and can therefore “speak the language” of all the different stakeholder groups.

### *Managing Uncertainty*

Often what separates stakeholders is not disagreement about what they know to be true, but divisiveness over what is not knowable. Both agreement and subsequent implementation often depend on the way in which uncertainty will be handled. Implementable agreements often specify ways of managing uncertainty to build support. For example, in a mediated agreement over a proposal to build a new mall, residents were deeply concerned that the construction of the mall would lower their property values. The developer was insistent that the presence of the mall (and a very upscale anchor store) would actually increase property values. Together, the stakeholders crafted an index of housing values for the surrounding areas. The developer then bought

an insurance policy to reimburse homeowners who, if they sold their homes, might not realize the same appreciation in housing values seen in the surrounding areas. In this case, the insurance policy was never needed (Rivkin, 1987).

Similarly, people often hold differing views on likely patterns of development. In a conflict over a proposed road in Hampton, Virginia, citizen opponents were sure that the new road would attract still more traffic. While public officials did not totally disagree with this logic, they sought to identify a right-of-way for the road in case it were needed and to purchase it now rather than wait and be forced to buy the right-of-way at a higher price. Both sides agreed that they did not want to increase traffic on existing roads. The stakeholders finally agreed to add the road to the long-range plan, have the city establish the right-of-way, and purchase the property. They were able to address their differing views of the future by agreeing to maintain the right-of-way as a park until the traffic on the nearest arteries exceeded an agreed-on level. In this way, the road would follow development, not the other way around. The road has now been built (Plotz, 1991). In both situations, a deeper understanding of what cannot be known was used to shape an implementable agreement that sought to manage the uncertainty.

The specifics of what makes for a good agreement will vary depending on the issues and forum. What doesn't change is the need to help stakeholders gain a deeper understanding of each other's perspectives, interests, and the type of relationships necessary to sustain a consensus agreement on controversial issues. These efforts to build intellectual capital must start from the beginning of a process with a solid process design and extend past immediate implementation throughout the life of an agreement.

### *Building Social Capital*

Much as a robust understanding needs to be nurtured among stakeholders, so, too, does the need to build strong working relationships. Harvard political scientist Robert Putnam has revolutionized our thinking about the importance of constructive social relationships in building agreements. Drawing from his 20-year study in Italy that analyzed centuries-old civic traditions

(1993a), Putnam expanded the notion of social capital, a term first used regularly by conflict theorist James Coleman (1957, 1990). Putnam (1993a) notes:

“Social capital” refers to features of social organization, such as networks, norms, and trust, that facilitate coordination and cooperation for mutual benefit. . . . First, networks of civic engagement foster sturdy norms of generalized reciprocity: I’ll 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. (p. 36)

Building healthy stores of social capital among stakeholders is intimately connected to the successful implementation of consensus-based agreements. Perhaps the best example of this is the idea of the *negotiated investment strategy* (NIS). Conceived by the Kettering Foundation, the NIS was piloted in the late 1970s under the Carter administration to help cities convene stakeholders from the federal, state, and local levels to jointly negotiate strategies for city development. Each level of government organized a negotiating team, often including a fourth team of representatives from the private sector. These teams worked to build a robust picture of the needs and interests of all the stakeholders, and then met collectively to work out a strategy for city development that was mutually satisfactory. While the agreements were well conceived and in some cases pathbreaking frameworks for maximizing the use of federal, state, and local resources, the agreements failed to contemplate one crucial scenario: the election of Ronald Reagan as president. When he took office, nearly all of the funds the federal government had committed were no longer available.

Nonetheless, in each of the four cities where the NIS was piloted, there was virtually a 100 percent success rate in implementing the resulting agreements. Indeed, the NIS is often called one of the most successful experiments of its kind (Moore & Carlson, 1984). In evaluations conducted several years afterward,

the original participants identified several factors that led to the positive results. The most-cited reason was that the NIS very consciously focused on building relationships among stakeholders who rarely sat down together, even when the decisions they had to make had significant impacts on each other. It was those relationships that accounted for successful implementation (Crocker, DuPraw, Kunde, & Potapchuk, 1996; Henton, 1981).

There is no single recipe for building the kind of social capital that leads to strong relationships among stakeholders. Techniques used in one community or organizational setting may fail in another for a host of reasons, including the history of past disputes, cultural barriers, the capacity of the stakeholders, and the lack of sufficient resources. In many cases, this kind of work calls for strong intervention by a facilitator or mediator. If, for example, there is little formal contact between environmentalists and the business community, it may be appropriate to structure a meeting between those stakeholders designed to increase understanding—before any substantive negotiating takes place. Indeed, the role of relationship building in addressing deeply rooted conflicts is amplified in international dispute resolution where a mode of practice has emerged to address this task (Fisher, 1997; Lederach, 1995).

Underpinning this analysis is an important lesson. When there is little need for an ongoing relationship and agreements can be easily implemented (e.g., by writing a check), one may need to attend to just enough relationship building to reach agreement. Should the parties have an ongoing relationship or the resultant agreement be expected to face a lengthy implementation process or multiple challenges, building strong working relationships and sufficient stores of social capital is likely to be essential to success.

### *Working in the Absence of Social Capital*

In some settings, the history of mistrust, poisoned relationships, and deep differences is unlikely to be overcome through a single consensus building process. Strategies that rely on the development of social capital to undergird implementation are unlikely to be successful in these situations.

The most common approach when these challenges arise is to structure an agreement that specifically proscribes the desired actions of each party, often establishing incentives for compliance and penalties for noncompliance. In this type of agreement,

nothing is left to chance. Each step should be described in detail, time lines should be clear, and responsibilities identified. Furthermore, these types of agreements often need a monitoring component as a further means of ensuring compliance.

### *Building Political Capital*

“Who has the ‘juice’ ?” is among the first questions asked by seasoned negotiators. They want to know who can make things happen. Those who have the “juice” are often people who hold positions of authority and have substantial talent for “working the system.” Many times these are individuals who have budgetary authority as well.

When such individuals are absent from a consensus building process, often the first step is to figure out how to get them to the table. Failing that, some will call off the effort, believing that nothing can be achieved. In understanding political capital, it is important to recognize that while in some cases it is essential to have a key individual involved, in many cases the political equation should be understood as  $1 + 1 + 1 = 7$ . This recognizes that while one person, say, a cabinet secretary, may be critical to committing an agency to act, consensus building often requires several entities to act together. Furthermore, the titular heads of those agencies may not have the time to commit to an intensive process. So, if three department heads, several steps removed from their respective secretaries, are able to craft an agreement, their combined voice is likely to be more powerful than any cabinet secretary alone.

In assessing political capital, it is important to consider passion and commitment as well. Busy decision makers often move from one meeting to another, with little time to prepare or to follow up unless the topic is a priority issue for them. Finding political capital is sometimes a matter of tapping into the passionate commitments of a key player. Without that energy, implementation will not have the support needed to withstand challenges.

### *Working in the Absence of Political Capital*

While a theoretical argument can be made that all types of capital are equal, in practice political capital may be the most important. The absence of political capital often suggests that key

stakeholders are missing from the process, which will make it difficult, if not impossible, to move forward.

Two approaches that diverge from this rule of thumb are important to note. First, as in the arena of international conflict resolution where a multitrack approach is a dominant framework, and intense, off-the-record workshops are used to build relationships and reduce misperceptions, there is an increasing use of these types of interventions in domestic policy issues. These approaches are not designed to generate agreements, but, rather, in some circumstances, to lay the groundwork for follow-on agreement-focused activities.

Second, some collaborative approaches recognize that political leadership will not move on an issue unless there is clear expression of public will. It may be necessary to mobilize and engage the general public in ways that sway the actions of leaders (Chrislip & Larson, 1994). For example, in Chattanooga's successful visioning effort, political leaders were neutral, at best, toward the process. In many cases, this lack of enthusiasm among key leaders would be the kiss of death for a process. The citizens involved in the many public forums in Chattanooga, through their numbers, enthusiasm, and commitment, ultimately swayed their political leaders into action, defying political wisdom. If the support of key public leaders cannot be gained, an agreement has little chance of being successfully implemented.

### ■ *When the Music's Over: Closing the Deal*

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“Groups should strive to prepare documents that spell out exactly who has to do what (by when) to ensure implementation.”

Significant stores of social, political, and intellectual capital are not a substitute for a well-crafted written agreement. Groups should always strive to prepare documents that not only specify the commitments that participants are making to each other but also spell out exactly who has to do what (by when) to ensure implementation. In some settings, this step will be relatively straightforward, while in others it will require fairly elaborate schedules of contingent actions (and the triggers or findings that will activate them).

In some cases, an agreement may be a prelude to still another process that can begin only when the first round of commitments is completed. For example, stakeholders in a policy dialogue that produced draft legislation may find that key legislators do not

support core elements of the bill they have proposed. It is easy to imagine that stakeholders—having spent countless meetings fine-tuning and wordsmithing draft legislation—would be deflated and allow the bill to sink, because they had presumed their work would be recognized and passage would be ensured. If, on the other hand, the stakeholders had focused sufficient attention on implementation earlier in the process, they would have developed a shared understanding of the politics of the legislature, made decisions about how the bill ought to be sponsored, determined who should brief members of the legislature, and identified the events that would cause them to reconvene and renegotiate the substance of the bill. Recognizing a lack of support as an event that would cause them to reconvene, stakeholders then might find a means of bringing key legislators into their camp.

In thinking about implementation, participants must carefully consider the context in which they are negotiating. For instance, the best solution is of little value if no one can afford it. Some have described the role of the facilitator or mediator as the “agent of reality.”<sup>2</sup> The agent-of-reality role should not put a damper on the enthusiasm of the participants, but should help the parties understand that the “process high” that occurs at the end of some consensus building efforts may lead to agreements that are fully acceptable to the stakeholders, but not implementable. A typical factor in this scenario is capacity. A neighborhood redevelopment strategy that requires a local community development corporation (which currently has a director and a part-time secretary) to rehabilitate 50 residential units in the next 18 months probably exceeds the capacity of that entity. Seriously contemplating the capacity of organizations that will have responsibility for implementing the agreement will preserve the credibility of those organizations over time.

To address this issue, stakeholders might develop best-case, typical, and worst-case scenarios that help them consider a wide array of contingent commitments. As they engage in this analysis, stakeholders may find that a key element of an implementation strategy is best memorialized as an informal understanding with an elected official. For example, a key legislator might be willing to lend behind-the-scenes support to an environmental initiative, even if it is opposed by industrial interests in her district, but would definitely not want this noted in a written agreement.

All negotiating groups should develop implementation strategies in the course of developing and finalizing agreements. Implementation strategies should consider the following.

- Whether new stakeholders are created through the tentative agreement who will need to be involved in implementation
- What formal approvals (e.g., a vote by the city council, a review by the general counsel's office) are needed, and how they will be obtained
- How to approach stakeholders not at the table, including constituents of those who are participating, to develop broad-based support for an agreement
- How to approach the general public and how a public education or media strategy can be used to reach the public
- What resources (e.g., financial, staffing, or otherwise) are needed to support implementation and how they will be obtained
- Whether there will be a series of ongoing decisions that require the participation of multiple stakeholders and, if so, how they will be made
- Potential changes in leadership at implementing entities and how these ought to be addressed
- What events can trigger renegotiation

Once the stakeholders have developed an implementation strategy, they should then be poised to finalize the product of their consensus building efforts. The written agreement should be fully understood by all of the stakeholders. In addition to spelling out the commitments of all relevant parties, a written product can include

- a description of the process by which the agreement was reached;
- a list of the people (and their affiliations) who participated;
- a discussion of the implementation strategy;
- detailed description of the commitments that have been made;



- a summary of the deliberations, especially on the “tough” issues;
- an explanation of the choices made by the stakeholders;
- an executive summary; and
- a place for all of the stakeholders to sign.

As the written agreement is finalized, it is important to explore whether there are rituals or special events that can build support for implementation. For example, public signing ceremonies can add visibility and make it more difficult for participants to back away later. Proclamations by a chief elected official can recognize an informal agreement (and implicitly suggest how the power and authority of that official could be used to enforce implementation). Community-based processes often include a celebration, thanking the participants who helped and acknowledging the importance of collaborative processes.

### ■ *After the Party’s Over: Moving Forward*

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Consensus building efforts require a handcrafted implementation strategy, responsive to the agreement and the context. Implementation, then, should follow the path laid out by the participants at the table. Because challenges may arise in implementation regardless of the situation, however, consensus building participants may want to consider the following common implementation procedures.

#### *Referenda*

Changes in political leadership can dramatically affect the implementation of an agreement. In Santa Barbara, California, where growth management was a highly contentious issue, pro-growth city councils alternated with antigrowth city councils. Attempts to address this important policy issue were stymied by the constant fluctuations in leadership. In a highly participatory, consensus-oriented update of its comprehensive plan, this community chose to dramatically limit growth, reducing the number of “buildable square feet” by a factor of 10. Concerned that the plan could be overturned by a new city council, the process managers proposed an advisory referendum, which won more

than 60 percent of the vote. This expression of political will by the electorate gave the plan the stability it needed (Plotz, 1991).

### *Implementation Work Groups*

“New work groups may be needed to monitor implementation of the agreement and address any challenges.”

As an agreement moves forward, new work groups may be needed to monitor implementation of the agreement and address any challenges that may arise. Such work groups should include representatives who are concerned about the operational side of things. Initially used in siting disputes where neighbors to a newly sited facility needed to work collaboratively with construction managers (Keystone Center, 1985), this approach is now used in a wide range of settings (U.S. Army Corps of Engineers, 1996).

### *Partnering*

Pioneered by the U.S. Army Corps of Engineers for managing large-scale construction projects, partnering is a formal process in which the implementing organizations and monitors seek to build a partnership at the beginning of implementation and meet periodically to work on unforeseen issues and iron out differences. Partnering methodologies have been successfully applied in a wide range of settings (U.S. Army Corps of Engineers, 1996).

### *Building Partnerships and Governing Entities to Manage Implementation*

Sometimes, the existing organizational infrastructure is inadequate to respond to implementation challenges. Furthermore, in many settings, the resources of numerous organizations must be brought to bear on the challenge. This recognition has spurred the creation of new entities whose primary role is to manage implementation, particularly the ongoing stream of decisions and policy issues that require joint attention. Commonly seen in the human services arena (Center for the Study of Social Policy, 1997; Schorr, 1997), these entities are increasingly being used in other arenas. For example, the Quincy Library Group in northern California and the Applegate Partnership in Oregon are both

community collaboratives, each of which brings together a diverse set of organizations to work at the intersection of economic and environmental issues.

### ■ *Conclusion*

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The skills and strategies needed to ensure implementation are much like those needed to guarantee success with other elements of the consensus building process. Attention to detail (e.g., Who can call this legislator by Friday?) is as important as being able to design a new organization. Furthermore, successful implementation rests not only in having a well-crafted agreement but also in nurturing the passion and commitment of the stakeholders to “make the deal stick.”

### ■ *Notes*

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1. Many of the legal questions relating to implementation are addressed in Chapter 13.
2. First credited to Wallace Warfield, of the Institute for Conflict Analysis and Resolution, George Mason University.

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