CONSENSUS BUILDING
A Contemporary Tool for Managing Public Policies

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Consensus building is a participative and inclusive method for elaborating consensus based on dialogue. It is a particularly useful instrument in multi-part and multi-interest dialogues that need to be articulated for the proposition of regulations, projects, agreements or actions that aim at mutual satisfaction and benefits, as well as the preservation of the different opinions held by the parties involved.

The fundamental principle of *consensus building* is the possibility to disagree. Even when they disagree, the participants must propose adjustments to what is contrary to their point of view so that they can accept a different opinion from theirs included in the project or agreement by any other party.

Building consensus through participative and inclusive dialogue, either by listening or formulating proposals is, therefore, another principle of this practice. All those involved in the problem should be heard and entitled to have their own *interests and ideas* included in the agreement text, in the elaborated project, as well as in the devised regulations or in the actions to be implemented.

The consensus reached is translated in a summary text (Single Text), which articulates the ideas of every participant in a careful and inclusive way - without excluding any of them - so that all the actors may recognize not only their own interests and ideas, but also the interests and ideas of the other participants in the dialogue group that differ from their own point of view.

Public policies are the ideal environment for applying *consensus building*. In this scenario, where political power and legal regulations are emphatic and where experience has shown that vertical solutions are not complied with or implemented as they do not meet the interests and values of all those involved, the horizontal span of *consensus building* is conducive to dealing with the mentioned impasses. In *consensus building,* the impasses are broken by the effective handling of the differences between the actors.

Conflict handling, project development and action planning, as well as the elaboration of negotiated regulations are examples of the applicability of *consensus building* in public policies.

Besides meeting the main interests and values of all those involved, the *consensus building* method, due to this characteristic, preserves the future social relationship of the acting participants, a paramount requirement in public policies.

Following this trend, Brazil provides in the law that regulates the National Policy for Hydrographic Resources (9433/97) an example of proposal for the resolution of

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conflicts and the composition of interests, based on the need for *consensus building.* According to Fundamento VI (Basis VI) , Chapter I: "*the management of hydrographic resources should be decentralized and count on the participation of Public Power, of the users and of the communities.*"

Subject to being handled by the parties themselves in less complex situations, in general, a third facilitator or mediator coordinates this feature of dialogue through all its phases. The task requires special skills and knowledge of the *consensus building* process. When the issues are too complex and too numerous, this function requires a team of experts.

The *consensus building* process comprises three phases: the pre-negotiation phase, the negotiation phase and the implementation or post-negotiation phase.

Pre-Negotiation Phase
In this stage, when the process comes to life, one of the participants or someone outside the issue must suggest the utilization of the instrument and the search for a third party to coordinate it. In general, governed by cultural prejudices, we turn down the role of the one that proposes a dialogue in adverse situations by fear of demonstrating weakness. Someone not directly involved in the issue can be of great value by performing this task.

At this point, the third facilitator starts mapping the situation, including the identification of all the actors involved, what each one of them understands as being the issue and the approach attempts made up to that moment.

Once they have been separately interviewed, these actors help identify other actors and pinpoint the interests and values that need to be fulfilled in the negotiation. The experience of those that have used the instrument in public policies indicates that, in the beginning of the process, it is better to have a large number of actors identified rather than a small number of them. This reduction can be made in the course of the process by individual initiative or by the identification of the similarity between the interests that have already been represented.

The task of the third facilitator is to help in the election of the representatives for each interviewed group, to identify that some interests are common to different groups and that they can be represented by other groups. The representatives can change during the process, depending on availability, skills and specific knowledge to dock at a given moment of the negotiation. A pedagogic-oriented contribution might be necessary in relation to the principles and posture required by *consensus building*.

Still in this stage, three other activities shall be coordinated by the third facilitator: (i) to build the work agenda, (ii) to create the protocols that will orient the negotiation and (iii) to identify the need for participation of experts in the process:

> ➢ ***building the work agenda*** is the activity derived from the interviews performed. The agenda will be set up in groups of subjects to be addressed, labeled according to the theme or the interest, and values identified upon contact with each group. Each group should acknowledge in the agenda that their interests

and needs will be targeted at the negotiation table. The agenda should not be too short so as not to address the different subjects or too long so as to discourage the participants;

> *creating protocols* – rules that will guide the performance as well as the participation in the process – this initial task may be reviewed at each stage of the process. These protocols, or ground rules*,* must be written down to be looked upon as reference in conducting the process and in the participation of everyone involved. They need to answer different questions: where the meetings will be held, their frequency and for how long; how each participant will be allowed to speak; how the actors must behave in situations of agreement and disagreement; how to deal with the press and alleged observers; how each representative shall handle what was elaborated in the meetings with the group they represent. As suggested by the third facilitator, these rules must be evaluated and either amplified or reduced by the participants;

> *identifying the need for the participation of experts* because some themes, specially those related to public policies, very frequently require technical opinions and also because, most of the time, the parties have uneven knowledge of the subject. The key issue is: *what do we know and what don't we know about the themes, the context and the experiences regarding this issue / dispute?* The technical opinions must be handled with transparency. Everybody must have access to the technical information included in the process.

Negotiation Phase
In this phase, the third facilitator will encourage all the actors, by means of dialogue between representatives and between themselves and those they represent, in order to build options for mutual gains and benefits. He will coordinate the dialogue between the representatives and, if necessary, between these and their represented parties. It should be pointed out here some fundamental protocols for operating and optimizing this work:

> the Single Texts should include the ideas (*interests* and *values*) of all the participants in the dialogue.

> for this to occur, it is worthwhile to have in mind that these texts will also include different ideas from those of each person or group represented in the dialogue. For this reason, we should read them seeking out our own ideas, *interests* and *values*, as well as the *passages, words* or *expressions* which, although they represent the ideas of others, we frontally disagree with or do not accept that they be included in the text. In this case, we use the following ground rule;

> in case the text includes ideas, words or expressions with which we clearly disagree or do not want to be included in the final summary-text, we may offer suggestions for specific change and adaptation, keeping in mind that all the contributed ideas need to be taken into account. Therefore, all the suggestions must be in accordance with the interests of all the participants. The idea is to translate the diversity of the engaging group in a text that each and everyone can

accept, even if they disagree with it. When questioning the text, one should offer constructive alternatives that are accepted by all the people involved;

➢ upon disagreeing, we can formulate objective questions aiming at trying to understand a different point of view (and not challenge it); it is better to evaluate the need for extensive comments and questions so as to avoid them, if possible, in this type of dialogue;

➢ another good reminder, when the dialogue occurs between representatives of categories or groups, is that each one will be spokesperson of the group's idea and not of his own idea;

➢ complying with the proposed agenda with objectivity will optimize everybody's schedule and the work that will be done by many hands;

➢ ideas within this spectrum can be accepted: *I fully agree*, *it's a good idea*, *it's a supportable idea*; and offer a constructive alternative if they are ideas that bring about *reservations*, *serious concerns* or, still, consideration that they *should not be included in the final text*.

The facilitator should write up the initial text that condenses all the interests and values identified in the interviews with each group, and in the other texts derived from the negotiations between the representatives and between them and the parties they represent. Sometimes the subjects are condensed into theme groups and presented to the representatives who in turn forward them to their individual groups.

The third facilitator and his/her team perform the collection of the texts after their approval by the different groups, the new written text (as many new texts as necessary) and the coordination of the dialogue between all the participants, according to the ground rules, aiming at the commitment and co-responsibility for the proposed terms in the final consolidated *Single Text* .

The ratification of the final *Single Text* is a delicate task. The step by step protocol will help in dealing with the stages that precede the writing of the text, facilitating the outcome. In case the final text refers to an agreement, some contingencies might be in place for the agreement to be reviewed, as well as some conditions might be decisive for its compliance.

Implementation Phase
The third facilitator has three main tasks in this phase of the *consensus building* process: (i) to see to it that the informal agreements are converted into formal decisions, (ii) to suggest and enable the monitoring of the agreement and (iii) to create a favorable context for renegotiations.

Formalizing the informal agreements will require access to competence agencies and the transit required by the subject or proposition. Monitoring the implementation might require the elaboration of a new process and the formation of a follow-up team inasmuch as it implies a coordinated series of actions. The creation of a context for renegotiation is governed by the previous commitment made: *what can we do if any*

contingency or the like does not enable full compliance of the agreement? To open a renegotiation with this in mind is easier than starting the *consensus building* process.

Conclusion

Consensus building is a methodology based on the contemporary need for a composition of differences through dialogue. This need presents itself in social contexts, ranging from the simplest one to the most complex. Communities, organizations, stakeholders networks, common markets, as well as international politics are all examples. The participative and inclusive dialogue - that does not exclude any actor or interest - is the prestige instrument of today and permeates the administrative and social processes.

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