

Enhancing Consensus Decision Making

A report to the CASA Board from the
Martha Kostuch Legacy Workshop Project Team

March 2010

Acknowledgements

The Martha Kostuch Legacy Workshop Project Team would like to thank Alberta Environment, CNRL, ME Global and Bullfrog Power for their contributions to the workshop. They would also like to thank the many stakeholders who provided their insights to the development of the Consensus Toolkit.

About CASA

The Clean Air Strategic Alliance (CASA) is a multi-stakeholder partnership composed of representatives selected by industry, government and non-government organizations. Stakeholders are committed to developing and applying a comprehensive air quality management system for all Albertans. All CASA groups and teams, including the board of directors, make decisions and recommendations by consensus. Recommendations are likely to be more effective and long lasting than those reached through adversarial processes.

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ISBN
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1. Introduction

In June 2009, the CASA Board of Directors approved a statement of opportunity to organize a workshop on consensus decision making (CDM) in honour of Dr. Martha Kostuch. This was an opportunity for CASA to seek continuous improvement in our use of the consensus process. In addition to the workshop, the team's Terms of Reference (see Appendix B) specified two other deliverables: development of a value-added tool to further CDM and determine the need for a network of CDM practitioners. Sections 4 and 5 of this report, respectively, complete these tasks.

The workshop, titled *Bridging Interests, Building Agreement*, is one of three initiatives announced by Alberta Environment to provide an enduring legacy that recognizes the contributions of Dr. Martha Kostuch to collaborative, consensus-based decision making in environmental management. The other two initiatives are a certificate program in consensus building delivered through the Alberta Arbitration and Mediation Society and a bursary program to enable students' participation in the certification program.

Martha Kostuch was a key stakeholder who shaped CASA's use of consensus decision making. She was also engaged at the national level, including participation on various groups of the Canadian Council of Ministers of the Environment. Always an effective participant at the table, Martha knew how to have difficult conversations while remaining respectful to her team mates. She was a mentor to many, providing insights into consensus processes through words and example. Two years after her passing, Martha's legacy continues at CASA and through the CDM capacity building offered through workshop and training initiatives.

2. Bridging Interests, Building Agreement (BIBA)

The BIBA workshop was a two day event. The first day of the workshop was a larger event to bring together consensus practitioners in Alberta and re-engage with the theory and the practice of CDM. The second day, with a small number of participants, is discussed in the next section of this report. Nearly 110 participants attended the first day of the workshop from a broad range of government, industry and non-government organizations.

The workshop's design recognized that some Albertans are in their second decade of practicing consensus-based, collaborative decision making in multi-stakeholder forums. Several environmental organizations use the consensus approach to decision making, including:

- The Clean Air Strategic Alliance (CASA)
- The Alberta Water Council (AWC)
- Airshed Zones and the Airshed Council
- Watershed Planning Advisory Committees (WPACs)
- Cumulative Effects Management Association (CEMA)

These organizations use consensus decision making at provincial, regional and local levels to address environmental issues. Learning from each other's experiences with a consensus processes was the central overall experience of the workshop.

The first day of the workshop explored both the theory and the practice of consensus. The workshop provided an overview of the challenges and promises of CDM in the keynote address by Dr. Paul Emond. His talk addressed where CDM falls along the continuum of decision making processes as well as some of the challenges and rewards. Turning to CDM's practice, the workshop heard from three case studies presented by the Alberta Water Council, CASA and Alberta Municipal Affairs. Each case study focused on the process involved in a particular project.

We paused at lunch to remember Martha Kostuch's enduring legacy to those in the environmental community and those practicing CDM. We were reminded that Martha wasn't an early user of CDM, but saw its effectiveness for some issues and became a champion for the process. She used all the tools in the toolkit very effectively. Never afraid of tough conversations, Martha always delivered her message with respect. She challenged others to do the same. Martha was a mentor for many and the workshop participants were fortunate to hear her wisdom passed on to current CDM practitioners.

The afternoon session gave each sector (government, industry and NGO) the opportunity to speak to the values and challenges of consensus from their perspective, followed by a question and answer period. The speakers did an excellent job 'opening up' their processes within their sectors to ensure commitment, communication and agreement to the decisions proposed at the table.

According to the evaluation forms received (56% of participants completed an evaluation), some key ideas that resonated with the audience. In the keynote address, most valuable ideas of the day were the Toronto Paradox and Adam's Paradox. Both are described in detail in the workshop proceedings. They speak to the need for open communication, especially when faced with difficult conversations. For the case studies, the feedback received showed the audience appreciated that each CDM process was built, rather than a naturally occurring process. The importance of "building the path" was a recurring theme among all the case studies.

The stakeholder panel was the most commented on in the evaluation forms. Workshop participants appreciated hearing how representatives had to "sell" the process and decisions back to heterogeneous groups. Questions during the afternoon included the importance of an external impetus bringing all sectors to the table (e.g. regulation will be either developed by the government or through a multistakeholder CDM process).

A final comment by all who attended was that the workshop should not be a one-off event. Given CDM skills are important to CASA and AWC success; this type of workshop should be a more regular event.

RECOMMENDATION 1:

The project team recommends that CASA hold another workshop in 2012 on consensus decision making. The workshop should build on this workshop instead of covering the same subjects. Potential future topics include improving relationship building,

overcoming barriers to consensus and understanding ground rules and consensus principles.

3. BIBA Day Two: Developing the Consensus Tools

As noted above, there is extensive experience in Alberta with CDM. The project team decided to leverage this experience when developing the CDM tools. The second day of the workshop brought a smaller number (42) of participants together in a focus-group atmosphere. Participants represented industry, government and NGO sectors drawn from CASA, Alberta Water Council and beyond. Most participants were chosen through a self-selection process. To ensure a diversity of perspectives (particularly from groups not represented by CASA or the Water Council) the project team chose additional participants from the list of Day 1 attendees who expressed an interest in the day 2 workshop

Early on, the project team determined the need for two consensus tools. The first was a screening tool to help determine if an issue was appropriate for CDM. The second was a communications tool to help team members communicate the process and decisions to their stakeholder groups. Those at the second day of the workshop confirmed those two tools and addressed three additional questions. The five questions discussed were:

1. What issues are “ripe” for consensus?
2. What processes or conditions are required to be in place for CDM to be successful?
3. How do participants in CDM processes best communicate within and on behalf of their sectors?
4. What are the warning signs that a CDM process is in trouble?
5. How do we celebrate successes?

The answers to these five questions were consolidated and form the foundation of the toolkit. All the input and ideas were captured in the minutes (see Appendix C). The project team took the wealth of information from the day and created the CDM Toolkit included in this report.

4. Consensus Decision Making Toolkit

Using the input from the second day of the BIBA workshop, team members developed a series of questions useful at all stages of a consensus process. This toolkit is intended for use by all practitioners of CDM, not only CASA and the AWC. The toolkit will be printed separately from the team’s report and will be available as a stand alone document.

There are several themes throughout the toolkit. The questions emphasize the need for stakeholders to take collective responsibility for building and maintaining the process to ensure outcomes meet everyone’s interests. Another major theme is the need for open, frank conversation about the process among stakeholders, particularly regarding communications external to the team’s table. Finally, the need for a clearly defined and

well-understood scope is emphasized in the initial questions and is flagged as important at several stages in the process.

5. Consensus Practitioners Network

The team asked those who attended the first day of the workshop if a network of consensus practitioners was needed. The responses showed strong support for the certificate program offered by the Alberta Arbitration and Mediation Society. The majority of those who responded were in favour of a network. Their suggestions included hosting more workshops, using online forums and developing a roster of practitioners. The suggestions focused on the need to share experiences among each other, in particular within sectors. Another common observation was the need to provide greater continuity between “generations” of stakeholders as some with CDM experience become less involved and a new generation of stakeholder participants emerge.

Some felt that a network was not needed. These respondents pointed to other associations such as the International Association for Public Participation (IAP2) and the International Association of Facilitators. There was also a concern that CDM requires flexibility and a network could institutionalize the process.

Overall, the committee felt that the interest expressed in the evaluation forms was not strong enough to warrant a formal network. CASA and AWC have networks already, but there may be room to improve engagement and coordination between the generations of CDM practitioners.

RECOMMENDATION 2:

The project team recommends that the CASA secretariat will contact possible mentors and gauge the level of interest in a mentorship forum. Stakeholders will be consulted on the most appropriate means to bring together mentors and current CASA stakeholders.

RECOMMENDATION 3:

The project team recommends that the CASA Communications Committee, in consultation with the Martha Kostuch Legacy Workshop team, develop a plan for a pilot project that will create an interactive forum for process-related conversations with our stakeholders. This is envisioned as a webpage for consensus issues and comments to be discussed. The Communications Committee would oversee the moderation guidelines, promotion and resources required for the webpage. The committee will report to the board June 2011 after evaluating the pilot. At that time, the board can determine if the site should continue or be modified.

6. Conclusion

Overall, both days of the workshop were a success. The days provided insights into CDM for participants to apply in their own processes. Martha’s teachings, as remembered by those who knew her, were an inspiration and reminder of the power of collaboration. Those attending the second day had a solid, common database of information. The

second day of the workshop provided a forum for stakeholders to engage in CDM processes away from the pressures usually associated with negotiating air or water policy issues. Beyond discussing CDM, relationships were renewed and created among CASA and AWC stakeholders past and present. The enthusiasm shown for consensus will continue in future workshops, informal networking and ongoing application of the toolkit.

Appendix A: Team Members

Jennifer Allan	CASA
Ann Baran	Southern Alberta Group for the Environment
Kerra Chomlak	CASA
George Murphy	Alberta Environment
Krista Phillips	CAPP
Terry Sly	Alberta Water Council

Former Team Members:

Carmen Gilmore	Alberta Energy
Wayne Hillier	Husky Oil

Appendix B: Terms of Reference

Background

Dr. Martha Kostuch worked tirelessly to practice, promote and improve consensus processes in Alberta, particularly as a Clean Air Strategic Alliance (CASA) Board member and on many CASA project teams. She was also engaged at the national level, including participation over time on numerous groups of the Canadian Council of Ministers of the Environment. Dr. Martha Kostuch was instrumental in shaping the consensus-based approach and model.

Many Albertans are now well into their second decade of practicing consensus-based, collaborative, decision-making in multi-stakeholder forums. It is time to provide an opportunity for these Albertans to share what they have learned, compare their experiences, and to discuss the successes and challenges of this effective tool for reaching long lasting robust decisions that everyone can support and implement.

In June 2008, the CASA board approved a statement of opportunity to organize a workshop in recognition of the many contributions of Dr. Martha Kostuch to consensus-based approaches.

Goal and Scope

The overall goal for the project team will be to further Dr. Kostuch's consensus decision-making legacy and work in a concrete and significant way. This goal will be achieved through the objectives stated below.

In terms of scope, a two-day event is envisioned to allow a larger audience (notionally up to 250 people) to

Day One

- explore overall decision-making processes with a focus on the use of the consensus process
- honour Martha's memory
- this could include a conference format of presentations and Quash

Day Two

- have a smaller workshop of 50-75 people with consensus experience to deliver a more tangible outcome

Training or education in consensus process for newcomers will be out-of-scope for the workshop (that is one of the goals of the AAMS Certificate). The audience would be people with consensus decision-making experience who wish to enhance and contribute their existing skills.

Objectives and Key Tasks

The project team will go beyond the delivery of a workshop by also developing a tool that can be used into the future to aid consensus practitioners and participants.

The objectives and the associated tasks for the project team are:

1. Design and deliver a conference workshop
 - Logistics.
 - Speakers.
 - Develop the agenda for each day taking into account the different objectives of each.
 - Develop a list of target audiences for the conference and the workshop recognizing the different objectives.
 - Develop a process for how the audience will be invited/selected.
 - Conduct evaluation: both of the conference/workshop itself and against the Terms of Reference. This evaluation could be an opportunity to conduct a questionnaire as an additional input to the value-added document. (see point # 2 for description)
 - Develop a work plan, schedule, budget and accountabilities.
 - Secure funding, if required.
 - Provide conference report/proceedings that can be used as a resource by people that are broadly interested in the use of the consensus model.
2. Develop a value-added tool
 - Develop a value-added document that will further consensus decision-making in the province. (e.g. a screening tool to assess the use of the consensus process as the decision model for proposals)
3. Determine the need for ongoing activity in future years. In particular, is there a need for a network among participants?
 - Conduct an assessment of the need for ongoing activity, in particular regarding networking among practitioners and participants. The assessment should consider the objectives of the network, the appropriate mechanism for the network and maintenance of the network.
 - Assess the demand for and options for supporting a network.
4. Provide a report and recommendations to the CASA board, as appropriate. This report would summarize the team's learnings from the actions above.

Timelines

The project team should explore the possibility of holding the workshop in April. To that end, preliminary meetings should take place in November to discuss and secure venue, speakers and dates.

The final report to the CASA board is expected September 2009.

Budget:

Alberta Environment allocated \$35,000 to this project. The team will fundraise, if required.

Membership

Ideally 6-12 team members:

- 2 from each sector
- At least one representative from another consensus organization (e.g. CEMA, Water Council, airsheds)
- First Nations and Métis
- CASA should be considered a stakeholder in this project