

Policy Dialogues

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A “Policy Dialogue” is a form of conflict resolution. It is typically used in regulatory, policy, and community conflict situations. Typically, multiple stakeholders are struggling with an issue that cannot be avoided. Meetings are held over a period of time, are usually guided by a facilitator or mediator, and aspire to produce concrete outputs, i.e. guidance to government, a proposed rule or regulation, or a plan or strategy.

What Are Policy Dialogues?

Policy Dialogues are carefully constructed deliberative meetings that address both politically controversial and technically complex aspects of an issue at hand. Generally speaking, policy dialogues seek to exchange information and build consensus recommendations between public, private, and civic sector thought leaders who are in a position to forge alliances, make decisions, or strongly influence the trajectory of a possible solution-challenging issue. Policy dialogues go by many names. Some call them “Roundtables” or “Issue Workshops.” Others take the form of specialized committees, commissions, regulatory negotiations (“reg-negs”), or working groups. Regardless of their nomenclature, all policy dialogues bring diverse interest groups to the table, focus on a regulatory, policy, or planning issue that is of common interest, have a life cycle with a beginning, middle and end, and seek to formulate practical solutions to complex problems.

While there is no fixed and formal format, most policy dialogues usually involve (a) an emerging or ripe dispute; (b) multiple stakeholders, not all of whom may have standing in an existing or prospective lawsuit; (c) contending values or ideologies; (d) complex scientific and technical issues; and (d) challenging substantive, procedural and psychological dynamics. Some examples of policy dialogues might include:

- A working group that has been charged by a state department of environmental quality to propose a new Total Maximum Daily Load (TMDL) range for the amount of pollutants allowable in a fresh water stream.
- A human services and governmental stakeholder group assembled to propose new methods for managing declarations of mental in -

competency under a new statute and procedures and safeguards for temporary institutionalization.

- An inter-state commission composed of business, government, and community leaders who have been asked to deliberate and consult with the public on possible new “sustainable” tourism investments for a heavily visited region.
- A federal agency that seeks to work with tribal councils, recreational users, timber interests, and others on stewardship practices in a National Forest.

Policy dialogues usually have a convener or sponsor (sometimes, multiple co-conveners and sponsors), a negotiated mission or goal, stakeholders who are willing to sit in council on a tough issue and address it in a disciplined manner, and facilitators to help organize and moderate proceedings.

Why Are Policy Dialogues Needed?

The idea of democracy is founded on the persistent belief that citizens can, through effective deliberation, govern themselves. Not only can they, they should. Democracy (from the Greek *demos*, "people," and *kratos*, "rule") assumes that ordinary people have the capacity, the means, and the will to participate in the shaping of key decisions that affect their own welfare. They do this through both elected representation in formal bodies, and participation and effective deliberation in informal decision-making mechanisms that influence formal processes.

The idea of discussion and problem solving is fundamental. Unfortunately, “effective deliberation” – particularly in the face of a potent and highly controversial issue – is often problematic. For example:

- A watershed council in rural Illinois is trying to craft agreements between developers, farmers, environmental advocates, and state and federal officials. Productive discussions have no chance. The meeting starts with a recitation of old battles and descends into name-calling.
- Asian students in a Los Angeles high school speak out about recurring racial slurs. Their call for an open discussion between teachers and students is ignored.
- A town meeting in Maine regarding a new landfill comes to an abrupt halt when a fight breaks out between supporters and opponents.

In everyday parlance, deliberation is the act of thinking about a difficult or complex subject. In formally constituted bodies governed by parliamentary procedures, deliberation requires an on-the-record discussion of the reasons for or against passage of a measure. In court settings, deliberation is an off-the-record procedural requirement placed on juries considering the fate of civil or criminal defendants. In policy dialogues aimed at grappling with a stubborn problem, deliberation has more textured meanings and nuanced applications aimed at combating impatience, intolerance, and incivility and in furtherance of constructive and feasible solutions.

Too frequently, discussions on important civic and public interest matters are defeated for the wrong reasons. In some cases, groups have difficulty getting organized. In other settings, there is no shared or accepted process for dialogue. Sometimes, lack of a clear deliberation process leads to a premature push for decisions and “us” versus “them” votes. Communication breakdowns often trigger an escalating spiral of suspicion with increased tension and confusion between procedural, substantive, and relationship issues. In the most extreme situations, people of normal integrity and good will actively seek to defeat each other and, in the words of one writer, go “together into the abyss.”

A Case Study: The Keystone Policy Dialogue on Chemical Weapons Disposal

There are many policy dialogue success stories over the last quarter-century. Here is one from The Keystone Center called “The Keystone Dialogue on Assembled Chemical Weapon Assessment” (“ACWA”). ACWA was set up in response to public and congressional concerns regarding the Army’s plans to destroy antiquated and dangerous stockpiled weapons slated for destruction. The group of approximately 32 members met 13 times over five years and included community members from nine sites; federal and state regulators; representatives from tribal nations; national activists regarding chemical weapons destruction; national and local military staff. Most of the participants had been involved in long-term legal battles and had often testified against each other in Congressional hearings.

Despite a bitter history on this issue, the Dialogue accomplished three major goals:

- Full consensus in drafting a highly technical, 120-page Request for Proposal (RFP) for identifying and evaluating alternative technologies to incineration. The consensus was forged during a three month period and this exact evaluation criteria was later adopted by the NRC Committee to complete their evaluation.

- Full consensus regarding which alternative technologies should be demonstrated and how they should be evaluated. For the first time ever, several citizen members participated directly in the government procurement process along side the federal officials.
- Drafting of consensus reports to Congress each year regarding progress of the Department of Defense (DOD) program and recommended steps forward.

Since the Dialogue ended in 2002, the DOD has announced that the alternative technologies identified through this Dialogue process will be implemented at sites in Colorado and Kentucky. These \$2 billion-plus facilities mark the first chemical weapons sites where DOD has not encountered lawsuits and extensive delays. In fact the communities have come out in full support of the projects and are working cooperatively with the DOD and regulating agencies to expedite permitting and destruction of chemical weapons.

In addition to these tangible accomplishments, several other less tangible goals were accomplished, including:

- An increased understanding by all parties of the complicated decision-making process required and inherent trade-offs. This increased understanding led to more realistic expectations and promoted the ability to creatively compromise, when appropriate. Community representatives were forced to struggle with budget limitations and the uncertainties of the science. Military officials no longer could view the potentially affected citizens as uneducated and nameless masses.
- Increased trust among all parties. One small example shows the extent of this change. Many community members opposed the appointment of the lead DOD official for this effort. By the end of the effort, this same leader was promoted to be in charge of all chemical weapons storage and disposal issues for the country—partly based on these community members going to congress and requesting his advancement.
- Creation of a solid marriage between highly technical scientific issues with the realities of politics and the concerns of the community.

As one Dialogue participant noted at the end of the process: *“Distrust and suspicion gave way to trust and a sense of possibility which gave way to political reality and frustration which evolved into acceptance, perseverance, and a sense of accomplishment.”*

What Are the Generic Steps Involved in Creating and Implementing A Dialogue?

Successful policy deliberations tend to progress through three broad phases: (a) issue focusing and convening; (b) information exchange and discussion; and (c) solution-seeking and consensus building. Embedded in these phases are many different specific negotiation and mediation techniques, among them:

- Strategies for bringing multiple viewpoints in a given topic or issue area to the table to ensure a rich diversity of ideas;
- Methods for problem “naming” and “framing, i.e. structuring the way controversial issues are stated;
- Critical inquiry tools that foster the examination of data sets, some of which may be conflicting or incomplete;
- Procedures for grappling with divergent values, worldviews, and ideologies;
- Creativity and robust brainstorming methodologies;
- Strategies for problem "taming" and exploring alternative pathways in the search for applied solutions.
- Consensus-building and agreement-making methods that bring about specific joint decisions.

All policy dialogues have beginnings, middles, and ends. From the point of view of someone organizing or facilitating a policy dialogue, there are at least ten steps that require careful construction and attention.

I. Startup: Issue Focusing and Convening

1. Appraising the conflict for possibilities.
2. Organizing leadership, sponsorship, and willingness to convene.
3. Gaining the participation of key stakeholders.
4. Designing a forum and a strategy.
5. Establishing protocol and forging working agreements on the issues to be addressed.

II Management: Information Exchange and Discussion

6. Organizing productive and respectful exchanges of information.
7. Pushing the parties to understand the positions and underlying interests of all stakeholders.
8. Helping the parties discover, clarify, or create the highest joint gains possible.

III. Closure: Solution Seeking and Consensus Building

9. Assisting the parties in making informed choices.
10. Capturing agreements and helping ratify, memorialize, and prepare for implementation.

What Are The Political Ingredients of Successful Policy Dialogues?

Policy dialogues are inherently political processes, that is, they aspire to outcomes that are both a reflection of the highest common values as well as the allocation of “goods” and/or “bads.” The Keystone Center, in addition to its work on chemical weapons dismantling, has conducted policy dialogues on matters ranging from food fortification in Asia to the cleanup and restoration of the Snake River Watershed to the shaping of potential U.S. responses to global climate change. All of these issues are riddled with political considerations that begin with who comes to the table and under what auspices.

Although there are no magic formulas for what will lead to a successful policy dialogue, many have three ingredients from the outset.

First, the issue is ripe for addressing. Often this means that the full diversity of participants have become sufficiently frustrated with the traditional adversary process that they are willing to try a different approach.

Second, none of the participants are likely to get a better outcome by proceeding on their own. For example, in the chemical weapons case above, the military needed regulatory permits to destroy the weapons. These permits depended upon at least a minimal level of public support. The communities who live near the chemical weapons stockpile needed the Army to destroy the weapons. Although there was lots of controversy about what is the best way to destroy the weapons, all agreed in this post 9/11 world, that having stockpile weapons stored nearby was a dangerous thing in and of itself.

Third, creative leadership from a diversity of parties helps ensure the success of a Dialogue. Leaders who truly want to solicit input and are able to respond very clearly why or why not they are taking the recommended approach are key to the process.

While there is no single pathway to the construction of a policy dialogue, some of the mechanical and procedural steps involved in a dialogue may include the following: ⁱⁱⁱ

1. **Exploratory Contacts.** Preliminary calls or letters to knowledgeable individuals in the public, private, and civic sectors to examine the viability and timing of a dialogic approach to a specific issue.
2. **Issue Framing.** The development of a key policy, planning, or regulatory question, or set of questions, to which the dialogue will then seek to develop consensus answers.
3. **Product Framing.** An initial conceptualization of possible products, i.e., joint policy recommendations, delineation of issues and options, guidance to government, etc., and possible linkages to formal decision-making.
4. **Concept Paper.** The creation of a brief proposal and call for participation that is circulated to prospective participants and funders.
5. **Financial Commitments.** Multilateral pledges to help underwrite a dialogue and its associated costs.
6. **Co-Conveners.** For some projects, it is useful to identify and invite two respected and leading authorities to serve as “Co-Conveners.” Conveners often come to the issue at hand with different histories and viewpoints but are committed to a search for common ground and the exploration of break-through solutions. They lend their name and intellectual leadership.
7. **Representation.** Ensuring that a broad spectrum of voices and viewpoints are invited to participate and that those invited are, as a condition of participation, committed to disciplined give-and-take discussions.
8. **Work Plan.** A detailed but flexible work plan that corresponds to the needs of the project and that outlines budget and timelines.
9. **Venue.** A meeting setting that is comfortable and business-like, usually with state-of-the-art audio-visual capabilities if such is available. For some projects, it is useful to organize brief field trips to examine first hand a relevant on-the-ground example of the topic under discussion, i.e., an industrial plant, an eco-system, a meeting with regulators, etc.
10. **Briefing Book.** A notebook of background materials is compiled and given to participants in advance of the first meeting. Usually, the briefing book contains issue summaries, a multi-disciplinary history of

the issue, position papers, summaries of pertinent research, and other materials that help ground and prepare participants for discussions.

11. **Protocols.** An initial set of ground rules which are negotiated at the first meeting (or prior) and which create common rules of engagement regarding project organization, group decision-making, participation by others, ground rules for media contacts and the use of data and technical information, and table manners.
12. **Working Groups.** Many dialogues often require smaller working groups and cross-sector teams that meet between plenary sessions. This allows more in-depth examination of specific sub-issues, contacts with wider audiences, and the development of proposals for the full group.
13. **Use of Experts.** Certain issues – climate change, chemical weapons destruction, and watershed restoration – may need a great deal of fact-finding and technical information and, in some cases, new modeling or research roundups. It is useful to work with all participants to define and secure the level of information that is needed to work on the issue at hand, to identify acceptable independent experts when those are appropriate, and to help secure state-of-the-art information .
14. **Individual Meetings.** Policy dialogues typically span a number of months and, in a few cases, more than a year. Facilitators and co-conveners may need to spend a considerable amount of time talking with participants between meetings to ensure that information is being exchanged, commitments to do between-meeting work are being honored, and to help solve procedural, substantive, or relationship problems that may arise.
15. **Reporting and Roll Out.** Typically, most dialogues produce a set of recommendations, guidance to government, or a report on future directions. It is important that leaders play an active role in distributing such reports and ensuring the widest possible logical policy relevance and use. For example, diverse Dialogue representatives may testify in front of Congress regarding consensus recommendations.
16. **Feedback and Continuous Excellence.** All dialogues are participant-driven, that is, the deliberation group sets the agenda, charts course corrections, and makes key decisions regarding the substance and process of the issue under discussion. However, it is crucial that co-

conveners and/or facilitators solicit ongoing evaluation of the work, both during and after the life of a specific dialogue.

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ⁱⁱⁱ From "Dialogue By Design,," a working paper by Peter S. Adler, The Keystone Center, 2003.