

Consensus Building/Conflict Resolution Toolkit for National Forest Certification Standard-Setting Processes

Prepared by

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Table of Contents

1.	Introduction and Overview of the Toolkit	1
2.	Initiating a Standard-setting Committee Using Stakeholder Assessment	4
2.1.	Beginning an Assessment	4
2.2.	Roles and Responsibilities in the Assessment Process	5
2.3.	The Assessment: Key Steps	6
3.	Establishing the SSC: Setting Clear Goals, Ground Rules, and Decision Rules	11
3.1.	Goal Setting: the Value of Goal Statements	11
3.2.	Ground Rules: Key Items to be Addressed	12
3.3.	Decision Rules: Consensus Seeking and No-consensus Alternatives	15
4.	Developing Standards: Using Independent Facilitators, Joint Fact Finding, and Mutual Gains Negotiation	16
4.1.	Independent Facilitators: Potential Advantages, Qualifications and Tasks	16
4.2.	Joint Fact Finding: Basic Guidelines	19
4.3.	The Mutual Gains Approach to Negotiation: a Four-Step Process	22
5.	Conclusion	29

Annexes

1. Standard Setting Stakeholder Assessment: Model Interview Protocol
2. Assessment Strategy: Fictional Example and Quiz
3. Strategy for Setting SSC Goals / Fictional Example and Quiz
4. Joint Fact Finding Strategy: Fictional Example and Quiz
5. Consensus Building Resources for FSC Standard-Setting Working Groups
6. Chart 1: Consensus Building Process
7. Chart 2: Stakeholder Assessment
8. Chart 3: Mutual Gains to Negotiations



Consensus Building / Conflict Resolution Toolkit for National Forest Certification Standard-Setting Processes

1. Introduction and Overview of the Toolkit

The Forest Stewardship Council (FSC) is committed to the principle and practice of multi-stakeholder participation in forest management. At the global level, FSC's three chamber structure represents economic, environmental and social interests in forest management. The three chamber structure and decision-making procedures, along with extensive consultations with diverse stakeholders on FSC policies and programs, are the institutional and operational demonstrations of FSC's commitment. At the national level FSC

supports the development of national and local standards that implement the international Principles and Criteria of Forest Stewardship... by national and regional working groups, which work to achieve consensus amongst the wide range of people and organizations involved in forest management and conservation in each part of the world.¹

Over the past eight years, multi-stakeholder groups in more than thirty countries have created national initiatives and national working groups for standard-setting and promotion of independent certification under FSC auspices. In most of these countries, building multi-stakeholder consensus on forest management standards has proven challenging. In part, the challenge is one of understanding and analyzing the complex interactions among economic, environmental and social aspects of forest management.

Equally important is the challenge of designing and managing the process of standard-setting in a way that effectively resolves disagreements and builds consensus. A recent report by the WWF / World Bank Alliance reviewed nine case studies of national forest certification working groups, and identified key lessons from their experience. One key conclusion:

Working Groups, in order to be successful, must fully engage with a range of stakeholders from environmental and social NGOs to industry, forest owners, to the local community and find mechanisms where decision-making is truly shared among these often divergent groups.²

This toolkit's purpose is to assist FSC National Working Group (NWG) members and Standard Setting Committees (SSCs). A SSC would be the group that develop the stan-



1. See the FSC website, <http://www.fscoax.org/principal.htm>, "What We Do?"

2. WWF/World Bank Alliance Project in Support of National Forest Certification Working Groups, Summary Report of National Forest Certification Working Group Case Studies and Lessons Learned Analysis, p.1. Available via the Internet at http://www.piec.org/MSWG_toolkit/.

dard. It can consist of the entire NWG, or be a subset of the said NWG. In the following text, we are mainly referring to the SSC. We hope this toolkit will help to meet key consensus building challenges: identifying stakeholders, assessing their interests and capacities, and clarifying areas of potential agreement and disagreement; engaging the right stakeholders in a standard setting process with clear goals, ground rules, work plan and timetable; and managing the dialogue and negotiation among those stakeholders to maximize the chances for the SSC to reach agreement on a standard that is technically sound and politically acceptable.

The basis for the advice and recommendations in this toolkit is an extensive body of **research** and practice at several leading public policy consensus building institutions, including

- the Program on Negotiation at Harvard Law School, where the “win-win”/ “mutual gains” theory of negotiation was developed;
- the MIT-Harvard Public Disputes Program, where this theory has been extended to public disputes and consensus building efforts;
- twenty years of research, practice and documentation by the founders and staff of the Consensus Building Institute and their colleagues.³

The following sections provide consensus building and conflict resolution tools to be used at three key stages in the standard-setting process: initiation of a standard setting process; establishment of a standard setting committee; and the development of a standard. As a whole, this guide has been designed to complement the information and advice provided in the FSC National Initiatives Manual, especially Chapter 12, “Drafting of Regional Forest Stewardship Standards.”⁴ It is also designed to integrate lessons learned in the WWF/World Bank study mentioned above, and from *Developing Forest Stewardship Standards - A Survival Guide*.⁵



3. The intellectual and institutional history of the field is presented in E. Franklin Dukes, *Resolving Public Conflict* (Manchester: Manchester University Press, 1996). For more information about the Program on Negotiation, see www.pon.harvard.edu. The Mutual Gains Approach to Negotiation is presented concisely in R. Fisher and W. Ury, *Getting to Yes*. (Boston: Houghton Mifflin, 1981), and more extensively in H. Raiffa, *The Art and Science of Negotiation*, (Cambridge, MA: Harvard University Press, 1982). Its application to public dispute resolution is presented in L. Susskind and J. Cruikshank, *Breaking the Impasse* (New York: Basic Books, 1987). An analytic framework and numerous case studies reflecting the experience of CBI’s founders, staff and colleagues in the field of public consensus building in the U.S. and other countries over the past twenty years are presented in L. Susskind, S. McKernan and J. Thomas-Larmer, eds., *The Consensus Building Handbook* (Thousand Oaks, CA: Sage Publications, 1999). Applications to sustainable development issues can be found in *Transboundary Environmental Negotiation*, L. Susskind, W. Moomaw, and K. Gallagher, eds. (Cambridge, MA: Program on Negotiation Press, 2002), and in L. Susskind, D. Fairman, M. Ferenz and B. Fuller, “Multi-stakeholder Dialogues at the Global Level,” Cambridge, MA: Consensus Building Institute, 2002.

4. Forest Stewardship Council, *FSC National Initiatives Manual* (Oaxaca, Mexico: FSC, September 1998), available at <http://www.fscoax.org/principal.htm>.

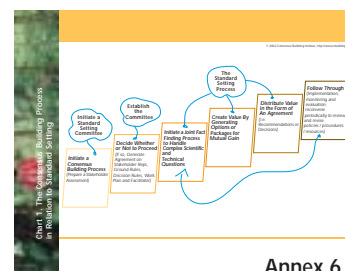
5. WWF/World Bank Alliance, op.cit., and Hannah Scrase and Anders Lindhe, *Developing Forest Stewardship Standards - A Survival Guide*. Jokkmokk, Sweden, Taiga Rescue Network, 2002 (available at www.taigarecue.org, www.piec.org/mswg_toolkit and in the Pathfinder).

Section II of this toolkit provides guidance on conducting a **stakeholder assessment** to initiate the standard setting process. It explains the purpose of a stakeholder assessment; defines the roles of the sponsor, assessor, and stakeholders in the assessment; and outlines the assessment process. It includes a chart summarizing the assessment process, a model interview protocol for the assessor, and suggestions on how to analyze information collected in interviews and structure an assessment report.

Section III provides guidance on establishing an SSC, using the process of setting **goals, ground rules and decision rules** to provide a strong foundation for consensus building.⁶ It explains the importance of engaging members of the committee in developing a goal statement; defines issues to be addressed in SSC ground rules; explains the value of a “consensus seeking” decision rule; and suggests options for voting and/or referring unresolved issues to other bodies if consensus cannot be achieved. It includes sample language for goal statements, ground rules and decision rules.

Section IV recommends three consensus building and conflict resolution tools for the standard-setting process: **independent facilitators, joint fact finding, and mutual gains negotiation**. It notes the potential benefits that a qualified, independent facilitator can offer, provides criteria for selecting a facilitator, and discusses the facilitator’s responsibilities. It then discusses the challenge of clarifying points of agreement and disagreement over facts, analytic methods and interpretations of evidence, and explains how joint fact finding can be used to resolve disagreement and build positive working relationships in the SSC. It outlines the mutual gains approach to negotiation, and provides examples of how SSC members can use this approach to maximize the potential for resolving disagreements and reaching consensus. It concludes with a discussion of challenges that often arise when a group needs to make final decisions, and provides guidance on how to use mutual gains strategies to break through impasse and reach agreement. It includes a listing of facilitator qualifications and tasks, and a summary chart of the mutual gains approach to negotiation.

Chart 1: “Consensus Building Process”, summarizes the steps and tools presented here, and shows how they relate to SSC initiation, establishment and standard setting.



Annex 6

Along with the guidance in each section, this toolkit provides several fictional cases to illustrate consensus building challenges during the standard-setting process. The cases are designed to stimulate thinking and dialogue among NWG/SSC members who are using this toolkit. For each case, there are several possible responses offered. Members can discuss and decide on which response they might choose in that hypothetical situation, and then read and discuss our recommended response.

Finally, we have included a list of consensus building and conflict resolution resources—primarily readings and organizations—that may be useful to NWGs and SSCs.



6. In some cases, the NWG has taken responsibility for standard setting, without establishing a separate SSC. In these cases, all of the recommendations for consensus building would apply to the NWG itself. For example, even if the NWG already had an established membership, it would still be advisable for the NWG to conduct an assessment to identify additional stakeholder groups that should be represented in the standard setting process.

2. Initiating a Standard-setting Committee Using Stakeholder Assessment

2.1 Beginning an Assessment

After a group of people meet and agree to form a NWG under the auspices of FSC, they may decide to initiate the process of standard-setting. As they begin, it is important to

- identify other groups with an interest in forest management;
- learn their concerns and interests in regard to certification standards and procedures;
- assess their incentives and capacities for participation in the standard-setting process, and assess how they might be represented in the process;
- identify areas of potential agreement and conflict among the stakeholders; and
- begin planning the process (including its goals, ground rules and work plan).



A “Stakeholder Assessment” conducted by a skilled and impartial assessor can assist the core members of the NWG and other stakeholders to accomplish this task. It can also save time and money in the long run by identifying key resources and challenges early in the process, and by providing that information jointly to all stakeholders.

The key principle of stakeholder assessment is to ask a broad group of potential stakeholders about whether and how to proceed.

For the assessment, the key questions to ask are a) whether and how to conduct a standard-setting process, b) what are the key issues that need to be addressed in a standard setting process, and c) who are the key stakeholders that need to be involved in the process.

The assessment is a tool not only for gathering information, but also for building trust and for helping to design a process that maximizes the chance of reaching a broad consensus on certification standards. By not assuming that they already know the answers to the key questions, and by demonstrating their openness to hearing ideas from many possible stakeholders, NWG members and their supporters can build a broad base of credibility and legitimacy of the standard-setting process from the beginning.

Having an impartial, skilled person/organization conduct the assessment can provide several advantages. First an independent assessor can gain the confidence of stakeholders who may not have positive relationships with some members or supporters of the NWG, and who therefore might be suspicious of any standard-setting process proposed by the NWG. Second, an independent assessor does not face conflict-of-interest problems in conducting interviews or analyzing responses, and therefore may be better able to provide an impartial assessment of the potential for a standard-setting process to succeed, and better able to advise on how to maximize the potential for success. Third, if the assessor is successful in gaining the trust of stakeholders and in learning their concerns during the assessment process, the assessor can become a very effective facilitator of the group’s work.

2.2 Roles and Responsibilities in the Assessment Process

A **sponsor** is a person, agency or group that initiates a consensus building effort and commissions an assessment. For national standard-setting processes that seek recognition and ultimately endorsement from FSC, the sponsor can be a National Initiative endorsed by FSC, or any group of organizations or persons with interest in improving forest management and developing an initiative that will be endorsed by FSC.

An **assessor** is a neutral person, team or organization hired by the sponsor to conduct an assessment. In this context, neutrality means professional commitment and capability to interview the sponsors and other forest management stakeholders from an unbiased perspective, and to analyze, summarize and report the results of the assessment in a way that all the stakeholders will perceive as clear, accurate and fair.

Ideally, the assessor should also be able to serve as the facilitator if there is a decision to proceed with a standard-setting process. The assessor gains a great deal of information and insight on the stakeholders through the interviews, and should also be able to use the interviews to build trust with the stakeholders. The information and trust gained in the assessment process can make a dramatic contribution to the facilitators' effectiveness. However, if the assessor fails to win the trust of the stakeholders, and/or is unable to manage the process and deliver a high-quality report, then it may be advisable to select another individual/group to facilitate the standard-setting process.

In a national standard-setting process, an assessor might be a university professor with a background in forest management and policy, a forest management consultant, or a professional facilitator who works regularly with multi-stakeholder groups on complex policy issues. It is also possible to use a team of assessors, though normally that team should be small (no more than 4-5 people) to ensure consistency and efficiency in the assessment process. Whatever the person or team's identity, they should either be known and trusted by key economic, environmental and community and other social stakeholders, or capable of quickly establishing rapport and building trust with those stakeholders. Strong communication and conflict analysis skills are critical; some knowledge of forest management issues is also important, though there is no need for the assessor to be an expert on those issues.⁷

A **stakeholder** is any person or group of people with an interest in the issues that the process will seek to address, is likely to be affected by decisions on those issues, and/or has substantial power to help or undermine the work of the group and the achievement of its goals.

Under FSC guidelines, NWGs need to identify and include stakeholders from economic, environmental and social groups and organizations involved in forest management in the assessment. Failing to include representatives from these three major stakeholder categories can undermine the credibility of the standard-setting process and create conflict at later stages in the process. Including them early is the best way to ensure that their main interests and concerns are identified and addressed in the standard-setting process.

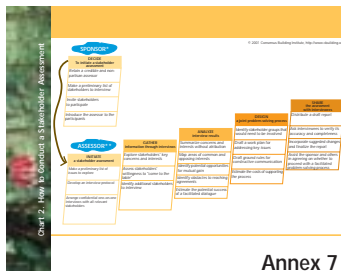
Past experience suggests that it is usually possible to identify and involve economic stakeholders from the logging, timber and wood products industries, and environmental



7. Sometimes a forest management expert with strong professional opinions will have more difficulty presenting an unbiased assessment than a professional facilitator with some knowledge of forest management issues and a demonstrated ability to learn quickly.

stakeholders from advocacy groups, research and policy organizations. It is also advisable, and often possible, to involve government agencies responsible for forest management, international agencies which may support the standard-setting process, groups which are engaged in developing and implementing non-FSC certification programs within the country, and FSC NWGs in other countries in the region.⁸ The biggest challenge tends to be identifying and involving stakeholders from less-organized and less-powerful social groups, such as local communities and indigenous people who rely on forests for their livelihoods.⁹

2.3. The Assessment: Key Steps



Annex 7

Assessments typically include five steps (see **Annex 7: Chart 2 "Stakeholder Assessment"**). In the first step, the sponsor (in this context, the NWG) **decides** to initiate a stakeholder assessment and helps to get it started. In the next step, the assessor **initiates** the stakeholder assessment. The assessor then **gathers** information through interviews with the stakeholders, **analyzes** the interview results, **designs** a consensus building process, and **shares** the assessment (in the form of a written report) with

interviewees. This section describes each of these steps in detail.

Decide to do an Assessment

The NWG should begin the assessment process by retaining a credible and qualified assessor. As noted above, it is crucial that the assessor be perceived by all stakeholders as impartial, and that the assessor have the communication and analysis skills necessary to conduct the assessment.

The NWG and assessor should jointly prepare a "terms of reference" (TOR) outlining the terms of their relationship, the product to be delivered, the expected cost, and the deadline for delivery. It should ensure that the assessor can operate autonomously; that is, he or she should be able to make recommendations based only on his or her best judgment. It should stipulate that all statements made by interviewees will be confidential, even from the NWG, and that the NWG will not try to influence the assessor's recommendations.

Initiate an Assessment

The NWG should provide the assessor with a preliminary list of likely stakeholders, and with information background information on the stakeholders and the issues (e.g. descriptions of forest management organizations, current forest management regulations, recent experiments in sustainable forest management, etc.).¹⁰ Likewise the NWG should introduce stakeholders to the assessor, describe the assessment process, assure confiden-



8. If there are other NWGs active in neighboring countries in the region, those NWGs should be considered stakeholders, because FSC require harmonization of standards among NWGs within a region.

9. See WWF/World Bank Alliance, Summary Report, Sec. 6.2.

10. See FSC National Initiatives Manual, Sec. 12.4.4 for suggestions on stakeholder identification.

tiality, and request each recipient's participation. During the rest of the assessment, the NWG should lend a hand when asked for example, if the assessor needs help convincing a reluctant stakeholder to participate but should otherwise step aside and await the assessor's final report.

Based on the information provided by the NWG, the assessor should begin by making a preliminary list of issues to be explored during interviews. The assessor should then draft an interview protocol. The protocol should be designed so that interviews can be completed in 30-60 minutes, and it should be pre-tested before it is used. (See **Annex 1: "Model Interview Protocol"**).

The assessor now begins the interview process by scheduling interviews with stakeholders identified by NWG members. As the interview process proceeds, the stakeholders being interviewed will probably suggest other individuals and groups to interview. Depending on the time and budget, the assessment might ultimately require anywhere from 50-100 interviews to ensure broad and representative stakeholder participation. However, it is reasonable to limit the number of interviews to ensure that the assessment can be completed in a reasonably short period of time (1-3 months), within the available budget. Priority should go to interviewing representatives in each of the three major stakeholder groups who have a clear interest in standard-setting, plus other key players in e.g. government, media, etc. whose authority, expertise and/or perspective on forest management issues is important to consider.¹¹

The assessor may find that some group with a stake in certification may not be aware of what's going on, or may not be organized in a way that makes it easy to identify an appropriate spokesperson. This group may include local communities or indigenous people who depend on the forest for their livelihood, and small private timber producers. In such cases, the assessor may need to take a number of extra steps to find appropriate interviewees. For example, the NWG and the assessor could organize several meetings in key forest-dependent communities to explain current forest management issues and the rationale for undertaking a standard-setting process, then assist residents in choosing representatives to be interviewed.

Gather Information through Interviews

Interviews should be conducted in ways that are comfortable and convenient for the interviewees, within the constraints of the assessment schedule and budget. If possible, stakeholders should be interviewed in person, individually. The eye-to-eye contact possible in an in-person interview (as opposed to a telephone interview) is important for both gathering accurate information and building rapport.



11. It is especially important to talk with government forest management officials who may have a very significant influence over forest management practices, for example by regulating timber concessions on government land, or by managing national parks that include ecologically valuable forest areas. Based on these conversations, the assessor should suggest options for the role that government agencies could play in the standard setting process.



Individual interviews are preferable to group interviews because they encourage more candor. Group interviews can save time and money, however. If such interviews must be conducted, then it is recommended to organize the groups so that only stakeholders with very similar interests are interviewed together (e.g., a group of environmental activists or local community leaders).

During the interviews, the interview protocol should be followed (see Annex 1), but not too strictly. Interview protocols usually need to be edited and supplemented with new questions as interviews proceed. The earliest interviews will often reveal information that was not anticipated. When this happens, the assessor begins to formulate an idea about how the standard setting process might be designed. Later interviewees should be given a chance to react to these ideas. For this reason, it is also recommended that the most important and senior-level stakeholders be interviewed during the second half of the interviewing period.

Analyze the Interview Results

By the time the interviews are complete, the assessor should have a good idea of who the central players are, what concerns them, and whether or not a standard setting process is likely to succeed. It's important that the assessor sort through the accumulated information in a methodical way, to confirm these impressions and generate a complete report. In the analysis phase, the assessor must summarize the findings, map the areas of agreement and disagreement, and assess the feasibility of moving forward.

Summarize the findings: The first step in analyzing the results is to read through the interview notes and draft a summary of the concerns and interests of everyone involved. These "findings" will be included in the written assessment report. They can be organized by stakeholder chamber (e.g., community group, government, environment, economic) or by issue (e.g. feasibility of regeneration requirements, definition of indigenous peoples' rights).

It is essential that the summary not attribute ideas or opinions to specific individuals or organizations. The summary should never include statements such as, "Maria Hinajosa from the Ministry of Forestry is concerned that..." or even "A representative from the Ministry of Forestry believes that..." At most, the report could say, "Some government representatives expressed concern that..." It is also important not to indicate which ideas or opinions represent a majority view. The purpose of the assessment is simply to set forth the range of ideas, not to polarize the debate by gauging whose views are dominant.

Map and Analyze Stakeholder Concerns on Each Issue: Once the findings have been summarized, the assessor should try to summarize the main concerns of each stakeholder group on all of the major issues. One way to do this is with a matrix. One axis lists the issues that have been raised in the interview process; the other lists the stakeholder groups who have been interviewed. The assessor can place Xs in some boxes to show that a specific issue is a primary concern for a stakeholder group; or numbers indicating the relative importance of each issue to each group (e.g. if there are 5 major issues, rank the issues for each stakeholder, with a 1 in the box for the issue that is most important for that stakeholder, and a 5 for the issue that is least important); or brief phrases in the boxes (e.g. for environmental stakeholders on regeneration indicators: "need indicators for re-growth volume and species diversity").

The assessor should also make note of potential opportunities for “mutual gain,” in the standard setting process. By mapping stakeholder interests with a matrix, the assessor may be able to spot potential joint gains (e.g. the forest products industry might be willing to support a species diversity standard for regeneration, if the environmentalists were willing to support an economic efficiency standard for harvesting methods). The assessor should also note potential obstacles to the standard setting process. These might include issues on which mutual gain does not seem possible (i.e., strongly held, mutually exclusive opinions on the same high-priority issue), or areas where there seems to be insufficient incentive to come to agreement.

Design a Consensus Building Process

If the analysis suggests that it may be possible to achieve consensus on one or a set of forest management standards, then the assessor should also recommend the design of a standard-setting process. In the FSC NWG context, the assessor could generally assume that that basic structure of the process would be the establishment of a standard-setting committee (SSC) under the auspices of the NWG. The assessor should also make recommendations on the groups that should participate in the SSC, and on the SSC's goals, ground rules, decision making rules, and work plan. More information on these key design issues is presented in the next section.

Share the Assessment Report with Interviewees

The analysis of the interview results and the proposed Standard Setting process design should be presented to the NWG members and other interviewees in a written Assessment Report. The Report should include the following:

- **Introduction.** This section should name the NWG, the assessor, the purpose of the assessment, how the assessment was conducted, and the number of people interviewed. It could also include a short summary of the points of agreement and disagreement among the interviewees.
- **Key Issues and Stakeholder Interests.** As discussed previously, this section should summarize the interests and concerns of the interviewees on the key issues (organized by stakeholder group or by issue), using language that protects confidentiality.
- **Analysis.** This section should highlight the key areas of potential agreement and disagreement on substantive issues related to certification standards. It should also note any significant concerns about stakeholder representation and participation in the proposed standard-setting process, and/or about process ground rules, work plans, decision rules, or other procedural issues.¹²
- **Recommendations.** This section should include a recommendation regarding whether or not a standard setting process should proceed. If the assessor recommends that such an effort go forward, this section should also sketch a possible process design, including draft goal statement, ground rules, decision rules and work plan (see the following section for further discussion).



12. See also the very useful analytic questions in the WWF/World Bank Toolkit, Tool #39, “Initiating a National Working Group,” available at http://www.piec.org/MSWG_toolkit/, or in the Pathfinder.

- **Next Steps.** This section should request comments from the interviewees on the draft report, indicate when a final report will be available and when there might be a meeting to discuss the report. (The “next steps” information can also be provided in a cover memo to the report.)
- **List of Interviewees.** This list should include each individual’s name, title, and affiliation.

The process of distributing the report can be used to help launch the standard setting effort, serving as a “springboard” to convening. The first step in distribution is to circulate the draft report—with the word “draft” written on every page—to all interviewees and the NWG.¹³ The interviewees should be encouraged to comment on both the description of stakeholder interests and the proposed goals, ground rules, decision rules and work plan. This feedback will ensure that the assessor has accurately portrayed each stakeholder’s interests and will test their readiness to proceed. Once the deadline for comment has passed, the assessor should revise the draft and issue a final report.

The final report can then be circulated to a wider audience, if appropriate. If a process hinges on public support, for example, the final document should be distributed to key media outlets, the public, and elected officials. A report that demonstrates strong interest from key stakeholders in standard setting can help strengthen public support for the process.

Address Potentially Serious Conflicts: In some cases, it may be difficult to bring the key stakeholders together to begin the standard setting process. Reasons for the difficulty may include deep philosophical divides (for example, “deep ecology” environmental NGOs and small commercial timber producers with a “free enterprise” philosophy), personal differences, and/or intense mistrust based on past conflicts.

In situations where stakeholders do not like or trust each other, effective assessment, clear ground rules and strong facilitation are crucial in getting the group off to a productive start.

An effective assessment will distinguish between mistrust and antagonism on the one hand and fundamental conflicts of interest on the other. Mistrust and antagonism can be overcome by a well-structured and well-facilitated group process, which encourages participants to demonstrate through their actions that they are committed to trying to achieve joint gains. Even the best process design, however, cannot overcome fundamental conflicts of interest. The assessment should clarify where fundamental conflicts do exist, and indicate whether these conflicts are likely to make a consensus of the participants impossible.



13. Communicating the results of the assessment to interviewees who are not literate, or for whom written reports are not easy to understand, presents special challenges. Ideally, there should be time and budget for the assessor(s) to summarize the report and receive comments in face-to-face meetings with non-literate stakeholders. If it is not possible to do this for all non-literate stakeholders, then the assessor(s) can meet with some of these stakeholders and ask them to communicate with others. Another option is to give the report to intermediaries (e.g. anthropologists, community development workers), discuss it with them, and ask them to discuss it with the non-literate stakeholders and convey their responses back to the assessors. However, using intermediaries increases the risk of miscommunication. See also the Pathfinder’s instrument: “Certification for the People”.

The group's ground rules should make it clear that no stakeholder holds veto power over any other stakeholder, and that all stakeholders are committed to dealing with each other in good faith (see the discussion on ground rules in Section III). They might also include a provision for any stakeholder to raise concerns about "bad faith" actions with the facilitator and/or the full group.

Finally, strong facilitation will also be necessary when working with antagonistic stakeholders (see Section IV, subsection on facilitation for more information). The facilitator should meet privately with the most distrustful/antagonistic stakeholders before face-to-face meetings of the SSC begin. In those meetings, the facilitator should seek to clarify the main reasons for distrust/antagonism, provide reassurance of his/her impartiality, and ask the stakeholder representatives to commit to entering the process in good faith and with an open mind, in exchange for similar commitments from those they distrust. At meetings of the group, the facilitator must hold all participants to the ground rules, and continue to encourage a spirit of collaboration throughout the process.

If these potential conflicts can be addressed and a standard setting process is recommended, the NWG should then move ahead with the selection of a mediator or facilitator, a first meeting of stakeholders (to ratify the goals, ground rules work plan, and mediator or facilitator), and securing adequate funds. If the assessment was conducted according to the guidelines set forth in this section, all the pieces should be in place to proceed.

See Annex 2: "Assessment Strategy: Fictional Example and Quiz".

3. Establishing the SSC: Setting Clear Goals, Ground Rules, and Decision Rules

3.1 Goal Setting: the Value of Goal Statements

By jointly defining their goals and reaching agreement on a goal statement, SSC members lay the foundation for collaboration during the standard setting process, and also deepen their understanding of each others' primary interests and concerns. A well-crafted goal statement can become a point of reference for the SSC to judge whether a proposed standard or set of standards is consistent with the committee's shared goals.

The FSC framework and National Initiatives Manual provide a starting point for goal setting. Nevertheless, it is important to tailor the goal statement to the specific concerns and interests of SSC members, and to do so in a way that lays a strong foundation for the SSC members to work together. We recommend that the members of the SSC jointly review and revise a draft goal statement at their first meeting. It is helpful to begin with a draft statement prepared by the assessor (or by NWG members jointly if there is no independent assessor).

Strategically, it is useful for the SSC to spend enough time on the goal statement to feel that it is a meaningful document, and to feel as though they have accomplished something by reaching agreement on it, but not so much time that it becomes a source of serious conflict. The statement does not need to be long. In fact, it is usually better to have a shorter and more general statement that all members can fully support, than a very detailed goal statement which requires the SSC members to negotiate specific issues at the very beginning of the standard-setting process.

Ideally, the goal statement will be written in a way that reflects the general FSC guidelines, and also reflects the primary interests of national SSC members. As an example, a goal statement might read

This standard-setting committee, established through our national Sustainable Forest Management Initiative and affiliated with FSC, will jointly create a certification standard that

- *increases the economic, environmental and social sustainability of forest management in our country;*
- *is consistent with FSC principles and criteria and our national forest laws and regulations;*
- *reflects and integrates the knowledge and experience of experts in forestry, ecology, social science and business, and of forest managers including public and private sector enterprises, forest-dependent communities and indigenous peoples;*
- *creates positive economic incentives for forest managers to increase the sustainability of their practices;*
- *reduces timber harvesting in high-biodiversity forest areas;*
- *recognize and support the rights of indigenous peoples and forest-dependent communities as forest managers, and promote forest co-management by communities and forest management enterprises.*

It is also possible to frame goal statements as “statements of principle.” For example, the Bolivian standard committee developed these principles, based on a draft provided by a facilitator who was also an environmental lawyer:

Principle of legality, which states that the “essential goal” of certification is to promote full compliance with national laws and international agreements.

Principle of gradual change, which admits that good forest management will be achieved over time and by way of a gradual process.

Precautionary Principle¹⁴, which dictates that forest managers cannot invoke scientific uncertainty in order to perpetuate activities believed to have grave or irreversible environmental impacts.

Principle of best available technology, which requires that logging companies use “the most environmentally recommendable technologies,” within the limits of economic feasibility.

According to a WWF/World Bank case study on the Bolivian standard-setting process, “These principles have proven essential to eventual compromise regarding the final form of the standards.”¹⁴

3.2. Ground Rules: Key Items to be Addressed

It is essential for a SSC (and for any multi-stakeholder group working on a policy or



14. See WWF/World Bank Alliance, Bolivia Case Study at http://www.piec.org/MSWG_toolkit/.

project) to have ground rules to help clarify the roles and responsibilities of committee members and other actors (e.g. facilitators, sponsors, etc.). Ground rules should also include guidelines on how the committee will conduct meetings and discussions, on when and how committee members will communicate with others about the committee's work, and on how conflicts among committee members will be resolved. Clear, agreed ground rules can make a very substantial contribution to the work of the committee, by ensuring that all members have the same understanding of their roles and responsibilities, and by creating an environment for productive discussion, negotiation and consensus building.



As with the goal statement, it is important for SSC members to reach agreement on the ground rules. We recommend that the assessor or the committee facilitator (if they are not the same person/organization) draft ground rules for the committee to review at its first meeting. All members should discuss and expand on the recommendations put forth by the facilitator if necessary.

In general, ground rules should address the following:

- **Goals of the SSC:** the committee's goal statement.
- **Relationship between the SSC and sponsors/convenors** (e.g. the NWG and/or other agencies/organizations supporting the SSC): accountability of the SSC to sponsors/convenors; reporting from the SSC to sponsors/convenors; specific forms of support to be provided by sponsor(s) convenor(s) to the SSC (e.g. funding, technical/consultant assistance); etc.
- **Membership in the SSC:** how members are selected; how long they are expected to serve; procedures for replacing members; procedures for bringing new members into the SSC, etc.
- **Members' responsibilities:** representing and communicating with their respective organizations/constituencies;¹⁵ attending meetings; providing information, comment and other resources; participating in a constructive manner to help the committee reach its agreed goals; etc.
- **Responsibilities of the facilitator** (if used): assisting the committee in meeting agreed goals; facilitating the organization of meetings; facilitating the organization and work



15. It is especially important to clarify whether or under what conditions SSC members can speak on behalf of their organizations. In general, it is a good idea to allow members to engage in preliminary discussions and negotiations at SSC meetings without needing to consult their organizations extensively; however, members should be obligated to inform their organizations/constituencies about what has been happening at meeting. Members should only make final decisions about proposed standards after they have consulted enough to ensure that their support or endorsement truly represents the view of the organization/constituency they represent.

of subcommittees; facilitating discussion at meetings; providing meeting summaries/action points; assisting in resolving disagreements; helping to resolve questions about the interpretation of ground rules; engaging in confidential communications with committee members; etc.

- **Organization of SSC meetings:** who is responsible for preparing and circulating meeting agendas and background materials, chairing/facilitating meetings; drafting meeting summaries; providing logistical support to meetings; etc.
- **Guidelines for SSC discussions and negotiations:** for example, members to speak in turn, as recognized by the chair/facilitator, without interruption, for no more than 3 minutes, OR discussion to proceed informally, with interventions by the chair/facilitator as necessary to ensure that all members are heard and that comments are focused on the issue at hand; all members to make an active effort to understand and respond to each others' concerns; discussion to focus on issues and options, not on personalities or organizational histories; negotiations to be conducted using a mutual gains/win-win approach (see discussion in the following section); no decisions to be finalized until all members have had an opportunity to consult with their organizations; etc.
- **Conflict resolution procedures and decision rules:** responsibility of members to identify potential conflicts and to let other members know their concerns; responsibility of all members to work in good faith to respond to concerns; use of the facilitator or other sources of assistance (e.g. the NWG or independent experts) to resolve conflicts; goal of achieving consensus of all members to resolve conflicts; use of other decision-making procedures when conflicts cannot be resolved by consensus. (See discussion of decision rules below.)
- **Communication with the media and the public:** who is responsible for providing public information about the SSC and speaking on behalf of the SSC; procedures for reviewing and approving public information materials and public statements; opportunities for members of the public and the media to observe meetings; opportunities for public comment at meetings; etc.
- **Access to and use of funding available to the SSC:** sources of funding for the SSC; agreed uses for funding (e.g. SSC member travel expenses and per diems; training and technical assistance for SSC members; contracting with facilitators and/or technical consultants; field testing proposed standards, etc.); procedures for using funds (e.g. who is authorized to allocate funds/make contracts on behalf of the SSC; expense reimbursement procedures, etc.)
- **Any other issues** that SSC members feel it is important to address in the ground rules.

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

3.3. Decision Rules: Consensus Seeking and No-consensus Alternatives

If the goal of the standard setting process is to produce one or a set of standards that will gain both national support and recognition from FSC, then there are some specific decision making procedures that the SSC will need to follow.



Under FSC guidelines, a certification standard developed by an SSC must be formally endorsed by the NWG, and then submitted to FSC for approval. Therefore the “decisions” of an SSC are in fact “recommendations” to the NWG, which must then review and endorse the SSC’s recommended standard and submit them to FSC.

In reviewing a proposed national/regional standard, FSC will consider not only the extent to which the standard conforms to FSC Principles and Criteria; but also the extent of stakeholder participation in the standard-setting process; and the extent to which the standard represents a consensus of the stakeholders.¹⁶

Here our focus is on reaching a consensus among SSC members on one or a set of standards. A standard should be considered as a set of clauses (indicators and verifiers), grouped under each principle and criterion, that adapt the FSC P&C at national/regional level. SSCs should not try to reach consensus on each individual clause, but consider the standard as a package of clauses that embody wise trade-off across individual clauses. The agreed standard can then become a “consensus recommendation” of the SSC to the NWG. We recommend that consensus be defined as “no dissent among SSC members.” A consensus agreement is one that all members can accept or “live with.” Ideally, a consensus on a certification standard will reflect strong support from all SSC members. However, not all SSC members need to strongly support all elements of the standard for the committee to reach consensus, defined as “no dissent.” The next section provides further guidance on using a mutual gains approach to maximize the chances of achieving consensus.

Procedurally, we recommend that SSCs make every effort to seek consensus, without requiring consensus in order to reach decisions. SSCs that require unanimous agreement risk being held hostage by their most inflexible members. SSCs that do not achieve consensus need to have a fall-back procedure for voting within the SSC, and/or for referring issues that cannot be resolved within the SSC to another body for final decision.

If it is not possible to achieve consensus of the SSC on a standard, then there are several options for reaching decisions:

1. Voting by stakeholder group or chamber within the SSC, with the requirement that a majority within each chamber and a super-majority (i.e. 2/3) of members support the proposed standard;



16. See Scrase and Lindhe, *Developing Forest Stewardship Standards*, op.cit., pp.8-9.

2. Submitting a report to the NWG that explicitly distinguishes the clauses on which there is full consensus, clauses on which a majority or supermajority of all stakeholder groups agree, and clauses on which there is no (super)majority agreement. If the SSC and NWG have agreed to use this option for decision making, the NWG would have the responsibility to seek a consensus of its members on the issues that the SSC was unable to resolve, or if necessary to vote, before submitting the standard to FSC.
3. Referring the issues in dispute to an independent individual or group that is recognized as competent and legitimate by all SSC members, and seeking a non-binding recommendation or a binding decision on how to resolve the issue. Such independent individuals might include a senior forest management expert who has worked in the public, private and NGO sectors; a sub-group of the NWG composed of representatives of all major stakeholder groups; or a group of international consultants with substantial national and regional experience in the economic, environmental and social aspects of forest management.

No matter what decision making procedure is used, if the SSC submits a standard that is not backed by a full consensus to the NWG, the SSC should acknowledge dissent on specific issues, and note the reasons for it.

Though it is very important to have no-consensus decision rules in the event that the committee cannot reach consensus, common sense, the experience of many countries that have gone through standard setting processes over the last several years, and FSC guidelines all strongly encourage SSCs to seek consensus. The following section gives more specific suggestions on how to maximize the chances for achieving consensus, using independent facilitation, joint fact finding, and a mutual gains approach to negotiation.

See Annex 3: "Strategy for Setting SSC Goals: Fictional Example and Quiz".

4. Developing Standards: Using Independent Facilitators, Joint Fact Finding, and Mutual Gains Negotiation

4.1. Independent Facilitators: Potential Advantages, Qualifications and Tasks

It is becoming a generally accepted "best practice" for those seeking multi-stakeholder agreement on sustainable development issues to use an independent facilitator.¹⁷ The WWF/World Bank review of forest certification standard-setting processes notes

having a skilled meeting facilitator can greatly reduce lengthy discussions, reduce frustration, reduce repeating discussions on the same issues week after week, and steer the Group to achieve more effective results. Skilled meeting facilitators can also reduce friction between individuals with differing opinions.¹⁸



17. For a general overview of the possible benefits of facilitation, and facilitator qualifications and tasks, see M. P. Elliott, "the Role of Facilitators, Mediators and Other Consensus Building Practitioners" in Susskind et al., eds., *The Consensus Building Handbook*, op. cit.

18. See WWF/World Bank Alliance, *Lessons Learned Analysis*, at http://www.piec.org/MSWG_toolkit/.

A skilled facilitator can dramatically increase the potential for a standard setting committee to reach agreement. It is important, however, that the facilitator be well qualified, and that s/he has a well defined mandate that all members understand and endorse.

Potential advantages of independent facilitation

As the WWF/World Bank review notes, a good facilitator can make meetings more efficient and reduce interpersonal tensions. Facilitators can do more than just run a good meeting, however, if engaged early in the process of convening an SSC. If the facilitator enters the process either as the assessor (cf. section II above), or as the facilitator of initial stakeholder meetings to discuss the results of the assessment and plan the process, then s/he can provide substantial help in process design and process management.

As noted above (section III) the facilitator can help develop an agreed set of goals, ground rules and decision rules. In an ongoing process, the facilitator can act as a liaison with the NWG and other SSC convenors/supporters, and provide assistance to SSC members in accomplishing agreed tasks. If qualified, the facilitator may also provide training (formal or informal) to SSC members on negotiation and consensus building strategies and skills.



A skilled member of the SSC who acts as chairperson may be able to deliver many of the same benefits. However, there are at least two drawbacks to having an SSC member also serve as facilitator. First, that person will be required to spend a good deal of time in meetings acting as a manager of the conversation rather than as an active participant. Second, s/he may face a near-impossible challenge of switching between the roles of advocate for his/her point of view and impartial facilitator of the group's work on particular issues. Even with the best intentions, chairpersons who are also interested parties are often perceived as "steering" the group's discussion to favor their own interests.

For all of these reasons, we recommend using a qualified, independent facilitator to assist SSCs.

Qualifications of the facilitator

A well-qualified SSC facilitator will meet three criteria:

- demonstrated experience and skill in assisting multi-stakeholder groups to reach agreement on complex issues;
- a basic understanding of the substantive issues in forest management and certification;
- impartiality with regard to the interests of the stakeholders involved in the standard setting process, and with regard to the specific issues to be discussed and negotiated.

Facilitation skills are obviously important if the facilitator is to help the group with process design and meeting management. The facilitator needs a balance of substantive understanding: not too little, and not too much. S/he must understand the issues well enough so that s/he does not slow down the conversation or the process by requiring more information and education than the SSC members. On the other hand, it is not necessary, and may be counterproductive, for the facilitator to be an expert on the issues

that the SSC is discussing; expertise can bias the facilitator toward a particular point of view on the substantive issues. Finally, impartiality is essential because the facilitator must often probe, test, and challenge members in order to clarify and resolve conflict and help build consensus. The members must feel that probing questions from the facilitator are not meant to challenge their motivations or their legitimacy; and that the facilitator will treat their concerns as being just as important as the concerns of all others.

Selecting a facilitator: In general, it will be the responsibility of the NWG (and possibly other convenors/sponsors) to identify potential facilitators for the SSC. As noted above (section II), one logical plan is for the convenors to select the assessor with the understanding that the assessor will serve as the facilitator if s/he is acceptable to the SSC members. Alternatively, the NWG may ask one or more potential facilitators to meet with potential members of the SSC at an organizational meeting of the SSC. Finally, the NWG might introduce a facilitator to the SSC at its first meeting and ask the group to work with him/her for one or two meetings, then provide feedback to the NWG on whether s/he is acceptable to all SSC members. In any case, it is very important for the members of the SSC have an opportunity to assess the facilitator's skill and impartiality, and to request a change if there is a serious question about the facilitator's qualifications.

To assess how well a facilitator meets the skill qualification, we recommend seeking references and recommendations from people who have worked with the facilitator in the past. If the facilitator is currently working with a group, one or more of those involved in selecting the facilitator could observe a meeting of the group. To see whether the facilitator meets the criterion of understanding the issues, members of the NWG and/or SSC can interview potential facilitators to see how well they grasp the key dimensions of forest management and standard setting.

The third qualification, impartiality with regard to stakeholders and issues, is perhaps the most difficult to assess. At a minimum, all potential facilitators should tell the NWG and other convenors about any past or current professional, financial or personal relationships they have with the SSC members, their organizations, and any other major stakeholders in the standard setting process. They should inform the convenors of any past or current professional work they are doing in the field of forest management, and how that work might be affected by SSC/NWG decisions on forest management standards. Finally, they should indicate whether they have any strong professional or personal opinions about forest management issues that might limit their ability to facilitate impartially on those issues.

Finally, no matter how skilled and impartial the facilitator appears to be at the beginning of the process, the SSC should have a ground rule allowing any member who has a concern about the impartiality of the facilitator to raise that concern with the facilitator, with other SSC members, and/or with the NWG, and to get a definite response to that concern.

Tasks of the facilitator

Facilitators must carry out a number of specific tasks to support the standard setting process. Facilitators can promote the legitimacy and effectiveness of the process by:

- encouraging effective representation and participation of key stakeholders, beginning with the identification of stakeholders and the selection of SSC members, and continuing throughout the process by encouraging and assisting all SSC members to be in touch with their organizations/constituencies;

- helping the group meet its agreed goals as efficiently as possible, through careful management of the work plan and agendas for individual meetings;
- identifying resource needs (e.g. funding for consultants, training on technical aspects of forest management or certification) and helping the group to meet those needs;
- helping the group with the process of joint fact-finding, including identification of information sources and experts, and facilitating the process of reaching agreement on questions, methods and interpretation of data (see the subsection on joint fact-finding below);
- helping individual members and the group as a whole with essential steps in the negotiation process, including consideration of each member's core interests, the creation of options and proposals on specific issues, the development of packages of indicators and verifiers, possibly grouped under each FSC Principle and Criterion, and the crafting of final decisions in light of agreed goals, principles and criteria (see the subsection on mutual gains negotiation below);
- identifying and helping to resolve conflicts among SSC members, acting as an impartial mediators and problem-solver.

On a more general level, the facilitator is responsible for creating a climate conducive to joint investigation of issues, productive dialogue, and relationship building among the SSC members. The most effective facilitators are able to work both on the specific tasks of the group and on group dynamics-building a sense of shared purpose, positive working relationships and camaraderie. Because the members of the SSC are often leaders and key advisors on forest management issues at the national level, the trust-building that can occur during the SSC's work is at least as important to the long-term sustainability of its work as its specific recommendations on certification.

4.2. Joint Fact Finding: Basic Guidelines

Joint fact finding is a process to help stakeholders build a shared understanding of technical and scientific issues and their implications for policy. It can also help resolve disputes about scientific and technical methods, data, findings and interpretations.¹⁹

Joint fact finding has developed as a response to the common problem of "dueling experts" in policy making. For example, several stakeholder groups-timber companies, environmentalists, government agencies-may disagree about a proposed policy setting the maximum sustainable timber volume (in cubic meters per hectare per year) for different classes of forest. Each group brings forward a forestry expert to support its point of view. Each of the experts claims to be neutral and



19. For an overview of joint fact finding, see J.R. Ehrmann and B.L. Stinson, "Joint Fact-finding and the Use of Technical Experts," in Susskind et al., eds., *The Consensus Building Handbook*, op.cit.

objective in presenting “the scientific evidence” on the impact of different allowable volumes on various aspects of forest management. The experts never meet with each other and the stakeholders for a systematic review and discussion of the evidence. Instead, they appear separately to defend their work and criticize the assumptions, methods and findings of other experts. The stakeholders who are not technical experts quickly become frustrated and decide that there is “no right answer” to the question. The likely outcome is a policy based on a political compromise within the “range” of volumes proposed by the dueling experts.

In a joint fact finding process, the stakeholders work jointly to

- define the scientific/technical questions to be answered;
- identify and select qualified resource persons to assist the group;²⁰

and then, in collaboration with the resource persons:

- refine the questions;
- set the terms of reference for scientific/technical studies;
- monitor (and possibly participate in) the study process;
- review and interpret the results.

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

In the context of SSCs, each of these steps presents specific challenges.

Defining the questions

SSCs need to set standards that translate the FSC Principles and Criteria to the national context, using specific indicators and verifiers.²¹ Questions may arise about what the appropriate kinds of indicators might be for a specific criterion, about the specific level at which an indicator should be met to ensure sustainability, and about the specific evidence and methods of data collection for verification.

For example, FSC Criterion 6.4 requires

Representative samples of existing ecosystems within the landscape shall be protected in their natural state and recorded on maps, appropriate to the scale and intensity of operations and the uniqueness of the affected resources.

In the context of a national SSC, the group might ask how to define unique national forest ecosystems, which particular ecosystem locations are in a “natural state” worthy of protection, and how to define and measure “adequate protection” for those specific locations.



20. We use the term “resource person” to include both scientific/technical experts and others with special knowledge or skill that is relevant to answering the questions. For example, if there is a policy question about the potential yield of non-timber forest products (NTFPs) from a type of forest, the best-qualified resource people may be indigenous people with specialized knowledge of NTFPs and their harvesting.

21. See Scrase and Lindhe, *Developing Forest Stewardship Standards*, op.cit., pp.10-12.

Identifying and selecting qualified resource persons

In many SSCs, most of the members are technical experts on aspects of forest management. Often, SSCs can agree that one or more members who are technically qualified to answer a specific question should provide information and recommendations to the committee. In this case, it is important that all members of the SSC agree to the selection of members to work on the question, and that the “technical working group” (TWG) have clear terms of reference from the full committee. We also recommend that the TWG report its findings and recommendations to the committee, rather than making decisions on behalf of the committee. This approach minimizes the risk that SSC members who are not part of the TWG will feel “shut out” of the fact finding process and challenge its results.

On some questions, there may not be a member of the SSC who is well-qualified to respond. Furthermore, even if some individuals are well-qualified, there may be concerns about their possible bias toward a particular response that cannot be fully addressed by forming a TWG of SSC members.

To ensure that all the SSC members (and the wider group of stakeholders involved in the NWG) can have confidence in the answers to technical questions, it is often useful for the SSC members to bring in outside expertise. In order to avoid the “dueling expert” problem, it is essential that the committee reach agreement on who will be used, whether it is one individual, a panel, or an academic or consulting organization. Panels are especially useful in cases where the group cannot reach agreement on a single expert or organizational resource. Panel members should still be asked to work jointly to answer the question, using a single, agreed methodology.

Refining the Questions and Setting the Terms of Reference for Studies

One major advantage of having resource people interacting directly with the SSC is the potential for mutual education. Technical resource people come to policy making processes with their own assumptions about which questions are important and their perspective on which research methods are most appropriate for answering those questions.

In conversation with SSC members, the resource person may realize that the question that s/he has been researching (e.g. defining indicators of ecosystem disturbance) is not exactly the question that the SSC needs answered (which areas of a specific forest ecosystem have been disturbed so little that they should be considered “natural”?). At the same time, the SSC may learn that there is a great deal of existing information on the condition of the forest ecosystem locations that are of concern to the SSC, so there is less need for field studies than they had thought.

Through dialogue between the resource person and the SSC, the group can refine the questions to be asked and set the terms of reference, including methodology, cost and time for the studies.

Monitoring the Study Process

For any joint fact finding study that may require substantial field investigation over a period of months or more, it is important that the SSC or a subcommittee review and discuss the progress of the study in consultation with the resource person(s). New information may come to light during the process that could change the focus of the study. For example, it might be that in the midst of a study of forest ecosystem disturbance, new

regional guidelines on measuring forest disturbance are published by a respected organization. Or the researchers might find that the indicators and verifiers they are using are not yielding determinate results (e.g. it proves impossible to measure the population of an endangered bird species accurately). In either case, it may be useful to review and refine the study questions and methods in light of new information.

Reviewing and Interpreting Study Results

This stage of the joint fact finding process presents special challenges, because the interpretation of results generally requires individual and group judgments that are not simply "objective." For example, a joint fact finding study of forest ecosystem areas to identify which should be protected might find that there is a range of disturbance across the 15 sites that have been prioritized for the study. The group might agree that the 5 least-disturbed sites should be considered "natural" and strictly protected. They might also agree that the 5 most-disturbed sites clearly do not meet the definition of "natural" and should be open to multiple-use management.

However, for the 5 sites that are "partially disturbed" there may be no single indicator that can establish whether they are worthy of strict protection or not. Some might have important populations of endangered birds, but substantial alteration of tree species composition, and others vice versa. And at some of these sites, it may have been impossible to determine the extent of the bird population.

In this situation, it is important for the committee to review the study findings and recommendations with the resource persons, clarify the reasons for disagreement on the classification of particular areas, and see whether and how that disagreement could be resolved. For example, the SSC might agree to add indicators and verifiers to define "natural" more precisely and thereby determine which of the five "partially disturbed" sites should be considered "natural"; undertake additional study to resolve the question of bird populations; and/or create new indicators for protection and restrict some extractive activities at the "partially disturbed" sites.

At this stage, the joint fact finding process blends into the process of negotiation and consensus building, because scientific/technical information alone is insufficient to resolve all outstanding issues. SSC members can benefit by using a mutual gains approach to negotiation to resolve these issues.

See Annex 4: "Joint Fact Finding Strategy: Fictional Example and Quiz".

4.3 The Mutual Gains Approach to Negotiation: a Four-Step Process

The Potential for Standard Setting to Produce Joint Gains

In principle, the stakeholder groups that are typically involved in forest certification standard setting can gain something valuable from the establishment of a standard. For timber producers, meeting the standard and gaining certification can open new markets, and may also bring higher profits in existing markets. For environmentalists, the standard can promote good forestry practices and help reduce deforestation without relying solely on government regulations. For indigenous stakeholders, the standard can provide recognition of traditional practices and use rights. For government forest management

agencies, the standard can supplement existing regulations, and provide a basis for reviewing and revising existing regulations.

At the same time, each stakeholder group has interests that could be threatened by the standard. Timber producers may be concerned about a standard that would restrict harvesting methods and locations, and/or increase operating costs. Environmentalists may be concerned that the standard will legitimize the expansion of commercial logging into new areas, and its continuation in areas that are currently being deforested. Indigenous groups may be concerned that their traditional practices and land rights will not be recognized. Government agencies may be concerned that the standard will contradict or undermine official regulations.

In principle, each stakeholder group can gain something if all can reach agreement on a standard. At the same time, each group must be satisfied that it will be better off with some standard than without one. And in setting a particular standard, there will be direct conflicts of interest among the stakeholders.

The Mutual Gains Approach

The Mutual Gains Approach to negotiation (MGA) begins with the idea that negotiation does not have to be a “win-lose” process, where some stakeholders get what they want, while others do not. The MGA is a set of strategies and techniques to help negotiators reach agreements that are better for all stakeholders than their “no agreement” alternatives.



Using the MGA does not ensure that all stakeholders will achieve equal gains, or that all stakeholders will be equally satisfied with the outcome of the negotiation process. Nor does it require that stakeholders sacrifice or compromise simply their goals for the sake of reaching agreement. If used effectively, however, the MGA does maximize the likelihood that the stakeholders will achieve joint gains. Because it promotes cooperation and creativity among negotiators representing their stakeholder groups, the MGA can also help build or strengthen a foundation for productive long-term working relationships.

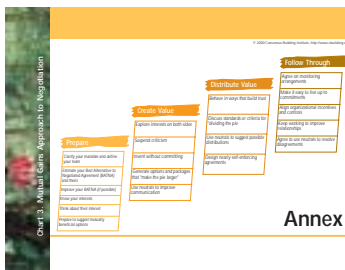
The MGA is a better approach than competitive win-lose approaches in almost all multi-stakeholder, multi-issue negotiations. Three conditions must be met for the MGA to produce joint gains:

- key stakeholders (those whose agreement is critical for success) are willing to participate in the process;
- key stakeholders see the potential to realize larger gains by working with others than they could achieve by working alone;
- there are some issues on which most stakeholders can realize joint gains by coming to an agreement (though joint gains are not necessary on all issues);

When these conditions are met, all participants have an incentive to search for joint

gains.²² The MGA provides strategies and techniques to make this search for joint gains productive. From the perspective of an individual SSC member, the mutual gains approach requires:

- preparing effectively with your organization/constituency before and during the standard setting process, to ensure that you have a clear understanding of your own interests and have begun to consider the interests of other stakeholders;
- collaborating with other SSC participants to create options that might produce gains for all stakeholders;
- advocating effectively for your interests when difficult trade-offs need to be made, by backing your arguments with objective criteria and standards of fairness, and by making wise trade-offs when necessary;
- maximizing the chances for effective implementation by providing adequate resources and capacity, and by creating a process for revisiting and revising the standard in light of new information or changes in organizational capacities.



Annex 8

These steps are outlined in **Chart 3: "Mutual Gains Approach to Negotiation"** and detailed below, in the form of advice to "you" as a participant in a standard setting process.

Prepare: When participants in a negotiation are well prepared, they dramatically increase their ability to get what they want out of the consensus building process. When participants are unprepared, they can expend a great deal of time and effort for little benefit.²³

To prepare for a negotiation, you should begin by clarifying your interests. In the context of an SSC, that means clarifying what your organization or constituency group wants to achieve through standard setting, and why. To clarify your interests, you should define your **aspiration** (the outcome that would be the best possible way to satisfy your interests), your BATNA (best alternative to a negotiated agreement), and your **minimum requirements** (that is, the set of interests that would have to be met in order for you to agree to any standard). You should set your minimum requirements based on your assessment of your BATNA. The better your alternative to a negotiated agreement, the higher your minimum requirements can be.

For example, if you are representing the national association of small-scale timber producers, it may be that your aspiration is "to have a standard that small-scale producers can easily meet without increased production costs." Your BATNA (what happens to you



22. One key purpose of an assessment process (see section II above) is to determine whether these conditions are likely to be met in a specific situation, in this case a standard setting process. If it appears that all key stakeholders are willing to participate, that joint gains are possible on some issues, and that the stakeholders are interdependent enough so that they have incentives to work together, then it makes sense to proceed with the standard setting process using a mutual gains approach to negotiation.

23. For example, the Latvian Forest Certification Council encountered problems in developing options and proposals due to the lack of preparation by some stakeholders. See WWF/World Bank Alliance, Summary Report of National Forest Working Group Case Studies and Lessons Learned Analysis at http://www.piec.org/MSWG_toolkit/.

if there is no agreement on a standard) might be that larger producers—who can afford to invest in new technologies—introduce “green” harvesting practices and gain market share at the expense of small producers. Knowing your aspiration and your BATNA, your minimum requirements for an agreement might be “a standard that small producers can meet with relatively small increases in production costs, and that does not increase the competitive advantage of large producers.”²⁴

It is essential to meet with key decision-makers within your organization/group (e.g. board of directors, senior managers, association representatives) to clarify your interests as described above. You will also need to set up a procedure for consulting with them during the standard setting process, so that you and they can review and possibly re-define your interests and goals in light of new information and new possibilities that emerge during the process. If the organization or group has many staff or members, you should also plan to inform them periodically about what is happening in the standard setting process.

As you consider your own interests and alternatives, you should also consider those of other stakeholders. You may need to do some research on other organizations/groups who are likely to be involved, by reviewing documents/statements they have published about forest management, and talking with people who know their views. To the extent possible, you should also consider their BATNAs: how would they be affected if the group were unable to reach agreement on the standard, or if the group reached agreement without them? Since you cannot be absolutely sure you understand the interests of others, you should also think of questions you need to ask other participants about their interests, aspirations and alternatives.

Finally, you should also spend time thinking about proposals you could make that would meet your own interests (as close to your aspirations as possible) and also meet the interests of your negotiating partner (as you understand them). The first proposals you make will be critical in setting the tone and pace for the negotiation.

Create Options for Mutual Gain (“create value”): Very often, multi-stakeholder negotiations begin with individual representatives making strong “position statements” about “requirements” or “demands” that “must be met” in an agreement. This positional approach is quite counterproductive, because it leads the participants immediately to focus on what seem to be conflicting goals and interests within the group.

To maximize opportunities for mutual gain, participants should begin by seeing if they can reach agreement on general goals and principles (see the discussion of goal statements in Section II above). In this conversation, participants should focus on asking each other questions that help distinguish their stated positions (what they say they want) from their interests (why they want those things). By focusing on interests rather than positions, the group can significantly expand the range of possibilities for mutual gains.

For example, environmental advocates may say that one goal of the process should be to ban commercial logging in any old growth forest. Rather than arguing about whether



24. Other stakeholders will of course have different perceptions of their BATNAs. For indigenous peoples, failing to reach agreement on standards may mean no official recognition of their harvesting practices and rights. For business stakeholders it may mean a loss of potentially lucrative “green” markets. For environmentalists it may mean spending time and effort trying to get government agencies to change regulations or enforce them more strictly to reduce deforestation.

that is a worthwhile goal or not, representatives of other groups should ask “why is that important to you?” If the response is “because old growth forests are the most biodiversity-rich ecosystems in the country, and we need to preserve those ecosystems” then the goal can be reframed as “protecting the most biodiversity-rich forest ecosystems,” and the group can consider alternative means for achieving that goal. Banning commercial logging in old growth forests is one possible means to achieve that end. Still, the group may be able to find other ways to meet the goal, such as setting logging restrictions based on the sensitivity of particular ecological zones to logging activity.

Once an SSC or other standard setting group has a sound understanding of all stakeholders’ underlying interests, it may be appropriate to conduct joint fact finding to resolve scientific and technical questions (see subsection on joint fact finding above).

When the group has a good understanding of all stakeholders’ interests and key forest management issues (including areas of scientific and technical uncertainty), members can begin “brainstorming” possible standard clauses, without committing to them.²⁵ By removing any concern that ideas for clauses will immediately be treated as formal proposals or commitments, the group liberates its members to imagine many possible ways of meeting their shared goals. By avoiding premature commitments, they can continue generating new information and ideas. Sometimes (surprisingly often), the group jointly develops options that meet members’ interests better than their own initial proposals.

As the process continues, members can begin to set aside options that seem to have little support in the SSC, and refine potentially viable options into proposals that could meet the interests of all or most stakeholders. However, in the process of narrowing down the range of options on any particular standard, it is important to have a clear ground rule that no final decisions will be made on any individual clause until the SSC considers the standard as a “package of clauses.” By looking at the full package, the SSC members may find opportunities to make wise trade-offs across clauses, Criteria or Principles.

Seek Agreements that Fairly Distribute Joint Gains (“distribute value”): After an SSC has gone through the process of clarifying interests, joint fact finding, brainstorming to invent options, and developing several proposals for each possible clause, it will still need to reach agreement on the standard.

Sometimes the process of deciding among options will be relatively easy. For example, the participants might all agree on which proposal to choose for each standard. If things are not that easy, the participants may still be able to agree on a proposal for each standard that represents a “fair balance” across the interests of all the participants. More often, however, the process requires further negotiation, because not everyone agrees on what each clause should be, and there is not an obvious “fair balance” on some of them.



25. The term “brainstorming” refers to a group process in which participants suggest many ideas that could help solve a problem or advance a common goal, without too much concern about whether any one idea is the “correct” answer. The point of brainstorming is to encourage participants to suggest many ideas; the group can then prioritize some of them for further consideration. One simple way to encourage an open and creative spirit in this process is to ask participants to suggest ideas using phrases such as “what if the standard said...” rather than “the standard should say...” In the same spirit, participants can respond with phrases such as “maybe it could say that, if...” or “interesting idea, though I have some questions” rather than “I agree” or “I disagree.”

On issues where an SSC cannot easily find a solution that satisfies all participants, the group should pursue the following strategies, in diminishing order of preference:

- seek wise trade-offs;
- create a contingent agreement;
- use agreed standards of fairness/objective people to make decisions;
- where consensus is not possible, use agreed “no consensus” decision rules to resolve the disagreement.

One way to resolve disagreements on individual clauses is by **making wise trade-offs across the standard**. For example, indigenous and timber company representatives may negotiate a trade-off across two issues: compensation for indigenous people’s knowledge (FSC criterion 3.4) and community control of commercial logging in their territories, which can imply lengthy consultation on the management plans (FSC criterion 3.1). Let us say that when they consider these two issues, indigenous people care more about compensation for their knowledge, and timber companies care more about minimizing the time required for community consultation on management plans. Indigenous people might accept a time-limited process for commercial timber companies to consult with indigenous peoples on their management plans. In exchange, timber companies might accept a standard that requires the informed consent of indigenous people about compensation before commercial logging can occur on their lands.

However, trading across issues may not resolve all conflicts. Take an example of timber companies and indigenous peoples considering clauses on indigenous people’s rights and community consultation. If both the indigenous people and the timber companies think the more important issue is recognition of indigenous people’s rights, and they disagree about how to define recognition, then they cannot make a trade-off between that issue and the issue of community consultation. They need some other way to resolve their disagreement.

In this example, let us say that the core of the dispute is about how much decision making power indigenous communities should have over logging on lands that they claim. SSC members representing timber companies say they are willing to accept a clause that prohibited logging in areas where indigenous people collect non timber forest products (NTFPs), such as oils or nuts. In exchange, they ask for recognition of their rights to log in other areas that are made available through government timber concessions and should not be protected for cultural or religious reasons. Indigenous peoples’ representatives respond that timber companies should submit proposals to indigenous people if they want to log in these other areas; the indigenous people that claim the land should have the right to approve or reject those proposals.

If a direct trade-off across issues is not possible, another way to resolve the disagreement is to make a **contingent agreement**. A contingent agreement is a way for participants who cannot be sure about the impact of an agreement on their interests to reduce the risk involved in the agreement, and put in place a procedure for changing the agreement in response to future developments. In this example, timber company and the indigenous peoples representatives might agree to try a system that allows indigenous peoples to make case-by-case reviews and decisions on their logging proposals. The companies might say that they are willing to try that system for two years. After that “trial period” the SSC as a whole will reconvene to review a) the number of logging proposals submitted to indigenous peoples; b) the time required to make a decision on each proposal; c) the

decision on each proposal; d) the reasons for that decision; and e) the impact on national timber production and profitability of the system. If the system has caused timber harvesting volume to fall by more than 10%, or has caused operating costs to rise by more than 10%, then the timber companies and the indigenous peoples agree that the SSC will revise the standard in ways that are favorable to logging companies' interests.

If a contingent agreement is not possible, the group should search for **an objective and fair standard or person** that both indigenous people and timber companies can accept. For example, the group might use precedent: how have other SSCs in the region have resolved this issue? If there is no direct precedent in the region, they might look at how similar issues have been resolved by SSCs in other parts of the world. Or they might look at related best practice standards: what guidelines exist for community consultation on other kinds of land use decisions in their country and in the region? Or they might ask an impartial person or group respected by both the timber companies and the indigenous peoples (e.g. a well-known sociologist who has studied and advised on relationships between indigenous peoples and corporations) to make a recommendation.

It is possible that despite the best efforts of all the SSC members, including timber companies and indigenous peoples, it is impossible to reach an agreement on this issue that all participants will agree is fair. In this case, the group needs to fall back on its agreed **"no consensus" decision-making/dispute resolution procedures** (see section III above). Those procedures may require a two-thirds vote of all participants, or a majority within social, environmental and economic stakeholder groups, or some other form of voting that seeks to ensure broad agreement, in order to resolve the issue. If voting cannot resolve the issue, then the group can name it as a "point of disagreement" and explain the reasons for disagreement in its report to the NWG, and leave it up to the NWG to decide the issue.

Utilizing contingent agreements can expedite the standard setting process for committees that feel particularly confused by technical questions. By framing technical (and other) questions as contingent agreements, an external technical resource person can be called in to clarify the information gaps.

Anticipate the Challenges of Implementation ("follow through"): Before an SSC reaches agreement on a standard, it is important to consider potential challenges in implementing it. Many of these challenges are technical, and can be anticipated through joint fact finding on technical issues, field testing of proposed indicators and verifiers, etc.²⁶

Some potential challenges, however, relate to the stakeholders' interests and capacities. Above all, it is important that the stakeholders whose voluntary participation will be necessary for implementation have both an interest in effective implementation and the necessary capacities. It is also important for the SSC and/or the NWG to create procedures for monitoring and evaluating the implementation of the standard, and for reviewing and revising the standard in light of implementation experience.

Here are several questions that all SSC participants should ask themselves about the standard as a whole before finalizing their agreement.



26. See the useful list of questions to consider when drafting a standard, and the discussion of field testing, in Scrase and Lindhe, *Developing Forest Stewardship Standards*, op. cit., pp. 18-21; 24-25. See also other Pathfinder instruments to help evaluate the economic impact of standards, analyse the structure and scoring indicators.

Is the standard wise? If the process of clarifying interests, joint fact finding and inventing options has gone well, then the standard should be well-informed and well-designed in two ways: from a technical/scientific standpoint and from the standpoint of meeting the most important interests of all key stakeholders. If there are major scientific/technical questions outstanding, the SSC should recommend a process for ongoing investigation of those questions. If one or more stakeholder groups does not agree with the standard, then the SSC should be sure that the reasons for disagreement are clear, and that the standard it is recommending can be implemented without that group's full cooperation. The SSC should also suggest ways to continue dialogue and negotiation with groups that are not in agreement with the standard even after it begins to be implemented.

Is it fair? All SSC members should be able to explain to their organizations/constituencies, the media, FSC and the international forest management community how the standard has been developed, especially how key stakeholders were represented. You should also be able to explain how difficult issues were resolved, especially issues that may raise questions of fairness (e.g. why the standard is fair to both small and large timber producers).

Is it durable? The SSC should consider what kinds of investments in new organizational capacity are necessary (e.g. by small producers, independent certification organizations, environmental groups etc.) in order to sustain implementation of the standard. If possible, the SSC should identify additional resources that will be necessary to create capacity, and where those resources will come from (e.g. a portion of government stumpage fees, international grants to create a special fund, joint investments by timber companies).

How will the standard be monitored, evaluated and revised? The same stakeholders who have been involved in standard setting need to be involved in monitoring, evaluation and revision of the standard. In a sense, monitoring and evaluation should be considered as an ongoing joint fact finding process (see the subsection on joint fact finding above). If key stakeholders are not involved in setting up the procedures for monitoring and evaluation, and for reviewing the results, they may question any changes that the SSC or NWG proposes to make based on those results.

5. Conclusion

This consensus building and conflict resolution toolkit is meant as a starting point for participants in forest management standard setting under FSC auspices. We strongly recommend that NWGs and standard setting committees consult FSC for up-to-date guidance on current FSC principles, criteria and process requirements for national standard setting.

With regard to consensus building and conflict resolution, we strongly recommend that standard setting groups consult the resources listed in the (Annex 5) Consensus Building/Conflict Resolution Resource Guide. Finally, we note that this toolkit is written at a high level of generality, to provide advice that may be useful world-wide. In any specific national or regional context, this advice will need to be adapted in light of cultural traditions, individual and institutional resources, and the specific challenges facing particular groups. The guidance offered here should, however, provide a useful starting point for any standard setting group.

Annex 1. Standard Setting Stakeholder Assessment: Model Interview Protocol

Introduction: Recently, several organizations and individuals involved in forest management have come together to create a National Working Group (NWG) for forest stewardship. Those current NWG members are NAMES OF NWG MEMBERS. The goals of the NWG are

- to raise awareness of forest management issues and options;
- to develop consensus on national standards for forest management among timber and forest products companies, forest product consumers, environmental groups, forest-dependent communities (including indigenous people), government agencies and others with an interest in forest management.

If the National Working Group is successful in developing the standards, it can be used by accredited certification bodies to certify that wood and other forest products have been produced in ways that meet the standards. That certification may give forest management companies a competitive advantage in national and international markets. In the experience of other countries, the opportunity to gain certification will create a strong incentive for organizations managing forests to demonstrate that their operations meet the standards.

The NWG is operating under the auspices of the Forest Stewardship Council (FSC), a global organization that includes commercial wood producers and consumers, environmental and social groups and advocates for forest-dependent communities. FSC is a well-respected organization that has been a global leader in developing consensus-based forest stewardship standards and certification systems. If the National Working Group meets the FSC's criteria, wood products that meet our national standard will be able to use the FSC label, which is internationally recognized by forest product consumers.

The National Working Group is currently being funded by FUNDER NAME(S).

The assessment process: The first step in developing national standards is to identify and interview organizations and individuals who are interested in and affected by forest management, in order to

- learn your concerns and interests;
- determine whether and how you might participate in the standard-setting process;
- identify areas of potential agreement and conflict among the stakeholders; and
- begin planning the process (including its goals, ground rules and work plan).

The National Working Group has contracted with me/us, NAME OF ASSESSOR, to conduct the assessment. I/we are neutral and impartial on the question of whether there should be standards, and on what the standards should be. My/our primary role is to conduct the assessment, and possibly to facilitate the work of a standard-setting group, if such a group is established. I/we will not seek to influence directly or indirectly the substantive results of the assessment or of any standard-setting process.

To conduct the assessment, I/we are interviewing roughly NUMBER forest product producers and consumers, environmental and community representatives, and others from government, academia and other organizations over the next NUMBER weeks. At the end of the interview process, I/we will draft a report summarizing the key issues with regard to the proposed standard-setting process, the views of various stakeholder groups on those issues, and areas of potential agreement and disagreement. I/we will also make a recommendation on whether and how to proceed with a standard setting process, based on my/our assessment of the potential for the stakeholders to reach consensus on key issues.

A draft of the report will be distributed to all persons I/we interviewed. I/we will incorporate comments, and distribute a revised version of the report incorporating comments from interviewees. We will then facilitate a meeting of the stakeholders, hosted by the National Working Group, to discuss the report and whether/how to proceed with a standard-setting process.

The interview: Nothing you say in this interview will be attributed to you as an individual or to your organization. Your comments may be attributed to you only as a member of a broad constituency group (such as wood product producers; wood product consumers; environmental groups; community representatives, government). Your name, title, organization, will appear under one of these broad stakeholder categories in a list of persons interviewed at the end of the report.

Participating in this interview does not oblige you to participate in a subsequent standard setting process.

Do you have any questions right now about the background to the National Working Group, the assessment process, or this interview?

Interview Questions:

- In the past, how have you/your organization been involved in forest management issues? How are you currently involved? (5-10 minutes)
- If there were a process to develop national standards under the auspices of the National Working Group, what might be some of the main benefits and risks for forest management in the country? (5 minutes)
- What might be some of the main benefits and risks to you/your organization? (5 minutes)
- How could the standard-setting process be organized to maximize the possible benefits to the country and to you/your organization, while minimizing the risks? (5-10 minutes)
- Who do you see as the key individuals or organizations that should be involved in standard setting if it goes forward? (5 minutes)
- What are the main interests and concerns of those individuals or organizations, as you see them? (5-10 minutes)

The assessor now provides some general information about the timeframe for developing the standards, the frequency and possible location of meetings, and any resource contributions that participants in the process would be expected to make. Then the assessor should ask

- What are your comments on this possible work plan for the standard-setting process? (1-5 minutes)
- Would you/someone from your organization be interested in working with other stakeholders to develop a Standard-setting Working Group? If so, are there any limitations on your ability to participate (1-5 minutes)?
- Are there any particular ground rules that you think would be particularly important for the group to agree to? (1-5 minutes)
- Is there any other information that you'd like to share that would help the NWG and other stakeholders make a decision on whether and how to proceed with a standard-setting process? (1-5 minutes)

The interviewer should conclude by making sure that s/he has the correct name, title and contact information for the interviewee, and for any others within the organization/group who might represent that organization/group in a standard-setting process.



Annex 2. Assessment Strategy: Fictional Example and Quiz

The idea of establishing a certification system for forest products has been gaining ground in the country of Boscia. Recently, several key actors have created a National Working Group (NWG) in hopes of gaining endorsement from the Forest Stewardship Council. One of the first tasks of the NWG is to create a standard-setting committee (SSC).

One key member of the NWG is the National Timber Association (NTA). The NTA is the country's largest timber industry body and is made up of private landowners and logging contractors. Other "core" NWG members include the Ministry of Natural Resources, the Ministry of Commerce and Trade, and two environmental groups: the national group Save Our Forests and the field office of Conservation Group, an international environmental NGO. SOF works with indigenous people in several forest reserve areas.

At a meeting of this core group, the participants decide to hire a professional to assess what other groups or organizations should be included in the standard setting process, to learn their main interests and concerns, and to help plan the process. All of the NWG members feel that a good assessment will save the group time, since it will help identify the key stakeholders and clarify what the key issues will be in the standard-setting process, especially potential areas of disagreement.

Though they all agree on the need for an assessment, the members also feel some urgency to begin the standard-setting process. The NTA is very conscious of the trend toward "green certification" by European environmental NGOs, and fears that Boscia's wood products will be locked out of European markets unless Boscia develops a credible certification standard of its own. The environmental NGOs feel strongly that new incentives are needed immediately to curb the high and accelerating rate of deforestation.

The NTA, the two conservation groups and the two Ministries each contribute funding to hire an assessor, and they jointly select Dr. Samina Elias, a well-respected professor of public administration who specializes in natural resource policy and has past experience in government and the private sector.

Dr. Elias asks the core members of the working group to provide her with a list of names of potential working group participants, broken down into major stakeholder groups: national government, local government, business, environmental, community development, indigenous, academic/technical, other.

At a meeting of the NWG members and Dr. Elias, there is disagreement on whether and how to include representatives of indigenous people. Some members of the group point out that there is no national federation or organization of indigenous people, and that anthropologists have identified more than 200 indigenous groups in Boscia. They say that it would be arbitrary to interview 2 or 3 leaders given the large number of groups, and that there is not enough time or money to contact all 200 groups.

They also note that most leaders of indigenous groups are illiterate, and that it would be very difficult for them to participate in the standard-setting process even if funding could be found to bring them to standard-setting meetings. Finally, they suggest that environmental groups that work with indigenous people can serve as their spokespeople in the SSC.

Other members of the group feel very strongly that indigenous people should be consulted and included in the process to the fullest extent possible. They do not feel confi-

dent that an environmental group, no matter how well intentioned, can fully represent indigenous peoples' interests. They say that the NWG should do whatever it takes to identify and involve indigenous leaders.

What should the NWG do?

- A. Proceed with the assessment, without interviewing indigenous peoples, and ask environmental groups that work with indigenous people to represent them in the standard setting process.
- B. Contact the indigenous groups that are known to live in and around key forest areas, seeking assistance from others who are known to be in contact with them, and proceed with the assessment.
- C. Seek additional funding to contact and interview leaders of all 200 groups, and extend the deadline for the assessment.

RECOMMENDED STRATEGY: B

The goal of the assessment is to involve representatives of all key stakeholder groups who are likely to have a direct interest in, be directly affected by, and/or have the ability to disrupt the standard-setting process. Indigenous peoples are likely to have a direct interest in and to be directly affected by the standards, particularly standards related to FSC Principles 3, 2 and 4 (Indigenous Peoples' Rights, Tenure and Use Rights and Responsibilities, and Community Relations and Workers Rights).

In general, NWGs should seek the direct participation of stakeholder representatives, rather than allowing others to speak for them. This guideline applies not only to traditionally excluded social stakeholders such as indigenous peoples, but also to economic stakeholders such as small-scale private timber operators, and environmental stakeholders such as young people who will inherit the forest management regime. Therefore option A, proceeding without interviewing indigenous people, is not recommended.

In this particular example, however, it may not be possible for financial or technical reasons to involve all the indigenous groups that might have an interest in the standard setting process. The goals of stakeholder involvement and a transparent process must be considered in the context of the resources available, including time, money and stakeholders' organizational capacity. In this case, unless funding could be found quickly and a clear strategy could be developed for contacting and interviewing leaders of all 200 groups, option C is not recommended.

To meet the goal of involving indigenous peoples within the NWG's time and budget constraints, it makes sense to prioritize those indigenous groups that are most likely to be directly affected by the standards and the certification process. The assessor can reduce the time needed to begin contacting these groups by working through existing contacts and networks, including environmental groups and anthropologists. After several of these groups have been contacted and their leaders have been interviewed, the NWG will have more information to determine whether there is a need to contact additional groups, and if so which groups to prioritize. Contingency plans can be made to seek additional funding if necessary. For these reasons, option B is recommended.

Annex 3. Strategy for Setting SSC Goals / Fictional Example and Quiz

In the country of Tanjier, there is substantial interest in creating a national standard of forest management and initiate a certification process. The Director of the Forestry Department, a division within the Ministry of Lands and Mines, has met with a number of groups interested in obtaining certification from the Forest Stewardship Council (FSC). The Department is interested in harmonizing national regulations with FSC Principles and Criteria through this new standard setting process. The Department has served as the convenor for a National Working Group (NWG), and the NWG has completed a stakeholder assessment as the first step in establishing a standard setting committee (SSC).

The assessor has gone to great efforts to complete a comprehensive assessment on time and inclusive of all relevant stakeholders. The report was well-received and led to a first meeting of potential SSC members. At that meeting, the SSC developed and agreed on ground rules on membership roles and responsibilities, and on procedural norms of the group. The task now is to develop the SSC's goal statement. Many good ideas have been exchanged and a statement is being drafted. The statement reads:

This Standard Setting Committee's goal is to create a standard on sustainable forest management that

- increases the economic, environmental, and social sustainability of timber resources in Tanjier;
- is consistent with FSC principles and criteria and our national forest laws and regulations;
- reflects and integrates the knowledge and experience of experts in forestry, ecology, social science and business, and of forest managers including public and private sector enterprises, forest-dependent communities, and indigenous peoples;
- recognizes and supports the rights of indigenous peoples and forest dependent communities as forest managers, and promote forest co-management by communities and forest management enterprises.

The majority of SSC members, including representatives from the timber industry, agree to the statement. However, the small but growing National Forest Fruit and Nut Cooperative (which harvests valuable wild fruit and nuts that grow wild in the forest), wants to add more specific language to the statement that mentions the Cooperative and its mission of marketing such produce. It proposes to add a statement to the bulleted list that says, "Promote the sustainable harvesting and management of wild fruits and nuts by the National Forest Fruit and Nut Cooperative." The Cooperative representative on the SSC has said that they want to be sure that their Cooperative and the role of non-timber forest products (NTFPs) in forest management are formally recognized. Nearly all SSC stakeholders see no reason to include the demands from such a small minority of the group, yet they want to be inclusive as possible.

What should the SSC do?

- A.** The other SSC members should promise the Cooperative that its concerns about being formally recognized will be addressed by the NWG as part of the formal certification process, and that any specific concerns about standards for fruit and nut production can be addressed in the context of the appropriate FSC criteria. With regard to the goal statement, it is best to keep the statement as general as possible for now, and so it should not mention the Cooperative by name.

- B. The group should actively explore with the Cooperative the general principles it wants to include in the statement and that are not already in the draft, without including a specific mention of the Cooperative.
- C. Stakeholders should assist the Cooperative and incorporate the phrase into the statement, but edit it to make it broader, perhaps by mentioning “local and national cooperatives” rather than the National Province Forest Fruit and Nut Cooperative specifically.

RECOMMENDED STRATEGY: B

It is not uncommon for minority stakeholders to act out their insecurities through formal processes. In this case, the Cooperative is a very small player on SSC; the timber industry is much larger and well established. By further exploring what the Cooperative’s underlying reason is to add its extra phrase to the goal statement, the group learns what concerns the Cooperative has with the current text.

For example, in this case the Cooperative might be concerned that the draft statement specifically references timber resources in the first bullet point. The fact that the timber sector is mentioned makes the Cooperative afraid that its own sector will not be included in the statement. If the wording were changed to include the Cooperative’s underlying interests, it would feel more legitimate and agree to a revised statement. Such a statement that takes into consideration the Cooperative’s real and underlying interests may look something like this:

This Standard Setting Committee’s goal is to create a standard on sustainable forest management that increases the economic, environmental, and social sustainability of timber **and non-timber** forest resources in Tanjier;

The statement is nearly the same as the original, except that the first bullet point clarifies that forest management refers to all forest products and not only to timber. The new goal statement is more inclusive in this version because it is written from a broader perspective.

Strategy A is not recommended because it is a short-term solution to a long-term problem, and may alienate the Cooperative in the future. Rather than dealing with the issue at hand, it essentially ignores it until a later date, which can be problematic for any SSC. Stakeholders need to gauge more carefully what the Cooperative’s underlying reasons are for wanting to add text. Exploring with the Cooperative its implied objections and working with them to identify more general ways to craft a statement that all stakeholders can agree on will help the group craft a better statement that everyone supports (see strategy B).

Strategy C could be effective in solving the immediate problem, but it opens the door for other stakeholders to insist on adding a great deal of detail on their own priority issues to the goal statement. As the group proceeds with standard setting, it needs to have flexibility to interpret its goals in the context of individual situations. Having a lot of detail in the goal statement could allow one member of the group to insist that a proposed standard is unacceptable because it does not adequately address some very specific interest. If a WG tries to do all things for all stakeholders, the group will quickly become non-functional. Instead, the WG should start by defining broadly shared interests among stakeholders and build the group on that foundation. This is best accomplished through broad yet meaningful goal statements (see strategy B).

Annex 4. Joint Fact Finding Strategy: Fictional Example and Quiz

In the country of Wansemia, a National Working Group (NWG) has been in place for four years and has made significant process drafting Forestry a Forest Stewardship Council (FSC) certification standards. Wansemia is known for its pristine forests and abundant wildlife. Tourism is the country's leading industry. Forest products exports also account for a substantial share of the country's foreign exchange earnings.

A range of interests is represented in the NWG. A number of individual stakeholders have been influential in helping to bring about the success of the group, including the Ministry of Natural Resources, the Timber Industry Association, the Environmental Alliance, rural communities with high employment in the logging industry, and the National Tourism Association. Two months ago the NWG met with FSC officials who informed the group that they are making excellent progress.

However, about six weeks ago, a scientific report began circulating that indicated the population of a rare owl species is unexpectedly decreasing at an alarming rate. These results caused a stir within the Environmental Alliance, which has long advocated for stronger measures to protect the owl, as well as the National Tourism Association, a consortium of tour operators that profits by bringing tourists to the country to experience the forests and view wildlife. These stakeholders suspect that timber harvesting is at the root of the owl's decline. Conversely, the Timber Industry Association has another scientific report that claims the owl population is as strong as ever. Many rural logging community groups are rallying around this latter study.

The NWG is devolving into chaos. Environmental and tourism stakeholders are demanding standards that would ban logging in all owl habitat areas; the timber industry and logging-dependent communities are threatening to walk away from the group. Four years of hard work is at stake and in danger of being wasted.

What should the WG do?

- A. Stakeholders should work through their differences and develop a compromise agreement based on the two competing studies of the owl population. Too much work has been done to go and waste it. Relationships have always been cordial in the past, so there is a good foundation to start from.
- B. Stakeholders should identify objective criteria to weigh the studies and discuss the strengths and weaknesses of each. Then, to try and bring the issue to a close, stakeholders should either try to come to consensus on which study to use, or take a majority vote to determine which study will be given attention.
- C. The WG should consider commissioning a new study collectively developed by the group. All stakeholders should jointly identify the exact question to investigate and methodology to use in consultation with technical experts to carry out the study and report findings.

RECOMMENDED STRATEGY: C

The process described in C reflects a joint fact finding (JFF) process. JFF allows stakeholders to overcome contentious disputes around competing scientific or technical claims through cooperative efforts. Stakeholders work in conjunction with technical experts to design studies that answer stakeholders own questions. By including all stakeholders in

the process of designing the study and understanding the shortcomings of different study methodologies, stakeholders collectively build transparent and objective studies to base policy decisions on, rather than use studies with political objectives. A JFF process fits within a consensus building process, and consistently strives to clarify the technical issue at hand.

In this case, stakeholders should meet with their constituencies to clarify the questions they want to be answered in the JFF process. Then, the stakeholders should meet together as a group to determine if a fair JFF process is possible. If so, they should formulate questions to be answered and issues to be addressed, as well as formulate ways to answer them and establish mechanisms to counter severe disparities in stakeholder expertise. Technical experts may need to be used in this process. Then the NWG (along with any technical experts needed) should determine what information is needed, how it should be gathered and analyzed. The resource people should then complete the data gathering and analysis process. All results should be shared jointly with the entire NWG and discussed to alleviate mistrust. Once this has happened, the NWG can use the findings as a basis for decisions on standards involving the owl habitat.

Strategy A (trying to find a compromise based on the two studies), might succeed politically, but could undermine the technical basis for the standards. There are likely to be fundamental differences in the framework for analysis, the methods and the interpretation of results between the two studies. Unless and until the stakeholders resolve these differences, any decisions they make are likely to be unsound in scientific and technical terms, and risk alienating those stakeholders who are more technically oriented and committed to a scientifically based set of standards.

In strategy B, stakeholders would be asked to make a win-lose decision between the two studies.

It is unlikely that stakeholders would come to a consensus agreement, since the scientific evidence linking logging, habitat disruption and species decline is likely to be complex and leave room for interpretation. With significant scientific uncertainty and core interests at stake, the most likely outcome of this strategy is a majority vote for one study, after which those who were outvoted would leave NWG and challenge the standards it created.

Annex 5. Consensus Building Resources for FSC Standard-Setting Working Groups

Consensus Building Organizations With Expertise in Sustainable Development Issues

USA/Canada

The Consensus Building Institute (CBI) <http://www.cbuilding.org> is a non-profit institution established in 1993 and based in Cambridge, Massachusetts. CBI's mission is to improve the theory and practice of public consensus building and conflict resolution through training, capacity building, facilitation and mediation, and research. Its founders include several pioneers in the field of public consensus building. CBI specializes in consensus building to promote sustainable development. CBI works with partners in the U.S., Asia, Latin America, the Middle East and Western Europe, and at the global level on issues including land and resource management, environmental regulation, and global environmental negotiations.

For additional U.S.-based organizations and practitioners, see the roster of the **U.S. Institute for Environmental Conflict Resolution**, at <http://www.ecr.gov/roster.htm>.

Institute for Dispute Resolution, University of Victoria <http://web.uvic.ca> is an interdisciplinary centre at the University of Victoria focused on public policy dispute resolution research, education, professional training and community development. The Institute also acts as a resource service, not only for UVic students and faculty, but for government departments, non-governmental organizations, community groups, professionals and others interested in improving dispute resolution processes or in applying alternative dispute resolution (ADR) techniques to their practical problems.

For additional Canada-based organizations and practitioners, see the **Conflict Resolution Network Canada website**: <https://www.crnetwork.ca/>.

Africa

Independent Mediation Service of South Africa (IMSSA) billt@imssa.org.za (tel. +27 (11) 4822390). IMSSA is an independent and impartial body, offering a wide range of mediation services to assist parties involved in managing conflict. It operates by helping parties to develop their own systems for constructive dispute resolution. IMSSA's services are available, upon request, throughout Africa. The interventions are designed to resolve specific issues, disputes or crises. The processes used may include mediation, commissions of enquiry, fact-finding, conciliation, facilitation, elections or ballots. It has a multilingual bank of experts in community conflict resolution located throughout South Africa and its own training facilities in Johannesburg, Durban, Cape Town and Port Elisabeth.

Asia

Community Organizers Multiversity. <http://www.comultiversity.org.ph>. CO MULTIVERSITY is a capability building institution that aims to respond to the difficult challenges faced by the marginalized communities to address the impact of poverty due to the globalization process. CO Multiversity also supports a network of trained mediators with experience in facilitating dialogue and assisting in the resolution of environmental conflicts, with a focus on local and regional conflicts that involve the poor and other development actors.

Europe

Sustainability Challenge Foundation (SCF) <http://www.scfoundation.org>. The Sustainability Challenge Foundation is an international NGO registered in the Netherlands. SCF organizes the International Programme on the Management of Sustainability (IPMS) year in June in the Netherlands. It brings together 40 senior officials from the public, private and non-profit sectors. The objective of the IPMS is to train participants to use strategies and skills in multi-stakeholder negotiation to resolve the conflicts that arise in the context of implementing sustainable development. In close collaboration with the participants, SCF also organizes Regional Training Programmes tailored to meet the specific needs of local groups and sustainability issues.

For additional information on European organizations and resources, see **the European Platform for Conflict Prevention and Transformation (EPCPT)**. <http://www.euconflict.org>. The focus of EPCPT is on prevention and resolution of violent conflict, but some organizations listed through EPCPT also work on sustainable development issues.

Latin America

Fundacion Futuro Latinoamericano (FFLA) <http://www.fulano.org>. La Fundación Internacional para la Promoción del Desarrollo Sustentable “Futuro Latinoamericano” (FFLA) es una organización no gubernamental, de derecho privado, sin fines de lucro, reconocida ante el Gobierno de Ecuador en febrero de 1994. La misión FFLA es impulsar la articulación del cambio hacia el desarrollo sostenible en América Latina vinculando actores e intereses diversos en procesos de reflexión y diálogo para la construcción de consensos. FFLA trabaja en toda la región con organizaciones de la sociedad civil, gobiernos, empresarios, organizaciones indígenas, universidades y otros actores.

Middle East

Israel-Palestine Center for Research and Information (IPCRI). <http://www.iprci.org>. The Joint Environmental Mediation Service (JEMS) is an organization created in partnership with the Israel/Palestine Center for Research and Information (IPCRI), a joint Palestinian-Israeli public policy think-tank. JEMS helps stakeholders in particular cases develop concrete action plans to deal with the environmental challenges they face and works to introduce the techniques of environmental conflict resolution to Israel and Palestine, using professional neutrals who can provide mediation services on an ongoing basis in environment-related disputes.

Additional Readings on Consensus Building

Overview of Consensus Building in Public Policy Settings

Carpenter, S. & W. Kennedy (2001). *Managing Public Disputes: A Practical Guide for Government, Business, and Citizen's Groups*. San Francisco, CA: Jossey-Bass.

De Jongh, P. & S. Captain, eds., (1999). *Our Common Journey: A Pioneering Approach to Cooperative Environmental Management*. London: Zed Books.

Dukes, E.F. (1996). *Resolving Public Conflict: Transforming Community and Governance*. Manchester: Manchester University Press.

Policy Consensus Initiative (1999). *A Practical Guide to Consensus*. Santa Fe, NM: Policy Consensus Initiative.

Susskind, L. & J. Cruikshank (1987). *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. New York: Basic Books.

Susskind, L., S. McKernan & J. Thomas-Larmer, eds., (1999). *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications.

Wondollock, Julia M., & Yaffee, Steven, L. (2000). *Making collaboration work: Lessons from innovation in natural resource management*. Washington, DC: Island Press.

Stakeholder Assessment

Carpenter, S. (1999). “Chapter 1, Choosing Appropriate Consensus Building Techniques and Strategies.” In Susskind, L.; S. McKernan, & J. Thomas-Larmer, eds., (1999). *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications.

Consensus Building Institute and The Land Use Law Center, Pace University School of Law. (2000). *Conducting Conflict Assessments in the Land Use Context: A Manual*. The Land Use Law Center, Pace University School of Law, and the Consensus Building Institute.

Susskind, L. and J. Thomas-Larmer (1999). “Chapter 2, Conducting a Conflict Assessment.” In Susskind, L., S. McKernan, & J. Thomas-Larmer, eds., (1999). *The Consensus Building Handbook*. London, UK: Sage Publications.

Setting Goals, Ground Rules and Decision Rules

Carlson, C. (1999). "Chapter 4, Convening." In Susskind, L.; S. McKernan, & J. Thomas-Larmer, eds., (1999). *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications.

Laws, D. (1999). "Chapter 6, Representation of Stakeholding Interests." In Susskind, L.; S. McKernan, & J. Thomas-Larmer, eds., (1999). *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications.

Strauss, D. & M. Doyle (1993). *How to Make Meetings Work*. Berkeley, CA: Berkeley Publishing Group.

Independent Facilitation

Elliott, M. (1999). "Chapter 5, The role of Facilitators, Mediators, and Other Consensus Building Practitioners." In Susskind, L.; S. McKernan, & J. Thomas-Larmer, eds., (1999). *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications.

Moore, C. (1996). *The Mediation Process*. San Francisco: Jossey-Bass.

Schwartz, R. (1994). *The Skilled Facilitator*. San Francisco, CA: Jossey-Bass.

Susskind, L. & J. Cruikshank (1987). *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. New York: Basic Books.

Joint Fact Finding

Adler, P., R. Barrett, M. Bean, J. Birkhoff, C. Ozawa, & E. Rudin (2000). *Managing Scientific and Technical Information in Environmental Cases: Principles and Practices for Mediators and Facilitators*. Found on <http://www.mediate.com/articles/wjc.cfm>.

Andrews, C. (2002). *Humble analysis: The practice of joint fact-finding*. Westport, CT: Greenwood Publishing Group, Inc.

Conflict Research Consortium (2000). *Treating Fact-Finding Problems: Strategies for Obtaining Information About Facts and Uncertainties*. Boulder, CO: Conflict Research Consortium, University of Colorado.

Ehrman, J. & B. Stinson (1999). "Chapter 9, Joint Fact-Finding and the Use of Technical Experts." In Susskind, L.; McKernan, S.; Thomas-Larmer, J. eds., (1999). *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications.

Lee, K. (1995). *Compass and Gyroscope: Integrating Science and Politics for the Environment*. Washington, DC: Island Press.

Ozawa, C. (1991). *Recasting Science: Consensual Procedures in Public Policy Making*. Boulder, CO: Westview.

Mutual Gains Negotiation

Breslin, J. & J. Rubin, eds., (1993). *Negotiation Theory and Practice*. Cambridge, MA: Program on Negotiation Books.

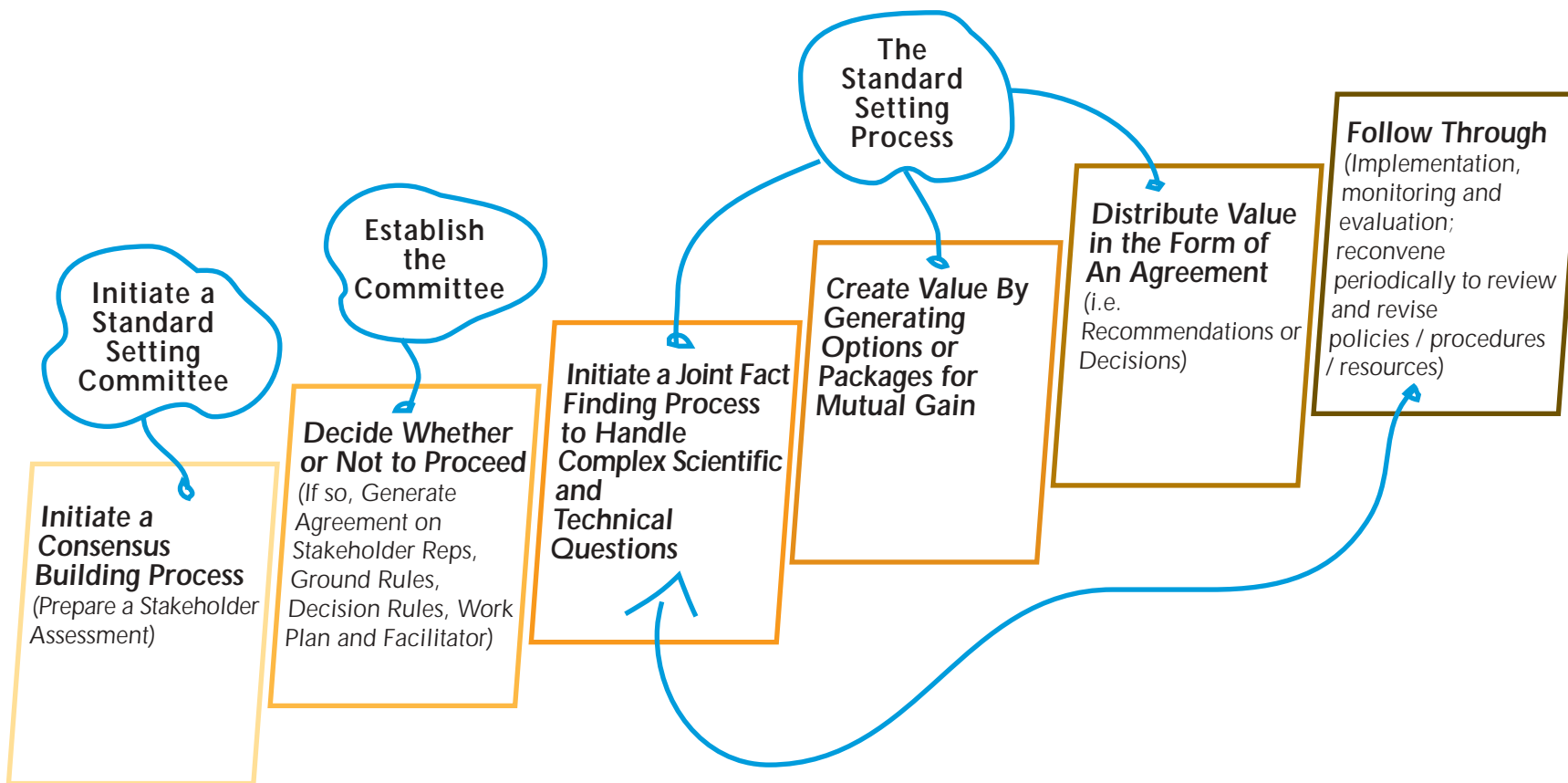
Fisher, R. and W. Ury (1991). *Getting to Yes*. New York, NY: Penguin Books.

McKernan, S. and D. Fairman (1999). "Chapter 8, Producing Consensus." In Susskind, L.; S. McKernan, & J. Thomas-Larmer, eds., (1999). *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications.

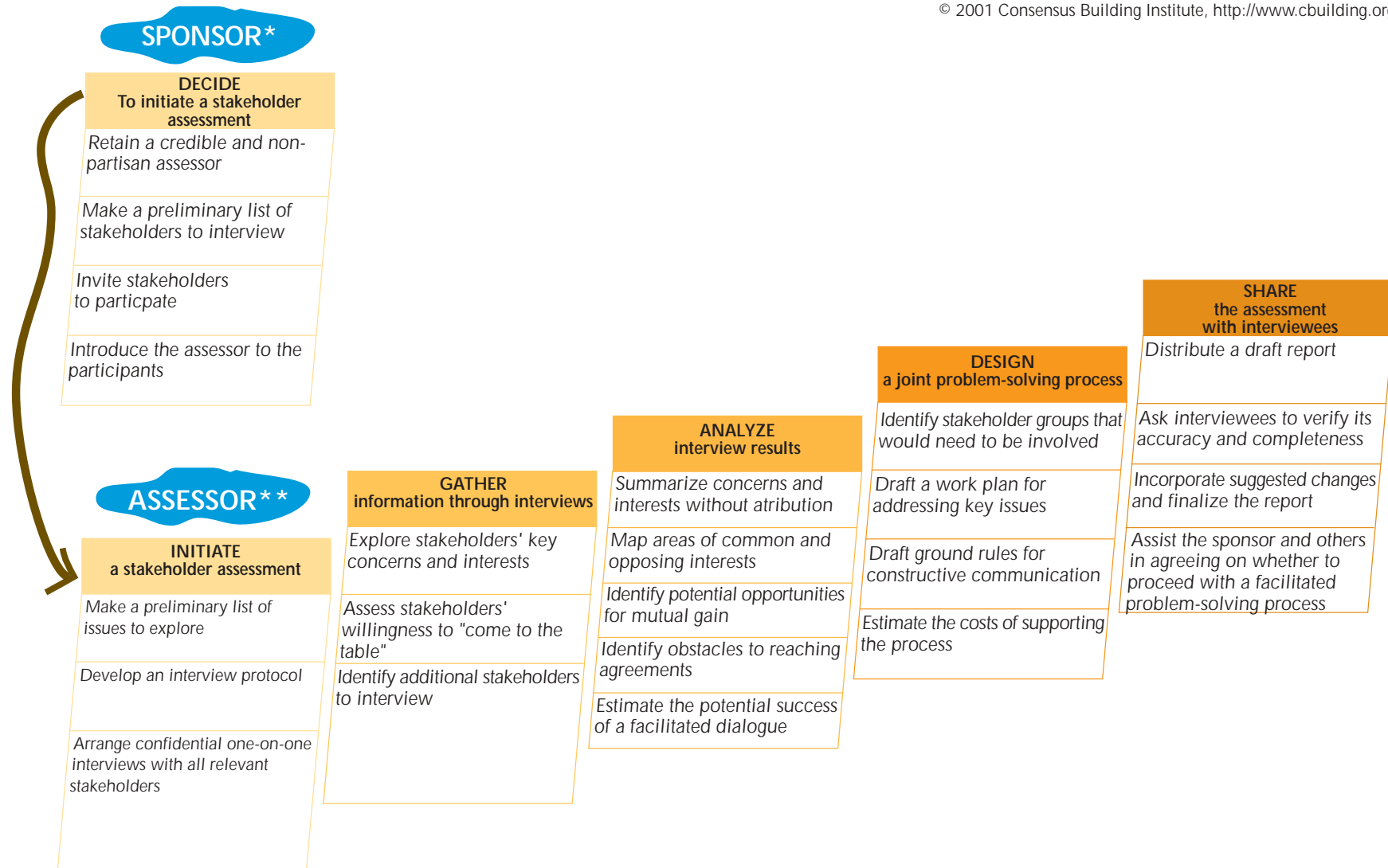
Potapchuk, W. & J. Crocker (1999). "Chapter 14, Implementing Consensus-Based Agreements." In Susskind, L.; S. McKernan, & J. Thomas-Larmer, eds., (1999). *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications.

Raiffa, H. (1982). *The Art and Science of Negotiation*. Cambridge, MA: Harvard University Press.

Annex 6 - Chart 1. The Consensus Building Process
in Relation to Standard Setting



Annex 7 - Chart 2. How to Conduct a Stakeholder Assessment



* A sponsor is any individual or organization supporting assessment of the feasibility of a consensus building process.

** An assessor must be neutral, impartial, and experienced in dispute resolution.

Prepare

Clarify your mandate and define your team
Estimate your Best Alternative to Negotiated Agreement (BATNA) and theirs
Improve your BATNA (if possible)
Know your interests
Think about their interest
Prepare to suggest mutually beneficial options

Create Value

Explore interests on both sides
Suspend criticism
Invent without committing
Generate options and packages that "make the pie larger"
Use neutrals to improve communication

Distribute Value

Behave in ways that build trust
Discuss standards or criteria for "dividing the pie"
Use neutrals to suggest possible distributions
Design nearly self-enforcing agreements

Follow Through

Agree on monitoring arrangements
Make it easy to live up to commitments
Align organizational incentives and controls
Keep working to improve relationships
Agree to use neutrals to resolve disagreements