

## CONSULTATION STRATEGIES AND PROCESSES

### THE YUKON 2000 EXPERIENCE

#### INTRODUCTION:

It should be noted at the outset, that the Yukon 2000 consultations were conducted in a combination of circumstances that provided it advantages that are unlikely to be available to subsequent consultation processes. In fact, the very success of the Yukon 2000 process under these circumstances set a precedent beside which other consultations, not enjoying these advantages, will be perceived as inadequate in comparison. These advantages include:

1. **Novelty.** Before Yukon 2000, the Yukon public had rarely been consulted at all, never to the extent that they were during this process.
2. **Universality.** The consultations were not confined to a single or group of topics, and even though their purpose was ostensibly to determine economic policy, those consulted were free to range well beyond any strictures in this respect, and express their views on all matters affecting their lives and Yukon society in general.
3. **Process rather than Product.** As the Yukon 2000 exercise did not have a specific, predetermined form of product, such as act, or a template to conform to, such as the Conservation Strategy has, nor any formal principles that had to be embodied, it was free to let the process define the product. This, in itself, created the perception that those consulted defined the product. It also allowed that the emphasis, at all times, was on the process, rather than the result.
4. **Flexibility.** Yukon 2000 had the means to continually modify its process to meet the needs of those consulted. This flexibility was achieved by allowing the consultation process:
  - **Time.** Not only was the overall time frame fairly flexible and a generous 2 years, but all scheduling was flexible enough to meet the time requirements of those being consulted both to prepare and digest, and to fit with their own personal timetables, rather than a preset government agenda. It allowed the rescheduling, revisiting of areas, and additions to the scope and the depth of consultations to meet the perceived needs of the consulted. Deadlines for those being consulted were rare, and the perception was achieved that the process, or any part of it, was over when most of them thought it was.
  - **Resources.** Yukon 2000 was generously provided with staff and budget that was devoted to the consultation process, and which was continually adjusted to meet the changing requirements of the consultative process.
5. **Coordination.** Because of the universality of the consultations, Yukon 2000 allowed for a coordinated consultative process covering all phases of governmental policy making and activity. This, along with the time flexibility allowed Yukoners to express their views on all that interested them through a single, accessible mechanism, that was high profile, well publicized, and scheduled and sited in a manner that allowed them to.

6. **Political Commitment.** It was only because of the strong, and continuing political commitment that was given the process at the government level, that the flexibility, resourcing, and coordination was achieved. This commitment by cabinet, its direct participation, and its direction of all departments to the effort, allowed Yukon 2000 to achieve as high a profile as it did. This commitment also allowed a continuous access to top decision makers for the direction and approvals required to be responsive to the changing requirements of the consultative process.

#### LESSONS:

Although other consultative processes are unlikely to have the same favourable circumstances, flexibility, resources or other advantages as Yukon 2000, there were a number of factors contributing to its perceived success in public consultation that may be applicable to a greater or lesser degree to other consultative processes.

1. **Coordination.** As noted above, the coordination of consultation, and, thereby, of planning enabled more public participation than would otherwise be possible, and contributed to coherent policy planning at the same time. Although Yukon 2000 was conducted through the Department of Economic Development, rather than through a central agency, the coordination was nonetheless achieved, as there was a strong government-wide priority given to it, and a political commitment of the government to coordinate policy consultations in a unified process. Although the unit coordinating the consultations was sited in a line department, it functioned more as a central agency in that the staff and resources were devoted solely to Yukon 2000, a governmental rather than just a departmental initiative, and not to other line department functions. It also had direct access for political direction and decisions. Key personnel were brought into the unit from outside the department, and had no other turf to mind or to interfere with their government-wide, rather than departmental, viewpoint and function. This, and the commitment of all departments to a unified approach enabled this coordination of consultations, not only in the scheduling of it to enable public participation in a rational manner, but also to allow consultation, and policy development to occur on a cross-sectoral, cross-departmental, cross-disciplinary, cross-regional, and societal-wide basis.

Although this broad consultative strategy can not be used for the many consultative requirements that occur, the coordination of consultative efforts on a government-wide basis is nonetheless necessary to allow adequate opportunity for public participation, to prioritize necessary consultations, and to keep consultation and policy development consistent throughout government and with overall government policy.

The mere logistical necessities of consultation require it, as anyone who has tried to arrange a conference at a time when key participants are not committed to other meetings, can attest. A public participation process that does not allow adequate opportunity to participate, is not a participation process.

More importantly, are the mixed messages that the public receives, and gives, in uncoordinated consultation. In isolated consultations, viewing

narrow issues, the government can be perceived as taking contradictory stands in different forums. Similarly, public advice, can conflict in different contexts.

2. **Consultation vs Reaction.** Yukon 2000, as noted above, was a "ground-up" planning process, and took an approach of seeking public generation of ideas, rather than seeking public reaction to proposals made by government. Whenever this is possible, it is highly effective in providing the public with a sense of "ownership", that it is their views that are forming policy. Presenting proposals, or drafts for reaction, does not promote this effect, and, in fact, reaction tends to be negative. There is a prevalent view that true consultation comes before formulation, and any proposal is viewed by many as a means to manipulate their thinking rather than seeking their opinion. A corollary of this approach is that, in public consultation, the function of government is to listen and note, not to speak and direct.

Wherever it is possible, it is desirable to hold the broadest possible consultation at the initial stages of policy planning, seeking fundamental public consensus on the basis of background information only, rather than any formulated options. The opposite approach is often taken in governmental consultations, whereby the broad public consultation occurs near the end of the policy development process only, and is often perceived by segments of the public to be almost a *fait accompli*. Although restricted consultations may have been held earlier in the process, the broader public is not aware of what has occurred, how principles were established, nor why and how inclusions and exclusions were arrived at. In addition, restricted consultation often overlooks certain viewpoints and issues, which produces negative reactions when the broader public become aware of them. Establishing an early, broad-based consensus on fundamental issues and parameters can avoid this.

3. **Consensus Building.** In Yukon 2000, there was extensive use of workshops and other sessions that put together individuals from all spectra and viewpoints. This resulted not in highly detailed feedback on the nature of desired policy, but in fundamental principles on which they agreed. Basing further development of policy on accepted principles is easier than trying, after the fact to reconcile differing viewpoints through policy. Using the public forum to allow the confrontation of differing opinion to reconcile itself is not only advantageous to government, which otherwise is confronted by all sides, but also, at least in the Yukon 2000 experience, was perceived to be more desirable to the public itself. The role of government was to try to ensure, through unobtrusive and non-partisan means, that the participants continued to seek areas of agreement rather than to dwell on areas of difference. It must be re-emphasized that this approach can only be taken before the government has taken positions or even presented options which might be interpreted as limiting the government's flexibility on any issue.
4. **Consulting whom?** One of the accomplishments of Yukon 2000 was not only the number of persons involved in the consultations, but the variety. It succeeded in involving persons who would not normally be consulted, and on subjects they had not expected to be involved in. This not only enhanced public satisfaction with their input into government policy, but also allowed for a societal-wide viewpoint to be taken, for the consensus

building process to occur, and ensured that all the issues that could be involved were dealt with from the outset.

This involved not just issuing invitations to consultations, but active seeking out of a balanced representation of all regions and social strata in the Yukon, and working with them to ensure that they could be involved by scheduling according to their timetables, and arranging travel, day-care, and other ancillary services. It also meant rescheduling meetings, resiting them, and holding additional meetings to accommodate the fullest public participation. In addition, participants were given sufficient lead time to digest the background material, give it some thought, and prepare for their involvement. Much effort was put into ensuring that the materials distributed were understandable to the targeted participants. This often involved their preparation by non-expert non-government writers. Participant groups were also funded to prepare some of the papers, giving them a greater stake in the policy development.

Often, when seeking public input into policy development, only concerned interest groups are consulted. This is, in effect, giving a hearing to lobbyists rather than open public consultation. Interest groups usually take fairly rigid positions based on their best interests, and do not reflect the views of the general public. Although their views must, and will in any case, be heard, they can not be assumed to be a reading of general public opinion. Consulting with interest groups only, especially individually, leads not to consensus development, but confrontation. The moderating influence of the viewpoints of other elements of society is absent.

Another participant group commonly used in consultative processes are community and municipal officials and leaders. They bring to the process a small or large "P" political view, and tend to reflect political, institutional positions or regional and local interests.

Prominent citizens are often targeted by those wishing public input, but they are, by definition, atypical, and are regarded by much of the public as part of the establishment. Often, they also fit into one of the aforementioned groups.

Finally, there are the "perennially consulted", the same names that appear in participant lists time and time again. They are usually sought because of prior performance, and, therefore, are either very knowledgeable on various subjects; amenable to the views held by those seeking input; able to influence large numbers of others; have the time, means, and inclination to be constantly involved; understand the esoteric jargon and methodologies of government; or are easily manipulable. In time, they are so often involved in policy development that they become, in effect, a government auxiliary, and no longer represent any public viewpoint.

For the public to perceive that consultation has been adequate, the broadest range of society must be involved, regardless of the narrowness of the topic. Fresh and lay opinions must be sought. This requires a special effort to include those who are not normally involved, for whom it is not easy to participate, and who are not easy to consult. The dividend in gaining a truly representational viewpoint, one that moderates the extreme views of particular interests, and develops areas of common agreement on which to base policy, is worth the extra effort.

There were some complaints during, and after, Yukon 2000, particularly from the mining community, that the cross-sectoral, societal representative meetings, inhibited the expression of viewpoints that were unpopular with other groups, and, therefore, these views were not given their due attention. This cowering of holders of unpopular views is perhaps inevitable in such forums. The government has had some success in improving the influence of previously underrepresented groups such as women and native people. However, its success in this regard has had the effect of creating new unheard groups - those holding less popular viewpoints. It would be preferable that they be given the opportunity to be heard, and perhaps cowed in a public forum, where they are not confronting government, but their peers of opposing viewpoint. Perhaps as in the Yukon 2000 process, points of agreement, rather than of difference could be worked towards.

5. **Conduct of Consultations.** As noted above, Yukon 2000, established a separate unit to organize and run the consultations. Although this is not practical for all consultations, significant staff time must be devoted to arranging consultations on the lines noted. The nature of the staff of Yukon 2000 is worth noting. The size of the staff expanded or contracted according to need. They were not senior civil servants with line functions. They were selected partly on the basis of their sensitivity to rural, native, and other Yukon conditions and issues. Those that ran the workshops and meetings were facilitators of discussions, not experts or stakeholders in the issues. Top-down influence was minimized, and selective hearing was avoided. Participants perceived that they were generating the agenda and the policy options. All voices were heard and incorporated in consensus summary, regardless of how loud or soft they were. The talent for this facilitation was cultivated over the course of the consultations. It wasn't universally present at the outset. Various governmental personnel led meetings. Some had the ability to so facilitate, some developed it, and some did not. Those that did were used as often as possible. They were found at various levels of several departments, some were professional consultants, and some were found among the participants. Senior government staff participated in the process but more often as resource people, to hear the views expressed, and through dialogue clarify some of the issues. They were not there to make policy presentations. Lay writers were brought in to prepare public materials, and polish reports for public consumption. Professionals were brought in to organise events.

In short, organising and conducting successful public consultation requires special skills and talents like any other job, and concentration on that job. Those normally called on to consult with the public often have neither the time available to devote to it, nor the skills required to do it effectively. In fact, the very characteristics that make for effective administrators and policy makers are counterproductive to effective conduct of public consultation. Their expertise, in itself, is an impediment.

## CONCLUSIONS:

Public consultations and public perception of the effectiveness of consultations can be improved by:

1. Coordination of all government consultations to ensure that they are not conducted in isolation of each other, that the public is given a reasonable opportunity to participate, that priorities are served, that cohesive planning can occur, and that consistent messages are given to the public.
2. Holding broad public consultation at the outset of policy development to establish a broad consensus on principles, based on the public's opinions, on which to build.
3. The use of the consensus development method of cross-societal consultative sessions that enable the reconciliation of differing public viewpoints into a basis for agreement before the government formulates its positions.
4. Making special efforts to include as broad a range of the **general** public as possible in all consultative processes.
5. Using those with the skills and talents necessary for effectively organizing and conducting public consultations.