

Reflections on the Collaborative Governance Process of the Land and Water Forum

**Research Report prepared for the Ministry for the Environment
by James Baines and Marg O'Brien
under sub-contract to Ecologic**

Preface

The authors wish to acknowledge their gratitude to the participants in the Land and Water Forum and to the Ministry for the Environment for the privilege of undertaking this research. The purpose of the research was not to evaluate the output of the Forum's deliberations, but rather to understand the nature of the collaborative process in which Forum members participated and learn from the collective experience. The approach we adopted sought to put the experience of the participants at the centre of our analysis. We have therefore made extensive use of the participants' words in describing their experiences, to complement our own survey work and direct observations. We hope that this report will contribute to the insights and learnings which can be gained from the experience of the Land and Water Forum, both by those who took part and by those who may wish to facilitate other collaborative processes in the future.

Published by the Ministry for the Environment
November 2012
Publication Number: CR 122



Ministry for the
Environment
Manatū Mō Te Tāiao

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
1 INTRODUCTION TO THIS REPORT	5
1.1 Why collaborative governance?	5
1.2 The client and the brief	6
1.3 The structure of this report	6
2 THE RESEARCH OPPORTUNITY	8
2.1 Contractual arrangements	8
2.2 Research opportunities and constraints	9
2.3 Sources of information	10
2.4 Conceptual framework for thinking about collaborative-based processes	11
2.5 Reflections on research involvement	13
2.6 Section summary	13
3 THE LAND AND WATER FORUM PROCESS – ORIGINS, ESTABLISHMENT AND IMPLEMENTATION	14
3.1 Origins and antecedents of LWF	14
3.2 The role of the Chair of the LWF	18
3.3 The role of the LWF Trustees	19
3.6 The role of the LWF Secretariat	19
3.5 The role of the LWF Plenary	20
3.6 The Small Group process	21
3.7 Section summary	25
4 PARTICIPANT REFLECTIONS ON THE PROCESS	26
4.1 Focus of this section	26
4.2 What motivated engagement?	26
4.3 Perceived nature of collaborative governance	28
4.4 Positive outcomes: Relationship development and common ground	29
4.5 Leadership and shared authority	31
4.6 Grappling with the collaborative process	34
4.7 Issues of legitimacy	40
4.8 Section summary	45
5 THE LAND AND WATER FORUM – RESEARCHER REFLECTIONS	47
5.1 Introduction to researcher reflections on the LWF process	47
5.2 Researcher reflections: Key issues	48
5.3 Researcher reflections: Was this collaborative governance?	57
5.4 Researcher reflections: Working with a facilitator in future	59
5.5 Researcher reflections: Working to an adaptive governance model	60
5.6 Section summary	63
6 CONCLUSIONS	64
6.1 Conclusions explained and elaborated	64
6.2 Conclusions for future research	68

APPENDICES	70
Appendix A: The players in the cast	1
Appendix B: List of meeting dates	74
Appendix C: Report of the literature review on collaborative processes	75
Appendix D: Survey of Small Group members: questionnaire and tabulated responses	97
Appendix E: The National Policy Statement (NPS)	104
Appendix F: Other elements of Small Group discourse	118
Appendix G: Questionnaire used to survey Small Group members at the end of Phase 2 (September 2010)	127
Appendix H: Participant calls for capturing agreements and recording discussion points	134
Appendix I: Participant reflections on perceived inequalities of power and influence	137
Appendix J: Participant reflections on working with external constituencies	139

EXECUTIVE SUMMARY

Headlines

This document reports on a success story. A diversity of players – experts, stakeholders and government officials, effectively engaged in 2009–2010 to work through their long-standing conflicts and establish solutions to a problem they faced together – the management of fresh water. As a first national attempt at a collaborative governance process, it is not a perfect “success” but none the less is a process that New Zealanders can be proud of. We can learn a great deal from the efforts of those involved.

Specifically, the Land and Water Forum (LWF) has worked to apply a consensus-based Collaborative Governance approach to develop *“an overall package of reforms for managing fresh water that will enable all New Zealanders to get the ‘best value’ for society from New Zealand’s freshwater resources”*.

Neither the project-establishment process nor the approach to consensus building reported here should be regarded as the definitive New Zealand way of implementing collaborative governance to address a national-level issue. Nevertheless, it is a good step forward and provides useful learnings for how such a process could be implemented effectively in other policy-development situations in New Zealand.

Furthermore, the experience of the participants has been sufficiently positive for the researchers to conclude that other opportunities for adopting collaborative governance should be contemplated.

Consequently, the primary audience for this report are the personnel in central and regional government who necessarily will have critical roles in creating the opportunities for such future applications of collaborative governance.

The specific focus of this research report

The research contract required the researchers to focus specifically on how a collaborative approach enables participants to engage with one another.

Background and context to the Forum

The Land and Water Forum (LWF) was an experiment in applying the concept of collaborative governance at the national level in New Zealand with the process informed by relatively little formal guidance. As the first national application, it needs to be considered in the context of how it came to be set up as well as how it was run. A number of individuals with lead roles in running the process had also been required to take lead responsibilities in setting it up. Thus the same small group of people were responsible for formulating, advocating for and subsequently managing the process.

The first step towards this experiment came from the 2008 Environmental Defence Society (EDS) annual conference in Auckland on the theme of *Conflict in Paradise: the Transformation of Rural New Zealand*. [Note that other relatively collaborative processes have been underway regionally or locally in Canterbury, Tasman and Hawke’s Bay – and possibly elsewhere in New Zealand.]

Without the sustained efforts of the Chair of the Forum in the initial stages (early 2009), and subsequently others as well, the experiment may never have taken flight in August 2009, let alone landed in August 2010. The progress towards the first adoption of collaborative governance in New Zealand owes much to the initial efforts of the Chair, supported subsequently by the Trustees and

later by the combined efforts of the Secretariat and the Small Group participants who made extraordinary commitments to the process, bearing in mind the fact that they all had full-time day jobs as well. Nor should we under-estimate the enormity of the challenge posed by charging the LWF with the task of addressing a wide range of chronic issues in freshwater management being experienced in various degrees across the entire nation, against a backdrop of rising tensions.

By the end of the Small Group's deliberations (August 2010), progress towards adopting a collaborative governance model for freshwater management appeared to have been substantial. That had clearly been the predominant experience of most Small Group participants at the end of their period of formal deliberations.

Positive outcomes

Positive outcomes include –

- the accumulation of both forum and agency governance capacity, 'social capital' and 'social learning' which has occurred during the Small Group process;
- significant agreements on policy directions achieved despite initial adversarial relationships;
- considerable progress in transforming adversarial relationships into more trusting relationships;
- an experience of collaborative governance which has given participants some confidence in the potential of this approach to be used to address contentious issues;
- a Final Report, the contents of which point to a step change in many aspects of freshwater management in New Zealand;
- a contribution to the knowledge base which can inform the evolution of New Zealand applications of collaborative governance.

Scope for process improvements

Notwithstanding the substantial progress made, many of the central players also acknowledge that they would do some things differently if given the chance to repeat the exercise. With the benefit of hindsight, the outcomes achieved by the end of the Small Group's deliberations (August 2010) might have been even better. This research has attempted to draw on, and learn from, the collective experience of all those most closely involved in setting up, managing and participating in the LWF.

The research has also drawn on a literature review of other experiences of collaborative procedures, carried out after the LWF process was conceived and designed. Based on the combination of these two sources of experience, it is reasonable to conclude that future applications of collaborative governance in New Zealand could be designed and implemented which are somewhat different from the LWF process, and be aimed at enhancing the outcomes achieved during the first experiment.

We believe that the outcomes could be enhanced in the following ways with –

- a more efficient use of participants' time (avoid re-visiting debates already settled; allowing sufficient time for meeting materials to be pre-circulated, read and understood);
- a reduction in frustration with some procedural matters (more transparency/responsiveness in process design and setting meeting agendas; capturing agreements);
- a more in-depth and revealing report (telling more of the story);
- stakeholders on the margins being more effectively brought into the process;
- Small Group members more confident of their common ground (positive declarations of agreement);
- changes to provide a broader buy-in by those outside the Small Group (taking constituencies along – including the Plenary);
- steps taken to provide more confidence in the collaborative governance process (greater shared understanding amongst participants of what CG is in practice).
-

In our opinion, such enhancements would result from –

- administrative support arrangements being in place before the actual collaborative governance process begins;
- separation and clarification of the roles of leadership and facilitation;
- more elapsed time within the framework of their timetable;
- more capacity for the Secretariat, with more clearly defined roles and functions;
- more explicit attention to procedural details and expectations¹ and greater transparency of process for those taking part;
- the inclusion of specific exercises designed to shape group thinking, distil information and give direction to the group;
- consideration of alternative approaches to recruiting representatives into the process, including representatives of government agencies; and
- consideration of the collaborative process within an iterative adaptive governance model to allow for ongoing learning and more effective socialising of agreements with the wider constituencies.

Acknowledged strengths of the LWF process

It is also important to acknowledge the strengths of the process that was adopted for the LWF. These included the –

- independence of the Chair of the Forum;
- skills of the Chair and the standing of the Chair within government circles;
- involvement of LWF Trustees in supporting the Chair;
- involvement of iwi representatives as active participants;

¹What do people understand by collaborative governance? What external expertise might be required to guide or assist the Small Group in its deliberations, and how should this be decided? Transparent methods of capturing agreements and consensus, expectations for drafting text; etc.

- involvement of central and regional government personnel as active observers;
- trust-building and relationship-building undertaken in Phase 1;
- use of smaller, inter-sessional working groups and other facilitation procedures to develop consensus positions on particular topics in Phase 2.

Conclusions

Arising from this research, we make a number of process-related conclusions regarding the following matters –

- representation of stakeholders and interested and affected parties;
- recruitment into the stakeholder group;
- establishing procedural common ground;
- requirements for more effective 'socialising' of agreements;
- differentiating the roles of process leadership and facilitation;
- participant 'leadership' and process ownership;
- transparency and timeliness of recording discussions and agreements;
- clarification of Secretariat responsibilities;
- participant awareness of the requirements for authentic dialogue;
- facilitation in support of authentic dialogue;
- framing the consensus-building process as iterative learning cycles;
- requirements for effective reporting;
- levels of resourcing and options for resourcing; and
- process timeframe.

1 INTRODUCTION TO THIS REPORT

“Over the past few decades, a new form of governance has emerged to replace adversarial and managerial modes of policy-making and implementation. Collaborative governance, as it has come to be known, brings public and private stakeholders together in collective forums with public agencies to engage in consensus oriented decision-making.” Ansell & Gash (2008)

1.1 Why collaborative governance?²

“Planning, public policy, and administration are increasingly challenged by complexity, fragmentation, uncertainty and global processes.”³ Traditional command-and-control and prescriptive approaches to the management of natural resources are not providing the solutions to “wicked” intractable problems. What is needed are governance systems that can better address the complex, interdependent nature of many public policy issues like freshwater management that at the same time can be more responsive and accountable to a broader range of public and private interests.

So, in recent years, collaboration scholars and practitioners have been searching for new ways of working – turning their attention to policy-making and planning processes that build on collaboration, negotiation and deliberation among many players – experts, stakeholders, government officials and the wider community, who effectively “...engage in face-to-face dialogue, bringing their various perspectives to the table to deliberate on the problems they face together...”⁴ and who through an informed consensus-building process then jointly seek to develop public and private solutions to improve their situation.

In this way, collaboration has been used to make progress on some of the most difficult, complex and contentious issues. In many cases, the problems that need to be addressed involve many individuals, multiple agencies, and private interests. But, too often, people and organisations do not work together. As a result, no one entity is able to address the problem successfully. Important public decisions are either not made in a timely manner or, if they are, affected parties may be dissatisfied with the content and/or the process used. Without solid support for decisions, implementation will be difficult and conflict will continue.

Yet collaborative decision-making is a powerful method of getting beyond adversarial situations to develop policy solutions and generate capacity for long-term sustainability. Indeed, from more recent research on collaborative institutions there are indications that it may be the capacity to change and adapt institutional choices in response to changing conditions, or crisis events, that makes them

² This section is informed by the work of:

Ansell C, Gash A. 2008. Collaborative Governance in Theory and Practice. In *J Public Administration Research and Theory* 18 (4): 543-571. Advance Access published on line Nov 13, p1. doi:10.1093/jopart/mum032

Thompson AM, Perry J 2006. Collaboration Processes: Inside the black box. In *Public Administration Review* 66:12

Innes J, Booher D 2010. *Planning with complexity*. Routledge

Scholz JT, Stiftel B. 2005. Adaptive Governance and Water Conflict: New Institutions for Collaborative Planning. Florida State University. Pub. [Resources for the Future Press](#)

Emerson K, Gerlak AK, Barreteau O, Buchholtz Brink M, Farahbakhshazad N, Morrison G, Promburon P. A Framework to Assess Collaborative Governance: A New Look at Four Water Resource Management Cases. Paper presented at 2009 Human Dimensions of Global Environmental Change Conference, Amsterdam, Dec 2-4.

³ Innes J, Booher D. 2010. *Planning with complexity*. Routledge

⁴ Ibid.

enduring and robust. In fact, collaborative governance networks and processes may be seen as institutional *adaptations* to existing “top-down” hierarchical administrations that are increasingly unable to manage the complex nature of today’s “wicked” policy problems.

It is timely that this process is now considered in response to New Zealand’s own “wicked” freshwater planning problems.

1.2 The client and the brief

The Land and Water Forum (LWF) was an experiment in the application of such a consensus-based collaborative governance approach in order to develop “*an overall package of reforms for managing fresh water that will enable all New Zealanders to get the ‘best value’ for society from New Zealand’s freshwater resources*”.⁵

The research reported here was part of this work and has been undertaken on behalf of the Ministry for the Environment,⁶ the same agency which has the funding contract with the LWF Trust.

The research contract states that “*There is a growing body of evidence to suggest that collaborative governance approaches to policy and decision-making can lead to better policy and decisions, better relationships, and less litigation and uncertainty.*” The essence of the research question posed was – What are the learnings we can take from this collaborative process to future uses of the same process?⁷ Consequently, the primary audience for this report is the personnel in central and regional government who necessarily will have critical roles in creating the opportunities for such future applications of collaborative governance.

The research unit within the Ministry was also interested in what cues might be derived for a future research agenda to support better-informed applications of New Zealand’s collaborative processes.

1.3 The structure of this report

The report has been prepared in six sections, with references and appendices.

Section 2: The research opportunity

Section 2 contains a description of the research approach and methodology. This includes a description of the opportunities and constraints under which the research was conceived, a description of the expected focus of the research, and a description of the types and extent of research activities undertaken. This section also sets out a brief description of the conceptual framework adopted by the researchers to guide work and reflection on the consensus-based collaborative governance process.

Section 3: The Land and Water Forum process – origins, establishment and implementation

Section 3 aims to describe the Land and Water Forum process in sufficient detail so that someone who has not taken part in the process can gain some understanding of what has occurred and the

⁵ Cover letter from Ministers to Chair of the LWF, September 2009

⁶ The research is funded from the Cross Departmental Research Pool funding from the Ministry of Research, Science and Technology in response to a research proposal called ‘Building Capacity for Collaborative Governance’.

⁷ Literally, the contract document stated the question as “What are the processes, concepts and understandings that would inform New Zealand models of collaborative governance?”

context within which these reflections are offered. As much as possible, this description is based on the experiences and viewpoints of participants in the process.

Section 4: Participant reflections on the process

Section 4 summarises what the Small Group participants have said about their experiences of the process, with a particular emphasis on Phase 2 activities during 2010. The presentation of these participant reflections is organised with reference to the conceptual framework discussed in Section 2. In this section, extensive use is made of participants' own words to describe their experiences and express their reflections on the process. Although those present at the deliberations will recognise some of the exchanges and individuals involved, we are confident that those who were not present will not be able to associate statements with any particular individual.

Section 5: Researcher reflections on the process

Section 5 presents what the two researchers have observed during 2010 about the process. As with the participant reflections in Section 4, the researcher reflections are also discussed with reference to the conceptual framework discussed in Section 2.

Section 6: Conclusions

Section 6 presents two sets of conclusions: firstly, conclusions to be considered in future applications of a collaborative governance process, and secondly, conclusions for possible research around a New Zealand model of collaborative governance.

Appendices

Half the report comprises appendices containing much detailed information: programmatic detail including participants and their affiliations, Small Group organisational groupings, meeting dates; the report of the literature review; the questionnaire and a summary of responses from the survey of Small Group members administered at the end of the researchers' involvement; and thematic representation of aspects of group discourse. Such details are voluminous and have been appendicised in order to avoid congesting the narrative and analysis of the main report.

2 THE RESEARCH OPPORTUNITY

Sectional Table of Contents

- 2.1 Contractual arrangements
- 2.2 Research opportunities and constraints
- 2.3 Sources of information available to the researchers
- 2.4 Conceptual framework for thinking about collaboration-based processes
- 2.5 Reflections on research involvement
- 2.6 Section summary

2.1 Contractual arrangements

This research has been undertaken on behalf of the Ministry for the Environment. The contract for the research⁸ is between the Ecologic Foundation and the Ministry. The two researchers responsible for this report specifically on the LWF process have been sub-contracted by Ecologic⁹, which has otherwise played no practical part in this research into the process of the Land and Water Forum.

The research contract required the researchers to -

“...focus on how a collaborative approach encourages the LWF participants to engage freely with one another, how participants show comfort in expressing their opinions, thoughts and beliefs, how participants look for opportunities to learn from others’ experiences and knowledge, how participants examine the world views that are brought to the table and how willing and able they are to explore how these might contribute to seeking agreement amongst the participants”

“...consider the kinds of concepts, categories and conceptualisations participants bring to the table; how participants define problems and issues; what kinds of metaphors, symbols and narratives they use to construct arguments; whether they share certain ‘story lines’, and if so, if they understand them in the same way; if they diverge, how do they diverge and what lessons are there to be learned for policy makers and analysts.”

At the outset, a Technical Advisory Committee (TAC) was expected to be established with a role of providing periodic professional advice on matters of research methodology. In the event, the TAC was not established. This role has been taken by the Research Unit within the Ministry. The contract called for an Interim Report from the researchers by 31 March 2010. The purpose of this report was to focus on *“emerging findings, questions and possible approaches for furthering the research”*. The Interim Report noted significant practical constraints to the research methodology contained in the original contracts and recommended alterations to the mix of research activities and the allocation of time, as well as the need for some additional time associated with these alterations. Delays in confirming these contractual alterations resulted in significant postponement of the planned schedule of interviews.

⁸The LWF research is part of a larger research programme. Ecologic, an environmental research and consultancy NGO, is involved in carrying out other case study research under the same contract.

⁹Essentially the Director, who has been one of the Small Group participants, has also had a recognised role in advocating that the LWF be established as an opportunity to pilot a collaborative governance approach at the national level.

2.2 Research opportunities and constraints

Although it had been expected that the involvement of researchers would begin at the start of the LWF process (ie, at the beginning of Phase 1), this did not occur, and the researchers were finally engaged in January 2010 (ie, at the beginning of Phase 2).

To understand the nature of the research opportunity thus provided, it is important to note that the researchers were required to operate within certain restrictions¹⁰. This was *"because some Forum members have a degree of concern about being observed for this research project, and there is concern about the possibility that the research project could intrude on the successful completion of the Forum's work."*

The sub-contract was explicit in allowing the researchers to attend meetings of the LWF¹¹ and to make notes of their observations, but not to make any sound recordings of the discussions.¹² It was expected the researchers would interview participants in the LWF, but that opportunities for this were restricted to the LWF meeting days.¹³ The initial intention of the researchers to survey Small Group participants early in 2010 as a pre-cursor to a follow-up survey at the end of Phase 2 was not permitted as there was concern about the potential impact of the survey on the group process.

After a period of researcher familiarisation with Forum processes and increasing familiarity of Forum participants with the presence of the researchers, the researchers negotiated some changes to the initial restrictions (see Section 2.1). Interviews on non-meeting days were permitted and attendance at some inter-sessional meetings was allowed¹⁴ with the explicit agreement of those concerned. A survey of Small Group participants was designed, piloted and administered after the conclusion of Phase 2 activities.

As described later in section 3.6 of this report, we acknowledge that much of the researchers' time was spent observing LWF activities involving all the Small Group participants together, which, in the context of thinking about consensus building, we refer to as 'on-stage' activities. Typically, there were also many other exchanges between participants which were integral to the consensus-building process, such as formal, topic-focussed, inter-sessional group discussions, or informal conversations during meeting breaks or over breakfast or dinner. These would involve only a few Small Group participants at a time. Therefore, in the context of thinking about consensus building, we refer to these exchanges as 'off-stage' activities.

The observations of the two researchers were clearly limited to the 'on-stage' activities attended and to a small proportion of the 'off-stage' exchanges witnessed. Over the course of Phase 2, many Small Group members, on an individual basis, approached one or other of the researchers with their own observations.

¹⁰ Amongst other matters (see main text), relating to minimising the impact of the research on Forum members time and workload, maintaining confidentiality, the timing of any research publication, and the opportunity for the Chair of the LWF to review any draft report for factual inaccuracies and concerns about attribution, and to make comments on the draft report.

¹¹ Initially, only one researcher was to attend all LWF meetings and the second researcher was to attend only the meetings in January, June and July. This was subsequently re-negotiated to allow both researchers to attend most LWF Small Group and Plenary meetings, after it had been accepted that their presence was not impacting adversely on the LWF discussions.

¹² This restriction made any detailed discourse analysis impossible, in the strictest sense of the term.

¹³ The opportunities for interviewing individual participants afforded under this restriction without intruding on the LWF process itself were limited. Most participants arrived at the meeting venue within half an hour of the start of meetings and most left the venue immediately the meetings concluded. Opportunities to conduct interviews between the Thursday and Friday meeting sessions were often limited by other meetings and discussions which the participants engaged in. People were often tired at the end of a long day of intense discussion. This initial constraint was subsequently relaxed, but not until the middle of June 2010, by which time the LWF was nearing completion of the formal deliberation stage.

¹⁴ One researcher attended all the meetings of one of the five inter-sessional sub-groups.

2.3 Sources of information

The sources of information available to the researchers include –

- a literature review on collaborative processes (see section 2.4 for more detail);
- researcher observations and notes from attending the Small Group and Plenary meetings;
- researcher observations and notes from attending the meetings of one of the five inter-sessional sub-groups, and a selection of email exchanges between sub-group members in between meetings as they worked towards agreements on ideas and text;
- a selection of email exchanges which participants volunteered to send to the researchers;
- individual semi-structured interviews with 15 out of 22 Small Group participants and 4 out of 6 active observers;
- interviews with members of the Secretariat;
- individual interviews with 3 members of the Plenary; and,
- survey responses from 27 Small Group participants¹⁵.

Interviews with members of the Small Group and the Secretariat were spread throughout the course of Phase 2. These interviews ultimately involved two-thirds of the Small Group members and two-thirds of the active observers. Interviews began in January 2010 and ten interviews were completed by the middle of May. Due to the contractual constraints discussed in section 2.1, interviews planned for mid-May with members of the Secretariat, the Chair and several Small Group members in Wellington had to be postponed. Individual interviews resumed in August 2010 and the last interviews were completed in November. Several individuals were interviewed twice. Thus, half the individual interviews were conducted in the early part of Phase 2¹⁶ and the other half in the latter part. Ultimately, the individual interviews covered all perspectives and people involved in all aspects of the LWF deliberations: the Chair, several of the Secretariat, all three Trustees, 15 out of 22 Small Group members, 4 out of 6 active observers, and, in each case, the majority of participants in the five inter-sessional, topic-focussed working groups.

¹⁵ Out of a maximum of 30 possible responses, including 22 Small Group members (2 alternates) and 6 Active Observers

¹⁶ These interviews followed a semi-structured format, with open questions focussed on two broad areas: (1) participants' involvement in freshwater management activities generally, including their roles, responsibilities and relationships with other parties, and (2) participants' experiences of the LWF so far, including how they became involved, issues which motivated their involvement, their experience of the process and their expectations for the remainder of Phase 2.

2.4 Conceptual framework for thinking about collaborative-based processes¹⁷

The research team has worked on a definition of collaborative governance as an arrangement where one or more public agencies engage with non-state stakeholders (commercial and community) in a collective decision-making process. Such a forum is formally organised and meets regularly, works to achieve decisions by *consensus* and focuses collaboration on solutions or outcomes. Governance here is not about one individual making a decision but rather the pooling of resources so groups of individuals or organisations can make decisions that cannot be solved alone – coming together with the intention of solving problems for the wider community – with the purpose of guiding and steering the community.

Throughout the research process we have been guided by our earlier literature review (see Appendix C). That broad body of experience indicated that certain key factors contribute to the success of a collaborative governance process. These key success factors – the elements of a conceptual framework – have been used by the researchers to guide the observations and reflections set out in this report. They would also usefully inform the thinking of personnel in central and regional government when considering how future applications of collaborative governance should be set up and implemented.

The literature points to the following five key success factors:

A commitment to legitimacy: Legitimacy comes from addressing satisfactorily matters of representation in the collaborative governance processes that are established. The collaborative process includes not only the “deal makers” or “deal breakers” but also those *affected* by outcomes of the process.

A commitment to change for the common good: The parties involved in the process are committed to participate positively – seeking constructive responses to conflict situations. This ensures that participants are energized to engage with one another and push for agreement and mutual gain. Mutual gain can involve a push towards a common “superordinate” goal. Commitment to change for the common good needs to be an article of conduct required of participants and constantly reinforced during the deliberative process.

¹⁷ This section is informed by the work of:

Ansell C, Gash A. 2008. Collaborative Governance in Theory and Practice. In *J Public Administration Research and Theory* 18 (4): 543-571. Advance Access published on line Nov 13, p1. doi:10.1093/jopart/mum032

Berkes F. 2009. Evolution of co-management: Role of knowledge generation, bridging organisations and social learning. *J Environmental Management* 90:1692-1702.

Innes J, Booher D. 2010. *Planning with complexity*. Routledge

Zadek S. 2008. *Collaborative Governance: the New Multilateralism for the 21st Century*, Published in Global Development 2.0, Brookings Institute, Washington DC

Takahashi L & Smutny G. 2002. Collaborative windows and organizational governance: Exploring the formation and demise of social service partnership. *Non Profit and Voluntary Sector Quarterly* 31:165-85

McCoy ML, Scully PL. 2002. Deliberative Dialogue to expand civic engagement: What kind of talk does democracy need? In *National Civic Review* 91 (2):117-135.

Bandura A. 1997. *Self-efficacy: The exercise of control*. New York: WH Freeman.

O'Brien M. 2010. Briefing Paper: The Development of a Regional Future Energy Security Strategy – A Collaborative Governance Research Project. Cawthron Institute, October. (Unpublished)

A commitment to authentic face-to-face dialogue: This requires that –

- participants are involved in a deliberative process characterised by direct and sincere engagement so that assumptions can be challenged, value and belief systems tested and stereotypes discarded;
- deliberations cannot be dominated by those with power outside the process;
- everyone involved must have equal access to all the relevant information and an equal ability to speak and be listened to, ie, all participants have a real voice and listening becomes as important as speaking!
- knowledge relies on what participants know from their everyday lives and not just on specialised, scientific expertise;
- participants have time to explore a range of views about an issue and have the opportunity to sort out what is going on around them – crucial to developing a sense of ownership of the issue at stake.
- authentic, face-to-face dialogue depends on how deliberations amongst participants are structured, facilitated and resourced.¹⁸

A commitment to flexible and facilitative leadership: This brings the parties together and assists them to overcome pre-existing conflicts, builds trust and creates a foundation for working relationships. This is crucial if participants are to examine publicly the attitudes – values, beliefs and assumptions – underlying their own views and the views of others. Depending on the way in which the deliberative process is set up, aspects of leadership may be distinguished from the role of facilitator(s) and be shared by, and be evident in the behaviour of all participants.

A commitment to the creation of an ongoing learning culture: As participants are engaged in authentic dialogue they ask questions, listen, interact and learn about one another – assumptions are tested, thoughts are challenged and new ways to move forward progressed. A commitment to a learning culture also requires that participants believe in the collaborative process and believe they are capable of accomplishing significant social change. This change starts with participants having the capacity to think about alternative ways of working but also to imagine their successful implementation.

These factors are not independent. For example, a commitment to dialogue will have spin-offs for the creation of a learning culture, and so on. Since initiating the research, and as a result of ongoing issues around resourcing, we have added a further factor: *A commitment to appropriate resourcing.*

¹⁸ Note that *discussion* is linked to improving a situation, *deliberation* – a reframing of the situation, and *dialogue* – a transformation of the situation. In this sense the three styles of communication are linked to the three levels of learning as outlined in the literature review accompanying this report O'Brien (2010) in Appendix C.

2.5 Reflections on research involvement

The researcher's involvement in the LWF process has been a privilege.

Based on a small amount of explicit feedback, it would appear the presence of the researchers in LWF meetings has not noticeably interfered with the discussions and deliberations of the participants nor constrained individual behaviours during meetings. Indeed, the researchers have experienced many Small Group members welcoming their involvement; many have approached the researchers voluntarily for discussions, and some expressed enthusiasm to have individual interviews. One or two suggested early on that the research would be even more beneficial if it provided some preliminary feedback during Phase 2 while there was still the opportunity to adapt and adjust the process. However, the contractual arrangements specifically precluded this.¹⁹ On no occasion has an approach for discussion or information by the researchers been refused by a Small Group participant.

2.6 Section summary

Section 2 aims to communicate important aspects of the research activities reported here, including the extent and limitations of the research opportunity, and the methods and the conceptual framework employed in the analysis.

The conceptual framework has been distilled from broader international experience reported in literature. The framework is expressed in terms of process attributes or pre-requisites necessary for promoting a style of deliberations aimed at collaboration. For personnel in central and regional government contemplating future applications of collaborative governance, more nuanced discussion can be found in Appendix C and its associated bibliographic resources.

¹⁹ Stating that the conduct of the research "will not interfere with the collaborative process of the LWF including the ability of LWF members to reach agreement."

3 THE LAND AND WATER FORUM PROCESS – ORIGINS, ESTABLISHMENT AND IMPLEMENTATION

Sectional table of contents

- 3.1 Origins and antecedents of LWF
- 3.2 The role of the Chair of the LWF
- 3.3 The role of the LWF Trustees
- 3.4 The role of the LWF Secretariat
- 3.5 The role of the LWF Plenary
- 3.6 The Small Group process
- 3.7 Section summary

This section aims to describe the Land and Water Forum process in sufficient detail so that someone who has not taken part in the process can gain some understanding of what has occurred. As much as possible, this description is based on the experiences and viewpoints of participants in the process.

3.1 Origins and antecedents of LWF²⁰

For some decades past, various trends in land use such as widespread dairy conversions, agricultural intensification and peri-urban spread were giving rise to accumulating signs of degrading water quality in lakes, rivers and lowland streams in many parts of New Zealand. As a result, tensions had been rising between those who represented different interests. For example, recreational fishing interests launched a 'Dirty Dairying' campaign in a challenge to the perceived ineffectiveness of the dairy industry's Clean Streams Accord. Some regional councils were criticised for not having effective regional water plans while the councils themselves argued they did not have sufficient powers and tools to provide effective protection in the face of aggressive litigation and in the absence of strong central policy leadership. The rising tensions were reflected in increasingly costly and repetitious adversarial court action.

However, unease with this situation occasioned a variety of responses and initiatives from different quarters, including non-government initiatives such as that taken by the Turnbull Group.²¹ The initiative by the Government to trial a national collaborative process in the form of the Land and Water Forum reflected these antecedents –

"It has become increasingly difficult to establish a consensus in New Zealand about what constitutes sustainable land use and its implications for freshwater. This difficulty hampers economic development and damages our environment. It also creates antagonisms between different groups in our society."

Terms of Reference for the LWF Project

The origins of the Land and Water Forum (LWF) appear to derive from the convergence of several threads of activity and influence. The purpose of this summary is to provide some context within which to interpret the experiences of the LWF participants.

²⁰The description in Section 3.1 is based largely on explanations provided by participants in personal interviews, elaborated where possible with reference to some of the events and initiatives they referred to.

²¹ Described as "an independent, multi-sector body committed to a solutions-based approach to improved water management" formed on the initiative of Water New Zealand (The Turnbull Group, 2009. Governance of Water. p.6)

EDS Conference – Conflict in Paradise – gives birth to SLUF

On 11–12 June 2008, the Environmental Defence Society (EDS) held its annual conference in Auckland on the theme of *Conflict in Paradise: the Transformation of Rural New Zealand*. The conference communiqué announced an agreement by a range of conference participants to establish “a unique roundtable group to work to find ways of making New Zealand agriculture more sustainable.”²² The communiqué linked national economic welfare, rural production, environmental performance, land-use intensification, declining water quality, global market perceptions and rural-urban tensions in New Zealand. Labelled the *Sustainable Land Use Forum (SLUF)*, the EDS Chair expressed the expectation when delivering the communiqué that its establishment would “mark the beginning of better understanding and relationships between our rural and urban partners.”

Those organisations originally committing to take part included EDS, Federated Farmers of New Zealand, Fonterra, Lincoln University, University of Auckland, Ministry of Agriculture and Forestry, Ministry for the Environment, Ecologic, Fish & Game New Zealand, Royal Forest & Bird Protection Society, New Zealand Farm Forestry Association, New Zealand Landcare Trust and PGG Wrightson.

The communiqué noted other organisations would be invited to join the Forum, including Local Government New Zealand and iwi authorities.

Ecologic research – Nordic experience of collaborative governance in resource management

In 2003, Ecologic and 12 research partners²³ received funding from the Foundation for Research, Science and Technology for a research programme entitled “Institutions for Sustainable Development”.²⁴ The four-year project had the following two objectives:

- 1 resolving the tensions between democracy and sustainability – involving case studies comparing New Zealand institutions with the experience of Nordic countries, with a focus on collaborative governance
- 2 integrating the true cost of natural resources into the market economy – involving case studies on the implementation of market-based instruments such as tradable permits, and methodology for integrated assessment of policies and proposals.

The research team presented the findings of the research to the public in August 2007 at the Northern Lights Conference.

The Executive Director of Ecologic subsequently worked with the Blue-Greens²⁵ to promote the case for New Zealand experimenting with its own form of collaborative governance. The timing seemed appropriate to translate policy research into policy action.

National policy development sequence

After more than a decade of practically no national policy guidance in matters of natural resource management, the Labour Government established the Sustainable Water Programme of Action (SWPoA) in 2003. Under the SWPoA, officials consulted during 2004 and 2005 with local government, landowners, businesses, industry groups, sector groups, iwi, community organisations and individuals on issues facing freshwater management²⁶. Following this period of officials-led

²²<http://www.eds.org.nz/content/documents/pressreleases/Sustainable%20Forum%20PR.pdf>

²³New Zealand Business Council for Sustainable Development; Fertiliser Manufacturers Association; Solid Energy; Seafood Industry Council; Holcim; Te Ohu Kai Moana; Fish and Game New Zealand; four government ministries; Wellington City Council.

²⁴<http://www.ecologic.org.nz/?id=14>

²⁵Described as the NZ National Party's advisory group on environmental issues, www.bluegreens.org.nz, downloaded 31 August 2011.

²⁶<http://www.mfe.govt.nz/issues/water/prog-action/index.html>

consultation, the Labour Government initiated the development of three instruments for freshwater management in November 2006. These included:

- a National Policy Statement (NPS) on Freshwater Management (publicly notified in September 2008; with submissions closing in April 2009 and hearings running from June to September 2009)
- National Environmental Standards for Measurement of Water Takes and Ecological Flows and Water Levels
- a Board of Enquiry (BoE) chaired by Environment Court Judge Sheppard which was convened in 2008 to steer the NPS process. The Board delivered its report and recommendations to the Government in January 2010.

The National-led Government may have had an interest in a different NPS for fresh water, but found itself bound by the procedural constraints of the policy-making process for an NPS. The Government subsequently sent the draft NPS and BoE recommendations to the LWF (at its February 2010 meeting) for its response.

Chronology:

A chronological summary is provided below, and also in figure 1.

June 2008: EDS conference leads to establishment of Sustainable Land Use Forum (SLUF); subsequently renamed the Land and Water Forum (LWF). It is unclear just when this transition occurred.

Nov 2008: General Election returns a new National Government; Dr Nick Smith appointed to be Minister for the Environment.

Dec 2008: The Chair of SLUF selected and foundation members (the Plenary at that time) decided to form a Small Group, based on the proposition of 5+5+5 (5 industry; 5 environment/public interest; 5 iwi).

Feb–August 2009: The Chair recruited additional participants to both the Plenary and the Small Group, including iwi representatives and representatives of hydro generators, and other rural and urban water interests.

Feb–June 2009: The Small Group meets monthly to work on a Statement of Issues, Terms of Reference and set of protocols for a re-named Land and Water Forum (LWF).

June 2009: The Small Group reports to Plenary with Terms of Reference for a LWF project entitled *A Fresh Look at Fresh Water*. Agreement by Cabinet received.

September 2009: Government funding for LWF approved. Up until this time, the Chair was the only operative of the SLUF/LWF. First administrative support staff recruited.

October–November 2009: Additional Secretariat staff recruited.

August–December 2009: Phase 1 of LWF project.

November 2009: Land and Water Trust established by Ministers, provides formal funding for the project.

January–August 2010: Phase 2 of LWF project (Small Group and Plenary meetings).

September 2010: The LWF Final Report delivered to Ministers.

October 2010: Official public launch of the LWF Final Report.

November 2010-: A series of public consultation meetings begin around the country.

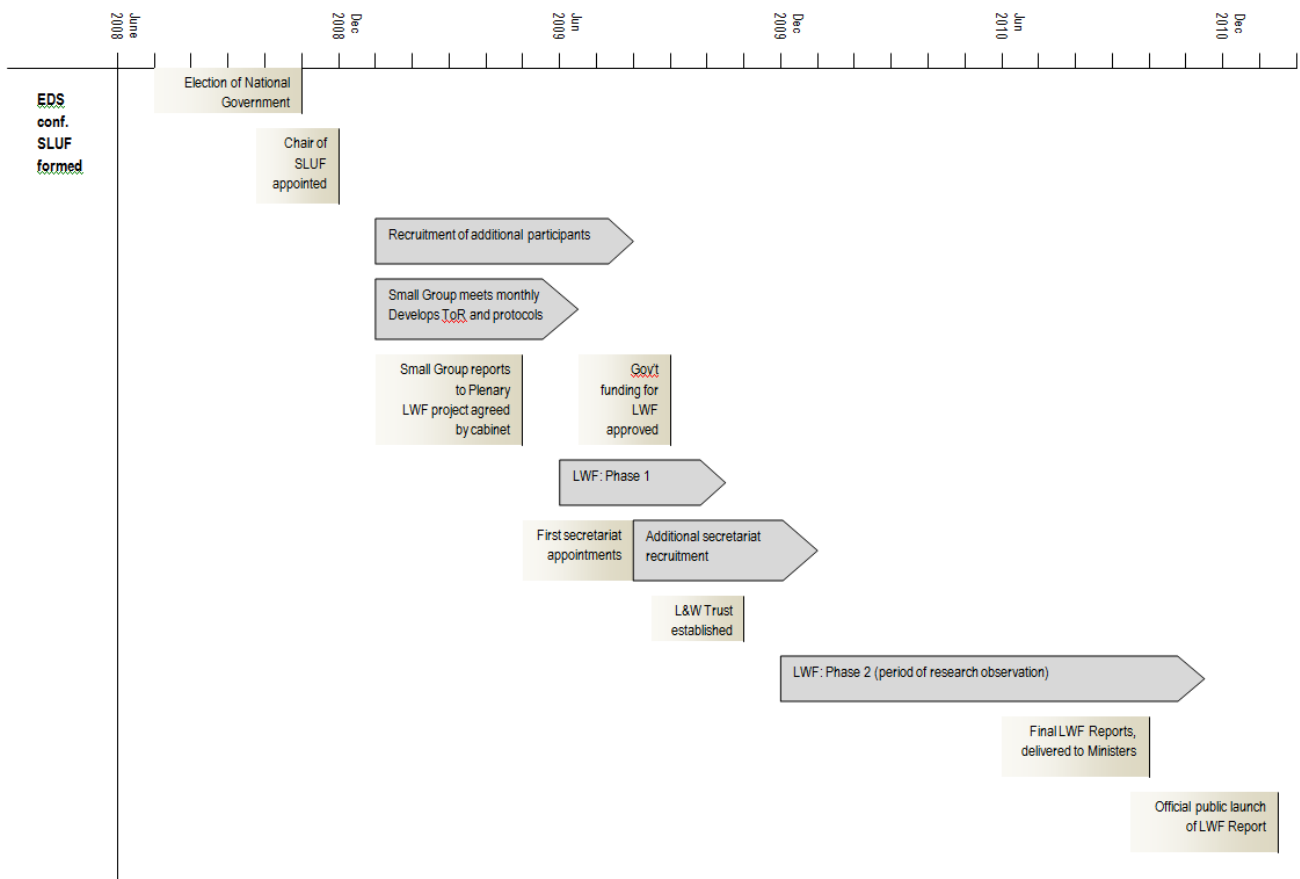


Figure 1: Timeline of key events and LWF processes.

Figure 2 presents in a simple schematic form, the relationships between various individuals and groups whose roles are discussed in sections 3.2 to 3.6.

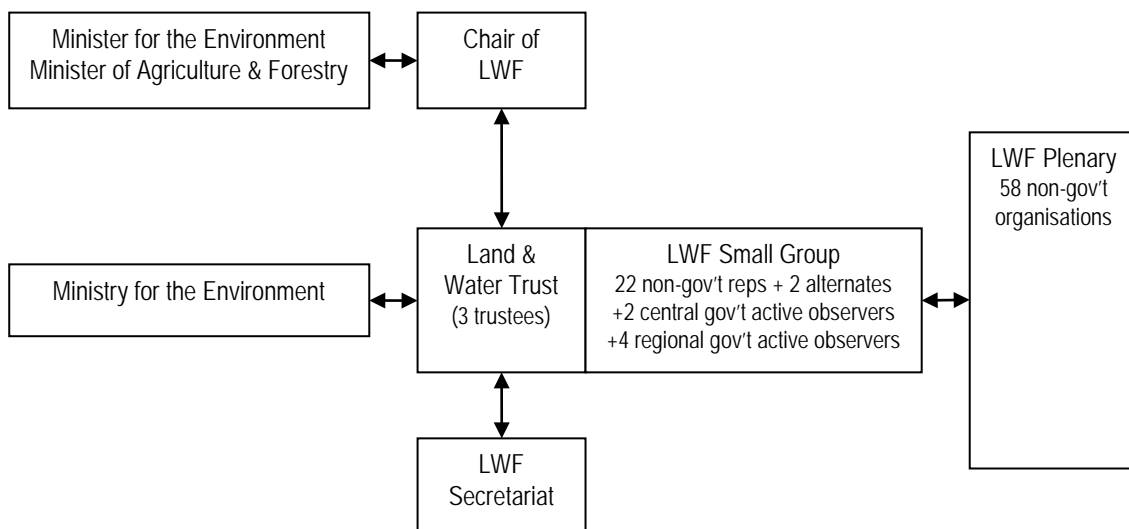


Figure 2: Organisational relationships within the LWF process.

3.2 The role of the Chair of the LWF

A simple description of the role of the Chair was provided by the incumbent when he reflected – “...to help this group reach consensus, which will help the Government resolve water issues”.

This brief description, however, gives little insight into the multifaceted demands which the Chair encountered. To explain this matter in more detail, it is instructive to acknowledge that, in the case of the LWF, the Chair had first to get the project to the start line, before he could manoeuvre it towards the finish line. In this instance, the Chair found himself at the beginning of 2009 in a trailblazing role. He picked up a potentially good idea, supported by a slowly expanding base of enthusiasm – but not without those who would have been happy to see the whole enterprise disappear or fall apart at any stage – and turned it into a real project.

The Chair is the first to acknowledge that throughout the project his approach to the role has been informed by discussions with many people. Nevertheless, for much of the first six months of 2009, the Chair personally embodied the prospects of the LWF project; he was the only person in the Secretariat, a responsibility he carried without remuneration until September 2009.

Getting to the start line

When the Chair was recruited in December 2009, a group of Plenary members existed in general support of an idea represented by the SLUF concept. To turn this into a workable project, a more focussed Small Group first had to be chosen. This involved the Chair in the dual roles of persuading other relevant parties to come on board as well as persuading those already on board to allow others into the group. Then there was the pressing need for a more specific modus operandi of the Forum to be worked out – “*you have to tell us what we're doing*”. This involved the Chair in discussions to formulate a set of protocols for the Forum, a statement of issues, a set of tasks and a pre-project plan that might attract sufficient confidence from the Government. At this stage, there was no clear commitment by the Government to support, and indeed fund, a Forum. Another aspect of the Chair's role thus involved canvassing and lobbying Ministers and senior bureaucrats to achieve and sustain a sufficient threshold of support for the project. The Chair reflected the situation when saying –

“In effect we were trying to persuade the SLUF to agree on an acceptable task to do for the Government, and at the same time trying to persuade the Government that the SLUF was an appropriate vehicle to do the task for it.”

And summed up – “*The project happened because people were prepared to go on.*”

This period of developmental activity was important for building trust and building relationships among the evolving core group of participants who would in time become important contributors to the LWF process.

Getting to the finish line

Even once a project proposal had been agreed by the emerging Small Group and accepted by the Government, there still remained the important tasks of recruiting staff for the Secretariat and more detailed planning for the Forum's activities. The Chair's role was central in both of these, as it was for determining the approach and agenda for each meeting. Ongoing aspects of the Chair's role involved chairing/facilitating all the Small Group and Plenary meetings, participation in numerous inter-sessional sub-group meetings, accessing other external resources to supplement the Secretariat and continuing liaison with a range of parties external to the Forum, including Ministers, member CEOs

and boards and the like, in order to maintain support for the project. Along with other members of the Secretariat, the Chair also had a major role in structuring and drafting sections of the Final Report and in crafting the wording of recommendations. In summary, the Chair's role has been multi-faceted.

3.3 The role of the LWF Trustees

The funding deed between the Ministry for the Environment and the Land and Water Trust which signalled official government financial support for the LWF project was signed in November 2009.²⁷ Although financial management and accountability was always viewed as an important function of the Land and Water Trustees, the Trustees' role was not limited to this function. For example, one trustee deputised for the chair during a 4–5 week period in the middle of 2009.

The Land and Water Trust itself was formed about April 2009, with three trustees representing "*the public interest, iwi and industry water users*". All were based in Wellington. As part of their financial management function, the trustees were responsible for interviewing candidates and employing Secretariat staff.

During the Trust's early months, trustees found themselves brainstorming ideas with the Chair. As time passed, a "sounding board" role evolved, although not to the point where the Chair's autonomy was replaced by group consensus decision-making. The Chair and the trustees recount an increasing support role for the chair as the LWF project progressed, particularly during meetings of the Small Group or Plenary in Phase 2.

By all accounts, the Chair and the trustees have worked closely, intensively and constructively together, with telephone communications becoming increasingly frequent during the progress of Phase 2.

3.4 The role of the LWF Secretariat

The responsibilities of the Secretariat covered project management and administration, process design and facilitation, policy and technical analysis support, recording discussions and preparing draft text for Small Group or Plenary deliberations.

Interviews with participants and some members of the Secretariat provide a consistent set of observations.

Firstly, it must be acknowledged that the Secretariat arrived late in the LWF project, progressively during Phase 1 activities in the second half of 2009. Two people were recruited in August 2009 to assist the Chair with process design and meeting facilitation respectively; administrative assistance also joined at this time. Somewhat later (October/November 2009), the project manager and two policy analysts (one full-time, and one part-time) joined.

Secondly, it is evident that some of the roles within the Secretariat were either not specified clearly for the individuals concerned or not understood by others within the Secretariat or the Small Group participants.

It is also relevant to note that Secretariat staff were employed on short-term contracts, some of which terminated less than one week after the final Plenary meeting and a fortnight before the Final Report of the LWF was launched.

²⁷Letter from Ministers to Chair, 26 November 2009

A third issue for the Secretariat has already been alluded to – lack of overall capacity as a result of funding limitations. This became increasingly apparent when Small Group participants and Secretariat staff alike were coping with short turnaround times for draft documents late in Phase 2.

Capacity limitations within the Secretariat were addressed to some extent by several other arrangements. Expertise and experience relevant to government and policy processes was provided through the presence of Active Observers from central government and regional councils. Specific science input was provided across a range of topics from a number of NIWA scientists. Other expert input was bought in on several occasions²⁸. Assistance with financial services support has been provided by Water NZ.

The following quote captures several themes common to many interview responses –

“...firmly believe we muddled through on an unrealistically small budget; process deserved and warranted a larger budget; particularly more people at the Secretariat level.”

These observations are not intended to imply criticism of the individual Secretariat members, none of whom could be held responsible for the circumstances under which they were engaged. The observations do, nevertheless, provide some clear cues for thinking about the roles and circumstances under which a Secretariat might be assembled for another project such as this in future.

3.5 The role of the LWF Plenary

The role of the Plenary is perhaps best understood in relation to the evolving organisation of the LWF project. The objective reality is that the role of the Plenary changed between the stages of LWF project development and initiation during 2009 and the conclusion of Phase 2 with the final LWF Report at the end of August 2010.

The Forum started on the basis of organisations volunteering to participate. Its numbers soon grew to the point where group size would challenge the logistics of facilitated consensus building within a single entity. The Plenary members decided in December 2008 that the Forum needed focus as well as addressing certain matters of representation for reasons of legitimacy and effectiveness. It also needed *“a process to build confidence and identify a task”*. As a result, the concept of the so-called Small Group was conceived. Its membership would be by invitation. Initially the Small Group was built around 15 members.²⁹ By the time Small Group membership closed in August 2009, there were 22 organisations represented (refer Appendix A). In contrast, the Plenary continued to attract additional members until its membership was closed in March 2010 at a total of 58 organisations. Interviewees indicate that Plenary membership was not entirely by self-appointment;³⁰ also that there were stakeholders who, in 2009, would have preferred the Forum not proceed at all. Nevertheless, the observation was offered that the Small Group *“includes all the people of the Plenary who could stop this dead; they had to be inside the tent.”*

Initially, the Plenary represented the multi-stakeholder group – the Forum – with whom the Government intended to draw up a contract for a collaborative governance process on freshwater management. By the end of Phase 2 (August 2010), the Plenary was the wider group of

²⁸ Analysis and presentations by external consultants on High Level Policy Design Options (25 February; 15 April)

²⁹ 5 from primary industry, 5 iwi and 5 NGOs

³⁰ At least one example was cited of an organisation which asked to participate and whose request was declined. There may have been

stakeholders, most of whom had experienced only modest direct engagement in the LWF process, and whose role was more one of endorsement of the Final Report and recommendations rather than ownership of the detailed content of the Final Report. However, the change in role was not in all cases matched by corresponding adjustments in the expectations of Plenary members or Small Group members.

The change in the Plenary's role was not intentional. Indeed, discussions within the Small Group as recently as June and July 2010 make it clear that some Small Group members still held to the earlier expectations. While it may still have been the case that "technically the Forum was accountable to the Plenary", the logistical demands during the last few months of Phase 2 associated with iterative drafting and gaining agreement on draft text even within the Small Group itself made strict accountability to the Plenary impractical.

3.6 The Small Group process

In its final composition, the Small Group began meeting in August 2009. The process was conceived in two phases. Phase 1 ran from August to December 2009, while Phase 2 ran from January to August 2010.

The researchers were not engaged until the beginning of Phase 2 (January 2010).

The objectives and scope

The Small Group process was central to the objectives and scope of the LWF. These were set out in the Terms of Reference for the LWF Project entitled *A Fresh Look at Fresh Water* which stated that –

"The Land and Water Forum is to:

- *Conduct a stakeholder-led collaborative governance process to recommend reform of New Zealand's freshwater management;*
- *Using a consensus process, identify shared outcomes and goals for fresh water;*
- *In relation to the outcomes and goals, identify options to achieve them;*
- *Produce a written report which recommends shared outcomes, goals and long-term strategies for fresh water in New Zealand."*

It is evident that the Terms of Reference were explicit on the character of the process to be adopted within the Small Group – *"a stakeholder-led collaborative governance process" – "a consensus process"*.

Deliverables were to include –

- a detailed business plan to the Secretary for the Environment
- quarterly progress updates to Ministers
- a final report for Ministers (originally by 31 July; subsequently by 31 August 2010)
- a final report on expenditure.

others.

The Terms of Reference noted explicitly that:

"Ministers will not be bound by the advice and recommendations contained in the Land and Water Forum's final report."

The processes referred to in these statements of objectives involve primarily the members of the Small Group, the Active Observers, the LWF Secretariat, and various expert contributors to Small Group meetings. As noted in discussion of the role of the Plenary, there was initially an expectation that the Final Report would represent a consensus amongst members of the Plenary, as the broader group of stakeholders associated with the LWF. In the event, there was insufficient time to socialise³¹ amongst Plenary members the consensus achieved by members of the Small Group.

The protocols

"Protocols for Participation" were agreed amongst Small Group members prior to the start of the Phase 1 meetings.³² These addressed issues of courtesy, good faith behaviour, mandate, confidentiality, urgency, and government participation. The protocol document also set out expectations for various aspects of process, including –

- *The Forum will reach its conclusions by consensus which will be registered in the Plenary;*
- *Working groups may be established to do the preparatory work on particular issues or clusters of issues;*
- *the Plenary will be attended by Chief Executives or similarly senior representatives of the organisations involved, unless there is agreement that it should meet at working level;*
- *The Forum may commission research and analysis to assist it in its deliberations;*
- *The process will involve organisations with broad representation and direct and tangible involvement in sustainable land use/freshwater issues. Knowledge and other institutions may be invited to participate as observers.*

The concept of consensus is a recurring theme in the wording of the protocols. In addition to the reference above, the wording of the "good faith" protocol states that *"The participants will engage in the process in good faith and actively seek consensus, building on any past agreements."*

Representation

The transition from SLUF to LWF Small Group

At the end of 2008, the Small Group was little more than a concept proposed by the members of the Plenary at that time – or perhaps a subset of the Plenary. The concept began with the notion of "5+5+5", referring to five environmental NGOs, five iwi representatives and five primary industry representatives. At the beginning of 2008, iwi representation was notional, since there had been no iwi engagement at this stage. While the five original primary industry stakeholders remain, this group did not at that time include some significant primary industry water interests such as horticulture or irrigation; nor were any hydro-generators involved.

Subsequent recruitment resulted from personal initiatives by the Chair, since no one else had such a mandate at that time, with existing members of the Small Group being persuaded to include additional interests. By various accounts, the transition from the SLUF to the LWF involved an amalgam of being invited in by those already involved and *"knocking on the door, wanting to be let in"* by others.

³¹ A term used commonly by members of the Small Group when discussing how to broaden the basis of consensus amongst the various constituencies of interest represented in the Small Group and the Plenary.

³² Refer 'LWF protocols and processes as adopted 17 Jun 09.doc'

Discussions and negotiations about membership of the Small Group were closed off in August 2009. The Terms of Reference for the LWF project subsequently described Small Group representation as follows –

“Membership of the Forum comprises stakeholders outside of the Government with a major interest in fresh water.

The renamed Land and Water Forum represents a wider group of stakeholders including iwi, agricultural, industrial, urban, and environmental organisations with interests in water management.

Local and central government representatives will be involved in the project process as ‘active observers’.”

Final composition of the Small Group

Member organisations of the Small Group are listed in Appendix A. The following table demonstrates the combination of original ‘5+5+5’ as well as other stakeholders added subsequently. Central and regional government ‘active observers’ have not been included in this table.

Organisations represented in the LWF Small Group			
<i>Iwi</i>	<i>Environmental NGOs</i>	<i>Primary sector</i>	<i>Other interests</i>
Te Arawa Lakes Trust	Ecologic	Dairy NZ	Meridian Energy
Te Runanga o Ngai Tahu	EDS	Federated Farmers	Mighty River Power
Tuwharetoa Maori Trust Board	Fish & Game	Fonterra	NIWA
Waikato-Tainui	Forest & Bird	Horticulture NZ	Tourism Industry Assoc
Whanganui River Maori Trust Board	Whitewater NZ	Irrigation NZ	Water NZ
		Meat & Wool NZ	
		NZ Forest Owners Assoc	

Process architecture

The purpose of this section is to provide some insights into the range and mix of activities which Small Group members have been engaged in over the past 18 months. These include the scheduled formal meetings of the Small Group and the Plenary, and the inter-sessional groups.

The Small Group collaborative governance process has involved some activities shared by all participants, which we might refer to as ‘on-stage’ activities, and other activities to which only some or a few are party, which we might refer to as ‘off-stage’. Even the formal meetings of the Small Group or Plenary involved intense inter-personal or small-group conversations during the breaks.

Small Group and Plenary meetings

The Plenary met at the beginning and end of Phase 1, and then periodically during Phase 2, with increasing frequency towards the end. The meeting dates are listed in Appendix B.

The Plenary and the Small Group were differentiated both in terms of the size of the group³³ and the amount of time spent together.³⁴ Members of the Small Group met on at least a monthly basis between August 2009 and August 2010, sometimes twice a month and three times in a calendar month on two occasions³⁵. Prior to the deadline for final reporting, the Small Group also retreated onto Waiheke Island – a chance to get increased focus from the whole group without interruptions (no cell phones!) and crunch out agreements for the Final Report.

Such simple statistics say nothing about the very substantial time commitments which some participants have made outside of the formal meeting times. It is impossible to get an accurate sense of this. However, in the final two months, anecdotal reports would indicate that some Small Group members were allocating at least another day or two each week to Forum activities.

Inter-sessional groups:

As the Forum moved into Phase 2 and faced the dual challenges of reaching consensus on a range of issues and then writing these agreements into a Final Report, additional efforts were put into smaller group deliberations, referred to as 'inter-sessionals'.³⁶ Four of these groups, typically with six or seven participants, began their work in February or March 2010 under the themes Storage, Governance, Standards and Good Management Practice/Audited-Self-Management. A fifth, somewhat larger group of about 10 began work on Allocation issues much later, in about July 2010.

The efforts of these inter-sessional groups were guided by a short brief, common to each, which stated –

"The purpose of the paper is to assist the Forum to arrive at a recommendation on the issue. It should:

- be brief,*
- set out the issue clearly,*
- be clear about assumptions,*
- seek to reconcile differing opinions,*
- set out clear options if this is appropriate."*

How the groups were formed initially is unclear. Voluntary participation, based on knowledge and interest, seems to have been an important factor. Some Small Group members chose not to be involved in any inter-sessional, while a few were involved in three. Most Small Group members contributed to the deliberations of one or two inter-sessional groups. All inter-sessional groups included people from a variety of perspectives.

Despite their common function, there appears to have been considerable variation in the modus operandi of the various inter-sessional groups. Three involved Secretariat support directly in their meetings while two did not. Other aspects on which the groups varied include the balance of time spent in face-to-face meetings rather than email exchanges, and the primary responsibility for writing up the agreements where some inter-sessional reports were written largely by members of the group while others were written largely by the Secretariat support person. None of the inter-sessional groups sought to engage a meeting facilitator as a specialist role.

³³ 58 organisations in the Plenary vs 28 organisations in the Small Group, including Active Observers. The difference in numbers of individuals would be much greater, due to multiple representation, mainly in the Plenary.

³⁴ If a member of the Small Group attended all Small Group meetings and all Plenary meetings, they would have attended for 38.5 days, of which Plenary meetings made up a total of 6 days.

³⁵ A list of meeting dates for the Small Group over both Phases 1 and 2 of the LWF process is contained in Appendix B, showing a total of 38.5 days. Records of attendances have been compiled for Phase 2. During the 30 weeks between the last week in January and the last week in August 2010, Small Group members were called upon to meet for a maximum 24.5 days, equivalent to almost a day each working week. Fifteen members of the Small Group attended upwards of 80% of these meeting days. Another five members attended two-thirds or more of the meeting days.

³⁶ Smaller groups which worked between the formal sessions of the whole Small Group. See Appendix A for membership details.

NPS confessionals:

This was an example of a different type of a process using the “Friends of the Chair” concept, basically a sub-group brought together by the Chair to address a particularly contentious issue on which positions had appeared to be extremely polarised, but which turned out to be less so in the end. Details can be found in Appendix E.

3.7 Section summary

Section 3 provides indications of the extraordinary extent of organisational development undertaken by various participants in the LWF process over a period of almost two years. It demonstrates the extent to which various individuals, non-government actors and officials went to establish a process for collaborative governance, gain the confidence of government to support such a process, and then implement the extensive deliberations that followed. It also indicates that the process suffered from under-resourcing from the very beginning.

Section 3 also attempts to provide some contextual detail which it is relevant to keep in mind when reflecting on the experiences of participants which are discussed in the next section.

4 PARTICIPANT REFLECTIONS ON THE PROCESS

Sectional Table of Contents

- 4.1 Focus of this section
- 4.2 What motivated engagement?
- 4.3 The perceived nature of collaboration
- 4.4 Positive outcomes: Relationship development and common ground
- 4.5 Leadership and shared authority
- 4.6 Grappling with the collaborative process
- 4.7 Issues of legitimacy
- 4.8 Section summary

4.1 Focus of this section

In simple terms, the intention in this section is to demonstrate how a broad range of participant reflections are associated with the various factors that are critical to collaboration and consensus building.

We begin by examining what motivated participants at a personal level to take part. Then we present evidence and discuss the outcomes of the LWF process as experienced by the Small Group participants.

Three sources of information provide us with an understanding of outcomes of the LWF process experienced by the Small Group members: our researcher observations of the Small Group and inter-sessional activities, interviews with individuals during the course of Phase 2 and survey responses at the end of Phase 2.

4.2 What motivated engagement?

The broader public context for organisational representatives to become engaged has been summarised in section 3.1. Here the focus is on what the participating individuals themselves have said.

Drivers of individual participation

During the course of the Small Group meetings, their sense of frustration with the adversarial procedures dominating the RMA plan-making and resource consenting activities was often raised –

“...at present the most collaborative process is at the court-initiated mediation stage. That's crazy!”

“...people resent being presented with ink rather than pencil and saying 'we'll see you in court' before there has been any conversation.”

“...how do we make sure people don't have an incentive to walk out and 'see you in court'?”

“We have no mechanism as yet in place for responding to over-allocation.... need to link consideration of allocation and end use ... (otherwise) this will be a huge court battle soon ...”

There was a general sense that:

There must be a better way

"...constantly repeating the same argument in the same Court over different district plans, with the same participants... had to be better way... really genuine sense that it would provide a better way forward."

"...unlike XXXX, I'm immersed in RMA processes on behalf of my constituents; I've had enough with adversarial stuff – we need to de-emphasise the use of adversarial approaches; we need more up-front collaborative effort ..."

"Unless we do this via a better process than our current adversarial one, we won't get progress."

"...our experience with communities working collaboratively on nutrient loss in Canterbury – this is a lot better than fighting in the Courts."

Participants' views on these matters were canvassed systematically in the survey³⁷ of Small Group members. Responses³⁸ indicated they were equally interested in pursuing their own organisation's goals and objectives and in making a difference to the way freshwater resources are managed in this country. Promoting an alternative way of arriving at freshwater resource management decisions (as compared with expensive litigious approaches) ranks slightly lower, nevertheless it was a prime motivation for their involvement in the Forum. Support for including 'collaborative approaches' as a better way to resolving freshwater management issues was practically unanimous.³⁹ Furthermore, it was the only strategy ingredient (amongst the four options) to receive majority support.

The literature on consensus building suggests that agreement amongst participants on the nature and seriousness of the problem(s) being addressed is an important precursor to success. It is an indicator of commitment to change for the common good. The survey of Small Group members revealed a high level of agreement on the seriousness of current problems for freshwater management in NZ. An absolute majority of Small Group members agreed that two existing problems are either very or extremely serious. These were:

- (i) lack of national guidance on freshwater issues, and
- (ii) dealing appropriately and fairly with non-point source pollution.

In total, 10 out of 18 identified problems with freshwater management⁴⁰ were seen to be moderately to extremely serious by 85 per cent of the Small Group members. These included the fact that management has inadequately considered the needs of future generations; that freshwater resources had already been over-allocated or had the imminent potential to be so; that water quality is a long way from where many New Zealanders want it to be, and that there is a lack of effective community and stakeholder involvement in management decision-making. Further results can be viewed in Appendix D.

In essence, the results indicated that key drivers of participation were the strong agreement not only over the need to avoid litigation and turn to a more collaborative approach but also a great deal of agreement on the issues of concern in freshwater management. Those contemplating future

³⁷ The survey questionnaire and tabulated responses are presented in Appendix D.

³⁸ Responses to Qu A1

³⁹ Responses to Qu B2.

⁴⁰ Responses to Qu B1.

applications of collaborative governance should take particular note of these motivational factors as potentially important pre-cursors for success.

4.3 Perceived nature of collaborative governance

Given the almost unanimous agreement that collaborative approaches needed to be taken to avoid litigation and resolve current freshwater management issues, what understanding did participants have of collaborative governance? While this topic did not emerge in the Small Group discussions during Phase 2,⁴¹ interviews with individual participants during the course of Phase 2 indicated a good, yet very diverse understanding of what collaborative governance means in practice. This seems to indicate that participants' understanding of the nature of collaboration and its behavioural and process requirements were not "shared", and common ground had not been formally anchored through discussion as a group —

"Just collaborating. Being in a space where you are given the opportunity to build people's knowledge and shared experience without being judged on that in terms of whether or not you have to prove..."

"Decisions are made by consensus; the majority doesn't rule, the whole rules... but in the LWF we won't reach a total consensus – there will be some decisions we can all agree; some we cannot..."

"About consensus; about letting go of sectoral agendas; about thinking really hard about what other people are pushing – reciprocally... Individuals – if we've been honest should be responsible for consensus – it's been the fundamental kaupapa from the start; If people didn't want to participate they should have got out long ago."

"What we are doing isn't actually collaborative governance. It is collaborative policy making – it is getting key stakeholders together with an agreed brief and asking them to come to a policy brief that should be around what we are talking about... Collaborative governance in its purest form is a substitute for majoritarian decision-making through the electorally based processes with key stakeholders making the decisions... and I think in fact that in reality what will happen (to use a Marxist sort of analogy... sort of like the ultimate withering away of the state... and in purest form is probably unrealistic but clipping on the front end of a traditional decision-making process is a good way forward and can work." Q. So, what's the key ingredient? "The process of listening to others and being open to shifting your own views...the other model is about expressing your opinion and leaving someone else to resolve the differences...never thought about it like that before but I think that is right. We've got beyond position statements – in the environment courts that never happens...you sit down and plot how you can undermine the statement of their position and reinforce the veracity of your own..."

A number of interviews early in Phase 2 elicited (independently of each other) several descriptions of a participant's understanding of collaborative governance that have some obvious similarities –

"About consensus; about letting go of sectoral agendas; about thinking really hard about what other people are pushing – reciprocally."

"...where people have mutual respect for each others' positions; then we make decisions based on knowledge and respect for each other positions; very much about having some common goals that unite – not about having total agreement on everything."

"Collaborative Governance has some mutuality about it; shared power; you have a wide representation of those interested in what is being governed and those interests are sharing power; doesn't mean there is absolute agreement, but a willingness to share and give up to gain; people behave strategically rather than tactically around a shared vision."

41

We understand from various interviews that such discussions did not occur in Phase 1 either.

There were also several interview responses which indicated a degree of tacit acceptance of a concept which had not been subject to much if any open discussion –

“...as explained to the Blue-Green conference – the Northern lights approach; but remember that model did not have an iwi component.”

“what we're engaged in here – read Ecologic's literature – the difference here is that there is no guarantee that if we achieve a consensus that they would become any more than recommendations; unclear what appetite the Government would have to implement them.”

“I've not read a skerrick about collaboration... Just been going on my hunch!”

4.4 Positive outcomes: Relationship development and common ground

The general proposition was expressed in section 2.4 that collaborative governance is not about one individual making a decision but rather the pooling of resources so groups of individuals or organisations can make decisions that cannot be solved alone, coming together with the intention of solving problems for the wider community, The notions of 'pooling resources' and 'coming together' implies the establishment of some common ground.

Several interviews part way through Phase 2 (March and April 2010) pointed towards this engagement with one another for mutual gain with the development of rich relationships, increasing respect, and a growing sense of group identity and common focus –

“A new community has been formed – there is social interaction between members of the forum which wasn't there at the beginning.”

“We're starting to see respect being earned around the table; people like to think they're valued.”

“In successful examples of this process, something mysterious happens – it's happened in the Forum – toss together disparate people with various beliefs and backgrounds and values talking with rather than at each other – wanting to achieve the fundamental aspiration of consensus – we've left behind our constituencies – things are now different than at the beginning – opening up your head and your heart, formally and informally – revealing yourself – others can engage with that; you draw out from people quite essential bits which generally remain masked and hidden; then agendas start to disappear and people buy into the greater objective.”

Other interviews at the end of Phase 2 (August to November 2010) pointed towards the creation of important social and institutional capital –

“Something has been created that mustn't be lost; there's a place for a Forum Mark 2 – not necessarily the same people; there's a lot that has been distilled here; don't lose it; the Forum is a guardian of the principles.”

“All of this has turned out to be much more than we expected at the beginning; you release people's energies and affections – people have got to like each other.”

“Overall, an enormously positive experience!”

“On the positive front, I've made some great friendships; had good exchanges; the Forum did that effectively; it's provided a good foundation to go on with.”

As mentioned earlier, there was much about the consensus-building process which necessarily occurred 'off-stage'. This included the informal networking which took place during coffee and lunch breaks on meetings days, at breakfast meetings and shared dinners in the middle of the two-day Small Group meetings, in airport lounges and elsewhere.

Email exchanges amongst the group were an essential part of the development and reinforcement of positive relations, for example, after the announcement of the ECan legislation at the end of March 2010 –

X1: *"I have been watching events unfold last week in respect to the Special legislation for ECan – especially the new abilities for the proposed commissioners to deal with WCOs under new temporary legislation. I can appreciate that there are some members of our Team whom are NOT happy about theseBut I would like to make a very brief comment in support of our unique forum or small group, because I personally think we have come a long way and that I hope the fellowship of the forum is strong enough to see us carry on collectively....so in the spirit of fellowship I share these words and look forward to our next meeting."*

X2: *"Your description of the fellowship of the Forum catches the essence of what I think has been developed so far in the process and what will be required as we face the task ahead of us. We will understandably be measured by our ability to achieve a consensus and deliver a quality set of recommendations. I hope we are still all on board and paddling in unison towards that task. I look forward to seeing you all next week."*

X3: *"I agree with the sentiments expressed in the email. Certainly the forum has a hard task ...but the value in pressing on is more than the sum of the parts developed in the process, and we are certainly committed to continuing in the vein we started this effort."*

X4: *"Thanks XXXX for your thoughts. I too had been encouraged by the way the LWF seemed to be developing, but ..."*

Such sentiments were supported by the survey responses which highlighted numerous positive outcomes, indicative of relationship development and common ground. The strongest agreement was in support of the following positive outcomes from the time spent together –

- new long-term friendships and/or professional relationships⁴²
- a better understanding of other stakeholders' perspectives⁴³
- strengthened belief in the potential of collaborative governance in New Zealand⁴⁴
- recommendations which provide the basis for a step change in freshwater management.⁴⁵

And there was a more modest level of agreement in support of the following positive outcomes – that the Small Group meetings had generated a greater level of trust in individuals who had traditionally been adversaries,⁴⁶ that deliberations had deepened understanding of both participant's own field (of interest) and the physical or biological processes in catchments and produced a consensus that is likely to be durable.⁴⁷

The literature suggests that levels of commitment to consensus building can be influenced by participants' perceptions of whether or not there exists a feasible alternative means of achieving their goals and objectives. Do participants see themselves as more likely to achieve their individual

42 Responses to Qu C1(a).

43 Responses to Qu C1(b).

44 Responses to Qu C15.

45 Responses to Qu C13.

46 Responses to Qu C1(d).

47 Responses to Qu C14.

(organisational) objectives via processes that do not involve the challenge of establishing common ground with all other stakeholders? This was captured by responses to Qu2 in the survey. Only a small minority expressed the expectation (at the end) that they could satisfactorily have addressed their existing concerns about freshwater management through traditional mechanisms. A sizeable middle group though were non-committal on this question, suggesting a "wait and see" attitude and that experience to date of this collaborative approach has yet to confirm all participants' prior expectations.

In terms of other positive outcomes experienced from the LWF process, the theme of leadership and shared authority also attracted much positive reflection, which is reported next.

4.5 Leadership and shared authority

Participants reflected about the leadership of the LWF and the leadership sometimes displayed by others within the LWF, indicating a degree of shared authority in the Small Group.

Leadership of the Chair

The leadership of the Chair was acknowledged on numerous occasions in unsolicited reflections at several stages of the process –

Personal skills were noted –

"I've been impressed by the amount of energy put in by the Chair. Style has been important – as someone who has tried to push through numerous times – this process was trying to engage...Leadership was critical. The first part of the process was good – share and provide insight into who we (participants) are..."

"...been impressed with the Chairing."

"... in awe of the Chair's ability to summarise."

"...he's done a phenomenal job; used all his skills to get across the line; nevertheless, fairly convinced I'd do it differently (another time).....ability to sum up at the end of a meeting was exceptional – trusted him to have captured the essence of the discussion."

as well as the capacity to adapt –

"... does a very difficult job extremely well – got better at it as time went on ...was learning how to corral, cajole and manage a disparate groupsee a strong purpose around luring people into the same circle – doing that more now, not before; earlier on he would let the discourse ebb and flow."

The participants' willingness to share authority was also evident on occasions.

"Collaborative behaviour requires leadership not just from the Chair. Consensus requires direction – exemplars – this is happening quite a bit; the Chair has been showing quite a lot of leadership; other individuals are also doing so in a very positive way – in a very genuine way – that's real leadership in this sort of space."

The Chair also had a pivotal role in effecting iwi engagement in the process –

"I really think that iwi were a terrifically important group in this; their presence stopped us getting into the old settler punch ups – there was a third corner – a third point of power, and this prevented some of the old habitual behaviours."

"...they want a seat at the table; they want to be involved in co-governance; direction of travel is most important; rate of improvement is critical – not too fast to knock people over, but no exceptions; economic development is as important as environmental outcomes – some of these positions actually align quite well with pakeha expectations."

Iwi leadership

Their presence served to moderate participant behaviours, in part because they identified themselves as having interests which bridged traditional dichotomies –

"...we need limits, we need standards ...we also need economic development – they don't have to be traded off against each other."

although not without some nervousness on both sides –

"...inevitably people are nervous about challenging iwi views; ...some felt difficult to bring the same level of debate and scrutiny that they brought to other issues."

"...some concern that the LWF might undermine the crown-iwi discussions; they didn't want to be seen as full collaborators over time that distinction faded as wellthey became involved boots and all in the end."

Over the course of the Forum deliberations, iwi increasingly manifested a sense of responsibility for leadership and shared authority.

"I'm happy to show some leadership on behalf of X1 and X2; iwi have always said that every water body is redeemable – an important point, without wanting to offend others."

"...whilst this is a report that the Forum is handing to Government; we iwi have also to look to the value of what is in this document – we've got to do our bit."

Other elements of leadership

However, other groupings also took leadership roles. While not always obvious in their impact in the formal Small Group sessions, the role of the trustees was, behind the scenes, pivotal to the progress of the Forum and more so as time went on –

"The trustees were terrifically helpful, a high source of comfort and planning ... could talk honestly about a problem and what we were going to do about it."

The 5+5+5, or concept of collective perspectives and leadership was also evident in the language adopted on occasions within the Small Group sessions. Such collective perspectives were sometimes referred to as "Team Iwi", "Team Dairy" or "Team Green". All three terms were used during discussion of the NPS in the Small Group meeting on 18 August, but also at other times –

"...none of 'Team Green' – as you call us – has decided to withdraw."⁴⁸

"I'd like to put up a couple of diagrams on the whiteboard – the underlying issues for me – and I think Team Green..."⁴⁹

⁴⁸ During discussion of the ECan special legislation within the Small Group after the legislation was enacted (15 April 2010).

⁴⁹ During discussion on a governance draft paper (23 July 2010).

*"..Team Green see the National Policy Statement as a critical part of the overall LWF exercise"*⁵⁰

*"The reason we've done this exercise is to try to meet the concerns of Team Dairy..."*⁵¹

*"...an important element in giving us the confidence to go forward in this area has been the initiatives of the dairy industry ... would Team Dairy like to explain this ..."*⁵²

And indeed, the nomenclature "Team Iwi" was used by the iwi members themselves when presenting to the Small Group a paper on Iwi Maori Perspectives⁵³ during the meeting on 26 May 2010.

Leadership challenges and lessons

Notwithstanding the expressions of positive outcomes and experience, and the almost unanimous support for the Chair and expressions of gratitude for (i) his unending degree of commitment, and (ii) the networking and leadership shown throughout the Forum process in "getting the show on the road", there were also some who were critical of the role adopted and concerned about the process and the approach to consensus-building tasks.

"The Chair's modus operandi – diplomatic background – let roll and coalesce and will come right. Against all advice that I'm aware of... this is the way he does it and caused mayhem sometimes. If we get further collaborative governance processes we will need to give them serious advice about getting to work more effectively. It is about being deliberative about processes. If this had happened, we would have breezed in on the deadline with a more in-depth report... existing report... wish we had another month. Not to say it's not useful..."

"...but he doesn't do a round-up to get the views of those who don't speak; we seem to advance and retreat, and advance and retreat – we often don't articulate the agreements – because the issues are big and thorny."

A theme raised with the researchers on a number of occasions was the lack of explicit discussion within the Small Group about what the collaborative governance process was that they were taking part in (discussed previously in section 4.2) –

"It was all new to me; some seemed able to intimidate others in the room with their apparent greater knowledge of collaborative governance; some things didn't seem right to me; ...did my own research ...education and facilitation processes are important... what we all needed is some training in how we should be working in collaborative governancewe could have done better – with a better understanding of the likely success factors and failure factors... we should have known about these sorts of things at the beginning."

In this regard, others volunteered some constructive suggestions based on their experiences in other collaborative processes. For example, in reference to the development of collaborative process in the Canterbury Water Management Strategy, it was pointed out that –

"...three specific exercises were designed to shape thinking, distil information and give direction. Each exercise involved... 2 days and was expertly facilitated... Not saying those were the right processes – but they represented the kinds of things we needed to do with the Small Group – I believe we'd have made quicker progress in LWF."

⁵⁰ During discussion of progress on the Small Group's deliberations over the NPS (17 August 2010).

⁵¹ During discussion of progress on the Small Group's deliberations over the NPS (18 August 2010).

⁵² During discussion of standards at the final Plenary meeting (26 August 2010).

⁵³ Iwi Maori Perspectives on the management on freshwater in New Zealand – prepared for the Land and Water Forum. Author: Team Iwi

Commentary on a variety of other process matters also emerged as issues from time to time, including the transparency of Small Group process planning, Small Group composition, the role of the Secretariat and external communications —

“...there was never any planning about logistics; shared expectations of the process, ...We'd all come together ...debate, debate, collapse, go home; then next Monday we'd get emails about what we need to do...The collaborators need more involvement in the process – have a programme.”

“I don't know how the group composition was established.”

“...we have no idea what the Secretariat is writing; why does no one insist on this.”

“...we're concerned about a lack of transparency at times – for example “Friends of the Chair” – don't like thismanipulating the process ...doing deals.”

*“We should have been able to say things to the media long before this – at least about the process – about key topics being discussed – to create awareness that certain topics were on the table.”
(Comment made at the Waiheke Retreat)*

This is not to suggest that Small Group process planning was the sole preserve of the Chair. It is evident that other Secretariat members and the trustees also made inputs to process planning (noted in section 3.3), and that the Chair consulted widely with some other individual Small Group members (noted in section 3.2). However, what is also evident is that a considerable number of Small Group members perceived themselves to be regularly presented with the process design as a *fait accompli*, having taken no part in prior discussion and that attempts to alter the agenda during the meetings was not always considered (see further discussion in section 4.6). It is also evident from our interviews that the Chair did on occasions decide process matters against the weight of others' advice.

4.6 Grappling with the collaborative process

Various procedural questions were raised by participants from time to time during the Small Group sessions or in 'off-stage' discussions. These included challenges about the appropriate use of the Small Group's time on certain activities, requests to have particular topics included on the agenda for discussion, calls to focus the group's attention on clear problem identification before seeking consensus on solutions; and calls for explicit and contemporaneous capturing of agreements. There was also discussion about whether or not the Final Report should express the journey towards collaboration as well as the consensus outcomes. This section expands on each of these procedural matters.

Are we doing the right things?

Part of the Small Group process in early 2010 was devoted to listening to papers presented to the group on a variety of issues that had been deemed important for the Small Group to understand so as to provide for informed decision-making. Yet, this strategy was questioned as participants realised that this was it... they were the ones responsible (in the country!) for coming up with solutions to the problems of freshwater management –

“...the feeling of weight (of work to be done) is overbearing. We have very few agreed propositions. We need to get closer to findings... need to start conversations...”

“I feel a bit like X..... We've had a lot of input/papers – a lot of academic analysis (like in a

study group) rather than in an outfit in pointy dialogue about how we can cut mustard on this issue! At a time when possibly meaty discussion – it's then put aside and we continue with erudite papers!!

And then later in the same meeting....

"...I'm not sure that doing papers gives us the robustness we need... are we the best possible team and are we doing it in the best possible way? It requires the best investigation – the best research. We need to come in as people with high level discussion – not doing the ground work! I just wondered ... whether we are doing the right thing though. I'm just really worried that in future someone will say – were you part of that X.....?"

While some participants expressed misgivings in terms of the relevance of devoting meeting time to listening to papers prepared by external consultants, others expressed misgivings about hearing only from certain outside experts. Two distinct procedural aspects were at issue: whether or not this was a good use of time, and whether or not the experts invited represented an appropriate choice of perspective. The procedural issue was about how these decisions were taken on behalf of the Small Group. Although not by any means a universal sentiment, some participants expressed their concerns about the consultants chosen to present the papers and others about the need for inclusiveness so that a full range of values and intellectual perspectives could be considered. With regard to the role of expert scientists – from the end January 2010 there was also a push for input from a variety of directions –

"...tap into the skill about...don't narrow our way... we have a problem with identifying a problem on a 'science' basis..."

"Let's look broader because it is a collaborative process."

...but was followed later by *"I'm still concerned about the range of views being included."*

And again, though concern was voiced from another quarter: *"I have real concern about the economic framework – these people haven't been party to the collaborative process."*

Can we have this on the Agenda please?

Throughout Phase 2 there was substantial concern about getting time devoted to discussing certain topics if they were not already on the prepared agenda. Although not the only example, this was no more evident than in the case of the National Policy Statement (NPS) on Freshwater Management. While the NPS is discussed in detail in Appendix E as a microcosm of the work and experiences of the Small Group during the Forum process, the following excerpts give a sense of the challenges faced by some participants in wanting to devote time to discussing the NPS sooner rather than later.

Example from February meeting –

"The NPS discussion is at the end tomorrow."

A few minutes later..... *"In respect to NPS we need to give real time to this. I'd rather talk about this than..."*

"I agree with X.....what we're doing is totally immaterial... (The NPS) is huge in my view."

The issue is brought up again in April after the ECan legislation –

X: "...We don't need to develop a new mechanism... there needs to be a national instrument to protect some key features of our rivers and I see Y... nodding... don't want to throw the whole thing back into the pot..."

And then later in the discussion X brings up the issue of national policy to help the policy formation that X2 & X3 are proposing in this work of theirs –

“(what we need is a) high level narrative at the top... something that looks like a national policy statement and then what you are talking about is the tool kit that we can use to achieve the outcomes... we are arguing about what is going to be in the NPS...”

The response is that it will be dealt with the following day and so later the subject is brought up again: X: *“We know from some parts of the country we have poor water quality... with recent dairy conversions in Waikato these are worsening the situation... the whole thrust behind the LWF was that we have got this problem because there has not been adequate national direction... there was a sense that this needs to occur.. yet... we dance around the need for (national level guidance)... At some point... we are going to have to talk. We have side lined NPS and we need to come back to it..”*

In early June –

The subject is introduced again and it appears that there is agreement that the *“... NPS is a suitable instrument to articulate high-level policies...”* and consideration of a hierarchy of instruments (NPS, NES) and which are optional and which are not; *“...some aspect of NES might be optional but don't agree that an NPS is optional; remember our lack of agreement about the current NPS; but we also agreed that an NPS of some form is required.”* Others are nodding agreement to this which is a different sort of response from the discussion about the NPS earlier in the year.

A few more points are made but not followed through and later in the month, the issue is raised again.

The NPS was finally dealt with through a “Friends of the Chair” process some weeks later. It was not clear to many participants why there had been an extended delay in dealing with the issue nor why it was finally dealt with through a “Friends of the Chair” process, although a post-Forum interview indicated that the Chair had been concerned about the Forum process *“unraveling”* if it had been dealt with earlier.

However, the NPS was not the only topic which received this kind of response. During the March meeting, discussion on science and its role in freshwater management had been scheduled, during which the following discussion on principles took place –

X1: *...an issue I have – when are the overall principles regarding water issues going to be generated? Governance principles are a sub-set of overall principles for water management.*

X2: *Have a look at Colin James' paper.*

X3: *I heard people express interest in principles: if you have responses on governance principles, send them to the governance group members; if you have responses on overall principles, send them to YY.*

X4: *Where did we get to on the science paper?*

X5: *Can we understand what X1's concerns were?* This question received no response, and was then repeated, after which discussion on science resumed.

Thus it can be seen that another aspect of this agenda issue may well relate to participants' own conflict avoidance behaviours. This came through with the use of the phrase “elephant in the room”⁵⁴ which generally refers to situations where people engaged in discussions are reluctant to bring up certain topics, because these topics are expected to be difficult to articulate in a constructive way. The issues are known to be contentious and expected to be difficult to resolve, as implied in the following remarks –⁵⁵

“...there was a sense that we should be talking about the elephants – which make guest appearances occasionally – then scuttle back under the table; sense a growing frustration amongst some who are keen to make this a success; need to talk about these; felt a bit

⁵⁴ The phrase “The elephant in the room” comes from a poem written by Terry Kettering.

⁵⁵ From an individual interview on 28 April 2010

frustrated myself at times, but not too much."

During the course of Phase 2 discussions, the "elephant in the room" was invoked in discussion on numerous occasions, by a variety of participants, right up until the final month (details are listed in Appendix F1). In some respects, the next procedural issue (Can we have the problems before the solutions?) is merely a particular example of this issue (Can we have this on the agenda please?). Such situations are pertinent to a consideration of authentic dialogue and the creation of an ongoing learning culture.

Can we have the problems before the solutions?

Discussion sometimes centered on the need to define the problems and the issues clearly and accurately *before* searching for solutions. Throughout the January meeting there were calls for clarity, and for problem definition, particularly around issues of water quality. At this stage, participants talked past one another and underlying concerns and/or assumptions were not exposed –

"We have a very real issue with problem definition. I'm quite unclear. I don't think there is clarity and can't be ready to talk about solutions."

"I'm hoping that today we will get the problem right with the Secretariat helping us – and clarify our sense of what these papers are to focus on."

"...how do we capture the essentials of problem definition and possible solutions; we need to think about what works and what doesn't work, why some things work and some things don't work."

"...let's capture this as a problem statement."

"Remember the Minister's messages: be careful to explain what the problems are we're trying to remedy and why they are problems."

The issue of the need for clear and agreed problem definition came up frequently in the following months, seemingly without the concern being resolved. For example, in the March meeting –

"I have the same question as X about collaborative structure – I'd like some more thinking about this Overall, I cannot see the principles we're gauging good practice against; still struggling to see the issue we're trying to solve ... we need to see a problem definition and principles as the basis for solutions."

However, the subsequent discussion ignored this request.

At the stage of drafting the Final Report, this issue was still evoking strong debate because problem definition was seen as being closely linked to public accountability –

X1: *"...in many cases cause-and-effect is poorly defined; not trying to weasel primary sector out of problems; the issue is the importance of correct problem definition."*

X2: *"...applies to all aspects of our work."*

X3: *"...not enough on trend comments – some lakes are getting worse because of land-use intensification."*

X4: *"...if you're going to keep on making provocative statements, you'll get thousands up in arms; lakes are hugely variable and complex; if it's a legacy problem, then the current dairy farmer is not the problem."*

X5: *"...trends should be identified; cause-and-effect should be identified where we can."*

X6: "...land use intensification is not just dairy farming; it could be urbanisation; we're not picking on farmers here."

The issue of clear and agreed problem definitions is linked closely to concerns about "cause and effect" (See Appendix F.2) and concerns expressed about capturing agreements and recording discussion points. It continues the theme of commitment to a culture of learning within the consensus-building group.

Can we identify our common ground please?

In building consensus, participants are interested both in the ideas which are agreed and in the behaviours which demonstrate agreement. Furthermore, agreement can be passive ('silence gives assent') or active ('I agree with ...'). As we note elsewhere in this report, Small Group members ultimately demonstrated a high level of commitment to collaboration and consensus building. Participants generally put considerable value on getting to agreement. Time was short and they were keen to use it effectively.

Comments like –

"We need to look at the points we have general agreement on...."

"Yes, what we've agreed – (and then we can say to ourselves) oh yes, that's done – need to be a little more deliberate about it!"

"Yes, that was my thought – let's get a little more deliberation in it!"

...were common. The desire for identifying common ground was also verbalised on numerous occasions during Phase 2.

During discussion of an early draft inter-sessional group paper on governance, instructions for discussion were that participants should make their contributions short and not repeat what someone else has said –

X1: *"But we need to voice agreements."*

X2: *"We also need to make some recordings of agreements."*

X3: *"We need stuff we can take out to our constituencies."*

X4: *"What we've done in the last hour – feels like it's time to settle on some agreements; get them on the whiteboard; X5 have you seen some progress?"*

X5: *"I don't see a start yet; seen a lot of nodding; it's important to capture those things ..."*

As part of the process of working towards agreement and of demonstrating what was agreed, numerous references were made to "capturing" or "banking" points of agreement,⁵⁶ often envisaged as being done by agreed words or phrases on a whiteboard. For example, at an inter-sessional group meeting -

X1: *"There is an important point here – how do we capture this?"*

X2: *"Have we captured the main points?"*

X3: *"Have we captured the concept of ?"*

And in the final discussion at the Waiheke Retreat on the process ahead –

"I'm interested in making things happen in a timely fashion – ie, very bloody quick; otherwise other things will pre-empt what we want; I thought we were going to whiteboard our points agreed upon."

⁵⁶ See further discussion in Appendix F3.

The language of “capturing” was also used in a more nuanced way to refer to capturing in written text the essence of what was agreed verbally.

However, a key issue for participants in the Small Group involved unmet expectations regarding both capturing points of agreement and also recording discussion points. While minutes were provided to members of the Plenary after each Plenary meeting, they were not provided for Small Group meetings. This was an issue which particularly irked some Small Group participants across the various stakeholder perspectives. Their concerns about the failure to capture agreements and record discussion points as effectively as they could have been are expressed in relation to a number of important process issues –

- a desire amongst many to build common ground progressively and thereby build momentum and enthusiasm for achieving further consensus – little gains leading to larger gains – rather than awaiting the final version of the Final Report
- a desire for rigour and discipline in their deliberations
- regrets at the amount of time experienced by many as having been wasted in re-arguing matters which had been resolved and agreed at previous sessions but since forgotten
- assistance for any Small Group members forced to miss a meeting through other commitments
- a lack of trust in the reporting process, with concerns expressed about missing words or missing points.

For example:

“...we seem to advance and retreat, and advance and retreat – we often don't articulate the agreements – because the issues are big and thorny – how many times have we heard a request to whiteboard ideas, but then it's not done; if its captured, it's captured out of sight – we have no idea what the Secretariat is writing; why does no one insist on this?”

“...one of our frustrations – we could have had the key words up on a whiteboard – a major shortcoming – the words were never taken down – a rigour and discipline issue – a needless source of frustration and irritation – happened time and again.”

“We had an agreement that we would keep quiet during the Plenary and any concerns or changes would be dealt with after the Plenary. A Small Group meeting was expected... but it didn't happen. I was sitting on a whole string of changes. Things we thought we had discussed and agreed but had not been incorporated into the general recommendations... ones that we did not agree – it's the nature of the beast! One of the frustrations of the process was that in every single session we could have had all the words we agreed on a screen. At each meeting assuming that the (Secretariat) had got them and they hadn't – it was a real failure of process that created needless friction and tension.”

There is further evidence detailing these concerns of Small Group members in Appendix H. There is no doubt that practically all the Small Group participants would have preferred to have been part of a deliberative process in which agreements were recorded openly and progressively. The survey confirmed this categorically.⁵⁷

⁵⁷ Responses to Qu C7.

Can we tell the whole story?

As the time for final reporting approached, there was increasing focus on the nature and structure of the Final Report. While there were understandably varying views, one common theme was about the need for the Final Report to 'tell the story' of the LWF so that others could gain an appreciation of the participants' journey towards collaboration. The central issue hinged on the tension between, on the one hand, avoiding an excessively lengthy report so as to focus the reader on the key points of (ultimate) agreement and the recommendations, and, on the other hand, describing how and why individual participants (or at least sectoral groupings) had moved from their initial positions to the points of ultimate agreement. For example –

- At the Waiheke Retreat, in response to a draft Final Report –
"We're not telling the story of the LWF experience!"
- At the subsequent Small Group meeting –
*"We need to tell how we've come to the discussions leaving our interests at the door."
"We have to explain to the Plenary our story – the story of the Small Group."
"We're also telling a story to the public."
"I want to expunge the words 'step change' from the report – it comes from Wellington and does not resonate with most people; if we cannot tell our story in a way where this becomes self-evident, we've failed."
"Can we hear from the Secretariat – are we going to get the key points we asked for?"*
- And a reflection after it was all over –
"The LWF report is a political compromise – much of it is written by the Secretariat; we don't get a sense of the compromises that have been made."

This tension is understandable in the context of producing a single output document, and cognisant of the diversity of audiences. Given more time and resources, it may have been feasible to contemplate supplementary (perhaps topic-based) reports, or even to consider release of internal working papers as a means of 'telling the whole story'.

4.7 Issues of legitimacy

Governance processes inherently involve a select group representing diverse interests. A number of procedural issues associated with the legitimacy of representation were raised by participants from time to time during the Small Group sessions or in 'off-stage' discussions. These included the composition of the Small Group, perceptions about inequalities of power and influence within the works of the Small Group, the relationship between the Small Group and the Plenary, and whether the nature of deliberations was ultimately characterised by collaboration or negotiation. This section expands on each of these matters.

Representation and approaches to recruitment

The researchers encountered little discussion amongst participants⁵⁸ of the issue of how people should be recruited into a collaborative process like this.⁵⁹ However, it is clear from a range of comments regarding what had happened in setting up the LWF that there were some considerable disparities in their experiences – some had volunteered at the outset, others had come in late in the

⁵⁸ The issue was raised in one face-to-face interview after the Final Report had been completed.

⁵⁹ The process of recruitment is described (to the best of our knowledge) in sections 3.1, 3.2 and 3.4.

piece; several had been reluctant recruits to the process while one or two described having to fight hard to be allowed in.

"XXXX was given a place – because we fought for it – we wanted to be there."

"Ministers wanted urban issues included – for completeness, but there also needed to be a balance, therefore XXXX was invited to join."

"...in the hydro sector we don't have an umbrella like Dairy NZ; we don't have one player of the scale of Fonterra; we have 5 players who compete. XXXX had a seat; XXXX had to work hard to get involved ... XXXX asked to join the Plenary and were told 'No'."

"Two very important groups are not involved at all – Air NZ, the big hitter on tourism is not inside; Business NZ wanted to join, but there was no consensus that they should – would be seen by some as double dipping; so we have got a paper from them instead."

Despite the efforts (from the Chair) that went into developing the collaborative mix, there were still concerns voiced (in interviews and surveys) from a number of participants about those who were missing from the process:

"Gender balance is important; no one besides X has mentioned it; MAF has the same problem..."

"A couple of women in the Plenary could have provided a real bit of guts to the conversation so I do think the right gender mix was missing....what I notice about men is that they personalize. They have digs... they laugh them off and women don't tend to do this... but focus on the issue at hand rather than the person."

"Regional Councils as active participants – people own what they build and regional councils have not been involved so we have not done the work yet. This work was ...largely a conversation with people who do stuff rather than administrators responsible for looking after water...."

At one stage during the Waiheke Retreat, the issue was raised explicitly, if only briefly –

X1: *"I don't think this forum has all the perspectives."*

X2: *"Which missing perspectives?"*

X1: *"Public health, ratepayers, social equity interests...."*

At the end of Phase 2, participants' views on the representativeness of the Small Group were sought in the survey. Opinions were almost evenly divided on this question⁶⁰ with urban citizens/consumers/ratepayers/communities standing out as the critical interest viewed as not being effectively represented in the LWF Small Group (9 out of 10 responses). The absence of non-dairy-related rural NZ was also noted in 4 out of 10 responses. These include 'innovative pastoral', 'small holdings', and 'arable farming'. There was one-off mention of women, youth, public health, unions, Greenpeace and even that the hydro sector was under-represented. Another noted that the Ministry of Economic Development, although present in the Plenary, *"may have been a valued member of the small group as well"* by virtue of its broad range of water-related interests⁶¹ and its expressed *"commitment to sustainability and eco-verification."*

One participant focussed on the issue of recruitment during an interview with the researchers, raising two alternative propositions:

⁶⁰ Responses to Qu C5.

⁶¹ e.g. food industry, infrastructure, renewable energy

- by one approach, people should be offered the opportunity to participate if they have the resources, information and knowledge to take part and can represent their organisation. This begged the question of who makes the offer and by what authority
- alternatively, the selection of participants could be arranged via an open public process in which it is announced that the collaborative process is going to take place and interested parties invited to join, giving them the opportunity to submit a case for their involvement, and making it clear what the basis and intention of representation is to be.

The distinguishing issue was seen to be whether *“the process should aim to even out the playing field; do you want collaboration with equality or without it?”* The issue of inequality was raised as an important concern by a number of participants.

Perceptions of inequity – inequalities of power and influence

There were perceptions of differential power and influence amongst participants that impacted on their concerns about the legitimacy of the collaborative process. Power issues surfaced in relation to –

- differential access to resources to support their extensive personal time commitment to the Small Group process, preparing for and attending meetings
- whether they perceived themselves or others as being held in higher esteem amongst the Small Group membership
- whether they saw themselves or others as being networked to more influential parties outside the Small Group process⁶²
- whether or not they saw themselves as being impacted by influential interests outside the Small Group.⁶³

For example:

“...how difficult it is keeping up with the time demands of Small Group participation, despite the fact that my organisation is committed to my involvement; I've had to say to my Board that my Small Group commitments have resulted in me not meeting some deadlines on tasks for the Board; if I did it again, I would want to bring along a junior person to shadow me.”

“...the reality of the power structure outside the meeting room had a big effect on those who if they sat there and said “No” then they knew that would prevail because Government wasn't going to take the green side of the issue... It occasionally worked for us – with the NPS – with the Government sending the message that they needed us to work on it.”

“...constantly frustrating that if we put something up we had to give reasons for it or if we disagreed with something that the other side wanted we had to give reasons for it but for me the things that we put up – there were no reasons given for not going along with it.”

“...Most of our leverage came from the Dirty Dairying Campaign...”because the dairy lobby was keen to put the issue “to bed”. It seemed for a while that “our most durable brand was Dirty Dairying so they were motivated to come up with initiatives to get them out of the nose dive they were in... so the environmental movement had some power but not power conferred by the collaborative governance process, but power conferred by the outrageous campaigning years beforehand.”

⁶² e.g. corporate influence with central government; iwi influence with the Crown

⁶³ e.g. shareholder influence on corporate decisions; lobbying power of NGOs

Further examples can be found in Appendix I. Nevertheless, despite these concerns, and to put the issues above into perspective, the participant survey found that more than two-thirds of the Small Group members agreed that the Small Group process had treated all parties fairly.⁶⁴ Those who disagreed tended to represent the traditional farming-environmentalist polarity.

Anxiety about not taking plenary/constituencies along with them

Expressions of concern and anxiety about how the Small Group process would allow for its members to socialise their agreements amongst the Plenary or their various constituencies were never far from the surface at any time during Phase 2. These anxieties affected participants from various perspectives.

Working with the Plenary

While all members of the Small Group have also been part of the Plenary, this did not necessarily provide for effective coordination between the two groups. As time passed and the consensus-building process evolved within the Small Group, the bodies became increasingly disjoint.

"Question the place and function of the Plenary – not an easy space for anyone."

"...at the XXXX conference I encountered initially a lot of hostility, but after I'd explained what I could, they relaxed; people need to talk to their peers before the Plenary ..."

Anxiety amongst Small Group members about the relationship with the Plenary was evident in an exchange which occurred during the Waiheke Retreat (16 July 2010) –

X1: *"...we've got to send them some meaningful information."*

X2: *"...they want to know what we've agreed and what we haven't."*

X3: *"...remember that the report is the Plenary's document."*

X4: *"...how does the Plenary sign off on the document? Do we have a strategy for that?"*

X5: *"...we have to ween them from the notion that they are part of the consensus."*

At the subsequent Plenary (22 July 2010) –

X1: *"...can we be more specific what the Small Group is proposing that the Plenary accept? What will the report propose?"*

X2: *"I don't think we can give you an absolute answer to your question yet; we're coming close to an agreement – we're still honing in on answers – which will be as close as we can get."*

X3: *"...that raises a problem for me; we have 5 weeks for you to deliver; my council meets once every 2 months; we need to know what you are asking our sign off on."*

These exchanges are indicative of the dilemma faced by members of the Small Group, working under extreme pressures of time and confused and changing expectations for the role of the Plenary.

Working with the Constituencies

The relationships between Small Group members and their own external constituencies raised some potentially vexed issues for the participants in this collaborative governance process. Many had no prior experience of such a process. However, these were not relationships that the researchers were able to observe. Nevertheless, the central issue for these relationships – which came to be referred to as 'socialising' the agreements – had a direct analogy in terms of the relationships experienced by Small Group members taking part in inter-sessional deliberations on specific topics. Inter-sessional

⁶⁴ Responses to Qu C2.

group members sometimes faced the same challenges, and the researchers were sometimes able to observe how these played out.

In terms of the relationships with external constituencies, Small Group members expressed concerns at various times⁶⁵ about their –

- need to communicate with and convince people who have not been directly involved in the Small Group deliberations – to bring them along
- need for written materials with sufficient substance and the time to tell the whole story
- anxieties over the risk of external vetoes and the absence of a mandate until sufficient information and discussion has been had
- anxiety that the Small Group had little certainty of the extent of likely consensus until very late in the process.

For example –

“...while these are called areas of agreements, many of us have constituencies which we haven't been able to consult, so there's still a fair way to go in this process.”

“...we have to give people substance – if we don't, we're in trouble; we need to distil some of our longer reports that people can more easily cope withgot to be a huge communication effort; we've got a huge constituency, so has X ...communication is an issue we haven't addressed yet.”

Further details of participant concerns regarding their working with the Plenary and their external constituencies can be found in Appendix J.

As mentioned earlier though, the difficulty socialising agreements was also experienced within the LWF Small Group itself, when it established the smaller inter-sessional groups. For example, discussion on the latest version of the 'governance' paper, presented to the Small Group at the Waiheke Retreat, resulted in obvious splintering in each of the identifiable constituencies – Team Green, Team Iwi and Team Dairy, provoking the following observation from one participant –

“...we need to have clearly expressed obligations and expectations that sectional reps will have active interaction with their other members and establish buy-in to agreements – otherwise we just have anarchy!”

This event also provoked intense 'off-stage' discussion and strategising which was successful in resurrecting and confirming the consensus which had been arrived at by the 'governance' inter-sessional group.

Was this collaboration or negotiation?

The principal issue influencing participants' perceptions of authentic dialogue was associated with a perception for some participants towards the end that the process retreated from collaboration into negotiation. It is evident from the range of comments below that participants had mixed views and expectations about this –

- At the Waiheke Retreat –

“...concerned that the process is degenerating into negotiation around trade-offs.”

⁶⁵ Refer to Appendix I.

- At the subsequent Small Group meeting –

“...there's a more positive way of discussing a collaborative process – this suggests we've retreated into negotiation.”

- and after the Final Report was completed –

“Yes – for hot topics like the NPS – no question that it was a negotiation exercise, but in a collaborative context – but very much looking for common ground.”

“There have been some comments latterly – during the negotiation stage – indicating disputes over what were supposed to be previous agreements, and whether individuals had said certain things.”

One participant, recounting his experience of the final days of Forum deliberation and reporting⁶⁶, observed how changes to the text on the NPS which were presented to the Plenary –

“...took me and others by surprise. For my constituents who were already having a degree of discomfort about the process – this wasn't a good message – suggested that some people had a licence to do things that other people did not.”

4.8 Section summary

This section indicates that the collaborative governance process – as represented in the LWF – was a very positive experience for most of those who participated. While concerned about the goals and objectives of their own organisations and the need for a step change in the management of freshwater resources, their participation was driven by the need to find an alternative to the conflict ridden RMA process to solve resource conflicts. The positive nature of the experience comes from forging common ground through the development of rich relationships – “the Fellowship of the Forum” – marked by new understandings of others' perspectives, substantial power sharing, a genuine respect for one another, and an individual and group resolve to create a difference for the common good. This resulted in a strengthened belief in the collaborative governance process for New Zealand.

Common ground around the management of fresh water was forged despite the fact that common ground around the concept of “collaborative governance’ was never established. While participants would have appreciated more specific guidance on the nature of collaborative governance, they worked with their own understandings of the process and were otherwise guided and/or constrained by the process as it evolved.

The constraints centred primarily on (i) the design of the collaborative process and (ii) issues of legitimacy – both representation and the distribution of power within the Forum.

i) Participants voiced considerable frustration with the lack of collaboration regarding the development of agendas, the discussion format, and most importantly, the inadequacy with which agreements were captured, or not captured, which in turn led to substantial delays in the development and quality of the Final Report and increasing concern for plenary and constituency

⁶⁶ Specifically the period of the final Small Group and final Plenary meetings on 25 and 26 August 2010.

buy-in. Participants were adamant that this would need to be done differently in any further application of the collaborative governance process.

(ii) The issues of legitimacy were less obviously discussed yet probably more of a potent undercurrent to all deliberations than the process design per se. There were clear concerns about representation of the wider community in discussions, and the power differentials as a result of both differential resourcing and the impact of powerful others (eg, politicians and shareholders) on the success of the collaborative process.

These failures of process were perceived to have a potentially powerful influence on prospects for consensus building.

5 THE LAND AND WATER FORUM – RESEARCHER REFLECTIONS

Sectional Table of Contents

- 5.1 Introduction to researcher reflections on the LWF process
- 5.2 Researcher reflections: Key issues
- 5.3 Researcher reflections: Was this collaborative governance?
- 5.4 Researcher reflections: Working with a facilitator in future
- 5.5 Researcher reflections: Working to an adaptive governance model
- 5.6 Section summary

5.1 Introduction to researcher reflections on the LWF Process

It was anticipated that the research team would, on the basis of observing the Small Group process, be able to articulate and comment, with some perceptiveness, on the collaborative process deliberations and developments. While there was much to observe in what were essentially two-day workshops run on a monthly basis, it soon became clear that there was considerable effort going into collaboration to which the research team could not be party.

The style of meetings that were held in the eight months to which the research team were invited were of such a form that much of the networking, so crucial to collaboration, occurred at every other point than that of sitting around the table as a Small Group. In fact the discussions/deliberations around the table were often quite constrained by the process that had been initially chosen by the group itself – that of maintaining the group as a working unit of up to 25-30 individuals rather than to break up into smaller functional units.

In the early months this was possibly an appropriate response to the issue of trust, or lack of it. Participants felt more comfortable knowing that all discussion material would be available to them all. But the down-side was that every topic engaged in discussion required an indication of a wish to speak and then participants waited patiently for their turn. On occasions, with at least a dozen people wanting to talk to a subject, a certain level of frustration was experienced. The fact that the Small group met around a long, rectangular table also posed difficulties for direct engagement among participants and may well have reinforced the traditional “business group” or “boardroom” decorum.

Any break over coffee or a meal was subject to intense discussion – as were trips to the airport, times in the Koru lounge and restaurant times – whether early in the morning or late at night⁶⁷. The air buzzed and the research team was on occasion able to participate but too often not. Similarly, phones and e-mail systems were used extensively and again, the research team was frequently not party to the process. We were nevertheless, provided with considerable unsolicited feedback from participants, representatives from all sector groupings, who were keen to talk about the experience. In many instances, we suspect that heading to talk to the independent research team provided an opportunity for releasing feelings of frustration.

67

Note that informal talks during the breaks were also considered to be a benefit of the collaborative process in the work by Moellenkamp, S, M. Lamers C. Huesmann S. Rotter C. Pahl-Wostl K. Speil, and W. Pohl. 2010. Informal participatory platforms for adaptive management. insights into niche-finding, collaborative design and outcomes from a participatory process in the rhine basin. *Ecology and Society* 15(4): 41. [online] URL: <http://www.ecologyandsociety.org/vol15/iss4/art41/>

Overall then, and despite the sometimes limited access to the collaborative engagement, the research team gained a massive amount of information on which to reflect.

As a first off, the Government's choice of addressing the long-term problematic issue of freshwater management via a collaborative governance procedure was "courageous". Freshwater management is a classic case of a wicked problem – at the outset there was no consensus on the definition of the problem, nor solutions to rectify it; no agreement on "desirable means of policy, much less the appropriate ends..." and fragmentation of decision-making amongst government agencies made effective action difficult. The challenge was daunting and the enormity of the task weighed heavily on participants.

Despite this, the over-riding perception from the research results would indicate that participants felt that collaboration had occurred and that it would have long-term positive effects. The general sense was that participants felt some pride at being involved in the process, and committed extraordinary time to the process to ensure that results would be worthwhile. Indeed, in the face of increasing demands on their time towards the end of the deliberations, their continued participation is testament to their sustained commitment.

And yet, as demonstrated in Section 4, there was also considerable frustration at times. So it is worthwhile to reflect on the process that was adopted in relation to the conceptual frameworks that have been developed by others who have ventured into this mode of work over the last twenty years (as outlined in Section 2). We do this understanding that the comparison will provide indications as to how future collaborative efforts may become even more effective and overcome some of the shortcomings of this very first central Government initiative in New Zealand. We also note that our discussion of procedural issues, articulated from a non-participant perspective, should not detract from our acknowledgement of the considerable achievements we have observed and described. Nevertheless, critical reflection is essential if we are all to learn from these experiences.

5.2 Researcher reflections: Key issues

While it was a courageous move to have freshwater management tackled within a collaborative governance process, and the level of agreement achieved a significant accomplishment, it is the contention of the research team that the full potential of a collaborative process has not yet been realized, and that the process adopted, while generating a substantial positive outcome, in some respects constrained the potential collaboration that could be achieved.

There are three substantial reasons as to why the process adopted right at the start had an impact on the collaboration that could be achieved. These are:

1. The original terms of reference limited the representation that could be achieved in the collaborative process;
2. Too great a responsibility for the ongoing success of the collaborative process was placed with the Chair (through no fault of the Chair);
3. In the absence of clear external guidance on collaborative governance procedure, an understandably traditional approach was taken to the development of the process.

As a result, participants variously encountered issues about process *legitimacy*, style of *communication*, expression of *leadership*, *learning* that could occur and ultimately the *common good* that could be pursued – all factors that are considered to be key to the success of a collaborative governance process (see Section 2.4).

The original terms of reference limited the representation that could be achieved in the collaborative process

While the Chair and others, had worked hard to ensure an appropriate diversity of stakeholders participated in the collaborative governance process, their efforts were constrained by the Terms of Reference (the Terms). At the outset, the Terms dictated that representation in the Land and Water Forum was to be outside government and with *organisations* with a major interest in fresh water:

"Membership of the Forum comprises stakeholders outside of the Government with a major interest in fresh water.

The renamed Land and Water Forum represents a wider grouping of stakeholders including iwi, agricultural, industrial, urban, and environmental organisations with interests in water management.

Local and central government representatives will be involved in the project process as 'active observers'."

i. Stakeholders outside government

The Terms overlooked theory and practice of collaborative governance as an arrangement where one or more public agencies engage with non-state stakeholders (commercial and community) in a collective decision-making process^{68,69}. In this first New Zealand Government initiative, stakeholders were to be outside of government. Yet collaborative governance by definition here *requires* the participation of private and public spheres – a necessary connection between Government, policy making and governance. In particular, there is a need to establish trust and mutuality between participants and Government.

The collaborative process enables the horizontal conversations rather than the vertical communications more typical of citizens to administrative elites. This can then facilitate reciprocity and relationship building and ensures that Government agents have their own assumptions and values – their own perspective on policy issues – tested and challenged. In the LWF situation, government agents were brought into the collaborative process as active observers which enabled them to be utilised by the LWF for their knowledge and experience but stopped short of (i) having their own perspectives tested and (ii) providing them with a voice in the decision-making process. This had a downstream impact on the relational quality that could be achieved between government (both regional and central) and fully-engaged participants that constrained the type of relationships and the context for relationships from the outset.

A case in point relates to the surfacing of the ECan legislation. Commitment to collaboration took a huge jolt with a number of participants really concerned about whether they could continue to trust the Government to keep its word on the LWF developments if it had actioned legislation that appeared to some to undermine its own initiative with the LWF process.

Many participants have since said that if the ECan legislation had occurred earlier in the LWF project, the collaboration would have been damaged beyond repair, but the fact that it occurred well into the second phase actually worked to strengthen the resolve of participants to work in the collaboration,

⁶⁸ Ansell C, Gash A 2008. Collaborative Governance in Theory and Practice. In *J Public Administration Research and Theory* 18 (4): 543-571. Advance Access published on line Nov 13, doi:10.1093/jopart/mum032

⁶⁹ There is extensive support for this definition in the international literature but a recent paper provides for an even broader definition (Emerson K, Nabatchi T, Balogh S. 2011. An Integrative Framework for Collaborative Governance. In *J Public Administration Research and Theory*. Advance Access published on line May 2, doi:10.1093/jopart/mur011). Emerson, *et.al* define collaborative governance "...as the processes and structures of public policy decision making and management that engage people constructively across the boundaries of public agencies, levels of government, and/or the public, private and civic spheres in order to carry out a public purpose that could not otherwise be accomplished." p2.

and to ensure that those participants who had been individually “clobbered” by the ECan experience received massive amounts of support and encouragement to stay networked. Ironically, an external threat from a government action seemed to stimulate renewed commitment by non-government participants to each other.

Nevertheless, the trust in government agents taking part in the LWF process was compromised, at least for some participants, as participants realised the officials had known that the ECan legislation had been coming and also that the officials had had a hand in drawing up the legislation. How could trust be secured if participants, albeit active observers, were not disclosing or being totally transparent in their dealings with the LWF? There was clarification from the Government agents taking part that this had never been promised. They were also told that about 20 government agents were working on future water management in parallel to the collaborative process. The lack of transparency was a shock for some of the participants. Again there was a sense of why had this not been discussed? Despite concerns though, the forum maintained decorum and continued to give the government observers the benefit of the doubt and work closely with them for the remaining months.

There is also, however, no doubt that many of the Government officials, from both central and local government, served an increasingly important role in the collaborative process as types of “bridge researcher”⁷⁰, or “knowledge broker”⁷¹ – people who understood how the agencies worked and could switch roles between the forum and government and serve multiple leadership functions. Their contributions were highly valued.

ii. Stakeholders from interested organisations

Who is to be represented in any collaborative process is always a challenge⁷². The Terms did not give sufficient attention to a key principle of representation: the need to include not just interested ‘stakeholders’ but also affected parties. All those who could be potentially affected, and potentially harmed by the decisions of the Forum needed to be included. In principle, ‘interested parties’ are stakeholders. A problem arises when traditional definitions and practices are adopted around designating who ‘stakeholders’ are. However, it must be acknowledged that identifying all affected parties is not an easy task as affected parties may be unaware of the future impact of decisions or they may not be well enough organised to participate in existing agency decisions. This is because affected parties are often not well-organised and often not well networked into the relevant policy arena.⁷³ But the need to be proactive to include this group reduces the possibility of a future challenge to the policy results of the process, and broader, mutually advantageous outcomes can be achieved.

Concerns were voiced about representation on the Forum from time to time, for while the participant group covered a good age range (early 20s to late 60s), and a range of economic and environmental interests, it was weighted in favour of a male-dominated and older age group; the urban sector was

⁷⁰ Taylor K, Short A. 2009. Integrating scientific knowledge into large scale restoration programs – the CALFED Bay-Delta Program experience. *Environmental Science and Policy* 12 (6): 674-683. As quoted in Kallis G, Kiparsky M, Norgaard R. 2009. Collaborative Governance and adaptive management: Lessons from California’s CALFED Water Program. *Environmental Science & Policy* 12: 631-643.

⁷¹ Dengler M, 2007. Spaces of power for action: governance of the everglades restudy process (1992-2000). *Political Geography* 26 (4):423-454. As quoted in Kallis G, Kiparsky M, Norgaard R. 2009. Collaborative Governance and adaptive management: Lessons from California’s CALFED Water Program. *Environmental Science & Policy* 12: 631-643.

⁷² This is addressed also in Moellenkamp, S., M. Lamers, C. Huesmann, S. Rotter, C. Pahl-Wostl, K. Speil, and W. Pohl. 2010. Informal participatory platforms for adaptive management. insights into niche-finding, collaborative design and outcomes from a participatory process in the rhine basin. *Ecology and Society* 15(4): 41. [online] URL: <http://www.ecologyandsociety.org/vol15/iss4/art41/>

⁷³ Stiffler B & Scholz JT (2005) Conclusions: The Future of Adaptive Governance in Stiffler B & Scholz JT (Eds) *Adaptive Governance and Water Conflict: New Institutions for Collaborative Planning*. Florida State University. [Resources for the Future Press](#)

seen to be inadequately involved to give real voice to urban community issues; and public health interests were absent.

If urban/health and community groups had gained more representation, we may have expected that the power balance would have moved more from agriculture towards towns/cities/suburbs where environmental quality and recreational use of water is valued as much as economic development.

So even before the collaborative process started in earnest, the Terms constrained the process that was adopted, and placed the decision-making of the LWF at-risk. By not adequately including affected groups, the LWF's *commitment to legitimacy* can be continually challenged and its hard worked-through solutions may be at risk of unravelling.

Too great a responsibility for the ongoing success of the collaborative process was placed with the chairperson

The researcher reflections in this section need to be placed in context. This first central government foray into collaborative governance was initiated at a time when there was no unequivocal endorsement of the concept by those with entrenched governmental authority. The LWF has been an experiment, albeit an experiment in the real world. It might be seen as heralding a period of innovation in public governance – but that would be speculation on our part.

We have attempted to describe the genesis of the LWF in section 3.1 and multi-faceted nature of the role of the Chair in section 3.2. The Chair entered onto this particular stage to take a vaguely formulated concept (collaborative governance), work with a slowly-growing nucleus of colleagues to turn it into an action plan, all the while having to convince other parties to commit significant time and resources, convince the Government to support the proposition politically and financially, and then implement it. The responsibility for this effort was carried by the Chair on the basis of trust (ie, initially without any remuneration) and with little substantive procedural guidance and a resource base that was late coming and remained inadequate for the task at-hand. If at any stage the Chair had faltered in his resolve, the project would have unravelled, and others' hopes and expectations for the project with it.

It is evident, in the way this particular experiment evolved, that the Chair had constantly to carry the dual responsibilities of being project leader and facilitator of the process by which others participated in the project. He had unrelenting responsibility for implementing internal processes⁷⁴ aimed at building consensus amongst disparate participants and for external advocacy⁷⁵ aimed at sustaining political support for the project. From the perspective of our research focus on internal processes of collaboration⁷⁶, this dual responsibility was the source of tensions between internal and external processes with which the Chair constantly had to contend.

In any future applications of collaborative governance in New Zealand, we would never expect the Chair to have to carry such a breadth of responsibilities single-handedly. Nor would we expect the Chair to have to operate in such an uncertain institutional environment. In this context, it is important and relevant to understand the extra-ordinary extent of personal investment by the incumbent Chair in the LWF process and its successful completion, a fact which we acknowledge readily.

⁷⁴ For example, the Chair described part of his role as being "to help this group reach consensus" (see section 3.2, 1st paragraph), to formulate a set of protocols for the Forum (see section 3.2, 4th paragraph), and to chair/facilitate all the Small Group and Plenary meetings (see section 3.2, final paragraph).

⁷⁵ For example, the Chair described part of his role as being "to help the government resolve water issues" (see section 3.2, 1st paragraph), to lobby ministers and senior bureaucrats for support (see section 3.2, 4th paragraph), and continued liaison with a range of external parties to the Forum to maintain support for the project (see section 3.2, final paragraph)

Again from the perspective of our research focus on internal processes of collaboration, and with our experience as facilitators, we observed a number of understandable tensions in the manner in which the Chair carried out his facilitation role:

- an enormous sense of responsibility for the success of the process in terms of a commitment to come up with “the goods”
- a hypervigilance of those people and situations that could derail the process
- an initial avoidance of topics that could potentially lead to excessive conflict and breakdown of the process.

In our view, these behaviours manifested the tension between a need for control⁷⁷ by the Chair and a need for the participants to show leadership and take personal and collective responsibility for resolving their conflicts⁷⁸.

We believe, that the tensions, which we have described, exacerbated by severe time constraints, resulted in a process, that understandably, was highly structured. As already indicated, a “boardroom” style discussion ensued for the second more collaborative phase of the process. This was highly controlled, particularly at the start of the process, with relatively inflexible agendas and traditional style discussion. This type of controlled process, while reducing the risk of conflict, may also have come at the expense of developing intimacy amongst participants with disparate and historically conflicting perspectives – the time, in fact, to develop the closer relationships required for the collaborative process. We expand on this point in the next sections.

In the absence of clear external guidance on collaborative governance procedure, an understandably traditional approach was taken to the development of the process.

i. *Boardroom discussion*

The concern of the research team was that while there was an extensive commitment by participants to engage in the LWF process, the process followed by the Small Group did not foster all the skills of engagement, particularly of dialogue, in a way that would have maximised the consensus-building opportunities.

There was general agreement at the end of the collaborative process that participants felt they had been listened to. However, the process used to facilitate participation made it more difficult to ensure good listening practice, and more difficult for discussion to shift to deliberation and then to dialogue. This was particularly the case in the early months of the second phase of the collaboration where points raised were directed to the Chair – in a spokes (of a wheel)-to-hub model (see figure 3).

⁷⁶ Refer to Section 2.1.

⁷⁷ Representing the old paradigm of debate and discussion in which a failure to resolve conflicts triggers recourse to an external party to achieve conflict resolution - often the Courts.

⁷⁸ Representing the new paradigm of dialogue and collaboration.

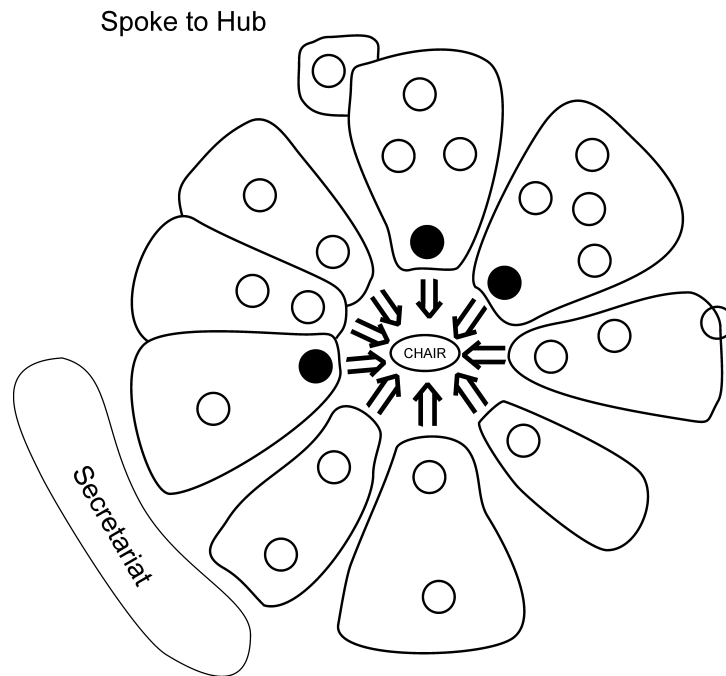


Figure 3: The communication process at the beginning of Phase 2⁷⁹

As we have argued elsewhere (Appendix C) the use of dialogue requires an unpacking of assumptions and values behind participant expressions of viewpoint – through an orientation towards constructive communication. The issue here is that the process must *make listening as important as speaking*. The ability to listen requires not only that we hear someone but then also reflect...

*“What do you mean when you say x...?” or
 “And if that happened, what then?” or
 “What leads you to think that might happen?”*

This process of suspending one’s judgments and putting down one’s own need to talk, in order to find out more about another person, is crucial to dialogue. As assumptions or belief systems surface, they can be examined, values tested and stereotypes discarded. Participants begin to focus on interests not positions, separating people from problems. As this happens, the mutual understanding of others required for collaboration is created and options for mutual gain invented. But this requires time.

While the approach taken enabled a range of views to be heard among participants, exploration of these views was constrained by the adopted process (spoke-to-hub discussion). This made the unpacking of assumptions and values behind views difficult and this, in turn, meant deliberations were less than optimally informed. This meant that –

- some participants hung onto their positions, re-iterating them over and over again without the forum becoming any the wiser as to the assumptions, or interests driving the positioning
- the exploration of the interests, needs, fears or concerns underlying the positioning occurred rarely

⁷⁹ Adapted from the work of Bodin Ö, Crona B. 2009. The role of social networks in natural resource governance: What relational patterns make a difference? *Global Environmental Change* 19:366-374.

- the role of power and impact of external drivers was never on the agenda despite underlying concerns
- it was difficult to establish mutually satisfying solutions or “common ground” and some on occasions felt they were being drawn into sub-optimal, even lose-lose agreements
- the search for “common ground” remained powered as much by the negative commitment (we need to avoid litigation) as by the positive commitment (our fresh water has an inherent value that must be protected for future generations) and possibly more so in the earlier months
- frustration could erupt on occasions as participant needs were not met, and time constraints became increasingly stressful
- quieter, less extroverted individuals sank back from discussion and were not always be effectively involved in discussions.

Exploration of views became more frequent in later discussion when more direct exchanges between individual discussants occurred (as in figure 4). It was noticeable as the second phase progressed that participants were inclined more frequently to preface their contributions with statements reinforcing previous speakers –

“I agree with you, XX ...”

“That’s a good suggestion. I strongly agree.”

“I agree. That’s how I see it.”

But these conversations were still more deliberative than dialogue in style. Dialogue, as such, was seldom modelled. However, from our observation of the more informal discussions between sessions, greater emphasis was placed on dialogue as participants worked to understand what was really going on.

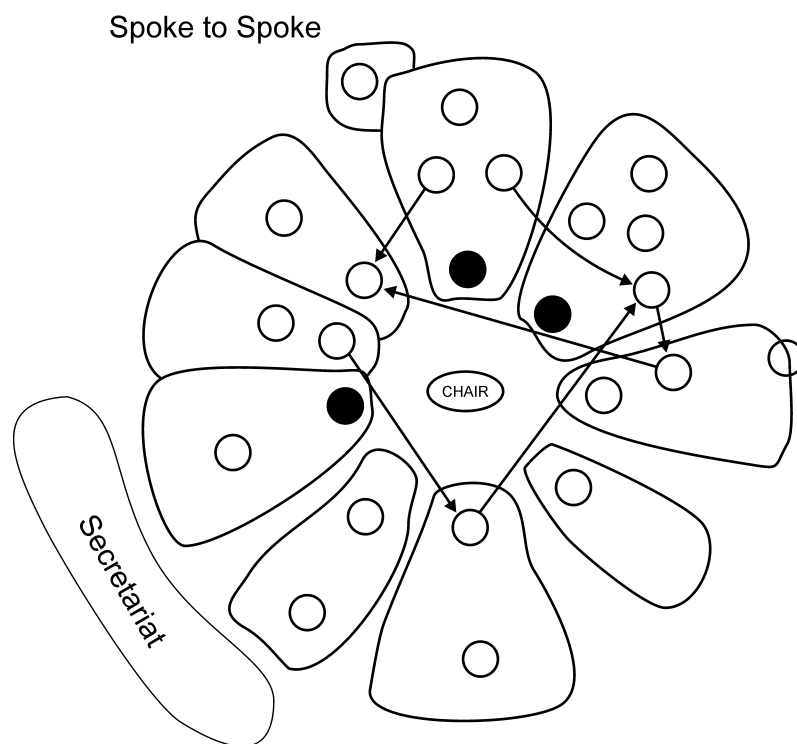


Figure 4: The collaborative process at the end of Phase 2

The impact of the boardroom style process on dialogue was further confounded by agendas that appeared sometimes to be followed too rigidly.

ii. *Pre-determined agendas*

There was a perception that process was guided by pre-determined agendas for the Small Group meetings that were strongly input focused, particularly at the start of Phase 2 with the input of scientists and other consultants. Some participants were undoubtedly consulted for their views on the agenda for a forthcoming meeting. However, a persistent issue for others was that the topic of agenda setting itself was rarely afforded much time during Small Group deliberations. This approach was questioned by participants who were concerned about whether –

- they were in fact “doing the right thing” if a consensus was to be reached finally
- there was enough time for discussion
- the topics they thought needed to be discussed were on the agenda, and even whether,
- the right input was being received.

The participant responses at various times ranged from manifest frustration to acquiescence and non-engagement but the overriding sense was that this controlled process made it –

- difficult to explore some issues
- slowed the process of agreement
- was an inefficient use of time
- made it more difficult to work with plenary and constituencies and led to later participant comments like,

“We could have made better use of our time and done a better job of consensus... we could have achieved a lot more.”

iii. *Reducing the risk of conflict*

It is not clear to what extent the adopted process was consciously chosen to reduce the risk of conflict or whether it was chosen because it was a traditional way of running meetings. We have mentioned that adopting a highly controlled process to work with parties that have an adversarial history would be understandable as a strategy to avoid potential conflict and chaos and the whole process imploding. Participants reported that there were a number of ways in which they experienced the process as controlled:

- seating arrangements were sometimes pre-determined to reduce potential conflict
- topics for discussion were held in abeyance
- topics were given over to “Friends of the Chair”, a small group authorised by the Chair to work on what appeared to be contentious topics in a safe environment
- while not widespread, a few participants were concerned about moves to “...bring them into line”, and ensure their ongoing commitment. One participant reported feeling bullied, while another experienced what he described as “a telling off”.

As observers of the process, we also formed the impression that:

- conflict was managed by steering away from controversial issues
- a “contrived congeniality” sometimes became a barrier to people speaking up about views on the important issues – giving way to the acknowledged “elephant in the room”.

As indicated above, this approach comes at a cost in terms of participant disquiet, with some forum members openly discussing concerns with the research team about feeling manipulated. It would seem that in an attempt to reduce the risk of conflict and the ultimate breakdown of the process –

- the transparency of the process was compromised
 - not all cards were seen to be on the table
 - communications were seen to be indirect
- the sense of ownership of the process was put at risk
- disengagement and the dependency on someone else to sort out the problems became more normative for some.

The adopted process in fact helped create a way of working that was often the antithesis of the requirements of a collaborative process that the group had been set up to achieve.⁸⁰

iv. *The impact on leadership*

The notion of a flexible leadership and shared authority is a key factor in the success of collaborative ventures –

“In successful collaborative initiatives, leadership is focused primarily on the success of the collective endeavor. Differences in power and authority among participants are almost ignored. What emerges is a pattern of behavior analogous to what others have called transforming, servant, or facilitative leadership. This kind of leadership is characterized by its focus on promoting and safeguarding the process rather than on individual leaders taking decisive action.”⁸¹

In the context of collaborative ventures, leadership is also seen as a dispersed process –

“...leadership does not refer to one person but rather the process of getting all members to interact in new ways that tap into and leverage from their strengths.”⁸²

This assists the group to move forward so that the diversity of skills can be brought into the network. A shared leadership can evolve within the life cycle of the collaborative governance process.

Did this occur in the LWF? There is no doubt that if the research team were able to ask further questions of the participants we would find agreement that “Yes”, there had been moves for leadership to become more dispersed and more so as time elapsed and as the pressure built to achieve results. There was effort from many of the participants to adopt the more facilitative and nurturing functions of leadership (helping others to participate more effectively in the group) and/or the task-oriented leadership processes that drive for outcomes by “getting stuck in” – with some

⁸⁰ See also the argument to engage deeper into conflicts for successful outcomes in Norgard RB, Kallis G, Kiparsky M. 2009. Collectively engaging complex socio-ecological systems: re-envisioning science, governance, and the California Delta. *Environmental Science and Policy* 12(6):644-652.

⁸¹ Chrislip D & Larson CE. 1994, *Collaborative Leadership: How citizens and Civic Leaders Make a Difference*. Jossey-Bass: San Francisco. P125

⁸² Mandell MP & Keast R. 2009. A new look at leadership in collaborative networks: Process catalysts. In *Public Sector Leadership: International challenges and perspectives* (eds) JA Raffle, P Leisink, AE Middlebrook (eds) Edward Elgar Pub Cheltenham UK. pp166

showing more inclination in one direction than the other. And yet, there were times when leadership was seemingly abandoned and participants “fell into line”.

This was particularly so in the early months of Phase 2 when, as mentioned earlier, there was considerable questioning of the process regarding the agenda, the informational inputs and the lack of discussion time.

In the context of exercising leadership the almost universal concern about capturing common ground is also of interest. Participants were concerned throughout the process to have visual aids (whiteboards and overhead screen work) to help anchor agreements and determine points of consensus. Minutes were also called for on many occasions. Considerable frustration was voiced by participants these requests produced no change in practice as time went by.

And there were other similarly unresolved situations – as when some participants wanted the group to articulate its understanding of a problem before embarking on a discussion of possible solutions. Why were these situations not resolved? With so many participants frustrated by the way the process was proceeding without agenda changes and without agreements effectively captured, why were participants not more outspoken? Why did participants acquiesce? Most Small Group members were leaders in their own sectors, and it is those leadership roles that brought them together as a group. So it was with some puzzlement that the researchers observed so many ‘leaders’ deciding not to persist over process matters. As one participant commented –

“We became comfortable having one person lead like this, which was better than no one leading... a little accomplished in a long period but could have been done way more quickly but not many people took leadership role.... while they complained... (Maybe we need to ask)... “What was preserved by not taking the leadership role?”

Whether the point made here is true or not is not clear. Post-forum interviews uncovered a sense of less control, and even helplessness in the face of the Chair’s authority. It is also possible that a number of participants who had worked unwaveringly to have a collaborative governance process established and facilitated in government circles were not about to “rock the boat” and potentially cause an unravelling of the process. Their concerns may well have mirrored those of the Chair.

Another possible hypothesis in this situation is that the predominantly older and senior male group had most likely achieved status within their own hierarchies by accommodating to the nature of that hierarchy. While this notion might stimulate some controversy, it may well be that as a result, many of the participants have instinctively adopted traditional behaviours.

Unfortunately, the constraints we were operating under for most of Phase 2 made it difficult to explore these issues in any depth at the time when it would have been most productive to do so. There is also no doubt that, if we had pursued this sort of enquiry more vigorously on meeting days, we may well have impacted directly on the deliberative process, something we wished and were required to avoid.

5.3 Researcher reflections: Was this collaborative governance?

We have mentioned several shortcomings to this first collaborative governance process – due largely, we believe, to the nature of the process adopted with its inbuilt constraints on the nature of deliberation and representation within the Forum. It has possibly been, as one participant noted, more of a “governance policy” development, but we need to ask: Does this matter in the overall scheme of things? Will the decisions made by the Forum provide enough impetus to achieve agreed natural resource management goals more effectively?

As a research team, our thoughts are “Yes”, there is no doubt that there is a great deal that one can report that is positive. The key points are that:

- i. There has been an extraordinary commitment to collaboration

The essence of collaboration is communication. Communication in turn is all about relationships and these are built on commitment. Despite being constrained by the adopted process, there were the strong resource commitments necessary from each individual to ensure the collaborative governance process would succeed. Participants made a commitment to the process and to one another. They sought out situation after situation where they worked to get to know one another at a deeper level until an understanding could be reached. They modified their thinking and forged common ground for the “...prosperity of a better New Zealand”.

The participants have appreciated, first hand, the success that can be achieved through the collaborative process. While it may still be a beginning, they now have a strong belief in the process and to the new group identity that has formed. Most believe they can accomplish significant change. And we can expect, that when such a group works well within a collaborative framework there is a transfer of this commitment “down the line” to the wider community, serving as a catalyst to move this process forward.

- ii. There has been a strong commitment to common ground

While there may be disappointment for some with the extent of progress the Forum made, there has still been substantial progress – progress as far as participants are concerned about water management for New Zealand as well as progress for collaborative processes and the potential they might have for New Zealand. As one participant has said –

“...it is a kind of foundation... a very good floor has been laid. It's what we've been missing...”

And as another participant said shortly after the Forum had produced their report –

“Even if the Land and Water Forum Report goes nowhere – for some reason there is a huge snag – I think there are better environmental outcomes for all of us as a result of this process.”

Post-forum there was a general sense there has been a good start – in improved governance, improved national direction and an approach that will enable a more consistent and improved regional response. It will be “...easier to do a whole lot of things in the future”.

The appreciation of the input, particularly of Team iwi was widespread. Their introduction of the values of intergenerational equity had a major influence in shifting the earlier negatively avoidance-focused commitment of “*there must be a better way*” to one of the country's general prosperity and in particular a commitment to the “superordinate goal” of intergenerational equity.

Initially reticent about coming to the Forum because of the existing iwi-Crown negotiations, iwi participants soon realised there was a place for them, and that they had a chance to impact on the outcomes of the Forum. Not only was the goal of intergenerational equity difficult to argue against without seeming somewhat callous, it also enabled participants to work past their self-interested positioning to engage in the more affirmative commitment. Team iwi brought the power of an invitation to the Forum... we are prepared to do this... this is what we are willing to do!

It is not clear whether it was specifically the iwi nature of the team that drove this commitment or whether it was also an age issue. The mean age of the iwi team placed them at almost a generation

younger than the mean age of the rest of the participants. Whatever the potent ingredient, the iwi team probably provided a path forward to "common ground" that was difficult for others to resist.

However, there is no doubt that participants wanted to know more about collaborative governance. The diversity of understandings expressed, as well as some of the specific comments made, suggest that participants would have appreciated and benefited from more guidance on behavioural expectations appropriate to collaborative deliberations – how should they, for instance, be trying to modify their behaviours if they are consciously trying to engage with other stakeholders in a new way? How could their own contributions support authentic dialogue, flexible leadership and an ongoing learning culture?

The results of the Forum would indicate that collaboration can be learned and that collaborative capacity can be developed. However, our work points to a gap in the deliberative processes of the LWF. An explicit and shared understanding of the behavioural and process requirements for consensus-building and collaborative governance is a potentially critical ingredient to collaborative capacity development, attention to which would be of benefit in future applications of the collaborative governance model.

5.4 Researcher reflections: Working with a facilitator in future

Many of the problems discussed in both this and the earlier Section 4 may have been avoided if the effective services of a facilitator had been used as an integral part of the collaborative process and the roles of meeting facilitator and project champion had been clearly separated. The concern of the research team was that the process adopted placed too much responsibility on the Chair for the success of the process. Sharing more of this responsibility with a facilitator would have reduced the stress load on the Chair, enabling the Chair to focus on content and take a more effective part in the discussion, without having the added responsibility of facilitating and monitoring matters of group process at the same time. In this way, many of the shortcomings of the process mentioned above might have been addressed.

A facilitator was employed for the LWF process, but involvement was mainly restricted to a substantial "behind the scenes" role of support and advice to the Chair and participants. Unfortunately, many participants remained unclear about his role and confused about his interventions. This "behind the scenes" role was possibly a serious under-utilisation of the facilitation skills that were available.

The demands of such a dedicated facilitator role should not be under-estimated.⁸³ It is challenging enough when working with genuinely small groups.⁸⁴ 'Small Group' meetings in this LWF project typically involved between 25 and 30 attendees. As a process and group dynamics expert, a facilitator's task is to focus solely on the design, management, structure and processes to help a group reach its goals and minimize the common problems participants can have working together. The facilitator's responsibility in leading a meeting is to address the journey, rather than the destination. They have the skills to facilitate an authentic dialogue and create a new way for people to listen to one another. The more significant the working relationship of the group the more likely they will be to share their real interests and concerns. In the Tao Te Ching, Lao Tzu says "of the best

⁸³ For facilitation as key factor in effective engagement see also: Emerson K, Orr PJ, Keyes DL, McKnight KM. 2009. Environmental Conflict Resolution: Evaluating Performance Outcomes and Contributing Factors. *Conflict Resolution Quarterly* 27 (1): 27-64.
Fuller BW 2009. Surprising cooperation despite apparently irreconcilable differences: Agriculture water use efficiency and CALFED. *Environmental Science & Policy* 12: 663-673.

⁸⁴ Typically with no more than 8-12 participants.

leader, when the job is done the people say 'we did it ourselves'; such is the goal of a professional facilitator in leading a group to reach consensual objectives and results.⁸⁵

Graphic facilitation further helps support the group process. When information that is shared in a meeting is captured, in real time, in large displays on the wall,⁸⁶ in a graphic fashion, it can encourage participation because –

- when contributions are recorded onto a large display (or in notes or minutes) participants can literally see that they have been heard
- being able to see all the information discussed together makes it easier to understand how different aspects interrelate
- when the record of the meeting is created in the room, in front of everyone; the agreements that are made are much more likely to stick!
- when everyone can see what they are agreeing to, it gives them an opportunity to speak up if there are still issues to resolve. And lastly,
- at the conclusion of a facilitated meeting, each participant is clear on what has been decided, and each topic can be closed in a way that ensures ownership and commitment.

5.5 Researcher reflections: Working to an adaptive governance model

In the collaborative governance literature there is now increasing reference to the concept of adaptive governance. Collaboration is still the essence of the process but it is understood the learnings that take place within the collaborative process can be adaptive to new experiences, insights and policy developments.

The process has its beginnings in the adaptive management or "learning by doing" approach to the management of natural resources. On a number of occasions, participants called for this approach to be considered in their discussions of the catchment-level freshwater-land management interface. Adaptive management can occur in this type of situation when there is broad agreement on policy goals and scientific knowledge reduces the uncertainty about how to manage a resource. Adaptive governance, on the other hand, comes about when there is a need to resolve problems that occur between different types of resource users and where the decisions of one authority may impact on another. Adaptive management may solve the resource problems within the ambit of one government agency while adaptive governance can solve resource problems governed by multiple agencies.⁸⁷

This is not new to us, but what is of interest is how the learning process is nested within the collaborative group process.

In an earlier paper (Appendix C) we noted that engagement and authentic dialogue begin the collaborative process but the creation and maintenance of a culture of collaboration requires a commitment to ongoing learning. As participants engage in authentic dialogue, they ask questions, they listen, they interact and learn about one another and the knowledge and information provided by other participants stimulates self-reflection and shifts thinking patterns as assumptions and theories are tested. The diverse interests become understood and policies formulated.

⁸⁵ Strong D. 2003. Why use a facilitator? www.paperplane.com.au/why-use-facilitator

⁸⁶ This can be computer generated through dialogue mapping software.

⁸⁷ Scholz JT & Stiffel B 2005. The Challenges of Adaptive Governance. In Eds JT Scholz & B Stiffel, Adaptive Governance and Water Conflict: New Institutions for Collaborative Planning. Florida State University. Pub. [Resources for the Future Press](#) pp1-11.

This process was successfully executed towards the end of the collaborative governance process and participants sought to extend their learning. Throughout the LWF process participants were concerned about community and constituency buy-in to the results of their decision-making. They were also concerned about how their own evolving commitment to a culture of collaboration⁸⁸ could be transmitted to others. They were aware that their journey thus far was unique and that it would need to be shared to allow for a broader range of insights to be fed back to the collaborative process and enable wider “buy-in” to the results of the deliberations. The process had to be open to continual improvement. The policies had to be seen as legitimately reflecting a wider constituency.

It is not surprising then that towards the end of the formal collaborative process they planned a further country-wide tour to discuss results with those who would be potentially affected by the policies if implemented by the Government. Figure 5 depicts the collaborative governance process set in an adaptive framework, where the basic iterative individual and group learning cycle of ‘reflect’, ‘plan’, ‘act’ and ‘observe’, is central to the development of policies. The model overcomes “marginalisation by collaboration”⁸⁹ and enables continual involvement of constituencies in the development and improvement of policy. To this extent, it does to some degree overcome the constraints of the initial representation of parties in the collaborative process and it would also address concerns in the wider field of collaborative governance, that evaluations of collaborative processes need to be linked to substantive improvements in the resource systems being managed.⁹⁰ The legitimacy of the process can be continually improved through the ongoing feedback and improvements to the system as new connections, new knowledge and insights become available.

This expanded model could also be helpful in thinking how to design ‘socialising’ processes between a deliberative Small Group and its wider constituencies, an issue that for many LWF participants was never satisfactorily resolved.⁹¹ However, it would clearly also have potential implications for project timeframes and staging.

It can be seen that the collaborative governance process of the Forum has so far covered the first stages of the iterative process (top-half) but if extended, has the potential to complete all five stages of the policy process.

⁸⁸ In the last few months, ‘collaboration’ or ‘the collaborative approach’ became the genuine catch-cry of many Small Group members as a result – at least in part – of their own rich experience in the LWF

⁸⁹ A problem noted by Shilling FM, London JK, Lievanos RS (2009) Marginalization by collaboration: Environmental Justice as a third party in and beyond CALFED *Environmental Science & Policy* 12:694-709.

⁹⁰ See Bobker G. 2009. The means do not justify the ends: A comment on CALFED. *Environmental Science & Policy*. 12(6):726-728.

⁹¹ The importance of the relationship between participants/negotiators and their wider constituencies is also dealt with by Fuller BW 2009. Surprising cooperation despite apparently irreconcilable differences: Agriculture water use efficiency and CALFED. *Environmental Science & Policy* 12: 663-673.

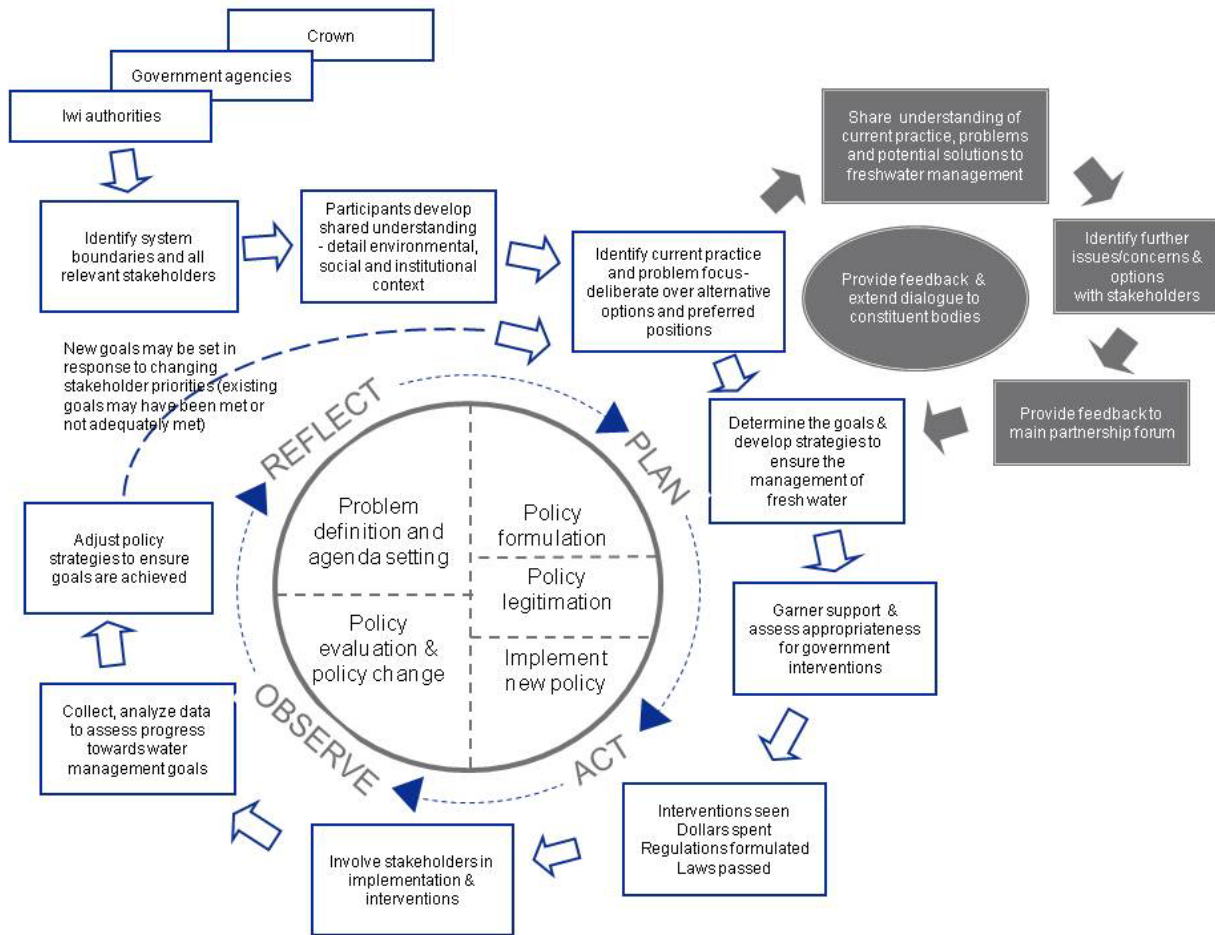


Figure 5: An adaptive collaborative governance process⁹²

We note also that in their final deliberations, increasing attention was devoted by Small Group members to the issue of providing for continuity and sustaining commitments to what had been agreed. This is reflected in recommendations such as the establishment of a Land and Water Commission, and in discussions about whether members of the LWF would be able to extend the efforts of the Forum into the next stages of formal strategy development.

Such a Commission could well extend the efforts of the Forum through an adaptive collaborative governance process, and even an adaptive collaborative co-governance approach – but that is another story.

⁹² Adapted from :
 Reed MS, Fraser EDG & Dougill AJ. 2006. An adaptive learning process for developing and applying sustainability indicators with local communities. *Ecological Economics* 59:406-418.
 O'Brien M. 2011. Changing Risk Perceptions: A Marine Biosecurity Risk Management Model in Practice. Cawthron report No 1793.

5.6 Section summary

Despite the facts that a great deal of Forum communication occurred in more informal settings than the Small Group process, and that the research team were employed only at the beginning of Phase 2, we were, through observation, interviewing and surveys able to access vast amounts of information about this first government initiative into collaborative governance. While focusing its efforts on the “wicked problem” of freshwater management in New Zealand, this report was commissioned to research and reflect on the *process* of this initiative so that learnings from this first initiative could be subsequently translated into any future collaborative venture.

We have expressed concerns that (i) the original Terms of Reference limited stakeholder representation (of both interested and more particularly affected parties) to the Forum process and (ii) placed the onus of success for the venture too narrowly with one person, in this case, the Chair, who was from the start, under-resourced for the task at hand. We have also argued (iii) that in the absence of external guidance on collaborative governance procedure an overly traditional approach appears to have been taken to the process design. These factors had an ongoing impact on the Forum's efforts and the nature of the collaborative communication that could be achieved. The traditional approach, that looked to reduce the risk of conflict, came at a cost that reduced the transformative potential of the collaboration.

However, despite these drawbacks, substantial progress was made with extraordinary commitments made to both the collaborative process and establishing common ground. The agreements reached were a significant accomplishment from participants, many of whom had previously been in long-term adversarial relationships. To this extent, the Land and Water Forum initiative can well serve as a catalyst for future governance collaborations. While there are many learnings that could be taken from this process, a key issue to be addressed is the appropriate facilitation of any future collaborative processes to enable process and content functions to be clearly distinguished and separated. We believe that this would have implications for, and address many of the problems raised within this present initiative.

We have also suggested, as a result of participant concerns to involve a wider community in their deliberations, that the use of an iterative adaptive governance model may be a way forward. Such a framework would address both the shortcomings associated with representation in the collaborative process and work to overcome some of the power imbalances that can occur in a more time and people-confined collaborative process. The more adaptive the process, the wider the learning net, the more sustainable the policy solutions and the more enhanced the overall legitimacy of the process.

6 CONCLUSIONS

6.1 Conclusions explained and elaborated

Regarding the enhancement of commitment to legitimacy

Future applications of collaborative governance (CG) would do well to follow the lead of the LWF in adopting a phased approach which allows for a period of trust-building and relationship-building activities in Phase 1 as a pre-cursor to the focus on deliberation and consensus building in Phase 2.

Future applications of collaborative governance (CG) require more explicit attention to –

– the appropriate balance of representation (the final composition) in the CG structures that are established⁹³ to ensure that all critical interests are represented in appropriate roles:

Representation needs to ensure that all significant potentially affected parties are included as well as those parties which are recognised as having the power to influence deliberations (ie, not just those traditionally perceived as the “deal makers” and “deal breakers” but also those potentially affected by the outcomes of consensus agreements; representation can also ensure an equitable mix and balance of participants.)

– the approach used for recruiting interested parties to participate, and the principles on which such an approach is based:

Principles need to address the issues of identified representatives being able to represent effectively⁹⁴ the interests of a defined constituency, the capacity to sustain participation over the period of the CG process, the opportunity for active recruitment as well as voluntary opt-in by those who can make a case for their participation.

– incorporating a suite of activities aimed at establishing procedural common ground amongst the participants:

Such activities need to address –

- the procedural matters of confirming participation principles
- the protocols for good faith behaviour, confidentiality, consensus-based decision-making, etc
- the need for participants to develop a clear and common understanding of the scope and limitations of the collaborative governance exercise they are engaged in, which might include specific exercises to shape group thinking around the tasks and give agreed direction to the participants
- the need for participants to understand clearly the role and functions of the Secretariat in supporting their deliberations
- the scope to commission fact-finding research and analysis to assist deliberations
- clarification of participant responsibilities in socialising agreements achieved

⁹³In the case of the LWF, the CG structures involved the Small Group, the Plenary and the Trustees.

⁹⁴An appropriate level of representation and an organisational structure which provides the basis for effective wider socialising of participant agreements.

during the course of the CG process

- the process and time requirements for more effective 'socialising' of agreements reached by the participants at various levels of the CG structure:

Socialising agreements to a wider group may be required at several levels.⁹⁵ To assist such socialising processes requires addressing issues of accurate capture and written expression of the agreements and allowing adequate time for socialising exchanges to occur. Within the LWF process itself, such socialising efforts needed to occur progressively, as the inter-sessional sub-groups sought acceptance of their outputs for inclusion in a final collective output. For 'external' socialising – eg, between Small Group and Plenary, or between Small Group and the wider constituencies of participants – several options are possible, including an iterative approach to socialise lower-level agreements as they accumulated during the deliberations,⁹⁶ or (as happened in the case of the LWF) waiting till the complete set of agreements has been developed.

Regarding the enhancement of flexible leadership/shared authority for process design

Future applications of collaborative governance (CG) require more explicit attention to –

- differentiating roles of process leadership and meeting facilitation:

The responsibilities for process/content leadership and meeting facilitation are different. Combining these roles in a single person is extremely demanding and potentially conflicting; it may also be confusing for participants and result in a lack of participant 'leadership'. Separating these roles requires a delineation of each role that is understood clearly by all participants and members of the Secretariat. Where sub-processes are employed (eg, use of inter-sessional sub-groups), there is the potential for the same issue to arise.

- encouraging participant 'leadership' and process ownership:

Facilitation needs to ensure that the process of collaboration (deliberation, dialogue and consensus) is owned by all the participants. This requires a high degree of transparency in discussions about procedural matters (eg, agenda setting and adapting the agenda if the need arises; and dealing with conflict situations).

- the transparent and timely recording of participant agreements:

While there may be differing approaches to 'landing' overall consensus, common experience is that authentic dialogue generates numerous elements of agreement. The timely and accurate capturing of such agreements reinforces the deliberative capacity and deliberative behaviours of the group and avoids considerable subsequent waste of time spent re-visiting matters already agreed simply because of a collective failure of memory. In the LWF, failure to address this issue attracted a high degree of concern.

⁹⁵In the case of the LWF, such socialising of agreements could have been more effective between the inter-sessional sub-groups and the Small Group and between the Small Group and the Plenary.

⁹⁶ Modelled along the lines of adaptive governance, as discussed in Section 5.5.

- clarifying expectations for Secretariat responsibilities:

Members of the Secretariat have vital roles in supporting the transparent, accurate and timely recording of participant agreements, or in enabling participants to capture their own agreements. These responsibilities need to be clearly articulated and understood by all participants. The effective recording of emerging consensus requires attention to 'telling the whole story'.

Regarding the enhancement of authentic face-to-face dialogue

Future applications of collaborative governance (CG) require more explicit attention to –

- the requirements for 'dialogue' among participants:

Participants and members of the Secretariat in a CG process can be made aware of the distinctions between 'discussion', 'positioning', 'negotiation' 'deliberation' and 'dialogue' to facilitate their conscious adaptation to the requirements for 'dialogue'.

- the nature and style of facilitation required to support effective dialogue among participants:

Group facilitation can actively support participants in their efforts to engage in 'dialogue' and avoid 'positioning' and 'negotiation'. "Unpacking" the nature of attitudes behind viewpoints enables shared understanding and conflict to be more effectively negotiated. This applies as much to whole-group exchanges as to sub-group (inter-sessional) exchanges. Secretariat support for the facilitators' role may be critical.

Regarding the enhancement of a culture of learning

Future applications of collaborative governance (CG) require more explicit attention to –

- the development of the process as a series of iterative learning cycles:

Experience which supports the concept of iterative learning cycles includes the gradual accumulation of consensus agreements rather than the 'no agreement until it's all agreed' approach, and the progressive socialising of such agreements amongst wider constituencies rather than waiting till all the agreements are supposedly concluded. Such an iterative approach will help to address the challenge of 'telling the whole story'. Iterative learning cycles are also consistent with (i) an adaptive management practice and (ii) an adaptive governance model. Participants in a CG process who know they are in an ongoing (iterative) process are more likely to commit to collaboration and consensus.

Regarding the more effective identification of common ground

Future applications of collaborative governance (CG) require more explicit attention to –

- the effective reporting of deliberations and agreements to a variety of audiences:

Different audiences inside and outside the CG process have different needs for information to sustain their support and commitment. Some want brevity and a focus on actual points of consensus per se, while others want to understand the journey towards consensus to know where their perspective has been considered and accommodated. Consideration needs to be given to effective styles of reporting

externally and to the possibility of different reports for different audiences. Consideration also needs to be given to enabling access to resource documents by a wider audience, once collaborators have agreed their status.

Regarding an enhanced commitment to resourcing

Future applications of collaborative governance (CG) require more explicit attention to –

– the level of resourcing required:

While it is difficult to prescribe an appropriate level of resourcing in advance, there is acknowledgment that the LWF process was enabled by its formal government funding. However, there is also general agreement that the LWF was significantly constrained at times by the level of that funding, particularly in terms of the quantum of policy analyst support, facilitator support, and an ability to commission external topic analyses. A mechanism for mid-project budget review may be worth considering. In addition, a higher quantum of government financial support could be justified in terms of the long-term capacity building that results from collaborative governance – investments in a combination of social and institutional capital.

– options for staffing the Secretariat:

Secretariat staff for the LWF have all been on short-term contracts, with some contracts ending within a few days of the final Plenary meeting. This is unsatisfactory since the uncertainty of future employment can affect staff performance at a crucial period in the CG process. If New Zealand embraces the use of CG processes in future, then such term contracts should make adequate provision for staff commitment to the completion of the process. Staff secondments from ministries, departments or other relevant organisations may be considered an appropriate option.

-- appropriate and realistic timeframes for consensus-building activities and reporting:

Few would deny that having deadlines helps to focus people's efforts on the required tasks. A consideration of realistic timeframes for CG processes is more about 'elapsed time' than the total actual time invested in the process collectively by all the participants. Experience of LWF participants indicates that some of the time that was taken up in meetings could have been saved by (i) avoiding re-visiting past agreements and debates because they had been forgotten and not captured adequately and (ii) resolving surfacing conflicts through facilitation. However, it is also likely that more elapsed time would have been required to address some of the process constraints experienced – lack of time for the Secretariat to produce reports of previous discussions, particularly inter-sessional discussions; lack of time for participants to prepare adequately for meetings because of the last-minute deluge of papers; lack of time for socialising agreements with the Plenary.

6.2 Conclusions for future research

(1) Further explore the means of socialising views from the collaborative space to determine the most effective procedures:

- to engage the wider community so they become a "living part" of legitimate and deliberative process
- to ensure the decision-making process is accountable and open to continual improvement
- to build both the public, private and community sector capacity for future governance initiatives.

(2) Further explore the influence of stakeholders' organisational structures/governance settings/social networks on the behaviour of individual participants (representatives) in the collaborative governance process. How was the LWF process seen from the perspective of those whose organisations were involved but who were not directly involved themselves (eg, CEOs). What does this tell us about the circumstances in which the actual consensus builders were working?

(3) Undertake research to develop a Resource Management Collaboration Protocol – an instrument which formalises the character (principles and intentions) and requirements of collaboration in a variety of resource management settings.

Rationale: If there is one element of language which LWF members have embraced in their discussions and deliberations, it is "collaboration" and "collaborative processes". As their work draws to its conclusion, with the formulation of the Final Report and Recommendations, these concepts are of increasingly central importance.

Their importance is both general and specific: general, in the sense that LWF members frequently speak of collaboration as the new paradigm; the new default approach to enhance consultation and replace the costly and vexed litigation which has dominated much of the resource management arena over the past several decades; and specific, in the sense that adoption of collaborative processes is being suggested as a licence to "a preferred pathway" in several specific circumstances (eg, the deliberations on water storage and water infrastructure).

However, it is evident that the concepts (collaboration and collaborative processes) are still subject to some variability of interpretation by different parties. For the collaborative paradigm to gain traction, some degree of formalisation will be essential.

(4) Investigate what sort of participant preparation is necessary to promote effective use of CG processes. What protocols, knowledge and understandings can be developed as precursors for successful collaboration?

(5) Note that case studies of collaborative governance, like the LWF in New Zealand, have the potential, as a result of our low population to resources ratio, to serve as manageable 'laboratories' within which to further explore many of the dimensions and contentious issues that both European and American academics and practitioners are grappling with. Only in New Zealand could a Forum participant be on first-name terms with both the local Member of Parliament, the Mayor, local farmers and conservation field officers. We cross scale (both vertical and horizontal) with remarkable ease. Governance should come more easily to us with barriers and hurdles potentially more easily identifiable. With this in mind we need to be aware that our results will be applicable to a far wider audience than we have thus far anticipated.

The detailed way in which this first national collaborative process has been observed has provided us with a number of insights that, if given due consideration, could support improved collaborative processes in the future. With further research and application, New Zealand may well be able to develop ways of “learning our way forward” that can tackle core issues in water management and other resource issues that others have left as possibly ill-suited to collaborative governance.⁹⁷

⁹⁷ See Kallis G, Kiparsky M, Norgaard R. 2009. Collaborative governance and adaptive management: Lessons from California's CALFED Water Program. *Environmental Science & Policy* 12: 631-643.

APPENDICES

Appendix A: The players in the cast

Appendix B: List of meeting dates

Appendix C: Report of the literature review on collaborative processes

Appendix D: Survey of Small Group members: questionnaire and tabulated responses

Appendix E: The NPS case study

Appendix F: Other elements of Small Group discourse The Elephant in the room

Appendix G: Questionnaire used to survey Small Group members at the end of Phase 2 (September 2010).

Appendix H: Participant calls for capturing agreements and recording discussion points

Appendix I: Participant reflections on perceived inequalities of power and influence

Appendix J: Participant reflections on working with external constituencies

Appendix A: The players in the cast

The Ministers:

Minister for the Environment
Minister of Agriculture and Forestry

Chair of the Land and Water Forum (LWF)

Trustees of the LWF Trust:

Representatives from:
Forest & Bird NZ
Tuwharetoa Maori Trust Board
Dairy NZ

Members of the Small Group of the LWF:

Representatives from:
Te Arawa Lakes Trust
Dairy NZ
Ecologic Foundation
Environmental Defence Society
Federated Farmers, Dairy Section
Fish & Game Council
Fish & Game Council
Fonterra
Forest & Bird NZ
Horticulture NZ
Irrigation NZ
Meat & Wool NZ
Meridian Energy
Mighty River Power
NIWA
NZ Forest Owners Association
Te Runanga o Ngai Tahu
Tourism Industry Association
Tuwharetoa Maori Trust Board
Waikato-Tainui
Water NZ
Whanganui River Maori Trust Board
Whitewater NZ

Active observer representatives:

Auckland Regional Council
Environment Canterbury
Environment Waikato
Tasman District Council
Ministry for the Environment (MfE)
Ministry for Agriculture and Forestry (MAF)

Secretariat staff for the LWF

5 members in Phase 2

Inter-sessional groups:

"Storage"

7 SG members with 2 Secretariat

"Governance"

6 SG members

"Standards"

7 SG members with Chair

"Good Management Practice/Audited-Self-Management"

7 SG members

"Allocation"

10 SG members and 2 Secretariat

Occasional expert contributors to Small Group meetings – by organisation:

External Consultants on High Level Policy Design Options (25 February; 15 April)

External Consultant (NIWA) on EU WFD on Freshwater Standards (25 February)

Members of the Plenary of the LWF – by organisation:

[SG = Small Group member; SGAO = Small Group Active Observer]

Aquaculture New Zealand

Aqualink Research Ltd

Ballance Agri-Nutrients

Carter holt harvey Ltd

Contact Energy

Dairy NZ (SG)

ECO

Ecologic (SG)

EDS (SG)

Environment Canterbury (SGAO)

Environment Waikato (SGAO)

Federated Farmers (SG)

Federated Mountain Clubs of NZ

Federation of Maori Authorities

Fertiliser Manufacturers Research Association

Fish and Game NZ (SG)

Fonterra (SG)

Forest and Bird (SG)

Foundation for Arable Research

Genesis Energy

Horticulture New Zealand (SG)
Ihutai Trust
Institute of Professional Engineers of NZ
Irrigation NZ (SG)
Lincoln University
Massey University
Meat and Wool NZ (SG)
Meridian Energy (SG)
Mighty River Power (SG)
Ministry for the Environment (SGAO)
Ministry of Agriculture and Forestry (SGAO)
Ministry of Research, Science and Technology
MWH
Newmont Waihi
NIWA (SG)
NZ Farm Forestry Association
NZ Forest Owners Association (SG)
NZ Institute of Forestry
NZ Landcare Trust
NZ Winegrowers
NZ Business Council for Sustainable Development
OPUS International
PGG Wrightson
Solid Energy
Straterra Inc
Sustainability Council
Tasman District Council (SGAO)
Te Arawa Lakes Trust (SG)
Te Runanga o Ngai Tahu
The Treasury
Tourism Industry Association (SG)
Tuwharetoa Maori Trust Board (SG)
Waikato-Tainui (SG)
Water New Zealand (SG)
Water Rights Trust
Whanganui River Maori Trust Board (SG)
Whitewater New Zealand (SG)
Zespri

Appendix B: List of meeting dates

Meeting dates for the Small Group were:

15–16 August 2009
1 September 2009
15 September 2009
28–29 September 2009
16 October 2009
29–30 October 2009
26–27 November 2009
28–29 January 2010
25–26 February 2010
11–12 March 2010
15–16 April 2010
13–14 May 2010
26 May 2010
24–25 June 2010
11 June 2010
15–16 July 2010
23 July 2010
5–6 August 2010
17–18 August 2010
25 August 2010 (afternoon only)

All meetings 9.30am – 4.30pm (coffee available from 9am)

– a total of 32.5 days

Plenary dates were:

17 June 2009
12 November 2009
25 March 2010
25 May 2010
22 July 2010
26 August 2010

From 25 May all meetings 9.30am – 4.30pm (coffee available from 9am)

– a total of 6 days

Appendix C: Report of the literature review on collaborative processes

**Review of Collaborative Governance:
Factors crucial to the internal workings of the
collaborative process**

Research Report prepared for the Ministry for the Environment by
Marg O'Brien
Collaborative Governance Research Team
under sub-contract to Ecologic

April 2010

1 INTRODUCTION

Over the past few decades, a new form of governance has emerged to replace adversarial and managerial modes of policy making and implementation. Collaborative governance, as it has come to be known, brings public and private stakeholders together in collective forums with public agencies to engage in consensus oriented decision-making. Ansell & Gash (2008)

In their paper on the theory and practice of collaborative governance, Ansell and Gash (2008) define collaborative governance as

“A governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus oriented, and deliberative and that aims to make or implement public policy or manage public programs or assets.” (p2)

The importance, they stress, is that such a forum is formally organised and meets regularly, is initiated by a public agency, includes non-state private and public participants who are directly involved in decision-making (rather than just consulted), works to achieve decisions by consensus and focuses collaboration on the development of public policy or management. Governance here, after the work of Stoker (2004)

“... refers to the rules and forms that guide collective decision-making ... governance is not about one individual making a decision but rather about groups of individuals or organisations or systems of organisations making decisions.” (p3)

While this is a more formal, precise and usable definition, Ansell and Gash, in an earlier working paper (2006) also refer to a two step definition of Takahashi and Smutny (2002) which provides a more tangible quality, where

“... the term ‘collaborative’ as also used by Gray (1985), is defined as ‘the pooling of appreciations and/or tangible resources ... by two or more stakeholders to solve a set of problems which neither can solve individually’ (Takahashi and Smutny, 2002:166).” And governance is described “... as the ‘purposive means of guiding and steering a society or community’ consisting of ‘a particular set of organisational arrangements’ (Takahashi and Smutny, 2002:169).” (p7)

There is, in these definitions, a sense of intention – of having to come together to solve issues for the wider community. As Zadek (2008) with more flourish and enthusiasm comments,

“... public-private partnerships, essentially collaborative initiatives between state and non-state, commercial and non-profit actors have been born out of their participants’ pragmatism ... *these initiatives have been founded on participants’ views of potential synergies in capacities in leveraging improved outcomes for all concerned.* This is quite unlike the grand ideological visions of earlier generations of institutional utopias such of nationalization and privatization. But this lack of any over-arching narrative to date should not fool us into missing the fact that lurking beneath the surface of this ad hoc collection of activities is the most exciting new venture along new accountability pathways for development. Indeed, *new forms of collaborative governance are likely to provide most radical shake-up of our understanding and practice of accountability in modern times.* (p6) (Italics added.)

Q. So what is special about these collaborative arrangements? Much could be said about what critical variables can influence whether this form of governance, that is, bringing public and private stakeholders together in collective forums with public agencies will indeed foster collaboration. However, in this review work, we have chosen to consider the nature of factors crucial to the workings of the collaborative process itself. As Kaner (2006) reflects, "What does it take for people to contribute meaningfully to the success of the enterprise as a whole?" (p2)

As a research team, we had, when first examining this process, reflected on what indicators of collaborative governance existed? Was for instance, evidence of social capital an indicator that collaborative governance could be utilized and developed? Would low levels of trust amongst participants impact on the success or not of such a process? Could we, in identifying indicators, establish whether there was a potential to develop collaborative governance? What could we implement within the collaborative process that might help create change? Did conflict preside because we were not able to provide the appropriate institutional setting, or the leadership for collaborative arrangements? And, was it possible, that we would never achieve a collaborative process irrespective of what we did?

With these questions still in mind the review work was started. The following pages pull together promising ideas from several bodies of research – business management, public administration, political science, learning theory, social psychology, mediation and the facilitation of a more general culture of collaboration. This cross-disciplinary review is not exhaustive but is meant to highlight key aspects of ongoing research that could be relevant to the development of a unique New Zealand process of collaborative governance⁹⁸.

I am indebted to scholars whose extensive work in the last decade (and sometimes more) has informed the theory and practice of collaborative governance: Innes & Booher (2000, 2003, 2010), Gray (1989, 2004), Leach & Sabatier et al (2001, 2002, 2005), Ansell & Gash (2006, 2008), Page (2008) and many others. As Ansell and Gash (2008) point out, collaborative governance,

"... has bubbled up from many local experiments often in reaction to previous governance failures. Collaborative governance has emerged as a response to the failures of downstream implementation and to the high cost and politicization of regulation. It has developed as an alternative to the adversarialism of interest group pluralism and to the accountability failures of managerialism, especially as the authority of experts is challenged." (p2)

Of interest to note is that, in our sampling of research papers, there appears to be little quantitative work available in the field, most work having an ethnographic base, where the knowledge gained is a result of an extensive iterative process – a constant cycle of learning and relearning – of practical application, performance monitoring, reflection on practice, development of conceptual frameworks, followed by further planning and then further practice.

So why is this important to note? The key issue here, as we will see, is that the deliberations within the research community mirror the paradigm shift intrinsic to the collaborative governance approach – a shift from a 'top-down' culture of command and control to a learning culture that enables a truly participative and deliberative engagement with the wider community (Parker & O'Leary, 2006).

So what are the crucial factors to consider for people to meaningfully contribute to a successful collaborative governance process?

This review covers several themes that arise from common findings of individual authors. There is the lead into the collaborative process and the requirement for the process, once initiated, to have

⁹⁸ Note that for many years collaborative initiatives have been developed within New Zealand and work on these case studies is to be considered within a further Ministry for Environment research contract.

legitimacy. Then once the process is underway, there are issues of how to optimize the *development* of the collaborative process to ensure success. Within this context there is a need to consider the drivers of the process, the commitment to change and over-riding purpose, the commitment to flexible leadership and shared authority; the commitments to authentic dialogue and the development of a learning culture; and finally, the need to establish the achievement of 'common ground' – steps that link to the common purpose – to which all can aspire throughout the process of collaboration.

2 A COMMITMENT TO LEGITIMACY

2.1 A commitment to meaningful stakeholder inclusion

So who is to be involved in a collaborative process? Page (2008) in his review observes: "Some acute, long-running disputes may be settled more easily by inside groups of immediate stake holders (Susskind & Cruikshank, 1987), while (the more) nebulous chronic, "wicked" problems may become more tractable through wide-ranging debates among an array of insiders and outsiders (Chrislip & Larson, 1994; Roberts 2004, p4).

As Schuman (2006) in his introduction to *Creating a Culture of Collaboration* writes, "All individuals and interest groups in all sectors of society have the right to meaningful participation in the decisions that affect them" (pxxviii), and certainly, many advocate that the legitimacy of the collaborative process depends on being inclusive of a broad spectrum of stakeholders all of whom are interested in the problem under consideration (Chrislip & Larson 1994; Innes 1996; Crosby & Bryson 2005; Gray 1989). Others though, think that the best way to go is by, "... a careful construction of the membership of a collaborative group to ensure that those with the most immediate stakes in the issues have central roles and influence on joint decisions (Susskind & Cruikshank, 1987, p4).

While discussion around the legitimacy of including or excluding certain stakeholders is bound to arise in many forums, attempts to exclude certain stakeholders can ultimately threaten the legitimacy of the process (See Gray, 1989 & Kaner, 2006) or lead directly to the failure of the collaboration (Reilly, 2001).

Whatever the situation, the results of the final deliberations of a collaborative forum will be brought into question if relevant parties do not believe they have been effectively represented. As Ansell and Gash (2006) remind us, only those who have the opportunity to participate in a collaborative process are likely to develop a commitment to the process (p14). It is not surprising, then, that many studies of collaboration emphasize the importance of outreach to key stakeholders even to those who could be potentially difficult.

Reviewing the matter, and reflecting on the work of Schattschneider (1960) and Fung (2006), Page (2008) reports: the range of people in collaborative processes matters, because who participates will determine what is included in agendas, what facts are sought, and what solutions are suggested and agreed upon. The success of collaborative decision-making depends on three factors: whether the participants are respected by the people affected by the decision, their expertise, and the group's authority to make decisions.

"The breadth of outreach matters of course, because the *scope of participation surrounding a problem* affects the power dynamics among participants ... the topics that make the agenda for discussion, the range of information, expertise and perspectives brought to bear on them, and the outcomes of debates.

In particular, the representation and preparation of collaborators affect their collective legitimacy and expertise to discuss and make decisions about the topics on their agenda. The processes and outcomes of collaboration likely depend in large part on how well suited the

collaborators' collective legitimacy and expertise are to their agenda and decision authority. When the match among these three factors is poor, the collaborators lack the legitimacy or capability to discuss and make decisions about key agenda items; when the match is good, agenda items and decision issues are framed appropriately for the representativeness and expertise of the participants." (pp.4-5).

Even with the best of intentions though, the situation can arise where the legitimacy of the process is brought into question because key groups do not feel they have been party to the process, or because, as part of the deliberations, those in the collaborative space realize that they need to involve a wider spectrum of people. For instance, a collaborative process that starts legitimately with key stakeholders, may be questioned when participants realize that the process must in fact include not only those with *interests* in the outcome but also those *affected by* the outcomes.

As researchers, we in the research team have contemplated whether it is in fact possible to have people represent future generations. While this might seem far-fetched there is no doubt that the results of the collaborative process, can as part of an iterative process, always be extended to 'new' stakeholders or concerned citizens to further the deliberative process. As Kaner (2006), reports,

"In creating a culture of collaboration there is no such thing as "OK, we're done." It's organic; it's continuous; it keeps developing and transforming. And that's really hard and taxing. And so much of it is brand new because it keeps unfolding." (p22)

2.2 A commitment to participate

While the appropriate inclusion of stakeholders is fundamental to the success of collaborative governance efforts, scholars of collaborative governance have recognized that groups will have different incentives to participate in collaborative processes, depending on their relative power in that forum. Gray (1989) argued that power differences among players influence their willingness to come to the table and that power might be required to encourage participation.

Parties that believe that their power is on the rise will not necessarily want to bind themselves to one particular collaborative avenue, they will want to shop around or at least keep their options open. A collaborative process that depends on the involvement of all stakeholders can be easily undermined. As Reilly (2001) points out: "When alternative avenues exist for resolution, it is theorized that a collaborative method of resolution is not optimal" (p71). Fung and Wright (2001) add that "...participants will be much more likely to engage in earnest deliberation when alternatives to it – such as strategic domination or exit from the process altogether – are made less attractive by roughly balanced power" (p24).

However, the problem of power imbalance can occur not only with the entrance and exits of participants from the collaborative space but also at a more fundamental level. Decisions about the inclusion of representative stakeholders from organised segments of the community can come at the expense of less organised yet affected others. Many interests may not have an organisational infrastructure that can represent them in a collaborative governance process. English (2000) argues that the more diffuse the affected stakeholders and the more long-term the problem horizon, the more difficult it will be to represent stakeholders in collaborative processes (cited in Ansell & Gash, 2008, p9).

2.3 The role of pre-existing conflict

The collaborative governance considered here is premised on the pre-existence of conflict and differences of interest, but the literature suggests that a pre-history of protracted conflict may lead to an intergroup antagonism that is difficult to overcome through collaborative processes (Lewicki *et al.* 2003). How stakeholders construe their own identities and construct the problems they face and the solutions that may address them – can all work to prevent collaboration (Gray, 2004).

On the devastating impact of inter-group perceptions, Campbell (2006) adds,

“While acrimonious debate has always been part of the experience of human community, we have, by and large, been able to sustain the debate and to eventually reach some resolution. When this does not happen in a community, the response ranges from distrust and antagonism to overt conflict. In many communities today we are seeing less and less real debate, even acrimonious debate, and more and more dismissal of people we oppose as people with whom we have nothing in common and with whom no compromise is possible.” (pp.41-2)

Fortunately, many cases of collaborative governance can begin at the point when stakeholders begin to recognize that their past antagonisms have caused more trouble than they are worth, and are in fact becoming harmful. Weber (2003) describes the origins of a local collaboration as following exhaustion and frustration from constant battling over the disposition of natural resources and land management approaches and the need to overcome this and find an alternative, more amicable method for reconciling differences (p59). And Reilly (2001), for example, describes the “balance of terror” that keeps participants at the bargaining table for fear of losing out if they are not involved. In many cases – like the three cases studied by Weber – collaborative forums are encouraged by a conflictual stalemate (Weber, 2003, pp.59-61).

3 A COMMITMENT TO CHANGE: fostering common interests

The motivation to overcome such a conflictual stalemate or solve the ‘wicked’ or intractable problems experienced by stakeholders is the driving force to collaborate. The sponsors or conveners of a collaborative project must identify and convey that there is a need for the project or that worthwhile value could result from pursuing it. One of the first tasks of a collaborative project might in fact be to examine this issue and attempt to achieve a consensus regarding the nature of the problem(s) faced. Participants will need to perceive that there are benefits in collaboration for them and/or their interest group (Bradbury *et al.* 2006) and certainly, Zadek and Radovich (2006) see a clear mission and identity and commitment from partners as a key performance indicator of collaborative governance arrangements.

As many embarking on collaborative processes will say, “There must be a better way.” Anything is better than the costly conflictual stalemate experienced. But, what is the better way? And can all agree on what would be a better way?

3.1 The role of a super-ordinate goal(s)

As social psychologists have known since the post-WWII years, conflict can be overcome and collaboration achieved by the identification of a super-ordinate goal that has perceived benefit for all participants despite lower-order differences and/or conflicts among individual or subgroup goals (Sherif, 1966). The need for a super-ordinate goal, in the form, for instance, of a “common mission”, “shared vision” and “clear and strategic direction” has also been substantiated by more recent

reviews of collaborative governance (Ansell & Gash, 2008) and those working on the development of a collaborative culture (Wong, 2006 and Harris & Strauss, 2006). The latter have also suggested that the building of trust, central to the collaborative process, is a function of the perceived alignment of vision and the alignment of shared purpose must reflect the vision, mission, core values and strategic direction of the project and its participants.

3.2 The role of trust

Trust is a fundamental to virtually all social interactions. It refers to the level of confidence we have that the other person will act in ways that meets our expectations. As Ansell and Gash (2006) point out there is a strong indication from a large number of studies that collaboration is just as much about trust building as it is negotiation,

“... it is such a general “currency” for the entire collaborative process. Trust operates like a “generalized medium of exchange” that affects and is affected by nearly all the other variables.”

As they found in looking back over their research, trust appeared to be so central to every other aspect of the collaborative process that it was almost easy to overlook,

“... trust was just beneath the surface of our previous discussion of key variables – pre-history of antagonisms, incentives to participate, power/resource imbalances, leadership, institutional design, shared ownership of the process, and openness to mutual gains. In hindsight, it is not particularly surprising that trust should be critical for collaborative governance – after all, it is a process that largely requires stakeholders to engage voluntarily in exploration of win-win opportunities.” (p18)

At the very core, collaborative governance is a process in which sufficient trust in other stakeholders and commitment to the process has to generate ongoing pursuit of win-win policies. In comparison, in collaborative projects that have run in very low trust environments, where there is a legacy of distrust as reported in Chile (Koljatic *et al.* 2006) or in Ireland, (Murray & Murtagh, 2006), there is a need for an active effort to make links where few natural ones exist. As Powell, *et.al.*(1996) argue, “a lack of trust between the parties, difficulties in relinquishing control, the complexity of the joint project, and differential ability to learn new skills” are all barriers to be surmounted in the collaborative process. (p117)

How trust can be fostered in such situations of high distrust and non co-operative behaviour has concerned Leach and Sabatier (2005) who have worked to understand questions like, “What circumstances predispose us to trust one another?” And, “What institutional arrangements can foster trust in protracted multi-party negotiations?” And “How can trust be fostered?” Their results have shown that the participants in a collaborative process are more likely to trust and find the outcomes of a collaborative process acceptable if they see the negotiation process itself as legitimate, fair, and transparent (Leach & Sabatier, 2005). These results are also supported by Fisher and Ury (1981) and Chrislip and Larson (1994).

3.3 The interplay of trust and social capital

The other issue relevant to answering questions on trust is that of social capital. As Campbell (2006) discusses, social capital refers to the connections among people – their social networks and the norms of reciprocity, and trustworthiness that arise from them. It is a stored value that individuals can accumulate in their networks and if it is “... to be maintained, people must continue to participate in their networks with the confidence that their participation will generate new social capital.” (p43)

Essentially, within the collaborative framework we would expect: communication → engagement + reciprocity → progress → create networks of trust + systems of confidence → new social capital → more communication.

However, when there is a decline in social capital there is no longer a sense that communication will be worthwhile, confidence declines and withdrawal ensues and trust evaporates. So as Campbell notes, bringing people together to talk about a contentious issue (as expected in a collaborative process) is not enough when the social capital is down – in fact ineffective dialogue can reduce, and even consume social capital and reinforce pluralistic social trust (trust within a group but not between) – people can leave such a meeting feeling that there is no value in that particular system and that they had better stick to trusting people like themselves. They become unwilling to participate again which leads to the social capital reducing further. When people experience a decline in social capital there is a concomitant decline in confidence, a decline in communication and further withdrawal. (p48)

The challenge is to reverse this trend!

However, as Ansell & Gash (2008) remind us, high trust is not a necessary pre-cursor to successful collaboration if other factors are evident – an over-riding purpose, shared leadership, dialogue, and learning can all contribute to progress. As discussed earlier, there can be a legacy of distrust between stakeholders, and what is important is that there is the facilitation to ensure that dialogue occurs to foster trust. What is important is that there is commitment not only to a common or super-ordinate goal but also commitment to the collaborative process.

4 A COMMITMENT TO FLEXIBLE LEADERSHIP AND SHARED AUTHORITY

Building on earlier work (Mandell, 1994) and that of the work of Agranoff and colleagues (Agranoff, 2003 and Agranoff & McGuire, 2003), Mandell & Keast (2009) write that, "The relational power of collaborative networks, with its emphasis on trust, reciprocity and mutuality provides the mechanism to bring together previously dispersed and even competitive entities into a collective venture" (p163). But what is this mechanism?

In earlier work, the role of leadership in collaborative governance was conceived as helping stakeholders discover and articulate win-win solutions. The leader became a steward of the collaborative process itself. As Chrislip & Larson (1994) write:

"In successful collaborative initiatives, leadership is focused primarily on the success of the collective endeavor. Differences in power and authority among participants are almost ignored. What emerges is a pattern of behavior analogous to what others have called *transforming, servant, or facilitative* leadership. This kind of leadership is characterized by its focus on promoting and safeguarding the process (rather than on individual leaders taking decisive action)." (p125)

The idea of bringing together a diversity of interests, some diametrically opposed, and some with a history of rancour, suggests a potentially explosive situation. As Mandell & Keist (2009) go on to say – given that these collaborative relationships are likely to grow, concerns have been raised about the management and leadership of these processes to ensure the optimizing of outcomes... "This is especially important for public sector managers who are used to working in a top-down hierarchical manner." (p163)

But how is the process to be managed? Does the uniqueness of the collaborative governance arrangement demand a unique style? As Kaner (2006) points out, leadership is not necessarily the key to transformation.

“As Carolyn Estes (1996) puts it, “Everyone has a piece of the truth.” A leader has a role to play, yes, and in that role, he or she can provide ... many important elements: vision, insight, expertise, focus, resources, and so on ... But being the formal leader in creating a culture of collaboration is not the same as being the all-seeing, all-knowing provider of the “right way” to make it work. It takes the village to raise the child. And isn't that the whole point of creating a collaborative culture to begin with?” (See Kaner, 2006, p3)

What we find is that in collaborative governance the traditional understanding of leadership does not apply. It is replaced instead with the more “...equal, horizontal relationships (*that*) are focused on delivering systems change” (See Mandell & Keist 2009, p163). (*Italics added.*)

In a collaborative process the participants are *interdependent* such that for the actions of one to be effective they must rely on the actions of another. There is an understanding that “...they cannot meet their interests working alone and that they share with others a common problem” (Innes & Booher, 2000, p7). This goes beyond just resource dependence, data needs, common clients or geographical issues, although these may be involved (Mandell, 1994, p107). The risks in collaborative networks are very high. Participants must be willing to develop new ways of thinking and behaving, form new types of relationships and be willing to make changes in existing systems of operation and service delivery.

The purpose then is not to develop strategies to solve problems per se but rather to achieve the *strategic synergies* between participants that will eventually lead to finding innovative solutions. In this way a collaborative network is not about accomplishing tasks but rather finding new ways (by developing new systems and/or designing new institutional arrangements) to get tasks accomplished (Mandell & Keist 2009, p165-166). Taking on this new approach requires high levels of trust and that takes time and effort to develop. But people must be allowed the time to put effort into building relationships, changing behaviour and learning from each other – to mobilize and act together (Boorman & Woolcock, 2002; Keast *et al.* 2004). And as Freeman (1997) has pointed out, the use of deadlines may arbitrarily limit the scope of this work.

For Mandell & Keast (2009) *leaders are required as catalysts*, facilitating rather than directing, developing the interdependence, the new relationships, the new styles of thinking, and new ways of behaviour while working towards *systems changes* (p166). Their focus on leadership is as a dispersed process, “... leadership does not refer to one person but rather the process of getting all members to interact in new ways that tap into and leverage from their strengths ...” (p166) assisting the group to move forward so that the diversity of skills can be brought into the network. A shared leadership can evolve within the life cycle of the collaborative governance process. Leadership is a balancing act or an alliance between the more facilitative and nurturing functions as well as processes and the need to leverage relationships and drive for outcomes (p172), but emphasis is on the relational leadership ... that can inspire, nurture support ... build trust and share responsibilities.

But while there may be a number of influential participants, it is what is a result of this mode of collective decision-making that is perceived to be of fundamental importance – “... it is the ability to find and develop a pool of shared meaning through a process of creating ‘a new collective value’” (Innes & Booher, 1999, p15) ... it is a way of understanding and valuing the processes that allow for the development of the new gestalt. Or as Stivers (2009) has discussed, individuals are constantly changing as they immerse themselves in social interaction and they are sustained, in part, by the interplay of relationships – each individual with the many – the resulting community process constantly creating an evolving common purpose. (p1102)

In summary (drawn mainly from the work of Mandell & Keast, 2009, p166), the work on leadership would indicate that while there may be a 'formal' leader, leadership is seen as shared across collaborators; with leadership as a process catalyst being more enabling, creating the processes and space for collaboration and facilitating the common ground. The main tools in this process being trust building and fostering the engagement of participants.

As plausible as these findings sound, one wonders exactly how, as Page (2008) reflects, "... leaders can catalyze stakeholders, manage conflict, and sustain collective action on multiple fronts in a world rife with differences in preferences, information, and power" (p3). As Kaner (2006) writes,

"Ultimately you want a group that believes in values of full participation, mutual understanding, and shared responsibility, but you don't start with any of that." (p7)

Communication is the key.

5 A COMMITMENT TO AUTHENTIC FACE-TO-FACE DIALOGUE

Sharing knowledge is central to a collaborative undertaking, yet this can be a significant cultural change from the prevailing business and academic cultures which guard intellectual property, research findings and other information (Kaner, 2006).

As Page (2008) points out, "If participants in a multi-stake-holder process are to govern collaboratively, they must articulate their views on key issues, *listen* to one another's views, and formulate a joint approach to address the issues." (p5) (*Italics added*). Stakeholders need to be open minded to the possibilities of collaboration. As Schedler and Glastra (2001) explain,

"Interactive policy making is based on the reasonableness of players; they are expected to show restraint and self-discipline....The first assumption of interactive policy making is that the participants in the policy-making process are interested in each other's views and positions, and take these into account....The second principle of interactive policy making is that conflicts of interests between players in policy-making projects, including their communication professionals, can eventually be bridged in a reasonable negotiation process." (p341-342).

Whether all agree on all aspects of the joint approach is another matter; the point, says Page, is that they need to develop one, and in order to do this, they need to engage in direct exchanges regarding each other's interests and ideas. (See p.5.)

Innes and Booher (2003) argue that collaborative governance models must engage in "authentic dialogue" in which each stakeholder "legitimately represents the interests for which he or she claims to speak" (p38). In order to do this, stakeholders need to come to the table with their interests but be open-minded about their positions. They must be willing to "seek mutual gain solutions" (p38). And Page (2008) adds, when meetings focus on what is in people's interests rather than on what their opinions are, it is possible to reach agreements that are acceptable to most parties. When participants actively listen and learn about a range of alternatives, they are able to reach conclusions about what they can do together to meet their shared goals.

"When structured carefully to elicit and address participants' interests (as distinct from their positions), such exchanges can produce agreements that most or all participants view as satisfactory (Fisher & Ury, 1981; Susskind & Cruikshank, 1987). When participants use reason and logic to persuade one another of the merits of alternative ideas, they can generate

new understandings that help align their preferences about what is possible and desirable to accomplish together, and about how to achieve their joint aspirations (Cohen & Sabel, 1997; Innes & Booher, 1999). Put more succinctly, constructive deliberation about how to fulfil stakeholders' individual and collective interests can enable agreement on collaborative goals and strategies." (p5)

However, as Campbell (2006) reminds us,

"The fundamental issue in establishing civil dialogue – building the kind of social trust that engenders new shared values across existing conflicting memberships – is not the content of such dialogues; there is rarely any shortage of content issues requiring resolution. The issue is not about *what* but about the *how*. This is the challenge of effective process facilitation. The failure of civil dialogue is a failure of process. It is a failure to appreciate and understand the complexity of the dialogue process and the need to provide people with a process and a setting that move towards...social trust." (pp 48-49).

Building on the work of McCarthy (1997), Campbell adds, that for dialogue to be effective, there needs to be evidence of three dynamics – disclosure, transparency and effective process:

- (i) Disclosure – the level to which people feel they can reveal their intentions. In a high social capital community people can do this without fear of ridicule ... open about hopes and dreams.
- (ii) Transparency – people's willingness to make sure they have all the information they need to participate in a community effectively ... they're ready to share intentions and implications with the community and willing to have their assumptions tested/questioned/challenged.
- (iii) Effective process – including clearly established and agreed on methods, ground rules, and techniques that govern how people will interact.

For dialogue to be effective participants are required to enter conversation with an unbiased attitude, a willingness to suspend judgment, a commitment to listen to diverse perspectives (and to act or react as required) and an understanding that compromises may be necessary in order to achieve "win-win" outcomes.

However, one could be forgiven, when having read the paragraphs above, for feeling still unsure about what this all means. Most of us are respectful, thoughtful and try to understand the others' viewpoint. So, what is new?

Fundamental to this process of being open-minded, suspending judgement, willing to consider 'win-win' solutions and engage in authentic dialogue is the ability to listen. This is different from just hearing what another has to say, waiting for a chance to talk, and sliding the conversation around to meet your own needs as soon as the opportunity presents itself! To this extent dialogue is required for effective deliberation and dialogue requires both the ability to listen and the ability to express one's own point of view constructively. A brief example may be of use:

Imagine a forum brought together to look at the management of freshwater quality. In the middle of the conversation we might hear A say to the Forum: 'We need to establish a national value system to guide our management strategy at a regional level!' B retorts though, 'I struggle to understand the relevance of what you are saying here ... at a regional level we need ...'

What's happened is that B has moved into 'discussion' mode asserting his own concerns. B has switched off A. If he had been tuned into dialogue he could have responded to A with: What do you see as the key advantages of going with a national level system? Or ... What is it

about a national level system that you think would work for us ... Or ... so you really think values at a national level are the way to go? All of which would have A explaining more of his viewpoint.

What happens in this process of dialogue – of really searching for the viewpoint of another – is that the assumptions of their initial contributions to a conversation are allowed to come to the surface, allowing all participants to reflect more fully on another's argument. Thinking patterns are challenged and it becomes more difficult to hold onto stereotypes. If the listening does not occur and forum members just take the opportunity to talk of their own issues, no one listens deeply enough to any other person, and assumptions are not explored, which then makes it far more difficult to find a compromise, to negotiate and develop a win-win scenario.

So what are the results of such an authentic dialogue? Where advocacy of opinion or facts is balanced by openness to inquiry? As Innes and Booher (2003) have found in an examination of many cases of collaborative policy making in environmental and growth management, authentic dialogue can produce enhanced reciprocity, the development of new relationships and social capital among people who would not normally or necessarily have much to do with one another, as well as a great deal of *learning* and tremendous creativity.

6 A COMMITMENT TO A CULTURE OF LEARNING

Engagement and authentic dialogue begin the collaborative process but the creation and maintenance of a culture of collaboration requires a commitment to ongoing learning (Harris & Strauss, 2006; Silva Parker, 2006). As participants engage in authentic dialogue, they ask questions, they listen, they interact and learn about one another and the knowledge and information provided by other participants engages self-reflection and shifts thinking patterns as assumptions and theories are tested.

From a learning perspective, levels of participation and engagement in a collaborative process can be considered from an incremental learning perspective, or from a reframing learning perspective or lastly a transformative perspective. Referred to as single-, double- and triple-loop learning⁹⁹: single loop learning refers to the skills, practices and actions required to '*do things right*'; while both double-loop and triple-loop learning take a 'higher order' or 'meta-perspective' with double-loop learning examining the assumptions and attitudes underlying the actions and behaviours of single-loop learning while triple-loop learning allows us to reflect on the basic values and norms that trigger our assumptions/attitudes and behaviours (see Dyball *et al.* 2007; Keen *et al.* 2005).

If we consider our example again of a forum considering management of water quality, then first loop learning (Are we doing things right?) would probably be reflected in carrying on with the same action strategies but just doing more of them ... like ensuring that the resource consent procedures were adequately addressing the issues and/or the district plan rules across the country were strengthened to ensure that water quality was assured. A shift in our thinking patterns to a more meta perspective (Are we doing the right things?) might have us looking at completely different ways of monitoring water quality. Another shift into third loop learning would have us reflecting on 'Why do we have a water quality problem? What is going on that stops us solving this problem?'

A well facilitated collaborative process can help participants shift into a transformative, or meta perspective. Every shift brings an 'a-ha' experience, another 'small win' (Weick, 1986). Shared understanding becomes then part of a collaborative learning process (Daniels & Walker, 2001) that facilitates deeper trust and commitment. What seasoned facilitators and counsellors can also tell us

⁹⁹ Based on and developed from the work of Bateson (1973); Argyris & Shon (1978).

is that dialogue, and particularly, the ability to listen well, helps foster trust which in turn fosters further dialogue (Campbell, 2006 & Bradbury *et al.* 2006), each instance of being listened to effectively leading to a 'small win' or sense of success.

6.1 Belief in a collaborative approach

A commitment to a culture of learning also requires that all the participants in a collaborative project believe in collaboration, ie, that a group is more resourceful than an individual (Kaner, 2006). Without this there can be no meaningful commitment. As Doubleday (2008) discusses, change starts with people who have the capacity to think not only about alternative ways of working but also when they are able to imagine their successful implementation. (p239) The belief that participants have that they can achieve change influences both the individual and collective capacity of the group. As social learning theorist Bandura (1997) wrote: self-development isn't the only way for people to improve their lives. They can also make significant gains by working together to overcome institutional barriers. But people first need to believe they can make changes to institutional practices.

'People change their lives for the better not only through self-development but by acting together to alter adverse institutional practices. If the practices of social systems impede or undermine the personal development of some sectors of society, then a large part of the solution lies in changing the adverse practices of social systems through the exercise of collective self-efficacy. To shape their social future, people must believe themselves capable of accomplishing significant social change ... (p33)

Success develops confidence and builds on self-efficacy: dialogue → social learning → enabling the development of a common purpose → collaboration → success → collective self-efficacy → further dialogue.

7 A COMMITMENT TO IDENTIFYING 'COMMON GROUND'

7.1 The role of agenda framing

We have already mentioned that the way stakeholders to the collaborative process construct the problems they face and construe their own identities (from Gray, 2004) can impact on the collaborative process. Similarly, these perceptions, or framing of the agenda, can work to foster or detract from the collaborative process and the development of 'common ground'. For instance, a common theme encountered when trying to develop collaboration between scientists and the public is the 'deficit' model – the idea that if the public knew all the available science/research they would then be able to make the 'right' rational decisions. Agendas, in these cases can be constructed to address this deficit, irrespective of whether this framing provided an adequate understanding of the collaborative problem. Luckily, agendas can also be positively framed as Page (2008) reviews and discusses: Encouraging people to reconsider the perceptions or assumptions on which they are basing their policy design is crucial to collaboration (McGuire, 2002). Some leaders discount the validity of some ways of seeing an issue (Bachrach & Baratz, 1963), but other facilitators actively help participants to take a more open-minded approach to meeting goals and addressing issues in new ways, that achieve win-win solutions and are acceptable to all parties (Huxham & Vangen 2003; Bryson *et al.* 2006). Discussing an issue in a way that highlights the potential for outcomes of benefit to all parties is particularly helpful, and is a better way to promote co-operation than focusing on specific problems or projects. Discussing the work of Fisher & Ury (1981), Page mentions:

"Framing efforts that highlight stake holders' shared or overlapping interests are particularly valuable, since agreement and cooperation are easier to achieve when discussions explore

participants' general interests and outcomes rather than their positions or program specifics". (p.4)

In actual fact, what happens in this more positive account of framing is a process akin to developing double-loop and triple-loop learning (p13) where effective facilitation can achieve both a redefinition of problems to be tackled and consequently, the solutions to be considered and applied.

Note too that framing in this context is quite different from having a shared purpose or super-ordinate goal. Framing can allow for alternative conceptualizations that fosters a shared understanding. The super-ordinate goal is where the shared understanding can take the collaborative process. It is the outcome of an effective process.

Needless to say, in addition to framing the agenda and convening participants strategically, leaders of collaborative initiatives can promote legitimacy, fairness, and transparency through several measures that shape the dynamics among the participants. In particular, they can clarify the processes and procedures by which the participants exchange views, consider proposals, and make decisions. They can establish formal ground rules and cultivate norms to guide participants' behaviours and interactions (Dukes *et al*, 2000; O'Leary & Bingham, 2007) – all of which promote authentic dialogue, a culture of learning and achievement of 'common ground'.

7.2 Engaged and incremental decision-making via consensus

A key issue for achieving this 'common ground' is how it is captured when it actually occurs. What we find is that participants can often frame or define problems in a way that overwhelms their ability to do anything about them. The issue is that complex and daunting problems need to be recast into smaller, less arousing problems that participants can identify as a series of controllable and meaningful opportunities that can be worked on to produce visible results. Such 'small wins' are part of the consensus building process. While the process is well explained elsewhere (Donaldson, 1994) a key issue here is the art of recognising consensus. As Donaldson remarks, 'The most critical thing is to listen for closure and act upon it immediately. If this is not done, the arguments will become circuitous and consensus will be lost in the confusion ...' (p73). Facilitation is so important here – there needs to be an eye on all participants – an awareness particularly of the non-verbal communications – the more relaxed body postures – all the head nods in support of what has been said. This agreement needs to be immediately articulated, reflected back to the group for any residual concerns that can be worked through and the agreement then recorded.

7.3 The role of facilitation

The facilitatory nature of leadership has been referred to frequently in this paper and there is little doubt that the facilitation process is crucial to the development of authentic dialogue within a learning culture, the achievement of a shared 'common ground' and the consequent consensus decision-making.

In many cases of collaborative development the nature of facilitation is deemed to be so important that people are brought in to fulfill this role independently of any leadership function (Reilly, 2001; Kaner, 2006). Roger Swartz's (1994) definition is of use here,

"Group facilitation is a process in which a person who is acceptable to all members of the group, is substantively neutral, and has no decision-making authority intervenes to help a group improve the way it identifies and solves problems and makes decisions, in order to increase the group's effectiveness." (p4)

That is, the facilitator has no vested interest in the outcome – just in improving the process of how participants talk to one another, listen, interrupt, deal with conflict and make plans, etc. – the quality of the dialogue being crucial to the experienced success.

Much of the facilitator's work takes place off stage, but on stage s/he must preside and ensure that participants engage equitably and respectfully in the process. Their planning role involves determining the best methods and techniques, making sure that the process is easy to understand, clarifying and enforcing the steps for achieving agreement, and managing science and data proactively. They must also empower participants by making the process participant-friendly and ensuring that there is time for the consensus builder's political work. But, even so, facilitating negotiation can be difficult.

As Ansell & Gash (2006) have described, "... a key aspect of collaborative governance is that stakeholders must "own" the process. This implies that even if unassisted negotiation is not possible, the leadership role has to avoid subverting this ownership. Therefore, in describing three forms of "assisted negotiation," Susskind & Cruikshank (1987) suggest increasingly more interventionist mediation techniques to the extent that stakeholders are unable to directly collaborate. Facilitation is the least intrusive on the management prerogatives of stakeholders; a facilitator's role is to ensure the integrity of the consensus-building process itself. Mediation increases the role of the third party intervention in the substantive details of the negotiation where stakeholders are ineffective in exploring possible win-win gains. Finally, if stakeholders cannot reach a consensus with the help of mediation, the third party may craft a solution (non-binding arbitration)" (p13).

8 THE ROLE OF MODELLING

8.1 Conveners, leaders and facilitator must model collaborative skills

Conveners, leaders and facilitators must model a commitment to learning and adopting collaborative skills such as active listening, ensuring that all participants are listened to and treated fairly, identifying and testing assumptions, behaving and communicating authentically and patiently moving the group at a pace that ensures all are included (Kaner, 2006; Sander Wright, 2006).

As Page (2008) points out, carefully structured deliberation, in particular, may enable citizens, public officials, and other stakeholders to transcend their initial divergent preferences by working together to envision joint goals and then design and implement policies and programmes to achieve those goals. The impact of such iteration depends on the legacy created by the initial phases of collaboration and on the specific changes that leaders make in their tactics in subsequent phases. Two trends appeared in the iteration of collaborative processes tracked by Page:

1. In the early stages of a collaborative process, a convener or facilitator can reflect on what is not working so well, and make changes to enhance the range of views heard around the table and the quality of the listening and consideration that follows. Intervening to improve representation and deliberation will enhance participants' opinions of the fairness and legitimacy of the process.
2. As the process moves from high-level strategy into planning actions to implement it, the meetings can become more difficult. Stakeholders' positions on what should happen can become more entrenched and less open to alternative options; so the initial agreed rules of how the meetings are to run may be overlooked or forgotten. "Regardless of the apparent successes of initial phases of collaboration, leaders need to craft tactics just as carefully in later phases of the process" (p18)

8.2 A note on participant behaviour

While there may be many models of participant behaviour, the findings of Hanson (2006) are indicative of the roles that may be usefully observed in a collaborative process. The research, based on the testimonials and insights of thirty five professionals from across the USA, who engaged in four collaborative processes convened to address high-conflict environmental issues, indicated that the visible actions at the meeting table are like the tip of an iceberg. Behind the scenes, strong influences were exerted, as people adopted a unique mix of assertiveness and cooperativeness to tackle the quest for 'win-win' solutions. Participants engaged actively in meetings as well as advocating for decisions made when back in their organisation or sphere of influence. Back-stage work also involved further meetings and negotiations with other participants, developing relationships and advocating for proposals all occurring between the official project meetings.

Among participants, four different styles of problem solving were observed – competing, avoiding, accommodating and collaborating – - but the research noted that some participants used different strategies at different times. For instance, within the collaborating group, a further four parallel styles were observed. These included:

- Boundary guards are competitive, highly assertive and minimally cooperative. They view the process as contract negotiation and strive to increase their influence and benefit while not giving up anything. They tend to be aware of the power bases within the group and to them collaboration means letting others have their way. However, they see themselves as collaborative because they forego many adversarial tactics in order to participate.
- Team players adopt a "wait and see" approach that is minimally assertive and minimally cooperative. For them, the process is like a high-level committee meeting where decisions are made after all the information is presented. They tend to fulfill their on-stage obligations but not broker solutions, and are influenced by others who make a compelling case.
- Boundary spanners are accommodating, minimally assertive and highly cooperative. They tend to promote a search for the greatest common ground and do not represent a narrow interest. They attempt to build bridges across ideologies and other boundaries. They approach meetings as if they are think tanks, identifying and synthesising points and making cases for bridge-building solutions. They tend to focus on the front stage but will lobby back stage to help the common cause.
- Solution brokers advocate aggressively for their own interests but listen intently to find substantive agreements or innovative ways to achieve collaborative progress. They see the collaborative process as a legislative session in which any means can be used to influence and they work hard on- and off-stage for their own interests and to find middle ground for the collaborative cause. They are pragmatic, do not burn bridges and take a long-term view.

Note: There may also be similar subgroups within the other styles, but they were outside the scope of this study.

9 MEASURING SUCCESS OF A COLLABORATIVE GOVERNANCE PROCESS: process and outcome measures

Q. How do we decide whether a collaborative governance process has progressed or whether, at the end, it was successful?

To what degree is a process collaborative? Is it through what is achieved throughout the process and from the outset (ie, whether it is indeed a collaborative process) or is it measured by what was finally achieved relative to other modes of decision-making?

In determining whether the process is indeed collaborative, a number of the commitments to collaborative qualities discussed above could be assessed in relation to whether efforts have failed or succeeded to reach collaborative governance. We could argue that it would necessarily, but not exclusively, include questions like:

- 1) Have all interested/affected parties or stakeholders been directly involved in the decision-making process – sufficient to ensure the legitimacy of the process and its outcomes?
- 2) Have participants engaged in an authentic dialogue in their approach to decision-making?
- 3) Do participants experience and demonstrate 'ownership' of the collaborative process and has a super-ordinate goal been agreed?
- 4) Has their approach attempted to satisfy the interests of all affected parties as opposed to upholding stakeholder rights?
- 5) Are there any participants who still prefer alternative avenues for problem resolution, including the status quo arrangements?
- 6) Has leadership been shared in the development of creative solutions to seek 'common ground'?
- 7) Has there been enough time and resources to develop a collaborative learning culture?
- 8) Has new common ground been recognised and captured effectively and efficiently?
- 9) What style of facilitation has predominated – process facilitation, substantive mediation or third-party arbitration?
- 10) What signs exist of an enhanced/diminished culture of collaboration amongst participants?

However, as both Smith (1998) and Yaffee and Wondolleck (2003) have indicated, while *process* improvements are increasingly being seen as necessary precursors to environmental improvements, just measuring the process improvements is not enough. It is also important to assess whether the underlying problems are being solved, and whether both the social *and* ecological conditions have improved.

Smith, in particular, relies on final *outcome* measures to determine the extent to which processes are collaborative: 1) Was agreement achieved? 2) Were participants "satisfied with the fairness of the collaborative process, their participation in the process and the outcome of the process? 3) Was the agreement durable? 4) Did the collaborative process lead to good substantive agreement? 5) Did the collaborative process build the capacity of affected parties to solve problems and resolve disputes? 6) Did the "collaborative process facilitate the articulation of common values in a pluralistic society – common values that in turn make other problems easier to solve and reduce conflict?" (p29)

While Smith's outcome measures assess the social rather than the ecological conditions, ultimately, any evaluation of a collaborative governance approach will need to consider both process and outcome levels. But, as we outlined at the beginning of this review, the knowledge gained within the field of collaborative governance is a result of an extensive iterative process across many practitioners and researchers – a constant cycle of learning and relearning – of practical application, performance monitoring, reflection on practice, development of conceptual frameworks, followed by further planning and then further practice.

What we have also argued here as part of this review, is that the collaborative process can include a commitment to the development of a learning process so that evaluation and monitoring can be an intrinsic part of the collaborative process. It is not necessarily the case that the success of the collaborative process is assessed by an external agent. Participants can develop their own indicators of success (after Ryan, 2004). They can engage in an iterative process of thinking → strategising → doing → reviewing → rethinking so that the collaborative process becomes self-monitoring and self-evaluating – one of 'learning the way forward'.

10 REFERENCES

- Agranoff R. 2003. *Leveraging networks: A guide for public managers working across organizations*. Washington, DC: IBM Endowment for the Business of Government (March).
- Agranoff R. 2006. Inside Collaborative Networks: Ten Lessons for Public Managers. *Public Administration Review*, Special Issue, Supplement to Issue 66(6):56–65.
- Agranoff R & McGuire M. 2003. *Collaborative public management*. Washington, DC: Georgetown University Press.
- Argyris C & Shon D. 1978 *Organizational Learning: A Theory of Action Perspective*. Reading, Mass.: Addison-Wesley.
- Ansell C & Gash A. 2006. Collaborative Governance in Theory and Practice. Working paper research in progress. Berkeley: Department of Political Science. University of California.
- Ansell C & Gash A. 2008. Collaborative Governance in Theory and Practice. In *J. Public Administration Research and Theory*, 18 (4): 543–571. Advance Access published on line Nov 13, p1. doi:10.1093/jopart/mum032
- Bandura A. 1997. *Self-efficacy: The exercise of control*. New York: WH Freeman.
- Bateson G. 1973 *Steps to an Ecology of Mind*. St Albans, Herts. Granada.
- Booher DE, Innes J. 2002. Network Power in Collaborative. *Journal of Planning Education and Research*, 21(3): 221–236.
- Boorman C & Woolcock G. 2002. *The Goodna Service Integration Project: Government and community working together for community wellbeing in Goodna*. In T Reddel (ed.) *Governing local communities: Building state and community*. Occasional paper series no.4 Brisbane, Australia: School of Social Work and Social Policy, University of Queensland. pp.57–81.
- Bradbury H, Good D & Robson L. 2006. What keeps it together: collaborative tensility in interorganizational learning in Schuman S. *Creating a culture of collaboration*. San Francisco: Jossey-Bass. pp105–128.
- Campbell JM. 2006. Renewing social capital: The role of civil dialogue. in Schuman, S. *Creating a culture of collaboration*. San Francisco: Jossey-Bass.
- Chrislip D & Larson CE. 1994, *Collaborative Leadership: How Citizens and Civic Leaders Make a Difference*. San Francisco: Jossey-Bass.

- Clarke M & Stewart J. 1997. *Handling the Wicked Issues: A Challenge for Government*. Birmingham, U.K: University of Birmingham, Institute of Local Government.
- Cohen J & Sabel CF. 1997. Directly-Deliberative Polyarchy. *European Law Journal*, 3/4: pp313–40.
- Crosby B & Bryson J. 2005. A Leadership Framework for Cross-Sector Collaboration. *Public Management Review* 7(2):177–201.
- Daniels S & Walker GB. 2001. *Working Through Environmental Conflict: The Collaborative Learning Approach*. Praeger: Westport CT.
- Donaldson C. 1994. *Working in Multistakeholder Processes*. Hull, Quebec, Canada: Evaluation and Interpretation Branch, Ecosystem Conservation Directorate, Environment Canada.
- Doubleday N. 2008. Culturing Adaptive Co-Management: Finding “Keys” to Resilience in Asymmetries of Power. In D Armitage, F Berkes & N Doubleday (EdsEds) *Adaptive Co-Management*. Vancouver: UBC Press.
- Dyball R, Brown VA & Keen M. 2007. Towards sustainability: five strands of social learning. In AEJ Wals (Ed.) *Social learning towards a sustainable world*. Wageningen: Wageningen Academic Publishers. pp181–194.
- English M. 2000. What are the Stakeholders in Environmental Risk Decisions? How Should They be Involved? *Risk: Health Safety & Environment*, 11, 243.
- Estes C. 1996. Consensus Ingredients. Fellowship for International Communities [<http://www.ic.org/pnp/cdir/1995/25estes.php>]
- Freeman J. 1997. Collaborative Governance in the Administrative State. *UCLA Law Review* 45: 1.
- Fisher R & Ury W. 1981. *Getting to YES: Negotiating Agreement Without Giving In*. London: Hutchinson Business.
- Fung A, Wright EO. 2001. Deepening Democracy: Innovations in Empowered Participatory Governance. *Politics & Society*, 29 (1): 5–41.
- Fung A, Wright EO. 2003. *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*. London: Verso.
- Fung A. 2006. Varieties of Participation in Complex Governance. *Public Administration Review*, Special issue, 66–75.
- Gray B. 1989. *Collaborating: Finding common ground for multiparty problems*. San Francisco: Jossey Bass Publishers.
- _____. 2004. Strong Opposition: Frame-based Resistance to Collaboration. *Journal of Community & Applied Social Psychology*. 14: 166–176.
- Hanson MP. 2006. Make-or-break roles in collaborative leadership. In Schuman, S. *Creating a culture of collaboration*. San Francisco: Jossey-Bass. pp129–150.
- Harris JO & Strauss D. 2006. Theory in Action: Building collaboration in a County Public Agency. In S Schuman (ed.) *Creating a culture of collaboration*. Jossey-Bass, San Francisco. pp345–366.

Innes JE & Booher DE. 2000. Collaborative Dialogue as a Policy Making Strategy. Institute of Urban & Regional Development, Working Paper 2000-05. University of California, Berkeley: Institute of Urban and Regional Development.

_____. 1999. Consensus building and complex adaptive systems: A framework for evaluating collaborative planning. *Journal of the American Planning Association* 65:412–23.

_____. 2003. Collaborative policy-making: Governance through dialogue. In *Deliberative policy analysis: Understanding governance in the network society*, ed. MA Hajer and H Wagenaar, pp33–59. Cambridge: Cambridge Univ Press.

_____. 2010. *Planning with complexity: An Introduction to Collaborative Rationality*. New York: Routledge.

Kaner S. 2006. Five transformational leaders discuss what they've learned. In S Schuman (ed.) *Creating a culture of collaboration*. San Francisco: Jossey-Bass Publishers. pp1–40.

Keast R, Mandell MP, Brown K & Woolcock G. 2004. Network Structures: Working differently and changing expectations. *Public Administration Review*, 64(3):363–371.

Keen M, Brown VA & Dyball R. (eds). 2005. *Social learning in environmental management: Towards a Sustainable Future*. London: Earthscan.

Koljatic M, Silva M, Valenzuela E. 2006. The development of cross-sector collaborations in a social context of low trust. In S Schuman (ed.) *Creating a culture of collaboration*. San Francisco: Jossey-Bass. pp 55–68

Leach WD, Pelkey NW & Sabatier PA. 2002. Stakeholder Partnerships as Collaborative Policymaking: Evaluation Criteria Applied to Watershed Management in California and Washington. *Journal of Policy Analysis and Management*, 21(4):645–70.

Leach WD & Sabatier PA. 2005. To Trust an Adversary: Integrating Rational and Psychological Models of Collaborative Policymaking. *American Political Science Review*, 99 (4): 491–503.

Lewicki R, Gray B & Elliot M (eds). 2003. *Making sense of intractable environmental conflicts: Concepts and cases*. Washington DC: Island Press.

Mandell MP. 1994. Managing Interdependencies Through Program Structures: A Revised Paradigm. *American Review of Public Administration*, 24(1): 99–121.

Mandell MP. 1988. Intergovernmental Management in Interorganizational Networks: A Revised Perspective. *International Journal of Public Administration*, 11(4): 393-416.

Mandell MP & Keast R. 2009. A new look at leadership in collaborative networks: Process catalysts. In *Public Sector Leadership: International challenges and perspectives* (eds) JA Raffle, P Leisink, AE Middlebrook (eds) Edward Elgar Pub Cheltenham UK. pp.163–178.

Martinez-Moyano, IJ 2006. Exploring the dynamics of collaboration in interorganizational settings. In S Schuman (ed.) *Creating a culture of collaboration*. San Francisco: Jossey-Bass... pp. 69–86.

McCarthy G. 1997. Creative Response to Conflict: A Century of Dialogue. Nov 23. [<http://members.aol.com/Altdisres/Dialogue.htm>]

Murray M & Murtagh, B. 2006. Equity, diversity, and interdependence: a new driver for social transformation. In S Schuman (ed.) *Creating a culture of collaboration*. San Francisco: Jossey-Bass Publishers. pp. 87–104.

Page S. 2008. Leadership for Collaborative Governance: Civic Engagement in Seattle. Paper presented at the Research Mini-conference of the Consortium on Collaborative Governance, Santa Monica, April. sbp@washington.edu

Parker S & O'Leary D. 2006. *Re-imagining Government: Putting people at the heart of New Zealand's public sector*. London: Demos. www.demos.co.uk

Powell WW, Koput KW & Smith-Doerr L. 1996. Interorganizational collaboration and the locus of innovation: networks of learning in biotechnology. *Administrative Science Quarterly*, 41: 116–145.

Reilly T. 2001. Collaboration in Action: An Uncertain Process. *Administration in Social Work*, 25(1): 53–73.

Roberts N. 2004. Public Deliberation in an Age of Direct Citizen Participation. *American Review of Public Administration* 34(4): 315–53

Ryan W. 2004. Learning MFO Developments in Managing for Outcomes: A Queensland Case Study. A research report for the Institute of Public Administration, Australia Queensland Division.

Sander Wright, K. 2006. Utilizing uncertainty. In S Schuman (ed.) *Creating a culture of collaboration*. San Francisco: Jossey-Bass Publishers.. pp.193–210.

Schedler, P. & Glastra, F. 2001. Communicating policy in late modern society: on the boundaries of interactive policy making, *Policy & Politics*, 29(3), pp. 337 –349.

Schuman S. (ed.). 2006. *Creating a culture of collaboration*. San Francisco: Jossey-Bass Publishers.

Schwartz RM. 1994. *The Skilled Facilitator: Practical Wisdom for Developing Effective Groups*. San Francisco: Jossey-Bass Publishers.

Sherif M. 1966. *In common predicament: Social psychology of intergroup conflict and cooperation*. Boston MA: Houghton-Mifflin.

Silva Parker C, Guinee LN, Bourns JC, Fischer-Mueller J, Hughes M & Winther A. 2006. Collaboration for social change: A theory and a case study. In S Schuman (ed.) *Creating a culture of collaboration*. San Francisco: Jossey-Bass Publishers. pp. 322–344.

Smith S. 1998. Collaborative Approaches to Pacific Northwest Fisheries Management: The Salmon Experience, *Willamette Journal of International Law and Dispute Resolution*, 6, 29.

Stoker, G. 2004. Designing institutions for governance in complex environments: Normative rational choice and cultural institutional theories explored and contrasted. Economic and Social Research Council Fellowship, Paper No. 1.

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

Takahashi L & Gayla S. 2002. Collaborative Windows and Organizational Governance: Exploring the Formation and Demise of Social Service Partnerships. *Non Profit and Voluntary Sector Quarterly*, 31(2): 165–185.

Takahashi L & Smutny G. 2002. Collaborative windows and organizational governance: Exploring the formation and demise of social service partnership. *Non Profit and Voluntary Sector Quarterly*, 31:165–85.

Weber EP. 2003. *Bringing Society Back In: Grassroots Ecosystem Management, Accountability, and Sustainable Communities*. Cambridge, MA: MIT Press.

Weick KE. 1986. Small wins: redefining the scale of social problems. In E Seidman E & J Rappaport (eds) *Redefining Social Problems*. New York, Plenum Press.

Wong, PTP. 2006. Is your organization an obstacle course or a relay team? A meaning-centred approach to creating a collaborative culture. In S Schuman (ed.) *Creating a culture of collaboration*. San Francisco: Jossey-Bass Publishers. pp.229–256.

Yaffee, SL & Wondolleck J. 2003. Collaborative Ecosystem Planning Processes in the United States: Evolution and Challenges. *Environments*, 31(2): 59–72.

Zadek S. 2008. *Collaborative Governance: the New Multilateralism for the 21st Century*, Published in Global Development 2.0. Washington DC: Brookings Institute.

Zadek S & Radovich S. 2006. *Governing Collaborative Governance: Enhancing Development Outcomes by Improving Partnership Governance and Accountability*. Working Paper 23, Corporate Social Responsibility Initiative. Cambridge, Mass.: Harvard Kennedy School.

Appendix D

Survey of Small Group members: questionnaire and tabulated responses

The survey was administered during September and October 2010, after completion of the Small Group deliberative process and the Final Report of the LWF.

The survey aimed to do three things –

- (1) assemble a data set of attitudes and perceptions, held by Small Group members at that time, that have been shown to be important in collaborative processes;
- (2) provide Small Group members with the opportunity to report their experience of certain aspects of the LWF process; and
- (3) check the extent to which certain process issues which some had raised with us in conversation or interview were part of a more common experience, or not.

Small Group members were sent the questionnaire in both .pdf and excel formats so that they could respond either by printing out the pdf and completing the hard copy, or by completing the excel spreadsheet.

The questionnaire was sent out to 30 individuals: all members of the Small Group, as listed in Appendix A, and the first six people listed as Active Observers in Appendix A.

Responses were received from 27 individuals, a response rate of 90%.

Results are tabulated in the following pages in the same sequence as the questions were asked in the questionnaire.

Original reasons for participation in the LWF Small Group

Qu. A1(a)–(h)

<i>Survey question/proposition</i> Original reasons for your participation in the LWF Small Group Please identify your reasons for joining the LWF Small Group	<i>Survey responses</i>				
	<i>Mean score on scale of 1–7</i>	<i>Some degree of agreement (5–7)</i>	<i>Neither agree nor disagree (4)</i>	<i>Some degree of disagreement (1–3)</i>	<i>No opinion expressed (9)</i>
(a) To make a difference to freshwater management	6.3	24	1	2	0
(b) To protect my organisation's financial interests	3.0	7	2	17	1
(c) To report back to my organisation what the LWF is doing	4.4	16	2	8	1
(d) To help achieve my organisation's goals and objectives	6.2	25	0	1	1
(e) To prevent the LWF from bringing about undesirable changes to law or policy	4.7	16	2	8	1
(f) To promote an alternative way of arriving at freshwater resource management decisions from the expensive litigious approach	5.4	21	2	3	1
(g) To educate myself about freshwater issues	3.1	7	2	17	1
(h) To meet interesting or important people	2.5	4	2	20	1

Qu. A2

<i>Survey question/proposition</i> in hindsight	<i>Survey responses</i>				
	<i>Mean score on scale of 1–7</i>	<i>Some degree of agreement (5–7)</i>	<i>Neither agree nor disagree (4)</i>	<i>Some degree of disagreement (1–3)</i>	<i>No opinion expressed (9)</i>
<i>If the LWF had failed to establish useful areas of consensus, my ongoing concerns about freshwater management could probably be addressed satisfactorily by appealing directly to the politicians, courts or individual agencies</i>	3.6	6	10	11	0

Perceived problems in freshwater management in New Zealand

Qu. B1(a)–(r)

Survey question/proposition	Survey responses			
	Mean score on scale of 0–10	Very or extremely serious (8–10)	Moderately serious (5–7)	Not very serious (1–4)
Indicate the <u>current</u> seriousness of the following problems –				
(a) Existing over-allocation or imminent potential for over-allocation of freshwater resources	7.3	13	11	3
(b) The current status of water quality is a long way from where many New Zealanders want it to be	7.2	12	12	3
(c) Lack of national guidance on freshwater issues	7.7	18	6	3
(d) Representation of conflicting interests on regional councils	5.7	5	14	8
(e) Dealing appropriately and fairly with non-point source pollution	7.4	17	7	3
(f) Dealing with legacy problems in water quality	6.6	10	12	5
(g) Different agencies managing freshwater and land use	6.3	10	12	5
(h) The high capital costs of improving water infrastructure, particularly for smaller towns and districts	6.6	11	13	3
(i) A skills deficit for freshwater management in many Councils	5.9	5	17	5
(j) Inadequate and/or declining levels of investment in freshwater science	6.1	5	17	5
(k) Different water quality expectations for urban and rural water users	6.0	8	13	6
(l) Lack of effective community and stakeholder involvement in freshwater management decision-making	6.7	12	11	4
(m) Inappropriate decision-makers' responses to scientific uncertainty	6.7	10	14	3
(n) Underlying issue of population growth and its consequences for freshwater management decision-making	6.0	5	14	8
(o) Fragmented and inconsistent monitoring of water quality	6.2	6	16	5
(p) Iwi discomfort with freshwater management that does not recognise matauranga maori	6.7	7	18	2
(q) Scepticism about science and the behaviours of the scientists/expert witnesses when operating in adversarial situations	4.9	3	13	11
(r) Freshwater management decision-making in NZ has inadequately considered the needs of future generations	7.1	16	7	4

Qu. B2(a)–(d)

Respondents were given the following instruction: Listed below are four alternative approaches for managing freshwater catchments. For each alternative, please circle the response that best reflects your opinion on a scale of 1 = Strong Disagreement to 7 = Strong Agreement. Circle 9 if you have no opinion.

	<i>Survey responses</i>				
<i>Survey question/proposition</i>	<i>Mean score on scale of 1-7</i>	<i>Some degree of agreement (5-7)</i>	<i>Neither agree nor disagree (4)</i>	<i>Some degree of disagreement (1-3)</i>	<i>No opinion expressed (9)</i>
The best strategies for resolving freshwater management issues in NZ's catchments <u>include</u> ...					
(a) collaborative approaches involving communities, stakeholders and agencies	6.2	26	0	1	0
(b) reliance on each agency's statutory processes (legal mandate/court review)	4.3	9	13	5	0
(c) reliance on tradeable permits for water	3.3	8	6	13	0
(d) allowing private property owners to manage their land as they see fit	2.3	3	3	21	0

Participants' experience of the Small Group process

Qu. C1–C15

<i>Survey question/proposition</i>	<i>Survey responses</i>				
	<i>Mean score on scale of 1–7</i>	<i>Some degree of agreement (5–7)</i>	<i>Neither agree nor disagree (4)</i>	<i>Some degree of disagreement (1–3)</i>	<i>No opinion expressed (9)</i>
(1) The Small Group meetings have given me ...					
(a) new long-term friendships and/or professional relationships	5.7	22	2	2	1
(b) a better understanding of other stakeholders' perspectives	5.5	22	2	3	0
(c) a better understanding of the physical or biological processes in catchments	4.2	13	5	9	0
(d) a greater level of trust in individuals who have traditionally been adversaries	4.9	18	3	5	1
(2) The LWF Small Group process treated all parties fairly and consistently	5.3	19	2	6	0
(3) Participation of council and ministry active observers contributed substantially to the deliberations of the Small Group	5.8	22	4	1	0
(4) Participation by iwi representatives contributed substantially to the legitimacy of the Small Group deliberations	6.0	25	1	1	0
(5) Some critical interests are not effectively represented in the LWF Small Group	3.8	11	3	13	0
(6) The Small Group discussions adequately addressed skills and methods required for collaborative governance	4.4	15	5	6	1
(7) The Small Group discussions adequately addressed skills and methods required for collaborative governance	5.8	23	1	2	1
(8) The Small Group discussion sessions have established a clear goal, agreed to by all participants	4.8	16	6	5	0
(9) It has been essential to find solutions that are satisfactory to all members of the Small Group	5.4	23	1	3	0
(10) The government's announcement in March about the Environment Canterbury legislation was a significant challenge to my ongoing commitment to the LWF process	3.2	8	1	17	1
(11) I feel that the Small Group deliberations have made good use of my experience	5.2	18	6	3	0

Survey question/proposition	Survey responses				
	Mean score on scale of 1-7	Some degree of agreement (5-7)	Neither agree nor disagree (4)	Some degree of disagreement (1-3)	No opinion expressed (9)
(12) Deliberations within the Small Group have deepened my understanding of my own field	4.6	17	4	6	0

The Small Group process has ...					
(13) ... produced recommendations which provide the basis for a step change in freshwater management	5.3	20	4	3	0
(14) ... produced a consensus that is likely to be durable	4.7	17	5	5	0
(15) ... strengthened my belief in the potential of collaborative governance in New Zealand	5.4	22	4	1	0

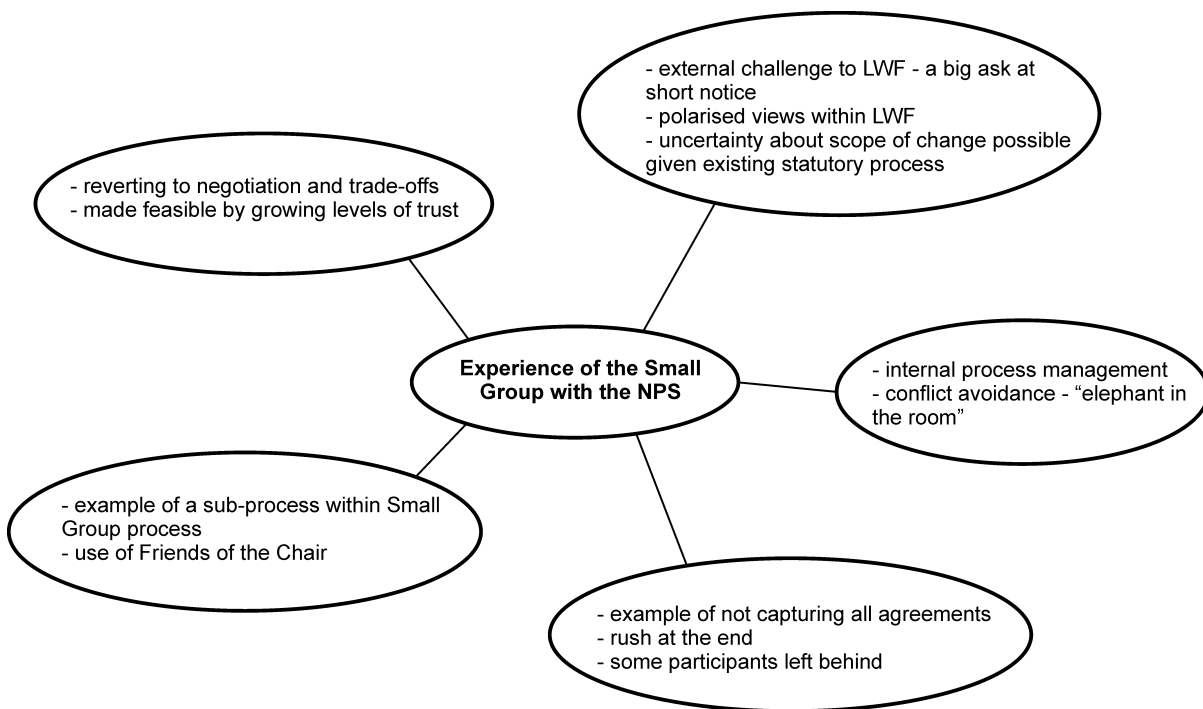
Participants' experience of fellow LWF Small Group members

Qu. D1(a)–(g)

<i>Survey question/proposition</i>	<i>Survey responses</i>				
	<i>Mean score on scale of 1–5</i>	<i>All or most (4–5)</i>	<i>Half (3)</i>	<i>Few or none (1–2)</i>	<i>No opinion expressed (0)</i>
How many of the Small Group participants ...					
(a) ... are sufficiently knowledgeable about the issues?	3.7	20	4	3	0
(b) ... are saying what they really think?	3.7	19	6	2	0
(c) ... are willing to listen and sincerely try to understand other points of view?	4.0	22	3	2	0
(d) ... reciprocate acts of goodwill or generosity?	3.8	17	5	3	2
(e) ... propose initiatives that supported consensus building within the group?	3.5	15	9	2	1
(f) ...do you trust to act in the spirit of collaboration?	3.8	20	5	2	0
(g) ... do you expect to keep interacting with over the next five years?	3.6	16	7	4	0

Appendix E: The National Policy Statement (NPS)

In the final LWF report there is less than a page devoted to the NPS but this underestimates the enormity of the involvement some participants chose to engage in with this theme. A “case study” of the communications – the positioning, deliberation and dialogue – around the development of the NPS gives some indication of the difficulty of getting a subject onto the LWF agenda, of anchoring agreement, and the impact of potential conflict avoidance on a collaborative process. It is also an example of an intercessional process that incorporated the notion of the “Friends of the Chair”. In a way, the work and experience of the Small Group on the NPS was a microcosm of the substantial work done throughout the Forum process and the figure below identifies some of the relevant issues:



The case study relies on excerpts from our written recordings of the sessions, the input from e-mail and interviews. This is by no means inclusive of all the discussion and deliberation that occurred around this topic (including a consultant’s report and a formal advice exchange between Ministers and the Attorney General on NPS process). It is rather a reflection of what was experienced by some of the Small Group as an exhaustive process.

Example from February 2010 meeting:

“The NPS discussion is at the end tomorrow.”

A few minutes later..... *“In respect to NPS we need to give real time to this. I’d rather talk about this than...”*

"I agree with X.....what we're doing is totally immaterial... (The NPS) is huge in my view."

There is a brief discussion about achieving a "consensus on what matters", "being sensitive to a range of views", achieving a "step-change in tune with middle New Zealand":

"...we need to digest it – what do we generally agree on and what not... there is a place for us to come up with meaningful change outcomes..."

And a decision is made to hold on to the agenda and scope out the issue the next day and the presentation of papers continues. But the discussion takes every opportunity to swing back to the national compared with regional focus...

"The fundamental question is can we set values at a national level?"

"There are some values that will be helpful at a national level and some at a local level."

.... *"Excellent presentation – people like us and those linked to us want to establish values at a national level and then at a regional level have them operationalising and dealing with variability..."* There follows discussion on frameworks to achieve this – *"... that national policy and standards are all encompassing of community – they are not RMA constrained – not only operational..."* (?)

....*"The fundamental question is – are there objections to setting high level strategic goals?"*

.... *"Yes, especially when considered spatially..."*

"We don't have a values or status setting system – this is the only thing that, compared with the Europeans that we are not doing. We do have regional type of work going on..."

The discussion then went onto the science problems – that there was just not the detail required – there were *"...poor impact studies – this is not just a governance failure! It's lazy to say this."* The discussion refers to the suggestion by some group members (on other occasions) that regional councils have failed to deliver and might as well be replaced by something that will be more effective in dealing with the management of water. Implicit in the attitudes expressed is the fact that while there is no science backing to assertions re water pollution and water scarcity a national framework cannot be developed. This was not clearly articulated but if the opportunity for this discussion had occurred there could have been an "unpacking" of the issues of real concern, for example, discussion could have occurred around one, the specifics of non-point pollution – the point being that if the community can't be provided with the data – why should they be expected to change; and two, whether despite this, there is a value on holding to the precautionary principle. But instead the conversation went on smartly to...

.... *"The concept of eco-region is useful but national level may be like blancmange! We need to define variables at the lower level."*

The discussion continued back and forth.... *"...value judgments need to be considered and this needs spatial differentiation..."*... *"We need to know what science would inform this process but don't think values should be determined at national level..."*... *"The top-down approach is heavily simplistic..."* (The points became increasingly assertive)

"...values from bottom up will not work. The national policy statement is about a value judgment and then tries to set mechanisms (for implementation at regional level). I think we need to look at the value judgment setting process." (The latter part of this comment at least hooks into the earlier reference to a values setting system)

...*"At a very high level we need to give regional councils the mandate to provide values."* (This confers agreement with the earlier comment but misses the value judgment setting process – opening up the discussion on this could have provided some useful insights – even if the decision had been made to postpone such a potentially interesting discussion)

"We don't have to set values at a high level!" (This retort makes no attempt to listen to the earlier speaker – reflecting on why the regional councils needed a mandate may have taken the conversation further.)

"New Zealand wants water bodies to be swimmable – couldn't we say that at a national level?" (This is a reflective statement and offers an opportunity for further dialogue but this opportunity is not taken up.)

The discussion shifts to European standards and a presentation on Australian standards after which it comes straight back to –

"The genesis of this Forum was that parties were sick of litigating about water. There is a real lack of national level guidance. We don't want the status quo. We had consensus early on to reduce lawyers' income stream from this. We need to think carefully about what goals and values are located where but if the EU can get high level guidance across 27 countries then it should be possible for us to get something like that. We will need to adjust the definitions for us... It is for the regions then to operationalise. This is not too difficult!"

(This is an attempt to integrate earlier information with the problem at hand and add an encouraging "We can do it" slant. Again this opens up the possibility for further discussion but is somewhat lost when the next response returns the discussion to the development of values at the local level.)

"To manage water we need to set limits and do this at a local level and establish values to set limits – we need it at a catchment level with stakeholders having input..."

"What would the regional councils be adding?" (This question reflects on the earlier comment and supports dialogue).

"Regional practice can integrate land/soil use, etc." (A direct response to the previous speaker also supportive of ongoing dialogue)

"That would be difficult for the water management of the Waikato!" (The speaker with this response resumes discussion and the potential for dialogue is lost.)

"Subsidiarity – someone has to be Pope!" (This point is totally overlooked but brings the issue again to the need to have, or invest, decision-making power at the lowest feasible level – either the region or community yet still have leadership.)

Discussion continues back and forth from national to regional/bottom-up and top-down to the need for science to get informed communities until...

"It would be good to look at a WFD and flesh it out in New Zealand – What would it look like? What a simple New Zealandized version would look like and then X... has something to look at and then we can have a discussion about who the 20% are (the non-conformers mentioned earlier?) and also have a discussion about time – we need associated timeframes. But we shouldn't be frightened off – need it tangible – in front of us." (This is again an attempt to address raised concerns and encourage a "can do" attitude.)

This moves the discussion into a constructive phase where there is agreement and a number of constructive moves identified... *"Main learning is get the community involved and understanding and they then start thinking about solutions. How do we get change?"*

The answer expands the possibilities and the details of concerns are voiced. The "unpacking" of the problem has started and yet, in the following months, this topic is often side-lined.

The issue is brought up again in April after the ECan legislation –

X... we don't need to develop a new mechanism... there needs to be a national instrument to protect some key features of our rivers and I see Y... nodding... don't want to throw the whole thing back into the pot...

And then later in the discussion X brings up issue of national policy standard to help the policy formation that X2 & X3 are proposing in this work of theirs..

(what we need is a) high level narrative at the top... something that looks like a national policy statement and then what you are talking about is the tool kit that we can use to achieve the outcomes... we are not going further down the subsidiarity route... possibly already gov't feels that we have gone too far down this route already... we are arguing about what is going to be in the NPS...

The response is that it will be dealt with the following day and so later the subject is brought up again:

X We know from some parts of the country we have poor water quality.... with recent dairy conversions in Waikato these are worsening the situation... the whole thrust behind the LWF was that we have got this problem because there has not been adequate national direction... there was a sense that this needs to occur.. yet we are talking about the lower level and we dance around the need for (national level guidance).... At some point... we are going to have to talk. We have side lined NPS and we need to come back to it... is there place for this in some form... and if we agree that we need some national level direction then we need to see where this fits.. I'm concerned that the RMA tool is the key tool here but now talking about other stuff in abstract way... need to talk about regulation... in this paper that we are drafting... we need not to be constrained by... economic level... the culture that is developing around the table... the hard stuff around the table is being ignored!

X4... the strawman indicates two levels... regional and catchments... we are not biting the bullet on whether this is 2 or 3 tier... we need NPS but not one that undermines all other levels... we are recreating the status quo here... we need to clarify levels and then we can resume standard settings... and if we ... as X points out we also have a NPS drafted out and what the standards setting group puts up is... are we trying to re-invent the wheel?..... I feel quite nervous that this could have a political consequence of missing the NPS...

Following on from this there was concern about whether *"...spatial differential (can) help this..."* and *"...how you marry top down with bottom up..."* and the issue of how *"...if you need to empower the local level... then how much discretion is given to what level?"*

These were important issues to raise but no time was given to enable group reflection and the conversation shifted to concerns about the fact that *'...cities...are polluting (not just farmers) and we don't want to get rid of them...'* and the conversation turned and the thread was lost.

In early June –

The subject is introduced again and it appears that there is agreement that the “... NPS is a suitable instrument to articulate high-level policies...” and consideration of a hierarchy of instruments (NPS, NES) and which are optional and which are not; “...some aspect of NES might be optional but don't agree that an NPS is optional; remember our lack of agreement about the current NPS; but we also agreed that an NPS of some form is required.” Others are nodding agreement to this which is a different sort of response from the discussion about the NPS earlier in the year.

A few more points are made but are not followed through. Later in the month, the issue is raised again:

X: “We have an NPS that could literally be implemented tomorrow – Minister could take it to Cabinet and promulgate; this is a critical piece of our work – if we produce a piece on standards that is blancmange, then we've wasted the last 9 months...we have a golden opportunity because all the RCs are reviewing their RPSs – best chance in 10 years.

X5: “This paper does not seem to ask the question – do we need standards and limits? (Remark in the background: “Does say so!”)... If we agree we do, then how do we cause this to happen sooner or later?

I was expecting standards to be developed nationally – NZ is too small to do it differently everywhere; that's what happens now.”

Later there is discussion about what has been agreed:

X: “we all think that the NPS provides a sense of direction”

X6: who is ‘we all’? Lots of other murmuring

X: what can we agree to say to the Minister; I don't think we do agree; therefore we should deliver two messages from different groupings

And a while later...

X6: I'm concerned at the course of this discussion; I was involved; didn't think we were glacially slow; had agreed on the need for some sort of NPS; also had some discussion on the specific NPS – deciding that this forum did not have agreement on the specific NPS; recommend we should get on with developing a new high-level standards framework

X7: we did agree some of these thingsif that means we're going to start the whole process again, that is a pretty bad look for this body; I'm not worried about standards development being slow but I am worried about starting all over again

X6: it's not a case of starting all over again nor reviewing the NPS; we've been asked to come up with a Step Change ...

X: you're confusing me... It's in our brief – letter from the Minister. We've probably got 3 options – adopt NPS, chuck out NPS, adopt modified NPS.

X3: 4th option – adopt NPS once the national strategy is developed

X7: *I was worried you'd say that – it takes us right back*

X6: *no, it takes us right forward*

And the discussion continues with a number of ideas suggested about what needs to happen with a certain level of irritability displayed in response. Patience is wearing thin until,

X7... *I suggest getting together with “a few friends of the chair” to come up with ...If we can agree on some matters without holding everything up ... We'd have done a good job. If everyone around the table will agree to this process?*

A few yeses are heard. But there is a challenge:

X5: *I support that – I still think it would be helpful to know what people's views are on the current NPS; let's see the whites of your eyes on the NPS.*

This need for clarification was over-ridden.

X6: *we've done that...* (But what was the outcome? If they had agreed what had they agreed to?)

X7: *I'm happy to go round the table and get people's views...* (A listening response to the challenge that indicated that not everyone remembered the views of the group.)

X: *no don't do that – we've done that already ...* (and yet no one follows through by asking what the results were. Previous discussion would indicate that there had been agreement to have a NPS).

So the situation is left with the “friends of the chair” (about which there has been some concern re process transparency) and without formally canvassing views on the current NPS, there is still a lack of clarity about the level of agreement for the policy within the Small Group.

Three weeks later the conversation continues...

This is in the context of a national co-governance group driving regional strategies, the issue of “...we are not all agreed...” on a strategy or NPS comes up...there is concern that the NPS needs to be replaced and points are made but these are not addressed:

X5: *We need to come up with something so that others do not impede process by filling in the gaps that we provide them... NPS is we have agreed (as X6 says)... thought today we were going to go on the whiteboard and say what we agree or not... We need to be looking at the implementation of what we agree on ... and with NPS what functions do we want it to cover?*

A number of people mention needing a list of things written up on a whiteboard to focus discussion...

X7 *we can't pluck list out of thin air but I think we are in good situation to continue the conversation... I think it an excellent idea and I think we need to keep rocking...*

But somehow nothing happens on the whiteboard and the conversation changes tack. During lunch we are approached by one of the participants concerned about the way the process is managed... that the chair has the skills but not the right skills... There is concern voiced that the NPS is moved sideways... concern with the management of the group... that this is trade process... *we should have a decent Secretariat that would be writing bullet points up on the board and have sheets around the wall and be asking for agreement etc...*

Later,

X8... clear that NPS not easy when the principles and values not discussed enough – they're not there to hang the NPS on... until we have those then NPS problematic.

A further participant voices frustration *"... that the NPS not in the plan and the plan without the NPS is problematic...."*

Three weeks later, the "friends of the chair" have been active – surveying individuals regarding their perspectives on the NPS... X9 and X10 are acting as coordinators; vague as to process – but lots of humour about their roles as 'father confessors':

X7: The vexed paper of the NPS... (turn to) very blessed X10 and very blessed X9... some hail marys... some elements of priestly behaviour that hopefully they do not engage in... (lots of laughter...)

X7 goes thru papers still to consider today.. as for moratoria X11 is going to lead us in prayer.

X1...We are having some priestly confessions (around NPS) ... can you tell me what the process is for the NPS issue.

X7 talks about priestly confessions to him and on the basis of what confessors say... they will draw a small group of people around them (on basis of confessions?) to consider how this NPS will progress.

Add comment here...

It is not clear why this critical issue has been dealt with behind the scenes when there have been several occasions when it could have been dealt with full disclosure and transparency.

And then towards the end of the meeting and in context of discussion about the final recommendations for the report:

X1 "There's an elephant in the room...NPS... we need to crack this thing because much hangs on it and I'm conscious of time running out."

E-mail from the Chair to the LWF on 2 August

Hello everyone

As agreed at the last meeting of the Small Group, I have embarked on a process to find a way forward on the issues surrounding the draft NPS which Hon Nick Smith sent to us for comment. The way I plan to proceed is set out below.

1. The Minister's letter

In his letter of 18 February with which he sent us the draft NPS, Hon Nick Smith said,

"I am not looking to make any national level decisions on fresh water until the Land and Water Forum reports back. I am providing the Board's report to the Land and Water Forum, Iwi Leaders and Officials. The Board's report and recommendations provide useful material for further debate and discussion.

"I see the National Policy Statement as one matter that the Land and Water Forum may consider in your report to me in June. I want you to consider in finalising your report how an National Policy Statement of this kind would fit into any frameworks you are considering."

The Minister has subsequently indicated to the media that he is waiting to hear from the Land and Water Forum before he decides what to do about the draft NPS, and he has told me that it would be a political embarrassment to him if he did not get a substantive indication of the Forum's views. Because of the issue of the transition, in which what happens to the draft NPS is pivotal, the Forum will in any case need to consider the issue substantively, whatever it may then decide.

Views on both sides of this question are strongly held, and the Small Group has agreed that I should set up a process to find a way forward. I have asked several people to assist me with this, including X10, X9 and X12. I provide in this note an indication of how we will proceed.

2. Need for a good faith process

Because of the strong feelings around this issue, and the tendency for both sides to declare irrevocable positions before the process starts, I have asked the Small Group to confirm that the process will be a good faith one. I have explained that that means that all parties will bring open minds to the table, and will be prepared, whatever they may finally decide, to consider the options and information presented by the Secretariat and other parties on their merits. All parties have accepted this approach.

3. Information gathering

Better information is essential, and there are at least two kinds necessary. One is information on the issue before us. To that end, the Secretariat is contracting with (the Consultant) to prepare an analysis of the way that a regional council would apply the draft NPS, bearing in mind the conclusions that the LWF has reached on the setting of standards, targets and limits. (The Consultant) may also suggest ways in which the NPS might be amended to make this process more straightforward or workable. The ARC has kindly offered to fund this analysis through the Secretariat, and X9 will work with (The Consultant) on a draft TOR. There may be other information on the issues in play which the Secretariat will acquire or contract for or work up to assist the process.

Secondly, and most importantly, we need to understand fully the views of participants. An essential element of the information phase is to seek from each participant a reasonably full indication of views, including

- how they believe that the NPS would operate in practice*
- the assumptions that underlie this opinion*
- what changes if any they consider might be made to it*
- any other suggestions about a way forward.*

This information may be collected in face to face meetings or (given the need for speed) by phone. It will allow the Secretariat to understand, summarise and analyse common assumptions and points of agreement and disagreement as a basis for further discussion with the participants, singly or in groups. ((The Consultant) may need to take this information into account in finalising his own work.)

4. Friends of the Chair

At an early stage we will need to draw together a small group of participants who have particularly high concerns in this area, or who bring particular expertise or information in order to carry the discussion forward to help to resolve the question.

All Small Group participants will have been or will be contacted by either AAAA or BBBB to set up an initial contact.

Best wishes

.....

**Chair
Land and Water Forum**

The outcome of the "Friends of the Chair" process can be found at the end of this Appendix p.117. It shows that there were far more commonalities among the Small group participants than had been anticipated.

Discussion on NPS matters 17–18 the August

X3: "We're obligated to the Minister to put something in our report on the NPS; X1 and I have made some progress – not nirvana, but maybe only a couple of main challenges; 1st tier about the vires of the thing; 2nd tier sequencing; 3rd tier about the detail of the language – probably made most progress on 3rd.....with some generosity of spirit we might find more common ground".

X1: "I think it is possible to make some relatively minor draft changes to the draft NPS to address most of these issues – too absolutist – doesn't enable ASM enough; don't agree that it is ultra vires – it's arguable and that is a risk for the Minister – we ought to help the Minister on this; effective moratorium? We can develop opt-out provisions;I and Team Green see NPS as a critical part of the overall LWF exercise – want to see it up and out and implemented as soon as possible. If we're going to develop future NPSs then it should be informed by the National Strategy – we have a draft that the Minister could promulgate with some wording amendments. If there is a need to change it or add to it, this can be done at any time – doesn't have to be there at any time – a process for changing and replacing it; we see LWF findings being incorporated into the re-drafting..."

.....

"I'd like to see an NES on standards initiated soon after our LWF process – we all agree on the need for them – could be done quickly."

.....

"We've developed some ideas – not a lot of red-lining – some additional words and some deletions; we need your guidance on how to socialise our discussions."

.....

X11: *"It doesn't deal with the issues we think are important; we've been given the opportunity to recommend changes that will address these; any delay will mean that addressing these key issues will be delayed by years; I think X1 and X3's process could help us to integrate our work with the NPS – we should give it a go!"*

X1: *"Timing is not the main issue – if we delay and write a new strategy on the 4-pillars approach, we not only lose the years, it becomes a totally different process from the one we've been involved; the NPS goes a long way to dealing with the issues we've agreed to – could lead to a loss of the collaborative spirit we've generated over the past year; don't think we should start again; work on land-use change; work on transitional provisions – they are the main issues; I thought we could agree on those; what would be an impossible task is to start all over again – that would put us in the dark ages!"*

...

And continues,

X1: *"We've been talking for 2 years; Team Green always made it clear that NPS is critical, and yet we're just talking about it now; we're looking to our LWF colleagues to come the extra yard..."*

I can see two ways forward – both involve an agreed as possible modified version of the NPS attached as an appendix to our report – plus narrative – eg, extent of consensus plus remaining issues – can offer Ministers solutions; got to be pragmatic."

And later on...

X1: *X3 and I were invited by the Chair to develop ideas around addressing NPS problems; context is the most important component of the work from the green side coming at the 11th hours; green team looking to our colleagues here for support; our positions have been based on the assumption that we're going to have strong national direction; we've tried to remove what X3 would call the most absolutist and re-calibration of the NPS; also had discussions with iwi – their paper contains some suggestions."*

X1 goes through the track changes

X7: *"Now iwi..."*

X6: *"In our report, we could say there is disagreement on some points but total agreement of the need for some form of NPS – this might a prudent route."*

X11: *"Let's go as far as we can – stop where we can't!"*

X7: *"Want to sum up; agree with Y – a discussion that shows us all at our best, extremely careful and thoughtful; impressed by everyone's reticence; has not brought a torrent from the skies; encouraged to think it's a problem that we can work through; but we don't have much time; grateful to those who have burnt the midnight oil; hope we can continue to do that... called the Minister last night... told him where we are going. He said as much guidance to him from us is most important."*

We should aim high; we've given ourselves a great base to work on; we want to keep the engagement really focused; those who have critical things to say to us to do so; will see X1 and X3 operating as "friends of the chair" but wanting to encourage others to contribute too... suspect we will need to have some other form of group engagement before the Plenary – can you reserve next Wednesday afternoon?"

Researcher reflection: An afternoon of continued willingness, tempered with realism about who is signing up to what. NPS discussions showing positive signs of common interest.

E-mail from X4 on 20th August to the LWF

Dear all

I thought it would be helpful to set in writing the logic behind the proposed amendments to the Freshwater NPS that were tabled yesterday by Team Green, and to flag where areas for further compromise might or might not lie. I am circulating this note on my own responsibility but I hope it will illuminate our thinking.

Leaving aside minor points, we have proposed three main areas of change to the NPS. Each of these changes is proposed out of respect for the importance of economic objectives, including the need to facilitate the continued growth of the multi-million dollar New Zealand dairy industry on a responsible basis.

Three main changes to NPS

First, we have proposed to change the water quality objectives from an "enhance all freshwater" approach to a standards-based approach. This reflects the work we have done together in the Forum. A standards-based approach means not only that some water bodies will have to be improved; it also means that other water bodies will be able to receive further discharges, such as from dairy conversions and land use intensification, so that their quality will be enabled to decline, to the level the standard allows. This standards-based approach, if properly followed through by regional councils, can provide certainty to everybody. The proposed new objective E3 would drive forward standards for fresh water that are both economically achievable and are widely supported in the community: the ability to swim, to catch fish and to gather mahinga kai; and you will note there is an achievement timeline for this that stretches out to 2030.

Second, we have taken on board the primary sector's advocacy of audited self-management. Instead of requiring farms in polluted catchments to apply for a resource consent if they want to expand or intensify their operations in the same manner that a factory or any other discharger would normally need to do, we have proposed a special option for catchment-based groups of farmers and horticulturists that enables them to establish an audited self-management programme instead. If their programme succeeds in achieving some water quality improvement after five years, they then get another five years to reach the standard.

Third, we have taken on board concerns about the costly and intrusive nature of the resource consent process from a land user perspective. We have tackled this issue partly by the use of standards, as discussed above, which over time will largely remove the need for discretionary consenting processes. But we have also sought to provide short-term relief for farm businesses facing the NPS, by setting out to focus the transitional provisions tightly on where the problems actually are, so that businesses are not forced into applying for resource consents where there is no strong need for them. Under our proposal, the transitional provisions would apply only where water bodies are over-allocated, or are polluted to a significant degree, that prevents swimming or gathering of mahinga kai for example.

The changes we have tabled reflect our best understanding of the perspectives of other people around the table. We may not have perfectly understood those perspectives but we have made a strong and genuine effort to do so, and we are open to making further changes along these lines in a bid to secure agreement.

The economic efficiency agenda

There is one change that we do not feel able to make, and that is to set out in this NPS a new objective and associated policies promoting economic use and efficiency. That is not because we are failing to acknowledge the importance of wealth creation. We have made the above proposals precisely because New Zealand's ability to generate economic growth is a compelling matter. We have also indicated in

agreed text in the main report that we support more economically efficient use of water, including enhanced transferability; and we look forward to co-operating with all other parties in advancing that agenda after a period of public consultation. Why then do we stop short of acceding to the proposal from Fonterra and Meridian to add a separate economic efficiency objective and policies to the NPS? There are three reasons.

First, the whole idea of tradable water rights is too big a topic to just slip in to the NPS at this stage without a proper public debate. The public may well be prepared to move down this track once they understand the reasoning, and once some robust safeguards are in view, but this will take time. The energy sector and primary producers have an important opportunity to put the issues on the public agenda with the support of iwi and environmental interests through our main LWF report and recommendations. Our counsel is that to attempt to go further than that at this stage could be counterproductive.

Second, the efficiency agenda cannot be implemented simply by inserting some words in an NPS. Important amendments to the RMA are required as well, and the rights and interests of iwi need to be factored in. The whole policy package needs to be properly designed and considered as a whole, rather than advanced piecemeal. The irreversible nature of effectively creating property rights in water means that careful design is essential.

Third, the proposal to place economic and/or efficiency objectives and policies into the NPS alongside the existing objectives and policies without careful analysis and specific guidance about how to resolve the conflicts thereby created is a recipe for uncertainty, confusion, and consequently litigation. It would counteract the drive for certainty that underlies our commitment to a standards-based approach, and would instead create wide scope for discretionary decision-making around the balancing of conflicting objectives. This would not be good for any of us.

It is far better, in our view, to bring an economic perspective into the setting of clear environmental objectives, as we sought to do in this paper, than to set up a series of conflicting economic and environmental objectives and then invite local government politicians and the judiciary to try and balance them, in the hope of achieving – at some distant time – some certainty.

A final thought

I acknowledge that it may still be too difficult for some organisations to sign off on the compromise document – or indeed, any prospective compromise document. If that is the case, we could revert to the “leadership” option – an approach in which we submit the LWF report as individual leaders well respected in our sectors, while acknowledging that in the time available, it has not been practicable to fully explain the proposals and win the formal commitment of our organisations. That is something we would aim to do after the period of public consultation.

Kind regards to all

X4

Final Small group 25 Aug

There has been significant e-mail traffic on how the NPS may be altered – time frames, etc... also about NES and the discussion starts straight on in but there seems to be a general agreement that there is NPS (the statement is sent around the room as a question) and the current NPS requires changes (again a question to the room). Agreement holds and the discussion continues off and on during the session.

.... And later,

X12... *"There is a lot of the NPS that we are all in agreement with... there is no disagreement on a lot in the NPS that we all feel quite comfortable with.."*

Last minute concerns and discussion point are aired and X7 is adamant that they won't leave until the agreements are sorted.

The following day just before the plenary meeting there is some confusion as notes on agreements reached the previous day have been lost and there is a final flurry to retrack on agreements to ensure a consensus is delivered to the Plenary.

Later in a post-Forum interview with X12:

"We signed off Wed night but first thing Thursday morning X is re-litigating the wording and (the Secretariat) didn't have all the words down as tightly as we expected. We had to reconstitute the agreement from our combined notes. Frustrating! A needless source of tension and re-litigation. There were a number of times we had gone over issues because we had not agreed where we had got to..."

Proposed National Policy Statement on Freshwater - Commonalities and Differences	
Universal agreement	<ul style="list-style-type: none"> - The condition of New Zealand's fresh water needs to improve. - Limits and standards are needed and quickly. They provide both a clear environmental bottom line leading to behaviour change and also a clear, consistent signal to industries. - Transitional provisions need softening. Particularly the line "any change" in D10. - A NPS of some description is needed for New Zealand. - This NPS is weighted strongly towards environmental protection. Many think too heavily, some think it is needed e.g. a "re-balancing" exercise.
Common observations	<ul style="list-style-type: none"> - Need for better recognition of social and economic values. - The current transition provisions will effectively place a moratorium on intensification and/or further development. - A NPS needs to be preceded by a national water strategy following the direction of LWF discussions. Some interim regulation or other measures should be put place while this is being developed. - Support for the concept of "maintaining and enhancing water quality" (although some uncertainty as to what this means in practice. Does it mean using current condition as a baseline or setting locally agreed limits and working from there?). - This NPS needs to be backed by strong governance arrangements at the local level. There are differences as to what these arrangements should look like; generally this means either more coherent monitoring and enforcement arrangements or stronger political support for either a production or conservation oriented view. - It will put a lot of pressure on councils both to implement and to process the influx of consents. - Possible timeframes for implementation range about 5 – 15 years. Average around 10. - There will be litigation on this draft. Many groups will interpret the provisions as unreasonable and not in the intentions of section 5 of the RMA. Some sections are also <i>ultra vires</i>. - More investment is needed in extension of knowledge, technologies and management methods to land owners. - Audited self management needs to be recognised as a potential way forward in the context of this NPS, perhaps not in the NPS itself. - Allocation should be dealt with in a separate process, potentially through RMA Phase II.
Views expressed by a minority	<ul style="list-style-type: none"> - The NPS shouldn't be delayed. The condition of our fresh water is at a tipping point and this NPS will stop further degradation. - May not be litigation due to public pressure on councils and industry to improve fresh water. - It rightfully places restrictions on economic uses of fresh water. - Regional councils do not have the capability to implement the NPS. Or, they will be able to implement it but will take a conservative approach as they don't have all the data to make accurate decisions. - The requirement to "avoid adverse effects" needs to incorporate the additional RMA wording of "remedy or mitigate". - Needs to better recognise variation in land use and local conditions.
Strong opinions of individual groups	<ul style="list-style-type: none"> - The effects of the NPS will weigh unfairly on some land uses. Need to ensure equitability. - The NPS will have immediate effect on council activities, such as consenting (beyond the transition provisions). - Ground water has not been carefully considered. The objectives and policies need to reflect the differences between surface water and unconnected ground water. - Should take the approach of allowing some degradation of the "middle" water bodies – those neither pristine nor completely degraded.

Appendix F: Other elements of Small Group discourse

F. 1 The “Elephant in the room”

During the course of Phase 2 discussions, “the elephant in the room” was invoked in discussion on numerous occasions right up till the final month, as the following summary of contentious topics attests -

Date	Contentious topic and discussion context
28–29 January SG mtg	The universal failure of participants to provide forward projections of water demand, or their view of the future, when they had been requested to do so during Phase 1 – in discussion of high-level principles
11–12 March SG mtg	The NPS, and whether some SG participants would be able to bring their constituents along with any agreement on the NPS that might be reached by the SG – in the context of the structure of the SG process, the sense of progress, and expectations about extent of agreement.
30 March – inter-sessional mtg	Population and future population growth – in the context of discussing the four values/well beings
13–14 May SG mtg	Inter-sectoral competition for water – in the context of discussing the importance of policy coherence, ie, not developing freshwater policy in isolation from other national development policies such as energy policy
26 May SG mtg	Resistance to the use of specific instruments to reinforce general policies (eg, inter-generational aspirations but no inter-generational policy instruments) – in the context of discussing text in a draft governance paper and the failure of council's to back up long-term goals with effective implementation measures
1 June – inter-sessional mtg	The prospect of the Environmental Protection Authority – in the context of discussing whether the focus of the ‘infrastructure’ deliberations might be interpreted as a code word for economic development, and whether restoration and repair of damaged water bodies or wetlands would be considered equally valid reasons for promoting infrastructure proposals
11 June SG mtg	Water storage in relation to government's “signalled strong intentions” and expressing a concern that the Forum needs to come up with a better planning process but does not have much time to do so – in discussion of the Infrastructure inter-sessional group's report to the SG. [Note: on this occasion at least 4 speakers continued and elaborated the ‘elephant’ analogy related to water storage.]
5–6 August SG mtg	Iwi and water allocation and the issue that iwi are not provided for in current thinking – in discussion of draft text on Allocation; The NPS and expression of relief that this topic is finally being addressed within the Forum
17–18 August SG mtg	The challenge of diffuse effects on water quality, acknowledging that “the elephant is finally out of the room now” – in context of discussing Final Report recommendations

F. 2 Language – “cause and effect”

28–29 Jan SG meeting:

During an early discussion of draft high-level principles

“Remember the Minister's messages: be careful to explain what the problems are we're trying to remedy and why they are problems”

25–26 Feb SG meeting:

In a presentation on standard setting, explaining the EU's Water Framework Directive: The presentation was confusing, switching between factual (“is”) and value-laden (“should”) commentary and back again. Discussed ‘spatial framework’, the need to set standards at strategic level to avoid re-litigation for every consent, the need to set objectives that ‘middle NZ’ can understand, the reluctance of NZ councils to set accountable objectives and limits.

There followed a discussion about standards setting – the mix of values/preferences and measurable limits; whether values-setting should be top-down (national) or bottom-up (local); issues of political resistance, governance failure, science failure; need to allow for spatial variation within national guidance;

“happy to make value judgements in the absence of knowledge of cause and effect and benefits and costs”

The comment begs the question about how one can sensibly divorce standards setting from knowledge of cause and effect – what actions affect quality. Could be seen to imply an issue of accountability or a situation where it would be impossible to hold anyone to account. Uncertainty about cause and effect is a means of deflecting the issue of accountability.

11–12 March SG meeting:

In a presentation from regional council representatives: Discussion of Taranaki approaches to managing water quality – strong regulatory approach for point source discharges, but entirely non-regulatory approach for diffuse discharges.

“diffuse source discharges are much more difficult to deal with; cause and effect is complex, but extensive monitoring over 10 years has shown ecological indicators are generally stable – very few deteriorating, some improving”

Again the issue of certainty about cause and effect is raised in the context of discussing accountability and, by implication, liability. The reference to accountability is more explicit.

26 May SG meeting:

Discussion of an early draft of the Final Report; topic was water quality in lakes and lake degradation

-

X1: *“more weasel words – ‘some iconic lakes’”*

X2: *“‘severe’ – do we want this emotional overlay?”*

X3: *“in many cases cause-and-effect is poorly defined; not trying to weasel primary sector out of problems; the issue is the importance of correct problem definition”*

X4: *“applies to all aspects of our work”*

X5: *“not enough on trend comments – some lakes are getting worse because of land-use intensification”*

X6: *“if you’re going to keep on making provocative statements, you’ll get thousands up in arms; lakes are hugely variable and complex; if it’s a legacy problem, then the current dairy farmer is not the problem”*

X7: *“trends should be identified; cause-and-effect should be identified where we can”*

X8: *“land use intensification is not just dairy farming; it could be urbanisation; we’re not picking on farmers here”*

While the reference to accountability is even more explicit than in the past, there is also the idea that raising this issue is not a matter of targeting the rural community – ‘knocking farmers’. However, there are clear sensitivities mentioning degradation where the cause-and-effect story is not presented accurately.

23 July SG meeting:

Discussing a revised draft of the Final Report – an introductory section on 'water management' and a statement –

"We have not been acknowledging or managing limits – for quality and quantity, in urban and rural areas"

followed by the statement

"An underlying cause is a failure over decades to understand and manage how land is used and its impact on water."

This reflects acknowledgement of agreement on the point that good management should be based on understanding cause-and-effect rather than treating symptoms.

F.3 Language – "capture(d)" – "banked" – "whiteboard"

From an early stage in Phase 2, participants expressed the wish to capture ideas that were seen as important to their consensus-oriented deliberations. This happens at several (at least two) levels. Firstly is the desire to ensure that whenever agreement or consensus has been articulated amongst the group in discussion, that this is then captured so that it is not lost. Such agreements are still open to being reviewed, but at least participants have a constant reminder of what they had agreed to previously. Secondly is the more nuanced expression – capturing in written text the essence of what was agreed verbally.

There were also occasions when individuals suggested adopting a whiteboard exercise as a means for facilitating and focussing group discussion. On the relatively few occasions when a whiteboard was used, this generally resulted from an initiative by a SG member.

28–29 Jan SG meeting:

During an early discussion of draft high-level principles –

"how do we capture the essentials of problem definition and possible solutions; we need to think about what works and what doesn't work, why some things work and some things don't work"

"how do we incentivise collaboration – alert the ignorant to the benefits of front-end collaboration"

"let's capture this as a problem statement"

11–12 Mar SG meeting:

During presentation from regional council representatives who joined the Small Group for a short period at the beginning of the meeting, there was acknowledgement of the Issues Paper which had been produced at the end of Phase 1 – *"captured the issues well"*

During discussion of an early draft inter-sessional group paper on governance, instructions for discussion were that participants should make their contributions short and not repeat what someone else has said –

X1: *"but we need to voice agreements"*

X2: *"we also need to make some recordings of agreements"*

X3: *"we need stuff we can take out to our constituencies"*

X4: *"what we've done in the last hour – feels like it's time to settle on some agreements; get them on the whiteboard; X5 have you seen some progress?"*

X5: *"I don't see a start yet; seen a lot of nodding; it's important to capture those things ..."*

And on another tack –

X6: *"this paper has been a good object lesson for us – the inter-sessional groups process might have been helped if the Small Group had started with a whiteboard exercise, to give us a steer"*

25 May Plenary meeting:

During discussion on communications between the Small Group and the Plenary and the future process –

"we need to tick off the bits where we have easy agreement – you haven't even asked us whether or not we agree with this draft structure"

26 May SG meeting:

During discussion of the iwi paper –

"the intent of the paper captures our shared views"

During discussion of a governance draft, one participant used the whiteboard to convey concepts schematically.

24–25 June SG meeting:

During feedback from one inter-sessional group –

X1: *"I need a whiteboard"*

X2: *"Just write on the wall"*

28 June inter-sessional meeting:

Introductory remarks explain that *"I've added in missing points I thought were important – can we move through quickly and say whether these points should stay?"*

And later in discussion –

X1: *"there is an important point here – how do we capture this?"*

X2: *"Have we captured the main points?"*

X3: *"Have we captured the concept of 'preferential pathway for consents'?"*

Towards the end of the meeting –

X1: *"at 3.45pm I'm going to ask X2 to list 5 recommendations on the whiteboard"*

X2: *"we don't have to agree on wording – just the topics – what are the changes we're recommending"*

With a final researcher reflection that XX summarises, but yet again there is no certainty of clear-cut

capture of these points.

14–16 July Waiheke retreat:

During discussion of GMP/ASM –

“agree very much – we haven't captured in this document the importance of continual self-improvement”

During discussion of allocation –

“... minimum flow regimes commensurate with iwi/hapu values; important that the view is captured in a way that is real”

During final discussion on the process ahead –

“I'm interested in making things happen in a timely fashion – ie, very bloody quick; otherwise other things will pre-empt what we want; I thought we were going to whiteboard our points agreed upon”

23 July SG meeting:

During discussion of draft Final Report text on governance –

“I think the paper does capture our agreements”

“we need to de-emphasise the use of adversarial approaches; we need more up-front collaborative effort; the infrastructure paper captures this well”

“can we hear from the Secretariat – are we going to get the key points we asked for”

Reflection: some debate about what was asked for and what the Secretariat has delivered – much disparate mutterings about this – again a matter of transparent internal processes within Small Group and Secretariat – this needs more careful attention and time allocation in future

5–6 August SG meeting:

During discussion on the draft Final Report and Recommendations –

“most NZers don't understand the value proposition for water – just take it for granted somehow; we need to think about language to capture this idea – in the introduction somewhere”

“your recommendations do not capture what we've said in the report – these recs will be the most important bits to the readers of this report – middle NZ – we should not shirk from being up front on this”

17–18 August SG meeting:

Discussing paragraphs 103–106 of the draft final report –

“wasn't sure we quite captured the essence – one or two statements need correcting in 106”

“the whole section has not captured the essence – we must allow for new knowledge to be applied”

Individual comments – off-stage

12 March

– on expectations for consensus –

"we won't reach consensus for everything; we will for some, but where we don't, we'll put forward alternatives regarding process – puzzled why we don't 'capture' the moments of agreement, record them, re-visit them from time to time"

16 March

" Secretariat are not writing anything up on the whiteboard; we have not seen a single minute from this process"

19 March

"we seem to advance and retreat, and advance and retreat – we often don't articulate the agreements – because the issues are big and thorny – how many times have we heard a request to whiteboard ideas, but then it's not done; if its captured, it's captured out of sight – we have no idea what the Secretariat is writing; why does no one insist on this?"

14 June

"like to see more specific wording agreements captured at these Small Group meetings – but we get no minutes or any notes like that"

15 July (at Waiheke retreat)

"the current text is not capturing the essence of the messages; the agreed ideas have not been banked; been one of my frustrations throughout this whole process"

"concerned at lack of transparency – don't like this"

"... the absence of notes or minutes from meetings this issue has been raised on several occasions but always rebuffed"

17 August

"A lot of talking at the beginning – people got grumpy about taking so long; I would have used the whiteboard and made a record and written some minutes; we're now discussing things we've repeated – where are these captured? where is it put into the system? This has been quite frustrating"

27 August

"one of our frustrations – we could have had the key words up on a whiteboard – a major shortcoming – the words were never taken down – a rigour and discipline issue – a needless source of frustration and irritation – happened time and again"

8 Sept

"If we'd had a Table of Contents in March and there had been something to peg good ideas into – this would have helped 'capture' agreements – but this requires some particular skills in word-smithing";

"we could have banked some of the science, GMP, storage stuff and used them as an incentive to make further progress"

17 Sept

"People forgot what they agreed and started litigating; why was that allowed to happen – the agreements weren't captured in a way"

Researcher reflections

Reflections on inter-sessional group 30 March 2010

In this smaller group, discussion was characterised by lots of good-natured exchanges; an apparent eagerness to collaborate and expressed desire for consensus. Indeed, the convenor opened the meeting by expressing the following sentiments – *"Want to keep this moving along; need a scribe; looking to get stuff up on a whiteboard – statements we agree on or things we want to debate."*

However, what happened during the discussions – periodic loss of focus and failure to capture points of consensus – indicates again the difficulties that come with trying to combine the facilitator's/chairperson's role with leadership in the development of content during the discussion session.

Reflections on inter-sessional group 5 May 2010

Just heard at least 3 succinct points that seemed to attract agreement all round – consensus is in the air – need to check later that these are captured correctly

During this meeting, one participant made a point of creating a diagram on the whiteboard to assist explanation of concepts.

Reflections on inter-sessional group 14 June 2010

A strong sense of agreement and willingness to agree here; but also note XX's emphasis on trying to gain agreement around particular words in an agreed statement, rather than more generalised wording with a general message – eg,

"at the meeting the other night in the Wairarapa, quite a lot of talk about a water-use project rather than an irrigation project"

"can you capture that XX?"

"Yep"

But I don't know if this will be captured – need to check this with whatever XX produces as a result of this session.

Reflections on SG discussions 24–25 June 2010

After a period of discussion of detailed draft text – I wonder if we're witnessing the consequences of an absence of clear high-level agreements/statements from earlier in the process – these have never been clearly and unambiguously captured; participants are not certain what they have actually agreed to so far; this manifests itself in a continuous degree of hesitancy to sign up to much of this text; consensus may ultimately be achieved in this exercise, but it is unclear at this stage how much this will happen and how durable it will be and how much bite it will have.

Reflections on inter-sessional group 28 June 2010

Following a whiteboarding exercise to work on recommendations – look at the contrast between ease of agreements on lots of text (not easy; lots of debating detail) and on 5 recommendations (easier, more trusting); we need to think about how this process could have been refined.

Reflections on Waiheke retreat 14–16 July

Reflection: another case of 'the words don't capture the sentiments' – a problem with how the drafting process has been related to the discussion sessions – who does what.

Later, towards the end of the retreat –

Reflection: we don't hear any recapping of what has been agreed and what remains to be resolved; we are working at the limits of people's abilities to process and capture essential information; a two-day meeting is information overload

F.4 Language – “consensus” – “landed”

When introduced into discussions, the term “landed” was used to infer that the Small Group was either close to achieving or had achieved its objectives. Observations suggest that the term was first used in this way in about the middle of July, at the Waiheke Retreat. For some time the term was used only by the Chair, and only ever infrequently by members of the Small Group.

14–16 July Waiheke Retreat:

Comments by the Chair –

“we've landed water quality issues – XX will help write that up to make sure that we know what we've agreed to; on ASM some good work done, pretty much there – need to include adaptive management and saying what people round the table are doing about it; on allocation – lots of work to be done – what needs to be resolved, and how; on clean-up – not quite there, but close”

On the governance paper – *“I think we've landed ...”* Then later *“I think we're close, but not quite landed – need a few tweaks based on what we've heard this morning”*

Towards the end of the retreat – *“I think we've landed – storage, standards, GMP/ASM; outstanding is governance, urban and allocation”*

22 July Plenary meeting:

Picked up again at the next Plenary meeting a week later when introducing the agenda – *“Coming in for a landing; fastening the seat belts; haven't landed yet; some testing issues still to resolve.....”*

A Small Group member, addressing the Plenary on the topic of standards, adopted the same term – *“it's been challenging, but I think we've landed well ...”*

26 August Plenary meeting:

Used by a Small Group member when speaking to the recommendations proposed on the topic of allocation – *“last time we had a worrying list of things to think about; we turned our minds to this; we've not landed a single outcome, but we've recommended a range of options to Ministers”*

Individual comments – off-stage

30 August

"the LWF was a good process – landed something useful; but it was bumpy landing"

31 August

"been a lot of talk by people saying we haven't landed things that were discussed before; there has not been a good tracking system to check that we have signed them off – a discipline to be reinforced in future; need a progression ... put a few stakes in the ground as you go .. to check back on ..."

Reflection on 5–6 August SG meeting

Researcher reflection at the end of the meeting – think they feel they've landed.

Appendix G: Questionnaire used to survey Small Group members at the end of Phase 2 (September 2010)

INTRODUCTION

Focus of this questionnaire: Your experience of freshwater management in New Zealand and your views on the LWF process.

Please share your views: We have a cross-departmental research contract with government ministries which is being coordinated via the Ministry for the Environment. The primary purpose of this research is to learn from your collective experiences of the LWF process as an example of a collaborative governance process.

With your agreement, we have been able to sit in and observe the Small Group and Plenary meetings as well as a few of the inter-sessional meetings. We have already interviewed some of you face to face for a more in-depth and interactive exploration of experience and issues. We are extending these in-depth, face-to-face interviews now. This survey allows us to ask some specific questions systematically of all LWF Small Group members.

In this questionnaire, we are aiming to do three things –

- (1) we are assembling a data set of attitudes and perceptions, held by Small Group members, that have been shown to be important in collaborative processes;
- (2) we are providing you with the opportunity to report your experience of certain aspects of the LWF process; and
- (3) we are checking the extent to which certain process issues which some of you have raised with us are part of a more common experience, or not.

Time: Completing this survey should take you about 15–25 minutes.

Anonymity: Your individual responses from this survey will be anonymous. Under no circumstances will individual responses from this survey be reported.

Results: Results will be contained in our report.

MAKING YOUR RESPONSE

First of all, please print out this document so that you can see the questions and understand the response scales that we are asking you to use.

Then either –

- 1) mark up the printed version and post it to –

James Baines
Taylor Baines & Associates
53 Harakeke St,
Riccarton,
CHRISTCHURCH 8011

or

- 2) open the Excel spreadsheet file we have sent you as the second attachment and –
 - (a) follow the instructions for completing your responses by entering numbers and text in the places provided;
 - (b) use the “Save As” function to rename the Excel file as “YourName.xls” (eg, JamesBaines.xls);
 - (c) email your renamed Excel file to j.baines@tba.co.nz

A Original reasons for your participation in the LWF Small Group

1 Please identify your reasons for joining the LWF Small Group

		<i>Not an Important Reason</i>	<i>Very Important Reason</i>
a)	to make a difference to freshwater management	1 2 3 4 5 6 7	
b)	to protect my organisation's financial interests	1 2 3 4 5 6 7	
c)	to report back to my organisation what the LWF was doing	1 2 3 4 5 6 7	
d)	to help achieve my organisation's goals and objectives	1 2 3 4 5 6 7	
e)	to prevent the LWF from bringing about undesirable changes to law or policy	1 2 3 4 5 6 7	
f)	to promote an alternative way of arriving at freshwater resource management decisions from the expensive, litigious approach	1 2 3 4 5 6 7	
g)	to educate myself about freshwater issues	1 2 3 4 5 6 7	
h)	to meet interesting or important people	1 2 3 4 5 6 7	
i)	other _____	1 2 3 4 5 6 7	

...in hindsight

*Strongly
Disagree*

*Strongly
Agree*

*No
Opinion*

2 If the LWF had failed to establish useful areas of consensus, my ongoing concerns about freshwater management could probably be addressed satisfactorily by appealing directly to the politicians, courts or individual agencies.

1 2 3 4 5 6 7 9

B Perceived problems

1 Please indicate the current seriousness of the following problems in freshwater management in New Zealand. Using a scale of 0-10, where a score of 10 indicates that you think the issue is currently an extremely serious problem, while a score of 0 indicates that you think the issue is not a problem at all at the present time.

<u>Problems in freshwater management</u>	<u>Your score</u>
a) existing over-allocation or imminent potential for over-allocation of freshwater resources	_____
b) the current status of water quality is a long way from where many New Zealanders want it to be	_____
c) lack of national guidance on freshwater issues	_____
d) representation of conflicting interests on regional councils	_____
e) dealing appropriately and fairly with non-point source pollution	_____
f) dealing with legacy problems in water quality	_____
g) different agencies managing freshwater and land use	_____
h) the high capital costs of improving water infrastructure, particularly for smaller towns and districts	_____
i) a skills deficit for freshwater management in many Councils	_____
j) inadequate and/or declining levels of investment in freshwater science	_____
k) different water quality expectations for urban and rural water users	_____
l) lack of effective community and stakeholder involvement in freshwater management decision-making	_____
m) inappropriate decision-makers' responses to scientific uncertainty	_____
n) an underlying issue of population growth and its consequences for freshwater resource capacity	_____
o) fragmented and inconsistent monitoring of water quality	_____
p) Iwi discomfort with freshwater management that does not recognise matauranga maori	_____
q) skepticism about science and the behaviours of the scientists/expert witnesses when operating in adversarial situations	_____
r) freshwater management decision-making in NZ has inadequately considered the needs of future generations	_____
s) other key issue: _____	

2 Listed below are four alternative approaches for managing freshwater catchments. For each alternative, please circle the response that best reflects your opinion on a scale of 1 = Strong

Disagreement to 7 = Strong Agreement. Circle 9 if you have no opinion.

The best strategies for resolving freshwater management issues in New Zealand's catchments include

	<i>Strongly Disagree</i>		<i>Strongly Agree</i>	<i>No Opinion</i>				
(a) collaborative approaches involving communities, stakeholders and agencies	1	2	3	4	5	6	7	9
(b) reliance on each agency's statutory processes (legal mandate/court review)	1	2	3	4	5	6	7	9
(c) reliance on tradeable permits for water	1	2	3	4	5	6	7	9
(d) allowing private property owners to manage their land as they see fit	1	2	3	4	5	6	7	9

C Your experience of the LWF Small Group process

Please circle the response that best reflects your opinion on a scale of 1 = Strong Disagreement to 7 = Strong Agreement. Circle 9 if you have no opinion.

1	The LWF Small Group meetings have given me...	<i>Strongly Disagree</i>					<i>Strongly Agree</i>	<i>No Opinion</i>	
	a) new long-term friendships and/or professional relationships	1	2	3	4	5	6	7	9
	b) a better understanding of other stakeholders' perspectives	1	2	3	4	5	6	7	9
	c) a better understanding of the physical or biological processes in catchments	1	2	3	4	5	6	7	9
	d) a greater level of trust in individuals who have traditionally been adversaries	1	2	3	4	5	6	7	9
2	The LWF Small Group process treated all parties fairly and consistently	1	2	3	4	5	6	7	9
3	Participation of council and ministry active observers contributed substantially to the deliberations of the Small Group	1	2	3	4	5	6	7	9
4	Participation by iwi representatives contributed substantially to the legitimacy of the Small Group deliberations	1	2	3	4	5	6	7	9

		<i>Strongly Disagree</i>					<i>Strongly Agree</i>	<i>No Opinion</i>	
5	Some critical interests were not effectively represented in the LWF Small Group	1	2	3	4	5	6	7	9

If you circled a score of either 6 or 7, please describe which interests were not effectively represented at the present time: _____

6	The Small Group discussions adequately addressed skills and methods required for collaborative governance	1	2	3	4	5	6	7	9
7	It would have helped us in our deliberations if we'd kept a record of the main points of agreement as we went along	1	2	3	4	5	6	7	9
8	The Small Group discussion sessions have established a clear goal, agreed to by all participants	1	2	3	4	5	6	7	9
9	It has been essential to find solutions that are satisfactory to all members of the Small Group	1	2	3	4	5	6	7	9

10	The government's announcement in March about the Environment Canterbury legislation was a significant challenge to my ongoing commitment to the LWF process	1	2	3	4	5	6	7	9
11	I feel that the Small Group deliberations have made good use of my experience	1	2	3	4	5	6	7	9
12	Deliberations within the Small Group have deepened my understanding of my own field	1	2	3	4	5	6	7	9
13	The Small group process has produced recommendations which provide the basis for a step change in freshwater management	1	2	3	4	5	6	7	9
14	The Small Group process has produced a consensus that is likely to be durable	1	2	3	4	5	6	7	9
15	The Small Group process has strengthened my belief in the potential usefulness of collaborative governance in NZ	1	2	3	4	5	6	7	9

D Your experience of the LWF Small Group participants

1 Please indicate (by drawing a circle around the corresponding number) whether you think at this point in time the following statements apply to none, few, half, most or all the participants in the LWF Small Group.

How many of the Small Group participants	<i>None</i>	<i>Few</i>	<i>Half</i>	<i>Most</i>	<i>All</i>	<i>No Opinion</i>
a) were sufficiently knowledgeable about the issues?	1	2	3	4	5	9
b) were saying what they really think?	1	2	3	4	5	9
c) were willing to listen and sincerely try to understand other points of view?	1	2	3	4	5	9
d) reciprocated acts of goodwill or generosity?	1	2	3	4	5	9
e) proposed initiatives that supported consensus building within the group?	1	2	3	4	5	9
f) do you trust to act in the spirit of collaboration?	1	2	3	4	5	9
g) do you expect to keep interacting with over the next five years?	1	2	3	4	5	9

E Your suggestions for future collaborative processes

1 We are trying to learn as much as possible from your experience of the LWF process. In light of your experience, if there are any other topics related to the LWF that you would like to discuss with us, please indicate briefly what the topics are and we will call you.

2 If you would like to make any additional comments related to your experience of freshwater management in New Zealand or to your experience of the LWF, please do so below.

THANK YOU FOR THE TIME AND EFFORT YOU HAVE PUT INTO COMPLETING THIS QUESTIONNAIRE

Please add your name here _____ so that we know who has responded.

Appendix H: Participant calls for capturing agreements and recording discussion points

This issue was raised at various stages during Phase 2 and in the post-forum interviews –

"I'd like to see more specific wording agreements captured at these Small Group meetings – but we get no minutes or any notes like that"

"The Secretariat are not writing anything up on the whiteboard; we have not seen a single minute from this process"

"I never raised the issue of notes and minutes – I know some did"

During a break in the Waiheke Retreat –

"... the absence of notes or minutes from meetings this issue has been raised on several occasions but always rebuffed"

At one meeting, a participant who had been absent at a previous meeting commented on the absence of minutes, noting – *"so I don't know anything about it"*.

Another referred to the issue during a discussion of text in the draft Final Report, observing that –

"...we should have had the minutes on the discussion of the original governance paper, we could resolve this".

Commonly there was concern about the time wasted because agreements had not been captured effectively, if at all.

- After the March Small Group meeting –

"...we seem to advance and retreat, and advance and retreat – we often don't articulate the agreements – because the issues are big and thorny – how many times have we heard a request to whiteboard ideas, but then it's not done; if its captured, it's captured out of sight – we have no idea what the Secretariat is writing; why does no one insist on this?"

- and numerous participant reflections at the end of Phase 2 –

"A lot of talking at the beginning – people got grumpy about taking so long; I would have used the whiteboard and made a record and written some minutes; we're now discussing things we've repeated – where are these captured? Where is it put into the system? This has been quite frustrating"

"...one of our frustrations – we could have had the key words up on a whiteboard – a major shortcoming – the words were never taken down – a rigour and discipline issue – a needless source of frustration and irritation – happened time and again"

"If we'd had a Table of Contents in March and there had been something to peg good ideas into – this would have helped 'capture' agreements – but this requires some particular skills in word-smithing";

"...we could have banked some of the science, GMP, storage stuff and used them as an incentive to make further progress"

"People forgot what they agreed and started litigating; why was that allowed to happen – the agreements weren't captured in a way"

This sentiment translated into concerns that the report writing was not as tight as it should have been. For example –

- in discussion on one inter-sessional report, where an additional comment indicated clearly a lack of trust in the reporting process –

"I've added in missing points I thought were important – can we move through quickly and say whether these points should stay?"

- and on another inter-sessional report –

"...agree very much – we haven't captured in this document the importance of"

- at the Waiheke Retreat –

"...the current text is not capturing the essence of the messages; the agreed ideas have not been banked; been one of my frustrations throughout this whole process"

- during discussion of the draft Final Report (paragraphs 103–106) -

X1: *"wasn't sure we quite captured the essence – one or two statements need correcting in 106"*

X2: *"the whole section has not captured the essence – we must allow for new knowledge to be applied"*

- and a comment offered during a break in the Plenary meeting –

"...no minutes; points are missing from earlier drafts – why?"

Indeed, the issue came to a head in an exchange during the late July Small Group meeting –

"...can we hear from the Secretariat – are we going to get the key points we asked for"

but without satisfactory resolution. Agreements were missing in recommendations and the main text of the Final Report, despite frequent reminders –

"We had an agreement that we would keep quiet during the plenary and any concerns or changes would be dealt with after the Plenary. A Small Group meeting was expected... but it didn't happen. I was sitting on a whole string of changes. Things we thought we had we had discussed and agreed but had not been incorporated into the general recommendations... ones that we did not agree – it's the nature of the beast! One of the frustrations of the process was that in every single session we could have had all the words we agreed on a screen. At each meeting assuming that the (Secretariat) had got them and they hadn't – it was a real failure of process that created needless friction and tension."

"We signed off Wed night but first thing Thursday morning X is re-litigating the wording and (the Secretariat) didn't have all the words down as tightly as we expected. We had to reconstitute the agreement from our combined notes. Frustrating! A needless source of tension and re-litigation... There were a number of times we had gone over issues because we had not agreed where we had got to..."

And amongst the final reflections –

“I think it has caused a lot more angst than it need have done; if we're going to have more collaborative processes, we must do this better – a more deliberative process – putting the words into a report would have been so much easier; if we'd done it this way – we'd have breezed into the deadline.”

Appendix I: Participant reflections on perceived inequalities of power and influence

- The differential resourcing of participants around the collaborative table. Many participants experienced that they and/or their organisations were stretched to cope with the work commitment required to participate effectively and meet the expectations they had of themselves to participate fully. While poorly-resourced participants¹⁰⁰ were subsidised to attend meetings, there were difficulties for many participants to be sufficiently well prepared¹⁰¹ for meetings to make the most effective use of the face-to-face meeting times in the time available. This required many voluntary hours.

"...remember the genesis of LWF – we wanted to avoid war! Wanted to get into a space where greenies and farmers could hold respectful discussions; I think we've come a long way; it's been a helluva time commitment"

"...the heavy time commitment involved and the lack of time allowed at critical stages to participate effectively ... The overall time commitment stretched my organisation financially ... I was in three inter-sessional groups and took part in most of the Small Group and Plenary sessions – on top of my day job ... I estimate about 4 days per fortnight (ie, ~40%) – I suggest that not many organisations could have supported this level of time commitment."

"...how difficult it is keeping up with the time demands of Small Group participation, despite the fact that my organisation is committed to my involvement; I've had to say to my Board that my Small Group commitments have resulted in me not meeting some deadlines on tasks for the Board; if I did it again, I would want to bring along a junior person to shadow me"

"...time commitments have been too onerous at times"

"I was not able to turn up to every meeting – my organisation had other member commitments to service and there wasn't much progress to report either. we all made a massive commitment"

- Organisations were stretched to carry out their respective daily business as well as service the requirements of the collaborative process. The Green team reported that because their NGOs were routinely extended beyond capacity that there were –

"...lapses we had because we were too busy...missing deadlines to put comment on recommendations... all four of us and that seemed appalling!"

- The fact that power was unevenly distributed among participants as a result of (i) resource access and (ii) as a result of being part of what were more esteemed groups

"...constantly frustrating that if we put something up we had to give reasons for it or if we disagreed with something that the other side wanted we had to give reasons for it but for me the things that we put up – there were no reasons given for not going along with it."

"I do think there were parties who were given special status ... is this part of trade negotiation?"

"there were effectively three dairy reps in the Small Group this is not equitable; I see this happening all round the country – dairy reps shouting down other voices, because they are

¹⁰⁰ Participants essentially reliant on their own personal financial resources.

¹⁰¹ Good preparation often required reading/editing and recommended changes to substantial volumes of text. As Phase 2 progressed, with increasing emphasis on assembling the Final Report, such pressures were often exacerbated by receiving draft materials only shortly before the meetings.

able to organise more penetrating responses and have a well-resourced team to do so.”

- Being part of a more powerful network eg, Fonterra and Government linkages; Iwi as partners to the Crown –

“...the reality of the power structure outside the meeting room had a big effect on those who if they sat there and said “No” then they knew that would prevail because Government wasn't going to take the green side of the issue... It occasionally worked for us – with the NPS – with the Government sending the message that they needed us to work on it “

“Our power had limits as was highlighted when the Government pushed through the ECan legislation after telling us that we had to compromise (as part of the collaborative process) – some of us had to compromise more than others!”

“..the superficial appearance of the process that we all sat around the table and were equal wasn't really true... there were important inequalities of power that stemmed from who the Government was and what the Government objectives were and the level of

...state of public opinion that the NGOs engineered and slightly tampering of a vision of us doing things collaboratively because you know in your heart of hearts depends on the campaign you've run outside the collaborative frame altogether”

- Being impacted by more powerful networks, eg, shareholders:

“... too much to ask at staff level or even at director level... to go along with a consensus that will have an impact ... only win-wins are possible... if not having an impact on shareholder value.”

“...it was just these issues around power – even if they were willing and quite liked what we wanted – there would be a “No, I can't do this because my shareholders won't back me up” so at the end of the day (it was about) power reflecting players outside...”

“In the Scandinavian model that we have inherently adopted, companies do not represent themselves around the collaborative table. It is more likely to be the one-removed representatives from the Boards of Agriculture or similar who can consider the long-term interests of their sectors without direct concerns for shareholders. In New Zealand this is not so easy, as for instance, we have no entity that represents electricity.”

- ...or by the lobbying of an NGO:

“...Most of our leverage came from the Dirty Dairying Campaign...”because the dairy lobby was keen to put the issue “to bed”. It seemed for a while that “our most durable brand was Dirty Dairying so they were motivated to come up with initiatives to get them out of the nose dive they were in... so the environmental movement had some power but not power conferred by the collaborative governance process, but power conferred by the outrageous campaigning years beforehand.”

Appendix J: Participant reflections on working with external constituencies

The following include just some of the examples of ongoing participant concern regarding what they perceived as a crucial issue:

- From interviews with Small Group participants in March –
“none of us should get too far away from our constituencies – we need to take them with us”
“we do need information to give to our constituencies; different people are sending different things out”
- and an exchange during the Small Group meeting on 25 March –
X1: *“we don't want a situation when Small Group reps go out to their constituency with agreements and have them vetoed externally”*
X2: *“agreed; we're expecting members of the Small Group to bring their constituencies with them”*
- at the Plenary on 25 May it was said –
“while these are called areas of agreements, many of us have constituencies which we haven't been able to consult, so there's still a fair way to go in this process”
- which prompted the following commentary at the next day's Small Group meeting (26 May) –
“yesterday showed there is still a huge divergence out there; we need to write our report that takes the constituents with us – dairy farmers, fishermen ... We need to take them with us”
“we have to give people substance – if we don't, we're in trouble; we need to distil some of our longer reports that people can more easily cope withgot to be a huge communication effort; we've got a huge constituency, so has X communication is an issue we haven't addressed yet”
“we need to be careful – we all have constituencies; I won't have agreement amongst all of them ... if we're having a consultative roll-out, I can tell you we won't get a sign upit'll be a big challenge for us – to get the Plenary up to the same place as we are..... some of the Plenary expect a bit of blood – we can give them that... we don't have the time to get agreement on everything”
“just be clear, none of us can claim the mandate of our total constituencies”
“at the last Plenary I talked about this very point; the expectation was then and still is that those participants with accountabilities with others are actively managing those relationships; doesn't involve giving everyone every bit of paper; but certainly involves ensuring that this will not lead to things coming out of left field for their constituencies”
- concerns were still being expressed in June and July –
“We have to manage the expectations from our own constituencies”
“there is the public and there are the publics – our constituencies; we want consistency about the messages we put out through our networks”

"can we all call a couple of people in our constituencies to explain our Small Group story to address this communication problem?"

- and the following comments from Plenary members at the July Plenary meeting indicate something of the range of views in the larger body –

"I'm interested in how consensus is built and transmitted to the wider layers – the various constituencies"

"I suggest you send us the final report signed off by the Small Group and let the Plenary and its constituencies know that the Small Group has reached this agreement."
