



Public Policy Dispute Resolution

A Guide
for Public
Policymakers

Mediation. It Works!



New Roles For Public Policymakers

“New roles are emerging for legislators as problem solvers, facilitators, and conveners. In short, legislators are learning that leadership is often about inspiring people to work together to resolve problems.”—“Legislators at a Crossroads,” a report from the Policy Consensus Initiative.

The following information may be helpful to public policy makers undertaking such roles.

Facilitation Of Public Policy Issues

Public policy disputes can polarize communities. Sometimes policy makers postpone crucial decisions hoping to avoid conflict, only to find that difficult challenges have escalated into seemingly impossible problems. Formal citizen participation occurs through written and oral testimony at public hearings. Public hearings do not always permit meaningful discussion of various viewpoints or encourage creative solutions.

Facilitation encourages participation and involves the public in the decision-making process to a much greater degree. Facilitation may occur at the assessment or design stage before an actual dispute has arisen. Facilitation is intended to ensure that participants are heard, information is shared, and effective problem solving is encouraged.

Facilitation makes use of an impartial third-party to encourage participation by the people impacted by the outcome. Facilitators design and manage meeting processes to help groups address issues and solve problems. Facilitators help groups establish agendas and ground rules, and ensure that participants are involved. The process encourages open and direct communication to promote understanding of different interests.

Facilitators have no decision-making authority and are not expected to offer advice or substantive matters. Facilitators do not necessarily have substantive expertise, but should understand the issue and have a grasp of important terminology.

Participation in facilitation is usually voluntary. The participants must want resolution and be willing to be part of a guided dialogue. To be successful, the facilitator should have the participants' trust.

Advantages Of Using A Facilitator

In addition to expertise in conflict analysis, communication, problem solving, and decision-making, facilitators bring a sense of fairness to contentious situations. This reduces tension and increases trust between participants. Facilitators provide impartial guidance and assistance in the decision-making process, freeing participants to fully participate as advocates for their cause.





Decision-Making In Public Dispute Resolution

The concept of “majority rules” as a decision-making process is well-known. Facilitation often focuses on consensus to encourage participation. Consensus is an opinion or position reached by the group as a whole.

Public Policy Issues Suitable For Facilitation

Facilitation is used for various purposes, including:

- Formulating laws;
 - Developing plans and programs;
 - Managing specific projects;
 - Coordinating services and programs among government agencies;
 - Assisting with strategic planning;
 - Working with task forces on contentious topics.
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Facilitation May Be Appropriate If:

- There are many participants.
- There are ongoing relationships between the participants.
- There are perceptions that the person responsible for the meeting or decision cannot be neutral.
- Negotiations have reached an impasse, and most participants still want something done.
- Participants need help setting goals and achieving their objectives.
- Participants need assistance with complex issues and reaching consensus.
- Participants have difficulty working together.

Facilitation May Not Be Appropriate If:

- Key people refuse to participate.
- Decisions have already been made and the outcomes are clear.
- Decisions must be made quickly.
- Participants want a court decision.
- Participants want to be “proven” right and win.
- Participants have a history of not complying with agreements.
- Participants lack capacity to make decisions (e.g., have significant drug abuse or mental health issues).



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Visit the Center's Homepage for other publications and information: www.courts.state.hi.us/cadr

Other available publications include *What is Facilitation?* and *Selecting A Facilitator For Your Meeting.*