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Patrick McIntyre

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ADR and social change

Collaborative decision-making in business, community and political affairs

Patrick McIntyre

'How might the experience of practitioners of negotiation and facilitation inform our cultural reflections about our parliamentary, constitutional and corporate decision-making structures?'

In July 2000 I introduced and facilitated a short collaborative dialogue at the LEADR International Conference in Sydney on the topic of the role of negotiation facilitators in societal decision-making. The broad thrust of that conversation was that negotiation facilitators should strive to find ways to apply their professional skills beyond the confines of 'dispute resolution' and into the domain of collaborative decision-making in business, community and political affairs.

My purpose in this brief article is to encourage a broader audience to become actively involved in this ongoing conversation; a conversation about how our society might better and more creatively manage public dialogue; a conversation about 'process' rather than merely 'power' and 'structures' in the making of political, economic and community choices; a conversation about 'how' rather than merely 'who'.

I will assume that the reader has an understanding of the dialogical process (not merely the procedure) involved in the mediation of multi-party disputes and an understanding that such disputes (such as native title disputes) usually involve facilitated negotiation of political, cross-cultural, economic and community issues. What is not so well appreciated is that such mediated decision-making involves more than reliance upon the 19th century notions of knowledge/truth and democratic majority.

What does this have to say about our existing legal and political structures for societal decision-making? How might the experience of practitioners of negotiation and facilitation inform our cultural reflections about our parliamentary, constitutional and corporate decision-making structures?

To date there has been a reluctance on the part of the dominant culture to embrace the basic humility needed to propel it into new imaginings about its decision-making structures.

An example might better illustrate the pertinence of these questions.

The minority Aboriginal culture, in approaching the question of how the community makes decisions, looks directly at human communication.

Aboriginal culture values the nature of the dialogue involved in the making of collective choices; values the inter-relatedness of concepts such as freedom, authority and responsibility involved in the making of collective choices; and appreciates that the understanding required for committed community action depends upon, arises from, and is limited by the nature of the dialogue through which collective choices are made.

In contrast, some readers may have an appreciation of the effort and resources that have since the 1980s been applied by the government to the establishment and maintenance of democratically elected Community Government Councils (CGCs) in remote Aboriginal communities in northern Australia.

Yes, the CGCs are democratically elected. Yes, they abide by their constitutional procedures and practices. Yes, they are subject to (overwhelmingly rigorous) audits. Motions are moved, seconded, debated, voted on and recorded in minutes.

Yet CGCs are the cause, in many Aboriginal communities, of great frustration and confusion. Of division and disillusionment. No, better to say they are the cause of much powerlessness. ➤



➤ Training in the procedures and practices required to 'properly operate' the 'machinery of government' is provided by State governments to all members of CGCs.

The CGCs, a structure imposed upon the Aboriginal minority culture, generally do not facilitate (and in fact deny) the pre-existing decision-making processes of the Aboriginal community. Such processes are not only stripped of their validity; they are not even recognised to have existed.

The imposition of the CGCs is an arrogant (and ignorant) assertion that the constitutional democratic procedures and practices of the dominant white culture are an end point to which Aboriginal communities should aspire. The dominant white culture, in approaching the question of how the CGCs (and indeed governments and organisations generally) make choices, looks only as far as those procedures and practices.

What is particularly interesting is that the dominant white culture itself has for some time experienced a frustration of its own with the very practices and procedures it has imposed upon the minority Aboriginal culture.

It has danced with different ideologies; courted different public figures; and generated 'new' political parties. It asks: who shall we elect now?

Indeed that question is, it seems to me, at the heart of the problem for CGCs and the dominant culture itself. The CGCs address the question only of who shall make the decisions. The whole of the white dominant culture's political/legal structure is dominated by that question. It now must ask the question of how it wants its decisions to be made. What sort of dialogue does it wish to insist upon?

'Constitutional full adult franchise democratic government' remains a vast step away from the practice and procedures of tyrants and school yard bullies. It is an idea of great value. So are the ideas of an independent judiciary, the 'rule of law' and an evolving common law. These ideas have often safeguarded our human dignity and liberty.

But they are not end points. The limitations of our societal decision-making structures are staring us in the face. They are crying out for renewal and growth. That means change.

What sort of role might negotiation

facilitators play in the new imagined structures?

Already their work has had a significant impact on the procedures and practices of our courts. It is telling to note that the concept of 'good faith negotiations', enforceable by the courts, has now found its way into the common law of Australia. Might they also have a role to play in, for example, our parliamentary committees? Already, at least one negotiation facilitator has assisted a Cabinet to reach consensual decisions about State government policy!

The idea of 'absolute truths' in science, maths and religion no longer inspires, animates or challenges our dominant culture. Neither should it in law or politics, and especially not in economics. 'Political party ideologues' and 'number crunchers' are now about as useful to a critical public dialogue as 'poll based policy makers'. The political/legal 'machinery of government' is rusty and outmoded. It has largely lost its relevance to the common people and the Commonwealth. In that, it has lost legitimacy.

We need to talk about the structural inadequacies — not to 'throw the baby out with the bath water', but to take new steps for the 21st century, toddler that we are.

What we need are people prepared to move beyond information and knowledge to understanding. People prepared to engage in relationships with each other so as to generate some understanding of where we wish to go. People prepared to exhibit the humility required to move beyond chaos and confrontation to collaboration.

Perhaps the practitioners of negotiation facilitation can make an early contribution by making themselves available to promote a collaborative approach to societal decision-making; indeed, to promote the very public dialogue from which our new structures will emerge.

Dialogue is not a boxing match. We do not wish to knock someone out so that we can be the victor. Dialogue is not about that. It is about finding the right solution for all the people.

Anng San Suu Kyi. ●

*Patrick McIntyre, barrister and mediator,
John Toohey Chambers, Darwin
<patmcintyre@bigpond.com>.*

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