

Waste Study Group Framework for Constructive Deliberations-Consensus Building

Taken in part or whole from http://web.mit.edu/publicdisputes/practice/cbh_ch1.html

Consensus means overwhelming agreement. And, it is important that consensus be the product of a good-faith effort to meet the interests of all stakeholders. The key indicator of whether or not a consensus has been reached is that everyone agrees they can live with the final proposal; that is, after every effort has been made to meet any outstanding interests. Thus, consensus requires that someone frame a proposal after listening carefully to everyone's interests. Interests, by the way, are not the same as positions or demands. Demands and positions are what people say they must have, but interests are the underlying needs or reasons that explain why they take the positions that they do.

Most consensus building efforts set out to achieve unanimity. Along the way, however, it often becomes clear that there are holdouts -- people who believe that their interests will be better served by remaining outside the emerging agreement. Should the rest of the group throw in the towel? No, this would invite blackmail (i.e. outrageous demands that have nothing to do with the issues under discussion). **Most dispute resolution professionals believe that groups or assemblies should seek unanimity, but settle for overwhelming agreement that goes as far as possible toward meeting the interests of all stakeholders. It is absolutely crucial that this definition of success be clear at the outset.**

1. Everyone Participates and Expresses Concerns in an Unconditionally Constructive Manner

It is important to maintain a problem-solving orientation, even in the face of strong differences and personal antagonism. It is in every participant's best interest to behave in a fashion they would like others to follow. Concerns or disagreement should be expressed in an unconditionally constructive manner. That is, there should be a premium on reason-giving and explanation.

2. Never Trade Interests for Relationships

No one in a consensus building process should be pressed to give up the pursuit of their best interests in response to the "feelings" or the "best interests" of the group. Thus, no one should be asked to give up their interests to ensure harmony or the success of the process.

3. Engage in Active Listening

Participants in every consensus building process should be encouraged (indeed, instructed, if necessary) to engage in what is known as active listening.

4. Disagree Without Being Disagreeable

Participants in every consensus building process should be instructed to "disagree without being disagreeable."

5. Strive for the Greatest Degree of Transparency Possible

To the greatest extent possible, consensus building processes should be transparent. That is, the group's mandate, its agenda and ground rules, the list of participants and the groups or interests they are representing, the proposals they are considering, the decision rules they have adopted, and their final report should, at an appropriate time, be open to scrutiny by anyone affected by the group's recommendations.

6. Advancing Recommendations by Way of Overwhelming Agreement

Following a thorough exploration of a topic/issue, including but not limited to, group discussion, subcommittee recommendations, work group staff information, public input and outside expert testimony, the work group may conclude “overwhelming agreement” and formalize the recommendation.

7. Dissenting Opinions Given Voice in Final Recommendations

A dissenting opinion should never be discarded even after every attempt to bring about unanimity for a recommendation. Respecting that opinion provides an avenue for future consideration and others to understand the process of deliberations.

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