
Kluwer Mediation Blog

Merry Christmas to all !

Andrea Maia (Mediar360 – Dispute Resolution) · Tuesday, December 25th, 2012

Every month I write on the 25th. Today is different. Today is Christmas!

Posting during Christmas makes my job even more challenging. Regardless of religion and national boundaries, this period of the year magically turns people into more generous and helpful human beings, which goes well with the overall mediation concept.

In addition to the usual year end time pressure, choosing a topic that matches this Christmas spirit was not easy, as there were several different themes that could easily match the Mediation agenda. However, all of a sudden, while I was staring at my bookshelf, the book “*Breaking Robert’s Rules*” (<http://www.cbbuilding.org/publication/book/breaking-robert039s-rules>) almost jumped into my lap.

For those who haven’t come across it yet, this is a brilliant book that focuses on the Consensus Building Approach (CBA), a theory centered on the concept that through debate and discussions we can reach a favorable and durable outcome to all parties involved, even though their individual or group demands are not fully met.

The author describes CBA as “a less formal, more practical, approach to getting group agreement” ... “Consensus building means investing enough in your decision-making process to get the right people to the table, and get the right ideas on the table, in ways that invite productive problem solving”.

In my own long experience facilitating group negotiations, CBA has proven to be very effective in practice, as it brings everyone into a problem-solving mode, focusing on finding workable solutions that suit everyone’s interests, instead of trying to reach a majority decision.

There are some key elements that must not be forgotten when trying to reach multi-party agreements. Here they are:

- 1) Define the problem;
- 2) Define the participants at the negotiation table;
- 3) Specify the ground rules to be followed;
- 4) Choose the facilitator and his/her role in the process;
- 5) Define if observers will be allowed at the meetings;
- 6) Seek satisfactory alternatives that are attractive to each of the parties;
- 7) Deal with disagreements in a calm and polite manner;
- 8) Define who will keep track of the decisions reached;

- 9) Document the basis of the decision (how and why the decision was reached);
- 10) Develop long bonds among party members so that future problems can be tracked and satisfactorily dealt with.

In addition, CBA also functions as a long term tool that can be kept for life, as participants not only experience a completely new approach to problem solving, but also engage in a decision making process that allows for compromising and understanding of everyone's true needs, thus helping them change from an individualistic winning mentality to a collective, mutually beneficial agreement.

Finally, the next time we come across a hard group mediation, let's try to remember what Christmas is all about: sharing and forgiving. In the mediation sense, this can be translated into substituting the winning mentality for a mutual beneficial group solution (sharing), and trying to equally share the positive result (outcome), while at the same time turning a blind eye (forgiving) on the reasons and motivations that led to the dispute in the first place.

If you have time, I deeply recommend this interesting video that complements the ideas shared on this post.

Merry Christmas to all !

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