Negotiations, Interdependence and Collaboration

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1. Much negotiation analysis and pedagogic exercises begin with an established frame for the negotiation. There is an issue to be negotiated about. There are different parties to the negotiation. The parties are understood to have well defined interests/preferences about the issue that is being negotiated.There are agreements to be made and assessed in terms of how well each party to the negotiation did with respect to the achievement of their own interests.
2. This frame allows both negotiation analysts and real negotiators to explore the range of possible agreements that could be made, and the tension between what Sebenius would describe as the value creating and value claiming aspects of the negotiation process that lead to agreements (or not, even when agreements would have been in all parties interests). There is important analytic learning about the Zone of Possible Agreement, and the relationship between negotiating practices as simulated in the classroom to reach an agreement, and to create and divide the returns from a collaborative agreement.
3. We currently teach an Executive Program on “Creating Collaborative Solutions” to public problems. (Set aside for the moment the question of what constitutes a public problem!) The implicit assumption in this program is that there are ways that organizations could collaborate with one another to achieve more public value (defined in terms of their own missions, and the overall problems faced by a polity) than would be possible if they continued to operate independently. This is the basic assumption behind the concepts of joined up government, or networked government. The idea is that there is a method of combining assets and operations of different organizations to improve performance on an integrated public value proposition than what can be produced by each organization operating on its own. That is, there is a chance to outperform the limits and constraints imposed by the current organizational structure, and the current policies that run along those structures. The challenge is to find that improved capacity, and to create an agreement among the contributing organizations to produce that improved result.
4. We have understood from the outset that a key skill to be developed in service of “creating collaborative solutions” was the ability to negotiate. But when we tried to teach our potential collaborators negotiation theory, we found that they resisted the instruction, and could not find a way to use it in finding and developing collaborative solutions to public problems. I remember a particular moment when I was trying to teach this idea to a group of British civil servants enthusiastic to learn about “joined up government,” and I asked them to consider how many “makeable deals” were in the room at that moment that were not known, but if discovered, could improve the performance of the UK government.
5. This got all of us who have been involved in teaching collaborative government (me, Archon, Jack Donahue, Jorrit de Jong, Linda Kaboolian) to re-think our approach to understanding and teaching about negotiation.
6. The core of this new understanding is to go back to basics. The basic idea in both collaboration and negotiation is that social actors are interdependent in the sense that the actions taken by one can help or hurt the interests of another. The first step is to recognize that interdependence, and to do that, one has to be incredibly open-minded and resourceful. The first question is who has something that I could use in my purposes. And if my purposes are very broad (as they often are for public officials pursuing public purposes), the answer tends to be very broad. The existence of a material connection between what I am trying to accomplish on behalf of the public and how you are deploying the assets entrusted to you to accomplish your purposes is what creates the potential basis for a negotiation.
7. I am describing the state of interdependence in the special case of public managers with assets and missions looking at other public managers with assets and managers, and wondering how their assets might best be combined or re-distributed to produce more of what both want on behalf of the public, but I actually think that this is a more general case. I think all negotiations begin with a material fact of interdependence between what you do and I value, and what I do and you value. It is all about the management of externalities that are everywhere around us. (I could go further and say that among all those interdependencies, there are many more variable sum games to be played than zero sum. In fact, I think zero sum is actually a very rare circumstance because it requires individuals to be held in a negotiation context in which results involve losses to one party, and no one would voluntarily accept a loss if they could walk away from a negotiation, but I will save that for another time.)
8. What interests me in teaching practitioners about collaboration is the very early stages of the collaborative process in which individual actors recognize or fail to recognize a possible interdependence that could be exploited for mutual gain. As I said above, the first step is the recognition of a potentially valuable interdependence that can be developed for mutual benefit. I think there are particular skills that can be taught here. They are closely related to the skills that get used later in negotiation when individuals already engaged in more or less mutually recognized negotiations are benefitted by being able to identify the interests and capacities of their negotiating partners. But here they are used to spot the possibilities for a value creating deal.
9. The next step in the process might be the effort to create a mutual sense of interdependence with the other actors who might become one’s active negotiating partner. That move, of course, can be done with more or less guile and manipulation, and thus becomes an important part of the dance of value creation v. value claiming in negotiation processes. But, it seems to me reasonable to assume that at these very early emergent stages of recognizing and exploring possible deals where no one is under much pressure to make a deal (in fact, usually under considerable pressure to do the opposite and remain strictly accountable to one’s own purposes and one’s own authorizing environment un-encumbered by a peer who wants to make a claim on resources), it might be more in the interests of negotiators to participate in a value creating rather than value claiming frame of mind. What could we do together here if we wanted to do something good not only for ourselves, not only for our organization’s mission, but for the overall public value that a government could produce for its citizens. (There might, of course, be some professional recognition for the development of the idea that would have to be negotiated among those developing the deal. But one of the things we keep noticing is that in the real world, the folks who get things done in the public sphere are often those who are more willing to give credit away.)
10. The next step would be to deepen the understanding of the interdependency, to thicken up the relationships, and to find the means to keep those with the interdependence in the game. In the concept of Adaptive Leadership, Ronnie Heifetz descsribes this as the creation of some kind of “holding environment” – something that would keep the interdependent talking to one another and exploring possibilities (in more or less good faith). It is not at all clear how such a thing is created. Authority can do it. Urgency about solving a particular problem might be able to do it. A professional sense of responsibility might be able to do it, but only if the idea of professional responsibility includes the idea of searching for collaborative solutions that can outperform current structures rather than rigorous commitment to one’s own mission. Perhaps the most important might be the fragile process of increasing commitment and trust among the interdependent – a process that Marshall Ganz may have a lot to tell us about.
11. The next step after that might be an exploration of the array of dimensions of value that are at stake – some defined by organizational mission, some defined by personal ideas of important public values to be pursued, some defined by individual interests in doing one’s duty and protecting one’s professional reputation or advancing one’s economic interests. But I suspect that a more important and interesting line of development is in the technical/programmatic/ operational question of what could actually be produced if resources and activities were re-aligned in some ways. What I find curious about negotiation analysis in general is that it is very quiet on the question of how alternative agreements are imagined and developed. It is full of sound and fury about how the various solutions will be valued by each individual party to the negotiation (using their own self interest, their own organizational interest or the public interest as the value criteria). But there is little on what Sebenius describes as envisioning the deal: that is imaginging what each party of the negotiation would be bound to do if the deal went through, and what would be produced by the joint action mandated by the deal. I think there is a huge amount of work associated with this part of the negotiation, and it is the kind of work that depends a great deal on trust and the exchange of information – the kind of work that professional experts like to do. Here is where problem solving happens. It is consummated when an intelligent solution is constructed which produces valued results compared to the present.
12. What I hope I am making clear is that there is a huge amount of stuff that goes into the creation of collaborative solutions that happens either before or alongside what we ordinarily think of the negotiation process, and the techniques that go into successful negotiations (where successful means value creating for both parties, and particularly when the parties are representing different dimensions of public as well as individual private value of the negotiator). If we could understand this, we might be able fit negotiation together not only with collaborative governance, but also with the organization of policy making processes. I think we could work on this together and make a very big advance in how we think about and teach negotiation in service of training public leaders and managers.