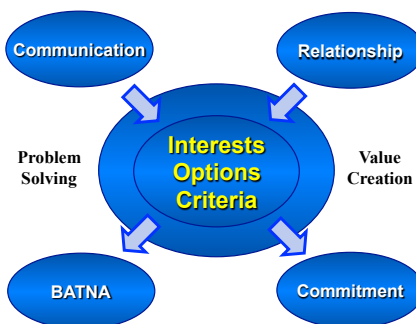


I taught negotiation and didn't mention "The Seven Elements." Am I going to hell?

Brian Ganson, Senior Researcher

Africa Centre for Dispute Settlement, University of Stellenbosch Business School

Having been nursed at the Harvard Negotiation Project, and having had the great pleasure of teaching, writing and consulting with Roger Fisher, the Seven Elements were part of my DNA. Particularly the Sputnik graphic bequeathed to us by Liz Gray – be attentive to the relationship and communications, which gets you into the value-creating circle of interests, options and criteria, from which you move either to your BATNA or commitment – was the foundation of my understanding of an effective value-creating negotiation and a mainstay of my pedagogy.



Over time, I became less satisfied with the model from two perspectives. As a teacher, I was failing to meet the expectations of my students, who were seeking guidance not only on how to think about a negotiation, but also on how to conduct one. Yes, I understand airplanes and the theory of flight, and have even thought long and hard about why I want to fly and where I want to go, but now that I'm sitting in the pilot's seat, what do I do? The Seven Elements seemed to present little in terms of a negotiation process.

As a practitioner, particularly in my work in post-conflict and other environments of heightened socio-political tension, the Seven Elements were severely strained as a framework for understanding what seemed to be in the way of effective negotiations. They offered little room for consideration of narratives, framing, readiness to negotiate, status and power, conflicting understandings of justice, willingness to confront the status quo, and a host of other negotiation challenges. The Seven Elements seemed to invite seeing these as problems to get out of the way, so one can get to the "real" negotiation, while in my experience they often *are* the negotiation.

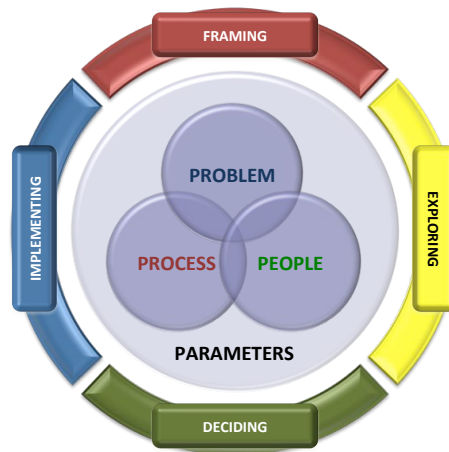
Over time, I came to see that these issues also infuse negotiations that are far less obviously contentious than those that spill over into violence. A new business unit within an established company, trying to rally resources and ensure the cooperation of other business lines, will share frustrations surprisingly similar to the Township organizing committee trying to engage the City bureaucracy. Both need, in my experience, a framework that invites parties to step back from advocating solutions to thinking through a process of engagement.

So the Seven Elements moved in my teaching from core, to “a useful framework,” to “one way to think about value creating negotiations,” to “a commonly used framework with which one might want to be familiar.” Until finally, in an executive education programme last month delivered some 23 years after my first stint as Teaching Fellow for Roger, they disappeared all together.

So what do I use instead? Perhaps because I was trained as a family mediator before I arrived in Cambridge, I am influenced in my negotiation thinking by how we learn and teach mediation. So my starting point has progressively become the Venn diagram of Problem, People and Process, reminding students that we are at all times negotiating all three. (Does anyone know, by the way, where this originated?) The heated negotiation between father and daughter over what time to be home on a Friday night (Problem) is also a negotiation over the transition of their relationship from protector father – obedient child to supporting parent – independent woman (People, or relationship), as well as a negotiation over the tone and tenor of the conversation and the rules of decision-making (Process).

I have found it useful to place “the three Ps” within a larger circle of Parameters, which represent the cultural, legal, practical, contextual and other constraints that parties use to explicitly or implicitly create boundaries for the negotiation. In the discussion of land reform in South Africa, are we required to defer to the agreements enshrined in the 1994 constitution, or do those need to be revisited in light of the expected results that have failed to materialize? To what extent does the family’s Jewish heritage need to be respected in the choice of an educational institution? This circle recognizes that the degree to which we respect the status quo and the dominant system within which we operate is also part of the negotiation.

The task remains to move from a framework for understanding to a framework for action. Again, I am informed by our teaching of mediation, where we are happy to talk about openings, exploration, option-generation, closings, and so on, even though we are painfully aware that it is in practice rarely a linear process. I’ve found it useful to divide the negotiation process into four phases: framing, in which we ensure we have the same understanding of the negotiation; exploration, in which we learn from each other and sources outside ourselves; deciding, in which we optimize the pie and agree on how to slice it; and implementation, to remind ourselves to think past the signing of the deal to the realities of performance. At each stage, students are reminded to be attentive to “all four Ps” – and to the fact that, within negotiation as a consensual process, these process steps themselves need to be negotiated.



This in practice seems to provide a reasonable balance between the students' desire for negotiation process steps, and a framework that takes into account the multi-dimensional and highly idiosyncratic character of individual negotiations. It has had the particular benefit in my teaching and consulting to privilege the listening, understanding, framing and learning in negotiations that in my experience students as well as real-world negotiators want to rush past. As one student reflected on this framework, "there are really only two steps. If you get the framing and exploring right, there's nothing to decide, because you already agree, and want to implement."

Of course we see the Seven Elements alive within this framework. The "Four Ps" are to some extent sub-bullets of Interests; the exploring stage looks suspiciously like Option-generation; and so on. So I could continue to use the Seven Elements, bending and shaping them as my own understanding of negotiation evolves. And given the evident value of a common vocabulary and understanding of negotiation across a broader population, perhaps I should. As someone who spent an inordinate amount of time on the 5th floor of Pound Hall, I do worry that I'm going to hell for this.

But as "pracademics," as Larry Susskind has called us, we derive tools from experience, and judge them by their usefulness. In teaching this framework, I have found better student satisfaction, more thoughtful understanding of why particular negotiations may not working, and better application of creative thinking to the negotiation challenges both seemingly overwhelming and more mundane that students bring to the classroom and confront in the field. Those seem reason enough to continue down this path.

I welcome feedback on this work in progress, and would be very interested in hearing others' experience working with, around and without the Seven Elements.

BUILDING VALUE, BUILDING RELATIONSHIPS

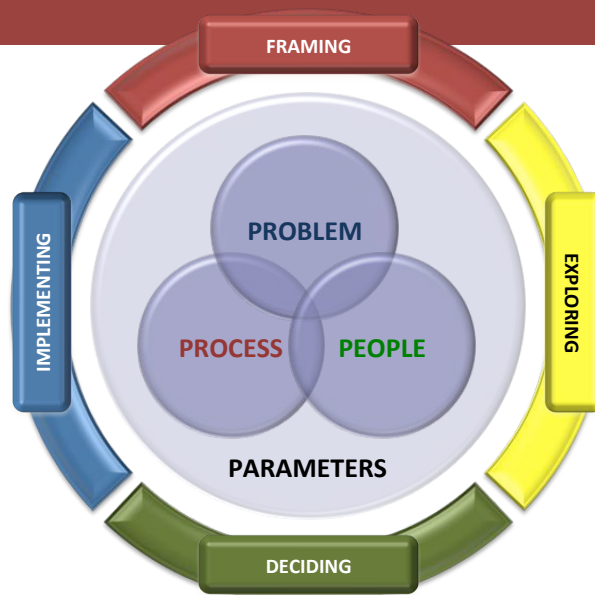
NEGOTIATION FRAMEWORK



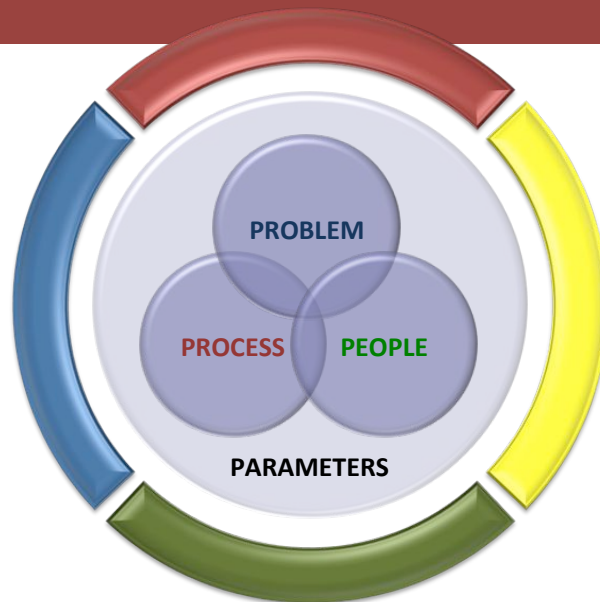
Brian Ganson

MAY 2012

Negotiation is a consensual process of solving problems and creating value together with others



By seeing the whole picture, we're better prepared to optimize negotiation outcomes

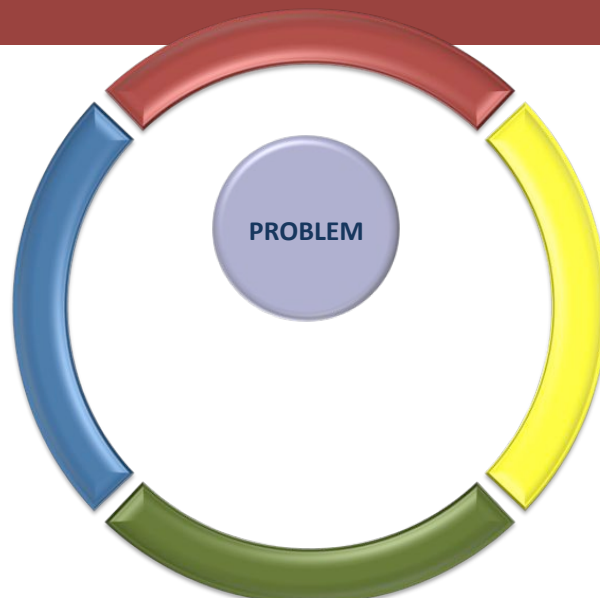


3

We are each trying to solve a problem, which we likely see differently

ILLUSTRATIVE PROBLEM ELEMENTS

- How we see the status quo
- How they see the status quo
- Our interests and priorities
- Their interests and priorities
- Our preferred outcomes
- Their preferred outcomes
- Our demands on them
- Their demands on us



4

We are at the same time working out our relationship with each other and the world

ILLUSTRATIVE PEOPLE ELEMENTS

- How we see ourselves
- How they see themselves
- How we see them
- How they see us
- What we aspire to be
- What they aspire to be
- What relationship we want
- What relationship they want



5

We each have preferred ways of moving towards a solution

ILLUSTRATIVE PROCESS ELEMENTS

- Timing
- Sequencing
- Relative focus on the substance
- Relative focus on the relationship
- Formal rules that need to be followed
- Our tacit rules for "how we do this"
- Their tacit rules for "how we do this"

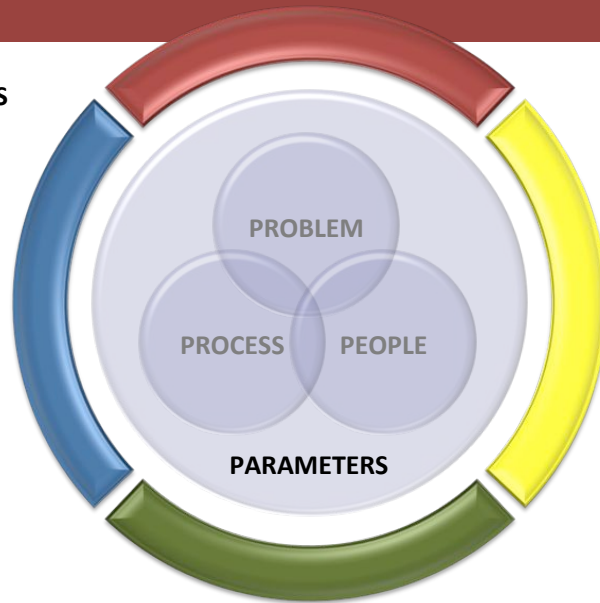


6

We each operate under assumptions about what can't or shouldn't be changed

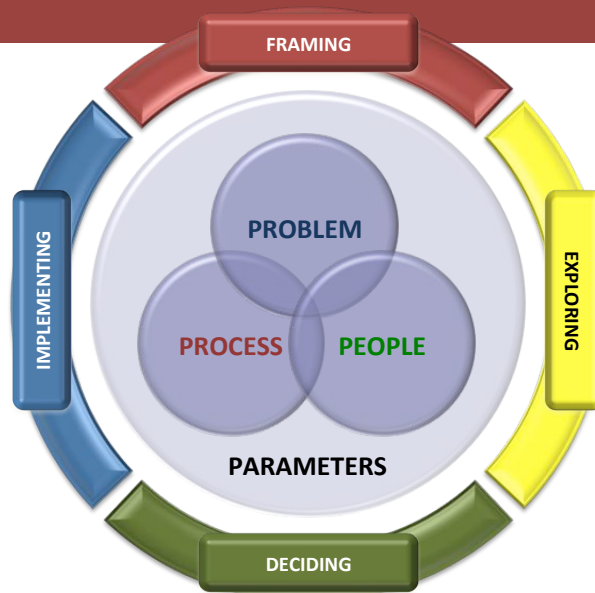
ILLUSTRATIVE PARAMETER ELEMENTS

- Limits on our authority
- Limits on their authority
- What our stakeholders expect
- What their stakeholders expect
- Whether or not the "rules of the game" are negotiable
- Whether or not we will challenge "the way things are"



7

Because negotiation is a consensual process, we need to build agreement step-by-step



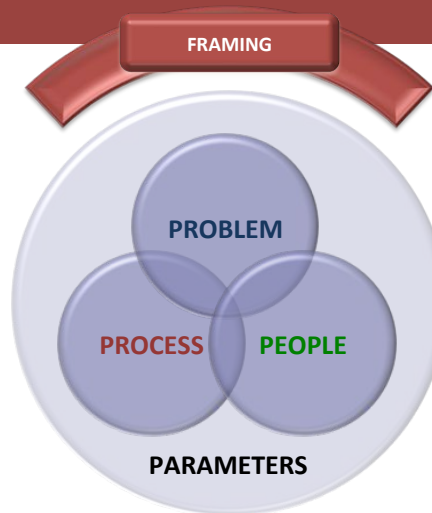
8

In the “Framing” stage, we make sure we’re both at the same negotiation table

Illustrative Activities

- Listening
- Noting joint interests
- Noting complementary interests
- Noting conflicting interests
- Noting priorities
- Coming up with a joint statement of what the negotiation is about

... attentive to all elements of the negotiation



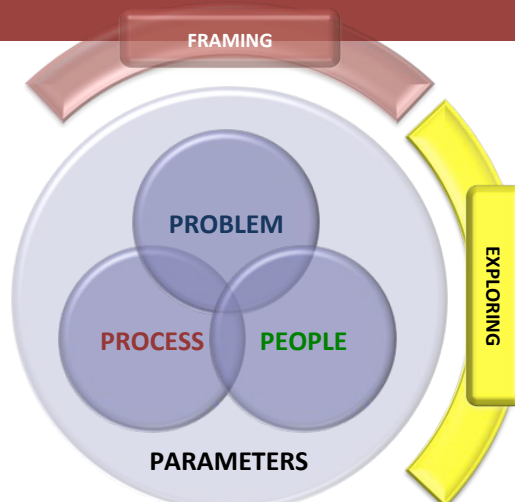
9

In the “Exploring” stage, we are open to learning and developing options

Illustrative Activities

- Joint fact-finding
- Joint training
- Joint expert engagement
- Brainstorming
- Development of multiple “packages”
- Joint scenario development

... attentive to all elements of the negotiation



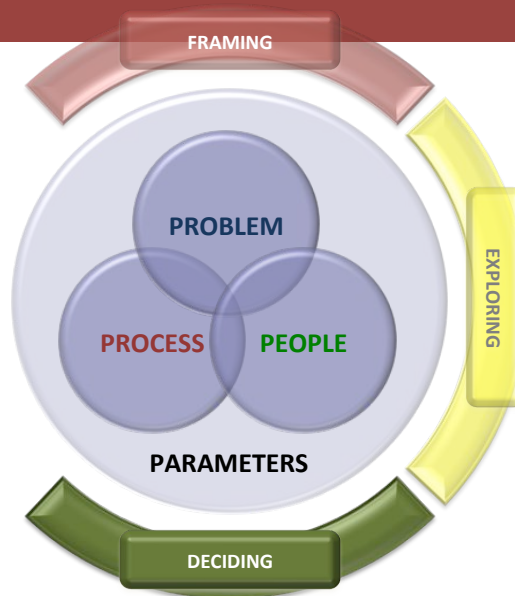
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In the “Deciding” stage, we are choosing the most fair and durable solution

Illustrative Activities

- Benchmarking
- Developing decision criteria
- Developing fairness criteria
- Exploring tradeoffs
- Considering stakeholders
- Developing draft announcements

... attentive to all elements of the negotiation



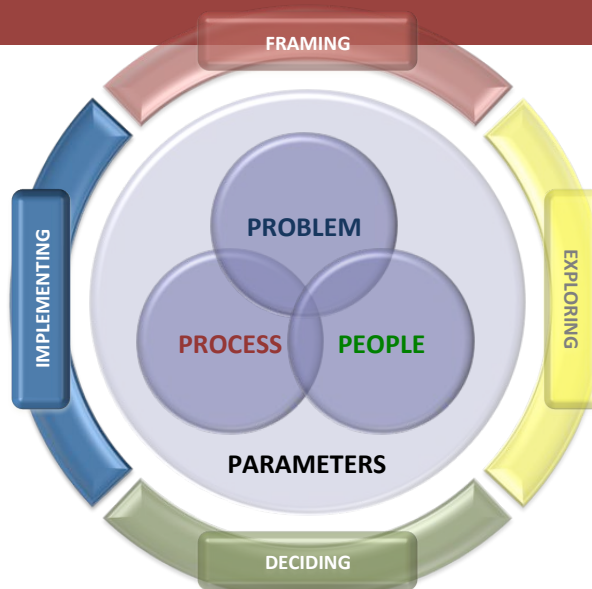
11

For the “Implementing” stage, we are mapping progress towards joint and individual goals

Illustrative Activities

- Considering third parties
- Mapping the path from agreement in principle to implementation
- Conducting a “pre-mortem”
- Anticipating problems
- Discussing communication
- Planning dispute resolution

... attentive to all elements of the negotiation



12

Optimal negotiations require diagnosis and prescription against all elements of the negotiation at each stage of the process

