



Date and Time: June 19th 2021,  
02:30pm – 04:00pm

Memo written by: Lara Brungs and  
Deborah Peters

Hosts: Anita von Hertel, Sarah  
Heiligensetzer, Adrian Thomas

Speaker: Joshua N. Weiss, Ph. D.

## **Title of the Session: The Harvard Concept**

### **1. Start**

The session was started with a story about a king and his three sons and how a wise woman, who helped them find a solution for their problem.

The story can be read here:

<https://www.kidsworldfun.com/17-camels-and-3-sons-short-story.php>.

#### **→ Findings:**

- If a problem seems to be unsolvable, try to think outside the box. Be creative.
- Dealing with a conflict means dealing with something that seems to be unsolvable. For solving it, one needs to have skills: creativity and persistence.

### **2. Negotiation landscape before the Harvard Negotiation Project**

- Positional: The aim is to defeat an opponent
- Rational actor model: economic perspective prevails, psychologic aspects are left out
- Win-Lose: There are winner and losers
- Deception: negotiation is about receiving information and to reach ones own goals

### **3. The change: The foundation of the PON**

- Was founded in April 2003
- Members: Roger Fisher, Bruce Patton, Howard Raiffa, Lawrence Susskind, William Ury

- The question asked: What is the essence of the problem? ?
- Female keyfigures: Deborah Kolb, Mary Parker Follett
- Members of the group did not only belong to Harvard but also to other American universities → drew from a lot of different people

→ Video shown during the session:

<https://www.youtube.com/watch?v=INPBG8px1v4>

4. Takeaways: Key principles that allowed PON to flourish
  - Practice to theory
  - Speaking to broad audience – not just academics
  - Stories and cases were in the focus
  - A loose consortium of academics who could work together (and alone) with the interest-based approach as their prism
  - Project based focus (12 projects)
5. How win-win ideas changed the world of negotiating and conflict-management
  - 90 % of most people's negotiations are with the same people (that's the referee's own opinion, however he has read studies showing a similar findings)
  - Parties went from adversaries to partners
  - Focused moved from positions to interests
  - Views shifted from dividing the pie to enlarging it first
  - The complete picture was filled in with BATNA
  - The positional mindset didn't serve anyone because the partners never got creative
  - The mindset is critically important for negotiations!
6. Case Studies from the book of the referee
  - a) Movie studio DEFA
    - Movie Studio had to be sold years ago. The studio had a very famous history, so when the decision was done to sell it, it had to be done carefully. Interesting about this case is that when the negotiators sat down, there was a very big gap between the expectations of the seller and the buyer
    - The solution was to sell the land around the studio and share the profit between the parties to bridge the gap.
  - b) The Two NGOs with the same name
    - Both NGOs had the same name. One secured their name, the other didn't.

→ They decided to have mediation in order to solve the situation. During the mediation, it became clear that the bigger NGO did not need the name, however, in order to change their name, they would have to invest a lot of money, which they weren't able to spend. In contrast to that the smaller NGO really needed the name, but they have had an insurance covering a part of the costs of the other NGO in regard to changing the name. So the solution was at hand. The bigger NGO changed it's name with the support of the smaller NGO and the problem was solved.

→ This solution was possible because the mediator asked the right questions.

**→ It is important to ask the right questions! → The power of questions should'nt be underestimated! It is also important to be a good listener and to be able read along the lines.**

#### **7. Ideas where mediation is heading**

#1 Non-traditional approaches and the world around you

#2 The role of technology

#3 The role of artificial intelligence

#### **8. Important findings**

→ You can never fix a broken reputation!

→ You should never prioritize short-term successes over long-term successes!