Kluwer Mediation Blog

On collaboration

Ian Macduff (NZ Centre for ICT Law & School of Law, Auckland University) · Friday, September 26th, 2014

In their article, "The Collaboration Imperative" [*Harvard Business Review*, April 2014, p. 77], authors Nidumolu, Ellison, Whalen and Billman note that "business collaboration is the great oxymoron of corporate sustainability. Countless efforts by companies to work together to tackle the most complex challenges facing our world today – including climate change, resource depletion, and ecosystem loss – have failed because of competitive self-interest, a lack of a fully shared purpose, and a shortage of trust." Those same companies and their executives have embraced the imperative of sustainability, but it's that step into a collaborative approach that still seems too hard.

Similarly, in his preface to the 2014 edition of the World Economic Forum's "Global Risks", Founder and Executive Chairman, Klaus Schwab notes "Moving from urgency-driven risk management to more collaborative efforts to strengthen risk resilience would benefit global society. Together, leaders from business, government and civil society have the foresight and collaborative spirit to shape our global future." [p. 7] That's "collaborative" in each of two imperative sentences.

A third example has, of course, appeared in the pages of the Kluwer blog, in exploring the prospects for post-referendum collaborative dialogue in Scotland which appears all the more challenging in light of the triumphalist language of at least some of the "no" vote supporters. Winning is too often winning "over" rather than winning "with".

Closer to home for me, of some importance to me but of nothing like the significance of planet-saving sustainability projects, risk management or political dialogues, I needed to address issues of collaboration and co-operation – or lack of it – when dealing with the fallout after my wallet was stolen. Needing to cancel credit cards, I had to deal with two separate banks. Both banks, of course, dealt immediately and efficiently with that security concern. But I was left penniless and – worse – credit-cardless in Cologne. One bank, call it Bank A, offered no suggestions as to what they might do; the limits of their obligation had, it seemed been reached in cancelling my cards. The other bank, call it "Bank B", by contrast asked "what can we do to help?" then offered suggestions on contacting the international credit card company and wiring funds to Western Union in Cologne. Perfect – until, that is, Bank A blocked this not because of lack of funds but because [of course] I no longer had my credit card.

This led me to think about one of the earliest suggestions from Fisher and Ury, in reshaping negotiation practice and ideology: "Choose to be Helpful". And that's our barrier; that's the hurdle

we don't readily get over, even though we know that it's only through collaboration we'll begin to address some of those intractable – even "wicked" – problems.

In discussing this, post-Cologne, with various groups and colleagues, I began to identify six barriers to and attitudes towards collaboration, which I'll outline here as a work in progress. These are:

1. the **naive** response: "I'd never thought of that!" … co-operation isn't so much alien as simply wholly new territory;
2. the **cynical** response: collaboration will get you nowhere; "good guys finish last"; and it's a trap;
3. the **strategic** response: at what point of the negotiation it is best to "use" collaboration – not least to create an atmosphere of possibly naive trust so that I can still win;
4. the **power** response: I can afford to be collaborative only if I have more resources and am likely to win anyway; therefore, the better strategy is to acquire more negotiation power and resources … then collaborate. This also tends to be the triumphalist version: we won, therefore collaboration is unnecessary. [On this point, I recall some work we did with a certain civic authority, the leader of which took the view that, having won the election, he and his party didn't need to take account of the interests or needs of the others, a significant minority which still had strong electoral and constituency support. It took some persuasion and even short lessons in the basic idea of democracy, to convey the notion that winning an election was still a constrained mandate.] The costs of such triumphalism, of course, are likely to be seen in resistance, rebellion, escalation, sabotage . . . the very antithesis of collaboration and, in the civic authority example, a distraction from getting on with the job of governance.
5. There may be, too, a **submissive** version of collaboration: playing nice as social role, compliance (or complicity). I think this one is likely to be less a matter of choice than of how collaboration is seen by others – i.e. it is an inherently weak stance. This will tie in with ## 3 & 4 – "collaboration" is to be used as a way of gaining strategic advantage over someone who appears as weak through their collaboration.
6. I suspect too that there will be **cultural** norms in which collaboration or competition are given priority. There is likely to be an element of socio-political ideology in the too, reflecting the degree to which economic advantage trumps social co-operation.

These are, I'm sure, interlinked, in that any socio-economic ethos of the pursuit of competitive advantage is likely to feed into a strategic and power-oriented view of collaboration. This, too, is likely to be the problem that the Harvard Business Review authors identify – i.e. that the competitive culture of international business (#6) is unlikely to be readily abandoned except in the face of overwhelming imperatives – and it will take more than mere ethical or environmental imperatives.

So, what's missing from that line-up of responses to collaboration is the positive interpretation: the seventh option – the "seventh pillar of wisdom", if I borrow from T E Lawrence's title – is actually what lies at the heart of mediation, negotiation and dialogue: it's the decision to be helpful [I know . . . it's not the seventh pillar that T E Lawrence drew upon]. And it's either a choice that the parties have already made or – perhaps more likely – a product of the kind of "coercion to virtue" that facilitators may be obliged to engage in. The irony and tragedy of these is that collaboration and co-operation are both known to be foundational and imperative, and yet the hardest steps to take.

This, too, is at the heart of being able to engage in dialogue: in the absence of collaboration, it is

likely to be something closer to talking past each other and, as Canadian political philosopher Mark Kingwell has sought to suggest in several of his books, collaboration and dialogue are at the core of civility and, in the end, of citizenship: "Civility, conceived as openness to the arguments combined with a measure of restraint on my own arguments, captures the necessarily deliberative elements of inclusive political life." [*The World we Want: Restoring Citizenship in a Fractured Age*, 2000, p. 126].

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