

The Three Referees

Negotiators and conflict experts win peace after a war of words



It was the beginning of the second full day of work on the Canadian conflict and Roger Fisher, 69, the world-renowned negotiation and conflict resolution expert, looked tired, his eyes red-rimmed and his face pale. As colleagues Robert Ricigliano and Stuart Diamond

hovered over a portable computer and printer, putting last-minute touches on a draft document to present to the 12 Canadians selected to discuss the country's future, the lanky, six-foot, four-inch Fisher sat down to a quiet conversation with one of the Quebecers, Marie LeBeau, a Quebec separatist. Fisher nodded sympathetically as LeBeau discussed her feelings of hurt. In a room nearby, Fisher's wife of 42 years, Caroline, watched the proceedings on closed-circuit television. Having accompanied her husband on negotiating forays around the world, she noted his evident concentration. "When he stepped out of the shower this morning, I asked him how he was doing," she recalled later. "He looked at me and said: 'I'm working now.' Well, I knew enough not to say another word."

For Fisher, the intensity of the task at hand was nothing new. His stop in Canada came after an exhausting whirlwind tour of international conflicts, and he acknowledged that he had never faced such a special challenge: mediating sensitive issues in an open forum covered by reporters and recorded by television cameras. His other cases, while handled behind closed doors, have been no less complex. In mid-May, he attended a conference at The Hague to help the three Baltic republics, the Russian republic and the Soviet government with the process of negotiating solutions to their conflict. Then, it was on to Bogota to train government officials on the art of what Fisher terms "principled negotiation"—the search for common interests in place of the sterile exchange of preconceived positions.

Those are only the latest stops in a globe-trotting career that Fisher began after graduation from Harvard law school and a wartime stint in the U.S. army air force. His first glimpse of international negotiation came as assistant to the chief U.S. legal counsel to the 1948 Marshall Plan for the rebuilding of postwar Europe. Three decades later, a casual conversation with Cyrus Vance, then the U.S. secretary of state and a neighbor of the Fishers at their cottage on Martha's Vine-

yard, Mass., led him to contribute advice on negotiating that helped secure the Camp David accord on the Middle East in 1978. As well, he is the principal author of two books on negotiating techniques, 1982's best-selling *Getting to Yes: Negotiating Agreement Without Giving In* and a 1988 spin-off on personal relationships, *Getting Together: Building a Relationship that Gets to Yes*.

Fisher, whose toothy grin and frequent laugh punctuate his conversations, says that he was "conceived in Canada," although he was born in Winnetka, Ill. His lawyer father, now 99 years old, still lives in his own home in the Chicago suburb of Highland Park. Fisher himself is the Samuel Williston professor of law at Harvard law school. He currently

teaches negotiation techniques at the Cambridge, Mass., institution. He also is the director of the Harvard Negotiation Project, which conducts research into negotiation techniques, and a co-founder of the related Conflict Management Group, which *Maclean's* engaged to mediate its forum on Canada's future.

Fisher's interest in international affairs emerged early. He majored in the subject at Harvard College, which he entered in 1939. Later, when the United States entered the Second World War in 1941, Fisher learned how devastating the effects of international strife could be. While he survived four years in the army air force, flying weather reconnaissance, he had firsthand experience of the consequences when peaceful negotiations fail. "I lost my college roommate and some of my best friends in that war," he said.

After his involvement in the Marshall Plan, Fisher returned to the United States and practised law in Washington. He worked primarily on public international law, and his clients included governments in Colombia, Denmark, Iran and Pakistan. After six years of international work, Fisher spent two years as an assistant to the solicitor general in the justice department on domestic issues—pleading government cases before the Supreme Court. It was a period that yielded an anecdote that he uses frequently to illustrate people's tendency to reject information that does not fit their own point of view. "I spent a couple of years arguing cases in our Supreme Court," he says. "I sometimes failed to persuade the court that I was on the right side. I never failed to persuade myself."

In Cambridge, Fisher lives a short walk from the home of Harvard president



Fisher: the devastating effects of strife

Derek Bok, in a quiet neighborhood minutes from Harvard Yard. Wife Caroline is a graduate of Vassar College in Poughkeepsie, N.Y., and attended Union Theological Seminary in New York City. They have two sons—Elliott, a physician in Hanover, N.H., and Peter, a lawyer who works for the Federal Reserve Bank of New York—as well as four grandchildren.

The two negotiators who joined him in conducting the June 7-to-10 *Maclean's* forum, Diamond and Ricigliano, also have impressive credentials. Diamond, 43, was a journalist for 20 years, working for the Long Island, N.Y., newspaper *Newsday* and *The New York Times*, where he won a Pulitzer Prize with several other reporters in 1987 for an investigation into the causes of the space shuttle Challenger crash. In the same year, he left journalism to study law at Harvard—while also acting as vice-president of a Wall Street commodities firm. He met Fisher during his first year at Harvard and joined Conflict Management Group before completing his law degree in 1990. In addition to working with the group, the native of Camden, N.J., is studying towards an MBA at the Wharton Business School in Philadelphia. Single and based in Boston, Diamond travels frequently. His recent Conflict Management Group assignments have taken him to the secessionist Yugoslav republic of Slovenia and to Colombia to advise and train local government officials.

Ricigliano, 28, a native of Lawrenceville, N.J., was one of Fisher's prized students at Harvard (class of 1988). He has been a member of Fisher's conflict management team since January, 1987—11 months after he began his first class with Fisher. In his time with the negotiating team, Ricigliano has trained senior trade officials from Malaysia and Korea, as well as diplomats from developing countries. In his spare time, he enjoys golf, baseball and football, and is writing a comedy screenplay. Also single, he lives in Arlington, Mass.

The consultancy group where they all work emerged from a decision in 1979 that Fisher's groundbreaking ideas about conflict resolution deserved more support than Harvard law school alone was able to provide. To that end, two graduate students joined Fisher in establishing the Harvard Negotiation Project to focus on further research into his "principled negotiating" techniques and other tactics for successful conflict resolution. Twelve years later, with demand for his professional services and those of his younger proteges increasing steadily, Fisher and his associates formed the nonprofit Conflict Management Group to provide services in those areas.

Fisher, Diamond and Ricigliano are as different in character as they are in appearance. Their personalities and the manner in

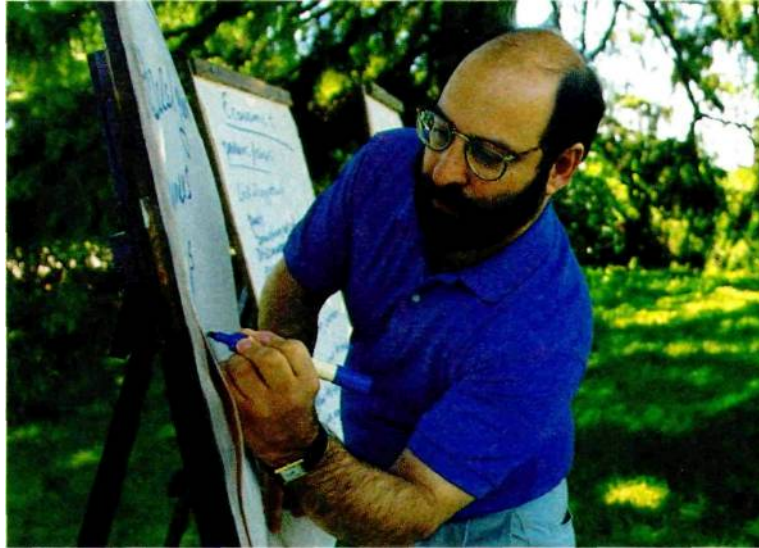
which they interact is crucial to their method. While Fisher towers physically over the other two and is clearly the dominant personality and leader, he also responds with ease when the more self-effacing and gentle Diamond interrupts with observations. Diamond, says Fisher, "is listening for things that I appear to miss." For his part, Diamond explains: "It's always important when we're doing the program that one person is watching and listening while the other person is talking and interacting. And that's something we always do."

Although all three acknowledge that they have different roles to play in a negotiating workshop, they deny that they are playacting. Said Fisher: "We are being ourselves." A typical example of interaction among the three occurred on Saturday morning at the *Maclean's* forum, when the participants and conflict experts began their first full day together. As Fisher began to sum up what the group had discussed in the first session the previous evening, he zeroed in on the common economic concerns. Diamond interjected: "I think I hear something a bit broader about the lack of awareness of a number of problems." Minutes later,

Ricigliano insisted: "Two things—economic development policies and the system of representation—have got to be an issue." Fisher incorporated those elements in his subsequent summary.

Throughout the weekend, Ricigliano felt free to challenge his former professor when he thought it necessary—a fact that seemed to endear the junior member of the team to the participants. The *Maclean's* participants' response to Fisher was more mixed. One referred to him privately, after a long, intense session, as "a tyrant." Another recognized that "Fisher is steering us some place he wants to go, but I guess he is the more experienced." Yet another participant offered a glowing assessment: "He is a professional who gave us the tools. I would love to learn from these guys again." For his part, Fisher, while sometimes pushing the group hard, maintained a humble demeanor, at one point saying: "I am your servant here. I am just trying to keep the process moving."

While the negotiation experts tried to downplay their personalities and put the issues and methods in the forefront, it became clear on Sunday evening, as Ricigliano left the gathering early to catch a plane for an assignment in Greece, that emotions also play a part in their work. As Ricigliano said farewell to each participant, he received heartfelt hugs. The young veteran of international conflicts and triumphs was wiping tears from his cheek as he left the room. In the background, Fisher, too, had tears in his eyes.



Diamond at morning outdoor session; Ricigliano with visual aid (below): emotions inevitably become a part of the negotiators' work



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