

## Interests based negotiation

The “principled” negotiation method developed by Harvard University Negotiation Project. (now called the Program on Negotiation <http://www.pon.harvard.edu/>):-

<b>People</b>	Separate the <i>people</i> from the problem
<b>Interests</b>	Focus on <i>interests</i> , not positions
<b>Options</b>	Invent <i>options</i> for mutual gain (generate possibilities before deciding what to do)
<b>Criteria</b>	Insist on using objective <i>criteria</i> (the result should be based on some objective standard)
<b>BATNA</b>	= Best alternative to negotiated agreement. Each party will have a BATNA.
<b>ZOPA</b>	= Zone of potential agreement. The range between one party’s BATNA and the other party’s BATNA.

*Getting to Yes: Negotiating Agreement Without Giving In* by Roger Fisher & William Ury 1981 & with Bruce Patton 1991. The table of contents below is from the 1991 edition.

### I. THE PROBLEM

#### 1. DON'T BARGAIN OVER POSITIONS

- Arguing over positions produces unwise agreements
- Arguing over positions is inefficient
- Arguing over positions endangers an ongoing relationship
- When there are many parties, positional bargaining is even worse
- Being nice is no answer
- There is an alternative

### II. THE METHOD

#### 2. SEPARATE THE PEOPLE FROM THE PROBLEM

- Negotiators are people first
- Every negotiator has two kinds of interests: in the substance and in the relationship
  - The relationship tends to become entangled with the problem
  - Positional bargaining puts relationship and substance in conflict
- Separate the relationship from the substance; deal directly with the people problem
- Perception
  - Put yourself in their shoes
  - Don't deduce their intentions from your fears
  - Don't blame them for your problem
  - Discuss each other's perceptions
  - Look for opportunities to act inconsistently with their perceptions

Give them a stake in the outcome by making sure they participate in the process

Face-saving: Make your proposals consistent with their values

#### Emotion

First recognise and understand emotions, theirs and yours

Make emotions explicit and acknowledge them as legitimate

Allow the other side to let off steam

Don't react to emotional outbursts

Use symbolic gestures

#### Communication

Listen actively and acknowledge what is being said

Speak to be understood

Speak about yourself, not about them

Speak for a purpose

#### Prevention works best

Build a working relationship

Face the problem, not the people

### 3. FOCUS ON INTERESTS, NOT POSITIONS

For a wise solution reconcile interests, not positions

Interests define the problem

Behind opposed positions lie shared and compatible interests, as well as conflicting ones

How do you identify interests?

Ask "Why?"

Ask "Why not?" Think about their choice

Realize that each side has multiple interests

The most powerful interests are basic human needs

Make a list

Talk about interests

Make your interests come alive

Acknowledge their interests as part of the problem

Put the problem before your answer

Look forward, not back

Be concrete but flexible

Be hard on the problem, soft on the people

### 4. INVENT OPTIONS FOR MUTUAL GAIN

#### *Diagnosis*

Premature judgment

Searching for the single answer

The assumption of a fixed pie

Thinking that "solving their problem is their problem"

#### *Prescription*

Separate inventing from deciding

Before brainstorming

During brainstorming

After brainstorming

- Consider brainstorming with the other side
- Broaden you options
  - Multiply options by shuttling between the specific and the general: The Circle Chart
  - Look through the eyes of different experts
  - Invent agreements of different strengths
  - Change the scope of a proposed agreement
- Look for mutual gain
  - Identify shared interests
  - Dovetail differing interests?
    - Any difference in interests?
    - Different beliefs?
    - Different values placed on time?
    - Different forecasts?
    - Differences in aversion to risk?
  - Ask for their preferences
- Make their decision easy
  - Whose shoes?
  - What decision?
  - Making threats is not enough

#### 5. INSIST ON USING OBJECTIVE CRITERIA

- Deciding on the basis of will is costly
- The case for using objective criteria
  - Principled negotiation produces wise agreements amicably and efficiently
- Developing objective criteria
  - Fair standards
  - Fair procedures
- Negotiating with objective criteria
  - Frame each issue as a joint search for objective criteria
    - Ask "What's your theory?"
    - Agree first on principles
  - Reason and be open to reason
  - Never yield to pressure
  - "It's company policy"

### III. YES, BUT .....

#### 6. WHAT IF THEY ARE MORE POWERFUL? (DEVELOP YOUR BATNA - BEST ALTERNATIVE TO A NEGOTIATED AGREEMENT)

- Protecting Yourself
  - The costs of using a bottom line
  - Know your BATNA
  - The insecurity of an unknown BATNA
  - Formulate a trip wire
- Making the most of your assets
  - The better your BATNA, the greater your power
  - Develop your BATNA

Consider the other side's BATNA  
When the other side is powerful

7. WHAT IF THEY WON'T PLAY? (USE NEGOTIATION JUJITSU)

Negotiation jujitsu

Don't attack their position, look behind it  
Don't defend your ideas, invite criticism and advice  
Recast an attack on you as an attack on the problem  
Ask questions and pause

Consider the one-text procedure

Getting them to play: the case of Jones Realty and Frank Turnbull

The case brief

"Please correct me if I'm wrong"

"We appreciate what you've done for us"

"Our concern is fairness"

"We would like to settle this on the basis not of selfish interest and power but of principle"

"Trust is a separate issue"

"Could I ask you a few questions to see whether my facts are right?"

"What's the principle behind your action?"

"Let me see if I understand what you're saying"

"Let me get back to you"

"Let me show you where I have trouble following some of your reasoning"

"One fair solution might be....."

"If we agree.....If we disagree....."

"We'd be happy to see if we can leave when it's most convenient for you"

"It's been a pleasure dealing with you"

8. WHAT IF THEY USE DIRTY TRICKS? (TAMING THE HARD BARGAINER)

How do you negotiate about the rules of the game?

Separate the people from the problem

Focus on interests, not positions

Invent options for mutual gain

Insist on objective criteria

Some common tricky tactics

Deliberate deception

Phony facts

Ambiguous authority

Dubious intentions

Less than full disclosure is not the same as deception

Psychological warfare

Stressful situations

Personal attacks

The good-guy/bad-guy routine

Threats

Positional pressure tactics

Refusal to negotiate

Extreme demands

Escalating demands  
Lock-in tactics  
Hardhearted partner  
A calculated delay  
"Take it or leave it"

Don't be a victim

#### **IV. IN CONCLUSION**

You knew it all the time  
Learn from doing  
"Winning"

#### **V. TEN QUESTIONS PEOPLE ASK**

Questions about fairness and "principled" negotiation  
Questions about dealing with people  
Practical questions  
Questions about power